



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

May 1, 2013

RECEIVED

MAY 06 2013

Department of Water Resources
Eastern Region

BRANDI AND KIP HUNTER
467 SOUTH 1600 WEST
PINGREE ID 83262

**RE: APPLICATION TO LEASE WATER RIGHT NO(S). 35-2824
TO THE WATER SUPPLY BANK**

Dear Applicant:

The Department of Water Resources ("Department") has completed its review of your application to lease a water right to the Water Supply Bank ("Bank"). Based on that review, the Department cannot accept water right 35-2824 into the Bank. The reasons are described below.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. Some of the criteria for consideration are the historic use¹ of the water right and the probability of selling or renting the water right from the Bank. In addition, the rules prohibit enlargement of the use of the water right.

Historic water measurement records that you submitted indicate that water use under water right 35-2824 has been minimal or nonexistent for many years. Those findings indicate that water right 35-2824 is supplemental to water rights held by Aberdeen-Springfield Canal. Therefore, the value of the right for rental is questionable and there is little probability for rental without enlargement of the right (please see enclosed measurement records).

Section III, part 1A(D)(4)(d) of the Water Supply Bank Processing Handbook states that:

An application proposing to lease a supplemental irrigation water right to the Bank for rental as a primary water right for irrigation or other use constitutes an enlargement. An exception is when the applicant can demonstrate there would be no enlargement of the water right being changed or other related water rights because the supplemental water right has been used on a regular basis and the extent of beneficial use under all associated rights prior to the lease will be proportionately reduced.

A supplemental water right can be rented from the Bank for a primary use only if historic beneficial use is established prior to the acceptance into the Bank, and the use of the primary water rights associated with the leased right is proportionately reduced.

¹ Per Transfer Processing Policies & Procedures #5, (5d)(5), When it is necessary to determine the historic consumptive use under a supplemental right, the average annual historic consumptive use, over an appropriately representative time period not less than five years but that may require greater than five years, will be the basis for the volume available for transfer. For supplemental irrigation rights, a representative time period will include years with both good and bad surface water supplies for the area.

Page 2
Brandi and Kip Hunter
Water Right 35-2824

Because your application to lease 35-2824 to the Bank has not met the provisions described above, the Department is preparing to deny your application.

However, if you have more evidence that satisfies the enlargement issue that is contemplated in this letter, please submit the information within 14 days. If a response is not received within 14 days this application will be denied and returned to you.

Supplemental water rights are difficult to forfeit through 5 years of non-use through their very nature – they are only used when needed. However, if you are concerned about forfeiture, you might want to consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right. This form is available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4944.

Sincerely,



Cherie Palmer, Sr. Water Resource Agent
Water Allocation Bureau

c: Greg Sullivan-Brockway Engineering PLCC
James Cefalo-IDWR Eastern Region

WMIS

Water Management Information System

Quick Search:

Search Method:

WMIS Number

WMIS Number

500839

Search

For assistance, email WMIS Info

Analysis of records performed by
Dan Nelson

*14kw (from Idaho Power records)

You are logged in as freeder

PCC Power Usage

PCC Conditions

Flow Meter Water Usage

Flow Meter Calibrations

Crop Data

Site Visit

System Data

Water Levels

Reports

Change History

Change Password

Help

$$\frac{*14\text{kw} \times 5431}{2.14\text{cfs} \times 448.8} = 79.2\text{ kwk/af (acre-foot)}$$

Water right 35-2824 covers 121 acres
at a diversion rate of 2.14 cfs

$$2\text{af/acre} = 19,166\text{ kwk}$$

$$3\text{af/acre} = 28,750\text{ kwk}$$

$$4\text{af/acre} = 38,333\text{ kwk}$$

PCC Power Usage

You are viewing 500839

Report Year	Utility, KWH	Total PCC	Acres Feet Volume	Preferred Method
2011	147.00			PCC
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		7980302514	Not Validated	No
Acres Feet Qualified	Comments			
N-No PCC measurements made	No date available. PCC measurement more than 3 years old.			
Report Year	Utility, KWH	Total PCC	Acres Feet Volume	Preferred Method
2010	5605.00			

$$\frac{147}{79.2} = 1.9\text{ af} \\ \Rightarrow 0.02\text{ af/acre}$$

Supplemental

$$\frac{5605}{79.2} = 70.8\text{ af} \\ \Rightarrow 0.6\text{ af/acre}$$

Supplemental

Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		7980302514		No
Acre Feet Qualifier				
Comments				
N-No PCC measurements made PCC more than 3 years old.				
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2009	0.00			
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		7980302514		No
Acre Feet Qualifier				
Comments				
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2008	20356.00			
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		7980302514		No
Acre Feet Qualifier				
Comments				
N-No PCC measurements made				
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2007	7993.00			
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		7980302514		No
Acre Feet Qualifier				
Comments				
N-No PCC measurements made				
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2006	9476.01			
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		7980302514		No
Acre Feet Qualifier				
Comments				
N-No PCC measurements made				
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2005	6367.00			
Utility	Account Number	Service Number	Validated	Tracking

0 AF

Supplemental

$$\frac{20356}{79.2} = 257.9 \text{ af} \\ \Rightarrow 2.1 \text{ af/acre}$$

possibly
Primary

$$\frac{7993}{79.2} = 100.1 \text{ af} \\ \Rightarrow 0.8 \text{ af/acre}$$

Supplemental

$$\frac{9476.01}{79.2} = 119.6 \text{ af} \\ \Rightarrow 1 \text{ af/acre}$$

Supplemental

$$\frac{6367}{79.2} = 80.4 \text{ af} \\ \Rightarrow 0.7 \text{ af/acre}$$

Supplemental

Idaho Power		7980302514		No	
Acre Feet Qualifier		Comments			
N-No PCC measurements made		Either no PCC has been measured, or no valid PCC exists in WMIS at the time of volume calculation.			
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2004	16459.00				
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power	1592888049	7980302514	Validated by IDWR	No	
Acre Feet Qualifier		Comments			
N-No PCC measurements made		Entered 2004 KWH only. No PCC information available.			
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2003	21304.00				
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		7980302514	Validated by IDWR	No	
Acre Feet Qualifier		Comments			
N-No PCC measurements made		Entered 2003 KWH only. No PCC information available.			
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2002	19290.00				
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		7980302514	Validated by IDWR	No	
Acre Feet Qualifier		Comments			
N-No PCC measurements made					
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2001	20950.00				
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		7980302514	Validated by IDWR	No	
Acre Feet Qualifier		Comments			
N-No PCC measurements made					
Report Year	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2000	7454.00				
Utility	Account Number	Service Number	Validated	Tracking	

$$\frac{16459}{79.2} = 207.8 \text{ af}$$

$$\Rightarrow 1.7 \text{ af/acre}$$

Supplemental

$$\frac{21304}{79.2} = 269 \text{ af}$$

$$\Rightarrow 2.2 \text{ af/acre}$$

Possibly Primary

$$\frac{19290}{79.2} = 243.6 \text{ af}$$

$$\Rightarrow 2 \text{ af/acre}$$

Possibly Primary

$$\frac{20950}{79.2} = 264.5 \text{ af}$$

$$\Rightarrow 2.2 \text{ af/acre}$$

Possibly Primary

$$\frac{7454}{79.2} = 94.1 \text{ af}$$

$$\Rightarrow 0.8 \text{ af/acre}$$

Supplemental

Idaho Power 10720090659		Validated by IDWR No		
Acre Feet Qualifier		Comments		
N-No PCC measurements made No PCC date reported. Volume not calculated or estimated				
Report Year	Utility kWh	Total PCC	Acre Feet Volume	Preferred Method
1999				
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power	10720090659		Validated by IDWR	No
Acre Feet Qualifier		Comments		
Q-Other qualifying conditions, see PCC comments for explanation		No PCC date reported. PCC Volume not calculated or estimated.		

Supplemental

In order to be primary - this right must be used as a primary source of water 50% of the time.

2011 - 2000 = 12 years This right was possibly used in a primary fashion at the place of use 4 out of 12 years. This is less than 50% of the time.

Conclusion: Right 35-2824 is supplemental to Aberdeen-Fairfield Canal water rights and cannot be accepted into the water supply bank.

- Cherie Palmer 5/1/13

5/15/2012



Premise Billing History

Re: 03s33e2904/Blackfoot, Id 83221

Read Date	Days	\$Amount	Usage	Demand	Customer
4/10/2012	29	\$3.64	0.00 KWH	0.00 KW	Kip M Hunter
3/12/2012	32	\$3.64	0.00 KWH	0.00 KW	Kip M Hunter
2/9/2012	30	\$3.64	0.00 KWH	0.00 KW	Kip M Hunter
1/10/2012	33	\$3.62	0.00 KWH	0.00 KW	Kip M Hunter
12/8/2011	30	\$3.62	0.00 KWH	0.00 KW	Kip M Hunter
11/8/2011	29	\$3.62	0.00 KWH	0.00 KW	Kip M Hunter
10/10/2011	32	\$3.62	0.00 KWH	0.00 KW	Kip M Hunter
9/8/2011	30	\$19.04	0.00 KWH	0.00 KW	Kip M Hunter
8/9/2011	29	\$19.04	0.00 KWH	0.00 KW	Kip M Hunter
7/11/2011	32	\$19.04	0.00 KWH	0.00 KW	Kip M Hunter
6/9/2011	30	\$18.85	0.00 KWH	0.00 KW	Danny L Hunter
5/10/2011	29	\$3.57	0.00 KWH	0.00 KW	Danny L Hunter
4/11/2011	32	\$3.57	0.00 KWH	0.00 KW	Danny L Hunter
3/10/2011	30	\$12.58	147.00 KWH	14.00 KW	Danny L Hunter
2/8/2011	28	\$3.57	0.00 KWH	0.00 KW	Danny L Hunter
1/11/2011	32	\$3.57	0.00 KWH	0.00 KW	Danny L Hunter
12/10/2010	31	\$3.57	0.00 KWH	0.00 KW	Danny L Hunter
11/9/2010	29	\$3.57	0.00 KWH	0.00 KW	Danny L Hunter
10/11/2010	32	\$8.23	76.00 KWH	14.00 KW	Danny L Hunter
9/9/2010	30	\$18.77	0.00 KWH	0.00 KW	Danny L Hunter
8/10/2010	29	\$364.97	5219.00 KWH	14.00 KW	Danny L Hunter
7/12/2010	32	\$18.77	0.00 KWH	0.00 KW	Danny L Hunter
6/10/2010	30	\$17.25	0.00 KWH	0.00 KW	Danny L Hunter
5/11/2010	29	\$23.34	310.00 KWH	14.00 KW	Danny L Hunter
4/12/2010	14	\$1.57	0.00 KWH	0.00 KW	Danny L Hunter

If you have any questions, please call our business office at 1-800-488-6151.

Thank you.
Idaho Power Co
Customer Service Center