

Van Bussum, Monica

From: Yenter, Cindy
Sent: Monday, June 06, 2011 11:03 AM
To: Van Bussum, Monica
Cc: Skaggs, Pam
Subject: RE: Richard Dalley Water Bank Application

I caught up with Travis Thompson just now at our office. He spoke with A&B, but they have no additional comment.

The more I think about this the more I am convinced that it's not in fact administrable (administerable?). The bad thing is I think I am the one who suggested the water bank may be a solution. Oh, well can't win 'em all. The only way it could possibly work is if we limited his diversion of the water bank rental to only those periods when he is receiving A&B water. Or, we could make him identify 57 specific acres for the rental, and allow him to consolidate the acres so that he could conceivably irrigate them separately. But, who's going to effectively monitor either of those conditions? I can't spend all summer out there. Last resort, you could ask HIM to show how he would not enlarge the rented right.

I think it probably has to be denied.

From: Van Bussum, Monica
Sent: Thursday, May 26, 2011 1:12 PM
To: Yenter, Cindy
Subject: RE: Richard Dalley Water Bank Application

Hi Cindy,

Have you heard anything back on this? Thanks!

Monica

From: Yenter, Cindy
Sent: Wednesday, May 11, 2011 2:51 PM
To: 'Travis Thompson'
Cc: Van Bussum, Monica
Subject: RE: Richard Dalley Water Bank Application

Travis – I think I just missed you at the office. Just in case you check your mail or receive the phone message, I wanted to bring you up to date on the Dalley matter and invite you to call me this week if you feel like it. Otherwise, please contact me next Monday when you return.

IDWR has continued to discuss this and we are not much closer to a decision than we were last week. Ordinarily water bank rentals are not advertised, therefore there is no formal objection period. I had suggested giving A&B a courtesy opportunity to comment because Dan Temple was the one who originally brought this issue with Dalley to my attention.

All other issues aside, IDWR's primary concern with this rental at this time is that it would not be possible to administer and prevent enlargement of the rented right, within a much larger system. Mr. Dalley is seeking to rent additional water for 57 acres, roughly the equivalent of the the A&B enlargement acres in his 212-acre A&B tract. Water would be diverted from Dalley's private well approximately ½ mile to the west. I have not confirmed this, but diversion records alone indicate that the A&B well does not run all the time. If Mr. Dalley were to divert rental water (from a different well) during periods when the A&B well is off, he would be limited under the terms of the rental to the irrigation of 57 total acres irrigation within the A&B tract. However, there is no practical control in place to prevent the rental water

from being distributed throughout the entire tract. Absent some sort of control, there is a good chance the rental will not be approvable.

Please phone me when you can, or send me your additional thoughts on this.

Cindy Yenter
Watermaster, Water District 130
Twin Falls, ID
cindy.yenter@idwr.idaho.gov
208-736-3033

From: Travis Thompson [<mailto:tlt@idahowaters.com>]
Sent: Wednesday, May 04, 2011 11:21 AM
To: Yenter, Cindy
Subject: Richard Dalley Water Bank Application

Cindy,

A&B has requested that I research this proposed lease further. Can you send me a copy of the lease application and any other information that IDWR may have?

Thanks,

Travis

Van Bussum, Monica

From: Yenter, Cindy
Sent: Thursday, April 28, 2011 4:27 PM
To: 'A&B Irrigation District'
Cc: Van Bussum, Monica
Subject: Richard Dalley water bank rental

Dan – I forwarded your letter to Boise for review with the file. IDWR will make an injury analysis prior to considering approval of this application. The analysis will be based on the total amount to be rented. In order to determine exactly how much water Mr. Dalley needs to rent to cover his shortfall, we need to know how much water he is able to receive from A&B in that tract. I do of course have the combined annual diversions for well 22B 724 which you have reported each year. However I don't know what part of those total diversions went to Mr. Dalley in each year. Would you be able to send me Dalley's delivery amounts from 22B 724 for the years 2008-2010 to help with our analysis?

Thanks much.

Cindy Yenter
Watermaster, Water District 130
Twin Falls, ID
cindy.yenter@idwr.idaho.gov
208-736-3033

Van Bussum, Monica

From: Yenter, Cindy
Sent: Tuesday, April 19, 2011 7:44 AM
To: Van Bussum, Monica
Subject: FW: Richard Dalley
Attachments: IDWR-Dalley.doc

Monica – I received this yesterday, had wanted to read it again before I sent it over.

Dan Temple has a couple of valid points. The second one (the supplemental question) I brought up already. Dan's first concern is injury analysis to A&B as a result of Dalley's increased pumping. I hadn't thought of that one. You should probably get some additional feedback. Mostly Dan seems concerned that IDWR will use this against A&B in their call proceedings, and I agree we should make sure that doesn't happen and that we aren't contradicting ourselves.

However, you should also be aware that Dan was OK with this cross-over thing so long as it wasn't documented, and if Dalley put in a backflow valve so A&B water couldn't leave the district. In fact it was Dan that told me about it. Once I started putting things on paper, however, he developed cold feet. Seems he did the same thing with CREP. Ah, the good 'ol boy game. All is good if it happens under the table.

So, do the analysis you need to do, and if you have to deny Dalley's ap, then do it. I will make sure he understands it was A&B's objections and not mine that killed it.

From: A&B Irrigation District [<mailto:abid@pmt.org>]
Sent: Monday, April 18, 2011 8:36 AM
To: Yenter, Cindy
Subject: Richard Dalley

Cindy,

Please see attached letter regarding Richard Dalley.

Dan Temple
A&B Irrigation District

Van Bussum, Monica

From: Yenter, Cindy
Sent: Wednesday, March 23, 2011 2:05 PM
To: Field, Christine
Cc: Van Bussum, Monica
Subject: RE: W/R 36-16127 (Dalley)
Attachments: Dalley_WSB.jpg; Dalley_WSB.prj; Dalley_WSB.shp; Dalley_WSB.shx; Dalley_WSB.dbf

OK, here is info regarding the 52-acre rental requested by Mr. Dalley. The reason for this rental is to provide supplemental rate of flow from Mr. Dalley's private well, on enlargement acres within his A&B ground water tract (Tract D, Sections 22, 27 and 28, T7S 24E). Within this tract are 149.8 "decreed" acres (A&B senior water rights) and 52.1 enlargement acres (don't believe A&B when they say they don't know where the enlargement acres are). The enlargement acres are easily identified from the original A&B tract maps as they are surveyed out as non-irrigable Class 4, Class 6, and High lands. Found throughout the A&B Irrigation District, these acres did not receive water under A&B senior rights, but were added as systems went to sprinklers, and were either licensed under private rights, or were decreed as A&B enlargement acres. True to their water rights, A&B will not deliver additional flow for enlargement acres. Consequently Mr. Dalley doesn't feel he has enough flow from the A&B well when water demand is high, and so was illegally importing water from his own well across the road. This rental is the solution to the problem. Unfortunately he only needs the flow, but he has to rent the volume too.

The attached shape and jpeg photo show you where the 52 enlargement acres are within the tract. They are scattered all over. I have labeled the jpeg with the acres – it doesn't exactly match the calculated acres in the shape, so please don't look at those! Because this is an A&B tract, the gcdb QQ's are screwy, so following is my best guess where the acres fall in traditional QQs:

Sec 22
NESW 16.8
NWSW 2.0
SWSW 4.3
SESW 1.8
Sec 27
NENW 2.4
NWNW 1.9
Sec 28
NENE 12
NWNE 10.8

Overall, you have my blessing on this one. I guess I have only two points of discomfort:

- 1- Will use of rented ground water in A&B service area diminish the A&B ground water rights in any way? It should not, but I want to be sure. A&B is generally on board with this, although I think they should probably be given the chance to comment.
- 2- The entire 198 acres doesn't look to be irrigated. Specifically, about half the enlargement acres in NESW Sec 22 are dry, and there are unirrigated areas in Sec 27 and 28 as well, some decreed and some enlargement. So, does Dalley really need all this rental? Or, do we care?

You can put a measurement condition on the rental agreement; the system was put in last year and Dalley has already installed a flowmeter where his pipe enters the A&B tract.

From: Field, Christine
Sent: Tuesday, March 22, 2011 1:39 PM
To: Yenter, Cindy
Subject: RE: W/R 36-16127

Cindy,

No you did not get back to me on this rental for Mr. Dalley.

Monica was questioning the use of the water, which was where you came in.

Appreciate any help you can provide and let me know if we should proceed with this rental.

Happy Tuesday.

Christine

From: Yenter, Cindy
Sent: Tuesday, March 22, 2011 1:26 PM
To: Field, Christine
Subject: RE: W/R 36-16127

Christine – did I ever get back to you on this? I seem to remember meeting with Mr. Dalley and figuring out where those 52 acres were, but I can't recall if I sent it over.... I am losing my mind for sure! Actually what I think is that I gave it to him and he was supposed to send it in, but obviously that's not what happened. Let me know; I have the maps out again and can figure it out.

From: Field, Christine
Sent: Wednesday, January 05, 2011 3:47 PM
To: Yenter, Cindy
Subject: W/R 36-16127

Hi Cindy,

Monica has asked me to send you copies of the documents in W/R 36-16127 for Richard B Dalley.

I copied all WSB documents to you not knowing exactly what is needed on your end.

Once you have reviewed the documents let Monica know if it is ok to proceed with this rental.

Christine

