

MEMORANDUM

TO: Transfer No. 73783 File

FROM: Michele Edl

DATE: February 4, 2009

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add two points-of-diversion for the DeGroot dairy and adjust the stockwater place-of-use to allow buildout to progress south instead of west.

The site is the 640-acre DeGroot farm which is situated on the north toe slope of Hat Butte in Canyon County.

Contact persons for the applicant are Steven Hannula of ERO Resources Corp., who is representative for Charles and Janice DeGroot, the applicants.

Deviations from Transfer Policy Standards

The applicants hold supplemental surface water rights 02-2196 and 02-2363 which are junior priority to the groundwater rights involved in this transfer.

Summary of Information Submitted

Authority to File: According to the IDWR database, the applicants are listed as the current owners of record for the water rights.

Water Right Validity: Rights are presumed to be valid because the partial decree was issued on 2/6/2009, which is within the past five year period.

Injury to Other Water Rights: Applicant owns all of the property in the proposed place of use and no injury to other rights is expected.

Enlargement of Use: No enlargement is proposed. Rights 63-2823C and 63-3049C have the following combined use limits: a total combined diversion rate of 1.13 cfs for stockwater and commercial uses at a dairy and a total combined annual diversion volume of 123.4 AF for stockwater use, 167.4 AF for commercial use and 2407.5 AF at the field headgate for irrigation of 535 acres.

Local Public Interest: No negative impact anticipated. The application will be subject

to public notice and protest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information &/or Analysis

Additional information is not needed from the applicant

Additional IDWR analysis is not needed.

Watermaster comment is not needed.

There are no issues that warrant soliciting comments from other entities.

Discussion

This transfer was filed to allow the right holder to access the full volume of water appropriated through existing water rights. The available wells cannot provide the authorized diversion rate and volume.

A portion of the new place-of-use for stockwater will be retired from irrigation as the dairy expands to the south. However, the number of irrigated acres will remain at 535.

The transfer requests that the irrigation place-of-use be adjusted to a 637-acre permissible place-of-use.

Two points of diversion are to be added which will allow for placement flexibility for the new/replacement well.

Junior priority surface water rights 02-2196 and 02-2363 are held by the applicant and are used on the place-of-use for this transfer. They have historically been used as supplemental rights and their use will continue after the transfer. The 0.02 cfs/acre remark and the 535-acre limitation will prevent an enlargement of the irrigation right.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.