

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1516

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

LESSOR: CONRAD ISAAK
3202 HEDSTROM LN
AMERICAN FALLS, ID 83211

RECEIVED

APR 15 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 December 23, 2021.
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)
29-14015	2/28/1977	GROUND WATER	2.02	481.4	137.9
Lease Totals			2.02	481.4	137.9

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, 2023. 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.

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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.

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DEPARTMENT OF WATER RESOURCES

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

LESSOR: CONRAD ISAAK
3202 HEDSTROM LN
AMERICAN FALLS, ID 83211

By 
Title OWNER
Date 4/5/2022

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 4/26/22

Lease approved by IDWR 

Date 4/26/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1516

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): 29-14015

GROUND WATER SENW Sec. 8 Twp 07S Rge 32E POWER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
29-14015	IRRIGATION	04/01	to	10/31	2.02 cfs	481.4 AF
Totals:					2.02 cfs	481.4 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	
07S	32E	8		9.9 L1	34.0 L2		9.8	1.7	40.0	41.0	0.5	0.5				0.5 L3			137.9

Total Acres: 137.9

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. 1516

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.

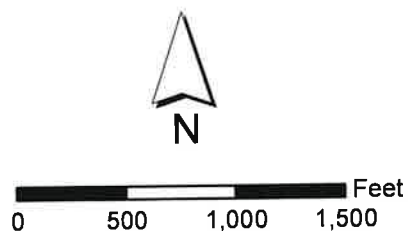
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1516

29-14015
Effective until December 31, 2023

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
DEC 23 2021
DEPARTMENT OF
WATER RESOURCES

Designated Applicant Conrad Isaak

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

Water Right No. 29-14015

(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 \$ 250

Received By: LM

Date Received: 12.23.21

Receipt # 2111514

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

Name on W-9:

2250

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 Conrad Isaak and Adriane Isaak
Mailing Address 3202 HEDSTROM LN American Falls Idaho 83211
Street City State Zip Code
Email Address Conrad Isaak <cj_isaak@yahoo.com> Phone Number 2082410005

☒ 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 Greg Sullivan Organization Brockway Engineering
Professional Title Engineer Email Address greg.sullivan@brockwayeng.com
Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Phone Number 208-736-8543

☐ 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.
Existing POD. Mainlines and delivery system have been removed.
- 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. See lease contract 1173.
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

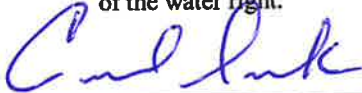
If lease, specify the years when the use of water will be suspended: 2022 to 2023 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
current rental rate _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.



Signature of Designated Applicant

CONRAD /SANK

Printed Name

11/11/2021

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**

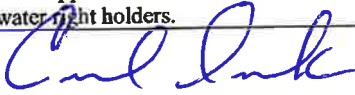
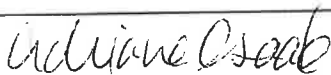
ATTACHMENT 1A

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). 29-14015

	Designated Applicant	Applicant #2	Applicant #3
Name	Conrad Isaak	Adriane Isaak	
Mailing Address	3202 HEDSTROM LN AMERICAN FALLS, ID 83211	3202 HEDSTROM LN AMERICAN FALLS, ID 83211	
Phone Number	2082410005	2082410005	
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			

Total Diversion | .02 CFS | 481.4 AFA

Location of Point(s) of Diversion:

GROUND WATER | SENW | Sec. 08 | Township 07S | Range 32E | POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	32E	8	1	NWNE	9.9	2	SWNE	34						
				NENW	9.8		NWNW	1.7		SWNW	40		SENE	41
				NESW	0.5		NWSW	0.5						
			3	NWSE	0.5									

Total Acres: 137.9

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

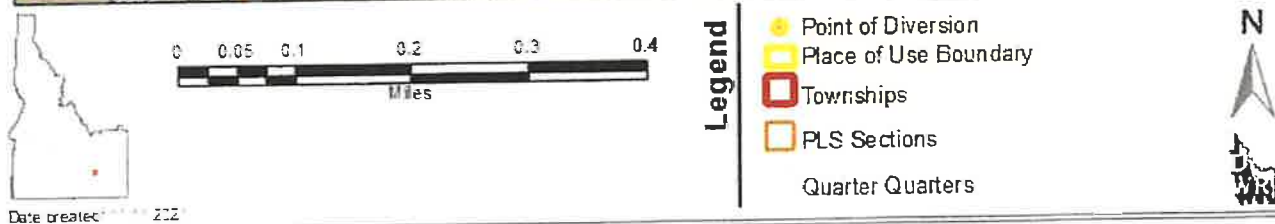
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

State of Idaho
Department of Water Resources
Water Right

29-14015

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.



**STATE OF IDAHO
WATER RESOURCE BOARD
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: 29-14015
Name(s) of Lessor(s): Conrad Isaak
Mailing Address: 3202 HEDSTROM LN
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:

Transfer 84797 and transfer 84802 were approved by IDWR in 2021 and reduced the number of allowed acres under 29-14015 to 137.9 acres. The current lease contract 1173 needs to be updated to reflect 137.9 acres be set aside and not irrigate.

 CONRAD ISAAC : OWNER 11/11/2021
Signature of Lessor Printed Name and Title* 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



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

April 27, 2022

CONRAD ISAAK
3202 HEDSTROM LN
AMERICAN FALLS, ID 83211

**RE: WATER SUPPLY BANK LEASE CONTRACT 1516
FOR WATER RIGHTS 29-14015**

Dear Lessor:

Water right **29-14015** 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, 2023**, 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

c: IDWR- Eastern Region
Water District No. 120
Greg Sullivan
Power County Board of Commissioners



IDAHO DEPARTMENT
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

March 30, 2022

CONRAD ISAAK
3202 HEADSTROM LN
AMERICAN FALLS, ID 83211

**RE: APPLICATION TO LEASE WATER RIGHTS 29-14015 TO THE WATER SUPPLY BANK
CONTRACT 1516**

******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, 2023**, 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

C: Greg Sullivan

MEMORANDUM FOR APPLICATION # 2250

To: Water Right(s) 29-14015

From: Mary Condon

DRAFT

Date: March 1, 2022

Re: Review & Analysis of Application to Amend Exiting Leased Water to the State Water Supply Bank

PURPOSE/NARRATIVE: New lease application to replace existing lease contract 1173, received on 12/23/21, due to transfers 84045, 84802 & 84797 and changes in ownership which reduced the acres owned by Conrad Isaak from 167.9 to 137.9 acres, as of May 27, 2021. Current lease has 4 active rentals (RA's 416, 422, 423 & 423) of which RA 416 will be terminated upon execution of the new lease since the acres associated with the rental are covered by acres transferred to the rental place of use, and a request for cancellation was received by Power County, new owner of the portion of rights on the rental place of use, on 10/26/2021.

Memo re Transfers, dated September 30, 2021 further explains all of the changes to water right 29-14015 due to the transfers approved in 2021 and the rentals against lease contract 1173. There are no other changes except to reduce the acres under lease to mirror the acres owned by the Isaaks.

AUTHORITY TO FILE: Application for lease to the bank to supersede active lease 1173 was signed by Conrad Isaak and represented by Greg Sullivan from Brockway Engineering. Lease application included attachment 1A with signatures of both owners of the right, listing Conrad Isaak as the designated lessor.

WATER RIGHT VALIDITY: Water right 29-14015 was decreed in 2004 and has been in the bank from 2020 to present. A solar farm was built on the place of use after 2015, and the lease review for contract 1173 states irrigation appears to have taken place up to 2015. Subsequent transfer approvals did not find concerns with validity of the right.
No concerns with validity of the water right and portion offered to the bank.

INJURY TO OTHER WATER RIGHTS: Lease of this water right would not cause injury to other water rights. Existing rentals for this right did not find injury would occur.

ENLARGEMENT OF USE: Place of use for water right is not combined or stacked with other rights. GIS shapefile shows Falls View Irrigation District extends over the place of use, however, they confirmed the place of use is not within their district per review memo for transfer 84045. There is not an existing right, permit or rental for dust abatement on the solar farm. Lease of 137.9 acres, and existing rentals leave 34.4 acres available for rental. No enlargement is expected through the lease of this right.

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 120 and Aberdeen-American Falls GWD. The district watermaster is aware of the approved transfers, purpose of the amendment to the existing lease 1173 to reduce the acres, and the existing rentals.

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%

MEMORANDUM FOR APPLICATION # 2250

To: Water Right(s) 29-14015
From: Mary Condon
Date: March 1, 2022
Re: Review & Analysis of Application to Amend Existing Leased Water to the State Water Supply Bank

PURPOSE/NARRATIVE: New lease application to replace existing lease contract 1173, received on 12/23/21, due to transfers 84045, 84802 & 84797 and changes in ownership which reduced the acres owned by Conrad Isaak from 167.9 to 137.9 acres, as of May 27, 2021. Current lease has 4 active rentals (RA's 416, 422, 423 & 423) of which RA 416 will be terminated upon execution of the new lease since the acres associated with the rental are covered by acres transferred to the rental place of use, and a request for cancellation was received by Power County, new owner of the portion of rights on the rental place of use, on 10/26/2021.

Memo re Transfers, dated September 30, 2021 further explains all of the changes to water right 29-14015 due to the transfers approved in 2021 and the rentals against lease contract 1173. There are no other changes except to reduce the acres under lease to mirror the acres owned by the Isaaks.

AUTHORITY TO FILE: Application for lease to the bank to supersede active lease 1173 was signed by Conrad Isaak and represented by Greg Sullivan from Brockway Engineering. Lease application included attachment 1A with signatures of both owners of the right, listing Conrad Isaak as the designated lessor.

WATER RIGHT VALIDITY: Water right 29-14015 was decreed in 2004 and has been in the bank from 2020 to present. A solar farm was built on the place of use after 2015, and the lease review for contract 1173 states irrigation appears to have taken place up to 2015. Subsequent transfer approvals did not find concerns with validity of the right.
No concerns with validity of the water right and portion offered to the bank.

INJURY TO OTHER WATER RIGHTS: Lease of this water right would not cause injury to other water rights. Existing rentals for this right did not find injury would occur.

ENLARGEMENT OF USE: Place of use for water right is not combined or stacked with other rights. GIS shapefile shows Falls View Irrigation District extends over the place of use, however, they confirmed the place of use is not within their district per review memo for transfer 84045. There is not an existing right, permit or rental for dust abatement on the solar farm. Lease of 137.9 acres, and existing rentals leave 34.4 acres available for rental. No enlargement is expected through the lease of this right.

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 120 and Aberdeen-American Falls GWD. The district watermaster is aware of the approved transfers, purpose of the amendment to the existing lease 1173 to reduce the acres, and the existing rentals.

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RA 424	2020-2023	Heritage Farms	10.2 acres	7S29E sec 15 SE
		Total rented	125.5 acres	

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