

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 08 2025

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1992

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

LESSOR: DOUGLAS B FENN

105 MOUNTAIN VIEW LN

HAILEY, ID 83333

LESSOR: NANCY W FENN

105 MOUNTAIN VIEW LN

HAILEY, ID 83333

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 March 13, 2025.
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)
37-23001	5/1/1883	BIG WOOD RIVER, tributary to MALAD RIVER	0.40	Not Stated	9.0
Lease Totals			0.40	Not Stated	9.0

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)
37-23001	0.40	31.5	9.0	0.044	3.50
Combined Limit Totals	0.40	31.5	9.0	0.044	3.50

** The water right elements rentable have been changed from the water right elements leased to account for combined limits and the inclusion of a diversion volume.*

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1992

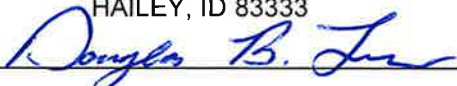
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2025 to December 31, 2029. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water 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

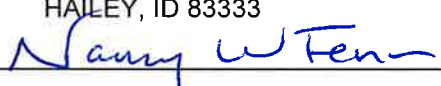
WATER SUPPLY BANK LEASE CONTRACT No. 1992

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

LESSOR: DOUGLAS B FENN
105 MOUNTAIN VIEW LN
HAILEY, ID 83333

By 
Title _____
Date 9/22/25

LESSOR: NANCY W FENN
105 MOUNTAIN VIEW LN
HAILEY, ID 83333

By 
Title _____
Date 9/22/25

IDAHO WATER RESOURCE BOARD

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

By 
Brian Patton, Executive Manager
Idaho Water Resource Board

Date 10/10/25

Lease approved by IDWR 

Date 10/10/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1992

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): 37-23001

BIG WOOD RIVER	SENE	Sec. 5	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SWNE	Sec. 5	Twp 02N	Rge 18E	BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
37-23001	IRRIGATION	04/15	to	10/31	0.40 cfs	31.5 AF
Totals:					0.40 cfs	31.5 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4											5.0						5.0
02N	18E	5																4.0	4.0

Total Acres: 9.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1992

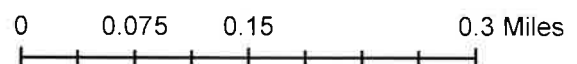
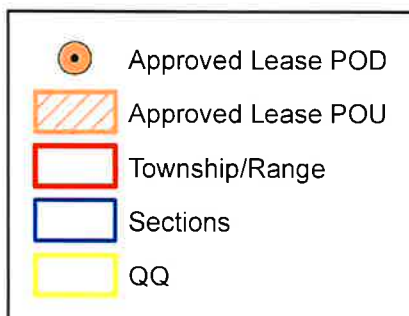
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other 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 right shall provide no more than 0.03 cfs per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.
13. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
14. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
15. This right does not grant any right-of-way or easement across the land of another.

37-23001
Effective until December 31, 2029

This aerial map displays a 4x4 grid of land parcels, each labeled with a unique identifier. The grid is defined by yellow lines, with a blue line running vertically between the second and third columns. The parcels are labeled as follows:

- Row 1:** SWNE, SENE (with an orange circle), SENE, SENW.
- Row 2:** SENW 7, NWSE (with a blue circle), NESE, NWSW (with a blue circle), NESW.
- Row 3:** NWSE, SESE, SWSW (with an orange hatched area), SESW.
- Row 4:** NWNE 2 (with a blue circle), NENE 1, NWNW (with a blue circle), NENW.

Additional features include a red label "02N10E" in the center, a blue label "5" in the second row, second column, and a blue label "4" in the second row, fourth column. The map shows a mix of wooded areas, open fields, and residential developments.



RECEIVED

MAR 13 2025

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

Print Form

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKApplicant / Designated Lessor DOUGLAS B and NANCY W FENN Water Right No. 37-23001
(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 ☒
If yes, include renter and rental fee payment information as attachment 5B.

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
Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes	N/A	Yes	Attachments	
☒				Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> , printed single sided , per requirement of 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.
	☐	☒	1A	Signatures and contact information for all owners of the water right to be leased or sold on this application.
	☐	☒	1B	An <u>Internal Revenue Service (IRS) Form W-9</u> for the Applicant / Designated Lessor.
	☒	☐	1C	<i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov).
	☒	☐	1D	Contact information for an authorized representative and documentary proof they are authorized to represent the Applicant on this application. If the Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
	☐	☒	2	Description of a water right portion offered to the Water Supply Bank.
	☐	☒	3	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov .
	☒	☐	4A	Written consent from irrigation district or water delivery company.
	☒	☐	4G	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code .
	☒	☐	5B	Rental rate and owner payment agreement between lessor and renter for lease/rental packages.

Department Use Only

Fee Amount \$ 250.00 Received By: KM Date Received: 3.13.25 Receipt # C120395
 W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal) Name on W-9: Douglas B. Fenn

3217

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. The applicant or designated lessor must be listed as a current owner of the water right offered for sale or lease to the Water Supply Bank. If there are multiple current owners, choose one owner as the Designated Lessor. Complete and attach the Designated Lessor - Attachment 1A of this application package with the signatures of all current owners.

Applicant / Designated Lessor Douglas B and Nancy W FEEN
Mailing Address 105 Mountain View Lane, Hailey, Idaho 83333
Street City State Zip Code
Email Address doug@whiteotter.com Phone Number 208-720-3846

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

OR

☒ The Designated Lessor is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Lessor / Applicant submitted an [IRS Form W-9](#) to this Department within 6 months? 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 Water Right Holder? Yes ☐ No ☒
If yes, representatives (includes employees of Water Right Holder companies) must complete this section and submit documentary proof of their authority to represent the Water Right Holder (Attachment 1D).

Name of Representative _____ Organization _____
Professional Title _____ Email Address _____
Mailing Address _____ Phone Number _____

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

OR

☐ Send original correspondence to the Designated Lessor / 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 and none will still be used.

OR

☐ A portion of the water right is being offered to the Bank and a portion will still be used.
If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

[Attach a map](#) The map must locate the point of diversion from the source of water and the location of the lands to be idled or the place where the water will no longer be used. The map must also show townships, ranges, sections, and government lots. **For irrigation purposes**, mark the number of acres for lease **per** 40-acre tract (1/4-1/4). 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. Identify the owner of the water delivery system or well _____
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](#). (Label Attachment 4A)
- B. Please provide a description of the current water diversion and delivery system, including source, pump, pipeline or diversion.
WATER HAS HISTORICALLY BEEN DIVERTED FROM BIG WOOD RIVER AND
DELIVERED TO THE PROPERTY VIA SURFACE IRRIGATION DELIVERY DITCHES.
- C. Describe any other water sources, including municipal, irrigation company shares, or water rights with combined limits to the water right offered to the bank, which are used for the same purpose at the same place of use as the water right being offered to the Bank. NONE
- 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, and usually have combined limits in the conditions of the water rights. 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, including those listed in 4C? 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. 0.5 acres or less of exempt domestic irrigation.
- F. 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 (Label Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture, including lease into the Bank. Your application may be denied if forfeiture concerns are not addressed.
(PAST LEASE CONTRACT ID #1087, expired 12/31/2024)
- G. Identify annual volumes and/or rates of water diverted (used) in the last 5 years to accomplish the beneficial use authorized by this water right. (PAST LEASE CONTRACT ID #1087)
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? ☐ ☒
If yes, describe. Yes No

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE CONTRACT

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

If lease, specify the first calendar year when the use of water will be suspended: 2025

(year)

All lease contracts are for a calendar year from January 1st to December 31st

*Mark Desired Lease Duration (Calendar Years)					
☐	☐	☐	☐	☒	Other Term Length (# of years): *Prior IWRB approval required
1	2	3	4	5	

- B. Show the minimum payment acceptable to the seller/lessor. If lease, the minimum payment may be shown as the "current rental rate" as established by the IWRB, or a negotiated rental rate with submittal of an agreement between the lessor and the renter. *The owner payment is 90% of the rental fee. The administrative fee retained by the IWRB is 10% of either the current rental rate or the negotiated rental fee, whichever is higher. Include the method of determining the minimum payment if submitted as a companion lease rental package, and whether the owner payment will be paid directly to the lessor from the renter or if owner payment should be collected by the Department from the renter for payment to the lessor. (Label attachment 5B).*

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 Lessor / Applicant acknowledges the following:

1. Payment to the Designated Lessor / 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 Lessor / 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 Lessor or Applicant

DOUGLAS B FENN
Printed Name

3/7/2025
Date


Signature of Co-Applicant

NANCY W FENN
Printed Name

3/7/2025
Date

Signature of Authorized Representative

Printed Name

Date

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

Print Form

STATE OF IDAHO
WATER RESOURCE BOARD

Complete Attachment 1A if more than one water right owner

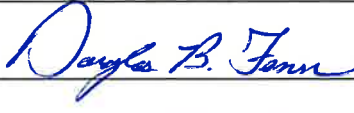
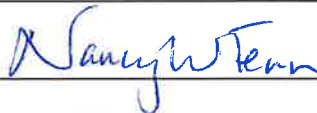
ATTACHMENT 1A

Multiple Water Right Holders Party to the Lease Application

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

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

Water Right No(s). 37-23001

	Designated Lessor	Applicant #2	Applicant #3
Name	DOUGLAS B FENN	NANCY W FENN	
Mailing Address	105 Mountain View Lane Hailey, Idaho 83333	105 Mountain View Lane Hailey, IDAHO 83333	
Phone Number	208-720-3846	208-788-1680	
Email Address	doug@whiteotter.com	nancy@whiteotter.com	
Applicant Declaration	As Designated Lessor, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Lessor to submit this application on my behalf.	I authorize the Designated Lessor to submit this application on my behalf.
Signatures			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Lessor to submit this application on my behalf.	I authorize the Designated Lessor to submit this application on my behalf.	I authorize the Designated Lessor to submit this application on my behalf.
Signatures			

MAP FROM PAST LEASE

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1087

37-23001

Effective until December 31, 2024

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



⊙ Approved Lease Point of Diversion

Approved Lease Place of Use

Township/Range

Sections

QQ



0 500 1,000 Feet

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ATTACHMENT 2

WATER SUPPLY BANK LEASE CONTRACT No. 1087

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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Totals:					0.40 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	
02N	18E	4											5.0						5.0
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Total Acres: 9.0

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DESCRIPTION OF WATER RIGHT

ATTACHMENT 2

WATER SUPPLY BANK LEASE CONTRACT No. 1087

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LESSOR: DOUGLAS B FENN
105 MOUNTAIN VIEW LN
HAILEY, ID 83333

RECEIVED

MAR 13 2025

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WATER RESOURCES

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IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

October 10, 2025

DOUGLAS B & NANCY W FENN
105 MOUNTAIN VIEW LN
HAILEY, ID 83333

RE: **WATER SUPPLY BANK LEASE CONTRACT 1992
FOR WATER RIGHT 37-23001**

Dear Lessor:

Water right **37-23001** is leased into the Water Supply Bank (Bank) as of January **2025** 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, 2029**, unless the rights are released earlier by the Water Resource Board (Board). To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they are rented.**

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

Sincerely,

Kris Margheim

Kris Margheim
Technical Records Specialist

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Office
Water District No. 37 (via email)



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RECEIVED

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OCT 08 2025
DEPARTMENT OF
WATER RESOURCES
Director Matthew Weaver

September 8, 2025

DOUGLAS B & NANCY W FENN
105 MOUNTAIN VIEW LN
HAILEY, ID 83333

**RE: APPLICATION TO LEASE WATER RIGHT 37-23001 TO THE WATER SUPPLY BANK
CONTRACT 1992**

******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, 2029**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Aaron Olson
for
Water Supply Bank

Enclosures: Proposed Lease Contracts

SIGNED ✓



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Governor Brad Little

Director Mathew Weaver

September 8, 2025

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105 MOUNTAIN VIEW LN
HAILEY, ID 83333

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Sincerely,

Aaron Olson

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

Olson, Aaron

From: Olson, Aaron
Sent: Tuesday, May 13, 2025 2:39 PM
To: watermanager
Subject: WSB lease application 3217 request for comment
Attachments: WSB Lease Application # 3217 -Fenn, Douglas B.pdf; Lease Contract 1992 Map.pdf; Lease App 3217 Review Memo.docx

Good Afternoon Sunny,

Please find attached a Water Supply Bank Lease (application #3217) for comment review. Attached is a review memo and map of the place of use, if you have any comments please respond within 7 days. If no response is received, it will be assumed there are no issues/comments/concerns regarding this Lease. Please let me know if there if you have any questions.

Thanks,

Aaron

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

Olson, Aaron

From: Olson, Aaron
Sent: Tuesday, May 13, 2025 2:38 PM
To: Skinner, Corey
Subject: WSB lease application 3217 request for comment
Attachments: WSB Lease Application # 3217 -Fenn, Douglas B.pdf; Lease Contract 1992 Map.pdf; Lease App 3217 Review Memo.docx

Good Afternoon Cory,

Please find attached a Water Supply Bank Lease (application #3217) for comment review. Attached is a review memo and map of the place of use, if you have any comments please respond within 7 days. If no response is received, it will be assumed there are no issues/comments/concerns regarding this Lease. Please let me know if there if you have any questions.

Thanks,

Aaron

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

MEMORANDUM FOR APPLICATION #3217 / CONTRACT #1992

To: Water Right 37-23001

From: Aaron Olson

Date: 5/13/2024

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

PURPOSE/NARRATIVE:

An application to lease water right 37-23001 was received March 13, 2025. The application proposes a 5-year lease term for the full water right beginning in 2025 and ending in 2029. The water right has previously been leased to the bank under contracts no. 577, 754, and most recently 1087.

The water right is within the Snake River Basin Moratorium Area, Big Wood River Moratorium Area, the Trust Area, and within the boundaries of Water District 37.

AUTHORITY TO FILE:

IDWR records show the applicants Douglas B and Nancy W Fenn as the current owners of the water rights. The application was signed by both applicants. Blaine County parcel data shows the land at the place of use is owned by the applicants.

WATER RIGHT VALIDITY:

Water right 37-23001 decreed August 30, 2011, and the right has been leased to the Water Supply Bank continuously since 2017. Review of aerial photography shows little evidence of irrigation since the right was decreed, but a period of time greater than 5 years did not occur before the right was first placed in the bank. There are no concerns with validity of the water right and portion offered to the bank.

ENLARGEMENT OF USE:

No additional irrigation water rights overlap the water right place of use. The points of diversion from the Big Wood River are shared with several rights that split from a parent right and also divert via a system of ditches, these PODs are administered by Water District 37. The applicants state that they will continue to irrigate 0.5 acres on the property via ground water diverted from a domestic well. Review of aerial imagery and previous Water Supply Bank review memos show that the water right was not historically used or co-mingled with irrigation water from the domestic well. There is no concern of enlargement, the entire right can be accepted into the bank and will be rentable without a reduction.

LOCAL PUBLIC INTEREST:

Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The water right is within the Southern region and Water District 37. Requests for comment were sent to the Southern Regional Manager and Water District No. 37 Watermaster on May 13, 2025.

2025 3 10 10 10

RECEIVED
MAR 13 2025
DEPARTMENT OF
WATER RESOURCES

Douglas B Fenn
105 Mountain View Lane
Hailey, Idaho 83333
(208)720-3846
doug@whiteotter.com

March 7th, 2025

Idaho Dept. of Water Resources
322 E Front Street, Suite 648
PO Box 83702
Boise, Idaho 83702

To: Idaho Dept. of Water Resources

Enclosed is our application to lease our Water Rights to the Water Supply Bank. Our past lease, Contract Lease ID: 1087, expired on 12/31/24. Unfortunately, I missed the date, so here is our new Application To Sell or Lease a Water Right to The Water Supply Bank.

Sincerely,



Douglas B Fenn

3217