

MEMORANDUM

To: Water Right File No(s). 36-2254A, 36-2284, and 36-8401

From: Monica Van Bussum

Date: September 29, 2011

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

PURPOSE/NARRATIVE: We initially received these applications in September 2006 and they were returned to allow the applicant time for amendment. They were returned in July 2011, well after the 14 days allotted them upon the original return. Since they were returned outside the 14-day window, we require the initial application fee of \$250 per water right for a total of \$1000 between these two rights and the other three rights for which they applied. The applicant filed a lease extension request for an additional five-year period, so this lease acceptance is for 10 years.

It is important to note the shapefile for the water right is incorrect. The applicant submitted a separate shape showing the acres to be idled. I'm also including an email chain between Pam Skaggs and I with attached printouts showing the discrepancies between the shape and the tabular description for the water rights.

36-8401 overlaps with 36-2254A and 36-2284 to an extent. We solicited an amended lease application for 36-8401 and are processing it concurrently with these leases and for the same period of time. If it hadn't had the processing backlog at the time these leases were accepted, this oversight would have been seen long ago and I see no conflict with concurrently processing the lease for all 3 rights.

AUTHORITY TO FILE: The applications were signed by the right holder's attorney who provided a limited power of attorney.

WATER RIGHT VALIDITY: The SRBA District Court issued amended partial decrees for these rights in August of 2001. The initial partial decrees were issued in January 1998. I spoke with Chris Bromley, Deputy Attorney General working at IDWR, and he said to use the amended partial decree date when determining forfeiture. Since five years had not elapsed between the amended partial decree date and the date of first application, forfeiture is not an 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 leases appear to be consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

Watermaster Cindy Yenter of Water District 130 indicated no concerns with the leases.