

# WATER SUPPLY BANK LEASE CONTRACT

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NOV 02 2015

Department of Water Resources  
Eastern Region

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

**LESSOR: TRENT NELSON**  
2190 PTARMIGAN WAY  
AMMON ID 83401  
(208) 528-4124

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NOV 10 2015

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 September 29, 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 |
|-------------|---------------|--------------|-----------|-------------|----------------------|--------------------|
| 25-14307    | 8/10/1966     | GROUND WATER | NA        | 0.02cfs     | 3.5 af               | 1.0 ac             |

**Annual Lease Totals** 0.02cfs 3.5 af 1.0 ac

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

**Minimum Payment Acceptable:** Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2019.
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.

SCANNED  
NOV 10 2015

# WATER SUPPLY BANK LEASE CONTRACT

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

**TRENT NELSON**  
2190 PTARMIGAN WAY  
AMMON ID 83401

By Trent Nelson

Date 11/2/15

Printed Name Trent Nelson

Title Owner

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

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

Date 11/10/15

Lease approved by IDWR Clay Weber

Date 11-10-15

**ATTACHMENT A**  
**WATER RIGHT NO. 25-14307**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:**       **TRENT NELSON**  
2190 PTARMIGAN WAY  
AMMON ID 83401  
(208) 528-4124

**Location of Point(s) of Diversion**

GROUND WATER

SENE

Sec. 30, Twp 02N, Rge 39E, BONNEVILLE County

| <u>Water Right</u> | <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|--------------------|-----------------------|-------------|-----------|-----------------------|---------------|
| 25-14307           | Irrigation            | 04/01       | to 11/01  | 0.02 cfs              | 3.5 af        |
| <b>Total:</b>      |                       |             |           | <b>0.02 cfs</b>       | <b>3.5 af</b> |

**Place of Use to be Idled Under This Lease:**    IRRIGATION

|     |     |     | NE  |    |    |     | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|-----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE  | NW | SW | SE  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 39E | 30  | 0.1 |    |    | 0.9 |    |    |    |    |    |    |    |    |    |    |    |    | 1.0    |

**Total Acres: 1.0**

**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 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.

OCT 05 2015  
DEPARTMENT OF  
WATER RESOURCES

RECEIVED  
SEP 29 2015

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

Department of Water Resources  
Eastern Region

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

Water Right No. 25-14307  
(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 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Contact information for <i>all owners</i> of the water right that is being leased or sold on this application.                                                                                                                                                                                                                                         |
| 1B |                                     | <input checked="" type="checkbox"/> | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.                                                                                                                                                                                                                                                                        |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                   |
| 1D | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| 1E | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 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  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| 3E | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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  |                                     | <input checked="" type="checkbox"/> | 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: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .                                                            |

#### Department Use Only

|                                                                                   |                             |                                    |                          |
|-----------------------------------------------------------------------------------|-----------------------------|------------------------------------|--------------------------|
| Fee Amount \$ <u>250 -</u>                                                        | Received By: <u>9/29/15</u> | Date Received: <u>52</u>           | Receipt # <u>E041494</u> |
| W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | (Route W-9 to Fiscal)       | Name on W-9: <u>Trent D Nelson</u> |                          |

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

## 1. CONTACT INFORMATION

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

Designated Applicant Trent Nelson Email Address trentn@q.com  
 Mailing Address 2190 Ptarmigan Way Ammon Id 83401 Phone Number 208-241-7401

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

OR

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

- B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐
- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐  
 If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).
- D. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒  
 If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 1D).
- E. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☐ No ☒  
 If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1E).

Name of Representative \_\_\_\_\_ Organization \_\_\_\_\_  
 Professional Title \_\_\_\_\_ Email Address \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ Phone Number \_\_\_\_\_

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

OR

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

## 2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 25-14307 ☒ 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.

This water diversion system is for Irrigation ground water for a full 1.0 acre of water. Current point of diversion is SE1/4NE1/4, section 30, TWP 02N, Rge 39E, B.M.

- 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.

City of Ammon Municipal Water Rights

- 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. City of Ammon

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](#). Water Right No 25-2151/25-14307 extension for water rights was extended to September 30, 2015

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: 2015 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.

Trent Nelson

Signature of Designated Applicant

Trent Nelson

Printed Name

9/21/2015

Date

Signature of Authorized Representative

Printed Name

Date

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

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AUG 04 2016

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## LESSOR DESIGNATION FORM

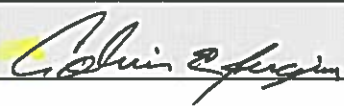
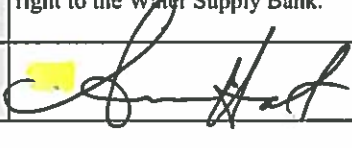
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JUL 29 2016

Department of Water Resources  
Eastern Region

When multiple individuals or business entities jointly own property to which a water right is appurtenant, the parties can use this form to nominate a designated lessor to represent their common interests on a Water Supply Bank lease contract. The signatures of all water right holders are required on this form to elect a designated lessor. The designated lessor is required to provide a completed IRS Form W-9 to receive any payment associated with the rental of a water right under a Water Supply Bank lease contract. **All correspondence and any financial payment associated with the rental of this water right will be directed to the designated lessor.** If additional space is needed to list any other water right holders, attach a second copy of this Lessor Designation Form.

Water Right No(s). 25-14305; 25-14307; 25-14308

|                               | Designated Lessor                                                                                                                           | Water Right Co-owner                                                                                      | Water Right Co-owner                                                                                      |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Name                          | Black Hawk Homeowners Association, Inc.                                                                                                     | Iron Rim Ranch Home Owners Association, Inc.                                                              |                                                                                                           |
| Mailing Address               | 8070 S Blackhawk Dr; Idaho Falls, ID 83406                                                                                                  | 10553 S Henry Creek; Idaho Falls, ID 83406                                                                |                                                                                                           |
| Phone Number                  | 208-390-7073                                                                                                                                | 208-206-0801                                                                                              |                                                                                                           |
| Email Address                 | mecctr23@msn.com                                                                                                                            | ammonhartner@gmail.com                                                                                    |                                                                                                           |
| Water Right Owner Declaration | As designated lessor, I will represent the interest of all other water right owners on the lease of a water right to the Water Supply Bank. | I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank. | I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank. |
| Signature                     |                                                          |                       |                                                                                                           |

|                               | Water Right Co-owner                                                                                      | Water Right Co-owner                                                                                      | Water Right Co-owner                                                                                      |
|-------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Name                          |                                                                                                           |                                                                                                           |                                                                                                           |
| Mailing Address               |                                                                                                           |                                                                                                           |                                                                                                           |
| Phone Number                  |                                                                                                           |                                                                                                           |                                                                                                           |
| Email Address                 |                                                                                                           |                                                                                                           |                                                                                                           |
| Water Right Owner Declaration | I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank. | I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank. | I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank. |
| Signature                     |                                                                                                           |                                                                                                           |                                                                                                           |

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

9/29/2015

WATER RIGHT NO. 25-14307

| <u>Owner Type</u> | <u>Name and Address</u>                                                         |
|-------------------|---------------------------------------------------------------------------------|
| Current Owner     | MICHELLE NELSON                                                                 |
| Current Owner     | TRENT NELSON<br>2190 PTARMIGAN WAY<br>AMMON, ID 83401<br>(208)528-4124          |
| Original Owner    | ZEE M MC DANIEL<br>1677 S FOOTHILL RD<br>IDAHO FALLS, ID 83401<br>(208)522-9148 |

Priority Date: 08/10/1966

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            | 04/01       | 11/01     | 0.02 CFS              | 3.5 AFA       |
| Total Diversion       |             |           | 0.02 CFS              |               |

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 30|Township 02N|Range 39E|BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE 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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 02N             | 39E          | 30             |            | NENE         | 0.1          |            | SENE         | 0.9          |            |              |              |            |              |              |

Total Acres: 1

Conditions of Approval:

1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 09/30/2005

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: And

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

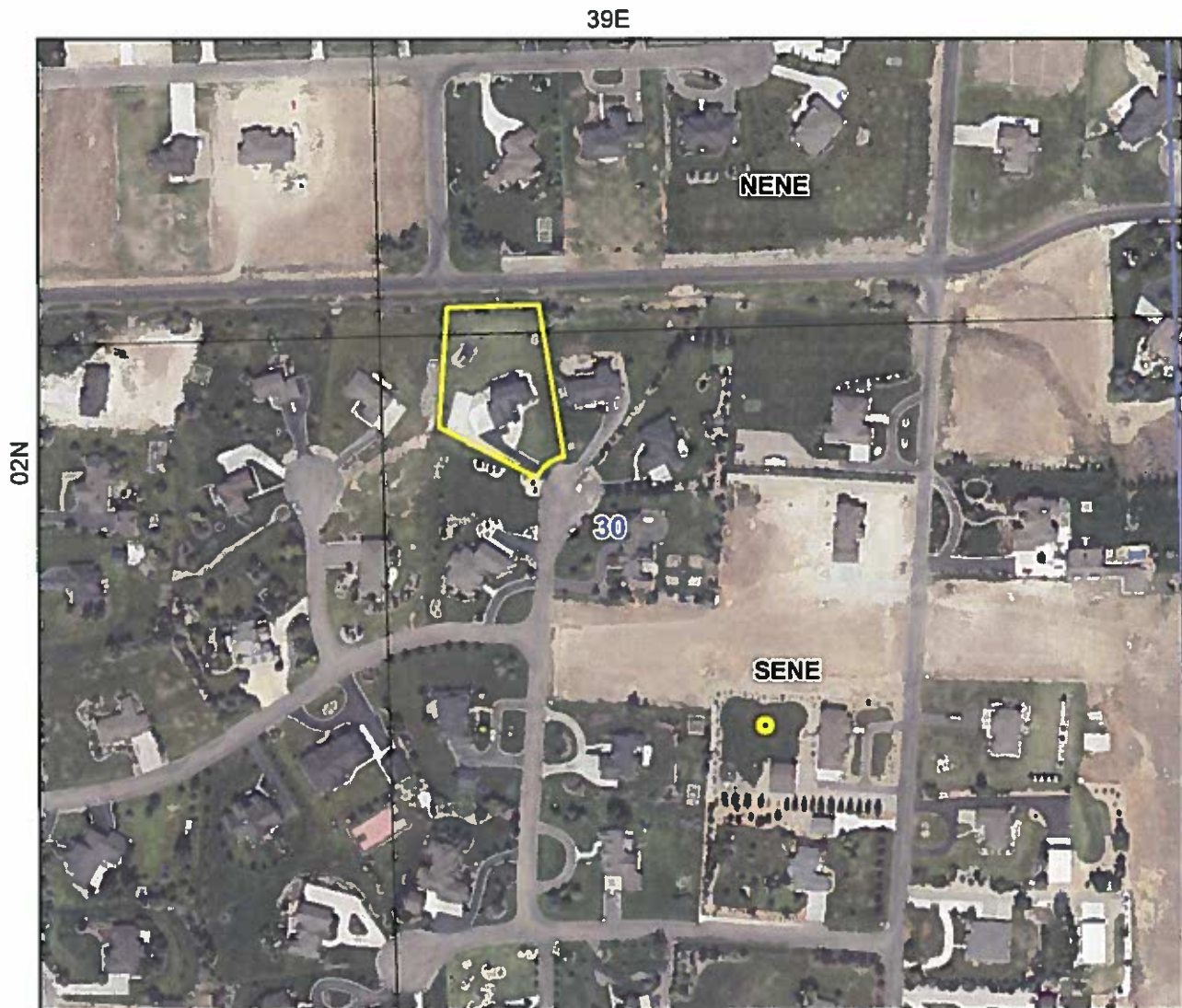
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

State of Idaho  
Department of Water Resources  
**Water Right License**  
25-14307



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

0 0.035 0.07 0.14 Miles



Google Maps 2190 Ptarmigan Way



Imagery ©2015 Google, Map data ©2015 Google 20 ft

2190  
Ptarmigan Way



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 11, 2015

TRENT NELSON  
2190 PTARMIGAN WAY  
AMMON ID 83401

### RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT 25-14307

Dear Lessor:

Water Right 25-14307 was leased into the Water Supply Bank on September 29, 2015 in accordance with the executed original Lease Contract enclosed. **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.**

Our review revealed on September 30, 2015, you were supposed to resume use of your water right pursuant to Idaho Code § 42-222. The Water Resource Board has accepted your lease proposal in lieu of filing a notice of resumption. However, this approach has not been challenged in court as of the date of this letter and the validity of your water right could come into question since the law is specific that a resumption appears to be a requirement in the process of filing an extension to avoid forfeiture.

Since the application to place this right into the water supply bank was received one day prior to the resumption of use deadline, the applicant must be ready to resume use the day after this right is released from the bank.

The right will automatically be released from the Bank on **December 31, 2019**, unless the right is released earlier by the Board, or upon your request. **Please note your right may not be available for immediate release if it has been rented.** 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. This form is available from our public website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

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  
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: James Cefalo – IDWR Eastern Region



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 29, 2015

TRENT NELSON  
2190 PTARMIGAN WAY  
AMMON ID 83401

### RE: APPLICATION TO LEASE WATER RIGHT 25-14307 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 rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are 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  
WSB Process Point of Contact

Enclosures: Proposed Lease Contracts  
Receipt # E041494

**WATER SUPPLY BANK**
**Agent Lease Review Checklist**
**Applicant(s) Name:** Trent Nelson

**Memo Date:** 10/27/2015

**Water Right Number(s):** 25-14307

**Reviewers Name:** Clay Webster

**Quick Tools**

| Decreed Year | Forfeiture Tolloed Thru |
|--------------|-------------------------|
| 2009         | 2015                    |
| 2010         | 2016                    |
| 2011         | 2017                    |
| 2012         | 2018                    |
| 2013         | 2019                    |

|                                                                                                                                                                 | Check box                           |                                     | COMMENTS/CONCERNS:                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|---------------------------------------|
| 1                                                                                                                                                               | <input checked="" type="checkbox"/> |                                     |                                       |
| <b>Fill out WSB Data Entry Checklist for Leases</b>                                                                                                             |                                     |                                     |                                       |
| 2                                                                                                                                                               | <input type="checkbox"/>            |                                     | Protection from Forfeiture            |
| <b>Reason for lease of water rights (Brief discription of lease proposal in narrative)</b>                                                                      |                                     |                                     |                                       |
| Portion of right                                                                                                                                                |                                     |                                     |                                       |
|                                                                                                                                                                 | <input checked="" type="checkbox"/> |                                     |                                       |
| All of right                                                                                                                                                    |                                     |                                     |                                       |
| 3                                                                                                                                                               | <input checked="" type="checkbox"/> |                                     | Within ESPA Grid Shape                |
| <b>Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)</b>                                                                                |                                     |                                     |                                       |
|                                                                                                                                                                 | <b>Yes</b>                          | <b>No</b>                           |                                       |
| 4                                                                                                                                                               | <input checked="" type="checkbox"/> |                                     |                                       |
| <b>Rentable? If no explain in comments</b>                                                                                                                      |                                     |                                     |                                       |
| 5                                                                                                                                                               | <input type="checkbox"/>            |                                     |                                       |
| <b>Authority to file</b>                                                                                                                                        |                                     |                                     |                                       |
| Current owner or designated applicant                                                                                                                           |                                     |                                     |                                       |
|                                                                                                                                                                 | <input checked="" type="checkbox"/> |                                     |                                       |
| SOS Web site checked for business entity                                                                                                                        |                                     |                                     |                                       |
|                                                                                                                                                                 |                                     | <input checked="" type="checkbox"/> |                                       |
| Other (explain in comments)                                                                                                                                     |                                     |                                     |                                       |
|                                                                                                                                                                 |                                     | <input checked="" type="checkbox"/> |                                       |
| 6                                                                                                                                                               | <input type="checkbox"/>            |                                     |                                       |
| <b>Water Right validity</b>                                                                                                                                     |                                     |                                     |                                       |
| Decreed/Licensed/Statutory claim date (write in comments section)                                                                                               |                                     |                                     |                                       |
|                                                                                                                                                                 |                                     |                                     | 9/30/2005                             |
| 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.) |                                     |                                     |                                       |
|                                                                                                                                                                 |                                     |                                     | Extension of time to avoid forfeiture |
| Has this right previously been leased to the bank or in CREP?                                                                                                   |                                     |                                     |                                       |
|                                                                                                                                                                 |                                     | <input checked="" type="checkbox"/> |                                       |
| 7                                                                                                                                                               | <input type="checkbox"/>            |                                     |                                       |
| <b>Injury to other water rights</b>                                                                                                                             |                                     |                                     |                                       |
| If the POD is through a delivery entity, was consent provided?                                                                                                  |                                     |                                     |                                       |
|                                                                                                                                                                 |                                     | <input checked="" type="checkbox"/> | na                                    |
| If the POD is through a delivery entity, was holdback required? (percentage in comments)                                                                        |                                     |                                     |                                       |
|                                                                                                                                                                 |                                     | <input checked="" type="checkbox"/> | na                                    |
| 8                                                                                                                                                               | <input type="checkbox"/>            |                                     |                                       |
| <b>Enlargement concerns</b>                                                                                                                                     |                                     |                                     |                                       |
| Complete a POU comparison overlap analysis                                                                                                                      |                                     |                                     |                                       |
|                                                                                                                                                                 | <input checked="" type="checkbox"/> |                                     |                                       |
| Complete a combined limits review                                                                                                                               |                                     |                                     |                                       |
|                                                                                                                                                                 | <input checked="" type="checkbox"/> |                                     |                                       |
| Complete POD overlap analysis (if there is an overlap add condition to lease)                                                                                   |                                     |                                     |                                       |
|                                                                                                                                                                 | <input checked="" type="checkbox"/> |                                     |                                       |
|                                                                                                                                                                 | <b>Yes</b>                          | <b>No</b>                           |                                       |
| Are there overlapping rights that need to be placed in the bank also?                                                                                           |                                     |                                     |                                       |
|                                                                                                                                                                 |                                     | <input checked="" type="checkbox"/> |                                       |
| Will the place of use continue to receive water?                                                                                                                |                                     |                                     |                                       |
|                                                                                                                                                                 | <input checked="" type="checkbox"/> |                                     | City of Ammon                         |
| 9                                                                                                                                                               | <input type="checkbox"/>            |                                     |                                       |
| <b>Local Public Interest</b>                                                                                                                                    |                                     |                                     |                                       |
| Does the processor know of any problems this action will cause for the local public?                                                                            |                                     |                                     |                                       |
|                                                                                                                                                                 |                                     | <input checked="" type="checkbox"/> |                                       |
| 10                                                                                                                                                              | <input type="checkbox"/>            |                                     |                                       |
| <b>Have you contacted regional office and watermaster for comment/concerns?</b>                                                                                 |                                     |                                     |                                       |
| Send the watermaster comment request form or e-mail request                                                                                                     |                                     |                                     |                                       |
|                                                                                                                                                                 | <input checked="" type="checkbox"/> |                                     | E-mail dated 10/23/2015               |
| 11                                                                                                                                                              | <input type="checkbox"/>            |                                     |                                       |
| <b>Is water right involved in any other department action? Pull file and check database</b>                                                                     |                                     |                                     |                                       |
| ( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments                                                                                |                                     |                                     |                                       |

**12 Narrative**

The place of use is serviced by the municipal rights of the City of Ammon and the Progressive Irrigation District. The application states that the POU will continue to be irrigated from the City of Ammon. By looking at aerial photography, it appears that approximately 1/2 acre is being irrigated at this location.

This right falls outside of the ESPA Common GW area, but within the Model Grid boundary shape. This right was decreed in 2005.

The applicant filed an extension of time to avoid forfeiture in 2010. The evaluation of this extension found that the last beneficial use was 9/30/2005. Resumption of use was due on September 30, 2015. This application was received on September 29, 2015. Forfeiture is not an issue.

However, the applicant will need to resume use immediately upon release from the bank to avoid forfeiture.

| Process     | Basin<br>Sequence | Draft | Owner                                            | Source          | POD/<br>POU | NENE | SENE | Total<br>Acres |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------|-------------------|-------|--------------------------------------------------|-----------------|-------------|------|------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Water Right | 25-14278          | N     | KENNEDY,<br>AMY MICHELE;<br>KENNEDY,<br>BRENT    | GROUND<br>WATER | POU         |      | 1.0  | 1              | RPB4753002007O                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Water Right | 25-14289          | N     | CRABTREE,<br>DOUGLAS R;<br>CRABTREE,<br>SHAUNA S | GROUND<br>WATER | POU         |      | 2.0  | 2              | RPB4753005020O and RPB4753005021O                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Water Right | 25-14305          | N     | TALL,<br>JENNIFER L;<br>TALL, MICHAEL            | GROUND<br>WATER | POU         |      | 1.0  | 1              | RPB4753002013O                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Water Right | 25-14307          | N     | NELSON,<br>MICHELLE;<br>NELSON,<br>TRENT         | GROUND<br>WATER | POU         | 0.1  | 0.9  | 1              | RPB4753002012O                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Water Right | 25-14316          | N     | ADAMS, MARY<br>J                                 | GROUND<br>WATER | POU         |      | 1.0  | 1              | RPB4753002009O                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Water Right | 25-14317          | N     | RIDDLE,<br>CATHERINE;<br>RIDDLE, GLEN            | GROUND<br>WATER | POU         |      | 0.3  | 1              | RPB4753005018O                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Water Right | 25-14318          | N     | RUDELL,<br>DANIEL A;<br>RUDELL,<br>VICKI L       | GROUND<br>WATER | POU         |      | 1.2  | 1.2            | RPB4753005020O                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Water Right | 25-14319          | N     | MARLOWE,<br>MARK;<br>MARLOWE,<br>MICHELLE        | GROUND<br>WATER | POU         |      | 0.9  | 1              | RPB4753005014O                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Water Right | 25-14330          | N     | MC DANIEL,<br>ZEE M                              | GROUND<br>WATER | POU         | 18.8 | 4.3  | 30.4           | Covers several lots not including the one for this right RPB4751002005O, RPO4751002002O, RPB4751002001O, RPB4753002011O, RPB4753002017O, RPB4753002018O, RPB4753005003O, RPB4753005004O, RPB4753005001O, RPO4750001007O, RPB4753005007O, RPB4755008004O, RPB4755008005O, RPB4755008006O, RPB4755008007O, RPB4752004006O, RPB4752004003O, RPB4752004002O, RPO2N39E206419, RPB4752004004O, RPB4755010001O, RPB4755010002O, RPB4757010014O, RPB4757010013O, RPB4755010004O, RPB4755010005O, RPB4757010012O, RPB4757010010O, RPB4757010009O, RPB4757010008O, RPB4757010007O, RPB4757007013O, RPO4471002009C |
| Water Right | 25-14332          | N     | MC DANIEL,<br>ZEE M                              | GROUND<br>WATER | POU         | 0.4  | 5.1  | 21.2           | Covers several lots not including the one for this right RPB4751003005O, RPO4751003006O, RPO4751003007O, RPB4756009012O, RPB4756009013O, RPB4756009010O, RPB4754009002O, RPB4756010028O, RPB4757010015O, RPB4756010021O, RPB4756010022O, RPB4754009004O, RPB4754009005O, RPB4756009008O, RPB4754006004A, RPB4754006005O, RPB4754006006O, RPB4754006008O, RPB4754006009O, RPB4754006010O, RPB4754006011O, RPB4756007002O, RPB4757007011O, RPB4757007008O, RPB4757007009O, RPB4757010010O                                                                                                                 |

## **Webster, Clay**

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**From:** Cefalo, James  
**Sent:** Friday, October 23, 2015 11:31 AM  
**To:** Webster, Clay  
**Cc:** Palmer, Cherie  
**Subject:** Quail Ridge WSB Leases

Clay,

I know you have a pile of these on your desk, so I'll go ahead and address them all in one email. I don't have any concerns or comments on any of the WSB lease applications filed by the Quail Ridge subdivision owners (Basin 25). They made it in the door prior to the resumption date, so I don't think forfeiture is an issue.

James Cefalo  
Water Resources Program Manager  
IDWR Eastern Region  
(208) 525-7161