



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 • Web Site: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

May 22, 2013

BARKER ROSHOLT & SIMPSON LLP
C/O PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301

RE: APPLICATIONS TO LEASE/RENT WATER RIGHT 37-2599 TO AND FROM THE WATER SUPPLY BANK AND DISPOSITION OF LEASE/RENTAL APPLICATIONS FOR WATER RIGHT 37-2649B

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease water right 37-2599 to the Water Supply Bank (Bank). Based on that review, we cannot accept the water right into the Bank.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. Criteria include whether enlargement will occur upon rental of the right. During our review, we found that water right 37-2599 is stacked with several water rights that divert from ground water and the Big Wood River (see attached spreadsheet). The rental of 37-2599 alone would constitute an enlargement of the right; therefore, 37-2599 cannot be accepted into the Bank and your application is being denied and returned to you. Consequently, your application to rent water right 37-2599 is also being returned to you unprocessed.

If you still wish to offer the right for lease to the Bank, please submit a new application along with applications to lease the appropriate portions of associated stacked water rights. Future lease applications must be original, signed documents on current Department application forms. In addition, the application must include all requested information including a map of the specific acres to be idled during the lease period, which we did not receive for water right 37-2599.

Please be aware that the applications to lease and rent water right 37-2649B into and from the Bank have been reviewed and do not have the same enlargement issues. At this time the Department will hold any action on the lease and rental applications for 37-2649B and will be processed once the Department receives confirmation that you would still like to pursue the applications. If the Department does not receive a response within 14 days, the Department will assume that you are no longer interested in pursuing the applications will be returned to you unprocessed.

You may respond to cherie.palmer@idwr.idaho.gov or contact me at (208) 287-4944 with questions.

Sincerely,

A handwritten signature in cursive script that reads "Cherie Palmer".

Cherie Palmer, Sr. Water Resource Agent
Water Allocation Bureau

Enclosure – Lease/Rental Application for Water Right 37-2599 (original)

c: Brockway Engineering PLLC w/o enclosures
APPLICANTS