

MEMORANDUM

To: Water Right File No(s). 36-4179

From: Monica Van Bussum

Date: March 28, 2011

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

PURPOSE/NARRATIVE: On May 20, 2005, Simplot filed an application to lease all of this right to the Bank. The property in question was sold but Simplot reserved the water rights during the conveyance. They attached the documentation confirming withholding of the rights to the lease application. There is a diversion rate limit on the rights to 7.70 cfs.

AUTHORITY TO FILE: Vic Conrad, an employee of and counsel for Simplot, signed the application.

WATER RIGHT VALIDITY: The right was partially decreed in 1998, leaving more than 5 years between the filing of the partial decree and the application. However, the water right was used at the plant until its closure in 2004.

INJURY TO OTHER WATER RIGHTS: No injury apparent.

ENLARGEMENT OF USE: No enlargement is proposed. However, administration will be an issue because of the diversion rate limit with the other rights.

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. The applicant/owner has been operating under an approved permit and a right licensed with the State of Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

Comments from Cindy Yenter, Watermaster for Water District 130, are attached.