

WATER SUPPLY BANK LEASE CONTRACT No. 751

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

LESSOR: MARION D GROOTHUIS
12926 NORWOOD RD
DONNELLY, ID 83615

RECEIVED

MAR 02 2018

**DEPARTMENT OF
WATER RESOURCES**

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 26, 2017.
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)
63-32403	9/13/1874	DRY CREEK, tributary to BOISE RIVER	0.13	27.9	6.2
63-32412	7/14/1959	GROUND WATER	0.07	27.9	6.2
Combined Lease Totals			0.13	27.9	6.2

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
63-32403	0.13	27.9	6.2	0.019	4.50
63-32412	0.07	27.9	6.2	0.011	4.50
Combined Limit Totals	0.12	27.9	6.2	0.020	0.10

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits.*

SUPPORT DATA

IN FILE # 63-32403

LEASE CONTRACT NO. 751

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, 2019. 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.
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.

LEASE CONTRACT NO. 751

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

LESSOR: MARION D GROOTHUIS
12926 NORWOOD RD
DONNELLY, ID 83615

By _____
Title Lessor
Date 3-1-18

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 3/2/2018

Lease approved by IDWR Angie Welch

Date 3-2-2018

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 751

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): 63-32403

DRY CREEK SESENE Sec. 31 Twp 05N Rge 02E ADA County

Source and Location of Point(s) of Diversion for Water Right No(s): 63-32412

GROUND WATER SENWNE Sec. 31 Twp 05N Rge 02E ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-32403	IRRIGATION	03/01	to	11/15	0.13 cfs	27.9 AF
63-32412	IRRIGATION	03/01	to	11/15	0.07 cfs	27.9 AF
Totals:					0.13 cfs	27.9 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

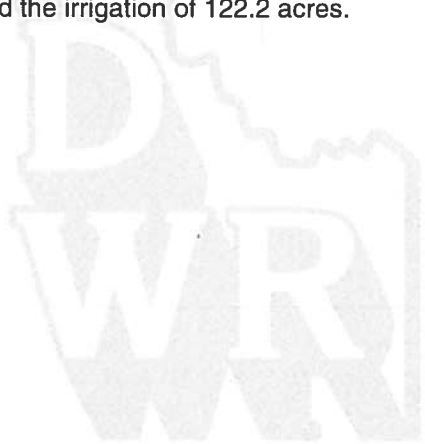
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	02E	31			3.3					2.9									6.2

Total Acres: 6.2

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.

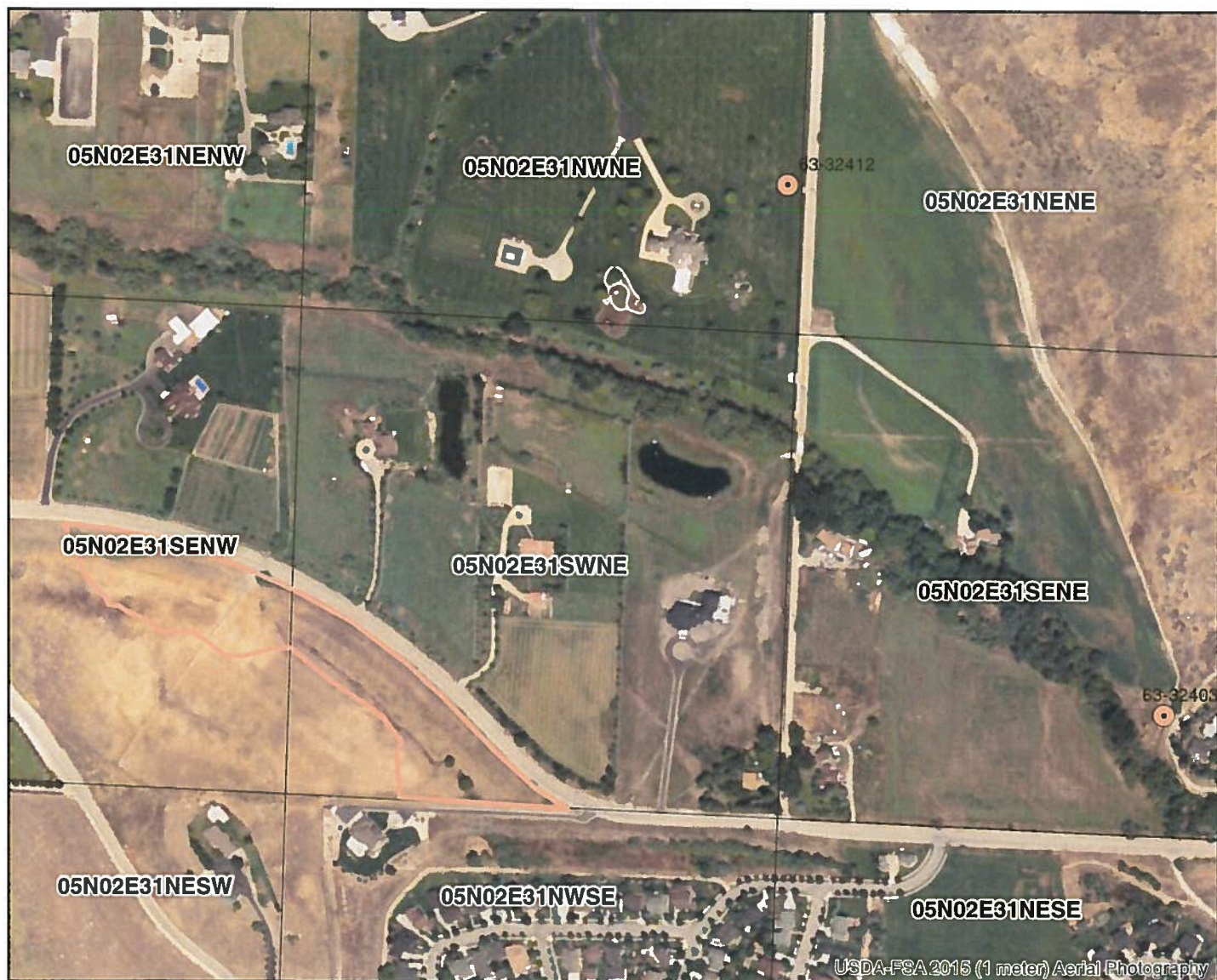
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water under water right 63-32403 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. 63.
13. Rights 63-32403 and 63-32412 when combined shall not exceed a total diversion rate of 0.13 cfs and the irrigation of 6.2 acres.
14. Unleased rights 63-31738, 63-32404, 63-32405, 63-32407, 63-32408, 63-32637, 63-32638, 63-32707, 63-32708, 63-32709, 63-32710, 63-31740, 63-32413, 63-32414, 63-32416, 63-32417, 63-32639, 63-32640, 63-32712, 63-32713, 63-32714, and 63-32715 when combined shall not exceed a total diversion rate of 2.44 cfs and the irrigation of 122.2 acres.



Idaho Water Resource Board
Water Supply Bank Lease Contract No. 751

63-32403 & 63-32412
Effective until December 31, 2019

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



0 500 1,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 26 2017

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Marion D. Groothuis
(Select one owner – see item 1A on the application)Water Right No. 63-32403
(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 <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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 beneficial use of water will be suspended. You have the option of printing a map using the map ' 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 <u>Section 42-222(2) Code</u> . |

Department Use Only

Fee Amount \$ <u>500.00</u>	Received By: <u>TK</u>	Date Received: <u>12/26/2017</u>	Receipt # <u>C1044</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Marion D. Groothuis</u>	

948

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 Marion D. Groothuis for Groothuis Family Revocable
Mailing Address 12926 Norwood Road Donnelly ID 83615 Trust
Street City State Zip Code
Email Address growth@aol.com Phone Number 208-325-8484

☐ 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 place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled 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.
Water Flows into a holding pond from
well & Dry creek Then is pumped via pressurized irrigation
to edge of property
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. ALL offered to the bank
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Used all water rights available before
Jan 2016
Put ALL in water bank for all of 2016 and 2017
- 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 2019 (maximum lease period 5 calendar years).
(Year) (Year)

- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

current rental rate

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

The Designated Applicant acknowledges the following:

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

Signature of Designated Applicant

Marion D. Groothuis for 12-15-2017
Printed Name Date
Groothuis Family Revocable Trust

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

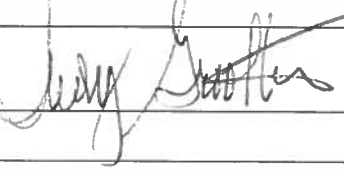
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). 63-32403, 63-32412, 63-33244, 63-33247

	Designated Applicant	Applicant #2	Applicant #3
Name	Marlon D. Growthus for Growthus Family Revocable Trust	Judy Growthus for Growthus Family Revocable Trust	
Mailing Address	12926 Norwood Rd Donnelly, ID 83615	12926 Norwood Rd Donnelly, ID 83615	
Phone Number	208-325-8484	208-325-8484	
Email Address	growthus@aol.com	jgrowthus@aol.com	
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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

WATER RIGHTS
Hidden Springs Property
63-32403, 63-32412, 63-33244,
63-33247

water comes
out of
pressurized
irrigation pipe
onto property

Ground

well

N Ball Manor Ln

N McFarland Creek Rd

N 4th Ave

W Farm Market Rd

N 1st Ave

N 2nd Ave

1000 ft

N

ATTACH-
MENT
3

Google Earth

© 2017 Google



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

March 5, 2018

MARION D GROOTHUIS
12926 NORWOOD RD
DONNELLY ID 83615

RE: WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHTS 63-32403, 63-32412, 63-33244, and 63-33247

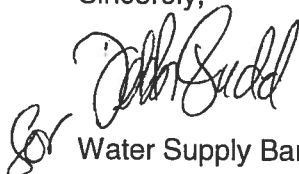
Dear Lessor:

Water rights **63-32403, 63-32412, 63-33244, and 63-33247** were leased into the Water Supply Bank (Bank) as of December 26, 2017, in accordance with the enclosed executed lease contracts. **Your water rights, as described on the lease contracts, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contracts. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2019**, 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 contracts upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,



For Water Supply Bank

Enclosures: Executed Lease Contracts

c: Angie Grimm - IDWR Western Region
Rex Barrie - Water District 63

DEPT OF WATER RESOURCES
WATER RIGHTS SECTION
PO BOX 83720
BOISE, ID 83720-0098

RECEIVED

FEB 26 2018

DEPARTMENT OF
WATER RESOURCES

836 836 83616 03-42
PSRT FIRST
U.S. POSTA
Boise.
PERMIT
6020180214-112353690
6
RETURN SERVICE REQUESTED

83616

MARION GROOTHUIS
3490 N SADDLEMAN PL
EAGLE ID 83616

603-32403
Return
to
Groothuis
12526
Donnelly ID 83615-5027

GR004990
RETURN TO
GROOTHUIS
12526 NORWOOD RD
DONNELLY ID 83615-5027

RETURN TO SENDER

Hersley, Jean

From: Grimm, Angie
Sent: Tuesday, February 20, 2018 12:40 PM
To: Hersley, Jean
Subject: RE: WSB Lease for Groothuis

Jean,

No local area concerns come to mind with these leases. Thank you for the opportunity to comment.

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: Hersley, Jean
Sent: Tuesday, February 13, 2018 10:28 AM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>; Rex Barrie <waterdistrict63@qwestoffice.net>
Subject: WSB Lease for Groothuis

Please let me know if you have any comments or concerns with the attached leases.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, February 13, 2018 10:28 AM
To: Grimm, Angie; 'Rex Barrie'
Subject: WSB Lease for Groothuis
Attachments: Idled Acres 63-32403 & 32412.pdf; Lease Application Review 63-32403 & 63-32412.xls; Report - Lease Contract - #751.docx; Idled Acres 63-33244 & 33247.pdf; Lease Application Review Checklist 63-33244 & 33247.xls; Report - Lease Contract - #752.docx

Please let me know if you have any comments or concerns with the attached leases.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, February 13, 2018 10:28 AM
To: Grimm, Angie; 'Rex Barrie'
Subject: WSB Lease for Groothuis
Attachments: Idled Acres 63-32403 & 32412.pdf; Lease Application Review 63-32403 & 63-32412.xls; Report - Lease Contract - #751.docx; Idled Acres 63-33244 & 33247.pdf; Lease Application Review Checklist 63-33244 & 33247.xls; Report - Lease Contract - #752.docx

Please let me know if you have any comments or concerns with the attached leases.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*



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 13 2018

MARION GROOTHUIS
3490 N SADDLEMAN PL
EAGLE ID 83616

RE: APPLICATIONS TO LEASE WATER RIGHT 63-32403, 63-32412, 63-33244 & 63-33247 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, 2019**, 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,


for Water Supply Bank

Enclosure: Proposed Lease Contracts
Receipt # C104457, C104605



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

January 12, 2018

MARION D GROOTHUIS
12926 NORWOOD RD
DONNELLY ID 83615

RE: LEASE APPLICATION FEE REQUEST TO LEASE WATER RIGHT NO(S). 63-32403, 63-32412, 63-33244 & 63-33247 TO THE WATER SUPPLY BANK

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

Dear Applicant:

Effective April 8, 2011, Water Supply Bank Rule 25.02 (also known as IDAPA 37.02.03.025.02.f) requires a \$250.00 fee be submitted with all Water Supply Bank (Bank) lease applications. The fee for a set of overlapping rights is a maximum of \$500.00. To clarify, Bank lease applications seek to place water rights into the Bank.

The Department of Water Resources (Department) received your application(s) to lease water right(s) **63-32403, 63-32412, 63-33244 & 63-33247** to the Bank on December 26, 2017 with \$500.00 of the required fees. The Department will require another \$500 fee to process these applications. Water rights 63-32403, 63-32412, 63-33244 & 63-33247 seem to overlap but 63-32403 & 63-32412 can be separated from 63-33244 & 63-33247. **Please submit the additional \$500.00 lease application fee within 14 days.** Without the lease fee your application(s) is considered incomplete and will not be processed.

Once the additional application fee is received, your application(s) will be reviewed. If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

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. This and other water right forms are available from the Department's web site, <http://www.idwr.idaho.gov>.

Please contact me if you have any questions at (208) 287-4910.

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Marion D Groothuis

Memo Date: January 11, 2018

Water Right Number(s): 63-32403 & 63-34212

Reviewers Name: jean

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)			
2	☐		
Reason for lease of water rights (Brief description of lease proposal in narrative)			
	☐		
	☐		
	☒		
Portion of right			
All of right			
3	☐		
Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
	☒	☒	
4	☒	☒	
Rentable? (If no explain in comments or narrative)			
5	☐		
Authority to file			
	☒		
Current owner or designated applicant			
	☐		
SOS Web site checked for business entity			
	☐		
Other (explain in comments)			
6	☐		
Water Right validity			
	☐		
Decreed/Licensed/Statutory claim date (write in comments section)			
	☐		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.)			
	☒		Bank 2016-2017
Has this right previously been leased to the bank or in CREP?			
7	☐		
Injury to other water rights			
	☐	☒	na
If the POD is through a delivery entity, was consent provided?			
	☐		%
If the POD is through a delivery entity, was holdback required? (percentage in comments)			
Any other concerns			
8	☐		
Enlargement concerns			
	☒		
Complete a POU comparison overlap analysis			
	☒		
Complete a combined limits review			
	☒		
Complete POD overlap analysis (if there is an overlap add condition to lease)			
	☒	☒	
	☐	☒	
Are there overlapping rights that need to be placed in the bank also?			
	☐	☒	
Will the place of use continue to receive water? (if yes explain in comments)			
9	☐		
Local Public Interest			
	☐	☒	
Does the processor know of any problems this action will cause for the local public?			
10	☒		
Have you contacted regional office and watermaster for comment/concerns?			
	☒		63-32403
Send the watermaster comment request form or e-mail request			
11	☐		
Area Headgate requirement (write in Comments)			
	☐		4.5
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 December 26, 2017. The applicant wishes to place the entirety of both rights in the Bank. These rights are limited to a combined 6.2 acres and 0.13 cfs. These rights were decreed in 2010 and placed in the Bank for the 2016-2017 seasons. Forfeiture is not an issue. These water rights appear to overlap with water rights 63-33244 and 63-33247 however, they can be separated. I am sending a letter requesting an additional \$500 fee since they only paid \$500. Water rights 63-33244 and 63-33247 are being offered to the Bank also. Water Right 63-24003 is currently within WD 63. 63-32412 is a ground water right.			
13	☐		

RECEIVED

DEC 26 2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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DEPARTMENT OF
WATER RESOURCES

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 5, 2017

MARION D GROOTHUIS
3490 N SADDLEMAN PL
EAGLE ID 83616

RE: NOTIFICATION OF WATER SUPPLY BANK LEASE EXPIRATION FOR WATER
RIGHTS: 63-32403,, 63-32412,, 63-33244,, 63-33247

Dear Lessor:

Idaho Department of Water Resources (Department) records show that all or a portion of the above referenced water right(s) were leased to the Water Supply Bank (Bank) through December 31, 2017. This letter is notice that the following right(s) will soon be released from the Bank:

Lease Contract ID	Contracted Water Rights	Contract Start	Contract End
111	63-32403, 63-32412	01/01/2016	12/31/2017
113	63-33244, 63-33247	01/01/2016	12/31/2017

If you would like to renew the lease of these right(s) to the Bank, a new Application to Sell or Lease a Water Right to the Water Supply Bank form is required. If you have not already done so, you can download and complete a new lease application form by visiting the Department's website at www.idwr.idaho.gov.

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. The five-year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

If you have any questions regarding this matter, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Specialist

I think I got it all.

Thanks for your help.

Butch

948