



State of Idaho

DEPARTMENT OF WATER RESOURCES

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December 16, 2011

C. L. "BUTCH" OTTER
Governor

BARRIE FAMILY PARTNERS
PO BOX 793
BELLEVUE ID 83313

GARY SPACKMAN
Interim Director

RE: WATER SUPPLY BANK LEASE FOR 37-332 (ALSO 37-2639D AND 37-13371)

Dear Applicant:

The Department of Water Resources has been reviewing some of its active leases. Water right 37-332 was accepted into the Water Supply Bank in 2002. A recent review of the water right indicates it overlaps with two other water rights, 37-2639D and 37-13371.

37-332 is a water right for the irrigation of 15.9 acres from the Big Wood River. There is a condition in 37-332 which reads, "Rights 37-332, 37-2639D and 37-13371 when combined shall not exceed the irrigation of 15.9 acres." Right 37-2639D is for the irrigation of 0.9 acres from ground water and has the same condition. Right 37-13371 is for the irrigation of 8 acres from ground water and also has the same condition.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. The criteria include assessing whether enlargement will occur upon rental of the right. Water right 37-332, judging by the legal description of the irrigated place of use and the condition limiting irrigated acres, is stacked with 37-2639D and 37-13371 and rental of 37-332 alone would constitute an enlargement of the right. Normally we would not accept 37-332 into the Bank by itself, but would require proportional shares of the overlapping rights be leased to the Bank as well. It appears the overlap was either missed in the initial review or came about as a result of the Snake River Basin Adjudication (SRBA) after the lease was accepted. It is important we remedy this situation as soon as possible. The easiest remedy would be for you to apply to put proportional shares of 37-2639D and 37-13371 into the Water Supply Bank.

I realize this is a lot of information and could be confusing. Please feel free to contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure – Lease Application (copy)

C: Allen Merritt – IDWR Southern Regional Office
Jim Speck – Speck & Aanestad