

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective January 1, 2015, between the Idaho Water Resource Board ("**Board**"),

Lessor: BEVERLY AND HARRY CRAWFORD
3384 W 3800 N
MOORE ID 83255
(208)588-3326
crawhb@hotmail.com

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FEB 12 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>
34-282B	0.40 CFS	Not Stated	35.0 AC
34-856H	0.80 CFS	Not Stated	50.0 AC
Combined Lease Totals:	1.20 CFS	Not Stated	85.0 AC

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

Authorized Period of Use under Lease: May 1 to October 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.

SUPPORT DATA

IN FILE # 34-282B

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.

BEVERLY AND HARRY CRAWFORD

3384 W 3800 N
MOORE ID 83255

By *Harry Crawford* *Beverly Crawford* Date *Feb. 8, 2015*
Printed Name *Harry Crawford Beverly Crawford* Title *Owner*

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 13, 2015*

Lease approved by IDWR *Cherie Palmer*

Date *2/13/2015*

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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 the approval, this water right is within State Water District No. 34.
14. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the director of the Idaho Department of Water Resources.

ATTACHMENT A
WATER RIGHT NO. 34-856H
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: BEVERLY AND HARRY CRAWFORD
3384 W 3800 N
MOORE ID 83255
(208)588-3326

Priority Date: 4/30/1884

Source: BIG LOST RIVER **Tributary to:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.80 CFS	Not Stated
	Total:		0.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER NENWNE Sec. 24, Twp 06N, Rge 25E, CUSTER 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	
06N	26E	20							10.0			40.0	35.0						80.0

Total Acres: 50.0

Limited to acres within place of use described above: 85 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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 the approval, this water right is within State Water District No. 34.
14. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the director of the Idaho Department of Water Resources.

STATE OF IDAHO
WATER RESOURCE BOARD

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SEP 24 2014

WATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
APR 17 2014
Department of Water Resources
Eastern RegionDEPARTMENT 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 Beverly and Harry CrawfordWater Right No. 34-282B
One water right per applicationAll 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 \$ <u>500-</u>	Received By: <u>SC</u>	Date Received: <u>4/17/14</u>	Receipt # <u>ED 39732</u>
W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal)		Name on W-9:	

**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 Beverly and Harry Crawford Email Address crawhb@hotmail.com
Mailing Address 3384 W 3800 N, Moore, ID 83255 Phone Number (208) 588-3326

☒ 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 Bryce A Contor Organization Rocky Mountain Environmental Assoc., Inc.
Professional Title Senior Hydrologist Email Address bcontor.rm@gmail.com
Mailing Address 482 Constitution Way Suite 303, Idaho Falls ID 83402 Phone Number 208 524 2353

☐ 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 34-282B ☒ 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.

Headgate on Big Lost River, ditch to place of use.

- B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.
34-856H, also offered to the Bank at this time.

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 5/1/2014 to 10/15/2014 ^{10/15/2019} (maximum lease period)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as established by the IWRB. Include the method of determining the minimum payment if other than Current rental rate. Note that this application and the lease application for 34-856H are rental application by the same applicants, to use the water on a nearby parcel owned by _____

2014 -
2019 would make
6 seasons → 2018

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.

Harry Crawford
Signature of Designated Applicant

Harry Crawford
Printed Name

4-12-14
Date

Bryce A. Contor
Signature of Authorized Representative

Bryce A. Contor
Printed Name

4 April 2014
Date

Mail to:

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/2/2014

WATER RIGHT NO. 34-282B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEVERLY CRAWFORD
Current Owner	HARRY CRAWFORD 3384 W 3800 N MOORE, ID 83255 (208)588-3326
Original Owner	BERT M GRAY , ID
Original Owner	AMY F STOKES
Original Owner	KENT L STOKES PO BOX 613 ARCO, ID 83213 (208)527-3470
Security Interest	IDAHO AGCREDIT FLCA PO BOX 985 BLACKFOOT, ID 83221-0985 (800) 686-8910

Priority Date: 06/01/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.4 CFS	
Total Diversion			0.4 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|NENWNE|Sec. 24|Township 06N|Range 25E|CUSTER County

IRRIGATION Use:

Acre Limit: 35

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	26E	20		SWNW	10									
				NWSW	40		SWSW	35						

Total Acres: 85

Conditions of Approval:

1. X27 This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.
2. X35 Rights 34-282B and 34-856H when combined shall not exceed a total irrigation of 85 acres.
3. R63 This right when combined with all other rights shall provide no 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.
4. R05 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. 34.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. F01 Water is delivered through Lower Burnett Ditch
8. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T19

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 06/07/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

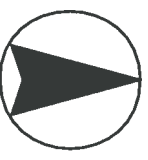


482 Constitution Way, Idaho Falls, ID 83402
208-524-2353

Crawford Water Supply Bank Lease/Rent Application

- ☒ Lease POD
- ☐ Rental POD
- ☐ Lease POU
- ☐ Rental POU
- ☐ Township/Range
- ☐ Section

Project 14-0019



1320 0 1320 Feet

Big Lost River Irrigation District

101 S. Main Street, P.O. Box 205, Mackay ID 83251 (208) 588-2231 www.blrid.com

RECEIVED
SEP 24 2014
DEPARTMENT OF
WATER RESOURCES

September 22, 2014

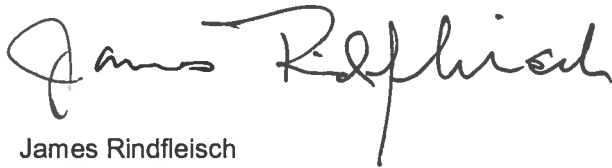
State of Idaho
Water Resources Board

The Big Lost River Irrigation District gives consent for Water Supply Bank for decree water for the following:

Harry Crawford
3384 W 3800 N
Moore, Idaho 83231

Total number of acres for water bank: up to 85 acres

Sincerely,



James Rindfleisch
General Manager

CC: Kristin Moore – Rocky Mountain Environmental
Michael Holiday – Idaho Department of Water Resources



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

BEVERLY CRAWFORD
HARRY CRAWFORD
3384 W 3800 N
MOORE ID 83255

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 34-282B and 34-856H

Dear Lessor:

Water Rights **34-282B and 34-856H** were leased into the Water Supply Bank on January 1, 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: Bryce Contor- Rocky Mountain Environmental Assoc. Inc
James Cefalo-IDWR Eastern Region
Todd Perkes- Water District No. 34



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 5, 2015

BEVERLY AND HARRY CRAWFORD
3384 W 3800 N
MOORE ID 83255

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 34-282B AND 34-856H**

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$4,671.60 was calculated based on the current rental rate of \$17.00 per acre-foot for the years 2015 thru 2017 and \$20.00 per acre-foot for the years 2018-through 2019 times a diversion volume of 78.5 acre-feet. Since you are both the lessor and the renter of the right(s)>, **you are only obligated to pay the 10% administrative fee or \$467.16 for 2015-2017 and \$549.60 for 2018-2019.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to March 15 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$467.16 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

for
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s)

c: IDWR Front Desk
Bryce Contor- Rocky Mountain Environmental Assoc. Inc



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 5, 2015

BEVERLY AND HARRY CRAWFORD
3384 W 3800 N
MOORE ID 83255

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 34-282B and 34-856H 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 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.

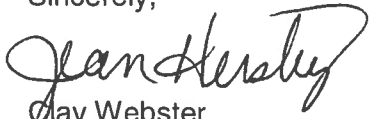
The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form.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

c. Bryce Contor- Rocky Mountain Environmental Assoc. Inc

MEMORANDUM

To: Water Right Nos. 34-282B and 34-856H
From: Sandy Thiel
Date: February 3, 2015
Re: Review of Water Supply Bank lease/ rental applications

PURPOSE/NARRATIVE: The Department received a lease/rental application package on April 17, 2014. According to the applications Beverly and Harry Crawford of Moore Idaho would like to lease rights 34-282B and 34-856H into the bank. The intent is to apply the leased rights temporarily to the 34-49D place of use because of the 1884 priority date for 34-856H. The combined use limits for right 34-856H require that it be leased along with 34-282B. Neither leased right has a volume. The volume for the lease was determined using the headgate requirement of 3.5 acre feet per acre.

Water for the rental will be diverted downstream of the lease point of diversion through an existing headgate on the Big Lost River into a pumping station. Water right 34-49D is also diverted at this location. The Crawfords intend to rent this right at the new place of use for 5 years.

On June 27, 2014, I contacted Bryce Contor to let him know that Big Lost Irrigation District owns the Lower Burnett Ditch which delivers the water for rights 34-282B and 34-856H. I told him that we were missing need written consent from the irrigation district to authorize the proposed lease. After several emails about the status of the lease Bryce contacted me on August 12 to say that the Big Lost Irrigation District had concerns about the lease and that is why we had not received an approval. We received the approval via email (see attachment).

Ultimately the Crawfords did not succeed in their lease/rental for the 2014 season. They did opt to continue the process in order to have the rental in place for 2015. During the course of our correspondence, Mr. Crawford changed the original rental place of use (see attached emails and maps). There was a slight decrease in the number of acres they intend to irrigate. In 2015, they plan to use the water on 78.5 acres.

During the review process staff noticed that according to the tax lot data the Crawfords did not own the entire lease place of use for the rights 34-282B and 34-856H. The combined place of use for these two rights is 85 acres. The tax lot data showed that they owned approximately 80 acres. I contacted them and requested information that would confirm that they actually owned 85 acres at that location. On January 26, 2015 Mr. Crawford emailed me a copy of the correction quitclaim deed (see attached) correcting the legal description for their property. Based on this document I moved forward with the lease of the 85 acres.

AUTHORITY TO FILE: The applications were signed by Harry Crawford and Bryce Contor (authorized representative from Rocky Mountain Environmental Ass.)

WATER RIGHT VALIDITY: The water rights were decreed in 2002. A review of imagery for the past 5 years shows marginal evidence of irrigation at the lease place of use. In the water master's comments he said that the district made deliveries into the Lower Burnett ditch. This is the ditch that diverts water from the Big Lost River to the authorized lease place of use. In his email the water master goes on to say that the water may not have been deliverable to the Crawford property because of changes in the ditch between the point of diversion and the place of use. (See imagery below). Diversion records for the Lower Burnett Ditch, including those for Harry Crawford are included as an attachment.

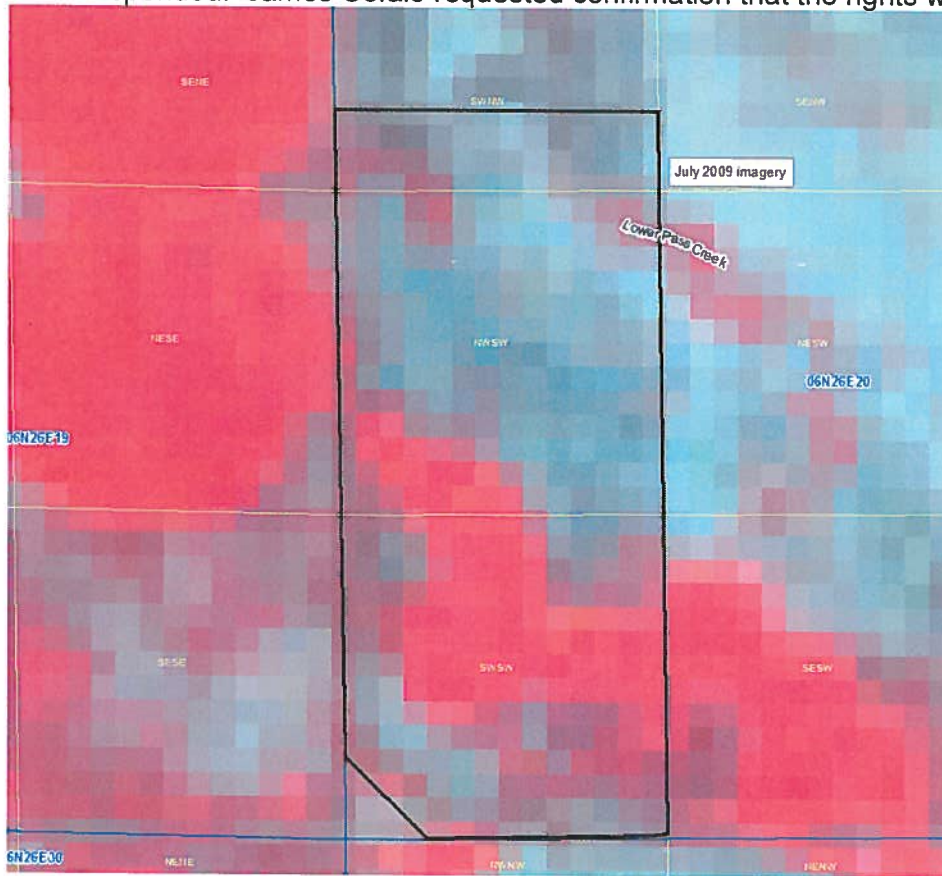
INJURY TO OTHER WATER RIGHTS: No injury is apparent.

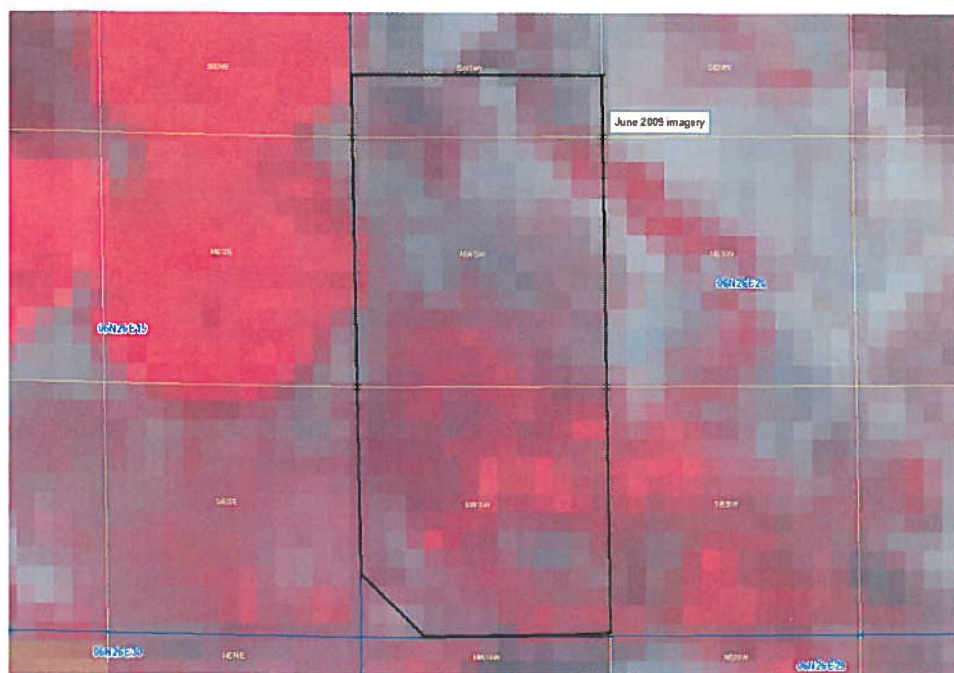
ENLARGEMENT OF USE: No enlargement is evident.

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: Both the water master and the Eastern regional office responded. James Cefalo requested confirmation that the rights were diverted and used since 2002.





Big Lost River Irrigation District

101 S. Main Street, P.O. Box 205, Mackay ID 83251 (208) 588-2231 www.blrid.com

September 22, 2014

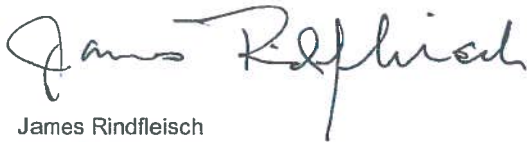
State of Idaho
Water Resources Board

The Big Lost River Irrigation District gives consent for Water Supply Bank for decree water for the following:

Harry Crawford
3384 W 3800 N
Moore, Idaho 83231

Total number of acres for water bank: up to 85 acres

Sincerely,



James Rindfleisch
General Manager

CC: Kristin Moore – Rocky Mountain Environmental
Michael Holiday – Idaho Department of Water Resources

Thiel, Sandra

From: Bev Crawford [crawhb@hotmail.com]
Sent: Thursday, January 29, 2015 3:23 PM
To: Thiel, Sandra; Bryce Contor
Subject: RE: Place of use for Leased Water

Hi Sandra

I do give my permission to have the rental application amended.

Thanks so much for your help in this matter,
Harry

From: Sandra.Thiel@idwr.idaho.gov
To: crawhb@hotmail.com; bcontor@rockymountainenvironmental.com
Subject: RE: Place of use for Leased Water
Date: Thu, 29 Jan 2015 16:12:29 +0000

Hello, I received the map showing the amended acres for the rental. Please respond that I have your permission to amend the rental application. Also, could you identify the number of acres in each quarter quarter that you want to rent?

From: Bev Crawford [<mailto:crawhb@hotmail.com>]
Sent: Monday, January 26, 2015 2:27 PM
To: Thiel, Sandra; Bryce Contor
Subject: Place of use for Leased Water

Sandra
Attached is the land that we want to use the Leased Water on.
Thanks,
Harry

Thiel, Sandra

From: bcontor.rm@gmail.com on behalf of Bryce Contor
[bcontor@rockymountainenvironmental.com]
Sent: Thursday, January 29, 2015 10:26 AM
To: Thiel, Sandra
Cc: Bev Crawford
Subject: Re: Place of use for Leased Water

Here are the acres per QQ:

6N 26E 30 NWNE 28
6N 26E 30 NENW 4

This is the NE parcel totaling 32 acres

6N 26E 30 SWNW 35
6N 26E 30 SENW 11.5

This is the SW parcel totaling 46.5 acres

Please let me know if you need more.

Thanks,

Bryce

On Thu, Jan 29, 2015 at 9:43 AM, Bryce Contor <bcontor@rockymountainenvironmental.com> wrote:

> Sandra -

>

> I just talked to Harry on the phone, you do have permission to amend
> the application. He will respond by e-mail when he gets access to the
> Internet. I will calculate the acres per QQ and get that to you.

>

> Please let us know if you need anything else.

>

> Thanks,

>

> Bryce

>

> On Thu, Jan 29, 2015 at 9:12 AM, Thiel, Sandra

> <Sandra.Thiel@idwr.idaho.gov> wrote:

>> Hello, I received the map showing the amended acres for the rental.

>> Please respond that I have your permission to amend the rental

>> application. Also, could you identify the number of acres in each

>> quarter quarter that you want to rent?

>>

>>

>>

>> From: Bev Crawford [<mailto:crawhb@hotmail.com>]

>> Sent: Monday, January 26, 2015 2:27 PM

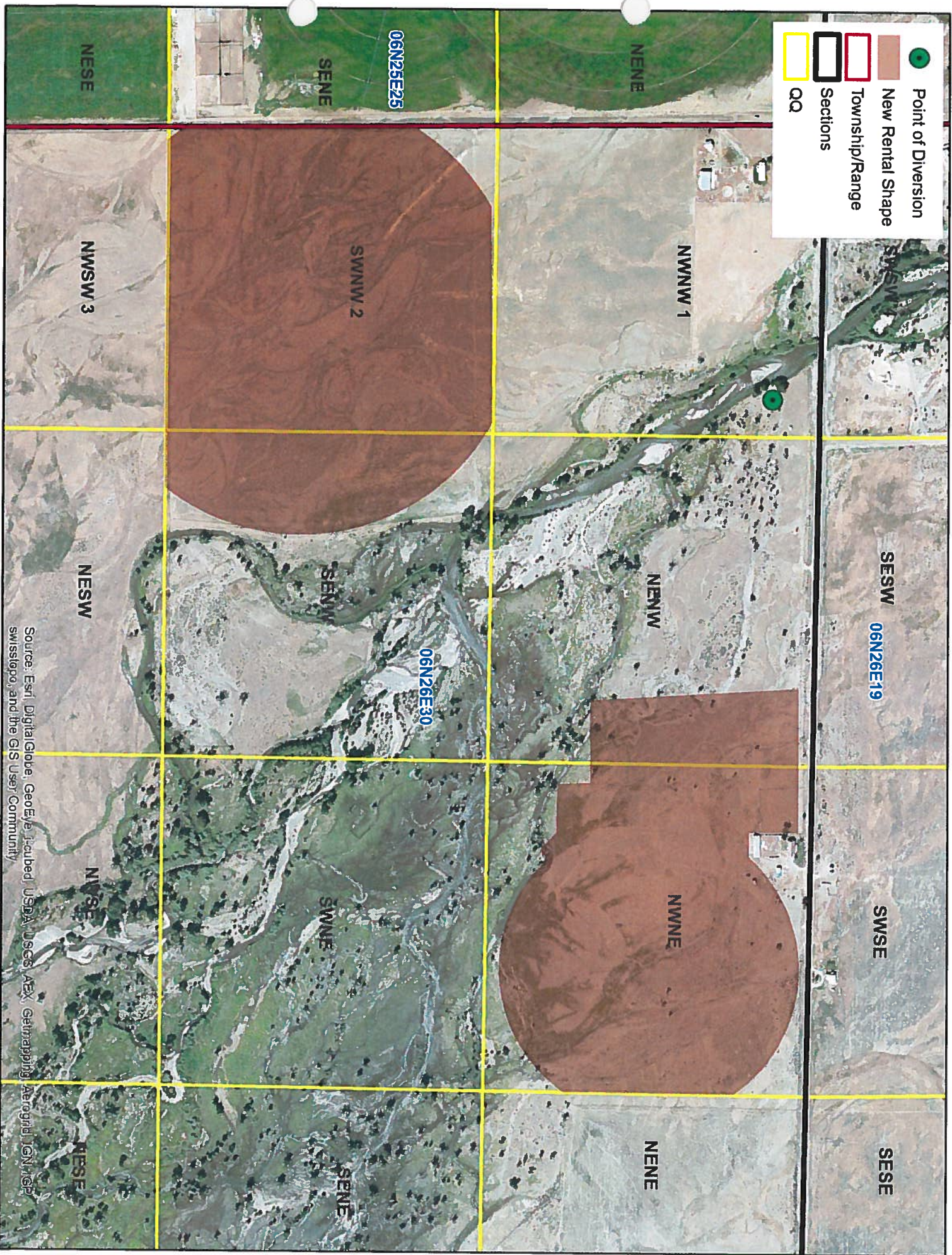
>> To: Thiel, Sandra; Bryce Contor

>> Subject: Place of use for Leased Water

>>

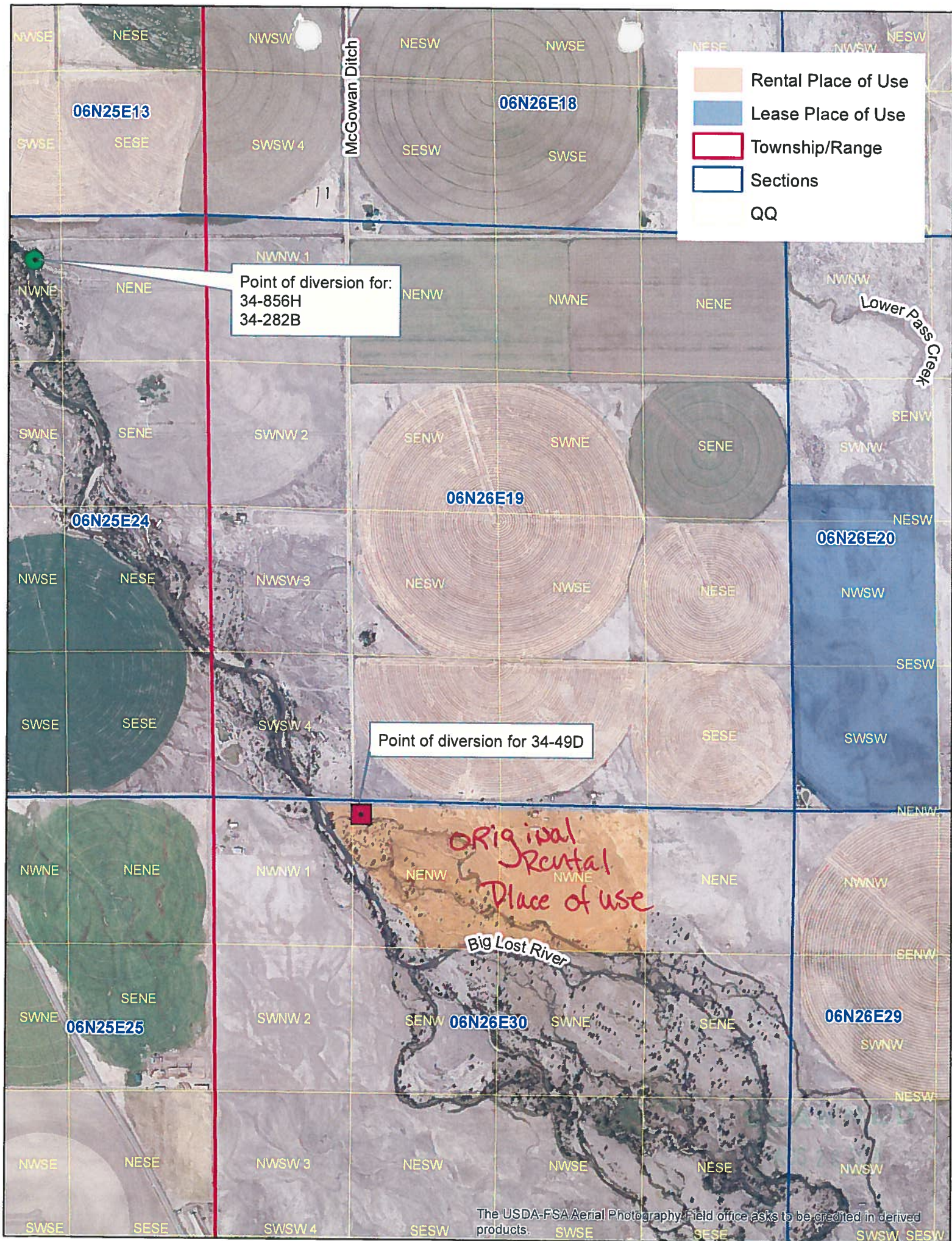
>>

>>



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP,





AFTER RECORDING MAIL TO:

First American Title Company
PO Box 868
Blackfoot, Idaho 83221

**CORRECTION QUITCLAIM DEED CORRECTING LEGAL DESCRIPTION ON
INSTRUMENT NO. 49289. (BUTTE COUNTY)**

File No.: 405239-B (1d)

Date: February 27, 2012

For Value Received, **John Michael Beller and Barbara Ann Belier, husband and wife**, do(es) hereby convey, release, remise, and forever quit claim unto **Harry Crawford and Beverly Crawford, husband and wife**, whose address is **3384 West 3800 North, Moore, Idaho 83255**, herein after called the Grantee, the following described premises situated in **Butte County, Idaho**, to-wit:

TRACT 1:

SECTION 20:

That part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Township 6 NORTH, RANGE 26 EAST, BOISE MERIDIAN, CUSTER AND BUTTE COUNTIES, IDAHO.

EXCEPTING THEREFROM:

Beginning at the Southwest corner of said Section 20; thence North 330 feet; thence Southeasterly in a straight line to a point on the South Section line of said Section 20, which point is 330 feet East from the Southwest corner of said Section 20; thence West along the South line of said Section 20 a distance of 330 feet to the Point of Beginning.

ALSO EXCEPTING:

Commencing at the Southwest corner of Section 20; thence N 00°39'14" W 330.00 feet along the West line of said Section 20 to the point of beginning; thence continuing along said West line N 00°39'14" W 59.67 feet, said point being the intersection of an existing fence line and said West line; thence S 47°43'07" E 578.16 feet along said fence line to the South line of Section 20, said point being an extension of an existing fence line and the said South line; thence S 89°54'32" W 93.31 feet along said South line; thence N 45°22'21" W 468.98 feet to the West line of said Section 20 and the point of beginning.

79 1/2 ac

TRACT 2:

Beginning at the NW corner of the SW $\frac{1}{4}$ of Section 20, Township 6 North, Range 26 East, Boise Meridian, Butte and Custer County, Idaho, and running thence East along said boundary 1320 feet to a metal rod No. PLS 3577 and the Point of Beginning; thence North 195 feet; thence West 1320 feet; thence South 195 feet; thence East 1320 feet to the Point of Beginning.

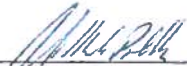
together with its appurtenances.

6 1/2 ac

Date: 01/31/2012

Warranty Deed
- continued

File No.: 405239-B (Id)



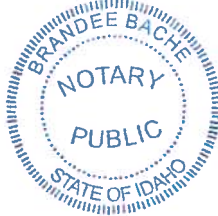
John Michael Beller

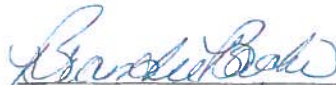


Barbara Ann Beller

STATE OF Idaho)
SS.
COUNTY OF Bonneville)

On this **1st day of February, 2012**, before me, a Notary Public in and for said State, personally appeared **John Michael Beller and Barbara Ann Beller**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.





Notary Public for the State of Idaho
Residing at: Paris Valley
My Commission Expires: 8-17-17

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

NO. 0049289
RECORDED

FEB 03 2012

A.M. 2:18 PM
BUTTE COUNTY RECORDER
[Signature]

Space Above This Line for Recorder's Use Only

WARRANTY DEED(Recording for Butte County, Idaho)

File No.: 405239-B (Id)

Date: January 31, 2012

For Value Received, **John Michael Beller and Barbara Ann Beller, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Harry Crawford and Beverly Crawford, husband and wife**, hereinafter called the Grantee, whose current address is **3384 West 3800 North, Moore, ID 83255**, the following described premises, situated in **Butte County, Idaho**, to-wit:

TRACT 1:

SECTION 20:

That part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Township 6 NORTH, RANGE 26 EAST, BOISE MERIDIAN, CUSTER AND BUTTE COUNTIES, IDAHO.

EXCEPTING THEREFROM:

Beginning at the Southwest corner of said Section 20; thence North 330 feet; thence Southeasterly in a straight line to a point on the South Section line of said Section 20, which point is 330 feet East from the Southwest corner of said Section 20; thence West along the South line of said Section 20 a distance of 330 feet to the Point of Beginning.

ALSO EXCEPTING:

Commencing at the Southwest corner of Section 20; thence N 00°39'14" W 330.00 feet along the West line of said Section 20 to the point of beginning; thence continuing along said West line N 00°39'14" W 59.67 feet, said point being the intersection of an existing fence line and said West line; thence S 47°43'07" E 578.16 feet along said fence line to the South line of Section 20, said point being an extension of an existing fence line and the said South line; thence S 89°54'32" W 93.31 feet along said South line; thence N 45°22'21" W 468.98 feet to the West line of said Section 20 and the point of beginning.

TRACT 2:

That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, Township 6 NORTH, RANGE 26 EAST, BOISE MERIDIAN, lying in BUTTE COUNTY, IDAHO.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Water User Name: Cowley, Shannon

<i>Diversion Name</i>	<i>Decree:</i>	<i>Groundwater:</i>	<i>Stor./Rot.:</i>	<i>Total:</i>
Westside	0	0	190	190
<i>Summary for Cowley, Shannon (1 diversion record)</i>				
Total	0.00	0.00	190.00	190.00

Water User Name: Crane, Mike & Mary

<i>Diversion Name</i>	<i>Decree:</i>	<i>Groundwater:</i>	<i>Stor./Rot.:</i>	<i>Total:</i>
Munsey	0	0	0	0
<i>Summary for Crane, Mike & Mary (1 diversion record)</i>				
Total	0.00	0.00	0.00	0.00

Water User Name: Crawford, Alvin

<i>Diversion Name</i>	<i>Decree:</i>	<i>Groundwater:</i>	<i>Stor./Rot.:</i>	<i>Total:</i>
Antelope 9 (Crawford Diversion)	408.6	0	0	408.6
Marsh 1	0	0	0	0
Marsh 2	0	0	0	0
<i>Summary for Crawford, Alvin (3 diversion records)</i>				
Total	408.60	0.00	0.00	408.60

Water User Name: Crawford, Harry

<i>Diversion Name</i>	<i>Decree:</i>	<i>Groundwater:</i>	<i>Stor./Rot.:</i>	<i>Total:</i>
Lower Burnett	0	0	6	6
<i>Summary for Crawford, Harry (1 diversion record)</i>				
Total	0.00	0.00	6.00	6.00

Water User Name: Crawford, Harry J.

<i>Diversion Name</i>	<i>Decree:</i>	<i>Groundwater:</i>	<i>Stor./Rot.:</i>	<i>Total:</i>
Burnett	0	0	483	483
Wells	0	67	0	67
<i>Summary for Crawford, Harry J. (2 diversion records)</i>				
Total	0.00	67.00	483.00	550.00

Water User Name: Crawford, Kathryn / Winningham

<i>Diversion Name</i>	<i>Decree:</i>	<i>Groundwater:</i>	<i>Stor./Rot.:</i>	<i>Total:</i>
Eastside	0	0	0	0
<i>Summary for Crawford, Kathryn / Winningham (1 diversion record)</i>				
Total	0.00	0.00	0.00	0.00

2012

13130550 LOWER BURNETT

Mean Discharge in Cubic Feet Per Second

Day	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
01	--	--	--	--	--	--	--	--	0	2.94	0	--
02	--	--	--	--	--	--	--	--	0.4	2.06	0	--
03	--	--	--	--	--	--	--	--	0.4	2.06	0	--
04	--	--	--	--	--	--	--	--	0.4	2.06	0	--
05	--	--	--	--	--	--	--	--	0.4	2.06	0	--
06	--	--	--	--	--	--	--	--	0.4	2.06	0	--
07	--	--	--	--	--	--	--	--	0.4	2.06	0	--
08	--	--	--	--	--	--	--	--	0.4	1.78	0	--
09	--	--	--	--	--	--	--	--	0	1.78	0	--
10	--	--	--	--	--	--	--	--	4.6	1.64	--	--
11	--	--	--	--	--	--	--	--	4.6	1.64	--	--
12	--	--	--	--	--	--	--	--	2.06	1.64	--	--
13	--	--	--	--	--	--	--	--	2.06	1.64	--	--
14	--	--	--	--	--	--	--	--	2.06	1.64	--	--
15	--	--	--	--	--	--	--	--	2.06	1.64	--	--
16	--	--	--	--	--	--	--	--	2.06	1.64	--	--
17	--	--	--	--	--	--	--	--	2.06	1.64	--	--
18	--	--	--	--	--	--	--	2	0.82	1.64	--	--
19	--	--	--	--	--	--	--	2	0.82	1.64	--	--
20	--	--	--	--	--	--	--	2	0.82	1.52	--	--
21	--	--	--	--	--	--	--	2	2.32	1.52	--	--
22	--	--	--	--	--	--	--	2	2.32	1.52	--	--
23	--	--	--	--	--	--	--	0	3.42	1.52	--	--
24	--	--	--	--	--	--	--	0	3.42	0	--	--
25	--	--	--	--	--	--	--	0	3.42	0	--	--
26	--	--	--	--	--	--	--	0	2.94	0	--	--
27	--	--	--	--	--	--	--	0	2.94	0	--	--
28	--	--	--	--	--	--	--	0	2.94	0	--	--
29	--	--	--	--	--	--	--	0	2.94	0	--	--
30	--	--	--	--	--	--	--	0	2.94	0	--	--
31	--	--	--	--	--	--	--	--	2.94	0	--	--
Total	--	--	--	--	--	--	--	10.00	59.36	41.34	0.00	--
Mean	--	--	--	--	--	--	--	0.77	1.91	1.33	0.00	--
Min	--	--	--	--	--	--	--	0.00	0.00	0.00	0.00	--
Max	--	--	--	--	--	--	--	2.00	4.60	2.94	0.00	--
Acre-feet	--	--	--	--	--	--	--	19.85	117.85	82.07	0.00	--

Total CFS: 110.70

Total Acre-feet: 219.77

SCANNED

Thiel, Sandra

From: Bev Crawford [crawhb@hotmail.com]
Sent: Monday, January 19, 2015 4:00 PM
To: Thiel, Sandra; Bryce Contor
Subject: RE: Water rights 34-282B and 34-856H lease rental

Hi Sandra, I have just now read your email and have not gotten to analyse what you have found, but I am thinking that the problem may be that the property is located in both Butte and Custer Counties and you may not have recieved the tax lot data from both. Sorry, I am not able to research this right now since I have some cows calving but I will look into it as soon as I can.

Thanks so much for your help on this,
Harry

From: Sandra.Thiel@idwr.idaho.gov
To: crawhb@hotmail.com
CC: bcontor.rm@gmail.com
Subject: Water rights 34-282B and 34-856H lease rental
Date: Thu, 15 Jan 2015 22:48:13 +0000

Hello, I am writing the lease contract and rental agreement for water rights 34-282B and 34-856H and I have a few questions. The two water rights are for 35 and 50 acres and combined they are for 85 acres. We have received updated tax lot data from the county that shows your property as almost 80 acres. Since water rights belong to the land, should these rights be split, or should they have combined limits that limit them to 80 acres? I have included a map that shows your tax lot and the place of use.

According to the tax lot data you own 1 acre in the north east portion of T6N R26E Section 30 NWNW (Lot 1), instead of 5 acres. You could irrigate 4 acres elsewhere on your land, including the southern portion of the NWNW. If that is what you want to do please identify the location of the 4 other acres. Please let me know how to proceed.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

Thiel, Sandra

From: Bryce Contor [bcontor.rm@gmail.com]
Sent: Wednesday, October 29, 2014 3:58 PM
To: Thiel, Sandra
Subject: RE: Crawford water supply bank lease/rental

Start May 2015.

Bryce

Sent from my ACME decoder ring.

From: Thiel, Sandra

Sent: 10/29/2014 2:27 PM

To: bcontor@rockymountainenvironmental.com; bcontor.rm@gmail.com

Subject: Crawford water supply bank lease/rental Hello, I am finishing the Crawford lease/rental and I have a question about the dates. The lease period on the application is 5/1/2014 to 10/15/2019. If this lease includes the 2014 season that will be 6 years. Leases and rentals are limited to 5. Could you please clarify this for me?

Sandra Beer Thiel

Idaho Department of Water Resources

322 East Front Street

Boise, Idaho 83720-0098

(208)287-4881

sandra.thiel@idwr.idaho.gov