

Marshall, Aaron

From: Yenter, Cindy
Sent: Thursday, March 19, 2009 9:42 AM
To: Marshall, Aaron
Cc: Keen, Shelley
Subject: Blue Lakes CC water bank rental

Aaron -

I've thought this through, and there is no issue with this rental I can identify which would cause a problem with priority distribution on Alpeus Creek, or with the mitigation deliveries to Blue Lakes Trout, provided of course that the underlying water right conditions can also be administered. There are no hydrologic issues to analyze, since the rental flows are diverted at the same pod as the original rights. The last copy of a rental agreement that I have, however, is 2007. I think two additional conditions of approval are necessary if they are not already applied:

1. All deliveries of rented water are under the jurisdiction of Water District 130.
2. Diversion of rented flows may be subject to a private agreement between the applicant and downstream water users. (This refers to the rotation agreement between the CC and BLT. I currently administer this agreement; the junior right is a flow-only right, not deliverable at all in priority if not for the agreement.)

Also, Shelley and I discussed my concerns about continued rentals which circumvent the transfer requirements. I indicated to Shelley that at some point these rentals need to be advertised so that there is at least an opportunity for public comment. If the application is advertised without protest, I don't see a problem with another 5-year rental.

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