

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1181

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

LESSOR: UDO BENNETT
1761 W SYPHON RD
POCATELLO, ID 83204-7441

RECEIVED
AUG 11 2020
DEPT 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 March 19, 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)
29-13940	10/3/1977	GROUND WATER	0.05	12.0	3.0
Lease Totals			0.05	12.0	3.0

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, 2020 to December 31, 2024. 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1181


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.

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

LESSOR: UDO BENNETT
1761 W SYPHON RD
POCATELLO, ID 83204-7441

By 
Title OWNER
Date 8-5-2020

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 08/12/20

Lease approved by IDWR 

Date 08/12/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1181

**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): 29-13940

GROUND WATER SWSESW Sec. 31 Twp 05S Rge 33E POWER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
29-13940	IRRIGATION	04/01	to	11/01	0.05 cfs	12.0 AF
Totals:					0.05 cfs	12.0 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	
05S	33E	31												3.0					3.0

Total Acres: 3.0

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.
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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1181

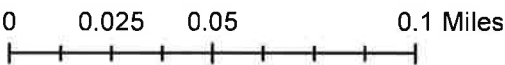
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into 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. Use of water under this right will 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. 120.
13. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
14. The unleased portion of water right 29-13940 is limited to 0.08 cfs and 18.2 af for the irrigation of 4.5 acres

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1181
29-13940
Effective until December 31, 2024

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

MAR 19 2020

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Udo Bennett

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

Water Right No. 29-13940

(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 \$ 250Received By: gmhDate Received: 3-19-2020Receipt # C108489W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Udo Bennett

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 Udo Bennett

Mailing Address 1761 West Syphon Road Pocatello Idaho 83204
Street City State Zip Code

Email Address udobennett@gmail.com Phone Number 701-215-0013

- ☒ 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 _____ Organization _____

Professional Title _____ Email Address _____

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 37.02.03.25.02e.
- B. Please provide a description of the current water diversion and delivery system.
WMIS # 200554 A well, water is piped above ground to property
- 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. _____
- 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. Not sure of volume, water is used to water my yard, the only times I can water is when the farmer is irrigating the fields.
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. _____
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒
If yes, describe. _____

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: 2020 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

Udo Bennett

Printed Name

3/15/2020

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**

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

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>29-13940</u>	<u>Irrigation</u>	<u>0.130cfs</u>	<u>30.2af</u>	<u>3 Acres</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Amounts:				<u>3 Acres</u>

2. Source of water _____ Ground water _____ tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
05S	33E	31					Power





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

August 14, 2020

UDO BENNETT
1761 W SYPHON RD
POCATELLO, ID 83204-7441

**RE: WATER SUPPLY BANK LEASE CONTRACT 1181
FOR WATER RIGHTS 29-13940**

Dear Lessor:

Water rights **29-13940** was leased into the Water Supply Bank (Bank) as of January 1, 2020, 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, 2024**, 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,

Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region
Water District No. 120



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

August 3, 2020

UDO BENNETT
1761 W SYPHON RD
POCATELLO, ID 83204-7441

**RE: APPLICATION TO LEASE WATER RIGHT 29-13940 TO THE WATER SUPPLY BANK
CONTRACT 1181**

******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, 2024**, 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,


Alanah Schuler-Orbuck
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C108489

MEMORANDUM FOR APPLICATION # 1682

To: Water Right(s) 29-13940
From: Alex Dalgleish
Date: 4/1/2020
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received this lease application from Udo Bennett on March 19, 2020. Mr. Bennett proposes to lease a portion of water right 29-13940 into the Bank for 5 years. The application requests to lease the right from 2020 through 2025. However a 5 year lease beginning in 2020 would end in 2024. I will not ask the applicant to amend the application to fix the years proposed. Rather, I informed him by email on 3/25/2020.

In the same email I sent on 3/25/2020, I asked the applicant to clarify the proposed rate and volume since the application listed the full rate and volume amounts of right 29-13940. He responded, stating that he wishes to lease a portion of his right into the Bank and due to his novice understanding of water rights, he granted the Department authority to adjust the rate and volume to the appropriate amounts. The application proposed 0.13 cfs and 30.2 AF. The rate and volume will be reduced to 0.05 cfs and 12.0 AF to remain consistent with the rate and acre limitations (0.017 cfs/acre and 4.0 AF/acre).

AUTHORITY TO FILE: Udo Bennett signed the application and Department records list him as the current owner of right 29-13940. Searching the Power County parcel records at <http://idahoparcels.us:8060/gm3/desktop/power.html>, Udo Bennett owns the property at the proposed place of use (POU). There are no concerns with the authority to file.

WATER RIGHT VALIDITY: Water right 29-13940 was decreed on 3/22/2004 and currently has an active status. 2016 aerial imagery from Google Earth shows that the acres proposed for lease have been irrigated so forfeiture is not an issue. There is no information to raise concerns with the validity of water right 29-13940.

INJURY TO OTHER WATER RIGHTS: Water right 29-13940 shares the point of diversion (POD) with right 29-13941 which is owned by the Shoshone Bannock Tribes for irrigation. At the POU, stockwater and domestic right 29-10271 overlaps with the lease right and is also owned by the applicant Udo Bennett. The lease of right 29-13940 should not cause injury to rights 29-13941, 29-10271 or any other water rights.

ENLARGEMENT OF USE: The lease application proposes to lease a portion of right 29-13940 into the Bank. The right authorizes the maximum use of 0.13 cfs, 30.2 AF and 7.5 acres and the right is limited to 0.02 cfs/acre and 4.0 AF/acre. Leasing in the proposed amounts of 0.13 cfs, 30.2 AF and 3.0 acres might create an enlargement of the right because there would be no rate or volume left for use on the remaining 4.5 acres. As mentioned above, reducing the leased amounts to 0.05 cfs and 12.0 AF will maintain the rate and volume per acre limits and help prevent the possibility 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 leased water right is subject to a Water District # 120. Comments were requested from watermaster Blake Jordan and James Cefalo at Eastern Region on 4/1/2020. Blake responded the same day with no concerns. James responded via email on 4/2/2020, he also does not have any concerns.

Dalgleish, Alex

From: Cefalo, James
Sent: Thursday, April 2, 2020 8:14 AM
To: Dalgleish, Alex
Subject: RE: Udo Bennett Lease Proposal

Alex,

I don't have any concerns with the proposed WSB lease.

James

From: Dalgleish, Alex
Sent: Wednesday, April 01, 2020 1:51 PM
To: Jordan, Blake <Blake.Jordan@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: Udo Bennett Lease Proposal

Gentlemen,

I am seeking comment on the proposed lease of right 29-13940 into the Bank for 5 years from 2020-2024. Please see the attachments and respond with any comments or concerns within 14 days, by 4/14/2020.

If no response is received, I will assume you do not object to this application.

Best,

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

Dalglish, Alex

From: Jordan, Blake
Sent: Wednesday, April 1, 2020 2:17 PM
To: Dalglish, Alex; Cefalo, James
Subject: RE: Udo Bennett Lease Proposal

Hi Alex,

I have no issue with this lease.

Blake

From: Dalglish, Alex
Sent: Wednesday, April 1, 2020 1:51 PM
To: Jordan, Blake <Blake.Jordan@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: Udo Bennett Lease Proposal

Gentlemen,

I am seeking comment on the proposed lease of right 29-13940 into the Bank for 5 years from 2020-2024. Please see the attachments and respond with any comments or concerns within 14 days, by 4/14/2020.

If no response is received, I will assume you do not object to this application.

Best,

Alex Dalglish
Water Resource Agent
Phone (208) 287-4913
alex.dalglish@idwr.idaho.gov

Dalgleish, Alex

From: udo bennett <udobennett@gmail.com>
Sent: Tuesday, March 31, 2020 3:29 PM
To: Dalgleish, Alex
Subject: Re: Clarification Needed for Lease Application 1682

Thank you Alex!
Have a great week!!
Udo Bennett

On Tue, Mar 31, 2020 at 2:09 PM Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov> wrote:

Mr. Bennett,

Thank you for getting back to me. I will adjust the rate and volume proposed. Water right 29-13940 is limited to 0.02 cfs/acre and 3.5 AF/acre. Based on these limitations, I will reduce the rate and volume proposed for lease from 0.13 cfs and 30.2 AF to 0.060 cfs and 10.5 AF. The 3 acres proposed will remain the same.

For reference, here is how I determined the appropriate rate and volume based on the 3 acres proposed for lease: 3 acres X .02 cfs=0.06 cfs and 3.0 acres X 3.5 AF= 10.5 AF.

As for the point of diversion, I do not need any additional information from you.

Thank you,

Alex Dalgleish

Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

From: udo bennett [mailto:udobennett@gmail.com]
Sent: Tuesday, March 31, 2020 5:55 AM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Subject: Re: Clarification Needed for Lease Application 1682

Hi Alex,

Sorry it took a bit to get back to you, just been busy here.

I have only been in Idaho for a bit over three years and don't know much about water rights. I am only able to water my yard when the farmers irrigate their fields, as I do not control the well pump. With the 7.5 acres of water rights I own I am over the 5 acre max to not be metered which is why I am looking to lease out 3 acres of my water rights. I don't know anything about the cfs or AF in regards to the water rights, the numbers I put down were from a water rights paper I received a couple of years ago. I don't know how to change those numbers or adjust them accordingly, if that is something that you know how to do you most certainly may make those adjustments to my application, if you can not then I would appreciate it if you could direct me in the right direction to figure it out and make the necessary changes.

In a nut shell I just want to put 3 acres of my water rights into the water bank for lease. You do have my permission to make any changes to my application to reflect this.

Your help in this matter is greatly appreciated!

Thank you,

Udo Bennett

On Wed, Mar 25, 2020 at 4:22 PM Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov> wrote:

Mr. Bennett,

I have begun processing your lease application. Upon initial review, it clarification is needed in order to continue forward.

The application requests to lease a *portion* of water right 29-13940 into the Bank. Specifically, the application lists 0.13 cfs, 30.2 AF and 3 acres. However, water right 29-13940 authorizes the use of 0.13 cfs, 30.2 AF and 7.5 acres. **The rate and volume listed on the application are the full amounts of right 29-13940, not partial amounts as specified under item 2 of the application.** Can you please clarify the lease amounts proposed?

Finally, the lease term listed on the application is from 2020 to 2025. Leases and rentals are limited to 5 year terms. Therefore, a 5 year lease of right 29-13940 would only be authorized in 2020, 2021, 2022, 2023 and 2024. I do not need you to clarify or amend the years that are listed on the application. Rather I wanted to inform you of the slight change in the lease time-frame.

Typically, I would scan and send the lease application page(s) to the applicant for clarification/amendment but I am working from home and am unable to do that at this time. Rather, you can note the clarifications in your email response.

Please contact me if you have questions or concerns.

Thank you,

Alex Dalgleish

Water Resource Agent

Phone (208) 287-4913

alex.dalgleish@idwr.idaho.gov