

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 04 2021

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1443

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: DAVID S MC DONALD
PO BOX 5
KETCHUM, ID 83340-0001

LESSOR: H JEAN SLIGAR-SHAKSTAD
3550 E 4000 N
KIMBERLY, ID 83341

LESSOR: RAIN MC DONALD
PO BOX 11
KETCHUM, ID 83340-0001

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 17, 2020.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-23129	5/23/1885	BIG WOOD RIVER, tributary to MALAD RIVER	0.789	Not Stated	171.0
37-26	5/23/1885	BIG WOOD RIVER, tributary to MALAD RIVER	2.370	Not Stated	171.0
37-23128	5/23/1885	BIG WOOD RIVER, tributary to MALAD RIVER	0.789	Not Stated	171.0
37-23131	6/15/1886	BIG WOOD RIVER, tributary to MALAD RIVER	0.342	Not Stated	171.0
37-27	6/15/1886	BIG WOOD RIVER, tributary to MALAD RIVER	1.020	Not Stated	171.0
37-23130	6/15/1886	BIG WOOD RIVER, tributary to MALAD RIVER	0.342	Not Stated	171.0
Combined Limit Totals			5.652	Not Stated	171.0
Combined Lease Totals			5.652	Not Stated	171.0

STATE OF IDAHO
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WATER SUPPLY BANK LEASE CONTRACT No. 1443

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-23129	0.789	598.5	171.0	0.005	3.5
37-26	2.370	598.5	171.0	0.014	3.5
37-23128	0.789	598.5	171.0	0.005	3.5
37-23131	0.342	598.5	171.0	0.002	3.5
37-27	1.020	598.5	171.0	0.006	3.5
37-23130	0.342	598.5	171.0	0.002	3.5
Combined Limit Totals	5.652	598.5	171.0	0.033	3.5

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits defined volume limit that is based on the regional field headgate irrigation standard of 3.5 afa/acre.*

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2021 to December 31, 2025. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

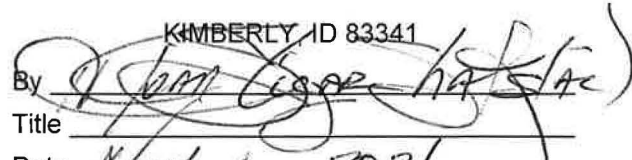
WATER SUPPLY BANK LEASE CONTRACT No. 1443

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: DAVID S MC DONALD
PO BOX 5
KETCHUM, ID 83340-0001

By _____
Title _____
Date _____

LESSOR: H JEAN SLIGAR-SHAKSTAD
3550 E 4000 N
KIMBERLY ID 83341

By 
Title _____
Date Nov 1, 2021

LESSOR: RAIN MC DONALD
PO BOX 11
KETCHUM, ID 83340-0001

By _____
Title _____
Date _____

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 11/23/21

Lease approved by IDWR



Date 11/23/21

STATE OF IDAHO
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DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1443

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: DAVID S. MC DONALD
PO BOX 5
KETCHUM ID 83340-0001

By _____
Title _____
Date 11-16-21

LESSOR: H JEAN SLIGAR-SHAKSTAD
3550 E 4000 N
KIMBERLY, ID 83341

By _____
Title _____
Date _____

LESSOR: RAIN MC DONALD
PO BOX 11
KETCHUM, ID 83340-0001

By Rain
Title _____
Date 11/17/2021

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By _____
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date _____

Lease approved by IDWR _____

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1443

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 37-23129, 37-23131, 37-26, 37-27, 37-23128, 37-23130

BIG WOOD RIVER NWNENE Sec. 19 Twp 01S Rge 18E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-23129	IRRIGATION	04/15	to	10/31	0.789 cfs	Not Stated
37-23131	IRRIGATION	04/15	to	10/31	0.342 cfs	Not Stated
37-26	IRRIGATION	04/15	to	10/31	2.370 cfs	Not Stated
37-27	IRRIGATION	04/15	to	10/31	1.020 cfs	Not Stated
37-23128	IRRIGATION	04/15	to	10/31	0.789 cfs	Not Stated
37-23130	IRRIGATION	04/15	to	10/31	0.342 cfs	Not Stated
Totals:					5.652 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	17E	13																38.0	38.0
01S	17E	24	17.0																17.0
01S	18E	18											29.0 L4	26.0			17.0		72.0
01S	18E	19					18.0	26.0 L1											44.0

Total Acres: 171.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1443

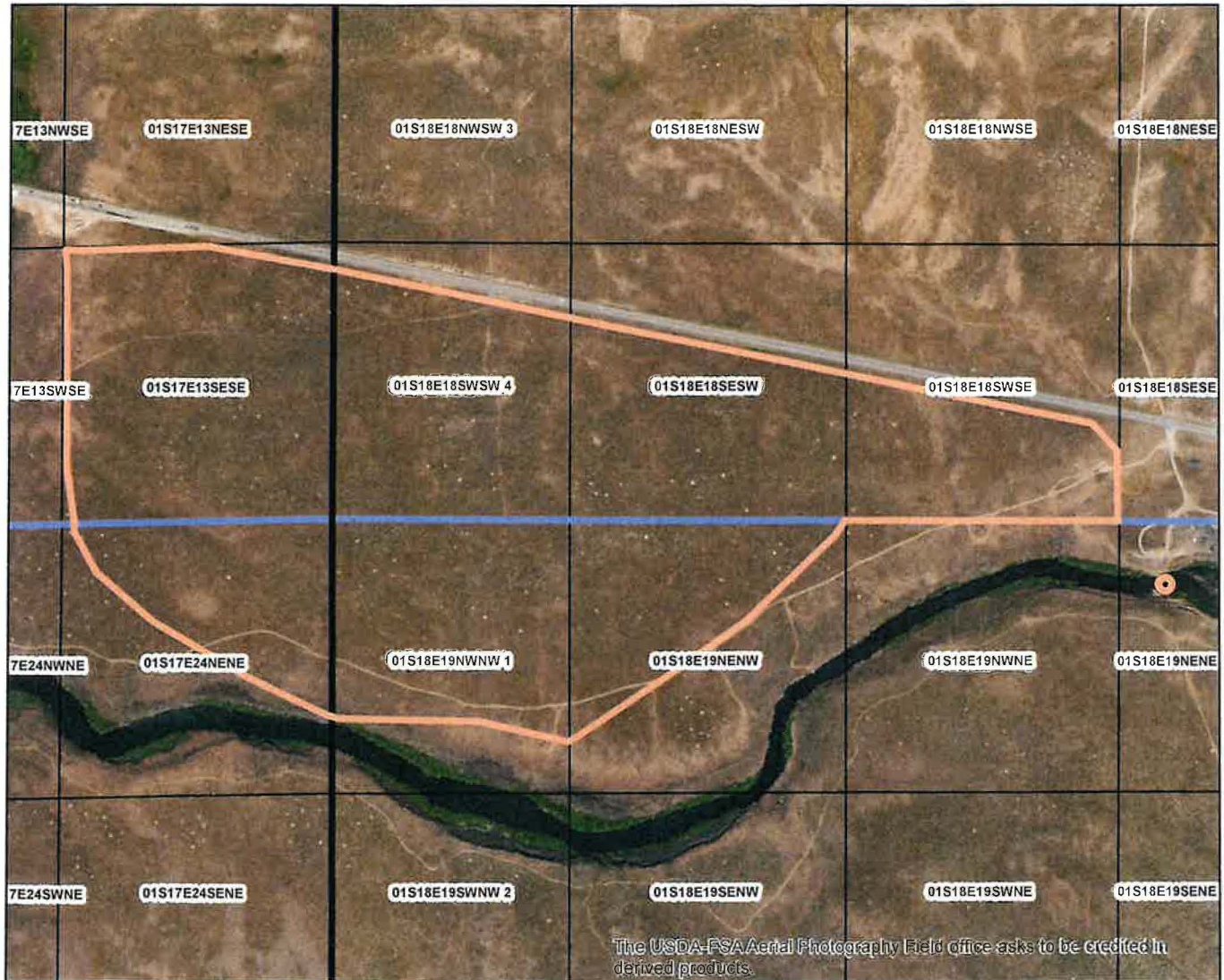
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. This right is subject to regulation by the watermaster of Water District 37.
13. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
14. Total rate of diversion includes 0.087 cfs charged for river channel loss. Water right 37-23128 is limited to 0.789 cfs at the point of diversion.
15. Total rate of diversion includes 0.26 cfs charged for river channel loss. Water right 37-26 is limited to 2.379 cfs at the point of diversion.
16. Total rate of diversion includes 0.11 cfs charged for river channel loss. Water right 37-27 is limited to 1.019 cfs at the point of diversion.
17. Total rate of diversion includes 0.038 cfs charged for river channel loss. Water right 37-23130 is limited to 0.342 cfs at the point of diversion.
18. Total rate of diversion includes 0.088 cfs charged for river channel loss. Water right 37-23129 is limited to 0.789 cfs at the point of diversion.
19. Right Nos. 37-26, 37-27, 37-23128, 37-23129, 37-23130 & 37-23131 are limited to the irrigation of a combined total of 171 acres in a single irrigation season.
20. Water Supply Bank Lease Contracts # 1435 & # 1443 are only available to rent in combination.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1443

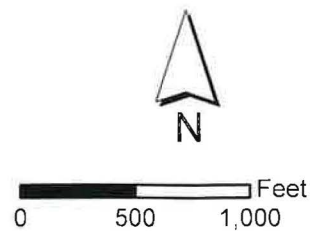
37-26, 37-27, 37-23128, 37-23129,
37-23130 & 37-23131

Effective until December 31, 2025

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Approved Lease Point of Diversion
- Approved Lease Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

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DEC 17 2020

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant H Jean Sligar-Shakstad

(Select one owner - see item 1A on the application)

Water Right No. 37-26

(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 ☒ ☐ *Notice of Change in Water Right Ownership* 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 Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 500 -Received By: KMDate Received: 12.17.2020 Receipt # C109674W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal)Name on W-9: Jeannie Sligar-Shakstad

DOI - Bureau of Land Management
Matthew Charles Thornton

1881

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 David S. McDonald

Mailing Address P.O. Box 5 Ketchum, ID 83340

Street

City

State

Zip Code

Email Address _____

Phone Number _____

☒ 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 Fritz X. Haemmerle

Organization Haemmerle Law, P.L.L.C.

Professional Title Attorney

Email Address fxh@haemlaw.com

Mailing Address _____ Phone Number _____

☐ 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.

STATE OF IDAHO
WATER RESOURCE BOARD

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 37.02.03.25.02c.

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

The right has been in the water bank for the last five (5) years.

- 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.

37-26, 37-27, 37-23128, 37-23129, 37-23130 and 37-23131.

- 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.

The right has been in the water bank for the past five (5) years.

- 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?

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

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: 2021 to 2025 (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 lease 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

H Jean Sligar-Shakstad

Printed Name

Date

Signature of Authorized Representative

Fritz X. Haemmerle

Printed Name

Date

12/16/2020

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

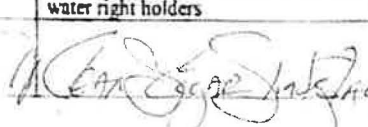
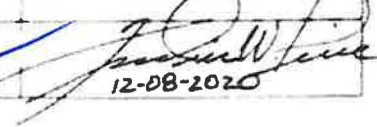
Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below:

Water Right No(s) _____

37-26

	Designated Applicant	Applicant #2	Applicant #3
Name	H Jean Sligar-Shakstad	Matthew Thorton	United States BLM
Mailing Address	3550 E. 4000 N. Kimberly, ID 83341	P.O. Box 751 Bellevue, ID 83313	1387 S. Vinnell Way Boise, ID 83709-1657
Phone Number	(208) 420-0777	(208) 788-1236	(208) 373-4000
Email Address	sligar-shakstad@gmail.com		fwprice@blm.gov
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			 12-08-2020

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

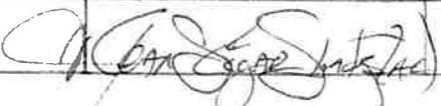
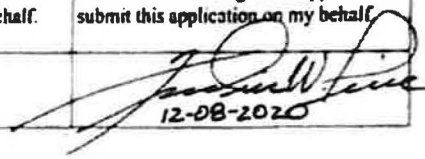
Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s) _____

37-26

	Designated Applicant	Applicant #2	Applicant #3
Name	H Jean Sligar-Shakstad	Matthew Thorton	United States BLM
Mailing Address	3550 E. 4000 N. Kimberly, ID 83341	P.O. Box 751 Bellevue, ID 83313	1387 S. Vinnell Way Boise, ID 83709-1657
Phone Number	(208) 420-0777	(208) 788-1236	(208) 373-4000
Email Address	sligar.shakstad@gmail		fwprice@blm.gov
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			 12-08-2020

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

**STATE OF IDAHO
WATER RESOURCE BOARD**

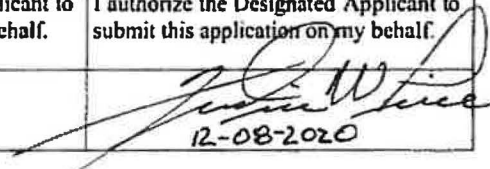
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s) _____
37-27

	Designated Applicant	Applicant #2	Applicant #3
Name	H Jean Sligar-Shakstad	Matthew Thorton	United States BLM
Mailing Address	3550 E. 4000 N. Kimberly, ID 83341	P.O. Box 751 Bellevue, ID 83313	1387 S. Vinnell Way Boise, ID 83709-1657
Phone Number	(208) 420-0777	(208) 788-1236	(208) 373-4000
Email Address			fwprice@blm.gov
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			 12-08-2020

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

Form 1221-2
(June 1969)



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office

Release 1-346

Date
September 22, 2011

MANUAL TRANSMITTAL SHEET

Subject: **1203 – DELEGATION OF AUTHORITY**

1. Explanation of Material Transmitted: This manual supplement updates delegations of authority and related procedures to the State Office, District Offices, and Field Offices and National Landscape Conservation System (NLCS) Managers (Mgr) and staff. It includes a new column for the NLCS Mgr.
2. Reports Required: None.
3. Material Superseded: The manual supplement release superseded by this release is listed under REMOVE below. This release also supersedes any Idaho Instruction Memorandum dated before this transmittal.
4. Filing Instructions: File as directed below.

REMOVE

1203 – All Pages (Release 1-343)
(Total: 61 Sheets)

INSERT

1203 (Release 1-346)
(Total: 91 Sheets)

Peter J. Ditton for

Steven A. Ellis
State Director

Distribution

1203 - DELEGATION OF AUTHORITY

Code /or Reg.	Activity	Authority Delegated To										
		SD	DSD	Br Chief	DM	FM	NLCS Mgr	AO/SSM	All Sup	SSPA	DFMO	MRF
6525	Approve cooperative management programs jointly with State wildlife agencies pursuant to the Sikes Act, as amended.	X			X	X	X					
6600 FISH, WILDLIFE, AND SPECIAL STATUS PLANT RESOURCES INVENTORY AND MONITORING												
6602	Approve wildlife inventory and monitoring plans.	X			X	X	X					
6620	Approve Habitat Management Plans.	X			X	X	X					
6800 WILDLIFE POPULATION MANAGEMENT												
6840	Conduct endangered species consultation per Section 7 of Endangered Species Act of 1973, as amended.	X			X	X	X					
7250 WATER RIGHTS												
7250	Settle water rights issues. 1) Special delegation to DSD for Resource Services and the Special Project Team (Water Rights). See Instruction Memorandum No. ID-2001-063, Subject: Water Rights Delegation of Authority.	X	1									
8000 RECREATION PROGRAMS												
8000	Authorize recreation use and specify terms and conditions of such use (exceptions are provided for in the regulations).	X			X	X	X					
8100 CULTURAL RESOURCE MANAGEMENT												
8110	Carry out matters of responsibility of BLM relating to determination of eligibility for nomination to the National Register under 36 CFR 63.	X			X	X	X					
8110	Carry out matters of responsibility of BLM relating to nomination to the National Register under 36 CFR 60.	X			X	X	X					

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250/1230 (933) P

July 27, 2001

EMS
Instruction Memorandum No. ID-2001-063
Expires: 09/30/2002

To: ICT

From: State Director

Subject: Water Rights Delegation of Authority

Idaho State Office 1203 - Delegation of Authority Manual Supplement is amended to add a delegated authority to both the Deputy State Director for Resource Services and the Branch Chief for Lands and Minerals to negotiate and settle Snake River Basin Adjudication (SRBA) water rights issues. The SRBA water rights team leader (Gary Madenford) and senior water rights specialist (Fred Price) will continue to have authority to represent the BLM regarding all water rights issues.

This delegation is effective immediately. The Idaho Delegation of Authority Supplement will be revised to reflect these changes.

Contact Jimmie Buxton if you have comments or questions regarding this issue.

Signed by:
Martha G. Hahn

Authenticated by:
Susanna M. Henry
Staff Assistant (ID-933)

cc:
ISO Water Rights Team
Larry Brown, DOJ Attorney
Mel Matlock (950)
Bill Ferry, Field Solicitor - Boise

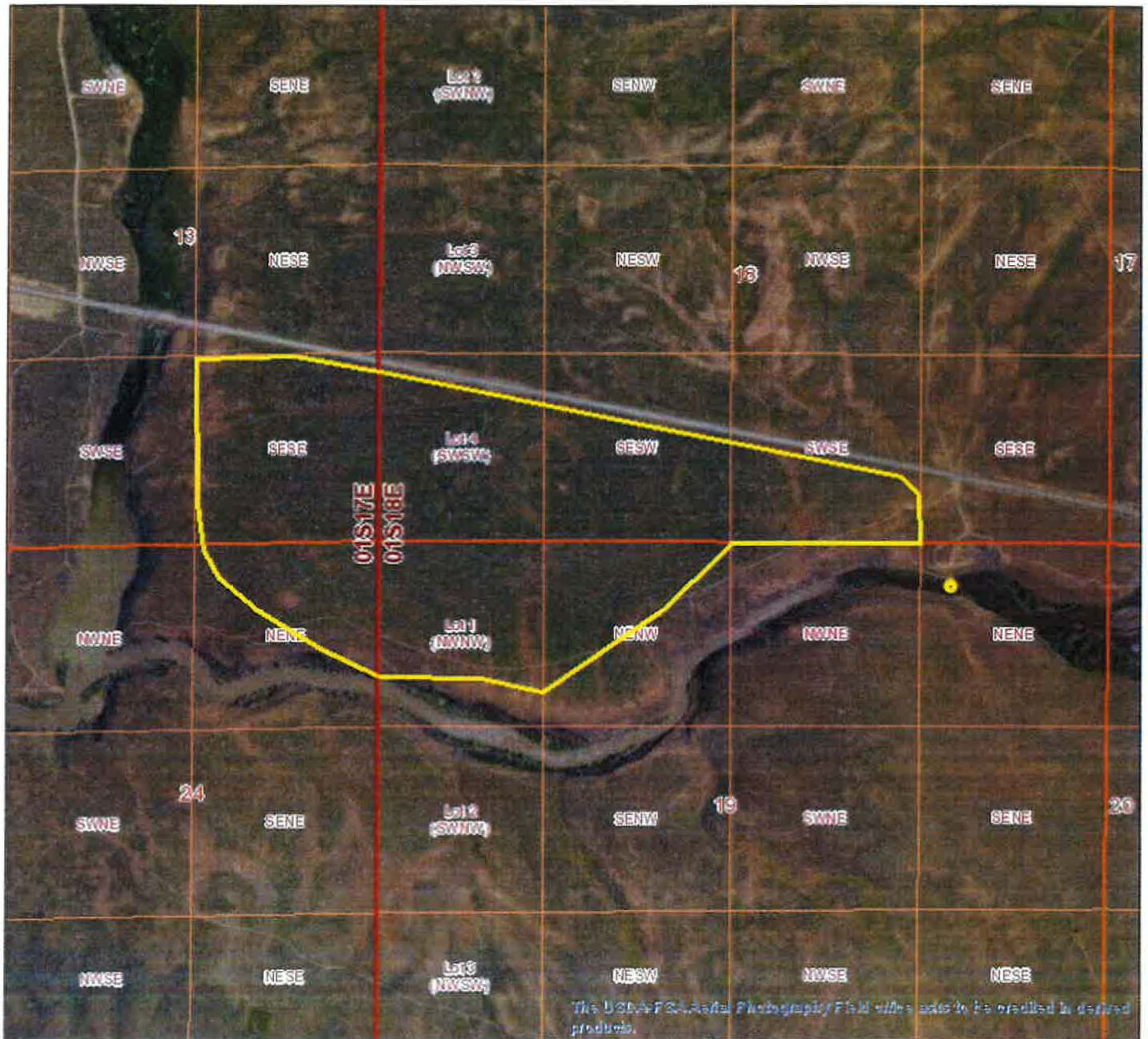
State of Idaho
Department of Water Resources

Water Right

37-27

IRRIGATION

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.



The USDA-FCS Aerial Photography Field office notes to be credited in derived products.



Date created: 11/30/2020



Legend

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





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

November 23, 2021

H JEAN SLIGAR-SHAKSTAD
3550 E 4000 N
KIMBERLY ID 83341

RAIN MCDONALD
PO BOX 11
KETCHUM ID 83340-0011

DAVID S MCDONALD
PO BOX 5
KETCHUM ID 83340-0001

**RE: WATER SUPPLY BANK LEASE CONTRACT 1443
FOR WATER RIGHTS 37-26, 37-27, 37-23128, 37-23129, 37-23130 & 37-23131**

Dear Lessor:

Water rights **37-26, 37-27, 37-23128, 37-23129, 37-23130 & 37-23131** were leased into the Water Supply Bank (Bank) as of January 1, 2021, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2025**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region
Water District No. 37



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 20, 2021

H JEAN SLIGAR-SHAKSTAD
3550 E 4000 N
KIMBERLY ID 83341

RAIN MCDONALD
PO BOX 11
KETCHUM ID 83340-0011

DAVID S MCDONALD
PO BOX 5
KETCHUM ID 83340-0001

RE: APPLICATION TO LEASE WATER RIGHTS 37-26, 37-27, 37-23128, 37-23129, 37-23130 & 37-23131 TO THE WATER SUPPLY BANK CONTRACT 1443

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2025**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Haemmerle Law

From: Hersley, Jean
Sent: Wednesday, October 20, 2021 2:01 PM
To: Skinner, Corey; Kevin Lakey
Subject: WSB Lease Contracts for 37-26, 37-27 and all splits
Attachments: Idled Acres.mxd; Lease Application Review 37-26 et al.xls; Lease Contract -1443.docx; Lease Application Review 37-23348 37-23349.xls; Lease Contract - Template.docx

Please let me know if you have any comments or concerns with the attached leases. The BLM water rights are splits from 37-26 & 37-27. BLM submitted their lease applications with the filing fee separate of the others. Fritz Haemmerle submitted the other lease applications from Sligard-Shakstad/Thornton and David McDonald and Rain McDonald with one fee. They were given the opportunity to separate the water rights on individual contracts, but no word or additional filing fee was received.

Water Rights 37-26 & 37-27 are the parents of the other rights and have been in the Bank since before they were decreed.

Thank you.

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

WATER SUPPLY BANK

Quick Tools

Lease Review Checklist

Applicant(s) Name: Sligar-Shakstad, David McDonald, Rain McDonald

Memo Date: October 20, 2021

Water Right Number(s): 37-26, 37-27, 37-23128 thru 37-23131

Reviewers Name: Jean

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

	Check box		COMMENTS/CONCERNS:
1	☒	Fill out WSB Data Entry Checklist for Leases (Front of File)	
2		Reason for lease of water rights (Brief description of lease proposal in narrative)	
		Portion of right	irrigation only
		All of right	
3		Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)	
	Yes	No	
4	☒	Rentable? (If no explain in comments or narrative)	with contract 1435
5		Authority to file	
	☒	Current owner or designated applicant	
		SOS Web site checked for business entity	
		Other (explain in comments)	
6		Water Right validity	
		Decreed/Licensed/Statutory claim date (write in comments section)	2010
		Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)	
	☒	Has this right previously been leased to the bank or in CREP?	since 2003
7		Injury to other water rights	
		If the POD is through a delivery entity, was consent provided?	na
		If the POD is through a delivery entity, was holdback required? (percentage in comments)	%
		Any other concerns	
8		Enlargement concerns	
	☒	Complete a POU comparison overlap analysis	
	☒	Complete a combined limits review	
	☒	Complete POD overlap analysis (if there is an overlap add condition to lease)	
	Yes	No	
	☒	Are there overlapping rights that need to be placed in the bank also?	37-23348 & 37-23349
	☒	Will the place of use continue to receive water? (if yes explain in comments)	
9		Local Public Interest	
	☒	Does the processor know of any problems this action will cause for the local public?	
10	☒	Have you contacted regional office and watermaster for comment/concerns?	
		Send the watermaster comment request form or e-mail request	
11	☒	Area Headgate requirement (write in Comments)	3.5
12		Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments	☒

Narrative: The Department received these applications on December 17, 2020 for the 2021-2025 seasons. The lessor designation originally listed Jeanne Sligar-Shakstad are the designated person for water right 37-26 & 37-27. David McDonald is the current owner of 37-23129 & 37-23131, Rain McDonald is the current owner of 37-23128 & 37-23130. The applications came from Haemmerle Law with one filing fee for all 6 rights. An email was sent on Sept. 23, 2021 requesting additional fees if the parties wanted the rights on their own contracts. No response was received. These rights will be on one contract due to a combined condition of 171.0 acres. Water rights 37-23348 & 37-23349, BLM is current owner) will be on their own contract however this contract, 1443 and the contract for BLM, 1435, must be rented together due to the acre limitation. The mitigation portion of these rights is water charged for river channel loss and are not subject to be leased. All rights are currently within WD 37.

13

From: Hersley, Jean
Sent: Thursday, September 23, 2021 8:22 AM
To: Fritz Haemerle; fwprice@blm.gov
Cc: Buyer, Remington; Condon, Mary
Subject: Water Supply Bank Lease Applications for 37-26 & 37-27

First, let me apologize for the time it has taken to get these Water Supply Bank (WSB) Lease applications processed.

Earlier this year, questions arose about why the Department did not split off Bureau of Land Management (BLM's) portion of the water right when the Notice of Change in Water Right Ownership was processed in 2013. The assumption was because of the way the current owners were listed on the water rights, that instead of splitting off BLM's portion, they should be added to the water rights as a current owner with the amounts they were entitled to as a comment on the water rights. The ownership documents were sent to our legal staff, and it was concluded that we could split off BLM's portion to their owner water right numbers. Several things occurred, and the Water Supply Bank Lease applications were placed back in the queue for Bank processing.

I am working on splitting water rights 37-26 & 37-27 into two new water rights that will have the current owner of the BLM. When that is complete, the Department will need lease applications from the BLM to place their portion of the water rights in the Bank. There are a couple of options on how to proceed with the WSB Lease applications that were filed by Mr. Haemmerle and the BLM applications.

- Option 1- If the intent is everyone to have their own contract, the Department will need a filing fee from David McDonald and Rain McDonald and BLM of \$500 each.
- Option 2- If we proceed and place all the rights on the same contract, the \$500 filing fee that has been received is sufficient.

Please let me know how to proceed with the WSB applications.

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

HAEMMERLE LAW, P.L.L.C.

Attorney & Counselor at Law

Fritz X. Haemmerle
fxh@haemlaw.com

P.O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

December 16, 2020

RECEIVED

DEC 17 2020

DEPARTMENT OF
WATER RESOURCES

Idaho Dept. of Water Resources
c/o Water Bank
P.O. Box 83720
Boise, ID 83720-0098

*Re: Request to Water Bank 37-26, 37-27, 37-23128, 37-23129, 37-23130 and
37-23131*

*Applicants: David McDonald, Rain McDonald, Bureau of Land
Management, Matthew Thornton and H Jean Sligar-Shakstad*

To Whom It May Concern:

Please find enclosed my clients' Applications to Lease Water to Water Bank, for the aforementioned water rights. All the water rights share the same place of use. The Bureau of Land Management (BLM) is one of the Applicants. Fred Price, on behalf of BLM, has submitted his Certificate of Authority and has signed the Applications for Water Rights 37-26 and 37-27. All parties have provided W-9's. Since all the rights are on the same place of use, I am enclosing a check for \$500 for the Water Bank Applications. If I have mistakenly calculated the fee, please advise.

If you require any further information, please advise.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
Encl.
cc: client

1880

1881

1882