

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1974

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

**LESSOR:** CITY OF KETCHUM  
PO BOX 2315  
KETCHUM, ID 83340-2315

RECEIVED

MAY 06 2025

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 August 12, 2024.
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) |
|-----------------------|---------------|-------------------------------------------------|----------------------|-----------------------|------------|
| 37-212A               | 6/23/1888     | WARM SPRINGS CREEK, tributary to BIG WOOD RIVER | 0.43                 | Not Stated            | 10.7       |
| 37-20381              | 11/12/1936    | BIG WOOD RIVER, tributary to MALAD RIVER        | 0.19                 | Not Stated            | 10.7       |
| 37-2621               | 8/6/1959      | SPRING, tributary to WARM SPRINGS CREEK         | 0.18                 | Not Stated            | 10.7       |
| Combined Lease Totals |               |                                                 | 0.43                 | Not Stated            | 10.7       |

#### Summary of Water Rights Elements Rentable From the Bank

| Water Right           | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (Limited) (AC) | Rate Per Acre (CFS/AC) | Volume Per Acre (AF/AC) |
|-----------------------|----------------------|-----------------------|----------------------|------------------------|-------------------------|
| 37-212A               | 0.43                 | 37.4                  | 10.7                 | 0.040                  | 3.5                     |
| 37-20381              | 0.19                 | 37.4                  | 10.7                 | 0.018                  | 3.5                     |
| 37-2621               | 0.18                 | 32.2                  | 9.2                  | 0.020                  | 3.5                     |
| Combined Limit Totals | 0.43                 | 37.4                  | 10.7                 | 0.040                  | 3.5                     |

SUPPORT DATA

IN FILE # 37-212A

## WATER SUPPLY BANK LEASE CONTRACT No. 1974

*\* The water right elements rentable have been reduced from the water right elements leased to account for combined limits and a defined volume limit that is based on the regional field headgate irrigation standard of 3.5 afa/acre.*

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, 2028. 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.
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. 1974**

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

**LESSOR:** CITY OF KETCHUM  
PO BOX 2315  
KETCHUM, ID 83340-2315

By [Signature]  
Title City Administrator  
Date 5/12/25

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

By [Signature]  
Brian Patton, Executive Manager  
Idaho Water Resource Board

Date 5/12/25

Lease approved by IDWR [Signature]

Date 5/12/25

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1974

### 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): 37-212A, 37-2621, 37-20381**  
WARM SPRINGS NWSESE Sec. 11 Twp 04N Rge 17E BLAINE County  
CREEK

**Source and Location of Point(s) of Diversion for Water Right No(s): 37-212A, 37-20381**  
WARM SPRINGS NWSWSW Sec. 12 Twp 04N Rge 17E BLAINE County  
CREEK

**Source and Location of Point(s) of Diversion for Water Right No(s): 37-2621**  
SPRING SESWSW Sec. 12 Twp 04N Rge 17E BLAINE County  
SPRING SWSWSW Sec. 12 Twp 04N Rge 17E BLAINE County

| Water Right    | Beneficial Use | Season of Use |    |       | Diversion Rate (CFS) | Volume (AF) |
|----------------|----------------|---------------|----|-------|----------------------|-------------|
|                |                | From          |    | To    |                      |             |
| 37-212A        | IRRIGATION     | 04/15         | to | 10/31 | 0.43 cfs             | Not Stated  |
| 37-2621        | IRRIGATION     | 04/15         | to | 10/31 | 0.18 cfs             | Not Stated  |
| 37-20381       | IRRIGATION     | 04/15         | to | 10/31 | 0.19 cfs             | Not Stated  |
| <b>Totals:</b> |                |               |    |       | 0.43 cfs             | Not Stated  |

#### 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  |        |
| 04N | 17E | 11  |    |    |    |    |    |    |    |    |    |    |     |    |    |    | 0.7 | 6.5 | 7.2    |
| 04N | 17E | 12  |    |    |    |    |    |    |    |    |    |    | 3.5 |    |    |    |     |     | 3.5    |

Total Acres: 10.7

#### ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.
- 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.
- 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.
- 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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1974**

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.
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. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
13. The unleased portions of Right Nos. 37-212A, 37-2621 and 37-20381 are limited to a total combined diversion rate of 0.69 cfs.
14. Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 17.2 acres in a single irrigation season.
15. The unleased portion of water right 37-2621 is limited to the irrigation of 14.8 acres within the place of use described above in a single irrigation season.
16. A measuring device of a type acceptable to the Department shall be installed to measure the amount of water discharged back into Warm Springs Creek at TWP 4N, RNG 17E Sec 12 SESWSW
17. Water may be diverted from Warm Springs Creek at the points of diversion described below only when: (1) all other rights diverted from Warm Springs Creek that are senior to November 18, 1987 have been curtailed; and (2) the saved water provisions of the Rockwell By-Pass, as established in Rockwell v. Coffin (Blaine County, August 29, 1949), are met.
18. 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. 37.

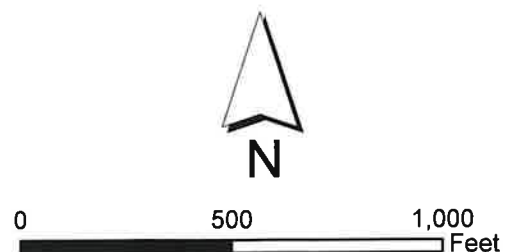
Idaho Water Resource Board  
**Water Supply Bank Lease Contract No. 1974**

37-212A, 37-2621 & 37-20381  
Effective until December 31, 2028

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 POD
-  Approved Lease POU
-  Township/Range
-  Sections
-  QQ



**STATE OF IDAHO  
WATER RESOURCE BOARD**

**RECEIVED**

AUG 12 2024

DEPT. OF WATER RESOURCES

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

**Designated Applicant** City of Ketchum **Water Right No.** 37-212A  
(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**

- |           |                                     |                                     |                                                                                                                                                                                                                                                                                                                                                        |
|-----------|-------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1A</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.                                                                                                                                                                                                                                  |
| <b>1B</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.                                                                                                                                                                                                                                                                        |
| <b>1C</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                   |
| <b>1D</b> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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. |
| <b>2</b>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| <b>3</b>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .                                                            |
| <b>4A</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| <b>4G</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 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>500 -</u>                                                                              | Received By: <u>KCM</u> | Date Received: <u>8.12.24</u> | Receipt # <u>C118744</u> |
| W-9 received? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Route W-9 to Fiscal) |                         | Name on W-9:                  |                          |

3017

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 Ketchum  
Mailing Address P.O. Box 2315, Ketchum, ID 83340  
Street City State Zip Code  
Email Address jriley@ketchumidaho.org Phone Number 208-726-7825

☒ 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 Jade Riley Organization City of Ketchum  
Professional Title City Administrator Email Address jriley@ketchumidaho.org  
Mailing Address P.O. Box 2315, Ketchum, ID 83340 Phone Number 208-726-7825

☐ 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.  
Water is diverted from Warm Springs Creek through a headgate and culvert into a pond
- 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. 37-20381 and 37-2621
- 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. 1.12 cfs
- 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? Yes ☐ No ☒  
If yes, describe.

**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: 2024 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



Signature of Authorized Representative

Printed Name

Jade Riley

Printed Name

Date

6/14/24

Date

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

CITY OF KETCHUM  
RESOLUTION NO. 24-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, BLAINE COUNTY, STATE OF IDAHO, MAKING CERTAIN FINDINGS; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN APPLICATION TO LEASE CERTAIN 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 Ketchum, Blaine County, State of Idaho:

**Section 1. Findings**

1. In 2021, the City completed its purchase of the Warm Springs Preserve.
2. As part of the acquisition of the Warm Springs Preserve, the City acquired three water rights appurtenant to the property, which are designated by the Idaho Department of Water Resources as Water Right 37-212A, Water Right 37-2621, and Water Right 37-20381.
3. These water rights are stacked, with Water Right 37-212A as the primary right and Water Rights 37-2621 and 37-20381 as supplemental water rights. Stacked water rights must be used together at the same place of use to accomplish the same beneficial use.
4. In April 2023, the City approved the Warm Springs Preserve Master Plan.
5. The Wood River Land Trust has partnered with the City in implementing the Warm Springs Preserve Master Plan.
6. Under the conservation plan for the Warm Springs Preserve, the Warm Springs Water Rights will not be applied to their full authorized beneficial use for irrigation of 27.9 acres.
7. The Wood River Land Trust expects 10.5 acres of the Warm Springs Preserve to require regular irrigation during the irrigation season.
8. Partial forfeiture of water rights is possible when water rights are not fully utilized for their authorized beneficial use.
9. Partial forfeiture can be avoided by leasing the unused portion of water rights to the Idaho Water Supply Bank.
10. The proposed applications to lease water rights to the Water Supply Bank provide for a lease of portions of the stacked water rights sufficient to irrigate 17.4 acres.
11. It is in the best interests of the City to lease a portion of the Warm Springs Water Rights to the Idaho Water Supply Bank for a period of up to five years to avoid partial forfeiture of the said water rights.

## Section 2. Authorizing the Water Division Supervisor

Jade Riley, City Administrator of the City of Ketchum, is hereby authorized to sign applications to lease water rights to the Water Supply Bank on behalf of the City of Ketchum for the purpose of leasing portions of Water Right No. 37-212A, Water Right 37-2621, and Water Right 37-20381 to the Water Supply Bank, and to represent the City of Ketchum in all matters related to said Applications.

## Section 3. Directing the City Clerk

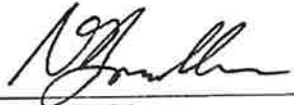
The City Clerk is hereby directed to file this Resolution forthwith in the official records of this City.

## Section 4. Effective Date

This resolution shall be in full force and effect upon its passage.

PASSED AND ADOPTED by the Council of the City of Ketchum this 20<sup>th</sup> day of MAY, 2024.

ATTEST

  
\_\_\_\_\_  
Neil Bradshaw, Mayor  
City of Ketchum

  
\_\_\_\_\_  
Trent Donat, City Clerk



**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**

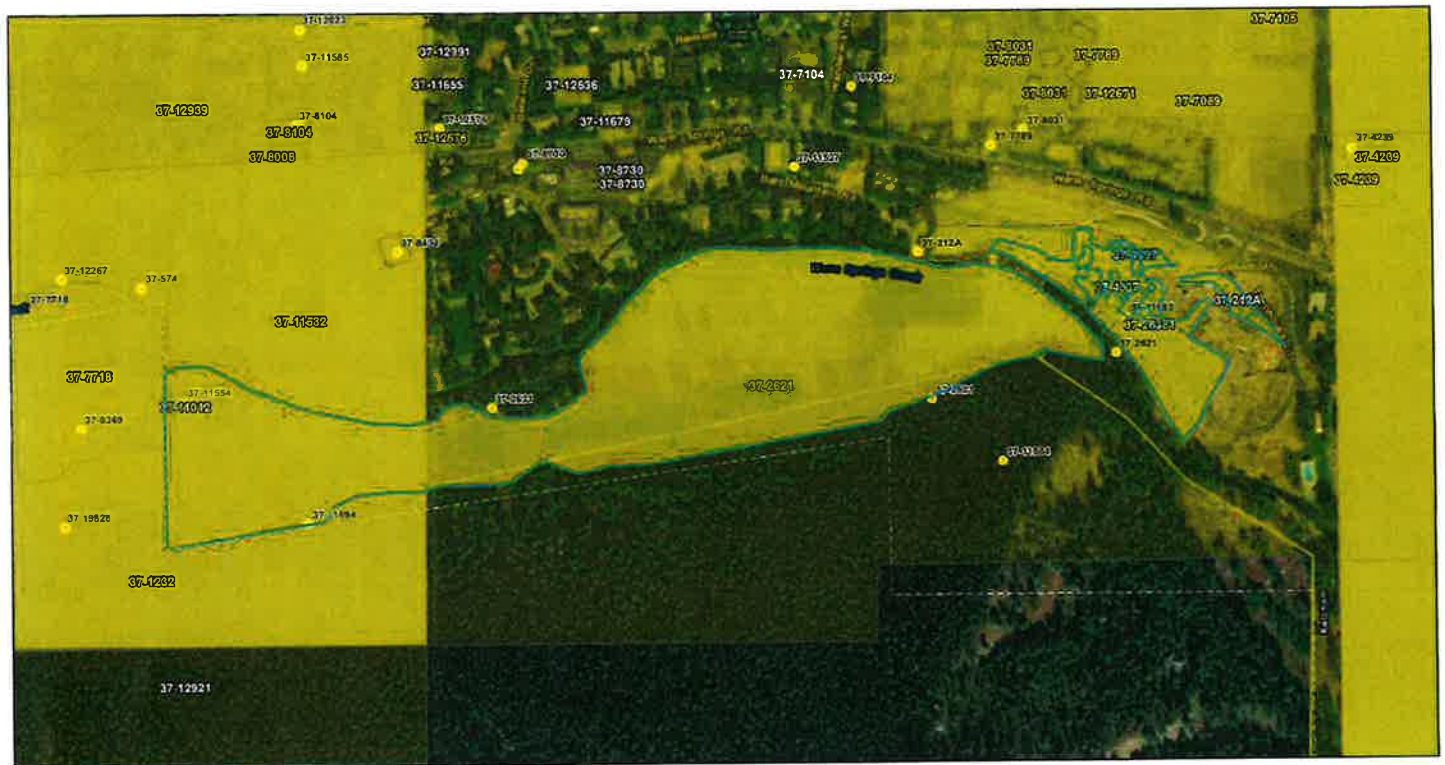
| 1. <u>Water Right Number</u> | <u>Nature of Use</u>  | <u>Leased Rate</u><br>(cfs) | <u>Leased Volume</u><br>(af) | <u>Leased Acres</u><br>(ac) |
|------------------------------|-----------------------|-----------------------------|------------------------------|-----------------------------|
| <u>37-212A</u>               | <u>Irrigation</u>     | <u>0.70</u>                 | <u>60.9</u>                  | <u>17.4</u>                 |
|                              |                       |                             |                              |                             |
|                              |                       |                             |                              |                             |
|                              |                       |                             |                              |                             |
|                              | <b>Total Amounts:</b> | <u>0.70</u>                 | <u>60.9</u>                  | <u>17.4</u>                 |

2. Source of water Warm Springs Creek tributary to Big Wood River

3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼  | ¼  | ¼  | County |
|-----|-----|-----|-----|----|----|----|--------|
| 04N | 17E | 11  | 0   | NW | SE | SE | BLAINE |
| 04N | 17E | 12  | 0   | NW | SW | SW | BLAINE |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |

### Attachment 3: Water Right 37-212A Place of Use



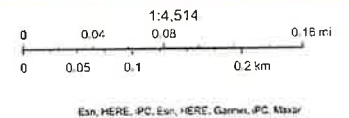
9/7/2023, 4:38:00 PM

POD - Water Rights

POU - Water Rights

All Other POU (non-provider)

Irrigation Providers and Municipal Service Areas





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 Mathew Weaver

May 13<sup>th</sup>, 2025

CITY OF KETCHUM  
PO BOX 2315  
KETCHUM, ID 83340-2315

RE: **WATER SUPPLY BANK LEASE CONTRACT 1979  
FOR WATER RIGHT(S) 37-212A, 37-20381, 37-2621**

**COPY**

Dear Lessor:

Water rights **37-212A, 37-20381, 37-2621** are 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, 2028**, 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](http://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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

-Kris Margheim  
Technical Records Specialist I

Enclosure: Executed Lease Contract

cc: IDWR- Southern Region Office  
Water District No. 37



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 Mathew Weaver

April 21, 2025

CITY OF KETCHUM  
PO BOX 2315  
KETCHUM, ID 83340-2315

**RE: APPLICATION TO LEASE WATER RIGHTS (37-212A, 37-2621 & 37-20381) TO THE WATER  
SUPPLY BANK CONTRACT (1974)**

**\*\*\*\*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, (2028)** 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,

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts  
Receipt C118744

## Hersley, Jean

---

**From:** Hersley, Jean  
**Sent:** Monday, April 21, 2025 11:44 AM  
**To:** 'watermanager@wd37.org'  
**Subject:** WSB Lease Contracts for City of Ketchum  
**Attachments:** Report - Lease Contract 1974.docx; Lease Application Review Checklist July 2017.xls

Please let me know if you have any comments or concerns with the attached lease. Thank you.

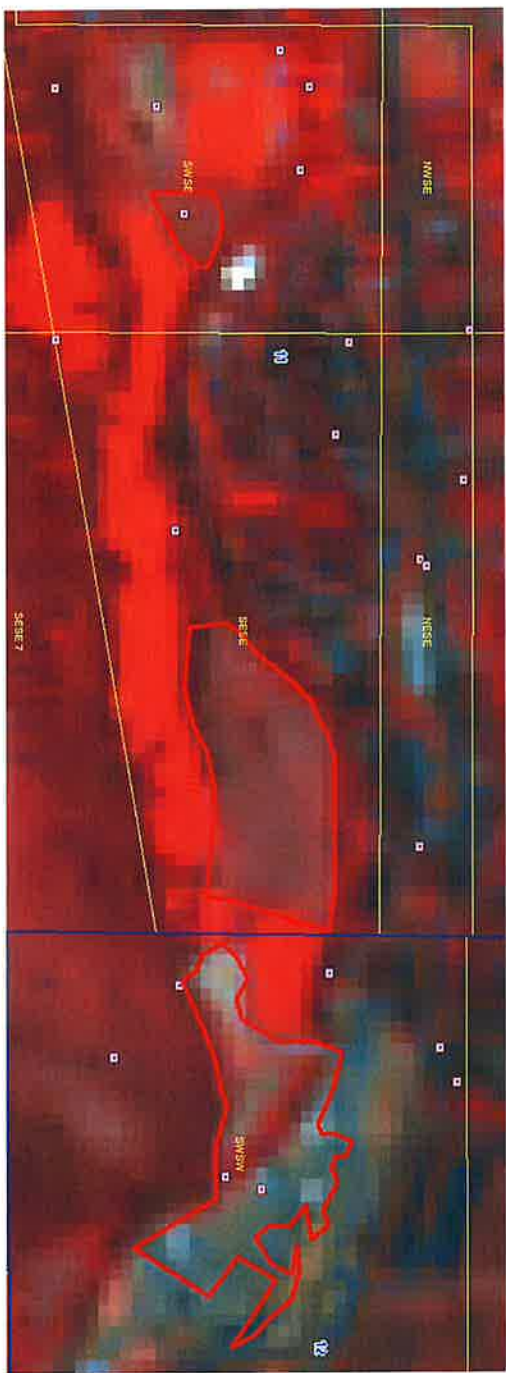


*Jean Hersley  
Technical Records Specialist II  
Idaho Dept Water Resources  
(208) 287-4942*

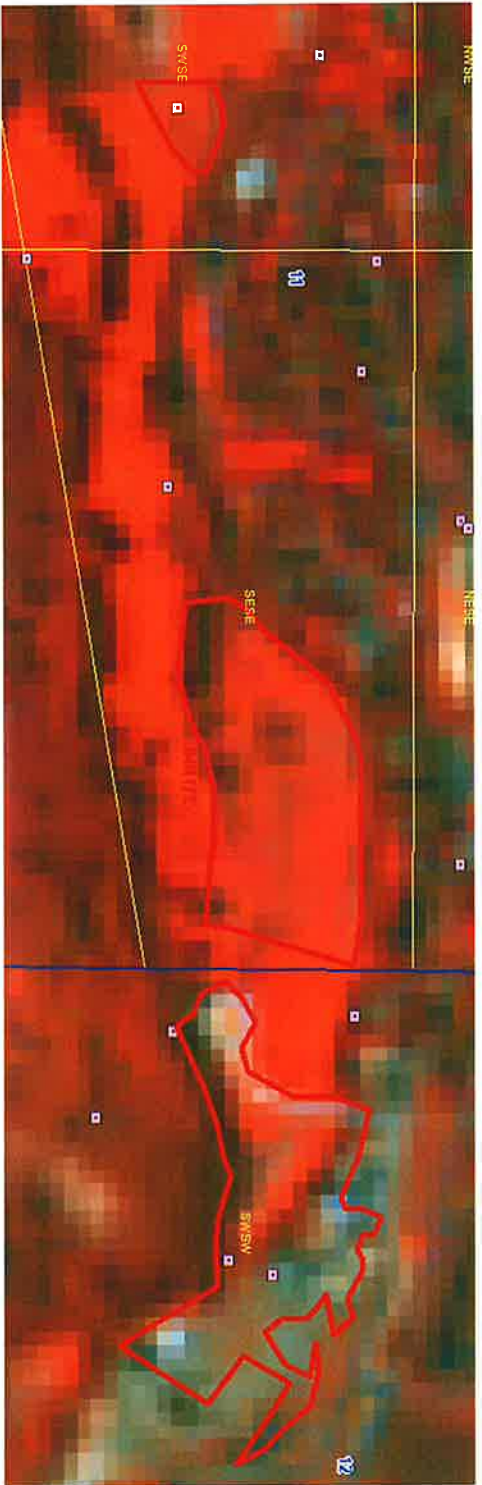
| WATER SUPPLY BANK                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Quick Tools  |                              |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------|
| <b>Lease Review Checklist</b>                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Decreed Year | No Forfeiture Concerns Thru: |
| <b>Applicant(s) Name:</b> City of Ketchum                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2011         | 2017                         |
| <b>Memo Date:</b> April 18, 2025                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2012         | 2018                         |
| <b>Water Right Number(s):</b> 37-212A, 37-2621 & 37-20381 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2013         | 2019                         |
|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2014         | 2020                         |
|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2015         | 2021                         |
| <b>Reviewers Name:</b> Jean                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |              |                              |
|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Check box    | <b>COMMENTS/CONCERNS:</b>    |
| 1                                                         | Fill out WSB Data Entry Checklist for Leases (Front of File)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | x            |                              |
| 2                                                         | Reason for lease of water rights (Brief description of lease proposal in narrative)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |              |                              |
|                                                           | Portion of right                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | x            |                              |
|                                                           | All of right                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |                              |
| 3                                                         | Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |              |                              |
|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes          | No                           |
| 4                                                         | Rentable? (If no explain in comments or narrative)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | x            |                              |
| 5                                                         | Authority to file                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                              |
|                                                           | Current owner or designated applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | x            |                              |
|                                                           | SOS Web site checked for business entity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |              |                              |
|                                                           | Other (explain in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |                              |
| 6                                                         | Water Right validity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |                              |
|                                                           | Decreed/Licensed/Statutory claim date (write in comments section)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              | 2010                         |
|                                                           | 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.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |              |                              |
|                                                           | Has this right previously been leased to the bank or in CREP?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | x            |                              |
| 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)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |              | %                            |
|                                                           | Any other concerns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | x            |                              |
| 8                                                         | Enlargement concerns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Check box    |                              |
|                                                           | Complete a POU comparison overlap analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | x            |                              |
|                                                           | Complete a combined limits review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | x            |                              |
|                                                           | Complete POD overlap analysis (if there is an overlap add condition to lease)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |              |                              |
|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes          | No                           |
|                                                           | Are there overlapping rights that need to be placed in the bank also?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | x            |                              |
|                                                           | Will the place of use continue to receive water? (if yes explain in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | x            |                              |
| 9                                                         | Local Public Interest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |              |                              |
|                                                           | Does the processor know of any problems this action will cause for the local public?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | x            |                              |
| 10                                                        | Have you contacted regional office and watermaster for comment/concerns?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | x            |                              |
|                                                           | Send the watermaster comment request form or e-mail request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | x            |                              |
| 11                                                        | Area Headgate requirement (write in Comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |              | 3.5                          |
| 12                                                        | Is water right involved in any other department action? Pull file and check database<br>( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | x            |                              |
| 13                                                        | <b>Narrative:</b> The Department received thses applications on August 12, 2024 for the 2024-2028 seasons. The applicant offered 17.4 acres of 37-212A, 15 acres of 37-2621 and 17.4 acres of 37-20381. After reviewing aerial imagery, it was determined that 3.5 acres in the SWSW T04N R17E Sec 12 and 0.7 acre in the SWSE, 6.5 in SESE of T04N R17E Sec 11 for a total of 10.7 acres of all rights could be accepted. These rights were decreed in 2010 and portions of the POU have never been irrigated. Correspondence was sent to the asking to provide information that the land had been irrigated. No information was provided. These rights are currently within WD 37. |              |                              |



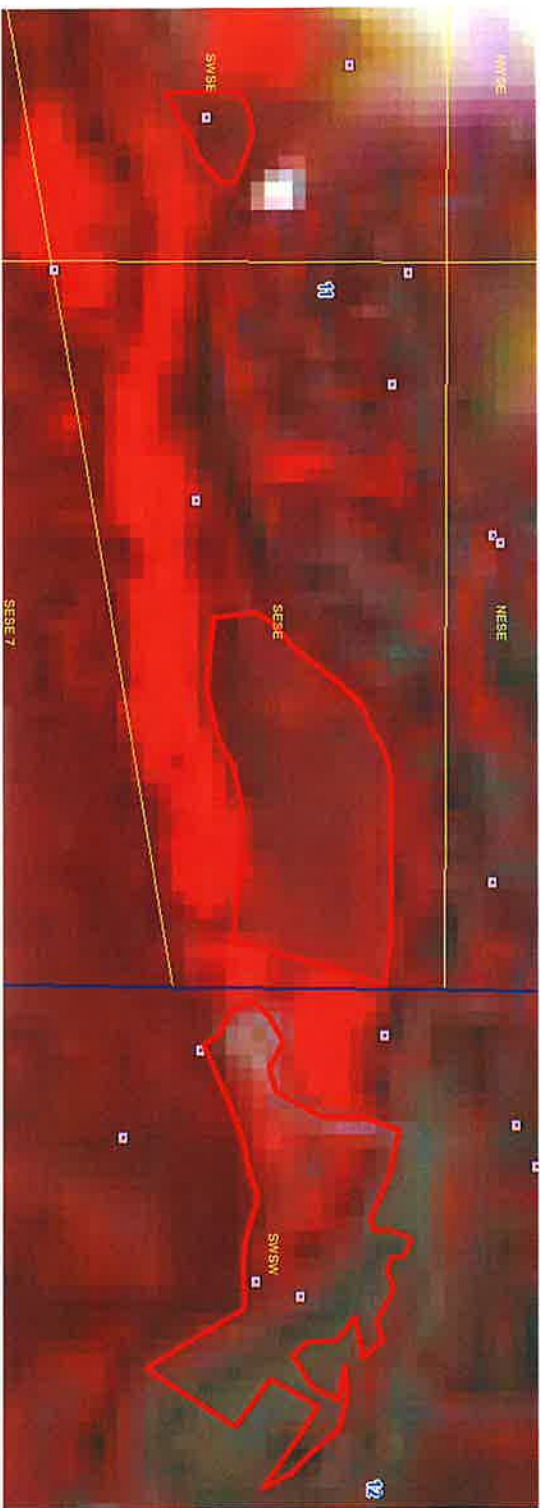
7-2-2023



8-1-2023



9-20-2023



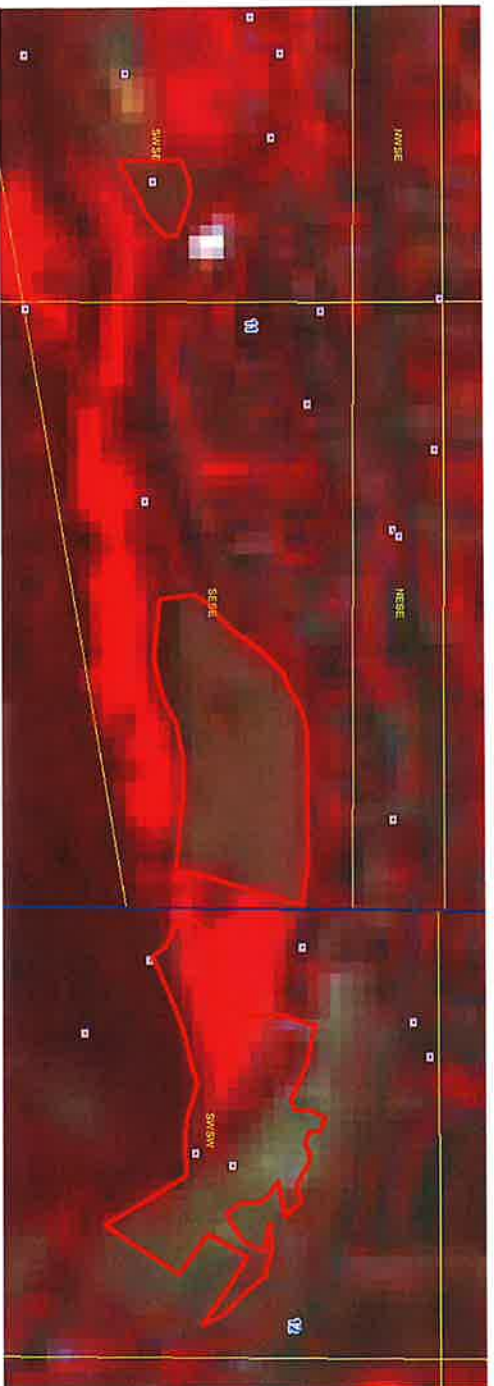
6-17-22



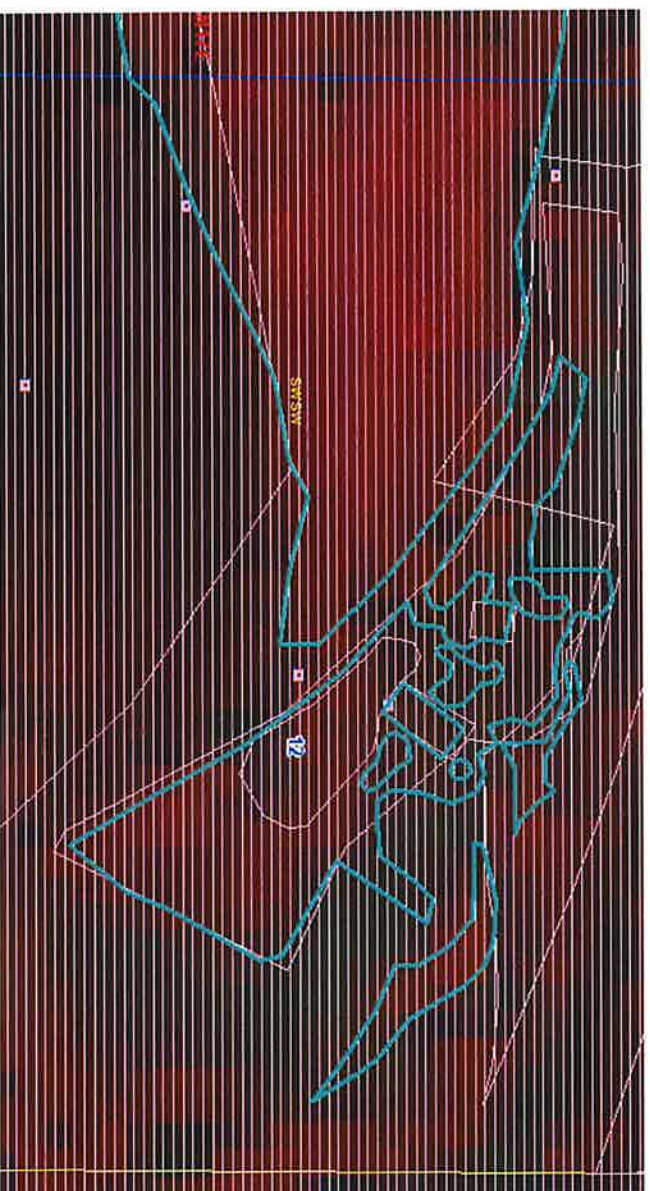
5-5-21



5-5-2020



7-17-2020



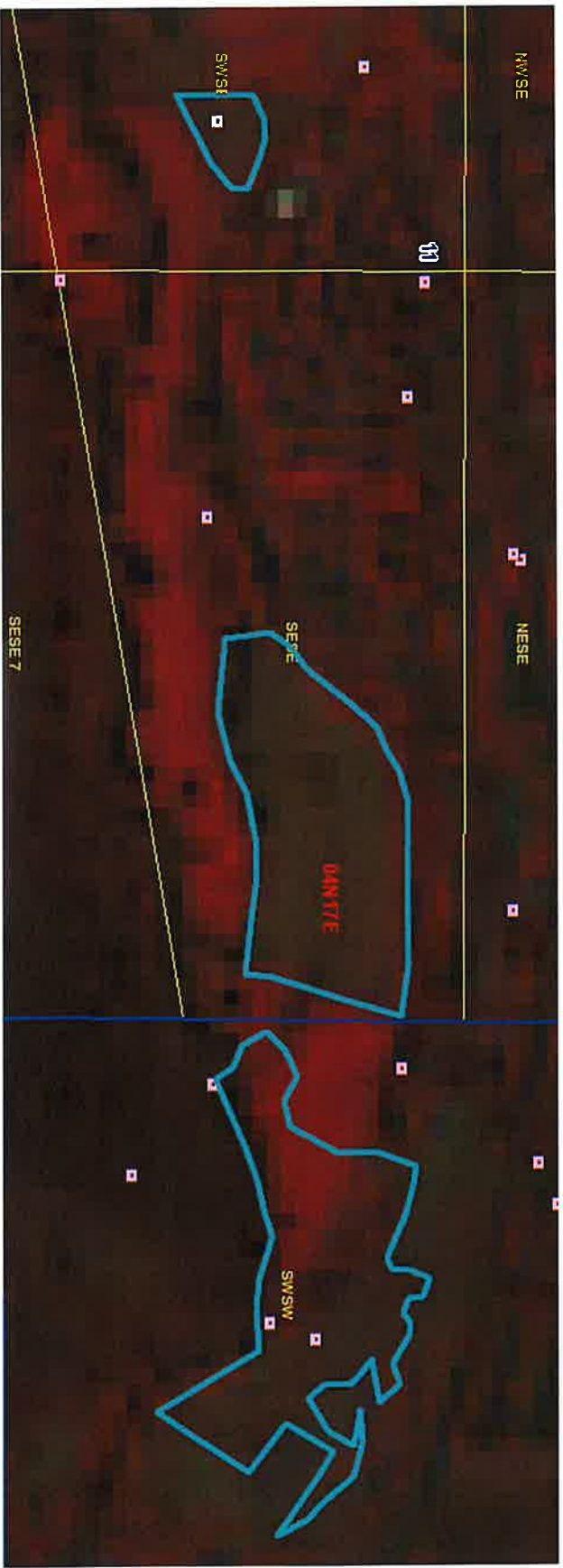
6-10-2019



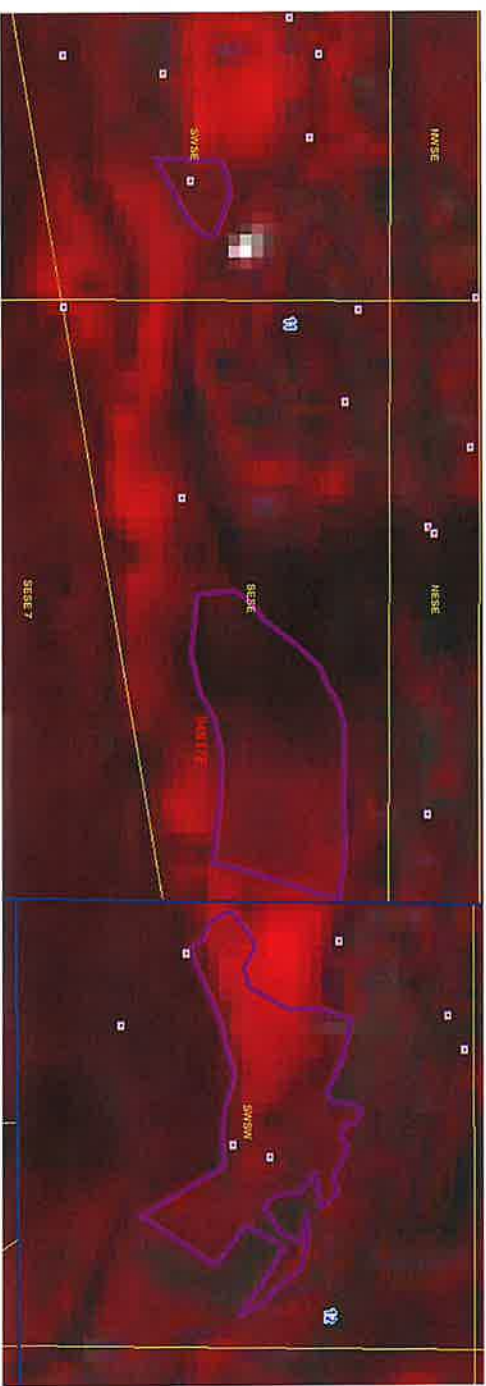
6/23/2019



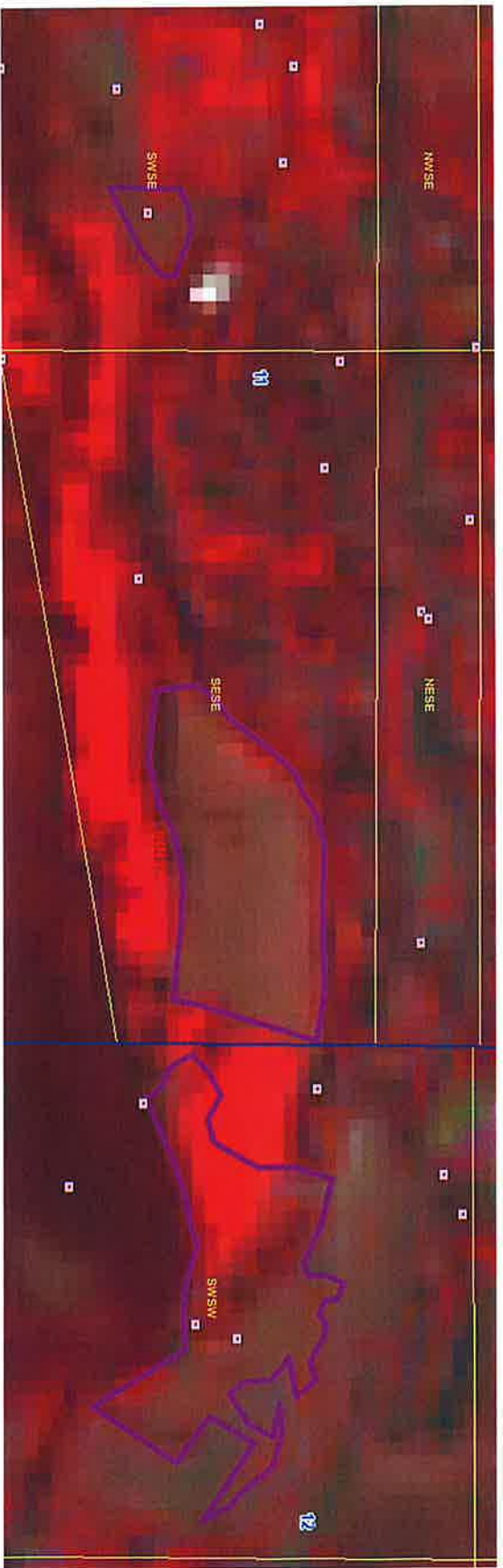
7-30-2019



8-22-2019



5-29-2018



7-25-2018

## WATER SUPPLY BANK

## Quick Tools

## Lease Review Checklist

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

Applicant(s) Name: City of Ketchum

Memo Date: April 18, 2025

Water Right Number(s): 37-212A, 37-2621 &amp; 37-20381

Reviewers Name: Jean

|                                                                                                                                                                             | Check box | COMMENTS/CONCERNS: |      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--------------------|------|
| 1 Fill out WSB Data Entry Checklist for Leases (Front of File)                                                                                                              | X         |                    |      |
| 2 Reason for lease of water rights (Brief description of lease proposal in narrative)                                                                                       |           |                    |      |
| Portion of right                                                                                                                                                            | X         |                    |      |
| All of right                                                                                                                                                                |           |                    |      |
| 3 Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)                                                                                                 |           |                    |      |
|                                                                                                                                                                             | Yes       | No                 |      |
| 4 Rentable? (If no explain in comments or narrative)                                                                                                                        | X         |                    |      |
| 5 Authority to file                                                                                                                                                         |           |                    |      |
| Current owner or designated applicant                                                                                                                                       | X         |                    |      |
| SOS Web site checked for business entity                                                                                                                                    |           |                    |      |
| Other (explain in comments)                                                                                                                                                 |           |                    |      |
| 6 Water Right validity                                                                                                                                                      |           |                    |      |
| Decreed/Licensed/Statutory claim date (write in comments section)                                                                                                           |           |                    | 2010 |
| 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.)             |           |                    |      |
| Has this right previously been leased to the bank or in CREP?                                                                                                               |           | X                  |      |
| 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)                                                                                    |           |                    | %    |
| Any other concerns                                                                                                                                                          |           | X                  |      |
| 8 Enlargement concerns                                                                                                                                                      | Check box |                    |      |
| Complete a POU comparison overlap analysis                                                                                                                                  | X         |                    |      |
| Complete a combined limits review                                                                                                                                           | X         |                    |      |
| Complete POD overlap analysis (if there is an overlap add condition to lease)                                                                                               |           |                    |      |
|                                                                                                                                                                             | Yes       | No                 |      |
| Are there overlapping rights that need to be placed in the bank also?                                                                                                       |           | X                  |      |
| Will the place of use continue to receive water? (if yes explain in comments)                                                                                               |           | X                  |      |
| 9 Local Public Interest                                                                                                                                                     |           |                    |      |
| Does the processor know of any problems this action will cause for the local public?                                                                                        |           | X                  |      |
| 10 Have you contacted regional office and watermaster for comment/concerns?                                                                                                 | X         |                    |      |
| Send the watermaster comment request form or e-mail request                                                                                                                 | X         |                    |      |
| 11 Area Headgate requirement (write in Comments)                                                                                                                            |           |                    | 3.5  |
| 12 Is water right involved in any other department action? Pull file and check database<br>( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments |           | X                  |      |

13 Narrative: The Department received these applications on August 12, 2024 for the 2024-2028 seasons. The applicant offered 17.4 acres of 37-212A, 15 acres of 37-2621 and 17.4 acres of 37-20381. After reviewing aerial imagery, it was determined that 3.5 acres in the SWSW of all rights could be accepted. These rights were decreed in 2010 and portions of the POU have never been irrigated. Correspondence was sent to the asking to provide information that the land had been irrigated. No information was provided. These rights are currently within WD 37.



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 Mathew Weaver

November 7, 2024

CITY OF KETCHUM  
PO BOX 2315  
KETCHUM ID 83340

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO  
LEASE WATER RIGHT NO(S) 37-212A, 37-2621 & 37-20381 TO THE WATER  
SUPPLY BANK**

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

Dear Applicant:

Thank you for providing the map of the idled acres. After reviewing aerial imagery, it appears that some of the acres located in Township 04N, Range 17E, Section 12, SWSW have not been put to beneficial use in the last 5 years. According to the map you provided, the City of Ketchum is offering approximately 6.7 acres in T04N, R17E, Sec 12, SWSW. I can only see about 3.5 acres that have been put to beneficial use in the last 5 years. I have included aerial imagery for your benefit.

Idaho Code §§ 42-223 lists several defenses against forfeiture. I have attached a copy of the code for your benefit. If you believe you meet any of the criteria of a defense against forfeiture, please provide the information to the Department, in writing.

If you cannot provide a defense against forfeiture, the Department will move forward with the leases and only accept 3.5 acres of Township 04N, Range 17E, Section 12, SWSW in the Bank.

**Please provide the following information within 30 days of the date of this letter. If the Department does not hear from you within 30 days, the lease contract will reflect the reduced acres.**

The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). If you have any questions, please contact this office at (208) 287-4800.

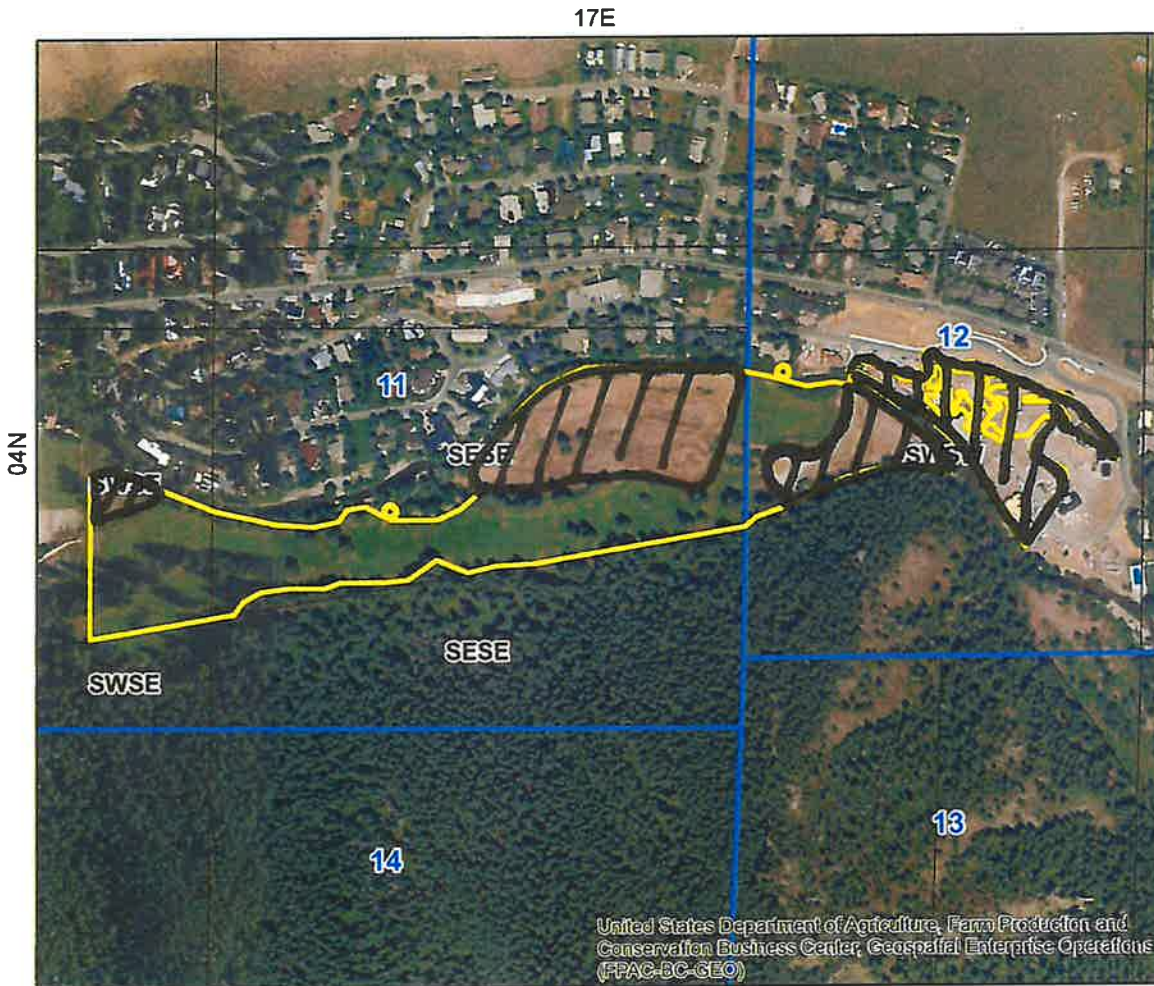
Sincerely,

Water Supply Bank

State of Idaho  
Department of Water Resources

# Water Right

37-212A



0 0.05 0.1 0.2 Miles

- Place Of Use Boundary
- Point of Diversion
- Townships
- PLS Sections
- Quarter Quarters



**Hersley, Jean**

---

**From:** Hersley, Jean  
**Sent:** Thursday, November 7, 2024 9:12 AM  
**To:** 'Jade Riley'  
**Subject:** RE: Water Supply Bank Lease Applications  
**Attachments:** L1.9.1 Lease App Rcvd Acknowledgement Letter - Need Additional Info to Process 2.docx; imagery.docx; 42-223.pdf

Please see the attached letter for request for additional information. Thank you.



*Jean Hersley  
Technical Records Specialist II  
Idaho Dept Water Resources  
(208) 287-4942*

---

**From:** Jade Riley <jriley@ketchumidaho.org>  
**Sent:** Friday, November 1, 2024 4:56 PM  
**To:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>  
**Subject:** Water Supply Bank Lease Applications

**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.

---

Attached is the updated map, please let me know if you have any additional questions.

Thanks

**JADE RILEY | CITY OF KETCHUM**

City Administrator

P.O. Box 2315 | 191 5<sup>th</sup> Street West | Ketchum, ID 83340

Office: 208.727.5084 | Cell: 208.484.0563

[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

## Hersley, Jean

---

**From:** Aly Swindley <[aswindley@ketchumidaho.org](mailto:aswindley@ketchumidaho.org)>  
**Sent:** Wednesday, November 20, 2024 12:22 PM  
**To:** Hersley, Jean; Jade Riley  
**Subject:** RE: Water Supply Bank Lease Applications  
**Attachments:** 11.20.24\_Water Rights\_IDWR.pdf

**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.

---

Jean, please the attached response.

Cheers,  
Aly

### ALY SWINDLEY | CITY OF KETCHUM

Management and Communications Analyst  
P.O. Box 2315 | 191 5<sup>th</sup> Street West | Ketchum, ID 83340  
o: 208.727.5081 | f: 208.726.7812  
[aswindley@ketchumidaho.org](mailto:aswindley@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

**From:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>  
**Sent:** Thursday, November 7, 2024 9:12 AM  
**To:** Jade Riley <[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org)>  
**Subject:** RE: Water Supply Bank Lease Applications

Please see the attached letter for request for additional information. Thank you.



*Jean Hersley*  
*Technical Records Specialist II*  
*Idaho Dept Water Resources*  
*(208) 287-4942*

**From:** Jade Riley <[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org)>  
**Sent:** Friday, November 1, 2024 4:56 PM  
**To:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>  
**Subject:** Water Supply Bank Lease Applications

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---

Attached is the updated map, please let me know if you have any additional questions.

Thanks

**JADE RILEY | CITY OF KETCHUM**

**City Administrator**

P.O. Box 2315 | 191 5<sup>th</sup> Street West | Ketchum, ID 83340

Office: 208.727.5084 | Cell: 208.484.0563

[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

**Hersley, Jean**

---

**From:** Jade Riley <jriley@ketchumidaho.org>  
**Sent:** Friday, November 1, 2024 4:56 PM  
**To:** Hersley, Jean  
**Subject:** Water Supply Bank Lease Applications  
**Attachments:** WSP Water Irrigation Map.pdf

**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.**

---

Attached is the updated map, please let me know if you have any additional questions.

Thanks

**JADE RILEY | CITY OF KETCHUM**

City Administrator

P.O. Box 2315 | 191 5<sup>th</sup> Street West | Ketchum, ID 83340

Office: 208.727.5084 | Cell: 208.484.0563

[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

State of Idaho  
Department of Water Resources

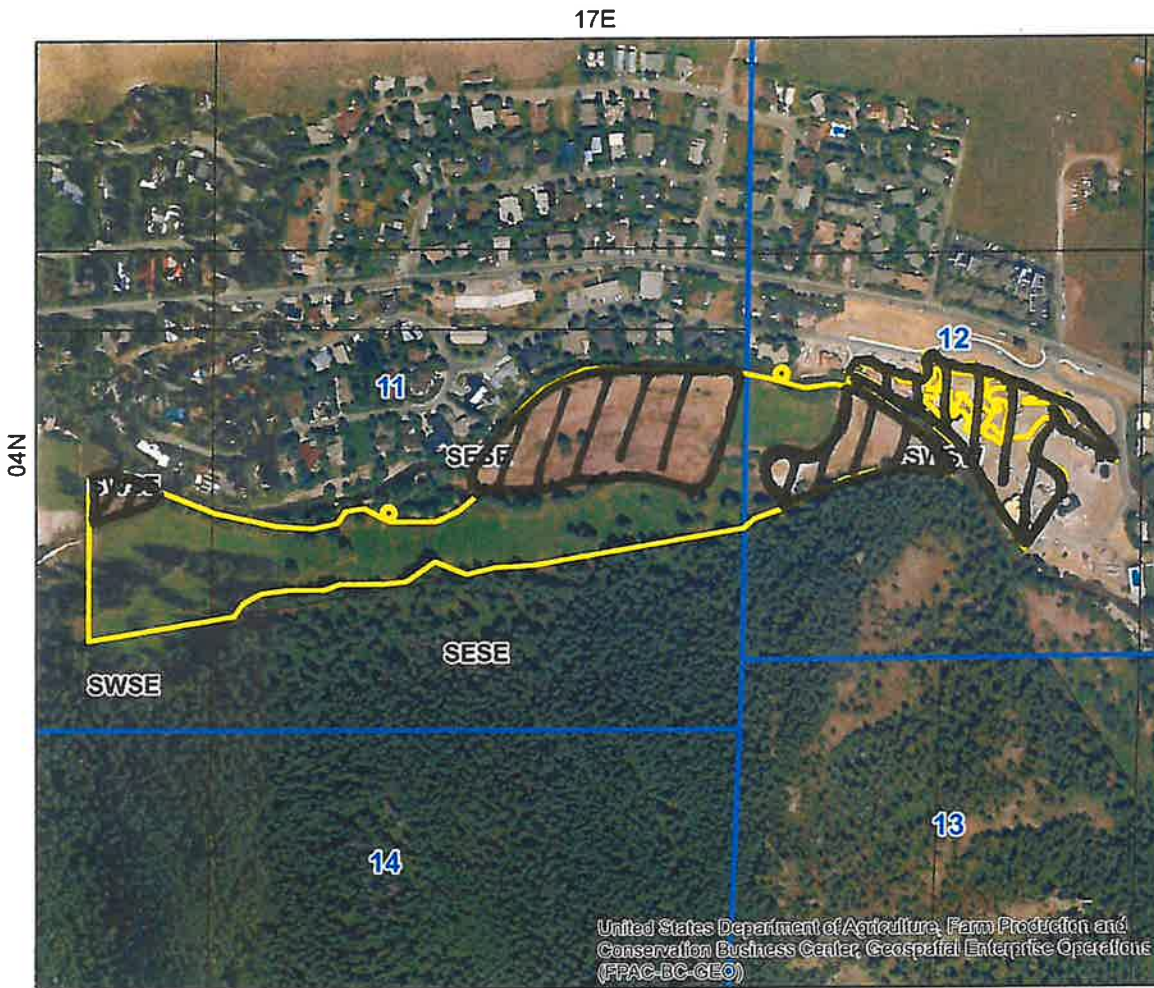
# Water Right

37-212A

RECEIVED

NOV 01 2024

DEPARTMENT OF  
WATER RESOURCES



0 0.05 0.1 0.2 Miles

- Place Of Use Boundary
- Point of Diversion
- Townships
- PLS Sections
- Quarter Quarters



## Hersley, Jean

---

**From:** Hersley, Jean  
**Sent:** Thursday, October 24, 2024 12:04 PM  
**To:** 'Aly Swindley'; Jade Riley  
**Cc:** Adam Crutcher  
**Subject:** RE: Water Supply Bank Lease Applications

Thank you for letting me know!



*Jean Hersley*  
*Technical Records Specialist II*  
*Idaho Dept Water Resources*  
*(208) 287-4942*

**From:** Aly Swindley <[aswindley@ketchumidaho.org](mailto:aswindley@ketchumidaho.org)>  
**Sent:** Thursday, October 24, 2024 12:03 PM  
**To:** Jade Riley <[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org)>; Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>  
**Cc:** Adam Crutcher <[ACrutcher@ketchumidaho.org](mailto:ACrutcher@ketchumidaho.org)>  
**Subject:** RE: Water Supply Bank Lease Applications

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Jean, apologies, but we need a few more days to fulfill this need.  
Adam, our resident map guru, is OOO/at a conference.

He & Jade will regroup on Monday and send the map over ASAP next week.

Please excuse the continued delay!  
Cheers,  
Aly

### **ALY SWINDLEY | CITY OF KETCHUM**

Management and Communications Analyst  
P.O. Box 2315 | 191 5<sup>th</sup> Street West | Ketchum, ID 83340  
o: 208.727.5081 | f: 208.726.7812  
[aswindley@ketchumidaho.org](mailto:aswindley@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

**From:** Jade Riley <[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org)>  
**Sent:** Wednesday, October 23, 2024 7:35 AM  
**To:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>  
**Cc:** Juerg Stauffacher <[JStauffacher@ketchumidaho.org](mailto:JStauffacher@ketchumidaho.org)>; Adam Crutcher <[ACrutcher@ketchumidaho.org](mailto:ACrutcher@ketchumidaho.org)>; Aly Swindley

<[aswindley@ketchumidaho.org](mailto:aswindley@ketchumidaho.org)>

**Subject:** RE: Water Supply Bank Lease Applications

My apologies, we will get you the updated map this week.

Thanks

**JADE RILEY | CITY OF KETCHUM**

City Administrator

P.O. Box 2315 | 191 5<sup>th</sup> Street West | Ketchum, ID 83340

Office: 208.727.5084 | Cell: 208.484.0563

[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org) | [www.ketchumidaho.org](http://www.ketchumidaho.org)

**From:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>

**Sent:** Wednesday, October 23, 2024 7:33 AM

**To:** Jade Riley <[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org)>

**Subject:** RE: Water Supply Bank Lease Applications

I am still waiting on the map showing the acres you wish to idle.



*Jean Hersley*  
*Technical Records Specialist II*  
*Idaho Dept Water Resources*  
*(208) 287-4942*

**From:** Jade Riley <[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org)>

**Sent:** Wednesday, October 9, 2024 12:00 PM

**To:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>

**Subject:** RE: Water Supply Bank Lease Applications

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Thanks for the note, we can get you a new map. Do you have this map in GIS format? If not, no worries, we can do a new one.

**JADE RILEY | CITY OF KETCHUM**

City Administrator

P.O. Box 2315 | 191 5<sup>th</sup> Street West | Ketchum, ID 83340

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**From:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>

**Sent:** Wednesday, October 9, 2024 11:02 AM

**To:** Jade Riley <[jriley@ketchumidaho.org](mailto:jriley@ketchumidaho.org)>

**Subject:** Water Supply Bank Lease Applications

The Department of Water Resources is in the process of reviewing your applications to place a portion of water rights 37-212A, 37-2621 & 37-20381 into the Bank.

The resolution attached to your applications seems to state that 17.4 acres of the water rights will be leased to the Bank. Please mark on the attached map which 17.4 acres you will be idling. Have the acres that you are wanting to lease to the Bank had more than 5 years of non-use?

Please return the map within 15 days so I can continue reviewing your applications. Thank you.



*Jean Hersley  
Technical Records Specialist II  
Idaho Dept Water Resources  
(208) 287-4942*



## **CITY OF KETCHUM**

### **City Hall**

Office: 208.726.3841

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[ketchumidaho.org](http://ketchumidaho.org)

Idaho Department of Water Resources  
322 E Front Street, Suite 648  
Boise, ID 83702

Re: APPLICATION TO LEASE WATER RIGHT NO(S) 37-212A, 37-2621 & 37-20381 TO THE WATER SUPPLY BANK

I am writing in response to your letter dated November 7, 2024, requesting additional information for processing the application to lease Water Right Nos. 37-212A, 37-2621, and 37-20381 filed by the City of Ketchum. The letter asserts that of the 6.7 acres offered to the Water Supply Bank in Section 12, Township 04N, Range 17E, only 3.5 acres have been put to beneficial use in the last 5 years. The Department requests that the City assert any defense it may have against forfeiture.

The City meets the criteria for the defense to forfeiture set forth in I.C. § 42-223(6): "No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from circumstances over which the water right owner has no control. Whether the water right owner has control over nonuse of water shall be determined on a case-by-case basis." The City purchased the place of use for the above referenced water rights on April 12, 2022, and a Notice of Change in Water Right Ownership was filed with the Department in June 2022. The City therefore had no control over nonuse of water for the period prior to 2022. After obtaining control over these water rights, the City determined that it would not at present make full beneficial use of the rights, and that the unused portion should be offered to the Water Supply Bank.

The Idaho Supreme Court has held that when a change of ownership of water rights occurs, the five-year statutory forfeiture period restarts. See *Barnes v. Jackson*, 163 Idaho 194 (2018). As the City obtained control of these rights in 2022, the five-year forfeiture period has not yet elapsed. The City therefore requests that the Department proceed with processing its application for the full 6.7 acres offered to the Water Supply Bank.

Thank you for your time.

Jade Riley  
City Administrator

**MAYOR** Neil Bradshaw | **COUNCIL** Amanda Breen Spencer Cordovano Courtney Hamilton Tripp Hutchinson

**SMALL TOWN. BIG LIFE.**