

MEMORANDUM

To: Water Right File No(s). 63-32593 and 63-32595
From: Monica Van Bussum
Date: November 24, 2010
Re: Review of Application to Lease a Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: On April 1, 2008, the Department received applications to lease all of water rights 63-32593 and 63-32595 to the Bank for an indefinite period. Both are for the irrigation of 74 acres from the Boise River.

The applicant's answer to question 3e on the application was curious, as it suggested they were still going to use some portion of water on the lands. I emailed their consultant, Steve Hannula, and he said the water rights from Island Woods HOA are currently being used on the land. An email from Rex indicates Island Woods HOA has also rented water from the WD 63 rental pool to satisfy their needs.

AUTHORITY TO FILE: The applications were signed by Dennis Baker, president of BW Inc.

WATER RIGHT VALIDITY: Both water rights were decreed on February 6, 2008, and so a five-year period of non-use has not elapsed.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident and 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. See email from Rex Barrie, watermaster for Water District 63, attached.

RENTAL CONSIDERATIONS:

The conditions on the rights about source and sufficiency will have to be closely surveyed for any rental candidate, and should probably be reviewed on consultation with the Basin 63 watermaster.

Van Bussum, Monica

From: Steve Hannula [shannula@eroresources.com]
Sent: Monday, November 29, 2010 9:18 AM
To: Van Bussum, Monica
Subject: RE: Water Supply Bank lease applications - 63-32593 and 63-32595

Monica,

Thank you for working on these requests.

63-32593 is a split from parent right 63-196 and is owned by BW Inc. The other water right formed by the split is 63-32594 and is owned by the Island Woods HOA. Similarly, 63-32595 is a split from parent right 63-197 and is owned by BW Inc. The other water right formed by the split is 63-32596 and is owned by the Island Woods HOA.

BW Inc wants to preserve their two water rights from forfeiture. The Island Woods HOA is using their portion to irrigate the subdivision and to mitigate storage in aesthetic ponds. BW Inc has no operational responsibilities for the subdivision. All irrigation and other uses of water within the subdivision are authorized by the water rights owned by the Island Woods HOA.

Item 3d was meant to describe that the water rights (split from 63-196 and -197) owned by BW Inc are no longer being used at the subdivision, but the rights owned by the Island Woods HOA are still being used.

Therefore to answer your questions 63-32594 and 63-32596 are still appurtenant to the Island Woods Subdivision and are still being used.

Hope this helps.

Steven Hannula
Hydrogeologist

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-----Original Message-----

From: Van Bussum, Monica [<mailto:Monica.VanBussum@idwr.idaho.gov>]
Sent: Wednesday, November 24, 2010 5:06 PM
To: shannula@eroresources.com
Subject: Water Supply Bank lease applications - 63-32593 and 63-32595

Hi Steven,

I recently took over from Aaron Marshall as coordinator of the Water Supply Bank. In 2008 we received applications to lease all of the above-mentioned water rights to the Bank. I am processing those and currently have them out for watermaster comment, but I do have one question. Under item 3d, your client stated, "The development will continue to receive a portion of its water from the Boise River and another portion from United Water." Can you tell me what right they're getting from the Boise?

Please feel free to give me a call if you have questions. Happy Thanksgiving!

Monica

MONICA VAN BUSSUM