

MEMORANDUM

To: Water Right File No(s). 29-4179

From: Monica Van Bussum

Date: September 7, 2012

Re: Review of Application to Lease a Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: On April 13, 2012, the Department received an application to lease a portion of 29-4179 to the Water Supply Bank for 5 irrigation seasons.

The applicant indicated 23.3 acres in the SESW of Section 19 should be leased. However, the water right indicates the irrigation is in the SWSE of Section 19. This is likely a clerical error on the applicant's part and we are processing the lease in accordance with the legal description on the water right. The map filed with the application supports this approach.

Just a quick note on acres in the south of the POU, those not covered by this lease application. It looks like the property has been subdivided and some of the houses are irrigating more than ½-acre. I emailed the attorney and let him know the ownership concerns and the likelihood these houses are irrigating with ground water under exempt rights and they are exceeding the limits of exempt rights. I also spoke with James Cefalo at our Eastern office and let him know my concerns. My email to T.J. Budge, attorney for the applicant, is attached.

Additionally, the application indicates 23.3 acres are for lease. A review of the map included with the lease application and calculating the acres in ArcMap indicates the actual leased acres are 17.1, so the acceptance lists 17.1 acres.

AUTHORITY TO FILE: The application was signed by T.J. Budge on behalf of his client.

WATER RIGHT VALIDITY: 2009 imagery indicates the acres to be leased were irrigated.

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 did not respond to a request for comment, indicating no concerns.