

MEMORANDUM

To: Water Right File No(s). 45-2578, 45-2597 and 45-14060

From: Monica Van Bussum

Date: April 23, 2012

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: This memo is meant to be a brief addendum to Dan Nelson's memo of March 28th. Dan's memo set out some limiting conditions for various water rights. Based on some additional calculations and discussions completed by Pam Skaggs and me, we've slightly altered some of the amounts reflected as leased to the Bank. See the attached spreadsheet from Pam Skaggs for a more detailed analysis of how we came up with the new leased amounts and combined limits.

Additionally, Dan recommended adding some conditions to the unleased water rights (notably, 45-13627 and 45-13628) and Pam and I decided to add those conditions to the leased water rights so the leases reflect the true leased portions.

It is unorthodox for Bank leases to have limiting conditions with rights not leased to the Bank. However, although the rights are overlapping, 45-7086D, 45-13627 and 45-13628 do not deliver water to the POU to be leased under this acceptance, so we could not require any amount of them be leased to the Bank. By their very nature, though, we needed to reduce the combined limits among the rights, hence the unusual conditioning. Additionally, we will send a separate letter to the watermaster instead of just copying him so he is fully apprised of the unusual conditions.

Basin	Sequence Suffix	Current Owner	Priority Date	Source	Water Use List	Diversion	Acre Limit	Total Acres	Volume	Split Portions Limits (Leased/Unleased)
45	2578	BEUKERS	4/29/1959	GROUND	IRRIGATION	3.56	473.0	2,209.0	978.0	0.11 cfs, 14.3 acres & 29.6 af / Balance of right
45	2597	BEUKERS	1/13/1960	GROUND	IRRIGATION	13.50	1,280.0	2,209.0	494.0	0.41 cfs, 38.6 acres & 14.9 af / Balance of right
							<u>1,332.0</u>			40.2 acres / 1291.8 acres
45	7086 D	BEUKERS	12/3/1971	GROUNDW	IRRIGATION	5.07	934.0	934.0	2,463.8	40.2 acres / 2225.8 acres
45	14060	BEUKERS	12/3/1971	GROUNDW	IRRIGATION	21.38	2,153.0	2,219.0	8,612.0	0.65 cfs, 65.0 acres & 260.0 af / Balance of right
		with 45-13627 2161.0 acres & 8644.0 af (304 acre overlap)								
		with 45-13628 2167.0 acres & 8668.0 af (618 acre overlap)								
45	13627	BEUKERS	6/24/1957	GROUNDW	IRRIGATION	3.21		312.0	1,248.0	
45	13628	BEUKERS	6/24/1957	GROUNDW	IRRIGATION	3.56		632.0	1,737.0	
								<u>2,219.0</u>	<u>8,876.0</u>	67.0 acres & 268.0 af / 2152.0 acres & 8608.0 af

BEUKERS - WSB LEASE OVERLAP & COMBINED RIGHT LIMITS REVIEW

4-23-12 Q8

MEMORANDUM

TO: Water Right Files 45-2578, 45-2597, and 45-14060
FROM: Daniel A. Nelson
DATE: March 28, 2012
SUBJECT: John and Ruth Beukers Water Supply Bank Lease Application

SUMMARY

Gary Funderburg of TSK Enterprises LLC filed Three Water Supply Bank (WSB) leases on behalf of his client, John and Ruth Beukers on February 23, 2012. Mr. Funderburg send amended applications that were received on April 1, 2012. The amended lease applications request to lease the same 67 acre portion from each of water rights 45-2578, 45-2597, and 45-14060 to the WSB from 3/15/2012 to 3/15/2013. The portion being leased to the WSB from water right 45-2578 is 0.50 cfs and 138.5 af of water to irrigate 67 acres with the remaining portion will being 3.06 cfs and 839.5 af of water to irrigate 406 acres. The portion being leased to the WSB from water right 45-2597 is 0.71 cfs and 25.9 af of water to irrigate 67 acres with the remaining portion will being 12.79 cfs and 468.1 af of water to irrigate 1213 acres. The portion being leased to the WSB from water right 45-14060 is 0.67 cfs and 268 af of water to irrigate 67 acres with the remaining portion will being 20.71 cfs and 8344 af of water to irrigate 2086 acres. When the leased portion of water rights 45-2578, 45-2597, and 45-14060 are combined they will be limited to 1.34 cfs and 268 af of water to irrigate 67 acres. The remaining portion will have numerous conditions that will be described in detail below.

The land being retired for this WSB lease was last irrigated in 2006, so the action to prevent forfeiture or in this case the WSB lease must be done this season prevent forfeiture of the water right. Whereas this land is being placed into the WSB this season, there should not be any forfeiture issues for the 67 acres. This lease will remove all of the portions of these water rights allotted to the SE ¼ of Section 18, Township 12 South, Range 21 East.

AUTHORITY TO FILE

The lease applications were signed by both John and Ruth Buekers, who are listed as the owners on the water rights and the tax lot information available to the Department

SUFFICIENCY OF SUPPLY

There is no data to suggest that the sufficiency of water supply will be an issue.

INJURY

There is nothing to suggest that there will be any injury from leasing this water right to the water supply bank.

ENLARGEMENT

There is no enlargement being proposed.

BENEFICIAL USE

The purpose proposed does qualify as a beneficial use.

LOCAL PUBLIC INTEREST

There is nothing to suggest that these leases would be contrary to the Local Public Interest.

WATER DISTRICT

Ground water in this area is regulated by the Water District 140 Watermaster. I have contacted the watermaster, but no response has been received at this time.

RECOMMENDATION

These WSB leases should be approved with a term of March 15, 2012 to March 15, 2013 term with the following conditions:

WATER RIGHT 45-2578:

Portion Being Leased to the Water Supply Bank (0.50 cfs, 138.5 af, 67 acres of irrigation – 34 acres in the NESE and 33 acres in the SESE of Section 18, Township 12S, Range 21E):

When combined, the portions of water rights 45-2578, 45-2597, and 45-14060 shall not exceed 1.34 cfs, 268 af, and the irrigation of 67 acres.

The portion of water rights 45-2578 and 45-2597 being leased to the Water Supply Bank when combined shall not exceed the irrigation of 67 acres.

Portion Remaining for use on the farm (3.08 cfs, 845.7 af, 409 acres):

X27 This right is limited to the irrigation of 406 acres within the above described permissible place of use.

Rights 45-2578 and 45-2597 when combined shall not exceed the irrigation of 1265 acres.

The portions of water right 45-2578, 45-2597, and 45-14060 not included in the Water Supply Bank lease when combined with water rights 45-13627 and 45-13628 shall not exceed the diversion of 8,608 acre-feet annually or the irrigation of 2152 acres.

The portions of water right 45-2578 and 45-2597 not included in the Water Supply Bank lease when combined with water rights 45-7086D shall not exceed the irrigation of 2199 acres. (PLEASE NOTE: Water right 45-7086D also has a Water Supply Bank lease request for 114 acres. Once the portion of 45-7086D is removed, the total combined amount allowed to be irrigated will be reduced to 2,085 acres.)

WATER RIGHT 45-2597:

Portion Being Leased to the Water Supply Bank (0.71 cfs, 25.9 af, 67 acres of irrigation – 34 acres in the NESE and 33 acres in the SESE of Section 18, Township 12S, Range 21E):

When combined, the portions of water rights 45-2578, 45-2597, and 45-14060 shall not exceed 1.34 cfs, 268 af, and the irrigation of 67 acres.

The portion of water rights 45-2578 and 45-2597 being leased to the Water Supply Bank when combined shall not exceed the irrigation of 67 acres.

Portion Remaining for use on the farm (12.79 cfs, 468.1 af, 1213 acres):

X27 This right is limited to the irrigation of 1213 acres within the above described permissible place of use.

Rights 45-2578 and 45-2597 when combined shall not exceed the irrigation of 1265 acres.

The portions of water right 45-2578, 45-2597, and 45-14060 not included in the Water Supply Bank lease when combined with water rights 45-13627 and 45-13628 shall not exceed the diversion of 8,608 acre-feet annually or the irrigation of 2152 acres.

The portions of water right 45-2578 and 45-2597 not included in the Water Supply Bank lease when combined with water rights 45-7086D shall not exceed the irrigation of 2199 acres. (PLEASE NOTE: Water right 45-7086D also has a Water Supply Bank lease request for 114 acres. Once the portion of 45-7086D is removed, the total combined amount allowed to be irrigated will be reduced to 2,085 acres.)

WATER RIGHT 45-14060:

Portion Being Leased to the Water Supply Bank (0.67 cfs, 268 af, 67 acres of irrigation – 34 acres in the NESE and 33 acres in the SESE of Section 18, Township 12S, Range 21E):

When combined, the portions of water rights 45-2578, 45-2597, and 45-14060 shall not exceed 1.34 cfs, 268 af, and the irrigation of 67 acres.

Portion Remaining for use on the farm (20.71 cfs, 8344 af, 2086 acres):

X27 This right is limited to the irrigation of 2086 acres within the above described permissible place of use.

Rights 45-13627 and 45-14060 when combined shall not exceed a diversion of 8182.2 acre-feet or the irrigation of 2094 acres.

Rights 45-13628 and 45-14060 when combined shall not exceed a diversion of 8400 acre-feet or the irrigation of 2100 acres.

The portions of water right 45-2578, 45-2597, and 45-14060 not included in the Water Supply Bank lease when combined with water rights 45-13627 and 45-13628 shall not exceed the diversion of 8,608 acre-feet annually or the irrigation of 2152 acres.

Nelson, Dan

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Wednesday, March 28, 2012 7:06 PM
To: Nelson, Dan
Subject: Re: Watermaster Comment Request

Hi Dan.

I have no objections nor comments for the attached water supply bank applications.

Thank you.

Brian

Sent from my iPad

On Mar 28, 2012, at 1:49 PM, "Nelson, Dan" <Dan.Nelson@idwr.idaho.gov> wrote:

Dear Mr. Higgs:

This email is a request for your review and/or comments on three Water Supply Bank lease applications for John and Ruth Beukers on a portion of water rights 45-2578, 45-2597, and 45-14060. I have attached a copy of my review memo and the map supplied with the Water Supply Bank lease applications. If you have any questions, please don't hesitate to contact me.

Respectfully,

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

<DOC.pdf>

<2597+ Review Memo.docx>

Nelson, Dan

From: Nelson, Dan
Sent: Monday, April 09, 2012 6:33 AM
To: 'gary funderburg'
Cc: Van Bussum, Monica
Subject: RE: Watter Supply Bank Lease for water rights 45-2578, 45-2597, aand 45-14060

Gary,

I need an amended application form with the owner's signature. Basically, I need the application form re-done with amended written across the top. You will not need to send a map. The existing map is sufficient for our needs. Once I get that, the lease should be issued within a week or so. The review has been completed and the watermaster comment has been sought. I will just need to tweak the memo a bit.

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

From: gary funderburg [<mailto:denisekayf@cableone.net>]
Sent: Saturday, April 07, 2012 8:10 PM
To: Nelson, Dan
Subject: Re: Watter Supply Bank Lease for water rights 45-2578, 45-2597, aand 45-14060

Dan,
Thank YOu. I need to know what you need in an amending the file. Can I just send you a corrected page of the lease application with the corrections??
Gary

----- Original Message -----

From: Nelson, Dan
To: gary funderburg
Cc: Van Bussum, Monica ; Robertson, Jean
Sent: Friday, April 06, 2012 1:47 PM
Subject: Watter Supply Bank Lease for water rights 45-2578, 45-2597, aand 45-14060

Hello Gary,

I checked with Monica, and she hadn't completed the Water Supply Bank (WSB) approvals yet. Therefore, you still have time to amend the applications. You can send WSB lease amendments to me at the State Office. I took the files back over from Monica to finish these out, since there is still time to amend the applications. **However, we can only hold these files until Friday April 20, 2012. If we don't receive the files by that day we will go forward with approval of what we have, and your client will need to file a new application for the additional 3 acres.**

Thank you Gary.

Daniel A. Nelson
Staff Hydrologist
Idaho Department of Water Resources

Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, March 28, 2012 1:50 PM
To: 'brian@waterwellconsultants.com'
Subject: Watermaster Comment Request
Attachments: DOC.pdf; 2597+ Review Memo.docx

Dear Mr. Higgs:

This email is a request for your review and/or comments on three Water Supply Bank lease applications for John and Ruth Beukers on a portion of water rights 45-2578, 45-2597, and 45-14060. I have attached a copy of my review memo and the map supplied with the Water Supply Bank lease applications. If you have any questions, please don't hesitate to contact me.

Respectfully,

Daniel A. Nelson
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