



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

February 21, 2013

ALAN YORKIN
CYNTHIA YORKIN
250 N DELFERN
LOS ANGELES CA 90077

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
ASSOCIATED RIGHT NO. 37-2627D

Dear Applicant:

The Department has completed its review of your Application to Rent Water from the Water Supply Bank, received January 30, 2013. In past years, you have been approved rental water from Right No. 37-2627D.

As you know from previous years, applications for rental of water must be reviewed in accordance with Idaho Code § 42-1763 and the Department's Water Supply Bank Rule 30 (IDAPA 37.02.03.030). This includes consideration of whether the proposed use will reduce the quantity of water available under existing water rights. The Big Wood River upstream of Hailey is an effluent stream, meaning ground water is tributary to the river. Minimum stream flow water rights and other surface water rights may be affected by changes in ground water use.

Applications for transfer seeking similar movement of ground water upstream have resulted in multiple protests, citing the potential for injury to other rightholders including minimum streamflow rights. We have previously approved your rental because transactions like it are small and transient. However, applications for this type of movement are becoming repeated and more frequent. Additionally, no one has shown there would be no injury to other rightholders by such a move (pardon the double negative). The injury would of course be miniscule, but real, if it occurred. Also, having these applications become repeated and more frequent means the total impacts are no longer likely to be insignificant.

We looked at the possibility of renting you rights other than 37-2627D but there are none in a suitable location. We find the same concerns with other ground water rights leased to the Bank in Basin 37.

This letter is notice that the attached application for rental of water is denied. Any use associated with your rental request is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If you have any questions regarding this matter, please contact me at (208) 287-4907.

Sincerely,

A handwritten signature in black ink, reading "Mon Van Bu", with a stylized flourish at the end.

Monica Van Bussum
Sr. Water Resource Agent

c: Allen Merritt – IDWR Southern Regional Office
Kevin Lakey – Watermaster, Water District 37
Scott Wilson – Kaufman, Bernstein, Wertenbruch, Thompson, & Robert
James P. Speck – Speck & Aanestad

RECEIVED

JAN 30 2013

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Name of Renter ALAN & CYNTHIA YORKIN Phone (310) 274-8260

Mailing address 250 N DELFERN, LOS ANGELES, CA 90077 Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use
0.06 CFS 7.0 AF IRRIGATION 04/15 to 10/31
 _____ to _____
 _____ to _____
 Total: 0.06 CFS 7.0 AF

2. Source of water GROUND WATER tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
05N	17E	10					BLAINE COUNTY

4. Lands to be irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	23							2.0										2.0

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 2.0

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☒ No ☐
 If no, list owner, contact information, and provide documentation of the authority to use the proposed point of diversion. _____
2. Do you own the land at the proposed place of use? Yes ☒ No ☐
 If no, list owner, contact information, and provide documentation of the authority to use the proposed place of use. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

SCANNED

FEB 11 2013

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system. WELL WITH PIPING
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
N/A
3. Will the proposed place of use receive water from any other source? Yes ☐ No ☒
If yes, describe. _____
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. N/A
5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☐ No ☒
If yes, describe. _____
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

E. RENTAL TERM

1. Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐
If yes, please specify the number of years desired through proposed rental. 5

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

X Cynthia Yorkin
Signature of Applicant

CYNTHIA YORKIN
Printed Name and Title*

Jan. 28, 2013
Date

Signature of Applicant

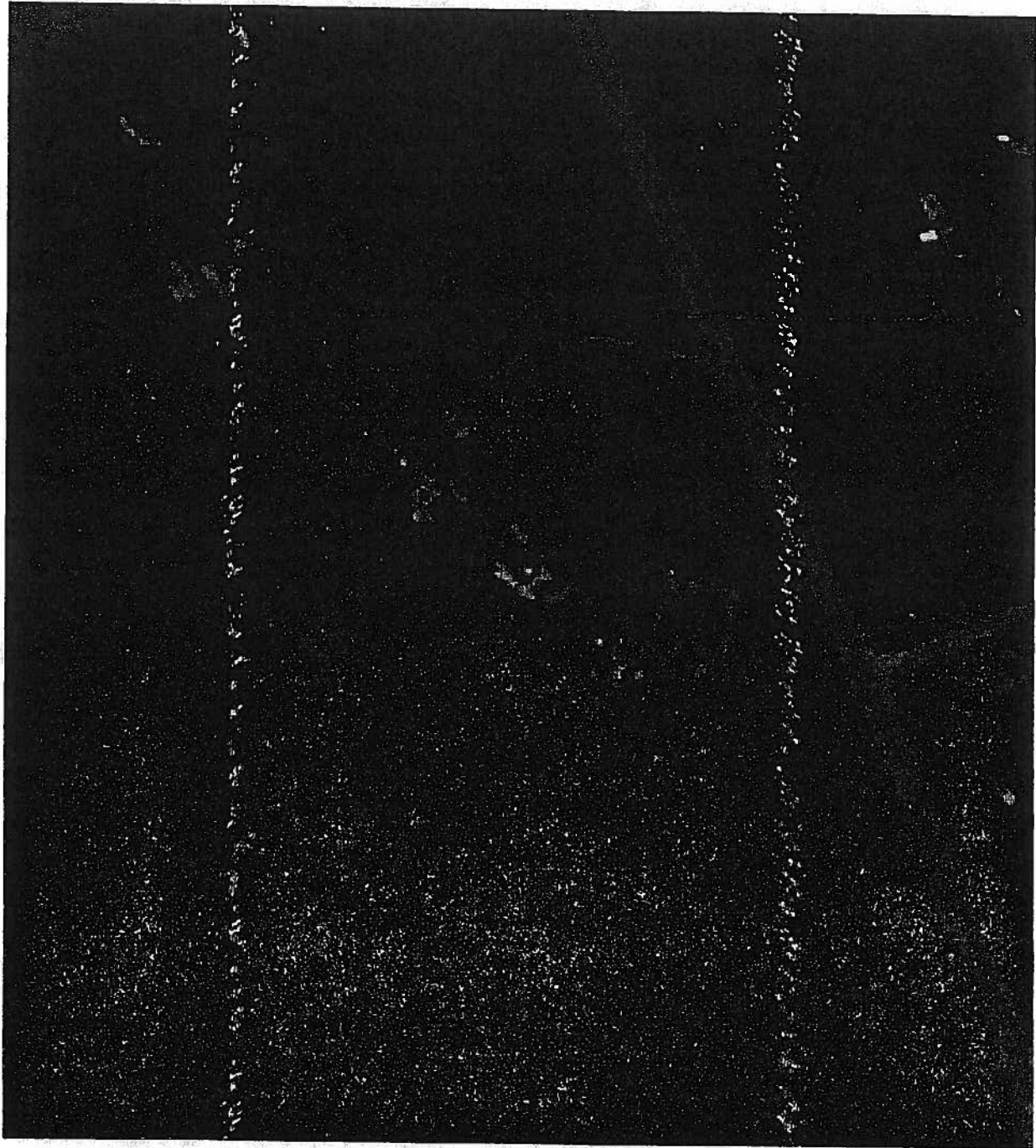
Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

Idaho Department of Water Resources
Irrigated Area of Concern for Alan Yorkin



0 330 660
Feet

Irrigated Area of Concern for Alan Yorkin
TWP 05N, RNG 17E, SEC 23, SENW & SWNE.
Created February 7, 2008 from 2007 SPOT Satellite Imagery
2004 NAIP Aerial Photo Shown For Reference

