



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

October 15, 2015

ROBERT DEL SIGNORE
LESLIE LUCCHESI
218 POLO CLUB LANE
BELLEVUE ID 83313

RE: WITHDRAWAL OF APPLICATION TO LEASE WATER RIGHT NO(S). 37-20397 TO THE WATER SUPPLY BANK

Dear Applicant:

Per your attorney's request received on September 30, 2015 the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Applications for the rights listed above.

Diversion and use of water is not authorized under the returned rental application. Any use associated with your proposed rental request is not authorized and, if occurring, will be subject to any necessary enforcement action. If you wish to rent water in the future, please reapply using new forms from the Department's website at www.idwr.idaho.gov.

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.

I have requested a refund of \$500.00 for receipt S035025 for the withdrawal of lease application for 37-20397.

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

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Lease Application(s)

C: Travis Thompson @ Barker Rosholt & Simpson

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson*



195 River Vista Pl., Suite 204
Twin Falls, ID 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile

1010 W. Jefferson St., Suite 102
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

Travis L. Thompson
tlt@idahowaters.com

September 21, 2015

VIA HAND DELIVERY

Mr. Remington Buyer
Water Bank Supply Coordinator
Idaho Dept. of Water Resources
650 Addison Ave. West, Suite 500
Twin Falls, Idaho 83301-5858

Re: Application to Lease Water Right 37-20397

Dear Mr. Buyer:

On behalf of my clients Robert Del Signore and Leslie Lucchesi please find enclosed a completed *Application to Sell or Lease a Water Right to the Water Supply Bank* for water right 37-20397 for the remainder of 2015. The circumstances of this proposed lease may be a little confusing so I will provide the following background.

Water Right 37-20397 was apparently split from water right 37-02639 sometime in the past. The right was eventually decreed to Bruce and Leslie Tidwell on September 24, 2010. The Tidwells conveyed the property to Delmer and Johnna Pletcher on October 9, 1991. I assume the Pletchers never completed a change of the ownership of the water right. Mr. Pletcher then quit claimed his interest in the property to Ms. Pletcher on August 24, 2001. Finally, Ms. Pletcher conveyed the property to my client Robert Del Signore on April 10, 2003.

My client was unaware that the water right was not in his name until this spring. At that time I filed a notice of change of ownership (April 17, 2015) with IDWR (Trish Fawcett). My client has been using the water right through the association water system (confirmed by Kevin Lakey, Watermaster). My client also deeded one-half interest of the water right to his wife Leslie Lucchesi.

On Friday September 18, 2015 we filed an *Application for Transfer of Water Right – Point of Diversion* to change the POD for the water right to a new well on my client's property. The transfer is still pending. In order to protect the water right from any forfeiture claims my

RECEIVED

SEP 22 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

WITHDRAWN
9/30/2015

Mr. Remington Buyer
September 21, 2015
Page - 2

clients would like to place the water right in the water bank until the transfer is approved (or through December 31, 2015).

If you have any questions, please contact me at 733-0700. Alternatively, Trish Fawcett has worked on the notice of change of ownership over the summer and may provide some help as well.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to be 'T. Thompson', written over a horizontal line.

Travis L. Thompson

Enc.

cc: Client (via email)

Palmer, Cherie

Subject: FW: Del Signore Water Bank Application

From: Travis Thompson [<mailto:tl@idahowaters.com>]

Sent: Wednesday, September 30, 2015 3:49 PM

To: Buyer, Remington

Subject: Del Signore Water Bank Application

Remington,

As discussed can you please withdraw the water bank application that I filed last week on behalf of Robert Del Signore (37-20397). My client has confirmed that he has used the groundwater this year and within the last five years and the Southern Regional Office is currently processing the transfer that we filed on Sept. 18th. Please let me know if you need anything else.

Thank you,

Travis

MEMORANDUM

To: Sascha Marston
From: Christine Field
Date: October 14, 2015

Re: Refund Request

Please issue a refund in the amount of \$500.00

To: Barker Rosholt & Simpson LLP
195 River Vista Pl Suite 204
Twin Falls ID 83301-3029

Receipt # S035025

Applicant withdrew lease applications from Water Supply Bank

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SEP 22 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION 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 Robert Del Signore Leslie Lucchesi
(Select one owner – see item 1A on the application)

Water Right No. 37-20397
(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 <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☒ | ☐ | 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. |
| 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 <u>Section 42-222(2), Idaho Code</u> . |
| 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 \$ 500 -Received By: DM / TFDate Received: 9-22-2015 Receipt # S035025W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Robert Del Signore

RECEIVED

SEP 22 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION 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 Robert Del Signore Leslie Lucchesi Email Address robert@archivedfc.com
Mailing Address 218 Polo Club Lane Bellevue, ID 83313 Phone Number 208-788-9211

☒ 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).

- 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 Travis L. Thompson Organization Barker Rosholt & Simpson LLP
Professional Title Attorney Email Address tlt@idahowaters.com
Mailing Address 195 River Vista Place, Suite 204, Twin Falls, ID 83301 Phone Number 208-733-0700

☒ 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 37-20397 ☒ 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.

Existing Well and Pump for the Subdivision. Applicant has his own irrigation system on his property.

- 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.
37-21437

- 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. Applicant does not intend to irrigate with surface water under water right 37-21437 for the rest of the irrigation season. Water right is no longer in priority and likely will not be.

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. Applicant recently filed a transfer and notice of change of ownership for this water right. The water right was decreed to a prior owner of the property in 2010.

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: 1/1/15 to 12/31/15 (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.

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 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.

Signature of Designated Applicant

Printed Name

Date



Signature of Authorized Representative

Travis C. Thompson

Printed Name

9/21/15

Date

Mail to:

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

D. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, describe. Applicant does not intend to irrigate with surface water under water right 37-21437 for the rest of the irrigation season. Water right is no longer in priority and likely will not be.

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. Applicant recently filed a transfer and notice of change of ownership for this water right. The water right was decreed to a prior owner of the property in 2010.

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

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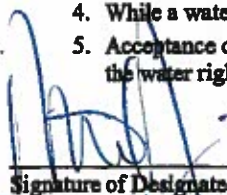
If lease, specify the years when the use of water will be suspended: 1/1/15 to 12/31/15 (maximum lease period 5 years).
(Year) (Year)

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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.

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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.


Signature of Designated Applicant

Roberto Del Signore
Printed Name

9/21/15
Date


Signature of Authorized Representative

Leslie Luchesi
Printed Name

9/21/15
Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to 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). _____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
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			

	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 Right
37-20397

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.

18E



0 0.05 0.1 0.2 Miles

● Point of Diversion

□ Place Of Use Boundary

□ Townships

□ PLS Sections

