



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 17, 2005

AgTec  
ATTN: Matt Thompson  
139 River Vista Place #102  
Twin Falls, ID 83301

RE: App For Transfer 72035 Cranney/Shoulder 3

Dear Matt:

Processing of this application is on hold pending resolution of the problem of overlapping water rights also claimed by Cranney Farms on their land in Sec. 24. Twelve other groundwater rights will need to be added to the transfer as associated rights for conditioning purposes; this is routinely done in-house, so is not a problem (I am just letting you know that this will occur).

The problem at hand is the surface rights from Big Cottonwood Creek that totally overlap with the groundwater rights in Sec. 24. Since 315 acres are being dried up there for the dairy, the surface rights need to be removed from the same 315 acres in order to avoid a possible expansion of water use. Our Boise office has suggested that Mr. Cranney abandon enough of his 1907 rights to cover this. Under this scenario, all of Right 45-516 (160 acres, 3.2 cfs) and most of Right 45-514A (155 acres, 3.1 cfs) would be abandoned. This would leave 0.10 cfs on 5 acres under the remainder of Right 45-514A, plus 3.22 cfs on 240 acres under Rights 45-425D & 45-433 (both 4-12-1892 priority). If this acceptable, we need something in writing from Mr. Cranney relinquishing these rights as stated.

This transfer is being processed on the assumption that only groundwater has been used in Sec. 24 for a long time. The above proposal, if acceptable, should allow continued processing of the transfer. It still leaves some Cottonwood water in Sec. 24, and it will take a separate transfer to get all the Cottonwood water out of this section; they can do this in the future if they so desire, but it is not required in order for the dairy transfer to be completed.

As we previously discussed, I also need an explanation of how the Oakley Canal Co. water entering the pond on the east side of Sec. 24 is used.

Regards,

James E. Stanton  
Sr. Water Resource Agent