



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

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

October 10, 2012

ELIZABETH G MULLINS, DEBRA G HASTINGS, and WARREN C GIFFORD

C/O KATHIE LEVISON

PO BOX 6462

KETCHUM ID 83340

RE: APPLICATION TO LEASE WATER RIGHT NO. 34-14149 TO THE WATER SUPPLY BANK

Dear Applicant:

On July 18, 2012, the Department received your application to lease 34-14149 to the Water Supply Bank. Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department 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."

In a standard Department review, it appears there may have been more than five years of non-use associated with the water right you seek to lease. This review shows no evidence of irrigation between 2006 and 2011. I did not pursue the review earlier than 2006. If we count up the years of non-use (2006, 2007, 2008, 2009, 2010 and 2011), you see it adds up to more than five years of non-use.

Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 can not be met and we must deny your lease application. If you wish to apply for a lease again, please submit evidence that the water right has not undergone a five-year period of non-use. Please contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum

Sr. Water Resource Agent

C: Lyle Swank – IDWR Eastern Regional Office
Jennifer Talmadge – Assistant to James P. Speck – Speck & Aanestad
Roger Totten – Watermaster, Water District 34

RECEIVED

JUL 18 2012

Form 42-1761-1 08/11

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____
Receipt No. 095738
Date/by 7/18/2012 SPJ
(For Department Use Only)

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

Name of Seller/Lessor Elizabeth G. Mullins, Debra G. Hastings, & Warren C. Gifford Phone (208) 725-6790 (Kathie Levison)
Mailing address c/o Kathie Levison, P.O. Box 6462, Ketchum, ID 83340 Email klevison42@gmail.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 34-14149 Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____
_____ to _____
_____ to _____
_____ to _____
Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County

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 _____

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:

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JUL 20 2012

C. GENERAL INFORMATION

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

Headgate to flood irrigation ditches.

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

None.

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

Yes ☐ No ☒

If yes, describe. _____

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.

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 5/1/2012 to 10/15/2016 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

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.

Signature of Applicant

Elizabeth G. Mullins
 Printed Name and Title*

Date

7-11-2012

Signature of Applicant

Debra G. Hastings
 Printed Name and Title*

Date

Signature

Warren C. Gifford

Date

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

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Debra G. Hastings

Signature of Applicant

Elizabeth G. Mullins

Printed Name and Title*

Debra G. Hastings

Printed Name and Title*

Warren C. Gifford

Signature

Date

5/23/12

Date

Date

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

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Elizabeth G. Mullins
Printed Name and Title*

Date

Signature of Applicant

Debra G. Hastings
Printed Name and Title*

Date

Signature

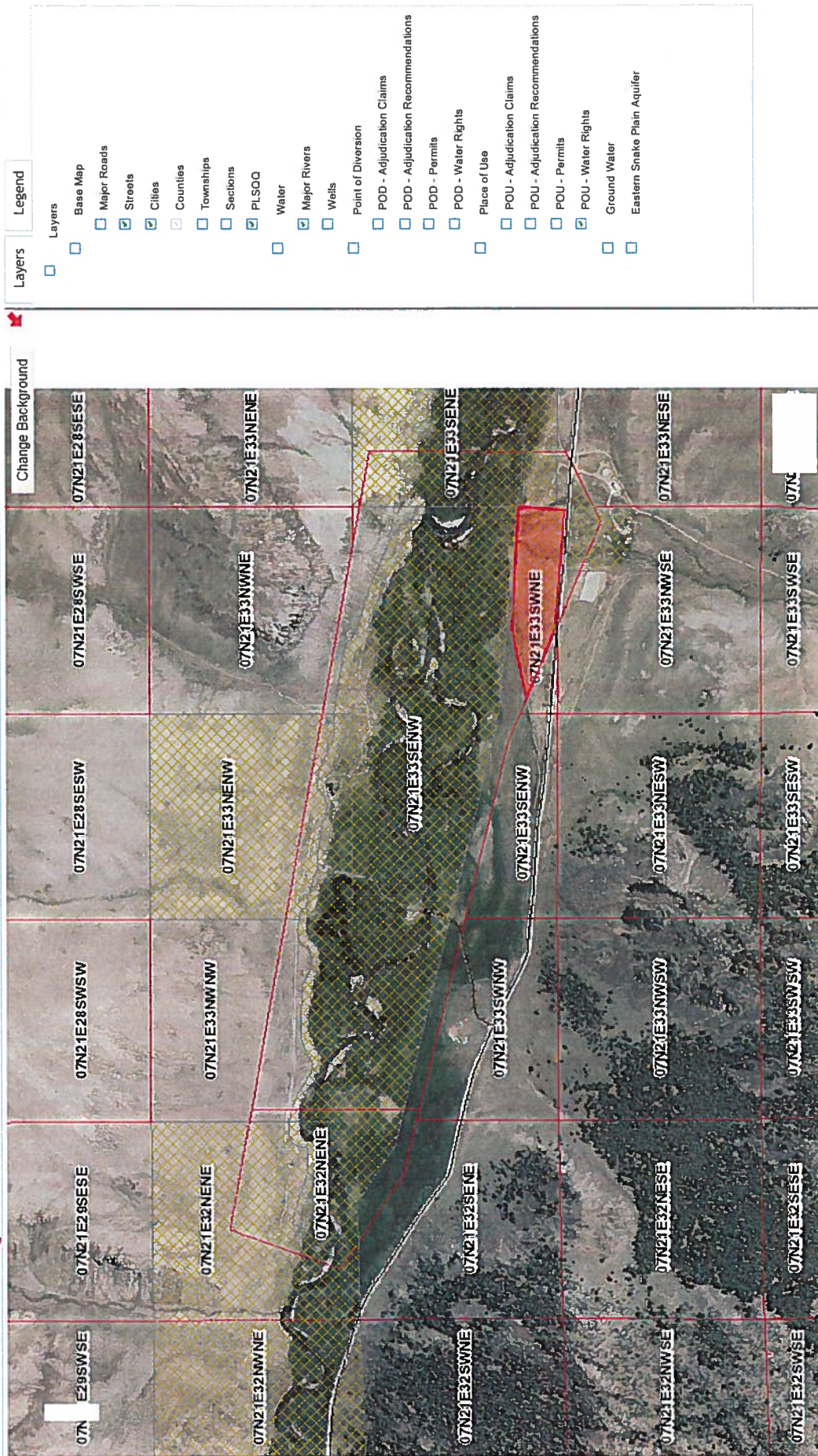
Warren C. Gifford

Date

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

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JUL 20 2012



34-14149

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SELECT ACTIVE LAYER

POU - Water Rights

2501637; 1411319