

MEMORANDUM

To: Files 75-2137, 75-4199, 75-4200

From: Cynthia Bridge Clark

Date: August 30, 2005

Re: Lease/Rental of Water Rights to the State Water Supply Bank

The Department of Water Resources Planning Division initiated an agreement with Erik Storlie and Tamara Kaiser to lease irrigation water for instream flow use on Big Hat and Hat Creeks under the Columbia River Basin Water Transaction Program. According to department staff, the intent of the program is to enhance tributary flows for flow augmentation.

An application was filed with the Water Supply Bank (bank) to lease water associated with the irrigation of 26 acres from water right 75-2137, 75-4199, and 75-4200 from April 1 to October 31, 2005. A companion rental application was filed in the name of the Idaho Water Resource Board to rent the same rights for instream flow use under the Federal Reserve Wild and Scenic River water right no. 75-13316. The right identifies a beneficial use of "Wild and Scenic River" on the Salmon River. The rental application was filed to ensure that the water associated with the rights remains in the Big Hat Creek rather than being diverted by the holders of junior water rights.

The application proposes a change in nature of use from irrigation to instream flow. To avoid enlargement of the rights, the volume available for rent was limited to the consumptive use. Evidence of historical beneficial use was not required for the determination of the consumptive volume for the short-term rental lease/rental. The consumptive use was calculated based on the number of acres leased times the standard consumptive irrigation requirement (2.5 afa per acre). The diversion rate was also a consideration given that the new use will require continuous flow. The continuous flow rate is limited to 0.15 cfs (total consumptive volume/(1.984 x 215 days)).

The right numbers and corresponding portions leased/rented are listed below:

<u>Right No.</u>	<u>Acres</u> (ac)	<u>Diversion Rate</u> (cubic ft per sec., cfs)	<u>Consumptive Diversion Vol.</u> (acre-feet per acre, afa)
75-2137	26 ac	0.52 cfs	65 afa
75-4199	26 ac	0.62 cfs	65 afa
75-4200	14 ac	0.28 cfs	35 afa
Total:	26 ac	0.52 cfs	65 afa

The portion of the above referenced rights leased to the bank are limited to irrigation of 26 acres, and a total combined diversion rate of 0.52 cfs and combined diversion volume of 91 afa. Rental of the rights is for consumptive use only and is limited to the consumptive use diversion volume of 65 afa, or a continuous diversion rate of 0.15 cfs for use from April 1 to November 1, 2005.

Acceptance in the bank was based on preliminary recommendations issued for the rights in the Snake River Basin Adjudication (SRBA). The rights 75-4199 and 75-4200 were not identified on the application but IDWR's Bill Graham confirmed that the place of use identified on the lease application will be idled and the applicant does not intend to use the water associated with the 26 acres from any of the rights. He noted that the rights should be leased to the bank in accordance with his agreement with the owner to leave the water undiverted.

The payment rate was negotiated between the water right owner and the department's planning division in conjunction with the Columbia River Basin Water Transaction Program.