



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

June 15, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

FAULKNER LAND & LIVESTOCK CO INC
1989 E 1875 S
GOODING ID 83330

Re: Application for Transfer 71642

Dear Applicants:

The Department of Water Resources is currently reviewing your application for transfer of water rights to transfer the point of diversion and place of use for irrigation use in Gooding County. After review of the application, some concerns were identified regarding enlargement and/or injury issues that may result from your proposed changes.

Right 37-7808 is proposed to be transferred from Lincoln County across the East Snake Plain Aquifer to a place of use in Gooding County. A plan to reduce pumping under the right has been submitted to mitigate for increased depletions to one or more reaches of the Snake River. The plan was reviewed by Department staff and considered acceptable. However, the limitations on rate and volume raise some enlargement and/or injury issues if the right is to be used in combination with other rights in a larger permissible place of use (PPU).

Before Transfer

37-7808, 3.26 cfs (0.020 cfs/acre), 570.5 af (3.5 af/acre), 163 acres
37-8005B, 2.02 cfs (0.018 cfs/acre), 444.0 af (4.0 af/acre), 111 acres
37-8005C, 1.60 cfs (0.013 cfs/acre), 488.0 af (4.0 af/acre), 122 acres
37-8005D, 0.41 cfs (0.013 cfs/acre), 124.0 af (4.0 af/acre), 31 acres

After Transfer with Mitigation Limits

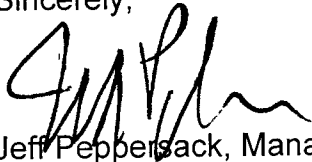
37-7808, 1.76 cfs (0.011 cfs/acre), 308.1 af (1.89 af/acre), 163 acre-limit
all rights to be used in combination in a 427 acre PPU

Note that right 37-7808 is to be reduced to a volume of 1.89 af/acre compared to 4.0 af/acre for the other rights. Although 1.89 af/acre may be sufficient to irrigate some crops, there is potential for enlargement of the other rights to make up shortages under right 37-7808 in some years - possibly to the extent of offsetting the mitigation. Regulation of the individual volume limits would not be possible in a common system under a PPU.

The Department will hold further processing of this application for 30 days to allow submittal of an alternate proposal or to provide additional information in support of your existing application. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if we do not receive a response from you regarding the application, the Department will issue a preliminary order to reject or deny the application.

If you have questions, please feel free to contact the department.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', written over the printed name.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

c: Allen Merritt, IDWR - Southern Region