



IDAHO DEPARTMENT
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 15, 2022

TARGHEE HILLS ESTATE WATER CO
10 B PINEBROOK RD
PARK CITY UT 83402

RE: RETURNED APPLICATION(S) TO LEASE WATER RIGHT NO(S). 22-13628 & 22-13630 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources (Department) has completed its review of your application(s) to lease water right(s) to the Water Supply Bank (Bank). Based on that review, the Department cannot accept water right(s) 22-13628 & 22-13630 into the Bank. We are returning your applications.

This letter is notice that the attached applications to lease water to the Bank is being returned. The Bank rules provide criteria to be considered when determining whether to accept a water right into the Bank. Water Supply Bank rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to beneficial use for which it was appropriated.

A review of the aerial photography between 2008, when the rights were partially decreed in the Snake River Basin Adjudication and 2013 when the rights were placed in the Bank, then again from 2016 to 2020 when the rights were not protected, shows no evidence of irrigation on the acres proposed to be leased to the Bank. That is a total of 9 years of apparent non-use. The forfeiture toll period does not reset after the rights were placed in the Bank.

An email was sent to your consultant, Kristen Moore of Rocky Mountain Environmental on October 22, 2021, giving a 30-day deadline. A follow up letter was sent to you and your consultant on December 28, 2021, requesting evidence that beneficial use has occurred. As of the date of this letter, no response has been received. Department resources were expended to provide a full review of the applications; therefore, the lease application filing fees will not be refunded.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure: Lease Application(s)

c: Rocky Mountain Environmental

STATE OF IDAHO
WATER RESOURCE BOARD

AUG 30 2021

RECEIVED
SEP 03 2021APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDepartment of Water Resource
Eastern RegionDEPARTMENT OF
WATER RESOURCES
Designated Applicant

Targhee Hill Estates Water Co.

Water Right No. 22-13630

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

1A ☒ ☐ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.2 ☒ ☐ Description of a water right portion offered to the Water Supply Bank.3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.4A ☒ ☐ Written consent from irrigation district or water delivery company.4G ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 250.00*

Received By: *CA H*Date Received: *8/30/21*Receipt # *E047313*W-9 received? Yes ☐ No ☐

(Route W-9 to Fiscal)

Name on W-9: *Targhee Hill Estates Water Co.*

*Check total = \$1,690.00

2136

RETURNED

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Targhee Hill Estates Water Co.

Mailing Address 10 B PINEBROOK RD, Park City, Utah 83402

Street

City

State

Zip Code

Email Address _____

Phone Number (435)901-3600

- ☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

- ☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years?
If no, complete the form and attach to this application (Attachment 1B).

Yes ☐ No ☒

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right?
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

Yes ☒ No ☐

- D. Is this application being completed by an authorized representative of the Designated Applicant?
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Yes ☒ No ☐

Name of Representative Kristin Moore Organization Rocky Mountain Environmental Associates

Professional Title Senior Water Rights Analyst Email Address kristin.rmea@gmail.com

Mailing Address 482 Constitution Way, Suite 303, Idaho Falls, ID 83402 Phone Number (208) 524-2353

- ☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

- ☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

- ☒ The full water right is being offered to the Bank.

OR

- ☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map Attachment 3.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.
- B. Please provide a description of the current water diversion and delivery system.
A series of ditches brings water from Teton Creek from the point of diversion in T5N R46E Sec 20 L2.
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. Water rights 22-13628 and 22-13630 share the same POU and POD and are both being offered to the Bank.
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Right was released from the water supply bank in 2015 and hasn't been used.
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. Released from the water supply bank in 2015. Applicant desires to renew the water supply bank lease to prevent forfeiture. See the Forfeiture Review Period Administrative Memo dated March 5th, 2012.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, specify the years when the use of water will be suspended: 2021 to 2025 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current rental rate. _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

William H Coleman ^{Gen. Partner.}
Signature of Designated Applicant

WILLIAM H COLEMAN.
Printed Name

8-18-01
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RETURNED

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: TARGHEE HILL ESTATES WATER CO.

RE: Authorized Representatives

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way 303
Idaho Falls, ID 83402
(208) 524-2353 / (208) 524-1795 Fax

Rocky Mountain Environmental Associates, Inc. (RMEA) is hereby authorized to act on behalf of Targhee Hill Estates Water Co. regarding Water Supply Bank Application(s) for water right(s).


Signature

Gen.
Partner

WILLIAM H. COLEMAN
Printed Name

8-18-21
Date

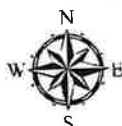
RETURNED



0 0.07 0.15 0.3 Miles

2019 NAIP

- Proposed POD
- POU WR#s 22-13628 & 22-13630:
- Storage □ Irrigation
- Twn & Rng
- Section
- QQ



Water Bank Lease Application

Targhee Hills Estate, LLC

Project #: 21-0145

Drawn by: AD

Date: 8/17/2021



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

RETURNED



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 28, 2021

TARGHEE HILLS ESTATE WATER
10 B PINEBROOK RD
PARK CITY UT 84098-5384

RE: WSB Lease Applications for Water Rights 22-13628 & 22-13630

Dear Water Right Holder:

On August 30, 2021, the Department of Water Resources (Department) received application(s) to lease water right(s) 22-13628 & 22-13630 to the Water Supply Bank (Bank) you submitted on behalf of Targhee Hill Estates Water Co. Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated."

A review of aerial photography between 2008 when the right was partially decreed in the Snake River Basin Adjudication and 2013 when the rights were placed in the Bank, then from 2016 to 2020 when the rights were not protected shows no evidence of irrigation on the acres proposed to be leased to the Bank. That is a total of 9 years of apparent nonuse. The forfeiture toll period does not reset after the rights were placed in the Bank.

An email was sent to your consultant, Kristen Moore of Rocky Mountain Environmental on October 22, 2021, requesting evidence that beneficial use has occurred. The Department gave a 30-day deadline. As of the date of this letter, no response has been received.

Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 cannot be met, and the lease application(s) may be **returned**. If you can provide additional information to show beneficial use has occurred, please submit the additional information within **14 days** and the Department will continue processing the applications. If you cannot provide the additional information, the Department will return the applications. Department resources were expended to provide a full review of the applications. Therefore, the lease application filing fee will not be refunded.

If you have any questions regarding this matter, please contact the Department of (208) 287-4800. Thank you.

Sincerely,

Jean Hersley
Technical Records Specialist II

c: Rocky Mountain Environmental Associates

From: [Hersley, Jean](#)
To: kristin.rmea@gmail.com
Cc: [Parker, Cody](#); [Condon, Mary](#)
Subject: WSB Lease Applications for Targhee Hill Estates Water Co
Date: Friday, October 22, 2021 9:59:00 AM

Kristin,

On August 30, 2021, the Department of Water Resources (Department) received application(s) to lease water right(s) 22-13628 & 22-13630 to the Water Supply Bank (Bank) you submitted on behalf of Targhee Hill Estates Water Co. Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which is was appropriated."

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Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 cannot be met, and the attached lease application(s) may be **denied**. If you can provide additional information to show beneficial use has occurred, please submit the additional information within **30 days** and the Department will continue processing the applications. If you cannot provide the additional information, the Department will deny the applications. Department resources were expended to provide a full review of the applications. Therefore, the lease application filing fee will not be refunded.

If you have any questions regarding this matter, please contact the Department of (208) 287-4800. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*