

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1366**

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

**LESSOR:** HEATHERLANDS  
HOMEOWNERS ASSN INC  
PO BOX 3901  
KETCHUM, ID 83340-3901

**RECEIVED**  
**MAR 24 2021**  
DEPARTMENT OF  
WATER RESOURCES

**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 January 25, 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)
37-159B	7/30/1888	GROUND WATER, tributary to	0.42	72.8	20.8
<b>Combined Lease Totals</b>			<b>0.42</b>	<b>72.8</b>	<b>20.8</b>

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.

## **WATER SUPPLY BANK LEASE CONTRACT No. 1366**

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. 1366**

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

**LESSOR:** HEATHERLANDS HOMEOWNERS  
ASSN INC  
PO BOX 3901  
KETCHUM, ID 83340-3901

By Lara Girdas  
Title Director Manager  
Date 3/10/21

**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 3/24/21

Lease approved by IDWR 

Date 3/24/21

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1366

### 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): 37-159B**

GROUND WATER	NWNE	Sec. 20	Twp 03N	Rge 18E	BLAINE County
GROUND WATER	SESW	Sec. 17	Twp 03N	Rge 18E	BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
37-159B	IRRIGATION	4/15	to	10/15	0.42 cfs	72.8 AF
<b>Totals:</b>					0.42 cfs	72.8 AF

**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					
03N	18E	17							5.5						0.8			4.7					11
03N	18E	20					9.8																9.8

Total Acres: 20.8

#### 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. 1366**

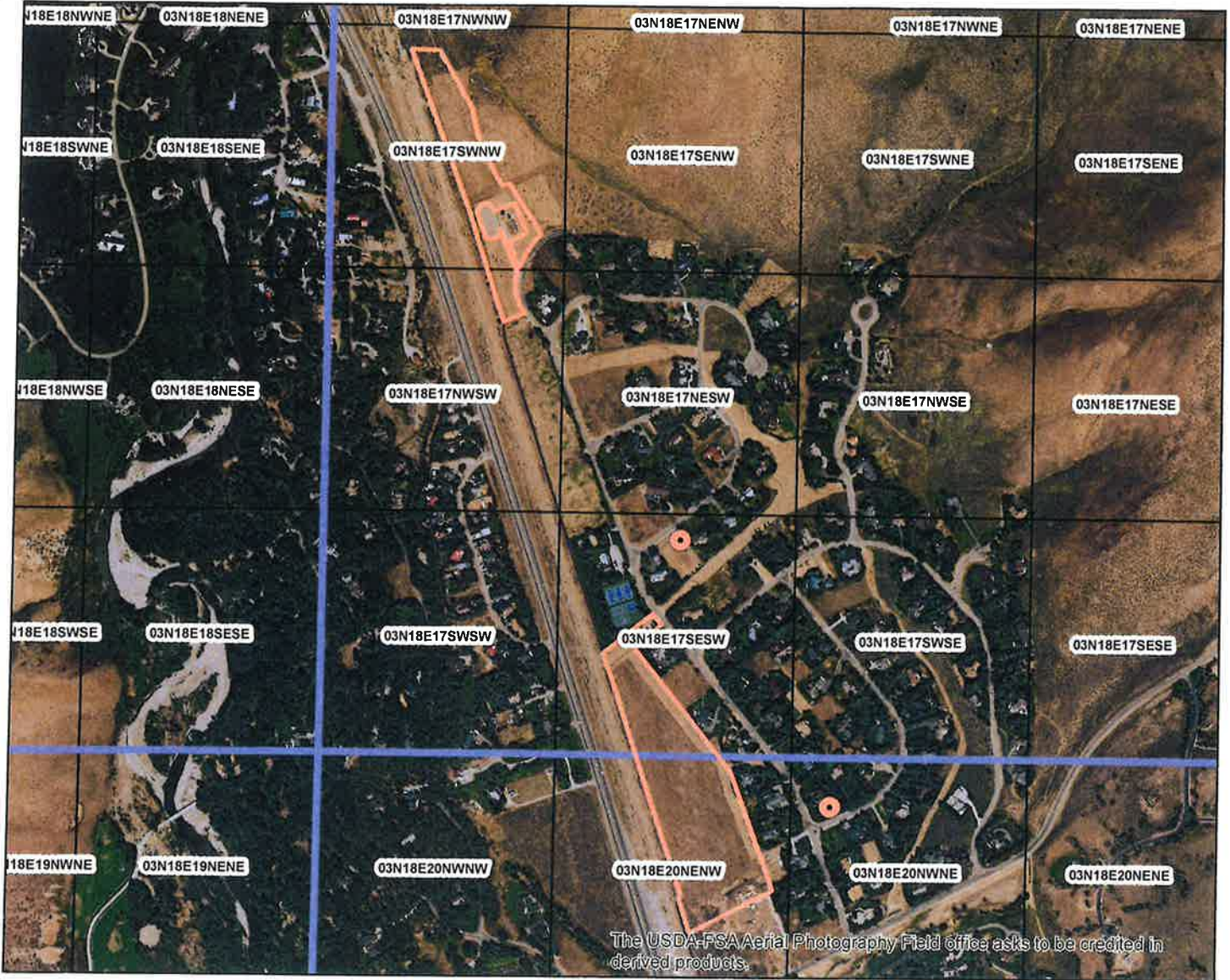
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
13. Use of water under the unleased portions of 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.
- 14.
15. The unleased portions of this right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
16. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the East Fork of the Wood River.
17. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
18. This right does not grant any right-of-way or easement across the land of another.
19. The unleased portions of right 37-159B shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 32.2 af at the field headgate, and the irrigation of 9.2 acres.

Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1366

37-159B

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

RECEIVED  
JAN 25 2021  
DEPARTMENT OF  
WATER RESOURCES

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

Designated Applicant Heatherlands Homeowners Assn Inc Water Right No. 37-159B  
(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.

MIMUMUM 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](http://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](http://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>250</u>	Received By: <u>lu</u>	Date Received: <u>1.25.21</u>	Receipt # <u>C109841</u>
W-9 received? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	(Route W-9 to Fiscal)	Name on W-9: <u>Heather Lands Home Owners Association</u>	

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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 Heatherlands Homeowners Assn Inc  
Mailing Address P.O. Box 3901 Ketchum, ID 83340  
Street City State Zip Code  
Email Address \_\_\_\_\_ Phone Number 208-726-3858

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 Zach Latham Organization Brockway Engineering PLLC  
Professional Title Hydrologist Email Address zach.latham@brockwayeng.com  
Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301 Phone Number 208-736-8543

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.  
Two wells and underground irrigation 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. None.

- 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. N/A.

- 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. See approved IDWR lease contract for 37-159B dated 6/15/2016.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes  No   
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. N/A.

- 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   
N/A.

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 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

M.P. Loewy  
\_\_\_\_\_  
Printed Name

12/20/2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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). \_\_\_\_\_

	Designated Applicant	Applicant #2	Applicant #3
Name	Heatherlands Homeowners Association		
Mailing Address	PO Box 3901 Ketchum, ID 83340		
Phone Number	208-726-3858		
Email Address	slm@suncountysv.com		
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			

	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**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

**ATTACHMENT 2**

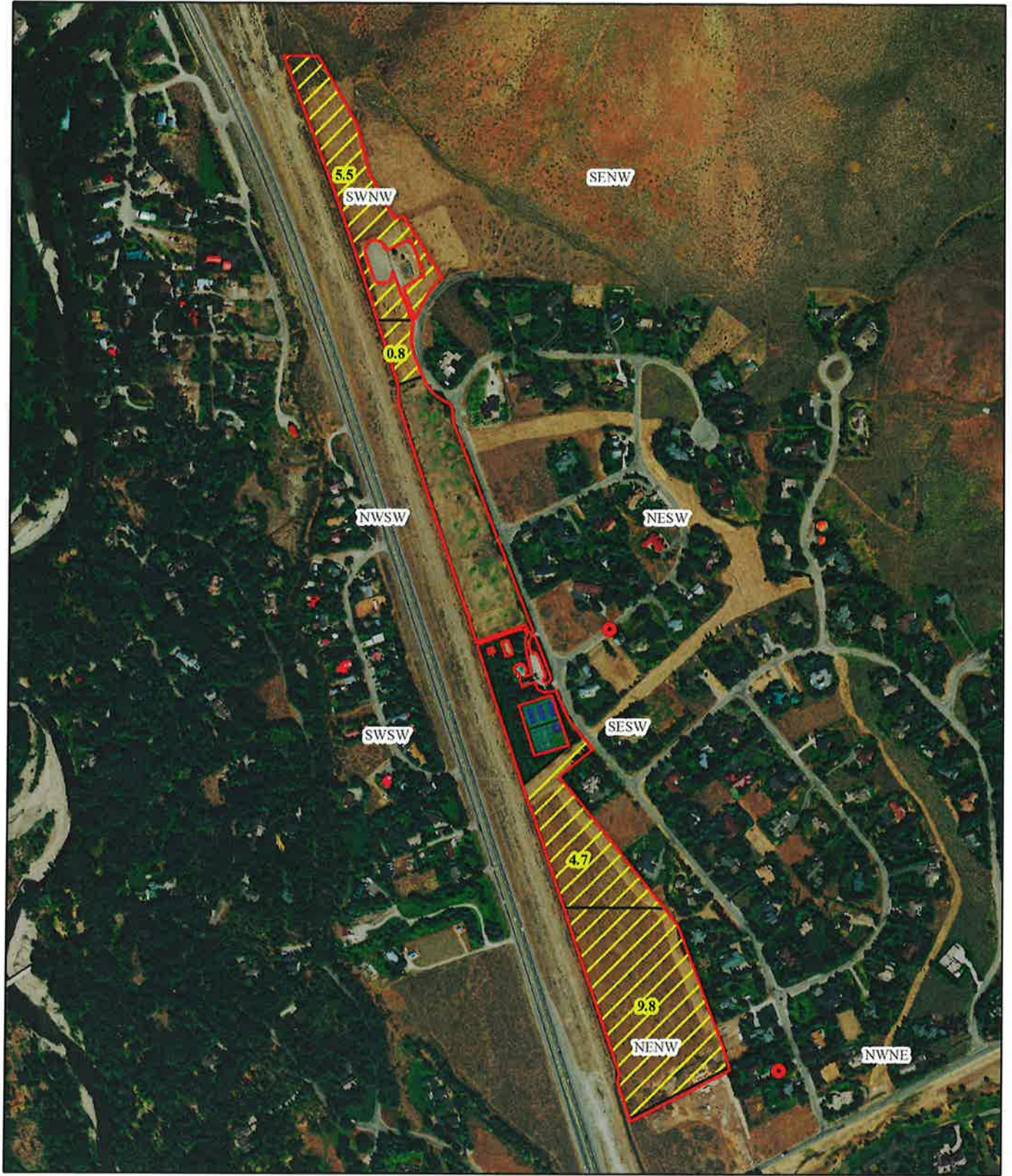
**DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK**

<u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
37-159B	Irrigation	0.42	72.8	20.8
	Total Amounts:	0.42	72.8	20.8

2. Source of water Ground Water tributary to N/A.

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
3N	18E	17			SE	SW	BLAINE
3N	18E	20			NW	NE	BLAINE



0 175 350 700 Feet

**HEATHERLANDS HOA ASSC INC**  
WATER SUPPLY BANK LEASE 2021-2025  
WATER RIGHT 37-159B  
NAIP 2019 AERIAL

Legend

- WR\_POU\_NEW\_37-159B
- WSB Lease 2021-2025





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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

March 30, 2021

HEATHERLANDS HOMEOWNERS ASSN INC  
PO BOX 391  
KETCHUM, ID 83340-3901

**RE: WATER SUPPLY BANK LEASE CONTRACTS 1366  
FOR WATER RIGHTS 37-159B**

Dear Lessor:

Water right **37-159B** 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](http://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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region  
Water District 37  
Zach Latham



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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

March 12, 2021

HEATHERLANDS HOME OWNERS ASSN INC  
PO BOX 3901  
KETCHUM, ID 83340-3901

**RE: APPLICATION TO LEASE WATER RIGHTS 37-159B TO THE WATER SUPPLY BANK  
CONTRACT 1366**

**\*\*\*\*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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts  
Receipt: C109848

C: Zach Latham

## MEMORANDUM FOR APPLICATION # 1184

**To:** Water Right(s) 37-159B

**From:** Scott Storms

**Date:** March 3, 2021

**Re:** Review & Analysis of Application to Lease Water to the State Water Supply Bank

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**PURPOSE/NARRATIVE:** Application to lease water right 37-159B to the Water Supply Bank (Bank) was received by the Department of Water Resources (Department) on January 25, 2021. The application was submitted by Zach Latham of Brockway Engineering on behalf of Heatherlands Homeowners Association. The application was part of a lease/rental package and proposes to lease 20.8 acres of the irrigation use to the Bank, 15.6 acres of which to be subsequently rented by Beaver Springs Owners Association for irrigation elsewhere in the Big Wood River valley. The current proposal is essentially a renewal of prior lease contract 429/rental agreement 407, both of which expired December 31, 2020.

**AUTHORITY TO FILE:** The application was submitted by Zach Latham of Brockway Engineering on behalf of Heatherlands Homeowners Association, which is the owner of record on the water right. The application was signed by MP Loewy. Review of the 2020 SOS business report for Heatherlands Homeowners Assoc. Inc. lists MP Loewy as President. There are no concerns of authority to file.

**WATER RIGHT VALIDITY:** Water right 37-159B was decreed in 2011 and the portions currently proposed for lease were originally leased to the Bank from 2016 through 2020. No irrigation appears to have occurred on the leased portions of the place of use (POU) in that time period. There are no concerns of water right validity.

**INJURY TO OTHER WATER RIGHTS:** Lease of this water right would not cause injury to other water rights. Proper review to prevent injury if rented.

**ENLARGEMENT OF USE:** There are no overlapping rights at the lease POU and there are no signs of irrigation having taken place at the leased POU during the term of prior lease 429. No concerns of enlargement of use, proper rental review should prevent any further considerations of enlargement.

**LOCAL PUBLIC INTEREST:** Review staff has no information to suggest this application is inconsistent with the local public interest.

**BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:** The lease appears consistent with the conservation of water resources in Idaho.

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** The location for the rental POD is subject to Water District # 37 and is within the Southern regional administration area. Corey Skinner from the Southern regional office and Watermaster Kevin Lahey have been contacted for review and comment of this lease.



0004023838



**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 #: 0004023838

Date Filed: 10/5/2020 12:15:35 PM

## Entity Name and Mailing Address:

Entity Name: HEATHERLANDS HOMEOWNERS ASSOCIATION, INC.  
 The file number of this entity on the records of the Idaho Secretary of State is: 0000198939  
 Address: PO BOX 3901  
 KETCHUM, ID 83340-3901

## 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: C62599

## The registered agent on record is:

Registered Agent: LAURA GVOZDAS  
 Registered Agent  
 Physical Address  
 675 E SUN VALLEY RD STE I-1  
 KETCHUM, ID 83340  
 Mailing Address

## Corporate Officers and Directors:

Name	Title	Business Address
+ MP Loewy	President	421 SWEETBRIER ROAD HAILEY, ID 83333
+ SEAN FLYNN	Vice President	105 SNOWPLANT ROAD HAILEY, ID 83333
+ Pete Stephenson	Secretary	110 SHAUN LANE HAILEY, ID 83333
+ Gary Donofrio	Treasurer	PO BOX 5919 HAILEY, ID 83333
+ George Knowles	Director	125 DOGWOOD ROAD HAILEY, ID 83333
+ John Ankner	Director	PO BOX 5340 KETCHUM, ID 83340
+ Mike Thompson	Director	PO BOX 2513 KETCHUM, ID 83340

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

*Laura Gvozdias*

Sign Here

*10/05/2020*

Date

Job Title: Association Manager

BU043-3001 10/05/2020 12:15:35 PM RECEIVED BY LD SECRETARY OF STATE LAWRENCE DENNEY



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 25 2021

DEPARTMENT OF  
WATER RESOURCES

January 19<sup>th</sup>, 2021

Mr. Remington Buyer  
Idaho Water Supply Bank  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Re: Water Supply Bank Lease and Rental Request; Heatherlands Homeowners Assn Inc. and Beaver Springs Owners Assoc. Inc.

Dear Remington,

On behalf of both the Heatherlands Homeowners Assn Inc. (HHA) and Beaver Springs Owners Assoc. Inc. (BSOA), Brockway Engineering is submitting both a five year water supply bank lease application (HHA) for 20.8 acres and companion five year rental application (BSOA) for the rental of 15.6 acres of the HHA's irrigation water right. The existing PODs associated with the lease application are two existing wells on HHA's property. The proposed POD associated with the rental application is an existing well on BSOA's property.

Also included is a check from Brockway Engineering for \$250 to cover the lease fee for the lease application. Please copy our office on all correspondence regarding these companion water supply bank lease and rental applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

Enclosures: (1) Water Supply Bank Lease Application and Map.  
(1) Water Supply Bank Rental Application and Map.  
(1) Brockway Engineering Check No. 16243

Cc: Sun Country Management c/o John Fry

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

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