



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

November 9, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

GARY L FUNDERBURG
TSK ENTERPRISES LLC
255 BLUE LAKES BLVD N
PMB 617
TWIN FALLS ID 83301

RE: Resumption of Beneficial Use

Dear Mr. Funderburg:

The department acknowledges receipt of the statement of resumed beneficial use of water submitted for water right 36-16480. The department accepts the Resumption of Beneficial Use based on the information provided.

According to your letter, on behalf of Luis M. Bettencourt, water right 36-16479 is active in the Water Supply Bank until 2015. The department recognizes your letter as an assertion of the status of water right 36-16479 and does not constitute written resumption of use at this time.

Idaho Code § 42-222(4)(d) says, in pertinent part:

If the use of the water has not been resumed and report thereon made on or before the date set for resumption of use such right shall revert to the state and again be subject to appropriation, as provided in this section.

The law is not clear whether other defenses to forfeiture, such as enrollment in the Water Supply Bank, exempt a water user from the requirement to resume use.

If you have any questions regarding this matter, please contact me at (208) 287-4952.

Sincerely,

Emalee Rushing
Administrative Assistant

Cc: LUIS M BETTENCOURT
2930 S 2300 E
WENDELL ID 83355