



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

May 30, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

DALTON GARDENS IRRIGATION DISTRICT
6360 N 4TH ST
DALTON GARDENS ID 83815

RE: APPLICATION TO LEASE ALL OF WATER RIGHTS 95-467 AND 95-467A TO THE WATER SUPPLY BANK

Dear Applicant:

On February 7, 2008, the Department received your original applications to lease the rights above to the Water Supply Bank. On February 15, 2011, we returned those applications because they had not been signed and both rights were awaiting adjudication in the Northern Idaho Adjudication (NIA). On March 10, 2011, we received the signed applications back in this office. I called your office twice on March 10, 2011, and did not receive a call back.

A check of your website on May 27, 2011, indicates you are using at least some of the water under your water rights. The Water Supply Bank Rules (also known as IDAPA 37.02.03) require the Department to protect against enlargement of water rights upon acceptance into, or rental from, the Bank. Without a verification of the volume in use and a map of the acres to be idled as a result of these leases, we are unable to protect against enlargement and must return your applications as denied.

Both 95-467 and 95-467A were filed with the Department as claims in the NIA on November 9, 2009. IDWR will verify the extent of use for the water rights when it reviews them in the NIA. If, after they go through the adjudication process, you still wish to lease the rights to the Water Supply Bank, you could apply again at that time. I have enclosed new lease application forms for your convenience. If you are worried about forfeiture of the water rights, they are protected from forfeiture while in a pending adjudication.

Please feel free to contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosures: Bank lease applications

C: Bob Haynes – IDWR Northern Regional Office