

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 13 2014

Department of Water Resources

WATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

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. 34-235D

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 \$	Received By: <u>SC</u>	Date Received: <u>5/13/14</u>	Receipt # <u>E039830</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Loy Pehrson</u>	

SUPPORT DATA

IN FILE # 34-235D

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

RECEIVED

MAY 13 2014

Department of Water Resources
Eastern Region

DENIED

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, Darlington, 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 34-235D ☐ 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 from Spring is diverted into the Big Lost River and rediverted from Big Lost to be used in 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 34-424D, 34-790D, 34-791D, 34-7045D, and 34-10471D overlap the same 148 acre place of use.
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 ☒?

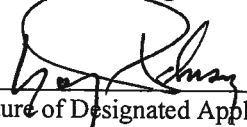
If lease, for a period from 5/01/2014 to 12/31/2018 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

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 ank does not, in itself, confirm the validity of the water right or any elements of the water right.


Signature of Designated Applicant

Loy Petersen
Printed Name

5-8-14
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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

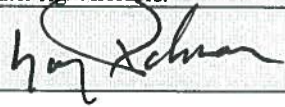
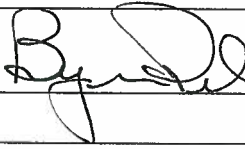
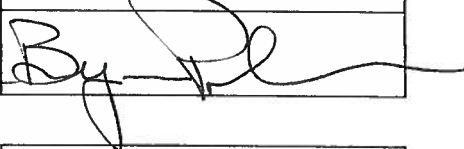
**STATE OF IDAHO
WATER RESOURCE BOARD**

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.

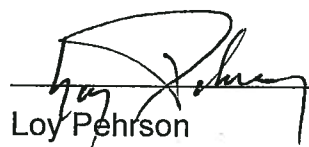
Water Right No. 34-235D

	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			

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

3. Point(s) of Diversion:

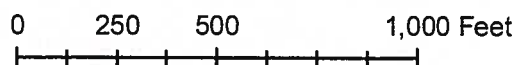
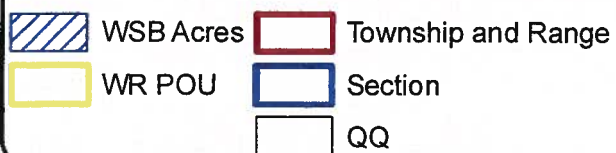
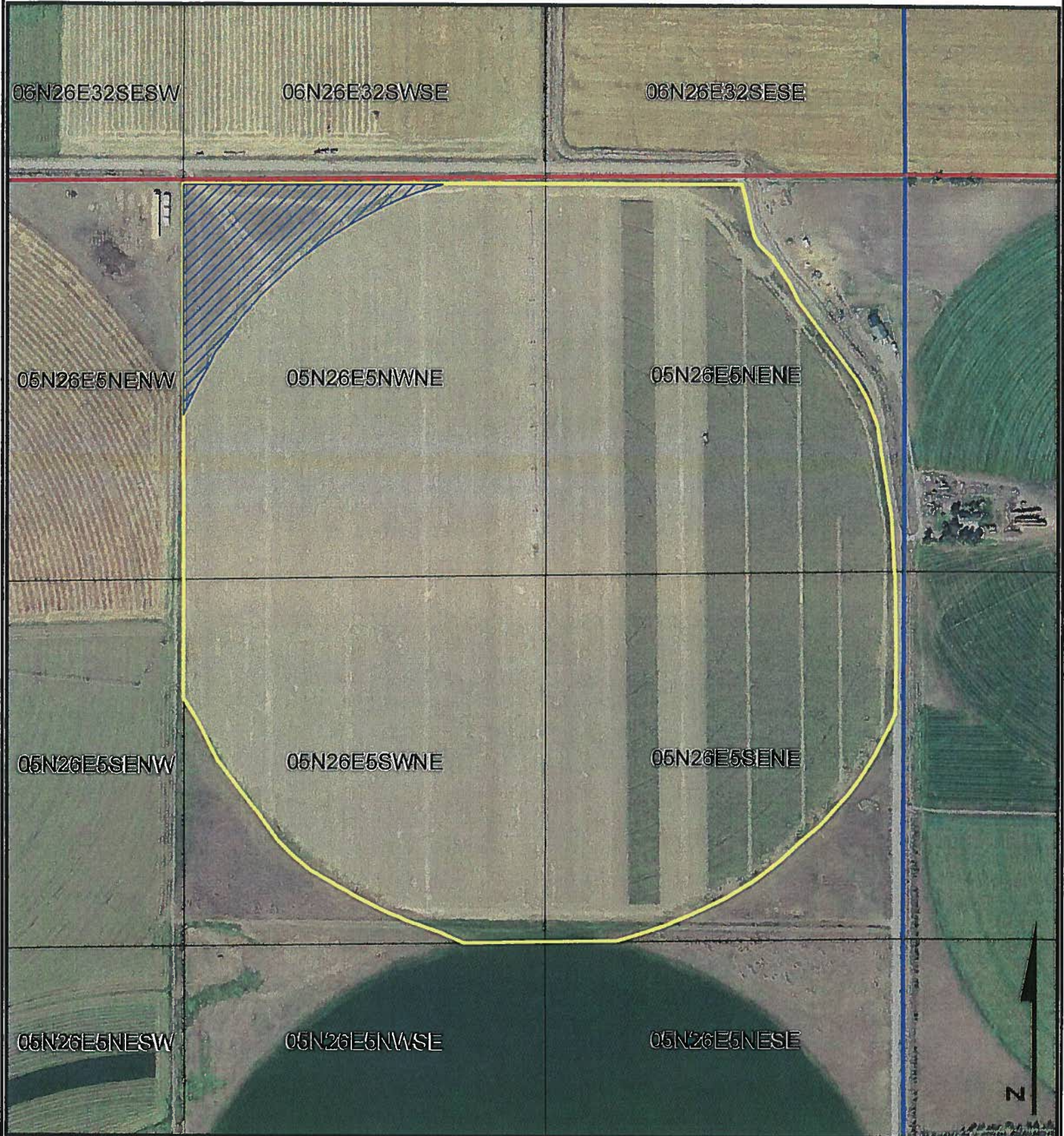
Twp	Rge	Sec	Lot	¼	¼	¼	County
6N	26E	32		NW	SE	NW	BUTTE
6N	26E	33		SE	NW	SE	BUTTE
6N	26E	33		NW	SW	SE	BUTTE

- [illegible]

LIMITED TO 1.9 AC

Water Supply Bank Attachment #4

Water Right 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D, 34-10471D



2013 NAIP Photography





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 12, 2014

LOY PEHRSON
3700 N 3624 W
DARLINGTON ID 83255

RE: APPLICATIONS TO LEASE WATER RIGHT NOS. 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D & 34-10471D 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) 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D & 34-10471D 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 7, 2014 the Department sent you a letter requesting evidence of beneficial use of the acres offered for lease to the Water Supply Bank. As stated in that letter, 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). 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D, AND 34-10471D

From: Clay Webster

Date: December 12, 2014

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

PURPOSE/NARRATIVE: The department received Applications to lease the corner of a pivot (7 acres) into the water supply bank on May 13, 2014.

AUTHORITY TO FILE: The applications were signed by Loy Pehrson the designated applicant and partial owner of these water rights

WATER RIGHT VALIDITY: These water rights were partially decreed in July 2002. However, review of the satellite imagery shows that the corner offered to the water supply bank has not been irrigated for many years. A letter was sent to the applicant and consultant for proof of beneficial use on November 7, 2014. 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.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

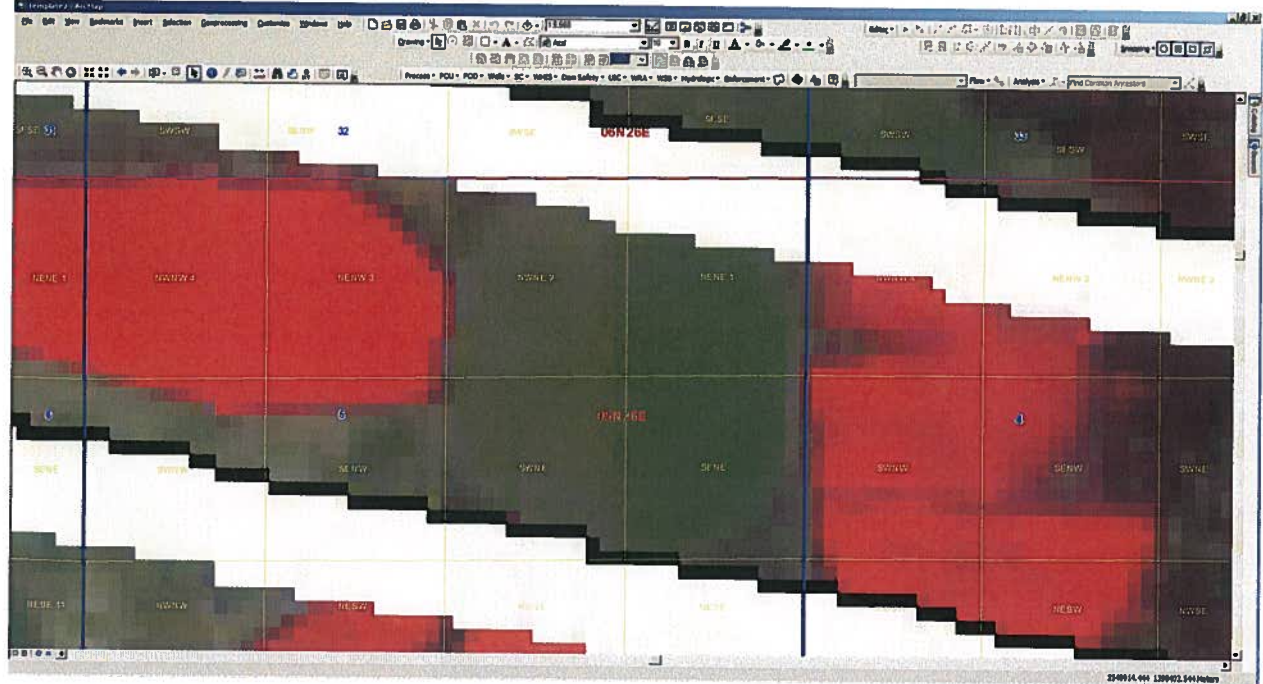
ENLARGEMENT OF USE: **Due to the fact that this corner has not been irrigated historically, any rental of this right would result in an enlargement of use.**

LOCAL PUBLIC INTEREST: **Leasing these acres of this right into the water supply bank at this time would not be in the public's interest.**

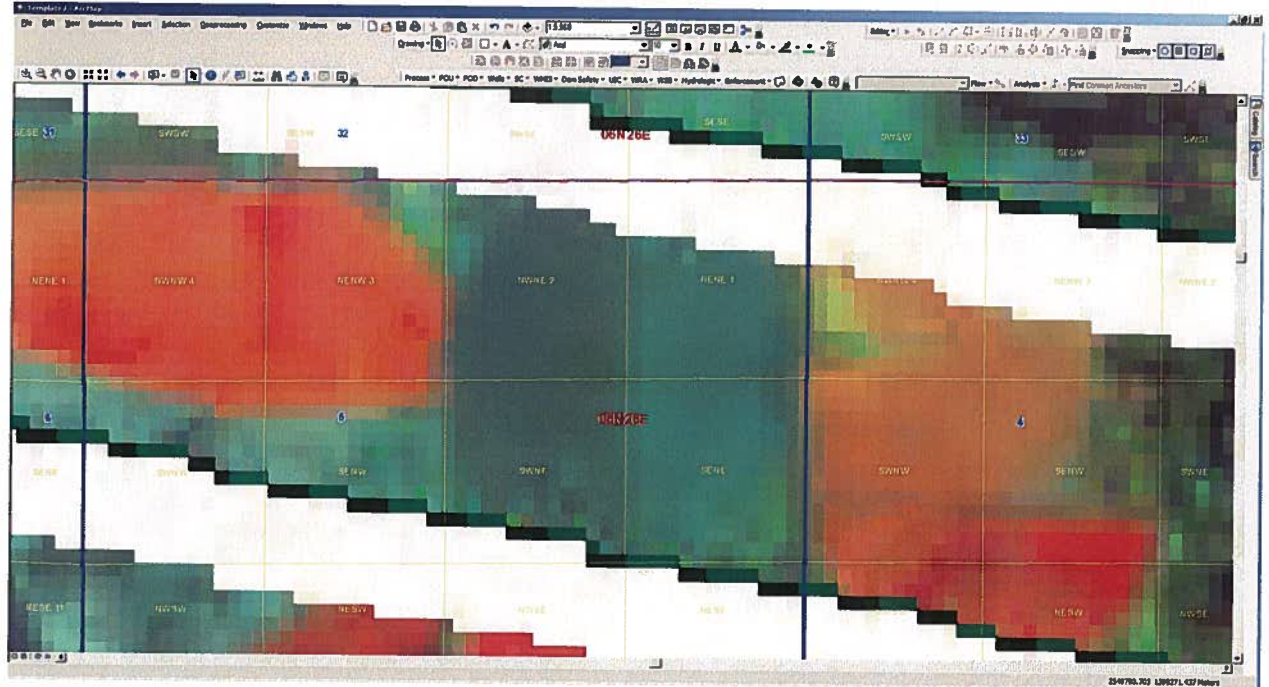
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

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

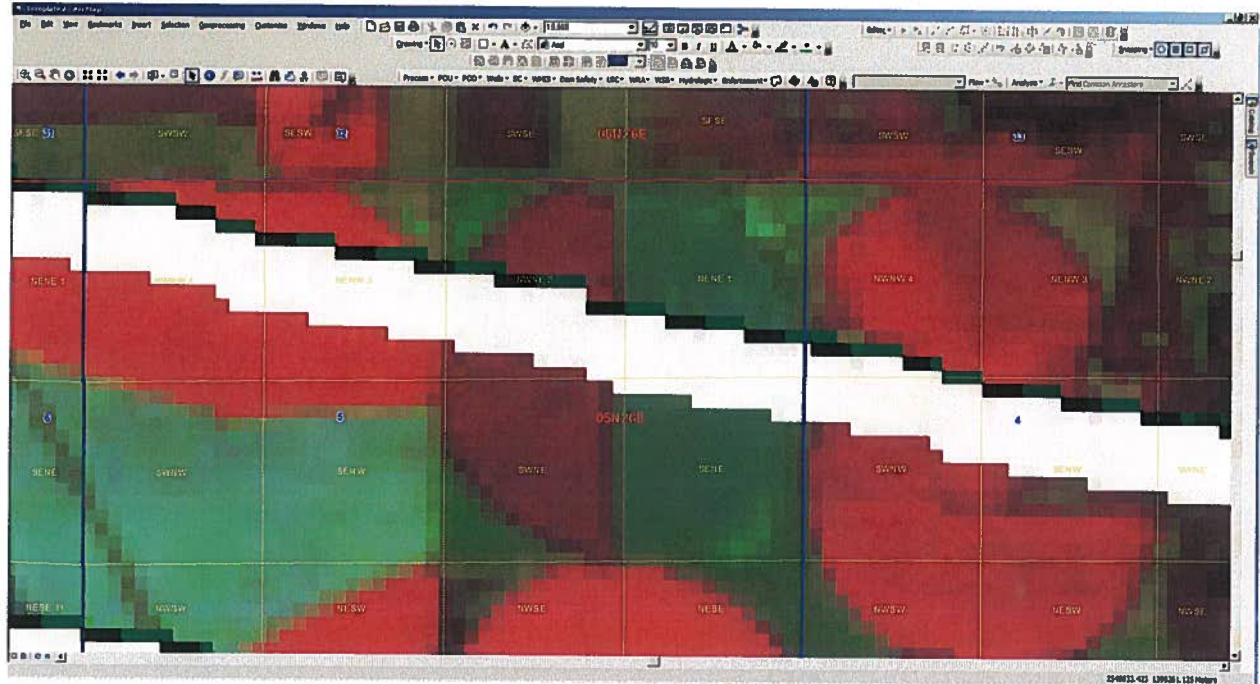
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 05/11/2012



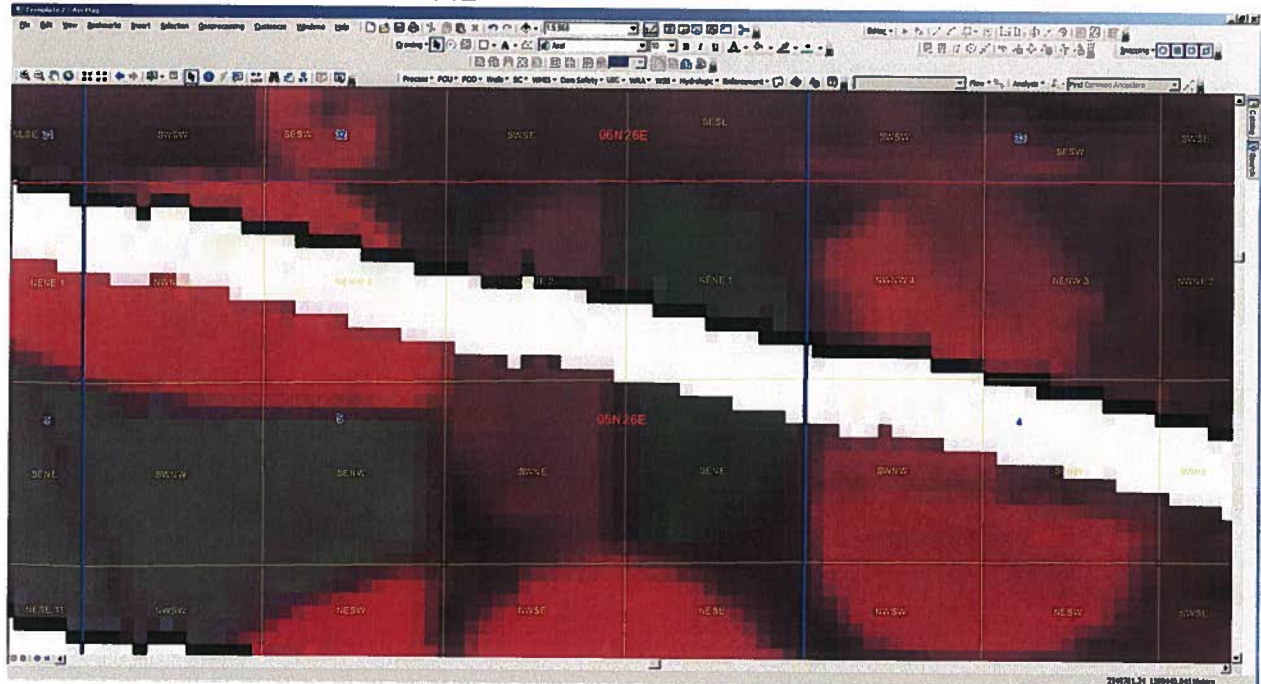
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 05/11/2012



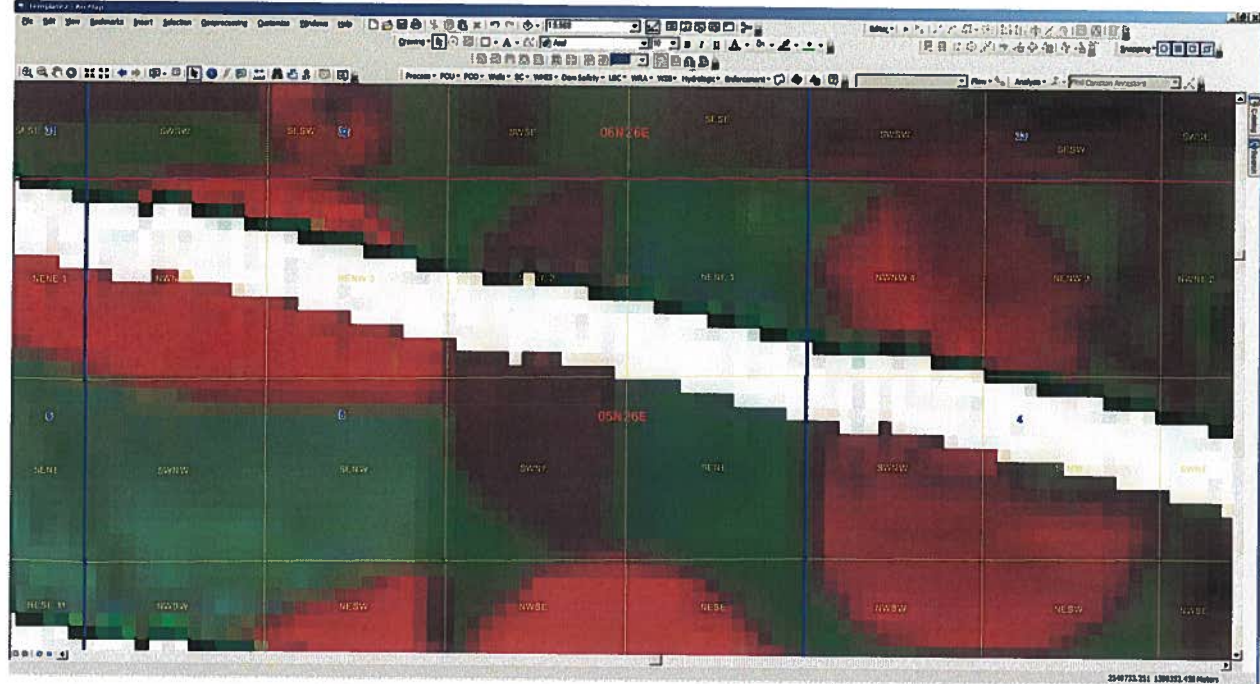
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 06/12/2012



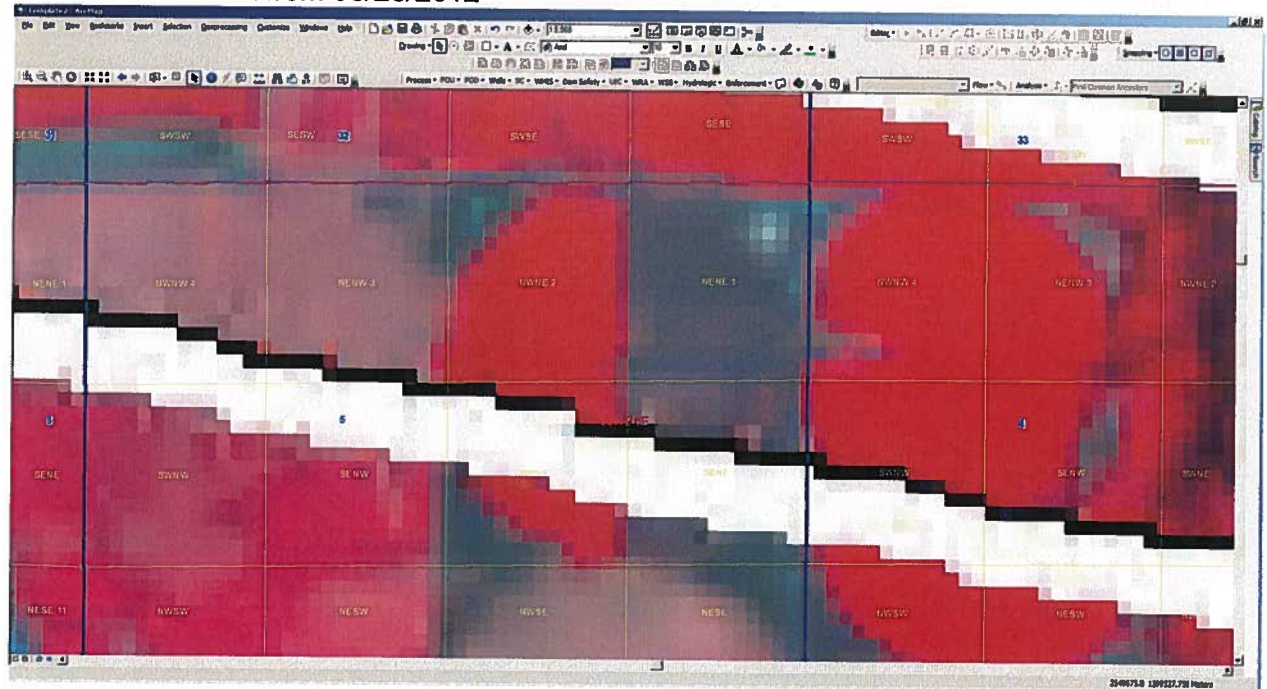
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 06/12/2012



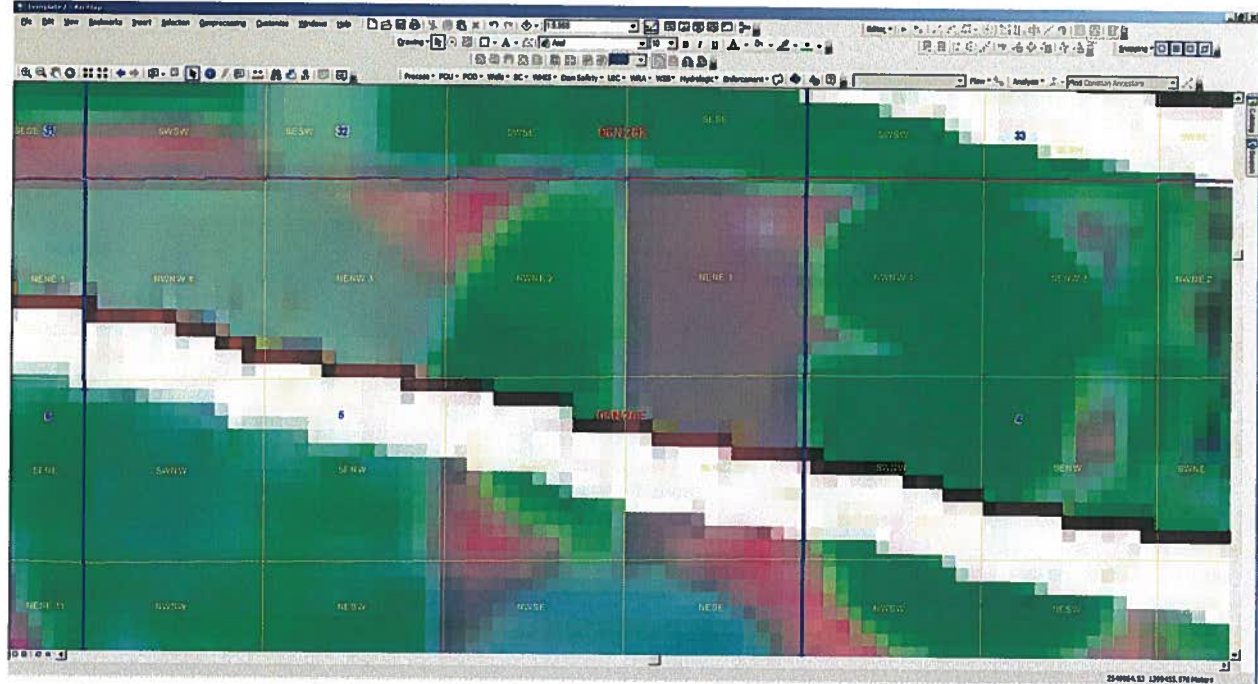
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 06/12/2012



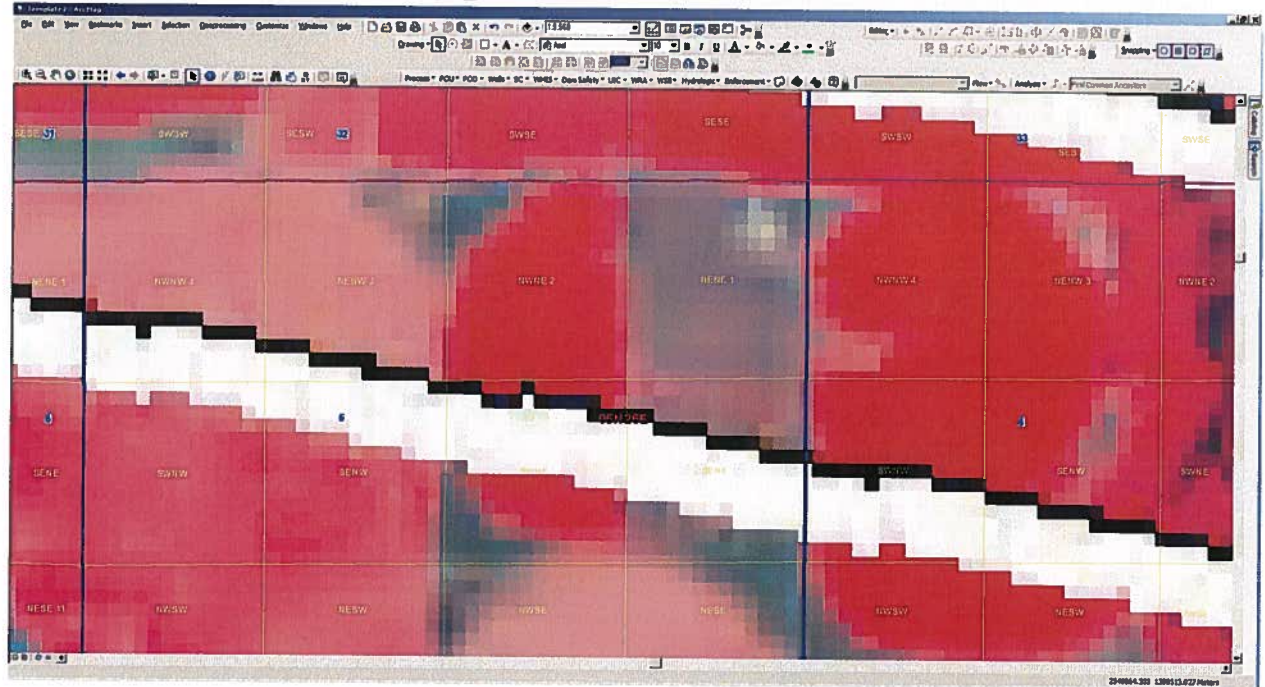
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 06/28/2012



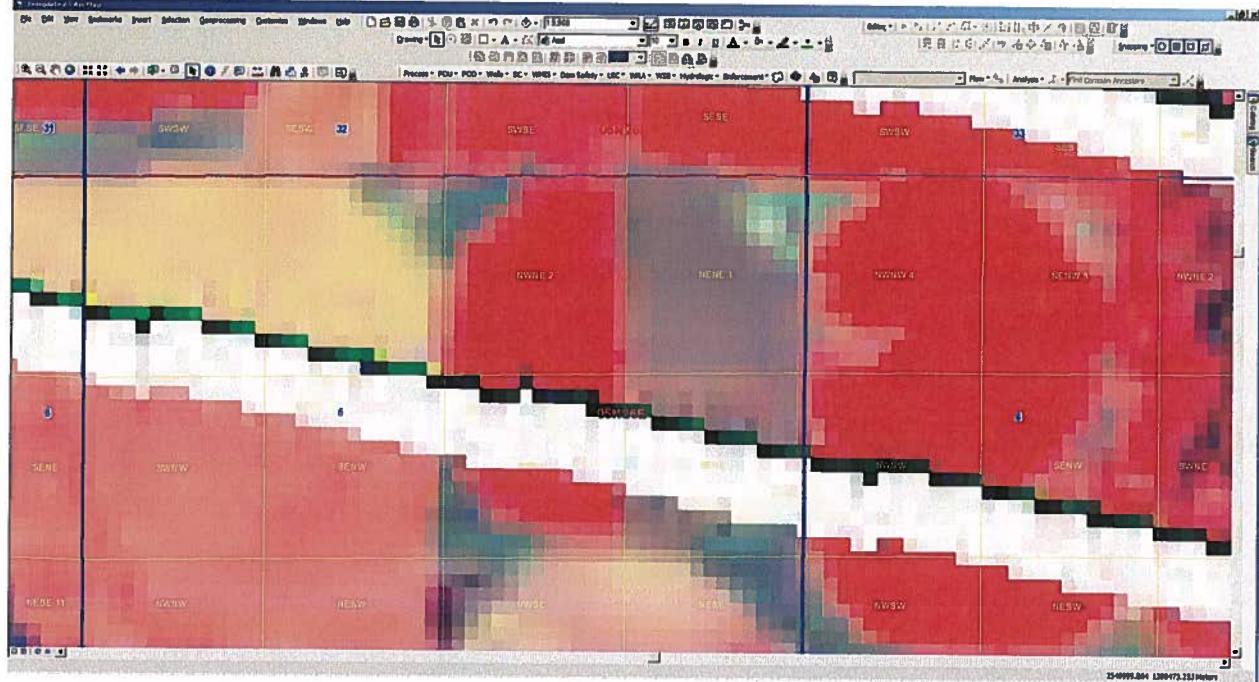
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 06/28/2012



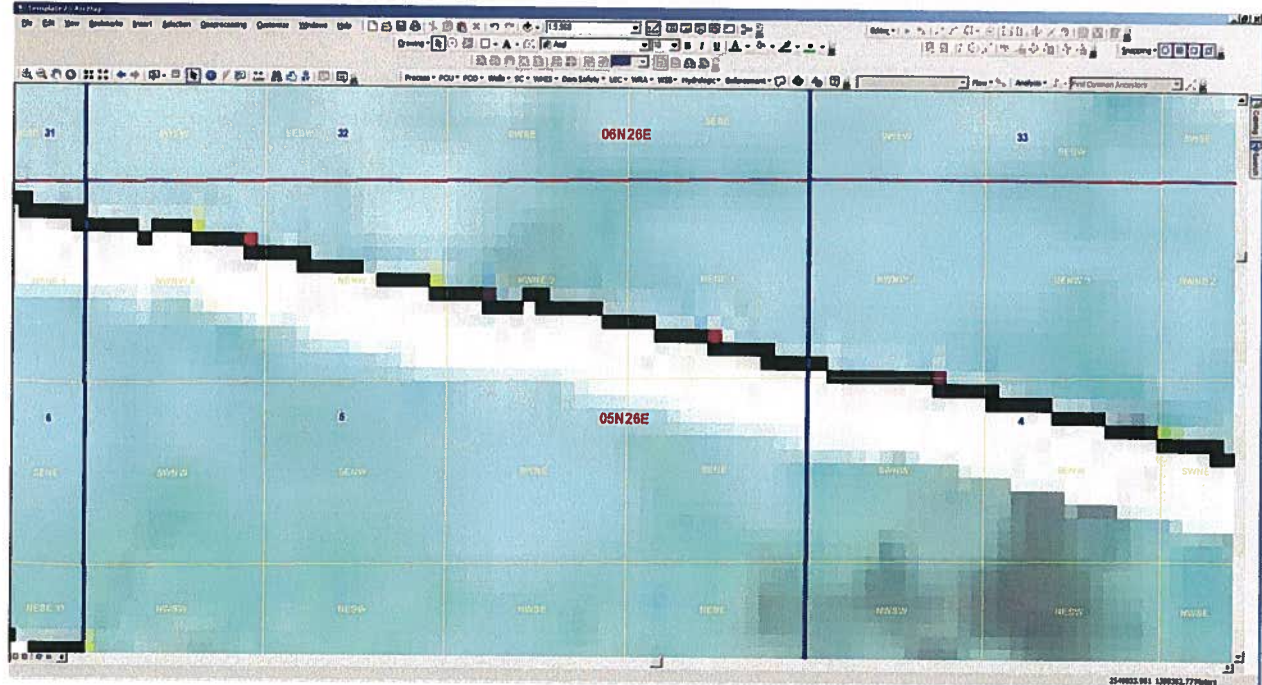
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 06/28/2012



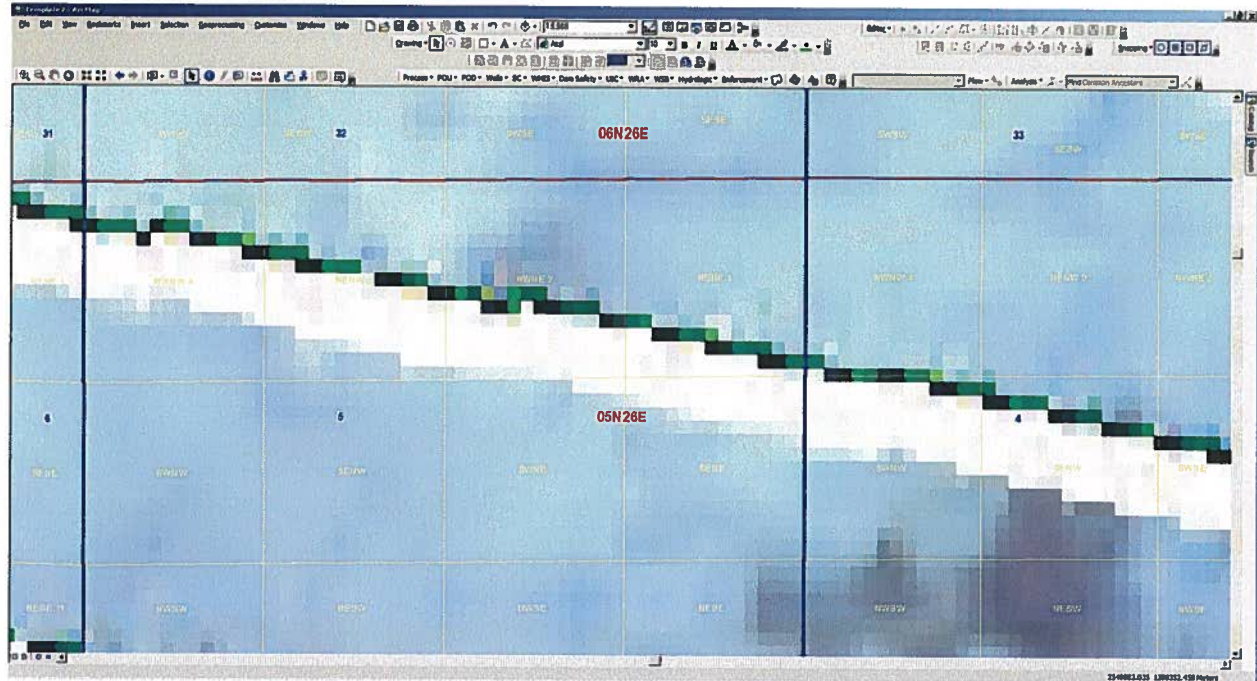
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 06/28/2012



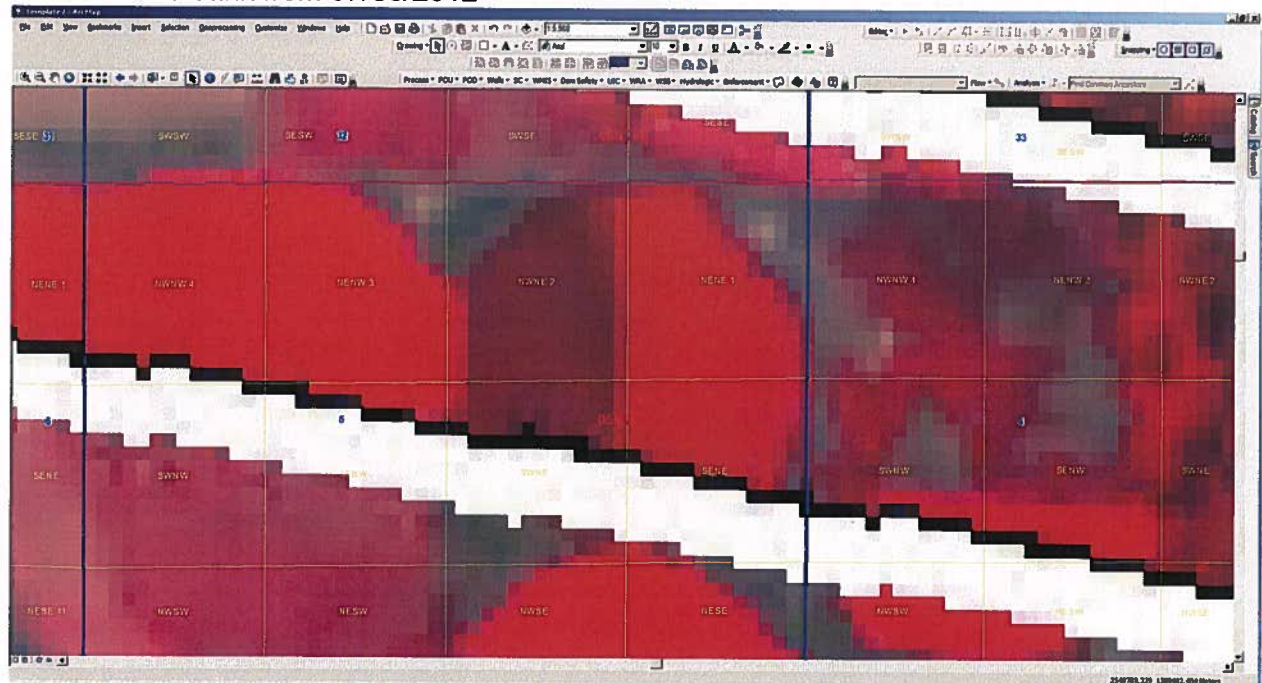
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 07/14/2012



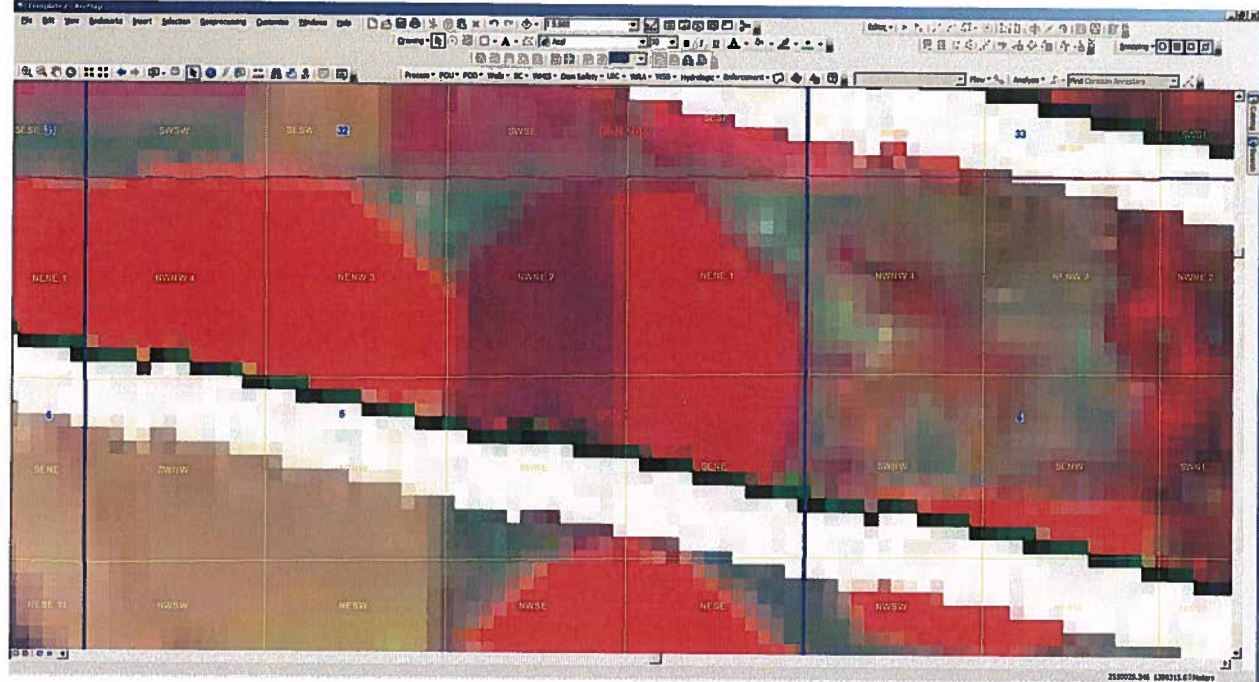
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 07/14/2012



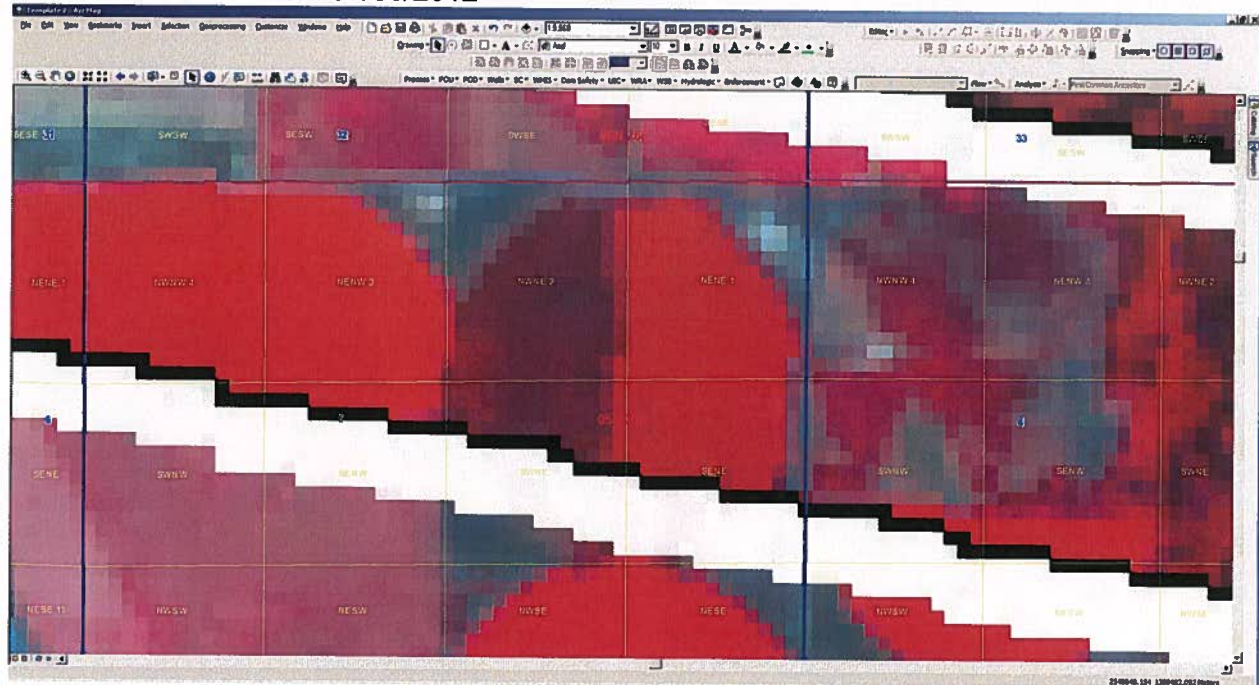
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 07/30/2012



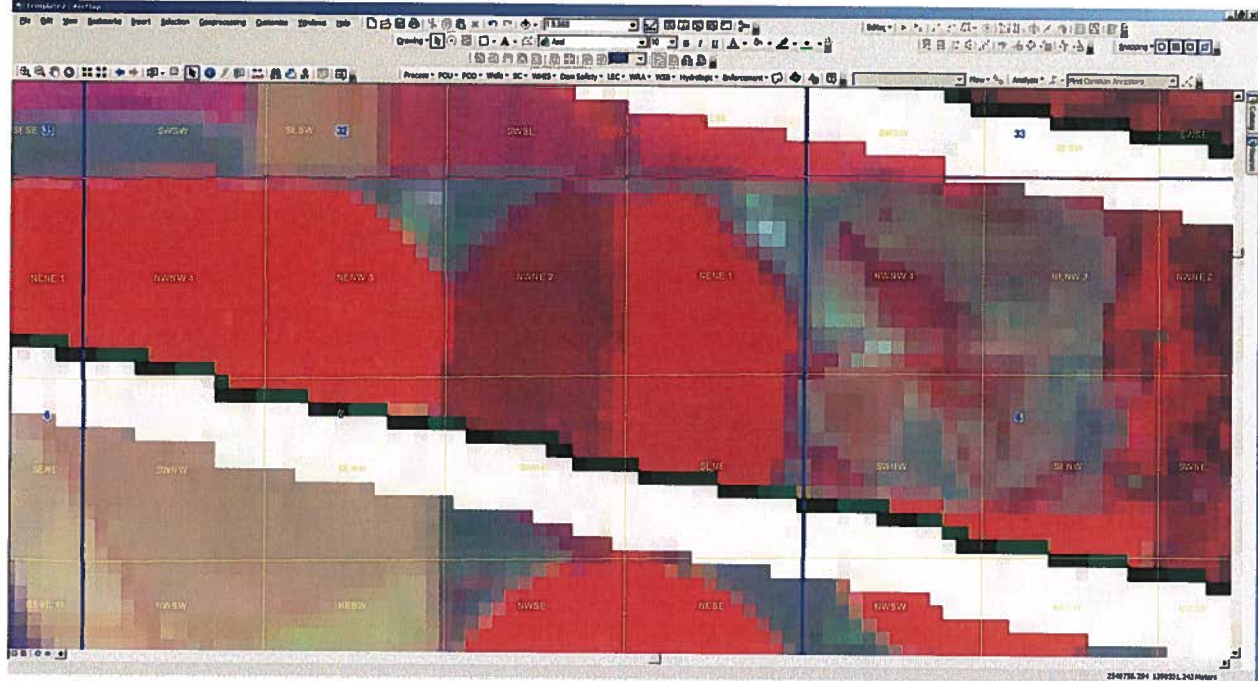
Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 07/30/2012



Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 07/30/2012



Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 07/30/2012



Landsat imagery of 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D and 34-10471D acres offered to the bank from 09/16/2012

Webster, Clay

From: Kristin Moore [kristin.rmea@gmail.com]
Sent: Thursday, November 13, 2014 12:10 PM
To: Palmer, Cherie; 'Kristin Moore'
Cc: Webster, Clay
Subject: RE: Loy Pehrson
Attachments: Affidavit_WaterMaster.pdf

Cherie,

I just spoke with Mr. Pehrson and he agrees with the changes we discussed on the phone this morning. Let's only lease the ground water rights 34-12378 and 34-13829 and consider the surface water rights as contributing to the current irrigation.

We also discussed possible documentation for the questionable acres for the other two sets of applications. He is looking into that and believes he may have something that will work. I'll get you a copy of that as soon as he sends it to me. In the meantime, here's a copy of the affidavit that the water master already signed. Unfortunately, he does not describe the acres for water right 34-235D, etc. We will have to approach him again to see if he can verify the irrigation.

Kristin Moore

Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kmoore@rockymountainenvironmental.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795



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From: Palmer, Cherie [mailto:Cherie.Palmer@idwr.idaho.gov]
Sent: Wednesday, November 12, 2014 10:13 AM
To: Kristin Moore
Cc: Webster, Clay
Subject: RE: Loy Pehrson

Kristin,

I am happy to do a phone conference. Since Clay has been involved with the leasing of these water rights I will invite him to the meeting as well. We will both be here tomorrow. In order to secure a phone and a conference room I will reserve a time slot between 10:30 to 11:30. Please let me know if that won't work. Otherwise, I will give you a call tomorrow at 10:30.

Cherie Palmer, Water Rights Supervisor
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700

From: Kristin Moore [<mailto:kristin.rmea@gmail.com>]
Sent: Tuesday, November 11, 2014 10:17 AM
To: Palmer, Cherie
Subject: RE: Loy Pehrson

Cherie,

I reviewed your email several times to make sure I was understanding it correctly. First off, I believe we would like to stick to the acres originally outlined in the lease applications, so only 1.1 acres in the SESW of Section 31, and no acres in the NENW and SENW of Section 36 (since the applicant does not own it). The total acres then should be 30.9 acres.

You are correct in that the GW and SW rights do not completely overlap. However, it is the SW that does not completely overlap the GW, not the other way around. I don't intend for the SW to cover all the acres. The GW should cover all the acres, though. I reviewed the water rights again and confirmed that the GW covers a total of 252 acres. Which means if we are banking 30.9 acres, then the leased GW rights should total 30.9 acres. And then the SW rights would be a proportionate share of 252 acres, stacked on top of the GW rights for a combined acre limit of 30.9 for all SW and GW rights.

The spreadsheet you sent shows the acres of all SW and GW rights are additive in the Lease Totals box. This method reduces the individual number of acres being leased into the bank for each right. For example, we proposed to lease 11.9 acres of 34-28G, limited to 6.3 acres. The lease contract shows that only 1.6 acres are to be leased to the bank. I feel this is a significant change in our reasonable proposal. The water right reports show that the rights are not related in the way represented on the spreadsheet, but rather that the SW and GW rights are stacked. The SW and GW are not additive.

I have attached my spreadsheet for your review in case you want to see how I did my calculations. It also includes the spreadsheets for all the other Loy Pehrson applications that were submitted this summer.

I agree with how you calculated the individual diversion rates for each of the water rights. However, I still feel that the combined use limit for all rights should be based on the quantity ratio described in the conditions of the water rights: 5.98 cfs for 252 acres, a rate of about 0.02 cfs.

Perhaps we should have a conference discussion to work out these kinks. I realize that this will set precedence for the remaining applications for our client and would like us to both be satisfied in the methods we use. I would be happy to discuss this further with you, and a supervisor, if you prefer, so that we can come to a comfortable conclusion.

I am in the office on Tuesdays and Thursdays until about 2:30ish. Please let me know when you would like to call.

Thank you,

Kristin Moore

Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kmoore@rockymountainenvironmental.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795



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From: Palmer, Cherie [<mailto:Cherie.Palmer@idwr.idaho.gov>]

Sent: Thursday, November 06, 2014 4:20 PM

To: Kristin Moore

Subject: RE: Loy Pehrson

Kristin,

Thank you for your response. I have read through your concerns and have the following to offer:

In regard to the # of acres you would like to lease into the bank, that is between you and your client. I can easily change the acres you would like for the lease. Just to confirm you would only like to have 1.1 acres leased into the bank in the SESW of Section 31. So according to my calculations that changes the overall # of acres leased into the bank to 33.7 acres.

Next it looks like you have some questions about the GW and SW rights being leased into the bank and the # of acres? So the GW rights don't completely overlap the SW rights. Therefore, different number of acres of SW and GW are being accepted into the bank based on the idled acres per QQ. For example, in the NENW ground water is only found at this location, no surface water. Overall there's a difference of 17.8 acres (accounting for your 0.7 acre reduction) that are only covered by ground water.

I ran the numbers again for the diversion rate and I think this might clear things up; the ground water rights have a combined limit of 3.64 cfs on 252 acres, or 0.0144 cfs/acre. The lease contract maintains that proportionate amount when looking at the ground water right totals. Because there is a larger amount of ground water rights coming into the bank, the rate/acre total is skewed. I did catch a mistake though that should be fixed. The lease rate for the surface water rights should be additive. In other words instead of 0.04 cfs being leased under the surface water rights, it should be 0.07. This makes the total 0.52 cfs for both SW and GW.

Notice that the surface water rights are all nearly 0.02 cfs/acre except for 34-132B (this right provides 0.016 cfs/acre). Rounding comes into play a little bit, but we end up at just over 0.02 cfs/acre for surface water.

I will wait to hear from you before we a new lease contract based on the reduction of 0.7 acres and the combined limits in regard to the surface water.

Thanks,

Cherie

From: Kristin Moore [<mailto:kristin.rmea@gmail.com>]
Sent: Thursday, November 06, 2014 2:48 PM
To: Palmer, Cherie
Subject: RE: Loy Pehrson

Cherie,

I have reviewed the spreadsheet to see your methodology, and I have some comments.

There are two cells for different QQs that you have highlighted in yellow. I want to explain the discrepancies so you know they were intentional. The lands in the NENW and SENW of Section 36 are not owned by the water right owner. They sold them to a neighbor and therefore we cannot do anything with those acres. Since one QQ was higher than the WR and one QQ was lower by the same amount, I just planned to ignore them since they balance out...approximately. The SESW of Section 31 for 1.8 acres I reduced to 1.1 acres since the pivot overhangs into the SWSE adjacent to it. I don't want my client to be accused of enlarging his water right. Although it should technically require a transfer to fix it, that's not in the plan right now. Until then, I don't want to irrigate more acres than allowed under the water rights, so I just assumed the 0.7 acres of the SWSE to be a part of the SESW; hence, I only included 1.1 acres on the application.

I have some doubts about the quantities distributed. I'm not sure I completely agree with it for this reason: The ground water covers every acre described under all the water rights. I feel as though the total number of ground water acres should equal the total number of acres being propose to lease to the bank. If it's 31 acres total, then the two ground water rights should cover 31 acres combined. Otherwise, where did the other ground water acres go? There's no other acres to assume they are applied to.

The other concern is the total diversion rate. It is very reduced in this method. A condition on the water rights limits all the rights combined to 5.98 cfs for 252 acres, which allows a rate of just over 0.02 cfs/ac. No matter how many acres we lease the Bank, I feel the combined limit should be at 0.02 cfs/ac.

Let me know what you think. I'll be back in the office on Tuesday next week.

Thank you,

Kristin Moore
Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kmoore@rockymountainenvironmental.com
VOICE: 208-524-2353 ||| FAX: 208-524-1795



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From: Palmer, Cherie [<mailto:Cherie.Palmer@idwr.idaho.gov>]
Sent: Thursday, November 06, 2014 12:05 PM

To: kmoore@rockymountainenvironmental.com

Subject: Loy Pehrson

Loy Pehrson spreadsheet

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", written over a horizontal line.

Roger Totten

Water Master Water Basin 34

- Place of Use Legal Description: IRRIGATION CUSTER County

RT

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

RT



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

November 7, 2014

LOY PEHRSON
3700 N 3624 W
DARLINGTON, ID 83255

RE: APPLICATION TO LEASE WATER RIGHT NO. 34-235D, 34-424D, 34-790D, 34-731D, 34-7045D and 34-10471D TO THE WATER SUPPLY BANK

Dear Applicant:

On May 13, 2014, the Department of Water Resources (Department) received your applications to lease portions of water rights 34-235D, 34-424D, 34-790D, 34-731D, 34-7045D and 34-10471D to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated."

A review of aerial photography from years 2006 through 2013 show no evidence of irrigation on the acres proposed to be leased to the Bank. The right cannot be considered for lease to the Bank without evidence of beneficial use of water for irrigation during at least one (1) irrigation season.

Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 cannot be met. If proof of beneficial use for the acres in question is not provided to the Department within 30 days of this letter, the lease applications will be **denied**.

Please note that a water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. I have enclosed a copy of this statute.

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

Sincerely,

Clay Webster
Water Resource Agent

c. Kristin Moore – Rocky Mountain Environmental

RECEIVED

AUG 20 2014

Department of Water Resources

Big Lost River Irrigation District

101 S. Main Street, P.O. Box 205, Mackay ID 83251 (208) 588-2231 www.blrid.com

August 12, 2014

State of Idaho
Water Resources Board

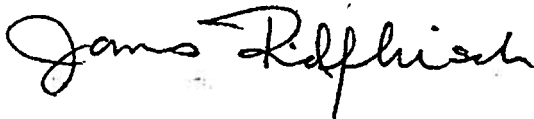
The Big Lost River Irrigation District gives consent for Water Supply Bank for decree water for the following:

Byron Pehrson
3624 W 3700 N
Moore, Idaho 83255

Loy Pehrson
3700 N 3624 E
Darlington ID 83255

Total number of acres for water bank: up to 126 acres

Sincerely,



James Rindfleisch
General Manager

CC: Kristin Moore – Rocky Mountain Environmental
Michael Holiday – Idaho Department of Water Resources



May 13, 2014

RMEA 11-0029

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

Re: Water Supply Bank Applications

RECEIVED

Dear Agent,

MAY 13 2014

Department of Water Resources
Eastern Region

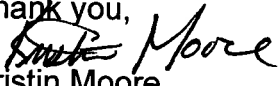
Enclosed are four groups of applications to Lease water into the Water Supply Bank for Loy Pehrson and Byron Pehrson and a check for \$2,000 to cover filing fees. Portions of each of these water rights are offered to the Bank. There are some factors to note that explain the calculations used to determine acreages offered for each water right. Additionally, original signatures for Attachments #1B and #1E are included with the Application for Water Right No. 34-14189 for Loy Pehrson and 34-14205 for Byron Pehrson; copies of these attachments were attached to the remaining applications.

Applicant proposes to Bank the corners of the pivots that are no longer being irrigated within the ground water rights. Overlapping surface water rights are also offered to the Bank as appropriate.

In creating the maps for Attachment #4, it was discovered that the shapefile, available from IDWR GIS Database, does not always correspond to the place of use description for the water rights. The acres per QQ do not match. To determine how many acres are to be offered to the Bank, a reverse approach was used. The irrigated acres are displayed on the map for the portions that WILL NOT be leased to the Bank. A simple subtraction from the place of use description resulted in the number of acres not being irrigated, which is the number of acres proposed to be leased. An attached spreadsheet for each set of applications displays the values determined in this process, along with the acre limits and cfs associated with each water right.

If approved, applicant intends to rent the Banked water to be used on another piece of property that has no water rights.

The applicants have authorized us to act on their behalf in regards to these applications. If you have questions or concerns, please contact me at 524-2353 or through my email kmoore@rockymountainenvironmental.com.

Thank you,

Kristin Moore
Water Rights Analyst

Enclosures: WSB Applications

Byron Pehrson and Loy Pehrson
Water Supply Bank Applications

RECEIVED

MAY 13 2014

Department of Water Resources
Eastern Region

WR 34-235D, 34-424D, 34-790D, 34-791D, 34-7045D, 34-10471D

Water Rights	cfs	AFA	POU Ac	Acre Limit	% Acre/POU	Combine d Use Limits	% of CUL	Active Irrigated Acres	Not Actively Irrigated	WSB Acres	WSB Acre Limit	WSB cfs	Remainin g Acre Limits
WR 34-235D	0.8	140	148	40	27%	148	27.0%	141	7	7	1.9	0.04	38.1
5N26E5 NENE			42					35	7				
NWNE			46					39	7				
SWNE			31					34	-3				
SENE			29					33	-4				
WR 34-424D	0.86	150.5	148	43	29%	148	29.1%	141	7	7	2.0	0.04	41.0
5N26E5 NENE			42					35	7				
NWNE			46					39	7				
SWNE			31					34	-3				
SENE			29					33	-4				
WR 34-790D	0.22	38.5	148	11	7%	148	7.4%	141	7	7	0.5	0.01	10.5
5N26E5 NENE			42					35	7				
NWNE			46					39	7				
SWNE			31					34	-3				
SENE			29					33	-4				
WR 34-791D	0.36	63	148	18	12%	148	12.2%	141	7	7	0.9	0.02	17.1
5N26E5 NENE			42					35	7				
NWNE			46					39	7				
SWNE			31					34	-3				
SENE			29					33	-4				
WR 34-7045D	2.54	474.25	148	135.5	92%	148	91.6%	141	7	7	6.4	0.12	129.1
5N26E5 NENE			42					35	7				
NWNE			46					39	7				
SWNE			31					34	-3				
SENE			29					33	-4				
WR 34-10471D	0.22	43.75	148	12.5	8%	148	8.4%	141	7	7	0.6	0.01	11.9
5N26E5 NENE			42					35	7				
NWNE			46					39	7				
SWNE			31					34	-3				
SENE			29					33	-4				