



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 11, 2014

MARK T NICKUM
PATRICIA A NICKUM
PO BOX 1565
HAILEY ID 83333

**RE: WATER SUPPLY BANK LEASE APPLICATION(S) FOR WATER RIGHT
NO(S). 71-34E ABD 71-33C**

Dear Applicant:

On September 25, 2014 the Idaho Department of Water Resources (Department) received your application(s) to lease water right no(s) 71-34E and 71-33C to the Water Supply Bank (Bank) for a period ending December 31, 2018. The Department is returning your application(s) since you have withdrawn your applications at this time. A refund of your application fee has been requested and will be sent to you separately.

You can reapply to lease the water right(s) in the future by submitting new application form(s) from the Department's website at www.idwr.idaho.gov along with applicable fees.

If you have questions regarding this matter, please contact me at 287-4944.

Sincerely,

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

Enclosure(s): Lease Application(s)

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 25 2014

DEPARTMENT OF
WATER RESOURCESWATER 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.**

Designated Applicant Patsy + Mark NickumWater Right No. 71-33C
One water right per applicationAll 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 \$ <u>250.00</u>	Received By: <u>CS</u>	Date Received: <u>9/25/14</u>	Receipt # <u>C099446</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Mark T. and Patricia M. Nickum</u>	

SUPPORT DATA

IN FILE # 71-33C

RECEIVED
SEP 25 2014
DEPARTMENT OF
WATER RESOURCES

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 Patsy + Mark Nickum Email Address pnickum@rockymountainhardware.com
Mailing Address PO Box 1545 Hailu ID 83333 Phone Number 208 720 4148

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

☐ 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 ☐
, 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 ☐
, 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 ☒
, 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 n/a Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 71-336 ☒ The full water right is being offered to the Bank.

☐ 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.

Our water is diverted at the Point of Diversion as described on the
Water Right Report and is conveyed through ditch system to the
authorized Point of Use (see attached Nickum Property Irrigation Map).

- 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.

71-34E

C. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

, describe. n/a

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

, 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. see attached delivery records provided by Nick Miller at IDWR.

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan?

Yes ☐ No ☒

, 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 ☒?

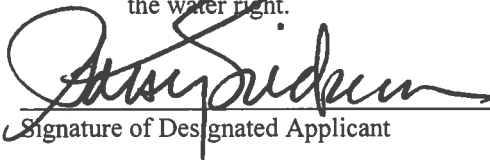
, for a period from 2014 to 2018 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

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"

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

Patsy Nickum
Printed Name

9/22/14
Date

Signature of Authorized Representative

Printed Name

Date

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

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).

. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

Water Right No. 71-33C

		Applicant #2	Applicant #3
Name	Patsy + Mark Nickum	—	—
Mailing Address	PO Box 1565 Hailey ID 83333		
Phone Number	208 720 4148		
Email Address	pnickum@rallymountainhardware.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.

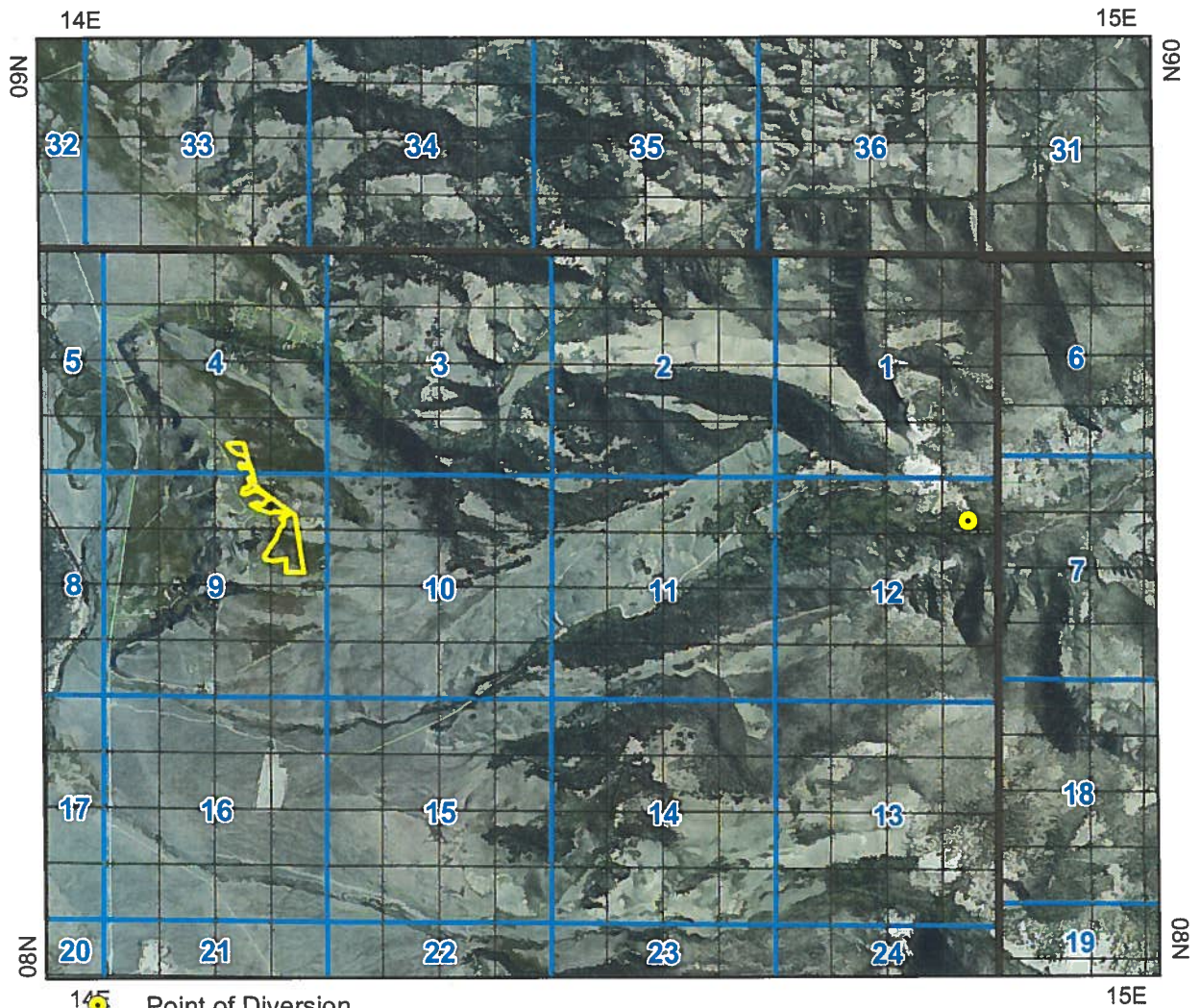
	Applicant #4	Applicant #5	Applicant #6
Name	—	—	—
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.

State of Idaho
Department of Water Resources

**Water Right
71-33C**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.5 1 2 Miles



Thiel, Sandra

From: Patsy Nickum [pnickum@rockymountainhardware.com]
Sent: Thursday, December 04, 2014 2:32 PM
To: Thiel, Sandra
Cc: GOODONYA_19@YAHOO.COM; Megan Ann Stevenson
Subject: Re: water supply bank lease

Hello Sandra,
We have decided to withdraw our application at this time. Thank you very much for your time.
Patsy Nickum

On Dec 4, 2014, at 11:14 AM, Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov> wrote:

Hello, Were you able to contact the water master?

From: Thiel, Sandra
Sent: Wednesday, November 19, 2014 1:57 PM
To: 'pnickum@rockymountainhardware.com'
Cc: 'GOODONYA_19@YAHOO.COM'
Subject: water supply bank lease

Hello,

I am processing your application to lease water into the water supply bank. I am having difficulty determining if the entire place of use has been irrigated over the last 5 years. I reviewed aerial photography and imagery for several years. I believe that 2011 showed the most irrigated land (2011.pdf) Based on this I would not be able to put all of rights 71-33C and 71-34E rights into the bank. I would be able to lease the areas that appear to have been irrigated.

The second attached file (WSB_Application.pdf) is a portion of the application. Question D asks 'Is the diversion works or system owned or managed by an irrigation district or water delivery company?' Do you have an organization that manages the water? You might talk to the water master, Jan Skrukrud about the delivery system. According to our records his phone number is (208)774-3460. Since the point of diversion is so far upstream from your place of use I would like to know if other water users in the system would be impacted if your water was no longer diverted.

Please respond to this email by December 4th. You can contact me if you have any questions. Thank you in advance for your help.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

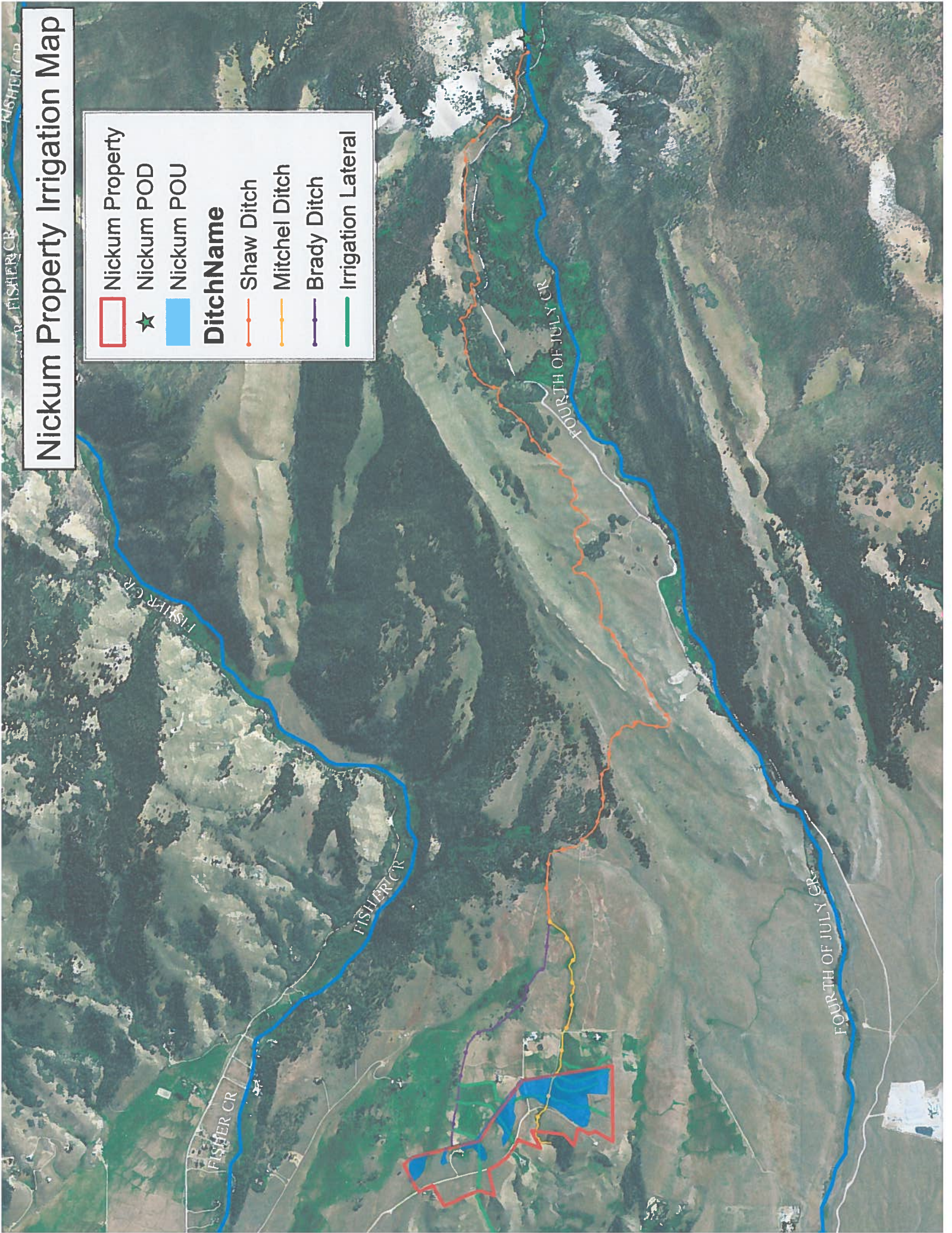
2011 Imagery

-  Place of Use 71-33C & 71-34E
-  Taxlots



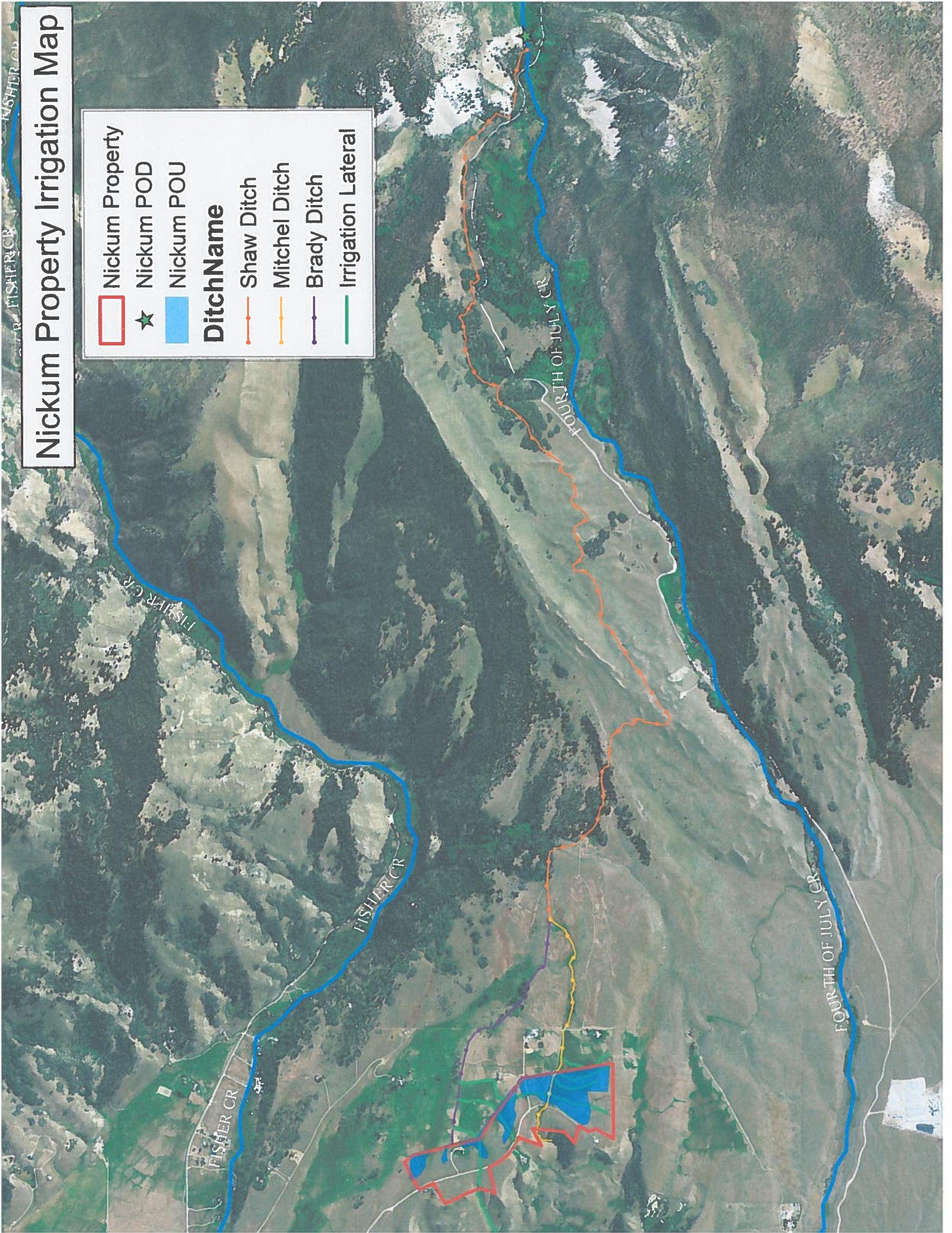
Nickum Property Irrigation Map

- Nickum Property
- Nickum POD
- Nickum POU
- DitchName**
- Shaw Ditch
- Mitchel Ditch
- Brady Ditch
- Irrigation Lateral



Nickum Property Irrigation Map

- Nickum Property
- Nickum POD
- Nickum POU
- DitchName**
- Shaw Ditch
- Mitchel Ditch
- Brady Ditch
- Irrigation Lateral



Field, Christine

From: Patsy Nickum [pnickum@rockymountainhardware.com]
Sent: Tuesday, September 30, 2014 9:03 AM
To: Field, Christine
Subject: Re: Lease Applications

Hi Christine,
2014.
Thank you,
Patsy

Sent from my iPhone

On Sep 30, 2014, at 7:21 AM, Field, Christine <Christine.Field@idwr.idaho.gov> wrote:

Patsy,

One more question for you: Do you want your lease to begin 2014 or 2015?

Please advise which year you would prefer your lease to begin.

Thank You

Christine

From: Patsy Nickum [<mailto:pnickum@rockymountainhardware.com>]
Sent: Monday, September 29, 2014 4:48 PM
To: Field, Christine
Subject: Re: Lease Applications

Hi Christine,
Sorry to have not filled that out. 5 years is what we are looking for.
Thanks,
Patsy Nickum

Sent from my iPhone

On Sep 29, 2014, at 4:11 PM, Field, Christine <Christine.Field@idwr.idaho.gov> wrote:

Dear Patsy & Mark,

My name is Christine and I am contacting you regarding your recent lease applications that you submitted to the Dept of Water Resources for W/R 71-33C and W/R 71-34E.

On both applications you left the dates blank that you would like your Water Rights leased into the bank.

The minimum you could lease your Water Rights would be for 1 year, the maximum you could lease your Water Rights would be for 5 years.

Please reply with the dates that you would like to have your Water Right leases leased into the Water Supply Bank.

We need this data before we can proceed any further with your Lease application.

Kind Regards

Christine Field
Water Supply Bank Support