

MEMORANDUM

To: Water Right No(s). 63-10700
From: Jean Hersley
Date: January 28, 2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: This application was received at Western Region on November 7, 2013. It was routed to BSU back to SPF Engineering and then to the State Office on November 18, 2013. Place of use will continue to receive surface from Middleton Irrigation Association, New Dry Creek Ditch Co. and Foothill Ditch Co.

AUTHORITY TO FILE: The application was signed by Justin Martin, Manager Cloud Berry LLC.

WATER RIGHT VALIDITY: This water right was licensed in 1994. Aerial photography indicates irrigation has occurred in the last 5 years,

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are not subject to any Water District at this time (groundwater).

It appears this right was not included in the lease of overlapping rights 63-5094 and 63-32960 because of this right being 100% supplemental in accordance with conditions of the license. At this point we are being asked to place this right into the bank. Typically, supplemental rights are not accepted into the bank unless evidence is presented that quantifies how much water has historically been used under the right. In this case overlapping rights 63-5094 and 63-32960 were accepted into the bank based on 40% usage in combination with surface water. Since no information was submitted that addresses this issue, this right will be accepted into the bank and limited to the amount of ground water that was found under the overlapped rights, 799.2 af. Essentially, this right will be un-rentable. Also note that the term requested was thru 2018; however, we will match the term of the overlapped rights 2017 expiration. If these rights are leased again, they should be evaluated together. ~Cherie Palmer