

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective January 22, 2015, between the Idaho Water Resource Board ("**Board**"), and

Lessor: RANDY W JOHNSON
KARI S JOHNSON
209 BAYHORSE RD
BELLEVUE ID 83313
(208) 309-1994
RWJ833@AOL.COM

RECEIVED

FEB 13 2014

**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>Acre Limit</u>	<u>Total Leased Acres</u>
37-577CB	0.10 CFS	14.4 AF	NA	4.1 AC
Combined Lease Totals:	0.10 CFS	14.4 AF	NA	4.1 AC

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

Authorized Period of Use under Lease: 04/15 to 10/31

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.

RANDY W JOHNSON
KARI S JOHNSON
209 BAYHORSE RD
BELLEVUE ID 83313

By 

Date 2-12-2015

Printed Name Randy W. Johnson
KARI Johnson

Title _____

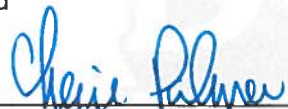
IDAHO WATER RESOURCE BOARD

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

By 

Date February 13, 2015

Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR 

Date 2/13/2015

ATTACHMENT A
WATER RIGHT NO. 37-577CB
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **RANDY W JOHNSON**
 KARI S JOHNSON
 209 BAYHORSE RD
 BELLEVUE ID 83313
 (208) 309-1994

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.10 CFS	14.4
	Total:		0.10 CFS	14.4

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SW¼NE¼SE¼ Sec. 16 Twp 02N Rge 18E BLAINE 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	
02N	19E	31										0.7 Lot 3	3.4 Lot 4						4.1

Total Acres: 4.1

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. When combined with all other rights, the leased right shall provide not more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. 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. 37, Big and Little Wood Rivers.

STATE OF IDAHO
WATER RESOURCE BOARD

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JAN 22 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONWATER 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 Randy JohnsonWater Right No. 37-577CB
One water right per applicationAll items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)* RECEIVED

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.

JAN 26 2015

DEPARTMENT OF
WATER RESOURCES

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).
 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. See printout w/ decree date
 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 -</u>	Received By: <u>Dm / DJ</u>	Date Received: <u>1-22-2015</u>	Receipt # <u>5034512</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Randy W. Johnson</u>	

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 22 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION 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 Randy Johnson Email Address rwj833@aol.com
Mailing Address 209 Bayhorse rd Bellevue ID Phone Number 208 309-1994

☐ 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 37-577CB ☒ 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.

No diversion - Ditch Big Wood River then defunct
Core Canal

- 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. _____

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 2/1/2015 to 2/1/2020 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

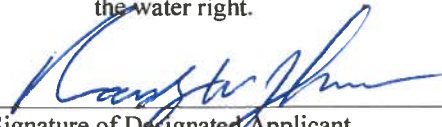
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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 of Designated Applicant

Randy W Johnson
Printed Name

1-19-15
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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

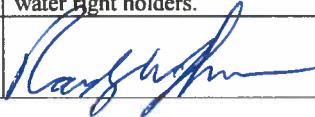
**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

Water Right No. 37-577CB

	Designated Applicant	Applicant #2	Applicant #3
Name	Randy Johnson	Keri Johnson	
Mailing Address	209 Bay horse rd. Bellevue ID 83313	209 Bayhorse rd. Bellevue ID 83313	
Phone Number	208-309-1994	208 309-1822	
Email Address	RWJ833@Aol.com	RWJ833@Aol.com	
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
WATER RESOURCE BOARD**

ATTACHMENT 2

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

1. Water Right Number 37-577 CB Amount (cfs/ac-ft) 0.1 CFS Nature of Use irrigation Period of Use 4/1 to 11/1

_____ to _____

_____ to _____

_____ to _____

_____ to _____

Total Amount: _____

2. Source of water Big Wood River tributary to molad River

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
02N	18E	16					Blaine

4. Lands irrigated or 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	
02N	19E	31									.7	3.4							4.1

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 4.1

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/22/2015

Water Right 37-577CB

Owner Type **Name and Address**
Current Owner RANDY W JOHNSON
 209 BAYHORSE RD
 BELLEVUE, ID 83313
 (208)788-9586

Current Owner KARI S JOHNSON
 209 BAYHORSE RD
 BELLEVUE, ID 83313
 (208)788-9586

Priority Date: 3/24/1883

Basis: Decreed

Status: Active

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	0.100 CFS	
	Total Diversion		0.100 CFS	

Source and Point(s) of Diversion

BIG WOOD RIVER SWNESE Sec. 16, Twp 02N, Rge 18E, BLAINE County

Place Of Use

IRRIGATION within BLAINE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	19E	31										0.7	3.4						4.1
												L3	L4						

POU Total Acres: 4.1

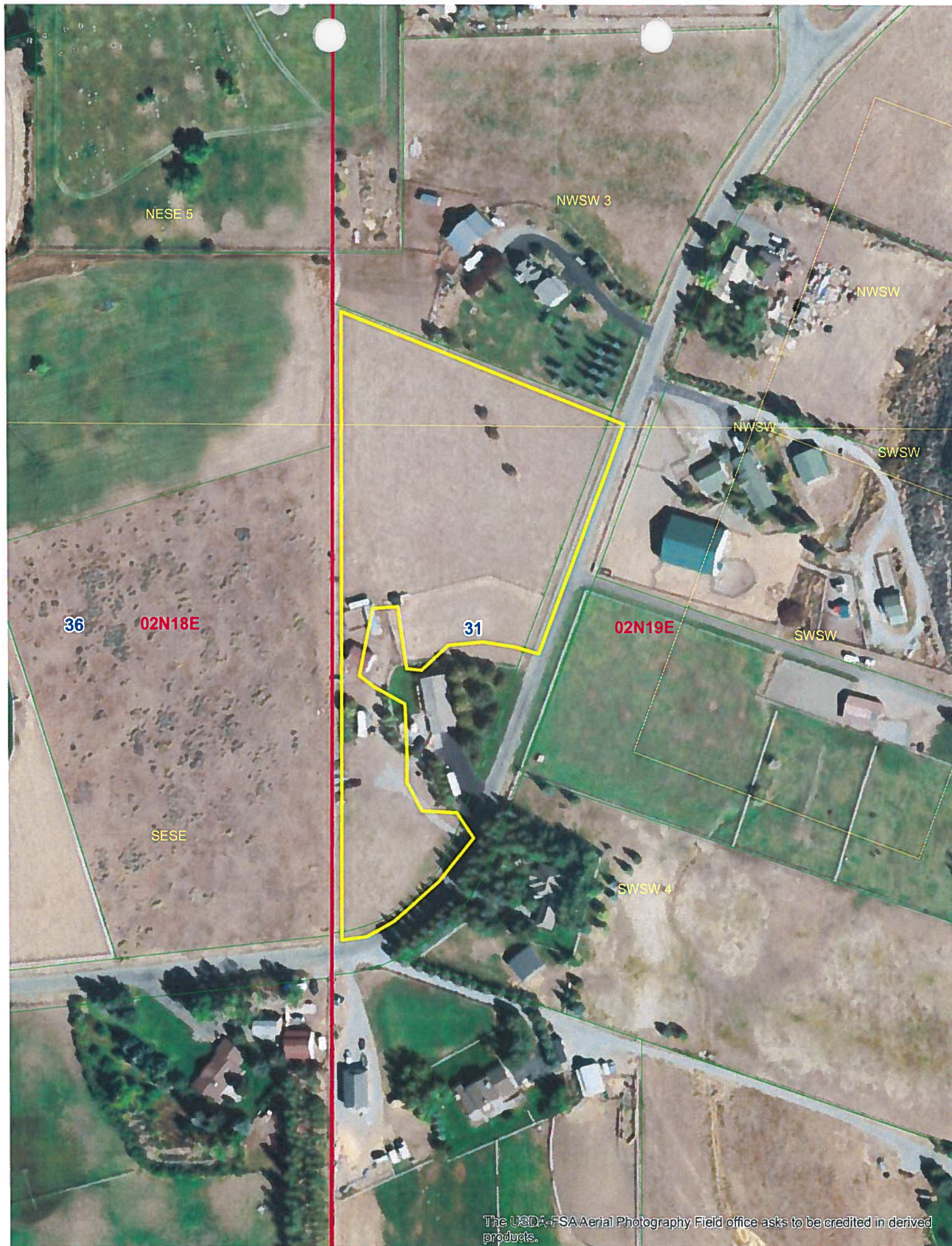
Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Comments:

Dates and Other Information

Decreed Date: 6/29/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S



Skaggs, Pam

From: Merritt, Allen
Sent: Monday, February 23, 2015 7:33 AM
To: Skaggs, Pam
Subject: RE: Southern Region Comment - WSB Lease 37-577CB Johnson

No issues

From: Skaggs, Pam
Sent: Monday, February 09, 2015 2:15 PM
To: Merritt, Allen
Subject: Southern Region Comment - WSB Lease 37-577CB Johnson

Allen,

I have attached a review memo and place of use comparison report for your convenience. Please provide any comment or concerns you may have regarding the lease of this water right to the Bank.

I also asked Kevin Lakey as the Watermaster of WD#37 to clarify the applicant's comment that Cove Canal is "defunct". Their property appears to be at the end of the canal and Mr. Johnson may mean his water right cannot be delivered to his property. Since irrigation has not occurred for several years, any new impacts from the lease should be minimal.

Thank you in advance for your comments.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700



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

February 17, 2015

RANDY W JOHNSON
KARI S JOHNSON
209 BAYHORSE RD
BELLEVUE ID 83313

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT 37-577CB

Dear Lessor:

Water Right **37-577CB** was leased into the Water Supply Bank on January 22, 2015 in accordance with the executed original Lease Contract enclosed. **Your water right as described on the Lease Contract is considered leased into the Bank and should remain unused until it is formally released from the Bank.**

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.

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: Executed Lease Contract

c: IDWR Southern Region
Kevin Lakey – Water District No. 37



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

February 10, 2015

RANDY W JOHNSON
KARI S JOHNSON
209 BAYHORSE RD
BELLEVUE ID 83313

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-577CB 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.

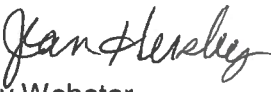
The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form.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

for 
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts

Skaggs, Pam

From: Skaggs, Pam
Sent: Monday, February 09, 2015 2:15 PM
To: Merritt, Allen
Subject: Southern Region Comment - WSB Lease 37-577CB Johnson
Attachments: WSB Lease Review 37-577CB Johnson.pdf

Allen,

I have attached a review memo and place of use comparison report for your convenience. Please provide any comment or concerns you may have regarding the lease of this water right to the Bank.

I also asked Kevin Lakey as the Watermaster of WD#37 to clarify the applicant's comment that Cove Canal is "defunct". Their property appears to be at the end of the canal and Mr. Johnson may mean his water right cannot be delivered to his property. Since irrigation has not occurred for several years, any new impacts from the lease should be minimal.

Thank you in advance for your comments.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

Skaggs, Pam

From: Skaggs, Pam
Sent: Monday, February 09, 2015 1:47 PM
To: 'WATERMANAGER@cableon.net'
Subject: Water District #37 - Watermaster Comment Request - WSB Lease 37-577CB Johnson
Attachments: WSB Lease Review 37-577CB Johnson.pdf

Kevin,

I have attached a review memo and place of use comparison report for your convenience. Please provide any comment or concerns you may have regarding the lease of this water right to the Bank.

Also, the applicant notes that Cove Canal is "defunct". Their property appears to be at the end of the canal and Mr. Johnson may mean his water right cannot be delivered to his property. Are other rights diverted into this canal? Do you see any injury occurring if this right is placed into the Bank? Since irrigation has not occurred for several years, I assume the right has not been delivered for some time anyway.

Thank you in advance for your response.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

MEMORANDUM

To: Water Right No. 37-577CB
From: Pam Skaggs 
Date: 2/9/2015
Re: Review of Application to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE:

An application to lease all of irrigation Right 37-577CB was received on 01-22-2015 requesting a five year lease through the 2019 season. This right authorizes irrigation of 4.1 acres immediately southeast of Bellevue municipal service area with surface water from Big Wood River in Blaine County.

AUTHORITY TO FILE:

Both current right holders of record signed the application. An IRS W-9 form was submitted for Randy W. Johnson as the designated applicant.

WATER RIGHT VALIDITY:

A partial decree was issued for this right in the Snake River Basin Adjudication on 06-29-2010. No irrigation appears to have occurred in recent years from any source, but the lease request is within five years from the partial decree. Forfeiture is not an issue at this time.

INJURY TO OTHER WATER RIGHTS:

No injury through this lease is apparent. The right holder notes Cove Canal is defunct which would eliminate injury to others using the same conveyance system. The water master can confirm the status of the canal and current diversions when contacted.

ENLARGEMENT OF USE:

A place of use overlap review identified irrigation rights used on neighboring lots, but no overlapping rights on the same place of use as 37-577CB. There is a home on the same tax lot with associated irrigation that is separate from the 4.1 proposed leased acres. 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 right proposed for lease is subject Water District #37, Big and Little Wood Rivers. Southern Region comment will also be requested.

Process	Basin Sequence	Owner	Source	POD/ POU	NWSW	SWSW	Total Acres	
Water Right	37-21289	JACQUELINE C LINDBERG 1995 REVOCABLE TRUST; THOMAS RINEY 1995 REVOCABLE TRUST	GROUND WATER	POU	0.1	1.6	1.7	Adjacent Lots
Water Right	37-21290	BLOOM, ROBERTA; BLOOM, RONALD A	GROUND WATER	POU		4.3	4.3	Adjacent Lots
Water Right	37-21965	BAYHORSE ROAD TRUST	GROUND WATER	POU		6.0	6	
Water Right	37-577CB	JOHNSON, KARI S; JOHNSON, RANDY W	BIG WOOD RIVER	POU	0.7	3.4	4.1	No Overlapping Rights
Water Right	37-7839	BELLEVUE CEMETERY MAINTENANCE DISTRICT	GROUND WATER	POU	10.0		10	Separate Lot
Water Right	37-8696	MC ILHENNY, JEANETTE	GROUND WATER	POU	4.7		4.7	Adjacent Lot
Water Right	37-8811	MC ILHENNY, JEANETTE	GROUND WATER	POU	4.7		4.7	Adjacent Lot