



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 22, 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

JULIE BUTLER
SALLY SMITH
SUSANN SMITH
512 S MILL HOLLOW RD
REXBURG ID 83440

NOTICE TO RESUME WATER USE

Re: Water Right No. 22-7336

Dear Applicant:

On December 16, 2010, the Department of Water Resources (Department) approved an Application for Extension of Time to Avoid Forfeiture for the above referenced water right. One condition of the approval was that diversion and use of this water must resume on or before November 1, 2018. Failure to resume use of the water and to notify the Department of the resumed use would cause for the water to revert back to the state.

Our review of your water right file revealed that the above referenced water right is currently leased into the Water Supply Bank. Leasing your water right, in lieu of resuming use of your water right, extends the protection from forfeiture. However, this approach has not been challenged in court as of the date of this letter. The validity of your water right could come into question since according to Idaho Code § 42-222 a resumption appears to be a requirement in the process of filing an extension to avoid forfeiture.

I am enclosing a Resumption of Use form for your use to notify the Department of your resumption of use of the water right. Please complete the form and return it to my attention at the above address.

If you have any questions regarding this matter, please contact me at (208) 287-4881.

Sincerely,

Sandra Thiel
Sr. Water Right Agent

Enclosure

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8-22-18