

MEMORANDUM FOR APPLICATION # 2438

To: Water Right 63-33384
From: Phill Hummer
Date: 01/01/24
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

On October 18, 2022 IDWR staff conducted an initial review of lease application 2438 proposing to lease water right 63-33384 in its entirety into the water supply bank. The review concludes all the criteria have been met and the right can be accepted. Further review found that a period of 5 years of non-use occurred and that additional information was required by Farm Development Corp to demonstrate the right had not been lost or abandoned.

FDC provided additional information to demonstrate the right was not forfeit arguing the circumstances beyond their control prevented the use of the right. IDWR staff did not precedent to find that processing of an ownership change and subsequent dispute of the elements qualified as a circumstance beyond the right owners control. FDC requested a hearing to make legal argument before the director.

On January 10, 2024 the Department issued Preliminary Order Concluding that Water Right No. 63-33384 Has Not Been Lost Due to Abandonment or Forfeiture for water right 63-33384 concluding that sufficient evidence existing demonstrating the right has not been abandoned or lost to forfeiture.

All criteria of Water Supply Bank Rule 25 (IDAPA 37.02.03.025) have been met and application 2438 for leasing right 63-33384 into the water supply bank for a term of January 1 2022, to December 31, 2025 should be approved.