



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 4, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RAINY CREEK DEVELOPMENT
4198 EDGEWOOD CIR
IDAHO FALLS ID 83406

**RE: APPLICATION TO LEASE WATER RIGHT NO(S). 2-10369
TO THE WATER SUPPLY BANK**

Dear Applicant:

The Department of Water Resources ("Department") has completed its review of your application to lease a water right to the Water Supply Bank ("Bank"). Based on that review, the Department cannot accept water right 2-10369 into the Bank. A review of Department records indicates Michael and Samantha Whipple are the current owners of the water right. Rainy Creek Development is not listed as a previous or current owner.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria (Water Supply Bank Rule 25.02a) states the applicant must provide proof of current ownership of the water right. No ownership change has been submitted by Rainy Creek Development.

If you believe you are the current owner of the water right and still wish to lease the right to the Bank, you will need to change the ownership first and then reapply to the Bank.

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. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

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

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent