



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

September 16, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

LUIS M BETTENCOURT
2930 S 2300 E
WENDELL ID 83355

NOTICE TO RESUME WATER USE

Re: Water Right No. 36-15678 (split into 36-16479 and 36-16480)

Dear Mr. Bettencourt:

On May 3, 2007, the department approved your Application for Extension of Time to Avoid Forfeiture for water right no. 36-15678. Subsequent to this approval, transfer no. 73535 split this water right into 36-16479 and 36-16480.

One condition of the approval was that diversion and use of this water must resume on or before November 15, 2011. Failure to resume use of the water and to notify the department of the resumed use would be cause for the water to revert back to the state and again be subject to appropriation.

Idaho Code § 42-222(4)(d) requires the department to send this notice, by certified mail, sixty days prior to the date water use must resume. Enclosed are the Resumption of Use forms for your use to notify the department of your resumption of use of the water right. Please complete the forms and return them to my attention at the above address.

I do note that water right 36-16479 was accepted in to the Water Supply Bank (WSB) with a lease term of December 18, 2010 – December 31, 2015. However, the law is not clear whether other defenses to a forfeiture, such as enrollment in the WSB, 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
Office Services Supervisor

Enclosures