

MEMORANDUM

To: File(s) 45-14184, 45-14186 and 45-14188

From: Monica Van Bussum

Date: April 28, 2011

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

PURPOSE/NARRATIVE: This memo adds to my previous rental review memo of March 23, 2011.

On March 16, 2011, we received an application to rent water for 359 acres of irrigation from George and Bill Kelley. We will fill this rental with water from 45-14184, 45-14186 and 45-14188, which have been in the Bank since at least 2008 and are scheduled to be leased through the end of 2011. The rental application sought 10 years but I spoke with Paul Arrington, the attorney for the Kelleys, and he indicated the Kelleys wished to move forward with the fastest course possible for satisfying the rental this year, which is renting this set of rights to them.

Paul Arrington contacted me about possibly decreasing the acres rented because they had some acreage allotment under 45-4084 and 45-4236. This acreage amounts to 57. I received an email from Paul Arrington asking for the rental of 300 acres instead of 359.

The Kelleys wanted to irrigate 359 initially through this rental, but if they rent 300 acres and use 45-4084 and 45-4236 on the 57 acres allotted under those rights, the Kelleys will be very close to their initial goal. Therefore, we are amending their rental application to reflect the rental of 300 acres. However, because the water from this rental will be commingled with water from 45-4084 and 45-4236, we needed additional limiting conditions between the rented rights and 45-4084 and 45-4236. These are now reflected in the last 4 conditions on the rental approval.

AUTHORITY TO FILE: Both Bill and George Kelley signed the application.

WATER RIGHT VALIDITY: The leased rights were already accepted into the Bank in 2010.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident.

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 rental appears to be consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

None. When contacted, Watermaster Brian Higgs did not have concerns with the proposed rental.