

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

FEB 04 2016

DEPARTMENT OF
WATER RESOURCES

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

LESSOR: HATTIE ZOBOTT
19950 HWY 30
BUHL ID 83316
208-954-4954

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 22, 2015, the Lessor filed an application to lease the water rights described below into the Water Supply Bank.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to the conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
47-17654	5/18/1972	GROUND WATER	NA	0.04 cfs	3.1 af	NA ac
47-17655	1/20/1984	GROUND WATER	NA	0.03 cfs	6.1 af	NA ac

Lease Totals 0.04 cfs 9.2 af NA 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, 2015 to December 31, 2017. 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.

SUPPORT DATA

IN FILE # 47-17654

WATER SUPPLY BANK LEASE CONTRACT

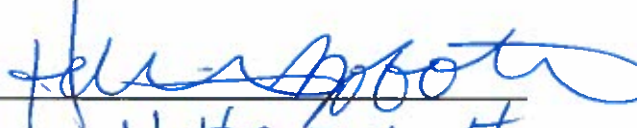
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

HATTIE ZOBOTT

19950 HWY 30

BUHL ID 83316

By


Printed Name Hattie Zobott

Date

02/03/2016

Title

owner

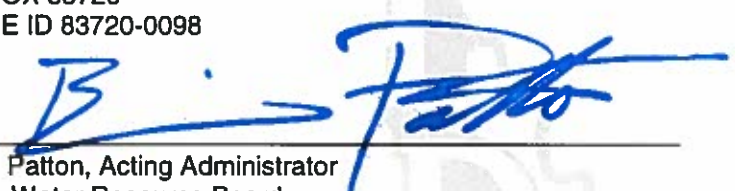
IDAHO WATER RESOURCE BOARD

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 NOS. 47-17654 and 47-17655

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

Lessor: HATTIE ZOBOTT
19950 HWY 30
BUHL ID 83316
208-954-4954

Location of Point(s) of Diversion for Water Right 47-17654 and 47-17655

GROUND WATER NWSESE Sec. 32, Twp 08S, Rge 14E, TWIN FALLS County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
47-17654	DOMESTIC	01/01 to	12/31	0.04 cfs	0.6 af
47-17654	HEATING	01/01 to	12/31	0.03 cfs	2.5 af
Total:				0.04 cfs	3.1 af
47-17655	RECREATION	01/01 to	12/31	0.03 cfs	6.1 af
Total:				0.04 cfs	9.2 af

Place of Use to be Idled Under This Lease: DOMESTIC, HEATING, RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	32																X	

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 are subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water rights 47-17654 and 47-17655 are limited to a total combined diversion rate of 0.04 cfs.
13. Domestic and heating use if for one home.

Idaho Water Resource Board
Water Supply Bank Lease

47-17654 and 47-17655
Effective until December 31, 2017

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

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

RECEIVED

DEC 22 2015

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Hattie Zobott

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

Water Right No. 47-17654

(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 <i>all owners</i> of the water right to be 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 | ☐ | ☒ | 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 <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ 500.00Received By: dhDate Received: 12-22-15Receipt # C101338W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Hattie Zobott

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 Hattie Zobott

Mailing Address 19950 HWY 30, Buhl, Idaho 83316

Street City State Zip Code
Email Address hattiehiatt@yahoo.com Phone Number 208-954-4954

☐ 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**

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). 47-7146, 47-7436B

	Designated Applicant	Applicant #2	Applicant #3
Name	Hattie Zobott	Michael Zobott	
Mailing Address	19950 HWY 30 Buhl, Idaho 83316	19950 HWY 30 Buhl, Idaho 83316	
Phone Number	208-954-4954		
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

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.
Artisan well with pipe to property.

- 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. 47-17655 is for recreation, but is used at the same place of use. The second application for lease of 47-17655 follows this application.

- 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. Other water is from Banbury Pipe Company, for irrigation use and domestic.

- 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. 0.12 cfs, 24.4 afa full water right for base right of 47-7146. We are placing the split 0.04 cfs and 3.1 afa appurtenant to our property into the WSB.

- 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 ☒.

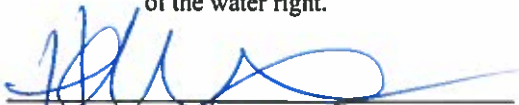
If lease, specify the years when the use of water will be suspended: 2016 to 2017 (maximum lease period 5 calendar years).
(Year) (Year)

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

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.


Signature of Designated Applicant

Hattie Zoloth
Printed Name

12/21/2015
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
Department of Water Resources

Water Right
47-17654

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources

Water Right
47-17654

HEATING

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





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 5, 2016

GARY SPACKMAN
Director

HATTIE ZOBOTT
19950 HWY 30
BUHL ID 83316

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 47-17654 and 47-17655

Dear Lessor:

Water rights 47-17654 and 47-17655 were leased into the Water Supply Bank (Bank) as of December 22, 2015, in accordance with the enclosed executed lease contracts. **Your water rights, as described on the lease contract, 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, 2017**, 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,

for

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Allen Merritt - IDWR Southern 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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 28, 2016

HATTIE ZOBOTT
19950 HWY 30
BUHL ID 83316

RE: APPLICATIONS TO LEASE WATER RIGHT 47-17654 and 47-17655 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.

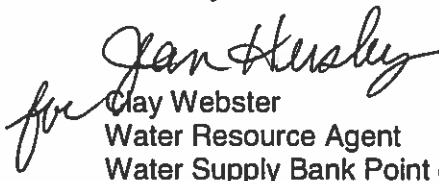
The right will automatically be released from the Bank on **December 31, 2017**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

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

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

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

Sincerely,


Clay Webster
Water Resource Agent
Water Supply Bank Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C101338

Hersley, Jean

From: Merritt, Allen
Sent: Monday, February 01, 2016 1:38 PM
To: Hersley, Jean
Subject: RE: WSB Lease 47-17654 and 47-17655

I have no issues.

From: Hersley, Jean
Sent: Monday, January 11, 2016 10:28 AM
To: Merritt, Allen
Subject: WSB Lease 47-17654 and 47-17655

Attached is the review memo, draft contract and map of idled acres. Please let me know if you have any comments or concerns. Thank you.

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

WATER SUPPLY BANK

Agent Lease Review Checklist

Applicant(s) Name: Zobott

Memo Date: January 11, 2016

Water Right Number(s): 47-17654 and 47-17655

Reviewers Name: Jean Hersley and Clay Webster

Quick Tools

Decreed	No Forfeiture Concerns Thru:
Year	
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)		
	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)		2009
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?	na	
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	
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 Area Headgate requirement		4
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 applicant wishes to place the entirety of both rights in the Bank from 2015 to 2017. The parents of these rights were decreed in 2009 and included the property now associated with water rights 47-17654 and 47-17655 in the POU. 47-17654 is a heating/ domestic right. The house on this property burned down between 11/2003 and 9/2004 so the domestic/heating was never appropriated on this property. 47-17655 is a recreation right for a small pool which again was never appropriated on this property. Since we received the application on December 22, 2015, and the portions split off have not be appropriated to this property, the Department will allow the 2015 season to be included in the lease. These rights were split from 47-7146 and 47-7263B in an ownership change in 2015. These portions of these rights were quit claimed to the property owner. Comments in the original WRs file suggested that any split of these rights should be accomplished with a quit claim deed, due to rights belonging to the well owner (5/5/2010). Since the decreed date is 11/4/2009. The rights are still valid as of the date of the application received, and can be brought into the WSB for protection from forfeiture. 5 455		

Hersley, Jean

From: hattie hiatt <hattiehiatt@yahoo.com>
Sent: Monday, January 11, 2016 8:35 AM
To: Hersley, Jean
Subject: Re: WSB Lease Applications 47-17654 and 47-17655

Dear Jean,

Yes, please put them in the bank for 2015-2017. We plan on using them at the end of the lease. Thank you for your hard work on this issue. I would still like to talk to you about this case, if you would please call me when you get a chance. We are in a meeting until 9:15 am, but I am available after that.

Hattie

On Friday, January 8, 2016 10:26 AM, "Hersley, Jean" <Jean.Hersley@idwr.idaho.gov> wrote:

Thank you for the information. After receiving the information from you and further review, it looks like the house associated with your property burned down sometime between 11/2003 and 9/2004. The parent of these water rights were decreed in 2009. Even though the parcel is listed on the water rights, the domestic, heating and recreation uses were never appropriated on this piece of the water rights. The five year "grace" period to appropriate these rights expired in 2015.

However, the Department received these Water supply Bank applications in 2015 we could lease the rights into the Bank from January 1, 2015 to December 31, 2017 (the end date on your application) if you are putting these in the Bank to protect from forfeiture. Remember, though, when the lease expires, you must resume using the rights before the end of the 2018.

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

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

From: hattie hiatt [mailto:hattiehiatt@yahoo.com]
Sent: Thursday, January 07, 2016 4:30 PM
To: Hersley, Jean
Subject: Re: WSB Lease Applications 47-17654 and 47-17655

Dear Jean,

Please see that attached information for evidence that the parent rights were used on the property. Do you need anything further?

Thank you,

Hattie

On Wednesday, January 6, 2016 1:34 PM, "Hersley, Jean" <Jean.Hersley@idwr.idaho.gov> wrote:

Hattie,

The Department is in the process of reviewing your applications to place water rights 47-17654 and 47-17655 in the Water Supply Bank. I need to know the historic use of the parents of these water rights. It doesn't appear that the parent water rights were ever utilized on the land you purchased. Please provide the requested information within 30 days.
If you have any questions, please contact me at 208-287-4942 or Clay Webster at 208-287-4910. Thank you.

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

December 21, 2015

Jean Hersley
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Zobott Lease for Rights 47-17654 and 47-17655

Dear Ms. Hersley:

In response to your statement that the parent rights were not ever used on the property designated as the place of use for 47-17654 and 47-17655:

- 1) The place of use is on the parcel previously referred to as the Hiatt property, parcel RP08S14E329060, and is listed on the parent rights as a place of use.
- 2) The parent rights are clearly indicated on the property for the previous residents, the Hiatts. Please refer to the attached documentation of the parent rights: 47-7146 and 47-7263B.
- 3) The aerial photo shows the house that the parent rights refers to on the Hiatts property. The house burned down.
- 4) The Robertson's and the Kuest's had a well agreement that permitted diversion of 0.04 cfs to the property for use as domestic, heating, and recreation. The agreement was binding to heirs, and we inherited the agreement.

Please, do not hesitate to call me with any questions.

Sincerely,

Hattie Zobott

Enc: Water Right Details of Water Rights 47-7146 and 47-7263B, Well agreement, Hiatt House Aerial Photo 2003

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/6/2015

WATER RIGHT NO. 47-7146

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CATHERINE BETTIS 708 GREENWICH ST APT 6C NEW YORK, NY 10014 (415)385-0102
Original Owner	JOHNNIE KUEST PO BOX 110 FILER, ID 83328 (208)326-4084

Priority Date: 05/18/1972

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	01/01	12/31	0.06 CFS	4 AFA
HEATING	01/01	12/31	0.06 CFS	18 AFA
DOMESTIC	01/01	12/31	0.06 CFS	2.4 AFA
Total Diversion			0.12 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWSESE|Sec. 32|Township 08S|Range 14E|TWIN FALLS County

IRRIGATION Use:
Number of other uses: 1

HEATING Use:
Number of homes: 2

DOMESTIC Use:
Number of homes: 2

Place(s) of use:

Place of Use Legal Description: IRRIGATION TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	14E	32		SESE	0.2									

Place of Use Legal Description: HEATING TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	14E	32		SESE										

Place of Use Legal Description: DOMESTIC TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	14E	32		SESE										

Total Acres: 0.2

Conditions of Approval:

1. THE PLACE OF USE IS TWIN FALLS TAX PARCEL NUMBERS: RP08S14E329050T, RP08S14E329060A, RP08S14E329030T & RP08S14E336030T.
2. E51 Use of this right with Right No. 47-7263B is limited to a total combined diversion rate of .31 cfs.
3. DOMESTIC USE IS FOR TWO HOMES. HEATING USE IS FOR TWO HOMES AND ONE GREENHOUSE. IRRIGATION USE IS IN GREENHOUSE.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:**Licensed Date:****Decreed Date:** 11/04/2009**Permit Proof Due Date:****Permit Proof Made Date:****Permit Approved Date:****Permit Moratorium Expiration Date:****Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:****Owner Name Connector:****Water District Number:****Generic Max Rate per Acre:****Generic Max Volume per Acre:****Combined Acres Limit:****Combined Volume Limit:****Combined Rate Limit:** 0.31**Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan:** False

[Close](#)**IDAHO DEPARTMENT OF WATER RESOURCES**
Water Right Report

8/6/2015

WATER RIGHT NO. 47-7263B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CATHERINE BETTIS 708 GREENWICH ST APT 6C NEW YORK, NY 10014 (415)385-0102
Original Owner	JOHNNIE KUEST PO BOX 110 FILER, ID 83328 (208)326-4084

Priority Date: 01/20/1984

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
HEATING	01/01	12/31	0.14 CFS	10.3 AFA
DOMESTIC	01/01	12/31	0.08 CFS	1.8 AFA
RECREATION	01/01	12/31	0.09 CFS	27.2 AFA
Total Diversion			0.31 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWSESE|Sec. 32|Township 08S|Range 14E|TWIN FALLS County

HEATING Use:

Number of homes: 3

Number of other uses: 1

DOMESTIC Use:

Number of homes: 3

RECREATION Use:

Number of homes: 3

Place(s) of use:

Place of Use Legal Description: HEATING TWIN FALLS County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	14E	32		SESE										
		33	7	SWSW										

Place of Use Legal Description: DOMESTIC TWIN FALLS County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	14E	32		SESE										
		33	7	SWSW										

Place of Use Legal Description: RECREATION TWIN FALLS County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	14E	32		SESE										
		33	7	SWSW										

Conditions of Approval:

1. E51 Use of this right with Right No. 47-7146 is limited to a total combined diversion rate of .31 cfs.
2. THE PLACE OF USE IS TWIN FALLS TAX PARCEL NUMBERS: RP08S14E329050T, RP08S14E329060A, RP08S14E329030T & RP08S14E336030T.
3. HEATING USE IS FOR THREE HOMES AND ONE GREENHOUSE; DOMESTIC USE IS FOR THREE HOMES.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:**Licensed Date:****Decreed Date:** 11/04/2009**Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:** S**Owner Name Connector:****Water District Number:****Generic Max Rate per Acre:****Generic Max Volume per Acre:****Combined Acres Limit:****Combined Volume Limit:****Combined Rate Limit:** 0.31**Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan:** False

State of Idaho
Department of Water Resources

Water Right

47-7146

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.0375 0.075 0.15 Miles



State of Idaho
Department of Water Resources

Water Right
47-7146

HEATING

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.0375 0.075 0.15 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



State of Idaho
Department of Water Resources

Water Right
47-7146

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.035 0.07 0.14 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

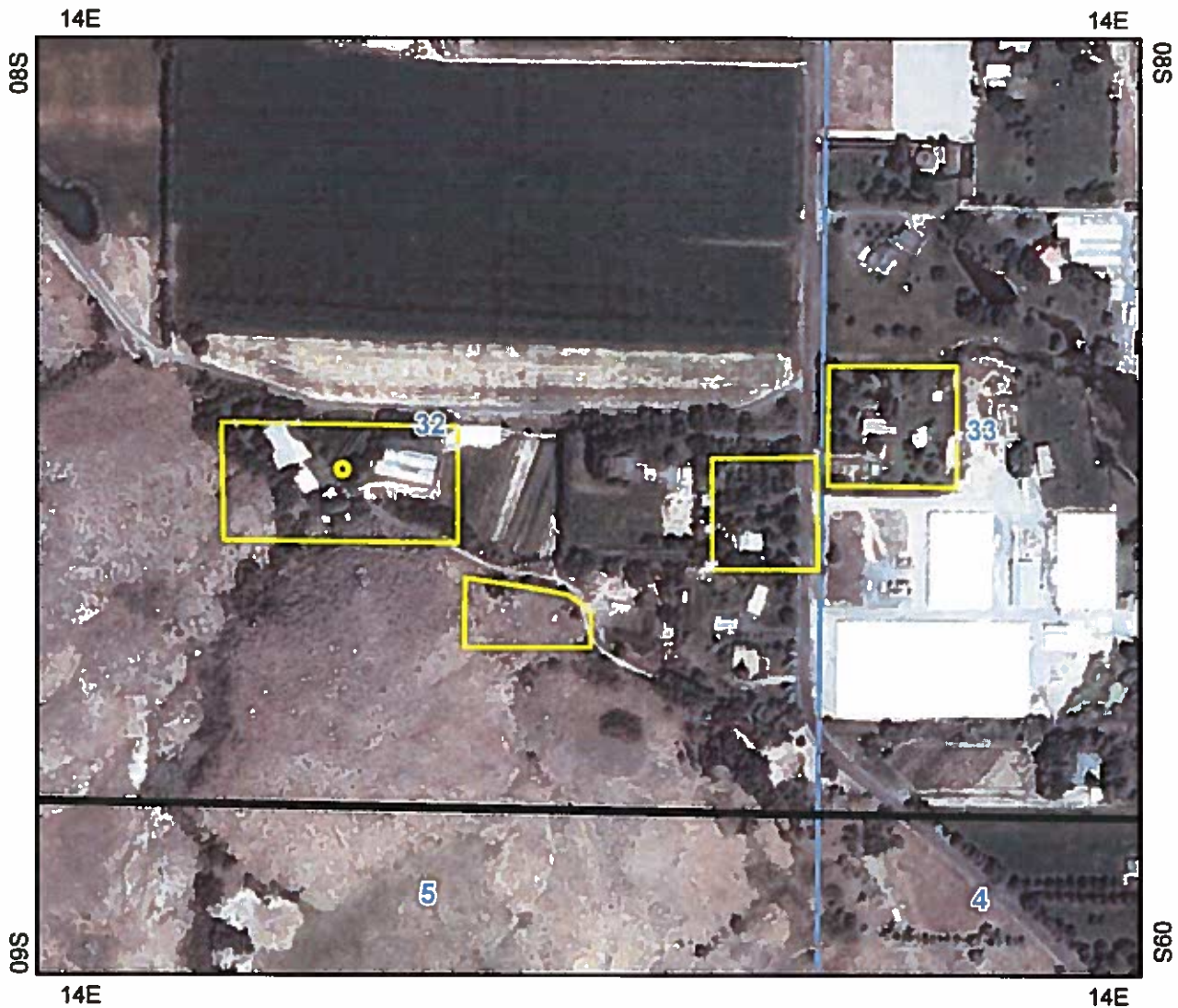


State of Idaho
Department of Water Resources

**Water Right
47-7263B**

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.0475 0.095 0.19 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

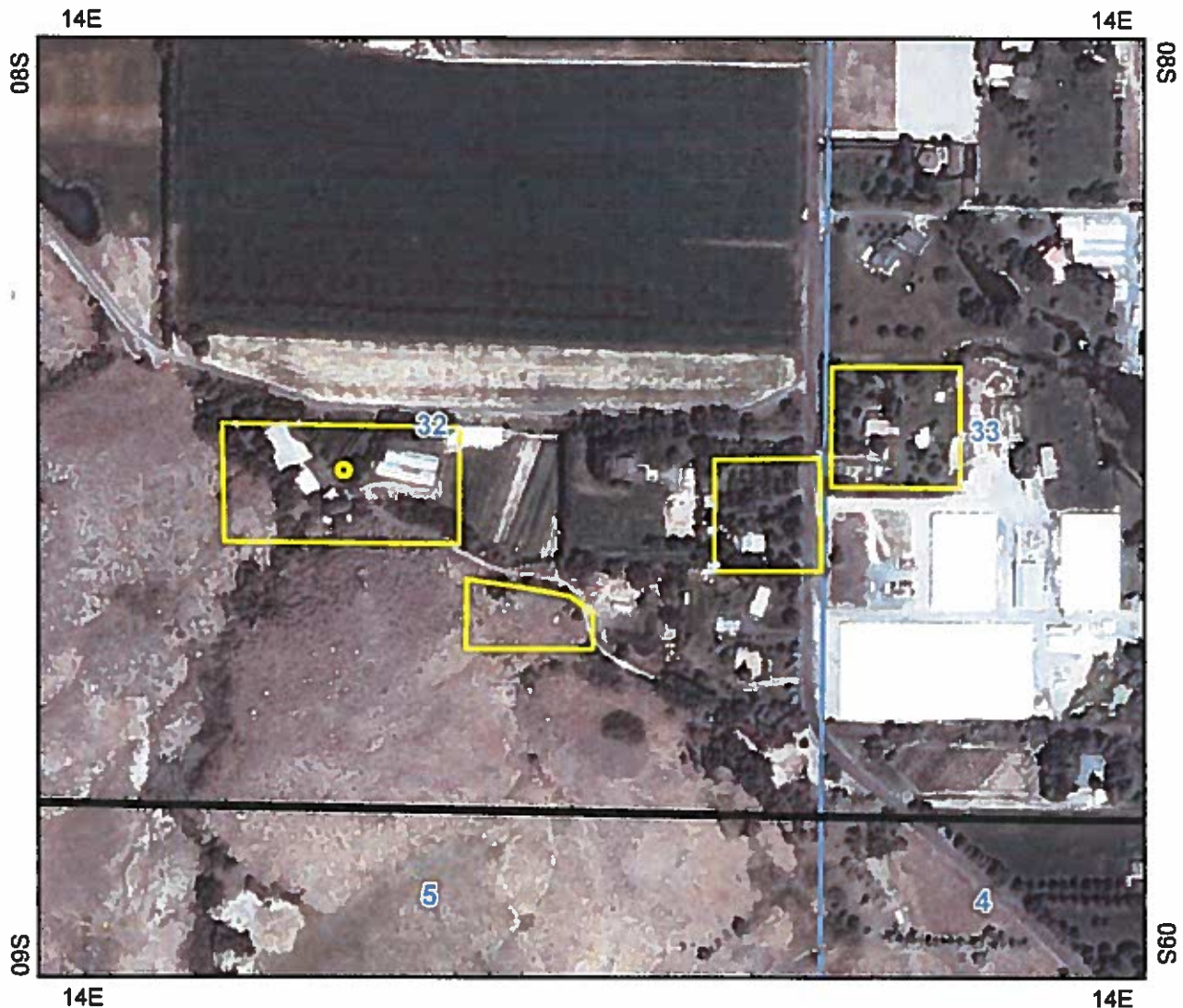


State of Idaho
Department of Water Resources

Water Right
47-7263B

HEATING

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



State of Idaho
Department of Water Resources

**Water Right
47-7263B**

RECREATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.0475 0.095 0.19 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

