

MEMORANDUM

To: File

From: Nick Van Dyke

Date: October 1, 2013

Re: 2013 Aberdeen Springfield Canal Company/ Lance and Lisa Funk WSB Applications.
Nine Applications Total: Five Rentals, Four Leases

PURPOSE/NARRATIVE: This memo addresses several lease and rental applications filed to cover different parcels located about 3-3½ miles west of Aberdeen. Three of the five rentals filed are adjacent to each other, totaling 573.5 acres to be rented. The southern parcel is for 223.5 acres, middle 234 acres, and northern parcel 116 acres. This property is owned by Northern Agriculture II (Northern Ag). Lance and Lisa Funk have entered into a long term agreement with Northern Ag allowing them to farm the ground and manage water rights actions on the property, provided a Northern Ag representative signs off on such actions (see 9/27/13 correspondence in file). The southern and middle fields fall within Aberdeen Springfield Canal Company's (ASCC) service area, the northern ground does not. Originally it was proposed to lease two rights, 35-2543 and 35-4246, to cover these three rentals. These ground water rights are owned by ASCC and were decreed to ASCC's full service area.

However since the northern parcel falls outside ASCC's service area, ASCC did not want to allow these rights to be rented on these specific acres. Therefore rights 35-7618 and 35-7621, owned by Lisa Funk, were subsequently offered to the bank to cover the northern 116 acres. Because 35-7618 and 35-7621's authorized place of use falls within ASCC's service area, water from ASCC's rights (35-2543 and 35-4246) could be used to irrigate those specific acres under 35-7618 and 35-7621. Water coming from ASCC's rights to cover 35-7618 and 35-7621's place of use is represented by 79 acre and 37 acre rentals, respectively to make 5 separate rental applications. A map is attached to this memo to help illustrate the overall picture. All lease and rental applications are for 2013 only.

AUTHORITY TO FILE: Randy Budge, Attorney for ASCC, signed the lease applications for ASCC's rights, 35-2543 and 35-4246. Mr. Budge also signed the applications for the 223.5, 234, and 116 acre rentals. Lisa Funk signed the lease applications for rights 35-7618 and 35-7621, as well as the remaining two rental applications for 79 and 37 acres. Carl Evers, Northern Ag rep, provided authorization as described above. Greg Sullivan of Brockway Engineering, acting as consultant, submitted the applications.

WATER RIGHT VALIDITY: All four rights to be leased were decreed in the SRBA in 2012. Forfeiture is not a concern. Amounts for ASCC's rights were determined as follows:

- 35-2543: Right was decreed for 6.0 CFS, 2547 AF, and no acre limit within ASCC's full service area of 61,772.6 acres. The lease application seeks 10.7 CFS, 2140 AF, and 535 acres (inch to the acre and 4 AFA). A rate of 5.04 CFS was determined appropriate based off of the percentage of volume sought for lease to the full volume of the right, 84%.
- 35-4246: Right was decreed for 2.44 CFS, 155 AF, and no acre limit within ASCC's full service area of 61,772.6 acres. Lease application seeks the full right. The standard headgate amount for the area is 4 AFA, equaling 38.7 acres.

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INJURY TO OTHER WATER RIGHTS: None anticipated. ESPA model analyses were provided with the applications and verified injury will not occur. It should be noted the direct model outputs for the 223.5 and 234 acre rentals show injury to the Neeley to Minidoka reach. However it is acceptable to combine net affects in adjacent river reaches where proposed changes are close to the Snake River and to the edges of the given reaches. In this case, combining the Neeley to Minidoka reach with the Near Blackfoot to Neeley reach has a negative depletion in the combined river reach.

ENLARGEMENT OF USE: None anticipated. Rate and volume per acre for each right is set at historical use amounts. Both ASCC's leased rights are being rented on ground within ASCC's service area, enlargement is not a concern.

LOCAL PUBLIC INTEREST: No information to suggest these applications are inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: Applications appear consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: James Cefalo, watermaster for water district 120, has no objections to the applications.

04S29E

04S30E

04S31E

04S32E

KEY:



79 acre rental



37 acre rental



116 acre rental



234 acre rental



223.5 acre rental



ASCC's service area

05S29E

05S30E

05S31E

05S32E

06S29E

06S30E

06S31E

06S32E

07S29E

07S30E

07S31E

07S32E

08S29E

08S30E

08S31E

08S32E

223.5 & 234 Rental

116 Rental

ASCC's service area