

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley 
DATE: October 3, 2017
RE: **Refund: WSB Lease Application Returned unprocessed**

Please refund \$250.

NAME: SHORES IN EAGLE HOA
C/O CHOICE ONE HOAS
PO BOX 57
EAGLE ID 83616

RECEIPT #: C102888

Thank you.

Jean



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 3, 2017

SHORES HOMEOWNERS ASSOCIATION
PO BOX 57
EAGLE ID 83616

RE: RETURNED APPLICATION(S) TO LEASE WATER RIGHT NO(S). 63-4695 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources (Department) has completed its review of your application(s) to lease water right(s) to the Water Supply Bank (Bank). Based on that review, the Department cannot accept water right(s) 63-4695 into the Bank.

This letter is notice that the attached application(s) to lease water to the Bank are 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 to be placed in the Bank. The Department received a Notice of Change in Water Right Ownership request for water right 63-4695. The water right was split and the Shores HOA is the current owner of water right 63-34437. This water right is an irrigation right for the common areas in the Shores Subdivision. The land requested to be placed in the Bank is the remaining portion of water right 63-4695, which the current owner is Orion Holdings.

A letter was sent on September 5, 2017, asking if the Shores HOA would like to continue with the lease of different acres. No response was received. The Department is returning your Application to Sell or Lease a Water Right to the Water Supply Bank and will request a refund of your filing fees. Your refund will be sent to from the 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)

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

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

JAN 12 2017

DEPARTMENT OF
WATER RESOURCES

Designated Applicant Shores Homeowners' Association
(Select one owner – see item 1A on the application)

Water Right No. 63-4695
(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 <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☐ | ☒ | <i>Notice of Change in Water Right Ownership</i> 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 <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ <u>250</u>	Received By: <u>VC</u>	Date Received: <u>1/12/17</u>	Receipt # <u>C102888</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Shores HDA Inc</u>	

629

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 Shores Homeowners' Association

Mailing Address <u>P O Box 57</u>	Eagle	Idaho	83616
Street	City	State	Zip Code
Email Address <u>rsmith@hawleytroxell.com</u>	Phone Number <u>(208) 388-4932</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>Rick Smith</u>	Organization <u>Shores Homeowners' Association, Inc</u>
Professional Title <u>Treasurer</u>	Email Address <u>rsmith@hawleytroxell.com</u>
Mailing Address <u>P O Box 57, Eagle, Idaho 83616</u>	Phone Number <u>(208) 388-4932</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**.

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.
Groundwater diverted from a well within the development, water circulates through aesthetic ponds to a pressure irrigation 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. Currently 63-31313, 63-31312, 63-17863 and 63-4695 irrigate 42.6 of the 45.5 auth. acres within the same PPU. Water associated with the 2.9 non-overlapping acres authorized under 63-4695 to be placed in bank until needed.
- 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. 63-31313, 63-31312, 63-17863, and 63-4695 only to the extent they irrigate in a common PPU on non-overlapping irrigated acres. Mace-Catlin ditch shares irrigate other acres in the PPU.
- 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. Aesthetic storage and diversion to storage components fully utilized in the last 5 years. Of 10.1 authorized irrigation acres, 4.0 acres (0.08 cfs and 18.0 AF) were beneficially used on The Shores development in 2016, remaining 6.1 acres were in water supply bank during 2016. See attached ext. of time for prior 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. Applicant has received extensions of time to avoid forfeiture and complete Transfer No. 72596, see attached. Also, 6.1 irrigation acres of 63-4695 were leased to bank in 2016.
- 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 ☐
Approved Transfer No. 72596. Also, mitigation for evaporative losses from seven ponds under permit 63-32235 is exclusive of irrigated acres authorized under 63-4695.

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 2017 (maximum lease period 5 calendar years).
(Year) (Year)

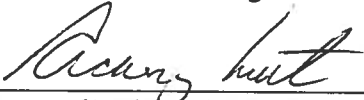
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

Rick Smith, Treasurer
Printed Name

1-11-17
Date

Signature of Authorized Representative

Printed Name

Date

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

No. C 168811		Due no later than Sep 30, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed SHORES HOMEOWNERS' ASSOCIATION, INC. (THE) C/O CHOICE ONE HOAS PO BOX 57 EAGLE ID 83616 USA		LEANN HINGSBERGER 104 E STONEWATER CT EAGLE ID 83616			
				3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
VICE PRESIDENT	FRANK ROACH	PO BOX 57	EAGLE	ID	USA	83616	
TREASURER	RICK SMITH	PO BOX 57	EAGLE	ID	USA	83616	
PRESIDENT	MIKE DEPAOLA	PO BOX 57	EAGLE	ID	USA	83616	
5. Organized Under the Laws of:		6. Annual Report must be signed.*					
ID C 168811		Signature: Leann Hingsberger			Date: 12/08/2016		
		Name (type or print): Leann Hingsberger			Title: Manager		
Processed 12/08/2016		* Electronically provided signatures are accepted as original signatures.					

**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

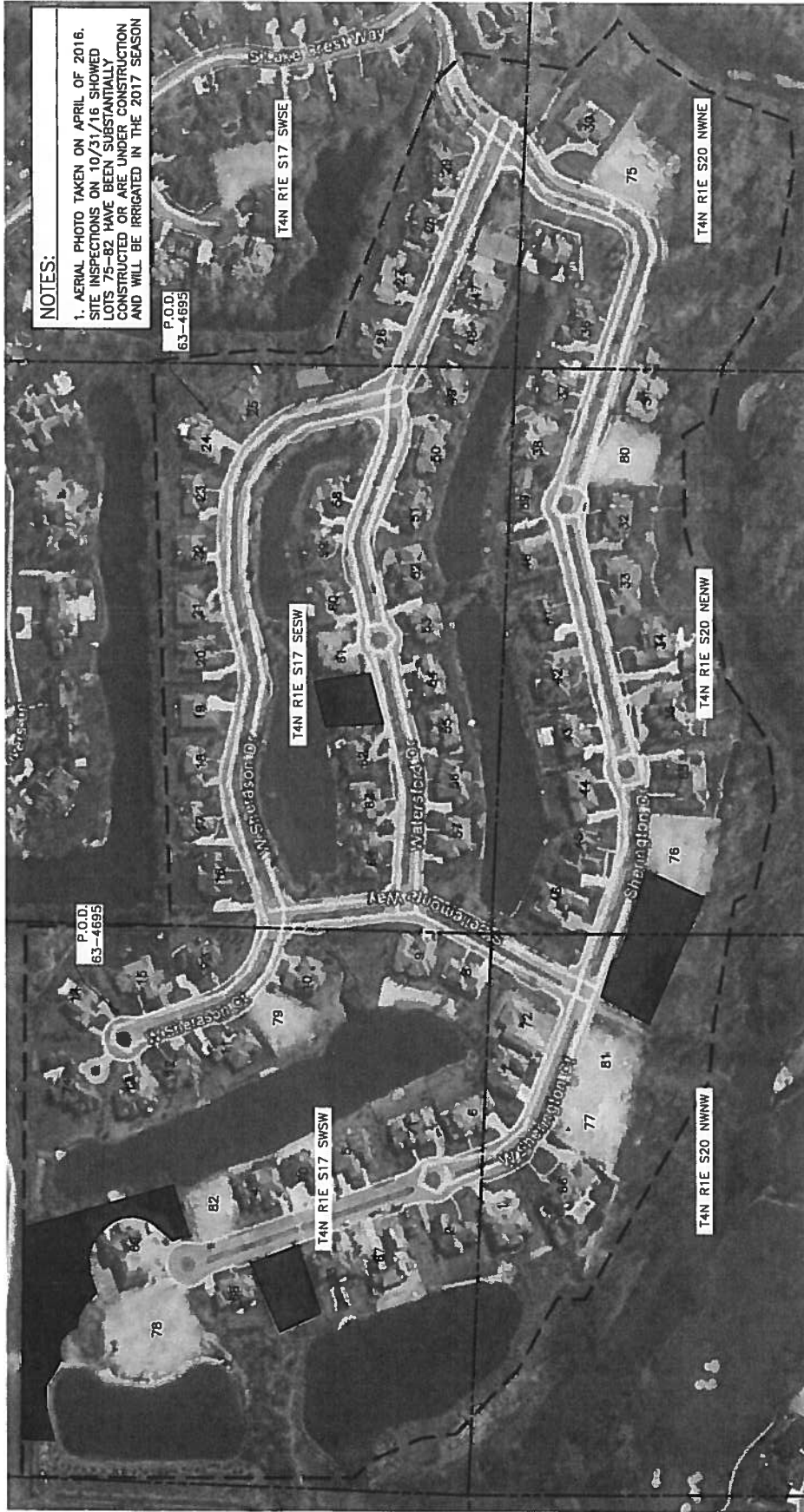
<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
<u>63-4695</u>	<u>Irrigation</u>	<u>0.058</u>	<u>13.05</u>	<u>2.90</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
	Total Amounts:	<u>0.058</u>	<u>13.05</u>	<u>2.90</u>

2. Source of water Groundwater tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
04N	01E	17		NE	SW	SW	Ada
04N	01E	17		NE	SE	SW	Ada

ATTACHMENT 3.1—THE SHORES SUBDIVISION IDLED AREAS FOR WATER BANK LEASE 2017



THE SHORES IDLED AREA PER 1/4 SECTION		
1/4 SECTIONS	IDLE AREA (ACRES)	
T4N R1E S20 NENW	0.26	
T4N R1E S20 NNNW	0.26	
T4N R1E S17 SWSW	2.12	
T4N R1E S17 SESW	0.26	
TOTAL	2.90	

THE SHORES IDLED AREA		
LOTS	IDLE AREA/LOT (ACRES/LOT)	AREA (ACRES)
A.E.F.	0.26	0.78
I	0.32	0.32
M	NA	1.80
TOTAL		2.90

KEY:

— IDLE AREA

- - - SUBDIVISION BOUNDARY (P.P.U.)

... 1/4 SECTION LINES

T-O ENGINEERS

2471 S. TITANIUM PLACE
MERIDIAN, IDAHO 83842

PHONE: (208) 323-2288 FAX: (208) 323-2399
E-MAIL: GORDON@TOWNSHIPENGINEERS.COM DATE: JAN 2017 JOB: 18014

ATTACHMENT 3.2—THE SHORES SUBDIVISION IRRIGATED AREA



NOTES:
1. AERIAL PHOTO TAKEN ON APRIL OF 2016.

KEY:

- LARGER IRRIGATED COMMON AREAS
- 3 LOTS USED TO CALCULATED AVERAGE IRRIGATION AREA PER LOT
- SUBDIVISION BOUNDARY (P.P.U.)

IRRIGATED AREA:

IRRIGATED ROAD MEDIAN: 2.4 ACRES
IRRIGATED ROAD SWALES: 0.4 ACRES
IRRIGATED ROAD ROUNDABOUTS: 0.1 ACRES
LARGER IRRIGATED COMMON AREAS: 6.9 ACRES
3 LOT AVERAGE OF IRRIGATED AREA: 0.4 ACRES PER LOT
IRRIGATED LOT AREA: 0.4x82=32.8 ACRES
TOTAL IRRIGATED AREA: 42.6 ACRES

IRRIGATION SUMMARY:

TOTAL IRRIGATED AREAS AUTHORIZED UNDER WATER RIGHTS = 45.5 ACRES
IRRIGATED AREA AS OF 2017 SEASON = 42.6 ACRES
UN-IRRIGATED AREA AS OF 2017 SEASON = 2.9 ACRES



T-O ENGINEERS

2471 S. TITANIUM PLACE
MERIDIAN, IDAHO 83642

PHONE: (208) 323-2288 FAX: (208) 323-2399
FILE: G:\104\1040007\CHANGE OF OWNERSHIP.DWG DATE: JAN 2017 JOB: 10418