

JAN 23 2015

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

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

**Lessor:** CITY OF CHUBBUCK  
PUBLIC WORKS DEPARTMENT  
PO BOX 5604  
CHUBBUCK, ID 83202-5604  
(208)237-2430

**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> |
|--------------------|-------------------|---------------------|-------------------|---------------------------|
| 29-14012           | 1.83 CFS          | 488.8 AF            | 122.2 AC          | 122.2 AC                  |
| 29-14013           | 2.25 CFS          | 651.2 AF            | 162.8 AC          | 162.8 AC                  |
| 29-14016           | 1.76 CFS          | 449.2 AF            | 127.4 AC          | 127.4 AC                  |
| 29-14058           | 0.05 CFS          | 16.0 AF             | 4.0 AC            | 4.0 AC                    |
| 29-14096           | 0.21 CFS          | 83.2 AF             | 20.8 AC           | 20.8 AC                   |
| 29-14097           | 0.02 CFS          | 8.8 AF              | 2.2 AC            | 2.2 AC                    |
| 29-14099           | 2.52 CFS          | 462.0 AF            | 132.0 AC          | 132.0 AC                  |

**Combined Lease Totals:**    **8.64 CFS**                      **2,159.2 AF**                      **571.4 AC**                      **571.4 AC**

The water rights described herein shall be available for rental from the Bank as follows:  
Authorized Period of Use under Lease: April 1 to October 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

SUPPORT DATA

IN FILE # 29-14012

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2015.
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.

**CITY OF CHUBBUCK**  
**PUBLIC WORKS DEPARTMENT**  
PO BOX 5604  
CHUBBUCK, ID 83202-5604

By   
Printed Name Kevin B. England

Date 20 Jan. 2015  
Title Mayor

**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 January 26, 2015

Lease approved by IDWR 

Date 1/26/2015

**ATTACHMENT A**  
**WATER RIGHT NO. 29-14012**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** CITY OF CHUBBUCK  
PUBLIC WORKS DEPARTMENT  
PO BOX 5604  
CHUBBUCK, ID 83202-5604  
(208)237-2430

**Priority Date:** 8/19/1952

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>   |
|-----------------------|---------------|-----------|-----------------------|-----------------|
| MUNICIPAL             | 04/01         | to 10/31  | 1.83 CFS              | 488.8 AF        |
|                       | <b>Total:</b> |           | <b>1.83 CFS</b>       | <b>488.8 AF</b> |

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

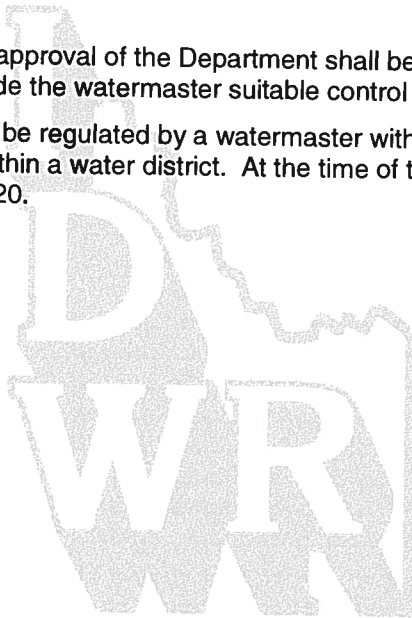
GROUND WATER                      NWNWSW                      Sec. 3, Twp 06S, Rge 34E, BANNOCK County

**PLACE OF USE TO BE IDLED UNDER THIS LEASE:** MUNICIPAL within BANNOCK County  
LARGE POU NOT DISPLAYED

**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 is limited to the irrigation of 122.2 acres within the authorized place of use in a single irrigation season.
13. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
14. Place of use is within the service area of the City of Chubbuck municipal water supply system as provided for under Idaho Law.
15. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
16. 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. 120.



**ATTACHMENT A**  
**WATER RIGHT NO. 29-14013**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** CITY OF CHUBBUCK  
PUBLIC WORKS DEPARTMENT  
PO BOX 5604  
CHUBBUCK, ID 83202-5604  
(208)237-2430

**Priority Date:** 8/19/1952

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>   |
|-----------------------|---------------|-----------|-----------------------|-----------------|
| MUNICIPAL             | 04/01         | to 10/31  | 2.25 CFS              | 651.2 AF        |
|                       | <b>Total:</b> |           | <b>2.25 CFS</b>       | <b>651.2 AF</b> |

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

GROUND WATER                      NWNWSW                      Sec. 3, Twp 06S, Rge 34E, BANNOCK County

**PLACE OF USE TO BE IDLED UNDER THIS LEASE:** MUNICIPAL within BANNOCK County

LARGE POU NOT DISPLAYED

**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 irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
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. 120.
14. This right is limited to the irrigation of 162.8 acres within the authorized place of use in a single irrigation season.
15. Place of use is within the service area of the City of Chubbuck municipal water supply system as provided for under Idaho Law.
16. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

**ATTACHMENT A**  
**WATER RIGHT NO. 29-14016**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** CITY OF CHUBBUCK  
PUBLIC WORKS DEPARTMENT  
PO BOX 5604  
CHUBBUCK, ID 83202-5604  
(208)237-2430

**Priority Date:** 1/17/1966

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|---------------|-----------|-----------------------|---------------|
| MUNICIPAL             | 04/01         | to 10/31  | 1.76 CFS              | 449.2         |
|                       | <b>Total:</b> |           | <b>1.76 CFS</b>       | <b>449.2</b>  |

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

|              |            |                                           |
|--------------|------------|-------------------------------------------|
| GROUND WATER | SENWSW     | Sec. 34, Twp 05S, Rge 34E, BANNOCK County |
| GROUND WATER | NWNWSW     | Sec. 3, Twp 06S, Rge 34E, BANNOCK County  |
| GROUND WATER | SWSESW     | Sec. 4, Twp 06S, Rge 34E, BANNOCK County  |
| GROUND WATER | L13(SWSW)  | Sec. 10, Twp 06S, Rge 34E, BANNOCK County |
| GROUND WATER | L4(NENWNW) | Sec. 11, Twp 06S, Rge 34E, BANNOCK County |

**PLACE OF USE TO BE IDLED UNDER THIS LEASE:** MUNICIPAL within BANNOCK County  
LARGE POU NOT DISPLAYED

**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.
10. 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.
11. Place of use is within the service area of the City of Chubbuck municipal water supply system as provided for under Idaho Law.
12. Municipal use under this right is for irrigation of 127.4 acres within the authorized place of use in a single irrigation season.
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. 120.
14. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
15. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
16. Municipal use under rights 29-14016 and 29-14058 is for irrigation of 131.4 acres within the unauthorized place of use in a single irrigation season.

**ATTACHMENT A**  
**WATER RIGHT NO. 29-14058**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** CITY OF CHUBBUCK  
PUBLIC WORKS DEPARTMENT  
PO BOX 5604  
CHUBBUCK, ID 83202-5604  
(208)237-2430

**Priority Date:** 8/19/1952

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|---------------|-----------|-----------------------|---------------|
| MUNICIPAL             | 04/01         | to 10/31  | 0.05 CFS              | 16 AF         |
|                       | <b>Total:</b> |           | <b>0.05 CFS</b>       | <b>16 AF</b>  |

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

|              |            |                                           |
|--------------|------------|-------------------------------------------|
| GROUND WATER | SENWSW     | Sec. 34, Twp 05S, Rge 34E, BANNOCK County |
| GROUND WATER | NWNWSW     | Sec. 3, Twp 06S, Rge 34E, BANNOCK County  |
| GROUND WATER | SWSESW     | Sec. 4, Twp 06S, Rge 34E, BANNOCK County  |
| GROUND WATER | L13(SWSW)  | Sec. 10, Twp 06S, Rge 34E, BANNOCK County |
| GROUND WATER | L4(NENWNW) | Sec. 11, Twp 06S, Rge 34E, BANNOCK County |

**PLACE OF USE TO BE IDLED UNDER THIS LEASE:** MUNICIPAL within BANNOCK County  
LARGE POU NOT DISPLAYED

**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.
10. 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.
11. Place of use is within the service area of the City of Chubbuck municipal water supply system as provided for under Idaho Law.
12. 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. 120.
13. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
14. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
15. Municipal use under this right is for the irrigation of 4.0 acres within the authorized place of use in a single irrigation season.

**ATTACHMENT A**  
**WATER RIGHT NO. 29-14096**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** CITY OF CHUBBUCK  
PUBLIC WORKS DEPARTMENT  
PO BOX 5604  
CHUBBUCK, ID 83202-5604  
(208)237-2430

**Priority Date:** 11/29/1971

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>  |
|-----------------------|---------------|-----------|-----------------------|----------------|
| MUNICIPAL             | 04/01         | to 10/31  | 0.21 CFS              | 83.2 AC        |
|                       | <b>Total:</b> |           | <b>0.21 CFS</b>       | <b>83.2 AC</b> |

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

|              |            |                                           |
|--------------|------------|-------------------------------------------|
| GROUND WATER | SEWSW      | Sec. 34, Twp 05S, Rge 34E, BANNOCK County |
| GROUND WATER | NWNWSW     | Sec. 3, Twp 06S, Rge 34E, BANNOCK County  |
| GROUND WATER | SWSESW     | Sec. 4, Twp 06S, Rge 34E, BANNOCK County  |
| GROUND WATER | L13(SWSW)  | Sec. 10, Twp 06S, Rge 34E, BANNOCK County |
| GROUND WATER | L4(NENWNW) | Sec. 11, Twp 06S, Rge 34E, BANNOCK County |

**PLACE OF USE TO BE IDLED UNDER THIS LEASE:** MUNICIPAL within BANNOCK County  
LARGE POU NOT DISPLAYED

**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 is limited to the irrigation of 20.8 acres within the authorized place of use in a single irrigation season.
13. Municipal use under rights 29-14096 and 29-14097 is for irrigation of 23.0 acres within the authorized place of use in a single irrigation season.
14. 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. 120.
15. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
16. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
17. Place of use is within the service area of the City of Chubbuck municipal water supply system as provided for under Idaho Law.

**ATTACHMENT A**  
**WATER RIGHT NO. 29-14097**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** CITY OF CHUBBUCK  
PUBLIC WORKS DEPARTMENT  
PO BOX 5604  
CHUBBUCK, ID 83202-5604  
(208)237-2430

**Priority Date:** 11/29/1971

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|---------------|-----------|-----------------------|---------------|
| MUNICIPAL             | 04/01         | to 10/31  | 0.02 CFS              | 8.8 AF        |
|                       | <b>Total:</b> |           | <b>0.02 CFS</b>       | <b>8.8 AF</b> |

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

|              |            |                                           |
|--------------|------------|-------------------------------------------|
| GROUND WATER | SEWSW      | Sec. 34, Twp 05S, Rge 34E, BANNOCK County |
| GROUND WATER | NWNWSW     | Sec. 3, Twp 06S, Rge 34E, BANNOCK County  |
| GROUND WATER | SWSESW     | Sec. 4, Twp 06S, Rge 34E, BANNOCK County  |
| GROUND WATER | L13(SWSW)  | Sec. 10, Twp 06S, Rge 34E, BANNOCK County |
| GROUND WATER | L4(NENWNW) | Sec. 11, Twp 06S, Rge 34E, BANNOCK County |

**PLACE OF USE TO BE IDLED UNDER THIS LEASE:** MUNICIPAL within BANNOCK County  
LARGE POU NOT DISPLAYED

**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 is limited to the irrigation of 2.2 acres within the authorized place of use in a single irrigation season.
13. Municipal use under rights 29-14096 and 29-14097 is for irrigation of 23.0 acres within the authorized place of use in a single irrigation season.
14. 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. 120.
15. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
16. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
17. Place of use is within the service area of the City of Chubbuck municipal water supply system as provided for under Idaho Law.

**ATTACHMENT A**  
**WATER RIGHT NO. 29-14099**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** CITY OF CHUBBUCK  
PUBLIC WORKS DEPARTMENT  
PO BOX 5604  
CHUBBUCK, ID 83202-5604  
(208)237-2430

**Priority Date:** 5/2/1966

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u>     | <u>Diversion Rate</u> | <u>Volume</u>   |
|-----------------------|-------------|---------------|-----------------------|-----------------|
| MUNICIPAL             | 04/01       | to 10/31      | 2.52 CFS              | 462.0 AF        |
|                       |             | <b>Total:</b> | <b>2.52 CFS</b>       | <b>462.0 AF</b> |

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

|              |            |                                           |
|--------------|------------|-------------------------------------------|
| GROUND WATER | SEWSW      | Sec. 34, Twp 05S, Rge 34E, BANNOCK County |
| GROUND WATER | L13(SWSW)  | Sec. 10, Twp 06S, Rge 34E, BANNOCK County |
| GROUND WATER | L4(NENWNW) | Sec. 11, Twp 06S, Rge 34E, BANNOCK County |
| GROUND WATER | NWNWSW     | Sec. 3, Twp 06S, Rge 34E, BANNOCK County  |
| GROUND WATER | SWSESW     | Sec. 4, Twp 06S, Rge 34E, BANNOCK County  |

**PLACE OF USE TO BE IDLED UNDER THIS LEASE:** MUNICIPAL within BANNOCK County  
LARGE POU NOT DISPLAYED

**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. Place of use is within the service area of the City of Chubbuck municipal water supply system as provided for under Idaho Law.
13. Municipal use under this right is for irrigation of 132.0 acres within the authorized place of use in a single irrigation season
14. 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. 120.
15. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
16. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.

STATE OF IDAHO  
WATER RESOURCE BOARD

**WATER SUPPLY BANK LEASE OR SALE  
APPLICATION CHECKLIST**

RECEIVED

DEC 12 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 City of Chubbuck

Water Right No. 29-14099

One water right per application

**All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)***

**YES**

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

**Attachment N/A YES**

- |    |                                     |                                     |                                                                                                                                                                                                                                                                                                                                                                                                           |
|----|-------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1A | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Contact information for <b><i>all owners</i></b> of the water right that is being leased or sold on this application.                                                                                                                                                                                                                                                                                     |
| 1B |                                     | <input checked="" type="checkbox"/> | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.                                                                                                                                                                                                                                                                                                                           |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                                                                      |
| 1D | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                                                                       |
| 1E | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 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  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                                                                    |
| 3D | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.                                                                                                                                                                                                                                                                  |
| 4  |                                     | <input checked="" type="checkbox"/> | 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 ( <a href="http://maps.idwr.idaho.gov/mapall/">http://maps.idwr.idaho.gov/mapall/</a> ) to locate a water right place of use or point of diversion. |

**Department Use Only**

|                                                                                              |              |                                                       |                                            |
|----------------------------------------------------------------------------------------------|--------------|-------------------------------------------------------|--------------------------------------------|
| Fee Amount \$ <u>500</u><br><u>2250</u>                                                      | Received By: | Date Received: <u>11/14/2014</u><br><u>12/26/2014</u> | Receipt # <u>C099604</u><br><u>C099768</u> |
| W-9 received? Yes <input type="checkbox"/> No <input type="checkbox"/> (Route W-9 to Fiscal) |              | Name on W-9:                                          |                                            |

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

DEC 12 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 City of Chubbuck Email Address ssmart@cityofchubbuck.us  
Mailing Address P.O. Box 5604 Phone Number (208) 237-2430

☒ 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 29-14099 ☒ 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.

City of Chubbuck municipal water delivery system.

- 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.

29-2385, 2413, 2469, 7624, 8188, 8229, 8230 will continue active use. 29-14012, 14013, 14016, 14054-14056,  
14058, 14080-14082, 14096, 14097, 14099, 14106, 14107 proposed for lease from common place of use.

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

Yes ☒ No ☐

If yes, describe. 29-2385, 2413, 2469, 7624, 8188, 8230 will continue to be used.

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 01/01/2015 to 12/31/2015 (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.

Kevin B. England  
Signature of Designated Applicant

Kevin B. England  
Printed Name

8 Dec. 2014  
Date

\_\_\_\_\_  
Signature of Authorized Representative

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

\_\_\_\_\_  
Date

#### Mail to:

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

29-14099

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

10/28/2014

WATER RIGHT NO. 29-14099

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                |
|-------------------|--------------------------------------------------------------------------------------------------------|
| Current Owner     | CITY OF CHUBBUCK<br>PUBLIC WORKS DEPARTMENT<br>PO BOX 5604<br>CHUBBUCK, ID 83202-5604<br>(208)237-2430 |
| Original Owner    | WILLIS A BARFUSS<br>22930 S CAMBRIDGE RD<br>DOWNEY, ID 83234<br>(208)897-5258                          |
| Original Owner    | ROBERT M WRIGHT<br>23929 S OLD MALAD HWY<br>DOWNEY, ID 83234<br>(208)897-5142                          |
| Original Owner    | LEO G BURKETT<br>PO BOX 225<br>DOWNEY, ID 83234                                                        |
| Original Owner    | BRAD PETERSON<br>450 S 50 E<br>SALT LAKE CITY, UT 84105<br>(801)563-3123                               |

Priority Date: 05/02/1966

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

29-14099

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| MUNICIPAL             | 04/01       | 10/31     | 2.52 CFS              | 462 AFA       |
| Total Diversion       |             |           | 2.52 CFS              |               |

## Location of Point(s) of Diversion:

|              |             |         |              |           |                |
|--------------|-------------|---------|--------------|-----------|----------------|
| GROUND WATER | SENWSW      | Sec. 34 | Township 05S | Range 34E | BANNOCK County |
| GROUND WATER | NWNWSW      | Sec. 03 | Township 06S | Range 34E | BANNOCK County |
| GROUND WATER | SWSES       | Sec. 04 | Township 06S | Range 34E | BANNOCK County |
| GROUND WATER | SWSW Lt 13  | Sec. 10 | Township 06S | Range 34E | BANNOCK County |
| GROUND WATER | NENWNW Lt 4 | Sec. 11 | Township 06S | Range 34E | BANNOCK County |

## MUNICIPAL Use:

Acre Limit: 132

Place(s) of use: Large POU Info

## Conditions of Approval:

1. 124 Place of use is within the service area of the City of Chubbuck municipal water supply system as provided for under Idaho Law.
2. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. 228 Municipal use under this right is for irrigation of 132.0 acres within the authorized place of use in a single irrigation season.
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. 120.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 79001, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

29-14099

8. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
9. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 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.
13. 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: 03/22/2004

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:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

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

## Water Supply Bank:

Lessor Name(s): CITY OF CHUBBUCK

Lease Status: Active

Lease Amount: 462.00

29-14099

Rental Availability: None  
Date Received: 5/30/2014  
Lease Begin Date: 5/30/2014  
Expiration Date: 12/31/2014

Close

**Water Right**  
**29-14099**

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.

