



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2005

ROSE OXARANGO
3416 MEADOW DR
BOISE ID 83706

RE: Water Right 36-7030

Dear Ms. Oxarango:

In January of 2000 you filed an application for extension of time to avoid forfeiture of Water Right 36-7030, which authorizes the diversion of ground water to irrigate 35 acres in Minidoka County. The application was advertised as required by statute, but IDWR delayed action on the application because of questions about possible forfeiture of the right.

In May of 2000 you applied to lease Water Right 36-7030 to the water supply bank. Your water right was accepted into the water supply bank later that same month for an indefinite period of time. Water rights leased to the water supply bank are protected from forfeiture. Idaho Code § 42-223(5) says:

A water right shall not be lost or forfeited by a failure of the owner of the right to divert and apply the water to beneficial use while the water right is placed in the water supply bank or is retained in or rented from the water supply bank pursuant to sections 42-1761 through 42-1765A, Idaho Code, or while the water right is leased pursuant to sections 43-335 through 43-342, Idaho Code, or sections 42-2501 through 42-2509, Idaho Code, or while use of the water is made under any other provision of law authorizing the rental or lease of water rights.

Because your water right is protected from forfeiture through its enrollment in the water supply bank, the subject of your application for extension of time to avoid forfeiture has already been addressed. Therefore, your application should be denied. If you do not agree with this analysis, please notify IDWR in writing within 14 days why you think the application for extension of time to avoid forfeiture should be approved. If you agree with this analysis, you may withdraw your application by completing the enclosed form and returning it to IDWR. If IDWR does not receive a response from you within 14 days, IDWR will prepare an order to deny your application for extension of time to avoid forfeiture.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure