

MEMORANDUM

To: Water Right File No(s). 34-7052 and 34-7110

From: Monica Van Bussum

Date: March 1, 2012

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

PURPOSE/NARRATIVE: On January 6, 2012, we received applications to lease all of 34-7052 and 34-7110 to the Water Supply Bank for the 2012 season. These applications were accompanied by applications to rent from Mitchell Sorensen, too, but those applications will be addressed under a separate memo.

AUTHORITY TO FILE: The lease applications were filed by Mitchell Sorensen but the rights are owned by Richard Potter. However, the application was accompanied by an agreement between Potter and Sorensen allowing Sorensen to lease the water rights to the Bank..

WATER RIGHT VALIDITY: There was some question regarding forfeiture of the water rights since Potter had not used the water rights in some time. However, the applicant provided additional documentation and consultation with Water Allocation Bureau Chief Jeff Peppersack indicates the applicant can claim a defense to forfeiture under Section 42-223, Idaho Code. See the lease application and the further correspondence from Rob Harris and Luke Marchant with a received date of February 16, 2012, for more information on the forfeiture defense.

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 leases appear to be consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The watermaster indicated this was acceptable in a phone conversation.