



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 10, 2011

NOTCH BUTTE FARMS LLC
PO BOX 486
JEROME ID 83338

RE: WATER SUPPLY BANK LEASE APPLICATIONS FOR WATER RIGHT NOS. 37-20810,
37-20812, 37-20814 AND 37-20816

Dear Applicant:

On October 22, 2009, the Department received your applications to lease portions of the above water rights to the Water Supply Bank (Bank). 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. Approximately 18 acres of your land have been and continue to be irrigated outside the place of use (POU) authorized by the above-mentioned water rights. These 18 acres are not covered by any water right as far as we can determine. With acreage being irrigated outside of the water right, there is the possibility for enlargement of the rights if they are accepted and subsequently rented from the Bank. Therefore, we must return these applications as denied. We recommend you file an application for transfer so the water right can correctly describe the POU and then reapply in the future if you need.

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 you would still like to offer the water right for lease to the Bank, please submit new applications along with evidence that the offered right has been used within the previous five years. Please contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure: Lease Applications (copies)

C: Allen Merritt – IDWR Southern Regional Office
Cindy Yenter – Watermaster, Water District 130
Greg Sullivan – Brockway Engineering PLLC