



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 12, 2005

Darrell Funk
3173 N 4900 E
Murtaugh, ID 83344

Dear Mr. Funk:

As you recall, last June you filed a water right transfer application (# 71316) with our office to change the place of use and add diversion points to a group of water rights appurtenant to land that you own east of Murtaugh Lake. I believe that this particular farm is referred to as the "Glendale Farms" property. The application proposed moving water rights off of pivot corners to allow for additional irrigation of land on the north end of the farm. The application also proposed adding three new wells to be drilled as authorized points of diversion for groundwater rights 45-2320 and 45-13642. The enclosed map shows the existing wells, proposed new wells, and the proposed place of use (all colored orange) as proposed by the transfer application.

The enclosed map also shows a red line running north and south that represents the location of the Eastern Snake Plain Aquifer (ESPA) boundary as defined in Section 01 of Rule 50 of the Department's Conjunctive Management Rules (IDAPA 37, Title, 03, Chapter 11). Note that the current authorized points of diversion for groundwater rights 45-2320 and 45-13642 are located west of the ESPA boundary and the three proposed new wells are located east of the ESPA boundary (within the ESPA).

After consultation with IDWR State Office staff, and reviewing the Transfer Processing Policies & Procedures Memorandum, it was determined that for applications that propose moving the point of diversion for water rights from one location to another within the ESPA, the applicant must provide an analysis of what impacts the proposed change will have on the hydraulically-connected reaches of the Snake River. Increased depletions from the hydraulically-connected reaches of the Snake River must be mitigated in order for the application to be approvable.

In summary, the Department can not approve the portion of the pending transfer application that proposes adding new wells within the ESPA without the submittal of an analysis determining the impacts on the Snake River, and if the analysis reveals negative impacts, then these impacts need to be somehow mitigated via a mitigation plan that will become part of the approval, assuming the application can be approved.

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It should also be noted that the proposed application that we discussed a couple of weeks ago, involving moving water from land in Section 22, to new wells for a dairy site within the ESPA would also require the previously mentioned analysis, and possible mitigation.

If you have any questions, or if I can be of any further assistance, or if you would like to meet to discuss possible options, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner, PE
Water Resource Engineer

Enclosure

