

MEMORANDUM NO. L2.8
MEMORANDUM

To: File(s) 45-2509, and 45-13522

From: S. Hemenway

Date: 5/21/2013

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

PURPOSE/NARRATIVE:

Kelley's water rights 45-4084 (with a 1350.6 PPU, limited to 27.0 acres irrigation) and 45-4236 (with a 1350.6 PPU, limited to 30.0 acres irrigation) are located at the proposed POU. These 2 water rights make up the 57.0 acres for the top half of the middle pivot. The lower half of the middle pivot, the top pivot, and the bottom pivot will be covered by the WSB Rental agreement covered by water rights 45-2509 and 45-13522. The shared POD for 45-4084 and 45-4236 is the proposed POD for the WSB Rental agreement using water rights 45-2509 and 45-13522. **SEE ATTACHED MAP.**

The purpose of the WSB rental agreement is to have adequate diversion rate to run 3 full pivots.

SAH
*
See 5/22/2013 e-mail + phone conv.
A 3/5/2013 email from Paul Arrington amended the rental application to 291.0 acres; a 5/3/2013 email from Tim Luke amended the time allowed for the water rights to be rented; and a 5/21/2013 phone call from Paul Arrington amended the diversion rate to 0.02 cfs X 291.0 acres = 5.82 cfs, but water right 45-13522 (1.05 cfs) and 45-2509 (4.24 cfs) only have a combined limit of 4.24 cfs available which will be the total rented. **(4.24 cfs/291.0 acres = 0.0145 cfs/acre for the 291.0 acres).**
3.55 0.012

AUTHORITY TO FILE:

Water rights 45-2509 and 45-13522 have an active in the Water Supply Bank Lease, that does not expire until 12/31/2016, but per the 5/3/2013 email from Tim Luke, "IDWR will move forward with the George and Bill Kelley rental of Burley West Investments LLC (BWI) rights 45-2509 and 45-13522 for the 2013 season only. Joel Parker of BWI had earlier requested the release of these rights from the bank, but confirmed his agreement to this rental for 2013. **These rights should be released from the bank following the 2013 season.**"

WATER RIGHT VALIDITY:

Water rights 45-2509 (decreed 5/6/2005), and 45-13522 (decreed 5/13/2005), and have been in the bank since 4/26/2011. These water rights and property are still owned by Burley West Investments LLC (with same address). The proposed POU and POD are owned by George and Bill Kelley (with same address as on rental application).

INJURY TO OTHER WATER RIGHTS:

None

ENLARGEMENT OF USE:

None

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:

5/3/2013 an email was sent by Tim Luke to Brian Higgs watermaster WD 140 (355 W 500 S Burley, ID 83318) (208)604-1280 BRIAN@WATERWELLCONSULTANTS.COM once the SWID Mitigation issues were resolved. On 5/22/2013, an email was sent to Alan Merritt/Southern Regional IDWR office with a copy of the memo, and maps.

** See 5/22/2013 e-mail + phone conversation. E.H.*

Proposed for Rental Agreement:

45-2509 4.24 cfs* ~~3.55~~ 1,080.0 AF ~~270.0~~ acres* ~~225.4~~ *903.6*

45-13522 1.05 cfs* ~~1.86~~ 354.4 AF ~~196.4~~ 88.6 acres* ~~74.1~~

Total 4.24 cfs* ~~3.55~~ 1,434.4 AF ~~1200~~ 358.6 acres* ~~300.0~~

Combined limit 4.24 cfs ~~3.55~~ 1,434.4 AF ~~1200~~ 358.6 acres ~~300.0~~

** limited to 291.0 acres.*

WSB Rental Agreement Limits:

~~4.24 cfs, as decreed~~ *3.55 cfs*

291.0 acres limit as required for the pivots in the proposed POU

1,164.0 AF (291.0 X 4.0 headgate requirement = 1,164.0 AF)

FEES:

~~1,434.4 AF rented X \$17/af = \$24,384.80 annually~~

1200.0

\$ 20,400.00



