

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANKRECEIVED
APR 23 2014
DEPARTMENT OF
WATER RESOURCES

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) NHLPOA (North Henrys Lake Property Owners Association)Mailing Address 3924 HWY. 87 Island Park, ID 83429Phone 208-558-7064Email hldogs@myidahomail.com**A. DESCRIPTION OF WATER SOUGHT FOR RENT**

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use
1 cfs 33 x 1.2 = 39.64 ac-ft Domestic 01/01 to 12/31
 _____ to _____
 _____ to _____
 Total: 1 cfs 40 ac-ft

2. Source of water 21-10015 tributary to Henry's Lake

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
16N	43E	33		SESE			Fremont
		34		SWSW			Fremont

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	43E	33																X	
		34											X						

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres _____

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. _____

2. Do you own the land at the proposed place of use?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.
Domestic use for homes and back up for well
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
Well - #21-07182
3. Will the proposed place of use receive water from any other source? Yes ☒ No ☐
If yes, describe. Well - #21-07182
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. Proposed use is for 33 homes @ 1.2 ac ft per home
5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☐ No ☒
If yes, describe. _____
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

E. RENTAL TERM

- Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐
If yes, please specify the number of years desired through proposed rental. Indefinite

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Melissa Buehler
Signature of Applicant

Melissa Buehler, President NHLPOA
Printed Name and Title*

4/12/14
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

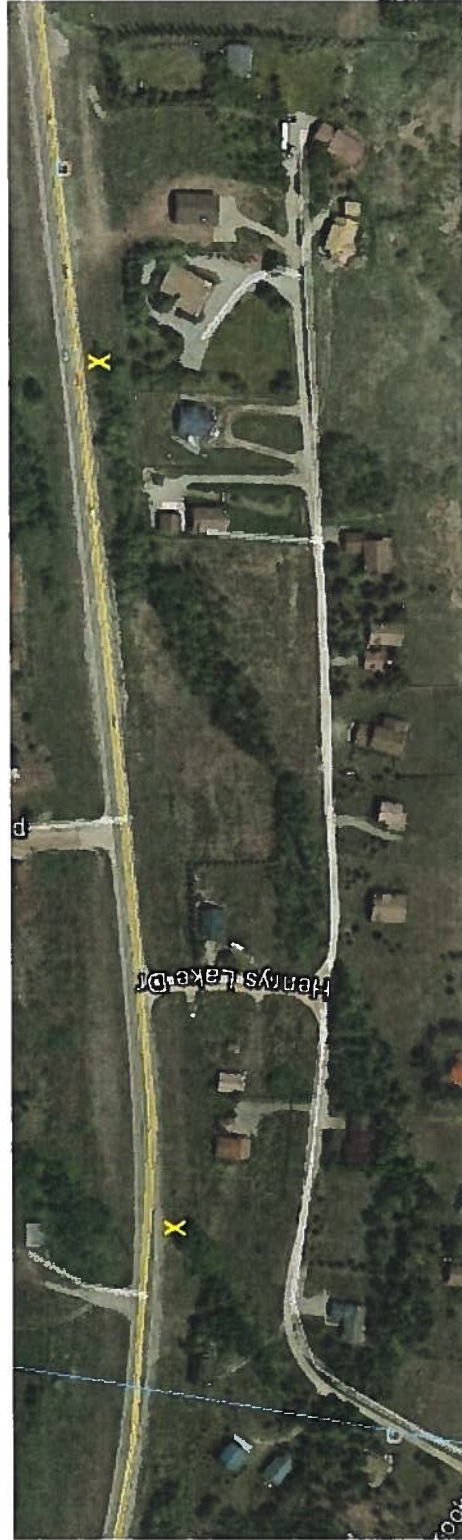
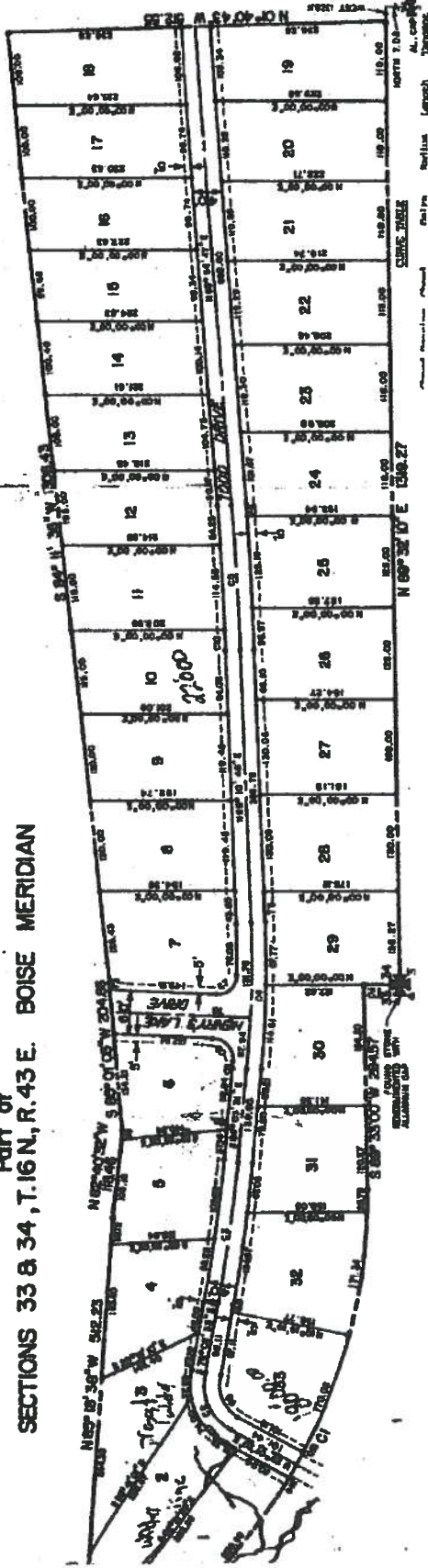
NORTH HENRY'S LAKE PROPERTY ASSOCIATION

FREMONT COUNTY, IDAHO

Part of

SECTIONS 33 & 34, T.16 N., R.43 E. BOISE MERIDIAN

FORSYTH - PERKINS
ENGINEERING, P.A.



4/12/14

Cherie Palmer
Idaho Dept. of Water Resources
Bx. 83720
Boise, Id. 83720

RECEIVED
APR 23 2014
DEPARTMENT OF
WATER RESOURCES

Dear Ms. Palmer,
I'm the President of the
North Henry's Lake Property Owners
Assn. The NHLPOA would like to
rent all their water that is in
the Water Bank. Our association
needs the water for 33 homes
with lots and as a backup for
our well.

When I spoke to you on the
phone, you said that the rental
fee can be an amount agreed on
by the two parties. We were trying
to figure the amount based on the
acre feet wording of the original
Pittsburg Creek water right
description which said the right

was 1cfs and would irrigate 40 acre feet. I understand that the normal rental fee is \$17 per acre foot with the State Water Bank keeping 10 per cent of the rental fee.

I'm enclosing a check for \$250 which is the amount the NHLPOA has agreed for the annual rental fee and includes the other fees. I'm also enclosing the Application to Rent Water from the Water Bank and an additional page which shows the place of use and the points of diversion.

Please contact me if there are any problems or questions with the application.

Thanks for your time and consideration.

Sincerely,

Melissa Buehler
President NHLPOA



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 15, 2014

NHLPOA
3924 HWY 87
ISLAND PARK ID 83429

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Water Supply Bank (Bank). The Department will review your application(s) as time allows. If your application cannot be processed for the initial year specified on the application, it is possible that it may be approved for subsequent years.

Filing a rental application does not authorize diversion and use of water. It is unlawful to use water without a valid water right or an approved Water Supply Bank rental agreement. **You are not authorized to divert any water for the purposes described in your application until you have paid the rental fee and you and the Department have both signed and executed a rental agreement.**

You can check the status of your rental application by reviewing the Department's processing spreadsheet, accessible from the Water Supply Bank's website at:

http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm

Regards,

Cherie Palmer
Sr. Water Resource Agent
Water Supply Bank Contact



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 22, 2014

NORTH HENRYS LAKE PROPERTY OWNERS ASSOCIATION
C/O MELISSA BUEHLER
3924 HWY 87
ISLAND PARK, ID 83429

Dear Ms. Buehler,

The Department of Water Resources has reviewed the request of the North Henrys Lake Property Owners Association (NHLPOA) to rent water right 21-10015 from the Water Supply Bank (Bank). We are unable to complete our review of your rental proposal without additional information.

Your rental application did not provide a description as to how water will be diverted from the surface water source(s) to be made available for use by the NHLPOA. The NHLPOA possesses water right 21-7182, which authorizes diversion of groundwater for domestic use within up to 45 homes. If the NHLPOA desires to augment their supply of water under 21-7182 with water rented from the Water Supply Bank, clarification is required regarding how the NHLPOA intends to comingle water from surface and groundwater sources to make it available for homeowners. If the NHLPOA intends to divert surface water from their groundwater well, the Bank requires an engineering proposal confirming that any volume of water diverted from the groundwater well will result in a 50% reduction in the diverted volume in the surface water source—this is the threshold required to confirm hydraulic connection of sources, necessary when proposing a change in source between surface water and groundwater.

Additionally, before a rental review can be completed, it is necessary that the Bank confirm of the volume of water available for diversion under water right 21-10015. The Water Supply Bank has contacted the owners of water right 21-10015 to obtain this information.

Kindly respond to this request for information within the next thirty (30) days so that we may proceed in making a determination on your rental proposal.

Regards,

Remington Buyer
Idaho Department of Water Resources
208-287-4918



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 22, 2014

NORTH HENRYS LAKE HOMEOWNERS ASSOCIATION
C/O RICHARD HODGE
3875 LAKE BREEZE DRIVE
ISLAND PARK, ID 83429

Dear Mr. Hodge,

A portion of water right 21-10015, owned by the North Henrys Lake Homeowner's Association, is leased into the Water Supply Bank (Bank). As decreed through the Snake River Basin Adjudication, this water right authorizes 1.5 cfs of water to be diverted from Howe Springs and an unnamed stream, tributary to Pittsburg Creek. One cfs of water has been deposited into the Bank and can be made available for rental by water users seeking additional water supplies.

The Water Supply Bank has received a request to rent from the Bank the one cfs of water available under water right 21-10015 however the Bank lacks information necessary to complete our review of the rental proposal. In order to ensure no water use injury or water right enlargement will result through rental of this water right, we require the following:

- 1) Confirmation of the duration of time during a given year that 1.5 cfs of water is available for diversion from both water sources (necessary to determine the volume that can be rented out),
- 2) Confirmation of the point of diversion (water source) and the amount of water (flow and/or volume) that is remaining actively utilized by current municipal users while a portion of the water right is leased into the Bank and its use suspended (necessary to ensure no injury occurs to water users),
- 3) Confirmation of the manner in which water has historically been put to beneficial use, and has now been suspended to enable one cfs of water to be deposited into the Bank (suspension of irrigation, reduction in volume provided for culinary uses, etc—necessary to ensure no enlargement of the water right will occur),

Additionally, I understand the North Henrys Lake Homeowner's Association is curious as to how its water right may be removed from the Bank. A water right leased into the Water Supply Bank remains in the Bank until the lease contract expires or the Board releases the right. If the North Henrys Lake Homeowner's Association would like to have their right released from the Water Supply Bank, they should complete a Request to Release a Water Right from the Board's Water Supply Bank form (enclosed) and submit it to the State Office of the Idaho Department of Water Resources.

Kindly respond to this request for information within the next thirty (30) days so that we may proceed in making a determination on the rental request for water right 21-10015.

Regards,

Remington Buyer
Idaho Department of Water Resources

MEMORANDUM

To: Water Right(s). 21-10015
From: Remington Buyer
Date: October 10, 2014
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On April 23, 2014, the North Henrys Lake Property Owner's Association (NHLPOA) submitted an application to rent water right 21-10015 from the Water Supply Bank. The water right provides 1 cfs for municipal purposes, is owned by North Henrys Lake Homeowners Association (NHLHOA) and it is indefinitely leased into the Bank. NHLPOA proposes to rent the water right to provide water for the irrigation of 33 lots, including 16 homes, within their service area. NHLPOA already possesses a groundwater right (21-7182) that authorizes irrigation for domestic purposes at the POU identified on the rental.

Due to validity, enlargement and beneficial use concerns that have not sufficiently been addressed, this rental request is being denied.

AUTHORITY TO FILE: The application has been submitted by Melissa Buehler, President of the NHLPOA.

WATER RIGHT VALIDITY: The validity of this water right was not affirmed when it was leased into the Bank. The lease contract for this right contains conditions requiring that any rental of the right first evaluate both the historic consumptive use of water under this right, along with the validity of this right. This information was requested from the water right owner August 22, 2014.

INJURY TO OTHER WATER RIGHTS: 21-10015 is the senior priority water right along Howe Creek and Unnamed Stream, known locally as Pittsburgh Creek. No injury should occur through rental.

ENLARGEMENT OF USE: Though the rental place of use is the same as the authorized place of use for this water right, it is unclear how much water is valid and available to be rented under 21-10015. Absent this information, the Bank cannot make a determination that enlargement can reasonably be avoided through the proposed rental request.

LOCAL PUBLIC INTEREST: No information suggests this rental request is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The renter has not described how they intend to beneficially use water. The beneficial use of water under this rental is unclear, and is thus a concern.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: IDWR Eastern Region was notified about this rental request and was informed that the renter might require assistance to explain their rental needs. No further information was provided to Eastern Region and none was received by the Bank from Eastern, or the renter.



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 10, 2014

NORTH HENRYS LAKE PROPERTY OWNERS ASSOCIATION
C/O MELISSA BUEHLER
3924 HWY 87
ISLAND PARK, ID 83429

Dear Ms. Buehler,

The Department of Water Resources is unable to accommodate the North Henrys Lake Property Owners Association's (NHLPOA) request to rent water right 21-10015 from the Water Supply Bank. The Water Supply Bank lacks information regarding how the NHLPOA intends to put water to beneficial use through the rental request. Because your rental request cannot be approved, your request to rent water from the Water Supply Bank is being denied and the \$250 that was paid to the Bank is being refunded.

Your rental application did not provide a description as to how water will be diverted from the surface water source(s) to be made available for use by the NHLPOA. The NHLPOA possesses water right 21-7182, which authorizes diversion of groundwater for domestic use within up to 45 homes. If the NHLPOA desires to augment their supply of water under 21-7182 with water rented from the Water Supply Bank, clarification is required regarding how the NHLPOA intends to comingle water from surface and groundwater sources to make it available for homeowners. If the NHLPOA intends to divert surface water from their groundwater well, the Bank requires an engineering proposal to confirm that water in the surface water source will be depleted by 50% of the total volume being pumped from groundwater source within a 24 hour period.

The above information detailing how the NHLPOA intends to put water to beneficial use was requested by this office on August 22, 2014. To date, we have not received a response from the NHLPOA. As such, this rental request is being denied.

Should the NHLPOA desire to submit a future request to rent water from the Water Supply Bank, please ensure the above information is provided with the application. Additionally, please note that there is no fee associated with submitting a rental request and that any fee for renting water will be requested once a rental request is approved. Please feel free to contact me at 208-287-4918 if you have questions about this matter.

Regards,

Remington Buyer
Idaho Department of Water Resources