

MEMORANDUM

Date: July 5, 2012

To: File

From: Nick Van Dyke

Re: Dean & Claudia Hughes Lease Application/Brad Woolstenhulme Rental Application of Water Right 17-7071

Purpose/Narrative: This memo addresses both a lease application and rental application for 17-7071. Both were received April 19, 2012 as a package. Dean & Claudia Hughes are the lease applicants; Brad Woolstenhulme is the rental applicant. The lease looks to offer all of 17-7071 into the bank, 1.48 cfs/628.2 af/240 acres. The rental seeks to pull 0.76 cfs/321.7 af/122.8 from the bank to cover two halves of two pivots that currently do not have a water right appurtenant. The lease and rental will be for 2012 only.

Both applicants agreed to a negotiated rental rate of \$30 per acre rented versus the current standard rate of \$14 per acre-foot. After discussing with staff, the 2012 rental fee was calculated as shown below:

- Standard Fee: 321.7 af * \$14 per af = \$4503.80 10% = \$450.38
- Negotiated Fee: 122.8 acres * \$30 per acres = \$3,684 10% = \$368.40

The \$450.38 10% administrative fee from the standard calculation was added to the dollar amount of the negotiated rate. Total rental fee **\$4,134.38**

Authority to File: Dean and Claudia Hughes are the owners of record for 17-7071. Both signed the lease application. Brad Woolstenhulme signed the rental application.

Water Right Validity: Though the ground under 17-7071 does not show irrigation within the last five years, the acreage has been enrolled in CRP. Documentation was provided with the lease application. I called the FSA office in Oneida County and confirmed the land is currently enrolled. Forfeiture is not an issue.

Injury to Other Water Rights: None anticipated. The rental seeks to cover acres presently irrigated but without a water right. There will be no additional pumping in practice beyond what is currently occurring.

Enlargement of Use: None anticipated.

Local Public Interest: There were conversations with a neighbor to Brad Woolstenhulme, Kent Smith. Mr. Smith indicated groundwater levels had been declining in the area and felt approval of this rental could be detrimental to him. I explained the rental is not seeking additional pumping; the rental is being sought to legitimize present irrigation.

Beneficial Use/Conservation of Water Resources: The lease appears to be consistent with conservation of water resources in Idaho.

Department Staff or Watermaster Comments: None.