

MEMORANDUM

To: Water Right File No(s). 35-2713

From: Monica Van Bussum

Date: February 25, 2011

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

PURPOSE/NARRATIVE: On March 23, 2009, the Department received an application to put part of this right into the Bank through 2009. Subsequent correspondence with Simplot indicates they want a five-year lease.

AUTHORITY TO FILE: The applications were signed by Terry T. Uhling, Senior Vice President, Secretary and General Counsel for J.R. Simplot Co.

WATER RIGHT VALIDITY: The corners under this water right have not been irrigated for a considerable period of time and were partially decreed in 2001, marking 8 years between partial decree and Bank application filing. However, the water right has been subject to the Surface Water Coalition Call. While the right was not officially recognized by the Department as part of the mitigation plan, in consultation with Chris Bromley of the Attorney General's office, we decided the proceedings themselves protected the water right from forfeiture.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is apparent from 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. The applicant/owner has been operating under an approved permit and a right licensed with the State of Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

None.