



State of Idaho

DEPARTMENT OF WATER RESOURCES

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February 6, 2012

C. L. "BUTCH" OTTER
Governor

MITCHELL D SORENSEN
3871 W 2500 N
MOORE ID 83255

GARY SPACKMAN
Interim Director

RE: WATER SUPPLY BANK APPLICATIONS TO LEASE AND RENT WATER RIGHT NOS.
34-7052 AND 34-7110

Dear Mr. Sorensen:

This letter is the follow-up to a telephone conversation I had with your attorney, Luke Marchant, on February 3. As you know, we received your applications to lease and rent Right Nos. 34-7052 and 34-7110 through the Water Supply Bank. There are four matters that need to be addressed before the Department can process the applications.

1. Your applications to lease Right Nos. 34-7052 and 34-7110 indicated the rights were unused by the right holder, Richard Potter, since 2002. Your statement accompanying the applications indicated you were seeking to have the water rights declared protected from forfeiture under the provisions of Section 42-223(6), Idaho Code. This portion of Idaho Code says, "No portion of any water right shall be lost or forfeited...if the nonuse results from circumstances over which the water right owner has no control." Your evidence indicates Mr. Potter did not have access to the well. However, there were other means of protection available – applying for an extension of time, applying for a Water Supply Bank lease earlier, applying to transfer the water right to an alternative well. It is important the Department understands why Mr. Potter did not take other action to protect the water rights from forfeiture.
2. The rental applications indicate Big Lost River Irrigation District negotiates transport contracts for water moving through its system. The applications propose to convey water through the BLRID system. The Department will need either assurance from BLRID that an agreement is forthcoming, or an agreement in place at the time of rental approval.
3. The Department will require measuring devices be placed on the points of diversion prior to diversion and use of water under the rental agreement. It is likely the points of diversion already have such devices, but the Department wants to make sure you know this will be a condition of approval.
4. The Department will require an assessment of the impact the proposed pumping will have on wells within one-half (0.5) miles of the proposed point of diversion.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

c: Luke Marchant – Holden Kidwell Hahn & Crapo
Nick Miller – IDWR Water Distribution Section Manager
James Cefalo – IDWR Eastern Regional Office