



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

NOTCH BUTTE FARMS LLC
PO BOX 486
JEROMME ID 83338

RE: APPLICATIONS TO LEASE PORTIONS OF WATER RIGHT NOS. 37-2532A, 37-2804A and 37-20840 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources has completed its review of your application 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. One of the ways we look at enlargement is to identify the specific acres that are proposed to be idled through the lease. To this end, we sent a letter to your consultant Greg Sullivan of Brockway Engineering on May 31, 2011, asking for a map showing the acres proposed to be idled. As of today, we have received no return correspondence. Without the map, it is difficult to determine the exact location of the idled acres and to subsequently protect against enlargement and injury to other water users.

If you still wish to offer the right for lease to the Bank, please submit a new application along with a map of the specific acres to be idled during the lease period and evidence that the offered right(s) 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
Greg Sullivan – Brockway Engineering PLLC