

Lester, Steve

From: Lester, Steve
Sent: Thursday, February 19, 2015 5:22 PM
To: 'Jay Edwards'
Cc: watermaster67@hotmail.com
Subject: RE: early water use
Attachments: Early use of water right.docx

Jay:

There probably is not any easy/quick way to do that, assuming Weiser Irrigation Rights do not include special conditions of approval addressing this issue – please see attached summary of possible options.

Temporary right does not look good unless 5 AF will help.

Water Supply Bank is potentially more promising than temporary right, although timing could be a problem. There is no rental pool for Basin 67. However, some Basin 67 surface water rights are leased to WSB, see following link:

<http://www.idwr.idaho.gov/apps/ExtSearch/WSBSearch/WSBSearch.aspx>

If there is enough available to make a difference, please realize a backlog of rental applications are being processed now for this season. IDWR staff at our downtown Water Center office are processing those rentals as fast as possible, so Weiser Irrigation District would be subject to not being near head of the line if you find it worthwhile to apply (IDWR Regional Offices are not processing WSB applications). Please call our main office at 208-287-4800 and ask for WSB help if you want more details for that option.

I hope this helps.

Steve

From: Jay Edwards [<mailto:jay.edwards@ameri-title.com>]
Sent: Thursday, February 19, 2015 8:49 AM
To: Lester, Steve
Subject: early water use

Steve: If the spring like weather continues, we will need to turn our canal on earlier than April 15. Do we need to apply for early use permit? Jay

* But WID rights have 3/1 start date
so probably not an issue?
-JL

“EARLY USE” OF A WATER RIGHT

A water user seeking to use a water right prior to the earliest annual start date defined by the right cannot apply to IDWR for an “early use” approval – there is no such thing included as part of that water right. (Example: irrigation right with March 15th start date cannot be diverted before then¹.)

POSSIBLE BUT PERHAPS DUBIOUS TEMPORARY ALTERNATIVES

1) Application for Temporary Approval of Water Appropriation, \$50 -- seek a temporary water right.

- Temporary right is limited by total volume not to exceed 5 acre-feet (AF) during the approval period.
- Approval period cannot exceed 1 year.
- Temporary right is subject to existing rights.
- IDWR might seek comments for the application – watermaster etc.
- Legal notices generally not required.
- “Stacking” temporary rights for duplicative approvals totaling more than 5 AF probably viewed skeptically by IDWR (loopholes?).

2) Application to Rent Water from the Water Supply Bank (WSB), rental rate per AF set by Idaho Water Resource Board (IWRB).

- Rights leased into WSB cannot be used at their current described place of use during the lease period.
- Leased rights can be rented from WSB for 1 to 5 years period, possibly renewable.
- Source of water proposed in a rental application must be hydraulically connected to source for right leased into WSB. (Example: Hornet Creek right leased to WSB, Weiser River water rented from WSB).
- Point of diversion, place of use, nature of use &/or period of use change possible in rental application, could seek season of use change for earlier use.
- IDWR might seek comments for the application – watermaster, ditch company etc.
- Legal notices generally not required.
- Approvals based on IDWR analysis (for IWRB) -- enlargement, injury, public interest etc.
- Some areas sometimes have storage water in a Rental Pool subcategory of WSB.
- IWRB delegates authority to rent from a Rental Pool to watermaster of the water district (WD). (Examples: WD 63 Boise River rental pool, WD 65 Payette River rental pool.)

¹ Some irrigation rights include a condition of approval authorizing use under limited criteria prior to the beginning of the irrigation season stated on the face of the right.