



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 29, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

STEVEN J WEEKS
45785 COUNTY RD 16
COPE CO 80812

RE: APPLICATIONS TO LEASE PORTIONS OF WATER RIGHT NO(S). 31-7267B AND
31-10964B TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources ("Department") has completed its review of the Application to Sell or Lease Water Right(s) to the Water Supply Bank ("Bank"). Based on that review, the Department cannot accept the portions of water right nos. 31-7267B and 31-10964B into the Bank. The reasons are described below.

Water Supply Bank Rule 25, IDAPA 37.02.03.025, provides criteria to be considered when determining whether to accept a water right into the Bank including whether information available indicates that the water right has been abandoned or forfeited. Landsat satellite imagery available to the Department indicates that the portions of the water rights offered to the Bank have not been irrigated since prior to the 2002 irrigation season. Section 42-222(2), Idaho Code, states, "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 and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code."

If you have information that proves use of the portions of the rights offered to the Bank or information that the rights have not been lost through abandonment or forfeiture based on the exceptions or defenses specified in section 42-223, Idaho Code, please resubmit your applications with this additional information.

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

Sincerely,

for Aaron Marshall
Water Allocation Bureau

Enc: 1

c: Lyle Swank – IDWR Eastern Regional Office
Ernie Carlsen – Water District 110
Keith Wilson – Rocky Mountain Environmental Associates

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 23 2008

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor Steven J Weeks Phone (970) 357-4399
(970) 630-4399 CellPost Office Address 45785 County Rd 16, Cope, CO 80812

c/o Keith C. Wilson	Rocky Mountain Environmental Associates, Inc.	
	482 Constitution, Ste 303	(208) 524-2353
	Idaho Falls, ID 83402	Fax 208) 524-1795

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. 31-7267B / 31-10964B Decreed to Steve Weeks

in case of ____ vs.

dated ____ in ____ county of ____

b. License No. ____ issued by the Idaho Department of Water Resources.

c. Permit No. ____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE *(If the entire right is for sale or lease show "all" on line a. below and skip the remainder of part 2).*a. Amount of water under right: 0.48 cubic feet per second &/or ____ acre-feet per annumb. Point of Diversion: SE 1/4 SE 1/4 of Section 6 Township 05N Range 35E B.M., inJefferson County.

Additional points: _____

c. Place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5N	35E	6												6.7					6.7
		7	6.4	6.7			6.7												19.8

If right is for irrigation, show the number of acres for the part of the right to be put in the bank

Total number of Acres 26.5

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE.

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Sec 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Water Right Decreed to Applicant

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bill, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Used on a continuing basis.

c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

N/A

d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source?

No corners will not be irrigated

e. If the water is a permit, describe the work accomplished toward developing the right.

N/A

f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

5. SALE/LEASE AGREEMENT:

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;

✓ For lease for a period from April 1 2008 to Nov 1 - 2013
(Day, Month, Year) (Day, Month Year)

(The lease period may be shown as "indefinite", if the total duration of the lease is unknown); or

_____ As a gift to the state of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

CURRENT RENTAL RATE

I hereby assert that the information contained in the application is true to the best of my knowledge, and that I have the authority necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

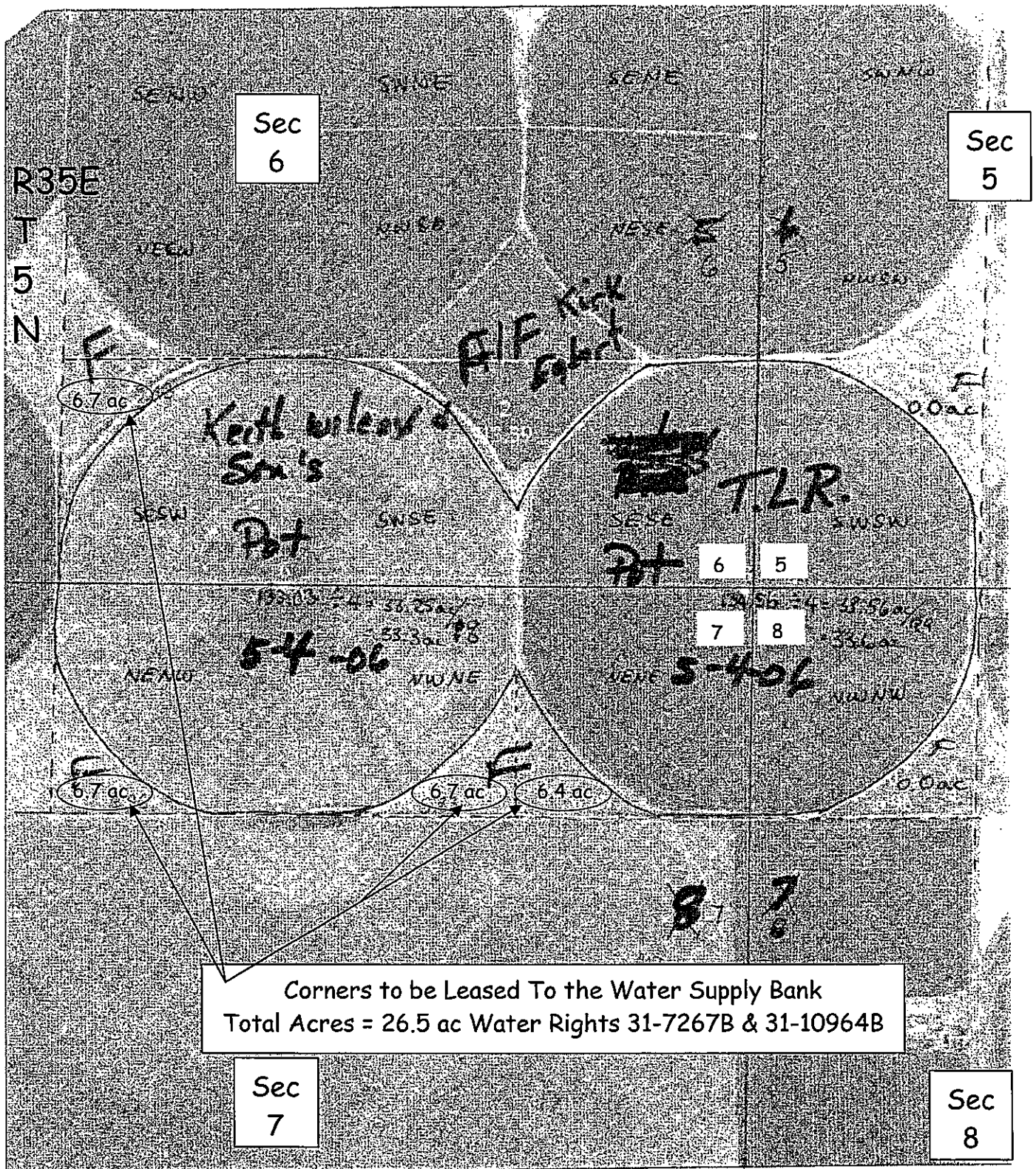
1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

MARCH 28 2008
Date

Steve Weeks
Signature

FOR DEPARTMENT USE ONLY

Received by CW Date 4/23/08 Prelim check by _____ Fee _____
 Watermaster recommendation requested on _____ Received _____
 Recommended for _____ approval _____ denial By _____



Steve Weeks Lease To Water Supply Bank
Portions of Water Rights 31-7267B & 31-10964B