

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

NOV 12 2013

DEPARTMENT OF
WATER RESOURCES

This is to certify that: CITY OF ROCKLAND
 PO BOX 113
 ROCKLAND ID 83271
 (208)548-2489
rocklandclerk@dcdi.net

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Rented Rate	Annual Rented Volume
41-02B	0.07 CFS	13.60 AF
41-25C	0.27 CFS	54.40 AF
41-32F	0.17 CFS	33.72 AF
41-33B	0.12 CFS	24.48 AF
41-10256	0.63 CFS	126.40 AF

WITHDRAWN
 3/24/14

COMBINED

RENTAL TOTALS: **0.63 CFS** **126.40 AF**

TERM OF RENTAL: August 7, 2013, to December 31, 2014

RENTAL FEE: **\$214.88 annually**

The fee for rental of the above-described water is \$214.88 will go the Department for administrative costs. An annual payment shall be received by the Department prior to April 1, the beginning of the irrigation season, each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date. Detailed water right specific limitations and conditions are attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 4 day of November, 2013.

By: G. Elder Hansen
 (Print Name)

Elder Hansen
 (Signature)

 (Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 12th day of November, 2013.

SUPPORT DATA

IN FILE # 41-28

BRIAN PATTON, Acting Administrator
 Idaho Water Resource Board

SCANNED

NOV 13 2013

**WATER RIGHT NO. 41-2B
WATER SUPPLY BANK RENTAL AGREEMENT**

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: CITY OF ROCKLAND
PO BOX 113
ROCKLAND ID 83271
(208)548-2489
rocklandclerk@dcdi.net

Priority Date: 05/01/1886

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	4/01	to 10/31	0.07 CFS	13.6 AF
	Total:		0.07 CFS	13.6 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE¼SE¼ Sec. 1 Twp 10S Rge 30E POWER County

PLACE OF USE UNDER THIS RENTAL: MUNICIPAL

CONDITIONS OF WATER USE

1. Place of use is within the service area of the City of Rockland municipal water supply system as provided for under Idaho Law.
2. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
3. Rental of the specified right from 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.
4. The water rented under this agreement is appurtenant to irrigation of 3.4 acres.
5. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in RE HOUTZ ER AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.
6. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
9. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
10. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.

11. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
12. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
13. Use of water under this agreement 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. 41.
14. The following water rights have a combined limit of 0.63 cfs: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
15. The City of Rockland shall submit a report to the Department of Water Resources stating their accomplishments during 2013 and 2014, in reference to the one time fill of the lagoon.
16. The City of Rockland, upon completion of the lagoon seepage test, shall submit a copy of the report to the Department of Water Resources.



**WATER RIGHT NO. 41-25C
WATER SUPPLY BANK RENTAL AGREEMENT**

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: CITY OF ROCKLAND
PO BOX 113
ROCKLAND ID 83271
(208)548-2489
rocklandclerk@dcdi.net

Priority Date: 03/12/1881

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	4/01	to 10/31	0.27CFS	54.4 AF
	Total:		0.27 CFS	54.4 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE¼SE¼ Sec. 1 Twp 10S Rge 30E POWER County

PLACE OF USE UNDER THIS RENTAL: MUNICIPAL

CONDITIONS OF WATER USE

1. Place of use is within the service area of the City of Rockland municipal water supply system as provided for under Idaho Law.
2. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
3. Rental of the specified right from 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.
4. The water rented under this agreement is appurtenant to irrigation of 13.6 acres.
5. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in RE HOUTZ ER AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.
6. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
9. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

10. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
11. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
12. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
13. Use of water under this agreement 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. 41.
14. The following water rights have a combined limit of 0.63 cfs: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
15. The City of Rockland shall submit a report to the Department of Water Resources stating their accomplishments during 2013 and 2014, in reference to the one time fill of the lagoon.
16. The City of Rockland, upon completion of the lagoon seepage test, shall submit a copy of the report to the Department of Water Resources.



**WATER RIGHT NO. 41-32F
WATER SUPPLY BANK RENTAL AGREEMENT**

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: CITY OF ROCKLAND
PO BOX 113
ROCKLAND ID 83271
(208)548-2489
rocklandclerk@dcdi.net

Priority Date: 06/01/1882

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	4/01	to 10/31	0.17 CFS	33.7 AF
	Total:		0.17 CFS	33.7 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE¼SE¼ Sec. 1 Twp 10S Rge 30E POWER County

PLACE OF USE UNDER THIS RENTAL: MUNICIPAL

CONDITIONS OF WATER USE

1. Place of use is within the service area of the City of Rockland municipal water supply system as provided for under Idaho Law.
2. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
3. Rental of the specified right from 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.
4. The water rented under this agreement is appurtenant to irrigation of 8.43 acres.
5. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in RE HOUTZ ER AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.
6. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
9. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

10. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
11. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
12. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
13. Use of water under this agreement 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. 41.
14. The following water rights have a combined limit of 0.63 cfs: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
15. The City of Rockland shall submit a report to the Department of Water Resources stating their accomplishments during 2013 and 2014, in reference to the one time fill of the lagoon.
16. The City of Rockland, upon completion of the lagoon seepage test, shall submit a copy of the report to the Department of Water Resources.



**WATER RIGHT NO. 41-33B
WATER SUPPLY BANK RENTAL AGREEMENT**

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: CITY OF ROCKLAND
PO BOX 113
ROCKLAND ID 83271
(208)548-2489
rocklandclerk@dcdi.net

Priority Date: 06/01/1886

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	4/01	10/31	0.12CFS	24.5 AF
	Total:		0.12CFS	24.5 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE¼SE¼ Sec. 1 Twp 10S Rge 30E POWER County

PLACE OF USE UNDER THIS RENTAL: MUNICIPAL

CONDITIONS OF WATER USE

1. Place of use is within the service area of the City of Rockland municipal water supply system as provided for under Idaho Law.
2. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
3. Rental of the specified right from 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.
4. The water rented under this agreement is appurtenant to irrigation of 6.12 acres.
5. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in RE HOUTZ ER AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.
6. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
9. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

10. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
11. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
12. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
13. Use of water under this agreement 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. 41.
14. The following water rights have a combined limit of 0.63 cfs: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
15. The City of Rockland shall submit a report to the Department of Water Resources stating their accomplishments during 2013 and 2014, in reference to the one time fill of the lagoon.
16. The City of Rockland, upon completion of the lagoon seepage test, shall submit a copy of the report to the Department of Water Resources.



**WATER RIGHT NO. 41-10256
WATER SUPPLY BANK RENTAL AGREEMENT**

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: CITY OF ROCKLAND
PO BOX 113
ROCKLAND ID 83271
(208)548-2489
rocklandclerk@dcdi.net

Priority Date: 04/01/1909

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	4/01	to 10/31	0.63 CFS	126.4
	Total:		0.63 CFS	126.4

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE¼SE¼ Sec. 1 Twp 10S Rge 30E POWER County

PLACE OF USE UNDER THIS RENTAL: MUNICIPAL

CONDITIONS OF WATER USE

1. Place of use is within the service area of the City of Rockland municipal water supply system as provided for under Idaho Law.
2. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
3. Rental of the specified right from 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.
4. The water rented under this agreement is appurtenant to irrigation of 31.6 acres.
5. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in RE HOUTZ ER AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.
6. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
9. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

10. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
11. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
12. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
13. Use of water under this agreement 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. 41.
14. The following water rights have a combined limit of 0.63 cfs: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
15. The City of Rockland shall submit a report to the Department of Water Resources stating their accomplishments during 2013 and 2014, in reference to the one time fill of the lagoon.
16. The City of Rockland, upon completion of the lagoon seepage test, shall submit a copy of the report to the Department of Water Resources.



RECEIVED

WATER SUPPLY BANK LEASE CONTRACT

NOV 12 2013

DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("**Lease**") is effective August 7, 2013, between the Idaho Water Resource Board ("**Board**"), and

Lessor: CITY OF ROCKLAND
PO BOX 113
ROCKLAND, ID, 83271
(208)548-2489
rocklandclerk@dcdi.net.

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>
41-02B	0.100 CFS	20.0 AF	5.0 AC	5.0 AC
41-25C	0.400 CFS	80.0 AF	20.0 AC	20.0 AC
41-32F	0.248 CFS	49.6 AF	12.4 AC	12.4 AC
41-33B	0.180 CFS	36.0 AF	9.0 AC	9.0 AC
41-10256	0.928 CFS	186.4 AF	46.6 AC	46.6 AC
Combined Lease Totals:	1.86 CFS	186.4 AF	46.4 AC	46.6 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: 4/01 to 10/31

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 ROCKLAND
PO BOX 113
ROCKLAND, ID, 83271

By Eddy Hansen
Printed Name Eddy Hansen

Date 11-3-13
Title Mayor.

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 11/12/2013

Lease approved by IDWR Cherie Palmer

Date 11/12/2013

ATTACHMENT A
WATER RIGHT NO. 41-2B
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CITY OF ROCKLAND
 PO BOX 113
 ROCKLAND, ID, 83271
 (208)548-2489

Priority Date: 05/01/1886

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01 to	10/31	0.10 CFS	20.0 AF
	Total:		0.10 CFS	20.0 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE¼SW¼SE¼ Sec. 5 Twp 10S Rge 31E POWER 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	
10S	31E	6															15.0		15.0
10S	31E	7	7.3	30.0			7.8												45.1

Total Acres: 60.1

Limited to acres within place of use described above: 5.0 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
41-2B, 41-25C, 41-32F, 41-33B, and 41-10256	1.86 CFS	186.4 AF	46.4 AC	46.6 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. Use of rights 41-2B, 41-25C, 41-32F, 41-33B and 41-10256 are limited when combined to 46.4 total acres authorized for irrigation.
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.
13. This right is limited to the irrigation of 5.0 acres within the place of use described above in a single irrigation season. Use of this right with the rights listed below is limited to the irrigation of a combined total of 46.4 acres in a single irrigation season. Combined right Nos.: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
14. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in Re Houtz ET AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.

ATTACHMENT A
WATER RIGHT NO. 41-25C
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CITY OF ROCKLAND
 PO BOX 113
 ROCKLAND, ID, 83271
 (208)548-2489

Priority Date: 03/12/1881

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01 to 10/31		0.40 CFS	80.0 AF
	Total:		0.40 CFS	80.0 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE¼SW¼SE¼ Sec. 5 Twp 10S Rge 31E POWER 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	
10S	31E	6															15.0		15.0
10S	31E	7	7.3	30.0			7.8												45.1

Total Acres: 60.1

Limited to acres within place of use described above: 20.0 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
41-2B, 41-25C, 41-32F, 41-33B, and 41-10256	1.86 CFS	186.4	46.4	46.6 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. Use of rights 41-2B, 41-25C, 41-32F, 41-33B and 41-10256 are limited when combined to 46.4 total acres authorized for irrigation.
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.
13. This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season. Use of this right with the rights listed below is limited to the irrigation of a combined total of 46.4 acres in a single irrigation season. Combined right Nos.: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
14. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in Re Houtz ET AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.

ATTACHMENT A
WATER RIGHT NO. 41-32F
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CITY OF ROCKLAND
 PO BOX 113
 ROCKLAND, ID, 83271
 (208)548-2489

Priority Date: 06/01/1882

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01 to 10/31	0.248 CFS	49.6 AF
	Total:	0.248 CFS	49.6 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE¼SW¼SE¼ Sec. 5 Twp 10S Rge 31E POWER 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	
10S	31E	6															15.0		15.0
10S	31E	7	7.3	30.0			7.8												45.1

Total Acres: 60.1

Limited to acres within place of use described above: 12.4 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
41-2B, 41-25C, 41-32F, 41-33B, and 41-10256	1.86 CFS	186.4	46.4	46.6 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. Use of rights 41-2B, 41-25C, 41-32F, 41-33B and 41-10256 are limited when combined to 46.4 total acres authorized for irrigation.
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.
13. This right is limited to the irrigation of 12.4 acres within the place of use described above in a single irrigation season. Use of this right with the rights listed below is limited to the irrigation of a combined total of 46.4 acres in a single irrigation season. Combined right Nos.: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
14. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in Re Houtz ET AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.

ATTACHMENT A
WATER RIGHT NO. 41-33B
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CITY OF ROCKLAND
 PO BOX 113
 ROCKLAND, ID, 83271
 (208)548-2489

Priority Date: 06/01/1886

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01 to 10/31		0.18 CFS	36.0 AF
	Total:		0.18 CFS	36.0 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5 Twp 10S Rge 31E POWER 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	
10S	31E	6															15.0		15.0
10S	31E	7	7.3	30.0			7.8												45.1

Total Acres: 60.1

Limited to acres within place of use described above: 9.0 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
41-2B, 41-25C, 41-32F, 41-33B, and 41-10256	1.86 CFS	186.4	46.4	46.6 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. Use of rights 41-2B, 41-25C, 41-32F, 41-33B and 41-10256 are limited when combined to 46.4 total acres authorized for irrigation.
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.
13. This right is limited to the irrigation of 9.0 acres within the place of use described above in a single irrigation season. Use of this right with the rights listed below is limited to the irrigation of a combined total of 46.4 acres in a single irrigation season. Combined right Nos.: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
14. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in Re Houtz ET AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.

ATTACHMENT A
WATER RIGHT NO. 41-10256
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: CITY OF ROCKLAND
 PO BOX 113
 ROCKLAND, ID, 83271
 (208)548-2489

Priority Date: 04/01/1909

Source: EAST FORK ROCK CREEK **Tributary to:** ROCK CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	to 10/31	0.928 CFS	186.4
	Total:		0.928 CFS	186.4

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK ROCK CREEK NE¼SW¼SE¼ Sec. 5 Twp 10S Rge 31E POWER 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	
10S	31E	6															15.0		15.0
10S	31E	7	7.3	30.0			7.8												45.1

Total Acres: 60.1

Limited to acres within place of use described above: 46.6 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
41-2B, 41-25C, 41-32F, 41-33B, and 41-10256	1.86 CFS	186.4	46.4	46.6 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. Use of rights 41-2B, 41-25C, 41-32F, 41-33B and 41-10256 are limited when combined to 46.4 total acres authorized for irrigation.
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.
13. This right is limited to the irrigation of 46.6 acres within the place of use described above in a single irrigation season. Use of this right with the rights listed below is limited to the irrigation of a combined total of 46.4 acres in a single irrigation season. Combined right Nos.: 41-2B, 41-25C, 41-32F, 41-33B and 41-10256.
14. The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by in Re Houtz ET AL (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a Transfer Pursuant to I.C. Section 42-222.

RECEIVED

AUG 07 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Name of Renter City of Rockland Phone 208-548-2489

Mailing address P.O. Box 113 Rockland, ID 83271 Email rocklandclerk@dcdi.net

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 2.0 Maximum Volume (ac-ft) 34 Nature of Use Fill lagoon - irrigation Period of Use 4/01 to 10/31

Total: 2.0 34

2. Source of water East Fork of Rock Creek tributary to Rock Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
10S	30E	1		SW	NE	SE	Power

4. Lands to be irrigated or 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	
10S	30E	1									25					40			65

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 65

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☐ No ☒

If no, list owner, contact information, and provide documentation of the authority to use the proposed point of diversion. _____

2. Do you own the land at the proposed place of use? Yes ☒ No ☐

If no, list owner, contact information, and provide documentation of the authority to use the proposed place of use. Merrill Permann - 548-2311, documentation is attached

C. MAP

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

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system. The water will be diverted by placing a suction pipe into the creek which will feed a pump to pump to the proposed place of use.

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
None

3. Will the proposed place of use receive water from any other source? Yes ☐ No ☒
If yes, describe. _____
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. The proposed use is to fill the new wastewater winter storage lagoon so the lagoon can be seepage tested to meet DEQ requirements before being placed into service. The new lagoon will hold 11 MG (34 ac-ft).

5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☐ No ☒
If yes, describe. _____
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

E. RENTAL TERM

1. Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐
If yes, please specify the number of years desired through proposed rental. 2

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

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

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

Eddy Hansen
Signature of Applicant

Eddy Hansen, Mayor
Printed Name and Title*

7-19-2013
Date

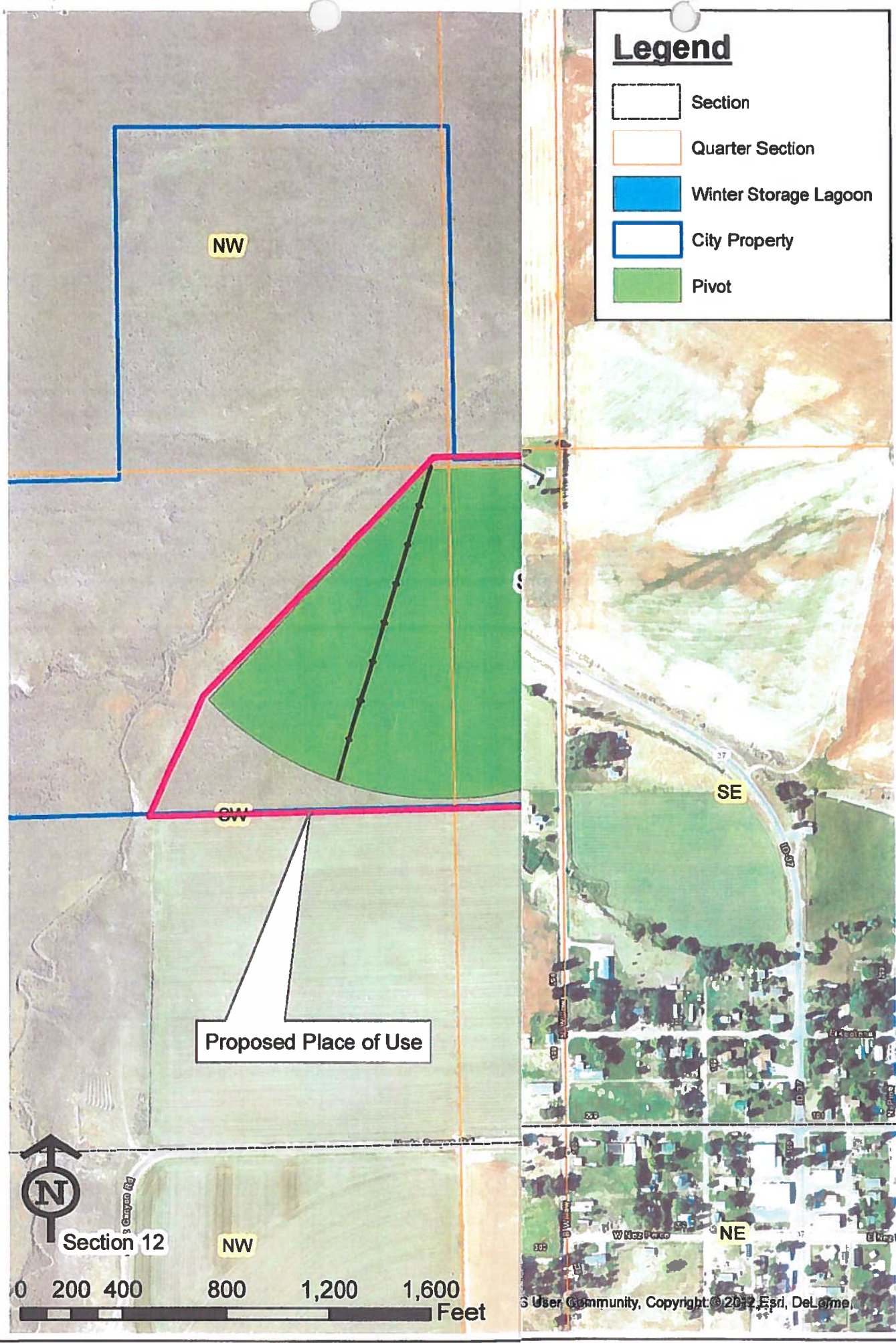
Signature of Applicant

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



Legend

- Section
- Quarter Section
- Winter Storage Lagoon
- City Property
- Pivot

WASTEWATER IMPROVEMENTS PROJECT		PROJECT NO. 211094-000
DIVERSION POINT AND PLACE OF USE		FILENAME Diversion & POU
CITY OF ROCKLAND		
 305 N. 3rd Avenue Pocatello, ID 83201 208.238.2146 www.kellerassociates.com		
FIGURE NO. 2-1		

RECEIVED

OCT 07 2013

DEPARTMENT OF
WATER RESOURCESForm 201(8)
07/12STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF LAND APPLICATION OF EFFLUENT

Idaho Code § 42-201(8) requires municipalities, municipal providers, sewer districts and regional public entities operating treatment works to notify the Department when land application of effluent is to take place on land not identified as a place of use for an existing irrigation water right. Also, use this form to notify the Department of any change in the location of land application of effluent. Notice shall be provided prior to land application taking place.

Entity Name: City of RocklandAddress: P.O. Box 113City: Rockland State: ID Zip Code: 83271 Phone: 208-548-2489Email Address: rocklandclerk@dcdi.net

Location of place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	30E	01									15					27			42

Idaho Department of Environmental Quality wastewater reuse permit no: M-233-01

Name of landowner (if other than applicant): _____

- Notices shall be transferable to a new owner or operator. Please notify the Department in writing and attach documentation describing the change.
- This notice requires a \$150 filing fee.
- Send the notice and fee to Idaho Dept. of Water Resources, PO Box 83720, Boise, ID 83720-0098.
- Please include a plat map, survey map, aerial photograph or GIS shape file which clearly shows the location where effluent will be applied.

Eddy Hansen
Signature of Authorized Representative

Mayor
Title

10-2-13
Date

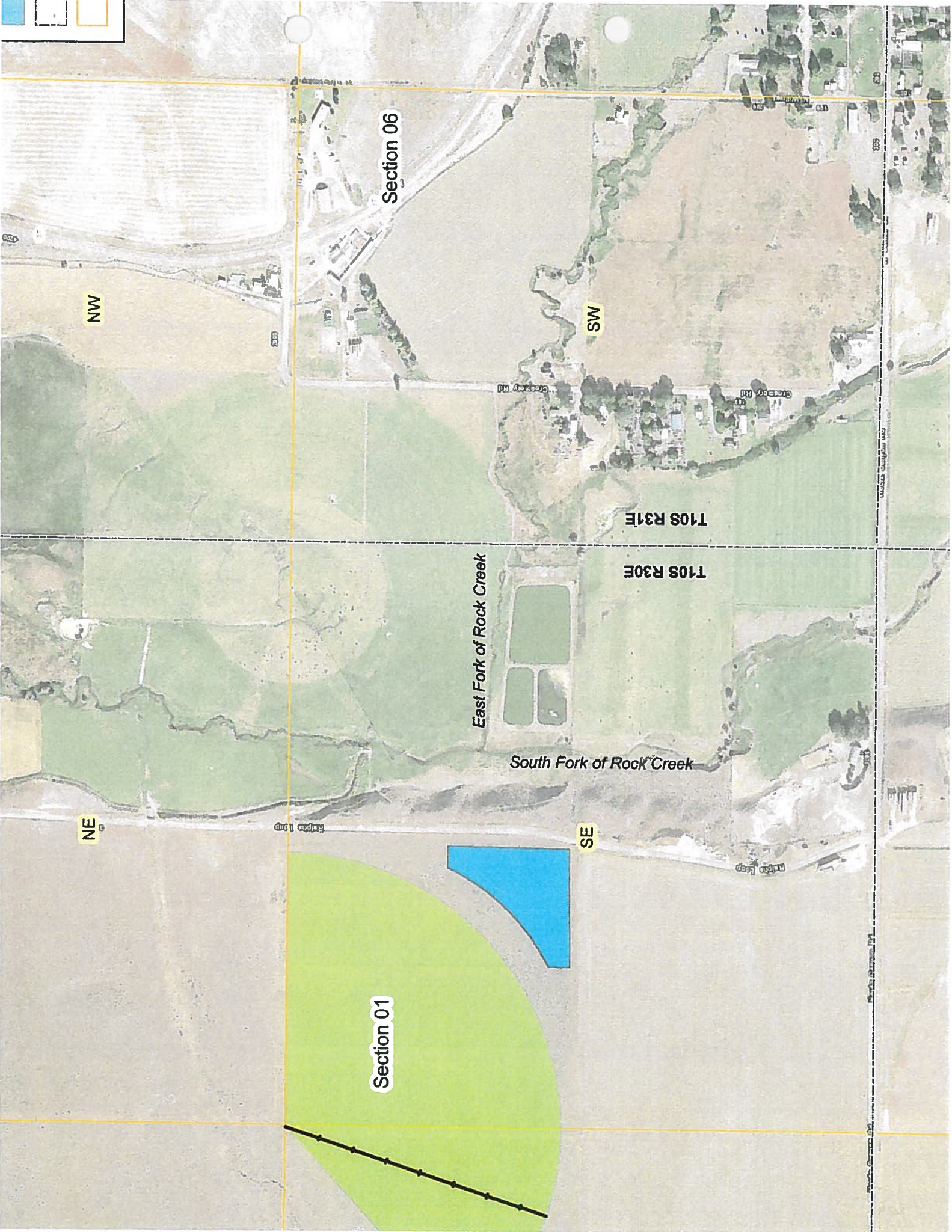
Eddy Hansen
Print Name

FOR OFFICE USE ONLY

Filing fee received by: 125.00
25.00

Date: 10-7-13
10-15-2013

Receipt No: 10978320
1097859



Section 06

NW

SW

T10S R31E

T10S R30E

East Fork of Rock Creek

South Fork of Rock Creek

NE

SE

Section 01

SWSW

36

SESW

09S30E

SWSE

SESE

31

NWNW 4

NENW 3

NWNE 2

NENE 1

SWNW

SENW

SWNE

SENE

6

2

NWSW

NESW

10S30E

NWSE

NESE

SWSW

SESW

SWSE

SESE

11

NWNW

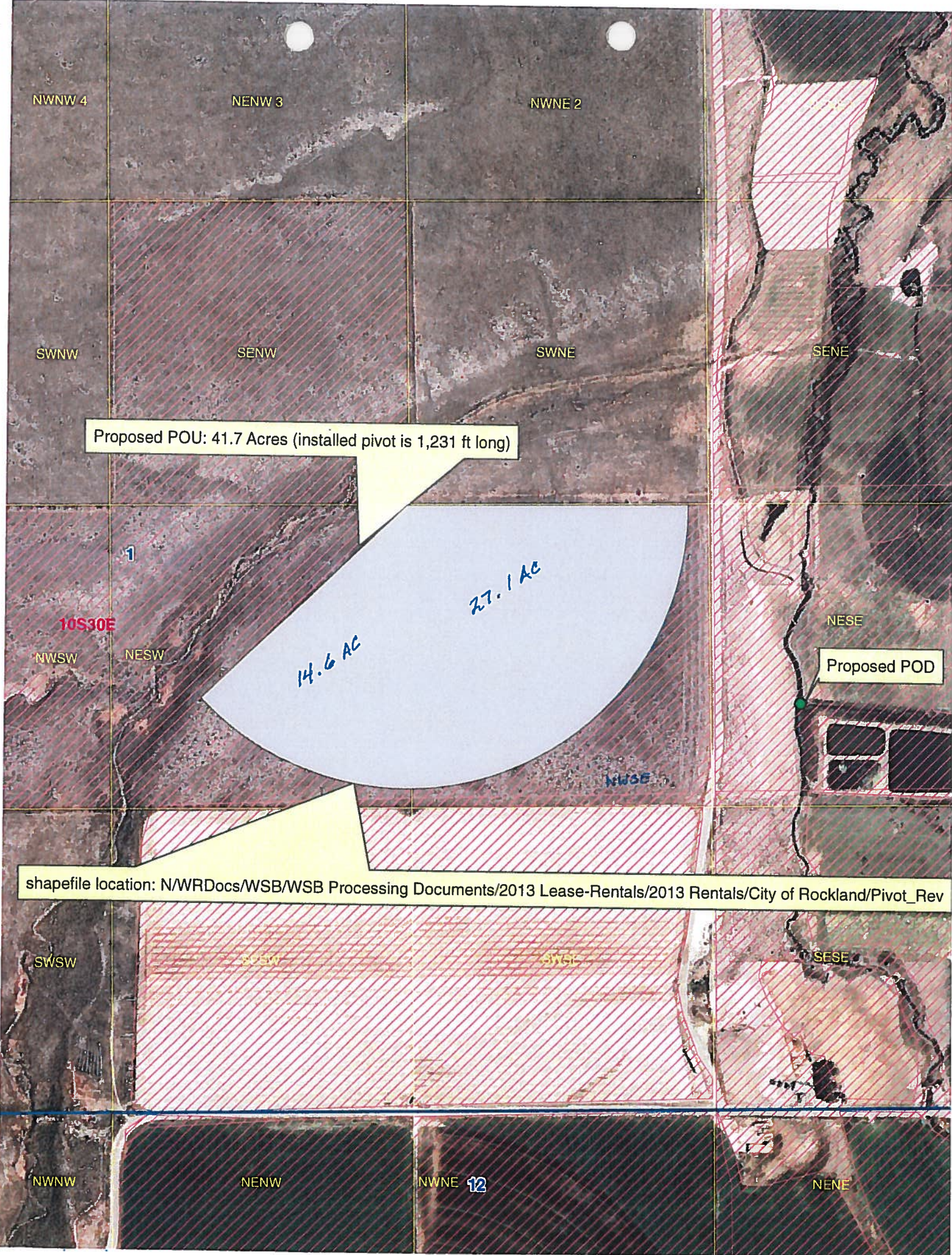
NENW

12

NWNE

NENE

Proposed POU: 41.7 Acres (installed pivot is 1,231 ft long)



shapefile location: NWRDocs/WSB/WSB Processing Documents/2013 Lease-Rentals/2013 Rentals/City of Rockland/Pivot_Rev

WSB No. _____
 Receipt No. 5033449
 Date/by DM 8-9-2013
 (For Department Use Only)

STATE OF IDAHO
 WATER RESOURCE BOARD

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

RECEIVED
 AUG 07 2013

DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Name of Seller/Lessor City of Rockland Phone 208-548-2489
 Mailing address P.O. Box 113 Rockland, ID 83271 Email rocklandclerk@dcdi.net

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>41-2B</u>	<u>0.1</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
			to
			to

Total Amount: _____

2. Source of water East Fork of Rock Creek tributary to Rock Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
10S	31E	05		NE	SW	SE	Power

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	
10S	31E	6															15		15
		7	7.3	30			7.8												45.1

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 60.1

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.

Water is diverted from the East Fork of Rock Creek through a screened pipe into a concrete box with a weir.

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. Portions of the present place of use will continue to receive water. The areas indicated on the map will not.

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 (attached). 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 4/01/2013 to 10/31/2014 (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.

The City is the lessor as well as the renter. \$0 will be charged for the rental.

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.

Eddy Hansen
Signature of Applicant

Eddy Hansen, Mayor
Printed Name and Title*

7-19-2013
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



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

November 13, 2013

GARY SPACKMAN
Director

CITY OF ROCKLAND
PO BOX 113
ROCKLAND ID 83271

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 41-02B, 41-25C, 41-32F, 41-33B and 41-10256**

Dear Renter:

Please find enclosed a receipt in the amount of **\$214.88** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 126.4 acre-feet of water for 0.63 cfs during 2013. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs you are the owner of the right(s).

If you have any questions, please contact me at (208) 287-4920.

Sincerely,

Sandy Hemenway
Senior Water Resource Agent

Enclosure(s): Receipt No. C097956
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt– IDWR Southern Regional Office
James Robinson – State Water District No. 41
Matthew Hill, Keller Associates, 305 N 3rd Ave., Suite A, Pocatello, ID 83201



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

November 13, 2013

GARY SPACKMAN
Director

CITY OF ROCKLAND
PO BOX 113
ROCKLAND ID 83271

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT(S) 41-02B, 41-25C, 41-32F, 41-33B and 41-10256

Dear Lessor:

Water Right(s) **41-02B, 41-25C, 41-32F, 41-33B and 41-10256** were leased into the Water Supply Bank on August 7, 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.**

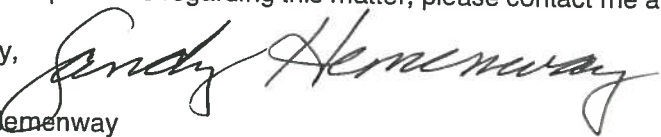
The rights will automatically be released from the Bank on **December 31, 2014**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To 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 287-4920.

Sincerely,


Sandy Hemenway
Senior Water Resource Agent

Enclosure: Executed Lease Contract

c: Allen Merritt— IDWR Southern Regional Office
James Robinson — State Water District No. 41
Matthew Hill, Keller Associates, 305 N 3rd Ave., Suite A, Pocatello, ID 83201



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 29, 2013

EDDY HANSEN
CITY OF ROCKLAND
PO BOX 113
ROCKLAND ID 83271

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 41-2B, 41-25C, 41-32F, 41-33B and 41-10256**

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$2148.80 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 126.4 acre-feet. Since you are both the lessor and the renter of the rights, **you are only obligated to pay the 10% administrative fee or \$214.88 annually.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to March 15 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.>

Please send a check for \$214.88 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact me at (208) 287-4920.

Sincerely,

Sandy Hemenway
Senior Water Resource Agent

Enclosure(s)

c: IDWR Front Desk

Allen Merritt - IDWR Southern Regional Office

James Robinson - Watermaster, Water District 41, PO Box 157, Rockland, ID

Matt Hill - Keller Assoc. 305 N 3rd Ave, Suite A, Pocatello, ID 83201



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

October 29, 2013

GARY SPACKMAN
Director

EDDY HANSEN
CITY OF ROCKLAND
PO BOX 113
ROCKLAND ID 83271

**RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 41-2B, 41-25C, 41-32F, 41-33B, 41-10256
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, 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 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 (208)287-4920.

Sincerely,


Sandy Hemenway

Senior Water Resource Agent

Enclosure: Proposed Lease Contracts

c: Matthew B Hill, Keller Associates, Inc. 305 N 3rd Ave., Suite A, Pocatello, ID 83201

MEMORANDUM

To: Water Right No(s). 41-2B, 41-25C, 41-32F, 41-33B and 41-10256

Reviewer: Sandy Hemenway

Date: October 29, 2013

Re: Review of Applications to Lease/Rental Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: To comply with EPA's alleged violations of the City of Rockland's NPDES permit, the City built a lagoon and wishes to land apply effluent rather than discharge to the river and have to meet water quality regulations. The purpose of the water supply lease/rental package is to utilize water that will be available this October (based on the watermaster), pump water from the East Fork Rock Creek to the winter storage lagoon until October 31st or till the lagoon is full (whichever comes first). With the 11 million gallon lagoon filled, DEQ can conduct the seepage test, and the water in the lagoon will be irrigated out in the fall. If the lagoon is not able to be filled by October 31st, the water will remain in the lagoon through the winter, with filling continuing after April 1st. Once "filled," and after the seepage test, the water will be irrigated onto the land application alfalfa field using a pivot designed to run at 400 gpm. The time line for this process is: 19 days to empty the lagoon running 24 hrs per day. This is a one-time "fill." The reason for not using groundwater for this project, is due to the high electrical expense that would be incurred. Maps with actual acres to be dried up are in the file (15.85 acres calculated lot sizes). All five of the City of Rockland's irrigation water rights will be placed in the water supply bank, and then rented back out at the proposed POU/POD.

The City of Rockland is leasing 46.4 acres into the water supply bank, and then renting the equivalent of 31.6 acres (15.8 acres that they dried up during the 2013 season, and 15.8 acres that they will continue to dry up for the 2014 season). This will allow them 0.63 cfs (reduced amount, than that they were requesting, but proportional to the number of acres they were willing to dry up, without E.T. rates added, per Jeff Peppersack). No acres are required to be accounted for where they are land applying their effluent from their lagoon for their pump seepage test, since they filed a land application and will be discharging the effluent to their municipal service area. Two conditions will be added to the rental agreement: (1) That the City of Rockland will report to the Department what they accomplished in 2013, and if accomplished they accomplished the complete "fill" they can withdraw application for 2014. (2) That the City of Rockland will submit to the Department a copy of the seepage test.

AUTHORITY TO FILE:

All five water rights were Decreed on 3/12/2001, with the current owner being the City of Rockland.

WATER RIGHT VALIDITY:

All five water rights are Decreed on 3/12/2001, of Active status, and with the current owner being the City of Rockland.

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 right(s) are subject to Water District #41. Attached to the application is an approval letter from James Robinson, Watermaster District #41. **9/17/2013 discussion with Jeff Peppersack:** use would need to remain "irrigation;" the combined limit for the POU would be 46.4 acres. **9/25/2013 Phone conference decision:** allow land application within the municipal service area (land application form submitted) and thereby no need to worry about the "number of acres" where the effluent is being applied; allow credit for 2013 acreage being dried up, and add it to 2014 acres that will be dried up; limit rate by the number of acres being dried up (0.63 cfs max. rate of diversion); add 2 conditions to the rental agreement: report on 2013 and 2014 accomplishments, and copy of the seepage test to be submitted to the Department.
Regional Office Comments: None.

ADDITIONAL INFORMATION:

Attached to the application is 4/22/2013 authorization from Merrill Permann, for the City of Rockland to install a temporary pump at the proposed point of diversion for this project.

See Overlap spreadsheet: combined limit of 46.4 acres

QUESTIONS ASKED DURING OUR 5/15/2013 MEETING, WITH ANSWERS OBTAINED BY MATTHEW HILL FROM KELLER ASSOCIATES (from 7/19/2013 letter):

- (1) Could they rent other water rights in the WSB? There are no other water rights in the WSB, except non-consumptive, and those cannot be used (fish propagation).
- (2) What is the time-line for discharging effluent; the minimum rate, and how will it be land applied? The pivot is designed to run at 400 gpm. At that rate, it would take just over 19 days to empty the 11 million gallon lagoon, running 24 hours per day.
- (3) Permission for proposed POD location: 4/22/2013 signed statement from Merrill Permann, giving permission to the City of Rockland to install a temporary pump at the proposed point of diversion.
- (4) Historical flow from East Fork of Rock Creek: Identified by the watermaster on 6/9/2013 document attached to application. Water will not be available until later this fall in October. The 1909 and 1886 water rights have been cut this season. If the lagoon is not filled by October 31st or sooner, the water in the lagoon will winter-over, and the lagoon will finish being filled in the spring after April 1st
- (5) Submit a map showing the actual acres that would be dried up, and historical use: Map attached to the application, shows areas irrigated in the City limits under the water rights that are mostly pastures, yards, and gardens.
- (6) Submit a listing of the Service Area, and Users: A list was submitted (15.85 actual acres calculated).
- (7) What is the time-line to meet EPA's regulations? No date or schedule has been set by EPA for having a completed system. There is no time extension that can be filed with EPA regarding the matter. The City cannot meet all of the permit requirements during the summer months, so they would like to complete the project as soon as possible.

Amounts that will be Rented:

31.6 acres (15.8 AC for 2013, and 15.8 AC for 2014)

31.6 AC X 0.02 cfs/acre = 0.63 cfs maximum rate allowed for the number of acres dried up
(using 2013 and 2014 season)

31.6 AC X 4.0 headgate requirement = 126.4 AF

<u>RIGHTS</u>	<u>ACRES</u>	<u>RATE</u>	<u>VOLUME</u>
41-2B	3.40 AC	0.07 CFS	13.6 AF
41-25C	13.60 AC	0.27 CFS	54.4 AF
41-32F	8.43 AC	0.17 CFS	33.7 AF
41-33B	6.12 AC	0.12 CFS	24.5 AF
41-10256	31.60 AC	0.63 CFS	126.4 AF
TOTAL	31.60 AC	0.63 CFS	126.4 AF

FEES:

126.4 AF X \$17/AF = \$2148.80 per year

90% = City of Rockland (no fees will be exchanged, since they are renting from themselves)

10% = Amount that will be paid to IDWR annually \$214.88

Hemenway, Sandy

Subject: FW: land application form and review from 9/25/2013 phone conference
Attachments: DOC.pdf; DOC000.pdf

From: Hemenway, Sandy
Sent: Monday, October 07, 2013 3:18 PM
To: Hemenway, Sandy; 'Matthew Hill'
Cc: 'rocklandclerk@dcdi.net'; Pittman, Heidi
Subject: RE: land application form and review from 9/25/2013 phone conference

Eddy Hansen and/or Matt Hill,

Today, I received the letter and Notice of Land Application of Effluent, and a \$125 payment. Attached is a copy of the Notice of Land Application of Effluent, and the 2 emails I sent on 9/26/2013 (the one stating the fee was \$125, and the same day the one correcting my error and stating the fee was \$150, as stated on the Notice).

Please submit the additional \$25 required for the \$150 total filing fee.

I will begin processing this application this week, but nothing will be finalized until the remaining required \$25 fee is received. Please send it to IDWR PO Box 83720, Boise, ID 83720 Attention: Sandy Hemenway (For: Notice of Land Application of Effluent for the City of Rockland, remaining balance). I have notified the front desk so they will be expecting your final payment.

Thanks,

Sandy



RECEIVED

OCT 07 2013

DEPARTMENT OF
WATER RESOURCES

City of Rockland

PO Box 113

Rockland, ID 83271

208-548-2489

Eddy Hansen, Mayor
208-548-2783

Denise Ralphs, Clerk
208-221-2421

Jim Kariger, Maintenance
208-548-2715

OFFICE HOURS
Monday and Wednesday
9:00 am - 1:00 pm

Sandy Hemenway
Sr. Water Resource Agent
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

October 2, 2013

To whom it may concern:

The City of Rockland's 15.8 acres that was indicated previously was set aside and not irrigated in the 2013 irrigation season.

Thank you,

Eddy Hansen
Mayor

Hemenway, Sandy

From: Matthew Hill [mhill@Kellerassociates.com]
Sent: Wednesday, October 02, 2013 9:50 AM
To: Hemenway, Sandy
Cc: Michael Jaglowski; Eddy Hansen; rocklandclerk@dcdi.net
Subject: RE: land application form and review from 9/25/2013 phone conference

We have completed the application and the City will be sending a check with the application and map. The City will also send a statement regarding drying up the 15.8 acres identified previously. We would prefer to use the water from the winter storage lagoon on the land application site rather than discharge it back to Rock Creek, but could do it if needed. We will notify you when the lagoon is filled and submit DEQ's seepage test approval when completed.

Let us know if there are any questions.

Matthew B Hill, P.E.

Project Engineer | Keller Associates, Inc.

P 208.238.2146 | C 208.313.4504

From: Hemenway, Sandy [<mailto:Sandy.Hemenway@idwr.idaho.gov>]
Sent: Wednesday, September 25, 2013 3:56 PM
To: Matthew Hill
Cc: Hemenway, Sandy
Subject: land application form and review from 9/25/2013 phone conference

Matthew,

The following items need to be submitted:

- (1) A completed land application form (with the required \$125 fee, and map indicating the proposed place of use).
- (2) A statement from the City of Rockland, indicating whether or not the 15.8 acres were dried up this year, or if irrigation took place this irrigation season.
- (3) A statement indicating as to whether or not land application will take place at the proposed place of use, or if the City is planning on discharging back to the river.
- (4) Later, upon completion of the "one-time fill" of the lagoon, submit notification to IDWR.
- (5) Later, upon completion of the seepage test, submit a copy of DEQs results or notification.

Thanks,

Sandy Hemenway

Sr. Water Resource Agent

IDWR/State Office, Boise

(208)287-4920

Sandy.hemenway@idwr.idaho.gov

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Thursday, September 26, 2013 8:53 AM
To: Matthew Hill
Cc: Hemenway, Sandy
Subject: FW: City of Rockland 2012 notification to IDWR
Attachments: Rockland comment ltr.pdf

Importance: High

Matthew,

Here are the comments from Jeff Peppersack. Also, it was my error about the \$125 fee, since Jeff is correct, the fee is \$150 (as shown on the land application form).

As soon as the required land application and fee are received, I will continue to process the water supply bank agreement.

Thanks,

Sandy

From: Peppersack, Jeff
Sent: Thursday, September 26, 2013 8:38 AM
To: Keen, Shelley; Hemenway, Sandy
Subject: RE: City of Rockland 2012 notification to IDWR

Shelley and Sandy,

Shelley's reasons are sound, but I think we implied in a letter to City of Rockland that wastewater treatment through land application might be considered part of the municipal service area (assuming wastewater is piped to the land application site from the city's lagoons). The thinking was that the pipeline would be an extension of the city's common distribution system. In addition, we said the treatment of municipal wastewater might fall within the definition of municipal use. I think it's enough to tell the city in this case that the statute now requires notice through a statutory process, including the fee (it's \$150, not \$125).

Jeff

From: Keen, Shelley
Sent: Thursday, September 26, 2013 8:03 AM
To: Hemenway, Sandy; Peppersack, Jeff
Subject: RE: City of Rockland 2012 notification to IDWR

Sandy,

I think the City should be required to submit a Notice of Land Application of Effluent. Although the City describes the land application area (pivot) as being within its service area, its letter is insufficient in three ways. First, according to the definition of service area in Idaho Code § 42-202B(9), a municipality cannot merely declare an area to be within its service area; the area must also share "a common distribution system with lands located within the corporate limits." It does not seem to me that the pivot amounts to a common distribution system for municipal water service. Second, the irrigation at the pivot will be agricultural in nature. IDWR maintains that agricultural irrigation is not municipal water use because the definition in Idaho Code § 42-202B(6) specifically includes irrigation of "parks and open space." Finally,

the City's letter was submitted prior to passage of the notice requirement. By implementing the notice requirement, the legislature established the process for notifying IDWR of the land application of effluent on land without an irrigation water right. The letter does not meet the statutory requirements, i.e. form and fee.

Shelley

From: Hemenway, Sandy
Sent: Wednesday, September 25, 2013 5:20 PM
To: Peppersack, Jeff; Keen, Shelley
Cc: Hemenway, Sandy
Subject: City of Rockland 2012 notification to IDWR

Is the attached letter enough notification, or will they still need to submit a land application form and \$125 fee?

From: Matthew Hill [<mailto:mhill@Kellerassociates.com>]
Sent: Wednesday, September 25, 2013 4:55 PM
To: Hemenway, Sandy
Cc: Eddy Hansen; rocklandclerk@dcdi.net; Michael Jaglowski
Subject: RE: land application form and review from 9/25/2013 phone conference

The City submitted the attached letter over year ago that we thought addressed this. Take a look at it and let us know if we still need to complete the Land Application Form.

Matthew B Hill, P.E.
Project Engineer | Keller Associates, Inc.
P 208.238.2146 | C 208.313.4504

From: Hemenway, Sandy [<mailto:Sandy.Hemenway@idwr.idaho.gov>]
Sent: Wednesday, September 25, 2013 3:56 PM
To: Matthew Hill
Cc: Hemenway, Sandy
Subject: land application form and review from 9/25/2013 phone conference

Matthew,

The following items need to be submitted:

- (1) A completed land application form (with the required \$125 fee, and map indicating the proposed place of use).
- (2) A statement from the City of Rockland, indicating whether or not the 15.8 acres were dried up this year, or if irrigation took place this irrigation season.
- (3) A statement indicating as to whether or not land application will take place at the proposed place of use, or if the City is planning on discharging back to the river.
- (4) Later, upon completion of the "one-time fill" of the lagoon, submit notification to IDWR.
- (5) Later, upon completion of the seepage test, submit a copy of DEQs results or notification.

Thanks,
Sandy Hemenway
Sr. Water Resource Agent
IDWR/State Office, Boise
(208)287-4920
Sandy.hemenway@idwr.idaho.gov

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Wednesday, September 25, 2013 4:11 PM
To: Keen, Shelley; Peppersack, Jeff
Cc: Hemenway, Sandy
Subject: FYI: City of Rockland, Acreage dried up

FYI

From: Matthew Hill [<mailto:mhill@Kellerassociates.com>]
Sent: Wednesday, September 25, 2013 2:33 PM
To: Hemenway, Sandy
Cc: Eddy Hansen; rocklandclerk@dcdi.net
Subject: Rockland, acreage dried up

I just spoke with the Mayor. He said that the 15 acres identified on the map **were** dried up this season in anticipation of being able to use the water this year.

Matthew B Hill, P.E.
Project Engineer | Keller Associates, Inc.
P 208.238.2146 | C 208.313.4504

9/25/2013 Phone Conference

By: Sandy Hemenway

Attendees: Jeff Peppersack, Shelley Keen, Matt Hill, Sandy Hemenway

Conclusion from meeting:

- (1) A Notice of Land Application of Effluent shall be submitted, which will allow the City to land apply the effluent within their service area, and then the Department will not need to worry about the "acres" on which it is being applied.
- (2) The combined limit of water rights 41-2B, 41-25C, 41-32F, 41-33B and 41-10256 is 46.4 acres, and the City is only drying up 15.8 acres. For this reason, the rate will be proportional to the number of acres dried up. The City submitted a letter confirming Non-irrigation to 15.8 acres during the 4/1 – 10/31/2013 irrigation season (0.32 cfs), and agreed to not irrigate the same 15.8 acres during the 4/1 – 10/31/14 irrigation season (another 0.32 cfs). Per Jeff Peppersack, we will limit the rate of diversion on this rental agreement to 0.64 cfs (with the rental agreement contract expiring 12/31/2014). E.T will not be used in this calculation, only the standard.
- (3) The following conditions will be added to the rental agreement:
 - (a) A report will be submitted as to what was accomplished in 2013, and if accomplished the complete "fill" they will have the opportunity to withdraw the application.
 - (b) A copy of the seepage test shall be submitted to IDWR.

FOR: Phone Conference on City of Rockland Water Supply Lease and Rental Applications

DATE: 9/25/2013

REVIEW PREPARED BY: Sandy Hemenway

ATTENDEES: Jeff Peppersack, Shelley Keen, Matthew Hill/Keller Assoc., Sandy Hemenway

Background:

The City of Rockland has submitted Water Supply Bank (WSB) Lease and Rental Applications, with the intent to have a one-time "fill" of the lagoon for the purpose of acquiring a seepage test from DEQ. This is due to the City being under scrutiny with EPA for alleged violations of their NPDES permit.

- **Stacked/Overlapping irrigation water rights:** 41-2B, 41-25C, 41-32F, 41-33B, and 41-10256 (all water rights were submitted to the WSB).
- **Combined Limit:** There is a combined limit of 46.4 acres irrigation within the 60.1 acre PPU.
- **The proposed use:** This is to conduct a one-time "fill" for the new wastewater storage lagoon, so the lagoon can be seepage tested to meet DEQ requirements before being placed into service. The new lagoon will hold 11 MG (34 acre-feet).
- **The proposed point of diversion:** Merrill Permann gave permission to the City of Rockland to install a temporary pump at the proposed point of diversion (copy of signed authorization included with the WSB Application).
- **Watermaster Remarks:** James Robinson, Watermaster District 41 submitted historical background for flow available to the City of Rockland, stating that water would be available again between October 1 – 15, 2013, and again in the early spring (copy of authorization included with the WSB Application). If the lagoon is not "filled" prior to the end of the season of use (10/31), the water will winter-over within the lagoon, with diversion beginning again at the start of the season of use (4/1) until the lagoon has completed its one-time "fill."
- **The proposed place of use** is located within the Municipal Large POU for the City of Rockland. It involves a 400 gpm (0.89 cfs) pivot being installed, for land application to land where alfalfa will be planted in the spring, and harvested by a local farmer. At this rate, it is estimated that it would take just over 19 days to empty the lagoon running it 24 hours per day. The irrigation shapefile submitted for the irrigation POU is for 41.7 acres (for the land application pivot site), which means that only 4.7 acres would still be available for irrigation within the original 60.1 acre PPU.

Issues to Resolve:

- (1) I have requested an updated map indicating the 41.7 acres within the 60.1 acre PPU that will be dried up, but the City does not want to dry up that many acres.
- (2) Diversion Rate and duration to accomplish the one-time "fill," and number of days to empty the lagoon.

Ba	Sequer Su	Process	Bas	Stat	Dra	RightID	Priority	Dat	Diversk	Source	List	Water Use	Current	Owner	Leas	Total	Ac	Ac	Lin	Vol	Water	District
*41	2	B	Water	R	Decr	Activ	N	393671	5/1/1886	0.100	E.	Fork	Rock	C	IRRIGATI	CITY OF ROCKLANE	No	60.1	5.0	41	-	Rock Ck
*41	25	C	Water	R	Decr	Activ	N	393718	3/12/1881	0.400	E.	Fork	Rock	C	IRRIGATI	CITY OF ROCKLANE	No	60.1	20.0	41	-	Rock Ck
*41	32	F	Water	R	Decr	Activ	N	393719	6/1/1882	0.248	E.	Fork	Rock	C	IRRIGATI	CITY OF ROCKLANE	No	60.1	12.4	41	-	Rock Ck
*41	33	B	Water	R	Decr	Activ	N	423524	6/1/1886	0.180	E.	Fork	Rock	C	IRRIGATI	CITY OF ROCKLANE	No	60.1	9.0	41	-	Rock Ck
41	4023		Water	R	Decr	Activ	N	650497	3/10/1958	0.670	GROUND	WAT	MUNICIP	/	CITY OF ROCKLANE	No						
41	7082		Water	R	Licor	Activ	N	650496	3/19/1990	0.560	GROUND	WAT	MUNICIP	/	CITY OF ROCKLANE	No						
*41	10256		Water	R	Decr	Activ	N	423526	4/1/1909	0.928	E.	Fork	Rock	C	IRRIGATI	CITY OF ROCKLANE	No	60.1	46.6	41	-	Rock Ck

7.856 cfs total diversion rate (irrigation water rights)

POU Overlap

Combined Limit of 46.4 acres within a single irrigation season, within the 60.1 acre PPU (within 60.1 acre PPU)

* Shared POU.

46.4 ac, 0.928 cfs
combined limit
46.4 acres combined limit

Hemenway, Sandy

From: Matthew Hill [mhill@Kellerassociates.com]
Sent: Thursday, September 19, 2013 3:08 PM
To: Hemenway, Sandy
Subject: RE: Final Correction: Rockland, map for 41.7 acres dried up, and map for the 4.7 acres the city is retaining for irrigation

The City had 15 acres or so that they were willing to dry up. They need to maintain the water usage for some of the deeded users. We need 34 ac-ft to fill the lagoon to test it. The contractor could pump 800-1000 gpm 24 hours per day for 9 days and be done filling the lagoon.

Matthew B Hill, P.E.

Project Engineer | Keller Associates, Inc.

P 208.238.2146 | C 208.313.4504

From: Hemenway, Sandy [<mailto:Sandy.Hemenway@idwr.idaho.gov>]
Sent: Wednesday, September 18, 2013 1:42 PM
To: Hemenway, Sandy; Matthew Hill
Subject: Final Correction: Rockland, map for 41.7 acres dried up, and map for the 4.7 acres the city is retaining for irrigation
Importance: High

Matt,

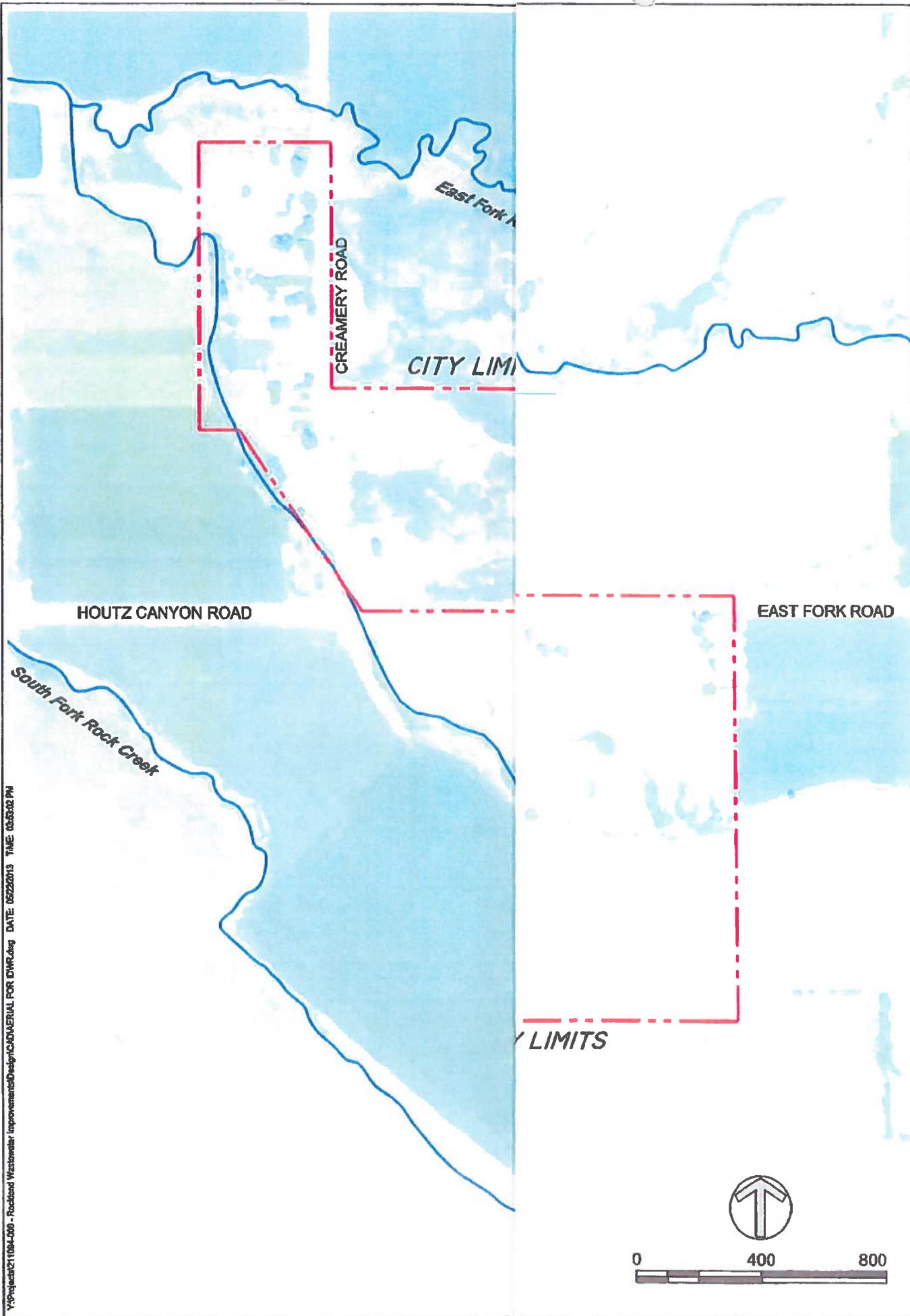
I apologize for sending you another email, but the City of Rockland stated on their application that they plan to continue to use some of the water right for irrigation. So, I need a map that will show the 41.7 acres that will be dried up (that will be rented for the pivot), and then a map showing the 4.7 acres of irrigation that the city is retaining from the original water right. Please submit this information by October 3, 2013.

Thanks so much,

Sandy Hemenway
IDWR State Office, Boise
(208)287-4920
Sandy.hemenway@idwr.idaho.gov

Name	Service Address	Square feet	Total Square Feet	Acreage
1 Alvin Ralphs	Kootenai, Pine	300 X 139.25	41,775	0.96
2 Alvin Ralphs	Pine	180 X 102	18,360	0.42
3 Sybil Garza	210 Main	120 X 139.25	16,710	0.38
4 Cathy Colville	250 N. Main	120 X 139.25	16,710	0.38
5 Eric Radford	231 N. Main	240 X 139.25	33,420	0.77
6 Reynold Ralphs	205 N. Main	60 X 139.25	8,355	0.19
7 Karen Reaves	210 N. Spruce	60 X 139.25	8,355	0.19
8 Reva Wyatt	180 N. Spruce	120 X 140	16,800	0.39
9 Brad Ralphs	123 W. Kootenai	180 X 140	25,200	0.58
10 Shane Davis	195 N Spruce	60 X 140	8,400	0.19
11 Bonnie Smith	N Spruce	120 X 139.25	16,710	0.38
12 Matt Kelly	280 N. Spruce	120 X 139.25	16,710	0.38
13 Nancy Longstaff	211 N. Spruce	60 X 140	8,400	0.19
14 Scott Lish	230 W. Kootenia	60 X 140	8,400	0.19
15 Craig Miller	240 W. Kootenia	180 X 140	25,200	0.58
16 Bonnie Smith	260 W. Kootenia	60 X 140	8,400	0.19
17 Anderson	280 W. Kootenia	120 X 140	16,800	0.39
18 Anderson	125 E Center	120 X 140	16,800	0.39
19 Dave Fishcer	185 E. Center	90 X 140	12,600	0.29
20 Milton Poulson	420 E. Center	200 X 231	46,200	1.06
21 Milton Poulson	430 E. Center	165 X 231	38,115	0.88
22 City	135 S. Main	90 X 139.25	12,533	0.29
23 Post Office	155 S. Main	90 X 139.25	12,533	0.29
24 Fire	195 S. Main	62 X 139.25	8,649	0.20
25 David Weber	260 S. Pine	150 X 139.25	20,888	0.48
26 Susan McCorkendale	222 S. Pine	60 X 139.25	8,355	0.19
27 Perry Steidley		183 X 225	41,175	0.95
28 Perry Steidley		231 X 185	42,735	0.98
29 Perry Steidley		183 X 420	76,860	1.76
30 Harvey Duba		200 X 292	58,400	1.34
Total			690,547	15.85

Original Service Area + Users (Acres Calculated)
to be dried up within town



CITY OF ROCKLAND

CITY LIMITS

PROJECT NO.	NA
FIGURE NO.	FIG 1

V:\Projects\211084-000 - Rockland Wastewater Improvements\Design\CAD\AERIAL FOR DWR.dwg DATE: 09/22/2013 TIME: 03:55:02 PM

4275 R

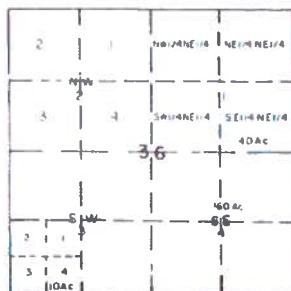
SEE PLAT 7275-6



SCALE: 1" = 100'

TOWNSHIP						
6	9	4	3	2	1	
7	8	9	10	11	12	
18	17	16	15	14	13	
19	20	21	22	23	24	
30	29	28	27	26	25	
31	32	33	34	35	36	

**POWER
COUNT**



NOTES

- a) The ROCKLAND ORIGINAL TOWNSITE [0030] Was Plotted Horcon From The Original 1909 Rockland Townsite Plat.
- b) The HOUTEY ADDITION [0150] Was Plotted Horcon From The Original 1918 Houtz Addition Plat.
- c) The NELSON ADDITION [0180] Was Plotted Horcon From The Original 1977 Nelson Addition Plat.
- d) The ROCKLAND CITY LIMITS Were Plotted Horcon From A 1916 Rockland City Map.
- e) STATE HIGHWAY 57 Was Plotted Horcon From Plans SAP 101-C And SAP-60(E).

SCALE: 1" = 100'

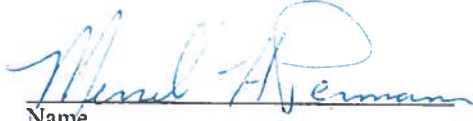
[illegible]

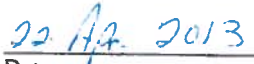
SEE PLAT
7275-7

Original
POU
Across to be
Dried Up
Within Town

April 15, 2013

I Merrill Permann give permission to the City of Rockland to install a temporary pump at the proposed point of diversion for the Rockland Wastewater Construction Project.


Name


Date

9 June 2013
James Robinson
Watermaster District 41
P.O. Box 157
Rockland, Idaho

Id Dept of Water Resources

Concerning Rockland Water:

In the early spring, and late fall the following water is delivered to the city of Rockland through the city ditch.

Water Right Number	Amount	Priority Date
41-0002B	.10 CSF	05/01/1886
41-0025C	.40 CSF	03/12/1881
41-0032F	.248 CSF	06/01/1882
41-0033b	.18 CSF	06/01/1886
41-10256	.928 CSF	04/01/1909

In most years, the 1909 water is not available from the 1st of May until the 1st of Oct. This year, I have also cut the 1886 water. I expect that they will be turned back on between the 1st and 15th of Oct.

Sincerely

James Robinson



KELLER
associates

305 North 3rd Avenue, Suite A • Pocatello, ID 83201
208.238.2146 phone • 208.238.2162 fax • www.kellerassociates.com

July 19, 2013

Idaho Department of Water Resources
ATTN: Pamela Skaggs
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
AUG 07 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**RE: City of Rockland Wastewater Improvements Project
Water Supply Bank Applications and Questions**

Mrs. Skaggs:

Enclosed are the revised Water Supply Bank Lease and Rental Applications. A lease application was completed for each of the City's five water rights. Because the water rights are stacked, they all have to be leased to the water bank together.

Several questions were asked regarding the lease and rental for the water in Rockland. A plat map and aerial image is included with the lease applications showing the acres that will be dried up this season and next season. The areas irrigated in City limits under the water rights are mostly pastures, yards, and gardens. Timing and schedule for the project was also requested. The winter storage lagoon is constructed and lined and currently sitting empty. Based on the current water situation in Rockland as identified by the watermaster in his attached letter dated June 9, 2013 water will not be available until later this fall in October. The 1909 and 1886 water rights have been cut this season.

Once available, water will be pumped from the East Fork of Rock filled Creek to the winter storage lagoon. Pumping will continue until October 31st or the lagoon is whichever comes first. If the lagoon is able to be filled, it will be seepage tested per DEQ requirements and some of the water in the lagoon will be irrigated out in the fall. If the lagoon is not able to be filled, the water will stay in the lagoon over the winter and the lagoon will finish being filled in the spring after April 1st. Once filled, the lagoon will be seepage tested once weather permits (typically in May). After being seepage tested, the water will be irrigated onto the land application field.

The pivot is designed to run at 400 gpm. At this rate, it would take just over 19 days to empty the lagoon running 24 hours per day. The City's land application site will be planted to alfalfa in the spring which will be harvested by a local farmer.

As mentioned in earlier discussions, the City is under scrutiny with EPA for alleged violations of its NPDES permit. No date or schedule has been set by EPA for having a completed system. The City is still working with EPA to finalize any actions by EPA. There is no time extension that can be filed with EPA regarding the matter. The City is typically not able to meet all of the permit requirements during summer months so they would like to complete the project as soon as possible.

Engineering Solutions, Satisfied Clients

Clarkston • Idaho Falls • Meridian • Pocatello • Blount • Salem

Please review the lease and rental applications for the Water Supply Bank. We await your decision on the matter so we can assist the contractor in making plans to finish construction.

If you have any additional comments or questions, please contact us.

Sincerely,

KELLER ASSOCIATES, INC.



Matthew B. Hill, P.E.

attachment(s): Application to Lease a Water Right to the Water Supply Bank (5)
 Application to Rent Water from the Water Supply Bank
 Letter from Watermaster of District 41 dated June 9, 2013

cc: Eddy Hansen, Mayor of Rockland
 file

WSB No. _____
 Receipt No. 5033449
 Date/by DM 8-9-2013
 (For Department Use Only)

RECEIVED

STATE OF IDAHO
 WATER RESOURCE BOARD

AUG 07 2013

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

DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Name of Seller/Lessor City of Rockland Phone 208-548-2489
 Mailing address P.O. Box 113 Rockland, ID 83271 Email rocklandclerk@dcdi.net

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 41-25C Amount (cfs/ac-ft) 0.4 Nature of Use Irrigation Period of Use 4/01 to 10/31
 _____ to _____
 _____ to _____

Total Amount: _____

2. Source of water East Fork of Rock Creek tributary to Rock Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County
10S	31E	05		NE	SW	SE	Power

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	
10S	31E	6															15		15
		7	7.3	30			7.8												45.1

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** 60.1

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.

~~Water is diverted from the East Fork of Rock Creek through a screened pipe into a concrete box with a weir.~~

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. Portions of the present place of use will continue to receive water. The areas indicated on the map will not.

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 (attached). 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 4/01/2013 to 10/31/2014 (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.

~~The City is the lessor as well as the renter. \$0 will be charged for the rental.~~

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.

Eddy Hansen
Signature of Applicant

Eddy Hansen, Mayor
Printed Name and Title*

7-19-2013
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

RECEIVED

AUG 07 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
WATER RESOURCE BOARDWSB No. _____
Receipt No. 5033449
Date/by DM 8-9-2013
(For Department Use Only)APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKAmendedName of Seller/Lessor City of RocklandPhone 208-548-2489Mailing address P.O. Box 113 Rockland, ID 83271Email rocklandclerk@dcdi.net

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	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>41-10256</u>	<u>0.248</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
<u>41-32F</u>			
Total Amount:			

2. Source of water East Fork of Rock Creek tributary to Rock Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
10S	31E	05		NE	SW	SE	Power

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	
10S	31E	6																	
		7	7.3	30			7.8										15		15
																			45.1

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 60.1

B. OWNERSHIP

- 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.
- 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.

~~Water is diverted from the East Fork of Rock Creek through a screened pipe into a concrete box with a weir.~~

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. Portions of the present place of use will continue to receive water. The areas indicated on the map will not.

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.

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If lease, for a period from 4/01/2013 to 10/31/2014 (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.

~~The City is the lessor as well as the renter. \$0 will be charged for the rental.~~

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.
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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.

Eddy Hansen
Signature of Applicant

Eddy Hansen, Mayor
Printed Name and Title*

7-19-2013
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

Hemenway, Sandy

From: Matthew Hill [mhill@Kellerassociates.com]
Sent: Monday, September 16, 2013 12:27 PM
To: Hemenway, Sandy
Subject: RE: Water Supply Bank for the City of Rockland
Attachments: 20130916122209820.pdf

See the attached correction.

Thanks for your help Sandy.

for 41-32 F
SH.

Matthew B Hill, P.E.
Project Engineer | Keller Associates, Inc.
P 208.238.2146 | C 208.313.4504

From: Hemenway, Sandy [mailto:Sandy.Hemenway@idwr.idaho.gov]
Sent: Monday, September 16, 2013 12:17 PM
To: Matthew Hill
Cc: rocklandclerk@dcdi.net; Hemenway, Sandy
Subject: Water Supply Bank for the City of Rockland
Importance: High

Matthew,

On the water supply bank lease applications for the City of Rockland, there are 2 that have the same water right number written on them. Could you please draw a line through the one I have highlighted, change the number to 41-32F to match the water right, initial the change and email it back to me?

Thanks so much,

Sandy

WSB No. _____
 Receipt No. 5033449
 Date/by DM 8-9-2013
 (For Department Use Only)

RECEIVED

AUG 07 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

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

Name of Seller/Lessor City of Rockland Phone 208-548-2489
 Mailing address P.O. Box 113 Rockland, ID 83271 Email rocklandclerk@dcdi.net

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	Amount (cfs/ac-ft)	Nature of Use	Period of Use
41-33B	0.18	Irrigation	4/01 to 10/31
			to
			to

Total Amount: _____

2. Source of water East Fork of Rock Creek tributary to Rock Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
10S	31E	05		NE	SW	SE	Power

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	
10S	31E	6															15		15
		7	7.3	30			7.8												45.1

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 60.1

B. OWNERSHIP

- 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.
- 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.

~~Water is diverted from the East Fork of Rock Creek through a screened pipe into a concrete box with a weir.~~

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. Portions of the present place of use will continue to receive water. The areas indicated on the map will not.

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 (attached). 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 4/01/2013 to 10/31/2014 (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.

~~The City is the lessor as well as the renter. \$0 will be charged for the rental.~~**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

Eddy Hansen, Mayor

Printed Name and Title*

7-19-2013

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

RECEIVED

Form 42-1761-1 12/12

AUG 07 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____
Receipt No. SO 33449
Date/by DM 8-9-2013
(For Department Use Only)

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

Name of Seller/Lessor City of Rockland Phone 208-548-2489
Mailing address P.O. Box 113 Rockland, ID 83271 Email rocklandclerk@dcdi.net

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.

Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
41-10256	0.928	Irrigation	4/01 to 10/31
			to
			to

Total Amount: _____

2. Source of water East Fork of Rock Creek tributary to Rock Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County
10S	31E	05		NE	SW	SE	Power

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	
10S	31E	6															15		15
		7	7.3	30			7.8												45.1

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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.
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~~None~~

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

Yes ☒ No ☐

If yes, describe. Portions of the present place of use will continue to receive water. The areas indicated on the map will not.

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. _____

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If yes, describe. _____

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~~The City is the lessor as well as the renter. \$0 will be charged for the rental.~~

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Eddy Hansen
Signature of Applicant

Eddy Hansen, Mayor
Printed Name and Title*

7-19-2013
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