

RECEIVED

APR 28 2021

DEPARTMENT OF
WATER RESOURCES

Designated Applicant

STATE OF IDAHO
WATER RESOURCE BOARD

Print Form

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKGretchen Kathleen Arguedas
(Select one owner – see item 1A on the application)

Water Right No.

37-7064E
(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.

WITHDRAWN

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: kuDate Received: 4.28.21Receipt # C110303W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9:

Gretchen Arguedas

SCANNED

AUG 23 2021

2064

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 Gretchen Arquedas
Mailing Address 1301 N. 14th St. Boise ID 83702
Street City State Zip Code
Email Address GretchenKH@gmail.com Phone Number (208) 869-8938

☐ 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 documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative _____ Organization _____
Professional Title _____ Email Address _____
Mailing Address _____ Phone Number _____

☐ 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**.

SCANNED 2021
AUG 23 2021

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.

Well & pump

- 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.

- 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.

- 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. It has been in the bank

- 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 ☒?

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.

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.

[Signature]
Signature of Designated Applicant

Gretchen Arguedas
Printed Name

4/16/21
Date

Signature of Authorized Representative

Printed Name

Date

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

Print Form

SCANNED
AUG 23 2021

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 1 if more than one applicant/water right holder.

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 37-7064E

	Designated Applicant	Applicant #2	Applicant #3
Name	Gretchen Arguedas	Dan Arguedas	
Mailing Address	1301 N. 14th St. Boise, ID 83702	1301 N. 14th St. Boise, ID 83702	
Phone Number	(208) 369-8938	(208) 794-6058	
Email Address	GretchenKH@gmail.com	danarguedas@yahoo.com	
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

SCANNED
 AUG 23 2021

ID Private Lands

ARGUEDAS DANIEL JOHN

Overview Hunt Unit Range Radius

ID Private Lands

Owner

ARGUEDAS DANIEL JOHN

Secondary Owner

ARGUEDAS GRETCHEN KATHLEEN

Tax Address

1301 N 4TH ST BOISE ID 83702

Area (Acres)

30.390

Lat/Long 43.39174, -114.25964

Copy



Add Photo



Add Waypoint



Share



More

SHEEP CAMP
FAMILY LLLP

HIGH TRACK LLC

GOVE JAY LEE

ARGUEDAS
DANIEL JOHN

MADSEN PETER

SHERBINE ALI E

SCANNED
AUG 23 2021

Hersley, Jean

From: Dan Arguedas <danarguedas@yahoo.com>
Sent: Wednesday, July 14, 2021 9:32 AM
To: Jen Landers; Hersley, Jean
Subject: Re: Water Right 37-7064E

Thanks Jean,

Yes, we will withdraw from the lease application. Since Jen is the new owner everything should be in her name going forward. (I totally understand about the filing fee; no problem there.)

-Dan

On Wednesday, July 14, 2021, 09:27:41 AM MDT, Hersley, Jean <jean.hersley@idwr.idaho.gov> wrote:

Dan, do you want to withdraw the lease application and have Jen send in an application in her name? If you withdraw, the \$250 filing fee will not be refunded because the application has already been processed.

Jen, when you send in the Notice of Change in Water Right Ownership, put in writing that you would like the lease to be re-printed in your name. If you have any other questions, please contact me.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

From: Dan Arguedas [mailto:danarguedas@yahoo.com]
Sent: Wednesday, July 14, 2021 9:18 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>; Jen Landers <jen_landers@hotmail.com>
Subject: Re: Water Right 37-7064E

Thanks Jen,

We had applied to lease the water right back to the water bank before selling, which is why this has come up. We will not sign the lease documents, and will let you coordinate the ownership change with the water resource board after which you can decide if you want to lease back the right.

Thanks and please let me know if I can be of any help in this process.

-Dan

On Wednesday, July 14, 2021, 08:52:04 AM MDT, Jen Landers <jen_landers@hotmail.com> wrote:

Dan-

Thanks for following up. Yes! I would like both in my name.

From: Dan Arguedas <danarguedas@yahoo.com>
Sent: Wednesday, July 14, 2021 8:50 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Cc: Jen Landers <jen_landers@hotmail.com>
Subject: Re: Water Right 37-7064E

Thanks Jean,

I certainly imagine Jen would want both the water right ownership, and any associated lease contract, to be in her name.

-Dan

On Wednesday, July 14, 2021, 07:34:37 AM MDT, Hersley, Jean <jean.hersley@idwr.idaho.gov> wrote:

If the new owner still wants the right in the Bank, please sign the contracts and return to the Department. The new owner will need to file a Notice of Change in Water Right Ownership form to the Department. The ownership will be updated but the contract will remain in Arguedas name, if that is acceptable. If the new owner wants the contract in her name, do not sign the contract. When the new owner files the ownership change, we will update the contract and send it out for her signature.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

From: Dan Arguedas [<mailto:danarguedas@yahoo.com>]

Sent: Tuesday, July 13, 2021 3:03 PM

To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Cc: Bank <Bank@idwr.idaho.gov>; Jen Landers <jen_landers@hotmail.com>

Subject: Re: Water Right 37-7064E

Thanks Jean and Remington,

Based on my conversation with Jean we are to sign the water right lease documents. Is this still correct? If helpful, I've added the new property owner, Jen Landers, to copy so she can be current with where things are at when she applies for the water right transfer.

Thanks,

Dan

On Tuesday, July 13, 2021, 02:57:15 PM MDT, Hersley, Jean <jean.hersley@idwr.idaho.gov> wrote:

SCANNED
AUG 23 2021

I already spoke with Mr. Arguedas.

From: Buyer, Remington
Sent: Tuesday, July 13, 2021 2:51 PM
To: Dan Arguedas <danarguedas@yahoo.com>
Cc: Bank <Bank@idwr.idaho.gov>; Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: Water Right 37-7064E

Hi Dan,

If you sold the water rights and no longer own them, please don't sign the lease contract. Who is the new owner? If the new owner(s) submit to us a Change in Water Right Ownership form, we can put the water rights into their name. If they submit the ownership change form to us in the next few weeks, we can amend the lease contract to place the new owners name on the contract and have them sign off on the lease approval, provided they want to execute the lease. Else, if you would like to withdraw the lease application, we can cancel the lease contract if you would like to request that.

Thank you,

Remington Buyer

Water Supply Bank Coordinator

Idaho Department of Water Resources

322 East Front Street, Boise, ID, 83720

T: (208) 287-4918 | F: (208) 287-6700

From: Dan Arguedas [<mailto:danarguedas@yahoo.com>]
Sent: Tuesday, July 13, 2021 2:08 PM
To: Bank <Bank@idwr.idaho.gov>
Subject: Water Right 37-7064E

Hello,

My wife (Gretchen Arguedas) and I received a letter from Jean Hersley regarding our application to lease water right (37-7064E) to the Water Supply Bank. However, we have sold the property (10631 HWY75, Bellevue) since the time we submitted the application for leasing. Should we sign the lease documents anyway, or just wait for the water rights to transfer to the new owner?

Thanks,

Dan Arguedas



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

July 6, 2021

GRETCHEN KATHLEEN ARGUEDAS
1301 N 14TH ST
BOISE ID 83702-3539

RE: APPLICATION TO LEASE WATER RIGHTS 37-7064E TO THE WATER SUPPLY BANK
CONTRACT 1424

****TIME SENSITIVE RESPONSE REQUIRED****

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2021**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:
"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

RECEIVED
AUG 23 2021

Hersley, Jean

From: Hersley, Jean
Sent: Friday, July 2, 2021 2:47 PM
To: Skinner, Corey; Kevin Lakey
Subject: WSB Lease for 37-7064E
Attachments: Idled Acres.pdf; Lease Application Review Checklist.xls; Lease Contract 1424-Template.docx

Please let me know if you have any comments or concerns with the attached lease.

Corey, this is the supplemental ground water right we were talking about in the meeting on Wednesday.

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

SCANNED
AUG 23 2021

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Arguedas

Memo Date: July 2, 2021

Water Right Number(s): 37-7064E

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

	Check box		COMMENTS/CONCERNS:
1	☒		
Fill out WSB Data Entry Checklist for Leases (Front of File)			
2			
Reason for lease of water rights (Brief description of lease proposal in narrative)			
			Portion of right
	☒		All of right
3			
Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
	Yes	No	
4	☒		only as supplemental
Rentable? (If no explain in comments or narrative)			
5			
Authority to file			
	☒		Current owner or designated applicant
		na	SOS Web site checked for business entity
			Other (explain in comments)
6			
Water Right validity			
			Decreed/Licensed/Statutory claim date (write in comments section) 2013
			Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)
	☒		Has this right previously been leased to the bank or in CREP? 2015-2016, 2018-2020
7			
Injury to other water rights			
		na	If the POD is through a delivery entity, was consent provided?
			If the POD is through a delivery entity, was holdback required? (percentage in comments) %
	☒		Any other concerns
8			
Enlargement concerns			
	☒		Complete a POU comparison overlap analysis
			Complete a combined limits review
	☒		Complete POD overlap analysis (if there is an overlap add condition to lease)
	Yes	No	
		☒	Are there overlapping rights that need to be placed in the bank also?
		☒	Will the place of use continue to receive water? (if yes explain in comments)
9			
Local Public Interest			
		☒	Does the processor know of any problems this action will cause for the local public?
10			
Have you contacted regional office and watermaster for comment/concerns?			
	☒		Send the watermaster comment request form or e-mail request
11			
Area Headgate requirement (write in Comments) 3.5			
12			
Is water right involved in any other department action? Pull file and check database			
		☒	() Ownership Change () Transfer () Mitigation () Other - Explain in comments
13			
Narrative: The Department received this application on April 28, 2021. The applicant wishes to place the entire right in the Bank. This right was decreed in 2013 and was in the Bank in 2015, 2016, 2018 to 2020. This is a supplemental ground water right that can only be used with a primary surface water right. The surface water right that was appurtenant to the land, 37-102B, was disallowed in the SRBA due to an unresponsive claimant. Previous owners have been advised to file with the SRBA court to set aside the decision and have the right decreed. See file for additional information. This right is currently within WD 37. This right is also within the curtailment area of the Bellevue Triangle and the Big Wood GWMA.			

SCANNED
AUG 23 2021