

REVISED

MEMORANDUM

Date: March 28, 2007
To: Transfer 72741
From: cskinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes converting a 20.5 acre portion of irrigation rights 36-16093, 36-16095, and 36-16097 to stock water and commercial use associated with an existing CAFO and a new CAFO (to be located adjacent to the existing CAFO) approximately 8.5 miles east and 1.0 mile north of Hazelton. The application also proposes modifying the existing water rights (36-14632, 36-16094, 36-16096, and 36-16098) at the existing CAFO to allow for use at the new CAFO if needed (change in POU). The 20.5-acre portion of the irrigation rights being converted is appurtenant to the new CAFO site. Two existing wells, located at the existing CAFO site, will provide water to the existing and new CAFOs (both calf-rearing operations). The wells are located within the ESPA and Water District 130. One item of note relates to the 20.5-acre portion of irrigation rights 36-16093, 36-16095, and 36-16097 that is being converted to stock water and commercial use. Rights 36-16093, 36-16095, and 36-16097 currently allow for the irrigation of 411.0 acres as a result of approved Transfer # 70375 which consolidated these rights into a smaller place of use. Only the oldest of these three rights, 36-16097, has an acre limit (295.2 acres within the 411.0 acres). These particular acres are fully covered at 4.0 afa per acre by right 36-16097, with the other two rights providing additional rate for these same acres, and additional acres and volume for the remaining 411.0 acres. The transfer proposes converting 20.5 acres of the 295.2 acres covered by the oldest right, 36-16097, which would provide all of the volume. The other two rights provide rate but not volume for the 20.5 acres being dried up. This transfer proposes to proportionately reducing the rate on these two rights to reflect the drying up the the 20.5 acres. In addition, the volume listed on right 36-16095 is based on the diversion rate capacity, so the untransferred portion of right 36-16095 needs to have its volume reduced to reflect the reduction in diversion rate.

· **Authority to File:**

The applicants are listed as the current owners of the rights being transferred according to IDWR records.

· **Water Right Validity:**

The rights involved with the transfer have been decreed in the SRBA or are based on a license.

· **Injury to Other Water Rights:**

None anticipated. Wells are located within the same groundwater model cell.

· **Enlargement of Use:**

None anticipated. The irrigation to stock water and commercial use conversion is based on an IR value (2.6 afa per acre for Sugar Beets in the Hazelton area) for the acres being dried up. Basing the conversion on an IR value, rather than the allowable diversion volume actually results in an overall reduction in total allowable diversion volume if the transfer is approved as proposed.

· **Local Public Interest:**

Application will be subject to public notice and protest.

· **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as beneficial uses 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.