

MEMORANDUM

To: Water Right File No(s). 35-7686A

From: Monica Van Bussum

Date: November 26, 2010

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

PURPOSE/NARRATIVE: On June 19, 2008, the Department received an application to lease a portion of 35-7686A to the Bank, more specifically 0.45 cfs, 108.8 AF and 27.2 acres, for an indefinite period.

AUTHORITY TO FILE: The application was signed by Kevin Burgemeister, who is the right holder.

WATER RIGHT VALIDITY: The application sought to place pivot corners and an end gun portion into the Bank. A review of aerial imagery indicates the pivot corners have not been irrigated since before 2002, making them candidates for forfeiture and ineligible for acceptance into the Bank. However, the 7.8 acres under the end gun portion were irrigated in 2004 (four years before the Bank application was approved). Therefore, the lease acceptance is only for the 7.8 acres of the end gun portion.

INJURY TO OTHER WATER RIGHTS: Proper rental review should protect from injury.

ENLARGEMENT OF USE: 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. I contact James Cefalo, watermaster for Water District 120, on November 12 and November 19 and received no return correspondence.