

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

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.

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 124.1 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

-124.1 acres
1738.9 acres

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

Group A of 1738.9 ac + Group B 1635 acres is 3373.9 acres within a 4259.9 acre PPU

Disposition of water right after lease is approved through 2015:

Decreed water right:	991.0 ac	10.07 cfs	3964.0 af
Subtract 2011 lease:	-42.0 ac	0.43 cfs	168.0 af (currently available for rent)
Subtract current lease:	-82.1 ac	0.83 cfs	328.4 af (will be rented thru 2015)
	866.9 ac	8.81 cfs	3467.6 af

The applicant filed a rental application along with the lease. The applicant wishes to rent out the 82.1 acres 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 42 acres. Note that the reduction in PPU on the lease will be 124.1 acres in case MVCP LLC opts out of renting right 45-13904 for some reason and the right is rented out to a different entity.

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.

Palmer, Cherie

*Watermaster + Region comment
request + response by region
-No comment from WM*

From: Cooper, Jeff
Sent: Thursday, April 04, 2013 9:47 AM
To: Palmer, Cherie
Cc: Merritt, Allen
Subject: RE: MVCP LLC Rental and Lease application in the water supply bank

I don't foresee any issues. MVCP has filed a recent transfer (T78469) to cover an additional 5 acres within the existing PPU. Limits and Water Bank leases are properly reflected on the map included with the transfer application. Please let me know if you have any additional questions.

-Jeff C.

From: Merritt, Allen
Sent: Wednesday, April 03, 2013 8:03 AM
To: Cooper, Jeff
Cc: Palmer, Cherie
Subject: FW: MVCP LLC Rental and Lease application in the water supply bank

Jeff,
Please look these over since you are familiar with MVCP and provide comment to Cherie.
Thanks,
Allen

From: Palmer, Cherie
Sent: Monday, April 01, 2013 9:25 AM
To: brian@waterwellconsultants.com; Merritt, Allen
Subject: MVCP LLC Rental and Lease application in the water supply bank

Hi Brian and Allen,

I am working on a couple of applications from MVCP to lease 82.1 acres in the WSB and rent those 82.1 acres out to a different location on their farm. The water right they are focused on is 45-13904 and will be in the bank thru 2015. I have attached my review memo and the applications are scanned into the water right file. Please let me know if there are any concerns or questions. Thanks for your time.

<< File: L1.2 Lease Review Memo.docx >>

*Cherie Palmer, Sr. Water Resource Agent
Idaho Dept of Water Resources
Water Allocation Bureau*

*322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700*