

MEMORANDUM

TO: Water Right File 37-20811, 37-20813, 37-20815, and 37-20817
FROM: Daniel A. Nelson
DATE: May 26, 2011
SUBJECT: The Notch Butte Farms LLC. Water Supply Bank Rental Application

SUMMARY

Greg Sullivan of Brockway Engineering filed on behalf of his client Notch Butte Farms LLC to place the same 22.2 acres from water rights 37-20811, 37-20813, 37-20815, and 37-20817 into the water supply bank for an indefinite term on October 22, 2009. Water rights 37-20811, 37-20813, and 37-20815 combine together to allow 164.1 acres of irrigation within a 187 acre permissible place of use. Water right 37-20817 allows the irrigation of the 187 acres described as the permissible place of use for the other three water rights, therefore, the permissible place of use will also need to be reduced by 20.1 acres to 166.9 acres. The applicant filed a water bank lease on all four water rights, so the 20.1 acres will need to be taken out of each water right as well as the combined conditions. Two of these water rights were decreed in December of 2003 and the other two were decreed in February of 2004.

The LanSat Satellite photos show that only 180.7 acres have been historically irrigated under these water rights since they were decreed in late in 2003 and before the irrigation season in 2004. Therefore, an administrative review of these water rights should be done prior to proceeding with this application.

AUTHORITY TO FILE

The application is in the name of Notch Butte Farms LLC, and was signed by John Lezamiz as the managing member. The Departments tax lot information does show Notch Butte Farms LLC as the owner of the property. The Secretary of State Business Search information lists John Lezamiz as a member of the corporation.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that there are any issues with the sufficiency of water for this water bank lease.

INJURY

There is evidence to suggest that the full water right has not been put into use since the water rights were decreed. There has been more than 5 years since the water rights have been decreed, therefore, injury could result if we move forward with this water bank lease package.

ENLARGEMENT

No enlargement is being proposed on the face of the water rights, but the historic non-use of a portion of these water rights could result in an actual enlargement.

BENEFICIAL USE

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

LOCAL PUBLIC INTEREST

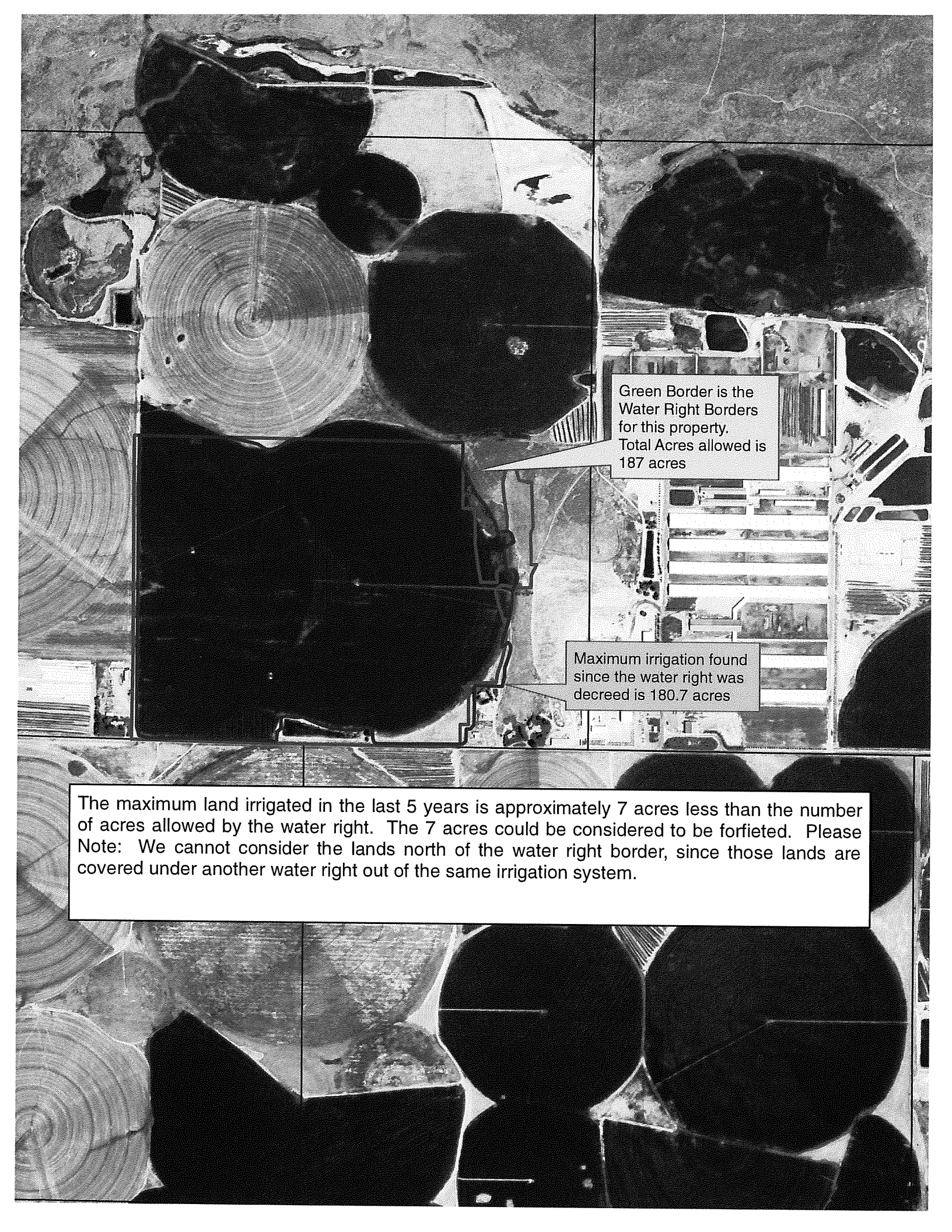
There is no evidence that this lease application is not within the local public interest.

WATER DISTRICT

This water right is within the borders of Water District 130. Until the forfeiture issues are resolved, no contact with the watermaster has been made.

RECOMMENDATION

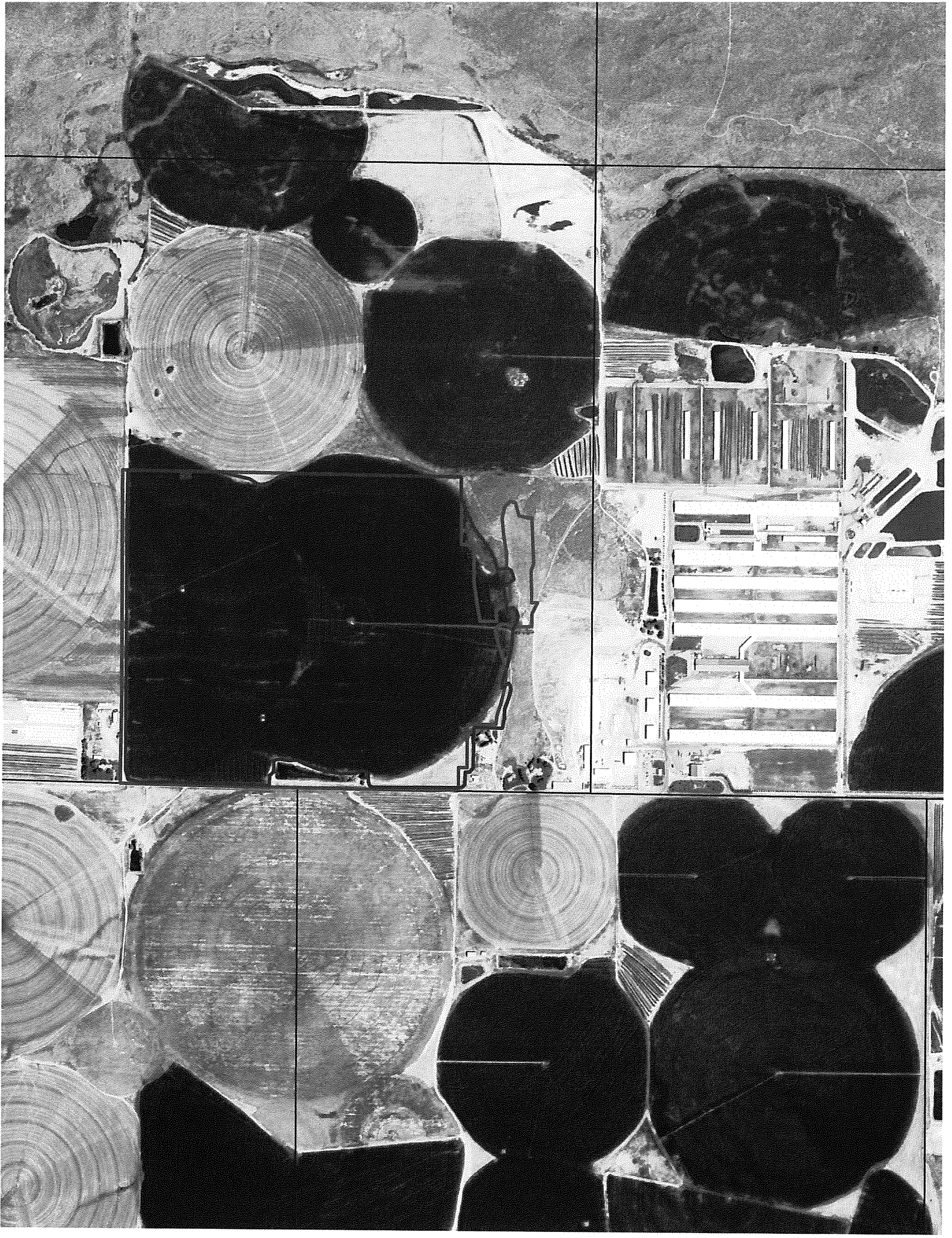
I recommend that this water right not be accepted in the water bank. I also recommend that the return letter being sent to the applicant clearly inform them that they need to clarify the borders of the water rights, so that they match what is actually being irrigated.



Green Border is the
Water Right Borders
for this property.
Total Acres allowed is
187 acres

Maximum irrigation found
since the water right was
decreed is 180.7 acres

The maximum land irrigated in the last 5 years is approximately 7 acres less than the number of acres allowed by the water right. The 7 acres could be considered to be forfeited. Please Note: We cannot consider the lands north of the water right border, since those lands are covered under another water right out of the same irrigation system.



20.1 acres - All Rights-

20811-20813-20815 are limited TO 164.1 acres

20811-20813-20815-20817 limited TO

2.9 CFS - 749.5 AF - 187 ACRES

$$20811 \quad (1.57 \text{ CFS} / 164.1 \text{ ac}) \times 20.1 \text{ AC} = 0.19 \text{ CFS}$$

$$(1.57 \text{ CFS} / 164.1 \text{ ac}) \times 144 \text{ AC} = 1.38 \text{ CFS}$$

$$20813 \quad (0.91 \text{ CFS} / 164.1 \text{ AC}) \times 20.1 = 0.11 \text{ CFS}$$

$$(0.91 \text{ CFS} / 164.1 \text{ AC}) \times 144 = 0.80 \text{ CFS}$$

$$20815 \quad (0.77 \text{ CFS} / 164.1 \text{ ac}) \times 20.1 = 0.09 \text{ CFS}$$

$$(0.77 \text{ CFS} / 164.1 \text{ ac}) \times 144 = 0.68$$

NO DIVERSION RATE OR VOLUME LIMITATION ONLY

ACRES. - WB - 20.1 ac. Remaining - 144 AC.

$$20817 - (0.47 / 187) \times 20.1 = 0.05 \text{ CFS}$$

$$(0.47 / 187) \times 166.9 = 0.42 \text{ CFS}$$

Combined Limits

WB

$$20.1 \text{ AC} - (2.90 \text{ CFS} / 187 \text{ AC}) \times 20.1 = 0.31 \text{ CFS}$$

$$(749.5 \text{ AF} / 187 \text{ ac}) \times 20.1 = 80.6 \text{ AF}$$

Remaining

$$166.9 - (2.90 \text{ CFS} / 187 \text{ ac}) \times 166.9 = 2.59 \text{ CFS}$$

$$(749.5 \text{ AF} / 187 \text{ ac}) \times 166.9 = 668.9 \text{ AF}$$