

MEMORANDUM

To: Water Right File No(s). 37-22309, 37-22314, 37-22319, 37-22634, 37-22635, and 37-22636

From: Cherie Palmer

Date: May 28, 2013

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

PURPOSE/NARRATIVE: On May 16, 2013, the Department received a lease/rental package from Jim Speck on behalf of Old Cutters Homeowners Association. Old Cutters is a subdivision located north of Hailey. Old Cutters wishes to use their water at a different location, which is currently not covered by a water right, within their subdivision using water rights 37-22309, 37-22314, and 37-22319. In addition, Scott MacGuffie and Tyra MacGuffie are leasing rights 37-22634, 37-22635, and 37-22636 into the Bank for the same purpose described above. In total Old Cutters need 4 acres of irrigation, per the application this will be accomplished by renting 3.4 acres under Old Cutters rights and 0.6 acres under the MacGuffie rights. The two POUs that are covered by the above mentioned rights are appurtenant to two lots that will not be irrigated for the duration of the lease—5 years.

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

WATER RIGHT VALIDITY: All the rights were decreed in 2009 so forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. The water rights will still be delivered through the same delivery system; the only change will be the irrigated area which is within the same subdivision.

ENLARGEMENT OF USE: Through the applications, the only change that will occur is the irrigated POU. There are no enlargement issues. Note that if Old Cutters no longer rents their own rights or the MacGuffie rights, but leaves their rights leased to the bank, the conveyance losses must be accounted at a 20% rate if the rights are rented to a user outside of the Hiawatha canal. A condition will be on the leases to address this concern.

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: The watermaster and regional manager do not have any concerns. See attached emails.

Palmer, Cherie

From: Palmer, Cherie
Sent: Friday, May 31, 2013 1:02 PM
To: 'Kevin Lakey'
Subject: RE: WSB application to lease/rent Old Cutters

Hi Kevin,

Thank you very much for your response. Dave has been notified of this proposal and gave his written authorization that he is okay with it. We require lease applicants to include the written authorization when a delivery entity is involved in their system. I think in the past a few have been missed but we are now committed to ensuring that that step gets done. Have a great weekend!

Cherie

From: Kevin Lakey [<mailto:watermanager@cableone.net>]
Sent: Thursday, May 30, 2013 1:07 PM
To: Palmer, Cherie
Subject: RE: WSB application to lease/rent Old Cutters

Cherie,

The way you've explained this, I don't have any problem with it, but I've been getting some kick-back from canal managers. Is there somewhere in the bank app, or in the bank rules, where there is a requirement for a check-off from the canal manager before the app is submitted to you? Dave Cropper is the manager for the Hiawatha Canal where this water is being moved. His number is 208 309-2005 and his email is: dlcropper@cox-internet.com

Kevin Lakey

From: Palmer, Cherie [<mailto:Cherie.Palmer@idwr.idaho.gov>]
Sent: Wednesday, May 29, 2013 5:27 PM
To: Kevin Lakey; Merritt, Allen
Subject: WSB application to lease/rent Old Cutters

Hello,

I am working on a few water supply bank applications (lease/rental package) that look good to go but I wanted to make sure you were aware of them. Old Cutters need to cover 4 acres of landscaping within their subdivision. To do that, they are proposing to place rights 37-22309, 37-22314, and 37-22319 into the bank. Those rights provide for 3.4 acres of irrigation total within a lot in the Old Cutters subdivision. The lot will be dried up during the lease duration (5 years). Because they are short 0.6 acres, Scott and Tyra MacGuffie are placing all of rights 37-22634, 37-22635, and 37-22636 into the bank and Old Cutters will rent out 0.6 acres of those rights. Those rights total 1.4 acres and irrigate a lot in the Old Cutters as well. Apparently, the same delivery system will be used to irrigate the 4 acres of landscaping so the only thing really that is going to change is the POU of those rights. It seems that these applications are approvable but please let me know if you have any concerns. Thanks for your time!

Cherie

Palmer, Cherie

From: Merritt, Allen
Sent: Friday, May 31, 2013 8:46 AM
To: Palmer, Cherie
Subject: RE: WSB application to lease/rent Old Cutters

I do not see any particular problem with this. Note the shapes for these rights being leased are slightly larger than the decreed acres but within these shapes are rights for two ponds that probably could be excluded... probably no big deal.

You may need to contact the Hiawatha Canal Company folks to see if they have any issues. Dave Cropper at 309-2005 or 788-4903 is the contact.

Allen

From: Palmer, Cherie
Sent: Wednesday, May 29, 2013 5:27 PM
To: Kevin Lakey; Merritt, Allen
Subject: WSB application to lease/rent Old Cutters

Hello,

I am working on a few water supply bank applications (lease/rental package) that look good to go but I wanted to make sure you were aware of them. Old Cutters need to cover 4 acres of landscaping within their subdivision. To do that, they are proposing to place rights 37-22309, 37-22314, and 37-22319 into the bank. Those rights provide for 3.4 acres of irrigation total within a lot in the Old Cutters subdivision. The lot will be dried up during the lease duration (5 years). Because they are short 0.6 acres, Scott and Tyra MacGuffie are placing all of rights 37-22634, 37-22635, and 37-22636 into the bank and Old Cutters will rent out 0.6 acres of those rights. Those rights total 1.4 acres and irrigate a lot in the Old Cutters as well. Apparently, the same delivery system will be used to irrigate the 4 acres of landscaping so the only thing really that is going to change is the POU of those rights. It seems that these applications are approvable but please let me know if you have any concerns. Thanks for your time!

Cherie