

MEMORANDUM

Date: September 04, 2014
To: Water Right File 36-4179
From: medl
Re: volume

Right 36-4179 for industrial use is held by JR Simplot and is currently leased to the State Water Supply Bank (WSB). There was some confusion about the status of the lease which was cleared up by Cherie Palmer on August 20, 2014. The current WSB lease agreement shows rate only, not volume.

The right was decreed in 1998 with combined limits on the rate and volume. The decreed associated this right with four other water rights to a common place-of-use. The four rights associated with the authorized place-of-use for this right, (and some additional rights) were sold to the City of Burley in 2004 even though the property is located within the City of Heyburn.

This right, 36-4179, was retained by JR Simplot. Attached to the Notice of Change in Water Right Ownership was a deed that contained two exhibits. Exhibit B includes a table which explicitly states the rate and volume which JR Simplot retained for 36-4179. This right is worth 4.27 cfs and up to 1723.11 AFA.

The volume cannot be added to the WSB lease agreement at this time. However, I will request that the deed described above, be scanned into the backfile for this right and that the WSB database carry a notation acknowledging the volume which was established by that deed.

* see left side of file for documents referenced in
this memo. cf