

# WATER SUPPLY BANK LEASE CONTRACT

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

**Lessor: DENNIS A PEER**  
4674 WILLOW CREEK RD  
EAGLE ID 83616  
(208) 939-8668

RECEIVED

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> |
|------------------------------|-------------------|---------------------|---------------------------|
| 63-33313                     | 0.04 CFS          | 8.2 AF              | 2.0 AC                    |
| <b>Combined Lease Totals</b> | <b>0.04 CFS</b>   | <b>8.2 AF</b>       | <b>2.0 AC</b>             |

The water rights described herein shall be available for rental from the Bank as follows:  
Authorized Period of Use under Lease: 03/15 to 11/15

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

**Minimum Payment Acceptable:** Current Rental Rate

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

**DENNIS A PEER**

4674 WILLOW CREEK RD  
EAGLE ID 83616

By

  
~~Dennis A. Peer~~

Date

Feb. 4-2015

Printed Name

Dennis A. Peer

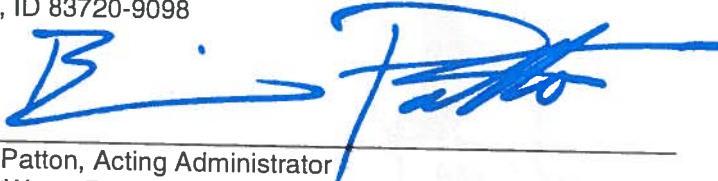
Title

Owner

**IDAHO WATER RESOURCE BOARD**

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

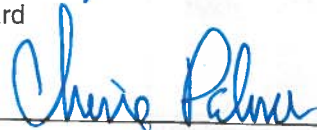
By

  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date

February 12, 2015

Lease approved by IDWR

  
Chris Palmer

Date

2/12/2015

**ATTACHMENT A**  
**WATER RIGHT NO. 63-33313**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** DENNIS A PEER  
 4674 WILLOW CREEK RD  
 EAGLE ID 83616  
 (208) 939-8668

**Priority Date:** 4/26/1971

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|---------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15 to      | 10/15     | 0.04 CFS              | 8.2 AF        |
|                       | <b>Total:</b> |           | <b>0.04 CFS</b>       | <b>8.2 AF</b> |

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

GROUND WATER SWSW Sec. 5, Twp 05N, Rge 02W, 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  |        |
| 05N | 02W | 5   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 2.0 | 2.0    |

Total Acres: 2

**ADDITIONAL CONDITIONS OF ACCEPTANCE**

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
  - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
  - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
  - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

STATE OF IDAHO  
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE  
APPLICATION CHECKLISTRECEIVED  
OCT 10 2014  
DEPARTMENT OF  
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Me Dennis A. PeerWater Right No. 63-33313  
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 *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. *whole right*
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. *Has been in WSB for past 5 yrs.*
- 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 \$ \$250.00Received By: CDDate Received: 10/10/14Receipt # 0099501W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Dennis A. Peer

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

OCT 10 2014

DEPARTMENT OF  
WATER RESOURCESAPPLICATION 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 DENNIS A. PEER Email Address dpeer@egle@gmail.com  
 Mailing Address 4674 Willow Creek Rd. Eagle Phone Number 208 939-8668

☒ 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 63-33313 ☒ 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.

None - WR is no longer appurtenant to land.

- B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

None

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

Yes ☐ No ☒

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

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 Jan 1 2015 to Dec 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 bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Dennis A. Peer  
Signature of Designated Applicant

DENNIS A. PEER  
Printed Name

9-8-2014  
Date

[Signature]  
Signature of Authorized Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Mail to:

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

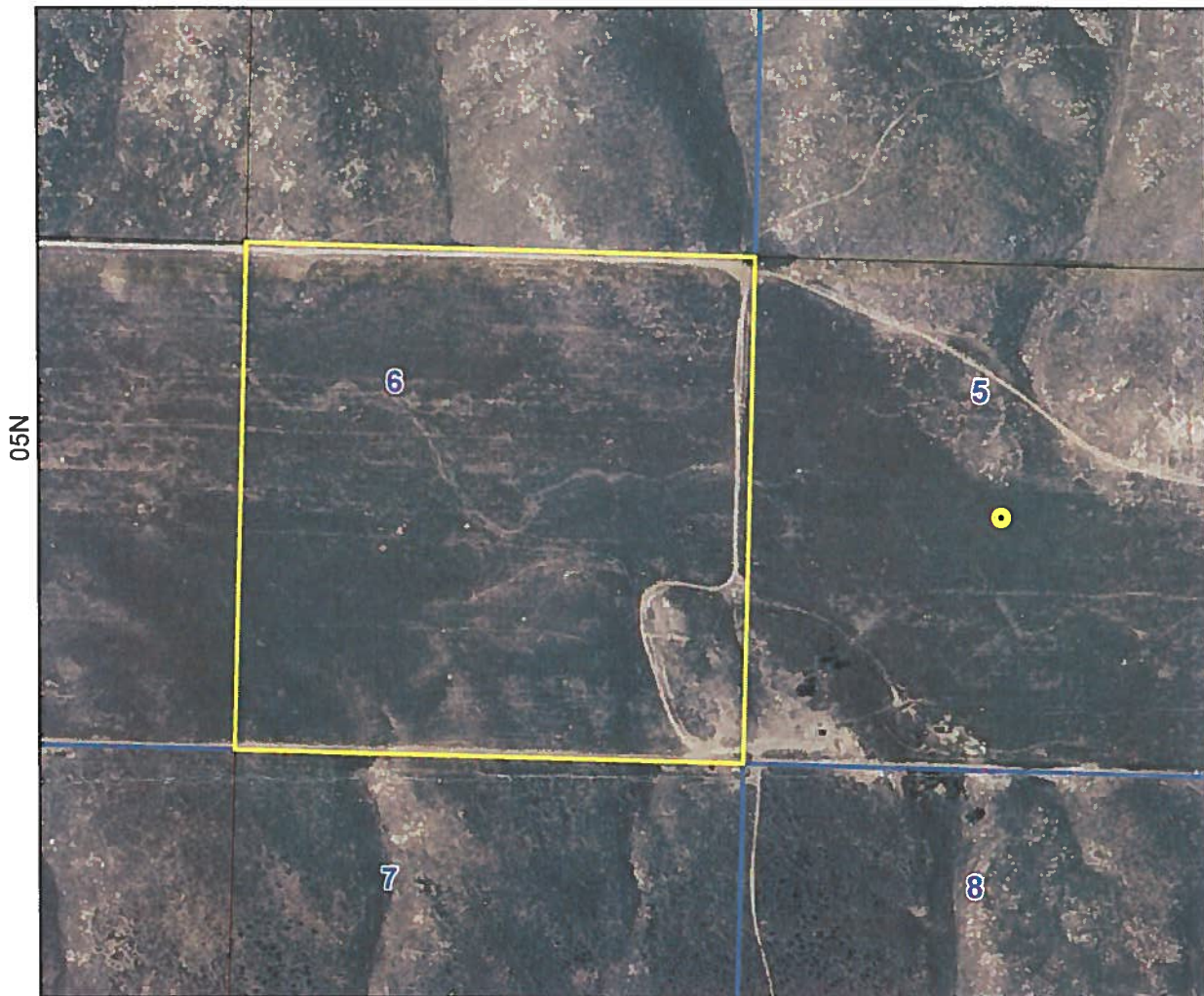
State of Idaho  
Department of Water Resources

**Water Right**  
**63-33313**

IRRIGATION

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

02W



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.05 0.1 0.2 Miles

⊕ see back



**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. 63-33313

|                       | Designated Applicant                                                                                  | Applicant #2                                                                  | Applicant #3                                                                  |
|-----------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Name                  | DENNISA, Peer                                                                                         | Bonnie M. Peer                                                                |                                                                               |
| Mailing Address       | 4674 Willow Creek Rd<br>Eagle Id. 83616                                                               | 4674 Willow Creek Rd<br>Eagle Idaho                                           |                                                                               |
| Phone Number          | 208 939-8668                                                                                          | 208-550-4431                                                                  |                                                                               |
| Email Address         | dpeer@eagle@gmail.com                                                                                 | dpeer@eagle@gmail.com                                                         |                                                                               |
| Applicant Declaration | I, As Designated Applicant, 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             | Dennisa Peer                                                                                          | Bonnie M. Peer                                                                |                                                                               |

|                       | 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: 63-33313 Amount (cfs/ac-ft) 0.040 cfs Nature of Use Irrigation Period of Use 4/15 to 10/15  
8.2 AF  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Total Amount: 8.2 AF

2. Source of water groundwater tributary to N/A  
 3. Point(s) of Diversion: N/A

| Twp       | Rge       | Sec      | Lot | ¼         | ¼         | ¼ | County        |
|-----------|-----------|----------|-----|-----------|-----------|---|---------------|
| <u>5N</u> | <u>2W</u> | <u>5</u> |     | <u>SW</u> | <u>SW</u> |   | <u>Canyon</u> |
|           |           |          |     |           |           |   |               |
|           |           |          |     |           |           |   |               |
|           |           |          |     |           |           |   |               |
|           |           |          |     |           |           |   |               |
|           |           |          |     |           |           |   |               |
|           |           |          |     |           |           |   |               |

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       |                      |
| <u>5N</u> | <u>2W</u> | <u>6</u> |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | <u>2</u> | <u>2.0</u> <u>AC</u> |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |
|           |           |          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |          |                      |

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 2.0



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 13, 2013

DENNIS A PEER  
4674 WILLOW CREEK RD  
EAGLE ID 83616

### RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT 63-33313

Dear Lessor:

Water Right **63-33313** was leased into the Water Supply Bank on January 1, 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](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



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 2, 2015

DENNIS A PEER  
4674 WILLOW CREEK RD  
EAGLE ID 83616

**RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 63-33313 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 # C099501

## Kelly, Patrick

---

**From:** Kelly, Patrick  
**Sent:** Thursday, January 08, 2015 3:03 PM  
**To:** Lester, Steve  
**Subject:** WSB review  
**Attachments:** L1.2 Lease Review Memo PEER 63-33313.pdf

Mr. Lester,

Attached is a review memo from a water supply bank lease application. Please review the water right and provide comment.

Thank you,

*Patrick Kelly*

Water Resource Agent

*Idaho Department of Water Resources*

322 E. Front St.

Boise, Idaho 83702

d: 208.287.4933

f: 208.287.6700

[patrick.kelly@idwr.idaho.gov](mailto:patrick.kelly@idwr.idaho.gov)

## MEMORANDUM

**To:** Water Right No(s). 63-33313  
**From:** Patrick Kelly  
**Date:** January 6, 2015  
**Re:** Review of Application to Lease Water Rights to the State Water Supply Bank

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**PURPOSE/NARRATIVE:** The Department received the application to lease all of this water right into the WSB on October 10, 2014. The right was in the WSB from 2010 to 2014 to avoid forfeiture. The water system is not in place and the water right is not appurtenant to the land.

**AUTHORITY TO FILE:** The application was signed by Dennis A. Peer, current water right owner. The right was obtained through water right deed. See memo by Dan Nelson in Feb 2011.

**WATER RIGHT VALIDITY:** This water right was decreed in February 2010 and has been in the WSB since then. Forfeiture is not an issue at this time.

**INJURY TO OTHER WATER RIGHTS:** No injury is apparent since the ground has not yet been irrigated at this time.

**ENLARGEMENT OF USE:** No enlargement is proposed since the land has not yet been developed.

**LOCAL PUBLIC INTEREST:** Located outside of a ground water management or trust water area. 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 within beneficial use of ground water in Idaho.

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** The leased right is not subject to a Water District. The Western Regional office will be contacted to provide comment.