

MEMORANDUM

TO: Water Right File 36-2416, 36-7002B, & 36-15985
FROM: Daniel A. Nelson
DATE: August 8, 2011
SUBJECT: Michael S. Telford Water Supply Bank Rental Application

SUMMARY

Robert L. Harris of Holden, Kidwell, Hahn, and Crapo Law Offices filed three water bank leases on behalf of his client Michael S. Telford to lease 12.2 acres of water rights 36-2416, 36-7002B and 36-15985 for an indefinite term on November 9, 2009 and resubmitted these applications on June 23, 2011. Water right 36-2416 is from Ground Water for 2.20 cfs, for 110 acres. Water right 36-7002B is from ground water for 2.84 cfs, for 147 acres, and 36-15985 is from ground water for 0.94 cfs and 204 af for 51 acres. When water rights 36-2416 and 36-7002B are combined they are limited to the a combined annual diversion volume of 1028 af. When water rights 36-2416, 36-7002B, 36-15985 are combined together they are limited to a combined diversion rate of 5.70 cfs and 308 acres of irrigation.

The lease applications did not originally specify a specific diversion rate or acre amount, but the applicant's consultant Brian Higgs did supply a sufficient listing of the individual rates to determine the diversion rates, diversion volumes, and acreage amounts. Mr. Higgs divided the diversion rates and acreage up by calculating the percentage of the total allowed acres that each water right represented. I have attached a spreadsheet to this memo that shows the breakdown of the diversion rates, diversion volumes, acres irrigated, and combined condition calculations for this farm.

The full 308 acres allowed by the combination of these three water rights do appear to have been irrigated in 2004. Therefore, forfeiture should not be an issue. All of the lands irrigated were within the border of the water rights, so I could find no reason why this Water Supply Bank Lease cannot move forward.

AUTHORITY TO FILE

The tax lot information and other ownership information suggest that Michael Telford is the owner of these water rights, and has the authority to sign this application.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that the sufficiency of water supply would be an issue with this Water Supply Bank lease.

INJURY

There is nothing to suggest that this Water Supply Bank lease will cause injury to other water users.

ENLARGEMENT

No enlargement is being proposed.

BENEFICIAL USE

The application proposes beneficial use consistent with conservation of water resources in Idaho.

LOCAL PUBLIC INTEREST

There is nothing in the file to suggest that this water bank lease is not within the local public interest.

WATER DISTRICT

Water District 130 watermaster has been contacted, but no response has been received as of the date of this memo.

RECOMMENDATION

I recommend that these water rights be accepted into the water bank for a term of 11/2/2009 to 11/2/2014. The water rights splits and conditions for this water bank lease will need to be as follows:

Water Right 36-2416 – Portion Being Leased to the Water Bank

0.09 cfs – 4.4 acres within a 12.2

Water Right 36-2416 – Portion Remaining for Irrigation within a 295.8 acre permissible place of use.

2.11 cfs – 105.6 acres

Water Right 36-7002B – Portion Being Leased to the Water Bank

0.11 cfs – 5.8 acres

Water Right 36-7002B – Portion Remaining for Irrigation within a 295.8 acre permissible place of use.

2.73 cfs – 141.2 acres

When water rights 36-2416 and 36-7002B are combined, the portion being leased to the Water Supply Bank will be limited to 40.7 acre feet and 10.2 acres.

When water rights 36-2416 and 36-7002B are combined, the portion remaining for irrigation will be limited to 987.3 acre feet and 246.8 acres.

Water Right 36-15985 – Portion Being Leased to the Water Bank

0.04 cfs – 8.1 af – 2 acres

Water Right 36-15985 – Portion Remaining for Irrigation within a 295.8 acre permissible place of use.

0.90 cfs – 195.9 af – 49 acres

When water rights 36-2416, 36-7002B, and 36-15985 are combined, the portion being leased to the Water Supply Bank will be limited to 0.23 cfs and 12.2 acres.

When water rights 36-2416, 36-7002B, and 36-15985 are combined, the portion remaining for irrigation will be limited to 5.47 cfs and 295.8 acres.

Acres per forty acre tract:

T6S R21E S28 NENW = 6.1 acres leased – leaving 31.9 acres

T6S R21E S28 SWSE = 6.1 acres leased – leaving 30.9 acres

Total Leased acres = 12.2 acres – Total remaining acres = 295.8 acres in 295.8 acre PPU

Teleford Basin 36 Water Bank Leases Acre, Diversion Rate, and Volume Calculations

Total Combined Acres =	308
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Acres to Be Retired =	12.2
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Water Right	Water Right Diversion Rate in cfs	Water Right Volume in af	Allowable Acres	Water Right's percentage of Total Combined Acres	Percentage Multiplied by Total Acres to be Retired = Acres Retired per Water Right	Diversion Rate in cfs	Volume in af
36-2416	2.20	0.0	110	35.7143%	4.4	0.09	0.00
36-7002B	2.84	0.0	147	47.7273%	5.8	0.11	0.00
36-15985	0.94	204.0	51	16.5584%	2.0	0.04	8.08

Total Combined Acres for 36-2416 and 36-7002B =	10.2
Combined Volume for 36-2416 and 36-7002B. (1028 combined af / 257 combined acres) * Total Combined Acres Retired.	40.7
Combined Diversion Rate for all 3 Water rights = (5.70 cfs / 308 acres) * 12.2 acres	0.23

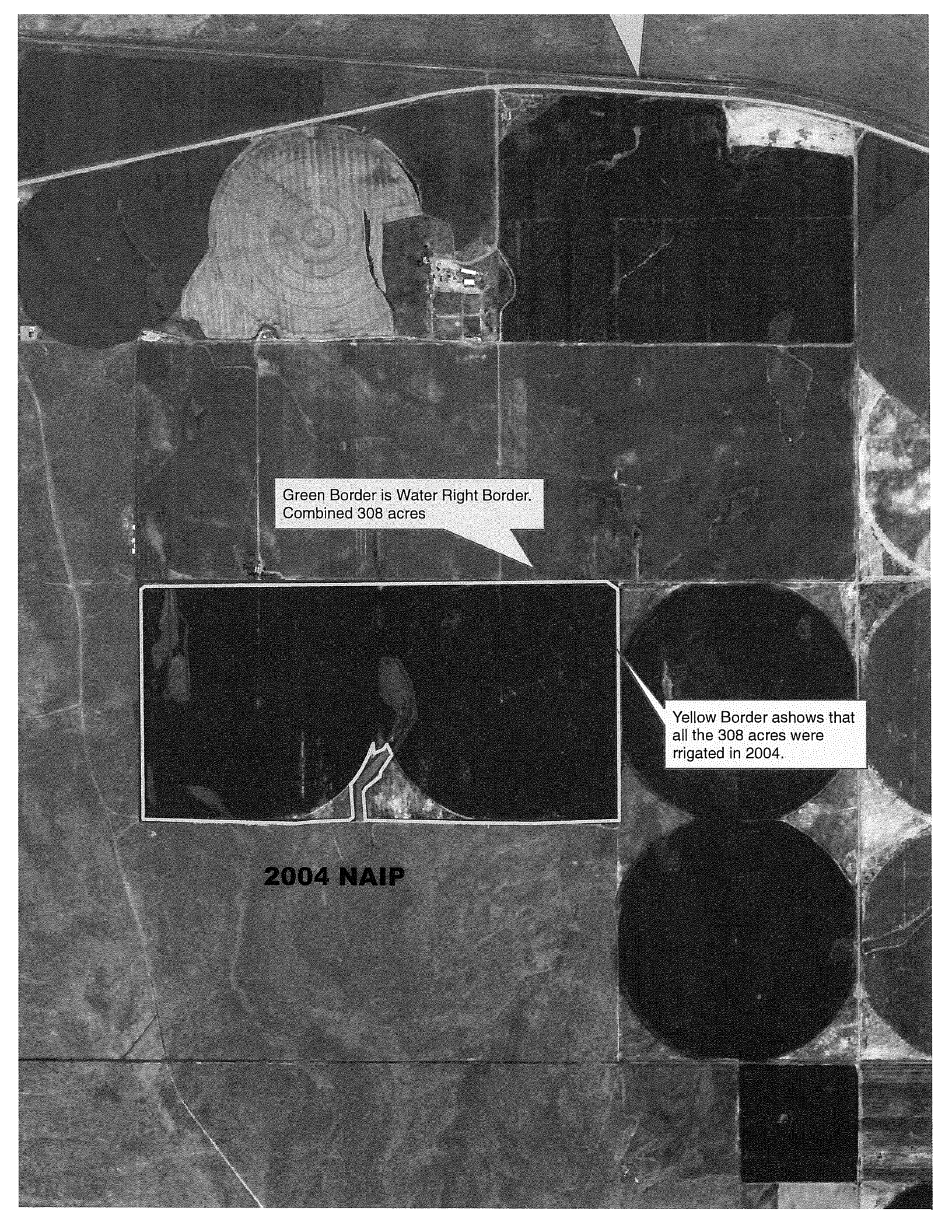
PLEASE NOTE:

When all of the water rights are combined the total acre amount that can be irrigated will be reduced by 12.2 acres to 295.8 acres.

When water rights 36-2416 and 36-7002B are reduced, they will be limited to 246.8 acres and 987.3 af.

The acreage amount of each of the water rights will be reduced as shown above.

The total volume was calculated by adding the combined volume from 36-2416 and 36-7002B of 40.7 acres feet to the acre foot amount allowed under 36-15985, which would allow a total of 48.8 acre feet (40.7 + 8.1 = 48.8).



Green Border is Water Right Border.
Combined 308 acres

Yellow Border shows that
all the 308 acres were
irrigated in 2004.

2004 NAIP

When combined limited to 308 acres.

Irrigated in 2003 & 2004 Full 308 Acres
NO FOR FUTURE issues.

12.2 Acres is Acceptable.

Nelson, Dan

From: Nelson, Dan
Sent: Monday, August 08, 2011 10:06 AM
To: Yenter, Cindy
Cc: Van Bussum, Monica
Subject: Rush Telford Watermaster Comments for Water Supply Bank Lease.
Attachments: DOC.pdf

Hello Cindy,

I have a bit of a rush for a Water Supply Bank lease for Mike Telford. I have attached my memo and maps. Monica will probably be sending you a rental review request shortly also. We know you are out of town, but a response would be appreciated as soon as possible when you get back.

Thank you Cindy, and I am sorry about the rush on this one.

Daniel A. Nelson
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Idaho Department of Water Resources
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