

MEMORANDUM

To: Water Right File No(s). 63-194

From: Monica Van Bussum

Date: January 21, 2011

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

PURPOSE/NARRATIVE: On April 22, 2008, the Department received an application to lease a portion of 63-194 (85.3 acres and 1.86 cfs). This lease represents the remainder of 63-194 after the splits via change in ownership that are to be processed by Emalee Rushing. T R Co LLC is the current owner of the entire right before the splits are processed.

AUTHORITY TO FILE: A check of the Secretary of State's website (company is listed as T R Company, L.L.C. – punctuation is intentional) indicates Dennis Baker is the registered agent and Dennis Baker signed the lease application.

WATER RIGHT VALIDITY: 63-194 was partially decreed in the SRBA on May 29, 2009.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: Proper rental review should protect against enlargement. No enlargement is evident from the lease alone.

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:

In an email on January 21, 2010, Rex Barrie expressed some curiosity as to why they would be leasing this water to the Bank when they have rented from the rental pool last year. I have attached his email for future reference.