

Van Bussum, Monica

From: Van Bussum, Monica
Sent: Friday, May 13, 2011 11:39 AM
To: 'Greg Sullivan'
Subject: 37-810 et al (Pantiotou)

Hi Greg,

I had the opportunity to speak with Pam about this series of Bank applications. I was focusing more on enlargement when I looked at these and saw they are wholly stacked by acreage. However, we are also tasked with ensuring a Bank approval will not cause injury to other users, and that is really the question here. Section 42-222, Idaho Code, allows for some flexibility with moving/enlarging storage rights, specifically:

The transfer of the right to the use of stored water for irrigation purposes shall not constitute an enlargement in use of the original right even though more acres may be irrigated, if no other water rights are injured thereby.

So, with the Bank rules and in statute, we are concerned with injury. In light of this injury question, we need some more information about the historic use of the right to ensure injury does not happen. The lease to the Bank of 37-810, 37-811 and 37-4040 could lead to an increase in the number of acres being irrigated, greater consumptive use, and/or a greater need to fill the pond, all of which could lead to injury.

Can you provide information about the historic use of the water? Can you also provide an explanation of how the proposed unstacking of 37-810, 37-811 and 37-4040 from 37-4041 will not result in injury to other water rights? Some of this may hinge on the location of nearby water users.

In accordance with our usual Bank policy, I can give you 14 days to provide the additional information required. Please call if you have questions. Thanks!

Monica

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Wednesday, May 11, 2011 1:50 PM
To: Van Bussum, Monica
Subject: Question

Monica,

Were you able to discuss the George Pangiotou lease application with Pam?

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