



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 26, 2018

HOOT OWL, LLC
647 S CROSSTIMBER
MERIDIAN ID 83642

**RE: WITHDRAWAL OF APPLICATION TO LEASE WATER RIGHT NO(S). 29-14287 TO THE
WATER SUPPLY BANK**

Dear Applicant:

Per your written request received on December 19, 2018, the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Applications and the associated the Rental Applications for the rights listed above.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

I have requested a refund of \$250.00 for receipt C105908 withdrawal of lease application for 29-14287.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

for Clay Webster
Water Rights Supervisor

Enclosure: Lease Application

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 27 2018

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Designated Applicant

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

Water Right No.

14287
29-13424
(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:

AS

Date Received:

11-27-18

Receipt #

C105908W-9 received? Yes ☐ No ☐

(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 Hoot Owl LLC
Mailing Address 647 S. Crosssticker Mendota Idaho 83642
Street City State Zip Code

Email Address tom.katailomete@hootowl.com Phone Number 208-221-6534

☐ 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 _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ 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.

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. 29490^{ac} B

- 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.

- 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.

Well inaccessible + Pipes to Property
one both are non-accessible - Pump down
unaccessible + locked out of for over 10 yrs.

- 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: 2018 to 2022 (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.

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.

Tom C. Katsiometes
Signature of Designated Applicant

Tom Katsiometes
Printed Name

11-27-18
Date

Signature of Authorized Representative

Printed Name

Date

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

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, December 26, 2018 12:43 PM
To: Marston, Sascha; Pline, Treva; Steed, Susan
Subject: Refund for Hoot Owl, LLC in the name of Katsilometes

TO: Financial
FROM: Jean Hersley
DATE: December 26, 2018
RE: **Refund: WSB Lease Withdrawn**

Please refund \$250. Applicant withdrew the lease application.

NAME: TOM KATSILOMETES/ KATSILOMETES, BESSIE
647 S CROSSTIMBER AVE
MERIDIAN ID 83642

RECEIPT #: C105908

Thank you.

Jean

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

Hersley, Jean

From: Tom Katsilometes <Tom.Katsilometes@tax.idaho.gov>
Sent: Wednesday, December 19, 2018 4:51 PM
To: Hersley, Jean
Subject: water right

Hi Jean, I wish to withdraw my application for right 29-14287, to the water supply bank.
Thanks, Tom Katsilometes



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 30, 2018

HOOT OWL LLC
647 S CROSSTIMBER AVE
MERIDIAN ID 83642

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT NO(S). 29-14287 TO THE WATER SUPPLY BANK**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application to lease the above referenced water right to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the right is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information or request withdrawal of your application within 30 days of the date of this letter or the application will be returned unprocessed and your application fee will be refunded:

- The Department has concerns of forfeiture in regards to water right 29-14287, which was split from 29-13424 in an ownership change. One of the criteria for accepting a water right into the Bank is information that the water right has not been lost through abandonment, or forfeiture as defined by Section 42-222(2), Idaho Code, enclosed. On your Bank application, you stated that the well and pipes to the property were inaccessible and that you have been locked out for over 10 years. Please provide to the Department what you have done to protect the water right from forfeiture since the right was decreed in the Snake River Basin Adjudication on 03/22/2004. I have enclosed a copy of Idaho Code 42-223, Exceptions or Defenses to Forfeiture.
- W9 form- the tax number you provided to the Department is not associated with Hoot Owl, LLC. I have enclosed another W9 form for you to complete and return to the Department.

The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at www.idwr.idaho.gov. If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

[Signature]
for Water Supply Bank

Enclosure(s):

Webster, Clay

From: Visosky, Steven
Sent: Monday, December 17, 2018 3:25 PM
To: Webster, Clay
Subject: FW: CRP verification

From: Visosky, Steven
Sent: Monday, October 01, 2018 3:54 PM
To: 'Peirsol, Jenny - FSA, Boise, ID' <Jenny.Peirsol@id.usda.gov>
Subject: RE: CRP verification

Jenny,

I appreciate your time and assistance with my questions.

Thank you!

Steve Visosky

*Water Resource Agent, Sr.
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4933
steven.visosky@idwr.idaho.gov*

From: Peirsol, Jenny - FSA, Boise, ID [<mailto:Jenny.Peirsol@id.usda.gov>]
Sent: Monday, October 01, 2018 3:28 PM
To: Visosky, Steven <Steven.Visosky@idwr.idaho.gov>
Subject: RE: CRP verification

Hi Steve,

Sorry for the delayed response. DCP cropland is a term FSA uses to determine eligible acres to participate in the program. Back when the 2002 Farm Bill was passed, a new program called Direct and Counter Cyclical Program (DCP) was created. This was a guaranteed payment on established base acres for a farm. When the 2014 Farm Bill was passed, the DCP program went away and was replaced with Agricultural Risk Coverage Program or Price Loss Coverage Program....referred to as ARC/PLC. For whatever reason, we still refer to those acres as "DCP Cropland", that acronym was not updated.

I have checked, and Tom is enrolled in PLC. However, this program doesn't not prevent him from using his water. In fact, PLC program payments are issued when the effective price of a covered commodity is less than the respective reference price for that commodity. The effective price equals the higher of the market year average price (MYA) or the national average loan rate for the covered commodity. The PLC program does not prevent him from using his water.

I hope this helps. Thank you!

Jenny Peirsol

Conservation Specialist
Idaho State FSA Office
9173 W. Barnes Dr, Ste B
Boise, ID 83709
Jenny.peirsol@id.usda.gov
(p) 208-378-5675
(f) 855-516-8875



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From: Visosky, Steven <Steven.Visosky@idwr.idaho.gov>
Sent: Wednesday, September 26, 2018 12:11 PM
To: Peirsol, Jenny - FSA, Boise, ID <Jenny.Peirsol@id.usda.gov>
Subject: RE: CRP verification

Jenny,

Thanks so much for your help. I was puzzled by Tom's report as it indicated 0.00 under the CRP and I thought for sure I was missing something. I think I will ask for the 156 Form for verification. I assume it's fairly easy for someone in the program to produce?

What is the "DCP Cropland"? Tom's states 13.01 (assumed acres) and then above it mentions DCP Crop Data 10.10. Maybe there is still an opportunity for the landowner to qualify for an extension, depending upon what that means. Is Tom getting paid to do or not do something on his land related to water?

I just want to be clear of exactly why Tom would think his land is in a government program/contract that prevents him from using his water before reaching out to him.

Thanks again,

Steve Visosky

Water Resource Agent, Sr.
Phone (208)287-4933
steven.visosky@idwr.idaho.gov

From: Peirsol, Jenny - FSA, Boise, ID [<mailto:Jenny.Peirsol@id.usda.gov>]
Sent: Wednesday, September 26, 2018 11:46 AM
To: Visosky, Steven <Steven.Visosky@idwr.idaho.gov>
Subject: RE: CRP verification

Hi Steve,

I think the 156 form is a perfect documentation to request from the producer filing these extensions for verification of CRP. I would suggest making sure the 156 you receive has a recent "prepared" date (maybe within the last 30 days). I took a screen shot of the areas you want to look at when determining if the ground is in CRP. If the 156 is showing 0.00 under any of the CRP data, then there is no CRP on the farm. I double checked Tom Katsilometes, he does NOT have ANY ground in an active CRP contract. David Lish does in fact have a CRP contract that expires in 2022. You may still want to request the 156 for him to determine if it's the same ground referenced on his extension request. Hope this

helps, please let me know if you need further clarification....and as always, feel free to email me if verification is needed. Thank you!

IDAHO BANNOCK Form: FSA-156EZ See Page 2 for non-discriminatory Statements	 United States Department of Agriculture Farm Service Agency Abbreviated 156 Farm Record	FARM : 1392 Prepared : Aug 9, 2018 Crop Year : 2018
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Operator Name	: TOM KATSILOMETES
Farms Associated with Operator	: 16-005-1391, 16-005-1392
CRP Contract Number(s)	: None
Recon ID	: None

Farm Land Data									
Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
13.60	13.01	13.01	0.00	0.00	0.00	0.00	0.00	Active	1
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped		MPL	Acre Election	EWP	DCP Ag. Rel. Activity	Broken From Native Sod
0.00	0.00	13.01	0.00		0.00		0.00	0.00	0.00

Crop Election Choice		
ARC Individual	ARC County	Price Loss Coverage
None	None	WHEAT

DCP Crop Data					
Crop Name	Base Acres	CCC-505 CRP Reduction Acres	CTAP Yield	PLC Yield	HIP
Wheat	10.10	0.00	0	29	
TOTAL	10.10	0.00			

NOTES

Tract Number	: 8277
Description	: SEC 16 T&S R35E Z8-0
FSA Physical Location	: IDAHO/BANNOCK
ANSI Physical Location	: IDAHO/BANNOCK
BIA Unit Range Number	:
HEL Status	: NHEL: No agricultural commodity planted on undetermined fields
Wetland Status	: Tract does not contain a wetland
WL Violations	: None
Owners	: TOM KATSILOMETES
Other Producers	: None
Recon ID	: None

Tract Land Data							
Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
13.60	13.01	13.01	0.00	0.00	0.00	0.00	0.00
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Rel Activity	Broken From Native Sod
0.00	0.00	13.01	0.00	0.00	0.00	0.00	0.00

Jenny Peirsol

Conservation Specialist
Idaho State FSA Office

9173 W. Barnes Dr, Ste B
Boise, ID 83709
Jenny.peirsol@id.usda.gov
(p) 208-378-5675
(f) 855-516-8875



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From: Visosky, Steven <Steven.Visosky@idwr.idaho.gov>
Sent: Wednesday, September 26, 2018 9:44 AM
To: Peirsol, Jenny - FSA, Boise, ID <Jenny.Peirsol@id.usda.gov>
Subject: CRP verification

Jenny,

Thank you for your assistance with verification of CRP contracts and expiration dates of the contracts. As I mentioned on the phone, I will be using the data to process extension of time request to install a measuring device for surface water diversion in two water districts south of Pocatello.

Are there any mapping applications available that show the ground in the CRP program? I'm looking to confirm the land associated with the CRP program is the land associated with the water rights I am working with.

Currently I have two requests that I would like to confirm with you. One applicant attached their Abbreviated 156 Farm Record with the application (attached). I may ask applicants to provide this information if it ultimately provides all of the info I need but I am unfamiliar with this document and could use some help deciphering it. I see the description of land which I could confirm with water rights but don't see an expiration date.

The second applicant submitted a request (attached) but did not list a CRP contract number. I don't know if we can figure it out from just a name?

If I need to ask for more information from the applicants or if you have any suggestions of supplemental information I should ask for, please let me know. I appreciate your help and apologize for all of the questions. I hope to figure this out with the first few applicants and make this an easier process for everyone moving forward.

Thanks,

Steve Visosky
Water Resource Agent, Sr.
Phone (208)287-4933
steven.visosky@idwr.idaho.gov

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