

North Henry's Lake Homeowners Association
Island Park Idaho
September 21, 2014

RECEIVED

OCT 17 2014

DEPARTMENT OF
WATER RESOURCES

State of Idaho
Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83429

Dear Remington Buyer,

As the President of the NHLHA, and with the support of the NHLHA Board of Directors, I am respectfully requesting that our water lease to the water bank be changed from an in perpetuity term to a 12 month term. We realize that when this change occurs we will be required to file for a new lease and pay the filing fee annually to renew the lease.

The water right # is 21-10015.

Please feel free to contact me by phone at 602-317-5406 or email at Richard@azhodge.com for questions, comments and or confirmation.

Kindest Regards,

Richard Hodge
President
NHLHA

North Henry's Lake Homeowners Association
Island Park Idaho
September 21, 2014
Water Right 21-10015

State of Idaho
Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83429

Dear Remington Buyer,

As the President of the North Henry's Lake Homeowners Association (NHLHA), and with the support of the NHLHA Board of Directors, I am responding to your letter dated August 22, 2014 regarding a portion of our water right # 21-10015 that has been leased to the Water Supply Bank (Bank). You have requested three pieces of information. Our response follows:

1. You asked for confirmation of the duration of time during a given year that 1.5 CFS of water is available for diversion from both water sources. The measurements we have are on Pittsburgh Creek just below the highway, and before it merges with what is left of Howe Creek after we take out the water we use for our homeowners. Based on our measurements, there is approximately one week in May where the water from Pittsburgh flows in excess of 1.5 CFS. We do not have any measurements of the flows from Howe Creek.
2. You asked about our current water use from our point of diversion. Our point of diversion is just below the spring on Howe Creek, and our peak annual use is .41 CFS. This is measured daily by our water manager. Our use of water from our other source is de minimis.
3. You asked confirmation of how water has been put to beneficial use historically and we can say with confidence that before we leased the water to the Bank, we have always used it for the NHLHA drinking and ground water. Further, we have used the water before we leased it for various irrigation uses. These irrigation uses have been cut back, and due to increases in irrigation efficiency, we do not use as much water as we previously did.

Further, we do not want to remove our water right from the Bank, but we have sent in a request to change our lease from an in perpetuity term to a one-year term. Please also consider that fact in your deliberations.

Please feel free to contact me by phone at 602-317-5406 or email at Richard@azhodge.com for questions, comments and or confirmation.

Kindest Regards,

Richard Hodge
President
NHLHA

Buyer, Remington

From: Buyer, Remington
Sent: Thursday, October 23, 2014 12:12 PM
To: 'Richard Hodge'
Cc: Field, Christine
Subject: RE: Change in terms for a Water Supply Bank Lease Contract

Mr. Hodge,

The Bank does not have any further questions at this time about water right 21-10015. From your responses, we have established that the right was historically used for municipal irrigation and culinary purposes and, provided a rental request for water from this right was made for municipal irrigation and/or culinary purposes at a point of diversion that is connected to Pittsburgh creek, no change in the purpose of use would occur and an enlargement of the consumptive use of the right should be sufficiently avoided. Moreover, the data you provided indicates that the one cfs leased to the Bank is in fact available during the year, confirming the validity of this water right and the opportunity to rent one cfs of water under it.

Please feel free to email or call me if you have further questions,

Regards,

Remington Buyer

Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

From: Richard Hodge [<mailto:richard@azhodge.com>]
Sent: Thursday, October 23, 2014 10:17 AM
To: Buyer, Remington
Cc: Field, Christine
Subject: Re: Change in terms for a Water Supply Bank Lease Contract

We will work on changing the lease. We do not want to release it, just change the term of it. So, I will fill out the forms when I have time and include the \$250 filing fee. We were given this information by our Idaho attorney and I will also check with him and share your emails. Thanks so much for the clarification. Again we do not want to remove our water from the bank, just change our term and refile every year.

Thanks so much for your communication. And by the way, did you get and or have any questions or comments on our reply to your letter requesting information from us about the potential rental of that right?

Best,

Richard

From: "Buyer, Remington" <Remington.Buyer@idwr.idaho.gov>
Date: Thursday, October 23, 2014 at 9:07 AM
To: Richard Hodge <richard@azhodge.com>
Cc: "Field, Christine" <Christine.Field@idwr.idaho.gov>
Subject: Change in terms for a Water Supply Bank Lease Contract

Hello Mr. Hodge,

I tried calling you this morning but was unable to reach you and leave a message.

The process as described by Mrs. Field is the current process for changing the terms of an active lease. There is no fee associated with releasing a water right from the Water Supply Bank, however to change a contract requires submission of a new lease application and payment of the \$250 filing fee. I apologize for any confusion.

Please advise if NHLHA would like the Water Supply Bank to release water right 21-10015 from the Bank, or whether they desire to submit a new lease application to amend the current contract.

Regards,

Remington Buyer

Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

From: Richard Hodge [<mailto:richard@azhodge.com>]
Sent: Monday, October 20, 2014 4:00 PM
To: Field, Christine
Subject: Re: Water Supply Bank Lease

I was told by our attorney in Idaho that to change the duration we did not have to file a new lease application. I was then told that each year when we renew that lease we would have to fill out that change and pay a new filing fee. Is that not true?

I want to verify this fact before filling out the additional paperwork. Should I contact my attorney as he gave me this advice and even reviewed my request for a term change.

Richard

From: "Field, Christine" <Christine.Field@idwr.idaho.gov>
Date: Monday, October 20, 2014 at 1:40 PM
To: Richard Hodge <richard@azhodge.com>
Subject: Water Supply Bank Lease

Dear Mr. Hodge,

On Friday, October 17th the Dept of Water Resources received your letter requesting the terms be changed on your Lease for the North Henry's Lake Homeowners Association.

In order to change the terms of your lease please fill out a new WSB Lease Application Form. The lease can be found by clicking on this link

<http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/WaterRightForms.htm> - scroll to the bottom of the page and you will find Water Supply Bank Lease Forms.

Fill out the form and send in along with a \$250 filing fee.

Please feel free to contact the Dept of Water Resources if you should have any questions on this process.

Kind Regards

Christine Field
Water Supply Bank Support