



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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June 17, 2011

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

GULCH TRUST  
C/O T. MASON COM INVESTMENTS LLC  
2300 CARILLON PT  
KIRKLAND WA 98033

**RE: APPLICATION TO LEASE WATER RIGHTS 37-20865 AND 37-20866 TO THE  
WATER SUPPLY BANK**

Dear Applicant:

The Department of Water Resources has completed its review of your applications to lease to the Water Supply Bank. Based on that review, we cannot accept the water rights into the Bank.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. The criteria include assessing whether enlargement will occur upon rental of the right. Water rights 37-20865 and 37-20866 are stacked with 37-8400 and rental of 37-20865 and 37-20866 alone would constitute an enlargement of the right. Therefore, 37-20865 and 37-20866 cannot be accepted into the Bank at this time and we are returning your applications as denied.

If you still wish to offer the rights for lease to the Bank, please submit new applications along with an application to lease the appropriate portion of the associated stacked water right. Future lease applications must be on current Department application forms and include all requested information including a map of the specific acres to be idled during the lease period and evidence that the offered rights have been used within the previous five years.

Please note a water right is not protected from forfeiture unless accepted into the Bank or an exception or defense to forfeiture applies as described in Idaho Code § 42-223. If forfeiture is a concern, consider filing an Application for Extension of Time to Avoid Forfeiture. Please contact me at (208) 287-4907 with questions.

Sincerely,

Monica Van Bussum  
Sr. Water Resource Agent

Enclosure – Lease Applications (copies)

C: Allen Merritt – IDWR Southern Regional Office  
Kevin Lakey – Watermaster, Water District 37  
Jim Speck – Speck & Aanestad