

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, February 22, 2012 6:24 AM
To: 'Zach Latham'
Cc: Yenter, Cindy; Van Bussum, Monica
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Not a problem Zach. I will hold the application until next Wednesday. I am glad we could look at the other lease, so we can ensure that we are maintaining consistency in our process. We try to remain flexible, but at the same time, we don't want to stray too far from the standard for processing.

Dan

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Tuesday, February 21, 2012 4:32 PM
To: Nelson, Dan
Cc: Yenter, Cindy; Van Bussum, Monica
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Thanks for the analysis Dan,
We will go with the procedure outlined below. I am hoping to get you signed amended applications within a week's time.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Tuesday, February 21, 2012 4:13 PM
To: Zach Latham; Yenter, Cindy
Cc: Van Bussum, Monica
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Zach,

I ran the numbers from the Water Supply Bank (WSB) lease acceptance form you listed through the same calculations I performed on the Garner Application, and I found a difference of the format I used versus the existing water the water bank lease acceptance form of 0.3 acres. I would consider an error of 0.3 acres for a total of 269 acres as a rounding error, and not significant enough to pursue a correction of the application form. Either way, it is obvious from my calculations, that the earlier WSB lease was split similarly to what I did with the Gardner WSB application. Only 1.8 acres of the 59.5 acre expansion right was placed into the WSB, so it was split somewhat proportionately. Unlike the Garner application in which you requested the entire expansion right to place into the WSB.

I am glad that I got to look over the earlier WSB lease. It confirms what we have done for the Garner application. I hope this clears that situation up for you a bit. The first portion of my calculations are shown below.

The standard practice when splitting water rights is to take a proportionate share of each water right. The following would be the proper proportionate splits of these water rights:

KNOWN FACTORS: Total acres leased to the WSB = 8.3 acres

Combined Diversion Rate =

$8.3 \text{ acres} \times (3.09 \text{ cfs} / 269 \text{ acres}) = 0.095342007 \text{ cfs}$ (Rounded to 0.10 cfs)

Water Right 36-2453A Acreage and Diversion Rate (full diversion rate must come from this base water right):

Existing Water Right Diversion rate and acreage allowed = $3.09 \text{ cfs} / 209.5 \text{ acres}$

$0.10 \text{ cfs} / (3.09 / 209.5) = 6.7799 \text{ acres}$ Rounded to 6.8 acres

WSB lease for water right 36-2453A should be for 0.10 cfs for 6.8 acres (Current Water Supply Bank lease shows 6.5 acres – the 0.3 acre difference in these numbers is probably attributed to a rounding error.)

Thank you again Zach for helping us work through this situation. I appreciate this a great deal.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Tuesday, February 21, 2012 3:10 PM
To: Yenter, Cindy
Cc: Van Bussum, Monica; Nelson, Dan
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Cindy-

I just doubled checked and the approval I was referencing was mailed out on 12/21/10 (not in 2011 as I had stated), dealing with water rights 36-2453A and 36-13065A (Darrell James Baker- applicant). I think those two rights fall under the same expansion of diversion rate scenario but we dipped into each right separately.

We very much appreciate yours, and the WSB's willingness to work with applicants to get applications processed as efficiently as possible and we don't want to be part of any hold up. This is why we are working to submit applications with diversion rate and acreage limits that are correct so that no modification is needed once it's in the WSB's hands. This has been and I hope will continue to be a great conversation on how to make the WSB lease process as streamlined as possible. Thanks again for your input.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Yenter, Cindy [<mailto:Cindy.Yenter@idwr.idaho.gov>]
Sent: Tuesday, February 21, 2012 2:56 PM
To: Zach Latham; Nelson, Dan
Cc: Van Bussum, Monica
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Zach – please tell me which prior lease you are referencing? I'm not saying we did not make a mistake, but if we are inconsistent I would like to know about it as well so we can make sure we standardize. Could be that situation was slightly different, and if that's the case we'll try and clarify that for you too.

Cindy

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Tuesday, February 21, 2012 2:50 PM
To: Nelson, Dan
Cc: Van Bussum, Monica; Yenter, Cindy
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Dan-
Thanks for taking the time to answer my questions and listen to my concerns on the telephone this afternoon regarding the above referenced WSB applications. We will be attaining amended applications so as to present the lease applications with the diversion rates and acre limits as described in your February 9th email.

I am assuming that the methodology lined out in your email below is to be followed for submitting all future WSB lease applications for all stacked water rights. We have had at least one WSB lease approval in the last 2 months that was approved by the Watermaster and the Water Supply Bank processing staff in which a different methodology was used to calculate stacked or expansion water right diversion rates and acre limits. We are happy to submit WSB lease and rental applications with diversion rate and acre limits calculated using accepted IDWR methodology as long as the methodology requested is consistent. Thanks again for your time and I will be emailing you the amended applications shortly, have a great day.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Thursday, February 16, 2012 9:14 AM
To: zach.latham@brockwayeng.com
Cc: Van Bussum, Monica; Yenter, Cindy
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Hello Zach,

I sent you the message below concerning the Gary and Beverly Garner WSB lease applications last week, and I hadn't heard back from you. I wanted to make sure that received the message, since it had a time sensitive deadline for response. The full message has been included below.

I would appreciate a quick email to let me know that you received my earlier email. Thank you so much for your time and effort.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

From: Nelson, Dan
Sent: Thursday, February 09, 2012 10:28 AM
To: 'zach.latham@brockwayeng.com'
Cc: Van Bussum, Monica; Yenter, Cindy
Subject: Water Supply bank Lease Applications for Gary and Beverly Garner

Hello Zach,

Monica Van Bussum has asked if I could review the Garner Water Supply Bank (WSB) lease applications to expedite the process. I did the review and submitted the applications to Cindy Yenter, the watermaster for Water District 130, for Watermaster review.

Cindy brought up an interesting issue that I did not consider during my initial review. On the face of the application, it seems reasonable to lease all of the expansion water right (36-12043) and a portion of the base water right (36-2381A) as long as the diversion rate for 36-2381A exceeded the 0.25 cfs diversion rate attributed to 36-12043. However, I did not take into account the conditions regarding the combined acreage and diversion rate limitations and how if they were not proportionately split the lease could result in an expansion of the water right combined diversion rate per acre.

As the irrigation system is currently set up, the combined water rights can provide approximately 0.014 cfs per acre to irrigate 308 acres ($4.27 \text{ cfs} / 308 \text{ acres} = 0.01386363 \text{ cfs/acre}$). If we process the lease applications as you proposed the portion that would remain on the property would no longer have a combined limitation, and would be able to apply the full rate per acre for water right 36-2381A of 0.015 cfs per acre to irrigate the remaining 265.2 acres ($4.27 / 290 = 0.14724138 \text{ cfs/acre}$). This would result in an expansion of the water right diversion rate per acre remaining on the land that will continue to be irrigated.

Additionally, the combined limitation of these two water rights would be limited to the diversion rate of portion of water right 36-2381A being leased to the WSB. The portion being leased to the WSB from 36-2381A is 0.37 cfs [$(4.27 / 290) \times 24.8 \text{ acres} = 0.365158621 \text{ cfs}$], which will reduce the combined rate per acre for both water rights to

approximately 0.008 cfs per acre ($0.37 \text{ cfs} / 42.8 \text{ acres} = 0.00864486 \text{ cfs/ac}$). Most pivots currently are designed to operate at a diversion rate of 6 gpm/ac or 0.0123368984 cfs/ac, so anything under 0.01 cfs per acre for a diversion rate would make it very difficult to rent this water right out of the WSB. For a water right to be accepted in the WSB we must be able to rent this water right out of the WSB.

The standard practice when splitting water rights is to take a proportionate share of each water right. The following would be the proper proportionate splits of these water rights:

KNOWN FACTORS: Total acres leased to the WSB = 42.8 acres

Combined Diversion Rate =

$42.8 \text{ acres} \times (4.27 \text{ cfs} / 308 \text{ acres}) = 0.59336363 \text{ cfs}$ (Rounded to 0.59 cfs)

Water Right 36-2381A Acreage and Diversion Rate (full diversion rate must come from this base water right):

Existing Water Right Diversion rate and acreage allowed = $4.27 \text{ cfs} / 290 \text{ acres}$

$0.59 \text{ cfs} / (4.27 / 290) = 40.1 \text{ acres}$

WSB lease for water right 36-2381A should be for 0.59 cfs for 40.1 acres

Water Right 36-12043 acreage and diversion rate:

Existing Water Right Diversion rate and acreage allowed = $0.25 \text{ cfs} / 18 \text{ acres}$

$42.8 \text{ acres total lease acres} - 40.1 \text{ acres from 36-2381A} = 2.7 \text{ acres leased from 36-12043}$

$(0.25 \text{ cfs} / 18 \text{ acres}) \times 2.7 \text{ acres} = 0.0375 \text{ cfs}$ (rounded to 0.04 cfs)

WSB lease for water right 36-12043 should be for 0.04 cfs for 2.7 acres.

The combined limitation would be for 0.59 cfs and 171.2 af for 42.8 acres of irrigation when water rights 36-2381A and 37-12043 are combined. Please Note: Neither water right has a volume amount except in the combined condition limitation, which is based solely on the combined volume and acreage amounts.

You still have the option to move forward with the WSB leases as they were submitted, but expansion of a water right or combination of water rights could result in the rejection of a WSB lease. I would strongly recommend that you amend the applications to reflect the diversion rate and acreage splits shown above. I can give you until February 24th to submit amended applications, or to inform me that you wish to move forward with the leases as they are currently submitted. If the leases are rejected, your client will be required to re-file the WSB leases including an additional fee. No fee will be charged for amending the applications if received by February 24th 2012.

If you have any questions, please don't hesitate to contact me.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, February 16, 2012 9:52 AM
To: 'Zach Latham'
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Thank you Zach, I appreciate the confirmation. I just wanted to make sure you received the information.

Dan

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Thursday, February 16, 2012 9:20 AM
To: Nelson, Dan
Cc: Van Bussum, Monica; Yenter, Cindy
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Dan-
I received your message and I am currently reviewing it and formulating a response. I am hoping to have this done by the 24th of February as it has only been one week since you emailed me on 2/9/12. I will be in touch, thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Thursday, February 16, 2012 9:14 AM
To: zach.latham@brockwayeng.com
Cc: Van Bussum, Monica; Yenter, Cindy
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Hello Zach,

I sent you the message below concerning the Gary and Beverly Garner WSB lease applications last week, and I hadn't heard back from you. I wanted to make sure that received the message, since it had a time sensitive deadline for response. The full message has been included below.

I would appreciate a quick email to let me know that you received my earlier email. Thank you so much for your time and effort.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856

SCANNED
MAR 11 5 2012

WSB lease for water right 36-2381A should be for 0.59 cfs for 40.1 acres

Water Right 36-12043 acreage and diversion rate:

Existing Water Right Diversion rate and acreage allowed = 0.25 cfs / 18 acres

42.8 acres total lease acres – 40.1 acres from 36-2381A = 2.7 acres leased from 36-12043

$(0.25 \text{ cfs} / 18 \text{ acres}) \times 2.7 \text{ acres} = 0.0375 \text{ cfs}$ (rounded to 0.04 cfs)

WSB lease for water right 36-12043 should be for 0.04 cfs for 2.7 acres.

The combined limitation would be for 0.59 cfs and 171.2 af for 42.8 acres of irrigation when water rights 36-2381A and 36-12043 are combined. Please Note: Neither water right has a volume amount except in the combined condition limitation, which is based solely on the combined volume and acreage amounts.

You still have the option to move forward with the WSB leases as they were submitted, but expansion of a water right or combination of water rights could result in the rejection of a WSB lease. I would strongly recommend that you amend the applications to reflect the diversion rate and acreage splits shown above. I can give you until February 24th to submit amended applications, or to inform me that you wish to move forward with the leases as they are currently submitted. If the leases are rejected, your client will be required to re-file the WSB leases including an additional fee. No fee will be charged for amending the applications if received by February 24th 2012.

If you have any questions, please don't hesitate to contact me.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, February 21, 2012 4:13 PM
To: 'Zach Latham'; Yenter, Cindy
Cc: Van Bussum, Monica
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Zach,

I ran the numbers from the Water Supply Bank (WSB) lease acceptance form you listed through the same calculations I performed on the Garner Application, and I found a difference of the format I used versus the existing water the water bank lease acceptance form of 0.3 acres. I would consider an error of 0.3 acres for a total of 269 acres as a rounding error, and not significant enough to pursue a correction of the application form. Either way, it is obvious from my calculations, that the earlier WSB lease was split similarly to what I did with the Gardner WSB application. Only 1.8 acres of the 59.5 acre expansion right was placed into the WSB, so it was split somewhat proportionately. Unlike the Garner application in which you requested the entire expansion right to place into the WSB.

I am glad that I got to look over the earlier WSB lease. It confirms what we have done for the Garner application. I hope this clears that situation up for you a bit. The first portion of my calculations are shown below.

The standard practice when splitting water rights is to take a proportionate share of each water right. The following would be the proper proportionate splits of these water rights:

KNOWN FACTORS: Total acres leased to the WSB = 8.3 acres

Combined Diversion Rate =

$8.3 \text{ acres} \times (3.09 \text{ cfs} / 269 \text{ acres}) = 0.095342007 \text{ cfs}$ (Rounded to 0.10 cfs)

Water Right 36-2453A Acreage and Diversion Rate (full diversion rate must come from this base water right):

Existing Water Right Diversion rate and acreage allowed = $3.09 \text{ cfs} / 209.5 \text{ acres}$

$0.10 \text{ cfs} / (3.09 / 209.5) = 6.7799 \text{ acres}$ Rounded to 6.8 acres

WSB lease for water right 36-2453A should be for 0.10 cfs for 6.8 acres (Current Water Supply Bank lease shows 6.5 acres – the 0.3 acre difference in these numbers is probably attributed to a rounding error.)

Thank you again Zach for helping us work through this situation. I appreciate this a great deal.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Tuesday, February 21, 2012 3:10 PM
To: Yenter, Cindy
Cc: Van Bussum, Monica; Nelson, Dan
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Cindy-

I just doubled checked and the approval I was referencing was mailed out on 12/21/10 (not in 2011 as I had stated), dealing with water rights 36-2453A and 36-13065A (Darrell James Baker- applicant). I think those two rights fall under the same expansion of diversion rate scenario but we dipped into each right separately.

We very much appreciate yours, and the WSB's willingness to work with applicants to get applications processed as efficiently as possible and we don't want to be part of any hold up. This is why we are working to submit applications with diversion rate and acreage limits that are correct so that no modification is needed once it's in the WSB's hands. This has been and I hope will continue to be a great conversation on how to make the WSB lease process as streamlined as possible. Thanks again for your input.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c. 208-308-0739
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Yenter, Cindy [mailto:Cindy.Yenter@idwr.idaho.gov]
Sent: Tuesday, February 21, 2012 2:56 PM
To: Zach Latham; Nelson, Dan
Cc: Van Bussum, Monica
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Zach – please tell me which prior lease you are referencing? I'm not saying we did not make a mistake, but if we are inconsistent I would like to know about it as well so we can make sure we standardize. Could be that situation was slightly different, and if that's the case we'll try and clarify that for you too.

Cindy

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Tuesday, February 21, 2012 2:50 PM
To: Nelson, Dan
Cc: Van Bussum, Monica; Yenter, Cindy
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Dan-

Thanks for taking the time to answer my questions and listen to my concerns on the telephone this afternoon regarding the above referenced WSB applications. We will be attaining amended applications so as to present the lease applications with the diversion rates and acre limits as described in your February 9th email.

SCANNED
MAR 11 5 2012

I am assuming that the methodology lined out in your email below is to be followed for submitting all future WSB lease applications for all stacked water rights. We have had at least one WSB lease approval in the last 2 months that was approved by the Watermaster and the Water Supply Bank processing staff in which a different methodology was used to calculate stacked or expansion water right diversion rates and acre limits. We are happy to submit WSB lease and rental applications with diversion rate and acre limits calculated using accepted IDWR methodology as long as the methodology requested is consistent. Thanks again for your time and I will be emailing you the amended applications shortly, have a great day.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c. 208-308-0739
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Thursday, February 16, 2012 9:14 AM
To: zach.latham@brockwayeng.com
Cc: Van Bussum, Monica; Yenter, Cindy
Subject: RE: Water Supply bank Lease Applications for Gary and Beverly Garner

Hello Zach,

I sent you the message below concerning the Gary and Beverly Garner WSB lease applications last week, and I hadn't heard back from you. I wanted to make sure that received the message, since it had a time sensitive deadline for response. The full message has been included below.

I would appreciate a quick email to let me know that you received my earlier email. Thank you so much for your time and effort.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

From: Nelson, Dan
Sent: Thursday, February 09, 2012 10:28 AM
To: 'zach.latham@brockwayeng.com'
Cc: Van Bussum, Monica; Yenter, Cindy
Subject: Water Supply bank Lease Applications for Gary and Beverly Garner

Hello Zach,

Monica Van Bussum has asked if I could review the Garner Water Supply Bank (WSB) lease applications to expedite the process. I did the review and submitted the applications to Cindy Yenter, the watermaster for Water District 130, for Watermaster review.

Cindy brought up an interesting issue that I did not consider during my initial review. On the face of the application, it seems reasonable to lease all of the expansion water right (36-12043) and a portion of the base water right (36-2381A) as long as the diversion rate for 36-2381A exceeded the 0.25 cfs diversion rate attributed to 36-12043. However, I did not take into account the conditions regarding the combined acreage and diversion rate limitations and how if they were not proportionately split the lease could result in an expansion of the water right combined diversion rate per acre.

As the irrigation system is currently set up, the combined water rights can provide approximately 0.014 cfs per acre to irrigate 308 acres ($4.27 \text{ cfs} / 308 \text{ acres} = 0.01386363 \text{ cfs/acre}$). If we process the lease applications as you proposed the portion that would remain on the property would no longer have a combined limitation, and would be able to apply the full rate per acre for water right 36-2381A of 0.015 cfs per acre to irrigate the remaining 265.2 acres ($4.27 / 290 = 0.14724138 \text{ cfs/acre}$). This would result in an expansion of the water right diversion rate per acre remaining on the land that will continue to be irrigated.

Additionally, the combined limitation of these two water rights would be limited to the diversion rate of portion of water right 36-2381A being leased to the WSB. The portion being leased to the WSB from 36-2381A is 0.37 cfs [$(4.27 / 290) \times 24.8 \text{ acres} = 0.365158621 \text{ cfs}$], which will reduce the combined rate per acre for both water rights to approximately 0.008 cfs per acre ($0.37 \text{ cfs} / 42.8 \text{ acres} = 0.00864486 \text{ cfs/acre}$). Most pivots currently are designed to operate at a diversion rate of 6 gpm/acre or 0.0123368984 cfs/acre, so anything under 0.01 cfs per acre for a diversion rate would make it very difficult to rent this water right out of the WSB. For a water right to be accepted in the WSB we must be able to rent this water right out of the WSB.

The standard practice when splitting water rights is to take a proportionate share of each water right. The following would be the proper proportionate splits of these water rights:

KNOWN FACTORS: Total acres leased to the WSB = 42.8 acres

Combined Diversion Rate =

$42.8 \text{ acres} \times (4.27 \text{ cfs} / 308 \text{ acres}) = 0.59336363 \text{ cfs}$ (Rounded to 0.59 cfs)

Water Right 36-2381A Acreage and Diversion Rate (full diversion rate must come from this base water right):

Existing Water Right Diversion rate and acreage allowed = $4.27 \text{ cfs} / 290 \text{ acres}$

$0.59 \text{ cfs} / (4.27 / 290) = 40.1 \text{ acres}$

WSB lease for water right 36-2381A should be for 0.59 cfs for 40.1 acres

Water Right 36-12043 acreage and diversion rate:

Existing Water Right Diversion rate and acreage allowed = $0.25 \text{ cfs} / 18 \text{ acres}$

$42.8 \text{ acres total lease acres} - 40.1 \text{ acres from 36-2381A} = 2.7 \text{ acres leased from 36-12043}$

$(0.25 \text{ cfs} / 18 \text{ acres}) \times 2.7 \text{ acres} = 0.0375 \text{ cfs}$ (rounded to 0.04 cfs)

WSB lease for water right 36-12043 should be for 0.04 cfs for 2.7 acres.

The combined limitation would be for 0.59 cfs and 171.2 af for 42.8 acres of irrigation when water rights 36-2381A and 37-12043 are combined. Please Note: Neither water right has a volume amount except in the combined condition limitation, which is based solely on the combined volume and acreage amounts.

You still have the option to move forward with the WSB leases as they were submitted, but expansion of a water right or combination of water rights could result in the rejection of a WSB lease. I would strongly recommend that you amend the applications to reflect the diversion rate and acreage splits shown above. I can give you until February 24th to submit amended applications, or to inform me that you wish to move forward with the leases as they are currently submitted. If the leases are rejected, your client will be required to re-file the WSB leases including an additional fee. No fee will be charged for amending the applications if received by February 24th 2012.

If you have any questions, please don't hesitate to contact me.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)