

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.

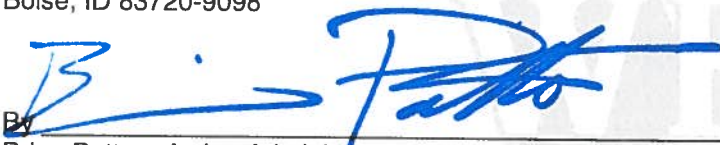
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

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
	Total:		1.83 CFS	488.8 AF

LOCATION OF POINT(S) OF DIVERSION:

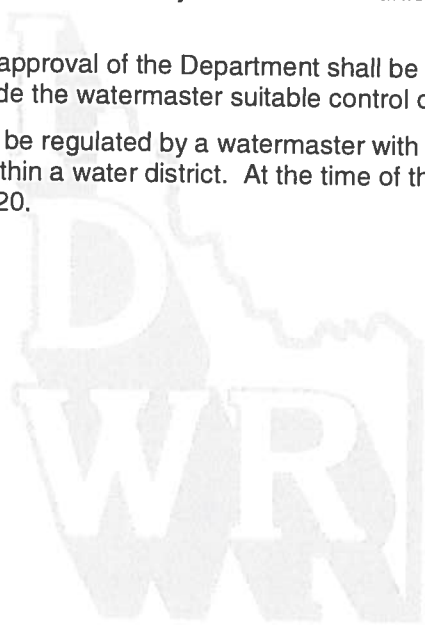
GROUND WATER NWNWSW Sec. 3, Twp 06S, Rge 34E, BANNOCK County

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
	Total:		2.25 CFS	651.2 AF

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
	Total:		1.76 CFS	449.2

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
	Total:		0.05 CFS	16 AF

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
	Total:		0.21 CFS	83.2 AC

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.
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
	Total:		0.02 CFS	8.8 AF

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.
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
	Total:		2.52 CFS	462.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENWSW	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

RECEIVED

DEC 12 2014

DEPARTMENT OF
WATER RESOURCESWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

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

Designated Applicant City of ChubbuckWater Right No. 29-14012

One water right per application

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

YES

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

Attachment N/A YES

- 1A ☐ ☒ Contact information for **all owners** of the water right that is being leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 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 \$ 500
2250

Received By:

Date Received: 11/14/14
12/26/14Receipt # C099609
C099768W-9 received? Yes ☐ No ☐ (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 29-14012 ☒ 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

29-14012

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

10/28/2014

WATER RIGHT NO. 29-14012

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF CHUBBUCK PUBLIC WORKS DEPARTMENT PO BOX 5604 CHUBBUCK, ID 83202-5604 (208)237-2430
Original Owner	RALPH MC QUAIN RT 2 RUPERT, ID

Priority Date: 08/19/1952

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	04/01	10/31	1.83 CFS	488.8 AFA
Total Diversion			1.83 CFS	

221 d

Location of Point(s) of Diversion:

GROUND WATER|NWNWSW|Sec. 03|Township 06S|Range 34E|BANNOCK County

MUNICIPAL Use:
Acre Limit: 122.2

29-14012

Place(s) of use: Large POU Info

Conditions of Approval:

1. 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.
2. 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.
The combination of changes under: Transfer approval 77438 as described under rights 29-14012 and 29-14013; Transfer approval 77439 as described under rights 25-14345 and 25-14346; Transfer approval 77440 as described under right 36-16917; Transfer approval 77441 as described under right 22-14018; Transfer approval 77443 as described under right 27-12235; Transfer approval 77444 as described under right 25-14347; provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation. Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
3. 201 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T08 Prior to diversion and use of water under Transfer approval 77438, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 212 Rights 29-14012 and 29-14013 when combined shall not exceed the irrigation of 285.0 acres. 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.
6. X35 This right does not grant any right-of-way or easement across the land of another.
7. R05 Municipal use under rights 29-14012 and 29-14013 is for irrigation of 285.0 acres within the authorized place of use in a single irrigation season.
8. 004 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.
9. 228 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.
10. R02 This right is limited to the irrigation of 122.2 acres within the authorized place of use in a single irrigation season.
11. 213
12. X27
13. 205

29-14012

14. 124 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.
Place of use is within the service area of the City of Chubbuck municipal water supply system as provided for under Idaho Law.
15. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

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:

Water District Number: 120

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
IDAHO WATER CO

Lease Status: Active

Lease Amount: 488.8

Rental Availability: None

Date Received: 12/18/2013

Lease Begin Date: 1/1/2014

Expiration Date: 12/31/2014

Close

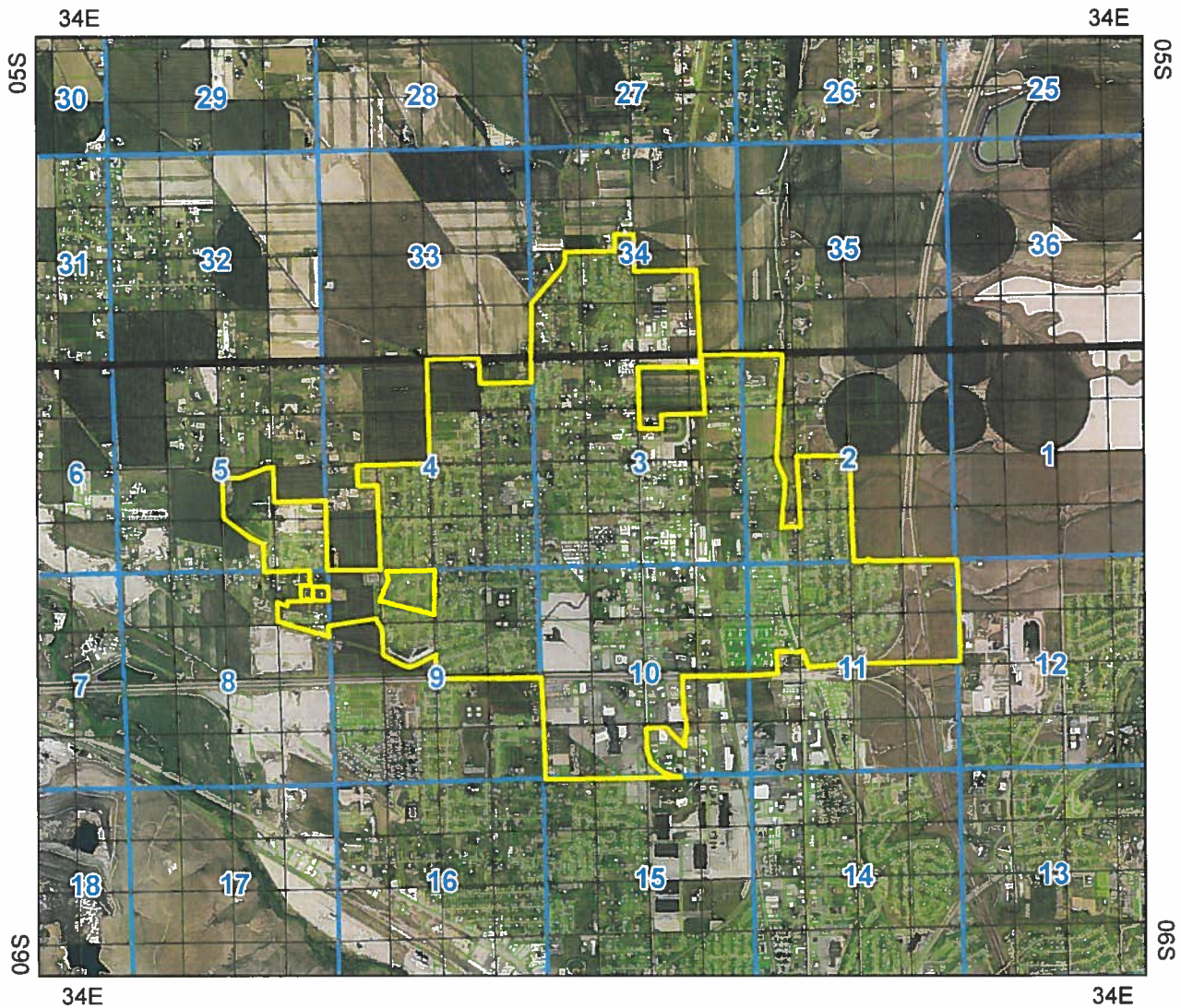
29-14012

State of Idaho
Department of Water Resources

Water Right 29-14012

MUNICIPAL

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.

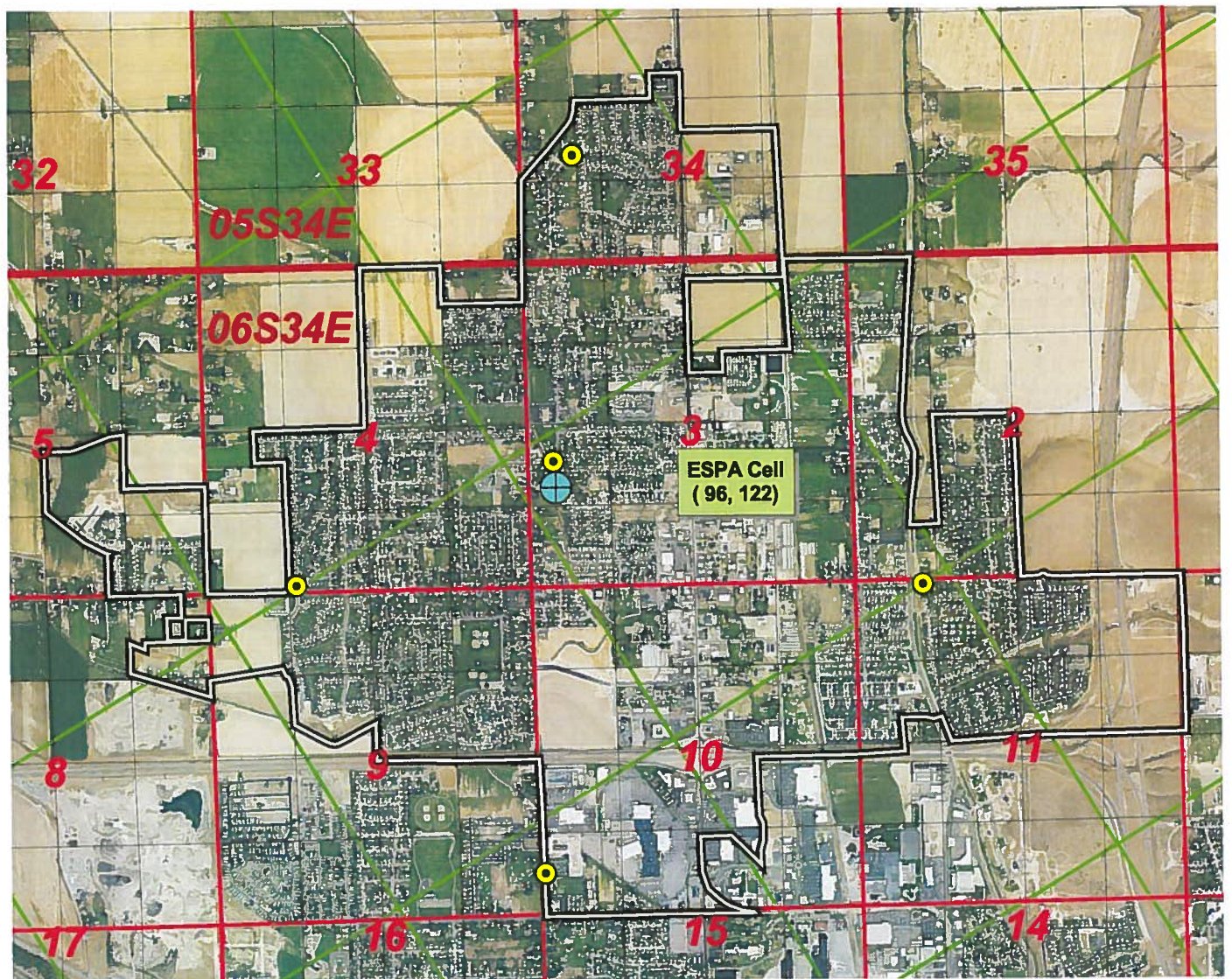


-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.5 1 2 Miles



WATER SUPPLY BANK REQUEST TO EXTEND LEASE TERM



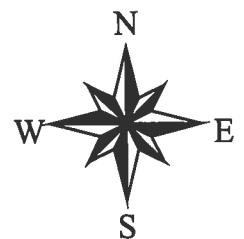
JCH - 11/11/2014

0.5 0 0.5 1 Miles

2013 NAIP Aerial Photo

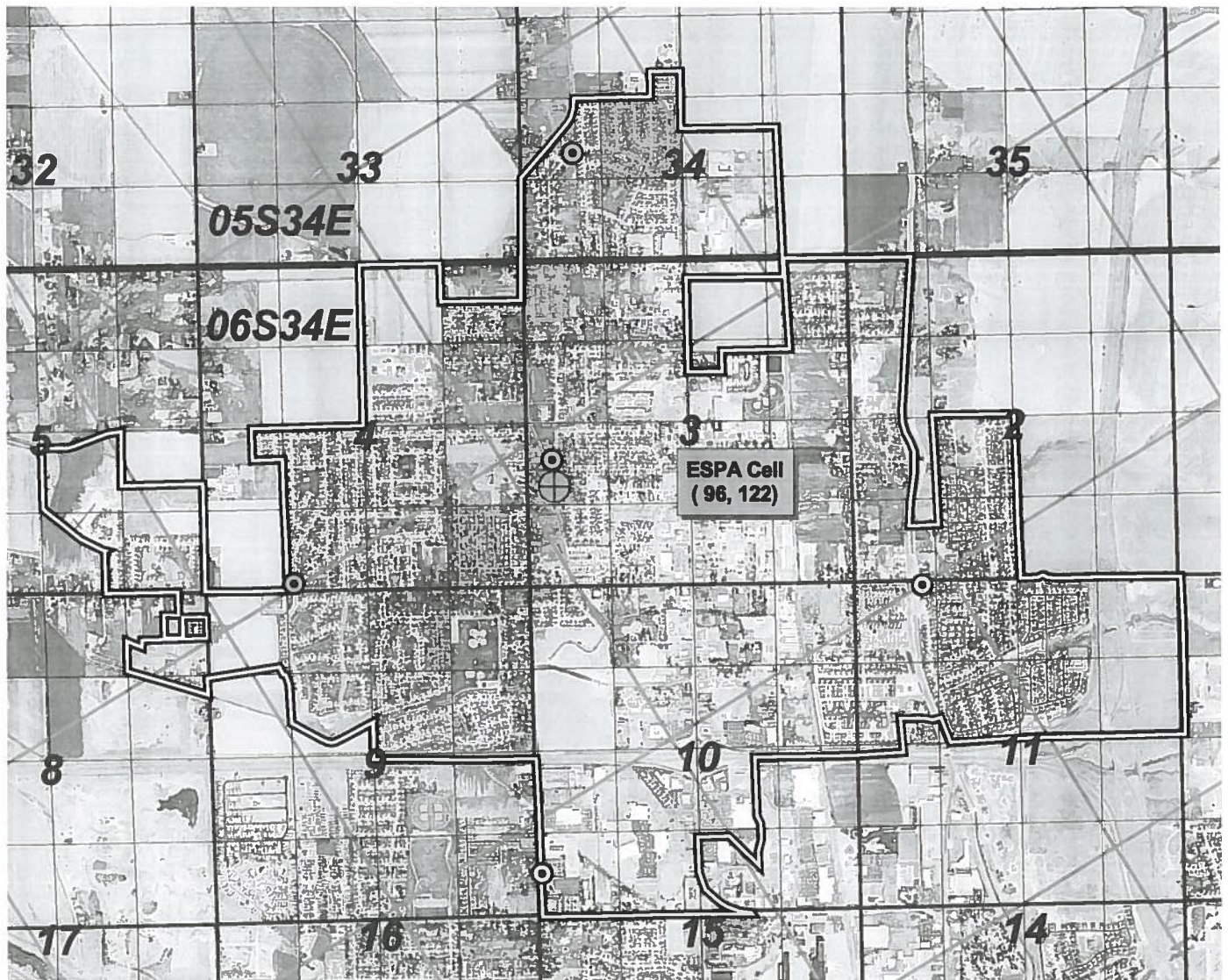
(Scale: 2 inches equals 1 mile)

- ESPA Model Grid
- City of Chubbuck Existing Wells
- ⊕ Calculated Centroid of Diversions
- City of Chubbuck Water Service Boundary
- Townships
- Sections



Water Rights Points of Diversion & Place of Use

WATER SUPPLY BANK REQUEST TO EXTEND LEASE TERM



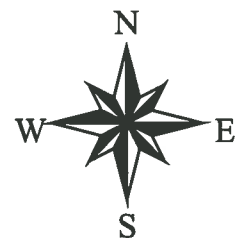
JCH - 11/11/2014

0.5 0 0.5 1 Miles

2013 NAIP Aerial Photo

(Scale: 2 inches equals 1 mile)

-  ESPA Model Grid
-  City of Chubbuck Existing Wells
-  Calculated Centroid of Diversions
-  City of Chubbuck Water Service Boundary
-  Townships
-  Sections



Water Rights Points of Diversion & Place of Use

(7-1-93)

e. The written consent of such company, corporation or irrigation district to the proposed sale or lease must accompany the application if the right to the use of the water, or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district. (7-1-93)

f. A lease application filing fee of two hundred fifty dollars (\$250) per water right up to a maximum total of five hundred dollars (\$500.00) for overlapping water rights which have a common place of use or common diversion rate or diversion volume. The lease filing fee described herein shall be deposited in the Water Administration Account and shall not apply to applications to lease stored water into rental pools described in Rule 40. (4-7-11)

03. **Review.** Upon receipt of the completed application the Director will review it for completeness and make such further review as he deems necessary to adequately brief the Board on the proposed transaction. (7-1-93)

04. **Inadequate Application.** If an application is not complete, the Director will correspond with the applicant to obtain the needed information. If the requested information is not returned in thirty (30) days, the application will no longer be considered a valid request to place a water right into the Board's water supply bank. (7-1-93)

05. **Consideration.** The Board may consider an application at any regular or special meeting. (7-1-93)

06. **Criteria.** The Board will consider the following in determining whether to accept an offered water right into the Board's water supply bank: (7-1-93)

a. Whether the applicant is the current owner, title holder or contract water user of the water right proposed to be transferred to the Board's water supply bank or has authority to act on behalf of the owner; (7-1-93)

b. Whether all necessary consents have been filed with the Board; (7-1-93)

c. Whether the information available to the Board indicates that the water right has been abandoned or forfeited; (7-1-93)

d. Whether the offering price or requested rental rate is reasonable; (7-1-93)

e. Whether acquisition of the water right will be contrary to the State Water Plan; (7-1-93)

f. Whether the application is in the local public interest as defined in Section 42-1763, Idaho Code; (7-1-93)

g. The probability of selling or renting the water right from the Board's water supply bank. (7-1-93)

h. Whether there are sufficient funds on hand to acquire the water right for the Board's water supply bank, provided that, if there are insufficient funds, or if in the opinion of the Board, existing funds should not immediately be expended for such acquisition, the Board may find that the water right should be acquired on a contingency basis, with payment to be made to the seller or lessor only after water is subsequently sold or rented from the Board's water supply bank, and (7-1-93)

i. Such other factors as determined to be appropriate by the Board. (7-1-93)

07. **Resolution of Board.** The Board may by resolution accept an application to sell or lease a water right to the Board's water supply bank, or to otherwise make water available through the water supply bank for the purposes of Section 42-1763A, Idaho Code. An application to lease together with the resolution accepting it becomes a lease and the water right is placed into the Board's water supply bank upon adoption of the resolution. A resolution accepting an application to sell a right to the Board's water supply bank will provide authority for the chairman of the Board to enter an agreement to purchase the water right. The resolution may include conditions of approval, including



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

January 27, 2015

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

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT 29-14012, 29-14013, 29-14016, 29-14058, 29-14096, 29-14097, 29-14099, 29-14054, 29-14055, 29-14056, 29-14080, 29-14081, 29-14082, 29-14106 and 29-14107

Dear Lessor:

Water Rights 29-14012, 29-14013, 29-14016, 29-14058, 29-14096, 29-14097, 29-14099, 29-14054, 29-14055, 29-14056, 29-14080, 29-14081, 29-14082, 29-14106 and 29-14107 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 it has been rented.** To release the rights 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: James Cefalo- Eastern Region Office and Water District No.120



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

RECEIVED

JAN 23 2015

DEPARTMENT OF
WATER RESOURCES

GARY SPACKMAN
Director

1-20-15

C.L. "BUTCH" OTTER
Governor

January 15, 2015

*Returning to IDWR for IDWR execution.
John M. Smart*

CITY OF CHUBBUCK
PUBLIC WORKS DEPT
PO BOX 5604
CHUBBUCK ID 83202-5604

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 29-14012, 29-14013, 29-14016, 29-14058, 29-14096, 29-14097, 29-14099, 29-14054, 29-14055, 29-14056, 29-14080, 29-14081, 29-14082, 29-14106 and 29-14107 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your applications to lease the above-mentioned water right(s) to the Water Supply Bank. **I have enclosed two each of three original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL 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 Contracts are not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2015**, 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 
Jan Hershey
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts



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

January 15, 2015

CITY OF CHUBBUCK
PUBLIC WORKS DEPT
PO BOX 5604
CHUBBUCK ID 83202-5604

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 29-14012, 29-14013, 29-14016, 29-14058, 29-14096, 29-14097, 29-14099, 29-14054, 29-14055, 29-14056, 29-14080, 29-14081, 29-14082, 29-14106 and 29-14107 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your applications to lease the above-mentioned water right(s) to the Water Supply Bank. **I have enclosed two each of three original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL 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 Contracts are not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2015**, 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 Jan Hershey
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts



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

December 24, 2014

CITY OF CHUBBUCK
PO BOX 5604
CHUBBUCK ID 83202-5604

RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 29-14012, 29-14013, 29-14016, 29-14054, 29-14055,
29-14056, 29-14080, 29-14082, 29-14096, 29-14099, 29-14106, AND 29-14107

Dear Lessor:

The Department of Water Resources has issued a direct deposit into your account in the amount of **\$46,284.36** as payment to you for the rental of the above referenced water rights from the Water Supply Bank managed by the Idaho Water Resource Board. Payment for the rental of your water rights is represented by multiple rental agreements as follows:

Receipt No.	Amount	Volume	Renter	Rate/AF
C098544	\$ 2,983.50	175.5 AF	KBC Farms	\$17
C098670	\$11,070.40	651.2 AF	PEP Farms	\$17
C098671	\$22,215.60	1306.8 AF	PEP Farms	\$17
C098882	\$ 1,497.70	88.1 AF	JTK LLC	\$17
C099174	\$ 1,190.00	70.0 AF	PEP Farms	\$17
C099303	\$ 7,301.50	429.5 AF	PEP Farms	\$17
E039912	\$ 4,224.50	248.5 AF	Loveland	\$17
EFT	\$ 943.50	55.6 AF	Bannock County	\$17

In accordance with Water Supply Bank rule 35.01, *IDAPA 37.02.03* return for the rental is ninety percent (90%) of the gross amount received at the rate per acre described above.

If you have questions regarding this matter, please contact me at (208) 287-4944.

Sincerely,

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

Warrant Number: NA-Direct Deposit

Palmer, Cherie

From: Steve Smart [ssmart@cityofchubbuck.us]
Sent: Tuesday, December 23, 2014 2:04 PM
To: Palmer, Cherie
Cc: Buyer, Remington; Jason Helms
Subject: RE: City of Chubbuck Lease Applications

Cherie,

Thank you for your response. I have put a check for the fees into the mail this afternoon.

Steve

From: Palmer, Cherie [mailto:Cherie.Palmer@idwr.idaho.gov]
Sent: Tuesday, December 23, 2014 1:31 PM
To: Steve Smart
Cc: Buyer, Remington; Jason Helms
Subject: City of Chubbuck Lease Applications

Steve,

The Department has received your 15 lease applications and cover letter for the city of Chubbuck. Thank you for submitting them on proper lease applications. On November 20, 2014, the Department sent you a letter also requesting the proper filing fees of \$2,250 for the lease applications. Based on your cover letter and correspondence from Jason Helms, it's obvious that lease fee calculations are an area of confusion. I provided the following explanation of the filing fees to Jason Helms in an email dated 12/3/2014:

Jason,

I have attached the Board resolution that addresses the leasing fees for your reference. Please note that the fees are capped to \$500 when "stacked water rights on the same parcel" are being placed into the bank. In other words, any time a water right can be separated out, even if it is within a PPU, and stand alone, a separate filing fee is due for the leasing of the right. I understand that the lease application checklist is misleading and we are in the process of modifying the language.

In an attempt to clarify how the lease fee works, please consider the following:

29-14054	}	\$500 filing fee-due to common diversion rate
29-14055		
29-14056		
29-14080		
29-14081		
29-14082		

29-14012	}	\$250 filing fee each-water rights not stacked in any way (each water right carries its own unique acres)
29-14013		
29-14016		
29-14058		
29-14096		
29-14097		
29-14099		



Public Works

RECEIVED

DEC 12 2014

DEPARTMENT OF
WATER RESOURCES

Kevin B. England
Mayor

Steven M. Smart
Public Works Director

December 10, 2014

Idaho Department of Water Resources
Cheri Palmer – Water Rights Supervisor
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: WSB Lease Applications for Water Rights 29-14012, 29-14013, 29-14016, 29-14054, 29-14055, 29-14056, 29-14058, 29-14080, 29-14081, 29-14082, 29-14096, 29-14097, 29-14099, 29-14106, and 29-19107 14107

Dear Ms. Palmer:

Please find enclosed the following documents:

- WSB lease application form 42-1761-1 1/14 for water rights 29-14012, et.al.
- WSB points of diversion and place of use map
- W-9 form for the City of Chubbuck
- IDAPA 37.02.03.f
- IDWR water right report together with place of use map for water rights 29-14012, et. al.

Payment of application fee of \$500.00 has been receipted by Idaho Department of Water Resources (receipt IB: C099609). Payment was made in accordance with IDAPA 37.02.03.f. I have enclosed the water right report and place of use maps for these referenced water rights, all showing the "common place of use" which is the Chubbuck municipal boundary. If you still disagree with the fee assessment sent out in IDAPA 37.02.03.f, please send me, for our review, the citation of authority for the fees you propose.

If you have any questions regarding this matter please feel free to call.

Sincerely,

A handwritten signature in blue ink that reads "Steven M. Smart".

Steven M. Smart, P.E.
Public Works Director

SMS:rs

PO Box 5604 – 5160 Yellowstone Avenue, Chubbuck, ID 83202
208.237.2430 – Fax 208.237.2409
www.CityofChubbuck.us