



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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June 23, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JOHN REITSMA
3586 US HWY 93
TWIN FALLS ID 83301

RE: WATER SUPPLY BANK RENTAL; WATER RIGHT NOS. 47-2296C, 47-8011A

Dear Renter:

In 2008, the Department of Water Resources processed a lease and rental to allow you to lease some water from water right 47-2296C and put it to use in T12S R16E Sections 12 and 13. You have subsequently filed Transfer 73717 to move additional water for commercial and stockwater use in Sections 12 and 13.

Additionally, correspondence from the watermaster of Water District 130 indicates the well that is supposed to be leased, and therefore idled, has not been curtailed. Condition number 3 on your lease approval states:

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 section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.

It appears you are continuing to use water under 47-2296C from the leased well and that you are using water at the rented place of use, thereby potentially causing enlargement in water use and possible injury to other water users, as well as potentially violating the conditions of the lease acceptance. It also appears you have filed to put additional water in Sections 12 and 13 and will file a second transfer to place even more water in Sections 12 and 13. I encourage you to examine your water use and reassess whether your lease and rental of 47-2296C is necessary given your continued water use from the leased well and the subsequent transfers.

If you have any questions, please contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

c: Allen Merritt – IDWR Southern Regional Office
Nick Van Dyke – IDWR State Office
Robert E. Williams – Fredericksen Williams Meservy & Lothspeich, LLP
Gary Funderburg – TSK Enterprises LLC
Greg Sullivan – Brockway Engineering PLLC
Cindy Yenter – Watermaster, Water District 130