



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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

February 3, 2020

SUN VALLEY LAND AND MINERALS INC  
PO BOX 1959  
SUN VALLEY ID 83353

**RE: WITHDRAWAL OF APPLICATIONS TO LEASE WATER RIGHT NO. 37-4368B TO WATER  
SUPPLY BANK**

Dear Applicant:

Per a written request received from Brockway Engineering PLLC on December 23, 2019, the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Application for water right 37-4368B. A refund has been requested and will be sent to Brockway Engineering, PLLC under separate cover from the State Controller's Office.

If you have any questions, please contact me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley  
Technical Records Specialist

Enclosure: Lease Application

c: Zach Latham- Brockway Engineering PLLC

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

DEC 13 2019

DEPARTMENT OF  
WATER RESOURCES

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

**Designated Applicant** Sun Valley Land and Minerals, Inc.  
(Select one owner – see item 1A on the application)

**Water Right No.** 37-4368B  
(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](http://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](http://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 \$

Received By:

Date Received: 12/13/19

Receipt # C108091

W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9:

WITHDRAWN

1552

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 Sun Valley Land and Minerals, Inc.

Mailing Address P.O. Box 1959, Sun Valley ID 83353

Street

City

State

Zip Code

Email Address \_\_\_\_\_

Phone Number (208) 309-1359

☒ 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 Zach Latham

Organization Brockway Engineering PLLC

Professional Title Hydrologist

Email Address zach.latham@brockwayeng.com

Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301

Phone Number 208-736-8543

☐ 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.

Hot spring diversion into heating system, recreation pool

- 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. N/A.

- 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. This water right has been used in the past five years for heating (snowmelt) and recreation uses.

- 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. N/A.

- 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 ☒

N/A.

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: 2020 to 2024 (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.

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**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.

*Danna R Kelsey*  
Signature of Designated Applicant

*DANNA R KELSEY*  
Printed Name  
*President, Sun Valley Land & Minerals, Inc.*

*11-27-19*  
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). 37-4100, 37-4368B, 37-22128, 37-8205, 37-4369, 37-21614

	<b>Designated Applicant</b>	<b>Applicant #2</b>	<b>Applicant #3</b>
Name	Sun Valley Land and Minerals, Inc.		
Mailing Address	P.O. Box 1959 Sun Valley, ID 83353		
Phone Number	(208) 309-1359		
Email Address			
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			

	<b>Applicant #4</b>	<b>Applicant #5</b>	<b>Applicant #6</b>
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			

**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)
_____	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	Total Amounts:	_____	_____	_____

2. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

State of Idaho  
Department of Water Resources

**Water Right**  
**37-4368B**

HEATING

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.

17E



- Point of Diversion
- ▬ Place Of Use Boundary
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters

0 0.035 0.07 0.14 Miles





State of Idaho  
Department of Water Resources

**Water Right**  
**37-4368B**

RECREATION

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.

17E



○ Point of Diversion

□ Place Of Use Boundary

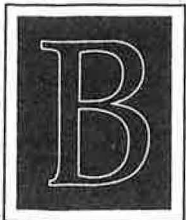
▬ Townships

▬ PLS Sections

▬ Quarter Quarters

0 0.035 0.07 0.14 Miles





**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 13 2019

DEPARTMENT OF  
WATER RESOURCES

December 9<sup>th</sup>, 2019

Mr. Remington Buyer  
Idaho Water Supply Bank  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Re: Water Supply Bank Lease Applications; Sun Valley Land & Minerals Inc.

Dear Remington,

On behalf of Sun Valley Land & Minerals Inc. (SVLM), Brockway Engineering is submitting six Water Supply Bank (WSB) lease applications which propose to lease all of water rights 37-4100, 37-4368B, 37-8205, 37-21614 and 37-22128 and a portion of 37-4369 to the Water Supply Bank for five years starting in 2020 and ending in 2024. The lease application for 37-4369 proposes to lease the portion of the storage component of the right that has been filled in by sedimentation from the Deer Creek drainage as a result of the Beaver Creek fire. The attached narrative explains in detail the method used to determine the amount of storage lost due to sedimentation by the fire. SVLM would like to be able to remove the sediment at a later date, necessitating the submittal of the attached WSB lease application.

Also included is a check from Brockway Engineering for \$1,500 to cover the cost of all six lease applications. Please copy our office on all correspondence regarding these WSB lease applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

Cc: Ms. Donna Kelsey  
Mr. Ed Lawson  
Mr. Devon Mackey  
Mr. Jim Speck

Enc: (6) WSB Lease Applications, Aerial Maps, Narrative, W-9 Form  
(1) Brockway Engineering Check # 15651

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

## ***MEMORANDUM***

TO: Sascha Marston  
FROM: Jean Hersley  
DATE: February 3, 2020  
RE: **Refund: WSB Lease Application- withdrawn**

Please refund \$250.

NAME: BROCKWAY ENGINEERING PLLC  
2016 WASHINGTON ST N STE 4  
TWIN FALLS ID 83301

RECEIPT #: C108091

Thank you.

Jean

**Hersley, Jean**

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**From:** Hersley, Jean  
**Sent:** Monday, February 03, 2020 1:08 PM  
**To:** Financial  
**Subject:** Refunds  
**Attachments:** Refunds.doc

Please process the attached refund request. Thanks

Jean

## Hersley, Jean

---

**From:** Zach Latham <zach.latham@brockwayeng.com>  
**Sent:** Monday, December 23, 2019 9:59 AM  
**To:** Buyer, Remington  
**Cc:** Jim Speck; Hersley, Jean; charles.g.brockway@brockwayeng.com  
**Subject:** WSB Lease App Withdrawal Request; 37-4368B

Remington-

Our office recently submitted a lease application for 37-4368B on behalf of Sun Valley Land & Minerals Inc. The lease application submittal was an error and we would like to withdraw that application from being considered for lease to the Water Supply Bank.

Please confirm receipt of this email and please let me know if you have any questions, thanks for your time.

Zach Latham

Hydrologist  
Brockway Engineering, P.L.L.C.  
2016 Washington Street North, Suite 4  
Twin Falls, ID 83301  
t. 208-736-8543  
c.208-721-2114  
f. 208-736-8506

[zach.latham@brockwayeng.com](mailto:zach.latham@brockwayeng.com)

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*