

## MEMORANDUM

TO: Water Right File 63-33427 and 63-33430  
FROM: Daniel A. Nelson  
DATE: March 22, 2011  
SUBJECT: The Overlake East HOA Inc. Water Supply Bank Rental Application

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### SUMMARY

Julie Miller on behalf of Overlake East HOA Inc. filed an application to lease 0.27 cfs, 60.8 af, and 13.5 acres of water right 63-33427 and 0.10 cfs, 60.7 af, and 13.5 acres into the water bank from 1/28/2011 to 12/31/2015. These water rights were decreed on February 6, 2009, therefore, forfeiture is not an issue.

During the review of this application it was discovered the Overlake East HOA Inc. did not own all of these water rights. The individual lot owners of this subdivision own the portion of this water right that lies over their individual lots. Each lot has developed their own well, so water right transfer would be needed to place these water rights onto their individual properties. Either way, Overlake East HOA Inc. does not have the authority to do anything with these water rights. Ms. Miller spoke with her fellow homeowners and decided to change the water bank lease to the 2.7 acres covered by roads under the footprint of Overlake East HOA Inc.'s portion of the water rights. All of the roads are located in the SESE of Section 16, Township 3 North, Range 3 West.

### AUTHORITY TO FILE

The President of Overlake East HOA Inc., Julie Miller, signed the application for lease. Review of the Secretary of State's Business website confirms that Ms. Miller the current President for Overlake East HOA Inc., and appear to have the authority to sign this application.

### SUFFICIENCY OF SUPPLY

There is no evidence to suggest that the sufficiency of water supply would be an issue for this water bank lease.

### INJURY

There is nothing to suggest that putting these water rights into the water bank would cause injury to other water users.

### ENLARGEMENT

No enlargement is being proposed.

### BENEFICIAL USE

All uses comply with beneficial use requirements in Idaho.

### LOCAL PUBLIC INTEREST

There is nothing to suggest that these are not in the local public interest.

### WATER DISTRICT

There is no watermaster for ground water in this area.

RECOMMENDATION

I recommend that 0.05 cfs, 12.2 af, and 2.7 acres of water right 63-33427 and 0.02 cfs, 12.1 af, and 2.7 acres of water right 63-33430 be leased to the water bank, which will leave 0.32 cfs, 72 af, and 16 acres of water right 63-33427 and 0.12 cfs, 72 af, and 16 acres of water right 63-33430 that will continue to be used at the current location. The lease term will be from January 28, 2011 to December 31, 2015.

**The following conditions will be needed.**

**For the portions of water rights 63-33427 and 63-33430 being placed in the bank**

When water rights 63-33427 and 63-32430 are combined they are limited to 2.7 acres and 12.2 af.

**For the portions of water rights 63-33427 and 63-33430 NOT being placed in the bank**

When water rights 63-33427 and 63-33430 are combined they are limited to 16 acres and 72 af.

**There is a total combined water right for several water rights. That condition will need to be altered to the following:**

When water rights 63-33425, 63-33426, 63-33427, 63-33428, 63-33429, and 63-33430 are combined they are limited to 34.3 acres of irrigation with a diversion volume of 154.4 af.



**T3N R3W S16 SWSE**

**T3N R3W S16 SESE**

**Overlake East Home Owners' Association Water Bank Lease:**

**In Red is Water Right 63-33430 Borders - 18.7 acres.**

**In Purple is land owned by Home Owner's Association - 7.8 acres.**

**In Green is land not irrigated and owned by Homeowner's Association - 2.7 acres.**

OWNER  
MAR 25 2011

|   |   |  |  |       |         |             |  |
|---|---|--|--|-------|---------|-------------|--|
| <p>No. <b>C 130642</b></p>  | <p><b>Due no later than Oct 31, 2010</b><br/><b>Annual Report Form</b></p>  |  | <p>2. Registered Agent and Address<br/><b>(NO PO BOX)</b></p>    |       |         |             |  |
| <p>Return to:<br/>SECRETARY OF STATE<br/>700 WEST JEFFERSON<br/>PO BOX 83720<br/>BOISE, ID 83720-0080</p> <p><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b></p> | <p><b>1. Mailing Address: Correct in this box if needed.</b><br/>OVERLAKE EAST HOMEOWNERS ASSOCIATION, INC.<br/>NIKKI L TRAUTMAN<br/>15075 GREENWING ST<br/>CALDWELL ID 83607<br/>USA</p> |  | <p>JULIE MILLER<br/>15058 GREENWING ST<br/>CALDWELL ID 83607</p> |       |         |             |  |
| <p>4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).</p>  |   |  |  |       |         |             |  |
| Office Held   | Name  | Street or PO Address   | City   | State | Country | Postal Code |  |
| SECRETARY   | NIKKI L TRAUTMAN  | 15075 GREENWING ST   | CALDWELL   | ID    | USA     | 83607       |  |
| PRESIDENT   | JULIE MILLER  | 15058 GREENWING ST   | CALDWELL   | ID    | USA     | 83607       |  |
| <p>5. Organized Under the Laws of:<br/><b>ID</b><br/><b>C 130642</b></p>  | <p>6. Annual Report must be signed.*<br/>Signature: Nikki Trautman<br/>Name (type or print): Nikki Trautman</p>   |  | <p>Date: 11/27/2010<br/>Title: Secretary</p>                     |       |         |             |  |
| <p>Processed 11/27/2010</p>   |   | <p>* Electronically provided signatures are accepted as original signatures.</p> |  |       |         |             |  |

Total combined limits  
ALL RIGHTS

34.3 Acres - 154.4 AF.

4-24-53 63-33427 - 0.37 CFS - 84.2 AF - 18.7 Ac

12-13-48 63-33430 - 0.14 CFS - 84.1 AF - 18.7 Ac

limited TO 18.7 Acres - 84.2 AF

48 63-33425 - 0.13 CFS - 28.4 AF - ~~11.7~~<sup>6.3</sup> Ac

53 63-33428 - 0.11 CFS - 52.7 AF - 11.7 Ac

limited TO 11.7 Acres - 52.7 AF

63-33426 - 0.10 CFS - 22.5 AF - 6.6 Ac

63-33429 - 0.05 CFS - 29.7 AF - 6.6 Ac

limited TO - 6.6 Acres - 29.7 AF

Total combined 37 Acres - 166.6 AF.

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Condition limitation = 166.5 AF

37 Acres.

SPLIT  
in Bank

2.7 Acres

33427 - 0.05 CFS - 12.2 AF

33430 0.02 CFS - 12.1 AF

Combined:

2.7 Acres - 12.2 AF

OUT OF BANK

16 Acres

0.32 CFS - 72 AF

0.12 CFS - ~~72~~ 72 AF

16 Acres - 72 AF