

MEMORANDUM

To: Water Right File No(s). 13-43, 13-44, 13-45 and 13-46

From: Monica Van Bussum

Date: August 11, 2011

Re: Review of Applications to Lease and Rent Water Rights through State Water Supply Bank

PURPOSE/NARRATIVE: We've received these applications several times –most recently by email on August 11, 2011. This application packet is the result of an agreement between Franklin Maple Creek Pioneer Irrigation Co (lessor) and Maple Leaf Investments (renter). Franklin Cub River is leasing irrigation water into the Bank and Maple Leaf Investments is renting storage water under the leased rights. This lease and rental combination is for initial fill of the pond. An additional lease rental for water rights 13-2092 and 13-2179 will cover the ongoing maintenance of the pond level.

The pond has been in existence for quite some time and this lease/rental is to provide the authorization for the initial fill. The permanent storage right is an application for permit (13-7694) currently before the Department.

AUTHORITY TO FILE: The applications were signed by Ken Hobbs, President of Franklin Cub River Pumping Co, and T.J. Budge, attorney for Maple Leaf Investments.

WATER RIGHT VALIDITY: Aerial imagery of the proposed lease area shows irrigation occurred in 2004. The applications were received first in 2008, so five years would not have elapsed prior to the first application filing.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The watermaster was contacted by email but did not respond, indicating no concerns.