

MEMORANDUM

To: Water Right File No(s). 22-13994

From: Monica Van Bussum 

Date: June 16, 2011

Re: Review of Application to Lease and Rent a Water Right through the State Water Supply Bank

PURPOSE/NARRATIVE: On May 23, 2011, the Department received applications to lease and rent 22-13994 through the Water Supply Bank.

The original license for this right was 22-7690. 22-7690 has been split and transferred multiple times. 22-7690 was licensed as supplemental. 22-7690 was eventually split and one of the children was 22-13584, which is the parent of the right in question here.

22-13584 was split into 22-13798 and 22-13799, which was held by BC Properties. 22-13799 was split into 6 parts, 5 of which were subject to transfers, leaving a 6th "remainder" portion. The transferred portions were 22-13819, 22-13820, 22-13821, 22-13822 and 22-13823. 22-13818 was the remainder. There was much discussion at the time of these transfers (Transfer 74457, 74456, 74351, 74352 and 74353) about whether all of the ground had been developed as having supplemental irrigation under this right, or if some of this should have been primary.

I spoke with Pam Skaggs, Water Right Supervisor, regarding some of these transfers and she remembered several meetings between the Department and Rocky Mountain Environmental, consultant for the right holder. Based on the earlier transfers and the discussions held, IDWR accepted that the water under this license in the NESW of Section 5 was historically primary, not supplemental. There does not appear to be documentation from the Department of those conversations, but Kristin Moore sent me her record of a meeting (attached). At that time, 22-13818 was the remainder portion and retained the supplemental conditions. 22-13818 was subsequently split into 22-13839, 22-13840 and 22-13841. 22-13839 was the remainder portion. 22-13839 was split into 22-13956 (remainder portion) and 22-13957. 22-13956 was again split into 22-13994 (remainder portion) and 22-13995.

22-13994 is the last remaining portion of the primary water in NESW Section 5 that has not been transferred. Hence, it still has the supplemental conditions because it has always been the remainder and we can't remove the conditions on the unchanged portions of a transfer. Therefore, 22-13994 is a primary right with supplemental conditions still attached. We will be renting it as primary.

AUTHORITY TO FILE: The applications were signed by Ken Chambers, a member of BC Properties. A check of the Idaho Secretary of State's office indicates Ken Chambers is an authorized agent for BC Properties.

WATER RIGHT VALIDITY: The application indicated the last time water was used was 2007 but 2009 aerial imagery indicates irrigation.

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:

None.