



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 7, 2015

ANTHONY JACOB ANDERSEN
1170 LUSK LOOP
ARBON ID 83212

RE: **LEASED WATER RIGHT NO(S). 29-13708 RELEASED FROM THE WATER SUPPLY BANK**

Dear Lessor:

On May 4, 2015, the Department of Water Resources (Department) received your request to cancel the existing Water Supply Bank (Bank) Lease Contract executed on January 1, 2014 and release water right(s) 29-13708 from the Bank. **At this time the Department acknowledges that the Bank Lease Contract for 154.7 acres of water right(s) 29-13708 has been canceled releasing the right(s) from the Bank.**

The five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank.

You can reapply to lease the water right(s) in the future by submitting new application form(s) from the Department's website at www.idwr.idaho.gov along with applicable fees.

If you have any questions regarding this matter, please contact me at (208) 287-4910.

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

STATE OF IDAHO
WATER RESOURCE BOARD

WATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK

ONE FORM PER WATER RIGHT

RECEIVED
MAY 04 2015
DEPARTMENT OF
WATER RESOURCES

All water rights leased into the Water Supply Bank shall remain unused by the water right holder for the duration of the Lease Contract. The water right will not be released from the Water Supply Bank until the conclusion of the Lease Contract unless otherwise authorized by the Idaho Water Resource Board. Water right holders may use this form to petition for early termination of their Water Supply Bank Lease Contract.

Water right holders seeking an early termination of a Lease Contract must demonstrate justifiable need for the release. Water rights under Lease Contract that are eligible for early termination can be released from the Water Supply Bank if the release will not impair administration of the Water Supply Bank. **If a water right is currently rented, it cannot be considered for release until the Rental Agreement concludes.** A water right is not released from the Water Supply Bank until written release confirmation is issued by the Water Supply Bank.

Water Right No: 29-13708

Name(s) of Lessor(s): Anthony Jacob Andersen

Mailing Address: 1170 Lusk Loop

City: Arbon

State: ID

Zip: 83212

Telephone No: 208-932-4040

Email Address: ajandersen@gmail.com

Lease Contract Expiration Date: 12/30/2015

Requested Release Date: 5/5/2015

Reason for Early Release:

No one has leased it in the two years that it has been in the bank and it doesn't look like anyone is leasing it this year. I'd like to water this area again for crops in 2015. I have a motor and irrigation equipment ready to pump right now. I will plant wheat or oats soon.


Signature of Lessor

Anthony Jacob Andersen
Printed Name and Title*

4/30/2015
Date

Signature of Lessor

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

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective January 1, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: A JACOB ANDERSEN
1170 LUSK LOOP
ARBON ID 83212
(208)932-4040
ajandersen@gmail.com

RECEIVED
MAR 18 2014
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
29-13708	1.30 CFS	619 AF	154.7 AC	154.7 AC
Combined Lease Totals:	1.30 CFS	619 AF	154.7 AC	154.7 AC

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

Authorized Period of Use under Lease: 3/15 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, 2015.
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.

RELEASED
MAY 05 2015

SCANNED
MAR 19 2014

WATER SUPPLY BANK LEASE CONTRACT

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1170 LUSK LOOP
ARBON ID 83212
(208)932-4040
ajandersen@gmail.com

RECEIVED
MAR 18 2014
DEPARTMENT OF
WATER RESOURCES

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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.

A JACOB ANDERSEN

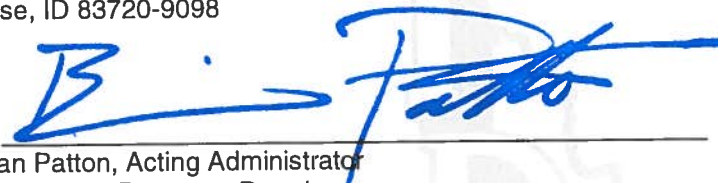
1170 LUSK LOOP
ARBON ID 83212

By 
Printed Name A. Jacob Andersen

Date 3-14-14
Title Mr.

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 03-19-2014

Lease approved by IDWR 

Date 03-19-2014

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 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
13. 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. 29-O.



Receipt No. 0098155Fee Amount \$ 250.00Date/by 1-8-14 JAL

(For Department Use Only)

STATE OF IDAHO
WATER RESOURCE BOARD**RECEIVED****APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK****JAN 08 2014**
**DEPARTMENT OF
WATER RESOURCES**Name of Seller/Lessor Anthony Jacob Andersen Phone 208-932-4040Mailing address 1170 Lusk Loop Arbon, ID 83212 Email ajandersen@gmail.com**A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK**If the entire right is for sale or lease, check here ☒, list the water right number, and skip to Part B.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>29-13708</u>			to
			to
			to

Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** _____**B. OWNERSHIP**

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
 If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.

2. 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 to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Ground water pulled from diesel motor to handlines

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

none

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

Yes ☐ No ☒

If yes, describe. _____

4. 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 right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

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

If yes, describe. _____

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
3. A completed [Internal Revenue Service \(IRS\) Form W-9](#). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

E. SALE/LEASE AGREEMENT

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

If lease, for a period from 01 / 01 / 2014 to 12 / 30 / 2015 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. 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.

\$10 / AFA per year**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 right for sale or lease to the Idaho Water Resource Board.**

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.



Signature of Applicant

Anthony Jacob Andersen

Printed Name and Title*

12-30-2013

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



Change Background



Layers Legend

Water
Wells

Water Rights / Adjudication

POD - Adjudication Claims

POD - Adjudication Recommendations

POD - Permits

POD - Water Rights

POU - Adjudication Claims

POU - Adjudication Recommendations

POU - Permits

POU - Water Rights

Ground Water

Areas of Drilling Concern

Contamination Area

Nitrate Priority Areas

Critical Ground Water Areas

Ground Water Management Areas

Eastern Snake Plain Aquifer

ESPA Boundary

ESPA Model Outline

ESPA Model Grid

SELECT ACTIVE LAYER

POD - Water Rights

2619073; 1249600

0 380meters

maps.idwr.idaho.gov/mapall/

2009 Aerial Photography



Point of Diversion



29-13708 Place of Use





State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 19, 2014

A JACOB ANDERSEN
1170 LUSK LOOP
ARBON ID 83212

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 29-13708

Dear Lessor:

Water Right 29-13708 was leased into the Water Supply Bank on January 1, 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, 2015**, 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 287-4879.

Sincerely,

Sandra Thiel
Water Resource Planner

Enclosure: Executed Lease Contract

c: James Cefalo- IDWR Eastern Region Office
Richard Curry – Water District 290

State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov



YSPACKMAN
ector

C.L. "BUTCH" OTTER
Governor

March 11, 2014

A JACOB ANDERSEN
1170 LUSK LOOP
ARBON ID 83212

RE: APPLICATION TO LEASE WATER RIGHT 29-13708 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 287-4879.

Sincerely,

Sandra Thiel
Water Resource Planner

Enclosure: Proposed Lease Contracts
Receipt # C098155

MEMORANDUM

To: File 29-13708

From: Sandra Thiel

Date: February 14, 2014

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank and Review of Application to Rent Water Right from the Water Supply Bank

PURPOSE/NARRATIVE: On January 8, 2014 the Department received lease and rental applications for water right 29-13708. The water right holder, Anthony Anderson, intends to lease the entire right into the bank for 2 years from January 1, 2014 through December 30, 2015.

Jason Williams submitted an application to rent the water to irrigate 120 acres. However, in an email sent February 14, 2104 (see attachment) Mr. Williams said that he would have to drill a new well to access the water. I contacted Mr. Anderson by phone on February 19 to let him know that Mr. Williams would not be able to rent the water under his current rental application. Mr. Anderson said that he would like to continue with the lease process for his water right. He will lease the water for the current rental rate instead of the amount given on his application.

AUTHORITY TO FILE: The applicant owns the water right.

WATER RIGHT VALIDITY: The right was decreed on 3/22/2004. Aerial photography from 2006 and 2009 show evidence of irrigation (see attached image from 2009)

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: There does not appear to be a risk of enlargement provided the rental analysis is done appropriately.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest. The points of diversion and place of use are within the Aberdeen-American Falls Ground Water District, Water Districts 01 and 29-0 and the Non-Trust Water Area

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:
The leases appear to be consistent with conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Water master Richard Curry responded on February 18 and expressed concerns about drilling new wells in the basin (see attached). James Cefalo also responded. At the time of his response he was unaware of the proposed new well and he expressed no concerns about the lease. If water right 29-13708 is rented we will contact James for comments.

Thiel, Sandra

From: Richard Curry [rd@dcdi.net]
Sent: Tuesday, February 18, 2014 12:51 PM
To: Thiel, Sandra
Subject: Water supply bank lease/rental applications

Sandra

I received your e-mail on the Anderson and Williams application, it does not state how the water will reach the pivot. Will the water be pumped into the creek and then pumped out into the pivot or a new well drilled? My conversations with Tim Luke in the fall of 2013 he stated that he did not want any more wells drilled in this drainage. In two years will Anderson take his water back and then Williams seal his well off or Anderson sell his water rights and close off his well? Domestic water users have contacted me and do not want any additional wells being drilled. The reason for this is when the Norman Davis well is pumped 24/7 it dries up two house wells that are close by. One of the home owners asked what his options were when the Davis well is being pumped and his well goes dry? As far as priority date the domestic wells are older than the irrigation well.

Richard

Thiel, Sandra

From: Cefalo, James
Sent: Tuesday, February 18, 2014 8:23 AM
To: Thiel, Sandra
Subject: RE: Water supply bank lease/rental applications

Sandra,

I don't have any concerns about the proposed rental. There are two protested transfers in this area. The protestant is concerned that the ground water pumping in the valley has diminished the surface water supply. There has been a threat of a surface to ground water call for a number of years. I don't see that this rental will make the situation worse. If anything, by moving the ground water use farther downstream in the watershed, the surface water supply may improve.

James

From: Thiel, Sandra
Sent: Friday, February 14, 2014 9:25 AM
To: Cefalo, James
Subject: Water supply bank lease/rental applications

Good morning, The Department received a lease application from Anthony Andersen for water right 29-13708, accompanied by a rental application from Jason Williams. I have attached a maps showing the location of both the land Mr Andersen proposes to dry up and the land Mr Williams intends to irrigate. I've also included my review memo. Please look the the information and let me know if you have any concerns by Februry 28 if possible. Thank you for your help with this.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov