

JUL 31 2015

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

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

Lessor: DIANE B DE BOER
533 E RIVERSIDE DR STE 120
EAGLE ID 83616
(208) 342-7883
judd@brundage.com

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. The Lessor has filed a completed application on March 18, 2015 to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
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 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

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
65-2932B	0.00 CFS	24.9 AF	NA	128.2 AC
65-2952B	0.00 CFS	116.2 AF	NA	229.0 AC
Combined Lease Totals:	0.00 CFS	141.1 AF	NA	357.2 AC

The water rights described herein shall be available for rental from the Bank as follows:

Authorized Period of Use under Lease: See Individual Water Rights

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

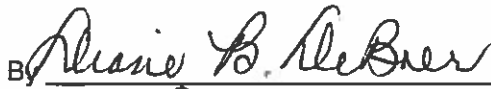
3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2019.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, 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.

SUPPORT DATA

IN FILE # 65-2932B

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

DIANE B DE BOER
533 E RIVERSIDE DR STE 120
EAGLE ID 83616

By 

Printed Name DIANE B. DeBOER

Date 7/30/15

Title OWNER

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By 

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 7/31/2015

Lease approved by IDWR 

Date 7-31-2015

ATTACHMENT A
WATER RIGHT NO. 65-2932B
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: DIANE B DE BOER
533 E RIVERSIDE DR STE 120
EAGLE ID 83616
(208) 342-7883

Priority Date: 06/23/1944

Source: LAKE FORK

Tributary to: NORTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Volume</u>
IRRIGATION STORAGE	01/01 to	12/31	24.9 AF
IRRIGATION FROM STORAGE	05/01 to	09/15	24.9 AF
	Total:		24.9 AF

LOCATION OF POINT(S) OF DIVERSION:

LAKE FORK	SW¼NW¼	Sec. 09, Twp 18N, Rge 04E, VALLEY County
LAKE FORK	NW¼SW¼	Sec. 13, Twp 18N, Rge 03E, VALLEY County(R)

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION FROM STORAGE, IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	21												35.0					35.0
18N	03E	28		40.0			35.0	17.0	1.2										93.2

Total Acres: 128.2

ADDITIONAL CONDITIONS OF ACCEPTANCE

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, or improve the status of the right including the notion of 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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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. The following rights are diverted through point of diversion described above as T18N, R03E, S13, NWSW: 65-2729, 65-2952A and 65-2952B.

ATTACHMENT A
WATER RIGHT NO. 65-2952B
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: DIANE B DE BOER
533 E RIVERSIDE DR STE 120
EAGLE ID 83616
(208) 342-7883

Priority Date: 06/02/1962

Source: LAKE FORK

Tributary to: NORTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	to 12/31	116.2 AF
IRRIGATION FROM STORAGE	05/01	to 09/15	116.2 AF
	Total:		116.2 AF

LOCATION OF POINT(S) OF DIVERSION:

LAKE FORK	SW ¼ NW ¼	Sec. 09, Twp 18N, Rge 04E, VALLEY County
LAKE FORK	NW ¼ SW ¼	Sec. 13, Twp 18N, Rge 03E, VALLEY County(R)

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION FROM STORAGE, IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	21												35.0					35.0
18N	03E	28		40.0			35.0	17.0	37.0		39.0					26.0			194.0

Total Acres: 229.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, or improve the status of the right including the notion of 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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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. The following rights are diverted through point of diversion described above as T18N, R03E, S13, NWSW: 65-2729, 65-2932A and 65-2932B.

MAR 18 2015

DEPARTMENT OF
WATER RESOURCES

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

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Diane B. DeBoer
(Select one owner – see item 1A on the application)

Water Right No. 65-2932B
(One water right per application)

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.

Attachment N/A YES

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

Department Use Only

Fee Amount \$ <u>500.00</u>	Received By: <u>J. Strange</u>	Date Received: <u>3-18-15</u>	Receipt # <u>C100109</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Diane B. DeBoer</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 Diane B. DeBoer Email Address judd@brundage.com
Mailing Address 533 E Riverside Drive, Suite 120, Eagle, ID 83616 Phone Number 208-342-7883

☒ 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 Terry Scanlan Organization SPF Water Engineering
Professional Title P.E., P.G. Email Address tscanlan@spfwater.com
Mailing Address 300 E. Mallard Drive, Suite 350, Boise, ID 83706 Phone Number 208-383-4140

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 65-2932B ☒ 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.

Browns Pond Dam (failed June 2010) on Lake Fork for storage of water, re-diversion dam from Lake Fork, delivery ditch to the place of use

- 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.
65-2729 (natural flow) and 65-2952B

- 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. (not applicable to storage water rights)

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

Yes ☒ No ☐

If yes, describe. natural flow from 65-2729

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

Yes ☐ No ☒

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

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

If yes, describe. Change in ownership for 18 acre-feet sold to Ryan and Kelsie Baldwin. Applicant's remaining portion is being offered for lease.

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 2019 (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.

Diane B. DeBoer

Signature of Designated Applicant

Diane B. DeBoer

Printed Name

3/2/15

Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

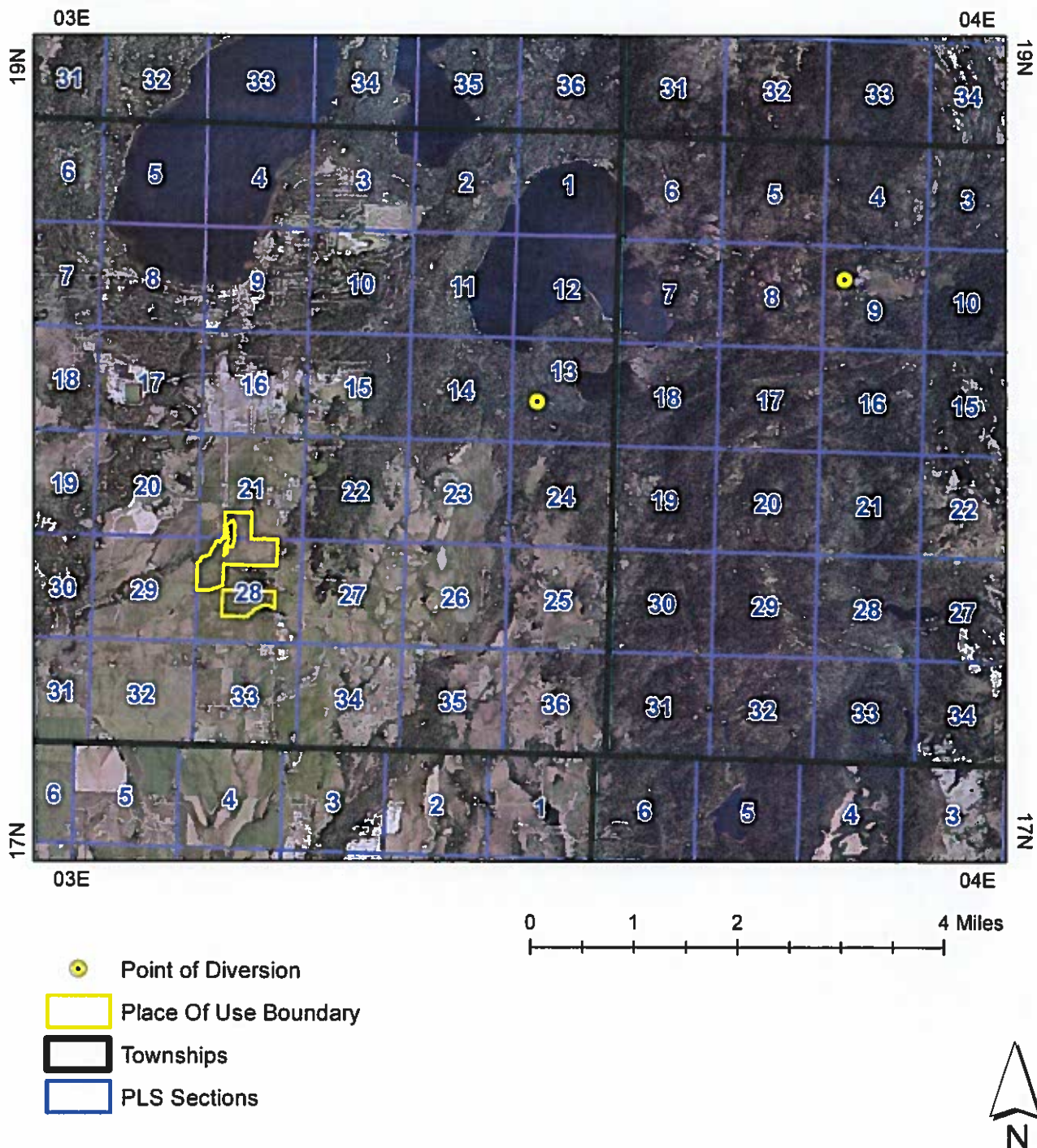
	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated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

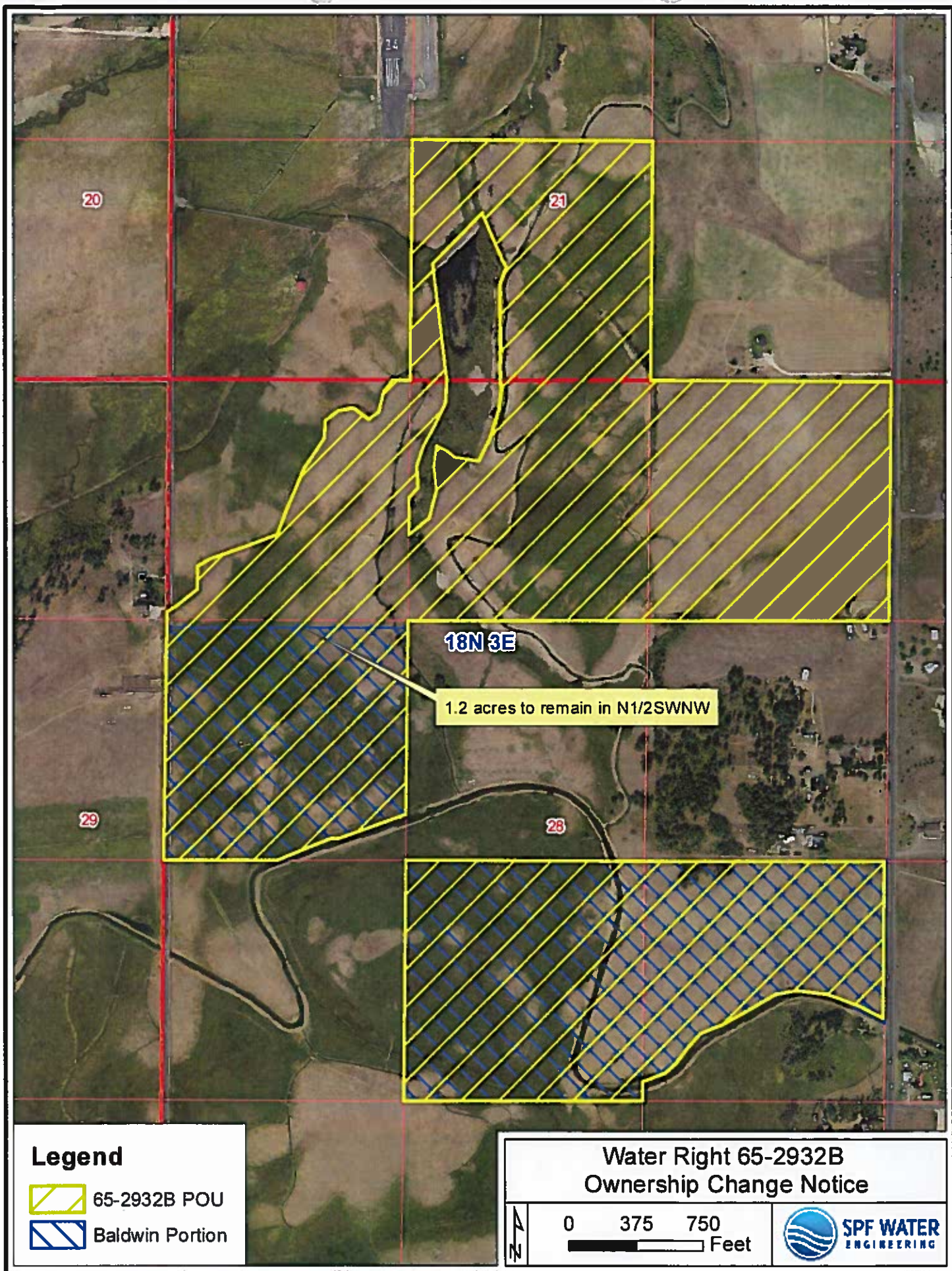
State of Idaho
Department of Water Resources

Water Right 65-2932B

IRRIGATION FROM STORAGE

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.







State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 4, 2015

DIANE B DE BOER
533 E RIVERSIDE DR STE 120
EAGLE ID 83616

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 65-2932B and 65-2952B

Dear Lessor:

Water Rights **65-2932B** and **65-2952B** were leased into the Water Supply Bank on March 18, 2015 in accordance with the executed original Lease Contract enclosed. **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.**

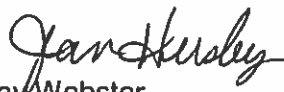
The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the 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.

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: SPF Water Engineering LLC
IDWR Region
John Leedom – Water District No. 65K



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

July 21, 2015

DIANE B DE BOER
533 E RIVERSIDE DR STE 120
EAGLE ID 83616

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 65-2932B and 65-2952B 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(s) 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.

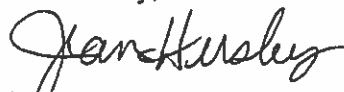
The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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

Enclosure: Proposed Lease Contracts
Receipt # C100109

c. SPF Water Engineering LLC

MEMORANDUM

To: Water Right No(s). 65-2932B and 65-2952B
From: Jean Hersley
Date: July 16, 2015
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: These application(s) were received on March 18, 2015. The applicant wishes to place the entirety of both rights in the Bank. These rights are for irrigation storage and irrigation from storage from Browns Pond. The dam failed (18N 4E section 9) in June 2010. The land will continue to be irrigated under water right 65-2729.

AUTHORITY TO FILE: Diane De Boer, water right holder, signed the applications.

WATER RIGHT VALIDITY: these rights were decreed in 2003. The Browns Pond Dam failed in June 2010. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are subject to Water District # 65K.



RECEIVED

MAR 18 2015

DEPARTMENT OF
WATER RESOURCES

March 17, 2015

Remington Buyer
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *DeBoer Water Bank Leases; 65-2932B, 65-2952B*
 DeBoer Change in Address; 65-2932B, 65-2952B, 65-2729
 Bettis Water Bank Leases; 65-2932A, 65-2952A

Dear Remington,

As a follow-up to the meeting Terry Scanlan and I had with you, Cherie and Shelley in January, enclosed on behalf of Diane DeBoer and Harry Bettis, are four water bank lease applications for water rights that authorize irrigation storage in Browns Pond on Lake Fork, tributary of the North Fork, Payette River. To refresh your memory, below provides a summary of the meeting discussion and conclusions:

1. The water rights are eligible to be accepted into the Idaho Water Supply Bank following submittal of appropriate lease applications and application fees. No obstacles to accepting the rights into the bank were identified.
2. Bank staff will be concentrating on processing of rental requests over the next several months, and thus might not process application to lease the rights into the bank until the fall of 2015.
3. In the meeting, Terry noted that storage of water in Browns Pond last occurred prior to the dam failure in June 2010, and that beneficial use of the rights for irrigation last occurred during 2009. During the meeting, it was confirmed District 65K Watermaster records for 2009 recorded delivery of the storage rights and the associated natural flow irrigation rights during 2009. Based on these data, it was agreed that the storage rights need to be protected during 2015 to avoid a forfeiture risk. IDWR concluded that a lease acceptance after June 2015, but prior to December 2016, would provide the necessary forfeiture protection. SPF agreed to submit applications as soon as possible so that they are date stamped prior to June 2015, with the expectation that the applications will be processed during the 2015 calendar year.
4. SPF noted that a portion of water right 65-2932B may be sold during the coming year as mitigation for a proposed water right permit application. That permit application will likely

not be processed and approved until 2016. It was determined that it would be most expeditious to submit a separate application for a 1-year lease duration for the portion of the water right that might be sold, and that the remainder of the water right can be submitted for a 5-year lease duration.

As an update, 18 acre-foot portion of water right 65-2932B was sold to Ryan and Kelsie Baldwin to provide mitigation for application for permit 65-23543. A change in ownership notice was submitted to IDWR March 6, 2015. The enclosed water bank lease 65-2932B represents DeBoer's remaining portion and is being submitted for 5 years. A separate water bank lease for Baldwin's 18 acre-foot portion will soon follow proposing a 1-year lease duration while application 65-23543 is processed.

5. It was agreed that the natural flow irrigation right (65-2729) can continue to be used during lease period.

Check No. 2168 for \$500 is enclosed for the DeBoer filing fees and check No. 24797 for \$500 is enclosed for the Bettis filing fees. Also enclosed is a *Change in Address* for the DeBoer water rights.

Please let me know if there are any questions. Thanks Remington.

Sincerely,



Lori Graves
Water Rights Specialist

Cc: Judd DeBoer, Harry Bettis

Enclosures

SPF file number: 446.0010, 1157.0010