

MEMORANDUM

Date: August 4, 2008
To: Transfer 72670 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to dry up 124 acres and convert a total of 1.74 cfs and 496 AF from a portion of an irrigation water right (43-2473) to 394.3 AF for commercial and stock water use at a proposed dairy to be located at the same site. It also changes part of the place of use of a portion of another water right, 43-2569, diverting 0.17 cfs and 82.1 AF for the irrigation of 40 acres within the 233-acre proposed dairy site. Right 43-2473 was split up front into 43-13603 & 43-13604 and right 43-2569 was split up front into 43-13577 & 43-13578. This transfer deals with rights 43-13604 and 43-13578. (Transfer 74518 deals with rights 43-13603 & 43-13577 in a large PPU.) Up to four new wells will be drilled for use at the dairy and the 40 acres of irrigation. A Dairy Water Use Worksheet was provided that showed a total of 394.3 AF would be needed for the project; 373.3 AF plus an additional 5% margin-of-safety volume. Crop records were provided which showed that alfalfa was grown on 135.2 acres on field #34 in 2000, the field where the 124 acres are being dried up. Their proposed consumptive requirement is based on the irrigation requirement of 970 mm (3.18 ac ft) per year, which is based on an average growing season precipitation deficit from three climate stations in the vicinity of the farm for alfalfa hay. {124 ac X 3.18 af/ac = 394.32 AF}. The proposed wells are located outside the Smooth Model Boundary of the ESPA and outside of any current water districts, mitigation was not required. They are also located just inside the north boundary of the Raft River Critical Groundwater Area. The approximate location of the proposed dairy site is 13.5 miles north of Malta, on the south side of Yale Road, between 3 and 3.5 miles east of the Interstate.

****This transfer was amended four times and a companion transfer was also filed, 74518. The final fee for this transfer ended up to be \$290.00 for the 1.91 cfs. The fee for 74518 was \$2,030.00 for 70.8 cfs. So a total of \$2,320.00 was needed for both. There are three receipts associated with these two transfers: S028260 for \$330.00, S028639 for \$160.00, and S029995 for \$1,871.00 for a total paid of \$2,361.00. Looks like they overpaid by \$41.00 so I will initiate a refund request.****

- **Authority to File:**
IDWR Records show the rights in the name of the applicant, Cassia Creek Farms, LLC. Application states that there is no lien holder on the property. (The ownership change documents from Sun Valley Agribusiness to Cassia Creek Farms was received in 2004 and the documents have been scanned under 43-2471.)
- **Water Right Validity:**
The two parent rights (43-2473 & 43-2569) were decreed in the SRBA on May 4, 2004, so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated, but the proposed new wells should have measurement and reporting requirements to prevent any injury or enlargement of the rights.
- **Enlargement of Use:**
None anticipated if measuring and reporting are required.

- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use as a dairy facility 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.

Dairy Site

25	30	29	28	27	26	25	31	32	33	34	35
36	31	32	33	34	35	36	31	32	33	34	35

1	6	5	4	3	2	1	6	5	4	3	2
12	7	8	9	10	11	12	7	8	9	10	11

13	18	17	16	15	14	13	18	17	16	15	14
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24	19	20	21	22	23	24	19	20	21	22	23
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25	30	29	28	27	26	25	30	29	28	27	26
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36	31	32	33	34	35	36	31	32	33	34	35
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