

MEMORANDUM

TO: Transfer No. 72540

FROM: Lori Graves

DATE: 12/28/2005

RE: Evaluation of Sufficiency of Information Submitted

The purpose of the transfer is to retire 115 acres from irrigation and divert the appurtenant ground water from three existing wells for commercial and stockwater uses for a proposed 6000 cow dairy (3000 milking cows). The transfer will also clarify the location of one well and change the remaining place of use to reflect current irrigation practices.

The site is located along Highway 51, just south of Beet Dump Road.

Contact person for the applicant is Steve Hannula with ERO.

Authority to File: Current water right records are in applicants' names.

Water Right Validity: Right presumed to be valid because the partial decree was issued on 10/26/2000 and the acres appear irrigated based on 2004 NAIP Photography.

Injury to Other Water Rights: Applicants were asked to supply information evaluating the effect this proposal will have on the local aquifer and neighboring wells. That information was provided in a correspondence letter from Steve Hannula dated 12/22/2005. Please note that the CAFO Siting Team made a suitability determination of the proposed dairy as being moderate risk.

Enlargement of Use: The daily fresh water requirement calculations indicate the dairy needs 271.13 afa to operate. Crop consumptive use was analyzed for irrigation seasons 2000 through 2004 using FSA crop records and the 1983 Allen Brockway Report (Mtn Home Site). The most consumption occurred in 2003 with a calculated average of 2.36 af/acre, which was the amount used in the transfer calculations to establish the need for 115 acres to be taken out of production to satisfy the dairy water needs.

Local Public Interest: Written documentation that the County, ISDA and IDEQ have been notified was requested from the applicants. Applicants were also asked to explain the effects that the dairy will have on the local agricultural base. Steve Hannula's 12/22/05 correspondence letter provided sufficient information regarding notification of County and ISDA entities, however did not address notification of IDEQ. Because the dairy will provide ~25 jobs (per Steve Hannula's correspondence letter) presumably for more than 60 days/year, the dairy may qualify as a non-community, non-transient public

SCANNED
APR 25 2006

drinking water system (PDWS), which requires specific monitoring and reporting requirements. At the department's request, Steve Hannula then notified Chas Ariss, who manages the PDWS program for DEQ. A copy of Steve's IDEQ notification and their response is included in the file.

Beneficial Use/Conservation of Water Resources: (proposes b.u. consistent with conservation of water resources in Idaho)

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information: The transfer application was received 11/2/04. Processing was delayed while applicants waited for County approval for construction of the dairy facility. Final approval from the County was granted 12/12/05.

Due to possible PDWS regulation discussed above, IDEQ notification was requested 1/3/06 via telecon with Steve Hannula.

Mountain Home Ground Water Advisory Committee will be sent notice.

Discussion: The dairy footprint will cover 160 acres of previously irrigated land. Of those, 115 retired acres will cover the dairy water needs, 15 acres are proposed to transfer to the SENW S4 to cover new acres brought into production and the remaining 30 acres will be submitted to the water supply bank upon approval of the transfer. Two water rights overlap the dairy site. Because the rights were each licensed on separate acres within a 610 acre decreed ppu, acre ratios were used to determine commercial/stockwater flow rates associated with each right rather than cfs ratios. The rate and volume conversions calculated for dairy/stockwater use appear acceptable based on department standards.

The existing four wells listed on the transfer were decreed to both rights. Applicant's consultant confirmed that three of the wells are used for irrigation and will be connected to the dairy operation. The well in the SENW S4 is a domestic well used for domestic use that was decreed to right 61-7007. This well will not be connected to the dairy operation but was included in the transfer application to be consistent with the partial decrees.

The transfer also seeks to clarify the decreed location of one of the three irrigation wells, aka the middle well, from the SENE S5 to the NWNW S4. The attached topo map and available aerial photography supports the clarification.

The total amount of water affected by the transfer is 1.71 cfs, which accounts for 1.51 cfs converted to dairy use and .20 cfs associated with the 15 acre p/u change ($8.03 \text{ cfs}/610 \times 15$). As noted on the page 1 of the transfer application, the \$330 fee paid accounts for 2.1 cfs proposed for change, which included 30 acres applicants planned to submit to the

water supply bank with the transfer (see transfer remarks). The department advised the applicant to submit the 30 acres to the water supply bank upon approval of the transfer. As a result, fees paid more than covered the 1.71 cfs affected by the transfer.

Data entry acted on the correct record because partial decrees were issued & results were migrated to wr records.

Overlapping rights at P/U include 61-190 from surface water, which was not claimed or decreed in the SRBA, and 37-10568 from ground water for stockwater use, which was probably decreed in the wrong township and/or range because of the basin number. Both overlaps are n/a to the transfer proposal.

Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft approval document should be applied.

2/21/2006 Update Per Parallel Processing: Volume was adjusted based on the specific number of acres proposed for retirement from each right as indicated in Attachment D under the calculations for rate. Based on percent of total volume, the calculations for dairy volume did not match the acres to be retired (ex: 61-2215: $133.3/2.36 = 56.5$ acres rather than 56. 61-7007: $137.7/2.3658$ acres rather than 59). Dairy and commercial volume amounts for each right were adjusted based on the following:

61-2215: $56 \text{ ac} \times 2.36 \text{ af cons use vol} = 132 \text{ af}$

61-7007: $59 \times 2.36 \text{ af cons use vol} = 139 \text{ af}$

For flexibility, total dairy and stockwater volume associated with each right was listed for each use (non-cumulative) rather than proportionately split between the two uses.

Condition 046 n/a since a new well is not proposed.