

MEMORANDUM

To: File(s) 36-2430, 36-8008, 36-8402, 36-16924, 36-8624, and 36-16553

From: Cherie Palmer

Date: July 25, 2013

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

PURPOSE/NARRATIVE: On October 26, 2012, the Department processed an application to rent water from Greg Sullivan of Brockway Engineering on behalf of his client Ardel Wickel. The rental agreement (original agreement) was processed for a term through 2015 for 55.6 acres. A fee was not received for the 2013 season so that agreement became voided. On April 3, 2013, the Department received a new rental application for 30.9 acres because the land involved in the original agreement was sold to Jentzsch-Kearl Farms. In addition, some of the water rights that were in the original agreement were being changed through permanent transfers. Note that Greg was calling it an amended rental of the original agreement but, the new application will be treated as a brand new application. The application I am reviewing now is different from the original agreement in that there are different water rights, in part, being rented and the rented acres have been scaled back.

The applicant would like to use two PDs that can be identified as: A0005442 (sec 9) and WMIS #100193 and A0005371 (sec 16) and WMIS #100197.

Once again rights 36-2430, 36-8008, 36-8402, and 36-16924 have been modeled and don't need mitigation just as in the original agreement (Department staff already reviewed the modeling for this transaction per original agreement). I double checked the modeling for water rights 36-8624 and 36-16553 and confirmed that mitigation is not required for this bank rental application.

The applicant asked for four years on his application but Greg stated that the term will be unchanged from the original agreement so the rental is approved through 2015.

Finally the applicant indicated that they would like to rent 0.66 cfs, 123.4 af, and 30.9 acres. When I calculated the rate and volume ratios against the acres I get different numbers. I confirmed with Greg Sullivan of Brockway that I should proceed given my findings. Please see the attached email.

AUTHORITY TO FILE: Zach Latham of Brockway Engineering has limited power of attorney that was granted by Bryan Jentzsch who represents Jentzsch Kearl Farms. Zach is authorized to sign the application and has.

WATER RIGHT VALIDITY: I have confirmed that all of the rights involved with this rental are valid and the corresponding lease acres have not been irrigated pursuant to the lease agreements.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. The rental agreements include a number of limiting conditions, this is a fairly small amount of water (only 30.9 acres) and the ESPA model shows little impact to surrounding reaches.

ENLARGEMENT OF USE: No enlargement is evident. Again, we've included a number of limiting conditions to avoid enlargement.

LOCAL PUBLIC INTEREST:

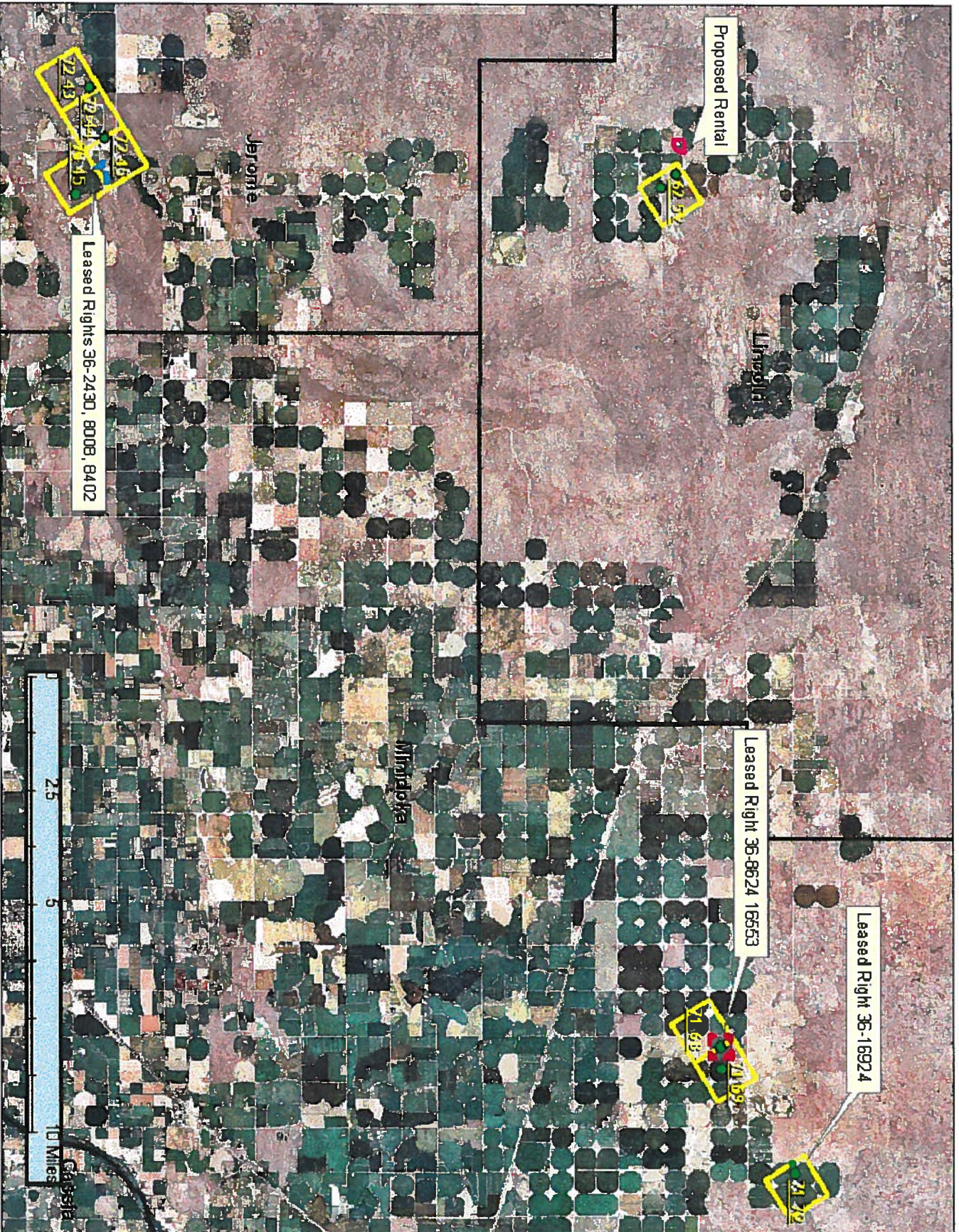
Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The rental appears consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The watermaster and the regional manager have indicated their support for this rental, see attached emails.



Proposed Rental

32.52

Leased Right 36-16924

21.42

Leased Right 36-0624 16553

71.63

Leased Rights 36-2430, 8008, 8402

72.43

72.44

72.45

72.46

2.5

5

10 Miles

Jerome

Minidoka

Lincoln

Cassida

Palmer, Cherie

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Wednesday, July 31, 2013 2:51 PM
To: Palmer, Cherie
Subject: RE: Jentzsch-Kearl Farms

Cherie,

Please proceed processing of the rental application with your adjusted recommendations.

Thank you,

Greg Sullivan
Brockway Engineering
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543

From: Palmer, Cherie [mailto:Cherie.Palmer@idwr.idaho.gov]
Sent: Wednesday, July 31, 2013 2:44 PM
To: Greg Sullivan
Subject: Jentzsch-Kearl Farms

Hi Greg,

I am working towards finalizing a rental agreement for the Jentzsch-Kearl Farms for 30.9 acres. The application for rental states that you would like to rent 0.66 cfs and 123.4 acres. However, there is a discrepancy based on the ratio of rate and volume per acre as follows:

Summary of Water Rights or Portions Rented from the Bank

	Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
	36-2430	0.09 CFS	26.0 AF	6.5 AC
	36-8008	0.02 CFS	6.4 AF	1.6 AC
	36-8402	0.02 CFS	NA	NA
COMBINED RENTAL TOTALS:		0.13 CFS	32.4 AF	8.1 AC
	36-8624	0.21 CFS	41.2 AF	10.3 AC
	36-16553	0.24 CFS	48.0 AF	12.0 AC
COMBINED RENTAL TOTALS:		0.24 CFS	89.2 AF	22.3 AC
	36-16924	0.01 CFS	2.0 AF	0.5 AC
OVERALL RENTAL TOTALS:		0.38 CFS	123.6 AF	30.9 AC

I plan to approve the application with the above rate/volume designations. Please let me know if you agree with this and I will proceed. Thank you.

Cherie

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2242 / Virus Database: 3209/6038 - Release Date: 07/31/13

Palmer, Cherie

From: Merritt, Allen
Sent: Thursday, August 01, 2013 7:22 AM
To: Palmer, Cherie
Cc: Yenter, Cindy
Subject: RE: Jentzsch-Kearl Farms WSB Rental

I do not have a problem with this. Cindy as watermaster should comment.

From: Palmer, Cherie
Sent: Wednesday, July 31, 2013 3:33 PM
To: Yenter, Cindy; Merritt, Allen
Subject: Jentzsch-Kearl Farms WSB Rental

Cindy and Allen,

Here is my review and draft agreement for the Jentzsch-Kearl Farm in Lincoln County. Please let me know if you have any comments or concerns with the proposed rental. Thanks!

Cherie

<< File: 36-2430 36-8008 36-8624 36-16553 36-8402 36-16924 Rental Agreement.docx >> << File: 36-2430 36-8008 36-8402 36-16924 36-2635 36-7216 36-11328 36-2453A 36-13065A Rental Review Memorandum.docx >>

Palmer, Cherie

From: Yenter, Cindy
Sent: Friday, August 09, 2013 1:09 PM
To: Palmer, Cherie
Subject: RE: Jentzsch-Kearl Farms WSB Rental

Cherie, I have no objections to this rental.

*Cindy Yenter
Watermaster, Water District 130
Twin Falls, ID
cindy.yenter@idwr.idaho.gov
208-736-3033*

From: Palmer, Cherie
Sent: Wednesday, July 31, 2013 3:33 PM
To: Yenter, Cindy; Merritt, Allen
Subject: Jentzsch-Kearl Farms WSB Rental

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Cherie

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