



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" OTTIER
Governor

September 29, 2016

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE ID 83707

**RE: WATER SUPPLY BANK LEASE APPLICATION(S) FOR WATER RIGHT
NO(S). 37-2694 and 37-4061**

Dear Applicant:

On March 7, 2016 the Idaho Department of Water Resources (Department) received your application(s) to lease water right no(s). 37-2694 and 37-4061 to the Water Supply Bank (Bank).

The Department has sent two separate emails on March 17, 2016 information to start the interagency billing process and to let you know water right 37-7286 would also need to be leased to the Bank as since it overlaps with water right 37-2694 and 37-4061. The Department then sent two separate letters on April 15 and May 16, 2016 requesting the same information.

As of the date of this letter no information has been received by the Department. This letter is notice that **the attached application(s) to lease water to the Bank are returned.**

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.

You can reapply to lease the water right(s) in the future by submitting new application form(s) along with applicable fees. Water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Lease Application(s)

c: IDWR Southern Region Office
Water District No. 37B

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

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

MAR 07 2016

DEPARTMENT OF
WATER RESOURCESDesignated Applicant State of Idaho Department of Fish and Game

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

Water Right No. 37-4061

(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 \$

Received By:

Date Received:

Receipt #

W-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 State of Idaho Department of Fish and Game

Mailing Address	<u>PO BOX 25</u>	<u>BOISE</u>	<u>ID</u>	<u>83707</u>
	Street	City	State	Zip Code

Email Address _____ Phone Number (208)334-3700

☒ 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 Virgil Moore Organization State of Idaho Department of Fish and Game

Professional Title Secretary Email Address virgil.moore@idfg.idaho.gov

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

☒ 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.
None at this time required by water district.

- 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.

- 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. No records but decreed in 2010 so not subject to forfeiture.

- 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. Decreed in 2010 so not subject to forfeiture.

- 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 ☒.

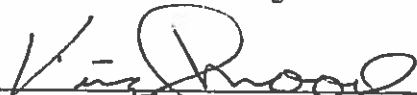
If lease, specify the years when the use of water will be suspended: 2015 to 2020 (maximum lease period 5 calendar years).
(Year) (Year)

- 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.
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

Virgil Moore
Printed Name

3/7/2016
Date

Signature of Authorized Representative

Printed Name

Date

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

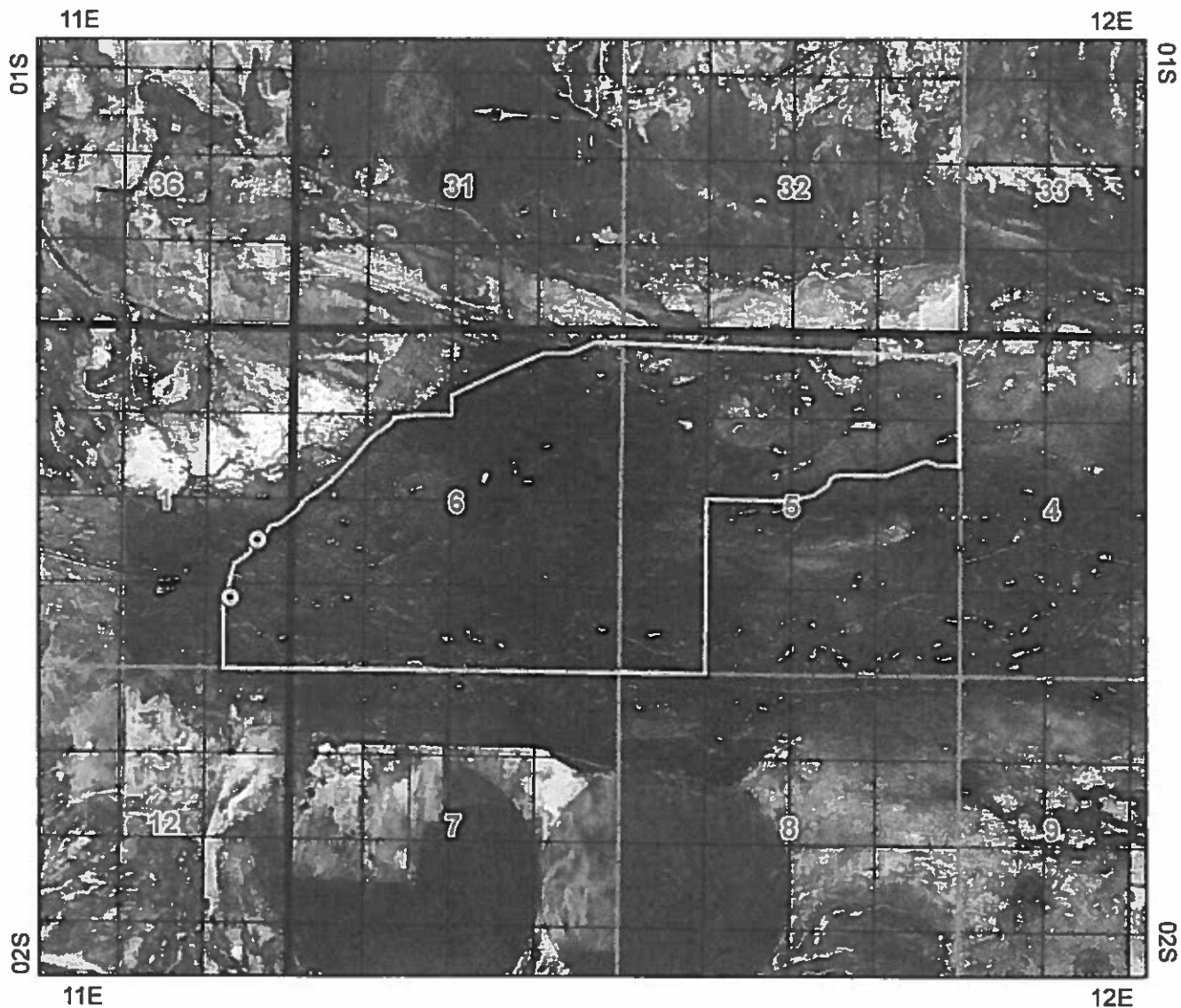
State of Idaho
Department of Water Resources

Water Right

37-4061

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 0.325 0.65 1.3 Miles





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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 16, 2016

WALT POOLE
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

**RE: APPLICATION(S) TO SELL LEASE A WATER RIGHT TO THE WATER SUPPLY
BANK FOR WATER RIGHT NO(S). 37-2694 and 37-4061**

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

Dear Lessor:

The Department of Water Resources received applications to Lease Water 37-2694 and 37-4061 from you on March 7, 2016. On March 17, 2016 the department contacted you via email about a third water right (37-7286) with overlapping acres and requested that you provide direction on how you wished to proceed. The Department also informed you that a payment of \$500 to lease all three rights was needed to complete your request. A letter was sent on April 15, 2016 requesting the information and payment.

As of the date of this letter, the Department has not received any information from you.

Because the Department cannot process the Applications to lease these water rights without the information and fees requested, we will hold any action on your applications pending receipt of the necessary information and fees. If we do not receive the necessary information and fees within **14 days** these applications will be denied because they cannot be processed without the requested information.

If you have any questions or no longer have an interest in the water right, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 15, 2016

WALT POOLE
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT NO(S) 37-2694 and 37-4061 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the applications to lease the above referenced water rights to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the rights are determined to be eligible for acceptance into the Bank, the rights will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your applications has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information or request withdrawal of your applications within 30 days of the date of this letter or the applications will be returned unprocessed:

- You have requested the entirety of water rights 37-2694 and 37-4061 to be leased to the Bank. These rights overlap with water right 37-7286. Water Right 37-7286 will need to be leased to the Bank also.
- The filing fee for three overlapping rights is \$500.

The department will continue processing your applications once you have submitted the requested information. Water right forms are available from the Department's website 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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 17, 2016 10:20 AM
To: 'Poole,Walt'
Subject: WSB Lease Applications for 37-2694 and 37-4061

Following up on the previous email I sent, since Fish & Game requested to lease the entirety of water rights 37-2694 and 37-4061 in the Bank, you will also need to lease 37-7286 also. These 3 (three) rights overlap so they all need to be in the Bank. The total fee for this is \$500. The Department will also need a Lease application for 37-7286. Please let me know if you have any questions. Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 17, 2016 9:48 AM
To: 'Poole, Walt'
Subject: WSB Lease Application for 37-2694 and 37-4061

The Department received two Water Supply Bank Lease Applications on March 7, 2016 for the above mentioned water rights. There was not a letter with interagency billing information attached to the applications. Could you please send me that information so I can request payment for these applications. Thank you.

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