

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1440

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

LESSOR: CANYON COUNTY LAKES
ESTATES
7488 SKY RANCH RD
NAMPA, ID 83686-9164

SUPPORT DATA
IN FILE # 63-31800

RECEIVED
NOV 12 2021
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 June 24, 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)
63-31802	4/13/1967	GROUND WATER, tributary to	0.72	344.2	124
63-31800	10/7/1968	GROUND WATER, tributary to	0.30	127.0	124
Combined Limit Totals			1.02	428	95.1
Combined Lease Totals			1.02	471.2	95.1

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)
63-31802	0.72	344.2	86.5	0.01	3.98
63-31800	0.30	127.0	29.5	0.01	4.31
Combined Limit Totals	1.02	428	95.1	0.01	4.50

** 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.

WATER SUPPLY BANK LEASE CONTRACT No. 1440

Minimum Payment Acceptable: Current Rental Rate

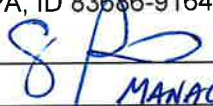
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2021 to December 31, 2023. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
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. 1440

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

LESSOR: CANYON COUNTY LAKES
ESTATES
7488 SKY RANCH RD
NAMPA, ID 83886-9164

By  CORDY ROST
Title MANAGER
Date 11/5/2021

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 11/17/21

Lease approved by IDWR 

Date 11/17/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1440

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): 63-31800, 63-31802

GROUND WATER	NWSW	Sec. 11	Twp 02N	Rge 03W	CANYON County
GROUND WATER	NESE	Sec. 11	Twp 02N	Rge 03W	CANYON County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-31800	IRRIGATION	04/01	to	11/01	0.30 cfs	127.0 AF
63-31802	IRRIGATION	03/15	to	11/15	0.72 cfs	344.2 AF
Totals:					1.02 cfs	471.2 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	11					3.0	5.0	10	26	40					40			124

Total Acres: 124.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1440

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Water Right 63-31802 is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
13. The period of use for the irrigation described in Water Right 63-31802 may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/29/2009.
14. The period of use for the irrigation described in Water Right 63-31800 may be extended to a beginning date of 3/1 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/29/2009.
15. Rights 63-3597F, 63-3597H, 63-7156D, 63-31535, 63-31799, 63-31800, 63-31801 and 63-31802 are diverted through the points of diversion described above.
16. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted under Water Right 63-31800 and shall annually report the information to the Department.
17. Water Right 63-31800 is limited to the irrigation of 29.5 acres within the place of use described above in a single irrigation season.
18. Water Right 63-31802 is a split from former right 63-3597G.
19. Rights 63-31800 and 63-31802 when combined shall not exceed a total diversion rate of 1.02 cfs, a total annual maximum diversion volume of 428.0 af at the field headgate, and the irrigation of 95.1 acres.
20. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted under Water Right 63-31802 and shall annually report the information to the Department.
21. This right does not grant any right-of-way or easement across the land of another.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1440

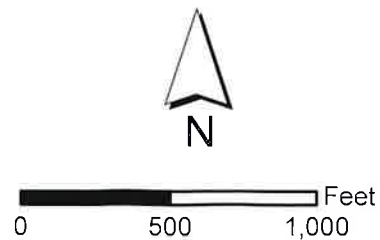
63-31800 & 63-31802
Effective until December 31, 2023

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.



Legend

- Approved Lease Point of Diversion
- Approved Lease Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

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

JUN 24 2021

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Canyon County Lakes Estates LLC
(Select one owner – see item 1A on the application)Water Right No. 63-31802
(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 \$ <u>1,000</u>	Received By: <u>Ku</u>	Date Received: <u>6.24.21</u>	Receipt # <u>C110557</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Canyon County Lakes Estates LLC</u>	

2100

LLC

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 Canyon County Lakes Estates LLC

Mailing Address <u>7488 Sky Ranch Rd</u>	Nampa	ID	83686
Street	City	State	Zip Code

Email Address kimrost@gmail.com Phone Number 208-466-5525

☒ 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 Lori Graves Organization SPF Water Engineering

Professional Title Sr Water Right Specialist Email Address lgraves@spfwater.com

Mailing Address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Phone Number 208-383-4140

☐ 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.

Wells, pumps

- 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. Overlapping water right 63-31800 (also being banked) and permit 63-32244 for domestic and fire protection uses that have not been developed. The permit is scheduled to lapse June 1, 2021.

- 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 right was decreed 2/6/2009, leased to the Bank from 2005 through 12/31/2015, then released starting the 2016 irrigation season. Use has not resumed since released from the Bank in 2016.

- 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. See item 4F above

- 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 ☒

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: 2021 to 2024 (maximum lease period 5 calendar years).
(Year) (Year) (3 years)

- 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

Printed Name

Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). _____

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

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
_____	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	Total Amounts:	_____	_____	_____

2. Source of water _____ tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County



0004094438

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004094438

Date Filed: 12/8/2020 10:50:22 AM

Entity Name and Mailing Address:

Entity Name:

CANYON COUNTY LAKE ESTATES, LLC

The file number of this entity on the records of the Idaho Secretary of State is:

0000121108

Address

CORDY ROST
7488 SKY RANCH RD
NAMPA, ID 83686-9164

Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:

W36175

The registered agent on record is:

Registered Agent

CORDY ROST
Registered Agent
Physical Address
7488 SKY RANCH RD
NAMPA, ID 83686
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
 Cordy Rost	Manager	7488 SKY RANCH ROAD NAMPA, ID 83686

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

Cordy Rost

Sign Here

12/08/2020

Date

Job Title: Manager

DUCCY-1111 12/08/2020 10:50 AM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY



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

Governor Brad Little

Director Gary Spackman

November 22, 2021

CANYON COUNTY LAKES ESTATES
7488 SKY RANCH RD
NAMPA, ID 83686-9164

**RE: WATER SUPPLY BANK LEASE CONTRACTS 1439 & 1440
FOR WATER RIGHTS 63-3597H, 63-31535 63-31802 & 63-31800**

Dear Lessor:

Water right **63-3597H, 63-31535 63-31802 & 63-31800** was leased into the Water Supply Bank (Bank) as of January 1, 2021, 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, 2025**, 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- Western Region
Lori Graves



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

November 2, 2021

CANYON COUNTY LAKES ESTATES
7488 SKY RANCH RD
NAMPA, ID 83686-9164

**RE: APPLICATION TO LEASE WATER RIGHTS 63-3597H, 63-31535, 63-31802 & 63-31800 TO
THE WATER SUPPLY BANK CONTRACTS 1439 & 1440**

******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, 2022**, 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: Lori Graves

MEMORANDUM FOR APPLICATION # 1184

To: Water Rights 63-3597H, 63-31535, 63-31800 & 63-31802
From: Tyler Smith
Date: 10/6/21
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

Purpose/Narrative: An application was received by the Department on June 24, 2021 on behalf of Canyon County Lakes Estates LLC (Applicant) from their representative at SPF Water Engineering, Lori Graves, offering the entirety of water rights 63-3597H, 63-31535, 63-31800, and 63-31802 for lease to the Water Supply Bank (Bank). Water rights 63-3597H and 63-31535 are under application no. 2100, and water rights 63-31800 and 63-31802 are under application no. 2104.

The lease duration proposed for 63-3597H and 63-31535 is from 1/1/21 to 12/31/22 (2 years), and the duration proposed for 63-31800 and 63-31802 is from 1/1/21 to 12/31/23 (3 years). The cover letter submitted with the applications had switched the proposed durations for each set of rights from what was given on the application, but the dates were confirmed during a phone conversation with Lori Graves on Friday October 8, 2021.

Authority to File: The applications were signed by Cordy Rost and were submitted by Lori Graves of SPF Water Engineering. Current IDWR records indicate that Canyon County Lakes Estates LLC is the sole owner of water rights 63-3597H, 63-31535, 63-31800 and 63-31802. According to the Idaho Secretary of State, Cordy Rost is the manager of Canyon County Lakes Estates LLC, and therefore has the proper authority to sign the application on behalf of the LLC. Canyon County Lakes Estates LLC is the current property owner at the place of use for the rights submitted.

Water Right Validity: Water rights 63-3597H, 63-31535, 63-31800 and 63-31802 were all decreed in the SRBA in 2009. All these rights were leased to the Water Supply Bank (Bank) in 2004 for an indefinite period. When indefinite water right lease contracts were updated in 2015, the rights were removed from the Bank effective 12/31/2015. No evidence of irrigation from these rights can be found from 2004 to 2015, suggesting that the beneficial uses were properly idled. From 2015 to 2020, there was no evidence of irrigation for these rights, indicating a period of 5 consecutive years of non-use. The rights were then submitted to the Bank for lease on June 24, 2021. Submitting these rights for lease to the Bank before the end of the sixth consecutive year of non-use is considered a valid defense to forfeiture according to Multiple Programs Memo No. 2, and therefore all the water rights are considered valid. There are no concerns with validity of the water rights and portions offered to the bank.

Injury to Other Water Rights: Lease of this water right would not cause injury to other water rights. Proper review to prevent injury if rented.

Enlargement of Use: Water rights 63-3597H and 63-31535 have combined use limits, and 63-31800 and 63-31802 also have combined use limits. Thus, all related stacked rights have been submitted for lease to the Bank, and the acreage being idled will not continue to receive water from any other sources. Permit 63-35051 was recently approved and was conditioned on these rights being leased to the Bank, addressing the concerns for enlargement of use for these acres. Based on the information provided in the application, there does not appear to be concerns of enlargement through this lease.

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: Nick Miller, Western Regional Manager, was contacted via phone for comment on 10/7/21. He did not express any concerns with the acceptance of these leases into the Bank if the rights were determined to be valid. There is no Watermaster for groundwater in Basin 63.

Water Supply Bank Evaluation: Based on the information presented by the applicant and pending any concerns or comments, staff recommend the lease proposal be approved for the 2021-22/23 irrigation seasons.

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Canyon County Lake Estates

Memo Date: 10/6/21

Water Right Number(s): 63-3597H, 63-31535

Reviewers Name: Tyler Smith

Quick Tools

Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

		Check box		COMMENTS/CONCERNS:
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)	X		South Canyon
		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	X		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			
	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		
7	Injury to other water rights			
	If the POD is through a delivery entity, was consent provided?		X	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns			
8	Enlargement concerns	Check 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?	X		
10	Have you contacted regional office and watermaster for comment/concerns?	X		No concerns
	Send the watermaster comment request form or e-mail request			
11	Area Headgate requirement (write in Comments)			
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		X	
13	Narrative			



SPF WATER
ENGINEERING

RECEIVED

JUN 24 2021

DEPARTMENT OF
WATER RESOURCES

June 22, 2021

Jean Hersley
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: Water Bank Lease Applications – 63-3597H, 63-31535, 63-31800, 63-31802

Dear Jean,

Enclosed on behalf Canyon County Lakes Estates LLC, are water bank lease applications for the above water rights. Included is a signed W-9 form, as required. The requested lease period for water rights 63-31800 and 63-31802 near the canal is 2 years and the requested lease period for water rights 63-3597H and 63-31535 located farther south is 3 years.

Check #015943 is enclosed for the \$1,000 filing fee. Please let me know if there are any questions. Thanks Jean.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Kim and Cordy Rost

Enclosures

SPF file number: 1648.0010

2100