

RECEIVED**WATER SUPPLY BANK LEASE CONTRACT****JAN 08 2016****DEPARTMENT OF
WATER RESOURCES**

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

LESSOR: FRANCIS LIVINGSTON
110 ELDERBERRY LN
BELLEVUE ID 83313
208-721-1141

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. On November 13, 2015, the Lessor filed an application to lease the water right described below into the Water Supply Bank.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to the conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHT:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water right described as follows:

Summary of Water Right or Portion Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
37-21616	7/1/1887	BIG WOOD RIVER	MALAD RIVER	0.16 cfs	11.6 af	3.3 ac

Lease Totals 0.16 cfs 11.6 af 3.3 ac

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: NOT RENTABLE

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2016 to December 31, 2020. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

WATER SUPPLY BANK LEASE CONTRACT

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

FRANCIS LIVINGSTON
110 ELDERBERRY LN
BELLEVUE ID 83313

By 

Date 1/6/16

Printed Name FRANCIS LIVINGSTON

Title _____

IDAHO WATER RESOURCE BOARD
322 EAST FRONT ST
PO BOX 83720
BOISE ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 1/11/2016

Lease approved by IDWR 

Date 1-11-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NO. 37-21616

The water right or portion thereof leased to the bank is described as follows:

Lessor: FRANCIS LIVINGSTON
110 ELDERBERRY LN
BELLEVUE ID 83313
208-721-1141

Location of Point(s) of Diversion for Water Right 37-21616

BIG WOOD RIVER NENE Sec. 35, Twp 02N, Rge 18E, BLAINE County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
37-21616	IRRIGATION	4/15 to	10/31	0.16 cfs	11.6 af
37-21616	STOCKWATER	1/01 to	12/31	0.02 cfs	Not Stated
Total:				0.16 cfs	11.6 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	35	3.3																3.3

Total Acres: 3.3

Place of Use to be Idled Under This Lease: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	35	X																

Conditions Applicable to Leased Water Right

1. The water right referenced above will NOT be rentable from the Bank.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

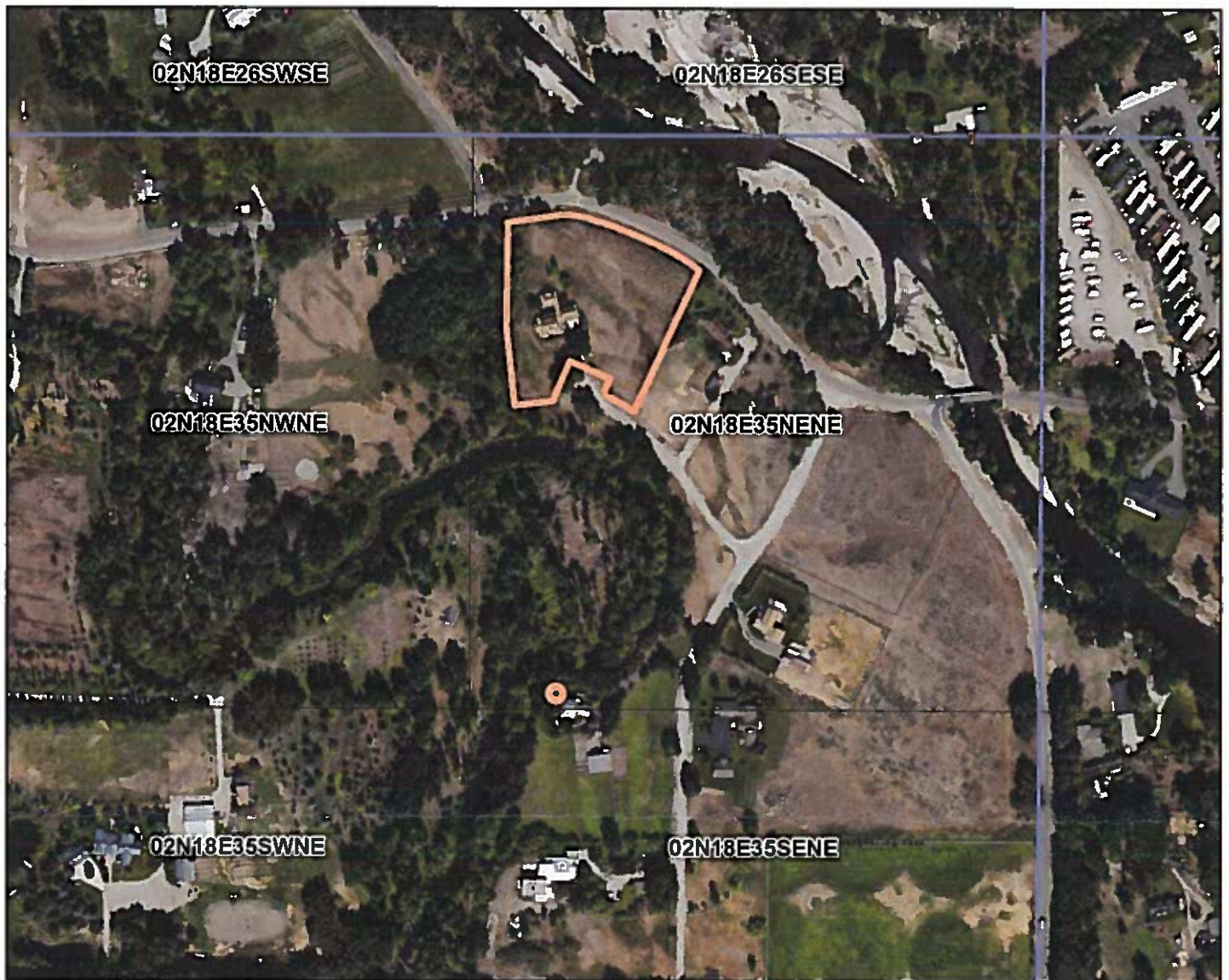
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, nor does it improve the status of the right or accomplish the resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) leased to the bank is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water under this right is regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
14. Water rights 37-2639B and 37-21616 are limited to the irrigation of a combined total of 12.8 acres in a single irrigation season.

Idaho Water Resource Board
Water Supply Bank Lease

37-21616

Effective until December 31, 2020

This map depicts the place of use to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



2013 USDA-FSA Aerial Photography

-  Approved Lease Point of Division
-  Approved Lease Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.25 Miles

RECEIVED

NOV 13 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant FRANCIS LIVINGSTON
(Select one owner – see item 1A on the application)

Water Right No. 37-21616
(One water right per application)

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).

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.

Attachment N/A YES

1A

Contact information for *all owners* of the water right that is being 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



Written consent from irrigation district or water delivery company.

1E



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. (THE ABOVE APPLICANT IS IT)

2



Description of a water right portion offered to the Water Supply Bank.

3E



Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

4



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.

Department Use Only

Fee Amount \$ 250.00Received By: DLDate Received: 12/21/2015 Receipt # 0101328W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Francis Livingston

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

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 FRANCIS LIVINGSTON Email Address franciselivingston@gmail.com
Mailing Address 110 ELDERBERRY LN. BELLEVUE, ID 83713 Phone Number 208-721-1141

☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☐ No ☒

- 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).

SUE ROTHER IS ALSO LISTED FRANCIS' WIFE

- D. 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 1D).

- E. 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 1E).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

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

Water Right Number 37-21616 ☒ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

- B. 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.

- C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☐ No ☒

Stacked water rights are water rights that are utilized 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.

D. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. _____

E. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

F. 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. _____

4. MAP

Plat map, survey map, or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.

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 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.

We want to bank this water right

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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Francis Livingston
Signature of Designated Applicant

FRANCIS LIVINGSTON
Printed Name

10-30-15
Date

Sue Rother
Signature of Authorized Representative
SECOND OWNER
LISTED

SUE ROTHER
Printed Name

10-30-15
Date

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

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 21 2015

DEPARTMENT OF
WATER RESOURCES

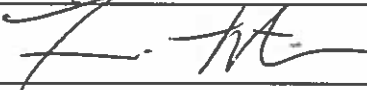
ATTACHMENT 1A

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). 37-21616

	Designated Applicant	Applicant #2	Applicant #3
Name	FRANCIS LIVINGSTON	SUE ROTHER	
Mailing Address	110 ELDERBERRY LN BELLEVUE, ID. 83313	SAME	
Phone Number	208-721-1141	208-721-1143	
Email Address	francis.livingstone@gmail.com	suerother1@gmail.com	
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			

	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			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



WATER DISTRICT NO. 37
107 WEST 1ST
SHOSHONE, IDAHO 83352
(208) 886/2451

February 12, 2015

Francis Livingston and Sue Rother
110 Elderberry Lane
Bellevue, Idaho 83313

Mr. Livingston and Ms. Rother:

Enclosed is an assessment for water right 37-21616. From aerial photography and conversations with you in the past, it is our understanding that you have not used this water right in the past four years. This water right was decreed in the Snake River Basin Adjudication on September 24, 2010. If you do not take action before September 24, 2015, you will be in danger of forfeiting the right because of 5 years of non-use. If you wish to retain this water right, you must pay the enclosed assessment as well as accomplish one of the following actions before September 24, 2015: PAY BY APR. 1ST

- 1.) Demonstrate use of the water, or:
- 2.) File for a request to avoid forfeiture which requires a \$100.00 fee, or:
- 3.) Place the water right in the State Water Bank which requires a \$250.00 fee.

I have enclosed both an application to the State water Supply Bank as well as an application to avoid forfeiture. If you have any questions feel free to call the office at (208) 886-2451.

Respectfully,


Kevin Lakey
Water District 37

IDAHO DEPT WATER RESOURCES
TWIN OFFICE

Idaho Department of Water Resources



SRBA Recommendation:

37-21616

(Irrigation)

Legend

-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



T02N

R18E



0 0.1 0.2 Miles

Prepared by M. Ciscell
On Saturday, January 6, 2007
2004 Aerial Photography



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 12, 2016

FRANCIS LIVINGSTON
110 ELDERBERRY LN
BELLEVUE ID 83313

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 37-21616

Dear Lessor:

Water right 37-21616 was leased into the Water Supply Bank (Bank) as of November 13, 2015, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank.** More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2020**, unless the right is released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water right may not be available for immediate release if it has been rented or is being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

 Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Allen Merritt - IDWR Southern Region
Kevin Lakey - Water District 37



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 4, 2016

FRANCIS LIVINGSTON
110 ELDERBERRY LN
BELLEVUE ID 83313

RE: APPLICATIONS TO LEASE WATER RIGHT 37-21616 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2020**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

You sent in an Extension of Time to Avoid Forfeiture of a Water Right Form with this application. This was received without the processing fee. This action will not be necessary due to the fact that the right being placed in the Water Supply Bank provides protection from forfeiture according to Idaho Code § 42-223. Therefore, that form is being returned to you.

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

Sincerely,

Clay Webster

Water Resource Agent

Water Supply Bank Point of Contact

Enclosures: Proposed Lease Contracts
Extension of Time to Avoid Forfeiture
Receipt # C101328

NOV 13 2015

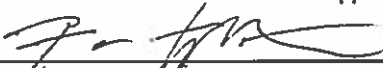
DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222(4), Idaho Code, provides that a water right holder may apply to protect a valid water right from forfeiture. Upon a showing of reasonable cause, the Director may grant one (1) extension of five (5) years in which to resume use.

1. Water Right No. 37-21616 (one right per application)
☒ Attach a copy of the water right record, available at <http://www.idwr.idaho.gov>, *Water Right Transfers, Step 1*, or by contacting any Department office.
2. Applicant FRANCIS LIVINGSTON, SUE ROTHER Phone 208-721-1143
3. Are you the current water right holder of record? Yes ☒ No ☐
☐ If no, provide documentation of your authority to sign on behalf of the right holder -- OR -- attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee.
4. Mailing address ☒ Same as water right record -- OR -- complete the following information:
Address _____ City _____
State _____ Zip code _____ Email _____
5. Give the last date water was beneficially used ?
6. Explain your reasons for non-use of the water right and your reasons for requesting an extension of time.
Attach additional documentation if needed.
We haven't had the funds necessary to
install a pumping system.
We would like to install one in the next five years

The information contained in this application is true to the best of my knowledge.

 Signature of applicant or authorized agent	<u>FRANCIS LIVINGSTON</u> Print name (and title, if applicable)	<u>10-30-15</u> Date
 Signature of applicant or authorized agent	<u>SUE ROTHER</u> Print name (and title, if applicable)	<u>10-30-15</u> Date

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before _____

Signed this _____ day of _____, 20____.

Title: _____

Stamped received ☐ Fee received by _____ Date _____ Receipt # _____

Hersley, Jean

From: Merritt, Allen
Sent: Wednesday, December 30, 2015 11:57 AM
To: Hersley, Jean
Subject: RE: WSB Lease 37-21616 Livingston

I do not have an issue with this lease as long as it remains unrented.

From: Hersley, Jean
Sent: Monday, December 28, 2015 8:37 AM
To: Merritt, Allen; Kevin Lakey
Subject: WSB Lease 37-21616 Livingston

The applicant wishes to place the entirety of this right in the Bank. This right overlaps with water right 37-2639B owned by Broadford Polo Subdivision Owners Assn. None of water right 37-2639B is being offered to the Bank. Water right 37-21616 will be leased to the Bank but will not be rentable. Draft contract, review memo and map are attached. Please send your comments or concerns within 7 days. Thank you.

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

WATER SUPPLY BANK

Agent Lease Review Checklist

Applicant(s) Name: Francis Livingston

Memo Date: December 24, 2015

Water Right Number(s): 37-21616

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2009	2015
2010	2016
2011	2017
2012	2018
2013	2019

	Check box		COMMENTS/CONCERNS:
1	☒		
Fill out WSB Data Entry Checklist for Leases			
2	☐		
Reason for lease of water rights (Brief description of lease proposal in narrative)			
	☒		
Portion of right			
All of right			
3	☐		
Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
	☐	☐	
	☐	☐	
4	☐	☒	
Rentable? If no explain in comments			
5	☐	☐	
Authority to file			
	☒		
Current owner or designated applicant			
	☐		
SOS Web site checked for business entity			
	☐		
Other (explain in comments)			
6	☐	☐	
Water Right validity			
	☐	☐	
Decreed/Licensed/Statutory claim date (write in comments section)			
	☐	☐	
Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	☐	☒	
Has this right previously been leased to the bank or in CREP?			
7	☐	☐	
Injury to other water rights			
	☐	☐	
If the POD is through a delivery entity, was consent provided?			
	☐	☐	
If the POD is through a delivery entity, was holdback required? (percentage in comments)			
	☐	☐	%
8	☐	☐	
Enlargement concerns			
	☒	☐	
Complete a POU comparison overlap analysis			
	☒	☐	
Complete a combined limits review			
	☒	☐	
Complete POD overlap analysis (if there is an overlap add condition to lease)			
	☐	☐	
	☐	☐	
	☒	☐	
Are there overlapping rights that need to be placed in the bank also?			
	☐	☒	
Will the place of use continue to receive water?			
9	☐	☐	
Local Public Interest			
	☐	☐	
Does the processor know of any problems this action will cause for the local public?			
10	☒	☐	
Have you contacted regional office and watermaster for comment/concerns?			
	☒	☐	
Send the watermaster comment request form or e-mail request			
11	☐	☐	3.5
Area Headgate requirement			
12	☐	☒	
Is water right involved in any other department action? Pull file and check database			
() Ownership Change () Transfer () Mitigation () Other - Explain in comments			
13	Narrative: The applicant wishes to place the entire right in the Bank. This right will not be rentable as it overlaps with 37-2639B owned by Bradford Polo Subdivision Owners Assoc. Applicants were asked to provide information regarding the leasing of water right 37-2639B. No response was received. The Department will continue processing the lease as unrentable. the application was signed by the water right holder. This right is within WD 37. Comments will be solicited.		



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

November 25, 2015

GARY SPACKMAN

Director

FRANCIS LIVINGSTON
110 ELDERBERRY LN
BELLEVUE ID 83313

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO
LEASE WATER RIGHT NO 37-21616 TO THE WATER SUPPLY BANK AND
EXTENSION OF TIME TO AVOID FORFEITURE.**

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

Dear Applicant:

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

If the right is determined to be eligible for acceptance into the Bank, the right 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 application has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information within 30 days of the date of this letter or the Water Supply Bank application will be denied:

- **Application Filing Fee \$250.00 is required**
- **Have Francis Livingston Sign the W-9 form (attached)**
- **Have Francis Livingston and Sue Rother fill out and Sign the Attachment 1A (attached)**
- **Item 5 of the application asked for you to specify years when the use of water will be suspended under the proposed lease. Please specify what years you wish this right to be placed in the bank.**

This water right has an existing limiting condition with Water right 37-2639B, currently owned by the Broadford Polo Subdivision Owners Assn. "Right Nos. 37-2639B and 37-21616 are limited to the irrigation of a combined total of 12.8 acres in a single irrigation season." In order to avoid enlargement of these rights, either the same 3.3 acres of 37-2639B would need to be leased to the water supply bank, or this right would not be rentable. Please let me know if you want the department to continue processing this lease as un-rentable.

The Notice of Change in Water Right Ownership form is being returned to you because you are the current Water Right Owner.

Finally, you submitted an extension of time to avoid forfeiture of a water right. This extension is a one-time process in for any water right. This process has a \$100.00 application fee that will need to be submitted for us to process the application. To apply to place the water right in the Water Supply Bank and to apply for the extension of time to avoid forfeiture is not needed to protect the right from forfeiture. Please let us know which process you wish to pursue. You will have to provide the appropriate fee for the process that you wish to proceed with.

The department will continue processing your application 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,



Clay Webster
WSB Process Point of Contact

Enclosure(s): Notice of Change in Water Right Ownership, W9 and Attachment 1A