

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1693

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

**LESSOR:** CITY OF CASCADE  
PO BOX ~~759~~ **649**  
CASCADE, ID 83611-0759

RECEIVED  
MAY 25 2023  
DEPARTMENT OF  
WATER RESOURCES

### RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on February 27, 2023.
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

| Water Right No.     | Priority Date | Source                                                | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (AC)  |
|---------------------|---------------|-------------------------------------------------------|----------------------|-----------------------|-------------|
| 65-3138             | 6/1/1899      | CAMPBELL CREEK, tributary to NORTH FORK PAYETTE RIVER | 2.340                | Not Stated            | 0.00        |
| <b>Lease Totals</b> |               |                                                       | <b>2.340</b>         | <b>Not Stated</b>     | <b>0.00</b> |

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:** The term of this lease shall be January 1, 2023 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.
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.

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## **WATER SUPPLY BANK LEASE CONTRACT No. 1693**

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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**AUG 02 2023**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1693**

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

LESSOR: CITY OF CASCADE  
PO BOX ~~759~~ 649  
CASCADE, ID 83611-0759

By [Signature]  
Title Mayor  
Date 5/17/2023

**IDAHO WATER RESOURCE BOARD**

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

By [Signature]  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date 8/2/23

Lease approved by IDWR [Signature]

Date 8/2/23

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1693**

**ATTACHMENT A  
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

The water rights or portions thereof leased to the bank are described as follows:

**Source and Location of Point(s) of Diversion for Water Right No(s): 65-3138**

CAMPBELL CREEK L 4NWNW Sec. 3 Twp 13N Rge 03E VALLEY County

| Water Right | Beneficial Use | Season of Use |    |       | Diversion Rate (CFS) | Volume (AF) |
|-------------|----------------|---------------|----|-------|----------------------|-------------|
|             |                | From          |    | To    |                      |             |
| 65-3138     | MUNICIPAL      | 1/01          | to | 12/31 | 2.340 cfs            | 0.00 AF     |
| Totals:     |                |               |    |       | 2.340 cfs            | 0.00 AF     |

**PLACES OF USE TO BE IDLED UNDER THIS LEASE: MUNICIPAL**

Large POU: See attached map

**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, or the lease term expires. A right may be released from the bank upon request, 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 pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1693**

10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
  - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
  - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977. This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
13. Place of use within city limits of Cascade.
14. Use of water under this right may 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. 65.

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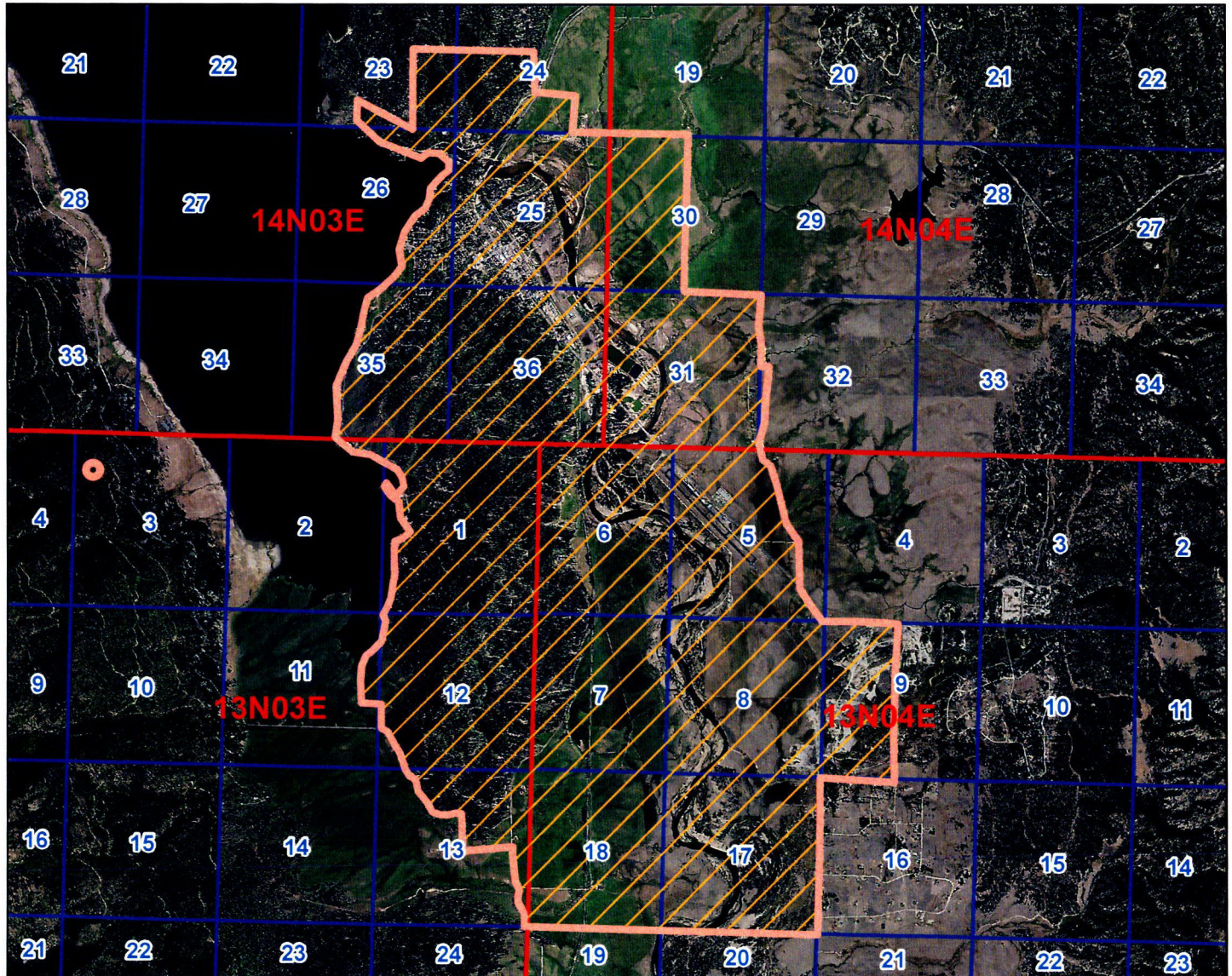
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1693

65-3138

Effective until December 31, 2027

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Approved Lease Point of Diversion
- ▨ Approved Lease Place of Use
- ▭ Township/Range
- ▭ Sections



0 1.5 3 Miles

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STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

FEB 27 2023

DEPARTMENT OF  
WATER RESOURCES

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

Designated Applicant City of Cascade

(Select one owner – see item 1A on the application)

Water Right No. 65-3138

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

**MINIMUM REQUIREMENT CHECKLIST**

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.

Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.

Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment

N/A

Yes

1A

Signatures and contact information for *all owners* of the water right to be leased or sold on this application.

1B

An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.

1C

*Notice of Change in Water Right Ownership* form (accessible from [www.idwr.idaho.gov](http://www.idwr.idaho.gov)).

1D



Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.

2



Description of a water right portion offered to the Water Supply Bank.

3



A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

4A



Written consent from irrigation district or water delivery company.

4G

Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

**Department Use Only**

Fee Amount \$ 500-Received By: KMDate Received: 2.27.23Receipt # C115422W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: City of Cascade

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AUG 02 2023

2607

STATE OF IDAHO  
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT**  
(Continued)

**1. CONTACT INFORMATION**

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant City of Cascade

Mailing Address P.O. Box 759 Cascade Idaho 83611  
Street City State Zip Code

Email Address mayor@cascadeid.us Phone Number (208) 382-4279

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒

If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐

If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐

If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Judith R. Nissula Organization \_\_\_\_\_

Professional Title Mayor Email Address mayor@cascadeid.us

Mailing Address P.O. Box 759 Cascade, ID 83611 Phone Number (208) 382-4279

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

**2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK**

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

**3. MAP**

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

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AUG 02 2023 Page 2

STATE OF IDAHO  
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT  
(Continued)

4. GENERAL INFORMATION

- A. 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 authorizing the proposed sale or lease (Attachment 4A).  
*If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.*
- B. Please provide a description of the current water diversion and delivery system.  
Municipal water system.
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 65-10353 and 65-10354 (these rights have the same place of use because they are municipal rights with the place of use being within the city limits of the City of Cascade).
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒  
*Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.*
- E. Will the present place of use continue to receive water from any other source? Yes ☒ No ☐  
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. Municipal general use.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Leased to supply bank since 2005.
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒  
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?  
If yes, describe.

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STATE OF IDAHO  
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT  
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2023 to 2028 (maximum lease period 5 calendar years).  
(Year) (Year)

- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant

City of Cascade

01/19/2023

Printed Name

Date

Signature of Authorized Representative

Judith R. Nissula, Mayor

01/19/2023

Printed Name

Date

Mail to:  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

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AUG 02 2023 Page 4

**STATE OF IDAHO  
WATER RESOURCE BOARD**

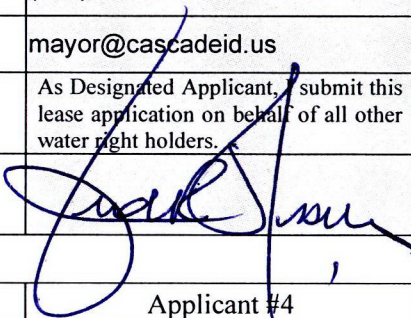
**ATTACHMENT 1A**

**Additional Water Right Holders Party to the Lease Application**

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 65-10353; 65-3138; and 65-10354.

|                              | <b>Designated Applicant</b>                                                                          | <b>Applicant #2</b>                                                           | <b>Applicant #3</b>                                                           |
|------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <b>Name</b>                  | City of Cascade                                                                                      |                                                                               |                                                                               |
| <b>Mailing Address</b>       | P.O. Box 759<br>Cascade, Idaho 83611                                                                 |                                                                               |                                                                               |
| <b>Phone Number</b>          | (208) 382-4279                                                                                       |                                                                               |                                                                               |
| <b>Email Address</b>         | mayor@cascadeid.us                                                                                   |                                                                               |                                                                               |
| <b>Applicant Declaration</b> | As Designated Applicant, I submit this lease application on behalf of all other water right holders. | I authorize the Designated Applicant to submit this application on my behalf. | I authorize the Designated Applicant to submit this application on my behalf. |
| <b>Signature</b>             |                   |                                                                               |                                                                               |

|                              | <b>Applicant #4</b>                                                           | <b>Applicant #5</b>                                                           | <b>Applicant #6</b>                                                           |
|------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <b>Name</b>                  |                                                                               |                                                                               |                                                                               |
| <b>Mailing Address</b>       |                                                                               |                                                                               |                                                                               |
| <b>Phone Number</b>          |                                                                               |                                                                               |                                                                               |
| <b>Email Address</b>         |                                                                               |                                                                               |                                                                               |
| <b>Applicant Declaration</b> | I authorize the Designated Applicant to submit this application on my behalf. | I authorize the Designated Applicant to submit this application on my behalf. | I authorize the Designated Applicant to submit this application on my behalf. |
| <b>Signature</b>             |                                                                               |                                                                               |                                                                               |

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**AUG 02 2023**

ATTACHMENT 1B

SCANNED

AUG 02 2023

ATTACHMENT 1D

**SCANNED**

AUG 02 2023

**CITY OF CASCADE  
VALLEY COUNTY, STATE OF IDAHO  
RESOLUTION NO. 23-10**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASCADE, VALLEY COUNTY, STATE OF IDAHO, MAKING CERTAIN FINDINGS; AUTHORIZING THE WATER DIVISION SUPERVISOR TO EXECUTE THREE APPLICATIONS TO LEASE THREE WATER RIGHTS TO THE WATER SUPPLY BANK; DIRECTING THE CITY CLERK; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of Cascade, Valley County, State of Idaho:

**Section 1. Findings**

- 1.1 The City Council finds that the City of Cascade owns three (3) water rights designated as Water Right No. 65-3138, Water Right No. 65-10353, and Water Right No. 65-10354, that these water rights are not currently used by the City for its beneficial use of irrigation, and that it is in the best interests of the City to lease these water rights to the Idaho Water Supply Bank for a period of five (5) years in order to avoid forfeiture of said water rights due to nonuse.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council as follows:

**Section 2. Authorizing**

- 2.1 The City of Cascade, Mayor, in his/her capacity as the Mayor of the City of Cascade is hereby authorized to sign each of the Applications to Sell or Lease a Water Right to the Water Supply Bank on behalf of the City of Cascade for the purpose of leasing Water Right No. 65-3138, Water Right No. 65-10353, and Water Right No. 65-10354 to the Water Supply Bank for a period of five (5) years, and to represent the City of Cascade in all matters related to said Application.

**Section 3. Directing the City Clerk**

- 3.1 The City Clerk is hereby directed to file this Resolution forthwith in the official records of this City.

**Section 4. Effective Date**

- 4.1 This resolution shall be in full force and effect when passed and approved by the Mayor and City Council of the City of Cascade.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL** of the City of Cascade this 13<sup>th</sup> day of February, 2023.

Signed: \_\_\_\_\_

Judith R. Nissula, Mayor

**ATTEST:**

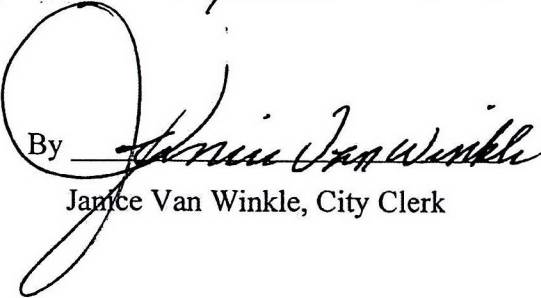
I certify that the above Resolution was duly adopted by the City Council of the City of Cascade  
on February 13, 2023 by the following vote:

Ayes: 4

Noes: 0

Absent: 0

By



Janice Van Winkle, City Clerk

"W:\Work\C\Cascade, City of 22248\DWG\Resolutions\2023\02 - February\2023.02.03 Water Rights Lease  
Resolution.docx"

**STATE OF IDAHO  
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

**ATTACHMENT 2**

**DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK**

| 1. <u>Water Right Number</u> | Nature of Use | Leased Rate<br>(cfs) | Leased Volume<br>(af) | Leased Acres<br>(ac) |
|------------------------------|---------------|----------------------|-----------------------|----------------------|
| 65-3138                      | Municipal     | 2.34 CFS             | N/A                   | N/A                  |
|                              |               |                      |                       |                      |
|                              |               |                      |                       |                      |
|                              |               |                      |                       |                      |
|                              |               |                      |                       |                      |
| Total Amounts:               |               |                      |                       |                      |

2. Source of water Campbell Creek tributary to Cascade Reservoir

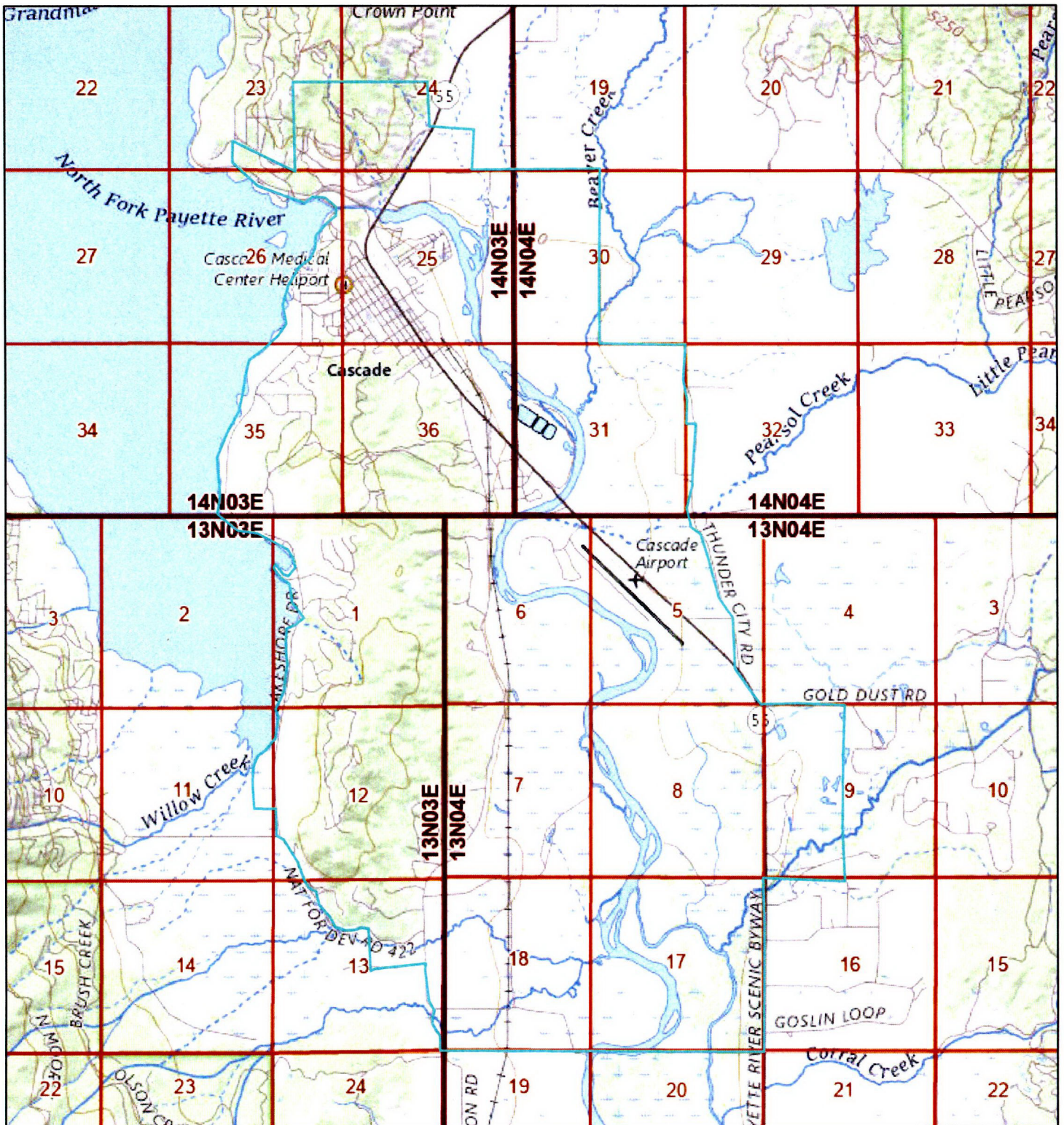
3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼  | ¼  | ¼ | County |
|-----|-----|-----|-----|----|----|---|--------|
| 13N | 03E | 3   | 4   | NW | NW |   | Valley |
|     |     |     |     |    |    |   |        |
|     |     |     |     |    |    |   |        |
|     |     |     |     |    |    |   |        |
|     |     |     |     |    |    |   |        |
|     |     |     |     |    |    |   |        |
|     |     |     |     |    |    |   |        |

ATTACHMENT 3

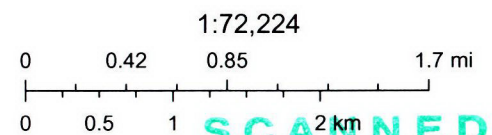
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AUG 02 2023



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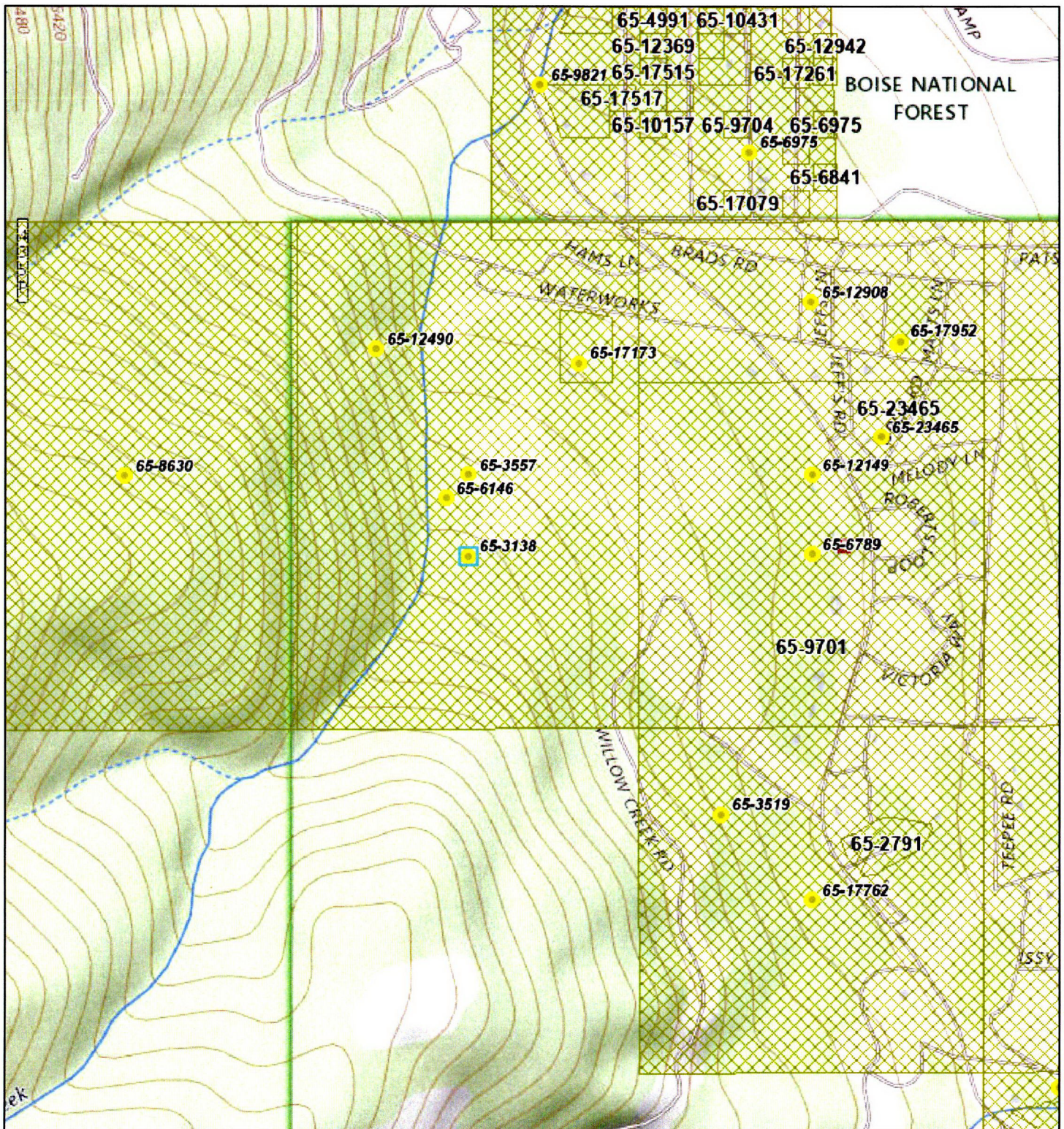
- PLS Sections
- Townships



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AUG 02 2023

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census

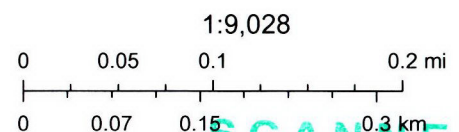


1/27/2023, 1:50:53 PM

POU - Water Rights

 All Other POU (non-provider)

 POD - Water Rights



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AUG 02 2023

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census

# WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

**Key:** Who Completes What?

CLERICAL STAFF: *gnt*

REVIEWER: *gnt*

Received Date

*2-27-23*

Desired Lease Duration

*23-27*

Lease / Rental Package

Y

*N*

If yes, Renter Name:

Application # *2607*

Contract # *1693*

| WR#s |  | # <i>65-3138</i> |
|------|--|------------------|
| #    |  | #                |
| #    |  | #                |
| #    |  | #                |
| #    |  | #                |
| #    |  | #                |
| #    |  | #                |
| #    |  | #                |

Applicant Authorized?

*Y* / N

Multiple owners, Attach 1A included?

Y / N *NA*

If portion is offered, Attach 2 included?

Y / N *NA*

Map of POU and POD?

*Y* / N NA

POD Consent (if required)?

Y / N *NA*

Application Complete?

*Y* / N

Minimum checklist in data base?

☐

Request for additional information letter sent:

Y NA

Stacked Water Rights Need to be Leased?

☐

WSB Action Request for deficiencies

☐

If checked, list water rights:

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

## Mailings (per lease application)

CC

Original

Designated

Applicant: *City of Cascade*

☐

☐

EMAIL:

Attorney:

☐

☐

EMAIL:

Consultants

Name:

☐

Comments:

Watermaster:

☐

Delivery Entity:

☐

Water District:

*65*

☐

Ground Water District:

☐

Region:

*Western*

☐

Other:

☐

☐

Address:

*PD-2004  
Bank- 2005 to 2020  
HG 3AP*

Call up Date: \_\_\_\_\_

DO NOT SCAN



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

August 3, 2023

CITY OF CASCADE  
PO BOX 649  
CASCADE ID 83611

**RE: WATER SUPPLY BANK LEASE CONTRACT 1693 & 1694  
FOR WATER RIGHTS 65-3138 & 65-10353**

Dear Lessor:

Water right(s) **65-3138 & 65-10353** was/were leased into the Water Supply Bank (Bank) as of January 1, 2023, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2027**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at [bank @idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Jean Hershey*

for  
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region Office  
Water District No. 65

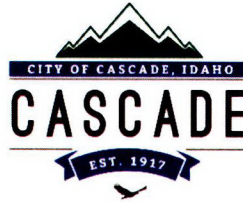
**SCANNED**

**AUG 02 2023**

RECEIVED

MAY 25 2023

DEPARTMENT OF  
WATER RESOURCES



May 17, 2023

Jean Hersley  
Idaho Department of Water Resources  
322 E. Front St., Suite 648  
Boise, ID 83702-0098

Re:   Water Right Lease No. 65-3138      Water Supply Bank Contract 1693  
      Water Right Lease No. 65-10353     Water Supply Bank Contract 1694

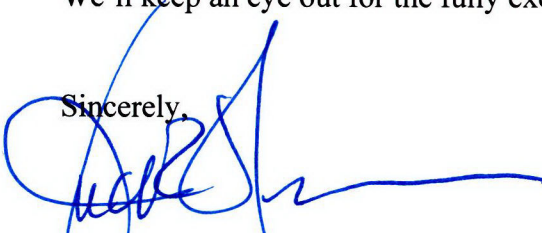
Dear Jean,

Enclosed, please find a copy of the packet you sent with the Water Supply Bank Contracts noted above. Both contracts have been signed by the City of Cascade Mayor, Judith Nissula.

Please note the change in mailing address for the City of Cascade.

We'll keep an eye out for the fully executed copies.

Sincerely,



Judith Nissula, Mayor  
City of Cascade

---

Cascade City Hall    105 S. Main Street    P.O. Box 649    Cascade, ID 83611-0649

SCANNED

AUG 02 2023



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

May 10, 2023

CITY OF CASCADE  
PO BOX 759  
CASCADE ID 83611

**RE: APPLICATION TO LEASE WATER RIGHTS 65-3138 & 65-10353 TO THE WATER SUPPLY  
BANK CONTRACT 1693 & 1694**

**\*\*\*\*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 ALL 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 right will automatically be released from the Bank on **December 31, 2027**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has 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 this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Jean Hersley*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts

**SCANNED**

**AUG 02 2023**

# WATER SUPPLY BANK

## Lease Review Checklist

**Applicant(s) Name:** City of Cascade

**Memo Date:** February 28, 2023

**Water Right Number(s):** 65-3138

**Reviewers Name:** Jean

### Check Tools

| Year | No Forfeiture Concerns Thru: |
|------|------------------------------|
| 2011 | 2017                         |
| 2012 | 2018                         |
| 2013 | 2019                         |
| 2014 | 2020                         |
| 2015 | 2021                         |

|    | Check box                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | COMMENTS/CONCERNS:                  |
|----|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1  | <input checked="" type="checkbox"/> | Fill out WSB Data Entry Checklist for Leases (Front of File)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                     |
| 2  |                                     | Reason for lease of water rights (Brief description of lease proposal in narrative)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                     |
|    |                                     | Portion of right                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                     |
|    | <input checked="" type="checkbox"/> | All of right                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                     |
| 3  |                                     | Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |
|    |                                     | Yes No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                     |
| 4  | <input checked="" type="checkbox"/> | Rentable? (If no explain in comments or narrative)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                     |
| 5  |                                     | Authority to file                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                     |
|    | <input checked="" type="checkbox"/> | Current owner or designated applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |
|    |                                     | SOS Web site checked for business entity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |
|    |                                     | Other (explain in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                     |
| 6  |                                     | Water Right validity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                     |
|    |                                     | Decreed/Licensed/Statutory claim date (write in comments section)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2004                                |
|    |                                     | Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                     |
|    | <input checked="" type="checkbox"/> | Has this right previously been leased to the bank or in CREP?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 2005-2020                           |
| 7  |                                     | Injury to other water rights                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                     |
|    |                                     | If the POD is through a delivery entity, was consent provided?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | na                                  |
|    |                                     | If the POD is through a delivery entity, was holdback required? (percentage in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | %                                   |
|    | <input checked="" type="checkbox"/> | Any other concerns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                     |
| 8  |                                     | Enlargement concerns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                     |
|    | <input checked="" type="checkbox"/> | Complete a POU comparison overlap analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                     |
|    | <input checked="" type="checkbox"/> | Complete a combined limits review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                     |
|    | <input checked="" type="checkbox"/> | Complete POD overlap analysis (if there is an overlap add condition to lease)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                     |
|    |                                     | Yes No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                     |
|    | <input checked="" type="checkbox"/> | Are there overlapping rights that need to be placed in the bank also?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |
|    | <input checked="" type="checkbox"/> | Will the place of use continue to receive water? (if yes explain in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 65-12726, 65-13311, 65-13485        |
| 9  |                                     | Local Public Interest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |
|    | <input checked="" type="checkbox"/> | Does the processor know of any problems this action will cause for the local public?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                     |
| 10 | <input checked="" type="checkbox"/> | Have you contacted regional office and watermaster for comment/concerns?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |
|    | <input checked="" type="checkbox"/> | Send the watermaster comment request form or e-mail request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                     |
| 11 |                                     | Area Headgate requirement (write in Comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3                                   |
| 12 |                                     | Is water right involved in any other department action? Pull file and check database<br>( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> |
| 13 |                                     | <b>Narrative:</b> The Department received this application on February 27, 2023. The applicant wishes to place the entire right in the Bank. This is a municipal right for the City of Cascade. The POD is located on Campbell Creek. The City is also offering 65-10353 and 65-10354 to the Bank. These are the surface water rights. Groundwater rights 65-12726, 65-13311 and 65-13485 will continue to provide water for the city. The application states this right has not been used since 2005. This right was decreed in 2004 and placed in the Bank from 2005-2020. There are no issues with forfeiture.<br>This right is currently within WD 65. |                                     |

SCANNED

AUG 02 2023