

Palmer, Cherie

From: Yenter, Cindy
Sent: Wednesday, August 12, 2015 1:24 PM
To: Palmer, Cherie; Webster, Clay
Cc: Whitney, Rob; Erickson, Nathan
Subject: Grant 4D Violation

Cherie and Clay – I sent a Pending NOV and Cease and Desist letter to Grant 4D Farms today. The letter is profiled to Enforcement under the number E2015-758. I must have deleted my electronic copy so I can't attach to this message.

The terms of the letter are that Grant must immediately cease diversions to the 53 unauthorized acres, and contact me within 7 days. He may resume irrigation once he's obtained an approved water right or rental. So, once we have confirmed or I am convinced that irrigation has ceased, I will let you know and you can move forward on that rental. I agree, the pending app package appears approvable. Rob and I will then talk about where to go with an NOV.

I did copy the landowner RLDR Farm using the address found in the taxlot layer.

Thanks for your help and analysis.

Cindy

Palmer, Cherie

From: Yenter, Cindy
Sent: Monday, August 10, 2015 2:35 PM
To: Erickson, Nathan; Palmer, Cherie
Cc: Whitney, Rob
Subject: RE: Violation Memo Grant 4D; 36-2130C, 36-7850C, 36-8106C

This parcel of Grant's in 8S25Esec1 has been an issue since 2004. I remember finding it, and apparently its been illegally irrigated since then because of an inappropriate lease. Unfortunately that's not entirely the Grant's fault.

My question is this: why are we even considering the 2015 rental, even at reduced amounts, when a violation is still occurring? Grant Farms should receive a cease and desist order from WD130 and should curtail immediately. Only then should we consider another rental for 2015. Depending on their response, then Rob can entertain an NOV. They should probably get one for 2014 anyway.

I will prepare a letter tomorrow.

Great analysis Cherie. Thanks for bringing this to our attention.

Cindy

From: Palmer, Cherie
Sent: Wednesday, August 05, 2015 9:27 AM
To: Whitney, Rob
Cc: Yenter, Cindy; Erickson, Nathan
Subject: Violation Memo Grant 4D; 36-2130C, 36-7850C, 36-8106C

Rob,

I attached a referral memo to this email. The referral is for the enlargement of the above listed water rights in 2014. I will also print a copy and place it in your in-box.

Please let me know if you have any questions.

Cherie

MEMO

TO: Rob Whitney, Compliance Bureau

CC: Cindy Yenter, Nathan Erickson

FROM: Cherie Palmer

DATE: August 4, 2015

RE: Unauthorized use of Water Rights 36-2130C, 36-7850C, and 36-8106C

The above referenced water rights were leased into the bank in 2004 until 2014. All three water rights are fully stacked and represent a total combined limit of 290 acres, whereas 31.2 of those acres were leased to the Bank. The leased acres represented pivot corners. The lease was an indefinite lease; however, IDWR cancelled the lease for non-compliance of the lease terms after attempting to resolve the situation with the lessor.

Chronology

2004-2014: 31.2 acres of subject rights leased into the Bank

2004-2008 and 2010-2014: 31.2 acres of subject rights are rented by the lessor to irrigate land at a different location (see attached map) in addition to 21.8 acres of water right 36-2684

3/27/2015: Rental application was submitted to IDWR by the lessor to "re-up" the rental from previous years.

4/1/2015: I evaluated the rental application and noticed that the lessors were irrigating 282 acres under the subject water rights when they were limited to 258.8 acres due to the 31.2 acre lease. I sent a letter to the lessor to notify them of my findings and requested they submit a new lease that would correctly reflect the leased acres. I also notified them that the rental could not be processed and they were not authorized to irrigate the 53 acre POU under the rental.

5/28/2015: Due to no response, I notified the lessors that I cancelled their lease. I also notified them that their rental application had been denied since their rental application was not approvable and they didn't act to resolve the situation.

6/5/2015: New lease and rental applications were submitted for the subject water rights. The lease proposed to place 8 acres in the Bank under the subject rights and the rental proposes to use 45 acres at the rental POU under right 36-2684 and 8 acres under the subject rights. For the most part, the lease/rental package appears approvable.

Enlargement Analysis

The reason these rights are being referred to the compliance bureau is because the subject rights were used at two different locations for many years causing an enlargement and the lessor/renter has been using water without an authorization in 2015.

2004-2014: Enlargement of 24.6 acres due to the leased acres being irrigated at two locations. Refer to Table 1 for details.

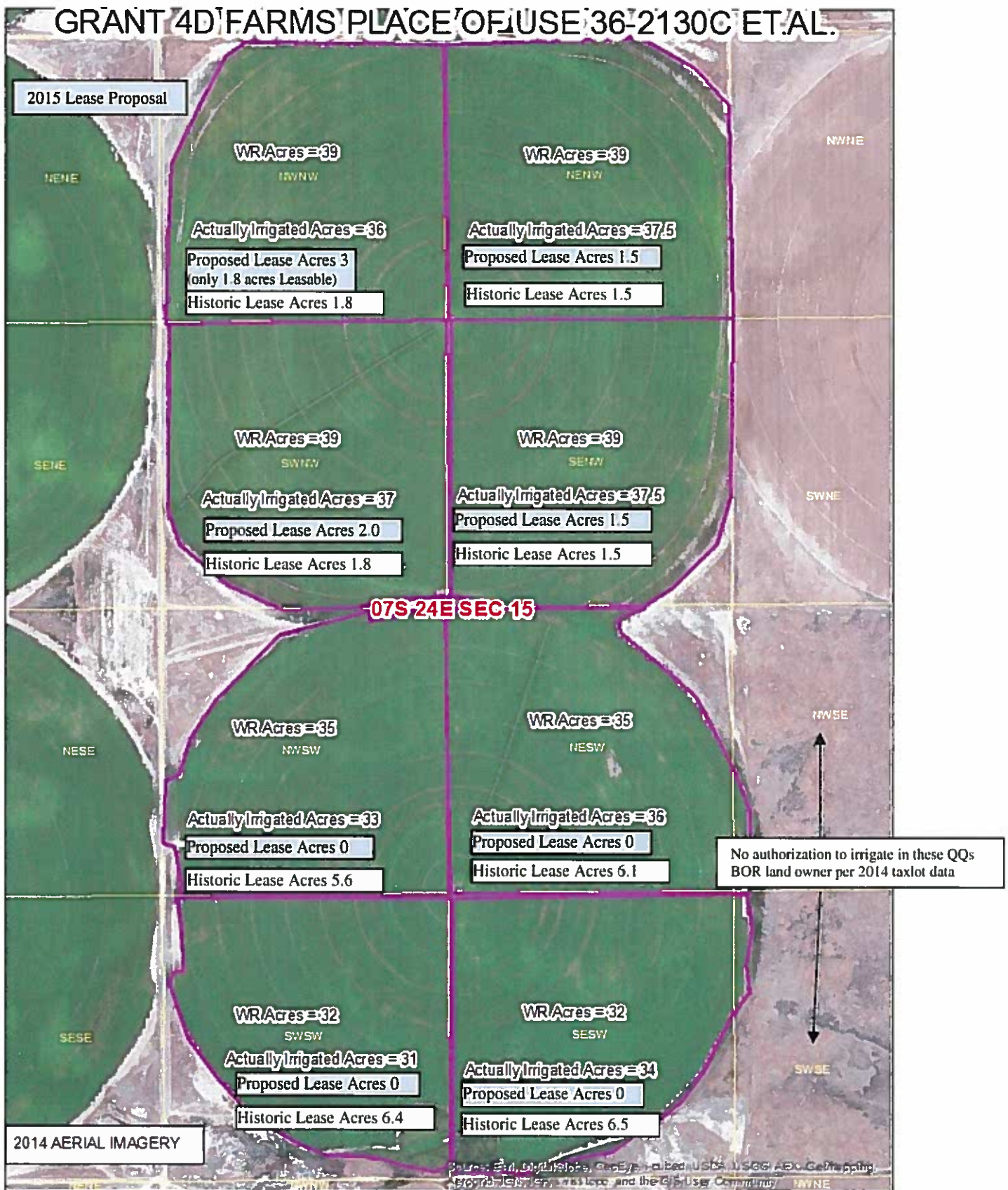
2015: Imagery of the 53 acre rental place of use indicates that it has been irrigated before a rental authorization is in place. To date, a rental agreement is not in place but appears that the 6/5/2015 rental application can be approved.

Additionally, actual irrigated acres and the authorized place of use for the subject rights are contradictory. Please refer to the map below and notice that the irrigated land in the SW1/4 is askew. It doesn't appear there is an enlargement in 2015 but the right holder should work to correct the place of use for the subject water rights.

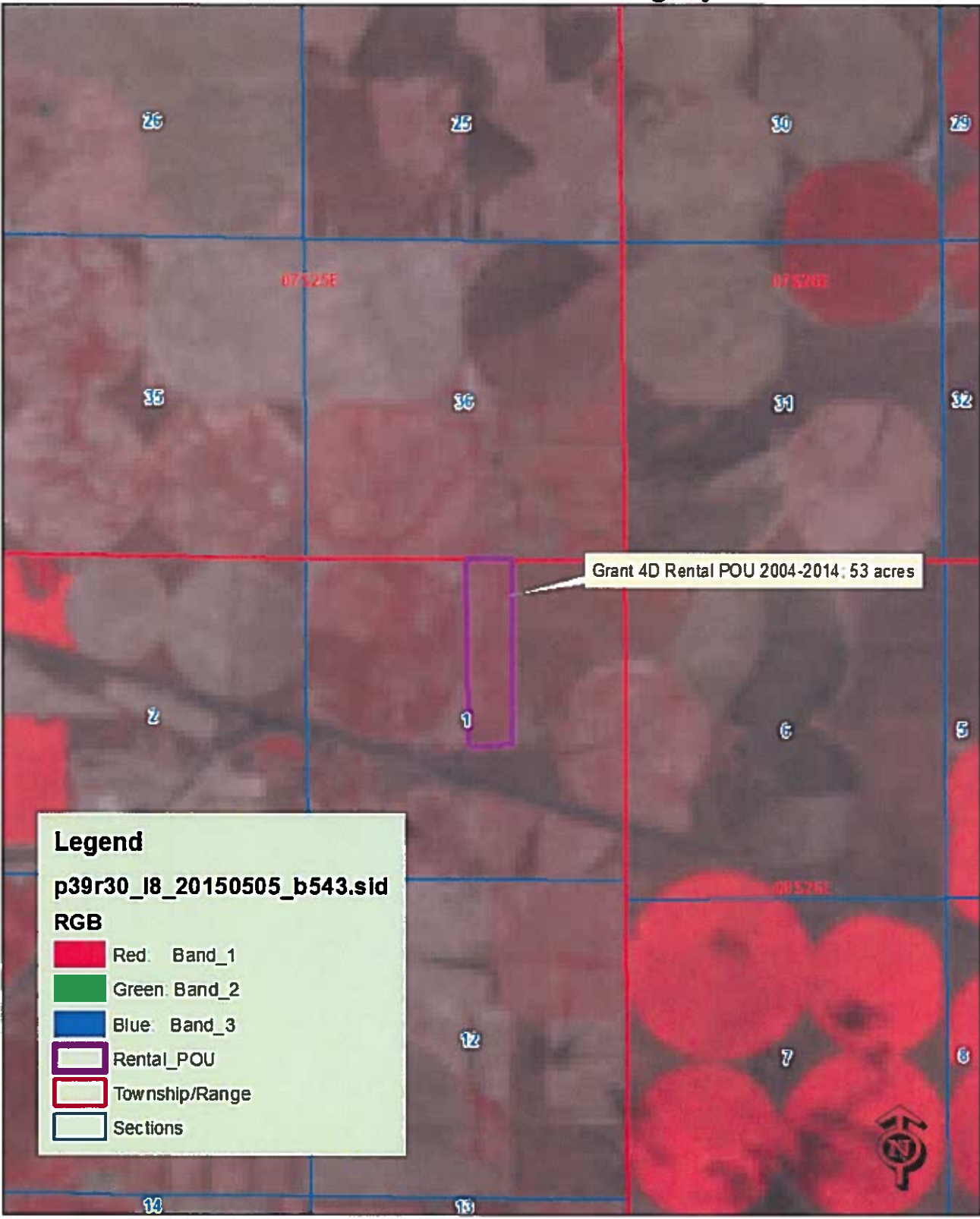
Details of 36-2130C, 36-7850C, & 36- 8106C	7S24E Sec 15								
	NENW	NWNW	SWNW	SEnw	NESW	NWSW	SWSW	SESW	Total
Portions Leased 2004-2014	1.5	1.8	1.8	1.5	6.1	5.6	6.4	6.5	31.2
WR Acres	39	39	39	39	35	35	32	32	290
Irrigated in 2014	37.5	36	37	37.5	36	33	31	34	282
Out of Compliance w/ Lease	0	0	0	0	6.1	3.6	5.4	6.5	21.6
Out of Compliance w/ WR	0	0	0	0	1	0	0	2	3
Rented Acres 2010- 2014 (confirmed use through imagery)	1.5	1.8	1.8	1.5	6.1	5.6	6.4	6.5	31.2
Enlargement 2014	0	0	0	0	7.1	3.6	5.4	8.5	24.6
Amount Requested to Lease in 2015	1.5	3	2	1.5					8
Acceptable Leased Acres	1.5	1.8	2	1.5					6.8

Table 1

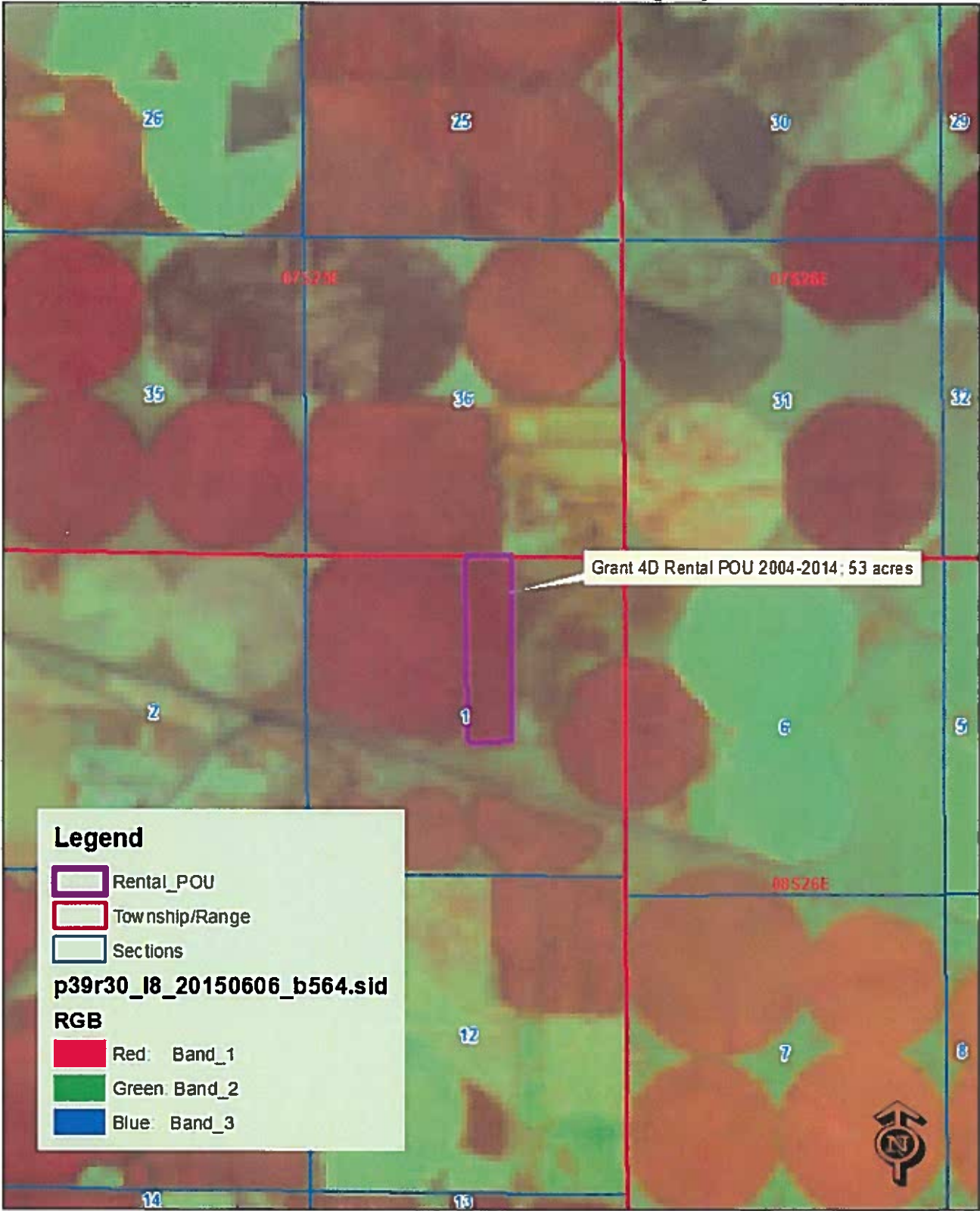
GRANT 4D FARMS PLACE OF USE 36-2130C ET.AL.



Rental POU LandSat Imagery



Rental POU LandSat Imagery



Rental POU LandSat Imagery

