

MEMORANDUM

To: Water Right File No(s). 37-22241
From: Monica Van Bussum
Date: November 8, 2010
Re: Review/Analysis for Application to Lease 37-22241 to the Water Supply Bank

PURPOSE/NARRATIVE: On November 8, 2010, the Department received an application to lease all of water right 37-22241 to the Bank. The right is for 1 AF for the aesthetic from Cold Spring Gulch.

AUTHORITY TO FILE: The application was signed by Kathryn Gardner, one of the rightholders.

WATER RIGHT VALIDITY: The right was partially decreed in the SRBA on October 29, 2010. The forfeiture clock would have restarted at that time and the SRBA process validated the right.

INJURY TO OTHER WATER RIGHTS: There is no apparent injury to other rights.

ENLARGEMENT OF USE: Proper review of a rental should protect from 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.

RENTAL CONSIDERATIONS: It is worth repeating the Watermaster comments: The right technically falls within Water District 37. I spoke with the Watermaster for WD 37, Kevin Lakey, on October 1, 2010, regarding the other Gardner/Drashner right 37-4375. He wanted to make it clear they have administered Cold Springs as a separate stream not tributary to the Big Wood and this right would not be a good candidate to satisfy a rental from the Big Wood.