



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

March 9, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SV HOMEOWNERS ASSN INC
C/O AMI
PO BOX 5714
BOISE ID 83705

RE: APPLICATION TO LEASE WATER RIGHT NO(S). 63-161BN and 63-2932 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources ("Department") has completed its review of your application(s) to lease water right(s) to the Water Supply Bank ("Bank"). Based on that review, the Department cannot accept water right(s) 63-161BN and 63-2932 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 rules prohibit enlargement of the use of the water right. We requested a map of the exact acres to be idled under this lease by email on February 10, 2011, and received calculations based on water diversion data. We requested a map again by email and by letter on February 16, 2011. The calculation of acres to be placed in the Bank was an estimate based on lot size. Initial review by our staff indicate this estimate is generous. Without a map, we simply cannot determine if enlargement will occur through this Bank transaction.

Additionally, Water Supply Bank Rule 25.02.b requires proof of current ownership of the water right by the applicant. While you are listed as the current holder of the water right, ownership within a homeowners' association (HOA) can be tricky. If you choose to reapply to the Bank, please include ownership documents verifying proof of ownership of the water right.

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 you have any questions, please contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

c: Lori Graves – SPF Water Engineering LLC