



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

July 1, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

DELOY WARD
VIOLA WARD
NEAL WARD
SHELLY WARD
673 N 850 W
BLACKFOOT ID 83221

RE: APPLICATIONS TO LEASE PORTIONS OF WATER RIGHT NOS. 35-2314, 35-2397, 35-7075, 35-13601, 35-13639, AND 35-13676 TO THE WATER SUPPLY BANK

Dear Applicant(s):

The Department of Water Resources ("Department") has completed its review of your applications to lease portions of water rights 35-2314, 35-2397, 35-7075, 35-13601, 35-13639, and 35-13676 to the Water Supply Bank ("Bank"). Based on that review, the Department cannot accept the portions of these rights into the Bank and is denying your applications as described below.

The Water Supply Bank Rules (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 is whether information indicates that the water rights have been abandoned or forfeited. Based on satellite imagery taken during each irrigation season from 2004 through 2008, it appears that the land appurtenant to the portions of the rights offered for lease was not irrigated. Since a five year period of non-use may have occurred prior to receiving the lease applications, these portions may have been abandoned or forfeited and cannot be accepted into the Bank. The value of the right for rental is questionable and there is little probability for rental without enlargement of the right.

If you have any questions, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Sr. Water Resource Agent

Enclosures: Original Lease Applications (6)

c: Lyle Swank – IDWR Eastern Regional Office
Ernie Carlsen – State Water District No. 120
Rob Harris – Holden Kidwell Hahn & Crapo