

## MEMORANDUM

**To:** Water Right File No(s). 35-2189B and 35-11411  
**From:** Cherie Palmer  
**Date:** May 23, 2013  
**Re:** Review of Applications to Lease Water Rights to the State Water Supply Bank

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**PURPOSE/NARRATIVE:** On May 13, 2013, the Department received two applications to lease water right 35-2189B and enlargement right 35-11411. The applicant would like to place 31.8 acres into the bank. The 31.8 acres will not be irrigated because the applicant is now irrigating with pivots and the corners will be dried up. Note that one of the corners is in CREP, effective 2007, which equates to 3.9 acres and another corner will continue to receive irrigation water. Note that the acres in CREP will not be put into the Bank. The applicant figured out the number of acres that will be dried up and correctly included a proportionate amount of acres under the enlargement right. The applicant did not figure out the diversion rate and volume that correspond to the acres he came up with for the lease. I figured the rate and volume as follows:

|        |                             |                  |          |
|--------|-----------------------------|------------------|----------|
| 2198B: | 0.45 cfs (3.72/250 x 30.2)  | 30.2 acres x 4 = | 120.8 af |
| 11411: | 0.0 cfs (no rate available) | 7.9 acres x 4 =  | 31.6 af  |
| Total  | 0.45 cfs                    | 31.8 acres       | 152.4 af |

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

**WATER RIGHT VALIDITY:** The water rights were decreed in 2002 so an evaluation of forfeiture is necessary. Aerial imagery in 2012, 2011, 2009, and 2006 all show that the subject water rights have been irrigated steadily over the entire POU except for the acres in CREP. There are no forfeiture issues.

**INJURY TO OTHER WATER RIGHTS:** No injury is apparent.

**ENLARGEMENT OF USE:** There are no other water rights appurtenant to the POU. The corner acres will be dried up and can be confirmed with aerial imagery and WMIS records. There are no apparent enlargement issues upon accepting these rights into the Bank. When renting these rights, proper evaluation should ensure no enlargement which may center around location.

**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 has no concerns with this lease, see attached email.

Palmer, Cherie

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**From:** Cefalo, James  
**Sent:** Thursday, May 23, 2013 4:36 PM  
**To:** Palmer, Cherie  
**Subject:** RE: Watermaster Comment for WSB ap 35-2189B George Winder

Cherie,

I don't have any objections to this WSB lease as long as the base water right and enlargement water right are leased in proportion to the full water rights.

James

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**From:** Palmer, Cherie  
**Sent:** Thursday, May 23, 2013 4:09 PM  
**To:** Cefalo, James  
**Subject:** Watermaster Comment for WSB ap 35-2189B George Winder

Hello James,

Mr. Winder has applied to lease 31.8 acres under rights 35-2189B and enlargement right 35-11411. He apparently went to pivots and he wants to put almost all the corners in the Bank (he will still irrigate one corner and the other corner is in CREP). This one seems pretty straight forward but please let me know if you have any concerns. Thanks James.

*Cherie*