

WATER SUPPLY BANK LEASE CONTRACT

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

Lessor: COUNTY OF CAMAS
PO BOX 430
FAIRFIELD ID 83327
(208) 764-2242

RECEIVED

JAN 05 2015

**DEPARTMENT OF
WATER RESOURCES**

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
37-20567	0.03 CFS	6.0 AF	2.0 AC
Combined Lease Totals:	0.03 CFS	6.0 AF	2.0 AC

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

Authorized Period of Use under Lease: 05/01 to 10/01

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

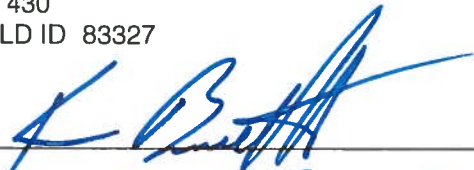
Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2019.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

COUNTY OF CAMAS

PO BOX 430
FAIRFIELD ID 83327

By 
Printed Name KEN BACKSTROM

Date 1/2/15
Title CHAIR BOC

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 7, 2015

Lease approved by IDWR 

Date 1/7/2015

ATTACHMENT A
WATER RIGHT NO. 37-20567
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: COUNTY OF CAMAS
 PO BOX 430
 FAIRFIELD ID 83327
 (208) 764-2242

Priority Date: 10/30/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/01	0.03 CFS	6.0 AF
	Total:		0.03 CFS	6.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESENE Sec. 2, Twp 02S, Rge 17E, CAMAS County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	2				2.0													2.0

Total Acres: 2.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
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 37.

STATE OF IDAHO
WATER RESOURCE BOARDRECEIVED
OCT 30 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 CAMAS COUNTY Email Address KBLODGETT@RTC1.NET
Mailing Address PO BOX 430, FAIRFIELD, ID, 83327 Phone Number 764-2242

☒ 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 KEN BACKSTROM Organization CAMAS COUNTY
Professional Title CHAIR, BOARD OF COUNTY COMM. Email Address _____
Mailing Address PO BOX 430, FAIRFIELD, ID, 83327 Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 37-20567 ☒ 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.

INCOMPLETE

- 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 F

NO OTHER WATER RIGHTS @ LOCATION.

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

Yes ☐ No ☒

If yes, describe. _____

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☒ No ☐

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. PROTECTED FROM FORFEITURE.

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 1/1/15 to 12/31/19 (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.

\$17/ACRE FT.

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.

KORRI BLODGETT
Signature of Designated Applicant

KORRI BLODGETT, CLERK
Printed Name

10-27-14
Date

[Signature]
Signature of Authorized Representative

KEN BACKSTROM, CHAIR B.O.C.
Printed Name

10/21/14
Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

Water Right No. _____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

State of Idaho
Department of Water Resources

Water Right

37-20567

IRRIGATION

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

17E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.0125 0.025 0.05 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/21/2014

WATER RIGHT NO. 37-20567

Owner Type	Name and Address
Current Owner	COUNTY OF CAMAS PO BOX 430 FAIRFIELD, ID 83327 (208)764-2242
Original Owner	W H CROFT SR PO BOX 24 PAUL, ID 83347 (208)438-2855
Original Owner	GLEN CROFT BOX 447 SHOSHONE, ID 83352 (208)886-2013

Priority Date: 10/30/1974
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	10/01	0.03 CFS	6 AFA
Total Diversion			0.03 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 02	Township 02S	Range 17E	CAMAS County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CAMAS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	17E	2		SENE	2									

Total Acres: 2



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 8, 2015

COUNTY OF CAMAS
PO BOX 430
FAIRFIELD ID 83327

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT 37-20567

Dear Lessor:

Water Rights **37-20567** was leased into the Water Supply Bank on January 1, 2015 in accordance with the executed original Lease Contract enclosed. **Your water right as described on the Lease Contract is considered leased into the Bank and should remain unused until it is formally released from the Bank.**

The right will automatically be released from the Bank on **December 31, 2019**, unless the right is released earlier by the Board, or upon your request. **Please note your right may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available from our public website at www.idwr.idaho.gov.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,


for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

December 29, 2014

COUNTY OF CAMAS
PO BOX 430
FAIRFIELD ID 83327

RE: APPLICATION TO LEASE WATER RIGHT 37-20567 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return BOTH Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Webster", is written over a horizontal line.

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C099760

Webster, Clay

From: Kevin Lakey [watermanager@cableone.net]
Sent: Monday, December 29, 2014 8:47 AM
To: Webster, Clay
Subject: RE: Water Master and Region Comments on WSB Lease Application for Water Right 37-20567

Clay,
I have no concerns with this application.
Kevin Lakey
Water District 37

From: Webster, Clay [<mailto:Clay.Webster@idwr.idaho.gov>]
Sent: Wednesday, December 24, 2014 3:31 PM
To: Merritt, Allen; Kevin Lakey
Subject: Water Master and Region Comments on WSB Lease Application for Water Right 37-20567

Allen and Kevin,

Merry Christmas! I am processing an application to lease this entire water right into the bank. Do you have any concerns? Thank you.

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

MEMORANDUM

To: Water Right No(s). 37-20567
From: Clay Webster
Date: December 26, 2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received an application to lease this entire right into the WSB on October 30, 2014. The application stated that the minimum acceptable rental rate was \$17 per af. However, after discussing this with Korri from Camas County, she decided that they should go with the Current Rental Rate.

AUTHORITY TO FILE: This application was signed by Kenneth Backstrom, County Commissioner and counter signed by Korri Blodgett, the County Clerk.

WATER RIGHT VALIDITY: This water right was partially decreed in the SRBA in February 2010. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right is subject to Water District # 37. Allen Merritt from Southern Region had questions about the size of the lot for this water right (see e-mail). However, the decree is the legal description of this water right, and since the 5 years have not passed since the right was decreed, it must be followed for the lease.

Webster, Clay

From: Merritt, Allen
Sent: Wednesday, December 24, 2014 4:02 PM
To: Webster, Clay
Subject: RE: Water Master and Region Comments on WSB Lease Application for Water Right 37-20567

Clay,

The right appears to have been decreed to the county in 2010 based on an approved transfer. Forfeiture at this time does not appear to be an issue. The right lists 2.0 acres on the face and is associated with a 2.0 acre shape but in the transfer it was described as being associated with Lot 4 of Magic Ranch Subdivision and it was described as 1.75 acres. The current tax lot shape show 1.6 acres as owned by the county.

The question is... do we go with 2.0 acres, 1.75 acres or 1.6 acres. Not the right indicates the POU is on Lot 4 of the Subdivision. Maybe a question for legal.

Merry X-mas

Allen

From: Webster, Clay
Sent: Wednesday, December 24, 2014 3:31 PM
To: Merritt, Allen; Kevin Lakey
Subject: Water Master and Region Comments on WSB Lease Application for Water Right 37-20567

Allen and Kevin,

Merry Christmas! I am processing an application to lease this entire water right into the bank. Do you have any concerns? Thank you.

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)
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P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

Webster, Clay

From: Webster, Clay
Sent: Monday, December 22, 2014 1:31 PM
To: 'kblodgett@rtci.net'
Subject: Water Supply Bank Lease for Water Right # 37-20567

Korri,

I am currently processing the above mentioned water supply bank lease application for 2015 through 2019. I need to get you to send in a W9 form and the fee of \$250.00 before we can continue with the processing of this lease. I also have a question about the minimum payment on the application. You stated on the application that you wanted \$17 per acre ft. This is the current rental rate. However, in 2018 the current rental rate will increase to \$20 per acre ft. Are you sure you want \$17 per acre feet on the contract? Or do you want me to put "current rental rate" on it? Thanks for your help.

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

Camas County

[Main Page](#)[County Map](#)

General Information

County Seat: Fairfield
Population: 1,102 - 2007 U.S. Census Bureau Estimate
Hours: 8:30 a.m. - 5:00 p.m.
Address: P.O. Box 430
Fairfield, Idaho 83327
Phone: (208) 764-2242
Fax: (208) 764-2349
Commissions Meet: 2nd Monday & 4th Tuesday

County Commissioners

Kenneth Backstrom

Route 1, Box 2080
Fairfield, Idaho 83327
Phone: (208) 764-2613
Fax: (208) 764-9232
E-mail:
kabertsson@gmail.com

Janet Croner*

P.O. Box 102
Fairfield, Idaho 83327
Phone: (208) 764-2671
Fax:
E-mail:
janetcroner@gmail.com

Barbara McMurdo

P.O. Box 430
Fairfield, Idaho 83327
Phone: (208) 764-2211
Fax: (208) 764-2349
E-mail:
barbmcmurdo@gmail.com

* Member of the Region IV Development Board of Directors.

County Clerk

Korri Blodgett

P.O. Box 430

Fairfield, Idaho 83327

Phone: (208) 764-2242

Fax: (208) 764-2349

E-mail: kblodgett@rtci.net

Camas County Cities

City of Fairfield

P.O. Box 336

Fairfield, Idaho 83327

Phone: (208) 764-2333

Fax: (208) 764-2333

Website: www.fairfieldidaho.us

Office Hours: M-F, 8:30 a.m. - 12:30 p.m.

City Council Meets: 2nd and 3rd Thursday of the month @ 7:00 p.m.