

MEMORANDUM

TO: Water Right File 34-13873 and 34-14047
FROM: Daniel A. Nelson
DATE: April 11, 2011
SUBJECT: Jason Reading Water Supply Bank Rental Application

SUMMARY

Jason Reading filed two applications to lease all of water rights 34-13873 and 34-14047 for an indefinite term on August 8, 2008. Water right 34-13873 is from Alder Creek for 0.41 cfs, for 14 acres. Water right 34-14047 is from ground water for 0.38 cfs, 66.5 af, for 19 acre. When water rights 34-13873 and 34-14047 are combined are limited to the 0.48 cfs for the irrigation the 19 acres described in water right 34-14047. Water right 34-14047 is supplemental to the 14 acres described in water right 34-13873 and primary for the remaining 5 acres not irrigated by 34-13873.

The application to lease this water right was received on April, 8, 2008. The applications were incomplete, and returned to the applicant on April 6, 2009 by Department staff, and the applications were corrected and returned to the Department on April 16, 2009.

The water rights show that there are four owners – Jason Reading, Desiree Reading, Jeff Reading, and Michelle Reading, but Jason Reading is the only one who signed the water bank lease application. There is a note on an attached water right proof report that states all four owners needed to sign the application, but I cannot tell from the information available if this was conveyed to the applicant during the April 2009 exchange between the applicant and the Department.

Water right 34-13872 was decreed on January 29, 2002, and water right 34-14047 has a decree date of July 10, 2002. 5 years of non-use would be in the year 2007. The application for water bank lease was filed in April of 2008. Water right transfer 72367 was filed in October of 2005 and was approved in January of 2006 to change the point of diversion for both of these water rights. The water right transfer happened during the non-irrigation season, so it should have no affect on the issue of non-use.

AUTHORITY TO FILE

The tax lot information and other ownership information suggest that Michael Reading is one of the four owners of this water right. However, the information on the water right suggests that all four owners should have signed the water bank lease.

SUFFICIENCY OF SUPPLY

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

INJURY

In order to avoid injury, 14 acres of these two water rights would need to be rented together. 5 acres of the ground water right could be rented as a primary water right. This is will need to be done to avoid injury to other water users. It appears as though this water right had been forfeited at the time that the water bank lease was received. It may cause injury to other water users if this water right is accepted into the water bank without a full review of the forfeiture issue.

ENLARGEMENT

No enlargement is being proposed, but the issues addressed under the injury section will need to be followed to avoid enlargement of this water right.

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 34 watermaster has been contacted, but I have received no response or comments to this water bank lease. The 14 days for response has passed, so I can see no reason not to move forward with this application.

RECOMMENDATION

I recommend that this water right not be accepted into the water bank until a formal administrative review of the current validity of the water right is addressed. If it is determined that this water right can be accepted into the water bank, approval will need to be sought from the other owners prior to accepting these rights into the water bank.

Nelson, Dan

From: Nelson, Dan
Sent: Monday, April 11, 2011 10:13 AM
To: 'Water District #34'
Subject: Watermaster Comments for Water Bank Lease

Dear Mr. Jensen,

Jason Reading filed two water bank lease application with the Idaho Water Resource Board Water Bank to lease all of water rights 34-14047 and 34-13873 to the water bank. We are required to seek watermaster comments on all water bank lease requests. Could you please review the water rights below and submit any comments you may have concerning this proposed change. We would appreciate a response as soon as possible.

Thank you.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau



34-14047.pdf



34-13873.pdf

Attached are the two water rights in question.

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Sent: Monday, April 11, 2011 10:13 AM
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