

MEMORANDUM

To: Water Right File No(s). 35-2824

From: Cherie Palmer

Date: May 23, 2013

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: On April 4, 2013, the Department received an application to lease water right 35-2824 into the bank for two years. An accompanying application for rental for the Funks was submitted at the same time that proposes to use 35-2824 at a location downstream 30 miles. This package was filed because a transfer was filed, 78441, to permanently change the POU in connection with the rental but, a protest was filed.

AUTHORITY TO FILE: The applications were signed by the right holder.

WATER RIGHT VALIDITY: Right 35-2824 was leased into the bank in 2012. This water right was decreed on 4/2/2012. This right is valid but, the extent of use under this right is questionable. Evidence in the form of WMIS records indicates that this right is supplemental.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: There are Aberdeen Springfield Canal shares that are used at the POU for 35-2824. A condition on the decree states that the use of right 35-2824 is combined with water from Aberdeen Springfield Canal Co. WMIS records indicate that this right is supplemental and cannot be rented into the bank unless a proportionate amount of surface water accompanies the lease. Greg of Brockway said that won't happen so the application is being denied. The Funk's rental application was retained in case a different right can fulfill their request.

LOCAL PUBLIC INTEREST: NA

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: NA

DEPARTMENT STAFF OR WATERMASTER COMMENTS: no comments necessary, being denied.