

FEB 24 2023

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1618

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

LESSOR: MICHELLE WOLF
PO BOX 433
FAIRFIELD, ID 83327-0433

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 August 29, 2022.
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)
37-7505A	7/21/1976	GROUND WATER	0.66	240	80
37-7505B	7/21/1976	GROUND WATER	0.44	141	47
Lease Totals			1.10	381	127

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.

SUPPORT DATA

IN FILE # 37-7505A

WATER SUPPLY BANK LEASE CONTRACT No. 1618

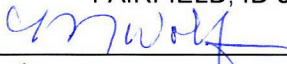
- 5. CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1618

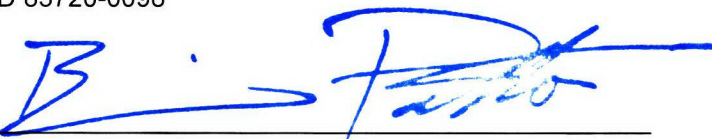
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: MICHELLE WOLF
PO BOX 433
FAIRFIELD, ID 83327-0433

By 
Title OWNER
Date 02/17/2023

IDAHO WATER RESOURCE BOARD

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 3/3/23

Lease approved by IDWR 

Date 3/3/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1618

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): 37-7505A

GROUND WATER	NESWSE	Sec. 7	Twp 01S	Rge 13E	CAMAS County
GROUNDWATER	NENWNE	Sec. 18	Twp 01S	Rge 13E	CAMAS County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-7505A	IRRIGATION	04/01	to	11/01	0.66 cfs	240 AF
37-7505B	IRRIGATION	04/01	to	11/01	0.44 cfs	141 AF
Totals:					1.10 cfs	381 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	13E	17					1.8	2.4	9.5	1.9									15.6
01S	13E	18	1.9	2.0	1.9	8.8									9.4	2.7	2.8	1.9	31.4
01S	13E	7									10	11 L3	8.7 L4	7.1	11	13	10	9.2	80

Total Acres: 127

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.

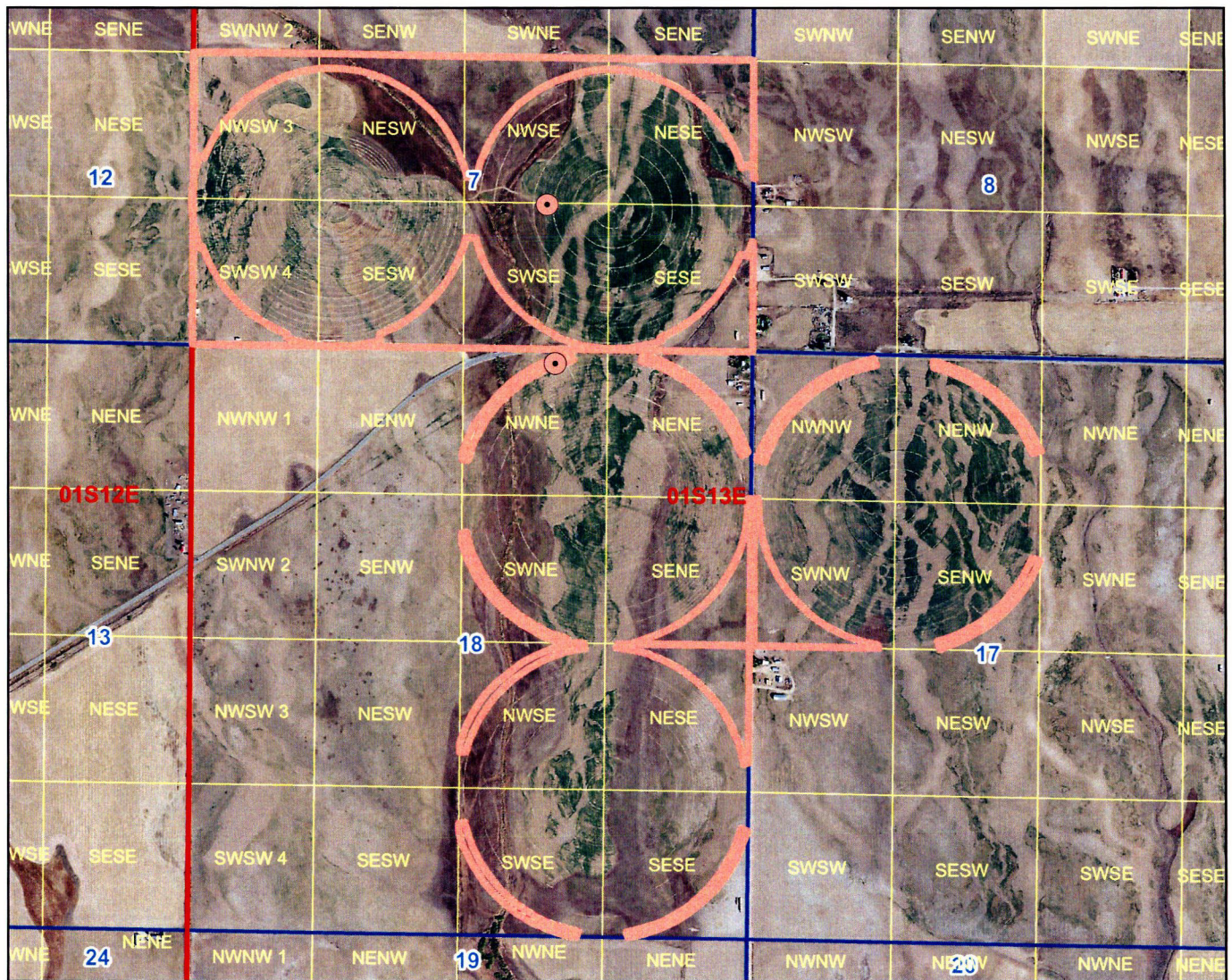
WATER SUPPLY BANK LEASE CONTRACT No. 1618

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, 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. The unleased portion of right 37-7505A shall not exceed a total diversion rate of 1.79 cfs, a total annual maximum diversion volume of 657 af at the field headgate, and the irrigation of 219 acres.
13. The unleased portion of right 37-7505B shall not exceed a total diversion rate of 3.35 cfs, a total annual maximum diversion volume of 1080 af at the field headgate, and the irrigation of 360 acres.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
15. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
16. Use of water under this right 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. 37B.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1618

37-7505A, 37-7505B
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

QQ

0 2,000 4,000 Feet





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 • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 23, 2023

MICHELLE WOLF
PO BOX 433
FAIRFIELD, ID 83327-0433

**RE: WATER SUPPLY BANK LEASE CONTRACT 1618
FOR WATER RIGHTS 37-7505A & 37-7505B**

Dear Lessor:

Water right(s) **37-7505A & 37-7505B** 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. **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 or 208-287-4800.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure: Executed Lease Contract

c: IDWR - Southern Region Office
Water District No. 37B



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 • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 7, 2023

MICHELLE WOLF
PO BOX 433
FAIRFIELD, ID 83327-0433

RE: APPLICATION TO LEASE WATER RIGHTS 37-7505A & 37-7505B TO THE WATER SUPPLY BANK CONTRACT 1618

******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 or 208-287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

MEMORANDUM FOR APPLICATION # 2428

To: Water Right No(s). 37-7505A, 37-7505B

From: Skyler Cheever – Water Resource Agent

Date: 12/5/2022

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE:

Application 2428 was sent in by Michelle Wolf and received on August 29th, 2022, with fee payment received on August 31st, 2022. The application proposes to lease an 80-acre portion of water right 37-7505A and a 47-acre portion of right 37-7505B into the water supply bank from 2023-2027. This application is an amendment of current lease contract 1425, adding end gun acres of 37-7505A and portion of 37-7505B. The points of diversion are located within the Big Wood River GWMA, Snake River Moratorium, and Trust Water area. The portion of right 37-7505A has been leased continuously into the water supply bank continually since 2016.

AUTHORITY TO FILE:

Michelle Wolf Signed the application. Ms. Wolf has the authority to file this application because she is the current owner of both water rights and a co-owner of the property according to Department records and GIS Tax Parcel Data.

WATER RIGHT VALIDITY:

31.5 acres of Water right 37-7505A has been lease continuously into the water supply bank since 2016. There is no concern with continued lease of those acres of 37-7505A. The additional 48.5 acres from 37-7505A were irrigated in 2020 according to Landsat Imagery (Figure 1). Although imagery was patchy, the majority of the 80 acres were irrigated and it would be unlikely that the remaining acres are unirrigated (Figure 1). According to GIS Arial Imagery the proposed portions of right 37-7505B were irrigated in 2021. Therefore, there are no validity concerns.

ENLARGEMENT OF USE:

Both rights were decreed in 2010. They do not share the same place of use or point of diversion and there are no combined limits. Therefore, 37-7505A and 37-7505B should be rentable separately without causing an enlargement of either water right.

Water right 37-7505A authorizes the use of 2.45 cfs and 897 af for the irrigation of 299 acres. 37-7505B authorizes the use of 3.79 cfs and 1221 af for the irrigation of 407 acres within a 1000-acre area. To prevent water spreading or the use of leased rate and volume, a condition will be added limiting each right to their unleased portions. 37-7505A will be limited to 1.79 cfs, 657 af and the irrigation of 219 acres. 37-7505B will be limited to 3.35 cfs, 1080 af and the irrigation of 360 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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The point of diversion is within Basin 37 and Water District 37B. The Water Master and Southern Regional Manager were contacted for comment on December 5th, 2022. No response received; it is assumed there is no concern.

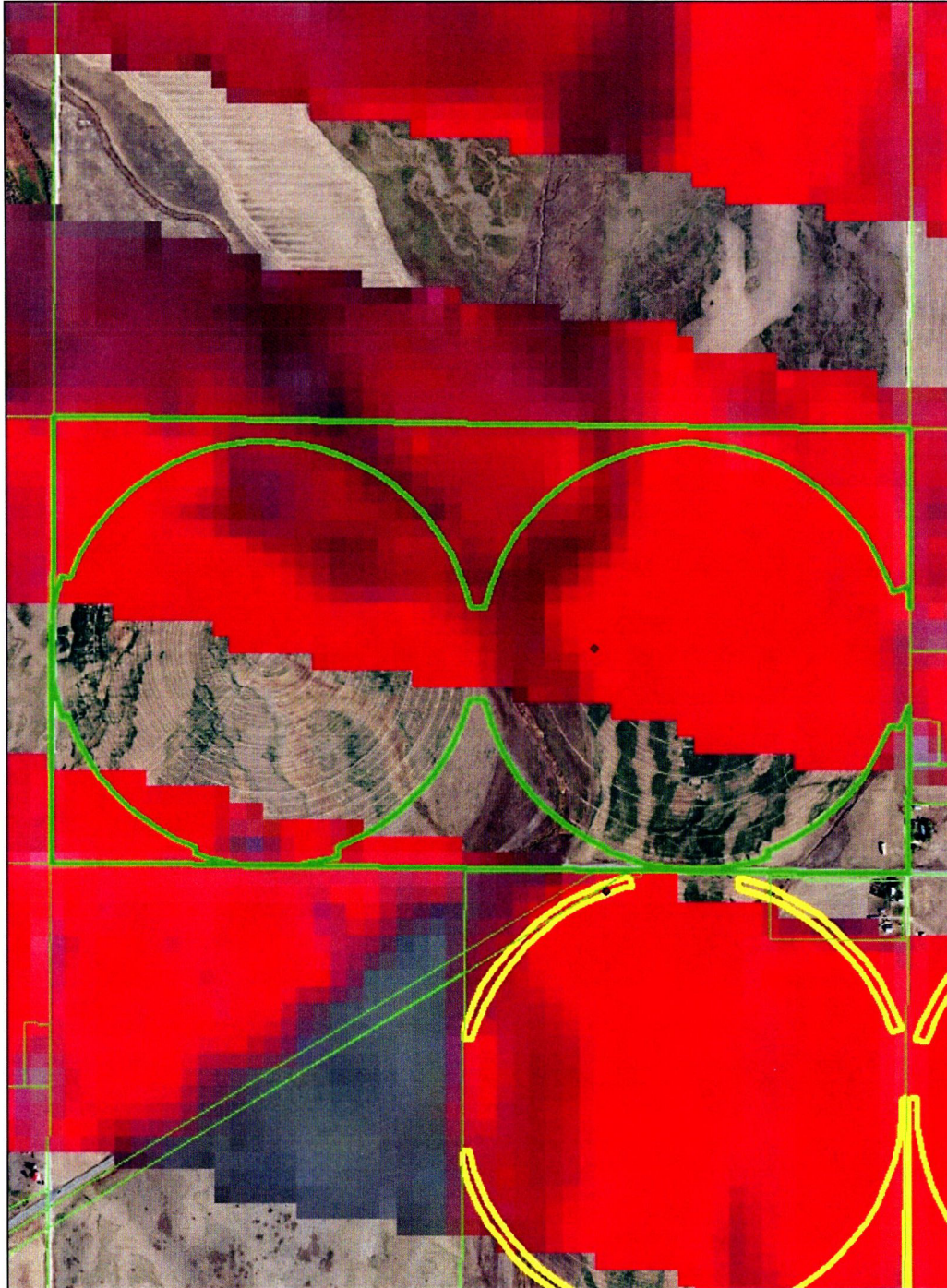


Figure 1. A map of the place of use, outlined in green, indicating irrigation occurred on June 6th, 2020.

Cheever, Skyler

From: Cheever, Skyler
Sent: Monday, December 5, 2022 2:29 PM
To: waterdistrict37b@outlook.com; Skinner, Corey
Subject: Comment Email For Lease Contract 1618
Attachments: Lease Contract 1618 37-7505A.docx; Lease Contract 1618 37-7505A.docx; Lease Map 1618.pdf; Lease Review Memo 2428.docx

Hello Mr. Skinner and Mr. Kramer,

I am currently reviewing a Water Supply Bank Lease within Basin 37 and Water District 37B. The applicant is the Michelle Wolf. The lease proposes to lease a portion of rights 37-7505A and 37-7505B into the water supply bank. These rights can be rented separately so there are two contracts, one for each right. These rights divert surface water from groundwater for irrigation. This property has been leased in the supply bank since 2017 and the current lease will be changed over to this lease in 2023. Attached to this email is the draft review memo, draft map of the place of use and draft contract. Please send any comments if applicable in 14 days. If you have any questions or need clarification, please let me know.

Best,

Skyler

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913