

Memorandum

To: Tim Luke
From: Blake Jordan

RE: Site visit Findings for PEP, LLC Application To Sell Or Lease A Water Right To The Water Supply Bank and an Application To Rent Water From The Water Supply Bank.

PEP, LLC submitted an Application To Sell Or Lease A Water Right To The Water Supply Bank and an Application To Rent Water From The Water Supply Bank on May 17, 2009 involving water rights 35-7246C and 35-8864. There were some concerns and questions whether some of the proposed acres in the applications have gone five years without use and whether some of the proposed acres are still being irrigated. A site visit was done on August 4, 2009 to determine the validity of water rights 35-7246C and 35-8864. The purpose of this memo is to discuss the site visit findings.

On August 4, 2009 Chris Pratt accompanied me on the site visit and showed me the acres in question; which he proposes to lease to the water supply bank:

04S 30E Sec. 35 SE ¼ (29.2 acres)

Applicant proposes to lease 29.2 acres from water right 35-8864 to the water supply bank. A pivot irrigation system was found to be irrigating approximately 124.8 acres of alfalfa. A corner arm was observed laying in the NESE of section 35, 04S, 30E detached from the pivot. It appears that there has been no irrigation occurring in the corners of the alfalfa field this year.

Aerial photography from 2004 and 2006 show that a corner arm use to be part of the pivot irrigation system where it would swing out and irrigate corners that the main pivot could not reach.

04S 30E Sec. 25 NWSE ¼ (32 acres), SWSE ¼ (2 acres)

Applicant proposes to lease 48.4 acres from water right 35-7246C. 32 acres located in the NWSE ¼, of 04S 30E Sec 25 appear to be dry when looking at all IDWR aerial photos and landsat images from 2004 to 2008. On site, mainline with risers were observed bordering the northern and western boundaries of the NWSE ¼, 04S 30E Sec. 25. Also the NWSE ¼ had a fence around the perimeter. Chris Pratt proclaimed in 2008

he planted SainFoin (Healthy Hay) in July and irrigated until September. During the fall he pastured the land off for cows. Chris pointed out some left over SainFoin growing within the area. The majority of the land is now covered in weeds and grasses. There was also a water trough and hoof prints observed in the NWSE ¼.

When reviewing a map of the proposed acres to be leased and rented to the WSB, it appears there are approximately 5 acres located in the N ½ of the NWSE ¼ which is part of a different field. Chris Pratt does not want that 5 acres to be leased to the WSB. Also, Chris said the 2 acres in the SWSE ¼ shouldn't be part of the application.

According to 2008 WMIS record for 35-7246C (WMIS # 600032), 807.89 AF (highest on record) of water was used to irrigate land pertinent to water right 35-7246C. 2007 record shows 523.43 AF and 2006 record shows 709.93 AF.

04S 30E Sec 28 (Unauthorized irrigation of 107 acres)

The application to rent water from the WSB proposes to rent 114.6 acres to apply to a pivot located in the East ½ of 04S 30E Sec 28. A measurement was taken to determine the size of the field using a Garmin III GPS unit. The measurement was taken from the center of the pivot to the end of the potato field. According to the GPS measurement, the radius of the field is approximately 1218.3 ft. The total acres being irrigated are approximately 107 acres. According to the application the radius of the pivot system is 1260 ft which would cover approximately 114.6 acres. Only 107 acres are being irrigated as a result of approximately 6 nozzles being plugged off.

Other acres proposed to be leased in the WSB

The remaining acres that are proposed to be leased to the WSB have been in CRP. IDWR has documents on file verifying CRP acres.