

Comment Report

Application ID 72395

1. jroberts 2/28/2007 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 2/28/2007 1:38:46 PM 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 2/28/2007 Comment/Analysis
Comment:

M E M O R A N D U M

Date: February 28, 2007
To: Transfer 72395 File

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to dry up 15.5 acres from an irrigation water right and convert a

This transfer proposes to dry up 15.5 acres from an irrigation water right and convert a total of 0.19 cfs and 40.0 AF to commercial use to provide additional water for an existing potato processing plant. (There are two licenses, 36-8457 and 36-8458, already associated with this commercial well. Apparently, according to Jason at Brockway, there are actually two wells out there in the SENE and they want the transfer to include both of them. He also asked if decreed domestic right, 36-12216, provided 14.6 AF additional combined total volume available for all plant uses? The decreed point of diversion for this right is in the SENENE of Section 21 and only lists domestic use so I told him no.) The transfer splits 36-16058 into 36-16383 (unchanged irrigation) and 36-16384 (commercial). Crop records were provided which showed that in 1997 sugar beets were grown on the fields where the acres are being dried up. According to the Minidoka Dam site (per Allen & Brockway Report 1983), this would allow a consumptive rate of 2.58 af/ac for a change in nature of use. $15.5 \text{ ac} \times 2.58 \text{ af/ac} = 39.99 \text{ AF}$. Brockway ran the Old Model calculations and a mitigation plan was submitted which shows a 3% reduction in pumping volume at the new well will be necessary in order to keep impacts on the river reaches below 5%, reducing the volume from 40 AF to 38.8 AF. I checked the model calculations and their data input and everything seemed okay. The from well is located in cell 11, 28 of the old model and the to wells are located in cell 7, 26. The water is being moved approximately 12 miles south and 4 miles west across the ESPA to two existing commercial wells located approximately 0.75 miles north and 1.0 mile east of Rupert.

- Authority to File:

IDWR Records show the parent right (36-16058) in the name of PKD Properties, LLC and The Duncan Limited Partnership. The application is under the name of Mart Produce and is signed by Paul H. Duncan. The IDSOS page shows that all entities are valid and that Mr. Duncan is a registered agent with each. A quitclaim deed was also provided transferring ownership of the proposed commercial portion to Mart Produce. Northwest Farm Credit is the lien holder on the property and they have provided an Affidavit of Agreement to the transfer.

- Water Right Validity:

The parent right, 36-16058, was decreed in the SRBA on 11/27/2001. The transfer was received in this office on 10/24/2005, so forfeiture should not be an issue.

- Injury to Other Water Rights:

None anticipated. A mitigation plan was submitted which shows a 3% reduction in the pumping volume at the new point of diversion will be necessary in order to maintain additional Snake River reach impacts below 5%, so the volume will be reduced from 40.0 AF to 38.8 AF. The wells are two existing commercial wells, which are located within WD130 with a water master and measuring and reporting requirements, so no injury should occur.

- Enlargement of Use:
None anticipated.

- Local Public Interest:
No negative impacts anticipated.

- 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.

4. jroberts 2/28/2007 Legal Notice Remarks

Comment: Transfer proposes to dry up 15.5 acres of an irrigation water right currently diverted approximately 9.0 miles north and 1.5 miles east of Acequia and convert 0.19 cfs and 40.0 AF to commercial use to be diverted from two existing wells at an existing potato processing plant located 0.75 miles north and 1.0 mile east of Rupert. 38.8 AF will be diverted for commercial use at the new place of use. No new wells will be drilled.

cell 11, 28

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~~19~~
~~20~~

18	17	16	15	14	13	18	16	15	14	1
19	20	21	22	23	24	19	20	21	22	2

30	29	28	27	26	25	30	29	28	27	26	2
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31	32	33	34	35	36	31	32	33	34	35	3
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6	5	4	3	2	1	6	5	4	3	2	1
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7	8	9	10	11	12	7	8	9	10	11	1
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18	17	16	15	14	13	18	17	16	15	14	13
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19	20	21	22	23	24	19	20	21	22	23	24
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30	29	28	27	26	25	30	29	28	27	26	25
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31	32	33	34	35	36	31	32	33	34	35	36
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6	5	4	3	2	1	6	5	4	3	2	1
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Acrugia

7	8	9	10	11	12	7	8	9	10	11	12
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30	29	28	27	26	25	30	29	28	27	26	25
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Report

cell 17, 26