

MEMORANDUM

TO: 34-230, 34-231, 34-232, 34-2275, 34-2350, and 34-2418 are combined.
FROM: Daniel A. Nelson
DATE: 2/14/2011
SUBJECT: John Lezamiz Family Limited Partnership Water Supply Bank Lease Application

SUMMARY

Greg Sullivan of Brockway Engineering filed several Water Bank Lease applications for John Lezamiz Family Limited Partnership. These lease applications request that 29.4 acres in Section 30, Township 7 North, Range 25 East be placed in the water bank. The 29.4 acres to be placed in the bank are described on water rights 34-230, 34-231, 34-232, 34-2275, 34-2350, and 34-2418. All of these water rights currently are allowed to irrigate 155 acres within a 490.9 acre permissible place of use from Big Lost Creek, Congdon Springs, and ground water.

The lease applications for these water rights were originally filed in 2008, but were withdrawn and re-filed on November 12, 2009²⁰¹⁰. The requested lease period is 10/11/2010 to 10/11/1015. These water rights were associated with a water right transfer number 76104, but the owner is currently not able to irrigate approximately 29.4 acres. In order to avoid forfeiture, the owner has asked to enter the 29.4 acres into the water bank. According to Mr. Sullivan, a new water right transfer is currently being worked on to provide the components necessary to irrigate the 29.4 acres, and once the new water right transfer is submitted and approved, the applicant will withdraw these water rights from the water bank.

AUTHORITY TO FILE

A change of ownership has been filed and processed that gives the signer of these documents the authority to file these applications.

SUFFICIENCY OF SUPPLY

There is no current information to suggest that there is not sufficient water for these water rights. These water rights overlap each other from three separate sources. 29.4 acres of appurtenant water will need to be removed from each of the water rights as well as the combined water rights. Unfortunately, the pool of individuals that could actually rent these 29.4 acres are only those individuals that have access to all three sources of water.

INJURY

As long as the water rights that are leased to the water bank are rented as package for all of the water rights, then there would be no foreseeable injury. However, injury would occur if these water rights that are being placed into the water bank are separated during the rental process.

ENLARGEMENT

As long as all of the water rights being leased into the bank are rented out of the bank as a single package for the 29.4 acres there should be no enlargement. The potential renter would also need access to all three water sources.

BENEFICIAL USE

The water has been used for a beneficial use, and should only be rented for irrigation purposes due the combination of different water sources.

LOCAL PUBLIC INTEREST

There is no information to suggest that this lease is not in the public interest.

WATER DISTRICT

I contacted the watermaster of water district 34 about this application on January 19th. I sent a map of the application to the watermaster on January 31, 2011. I received confirmation that watermaster received the map on February 1, 2011. Unfortunately, I have not heard back from the watermaster since I received the confirmation he received the maps. Therefore, I recommend that we move forward with the water bank leases at this time.

RECOMMENDATION

I do recommend that 29.4 acres be removed from each of the water rights listed above, and the combined total for the water being placed into the water bank. The term of the lease should be from 10/11/2010 to 10/11/2015.

On the remaining water rights, the water right condition that limits to total acres to be irrigated should be reduced from 155 acres to 125.6 acres when water rights 34-230, 34-231, 34-232, 34-2275, 34-2350, and 34-2418 are combined. The combined diversion rate for the combined rights should also be reduced from 5.90 cfs to 4.78 cfs when water rights 34-230, 34-231, 34-232, 34-2275, 34-2350, and 34-2418 are combined.

On the water right being leased to the water bank the combined conditions should be for 29.4 acres and a diversion rate of 1.12 cfs when water rights 34-230, 34-231, 34-232, 34-2275, 34-2350, and 34-2418 are combined. The individual water right diversion rates, acres and volumes are as follows:

34-230 – 0.46 cfs – 29.4 acres

34-231 – 0.59 cfs – 29.4 acres

34-232 – 0.59 cfs – 29.4 acres

34-2275 – 0.64 cfs – 29.4 acres

34-2350 – 0.59 cfs – 102.9 af - 29.4 acres

34-2418 – 0.49 cfs – 102.9 af - 29.4 acres