

MEMORANDUM

TO: Water Rights File 34-618, 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, and 34-13842

FROM: Daniel A. Nelson

DATE: November 1, 2011

SUBJECT: Telford Lands LLC Water Supply Bank Rental Application

SUMMARY

Robert L. Harris of Holden, Kidwell, Hahn, and Crapo Law Offices have filed a rental application for Telford Lands LLC to rent the water leased to the Water Supply Bank under water rights 34-618, 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, and 34-13842 to be used on lands located in Township 13 North, Range 26 East, Section 14, Section 15, Section 16, Section 22, and Section 23 known as the Isom Farm. Mr. Harris is requesting that the entire amount of water leased under the above water rights be rented as a supplemental water right for the entire 1980 acre Isom Farm.

The Water Supply Bank lease was originally filed on property known as the Mickleson Farm. Therefore, the water will be moved to a separate location, even though Mr. Telford owns both properties. Current water right ownership documentation shows that Telford Lands LLC does own both properties. Mr. Telford has the authority to sign these applications. The Mickleson Farm lease placed 5.18 cfs, 968.5 acre feet, and 276.7 acres into the Water Supply Bank.

This rental application only wants to rent the flow rate of these water rights to be used on the Isom Farm. The volume amount will need to accompany the flow rate, but the volume being used will exceed the amount allowed per acre under the duty of water requirements. However, there is both surface water and ground water involved in both the existing water rights on the Isom Farm and the rental application. There are also several different priority dates involved in the water rights for both the Isom Farm and the rented water. The area where this property is located is within a conjunctive managed water district, so several of these water rights could be curtailed before the full volume amount can be diverted. In order to prevent excess volume being applied to the Isom Farm, the following condition will need to be placed on the rental agreement:

When water rights 34-7138, 34-7037, 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925 are combined with this rental agreement, they total amount of water diverted to the field headgate cannot exceed 0.02 cfs and 3.5 acre feet per acre.

The above condition will address any issues with the diversion rates for this farm. When all of the existing water rights are combined for the Isom Farm, they can possibly supply a total of 40.5 cfs or 0.02045 cfs per acre. If you add in the additional diversion rate from the rental application of 5.18 cfs to the existing water rights, the total diversion rate allowed increases to 45.68 cfs or 0.02307 cfs per acre. As stated above, the water rights involved are from different sources and have different priority dates that could be curtailed. Neither the surface water nor the ground water sources could provide a full inch or 0.02 cfs per acre, so both sources will need to be used in some fashion to maintain diversion rate that provides proper coverage of the ground. When the existing ground water rights and the rental ground water rights are combined, they will allow approximately 6.6 gpm per acre. A diversion rate of 6 gpm per acre is getting very close to the minimum recommended application rate for a pivot, which can range from 6 gpm per acre to 8 gpm per acre. This also does not account for leakage and other conveyance losses of the distribution system.

There are a vast number of conditions on the Water Supply Bank rental and the existing water rights on the Isom Farm. These conditions will need to be maintained. The best way to accomplish this task is to regulate the two sets of water rights as different sources of water. The rental application requests that Mickleson Farm wells and the Test Pumped Well be used for this rental. This will provide a good opportunity for the watermaster to separate out the two sources. Measurement devices will need to be required as part of the rental application on the Test Pumped Well and on the ditch that will supply the water from Mickleson Farm to the Isom Farm prior to diverting water from these sources. I recommend the following condition:

Prior to diversion of water under this rental agreement, measuring devices of a type approved by IDWR shall be maintained at all points of diversion on the Mickleson Farm and the Isom Farm. Measuring devices of a type approved by IDWR shall also be maintained on the Test Pumped Well, and the ditch delivering water from the Mickleson Farm to the Isom Farm.

The watermaster has been contacted on this issue, and his only concern was that measurement devices be placed on the ditch from the Mickleson property to the Isom Property and on the test pump well. I have made the recommendation for a measurement condition above that would be adequate for the watermaster's needs.

In order to discuss the need for advertising, we held a meeting with James Cefalo (Eastern Region), Nick Miller (Water Distribution), Shelley Keen and Pam Skaggs (Allocation Bureau), and Monica Van Bussum and myself. It was determined in this meeting that since the one new well being used is located down by the Arco Airport, there was no need to advertise. The other wells approximately 8 miles to the north has been diverting the full diversion rate of the rented water, so there should be no issues on this matter. Therefore, advertising will not be required on this application.