



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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January 7, 2008

C. L. "BUICH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

RE: APPLICATION TO LEASE ALL OR PART OF WATER RIGHT NO(S).
63-11995, 63-11996, AND 63-12450 TO THE WATER SUPPLY BANK

Dear Lessor:

On December 28, 2007, the Department of Water Resources (Department) issued the Water Supply Bank (Bank) lease acceptance for the above referenced water rights. The lease acceptance included a condition of acceptance stating, "This right may only be rented for use as a supplemental right in conjunction with a primary surface water right."

This condition was included since the licenses issued for water right nos. 63-11995 and 63-11996 included the condition of approval stating, "In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under this right to the extent the Willow Creek water rights are determined in the SRBA to exist. This right is supplemental to the Willow Creek water rights and shall not be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid."

Water right no. 63-12450 included a similar condition of approval providing, "In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under this right to the extent the Willow Creek water rights are determined in the SRBA to exist. This right is supplemental to the Willow Creek water rights and shall only be diverted when water from the surface water rights cannot be delivered to the right holder, nor shall this right be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid. This right shall not be used if the surface water rights appurtenant to the place of use are sold, transferred, leased or used on any other place of use."

The Willow Creek water rights mentioned in the above conditions of approval refer to water right no. 63-28379 and water right claim no. 63-28380. Water right no. 63-28379 was decreed in the SRBA for stockwater use only and did not include any portion of the

claimed use for irrigation. Water right claim no. 63-28380 was withdrawn and is no longer valid.

Since there appears to be no valid Willow Creek water rights for irrigation of the lands described under water right nos. 63-11995, 63-11996, and 63-12450, these rights are not restricted to rental as supplemental rights in conjunction with primary surface water rights.

The rights will remain in the Bank for an "indefinite" lease term unless the rights are released earlier by the Board or upon request by the lessor. To change the term of the lease or to release the rights from the Bank, the lessor must submit a request in writing to the Department prior to the release date.

Please review the conditions of acceptance listed on the Lease Acceptance and contact me if you have any questions at (208) 287-4943.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Marshall".

Aaron Marshall
Water Allocation Bureau

Enc: 1

c: John Westra – IDWR Western Regional Office
Terry Scanlan – SPF Water Engineering