

Comment Report

Application ID 72393

1. jroberts 8/31/2006 3:37:25 PM Special Administration Area Notes
Comment: Special Administration Areas : Eastern Snake River Plain Area
(Moratorium Area)
Exempt: Y
Reason:
Doc Attached:
Explanation: Within Eastern Snake River Plain (Moratorium Area)

Special Administration Areas : North Snake (Ground Water District)
Exempt: Y
Reason:
Doc Attached:
Explanation: Within North Snake (Ground Water District)

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

2. jroberts 10/10/2006 Legal Notice Remarks
Comment: Transfer proposes to dry up a total of 4.0 acres within Section 24, T09S, R20E in Jerome County and to divert a total of 0.08 cfs and 12.0 AF from two existing wells in the NWSWNW of Section 3, T09S, R17E in Jerome County for year round stockwater and commercial uses to provide additional water at an existing dairy located approximately 3.25 miles south and east of the center of Jerome.

3. jroberts 8/25/2006 Comment/Analysis
Comment: M E M O R A N D U M

Date: August 25, 2006
To: Transfer 72393 File

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to dry up 4.0 acres and convert a total of 0.08 cfs and 12.0 AF from a portion of an irrigation water right to commercial and stockwater use at an

from a portion of an irrigation water right to commercial and stockwater use at an existing dairy. The irrigation right 36-7378 was split up front in preparation for this and another transfer (72389 by Idaho Water Co.) The transfer moves the water North and West approximately 20.3 miles down gradient to the site of the dairy where the water will be combined with existing stockwater, commercial, and domestic right 36-8215. The transfer proposes to use the existing wells at the dairy site and no new wells will be drilled. The water is coming from Cell 7, 19 and going to Cell 9, 13 in the old model. Another transfer (72389) was filed at the same time and the mitigation plan pertained to both transfers. They chose the stepped reduction in pumping to apply to this transfer (72393) only but because both transfers used the same mitigation plan, so-called bundled 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.

· Authority to File:
IDWR Records show right 36-16381 to be in the name of Idaho Water Company, LLC. An Agreement for Purchase and Sale of Real Estate between Idaho Water Company (seller) and Robert and Shirlene Messner (buyer) was provided with the application. Another Agreement for Purchase and Sale of Water Right between Idaho Water Company (seller) and G & G Dairy (buyer) was also provided with the application. The existing right, 36-8215, is in the name of the applicants, G & G Dairy. 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, 36-7378, was decreed in the SRBA on August 27, 2001.

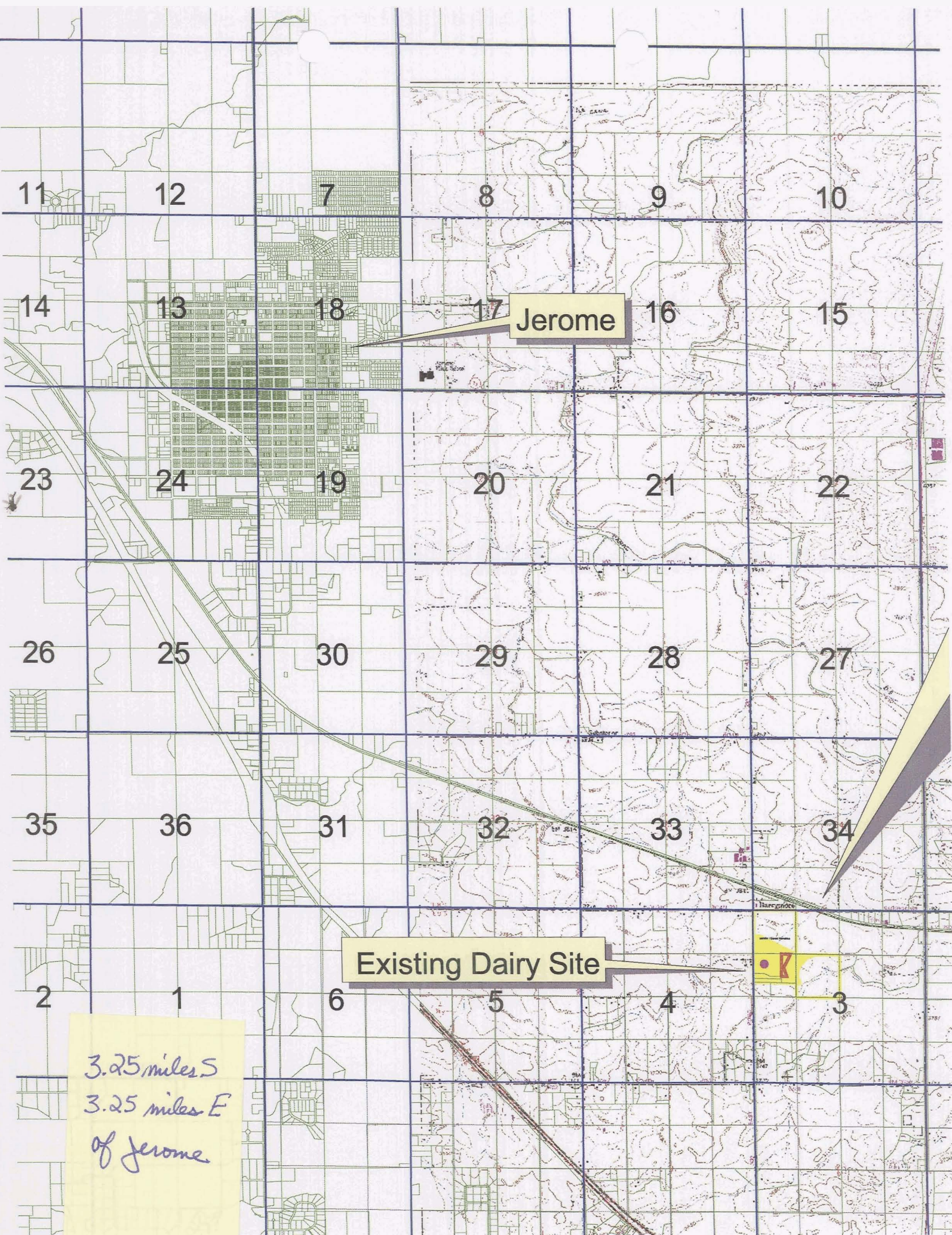
· Injury to Other Water Rights:
None anticipated. A proposed mitigation plan was submitted by Brockway Engineering which shows a stepped reduction in use for the first 4 years after the transfer is approved. The plan acknowledges the historical volume of Pasture in Jerome as 3 AF/ac for the 4 acres being transferred for a total volume of 12 AF.

· 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.



Jerome

Existing Dairy Site

3.25 miles S
3.25 miles E
of Jerome

G#G Dairy

To 9S, 17E, S3
Cell - 9, 13

From 9S, 20E, S24
Cell - 7, 19

appr. 20.3 miles N & W
across the ESPA