

MEMORANDUM

TO: Water Right File 34-13873 and 34-14047
FROM: Daniel A. Nelson
DATE: ~~April 11, 2011~~ *February 1, 2012*
SUBJECT: Jason Reading Water Supply Bank Rental Applications
Lease

SUMMARY

Jason Reading filed two applications to lease all of water rights 34-13873 and 34-14047 for an indefinite term on August 8, 2008. Those Water Supply Bank Leases were rejected until a full review of validity of the water rights was performed. The water rights appeared to have been forfeited. Mr. Reading refilled the two Water Supply Bank lease applications for water rights 34-13873 and 34-14047 with additional information for a 5 year term. Water right 34-13873 is from Alder Creek for 0.41 cfs, for 14 acres. Water right 34-14047 is from ground water for 0.38 cfs, 66.5 af, for 19 acre. When water rights 34-13873 and 34-14047 are combined they are limited to the 0.48 cfs for the irrigation the 19 acres described in water right 34-14047. Water right 34-14047 is supplemental to the 14 acres described in water right 34-13873 and primary for the remaining 5 acres not irrigated by 34-13873.

The additional information received from Mr. Reading included a letter from all 4 water right owners agreeing to lease of this water right into the Water Supply Bank, a letter from the former owner stating that the ground water well was used for irrigation in 2006, and a letter from the watermaster of Water District 34 stating that an attempt to deliver water to the property was made in 2006.

My review of this lease began with the review of the surface water right 34-13873. The watermaster sent an email to me stating that an attempt was made in 2011 to deliver the water for this water right. However, the water could not reach the owner's property, so the watermaster determined that the call for water was futile. I contacted the watermaster and spoke to him about this water right. Apparently, there several water rights on the ditch used for 34-13873 totaling 90 inches of water or 1.80 cfs. The applicant's portion of this 1.80 cfs is only 0.41 cfs or 20.5 inches. According to the watermaster the ditch operated on a rotation that allowed each water user the use of the 1.80 cfs for a certain period over a 2 week time frame. In order for the water at the end of the ditch to be delivered, all 1.80 cfs was needed at the headgate.

Mr. Reading's property is toward the end of the ditch, so in order for him to receive his portion of the water, the full 1.80 cfs needed to be diverted. If the 1.80 cfs is not diverted, Mr. Reading's 0.41 cfs cannot make the full length of the ditch to his property. Therefore, Mr. Reading cannot receive his water without the other water users on the ditch calling for their water at the same time. Apparently, none of the water users on this ditch have call for water in quite some time, so Mr. Reading has no way of getting water to his property. It is beyond Mr. Reading's control to require his fellow water users to call for their water if they choose not to, so this water right should not be considered forfeited.

The second portion of my review was investigating whether or not the well had been used. Typically, supplemental ground water rights are not required to be used unless needed. The only time forfeiture would be considered is when the ground is not irrigated by either water source. A review of the LandSat aerial photography suggests that this land has not been irrigated for some time. Mr. Reading supplied a letter from the former owner, Brenda L. Blackwell, stating that the well was used to irrigate the ground in 2006. This letter did not have the dates the well operated or how much water was being used. I reviewed the power records for 2006 and I could not find any power records for Brenda L. Blackwell to confirm her claim.

However, my review of the warranty deeds for this water right shows that Brenda L. Blackwell was also known as Brenda L. Larkin in 2005 and 2006. I did find power records for Brenda L. Larkin in 2005 and 2006. The 2006 power records showed that well was not used in 2006, but the 2005 power records do suggest that the well was used in 2005. I took a second look at the LandSat aerial photos for 2005, and there is a possibility that the land was lightly irrigated in 2005. The power records suggest that only minor irrigation occurred in 2005. The irrigation appears to have been very sparse, but there is a possibility that this ground may have been irrigated. The latest filing on this water supply bank lease was on December 1, 2011. Whereas the last year of irrigation was in 2005, 5 year forfeiture window would have ended on December 31, 2011. The second filing of this Water Supply Bank lease filed in time to prevent the forfeiture of this water right.

The water rights show that there are four owners – Jason Reading, Desiree Reading, Jeff Reading, and Michelle Reading, but Jason Reading is the only one who signed the water bank lease application. There is a note on an attached water right proof report that states all four owners needed to sign the application. Mr Reading was still the only person to sign the application, but he did supply a separate letter from all of the water right owners agreeing to the Water Supply Bank Lease.

AUTHORITY TO FILE

The tax lot information and other ownership information suggest that Michael Reading is one of the four owners of this water right. The information on the water right suggests that all four owners should have signed the water bank lease. The separate letter signed by all of the water right owners agreeing to the Water Supply Bank lease should be sufficient to approve the lease.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that the sufficiency of water supply would be an issue with this water bank lease.

INJURY

In order to avoid injury, 14 acres of these two water rights would need to be rented together. 5 acres of the ground water right could be rented as a primary water right. This will need to be done to avoid injury to other water users.

ENLARGEMENT

No enlargement is being proposed, but the issues addressed under the injury section will need to be followed to avoid enlargement of this water right.

BENEFICIAL USE

The application proposes beneficial use consistent with conservation of water resources in Idaho.

LOCAL PUBLIC INTEREST

There is nothing in the file to suggest that this water bank lease is not within the local public interest.

WATER DISTRICT

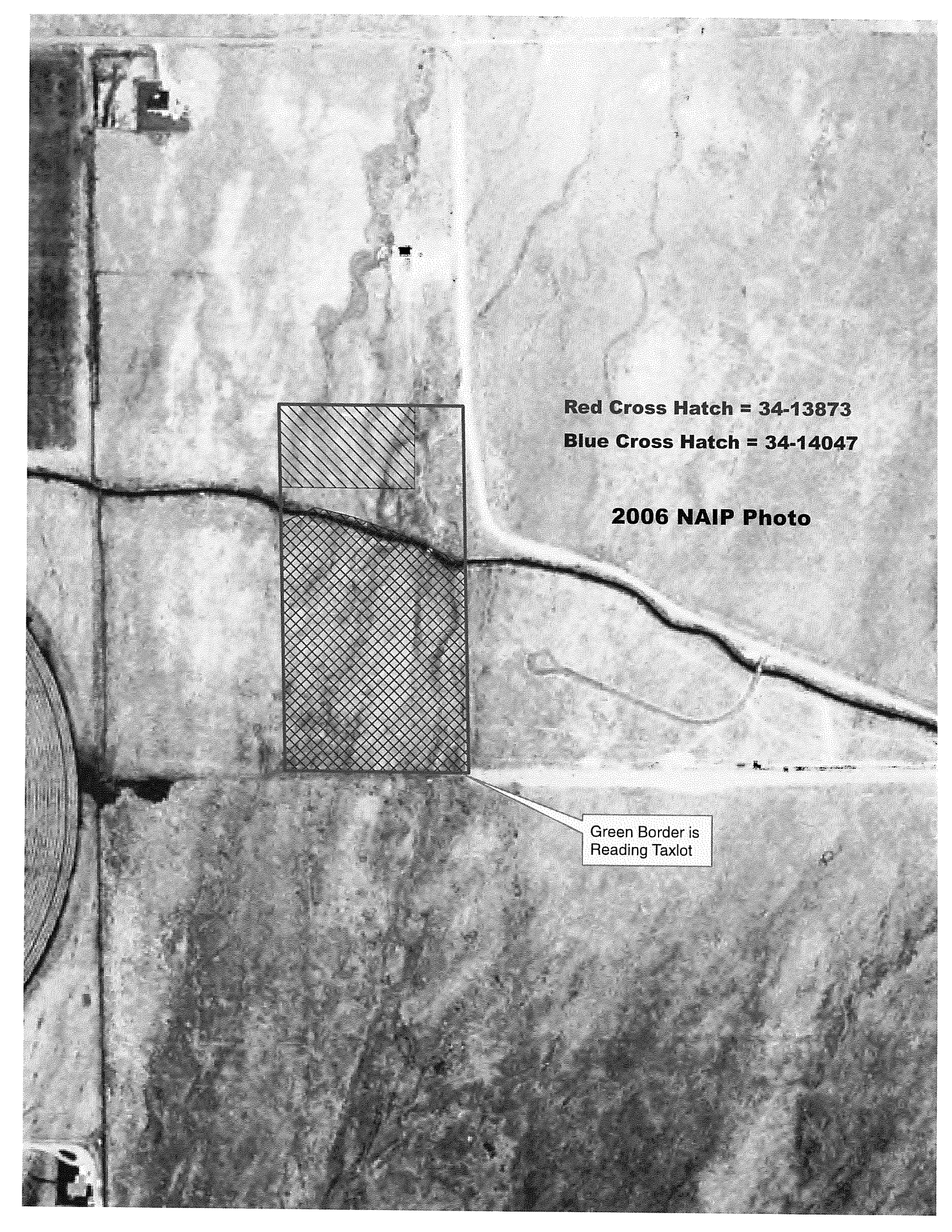
Water District 34 watermaster has been contacted, and he has stated that he has no objection to this Water Supply Bank lease application.

RECOMMENDATION

I recommend that this water right be accepted into the water bank with the water right conditions carried forward. The water rights should remain combined if rented, but approximately 5 acres could be rented separately as a primary ground water right.

2005 LanSat Photos

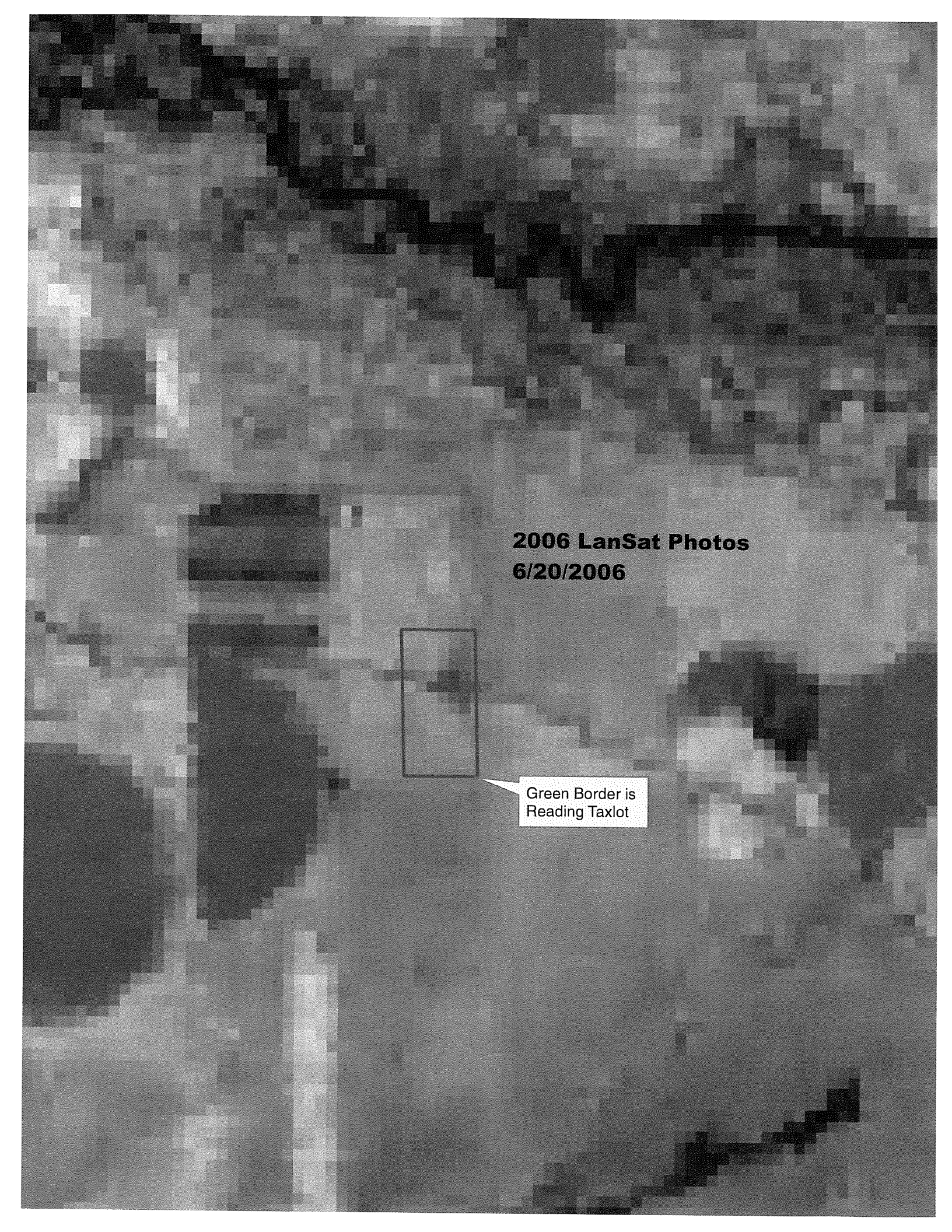
Green Border is
Reading Taxlot

An aerial photograph of a rural landscape with a road and fields. A rectangular area is highlighted with a green border and contains two hatched regions: a top section with red cross-hatching and a larger bottom section with blue cross-hatching. A callout box points to the green border.

Red Cross Hatch = 34-13873
Blue Cross Hatch = 34-14047

2006 NAIP Photo

Green Border is
Reading Taxlot

An aerial photograph of a landscape, likely a field or forest, with a rectangular box highlighting a specific area. The box is located in the center-left of the image. The text "2006 LanSat Photos" and "6/20/2006" is overlaid on the right side of the image. A callout box points to the highlighted area with the text "Green Border is Reading Taxlot".

2006 LanSat Photos
6/20/2006

Green Border is
Reading Taxlot

2005 Power Records for Larkin in Basin 34

LastName/FirstName	Pump#	HP	Mult	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
LARKIN & ISABEL L. EATON/RICK & BRENDA	T672	0	1	0	0	0	0	0	0	0	0	0	1638	0	0	1638
LARKIN & ISABEL L. EATON/RICK & BRENDA	672	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0

Static Water Level = 60 FT

Estimated Pumping Level = 60 FT + 10 FT = 70 FT

Estimated Discharge Pressure = 100 PSI

Water Right Diversion Rate = 0.38 cfs or 170.5 gpm

? = Pump HP.

$$\frac{4,3 \text{ KW} \times 5431}{170.5 \text{ gpm}} = 136,969 \text{ kWh/ac ft.}$$

$$\frac{8.8 \times ? \times 0.70}{70 + (10 \times 0.31)} = 0.38$$

$$? = 5.7 \text{ HP}$$

$$\text{KW} = 0.744 \times 5.7 \text{ HP}$$

$$\text{KW} = 4.3 \text{ KW}$$

$$\frac{120 \text{ AF}}{(0.38 \times 1.4834)} = 15.9 \text{ days.}$$

12 AF Pump

$$137 \overline{) 1638}$$

Note: An Estimated 12 Acre Feet of water was diverted from this well in 2005. That is less than 1 acre foot/acre. For this water right, the well operated approximately 15.9 days. This is insufficient for a supplemental well.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
120 Second Ave. North/P.O. Box 7999
Ketchum, ID 83340

235566
First American Title
Tim B. P. 10/19/06
Beth M. Pock, Clerk
Lura Baker 6⁰⁰

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 190352-K (nw)

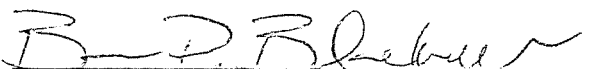
Date: December 08, 2006

For Value Received, **Brenda L. Blackwell, who acquired title as Brenda L. Larkin, 1/2 interest and Brian D. Blackwell and Brenda L. Blackwell, husband and wife, 1/2 interest**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Jason A. Reading and Desiree Reading, husband and wife and Jeff M. Reading and Michelle Reading, husband and wife**, hereinafter called the Grantee, whose current address is **3351 Chimney Peak, Idaho Falls, ID 83404**, the following described premises, situated in **Custer County, Idaho**, to-wit:

**Township 6 North, Range 24 E.B.M., Custer County, Idaho
Section 12: E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


Brian D. Blackwell


Brenda L. Blackwell

(5)

0223972

WARRANTY DEED

FOR VALUE RECEIVED, DOUGLAS G. ROSENKRANCE and DOLORES I. ROSENKRANCE, husband and wife. Grantors, do hereby Grant, Bargain, Sell and Convey unto RICK R. LARKIN and BRENDA L. LARKIN, husband and wife, the Grantees, whose current address is 792 Dogwood, Pocatello, Idaho, the following described premises, in Custer County, Idaho, to-wit:

Township 6 North, Range 24 East, Boise Meridian, Custer County, Idaho. Section 12, E3NW4.
Together with an 80% undivided interest in the water represented by Well License No. 1185253, State of Idaho, Department of Water Resources.

SUBJECT HOWEVER TO Levies and assessments of Big Lost River Valley Irrigation District, if any.

SUBJECT ALSO TO Right-of-way for Darlington Rogers Canal.

SUBJECT ALSO TO Oil and Gas Lease upon the terms, conditions and covenants contained therein:
Recorded: March 20, 1981, Instrument No. 157652
Lessor: Doug and Delores Rosenkrance
Lessee: Ronan Inc.
(Covers this and other property)

SUBJECT ALSO TO Real Estate Mortgage for Idaho dated January 17, 1995, to secure an indebtedness in the principal sum of \$85,000.00, and any other amounts and/or obligations secured thereby.

Recorded: January 23, 1995, Instrument No. 208174
Mortgagor: Douglas G. Rosenkrance and Delores I. Rosenkrance, husband and wife
Mortgagee: United States of America, acting through the Farmers Home Administration, United States Department of Agriculture
(Covers this and other property)

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their successors and assigns forever. And the said Grantors to hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in

the records of Custer County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

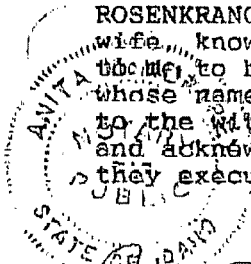
Dated:

Douglas G. Rosenkrance
Douglas G. Rosenkrance

Dolores I. Rosenkrance
Dolores I. Rosenkrance

Wherever "Farmers Home Administration", "FmHA", "Rural Development Administration", or "RDA" may appear, the term "United States of America" is substituted.

STATE OF IDAHO)
County of Bingham : ss.
On this 12 day of July, 1995, before me, a Notary Public, personally appeared DOUGLAS G. ROSENKRANCE and DOLORES I. ROSENKRANCE, husband and wife, known or identified to me, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Anita M. Quinley
Notary Public for Idaho
Residing at Blackfoot
Commission Expires 5-20-2000

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instrument was filed for record at the request of Custer County Title at 45 minutes past 2 o'clock P.M., this 4th day of Dec., 192001, in my office, and duly recorded in Book - of Deeds at page - #223970

Ethel M. Peck
Ex-Officio Recorder

BY [Signature] Deputy

Fee: \$ 6.00
Mail to:

WARRANTY DEED
Page 2

CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83226

2005

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

SE4NE4NW4 AND
E2SE4NW4
SEC 12 T6N R24E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

BLACKWELL BRIAN D
& BLACKWELL BRENDA L
1251 BLUELAKES
PO BOX 2348
HAILEY ID 83333

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 24, 2005

Tax Code Area: 9-0000

Parcel Number: RP 06N24E122900 A

PROPERTY TAX REDUCTION IS NOT INCLUDED.**ASSESSED VALUE OF YOUR PROPERTY**

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRIGATION 19 ROAD R.O.W	29.000 AC 1.000 AC	14,380	14,380
SUBTOTAL: LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	30.000	14,380 14,380	14,380 14,380

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
STATE COUNTY SCHOOL #182 LOST RIVER HWY B.L.R. CEMETERY SO. CUSTER FIRE MACKAY LIBRARY L R HOSPITAL S C AMBULANCE MACKAY MOS ABAT	34.44 69.34 11.00 2.44 13.50 5.14 20.82 4.38 3.92		208-879-2360 208-588-2262 208-588-2824 208-588-2207 208-588-2218 208-588-3333 208-767-3012 208-879-2360 208-879-2360	NO RESPONSE 09/06/2005 06/14/2005 08/18/2005 08/11/2005 09/07/2005 08/24/2005 08/18/2005 09/06/2005 09/06/2005
SUBTOTAL: FEES: TOTAL PROPERTY TAXES & FEES:	164.98 164.98			

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

12/13/2005 12:54 12087263967

INTERSTATE ELECTRIC

PAGE 04

CUSTER COUNTY TAX COLLECTOR
P.O. BOX 350
CHALLIS, IDAHO 83226

BILL# 4312
CODE AREA 9-0000

RP06N24E122900A
14,380

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	
TAX	75.77	TAX	75.77	TAX	151.54		14,380
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT ACS	30.000

BLACKWELL BRIAN D
& BLACKWELL BRENDA L
1251 BLUELAKES
PO BOX 2348
HAILEY ID 83333

SE4NE4NW4 AND
E2SE4NW4
SEC 12 T6N R24E

DELINQUENTS
RP 4276 2004

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

1\

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BLACKWELL, BRIAN D
DELINQ: 04

4312
2005

BLACKWELL, BRIAN D
DELINQ: 04

4312
2005

2ND HALF

1ST HALF

FULL

AMOUNT DUE 75.77
MAKE CHECK PAYABLE TO:
CUSTER COUNTY
RP06N24E122900A
9-0000

LATE
INT
COST
TOTAL

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2006

DATE PAID

Received Time Dec. 13. 1:02PM
CASH

AMOUNT DUE 75.77
MAKE CHECK PAYABLE TO:
CUSTER COUNTY
RP06N24E122900A
9-0000

LATE
INT
COST
TOTAL

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 2005
CHECK #
CASH

DATE PAID
PAID BY

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, January 17, 2012 2:38 PM
To: 'jason reading'
Subject: RE: Water Supply Bank Lease

Jason,

I checked and I can give you an additional 2 weeks.

Dan

From: jason reading [mailto:jasonreading2003@yahoo.com]
Sent: Tuesday, January 17, 2012 2:32 PM
To: Nelson, Dan
Subject: Re: Water Supply Bank Lease

Dan,

Did you get the fax of the letter from the other water right holders for the lease application? I mailed the original to you today.

Also, the previous owner has given every indication that she has mailed the other requested letter to me, but it has not shown up in my mail box to forward to you. As soon as I get it I will send it to you. I am trying to get an email copy so you will have something to begin working with.

I know today is the deadline, I am hoping that we can get a short extension to get the last piece of documentation to you.

Thank you,

Jason Reading

From: "Nelson, Dan" <Dan.Nelson@idwr.idaho.gov>
To: jason reading <jasonreading2003@yahoo.com>
Cc: "Van Bussum, Monica" <Monica.VanBussum@idwr.idaho.gov>
Sent: Wednesday, January 11, 2012 2:30 PM
Subject: RE: Water Supply Bank Lease

Hello Jason,

I like to give a little a bit of advanced notice to folks before a deadline comes due. The additional information requested in the form of a letter of approval from the other water right owners and the proof showing the well was used for irrigation within the last 5 years will be due next Tuesday, January 17, 2012.

I also want to let you know that I received the statement from the watermaster concerning the delivery of the water through the ditch. I was concerned that this delivery was only for a 12 hour period, and that it didn't occur during the normal irrigation season.

However, I called the watermaster today, and we discussed the situation. After my conversation with the watermaster, this situation made sense to me. From what I gathered from the watermaster, the ditch is in a gravelly area, and cannot deliver the amount of water needed down the ditch without all of the water users on that ditch calling for water at the same time. The watermaster didn't have firsthand knowledge of this situation, so he performed the test to insure that his information was correct.

Apparently, there is approximately 70 inches of water that can be delivered to that ditch, but there hasn't been any deliveries to the ditch since approximately 2007. The watermaster informed me that if the full 70 inches of water are delivered to the ditch, then it would be possible for you to get the 20 inches of water to your property. I assume that they operated the ditch on a rotation basis where each user received all of the water for certain period of time.

Unfortunately, without the other water users asking for their water to be delivered at the same time, there is virtually no way that you can receive your water through the ditch. The most that you could receive would be about 5.7 inches after the ditch was fully soaked, which could take months if at all. You cannot make the other water users call for their water to allow you to get your proportionate share of the water to your property, so I now agree that the reasons why the surface water has not been used is beyond your control. With this information, I think we can move forward with the Water Supply Bank lease for the surface water right.

It would also make sense, that you would need to use the well to irrigate the property if the other water users did not call for the surface water. Therefore, I can make the leap of faith that if there are pumping records, power records or records from the water district showing the well was used during the irrigation season that it would have been used to irrigate the property, because the surface water couldn't make it to the property without the other surface water users calling for their water at the same time.

I apologize for the long email, but I have to write things out so I can understand how everything works. Remember, if you can't get the information to me on the well by the 17th, you can email me as for more time. I may be able to give another week or two if needed.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

From: jason reading [mailto:jasonreading2003@yahoo.com]
Sent: Friday, December 30, 2011 12:22 AM
To: Nelson, Dan
Subject: Re: Water Supply Bank Lease

Dan,

I have asked my brother and his wife to sign a letter stating that they want the water rights (Rights 34-13873 and 34-14047) placed in the water bank, and will have my wife Desiree sign the same letter which I will mail to you. I will also have Roger Tottem, the water master, send you a letter regarding the use of the surface water this summer for irrigation purposes. As for the letter from the previous owner regarding the well water being used prior our purchase of the property, I will forward the email correspondence I have had with Brenda Blackwell the previous owner. Let me know when you receive the documents if there is anything else you might need.

Thank you,

Jason Reading
3240 East Spring Creek Dr
Twin Falls, ID 83301
208-681-5897
jasonreading2003@yahoo.com

From: "Nelson, Dan" <Dan.Nelson@idwr.idaho.gov>
To: jasonreading2003@yahoo.com
Cc: "Van Bussum, Monica" <Monica.VanBussum@idwr.idaho.gov>
Sent: Wednesday, December 28, 2011 9:37 AM
Subject: Water Supply Bank Lease

PLEASE NOTE: A copy of this letter was placed in the mail on December 28, 2011. This email is being sent as a courtesy to allow additional time to compile the needed documentation.

Dear Mr. Reading,

I have been asked to review the re-submittal of your Water Supply Bank lease application. In the cover letter that you sent with the applications, you refer to a letter/affidavit from the previous owner that "the well was turned on and used on the property prior to the sale of the land to myself in November of 2006." You also state that you requested that your surface water be delivered, but was not able to reach the property. Your water right also requires that Desiree, Jeff, and Michelle Reading are required to sign any changes to the water right. In order to move forward with the processing of your application we will need the following documentation to confirm the claims in your letter:

- 1.) A copy of the letter/affidavit from Brenda Blackwell stating that irrigation did occur in 2006. Please note that testing of the well does qualify as irrigation, so the letter/affidavit will need to state that actual irrigation did occur.
- 2.) A letter from the watermaster stating that water was delivered to your property for irrigation purposes in 2011. Once again the letter or affidavit from the watermaster will need to state that the water was diverted for irrigation purposes.
- 3.) A letter signed by Desiree Reading, Jeff Reading, and Michelle Reading stating that they are aware of the Water Supply Bank lease for water rights 34-13873 and 34-14047.

Once we receive these three documents, we can move forward with the processing of the Water Supply Bank lease application. In order to avoid possible future conflict, we need to have these documents in our files prior to approving any changes to the water right.

Please submit the information listed above by January 17, 2012 or we will be required to return the applications for lease. You can email or fax this information to me if you like, and mail the originals in order to make the deadline if needed. If you need additional time, please contact me as soon as possible to make arrangements.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

Nelson, Dan

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To: jason reading <jasonreading2003@yahoo.com>
Cc: "Van Bussum, Monica" <Monica.VanBussum@idwr.idaho.gov>
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Fax (208) 287-6700 (C/O Dan Nelson)

From: jason reading [mailto:jasonreading2003@yahoo.com]
Sent: Friday, December 30, 2011 12:22 AM
To: Nelson, Dan
Subject: Re: Water Supply Bank Lease

Dan,

I have asked my brother and his wife to sign a letter stating that they want the water rights (Rights 34-13873 and 34-14047) placed in the water bank, and will have my wife Desiree sign the same letter which I will mail to you. I will also have Roger Tottem, the water master, send you a letter regarding the use of the surface water this summer for irrigation purposes. As for the letter from the previous owner regarding the well water being used prior our purchase of the property, I will forward the email correspondence I have had with Brenda Blackwell the previous owner. Let me know when you receive the documents if there is anything else you might need.

Thank you,

Jason Reading
3240 East Spring Creek Dr
Twin Falls, ID 83301
208-681-5897
jasonreading2003@yahoo.com

From: "Nelson, Dan" <Dan.Nelson@idwr.idaho.gov>
To: jasonreading2003@yahoo.com
Cc: "Van Bussum, Monica" <Monica.VanBussum@idwr.idaho.gov>

Sent: Wednesday, December 28, 2011 9:37 AM
Subject: Water Supply Bank Lease

PLEASE NOTE: A copy of this letter was placed in the mail on December 28, 2011. This email is being sent as a courtesy to allow additional time to compile the needed documentation.

Dear Mr. Reading,

I have been asked to review the re-submittal of your Water Supply Bank lease application. In the cover letter that you sent with the applications, you refer to a letter/affidavit from the previous owner that "the well was turned on and used on the property prior to the sale of the land to myself in November of 2006." You also state that you requested that your surface water be delivered, but was not able to reach the property. Your water right also requires that Desiree, Jeff, and Michelle Reading are required to sign any changes to the water right. In order to move forward with the processing of your application we will need the following documentation to confirm the claims in your letter:

- 1.) A copy of the letter/affidavit from Brenda Blackwell stating that irrigation did occur in 2006. Please note that testing of the well does qualify as irrigation, so the letter/affidavit will need to state that actual irrigation did occur.
- 2.) A letter from the watermaster stating that water was delivered to your property for irrigation purposes in 2011. Once again the letter or affidavit from the watermaster will need to state that the water was diverted for irrigation purposes.
- 3.) A letter signed by Desiree Reading, Jeff Reading, and Michelle Reading stating that they are aware of the Water Supply Bank lease for water rights 34-13873 and 34-14047.

Once we receive these three documents, we can move forward with the processing of the Water Supply Bank lease application. In order to avoid possible future conflict, we need to have these documents in our files prior to approving any changes to the water right.

Please submit the information listed above by January 17, 2012 or we will be required to return the applications for lease. You can email or fax this information to me if you like, and mail the originals in order to make the deadline if needed. If you need additional time, please contact me as soon as possible to make arrangements.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

December 29, 2011

To whom it may concern,

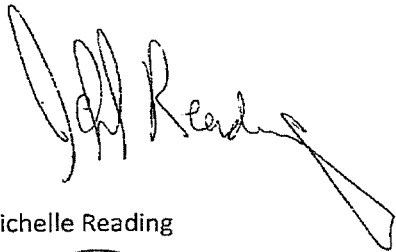
We the undersigned are aware of the Water Supply Bank Lease Application for water rights 34-13873 and 34-14047 being submitted on our behalf by Jason Reading.

Thank you,

Desiree Reading

A handwritten signature in cursive script that reads "Desiree Reading". The signature is fluid and extends to the right with a long, sweeping tail.

Jeff Reading

A handwritten signature in cursive script that reads "Jeff Reading". The signature is somewhat compact and ends with a small loop.

Michelle Reading

A handwritten signature in cursive script that reads "Michelle Reading". The signature is written in a more stylized, looped cursive.

Nelson, Dan

To: jason reading
Cc: Van Bussum, Monica
Subject: RE: Water Supply Bank Lease

Hello Jason,

I like to give a little a bit of advanced notice to folks before a deadline comes due. The additional information requested in the form of a letter of approval from the other water right owners and the proof showing the well was used for irrigation within the last 5 years will be due next Tuesday, January 17, 2012.

I also want to let you know that I received the statement from the watermaster concerning the delivery of the water through the ditch. I was concerned that this delivery was only for a 12 hour period, and that it didn't occur during the normal irrigation season.

However, I called the watermaster today, and we discussed the situation. After my conversation with the watermaster, this situation made sense to me. From what I gathered from the watermaster, the ditch is in a gravelly area, and cannot deliver the amount of water needed down the ditch without all of the water users on that ditch calling for water at the same time. The watermaster didn't have firsthand knowledge of this situation, so he performed the test to insure that his information was correct.

Apparently, there is approximately 70 inches of water that can be delivered to that ditch, but there hasn't been any deliveries to the ditch since approximately 2007. The watermaster informed me that if the full 70 inches of water are delivered to the ditch, then it would be possible for you to get the 20 inches of water to your property. I assume that they operated the ditch on a rotation basis where each user received all of the water for certain period of time.

Unfortunately, without the other water users asking for their water to be delivered at the same time, there is virtually no way that you can receive your water through the ditch. The most that you could receive would be about 5.7 inches after the ditch was fully soaked, which could take months if at all. You cannot make the other water users call for their water to allow you to get your proportionate share of the water to your property, so I now agree that the reasons why the surface water has not been used is beyond your control. With this information, I think we can move forward with the Water Supply Bank lease for the surface water right.

It would also make sense, that you would need to use the well to irrigate the property if the other water users did not call for the surface water. Therefore, I can make the leap of faith that if there are pumping records, power records or records from the water district showing the well was used during the irrigation season that it would have been used to irrigate the property, because the surface water couldn't make it to the property without the other surface water users calling for their water at the same time.

I apologize for the long email, but I have to write things out so I can understand how everything works. Remember, if you can't get the information to me on the well by the 17th, you can email me as for more time. I may be able to give another week or two if needed.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856

From: jason reading [mailto:jasonreading2003@yahoo.com]
Sent: Friday, December 30, 2011 12:22 AM
To: Nelson, Dan
Subject: Re: Water Supply Bank Lease

Dan,

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Jason Reading
3240 East Spring Creek Dr
Twin Falls, ID 83301
208-681-5897
jasonreading2003@yahoo.com

From: "Nelson, Dan" <Dan.Nelson@idwr.idaho.gov>
To: jasonreading2003@yahoo.com
Cc: "Van Bussum, Monica" <Monica.VanBussum@idwr.idaho.gov>
Sent: Wednesday, December 28, 2011 9:37 AM
Subject: Water Supply Bank Lease

PLEASE NOTE: A copy of this letter was placed in the mail on December 28, 2011. This email is being sent as a courtesy to allow additional time to compile the needed documentation.

Dear Mr. Reading,

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Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

Nelson, Dan

From: Nelson, Dan
Sent: Friday, December 30, 2011 6:31 AM
To: 'jason reading'
Cc: Van Bussum, Monica
Subject: RE: Irrigation Letter

Hello Jason,

I am afraid we will need something that said she irrigated property, or some other form of verification such as the wells power records, crop records, or affidavits from neighbors who witnessed the irrigation in 2006. Just turning on the well doesn't preserve the water right, so we will need a statement/affidavit from her that states she irrigate the ground.

Actual irrigation needs to take place, unless like you are doing with the watermaster, you can show that there were circumstances beyond hers or your control preventing the system from operating. Aerial photography from 2006 suggests that no irrigation took place, however, aerial photography can be disputed using crop records, pumping records, or power records for the well.

You may contact your power company and see if you can find power records showing when the well was last used. Most power companies keep pretty good records on wells used for irrigation.

I would also like you to know that you can have Roger Email me his response instead of sending a letter. An email from the watermaster is acceptable.

You have done a tremendous amount of work on this, and done a very good job. We are just about there. We just need to tie up a few loose ends.

Thank You Jason.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

From: jason reading [<mailto:jasonreading2003@yahoo.com>]
Sent: Friday, December 30, 2011 12:30 AM
To: Nelson, Dan
Subject: Fw: Irrigation Letter

Dan,

This letter is the email Brenda Blackwell sent me regarding water rights 34-13873 and 34-14047 this past summer. If you need something other than this let me know.

Thanks,

Jason Reading



----- Forwarded Message -----

From: Brenda blackwell <skiidahoblackwell@msn.com>

To: jasonreading2003@yahoo.com

Sent: Monday, July 11, 2011 5:59 PM

Subject: Irrigation Letter

Hi Jason,

Let me know if you need the letter to be in more detail. Hopefully this will work.

Thanks,

Brenda

309-1252

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, December 28, 2011 9:38 AM
To: 'jasonreading2003@yahoo.com'
Cc: Van Bussum, Monica
Subject: Water Supply Bank Lease

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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

December 28, 2011

COPY

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Dear Mr. Reading,

I have been asked to review the re-submittal of your Water Supply Bank lease application. In the cover letter that you sent with the applications, you refer to a letter/affidavit from the previous owner that "the well was turned on and used on the property prior to the sale of the land to myself in November of 2006." You also state that you requested that your surface water be delivered, but was not able to reach the property. Your water right also requires that Desiree, Jeff, and Michelle Reading are required to sign any changes to the water right. In order to move forward with the processing of your application we will need the following documentation to confirm the claims in your letter:

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