



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 20, 2009

THOMAS J BUDGE
RACINE LAW OFFICE
PO BOX 1391
POCATELLO ID 83204



RE: WATER SUPPLY BANK LEASE AND RENTAL APPLICATIONS FOR
WATER RIGHT NOS. 13-43, 13-44, 13-45, 13-46, 13-2092, AND 13-2179

Dear Mr. Budge:

The Department of Water Resources ("Department") acknowledges receipt of the applications to lease portions of the above referenced water rights to the Water Supply Bank ("Bank") and the applications to rent these rights from the Bank. However, since your applications were not processed prior to the end of the proposed lease period, the Department is returning your applications. The Department regrets any inconvenience caused by the delay in processing your applications. Please submit new applications if you would like to lease water rights to the Bank or rent water from the Bank. To obtain the necessary application forms, please contact any Department office or visit the Department's web site at:

http://www.idwr.idaho.gov/water/rights/water_rights_forms.htm

Please note that applications to lease a water right to the Bank must be reviewed in accordance with the Department's Water Supply Bank Rule 25 (IDAPA 37.02.03.025). This includes consideration of whether the applicant is the current owner of the water right, whether the water right has been abandoned or forfeited, whether the requested rental rate is reasonable, whether acquisition of the water right will be contrary to the State Water Plan, whether the application is in the local public interest, the probability of renting the right from the Bank, and such other factors as determined to be appropriate by the Idaho Water Resource Board.

Applications for rental of water must be reviewed in accordance with the Department's Water Supply Bank Rule 30 (IDAPA 37.02.03.030). This includes consideration of whether there will be injury to other water rights, whether the proposal would constitute an enlargement of the water rights, whether the water will be put to a beneficial use, whether the water supply available from applicable rights in the Bank is sufficient for the use intended and whether the proposal is in the local public interest. While a one-year rental usually involves a general review of the water rights and proposed use, rental of water over multiple years may require more comprehensive review, notice to advise anyone who desires to protest the proposed water use, and approval by the Idaho Water Resource Board.

If you have any questions, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Sr. Water Resource Agent

Enclosures: (6) lease applications, (2) rental applications