

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is effective September 9, 2013, between the Idaho Water Resource Board ("Board"), and

Lessor: Anne L. Wingate Trust
8283 W Creekrun Way
Boise ID 83714
(323) 828-8979
AnneLWingate@gmail.com

RECEIVED

NOV 18 2013

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>
37-20587	0.216 CFS	9.5 AF	NA	2.7 AC
37-20610	0.02 CFS	2.4 AF	NA	0.8 AC
Combined Lease Totals: 0.236 CFS 9.5 AF NA 2.7 AC				

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

<u>Authorized Period of Use under Lease:</u>	37-20587	4/15 to 10/31
	37-20610	4/1 to 11/1

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.

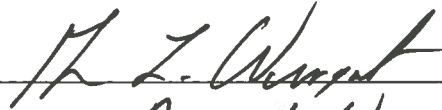
Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2017.
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.

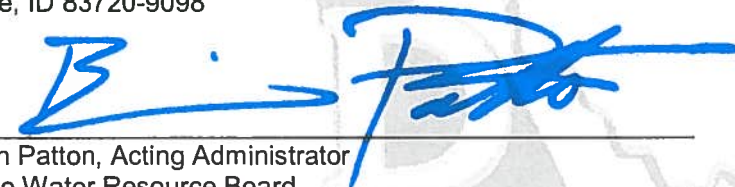
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

Anne L. Wingate Trust
8283 W Creekrun Way
Boise ID 83714

By 
Printed Name ANNE L. WINGATE

Date 11-14-2013
Title TRUSTEE Anne L Wingate Trust

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 11/20/2013

Lease approved by IDWR 

Date 11/20/2013

ATTACHMENT A
WATER RIGHT NO. 37-20587
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: Anne L. Wingate Trust
8283 W Creekrun Way
Boise ID 83714
(323) 828-8979

Priority Date: 7/15/1885

Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.216 CFS	9.5 AF
	Total:		0.216 CFS	9.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NE¼NW¼ Sec. 35 Twp 02N Rge 18E BLAINE 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	
02N	18E	35					2.7												2.7

Total Acres: 2.7

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
37-20587 and 37-20610	0.236 CFS	9.5 AF	2.7 AC

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.

ATTACHMENT A
WATER RIGHT NO. 37-20587
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

ATTACHMENT A
WATER RIGHT NO. 37-20610
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: Anne L. Wingate Trust
8283 W Creekrun Way
Boise ID 83714
(323) 828-8979

Priority Date: 11/27/1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.02 CFS	2.4
	Total:		0.02 CFS	2.4

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35 Twp 02N Rge 18E BLAINE 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	
02N	18E	35					0.8												0.8

Total Acres: 0.8

COMBINED LIMITS OF LEASED RIGHT:

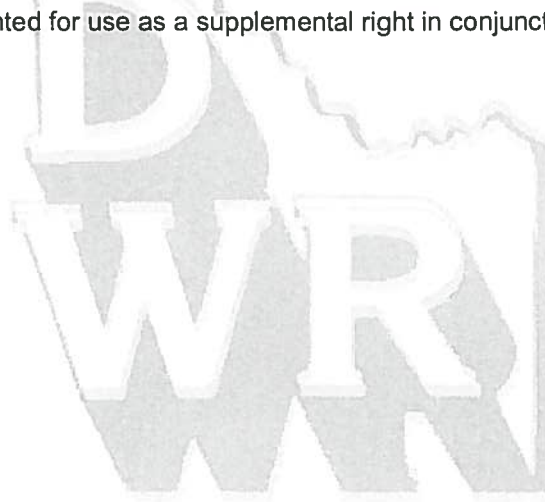
<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
37-20587 and 37-20610	0.236 CFS	9.5 AF	2.7 AC

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.

ATTACHMENT A
WATER RIGHT NO. 37-20610
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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 may only be rented for use as a supplemental right in conjunction with a primary surface water right.



RECEIVED

SEP 09 2013

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Receipt No. C097711
Fee Amount \$ 250.00
Date/by 9-9-13 HP
(For Department Use Only)

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

Name of Seller/Lessor ANNE L. WINGATE TRUST Phone 323.828.8978
Mailing address 8283 W CREEKWAY WAY BOISE, ID 83714 Email ANNE@WINGATE@9mail.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. Water Right Number 37-20587 Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____
_____ to _____
_____ to _____
_____ to _____
Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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:

GENERAL INFORMATION

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

most recent diversion system was a portable centrifugal pump
powered by a diesel motor.

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

37-20610 has overlapping place of use

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.

SRBA Court issued partial decree
on May 13, 2009.

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.

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 (attached). If your water right is rented, we will be unable to issue payment to you without a current W-9 form. *48*

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 9-1-2013 to 9-1-2013 (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.

Current rental rate

hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authority 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.

127. West
Signature of Applicant

ANNE L. WINGATE TTEE
Printed Name and Title*

7/29/2013
Date

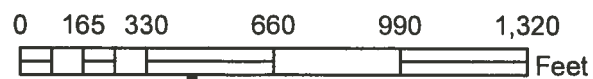
Signature of Applicant

Printed Name and Title*

Date

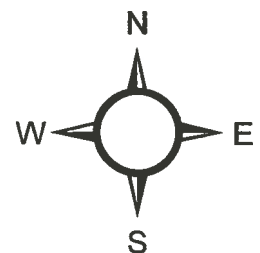
*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

37-20587 Place of Use



Legend

-  t02n18e
-  37-20587



RECEIVED

SEP 09 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD
 Receipt No. C097712
 Fee Amount \$ 250.00
 Date/by 9-9-13 HP
 (For Department Use Only)
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK
 Name of Seller/Lessor ANNE L. WINGATE TRUST Phone 323.828.8978
 Mailing address 8283 W CREEKWAY WAY BOISE, ID 83714 Email ANNE.L.WINGATE@gmail.com

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. Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-20610</u>			_____ to _____
			_____ to _____
			_____ to _____

Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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 _____

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.
- Well pump, located on property of Laura Lucere.
- 2. Describe any other water rights used for the same purpose or at the same place of use as described above.
37-20587- has overlapping place of use.
- 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. See attachment for explanation of non-use.
- 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 (attached). If your water right is rented, we will be unable to issue payment to you without a current W-9 form. AP

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 9-1-2013 to 9-1-2018 (Month / Day / Year) (Month / Day / Year) (not to exceed 5 years).
- 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.
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 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.

<u>[Signature]</u> Signature of Applicant	<u>ANNE L. WINGATE TTEE</u> Printed Name and Title*	<u>7/29/2013</u> Date
Signature of Applicant	Printed Name and Title*	Date

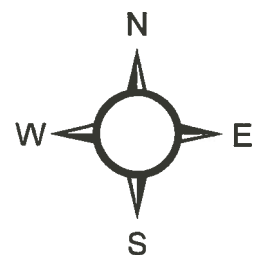
*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

37-20610 Place of Use



Legend

-  t02n18e
-  37-20610



Attachment A

RE: Application to Lease Water Right 37-20610 to the Water Supply Bank

Item C.4. Explanation of Non-Use

Water right 37-20610 is classified as a supplemental right because the place of use is also covered by the primary water right 37-20587 with a priority date of July 15, 1885, diverted from the Broadford Slough. Based on previous Department decisions, it is my understanding the forfeiture provision in Section 42-222 does not apply to the non-use of a supplemental water right provided the place of use is covered by a primary right.



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

November 20, 2013

ANNE L WINGATE TRUST
8283 W CREEKRUN WAY
BOISE ID 83714

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT 37-20587 AND 37-20610

Dear Lessor:

Water Right(s) 37-20587 AND 37-20610 were leased into the Water Supply Bank on September 9, 2013 in accordance with the executed original Lease Contract enclosed. **The portion of your right(s) described on the Lease Contract is considered leased into the Bank, and should remain unused, until it is formally released from the Bank.**

The rights will automatically be released from the Bank on **December 31, 2017**, 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 request an extension of the lease period, submit a Request to Extend the Lease Term form along with applicable fees to the Department prior to the release date. These forms are available 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,

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Erine Carlsen - Idaho Water Engineering
Allen Merritt - IDWR Southern Regional Manager
Kevin Lakey - Watermaster, Water District 37



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

November 8, 2013

ANNE L WINGATE TRUST
8283 W CREEKRUN WAY
BOISE ID 83714

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-20587 AND 37-20610 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, 2017**, 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 request an extension of the lease period, submit a Request to Extend the Lease Term form along with applicable fees to the Department prior to the release date. 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,

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C097711 and C097712

c: Ernie Carlson – Idaho Water Engineering

MEMORANDUM

To: Water Right No(s). 37-20587 and 37-20610
From: Cherie Palmer
Date: October 23, 2013
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: Ernie Carlson of Idaho Water Engineering submitted two applications to lease water under rights 37-20610 and 37-20587 on behalf of Anne Wingate. The entire rights will be leased to the bank for a 5 year term as they are completely overlapped.

AUTHORITY TO FILE: Anne L. Wingate Trust is the current water right holder. Anne L. Wingate is a trustee of the water rights and is authorized to file leases.

WATER RIGHT VALIDITY: These water rights were decreed in 2009 and are not subject to forfeiture. Water right 37-20610 is supplemental to surface right 37-20587 and is only used when 37-20610 is not available.

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 leased rights are subject to Water District #37. Please see attached email from water master.



Palmer, Cherie

From: Kevin Lakey [watermanager@cableone.net]
Sent: Friday, November 01, 2013 3:27 PM
To: Palmer, Cherie
Subject: RE: Lease AppliCation for 37-20610 and 37-20587

Cherie,
I have no concerns with this applications. It looks fine to me.

Kevin Lakey

From: Palmer, Cherie [mailto:Cherie.Palmer@idwr.idaho.gov]
Sent: Friday, November 01, 2013 3:03 PM
To: watermanager@Cableone.net; Merritt, Allen
Subject: Lease AppliCation for 37-20610 and 37-20587

Hello Gentlemen,

I have an application to lease two stacked water rights; 37-20610 and 37-20587 in the name of Anne L. Winegate Trust. She would like to lease the two rights in entirety for a 5 year term.

I have attached my review memo for your reference. The second page of the memo includes a map of the POU and PD for 37-20587 (surface water right).

Please let me know within 14 days if you have any questions.

Thank You!

Cherie

<<L1.2 Lease Review Memo Template.docx>>



4838 Wind River Rd.
Idaho Falls, Idaho 83401

Office: (208) 378-1513
Cell: (208) 523-4514

www.idahowaterengineering.com
ernie@idahowaterengineering.com

September 5, 2013

RECEIVED

SEP 09 2013

DEPARTMENT OF
WATER RESOURCES

Pam Skaggs
Water Rights Supervisor
Department of Water Resources
PO Box 83720
Boise ID 83720-0098

RE: Applications to Lease Water Rights 37-20610 and 37-20587

Dear Pam:

On behalf of Anne Wingate, here are two applications to lease water rights 37-20587 and 37-20610 to the Water Supply Bank and checks No. 4351 and 4352 each for \$250 for payment of the filing fee. Please cc me with any questions concerning the applications or Department actions.

Cordially

A handwritten signature in blue ink that reads "Ernest Carlsen". The signature is written in a cursive, flowing style.

Ernie Carlsen
East Idaho Manager
Idaho Water Engineering