



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

April 17, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464

RE: Late Protest Of Application To Rent Water From The Water Supply Bank,
Water Right No(s). 74-2320 and 74-15190

Dear Protestant:

Recently you submitted a protest related to the Application to Rent Water from the Water Supply Bank filed by the Idaho Water Resource Board for water right no(s). 74-2320 and 74-15190. The protest was received April 8, 2008, while the protest deadline was April 7, 2008. Although the protest was received after the deadline and could not be accepted, the Department of Water Resources (Department) acknowledges your concern.

Idaho Administrative Code, IDAPA 37.02.03, Water Supply Bank Rule 30, requires the Director of the Department of Water Resources to evaluate applications and determine whether there will be injury to other water rights, whether the proposal would constitute an enlargement of the water right, whether the water will be put to a beneficial use, whether the water supply available from applicable rights in the Board's water supply bank is sufficient for the use intended, and whether the proposal is in the local public interest.

The information provided in your notice is insufficient for a reevaluation of the aforementioned criteria. While your protest was received after the deadline, any additional supporting information you may have with regard to the application evaluation criteria outlined in Water Supply Bank Rule 30 may be of benefit to the Department. The Department also encourages you to correspond with the applicant to address your concerns.

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

Sincerely,

Aaron Marshall
Water Allocation Bureau

c: IDAHO WATER RESOURCE BOARD
322 EAST FRONT STREET
PO BOX 83720
BOISE ID 83720-0098