

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 827

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

LESSOR: CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW, ID 83624

RECEIVED
OCT 16 2018
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 August 16, 2018.
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)
57-11799	8/6/1964	GROUND WATER	0.154	54.0	12.0
Combined Lease Totals			0.154	54.0	12.0

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, 2018 to December 31, 2022. 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. 827

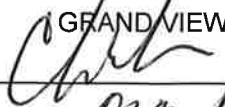
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right 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. 827

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

LESSOR: CHRIS UNRUH
25289 HIPWELL LN
GRANDVIEW, ID 83624

By 
Title owner/operator
Date 10/13/18

RECEIVED
OCT 16 2018
DEPARTMENT OF
WATER RESOURCES

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 10/17/2018

Lease approved by IDWR 

Date 10-17-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 827

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): 57-11799

GROUND WATER	SENE	Sec. 35	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	NENE	Sec. 36	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	NENW	Sec. 36	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	SWSE	Sec. 26	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	NESE	Sec. 26	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	NWSW	Sec. 26	Twp 04S	Rge 01W	OWYHEE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
57-11799	IRRIGATION	03/15	to	11/15	0.154 cfs	54.0 AF
Totals:					0.154 cfs	54.0 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	
04S	01W	36				5.1									2.6			4.3	12.0

Total Acres: 12.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.
- 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.
- 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.
- 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.
- While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
- Rental of water under this right is subject to the limitations and conditions of approval of the water right.
- 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. 827

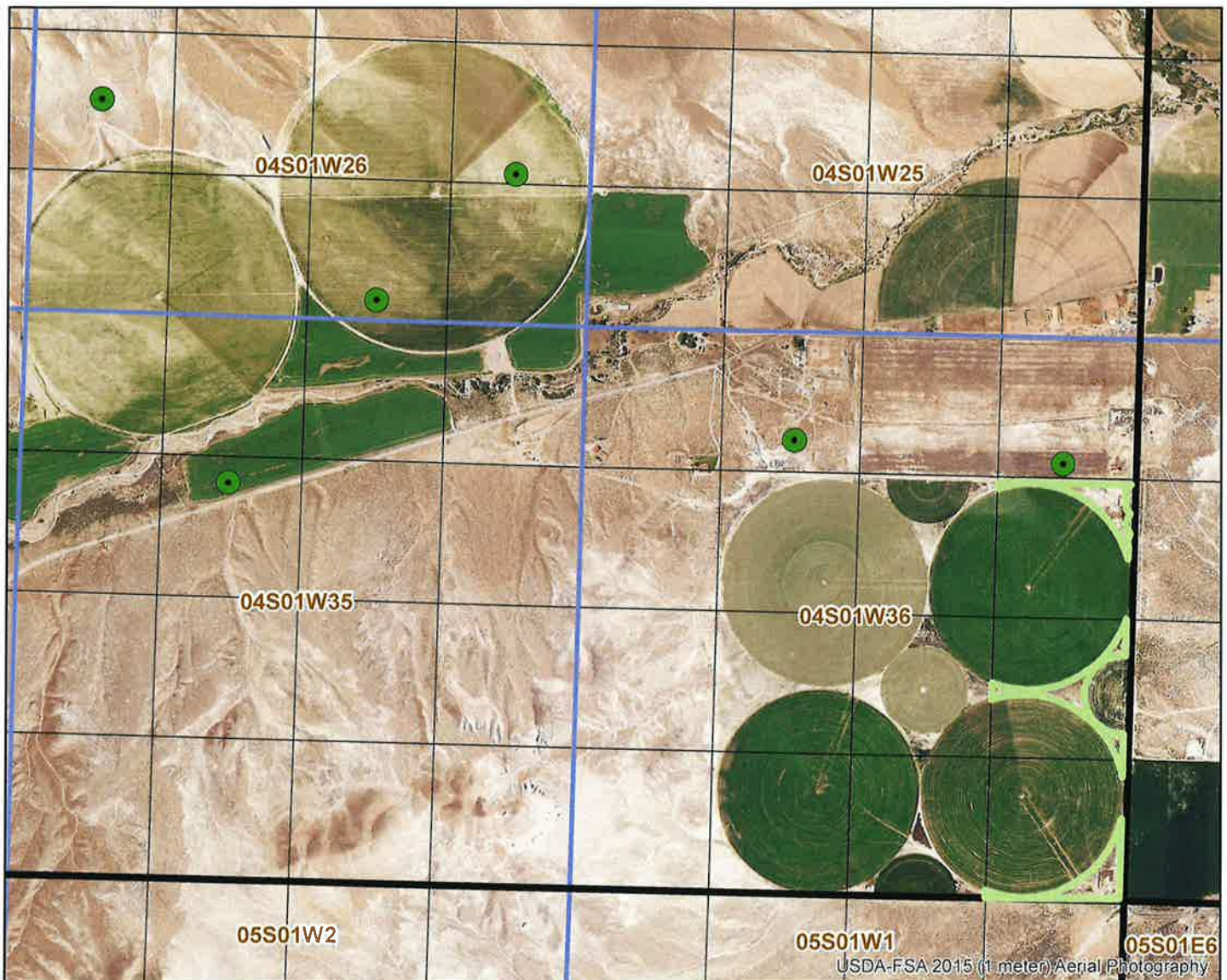
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other 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 use of unleased water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
13. The following rights are also diverted through point of diversion described above: 57-02278, 57-02271, 57-11798 & 57-11799.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 827

57-11799

Effective until December 31, 2022

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
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.25 0.5 0.75 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

AUG 16 2018

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant

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

Water Right No.

57-11799
(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 \$

250

Received By:

AW

Date Received:

8-16-18

Receipt #

C105519

W-9 received?

Yes ☒No ☐

(Route W-9 to Fiscal)

Name on W-9:

David Chris Unruh

1147

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 Chris Unruh
Mailing Address 25289 Hipwell Ln Boise ID. 83624
Street City State Zip Code
Email Address UnruhChris@yahoo.com Phone Number 208-863-1569

☐ 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.

Deep well + Pump

- 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.

- 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.

540 AF
minus 30.4 in water bank

- 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.

in water bank 2015-17

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, specify the years when the use of water will be suspended: 2018 to 2022 (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 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]
Signature of Designated Applicant

Chris Unruh
Printed Name

Aug 15 / 18
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**

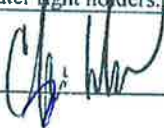
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to 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). 2-10201 57-11799 57-11801

	Designated Applicant	Applicant #2	Applicant #3
Name	Chris Unruh	Catherine Unruh	David R Unruh Trust
Mailing Address	25289 Hipwell Lane Grandview ID 83624	25289 Hipwell Lane Grandview ID 83624	25289 Hipwell Ln Grandview ID
Phone Number	~~208-834-2879~~ 863-1569	208-834-2879	
Email Address			
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		 Catherine Unruh	

Catherine Unruh 8-11-18

	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

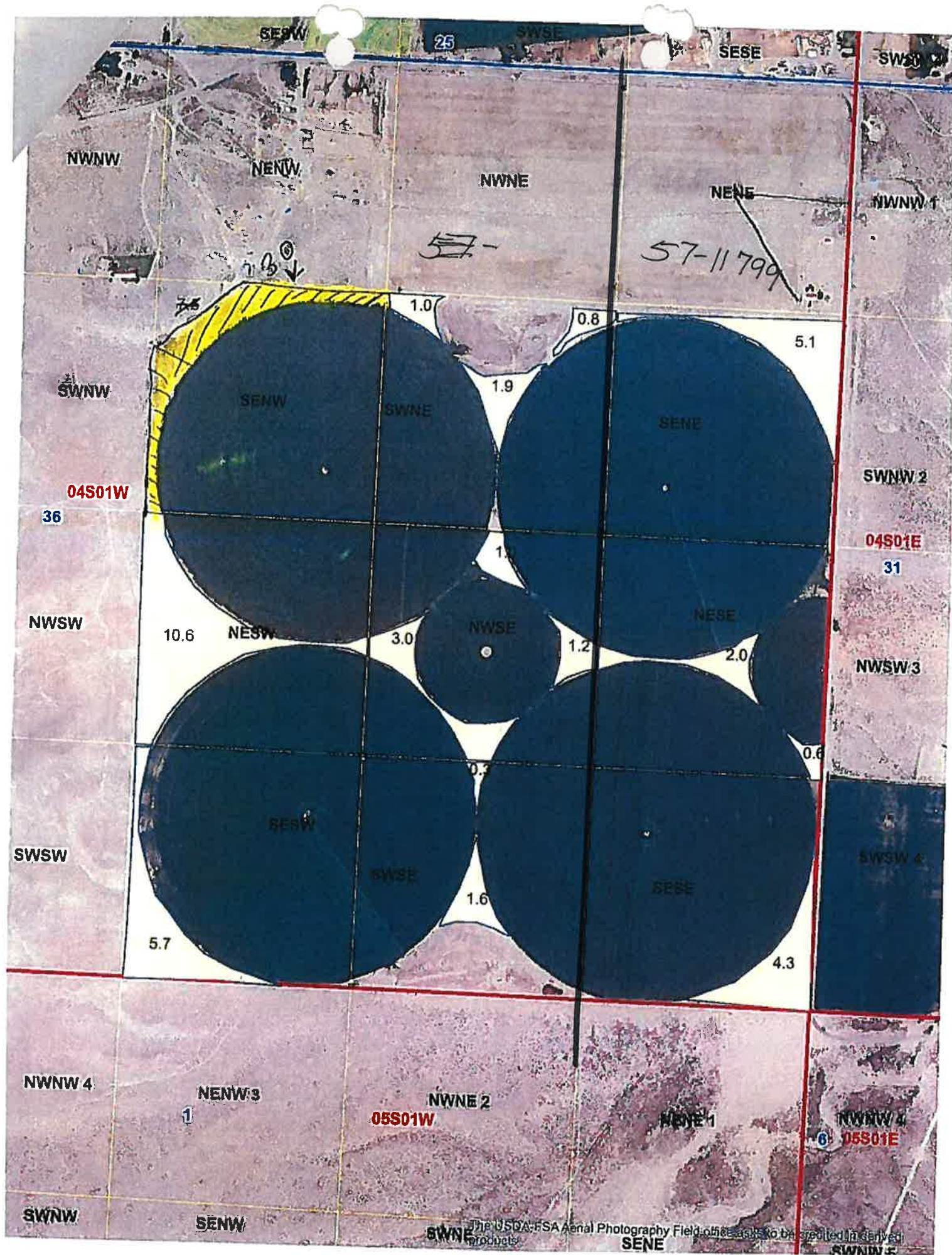
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>57-11799</u>	<u>100%</u>	<u>.14</u>	<u>50.4</u>	<u>12.0</u>
Total Amounts:				

2. Source of water Ground. tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
04S	1W	36			SE	NE	
					NE	SE	
					SE	SE	02y





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 17, 2018

CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624

RE: WATER SUPPLY BANK LEASE CONTRACT 827 FOR WATER RIGHT 57-11799

Dear Lessor:

Water right **57-11799** was leased into the Water Supply Bank (Bank) as of January 1, 2018, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank.** More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2022**, unless the right is 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 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. This form is available on our public website at www.idwr.idaho.gov. **Please note your water right may not be available for immediate release if it has been rented or is 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 287-4800.

Sincerely,

for Water Supply Bank

Enclosure: Executed Lease Contract

c: Angie Grimm - IDWR Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 4, 2018

CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS 827
FOR WATER RIGHT 57-11799**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on September 18, 2018. The signed contracts have not been returned to the Department.

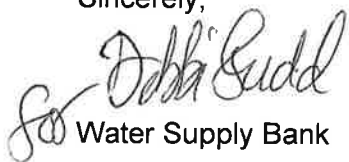
Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application will be returned, and the application fee will not be refunded. You can reapply to lease the water right in the future by submitting new application form along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,


Water Supply Bank



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 18, 2018

CHRIS UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624

RE: APPLICATION TO LEASE WATER RIGHT 57-11799 TO THE WATER SUPPLY BANK

******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, 2022**, 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 rights may not be available for immediate release if they have 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 287-4800.

Sincerely,

Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C105519

Webster, Clay

From: Condon, Mary
Sent: Friday, September 07, 2018 3:19 PM
To: Webster, Clay
Subject: FW: Lease Review 57-11799

FYI--

From: Grimm, Angie
Sent: Friday, September 07, 2018 2:44 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: Lease Review 57-11799

Mary,

Good afternoon! Happy Friday to you too!

No local area concerns come to mind for this lease. Thank you for the opportunity to comment.

Hope you have a great weekend!

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Condon, Mary
Sent: Friday, September 07, 2018 10:06 AM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: Lease Review 57-11799

Happy Friday, Angie!

Please see the attached lease review for 57-11799, and kindly respond with any comments or concerns within 7 days.

Best,
Mary

Mary Condon
Water Supply Bank Specialist
Planning & Projects Bureau
Idaho Department of Water Resources
Main: (208) 287-4936

Fax: (208) 287-6700

MEMORANDUM FOR APPLICATION # 1147

To: Water Right(s) 57-11799

From: Mary Condon

Date: August 30, 2018 (September 6, 2018)

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

PURPOSE/NARRATIVE: Application to lease water right 57-11779 starting January 1, 2018, received August 16, 2018. Mr. Unruh had a previous lease agreement from 2015-2017, but states he meant for it to be through 2018 the same as 57-11801 and 2-10201. The lease request is for 5 years with no changes from the previous application and contract to idle pivot corners.

AUTHORITY TO FILE: Chris Unruh is the applicant and designated lessor. The water right is also in the name of Catherine Unruh and the David R Unruh Trust. Parcel information shows Chris and Catherine as the owners for the place of use, no concern with authority to file.

WATER RIGHT VALIDITY: Full beneficial use of water right observed in previous lease review as well as the unleased portions in 2015 thru 2017 imagery and Sentinel 2018 for the month of July. Lessor has been complying with idled pivot corners, to include the portion proposed for the 2018-2022 lease application.

All six POD's licensed on the current water right from the parent right 57-2277 are not located on the Unruh land, with the closest two in the NENE and NENW of section 36. Right 57-2277 was found to be used in conjunction with another parent water right 57-7155A by the previous owner, Dempsey, which does have two points of diversion on now Unruh land in the SENE and SENW of section 36. During the field exam for 57-7155A it was noted the two wells in the SENE and SENW of section 36 were connected with lines east to west on the southern border and combined with one point of diversion for water right 57-2277. One well in the NENE for right 57-2277 was inaccessible due to ownership change. Later, 57-2277 and 57-2155A were both split between the Dempsey's and Unruh's in the sale of the 360 acres to the Unruh's. The Unruh's use both of their split rights, 57-11799 and 57-11801 on this southern portion of wells, which are the only described POD's for 57-11801. The Dempsey's are diverting their split rights, 57-11798 and 57-11800 in the NWNW and NENW of section 36. The only rights diverted from the two wells on Unruh land are 57-11799 and 57-11801. No signs of forfeiture or concerns of validity, although application for transfer should be submitted by the Unruh's to update the points of diversions.

INJURY TO OTHER WATER RIGHTS: Lease of this right should not cause any injury to other water rights, proper review to prevent injury if rented.

ENLARGEMENT OF USE: There are no overlapping water rights on the place of use proposed for lease, and no concerns of enlargement. There was previously a combined limit with 57-2199 & 57-1198, due to an original combined limit for 57-2199 and parent right 57-2277. The portion of 57-2277 which became 57-11799 did not overlap surface right 57-2199, and therefore no longer required a combined limit. The conditions have been updated on all three water rights.

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 not subject to a Water District. SOU is 03/15 to 11/15, Headgate Standard is 4.5 and consumptive use is 3.5, within Western Region.

Request for comments or concerns sent to Western Region manager on September 7, 2018; replied with no concerns.

Unruh - Irrigation Acres

water right 57-11799 leased acres

Determine the percentage of Acres per right

Total Irr Acres of Right	Total Irr Acres of All Rights	Total Irr Acres Split Off	Acres Split Of This Right
120.0	120.0	12.0	12.00 Acres

Determine the associated Rate per right

Total Irr Rate of Right (cfs)	Total Irr Acres of Right	Acres Split Of This Right	Rate of Diversion for Acres Split Off This Right (cfs)
1.54	120.0	12.0	0.154 cfs

Determine the associated Volume per right

Total Irr Volume of Right (af)	Total Irr Acres of Right	Acres Split Of This Right	Diversion Volume for Acres Split Off This Right (af)
540.0	120.0	12.0	54.00 af

57-11799 - Unruh

Basin	Sequence	RightID	Priority	Date	Source List	Current Owner	Diversion Rate	Approval Date	Total Acres	Acres Limit	Volume	Water District	Limited acres	Limiting factor	Leased acres
57	2199	421410	4/20/1951		HART CREEK	GIUSTI, ELVA MARIA	1.000		50.0			57B - Catherine Creek			
57	11798	638533	8/6/1964		GROUND WATER	GIUSTI, ELVA MARIA	0.560		44.0		198.0		88		
57	11799	638534	8/6/1964		GROUND WATER	THE DAVID R UNRUH TRUST; UNRUH,	1.540		120.0		540.0		112	0.933333333	11.2
200.0															

57	2199	421410	4/20/1951	HART CREEK	GIUSTI, ELVA MARIA	1.000	50.0	57B - Catherine Creek	
57	2277	421451	8/6/1964	GROUND WATER	GIUSTI, ELVA MARIA	2.100	164.0	738.0	parent split into 57-11798 and 57-11799
200.0									

		NE	NW	SW	SE	acres	cfs	vol	cfs/ac	af/ac	
57	2277 4S 1W S36 GW parent right	20NE 24NW 40SE			40NE 40SE		164	2.1	738	0.0128	4.5
57	2199 4S 1W S36 Surface	30NW	20NE				50	1	0	0.0200	
	Limited to on Decreases	16NW			Combined limit		200			0.0000	0
57	11798 4S 1W S36 GW split from 57-2277	20NE 24 NW		Limited to 80 acres with 57-2199			44	0.56	198	0.0127	4.5
57	11799 4S 1W S36 GW split from 57-2277	40SE			40NE 40SE		120	1.54	540	0.0128	4.5