

# WATER SUPPLY BANK LEASE CONTRACT

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

**Lessor:** PAMELA J DOUBERLY  
1212 W HIGH AVE  
NAMPA ID 83651

RECEIVED

FEB 19 2015

DEPARTMENT OF  
WATER RESOURCES

## RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. 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>Total Leased Acres</u> |
|-----------------------------------------|-------------------|---------------------|---------------------------|
| 2-10380                                 | 0.271 CFS         | Not Stated          | 19.0 AC                   |
| <b>Combined Lease Totals: 0.271 CFS</b> |                   | <b>Not Stated</b>   | <b>19.0 AC</b>            |

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

Authorized Period of Use under Lease: 03/01 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, 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.

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

**PAMELA J DOUBERLY**

1212 W HIGH AVE  
NAMPA ID 83651

By Pamela J Douberly  
Printed Name Pamela J Douberly

Date 2-10-2015

Title \_\_\_\_\_

**IDAHO WATER RESOURCE BOARD**

322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-9098

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

Date February 19, 2015

Lease approved by IDWR Cheri Palmer

Date 2/19/2015

**ATTACHMENT A**  
**WATER RIGHT NO. 2-10380**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** PAMELA J DOUBERLY  
1212 W HIGH AVE  
NAMPA ID 83651

**Priority Date:** 1/11/1963

**Source:** SNAKE RIVER

**Tributary to:** COLUMBIA RIVER

| <u>BENEFICIAL USE</u> | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>     |
|-----------------------|---------------|-----------|-----------------------|-------------------|
| IRRIGATION            | 03/01         | to 11/15  | 0.27 CFS              | Not Stated        |
|                       | <b>Total:</b> |           | <b>0.27 CFS</b>       | <b>Not Stated</b> |

**LOCATION OF POINT(S) OF DIVERSION:**

SNAKE RIVER L7(SWSWNE) Sec. 36, Twp 01N, Rge 03W, CANYON County

**PLACE OF USE TO BE IDLED UNDER THIS LEASE:** IRRIGATION

|     |     |     | NE |    |    |    | NW |    |      |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|------|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW   | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N | 03W | 2   |    |    |    |    |    |    | 19.0 |    |    |    |    |    |    |    |    |    | 19.0   |

Total Acres: 19.0

**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. Un-leased portions of rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 when combined shall not exceed a total diversion rate of 74.03 cfs.
13. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 are diverted from the point of diversion described above.



STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

DEC 22 2014

DEPARTMENT OF  
WATER RESOURCESWATER SUPPLY BANK LEASE OR SALE  
APPLICATION CHECKLIST

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 PAMELA J DOUBERLYWater Right No. 2-10380

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. 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 *all owners* 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 ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from [www.idwr.idaho.gov](http://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 \$ <u>250.00</u>                                                       | Received By: <u>alg</u> | Date Received: <u>12/22/14</u>         | Receipt # <u>C099733</u> |
| W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | (Route W-9 to Fiscal)   | Name on W-9: <u>Pamela J. Douberty</u> |                          |

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

DEC 22 2014

DEPARTMENT OF  
WATER RESOURCES

## 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 PAMELA J DOUBERLY Email Address \_\_\_\_\_  
Mailing Address 1212 W HIGH AVE, NAMPA ID 83651 Phone Number 208-467-7905

☐ 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 2-10380 ☒ 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.  
water right has been in the WSB since 2009

- 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.

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

Yes ☐ No ☒

If yes, describe. \_\_\_\_\_

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. has been leased to the bank since 2009

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 01/01/2015 to 12/31/2019 (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 ank does not, in itself, confirm the validity of the water right or any elements of the water right.

x Pamela J. Doublerly  
Signature of Designated Applicant

Pamela J. Doublerly 11-21-2019  
Printed Name 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**

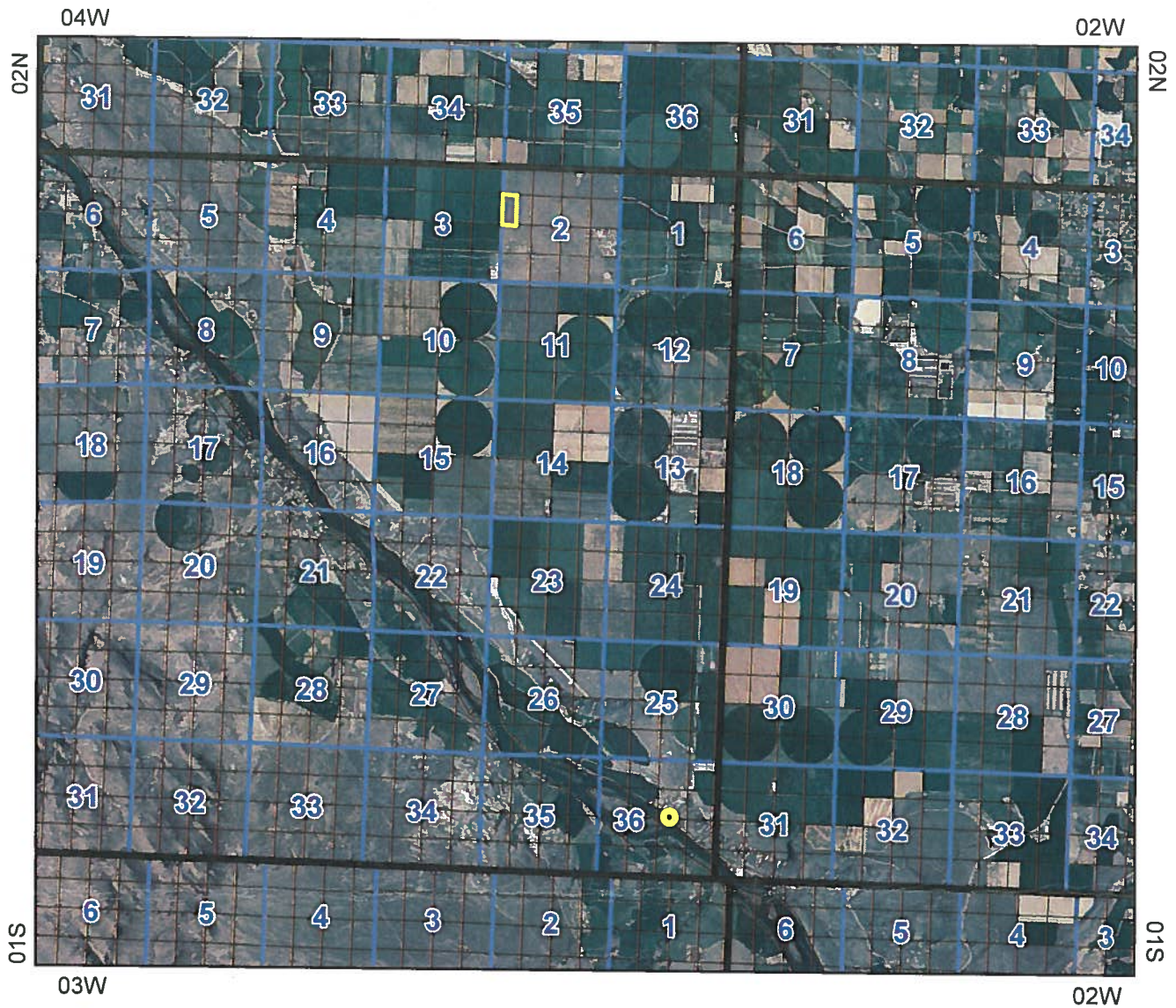
List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 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.

Water Right No. 2-10380

|                       | Designated Applicant                                                                                 | Applicant #2                                                                  | Applicant #3                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Name                  | Pamela J Douberly Dustin J Douberly                                                                  |                                                                               |                                                                               |
| Mailing Address       | 1212 W High Ave<br>Nampa Id 83651<br>currently in Italy<br>in military                               |                                                                               |                                                                               |
| Phone Number          | 208-467-7905                                                                                         |                                                                               |                                                                               |
| 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             | Pamela J Douberly                                                                                    | Dustin J Douberly                                                             |                                                                               |

|                       | 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 License**  
2-10380



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

0 0.75 1.5 3 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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

February 20, 2015

PAMELA J DOUBERLY  
1212 W HIGH AVE  
NAMPA ID 83651

**RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT NO. 2-10380**

Dear Lessor:

Water Right **2-10380** was leased into the Water Supply Bank in accordance with the executed original Lease Contract enclosed. **Your water right as described on the Lease Contract is considered leased into the Bank and should remain unused until it is formally released from the Bank.**

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

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

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

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

Sincerely,

  
for Clay Webster  
Water Resource Agent  
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: IDWR Western Region  
~~Corbin Knowles - Water District No. 2~~



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

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

February 6, 2015

PAMELA J DOUBERLY  
1212 WHIGH AVE  
NAMPA ID 83651

### RE: APPLICATION TO LEASE WATER RIGHT 2-10380 TO THE WATER SUPPLY BANK

\*\*\*\*TIME SENSITIVE RESPONSE REQUIRED\*\*\*\*

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return BOTH 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,

Clay Webster  
Water Resource Agent  
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts  
Receipt # C099733

# HAT BUTTE MUTUAL CANAL COMPANY

RECEIVED

FEB 06 2015

DEPARTMENT OF  
WATER RESOURCES

February 02, 2015

ID Department of Water Resources  
C/O Clay Webster

RE: Pamela J. Douberly – Water Right #2-10380 to Water Supply Bank

To whom it may concern:

Hat Butte Mutual Canal Company has no record of Pamela J. Douberly having an ownership interest in the Hat Butte Mutual Canal Company.

Hat Butte used to deliver irrigation water to lands in Section 2, T1N, R3W – the section where right no. 2-10380's place of use is located – pursuant to shares held by the Douberly's predecessor-in-title Herbert R. Montierth, et al. (collectively, "Montierth"). The Montierth's shares have not been re-issued because the subdivision of their lands and attempted transfer of shares did not comport with Hat Butte By-Laws.

Therefore Hat Butte Mutual Canal Company has no objection to the enclosed application.



Mike Siegersma  
President



Paul Rasgorshek  
Vice President

## MEMORANDUM

**To:** Water Right No(s). 2-10380  
**From:** Clay Webster  
**Date:** January 21, 2015  
**Re:** Review of Applications to Lease Water Rights to the State Water Supply Bank

---

**PURPOSE/NARRATIVE:** This application was received on December 22, 2014 to place the entire right back into the bank for another 5 years.

This right is one of the rights split from Montierth rights. The ditch can no longer convey water to this POU. We have accepted many of these splits into the bank. Hat Butte Mutual Canal Company provided a letter in October 2014 that explained that none of the Montierth shares have been re-issued due to their by-laws. I have attached a copy of that letter to this memo.

The comment below is a condition of approval on all the water rights. This water right is leased into the Bank. The **rental amount** if diverted from different point of diversion should be a proportional reduction of the overall diversion rate. Please adjust accordingly.

*"Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 when combined shall not exceed a total diversion rate of 74.30 cfs."*

The total diversion rate of all 62 water rights (not all water rights are listed) is 95.339 cfs.  
 $74.30 \div 95.339 = 0.779$  or 0.78

**AUTHORITY TO FILE:** This application was signed by Pamela J Douberly, current owner and designated applicant.

**WATER RIGHT VALIDITY:** This right was decreed in November 2009. It has been leased in its entirety since December 2010.

**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 not subject to any Water District.

# HAT BUTTE MUTUAL CANAL COMPANY

RECEIVED

OCT 03 2014

DEPARTMENT OF  
WATER RESOURCES

9/29/14

ID Department of Water Resources  
C/O Cherie Palmer

RE: Robert Zimmerschied – Water Right # 2-10375 to Water Supply Bank

To whom it may concern:

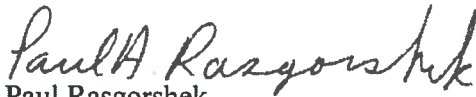
Hat Butte Mutual Canal Company has no record of Robert Zimmerschied having an ownership interest in the Hat Butte Mutual Canal Company.

Hat Butte used to deliver irrigation water to lands in Section 2, T1N, R3W—the section where right no. 2-10375's place of use is located—pursuant to shares held by the Zimmerschieds' predecessor-in-title Herbert R. Montierth, et al. (collectively, "Montierth"). The Montierth's shares have not been re-issued because the subdivision of their lands and attempted transfer of shares did not comport with Hat Butte By-laws."

Therefore Hat Butte Mutual Canal Company has no objection to the enclosed application.



Gerrit Siebelink  
President



Paul Rasgorshek  
Vice President



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

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

January 21, 2015

HAT BUTTE MUTUAL CANAL COMPANY  
GAYLE S ORCUTT  
13735 MISSOURI AVE  
NAMPA ID 83686

RE: CANAL COMPANY APPROVAL FOR APPLICATION TO LEASE WATER RIGHT  
2-10380 TO THE WATER SUPPLY BANK

To Whom It May Concern:

The Department of Water Resources is in receipt of an application to lease water right 2-10380 to the Water Supply Bank (Bank). The lease requests that the entire water right be placed into the Bank.

Water right 2-10380 is a split of water right 2-2191 which has had numerous splits. Per water right records, the water is delivered via the Hat Butte River Pumping Station. It is my understanding that the water right holders are not able to get river water to their property without considerable expense to repair the shared conveyance system.

There have been a few other applications to lease these water rights into the Bank and we anticipate that there will be more. The Department is seeking your written consent to allow these water rights to be placed into the Bank.

The Department would like your response within fourteen (14) days from the date of this letter. If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clay Webster'.

Clay Webster  
Water Resource Agent  
Water Supply Bank Point of Contact

c: PAMELA J DOUBERLY  
1212 W HIGH AVE  
NAMPA ID 83651