

MEMORANDUM

To: Water Rights 37-21506, 37-21518, 37-21529, 37-21540 37-21551 & 37-21562

From: Pam Skaggs 

Date: July 1, 2013

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: These applications and W9 forms were received on April 3, 2013 from the applicant's attorney's office, Speck & Aanestad. All six of the rights (1 ground water and 5 Big Wood River rights) are used on the same 5 acre parcel of land identified as Lot 7, Block 4 of Bellevue Farms Subdivision. The maps submitted with the Big Wood River applications incorrectly identify the ground water point of diversion under 37-21506. This was addressed in the 05-21-2013 letter to the applicant and attorney requesting the required consent from Irrigation District #45.

AUTHORITY TO FILE: The applications were signed by the right holders.

WATER RIGHT VALIDITY: Land doesn't appear to have been irrigated in recent years, but all the rights were decreed in the Snake River Basin Adjudication (SRBA) in 2010. There are no forfeiture questions at this time.

INJURY TO OTHER WATER RIGHTS: The surface water rights from the Big Wood River are delivered through Irrigation District #45 point of diversion and canal. The right holder is pursuing a consent agreement from District #45 as required before the leases can be accepted. A conveyance loss will be determined for the proposed leased rights that will be described in the conditions of the leases.

ENLARGEMENT OF USE: Three Bellevue Farms Landowners Association rights 37-21880, 37-21914 & 37-21976 provide for irrigation of 4.2 acres somewhere within Lot 4 (SWSW), S7, T1N, R19E for common area or subdivision landscaping. The proposed leased rights place of use has not been irrigated with these rights and the lot is currently undeveloped. No enlargement is evident through the lease alone. Proper rental review should protect against 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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

Allen Merritt, Southern Region Manager, and Kevin Lakey, Watermaster of Water District #37, have no concerns regarding the leases once the Irrigation District consent is resolved.

Skaggs, Pam

From: Skaggs, Pam
Sent: Tuesday, June 25, 2013 8:05 AM
To: Merritt, Allen
Subject: Region Manager Comment Request for Water Supply Bank Lease Applications-Armstrong 37-21506/21518/21529/21540/21551/21562

Tracking:	Recipient	Read
	Merritt, Allen	Read: 6/25/2013 8:06 AM

Allen,

We have WSB lease applications for these Armstrong rights pending. They have been on hold since May while we discussed concerns with Irrigation District #45 new Board Members. We have reached agreement on how to meet their needs by identifying a portion of each right for conveyance in the shared delivery system. Do you have any concerns regarding the lease of these 6 rights associated with 5 acres of irrigation in the Bellevue Farms Subdivision?

Please advise me of any concerns, so that I can move forward with processing as soon as the Irrigation District #45 consent is received.

Thanks,

Pam

Pam Skaggs
WR Supervisor
287-4951

No issues per telephone conversation.
OS

Skaggs, Pam

From: Kevin Lakey [watermanager@cableone.net]
Sent: Tuesday, June 25, 2013 9:00 AM
To: Skaggs, Pam
Subject: RE: WM Comment Request for Water Supply Bank Lease Applications-Armstrong 37-21506/21518/21529/21540/21551/21562

Pam,
Since you've worked out the details with the Irrigation District, I have no problems with the lease application.

Kevin Lakey

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Tuesday, June 25, 2013 7:54 AM
To: Kevin Lakey
Subject: WM Comment Request for Water Supply Bank Lease Applications-Armstrong 37-21506/21518/21529/21540/21551/21562

Kevin,

These lease applications have been on hold while we worked with Irrigation District #45 to find an acceptable method to address their concerns. We have agreed upon a consent condition to allow rights in their canal in Section 36, T2N, R18E to be leased by identifying a conveyance portion to continue to be delivered to their canal. In this case a 20% portion of each right will be identified in conditions for conveyance in the shared delivery system.

Do you have any comments or concerns regarding the lease of these 6 rights related to irrigation of 5 acres to the Bank? I appreciate your prompt response since these applications have been on hold for some time & everyone is anxious to complete the process. Please call me if you have any questions.

Pam

Pamela S. Skaggs
Water Rights Supervisor
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Skaggs, Pam

From: Skaggs, Pam
Sent: Monday, June 24, 2013 7:33 AM
To: 'James White'
Cc: Steve Wilson; Jim Super; Sarah Gardner
Subject: RE: Conditional Consent letter Re Boyer Casson and Armstrong

Jim,

You are correct in your understanding & the draft consent letter appears acceptable for the Department to move forward with these applications when the signed consent letter is received. Thank you for your continued patience in working out the details to address both the Irrigation District and Department concerns. With an acceptable template in place, future applications should move forward more quickly. Only the percentage of conveyance loss will need to be determined for each right holder by their location down the canal. We will advise folks to request the consent prior to submitting the application, but will probably also have those that submit the application first & then we will ask them to pursue the consent before we proceed.

I appreciate your timely response to complete these pending applications.

Pam

Pam Skaggs
WR Supervisor
287-4951

From: James White [mailto:jdwhite@q.com]
Sent: Sunday, June 23, 2013 2:37 PM
To: Skaggs, Pam
Cc: Steve Wilson; Jim Super; Sarah Gardner
Subject: RE: Conditional Consent letter Re Boyer Casson and Armstrong

Pam,

Thank you again for your insight and input.

I have modified the "consent letter" again, in accordance with your email below. I attach the modified version to this email. This version (dated June 23) is still not yet signed by me. As you can see from the "cc" line, I am sending it to all three directors as well as directly to you to make sure we and IDWR are all on the same page as far as the language is concerned.

I understood the first paragraph you suggested should go into the consent letter (which is what I have done), but the second paragraph you spelled out will go into a document that the IDWR creates when it approves the lease on the condition spelled out.

If you think I misunderstood your email in any way, please let me know but it seems to me that what is needed is now in this version.

I expect to get Director clearance today or Monday, as soon as they check their emails.

Regards and many thanks,

Jim

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Friday, June 21, 2013 10:49 AM

To: James White

Subject: RE: Conditional Consent letter Re Boyer Casson and Armstrong

Jim,

I am sorry that I was out yesterday and missed your first messages.

I suggest the following additions to your consent letter.

Identify the applications as "Water Supply Bank Lease applications" in the reference/subject lines.

The specific surface water right numbers referenced for each owner.

Armstrong: Rights 37-21518, 37-21529, 37-21540, 37-21551 & 37-21562

Boyer: Rights 37-21855, 37-21872, 37-21889, 37-21906 & 37-21923

Casson: Rights 37-21677, 37-21686, 37-21695, 37-21704 & 37-21713.

While we don't disagree with the intent of your suggested condition, it doesn't address the specific needs for use by the Department for guidance to the watermaster, and we cannot accept it as a condition of approval. The conveyance diversion will continue in the canal, but when rights are curtailed the watermaster must have specific amounts associated with each right in order to accomplish his work. We have modified our originally proposed condition to meet this need. You can either simply identify the percentage of the right that should be dedicated to conveyance losses in your consent, or include this condition with the percentage identified and we will replace it with the calculated diversion rate for each right in the approval documents.

A portion of this right provides conveyance for other right holders in the shared delivery of water through the Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 20% of authorized diversion rate of this right into the District #45 Canal whether it is rented or not.

The lease approval condition would be modified to identify the specific rate of diversion or cfs amount identified for conveyance losses instead of "20% of authorized diversion rate of this right". For example under Right 37-21518 for the Armstrongs, 20% of 0.08 cfs = 0.016 cfs. The lease condition would be as follows:

A portion of this right provides conveyance for other right holders in the shared delivery of water through the Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 0.016 cfs of this right into the District #45 Canal whether it is rented or not.

I hope this will meet your need to provide specific direction in your consent and our need to provide the same to the watermaster.

Thanks for your help in completing these final details.

Pam

Pam Skaggs
WR Supervisor
287-4951

From: James White [mailto:jdwhite@q.com]

Sent: Wednesday, June 19, 2013 10:00 PM

To: Skaggs, Pam

Cc: Steve Wilson; Jim Super; Sarah Gardner

Subject: Conditional Consent letter Re Boyer Casson and Armstrong

Pam,

See attached draft letter.

I am having difficulty determining how you would want the file reference numbers identified. Please advise how you wish to have the reference lines read.

Also, please let me know if you have any problems with the language.

As to the Armstrong application, I spoke with Jim Speck, the attorney for the Armstrongs on the application yesterday on this subject and explained the Boards' position. He indicated he did not have a problem with the Board's approach.

Regards,

Jim