



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 18, 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

P CHAD BAILEY
SUSAN C BAILEY
428 S 200 W
RUPERT ID 83350

NOTICE TO RESUME WATER USE

**Re: Water Right No. 36-16210 (split and renumbered from 43-7126) &
Water Right No. 36-16211 (split and renumbered from 43-4037)**

Dear Mr. & Mrs. Bailey:

On May3, 2007, the department approved your Application for Extension of Time to Avoid Forfeiture for water right nos. 36-16210 and 36-16211.

One condition of the approval was that diversion and use of this water must resume on or before July 26, 2012. Failure to resume use of the water and to notify the department of the resumed use would be cause for the water to revert back to the state and again be subject to appropriation.

Idaho Code § 42-222(4)(d) requires the department to send this notice, by certified mail, sixty days prior to the date water use must resume. Enclosed are the Resumption of Use forms for your use to notify the department of your resumption of use of the water right. Please complete the forms and return them to my attention at the above address.

I do note that water right nos. 36-16210 and 36-16211 was accepted in to the Water Supply Bank (WSB) with a lease term of *1996 and extended for an indefinite period*. However, the law is not clear whether other defenses to a forfeiture, such as enrollment in the WSB, exempt a water user from the requirement to resume use.

If you have any questions regarding this matter, please contact me at (208) 287-4910.

Sincerely,

Danni M Smith
Technical Records Specialist 2

Enclosures

Cc: D.L. Evans Bank (Security Interest Holder)
PO Box 87
Twin Falls ID 83303

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SUSAN C BAILEY	
City, State, ZIP+4	
428 S 200 W	
RUPERT ID 83350	