



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

March 11, 2011

LARRY HARPER  
672 W 100 S  
PAUL ID 83347

RE: APPLICATION TO LEASE WATER RIGHT NOS. 36-7020 AND 36-11673 TO THE WATER SUPPLY BANK

Dear Applicant:

On May 4, 2005, the Department received your application to lease 36-7020 and 36-11673 to the Water Supply Bank (Bank). 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 it was appropriated."

Where applicable, Watermasters of their respective Water Districts are consulted when processing Water Supply Bank lease applications. I contacted Cindy Yenter, Watermaster for Water District 130, when processing your lease application. According to Ms. Yenter, Water Measurement Information Systems (WMIS) indicates no diversions from the well in question since 1995. These water rights were partially decreed in the Snake River Basin Adjudication (SRBA) in 1997 and 1998 and your applications were received in 2005. Hence, the Department does not have evidence the rights were diverted between 1997/1998 and 2005, a period of more than 5 years.

Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 can not be met and we must deny your lease application. 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: Allen Merritt – IDWR Southern Regional Office  
Cindy Yenter – Watermaster, Water District 130