

AUG 15 2022

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT No. 1554**

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

LESSOR: 46 PROMISE LLC
575 CANTERBURY LN
MOSES LAKE, WA 98837-1824

SUPPORT DATA
IN FILE # 95-2168A

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on June 22, 2022.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
95-2168A	5/24/1966	GROUND WATER	0.96	243.1	75
95-7584	2/24/1976	GROUND WATER	3.12	546.0	156
Combined Limit Totals			3.48	789.1	231

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, 2022 to December 31, 2026. 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1554

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.

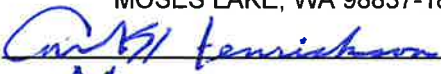


STATE OF IDAHO
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IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: 46 PROMISE LLC
575 CANTERBURY LN
MOSES LAKE, WA 98837-1824

By 
Title Manager
Date August 10, 2022

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

By  Date 2/17/22
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR  Date 8/17/22

WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1554

**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): 95-2168A, 95-7584

GROUND WATER SWNW Sec. 8 Twp 51N Rge 04W KOOTENAI County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
95-2168A	IRRIGATION	3/15	to	11/15	0.96 cfs	243.1 AF
95-7584	IRRIGATION	3/15	to	11/15	3.12 cfs	546.0 AF
Totals:					3.48 cfs	789.1 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	
51N	04W	7													40			38	78.0
51N	04W	8									39	39	36	39					153.0

Total Acres: 231.0

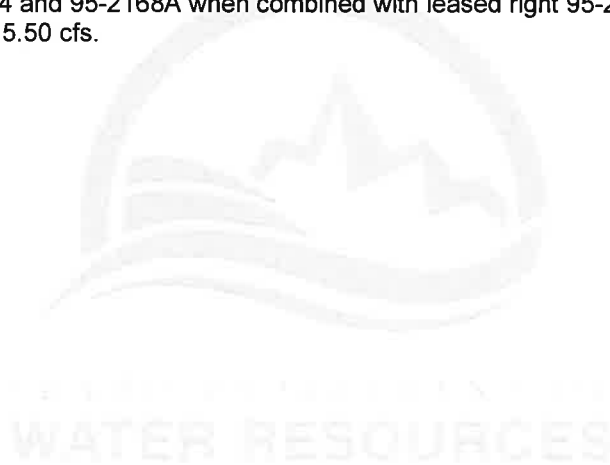
ADDITIONAL CONDITIONS OF ACCEPTANCE

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. 1554

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. Leased rights 95-7584 and 95-2168A when combined with leased right 95-2168A shall not exceed a total diversion rate of 5.50 cfs.



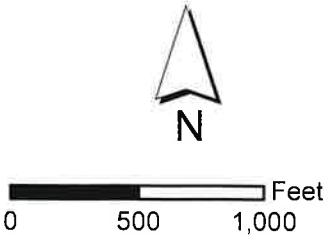


Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1554
95-7584
Effective until December 31, 2026

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



STATE OF IDAHO
WATER RESOURCE BOARDJUN 22 2022
DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Designated Applicant 46 Promise LLC

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

Water Right No. 95-2168A

(One water right per application)

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

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☐ ☒ Evidence demonstrating the water right has not been forfeited pursuant to [Section 42-222\(2\), Idaho Code](#).

Department Use Only

Fee Amount \$ 500.00

Received By: *VH*

Date Received: 6.22.22

Receipt # C113143

W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

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 46 Promise LLC

Mailing Address 575 Canterbury LN, Moses Lake, WA, 98837-1824

Street

City

State

Zip Code

Email Address chenrickson@homenetnw.net

Phone Number (509) 770-5812

☒ 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 _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ 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.

Well and sprinkler system

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 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. 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. 243.1 AFY and 0.96 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?

If yes, describe.

Yes ☐ No ☒

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: 2022 to 2027 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Use current rental rate. This application represents the balance of 95-2168A not already leased to the bank
under WSB Lease Contract No. 1429.

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

Carl Henrickson, Manager, 46 Promise LLC
Printed Name

June 17, 2022
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
95-2168A	Irrigation	0.96	243.1	75
	Total Amounts:	0.96	243.1	75

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

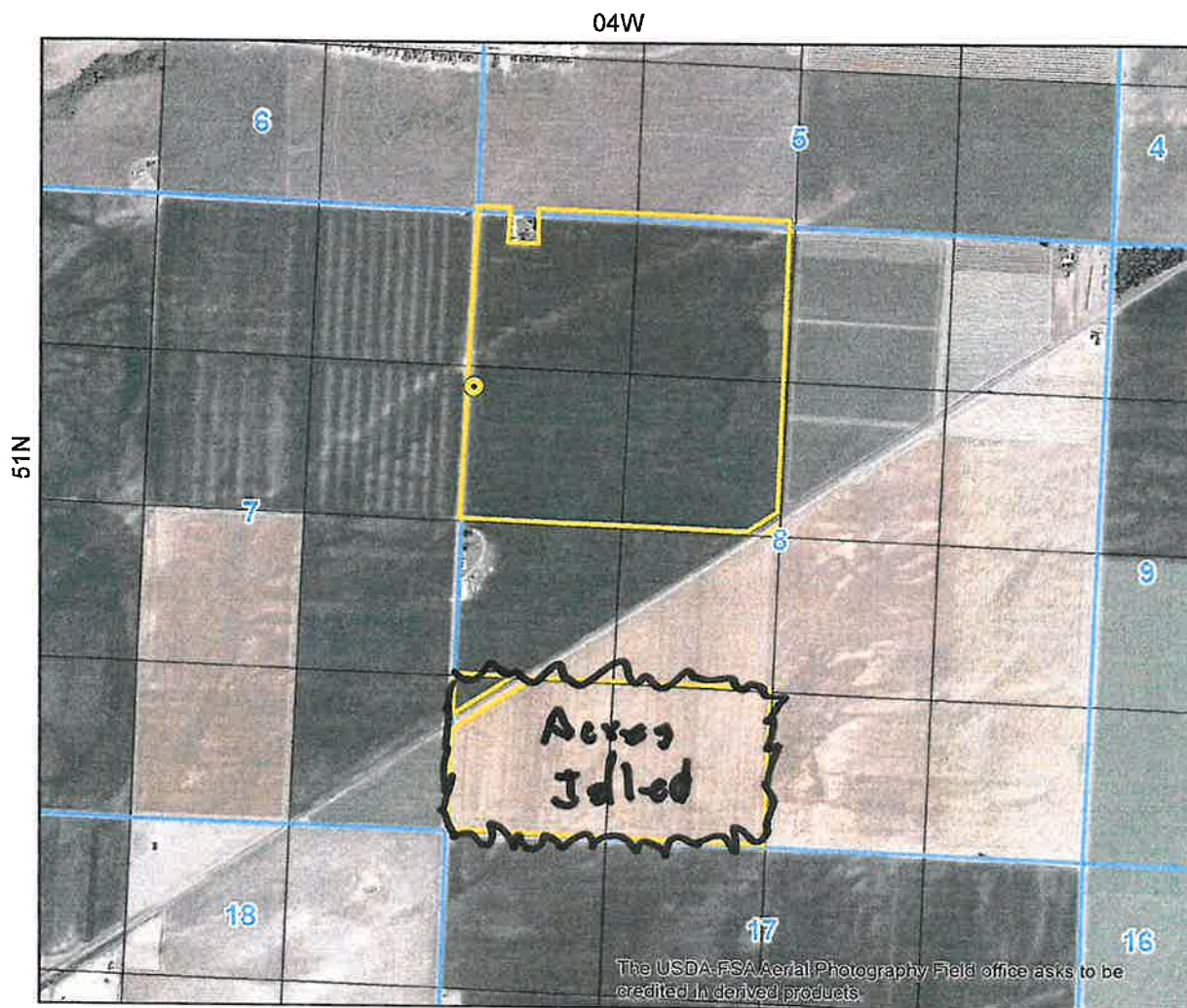
Twp	Rge	Sec	Lot	¼	¼	¼	County
51N	04W	8			SW	NW	Kootenai

State of Idaho
Department of Water Resources

Water Right 95-2168A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.175 0.35 0.7 Miles





0004592876



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0004592876

Date Filed: 2/3/2022 12:50:00 PM

Entity Name and Mailing Address:

Entity Name: 46 PROMISE, LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000596108
Address: 575 CANTERBURY LN
MOSES LAKE, WA 98837-1824

Entity Details:

Entity Status: Active-Existing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W197585

The registered agent on record is:

Registered Agent: ROXANE DAVIS
Registered Agent
Physical Address
19650 N SILVER LN
RATHDRUM, ID 83858
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
CARL S HENRICKSON	Manager	575 CANTERBURY LN MOSES LAKE, WA 98837

The annual report must be signed by an authorized signer of the entity.

Job Title: Manager

Carl S Henrickson

Sign Here

02/03/2022

Date

B0680-4824 02/03/2022 12:50 PM Received by ID Secretary of State Lawrence Denney



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

Governor Brad Little

Director Gary Spackman

August 19, 2022

46 PROMISE LLC
575 CANTERBURY LN
MOSES LAKE, WA 98837-1824

**RE: WATER SUPPLY BANK LEASE CONTRACT 1554
FOR WATER RIGHTS 95-2168A & 95-7584**

Dear Lessor:

Water right **95-2168A & 95-7584** was leased into the Water Supply Bank (Bank) as of January 1, 2022, 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 rights will automatically be released from the Bank on **December 31, 2026**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

RECEIVED
AUG 15 2022
DEPARTMENT OF
WATER RESOURCES

575 Canterbury Lane
Moses Lake, WA 98837
August 10, 2022

Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Dear Sir or Madame:

Re: Water Supply Bank Lease Contract No. 1554

Enclosed is a signed copy of the *corrected* Water Supply Bank Lease Contract No. 1554. Please contact me immediately at (509) 770-5812, or e-mail chenrickson@homenetnw.net if the document is not fully in order.

PLEASE NOTE: I mailed two signed copies of Water Supply Bank Lease Contract No. 1554 to your office at 1:29 PM. Approximately ninety minutes later, a representative from your office (Mary Condon, Water Supply Bank Coordinator) notified me of an error in the original lease contract relating to total diversion rate; therefore, I am submitting this corrected copy of the water lease contract.

Sincerely,



Carl Henrickson
Manager, 46 Promise, LLC

Enclosure

Veibell, Amanda

From: Condon, Mary
Sent: Wednesday, August 10, 2022 3:53 PM
To: Veibell, Amanda
Subject: FW: Water Supply Bank Contract 1554
Attachments: 46 Promise LLC Lease Contract - v2.pdf

Amanda,

This is also saved in the N drive folder. Phill asked me to send directly once it was fixed. I'll be sending a corrected v2 for Murphy Flats as well.

Mary

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Wednesday, August 10, 2022 3:51 PM
To: chenrickson@homenetnw.net
Cc: Bank <Bank@idwr.idaho.gov>; Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: RE: Water Supply Bank Contract 1554

Mr. Henrickson,

Our apologies for the previous error, but it has come to our attention there was another error on the contract which did not account for the combined limits of the rights. I have attached for you a corrected version of the lease contract we sent requesting signature.

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator



IDAHO DEPARTMENT OF
WATER RESOURCES
Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936

From: chenrickson@homenetnw.net <chenrickson@homenetnw.net>
Sent: Monday, August 8, 2022 7:29 PM
To: Bank <Bank@idwr.idaho.gov>
Subject: Water Supply Bank Contract 1554
Importance: High

Idaho Department of Water Resources
Water Rights Section
P.O. Box 83720
Boise, ID 83720-0098

Dear Sir or Madame:

Re: Map, Water Right 95-2168A

The two copies of **Water Supply Bank Lease Contract 1554** I recently received from the Idaho Department of Water Resources contain an error which I would like to bring to your attention. The map for **Water Right 95-2168A** is incorrect (please refer to **Page 8** of the attached PDF document). The water right associated with the land depicted in the aerial photograph is **95-2168A**, not 95-7584.

Once this error is corrected, I will promptly sign and return both copies of **Water Supply Bank Lease Contract 1554** to your office.

Sincerely,

Carl Henrickson
Manager, 46 Promise, LLC
(509) 770-5812
chenrickson@homenetnw.net



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

Governor Brad Little

Director Gary Spackman

July 29, 2022

46 PROMISE LLC
575 CANTERBURY LN
MOSES LAKE, WA 98837-1824

RE: APPLICATION TO LEASE WATER RIGHTS 95-2168A & 95-7584 TO THE WATER SUPPLY BANK CONTRACT 1554

******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, 2026**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

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

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

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

MEMORANDUM FOR APPLICAT #2394

To: Water Right(s) 95-2168, 95-7584
From: Kevin Anderson - IDWR
Date: 7/18/2022
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE:

Application to Lease Water Rights; 95-2168A, 95-7584 was received by Department at the State Office on June 22, 2022. The application proposes to lease the entire Water Right of 95-7584 to the Water Supply Bank; 3.12cfs, 456.0af, 156acres. Additionally, a portion of Water Right 95-2168A is being offered to the Water Supply Bank for lease; 0.96cfs, 243.1afa, and 75 acres total.

In September 2018, The Department of Water Resource's State office received a Change in Water Right Ownership Notice for Water Rights 95-2168A and 95-7584. The previous owner of the Water Rights, Henrickson Farms, Ltd. Transferred the ownership of Water Rights 95-2168A and 95-7584 to 46 Promise LLC.

The proposed Water Rights 95-2168A and 95-7584 for lease share the same well as the point of diversion. The well is used to divert ground water to a sprinkler system for irrigation purposes. Water Right 95-2168A was claimed in the Snake River Basin Adjudication in 2009 by Henrickson farms, Ltd, and was decreed by the SRBA Court in 2019. When the Water Right was claimed, the claimant stated that they owned all the land to which the Water Right was appurtenant. The land associated with water right 95-2168A is now subdivided into residential parcels.

AUTHORITY TO FILE:

Application was submitted by 46 Promise LLC. According to IDWR records, both Water Rights were transferred to 46 Promise LLC from Henrickson Farms, Ltd in September 2018.

WATER RIGHT VALIDITY:

Water Rights 95-2168A and 95-7584 were decreed in 2019. No concerns with validity of the water right and portion offered to the bank.

ENLARGEMENT OF USE:

After reviewing satellite imagery and examining surrounding Water Rights, no enlargement through the lease of this right is expected.

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:

Comments request sent to Watermaster Steve Neff on 7/20/2022

RECEIVED

JUN 22 2022

DEPARTMENT OF
WATER RESOURCES

575 Canterbury Lane
Moses Lake, WA 98837
June 17, 2022

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

Dear Sir or Madame,

Re: Application to Sell or Lease a Water Right

Enclosed are lease applications for water rights **95-2168A** and **95-7584**, along with a \$500.00 check for the application filing fee. Also enclosed are the following supporting documents:

- Partial decrees for water rights 95-2168A and 95-7584, issued by the District Court of the Fifth Judicial District of the State of Idaho.
- Notice of Change in Water Right Ownership, issued by the Department of Water Resources, State of Idaho.
- Annual Report, filed by 46 Promise LLC with the Office of the Secretary of State, State of Idaho.

To the best of my knowledge, lease application information is complete and accurate. (PLEASE NOTE: 46 Promise LLC submitted a completed Internal Revenue Service (IRS) Form W-9 with the lease application for Water Supply Bank Lease Contract No. 1429.) If you discover any errors or omissions, please call me at (509) 770-5812, or e-mail chenrickson@homenetnw.net.

Sincerely,



Carl Henrickson
(509) 770-5812
chenrickson@homenetnw.net

Enclosures (9)

2394