



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

February 8, 2013

THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: WATER SUPPLY BANK LEASE APPLICATION FOR RIGHT NO. 22-13016

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease to the Water Supply 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. The criteria include assessing whether enlargement will occur upon rental of the right. Right No. 22-13016 is considered stacked with other water rights and lease (and potential subsequent rental) of 22-13016 as proposed would constitute enlargement. Therefore, we must deny your lease application.

On its own, 22-13016 is for 160 acres. However, 22-13016 is also limited to 253 acres total when combined with 22-312 and 22-487C. Right No. 22-312 is limited to 160 acres and Right No. 22-487C is limited to 160 acres. If you add the three rights, you get 160 ac + 160 ac + 160 ac, which equals 480 acres. Therefore, lease of 22-13016 without a proportional share of 22-312 and 22-487C, would constitute enlargement.

Additionally, 22-13016 is limited with other rights.

22-13016 + 22-312 + 22-487C =	253 acres
22-616:	400 ac
22-42:	40 ac
22-160:	160 ac
22-545:	90 ac
22-13160:	40 ac
Total:	983 ac
Authorized limit under water rights:	736.3 ac

The acreage under the individual rights or groups adds up to 983 acres. However, all of these water rights include a condition limiting them to a total of 736.3 acres. You would have to offer portions of all of these water rights to avoid enlargement.

If you have any questions, please call me at (208) 287-4907.

Sincerely,

A handwritten signature in cursive script, appearing to read "Monica Van Bussum".

Monica Van Bussum
Sr. Water Resource Agent

Enclosure – Lease Application (copy)

C: James Cefalo – IDWR Eastern Regional Office
G. Erick Powell – Brockway Engineering PLLC