



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

January 29, 2013

RANDY PEHRSON
PEGGY PEHRSON
3754 W 4050 N
MOORE ID 83255

RE: APPLICATION TO LEASE WATER RIGHT NOS. 34-644F AND 34-2323E TO THE WATER SUPPLY BANK

Dear Applicant:

On October 2, 2012, the Department received your application to lease 34-644F and 34-2323E to the Water Supply Bank. Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated."

Correspondence with staff at IDWR's Eastern Regional Office in conjunction with review of Transfer application 78059, it appears there are concerns with extended non-use of water under these water rights. Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 cannot be met and we must deny your lease application.

Additionally, Water Supply Bank Rule 25 requires the applicant to be the owner of the water right in question. Department records indicate Mark Schluter is the owner of record and we must deny your application.

If you wish to apply for a lease again, please submit evidence that the water right has not undergone a five-year period of non-use and that you own the water right. Please contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

C: James Cefalo and Kerrie Mathews – IDWR Eastern Regional Office