



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

January 12, 2015

RIVENDALE LLC
52356 HWY 78
HAMMETT ID 83627

RE: APPLICATION TO LEASE WATER RIGHT NO(S). 2-2402 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) 2-2402 into the Bank.

This letter is notice that the attached application to lease water to the Bank is denied. The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration is supplemental ground water to surface water rights. In addition, the rules prohibit enlargement of the use of the water right.

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

MEMORANDUM

To: Water Right No(s). 2-2402

From: Patrick Kelly

Date: 9/19/2014

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

PURPOSE/NARRATIVE: On July 24, 2014 the Department received an application to sell or lease a water right to the water supply bank for water right 2-2402. The water right holder, Rivendale LLC, intends to lease the entire right into the bank for 2 years from July 28, 2014 to December 31, 2015.

2-2402 shares a POD with water right 2-2391B. They have a combined diversion rate of 3.67 cfs, which is the sum of 2-2402 (1.66 cfs) and 2-2391B (2.01 cfs). The two water rights can be separated and peeling 2-2402 out of the system will leave the user with the use of 2.01 cfs from water right 2-2391B. Water rights 2-2402, 51-12809, 51-7154, and 2-2391B share the same permissible place of use of 334.0 acres. Water right 2-2402 authorizes the irrigation of 83.0 acres of this permissible place of use. The applicant has outlined a region that they propose to cease irrigating. Aerial photography shows that the user has irrigated the land in the past. The shaded region where the applicant proposes to stop irrigating the NESE of Sec 2, the NWSW & NESW of section 1; a total of 120 acres.

The application states that the present place of use continue to receive water from the Indian Cove Irrigation District. 2-2402 is not a supplemental water right, there are no conditions that the user must use surface water first.

Given all of the information above, it is my determination that water right 2-2402 is able to be separated from the other three water rights associated with it.

AUTHORITY TO FILE: The applicant owns the water right.

WATER RIGHT VALIDITY: The right was decreed on June 15, 2009. Aerial photography from 2011 and 2013 show evidence of irrigation (see attached image from 2011).

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are subject to Water District # 2 - Snake River from Milner Dam to the Murphy Gage Station.

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
JUL 24 2014
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 Rivendale LLCWater Right No. 02-2402

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 \$ 250.00Received By: CSDate Received: 7/24/14Receipt # CD99230W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Rivendale LLC

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
JUL 24 2014
DEPARTMENT OF
WATER RESOURCES

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 Rivendale LLC Email Address margenelunn@yahoo.com
Mailing Address 52356 Hwy 78 Hammett, ID 83627 Phone Number 208-841-5672

☒ 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 Margene Lunn Organization Rivendale LLC
Professional Title Member/CFO Email Address margenelunn@yahoo.com
Mailing Address 52356 Hwy 78 Hammett, ID 83627 Phone Number 208-841-5672

☐ 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 02-2402 ☒ 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.

A turbine pump with a sump located in the Snake River discharges into a 12" mainline supplying linear and pivots.

- 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.
Indian Cove Irrigation District water rights: 02-2033, 02-0083

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

If yes, describe. Water has historically been provided by Indian Cove Irrigation District

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 07/28/2014 to 01/01/2016 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

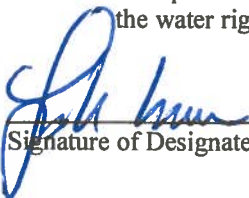
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

Joshua Lunn (Member/President)

Printed Name

7/23/2014

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. 02-2402

	Designated Applicant	Applicant #2	Applicant #3
Name	Rivendale LLC		
Mailing Address	52356 Hwy 78 Hammett, ID 83627		
Phone Number	208-841-5672		
Email Address	margenelunn@yahoo.com		
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	 (member/President)		

	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
<u>02-2402</u>	<u>1.66 CFS</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
			to
			to
			to
			to
			to
Total Amount:		<u>1.66 CFS</u>	

2. Source of water Snake River tributary to Columbia River

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06S	07E	01	5				Owyhee

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	07E	01									38	33							
		02													12				

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 83

No. W 2234		Due no later than Mar 31, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX) ALLAN R BOSCH 203 N IDPA ST 4TH FL BOISE ID 83702 USA	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address: Correct in this box if needed. RIVERDALE, L.L.C. MARGENE C LUANN 52356 HWY 78 HAMMETT ID 83627		3. filer Registered Agent Signature*	
NO FILING FEE IF RECEIVED BY DUE DATE		4. Limited Liability Companies: Enter Name and Addresses of at least one Member or Manager. Name MARGENE C LUANN JOSH SVEN LUANN		City BOISE BOISE	State ID ID
5. Organized Under the Laws of: ID W 2234		6. Annual Report must be signed.* Signature: Margene Luann Name (type or print): Margene Luann		Country USA USA	Postal Code 83716 83716
Processed 01/20/2014 * Electronically provided signatures are accepted as original signatures.					

1E
Attachment

