

MEMORANDUM

To: File(s) 63-31470 & 63-31479

From: Cynthia Bridge Clark

Date: December 29, 2005

Re: Review/Analysis for Application to a Lease Water Right to the State Water Supply Bank

PURPOSE:

The applications propose to lease all the above referenced water right(s) to the water supply bank. The applicant stated during an office visit that they have not been able to access well in the SWNE since 2003 due to litigation between themselves and other users of the well. The applicant has used the well as a primary source for the lands associated with both water rights, but has recently acquired shares from the New York Irrigation District to irrigate the all of the land. The applicant wishes to retain the rights as a primary source. The second point of diversion authorized under permit no. 63-31479 is also used for domestic purposes.

AUTHORITY TO FILE:

The applicant is the same name as the current owner on the Snake River Basin Adjudication (SRBA) claim and recommendation for 63-31470 and on permit no. 63-31479. The former is a portion of a licensed right split through an ownership change.

WATER RIGHT VALIDITY:

63-31470: The director's report associated with this right has been filed with the SRBA court. Applicant indicated they have been unable to access the point of diversion since 2003 due to litigation. Available satellite imagery indicates irrigation took place on the appurtenant place of use in the last five years.

63-31479: The priority date is April 16, 2002, however the permit was approved based on development prior to 1987. The applicant/owner filed proof of beneficial use on June 9, 2003 for the full extent of the permit. Infrared imagery from 2002 indicates irrigation took place on the place of use authorized under the permit. Lease of the right is approved based on evidence provided during permit approval. The status of the right should be verified upon licensing or completion of the field exam.

INJURY TO OTHER WATER RIGHTS:

Staff is unaware of any possible injury by the proposed leases. *However, conditions of the permit indicate use under the right may be affected by an agreement between the protestant and the right holder, and that use is subject to administration as a water right from connected sources in the Snake River Basin.*

ENLARGEMENT OF USE:

The proposed leases do not appear to constitute an enlargement of use. Note, the owner intends to use recently obtained shares from the New York Irrigation District for irrigation purposes, but intends to retain groundwater rights as a primary source.

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.

RENTAL CONSIDERATIONS:

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

NARRATIVE:

None.