

**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED

JUL 20 2022

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Brassey Properties LLC **Water Right No.** 63-5304
(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 <u>Internal Revenue Service (IRS) Form W-9</u> 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>250.00</u>	Received By: <u>WJ</u>	Date Received: <u>7/20/22</u>	Receipt # <u>C113488</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Brassey Properties LLC</u>	

2407

Returned

AUG 17 2023

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 Brassey Properties LLC

Mailing Address 1206 N 24th Street Boise Idaho 83706
Street City State Zip Code
Email Address sparry2602@gmail.com Phone Number 208-830-0232

☒ 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 Steve Parry Organization Brassey Properties LLC
Professional Title Manager Email Address sparry2602@gmail.com
Mailing Address 3075 Crescent Rim Dr #304, Boise, ID 83706 Phone Number 208-830-0232

☒ 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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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.
Small rock diversion dams and then ditch delivery system.
- 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. N/A
- 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. 0.44 CFS diverted annually.
- 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.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒
If yes, describe.

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(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)

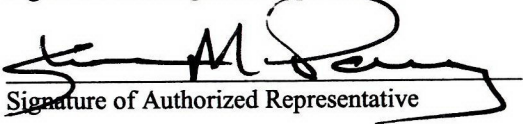
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current Rental Rate _____

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.

Signature of Designated Applicant



Printed Name

Steven M Parry

Date

7-19-2022

Signature of Authorized Representative

Printed Name

Date

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

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WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: [Signature]

Received Date

7/20/2022

Desired Lease Duration

2022 - 2026

Lease / Rental Package

Y

(N)

If yes, Renter Name:

Application # 2407

Contract #

WR#s		#
		63-5304
#		#
#		#
#		#
#		#
#		#
#		#
#		#

Applicant Authorized?

(Y) / N

Multiple owners, Attach 1A included?

Y / N (NA)

If portion is offered, Attach 2 included?

Y / N (NA)

Map of POU and POD?

Y / N (NA)

POD Consent (if required)?

Y / N (NA)

Application Complete?

(Y) / N

Minimum checklist in data base?

☒

Request for additional information letter sent:

Y (NA)

Stacked Water Rights Need to be Leased?

☐

WSB Action Request for deficiencies

☐

If checked, list water rights:

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)

Designated Applicant:

CC

Original

☐

☐

EMAIL:

Attorney:

☐

☐

EMAIL:

Consultants Name:

☐

Comments:

Watermaster:

☐

Delivery Entity:

☐

Water District:

☐

Ground Water District:

☐

Region:

☐

Other:

☐

Address:

☐

No refund

Call up Date:

DO NOT SCAN



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

April 3, 2023

BRASSEY PROPERTIES LLC
C/O STEVEN PARRY
1206 N 24TH STREET
BOISE ID 83706

**RE: RETURNED APPLICATION TO LEASE WATER RIGHT NOS. 63-5295 & 63-5304 TO
THE WATER SUPPLY BANK**

Dear Applicant:

On July 20, 2022, the Idaho Department of Water Resources (Department) received your application(s) to lease water right no(s). 63-5295 and 63-5304 to the Water Supply Bank (Bank). Per your request, the lease applications were modified to remove consideration of the irrigation components of the rights, and only consider the mining portions. The Department has sent two separate requests dated November 18, 2022, and January 5, 2023 for additional information to support a defense to forfeiture for the mining portion of these rights and for authority to sign.

There is not enough information made available to us to verify whether the mining portion of these rights meet the criteria under Idaho Code § 42-223(11) for a defense from forfeiture, nor has Article 9 of the Operating Agreement for Brassey Properties been submitted per our request to verify your authority to act on behalf of the company to enter into a lease contract with the Department and Idaho Water Resource Board. Therefore, the lease applications are incomplete and cannot be processed. This letter is notice that **the attached application(s) to lease water to the Bank are returned.**

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 file 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 applicable fees. Water right forms are available from the Department's web site at www.idwr.idaho.gov. Due to the time and resources expended on the review of the lease applications, the lease application fees will not be refunded.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

SCANNED
AUG 07 2023



Governor Brad Little

Director Gary Spackman

November 18, 2022

BRASSEY PROPERTIES
1206 N 24TH STREET
BOISE ID, 83554

RE: Water Supply Bank Lease Application Nos. 2407, & 2406 - Additional Information Required

Dear Applicant:

The Department of Water Resources (Department) received your water supply bank lease applications for water rights 63-5304 and 63-5295 on July 20th, 2022. The initial review of the applications determined additional information is necessary to continue processing this application. The following is a list of items that need addressed:

In both applications, 2406 and 2407 the validity of water rights could not be determined. According to Water Supply Bank Rules, IDAPA 37.02.03.025.02c, information must be provided to show that the water right has not been lost through abandonment or forfeited as defined by Idaho Code § 42-222(2). You need provide proof that these rights have not been abandoned or forfeited.

Water Supply Bank Rule 25 (IDAPA 37.02.03.025.08c) direct the department to consider whether a water right has been abandoned or forfeited when determining to accept a water right into the water supply bank.

-Please submit information necessary to address the items described above for the applications within 30. If the requested information is not received in 30 days, the Department cannot determine whether or not water rights 63-5304 and 635295 are valid, the Department will consider the application to be no longer valid and will return the applications

If you have any questions on this matter, please contact me at (208) 287-4913 or email at skyler.cheever@idwr.idaho.gov.

Sincerely,

Skyler Cheever
Water Resource Agent

CC Steven Parry

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AUG 17 2023

Cheever, Skyler

From: Cheever, Skyler
Sent: Friday, October 14, 2022 3:17 PM
To: sparry2602@gmail.com
Subject: Clarifications for Filed Water Supply Bank Lease Applications

Hello Mr. Parry,

I am a resource agent with the Department of Water Resources reviewing your company's lease applications. As it stands right now there is some clarification needed. In applications that were filed, for water rights 63-5304 and 63-5295 it was claimed both rights have no portion that has gone unused in 5 years, that would be 2018. However, after looking at arial imagery through our GIS program, Google Earth and even vegetation modeling I cannot defiantly prove that water has been used for the beneficial uses listed in their respective right during or after 2018. According to Water Supply Bank Rules, 37.02.03 Sec 25, 02c, information must be provided to show that the water right has been used in the last five years and is not abandoned or forfeited under Idaho Code § 42-222(2). You need provide proof that these rights have not been abandoned or forfeited. You must return this information in 30 days, or your applications would be returned. If you have any questions, please let me know.

Best,
Skyler Cheever

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913

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AUG 17 2023