



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 29, 2011

PHILLIP M WARNER
SUSAN H WARNER
7548 RIVERFRONT DR
MARSING ID 83639

RE: APPLICATION TO LEASE WATER RIGHT 2-10331 TO THE WATER SUPPLY BANK; SPLIT RIGHT 2-10348

Dear Applicant:

On January 28, 2008, the Department received your application to lease 2-10331 to the Water Supply Bank. At that time, it was a pending claim in the Snake River Basin Adjudication (SRBA). 2-10331 was partially decreed as disallowed on June 23, 2009, because it had been split into multiple rights. It appears you have ownership of one of the splits, 2-10348.

At the time you applied, 2-10331 was a right for irrigation use. As of this date, it is a right for mitigation use. Additionally, your original application requested a maximum term of three years, which would have expired on December 31, 2010.

We are returning your application for two reasons. First, the terms of the water right have changed substantially and, if you do wish to lease the right, we need confirmation of how much and what you wish to lease to the Bank. Second, the term of the original lease has expired and we would need another lease application anyway.

We often get lease applications where the right holder is concerned about forfeiture of the right. An important thing to note is that a right for mitigation use is protected from forfeiture under Section 42-223(10), Idaho Code. Additionally, water rights for mitigation cannot be rented from the Bank, making them unlikely candidates for acceptance. Please feel free to call me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s): Original lease applications

C: John Westra – IDWR Western Regional Manager