

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1966

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

LESSOR: HOOT OWL LLC
647 S CROSSTIMBER AVE
MERIDIAN, ID 83642-3584

RECEIVED
APR 25 2025
DEPT. 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 June 01, 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)
29-14287	9/5/1951	GROUND WATER	0.24	55.6	13.9
Lease Totals			0.24	55.6	13.9

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, 2024 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.

WATER SUPPLY BANK LEASE CONTRACT No. 1966

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. 1966

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

LESSOR: HOOT OWL LLC
647 S CROSSTIMBER AVE
MERIDIAN, ID 83642-3584

By Tom Kasilovets
Title owner
Date 4-29-25

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By Brian Patton
Brian Patton, Executive Manager
Idaho Water Resource Board

Date 4/29/25

Lease approved by IDWR Patton

Date 4/29/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1966

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): 29-14287

GROUND WATER NWSWSW Sec. 16 Twp 07S Rge 35E BANNOCK County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
29-14287	IRRIGATION	04/01	to	10/31	0.24 cfs	55.6 AF
Totals:					0.24 cfs	55.6 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	
07S	35E	16							2.8	10.0	1.1								13.9

Total Acres: 13.9

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

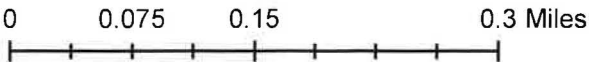
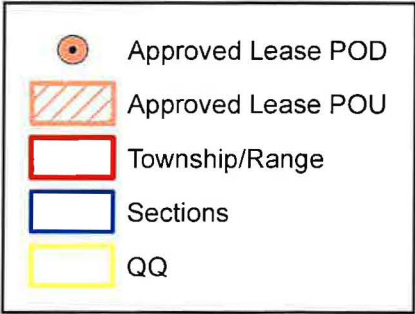
WATER SUPPLY BANK LEASE CONTRACT No. 1966

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. Right Nos. 29-4908 and 29-14287 are limited to the irrigation of a combined total of 13.9 acres in a single irrigation season.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1966

29-14287
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.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
JUN 01 2023
DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Hoot Owl LLC. Tom Katsilometes Water Right No. 29-14287
(Select one owner – see item 1A on the application) (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 <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from <u>www.idwr.idaho.gov</u>). |
| 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: <u>www.idwr.idaho.gov</u> . |
| 4A | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 4G | ☒ | ☐ | Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ <u>250 --</u>	Received By: <u>ku</u>	Date Received: <u>6.1.23</u>	Receipt # <u>C118384</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Tom Katsilometes</u>	

2681

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 Tom Katsilometes Hoot Owl LLC
Mailing Address 647 South Crosstimber Ave. Meridian Idaho 83642
Street City State Zip Code
Email Address tom.katsilometes@tax.idaho.gov Phone Number 208-221-6534

☒ 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 Tom Katsilometes Organization self
Professional Title Idaho State Tax Commissioner Email Address tom.katsilometes@tax.idaho.gov
Mailing Address 647 South Crosstimber Ave. Phone Number 208-221-6534

☒ 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.**

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.

truck
From the point of Diversion to a water tank to the field

- 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. *Overlap with surface water rt. 29-49013.*

- 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.

- 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. *about 10,000 gal. from Truck tank.*

4-23
or May
sunflower planted + fertilized.

- 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. *Surface water is in Bank.*

A secured Ground Water Use in 2023 as per. 42-223. Item 12.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

2024 to 2027

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: 2024 to 2027 (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.

?

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.

Tom Katsilometes
Signature of Designated Applicant

Tom Katsilometes - Hoot Owl LLC 6-1-23
Printed Name Date

Tom Katsilometes
Signature of Authorized Representative

Tom Katsilometes - Hoot Owl LLC 6-1-23
Printed Name Date

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



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

May 01, 2025

HOOT OWL LLC
647 S CROSSTIMBER AVE
MERIDIAN ID 83642-3584

**RE: WATER SUPPLY BANK LEASE CONTRACT 1966
FOR WATER RIGHT 29-14287**

Dear Lessor:

Water right **29-14287** is leased into the Water Supply Bank (Bank) as of January **2024** 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). 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 are rented.**

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Debra Mansfield

Technical Records Specialist I

Enclosure: Executed Lease Contract

c: IDWR Eastern Region Office

Mansfield, Debra

From: Mansfield, Debra
Sent: Wednesday, April 30, 2025 4:08 PM
To: Cefalo, James
Cc: Bank
Subject: Executed WSB Lease Contract 1966
Attachments: Executed WSB Lease Contract 1966 Hoot Owl LLC 2024-2027.pdf

Hello James,

Please see the attached copy of executed WSB Lease Contract 1966, in the name of Hoot Owl LLC, for your records.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov



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

April 23, 2025

HOOT OWL LLC
647 S CROSSTIMBER AVE
MERIDIAN, ID 83642-3584

**RE: APPLICATION TO LEASE WATER RIGHT 29-14287 TO THE WATER SUPPLY BANK
CONTRACT 1966**

******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,

Aaron Olson

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

MEMORANDUM FOR APPLICATION #2681 / CONTRACT #1966

To: Water Right 29-14287

From: Aaron Olson

Date: 2/19/2024

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

PURPOSE/NARRATIVE:

An application to lease water right 29-14287 was received June 1, 2023, and proposes a 4-year lease term for the full water right beginning in 2024 and ending in 2027.

AUTHORITY TO FILE:

IDWR records show the applicant Hoot Owl LLC as the current owner of the water right and the application was signed by Tom Katsilometes. The Secretary of State annual-report form for 2023 lists Tom as an authorized signer on behalf of the LLC. Bannock County parcel data shows the land at the place of use is owned by the applicant.

WATER RIGHT VALIDITY:

Water right 29-14287 was decreed March 22, 2004. Review of aerial photography shows little evidence of irrigation at the place of use following the decree. A request for more information was sent to the applicant and a response was received that access to the well used as the point of diversion has been denied for several years which prevented irrigation. The Department received a Resumption of Beneficial Use form June 1, 2023. The applicant then provided photos and explained that in 2023 sunflower seeds were planted then irrigated at the place of use using a water tank truck since the well could still not be accessed. The water used for irrigation was sourced from ground water acquired from a nearby hydrant owned by the City of Pocatello. At the time of this review Idaho statutes and rules do not define irrigation beneficial use. Generally, IDWR considers the application of water above and beyond natural precipitation required for growth of agricultural crops and other vegetation to be an irrigation beneficial use of water. This application of water should be considered beneficial to the sunflower seed during germination, therefore beneficial use occurred in 2023, and sufficient information has been provided that the water right has not been lost through abandonment, or forfeiture as defined by Section 42-222(2), Idaho Code.

ENLARGEMENT OF USE:

Water right 29-490B is a surface water irrigation right sourced from an Unnamed Stream tributary to Sinks that completely overlaps the place of use with right 29-14287. There is a condition on right 29-490B that states the two rights are limited to the irrigation of a combined total of 13.9 acres which is equal to the total acres of each right. Water right 29-490B is currently leased to the bank until 2027 which coincides with the proposed lease of 29-14287.

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 water right is within the Eastern region and not subject to a water district. A request for comment was sent to the Regional Manager on March 26, 2025.

Olson, Aaron

From: Olson, Aaron
Sent: Wednesday, March 26, 2025 1:56 PM
To: Cefalo, James
Subject: WSB lease application 2681 request for comment
Attachments: WSB Lease Application # 2681 (1).pdf; Lease App 2681 Review Memo.docx; Lease App 2681 Map.pdf

Good Afternoon James,

Please find attached a Water Supply Bank Lease (application #2681) for comment review. Attached is a review memo and map of the place of use, if you have any comments please respond within 7 days. If no response is received, it will be assumed there are no issues/comments/concerns regarding this Lease. Please let me know if there if you have any questions.

Thanks,

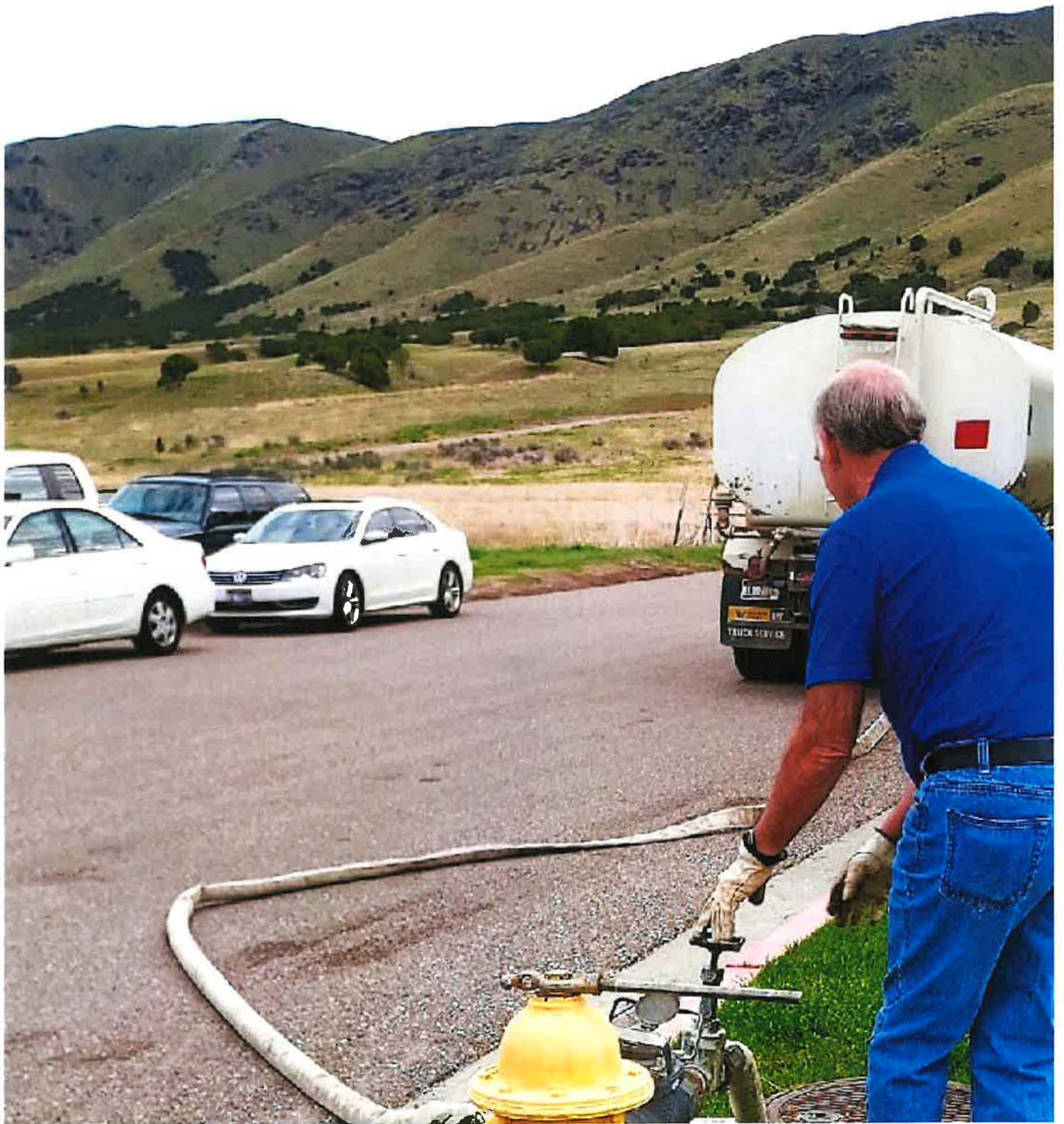
Aaron

Aaron Olson - Water Resource Agent, Principal
Idaho Dept. of Water Resources
322 E Front St Ste 648
Boise, ID 83702-7371
(208) 287-4907
Aaron.Olson@idwr.idaho.gov

Olson, Aaron

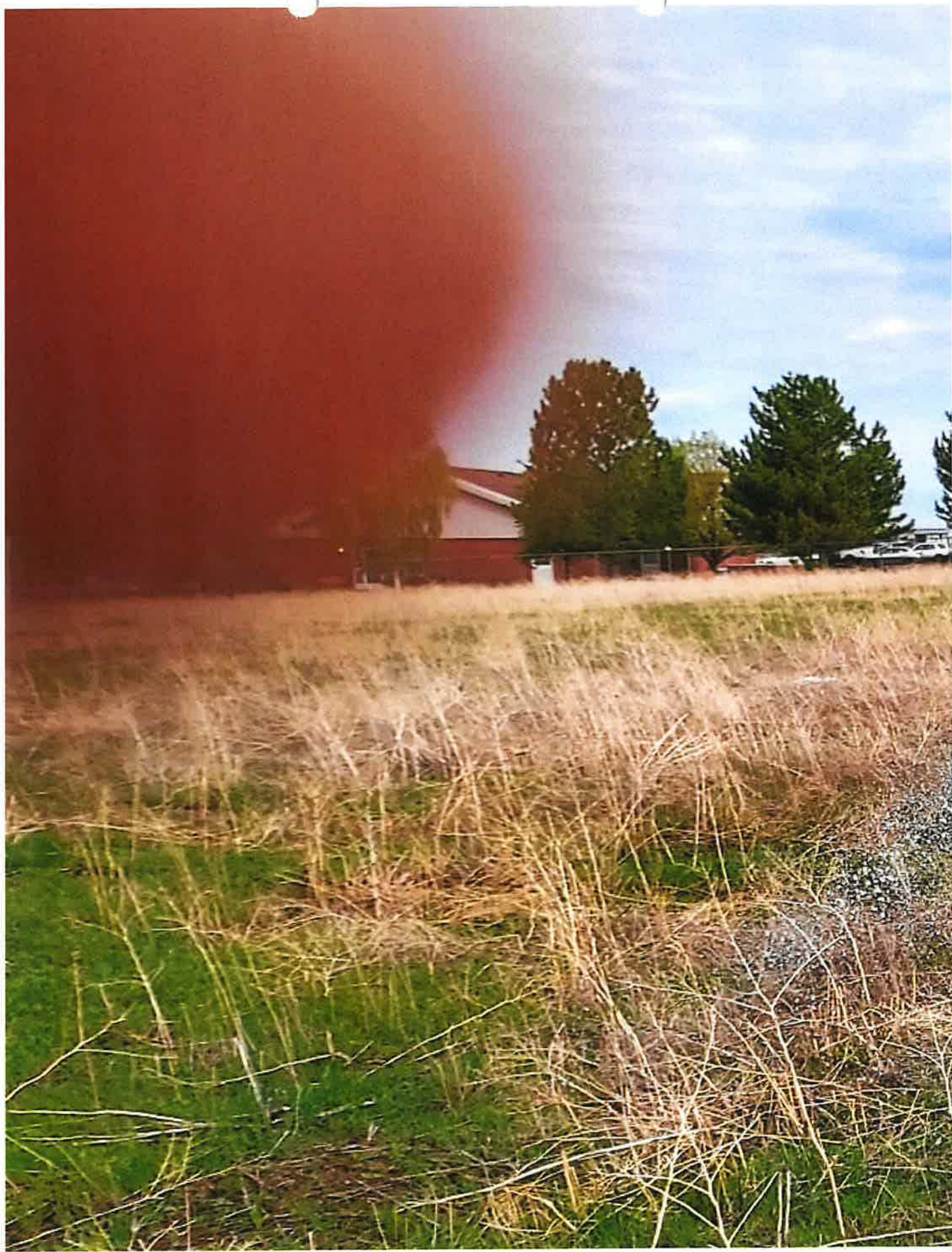
From: Tom Katsilometes <katsilometestom@gmail.com>
Sent: Monday, December 2, 2024 11:32 AM
To: Olson, Aaron
Subject: Here is the water distribution pictures, we spoke of. Let me know if you got the lock out pictures, and these pictures. Thanks, Tom Katsilometes.

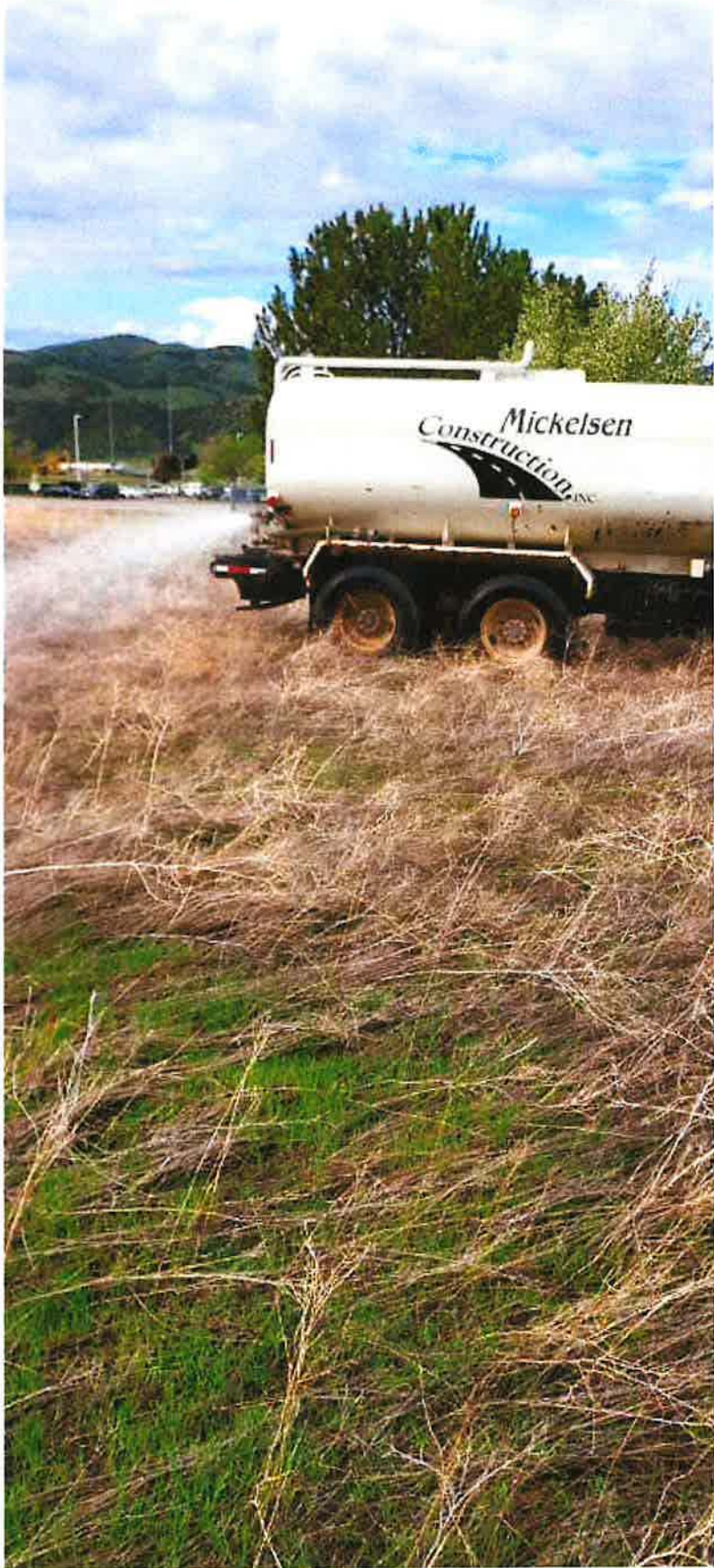
CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.



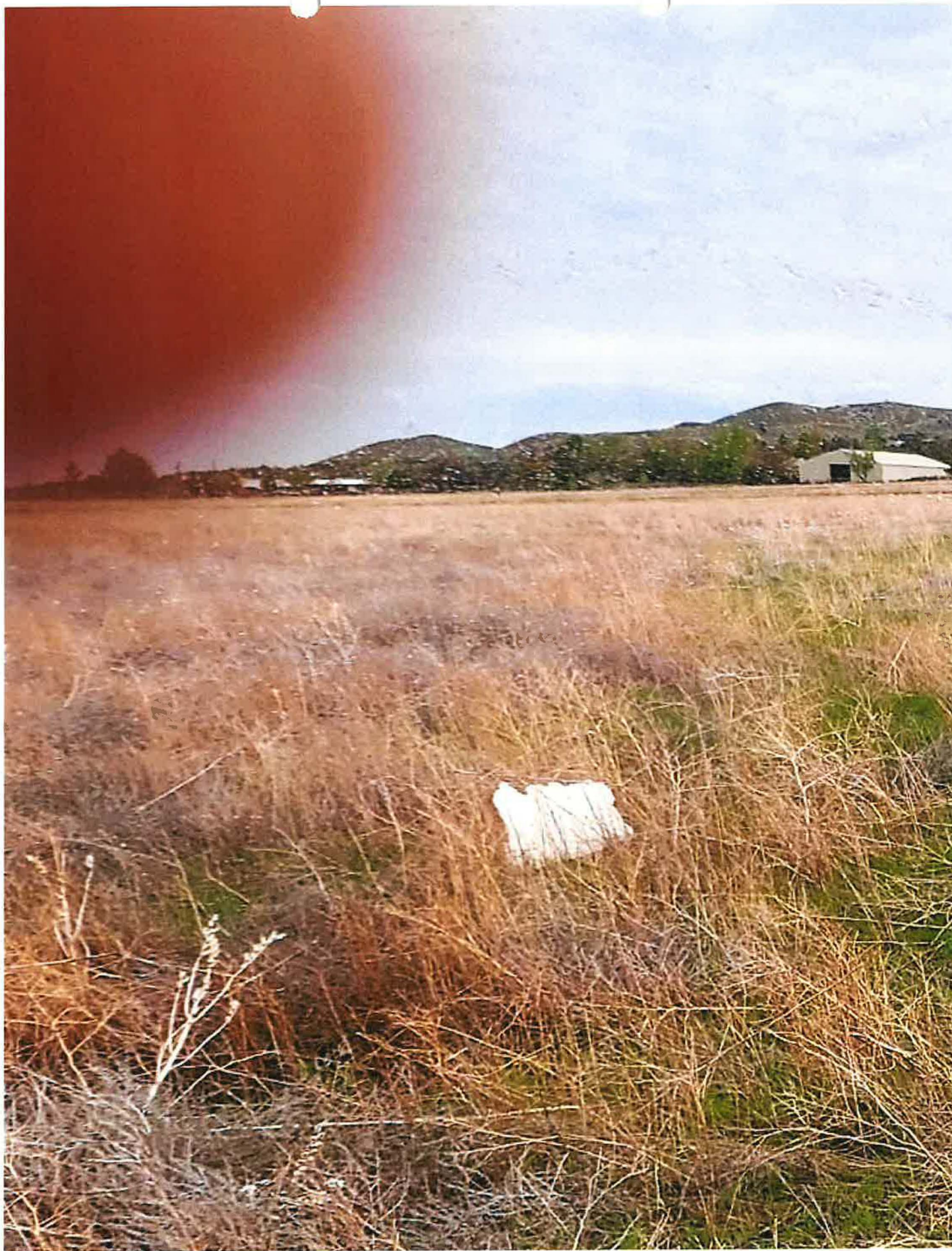




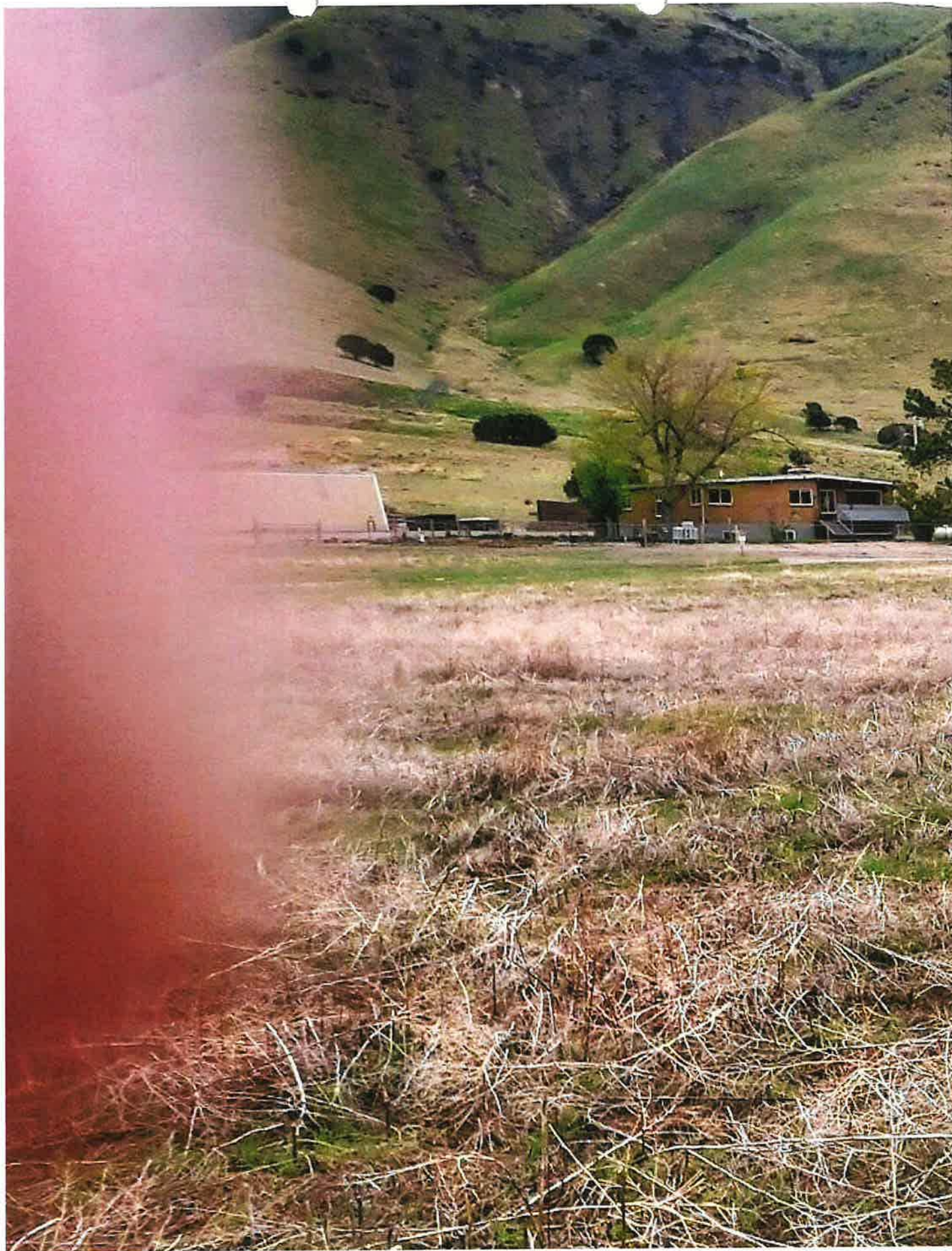


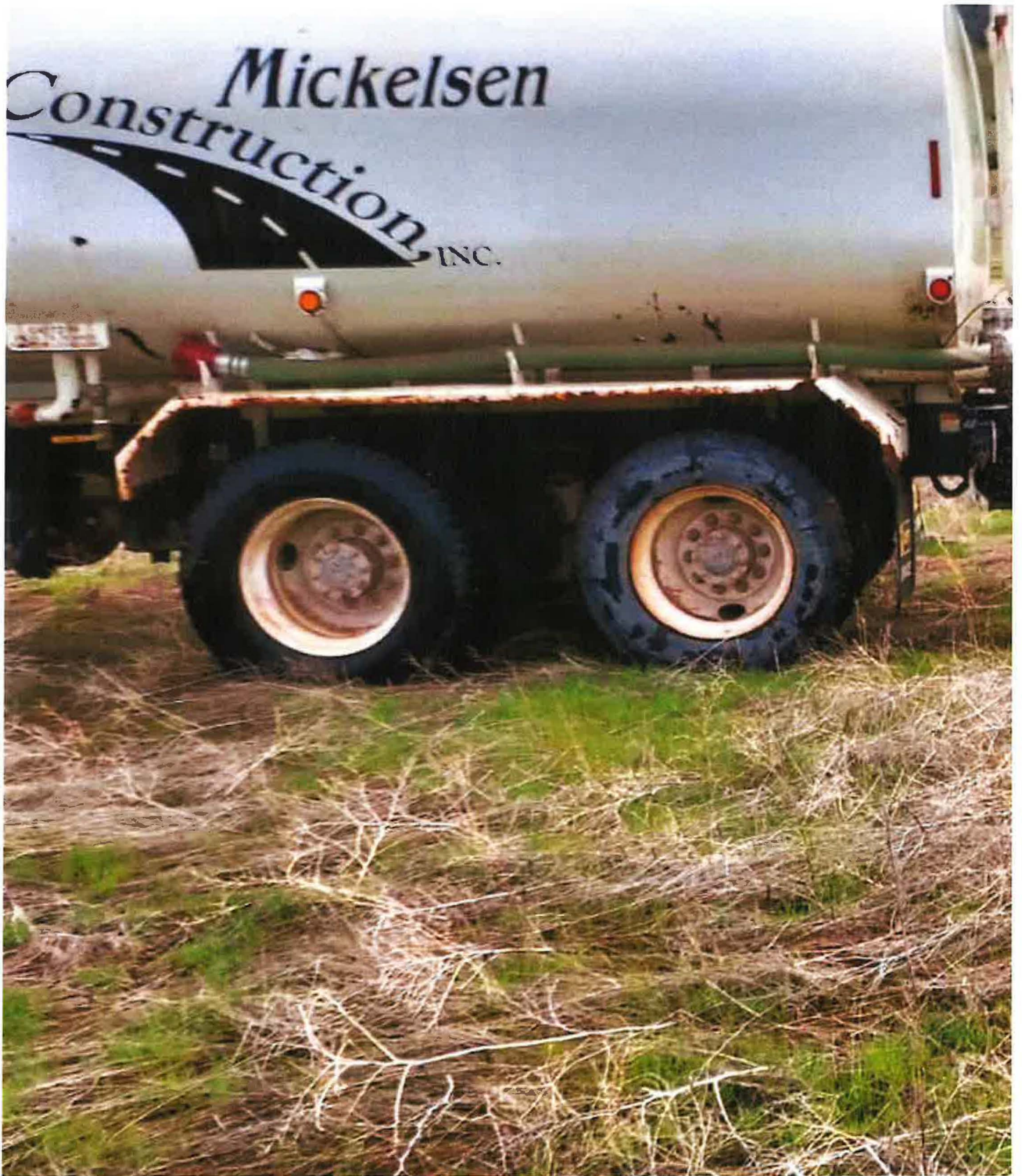




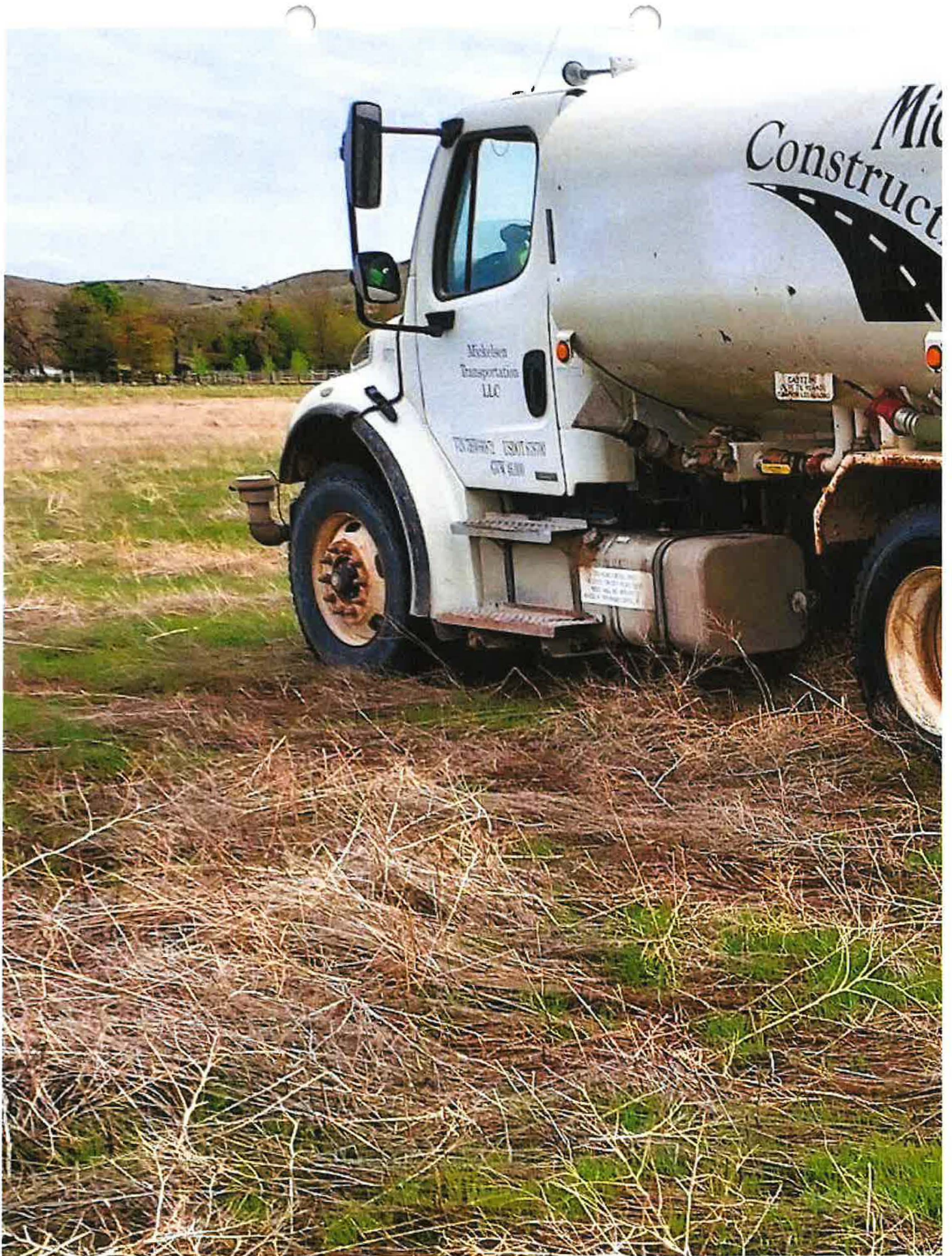




















Sent from my iPhone



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

November 27, 2024

HOOT OWL LLC
C/O TOM KATSILOMETES
647 SOUTH CROSSTIMBER AVE
MERIDIAN ID 83642

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO
LEASE WATER RIGHT NO. 29-14287 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

On June 1, 2023, the Department of Water Resources (Department) received an application to lease water right 29-14287 to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (IDAPA 37.02.03.025.06.c) requires the Department to consider whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated."

The partial decree for water right 29-14287 was issued in 2012 and this application is the second request to lease the right into the Water Supply Bank following a withdrawn application in 2018. Under question 4.G. of the lease application, in response to whether the right had undergone a period of five or more consecutive years of non-use, the application is checked 'yes'. A review of aerial photography at the place of use appurtenant to the legal description under the right shows no evidence of irrigation. Based on information available to IDWR at this time a period of more than five years of non-use occurred following issuance of the partial decree.

Please submit information demonstrating that water right no. 29-14287 proposed for lease has been irrigated within the last 5 years or provide a valid defense to forfeiture pursuant to Idaho Code 42-223 for application processing to continue. Information relative to forfeiture is required for lease application #2958 to be considered a complete filing (IDAPA 37.02.03.025.02.c). If the information is not received within thirty days, the Department will return the incomplete application pursuant to IDAPA 37.02.03.025.04. Upon a showing the right has not been abandoned or forfeit water right no. 29-7094 proposed for lease will be accepted into the Bank, otherwise the right will not be acceptable, and the application will be returned unprocessed.

If you have any questions regarding this matter, please contact me at (208) 287-4907 or Aaron.Olson@idwr.idaho.gov.

Sincerely, 

Aaron Olson
Water Resource Agent, Principal