

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective Mar 15, 2015, between the Idaho Water Resource Board ("**Board**"), and

Lessor: J TERRY FIELD
38167 STATE HWY 78
GRAND VIEW ID 83624-5039
(208) 834-2263

RECEIVED

DEC 18 2014

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>Acre Limit</u>	<u>Total Leased Acres</u>
02-02176A	1.06 CFS	396.7 AF	NA	91.1 AC
02-02405A	0.65 CFS	314.2 AF	NA	91.1 AC
Combined Lease Totals:	1.71 CFS	410.0 AF	91.1 AC	91.1 AC

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

Authorized Period of Use under Lease: 3/1 to 11/15

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

SUPPORT DATA

Minimum Payment Acceptable: Current Rental Rate

IN FILE # 2-2176A

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.

J TERRY FIELD

38167 STATE HWY 78

GRAND VIEW ID 83624-5039

By


Printed Name J. Terry Field

Date

12-16-14

Title

OWNER

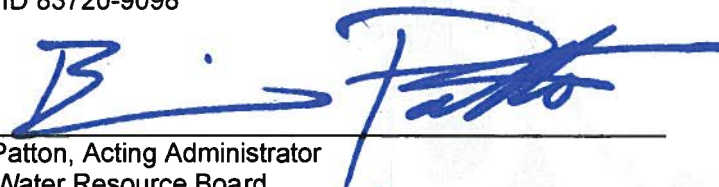
IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-9098

By


Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

December 18, 2014

Lease approved by IDWR



Date

12/18/2014

ATTACHMENT A
WATER RIGHT NO. 02-02176A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: J TERRY FIELD
38167 STATE HWY 78
GRAND VIEW ID 83624-5039
(208) 834-2263

Priority Date: 5/1/1962

Source: SNAKE RIVER **Tributary to:** COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	10/31	1.06 CFS	396.7 AF
	Total:		1.06 CFS	396.7 AF

LOCATION OF POINT(S) OF DIVERSION:
SNAKE RIVER L10(NWSW) Sec. 34, Twp 05S, Rge 04E, OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	04E	5			12.0	24.3													36.3
06S	04E	6					29.0 L3	25.8 L4											54.8

Total Acres: 91.1

Limited to acres within place of use described above: NA

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
02-02176A and 02-02405A,	1.71 CFS	410.0 AF	91.1 AC	91.1 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The following rights are diverted through point of diversion described above: 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313 and 2-10503.
13. Un-leased portions of right Nos. 2-2176A and 2-2405A are limited to a total combined diversion rate of 2.94 cfs and to a total combined annual diversion volume of 706 AF.
14. Un-leased portions of right Nos. 2-2176A and 2-2405A are limited to the irrigation of a combined total of 156.9 acres in a single irrigation season.
15. Un-leased portions of right Nos. 2-2176A and 2-2405A when combined with rights 2-2083, 2-2084, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405B, 2-7032, 2-63, 2-10313 and 2-10503 shall not exceed a total diversion rate of 12.84 cfs.

ATTACHMENT A
WATER RIGHT NO. 02-02405A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: J TERRY FIELD
 38167 STATE HWY 78
 GRAND VIEW ID 83624-5039
 (208) 834-2263

Priority Date: 5/18/1967

Source: SNAKE RIVER **Tributary to:** COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.60 CFS	314.3 AF
	Total:		0.60 CFS	314.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L10(NWSW) Sec. 34, Twp 05S, Rge 04E, OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	04E	5			12.0	24.3													36.3
06S	04E	6					29.0 L3	25.8 L4											54.8

Total Acres: 91.1

Limited to acres within place of use described above: NA

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
02-02176A and 02-02405A,	1.70 CFS	410.1 AF	91.14	91.1 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
12. 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.
13. The following rights are diverted through point of diversion described above: 2-2083, 2-2084, 2-2176A, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405A, 2-2405B, 2-7032, 2-63, 2-10313 and 2-10503.
13. Un-leased portions of right Nos. 2-2176A and 2-2405A are limited to a total combined diversion rate of 2.94 cfs and to a total combined annual diversion volume of 706 AF.
14. Un-leased portions of right Nos. 2-2176A and 2-2405A are limited to the irrigation of a combined total of 156.9 acres in a single irrigation season.
15. Un-leased portions of right Nos. 2-2176A and 2-2405A when combined with rights 2-2083, 2-2084, 2-2176B, 2-4027, 2-2271, 2-2272, 2-2405B, 2-7032, 2-63, 2-10313 and 2-10503 shall not exceed a total diversion rate of 12.84 cfs.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

WATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

JUN 13 2014

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant J. Terry FieldWater Right No. 02-2176A
One water right per applicationAll items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

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

Attachment N/A YES

- 1A ☐ ☒ Contact information for *all owners* of the water right that is being leased, or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 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 \$ 250Received By: JohnDate Received: 6-13-14Receipt # C099001W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9:

John Terry Field

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant J. Terry Field Email Address field35@msn.com
Mailing Address 38167 St HWY 78 Grand View, Id 83624 Phone Number 208-8342263

☐ 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 02-2176A ☐ 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.

The water right is pumped out of C.J. Strike Dam into Bybee Canal, then
pumped out of canal into sprinkler system onto point of use.

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

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. Copy of water right 02-2196A taken off the IDWR web site 3-22-14

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. Transfer of point of diversion from one point of diversion into the Rybee Canal to the central point of diversion for the Rybee Canal to comply with measuring of water by the IDWR

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 03/15/2015 to 11/15/2020 (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.


Signature of Designated Applicant

J. Terry Field
Printed Name

06-02-2014
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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

**STATE OF IDAHO
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. 07-2176A

	Designated Applicant	Applicant #2	Applicant #3
Name	J. Terry Field	Leslie A. Field	
Mailing Address	38167 St HWY 78 Grand View, Id 83624	38167 St HWY 78 Grand View, Id 83624	
Phone Number	208-834-2263	208-834-2263	
Email Address	field35@msn.com	field35@msn.com	
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			

BYBEE LATERAL WATER USER'S ASSOCIATION

**PO Box 235
Mountain Home, Id. 83647**

Phone 587-2789

Fax 587-2802

Email calzola@earthlink.net

May 21, 2014

Idaho Department of Water Resources

Water Supply Bank

This is to advise you that Bybee Lateral Water Users Association does not object to J. Terry and Leslie A Field putting part of their water right # 02-31764 into the Water Supply Bank.

Sincerely,



Darrel Agenbroad

President

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

<u>1. Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
02-2176A	1.08cfs/397.2AF	Irrigation	3/15 to 11/15
			to
			to
			to
			to

Total Amount: _____

2. Source of water SNAKE RIVER tributary to COLUMBIA RIVER

3. Point(s) of Diversion:

	Twp	Rge	Sec	Lot	¼	¼	¼	County
New Old	05S	04E	34	9	SW	SE	SW	OWYHEE
	05S	04E	34	10	NW	NW		OWYHEE

4. Lands irrigated or place of use:

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 91.14

ACME Planimeter

Measure areas using Google Maps!



Drag the map with your mouse, or double-click to center.

Click on the map to place points.

The enclosed area is shown below.

Delete Last Point

Clear All Points

2.221e+5 m² / 22.21 hectares / 0.2221 km² / 2.390e+6 ft² / 54.88 acres / 0.08574 mile²

Notes:

- The page remembers your most recent position/zoom/map-type for the next time you visit.
- If you haven't visited before, it tries to figure out your location based on your internet address.
- The area computation is done using spherical geometry, so it's correct for large regions.
- The lines between points are drawn as great circles, to go along with the spherical area math.
- Lines that cross the International Dateline **do** work, with a small gap in the line. (Google Maps applications tend to have problems with the Dateline.)
- Areas that span more than half the globe may display strangely.

Point #1
J Terry Field 02-2176A

Untitled Map

- Legend**
-  Rimrock Junior-Senior High School
 -  Starting Location



Point #1
J. Terry Field
02-21-2014

ACME Planimeter

Measure areas using Google Maps!



Drag the map with your mouse, or double-click to center.

Click on the map to place points.

The enclosed area is shown below.

Delete Last Point

Clear All Points

1.467e+5 m² / 14.67 hectares / 0.1467 km² / 1.579e+6 ft² / 36.26 acres / 0.05665 mile²

Notes:

- The page remembers your most recent position/zoom/map-type for the next time you visit.
- If you haven't visited before, it tries to figure out your location based on your internet address.
- The area computation is done using spherical geometry, so it's correct for large regions.
- The lines between points are drawn as great circles, to go along with the spherical area math.
- Lines that cross the International Dateline **do** work, with a small gap in the line. (Google Maps applications tend to have problems with the Dateline.)
- Areas that span more than half the globe may display strangely.

Point #1
J. Terry Field 02-2176A

Untitled Map

- Legend**
-  Rimrock Junior-Senior High School
 -  Starting Location

 Starting Location

Bent #2
J. Terry Field
02-21-2014

Water Right Report

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/17/2003

WATER RIGHT NO. 2-2176A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J TERRY FIELD
Current Owner	LESLIE A FIELD
	HC 85 BOX 332
	GRAND VIEW, ID 83624
	(208)834-2263

Priority Date: 05/01/1962

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	10/31	2.89 CFS	
Total Diversion			2.89 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	NWSW Lt 10	Sec. 34	Township 05S	Range 04E	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05S	03E	36		NESW	5		NWSW	13						
	04E	31		SWSE	27		SESE	26						
06S		5		SWNE	18		SENE	26						
		6	1	NENE	21	2	NWNE	27						
			3	NENW	37	4	NWNW	48						

Total Acres: 248

Remarks:

1.	General	MAXIMUM DIVERSION UNDER THIS RIGHT WHEN COMBINED W/02-02083, 02-02084, 02-02176B, 02-04027, 02-02271, 02-02405A&B, 02-07032B AND 02-00063 SHALL NOT EXCEED 14.55 CFS. THIS RIGHT IS BASED UPON WORK CLAIMS IN CONJUNCTION WITH THE 02 ADJUDICATION IN 1980. MEMO ATTACHED TO 02-02176A MAY BE HELPFUL DURING REVIEW.
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

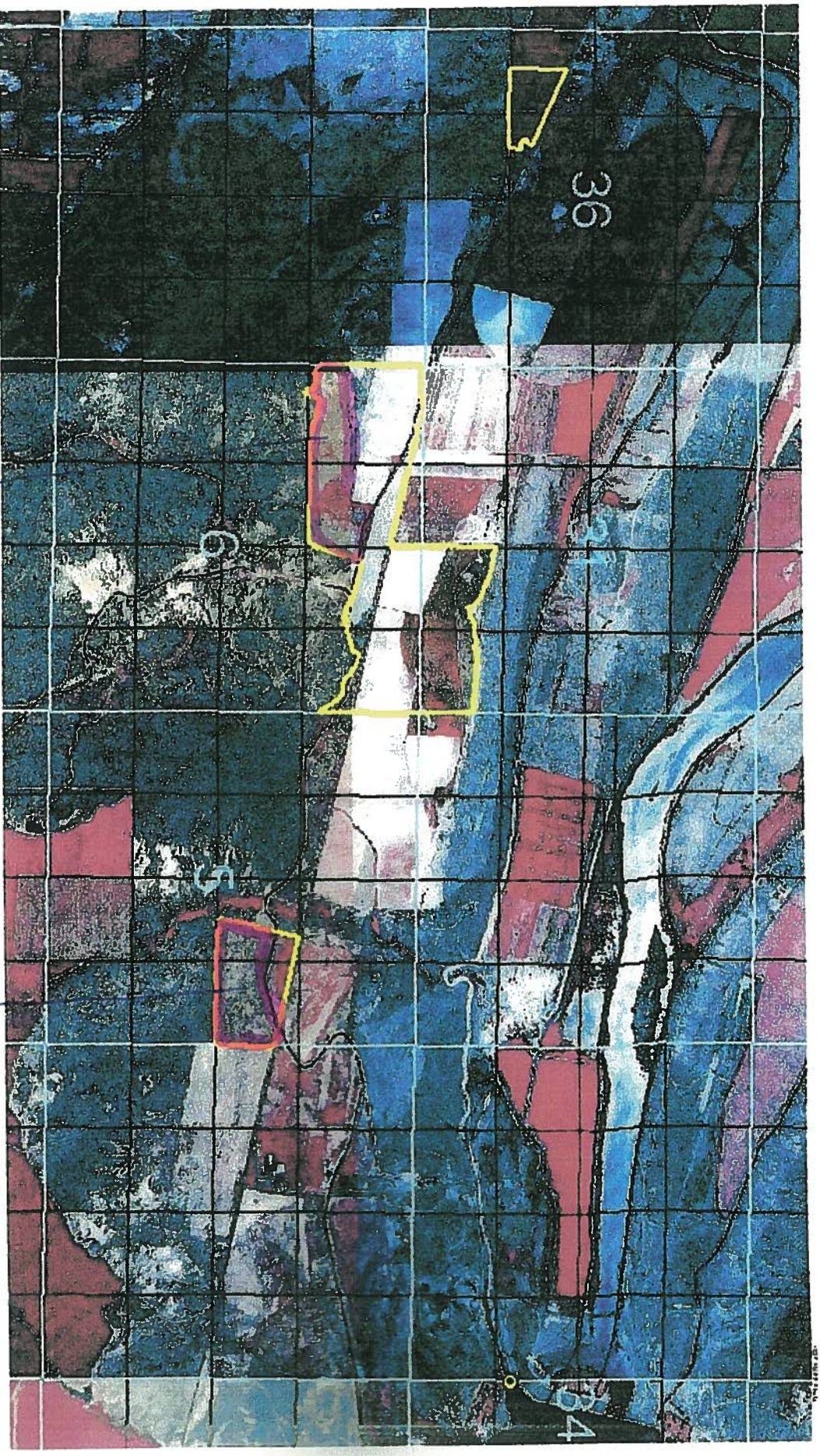
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Idaho Department of Water Resources



Claim Number: 02-02176A

Legal: T05S, R04E, S31 & S34,

T05S, R03E, S36 &

T06S, R04E, S5 & S6

Reviewed By: JLD 6/8/05

-  Place of Use
-  Point of Diversion
-  Section Lines
-  Quarter Quarter Lines





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

November 17, 2014

J TERRY FIELD
38167 STATE HWY 78
GRAND VIEW ID 83624-5039

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 2-2176A and 2-2405A

Dear Lessor:

Water Rights **2-2176A & 2-2405A** will be leased into the Water Supply Bank as of March 15, 2015 in accordance with the executed original Lease Contract enclosed. **Your water rights as described on the Lease Contract are considered leased into the Bank and should remain unused until they are formally released from the Bank.**

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

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

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

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

Sincerely,

for Jan Hershey
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: IDWR Western Region
Corbin Knowles – Water District No. 02



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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

December 15, 2014

J TERRY FIELD
38167 STATE HWY 78
GRANDVIEW ID 83642-5039

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 02-02176A AND 02-02405A TO THE WATER SUPPLY BANK

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

Dear Applicant:

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

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

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

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

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

Sincerely,

Clay Webster
Water Resource Agent

Enclosure: Proposed Lease Contracts

MEMORANDUM

To: Water Right No(s). 02-2176A and 02-2405A

From: CW Clay Webster

Date: November 5, 2014

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: The department received applications to lease portions of these rights into the WSB on June 13, 2014. I have attached a map with the leased area outlined in yellow.

AUTHORITY TO FILE: The applications were signed by J Terry Field, designated applicant and partial owner of these rights

WATER RIGHT VALIDITY: These rights were decreed in June 2009. Forfeiture is not an issue at this time.

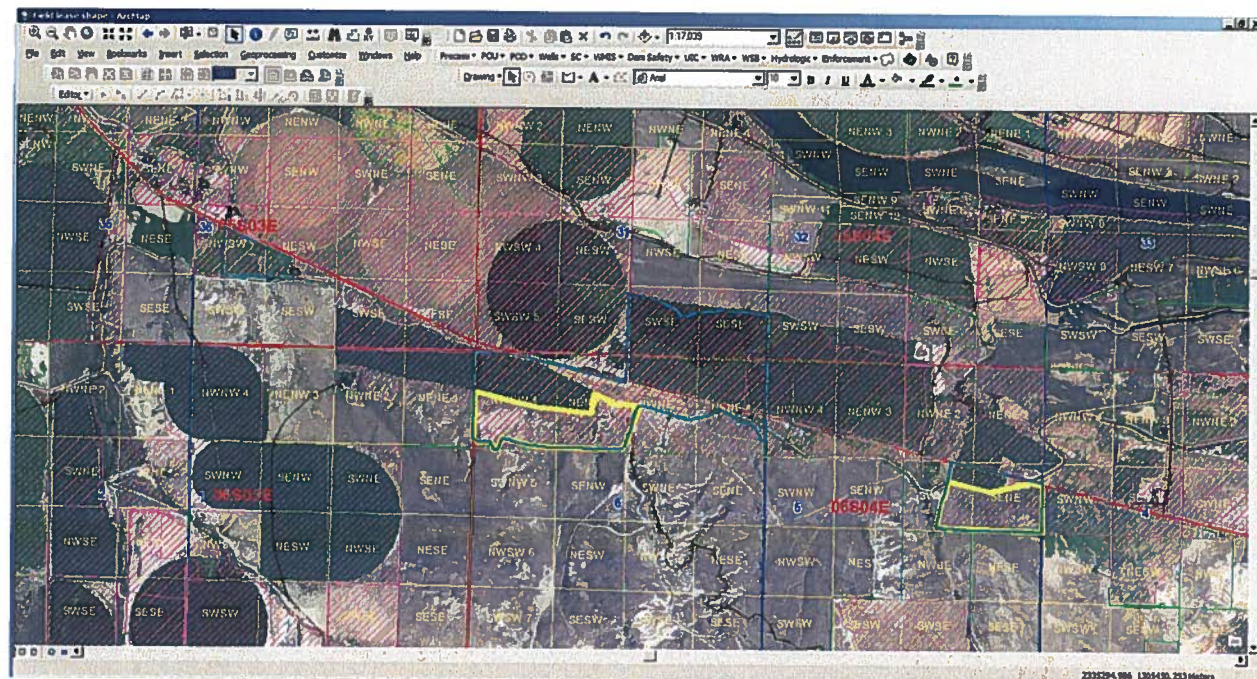
INJURY TO OTHER WATER RIGHTS: No injury is apparent.

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(s) are subject to Water District # 2. Steve Lester at Western Region Office had a concern about the transfer application to correct the POD for these water rights (see e-mail dated August 4, 2014). However, leasing this right into the bank will not cause the right to be diverted from the transferred POD. It would keep the leased portion from being diverted through that transferred POD.



Webster, Clay

From: Webster, Clay
Sent: Wednesday, September 03, 2014 4:19 PM
To: Music, Vicky
Cc: Palmer, Cherie
Subject: FW: Terry Fields transfer 78909

Vicky,

I looked into this and this is one of our early comers for 2015. They won't be processed until after November for the 2015 season so they will remain as applications in the system until they are processed. The transfer on the PODs can be processed. Thanks for the head's up.

Clay

From: Palmer, Cherie
Sent: Wednesday, September 03, 2014 3:39 PM
To: Webster, Clay
Subject: FW: Terry Fields transfer 78909

Clay,

When you get a chance can you please look into this? Please let Vicky know what you find out.

Thanks,

Cherie

From: Music, Vicky
Sent: Wednesday, September 03, 2014 2:47 PM
To: Palmer, Cherie
Subject: Terry Fields transfer 78909

Hi Cheri –

I am working on the above transfer to change the POD of 5 rights. The applicant has applied to lease 2 of the rights to the WSB. [2-2176A, 2-2405A]. I conducted a WSB search on the website, which listed the statuses as "application", and I am wondering if that is current.

Thanks.

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
208.334.2190

Please reply that you received this message.

Webster, Clay

From: Lester, Steve
Sent: Monday, August 04, 2014 9:14 AM
To: Webster, Clay
Cc: Knowles, Corbin
Subject: RE: Region and Watermaster Comments on T Jerry Field WSB Lease Applications
Attachments: Bybee Canal POD xfers.pdf; 78909 Field.pdf

Hi Clay:

5 owners of multiple rights with significant combined rate limits filed separate transfers to change POD from Grand View Mutual Canal to Bybee Canal to get their rights in good shape as Corbin implements watermaster controls for the Snake River. Corbin is up to speed on this.

Everything will probably work out ok but some procedural problems remain, at least for some applicants.

Attached docs summarize current status:

Unruh & Draper transfers approved, no protests, BLM must have missed those.

Order Tranquility (Beus) & Astle transfers protested, BLM cites right-of-way issues for public land. Guessing this will settle but could be sticky given current complications with public land issues.

Field transfer pending more info from applicant, on call-up at Western late this month. Assuming will get necessary info from Field & appl will be advertised & protested by BLM. Same somewhat protracted settlement guess as above. Meanwhile, cloud remains over Field's multiple rights, including those 2 for WSB lease appls.

Not sure how tight these things are with WSB issues but assume this complicates lease appl – can a right be rented if in pending transfer &/or protest process? Seems like the answer should be no, in which case the right should probably not be accepted into WSB, I guess.

Regardless, these rights in lease appls are subject to those combined rate limits if rented out someday. Let me know if any questions/concerns about any of these transfers.

Copy of this email is provided to Field's transfer 78909 application.

Regards,

Steve

From: Webster, Clay
Sent: Friday, August 01, 2014 12:32 PM
To: Lester, Steve; Knowles, Corbin
Subject: Region and Watermaster Comments on T Jerry Field WSB Lease Applications

Steve and Corbin,

I am currently processing these applications to lease part of these rights into the bank. Any concerns or comments?

Sincerely,

Clay Webster

Technical Records Specialist

clay.webster@idwr.idaho.gov

208-287-4910

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/15/2013

✓ 2/4/2014 UPDATE

SAME POD & 14.55 CFS LIMIT (23 cfs arithmetic sum)

12 RIGHTS

5 OWNERS

ALL SHOULD CHANGE POD

Conditions of Approval (from 2-2176B UNRUH)

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. P21 This right is a split from former right 02-02176.
3. E60 Right Nos. 02-02176B and 02-02405B are limited to a total combined diversion rate of 3.7 cfs and to a total combined annual diversion volume of 787.5 AF.
4. E55 Right Nos. 02-02176B and 02-02405B are limited to the irrigation of a combined total of 175 acres in a single irrigation season.
5. E56 The rights listed below are limited to the irrigation of a combined total of 558.5 acres in a single irrigation season. Combined Right Nos.: 2-2176B, 2-2405B, 2-10198
6. F06 The following rights are diverted through point of diversion described above: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.
7. E52 The rights listed below are limited to a total combined diversion rate of 14.55 cfs. Combined Right Nos.: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.

UNRUH

transfers 78382 & 78383 filed

Approved

* FIELD

transfer 78909 (includes 2-2176C w/o combine rate limits)

Pending

DRAPER

transfer 78941 to split rights between 2 PODs

Approved

ORDER OF
TRANQUILITY

transfer filed 1/27/2104 (c/o Beus)

} Blm
protests

ASTLE

transfer filed 1/31/2014 (ownership change, Meaker to Astle)

Combined Use Limits

Rate
14.550

! vs Arith. sum ~ 23 ± cfs

2-63 2-2271 2-4027 2-2405A 2-2176A 2-2176B 2-2405B 2-2083 2-2084
2-2272 2-7032 2-10313

✓ 8/4/2014 update -JL

* Field fee, no Ad, yet,
probably Blm protest
when adverse