

## MEMORANDUM

TO: Water Right File 61-11989 and 61-11991  
FROM: Daniel A. Nelson  
DATE: March 9, 2011  
SUBJECT: David K. Wickmark Water Supply Bank Rental Application

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### SUMMARY

David Wickmark filed an application to lease all of water rights 61-11989 and 61-11991 for an indefinite term on March 7, 2007. Water rights 61-2168 and 61-11898 were decreed on October 26, 2000, and subsequently split into water rights 61-11989 and 61-11991 through a water right transfer. Water right 61-11989 portion was for 0.06 cfs and 18.9 AF for 4.3 acres. Water right 61-11991 portion was for 0.01 cfs, for 0.7 acres. Water right 61-11991 is an expansion right of water right 61-11989. When combined these water rights allow 5 acres of irrigation with 0.06 cfs and 18.9 AF.

These two water rights were involved in a water right transfer number 69816 in April of 2003. There was a concern at the time of that transfer on whether or not the water right had been forfeited. A previous ruling on the parent water rights resolved the forfeiture issues. With a decree date of October 26, 2000, the water right would be considered forfeited if not used during the irrigation season of the 2006 season. This application for a water bank lease was filed on March 7, 2007 well beyond the end of the 2006 irrigation season.

Water right transfer 69816 required that the changes to this water right be accomplished within one year of the approval of the water right transfer. It does not appear as though the owner of this water right has accomplished this requirement of the water right transfer.

### AUTHORITY TO FILE

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

### SUFFICIENCY OF SUPPLY

There was a concern about the sufficiency of the water supply during the water right transfer for these water rights. This issue was resolved by including a special condition subordinating this water right to water rights in the local area was included on the water right transfer. This condition would need to be carried forward on any water bank rental.

### INJURY

There is evidence to suggest that this water right has surpassed the time period allowed for forfeiture of the water right. To rent this water right could cause injury to other water users in this area.

### ENLARGEMENT

No enlargement is being proposed.

### BENEFICIAL USE

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

#### LOCAL PUBLIC INTEREST

The original water right had several water right transfers that did cause considerable discussions within the local area concerning the local public interest due to the availability of water for this water right transfer. Special conditions were composed to address these issues. However, with the extended period that this water right has gone unused could bring those concerns back to the forefront.

#### WATER DISTRICT

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

#### RECOMMENDATION

I recommend that this water right not be accepted into the water bank until a formal administrative review of the current validity of the water right is addressed.