



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUICH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 8, 2008

CHARLES L HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701

RE: IDWR Policy Regarding Water Rights Accepted into the Idaho Water Supply Bank

Dear Mr. Honsinger:

On behalf of Gary Spackman, I am writing in response to your letter dated December 7, 2007, regarding policy of the Idaho Department of Water Resources (IDWR) and treatment of water rights in the Water Supply Bank (Bank)

The letter you received from Diana Ball dated November 29, 2007, requested clarification of the intent to retain water right nos. 2-10337 and 2-10338 in the Bank. In this case, the parent water right was accepted into the Bank in 1991 and has since been split multiple times without further documentation about retaining the new split portions in the Bank. The request was intended to provide written documentation in the water right files confirming the portions remaining in the Bank after a recent split of the parent water right no. 2-10208.

During our recent telephone conversation, I referenced a draft procedural handbook that is used to provide guidance to Bank processes. Based on the draft handbook, I indicated that new lease documents should be generated since the water right accepted into the Bank has since been split.

Since then, IDWR has decided not to require that the owner of a water right provide written documentation to retain the split portions of a water right in the Bank when the parent water right is already in the Bank. However, for clarification, IDWR may request additional documentation if the intent of a water right owner is unclear with regard to a water right in the Bank. A water right will not be released from the Bank prior to the end of the lease term unless requested by the lessor or upon resolution by the Idaho Water Resource Board.

I have updated the draft handbook to clarify that new lease acceptance documents are not necessary after a water right split if the portions remaining in the Bank do not change.

I hope this resolves your concerns of a policy change and confirms that water right nos. 2-10337 and 2-10338 will remain in the Bank indefinitely unless release from the Bank is requested by the lessor or upon resolution by the Idaho Water Resource Board.

Please contact me if you have any additional questions or topics of discussion regarding the Idaho Water Supply Bank.

Sincerely,

Aaron Marshall
Water Allocation Bureau