



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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April 20, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

IDAHO ACRES DAIRY
897 N 700 E
RUPERT ID 83350

RE: APPLICATION TO LEASE WATER RIGHT 36-8412 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 right 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. Water right 36-8412 is stacked with 36-2512 and 36-11110 and rental of 36-8412 alone would constitute an enlargement of the right. Therefore, 36-7934 cannot be accepted into the Bank at this time and we are returning your application as denied.

If you still wish to offer the right for lease to the Bank, please submit a new application along with applications to lease the appropriate portions of associated stacked water rights. Future lease applications must be on current Department application forms and include all requested information including 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.

Additionally, this water right is supplemental. If you reapply, we will be unable to rent it without additional information about historic use. If you have information, please submit it when you submit your new applications. This information can take the form of pump records, power records, or some other documents indicating the amount of water used in a period of time.

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 Application (original)

C: Allen Merritt – IDWR Southern Regional Office
Cindy Yenter – Watermaster, Water District 130