

MEMORANDUM

Date: October 17, 2013
To: Water Right File 61-12148
From: medl
Re: office day phone call

Mr. Del Kohtz phoned with a question about a water right in the Mountain Home area which is held by Daniel and Kimberlee Jo West. He described the source as a shared well and explained that he had expected the Wests to release the right from the water supply bank so that they could use it during the 2013 season.

I located the likely water right and reviewed the file. Mr. and Mrs. West are the owners of record for water right 61-12148 and leased it to the Water Supply Bank in 2007 for an indefinite period. An agreement to rent the right was initiated by Jack Post in 2008 with the intension that he would use it through 2012.

History of WSB

The agreement was assigned from Jack Post to Sunview Dairy in February 2008 and presumably the water was used by the dairy that year. Apparently the water was not needed in 2009 and 2010 and the rental agreement was terminated.

A brief review of aerial photography showed that the property was irrigated in 2011 while it was still leased to the bank. There is no record that anyone else rented the right from 2009-2012.

Earlier this year, a mailing was sent to water supply bank lessees whose rights had not been actively rented, reminding them that their rights were in the bank and not available for use. A copy of that letter is in file 61-12148.

2013 use

Mr. Kohtz explained that the Wests stated to him that they had submitted a request to release the right from the bank when Monica Van Bussum operated the bank but that request has been lost. There is no record of that request in the file. Mr. Kohtz also explained that they had used it themselves during the last season.

The right has been subsequently been rented to Ray Montierth for 2014 through 2016 and not easily released from the bank.