WATER SUPPLY BANK LEASE CONTRACT No. 1197

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

LESSOR: DONNA ALFS PO BOX 850 KETCHUM, ID 83340 JUL 0 1 2020

DEPARTMENT OF WATER RESOURCES

SUPPORT DATA

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 06, 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:

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-22066	6/1/1883	CROY CREEK, tributary to BIG WOOD RIVER	0.20	Not Stated	9.4
37-22068	6/1/1883	BULLION CREEK, tributary to CROY CREEK	0.06	Not Stated	9.4
37-22070	6/1/1883	UNNAMED STREAM, tributary to CROY CREEK	0.01	Not Stated	9.4
Combined Li	imit Totals		0.27	Not Stated	9.4
Combined L	ease Totals		0.27	Not Stated	9.4

Summary of Water Rights or Portions Leased to the Bank

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.

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- 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.

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

LESSOR:	DONNA ALFS
\frown	PO BOX 850
(n)	KETCHUM, ID 83340
Bylonk	allas
Title	orly
Date 2	5/30/20
	/ /

RECEIVED

JUL 0 1 2020

DEPARTAN MARA

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

Lease approved by IDWR

Date	07	02	05

Date 07 02 20

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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	of Point(s) of Dive	rsion for Wat	er Right No(s	s): 37-22066	5
CROY CREEK	SWNENE	Sec. 35	Twp 02N	Rge 17E	BLAINE County
Source and Leastion			Disk No.		

 Source and Location of Point(s) of Diversion for Water Right No(s): 37-22068

 BULLION CREEK
 NESESW
 Sec. 25
 Twp 02N
 Rge 17E
 BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-22070

UNNAMED STREAM SESENW Sec. 36 Twp 02N Rge 17E BLAINE County

		Seas	on of	Use	Diversion	Volumo
Water Right	Beneficial Use	From		То	Rate (CFS)	Volume (AF)
37-22066	IRRIGATION	04/15	to	10/31	0.20 cfs	Not Stated
37-22068	IRRIGATION	04/15	to	10/31	0.06 cfs	Not Stated
37-22070	IRRIGATION	04/15	to	10/31	0.01 cfs	Not Stated
	STOCKWATER	01/01	to	12/31	0.01 cfs	Not Stated
				Totals:	0.27 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec		N	E			N\	N			SI	N			S	E .		Tatala
i wp i	rtig	Dec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	17E	25															8.9		8.9
02N	17E	36		0.5															0.5

PLACES OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER

Twp	Rng	Sec		NÉ			NW			SW			SE				Tatala		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	17E	25											х	х		х	х		0.0
02N	17E	35	Х			х													0.0
02N	17E	36		х	х		Х	Х	х	х									0.0

Total Acres: 9.4

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1197

- 3. While a right is in the bank, the lessor may <u>not</u> 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.
- 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 rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season. Combined Right Nos.: 37-22066, 37-22068, 37-22070.
- 13. The quantity of water under water right 37-22070 for stockwater use shall not exceed 13,000 gallons per day.
- 14. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- 15. The quantity of water decreed for water right 37-22070 for stockwater use is not a determination of historical beneficial use.
- 16. 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.

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

Designated Applicant	Donna Alfs	Water Right No.	37-22070				
	(Select one owner – see item 1A on the application)			right per application)			
Is this application bein	g submitted with a rental application as a lease/rental pac	kage?	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 it	ems must be checked as either	r Attached (Yes) or Not Applicable (N/A)							
		Yes									
		\checkmark	Completed Application to Sell or	Lease a Water Right to the Water Supply Bank.							
			application and the water rights l rate or volume, the total fee for must be used to irrigate the sam	00 per water right. If you are submitting more than one lease have an overlapping, common place of use, or a common diversion all water rights is \$500.00. For places of use, multiple water rights e lands in order to qualify for the joint filing fee. Individual filing ts that share a common permissible place of use but which cover ible place of use.							
		\checkmark	Confirmation this form has been	printed single sided, per requirement of the Water Supply Bank.							
Attachment	N/A	Yes									
1A		✓	Signatures and contact informati application.	ion for all owners of the water right to be leased or sold on this							
1 B		\checkmark	An Internal Revenue Service (IRS	S) Form W-9 for the Designated Applicant.							
1C	\checkmark		Notice of Change in Water Right	Ownership form (accessible from <u>www.idwr.idaho.gov</u>).							
1D		✓	represent the Designated Applic	brized representative and documentary proof they are authorized to ant on this application. If the Designated Applicant is a business, nization or association, include documents identifying officers f of the entity.							
2		\checkmark	Description of a water right portion	on offered to the Water Supply Bank.							
3		√		specific location where irrigated acres will be dried up, or where a spended. You have the option of printing a map using the map tool r.idaho.gov .							
4A	\checkmark		Written consent from irrigation d	istrict or water delivery company.							
4 G		\checkmark	Evidence demonstrating the wate <u>Code</u> .	r right has not been forfeited pursuant to Section 42-222(2), Idaho							
Department Us	e Only										
Fee Amount \$	500	.	Received By: KM	Date Received: 5-6-2020 Receipt # C108707							
W-9 received?	Yes 🗹	No 🗆	(Route W-9 to Fiscal)	Name on W-9: Donce Alfs							

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 Donna Alfs										
	Mailing Address P.O. Box 850, Ketchum, ID 83340										
	Street	City		State	Zip Code						
	Email Address		Phone Num	per 2087205859							
	✓ The Designated Applicant is the sole owner of the water	right bei	ng sold or leas	ed to the Water Supp	oly 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 If no , complete the form and attach to this application (Attachment		partment within	n the last 2 years?	Yes 🗌	No 🗸					
C.	Are all applicants on this form listed in IDWR's records as the If no , attach a <i>Notice of Change in Water Right Ownership</i> form all			0	Yes ✓ achment 1C).	No 🗌					
D.	Is this application being completed by an authorized represer If yes, representatives (includes employees of Designated Applican of their authority to represent the Designated Applicant (Attachmen	t compani			Yes 🗹 nit documentar	No 🗌 y proof					
	Name of Representative Fritz X. Haemmerle	Organiz	ation Haemm	erle Law, P.L.L.C,							
	Professional Title Attorney			aemlaw.com							
	Mailing Address P.O. Box 1800, Hailey, ID 83333	x 	Ph	one Number 20857	80520						
	Send all correspondence for this application to the repres	sentative	and not to the	Designated Applican	ıt.						

OR

Send original correspondence to the Designated Applicant and copies to the representative.

DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK 2.

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.

MAP 3.

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.

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 <u>Section 42-108, Idaho Code</u> and <u>IDAPA WSB Rule 37.02.03.25.02e</u>.

- B. Please provide a description of the current water diversion and delivery system. The water is delivered from the POD to the POU through a ditch 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. Water rights 37-22066 and 37-22068.
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes V 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. A portion of the property will be irrigated with a domestic well (limited to one-half acre).

- 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. There is no measuring device at the place of use. To the best of the applicant's knowledge, the entire place of use has been irrigated in the same manner as when the property was adjudicated in 2010. Since 2010, the entire place of use has been irrigated.
- 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 🗸



(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 2024 (maximum lease period 5 calendar years). (Year) (Year)
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate. Current lease rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

- 1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
- 2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
- 3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
- While a water right is in the Bank, forfeiture is stayed. 4.
- Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element 5. of the water right.

Signature of Designated Applicant

Signature of Authorized Representative

Donna Alfs Printed Name

Printed Name

Fritz X. Haemmerle

<u>5/4/20</u> Date <u>5/4/2020</u>

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

DEPARTMENT OF WATER RESOURCES

WATER DISTRICT 37 107 WEST 1ST SHOSHONE, IDAHO 83352 (208) 886-2451



May 4, 2020

Fritz Haemmerle Haemmerle & Haemmerle PLLC. 400 S Main St #102 Hailey, ID 83333

Fritz,

I am writing in response to your request to verify delivery of water rights 37-22066, 37-22068 and 37-22070 to Donna Alfs at 115 Rock Creek Road in the Croy creek drainage near Hailey, Idaho.

Our records indicate that water has been delivered to those rights in the last 5 years via a delivery system from a neighboring property.

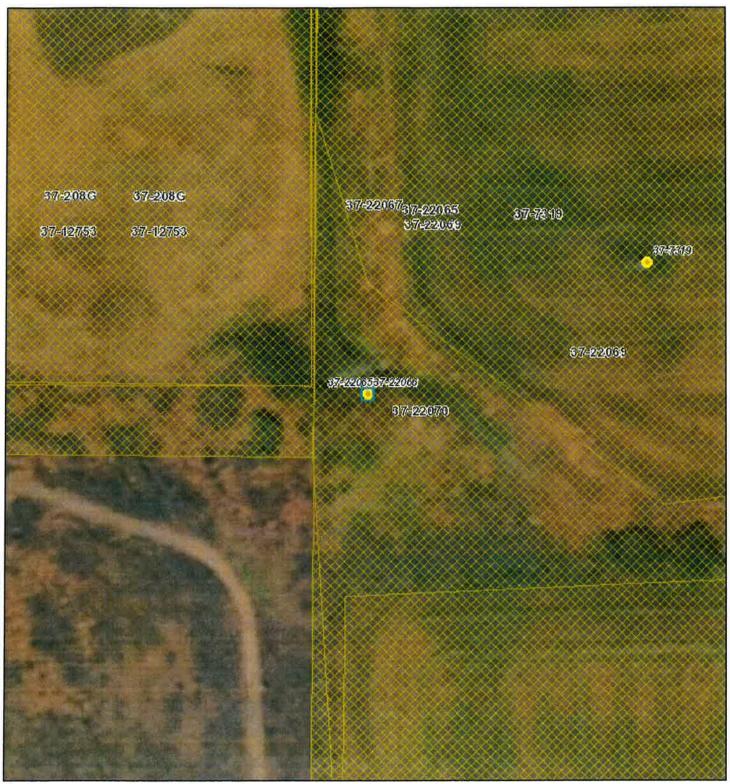
Aerial photography also indicates that the property was recently irrigated.

Let me know if you need anything else.

Kevin Lakey Water District 37



ArcGIS Web Map



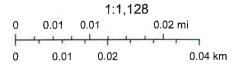
4/29/2020, 12:17:54 PM

POU - Water Rights

All Other POU (non-provider)

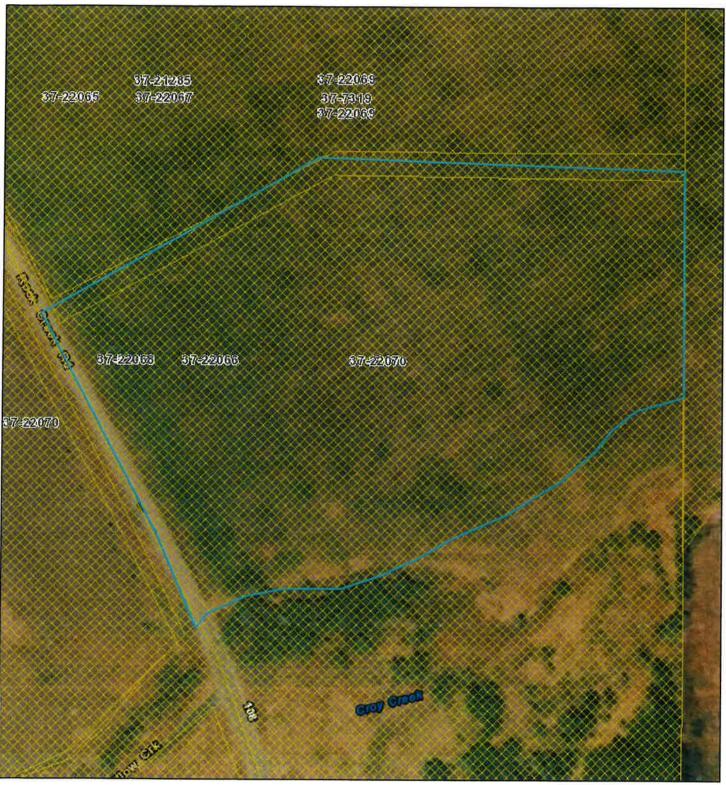
Irrigation Providers and Municipal Service Areas

💡 POD - Water Rights



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



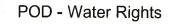


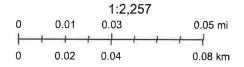
4/29/2020, 12:14:36 PM

POU - Water Rights

All Other POU (non-provider)

Irrigation Providers and Municipal Service Areas





Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

IDAHO Water Resources



4/27/2020

IDAHO DEPARTMENT OF WATER RESOURCES Water Right Report WATER RIGHT NO. 37-22070

Owner Type Current Owner DONNA ALFS PO BOX 850 KETCHUM, ID 83340 2087205859

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

SourceTributaryUNNAMED STREAMCROY CREEK

Beneficial UseFromToDiversion RateVolumeIRRIGATION04/1510/310.01 CFSSTOCKWATER01/0112/310.01 CFSTotal Diversion0.01 CFS0.01 CFS

Location of Point(s) of Diversion:

UNNAMED STREAM SESENW Sec. 36 Township 02N Range 17E BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	Range	Section	Lot	Tract	Acres	Lot	Tract	<u>Acres</u>	Lot	Tract	Acres	<u>Lot</u>	Tract	Acres
02N	17E	25		SWSE	8.9									
		36		NWNE	0.5									
Place of Use	Place of Use Legal Description: STOCKWATER BLAINE County													
<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	Lot	<u>Tract</u>	Acres	s Lo	t Trac	t Acr	es L	<u>ot Tra</u>	ct Acres
02N	17E	25		swsw			SESW							

20		Water Right Report						
		SE SE	SWSE		1 1 1			
	35	NENE	SENE					
	36	NWNE	SWNE					
		NENW	NWNW	SWNW	SENW			

Total Acres: 9.4

Conditions of Approval:

- 1. E56 The rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season. Combined Right Nos.: 37-22066, 37-22068, 37-22070.
- 2. This right is a split from former right 37-255.
- 3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- 4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- 5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
- 6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Dates:

Licensed Date:

Decreed Date: 11/30/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 9.4

Combined Volume Limit:

4/27/2020

Combined Rate Limit:

Water Right Report

-

Civil Case Number: Old Case Number:

Decree Plantiff:

Decree Defendant:

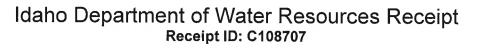
Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



Payment Amount	\$500.00	Date Received	5/6/2020	Region STATE	
Payment Type	Check	Check Number	6478		
Payer DONNA	STARODOJ ALFS				
Comments	WATER SUPPLY BANK WR 37-22066; 37-2206 FOR DONNA ALFS FOR 2020-2024 SEASC		FOR		
Fee Details					
Amount \$500.00	Description WATER BANK LEASE APPL	PCA Fund ICATIONS 55111 0229		Subsidiary	Object 1205



Signature Line (Department Representative)



State of Id-ho DEPAR1 MENT OF WATER RESOURCES 322 E Front Street, Suite 648 • PO Box 83720 • Boise 1D 83720-0098 Phone: (208) 287-4800 • Fax: (208) 287-6700 Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE Governor

July 7, 2020

GARY SPACKMAN Director

DONNA ALFS PO BOX 850 KETCHUM ID 83340

RE: WATER SUPPLY BANK LEASE CONTRACT 1197 FOR WATER RIGHTS 37-22066, 37-22068 & 37-22070

Dear Lessor:

Water rights **37-22066**, **37-22068 & 37-22070** were 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** <u>unused</u> 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 <u>www.idwr.idaho.gov</u>. 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 <u>bank@idwr.idaho.gov</u> or 208-287-4800.

Sincerely,

Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Water District NO. 37 Fritz Haemmerle- Haemmerle Law



State of Idaho DEPAR MENT 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

May 14, 2020

GARY SPACKMAN Director

DONNA ALFS PO BOX 850 KETCHUM ID 83340

RE: APPLICATION TO LEASE WATER RIGHT 37-22066, 37-22068 & 37-22070 TO THE WATER SUPPLY BANK CONTRACT 1197

****TIME SENSITIVE RESPONSE REQUIRED***

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the abovementioned 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 <u>Request to Release a Water Right from the Bank</u> form. To propose a new lease period, submit a new <u>Application to Sell or Lease a Water Right to the Water Supply Bank</u> form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <u>http://www.idwr.idaho.gov</u>. 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** <u>not</u> 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 <u>bank@idwr.idaho.gov</u> or 208-287-4800.

Sincerely,

Water Supply Bank

Enclosures: Proposed Lease Contracts

	WATER SUPPLY BANK			Quick Tools		
			Decreed			
	Lease Review Checklist	_	Year	No Forfeiture Concerns Thru:		
	Applicant(s) Name: Donna Alfs		2011	2017		
			2012	2018		
	Memo Date: May 6, 2020		2013	2019		
		- 8	2014	2020		
	Water Right Number(s): 37-22066, 37-22068 & 37-22070		2015	2021		
	Reviewers Name: Jean					
		Check	STIC ST			
1	Fill out M/SB Data Entry Charlelist for Langua (Enant of File)	box	Mr. Jak	COMMENTS/CONCERNS:		
	Fill out WSB Data Entry Checklist for Leases (Front of File)	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)	<u>+^</u>				
_		Yes	No			
4	Rentable? (If no explain in comments or narrative)	X				
		1				
5	Authority to file					
_	Current owner or designated applicant	X				
	SOS Web site checked for business entity					
	Other (explain in comments)	1				
6	Water Right validity	17.10013	00, g. (n=s)			
	Decreed/Licensed/Statutory claim date (write in comments section)	Sec.	Society.	2010		
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago	Distant St				
	(consider transfers that changed the POU, rentals to the POU etc.)	2201				
	Has this right previously been leased to the bank or in CREP?		Х			
7	Injury to other water rights	5.5 70				
_	If the POD is through a delivery entity, was consent provided?		NA			
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%		
	Any other concerns		x			
		Check				
8	Enlargement concerns	box	1001100/			
-	Complete a POU comparison overlap analysis 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?	163	X			
	Will the place of use continue to receive water? (if yes explain in comments)		<u>,</u>			
		J				
9	Local Public Interest	5. L. D				
	Does the processor know of any problems this action will cause for the local public?		x			

X

x

х

3.5

 11
 Area Headgate requirement (write in Comments)

 12
 Is water right involved in any other department action? Pull file and check database

 () Ownership Change () Transfer () Mitigation () Other - Explain in comments
 Narrative: The Department received these applications on May 6, 2020. Donna Alfs, current owner signed the applications. These water rights were decreed in 2010. Irrigation has taken place as

recently as 2017. Letter from watermaster states the water has been delivered in the last 5 years.

These three rights are limited to a combined 9.4 acres. There are no other rights that overlap.

10 Have you contacted regional office and watermaster for comment/concerns?

Send the watermaster comment request form or e-mail request

Applicant states no other water will be used to irrigate the land. These rights are currently within WD

13 37.

HAEMMERLE LAW, P.I

Attorney & Counselor at Law

Fritz X. Haemmerle fxh@haemlaw.com P.O. Box 1800 Hailey, ID 83333 400 South Main Street, Suite 102 Tel: (208) 578-0520 Fax: (208) 578-0564

May 4, 2020

RECEIVED MAY 06

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

Re: Request to Water Bank 37-22066, 37-22068 and 37-22070

To Whom It May Concern:

This firm represents Donna Alfs. Please find enclosed my client's Application to Lease Water to Water Bank, for the aforementioned water rights. This Application includes; (1) three Lease applications; (2) a check for \$500.00 for the fee; (3) an executed W-9 Form; (4) maps including the POD and POU; and (5) a letter form Kevin Lakey, District 37, Water Master incuidating delivery of the wqater rights for the last five (5) years.

If you require any further information, please advise.

Sincerely,

HAEMMERLE LAW, P.L.L.C.

Fritz X. Haemmerle

FXH: fxh Encl. cc: client