

Comment Report

Application ID 73715

1. jroberts 11/8/2007 9:52:45 AM Special Administration Area Notes
Comment: Special Administration Areas : Eastern Snake River Plain Area
(Moratorium Area)
Exempt: Y
Reason:
Doc Attached:
Explanation: Transfer

Special Administration Areas : Magic Valley (Ground Water District)
Exempt: Y
Reason:
Doc Attached:
Explanation: Transfer

Special Administration Areas : Trust Water Area (Trust Water Area)
Exempt: Y
Reason:
Doc Attached:
Explanation: Transfer

2. jroberts 11/8/2007 Additional Information Notes
Comment: Reviewed by Adjudication Staff: N/A
Mitigation Plan or acceptance form: Attached
Municipal Rights Anticipated Horizon Information: N/A

3. jroberts 11/8/2007 Legal Notice Remarks
Comment: Transfer proposes to dry up a total of 18.3 acres from portions of four irrigation water rights currently within a permissible place of use of 485 acres located in Sections 24 & 25, T08S, R21E and Section 30, T08S, R22E in Jerome County (approximately 7.5 miles north and 10 miles east of Hazelton) and to convert a total of 0.24 cfs and 55.0 AF to year round stockwater and commercial uses for a proposed dairy facility to be located in Section 2, T09S, R22E in Minidoka County (approximately 4 miles north and 2.5 miles west of Rupert). There is one existing well at the location and one new well will be drilled for back-up.

4. jroberts 11/8/2007 Comment/Analysis
Comment: M E M O R A N D U M

Date: November 9, 2007
To: Transfer 73715 File

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to dry up 18.3 acres and convert a total of 0.24 cfs and 55.0 AF from portions of four irrigation water rights to commercial and stockwater use for a new dairy. The irrigation rights 36-16342, 36-16344, 36-16346, and 36-16348 were split up front in preparation for this and another transfer (73716 by Idaho Water Co) and also some other pending transfers moving water back and forth between Eastern and Southern Regions. This transfer involves rights 36-16531, 36-16534, 36-16537, and 36-16540 and moves the water South and East approximately 6.1 miles up gradient to an existing well at the site and where another well in the same $\frac{1}{4}$ - $\frac{1}{4}$ will also be drilled for back-up. The water is coming from wells in Cell 9, 22 and going to wells in Cell 8, 23 in the old model (or from Cells 70, 50 & 71, 50 to Cell 75, 53 in the new model). Another transfer (73716) was filed at the same time and the ESPA model analysis was performed based on both transfers and showed that each transfer cancels out the effects of the other and the net effect maintains historical Snake River reach depletions within 5%. So-called offsetting conditions will apply to both sets of rights in the future. The water being transferred to the dairy is assumed to be fully consumptive. Proposed use is within WD 130 so Watermaster comments will be needed. Location of the new dairy facility is approximately 4 miles north and 2.5 miles west of Rupert.

· Authority to File:

IDWR Records show the parent rights to be in the name of the applicant, Idaho Water Company, LLC.

· Water Right Validity:

The original parent rights (Phillips rights) were decreed in the SRBA on August 27, 2001 and have been split many times as Kohtz sells pieces to dairy facilities and such.

· Injury to Other Water Rights:

None anticipated. The place of use is within WD 130 where measuring and reporting will be required so no injury should occur.

· Enlargement of Use:

None anticipated.

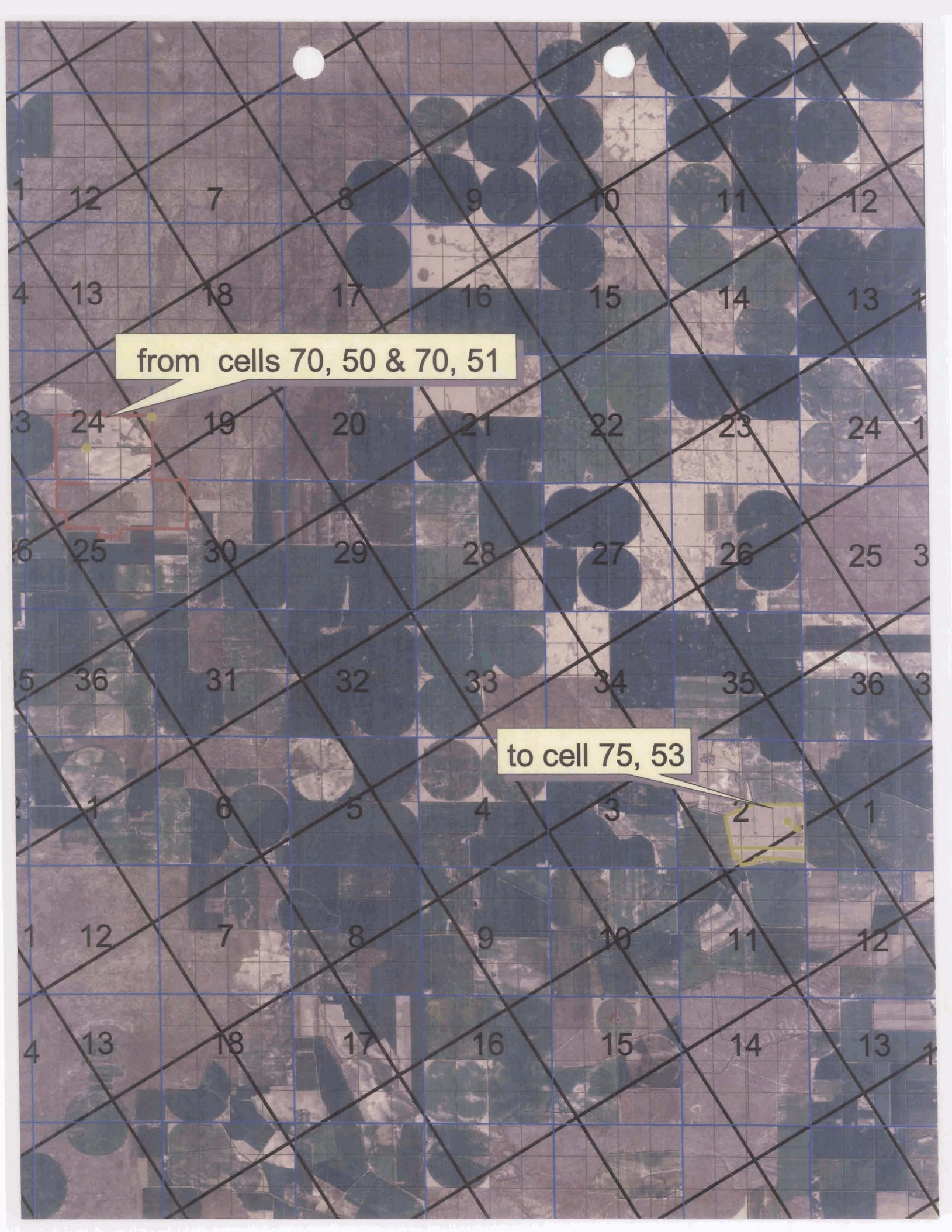
· Local Public Interest:

No negative impacts anticipated. The ESPA mitigation analysis was run for both transfers 73715 and 73716 at the same time and it would appear that the transfers seem to offset the impact of each other. (We ran the old model again using their figures and it seemed to be correct.) The plan acknowledges the historical volume of Pasture in Jerome as 3 AF/ac for the 18.3 acres being transferred for a total volume of

Pasture in Jerome as 3 AF/ac for the 18.3 acres being transferred for a total volume of 54.9 or 55 AF.

- Beneficial Use/Conservation of Water Resources:
Proposed use of irrigation is recognized as a beneficial use of water.

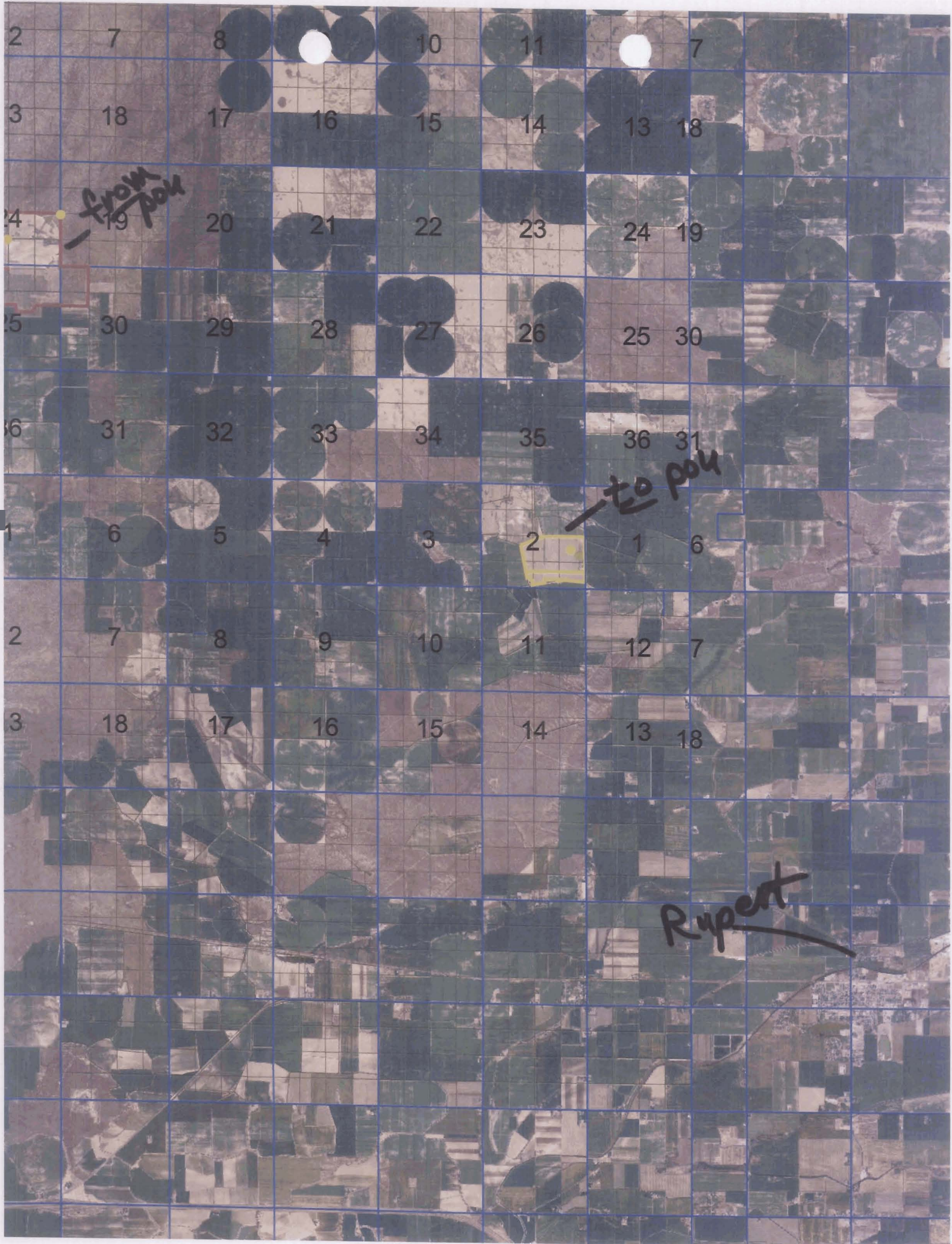
Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



from cells 70, 50 & 70, 51

The image is an aerial photograph overlaid with a grid system. The grid consists of a primary grid of squares and a secondary grid of smaller squares. The primary grid is labeled with numbers 1 through 36 in a repeating pattern. The secondary grid is labeled with numbers 1 through 36 in a repeating pattern. A red line is drawn on the grid, starting from cell 24 and ending at cell 25. A yellow line is drawn on the grid, starting from cell 2 and ending at cell 3. Two yellow callout boxes are present: one pointing to cell 24 and another pointing to cell 2. The background is an aerial photograph showing a landscape with various features, including what appears to be a road and some buildings.

to cell 75, 53

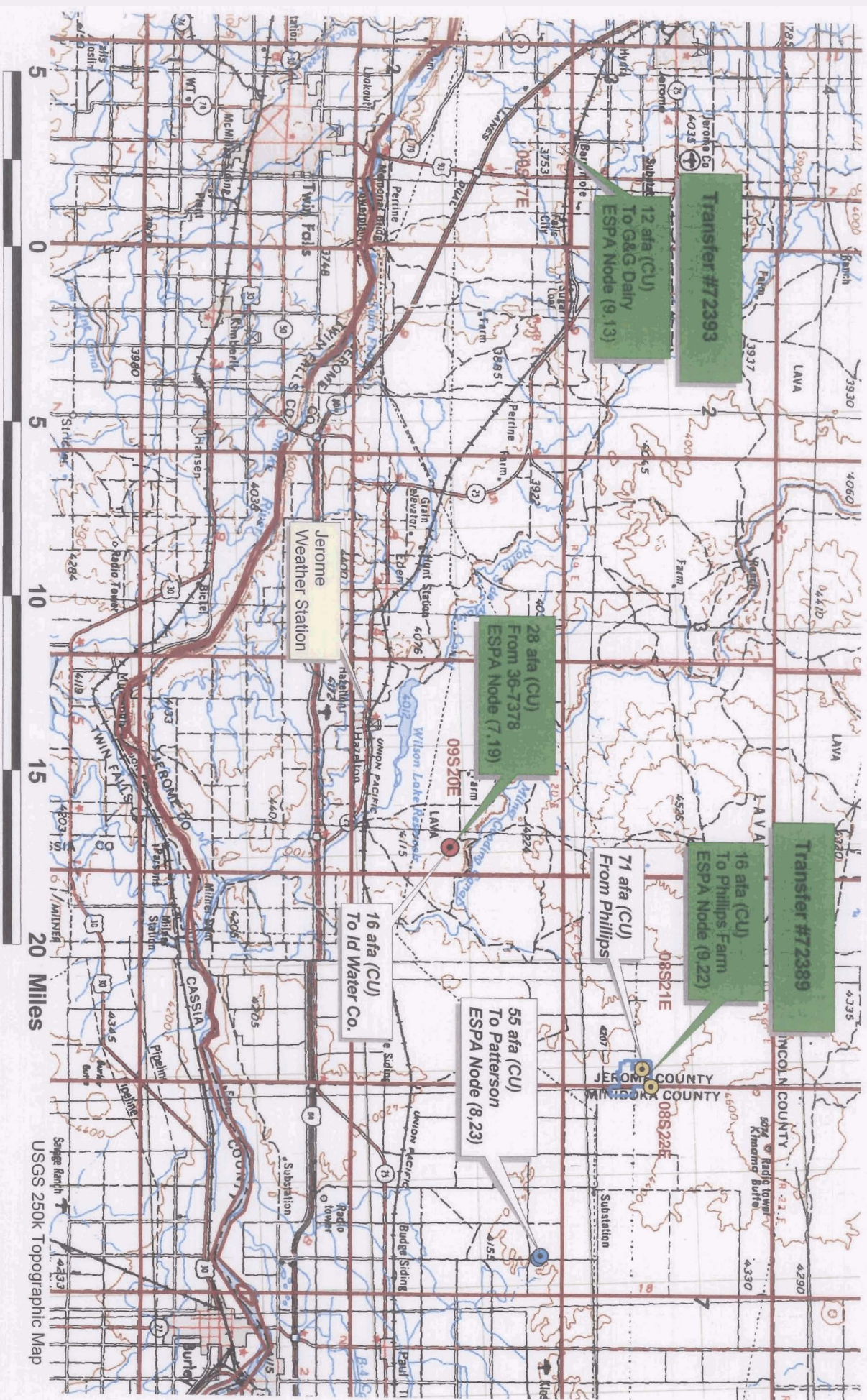


2	7	8		10	11	7
3	18	17	16	15	14	13 18
4	19	20	21	22	23	24 19

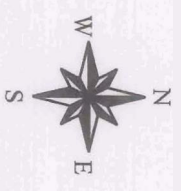
5	30	29	28	27	26	25 30
6	31	32	33	34	35	36 31
1	6	5	4	3	2	1 6

2	7	8	9	10	11	12 7
3	18	17	16	15	14	13 18

Rupert



- PLSS Township Boundaries
- PLSS Section Lines
- Modelgrid_nad83.shp
- Weather Station
- POD - Patterson
- POD - Idaho Water Co.
- POD - Phillips



ESPA Combined Transfer Details (#72389, #72393 & Patterson)