



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 13, 2010

GISELA SCHAAL
29776 HWY 78
MURPHY ID 83650

**RE: APPLICATION TO LEASE ALL OF WATER RIGHT NOS. 57-46C AND 57-46F TO
THE WATER SUPPLY BANK**

Dear Lessor:

The Department of Water Resources ("Department") has completed its review of your application to lease water right nos. 57-46C and 57-46F to the Water Supply Bank ("Bank"). The offered water rights are accepted into the Bank in accordance with the attached Water Supply Bank Lease Acceptance. If you do not agree with the conditions of the Lease Acceptance and would like to withdraw your water rights from the Bank, you must contact the Department within thirty (30) days of receipt of this notification.

The rights will automatically be released from the bank on **December 31, 2013**, unless the rights are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the Bank, you must submit a request in writing to the Department prior to the release date.

Please review the conditions of acceptance listed on the Lease Acceptance and contact me if you have any questions at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: John Westra – IDWR Western Regional Office
Rohl Hipwell – Watermaster, Water District 57B

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK LEASE ACCEPTANCE**

This is to certify that: GISELA SCHAAL
29776 HWY 78
MURPHY ID 83650
(208) 834-3099

has requested to lease the water right(s) listed below to 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") the acquisition of water rights for the Board's Bank, agrees to lease the water right to the Bank as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right	Lease Rate	Lease Volume	Acre Limit	Total Leased Acres
57-46C	0.08 CFS	NA	NA	6.8 AC
57-46F	0.11 CFS	NA	NA	6.8 AC
COMBINED LEASE TOTALS:	0.19 CFS	NA	NA	6.8 AC

TERM OF LEASE:

Lease Begin Date: June 19, 2008

Expiration Date: December 31, 2013

RENTAL AVAILABILITY:

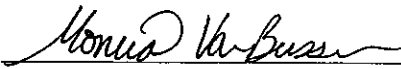
Season of Use: January 1 to December 31

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 15th day of December, 20 10


for GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 57-46C
WATER SUPPLY BANK LEASE ACCEPTANCE

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

Lessor: GISELA SCHAAL
 29776 HWY 78
 MURPHY ID 83650
 (208) 834-3099

Priority Date: 03/31/1868

Source: PICKETT CREEK

Tributary to: CATHERINE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.06 CFS	
IRRIGATION	03/15 to	11/15	0.08 CFS	
	Total:		0.08 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PICKETT CREEK	SE¼NW¼	Sec. 28	Twp 04S	Rge 01W	OWYHEE County
PICKETT CREEK	SE¼SE¼	Sec. 21	Twp 04S	Rge 01W	OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION and STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01W	22										4.5	2.3						6.8

Total Acres: 6.8

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.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Use of rights 57-46C, 57-46D, 57-46E, 57-46F, 57-46G and 57-46H are limited when combined to one or more of the following in accordance with the conditions of approval on the water rights: the irrigation of 43.5 acres in a single irrigation season.
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.

**WATER RIGHT NO. 57-46C
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
12. The quantity of water for this water right for stockwater use is not a determination of historical beneficial use.
13. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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.

Dated this 15th day of December, 2010


for GARY SPACKMAN, Interim Director
Department of Water Resources

**WATER RIGHT NO. 57-46F
WATER SUPPLY BANK LEASE ACCEPTANCE**

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

Lessor: GISELA SCHAAL
29776 HWY 78
MURPHY ID 83650
(208) 834-3099

Priority Date: 08/28/1875

Source: PICKETT CREEK

Tributary to: CATHERINE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.06 CFS	
IRRIGATION	03/15 to	11/15	0.11 CFS	
Total:			0.11 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PICKETT CREEK	SE¼NW¼	Sec. 28	Twp 04S	Rge 01W	OWYHEE County
PICKETT CREEK	SE¼SE¼	Sec. 21	Twp 04S	Rge 01W	OWYHEE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION and STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01W	22										4.5	2.3						6.8

Total Acres: 6.8

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.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Use of rights 57-46C, 57-46D, 57-46E, 57-46F, 57-46G and 57-46H are limited when combined to one or more of the following in accordance with the conditions of approval on the water rights: the irrigation of 43.5 acres in a single irrigation season.
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.

**WATER RIGHT NO. 57-46F
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

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. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
12. The quantity of water for this water right for stockwater use is not a determination of historical beneficial use.
13. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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.

Dated this 15th day of December, 20 10


for GARY SPACKMAN, Interim Director
Department of Water Resources

MEMORANDUM

To: Water Right File No(s). 57-46C and 57-46F

From: Monica Van Bussum

Date: December 10, 2010

Re: Review of Application to Lease a Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: On June 19, 2008, the Department received applications to lease all of water rights 57-46C and 57-46F, for irrigation and stockwater, to the Water Supply Bank.

AUTHORITY TO FILE: Gisela Schaal, the right holder, signed the applications.

WATER RIGHT VALIDITY: In the application, Ms. Schaal stated the last used was in 2006. 2004 imagery indicates some use, as well.

INJURY TO OTHER WATER RIGHTS: No injury is evident.

ENLARGEMENT OF USE: Proper rental review should protect from enlargement. No enlargement is apparent through the lease. It is important to note that both rights are for 6.8 acres in the same 40-acre tracts. The 6.8 acres are the same and the leases are combined limited to 6.8 acres.

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 leases appear to be consistent with conservation of water resources in Idaho. The applicant/owner has been operating under an approved permit and a right licensed with the State of Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

None. I spoke with Rohl Hipwell, watermaster of Water District 57B, on December 10, 2010, and he had no concerns.