

MEMORANDUM

To: Water Right File No(s). 63-270, 63-31218 and 63-31836
From: Monica Van Bussum
Date: December 20, 2010
Re: Review of Application to Lease a Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: On August 26, 2005, the Department received an application to grant 3 acres of irrigation to the Water Supply Bank. This application was based on an agreement the applicant had with the Department concerning application for permit 63-31218. A condition in permit 63-31218 stated the right holder must permanently offer 3 acres to the Water Supply Bank under water right 63-270 as mitigation for 63-31218. At the time, the Department was still determining its mitigation policy.

I met with Brian Patton, Shelley Keen and Dan Nelson concerning this application in December 2010. We all agreed if permit 63-31218 was granted today, we would make 3 acres of 63-270 for mitigation and not require a Bank rental. Since that is not an option, we decided the best route is to accept the 3 acres as leased to the Bank (not granted) until 63-31218 is licensed. Upon licensing, we will change the mitigation condition. I have explained this to the applicant in the cover letter.

63-270 has since split and the 3 acres of mitigation is listed under 63-31836 as 3 acres of irrigation. This lease takes all of 63-31836 into the Bank.

AUTHORITY TO FILE: The application was signed by James Mahoney, the applicant and right holder.

WATER RIGHT VALIDITY: The partial decree was issued on February 16, 2007.

INJURY TO OTHER WATER RIGHTS: This water right is not eligible for rental. No injury is evident.

ENLARGEMENT OF USE: This water right is not eligible for rental. 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.

RENTAL CONSIDERATIONS:

Conditions of the permit should be considered prior to rental (see injury to other water rights).

Note whether there are special conditions or elements of the lease that will limit the type of rental staff should consider.