

WATER SUPPLY BANK LEASE CONTRACT No. 437

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

LESSOR: CITY OF KETCHUM
PO BOX 2315
KETCHUM, ID 83340

RECEIVED

FEB 27 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 December 22, 2016.
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)
37-289	5/1/1883	TRAIL CREEK, tributary to BIG WOOD RIVER	7.000	194.25	55.50
Lease Totals			7.000	194.25	55.50

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

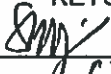
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2017 to December 31, 2021. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water 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.

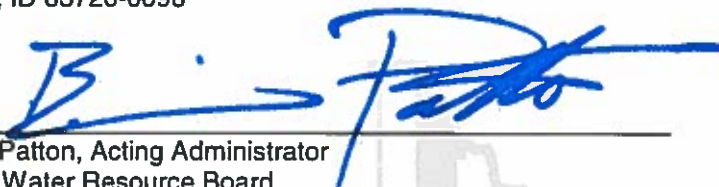


IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: CITY OF KETCHUM
PO BOX 2315
KETCHUM, ID 83340

By 
Title City Administrator
Date 3/22/17

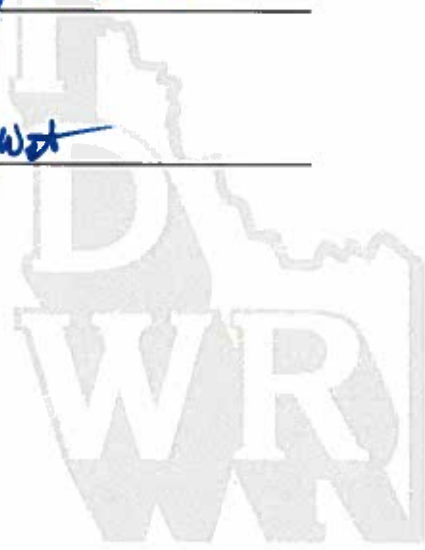
IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 3/2/2017

Lease approved by IDWR 

Date 3-2-2017



**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 437**

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): 37-289

TRAIL CREEK SESWSE Sec. 7 Twp 04N Rge 18E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-289	IRRIGATION	04/15	to	10/31	7.000 cfs	194.25 AF
Totals:					7.000 cfs	194.25 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	
04N	18E	19		0.3	27.0	3.0				0.5					9.7	15.0			55.5

Total Acres: 55.5

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 this right 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. 37.



Idaho Water Resource Board
Water Supply Bank Lease

37-289

Effective until December 31, 2021

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.25 0.5 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 22 2016

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Designated Applicant

City of Ketchum
(Select one option - see item 1A on the application)

Water Right No.

37-289

(One water right per application)

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

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes



Completed Application to Sell or Lease a Water Right to the Water Supply Bank.



Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.



Confirmation this form has been printed single sided, per requirement of the Water Supply Bank.

Attachment N/A Yes

1A

Signatures and contact information for *all owners* of the water right to be leased or sold on this application.

1B

An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.

1C

Notice of Change in Water Right Ownership form (accessible from www.idwr.idaho.gov).

1D



Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.

2



Description of a water right portion offered to the Water Supply Bank.

3



A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.

4A



Written consent from irrigation district or water delivery company.

4G

Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$

250

Received By:

VC

Date Received:

12/22/16

Receipt #

C102816

W-9 received?

Yes ☒No ☐

(Route W-9 to Fiscal)

Name on W-9:

City of Ketchum

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 City of Ketchum
Mailing Address P.O. Box 2315 Ketchum ID 83340
Street City State Zip Code
Email Address rmattison@ketchumidaho.org Phone Number 208-727-5080

☒ 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 Rohyn L. Mattison Organization City of Ketchum
Professional Title Public Works Director/Engineer Email Address rmattison@ketchumidaho.org
Mailing Address P.O. Box 2315 Ketchum, ID 83340 Phone Number 208-727-5080

☐ 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.

Diversion dam to earthen ditch to 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. none

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☒ No ☐

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. The present place of use receives Class A reuse water (DEQ Land Application Permit) from the Ketchum/SVWSD Wastewater treatment facility.

- 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. 2011 = 497.9C ac-ft ; 2012 = 570.53 ac-ft ; 2013, 2014, 2015 = 0 ac-ft
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: 2017 to 2022 (maximum lease period 5 calendar years).
(Year) (Year)

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

Current 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

Suzanne Frick
Printed Name

12-20-2016
Date


Signature of Authorized Representative

Robyn L. Mattison
Printed Name

12/20/2016
Date

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



City of Ketchum
City Hall

Employment Verification

December 20, 2016

Re: Robyn L. Mattison

To Whom It May Concern:

This letter is to notify you that the above named employee has been employed with the City of Ketchum since May 31, 2013 as a Public Works Director.

Grant Gage
Treasurer, City of Ketchum



City of Ketchum

City Hall

September 24, 2015

Mayor
Nina Jonas

City Council
President
Michael David

Anne Corrock
Baird Gourlay
Jim Slanetz

City Administrator
Suzanne Frick

Assistant to the
City Administrator
Lisa Enourato

Delegation of Signature Authority

This memo shall serve as official documentation that I, Mayor Jonas, delegate signature authority to Suzanne Frick, City Administrator and Sandy Cady, Finance Director. This authority shall apply to all contracts, agreements, permits and all other business documents requiring my signature. Ordinances and Resolutions will continue to be signed by the Mayor.

Signed,

Nina Jonas
Mayor

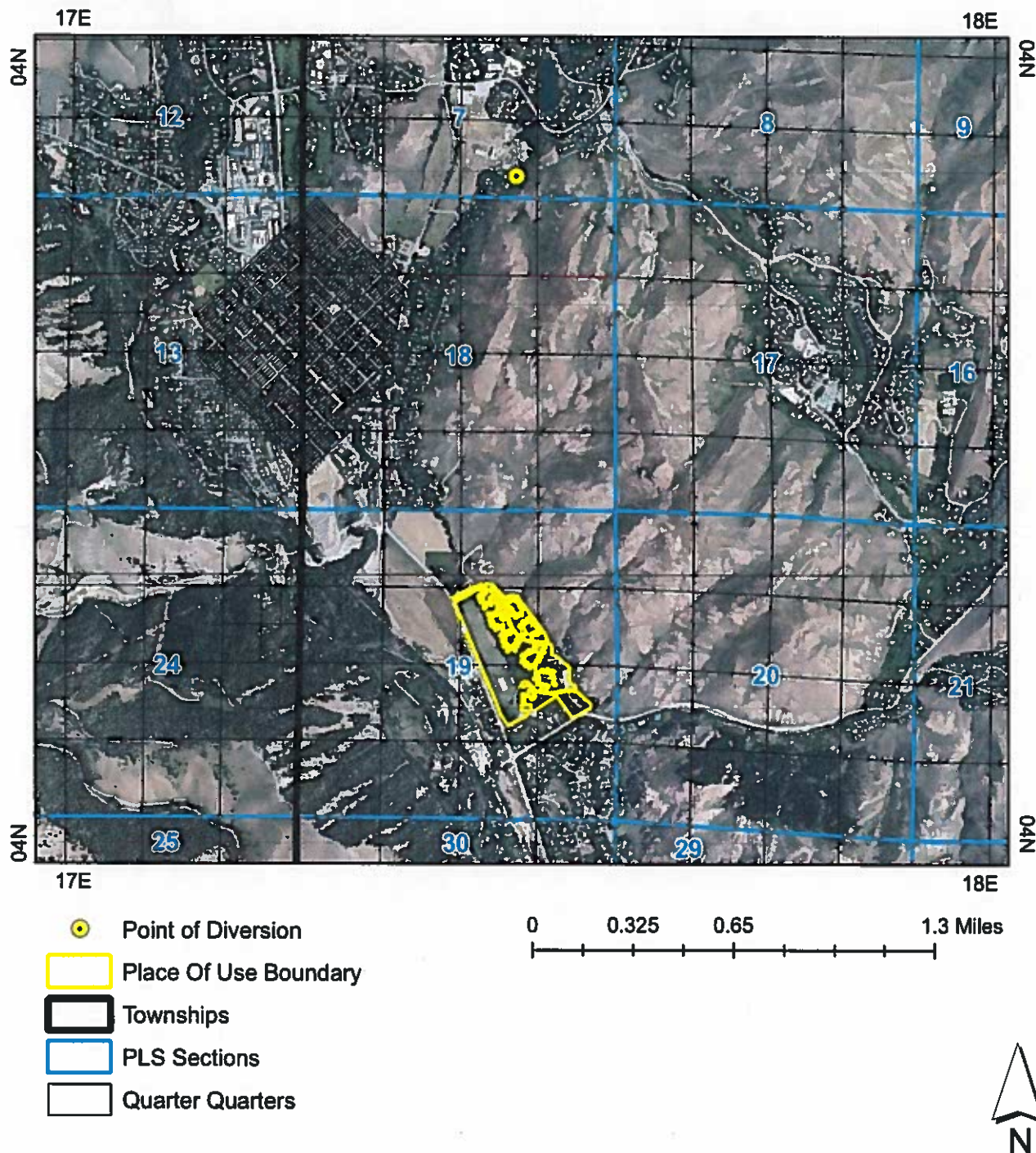
State of Idaho
Department of Water Resources

Water Right

37-289

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.





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 3, 2017

CITY OF KETCHUM
PO BOX 2315
KETCHUM ID 83340

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 37-289

Dear Lessor:

Water right 37-289 was leased into the Water Supply Bank (Bank) as of December 22, 2016, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank.** More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2021**, unless the right is released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water right may not be available for immediate release if it has been rented or is being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,


Debra Gudd
Water Supply Bank

Enclosure: Executed Lease Contract

c: Corey Skinner - IDWR Southern Region
Kevin Lakey - Water District 37



City of Ketchum
City Hall

RECEIVED

FEB 27 2017

DEPARTMENT OF
WATER RESOURCES

February 24, 2017

Water Supply Bank
State of Idaho Department of Water Resources
322 East Front Street
Box 83720
Boise, ID 83720

Dear Water Supply Bank:

Enclosed please find the Water Supply Bank Lease Contract No. 437. Please return a fully executed copy at your earliest convenience to my attention.

Sincerely,

Robin Crotty
Interim City Clerk
City of Ketchum
Box 2315
Ketchum, ID 83340
208-726-3841
rcrotty@ketchumidaho.org

Hersley, Jean

From: Skinner, Corey
Sent: Wednesday, February 01, 2017 11:11 AM
To: Hersley, Jean
Subject: RE: WSB Lease Application City of Ketchum 37-289

No issues or concerns from me on this one.

From: Hersley, Jean
Sent: Monday, January 30, 2017 10:58 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Kevin Lakey <watermanager@cableone.net>
Subject: WSB Lease Application City of Ketchum 37-289

Attached is the review memo, map and draft contract. We have also encouraged the City of Ketchum to submit a Notice of Land Application of Effluent since the POU will continue to receive water from a wastewater reuse permit. Please let me know within 7 days if you have any comments or concerns. Thank you.

*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

January 30, 2017

CITY OF KETCHUM
ATTN: ROBYN L MATTISON
PO BOX 2315
KETCHUM ID 83340

RE: APPLICATIONS TO LEASE WATER RIGHT 37-289 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, 2021**, 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

Hersley, Jean

From: Hersley, Jean
Sent: Monday, January 30, 2017 10:58 AM
To: Skinner, Corey; 'Kevin Lakey'
Subject: WSB Lease Application City of Ketchum 37-289
Attachments: Idled Acres.pdf; Lease Application Review Checklist 37-289.xls; Report - Lease Contract - # 437- city of Ketchum.docx

Attached is the review memo, map and draft contract. We have also encouraged the City of Ketchum to submit a Notice of Land Application of Effluent since the POU will continue to receive water from a wastewater reuse permit. Please let me know within 7 days if you have any comments or concerns. Thank you.

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

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: CITY OF KETCHUM

Memo Date: January 3, 2017

Water Right Number(s): 37-289

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)	2011
		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?	☒
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)	%
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	3.5
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 applicant wishes to place the entire right in the Bank for the 2017-2021. The Director of Public Works from the City of Ketchum signed the application. This right was decreed in 2011 and has been delivered according the WD records. The present POU will continue to be irrigated with wastewater (DEQ Land Application Permit) from the City of Ketchum and the Sun Valley Water and Sewer District. Municipal rights from the City of Ketchum overlap this irrigation right. A letter was sent encouraging the City to submit a Notice of Land Application of Effluent. This right is within WD 37.

13



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 27, 2017

CITY OF KETCHUM
ATTN: ROBYN L MATTISON
PO BOX 2315
KETCHUM ID 83340

RE: Water Supply Bank Lease Application for Water Right 37-289

Dear Water Right Holder:

The Department of Water Resources (Department) received your request to place the entirety of water right 37-289 in the Water Supply Bank (Bank). On your application, it was noted that the present place of use will continue to receive water from the Ketchum/Sun Valley Sewer & Water District through a DEQ Wastewater Land Application Permit.

Idaho Code § 42-201(8) requires municipalities, municipal providers, sewer districts and regional public entities operating treatment works to notify the Department when land application of effluent is to take place on land not identified as a place of use for an existing irrigation water right. While water right 37-289 is leased to the Bank, it cannot be used to irrigate its place of use.

Since the place of use for water right 37-289 will continue to receive water through the Wastewater Land Application Permit while use of the irrigation water right is not authorized to be used there, the Department encourages you to file a Notice of Land Application of Effluent to comply with Idaho Code § 42-201(8). An application has been enclosed for your benefit and you can find the form on the Department's website: www.idwr.idaho.gov.

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

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure

Hersley, Jean

From: Jerimiah.Fenton@deq.idaho.gov
Sent: Friday, January 13, 2017 11:08 AM
To: Hersley, Jean
Cc: Michael.Brown@deq.idaho.gov; David.Anderson@deq.idaho.gov; Larry.Waters@deq.idaho.gov
Subject: RE: City of Ketchum/Sun Valley Water & Sewer District Land Application Permit LA-000216-02

Jean,

I have addressed your questions below:

Can the City of Ketchum land apply waste water without another source of irrigation for the application area? If the right is accepted into the Bank, there will be no irrigation source of water for the land the water is being applied to.

Ketchum is producing Class A recycled water. Their Class A recycled water is approved for residential irrigation, fire suppression, snow making, and any other approved use listed in the Recycled Water Rules. There are no requirements in their current permit regarding secondary irrigation sources.

Stated on Land Application Permit LA-000216-02 under the category 'Disinfection' of the Permit Limits and Conditions, "Reuse water shall be limited to the treatment plant grounds until the facility has either successfully demonstrated that the UV disinfection system meets the 5-log inactivation requirement or shows that a chlorine disinfection process will be implemented. DEQ approval is required prior to implementation." Has this condition been met? The lands listed on the application where the water will be applied is not located outside the treatment plant grounds.

The condition for the disinfection demonstration has been met. Recycled water is currently being used for residential irrigation, golf course irrigation, and fire suppression.

Ketchum has submitted an application to renew their reuse permit and DEQ is currently working on it.

Please let me know if you have any further questions.

Thanks,
JJ

Jerimiah (J.J.) Fenton, P.E.
Reuse Coordinator
Idaho Department of Environmental Quality
650 Addison Ave W Suite 110
Twin Falls, Idaho 83301
(208)736-2190

From: Larry Waters
Sent: Friday, January 13, 2017 7:13 AM
To: Jerimiah Fenton
Cc: Michael Brown
Subject: FW: City of Ketchum/Sun Valley Water & Sewer District Land Application Permit LA-000216-02

JJ,

Could you follow-up on this email and cc me on any correspondence.

Thanks,

Larry

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]

Sent: Wednesday, January 11, 2017 2:36 PM

To: Larry Waters

Subject: City of Ketchum/Sun Valley Water & Sewer District Land Application Permit LA-000216-02

Dear Mr. Waters:

The Department of Water Resources received an application to lease Water Right 37-289 to the Water Supply Bank (Bank) from the City of Ketchum. On the application, it was stated that the place of use for this water right would continue to receive water from the Land Application Permit LA-000216-02. Additional information is needed before we can process this request:

- Can the City of Ketchum land apply waste water without another source of irrigation for the application area? If the right is accepted into the Bank, there will be no irrigation source of water for the land the water is being applied to.
- Stated on Land Application Permit LA-000216-02 under the category 'Disinfection' of the Permit Limits and Conditions, *"Reuse water shall be limited to the treatment plant grounds until the facility has either successfully demonstrated that the UV disinfection system meets the 5-log inactivation requirement or shows that a chlorine disinfection process will be implemented. DEQ approval is required prior to implementation."*

Has this condition been met? The lands listed on the application where the water will be applied is not located outside the treatment plant grounds.

Please provide comments/concerns by responding to this email or mail to: IDWR, PO Box 83720, Boise, Idaho, 83720-0098, Attn: Jean. If you have any questions, please contact Clay Webster at (208) 287-4910. Thank you.

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