

MEMORANDUM

To: Water Right File No(s). 61-11985 and 61-11987

From: Monica Van Bussum

Date: April 29, 2011

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

PURPOSE/NARRATIVE: The Department received this application to lease on March 30, 2011, originally. On April 18, 2011, we sent a letter to the applicant denying the applications for five years of non-use. It is best to reference that letter for a complete history of the research. In short, the Department found evidence of non-use for five years (2001, 2002, 2003, 2006, 2007 and 2010). This would have made the right ineligible for the Bank. However, in a letter received April 22, 2011, the applicant provided us with a lease termination notice from the Department stating the lease for the rights would expire on December 31, 2006. This confirms the Department had the lease listed as being in the Bank through 2006.

Additionally, the applicant sent a lease application covering the years 2006 and 2007 that was date stamped as received at our Western Regional office on April 23, 2006. There is an additional date received stamp at the State Office on December 23, 2006. This application is not a part of the water right file, but will be placed in the file as part of this action.

Because of the lease termination notice and the date stamped application, there is evidence the rights were protected in 2006. Therefore, the Department only has evidence for non-use in 2001, 2002, 2003 and 2010, which is less than five years and the water right is acceptable to the Bank.

AUTHORITY TO FILE: One of the right holders signed the application.

WATER RIGHT VALIDITY: See above.

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.