

WATER SUPPLY BANK LEASE CONTRACT No. 664

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

LESSOR: MICHAEL B IHLI
625 S SCHOOL AVE
KUNA, ID 83634

RECEIVED
SEP 06 2017
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 February 16, 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)
2-10420	7/30/1969	SNAKE RIVER, tributary to COLUMBIA RIVER	1.24 cfs	220.5 af	49.0
57-11710	12/29/1970	CASTLE CREEK, tributary to SNAKE RIVER	1.16 cfs	270.0 af	60.0
Combined Lease Totals			2.40 cfs	378.0 af	84.0

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, 2017 to December 31, 2020. This Lease shall bind the parties and take effect when both parties have signed it.

SUPPORT DATA
IN FILE # 2-10420

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LEASE CONTRACT NO. 664

4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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LEASE CONTRACT NO. 664

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

LESSOR: MICHAEL B IHLI
625 S SCHOOL AVE
KUNA, ID 83634

By Michael B Ihl
Title Owner
Date 08-02-2017

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 9/7/2017

Lease approved by IDWR Chad

Date 9-7-2017

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SEP 11 7 2017

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 664

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): 57-11710

CASTLE CREEK NWNESE Sec. 13 Twp 04S Rge 01E OWYHEE County

Source and Location of Point(s) of Diversion for Water Right No(s): 2-10420

SNAKE RIVER L 7(SWSW) Sec. 26 Twp 03S Rge 01E OWYHEE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
57-11710	IRRIGATION	03/01	to	11/15	1.160 cfs	270.00 AF
2-10420	IRRIGATION	03/01	to	10/31	1.240 cfs	220.50 AF
Totals:					2.400 cfs	490.50 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 2-10420

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	01E	1			10.0														10.0
04S	01E	12	10.0			16.0													26.0
04S	01E	7											13.0						13.0

Total Acres: 49.0

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	01E	1			10.0														10.0
04S	01E	12	13.0			15.0												11.0	39.0
04S	01E	13	11.0																11.0

Total Acres: 60.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.

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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. Water right 2-10420 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
13. Water right 57-11710 when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
14. Water right 57-11710 when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 7720.0 af at the field headgate for the lands above.
15. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
16. Use of water under water right 57-11710 will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 57-C.
17. Use of water under water right 2-10420 will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2.
18. The period of use for the irrigation described in this approval (2-10420) may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/8/2009.
19. Rights 57-00235, 57-07034A, 57-11666 and 57-11667 are also diverted through the Castle Creek point of diversion described above.
20. Rights 57-00235, 57-11709 and when combined shall not exceed the irrigation of 1308 acres.

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Idaho Water Resource Board
Water Supply Bank Lease Contract No. 664

2-10420

Effective until December 31, 2020

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



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SEP 17 2017

0 0.5 1 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 13 2017

RECEIVED

FEB 16 2017

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKWATER RESOURCES
WESTERN REGIONDEPARTMENT OF
WATER RESOURCES

Designated Applicant

MICHAEL B. IHLI

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

Water Right No.

2-10420

(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>RN</u>	Date Received: <u>2/13/17</u>	Receipt # <u>W044949</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Michael B Ihli</u>	

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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 MICHAEL B. IHLI
Mailing Address 625 S. SCHOOL AVE KUNA ID. 83634
Street City State Zip Code
Email Address mikeihlie@gmail.com Phone Number 208-867-5736

☐ 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**.

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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 37.02.03.25.02c](#).

- B. Please provide a description of the current water diversion and delivery system.

PUMP STATION ON SWAGE RIVER. LIFT INTO CANAL. RELIFT PUMP AT
END OF CANAL INTO UPPER CANAL. UPPER CANAL SYSTEM TO PLACE OF USE.

- 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. CASTLE CREEK # 57-11710

- 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. Final decree in 2009. PLACED IN WATER BANK 2014. To
2016

- 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. FORFEITURE CLOCK TOLLED WHILE RIGHTS
IN WATER BANK. See attached letter "4G" for lease
confirmation.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☒ No ☐
If yes, describe. APPLICATION FOR CHANGE IN P.O.D. AND APPLICATION TO
CREATE A PERMITTED PLACE OF USE.

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SEP 17 2017

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: 2017 to 2020 (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.

Michael B. IHLI
Signature of Designated Applicant

MICHAEL B. IHLI
Printed Name

Feb 13, 2017
Date

Signature of Authorized Representative

Printed Name

Date

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

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SEP 07 2017

**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). 2-10420 57-11710

	Designated Applicant	Applicant #2	Applicant #3
Name	MICHAEL B. IHLI	LINDA M. IHLI	
Mailing Address	625 S. School Ave. KUNA ID. 83634	Same	
Phone Number	208-867-5736	Same	
Email Address	mikeihli@gmail.com	Same	
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	<i>Mike Ihli</i>	<i>Linda Ihli</i>	

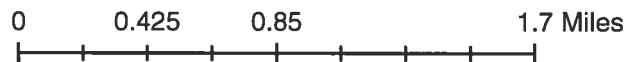
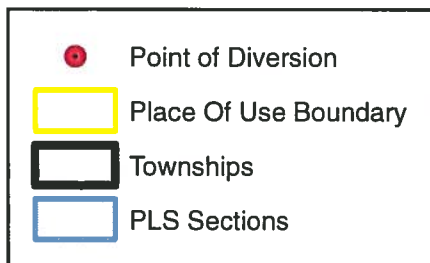
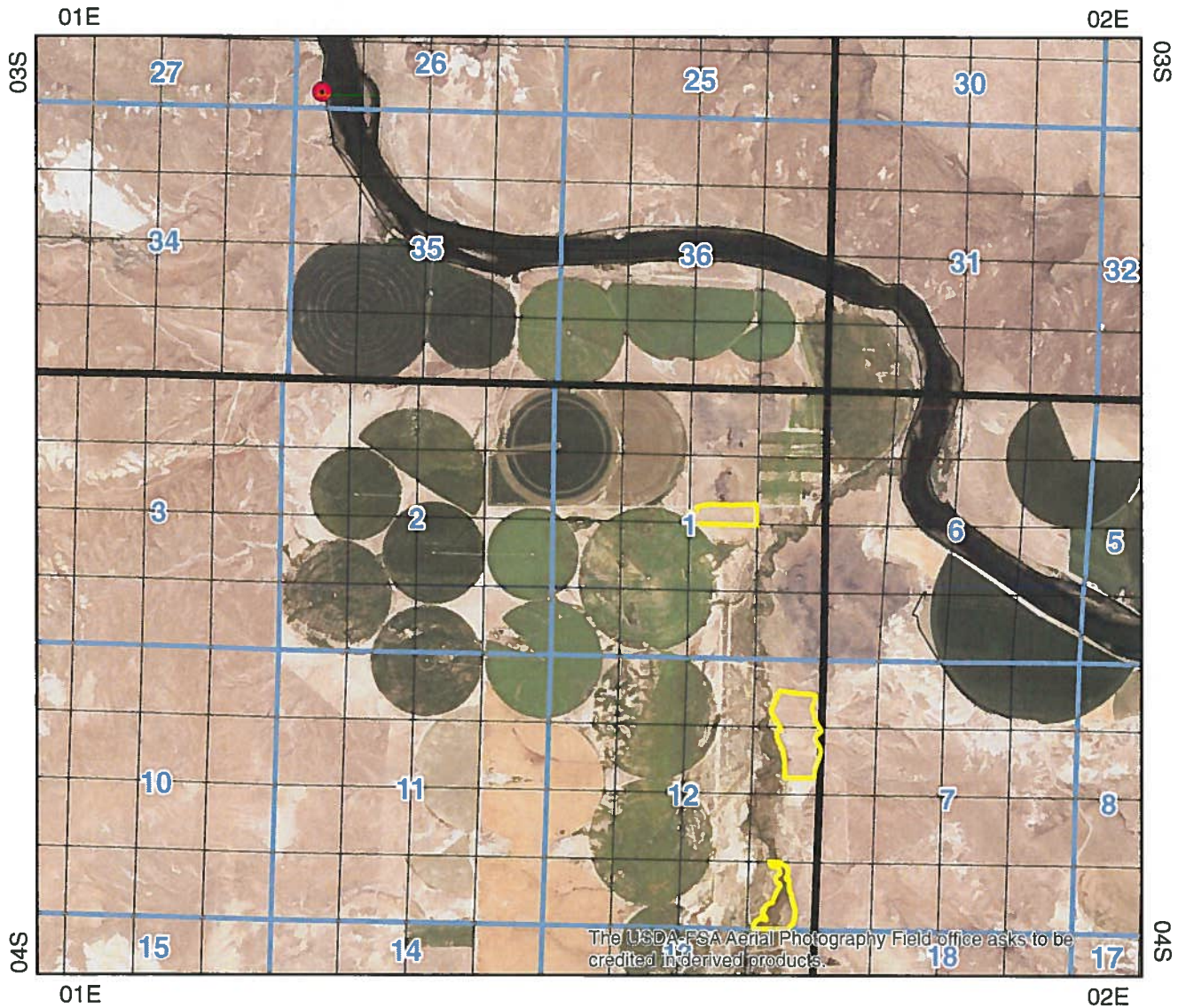
	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated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

**SCANNED
SEP 07 2017**

Attachment to Water Supply Bank Lease

2-10420

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



SCANNED
SEP 17 2017





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 8, 2017

MICHAEL B IHLI
625 S SCHOOL AVE
KUNA ID 83634

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 2-10420 and 57-11710

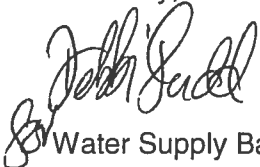
Dear Lessor:

Water rights **2-10420 and 57-11710** were leased into the Water Supply Bank (Bank) as of February 16, 2017, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2020**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,



Water Supply Bank

Enclosure: Executed Lease Contract

c: Angie Grimm - IDWR Western Region
Rob Whitney – Water District 02
Mike Ihli – Water District 57C



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

August 25, 2017

MICHAEL B IHLI
625 S SCHOOL AVE
KUNA ID 83634

RE: APPLICATIONS TO LEASE WATER RIGHT 2-10420 & 57-11710 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, 2020**, 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

Enclosure: Proposed Lease Contracts
Receipt # W044949

Hersley, Jean

From: Whitney, Rob
Sent: Friday, August 25, 2017 11:57 AM
To: Hersley, Jean
Subject: RE: WSB Lease Application for 2-10420

No concerns here. Thanks!

R

From: Hersley, Jean
Sent: Friday, August 25, 2017 8:49 AM
To: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Subject: WSB Lease Application for 2-10420

Please let me know if you have any comments or concerns within 7 days. Thank you.

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

Hersley, Jean

From: Mike Ihli <mikeihli@gmail.com>
Sent: Thursday, August 24, 2017 3:42 PM
To: Hersley, Jean
Subject: Re: WSB Lease Applications for 2-10420 and 57-11710

Jean, thanks for digging in to this further. I think that would be the best route, to declare that the current shape and acres are the ones that I am going to idle, so that you can continue processing.

Mike

On Thu, Aug 24, 2017 at 1:30 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Mr. Ihli,

I looked at the transfer for water right 2-10420 and the approval conditions. Condition 206 on the approval requires you to submit a map before changing the 49 acres you are going to irrigate. The current shape of irrigation for the 49 acres is the same 49 acres as before the transfer. If these are the acres you are going to idle, I can continue processing the lease application as you submitted it. I have attached a copy of the water right report for your benefit.

You submitted an application to lease the entirety of water right 57-11710 to the Bank also. These two water rights are combined and have a limit of 84 acres. As soon as I hear from you, I will continue processing your applications. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

[208-287-4942](tel:208-287-4942)

From: Mike Ihli [mailto:mikeihli@gmail.com]
Sent: Wednesday, August 23, 2017 3:38 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: WSB Lease Applications for 2-10420 and 57-11710

Jean,

Sorry for my tardiness in getting this done. As I was beginning to work on this, a question occurred to me. Would the acres that I will idle be the ones attached to the original rights, or all of the acres that became the permitted place of use after the transfer? Thanks for your guidance on this.

Mike Ihli

On Thu, Aug 17, 2017 at 12:31 PM, Mike Ihli <mikeihli@gmail.com> wrote:

I don't think that I have the ability to mark this map with my idled acres. I will complete a map and deliver you a hard copy in the next few days. Thank you.

Mike Ihli

On Tue, Aug 15, 2017 at 3:00 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Now that transfer 80776 has been approved, the Department can move forward on your water supply bank lease applications for water rights 2-10420 and 57-11710. The Department is going to need an updated map of the acres you are proposing to idle during the term of your lease. I have attached a map in the location of your water rights. Please mark on the map which acres you are going to idle. 2-10420 is for 49 acres and 57-11710 is for 60 acres.

Please return the map as soon as possible so we can continue processing the lease contracts. Thank you.

Jean Hersley

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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

ATTACHMENT " 4G "

April 8, 2014

MICHAEL IHLI
625 S SCHOOL AVE
CKUNA ID 83634

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 02-10420, 02-10422 & 57-11710

Dear Lessor:

Water Rights 02-10420, 02-10422 and 57-11710 were leased into the Water Supply Bank on March 1, 2014 in accordance with the executed original Lease Contract enclosed. **Your water rights as described on the Lease Contract are considered leased into the Bank and should remain unused until they are formally released from the Bank.**

The rights will automatically be released from the Bank on **December 31, 2016**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** 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. This form is available from our public website at www.idwr.idaho.gov.

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 me at 287-4910.

Sincerely,

Clay Webster

Technical Records Specialist

Enclosure: Executed Lease Contract

c: John Westra- IDWR Western Regional Manager



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WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: Michael & Linda Ihli

Memo Date: March 2, 2017

Water Right Number(s): 2-10420 & 57-11710

Reviewers Name: Jean

Quick Tools

Decreed year	No Forfeiture Concerns Thru:
2010	2016
2011	2017
2012	2018
2013	2019
2014	2020

	Check box		COMMENTS/CONCERNS:
1	☒		
Fill out WSB Data Entry Checklist for Leases			
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)			
	Yes	No	
4	☒		
Rentable? If no explain in comments			
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)
			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.)
	☒		Has this right previously been leased to the bank or in CREP?
			2009 and 2013 respectively
			2014-2016
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)
			%
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)
	Yes	No	
	☒		Are there overlapping rights that need to be placed in the bank also?
	☒		Will the place of use continue to receive water?
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?			
			Send the watermaster comment request form or e-mail request
11	☐		
Area Headgate requirement			
			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
13			
Narrative: The applicant wishes to place the entirety of both rights in the Bank through the 2020 season. Michael Ihli, current owner, signed the applications. Water right 2-10420 was decreed in 2009 and was in the Bank from 2014-2016. Water right 57-11710 was decreed in 2013 and was in the Bank from 2014-2016. Forfeiture is not an issue. Both rights are part of a transfer to create a PPU. Transfer was approved on June 5, 2017. 2-10420 is limited to 49 acres in a 208 PPU. 57-11710 is limited to 60 acres and together they are limited to a total of 84 acres. these rights are currently within WD 02 & 57C. A comment letter was not sent to WD 57C since the applicant is the watermaster of that district.			