



**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](http://www.idwr.idaho.gov)

April 18, 2012

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

ARK PROPERTIES LLC  
11204 N BAR 21 DR  
GLENN'S FERRY ID 83623-5033

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK;  
OTHER WATER RIGHT NOS. 63-12447 AND 63-33344**

Dear Applicant:

In January 2012, the Idaho Department of Water Resources ("Department") received your application to rent water from the Water Supply Bank to irrigate 200 acres. The Department denied the application because: (1) a contested case is pending for an application filed by ARK Properties proposing diversion and use of ground water at the same location, and (2) the location of the point(s) of diversion for the rights proposed for rental are a significant distance from the proposed new point of diversion, and there is questionable hydraulic connection between the ground water underlying the points of diversion for the water rights proposed to be rented and the ground water underlying your new proposed point of diversion.

Based on conversations at a status conference for the contested case, I understood that ARK Properties wanted to divert water from an existing well and gather data in preparation for the contested case hearing. I asked staff to reconsider your Water Supply Bank application in combination with a monitoring plan to evaluate aquifer response to additional pumping.

Thank you for the additional time to reevaluate the application and review possibilities for a monitoring plan. The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. The Department denied your original application in part because there were not water rights in the Water Supply Bank available in the vicinity of the proposed wells. This is still the case and continues to be a concern for the Department. The proposed monitoring plan is also deemed insufficient to provide any significant additional data to evaluate the sufficiency of the water supply. This letter again denies your rental application.

The Department is willing to further discuss using the Water Supply Bank as a tool to allow diversion of water for data collection in the contested case hearing. My purpose for agreeing to reconsider the rental application was for data collection, not to establish a long term water supply. I've asked staff to search for any other water rights available for rental. Because

the rental would be approved for the purpose of data collection, I suggest a rental of a one-year combined with an aquifer test during the rental period.

If you have any questions, please contact me at (208) 287-4800.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Spackman". The signature is fluid and cursive, with the first name "Gary" and last name "Spackman" clearly distinguishable.

Gary Spackman  
Interim Director

C: John Westra – IDWR Western Regional Office  
Lori Graves and Scott King – SPF Water Engineering  
Bruce Smith – Moore, Smith, Buxton & Turcke, Chtd.  
Monica Van Bussum – IDWR State Office, Water Supply Bank  
Sean Vincent – IDWR State Office, Hydrology Section