



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 10, 2011

ARLO P LLOYD
BONITA T LLOYD
HC 61 BOX 1508
ELBA ID 83326

RE: WATER SUPPLY BANK LEASE APPLICATION FOR WATER RIGHT NO. 43-2532F

Dear Applicant:

On May 5, 2010, the Department received your application to lease a portion of the above water rights to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated."

A review of aerial photography between 2004 and 2009 shows no evidence of irrigation on the acres proposed to be leased to the Bank.

Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 can not be met and we must deny your lease application.

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 Application

C: Allen Merritt – IDWR Southern Regional Office
Matthew C Darrington – Robinson, Anthon & Tribe
615 H St
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Rupert, ID 83350-0396