



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 20, 2012

MELVIN GIBBONS
MARVIN M GIBBONS
3230 S TERRI DR
MERIDIAN ID 83642

RE: APPLICATION TO LEASE WATER RIGHT NO. 63-33170 TO THE WATER SUPPLY BANK

Dear Lessor:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right number to the Water Supply Bank. The offered water right is 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 right from the Bank, you must contact the Department within thirty (30) days of receipt of this notification.

The right will automatically be released from the Bank on **December 31, 2015**, unless the right is released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right 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 right 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."

Additionally, as you know, Right No. 63-33170 is limited with 63-33169 and 63-10813 to a total diversion rate of 3.30 cfs. 63-33169 is authorized for 2.7 cfs and 63-10813 is authorized for 0.54 cfs. Both rights belong to Kuna East Water Corp. 63-33169 and 63-10813 add up to 3.24 cfs. Your right is authorized for 0.26 cfs. Adding 0.26 cfs to 3.24 cfs gives 3.50 cfs, in excess of the combined limit for these rights. Since you are the only lessor and not Kuna East Water Corp., we can accept your entire right into the Bank but we must limit rentals to 0.06 cfs to avoid enlargement of water use.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mon Van Bussum", with a stylized, flowing script.

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: John Westra – IDWR Western Regional Office
Kuna East Water Corp – 12220 S Hawk Haven; Kuna ID 83634