

MEMORANDUM

To: Water Right File No(s). 35-7448 and 35-14040
From: Monica Van Bussum
Date: October 14, 2010
Re: Review/Analysis for Lease to the Water Supply Bank

PURPOSE/NARRATIVE: On June 9, 2008, the Department received an application to lease 35-7448 to the Bank, along with a rental application. 35-7448 was split by Transfer 76464 and change of ownership to 35-13703, 35-14040 and 35-14041. Conversation (attached email) with Greg Sullivan at Brockway Engineering indicates they only need to lease 35-14040 and no longer need to rent.

AUTHORITY TO FILE: Applications were signed by Karen Kloompin of KBC Farms (check of Secretary of State website).

WATER RIGHT VALIDITY: The water rights were approved for transfer in Fall 2009 but this was the unchanged portion. A review of aerial imagery from 2002 to 2008 indicates a possibility of some irrigation during 2003, which provides protection from forfeiture. Additionally, a memo in Transfer 74094 indicates 35-7448 was irrigated in June 2007. The transfer focused on the 94 acres moved; however, the reviewer does not clarify if their review touched on the entire POU so the memo by itself is not enough. The aerial imagery shows no difference between the 94 acres under the transfer and the remaining acres to be leased here. Hopefully the combination of the memo and the aerial evidence is enough to validate the right.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. Proper rental review should protect other rights from injury.

ENLARGEMENT OF USE: No enlargement is apparent. 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 .