

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective March 10, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: CITY OF CHUBBUCK
PUBLIC WORKS DEPT
PO BOX 5604
CHUBBUCK ID 83202-5604
(208) 237-2430
ssmart@cityofchubbuck.us

RECEIVED

APR 14 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>
29-14096	0.21 CFS	83.2 AF	20.8 AC	20.8 AC
29-14097	0.02 CFS	8.8 AF	2.2 AC	2.2 AC
Combined Lease Totals:	0.23 CFS	92.0 AF	23.0 AC	23.0 AC

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

Authorized Period of Use under Lease: April 1 to October 31

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, 2014.
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.

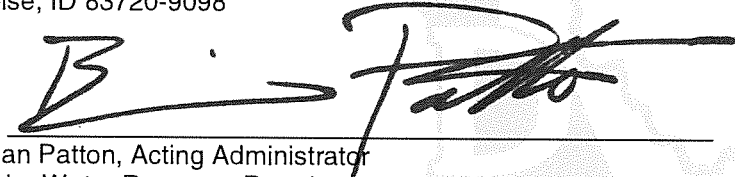
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

CITY OF CHUBBUCK
PUBLIC WORKS DEPT
PO BOX 5604
CHUBBUCK ID 83202-5604

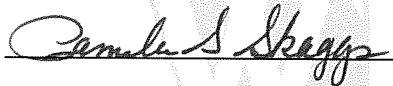
By 
Printed Name Kevin B. England

Date 7 Apr. 2014
Title Mayor

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 04-14-2014

Lease approved by IDWR 

Date 04-14-2014

ATTACHMENT A
WATER RIGHT NO. 29-14096
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CITY OF CHUBBUCK
PUBLIC WORKS DEPT
PO BOX 5604
CHUBBUCK ID 83202-5604
(208) 237-2430

Priority Date: 11/29/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL (for Irrigation)	04/01	to 10/31	0.21 CFS	83.2 AF
	Total:		0.21 CFS	83.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE¼NW¼SW¼	Sec. 34	Twp 05S	Rge 34E	BANNOCK County
GROUND WATER	NW¼NW¼SW¼	Sec. 3	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	SW¼SE¼SW¼	Sec. 4	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	L13 (SWSW)	Sec. 10	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	L4 (NENWNW)	Sec. 11	Twp 06S	Rge 34E	BANNOCK County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: MUNICIPAL (FOR IRRIGATION)

LARGE POU NOT DISPLAYED

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. This right is limited to the irrigation of 20.8 acres within the authorized place of use in a single irrigation season.
13. Rights 29-14096 and 29-14097 when combined shall not exceed the irrigation of 23.0 acres.
14. Municipal use under rights 29-14096 and 29-14097 is for irrigation of 23.0 acres within the authorized place of use in a single irrigation season.
15. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
16. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
17. This right does not grant any right –of-way or easement across the land of another.

ATTACHMENT A
WATER RIGHT NO. 29-14097
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CITY OF CHUBBUCK
PUBLIC WORKS DEPT
PO BOX 5604
CHUBBUCK ID 83202-5604
(208) 237-2430

Priority Date: 11/29/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL (for Irrigation)	04/01	to 10/31	0.02 CFS	8.8 AF
	Total:		0.02 CFS	8.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE¼NW¼SW¼	Sec. 34	Twp 05S	Rge 34E	BANNOCK County
GROUND WATER	NW¼NW¼SW¼	Sec. 3	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	SW¼SE¼SW¼	Sec. 4	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	L13 (SWSW)	Sec. 10	Twp 06S	Rge 34E	BANNOCK County
GROUND WATER	L4 (NENWNW)	Sec. 11	Twp 06S	Rge 34E	BANNOCK County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: MUNICIPAL (FOR IRRIGATION)

Large POU not displayed

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. This right is limited to the irrigation of 2.2 acres within the authorized place of use in a single irrigation season.
13. Rights 29-14096 and 29-14097 when combined shall not exceed the irrigation of 23.0 acres.
14. Municipal use under rights 29-14096 and 29-14097 is for irrigation of 23.0 acres within the authorized place of use in a single irrigation season.
15. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
16. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
17. This right does not grant any right -of-way or easement across the land of another.

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
MAR 10 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 City of Chubbuck Public Works DeptWater Right No. 29-14096All 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 \$ 250⁰⁰Received By: CSDate Received: 3/10/14Receipt # C098449W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: City of Chubbuck Idaho

**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 City of Chubbuck Public Works Dept Email Address ssmart@cityofchubbuck.us
Mailing Address P.O. Box 5604 Chubbuck, ID 83202-5604 Phone Number (208) 237-2430

☒ 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 Steven M. Smart Organization City of Chubbuck
Professional Title Public Works Director Email Address ssmart@cityofchubbuck.us
Mailing Address P.O. Box 5604, Chubbuck, Idaho 83202 Phone Number 208-237-2430

☒ 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 29-14096 ☒ 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.
This water right was acquired for future anticipated needs of the City of Chubbuck. Water right will be leased to the Idaho Water Supply bank annually until such need develops.

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.
City of Chubbuck water rights 29-2385, 29-2413, 29-2469, 29-7624, 29-8188, 29-8229, 29-8230, 29-14012, 29-14013, 29-14058, 29-14097 are also authorized from the same diversions.

C. Will the present place of use continue to receive water from any other source? Yes ☒ No ☐

If yes, describe. Existing water rights (not leased to the water supply bank for future needs) will continue to be used.

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. _____

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

If yes, describe. _____

4. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

If lease, for a period from 04/01/2014 to 12/31/2014 (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.

Kevin B. England
Signature of Designated Applicant

Kevin B. England
Printed Name

20 Feb 2014
Date

Steven M. Smart
Signature of Authorized Representative

Steven M. Smart
Printed Name

20 Feb 2014
Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

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 City of Chubbuck Public Works DeptWater Right No. 29-14097

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. |
| 1B | ☐ | ☐ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☐ | ☒ | <i>Notice of Change in Water Right Ownership</i> 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 OnlyFee Amount \$ 250⁰⁰Received By: CJDate Received: 3/10/14Receipt # C098449W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: City of Chubbuck Idaho

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

1. CONTACT INFORMATION

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Mailing Address P.O. Box 5604 Chubbuck, ID 83202-5604 Phone Number (208) 237-2430

☒ 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 Steven M. Smart Organization City of Chubbuck
Professional Title Public Works Director Email Address ssmart@cityofchubbuck.us
Mailing Address P.O. Box 5604, Chubbuck, Idaho 83202 Phone Number 208-237-2430

☒ 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 29-14097 ☒ 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.
This water right was acquired for future anticipated needs of the City of Chubbuck. Water right will be leased to the Idaho Water Supply bank annually until such need develops.

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.
City of Chubbuck water rights 29-2385, 29-2413, 29-2469, 29-7624, 29-8188, 29-8229, 29-8230, 29-14012, 29-14013, 29-14058, 29-14096 are also authorized from the same diversions.

C. Will the present place of use continue to receive water from any other source? Yes ☒ No ☐

If yes, describe. Existing water rights (not leased to the water supply bank for future needs) will continue to be used.

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. _____

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

If yes, describe. _____

4. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, for a period from 04/01/2014 to 12/31/2014 (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.

Kevin B. England
Signature of Designated Applicant

Kevin B. England
Printed Name

20 Feb 2014
Date

Steven M. Smart
Signature of Authorized Representative

Steven M. Smart
Printed Name

20 Feb 2014
Date

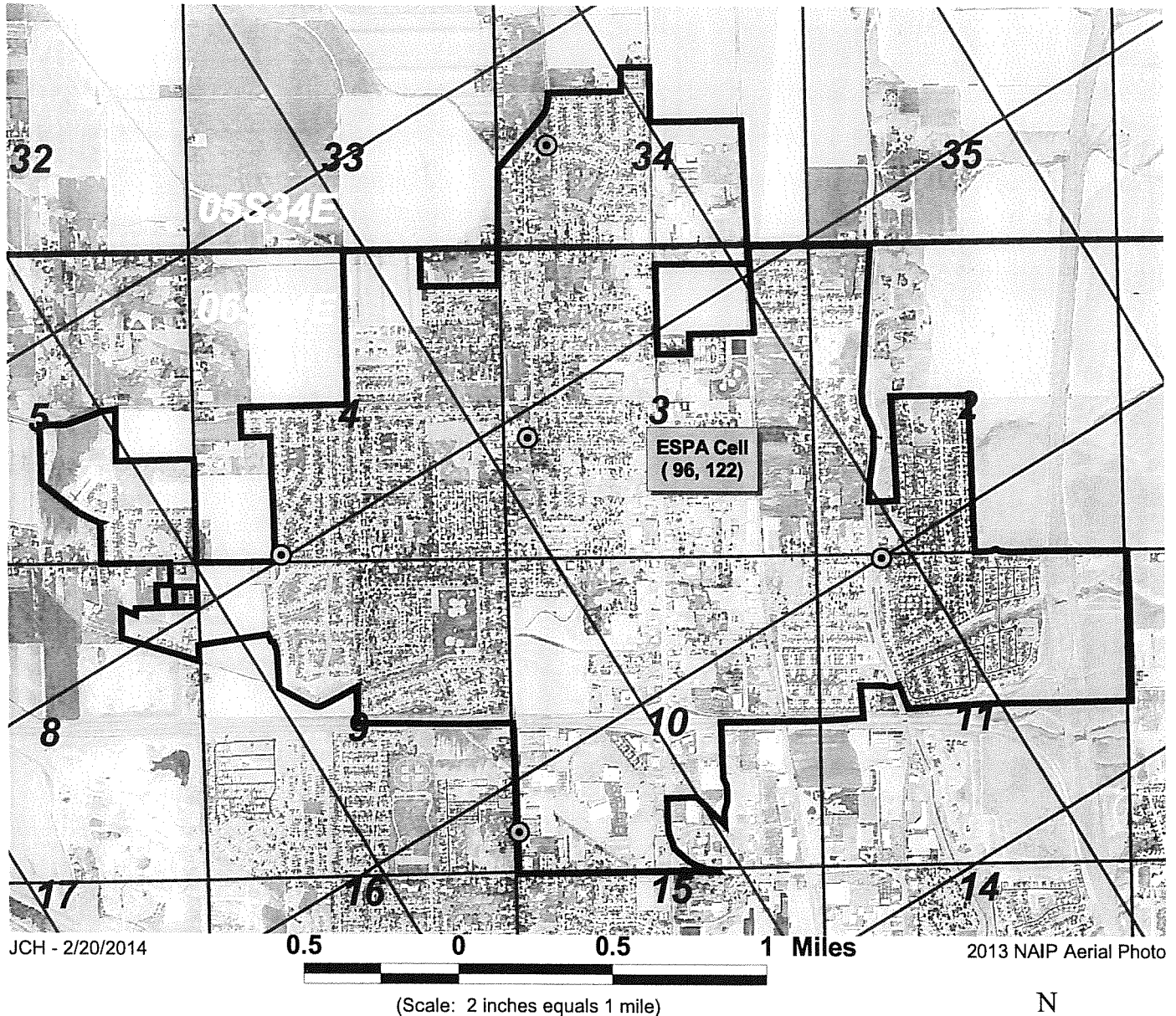
Mail to:

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

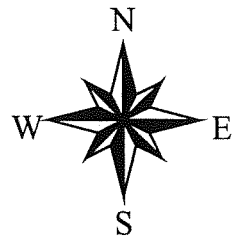
CHANGE OF OWNERSHIP & WATER SUPPLY BANK APPLICATION TO LEASE WATER RIGHT

29-14096 (Priority: 11/29/1971 : 0.21 cfs, 20.8 ac., 83.2 acre-ft per year)

29-14097 (Priority: 11/29/1971 : 0.02 cfs, 2.2 ac., 8.8 acre-ft per year)



-  ESPA Model Grid
-  City of Chubbuck Existing Wells
-  City of Chubbuck Municipal (Irrigation) Place Of Use
-  Townships
-  Sections



ATTACHMENT #1



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

April 14, 2014

CITY OF CHUBBUCK
PUBLIC WORKS DEPT
PO BOX 5604
CHUBBUCK ID 83202-5604

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 29-14096 and 29-14097

Dear Lessor:

Water Rights 29-14096 and 29-14097 were leased into the Water Supply Bank on March 10, 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, 2014**, 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
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: James Cefalo- IDWR Eastern Region and Water District # 120



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C.L. "BUTCH" OTTER
Governor

April 1, 2014

CITY OF CHUBBUCK
PUBLIC WORKS DEPT
PO BOX 5604
CHUBBUCK ID 83202-5604

April 10, 2014

Returned to IDWR

Steven M. Smart
Public Works Director

RECEIVED
APR 14 2014
DEPARTMENT OF
WATER RESOURCES

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 29-14096 and 29-14097 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 have the Mayor or other elected official 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, 2014**, 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 287-4944.

Sincerely,

for Jan Hershey
Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts



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April 1, 2014

CITY OF CHUBBUCK
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PO BOX 5604
CHUBBUCK ID 83202-5604

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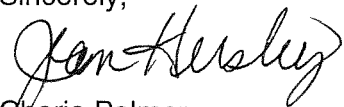
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Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"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
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts

MEMORANDUM

To: Water Right No(s). 29-14096 and 29-14097
From: Jean Hersley
Date: March 21, 2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received these applications on March 10, 2014. Other City of Chubbuck water rights with the same diversion will be used for the same purpose at the same POU.

AUTHORITY TO FILE: The applications were signed by Steven Smart, Public Works Director

WATER RIGHT VALIDITY: Parent rights were decreed in 2002 and aerial photography indicates irrigation has taken place in the last 5 years.

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. Rights were acquired through Transfer # 78935 approved on January 17, 2014 and have never been used at this POU. The City of Chubbuck acquired this right for future anticipated needs. The water rights will be leased to the Bank annually until such need develops.

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 a Water District # 120. The watermaster did not have any comments or concerns.

Hersley, Jean

From: Cefalo, James
Sent: Friday, March 21, 2014 1:31 PM
To: Hersley, Jean
Subject: RE: review memo

Jean,

I don't have any concerns about the proposed lease. Thanks.

James

From: Hersley, Jean
Sent: Friday, March 21, 2014 9:31 AM
To: Cefalo, James
Subject: review memo

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Friday, March 21, 2014 9:30 AM
To: Cefalo, James
Subject: WSB Lease 29-14096 and 29-14097 City of Chubbuck

The City of Chubbuck would like to lease the above mentioned water rights to the Bank. The City acquired these rights recently through transfer # 78935 approved in January, 2014. They have never been used at the current POU. I have attached my review memo for your benefit. If you have any comments or concerns, please let me know.
Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

RECEIVED
MAR 10 2014
DEPARTMENT OF
WATER RESOURCES



PUBLIC WORKS AND ENGINEERING
PO BOX 5604
CHUBBUCK, ID 83202-0006

RECEIVED
MAR 10 2014
DEPARTMENT OF
WATER RESOURCES

208-237-2430
208-237-2409 FAX
www.cityofchubbuck.us

TRANSMITTAL LETTER

Company:	Idaho Dept of Water Resources
Attn:	
Address:	PO Box 83720
	Boise, ID 83720-0098

Date:	3.6.14
Project:	Water Rights 29-14096 & 29-14097

WE ARE ENCLOSING:

	Description
1	Check # 22018 in the amount of \$550.00
1	Application Checklist for 29-14096
1	Application Checklist for 29-14097
1	W-9 Form
1	Notice of Change in Water Right Ownership
1	Copy of Recorded Special Warranty Deed for Water Rights

COMMENTS:

As Requested	x	For Your Use	Reviewed As Noted
For Your Approval		For Review and Comment	Other

Thank You,

A handwritten signature in black ink, appearing to read "Steven M. Smart".

Steven M. Smart
Public Works Director

Sent By: N. Simmons