

MEMORANDUM

TO: Water Right Files 45—7733 and 45-13545
FROM: Daniel A. Nelson
DATE: March 16, 2011
SUBJECT: Ward Land & Livestock LLC Water Supply Bank Rental Application

SUMMARY

Gary Funderburg Representing, Ward Land & Livestock LLC filed two applications on May 18, 2006 to lease all of water rights 45-7733 and 45-13545 for term from June 1, 2006 to June 1, 2011. Mr. Funderburg with signed approval of Ward land & Livestock Owner/Manager Dan Ward request to withdraw the water bank lease application for water right 45-13545 and sent a second water bank application for water right 45-7733 top extend the water bank lease on this water right to June 1, 2016. Water right 45-7733 was decreed on October 16, 1997 and water right 45-13545 was decreed on July 18, 2002. Water right 45-7733 was decreed for 0.33 cfs and 128 AF for Commercial and Stockwater uses.

The Water Management Information System (WMIS) records show that Ward Dairy has used approximately 200 to 300 acre feet water per year from 1999 to 2010. Water right 45-13545 allows up to 390 af of water to be used for the dairy. Therefore, water right 45-7733 has not been put into use, and can be placed into the water bank for commercial and stockwater use.

AUTHORITY TO FILE

The tax lot information and other ownership information suggests that property is owned by Ward Land and Livestock LLC. Dan Ward signed the application for water bank lease and withdrawal of the water bank lease for water right 45-13545. Dan Ward originally signed the applications. Dan Ward does not show up as a member or owner/manager of Ward Land and Livestock LLC. Therefore, he does not have the authority to sign these applications. I contacted the applicant, and they supplied a second signed sheet, signed by Glenn A. Ward is listed as a member of the Ward Land and Livestock LLC. With the second signature, these applications should be acceptable.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that the sufficiency of water supply would be an issue for this water bank lease.

INJURY

There is nothing to suggest that putting these water rights into the water bank would cause injury to other water users.

ENLARGEMENT

No enlargement is being proposed. If this water right is rented, a closer inspection of historic consumptive use of this industrial use may be needed to rent this water right.

BENEFICIAL USE

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

LOCAL PUBLIC INTEREST

There is nothing to suggest that these are not in the local public interest. Please review Ms. Grimm's water right transfer memo for additional information.

WATER DISTRICT

Ground water in the area is regulated by the watermaster for Water District 45. Brian Higgs is the watermaster for this district. I emailed Mr. Higgs, and Mr. Higgs responded stating he had no concerns about this water bank lease.

RECOMMENDATION

I recommend that all of water right 45-7733 be leased to the water bank. The lease term for the first application will be June 1, 2006 to June 1, 2001. The lease term for the second application will be from June 1, 2011 to June 1, 2016. The lease application for water right 45-13545 should be withdrawn and returned un-processed.