

01/03

Before the Idaho Water Resource Board

RECEIVE

MAY 14 2007

Department of Water Resc.

**APPLICATION TO RENT WATER  
FROM THE WATER SUPPLY BANK**

Applicant Kirk Ebbert Phone (208) 663-4505 / 351-4505  
Address 1401 E 1300 N,  
City Terreton State ID Zip Code 83450

**A. DESCRIPTION OF WATER SOUGHT TO RENT**

1. Source of water Groundwater  
tributary to \_\_\_\_\_
2. Maximum volume of water 386.3 AF.
3. Maximum rate of diversion 2.03 cfs.

**B. DESCRIPTION OF USE PROPOSED**

1. Nature of intended use Irrigation
2. Location of point of diversion NW NW 1/4 NE 1/4, Section 2,  
Township 7N, Range 37E, B.M. JEFFERSON County.
3. Season of use: From 05/01 to 11/01.
4. Description of diverting works:  
Pump HP \_\_\_\_\_ Lift \_\_\_\_\_ Pump type \_\_\_\_\_  
Canal name, if appropriate \_\_\_\_\_
5. Place of use:
  - a. If water is for irrigation, describe the number of acres to be irrigated by  
40-acre tract, section, township and range.  
T07N, R37E SEC 1: NWNW 31.7, NWNE 31.7, SWNE 32.0, SENE 32.0  
SEC 2: NENE 31.5, NWNE 30.0, SWNE 28.2, SENE 30.0  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

31-11410, 31-11414, 31-11428

7. Who owns the property at the point of diversion?  
APPLICANT

8. Who owns the property at the place of use?  
APPLICANT

9. Are you seeking a rental for more than one (1) year? NO (yes or no)  
If yes, for how many years? \_\_\_\_\_

10. Remarks: Applicant has submitted an application to lease a water right to the Water Supply Bank in the amount requested in this application to Rent Water From the Water Supply Bank

5/4/07  
Date

  
Signature of Applicant

### FOR DEPARTMENT USE ONLY

Received by WJM Date 5/10/2007 Time 4:50 pm E 032872

Published in \_\_\_\_\_ Pub. dates \_\_\_\_\_

Protests filed by \_\_\_\_\_

Hearing held by \_\_\_\_\_

Action recommended \_\_\_\_\_

# Memo

TO: Water Master for Water District 110

May 9, 2007

From: Keith C. Wilson for Kirk Egbert

482 Constitution, Idaho Falls, ID 83402

E-Mail: [kwilson@rockymountainenvironmental.com](mailto:kwilson@rockymountainenvironmental.com)

VOICE: 208-524-2353 ||| FAX: 208-524-1795



RE: Water District 110 Cease & Desist Order dated 04/09/2007  
P/U Rights 31-11410, 31-11414 & 31-11428

Water District 110 issued Kirk Egbert a Cease and Desist order for irrigation of approximately 140 acres in excess of the 120 acres of water right allowed for 2007 under rights 31-11410, 31-11414 & 31-11428.

Rights 31-11410, 31-11414 and 31-11428, when combined shall not exceed a total diversion rate of 4.54 cfs, a total annual maximum diversion volume of 697.4 af at the field headgate, the irrigation of 230 acres, and as further restricted by the mitigation schedule described in Transfer # 70815 [(Transfer approved Jan 1005 (Year 1))]:

Summary of "Schedule of allowed use":

Years 1 through 3 the rights limited to 2.37 cfs, 367.4 afa & 120 acres.

Years 4 through 10 limited to yearly incremental increases of 0.10 cfs & 5 acres.

Years 11 through 34 limited to yearly incremental increases of 0.06 cfs & 3 acres.

Years 35 & beyond the rights are limited to 4.54 cfs 697.4 afa and 230 acres.

For 2007 the irrigation season Mr. Egbert proposed to remove the end-guns from the pivots covered under the rights listed below and place the 127.5 acres of water in the Water Bank. Mr. Egbert will then rent 127.5 acres of water from the Water Bank to mitigate for the irrigation of the NW¼ Section 01 and NE¼ Section 2, T07N, R37E.

The FSA has identified 247.1 acres (see attached aerial.) irrigated in the NW¼ Sec 1 (127.35 ac), and NE ¼ Sec 2 (119.75 ac), T07N, R37E.

Using the 127.5 acres leased from the Water Bank and the 120.0 acres allowed under rights 31-11410, 31-11414 & 31-11428 will allow Mr. Egbert to irrigate the 247.5 acres for the 2007 irrigation season.

Assumptions:

1. Standard ¼ mile pivot is 1316.0 feet long plus the end gun.
2. Standard ¼ mile pivot without end-gun has an irrigated radius of 1320 feet.
3. Acres irrigated without an end gun = 124.9 acres.
4. Total irrigated acres = 124.9 ac (31.225 ac/qq).
5. In analysis will use 31.5 ac/qq or 126.0 ac with the end gun is removed.
6. Will need to rent 386.3 af [(127.5 ac)(3.03 af/ac)]  
[31-11410/11414/11429; (697.4 afa ÷ 230 ac = 3.03 af/ac)]

RE: Egbert 31-11410, 31-11414 & 31-11428

1 of 2

Water Rights to be used for mitigation:

**31-7267A & 31-10964A** -----

| T05N, R35E | ¼-¼        | Decreed | Mitigation |           |
|------------|------------|---------|------------|-----------|
| Sec 5      | L-4 (SWNW) | 30.0    | 0.0        |           |
|            | NWSW       | 31.5    | 0.5        |           |
| Sec 6      | L-1 (SENE) | 40.0    | 8.5        |           |
|            | L-2 (SWNE) | 40.0    | 8.5        |           |
|            | L-3 (SENW) | 40.0    | 8.5        |           |
|            | NESW       | 40.0    | 8.5        |           |
|            | NESE       | 40.0    | 8.5        |           |
|            | NWSW       | 40.0    | 8.5        | = 51.5 ac |

**31-7084** -----

| T06N, R34E | ¼            | Decreed | Mitigation |             |
|------------|--------------|---------|------------|-------------|
| Sec 32     | NW(34ac/qq)  | 136.0   | 10.0       | (2.5/qq)(4) |
|            | SW (34ac/qq) | 136.0   | 10.0       | = 20.0 ac   |

**31-7569** -----

| T06N, R35E | ¼-¼  | Decreed | Mitigation |           |
|------------|------|---------|------------|-----------|
| Sec 28     | NESE | 36.0    | 4.5        |           |
|            | NWSE | 35.0    | 3.5        |           |
|            | SWSE | 35.0    | 3.5        |           |
|            | SESE | 36.0    | 4.5        | = 16.0 ac |

**31-7103 & 31-11387,** -----

| T08N, R37E | ¼-¼  | Decreed | Mitigation |           |
|------------|------|---------|------------|-----------|
| Sec 33     | NENE | 36.0    | 4.5        |           |
|            | NWNE | 34.0    | 2.5        |           |
|            | SWNE | 34.0    | 2.5        |           |
|            | SENE | 35.5    | 3.5        | = 13.0 ac |

**31-7104** -----

| T08N, R37E | ¼-¼  | Decreed | Mitigation |          |
|------------|------|---------|------------|----------|
| Sec 33     | NENW | 33.0    | 1.5        |          |
|            | NWNW | 33.0    | 1.5        |          |
|            | SWNW | 33.0    | 1.5        |          |
|            | SENW | 33.0    | 1.5        | = 6.0 ac |

**31-7105 & 31-11388** -----

| T08N, R37E | ¼-¼  | Decreed | Mitigation |           |
|------------|------|---------|------------|-----------|
| Sec 33     | NESW | 35.0    | 3.5        |           |
|            | NWSW | 35.0    | 3.5        |           |
|            | SWSW | 33.0    | 1.5        |           |
|            | SESW | 33.0    | 1.5        | = 10.0 ac |

**31-7106** -----

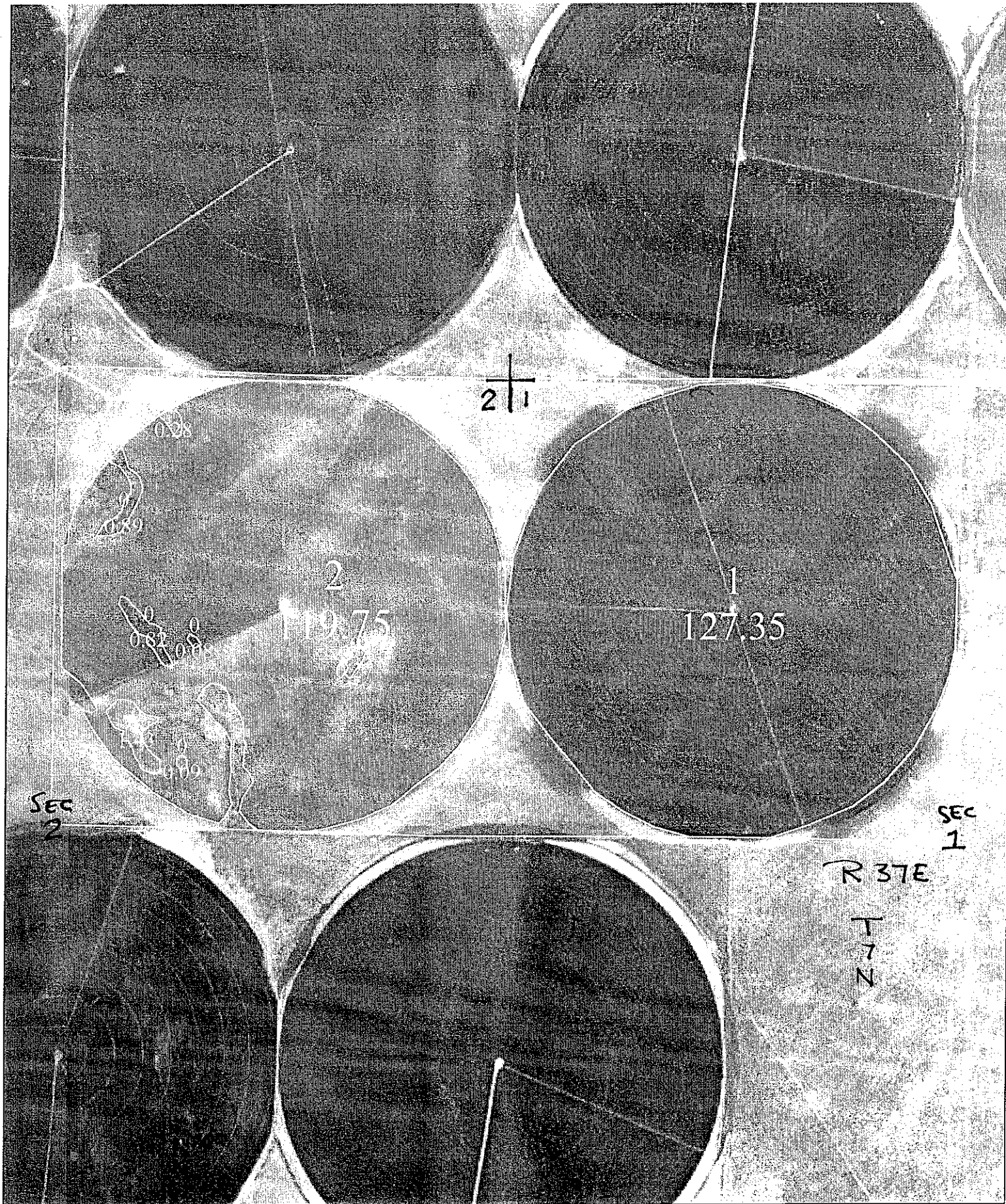
| T08N, R37E | ¼-¼  | Decreed | Mitigation |           |
|------------|------|---------|------------|-----------|
| Sec 33     | NESE | 35.0    | 3.5        |           |
|            | NWSE | 35.0    | 3.5        |           |
|            | SWSE | 33.0    | 1.5        |           |
|            | SESE | 34.0    | 2.5        | = 11.0 ac |

**Total Acres available for Mitigation = 127.5 ac**

**Total Volume available for Mitigation = (127.5 ac)(3.03 af/ac) = 386.3 af**

[31-11410, 31-11414 & 31-11429; (697.4 afa ÷ 230 ac = 3.03 af/ac)]

[(127.5 ac)(3.03 af/ac)]



United States Department of Agriculture  
Farm Service Agency  
Jefferson County, Idaho

May 01, 2007

Farm: 3872  
Tract: 10324  
Kirk S Egbert Ranches Inc  
1-7-38

