

MEMORANDUM

To: Water Right File No(s). 36-2381A and 36-12043
From: Monica Van Bussum
Date: October 10, 2012
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: We have received these applications numerous times and have denied them numerous times, for forfeiture reasons and proportional allocation concerns. However, the applicants have rightfully pointed out that their crop records from 2005 indicate the pivot corners in question were irrigated. Irrigation in 2005 would have restarted the forfeiture clock and the rights were protected by the Magic Valley Ground Water Users mitigation plan in 2006, so the application in 2011 would have come in during the five-year forfeiture review period.

AUTHORITY TO FILE: The applications were signed by the right holders.

WATER RIGHT VALIDITY: See above, and see attached email to Zach Latham regarding forfeiture discussion.

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:

The watermaster indicated no concerns after the forfeiture concern was addressed.