

MEMORANDUM

To: Water Right File No(s). 35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111

From: Monica Van Bussum

Date: May 2, 2011

Re: Review of Application to Lease and Rent a Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: On April 5, 2011, the Department received applications to lease portions of the above-mentioned rights to the Water Supply Bank. This is part of a lease/rental combination between Foster (the lessor) and Parkinson (the renter). This memo is the review memo for both the leases and the rental.

The lease application was received with a spreadsheet calculating the diversion rate and volume to be leased, and a map showing the acres to be leased. However, the map showed only 32.3 acres in the proposed lease shapefile. I contacted Boyd Foster and asked him about the difference. Mr. Foster said there were additional idled acres out there and instructed me that the lease was for 43.6 acres. He told me he had consulted with Cody Allen of IDWR's Eastern Regional Office on the application. I spoke with both Cody and Blake Jordan after my conversation with Mr. Foster. Cody identified additional idled acres and sent me the calculations in an email with an attached spreadsheet (email and spreadsheet both attached here). Those acres are acceptable to Mr. Foster and provide the lease POU.

The Parkinson rental is for 43.6 acres and the shape represented on the map accompanying the application outlines 43.6 acres.

It was difficult to calculate the contributing acres for all the water rights for this lease. There are essentially three groups:

1. 35-13932
2. 35-14099, 35-14101, 35-14103, and 35-14105
3. 35-14107, 35-14109, and 35-14111

However, all of the water rights have combined limits as one large group: 35-13932, 35-14099, 35-14101, 35-14103, 35-14105, 35-14107, 35-14109 and 35-14111. Therefore, there had to be combined limits for each of the three smaller groups (35-13932 of course only had its own limits) and then a larger combined limit for all the water rights. This makes the lease acceptance look a little different than usual because of the necessity in breaking up all the groups. Calculations are shown below.

The small groups

35-13932

5.64 cfs divided by 6.67 cfs = 84.6% contribution from this right

84.6% of 43.6 acres is 36.9 acres, which is what would be leased from this right

5.64 cfs divided by 411.6 acres times 36.9 acres = 0.51 cfs

1646.4 AF divided by 411.6 ac times 36.9 acres = 147.6 AF

35-14099 through 35-14105 combined limits as a group

0.91 cfs divided by 6.67 cfs equals 13.6% contribution from this group

13.6% of 43.6 acres = 6.0 ac

0.91 cfs divided by 132 ac times 6.0 ac = 0.04 cfs

388.1 AF divided by 132 ac times 6.0 ac = 17.5 AF

35-14107 through 35-14111 combined limits as a group

0.11 cfs divided by 6.67 cfs = 1.6% contribution from this group

1.6% of 43.6 ac = 0.7 ac

0.11 cfs divided by 14.9 ac times 0.7 ac = 0.01 cfs

46.9 AF divided by 132 ac times 0.7 ac = 0.3 AF

Overall limit

6.67 cfs divided by 6.67 cfs = 100%

100% of 43.6 ac = 43.6 ac

2085.6 AF divided by 543.6 ac times 43.6 ac = 167.3 AF

6.67 cfs divided by 543.6 ac times 43.6 ac = 0.53 cfs

Individual limits for each water right (excluding 35-13932, which is above)

35-14099 and 35-14103

41.4 ac divided by 144.4 ac * 6.0 ac = 1.7 ac

165.6 AF divided by 41.4 ac * 1.7 ac = 6.8 AF

0.83 cfs divided by 41.4 ac * 1.7 ac = 0.03 cfs

35-14101

40.9 ac divided by 144.4 ac * 6.0 ac = 1.7 ac

163.6 AF divided by 40.9 ac * 1.7 ac = 6.7 AF

0.82 cfs divided by 40.9 ac * 1.7 ac = 0.03 cfs

35-14105

20.7 ac divided by 144.4 ac * 6.0 ac = 0.9 ac

82.8 AF divided by 20.7 ac * 0.9 ac = 3.4 AF

0.41 cfs divided by 20.7 ac * 0.9 ac = 0.02 cfs

35-14107

5.3 ac divided by 14.9 ac * 0.7 ac = 0.3 ac

21.2 AF divided by 5.3 ac * 0.3 ac = 1.0 af

0.11 cfs divided by 5.3 ac * 0.3 ac = 0.005 cfs = 0.01 cfs after rounding

35-14109

4.5 ac divided by 14.9 ac * 0.7 ac = 0.2 ac
18 AF divided by 4.5 af * 0.2 ac = 0.8 AF
0.09 cfs divided by 4.5 ac * 0.2 ac = 0.004 cfs = 0.01 cfs

35-14111

5.1 ac divided by 14.9 ac * 0.7 ac = 0.2 ac
20.4 AF divided by 5.1 ac * 0.2 ac = 0.8 AF
0.07 cfs divided by 5.1 ac * 0.2 ac = 0.003 cfs = 0.01 cfs

AUTHORITY TO FILE: Boyd Foster, who is an authorized agent for Foster Co, signed the lease application. Kent Parkinson, the rental applicant, signed the rental application.

WATER RIGHT VALIDITY: A review memo from Blake Jordan for Transfer 77056 on March 4, 2011, says, "Decreed in 2002. 2009 aerial photography shows the land under water right 35-13932 to be irrigated. Water rights 35-13932, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950 and 35-13952 [parents of the rights in question here] are appurtenant to land that has been in CRP. Forfeiture is not an issue."

A review of 2009 aerial imagery indicates irrigation on the pivot corners to be leased.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident. There are multiple layers of conditioning to protect against enlargement.

LOCAL PUBLIC INTEREST:

Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The leases and the rental appear to be consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

None. An email from watermaster James Cefalo (attached) indicates no concerns.