



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 17, 2020

DONALD AND BONNIE PIKA TRUST
3708 VISTA GRANDE LN
TWIN FALLS, ID 83301

RE: RETURNED APPLICATION(S) TO LEASE AND RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Department received your applications to lease water rights 36-66A, 36-66B and 36-10169 as well as your application to rent water right 36-10169 from the Water Supply Bank on October 30, 2020. The Department sent information request January 8, 2021, requesting further information regarding your lease and rental proposals. An email was received December 16, 2020 from you requesting a withdrawal of both your lease and rental applications.

As such, your original applications are being returned to you and your filing fee refunded in a separate mailing. Please allow 14 days for that refund to be mailed to you.

If you have questions regarding this matter, please contact me at (208) 287-4936.

A handwritten signature in black ink, appearing to read 'JF', is positioned above the name Justin Ferguson.

Justin Ferguson
Water Supply Bank Specialist

Enclosures: Original Applications to Lease or Sell Water Rights to the Water Supply Bank
Original Application to Rent Water from the Water Supply Bank

cc: Hattie Zobott – J U B Engineering
Corey Skinner – IDWR Southern Region

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 05 2020

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

OCT 30 2020

DEPARTMENT OF
WATER RESOURCESDEPT OF WATER RESOURCES
SOUTHERN REGION

Designated Applicant Donald & Bonnie Pica Trust

Water Right No. 36-66A

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

(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: DM

Date Received: 10.30.2020

Receipt # 5038231

W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Donald G. Pica

Bonnie L. Pica

1804

Returned
12/17/2020

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 Donald & Bonnie Pica Trust

Mailing Address 3708 Vista Grande Ln, Twin Falls, ID 83301

Street

City

State

Zip Code

Email Address donaldpic@msn.com

Phone Number 208-734-5259

☐ 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 Hattie Zobott

Organization J-U-B ENGINEERS, Inc.

Professional Title Professional Engineer

Email Address hzobott@jub.com

Mailing Address 115 Northstar Ave, Twin Falls, ID 83301

Phone Number 208-733-2414

☐ 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.
Pipe with headgate.

- 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. 36-66A & 36-66B, overlapping place of use for irrigation.

- 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 Attachment 4F.

- 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. _____

- 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.
See Attachment 4H.

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 2026 (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.

Donald & Bonnie Pica Trust
Signature of Designated Applicant

Donald & Bonnie Pica Trust
Printed Name

20-Oct-20
Date

Hattie Zobott
Signature of Authorized Representative

Hattie Zobott
Printed Name

Date

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 30 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

LESSOR DESIGNATION FORM

When multiple individuals or business entities jointly own property to which a water right is appurtenant, the parties can use this form to nominate a designated lessor to represent their common interests on a Water Supply Bank lease contract. The signatures of all water right holders are required on this form to elect a designated lessor. The designated lessor is required to provide a completed IRS Form W-9 to receive any payment associated with the rental of a water right under a Water Supply Bank lease contract. **All correspondence and any financial payment associated with the rental of this water right will be directed to the designated lessor.** If additional space is needed to list any other water right holders, attach a second copy of this Lessor Designation Form.

Water Right No(s). 36-10169, 36-66A, 36-66B

	Designated Lessor	Water Right Co-owner	Water Right Co-owner
Name	Donald Pica, Donald and Bonnie Pica Trust	Bonnie Pica, Donald and Bonnie Pica Trust	
Mailing Address	3708 Vista Grande LN Twin Falls, ID 83301	3708 Vista Grande LN Twin Falls, ID 83301	
Phone Number	208-420-5712		
Email Address	dona1dpic@msu.com		
Water Right Owner Declaration	As designated lessor, I will represent the interest of all other water right owners on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature	<i>Donald Pica</i>	<i>Bonnie Pica</i>	

	Water Right Co-owner	Water Right Co-owner	Water Right Co-owner
Name			
Mailing Address			
Phone Number			
Email Address			
Water Right Owner Declaration	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			

**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)
36-66A	irrigation	0.02	2.29	0.6
	Total Amounts:			

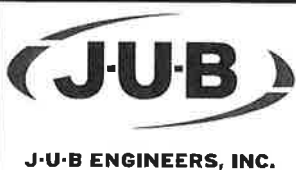
2. Source of water Billingsley Creek tributary to Snake River

3. Point(s) of diversion:

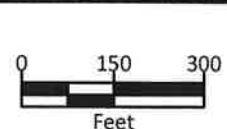
Twp	Rge	Sec	Lot	¼	¼	¼	County
07S	13E	11		NW	SW	NE	Gooding



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



**PICA TRUST
WATER SUPPLY BANK
WATER RIGHT LEASE
Attachment 3**



1 inch = 300 feet

**State of Idaho
Water Resource Board**

Application to Rent Water from the Board's Water Supply Bank Attachments

Attachment 4B

The water right conditions being requested provide an unconventional duty of water. The proposed rental will sufficiently accomplish the intended purpose since the water will be diverted in a small amount very slowly to fill the pond.

Attachment 4C

The rental request does change the nature of use for the water right. The nature of use will change from irrigation to wildlife aesthetic. There will be a shortened season and decreased consumption by use occurring only during non-consumptive period.

**State of Idaho
Water Resource Board**

Application to Sell or Lease a Water Right Attachments

Attachment 4F

The 0.6 acres of alfalfa offered to the WSB for lease was flood irrigated from the ditch using the existing pipe and headgate adjacent to the area and labeled as POD in Attachment 2. Irrigation for the location was completed solely from the wastewater source using the POD by flooding the low-lying area. The area naturally ponds from the flood irrigation and is difficult to irrigate by sprinkler. Use of WR 36-10169 was sustained into November due to the long growing season and extended period of use allowed by the water right.

The consumptive use for the proposed leased area was estimated for "Alfalfa-less frequent cuttings" using the precipitation deficit values near Hagerman, ID (Allen & Robison 2012). The estimated consumptive use of the 0.6 acres of irrigated land offered for lease is 2.28 acre feet as shown in the following Exhibit A. The water diverted to accomplish the beneficial use authorized by this water right for 0.6 acres of irrigation had a consumptive use value estimated to be 2.28 acre-feet annually.

**State of Idaho
Water Resource Board**

Application to Sell or Lease a Water Right Attachments

Attachment 4H

The proposed water right is part of a mitigation plan for permit 36-17132 and 36-17133. The mitigation place of use for these permits can be seen on Attachment 3. The mitigation is described on the water right reports (Exhibit B).

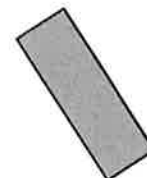
Exhibit A

Water Balance
 Water Water Supply Bank Lease-Rental
 J-U-B Engineers
 Hattie Zobott, P.E.
 10/29/2020

Water Balance:			
Eqn 1)	Water Use Lease=Water Use Rental		
Eqn 2)	Water Use Lease=ET1+Seepage1		
Eqn 3)	Water Use Rental=V2+ET2+Seepage2		
Eqn 4)	Seepage 1=Seepage 2		
Eqn 5)	ET1-ET2-V2=0		
Eqn 6)	If Eqn 5)> 0, then NO Enlargement: Else, Enlargement		
Note: IDWR Pond Calculation used to validate consumptive use and fill rate of pond			
** Pond seepage is assumed to be equal to field seepage			
Period of Use will not change before and after the transfer			
Water Balance			
ET1-ET2_Non-V2=	0.47	acre-ft	>0=Benefit, Value = 0 NO Enlargement, <0=Enlargement

Field Pre Lease			
V1		cf	0.00 afa
Length 1	NA	ft	0.60 acres
Width 1	NA	ft	
Depth 1	1.0	ft	
Area 1	26136	sf	
ET1	2.28	afa	Field, Alfalfa, ET for Area1 ¹

Wildlife-Aesthetic Pond Rental			
V2	26136	cf	1.81 for 3 fills
Length 2	NA	ft	Non rectangular pond--refer to area
Width 2	NA	ft	Non rectangular pond--refer to area
Depth 2	1	ft	Fill Depth Assumed equal depth
Area 2	26136	sf	0.60 acres
ET2_grow	1.70	afa	Open pond shallow water ET for Area 2 ¹
ET2_Non	0.00	afa	Open pond shallow water ET for Area 2 ¹ , Non growing season



NTS



NTS

NOTE: Analysis based on average values for pond dimensions and ET values near Hagerman, Idaho

¹Allen, Richard G. and Clarence W. Robison, 2012. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

Field Pre Lease: Alfalfa - Frequent Cuttings

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season	Non Growing Season	Annual
Mean	mm/day												mm		
Days/Month	31	28	31	30	31	30	31	31	30	31	30	31			
Monthly Average Daily Mean	-0.17	-0.02	1.11	4.61	5.14	6.42	6.69	6.1	4.73	2.8	0.04	-0.53	1156	-29	1127
Precipitation Deficit	45.5	in/year													
Precipitation Deficit	3.79	ft/year													
Field Area	0.600	acres													
Consumptive Use	2.276	afa													
Growing Days In Season	245	days													
Consumptive Use Flow Rate	0.005	cfs													
													45.5118	-1.14173	44.3701

Leased Ponds Rental: Open water - shallow systems (ponds, streams)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season	Non Growing Season	Annual
Mean	mm/day												mm		
Days/Month	31	28	31	30	31	30	31	31	30	31	30	31			
Monthly ^c	-0.36	0.44	1.59	2.9	3.64	4.72	5.33	4.66	3.6	2.17	0.31	-0.78	862	0	862
Precipitation Deficit	33.9	in/year													
Precipitation Deficit_Grow	2.83	ft/year													
Precipitation Deficit_Non	0.00	ft/year													
Wetland Area	0.600	acres													
Consumptive Use	1.70	afa													
Consumptive Use	0.00	afa													
Growing Days In Season	245.00	days													
Consumptive Use Flow Rate	0.003	cfs													
													33.937	0	33.937

NOTE: ET Values from ET Idaho near Hagerman, Idaho

Allen, Richard G. and Clarence W. Robison, 2012. *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008*, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

Exhibit B

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.

WATER RIGHT REPORT

9/14/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 36-66A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD & BONNIE PICA TRUST 3708 VISTA GRANDE LN TWIN FALLS, ID 83301 (208) 734-5259
Directors Report Owner	MONTE W BRUHN 707 WILLOW SALMON, ID 83467 2087564722
Directors Report Owner	MARLENE M BRUHN CLARK PO BOX 2190 #755 HENDERSON, NV 89009

Priority Date: 04/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BILLINGSLEY CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	02/15	11/30	0.24 CFS	
Total Diversion			0.24 CFS	

Location of Point(s) of Diversion:

BILLINGSLEY CREEK | NWSWNE | Sec. 11 | Township 07S | Range 13E | GOODING County

IRRIGATION Use:

Acre Limit: 8

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	14		NENW	16		NWNW	8.7		SWNW	2.2		SENW	1.9

Total Acres: 28.8

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. X27 This right is limited to the irrigation of 8 acres within the authorized place of use in a single irrigation season.
5. X35 Rights 36-66A, 36-66B, and 36-10169 when combined shall not exceed a total diversion rate of 0.84 cfs, and the irrigation of 28.8 acres.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

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

Ferguson, Justin

From: Buyer, Remington
Sent: Thursday, December 17, 2020 2:31 PM
To: Donald Pica
Cc: Hattie Zobott; Skinner, Corey; pferwin@q.com; Bank
Subject: RE: Water Supply Bank Rental Application 1800

Hello Mr. Pica,

Sorry for a delayed response. We will cancel your Water Supply Bank lease and rental applications and refund to you the lease application filing fees. Please allow us approximately 14 days to issue you a refund.

Remington

From: Donald Pica [mailto:donaldpic@msn.com]
Sent: Thursday, December 17, 2020 10:59 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Hattie Zobott <h Zobott@jub.com>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; pferwin@q.com
Subject: Re: Water Supply Bank Rental Application 1800

Good morning Remington,
Have your office confirm to me that my email dated December 16, 2020 to you was received.
Thanks
Don

Sent from my iPhone

On Dec 16, 2020, at 2:29 PM, Donald Pica <donaldpic@msn.com> wrote:

Mr, Buyer
I have read your initial report and decided to withdraw the above rental application / lease application and have your department refund the \$500 fee to the address your letter was sent.
Don

Sent from my iPhone

On Dec 10, 2020, at 3:02 PM, Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Mr. Pica, Hattie,

I've had a chance to conduct a preliminary review of Mr. Pica's lease/rental proposal to convert irrigable acres into a winter wildlife pond and I have a number of questions regarding how wintertime diversions might be authorized without causing injury or enlargement. The questions also pertain to the sufficiency of the water source from which wintertime diversions would be made to fill the wildlife pond.

The attached letter is being mailed from our office tomorrow, Friday, December 11th. Please review the letter and advise on how you would like our office to proceed in reviewing rental application 1800 (as well as lease application 1802).

If you would like to discuss this information request in more detail, I'm happy to schedule a call with you.

Regards,

Remington

<Information Request - Pica Trust.pdf>



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 11, 2020

Donald and Bonnie Pica Trust
3708 Vista Grande Ln
Twin Falls ID 83301

RESPONSE DEADLINE:
January 8, 2021

RE: Action Required on WSB Rental Application 1800

Dear Applicant,

On November 5, 2020, the Department of Water Resources (Department) received from you a request to rent water rights from the Water Supply, to authorize the filling and maintenance of ponds for wildlife purposes, beginning in 2021, and lasting for a period of five years. This rental application has been assigned ID number 1800. The rental application was accompanied by an application to lease water rights 36-66A, 36-66B and 36-10169 into the Water Supply Bank (lease application 1802) and it was proposed that portions of all three of these water rights should be the basis upon which your rental request would be authorized.

The Water Supply Bank can approve rentals that don't cause injury to prior appropriators, enlarge the water rights being rented, provided, the source of water from which the rental will be made must be sufficient to authorize the beneficial use of water requested under the rental. After a preliminary review of both lease application 1802 and rental application 1800 it is not clear whether a rental can be approved, based on the information provided thus far.

Your rental requests an authorization to fill and maintain a pond using water from Billingsley Creek, Waste Water and from an Unnamed Stream. Beginning in November, during the irrigation season, water rights 36-66A, 66B and 10169 can be used to fill a pond under this rental request, using water from Billingsley Creek and Waste Water sources. Once the irrigation season concludes, your rental request proposes to maintain water levels in the pond, through diversions of water under the authorizations of waste water right 36-10169. However, it is unclear whether Waste Water would be available for diversion during the non-irrigation season. It is also unclear whether the actual source of water that is proposed to be diverted during the winter would in fact originate from the Unnamed Stream, which is the source of water under which you are authorized to fill other ponds during the winter under permit 36-17133. In your rental application, you stated that the average winter flow rate in the Unnamed Source is 1.0 cfs. Because downstream permit 36-17116 is authorized to divert up to 2.5 cfs from the Unnamed Stream, it is unclear whether there is any unappropriated flows available to maintain a pond, under your rental proposal, without causing injury to downstream water use permit 36-17116.

If the pond associated with your rental request will be maintained with water diverted from the Unnamed Stream during the non-irrigation season then, to avoid enlargement of water rights 36-66A, 66B and 10169, your diversion of water from the Unnamed Stream during the non-irrigation season cannot exceed the amount of water that would accrete to the Unnamed Stream from your pond, based on releases of water from the pond (through infiltration and conveyance losses), during the non-irrigation season. Further, if the flows of water in the Unnamed Stream (inclusive of any accretions to the source attributable to losses from your pond) do not exceed the flow rates required to provide downstream permit 36-17116 with a flow rate of 2.5 cfs, or a lesser flow rate necessary to provide permit 36-17116 with a sufficient supply of water required to maintain full beneficial use under the permit, then any diversion of water from the Unnamed Stream during the non-irrigation season is presumed to constitute injury to permit 36-17116 and would not be permissible.

The purpose of this letter is to present you with options by which you may request our office to proceed in processing your lease and rental applications. One option available to you is to request that our office continue processing of lease application 1802, and rental application 1800, as proposed. Based on our preliminary review, it seems permissible to authorize a change in nature of use of water rights 36-66A, 66B and 10169, such that they can be used to fill and maintain a 0.6 acre pond, beginning during, and continuing up until the end of the irrigation season, November 30th. However, without additional information to address injury, enlargement and source sufficiency questions, our office does not expect to be able to authorize additional diversions of water to the pond during the non-irrigation season.

As an alternative to the above option, you may request that our office continue processing rental application 1800, to authorize diversions of water to the pond during the non-irrigation season. If you would like to request this option, we require that you provide us with the following information:

- Confirmation regarding the source of water that will be used to initially fill the ponds during the irrigation season. **Will the pond be initially filled and maintained using Billingsley Creek and waste water sources, or with water from the Unnamed Stream?**
- Confirmation regarding the source of water that will be used to maintain the ponds during the non-irrigation season. **Will the pond be maintained with waste water, or water from the Unnamed Stream?**
- If the pond is proposed to be maintained with water diverted from waste water sources during the non-irrigation season, provide a characterization of the source and sufficiency of the waste water source. **From where does the waste water originate and what is the estimated flow rate of waste water available to be diverted during the non-irrigation season?**
- If the pond is proposed to be maintained with water diverted from the Unnamed Stream during the non-irrigation season,
 - o explain the nature of the relationship between the Unnamed Stream and the waste water and Billingsley Creek water sources authorized to be diverted under water rights 36-66A, 66B and 10169; **provide the calculated average daily accretions to the Unnamed Stream, attributable to losses from water stored in the pond.**
 - o **Confirm how your diversions of water from the Unnamed Stream will not inhibit a full beneficial use of water under downstream permit 36-17116.**

A final option available to you is to request a withdrawal of your lease and rental applications. If you request a withdrawal of the application, our office will return your applications and refund your filing fees.

To continue processing of your applications, our office requires that you confirm to us how you would like us to proceed in reviewing your lease and rental proposals, within the next thirty days (deadline of January 8th, 2021). If the information requested above is not received prior to the established deadline, our office will continue review of your lease and rental applications, as proposed, and no refund of the lease application filing fee will be issued once processing of the lease application is completed.

If you have any questions, please contact me at (208) 287-4918.

Regards,

Remington Buyer
Water Supply Bank Coordinator

CC: Hattie Zobott – JUB Engineers
Frank Erwin – Water District 36A Watermaster,
Corey Skinner – IDWR Southern Region



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

RECEIVED TRANSMITTAL LETTER

NOV 05 2020

To: Corey Skinner
IDWR-Southern Regional Office
650 Addison Ave. W
Suite 500
Twin Falls, Idaho 83301

DEPARTMENT OF
WATER RESOURCES

Date: 10/30/2020

Project: Donald and Bonnie Pica Trust-WSB

Project No.: 60-18-034

RECEIVED

OCT 30 2020

We are shipping you:

Attached via Hand Delivered, the following items:

DEPT OF WATER RESOURCES
SOUTHERN REGION

COPIES	DATE OR NO.	DESCRIPTION
1	1	WSB Lease Application 36-10169
1	1	WSB Lease Application 36-66A
1	1	WSB Lease Application 36-66B
1	1	WSB Rental Application 36-10169
1	Check	Lease Application Fee (\$500.00)

These items are transmitted as checked below:

☐ For Approval

☐ As Requested

☐ Returned for Corrections

☐ For Your Information

☐ For Review & Comment

☒ For Processing

REMARKS:

Dear Mr. Corey Skinner,

Please contact me with any questions you may have.

Cc:

Don Pica-Electronic
Remington Buyer-Electronic

Signed:

Hattie Zobott, P.E.

If enclosures are not as noted, please notify us at 208-733-2414.

\\TWINFILES\Public\Projects\JUB\60-18-034 Donald & Bonnie Pica Trust-Water Rights\Text\Correspondence\Letters\T 20201030 JUB to Pica - WSBLeaseRental.docx