



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 6, 2018

KENNETH KIMBALL
PO BOX 457
BELLEVUE ID 83313

**RE: WITHDRAWAL OF APPLICATION TO LEASE WATER RIGHT NO(S). 37-7409 TO THE
WATER SUPPLY BANK**

Dear Applicant:

Per your phone call request received on April 2, 2018 the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Applications and the associated the Rental Applications for the rights listed above.

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.

I have requested a refund of \$250.00 for receipts C104579 and C104580 for the withdrawal of lease application for 37-7409 which will be sent to you under separate cover.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

 Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Lease Application(s)

MEMORANDUM

To: Sascha Marston
From: Christine Field
Date: April 5, 2018
Re: Water Supply Bank Refund Needed

Please issue a Refund in the amount of **\$250.00 for Lease Application fee** for Withdrawal of Lease Application for W/R 37-7409 2018 season.

Receipt: C104579 C104580
Issue Refund \$250 Refund to:

Kenneth Kimball
PO Box 457
Bellevue id 83313

MEMORANDUM

TO: 37-7409
FROM:  Clay Webster
DATE: April 5, 2018
RE: Lease Application 1004

The applicant for Lease Application 1004 contacted me on 4/2/2018 to discuss his historical use of 37-7409. The review of his lease application showed that the most acres irrigated since the water right was decreed, was 11 acres. He wished to continue to irrigate 10 acres. He concluded that since the Water Supply Bank would only allow one acre to be accepted into the bank, he did not wish to pursue the lease for this water right.

This application has been withdrawn, and his application fee will be refunded.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 26 2018

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Kenneth Kimball

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

Water Right No. 37-7409

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☐ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☐ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☐ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☐ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.
- 1B ☐ ☐ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☐ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☐ ☐ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☐ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☐ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☐ ☐ Written consent from irrigation district or water delivery company.
- 4G ☐ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>TK</u>	Date Received: <u>1/26/2018</u>	Receipt # <u>C104579, C104580</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Kenneth H Kimball</u>	

Horsewise Enterprises LLC

1004

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 Kenneth Kimball

Mailing Address <u>P.O. Box 457</u>	<u>Bellevue</u>	<u>ID</u>	<u>83313</u>
Street	City	State	Zip Code

Email Address _____ Phone Number 1(208)309-0658

☐ 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.

Pump in well to mainline delivery system to irrigation system

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. NA

- 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. 2017 water use 23.33 acre feet. 2016 water use 29.32 acre feet. 2015 water use 35.70 acre feet. 2014 water use 32.21 acre feet as per Water District 37 records

- 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?

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.

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.

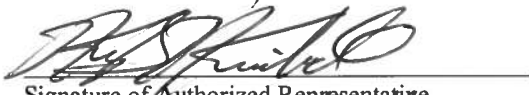
The Designated Applicant acknowledges the following:

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

Kenneth Kimball
Printed Name

1-22-2018
Date


Signature of Authorized Representative
Deborah Kimball

Kyle Kimball
Printed Name
Deborah Kimball

1-22-2018
Date
1-22-2018

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

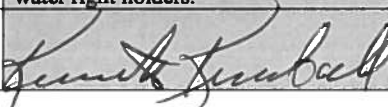
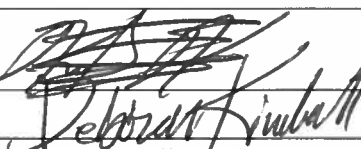
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name	Kenneth Kimball	Deborah Kimball	Kyle Kimball
Mailing Address	P.O. Box 457 Bellevue, Idaho 83313	P.O. Box 457 Bellevue, Idaho 83313	P.O. Box 457 Bellevue, Idaho 83313
Phone Number	1(208)309-0658		
Email Address	NA		
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

STATE OF IDAHO
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
<u>37-7409</u>	<u>Irrigation</u>		<u>30 acre feet</u>	<u>10</u>
	Total Amounts:			

2. Source of water Ground water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
1N	18E	36		SE	SW	NE	Blaine

State of Idaho
Department of Water Resources

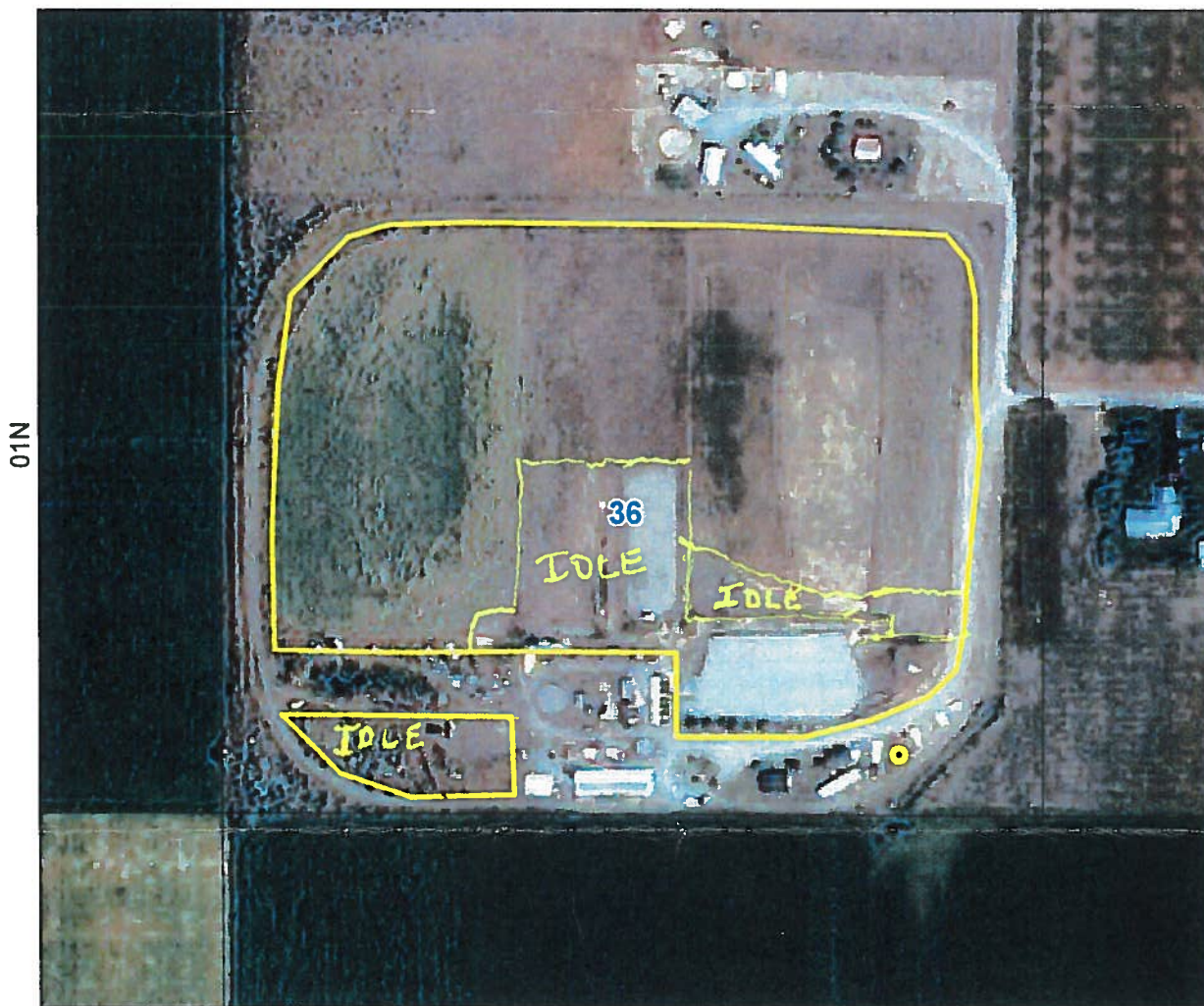
Water Right
37-7409

IRRIGATION

RECEIVED
FEB 20 2018
DEPT OF WATER RESOURCES

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

18E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles

*I have marked idle areas
in ten-acre set aside.*

Kenneth Kibball



State of Idaho
Department of Water Resources

Water Right
37-7409

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

18E



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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 30, 2018

KENNETH KIMBALL
PO BOX 457
BELLEVUE ID 83313

RE: APPLICATION TO LEASE WATER RIGHT 37-7409 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."

On January 26, 2018, the Department of Water Resources (Department) received your application to lease water right 37-7409 to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has not been lost through abandonment or forfeiture as defined by Idaho Code § 42-222(2). Which states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated." The department notified you of our concerns on February 23, 2018 that some of the acres proposed to be leased were found to have not been irrigated between 2013 and 2017. Further review of aerial photography between 2010, when the right was partially decreed in the Snake River Basin Adjudication, and 2017 shows only evidence of irrigation on 11 acres. Only one of these acres are proposed to be leased to the Bank. The response that you provided on March 15, 2018 did not address the protections to forfeiture laid out in Idaho Code § 42-223.

Lease Contract 786 Kimball

Because of concerns of forfeiture on the additional acres, the attached lease contract is for the one acre found to be acceptable for lease into the water supply bank.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Webster", followed by a horizontal line.

Clay Webster
Water Rights Supervisor

Enclosure: Proposed Lease Contracts

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Kenneth Kimball

Memo Date: 3/22/18

Water Right Number(s): 37-7409

Reviewers Name: Rachael Smith

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

	Check box	COMMENTS/CONCERNS:
1 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	X	Portion of irrigation acres, not domestic or stockwater portions
All of right		
3 Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)	X	Big Wood River GWMA, South Valley Trust Area
	Yes No	
4 Rentable? (If no explain in comments or narrative)	X	
5 Authority to file		
Current owner or designated applicant	X	
SOS Web site checked for business entity		NA
Other (explain in comments)		
6 Water Right validity		
Decreed/Licensed/Statutory claim date (write in comments section)		Decreed 2010
Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)	X	Aerial imagery, satellite imagery and water district and owner's flow meter records
Has this right previously been leased to the bank or in CREP?		X
7 Injury to other water rights		
If the POD is through a delivery entity, was consent provided?		NA
If the POD is through a delivery entity, was holdback required? (percentage in comments)		%
Any other concerns		
8 Enlargement concerns	Check box	
Complete a POU comparison overlap analysis	X	Baseline Canal Co. - Application does not indicate the owner has any shares in canal and states lease POU will not continue to receive water
Complete a combined limits review	NA	
Complete POD overlap analysis (if there is an overlap add condition to lease)	X	No POD overlap exists
	Yes No	
Are there overlapping rights that need to be placed in the bank also?		X
Will the place of use continue to receive water? (if yes explain in comments)		X
9 Local Public Interest		
Does the processor know of any problems this action will cause for the local public?		X
10 Have you contacted regional office and watermaster for comment/concerns?	X	Water District 37
Send the watermaster comment request form or e-mail request		
11 Area Headgate requirement (write in Comments)		3.5 af/yr/ac
12 Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		X
13 Narrative		An application to lease water right 37-7409 to the WSB was received on January 26, 2018. The map included with the application did not indicate which acres the applicant intended to lease. The applicant returned the map on February 20th indicating which acres would be idled and the portions were reviewed for concerns of forfeiture. A review of satellite and Landsat imagery from 2010 when the right was decreed to 2017 showed that only one acre of the approximately 3.3 acres offered to the WSB on the map had been put to beneficial use. There are concerns of forfeiture for the remaining 2.3 acres and the one acre will be accepted to the WSB. Blaine County Taxlot information shows Kyle and Deborah Kimball as the current owner of the POU and POD, both of whom signed the lease application. The POU will not continue to receive water so there are no concerns of enlargement. The right has no combined limits. The water right is located within Water District 37. The Watermaster and IDWR Southern Regional office were contacted for comments and/or concerns. There were no comments provided by the Watermaster and the Regional Office did not express any concerns regarding the lease.

Smith, Rachael

From: Skinner, Corey
Sent: Tuesday, March 27, 2018 9:13 AM
To: Smith, Rachael
Subject: RE: WSB Lease of WR 37-7409

No concerns from me.

From: Smith, Rachael
Sent: Thursday, March 22, 2018 11:16 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Subject: WSB Lease of WR 37-7409

Good morning,

Attached is a review memo and map for a Basin 37 groundwater lease.
Please let me know if you have any comments, questions or concerns.

Thank you,
Rachael

RECEIVED

MAR 19 2018

DEPARTMENT OF
WATER RESOURCES

March 15, 2018

Department of Of Water Resources

322 East Front Street, P.O. Box 83720

Boise, Idaho 83720-0098

Dear Rachel,

Enclosed, please find two maps. The first map shows the old mainline which was still in use in 2013 until June of 2014. The second map shows the new mainline which was installed in June of 2014.

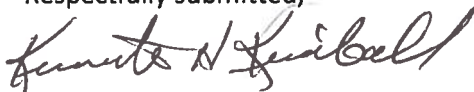
In June of 2014 we put in the new mainline and the new Flow Meter, and started to install wheel lines. We had already started to irrigate on May 5th before the meter was installed because we were on a waiting list for the installer. In early July we noticed a leak in the underground portion of the mainline, so we shut down the irrigation in order to rent a backhoe, dig it up, and replace it. That was around July 10, 2014.

After fixing that leak, the Flow Meter was disconnected in order to increase the pressure in the lines to check for more leaks. After repairing a few other leaks, and replacing the pipe to the Flow Meter, we finally turned it back on September 2nd. We irrigated all the time the meter was off, except for the repairs mentioned. We kept the irrigation running until October 1, 2014 to offset the dry conditions and to take care of the new seeding. According to the records we have, the flow Meter was on while we irrigated a total of 62 days, and we irrigated 69 days with the flow Meter off. I calculate that we used 68.06 acre feet in 2014.

Going back to 2013(map 1), using the old irrigation system, we flood irrigated and used big guns as well as hand lines. Our old mainline had ring latch connectors causing a lot of leakage at the joints. There was no meter that year and with the faulty irrigation system, we most likely used all of our allotment. Because of the uneven distribution of water in the old system, it was necessary to reseed in the fall of 2013. We invested the next year in better equipment and moved the mainline to its present location. We plan to keep improving and will be reseeding some areas again this year.

This shows that we did use our allotment in 2013 and 2014.

Respectfully submitted,



Kenneth H. Kimball

State of Idaho
Department of Water Resources

Water Right

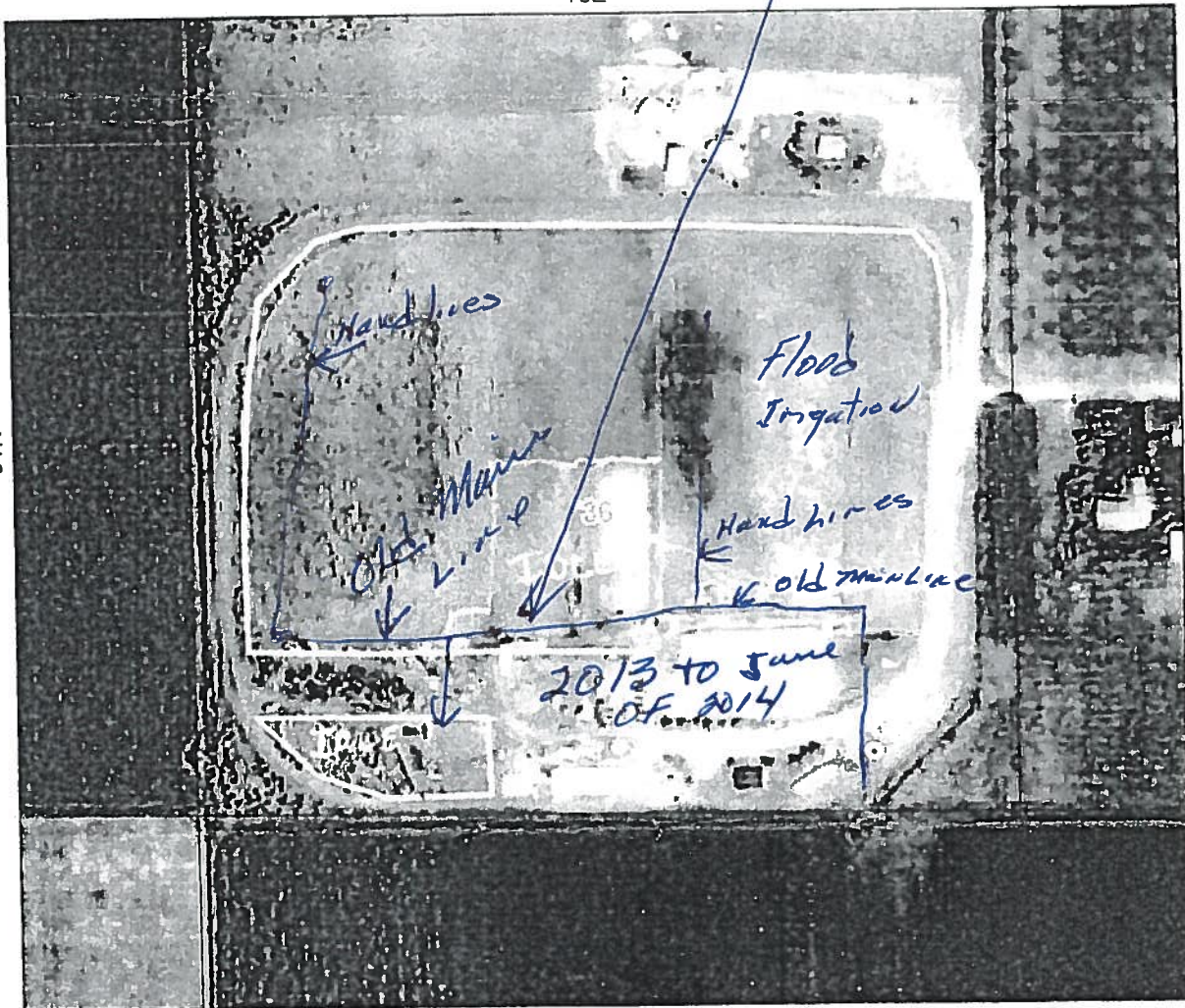
37-7409

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

18E

01N



- Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters

I have marked idle areas
in ten-acre set aside.



State of Idaho
Department of Water Resources

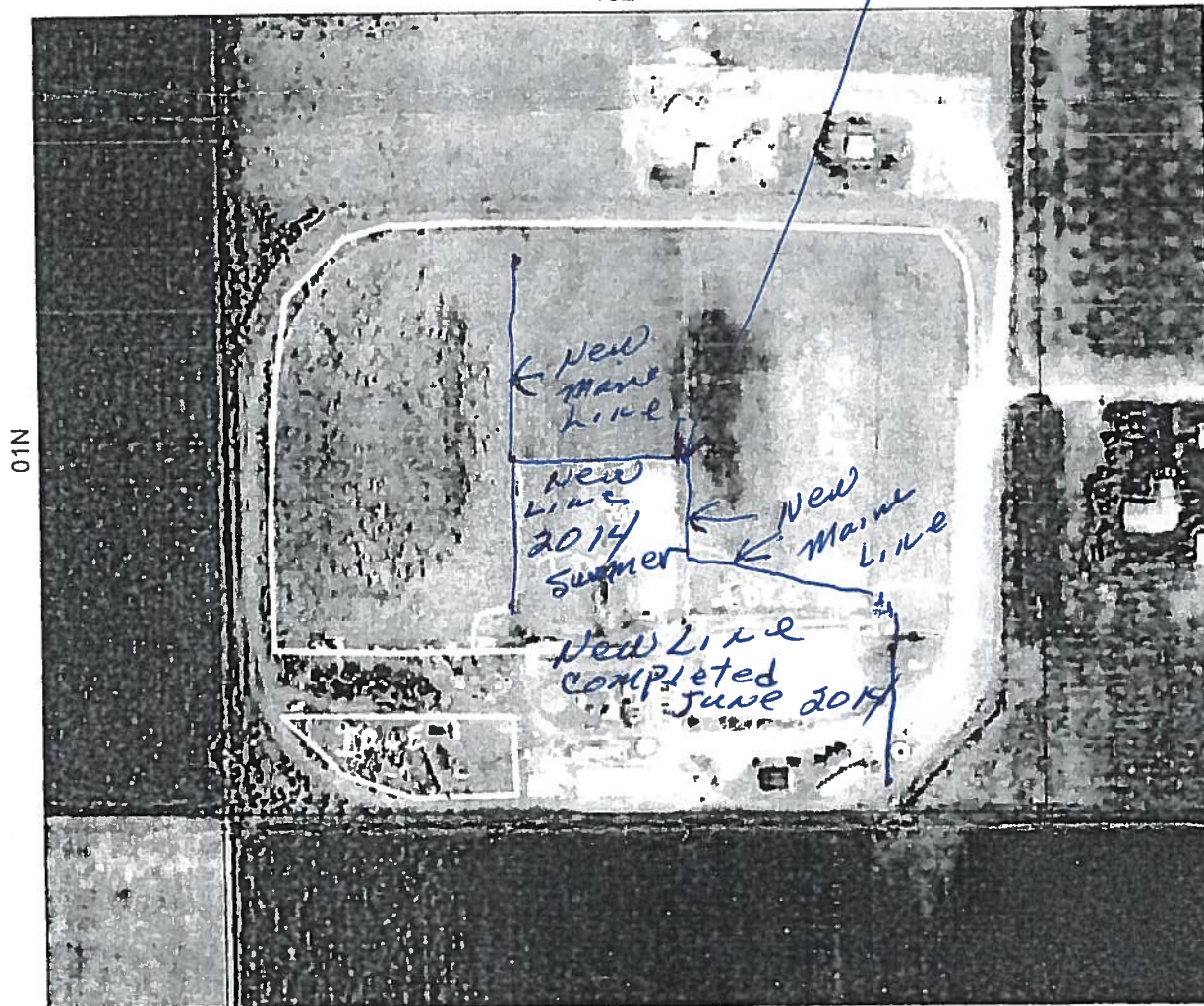
Water Right

37-7409

IRRIGATION

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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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 23, 2018

KENNETH KIMBALL
PO BOX 457
BELLEVUE ID 83313

**RE: APPLICATION(S) TO LEASE A PORTION OF WATER RIGHT NO. 37-7409 TO THE
WATER SUPPLY BANK**

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

Dear Applicant:

On January 26, 2018, the Department of Water Resources (Department) received your application to lease a portion of water right 37-7409 to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated."

A review of Landsat imagery between 2013 and 2017 shows no evidence of irrigation on the 10 acres proposed to be leased to the Bank. Because of the evidence of more than five years of non-use for this portion of the water right, the requirements of Water Supply Bank Rule 25 cannot be met. If you can provide additional information to show beneficial use has occurred on these 10 acres within the past five years or that they were protected from forfeiture under Idaho Code § 42-223, please provide the evidence within 30 days.

Please note that a water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223.

If you have any questions regarding this matter, please contact me at (208) 287-4912.

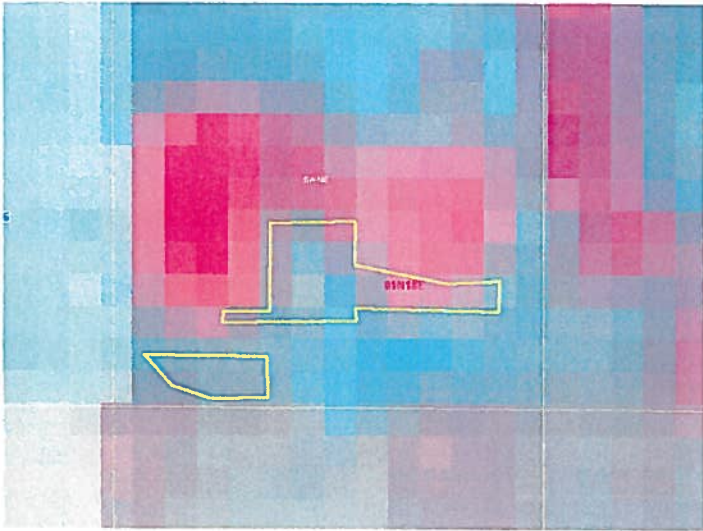
Sincerely,

Rachael Smith
Water Resource Agent Sr.

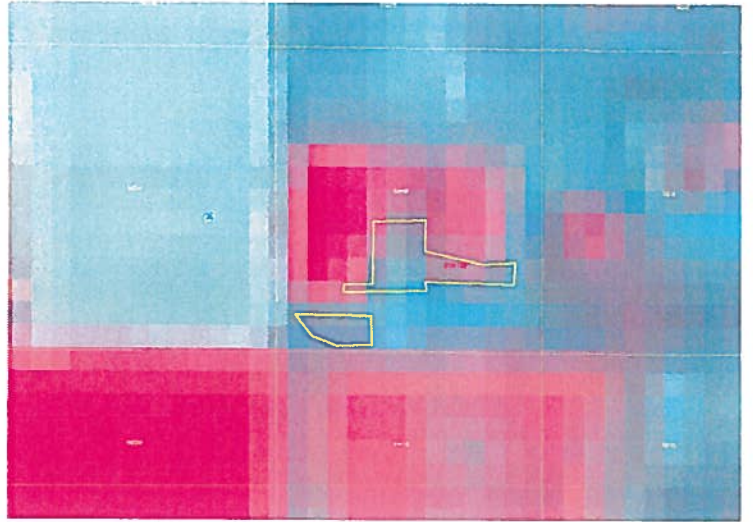
Enclosure: Review of Landsat Imagery

Review of Irrigated Portions of Water Right 37-7409

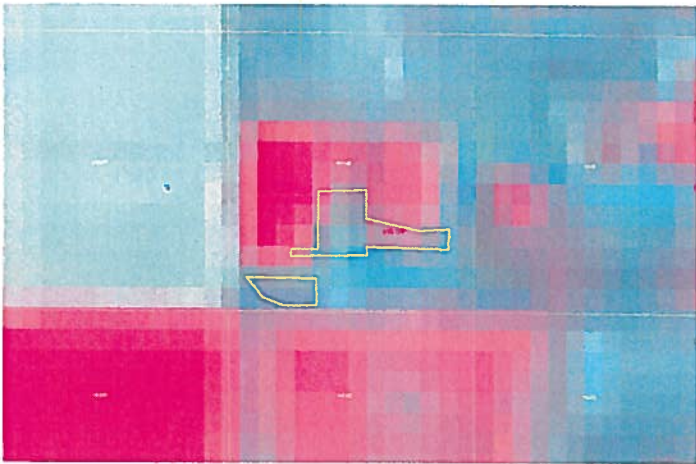
2013



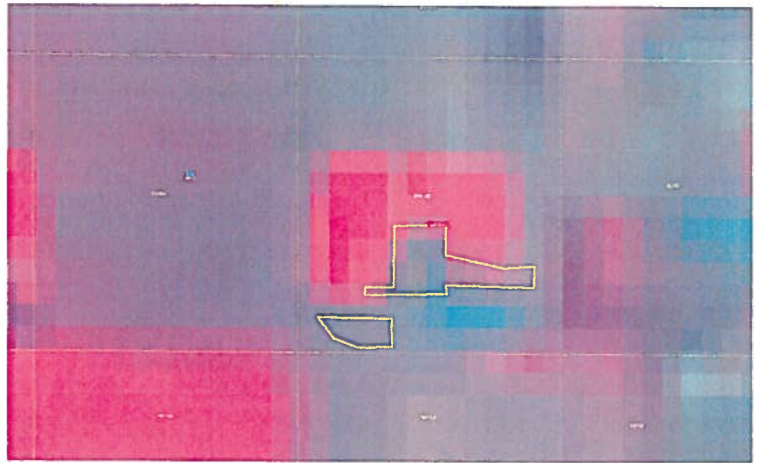
2014



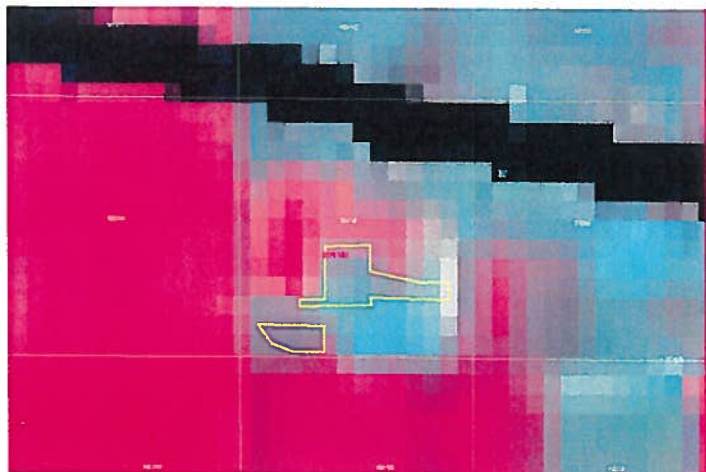
2015



2016



2017

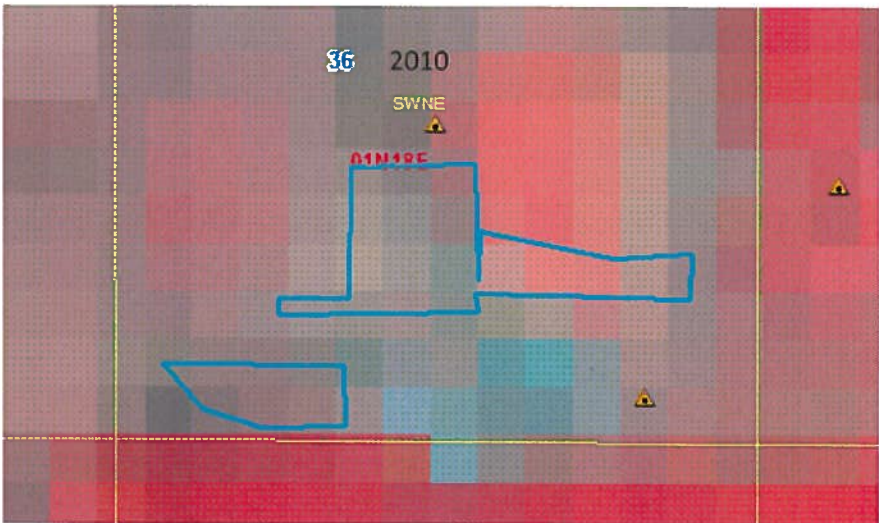
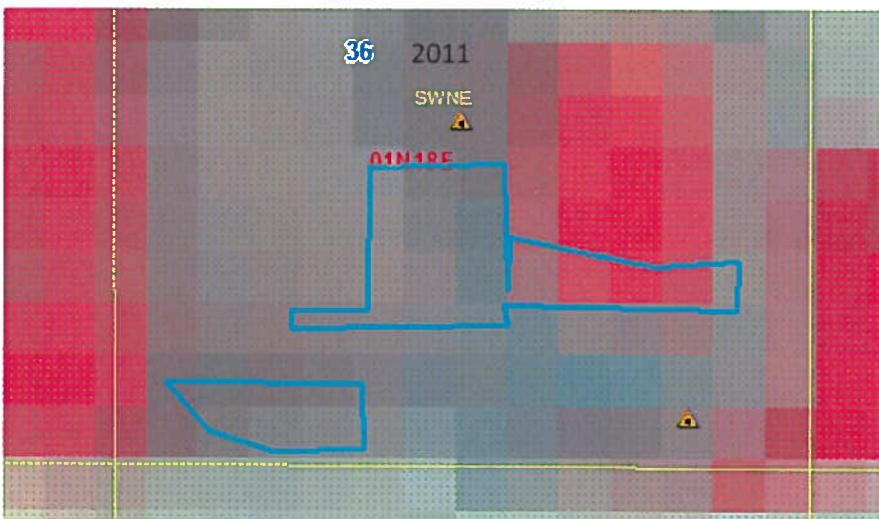
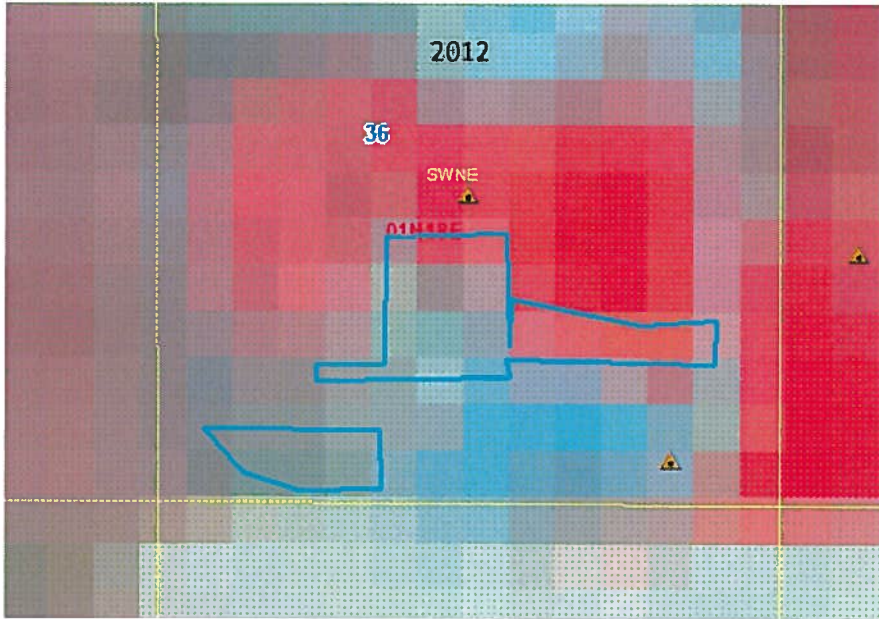


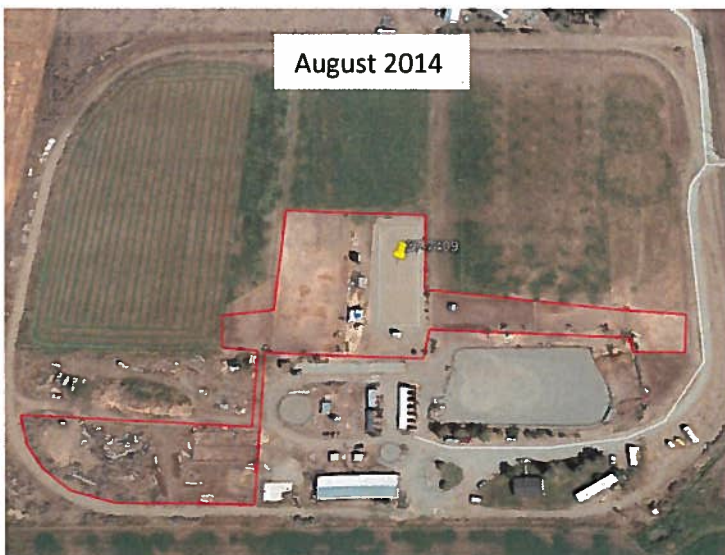
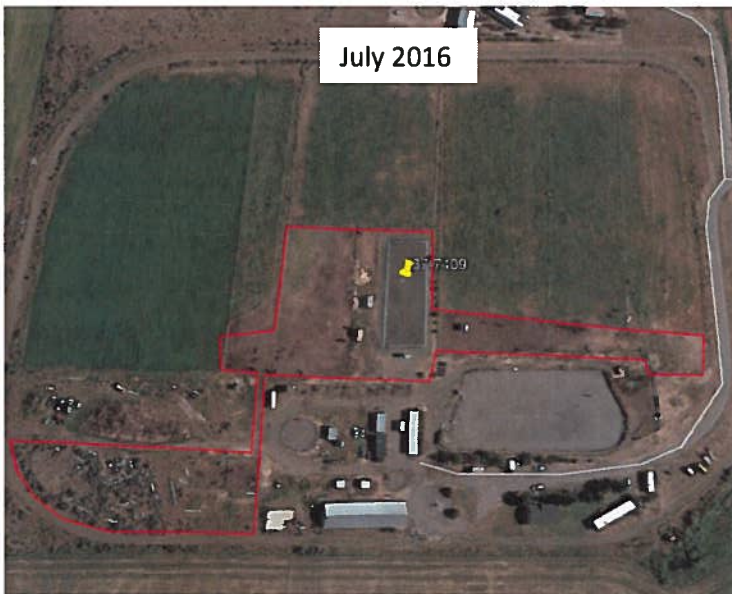
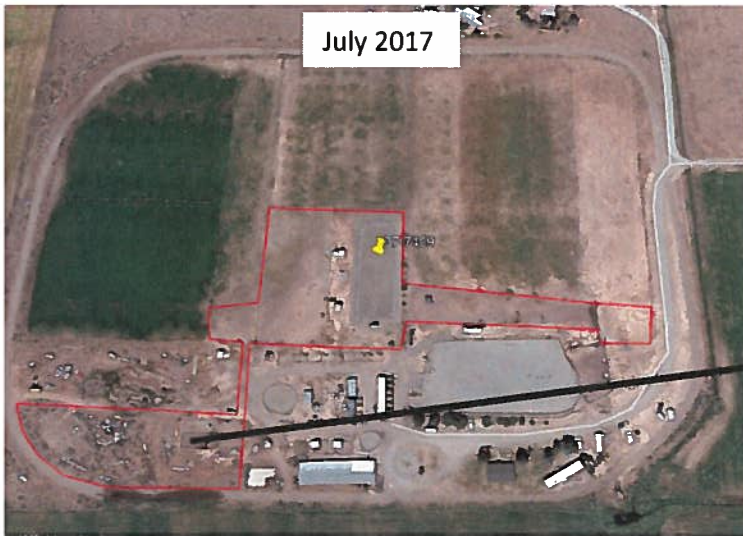
Legend

 Yellow outlined shapes indicate the portion of the water right offered to the water supply bank

Note: Land that is irrigated shows as red in Landsat imagery

Review of Irrigated Portions of Water Right 37-7409







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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 5, 2018

KENNETH KIMBALL
PO BOX 457
BELLEVUE ID 83313

RE: Additional Information Request for Processing Application to Lease Water Right No. 37-7409
to the Water Supply Bank

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application to lease the above referenced water right to the Water Supply Bank.

A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information within 30 days of the date of this letter or the application will be returned unprocessed and your application fee will be refunded:

- A map of acres to be idled according to this lease (please indicate on the attached map the 10 leased acres which will be idled). Please return the map to the address listed above.

The department will continue processing your application once you have submitted the requested information. If you have any questions, please contact this office at (208) 287-4912.

Respectfully,

Rachael Smith
Water Resource Agent, Sr.

Enclosure(s): Map- Water Right 37-7409

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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



Kevin Lakey
Watermaster

January 17, 2018

Kenneth Kimball
P.O. Box 457
Bellevue, Idaho

RECEIVED

JAN 26 2018

DEPARTMENT OF
WATER RESOURCES

Mr. Kimball:

Please find enclosed the APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK that we spoke about today.

I have filled out some of the information concerning the water right, but there are still a few things you will need to complete:

- Make sure you go through the check list on the first page to insure you have completed everything and enclose the \$250.00 fee
- Mark on the enclosed photo map which acres you wish to idle
- On page 4 at 5A of the application list the years when use of water will be suspended, and at 5B list the minimum payment you will accept. To simplify the application, I would suggest filling in the "current rental rate" which I believe is \$17.00 per acre foot. As a reminder, you will only be paid if someone chooses to rent your water from the bank. Also, I would suggest putting the water in the bank for as long as you feel comfortable (up to 5 years) to keep the yearly cost of the water down. If you only lease the water for 1 year, your yearly cost is \$250.00. If you spread that out over 5 years then the yearly cost is only \$50.00. Do what ever is comfortable to you. Don't forget to sign and date page 4.
- You, Deborah, and Kyle will need to sign under your names on Attachment 1A
- Fill out and sign the W-9 form
- Mail to the address listed at the bottom of page 4

Some of the points I have listed above are also on the MINIMUM REQUIREMENT CHECKLIST, so be sure to go over that list as I said above.

Be sure to call with any questions and good luck.

Respectfully


Kevin Lakey
Water District 37