



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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May 2, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JAY BARNETT
JONNA BARNETT
4550 N 18TH E
MOUNTAIN HOME ID 83647

**RE: APPLICATION TO LEASE WATER RIGHT NO. 61-11985 AND 61-11987 TO THE
WATER SUPPLY BANK**

Dear Lessor:

Thank you for resubmitting your application to lease 61-11985 and 61-11987, along with the additional information. That information provides supporting evidence for the water rights being offered to the Water Supply Bank in 2006 and 2007.

In my previous letter, I said there was evidence of non-use for the years 2001, 2002, 2003, 2006, 2007 and 2010. With this additional support, it appears the years 2006 and 2007 were protected by Bank action. Therefore, the offered water rights are accepted into the Bank in accordance with the attached Water Supply Bank Lease Acceptance. If you do not agree with the conditions of the Lease Acceptance and would like to withdraw your water rights from the Bank, you must contact the Department within thirty (30) days of receipt of this notification.

The rights will automatically be released from the bank on **December 31, 2016**, unless the rights are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right from the Bank, you must submit a request in writing to the Department prior to the release date.

According to Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025.08.e), "The forfeiture provisions of Section 42-222(2), Idaho Code are tolled during the time period the water right is in the Board's water supply bank, pursuant to the provisions of Section 42-1764, Idaho Code." This means the Bank stops the forfeiture clock, but does not reset it. For example, if there is one year of non-use for a water right when the right is accepted to the Bank, there is still one year of non-use for the water right when it is released from the Bank.

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

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: John Westra – IDWR Western Regional Office