



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 3, 2005

Jason Helms
Brockway Engineering
2016 North Washington St
Suite 4
Twin Falls, ID 83301

Dear Mr. Helms:

Please find enclosed a water right transfer application, in the name of Dan Ward, that you recently filed with our office. I have also enclosed the \$250.00 filing fee (Brockway Engineering check # 5583). A preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. The application is being returned so that you can address the following items...

The application appears to propose transferring a 22 acre portion of the "Phillips' rights" to a dairy site located near Interstate 84, southwest of Rupert. Page 1 of the application and the map included with the application indicate that an existing well and a new well at the dairy site will serve as points of diversion. However, item 6a on the second page of the application identifies the system as an "existing well and pump" (presumably just one well). This discrepancy needs to be addressed.

Examination of Department records indicates that there is an existing water right, 36-7717, at the dairy site (proposed place of use). I assume that this right is to be diverted out of the same system as described on the application that you submitted. This particular right only lists one well as an authorized point of diversion. It appears that this right should be included in the application so that a second point of diversion can be included on the right. In addition, the right is currently in the name of Jensen Dairy Farm, so the ownership could be updated to Mr. and Mrs. Ward via the transfer process if adequate ownership information is submitted.

The map that was included with the application does not indicate the location of the proposed place of use. I assume that it is the unirrigated ground northeast of the indicated wells, but this needs to be indicated on the map.

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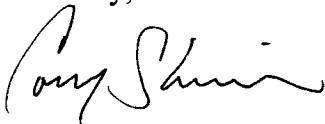
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For irrigation to stockwater and commercial transfers involving CAFO facilities, the application must include some sort of analysis outlining the water needs at the proposed CAFO facility. Examination of the application reveals that this was not included with the application.

The application proposes drying up 22 acres and diverting 57.1 acre-feet at the dairy site. Apparently, this conversion was based on an irrigation requirement of 2.60 ac-ft based on sugar beets. However, examination of the 2003 crop report information that was submitted indicates that of the 22 acres being dried up, only 14.3 acres of crop consisted of sugar beets, with 4.7 acres consisting of spring barley, and 3.0 acres being fallow. Based on these 22 particular acres and their associated crops, the allowable volume would be about 46.8 ac-ft ($14.3 \times 2.60 + 4.7 \times 2.04 + 3 \times 0.0$). In the past, because the purchase and sales agreements from Mr. Kohtz did not specify specifically what acres, and therefore what crops, were associated with the rights being sold an average irrigation requirement for the entire "Philips farm" was used. This also allowed acres covered under the rights, which happened to be fallow on years where the most water consumptive crops were grown on the entire farm to receive credit for water use. Previously for the "Philips farm", the 1999 crop data gave the maximum allowable irrigation requirement of 2.28 ac-ft per acre. Using this value, the 22 acres would provide about 50.2 ac-ft. Using the same approach, and the now available 2003 crop report information, the average irrigation requirement for the remaining 87.7 acres available on the "Philips farm" would be about 2.48 ac-ft per acre ($((80 \times 2.60 + 4.7 \times 2.04 + 3 \times 0.0) / 87.7)$). For the 22 acres being dried up, the 2.48 ac-ft per acre would provide about 54.6 ac-ft.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,



Corey Skinner, PE
Water Resource Engineer

Enclosures

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