



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

November 6, 2019

JACOBA ATKINS
PO BOX 276
BRUNEAU, ID 83604

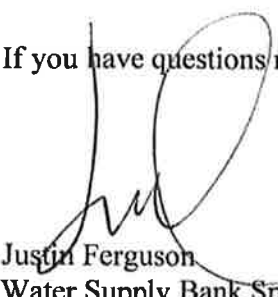
RE: RETURNED APPLICATION(S) TO LEASE WATER RIGHT NO(S). 2-7055 & 2-7112A TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources (Department) has completed a preliminary review of your application(s) to lease water right(s) to the Water Supply Bank (Bank). Based on our initial findings it appears these rights are currently protected through 2023 through an extension of time granted in 2019. At your request we are returning these two applications and issuing a refund for the application fees.

Please note that, while these rights are protected, they are still eligible for lease should you wish to facilitate a rental. The lease application and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

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



Justin Ferguson
Water Supply Bank Specialist

cc: Lori Graves – SPF Engineering
Enclosure: Lease Application

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

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

OCT 16 2019

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Jacoba Atkins

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

Water Right No. 2-7055

(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>Asa</u>	Date Received: <u>10/16/19</u>	Receipt # <u>C107844</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Asa Clay Atkins</u>	

466

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 Jacoba Atkins

Mailing Address <u>PO Box 276</u>	<u>Bruneau</u>	<u>ID</u>	<u>83604</u>
Street	City	State	Zip Code
Email Address <u>cranefallsjakie@gmail.com</u>	Phone Number <u>208-845-2931</u>		

☐ 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 <u>Lori Graves</u>	Organization <u>SPF Water Engineering</u>
Professional Title <u>Water Rights Specialist</u>	Email Address <u>lgraves@spfwater.com</u>
Mailing Address <u>300 E. Mallard Dr., Ste 350, Boise, ID 83706</u>	Phone Number <u>208-383-4140</u>

☐ 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.
pump station, pipeline, sprinklers

- 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. see attached supplement

- 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 - the water right was decreed in 2012 and protected from forfeiture in 2018 until 2023.

- 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 attached supplement

- 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)

6. 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 2021 (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.
standard 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.

Jacoba Atkins
Signature of Designated Applicant

Jacoba Atkins
Printed Name

10/14/2019
Date

Lon Graves
Signature of Authorized Representative

LOUI GRAVES
Printed Name

10/14/2019
Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

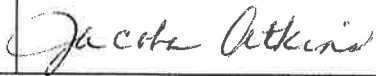
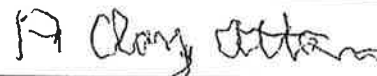
ATTACHMENT 1A

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). 2-7055

	Designated Applicant	Applicant #2	Applicant #3
Name	Jacoba Atkins	A. Clay Atkins	
Mailing Address	PO Box 276 Bruneau, ID 83604	PO Box 276 Bruneau, ID 83604	
Phone Number	208-845-2931	208-845-2931	
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			

	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			

**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)
2-7055	Irrigation	3.47 cfs	880 afa	176
	Total Amounts:	3.47 cfs	880 afa	176

2. Source of water Snake River tributary to Columbia River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
5S	6E	31	6		NW	SW	Owyhee

Water Bank Lease Item 4A.

Water rights 2-10318, 2-10562, 2-2156, 2-2245A, 2-7055 and 2-7112A, when combined, allow irrigation of 1278 acres within a 1338-acre permissible place of use per transfer no. 82917 approved August 21, 2019. The irrigation place of use has changed over time due to the installation of pivots resulting in a more efficient irrigation system and less acres irrigated. Applicant's plan to only irrigate 950 acres during the 2020 irrigation season resulting in 328 remaining acres that they want to protect from forfeiture. As a result, they wish to lease all of right 2-7112A (152 acres) and 176 acres of water right 2-7055 to the bank.

Water Bank Lease Item 4G.

All the combined water rights (except 2-10318) were decreed in 2012. Water right 2-10318 was decreed in 2009 and was granted an approved *Extension of Time to Avoid Forfeiture* in 2016, protecting the right until 7/1/2020. The remaining rights, including 2-7112A and 2-7055, were granted approved *Extensions of Time to Avoid Forfeiture* in 2018, protecting them until 12/31/2023.

Authorized Irrigation: 1278 acres
 2020 Projected Irrigation: 950 acres
 Water Bank Acres: 328 acres

T5S R5E

T6S R5E

Legend

-  Atkins 2020 Irrigation
-  Authorized Irrigation PPU



300 East Mallard Drive, Suite 350
 Boise, Idaho 83706
 Tel (208) 383-4140 Fax (208) 383-4156

**2020 Irrigation
 950 Acres**

Jacoba and Clay Atkins

DATE: 10/14/2019

CREATOR: LGraves

PROJECT: 1165.0010



Absolute Scale: 1:20,000

0 500 1,000 2,000
 Feet



SPF WATER
ENGINEERING

October 15, 2019

RECEIVED

OCT 16 2019

**DEPARTMENT OF
WATER RESOURCES**

Jean Hersley
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: Water Bank Lease Applications, Water Rights 2-7112A (all), 2-7055 (part)

Dear Jean,

Enclosed are two water bank lease applications for Jacoba and Clay Atkins. The Atkins wish to lease all of water right 2-7112A and part of water right 2-7055 to the bank for the one year. Both rights are part of a group of rights that when combined allow irrigation of 1278 acres within a 1338-acre permissible place of use (per recently approved transfer no. 82917).

The irrigation place of use has changed over time due to the installation of pivots resulting in a more efficient irrigation system and less acres irrigated. As shown on the attached aerial photo map, applicant's plan to irrigate 950 acres of the authorized 1278 acres during the 2020 irrigation season resulting in 328 unused acres that they want to protect from forfeiture. GIS shape files for the 950 acres shown in the aerial photo map can be provided upon request.

Because water rights 2-7112A and 2-7055 are the most junior in priority, they were the rights chosen to bank. Per my communications with you and your communications with Clay Webster, the enclosed map for the lease applications identifies the 950 acres within the authorized permissible place of use that are planned for irrigation in 2020.

Check no. 14168 is enclosed for \$500 filing fee. Please let me know if there are any questions. Thanks Jean.

Sincerely,

A handwritten signature in blue ink that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Jacoba & Clay Atkins

Enclosures

SPF file number: 1165.0010