

RECEIVED
FEB 05 2014
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Receipt No. C098277
Fee Amount \$ 250.00
Date by 2/5/14 CS
(For Department Use Only)

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

DENIED

Name of Seller/Lessor MICHAEL P. WHEELER Phone 208-349-5761
Mailing address 2155 E. 100 S. DELLO ID. 83323 Email flyingwfarm@hotmail.com

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, check here ☐, list the water right number, and skip to Part B.

1. Water Right Number 43-10041 Amount (cfs/ac-ft) 0.15 cfs Nature of Use IRRIGATION Period of Use 3/15 to 11/15

_____ to _____
_____ to _____

Total Amount: 0.15 cfs

2. Source of water GROUND tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County
10 S	26 E	27	NW	SE	SE		CASSIA

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 7.5

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
2. 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 to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

DEEP WELL IRRIGATING 280 ACRES
WITH A 13 TOWER CENTER PINT - See attached

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

SEE ATTACHED

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

Yes ☒ No ☐

If yes, describe. GROUND WATER

4. 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 right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes
- ☐
- No
- ☒

If yes, describe.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
3. A completed Internal Revenue Service (IRS) Form W-9 (attached). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale
- ☐
- or lease
- ☒
- .

If lease, for a period from 3-15-14 to 3-15-15 ^{m.w.} (not to exceed 5 years).
(Month / Day / Year) 4-25-14

2. 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 right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Michael P. Wheeler
 Signature of Applicant

MICHAEL P. WHEELER
 Printed Name and Title*

1-31-14
 Date

Diana M. Wheeler
 Signature of Applicant

Diana M. Wheeler
 Printed Name and Title*

1-31-14
 Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

These water rights were transferred to my property, namely Section 27 as identified in Transfer of Water Right, Transfer No. 77207, filed the 21st day of June, 2011, when my brother and I split our jointly owned property. I plan to either expand the current system that they have been transferred to or move them up to another piece of ground. However, because I am still in the process of developing these alternatives, I want to put them in the Water Supply Bank to maintain a status of use and therefore not lose them to non-use.

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

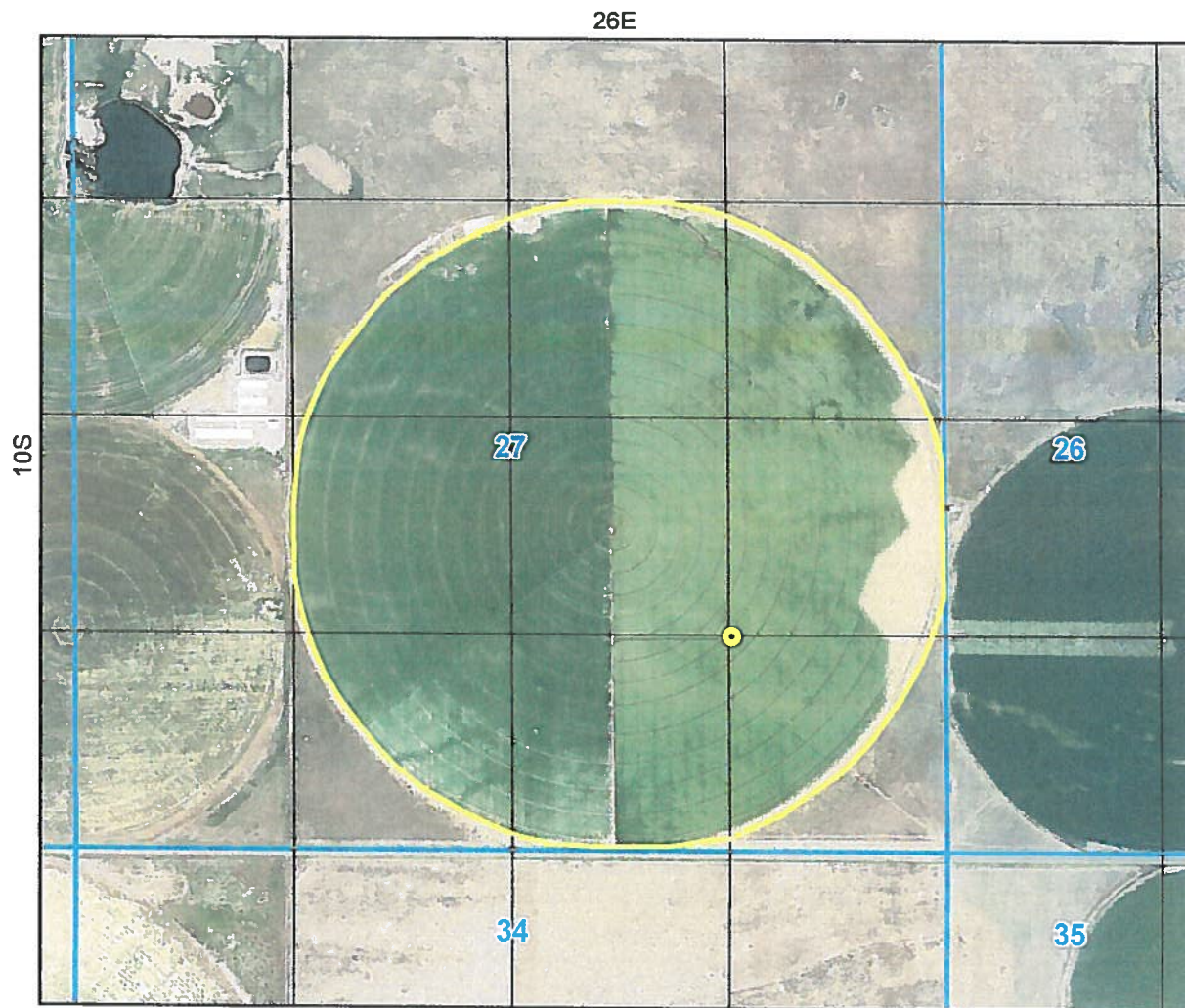
The other water rights associated with these water rights are namely Water Right No. 43-7020D and 43-7319 and are presently being used to water the lands specified on the attached Transfer.

State of Idaho
Department of Water Resources

Water Right
43-10041

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 0.125 0.25 0.5 Miles





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

June 25, 2014

MICHAEL P WHEELER
DIANA M WHEELER
2155 E 100 S
DELCO ID 83323

**RE: APPLICATION TO LEASE WATER RIGHT NO(S). 43-10041
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) 43-10041 into the Bank.

This letter is notice that the attached application(s) to lease water to the Bank are **returned**. 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 potential for enlargement, your water right is stacked with two other water rights (43-07020D and 43-07319) we sent you two requests for the lease applications for the overlapping rights on May 15th and May 27th. As of today, you have not provided the requested documents. The rules prohibit enlargement of the use of the water right.

Therefore, we are returning your application unprocessed. If you decide that you wish to lease the right in the future, please submit new applications which can be located with instructions on the IDWR website.

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

Sincerely,

Clay Webster
Technical Records Specialist

Enclosure: Lease Application(s)



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

May 27, 2014

MICHAEL P WHEELER
DIANA M WHEELER
2155 E 100 S
DELCO ID 83323

**RE: APPLICATION(S) TO SELL LEASE A WATER RIGHT TO THE WATER SUPPLY
BANK FOR WATER RIGHT NO(S). 43-10041, 43-07020D and 43-07319.**

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Michael and Diana:

This spread sheet contains the information to assist you in determining the amounts of your other two water rights (43-07020D and 43-07319) that would need to be placed into the Water Supply Bank in order for us to process your application to Lease Water Right 43-10041. Please provide the department with applications on the additional water rights along with payment of **\$250.00**. This will be added to the \$250.00 already received through Receipt C098277, to complete the \$500.00 fee for multiple rights being submitted for Lease.

Please provide direction to the department on whether you wish to proceed with the lease or if you prefer to transfer this water right. We will hold any action on your application pending receipt of the necessary information. If we do not receive the lease applications for the associated rights within **15 days** this application will be denied because it cannot be processed without the requested information.

If you have any questions or no longer have an interest in the lease, please contact me at (208) 287-4910.

Sincerely,

Clay Webster
Technical Records Specialist



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 13, 2014

MICHAEL P WHEELER
DIANA M WHEELER
2155 E 100 S
DELCO ID 83323

**RE: APPLICATION(S) TO SELL LEASE A WATER RIGHT TO THE WATER SUPPLY
BANK FOR WATER RIGHT NO(S). 43-10041, 43-07020D and 43-07319.**

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Lessor:

The Department of Water Resources received an application to Lease Water Right 43-10041 from you on February 5, 2014. Our review of this application has revealed that in order to lease this right into the bank, portions of water rights 43-07020D and 43-07319 will need to be leased into the bank as well. This is due to the rate limit and no additional volume being added by this right.

Because the Department cannot process the Applications to lease these water rights without the information requested, we will hold any action on your applications pending receipt of the necessary information. If we do not receive the lease applications for the associated rights within **30 days** this application will be denied because it cannot be processed without the requested information.

If you have any questions or no longer have an interest in the water right, please contact me at (208) 287-4910.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clay Webster'.

Clay Webster
Technical Records Specialist

Webster, Clay

From: Webster, Clay
Sent: Monday, April 28, 2014 1:47 PM
To: Merritt, Allen
Subject: Region Comments for WSB Lease Application for Michael and Diana Wheeler

Allen,

I am currently processing a lease application for 43-10041 to be leased for one season in it's entirety. Do you have any concerns? Thank you.

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov
208-287-4910

Idaho Department of Water Resources (IDWR)
208-287-4800
www.idwr.idaho.gov

Webster, Clay

From: Webster, Clay
Sent: Monday, April 28, 2014 1:39 PM
To: 'sodguys@atcnet.net'
Subject: Watermaster comments

Lynn Steadman,

I am processing a lease for the entire right of 43-10041 into the Water Supply Bank. Do you have any concerns or comments? Thanks

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov
208-287-4910

Idaho Department of Water Resources (IDWR)
208-287-4800
www.idwr.idaho.gov

MEMORANDUM

To: Water Supply Bank

From : Michael Wheeler

Date: April 25, 2014

RE: 43-10041 WSB Lease Application

I am responding to a letter from Clay Webster dated April 16, 2014 regarding the pending WSB lease application. Please note that the pivot that covers the place of use is only able to irrigate 280 acres. Water right 43-10041 was the result of a transfer from other irrigated ground and was added to the 280 acre pivot resulting in a 287.5 acre PPU. I want the water right in the bank to avoid forfeiture until I can transfer to a different place of use or modify the existing place of use. Mr. Webster's letter requests that the 7.5 acres to be dried up be identified however, water right numbers 43-7020D and 43-7319 cover the 280 acre pivot area. The 7.5 acres is essentially extra water that doesn't have a place to go until I can file a transfer to move it. Please talk with Rob Whitney if you have further questions.



State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 16, 2014

MICHAEL AND DIANA WHEELER
2155 E 100 S
DELCO ID 83323

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO
LEASE WATER RIGHT NO(S). 43-10041 TO THE WATER SUPPLY BANK**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application(s) has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information within 14 days of the date of this letter or the application will be returned: (Insert items

- a map of the 7.5 acres that will be dried-up in the PPU in connection with this lease

The department will continue processing your application(s) once you have submitted the requested information. Water right forms are available from the Department's web site at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4910.

Sincerely,


Clay Webster
Technical Records Specialist

Enclosure: Receipt #C098277