

Nelson, Dan

From: Lori Graves [LGraves@spfwater.com]
Sent: Monday, April 25, 2011 9:55 AM
To: Nelson, Dan
Subject: RE: Sands LLC Water Bank Lease For Water Right 65-3504

Dan,

Thanks for your review. It does not appear that the client will pursue the water bank application for 65-3504. Hope all is well.

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Wednesday, April 06, 2011 3:30 PM
To: Lori Graves
Cc: Van Bussum, Monica; Lester, Steve
Subject: Sands LLC Water Bank Lease For Water Right 65-3504

Hello Lori,

I am working on the Sands LLC water bank lease for water right 65-3504. Our information shows that you prepared the application for these folks. In my review of the water bank lease, I discovered that water rights 65-2035 and 65-11141 completely overlap the irrigation portion of 65-3504. Each of these water rights are from different sources. Therefore, we can only lease the irrigation portion of water right 65-3504 to a person with the same sources of water described in 65-2035 and 65-11141. Unfortunately, there is not a condition on any of the water rights that limits the use of all three of these water rights when combined to 21 acres, but it is very clear from the maps in the water right files that these three water rights when combined only irrigate 21 acres of ground.

Due to the limit size of the area the springs and unnamed streams described in these water rights can service, we simply can't split up the water rights like we can for supplemental water rights under a canal company that services a larger area with numerous water users with similar water delivery. Water bank rule IDAPA 37.02.03.025.06.g requires the Department to review "The probability of selling or renting the water right from the Board's water supply bank." With such a limited area these water sources can service, it isn't reasonable to lease one of these water rights without the other two water rights included in the lease.

In order to process this water bank lease, we will need to include 1 acre from water rights 65-2035 and 65-11141 in the water bank leases, or we would need to remove the irrigation component from 65-3504 for this water bank lease to be acceptable. Either option will work for water bank. Being this close to Horseshoe Bend, I think it is reasonable to lease the water if all three water rights are included in a one acre lease to a homeowner in this area for a yard.

I also understand that you have filed an extension of time to avoid forfeiture and a water right transfer on these water rights that will need to address the same issue. You may want to re-visit those applications as well. We would appreciate it if you could address the water bank issue by April 22, 2011. If we don't receive the needed information by that date, we will return the application until you can provide all of the information needed.

If you have any questions or concerns, please contact me.

Respectfully,

Daniel A. Nelson

Staff Hydrologist

Planning Bureau

Idaho Department of Water Resources

Telephone # (208) 287-4856

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, April 06, 2011 3:30 PM
To: 'Lori Graves'
Cc: Van Bussum, Monica; Lester, Steve
Subject: Sands LLC Water Bank Lease For Water Right 65-3504

Hello Lori,

I am working on the Sands LLC water bank lease for water right 65-3504. Our information shows that you prepared the application for these folks. In my review of the water bank lease, I discovered that water rights 65-2035 and 65-11141 completely overlap the irrigation portion of 65-3504. Each of these water rights are from different sources. Therefore, we can only lease the irrigation portion of water right 65-3504 to a person with the same sources of water described in 65-2035 and 65-11141. Unfortunately, there is not a condition on any of the water rights that limits the use of all three of these water rights when combined to 21 acres, but it is very clear from the maps in the water right files that these three water rights when combined only irrigate 21 acres of ground.

Due to the limit size of the area the springs and unnamed streams described in these water rights can service, we simply can't split up the water rights like we can for supplemental water rights under a canal company that services a larger area with numerous water users with similar water delivery. Water bank rule IDAPA 37.02.03.025.06.g requires the Department to review "The probability of selling or renting the water right from the Board's water supply bank." With such a limited area these water sources can service, it isn't reasonable to lease one of these water rights without the other two water rights included in the lease.

In order to process this water bank lease, we will need to include 1 acre from water rights 65-2035 and 65-11141 in the water bank leases, or we would need to remove the irrigation component from 65-3504 for this water bank lease to be acceptable. Either option will work for water bank. Being this close to Horseshoe Bend, I think it is reasonable to lease the water if all three water rights are included in a one acre lease to a homeowner in this area for a yard.

I also understand that you have filed an extension of time to avoid forfeiture and a water right transfer on these water rights that will need to address the same issue. You may want to re-visit those applications as well. We would appreciate it if you could address the water bank issue by April 22, 2011. If we don't receive the needed information by that date, we will return the application until you can provide all of the information needed.

If you have any questions or concerns, please contact me.

Respectfully,

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856