

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1529

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

**LESSOR:** JAY D BARNETT  
4664 N 18TH E  
MOUNTAIN HOME, ID 83647-5907

RECEIVED  
MAY 13 2022  
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 March 16, 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) |
|------------------------------|---------------|--------------|----------------------|-----------------------|------------|
| 61-11985                     | 4/23/1964     | GROUND WATER | 0.10                 | 31.80                 | 7.1        |
| 61-11987                     | 3/15/1977     | GROUND WATER | 0.02                 | Not Stated            | 1.3        |
| <b>Combined Lease Totals</b> |               |              | <b>0.10</b>          | <b>31.80</b>          | <b>8.4</b> |

#### 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) |
|------------------------------|----------------------|-----------------------|----------------------|------------------------|-------------------------|
| 61-11985                     | 0.10                 | 31.8                  | 7.1                  | 0.014                  | 4.48                    |
| 61-11987                     | 0.02                 | 5.5                   | 1.3                  | 0.015                  | 0.00                    |
| <b>Combined Limit Totals</b> | <b>0.10</b>          | <b>31.8</b>           | <b>8.4</b>           | <b>0.012</b>           | <b>3.79</b>             |

*\* The water right elements rentable have been reduced from the water right elements leased to account for combined limits.*

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

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## WATER SUPPLY BANK LEASE CONTRACT No. 1529

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.
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. 1529**

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

**LESSOR:** JAY D BARNETT  
4664 N 18TH E  
MOUNTAIN HOME, ID 83647-5907

By Jay D. Barnett  
Title Owner  
Date 05/12/2022

**IDAHO WATER RESOURCE BOARD**

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

By Brian Patton  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date 5/18/22

Lease approved by IDWR PP

Date 5/18/22

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1529

**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): 61-11985, 61-11987**

GROUND WATER                      NWSW                      Sec. 7                      Twp 03S                      Rge 07E                      ELMORE County

| Water Right    | Beneficial Use | Season of Use |    |       | Diversion Rate (CFS) | Volume (AF) |
|----------------|----------------|---------------|----|-------|----------------------|-------------|
|                |                | From          |    | To    |                      |             |
| 61-11985       | IRRIGATION     | 04/01         | to | 10/31 | 0.10 cfs             | 31.8 AF     |
| 61-11987       | IRRIGATION     | 03/15         | to | 11/15 | 0.02 cfs             | Not Stated  |
| <b>Totals:</b> |                |               |    |       | 0.10 cfs             | 31.8 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 |        |
| 03S | 07E | 7   |    |    |    |    |    |    |    |    |    | 8.4 |    |    |    |    |    |    | 8.4    |

Total Acres: 8.4

**ADDITIONAL CONDITIONS OF ACCEPTANCE**

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1529**

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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
13. Water right 61-11985 is limited to the irrigation of 7.1 acres within the place of use described above in a single irrigation season and water right 61-11987 is limited to the irrigation of 1.3 acres within the place of use described above in a single irrigation season.
14. Right 61-11987 is an enlargement of Right 61-11985 pursuant to Section 42-1426, Idaho Code.
15. Right 61-11985 retains its priority date of April 23, 1964, and right 61-11987 retains its priority date of March 15, 1977 relative to actions to distribute water that relates to management of the Mountain Home Ground Water Management Area overall. Diversion and use of water is subordinate to all rights to use ground water existing within the immediate area of the point of diversion on the date of this approval. Any water management dispute relative to increased draw downs of the water table or depletion of ground water resulting from this approval is presumed to be within the immediate area, resulting in a subordination of the water right.
16. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
17. Rights 61-11985 and 61-11987 when combined shall not exceed a total diversion rate of 0.10 cfs, a total annual maximum diversion volume of 31.8 af at the field headgate, and the irrigation of 8.4 acres.
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. 161.

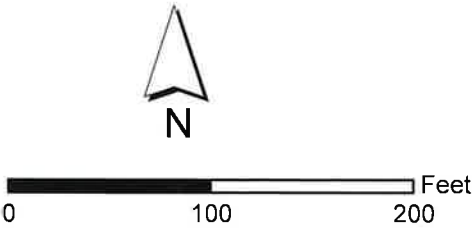
Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1529

61-11985 & 61-11987  
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 BOARD

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

RECEIVED

MAR 16 2022

DEPARTMENT OF  
WATER RESOURCESDesignated Applicant Jay Barnett

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

Water Right No. 61-11985

(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 | <input type="checkbox"/>            | <input type="checkbox"/> | Signatures and contact information for <b>all owners</b> of the water right to be leased or sold on this application.                                                                                                                                                                                                                                  |
| 1B | <input type="checkbox"/>            | <input type="checkbox"/> | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.                                                                                                                                                                                                                                                                        |
| 1C | <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> ).                                                                                                                                                                                                                   |
| 1D | <input checked="" type="checkbox"/> | <input 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. |
| 2  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| 3  | <input checked="" type="checkbox"/> | <input 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> .                                                            |
| 4A | <input type="checkbox"/>            | <input type="checkbox"/> | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| 4G | <input 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 \$ 250Received By: JMDate Received: 3.16.22Receipt # C112159W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Jay D. Barnett

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 Jay Barnett

Mailing Address 4664 N 18th E St Mountain Home ID 83647  
Street City State Zip Code

Email Address barnettjayd@yahoo.com Phone Number (208) 92-12618 208-921-3418

- ☒ 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.

This water right was transferred to the property, but was not developed. The water has been in the water supply bank shortly after the water right transfer was approved.

- 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. A lease application for 61-11987 is also being submitted with this application

- 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. This water right has been in the water supply bank since 2004. The water right was diverted to the property in 2003. The water right was decreed in the Snake River Basin Adjudication in 2000. Therefore, the water use has gone 5 years without being in the water supply bank since it was decreed in 2000.

- 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.

This water right has been in the water supply bank since 2004. The water right was diverted to the property in 2003. The water right was decreed in the Snake River Basin Adjudication in 2000. Therefore, the water use has gone 5 years without being in the water supply bank since it was decreed in 2000.

- 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.

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.

Jay D. Barnett  
Signature of Designated Applicant

Jay D. Barnett  
Printed Name

08/06/2022  
Date

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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

## **Barnett Lease Application Map Water Rights Numbers 61-11985 and 61-11987**

The yellow border shows the place of use for both water rights 61-11985 and 61-11987. The yellow point is the point of diversion shown for both water rights 61-11985 and 61-11987. These water rights have been in the Water Supply Bank since at least 2004. The water right was decreed in 2000 and transferred to this property in 2003. These two water rights have remained in the Water Supply Bank since 2004.



## **Barnett Lease Application Map Water Rights Numbers 61-11985 and 61-11987**

The yellow border shows the place of use for both water rights 61-11985 and 61-11987. The yellow point is the point of diversion shown for both water rights 61-11985 and 61-11987. These water rights have been in the Water Supply Bank since at least 2004. The water right was decreed in 2000 and transferred to this property in 2003. These two water rights have remained in the Water Supply Bank since 2004.



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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

MAY 13 2022

MAR 16 2022

DEPARTMENT OF  
WATER RESOURCESDEPARTMENT OF  
WATER RESOURCES

## NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions. DE

| Water Right/Claim No. | Split?                       | Leased to Water Supply Bank?            | Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? |
|-----------------------|------------------------------|-----------------------------------------|-----------------------|------------------------------|------------------------------|
| 61-11985 ✓            | Yes <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 61-11987 ✓            | Yes <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Jay and Jonna Barnett  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Jay Barnett  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 4664 N 18th E St Mountain Home ID 83647  
Mailing address City State Zip  
(208) 921-2618 barnettjayd@yahoo.com  
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?  
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: May 10, 2018
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐  
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:  
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.  
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).  
☐ Filing fee (see instructions for further explanation):  
☐ \$25 per undivided water right.  
☐ \$100 per split water right.  
☐ No fee is required for pending adjudication claims.  
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.  
☒ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 61-11985

8. Signature: Jay D. Barnett OWNER 05/12/2022  
 Signature of new owner/claimant Title, if applicable Date  
Jay D. Barnett  
 Print name

Signature: \_\_\_\_\_  
 Signature of new owner/claimant Title, if applicable Date  
 Print name

## For IDWR Office Use Only:

Received by KM Date 3.16.22 Receipt No. C112158 Receipt Amt. \$ 50 -

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☒ No ☐

Name on W-9 Jay D. Barnett Approved by [Signature] Processed by [Signature] Date 5-5-22

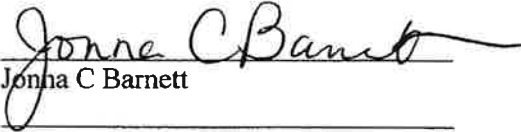
**QUITCLAIM DEED**

FOR VALUE RECEIVED, Made this **19th day of July, 2018**, between  
Jonna Cheryl Barnett aka Jonna C Barnett, former spouse of Jay D Barnett, a divorced woman as  
Grantor(s)  
and Jay D Barnett, a divorced man as Grantee(s)  
whose current address is: 4664 North 18th East St Mountain Home, ID 83647  
HERINAFTER GRANTOR DOES RELEASE AND FOREVER QUITCLAIM UNTO  
GRANTEE, and to their heirs and assigns all right, title and interest in that certain lot, piece or  
parcel of land, situate, lying and being in, County of **Elmore**, State of Idaho, particularly  
described as follows, to wit:

**Lot 9 and 10, Block 1, Scott's Subdivision Phase 1 Subdivision, Elmore County, Idaho  
according to the official plat thereof on file and of record in the office of the county  
Recorder of Elmore County, Idaho.**

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances,  
unto the Grantee(s) and their heirs and assigns forever.

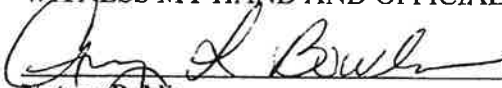
IN WITNESS WHEREOF, The said Grantor(s) have hereunto set his/her/their hands and seal the  
day and year first above written.

  
Jonna C Barnett

State of Idaho  
County of

On this 27<sup>th</sup> day of July, 2018, before me, the undersigned, a Notary Public, in and for said State,  
personally appeared, JONNA C BARNETT, known to me, and/or identified to me on the basis  
of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that they/he/she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

  
Notary Public  
Residing at: Boise Id  
Commission Expires: 12/12/21



## QUITCLAIM DEED

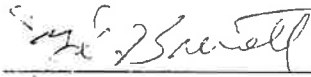
FOR VALUE RECEIVED, Made this **19th day of July, 2018**, between  
Jay D Barnett aka Jay Duane Barnett, a divorced man as Grantor(s)  
and Jay D Barnett, a divorced man as Grantee(s)  
whose current address is: 4664 North 18th East St

HERINAFTER GRANTOR DOES RELEASE AND FOREVER QUITCLAIM UNTO  
GRANTEE, and to their heirs and assigns all right, title and interest in that certain lot, piece or  
parcel of land, situate, lying and being in, County of **Elmore**, State of Idaho, particularly  
described as follows, to wit:

**Lot 9, Block 1, Scott's Subdivision Phase 1 Subdivision, Elmore County, Idaho according to  
the official plat thereof on file and of record in the office of the county Recorder of Elmore  
County, Idaho.**

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances,  
unto the Grantee(s) and their heirs and assigns forever.

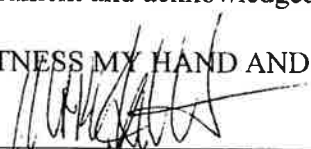
IN WITNESS WHEREOF, The said Grantor(s) have hereunto set his/her/their hands and seal the  
day and year first above written.

  
\_\_\_\_\_  
Jay D Barnett

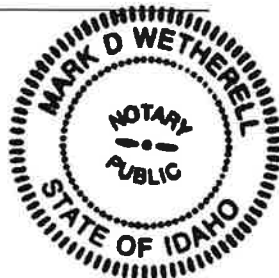
State of Idaho  
County of Elmore

On this <sup>25<sup>th</sup></sup> day of July, 2018, before me, the undersigned, a Notary Public, in and for said State,  
personally appeared, JAY D BARNETT known to me, and/or identified to me on the basis of  
satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that they/he/she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

  
\_\_\_\_\_  
Notary Public

Residing at: *Mountain Home*  
Commission Expires: *2-9-23*



**QUITCLAIM DEED**

FOR VALUE RECEIVED, Made this **1st day of March, 2011**, between Jonna C Barnett and Jay D Barnett, wife and husband as Grantor(s) and Jonna C Barnett and Jay D Barnett, wife and husband as community property with right of survivorship as Grantee(s) whose current address is: 4664 North 18th East St Mountain Home, ID 83647 HERINAFTER GRANTOR DOES RELEASE AND FOREVER QUITCLAIM UNTO GRANTEE, and to their heirs and assigns all right, title and interest in that certain lot, piece or parcel of land, situate, lying and being in, County of **Elmore**, State of Idaho, particularly described as follows, to wit:

**Lot 9, Block 1, Scott's Subdivision Phase 1 Subdivision, Elmore County, Idaho according to the official plat thereof on file and of record in the office of the county Recorder of Elmore County, Idaho.**

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee(s) and their heirs and assigns forever.

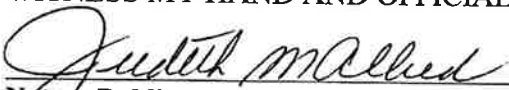
IN WITNESS WHEREOF, The said Grantor(s) have hereunto set his/her/their hands and seal the day and year first above written.

  
Jonna C Barnett  
  
Jay D Barnett

State of Idaho  
County of Elmore

On this 1st day of March, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Jonna C Barnett and Jay D Barnett known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that they/he/she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

  
Notary Public  
Residing at: Mountain Home  
Commission Expires: 5-26-12



# CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Medley Home Builders, Inc.

organized and existing under the laws of the State of Idaho, with its principal office at 2905 East 42nd South Mountain Home, Id of County of Elmore, a corporation  
GRANTOR, hereby GRANT, BARGAIN, SELL and CONVEY unto  
Jonna C. Barnett and Jay D. Barnett, wife and husband, State of Idaho,

whose current address is: 4550 North 18th East  
the following described real property located in Elmore  
more particularly described as follows, to wit:

GRANTEE  
Mountain Home, Id 83647  
County, State of Idaho,

Lot 9, Block 1, Scott's Subdivision Phase I, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers this 24th day of October, in the year of 96

(CORPORATE SEAL)

Medley Home Builders, Inc. (CORPORATE NAME)

By Medley Home Builders  
by Terry O. Medley PRESIDENT  
Attest:

SECRETARY

## ACKNOWLEDGEMENT - Corporate

STATE OF Idaho County of Elmore

On this 24th day of October, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Medley known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that said corporation executed the same.

Signature: Sheryl A. Raymond  
Name: Sheryl A. Raymond

Residing at: Mountain Home  
My commission expires: December 27, 1999

61-0778

296761

ELMORE COUNTY, IDAHO ss  
Request of

GUARANTY TITLE, INC.

Time 4:27 P M  
Date October 24, 1996  
Book \_\_\_\_\_ Page \_\_\_\_\_

DOLGRES ROBISON  
Recorder  
By [Signature] Deputy  
Fee \$3.00



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 Gary Spackman

May 23, 2022

JAY BARNETT  
4664 N 18<sup>TH</sup> E ST  
MOUNTAIN HOME ID 83647-5907

**RE: WATER SUPPLY BANK LEASE CONTRACT 1529  
FOR WATER RIGHTS 61-11985 & 61-11987**

Dear Lessor:

Water rights **61-11985 & 61-11987** were 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](http://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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Jean Hersley*

for  
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR-Western Region  
Water District No. 161



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 Gary Spackman

May 5, 2022

JAY BARNETT  
4664 N 18<sup>TH</sup> E ST  
MOUNTAIN HOME ID 83647-5907

**RE: APPLICATION TO LEASE WATER RIGHTS 61-11985 & 61-11987 TO THE WATER SUPPLY BANK CONTRACT 1529**

**\*\*\*\*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."

I have also included the Notice of Change in Water Right Ownership form, page 4 of the Water Supply Bank Application to Lease a Water Right to the Water Supply Bank for water right 61-11987. Both forms require your signature. Please sign and return with your signed lease contracts. You will also find an IRS Form W9. Please fill this out, sign and return with the lease contracts.

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,

*Jean Hersley*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts, Notice of Change in Water Right Ownership form, page 4 of the Water Supply Bank Application to Lease a Water Right and IRS Form W9

| WATER SUPPLY BANK                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Quick Tools     |                                   |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------|
| <b>Lease Review Checklist</b>                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Decreed<br>Year | No Forfeiture Concerns Thru:      |
| <b>Applicant(s) Name:</b> Jay Barnett             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2011            | 2017                              |
| <b>Memo Date:</b> May 5, 2020                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2012            | 2018                              |
| <b>Water Right Number(s):</b> 61-11985 & 61-11987 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2013            | 2019                              |
|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2014            | 2020                              |
|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2015            | 2021                              |
| <b>Reviewers Name:</b> Jean                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                                   |
|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Check<br>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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |                                   |
|                                                   | All of right                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | x               |                                   |
| 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)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 | parent 61-2168 & 61-11898 in 2000 |
|                                                   | 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               | Bank                              |
| 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |                                   |
| 8                                                 | Enlargement concerns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Check<br>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)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | x               |                                   |
|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 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?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |                                   |
| 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)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 | 4                                 |
| 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 these applications on March 16, 2022, along with a Change in Ownership from Jay and Jonna Barnett to Jay Barnett. Jay wishes to place the entirety of both rights in the Bank. The parents of these rights were decreed in 2000. These rights were split in Transfer 69815 approved in April, 2003. Mr. Barnett placed these rights in the Bank in 2004-2021. There are no issues with forfeiture. Water right 61-11987 is an enlargement right of 61-11985. These rights have diversion rate and acre limitation and must be rented together. These rights are currently within WD 161. |                 |                                   |