



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 13, 2017

PETER TRUST LP
2300 W SAHARA AVE STE 530
LAS VEGAS NV 89102

RE: RETURNED APPLICATION(S) TO LEASE WATER RIGHT NO(S). 37-22255 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources (Department) has completed its review of your application to lease water right to the Water Supply Bank (Bank). Based on that review, the Department cannot accept water right 37-22255 into the Bank.

This letter is notice that the attached application to lease water to the Bank is being returned. The Bank rules provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration is ownership of the land appurtenant to the water right.

Correspondence was sent to Zach Latham at Brockway Engineering on September 7, 2017 and October 3, 2017 requesting additional information. The Department sent a final notice on October 18, 2017 to you with a copy to Brockway Engineering, PLLC requesting the additional information again. As of the date of this letter, no information has been received.

A refund of \$250 has been requested and will be sent to Brockway Engineering, PLLC from the Idaho State Controller's Office within 10 days.

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.

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

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Lease Application(s)

c: Brockway Engineering, PLLC

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 01 2017

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Peter Trust LP

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

Water Right No. 37-22255

(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 \$ 250Received By: JBDate Received: 9/1/17Receipt # C104073W-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 Peter Trust LP

Mailing Address 2300 W Sahara Ave Suite 530 Las Vegas, NV 89102

Street

City

State

Zip Code

Email Address _____ Phone Number 702-920-2800

- ☒ 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.

Water under this right is diverted from the Big Wood River.

- 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. All portions of 37-22255 were accepted into the water supply bank through the end of 2011.

- 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.

N/A.

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: 2017 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.
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.


Signature of Designated Applicant

Thomas A. Thomas
Manager

Printed Name

8-8-17
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). _____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
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			

Thomas A
Thomas is
Authorized to
see SOS page

	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			

NEVADA SECRETARY OF STATE
Barbara K. CogavskoSearch nvsos.gov... [SOS INFORMATION](#)[ELECTIONS](#)[BUSINESSES](#)[LICENSING](#)[INVESTOR INFORMATION](#)[ONLINE SERVICES](#)[My Data Reports](#) | [Commercial Recordings](#) | [Licensing](#)**PETER TRUST LIMITED PARTNERSHIP**[Q New Search](#)[Printer Friendly](#)[\\$ Calculate List Fees](#)**Business Entity Information**

Status:	Active	File Date:	12/29/1989
Type:	Domestic Limited Partnership	Entity Number:	LP486-1989
Qualifying State:	NV	List of Officers Due:	12/31/2017
Managed By:		Expiration Date:	12/31/2058
NV Business ID:	1004846	Business License Exp:	12/31/2017

Registered Agent Information

Address 1:	2300 W SAHARA AVE STE 530
City:	LAS VEGAS
Zip Code:	89102
Phone:	Fax:
Mailing Address 1:	Mailing Address 2:
Mailing City:	Mailing State: NV
Mailing Zip Code:	
Agent Type:	Commercial Registered Agent
Status:	Active

[View all business entities under this registered agent](#)**Financial Information**

No Par Share Count:	0	Capital Amount:	\$ 0
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No stock records found for this company

Officers☐ Include Inactive Officers**General Partner - THOMAS MANAGEMENT LLC**

Address 1:	2300 WEST SAHARA STE 530	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89102	Country:	
Status:	Active	Email:	

Actions/Amendments[Click here to view 27 actions/amendments associated with this company](#)

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:

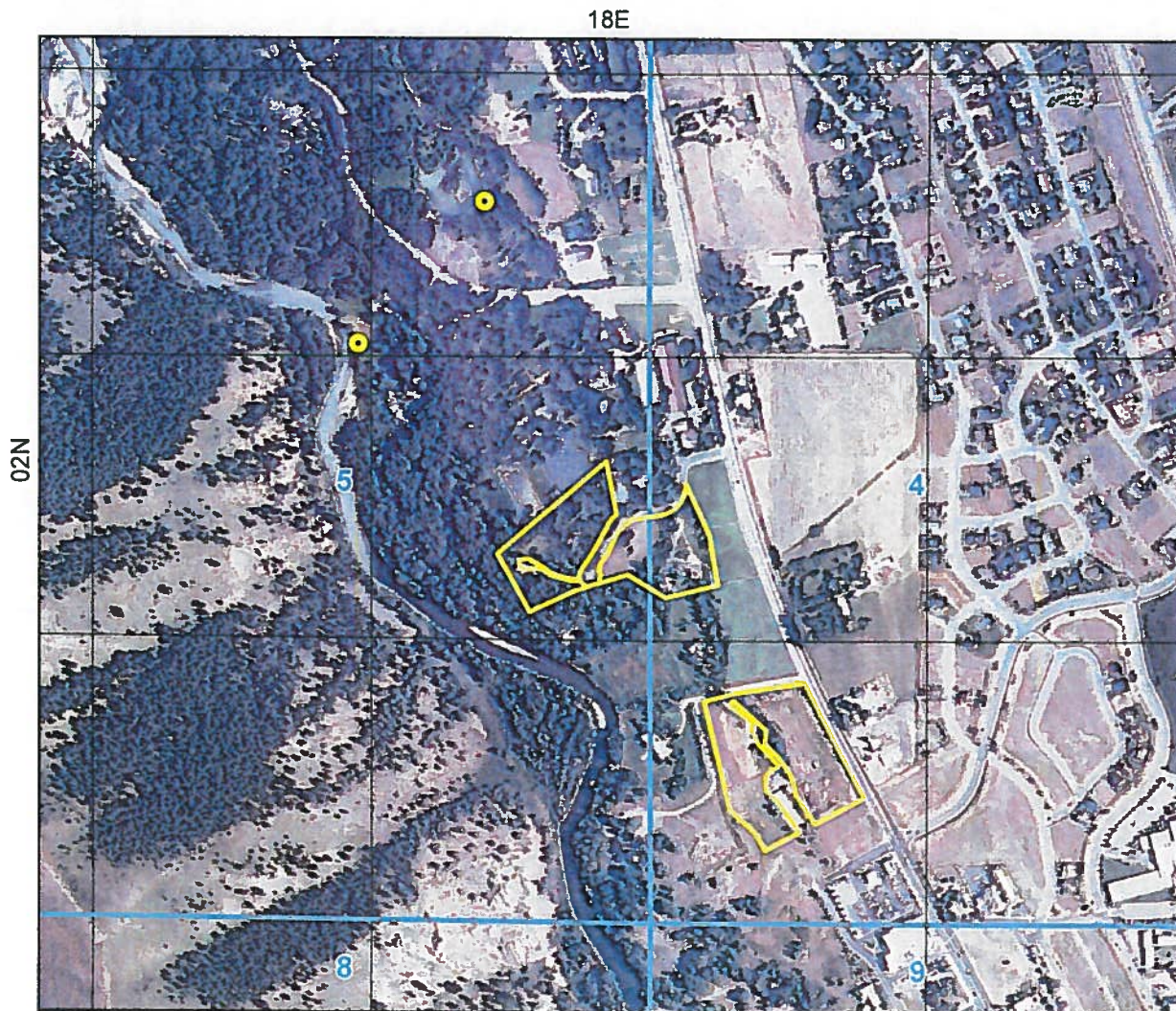
Twp	Rge	Sec	Lot	¼	¼	¼	County

State of Idaho
Department of Water Resources

Water Right
37-22255

IRRIGATION

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.



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

0 0.1 0.2 0.4 Miles



MEMORANDUM

TO: Rhea Carlos
FROM: Jean Hersley
DATE: November 13, 2017 
RE: **Refund: Water Supply Bank Lease- Returned**

Please refund \$250.

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

RECEIPT #: C104073

Thank you.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Monday, November 13, 2017 10:51 AM
To: Carlos, Rhea
Subject: Refunds
Attachments: Refunds.doc

Please process the attached refund. Thank you.

Jean

Hersley, Jean

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, October 26, 2017 9:38 AM
To: Hersley, Jean
Subject: RE: WSB Lease for Peter Trust LP

Yes, that would be great as the Peter Trust LP hasn't received your letter due to the incorrect mailing address.

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

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.

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Thursday, October 26, 2017 7:55 AM
To: Zach Latham
Subject: RE: WSB Lease for Peter Trust LP

Should we update our records to reflect the address on the WSB application?

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

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Wednesday, October 25, 2017 4:16 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: WSB Lease for Peter Trust LP

Jean-
I just left you a voice message, the address you have is incorrect, please use the address submitted on the application for lease. Give me a call with questions, thank you.

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

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.

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Wednesday, October 18, 2017 10:15 AM
To: Zach Latham
Subject: RE: WSB Lease for Peter Trust LP

The attached letter went out in the mail today regarding the lease contract for water right 37-22969 and the additional information needed to continue processing the lease for 37-22255. Please let me know if you have any questions. Thank you.

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

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Tuesday, October 03, 2017 9:32 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: WSB Lease for Peter Trust LP

Jean-
Thank you for the reminder. I will follow up with Peter Trust LP relative to 37-22255 and get back to you this week if possible. Thank you for the information relative to 37-22969. I will be in touch.

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

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.

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Tuesday, October 03, 2017 9:24 AM
To: Zach Latham
Subject: RE: WSB Lease for Peter Trust LP

Zach,
I'm following up on the email I sent to you on September 7, 2017. Have you located the documentation the Department needs or should I return the application to lease water right 37-22255 to the Bank?

I have a lease ready to go for water right 37-22969. I will send that lease out in today's mail since there were not any concerns. Please let me know how you would like to continue with the lease for 37-22255. Thank you.

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

From: Hersley, Jean
Sent: Thursday, September 07, 2017 10:19 AM

To: 'Zach Latham' <zach.latham@brockwayeng.com>

Subject: WSB Lease for Peter Trust LP

I am in the process of reviewing the WSB Lease application for water right 37-22255. I found that Peter Trust LP doesn't own any of the land appurtenant to this water right. The Department is going to need documentation that that water rights were withheld in the sale of the land to the different owners or permission from the land owners to place this right in the Bank.

I have attached a map with the water right outlined in red and the parcels labeled with the property owners for your benefit. Please provide the requested information within 30 days or the Department will return your application unprocessed with a full refund. If you have any questions, please contact me. Thank you.

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



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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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 18, 2017

PETER TRUST LP
PO BOX 642
SUN VALLEY ID 83353

*resent to
Peter Trust LP
2300 W Sahara Ave Ste 530
Las Vegas NV 89102
on 10/26/2017
(See email string
from Brockway)*

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS FOR
WATER RIGHT(S) 37-22969**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on October 3, 2017. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application(s) will be returned, and the application fee will not be refunded. You can reapply to lease the water right(s) in the future by submitting new application form(s) along with applicable fees.

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.

Also, the Department has sent multiple requests to Brockway Engineering, PLLC requesting information regarding the lease application for water right 37-22255. Peter Trust, LP doesn't own any of the land appurtenant to this water right. The Department will need documentation that the water rights were withheld in the sale of the land or permission from the land owners to place this right in the Bank. As of the date of this letter, no information has been received. Department resources were expended in order to provide a full review of your applications. Therefore, the lease application filing fees will not be refunded if an acceptable application with all the required information isn't submitted within seven (7) days.

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

Water Supply Bank

c: Brockway Engineering PLLC

SEP 01 2017

DEPARTMENT OF
WATER RESOURCESBROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

August 28th, 2017

Mr. Remington Buyer
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720

Re: WSB Lease Application; Portion of 37-22255 and all of 37-22969 on
Behalf of Peter Trust LP.

Dear Remington,

On behalf of Peter Trust LP, Brockway Engineering PLLC is submitting one Water Supply Bank (WSB) lease application which proposes to lease all of 37-22255 for five years including 2017. The second WSB Lease application proposes to lease 19.8 acres of water right 37-22969 to the WSB for the 2017 and 2018 irrigation seasons. The associated map shows the location of the 19.8 acres to be idled during the 2017 and 2018 irrigation seasons under the proposed lease applications.

Also attached is a check from Brockway Engineering PLLC for \$500.00 to cover the cost of the two lease application fees. Please copy our office on all correspondence regarding these water supply bank lease applications. Thank you for your assistance on this matter and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

Enc: (1) WSB Lease Application and IDWR Map; 37-22255.
(1) WSB Lease Application and Associated Map; 37-22969
(1) Brockway Engineering Check # 14198

cc: Peter Trust LP c/o Peter Thomas
Peter Sturdivant

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