



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 6, 2010

IDAHO FRESH PAK INC
PO BOX 130
LEWISVILLE ID 83431-0130

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NOS. 61-293C AND 61-7575 TO THE
WATER SUPPLY BANK**

Dear Lessors:

The Department of Water Resources (Department) has completed its review of your applications to lease water rights to the Water Supply Bank (Bank). Based on that review, the Department cannot accept the water rights into the Bank. The reasons are described below.

The Water Supply Bank Rules (also known as IDAPA 37.02.03) provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration whether lease and subsequent rental of the rights will result in enlargement. Enlargement is based on extent of development and beneficial use. Because 61-7575 is a permit and has not had a field examination conducted, the extent of use can not be determined and the right can not be accepted into the Bank. Additionally, both 61-293C and 61-7575 are supplemental to those of irrigation districts. Because of their supplemental nature, the extent of use under these rights is often much less than is on the face of the 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 Section 42-223, Idaho Code. 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 questions regarding this matter, feel free to contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

c: John Westra – IDWR Western Regional Office