



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

December 14, 2016

LAURA LUCERE
374 BRADFORD RD
BELLEVUE ID 83313

**RE: WITHDRAWAL OF APPLICATION TO LEASE WATER RIGHT NO. 37-20588 TO THE
WATER SUPPLY BANK**

Dear Applicant:

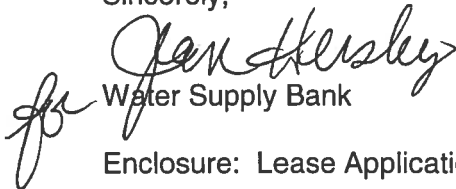
Per a written request from Greg Sullivan, Brockway Engineering, PLLC received on December 12, 2016 the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Application for water right 37-20588.

While reviewing the lease application, the Department considered water right 37-20588 "stacked" with water right 37-20611, a ground water right, since no action was taken to protect water right 37-20588 before water right 37-20611 was established. Full beneficial use is taking place.

I have requested a refund of \$250.00 for receipt C102531 for the withdrawal of lease application for 37-20588.

If you have any questions, please contact me at (208) 287-4800.

Sincerely,


Water Supply Bank

Enclosure: Lease Application(s)

c: Brockway Engineering PLLC

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley
DATE: December 14, 2016
RE: **Refund: Water Supply Bank Lease Application**

Please refund \$250 the application was withdrawn

NAME: Laura Lucere
ADDRESS: 374 Bradford Rd
Bellevue ID 83313

RECEIPT #: C100531

Thank you.

Jean

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 27 2016

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Luara Lucere

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

Water Right No. 37-20588

(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: AODate Received: 9/27/16Receipt # C102531W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Laura Lucere

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 Laura Lucere

Mailing Address <u>374 Bradford RD</u>	<u>Bellevue</u>	<u>Idaho</u>	<u>83313</u>
Street	City	State	Zip Code

Email Address _____ Phone Number 208-788-9837

☒ 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 Greg Sullivan Organization Brockway Engineering

Professional Title Engineer Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N Washington St, Ste 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.

No diversion works exist at this time for 37-20588

- 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. 37-20611

- 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. 37-20611

- 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. Decreed on 9/24/2010

- 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.

- 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: 2016 to 2020 (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.
\$250 per acre-foot as per documented market rate for water leases in the Big Wood River valley.

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.

Laura L. Lucere Laura L. Lucere 22 Sept '16
Signature of Designated Applicant Printed Name 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
Department of Water Resources

Water Right
37-20588

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 0.035 0.07 0.14 Miles



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SEP 27 2016

DEPARTMENT OF
WATER RESOURCES

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/16/2016

WATER RIGHT NO. 37-20588

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAURA L LUCERE 374 BRADFORD RD BELLEVUE, ID 83313 (208)788-9837
Original Owner	GARY L CLARK PO BOX 210 BELLEVUE, ID 83313 (208)788-4955

Priority Date: 07/15/1885
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.184 CFS	
Total Diversion			0.184 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER|NENW|Sec. 35|Township 02N|Range 18E|BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	18E	35	1	NENW	2.1									

Total Acres: 2.1

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | C18 | This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code. |
| 2. | R02 | A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. |
| 3. | R01 | A measuring device of a type approved by this Department shall be maintained as a part of the diverting works. |
| 4. | R04 | Use of water under this water right will be regulated by the watermaster of State Water District No. 37. |

Dates:

Licensed Date:

Decreed Date: 09/24/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Hersley, Jean

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, December 12, 2016 9:53 AM
To: Hersley, Jean
Subject: RE: WSB Lease Application 37-20588

Jean,

After talking with Laura I was able to confirm that irrigation is occurring by ground water on her property. We submitted the lease application for 36-20588 because there are no conditions on water rights 36-20588 and 37-20611 tying them together as stacked water rights. Laura wanted to make sure that the Wood River water right 37-20588 was protected from forfeiture. From correspondence with you, it is clear that IDWR considers these two water right as stacked water rights and that there is no forfeiture concern for either of these two water rights.

Therefore, it is not necessary to lease 37-20588 into the Idaho Water Supply Bank at this time. Can you please prepare a letter to Laura Lucere stating IDWRs position regarding water rights 36-20588 and 37-20611 and that the lease application is being withdrawn.

Thank you,

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Monday, December 12, 2016 8:21 AM
To: greg.sullivan@brockwayeng.com
Subject: WSB Lease Application 37-20588

Greg,

After reviewing the Application to Lease water right 37-20588 to the Water Supply Bank, a few things came up.

The Department considers water right 37-20588 to be stacked with ground water right 37-20611 since no action to protect water right 37-20588 was taken before 37-20611 was established.

37-20611 is an irrigation right for 1.6 acres plus the 0.5 acre of irrigation around the house, which totals 2.1 acres of irrigation.

It appears that full beneficial use is taking place so your client doesn't need to put water right 37-20588 in the Bank for protection. If the Department accepted this right into the Bank, it would be considered not rentable due to enlargement concerns.

Please let me know if your client would like to withdraw her application to lease water right 37-20588 to the Bank.

Jean Hersley

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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SEP 27 2016

DEPARTMENT OF
WATER RESOURCES

September 19, 2016

Remington Buyer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: 37-20588

Dear Mr. Buyer:

Laura Lucere the current owner of water right 37-20588 desires to lease 37-20588 to the Idaho Water Supply Bank for the 2016 through 2020 irrigation season. Water right 37-20588 was decreed on 9/24/2010. The water from the Big Wood River currently cannot be delivered to Laura's property at this time.

The entire water right is to be lease into the Water Supply Bank. No rental application is being submitted with the lease application.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Laura Lucere

Enc: Lease Application, IDWR Aerial Map, Water Right Information, W-9 Form

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

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IDAHO 83301

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