



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 27, 2015

DONNA WESTON
1868 W SOUTH SLOPE RD
EMMETT ID 83617

RE: Returning Unprocessed Water Supply Bank Lease Applications for Water Rights 63-203C, 63- 204C, and 63-209

Dear Ms. Weston:

As stated in our letter dated May 20, 2015, the Idaho Department of Water Resources is returning your applications to lease the above referenced water rights into the water supply bank. I have requested that a refund of \$500 be mailed to you.

If you have any questions, please contact me at (208) 287-4952.

Sincerely,

Emalee Rushing
Administrative Assistant

Enc.

SCANNED
SEP 17 2018

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
SEP 17 2014
DEPARTMENT OF
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Donna WestonWater Right No. 63-209
One water right per applicationAll items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- ☐ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☐ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☐ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☐ ☐ Contact information for **all owners** of the water right that is being 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 ☐ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☐ 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.
- 3D ☐ ☐ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ <u>500⁰⁰</u>	Received By: <u>CS</u>	Date Received: <u>9/17/14</u>	Receipt # <u>C099413</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Donna Weston</u>	

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

RECEIVED
SEP 17 2014
DEPARTMENT OF
WATER RESOURCES

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Donna Weston Email Address donna.brutman@hotmail.com
Mailing Address 1868 W. South Slope Rd, Emmett ID Phone Number 208 922 0619

☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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 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 1D).

E. 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 1E).

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

Water Right Number _____ ☒ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Delivered Parma Ditch Company

- B. 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.

over lapped by Parma Ditch No of Shares 160 Acres

C. Will the present place of use continue to receive water from any other source?

Yes ☒ No ☐

If yes, describe. _____

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

owner ship change from Donna Weston to Lillian Brutsman
Nov 5 2008, I have power of attorney

4. 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, for a period from 7-18-2014 to 7-18-2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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 17 Acre ft

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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Donna Brutsman Weston
Signature of Designated Applicant

Donna Weston
Printed Name

7-18-2014
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 20, 2015

DONNA WESTON
1868 W SOUTH SLOPE RD
EMMETT ID 83617

Re: Ownership of Water Rights 63-203C, 63-204C, and 63-209
Lease of Water Rights into the Water Supply Bank

Dear Ms. Weston:

The Idaho Department of Water Resources ("IDWR") plans to return applications filed by you to lease water right nos. 63-203C, 63-204C, and 63-209 into the water supply bank. IDWR is unable to process the applications because the records submitted by you do not establish ownership of the water rights or the lands appurtenant to the water rights. The application fee of \$500 will be refunded within ten days of the applications being returned. IDWR will not process the ownership change into the name of Lillian Brutsman which you submitted on her behalf because the evidence is insufficient to confirm her ownership.

IDWR received an ownership change notice in the name of Don Weilmunster on April 21, 2015. The ownership notice included documentation from the foreclosure proceedings sufficient to establish a basis for IDWR to go forward and process the ownership change. IDWR intends to start processing the ownership change notice on June 8, 2015 unless written information is received by IDWR disputing the ownership claim. IDWR does not adjudicate or quiet title to water right ownership claims, but only records ownership. The District Court maintains jurisdiction to adjudicate ownership should parties disagree on ownership.

If you have any questions, feel free to contact me at 208-287-4952.

Sincerely,

Emalee Rushing

Cc: Don Weilmunster



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 29, 2015

DONNA WESTON
1868 W SOUTH SLOPE RD
EMMETT ID 83617

RE: Application to Sell or Lease Water Rights 63-203C, 63-204C, and 63-209 to the Water Supply Bank (WSB)

Dear Ms. Weston:

The Department of Water Resources (Department) received the chain of title requested in our letter dated December 3, 2014. During our review of the ownership information, it came to our attention that the property was in foreclosure at the time you conveyed away the water rights to Lillian Brutsman. Since that time Donald Weilmunster has indicated that he has an ownership interest in the water rights. Questions about ownership of the water rights raise concerns about authority to lease the rights into the Water Supply Bank.

The Department does not have authority to determine ownership of a water right. The Department can only record an ownership change based on proper documentation of a valid property conveyance. Any dispute would need to be resolved by an agreement between the parties or in a quiet title action by the district court.

In light of these circumstances, the Department will not process your Water Supply Bank Lease Application at this time. The Department will hold your application for 30 days to allow you time to resolve the ownership issue.

If you have any questions, please feel free to call this office.

Sincerely,

Emalee Rushing
Administrative Asst. II

C: DONALD K WEILMUNSTER
PO BOX 4
GARDEN VALLEY ID 83622



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 3, 2014

DONNA WESTON
1868 W SOUTH SLOPE RD
EMMETT ID 83617

RE: Application to Sell or Lease Water Rights 63-203C, 63-204C, and 63-209 to the Water Supply Bank (WSB)

Dear Ms. Weston:

The Department of Water Resources is in receipt of your application to lease the above referenced water rights to the WSB.

Part of the review process before entering into a contract to lease a water right into the WSB includes verifying the ownership of the water right. Current tax lot data indicates that the property described as the place of use of the water rights is owned by Donald K. Weilmunster and W & L Land & Livestock Co. Further review revealed a Sheriff's Deed was issued for the property in Weilmunster's name, which raised questions about the current ownership of the water rights.

You also submitted a notice of change in water right ownership in October, 2008 which included a water right grant deed conveying the water rights from you to Lillian Brutsman. To continue processing your ownership change to Lillian Brutsman and the application to lease the water rights to the WSB, please provide information confirming current ownership of the water rights. Please include a complete chain of title starting with the April 2006 warranty deeds conveying the property from Weilmunster/W&L Land & Livestock to Pioneer Exchange Accommodation Titleholder #114, LLC.

I will hold the application to lease the water rights and the notice of change in water right ownership for 14 days to allow you time to submit the documentation required to proceed. If you have any questions, please feel free to call this office.

Sincerely,

Emalee Rushing
Administrative Asst. II

Cc: Donald K Weilmunster