

AMENDED

Comment Report

Application ID 72214

1. jstanton 8/19/2005 1:36:19 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

Special Administration Areas : Magic Valley GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 8/19/2005 1:36:48 PM Additional Information Notes

Comment: Reviewed by Adjudication Staff: N/A

Mitigation Plan or acceptance form: N/A

Municipal Rights Anticipated Horizon Information: N/A

3. jstanton 8/19/2005 Comment/Analysis

Comment: This application is the first of two related transfers involving Rt. 36-16310. This transfer provides additional water for expansion of the Whitesides dairy, and adds an additional backup well to the existing system of 6 wells. This right was recently split off from the large ppu owned by Steve Young. The transfer appears to be approvable with standard conditions.

The main rights at the existing dairy showed a large land-application area under commercial use, as was the standard when the previous transfers were approved. The owner told me that all the application area has irrigation rights, so I have reduced the commercial area to only those tracts where the barns are located. The dairy worksheet does not show any water for misters or dust control (which might also be considered as commercial uses). I am showing the same stockwater use for all of the rights at this facility, since it is one large water system. I left the domestic pou for the 2 de minimus rights alone, as it does not seem to be their intent to change this. There may be some additional worker housing that is not described on any of these rights, and could simply be unrecorded 42-111 stuff that we (hopefully) do not have to worry about. The applicant has requested two years development time due to the large number of animals being added and all the various legal requirements that have to be met from the various agencies involved.

I had just about completed the data entry on the original transfers when Jason of Brockways submitted two correct apps that changed the original plan from swapping

Brockways submitted two correct apps that changed the original plan from swapping rights between the farm and the dairy to just drying up some farm acres for the dairy expansion. This review covers the corrected apps. All the existing wells have been described down to the qqq based on actual gps data from WMIS.

On 1-24-06, the applicant came into my office to amend his transfer to add a backup dairy well for the new barn. He said that it would be tied into the other 7 wells, so I added the additional pod to all 5 rights involved in the transfer. He signed and paid for the amended application before working with Nathan to obtain expedited drilling permits for the 2 new wells. Allen and Jeff agreed that no additional advertising is required, as the additional well will be within 20 feet of the one new well that was described in the advertising. I will be doing the required computer work asap so that the files can be returned to Allen for final regional review.

Authority To File: The applicant is the owner of record for this right, and is registered with IDSOS as required.

Water Right Validity: The right was decreed in 2001, so forfeiture is not an issue.

Injury To Other Rights: None expected. Brockway has submitted a Snake River effects analysis showing no significant impact from the proposed transfer. The irrigation well and the new dairy well are almost exactly 5 miles apart directly north and south of each other; they are in adjacent model cells, so any impacts cannot be accurately determined. So no mitigation is required, and none is offered.

Enlargement of Use: None requested. The number of acres being dried up is based on the consumptive use volume for sugar beets (FSA crop records verify this usage) at Rupert, the nearest test site of the Allen-Brockway report. The report shows 2.65 afa/ac for beets at this site, so the 2.58 afa/ac base used by Brockway to prepare the transfer actually causes a few more acres than necessary to be dried up. I discussed this with Jason Helms, who prepared the transfer, and he wants to go with his original number.

Local Public Interest: No issues identified. CAFO siting is controlled by the county planning office, so they will have to satisfy those regulations before expanding the dairy.

Beneficial Use/Conservation of Water Resources: No issues identified.

Review of the application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.

4. jstanton 8/19/2005 Legal Notice Remarks

Comment: This transfer proposes to dry up farm land to provide additional water for expansion of the herd at the existing dairy. An additional well will be drilled at the dairy to provide a backup source as needed. The dairy is located about 8 miles northeast of Rupert and 1/2 mile east of Hwy. 24. The irrigation well is located 5 miles straight north of the new dairy well.

5. jstanton 10/24/2005 Change of Address

Comment: I sent a letter to the address shown on the application, but the post office refused to deliver it. They returned it with the address written in reverse order and with an "A" after the east coordinate. I spoke with Steve Whitesides about this, and he authorized me to change the application address accordingly. I did this in Workflow but did not bother to print out a new application.