

MEMORANDUM

To: Water Right File No(s). 63-7011A, 63-32968 and 63-32970

From: Monica Van Bussum

Date: August 4, 2012

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

PURPOSE/NARRATIVE: On March 23, 2012, we received applications to lease portions of the above-mentioned water rights to the Water Supply Bank for the 2012 season. This is an interesting grouping of water rights and enlargement at first appears to be an issue until further review of the rights' legal descriptions.

63-32968 and 63-32970 are splits of 63-32299 and 63-32301, respectively. The other splits of the two parent rights, 63-32967 and 32-32969 belong to the previous property owners Larry and Marianne Williams. All 4 child water rights have very small limiting conditions. For example, the rights are limited to a total of 113 acres irrigated but if you look at the face value of the rights, they add up to 223 acres. However, if you look at the legal descriptions, it appears only a total of 113 acres is actually authorized but the rights appear to lack limiting conditions.

I believe 63-32967 and 63-32969 should be together limited to 38 acres of irrigation. I also believe 63-32968 and 63-32970 should be together limited to 75 acres of irrigation. There are no limiting conditions on the rights to suggest this but the legal descriptions suggest it. The limiting conditions only reflect limitations on the group of 4 rights, not on the pairs of rights that were subsequently split. Since the rights are not actually stacked other than by the pairs of rights, enlargement is not at issue.

The acreage for 63-7011A does not overlap with 63-32968 and 63-32970, so the lease amount for 63-7011A should be added to the limits of 63-32968 and 63-32970. 63-32968 and 63-32970 should be limited to 62 acres and 279 AF (4.5 AF/ac times 62 acres). The rate for 63-32968 and 63-32970 does not need to be limited. 0.02 cfs per acre yields 1.24 cfs and the two rights total 1.22 cfs.

AUTHORITY TO FILE: The applications were signed by representatives of Deersky Ranch HOA.

WATER RIGHT VALIDITY: The water rights were partially decreed in the Snake River Basin Adjudication in 2008, so 5 years of non-use aren't at 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.

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.