

MEMORANDUM

To: Water Right File No(s). 36-2231 and 36-2675

From: Monica Van Bussum

Date: August 18, 2011

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

PURPOSE/NARRATIVE: These applications are from an older part of our processing backlog. They were received in August 7, 2008. I have been unable to find the original lease application for 36-2231 but it is clear from the intent of the email from Mickelsen and the watermaster comment from August 2008 that a commensurate share of 36-2231 was offered to the Bank. The application for 36-2675 was just rediscovered in our files, so it is possible the application for 36-2231 was indeed received but has been lost.

AUTHORITY TO FILE: The application was signed by the right holder.

WATER RIGHT VALIDITY: See the watermaster's comment (attached). No forfeiture is evident because these rights were partially decreed in 2001 and were in a recognized mitigation plan between 2004 and 2006 and the applications were received in 2008.

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 provided comments in August 2008 (attached).

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: WSB Lease
Water Right No: 36-2231, 36-2675
Applicant Name: Mickelsen

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:

Approval of lease for a maximum of 15.2 acres, with appropriate adjusted combined use comments and a total remaining irrigated area of 287.8 acres. See comments below.

- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☒ Additional comment:

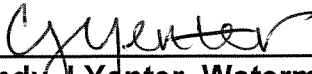
When the application was prepared, IDWR staff had recommended that a pro-rata split be taken among the two combined rights for the 20 acres proposed to be leased. These rights are combined into a PPU, but contain stand-alone rate and volume limits, so there is no reason that all the leased acres could not come from only the junior right (36-2675), and it would make the lease much more straightforward. The applicant should be contacted and corrections made if he so desires.

Partial acres in these corners were included in the approved Magic Valley 2004 - 2006 mitigation plans. NWNE Sec 20 was included for 5.8 acres, SWSE for 4.3 acres and SESE for 5.1 acres, or a total of 15.2 acres which I have confirmed is the approximate actual size of these corners. The applicant does not intend to dry up additional acres under the pivot, and only a maximum of 15.2 acres should be accepted for the lease.

According to available photos, the acres were last physically irrigated in 2000. Decree date for both rights is 8/27/2001. All three corners were included in the 2004 and 2005 mitigation plans, but the SESE was omitted from the 2006 plan (probably unintentionally but that is nevertheless what the record shows). IGWUA mitigation plans in 2007 and 2008 did not include any idled acres. Consequently NWNE and SWSE have 3 years of stayed non-use and SESE has only 2 years. However, on a strict calendar basis, the end of this month is seven years from decree date, less two years is still within the forfeiture window for all acres.

Dated: August 4, 2008

Water District 130


Cindy J. Yenter, Watermaster