



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

June 24, 2015

HOWARD L MORRIS
1101 E 2900 S
HAGERMAN ID 83332

RE: DENIAL OF APPLICATION(S) TO WATER RIGHT NO(S). 37-20854, 37-20855 and 37-20856 TO THE WATER SUPPLY BANK

Dear Applicant:

On February 2, 2015, the Department of Water Resources (Department) received your application(s) to lease water right(s) 37-20854, 37-20855 and 37-20856 to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated."

A review of aerial photography and the Department's Water Management Information System (WMIS) records suggests the dairy hasn't been in operation since 2006.

Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 cannot be met and the attached lease application(s) is **denied**. Department resources were expended in order to provide a full review of your applications. Therefore, the lease application filing fees will not be refunded.

Please note that a water right is not protected from forfeiture unless it 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 also consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form(s) available from the Department's website at www.idwr.idaho.gov.

If you have any questions regarding this matter, please contact me at (208) 287-4944.

Sincerely,


Clay Webster
Water Resource Agent

WSB Process Point of Contact

C: Allen Merritt – IDWR Southern Regional Office
Brown & James

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 02 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

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 Howard L. MorrisWater Right No. 37-20854

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. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

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.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3D ☐ ☒ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ 500.00

Received By:

Date Received: 2-2-15Receipt # S034531W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Howard & Rhonda Morris

STATE OF IDAHO
WATER RESOURCE BOARD

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FEB 02 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 Howard L. Morris Email Address _____
Mailing Address 1101 E. 2900 S., Hagerman, ID 83332 Phone Number (208) 837-6213

☐ 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 Philip A. Brown Organization Brown & James
Professional Title Attorney at Law Email Address phil@brownjameslaw.com
Mailing Address 130 Fourth Ave. West, Gooding, ID 83330 Phone Number (208) 934-8185

☐ 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 37-20854 ☒ 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.

Ground Water

- 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.
Permits 37-20855, 37-10793 and 37-2856 Ground water diversion permits being transferred to the water bank
which was used for a commercial dairy.

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

Yes ☐ No ☒

If yes, describe. _____

D. 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. _____

E. 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. 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, for a period from 05/01/2014 to 12/31/2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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

Printed Name

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.

Water Right No. 37-20854

	Designated Applicant	Applicant #2	Applicant #3
Name	Howard L. Morris	Rhonda K. Morris	
Mailing Address	1101 E. 2900 S. Hagerman, ID 83332	1101 E. 2900 S. Hagerman, ID 83332	
Phone Number	(208) 837-6213	(208) 837-6213	
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
WATER RESOURCE BOARD**

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Amount (cfs/ac-ft)	Nature of Use	Period of Use
37-20854	.18 CFS/15.6 AF	Commerical	01/01 to 12/31
	.18 CFS/15.6 AF	Stockwater	01/01 to 12/31
			to
			to
			to
			to
Total Amount:	.18CFS/15.6 AF		

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06S	14E	36					Gooding County
06S	14E	36					Gooding County

4. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	14E	35				X									X	X	X	X	
06S	14E	36								X	X				X	X	X	X	
06S	14E	36														X			

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres _____

WATER RIGHT NO. 37-20854
As Modified by Transfer No. 69339

In accordance with the approval of Transfer No. 69339, Water Right No. 37-20854 is now described as follows.

Right Holder: HOWARD L MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

And

RHONDA K MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

Priority Date: December 03, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.18 CFS	15.6 AF
STOCKWATER	01/01	to 12/31	0.18 CFS	15.6 AF
			0.18 CFS	15.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
06S	14E	35				X										X	X	X	X	
06S	14E	36								X	X					X	X	X	X	

PLACE OF USE: 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		
06S	14E	36															X			



Source: Esri, DigitalGlobe, GeoEye, IGN, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community, USDA FSA

MEMORANDUM

To: Water Right No(s). 37-20854, 37-20855 and 37-20856

From: Jean Hersley

Date: June 24, 2015

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: These applications were received on February 2, 2015. The applicant wants to place the entirety of all rights in the Bank. During the review process, it was determined the dairy hasn't been in operation since at least 2006. I have attached the WMIS records as proof. This was confirmed by Cindy Yenter, IDWR Southern Region.

These applications are being denied and returned.

Idaho Department of Water Resources

WMIS
Water Management Information System

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WMIS Number

WMIS Number

400174

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[Other](#) [Logout](#)**Data Summary**

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Report Year	Alternate	FM	PCC	Time Clock
2014				
2013				
2012				
2011		0.00		
2010				
2009		0.00		
2008				
2007				
2006		12.52		
2005				
2004		3.26		
2003				
2002				

401705 - 1997
100040

Idaho Department of Water Resources

WMIS

Water Management Information System



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Site Visits

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Report Year	Visit Date	Examiner	Reason for Visit
2011	11/11/2011	JDHIGGS	Flowmeter Calibration
Comments Small dairy has been closed down, the doors are locked and there are no cows in the corals. I updated the follow up date to 2020			
Report Year	Visit Date	Examiner	Reason for Visit
2006	09/27/2006	BHIGGS	Flowmeter Calibration
Comments Only 1 well for dairy and house. Well in pit abandoned. Well head under bucket west of pit. Takes forever to turn over. Reading in July was 5,924,000. Submersible.			

Idaho Department of Water Resources

WMIS

Water Management Information System



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Flow Meter Water Usage

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Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2014				not used, gone
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	9/27/2006 12:00:00 AM	No Monthly Recordings		
Factor	1.03			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2013				House, barn, corrals, everything is gone.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	9/27/2006 12:00:00 AM	Zero Pumpage		
Factor	1.03			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2012				meter no longer used.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	9/27/2006 12:00:00 AM	Erroneous Measurement FM		
Factor	1.03			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2011	0.00	0.00	0.00	January 2012 meter display light was on but void of digits. Small feedlot is empty.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	

0.00	0.00	0.00		
Calibration Data		Acre Feet Qualifier	Preferred Method	
		Erroneous Measurement	FM	
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2010				Unable to remove lid due to icing. July reading was 20615112. Meter was not working in 2010, according to Annual Report Form. bbh
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	9/27/2006 12:00:00 AM	Erroneous Measurement		
Factor	1.03			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2009	0.00	0.00	0.00	No read out on meter.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
	0.00	0.00	0.00	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	9/27/2006 12:00:00 AM	Erroneous Measurement		
Factor	1.03			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2008		0.00		No readings from 2007. No ARF for 2008. No ending reading by WWC because there were no digits on the readout. It was blank.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	9/27/2006 12:00:00 AM	Erroneous Measurement		
Factor	1.03			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2007		0.00		no reported data, no audit data because pit lid frozen, diversion occurring. cy.
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by Water Master				
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	9/27/2006 12:00:00 AM	Erroneous Measurement		
Factor	1.03			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2006	5029621.00	12.16		decimal entry is incorrect for this meter - multiplier is 1, volume shown was not reasonable. audit 6764685. (cy)
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by Water Master 8991979.00				
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	9/27/2006 12:00:00 AM	Monthly Recordings		
Factor	1.03			
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			

Report Year 2005	Totalizer Start	Acre Feet Volume 0.00	Max Flow Rate (CFS)	Comments no reported data, no audit data collected because well pit cover could not be removed
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Calibration Data				
Date:	1/1/2005 12:00:00 AM	Acre Feet Qualifier	Preferred Method	
Factor	1.00	Erroneous Measurement		
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year 2004	Totalizer Start 0.00	Acre Feet Volume 3.26	Max Flow Rate (CFS)	Comments end totalizer from audit; meter was relocated in the middle of the year but has not been tested. Volume may be inaccurate (cy)
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR	1063620.00	3.26		
Calibration Data				
Date:	1/1/2005 12:00:00 AM	Acre Feet Qualifier	Preferred Method	
Factor	1.00	Erroneous Measurement		
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year 2003	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments meter installed in June 03, not measuring all flows and will have to be moved
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR				
Calibration Data				
Date:	1/1/2005 12:00:00 AM	Acre Feet Qualifier	Preferred Method	
Factor	1.00	Erroneous Measurement		
Vol. Multiplier:	1.0000			
Vol. Unit	GAL			
Report Year 2002	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments meter to be installed next year, pending transfer approval
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by IDWR				
Calibration Data				
		Acre Feet Qualifier	Preferred Method	
		No Flow Measuring Device		

Idaho Department of Water Resources

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Flow Meter Calibrations

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Calibration Date/Time:		09/27/2006	Factor:		1.03
Installed Meter Data:			Standard Meter Data:		
Installed Meter Flow:		10.90	Standard Meter Flow:		11.20
Rate Unit:		GPM	Rate Unit:		GPM
Rate Multiplier:		1.0000	Pipe Material:		STEEL
Volume Multiplier:		1.0000	Outside Diameter (inches):		1.67
Volume Unit:		GAL	Wall Thickness (inches):		0.15
Location:		GOOD	Downstream Distance (feet):		0.50
Comments:			Upstream Distance (feet):		0.50
ADDED STANDARD UNITS - CHANGED VOL MULT TO 1			Calibration Confidence:		GOOD
Installed Meter Information:					
Manufacturer:		BADGER	Installation Date:		
Model Number:		Prino Advanced	Serial Number:		19220552
Meter Type:		MAGNETIC, FULL PROFILE	Other Well:		

Calibration Date/Time:		01/01/2005	Factor:		1.00
Installed Meter Data:			Standard Meter Data:		
Installed Meter Flow:		1.00	Standard Meter Flow:		1.00
Rate Unit:		GPM	Rate Unit:		GPM
Rate Multiplier:		1.0000	Pipe Material:		
Volume Multiplier:		1.0000	Outside Diameter (inches):		
Volume Unit:		GAL	Wall Thickness (inches):		
Location:		FAIR	Downstream Distance (feet):		
Comments:			Upstream Distance (feet):		
NEEDS TEST!			Calibration Confidence:		EXCL
Installed Meter Information:					
Manufacturer:		BADGER	Installation Date:		
Model Number:			Serial Number:		
Meter Type:		MAGNETIC, FULL PROFILE	Other Well:		

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, June 11, 2015 2:01 PM
To: Yenter, Cindy
Subject: lease applications for 37-20854, 37-20855 and 37-20856

Cindy,

I'm reviewing WSB Lease Applications for the above water rights. Before, I dive too far into these, I wanted to get some more information.

From our WMIS reports, it looks like this dairy has been non-working since 2006. The name on the water rights is Howard Morris for the Huber(?) Dairy. Thought you might know what's up without expending a lot of effort from the both of us. Thanks.

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