

MEMORANDUM

To: Water Right File No(s). 63-2414, 63-5034 and 63-5047B

From: Monica Van Bussum

Date: December 2, 2011

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

PURPOSE/NARRATIVE: On March 4, 2008, we initially received these three applications to lease water rights to the Bank. They were returned in early 2011 because of some ownership issues and have recently been returned with the ownership issues fixed (Trail Creek Meadows Ranch filed a current Statement of Partnership Authority with the Idaho Secretary of State's office).

There are 13 acres of overlapping acres between 63-2414 and 63-5047B. Therefore, the diversion rate and number of acres are not additive on the approval – if you add the full extent authorized by both rights and subtract the 13 acres of overlap, you arrive at the authorized irrigation acreage. If you multiply the acreage by 0.02 cfs per acre (as indicated in the conditions of 63-2414), you arrive at the authorized diversion rate.

AUTHORITY TO FILE: The applications were signed by Andrew Brassey on behalf of Trail Creek Meadows Ranch. According to a check of the Idaho Secretary of State's business entities listing, Andrew Brassey is a designated representative.

WATER RIGHT VALIDITY: 63-2414 was partially decreed by the SRBA District court in 2009 and 63-5034 and 63-5047B were partially decreed in 2004. Presumably, a prompt review of these applications would have revealed the discrepancy in ownership. Since the applications were not reviewed promptly, this put the rightholder at risk of forfeiture. For other applications, we have allowed them to amend the applications or gather additional evidence and resubmit, keeping the original application date. We will do this again with these applications.

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 consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The watermaster was contacted by email on November 7 and did not respond within 14 days, indicating no concerns.