



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 17, 2022

ELEANOR I CHASE
C/O MICHAEL J CHASE
3439 HWY 30 W
NEW PLYMOUTH ID 83655

**RE: WATER SUPPLY BANK LEASE APPLICATION(S) FOR WATER RIGHT
NO(S). 63-5226**

Dear Applicant:

On November 22, 2021 the Idaho Department of Water Resources (Department) received your application(s) to lease water right no(s). 63-5226 to the Water Supply Bank (Bank).

The Department has sent two separate requests dated January 12 and April 19, 2022 for the required additional information and the lessor designation form. The requested information has not been received by the Department, the application is incomplete, and cannot be processed. This letter is notice that **the attached application to lease water to the Bank is returned.**

A refund has been requested and will be sent to you under separate cover from the State Controller's office.

Please note the forfeiture period is not tolled unless a right 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 consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form.

You can reapply to lease the water right(s) in the future by submitting new application form(s) along with required information. Water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have questions regarding this matter, please contact the Department at 287-4800.
Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s): Lease Application

SCANNED

OCT 17 2022

STATE OF IDAHO
WATER RESOURCE BOARD

RETURNED

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

RECEIVED
NOV 22 2021
DEPARTMENT OF
WATER RESOURCES

Designated Applicant Eleanor I. Chase Water Right No. 63-5226
(Select one owner – see item 1A on the application) (One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. 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. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☐ | ☒ | Signatures and contact information for all owners of the water right to be leased or sold on this application. |
| 1B | ☐ | ☒ | An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☐ | ☒ | 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. |
| 3 | ☐ | ☒ | 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. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov . |
| 4A | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 4G | ☒ | ☒ | Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ <u>250 -</u>	Received By: <u>km</u>	Date Received: <u>11.22.21</u>	Receipt # <u>C111358</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Estate of Eleanor I. Chase</u>	

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OCT 17 2022

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NOV 22 2021

DEPARTMENT OF
WATER RESOURCES

RETURNED

STATE OF IDAHO
WATER RESOURCE BOARD
APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, 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 Eleanor I. Chase

Mailing Address 3439 Hwy 30 W New Plymouth Idaho 83655
Street City State Zip Code

Email Address cjmchase@aol.com Phone Number 208-880-9423

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

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
 If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
 If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
 If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Michael J Chase Organization PR of Eleanor I Chase Estate

Professional Title _____ Email Address cjmchase@aol.com

Mailing Address 3439 Hwy 30 W, New Plymouth, ID 83655 Phone Number 208-880-9423

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

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STATE OF IDAHO
WATER RESOURCE BOARD
RETURNED
APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. 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 authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

- B. Please provide a description of the current water diversion and delivery system.

Diversion system consist of 2 interconnected jet pumps on well.

- C. 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. 63-15820 domestic use for .04cfs is diverted at the same point of diversion.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Total right of .1cfs was placed in Water Supply Bank from 1/1/2012 to 12/31/2016.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☒ No ☐

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. Water right was placed in Water Supply Bank from 1/1/2012 to 12/31/2016.

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

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD
RETURNED
APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2022 to 2027 (maximum lease period 5 calendar years).
(Year) (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 as established by IWRB.

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

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 is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Michael J. Chase, PR of Eleanor I. Chase Estate Eleanor I. Chase
Signature of Designated Applicant Printed Name

11/18/2021
Date

Michael J. Chase
Signature of Authorized Representative

Michael J Chase
Printed Name

11/18/2021
Date

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

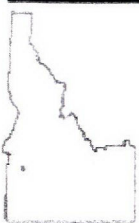
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State of Idaho
Department of Water Resources
Water Right

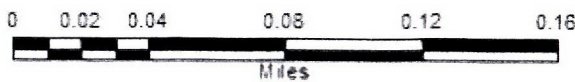
63-5226

STOCKWATER

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.



Date created: 11/13/2021



Legend

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



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OCT 17 2022

State of Idaho
Department of Water Resources
Water Right

63-5226

COMMERCIAL

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.



Date created: 11/10/2021



Legend

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



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OCT 17 2022

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NOV 22 2021

DEPARTMENT OF
WARRANTS

FINCH & ASSOCIATES LAW OFFICE, P.A.

Michelle R. Finch, ISB No. 3382

103 W. Idaho

P.O. Box 1296

Boise, ID 83701

Telephone: (208) 385-0800

Facsimile: (208) 389-2186

contactus@familylegalsolutions.com

RETURNED

JUN 28 2006

J. DAVID NAVARRO, Clerk
By L. MARTIN
DEPUTY

Attorneys for Personal Representative

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE ESTATE OF)

ELEANOR IRENE CHASE,)

Deceased.)

CASE NO. SP IE 0200058M

ORDER APPOINTING
SUCCESSOR CO- PERSONAL
REPRESENTATIVE

Upon consideration of the Motion to Appoint Successor Personal Representative, having come before the Court for hearing on the 27th day of June, 2006, and the Court having received no objection to the same,

IT IS HEREBY ORDERED AND THIS DOES ORDER AS FOLLOWS:

1. Michael J. Chase and William Chase are hereby formally appointed as co-personal representatives of the estate of the decedent, to act without bond.
2. Upon qualification and acceptance, Amended Letters of Appointment as Joint Personal

ORDER APPOINTING SUCCESSOR
JOINT PERSONAL REPRESENTATIVE - 1

SCANNED

OCT 17 2022

RETURNED

Representatives shall be issued to the co-personal representatives, William Chase and Michael J. Chase.

DATED this 27th day of June, 2006.

CHRISTOPHER M. BIETER

Magistrate

ORDER APPOINTING SUCCESSOR
JOINT PERSONAL REPRESENTATIVE - 2

SCANNED

OCT 17 2022

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley
DATE: October 17, 2022
RE: **Refund: No fee required**

Please refund \$250.

NAME: MICHAEL J CHASE
3439 HWY 30 W
NEW PLYMOUTH ID 83655

RECEIPT #: C111358

Thank you.

Jean

SCANNED

OCT 17 2022

Hersley, Jean

From: Hersley, Jean
Sent: Monday, October 17, 2022 2:39 PM
To: IdwrPayable
Subject: Refund
Attachments: CHASE WSB.doc

Please process as soon as possible. Thank you.

Jean



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 19, 2022

ELEANOR I CHASE
C/O MICHAEL J CHASE
3439 HWY 30 W
NEW PLYMOUTH ID 83655

RE: LEASE APPLICATION FEE REQUEST TO LEASE WATER RIGHT NO(S). 63-5226 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources (Department) received your application(s) to lease water right(s) 63-5226 to the Bank on November 22, 2021. An email requesting additional information was sent to cjmchase@aol.com on January 12, 2022. The requested information has not been received.

The Department needs to know if the water from this right has been put to beneficial use since it was released from the Bank in 2016. Were the cattle watered and was the dairy in production?

Attached to the email was a lessor designation form. Since there are two people listed as current owners of the water right, H. Bryan Chase II and Eleanor I. Chase, this form will need to be filled out and returned to the Department. If the right is rented from the Bank, the Department can send the payment to one of the owners. If this is not filled out, the Department will place BOTH owners on the lease contract which will require both owners to sign the contracts and any payments will be split between the owners. As successor co-personal representative, you may sign on behalf of Eleanor Irene Chase. I have enclosed another form for your benefit.

The Department cannot process the Water Supply Bank Lease Application without the proper information. We will hold any action on the application pending receipt of the requested information. If we do not receive the requested information within 14 days, the Department will return your application unprocessed.

Please note the forfeiture period is not tolled unless a right 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 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, <http://www.idwr.idaho.gov>.

Please contact me if you have any questions at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

SCANNED

OCT 17 2022

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, January 12, 2022 1:25 PM
To: 'CJMCHASE@AOL.COM'
Cc: Bank
Subject: WSB Lease Application 63-5226
Attachments: WSB-lessor-designation.pdf

Dear Water Right owner:

The Department of Water Resources is in the process of reviewing your application to lease water right 63-5226 to the Water Supply Bank. A couple of things surfaced during the review.

Has the water from this right been put to beneficial use since it was released from the Bank in 2016? Were cattle watered and was the dairy in production?

Also, there are two people listed as owners of this right. I have attached a lessor designation form to be filled out and returned to the Department. This form is needed if the right is rented the Department can send the payment to one of the owners. If this is not filled out, the Department will place both owners on the lease. We will need both owners to sign the contract and any payment will be split between the two owners. As successor co-personal representative, you may sign on behalf of Eleanor Irene Chase.

Please let the Department know if you have any questions. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*