

## MEMORANDUM

TO: Water Rights Files 37-8409, 37-20843, 37-21240, 37-21242 and 37-22499 (Silver Sage's Portion of 37-2507A)

FROM: Daniel A. Nelson

DATE: June 28, 2011

SUBJECT: Silver Sage Association Inc. Water Supply Bank Rental Application

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### SUMMARY

John J. Galgano, the president of Silver Sage Owners Association Inc. filed 5 water bank leases on behalf of his corporation on water rights 37-8409, 37-20843, 37-21240, 37-21242 and 37-2507. Silver Sage Association's portion of water right 37-2507 has split and renumbered to water right number 37-22499. These Water Supply Bank lease applications request to place all of these water rights into Water Supply Bank.

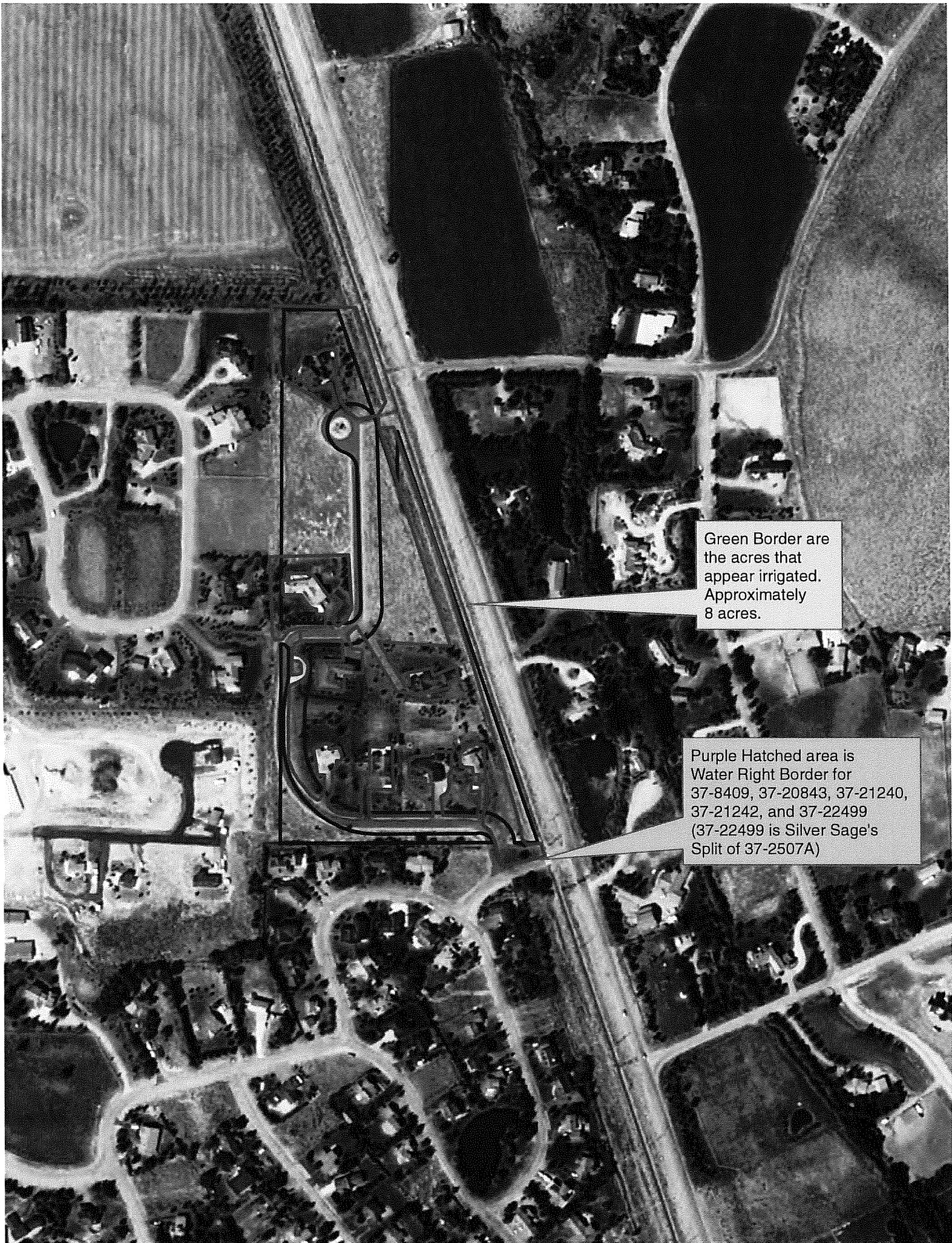
Water right 37-22499 is still a contested case in the Snake River Basin Adjudication (SRBA), which has conditions that combine it with water rights 37-20843, 37-21240, and 37-21242. Water rights 37-20843, 37-21240, and 37-21242 were decreed in 2010, therefore, there shouldn't be an issue concerning any forfeiture issues.

Water right 37-8409 is for 1.7 acres in the same place of use described in the other water rights, but is based on license. Water right 37-8409 did have an extension of time to avoid forfeiture that protected the water right until July 1, 2010. The Resumption of Use form submitted to the Department specifically lists this Water Supply Bank Lease as the protection from forfeiture. We have decided to proceed with placing this water right into the water supply bank. I have composed a separate memo for the 37-8409 water bank lease, since it has some unique issues from the remainder of the other water rights.

Several of the lots in this subdivision were irrigated in 2009, so a portion of the water rights for this area may be tied to the irrigation being performed on these lots. I found approximately 8 of the 14 acres that can be irrigated under this water right currently being irrigated. It appears as though at least some of these Water Supply Bank Lease will need to be adjusted to account for the acres currently being irrigated.

With the contested case, acres still being irrigated within the borders of the subdivision, and no map, I recommend that the lease applications for water rights 37-20843, 37-21240, 37-21242 and 37-22499 should be returned unprocessed until these issues can be resolved.





Green Border are the acres that appear irrigated. Approximately 8 acres.

Purple Hatched area is Water Right Border for 37-8409, 37-20843, 37-21240, 37-21242, and 37-22499 (37-22499 is Silver Sage's Split of 37-2507A)

