



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2002

GAIL MCGARRY
MANAGER OF WATER RIGHTS & ACQUISITIONS
BUREAU OF RECLAMATION
1150 N CURTIS PN 3030
BOISE ID 83706-1234

RE: WATER RIGHT RENTAL FROM HIGH-LIFT PUMPERS FROM THE SNAKE RIVER. ELIGIBILITY OF LANDS IRRIGATED FOR DUST ABATEMENT. WATER RIGHT NOS. 2-2269, 2-2367, 2-7255, 2-7263, and 2-7317

Dear Ms. McGarry:

This letter is confirmation of our discussions regarding the diversion of water for dust abatement by Mr. Jack Post of the South Elmore Irrigation Company, and the decision to reduce the total lease payment rather than declaring the associated lands ineligible for payment under Memorandum of Agreement ("MOA") No. 1425-02-MA-10-3460 between the U.S. Bureau of Reclamation and the Idaho Department of Water Resources.

As we have discussed, it was determined through satellite imagery and during site visits, that Mr. Post applied water to lands during the irrigation season. Though the associated Snake River water right was rented from the Water Supply Bank ("bank") through an agreement with the Bureau of Reclamation, Mr. Post did not notify the Department or receive authorization to divert water during the irrigation season. The lands were therefore identified as ineligible for payment based on criteria set forth in the MOA, section II.b and II.e.2.

After notification of the eligibility status of the lands, Mr. Post contacted the Department by telephone and submitted a letter, dated December 2, 2002, to explain the use of the water and to document the amount applied (see attached). He stated that prior to deciding to place the lands into this year's pilot program, the field had been prepared for seeding. He indicated that blowing soil had become a hazard; therefore, water was applied for dust abatement purposes. He calculated that a total of 14.8 acre-feet of water were applied during the irrigation season.

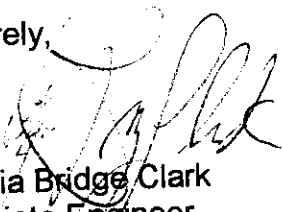
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The Department acknowledges that the unauthorized diversion of water by Mr. Post was a violation of the MOA. However, it is our understanding that the Bureau has decided that due to extenuating circumstances, the total lease payment issued to South Elmore Irrigation Company will be reduced by 14.8 acre-feet rather than determining that the lands were completely ineligible.

Please contact me if you have any questions.

Sincerely,



Cynthia Bridge Clark
Associate Engineer
Water Allocation Bureau

Enclosure

c: Western Regional Office

Jack Post
Post Farms
PO Box 298
Mountain Home, Idaho 83647

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