

MEMORANDUM

To: Water Right File No(s). 36-7934

From: Monica Van Bussum

Date: May 27, 2011

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

PURPOSE/NARRATIVE: This lease application was first received on December 22, 2010. It was denied because there is a diversion rate overlap with it and 36-7523. Both 36-7934 and 36-7523 have a diversion rate of 2.68 cfs, but both are limited to 5.17 cfs, of 0.19 less than the full additive allotment of the rights. The acreage and volume allotments are additive and not overlapping.

I spoke with Erick Powell and Ann Pool at Brockway Engineering, the applicant's consultants, on May 4, 2011. Erick and Ann wanted their client to be able to exercise the full extent of 36-7523 (the senior right) and only lease part of the junior right (36-7934) to the Bank. I spoke with Shelley Keen about this and he said the client, if the rights were being used together, would be allowed to take all 2.68 cfs under 36-7523 without impacting 36-7934, so we should be able to bring 36-7934 into the Bank without enlargement of injury. He suggested taking the proportional amount of 36-7934 acres into the Bank and then subtracting the overlapping cfs from the leased amount and the difference would be all that's available for rent.

AUTHORITY TO FILE: Richard Young, an authorized agent for RJ LLC, signed the application.

WATER RIGHT VALIDITY: The acres in Sections 4 and 31 that are offered to the Bank were covered previously under leases for 36-2449, 36-7523, 36-7835, and 36-7934 and were protected from forfeiture.

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. An email to the watermaster on May 5th garnered no response, indicating no concerns.