

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1317

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

LESSOR: HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK, ID 83202

RECEIVED
JUN 10 2021
DEPT 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 November 25, 2020.
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)
29-2292	10/14/1950	GROUND WATER	1.42	488	121.9
29-13143	6/2/1953	GROUND WATER	0.19	79.4	42.1
29-13144	6/9/1953	GROUND WATER	0.42	179	94.5
Combined Lease Totals			2.03	488	121.9

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, 2021 to December 31, 2025. 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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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1317

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

LESSOR: HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK, ID 83202

By H. Saville Rupp Sr.
Title Trustee
Date June 10, 2021

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 6/15/21

Lease approved by IDWR HP

Date 6/15/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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): 29-2292, 29-13143, 29-13144
GROUND WATER SENESE Sec. 35 Twp 05S Rge 34E BANNOCK County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
29-2292	IRRIGATION	04/01	to	10/31	1.42 cfs	488 AF
29-13143	IRRIGATION	04/01	to	10/31	0.19 cfs	79.4 AF
29-13144	IRRIGATION	04/01	to	10/31	0.42 cfs	179 AF
Totals:					2.03 cfs	488 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	
05S	34E	35				1.2									5.2			11.	17.4
05S	34E	36							2.8	13	12	0.9	11	0.5					40.2
06S	34E	1		3.9 L2	5.2		5 L3	15 L4	14	5.8									48.9
06S	34E	2	8.3 L1			7.1													15.4

Total Acres: 121.9

ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.
- 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.
- 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.
- 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.
- While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
- Rental of water under this right is subject to the limitations and conditions of approval of the water right.
- 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. 1317

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. The unleased portion of right 29-2292 shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 972 af at the field headgate, and the irrigation of 243.1 acres.
13. The unleased portion of right 29-13143 shall not exceed a total diversion rate of 0.37 cfs, a total annual maximum diversion volume of 158.3 af at the field headgate, and the irrigation of 83.9 acres.
14. The unleased portion of right 29-13144 shall not exceed a total diversion rate of 0.84 cfs, a total annual maximum diversion volume of 355.8 af at the field headgate, and the irrigation of 188.5 acres.
15. The unleased portion of rights 29-2292, 29-13143, and 29-13144 shall not exceed a total annual maximum diversion volume of 972 af at the field headgate, and the irrigation of 243.1 acres.
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.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1317

29-2292, 29-13143, & 29-13144
Effective until December 31, 2025

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.



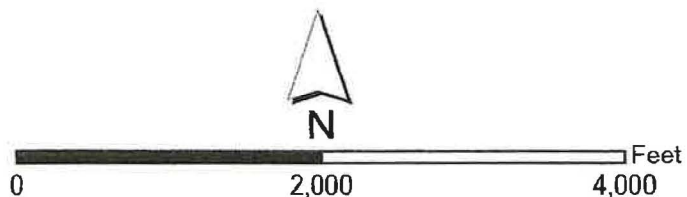
⊙ Approved Lease Point of Diversion

Approved Lease Place of Use

Township/Range

Sections

QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVE
NOV 25 2020
DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant H. Lavelle Rupp Jr. - Trustee

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

Water Right No. 29-2292

(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>500</u>	Received By: <u>Ku</u>	Date Received: <u>11.25.2020</u>	Receipt # <u>C109517</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Harold L. Rupp Trust.</u>	

1812

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 H. Lavelle Rupp Jr. - Trustee

Mailing Address P.O. Box 5307 Chubbuck, Idaho 83202
Street City State Zip Code

Email Address levelrupp@aol.com Phone Number (208-241-3777) (208-237-8997)

☐ 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.

Deep water irrigation well, underground main lines and center pivot sprinkler systems.

- 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. 29-13143 and 29-13144

- 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. 29-2292 Diversion Rate (4.24 CFS) Volume (1460 AFA)

29-13143 Diversion Rate (0.56 CFS) Volume (237.7 AFA)

29-13144 Diversion Rate (1.26 CFS) Volume (534.8 AFA)

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2021 to 2025 (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.

H. Lavelle Rupp Jr.
Signature of Designated Applicant

H. Lavelle Rupp Jr. - Trustee
Printed Name

11/23/2020
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). 29-2292 29-13143 29-13144

	Designated Applicant	Applicant #2	Applicant #3
Name	Harold L. Rupp Trust H. Lavelle Rupp Jr. - Trustee	Harold L. Rupp Sr. Trust Christine R. Petersen - Trustee	Veda J. Rupp Trust H. Lavelle Rupp Jr. - Trustee
Mailing Address	P.O. Box 5307 Chubbuck, Idaho 83202	2340 S. 45th E Ammon, Idaho 83406	P.O. Box 5307 Chubbuck, Idaho 83202
Phone Number	208-237-8997 (208-241-3777)	208-524-6213	208-241-3777 (208-237-8997)
Email Address	levelrupp@aol.com	grannychristine@msn.com	levelrupp@aol.com
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	Veda J. Rupp Trust Christine R. Petersen		
Mailing Address	2340 S. 45th E. Ammon, Idaho 83406		
Phone Number	208-524-6213		
Email Address	grannychristine@msn.com		
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			

NOTE &

These Numbers Are As Close As I
Have Been Able To Figure, Based On
Maps, Information From Water Rights
Tables, And Numbers From The Current
Lengths Of The Pivots And New
Sprinkler Packages On Pivots.

Thanks,

Lavelle Rupp
208-241-3777

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>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
29-2292	IRRIGATION	1.42 cfs	487.64 AF	121.89 ac
<u>29-13143</u>	IRRIGATION	0.19 cfs	79.39 AF	121.89 ac
<u>29-13144</u>	IRRIGATION	0.42 cfs	178.62 AF	121.89 ac
	Total Amounts:	2.03 cfs	745.65 AF	121.89 ac

2. Source of water Deep Water Well tributary to Buffalo Creek

3. Point(s) of diversion:

[illegible]

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

[illegible]



+



29-2292

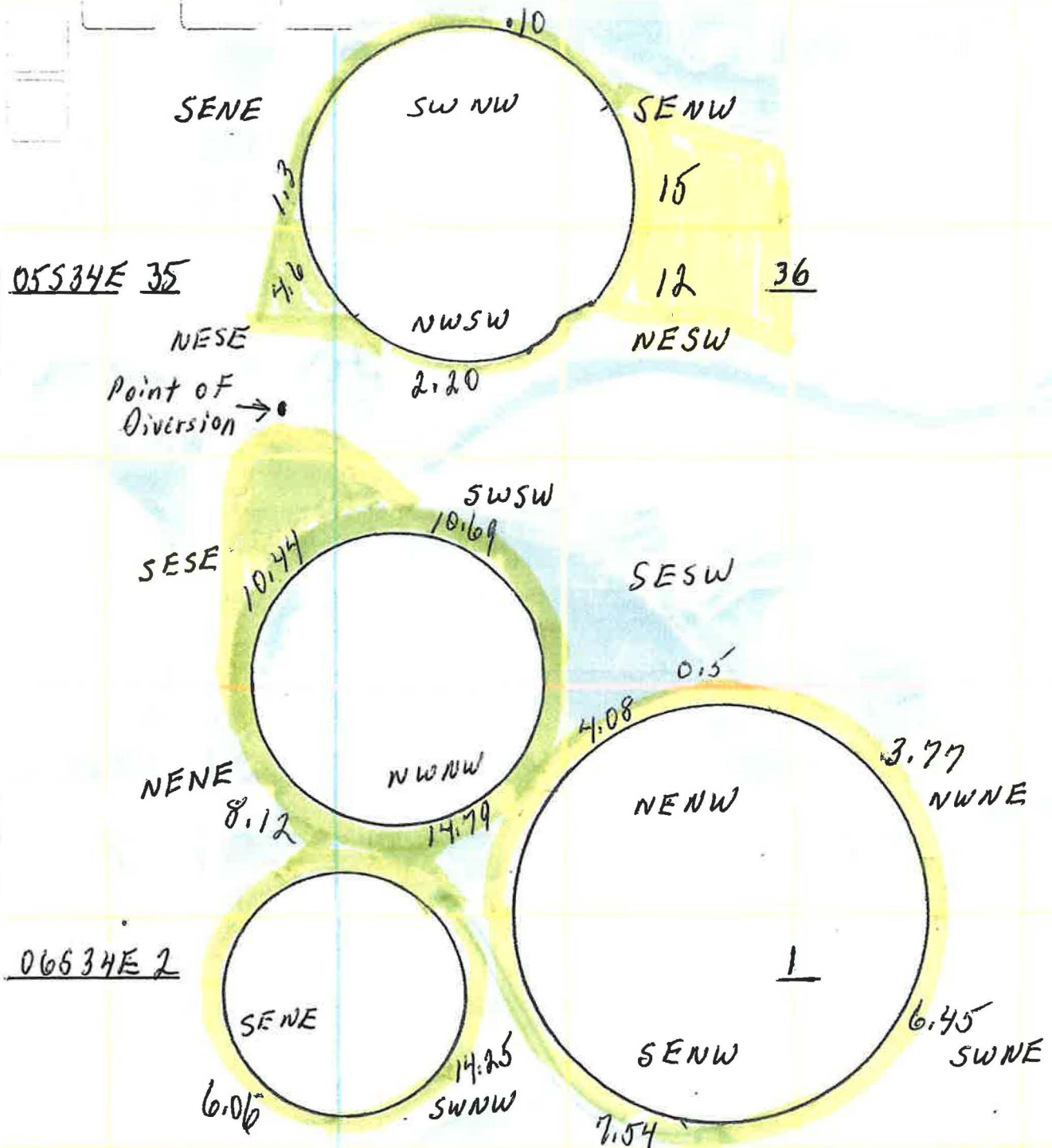
X



Idaho Department of Water Resources

-

Acres To Be Idled



05534E 35

SESE

NENE

06634E 2

SENE

SWNW

NWSW

SWSW

NWNW

SENW

NESW

SESW

NENW

SENW

NWNE

SWNE



Water Supply Ban

Active and Pending Lease Contr:

Attachment 3

+



29-13143

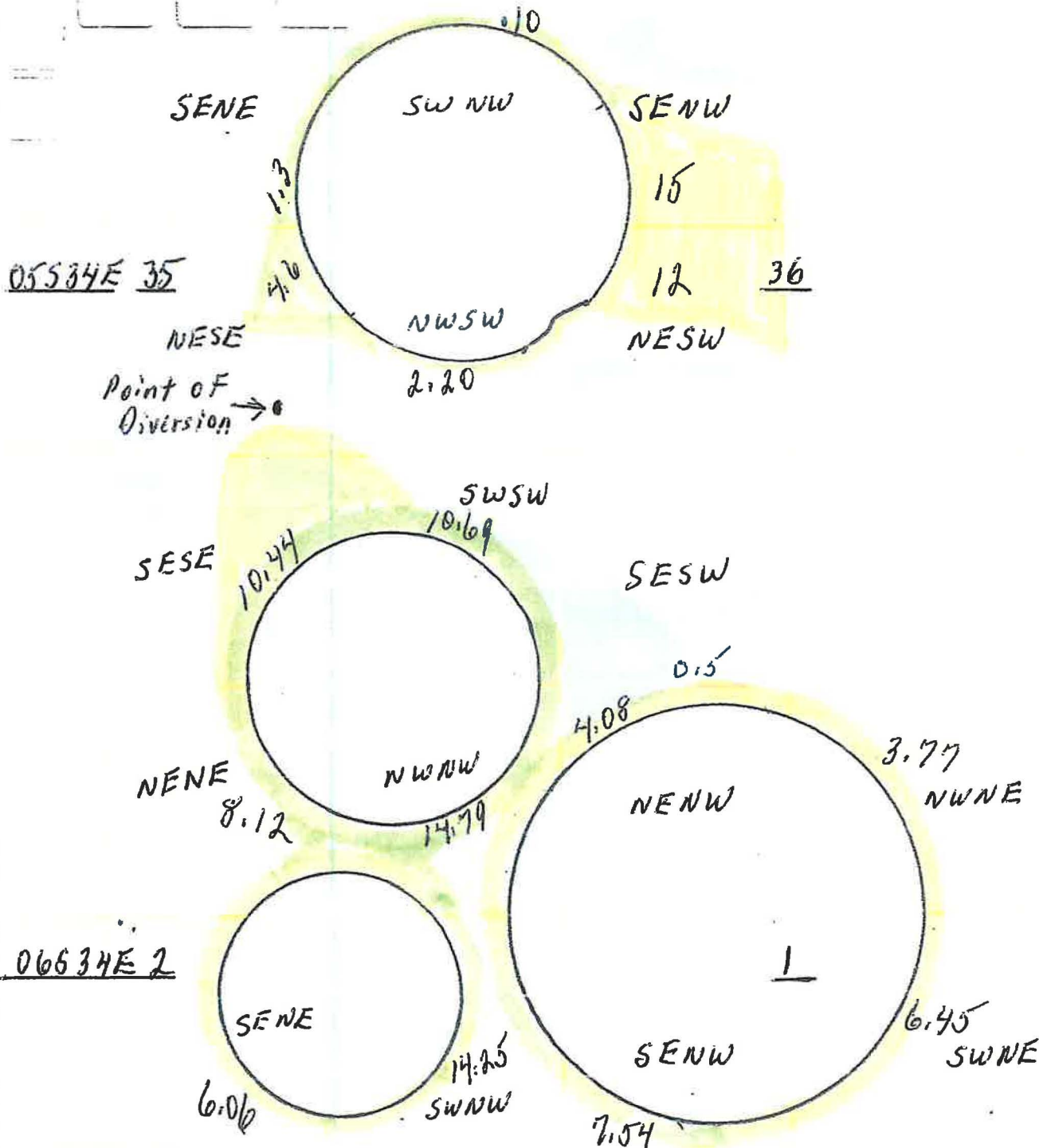
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Idaho Department of Water Resources

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Acres To Be Idled





Water Supply Ban

Active and Pending Lease Contr.

Attachment 3

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29-13144

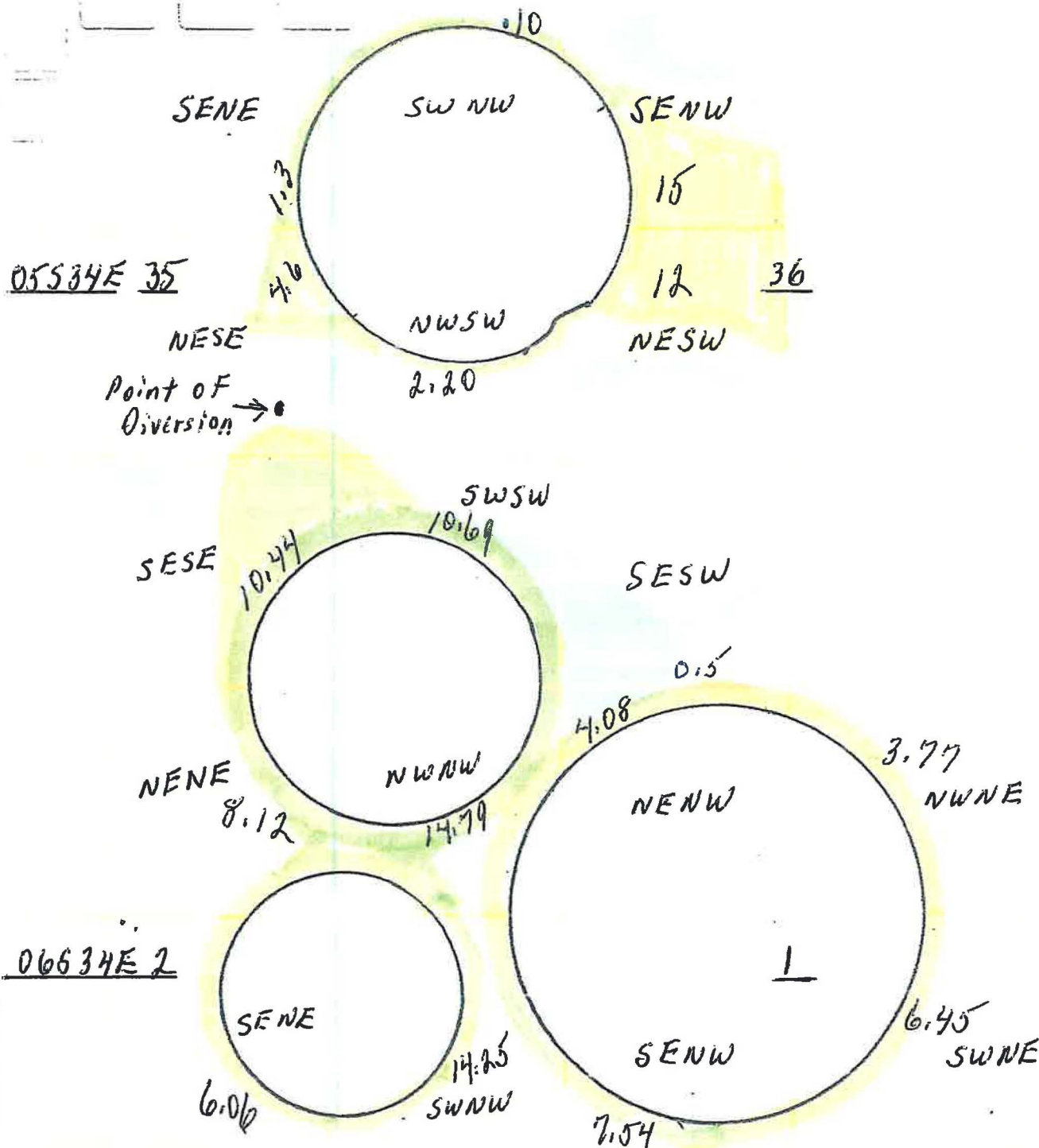
X



Idaho Department of Water Resources

-

Acres To Be Idled





Water Supply Ban.

Active and Pending Lease Contr.

Attachment 3A

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29-2292

X



Idaho Department of Water Resources

-

Place of Use (Continued)



0.2mi
-112.395 42.937 Degrees

All rights reserved



Water Supply Ban

Active and Pending Lease Contr.

Attachment 3A

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▼

29-13143

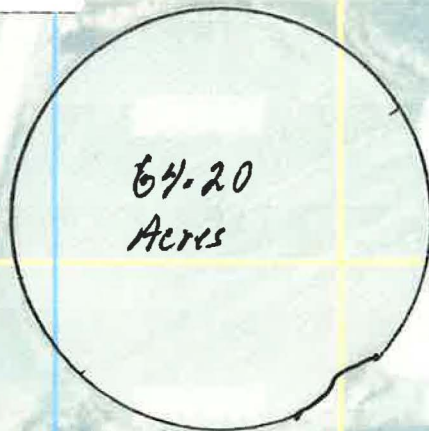
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Q

Idaho Department of Water Resources

-

Place of Use (Continued)

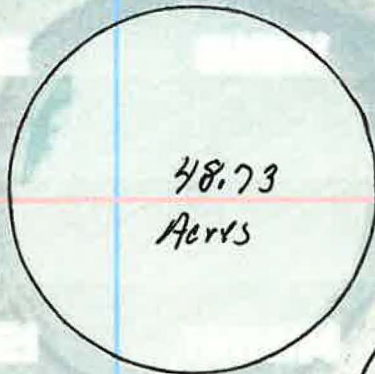


64.20
Acres

05S34E 35

36

← Point of
Diversion

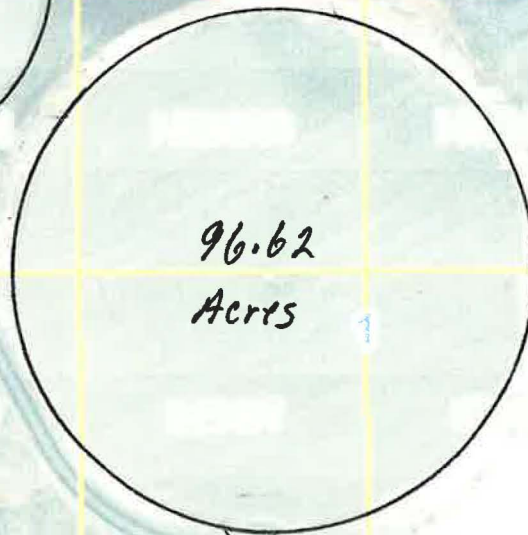


48.73
Acres

06S34E 2



33.56
Acres



96.62
Acres

0.2mi

-112.395 42.937 Degrees

All rights reserved



Water Supply Ban

Active and Pending Lease Contr

Attachment 3A

+



29-13144

X

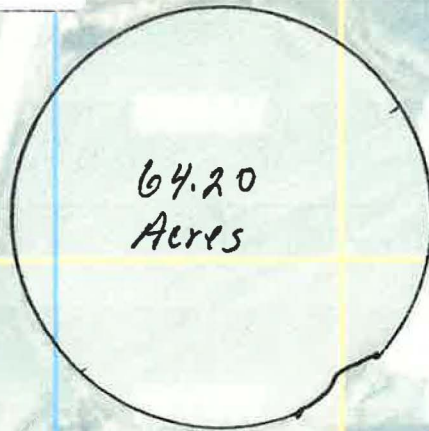


Idaho Department of Water Resources

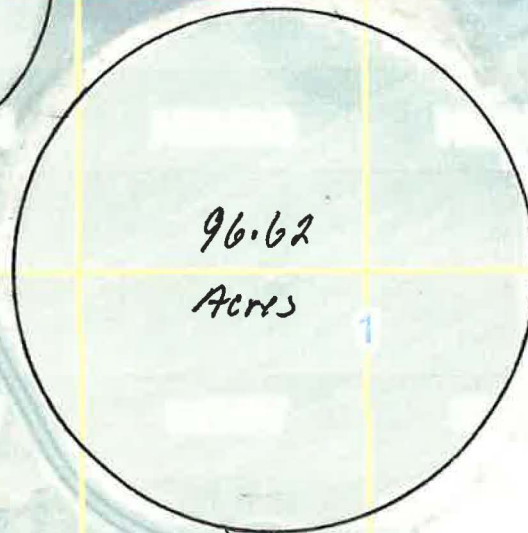
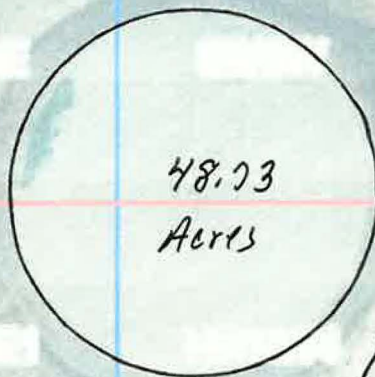
-

Place of Use (Continued)

Map navigation controls: zoom in (+), zoom out (-), home (house icon), and a blank box.



• ← Point of Diversion



0.2mi

-112.395 42.937 Degrees

All rights reserved

State of Idaho
Department of Water Resources

Water Right

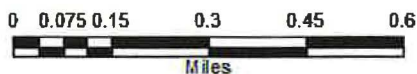
29-2292

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.



Date created: 11/20/2020



Legend

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



State of Idaho
Department of Water Resources

Water Right

29-13143

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.



Legend

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



Date created: 11/20/2020

State of Idaho
Department of Water Resources

Water Right

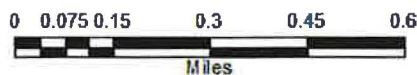
29-13144

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.



Date created: 11/20/2020



Legend

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 30, 2021

HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK, ID 83202

RE: **WATER SUPPLY BANK LEASE CONTRACTS 1317
FOR WATER RIGHTS 29-2292, 29-13143 & 29-13144**

Dear Lessor:

Water rights **29-2292, 29-13143 & 29-13144** were 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 8, 2021

HAROLD L RUPP
PO BOX 5307
CHUBBUCK, ID 83202

RE: APPLICATION TO LEASE WATER RIGHTS 29-2292, 29-13143 & 29-13144 TO THE WATER SUPPLY BANK CONTRACT 1317

******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, 2025**, 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
Receipt: C109517

Memorandum

To: Water Rights 29-2292, 29-13143, & 29-13144
From: Justin Ferguson
Date: January 21, 2021 *March 1, 2021*
Re: Water Supply Bank Lease Application 1812

Purpose/Narrative: An application was received by the Department November 25, 2020 from Mr. Lavelle Rupp on behalf of the Harold L Rupp Sr Trust offering 121.9 acres of ESPA irrigation ground water rights 29-2292, 29-13143 & 29-13144 for lease to the Bank through the end of 2025. The applications are effectively a continuation of lease contracts 335, 981, & 1194, which since 2014 have authorized the lease into the Bank of 70 acres of the three water rights. This lease application thus represents an increase of 51.9 acres over prior lease approvals.

The irrigation place of use for water right 29-7437 overlaps the place of use for the three water rights offered by Mr. Rupp. Water right 29-7437 is a 1978 priority date irrigation storage and irrigation from storage water right that authorizes the collection and impoundment of municipal and industrial water, diverted under the diverse water right portfolio of the City of Pocatello and the JR Simplot Corporation. Water right 29-7437 was licensed at the end of 2014, just as the 70 acre portion of water rights 29-2292, 13143 and 13144 were initially accepted for lease into the Bank under contract 335.

Water rights 29-2292, 13143 and 13144 are Eastern Snake River Plain Aquifer (ESPA) ground water rights that were decreed in 2004. IDWR's review for lease contract 335 did not take into consideration the extent to which irrigation of the 70 acres proposed for lease occurred under these three water rights, or under 29-7437 (which in 2014 was still a permit and not yet a licensed right). This lease review memo will better evaluate the extent to which the additional 51.9 acres proposed for lease may have been irrigated under either water rights 29-2292, 13143 and 13144, or under 29-7437, or a combination of both water rights.

Both the yes and no boxes were selected on the lease application for the lease/rental package question. Previously, these water rights have been rented by Kevin Loveland, however no rental application from Mr. Loveland accompanied this lease application. The applicant was contacted and affirmed Mr. Loveland is the intended renter of these water rights proposed for lease.

Authority to File: As with the applications in previous years, Mr. Rupp has signed and submitted the three proposals on behalf of the Trust along with attachment 2A, providing a signature from Ms. Christine Rupp. Current IDWR records indicate the Trust is the current water right holder. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: Portions of these three water rights have been protected from forfeiture through non-use via a lease into the Bank since 2014, through 2020, under contracts 335, 981, & 1194. However, prior to acceptance of these water rights into the Bank during 2014, it is unclear to what extent ESPA ground water was diverted to maintain validity under these water rights.

IDWR water law does allow for the validity of a water right to be maintained, provided the beneficial use authorized under a water right is occurring, even if the beneficial use is accomplished under a different water right, with water from a different source. Therefore, provided the 70 acres protected from forfeiture through lease contracts 335, 981 and 1194 were irrigated at least once during the five year period of 2009 through 2013, there should be no concern about the validity of the 70 acres which are again now proposed for lease. The applicant was contacted and affirmed that while irrigation had taken place, after their end guns were stolen, the acreage previously covered was placed into the Bank.

The 51.9 additional acres now being offered were previously irrigated as part of the three pivots being run by Mr. Rupp. Per an email in response to an information request, Mr. Rupp stated that a section of each pivot will be removed to make way for the North Gate Interchange along I-15 being built by the City of Pocatello.

Injury Evaluation: These three ESPA ground water rights divert from the ESPA Ground Water Management Area (GWMA) and any rental will need to provide adequate modeling such that there is not any more than a 2 af/trimester impact to any reach within the ESPA.

Enlargement of Use: No enlargement is evident as the acreage appears to have been irrigated as a primary right prior to being placed into the Bank. Additionally, it does not appear the acreage being idled will receive irrigation from any other source. No concerns at this time.

Local Public Interest: Staff are unaware of any local public interests that are averse to the lease.

Beneficial Use/Conservation of Water Resources: The lease appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Watermaster and IDWR Regional comments were requested January 22, 2021

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 Mr. Rupp through the end of 2025

Parker, Cody

From: Lavelle Rupp <levelrupp@aol.com>
Sent: Monday, March 1, 2021 3:55 PM
To: Ferguson, Justin
Subject: Re: WSB Lease - Information Request

Justin,

In reply to you, after our conversation, we have not used any J R Simplot water on our property since about 2006 or 2007. We have only used our own water and water rights. The water rights that are now in the water bank came after the end guns and most of our hand lines were stolen. We dried up the end guns from the pivots and all of the property that the hand lines were covering that allowed us to bank 70 acres. The additional 51.9 acres came from removing one section from each of three pivots to make way for the new North Gate Interchange on I-15.

Thanks for you help and understanding with this matter.

Lavelle Rupp
208-241-3777

-----Original Message-----

From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
To: levelrupp@aol.com <levelrupp@aol.com>
Sent: Mon, Feb 22, 2021 1:28 pm
Subject: WSB Lease - Information Request

Please see the attached, a physical copy will be mailed to you as soon as possible

Thanks!

Justin Ferguson
Water Supply Bank Specialist
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4936 | Justin.Ferguson@IDWR.Idaho.gov

Parker, Cody

From: Ferguson, Justin
Sent: Monday, February 22, 2021 1:29 PM
To: 'levelrupp@aol.com'
Subject: WSB Lease - Information Request
Attachments: Information Request.pdf

Please see the attached, a physical copy will be mailed to you as soon as possible

Thanks!

Justin Ferguson
Water Supply Bank Specialist
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4936 | Justin.Ferguson@IDWR.Idaho.gov



State of Idaho

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 22, 2021

H LAVALLE RUPP
PO BOX 5307
CHUBBUCK, ID 83202

RESPONSE DEADLINE:
March 24, 2021

RE: Action Required on WSB Lease Application 1812

Dear Applicant,

The Department of Water Resources (Department) has conducted a final review of your applications to lease water rights 29-2292, 29-13143 & 29-13144 to the Water Supply Bank and determined that your application is incomplete. The following items are required to continue processing your application:

- Information about how much ground water was diverted under water rights 29-2292, 13143 and 13144 during the period of 2009~2013, for the irrigation of the 70 acres that was accepted for lease into the Bank during 2014;
- Information about how much ground water has been diverted under water rights 29-2292, 13143 and 13144 during the period of 2015~2020, for the irrigation of the additional 51.9 acres that is now being proposed for lease into the Bank via application 1812
- Affirmation that the only water being diverted for irrigation purposes is under your own water rights

To finish processing your application, our office requires information regarding historic diversions as well an affirmation that the acreage has not been irrigated using other water rights. Please provide us with the above requested information within 30 days (deadline of March 24, 2021), so that we can finish processing of your application. If we do not hear from you prior to the established deadline, we will proceed to lease the water rights into the Bank however they may not be rentable without the information above.

If you have any questions, please contact me at (208) 287-4936.

Regards,

A handwritten signature in black ink, appearing to be 'JF'.

Justin Ferguson
Water Supply Bank Specialist

Parker, Cody

From: Ferguson, Justin
Sent: Friday, January 22, 2021 11:26 AM
To: Skinner, Corey
Subject: WSB Lease - Lavalle Rupp
Attachments: Lease Review Memo.docx; Draft Lease - Lavalle Rupp.docx; Lease Map - Lavalle Rupp.pdf

Corey,

Sorry for all the emails today! Attached is the draft approval for Mr. Rupp, they are looking to renew their lease to the Bank for their three water rights through the end of 2025. Let me know if you have any comments or concerns

Thank you!



State of Idaho

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 31, 2020

H LAVALLE RUPP
PO BOX 5307
CHUBBUCK, ID 83202

RESPONSE DEADLINE:
February 1, 2021

RE: Action Required on WSB Lease Application 1879

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your application to lease water rights 29-2292, 29-13143 & 29-13144 to the Water Supply Bank and determined that your application is incomplete. The following items are required to continue processing your application:

- a completed lease application with all questions answered, for each water right being offered to the Bank
 - o Specifically, a completed Application to Sell or Lease a Water Right to the Water Supply Bank for water rights 29-13143 & 29-13144

To continue processing your application, our office requires a completed lease application form for each water right being offered to the Bank. Please provide us with the above requested information within 30 days (deadline of February 1, 2021), so that we can continue processing of your application. If we do not hear from you prior to the established deadline, your application will be returned and your filing fee refunded.

If you have any questions, please contact me at (208) 287-4936.

Regards,

A handwritten signature in black ink, appearing to read 'JF'.

Justin Ferguson
Water Supply Bank Specialist



State of Idaho

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RECEIVED

JAN 11 2021

DEPARTMENT OF
WATER RESOURCES

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 31, 2020

H LAVALLE RUPP
PO BOX 5307
CHUBBUCK, ID 83202

RESPONSE DEADLINE:
February 1, 2021

RE: Action Required on WSB Lease Application 1879

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your application to lease water rights 29-2292, 29-13143 & 29-13144 to the Water Supply Bank and determined that your application is incomplete. The following items are required to continue processing your application:

- a completed lease application with all questions answered, for each water right being offered to the Bank
 - o Specifically, a completed Application to Sell or Lease a Water Right to the Water Supply Bank for water rights 29-13143 & 29-13144

To continue processing your application, our office requires a completed lease application form for each water right being offered to the Bank. Please provide us with the above requested information within 30 days (deadline of February 1, 2021), so that we can continue processing of your application. If we do not hear from you prior to the established deadline, your application will be returned and your filing fee refunded.

If you have any questions, please contact me at (208) 287-4936.

Regards,

Justin Ferguson
Water Supply Bank Specialist