

MEMORANDUM

To: File(s) 63-7019 and 63-7956

From: Cherie Palmer

Date: May 22, 2013

Re: Review/Analysis for Application to Lease and Rent Water to and from the State Water Supply Bank

PURPOSE/NARRATIVE: The purpose of the lease applications is to place portions of water rights 63-7019 and 63-7956 into the bank. These rights are completely overlapped and together provide 6.4 cfs and 1440 af on 320 acres. Right 63-7019 provides for 75% of the rate of the overlap and 63-7956 provides for 25%. The applicant has correctly divided his request based on that proportion; 1.09 cfs under 63-7019 and 0.36 cfs under 63-7956 for a total of 1.30 cfs to be leased to the bank.

These rights are within the Black Canyon Irrigation District but have been developed as primary water rights. It does not appear that surface water through the District is available to the applicant for use at the place of use.

Once the rights are leased, the applicant wishes to rent out 1.3 cfs and 292.5 af on 65 acres that have been historically irrigated even though there is not a water right in place.

There is a common system between rights 63-7019, 63-7956 and 63-11282 which is served by 3 PDs. The same PDs will be used during the rental period. There is a combined limit between the 3 rights of 16.73 cfs which is based on the capacity of the system. However, rights 63-7019 and 63-7956 can provide up to 1.73 cfs without reducing the rate under 63-11282 because:

$63-11282 = 15 \text{ cfs} -- > 16.73 - 15 = 1.73 \text{ cfs available under 63-7019 and 63-7956}$

AUTHORITY TO FILE: Tom Malson is the president of TMCO, Inc. and is authorized to sign the bank applications.

WATER RIGHT VALIDITY: These rights were decreed in 2009. These rights have been protected from forfeiture because 5 years has not lapsed since the rights were decreed, even though the pivot corners that they are "drying" do not appear to have been irrigated for several years.

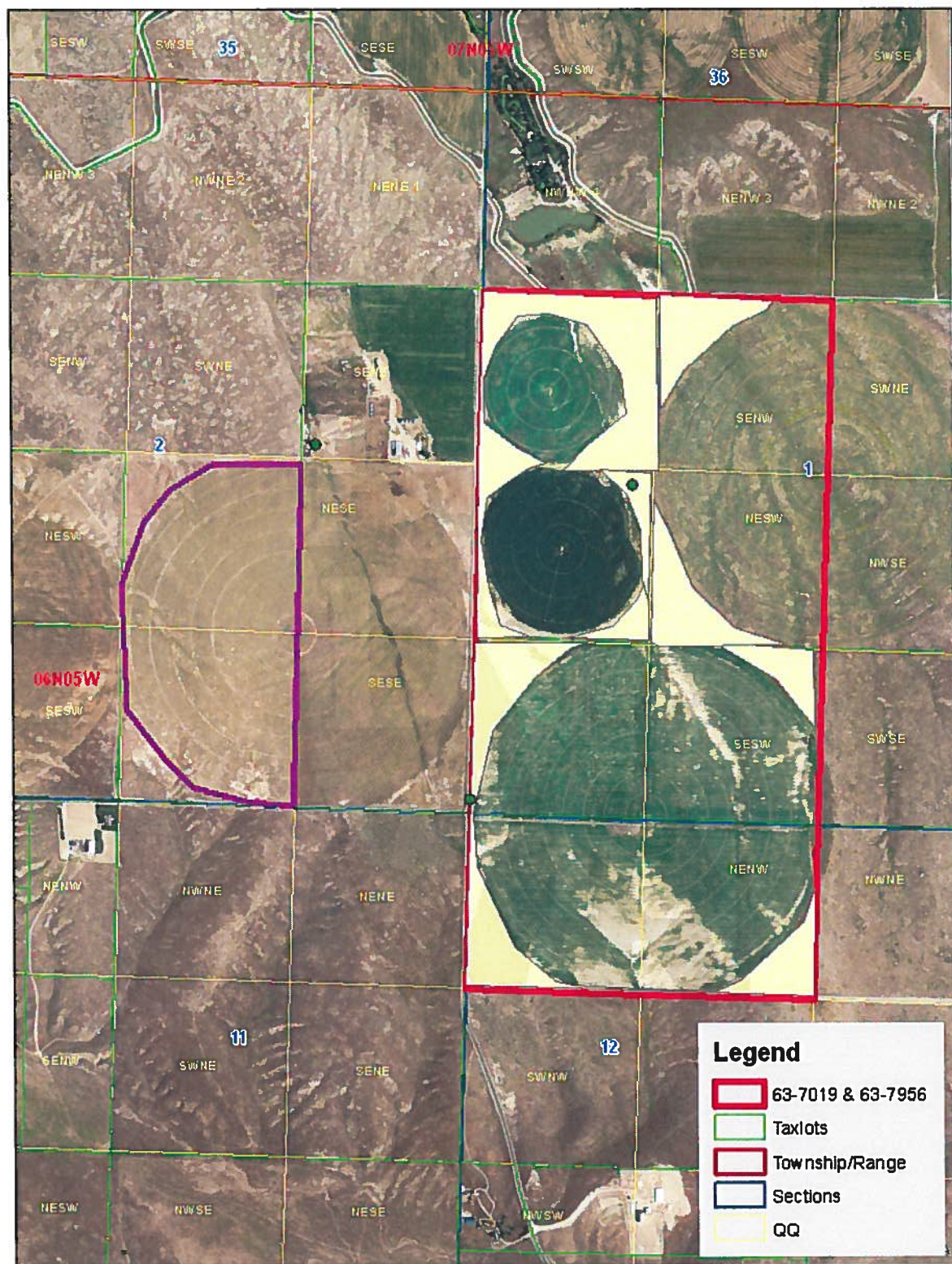
INJURY TO OTHER WATER RIGHTS: The water will be moving not even a mile so injury should not be an issue.

ENLARGEMENT OF USE: There are no enlargement issues; same system is being used through the rental.

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: No concerns, see attached email.



Yellow represents the corners that TMCO would like to lease to the Bank. The purple outlined area represents the rental POU. The green dots are the PDs for 63-7019, 63-7956, and 63-11282.

Map created by CPalmer on May 14, 2013

Palmer, Cherie

From: Lester, Steve
Sent: Tuesday, May 14, 2013 2:55 PM
To: Palmer, Cherie
Subject: RE: WSB application TMCO 63-7019 and 63-7956

Cherie:

I've been working with Tom & Norm Young on Tom's appl 63-33716 which proposes several new wells for new acres not under his other rights. The land he wants to irrigate with wsb is totally in appl POU. That's probably ok in the short run anyway.

Appl is being reconsidered by Tom using Norms' input .. might want to make a PPU, reduce appl for permit etc. to make best use of his rights & land. My guess wsb is Norm's 1st suggestion for Tom to get things in good order as they proceed with figuring out what to do long term.

Does not look like any of the new appl process interferes with wsb process. No scanned docs or shape yet for appl, haven't got that far yet.

Steve

p.s. lease your right to bank & then rent it out ... Glen Saxton used to call that "being your own grandfather" or something like that. A nonsense statement that somehow seemed perfect for the situation.

From: Palmer, Cherie
Sent: Tuesday, May 14, 2013 11:47 AM
To: Lester, Steve
Subject: WSB application TMCO 63-7019 and 63-7956

Hello Steve,

I have reviewed a WSB application from TMCO and have attached my review memo for your reference. The plan is for TMCO to place portions of 63-7019 and 63-7959 into the bank and then to rent out that water for use on a pivot that is less than a mile away. TMCO plans on using the same system. It looks like they have been irrigating some acres without a water right so this will get them legal. Please let me know if you have any concerns or comments. Thanks!

<< File: L2.8 Rental Review Memorandum.docx >>

Cherie