



State of Idaho

DEPARTMENT OF WATER RESOURCES

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August 17, 2007

C. L. "BUICH" OTTER
Governor

DAVID R. IUTHILL, JR.
Director

MICHAEL COHEN AND CYNTHIA MUELLER
7404 LANKTREE LANE
MIDDLETON ID 83644

RE: APPLICATION TO LEASE / RENT WATER RIGHT NO. 63-32398

Dear Applicants:

The Department of Water Resources ("department") has completed its review of the companion Application to Sell or Lease Water Right(s) from the Water Supply Bank ("bank") and Application to Rent Water Right(s) from the Water Supply Bank. Based on that review, the department has decided not to accept water right 63-32398 into the bank, thereby denying the companion rental application. The reasons are described below.

The Water Supply Bank rules provide criteria to be considered when determining whether to accept a lease/rental companion application into the bank. One of the criteria for consideration is whether the point of diversion of the water right is hydraulically connected to the renter's point of diversion. The point of diversion for water right 63-32398 is tributary to the Snake River, while the point of diversion identified on the rental application is tributary to the Boise River. If the applicant can provide evidence of hydraulic connectivity between the water right point of diversion and the rental point of diversion, please resubmit the applications accompanied by that evidence for reconsideration.

If forfeiture of the right is a concern, a right holder can apply to extend the period to avoid forfeiture of a water right. You can request a form be mailed to you, or visit our website at <http://www.idwr.idaho.gov> to obtain a copy of the form. Your right may also be protected from forfeiture based on exceptions or defenses to forfeiture described in Section 42-223, *Idaho Code*.

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

Sincerely,

Aaron Marshall
Water Allocation Bureau

c: John Westra – IDWR Western Regional Office
Scott King – SPF Water Engineering