



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 25, 2011

DAVID K WICKMARK
5441 NE RANCHO WAY
MOUNTAIN HOME ID 83647

RE: APPLICATION TO LEASE WATER RIGHT NOS. 61-11989 AND 61-11991 TO THE WATER SUPPLY BANK

Dear Applicant:

On March 7, 2007, the Department received your application to lease the above rights 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 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 it was appropriated."

These water rights were involved in water right transfer 69816 in April 2003. At the time, there was a concern as to whether the water rights had been used in the previous 5 years and this is still a concern. The rights were partially decreed in the Snake River Basin Adjudication (SRBA) on October 26, 2000. Your Bank application was received on March 7, 2007, seven years from the date of partial decree. Additionally, transfer 69816 required that the changes to this water right be accomplished within one year of the approval of the transfer. It does not appear as though the transfer has been accomplished.

Because of this evidence 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 with questions.

Additionally, it appears we do not have your correct address in our records. Our records show your address as 5255 N 24th E; Mountain Home, ID 83355. I have enclosed a change of address form.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure: Lease Application – original

C: John Westra – IDWR Western Regional Office