

MEMORANDUM

TO: Water Right File 34-7076
FROM: Daniel A. Nelson
DATE: February 1, 2011
SUBJECT: Last Ranch LLC Water Supply Bank Lease Application

SUMMARY

Greg Sullivan of Brockway Engineering P.L.L.C. has filed a water bank lease application for water right 34-7076 for Last Ranch LLC. The lease application requests to place all of 34-7076 into the water Bank. On March 2, 2008, the lease application was filed to place all of water right 34-7076 into the water bank for an indefinite period.

This water right is a supplemental ground water right that is combined with Big Lost River water rights 34-136, 34-282A, 34-498, 34-594, 34-598, 34-599, and 34-826B, and ground water rights 34-10885 and 34-2312. The Big Lost River water rights have a total combined acre amount of 460 acres. Ground water rights 34-2312 and 34-10885 allow the supplemental irrigation of 510 acres when combined and water right 34-7076 allows an additional 78 acres of ground water irrigation. When all of the Big Lost River and ground water rights are combined they are limited to a total of 588 acres.

All of the ground water rights are listed as supplemental water rights, however, there is 128 acres difference between the 588 acres allowed when all of the water rights are combined and the 460 acres allowed to be irrigated from the Big Lost River. The 128 acres difference could be considered primary ground water use. These 128 acres would generally be attributed to the earliest in time ground water right or water right 34-2312. Therefore, all of the 78 acres requested to be placed into the water bank would be supplemental water to the various Big Lost River water rights.

AUTHORITY TO FILE

The application was signed by Ron Ambrose who is a member of the Last Ranch LLC.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that there is a lack of ground water, but the Lost River water rights are variable depending on the water year. With this variability it would be difficult to determine when this supplemental ground water right could be used to prevent enlargement.

INJURY

To move this supplemental ground water right without moving the surface water rights could create injury. If the supplemental ground water right is moved to supplement a surface water right without the same priority date, then more or less ground water could be required to supplement the new surface water rights.

ENLARGEMENT

As mentioned above, unless the supplemental ground water right is rented by an owner with similar surface water rights, then enlargement is highly likely.

BENEFICIAL USE

Supplemental irrigation 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

Whereas there are no issues regarding forfeiture of a supplemental water right, I recommend that this application be denied. A new application could be filed that includes 78 acres of the Big Lost River water rights. It would be nearly impossible to move this supplemental ground water right to lands that have Big Lost River water rights with the same priority dates and delivery schedule afforded at the location currently being serviced by this supplemental ground water right.