

STATE OF IDAHO
WATER RESOURCE BOARD

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DEPARTMENT OF
WATER RESOURCES

**WATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK**

ONE FORM PER WATER RIGHT

All water rights leased into the Water Supply Bank shall remain unused by the water right holder for the duration of the Lease Contract. The water right will not be released from the Water Supply Bank until the conclusion of the Lease Contract unless otherwise authorized by the Idaho Water Resource Board. Water right holders may use this form to petition for early termination of their Water Supply Bank Lease Contract.

Water right holders seeking an early termination of a Lease Contract must demonstrate justifiable need for the release. Water rights under Lease Contract that are eligible for early termination can be released from the Water Supply Bank if the release will not impair administration of the Water Supply Bank. **If a water right is currently rented, it cannot be considered for release until the Rental Agreement concludes.** A water right is not released from the Water Supply Bank until written release confirmation is issued by the Water Supply Bank.

Water Right No: 29-14368
Name(s) of Lessor(s): Power County Board of Commisioners
Mailing Address: 543 Bannock Ave
City: American Falls State: Idaho Zip: 83211
Telephone No: 208-226-7611 Email Address: _____

Lease Contract Expiration Date: 12/31/2023
Requested Release Date: 12/31/2021

Reason for Early Release:

Water right 29-14368 was transferred from 29-14015 and is currently under lease contract 84797 The 16.6
acres under 29-14368 needs to be irrigated in 2022.


Signature of Lessor


Printed Name and Title*

Oct. 18, 2021
Date

Signature of Lessor

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney.

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



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

June 29, 2022

POWER COUNTY BOARD OF COMMISSIONERS
543 BANNOCK AVE
AMERICAN FALLS ID 83211

**RE: RELEASE OF LEASED WATER RIGHT NO(S). 29-14368 & 29-14370 FROM WATER
SUPPLY BANK**

Dear Lessor:

Lease Contract 1173 for 29-14015, beginning in 2020 through 2023, was split into additional portions under rights 29-14368 and 29-14370 through approved transfers 84802 and 84797, respectively, in 2021. On November 12, 2021, the Department of Water Resources (Department) received a request from you to release right 29-14370 from Lease Contract 1173. On December 23, 2021, the Department received a new lease application and filing fee from the current owner of 29-14015 under Lease Contract 1173 to reduce the number of leased acres to only the acres post-transfer under 29-14015. The amendment to Lease Contract 1173, now 1516, removed the acres post-transfer now under rights 29-14368 and 29-14370, beginning January 1, 2022.

At this time the Department acknowledges that water rights 29-14370 and 29-14368 are released from the Bank as of December 31, 2021. You can reapply to lease the water right(s) in the future by submitting new application form(s) from the Department's website at www.idwr.idaho.gov along with applicable fees. If you have any questions regarding this matter, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

c: Greg Sullivan – Brockway Engineering PLLC

MEMORANDUM

To: Water Right File No(s). 29-14015, 29-14368, 29-14370
From: Mary Condon
Date: September 20, 2021
Re: Lease 1173 and Transfer Numbers 84045, 84802 & 84797

An application to lease a portion of 29-14015 to the bank was received March 2, 2020, for 167.9 acres of the 205.9 acre irrigation right held entirely by Adriane and Conrad Isaak, with Conrad Isaak as the Designated Lessor. The land has been converted to solar panels. Five different companion rentals accompanied the lease; four were approved and one was cancelled. The lease was approved for 167.9 acres, rounded on the face of the contract to 168 acres on May 20, 2020. Rentals were approved in July and August of 2020.

Rentals against the leased right are as follows:

Agreement Number	Dates	Renter	Acres rented	Place of rental
RA 416	2020-2022	Falls View Cemetery	22 acres	7S31E sec 31 NE
RA 422	2020-2022	Lance Funk Farms	71 acres	6S29E sec 28 SE
RA 423	2020-2023	Heritage Farms	22.3 acres	7S29E sec 25 & 36
RA 424	2020-2023	Heritage Farms	10.2 acres	7S29E sec 15 SE
		Total rented	125.5 acres	

Application for transfer 84045 was received on July 14, 2020 and approved on September 8, 2020. Applications for transfer 84802 and 84797 were received on March 31, 2021 and approved on May 27, 2021.

Recent approved transfers are as follows:

Transfer Number	New Water Right Number	Purchaser	Acres moved off	New Location
84045	29-14319	Lamar Isaak	38.0 acres	7S31E sec 32 & 33
84802	29-14370	Power County	13.4 acres	7S31E sec 22
84797	29-14368	Power County, for Falls View Cemetery	16.6 acres	7S31E sec 31 NE
		Total Transferred	68.0 acres	

There are 38 acres that were not included with the original lease, which is due to reserving for Transfer 84045, for 38 acres. Of the 167.9 acres leased, 30 acres were transferred off the leased shape and are now held by Power County.

Transfer 84797 covers 16.6 acres of land Falls View Cemetery rents under agreement 416 for 22 acres. Additionally, WR 29-7906 was transferred in 2018 to cover 5.4 acres of irrigation within the 22 acre POU. The two transferred rights, 29-7906 and 29-14368 both fully cover the 22 acres of the cemetery, however, the rental for the 22 acres is still active. While the rental could be requested for termination, their newly transferred water right is

held in the original lease until 2023 and cannot be used. It is unclear why the rental request filed in 2020 was not reduced by the 5.4 acres upon application or review, but the rental of 22 acres for Falls View Cemetery should be reduced by 5.4 acres upon their formal request.

Letters for the approved transfers to the split portions in the table below did not include language that the water rights are held in the bank under Lease Contract until 2023. Notice of Change of Ownership letters to Power County for rights 29-14370 and 14368 also did not include language that the rights were held by the bank under Lease Contract 1173 until 2023.

Of the leased 167.9 acres of 29-14015, the new ownership percentages are as follows:

Water Right Number	Lessor	Acres owned	Percentage
29-14015	Adriane & Conrad Isaak	137.9 acres	82%
29-14370	Power County	13.4 acres	8%
29-14368	Power County	16.6 acres	10%
	Total sum	167.9 acres	100%