



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 21, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LARRY KETTERLING
953 W 200 S
PAUL ID 83347

**RE: APPLICATION TO LEASE WATER RIGHT NO. 36-2216 TO THE
WATER SUPPLY BANK**

Dear Applicant:

The Department of Water Resources ("department") has completed its review of the Application to Sell or Lease Water Right(s) to the Water Supply Bank ("bank"). Based on that review, the department has decided not to accept Right No. 36-2216 into the bank. The reasons are described below.

The Water Supply Bank rules provide criteria to be considered when determining whether to accept a water right into the bank. One of the criteria for consideration is the probability of selling or renting the water right from the bank. In addition, the rules prohibit enlargement of the use of the water right. Water measurement records of the department indicate that use under Right No. 36-2216 has been minimal or nonexistent for many years. The value of the right for rental is questionable and there is little probability for rental without enlargement of the right.

If forfeiture of the right is a concern, a right holder can apply to extend the period to avoid forfeiture of a water right. You can request a form be mailed to you, or visit our website at <http://www.idwr.state.id.us/> to obtain a copy of the form. Your right may also be protected from forfeiture based on exceptions or defenses to forfeiture described in Section 42-223, *Idaho Code*.

If you have questions, please feel free to contact the department.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

cc: Allen Merritt – IDWR Southern Regional Office

RECEIVED
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Department of Water Resources
Southern Region

36-2216