

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, September 20, 2011 11:13 AM
To: 'ehigbee@sisw.org'
Cc: Van Bussum, Monica
Subject: Southern Idaho Solid Waste water rights
Attachments: APP EXTENSION TO AVOID FOREITURE .DOC;
Water_Supply_Bank_Lease_Application.pdf; 45-7047B.pdf

Eric Higbee,

As we discussed this morning, I'm forwarding information about leasing unused portions of SISW's water rights into the Water Supply Bank. Idaho Code Section 42-222 says that water rights can be forfeited if they are not used for a period of 5 consecutive years. Forfeiture applies to all or part of a water right. Since the two SISW water rights, 45-7047B and 45-7221B, were decreed by the Snake River Basin Adjudication court in 2005, any unused portions were protected from forfeiture through the end of 2005. The years 2006 through 2010 represent five years of non-use, so resumption of use or protection from forfeiture must be in place by the end of 2011.

There are a handful of ways to protect water rights from forfeiture. The two main ways are to submit an Application for Extension of Time to Avoid Forfeiture or to lease the unused portions of the water rights into the Water Supply Bank (WSB). The WSB tends to be the more popular option because the water right owner can benefit financially if the water right is rented from the WSB for use by someone else.

I've attached three items for your review.

- 2005 SRBA partial decree for Rights 45-7047B and 45-7221B (Reaffirms the information in the 2004 transfer approval.)
- Application for Extension of Time to Avoid Forfeiture
- Application to Sell or Lease a Water Right to the Water Supply Bank

For more information about the Water Supply Bank, see http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm or contact the Water Supply Bank Coordinator, Monica Van Bussum, at 208-287-4907.

Please call or email if you have additional questions.

Sincerely,

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