



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

November 30, 2021

RHONDA KAY MALAN
168 E BALLARD RD
POCATELLO ID 83202

RE: RETURNED APPLICATION(S) TO LEASE WATER RIGHT NO(S). 29-13650 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) 29-13650 into the Bank.

This letter is notice that the attached application(s) to lease water to the Bank are being returned. The Bank rules provide criteria to be considered when determining whether to accept a water right into the Bank. IDAPA 37.02.03.025.06 allows the IWRB to consider whether the available information indicates that the water right might be subject to forfeiture.

According to documents in the Department's records, Rhonda Malan acquired the property appurtenant to water right 29-13650 in 2010. Even though a Notice of Change in Water Right Ownership was not filed until 2016, the Department must look at the entire history of the water right. The applicant has provided documentation demonstrating non-use that occurred prior to acquisition of the property in 2010 may have occurred beyond their control. However, available information indicates part, or all of the right has not been applied to beneficial use since Rhonda Malan acquired the right in 2010. The Department and IWRB have not made a finding of forfeiture. The application is returned because it cannot be verified right no. 29-13650 has not been lost to abandonment or forfeiture. Department resources were expended to provide a full review of the applications. Therefore, the lease application fee will not be refunded.

If you have any questions, please contact the Water Supply Bank at (208) 287-4800.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure: Lease Application(s)

c: Racine Olson- Randall C Budge

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 17 2021

DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Designated Applicant RHONDA KAY MALAN

(Select one owner – see item 1A on the application)

Water Right No. 29-13650

(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 Received By: KM Date Received: 5-17-21 Receipt # C110396

W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal) Name on W-9: Rhonda Malan

2078

2078

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 Rhonda Kay Malan or Robert (Bob) Malan

Mailing Address 168 East Ballard Road Pocatello Idaho 83202
Street City State Zip Code

Email Address malan.diamondm@gmail.com Phone Number 208-237-5748

- ☒ 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? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

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

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentation proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Randall C. Budge Organization Racine Olson, PLLP
Professional Title Attorney Email Address randy@racineolson.com
Mailing Address PO Box 1391, Pocatello, Idaho 83204-1391 Phone Number 208-232-6101

- ☐ 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.
3-phase motor and pump located on dyke adjacent to Portneuf River.

- 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. None

- 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. See attached Water Right Report.

- 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. See attachment 4G.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe.

Yes ☐ No ☒

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 ☒? *subject to year-end cancellation upon notice it sold.
If lease, specify the years when the use of water will be suspended: 2021 to 2022 (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.

Rhonda Malan
Signature of Designated Applicant

Rhonda Malan
Printed Name

5/10/2021
Date

Randall C. Budge
Signature of Authorized Representative

Randall C. Budge
Printed Name

5/12/2021
Date

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

RETURNED

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
29-13650	Irrigation	0.1		5
Total Amounts:		0.1		5

2. Source of water Portneuf River tributary to Snake River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
07S	35E	7		NW	SW		Bannock

RETURNED

ATTACHMENT 4G

This right and all land to which it was appurtenant was acquired by Applicant in 2010 with ownership of the water right changed to Applicant in 2016 by filing and IDWR approving the Notice of Change dated 6/30/2016. This right was previously owned by Applicant's father, Joseph K. Simons, and was diverted from the Portneuf River and flood irrigated until approximately 1995 when a pump, motor and hand-line sprinklers installed. Since that time, delivery was interrupted due to main line deterioration that travels through a new subdivision with the cost of replacement/repair prohibitive at this time to irrigate tow acres. This banking is to protect the right pending sale and transfer to the City of Pocatello.

RETURNED

State of Idaho
Department of Water Resources

Water Right

29-13650

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

35E

07S



- ⊙ Point of Diversion
- ┆ Place Of Use Boundary
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters
- Buried Main Line

0 0.035 0.07 0.14 Miles

* 5/4/2016 Sold to Intermountain Gas Co
for pump station, Instrument 21505611,
with all water rights reserved to Applicant.



IDAHO Department of Water Resources



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

5/10/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-13650

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RHONDA MALAN RR 2 BOX 157 K POCATELLO, ID 83202 2082375748
Lessee	WILLIAM ZAHN 8667 FACER MOUNTAIN RD POCATELLO, ID 83204 2082330660
Original Owner	JOSEPH K SIMONS 520 CHEYENNE POCATELLO, ID 83204 2082349697

Priority Date: 01/27/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.1 CFS	

RETURNED

Total Diversion| | 0.1 CFS |

Location of Point(s) of Diversion:

PORTNEUF RIVER|SENWSE|Sec. 07|Township 07S|Range 35E|BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	35E	7		NWSE	5									

Total Acres: 5

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-2137B
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 12/31/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 29D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

RETURNED

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

RETURNED

Pioneer Title Pocatello

21505611

2015 May 04 PM 04:49:00

Electronically Recorded by Simplifile



Pioneer Title Co.
GOING BEYOND

135 N. Arthur Ave.
Pocatello, ID 83204

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 571580 SK/LW

WARRANTY DEED

For Value Received

Rhonda Kay Malan,
a married person dealing with her sole and separate property
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Intermountain Gas Company

hereinafter referred to as Grantee, whose current address is 556 South Cole Road, Boise, ID 83709

The following described premises, to-wit:

A tract of land in the NW¼ SE¼ of Section 7, Township 7 South, Range 35 East, Boise Meridian,
Bannock County, Idaho, more particularly described as follows:

Commencing at the South 1/16 corner on the Meridional Centerline of Section 7, thence N. 0°10'21" E.,
along the Meridional centerline a distance of 1000.58 feet; thence East a distance of 356.92 feet to an
intersection with the Southeasterly right-of-way line of Cheyenne Ave., and the Southwesterly right-of-
way line of the Portneuf River Flood Control Dike, the True Point of Beginning. Thence S. 43°08'53"
W., along the Southeasterly right-of-way line of Cheyenne Ave., a distance of 279.67 feet to the point of
curvature of a 548.14 foot radius curve concave to the Southeast having a central angle of 1°53'24", a
chord of 18.08 feet that bears S. 41°18'49" W.; thence along said curve in a Southwesterly direction
18.08 feet; thence S. 38°37'12" E., a distance of 274.29 feet to the Northwest line of Instr # 20306746;
thence along said Northwest line N. 51°23'52" E., a distance of 294.59 feet to an intersection with
Southwesterly right-of-way line of the Portneuf River Flood Control Dike; thence along said line N.
38°37'12" W. a distance of 317.58 feet to the intersection with the Southeasterly right-of-way of
Cheyenne Ave. and the True Point of Beginning. *R.K.M.*

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

(Grantor Reserved all water Rights)

RETURNED

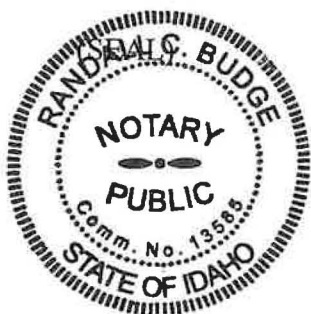
RETURNED

DATED this 12th day of May, 2021.

By: Rhonda Malan
RHONDA MALAN, aka
RHONDA KAY MALAN

STATE OF IDAHO)
)
) ss.
County of Bannock)

Rickell C. Budy
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 10/11/2024



Hersley, Jean

From: Tessa Sparrow <tessa@racineolson.com>
Sent: Wednesday, November 24, 2021 10:17 AM
To: Hersley, Jean
Cc: Randy Budge; alan.diamondm@gmail.com; Hummer, Phill; Buyer, Remington
Subject: Application to Lease a Water Right to the WSB 29-13650
Attachments: 20211124 ltr IDWR.pdf

Dear Jean,

Attached please find correspondence from Randy Budge regarding the above-referenced matter.

Thank you!

Sincerely,

Tessa Sparrow
Legal Assistant



201 E. Center Street / P.O. Box 1391
Pocatello, Idaho 83204
(208)232-6101 - Phone
(208)232-6109 - Fax

racineolson.com

CONFIDENTIALITY NOTICE - This email and its attachments may contain information that is confidential, privileged, or otherwise protected from disclosure. If you believe this email may have been sent to you in error, please notify the sender immediately.

See the attached photos.

RANDALL C. BUDGE
randy@racineolson.com

November 24, 2021

Idaho Department of Water Resources
Attn: Jean Hersley
P.O. Box 83720
Boise, Idaho 83720-0098
Jean.Hersley@idwr.idaho.gov

Re: Malan WR 29-13650 – Application to Lease Water Right to WSB

Dear Jean:

On behalf of the Applicant Rhonda Kay Malan, this will respond to your November 17, 2021 email requesting that information be provided by December 1, 2021 providing evidence that this water right has not been lost to forfeiture for non-use of five years. It is respectfully requested that the Application be processed to allow the water right to be leased to the Water Supply Bank based upon the exceptions or defenses to forfeiture set forth in Idaho Code § 42-223(6) for the reasons described below.

The Applicant acquired the real property and this appurtenant water right in 2016 at which time ownership of the water right was changed into her name. At that time, it was not possible to divert the water from the Portneuf River because the old three phase motor and pump located on the dike next to the river were in disrepair. Additionally, the buried metal pipeline delivering water from the point of diversion to the place of use had deteriorated and was unusable. Additionally, since the mainline travelled under a subdivision the cost of installing a system was not cost effective or feasible to irrigate approximately two plus acres. See attached photos showing the pump, mainline and the new subdivision under which the pipeline is located.

The Applicant has continued to pay all of the water delivery bills received from Water District 29-D from 2016 to date, as did her predecessors in interest. By reason of these payments the Applicant believed the water rights were protected and in effect being unknowledgeable that the right to the use of water under this right could be lost by forfeiture pursuant to Idaho Code § 42-222. During course of negotiations with the City of Pocatello that desired to acquire the water right for mitigation purposes, a question was raised by the City about whether the right may have been forfeited for non-use. This prompted the filing of the application to place the right into the Water Supply Bank in an effort to prevent forfeiture. Once banked Malan intends to pursue efforts to sell the water right and transfer the point of diversion and place of use to another location given

the cost of repair to the current system and the fact that the property is located within the City of Pocatello making City water available as an alternative.

Under these circumstances it is respectfully requested that the Department find that the non-use resulted from circumstances over which the owner has no control which fall within the exception to forfeiture under Idaho Code § 42-223(6). Under Idaho law the forfeiture of one's property right is abhorred with statutes strongly construed by our courts against forfeiture. Courts have interpreted the statute as not to apply to water rights when the non-use results from circumstances beyond the right holder's control. *Jenkins v. State Dept. of Water Resources*, 103 Idaho 384, 647 P. 2nd 1256 (1982).

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,


RANDALL C. BUDGE

RCB:ts

Enclosures

c: Rhonda Malan, malan.diamondm@gmail.com











Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, November 17, 2021 2:49 PM
To: tessa@racineolson.com
Cc: randy@racineolson.com
Subject: FW: Application to Lease a Water Right to the WSB 29-13650

Tessa,

Remington mentioned you called about the progress of the Malan lease. I sent the email below to Randy asking for evidence that this water right has not been lost to forfeiture due to non- use. I gave a 30-day margin but did not receive any information. This application should have been returned at the end of July, but we have been busy, and this fell through the cracks. Please provide the requested information by December 1, 2021, or the application will be returned unprocessed. Let me know if you have any questions. Thank you.

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

From: Hersley, Jean
Sent: Tuesday, June 29, 2021 1:43 PM
To: 'randy@racineolson.com' <randy@racineolson.com>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Application to Lease a Water Right to the WSB 29-13650

Mr. Budge,

The Department is in the process of reviewing the lease application you submitted on behalf of Rhonda Kay Malan to lease water right 29-13650 to the Water Supply Bank. After looking at aerial imagery available to the Department, it doesn't appear this land has been irrigated in the last 5 years.

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."

Please describe the circumstances and provide evidence to demonstrate how water right 29-13650 has not been lost through forfeiture. See Section 42-223, Idaho Code for exceptions to forfeiture.

Please provide the requested information within 30 days or the application will be returned unprocessed. Thank you.

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

MAY 17 2021

DEPARTMENT OF
WATER RESOURCES
RANDALL C. BUDGE
randy@racineolson.com

May 12, 2021

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Supply Bank Application – Rhonda Kay Malan

To whom it may concern:

Enclosed please find the original and two extra copies of an Application to Lease Water Right No. 29-13650 to the Water Supply Bank, together with the Applicant's check in the amount of \$250 for the filing fee. Please file and process the original Application and conform stamp the extra copies, returning one to Applicant and one to me in the enclosed stamped and addressed return envelopes.

Please expedite the processing and approval of the Application and notify me and the Applicant as soon as it is approved. The Application is being filed to protect and preserve the water right pending sale and transfer to the City of Pocatello which will move forward upon approval of this Application.

Thank you for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:ts
Enclosures
c: Rhonda Malan

2078