

WATER SUPPLY BANK LEASE CONTRACT No. 355

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

LESSOR: US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN, UT 84401

RECEIVED

JAN 03 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 November 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)
71-2053A	5/17/1930	UNNAMED DRAIN, tributary to WILLIAMS CREEK	0.680	30.00	10.00
Combined Limit Totals			0.680	30.00	10.00
Combined Lease Totals			0.680	30.00	10.00

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
71-2053A	0.600	26.50	8.80	0.068	3.01
Combined Limit Totals	0.600	26.50	8.80	0.068	3.00

** The water right elements rentable have been reduced from the water right elements leased to account for conveyance losses of 0.08 cfs.*

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: US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN, UT 84401

By 
Title DIRECTOR OF LANDS & MINERALS
Date 12-30-16

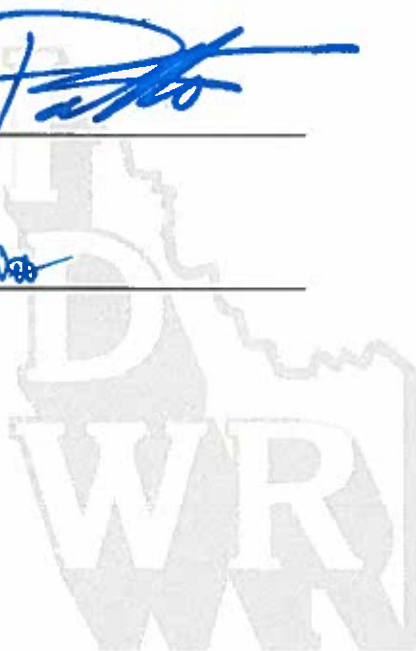
IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 1/3/2017

Lease approved by IDWR 

Date 1-3-2017



ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 355

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): 71-2053A

UNNAMED DRAIN SWNWSW Sec. 20 Twp 09N Rge 14E CUSTER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
71-2053A	IRRIGATION	5/01		10/31	0.600 cfs	26.50 AF
Totals:					0.680 cfs	30.00 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	
09N	14E	20										10.0							10.0

Total Acres: 10.0

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.
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. The following water rights from the following sources of water in Basin 71 shall be administered separately from all other water rights in Basin 71: water right no. Source none none the following water rights from the following sources of water in Basin 71 shall be administered separately from all other water rights in the Snake River Basin: water right no. Source none none all water rights within Basin 71 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
13. The following rights are diverted through point of diversion described above: 71-07002 & 71-02053A.
14. 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. 71.



Idaho Water Resource Board
Water Supply Bank Lease

71-2053A

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



0 250 500 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 22 2016

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant USDA Forest Service

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

Water Right No. 71-02053A

(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</u>	Received By: <u>VC</u>	Date Received: <u>11/22/16</u>	Receipt # <u>C102718</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>USDA Forest Service</u>	

WSB App # 129

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 United States of America acting through USDA Forest Service

Mailing Address 324 25th St. Ogden, UT 84401 ATTN: Director of Lands and Minerals

Street City State Zip Code

Email Address lgough@fs.fed.us

Phone Number 801-625-5809

- ☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

- ☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☐ No ☒
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

- ☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

- ☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

- ☒ The full water right is being offered to the Bank.

OR

- ☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map Attachment 3.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

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

Historic use from headgate diverting into ditch.

- 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.

- 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. This water right has been continuously leased into the Idaho Water Supply Bank since January 1, 2009.

- 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. This water right has been continuously leased into the Idaho Water Supply Bank since January 1, 2009. The water right has not been used but has never been at risk of forfeiture. See attached documentation showing the chain of actions supporting the non-use and defense to forfeiture.

- 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 2037 (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.

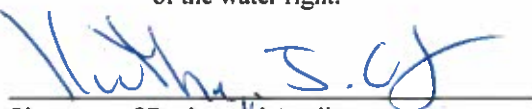
Current rental rate

*SEE ATTACHMENT FOR CONDITIONS OF LEASE

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

Kathryn J. Conant, Director of Lands
Printed Name

11-14-16
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCES BOARD**

**APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)**

ATTACHMENT TO ITEM 5 – SALE/LEASE AGREEMENT.

CONDITIONS OF LEASE:

The Forest Service conditions this lease such that water made available for use hereunder is limited to non-consumptive uses upstream from the confluence of the Salmon River with Thompson Creek in Lot 5 (NE1/4SE1/4) Sec. 25, T11N, R16E. Rental of this right downstream from said confluence is not limited to non-consumptive uses. The lease of this water right into the water bank is not expected to cause injury to other rights to use water from the same source.

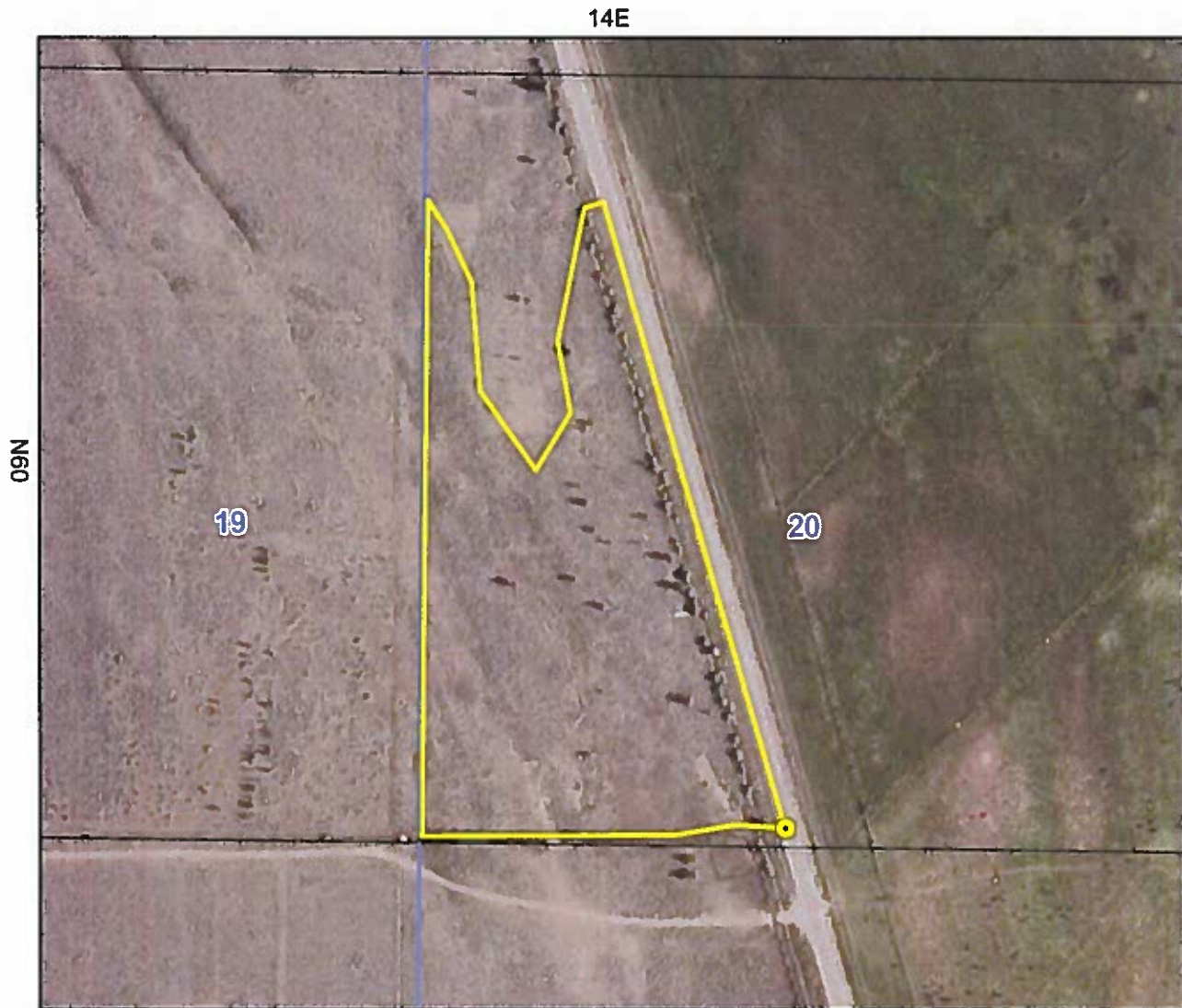
The Forest Service shall have the option of terminating the lease at the end of each calendar year with a 30-day written notice to the Idaho Department of Water Resources.

State of Idaho
Department of Water Resources

Water Right
71-2053A

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 0.0375 0.075 0.15 Miles



Attachment 3



Documents Search Results

Water Right # 71-2053

(Click any column to sort table)

Doc Name	File Type	File Size	Process	Doc Date	Date Received	Sort Date
WSB-Lease Extension Granted Letter	Adobe Acrobat	26 KB	Water Supply Bank	12/21/2011		12/21/2011
WSB-Lease Extension Request Form	Adobe Acrobat	818 KB	Water Supply Bank	12/2/2011		12/2/2011
WSB - Lease Acceptance	Adobe Acrobat	57 KB	Water Supply Bank	4/28/2009		4/28/2009
Correction Letter	Adobe Acrobat	25 KB	Forfeiture Extension	4/7/2009		4/7/2009
Domestic Return Receipt	Adobe Acrobat	835 KB	Forfeiture Extension	4/2/2009	4/8/2009	4/8/2009
Notice to Resume Water Use	Adobe Acrobat	290 KB	Forfeiture Extension	4/1/2009		4/1/2009
WSB - Lease Application	Adobe Acrobat	198 KB	Water Supply Bank		12/11/2008	12/11/2008
Water Rights Back File 71-2053A	Adobe Acrobat	703 KB	Water Right Archives			
Partial Decree 71-2053A	Adobe Acrobat	60 KB	Partial Decree			
ADJUDICATION CLAIM FILE	Adobe Acrobat	33 KB	Adjudication Claims Investigation			

Water Supply Bank Lease Search

This search tool identifies water rights leased to the State Water Supply Bank ("bank"). Results provide general information about the lease. Additional information about a specific water right or documents related to a lease may be researched through the Water Right and Adjudication Search (link below).

☐ All Water Supply Bank Statuses
☒ Active ☐ Application ☐ Closed ☐ Denied

Search Basin

[Usage Instruction](#)

By Who What When Where

Basin To (Example: 63)
 Sequence To (Example: 7819)
 Split Suffix (Example: A)

(Hint: Water Right Numbers are comprised of three components: the Basin Number, the Sequence Number, and sometimes a Split Suffix. For water right 63-7819A, the Basin Number is 63, the Sequence Number is 7819, and the Split Suffix is A. Not all water right numbers have Split Suffixes.)

Search Criteria (See Results Below.)

Basin From: 71
 Basin To: 71
 Water Supply Bank Status: Active



For best results when printing search output, change printer settings to legal paper and

landscape orientation.

[General Information about the Water Supply](#)

[Water Right and Adjudication](#)

[Bank](#)

33 Results Found

Water Right Number Basin Seq Suffix	Lease Information							Water Rights Information					
	Lessee	Lease Status	Lease Amount	Benefit Availability	Lease Comm. Date	Expiration Date	Source	Priority	Nature of Use	Twp	Rge	Sec	Lessor's POB Govt Lot Q
71 41	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	HANNA CREEK Tributary to VALLEY CREEK VALLEY CREEK Tributary to SALMON RIVER	5/1/1913	IRRIGATION	11N	12E	3	1
71 42 B	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	VALLEY CREEK Tributary to SALMON RIVER	5/1/1914	IRRIGATION	11N	12E	4	1
71 43 B	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	VALLEY CREEK Tributary to SALMON RIVER	5/1/1915	IRRIGATION	11N	12E	4	1
71 49 B	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	VALLEY CREEK Tributary to SALMON RIVER	5/1/1904	IRRIGATION	11N	12E	4	1
71 50	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	VALLEY CREEK Tributary to SALMON RIVER	5/1/1915	IRRIGATION	11N	12E	4	1
71 59	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	SALMON RIVER Tributary to SNAKE RIVER	12/31/1912	IRRIGATION	07N	14E	3	1
71 61	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	SALMON RIVER Tributary to SNAKE RIVER	6/30/1933	IRRIGATION	07N	14E	3	1
71 64 A	BRECKENRIDGE FAMILY LTD PARTNERSHIP	ACTIVE	80	NONE	5/1/2009	12/31/2017	ALTURAS LAKE CREEK Tributary to SALMON RIVER GROUND WATER	8/15/1915	IRRIGATION STOCKWATER	07N	14E	5	1
71 64 B	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	ALTURAS LAKE CREEK Tributary to SALMON RIVER	8/15/1915	IRRIGATION	07N	14E	4	1
71 66	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	ALTURAS LAKE CREEK Tributary to SALMON RIVER	7/1/1910	IRRIGATION	07N	14E	4	1
71 68	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	ALTURAS LAKE CREEK Tributary to SALMON RIVER	7/1/1915	IRRIGATION	07N	14E	4	1
71 69	BRECKENRIDGE FAMILY LTD PARTNERSHIP	ACTIVE	52	NONE	5/1/2009	12/31/2017	ALTURAS LAKE CREEK Tributary to SALMON RIVER GROUND WATER	7/1/1916	IRRIGATION	07N	14E	5	1
71 2004 D	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	PART	ALL	1/1/2009	12/31/2016	FOURTH OF JULY CREEK Tributary to SALMON RIVER	10/23/1909	IRRIGATION STOCKWATER	08N	14E	10	1
71 2014	ANN S VANDERHILT WILLIAM H VANDERBILT	ACTIVE	PART	NONE	5/1/2010	12/31/2028	FOURTH OF JULY CREEK Tributary to SALMON RIVER	4/8/1916	IRRIGATION STOCKWATER	08N	14E	10	1
71 2015 A	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	UNSMITH DRAIN Tributary to WILLIAMS CREEK	5/17/1930	IRRIGATION	09N	14E	20	1
71 2091 C	DOT LLP	ACTIVE	105.6	NONE	1/1/2015	12/31/2034	BEAVER CREEK Tributary to SALMON RIVER	1/31/1964	IRRIGATION	07N	14E	21	1
71 2091 D	DOT LLP	ACTIVE	34.3	NONE	1/1/2015	12/31/2034	BEAVER CREEK Tributary to SALMON RIVER	1/31/1964	IRRIGATION	07N	14E	22	1
71 4025	CRAIG & ELIZABETH REMBER FAMILY TRUST	ACTIVE	ALL	ALL	3/23/2011	12/31/2016	SALMON RIVER Tributary to SNAKE RIVER	9/26/1936	IRRIGATION	09N	14E	18	1
71 4026	CRAIG & ELIZABETH REMBER FAMILY TRUST	ACTIVE	PART	ALL	3/23/2011	12/31/2016	SPRINGS Tributary to SALMON RIVER	9/26/1936	IRRIGATION	09N	14E	19	1
71 2002	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016		7/1/1908	IRRIGATION	09N	14E	20	1

								UNNAMED DRAIN Tributary to WILLIAMS CREEK				
71	7008	DOT LLP	ACTIVE	438	NONE	1/1/2013	12/31/2034	BEAVER CREEK Tributary to SALMON RIVER	5/4/1970	IRRIGATION	07N 14E 21	2
71	7009	DOT LLP	ACTIVE	1119	NONE	1/1/2013	12/31/2034	SALMON RIVER Tributary to SNAKE RIVER	5/4/1970	IRRIGATION STOCKWATER	07N 14E 22	2
71	7083	DOT LLP	ACTIVE	600	NONE	1/1/2013	12/31/2034	GROUND WATER	7/13/1982	IRRIGATION	07N 14E 21	2
71	10277	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	CHAMPTON CREEK Tributary to SALMON RIVER	6/1/1923	IRRIGATION	08N 14E 23	1
71	10278	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	CHAMPTON CREEK Tributary to SALMON RIVER	7/28/1930	IRRIGATION	08N 14E 23	1
71	10665 A	DOT LLP	ACTIVE	924	NONE	1/1/2013	12/31/2034	BEAVER CREEK Tributary to SALMON RIVER	5/1/1954	IRRIGATION	07N 14E 21	2
71	10665 B	DOT LLP	ACTIVE	924	NONE	1/1/2013	12/31/2034	BEAVER CREEK Tributary to SALMON RIVER	5/1/1954	IRRIGATION STOCKWATER	07N 14E 28	2
71	10665 C	DOT LLP	ACTIVE	33	NONE	1/1/2013	12/31/2034	BEAVER CREEK Tributary to SALMON RIVER	5/1/1954	STOCKWATER	07N 14E 28	1
71	10728	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	SALMON RIVER Tributary to SNAKE RIVER	5/17/1930	IRRIGATION	08N 14E 3	2
71	10762	ANN S VANDERBILT WILLIAM H VANDERBILT	ACTIVE	ALL	NONE	5/1/2009	11/1/2028	FOURTH OF JULY CREEK Tributary to SALMON RIVER	8/11/1927	IRRIGATION	08N 14E 10	2
71	10766	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	SALMON RIVER Tributary to SNAKE RIVER	5/1/1954	IRRIGATION	08N 14E 5	2
71	10772	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	FOURTH OF JULY CREEK Tributary to SALMON RIVER	8/13/1933	IRRIGATION	08N 14E 10	1
71	10871	UNITED STATES OF AMERICA ACTING THROUGH	ACTIVE	ALL	ALL	1/1/2009	12/31/2016	SALMON RIVER Tributary to SNAKE RIVER	6/10/1964	IRRIGATION	08N 14E 21	2



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 9, 2017

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 71-2053A

Dear Lessor:

Water right **71-2053A** was leased into the Water Supply Bank (Bank) as of November 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,

 Water Supply Bank

Enclosure: Executed Lease Contract

c: Corey Skinner - IDWR Southern Region
Morgan V Miller – Water District 71
Cindy Yenter – Water District 170



BY OVERNIGHT MAIL

File Code: 2540
Date: December 30, 2016

Idaho Department of Water Resources
Idaho Water Supply Bank
Attn: Jean Hensley
322 East Front Street
Boise, Idaho 83720-0098

RECEIVED

JAN 03 2017

**DEPARTMENT OF
WATER RESOURCES**

Dear Ms. Hensley:

Enclosed are two originals for Water Supply Bank Lease Contract for water right number 71-02053A which have been signed by the Forest Service. My understanding is that these will now be signed by the Department and that fully executed copies will be returned to me.

These water rights are currently leased to the Idaho Water Supply Bank and the term of that lease expires on December 31, 2016. It is our hope that the new leases for these water rights will ensure continuity of status until December 31, 2021.

We appreciate the opportunity to work with the Idaho Water Supply Bank on these lease contracts. If you have any questions please contact Jamie Gough, Water Rights and Uses Program Manager at 801-625-5809 or jgough@fs.fed.us.

Sincerely,

Kathryn J Conant acting for
KATHRYN J CONANT
Director Lands and Minerals

Enclosure(s)





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

December 20, 2016

US DEPT OF AGRICULTURE
FOREST SERVICE
ATTN: DIRECTOR OF LANDS & MINERALS
324 25TH ST
OGDEN UT 84401

RE: APPLICATIONS TO LEASE WATER RIGHT 71-2053A 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 Jan Husky
Water Supply Bank

Enclosure: Proposed Lease Contracts

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: USDA Forest Service

Memo Date: December 20, 2016

Water Right Number(s): 71-2053A

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?	
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?	X
	☐	Will the place of use continue to receive water?	X
9	☐	Local Public Interest	
	☐	Does the processor know of any problems this action will cause for the local public?	X
10	☒	Have you contacted regional office and watermaster for comment/concerns?	
	☐	Send the watermaster comment request form or e-mail request	
11	☐	Area Headgate requirement	3
12	☐	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments	X

Narrative: The applicant wishes to place the entire right in the Bank. There are no overlapping rights. This right was decreed in 1999: Extension of time from 2004 to 2009 and in the WSB from 2009 to 2016. Forfeiture is not an issue. This water right is currently within WD 71, a subdistrict of 170.