

MEMORANDUM

TO: Water Right File 63-3569
FROM: Daniel A. Nelson
DATE: March 9, 2011
SUBJECT: Clark R. Magstadt Water Supply Bank Rental Application

SUMMARY

Gayle C. Root of the Law Office of Thornton and Byron LLP filed an application to lease all of water right 63-3569 on behalf of Clark R. Magstadt for an indefinite term on May 12, 2009. Water right 63-3569 was decreed on February 6, 2009 for 0.54 cfs, 394 AF for industrial laundry use from ground water.

This water right originally supplied water Idaho Linen Supply. Ada County records show that this property was listed as a warehouse from 2004 to 2009, and Ada County records also show that this property was vacant in 2010 and 2011. Due to water quality standards, most municipal providers will not allow a private well to be connected into a municipal water system. It is reasonable to assume that this property has either used the well or the municipal system, but not both at the same time. Therefore, there shouldn't be any significant overlap concerns.

AUTHORITY TO FILE

The tax lot information and other ownership information suggests that Mr. Magstadt is the current owner of the property, and has the authority to file and sign this application.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that the sufficiency of water supply would be an issue for this water bank lease.

INJURY

There is nothing to suggest that putting these water rights into the water bank would cause injury to other water users.

ENLARGEMENT

No enlargement is being proposed. If this water right is rented, a closer inspection of historic consumptive use of this industrial use may be needed to rent this water right.

BENEFICIAL USE

The application proposes beneficial use consistent with conservation of water resources in Idaho.

LOCAL PUBLIC INTEREST

There is nothing to suggest that these are not in the local public interest. Please review Ms. Grimm's water right transfer memo for additional information.

WATER DISTRICT

Ground water in the area described by this water right is not currently being regulated by a watermaster.

RECOMMENDATION

I recommend that all of water right 63-3569 be leased to the water bank. The lease term will need to be prorated from May 12, 2009 to May 12, 2014.