

MEMORANDUM

To: Water Right File No(s). 36-16920

From: Monica Van Bussum

Date: April 1, 2012

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

PURPOSE/NARRATIVE: On March 20, 2012, we received an application to lease part of 36-16920 to the Water Supply Bank for five years.

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

WATER RIGHT VALIDITY: 2011 imagery indicates the 16.2 acres offered to the Bank 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.

There has been some discussion among Greg Sullivan (consultant for the applicants), Cindy Yenter (watermaster) and myself about whether these acres are primary or supplemental. We all agree they are primary.

Transfer 77409, in 2011, modified the POU and asserted primacy of certain acres under right no. 36-2508, which was accomplished when applicant showed that North Side Canal Company (NSCC) shares were removed for 2011 in the NESW, which was to be part of the new POU where canal shares once resided. Applicant also re-arranged the balance of his canal shares to other acres not overlapping the new POU.

Transfer 77656, later in 2011, then took 13.6 primary acres under 36-2508 and put them in the dairy as 36-16921. The PPU created under 77409 was not changed but actual irrigation was shown as reduced in NESW by the 206 condition map. The WSB application now seeks to take the 12.6 remaining acres in NESW from 36-16920. These should still be considered primary. See the memo for Transfer 77656 for additional information.

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 conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

See attached watermaster comment.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: WSB lease
Water Right No: 36-16920
Applicant Name: Bokma

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Acres in NESW Sec 20 should still be considered primary acres pursuant to actions documented in transfer 77409. Conditional approval should not be necessary for rental of the right.

Dated: April 9, 2012

Water District 130

sent electronically
Cindy J Yenter, Watermaster