

Marshall, Aaron

From: Carlsen, Ernie
Sent: Wednesday, January 28, 2009 2:28 PM
To: Marshall, Aaron
Subject: RE: Watermaster Comment Request, Water Supply Bank Lease-Rental

Aaron,

I have no objection to the proposed five year rental of water from 60.6 acres under 35-8362 by Wulf Lebrecht.

Thanks
Ernie Carlsen
Watermaster, WD120
(208) 525-7161

From: Marshall, Aaron
Sent: Wednesday, January 21, 2009 11:50 AM
To: Carlsen, Ernie
Subject: Watermaster Comment Request, Water Supply Bank Lease-Rental

Ernie,

Since you are Watermaster of Water District 120, I would like to request your comments regarding a proposed Water Supply Bank lease and rental.

H. Alan Funk has offered 1.97 cfs and 151.5 acres under water right 35-8362 to the Bank through October 31, 2012. The land under this right has been enrolled in CRP since the license was issued in 1997, except for, maybe, the 2002 and 2003 irrigation seasons.

Wulf A. Lebrecht has requested to rent a 60.6-acre portion of this right for irrigation in T03S, R31E, Sec. 21, through the 2012 season. The rental would move the point of diversion approximately 3.5 miles in a NNE direction. Based on available satellite imagery, it appears that water was used in 2008 as described by the rental application. I have drafted the rental agreement and back dated the approval to include irrigation in 2008. While this is not a preferred practice, it can be implemented if necessary. Otherwise, I could draft the rental agreement for 2009-2012 and let the illegal use be resolved by a notice of violation.

The applications were submitted on April 25, 2008, by attorney Dwight Baker, who represents both parties in this matter.

Please review the attached map and draft lease acceptance and rental agreement and provide any comments as soon as practicable. Please call if you would like to discuss any details. Thanks.

Aaron Marshall
(208) 287-4943
aaron.marshall@idwr.idaho.gov

<< File: Lease Acceptance 35-8362.doc >> << File: Funk-Lebrecht Map.pdf >> << File: Rental Agreement 35-8362.doc >>

Water Right No. 35-8362
Water Supply Bank Applications, Funk Lease, Lebrecht Rental

