

WATER SUPPLY BANK LEASE CONTRACT

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

LESSOR: WILLIAM B COLLINS
574 E FORK RD
HAILEY ID 83333
208-788-3029

RECEIVED
FEB 04 2016
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. On December 21, 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
37-7792	10/6/1979	SPRINGS	EAST FORK WOOD RIVER	0.06 cfs	9.0 af	3.0 ac

Lease Totals 0.06 cfs 9.0 af 3.0* ac

*Only 2.5 acres of the 3 acres is available for rental due to the overlap with water right 37-7136.

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.

WILLIAM B COLLINS

574 E FORK RD
HAILEY ID 83333

By



Date

30 JAN 2016

Printed Name

William B. Collins

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

2/4/2016

Lease approved by IDWR



Date

2-4-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NO. 37-7792

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

Lessor: WILLIAM B COLLINS
574 E FORK RD
HAILEY ID 83333
208-788-3029

Location of Point(s) of Diversion for Water Right 37-7792

SPRINGS NESWSE Sec. 25, Twp 04N, 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>
37-7792	IRRIGATION	04/01	to 11/01	0.06 cfs	9.0 af
Total:				0.06 cfs	9.0 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	
																	3.0		3.0

Total Acres: 3.0

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. 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. The unleased portion of this right is limited to 0.14cfs.
14. Due to the overlap with water right 37-7136, 2.5 acres of the 3 acres are available for rental.

Idaho Water Resource Board
Water Supply Bank Lease

37-7792

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



0 100 200 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 21 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant William B. Collins Water Right No. 37-2792
(Select one owner – see item 1A on the application) (One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MINIMUM REQUIREMENT CHECKLIST

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

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for *all owners* of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☐ ☐ Written consent from irrigation district or water delivery company.
- 4G ☐ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>di</u>	Date Received: <u>12-21-15</u>	Receipt # <u>C101329</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>William B Collins</u>	

574 E Fork Rd
Hailey ID 83333

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant William B. Collins
Mailing Address 574 E. FORZ RD HAILEY ID 83335
Street City State Zip Code
Email Address WBCOLLINSJR@Yahoo.com Phone Number 208 788-3029

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

OR

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

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

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

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

Name of Representative _____ Organization _____
Professional Title _____ Email Address _____
Mailing Address _____ Phone Number _____

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

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

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

3. MAP

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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

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

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

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

Flowed Pump

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

None

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right.

0.06 CFS 9:00 AIZ

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe. Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

If lease, specify the years when the use of water will be suspended: 2016 to 2021 (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]
Signature of Designated Applicant

William B. Collins
Printed Name

18 DEC 15
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**

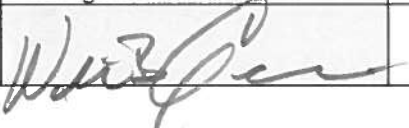
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign 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). 37-7792

	Designated Applicant	Applicant #2	Applicant #3
Name	William Collins		
Mailing Address			
Phone Number			
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
WATER RESOURCE BOARD**

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>37-7792</u>	<u>IRRIGATION</u>	<u>0.06</u>	<u>9.0</u>	<u>3.0</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Amounts:		<u>0.06</u>	<u>9.0</u>	<u>3.0</u>

2. Source of water SPRING tributary to EAST FORK OF BIG WOOD

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
<u>04N</u>	<u>18E</u>	<u>05</u>					<u>BLAINE</u>

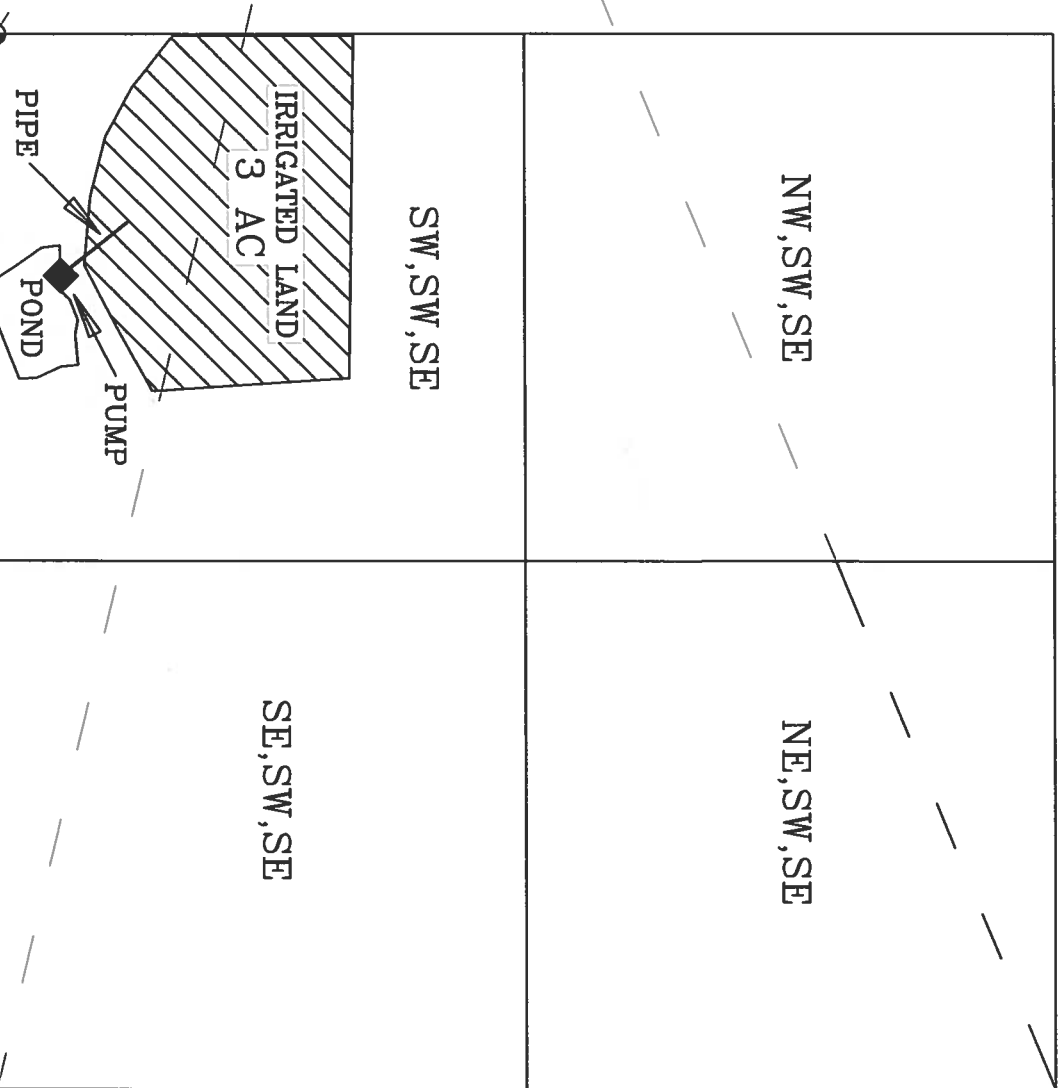
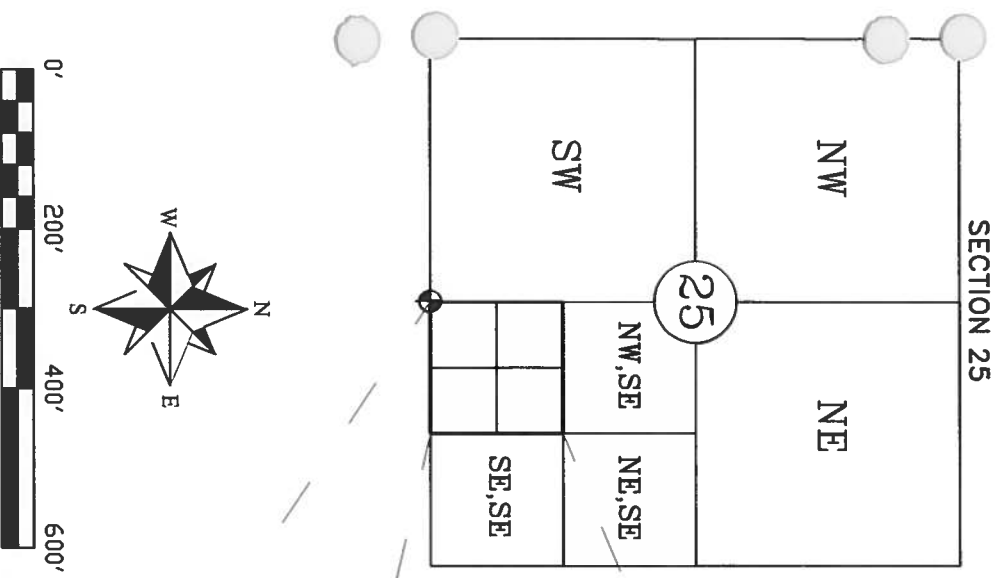
APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

DANIEL TUCKER

WATER RIGHT NUMBER = 37-7792

PROPOSED DIVERSION & APPLICATION

3 ACRES IN SW,SW,SE OF SEC 25



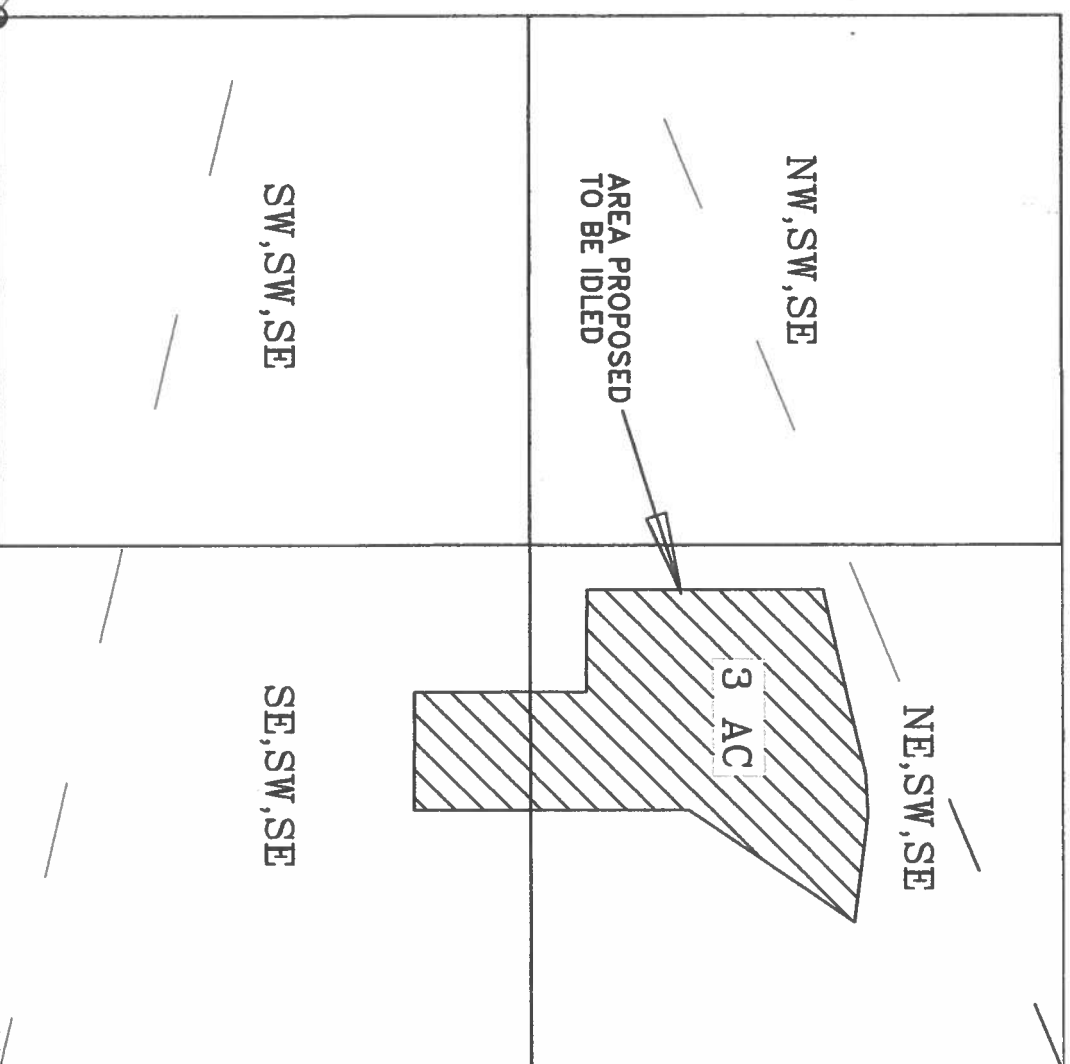
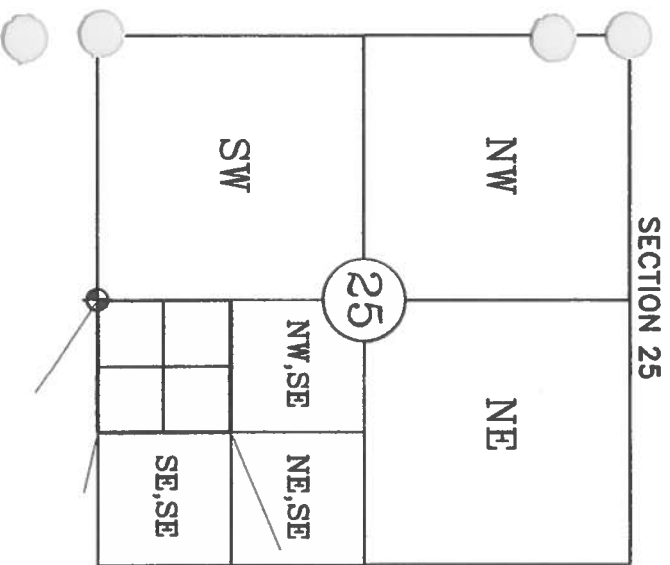
SOUTH QUARTER CORNER
SECTION 25, T4N, R18E, B.M., BLAINE COUNTY, IDAHO

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

WILLIAM B. COLLINS

WATER RIGHT NUMBER = 37-7792

AREA PROPOSED TO BE IDLED BY THIS APPLICATION
3 ACRES IN SE1/4 OF SEC 25



SOUTH QUARTER CORNER
SECTION 25, T4N, R18E, B.M., BLAINE COUNTY, IDAHO



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 8, 2016

GARY SPACKMAN

Director

WILLIAM B COLLINS

574 E FORK RD

HAILEY ID 83333

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 37-7792

Dear Lessor:

Water right **37-7792** was leased into the Water Supply Bank (Bank) as of December 21, 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: Allen Merritt - IDWR Southern Region
Kevin Lakey - Water District 37



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

JANUARY 25, 2016

GARY SPACKMAN

Director

WILLIAM B COLLINS
574 E FORK RD
HAILEY ID 83333

RE: APPLICATIONS TO LEASE WATER RIGHT 37-7792 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 (Bank). The recreation use associated with this water right is considered appropriated when the pond is full, therefore the recreation use will not be accepted into the lease agreement. The Bank has accepted all three acres of irrigation into the lease however only 2.5 acres are considered rentable since ½ of an acre continues to receive irrigation occurring under water right 37-7136.

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

Enclosure: Proposed Lease Contracts
Receipt # C101329

MEMORANDUM

To: Water Right(s) 37-7792
From: Steven Visosky
Date: January 25, 2016
Re: Review & Analysis of Application to Lease and Rent Water to the State Water Supply Bank

PURPOSE/NARRATIVE: On Dec 21, 2015, the Department received a lease application from William B Collins to lease of the entire water right 37-7792 into the Water Supply Bank (WSB). William Collins owns the decreed water right for 3.0 acres of irrigation and recreation uses. This water right was previously leased in to the WSB for the last five years to Daniel Tucker and is proposed for another five years. The property is located within the Eastern Snake River Plain Moratorium area along with being inside the Trust Area.

The Department received Daniel Tucker's rental application on October 20, 2015. The rental application requests three acres of irrigation from the same source (spring) downstream and inside of the same QQ as water right 37-7792. The purpose of the rental is to irrigate grass planted on a tailings pile.

AUTHORITY TO FILE: William B. Collins signed the lease application without a representative. Daniel Tucker also signed the rental application without a representative. According to taxlot information updated on 9/7/2015 from Blaine County, both the lease and rental applicants own the land associated with the place of use (POU) and point of Diversion (POD).

WATER RIGHT VALIDITY: Water Right 37-7792 was decreed on 11/12/2009. In 2011, the entire water right was leased into the WSB for five years. Both the irrigation and recreation use were accepted into the lease however only the irrigation diversion rate was authorized for the rental. As the entire water right was accepted into to the WSB, forfeiture is not a concern at this time.

INJURY TO OTHER WATER RIGHTS: No apparent injury with proper rental.

ENLARGEMENT OF USE: During the lease review, it was determined through aerial photography that the POU associated with the property appeared to be irrigated during the last five year lease period. The lease application stated that no other water rights were being used for the same purpose at the same POU. A phone conversation with Mr. Collins confirmed that the water he was using to irrigate approximately ½ acre on the lease POU was from the domestic water supplied by Wooden Hill Water Works 37-7136. Mr. Collins stated that he may have misunderstood the question on the application as there is another water right (37-7136) used for the same purpose.

The lease POU does overlap with water right 37-7136 owned by Wooden Hills Water Works as mentioned above. 37-7136 is a domestic right is for 25 homes and using the volume associated with the license, the right allows for irrigation of up to ½ acre per home. There are no POD overlaps.

During the phone conversation with Mr. Collins, I inquired about the point of diversion (POD) and how water is diverted into the pond for recreation. Mr. Collins stated that the pond fills up from springs underneath the pond and there is no particular point of diversion from a spring into

the pond. It appears there is no way to stop the flow or dry up the pond area due to the location of the springs' origination. Water flows from the springs underneath the pond and then into a stream below the pond. As the pond will continue to have water in it, the recreation use of the water right cannot be leased in to the bank.

In regards to the irrigation use, the WSB is accepting the three acres of irrigation into the lease however only 2.5 acres are available for rental. The property has a total of 3 acres of irrigation and as the property continues to receive a 1/2 acre of irrigation from water right 37-7136, limiting the rental to 2.5 acres will prevent an enlargement.

As we are unable to accept the recreation use, the rental of lease of 37-7792 should be limited to 2.5 acres, 0.05 cfs, and 7.5 AF. The entire lease of water right 37-7792 will be used up with this rental for all five years.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

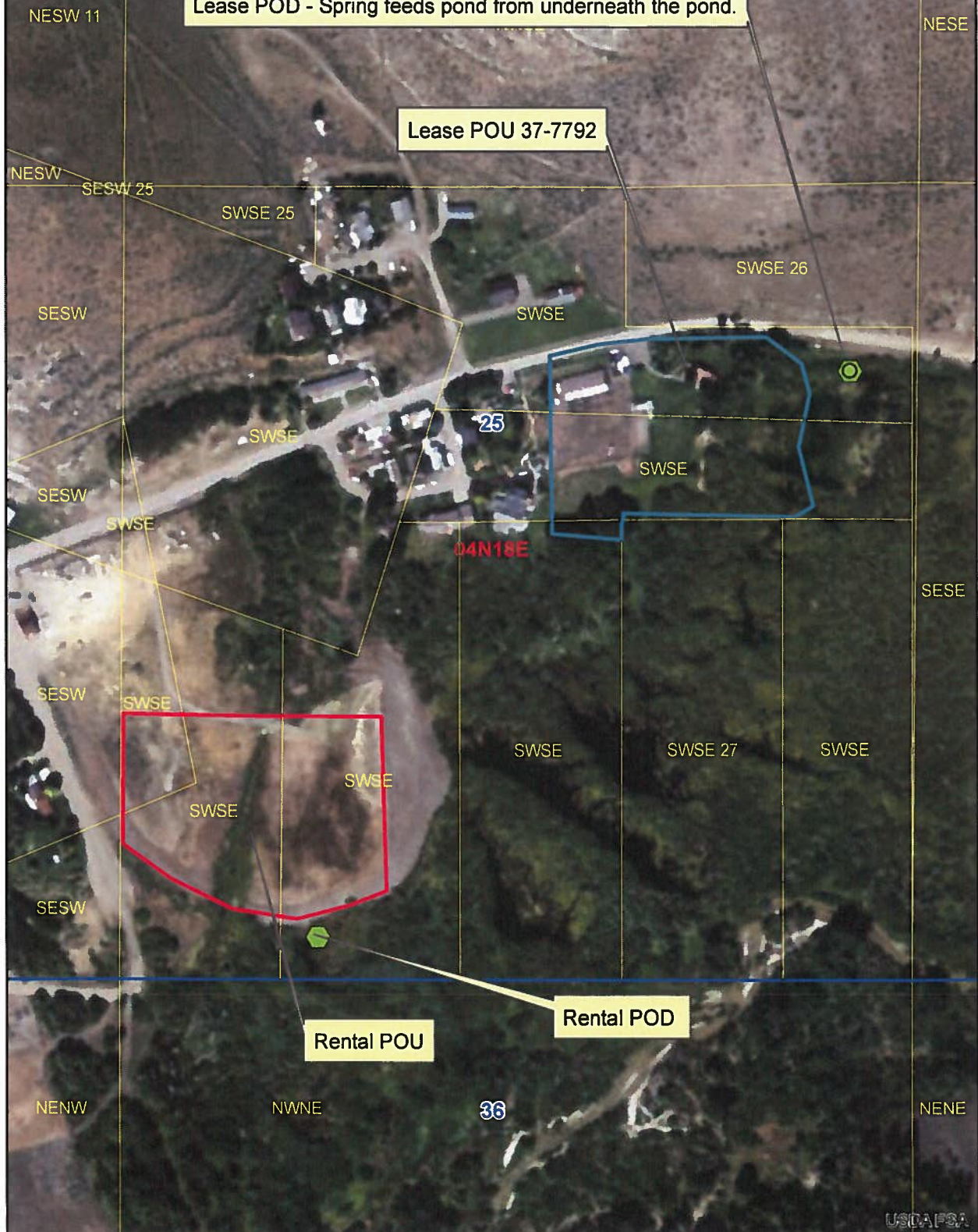
DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location of this water right is within Water District 37 – Big and Little Wood River Drainages. Watermaster Kevin Lakey along with Allen Merritt from IDWR Southern will be contacted for feedback or concerns.

On January 22, 2015, Kevin Lakey responded via email and stated that he would like a measuring device installed at the new POD/POU to see how much water is actually applied. The lease will carry a measuring device requirement. Allen Merritt also replied the same day and stated that he was OK with the lease as long as we are only allowing 2.5 acres on the lease.

Lease of 37-7792 and Rental proposals for WSB
Map created by Steven Visosky 1/8/16

Lease POD - Spring feeds pond from underneath the pond.

Lease POU 37-7792



Visosky, Steven

From: Merritt, Allen
Sent: Friday, January 22, 2016 1:11 PM
To: Visosky, Steven
Subject: RE: Water Supply Bank lease and rental feedback 37-7792

Ok great

From: Visosky, Steven
Sent: Friday, January 22, 2016 12:01 PM
To: Merritt, Allen
Cc: Kevin Lakey
Subject: RE: Water Supply Bank lease and rental feedback 37-7792

Allen,

We are only allowing 2.5 acres of irrigation to be used at the rental and we are requiring that prior to diversion, the renter shall install and maintain a measuring device acceptable to the Department as part of the diverting works.

Thanks for your feedback

Steve Visosky

From: Merritt, Allen
Sent: Friday, January 22, 2016 9:12 AM
To: Kevin Lakey; Visosky, Steven
Subject: RE: Water Supply Bank lease and rental feedback 37-7792

I do not have an issue assuming you are only going to allow 2.5 acres.

From: Kevin Lakey [<mailto:watermanager@cableone.net>]
Sent: Thursday, January 21, 2016 4:13 PM
To: Visosky, Steven; Merritt, Allen
Subject: RE: Water Supply Bank lease and rental feedback 37-7792

Steven,
I'm good with the lease/rental, but would like a measuring device installed at the new POD/POU to see how much water is actually applied. Thanks.

Kevin Lakey
Water District 37

From: Visosky, Steven [<mailto:Steven.Visosky@idwr.idaho.gov>]
Sent: Thursday, January 21, 2016 3:22 PM
To: Merritt, Allen; WATERMANAGER@CABLEONE.NET
Subject: FW: Water Supply Bank lease and rental feedback 37-7792

Dear Allen and Kevin,

I should have been more specific with a timeframe to respond with any concerns or comments regarding the water supply lease and rental attached in Basin 37. As I am still new to the WSB, I am learning as I go. We would like to send

out the lease approval document by the end of the day tomorrow (1/22/16). Please let me know if you need any more time for your review or have any concerns.

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

From: Visosky, Steven

Sent: Tuesday, January 12, 2016 3:18 PM

To: Merritt, Allen; 'WATERMANAGER@CABLEONE.NET'

Subject: Water Supply Bank lease and rental feedback 37-7792

Dear Allen and Kevin,

We are processing a Water Supply Bank lease and rental application in Basin 37. The memo review explains both applications for your convenience. Could you please let us know if you have any questions or concerns with moving forward with the agreements.

Thanks,

Steven Visosky

Water Resource Agent
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