

MEMORANDUM

To: Water Right File No. 34-7092 Telford Lands LLC

From: Pam Skaggs 

Date: 05-03-2010

Re: Review/Analysis for Application to Lease/Rent a Water Right to the State Water Supply Bank – 34-7092 Telford Lands LLC.

PURPOSE/NARRATIVE: A combined package of lease/rental applications was submitted on behalf of the right holder by attorney, Robert L. Harris, to provide two alternative points of diversion for a portion of Right 34-7092 to be used within the existing irrigation system. The alternate points of diversion are located within the same quarter-quarter (QQ) as an existing well associated with the right.

AUTHORITY TO FILE: Applicant (Lessor/Renter) is the current right holder of record as confirmed through 2008 ownership change and 2009 transfer approval. Applications were signed by attorney Robert L. Harris.

WATER RIGHT VALIDITY: A SRBA Partial Decree was issued on 07-15-2002 and subsequent department actions have confirmed the validity of this right. Irrigation has been confirmed by aerial photos from 2006 in the 2009 transfer approval. 2009 Aerial photos of land show that the acres were irrigated as noted in the lease application.

INJURY TO OTHER WATER RIGHTS: The proposed change of a portion of the right from a well in the same QQ should not adversely impact other users. Review of WMIS records show the well in SWNWNW, Sec. 21, T05N, R26E has been historically pumped in varying amounts both less than and greater than the 1185.3 af associated with the leased acres. The well has at times provided the full volume of Right 34-7092 and is associated with a combined system for multiple ground water rights.

Diversion from the original well may continue under the other associated rights in addition to the new authorized diversion from the alternate wells under this lease/rental right. In order to avoid potential injury to other local wells the diversion under the leased/rented right at the alternate wells and continued diversion at the original well in Sec. 21 should be limited to the combined diversion not exceeding the highest volume confirmed by WMIS records for the original well or 2316.5 acre-feet per year.

ENLARGEMENT OF USE: No apparent enlargement of use will occur under the right through this lease of a portion of the right.

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 lease/rental appear to be consistent with conservation of water resources in Idaho. The applicant/owner has been operating under an SRBA decreed rights.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The water master of Water District #34 will be contacted prior to rental of the right.

RENTAL CONSIDERATIONS:

The rental of this portion of Right 34-7092 should be subject to all combined right limits of the right, provide water district with control of the diversion and include a diversion limitation between the existing well in Section 21 and the two proposed alternate wells to avoid injury to other local wells.