

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 10 2021

DEPARTMENT OF
WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT No. 1416**

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

LESSOR: NORTHRIDGE V SUBDIVISION OWNERS ASSN INC
PO BOX 463
HAILEY, ID 83333

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 May 13, 2021.
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)
37-22973	3/24/1883	BIG WOOD RIVER, tributary to MALAD RIVER	0.12	Not Stated	11.5
37-22972	6/30/1884	BIG WOOD RIVER, tributary to MALAD RIVER	0.20	Not Stated	11.5
37-22971	9/18/1885	BIG WOOD RIVER, tributary to MALAD RIVER	0.10	Not Stated	11.5
37-22970	5/1/1888	BIG WOOD RIVER, tributary to MALAD RIVER	0.10	Not Stated	11.5
Combined Limit Totals			0.52	Not Stated	11.5
Combined Lease Totals			0.52	Not Stated	11.5

SUPPORT DATA

IN FILE # 37-22 970

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1416

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)
37-22973	0.10	40.25	11.5	0.009	3.5
37-22972	0.16	40.25	11.5	0.014	3.5
37-22971	0.08	40.25	11.5	0.007	3.5
37-22970	0.08	40.25	11.5	0.007	3.5
Combined Limit Totals	0.42	40.25	11.5	0.045	3.5

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits and conveyance losses of 20 %.*

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. 1416

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

LESSOR: NORTHRIDGE V SUBDIVISION
OWNERS ASSN INC
PO BOX 463
HAILEY, ID 83333

By Cassie Jones
Title President
Date 5/24/21

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

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 6/16/21

Lease approved by IDWR FP

Date 6/16/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1416

**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): 37-22970, 37-22971, 37-22972, 37-22973

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-22970	IRRIGATION	04/15	to	10/31	0.10 cfs	Not Stated
37-22971	IRRIGATION	04/15	to	10/31	0.10 cfs	Not Stated
37-22972	IRRIGATION	04/15	to	10/31	0.20 cfs	Not Stated
37-22973	IRRIGATION	04/15	to	10/31	0.12 cfs	Not Stated
Totals:					0.52 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	
02N	18E	4					1.8 L3			9.7									11.5

Total Acres: 11.5

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.
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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

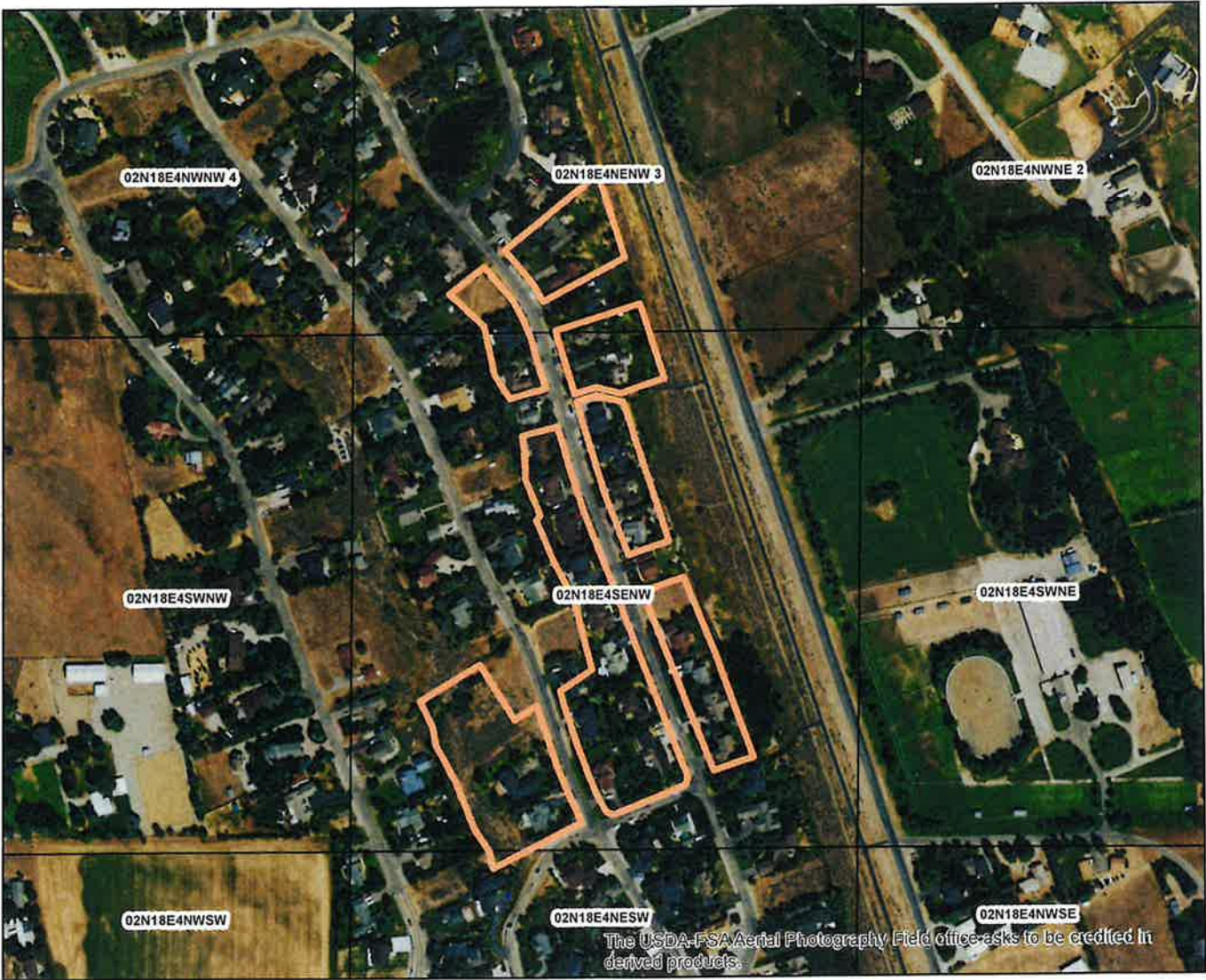
WATER SUPPLY BANK LEASE CONTRACT No. 1416

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. Water diverted from Headgate #22 delivered through Hiawatha Canal.
13. Right Nos. 37-22970, 37-22971, 37-22972 and 37-22973 are limited to the irrigation of a combined total of 11.5 acres in a single irrigation season.
14. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
15. A portion of this right provides conveyance for other right holders in the shared delivery of water through the Hiawatha Canal. To prevent injury to other water right holders, the watermaster shall deliver 20% or 0.1 cfs of the leased portion of this right into the Hiawatha Canal whether it is rented or not.
16. When combined with other rights, the leased rights shall provide not more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

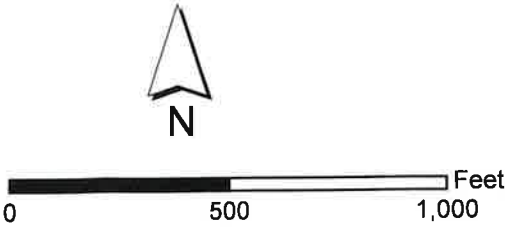
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1416

37-22970, 37-22971, 37-22972 & 37-22973
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



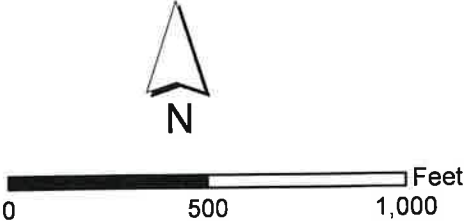
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1416

37-22970, 37-22971, 37-22972 & 37-22973
Effective until December 31, 2025

This map depicts the **approved point of diversion** 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

RECEIVED

MAY 13 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Northridge V Subdivision Owners Assn. Inc.
(Select one owner – see item 1A on the application)Water Right No. 37-22971
(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 \$ <u>500</u>	Received By: <u>Ku</u>	Date Received: <u>5-13-21</u>	Receipt # <u>C110384</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Northridge V Subdivision Owners Association Inc</u>	

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 Northridge V Subdivision Owners Assn. Inc.

Mailing Address P.O. Box 463 Hailey Idaho 83333
Street City State Zip Code

Email Address _____ Phone Number 208-578-0411

☒ 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 P.O. Box 1800 Hailey, ID 83333 Phone Number (208) 578-0520

☐ 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 37.02.03.25.02e.
- B. Please provide a description of the current water diversion and delivery system.
A delivery system does not exist at this time. Water is provided by the City of Hailey.
- 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. 37-22970, 37-22971, 37-22972, 37-22973, City of Hailey municipal rights.
- 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. Historical water rights from the Big Wood River are no longer used at this location. The City of Hailey now supplies municipal water. The two sources have never been used at the same time.
- 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. Standard rates for water rights from this source for agricultural irrigation in the Big Wood River Valley should apply.
- 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. A decree for this right was issued in the SRBA on August 30, 2011. The right was in the Water Bank from 2016 through December 31, 2020.
- 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.

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 2026 (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.

Cassie Jones
Signature of Designated Applicant

Cassie Jones

Printed Name

5/11/21
Date

Fritz X Haemmerle
Signature of Authorized Representative

Fritz X Haemmerle
Printed Name

5/11/21
Date

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

Water Rights



5/11/2021, 10:30:49 AM

POU - Water Rights



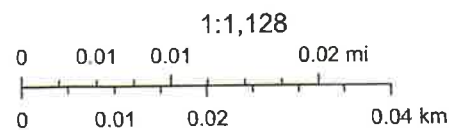
All Other POU (non-provider)



Irrigation Providers and Municipal Service Areas

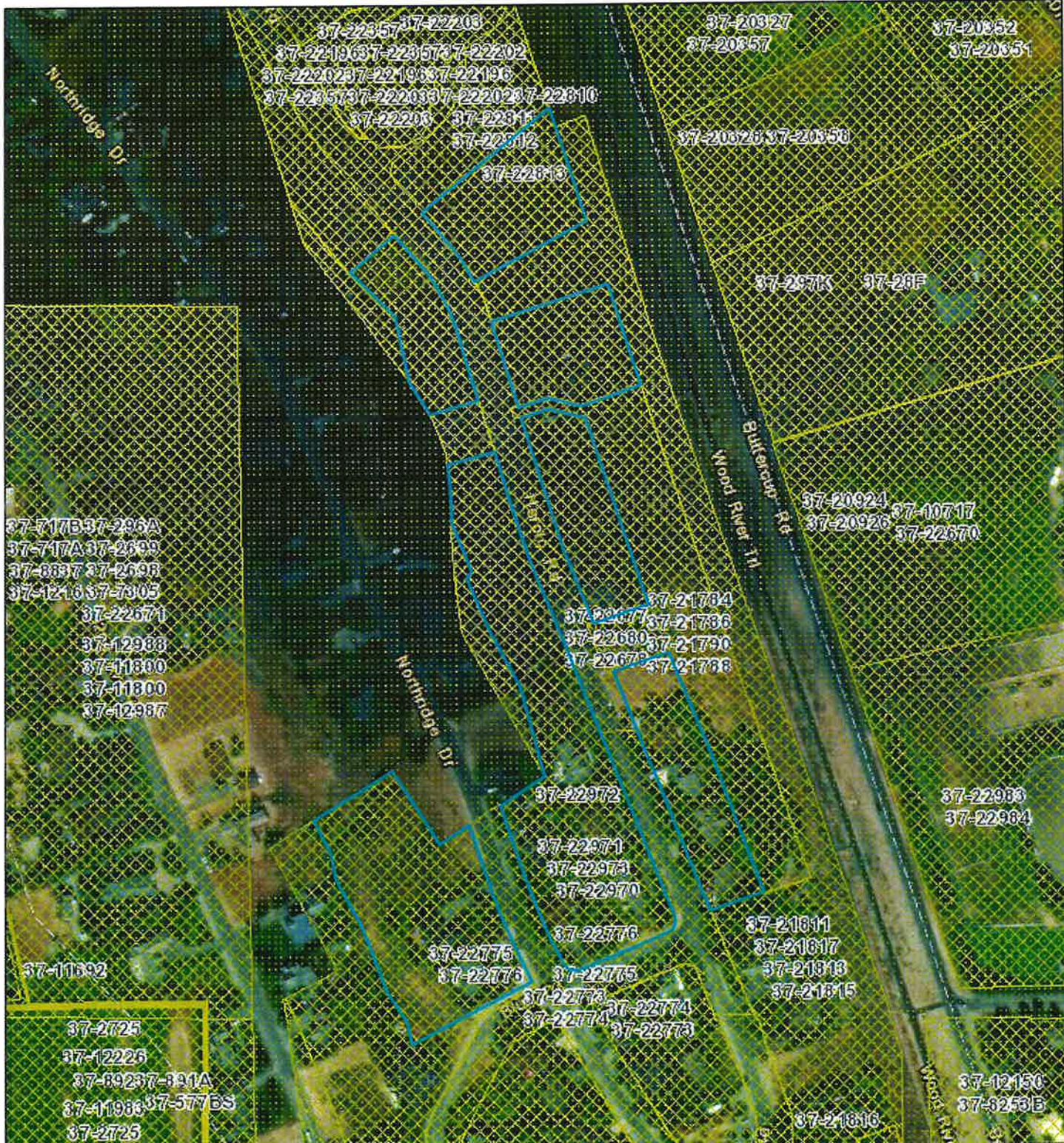


POD - Water Rights



Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Water Rights



5/11/2021, 10:31:36 AM

POU - Water Rights

 All Other POU (non-provider)

 Irrigation Providers and Municipal Service Areas

POD - Water Rights

1:4,514

A number line with two scales. The top scale is labeled in miles (mi) with markings at 0, 0.03, 0.06, and 0.11. The bottom scale is labeled in kilometers (km) with markings at 0, 0.04, 0.09, and 0.17. A yellow highlight is placed under the 0.06 mark on the miles scale, which aligns with the 0.09 mark on the kilometers scale.

Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 17, 2021

NORTHRIDGE V SUBDIVISION OWNERS ASSN INC
PO BOX 463
HAILEY ID 83333

RE: **WATER SUPPLY BANK LEASE CONTRACT 1416
FOR WATER RIGHTS 37-22970, 37-22971, 37-22972 & 37-22973**

Dear Lessor:

Water rights **37-22970, 37-22971, 37-22972 & 37-22973** 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
Haemmerle Law PLLC
Water District No. 37

Fritz X. Haemmerle
fxh@haemlaw.com

HAEMMERLE LAW, P.L.L.C.

Attorney & Counselor at Law

P.O. Box 1800
Hailey, ID 83333

RECEIVED

JUN 10 2021

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

June 1, 2021

Idaho Dept. of Water Resources
c/o Jean Hersley, Water Bank
PO Box 83720
Boise, ID 83720-0098

Re: Signed Lease Contracts: Northridge V Subdivision Owners Assoc., Inc.

Dear Ms. Hersley,

Please find enclosed: (1) Two copies of the signed Water Supply Bank Lease Contract # 1416.

If you require any further information, please advise.

Sincerely,

HAEMMERLE LAW, PLLC



Fritz X. Haemmerle

FXH: fxh
Encl.
Cc: Client

Hersley, Jean

From: Skinner, Corey
Sent: Tuesday, May 18, 2021 2:28 PM
To: Hersley, Jean
Subject: RE: WSB Lease Application for Northridge V Subdivision

I'm ok if we are good on their validity.

From: Hersley, Jean
Sent: Tuesday, May 18, 2021 1:17 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Kevin Lakey <watermanager@cableone.net>
Subject: WSB Lease Application for Northridge V Subdivision

Please let me know if you have any comments or concerns with the attached lease. Thank you.

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 19, 2021

NORTHRIDGE V SUBDIVISION OWNERS ASSN INC
PO BOX 463
HAILEY ID 83333-0400

**RE: APPLICATION TO LEASE WATER RIGHTS 37-22970, 37-22971, 37-22972 & 37-22973 TO THE
WATER SUPPLY BANK CONTRACT 1416**

******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: Haemerle Law PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, May 18, 2021 1:17 PM
To: Skinner, Corey; Kevin Lakey
Subject: WSB Lease Application for Northridge V Subdivision
Attachments: Idled Acres.pdf; Lease Application Review Northridge.xls; Lease Contract - 1416.docx

Please let me know if you have any comments or concerns with the attached lease. Thank you.

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

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: Northridge V Subdivision Ownersh Assn Inc

Memo Date: May 18, 2021

Water Right Number(s): 37-22970-22973

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2009	2015
2010	2016
2011	2017
2012	2018
2013	2019

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases	X		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right			
	All of right	X		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? If no explain in comments	X		
5	Authority to file			
	Current owner or designated applicant	X		
	SOS Web site checked for business entity			
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			
	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?		X	
7	Injury to other water rights			
	If the POD is through a delivery entity, was consent provided?	x		
	If the POD is through a delivery entity, was holdback required? (percentage in comments)	x		20%
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	No	
	Are there overlapping rights that need to be placed in the bank also?	x		
	Will the place of use continue to receive water?	x		
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?	x		
10	Have you contacted regional office and watermaster for comment/concerns?	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement			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		X	
13	Narrative: The applicant wishes to place the entirety of all rights in the Bank. The parents of these rights were decreed in 2011. The POU is currently served by the City of Hailey municipal rights. The water from the Big Wood River is no longer used at this location. There is no delivery system in place but when there was, the water was delivered through the Hiawatha Canal. 20% will be left in the canal for conveyance loss if rented outside the Hiawatha system. These rights have never been used with the City of Hailey rights. These four rights combined are limited to the irrigation of 11.5 acres. These rights are currently within WD 37.			

HIAWATHA CANAL

P.O. Box 1604 • Hailey, ID 83333

May 18, 2021

Idaho Water Bank
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Request to Water Bank 37-22970, 37-22971, 37-22972 and 37-22973
Applicant: Northridge V Subdivision Owners' Association, Inc

Dear Sir or Madam:

The purpose of this letter is to respond generally to water rights being leased to the Water Bank, which are conveyed in the Hiawatha Canal ("Canal") by the Hiawatha Canal Company, a.k.a. The Hiawatha Canal Water Users Association of Lateral or Laterals ("Canal Company"). For the reasons outlined below and on the conditions requested, the Canal has no objection to the aforementioned water rights being placed into the Water Bank.

The Hiawatha Canal Company is concerned about the amount of water being removed from the Canal and placed in the Water Bank by various water right holders. Generally, at this time, the Canal Company does not object to water rights conveyed in the Hiawatha Canal being placed in the Water Bank provided that if the water rights are leased to parties outside of the Canal, then the Water Bank should require twenty-percent (20%) of the right be left in the Canal as conveyance loss. I suggest that the Department place a condition on the leases to this effect.

Providing you some historical perspective, the Canal Company filed for mitigation (conveyance loss) rights in the adjudication for rights that had been forfeited or abandoned out of the Canal. The Department agreed that the conveyance loss in the Canal was twenty-percent (20%), and therefore, entered recommendations accordingly. See e.g., water rights 37-22630, 37-22631, 37-22632 and 37-22633. This conveyance has been recognized by the Idaho Department of Water Resources in similar transfers. Leaving twenty-percent (20%) of the leased rights in the Canal will insure that all rights in the Canal continue to be delivered without injury to water right holders in the Canal.

As a condition of being leased, the Canal Company requests:

1. The Canal Company does not presently object to the aforementioned water rights being placed in the Water Bank, provided that twenty-percent (20%) of the right is left in the Canal as conveyance loss; and

2. The Canal Company would like to be notified if the water rights are eventually released from the Water Bank, or if the Water Rights are being leased again to the Water Bank after the expiration of the lease period.

Thank you in advance for responding to this letter and addressing our concerns. If you have any questions, please do not hesitate to call me.

Sincerely,

HIAWATHA CANAL COMPANY



James W. Phillips, President

FXH: fxh
cc: client



0004261547

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004261547

Date Filed: 5/3/2021 7:06:24 AM

Entity Name and Mailing Address:

Entity Name: NORTHRIDGE V SUBDIVISION OWNERS' ASSOCIATION, INCORPORATED.

The file number of this entity on the records of the Idaho Secretary of State is: 0000525461

Address: MARCIA HILLS
PO BOX 463
HAILEY, ID 83333-0400

Entity Details:

Entity Status: Active-Good Standing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C173496

The registered agent on record is:

Registered Agent: MARCIA HILLS
Registered Agent
Physical Address
1440 HEROIC RD
HAILEY, ID 83333
Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
Cassie Jones	President	1760 HEROIC RD HAILEY, ID 83333
Tom Moss	Vice President	PO BOX 1355 HAILEY, ID 83333

The annual report must be signed by an authorized signer of the entity.

Job Title: Secretary/Treasurer

Marcia Hills

Sign Here

05/03/2021

Date

BU004-0440 03/03/2021 7:06 AM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY

Hersley, Jean

From: Fritz Haemerle <fxh@haemlaw.com>
Sent: Tuesday, May 18, 2021 10:54 AM
To: Hersley, Jean
Subject: RE: WSB Lease applications for 37-22970-37-22973
Attachments: Hiawatha Letter to Idaho Water Bank 05 18 21.pdf

Jean:

Here you go.

Thanks.

Fritz X. Haemmerle
HAEMMERLE LAW, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333
Tel: (208) 578-0520
FAX: (208) 578-0564

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From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Monday, May 17, 2021 3:31 PM
To: Fritz Haemerle <fxh@haemlaw.com>
Subject: RE: WSB Lease applications for 37-22970-37-22973

Thank you!

From: Fritz Haemerle [<mailto:fxh@haemlaw.com>]
Sent: Monday, May 17, 2021 2:59 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: WSB Lease applications for 37-22970-37-22973

Jean:

I lost my touch. I will get you a letter tomorrow.

Thanks.

Fritz X. Haemmerle
HAEMMERLE LAW, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333
Tel: (208) 578-0520
FAX: (208) 578-0564

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From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Monday, May 17, 2021 2:11 PM
To: Fritz Haemerle <fxh@haemlaw.com>
Subject: WSB Lease applications for 37-22970-37-22973

Mr. Haemerle,

The Department of Water Resources received the applications you submitted on behalf of Northridge V Subdivision Owner's Assoc. Inc to lease water rights, 37-22970, 37-22971, 37-22972 and 37-22973 to the Water Supply Bank. Since the water for these rights is diverted from the Hiawatha Canal, the Department will need consent from the Canal Company to lease these rights to the Bank. These applications will be placed on hold until the consent is received.

Please let me know if you have any questions. Thank you.

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

Fritz X. Haemmerle
fxh@haemlaw.com

P.O. Box 1800
Hailey, ID 83333

RECEIVED

MAY 13 2021

DEPARTMENT OF
WATER RESOURCES

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

May 11, 2021

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

Re: Request to Water Bank 37-22970, 37-22971, 37-22972 and 37-22973
Applicant: Northridge V Subdivision Owners' Association, Inc

Dear Mr. Ferguson:

Please find enclosed: (1) Applications to Lease Water to Water Bank, for the
aforementioned water rights; (2) W-9 Form; (3) Maps of POD and POU; and (4) a check
for \$500.00.

If you require any further information, please advise.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
Encl.
cc: client

2076