

MEMORANDUM

To: Water Right File No(s). 37-22167

From: Monica Van Bussum

Date: April 19, 2012

Re: Review of Applications to Lease ^{and Rent} a Water Right to the State Water Supply Bank (LeaVell for 3.2 acres for 2012 through 2017)

PURPOSE/NARRATIVE: On March 22, 2012, we received two lease applications and one rental application from Alonzo LeaVell (via his consultant Zach Latham of Brockway Engineering) for 37-22167.

One lease application was for 3.2 acres and the rental application was for 3.2 acres. This memo addresses those two applications.

A different memo addresses the other lease application filed for 6.0 acres.

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

WATER RIGHT VALIDITY: This right was in the Bank from 2009 through 2011. Five years of non-use have not elapsed.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

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 leases appear to be consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

See attached. There was some discussion among Zach Latham, Cindy Yenter and me about the correct legal description for this rental (see attached email string and watermaster comment). Zach agreed with the suggested changes to the rental POU. This did not change the legal description for the rental but should shift the designated POU within the QQ and the spatial tracking function for rentals should reflect the updated shape.

Van Bussum, Monica

From: Yenter, Cindy
Sent: Wednesday, May 02, 2012 11:35 AM
To: Van Bussum, Monica
Cc: Zach Latham
Subject: RE: Leavell WSB comment

I agree, the acreage and volume on 37-8379 are not being exceeded. However, a nominal digital shape and wr tabular description of a 40-acre tract does not necessarily identify or authorize this right as being within a PPU, especially when we have file information to the contrary. It does create a de facto PPU, and I am not inclined to regulate on it if there are no other issues and the water user stays within the QQ. However if you look at the right shapefile now, it is no longer a nominal shape as I have updated it.

Ultimately what Mr. Leavell should do is file a transfer to modify the pou on 37-8379. I do think we can consider this a much lower priority than finalizing the rental. Mostly I was concerned that the rental not overlap the existing pou of the right, effectively creating less than 20.2 acres of authorized irrigation.

Monica, I would suggest finalizing the rental acres at my recommended location, since that appears to be OK with Zach, and I'll watch to see where Mr. Leavell ends up irrigating this summer. Then it will be easier to determine if he needs a transfer, and what it needs to accomplish.

Zach, I have been talking to Lonnie about getting a measurement device on that well. We MAY be able to use an hour meter unless he pressurizes the system, then he'll have to install a flow meter. A mag will be required on this well. (I only gave him a variance to use the little brass meters on the much smaller acreages). The approval of the rental and additional acres will put a definite push on this requirement....

Please let me know if you have questions!
Cindy

From: Van Bussum, Monica
Sent: Tuesday, May 01, 2012 9:28 PM
To: Yenter, Cindy
Subject: FW: Leavell WSB comment

Zach's comment regarding irrigating outside the authorized POU. Thoughts?

I'm in through Monday, so let's try to talk sometime this week if we can. :)

Monica

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Tue 5/1/2012 4:43 PM
To: Van Bussum, Monica
Subject: RE: Leavell WSB comment

Monica,
Thanks for the email. The IDWR shapefile for the POU for 37-8379 lists the entire QQ, limited to 16 acres in the SENW, and 1 acre in the SWNW. Bottom line is Mr. LeaVell would like to irrigate 20.2 acres, thus necessitating the need for 3.2 acres of additional water needed. Because the hardscapes present don't allow for the full 16 acres to be irrigated in Cindy's delineation in the SENW, some of the existing water right is likely being used outside of Cindy's delineation, although the water right acre limit and consumptive use licensed under 37-8379 are not being exceeded.

The rental area in green looks acceptable. We will discuss options for irrigating outside of the licensed POU with Mr. LeaVell. Thanks for your help, good luck with the kido!

Zach Latham

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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: Van Bussum, Monica [<mailto:Monica.VanBussum@idwr.idaho.gov>]

Sent: Friday, April 27, 2012 12:52 PM

To: Zach Latham

Subject: FW: Leavell WSB comment

Hi Zach,

Cindy Yenter had an opportunity to provide watermaster comment on the Alonzo Leavell leases and rental. She thinks the rental POU should be adjusted to the south a bit, and has provided written comment and a map showing where she thinks the acres should be. Can you take a look at this and see how it gels with your information and your client's requirements? Thanks.

I should warn you that May 7th will be my last day in the office before maternity leave. I have approval documents ready to go but, of course, want to make sure we have the details ironed out before I leave.

Monica

From: Yenter, Cindy

Sent: Thursday, April 26, 2012 5:04 PM

To: Van Bussum, Monica

Subject: Leavell WSB comment

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Watermaster
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Leavell WSB
37-22167.jpg

RECOMMENDATION OF WATERMASTER

Application No: WSB lease / Rental
Water Right No: 37-22167
Applicant Name: Leavell

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:

add measuring device condition and water district 130 language to the rental of 3.2 acres - see below and attached map for info on current rental location of acres

- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

The nominal shape assigned to water right 37-8379 does not represent the actual acres developed. The attached map reflects the BU field exam map. The map associated with the 3.2 rental acres overlaps the water right polygon, and the WSB acres should be shifted to the south so as to avoid the overlap, and cover acres which are being irrigated outside of the water right boundary.

Forfeiture is not an issue for the lease as the subject acres have been in the WSB except for the past 2 years.

Dated: April 27, 2012

Water District 130

sent electronically
Cindy J Yenter, Watermaster

