

MEMORANDUM

TO: Water Right Files 31-7084, 31-7264A, 31-10964A, 31-7569
FROM: Cynthia Bridge Clark
DATE: August 15, 2010
SUBJECT: Water Supply Bank Rental Application and Lease Extension Forms

SUMMARY

On January 12, 2009, IDWR received an application to rent water from the Water Supply Bank in addition to requests to extend the lease terms of four of eleven water rights leased to the Bank in the name of Kirk Egbert. The applicant proposes to extend the leased portions of ground water right nos. 31-7084, 31-7267A, 31-10964A, and 31-7569 through November 1, 2013. The leased portions of water right nos. 31-7267A and 31-10964A are reduced from the portions originally leased to the bank. The rental application proposes rental 249 acre-feet and 1.19 cfs annually from the four leased rights for irrigation use on 258.4 acres in Sections 1 and 2, Township 7N, Range 37E. The applicant requests rental of the right during the 2009 through 2013 irrigation seasons.

Water right nos. 31-11410, 31-11414, 31-11428, and 31-11947 are owned by the applicant and appurtenant to the above referenced place of use. The rights are subject to a stepped mitigation schedule resulting from transfer no. 70815 (see water right Conditions of Approval). The applicant intends to use rented water to meet mitigation requirements thereby supplementing the existing ground water rights. Water was rented from the Water Supply Bank for the same purpose in 2007 and 2008. Use of water under the rental agreement will be regulated through Water District 110. This review does not confirm whether the applicant is in compliance with the established mitigation requirements.

AUTHORITY TO FILE

The applicant is the owner of the leased water rights and, based on available taxlot data, the owner of the place of use to which the rented water will be applied. The applicant signed both the lease extension forms and the rental application.

SUFFICIENCY OF SUPPLY

Is there a sufficient supply of water leased or offered to the Bank for the proposed use?

Yes, the applicant intends to use the rented water rights to supplement existing ground water rights.

If so, which water right(s)?

Water right nos. 31-7084, 31-7267A, 31-10964A, and 31-7569.

And, has the water right(s) remained unused during the lease period? The portions of rights leased to the bank are associated with a small number of acres. Keith Wilson, consultant for the applicant indicated that applicant is idling acres by turning of pivot end guns. It is difficult to verify whether the leased portions of the rights have remained unused with available imagery. However, diversion of water under the lease rights and those appurtenant to the rental place of use is regulated by the watermaster of Water District 110. The watermaster was notified of the applications and stated that he does not have comments.

INJURY

Information available to IDWR does not indicate that other water rights will be injured by the rental.

ENLARGEMENT

Will the rental enlarge the use of water under the rented right(s)? No, if conditioned appropriately.

Are any terms or conditions necessary to ensure there is no enlargement? Yes. See conditions of approval described under the recommendations below.

BENEFICIAL USE

The use of the water for irrigation purposes is a recognized beneficial use of water.

LOCAL PUBLIC INTEREST

Is the proposed rental in the local public interest? Information available to IDWR indicates that the proposed rental is in the public interest.

WATER DISTRICT

Is the proposed rental in a water district? Yes. The place of use and source of water for the proposed rental is located in Water District No. 110 and will be regulated by the watermaster with responsibility for the distribution of water among appropriators within the water district. The watermaster, James Cefalo, did not have any comments about the proposed applications. Copies of the approval documents should be forwarded to the watermaster.

RECOMMENDATION

The lease extensions and rental may be approved as described below:

- Water right no. 31-7084
 - Lease:
 - Leased Portion: 0.27 cfs, 60 acre-feet, 20 acres
 - Unleased Portion/Remainder: 3.36 cfs, 796 acre-feet, 252 acres
 - Lease Period: January 12, 2009 – December 31, 2013
 - *Conditions of Acceptance (Lease Agreement): Same as previous agreement*
 - Rental:
 - Diversion Rate: 0.27 cfs
 - Diversion Volume: 60 acre-feet
 - Acres: 20 acres (Acre limit within the Place of use described)
 - Rental Fee: \$840 per year
 - Season of Use: 04/01 to 10/31
 - Rental Period: January 1, 2009 to December 31, 2013 (five years)
 - *Conditions of Water Use on Rental Agreement: Same as previous agreement*
 - Remaining Portion Available for Rent: None
- Water right no. 31-7267A
 - Lease:
 - Leased Portion: 0.39 cfs, 38 acres (Acre limit within the Place of Use described), N/A (volume combined with water right no. 31-10964A)
 - Unleased Portion/Remainder: 2.5 cfs, 264 acres, volume not applicable

- Lease Period: January 12, 2009 – December 31, 2013
- *Conditions of Acceptance (Lease Agreement):*
 1. *Rental of rights 31-7267A and 31-10964A are limited to a total combined diversion rate of 0.66 cfs, diversion volume of 133 acre-feet, and irrigation of 38 acres.*
 2. *During the term of the lease, use of the unleased portion of rights 31-7267A and 31-10964A for irrigation is limited to a combined total of 264 acres, a combined diversion rate of 4.58 cfs, and an annual diversion volume of 942 acre-feet.*
 3. *Additional conditions same as previous agreement.*
- Rental:
 - Diversion Rate: 0.39 cfs
 - Diversion Volume: N/A acre-feet
 - Acres: 38 acres (Acre limit within the place of use described)
 - Rental Fee: N/A (volume combined with water right no. 31-10964A)
 - Season of Use: 04/01 to 11/01
 - Rental Period: January 1, 2009 to December 31, 2013 (five years)
 - *Conditions of Water Use on Rental Agreement:*
 1. *Rental of rights 31-7267A and 31-10964A are limited to a total combined diversion rate of 0.66 cfs, diversion volume of 133 acre-feet, and irrigation of 38 acres.*
 2. *Additional conditions same as previous agreement.*
- Remaining Portion Available for Rent: None
- Water right no. 31-10964A
 - Lease:
 - Leased Portion: 0.45 cfs, 133 acre-feet, 38 acres (Acre limit within the place of use described)
 - Unleased Portion/Remainder: 2.29 cfs, 672 acre-feet, 264 acres
 - Lease Period: January 12, 2009 – December 31, 2013
 - *Conditions of Acceptance (Lease Agreement):*
 1. *Rental of rights 31-7267A and 31-10964A are limited to a total combined diversion rate of 0.66 cfs, diversion volume of 133 acre-feet, and irrigation of 38 acres.*
 2. *During the term of the lease, use of the unleased portion of rights 31-7267A and 31-10964A for irrigation is limited to a combined total of 264 acres, a combined diversion rate of 4.58 cfs, and an annual diversion volume of 942 acre-feet.*
 3. *Additional conditions same as previous agreement.*
 - Rental:
 - Diversion Rate: 0.45 cfs
 - Diversion Volume: 133 acre-feet
 - Acres: 38 acres (Acre limit within the place of use described)
 - Rental Fee: \$1,862 per year
 - Season of Use: 04/01 to 10/31
 - Rental Period: January 1, 2009 to December 31, 2013 (five years)
 - *Conditions of Water Use on Rental Agreement:*

1. *Rental of rights 31-7267A and 31-10964A are limited to a total combined diversion rate of 0.66 cfs, diversion volume of 133 acre-feet, and irrigation of 38 acres.*
2. *Additional conditions same as previous agreement.*

- Remaining Portion Available for Rent: None
- Water right no. 31-7569
 - Lease:
 - Leased Portion: 0.26 cfs, 56 acre-feet, 16 acres
 - Unleased Portion/Remainder: 2.02 cfs, 441 acre-feet, 126 acres
 - Lease Period: January 12, 2009 – December 31, 2013
 - *Conditions of Acceptance (Lease Agreement): Same as previous agreement*
 - Rental:
 - Diversion Rate: 0.26 cfs
 - Diversion Volume: 56 acre-feet
 - Acres: 16 acres (Acre limit within the Place of use described)
 - Rental Fee: \$784 per year
 - Season of Use: 04/01 to 11/01
 - Rental Period: January 1, 2009 to December 31, 2013 (five years)
 - *Conditions of Water Use on Rental Agreement: Same as previous agreement*
- Remaining Portion Available for Rent: None