

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 pour 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.

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 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

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.

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.