



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 4, 2014

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

RECEIVED

DEC 05 2014

DEPARTMENT OF
WATER RESOURCES

Re: Carney Farms 36-7025 and 36-2385

Dear Mrs. Palmer:

Carney Farms regrettably is requesting that the Water Supply Bank lease application for 36-7025 and 36-2385 not be processed. Unforeseen aspects of these water rights will make full utilization of the portions not leased to the Water Supply Bank difficult.

Please do not process the lease applications that were submitted to the Department. Because the lease applications have not begun to be processed by IDWR or assigned to a staff member, it is requested that the \$500.00 processing fee be refunded to Brockway Engineering.

Thank you for your assistance and if you have questions, please call.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Paul Carney

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Webster, Clay

From: Buyer, Remington
Sent: Tuesday, December 02, 2014 2:08 PM
To: Webster, Clay
Cc: Palmer, Cherie
Subject: Lease Proposal 36-2385

Cherie, Clay,

I just spoke with Greg at Brockway. They submitted a 2015 lease proposal for water right 36-2385 but would now like to recall the application. It doesn't appear to have been assigned for processing. Greg is going to send a letter requesting the return of the application. I updated the excel tracking sheet to note that a letter is forthcoming and that this one is being recalled.

Remington

Inone1

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
OCT 30 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 Carney FarmsWater Right No. 36-2385

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.

IN FILE # 36-2385

Department Use Only

Fee Amount \$ 500⁰⁰Received By: cdDate Received: 10/30/14Receipt # C099568W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Carney Farms

**STATE OF IDAHO
WATER RESOURCE BOARD**

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 Carney Farms Email Address _____
Mailing Address 225 N 1250 W Paul, Idaho 83347 Phone Number 208-438-2900

☒ 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 Greg Sullivan Organization Brockway Engineering
Professional Title Engineer Email Address greg.sullivan@brockwayeng.com
Mailing Address 2016 North Washington Street, Suite 4 Phone Number 208-736-8543

☐ 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 36-2385 ☐ 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.
Existing well, pump, motor and delivery 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.
36-7025 and 36-2385

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. Resumption of use has occurred in 2014. Video, photographs and affidavits are being provided to the Department to verify use.

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 1/01/2015 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

Paul Carney
Printed Name

10/21/2014
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. 36-2385

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
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> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|------------------------------|---------------------------|----------------------|----------------------|
| 36-2385 | 0.43/98.2 | Irrigation | 3/15 to 11/15 |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| Total Amount: | 0.43/98.2 | | |
| 2. Source of water | Ground Water | tributary to | |

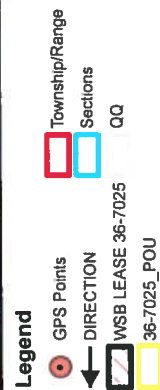
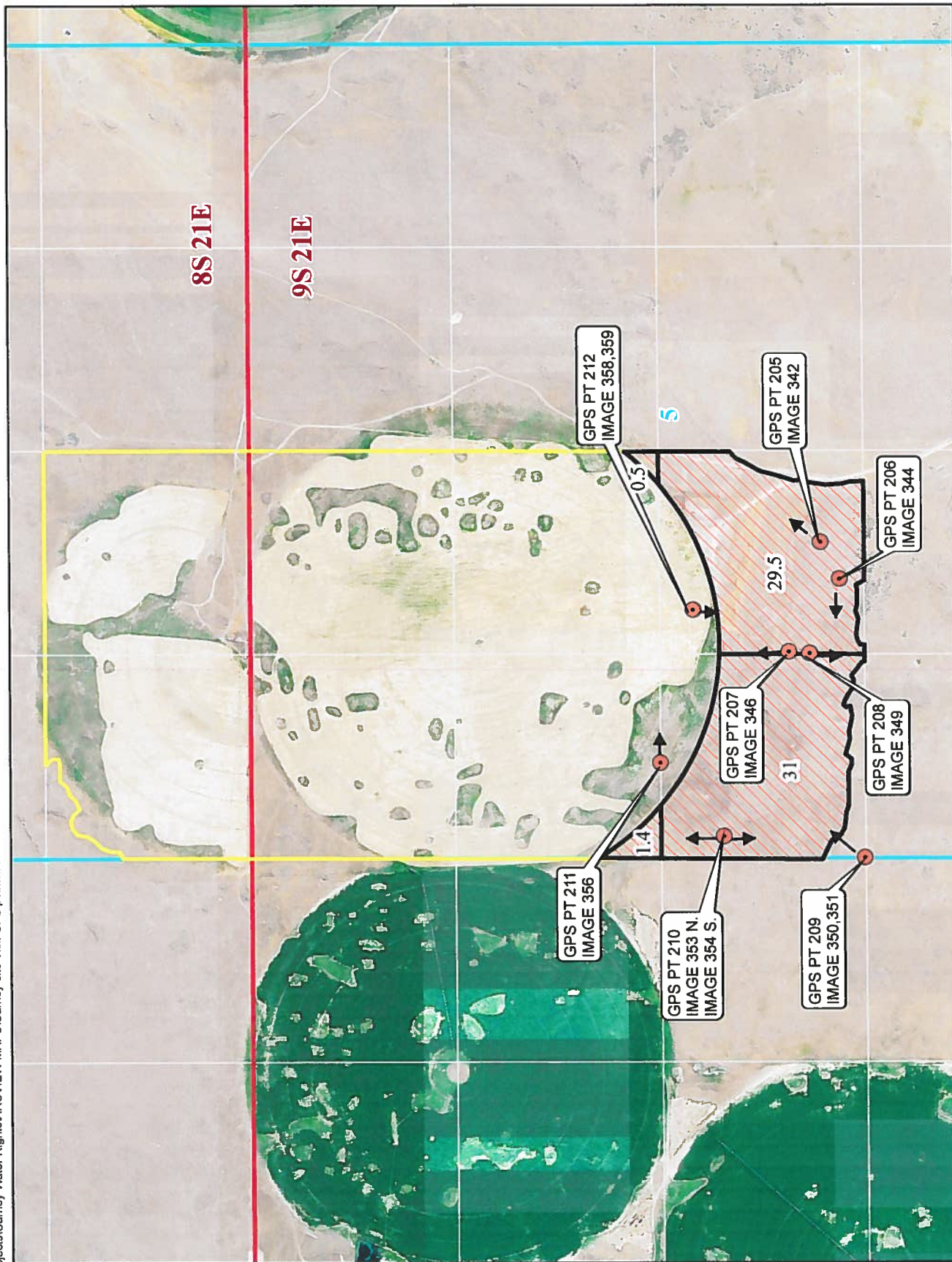
3. Point(s) of Diversion:

[illegible]

4. Lands irrigated or place of use:

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 62.4



**CARNEY, PAUL
EXHIBIT A
NAIP 2013 AERIAL**



Carney Farms
 Site Visit GPS Points and Photographs
 21-Oct-14
 GWS Brockway Engineering

GPS Point	Location		Image #	Description
205	N 42.66809°	W 114.02244°	342	Looking North East
206	N 42.66776°	W 114.02333°	344	Looking West
207	N 42.66866°	W 114.02508°	346	Looking North
208	N 42.66829°	W 114.02512°	349	Looking South
209	N 42.66734°	W 114.03005°	350, 351	Looking North East
210	N 42.66983°	W 114.02954°	353	Looking North
			354	Looking South
211	N 42.67095°	W 114.02776°	356	Looking East
212	N 42.67036°	W 114.02407°	358, 359	Looking South

Image 342



Image 344



Image 346



Image 349



Image 350



Image 351



Image 353



Image 354



Image 356



Image 358



Image 359



BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER RIGHT
NO. 36-2385 & 36-7025
FOR IRRIGATION

)
)
)
)

COMMENTS AND
EVIDENCE OF
Greg Sullivan

COMES NOW, Greg Sullivan, and provides the following comments and evidence in this matter:

1. I am familiar with the property located in Section 5 Township 9 South, Range 21 East and Section 32 Township 8 South, Range 21 East, B.M., as shown in Exhibit A attached to this affidavit, hereafter known as the "Property."
2. I performed a site visit of the Property on October 21, 2014 with Paul Carney.
3. The crop currently being grown on the Property consists of organic hay under the full pivot and the wiper pivot. Organic winter wheat has been planted and irrigated on the south end of the Property. Irrigation has occurred as identified in Exhibit A. Irrigation is necessary to establish the winter crop before the weather gets cold. The organic winter wheat will be irrigated in the spring and harvested early summer of 2015 or utilized as pasture for organic milking cows or heifers.

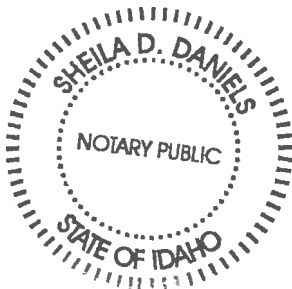
DATED this 22 day of October, 20 14.



Greg Sullivan

SUBSCRIBED and SWORN to before me

this 22nd day of October, 20 14.





NOTARY PUBLIC
Residing at : Kimberly, Idaho
My Commission Expires: 8/16/19



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

October 28, 2014

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

Re: Carney Farms 36-7025 and 36-2385

Dear Mrs. Palmer:

Carney Farms has planted winter wheat and irrigated 62.4 acres on their farm near Paul, Idaho. The farm and water rights are currently being leased to Sunrise Organic Dairy. Because of the organic nature of Sunrise Organic Dairy, no chemical pesticides are applied to the crops and dairy cattle are allowed to graze in fields during certain times of the year.

Winter wheat was cultivated on 62.4 acres in the fall of this year. It was necessary to till the soil, irrigated it, plant the wheat seed and irrigate the crop again. The winter wheat requires a good standing of shaft before the cold winter months arrive. Next spring the winter wheat can be grazed off or harvested.

On October 21, 2014 I performed a site visit of the farm. I was able to visually inspect the cultivated crop and took several photographs and gps'ed the location of each photograph. A list of gps coordinates and corresponding photographs is attached to the application. The corresponding photographs are also attached to the lease application.

Paul Carney, has also provided video evidence of the irrigation system in place and actively irrigating the winter wheat. There are two videos that I have on file and I will submit them to the Water Supply Bank via email.

It is proposed to lease a portion of 0.63 cfs/249.6 afa or 62.4 acres of irrigation water under water rights 36-7025 and 36-2385 to the Water Supply Bank. The lease period is proposed to be from January 1, 2015 through December 31, 2019.

RECEIVED
OCT 30 2014
DEPARTMENT OF
WATER RESOURCES

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

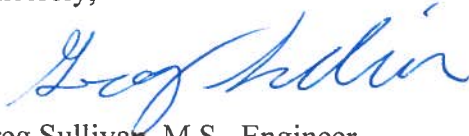
TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Please copy our office on all correspondence regarding this application.
Thank you for your assistance and if you have questions, please call.

Sincerely,



Greg Sullivan, M.S., Engineer

Cc: Paul Carney

Enc: Lease Applications, Aerial Maps, GPS and Photograph List, Photographs, Affidavit,
W-9 Form, Brockway Engineering Check # 12271 for \$500.00