



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 23, 2003

RALPH O WHEATLEY
DBA MEADOWBROOK RANCH
10053 S MARSH CREEK RD
MCCAMMON ID 83250

RE: APPLICATION TO LEASE WATER RIGHT NOS. 1-28D, 1-169F, 27-2124, 27-4008, 27-4009, 27-4010, 27-7494 AND SRBA CLAIM 27-11314 TO THE WATER SUPPLY BANK

Dear Mr. Wheatley:

The Department of Water Resources ("department") has completed its review of the Applications to Sell or Lease Water Rights to the Water Supply Bank ("bank") that you submitted to this office. Please consider that the offered water rights referenced above are accepted into the bank with the exception of water right permit no. 27-7494 and Snake River Basin Adjudication ("SRBA") claim 24-11314. Permit no. 27-7494 cannot be accepted to the bank at this time as proof of beneficial use has not been submitted and the extent of development has not been verified. Similarly, SRBA claim 27-11314 is based on a beneficial use and has not yet been reviewed by adjudication staff. It cannot be accepted into the bank until further evidence of development is available.

Several items to keep in mind in connection with lease of a water right to the bank are as follows:

1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

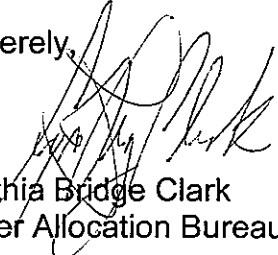
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Finally, water right nos. 27-4008, 27-4009, and 27-4010 are all based on statutory claims. Though corresponding claims have been filed with the SRBA, the department has not verified the validity of either claim. These rights have been accepted into the bank; however, evidence of validity will be required before these rights can be rented from the bank.

If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR - Eastern Region, Soda Springs Office
1-28D, 1-169F, 27-2124, 27-4008, 27-4009, 27-4010, 27-7494 and SRBA Claim
27-11314

Randall C. Budge

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