

MEMORANDUM

To: Water Right File No(s). 35-7246M, 35-7632A, & 35-13609

From: Cherie Palmer

Date: February 22, 2013

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

PURPOSE/NARRATIVE: On 12/31/2012, these rights were released from the bank by Reid Stewart. New owners of the water rights, Toeys, filed an ownership change 1/25/2013. The ownership was processed by the regions. Now that ownership has been addressed, we can proceed to process these applications. The applicant would like to place these water rights in the bank through 2015. Note that the applicant marked "No" on question C.3, which asked if water from any source will be used at the present place of use. However, the applicant's representative, Greg Sullivan of Brockway Engineering, states in a cover letter that they may use canal shares during the lease term. I called Greg to confirm which canal they can divert from since the POU does not appear to be within a canal company's boundary. Greg stated that Lance Funk, who manages the property, has Aberdeen-Springfield canal co. shares. We discussed the fact that this property is not within the boundary of the canal co. Greg stated that they may have to use the water supply bank to divert ground water in the coming years.

AUTHORITY TO FILE: The applications were signed by the right holder. Note that the applicants marked "yes" under question B.2 on the application. The point of diversion is a well that is located within the POU. There are no other water rights that share this PD and ownership/management of the PD was not an issue in the past. I confirmed with Greg that the question was incorrectly answered.

WATER RIGHT VALIDITY: These water rights were just released from the water supply bank in 2012 which protected them from forfeiture during times of non-use.

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:

On 2/22/13, James Cefalo, watermaster, responded that he doesn't have any concerns with the WEB lease as long as we continue to use aerial photography to verify that the ground is not being irrigated at the water right place of use.