

MEMORANDUM

TO: Transfer No. 73927 File

FROM: Steve Lester 

DATE: April 14, 2008

RE: Evaluation of Sufficiency of Information Submitted

EXPEDITED PER REQUESTS

The transfer proposes to retire a portion of a primary irrigation right having no overlap to provide water for a 2000 animal dairy. The original application was filed in mid 2006 and held pending SRBA work. The application was amended by late February this year in response to my 2/21/08 letter.

The site is near South McDermott and West Victory about 1.5 miles north of the Snake River in the southwest corner of Ada County.

Contact person for the applicant is consultant Darwin Vander Stelt.

Deviations from Standard Transfer Procedures

Due to expediting the application along with my error in not following up in a timely way, the legal notice process was completed without protest by April 7, 2008 without a review memo until today. The expected parallel processing with the SO needs to catch up "after the fact." But no harm was done for this straight-forward dairy filing.

Summary of Information Submitted

Authority to File: The right was decreed to the applicants based on a completed ownership change, providing authority to file the transfer. Also, the lien holder provided written support of the proposal (Application Attachment E).

Water Right Validity: The April 2007 partial decree validated the right for at least another five years following the decree.

Injury to Other Water Rights: Injury is not found for continued use of the same annual amount of ground water (slightly less annual diversion volume) but reconfigured for reduced irrigation and year around dairy use in this very rural portion of Ada County.

Before and after uses remain in the same location. Also, protests were not filed, reinforcing the lack of probable injury or concern.

Enlargement of Use: Rate and diversion/consumptive volumes will not increase. Slightly higher than expected daily drinking water per animal is documented in the application but within acceptable parameters per my previous discussion with Pam Skaggs (milking cows at 37 gpd each and dry cows at 15 gpd each). Historic irrigation consumptive use is detailed at 3.1 afa/acre based on now outdated Allen-Brockway data (applicant used the 1983 data set, acceptable for a backlogged application per prior discussion with Jeff Peppersack).

See Application Attachments B-D for dairy worksheets and historic beneficial use.

The following table summarizes before and after comparisons. The irrigation right provides about ½ miner's inch with full diversion volume per acre (0.01 cfs/4.5 afa).

ACRES	CFS RATE	AFA DIV VOL	AFA CONS VOL
<i>BEFORE TRANSFER</i>			
140	1.39	629.9	434.0 (140 X 3.1)
<i>AFTER RETIRE 55 ACRES</i>			
85	0.84	382.4	263.5 *
COMMERCIAL	0.31	95.5	95.5
STOCKWATER	0.24	75.0	75.0
TOTAL	1.39 (no increase)	552.9 (reduction)	434.0 (no increase)

* typically not concerned with consumptive use for remaining acres since nature of use unchanged for that portion of right –shown for comparison purposes only.

Total non-irrigation includes 0.55 cfs (55 x 0.01) and 170.5 afa (55 x 3.1). Those uses are considered fully consumptive per land application of wastewater etc. typically found with dairies to comply with environmental standards.

Local Public Interest: The State's CAFO Siting Team (includes IDWR SO & Regional Office participation) completed its review by late 2006-early 2007. No adverse comments resulted from that process. The application serves the local public interest by supporting additional economic activity in a rural area.

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 and approval of the application.

Discussion

Partial decree was migrated in database and used in transfer data entry. A few irregular but acceptable items are found in the amended application:

- Part 1, item A5, P/U lists commercial in NWNE Section 29 (land application of wastewater since dairy is in adjacent Section 20) but that use is not noted on the amended application maps. However, original application maps showed uses in that tract. It was probably overlooked in amending the application to drop irrigation from NWNE. Since it is not required to include land application of wastewater in the P/U, allow this minor point to be overlooked and include commercial use in NWNE in case it actually occurs there.
- Part 2, item A10 about non-use was omitted in the amended application but included and answered in the original one. Again, this looks like a minor error not worthy of concern. Besides, the right was decreed last year, making the point moot.
- There are 8 numbered pages but 3 of them follow the signature page – unusual but acceptable.

Summary

The transfer appears approvable and was not protested. It can be approved by Western Region if SO concurs with this review.