



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

October 30, 2012

MARK S TRACY
2422 12TH AVE RD BOX 377
NAMPA ID 83686

RE: WATER SUPPLY BANK LEASE APPLICATION FOR 63-3597B

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. Water rights 63-3597B considered stacked in acres with permit 63-11773, and rental of 63-3597B alone would constitute enlargement. Therefore, we must **deny** your lease application.

You have a couple of options if you wish to protect this portion of the right from forfeiture. First, you could file an Application for Extension of Time to Avoid Forfeiture. If approved, that will protect the acres from forfeiture for five years. However, you cannot renew an Extension of Time. Second, you could wait until 63-11773 is fully licensed and then offer the acreage under 63-3597B and 63-11773 to the Water Supply Bank. It appears 63-11773 is nearing licensing. On an instructional note, 63-3597B was partially decreed in the Snake River Basin Adjudication (SRBA) in 2009 and you are protected from forfeiture in the five years succeeding the partial decree, so you would not be required to take a formal step to avoid forfeiture until 2015.

As a further note, your application was filed in the name of Mark and/or Susan Tracy. Only Mark S Tracy is listed as a current owner of 63-3597B. Susan Tracy on Bennett Road is listed as an original owner. If you have any questions, please call me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure – Lease Application (copy)

C: John Westra – IDWR Western Regional Office
Terry Scanlan – SPF Water Engineering