



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 8, 2012

JASON HELMS

JCH ENGINEERING & CONSULTING PLLC

6755 N ALBERT LN

IDAHO FALLS ID 83401

RE: WATER SUPPLY BANK LEASE RELEASE AND ADJUSTMENT REQUESTS FOR RIGHT NOS. 25-14380, 25-14381, 25-14382 AND 35-14280; RELATED RIGHT NOS. 35-7310A, 35-14162 AND 35-14249

Dear Jason:

On November 5, 2012, we received your letter requesting release of splits of Right No. 35-14162. Right No. 35-7310A was originally leased into the Water Supply Bank in its entirety on June 5, 2007. Right No. 35-7310A was split by Transfer into Right Nos. 35-14162 and 25-14351. Both "child" water rights remained in the Bank in their entirety for an indefinite period.

As you know, Right No. 35-14162 was then split by Transfer 76986 into 35-14249 and 35-14250. Both "child" rights remained in the Bank in their entirety for an indefinite period until this summer when the Bank released Right No. 35-14250.

Transfer 78016 split a portion of Right No. 35-14249 into Right No. 35-14279 which was renumbered to Right No. 25-14380. Transfer 78016 also changed ownership on that portion to the City of Ammon. **Right No. 25-14380 remains in the Bank in its entirety with an indefinite lease period.**

Transfer 78017 split a portion of Right No. 35-14249 into Right No. 35-14280. **Right No. 35-14280 remains in the Bank in its entirety with an indefinite lease period.**

Transfer 78018 split a portion of Right No. 35-14249 into Right No. 35-14281 which was renumbered to Right No. 25-14381. **Right No. 25-14381 remains in the Bank in its entirety with an indefinite lease period.**

Transfer 78019 split a portion of Right No. 35-14249 into Right No. 35-14282 which was renumbered to Right No. 25-14382. **Right No. 25-14381 remains in the Bank in its entirety with an indefinite lease period.**

In your letter, you requested immediate release of 25-14380, 25-14382 and 35-14280 in full. You requested an adjustment to the lease term of 25-14381 to end at the end of 2013 instead of being indefinite.

We must deny your request to release Right No. 25-14380. The rightholder of record is the City of Ammon and only an authorized representative from the City of Ammon can request the release of the right. If you wish to release these rights, complete the required Request to Release form (available on IDWR's website) and have a representative from the City sign it, or you can sign it provided you submit proper authorizing documents.

As for Right Nos. 25-14382 and 35-14280, we do not have any documents on file giving you signature authority on behalf of Idaho Water Company LLC, rightholder for these two rights. If you wish to release these rights, please complete the required Request to Release form and have Mr. Kohtz sign it, or you can sign it provided you submit proper authorizing documents.

Regarding the requested lease period adjustment for 25-14381, Mr. Kohtz signed and completed the appropriate form but it is missing documentation. The form says Mr. Kohtz wishes to extend the lease for only part of Right No. 25-14381. We believe you mean that the entirety of 25-14381, which is a part of 35-14162, will remain in the Bank. The form requires you submit a map of the area to be leased. Please submit a map showing the acres to be idled.

We do not have documentation sufficient to release any of these rights from the Bank at this time. We can allow you until **November 26, 2012**, to provide the required information. If we do not receive a response by that time, we will consider the matter closed and all the leases will remain intact and indefinite.

Sincerely,



Monica Van Bussum

Sr. Water Resource Agent

C: Lyle Swank and James Cefalo – IDWR Eastern Regional Office
Idaho Water Co LLC – 1135 Valley Rd S; Eden ID 83325
City of Ammon – 2135 S Ammon Rd; Ammon ID 83406