



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

November 30, 2012

PTR INC
33 SPRING BULCH RD
GARDEN VALLEY ID 83622

**RE: APPLICATION TO LEASE WATER RIGHT NOS. 65-3222, 65-3223 and 65-8290 TO
THE WATER SUPPLY BANK**

Dear Lessor:

The Department of Water Resources has completed its review of your applications to lease the above-mentioned water right numbers to the Water Supply Bank. The offered water rights are accepted into the Bank in accordance with the attached Water Supply Bank Lease Acceptance. If you do not agree with the conditions of the Lease Acceptance and would like to withdraw your water rights from the Bank, you must contact the Department within thirty (30) days of receipt of this notification.

The rights will automatically be released from the Bank on **December 31, 2017**, unless the rights are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the rights from the Bank, you must submit a request in writing, along with all applicable fees, to the Department prior to the release date. Be aware your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Acceptance, including #3 which says, "While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

On March 31, 2009, the department approved your Application for Extension of Time to Avoid Forfeiture for water right nos. 65-3221, 65-3222, 65-3223, 65-3224, 65-3225, and 65-8290. One condition of the approval was that diversion and use of this water must resume on or before October 15, 2012. Failure to resume use of the water and to notify the department of the resumed use would be cause for the water to revert back to the state and again be subject to appropriation. This approval accepts 65-3222, 65-3223, and 65-8290 into the Water Supply Bank (WSB) with a lease term of *2012 through 2017*. However, the law is not clear whether other defenses to forfeiture, such as enrollment in the WSB, exempt a water user from the requirement to resume use.

Contact me at (208) 287-4907 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Monica Van Bussum", with a long horizontal flourish extending to the right.

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: John Westra – IDWR Western Regional Office
Ron Shurtleff- Watermaster Water District No. 65