

MEMORANDUM

To: Water Right File No(s). 35-13944 and 35-13946

From: Monica Van Bussum

Date: October 17, 2012

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

PURPOSE/NARRATIVE: On June 19, 2012, we received applications to lease portions of 35-13944 and 35-13946 to the Bank for 2012.

The rightholders did file to put a portion of 35-13948 into the Bank as well but there is no need for that. See the enlargement portion of this memo for more information.

AUTHORITY TO FILE: The applications were signed by Luke Marchant of Holden Kidwell on behalf of his clients.

WATER RIGHT VALIDITY: Imagery indicates the property was irrigated in 2006, which would make this the sixth year, and rightholders are required to take action by the end of the 6th year to protect a right from forfeiture. I did not check other years for irrigation, so there may have been irrigation in the intervening years.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: These two rights have limiting conditions with 35-13948 but I don't see enlargement through this lease. 35-13944 is for 388 acres, 35-13946 is for 155 acres within the 388 acres, and 35-13948 is for 69.5 acres within the 388 acres. 35-13946 and 35-13948 add up to less than the total of all the water rights, so we can just process the lease for 35-13944 and 35-13946 without touching the other right.

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 indicated no concerns.

Van Bussum, Monica

From: Cefalo, James
Sent: Wednesday, October 17, 2012 4:39 PM
To: Van Bussum, Monica
Subject: RE: Bank lease - Foster Land & Cattle 35-13944/35-13946

Monica,

I looked at the water rights. I don't see any apparent issues with allowing those two rights to be leased to the WSB.

James

From: Van Bussum, Monica
Sent: Wednesday, October 17, 2012 3:41 PM
To: Cefalo, James
Subject: Bank lease - Foster Land & Cattle 35-13944/35-13946

Hi James,

I have a Water Supply Bank lease application from Luke Marchant of Holden Kidwell on behalf of Foster Land & Cattle to lease 32 acres in 01S 34E Sec 24 NWNW from Right Nos. 35-13944 and 35-13946. The application is currently for 2012 only (received while I was on maternity leave).

The parent right 35-7534A was partially decreed in 2002 but imagery shows irrigation in 2006, which would make this the 6th year, so I didn't see the need to check further for forfeiture.

There is an overlapping condition with 35-13948 but they are "less than" additive, meaning 35-13944 is for 388 acres, 35-13946 is for 155 acres within the 388 and 35-13948 is for 69.5 acres within the 388. Therefore, I think they can lease this 32 acres under just 35-13944 and 35-13946 without risk of enlargement.

I'd appreciate hearing whether you have watermaster comment. Thanks!

Monica