



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

May 19, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JERRY R RIGBY
IDAHO WATER RESOURCE BOARD
322 EAST FRONT STREET
PO BOX 83720
BOISE, ID 83720-0098

RE: Protest of Application to Rent Water from the Water Supply Bank,
Water Right No(s). 74-2320 and 74-15190

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. Based on evidence provided in the protestant's letter dated April 24, 2008, the Department of Water Resources (Department) acknowledges the timely receipt of the protest against the approval of the above referenced Water Supply Bank (Bank) rental application. The Department suggests that you contact the protestant directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-1763, Idaho Code).

1. Will the proposed use reduce the quantity of water available under other existing water rights?
2. Is the water supply involved sufficient for the purpose for which it is sought?
3. Will the rental cause the use of water to be enlarged beyond that authorized under the water right to be rented?
4. Will the rental conflict with the local public interest as defined in section 42-202B, Idaho Code?
5. Will the rental adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates in the case where the place of use is outside of the watershed or local area where the source of water originates?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact me at (208) 287-4943 if you have any questions regarding this procedure.

Sincerely,

Aaron Marshall
Water Allocation Bureau

Enclosure(s)

c: Morgan Case – IDWR Water Planning Bureau