

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

MAR 26 2003

Department of Water Resources
Southern Region

March 13, 2003

Mr. James Stanton
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Reid Gibby transfer applications – Cottrell property
Project No. 538-02-2002

Dear Jim:

I am re-submitting four (4) transfer applications for Mr. Gibby. Each item in your letter of November 20, 2002 is addressed as follows:

1. I have evaluated the previous 5 years crop data to determine the historical consumptive use – see the enclosed spreadsheets and the crop reports from the Farm Service Agency. To achieve the most accurate analysis, actual observed ET and precipitation for each year from the Agrimet station at Rupert were used. Based on this data, alfalfa is the highest-use crop. On the northwest pivot (and corners), alfalfa was grown in 1998. On the northeast pivot (and corners), alfalfa was grown in 2000, 2001, and 2002. Therefore, alfalfa was used as the baseline for consumptive use transfer.

Farrow/breeding facility:

For this transfer, consumptive use was based on 40% of the acres coming from the northwest pivot and 60% coming from the northeast pivot. The maximum consumptive use on the northwest pivot was 2.79 ac-ft/acre in 1998. The maximum consumptive use on the northeast pivot was 3.36 ac-ft/acre in 2001. The total consumptive use transferred is therefore $0.4 \times 2.79 + 0.6 \times 3.36 = 3.13$ ac-ft/acre.

Nursery facility:

For this transfer, all acres are coming from the northeast pivot, which had alfalfa for the past three years. Therefore, the consumptive use transferred is 3.36 ac-ft/acre.

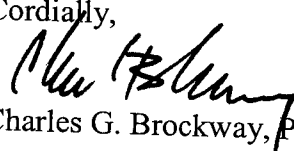
Please note that I am presuming that the historic-use analysis is not a one-way street: if the Department reduces volume below 3.0 ac-ft/acre, it surely must allow more than 3.0 ac-ft/acre if historically justified.

2. All four transfer applications must be processed concurrently.

3. The place of use for land application of liquid waste has been removed.
4. A water requirements analysis was included with the original submittal for both the farrow/breeding and the nursery facilities. I am including copies of these two analyses.
5. I understand that Walker's rights will be entered as decrees in the database.
6. Transfer #1 has been modified to show the sum of the two commercial transfers in Part 2.C., and to list the total diversion rate and volume on Part 1.B.2.
7. The total annual volume is not listed because two of the rights in transfer #2 do not currently list annual volume. IDWR needs to make a determination as to the annual volume on these decrees.
8. The applicant for transfer #1 has been changed to Willow Creek Enterprises, which is an Idaho Limited Liability Company. I am enclosing Articles of Organization which show Reed Gibby as the sole member of this company.
9. Leon Walker is not deceased. The applicant for transfer #2 has been changed to Leon Walker, and Mr. Gibby can sign for him based on the Agreement for Common Use of Irrigation Systems and Water Rights.
10. The new partial pivot in Sections 21 and 22 will be on land owned by Mr. Gibby. This pivot is a repository for excess acres under both the Gibby and Walker irrigation rights that have become available due to the installation of center pivots. Mr. Gibby is not purchasing any of the Walker rights. You will note that paragraph 5 of the agreement between Gibby and Walker specifically allows a portion of Mr. Walker's rights to be used for this purpose.
11. The ArcView map has been modified to correct the acreage discrepancy.
12. Mr. Gibby is working on securing leinholder approval. Based on my earlier meeting with you, I understand this will not delay the processing.
13. Brockway Engineering check #4196 for \$1010.00 is enclosed.

Please let me know if you need any additional information.

Cordially,



Charles G. Brockway, P.E.

Enc. Four (4) transfer applications and maps
 Crop history data and consumptive use analysis
 Water requirements analysis
 Articles of Organization for Willow Creek Enterprises, LLC
 Limited Power of Attorney – R. Gibby to C. G. Brockway