

Webster, Clay

From: Webster, Clay
Sent: Monday, May 04, 2015 8:52 AM
To: Marston, Sascha
Subject: Refund of Receipts C100237 and C100238

Please refund :

\$750.00 for receipt C100237 (for withdrawal of lease applications 37-2473G, 37-2473F and 37-2473H)
and \$250.00 for Receipt C100238 (for withdrawal of the lease application for 37-2473J) to:

SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 1, 2015

JAMES P SPECK
SPECK & AANESTAD
120 E AVE
PO BOX 987
KETCHUM ID 83340

**RE: WITHDRAWAL OF APPLICATION TO LEASE WATER RIGHT NO(S). 37-2473F, 37-2473G,
37-2473H AND 37-2473J TO THE WATER SUPPLY BANK**

Dear Applicant:

Per your written request received on April 30, 2015 the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Applications and the associated the Rental 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 \$750.00 for receipt C100237 and \$250.00 for receipt C100238 for the withdrawal of lease application for 37-2473J.

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

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Lease and Rental Application(s)

c: (Without enclosures)
Charles L Mathiesen
James D Sinegal
Jeffrey & Judith Greenstein
J Kristoffer Popovich
Kent Forgeon
Peter and Virginia Foreman
Thomas W Weisel

Palmer, Cherie

From: Jim Speck [jim@speckandaanestad.com]
Sent: Thursday, April 30, 2015 2:08 PM
To: Palmer, Cherie
Cc: Chuck Matthiesen; Charles E. Brockway; Zach Latham
Subject: Re: Mattheisen & Foreman Trusts - WSB Lease Applications

Cherie,

Please withdraw the Lease Applications filed by Charles Matthiesen and the Foreman Trusts for 37-2473F, 37-2473G, 37-2473H & 37-2473J. Kindly return them together with the filing fee checks. Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

RECEIVED

APR 03 2015

DEPARTMENT OF
WATER RESOURCES
TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

April 2, 2015

Mr. Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

***Re: Water Supply Bank Companion Lease and Rental Applications for Water Rights
Nos. 37-2473F, 37-2473G and 37-2473H***

Dear Remington:

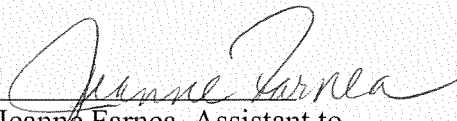
Enclosed you will find our firm's check payable to the Department in the sum of \$750 to cover the fees for the three Lease Applications referenced above. This check was inadvertently omitted from Mr. Speck's April 1, 2015 letter regarding the filing of the above-referenced Applications. I apologize for the omission of the check and any inconvenience it may have caused your Department.

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation

By:


Jeanne Farnea, Assistant to
James P. Speck

Enclosure

RECEIVED

APR 02 2015

DEPARTMENT OF
WATER RESOURCES

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

April 1, 2015

Mr. Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

***Re: Water Supply Bank Companion Lease and Rental Applications for Water Rights
Nos. 37-2473F, 37-2473G and 37-2473H***

Dear Remington:

Enclosed you will find the following documents for the above-referenced companion Lease and Rental Applications:

1. Application to Lease Water Right No. 37-2473F - Charles L. Matthiesen, Applicant (original and one copy);
2. Application to Lease Water Right No. 37-2473G, Charles L. Matthiesen, Applicant (original and one copy);
3. Application to Lease Water Right No. 37-2473H - Peter B. Foreman, *et al* GST Grandfathered Trusts, Applicants (original and one copy);
4. Application to Rent Water Right No. 37-2473F and a portion of Water Right No. 37-2473G - J. Kristoffer Popovich, Applicant (two copies);
5. Application to Rent portions of Water Right Nos. 37-2473G and 37-2473H - James D. Sinegal, Applicant (two copies);
6. Application to Rent a portion of Water Right No. 37-2473H - Jeffrey and Judith Greenstein, Applicants (two copies);
7. Application to Rent a portion of Water Right No. 37-2473G - Kent Forgeon, Application (two copies); and
8. A spreadsheet showing the split calculations for the four different Rental Applications.

I have also enclosed my firm's check payable to the Department in the sum of \$750 to cover the fees for the three Lease Applications. It is my understanding you do not require the rental applications to bear the original signatures. If I am wrong and you need them with the original signatures, please notify me immediately and I will send them on to you.

Mr. Remington Buyer

April 1, 2015

Page 2

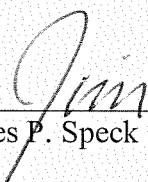
Please note that the lease application from the Foreman *et al* GST - Grandfathered Trusts does not include a W-9. My client would like to donate the lease of Water Right No. 37-2473H to the Department so that my client will not receive any rent from the rentals of that water right. We discussed this concept previously, but please let me know right away if you have any questions about my client's desires with respect to this Lease Application.

Please receipt date-stamp the copies of the three Lease Applications and one copy each of the four Rental Applications and return them to me in the postage prepaid, self-addressed envelope I have included for that purpose. Please let me know right away if you have any questions about these Applications.

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Clients w/encl.

WITHDRAWN

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

RECEIVED

APR 02 2015

DEPARTMENT 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 Charles L. Matthiesen
(Select one owner – see item 1A on the application)

Water Right No. 37-2473F
(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.
- 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 \$ <u>250.00</u>	Received By: <u>JS</u>	Date Received: <u>4/3/15</u>	Receipt # <u>C100237</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Charles L. Matthiesen</u>	

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 Charles L. Matthiesen Email Address cmatthiesen@cox.net
Mailing Address PO Box 2540, Ketchum, ID 83340 Phone Number (208) 725-8087

☒ 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 James P. Speck Organization Speck & Aanestad, A Professional Corp.
Professional Title attorney Email Address jim@speckandaanestad.com
Mailing Address PO Box 987, Ketchum, ID 83340 Phone Number (208) 726-4421

☐ 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 37-2473F ☒ 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.

None

- 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.

None

- 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 ☒?

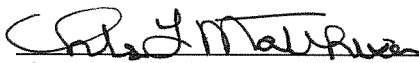
If lease, specify the years when the use of water will be suspended: 2015 to 2015 (maximum lease period 5 years).
(Year) (Year)

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

Charles L. Matthiesen
Printed Name

Feb 26, 2015
Date

Signature of Authorized Representative

Printed Name

Date

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

AUTHORITY TO REPRESENT

The undersigned hereby authorizes its attorney, James P. Speck of the law firm of Speck & Aanestad, A Professional Corporation, to represent him in all matters relating to the leasing of its Water Rights Nos. 37-2473A, 37-2473B, 37-2473C, 37-2473D, 37-2473E, 37-2473F, 37-2473G, 37-2473H and 37-2473J to the Idaho Water Supply Bank.

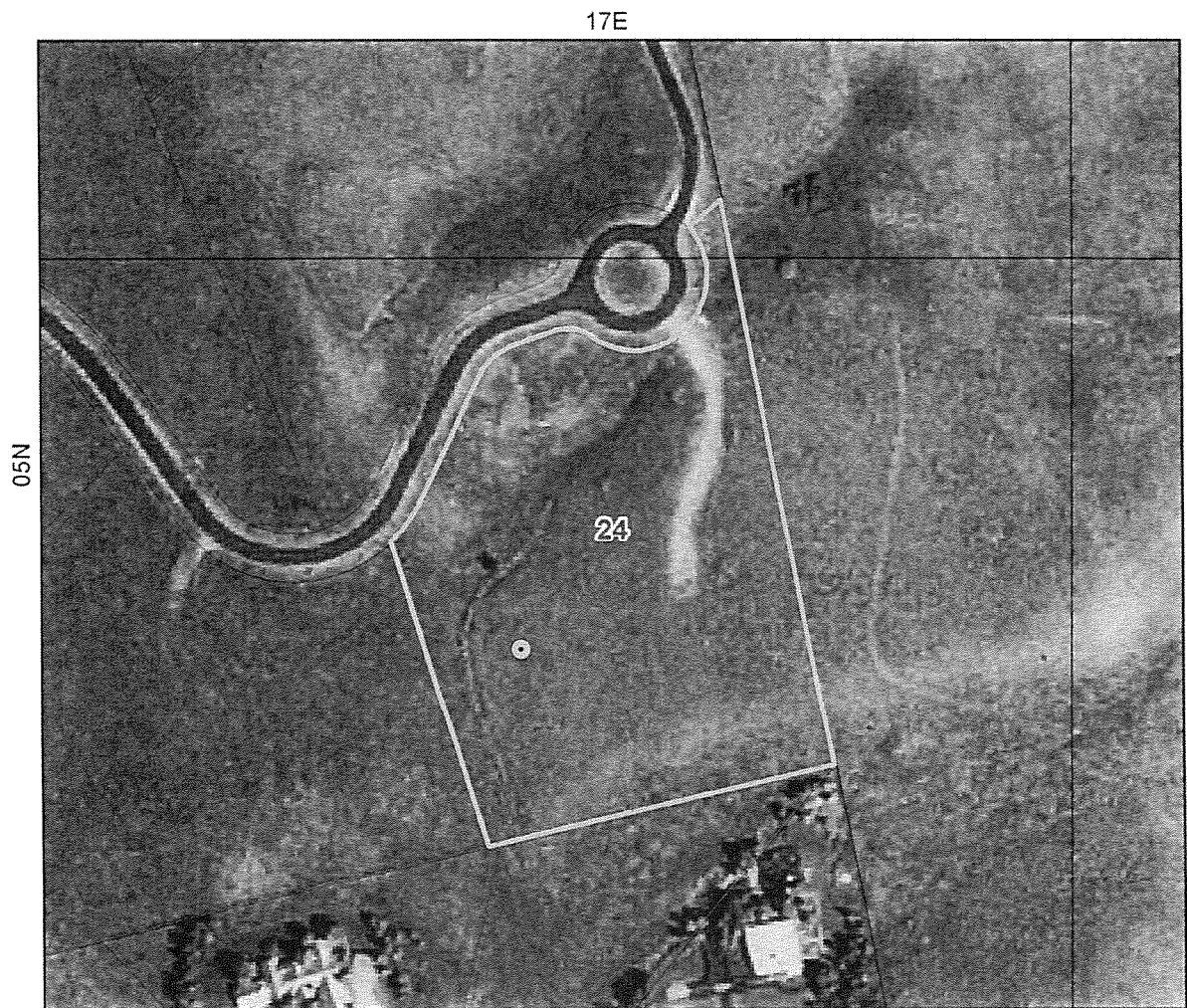
Dated this 30 day of November, 2014.


CHARLES L. MATTHIESEN

ATTACHMENT 1E

CHARLES L. MATTHIESEN
APPLICATION TO LEASE WATER
RIGHT 37-2473G TO WATER SUPPLY
BANK
ATTACHMENT 4

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.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.0275 0.055 0.11 Miles

