



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

June 24, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JACK W FLAMMER JR
PO BOX 3923
HAILEY ID 83333

RE: APPLICATION TO LEASE WATER RIGHT NO. 37-159D TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources ("Department") has completed its review of your application to lease 37-159D to the Water Supply Bank ("Bank"). Based on that review, the Department cannot accept water right 37-159D into the Bank. The reasons are described below.

The Water Supply Bank Rules (also known as IDAPA 37.02.03) provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration is that submitted with the completed application shall be proof of current ownership of the water right (IDAPA 37.02.03.025.02.b). A review of taxlot data indicates most of the irrigated place of use (POU) under water right 37-159D is owned by the Bureau of Land Management. I have contacted the BLM to make them aware of the situation and they are currently considering the situation. Until we have proof of current ownership, we must deny your application to lease to the Bank because it does not comply with the Water Supply Bank Rules. I have enclosed a change of ownership form in case you need to file one to split the property you own from the rest of the water right.

Please note that a water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may also consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right.

If you have any questions, please contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure – Lease Application (copy)

c: Allen Merritt – IDWR Southern Regional Office
Jim Speck – Speck & Aanestad
Fred Price – BLM