



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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February 19, 2008

C. L. "BUICH" OTTIER
Governor

DAVID R. IUTHILL, JR.
Director

CAPE HORN RANCH LLC
2724 NORTHVIEW DR
HAGERMAN ID 83332

RE: WATER RIGHT LEASED TO THE WATER SUPPLY BANK, WATER RIGHT NO. 77-4208

Dear Lessor:

The Department of Water Resources (Department) records indicate Cape Horn Ranch LLC as current owner of water right 77-4208. This water right was originally leased to the water supply bank (Bank) on April 4, 1995, in the name of Robert Sandy for an indefinite term. The current amounts leased to the Bank are as follows:

<u>Water Right No.</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>
77-4208	3.80 cfs	N/A	N/A	99.0 ac

Enclosed is a Request to Release or Lease Term Extension Form if you would like to make any changes to the current lease term or leased portion. If the Department receives no further correspondence, the existing portion of water right no. 77-4208 will continue to remain in the Bank indefinitely.

Please note, while a right is in the Bank, the owner of the right may not use the right without approval of the Department even if the right is not rented from the Bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code. Also consider that the five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

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

Sincerely,

Aaron Marshall
Water Allocation Bureau

Enc: 1

c: John Westra – IDWR Western Regional Office