

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 9/8/2004

RE: ED VAN GROUW TRANSFER # 71130

Two transfers have been filed on water rights 63-7695 and 63-10307 owned by Ed Van Grouw. Please see Dan Van Grouw's transfer # 71131. This transfer proposes to retire 12.1 acres of irrigation and change the use to stockwater and commercial purposes for his existing dairy currently covered under water rights 63-18720 and 63-18722. The stockwater portion currently listed on 63-10307 will go with this Ed Van Grouw's transfer. This will split the water right. After this split of the water right Ed Van Grouw will have water rights 63-31863 and 63-31866 for irrigation use for 245.8 acres in the N ½ of S16. Water Rights 63-18720, 63-18722, 63-31864, and 63-31867 for commercial and stockwater will be used to increase the size of his existing dairy located in the SWNW with land application in the N ½ of S16 T1N R1E, Ada County. The commercial and stockwater use will supply water to 749 milking cows, 180 dry cows, and 624 calves and heifers. The water will be diverted from Ed Van Grouw's existing dairy wells.

AUTHORITY TO FILE:

The applicant is the current holder of the water right and has tax notices to show he still owns the property. Therefore, ownership to file this transfer has been proven.

WATER RIGHT VALIDITY:

These water rights have recommended by Snake River Basin Adjudication Agent Scott King. Therefore, I have no reason to question the validity of the rights.

INJURY TO OTHER WATER RIGHTS:

This is an existing dairy that is proposing to upgrade their water rights and increase their heard size. There is no evidence that this change would suggest any harm or injury.

ENLARGEMENT OF USE:

The dairy itself would not enlarge the use of the water right, since irrigation is being retired to allow the dairy use. The applicant's consultant performed a historical consumptive use analysis of the irrigation use and only the consumptive use volume is being allowed for the dairy.

LOCAL PUBLIC INTEREST:

This facility has been in use for a number of years. Our office has no information to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

This facility proposes beneficial use consistent with conservation of water resources in Idaho and has provided worksheets that show the dairy will be operated under standard conservation practices.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARATIVE

The applicant's consultant proposed that the original water right 63-7695 could provide all of the volume needed to irrigate the 275 acres associated with this right, and that 63-10307 only provided additional diversion rate for the acres that both rights covered. 63-10307 does irrigate 10 additional acres, but 275 acres were irrigated from both rights. Bearing this in mind, applicant's consultant requested that the entire volume for the lands being retired under both rights be allocated only to commercial and stockwater portion of the split from 63-7695. Jeff Peppersack of our State Office staff assured me that this would be acceptable, as long as there is no volume given to dairy portion of rights 63-10307, except for the 10 acres solely covered by this right and the stockwater already existing on the right. The transfer has been proposed in this manner.

The only overlapping water right in this area are 63-18720 and 63-18722 owned by the applicant for his existing dairy. His irrigation rights are primary rights and should not be a problem. Irrigation well #1 was left on the system even though it is only connected to the system through the waste lagoon. Irrigation well #1 is used to dilute the wastewater during land application. Land application may be needed if the waste lagoons fill during the non-irrigation season. Therefore, this well should stay in the system for this purpose.

CONDITIONS AND SUGGESTIONS

Please see draft approval for draft conditions.