

Van Bussum, Monica

From: Kristin M. Moore [kmoore@rockymountainenvironmental.com]
Sent: Friday, June 17, 2011 9:47 AM
To: Van Bussum, Monica
Subject: RE: 22-13994 (BC Properties/Dennis Lowe)
Attachments: POUMap.pdf

Monica,

I apologize for using an old application. It wasn't until after we got signatures that we realized we had not updated the form in our files. Please find attached a map of the proposed POU. The well location will be adjacent to the pond, most likely just to the east between the pond and the house. The original intention was to use the existing domestic well, but I believe they are going to drill a new well just for the pond based with the water rights recently obtained through the transfer and permitting process.

Thank you,

Kristin

From: Van Bussum, Monica [mailto:Monica.VanBussum@idwr.idaho.gov]
Sent: Thursday, June 16, 2011 9:42 AM
To: Kristin M. Moore
Subject: RE: 22-13994 (BC Properties/Dennis Lowe)

Hi Kristin,

Thanks for your response and the emailed attachment. I do have one other question. The rental application does not identify a place of use or include a map of the proposed POU. Can you provide a POU? Also, and just FYI, the rental application form used is the old one. You may not have realized there is a new one and it is available on our website. Thanks!

Monica

From: Kristin M. Moore [mailto:kmoore@rockymountainenvironmental.com]
Sent: Monday, June 13, 2011 10:26 AM
To: Van Bussum, Monica
Subject: RE: 22-13994 (BC Properties/Dennis Lowe)

Monica,

Water right 22-13994 has conditions that suggest it is a supplemental water right. However, prior to any sale and transfers related to the parent rights, we worked with IDWR to establish that the portion of the parent right appurtenant to the NESW of Section 5, T5N R45E never was supplemental to a surface water right due to the topography of the land, which is uphill of the potential surface water ditch that would have delivered the surface water right. Attached is a memo that explains in more detail the discussion that took place. From the date of the meeting described, IDWR has recognized this right as primary in all transfers that have been submitted.

I hope that this clarifies the issue. Let me know if you need more.

Thank you,

Kristin

From: Van Bussum, Monica [<mailto:Monica.VanBussum@idwr.idaho.gov>]
Sent: Friday, June 10, 2011 3:59 PM
To: Kristin M. Moore
Subject: 22-13994 (BC Properties/Dennis Lowe)

Hi Kristin,

I am reviewing this lease/rental pair and it looks like I need a little more information. Two things:

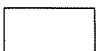
1. 22-13994 is a ground water right that is supplemental. Normally these are not accepted into the Bank because they are difficult to rent and it is also difficult to quantify historic beneficial use. If you can provide evidence of historic beneficial use, such as pump records, for at least 3 of 5 consecutive years, I can look at it for acceptance into the Bank. If not, I will need to return the application as denied.
2. I have another leased right in Basin 22 that may be a candidate for the Dennis Lowe rental. The leased right is 22-7336 and was accepted into the Bank and it should be very easy to draft a rental for the initial fill of the Lowe pond.

Let me know which way you want to go on these. I can hold them each for 14 days. Thanks!

Monica

Dennis H Lowe Family Trust



- | | |
|---|---|
| ● Existing Well |  Twp & Rng |
|  Island |  Section |
|  Pond |  QQ |

0 125 250 500 Feet

N



Map created June 2011
By: K Moore



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Sent: Monday, June 13, 2011 10:26 AM
To: Van Bussum, Monica
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Attachments: Memo_11.06.2007.pdf

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Monica

Memorandum

To: File

From: Kristin Moore

Date: November 6, 2007

Re: Water Right No. 22-13584

On Friday, October 26, 2007, Shelley Keen, Jeff Peppersack, Ernie Carlsen, Pam Skaggs, Roger Warner, Kristin Moore, Ken Chambers, and Jeff Borer met together in person or by teleconference to discuss water right 22-13584, a split right of 22-7690. The issue at hand was to determine if the ground water right was a primary or secondary right. A Due Diligence was performed on this right prior to the meeting. During the research, language was found in the original license 22-7690 indicating that the ground water was secondary to the surface water rights out of South Leigh Creek. Although the well was developed in 1977, an application for the ground water right was not submitted until 1991 by Mr. James Hatch, the previous property owner who developed the well. During the licensing process, it is believed that an assumption was made that the surface water was still in use. The field examiner made no mention of witnessing surface water being used on the property, only that there were surface water rights that were appurtenant to portions of the property. Since the IDWR database shows active surface water rights, a condition was placed on the ground water license 22-7690 indicating that it was secondary in nature. Based on historical irrigation practices Mr. Hatch detailed to Ken Chambers, one of the owners of right 22-13584, the subject ground in the NESW of Section 5 was never irrigated with surface water due to its higher elevation. Surface water was scarce on the entire place of use since it is located near the end of the Bell-McCracken ditch. Delivery of the full surface water rights was difficult and rare. When the well was developed, Mr. Hatch testified that the ground water was used as the primary source of irrigation from then on.

Based on the evidence discussed, it was determined by the group present at the meeting that the water right 22-13584 was a primary right on the subject ground in the NESW of Section 5, T5N, R45E. A decision was not made as to whether the ground water was primary on the remainder of the lands under the original license as it was not discussed in detail.