

MEMORANDUM

To: Water Right File No(s). 34-2428

From: Monica Van Bussum

Date: June 13, 2011

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

PURPOSE/NARRATIVE: On April 28, 2011, the Department received companion lease/rental applications to add a POD to the water right while the applicant repairs existing wells.

The water right POD and the proposed POD are not in adjacent cells in the ESPA model boundary layer, so an ESPA model run is required. The applicant's attorney, Luke Marchant of Holden Kidwell, provided the model run and the applicable data entry, results and graphs are attached. The model run has been reviewed by IDWR staff and indicates no mitigation is required.

It is important to take a moment to discuss volume. Volume was not specifically called out for these two rights, but there were numerous other limiting conditions with other rights. However, calculating volume based on diversion rate gives a total volume between the two of 1,634.2 AF over the 558 acres authorized ($3.85 \text{ cfs} * 1.9835 \text{ conversion factor} * 214 \text{ days in the irrigation season} = 1,634.2 \text{ AF}$). Proportioning that out gives 565.2 AF to the 193 acres authorized under 34-2428 and 1,069.0 AF for the 365 acres authorized under 34-12416.

AUTHORITY TO FILE: The applications were signed by the right holder.

WATER RIGHT VALIDITY: 2009 imagery indicates irrigation. There is no change in POU through the lease/rental, just adding a POD.

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:

A phone conversation with Water District 34 watermaster Roger Totten indicates some concerns. The applicants originally applied for five years. I spoke about this with both James Cefalo of our Eastern Regional Office and with Roger and both suggested a year-to-year approval because of some up-basin water supply issues. Both James and Roger felt comfortable approving the lease this year and then discussing it again next year. However, we will have to be sure and discuss this with both Roger and James next year to see if there were any issues with this year's approval.