

MEMORANDUM

Date: September 11, 2008
To: Transfer 75043 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

Both applications for transfer 75043 and 75045, in the name of Idaho Water Company, on the surface appear to be exactly the same transfer, moving rights and acres to the 485-acre ppu. (36-16380 – listed in both transfers, was first moved to the 485-acre ppu in transfer 72389, companion transfer to 72393, where a stepped reduction plan was used as mitigation. Then it was moved to the 160-acre ppu in transfer 73716, to mitigate for 73715, so no pumping reductions would be required. Now it is being moved back to the 485-acre ppu as mitigation for 72393.) Then pieces of 36-16546 (the right I split up-front into five parts in preparation for four transfers and a remaining portion) were listed in both transfers as going to the 485-acre ppu as mitigation for two other transfers, Gooch - 75042 and Garcia - 75044. There are four other rights [36-16530, 36-16533, 36-16536, and 36-16539] already there and these are actually Associated Rights that just needed their Conditions updated. For transfer 75043 I used rights 36-16380 and piece 36-16674 (this one mitigates for Gooch transfer 75042) to move to the 485-acre ppu with the 4 associated rights already there which need their Conditions updated. (There are also three rights [36-8559, 36-16672 – remaining portion of split of 36-16546, and 36-16547] being left behind at the 160-acre ppu which are also Associated Rights needing their Conditions updated.) Then for 75045, I used piece 36-16676, which mitigates for the Garcia transfer and I considered all 6 of the other rights **already there** at the 485-acre ppu as Associated Rights which just needed their conditions updated **again**. If 75045 is approved shortly after 75043, everything should be correct. (Hope this makes sense and does not drive everyone as crazy as it drove me!)

Irrigation right 36-16546 was split up front five ways in preparation for this, three other transfers and a remaining portion. This transfer deals with right 36-16674 and seeks to move the 4 acres of irrigation, 0.08 cfs and 16.0 AF from a 160-acre ppu in T09S, R20E, Section 24 to two existing wells at another existing 485-acre ppu in T08S, R21E Sections 24 & 25 and R22E, Section 30 as mitigation for companion Transfer 75042, which dried up acres and moved additional water to an existing dairy across the aquifer in the opposite direction. Four other associated rights (Phillips rights) 36-16530, -16533, -16536, and -16539 are already at the place of use and have combined limit totals of 0.37 cfs, 112.4 AF, and 28.1 acres. This transfer also moves right 36-16380 for 5.3 acres from the 160-acre site over to the 485-acre site as mitigation for previous transfer 72393 (G&G Dairy). So, 4 acres, 0.08 cfs and 16.0 AF from 36-16674 and 5.3 acres, 0.11 cfs and 21.2 AF from 36-16380 will be moved (from a ppu located approximately 2 miles north and 4 miles east of Hazelton) approximately 9 miles north and east up gradient across the ESPA and diverted from two existing wells at the new PoU (located approximately 8 miles north and 10 miles east of Hazelton). No new wells will be drilled. The water is coming from Cell 7, 19 (old model or 72, 42 new model) and going to Cell 9, 22 (old model or 70, 50 & 71, 50 new model). (This transfer was received on May 4, 2007, before we were directed to use the new model grid.) Proposed use is in WD 130 so Watermaster comments will be needed. Location of the new PoU is approximately 8 miles north and 10 miles east of the center of Hazelton.

- **Authority to File:**
IDWR Records show all of the rights to be in the name of the applicant, Idaho Water Company.

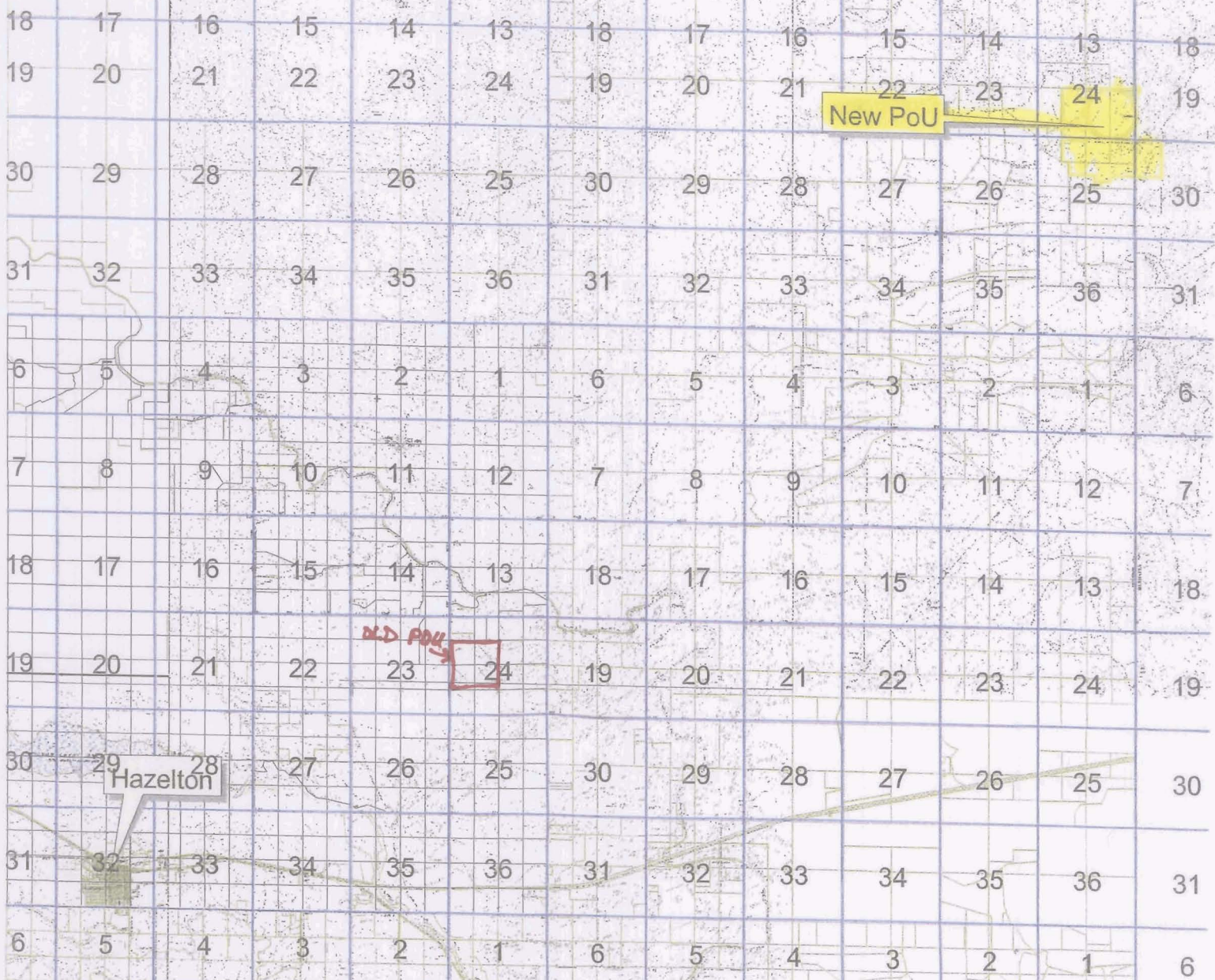
- **Water Right Validity:**
The original parent right, 36-7378, for both 36-16674 and 36-16380, was decreed in the SRBA on 8/27/2001. Recent aerial photos of the area show apparent irrigation so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated. The wells already exist and with proper measurement and reporting requirements, no injury should occur.
- **Enlargement of Use:**
None anticipated, but the total of 37.4 acres allowed within the 485-acre ppu will probably need to be monitored.
- **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 18, 2008
To: Transfer 75043
From: jroberts
Re: Legal Notice Remarks

Transfer proposes to move 4 acres of irrigation, 0.08 cfs, and 16.0 AF from one right and 5.3 acres, 0.11 cfs, and 21.2 AF from another right, both currently diverting from an existing well in T09S, R20E, Section 24 (located approximately 2 miles north and 4 miles east of Hazelton) to two existing wells in T08S, R21E, Section 24 for irrigation of a total of 9.3 acres, (located approximately 8 miles north and 10 miles east of Hazelton).



ID. WATER CO.

To 8S, 21E, S24
Cell - 9, 22

From 9S, 20E, S24
Cell - 7, 19