



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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

June 23, 2017

JAYNE D MURREL REVOCABLE TRUST AND MICHAEL FLINN  
C/O THE MURREL COMPANY  
2439 W COAST HWY STE 200  
NEWPORT BEACH CA 92663

**RE: APPLICATION TO LEASE WATER RIGHT NOS. 37-22211 AND 37-22243  
TO THE WATER SUPPLY BANK**

Dear Applicants:

The Department of Water Resources ("Department") has completed its review of your applications to lease water rights to the Water Supply Bank ("Bank"). Based on that review, the Department cannot accept water rights 37-22211 and 37-22243 into the Bank.

This letter is notice that the attached applications to lease water to the Bank are **returned**. The Water Supply 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 proof of current ownership.

The applications came to the department on April 27, 2017 with a Notice of Change of Water Right Ownership. This notice was accompanied by a Quitclaim Deed which was dated and notarized on April 22, 2017. The department updates the water right records based on the documentation provided. This means that the ownership change of the water right from Jayne D Murrel Revocable Trust and Michael Flinn (previous owners) to Michael E. Flinn and Jayne M. Flinn, Trustees, The 7 Dog Trust (current owner) took place on April 22, 2017.

Since the Application to Sell or Lease a Water Right to the Water Supply Bank reflects the previous owners and does not reflect the current owner, and the Attachment 1A does not specify the Designated Applicant as the person that the W9 was received from, this application is returned unprocessed.

The application fee will be held for 30 days to allow for resubmittal with the correct information.

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](http://www.idwr.idaho.gov).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Clay Webster".

Clay Webster  
Water Resource Agent Sr.  
WSB Process Point of Contact

Enclosure: Lease Applications

c: Zach Latham – Brockway Engineering (without enclosure)

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

APR 27 2017

DEPARTMENT OF  
WATER RESOURCES

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

Designated Applicant Jayne D Murrel Revocable Trust, Michael Flinn  
(Select one owner – see item 1A on the application)

Water Right No. 37-22243  
(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 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.                                                                                                                                                                                                                                  |
| 1B | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | An <a href="#">Internal Revenue Service (IRS) Form W-9</a> for the Designated Applicant.                                                                                                                                                                                                                                                               |
| 1C | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                   |
| 1D | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| 3  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .                                                            |
| 4A | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| 4G | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Evidence demonstrating the water right has not been forfeited pursuant to <a href="#">Section 42-222(2), Idaho Code</a> .                                                                                                                                                                                                                              |

**Department Use Only**

|                                                                                                         |                        |                                   |                         |
|---------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------|-------------------------|
| Fee Amount \$ <u>250</u>                                                                                | Received By: <u>VC</u> | Date Received: <u>4/27/17</u>     | Receipt # <u>003447</u> |
| W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Route W-9 to Fiscal) |                        | Name on W-9: <u>Michael Flinn</u> |                         |

375

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 Jayne D Murrel Revocable Trust and Michael Flinn c/o The Murrel Company

Mailing Address 2439 W Coast Hwy Ste 200 Newport Beach CA, 92663

Street

City

State

Zip Code

Email Address \_\_\_\_\_

Phone Number 714-943-2558

- ☒ 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. North 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 is diverted under this right into a buried pressurized irrigation system which provides water for irrigation on the applicant's property.

- 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. Irrigation water rights 37-22211 and 37-22243 are combined to allow 6.1 acres of irrigation on the applicant's property, see accompanying water right lease application.

- 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. A portion of water rights 37-22211 and 37-22243 will continue to be used. 2017 irrigated area and area proposed for lease under 37-22211 and 37-22243 will not exceed 6.1 acres.

- 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. Water rights 37-22211 and 37-22243 have consistently diverted since their partial decree in the SRBA on 5/20/09 and 12/29/11 per WD37 Watermaster delivery records and aerial imagery.

- 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? Yes ☐ No ☒  
If yes, describe.  
N/A.

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 2018 (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.

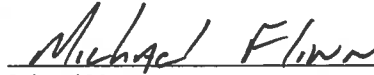
I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

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



Printed Name

4-21-17

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**

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><br>(cfs) | <u>Leased Volume</u><br>(af) | <u>Leased Acres</u><br>(ac) |
|------------------------------|----------------------|-----------------------------|------------------------------|-----------------------------|
| <u>37-22243</u>              | <u>Irrigation</u>    | <u>0.03 cfs</u>             | <u>4.5 af</u>                | <u>1.3</u>                  |
|                              |                      |                             |                              |                             |
|                              |                      |                             |                              |                             |
|                              |                      |                             |                              |                             |
|                              |                      |                             |                              |                             |
| Total Amounts:               |                      |                             |                              |                             |

2. Source of water Ground Water tributary to N/A

3. Point(s) of diversion:

| TwP | Rge | Sec | Lot | ¼  | ¼  | ¼  | County |
|-----|-----|-----|-----|----|----|----|--------|
| 2N  | 18E | 35  |     | NW | NE | SE | BLAINE |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**ATTACHMENT 1A**

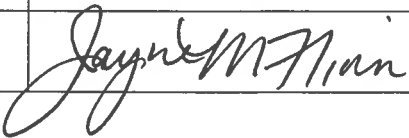
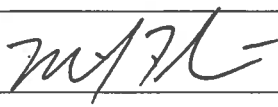
**Additional Water Right Holders Party to the Lease Application**

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). 37-22211 and 37-22243.

|                       | <b>Designated Applicant</b>                                                                          | <b>Applicant #2</b>                                                           | <b>Applicant #3</b>                                                           |
|-----------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Name                  | Jayne D. Murrell Revocable Trust; Jayne D. Murrell                                                   | Michael Flinn                                                                 |                                                                               |
| Mailing Address       | 2439 W Coast Hwy Ste 200<br>Newport Beach CA, 92663                                                  | 2439 W Coast Hwy Ste 200<br>Newport Beach CA, 92663                           |                                                                               |
| Phone Number          | 714-943-2558                                                                                         | 714-943-2558                                                                  |                                                                               |
| 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             |                                                                                                      |                                                                               |                                                                               |

|                       | <b>Applicant #4</b>                                                                 | <b>Applicant #5</b>                                                                 | <b>Applicant #6</b>                                                           |
|-----------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 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             |  |  |                                                                               |