



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
Interim Director

April 25, 2012

DALTON GARDENS IRRIGATION DISTRICT
6360 N 4TH ST
DALTON GARDENS ID 83815

RE: APPLICATION TO LEASE WATER RIGHTS 95-467 AND 95-467A TO THE WATER SUPPLY BANK

Dear Applicant:

On April 23, 2012, the Department received your applications to lease the rights above to the Water Supply Bank. The applications sought to lease a portion of 95-467 and all of 95-467A to the Water Supply Bank. These applications were previously denied on May 30, 2011, because of concerns about enlargement. Additionally, at that time I noted the rights are protected from forfeiture by being claimed in the Northern Idaho Adjudication (NIA).

My letter of May 30, 2011, said, "Without a verification of the volume in use and a map of the acres to be idled as a result of these leases, we are unable to protect against enlargement and must return your applications as denied." Your most recent applications did not include a verification of the volume in use and only included a map of Dalton Gardens' digital boundary. The Water Supply Bank Rules (also known as IDAPA 37.02.03) require the Department to protect against enlargement of water rights upon acceptance into, or rental from, the Bank. The Department cannot adequately protect against enlargement without verifying volume and irrigated acreage under the rights. If you wish to have the Department reconsider the applications, please submit the required evidence within 30 days.

Both 95-467 and 95-467A were filed with the Department as claims in the NIA on November 9, 2009. If you are worried about forfeiture, the rights are protected while in a pending adjudication.

Additionally, your letter indicated you were seeking to place a portion of 95-467 into the Bank. 95-467 has a diversion rate of 14.0 cfs and a diversion volume of 3,765 AF. Your application says it is for 17.36 cfs and 2947.8 AF. I suspect this 17.36 cfs is a typographical error but you may want to reexamine if you decide to apply again at a later date. Please contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosures: Bank lease applications (copies)

C: Keith Franklin, Ken Knoblock and Chad Goodwin – IDWR Northern Regional Office