

**Marshall, Aaron**

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**From:** Carlsen, Ernie  
**Sent:** Wednesday, July 29, 2009 4:45 PM  
**To:** Marshall, Aaron  
**Subject:** PEP LLC

Aaron, on the lease application for PEP LLC there are two areas of concern. First are the corners for the pivot in the SE, S35, T04S, R30E. A recent field visit by Blake Jordan and Dave Carlson confirmed the east corners were being irrigated, which likely means the west corners are also being irrigated. As I understand the water bank this would negate being able to lease water from these acres into the water bank. Second is the NWSE, S25, T04S, R30E. Blake received an affidavit stating the land was farmed last year. However a physical inspection of the property failed to reveal any remnant volunteer crops growing on the property and the 2008 land sat shows no irrigation except for a strip of land along the north boundary (maybe five acres). All the other corners are in CRP and according to Blake would qualify for a WB lease.

Thanks  
Ernie Carlsen  
Water Resource Program Manager  
(208) 525-7161

7/30/2009



State of Idaho

*Transfer is in  
Blakes office*  
**DEPARTMENT OF WATER RESOURCES**

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EASTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

June 1, 2009

PEP, L.L.C  
1356 S 3000 W  
ABERDEEN, ID 83210

RE: Application for Transfer

Dear Applicant(s):

The Department of Water Resources has received your application for transfer. Preliminary review of the application indicates that some of the acres you are trying to transfer appear to be dry. According to Idaho 42-222 (2) "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that all water rights appurtenant to land contracted in a federal cropland set-aside program, shall not be lost and forfeited for nonuse during the contracted period."

Documents and maps were submitted showing that some corners under water rights 35-7246B and 35-7246C are under CRP. There are concerns that some of the corners under water rights 35-7246B and 35-7246C have gone 5 years without use. The two maps under this attachment show acres under CRP and acres that appear to be dry. Do you have any documentation or evidence showing corners being irrigated?

We can continue processing this application as is but there is a high potential that these corners will be forfeited due to non-use.

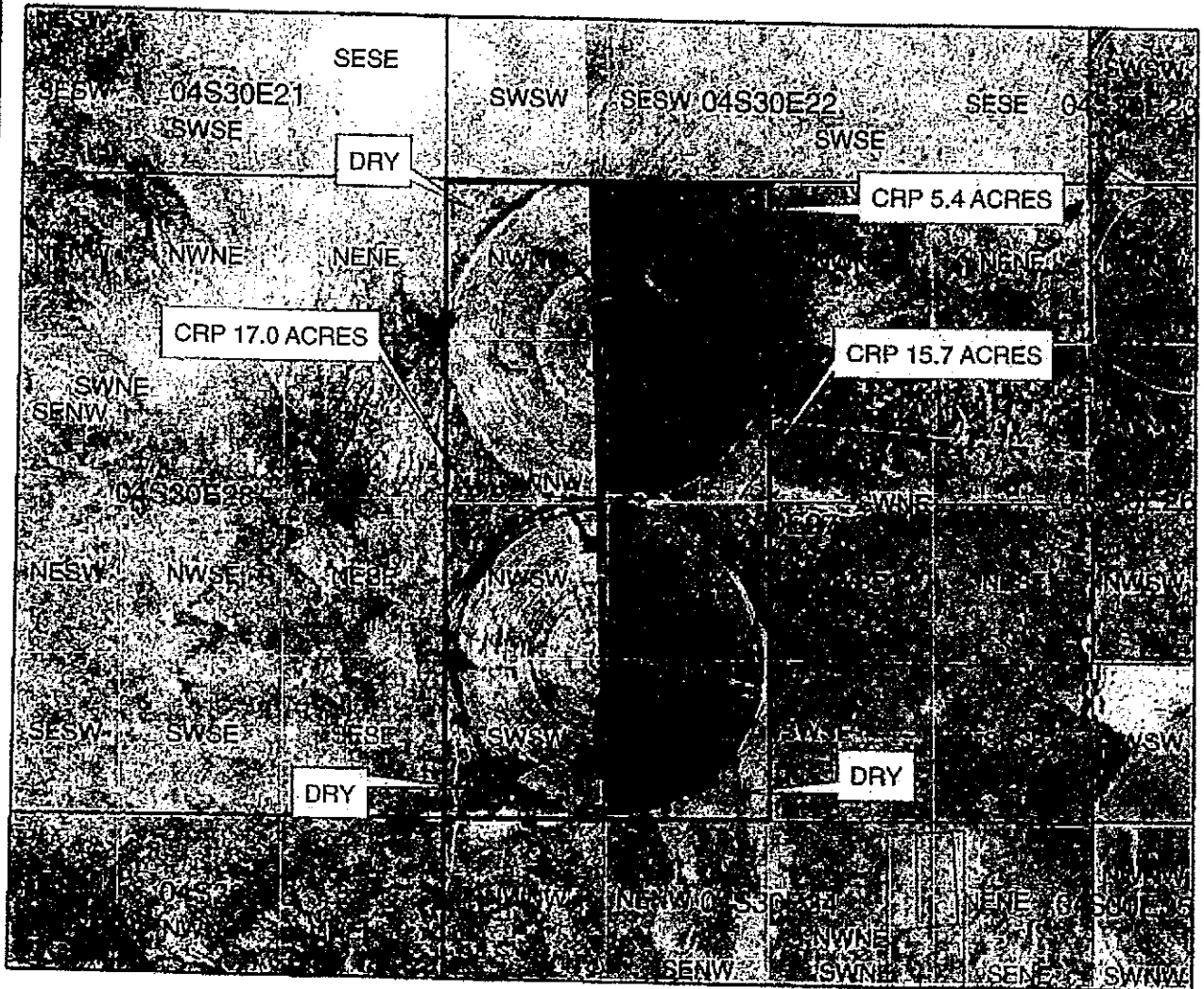
Please feel free to contact this office if you have any questions.

Sincerely,

Blake Jordan  
Water Resource Agent

CC: Thompson Engineering, INC  
Jason Helms

35-7246B



**Legend**

- Township/Range
- Sections
- QQ

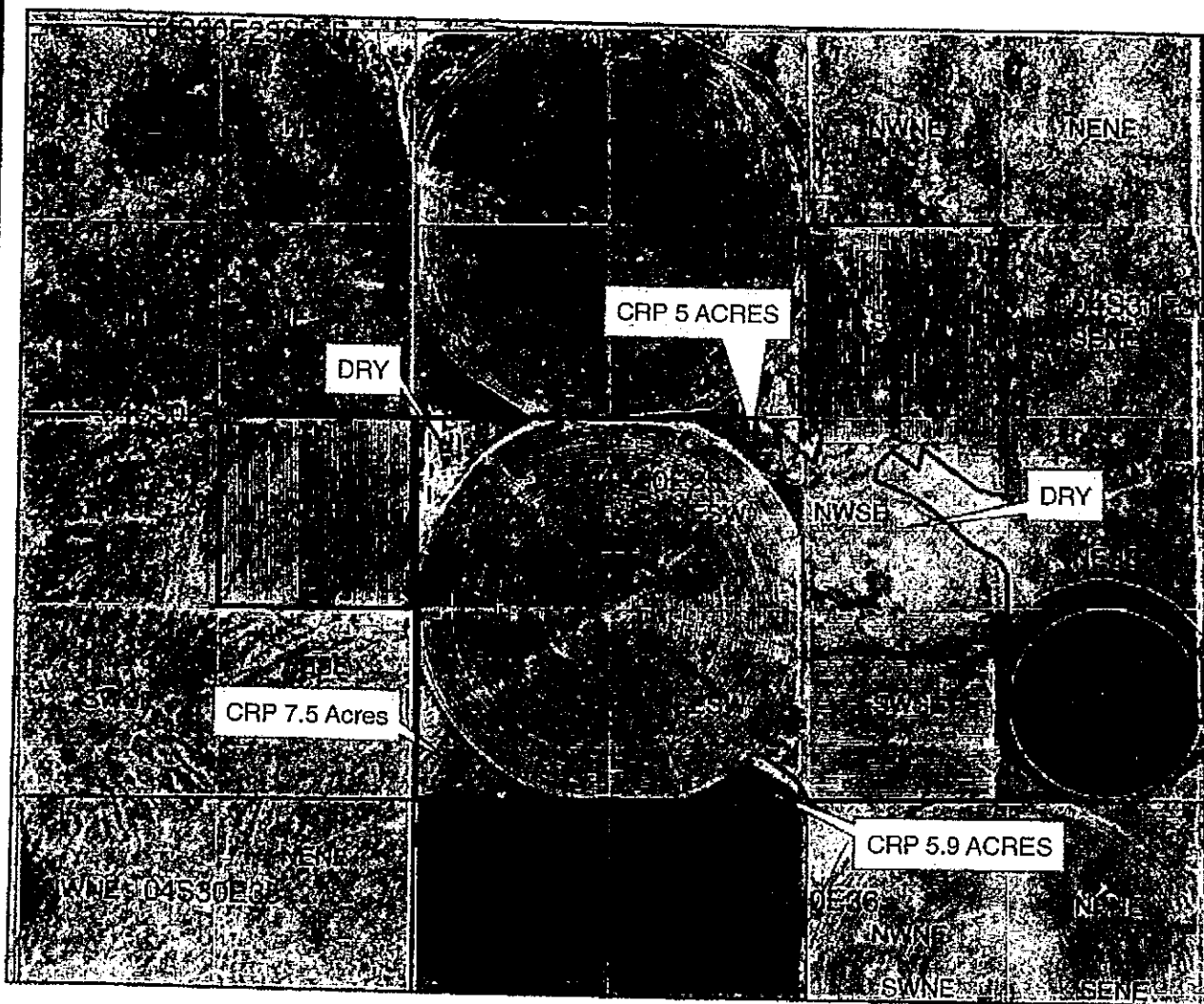
Water Right Boundary Outlined In Blue

0 0.15 0.3 0.6 Miles



IDWR  
2006 Aerial Photography

35-7246C

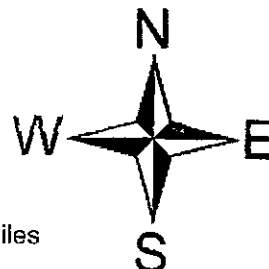


**Legend**

-  Township/Range
-  Sections
-  QQ

Water Right Boundary Outlined In Blue

0 0.15 0.3 0.6 Miles



IDWR  
2006 Aerial Photography