



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

September 21, 2012

PAUL BRAINERD  
2000 FIRST AVE #2504  
SEATTLE WA 98121

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
ASSOCIATED RIGHT NO. 37-2627D

Dear Applicant:

The Department has completed its review of your Application to Rent Water from the Water Supply Bank, received September 14, 2012. In past years, you have been approved rental water from Right No. 37-2627D.

As you know from previous years, applications for rental of water must be reviewed in accordance with Idaho Code § 42-1763 and the Department's Water Supply Bank Rule 30 (IDAPA 37.02.03.030). This includes consideration of whether the proposed use will reduce the quantity of water available under existing water rights. The Big Wood River upstream of Hailey is an effluent stream, meaning ground water is tributary to the river. Minimum stream flow water rights and other surface water rights may be affected by changes in ground water use.

On July 16, 2008, you filed Application for Transfer 75177, to move water in much the same way as this rental. Multiple protests were filed, citing the potential for injury to other rightholders including minimum streamflow rights. You subsequently withdrew the transfer but the Department must acknowledge those concerns in future applications. We have previously approved your rental because transactions like it are small and transient. However, applications for this type of movement are becoming repeated and more frequent. Additionally, no one has shown there would be no injury to other rightholders by such a move (pardon the double negative). The injury would of course be miniscule, but real, if it occurred. Also, having these applications become repeated and more frequent means the total impacts are no longer likely to be insignificant.

We looked at the possibility of renting you rights other than 37-2627D but there are none in a suitable location. We find the same concerns with other ground water rights leased to the Bank in Basin 37.

This letter is notice that the attached applications for rental of water are denied. Any use associated with your rental request is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If you have any questions regarding this matter, please contact me at (208) 287-4907.

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

c: Allen Merritt – IDWR Southern Regional Office  
Kevin Lakey – Watermaster, Water District 37  
James P. Speck – Speck & Aanestad