

RECEIVED

Rev. 07/18

JUN 13 2023

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 88059
RECEIVED

JUN 29 2023

DEPARTMENT OF
WATER RESOURCESMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) DAVID ASCUENA (ASCUENA FARMS LLC)Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

DAVID ASCUENA (PRES) PART 1

Name of Applicant(s) ASCUENA FARMS LLC Phone (208) 599-0454
Mailing address 4020 S MAIN Email DAVASCUENA@Q.COM

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

David G Ascuena
Signature of Applicant or Authorized Representative

DAVID G ASCUENA
Print Name and Title if applicable

5/24/23
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other PERMISSABLE
2. Is this a transfer for changes pursuant to Idaho Code §43-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as Part 1A.2. CREATE A PLACE OF USE
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.3. CREATE A PERMISSABLE PLACE OF USE TO IRRIGATE 139 ACRES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ All or ☐ Part	61-7041	2.6 CFS	IRRIGATION	4/1/11 to 11/1/11	GROUND WATER
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 2.6 cfs and/or 625.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.6 cubic feet per second and/or 625.5 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	6									15			13	22	40	40	39	169
04S	07E	7	40	29												1			69

Total Acres (for irrigation use)

238
PPU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

SURFACE WATER IS DELIVERED THROUGH A LOCKABLE HEADGATE WELL WATER TO DELIVERED DIRECTLY INTO A POND AND SUBSEQUENTLY PRESSURIZED INTO THE SYSTEM. THE WELL HAS A WATER METER.

- b. Who owns the property at the point(s) of diversion? ASCUEA FARMS LLC - DAVID ASCUEA PRES
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? NO
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

SUPPLEMENTAL GW WILL BE MOVED WITHIN PCU-ALL LANDS HAVE SAME MITIGATION AVAILABLE.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

CREATE AN AREA OF PERMISSIBLE USE

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DM Date 6-13-23 Preliminary check by _____ Date _____

Fee paid \$660.00 Date 6-13-23 Received by DM Receipt # W051304

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 61-7041

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.)

[illegible]

C = ORIGINAL WATER RIGHT DESCRIPTION

$A \neq B$ = EXPANSION OF PERMISSIBLE USE Page 5

83059

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-7041

Current Owner: ASCUENA FARMS LLC

Priority Date: 7/30/1968

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.6 CFS	625.5 AF
	<u>Total Diversion</u>	2.6 CFS	625.5 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4

Sec. 6, Twp 04S, Rge 07E B.M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R07E S6	NESE	24.00	T04S R07E S6	NWSE	39.00
T04S R07E S6	SWSE	40.00	T04S R07E S6	SESE	36.00

Total Acres: 139

Page _____ of _____

Conditions of Approval:

1. W05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
4. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Decreed Date: 10/26/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2023

Water Right 61-7041

Owner Type **Name and Address**
Current Owner ASCUENA FARMS LLC
4020 S MAIN ST
MOUNTAIN HOME, ID 83647
(208) 598-9252

Priority Date: 7/30/1968

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	2.600 CFS	625.5 AF
	Total Diversion		2.600 CFS	625.5 AF

Source and Point(s) of Diversion:

GROUND WATER NESE Sec. 6, Twp 04S, Rge 07E, ELMORE County

Place Of Use:

IRRIGATION within ELMORE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	6													24.0	39.0	40.0	36.0	139.0
POU Total Acres																			139.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

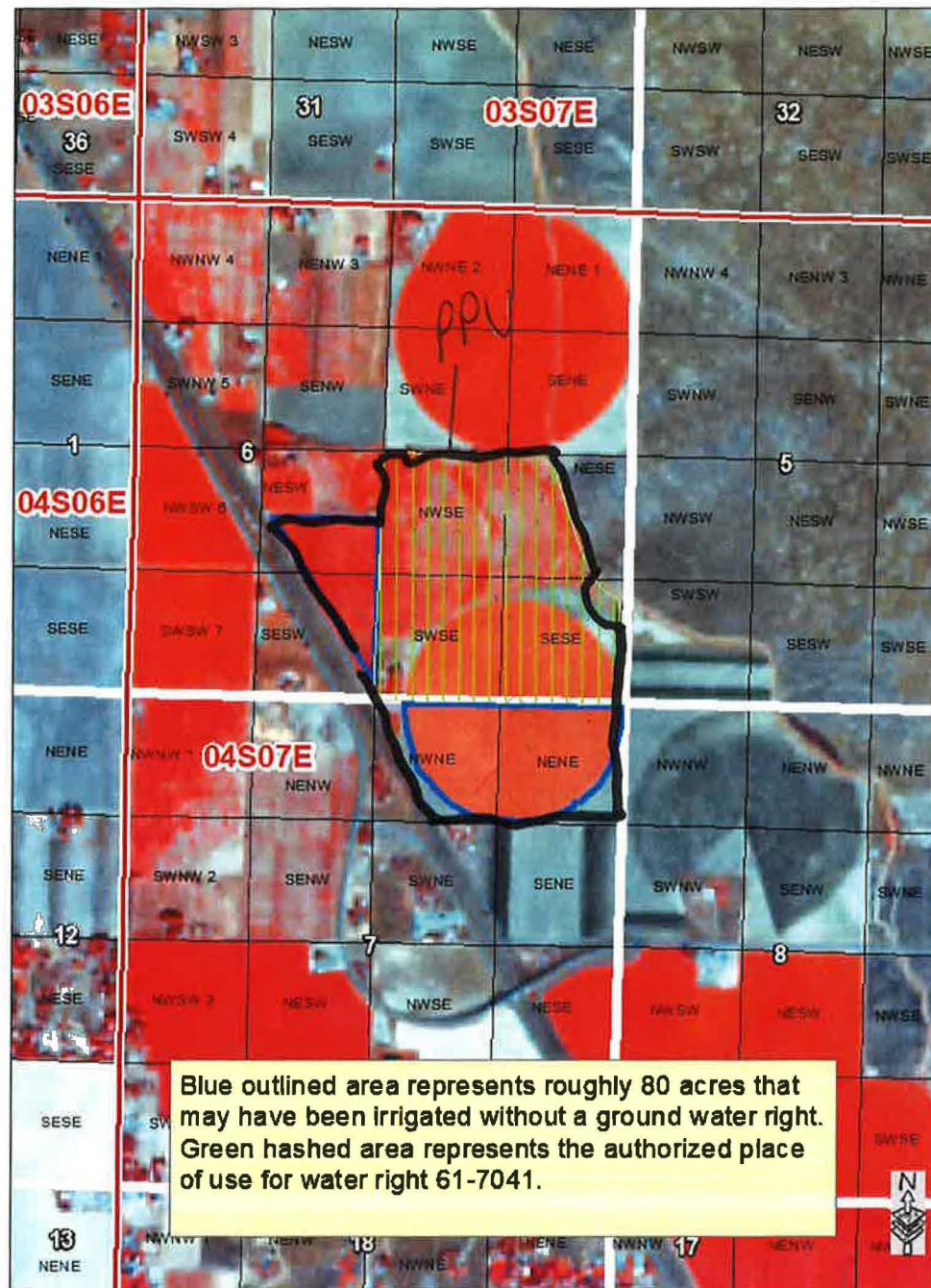
5/24/2023

- OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE
NONE NONE THE FOLLOWING WATER RIGHTS FROM THE
FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE
ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE
SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE
ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED
SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE
ADMINISTERED CONJUNCTIVELY.
4. W05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN
HOME IRRIGATION DISTRICT.

Dates and Other Information:

Decreed Date: 10/26/2000

September 20, 2022 Satellite Imagery and Ascuena Water Use



MEMORANDUM

TO: Transfer No. 88059
FROM: Blake Burkard
DATE: August 22, 2023
RE: Evaluation of Application

The purpose of this transfer is to create a permissible place of use for water right 61-7041. The transfer proposes the irrigation of 139 acres within a 238-acre PPU. The site is approximately 3 miles southeast of Mountain Home, adjacent to Old Hwy 30.

Summary of Information Submitted

Authority to File:

The applicant, Ascuena Farms LLC, is the current owner of the water right. David Ascuena is the President of Ascuena Farms and is who initiated a change in water right ownership in 2016.

Water Right Validity:

The partial decree for water right no. 61-7041 was issued on October 26, 2000. The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file; it is an IDWR product available to other staff.

A condition of the water right states that the water diverted is combined with water from Mountain Home Irrigation District. The water right's application for permit remarks: "The water supply of Mountain Home Irrigation District for irrigation is frequently inadequate to furnish sufficient water for the production of normal crops. Delivery in the 1968 season was 1.1 acre feet per acre." While aerial imagery cannot prove that groundwater has been used for the irrigation of the appurtenant land, it is safe to assume that it has been used as a supplemental source in the last five years if the water right is necessary to have a successful irrigation season.

Injury to Other Water Rights:

Creating a permissible place of use should not affect other water rights.

Enlargement of Use:

There should be no enlargement of use in creating a permissible place of use, considering that the annual volume and irrigated acreage is limited to the original decreed value. The transfer approval should keep the original quantities of 139 acres and 625.5 acre-ft.

Local Public Interest:

Creating a permissible place of use should be considered within local public interest, as crop rotation can lead to better soil health and a better harvest. No comments were received by the

watermaster in District 161, so it is assumed that the water district has no concerns with this transfer. For these reasons this application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho. While 625.5 acre-ft diverted to 139 acres would be 4.5 acre-ft per acre, the applied volume is likely less than that given the ground water is pumped to a storage pond where seepage and evaporation losses could occur. If approved, the applied rate and volume should be limited to 0.02 cfs per acre and 4.5 acre-ft per acre.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

In the application for transfer 88059, Ascuena Farms LLC included a map of their irrigated land that showed they exceeded their place of use. A note on the map read: "Blue outlined area represents roughly 80 acres that may have been irrigated without a ground water right." There were no formal enforcement activities, but it is possible that they have been practicing crop rotations without authority to do so and they received an NOV. This transfer could rectify the issue.

Water Right Overlap

The original POU shape for 61-7041 overlapped with the domestic/stockwater right 61-10339, also owned by Ascuena Farms LLC. The right is limited to 13,000 gallons per day and it is presumed that they are irrigating up to ½ acre within their POU. The permissible place of use applied for would include an additional overlap with 61-10192, also a domestic/stockwater right owned by Ascuena Farms LLC. This transfer, if approved, would authorize the irrigation of 139 acres within the PPU, separate from the two ½-acre amounts authorized under the domestic rights.

Water Supply Bank

This water right has had a water supply bank application filed, but it has not yet been processed. After the transfer processes have concluded, water supply bank staff will be notified.

Discussion

If approved the following changes should be made to the conditions of water right no. 61-7041:

- Add condition X27 defining the authorized irrigation acreage within the PPU

- Update condition C18 to T19

- Update an unnamed condition to the corresponding condition X61

- Update condition W05 to follow modern formatting

- Add condition R05 to list the irrigation district

- Add condition WB7 to limit the per-acre rate to 0.02 cfs/acre

- Add conditions T07 and T08

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.