

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

FEB 09 2016

DEPARTMENT OF
WATER RESOURCES

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

LESSOR: RUSSELL DION
PO BOX 1029
BELLEVUE ID 83313
208-788-5363

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 October 13, 2015, the Lessor filed an application to lease the water right(s) 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
37-2557R	09/25/1954	GROUND WATER	NA	0.080 cfs	14.0 af	4.0 ac
37-21858	03/24/1883	BIG WOOD RIVER	MALAD RIVER	0.080 cfs	17.5 af	5.0 ac
37-21875	07/10/1884	BIG WOOD RIVER	MALAD RIVER	0.005 cfs	17.5 af	5.0 ac
37-21892	09/18/1885	BIG WOOD RIVER	MALAD RIVER	0.050 cfs	17.5 af	5.0 ac
37-21909	06/12/1886	BIG WOOD RIVER	MALAD RIVER	0.005 cfs	17.5 af	5.0 ac
37-21926	06/15/1891	BIG WOOD RIVER	MALAD RIVER	0.130 cfs	17.5 af	5.0 ac

Lease Totals 0.35 cfs* 17.5 af* 5.0 ac

*Limited to 0.28 cfs & 14.0 af for conveyance losses

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:** This Lease shall take effect when both parties have signed it and shall continue in effect from January 1, 2016 until December 31, 2020.

SUPPORT DATA

FILE # 37-2557R

FEB 09 2016

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

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.

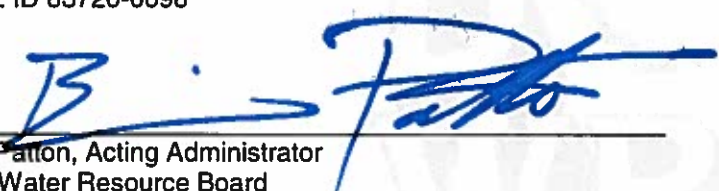
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

RUSSELL DION
PO BOX 1029
BELLEVUE ID 83313

By 
Printed Name Russell Dion

Date 2/5/16
Title owner

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 2/9/2016

Lease approved by IDWR 

Date 2-9-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NO(S). 37-2557R, 37-21858, 37-21875,
37-21892, 37-21909, and 37-21926

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

Lessor: RUSSELL DION
PO BOX 1029
BELLEVUE ID 83313
208-788-5363

Location of Point(s) of Diversion for Water Right 37-2557R,

GROUND WATER L4 (SWSW) Sec. 07, Twp 01N, Rge 19E, BLAINE County

Location of Point of Diversion for Water Rights 37-21858, 37-21875, 37-21892, 37-21909 & 37-21926

BIG WOOD RIVER NESWNW Sec. 36, Twp 02N, 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>
37-2557R	IRRIGATION	04/15 to 10/31		0.080 cfs	14.0 af
37-21858	IRRIGATION	04/15 to 10/31		0.080 cfs	17.5 af
37-21875	IRRIGATION	04/15 to 10/31		0.005 cfs	17.5 af
37-21892	IRRIGATION	04/15 to 10/31		0.050 cfs	17.5 af
37-21909	IRRIGATION	04/15 to 10/31		0.005 cfs	17.5 af
37-21926	IRRIGATION	04/15 to 10/31		0.130 cfs	17.5 af
Total:				0.35 cfs	17.5 af

Place of Use to be Idled Under This Lease: IRRIGATION

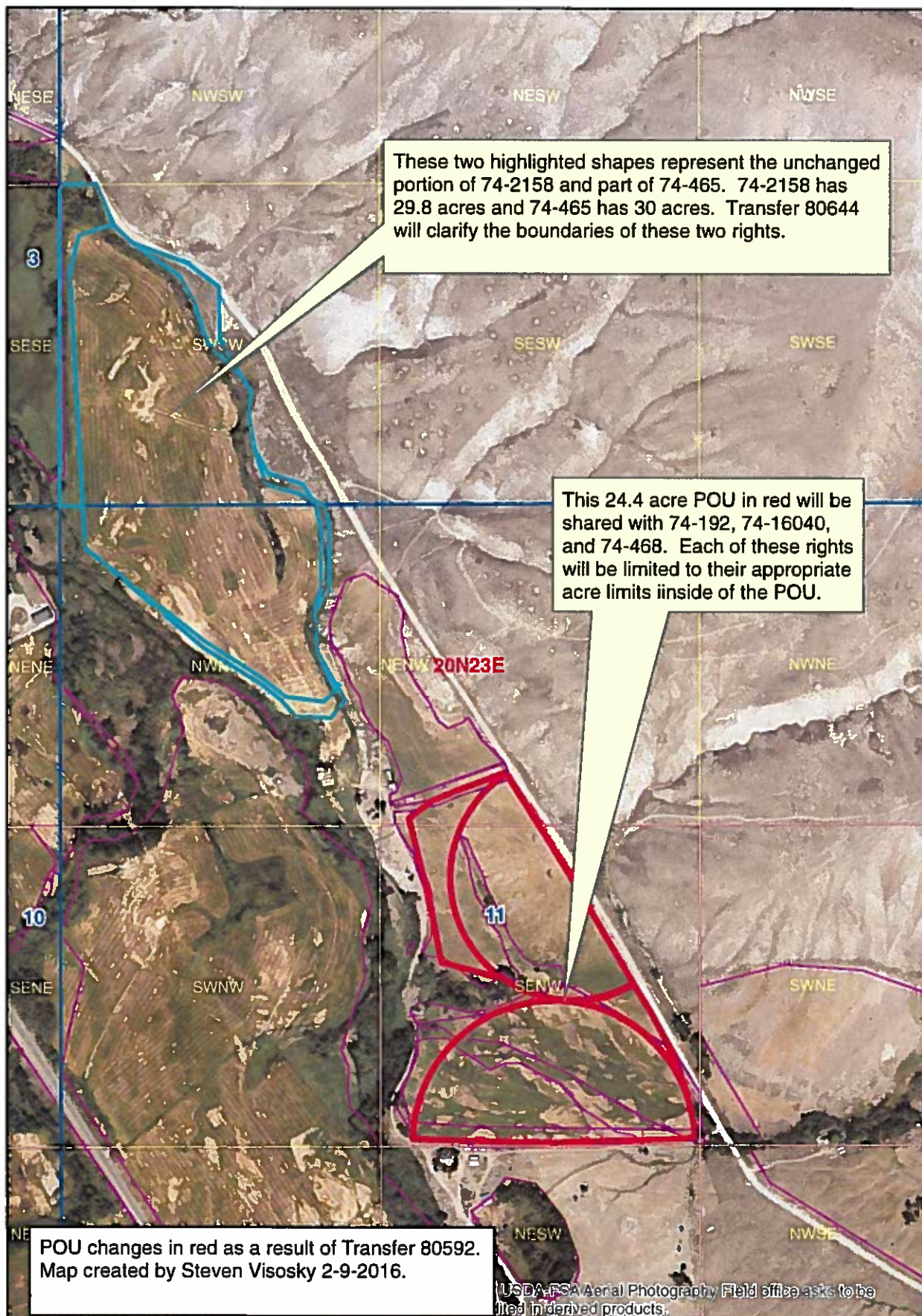
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	7											5.0 L4						5.0

Total Acres: 5.0

Conditions Applicable to All Leased Water Rights

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, 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(s) leased to the bank <is/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. Water right 37-2557R may only be rented for use as a supplemental right in conjunction with a primary surface water right.
13. Use of water under this right is regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
14. When combined with all other rights, the water right shall provide not more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
15. A portion of this right provides conveyance for other right holders in the shared delivery of water through the Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 20% or 0.07 cfs of the leased portion of this right into the Irrigation District #45 Canal whether it is rented or not.
16. Water right 37-2557R shall not be used if the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
17. Water rights 37-2557R, 37-21858, 37-21875, 37-21892, 37-21909 and 37-21962 are limited to the irrigation of a combined total of 5 acres in a single irrigation season.
18. Point of diversion described for water rights 37-21858, 37-21875, 37-21892, 37-21909 and 37-21962 is the headgate for District 45 canal.



Idaho Water Resource Board
Water Supply Bank Lease

37-2557R, 37-21858, 37-21875, 37-21892, 37-21909, 37-21926
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 Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



 Feet
100 0

RECEIVED
OCT 13 2015
DEPARTMENT OF
WATER RESOURCES

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

Water Right No. 37-2557R
(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 <i>all owners</i> of the water right that is being leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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 <u>Section 42-222(2), Idaho Code</u> . |
| 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>500.00</u>	Received By: <u>df</u>	Date Received: <u>10-13-15</u>	Receipt # <u>0101089</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Russell A Dion</u>	

PO Box 1029
Bellevue ID 83313 Page 1

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 Russell Dion Email Address _____
Mailing Address P.O. Box 1029, Bellevue, ID 83313 Phone Number (208) 788-5363

☐ 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 Roxanne Brown Organization SPF Water Engineering
Professional Title _____ Email Address rbrown@spfwater.com
Mailing Address 300 E. Mallard Dr., Ste. 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

Water Right Number 37-2557R ☒ 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.

The current water delivery system consists of a well and pump.

- 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.

Overlapping water rights: 37-2557R, 37-21858, 37-21875, 37-21892, 37-21909, 37-21926

- 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. An SRBA decree of this water right was issued September 24, 2010.

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

Plat 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)

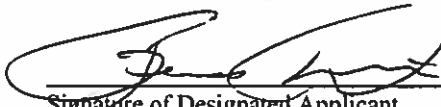
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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.


Signature of Designated Applicant

Russell Dion

Printed Name

9/8/15
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



T01N R19E S06 Lot 4 (SWSW)

 Property_Boundary

Place of Use Idled

 37-2557R

 37-21858, 37-21875, 37-21892, 37-21909, 37-21926

Dion IWSB Lease Applications

27

500

Feet



**STATE OF IDAHO
WATER RESOURCE BOARD**

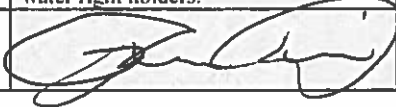
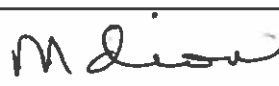
ATTACHMENT 1A

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). 37-2557R, 37-21858, 37-21875, 37-21892, 37-21909, 37-21926

	Designated Applicant	Applicant #2	Applicant #3
Name	Russell Dion	Michelle Dion	
Mailing Address	P.O. Box 1029 Bellevue, ID 83313	same	
Phone Number	(208) 788-5363	same	
Email Address			
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			

	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

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

RUSSELL DION
PO BOX 1029
BELLEVUE ID 83313

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 37-2557R, 37-21858, 37-21875, 37-21892, 37-21909, and 37-21926

Dear Lessor:

Water rights 37-2557R, 37-21858, 37-21875, 37-21892, 37-21909, and 37-21926 were leased into the Water Supply Bank (Bank) as of October 13, 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, 2020**, 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

Enclosure: Executed Lease Contract

c: Roxanne Brown – SPF Water Engineering
Allen Merritt - IDWR Southern Region
Kevin Lakey – Water District 37
Triangle Irrigation District
District 45 Canal Co



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 2, 2016

RUSSELL DION
PO BOX 1029
BELLEVUE ID 83313

RE: APPLICATIONS TO LEASE WATER RIGHT 37-2557R, 37-21858, 37-21875, 37-21892, 37-21909 and 37-21926 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources received the lease contracts that you had signed. However, there was a typographical error on the term of lease. **I have enclosed two original edited 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 287-4910.

Sincerely,

Clay Webster
Water Resource Agent
Water Supply Bank Point of Contact

Enclosure: Edited Proposed Lease Contracts

c: SPF Water Engineering LLC

RECEIVED

FEB 02 2016

DEPARTMENT OF
WATER RESOURCES

TRIANGLE IRRIGATION DISTRICT
P.O. Box 424
Bellevue, Idaho 83313

At the Triangle Irrigation District Board meeting on 2.2.16, the
directors accepted the water bank application from Russ Dion subject
to and with the continuing condition of a 20.1 percent hold back in the
system and on the further condition that there be no adverse impact on the
minimum stream flow in the river and that carriage loss sufficient to convey water
to the Triangle Irrigation District head gate must be left in the river if the water
right is to be leased upstream.

Jaral Gardner
President and Director

2.2.16

Date

Webster, Clay

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Monday, January 04, 2016 8:14 AM
To: Webster, Clay
Subject: RE: Russ Dion IWSB application

Clay – I figured that out! It's being considered by Triangle at their next board meeting.

Roxanne

From: Webster, Clay [mailto:Clay.Webster@idwr.idaho.gov]
Sent: Wednesday, December 30, 2015 3:07 PM
To: Roxanne Brown
Subject: RE: Russ Dion IWSB application

Roxanne,

I have ran into a glitch with this lease. I will need consent from the triangle Irrigation District as well. It seems that both Irrigation Districts have an interest in this conveyance system. Thanks.

Clay

From: Roxanne Brown [mailto:RBrown@spfwater.com]
Sent: Thursday, December 03, 2015 6:07 PM
To: Webster, Clay
Subject: RE: Russ Dion IWSB application

Thanks! We'll wrap this up ASAP.

Sent from my Samsung Galaxy Tab®4

----- Original message -----

From: "Webster, Clay" <Clay.Webster@idwr.idaho.gov>
Date: 12/03/2015 4:13 PM (GMT-07:00)
To: Roxanne Brown <RBrown@spfwater.com>
Subject: RE: Russ Dion IWSB application

Roxanne,

Thanks for the follow-up. I've noted our conversation for the file to allow adequate time for a response.

Sincerely,
Clay Webster
Water Resource Agent
clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

322 E. Front Street

P.O. Box 83720

Boise, ID 83720-0098

208-287-4800

www.idwr.idaho.gov

From: Roxanne Brown [<mailto:RBrown@spfwater.com>]

Sent: Thursday, December 03, 2015 4:09 PM

To: Webster, Clay

Cc: bdtile@bridgemail.com

Subject: Russ Dion IWSB application

Clay – As we discussed, Mr. Dion has until December 19th to submit a letter from the 45 Canal Board approving his water supply bank lease applications. The Board meets December 8 and Mr. Dion's applications are on the agenda.

We are concerned the winter holidays may interfere with submittal of the Board's approval by the December 19th date and would like to extend that deadline. Please respond to this email indicating that Mr. Dion will be allowed sufficient time to provide the requested approval.

Thanks so much!

Roxanne

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136

e. rbrown@spfwater.com | w. www.spfwater.com



SPF WATER
ENGINEERING

Webster, Clay

From: Buyer, Remington
Sent: Thursday, December 31, 2015 9:08 AM
To: Webster, Clay
Subject: RE: D 45 Dion Water Bank and Triangle Irrigation District

Thanks Clay

From: Webster, Clay
Sent: Thursday, December 31, 2015 9:06 AM
To: Buyer, Remington
Cc: Palmer, Cherie
Subject: FW: D 45 Dion Water Bank

Remington,

In case you get any more calls about this lease, according to this e-mail trail the Triangle Irrigation District was contacted about this lease and has it scheduled to be addressed in their January meeting.

Clay

From: Skaggs, Pam
Sent: Wednesday, December 30, 2015 2:53 PM
To: Webster, Clay
Subject: FW: D 45 Dion Water Bank

Not sure if anything here helps, but Sarah Gardner also shows up for TID

From: Skaggs, Pam
Sent: Wednesday, December 09, 2015 5:16 PM
To: Palmer, Cherie
Subject: FW: D 45 Dion Water Bank

Cherie,

Comments from the Triangle Irrigation District (TID).

Pam

From: Sarah Gardner [<mailto:sarag@svskylan.net>]
Sent: Wednesday, December 09, 2015 4:32 PM
To: Jim White; Skaggs, Pam
Subject: Re: D 45 Dion Water Bank

Thank you Jim,
I will be sure this water bank application is on our agenda for our early January meeting.
I will contact you directly should the TID have any questions or need clarification.
Happy Holidays,

Sarah

On 12/9/15 1:57 PM, "Jim White" <jdw@jamesdwhitelaw.com> wrote:

Pam,

Last night, District 45 (Remaining) (D 45) approved Russ Dion's application to place his water rights into the Water Bank. The D 45 Certificate of Action Taken in this regard is attached to this email.

I am also by this email forwarding it to Sarah Gardner of the Triangle Irrigation District (TID), which is the co-owner of the joint legs of the now partitioned districts for appropriate action by the TID.

I am also copying Russ Dion and his consultant, Roxanne Brown, as well the other officers and directors of D 45 for their files.

Should you need anything further from D 45, please don't hesitate to contact me.

Thanks again for your generous help and guidance in this and all the prior applications on which you and I have communicated.

Regards,

Jim White

Co-Director/ D 45

Cell 949 697 9236



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 28, 2015

RUSSELL DION
PO BOX 1029
BELLEVUE ID 83313

RE: APPLICATIONS TO LEASE WATER RIGHT 37-2557R, 37-21858, 37-21875, 37-21892, 37-21909 and 37-21926 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.

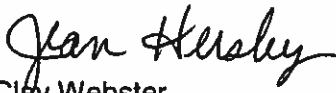
The right will automatically be released from the Bank on **December 31, 2020**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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 287-4910.

Sincerely,

for 
Clay Webster
Water Resource Agent
Water Supply Bank Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C101089

c: SPF Water Engineering LLC

Hersley, Jean

From: Merritt, Allen
Sent: Tuesday, December 15, 2015 10:02 AM
To: Hersley, Jean
Subject: RE: WSB Lease Applications for Russell Dion 37-2557R. 37-21858, 37-21875, 37-21892, 37-21909, 37-21926

I have no issue but Dist 45 canal will likely require some water left in canal.

From: Hersley, Jean
Sent: Thursday, December 10, 2015 9:19 AM
To: Merritt, Allen; Kevin Lakey
Subject: WSB Lease Applications for Russell Dion 37-2557R. 37-21858, 37-21875, 37-21892, 37-21909, 37-21926

The applicant wishes to place the entirety of all rights in the Bank. They are combined rights for 4.0 acres. The surface water rights delivery system currently does not reach the property. Attached is the review memo, draft contract and map. Please let me know if you have any comments or concerns.

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

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: Russell Dion

Memo Date: November 19, 2015

Water Right Number(s): 37-2557R, 37-21858, 37-21875, 37-21892, 37-21909 and 37-21926

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 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		
	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		
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			
11	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		X	
12	Narrative: The Applicant wishes to place the entirety of all rights in the Bank. 37-2557R is a ground water supplemental right and all the others are rights from the Big Wood River. They are limited to 5 acres, together. The surface water is delivered through Irrigation District No. 45. However, the current delivery system does not reach the applicant's property due to subdivision development. Consent from District 45 is needed. These rights are within Water District No. 37. The parents rights were decreed in 2010.			

Overlap Analysis

37-25578 doesn't overlap 37-21976 = From same parent

37-24858 doesn't overlap 37-21863 = "

37-21815 doesn't overlap 37-21875 = "

37-21892 doesn't overlap 37-21897 = "

37-21909 doesn't overlap 37-21914 = "

37-21926 doesn't overlap 37-21931 = "

These rights don't overlap the Bellevue Farms rights.

Webster, Clay

From: Palmer, Cherie
Sent: Wednesday, December 09, 2015 5:28 PM
To: Webster, Clay
Subject: FW: D 45 Dion Water Bank
Attachments: D 45 Certificate of Action (Approval) re Dion Appl.pdf

fyi

From: Skaggs, Pam
Sent: Wednesday, December 09, 2015 2:15 PM
To: Jim White
Cc: Palmer, Cherie
Subject: RE: D 45 Dion Water Bank

Mr. White,

Thank you for the prompt notification of this action. The document is being forwarded to Cherie Palmer, Water Rights Supervisor, who currently supervises processing of Idaho Water Resource Board Water Supply Bank applications. She will reply if there are any questions or concerns.

Pam

Pam Skaggs
Water Rights Supervisor
(208) 287-4951

From: Jim White [<mailto:jdwh@jamesdwhitelaw.com>]
Sent: Wednesday, December 09, 2015 1:57 PM
To: Skaggs, Pam
Cc: Roxanne Brown (rbrown@spfwater.com); Russel Dion (bdtile@bridgemail.com); Sarah Gardner; Jim Super; jolyon@vitalinkarchitecture.com; Jim Spinelli
Subject: D 45 Dion Water Bank

Pam,
Last night, District 45 (Remaining) (D 45) approved Russ Dion's application to place his water rights into the Water Bank. The D 45 Certificate of Action Taken in this regard is attached to this email.
I am also by this email forwarding it to Sarah Gardner of the Triangle Irrigation District (TID), which is the co-owner of the joint legs of the now partitioned districts for appropriate action by the TID.
I am also copying Russ Dion and his consultant, Roxanne Brown, as well the other officers and directors of D 45 for their files.

Should you need anything further from D 45, please don't hesitate to contact me.

Thanks again for your generous help and guidance in this and all the prior applications on which you and I have communicated.

Regards,

Jim White

Co-Director/ D 45

Cell 949 697 9236

RECEIVED
DEC 09 2015
DEPARTMENT OF
WATER RESOURCES

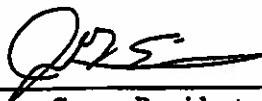
**CERTIFICATE OF ACTION TAKEN BY
THE WOOD RIVER VALLEY IRRIGATION DISTRICT # 45**

The undersigned hereby certify that at the December 8, 2015 meeting of the Board of Directors of the WOOD RIVER VALLEY IRRIGATION DISTRICT # 45 the board took up the matter of the APPLICATION of Russell and Michelle Dion for the consent of the District to their application to place a portion of their surface water rights into the IDWR Water Bank, and the board, after discussion and on motion by Director Jim White, seconded by Director Tolyon Sauray, and unanimously approved, the following resolution was adopted by the Board and is at this time in full force and effect:

RESOLVED, THAT the President was instructed to notify the IDWR Water Bank officials of the District's consent to the Application of Russell and Michelle Dion subject to and with the continuing condition of a twenty PERCENT (20%) hold-back in the District 45 system and on the further condition that there be no adverse impact on minimum stream flow in the river and that carriage loss sufficient to convey water to the District 45 head-gate must be left in the river if the water right is to be leased upstream.

Dated:

12/8/15


James Super, President and Director

Webster, Clay

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Thursday, December 03, 2015 4:09 PM
To: Webster, Clay
Cc: bdtile@bridgemail.com
Subject: Russ Dion IWSB application

Clay – As we discussed, Mr. Dion has until December 19th to submit a letter from the 45 Canal Board approving his water supply bank lease applications. The Board meets December 8 and Mr. Dion's applications are on the agenda.

We are concerned the winter holidays may interfere with submittal of the Board's approval by the December 19th date and would like to extend that deadline. Please respond to this email indicating that Mr. Dion will be allowed sufficient time to provide the requested approval.

Thanks so much!

Roxanne

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136

e. rbrown@spfwater.com | w. www.spfwater.com



SPF WATER
ENGINEERING



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

November 19, 2015

RUSSELL DION
MICHELE DION
PO BOX 1029
BELLEVUE ID 83313

**RE: IRRIGATION DISTRICT REQUIREMENT FOR APPLICATION TO LEASE
WATER RIGHTS TO THE WATER SUPPLY BANK
37-21926, 37-21909, 37-21892, 37-21875, 37-21858**

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

Dear Applicant:

The Department of Water Resources (Department) acknowledges receipt of your Application to Lease water rights to the Water Supply Bank (Bank). A receipt for \$500.00 application fee is enclosed. A preliminary review of your application has found required information was not been included with the application.

Page 1(one) on the Bank lease application form asks for "written consent from irrigation or water delivery company." You have checked "NA", but all the surface water rights (37-21926, 37-21909, 37-21892, 37-21875, 37-21858) are described as being delivered through Irrigation District #45 Canal.

Idaho Administrative Code IDAPA 37-02.03.025 Acquisition of Water Rights for the Board's Water Supply Bank at <http://adminrules.idaho.gov/rules/current/37/0203.pdf> requires the written consent of an irrigation company be submitted with the application for lease. **Please contact Irrigation District #45 for written consent and submit it to the department to complete your application.**

The application will be returned, unprocessed, if the consent is not received within thirty (30) days from the date of this letter. If you need longer than 30 days or have questions regarding this matter, please contact me at 287-4910.

Sincerely,


for Clay Webster
Water Right Agent
WSB Point of Contact

Enclosures: Receipt #C101089

c: SPF Water Engineering LLC



RECEIVED
OCT 13 2015
DEPARTMENT OF
WATER RESOURCES

October 9, 2015

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

*Subject: IWSB Lease Applications – Russell Dion
Water Right Nos. 37-2257R, et al.*

Dear Remington,

Please find enclosed a total of six applications to lease water to the Idaho Water Supply Bank (IWSB). The applicant is not using these water rights at this time. A small landscaped area near the applicant's home (less than ½ acre) is irrigated from the domestic well on this property.

A check for \$500.00 is enclosed for the application fee. Please contact me with any questions concerning these applications.

Sincerely,

A handwritten signature in black ink that reads "Roxanne Brown". The signature is fluid and cursive, with the first name "Roxanne" being more prominent than the last name "Brown".

Roxanne Brown

cc: Russell Dion

Enclosures