

FEB 22 2016

DEPARTMENT OF
WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT**

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

LESSOR: CITY OF HAILEY
115 S MAIN ST #H
HAILEY ID 83333
208-788-4221

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. On December 30, 2015, the Lessor filed an application to lease the water rights described below into the Water Supply Bank.
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 the 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	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
37-22311	03/24/1883	BIG WOOD RIVER	MALAD RIVER	1.50 cfs	108.5 af	31.0 ac
37-22316	03/24/1883	BIG WOOD RIVER	MALAD RIVER	0.18 cfs	108.5 af	31.0 ac
37-22321	03/24/1883	BIG WOOD RIVER	MALAD RIVER	0.19 cfs	108.5 af	31.0 ac

Lease Totals

IN FILE # 37-22311 1.87* cfs 108.5 af 31.0 ac

*Rental of these water rights is limited to 1.5 cfs due to conveyance loss

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, 2015 to December 31, 2018. 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. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

WATER SUPPLY BANK LEASE CONTRACT

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

CITY OF HAILEY
115 S MAIN ST #H
HAILEY ID 83333

By



Date

2/12/16

Printed Name

Eric X. Hammond



Mayor

IDAHO WATER RESOURCE BOARD
322 EAST FRONT ST
PO BOX 83720
BOISE ID 83720-0098

By


Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

2/23/2016

Lease approved by IDWR

Chy Web

Date

2-23-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NOS. 37-22311, 37-22316, and 37-22321,

The water right or portion thereof leased to the bank is described as follows:

Lessor: CITY OF HAILEY
115 S MAIN ST #H
HAILEY ID 83333
208-788-4221

Location of Point(s) of Diversion for Water Right 37-22311, 37-22316 and 37-22321

BIG WOOD RIVER SWNW Sec. 20, Twp 03N, Rge 18E, BLAINE County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
37-22311	IRRIGATION	04/15	to 10/31	1.50 cfs	108.5 af
37-22316	IRRIGATION	04/15	to 10/31	0.18 cfs	108.5 af
37-22321	IRRIGATION	04/15	to 10/31	0.19 cfs	108.5 af
Total:				1.87 cfs	108.5 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	08E	3											20.0						20.0
02N	08E	4													13.6	3.0		21.9	38.5

Total Acres: 31.0

Conditions Applicable to All Leased Water Rights

- The water rights referenced above will be rented from the bank at the current rental rate.
- 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.
- 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.
- 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.
- While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
- Rental of water under this right is subject to the limitations and conditions of approval of the water right.
- 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, nor does it improve the status of the right or accomplish the 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 after the following rental season.
11. The water rights leased to the bank are 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 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. 37.
13. A portion of this right provides conveyance for other right holders in the shared delivery of water through the Hiawatha canal. To prevent injury to other water right holders, the watermaster shall deliver 20% or 0.37 cfs of the leased portion of these rights into the Hiawatha Canal whether it is rented or not.
14. The point of diversion for this right is locally known as headgate # 22 in Water District No. 37 for delivery to the Hiawatha Canal.
15. Right Nos. 37-22311, 37-22316 and 37-22321 are limited to the irrigation of a combined total of 31 acres in a single irrigation season.
16. Place of use is within portions of the Old Cutters Subdivision.
17. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Idaho Water Resource Board
Water Supply Bank Lease

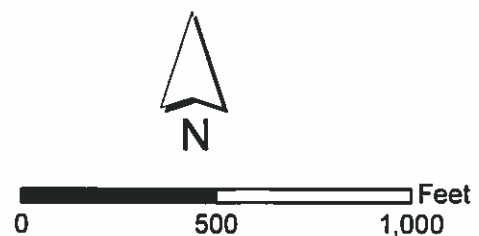
37-22311, 37-22316 and 37-23321
Effective until December 31, 2018

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.



2013 USDA-FSA Aerial Photography

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 30 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant City of Hailey

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

Water Right No. 37-22311

(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 \$ 1,000Received By: AODate Received: 12/30/15Receipt # C101370W-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)

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DEC 30 2015

DEPARTMENT OF
WATER RESOURCES

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 Hailey

Mailing Address 115 Main St., Suite H Hailey ID 83333
Street City State Zip Code

Email Address _____ Phone Number (208) 788-4221

- ☒ 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 Roxanne Brown Organization SPF Water Engineering

Professional Title Water Right Consultant Email Address rbrown@spfwater.com

Mailing Address 300 E. Mallard, Suite 350, Boise, ID 83706 Phone Number (208) 383-4140

- ☐ 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)

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DEC 30 2015

DEPARTMENT OF
WATER RESOURCES

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.
Current diversion and delivery system is the Hiawatha Canal.

- 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. 37-22311, 37-22316, 37-22321

- 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. Water right was decreed in 2009. The land was undergoing development as Old Cutters Subdivision prior to 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.

- 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 ☒

37-22311

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JAN 06 2016

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION 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 2018 (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

Printed Name

Date

Signature of Authorized Representative

Roxanne Brown

Printed Name

Date

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



Idled (area being developed)

City of Hailey - IWSB Lease Application
Water Right Nos.: 37-22311, 37-22316,
37-22321



0.25

Miles



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DEC 30 2015

DEPARTMENT OF
WATER RESOURCES

HIAWATHA CANAL

P.O. Box 1604 • Hailey, ID 83333

December 16, 2015

Idaho Water Bank
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

Re: *City of Hailey Rights (37-22311, 37-22316, 37-22321, 37-22773, 37-22774, 37-22775 and 37-22776)*

Dear Sir or Madam:

The purpose of this letter is to respond generally to water rights being leased to the Water Bank, which are conveyed in the Hiawatha Canal ("Canal") by the Hiawatha Canal Company, a.k.a. The Hiawatha Canal Water Users Association of Lateral or Laterals ("Canal Company"). For the reasons outlined below and on the conditions requested, the Canal has no objection to the aforementioned water rights being placed into the Water Bank.

The Hiawatha Canal Company is concerned about the amount of water being removed from the Canal and placed in the Water Bank by various water right holders. Generally, at this time, the Canal Company does not object to water rights conveyed in the Hiawatha Canal being placed in the Water Bank provided that if the water rights are leased to parties outside of the Canal, then the Water Bank should require twenty-percent (20%) of the right be left in the Canal as conveyance loss. I suggest that the Department place a condition on the leases to this effect.

Providing you some historical perspective, the Canal Company filed for mitigation (conveyance loss) rights in the adjudication for rights that had been forfeited or abandoned out of the Canal. The Department agreed that the conveyance loss in the Canal was twenty-percent (20%), and therefore, entered recommendations accordingly. See e.g., water rights 37-22630, 37-22631, 37-22632 and 37-22633. This conveyance has been recognized by the Idaho Department of Water Resources in similar transfers. Leaving twenty-percent (20%) of the leased rights in the Canal will insure that all rights in the Canal continue to be delivered without injury to water right holders in the Canal.

As a condition of being leased, the Canal Company requests:

1. The Canal Company does not presently object to the aforementioned water rights being placed in the Water Bank, provided that twenty-percent (20%) of the right is left in the Canal as conveyance loss; and

2. The Canal Company would like to be notified if the water rights are eventually released from the Water Bank, or if the Water Rights are being leased again to the Water Bank after the expiration of the lease period.

Thank you in advance for responding to this letter and addressing our concerns. If you have any questions, please do not hesitate to call me.

Sincerely,

HIAWATHA CANAL COMPANY



David Cropper, President

FXH: fxh
cc: client

Mariel Miller, City of Hailey
Ned C. Williamson, Esq (City of Hailey)



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

February 24, 2016

GARY SPACKMAN

Director

CITY OF HAILEY
115 S MAIN ST #H
HAILEY ID 83333

RE: WATER SUPPLY BANK LEASE CONTRAC FOR WATER RIGHTS 37-22311, 37-22316, and 37-22321

Dear Lessor:

Water rights 37-22311, 37-22316, and 37-22321 were leased into the Water Supply Bank (Bank) as of December 30, 2015, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contracts, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2018**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

Clay Webster

Water Resource Agent

WSB Process Point of Contact

for

Enclosure: Executed Lease Contract

c: Roxanne Brown – SPF Water Engineering
Allen Merritt - IDWR Southern Region
Kevin Lakey – Water District 37

Hersley, Jean

From: Kevin Lakey <watermanager@cableone.net>
Sent: Monday, February 08, 2016 8:41 AM
To: Hersley, Jean
Subject: RE: More City of Hailey rights 37-22311, 37-22316 and 37-22321

Jean,
I have no concerns with this application.

Kevin Lakey
Water District 37

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Friday, February 05, 2016 12:01 PM
To: Merritt, Allen; Kevin Lakey
Subject: More City of Hailey rights 37-22311, 37-22316 and 37-22321

These rights are for use in the Old Cutters Subdivision. These will be leased to the Bank beginning in 2015 through 2018. Please let me know if you have any comments or concerns within 7 days. Thank you.

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

Hersley, Jean

From: Merritt, Allen
Sent: Friday, February 05, 2016 3:13 PM
To: Hersley, Jean
Subject: RE: More City of Hailey rights 37-22311, 37-22316 and 37-22321

I do not have any issue.

From: Hersley, Jean
Sent: Friday, February 05, 2016 12:01 PM
To: Merritt, Allen; Kevin Lakey
Subject: More City of Hailey rights 37-22311, 37-22316 and 37-22321

These rights are for use in the Old Cutters Subdivision. These will be leased to the Bank beginning in 2015 through 2018. Please let me know if you have any comments or concerns within 7 days. Thank you.

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

Hersley, Jean

From: Roxanne Brown <RBrown@spfwater.com>
Sent: Friday, January 29, 2016 8:24 AM
To: Hersley, Jean
Subject: RE: City of Hailey water rights 37-22311, 37-22316 and 37-22321

Jean –

Thank you for the clarification. Yes, the City wishes to place the rights in the Idaho Water Supply Bank for the period shown in your email (1/1/2015 to 12/31/2018).

Roxanne

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Friday, January 29, 2016 7:32 AM
To: Roxanne Brown
Subject: City of Hailey water rights 37-22311, 37-22316 and 37-22321

The Department is in the process of reviewing the WSB Lease Applications for these water rights. These rights were decreed in 2009 and aerial photography suggests irrigation has never taken place in the Old Cutter Subdivision, of which these rights are for. The five year "grace" period to appropriate these rights expired in 2015.

However, the Department received these Water supply Bank applications in 2015 we could lease the rights into the Bank from January 1, 2015 to December 31, 2018 (the end date on the application) if the City of Hailey is putting these in the Bank to protect from forfeiture. Remember, though, when the lease expires, the City of Hailey must resume using the rights before the end of the 2019.

Please let me know, in writing, if your client would like to include the 2015 season on the lease contract. As soon as I receive your response, I will continue processing these leases. 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

February 8, 2016

CITY OF HAILEY
115 S MAIN ST #H
HAILEY ID 83333

RE: APPLICATIONS TO LEASE WATER RIGHT 37-22311, 37-22316 and 37-22321 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.

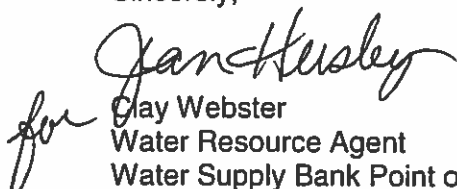
The right will automatically be released from the Bank on **December 31, 2018**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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 me at 287-4910.

Sincerely,


Clay Webster
Water Resource Agent
Water Supply Bank Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C101370

c: SPF Water Engineering LLC

Hersley, Jean

From: Roxanne Brown <RBrown@spfwater.com>
Sent: Friday, January 29, 2016 8:24 AM
To: Hersley, Jean
Subject: RE: City of Hailey water rights 37-22311, 37-22316 and 37-22321

Jean –

Thank you for the clarification. Yes, the City wishes to place the rights in the Idaho Water Supply Bank for the period shown in your email (1/1/2015 to 12/31/2018).

Roxanne

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Friday, January 29, 2016 7:32 AM
To: Roxanne Brown
Subject: City of Hailey water rights 37-22311, 37-22316 and 37-22321

The Department is in the process of reviewing the WSB Lease Applications for these water rights. These rights were decreed in 2009 and aerial photography suggests irrigation has never taken place in the Old Cutter Subdivision, of which these rights are for. The five year "grace" period to appropriate these rights expired in 2015.

However, the Department received these Water supply Bank applications in 2015 we could lease the rights into the Bank from January 1, 2015 to December 31, 2018 (the end date on the application) if the City of Hailey is putting these in the Bank to protect from forfeiture. Remember, though, when the lease expires, the City of Hailey must resume using the rights before the end of the 2019.

Please let me know, in writing, if your client would like to include the 2015 season on the lease contract. As soon as I receive your response, I will continue processing these leases. 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 Hailey

Memo Date: January 28, 2016

Water Right Number(s): 37-22311, 37-22316 and 37-22321

Reviewers Name: Jean

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	X		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right			
	All of right	X		
3	Check GWMA/CGWA/ADC and basin 53 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? If no explain in comments	X		
5	Authority to file			
	Current owner or designated applicant	X		
	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?		X	
7	Injury to other water rights			
	If the POD is through a delivery entity, was consent provided?	X		
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			20%
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	X		
	Complete a combined limits review	X		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	X		
		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		lots with homes receive water from other City of Hailey municipal rights
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?	x		
	Send the watermaster comment request form or e-mail request	x		
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	

Narrative the applicant wishes to place the entirety of all rights in the Bank. Water right 37-22311 is for 1.5 cfs, 37-22316 is for 0.18 cfs and 37-22321 is for 0.19 cfs. All the rights combined are limited to 31.0 acres within a 58.5 POU. These water rights are for the Old Cutters Subdivision. The Department received these applications on December 30, 2015 and will be considered leased to the Bank from 2015-2018. They were decreed in 2009 and the 5 year forfeiture period ended in 2014. Water is delivered through the Hiawatha Canal and permissions has been received from them. These water rights are currently within WD 37.

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