

MEMORANDUM

Date: September 19, 2008
To: Transfer 75044 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to dry up 5.8 acres and convert a total of 0.12 cfs and 17 AF from a portion of an irrigation water right to commercial and stock water use at an existing dairy. The irrigation right 36-16546 was split up front five ways in preparation for this and four other transfers. This transfer deals with right 36-16675 and moves the water North and West approximately 43.8 miles down gradient to the site of the dairy where the water will be combined with existing domestic and stock water right 37-21628. The transfer proposes to use one existing well and drill another back-up well at the dairy site. A dairy worksheet was submitted which shows a total need at the dairy of 28 AF. The existing D&S right is assumed to have 14.6 AF and with the additional 17 AF being transferred in, there should be enough. The water is coming from Cell 7, 19 (old model or 72, 42 new model grad) and going to Cell 16, 09 (old model or adjacent cells 31, 26 and 31, 27 new model grid). (This transfer was received on May 4, 2007, before we were directed to use the new model grid.) Another companion transfer (72045) was filed at the same time and the mitigation plan is that they offset each other by moving acres and volume in the opposite direction across the aquifer so no other mitigation was required. The water being transferred to the dairy is assumed to be fully consumptive. Proposed use within WD130 so Water Master comments will be needed. Location of the dairy is approximately 5 miles north and 1.5 miles west of the center of Gooding.

- **Authority to File:**
IDWR Records show right 36-16675 to be in the name of Idaho Water Company, LLC. An agreement for Purchase and Sale of Water Right between Idaho Water Company (seller) and Jose and Mary Garcia (buyer) was provided with the application. The existing right at the dairy is in the name of the applicants, Jose and Mary Garcia. Harry DeHaan is the lien holder for the Garcias and a letter was provided stating he is in complete agreement with the transfer for additional water at the site.
- **Water Right Validity:**
The parent right, 36-7378, was decreed in the SRBA on 8/27/2001. Recent aerial photos of the area show apparent irrigation so forfeiture does not appear to be an issue. **Upon approval of this transfer, right 36-16675 will need to be renumbered to a Basin 37 right!**
- **Injury to Other Water Rights:**
None anticipated. A proposed mitigation plan was submitted by Brockway Engineering in the form of a companion transfer (75045) that offsets this transfer by moving acres and volume in the opposite direction across the ESPA to another farm. The plan also acknowledges the historical volume of Pasture in Hazelton as 2.93 AF/ac for the 5.8 acres being transferred for a total volume of 17 AF. (2.93 AF/ac X 5.8 ac = 16.99 AF) The center pivot system at the existing place of use will be shortened in order to reduce the irrigation application and thus the historical consumptive use.
- **Enlargement of Use:**
None anticipated. Measurement devices and reporting will be required.

- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

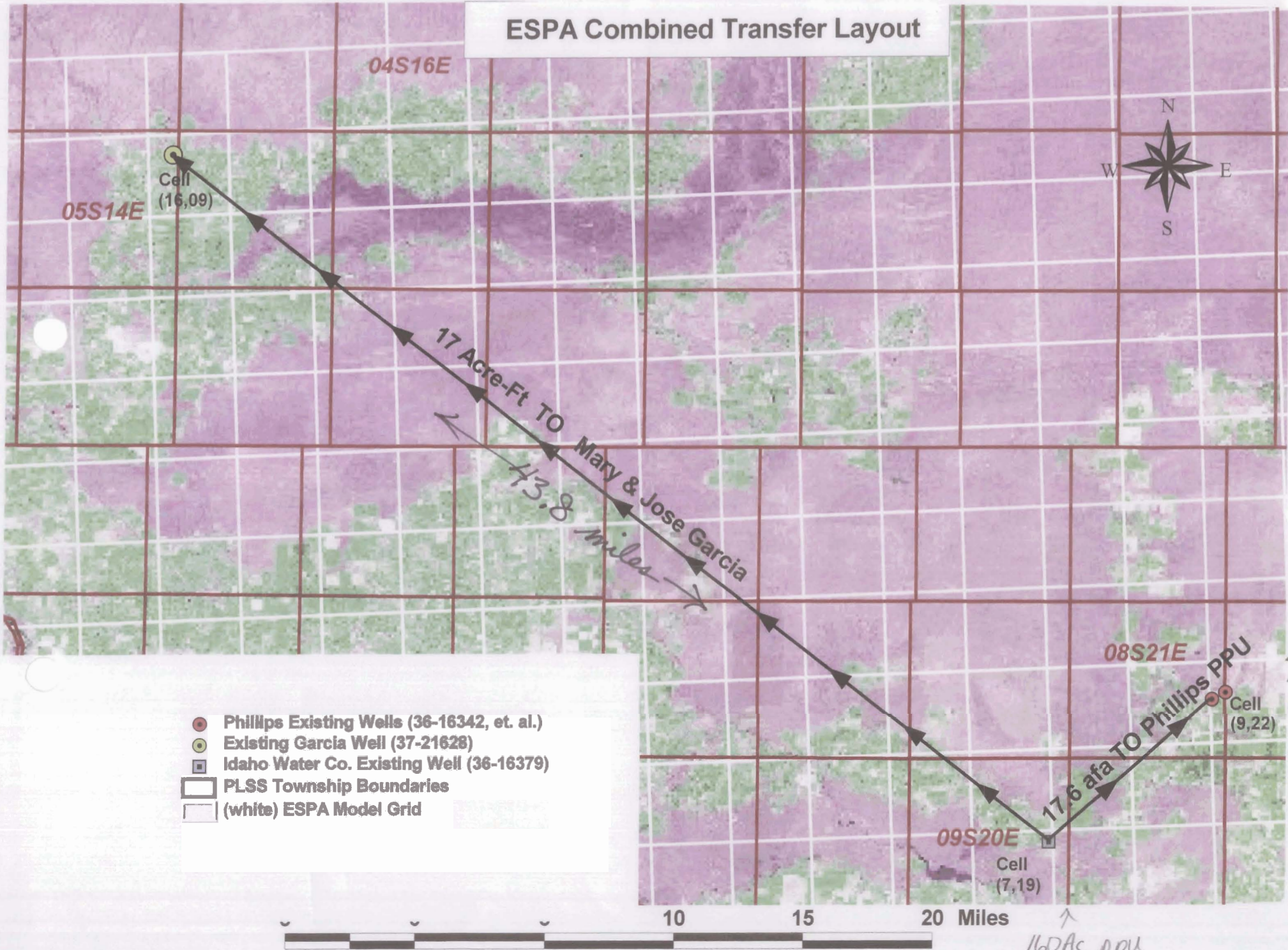
Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

M E M O R A N D U M

Date: September 22, 2008
To: Transfer 75044
From: jroberts
Re: Legal Notice Remarks

Transfer proposes to dry up a total of 5.8 acres within the NW & SW 1/4 of Section 24, T09S, R17E in Jerome County from an irrigation water right and divert a total of 0.12 cfs and 17.0 AF from one existing well and a new back-up well to be drilled in the SWSESE of Section 1, T05S, R14E in Gooding County for year round stockwater and commercial uses to provide additional water at an existing dairy located approximately 5.0 miles north and 1.5 miles west of the center of Gooding.

ESPA Combined Transfer Layout



Good

GARCIA

Gooding