

MEMORANDUM

To: Right(s) 2-2240 and 2-2431
From: Sandy Hemenway
Date: 9/30/2013

Re: Review & Analysis of McDonough Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE:

The purpose is to rent water that Mark McDonough currently has in the water supply bank, pump water from the proposed POD to 74.3 acres that are currently covered under water rights 2-2240 and 2-2431 (74.3 acres overlap each other). Mark is renting from himself, but renting out the property to a neighbor to farm.

AUTHORITY TO FILE:

Mark McDonough is the current owner of the property for the proposed place of use, and proposed point of diversion. He also is the current owner of the water rights that are leased into the water supply bank, and is the renter filing this rental application.

WATER RIGHT VALIDITY:

Both water rights 2-2240 (6/15/2009) and 2-2431 (9/12/2012) are Decreed water rights with Active Status in the Water Supply Bank.

INJURY TO OTHER WATER RIGHTS:

None

ENLARGEMENT OF USE:

None, these are already overlapping water rights where water is going to reinstate using water to the grounds already Decreed.

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:

None (63T is inactive).

OVERLAPS:

74.3 acres (both covered by 2-2240 and 2-2431)

ADDITIONAL NOTES:

On 9/26/2013, Mark McDonough came into the office to confirm the actual acres for the water right 2-10209. For the water supply bank purposes, it was confirmed that this water right did not overlap the water rights being used in this rental. The acres Mark depicted were different from the Decreed acres (he showed the POU in only 2 QQ, instead of 3 QQ as shown on the Decreed water right). He was advised that to legally correct these acres, it would require an Application for Transfer to be filed.

Mark McDonough also stated that he rented out the acres that he had included on this rental application, and that the farmer had signed a lease for 3 years and had irrigated the property this irrigation season. Mark was debating on whether to take the water rights out of the water supply bank while this farmer was leasing the property. He was advised that if the water rights were taken out of the Bank, that he would have to start irrigating the entire property to prevent forfeiture, or put the portion not being rented by the farmer back into the Bank via a new WSB Lease Application.

RENTAL:

2-2431	4/01 to 10/31*	74.3 AC	0.99 CFS*	371.5 AF*
2-2240	3/15 to 11/15*	74.3 AC	1.48 CFS*	334.4 AF*
TOTAL		74.3 AC	1.48 CFS*	371.5 AF*

*Combined Limit: 1.48 CFS and 334.4 AF (4.5 AF headgate requirement X 74.3 AC)

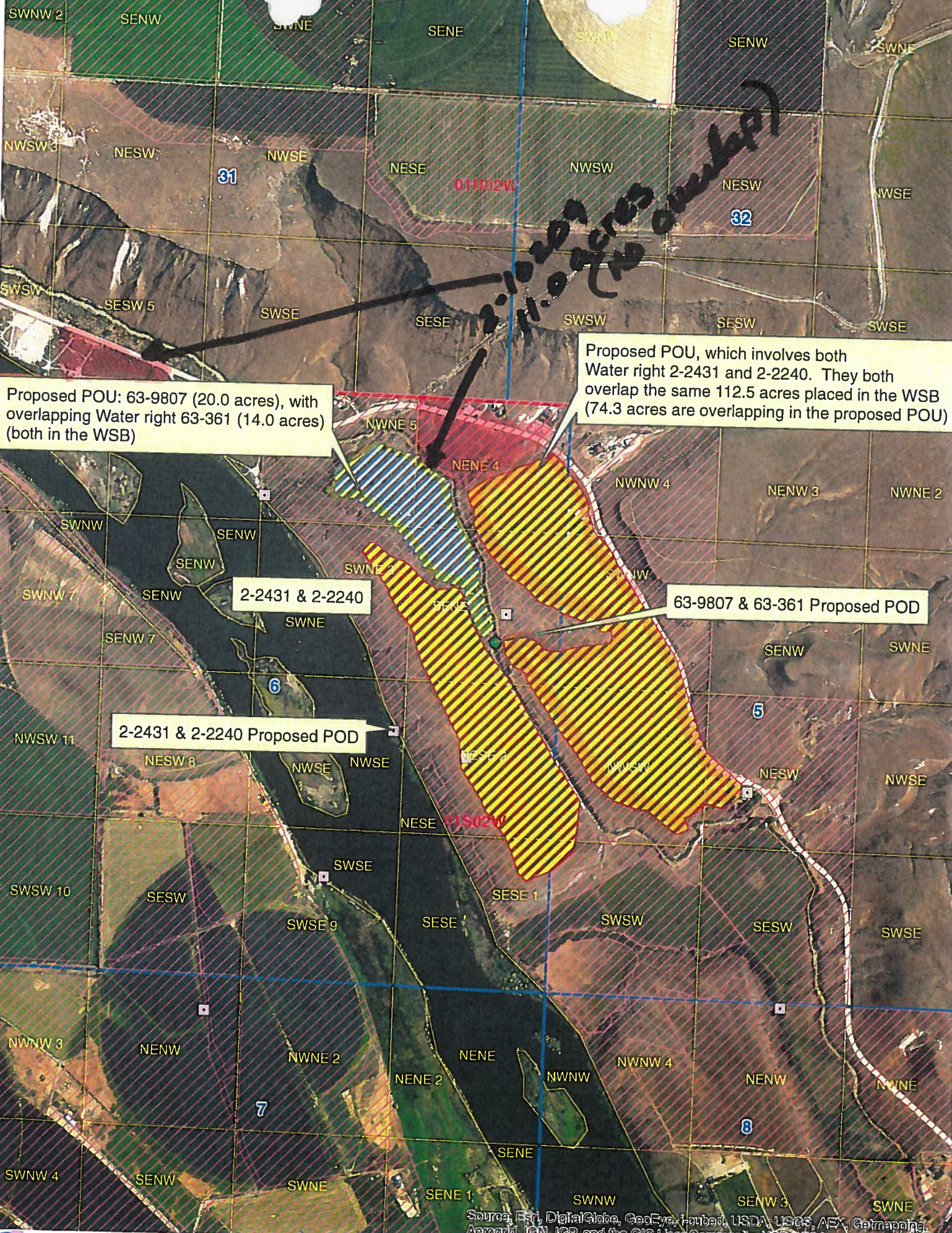
*Season of Use: 3/1 to 11/15 (condition S39 on both water rights, covers this issue)

FEES:

\$17 X 371.5 AF (amount rented to achieve 74.3 acres) = \$6315.50 per year

90% = The renter is also the lessor, so no money exchange here.

10% = Amount paid to the Department = \$631.55 per year



Proposed POU: 63-9807 (20.0 acres), with overlapping Water right 63-361 (14.0 acres) (both in the WSB)

Proposed POU, which involves both Water right 2-2431 and 2-2240. They both overlap the same 112.5 acres placed in the WSB (74.3 acres are overlapping in the proposed POU)

2-2431 & 2-2240

63-9807 & 63-361 Proposed POD

2-2431 & 2-2240 Proposed POD

WR Edit

Update PLS?

Meri...	Twp	Rng	Rng Pa...	Sec	QQ	Q	Govt ...	County	Acres	Tract ID
1	01S	02W	0	5	NW	NW	4	CANYON	2.2	
1	01S	02W	0	5	SW	NW		CANYON	21	
1	01S	02W	0	5	NE	SW		CANYON	2.2	
1	01S	02W	0	5	NW	SW		CANYON	27	
1	01S	02W	0	6	NE	NE	4	CANYON	10	
1	01S	02W	0	6	SE	NE		CANYON	11	
1	01S	02W	0	6	NE	SE	2	CANYON	0.9	

Total Acres: 74.3

No Yes

2-2431 +
2-2240 proposed POU

74.3 acres
Are Map

decreed
6/15/2009

US Dept of Ag.
Map shows
67.08 acres

* Acreage used for WSB, will be decreed shape.
It involves overlapping 74.3 acres for
both water right 2-2431 + 2-2240.

McDonough

S. Hemerway

MEMORANDUM

Date: September 26, 2013
To: Water Right File 2-10209
From: shemenway
Re: Correct POU Shape

Mr. McDonough came into the office and confirmed the actual POU location instead of the entire QQ designation as was shown on the shapefile (see POU drawing by Mr. McDonough, initialed and dated). For the water supply bank rental application, the map determination was to confirm that this water right did not overlap with the water rights to be used for the 2013 – 2015 rental application. The shapefile for water right 2-10209, for the purposes of the Water Supply Bank can be found in the water supply bank review for Mc Donough:

N:/WRDocs/WSB/WSB Processing Documents/2013 Lease-Rentals/2013 Rentals/MC
DONOUGH/Overlaps

To legally change this decreed water right, it would require a transfer to be filed to correct the legal description.



2 - 10209

mmed 9/26/2013



NWSW

NESW

NWSE

31

01N02W

SESW 5

SWSE

NWNW 6

NWNW

6

01S02W

NENW

NENW

2-10209

VMMed

9/26/2013

MEMO TO FILE

To: 2-10209
From: Scott King
Date: October 28, 2003

Subject: Review & recommendations

This right is a portion of 2-2209 from Cottonwood Mutual Canal Company transferred downstream to another place of use. Transfer No. 69980 was approved July 8, 2003. A total of 11 acres was moved. The approved transfer lists three tracts. In addition, documents in the transfer file indicate that this right is intended to supply water to lands not covered under existing rights, including 2-2431 and 2-2240.

My review and recommendations for 2-2240 and 2-2431 find only 2 acres irrigated in T1S R2W Section 5 Lot 4 (NWNW). Transfer No. 69980 indicates 2 acres at this same location. I was unable to prepare a shapefile for 2-10209 that indicated 2 acres in Section 5 Lot 4 that were exclusive of lands already included in 2-2431 and 2-2240. In addition, it is unclear exactly which acres are to be irrigated in the other two tracts identified in the transfer. Therefore, the shapefile created for 2-10209 is comprised of nominal shapes for the three tracts identified.

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Thursday, September 19, 2013 4:05 PM
To: mark.Mcdonough54@gmail.com
Cc: Hemenway, Sandy
Subject: McDonough Water Supply Bank rental application, using water rights 2-2240 and 2-2431
Attachments: DOC003.pdf

Mark,

I am reviewing your water supply bank rental applications, and should have them completed next week, once I have all the requested information.

My question is this: On your rental application for the proposed place of use, the two water rights that overlap this property are 2-2240 and 2-2431. On the US Dept of Ag. Maps, it shows 67.08 acres irrigation (just like you filled out on your application), but the decreed shape and acres for that piece of property is 74.3 acres. The Acreage for the water supply bank uses the decreed acreage, which is 74.3 acres for that parcel of land.

Do I have your permission to amend your application and make the following changes:

Irrigation use for: 74.3 acres (see attachment for the break-down of acre location) instead of 67.0 acres

Maximum Flow Rat (cfs): 1.48 cfs, instead of 1.34 cfs

Maximum Volume (ac-ft): 334.4 AF, instead of 301.5 AF

} Amended
Application

Do you want the rental agreement to be effective 5/1/2013 -12/31/2015 (for 3 years) or starting 1/1/2014 – 12/31/2016 (for 3 years)

Thank you,

Sandy Hemenway
Sr. Water Resource Agent
IDWR State Office, Boise
(208)287-4920 (Monday thru Thursday 6am – 4pm)
Sandy.hemenway@idwr.idaho.gov