

MEMORANDUM

TO: Water Right File 63-33314
FROM: Daniel A. Nelson
DATE: February 16, 2011
SUBJECT: Jonathan and/or Dianne Seel Supply Bank Lease Application

SUMMARY

Roxanne Brown of SPF Water Engineering L.L.C. has filed a water bank lease application for water right 34-32853 for Jonathan and/or Dianne Seel. The lease application requests to place a portion of water right 63-32853 into the water bank. Water right 63-32853 was split into water rights 63-33313 and 63-33314. Water right 63-33314 is the portion of this water right owned by the Seels, and all of 63-33314 will be placed into the water bank. The lease application to the water bank for water right 63-33314 was filed on April 23, 2009, for an indefinite period of time.

The ownership trail for this water right was very difficult to track. In working with Ms. Brown and Department staff, I was able to determine the ownership trail for this water right. Originally this water right was owned by a D. J. and C. L. Shawver, and has been subsequently split into several different water rights. The water rights have been passed back and forth between many different corporations. I have created a split tree to show how the water rights have been split, and what legal documentation has been used to split these water rights (please see Attachment). Through this research, I am confident that this water right is legally owned by Jonathan and Dianne Seel.

AUTHORITY TO FILE

The application was signed by Jonathan Seel who is one of the co-owners of this water right.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that there is a lack of ground water in this area, and there has been no rental to move the water right to a separate area. If the water is moved, that will need to be addressed at that time.

INJURY

Although there is no specific location of this water right, I find no evidence of injury, whereas this ground has not been irrigated since before 2006.

ENLARGEMENT

No enlargement has been proposed, however, it would be prudent to require appropriate maps to be supplied by the Ridgeline Vista LLC, once these subdivisions are actually developed in the future.

BENEFICIAL USE

The proposed use is a beneficial use of ground water.

LOCAL PUBLIC INTEREST

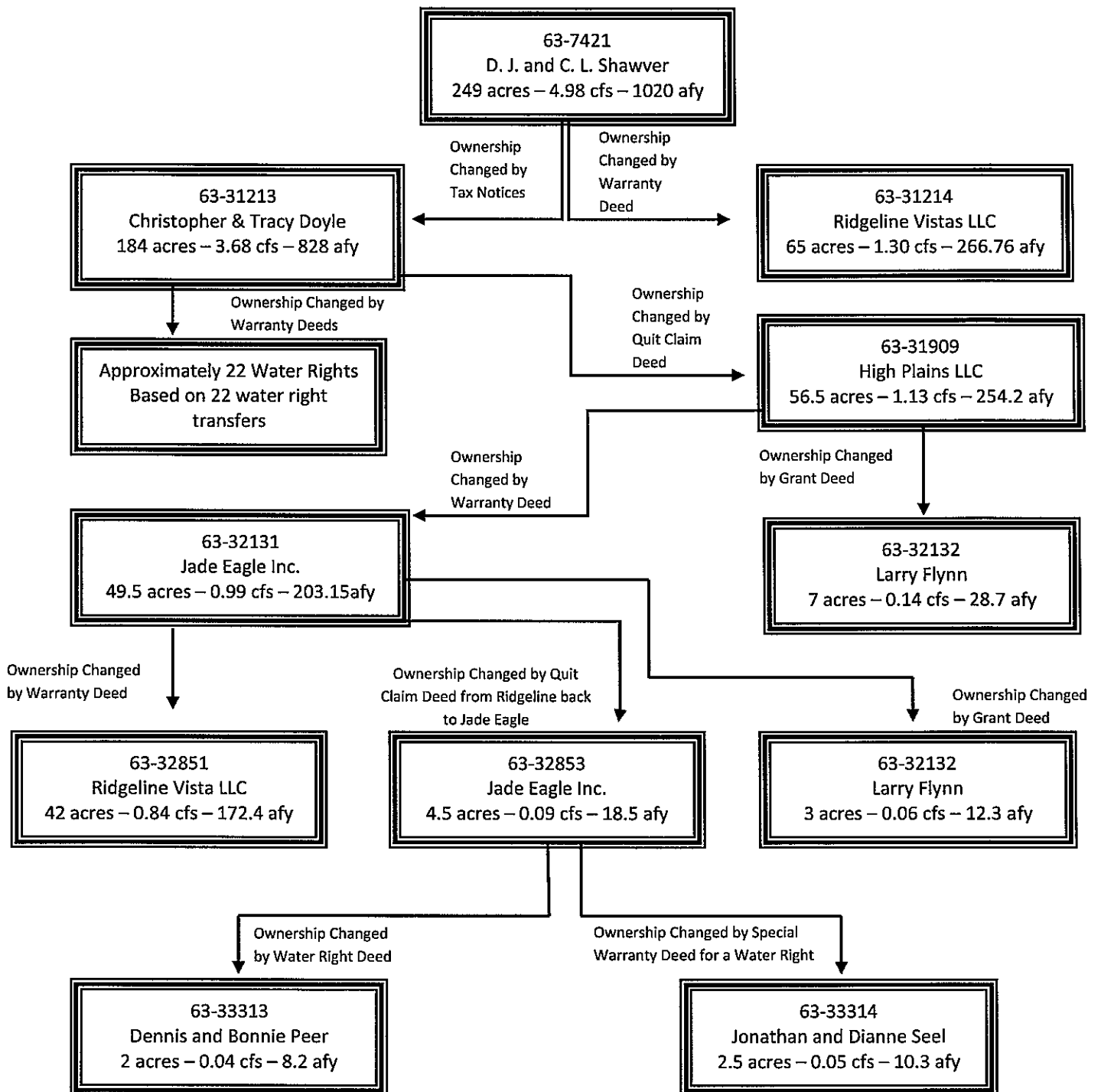
There is no evidence that this application is not within the local public interest.

WATER DISTRICT

There is no water district involved with this ground water right.

RECOMMENDATION

I recommend that this water right be lease to water bank as all of water right 63-33314 from 2/16/2011 to 2/16/2016. Whereas the water right was decreed in 2010, there is no need to place this right into the water bank prior to the decree, so it would be in the best interest of the applicant to place this right into the bank as of the current date.



Please Note:

Green Boxes = Active Rights

Red Boxes = Closed Split Rights

T5N R2W S6 SESE

2000
April
1970