

## MEMORANDUM

TO: Water Right File 63-31915  
FROM: Monica Van Bussum  
DATE: September 2, 2010  
SUBJECT: B/V Construction Water Supply Bank Lease Application

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### SUMMARY

On May 21, 2010, the Department received an application to lease water right 63-31915 to the Water Supply Bank (WSB). The lease application sought an indefinite lease.

The applications seeks to place the entirety of 63-31915 (10 acres, 0.20 cfs, 41.04 AFA) into the WSB.

### AUTHORITY TO FILE

The individuals signing the application are the owners of the company listed as current owner of the water rights. This was confirmed with the Idaho Secretary of State's Business Entities Search online.

### STATE WATER PLAN

Acquisition of the right will be within the State Water Plan.

### ABANDONMENT

The right was partially decreed on April 29, 2009, and forfeiture would not have begun tolling until that date.

### LOCAL PUBLIC INTEREST

The lease is in the local public interest.

### PROBABILITY OF RENTAL

Basin 63 is an active area for rentals from the WSB.

### LEASE PERIOD

Per verbal communication from Shelley Keen and John Homan, the Department will no longer be accepting leases indefinitely, but for a maximum of five years.

### RECOMMENDATION

The lease application was not received until after the irrigation season had commenced, making it an unlikely candidate to satisfy 2010 rentals. The first year of the least should be 2011 and should run for 5 irrigation seasons. Acceptance of the lease application is recommended with a lease period of 2011, 2012, 2013, 2014 and 2015.

RECEIVED

JUN 08 2010

Water Supply Bank No. \_\_\_\_\_  
(for Department use only)

Department of Water Resources  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 21 2010

WATER RESOURCES  
WESTERN REGION

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

Name of Seller/Lessor B/V Construction Phone 208-573-4952

Mailing Address PO Box 610, Middleton, ID 83644 Email \_\_\_\_\_

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

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

| 1. <u>Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u>        |
|------------------------|---------------------------|----------------------|-----------------------------|
| <u>63-31915</u>        | <u>0.20 cfs/41.04 afa</u> | <u>Irrigation</u>    | <u>4/15</u> to <u>10/15</u> |
| _____                  | _____                     | _____                | _____ to _____              |
| _____                  | _____                     | _____                | _____ to _____              |

Total: 0.20 cfs/41.04 afa

2. Source of water Ground Water tributary to \_\_\_\_\_

3. Point(s) of Diversion:

| Twp | Rge | Sec | Lot | ¼ | ¼  | ¼  | County |
|-----|-----|-----|-----|---|----|----|--------|
| 5N  | 2W  | 7   |     |   | NW | NW | Canyon |
|     |     |     |     |   |    |    |        |
|     |     |     |     |   |    |    |        |
|     |     |     |     |   |    |    |        |

4. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 5N  | 2W  | 7   |        |    |    |    |      | 10 |    |    |      |    |    |    |      |    |    |    | 10     |
|     |     |     |        |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |        |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |        |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |        |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** 10

**B. OWNERSHIP**

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank?

Yes X 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 water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts?

No X Yes \_\_\_\_\_ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity: \_\_\_\_\_

### C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.  
Well, pump
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?  
No ☒ Yes ☐ If yes, describe. \_\_\_\_\_
4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?  
No ☒ Yes ☐ 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?  
No ☒ Yes ☐ If yes, describe. \_\_\_\_\_

### D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale or lease:  
Sale ☐ Lease ☒  
If lease, for a period from \_\_\_\_\_ to \_\_\_\_\_ OR ☒ Indefinite  
(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 Idaho Water Resource Board. 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

  
\_\_\_\_\_  
Signature of Applicant

Chris Doyle Owner  
\_\_\_\_\_  
Printed Name and Title\*

May 12, 2010  
\_\_\_\_\_  
Date

Tracy Doyle Owner  
\_\_\_\_\_  
Printed Name and Title\*

May 12, 2010  
\_\_\_\_\_  
Date



**SPF WATER**  
ENGINEERING

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May 20, 2010

RECEIVED

MAY 21 2010

WATER RESOURCES  
WESTERN REGION

Jean Hersley  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

***Subject: Notice of Change in Water Right Ownership  
Application to Lease a Water Right to the IWSB***

Dear Jean,

Enclosed on behalf of B/V Construction, LLC is a Notice of Change in Water Right Ownership for water right 63-31915. Upon ownership change, please submit the attached Application to Lease Water Right 63-31915 to the Idaho Water Bank for processing.

Money Order No. 14-091382927 for \$25 is enclosed for the filing fee. Please let me know if there are any questions. Thanks Jean.

Sincerely,

Lori Graves  
Water Rights Specialist

Cc: Chris and Tracy Doyle

Enclosures

SPF file number: 355.0010



## 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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

June 15, 2010

B/V Construction  
PO Box 610  
Middleton, ID 83634

**RE: APPLICATION(S) TO LEASE WATER RIGHT NO(S). 63-31915 TO THE WATER  
SUPPLY BANK**

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your 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 application(s) is not processed prior to the end of the proposed lease period, it will be returned to the applicant. The Department regrets any inconvenience caused by the delay.

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. If forfeiture is a concern, you may also consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right. This and other water right forms are available from the Department's web site at:

<http://www.idwr.idaho.gov/>

Sincerely,

A handwritten signature in cursive script that reads "Aaron Marshall".

Aaron Marshall  
Sr. Water Resource Agent  
(208) 287-4943  
[aaron.marshall@idwr.idaho.gov](mailto:aaron.marshall@idwr.idaho.gov)

CC: SPF Water Engineering