

MEMORANDUM

To: Rob Whitney – Water Compliance Bureau
Water Right File No(s). 61-2188 and 61-7151

From: Monica Van Bussum

Date: February 21, 2013

Re: Possible use of Water Right No. 61-2188 and 61-7151 during 2012 Water Supply Bank lease

This memo discusses lease of Right Nos. 61-2188 and 61-7151 to the Water Supply Bank and continued use of water under the water rights.

61-2188 is a water right for 133.2 acres of irrigation from a well. 61-7151 is a water right for 100 acres from a well. Together, they add up to 233.2 acres of irrigation.

Since 2003, 93 acres of 61-2188 and 70 acres of 61-7151 have been leased to the Bank for a total of 163 acres leased.

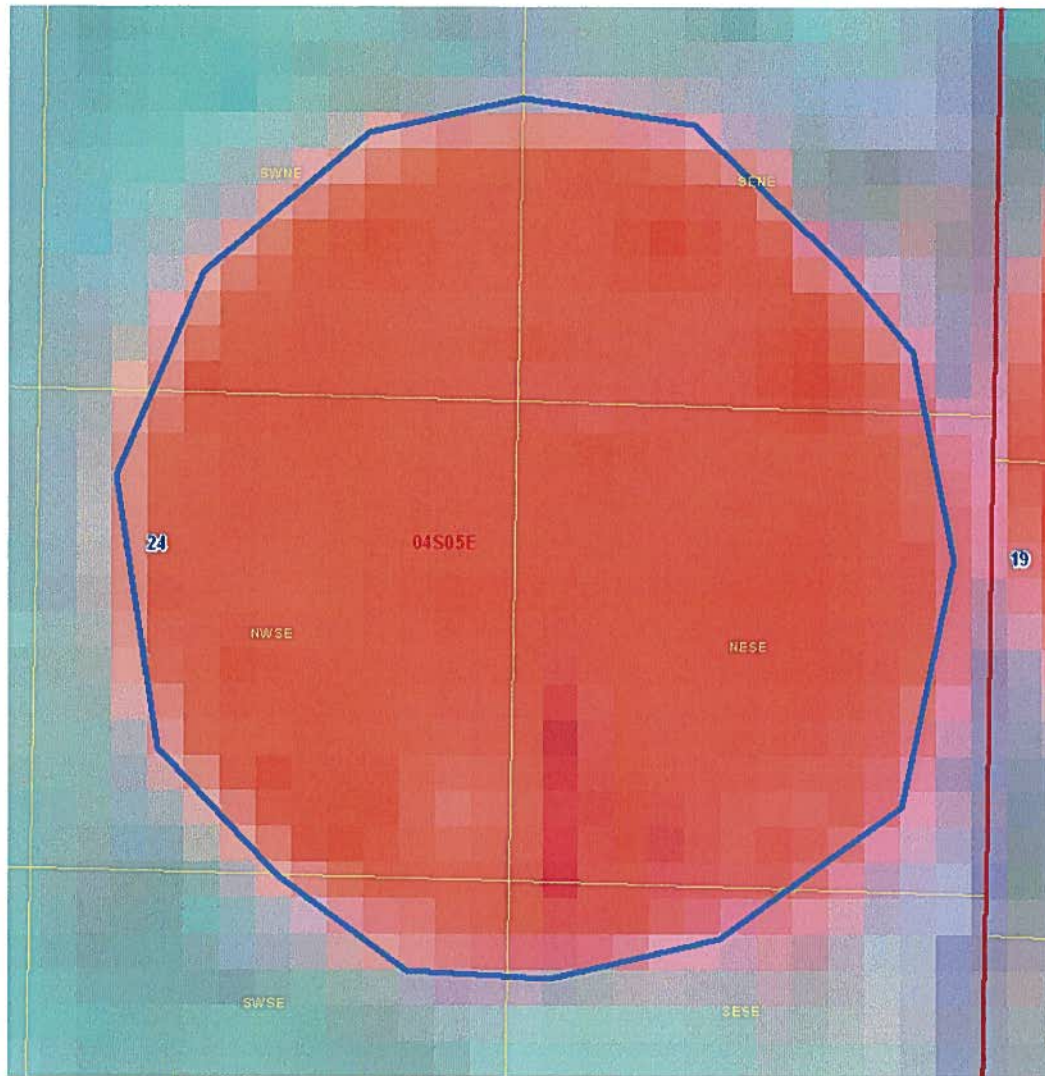
To summarize, the water rights authorize 233.2 acres of irrigation and 163 acres are leased, leaving 70.2 acres which can be used under the rights by the rightholder.

2012 Landsat imagery (image below) indicates 98.5 acres were irrigated on the water right POU. This is 28.3 acres in excess of what is currently allowed. I used ArcGIS imagery to calculate the number of acres irrigated, and allowed for some mixed pixels.

This irrigation pattern appears to be ongoing from at least 2009 through 2012. Additionally, these water rights were rented in 2009 and water was put to use elsewhere, resulting in enlargement under the rights.

Condition 3 of the lease acceptance says:

While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.



One possible solution is to terminate the Water Supply Bank lease and allow the lessor to assess their true irrigation needs. These water rights are not currently rented but we do have rental applications that could use these water rights to satisfy the requests.