



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 22, 2012

FOSTER LAND & CATTLE
PO BOX 40
RIRIE ID 83443

**RE: APPLICATION TO LEASE WATER RIGHT NOS. 35-13944 AND 35-13946 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, 2012**, 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."

You also applied to put a portion of 35-13948 in the Bank but there is no need because, while it does overlap with the other rights, the acreage limit in 35-13948 is less than additive with the acreage limits of the other two rights. Contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: Lyle Swank – IDWR Eastern Regional Office
James Cefalo – Watermaster, Water District 130
Luke Marchant – Holden Kidwell Hahn & Crapo PLLC