

MEMORANDUM

Date: September 9, 2008
To: Transfer 75042 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to dry up 5.1 acres and convert a total of 0.10 cfs and 15 AF from a portion of an irrigation water right to commercial and stock water use at an existing heifer replacement facility. (The transfer said for a dairy but I confirmed with Mr. Gooch that it is actually a heifer replacement facility. It used to be a dairy but he has not milked there since he bought the place.) The 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 36-16673 and moves the water North and West approximately 37 miles down gradient to the site of the facility where the water will be combined with existing stock water, domestic, commercial rights 37-10223, 37-21154, 37-21155, and 37-21156. The transfer proposes to use the existing wells at the facility site and no new wells will be drilled. The water is coming from Cell 7, 19 (old model or 72, 42 new model grid) and going to Cell 17, 12 (old model or 35, 36 new model grid). (This transfer was received on May 4, 2007, before we were directed to use the new model grid.) Another companion transfer (72043) 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. There was a previous transfer from 2003 (63948) that affected the existing rights and put stepped reduction pumping limits on them so I left those conditions on the existing rights, also adding the approval date of that transfer and mentioning the actual dates of the years as well. **(There is also a Permit out there {37-8839} on the dairy for 0.01 cfs that needs to be licensed, proof was filed in 1996. Cindy said she has reporting information on the wells and says it will be an additive rate and volume so it should not really affect approval of this transfer.)** The water being transferred to the facility is assumed to be fully consumptive. Proposed use within WD130 so Water Master comments will ne needed. Location of the facility is approximately 6.5 miles north and 9 miles east of the center of Gooding.

- **Authority to File:**
IDWR Records show right 36-16673 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 Ellis and Beatrice Gooch (buyer) was provided with the application. The existing rights at the facility are in the name of the applicants, Ellis and Beatrice Gooch. ***US Bank is the lien holder on the property and they FAXED an agreement for the transfer.***
- **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 36-16673 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 (75043) 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 5.1 acres being transferred for a total volume of 15 AF. (2.93 AF/ac X 5.1 ac = 14.94 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 at the old site.

- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

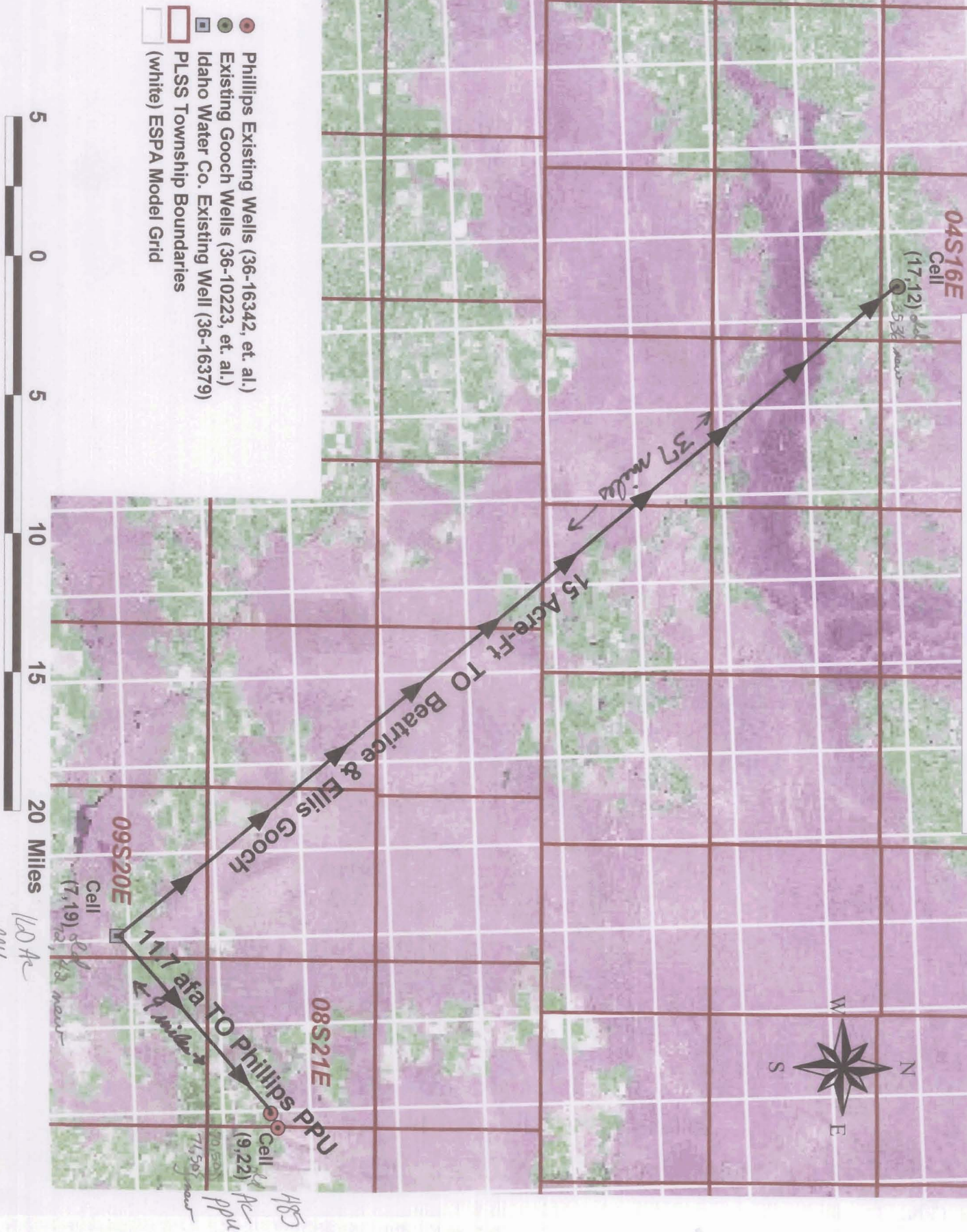
Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

M E M O R A N D U M

Date: December 16, 2008
To: Transfer 75042
From: jroberts
Re: Legal Notice Remarks

Transfer proposes to dry up a total of 5.1 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 0.10 cfs and 15.0 AF from two existing wells in the SWSWNW of Section 35, T04S, R16E in Lincoln County for year round stockwater and commercial uses to provide additional water at an existing heifer replacement facility located approximately 6.5 miles north and 9 miles east from the center of Gooding.

ESPA Combined Transfer Layout



Good

Gooding