

MEMORANDUM

TO: Transfer No. 73779 File

FROM: Steve Lester 

DATE: February 7, 2008

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to retire a primary irrigation right and use it to complete necessary coverage for existing uses at a dairy. The dairy currently has two other water rights. Those rights and the right being transferred will constitute a single system.

The retired right served land near Kuna. The dairy is near I84 and Sand Hollow Road northwest of Caldwell but still within Basin 63.

Contact person for the applicant is Scott King, SPF Water Engineering.

Deviations from Transfer Policy Standards

Three existing wells in SWSWSW S19 serve the dairy. New wells are not proposed. The wells are described differently under older rights – 1 right lists 10-acre locations while the other describes 40-acre locations. The transfer application identifies 40-acre well sites.

Although we know the existing wells are in a 10-acre tract and given the above discrepancy, allow the transfer to identify 40-acre P/D sites. This promotes flexibility in the future if well problems develop at the dairy and replacement and/or additional wells become necessary (encountering this problem more often).

Part 2 of the amended application identifies the original “Mellin right” (originally 63-7194) and the applicants’ portion to be retired. The amended version should have listed the applicants’ split record, 63-32654, for the split completed between submittal of the original and amended applications. However, it is clear from department records what right is being changed. The amended application can be processed as is.

Summary of Information Submitted

Authority to File: The right is in the name of the transfer applicants per accomplished split of the Mellin right. The applicants have authority to change their right.

Water Right Validity: The right is valid based on the pending SRBA recommendation. The SRBA objection period is over and objections were not filed.

Injury to Other Water Rights: Injury should not occur. No known problems have been associated with this dairy.

Enlargement of Use: An enlargement will not occur with appropriate transfer approval conditions.

Local Public Interest: The local public interest is served by augmenting an existing dairy with proper water right coverage.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial uses 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.

Discussion

The transfer was filed in mid-2005 but held under the transfer hold associated with SRBA emphasis. IDWR Administration approved “preliminary processing” of the application to relieve pressure resulting from the hold. This resulted in a legal notice with only cursory review of the application (noted in original review checklist). Protests were not filed against the application.

The application was amended last summer to address additional information requirements noted in my 7/3/2007 letter. Because the legal notice was more narrative rather than detailed with wr/aj numbers, pls data etc., re-advertising is not needed. Therefore, a \$50 re-advertising fee for the amended application was not needed.

The adjudication record proposed for change resulted from a completed split of the Mellin right. That right was a primary irrigation right without any overlap. There are numerous other completed or pending actions for different portions of the Mellin right, but those actions do not affect this application.

The consultant provided additional information as requested – see two letters received 7/16 and 7/27/2007. The letters and associated data satisfy the requirements of transfer processing: required flow is covered, Allen-Brockway consumptive use data for irrigation being retired etc.

The dairy can be covered under two existing rights (63-9179B and 63-12364) plus the right being transferred (63-32654). Diversion and consumptive volumes are the same for stockwater and commercial uses within each right since the uses are presumed to be fully

consumptive. The irrigation right being retired can provide adequate flow and volume now lacking under water right coverage for the dairy.

I summarized the volume data provided by the consultant as follows to show full coverage is provided for the dairy.

Table 1. Consumptive Use Volume (AFA) for Dairy.

	STOCK	COMMERCIAL	TOTAL
B.U. REQUIREMENTS (consultant info)	145	32.7	177.7
63-9179B	17.5	17.5	35
63-12364	19.7	15.1	34.8
TRANSFER 73779	107.7 (irrigation limit)	32.7 (max. required)	107.7 (irrigation limit)
TOTAL	144.9 (sum of 3 rights)	32.7 (max. required)	177.5 (sum of 3 rights)

Note consumptive use under the transfer is capped at 107.7 per historic irrigation data. Also, commercial volume is limited in the transfer based on the total beneficial use required for commercial use as quantified by the consultant. A minor total volume shortage ($177.7 - 177.5 = 0.2$) is not problematic in this situation.

Combined volume limits for commercial use are noted in transfer conditions of approval.

Summary

The application can be approved as reflected by the draft approval.

Condition 046 n/a since a new well(s) is not proposed.