

JUL 13 2015

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

This Lease Contract ("Lease") is effective January 27, 2015, between the Idaho Water Resource Board ("Board"), and

Lessor: CHRIS and CATHERINE UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624
(208) 834-2879
unruhchris@yahoo.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 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>
57-11799	0.14 CFS	50.4 AF	11.2	12.0 AC
Combined Lease Totals:	0.14 CFS	50.4 AF	11.2	12.0 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: 3/15 to 11/15

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.

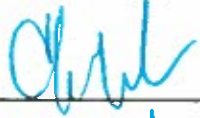
Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2017.
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.

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

CHRIS and CATHERINE UNRUH

25289 HIPWELL LN
GRAND VIEW ID 83624

By 

Printed Name Chris Unruh

Date July 8-2015

Title owner / oper

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 16, 2015

Lease approved by IDWR 

Date 7/16/2015

ATTACHMENT A
WATER RIGHT NO. 57-11799
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CHRIS and CATHERINE UNRUH
 25289 HIPWELL LN
 GRAND VIEW ID 83624
 (208) 834-2879

Priority Date: 08/06/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.14 CFS	50.4 AF
	Total:		0.14 CFS	50.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE¼NE¼	Sec. 36	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	NE¼NW¼	Sec. 36	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	SE¼NW¼	Sec. 35	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	SW¼SE¼	Sec. 26	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	NE¼SE¼	Sec. 26	Twp 04S	Rge 01W	OWYHEE County
GROUND WATER	NW¼SW¼	Sec. 26	Twp 04S	Rge 01W	OWYHEE 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	
04S	01W	36				5.1									2.6			3.5	11.2

Total Acres: 11.2

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(s) of diversion described above: 57-2278, 57-2271, 57-11798, 57-11799, 57-11800, and 57-11801.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/17/2003.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

RECEIVED

JAN 27 2015

WATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

JAN 29 2015

DEPARTMENT OF
WATER RESOURCESWATER RESOURCES
WESTERN 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

David Unruh

Water Right No.

97-11799All 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. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

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. |
| 3D | ☐ | ☐ | 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (http://maps.idwr.idaho.gov/mapall/) to locate a water right place of use or point of diversion. |

Department Use Only

Fee Amount \$

250⁰⁰

Received By:

DSDate Received: 1/27/15Receipt # W042763

W-9 received?

Yes ☒No ☐

(Route W-9 to Fiscal)

Name on W-9:

David Chris Unruh

**STATE OF IDAHO
WATER RESOURCE BOARD**

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 David Chris Unruh Email Address unruhchris@jakeco.com

Mailing Address 25289 Hiawell Lane Phone Number 834-2879

☐ 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 Chris Unruh Organization Chris Unruh @ Unruhchris@jakeco.com

Professional Title owner/operator Email Address Chris Unruh @ Unruhchris@jakeco.com

Mailing Address 25289 Hiawell Ln Grange ID 83624 Phone Number 834-2879

☒ 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 57-11799 ☐ 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.

Pot Pivots Not watering corners / Took
Out of wheel-lines + headlines.

- 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.

None

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

Yes ☐ No ☒

If yes, describe. No

D. 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. _____

E. 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. 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, for a period from 1/5/15 to 1/5/18 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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]
Signature of Designated Applicant

Chris Harsh
Printed Name

1/7/15
Date

[Signature]
Signature of Authorized Representative

Printed Name

Date

Mail to:

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

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

- Total Amount:** _____

- 3. Point(s) of Diversion:**

[illegible]

- [illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 12.0

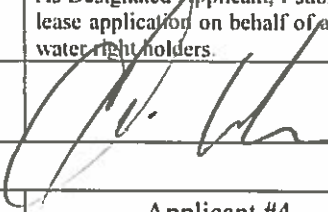
**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

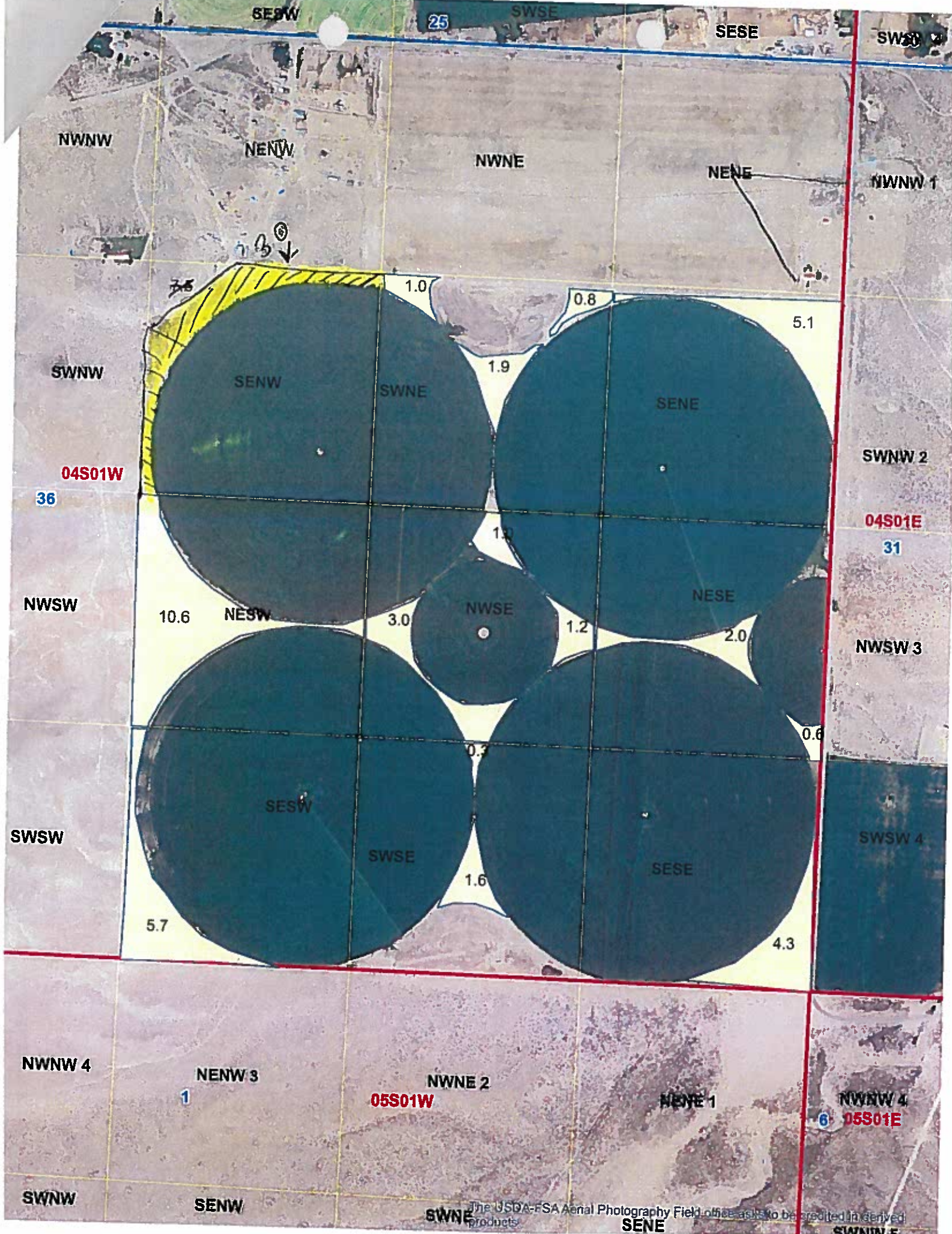
Additional Water Right Holders Party to the Lease Application

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.

Water Right No. 57-11799

	Designated Applicant	Applicant #2	Applicant #3
Name	Chris Unruh	Catherine Unruh	David R. Unruh
Mailing Address	25289 Hipwell Ln Grandview ID 83624	same	PO Box 458 Montesuma KS. 67867
Phone Number	208/ 834-2879	208-834-2879	620 846 2677
Email Address	unruh.chris@yahoo.com		~~XXXXXXXXXX~~
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

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 17, 2015

CHRIS & CATHERINE UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624-5119

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 57-11799

Dear Lessor:

Water Right **57-11799** was leased into the Water Supply Bank on January 27, 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 287-4946.

Sincerely,

Michele Edl
Senior Water Resource Agent

Enclosure: Executed Lease Contract

c: Angela Grimm –IDWR Western 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

July 8, 2015

GARY SPACKMAN

Director

CHRIS & CATHERINE UNRUH
25289 HIPWELL LN
GRAND VIEW ID 83624-5119

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 57-11799 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.

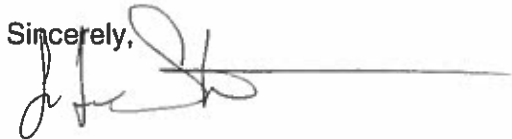
The rights will automatically be released from the Bank on **December 31, 2017**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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 287-4946.

Sincerely,


Michele Edl

Senior Water Resource Agent

Enclosure: Proposed Lease Contracts
Receipt # W042763

MEMORANDUM

To: Water Right No(s): 57-11799
From: Michele Edl
Date: March 30, 2015
Re: Review of Application to Lease Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: On January 27, 2015, IDWR received an application to lease portions of the above right to the WSB for 2015-2017. 12.0 acres of irrigation have been idled and offered to the bank.

AUTHORITY TO FILE: According to IDWR's database, the current water right owners are: The David R Unruh Trust, and Chris and Catherine Unruh. David Chris Unruh signed the application.

The POU is located on property owned by the Unruh family. Water right 57-11799 is authorized to divert from five PODs. However, according to the 2001 field exam report for 57-7155A, only the two wells in section 36 are likely to be the active PODs. The wells in 35 and 26 are located on property now owned by others and likely severed from the system which serves the Unruh POU.

57-2277 was split by ownership in 2011. Lacking updated information, the five POD/wells were carried on all the child rights.

WATER RIGHT VALIDITY: Water right 57-11799 is a child of 57-2277 which was decreed in 1997 through the SRBA. The decree was amended January 1, 2003 to change the season-of-use.

A review of 2009 aerial photography shows a partial change to pivot irrigation. The place-of-use appears to have been irrigated during that irrigation season. The pivot layout changed between 2009 and 2011. Forfeiture is not yet an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. The idled acres are primarily pivot corners. The hand and wheel lines which had irrigated those acres have been removed. No other rights authorize irrigation of this POU.

The right has an acreage limit with two other rights. Instead of referencing the other two rights, the lease contract shows proportional amounts which have been calculated for this right.

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 right is not subject to a Water District. Western Region is not opposed to the lease.

The applicant had some trouble completing the lease application place-of-use and point-of-diversion grids to match the application map he provided. I discussed with C. Palmer whether to route an amended lease back to the applicant for signature. We agreed to move forward without amending the lease knowing that the applicant/lessor will have an opportunity to sign off or question the contract when it is provided to him. Therefore, I drafted a lease contract which is based on the acreage shown in the application map and my calculations of the proportional rate and volume attributable to that acreage.

There are two standard headgate requirements applicable to the POU: irrigation requirement 4.5 or 3.5. My volume calculation was based on an irrigation requirement of 4.5 which is compatible with the partial decree for the parent right 57-2277.

The PODs are not displayed on the application map. The PODs listed on the lease contract for this application are copies of the decreed PODs.