

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: Transfer 72435
Water Right No: 36-2373 et al
Applicant Name: Big Sky Farms

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:

(115) Flow meters required. Flow meters will be required on ALL points of diversion used in the feedlot, including domestic wells and the irrigation well if connected to the system.

- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☒ Additional comment:

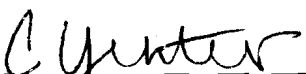
Water right overlap analysis is incomplete in the sufficiency memo and does not accurately portray the entire water use picture. The bottom line analysis does not change my recommendation or the viability of the transfer, but it does require that a companion transfer be filed to clean up remainder acres and properly represent the interconnection of two irrigation wells and three other appurtenant water rights which are not included on the transfer or mentioned in the overlap review. Two rights, 36-7492B and 36-15992, are not listed on the deed. Portions of those rights are appurtenant to lands purchased from Walker and are included in the Big Sky place of use; they were developed from another well but I presume are now being diverted from one of the 2 Big Sky Farms wells. These along with 36-2725B are used with 36-2373 and NSCC shares to irrigate the entire farm, about 1027 irrigated acres in 2006. See attached map and notes for clarification.

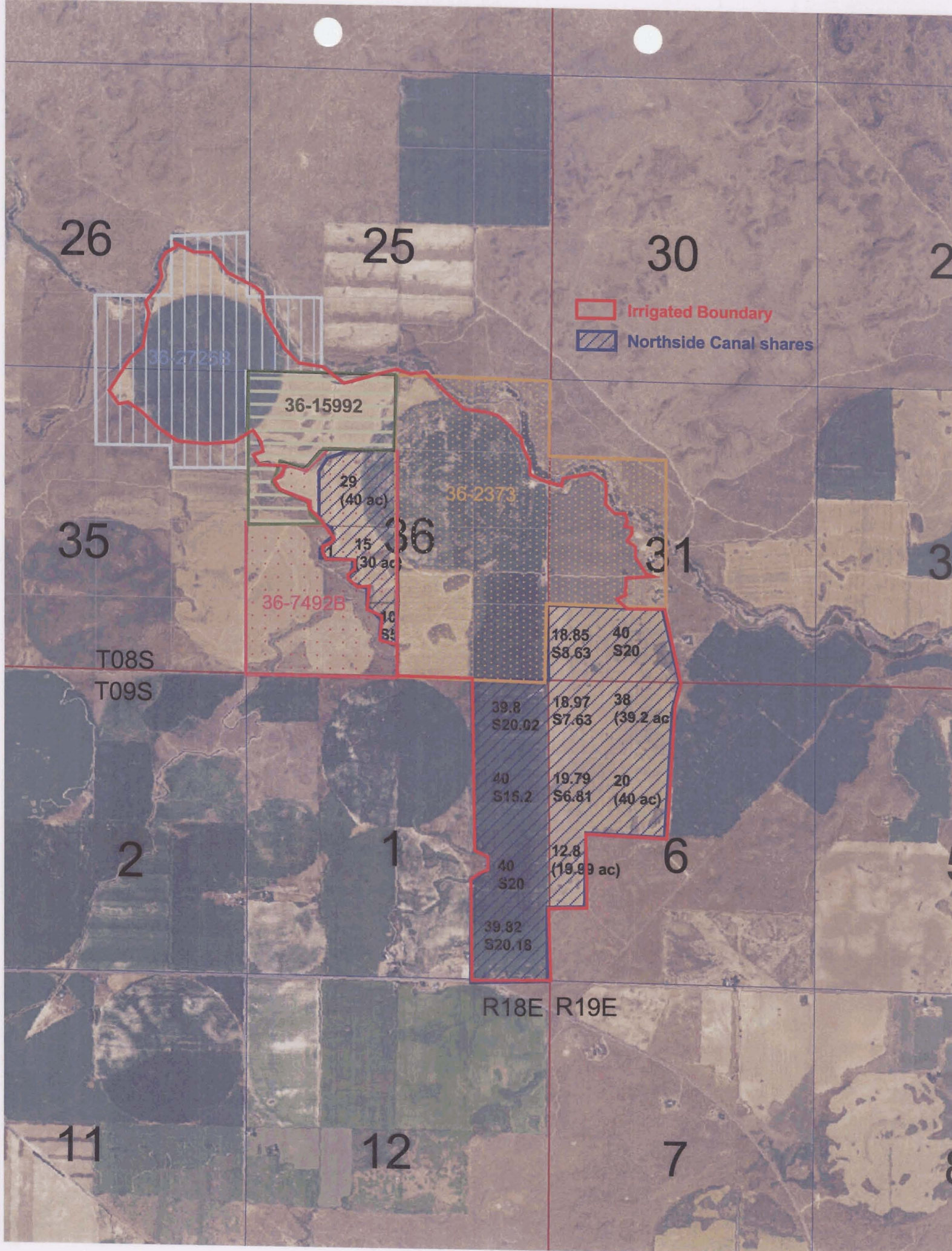
North Side CC shares are limited to use on only 383 acres. Some of the represented 507 shares are supplemental to regular shares on existing acres. Addition of supplemental shares allows deliveries at 1.5 miner's inch per acre instead of the standard canal delivery of 5/8". Supplemental shares are not to be spread. 54 of the NSCC acres overlap with one of the associated ground water rights (36-7492B) and the balance are used on the south end of the farm where the feedlot will be. In total, accounting for the surface water overlaps and all appurtenant rights, there are 1016.2 authorized water right acres.

Since 36-2373 has a place of use separate from all other ground water rights, and because there are no overlaps with NSCC shares, I would agree that the gw right may be considered primary and the transfer may move forward. However, IDWR should use some leverage to make sure that a second transfer is filed to take care of pod changes, ownership changes, and acreage relocations.

Dated: November 21, 2006

Water District 130


Cindy J Yenter, Watermaster



Big Sky T 72435

Irrigated area 2006 - 1027 ac
2004 - 1047 ac

Rights:

NSCC	383.21	Shares	(+123.4 overlapping Suppl.)
36-2373	356	ac	
36-2725B	167	ac	
36-7492B	~79	ac	(portion appurtenant)
36-15992	~85	ac	(" " ")
NSCC overlap	-54	ac	in SENW & E $\frac{1}{2}$ SW Sec 36 36-7492B

Total WR acres authorized: 1016.21

11/20/06

06:40

NORTH SIDE CANAL CD → 7363037

NO. 144

D-0

Leasing Number 6222

PK

Cert No. 24981

Owner BIG SKY FARMS LIMITED PARTNERSHIP (See B) Nbr. Share 124.0000
 Lien Held 21998/21999 County 1 Seg 2 Dist. A

Payer BIG SKY FARMS From Cert. 21938/--
 Address 380N MCFARLAND P O BOX 5178 Phone (208) 734-0004
 City TWIN FALLS State ID Zip Code 83303-5178 Loss

LT 3 (NENH) Sec 6 Tn 9 Rn 19 Rider B
 Shr 39.0000 Acr 39.3200 Gate 04 F Supp Shares 0.0000

LT 4 (NENH) Sec 6 Tn 9 Rn 19 Rider B
 Shr 26.6000 Acr 18.9700 Gate 04 F Supp Shares 7.6300

LT 5 (SNWH) Sec 6 Tn 9 Rn 19 Rider B
 Shr 26.6000 Acr 19.7900 Gate 04 F Supp Shares 6.8100

SENW Sec 6 Tn 9 Rn 19 Rider B
 Shr 20.0000 Acr 40.0000 Gate 04 F Supp Shares 0.0000

Continued on Next Card

Continue... 2944 for Certificate No. 24981

LT 6 (NENH) Sec 6 Tn 9 Rn 19 Rider B
 Shr 12.8000 Acr 19.9900 Gate 04 F Supp Shares 0.0000

SENW Sec 6 Tn 9 Rn 19 Rider B
 Shr 0.0000 Acr 0.0000 Gate 13 NATH Supp Shares 0.0000

Billing Number 2944 PR Cert No. 24982

Owner BIG SKY FARMS LIMITED PARTNERSHIP (See B) Nbr. Share 87.4000
 Lien Held County 1 Seg 2 Dist. A

Payer BIG SKY FARMS From Cert. 21998/99
 Address 380N MCFARLAND P O BOX 5178 Phone (208) 734-0004
 City TWIN FALLS State ID Zip Code 83303-5178 Loss

LT 4 (SNWH) Sec 31 Tn 8 Rn 19 Rider B
 Shr 27.4000 Acr 18.8500 Gate 04 F Supp Shares 8.6300

SENW Sec 31 Tn 8 Rn 19 Rider B
 Shr 60.0000 Acr 40.0000 Gate 04 F Supp Shares 20.0000

Requested from NSCC 11/20/06
 (as)

certificates have been re-issued, differ from applicant's

Cindy

2-pgs

TOTAL SHS = 506.68
 Supp SHS = 123.47
 Reg SHS = 383.21

BY 79 NUMBER 2944

PR

Art No. 24984

Owner BIG SKY FARMS LIMITED PARTNERSHIP (See B) Wbr.Share 235.2000Lien Held _____ County 1 Seg 2 Dist. APayer BIG SKY FARMSFrom Cert. 21998/99Address 300N MCFARLAND P.O. BOX 5178Phone (208) 734-0004City TWIN FALLS State ID Zip Code 83303-5178

Loss _____

LT 1 (NENE)

Sec. 1 Tn 9 Rn 18 Rider BShr 40.0000 Acr 39.9800 Gate 04 F _____ Supp Shares 20.0200

SENE

Sec. 1 Tn 9 Rn 18 Rider BShr 55.2000 Acr 40.0000 Gate 04 F _____ Supp Shares 15.2000

NESE

Sec. 1 Tn 9 Rn 18 Rider BShr 60.0000 Acr 40.0000 Gate 04 F _____ Supp Shares 20.0000

SESE

Sec. 1 Tn 9 Rn 18 Rider BShr 60.0000 Acr 39.8200 Gate 04 F _____ Supp Shares 20.1800Billing Number 2944

PR

Cert No. 24984Owner BIG SKY FARMS LIMITED PARTNERSHIP (See B) Wbr.Share 60.0000Lien Held _____ County 1 Seg 2 Dist. APayer BIG SKY FARMSFrom Cert. 22112Address 300N MCFARLAND P.O. BOX 5178Phone (208) 734-0004City TWIN FALLS State ID Zip Code 83303-5178

Loss _____

SESW

Sec. 36 Tn 8 Rn 18 Rider BShr 29.0000 Acr 40.0000 Gate 13 MAIN _____ Supp Shares 0.0000

NESW

Sec. 36 Tn 8 Rn 18 Rider BShr 15.0000 Acr 30.0000 Gate 13 MAIN _____ Supp Shares 0.0000

NWSW

Sec. 36 Tn 8 Rn 18 Rider BShr 1.0000 Acr 1.0000 Gate 13 MAIN _____ Supp Shares 0.0000

SESW

Sec. 36 Tn 8 Rn 18 Rider BShr 15.0000 Acr 10.0000 Gate 13 MAIN _____ Supp Shares 5.0000

----- Continued on Next Card -----

Continue... 2944 for Certificate No. 24984

LYING NAE OF NSCC "F" LATERAL

Sec. 36 Tn 8 Rn 18 Rider BShr 0.0000 Acr 0.0000 Gate 04 F _____ Supp Shares 0.0000