



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

February 21, 2013

DAVID BAYLESS
EUNICE BAYLESS
3425 W BEACON LIGHT RD
EAGLE ID 83616

RE: WATER SUPPLY BANK LEASE APPLICATIONS FOR 63-8513

Dear Applicant:

The Department of Water Resources contacted you on November 9, 2012, asking for a map showing the place of use for your leased water right (36 acres in Township 04 North, Range 01 East, Section 31). At that time, we asked you to send a map within 14 days. We have not received return correspondence.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. The criteria include assessing whether enlargement will occur upon rental of the right. In reviewing your lease, we see that 63-8513 is stacked with Right No. 63-124F and lease and rental of 63-8513 alone would constitute enlargement in water use. Therefore, we must terminate your lease effective immediately.

If you still wish to offer the rights for lease to the Bank, please submit new applications along with an application to lease the appropriate portion of the associated stacked water rights. Future lease applications must be on current Department application forms and include all requested information including a map of the specific acres to be idled during the lease period and evidence that the offered rights have been used within the previous five years. Please note a water right is not protected from forfeiture unless accepted into the Bank or an exception or defense to forfeiture applies as described in Idaho Code § 42-223. If forfeiture is a concern, consider filing an Application for Extension of Time to Avoid Forfeiture. Please contact me at (208) 287-4907 with questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

C: John Westra – IDWR Western Regional Office
Christopher H. Meyer – Givens Pursley LLP