



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER

Governor

June 18, 2015

GARY SPACKMAN

Director

MARSHAL TODD PERKES  
2790 N 3325 W  
MOORE ID 83255

**RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK**

Dear Applicant:

On April 14, 2015, the Department of Water Resources (Department) contacted your representative, Luke Marchant, to inform him that permission from the Timber Dome Canal Company is required for the delivery of water. The Department has reached a consensus on how to proceed with this rental and that is, to have the applicant acquire consent as required in statute Idaho Code 42-108 and Water Supply Bank rules, IDAPA 37.02.03.25.02.e.

This letter is notice that the attached application(s) for rental of water is **denied** for the following reasons:

- Authorization from the Timber Dome Canal Company was never received

If you wish to rent water in the future with a new proposal, please reapply using new forms from the Water Resource Board's website at [http://idwr.idaho.gov/water\\_supply\\_bank/](http://idwr.idaho.gov/water_supply_bank/).

I have also attached an announcement about Water Supply Bank processing. This announcement can also be found on the Board's website.

If you have any questions regarding this matter, please contact me at (208) 287-4881.

Sincerely,

Sandra Thiel  
Sr. Water Rights Agent

Enclosure: Rental Application

c: Luke Marchant-Attorney

## *Announcements*

- **Important Information Regarding Rental Requests:**  
Beginning May 1, 2015, some IDWR staff currently dedicated to the Water Supply Bank are being reassigned to other essential Departmental initiatives. IDWR dedicates staffing resources to the Water Supply Bank based on program priorities, which are reflected in the Water Supply Bank Calendar.

To accommodate changes in staffing resources, the Water Supply Bank will review all currently pending and new 2015 rental requests to evaluate whether rental applications can be processed prior to the latest possible start date indicated in the application. The Water Supply Bank will consider all pending and new 2015 rental requests where the latest possible start date is in the future, however the Water Supply Bank will return all unprocessed, currently pending rental requests for 2015 in which the latest possible start date has passed. Multi-year rental requests that have expressed an intent to have their rental requests held for consideration in future years will be transferred to the processing queue for consideration in 2016.

**Thiel, Sandra**

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**From:** Luke Marchant [lmarchant@holdenlegal.com]  
**Sent:** Wednesday, June 10, 2015 10:14 AM  
**To:** Thiel, Sandra  
**Subject:** Perkes WSB Rental

Sandra,

I am out of the office today, but will be back in tomorrow. I will call you tomorrow to discuss the Perkes rental.

Thank you.

Luke H. Marchant  
Holden, Kidwell, Hahn, & Crapo, P.L.L.C.

Sent from my Verizon Wireless 4G LTE DROID

**Thiel, Sandra**

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**From:** Luke Marchant [[lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)]  
**Sent:** Monday, May 04, 2015 10:09 PM  
**To:** Thiel, Sandra  
**Subject:** RE: email for Luke Marchant

Sandra,

I am working on getting the necessary permission from Timberdome. Also, I will do a new model run for the water rights that you have suggested.

Thank you.



**Luke H. Marchant**  
Holden, Kidwell, Hahn & Crapo, P.L.L.C.  
1000 Riverwalk Drive, Suite 200  
P.O. Box 50130  
Idaho Falls, Idaho 83405  
Phone: (208) 523-0620  
Fax: (208) 523-9518  
Email: [lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)

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**From:** Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]  
**Sent:** Wednesday, April 29, 2015 2:07 PM  
**To:** Luke Marchant  
**Subject:** RE: email for Luke Marchant

Hello again, after I sent my previous email I realized that I had another question. When we last communicated I don't remember if we talked about the status of the leased rights proposed for the Perke's rental. It appears that rights 34-7195 and 34-13621 are not available for rent. However I have identified two other rights 34-12378 and 34-13829. We would need a new model run for these. Please let me know how you would like to proceed.

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**From:** Thiel, Sandra  
**Sent:** Wednesday, April 29, 2015 1:51 PM  
**To:** 'Luke Marchant'  
**Subject:** RE: email for Luke Marchant

Hello, were you able to obtain permission from the Timberdome Canal organization the water supply bank transaction?

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**From:** Luke Marchant [<mailto:lmarchant@holdenlegal.com>]  
**Sent:** Thursday, April 23, 2015 9:08 AM  
**To:** Thiel, Sandra  
**Subject:** RE: email for Luke Marchant

Sandra,

I did receive the email and I am working with my client on how he wants to proceed. I should be able to get a response to you later today or possibly tomorrow.

Thank you.



**Luke H. Marchant**

Holden, Kidwell, Hahn & Crapo, P.L.L.C.  
1000 Riverwalk Drive, Suite 200  
P.O. Box 50130  
Idaho Falls, Idaho 83405  
Phone: (208) 523-0620  
Fax: (208) 523-9518  
Email: [lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)

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**From:** Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]

**Sent:** Thursday, April 23, 2015 9:03 AM

**To:** Luke Marchant

**Subject:** RE: email for Luke Marchant

Good morning, I sent this email last week but I'm not sure you received it.

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**From:** Thiel, Sandra

**Sent:** Tuesday, April 14, 2015 11:39 AM

**To:** 'lmarchant@holdenlegal.com'

**Cc:** Luke, Tim; Whitney, Rob

**Subject:** FW: email for Luke Marchant

Hello Luke,

In February you submitted a rental application on behalf of Todd Perkes. I have a few questions about the place of use. The map you submitted shows the place of use as the outside circle of a pivot. It appears that the pivot you identified is covered under ground water rights 34-7122a, 34-7223, 34-7096A, 34-7097A and 34-7035A. Please see the attached map. The area I identify as covered by ground water on the map is covered by the same rights I listed above; however, the remaining portion of the ½ pivot is only covered by Big Lost River right 34-622A. Right 34-622A has a priority date of 6/1/1896 that was not likely delivered last year yet the entire ½ pivot appears to have been irrigated. We suspect the ½ pivot was irrigated using ground water without any ground water right authorization. I want to confirm that I have the correct place of use for the rental.

Since the area identified as covered by right 34-622A likely received no Big Lost water last year, the use may be subject to a notice of violation. This place of use is just over 28 acres. Before we process the rental we would like to resolve the issue. Please let me know if those 28 acres should be included in the rental. Also please confirm if the 28 acres were irrigated with ground water last year.

On another subject, if the rental water will be delivered through the Timberdome Canal, we require their written consent. They may also need additional water to supply carriage water.

**Sandra Beer Thiel**

Idaho Department of Water Resources

322 East Front Street

Boise, Idaho 83720-0098

(208)287-4881

[sandra.thiel@idwr.idaho.gov](mailto:sandra.thiel@idwr.idaho.gov)



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
L A W O F F I C E S

FEB 11 2015

DEPARTMENT OF  
WATER RESOURCES

1000 Riverwalk Drive, Suite 200  
PO Box 50130  
Idaho Falls, Idaho 83405

Tel: (208) 523-0620  
Fax: (208) 523-9518  
www.holdenlegal.com

Email: [lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)

February 9, 2015

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

**RE: Application to Rent Water for Marshall Todd Perkes.**

To Whom It May Concern:

Enclosed for processing is an *Application to Rent Water* that we are submitting for Marshall Todd Perkes. This application proposes to rent the entirety of Water Right 34-7195 and a portion of Water Right No. 34-13621, both of which were recently accepted into the Water Supply Bank. We have enclosed the necessary GIS map identifying the proposed points of diversion, place of use, and delivery system. We have also performed the necessary modeling and attached the results. The modeling for these two water rights shows that it will not be necessary to rent additional water for mitigation.

If you have any questions regarding this application, do not hesitate to contact me.

Best Regards,

Luke H. Marchant  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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