

MEMORANDUM

TO: Monica Van Bussum
FROM: Brian Ragan
DATE: August 27, 2010
SUBJECT: Frank Suchan Water Supply Bank Lease Application (36-7052)

SUMMARY

On February 26, 2008, The Department received an application from Frank Suchan to lease a portion of water right no. 36-7052 in the amount of 201.6 acres to the Water Supply Bank (WSB) for a one year period between 1/1/2008 and 12/31/2008. A request, submitted by Frank Suchan, to extend the lease period for this water right for an additional two years was received by the Department on January 15, 2009. The end date of this lease would then be December 31, 2010.

The source and beneficial use of this water right is listed as "ground water" and "irrigation".

A total of 520 acres is covered by 36-7052 and enlargement right 36-12454. Of the total 520 acres:

- 201.6 acres are being offered to the WSB
 - 193 acres of irrigable land and 8.6 acres on rock outcrops
- 236.4 acres were accepted into the Conservation Reserve Enhancement Program (CREP) as detailed in the Agreement Not To Divert (ANTD) signed on September 26, 2007
 - 196.4 acres from 36-7052 and all 40 acres from 36-12454
- 82 acres will continue to be irrigated

Of the 201.6 acres offered to the WSB, 8.6 acres are under rock outcroppings and are not eligible for CREP nor are they protected under the ANTD. Technically they should not be accepted into the WSB because they do not represent a stand-alone beneficial use. However, the recommendation by the Watermaster of District 130 states that these 8.6 acres should be accepted into the WSB and conditioned to state they are not available for rental. The Watermaster indicates this has been done in the past.

AUTHORITY TO FILE

The signatory, Frank Suchan, is listed as the current owner of the property and water rights for the land affected by this lease application.

ABANDONMENT

After the Decree for 36-7052 was issued in 2001, infrared satellite imagery shows the acres offered to the WSB were not irrigated during the season in years 2002-03, and 2007-09. These acres were defended from forfeiture during 2004-06 as part of the Idaho Groundwater Users Association Mitigation Plan.

If this right is not accepted into the WSB it is forfeited because at the time of the review, the sixth irrigation season had begun.

SCANNED

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However, as per the notes from Shelley Keen written on March 18, 2010 detailing internal IDWR decisions regarding forfeiture, if this right is accepted into the WSB the acceptance will be retroactive to the date the lease application was received by IDWR which results in this right not being forfeited. In this case this right would only have had 3 forfeiture years accrued.

STATE WATER PLAN

Acquisition of this right will be within the State Water Plan.

LOCAL PUBLIC INTEREST

This lease is in the local public interest.

PROBABILITY OF RENTAL

Located in the Trust Area, 193 acres are likely to be rented. The remaining 8.6 acres have a zero probability of rental. The lease agreement will have to be conditioned to state that these 8.6 acres cannot be rented because these acres under rock outcrops do not represent a stand-alone beneficial use.

LEASE PERIOD

The lease period would be from January 1, 2008 through December 31, 2010.

RECOMMENDATION

The existing duty is calculated by: $6.58 \text{ cfs} / 520 \text{ acres} = 0.013 \text{ cfs/acre}$

The rentable rate offered to the WSB is calculated by: $193 \text{ acres} \times 0.013 \text{ cfs/acre} = 2.51 \text{ cfs}$

The rentable annual volume offered to the WSB is calculated by: $193 \text{ acres} \times 4 \text{ af-ac/year} = 772 \text{ af-year}$

The non-rentable rate offered to the WSB is calculated by: $8.6 \text{ acres} \times 0.013 \text{ cfs/acre} = 0.11 \text{ cfs}$

The non-rentable annual volume offered to the WSB is calculated by: $8.6 \text{ acres} \times 4 \text{ af-ac/year} = 34.4 \text{ af-year}$

This lease application should be approved and described as follows:

Acres: 193

Diversion Rate: 2.51 cfs

Annual Volume: 772 af/year

Season of Use: 4/1 to 10/31

Lease End Date: December 31, 2010

Acres: 8.6

Diversion Rate: 0.11 cfs

Annual Volume: 34.4 af/year

Season of Use: 4/1 to 10/31

Lease End Date: December 31, 2010

Condition: This portion should not be rented because they do not represent a stand-alone beneficial use.

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