



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 14, 2013

MIKE MUSSELL
PO BOX 3304
NAMPA ID 83653

RE: WITHDRAWAL OF APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

Per our conversation on June 14, 2013, the Department of Water Resources (department) acknowledges your intent to withdraw your Application to Rent Water from the Water Supply Bank. Therefore, the department is returning your application.

If you have any questions regarding this matter, please contact me at (208) 287-4949

Sincerely,

Nicholas Van Dyke
Sr. Water Resource Agent

Enclosure

c: John Westra – IDWR Western Regional Office

RECEIVED

APR 23 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDWater Supply Bank No. _____
(For Department Use Only)**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**Name of Renter Mike MussellPhone 208-850-7777Mailing address PO BOX 3304 Nampa ID. 83653Email mike@mussellconstruction.com**A. DESCRIPTION OF WATER SOUGHT FOR RENT**

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use
.72 125 Irrigation 4/15 to 10/31
____ to ____
____ to ____

Total: _____

2. Source of water Boise River tributary to Snake River

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	3E	4	6		NW	NE	ADA

4. Lands to be irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	4W	13	36.2																36.2

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 36.2**B. OWNERSHIP**

1. Do you own the land at the proposed point of diversion?

Yes ☐ No ☒If no, list owner, contact information, and provide documentation of the authority to use the proposed point of diversion. New York Canal at the diversion dam below Lucky Peak. Water right 63-

2. Do you own the land at the proposed place of use?

Yes ☒ No ☐

If no, list owner, contact information, and provide documentation of the authority to use the proposed place of use. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system. Open channel diversion in the New York Canal and will be wheeled through the Boise Project into the Wilder Irrigation system and delivered to my head gate for my farm. Gravity irrigation practices currently being used to water crops. Request to use water right 63-161 BN Surprise Valley Home Asso
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above. The farm is in the Wilder Irrigation District and has water delivered under several water rights including 63-2388
3. Will the proposed place of use receive water from any other source? Yes ☐ No ☒
If yes, describe. See item 2) above for description of other water rights.
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. _____
5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? check permit Yes ☒ No ☐
If yes, describe. An application for permit to appropriate groundwater was filed for this parcel on April 12, 2013.
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

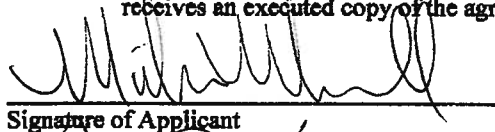
E. RENTAL TERM

1. Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐
If yes, please specify the number of years desired through proposed rental. 1

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

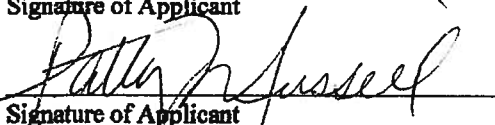
If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.


Signature of Applicant

Mike Mussell, owner
Printed Name and Title*

4/22/2013
Date


Signature of Applicant

Patty Mussell
Printed Name and Title*

4/22/2013
Date

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

Mike Mussell Property

T02N R04W section 13 SWNE



Mussell Property

 Mussell_Ownership_Taxlot

 Township/Range

 Sections

QQ



Van Dyke, Nick

From: Mike Mussell [mike@mussellconstruction.com]
Sent: Friday, June 14, 2013 2:29 PM
To: Van Dyke, Nick
Subject: RE: withdrawal of water supply bank rental application

Yes, please withdraw the application.

Thanks,
Mike Mussell
Mussell Construction

P.O. Box 3304
Nampa, ID 83653
Cell: (208) 850-7777
Office: (208) 466-3331
Fax: (208) 466-5717

From: Van Dyke, Nick [<mailto:Nick.VanDyke@idwr.idaho.gov>]
Sent: Friday, June 14, 2013 11:16 AM
To: Mike Mussell
Subject: withdrawal of water supply bank rental application

Mike,

To follow up our phone conversation earlier, for year 2013 you have secured water from the Boise River storage pool for your irrigation needs. The rental application submitted April 23rd is no longer needed, and you would like to withdraw the application. Please confirm.

If you have any questions please don't hesitate to contact me.

Nicholas Van Dyke
Sr. Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 287-4949
Fax: (208) 287-6700
Email: nick.vandyke@idwr.idaho.gov

Skaggs, Pam

From: Mike Mussell [mike@mussellconstruction.com]
Sent: Tuesday, April 23, 2013 12:52 PM
To: Skaggs, Pam
Subject: RE: Water Supply Bank Rental Application for 61-161BN

Thank you Pam, we are working on this now.

Thanks,
Mike Mussell
Mussell Construction

P.O. Box 3304
Nampa, ID 83653
Cell: (208) 850-7777
Office: (208) 466-3331
Fax: (208) 466-5717

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Tuesday, April 23, 2013 12:13 PM
To: Mike Mussell
Subject: Water Supply Bank Rental Application for 61-161BN

Mike,

Your Water Supply Bank (WSB) Rental application has been received, and I have noted a discrepancy that will need to be addressed before we can consider your application. Please contact Tim Page at the Boise Project Board of Control to request their agreement to your proposal to use the New York Canal to deliver the rented water. We can accept a letter or email from an authorized individual familiar with your request. I have attached a scanned copy of your application for you to share with them.

I will forward your WSB application to begin processing, but we will need the agreement of the owner of the distribution system to complete the process. We currently have a slight backlog of applications, so you have a small window to collect this documentation before processing is delayed.

Let me know if you have any questions.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Dept. of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
(208) 287-4951
pam.skaggs@idwr.idaho.gov

Palmer, Cherie

From: Palmer, Cherie
Sent: Wednesday, April 17, 2013 9:50 AM
To: Knowles, Corbin
Subject: RE: WSB

Ahh, I see. So right 63-161BN is the SV homeowners and 63-31833 is Boise Valley Irrigation Ditch (Idaho Shakespeare Festival is the user). 63-161BN is tied into 63-2932 so they would have to rent both since they are completely overlapped...would not add any additional volume,rate,acres. Looks like it would look like this:

63-161BN:	0.50 cfs	112.5 af	25 acres
63-2932:	0.50 cfs	2.5 af	25 acres
Total	0.50	112.5 af	25 acres
63-31833:	0.19 cfs	42.8 af	9.5 acres
Grand total:	0.69 cfs	155.3 af	34.5 acres

They'd be a little short on the volume but maybe they can work with Boise control to work with that volume.

Cherie

From: Knowles, Corbin
Sent: Wednesday, April 17, 2013 9:39 AM
To: Palmer, Cherie
Subject: Re: WSB

Is that the surprise valley right? I'm not in the office yet, sick house and my wife had work this morning so I'm in late today.

On Apr 17, 2013, at 9:15 AM, "Palmer, Cherie" <Cherie.Palmer@idwr.idaho.gov> wrote:

You'd have to use both right to go to the volume but what about 63-31833 and 63-161BN?

Cherie

From: Knowles, Corbin
Sent: Tuesday, April 16, 2013 11:27 AM
To: Palmer, Cherie
Subject: RE: WSB

Are there any with a better priority date?

From: Palmer, Cherie
Sent: Tuesday, April 16, 2013 11:21 AM
To: Knowles, Corbin
Subject: WSB

It looks like there are some rights available for rent out of the Boise River. Specifically, it looks like right 63-295 might work. I would suggest that they put in an application and see what happens.

Cherie