

MEMORANDUM

TO: Water Right Files 63-32618
FROM: Daniel A. Nelson
DATE: March 1, 2012
SUBJECT: Deanna L. Davis Water Supply Bank Lease Application

SUMMARY

Deanna Davis filed a Water Supply Bank (WSB) lease on February 27, 2012. The lease application requests to lease all of water right 63-32618 to the WSB from 2/29/2012 to 2/29/2015. Water right 63-32618 allows 0.18 cfs and 40.5 acre feet of water to irrigate 9 acres. There is also a domestic component to this water right.

This water right was decreed in 2007, so forfeiture will not be an issue until December 31, 2012. I couldn't find any reason these WSB lease should not be approved.

AUTHORITY TO FILE

The lease application was signed by Deanna L. Davis who is listed as the current owner of the water right, and is also listed in the Department's tax lot information as the owner of the property.

SUFFICIENCY OF SUPPLY

There is no data to suggest that the sufficiency of water supply will be an issue.

INJURY

There is nothing to suggest that there will be any injury from leasing this water right to the water supply bank.

ENLARGEMENT

There is no enlargement being proposed. However, there is a combined diversion rate limit with a number of other water rights. This rate limit is overlapping, not additive, so particular care will need to be made when (or if) renting this right. This right is likely not rentable because of the risk of enlargement in diversion rate (mvanbussum 3-12-2012)

BENEFICIAL USE

The purpose proposed does qualify as a beneficial use.

LOCAL PUBLIC INTEREST

There is nothing to suggest that these leases would be contrary to the Local Public Interest.

WATER DISTRICT

Ground water in this area is not regulated by a watermaster, therefore, no watermaster comment is required.

RECOMMENDATION

These WSB leases should be approved with a term of February 29, 2012 to February 29, 2015 term. The term should include these months, so that the irrigation component can be used in 2015.

MEMORANDUM

TO: Transfer No. 73893

FROM: Sharla

DATE: July 31, 2007

RE: Evaluation of Sufficiency of Information Submitted

This transfer application was filed in 2005 and the right was decreed in the SRBA on 4/11/07. The right involved in this transfer is a split from 63-32116. As indicated by the applicant under item 2 of the transfer, each parcel is to have its own point of diversion and this transfer was filed for the purpose of changing the point of diversion.

Summary of Information Submitted

Authority to File: Applicants are the owners of record for this right. The application has been signed by both applicants since the warranty deed's name connector is simply "And".

Water Right Validity: Right presumed to be valid because the partial decree was just issued on 4/11/07.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement of use is proposed. The only item being changed is the location of the point of diversion. This right came from a split of 63-32116, which was a split from 63-31743, which was a split from 63-7430B. In a comment under each of these rights, Scott King stated that all parts of 63-7430 and 63-7426 are together limited to a combined diversion rate of 11.15 cfs, the system capacity at the time of development, based on conditions applied to 63-7426 during licensing. To remove the Meier's portion from the equation since their point of diversion will no longer be part of the combined system, the rate of diversion that could be transferred out was calculated as follows:

Senior rt 63-7426	6.32 cfs \	
Junior rt 63-7430A	3.00 cfs \	limited to combined total of 11.15 cfs
Junior rt 63-7430B	<u>3.10 cfs</u> /	
	12.42 cfs /	

$12.42 - 11.15 \text{ cfs} = 1.37 \text{ cfs}$ licensed above capacity

$6.10 - 1.37 \text{ cfs} = 4.73 \text{ cfs}$ remainder of system capacity licensed under jr right

$0.20 \times 4.73 / 6.10 = 0.16 \text{ cfs}$ available to transfer and remove from combined total

$11.15 - 0.16 = 10.99 \text{ cfs}$ is new combined total to be listed in remarks of associated rights

In a letter dated 9/27/07, the applicant questioned this action and a letter from Dan Nelson dated 10/2/07 was sent in explanation. Dan has discussed this item with the consultant more than once.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Applicants propose beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Assuming no other information contradicts the above analysis, and assuming it is determined the application should be approved, the conditions of approval listed on the draft transfer approval should be applied.