

MEMORANDUM

TO: Water Right Files 63-2414, 63-5034, and 63-5047B
FROM: Daniel A. Nelson
DATE: February 1, 2011
SUBJECT: Trail Creek Meadows Ranch Water Supply Bank Rental Application

SUMMARY

Three applications to lease water rights 63-2414, 63-5034, and 63-5047B to the water bank were filed by Jean A. Latham of Speck and Aanstad on behalf of Trail Creek Meadows Ranch, C/O Andrew C. Brassey. Andrew C. Brassey signed all three applications. All three applications were filed on March 4, 2008 for an Indefinite period. Applications 63-2414 and 63-5047B are diverted from Trail Creek, and water right 63-5034 is diverted from and unnamed stream tributary to Trail Creek.

Water rights 63-5034 and 63-5047B were decreed in May of 2004, and water right 63-2414 was decreed in February of 2009. These applications were filed in March of 2008. The aerial photography suggests that these lands have not been irrigated for some time. I am assuming that these filings were submitted to avoid forfeiture of these water rights. Processing of these water bank applications were delayed until after 63-2414 was decreed. We are just now at a point where we can process these applications.

AUTHORITY TO FILE

Andrew Brassey signed these applications. I could not find any business named Trail Creek Meadows Ranch in the State of Idaho Business search, so I cannot verify if Trail Creek Meadows Ranch is a legitimate business. The water rights were decreed in the Snake River Basin Adjudication (SRBA) under the name of Trail Creek Meadows Ranch, C/O Andrew Brassey with Mr. Brassey signing all of the documents submitted to the SRBA court. Whereas all of the water bank documents are in the same name and signed by the same person as the SRBA decrees, authority to file should be sufficient. Department taxlot information further confirms the authority to file by listing the property in the name of J. Michael Brassey ET. AL. C/O Andrew Brassey.

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 63 has been contacted concerning placing these water rights into the water bank. However, no issues are anticipated, since the watermaster rarely regulates water above Lucky Peak Dam.

RECOMMENDATION

I recommend that these water rights be accepted into the water bank. The lease term will need to be prorated from March 4, 2008 to March 4, 2013.