

MEMORANDUM

TO: Water Right File 63-32597
FROM: Daniel A. Nelson
DATE: February 3, 2011
SUBJECT: The Terteling Company Inc. Water Supply Bank ^{Lease} Rental Application

SUMMARY

Charles L. Honsinger of Rigert Law filed an application to lease water right 63-32597 on behalf of The Terteling Company Inc. for an indefinite term on November 2, 2009. A. J. Terteling signed the application. Water right 63-32597 was decreed on May 16, 2008 for 0.19 cfs and 9.4 acres of irrigation water from Stewart Creek.

The Terteling Company Inc. purchased water right 63-32597 in January of 2008. The water right was purchased, but the land remained under the previous owner's control. The water right has not been transferred or moved since it was separated from the land. A Change of Ownership was filed, and the water right was decreed into The Terteling Company Inc. ownership.

AUTHORITY TO FILE

At the time that water bank lease application was filed, A. J. Terteling was the Vice President of the Terteling Company Inc. Current State of Idaho Controller Business Search records show that A. J. Terteling is no longer listed as the Vice President. However, the majority of the officers that were in place in 2008 are still in place in 2011. Therefore, I have no doubts that A. J. Terteling had the authority to sign the application at the time it was submitted, and the application is still valid even though he is no longer an officer.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that there is sufficient water 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.

BENEFICIAL USE

All uses comply with beneficial use requirements in Idaho.

LOCAL PUBLIC INTEREST

There is nothing to suggest that these are not in the local public interest.

WATER DISTRICT

The watermaster for Water District 63S has been contacted concerning placing these water rights into the water bank. The watermaster for Water District 63S informed me that this water right is not within his water district. This places this water right into Water District 63. The watermaster for Water District 63 was contacted on 2/3/2011, and no response was received from the Basin 63 watermaster. Therefore, no problems with placing this water right into the water bank are anticipated.

RECOMMENDATION

I recommend that all of water right 63-32597 be accepted into the water bank. The lease term will need to be prorated from May 16, 2008 to May 17, 2013.