

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 13 2014

DEPARTMENT OF
WATER RESOURCESWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST**DENIED**

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.**

DENIEDDesignated Applicant Loy PehrsonWater Right No. 34-7056

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.

SUPPORT DATA

IN FILE # 34-7056

Department Use Only

Fee Amount \$	Received By: <u>Eastern</u>	Date Received: <u>5/13/14</u>	Receipt # <u>2039830</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Loy Pehrson</u>	

IN FILE # 34-7056

STATE OF IDAHO
WATER RESOURCE BOARD**DENIED**

RECEIVED

MAY 13 2014

Department of Water Resources
Eastern Region**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 Loy Pehrson Email Address _____
Mailing Address 3700 N 3624 W, ID 83255 Phone Number 208-390-6166

☐ 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 Kristin Moore Organization Rocky Mountain Environmental Associates
Professional Title Water Rights Analyst Email Address kmoore@rockymountainenvironmental.co
Mailing Address 482 Constitution Way 303, Idaho Falls, ID 83402 Phone Number 208-524-2353

☐ 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 34-7056 ☐ 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.
Water is diverted from two wells to the pivot irrigation 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.
Water Rights 34-14189, 34-14191, 34-14193, 34-14195, 34-14197, 34-14199, 34-14201, 34-14203, 34-14205,
34-14207, 34-14209, and 34-4010 overlap the same 645 acres. They are also being offered to the Bank.

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 5/01/2014 to 12/31/2018 (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

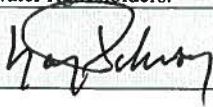
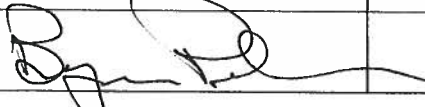
**STATE OF IDAHO
WATER RESOURCE BOARD**

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. 34-7056

	Designated Applicant	Applicant #2	Applicant #3
Name	Loy Pehrson	Byron Pehrson	
Mailing Address	3700 N 3624 W Darlington, ID 83255	3340 W 2800 N Moore, ID 83255	
Phone Number	208-390-6166	208-588-3381	
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

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

December 15, 2014

LOY PEHRSON
3700 N 3624 W
DARLINGTON ID 83255

RE: APPLICATIONS TO LEASE WATER RIGHT NOS. 34-7056, 34-14191, 34-14189, 34-14207, 34-14199, 34-14201, 34-14203, 34-14209, 34-14193, 34-14195 and 34-14197 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) 34-7056, 34-14191, 34-14189, 34-14207, 34-14199, 34-14201, 34-14203, 34-14209, 34-14193, 34-14195 and 34-14197 into the Bank.

This letter is notice that the attached application(s) to lease water to the Bank are **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 validity of the right. On November 12, 2014 the Department sent you a notice requesting evidence of beneficial use of the acres offered for lease to the Water Supply Bank. As stated in that notice, you had 30 days to provide the information requested. In addition, the rules prohibit enlargement of the use of the water right. Satellite imagery indicates that beneficial use has been nonexistent for many years. The value of the rights for rental is questionable and there is little probability for rental without enlargement of the rights.

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

Sincerely,

Clay Webster
Water Resource Agent

Enclosure: Lease Application(s)

c: Kristin Moore – Rocky Mountain Environmental (without attachments)

MEMORANDUM

To: Water Right No(s). 34-7056, 34-14189, 34-14191, 34-14207, 34-14199, 34-14201, 34-14203, 34-14209, 34-14193, 34-14195 and 34-14197

From: Clay Webster thru Cherie Palmer

Date: December 15, 2014

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

PURPOSE/NARRATIVE: The Department received applications from Kristin Moore of Rocky Mountain Environmental for Loy Pehrson to lease parts of these water rights into the WSB on May 13, 2014. We did not receive a copy of the written consent from the Big Lost River Irrigation District. This consent was requested and received on August 20, 2014.

After review we found that only one surface water right needed to be leased with another right offered to the bank (34-4010) to complete this lease without most of the acres offered in section 19. After a phone conference with the consultant on 11/18/2014, she ok'd us to process the lease of 21.6 acres of 34-4010 and 34 acres of 34-14205 to proceed with this lease while her client tries to find documentation to verify beneficial use of the other acres offered for the bank in section 19. See below. Due to the decreed dates of 34-7056 and 34-14191, this brought the acres offered for lease in section 19 in to question for non-use. The acres offered in section 19 except for the one acre in the NWNE will not be accepted under this lease. . The department received an affidavit from the prior water master that stated the property was irrigated in 2012. It was very generic and did not indicate that beneficial use had been accomplished. Landsat imagery is attached for 2012 which does not show any signs of beneficial use.

Other rights offered to the bank with these included 34-14189, 34-14207, 34-14199, 34-14201, 34-14203, 34-14209, 34-14193, 34-14195 and 34-14197 these will be returned as withdrawn.

AUTHORITY TO FILE: These applications were signed by the designated applicant Loy G. Pehrson

WATER RIGHT VALIDITY: Rights 34-14189, 34-14207, 34-14199, 34-14201, 34-14203, 34-14205, 34-14209, 34-14193, 34-14195 and 34-14197 were decreed by the SRBA in August 2010. These portions are being offered to the WSB to avoid partial forfeiture. Forfeiture is not an issue at this time.

Right 34-4010 was partially decreed by the SRBA in December 2001. Satellite imagery for right 34-4010 shows that the acres offered for lease under this right have been irrigated in the last five years. Forfeiture is not an issue at this time.

Right 34-7056 and 34-14191 were partially decreed by the SRBA in December 2001. **Satellite imagery for these rights show that most of the acres offered for lease in section 19 have not been irrigated in the last ten years. These acres could possibly be forfeited for this right.** Satellite imagery for 34-14191 in section 25 shows that the acres offered for lease have been irrigated within the last five years. Forfeiture for this section is not an issue at this time.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

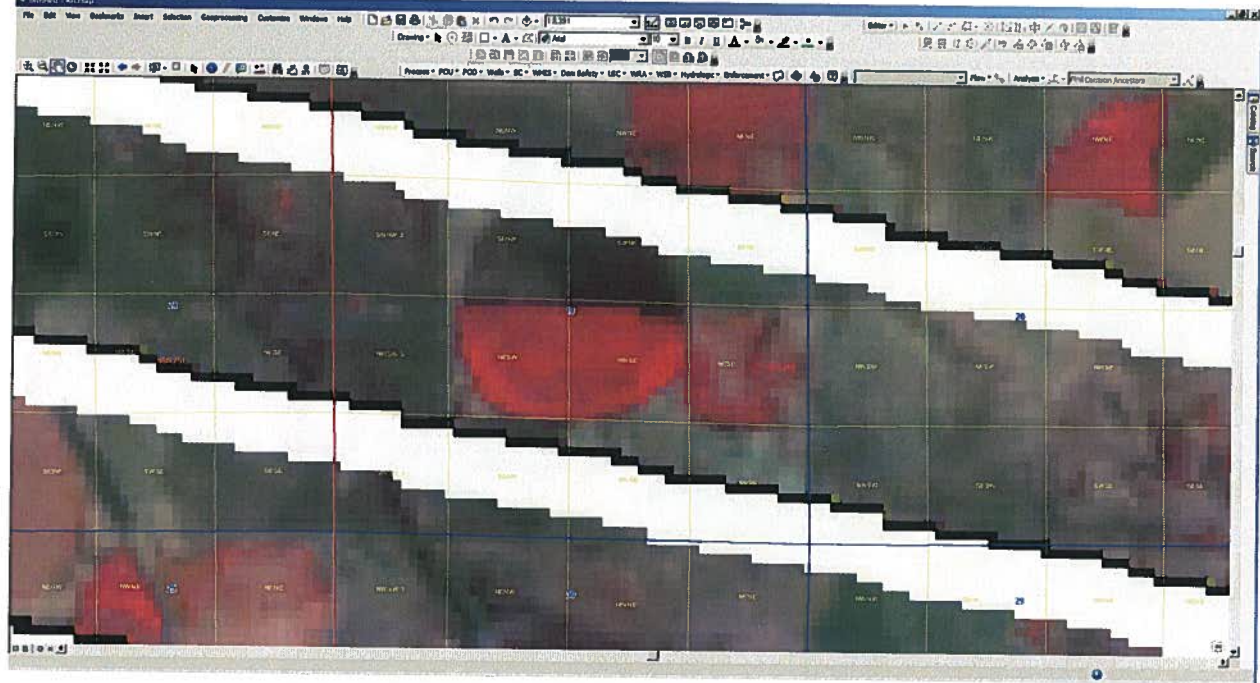
ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

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

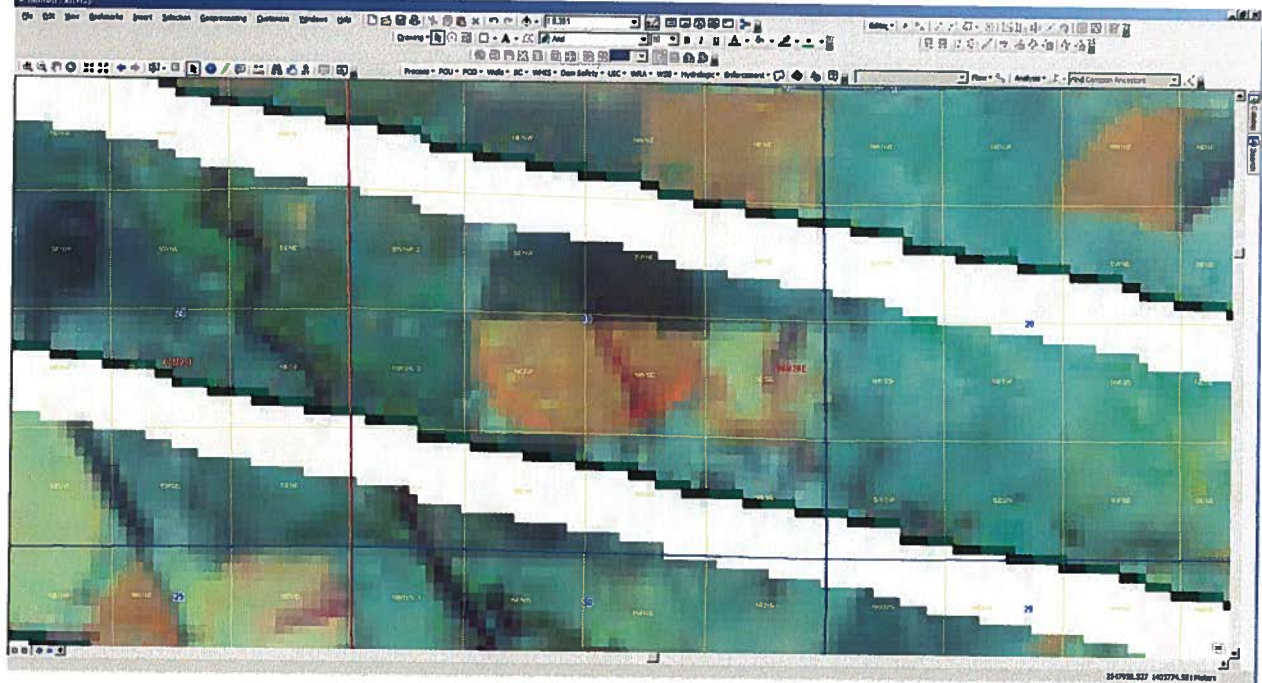
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are subject to Water Districts # 33 and 34.

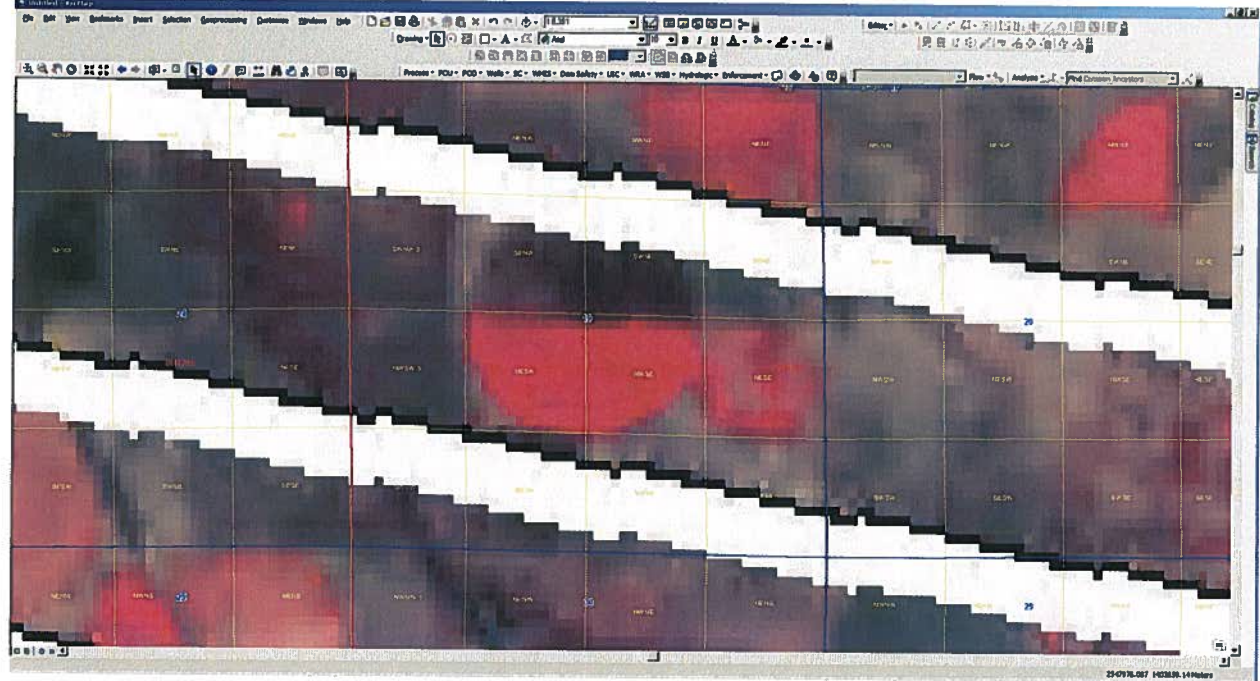
Landsat imagery for 34-7056 acres offered to the bank from 5/11/2012



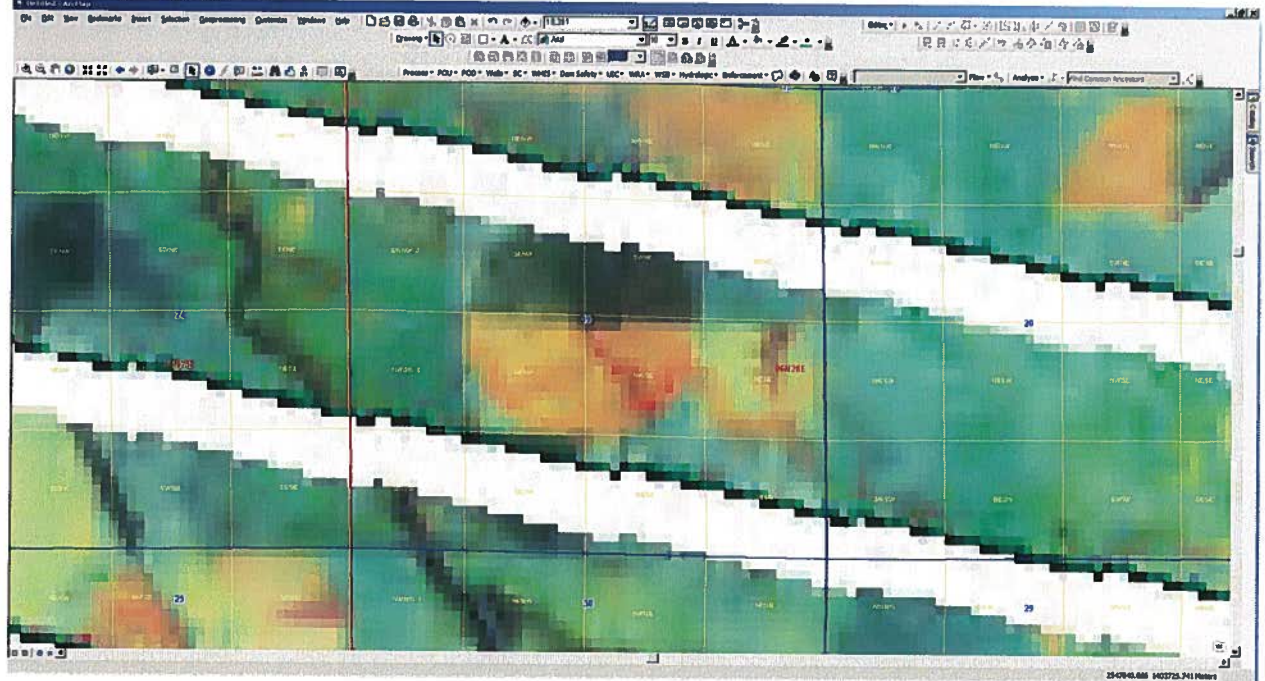
Landsat imagery for 34-7056 acres offered to the bank from 5/11/2012



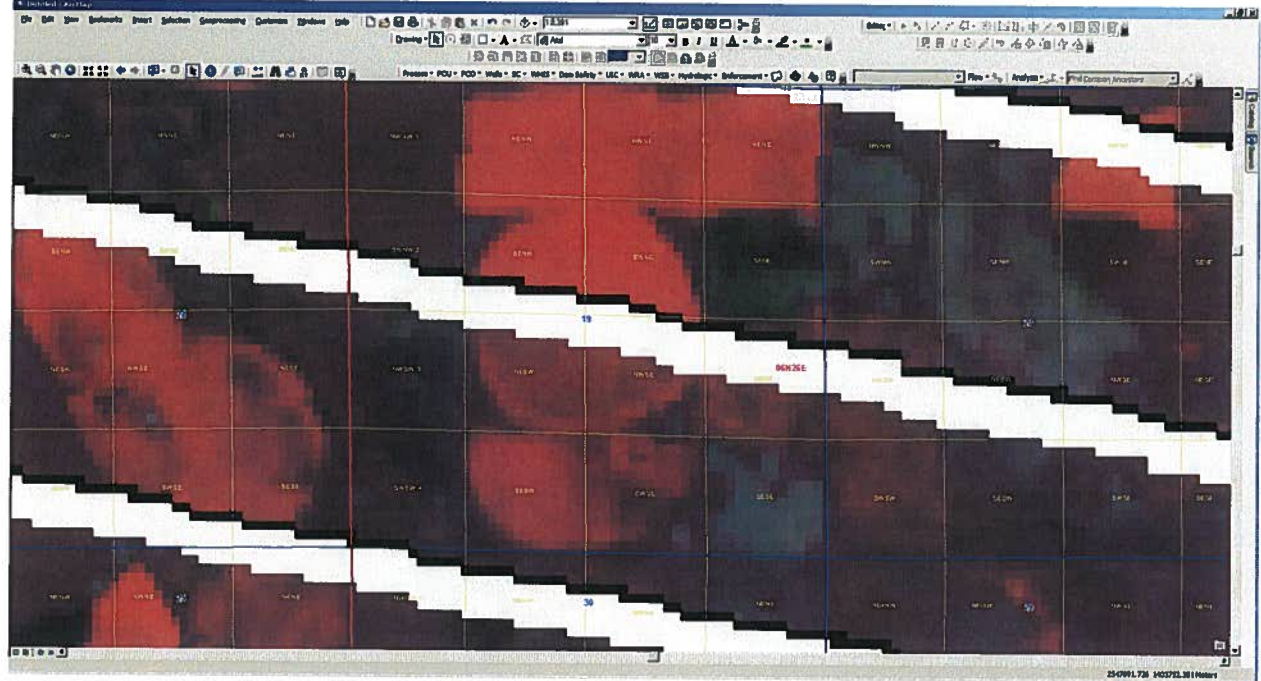
Landsat imagery for 34-7056 acres offered to the bank from 5/11/2012



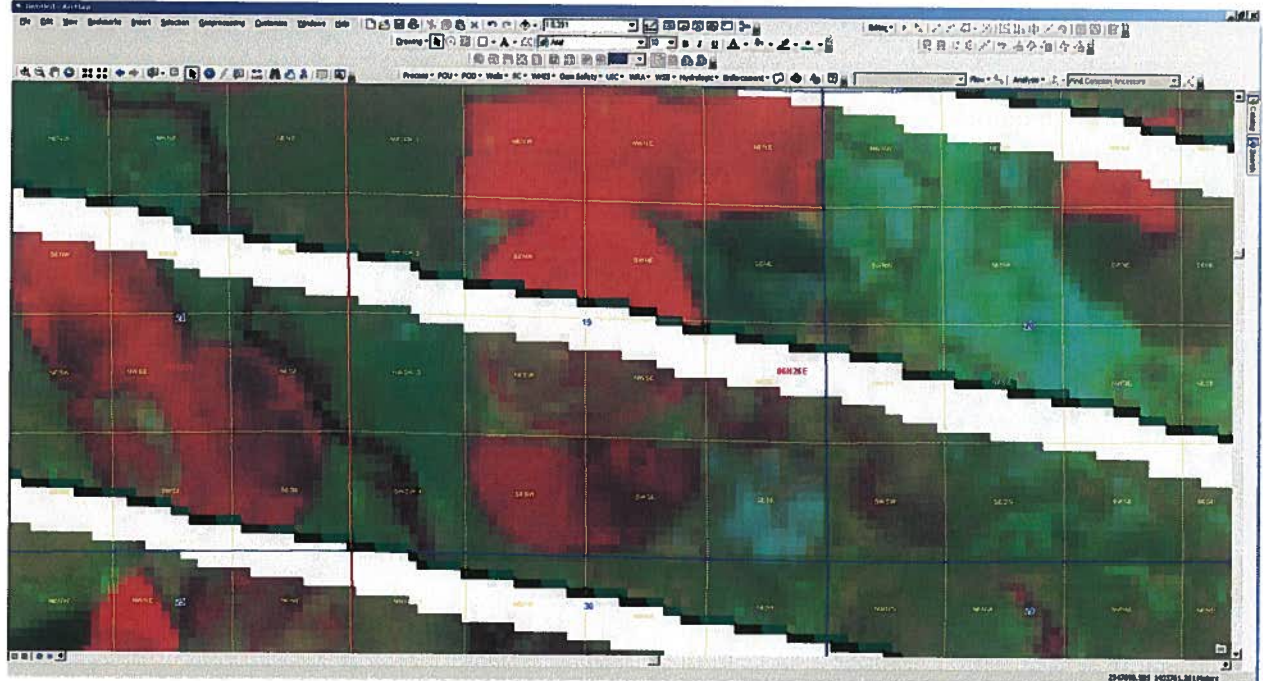
Landsat imagery for 34-7056 acres offered to the bank from 5/11/2012



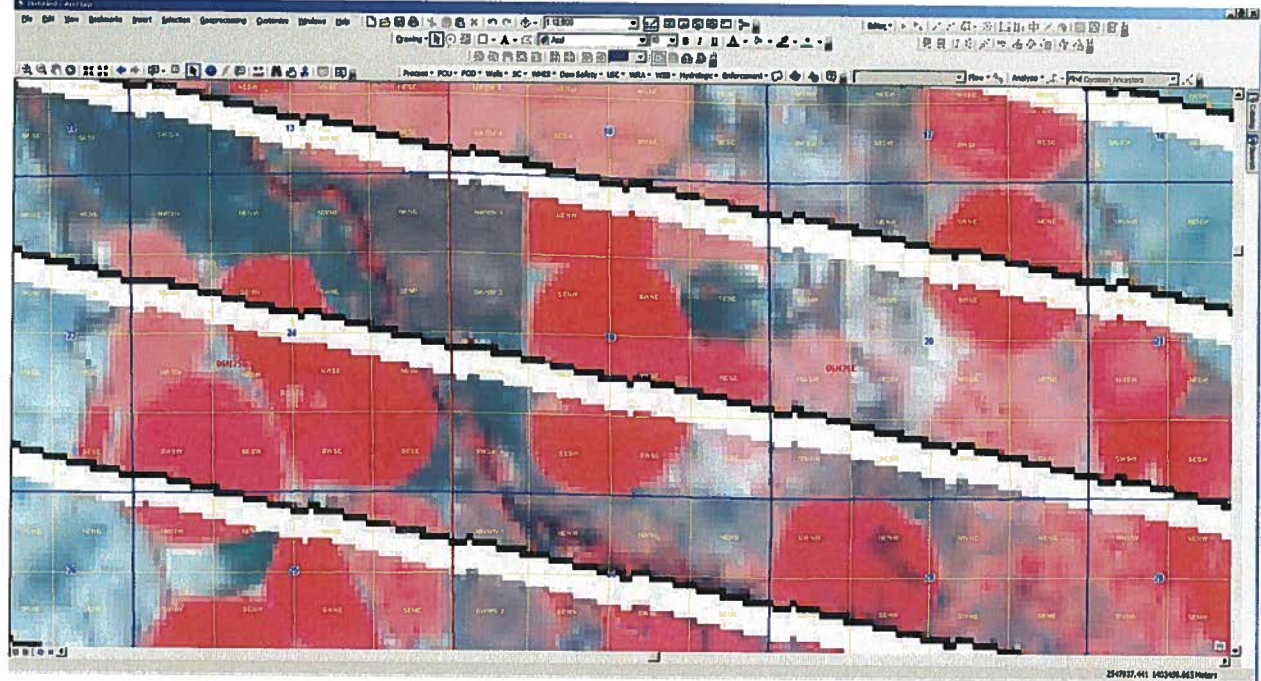
34-7056 acres offered to the bank from 6/12/2012



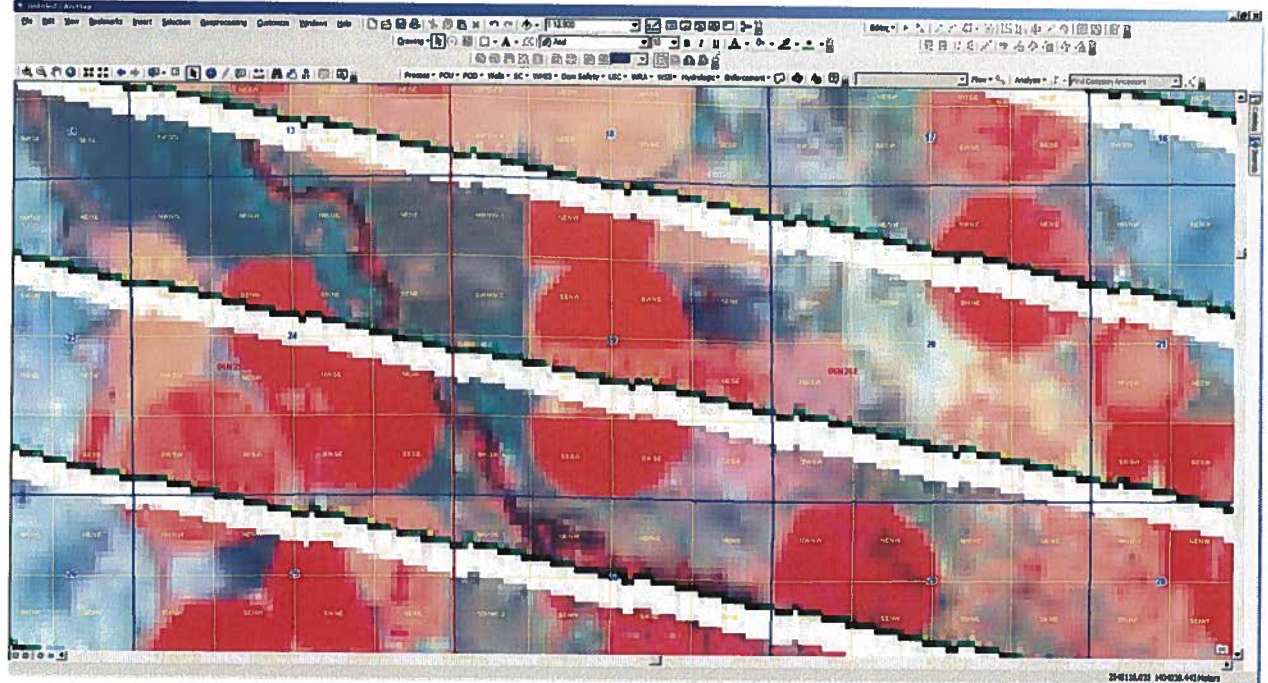
34-7056 acres offered to the bank from 6/12/2012



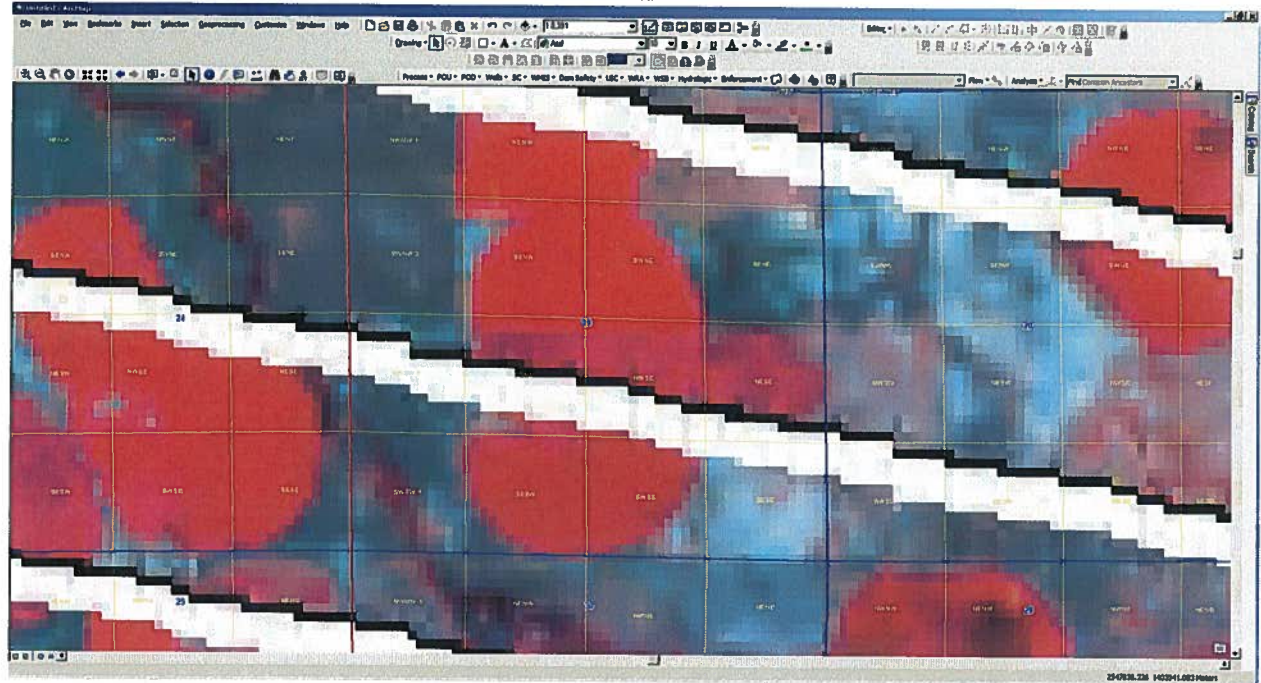
34-7056 acres offered to the bank from 6/28/2012



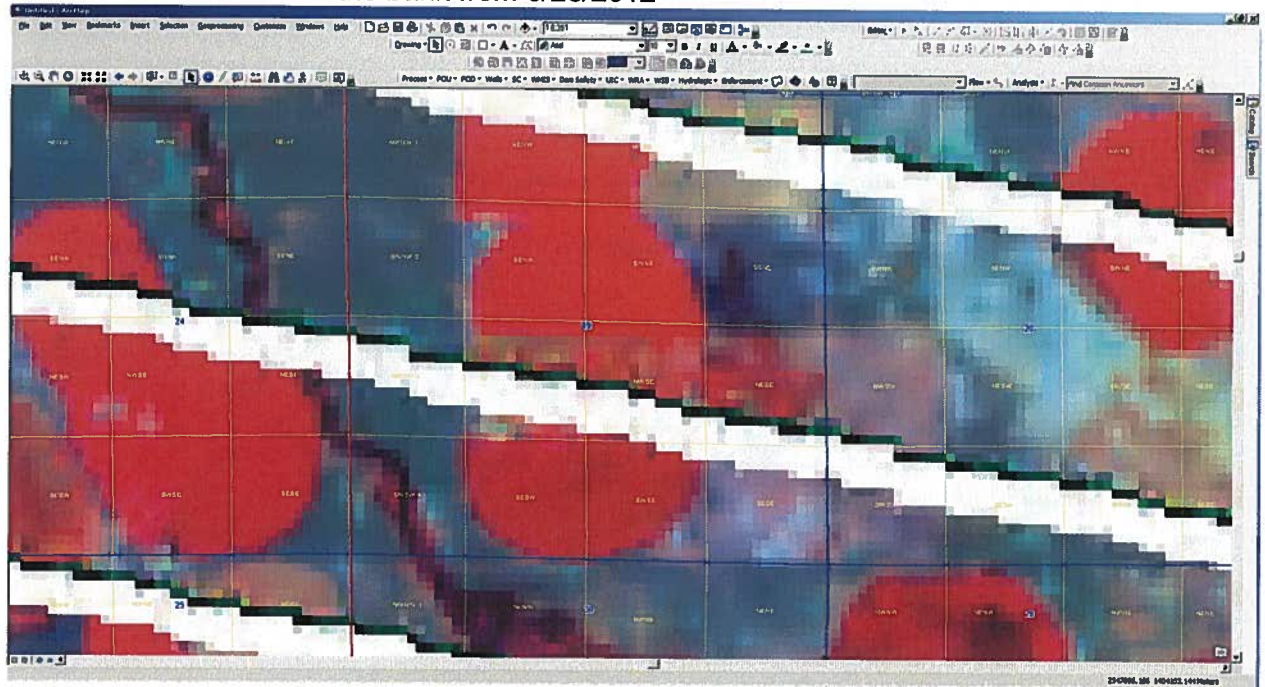
34-7056 acres offered to the bank from 6/28/2012



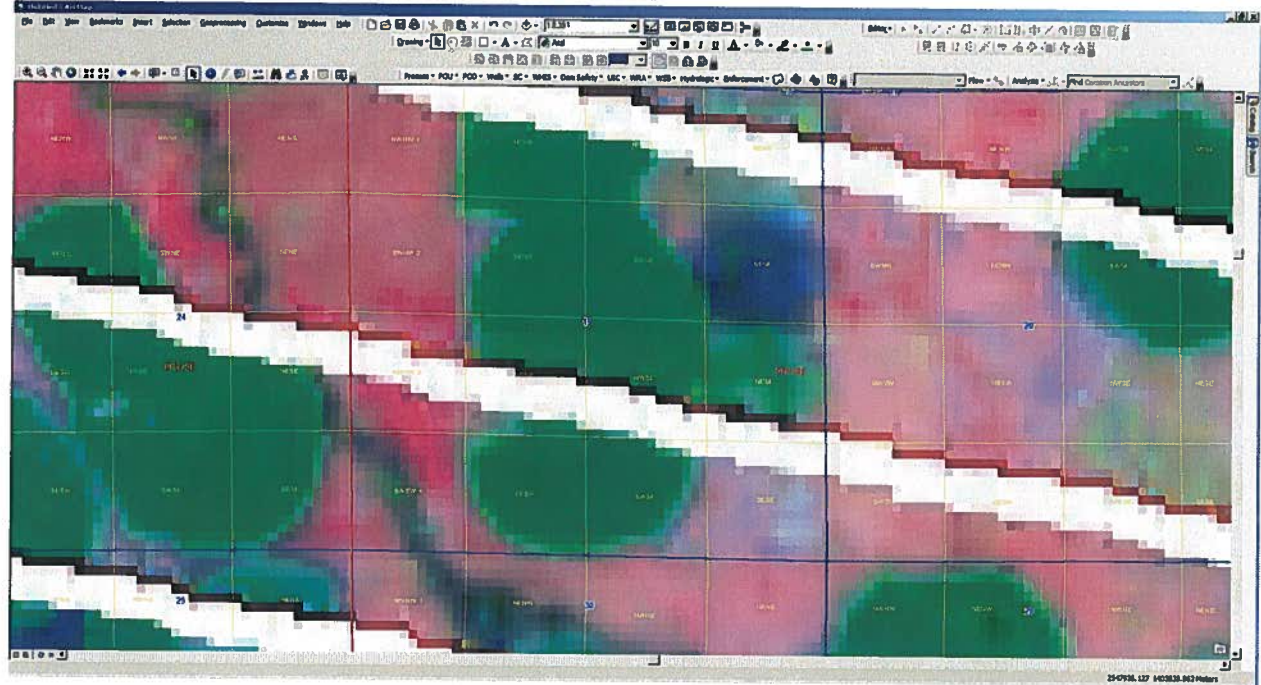
34-7056 acres offered to the bank from 6/28/2012



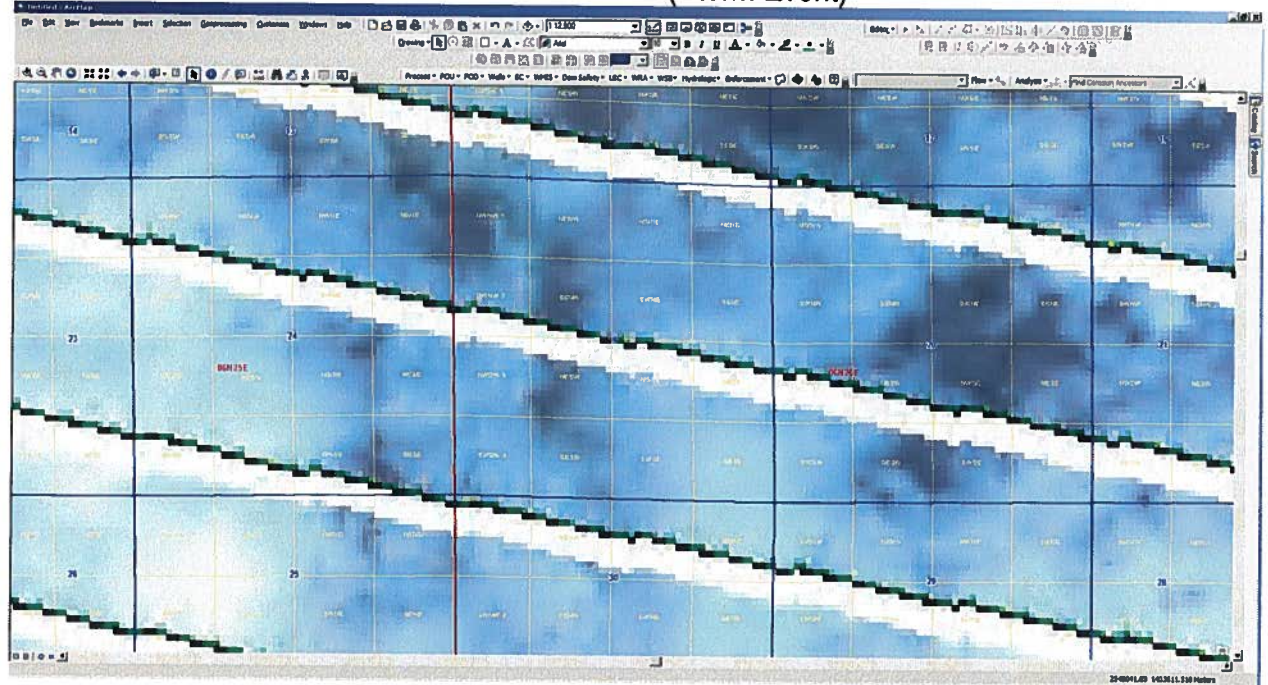
34-7056 acres offered to the bank from 6/28/2012



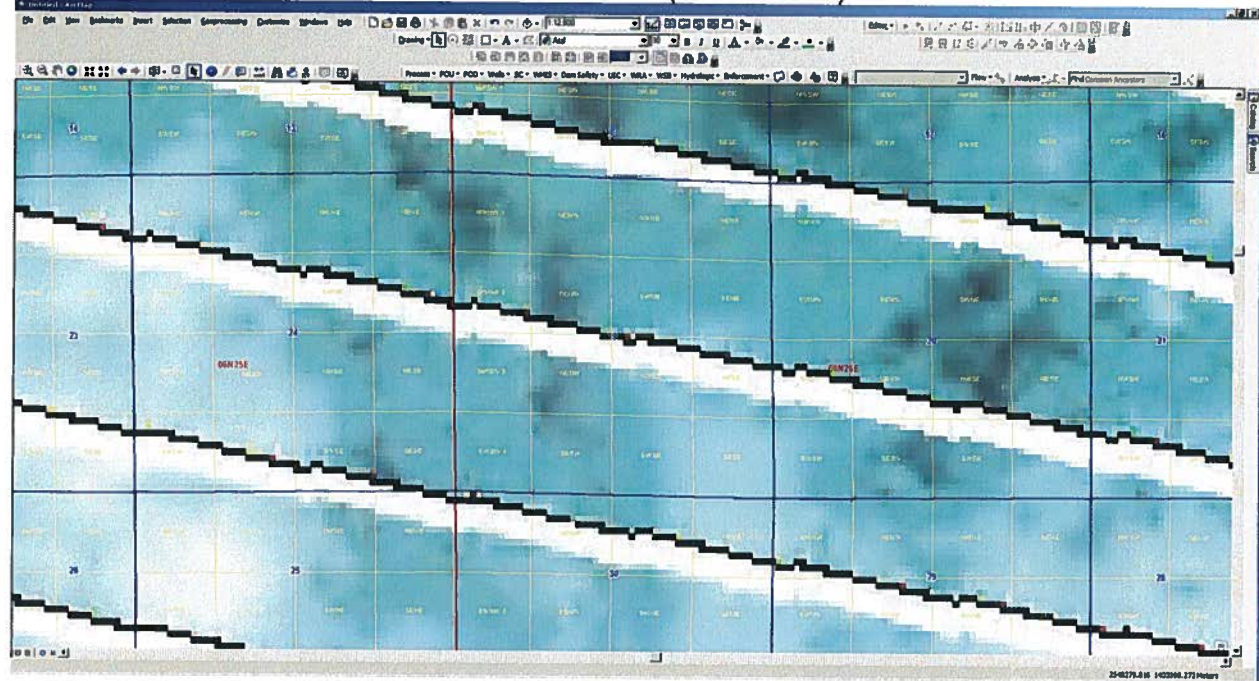
34-7056 acres offered to the bank from 6/28/2012



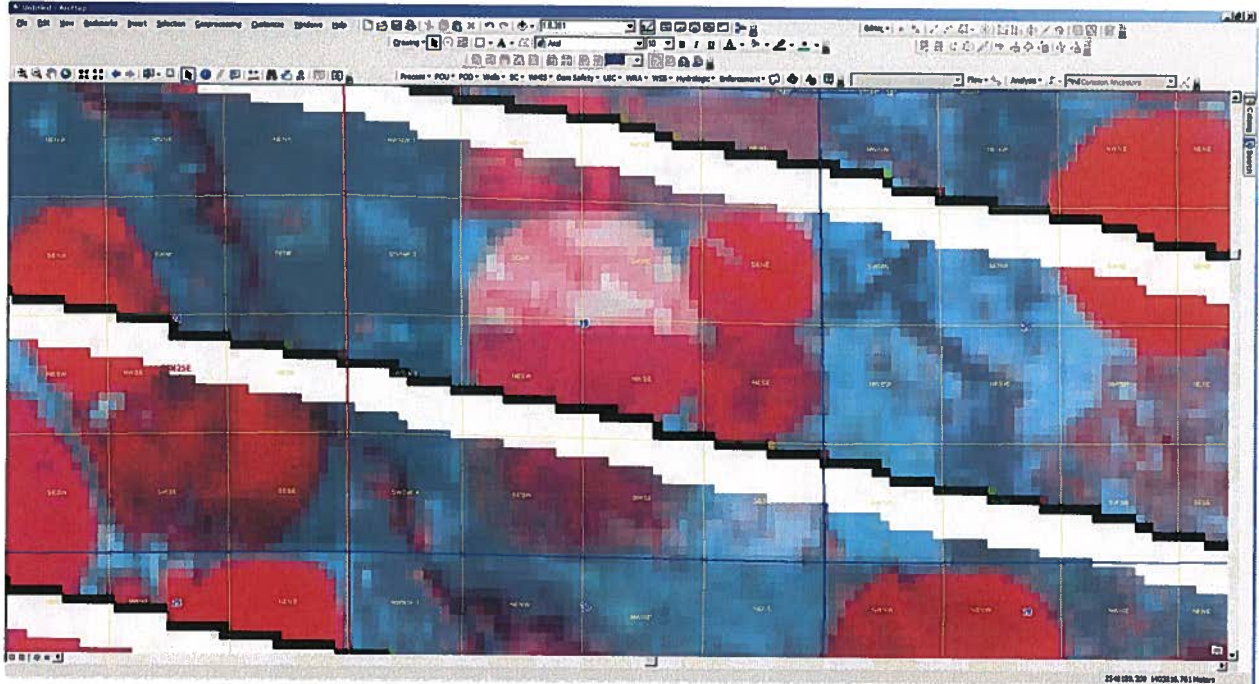
34-7056 acres offered to the bank from 7/14/2012 (Storm Event)



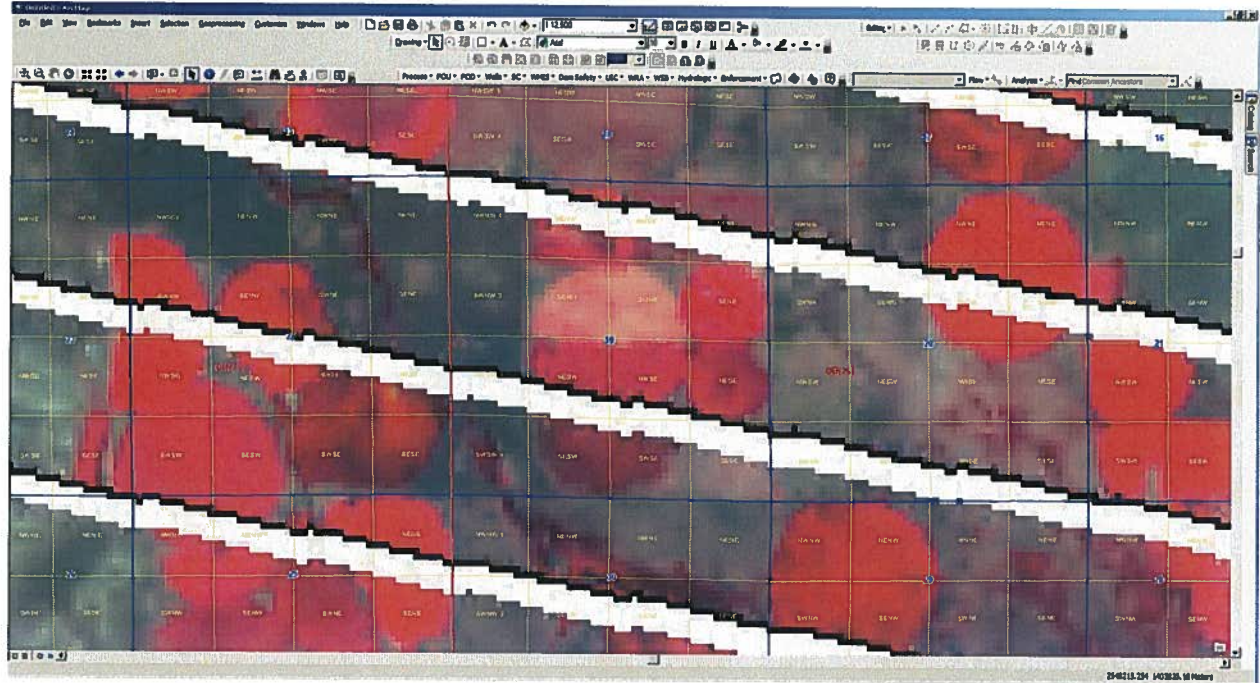
34-7056 acres offered to the bank from 7/14/2012 (Storm Event)



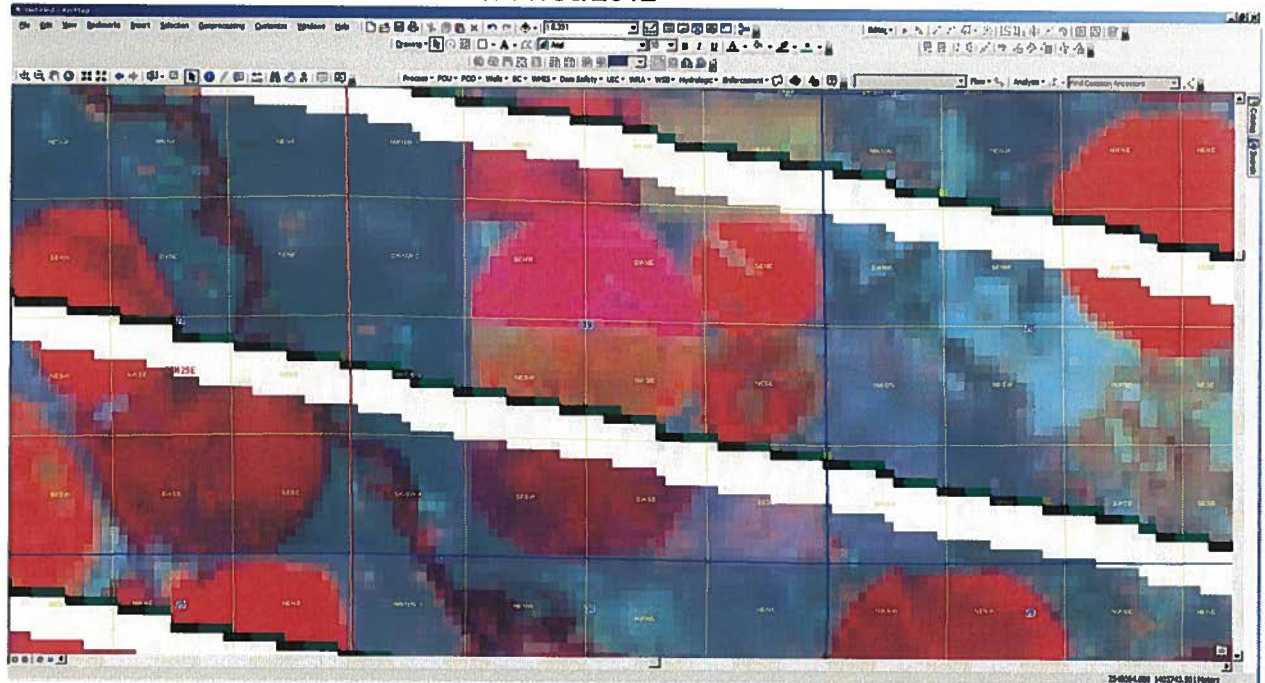
34-7056 acres offered to the bank from 7/30/2012



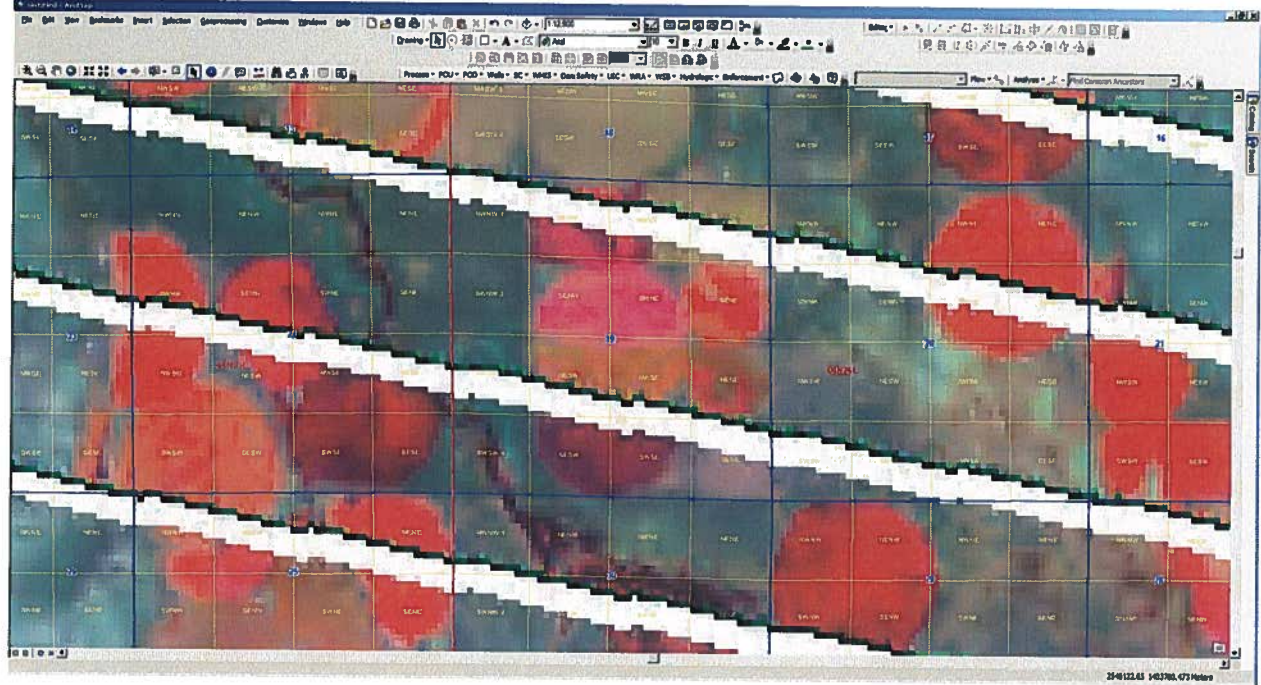
34-7056 acres offered to the bank from 7/30/2012



34-7056 acres offered to the bank from 7/30/2012



34-7056 acres offered to the bank from 7/30/2012



RECEIVED

NOV 13 2014

**DEPARTMENT OF
WATER RESOURCES**

February 24, 2014

To Whom It May Concern:

Water was used on all the lands that is listed on the following attachment in the year 2012. Lands owned by Byron and Loy Pehrson.

A handwritten signature in black ink, appearing to read 'Roger Totten', is written over a horizontal line.

Roger Totten

Water Master Water Basin 34

Place of Use Legal Description: IRRIGATION CUSTER County

AT

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	26E	19		SWNE	40		SENE	40						
				SENE	39									
				NESW	35									
				NESE	39		NWSE	40						

Total Acres: 233

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	25		SWSW	21		SESW	24						
				NESE	35		NWSE	40		SWSE	31		SESE	32
	26E	19		NENE	39		NWNE	39		SWNE	40		SENE	40
				NENW	38		SENE	39						
				NESW	35									
				NESE	39		NWSE	40						
07N	25E	32		NESW	38									
				NWSE	40		SWSE	35						

Total Acres: 645

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	4		SWNE	34		SENE	20						
				SWNW	39		SENE	40						
				NESW	40		NWSW	39		SESW	22			
				NESE	39		NWSE	40		SWSE	39		SESE	39
		9		NENE	20		NWNE	5						

Total Acres: 416

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	25		SWSW	20		SESW	19.6						
				NESE	35		NWSE	40		SWSE	25		SESE	32

Total Acres: 171.6

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	36		NENE	38		NWNE	38		SWNE	35		SENE	40
				NENW	18		SENE	8						
				NESE	20		NWSE	2						
	26E	31		SWSW	15		SESW	38						

Total Acres: 252

AT

Webster, Clay

From: Webster, Clay
Sent: Wednesday, November 12, 2014 9:45 AM
To: 'kmoore@rockymountainenvironmental.com'
Subject: Lease Application for 34-4010 etc.
Attachments: Place Of Use Comparison Pehrson 34-4010, et.al.xlsx

Kristin,

The department has completed the review of the lease that you submitted for 34-4010, 34-7056, 34-14189, 34-14191, 34-14193, 34-14195, 34-14197, 34-14199, 34-14201, 34-14203, 34-14205, 34-14207 and 34-14209. Please see attached a spread sheet of our overlap review. We will not be able to accept 34-7056 into the bank due to forfeiture concerns. In reviewing this lease we can accept 21.6 acres of 34-4010 into the bank and 34 acres of one of the surface water rights. This lease will have a combined limit of 34 acres. We need you to identify which one of the surface water rights your client wishes to lease with this 34-4010. Please let us know if you have any questions. Thank you.

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

322 E. Front Street

P.O. Box 83720

Boise, ID 83720-0098

208-287-4800

www.idwr.idaho.gov

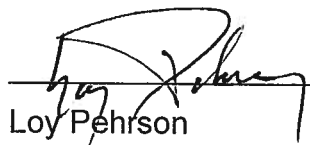
Sec 25	Basin Sequence	Source	SWSW	SESW	NESE	NWSE	SWSE	SESE	Sec 19	Basin Sequence	Source	NENE	NWNE	SWNE	SENE	NENW	SENW	NESW	NESE	NWSE	Sec 32	Basin Sequence	Source	NESW	NWSE	SWSE
77 ac	34-14189	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14189	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14189	BIG LOST RIVER	38.0	40.0	35.0
96.1 ac	34-14191	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14191	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14191	BIG LOST RIVER	38.0	40.0	35.0
38.5 ac	34-14193	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14193	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14193	BIG LOST RIVER	38.0	40.0	35.0
24 ac	34-14195	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14195	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14195	BIG LOST RIVER	38.0	40.0	35.0
7.7 ac	34-14197	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14197	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14197	BIG LOST RIVER	38.0	40.0	35.0
3.4 ac	34-14199	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14199	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14199	BIG LOST RIVER	38.0	40.0	35.0
9 ac	34-14201	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14201	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14201	BIG LOST RIVER	38.0	40.0	35.0
73 ac	34-14203	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14203	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14203	BIG LOST RIVER	38.0	40.0	35.0
86.6 ac	34-14205	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14205	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14205	BIG LOST RIVER	38.0	40.0	35.0
154 ac	34-14207	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14207	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14207	BIG LOST RIVER	38.0	40.0	35.0
115.5 ac	34-14209	BIG LOST RIVER	21.0	24.0	35.0	40.0	31.0	32.0		34-14209	BIG LOST RIVER	39.0	39.0	40.0	40.0	38.0	39.0	35.0	39.0	40.0		34-14209	BIG LOST RIVER	38.0	40.0	35.0
Proposed to lease SW			5	16	4	0	6	2				0	1	3	4	0	5	2	3	6				0	0	0
171.6 ac	34-4010	GROUND WATER	20.0	19.6	35.0	40.0	25.0	32.0	225 ac	34-7056	GROUND WATER			40.0	40.0		39.0	35.0	39.0	40.0						
Proposed to lease GW			4	11.6	4	0	0	2					0	3	4		5	2	3	6						
ACCEPT?			Y	Y	Y	NA	Y	Y					Y	N	N	NA	N	N	N	N						
combined limit																										
17.08 cfs																										
645 ac																										

Forfeiture Concerns w/ 34-7056 and 34-14191

Conclusion: Only 57 acres worth of a water right need to be leased into the bank in order to protect from forfeiture because all of the SW rights are not stacked. However, 23 of those acres cannot be accepted into the bank because of forfeiture concerns with 34-7056. We can accept 21.6 acres of 34-4010 into the bank and 34 acres of a SW into the bank for a total combined limit of 34 acres.

Authority to Act on Behalf

Loy Pehrson and Byron Pehrson hereby authorize Rocky Mountain Environmental Associates to act on our behalf regarding the Water Supply Bank applications for water rights in Custer and Butte Counties.


Loy Pehrson


Byron Pehrson

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

- Total Amount: 0.39 cfs

- Attachment 2

Water Supply Bank Attachment #4

Water Right 34-7056

