

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective June 24, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: ROBERT ZIMMERSCHIED
BOX 583
NICE CA 95464
707-328-6743
rlzim@hotmail.com

RECEIVED

OCT 22 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>Total Leased Acres</u>
2-10375	0.143 CFS	Not Stated	10.0 AC
Lease Totals:	0.143 CFS	Not Stated	10.0 AC

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

Authorized Period of Use under Lease: 03-01 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.

Minimum Payment Acceptable: Current Rental Rate

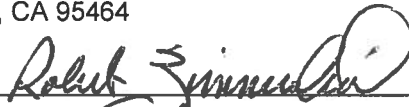
3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2018.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, 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.

ROBERT ZIMMERSCHIED

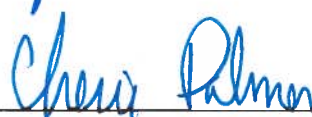
Box 583
Nice, CA 95464

By  Date 10/18/14
Printed Name ROBERT ZIMMERSCHIED Title LESSOR

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By  Date October 22, 2014
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR  Date 10/22/2014

ATTACHMENT A
WATER RIGHT NO. 2-10375
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **ROBERT ZIMMERSCHIED**
 BOX 583
 NICE CA 95464
 707-328-6743

Priority Date: 1/11/1963

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	03/01 to	11/15	0.14 CFS	
	Total:		0.14 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L7(SWSWNE) Sec. 36, Twp 01N, Rge 03W, CANYON County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03W	2	10.0 L1																10.0

Total Acres: 10.0

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. Use of unleased portions of rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 when combined shall not exceed a total diversion rate of 74.16 cfs.
7. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

8. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
9. 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.
10. 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.
11. 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.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JUN 24 2014

WATER RESOURCES
WESTERN REGION

WATER 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 Robert &/or Nancy
Zimmerschied

Water Right No. 2-10375
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.
on orig. app.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
attached w/ orig. app I believe
- 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. - *entire right*
- 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.
attached to original app.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>RS</u>	Date Received: <u>6/24/14</u>	Receipt # <u>W042261</u>
W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal)		Name on W-9:	

RECEIVED

MAY 27 2014

WATER RESOURCES
WESTERN REGIONAPPLICATION 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 ROBERT AND NANCY ZIMMERMAN Email Address r12ima@hotmail.com
Mailing Address 122 N. CANYON, Nampa, ID 83651 Phone Number (707) 328-6743

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

☐ 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 ☒
, 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 ☒
, 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 ☒
, 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.

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 2-10375 ☒ The full water right is being offered to the Bank.

☐ 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.

PUMP IN RIVER

- 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.

NONE

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

Yes ☐ No ☒

, describe. _____

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

Yes ☒ No ☐

, 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. PURCHASED LAND IN 2005 - PIVOT IRRIGATION SYSTEM USED PRIOR TO OUR PURCHASE - NOTHING SINCE PURCHASE

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

, 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 ☒

, for a period from 5/1/14 to 5/1/19 (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.

CURRENT RENTAL RATE

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.

Robert Zimmerich
Signature of Designated Applicant

ROBERT ZIMMERSCHIED
Printed Name

5/22/14
Date

Signature of Authorized Representative

Printed Name

Date

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

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AUG 13 2014

DEPARTMENT OF
WATER RESOURCES

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).

. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

Water Right No. 2-10375

		Applicant #2	Applicant #3
Name	ROBERT ZIMMERASCHIED	NANCY ZIMMERASCHIED	
Mailing Address	BOX 583 NICE, CA 95464	122 N. CANYON STREET NAMPA, ID 83651	
Phone Number	707-328-6743	208-318-6652	
Email Address	rlzim@hotmail		
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.
			

	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.



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

October 23, 2014

C.L. "BUTCH" OTTER

Governor

ROBERT ZIMMERSCHIED
BOX 583
NICE, CA 95464

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 2-10375

Dear Lessor:

Water Right 2-10375 were leased into the Water Supply Bank on June 24, 2014 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, 2018**, 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 287-4944.

Sincerely,

for Cherie Palmer

Water Rights Supervisor

WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Steve Lester – IDWR Western Regional Office

Long, Matthew

From: Long, Matthew
Sent: Tuesday, October 21, 2014 11:53 AM
To: 'Bob Zimmerschied'
Subject: RE: Follow Up Regarding Water Supply Bank Lease Contracts To Be Reviewed And Signed

Mr Zimmerschied,

Thank you for your response. We will keep an eye out for your lease contracts over the next day or two.

Thank you!

Regards,

Matthew C Long
Technical Records Specialist I
Water Allocation Bureau, Water Rights Section
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
[idwr.idaho.gov](mailto:rlzim@idwr.idaho.gov)
(208) 287-4920 Phone
(208) 287-6700 IDWR Fax

From: Bob Zimmerschied [<mailto:rlzim@hotmail.com>]
Sent: Tuesday, October 21, 2014 11:25 AM
To: Long, Matthew
Subject: RE: Follow Up Regarding Water Supply Bank Lease Contracts To Be Reviewed And Signed

Matthew,

I have been out of town for two weeks and just received my mail last Saturday containing the Water Supply Bank Lease Contracts. I have signed them and put them in the mail to you yesterday. The post office said they would probably arrive tomorrow, Wednesday, October 22.

I realize my mailing situation can be a bit confusing, as I live part of the year here in California and part of it in Nampa. Therefore your follow-up was good. Thank you for checking.

Bob Zimmerschied

From: Matthew.Long@idwr.idaho.gov
To: rlzim@hotmail.com
Subject: Follow Up Regarding Water Supply Bank Lease Contracts To Be Reviewed And Signed
Date: Tue, 21 Oct 2014 15:04:00 +0000

Good morning,

On October 6th, our office mailed two original Water Supply Bank Lease Contracts pertaining to Water Right 2-10375 for your review and signature to the following address:

BOX 583
NICE, CA 95464

I am following up via email to confirm that you have received the lease contracts via US Mail, or if there is an alternate address that you would like us to use for mailing purposes. Our records indicate an alternate mailing address at:

122 N CANYON ST
NAMPA, ID 83651

I appreciate your time.

Regards,

***Matthew C Long
Technical Records Specialist I
Water Allocation Bureau, Water Rights Section
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
idwr.idaho.gov
(208) 287-4920 Phone
(208) 287-6700 IDWR Fax***



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

October 6, 2014

ROBERT ZIMMERSCHIED
BOX 583
NICE, CA 95464

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 2-10375 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, 2018**, 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 Clay Webster
Water Resource Agent

Enclosure: Proposed Lease Contracts

HAT BUTTE MUTUAL CANAL COMPANY

RECEIVED

OCT 03 2014

DEPARTMENT OF
WATER RESOURCES

9/29/14

ID Department of Water Resources
C/O Cherie Palmer

RE: Robert Zimmerschied – Water Right # 2-10375 to Water Supply Bank

To whom it may concern:

Hat Butte Mutual Canal Company has no record of Robert Zimmerschied having an ownership interest in the Hat Butte Mutual Canal Company.

Hat Butte used to deliver irrigation water to lands in Section 2, T1N, R3W—the section where right no. 2-10375's place of use is located—pursuant to shares held by the Zimmerschieds' predecessor-in-title Herbert R. Montierth, et al. (collectively, "Montierth"). The Montierth's shares have not been re-issued because the subdivision of their lands and attempted transfer of shares did not comport with Hat Butte By-laws."

Therefore Hat Butte Mutual Canal Company has no objection to the enclosed application.



Gerrit Siebelink
President



Paul Rasgorshek
Vice President

Webster, Clay

From: Palmer, Cherie
Sent: Friday, September 12, 2014 11:02 AM
To: Rushing, Emalee
Cc: Webster, Clay
Subject: Hat Butte

Hello,

I had a conference call today with Paul and Garrod over at Hat Butte Canal Co., in regard to the Zimmerschied Lease application. They are having a board meeting next week and will put together at that time to address this lease application.

*Cherie Palmer, Water Rights Supervisor
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700*



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

September 4, 2014

HAT BUTTE MUTUAL CANAL COMPANY
GAYLE S ORCUTT
13735 MISSOURI AVE
NAMPA ID 83686

RE: CANAL COMPANY APPROVAL FOR APPLICATION TO LEASE WATER RIGHT
2-10375 TO THE WATER SUPPLY BANK

To Whom It May Concern:

The Department of Water Resources is in receipt of an application to lease water right 2-10375 to the Water Supply Bank (Bank). The lease requests that the entire water right be placed into the Bank.

Water right 2-10375 is a split of water right 2-2191 which has had numerous splits. Per water right records, the water is delivered via the Hat Butte River Pumping Station. It is my understanding that the water right holders are not able to get river water to their property without considerable expense to repair the shared conveyance system.

There have been a few other applications to lease these water rights into the Bank and we anticipate that there will be more. The Department is seeking your written consent to allow these water rights to be placed into the Bank.

The Department would like your response within fourteen (14) days from the date of this letter. If you have questions regarding this matter, please contact me at 287-4944.

Sincerely,

Cherie Palmer, Water Rights Supervisor
Water Supply Bank Point of Contact

c: ROBERT ZIMMERSCHIED
BOX 583
NICE CA 95464

Webster, Clay

Subject: FW: Water Supply Bank Lease Application for Water Right 2-10375

From: Lester, Steve

Sent: Tuesday, August 26, 2014 1:13 PM

To: Rushing, Emalee

Subject: RE: Water Supply Bank Lease Application for Water Right 2-10375

Emalee:

Don't see any problems with this one.

Just fyi, we had lots of contacts in recent years about multiple splits, not being to get river water to property w/o considerable expense to repair shared conveyance system, alarming & incorrect info some people in the public were spreading to other people etc. – a real mess. Developed the attached office day references for that. The 1-page info sheet was mailed to tax lot owners back then to help them decide what to do.

Appears lease appl is for #19 on attached map & row 19 on attached spreadsheet.

Steve

From: Rushing, Emalee

Sent: Tuesday, August 26, 2014 12:04 PM

To: Lester, Steve

Subject: Water Supply Bank Lease Application for Water Right 2-10375

I am reviewing a WSB lease application for this water right. The lease requests that the entire right be placed into the bank.

I've attached the water right report and draft review memo for your convenience.

Please let me know if you have any concerns.

Thank you!

Emalee

MEMORANDUM

To: Water Right No. 2-10375
From: Emalee Rushing
Date: 8/26/2014
Re: Review of Application to Lease Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: The department received the application to lease this entire water right into the WSB on May 27, 2014. The fee and Application Checklist were not received until June 24, 2014 and Attachment 1A was received on August 13, 2014.

AUTHORITY TO FILE: The application was submitted along with a Notice of Change in Water Right Ownership. The new owners signed and submitted the application.

WATER RIGHT VALIDITY: This water right was partially decreed on May 11, 2009 and 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 proposed leased right is not within a water district. Steve Lester with the Western Region office does not see any problems with this lease.

FURTHER NOTE: This water right has the following condition:

Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 when combined shall not exceed a total diversion rate of 74.30 cfs.

The total combined diversion rate for all water rights is 95.34 cfs. The diversion rate for this water right is 0.143 cfs. The amount available for rental will be 0.11 cfs.

Rushing, Emalee

From: Rushing, Emalee
Sent: Wednesday, August 06, 2014 5:08 PM
To: 'rlzim@hotmail.com'
Subject: Water Supply Bank Application
Attachments: Pages from WSB App to Sell or Lease a WR.pdf; Pages from WSB App to Sell or Lease a WR-2.pdf

Mr. & Mrs. Zimmerschied,

I am reviewing the application submitted to place water right 2-10375 into the water supply bank.

On the Application Checklist you listed the Designated Applicant as Robert &/or Nancy Zimmerschied and answered yes to Attachment 1A. I do not see that we received Attachment 1A. I have attached a copy for your convenience. Can you please fill out the form and mail it in to me at:

Emalee Rushing
IDWR
PO Box 83720
Boise, ID 83720-0098

Also, I did verify that we received the IRS Form W-9 and the name listed on the W-9 was Robert Zimmerschied with an address of PO Box 583, Nice, CA. The name on the W-9 should match the Designated Applicant. Any payments made for the rental of the water right will be mailed to that name at the address listed on the W-9. I have also attached a W-9 form for your use in case you want to change anything.

Please submit the completed Attachment 1A and mail it in to me by August 20, 2014. Once the application is complete, I can move forward with the preparation of the Lease Contract. Please feel free to call or email if you have any questions.

Thank you,
Emalee Rushing
208-287-4952

Attachments: Attachment 1A



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

RECEIVED

JUN 24 2014

WATER RESOURCES
WESTERN REGION

June 18, 2014

ROBERT AND OR NANCY ZIMMERSCHIED
122 N CANYON
NAMPA ID 83651

RE: LEASE APPLICATION FEE REQUEST TO LEASE WATER RIGHT NO(S). 2-10375 TO THE WATER SUPPLY BANK

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

Dear Applicant:

Effective April 8, 2011, Water Supply Bank Rule 25.02 (also known as IDAPA 37.02.03.025.02.f) requires a \$250.00 fee be submitted with all Water Supply Bank (Bank) lease applications. The fee for a set of overlapping rights is a maximum of \$500.00. To clarify, Bank lease applications seek to place water rights into the Bank.

The Department of Water Resources (Department) received your application(s) to lease water right(s) 2-10375 to the Bank on May 27, 2014 without the required fees. Please submit the \$250.00 lease application fee within 14 days. Without the lease fee your application(s) is considered incomplete and will not be processed. Please provide the following information within 14 days of the date of this letter or the application will be returned:

- Page 1 of the Lease Application form along with the required documentation and fee
- Once the application fee is received, your application(s) will be reviewed. If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

The department will continue processing your application(s) once you have submitted the requested information. Water right forms are available from the Department's web site at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4944.

Sincerely,

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enc: Page 1 of Lease Application