



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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March 25, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

GREG SULLIVAN
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST, STE 4
TWIN FALLS ID 83301

**RE: APPLICATIONS TO LEASE WATER RIGHT NO(S). 45-690, 45-691 AND 45-13904
(Moo View Cow Palace) AND 45-7317 (Searle) TO THE WATER SUPPLY BANK**

Dear Applicant:

The Department of Water Resources (Department) has completed its review of your applications to lease water rights to the Water Supply Bank (Bank). Based on that review, the Department cannot accept the water rights 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 45-7317 is stacked with 45-13981 and 45-13982 and rental of this right alone would constitute an enlargement of the right. Additionally, 45-690, 45-691 and 45-13904 are stacked with water rights 45-7004 and 45-7186A. Because rental of 45-690, 45-691, 45-7317 and 45-13904 would result in enlargement of the rights, they cannot be accepted into the Bank at this time and we are returning your applications.

If you still wish to offer the rights 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. It would also be very helpful if you show your calculations of how much will be offered for each water right, particularly for stacked rights such as 36-690 et al.

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

Enclosures – Lease Applications (original)

C: Craig Searle and Moo View Cow Palace – 522 E 600 S; Burley, ID 83318