

WATER SUPPLY BANK LEASE CONTRACT NO. 8

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

LESSOR: MICHELLE WOLF
PO BOX 433
FAIRFIELD, ID 83327

RECEIVED

JAN 18 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 Tuesday, April 19, 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)
37-7505A	7/21/1976	GROUND WATER	0.26	94.5	31.5
Lease Totals			0.26	94.5	31.5

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, 2016 to December 31, 2020. 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 sufficiently 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: MICHELLE WOLF

PO BOX 433

FAIRFIELD, ID 83327

By *Michelle Wolf*
Title OWNER
Date 1/13/17

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

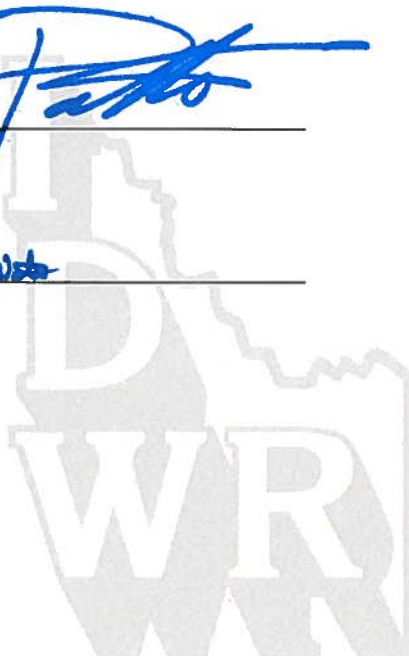
Boise, ID 83720-0098

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

Date 1/23/2017

Lease approved by IDWR *Chy Wicks*

Date 1-23-2017



**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 8**

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): 37-7505A

GROUND WATER NESWSE Sec. 7 Twp 01S Rge 13E CAMAS County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-7505A	IRRIGATION	04/01	to	11/01	0.26 cfs	94.5 AF
Totals:					0.26 cfs	94.5 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	
01S	13E	7									8.9	0.3 L3	1.5 L4	2.9	7.5	5.8	2.8	1.8	31.5

Total Acres: 31.5

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 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. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
13. Use of water under this right is 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. 37B.



Idaho Water Resource Board
Water Supply Bank Lease

37-7505A

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



0 500 1,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 19 2016

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Michelle Wolf

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

Water Right No. 37-7505A

(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 \$ 500⁰⁰Received By: dfDate Received: 4-19-16Receipt # C101888W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

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 Michelle Wolf

Mailing Address <u>PO Box 433</u>	Fairfield	ID	83327
Street	City	State	Zip Code

Email Address <u>mlwolf@wildblue.net</u>	Phone Number <u>208-320-2624</u>
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☒ 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 Candice McHugh/Chris Bromley Organization McHugh Bromley, PLLC

Professional Title Attorney Email Address cmchugh@mchughbromley.com

Mailing Address 380 S 4th St., Ste. 103, Boise ID 83702 Phone Number 208-287-0991

☐ 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.
200 hp pump that delivers water to 2 pivots from a deep water well.
- 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. Center pivots will continue to irrigate the place of use but the corners will be left dry.
- 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. Water measurment just started in Water District 37-B two years ago and its records show that 226.43 af for 2015 and 281.19 af in 2014.
- 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: 2016 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.

Michelle Wolf
Signature of Designated Applicant

Michelle Wolf

Printed Name

4/19/16
Date

Candice McHugh
Signature of Authorized Representative

Candice McHugh

Printed Name

4/19/16
Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
<u>37-7505A</u>	<u>Irrigation</u>	<u>.26</u>	<u>94.5</u>	<u>31.5</u>
	Total Amounts:	<u>.26</u>	<u>94.5</u>	<u>31.5</u>

Note:

31.5 acres is 10.54% of 299
on the water right.

10.54% of 2.45 cfs = .258
cfs.

10.54% of 897 afy = 94.5 af

2. Source of water Groundwater tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
1S	13E	7		NE	SW	SE	CAMAS

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-07505A

NAME AND ADDRESS: MICHELLE WOLF
SHANNON WOLF
PO BOX 433
FAIRFIELD, ID 83327

SOURCE: GROUND WATER

QUANTITY: 2.45 CFS
897.00 AFY

PRIORITY DATE: 07/21/1976

POINT OF DIVERSION: T01S R13E S07 NESWSE Within Camas County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.45 CFS 897.00 AFY

PLACE OF USE: Irrigation

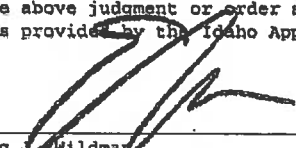
	T01S R13E S07	NESW 40.0	LOT 3	(NNSW) 34.0
	LOT 4	(SWSW) 33.0		SESW 39.0
		NESE 39.0		NWSE 40.0
		SWSE 38.0		SESE 36.0
	299.0 Acres Total			

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

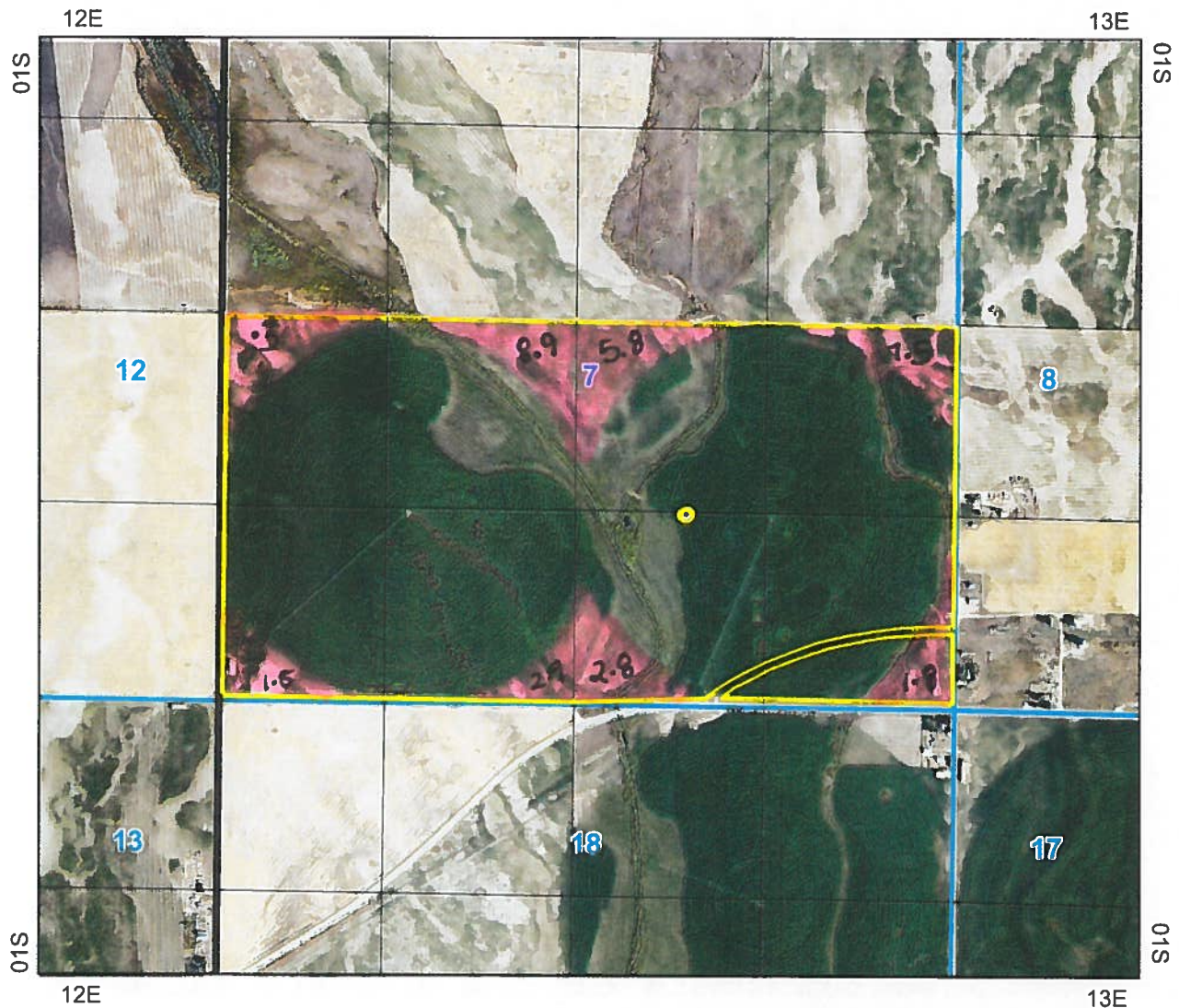

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

Water Right
37-7505A

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.



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.15 0.3 0.6 Miles

NOTE:

Drying up:
NWSW .3
NESW 8.9
SE SW 2.9
SWSW 1.5

T15 R13E S7
NWSE 5.8
NESE 1.5
SE SE 1.0
SWSE 2.8

31.5 TOTAL





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

January 24, 2017

MICHELLE WOLF
PO BOX 433
FAIRFIELD ID 83327

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 37-7505A

Dear Lessor:

Water right **37-7505A** was leased into the Water Supply Bank (Bank) as of April 19, 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, 2020**, 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,

Water Supply Bank

Enclosure: Executed Lease Contract

c: Candice McHugh – McHugh Bromley PLLC
Corey Skinner - IDWR Southern Region
Rusty Kramer – Water District 37B

WATER SUPPLY BANK

Agent Lease Review Checklist

Applicant(s) Name: Michelle Wolf

Memo Date: November 7, 2016

Water Right Number(s): 37-7505A

Reviewers Name: Michele Edl

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2009	2015
2010	2016
2011	2017
2012	2018
2013	2019

		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	x		
	All of right			
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			BWR GWMA; Trust Area
		Yes	No	
4	Rentable? If no explain in comments	x		
5	Authority to file			
	Current owner or designated applicant	x		Taxlot info confirms ownership
	SOS Web site checked for business entity			NA
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			SRBA decree in 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.)			
	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)			NA
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis			NA
	Complete a combined limits review			NA
	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?		x	is sole WR on lease POU & POD
	Will the place of use continue to receive water?		x	under pivots yes; otherwise no
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?		x	
10	Have you contacted regional office and watermaster for comment/concerns?			not yet
	Send the watermaster comment request form or e-mail request			not yet
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		x	
13	Narrative			
	Requested lease-rental to extend to 2020 but Wolf has authority over rental POU until 2019 only.			

Edl, Michele

From: Edl, Michele
Sent: Wednesday, November 16, 2016 10:47 AM
To: Skinner, Corey
Subject: Michelle Wolf lease-rental
Attachments: Wolf lease.pdf; Wolf Lease Application Review Checklist.xls; Wolf McPhaul lease rental.jpg

Corey,

I understand that you are taking the Water Supply Bank requests for comment from Southern Region.

I have completed my review of a lease-rental package submitted by Michelle Wolf. The lease and rental requests acting on 37-7505A were submitted last year. She needs to protect the pivot corners of 37-7505A from forfeiture so we will be processing the lease for 2016-2020. However, I'm instructed not to retroactively approve a rental for 2016. So the rental of her right 37-7505A will be 2017-2020.

The lease and rental PODs and POU's are within the Big Wood River GWMA. I have spoken with the Rusty Kramer, the watermaster of 37B and he is in favor of this lease-rental. He said Michelle Wolf is one of the good guys. The relevant wells are in the WMIS and measurements demonstrate compliance. The ground water will be used to supplement surface water shares at a pivot that is otherwise without a WR.

I have attached:

a pdf map of the leased acres and the lease review checklist for the lease.

a jpg map showing the relationship of the 2 properties

Michelle and I spoke over the phone yesterday. She knows that a transfer might be a better long-term solution. At your next convenient moment, please let me know if you have any concerns about this lease-rental package.

Edl, Michele

From: Rusty Krame [waterdistrict37b@outlook.com]
Sent: Sunday, November 13, 2016 9:36 AM
To: Edl, Michele
Subject: Re: Michelle Wolf rental

Michelle,

I entered the meter data for all three of Michelle Wolfe wells. They seem pretty much like 2014 and 2015 usage. They can be viewed in WMIS.

- 1001708 Big Barn well (south of Fairfield/North of reservoir) was 764.76 AF.
- 1000969 Corral South of highway well was 303.64 AF.
- 1000968 Corral North of highway well was 223.51 AF.

Twin Lakes Reservoir was turned on May 6th and ran until May 20th and was shut off for first cutting of hay. The reservoir was turned back on June 20th and ran until July 25th and was shut down for the season. I have no idea how much or when Michelle used Twin Lakes water because all the water district keeps records on is how much water is coming out of the reservoir and which days. Let me know if you need anything else.

Thanks

Rusty Kramer - Water Master
Water District 37B
208-870-3217

From: Edl, Michele <Michele.Edl@idwr.idaho.gov>
Sent: Wednesday, November 9, 2016 1:09 PM
To: waterdistrict37B@outlook.com
Subject: Michelle Wolf rental

Rusty Kramer,

Thank you for agreeing to assist me.

As I explained this morning, I have been assigned to process a 2016-2020 Water Supply Bank lease and rental package for Michelle Wolf. Her attorney submitted a proposal to dry up 31.5 acres under her water right 37-7505A and move that water to a property that she is leasing from the McPhaul family. The proposal was submitted in April 19, 2016 and was not processed for the 2016 season.

In my review, I found that the proposed place of use may have been irrigated without the required authorization but I need a little more information from you before I'm convinced.

I have attached a screen shot showing satellite imagery from mid August 2016. That image (and others in September) show irrigation under both of the Wolf pivots in section 7 and the McPhaul pivot in section 33. The colors are the reverse of what we are used to seeing in that red, not green indicates irrigation.

Let me know if you can't open or read the PDF. I'll try something else to show you the areas of concern to me.

- 1) Would you please provide me some information about the surface water availability in August and September 2016? Was water available to be delivered for shares of WR# 37-13120 (Twin Lakes Reservoir & Irr)?

2) And would you please provide me with the readings from the WMIS wells that are either the lease or the rental points of diversion? I think that they are WMIS #1000968 Wolf North Well and WMIS# 1001708 Big Barn.

Sincerely,
Michele Edl
208-287-4946