

MEMORANDUM

To: Water Right File No(s). 45-2746
From: Monica Van Bussum
Date: Sr. Water Resource Agent
Re: Review of Application to Lease a Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: On May 20, 2005, the Department received an application to lease all of 45-2746 to the Bank.

It is important to note the ownership. Application for Transfer 71316 was filed on June 18, 2004, and included some ownership documents conveying property from Glen Dale Farms and Simplot to Funk. In those documents as "Exhibit B" is a list of what water rights were and were not conveyed to Funk. 45-2746 was not conveyed to Funk, even though it is on the same property as other Funk rights and the Funks own the property to which 45-2746 is appurtenant. 45-2746 is not being used on the property to which it is appurtenant, hence the application to the Bank. A copy of the deeds and exhibits is attached to the lease application.

It is also important to talk about overlaps. Per conditioning, 45-2320, 45-2746, 45-13642, 45-13643, 45-13644 and 45-13645 are limited to a total of 1874 acres. Upon further review, 45-2320, 45-13642 and 45-13644 are limited to a combined total of 1582 acres. 45-13643 and 45-13645 are combined limited to 25 acres. 1582 acres plus 25 acres equals 1607 acres. 1-7072 lists a POU of 1647 acres. 1874 acres (the original combined total) minus 1647 acres equals 227 acres, allowing amply for the 214.3 acres authorized under 45-2746 and making the combined use limits additive, not overlapping.

AUTHORITY TO FILE: The application was signed by Vic Conrad, who acts as a representative for Simplot.

WATER RIGHT VALIDITY: 45-2746 was decreed in 2005 and the application was filed in 2005.

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 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.