

## ***MEMORANDUM***

TO: Sascha Marston  
FROM: Jean Hersley  
DATE: December 31, 2019  
RE: **Refund: overpayment**

Please refund \$2,000.

NAME: CIRCLE C RANCHES HOA INC  
PO BOX 737  
NEW MEADOWS ID 83654

RECEIPT #: C108158

AND

Please refund \$500.

NAME: JOHN CURTIS HUCKS,  
PO BOX 737  
NEW MEADOWS ID 83654

RECEIPT #: C108157

Thank you.

Jean

**Hersley, Jean**

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**From:** Hersley, Jean  
**Sent:** Tuesday, December 31, 2019 8:27 AM  
**To:** Financial  
**Subject:** refund  
**Attachments:** Circle C Ranches & Hucks.doc

Please process the attached refund. Thank you.

Jean



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

December 30, 2019

CIRCLE C RANCHES HOA INC  
PO BOX 143  
NEW MEADOWS, ID 83654

**RE: WITHDRAWAL OF APPLICATIONS TO LEASE WATER RIGHT NO. 78-10227 TO THE  
WATER SUPPLY BANK**

Dear Applicant:

Per your written request received on December 27, 2019 the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Application for the right listed above.

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

Sincerely,

Jean Hersley  
Technical Records Specialist II

Enclosure: Lease Application

c: John Hucks

STATE OF IDAHO  
WATER RESOURCE BOARD

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

RECEIVED  
DEC 24 2019  
DEPARTMENT OF  
WATER RESOURCES

Designated Applicant CIRCLE C HOMEOWNERS ASSOC., INC.

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

Water Right No. 78-10227

(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 \$ <u>500 --</u>                                                                             | Received By: <u>km</u> | Date Received: <u>12-24-19</u> | Receipt # <u>C108157</u> |
| W-9 received? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Route W-9 to Fiscal) |                        | Name on W-9:                   |                          |

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 CIRCLE C RANCHES HOMEOWNERS ASSOCIATION, INC.

Mailing Address PO BOX 143, NEW MEADOWS, ID 83654

Street

City

State

Zip Code

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

Phone Number \_\_\_\_\_

☒ 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 JOHN CURTIS HUCKS

Organization JOHN HUCKS, ATTORNEY AT LAW

Professional Title ATTORNEY FOR APPLICANT

Email Address huckslaw@yahoo.com

Mailing Address PO BOX 737, NEW MEADOWS, ID 83654

Phone Number 208-347-4128

☐ 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.

THERE IS CURRENTLY NO ACTIVE DIVERSION AND DELIVERY SYSTEM

- 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.

NO OTHER RIGHTS BEING USED OTHER THAN DOMESTIC WELLS AND SEASONAL ANIMAL GRAZING

- 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.

ALL ELIGIBLE WATER RIGHTS HAVE BEEN BANKED FOR THE LAST 5 YEARS

- 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?

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: 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.
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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.

Circle C Ranches Homeowner's  
Association, Inc.

By: J. Robert Polk, President

Printed Name

12.22.19  
Date

  
Signature of Designated Applicant

JOHN CURTIS HUCKS, Attorney  
Printed Name

12/22/19  
Date

  
Signature of Authorized Representative

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

State of Idaho  
Department of Water Resources

**Water Right**  
**78-10227**

DOMESTIC

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.

01E



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

0 0.0475 0.095 0.19 Miles



**Hersley, Jean**

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**From:** John Curtis Hucks <huckslaw@yahoo.com>  
**Sent:** Friday, December 27, 2019 2:59 PM  
**To:** Hersley, Jean  
**Cc:** Bob Polk  
**Subject:** Re: WSB Lease applications 78-4272A-H

Ms. Hersley,

In follow up to your two emails of this date, and our subsequent telephone call, please take the following actions:

1. Remove Water Right 78-10227 from the water bank application.
2. Change the starting banking date for the remaining water rights to run from 2019 thru 2023.
3. Process the partial fee refunds that we discussed. You can mail both of the refund warrants to my address, and I will pass on the HOA refund to the HOA Secretary.

I very much appreciate your courtesy and assistance in this matter. Have a nice New Year.

Thank you, John Hucks

**John Curtis Hucks**  
**Attorney at Law, P.C.**  
**P.O. Box 737**  
**New Meadows, ID 83654**  
**208-347-4128 - Office**  
**208-347-3994 - Facsimile**  
**208-315-0113 - Cellphone**

CONFIDENTIALITY NOTICE: This email transmission, and any documents, files or previous email messages attached hereto may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender, delete and destroy the original transmission and any attachments without reading or saving the same.

On Friday, December 27, 2019, 09:06:07 AM MST, Hersley, Jean <jean.hersley@idwr.idaho.gov> wrote:

Sorry to bother you again.

I am in the process of reviewing all of the rights that have been offered to the Bank in the name of Circle C Ranches HOA.

Water rights 78-4272A-H were decreed in 2013 and have never been in the Water Supply Bank. Aerial imagery suggests these rights have not been put to beneficial use since they were decreed. In order for these rights to be protected from forfeiture, they will need to go into the Bank from 2019 to 2023. And since they overlap with 78-2011, 78-7031 & 78-7083, these rights will need to be placed in the Bank in 2019 also.

Please let me know if you would like to change the lease period to January 1, 2019 to December 31, 2023 within 14 days or the Department could deny your applications based on non-use.

If you have any questions, please contact me. Thank you.

*Jean Hersley*

*Idaho Dept Water Resources*

*Technical Records Specialist II*

*208-287-4942*

## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Friday, December 27, 2019 7:29 AM  
**To:** 'huckslaw@yahoo.com'  
**Subject:** Water supply Bank Lease Application for 78-10227

The Department of Water Resources is in the process of reviewing the application you submitted on behalf of Circle C HOA to lease water right 78-10227 to the Water Supply Bank. On the application, you stated, "No other rights being used other than domestic wells and seasonal animal grazing". Water right 78-10227 is a domestic right from ground water. Based on this, do you still want to lease water right 78-10227 to the WSB? Please let me know as soon as possible. Thank you.

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

**CIRCLE C HOMEOWNER'S ASSOCIATION, INC.**  
**c/o P.O. BOX 143**  
**NEW MEADOWS, ID 83654**  
**208-347-4128 – Phone**  
**Email – huckslaw@yahoo.com**

RECEIVED  
DEC 24 2019  
DEPARTMENT OF  
WATER RESOURCES

December 23, 2019

Sent by Priority Mail

Idaho Water Bank  
Attn. Justin Ferguson  
Idaho Dept. of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Re: Water Right Licenses - 78-7083 and 78-10227

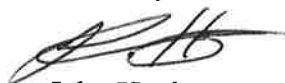
Dear Mr. Ferguson:

As a supplement to my submission dated 12/20/2019, please find enclosed two (2) additional executed Applications to Sell or Lease Water Right to the Water Supply Bank. Circle C Ranches Homeowners Association, Inc. wishes to bank all of the water from these licenses for a period of five (5) years.

Also enclosed is a check in the amount of \$500.00. If any of the above-referenced Water Right Licenses constitute overlapping rights, please issue a partial refund check as appropriate.

I would appreciate you reviewing and processing these applications. If you have any questions, or if additional information is required, please contact me directly. Thank you for your assistance in this matter.

Sincerely,



John Hucks  
Authorized Representative

cc: HOA Board of Directors