

WATER SUPPLY BANK LEASE CONTRACT FEB 16 2015

DEPARTMENT OF
WATER RESOURCES

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

LESSOR: PAUL F TURNBULL
4924 GOLDEN SPUR DR
NAMPA ID 83687
208-463-2363

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 November 10, 2015, the Lessor filed an application to lease the water right 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 RIGHT:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water right described as follows:

Summary of Water Right or Portion Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
02-10366	1/11/1963	SNAKE RIVER	COLUMBIA RIVER	0.285 cfs	90.0 af	20.0 ac

Lease Totals 0.285 cfs 90.0 af 20.0 ac

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. **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.

PAUL F TURNBULL
4924 GOLDEN SPUR DR
NAMPA ID 83687

By Paul F. Turnbull

Date 2-12-2016

Printed Name Paul F. Turnbull

Title _____

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

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

Date 2/17/2016

Lease approved by IDWR Chy Webb

Date 2-17-2016

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
WATER RIGHT NO. 02-10366

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

Lessor: PAUL F TURNBULL
4924 GOLDEN SPUR DR
NAMPA ID 83687
208-463-2363

Location of Point(s) of Diversion for Water Right 02-10366

SNAKE RIVER L7(SWSWNE) Sec. 36, Twp 01N, Rge 03W, CANYON County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
02-10366	IRRIGATION	03/01	to 11/15	0.285 cfs	90.0 af
Total:				0.285 cfs	90.0 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	
1N	03W	2								20.0									20.0

Total Acres: 20.0

Conditions Applicable to Leased Water Right

1. The water right 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, 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 right leased to the bank is 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. Un-leased portions of rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 when combined shall not exceed a total diversion rate of 74.08 cfs.
13. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 are diverted from the point of diversion described above.

Idaho Water Resource Board
Water Supply Bank Lease

02-10366

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.



2013 USDA-FSA Aerial Photography

⊙ Approved Lease Point of Diversion

Approved Lease Place of Use

Townships

PLS Sections

Quarter Quarters



0 1 2 Miles

RECEIVED

NOV 10 2015

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

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Paul F. Turnbull
(Select one owner – see item 1A on the application)

Water Right No. 2-10366
(One water right per application)

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ 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.

Attachment N/A YES

- 1A ☐ ☒ Contact information for **all owners** of the water right that is being 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 ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☒ ☐ 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.
- 3E ☒ ☐ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. *Been in the water bank for past 5 years.*
- 4 ☐ ☒ 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.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>di</u>	Date Received: <u>11-10-15</u>	Receipt # <u>C101198</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Paul F. Turnbull</u>	<u>4924 Golden Spur Dr</u> <u>Nampa ID 83687</u>

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

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Paul F. Turnbull Email Address pturn@yahoo.com
Mailing Address 4924 Golden Spur Dr. Nampa, ID 83687 Phone Number 208-463-2363

☐ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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 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 1D).

E. 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 1E).

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

Water Right Number 2-10366 ☒ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Snake river SWSWNE Lt-7 Sec 36 Township 01N Range 03W Canyon County
water rights are held in the Idaho Water Supply Bank

- B. 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.

N/A

- C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☐ No ☒

Stacked water rights are water rights that are utilized 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.

D. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. _____

E. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

F. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

4. MAP

Plot map, survey map, or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.

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 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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Paul F. Turnbull

Signature of Designated Applicant

Paul F. Turnbull

Printed Name

11-8-2015

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 RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 2-10366

	Designated Applicant	Applicant #2	Applicant #3
Name	Paul F. Turnbull	Connie J. Turnbull	
Mailing Address	4924 Golden Spur Dr. Nampa, ID 83687	4924 Golden Spur Dr. Nampa, ID 83687	
Phone Number	208-463-2363	208-463-2363	
Email Address	pcturn@yahoo.com	pcturn@yahoo.com	
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature	<i>Paul F. Turnbull</i>	<i>Connie J. Turnbull</i>	

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 2

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

1. Water Right Number 2-10366 Amount (cfs/ac-ft) ~~2~~ -285 cfs Nature of Use irrigation Period of Use 2016 to 2021

_____ to _____

_____ to _____

_____ to _____

_____ to _____

Total Amount: _____

2. Source of water Snake river tributary to Columbia river

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
01N	03W	236	7				Canyon

4. Acres to be idled within the place of use:

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03W	2																	

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 20.18

Attachment 4



Parcel Number: 28751000

Legal Description: 02-1N-3W NE TX 06950 IN SENW

Attachment 4



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

February 18, 2016

PAUL F TURNBULL
4924 GOLDEN SPUR DR
NAMPA ID 83687

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 02-10366

Dear Lessor:

Water right 02-10366 was leased into the Water Supply Bank (Bank) as of November 10, 2015, 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 me at 287-4933.

Sincerely,

Steve Visosky
Water Resource Agent

Enclosure: Executed Lease Contract

c: Angie Grimm - IDWR Western Region



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

February 10, 2016

PAUL F TURNBULL
4924 GOLDEN SPUR DR
NAMPA ID 83687

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS
FOR WATER RIGHT 2-10366**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on January 26, 2016. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application will be returned, and the application fee will not be refunded. You can reapply to lease the water right in the future by submitting new application form along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have questions regarding this matter, please contact me at 287-4933.

Sincerely,

Steve Visosky
Water Resource Agent



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 26, 2016

PAUL F TURNBULL
4924 GOLDEN SPUR DR
NAMPA ID 83687

RE: APPLICATION TO LEASE WATER RIGHT 02-10366 TO THE WATER SUPPLY BANK

******TIME SENSITIVE RESPONSE REQUIRED******

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2020**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact me at 287-4933.

Sincerely,

 Steve Visosky
Water Resource Agent

Enclosures: Proposed Lease Contracts
Receipt # C101198

Visosky, Steven

From: Van Dyke, Nick
Sent: Monday, December 07, 2015 2:11 PM
To: Visosky, Steven
Subject: RE: Regional comment regarding WSB lease application 02-10366

Steven,

No regional issue to address.

Nicholas Van Dyke

*Sr. Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: nick.vandyke@idwr.idaho.gov*

From: Visosky, Steven
Sent: Monday, December 07, 2015 9:58 AM
To: Grimm, Angie
Subject: Regional comment regarding WSB lease application 02-10366

Angie,

We are processing the WSB lease application 02-10366. This is a split from one of the Montierth water rights. Do you have any comments or concerns with the lease? I have attached the application with my review.

Thanks,

Steven Visosky

Water Resource Agent
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4933
Fax (208) 287-6700
steven.visosky@idwr.idaho.gov

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: Paul F Turnbull

Memo Date: 12/04/15

Water Right Number(s): 02-10366

Reviewers Name: Steven Visosky

Quick Tools

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/C/GWA/ADC and basin 63 areas of concern (note area in comments)	X	
	Yes No	
4 Rentable? If no explain in comments	X	
5 Authority to file		
Current owner or designated applicant	X	Verified with Canyon County
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	Last five years in WSB
7 Injury to other water rights		
If the POD is through a delivery entity, was consent provided?	X	X See notes below
If the POD is through a delivery entity, was holdback required? (percentage in comments)		%
8 Enlargement concerns	Check box	
Complete a POU comparison overlap analysis	X	
Complete a combined limits review	X	See attached combined limit sheet
Complete POD overlap analysis (if there is an overlap add condition to lease)	X	See notes
	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?	X	
Send the watermaster comment request form or e-mail request		X Not in a water district
11 Area Headgate requirement		4.5
12 Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		X

13 Narrative

The Department received this application to place 20.18 acres in the bank for five years starting in 2016. This water right was decreed on May 11, 2009. It has been in the Water Supply Bank for the last five years and forfeiture is not an issue.

This right is a split from one of the Montierth water rights (02-2191B) and the Department has done a number of leases on the splits as the ditch will no longer convey water to these properties. This water right was originally delivered by the Hat Butte Mutual Canal Company from a point of diversion along the Snake River. A copy of a letter to a neighboring property from the Hat Butte Mutual Canal Company is attached explaining the delivery issue in the area.

This water right is part of a combined diversion rate and a memo is attached describing the limits of diversion for the rental. Volume for the lease was determined by 20 acres x 4.5 af as 90 AF was less than volume determined by days of season x rate.

The POU does have a direct overlap with water right 02-10383 owned by Montierth. Water right 02-10383 is for 20 acres of irrigation in the same QQ listed on the proposed lease. According to a spreadsheet note from Steve Lester (attached), it probably covers the same lot as this lease. It does not appear that either water rights have surface water available to the place of use. The overlapping water right 02-10383 was decreed in 2009 and has not been in the water supply bank since being decreed so forfeiture may be a concern starting in 2016. The POD is shared by multiple water rights and is located on the Snake River. A list of the overlapping PODs are included on the attached memo.

MEMORANDUM

TO: Water Right File 02-10366

FROM: Steven Visosky

DATE: December 4, 2015

RE: RENTING THIS RIGHT FROM WATER SUPPLY BANK

The comment below is a condition of approval on all the water rights. This water right is leased into the Bank. The rental amount if diverted from different point of diversion should be a proportional reduction of the overall diversion rate. Please adjust accordingly.

"Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 when combined shall not exceed a total diversion rate of 74.30 cfs."

The total diversion rate of all 62 water rights (not all water rights are listed) is 95.339 cfs.

$74.30 \div 95.339 = 0.779$ or 0.78

HAT BUTTE MUTUAL CANAL COMPANY

RECEIVED

FEB 06 2015

DEPARTMENT OF
WATER RESOURCES

February 02, 2015

ID Department of Water Resources
C/O Clay Webster

RE: Pamela J. Douberly – Water Right #2-10380 to Water Supply Bank

To whom it may concern:

Hat Butte Mutual Canal Company has no record of Pamela J. Douberly having an ownership interest in the Hat Butte Mutual Canal Company.

Hat Butte used to deliver irrigation water to lands in Section 2, T1N, R3W – the section where right no. 2-10380's place if use is located – pursuant to shares held by the Douberly's predecessor-in-title Herbert R. Montierth, et al. (collectively, "Montierth"). The Montierth's shares have not been re-issued because the subdivision of their lands and attempted transfer of shares did not comport with Hat Butte By-Laws.

Therefore Hat Butte Mutual Canal Company has no objection to the enclosed application.



Mike Siegersma
President



Paul Rasgorshek
Vice President

Tax Lot Owner	Basin	Sequence	Process	Status	Cfs	Acres	Current Owner - IDWR Record	Leased
DEBENTURE HOLDERS	2	10379	Water Right	Active	0.54	38.0	DEBENTURE HOLDERS	
DOUBERLY	2	10380	Water Right	Active	0.27	19.0	DOUBERLY	
JOHNSON	2	10381	Water Right	Active	0.29	20.0	JOHNSON	
FORCIER	2	10361	Recommendation	Active	0.21	15.0	FORCIER	-2015
FORCIER	2	10362	Recommendation	Active	0.29	20.0	FORCIER	-2015
EWING	2	10363	Recommendation	Active	0.54	38.0	EWING	
TODOR	2	10364	Recommendation	Active	0.24	17.0	TODOR	-2015
CHANCE	2	10365	Recommendation	Active	0.07	5.0	CHANCE	
TURNBULL	2	10366	Recommendation	Active	0.29	20.0	TURNBULL	-2015
HUNNICUTT	2	10367	Recommendation	Active	0.07	5.0	HUNNICUTT	
GHERLE	2	10368	Recommendation	Active	0.29	20.0	GHERLE	
RAINEY CREEK DVLP	2	10369	Recommendation	Active	0.27	19.0	WHIPPLE	-2016
NGUYEN	2	10370	Recommendation	Active	0.29	20.0	WHIPPLE	
DANIELS	2	10371	Recommendation	Active	0.27	19.0	WHIPPLE	-2018
CASE	2	10372	Recommendation	Active	0.07	5.0	MONTIERTH	
SHERMAN	2	10373	Recommendation	Active	0.23	16.0	MONTIERTH	
WHITMILL	2	10374	Recommendation	Active	0.07	5.0	MONTIERTH	
ZIMMERSCHIED	2	10375	Recommendation	Active	0.14	10.0	MONTIERTH	
VULCAN	2	10376	Recommendation	Active	0.07	5.0	MONTIERTH	
MTN. ESTATES	2	10377	Recommendation	Active	0.27	19.0	MONTIERTH	
MORSE	2	10378	Recommendation	Active	0.27	19.0	MONTIERTH	-2018
GONZALEZ	2	10382	Recommendation	Active	0.29	20.0	MONTIERTH	
IOVU ** see footnote **	2	10383	Recommendation	Active	0.29	20.0	MONTIERTH	
BARNES (2 lots)	2	10384	Recommendation	Active	0.56	39.0	MONTIERTH	-2016
CARPENTER	2	10385	Recommendation	Active	0.28	19.5	MONTIERTH	-2015
BLAGAILA	2	10386	Recommendation	Active	0.28	19.5	MONTIERTH	
MONTIERTH	2	10387	Recommendation	Active	0.31	22.0	MONTIERTH	-2015
SHARP	2	10388	Recommendation	Active	0.27	19.0	MONTIERTH	
OWYHEE DVLP (3 lots)	2	10389	Recommendation	Active	0.21	15.0	MONTIERTH	
OWYHEE DVLP	2	10390	Recommendation	Active	0.06	4.0	MONTIERTH	
BANK OF THE WEST	2	10391	Recommendation	Active	0.27	19.0	MONTIERTH	
BREWINGTON-RUSHTON	2	10392	Recommendation	Active	0.31	22.0	BREWINGTON-RUSHTON	
FOUR C INVESTMENTS	2	10393	Recommendation	Active	0.03	2.0	MONTIERTH	
ROGERS	2	10394	Recommendation	Active	0.27	19.0	MONTIERTH	
NICHOLAS (2 lots)	2	2191A	Recommendation	Active	0.17	12.0	STRACK	
		Yellow = need ownership change per tax lot info						
		All decreed 2009. Protect unused rights: extension to avoid forfeiture &/or put right in water bank						
		** POU 2-10383 is SENW but probably covers Iovu lot in W 1/2 of SWNE						