

MEMORANDUM

Date: February 9, 2009
To: Transfer 75396
From: jstanton
Re: Comment/Analysis

This application proposes to drill a replacement well at an existing dairy. The well will also be used for irrigation. It is expected that the new well will produce 2500 gpm, so this is the basis for the filing fee that has been submitted. The proposed east well on the property under the previous transfer was never drilled, and will now be moved closer to the center of the dairy. The transfer should be approvable with standard conditions; I have added the RO5 condition for water-district designation, but all other conditions from the previous transfer are virtually the same. Both Pam & Allen agree that parallel processing is not required, only advertising.

This application was prepared and submitted by Gary Funderburg. His Part 2 pou description does not agree with the recorded pou, but this is obviously just a typing error. He made no mention of changing the pou, so this is left as described in the previous transfer.

As far as the proposed development time is concerned, the transfer establishing this dairy was approved on 6-15-06 with a 5-year development time. I propose that this not be changed, and that the T07 condition be updated to specify 6-15-2011 as the end of the development period.

Authority To File: The applicant is the owner of record, so this is not an issue.

Water Right Validity: These rights were decreed in May of 2005, so forfeiture is not an issue. The transfer allowing construction of the dairy was approved in June of 2006 with a 5-year development period, so this also is not an issue.

Injury To Other Rights: There should be none with standard conditions. None of the authorized uses is being changed. No mitigation is required, and it is not necessary to run the Snake River model; the "replaced" well was never drilled, and both wells would be on the same farm anyway.

Enlargement of Use: None requested.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

Review of the application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.