



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 15, 2011

STEVE WILSON
JOEL TEELEY
WOOD RIVER VALLEY IRRIGATION DISTRICT #45
PO BOX 2223
HAILEY ID 83333-2223

RE: WATER SUPPLY BANK APPLICATIONS FOR RIGHT NOS. 37-363D AND 37-20348

Dear Mr. Wilson and Mr. Teeley:

I am writing in response to your letter dated October 10, 2011, which was received in this office on November 7, 2011.

As you know, because WRVID #45 owns the point of diversion (POD) for the water rights in question, the Department needs to acquire the written consent of WRVID #45 for the lease of 37-363D and 37-20348. It appears from your letter that WRVID #45 will provide written consent if the Department withholds an allowance for conveyance loss from the Bank.

Water right 37-363D explicitly mentions the conveyance loss under the water right as 0.02 cfs. The Department calculates that 37-20348 authorized 0.03 cfs for conveyance loss. This would result in a total of 0.05 cfs being withheld from the Bank leases between 37-363D and 37-20348.

The Department proposes to accept for lease only the amount authorized for delivery at the field headgate under 37-363D and 37-20348. This would leave the conveyance loss portions of the rights out of the Bank and allow the full 0.05 cfs to be used for conveyance loss. This would also not put Mr. Turco in danger of forfeiting his water rights, and would help WRVID #45 retain more water in its ditch.

Additionally, your letter, on page 2, states, "All this water has been turned in to the 45 during the SRBA – to change now would be an injury to the WRVID #45." During the SRBA, the forfeiture clock was tolled (or, stopped), even if the water was not being put to beneficial use. It appears that the water rights were not in use during at least some of this time and the water right itself should not have been turned down the 45 if those water rights were not being used. With the water rights being leased to the Bank, only the 0.05 cfs for conveyance loss would be available to be turned down the 45. Even if the water rights were not proposed to be leased to the Bank, if the rightholder is not calling for the water, only the 0.05 cfs for conveyance loss should be turned down the 45.

Please let me know within 30 days if this is sufficient to garner the written consent of WRVID #45. Also, when you do send written consent, please ensure it includes original signatures. Feel free to contact me at (208) 287-4907 with questions.

Sincerely,

A handwritten signature in black ink, reading "Monica Van Bussum". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Monica Van Bussum
Sr. Water Resource Agent

c: Kevin Lakey – Watermaster, Water District 37
Timothy Tyree – Hawley Troxell Ennis & Hawley LLP
Allen Merritt – IDWR Southern Regional Office