

JUL 20 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: JIMMY D KRAMER
478 E 400 S
FAIRFIELD ID 83327
(208) 764-2378
remark@hughes.net

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 February 10, 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>
37-22231	2.22 CFS	Not Stated	111.3 AC	111.7 AC
37-22232	0.01 CFS	Not Stated	0.4 AC	111.7 AC
Combined Lease Totals:	2.23 CFS	Not Stated	111.7 AC	111.7 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 Right

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 #** 37-22231

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

JIMMY D KRAMER
478 E 400 S
FAIRFIELD ID 83327

By 
Printed Name Jimmy D. Kramer

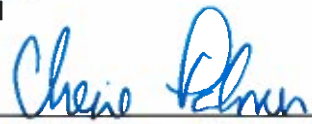
Date 7-15-15

Title _____

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 July 21, 2015

Lease approved by IDWR 

Date 7/24/2015

ATTACHMENT A
WATER RIGHT NO. 37-22231
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: JIMMY D KRAMER
 478 E 400 S
 FAIRFIELD ID 83327
 (208) 764-2378

Priority Date: 04/17/1914

Source: SPRING CREEK

Tributary to: CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	2.22 CFS	Not Stated
	Total:		2.22 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK NW ¼ SW ¼ SE ¼ Sec. 14, Twp 02S, Rge 15E, CAMAS County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	15E	9			19.0	16.0									33.5	12.0			80.5
02S	15E	10							17.0				14.2						31.2

Total Acres: 111.7

Limited to acres within place of use described above: 111.3 AC

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 unleased portion of water rights 37-22231 and 37-22233 when combined shall not exceed the irrigation of 139.3 acres.
13. The unleased portion of this right is limited to the irrigation of 139.3 acres within the place of use in a single irrigation season.
14. The unleased portions of water right 37-22231, 37-22232, 37-22233 and 37-22234 when combined shall not exceed the irrigation of 139.8 acres.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa acre at the field headgate for irrigation of the lands above.
16. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37B.

ATTACHMENT A
WATER RIGHT NO. 37-22232
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: JIMMY D KRAMER
478 E 400 S
FAIRFIELD ID 83327
(208) 764-2378

Priority Date: 04/17/1914

Source: SPRING CREEK

Tributary to: CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.01 CFS	Not Stated
	Total:		0.01 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

SPRING CREEK NW¼SW¼SE¼ Sec. 14, Twp 02S, Rge 15E, CAMAS County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	15E	9			19.0	16.0									33.5	12.0			80.5
02S	15E	10							17.0				14.2						31.2

Total Acres: 111.7

Limited to acres within place of use described above: 0.4

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 unleased portion of water rights 37-22232 and 37-22234 when combined shall not exceed the irrigation of 0.5 acres.
13. The unleased portion of this right is limited to the irrigation of 0.5 acres within the place of use in a single irrigation season.
14. The unleased portions of water right 37-22231, 37-22232, 37-22233 and 37-22234 when combined shall not exceed the irrigation of 139.8 acres.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa acre at the field headgate for irrigation of the lands above.
16. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37B

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

RECEIVED
FEB 10 2015

DEPARTMENT OF
WATER RESOURCES

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

Water Right No. 37-22231
(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 Internal Revenue Service (IRS) Form W-9 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 Section 42-222(2), Idaho Code . |
| 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>YSH</u>	Date Received: <u>2-10-15</u>	Receipt # <u>6099909</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Jimmy D. Kramer</u>	

**STATE OF IDAHO
WATER RESOURCE BOARD**

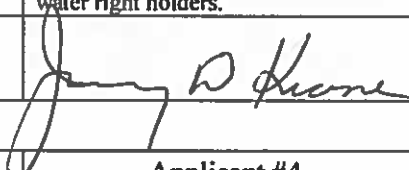
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). 37-22231

	Designated Applicant	Applicant #2	Applicant #3
Name	Jimmy D Kramer	Marianne Kramer	
Mailing Address	478 E 400 S Fairfield, Idaho 83327	478 E 400 S Fairfield, Idaho 83327	
Phone Number	(208) 764-2378	(208) 764-2378	
Email Address	remarkj@hughes.net	remarkj@hughes.net	
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			

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 Jimmy D Kramer Email Address remarkj@hughes.net
Mailing Address 478 E 400 S Fairfield, Idaho 83327 Phone Number (208) 764-2378

☐ 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 37-22231 ☐ 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.

Concrete diversion. No measurement device is required yet by IDWR but plans are drawn up and plans for
installation in summer of 2015.

- 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.

37-22232, 37-22233, 37-22234

- 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. Only putting 111.7 acres into the bank. 139.8 acres will still be irrigated (see enclosed FSA map).

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. _____

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)

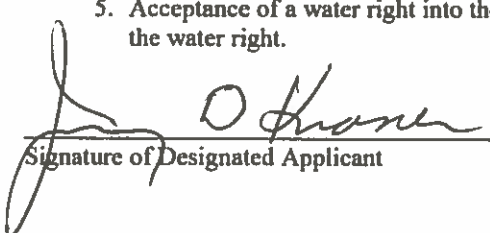
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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.


Signature of Designated Applicant

Jimmy D. Kramer
Printed Name

2-9-15
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 2

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

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-22231</u>	<u>2.22 cfs</u>	<u>Irrigation</u>	<u>04/15</u> to <u>10/31</u>
			to
			to
			to
			to
			to
Total Amount: <u>2.22 cfs</u>			

2. Source of water Spring Creek tributary to Camas Creek

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
02S	15E	14		NW	SW	SE	Camas

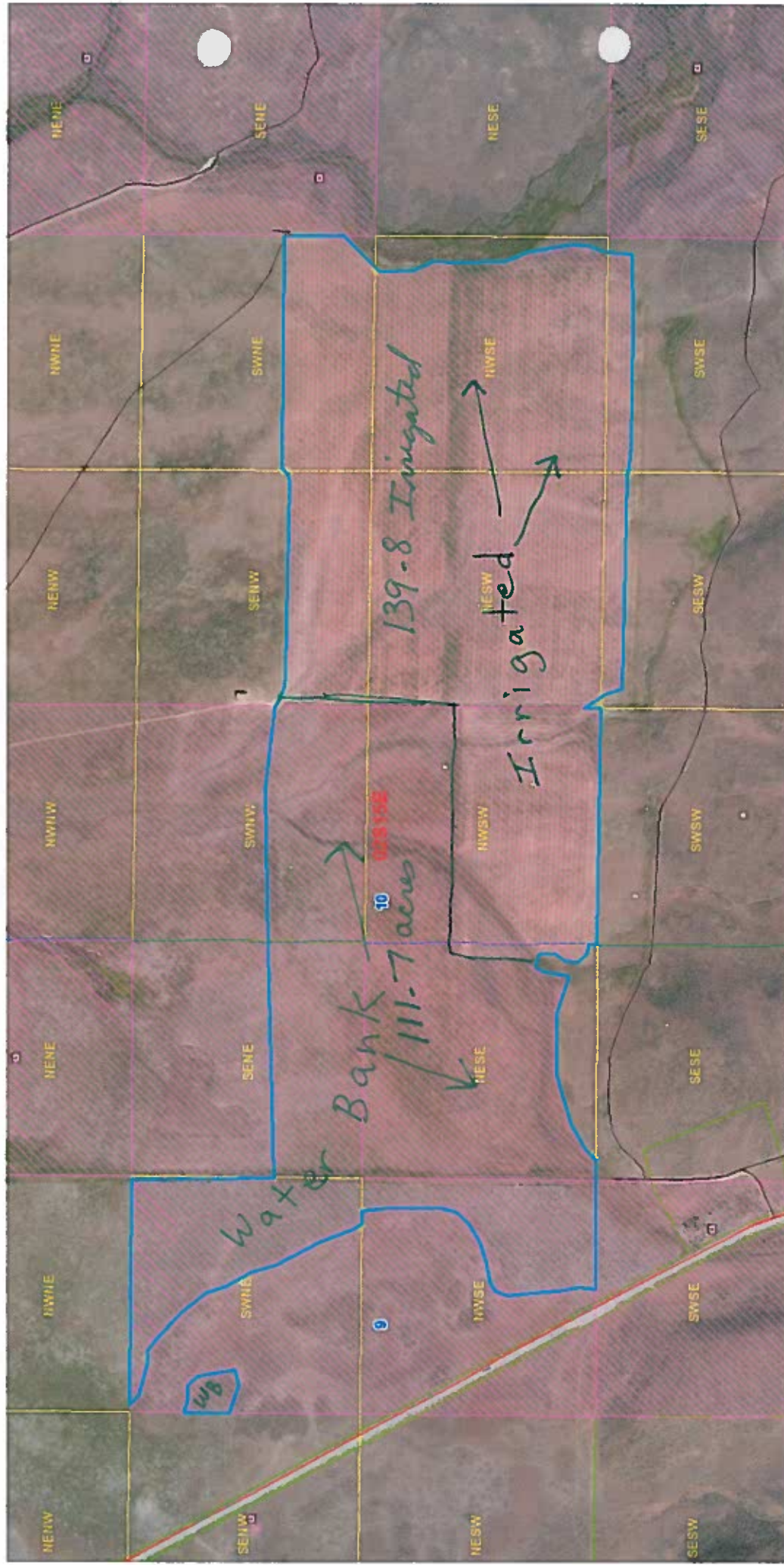
4. Acres to be idled within the place of use:

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	15E	9				33.5				12	19				16				80.5
02S	15E	10							14.2		17								31.2

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 111.7

LDWK MAT

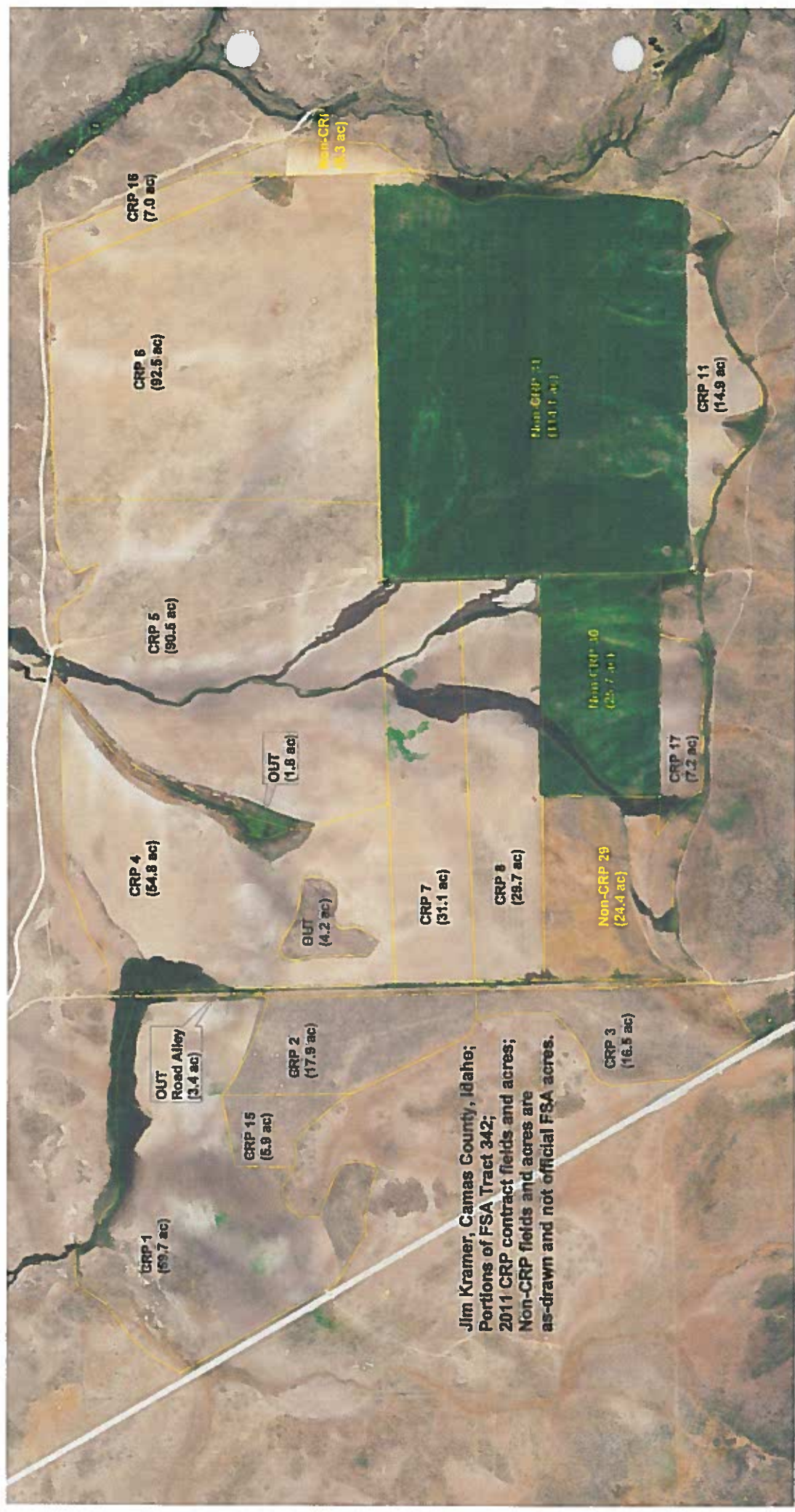
139-8 acres is Irrigated
111-7 acres is Water Bank



251.0 total acres of water right
 -139.8 total acres of irrigation
111.2 leased to water bank

RECEIVED
 FEB 10 2015
 DEPARTMENT OF
 WATER RESOURCES

FSA MAP



Irrigated is green 137-8
Water bank yellow 111-7

State of Idaho
Department of Water Resources

Water Right

37-22232, 22233
22231 22234

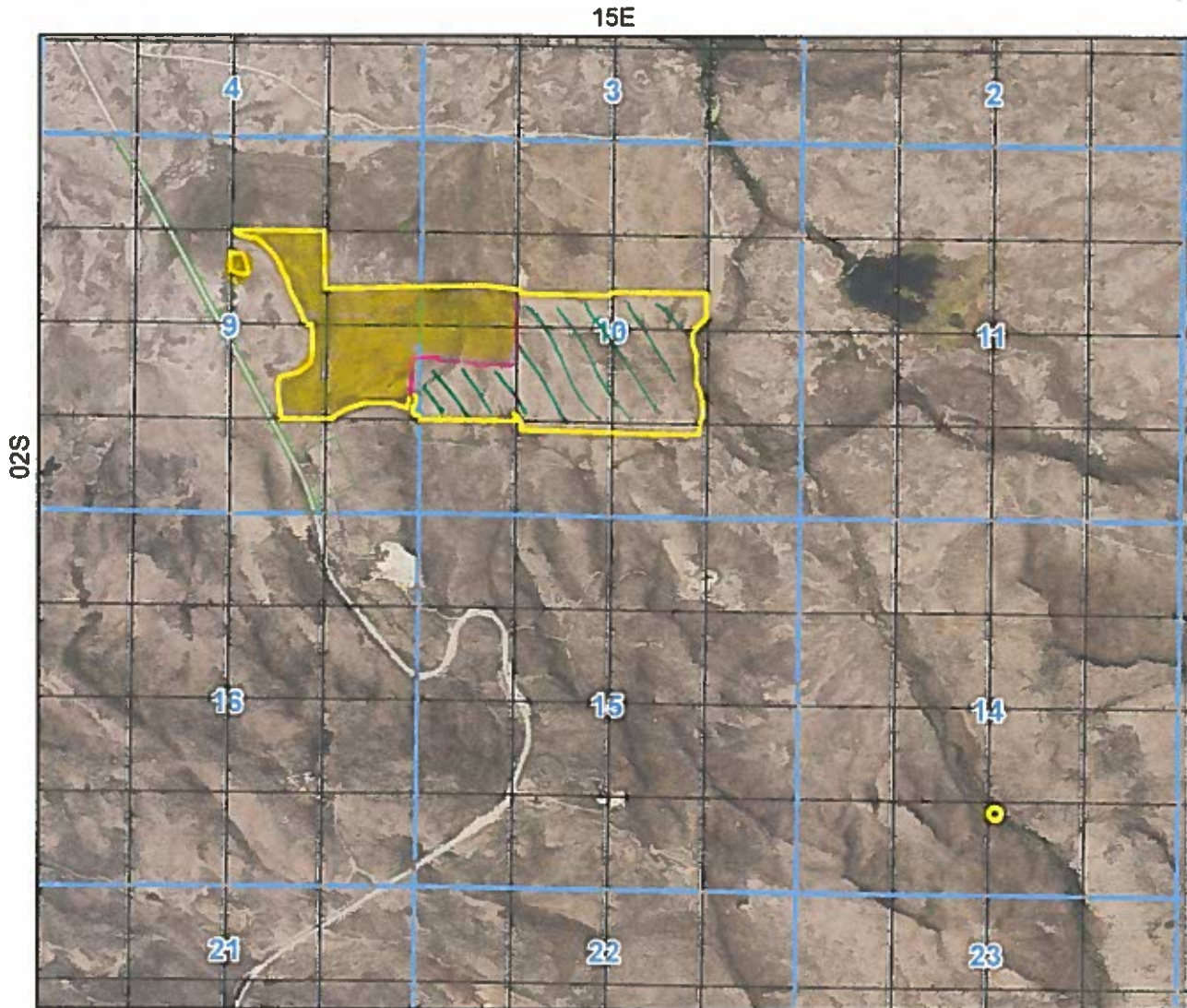
IRRIGATION

RECEIVED

FEB 10 2015

DEPARTMENT OF
WATER RESOURCES

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



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

0 0.3 0.6 1.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 22, 2015

JIMMY KRAMER
478 E 400 S
FAIRFIELD ID 83327

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 37-22231 and 37-22232

Dear Lessor:

Water Rights 37-22231 and 37-22232 were leased into the Water Supply Bank on February 10, 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.**

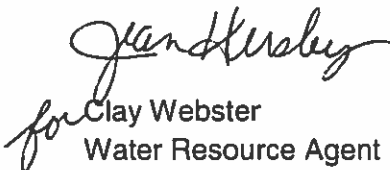
The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 7, 2015

JIMMY D KRAMER
478 E 400 S
FAIRFIELD ID 83327

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-22231 and 37-22232 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.

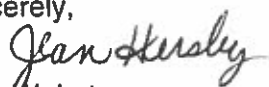
Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"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."

Please note that water rights 37-22233 and 37-22234 were not accepted into the Bank. These water rights are irrigation from storage rights and cannot be placed into the Bank unless the pond is going to be dried up. This is due to the fact that when the water is diverted to the pond, it is considered fully appropriated. The applications are being returned to you.

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 and Lease Applications 37-22233 and 37-22234

Hersley, Jean

From: Merritt, Allen
Sent: Tuesday, June 16, 2015 10:05 AM
To: Hersley, Jean
Subject: RE: WSB Lease Applications 37-22231-22234

I do not have any issues with this lease.

From: Hersley, Jean
Sent: Tuesday, June 16, 2015 9:28 AM
To: Merritt, Allen
Subject: WSB Lease Applications 37-22231-22234

Attached is the DRAFT contract and the review memo. Please let me know if you have any comments or concerns.
Thanks.

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

MEMORANDUM

To: Water Right No(s). 37-22231, 37-22232, 37-22233 and 37-22234

From: Jean Hersley

Date: June 12, 2015

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: These application(s) were received on February 10, 2015. These rights are overlapping. The applicant wishes to lease 111.7 acres and 2.22 cfs of water right 37-22231, 0.001 cfs of water right 37-22232, 152.69 af of water right 37-22233 and 0.53 af of water right 37-22234 to the Bank. The grid with the place of use acres to be idled was incorrect. I used the map to calculate the acres to be leased to the Bank.

Water rights 37-22233 and 37-22234 were not accepted in the Bank. Upon review, I was informed that these irrigation from storage rights could not be placed into the bank unless the pond was dried-up. This is due to the fact that when the water is diverted to the pond, it is considered fully appropriated.

AUTHORITY TO FILE: The water right holder, Jimmy Kramer, signed the applications.

WATER RIGHT VALIDITY: These water rights were decreed in 2009. According the aerial photography, the portion offered to the Bank was irrigated in 2011. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. <make sure the right is not in a mitigation plan and that if it is delivered through an irrigation entity that they have submitted consent from that entity>

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 # 37B. Comments were received from the Southern Region but not solicited from the watermaster as the owner is related.

Hersley, Jean

From: Rusty Krame [waterdistrict37b@outlook.com]
Sent: Thursday, February 05, 2015 12:02 PM
To: Webster, Clay
Subject: RE: 37-22231, 37-22232, 37-22233 and 37-22234

So I don't have to worry about *irrigation storage* but what about protecting acres that have *irrigation from storage*? I am referring to 37-22233 and 37-22234

From: Clay.Webster@idwr.idaho.gov
To: waterdistrict37b@outlook.com
Subject: 37-22231, 37-22232, 37-22233 and 37-22234
Date: Mon, 2 Feb 2015 22:06:00 +0000

Rusty,

The light blue line represents the water right shape, if you compare the description of the water right on the water right report you'll see that there is 19 acres in the SWNE $\frac{1}{4}$ of section 9. Make sure that you do not identify more to idle than is in that section under the water right. The line that separates sections 9 and 10 is the dark blue line that is just to the left of the 10 on the map (it's kind of hard to see) . If you need more assistance, let me know.

Clay

Hersley, Jean

From: Rusty Krame [waterdistrict37b@outlook.com]
Sent: Thursday, February 05, 2015 10:53 AM
To: Webster, Clay
Subject: RE: 37-22231, 37-22232, 37-22233 and 37-22234

Clay,
So sorry for all the questions. My problem is Section 9 NESE 1/4 1/4. On the east side see where the irrigation has a narrow strip that extends into NESE 1/4 1/4? How would I determine how many acres are in that little strip? Because that narrow strip will continue to be irrigated and the rest of that 1/4 1/4 we want to put in the water bank.

Thanks Rusty

From: Clay.Webster@idwr.idaho.gov
To: waterdistrict37b@outlook.com
Subject: 37-22231, 37-22232, 37-22233 and 37-22234
Date: Mon, 2 Feb 2015 22:06:00 +0000

Rusty,

The light blue line represents the water right shape, if you compare the description of the water right on the water right report you'll see that there is 19 acres in the SWNE ¼ ¼ of section 9. Make sure that you do not identify more to idle than is in that section under the water right. The line that separates sections 9 and 10 is the dark blue line that is just to the left of the 10 on the map (it's kind of hard to see) . If you need more assistance, let me know.

Clay

