

## MEMORANDUM

**To:** File(s) 29-2255C

**From:** Monica Van Bussum

**Date:** September 1, 2011

**Re:** Review of Application to Rent a Water Right from the State Water Supply Bank

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**PURPOSE/NARRATIVE:** We received this application by email on July 29, 2011. I had previously been discussing this application with the renter's attorney, T.J. Budge, and the lessor's attorney, Paul Arrington.

It is important to note the application says the well will be drilled upon approval of the application. I corresponded with T.J. Budge and informed him the Bank can not approve construction of a well. He responded they already had the drilling permit (drilling permit 59651) and were drilling the well soon, so they were not seeing the Bank approval as authorizing the well. They were moving forward on that anyway.

The applicant did amend the application. The submitted rental map shows the POD very close to the line between the NENW and the NWNW and the application was for the NENW. However, the drilling permit is for the NWNW and the applicant amended the application to match the drilling permit (see attached email from T.J. Budge).

**AUTHORITY TO FILE:** The application was signed by T.J. Budge on behalf of his clients.

**WATER RIGHT VALIDITY:** The water right was accepted into the Bank in 2007 and a review for validity was done at that time.

**INJURY TO OTHER WATER RIGHTS:** No injury is apparent. This is a small rental.

**ENLARGEMENT OF USE:** No enlargement is evident through the rental.

**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 rental appears to be consistent with conservation of water resources in Idaho.

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:**

An email from Watermaster James Cefalo indicates no concerns.

## Van Bussum, Monica

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**From:** T. J. Budge [tjb@racinelaw.net]  
**Sent:** Thursday, September 01, 2011 10:49 AM  
**To:** Van Bussum, Monica  
**Subject:** RE: Loveland rental application

Yes. Thank you.

T.J. BUDGE  
RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED  
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**From:** Van Bussum, Monica [<mailto:Monica.VanBussum@idwr.idaho.gov>]  
**Sent:** Thursday, September 01, 2011 10:49 AM  
**To:** T. J. Budge  
**Subject:** Loveland rental application

Hi T.J.,

In looking at the Loveland rental application map, it appears the POD is very close to the line between the NENW and the NWNW. The drilling permit (59651) is for the NWNW and the rental application identifies the NENW. Do you want to amend your application to comply with the drilling permit? Thanks!

Monica

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### MONICA VAN BUSSUM

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