

MEMORANDUM

Date: June 5, 2007
To: Transfer 73629 File
From: Kelly K Christensen
Re: Evaluation of Sufficiency of Information Submitted

The application proposes to dry up 16.6 irrigated acres and change the nature of use to commercial and stockwater for a dairy. The application also modifies the place of use for the three rights currently associated with the dairy to better identify the location of the facilities and corrects the legal description for the two points of diversion. The system is located approximately 4.1 miles south and 1.4 miles west of the center of Wendell. The acres to be dried up are in the same forty-acre tract as a portion of the current dairy and the from and to wells are located within the same old model grid cell.

The volume required by right for the additional dairy use is based upon the Jerome area Ave IR for pasture and 1070 total head of dairy stock and dairy facilities, however the rate split is not based upon the same proportional ratio. The requested rate of 0.22 cfs if operated 24 hours a day for 365 days could provide greater than 2 times the required volume associated with this transfer. The current irrigated place of use is bisected by an irrigation canal and according to the consultant the canal shares are used on the ground to the south of the canal and not on the ground to the north. The ground being dried up is north of the canal thus the groundwater rights would be primary rights on that ground. The same circumstances existed for T-69747, which was approved in 2003. That transfer also dried up irrigated acres to be used for commercial/stockwater dairy use.

The place of use for all of the rights associated with the dairy was historically overstated and is corrected in this transfer. The two points of diversion associated with the dairy were previously identified in the wrong quarter/quarter. The actual location was determined through a field examination and gps readings. The "from" point of diversion was identified as two wells. Again the field examination found that there was only 1 well and that it was also just west of the recorded quarter/quarter. The applicant was contacted and has submitted a letter recognizing that the point of diversion needs to be corrected.

- **Authority to File:**
The applicants are listed as the current owners of the right being transferred according to IDWR records.
- **Water Right Validity:**
The right involved with the transfer has been reviewed and decreed in the SRBA..
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
Application will be subject to public notice and protest.
- **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.

36-15988 36-15990 place of use and overlap analysis for pending transfer

Previous transfer
T- 69747
approved 9-25-03

