

MEMORANDUM

TO: Water Right File 63-32852
FROM: Daniel A. Nelson
DATE: February 24, 2011
SUBJECT: Larry Flynn Water Supply Bank Lease Application

SUMMARY

Roxanne Brown of SPF Water Engineering L.L.C. has filed a water bank lease application for water right 63-32131 for Larry Flynn. Water Right 63-32131 was split and decreed in the Snake River Adjudication process. Mr. Flynn's portion was numbered 63-32852. A request was submitted by Aaron Marshall on 12/26/2007 to amend the application to the new water right number, but Mr. Flynn did not reply to this correspondence. I can find no reason why the application cannot go forward using water right 63-32852. The lease application requests to place all of water right 63-32852 into the water Bank. The application to lease to the water bank for water right 63-32852 was filed on October 20, 2006 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 Larry Flynn.

AUTHORITY TO FILE

The application was signed by Larry Flynn Peer who is the owner 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

I find no evidence of injury.

ENLARGEMENT

No enlargement has been proposed.

BENEFICIAL USE

The proposed use is a beneficial use of ground water.

LOCAL PUBLIC INTEREST

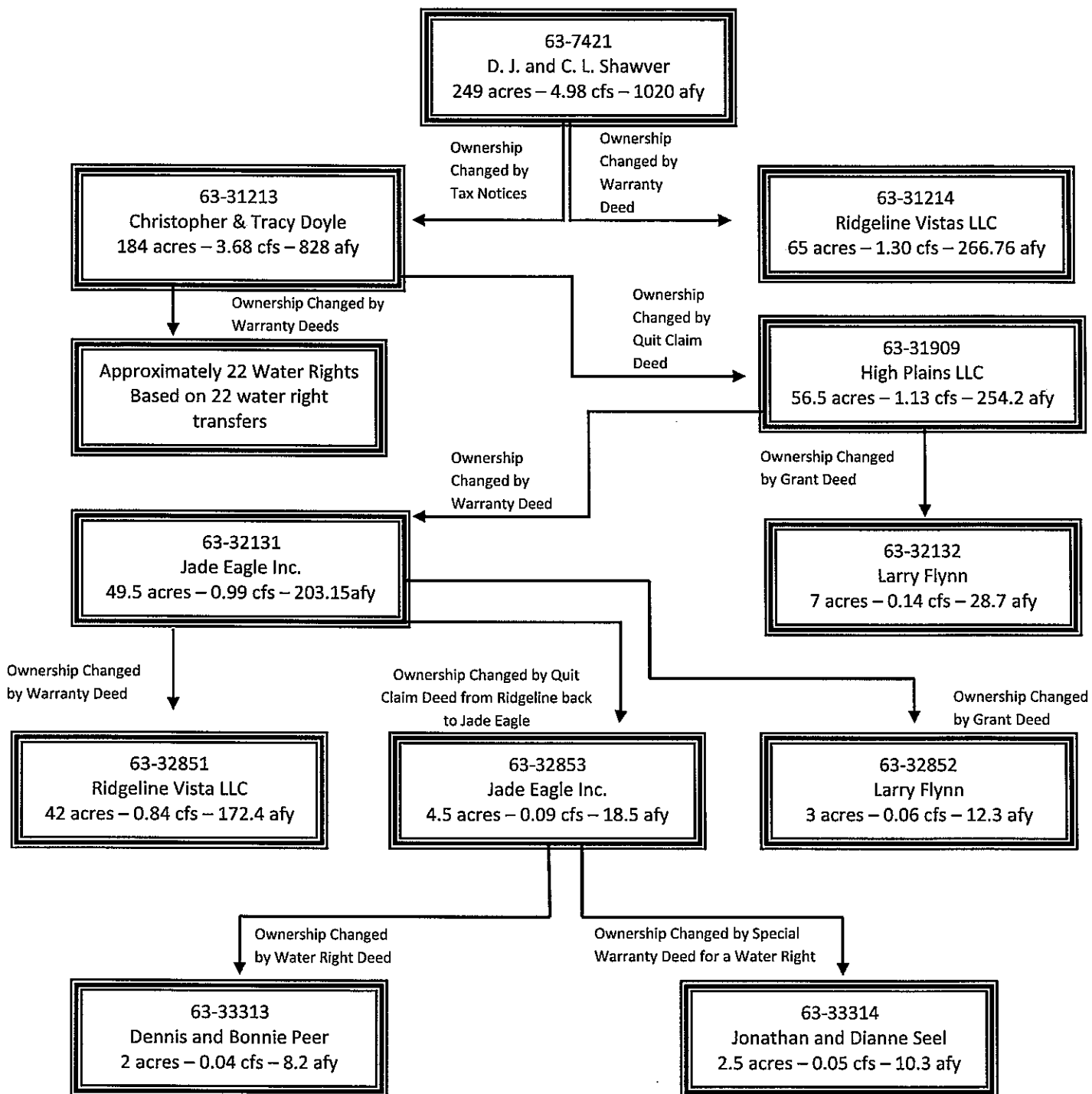
There is no evidence that this application is not within the local public interest.

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 63-32852 from 2/24/2011 to 2/24/2016. 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 it into the bank as of the current date.



Please Note:

Green Boxes = Active Rights

Red Boxes = Closed Split Rights