

MEMORANDUM

To: Water Right File No(s). 22-2260B and 22-7005B

From: Monica Van Bussum

Date: November 21, 2012

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

PURPOSE/NARRATIVE: On August 20, 2012, we received a number of applications to address the Ralph Pocock Notice of Violation for the 2012 irrigation season. Pocock received correspondence from the Department in May of a potential violation of 238 acres. Pocock filed nearly a dozen lease applications to cover the NOV.

There was only one application for the 2 water rights. This is a departure from how the form should be completed (only one water right per form) but in the interests of time, and because the application was legible, we will accept the one application. Appropriate fees were received.

The application indicates 56.5 acres are available for lease but a close check of the grid indicates only 52.9 acres are offered. This discrepancy is accounted for by looking at the acreage offered in Section 35. The grid says 4.5 acres in NENW and 0.4 acres in NWNW are offered but the total column says this adds up to 8.5 acres. However, it adds up to 4.9 acres instead. This error probably happened because whoever filled out the application did not put a zero before the decimal place and thought the .4 was a 4 instead of a 0.4. The acceptance reflects 4.9 acres.

AUTHORITY TO FILE: Harvey Summers of Summers Farm & Ranch signed the application.

WATER RIGHT VALIDITY: The two water rights were partially decreed in the Snake River Basin Adjudication in 2010, so forfeiture is not an issue.

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. **It is important to note the combined limits on this lease acceptance. The two are limited to a combined diversion rate of 0.35 cfs for 52.9 acres, which is only 0.007 cfs/acre. The two are also limited to 148.3 AF, which is only 2.8 AF/acre. This is a very low duty of water and care should be taken when reviewing the rental to make sure no enlargement actually took place in 2012. These two rights will only be considered candidates for the Pocock NOV rental application.**

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:

None.