



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

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April 14, 2011

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

PACKSADDLE PROPERTIES LLC  
PO BOX 631  
DRIGGS ID 83221

### RE: LEASE OF WATER RIGHT NO. 22-13729 TO THE WATER SUPPLY BANK; WATER RIGHT NOS. 22-13727 AND 22-13729

Dear Applicant:

In a review of water rights leased to the Water Supply Bank, we found that your water right 22-13729, was leased to the Bank in August of 2007. We determined that 22-13729 is what is considered a base right, meaning it was enlarged at a later date. The enlargement right number is 22-13731.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. One of those criteria is a water right may not be rented from the Bank if the rental will result in enlargement of the water right. Water right 22-13729 was accepted into the Bank, but its enlargement companion right 22-13731, was not. Since water rights 22-13729 and 22-13731 are considered stacked by being a base and enlargement pair and 22-13731 is not in the Bank, rental of 22-13729 alone would constitute an enlargement of the right. In addition, it appears 22-13727 is now stacked with these rights because of the approval of Transfer 73910.

We sent you a letter on March 30, 2011, confirming the lease of 22-13729. However, without portions of 22-13731 and 22-13727, we cannot keep 22-13729 in the Bank. You have two options:

1. Withdraw 22-13729 from the Water Supply Bank.
2. Apply to include portions of 22-13731 and 22-13727 in the lease to the Bank. Lease applications must be on current Department application forms and include all requested information including a description of the specific acres that will remain unirrigated during the lease period and evidence that the offered right(s) have been used within the previous five years. I have enclosed a lease application form for your convenience.

If we receive no response from you by May 16, 2011, we will automatically release 22-13729 from the Bank. Please contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum  
Sr. Water Resource Agent

c: Lyle Swank – IDWR Eastern Regional Office