



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

April 23, 2012

C. L. "BUTCH" OTTER
Governor

DOUBLE A DAIRY
350 S COUNTYLINE RD
JEROME ID 83338

NOTCH BUTTE FARMS LLC
PO BOX 486
JEROME ID 83338

GARY SPACKMAN
Interim Director

RE: Water Supply Bank Lease for 37-7533A – now split into Right Nos. 37-22612, 37-22613 and 37-22614

Dear Lessors:

This letter is to update you on the status of the lease of Right No. 37-7533A in the Water Supply Bank. This water right was leased into the Water Supply Bank by Double A Dairy on October 5, 2009. The ground leased was 22.3 acres in Township 6 South, Range 17 East, Section 32, SWNW.

At some point between 2009 and 2011, a change of ownership was processed, resulting in the split of Right No. 37-7533A into 37-22612 (Notch Butte Farms), 37-22613 (Double A Dairy) and 37-22614 (Double A Dairy). On August 24, 2011, Transfer 73035 was approved, changing the place of use for the water rights. The transfer changed 22.5 acres of irrigation under 37-22614 to commercial and stockwater. Right Nos. 37-22612 and 37-22613 now describe 3.9 acres of irrigation in T6S R17E Section 32 SWNW.

As you can see, many changes have taken place since the lease was first granted and it is important the Department know which portion(s) of which water right(s) should remain leased to the Bank. As you know, the leased amount should be **unused while the right is in the Bank**. Any use of water under rights leased to the Bank could potentially result in a notice of violation. Additionally, there is concern about enlargement of rights if a right is leased and still used, and then rented elsewhere.

Please respond with confirmation of the leased portion within 14 days. If no response is received, we will release all of the lease from the Water Supply Bank. Please contact me at (208) 287-4907 if you have any further questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

C: Allen Merritt – IDWR Southern Regional Manager
Greg Sullivan – Brockway Engineering PLLC