

## MEMORANDUM

**To:** Water Right File No(s). 73-12206, 73-12207, 73-12208, 73-12209, 73-12210, and 73-12211

**From:** Monica Van Bussum

**Date:** November 26, 2012

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

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**PURPOSE/NARRATIVE:** On October 16, 2012, the Department received applications to lease all of the above-mentioned water rights to the Water Supply Bank for an indefinite period. We no longer process indefinite leases unless the IWRB approved. However, the IWRB is the applicant, so they have obviously approved this action and we need not go before them for further approval. The same logic can be applied to the rental.

**AUTHORITY TO FILE:** The applications were signed by Brian Patton on behalf of the IWRB.

**WATER RIGHT VALIDITY:** All of the rights were partially decreed in the SRBA in August 2010.

**INJURY TO OTHER WATER RIGHTS:** No injury is apparent.

**ENLARGEMENT OF USE:** No enlargement is evident through the lease alone. The conditions on the water rights say 103.6 acres but the internal limiting conditions actually mean this is a lease for 50 acres. A volume limit on the rental should protect against enlargement. 50 acres multiplied by a consumptive volume of 2.5 acre-feet per acre gives 125 acre-feet, so the volume is limited to 125 AF. The leased place of use overlaps with POUs from water rights owned by Big Creek Ranch. Big Creek Ranch donated the surface water rights to the IWRB. I sent a note to Big Creek Ranch reminding them these acres are not to be irrigated and suggesting they file an application for transfer to more appropriately address their irrigated acres.

**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 is aware of the transaction and has no concerns.