



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 25, 2011

PATRICIA A BAKER
MICHAEL W BAKER
4201 W QUAIL RIDGE DR
BOISE ID 83703

RE: APPLICATION TO LEASE WATER RIGHT NO. 65-22627 TO THE WATER SUPPLY BANK

Dear Applicant:

On December 24, 2008, the Department received your application to lease 36-7020 and 36-11673 to the Water Supply Bank (Bank). I apologize for the delay in processing. 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 is was appropriated."

A review of aerial photography between 2002 and 2010 indicates no irrigation occurred during that time. Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 cannot be met and we must deny your lease application.

Please note that 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 also consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right.

If you have additional information that supports your application, you can resubmit it to the Bank. Please contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure: Lease Applications - original

C: John Westra – IDWR Western Regional Office