



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

August 25, 2015

PATRICIA WEAVER
PO BOX 1413
HAILEY ID 83333

RE: RETURNED APPLICATION(S) TO LEASE WATER RIGHT NO(S). 37-8079 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources (Department) has completed its review of your application(s) to lease water right(s) to the Water Supply Bank (Bank). Based on that review, the Department cannot accept water right(s) 37-8079 into the Bank.

This letter is notice that the attached application(s) to lease water to the Bank are being returned. The Bank rules provide criteria to be considered when determining whether to accept a water right into the Bank. Letters requesting additional information regarding the ownership of the property were sent on July 17 and August 5, 2015. No information was provided.

Department resources were expended in order to provide a full review of your applications. Therefore, the lease application filing fees will not be refunded if an acceptable application with all the required information isn't submitted within fourteen (14) days.

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.

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: Kevin Lakey- Water District No. 37

RECEIVED

MAR 23 2015 APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDEPARTMENT OF
WATER RESOURCES

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

Water Right No. 37-8079
(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 _____ for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from _____). |
| 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 _____. |
| 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 \$	<u>250</u>	Received By:	<u>LH</u>	Date Received:	<u>3/23/15</u>	Receipt #	<u>C 100157</u>
W-9 received?	Yes ☒ No ☐	(Route W-9 to Fiscal)	<u>y</u>	Name on W-9:	<u>Patricia Weaver</u>		

RECEIVED
MAR 23 2015
DEPARTMENT OF
WATER RESOURCES

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 Patricia Weaver Email Address Patstango@hotmail.com
Mailing Address PO Box 1413 Hailey, ID 83333 Phone Number (208) 788-4929

☒ 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 _____ 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 8079 ☒ 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 _____

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: 2015 to 2017 (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.

\$250.00

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.

Patricia Weaver

Signature of Designated Applicant

Signature of Authorized Representative

Idaho

Applicant requested two year lease but Watermaster Kevin Laken called to confirm applicant may desire five year contract. Call applicant to confirm contract duration before finalizing.

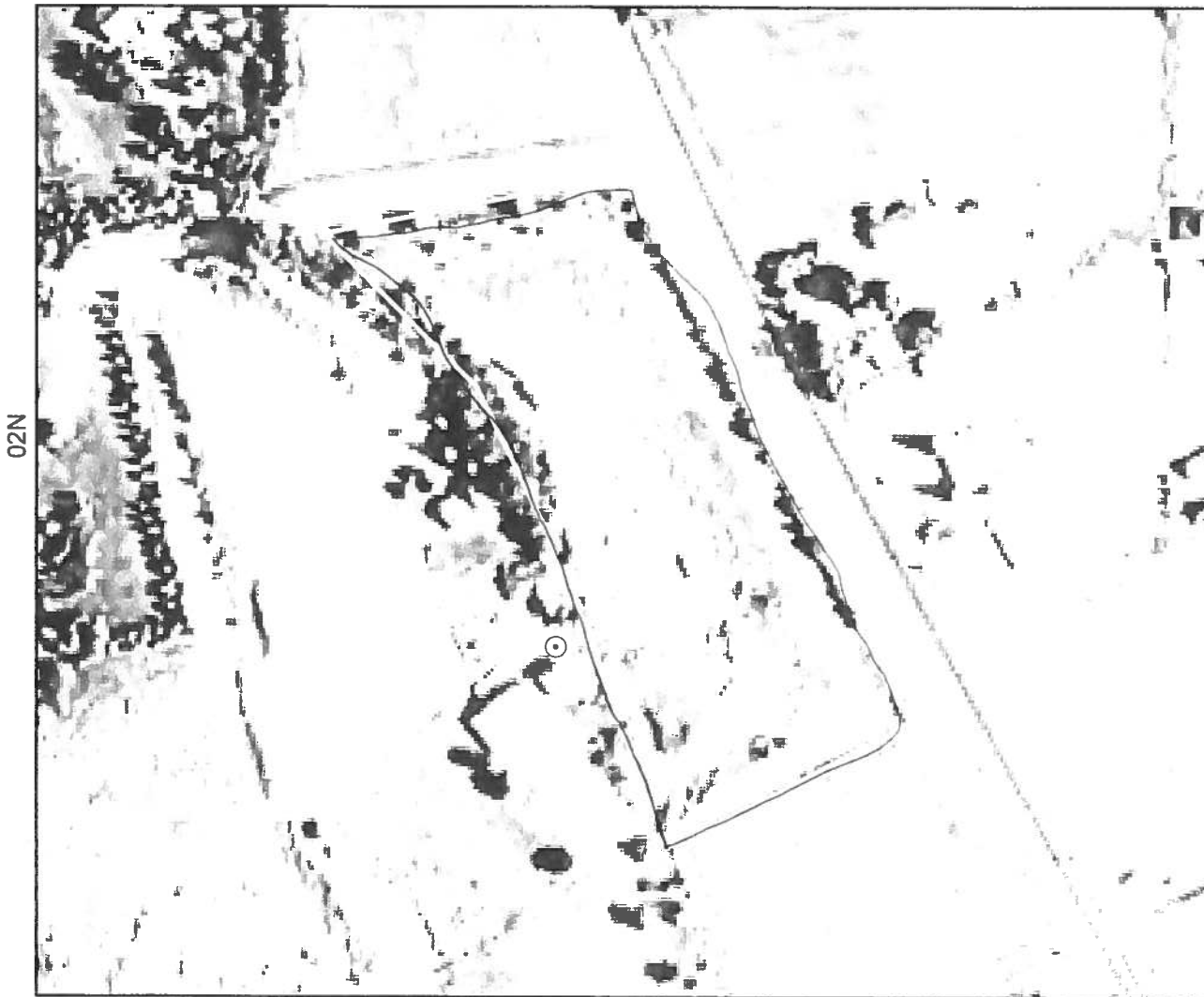
State of Idaho
Department of Water Resources

Water Right
37-8079

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 0.0225 0.045 0.09 Miles

- ⊙ Point of Diversion
- ▭ Place Of Use Boundary
- ▭ Townships
- ▭ PLS Sections



MEMORANDUM

DATE: August 11, 2015
TO: Water Right File 37-8079
FROM:  Clay Webster

RE: WSB Lease Status Inquiry

Yesterday I received an inquiry from Patricia Weaver about the letter sent to her requesting more information about the ownership of water right 37-8079. After reviewing the file and this is what had been found during the WSB Lease review.

The property tax-lot owner had been changed in February of 2015 to Robert Cimino. We received a Lease application from Patricia Weaver on March 23, 2015. Mrs. Weaver was sent letters from the department on July 17th and August 5th, 2015 requesting documentation proving ownership of the water right.

I informed her that we would either have to have something showing that she had retained the water right in the transfer of the property or an ownership change from the new owner and a lease application in his name. I sent her a lease form and an ownership change form. Her response was that I had misinformed her and that she did not wish to lease her right. She will get a lock and measurement device instead of leasing her water. See e-mail dated 8/10/2015.

Webster, Clay

From: pat weaver [patstango@hotmail.com]
Sent: Monday, August 10, 2015 8:13 PM
To: Webster, Clay
Subject: RE: WSB Application

Clay, You misinformed me...You did mention a (change of ownership form) then what is this about a property deed? and another \$25.00 for the record of ownership change? Somehow I did think this would involve more government involvement. Take my \$250.00 dollars and I will get a lock and a measurement thing so you know I am not using my water.

We talked about signing the lease

Application and fill our the W9

patricia weaver

From: Clay.Webster@idwr.idaho.gov
To: patstango@hotmail.com
Subject: WSB Application
Date: Mon, 10 Aug 2015 22:37:05 +0000

Ms. Weaver,

These are the forms we discussed earlier. We will need Robert to sign the Lease Application and fill out the W9 and Sign it is in the WSB Lease Application. I have also enclosed the Change of Ownership Form. He will need to sign it and send it in with a copy of the property deed that you both signed. We will need \$25 to record the ownership change. Thank you for your help with this matter.

Sincerely,

Clay Webster

Water Resource Agent

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 5, 2015

PATRICIA WEAVER
PO BOX 1413
HAILEY ID 83333

RESPONSE
DEADLINE
AUGUST 17, 2015

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO LEASE
WATER RIGHT NO(S). 37-8079 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Department of Water Resources (Department) received your application(s) to lease water right(s) 37-8146 to the Bank on March 23, 2015. A letter was sent on July 17, 2015 requesting additional information.

Without the additional information your application(s) is considered incomplete, cannot be processed, and will be returned. **Please submit the requested information within 10 days** or your application(s) will be returned. Since Department resources were expended in order to provide a full review of your application the lease application filing fees will not be refunded.

If the right(s) 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(s) has been completed and it has been determined that additional information is required to continue processing.

The information requested was:

- Proof of ownership of the land associated with the water right. The Department's current taxlot information lists Robert Cimino as the current owner of the property. Please provide documentation that prove you still own the water right.
- The Department needs a Form W9 so you can receive payment in the event your water right is rented.

The department will continue processing your application(s) once you have submitted the requested information. Water right forms are available from the Department's web site 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 17, 2015

PATRICIA WEAVER
PO BOX 1413
HAILEY ID 83333

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO LEASE
WATER RIGHT NO(S). 37-8079 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

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

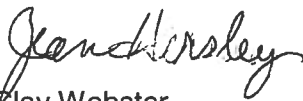
If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application(s) has been completed and it has been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

Please provide the following information within 14 days of the date of this letter or the application will be denied:

- Proof of ownership of the land associated with the water right. The Department's current taxlot information lists Robert Cimino as the current owner of the property. Please provide documentation that proves you still own the water right.
- If you provide proof of ownership, the watermaster of Water District No. 37, Kevin Lakey, mentioned you may want a five year lease instead of the two years you specified on your application. Please let the Department how many years you would like the lease contract for.

The department will continue processing your application(s) once you have submitted the requested information. Water right forms are available from the Department's web site 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

Enclosure: Receipt # C100157