



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

February 2, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

J R SIMPLOT CO
C/O VIC CONRAD
PO BOX 27
BOISE ID 83707

RE: **WATER SUPPLY BANK LEASE APPLICATION(S)**
WATER RIGHT NO(S). 35-2351, 35-2553A, 35-2553B, 35-2713, 35-7034, 35-7169, 35-7372, 35-~~7550~~, 35-8726, 35-10422, 35-10427
7373

Dear Vic:

On March 23, 2009, the Idaho Department of Water Resources (Department) received your application to lease the above-mentioned water right numbers to the Water Supply Bank (Bank) for a period ending December 31, 2009. The Department is returning your application(s) since it was not processed prior to the end of the proposed lease period.

Additionally, 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." A review of aerial photography between 2004 and 2009 shows the pivots in place and no evidence of irrigation on the acres proposed to be leased to the Bank. The proposed acres are commonly called the pivot corners, or corners that would no longer be irrigated when a pivot is installed.

If you would still like to offer this right(s) for lease to the Bank, please submit a new lease application. Application forms and information about the Water Supply Bank are available from the Department's web site at: www.idwr.idaho.gov. Please contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s): Lease Applications

C: Lyle Swank – IDWR Eastern Regional Office