



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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June 2, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LIZ PAUL
IDAHO RIVERS UNITED
PO BOX 633
BOISE ID 83701

RE: Response to Letter Concerning Water Right No. 63-3609

Dear Ms. Paul:

On behalf of Idaho Department of Water Resources (Department) director David R. Tuthill Jr., I am writing in response to your letter dated May 12, 2008, regarding concerns about the potential rental of water right no. 63-3609 from the Water Supply Bank (Bank).

In your letter, you requested public notice of any rental application proposing to rent this right from the Bank. As noted in your letter, the Director may give notice of an intended rental as he deems necessary. However, notice is not required and is generally not provided except for rental terms exceeding five years. The Department is required to evaluate all applications to rent water based on several criteria, including public interest. The Department acknowledges your concern that rental of this right may not be in the local public interest and will take this into consideration in evaluating any proposed rental of this right from the Bank. You may wish to supplement your expressed concerns with additional information. Your correspondence will remain in the file for water right no. 63-3609.

You also requested clarification of the source of water for this right. The amended partial decree for water right no. 63-3609 issued on July 29, 2003, identifies the source of water as Middle Fork Boise River. A letter dated September 27, 2000, from Department field examiner Dan Nelson to right holder Green Tree Inc., indicates that Snowslide Creek should also be listed as a source of water for this right. Mr. Nelson recommended that Green Tree Inc. amend the claim for right no. 63-3609 to identify Snowslide Creek as an additional source of water. It appears that this recommendation was not followed since the partial decree issued for this right identifies the source as Middle Fork Boise River.

If you have any additional questions regarding the Water Supply Bank, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Water Allocation Bureau