

MEMORANDUM

To: File(s) 37-5, 37-833R, 37-363D, 37-496B, 37-497B, 37-496D, 37-497A, 37-20615, 37-20808, 37-21739
From: Cherie Palmer
Date: April 2, 2013
Re: Review/Analysis for Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The applicant is looking for water to cover his rights that may get cut this year. The applicant, Dan Brown or Brown Ranch, worked with Kevin Lakey to find some rights that are desirable. The rights he is seeking must be 1883 or senior in the Big Wood River. Kevin Lakey stated that Brown wouldn't be interested in using the Eccles Flying Hat Ranch rights because of the combined limits. Brown has one right that may not get cut this year, 37-22219, and is for 6.29 cfs on 527 acres.

Dan was seeking a shortened season for this rental, however, generally the Department will not break up the season because it would make the right un-rentable for the other months—reducing the marketability of the right. I told Dan at this point we could move forward with the rental but it won't be for the abbreviated season, in addition we only have 174.4 acres available for rental. Alternatively, I told him he can wait and apply in June for the rental and we could do the abbreviated season then but, I couldn't guarantee the water rights would still be available to rent. He wanted to proceed today with the rental for 174.4 acres.

AUTHORITY TO FILE: Dan Brown is the president of Brown Ranch and has authority to file this application.

WATER RIGHT VALIDITY: The applicant suggested using rights 37-5, 37-833R, 37-481D, 37-496D, 37-496F, and 37-496B. Right 37-481D will be excluded since it is an Eccles right and right 37-496F will be excluded since it overlaps rights 37-21418 and 37-21420 which are rented. I found some other rights in order to get him closer to his requested amount of water but am still short on acres. Here are the rights for the rental and the details:

Leased Right	Available Diversion Rate (cfs)	Available Acres	AF (if no volume on right, the standard of 3.5/ac applies)	Combined Limit?	Idled in 2012?	Priority Date
37-5	1.16	58	(203)		Y	3/10/1883
37-833R	1.0	50	175		Y	Saved
37-363D	0.28	16	(56)		Y	4/14/1883
37-496B	0.33	16.3	40.8	Y	Y	7/1/1883
37-497B	0.16	16.3	40.8	Y	Y	7/1/1892
37-496D	1.82	30	(105)	Y	Y-GW used	7/1/1883
37-497A	0.937	30	(105)	Y	Y	7/1/1892
37-20615	0.15	2	(7.0)		Undecipherable	3/24/1883
37-20808	0.02	1	(3.5)		Y	3/24/1883
37-21739	0.03	1.1	(3.9)		Undecipherable—may be using GW for lawn	3/24/1883
Total	5.887	174.4	594.2			

INJURY TO OTHER WATER RIGHTS: All the rights to fill this rental have PDs that are upstream of the rental PD. The rights will be delivered based on priority which should prevent any injury issues. Right 37-363D is associated with District 45 Canal and any issues with the rental have been resolved at the time the lease was accepted into the WSB. Likewise, rights 37-20808, 37-20615, and 37-21739 are associated with the Hiawatha Canal. These rights do not contain special provisions in regard to the Hiawatha Canal but upon speaking with Dave Cropper of the Hiawatha Canal, their policy is to allow for a 20% conveyance loss. Because there are no conveyance allowances on the lease agreements, I will take out the conveyance loss during the rental. Note that right 37-21739 has a much larger % for conveyance loss because of the nature of the ditch.

ENLARGEMENT OF USE: I have confirmed that the leased rights that are going to fill this rental have been idled in accordance with the lease agreements. The rental will contain conditions to limit the rate and volume since the Brown Ranch uses pressurized irrigation practices and some of the leases to fill this rental have large rates to accommodate conveyance losses. Note that the requested rate is higher than an 1"/acre to account for conveyance losses.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Watermaster has no concerns with the application. The watermaster thought that the high diversion rate would be fine to account for conveyance losses.

