

MEMORANDUM

To: Water Right File No(s). 45-7086D, 45-2597 and 45-2578

From: Monica Van Bussum

Date: August 11, 2012

Re: Review of Application to Lease a portion of 45-7086D to the State Water Supply Bank

PURPOSE/NARRATIVE: On May 30, 2012, the Department received an application to lease a portion of 45-7086D to the Water Supply Bank for 2012. We have received this application several times before and had some concerns with the quantification and location of acres offered (See Dan Nelson's email dated March 19, 2012, as well as a memo from Dan and the letter from me dated April 27, 2012). The Beukers' consultant Gary Funderburg has now modified the application, associated acres and map to our satisfaction.

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

WATER RIGHT VALIDITY: According to Jeanie Roberts's transfer review memo for Transfer 77702, there are no validity concerns because the acres have been irrigated and have also previously been protected through a Water Supply Bank lease and the rights were partially decreed in the Snake River Basin Adjudication in 2005.

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. There is a limiting condition with 45-2578 and 45-2597 on the face of the water right. I put a condition on the lease identifying the total number of acres authorized for irrigation among these three rights after the lease, which should prevent 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, by email, indicated no concerns.