



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

April 20, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RJ LLC
72 PELICAN POINT
RUPERT ID 83350

RE: APPLICATION TO LEASE WATER RIGHT NO. 36-7934 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources (Department) has completed its review of your application to lease a portion of 36-7934 to the Water Supply Bank (Bank). Based on that review, the Department cannot accept the water right into the Bank. The reasons are described below.

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 36-7934 is stacked with 36-7523 and rental of 36-7934 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 an application 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.

Please note a water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right. If you have any questions, please contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure – Lease Application (original)

C: Ann Pool – Brockway Engineering PLLC