

MEMORANDUM

To: Water Right File No(s). 45-13904

Associated Files: 45-690, 45-691, 45-7004, and 45-7186A, 45-2383, 45-7118, 45-7125, 45-7317, 45-13981/82, and 45-14412 thru 14418

From: Cherie Palmer

Date: March 30, 2013 (amended May 6, 2013)

Re: Review of Applications to Lease and Rent Water Right 45-13904 to and from the State Water Supply Bank

PURPOSE/NARRATIVE: The applicant is placing 124.1 acres in the WSB under 45-13904. On June 16, 2011, the applicant leased 42 acres under right 45-13904 until 2015. This new application includes the 42 acres that are already leased so the balance that will be leased is 82.1 acres. **Note that this water right is part of the Southwest Irrigation District's mitigation plan and should not be leased to the WSB—see the attached correspondence. The District is exempting 82.1 acres of mitigation water under 45-13904 which means that Department can move forward with leasing/renting the 82.1 acres. The applicant has agreed to release 42 acres under this right. The lease/rent of 82.1 acres is for the 2013 season only and any WSB activity under this right will require feedback from the SWID!** Recently a transfer was approved that includes the rights listed above which are all within the applicant's PPU. The transfer created a 4384 ac PPU. The new combined limits will be reduced by the 82.1 acres that will be leased as follows:

Group A = 45-690, 45-691, 45-7004, 45-7186A, and 45-13904

Group B = 45-2383, 45-7118, 45-7125, 45-7317, 45-13981/82, and 45-14412-18

Group A= 1863 acres
- 82.1 acres
1780.9 acres

Group B = 1635 acres (limits based on 1863 ac + 1635 = 3498 ac within 4384 ac PPU)

Group A of 1780.9 ac + Group B 1635 acres is 3415.9 acres within a 4301.9 acre PPU

The applicant filed a rental application along with the lease. The applicant wishes to rent out the 82.1 acres at a different location to cover some acres that only have stockwater rights appurtenant to them.

Because the 82.1 acres that are being leased are being rented to the same farm, the conditions on the rental will reflect a PPU reduction by 82.1 acres.

AUTHORITY TO FILE: The applications were signed by Craig E Searle who is listed in the IDSOS as a registered agent for MVCP LLC.

WATER RIGHT VALIDITY: The transfer review memo for Transfer 77712 that was completed on November 21, 2012 indicates that forfeiture was not an issue. A full review of the last 5 years was completed as part of the transfer review and will suffice for this lease approval.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Conditions will be added to the rental agreement to ensure no enlargement occurs.

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 watermaster had no comments and IDWR staff had no concerns.