

MEMORANDUM

TO: Water Right File 35-8001A
FROM: Daniel A. Nelson
DATE: January 19, 2012
SUBJECT: Forrest and Kathleen McKinley Water Supply Bank Lease Application

SUMMARY

Forest and Kathleen McKilnley filed a Water Supply Bank lease for water right 35-8001A on January 13, 2012. The lease application request to lease all of water right 35-8001A, will contribute 0.10 cfs and 20 acre feet of water to irrigate 5 acres.

An Application for Extension of Time to Avoid Forfeiture of Water Right was filed on January 29, 2007. This extension of time expired on January 1, 2012. However, after discussions with administration it has been determine that forfeiture cannot occur until after the start of the irrigation season. Therefore, this water right can be placed in the Water Supply Bank.

AUTHORITY TO FILE

This lease application was signed by both Forrest and Kathleen McKinley who are listed as the owners of the water right and the property.

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 this lease would be contrary to the Local Public Interest.

WATER DISTRICT

This area is regulated by Water District 120. The watermaster has been contacted for comments, and he is not opposed to the application.

RECOMMENDATION

This Water Supply Bank lease should be accepted into the Water Supply Bank with a term of January 1, 2012 to December 31, 2016 with the conditions listed on the water right carried forward.

Nelson, Dan

From: Cefalo, James
Sent: Tuesday, January 24, 2012 8:23 AM
To: Nelson, Dan
Subject: RE: Watermaster Comments for Water Supply Bank Lease

Dan,

I am not opposed to this WSB lease. I agree with your analysis. Forfeiture would not be an issue until the irrigation season begins.

James

From: Nelson, Dan
Sent: Thursday, January 19, 2012 2:30 PM
To: Cefalo, James
Subject: FW: Watermaster Comments for Water Supply Bank Lease

Hello James,

I was going through my memo and I made a pretty important error. The lease will be a 5 year lease from 1/1/2012 to 12/31/2016. I thought I better let you know before you commented.

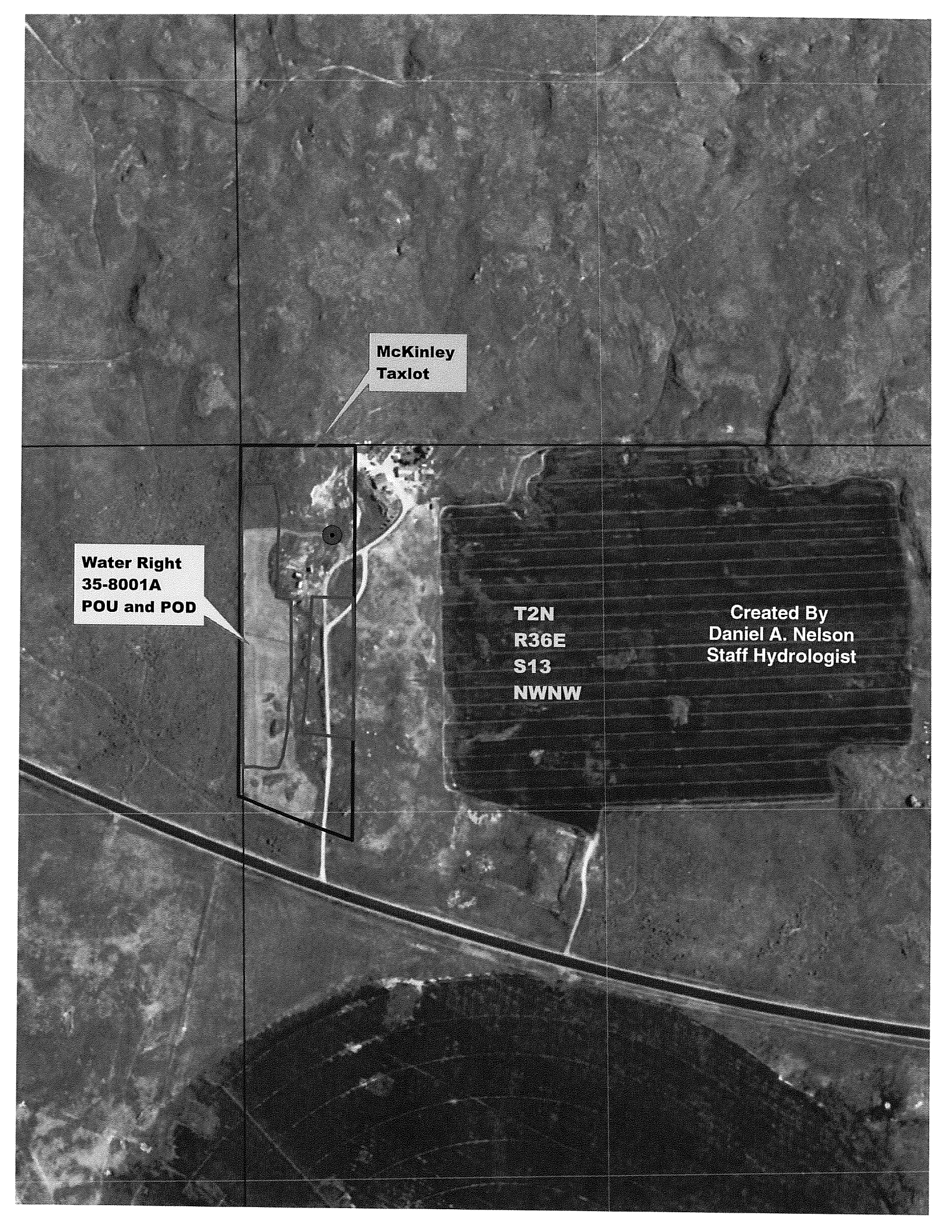
Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

From: Nelson, Dan
Sent: Thursday, January 19, 2012 2:13 PM
To: Cefalo, James
Subject: Watermaster Comments for Water Supply Bank Lease

Hello James,

I am requesting watermaster comments on a Water Supply Bank lease application by Forrest and Kathleen McKinney on water right 35-8001A. They are proposing to place the entire water right into the Water Supply Bank. I would appreciate the submittal of any comments that you may have for this lease. I have included a draft copy of the my review memo concerning this application.

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



**McKinley
Taxlot**

This is an aerial photograph of a landscape, likely a river valley. A black rectangular box highlights a specific area on the left side of the image. A black dot is located within this box. A black line runs diagonally across the bottom of the image. The background shows a mix of dark, textured areas and lighter, more uniform areas.

**Water Right
35-8001A
POU and POD**

**T2N
R36E
S13
NWNW**

**Created By
Daniel A. Nelson
Staff Hydrologist**

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-8001A

WATER RIGHT NUMBER: 35-8001A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FORREST MCKINLEY 701 OLD OREGON RD SODA SPRINGS, ID 83276-5642
Current Owner	KATHLEEN MCKINLEY 701 OLD OREGON RD SODA SPRINGS, ID 83276-5642 208-552-9322
Previous Owner	DERLIN L CAMPBELL 7444 W ARCO HWY IDAHO FALLS, ID 83402-3771 (208)522-0945
Previous Owner	DEON L CAMPBELL 690 BUTTERFLY DR IDAHO FALLS, ID 83402-3771 (208)529-9699

Priority Date: 10/26/1981

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
04/01	to 11/01	0.100 CFS	20.00 AF
<u>Total Diversion:</u>		0.100 CFS	20.00 AF

Location of Point(s) of Diversion

GROUND WATER

BONNEVILLE County

NW1/4NW1/4NW1/4

Sec. 13, Twp 02N, Rge 36E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	36E	13																	5.0

Total Acres: 5

Conditions of Approval:

1. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Include in
Memo That it
couldn't be put
Back into
use until the
beginning of irrigation
season - so there is
no forfeiture - per
Jeff Ackersack.

ALL OF RIGHT

ONLY WATER RIGHT

FOR these lands FOR IRRIG.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-8001A

2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
6. R68 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. 131 Prior to the diversion and use of water under Transfer approval 74737, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Remarks:Comments:

1. dcarlson 10/6/2008 9:23:51 AM POU
Comment: Updated Shape
2. dcarlson 10/6/2008 9:26:23 AM POU
Comment: Updated Shape
3. dcarlson 10/6/2008 9:27:16 AM POU
Comment: Updated Shape
4. dcarlson 10/9/2008 1:05:46 PM POD
Comment: Updated Shape
5. scox 12/12/2008 10:35:22 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 74737
6. cfield 1/17/2012 Water Supply Bank
Comment: Lse app fee pd C094547

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-8001A

Dates and Other Information:

Licensed Date:
Decreed Date: 1/31/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And
Water District Number: 120
Generic Max Rate Per Acre: 0.03
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Lessor Name: KATHLEEN MCKINLEY
Lease Status: Application
Lease Amount: All
Rental Availability: All
Date Received: 1/13/2012
Lease Begin Date: 1/1/2012
Expiration Date: 12/31/2016