

MEMORANDUM

TO: Water Right File 34-13621
FROM: Daniel A. Nelson
DATE: June 7, 2011
SUBJECT: The Big Lost River Ranch Water Supply Bank Rental Application

SUMMARY

Jim Gregory, Ranch Manager of Big Lost Ranch, filed an application to lease all of water rights 34-13621 for an indefinite term on November 5, 2009. Water right 34-7106B was decreed in the Snake River Basin Adjudication on February 25, 2002, and was split through an ownership change on October 10, 2006. The LanSat aerial photos show that all of the land was irrigated in 2005 and that a portion of the land was irrigated in 2006. Therefore, forfeiture should not be an issue.

There is an issue with the name of the Limited Liability Corporation. The water right and the Extension of Time to Avoid Forfeiture are all in the name of Big Lost Ranch LLC, and all of these documents are signed by Mark T. Gates. There is no Big Lost Ranch LLC on the Idaho Secretary of State Business Search. There is also no Big Lost Ranch LLC on the State of California Business Search. I did find an Idaho Secretary of State Business Search entry for "The Big Lost River Ranch" with Mr. Gate's name and address. Therefore, I believe this will be sufficient, but they should correct these legal documents as soon as possible.

AUTHORITY TO FILE

As stated above, there appears to be some confusion over the legal name of this property, but Mr. Gates does seem to have authority to sign the application.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that there are any issues with the sufficiency of water for this water bank lease.

INJURY

There is evidence to suggest that this water right has surpassed the time period allowed for forfeiture of the water right, or that it leasing it to the Water Supply Bank would result in any injury.

ENLARGEMENT

No enlargement is being proposed.

BENEFICIAL USE

The application proposes beneficial use consistent with conservation of water resources in Idaho.

LOCAL PUBLIC INTEREST

There is no evidence that this lease application is not within the local public interest.

WATER DISTRICT

The watermaster for Basin 34, has been contacted, and no reply has been received within the 2 week comment period.

RECOMMENDATION

I recommend that this water right be accepted in the water bank for the full amount of 0.39 cfs, 108.5 af, and 31 acres. I also recommend that the approval sent to the applicant clearly inform them that they need to clarify the legal name of their business with the proper authorities. No additional conditions are needed.