



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

April 1, 2020

THE WELDON AND MARILYN J. WANKIER LIVING TRUST
C/O WELDON WANKIER
PO BOX 194
SUN VALLEY, ID 83353

RE: RETURNED APPLICATION(S) TO LEASE WATER RIGHT NO 37-23095 TO THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) is returning your Application to Sell or Lease a Water Right to the Water Supply Bank (Application Number 1557), which was received on December 20, 2019. Your application proposed to lease the full extent of water right 37-23095 into the Bank. This letter explains how a decision was made on your application.

Water Supply Bank rule 25.02 (IDAPA 37.02.03) describes the materials needed for a complete application. Upon initial review, the Department has determined your application is incomplete. You have not provided information that the water right has not been lost through abandonment or forfeiture, required by rule 25.02.c. The Department has requested the needed information as required in rule 25.04, however the requested information has not been supplied. Therefore, the Water Supply Bank is declining to lease into the Bank water right 37-23095.

This letter is notice that the attached application to lease water to the Bank is being returned as incomplete. A refund in the amount of \$250 has been requested and will be forwarded to you in a separate mailing.

Please note that should more information become available at a later date you can reapply to the Water Supply Bank.

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

Cc - Jim Speck – Speck & Aanestad

RECEIVED

DEC 20 2019

DEPARTMENT OF
WATER RESOURCES

WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Weldon Wankier, Trustee
(Select one owner – see item 1A on the application)Water Right No. 37-23095
(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 \$ <u>250</u>	Received By: <u>KW</u>	Date Received: <u>12-20-19</u>	Receipt # <u>C108133</u>
W-9 received? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Route W-9 to Fiscal)		Name on W-9:	

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 Weldon Wankier, Trustee of The Weldon and Marilyn J. Wankier Living Trust uad 3/23/2000

Mailing Address PO Box 194, Sun Valley, Idaho 83353

Street City State Zip Code

Email Address wwsunvalley@cox.net Phone Number (208) 928-7879-720-5526

☐ 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 James P. Speck Organization Speck & Aanestad, A Professional Corp.

Professional Title attorney Email Address jim@speckandaanestad.com

Mailing Address PO Box 987, Ketchum, Idaho 83340 Phone Number 208-726-4421

☐ 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**.

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.

There is none

- 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. None

- 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 Application to Lease filed in December 2017 and WSB Lease Contract No. 732 for 2019.

- 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 ☒

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: 2020 to 2020 (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.

Weldon Wankier
Signature of Designated Applicant

Weldon Wankier, Trustee
Printed Name

12-12-19
Date

Signature of Authorized Representative

Printed Name

Date

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

STATE OF IDAHO
WATER RESOURCE BOARD

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). _____

	Designated Applicant	Applicant #2	Applicant #3
Name	Weldon Wankier, Trustee of The Weldon and Marilyn J. Wankier	Marilyn J. Wankier, Trustee of The Weldon & Marilyn J. Wankier	
Mailing Address	Living Trust uad 3/23/2000 PO Box 194 Sun Valley, ID 83353	Living Trust uad 3/23/2000 PO Box 194 Sun Valley, ID 83353	
Phone Number	(208) 928-7879 720-5526	(208) 928-7879 720-5526	
Email Address	wwsunvalley@cox.net	wwsunvalley@cox.net	
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			

ATTACHMENT 3

APPLICATION TO LEASE 37-23095 TO WATER SUPPLY
BANK

APPLICANT - Weldon Wankier, Trustee of The Weldon and
Marilyn J. Wankier Living Trust uad 3/23/2000



Approved Lease Point of Diversion

Approved Lease Place of Use

Townships

PLS Sections

Quarter Quarters



0 500 1,000 Feet

Ferguson, Justin

From: Ferguson, Justin
Sent: Wednesday, March 4, 2020 9:35 AM
To: Marston, Sascha
Cc: Buyer, Remington
Subject: Wankeir Trust Refund

Morning!

Can we issue a refund for the lease application filing fee for Weldon Wankier, we are returning the application as incomplete. His address is:

Weldon and Marilyn J. Wankier Living Trust
C/O Weldon Wankier
PO Box 194
Sun Valley, ID 83353

The original receipt number is C108133 for \$250.00

Thank you!

Ferguson, Justin

From: Ferguson, Justin
Sent: Tuesday, February 11, 2020 11:03 AM
To: 'James Speck'; Buyer, Remington
Cc: Weldon Wankier (wwsunvalley@cox.net)
Subject: RE: RE: Wankier WSB Lease Application

Jim

I apologize for the delay, we are still working on that lease and have not yet come to a decision. I can let you know as soon as we have a decision finalized, it should be no later than early-mid next week.

Justin

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Thursday, February 6, 2020 4:43 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Cc: Weldon Wankier (wwsunvalley@cox.net) <wwsunvalley@cox.net>
Subject: RE: RE: Wankier WSB Lease Application

Remington & Justin,

Please update me on the status of this Application to Lease. It remains labelled "DEFICIENT" in the spreadsheet. Thank you.

Jim

-----Original Message-----

From: James Speck
Sent: Wednesday, January 29, 2020 2:27 PM
To: Buyer, Remington; Ferguson, Justin
Cc: Weldon Wankier (wwsunvalley@cox.net)

Remington & Justin,

I have confirmed there is no physical delivery system to get water from the river to the Wankier property.

Jim

From: James Speck

Sent: Wednesday, January 29, 2020 9:54 AM

To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Ferguson, Justin
<Justin.Ferguson@idwr.idaho.gov>

Cc: Weldon Wankier (wwsunvalley@cox.net) <wwsunvalley@cox.net>

Subject: Wankier WSB Lease Application

Remington & Justin,

There may be one more fact for you to consider. There may not be a physical delivery system from the river to the Wankier property or any easements in which to construct a new one. The property may also not be close enough to the river to allow transfer of the right to a new well on the West end of the lot. So using the water is more complicated than usual. Please let me know if this information is also relevant to your consideration of the pending application.

Jim

James P. Speck

SPECK & AANESTAD

A Professional Corporation

120 East Avenue North

P.O. Box 987

Ketchum, ID 83340

208.726.4421

208.726.0752 (fax)

jim@speckandaanestad.com <mailto:jim@speckandaanestad.com>

CONFIDENTIAL COMMUNICATION

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Ferguson, Justin

From: James Speck <jim@speckandaanestad.com>
Sent: Monday, January 27, 2020 10:53 AM
To: Ferguson, Justin
Cc: Weldon; Buyer, Remington
Subject: RE: RE: Water Supply Bank Information Request - Wankier Trust

Justin,

My client purchased the lot and water right in late 2017 and we filed the WSB lease application soon thereafter. He has not used the right and could not use it as it was then leased to the WSB. It is our understanding, as stated in the previous WSB lease application submitted in 2017 that the right has not been used since the decree.

My client leased the right for only 2 years hoping to be able to develop a delivery system and use the water by the third year. That has not happened so he has requested an additional year. Since he could have leased the right initially for 5 years why is the request for a third year now raising a forfeiture issue? Nothing in your Staff Memorandum, which we complied with, indicates that would happen.

Jim

-----Original Message-----

From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Sent: Friday, January 24, 2020 12:19 PM
To: James Speck <jim@speckandaanestad.com>
Cc: Weldon <wwsunvalley@cox.net>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: RE: Water Supply Bank Information Request - Wankier Trust

Jim,

The last lease application was submitted timely, and the lease was effective from January 1, 2018 through December 31, 2019. For the new lease application proposed for 2020, the Department is requesting information about any use of water, or protection from forfeiture, associated with water right 37-23095 for the period following its decree in 2011, specifically, January 1, 2012 through December 31, 2017.

Please feel free to call on me if you would like to discuss the matter further,

Justin Ferguson
(208) 287-4936

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Friday, January 24, 2020 10:57 AM
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Cc: Weldon <wwsunvalley@cox.net>
Subject: RE: RE: Water Supply Bank Information Request - Wankier Trust

Justin,

Please confirm that you will process and approve this lease application. Thank you.

Jim

-----Original Message-----

From: James Speck
Sent: Monday, January 20, 2020 9:44 AM
To: Ferguson, Justin
Cc: Weldon

Justin,

The Application to lease this same water right portion was filed in December 2017 within the time limit for such filings to avoid forfeiture set forth in the Department's March 5, 2012 Administrator's Memorandum titled Forfeiture Review Period. The pending Application is also timely filed for the 2020 season. Therefore, forfeiture is not an issue for the processing of this Application.

Please contact me right away if the Department is no longer following the guidelines of this Memorandum.

Jim

James P. Speck

SPECK & AANESTAD

A Professional Corporation

120 East Avenue North

P.O. Box 987

Ketchum, ID 83340

208.726.4421

208.726.0752 (fax)

jim@speckandaanestad.com

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From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Sent: Friday, January 17, 2020 2:03 PM
To: James Speck <jim@speckandaanestad.com>
Subject: Water Supply Bank Information Request - Wankier Trust

Please see the attached information request going out today for the Wankier Trust

Thank you!



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

January 14, 2020

WELDON AND MARILYN J WANKIER LIVING TRUST
C/O WELDON WANKIER
P.O BOX 194
SUN VALLEY, ID 83353

RESPONSE DEADLINE:
February 16, 2020

RE: Action Required on WSB Lease Application 1557

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your application to lease water right 37-23095 to the Water Supply Bank and determined that your application is incomplete. The following items are required to continue processing your application:

- Confirmation that the water rights proposed for lease to the Water Supply Bank have not been lost to abandonment or forfeiture.

To be considered complete, Water Supply Bank rule 25.02.c requires that a lease application should include information that a water right has not been lost through abandonment, or forfeiture as defined by Section 42-222(2), Idaho Code. Per the information provided in your application, there are no diversion works associated with the place of use and it is presumed no water has been diverted under 37-23095 for the authorized beneficial use of irrigation in the time since the water right was decreed in 2011. Your water right was leased to the Bank from 2018 through 2019, however it appears that immediately prior to the lease, more than five years of non-use of water elapsed under water right 37-23095.

To continue processing of your application, our office requires documentation that the water right proposed for lease has not been subject to forfeiture or abandonment. Please provide us with the above requested information within 30 days (deadline of February 16, 2020), so that we can continue processing of your application. If we do not hear from you prior to the established deadline, your application will be returned and your filing fee refunded.

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

Regards,

Justin Ferguson

cc Jim Speck –Speck & Aanstad

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
(retired)

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

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P. O. BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208)726-4421
FACSIMILE
(208)726-0752

December 18, 2019

RECEIVED
DEC 20 2019
DEPARTMENT OF
WATER RESOURCES

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

**Re: *Weldon Wankier, Trustee - Application to Sell or Lease a Water Right
to the Water Supply Bank
Water Right No. 37-23095***

Dear Remington:


Enclosed you will find the *original* and a copy of the above-referenced *Application to Sell or Lease a Water Right to the Water Supply Bank Water Right No. 37-23095* accompanied Weldon Wankier's check in the amount of \$250.00 in payment of the Application fee.

Please return the receipt date-stamped copies to me in the postage prepaid self-addressed envelope I have included for that purpose. Please call me right away if you have any questions, comments or concerns.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Weldon Wankier (w/enclosure)