

MEMORANDUM

TO: Water Rights File 45-14070 and 45-14072
FROM: Daniel A. Nelson
DATE: March 16, 2011
SUBJECT: Anderland LLC Water Supply Bank Rental Application

SUMMARY

Alan H. Anderson filed two water bank applications on behalf of Anderland LLC lease a portion of water rights 45-13395 and 45-13393. A change of ownership of these water rights was performed splitting the portion to be placed into the water bank into water rights 45-14070 and 45-14072. All of water rights 45-14070 and 45-14072 are to be placed into the water bank. Water right 45-14070 is for 0.01 cfs, 3.6 Af, and 0.9 acres of irrigation. Water right 45-14072 is for 0.11 cfs, 30 AF, and 7.5 acres of irrigation. When both rights are combined, they shall not exceed a total diversion rate of 0.11 cfs, at total annual maximum diversion volume of 33.6 AF, and a total irrigation of 8.4 acres.

A water right transfer number 6887[§] was also filed on these water rights, and was approved on January 22nd, 2004. A review of the NAIP and LandSat photos show that this ground hasn't been irrigated since 2002. However, the ground does appear to have been irrigated during the 2002 irrigation season. This water bank lease was filed in July of 2007, so there does not appear any forfeiture issue.

AUTHORITY TO FILE

The tax lot information and other ownership information suggest that Anderland LLC is the current owner of the property. The Idaho Secretary of State website shows that Alan H. Anderson is the Manager of Anderland LLC and has the authority to file and sign this application.

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 described by this water right is regulated by the watermaster of water district 140. These water rights are currently being considered for rental from the water bank, so it was decided not to contact the watermaster until the water right is rented.

RECOMMENDATION

I recommend that all of water rights 45-14070 and 45-14072 be leased to the water bank. The lease term will need to be prorated from July 10, 2007 to July 10, 2012. Water right 45-14070 is dependent on water right 45-14072 for its diversion rate. Therefore, water right 45-14070 should be rented with water right 45-14072. If water right 45-14072 is rented separately, then the diversion rate for this water right should be reduced to 0.10 cfs. The following combined conditions should be included in water bank lease and future rentals:

- 1.) Rights 45-14070 and 45-14072 when combined shall not exceed a total diversion rate of .11 cfs, a total annual diversion volume of 33.6 af at the field headgate.
- 2.) Right No. 45-14070 is limited to the irrigation of .9 acres in the place of use described above in a single irrigation season.
- 3.) Right No. 45-14072 is limited to the irrigation of 7.5 acres in the place of use described above in a single irrigation season.
- 4.) Use of the rights listed below is limited to the irrigation of a combined total of 8.4 acres in a single irrigation season. Combined right nos. 45-14070 and 45-14072.

No. W 35532	Due no later than Dec 31, 2010 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			1. Mailing Address: Correct in this box if needed. ANDERLAND, LLC ALAN H ANDERSEN 488 RIVERSIDE DR BURLEY ID 83318		ALAN H ANDERSON 488 RIVERSIDE DR BURLEY ID 83318	
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	ALAN H ANDERSON	488 RIVERSIDE DR	BURLEY	ID	USA	83318
5. Organized Under the Laws of: ID W 35532		6. Annual Report must be signed.* Signature: Norma Jean Andersen Name (type or print): Norma Jean Andersen Date: 10/07/2010 Title: Member secretary				
Processed 10/07/2010		* Electronically provided signatures are accepted as original signatures.				

No. W 35532 Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than December 31, 2007 Annual Report Form 1. Mailing Address - Correct in this box, if applicable ANDERLAND, LLC ALAN H ANDERSON 488 RIVERSIDE DR BULEY, ID 83318	2. Registered Agent and Office NO PO BOX ALAN H ANDERSON 488 RIVERSIDE DR BULEY, ID 83318 3. New Registered Agent Signature
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4. Limited Liability Companies: Enter Names and Addresses of Managers.

Office held	Name	Street or P.O. Address	City	State	Zip
Reg Agent	Alan H. Andersen	488 Riverside Dr	Burley	ID	83318
Member	Norma J. Andersen	488 Riverside Dr	Burley	ID	83318

5. Organized Under the Laws of: IDAHO W 35532	6. Signature <u>Norma J. Andersen</u> Date <u>10/22/07</u> Name (Typed or Printed) <u>Norma J. Andersen</u> Title <u>Member-Sec</u>
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