



State of Idaho

DEPARTMENT OF WATER RESOURCES

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November 18, 2011

JAMES D MEEKS
DIANE SAWYER MEEKS
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JEROME ID 83338

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: APPLICATION TO LEASE A PORTION OF WATER RIGHTS 36-7032, 36-7336 AND 36-7684 TO THE WATER SUPPLY BANK

Dear Applicants:

The Department of Water Resources (Department) has completed its review of your applications to lease water rights to the Water Supply Bank (Bank). Based on that review, the Department must deny your applications. The reasons are described below.

The Water Supply Bank Rules (also known as IDAPA 37.02.03) provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration is whether lease and subsequent rental will result in enlargement. Enlargement is based on extent of development and beneficial use. These three rights are supplemental to water rights held by Northside Canal Company. Because of their supplemental nature, the extent of use under supplemental rights is often much less than is on the face of the right, making it difficult to rent supplemental water rights without enlargement. Often when a supplemental right is offered to the Bank, the primary right (in this case, water rights held by Northside Canal Company) is offered to the Bank as well to prevent enlargement. If you wish to reapply for a lease, please include documentation regarding the historic use of the supplemental right.

Additionally, the referenced water rights are included in the 2010 Idaho Ground Water Association mitigation plan as voluntarily idled ground water irrigation acres, and/or ground water has not been diverted under the rights because all acres appear to be irrigated with a surface water source. Rights included in an active mitigation plan are not eligible for acceptance into the Bank.

Please note a water right is not protected from forfeiture unless accepted into the Bank or an exception or defense to forfeiture applies as described in Idaho Code § 42-223. Supplemental water rights are difficult to forfeit through 5 years of non-use through their very nature – they are only used when needed. Additionally, if you are participating in an approved mitigation plan, the rights in the plan are protected from forfeiture, as well. Please feel free to contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

c: Allen Merritt – IDWR Southern Regional Office
Brian Higgs – WaterWell Consultants – 6330 W 33rd S; Idaho Falls, ID 83402