

**WATER SUPPLY BANK LEASE CONTRACT No. 1458**

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

**LESSOR:** HARRIS FAMILY LTD  
PARTNERSHIP  
877 W MAIN ST STE 501  
BOISE, ID 83702-6018

SUPPORT DATA  
IN FILE # 63-365

RECEIVED  
DEC 28 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 November 01, 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)   |
|------------------------------|---------------|----------------------------------------------|----------------------|-----------------------|--------------|
| 63-365                       | 7/2/1902      | WARM SPRINGS CREEK, tributary to BOISE RIVER | 5.00                 | 1130.0                | 249.8        |
| 63-8627                      | 3/21/1977     | GROUND WATER                                 | 1.15                 | 559.0                 | 158.0        |
| <b>Combined Lease Totals</b> |               |                                              | <b>5.01</b>          | <b>1130.0</b>         | <b>250.5</b> |

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, 2026. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

## **WATER SUPPLY BANK LEASE CONTRACT No. 1458**

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. 1458**

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

**LESSOR:** HARRIS FAMILY LTD  
PARTNERSHIP  
877 W MAIN ST STE 501  
BOISE, ID 83702-6018

By [Signature]  
Title Partner  
Date 12/21/21

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

By [Signature] Date 12/21/21  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Lease approved by IDWR [Signature] Date 12/21/21

WATER SUPPLY BANK LEASE CONTRACT No. 1458

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): 63-8627

|              |      |         |         |         |            |
|--------------|------|---------|---------|---------|------------|
| GROUND WATER | NESW | Sec. 20 | Twp 03N | Rge 03E | ADA County |
| GROUND WATER | NESW | Sec. 20 | Twp 03N | Rge 03E | ADA County |
| GROUND WATER | NESW | Sec. 20 | Twp 03N | Rge 03E | ADA County |
| GROUND WATER | SESW | Sec. 20 | Twp 03N | Rge 03E | ADA County |

Source and Location of Point(s) of Diversion for Water Right No(s): 63-365

|                    |      |         |         |         |            |
|--------------------|------|---------|---------|---------|------------|
| WARM SPRINGS CREEK | NESW | Sec. 20 | Twp 03N | Rge 03E | ADA County |
|--------------------|------|---------|---------|---------|------------|

| Water Right | Beneficial Use | Season of Use |    |       | Diversion Rate (CFS) | Volume (AF) |
|-------------|----------------|---------------|----|-------|----------------------|-------------|
|             |                | From          |    | To    |                      |             |
| 63-8627     | IRRIGATION     | 03/15         | to | 11/15 | 1.15 cfs             | 559 AF      |
| 63-365      | IRRIGATION     | 03/01         | to | 11/15 | 5.00 cfs             | 1130 AF     |
| Totals:     |                |               |    |       | 5.01 cfs             | 1130 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   |        |
| 03N | 03E | 19  |          |     |    |           |      |    |          |      | 4.0<br>L4 |          |           | 0.9<br>L5 | 18 |    | 15.7 | 32.5 | 70.7   |
| 03N | 03E | 20  |          |     |    |           |      |    |          |      | 7.0       | 24       | 38        | 20        |    |    |      |      | 89.0   |
| 03N | 03E | 29  |          |     |    |           | 16.7 | 34 | 38<br>L5 | 17.3 | 19<br>L3  | 19<br>L4 | 2.0<br>L4 | 8.0<br>L3 |    |    |      |      | 154.0  |
| 03N | 03E | 30  | 27<br>L9 | 7.3 |    | 7.0<br>L8 |      |    |          |      |           |          |           |           |    |    |      |      | 41.3   |

Total Leased Acres: 250.5 within 355.0 acres

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.

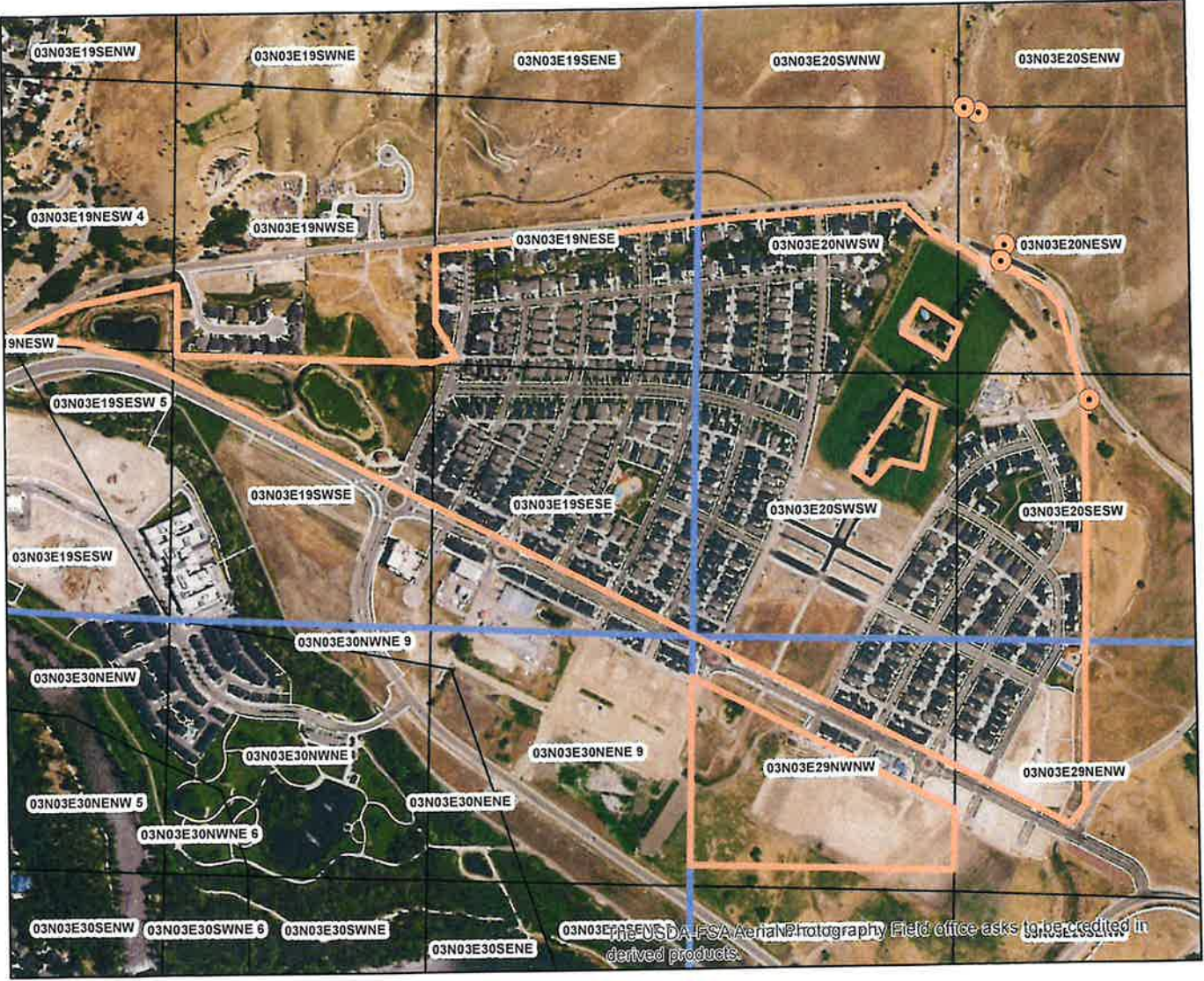
## WATER SUPPLY BANK LEASE CONTRACT No. 1458

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.
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. When the appurtenant surface water rights are not available, the portion of the place of use located east of the diversion points may be irrigated under right 63-8627 by diverting water from the Penitentiary Canal in exchange for replenishing the Penitentiary Canal with an equal amount of water diverted under this right, so long as the arrangement is acceptable to the owners/operators of the Penitentiary Canal.
12. The unleased portions of Right Nos. 63-365 and 63-8627 with Rights Nos. 63-2973 and 63-7103 when combined shall not exceed a total diversion rate of 1.99 cfs, a total annual maximum diversion volume of 445 af at the field headgate, and the irrigation of 99.6 acres.
13. Water right 63-8627 is low temperature geothermal water.
14. The unleased portion of Right Nos. 63-8627 and Right No. 63-7103 when combined shall not exceed a total annual maximum diversion volume of 356 af at the field headgate and the irrigation of 80.5 acres.
15. Water right 63-8627 shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
16. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right No. 63-8627 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
17. Use of water under Right No. 63-365 may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63T.

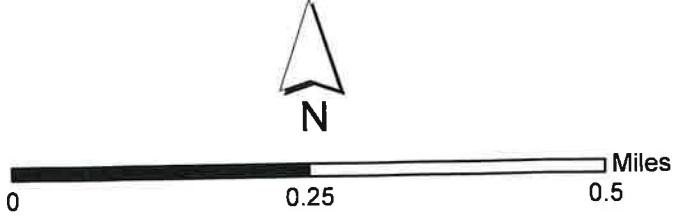
Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1458

63-365 & 63-8627  
Effective until December 31, 2026

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



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



STATE OF IDAHO  
WATER RESOURCE BOARD

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

RECEIVED

SEP 23 2021

DEPARTMENT OF  
WATER RESOURCES

Designated Applicant Harris Family LTD Partnership  
(Select one owner – see item 1A on the application)

Water Right No. 63-8627  
(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.**

| MIMUMUM REQUIREMENT CHECKLIST                                                            |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| All items must be checked as either <i>Attached (Yes)</i> or <i>Not Applicable (N/A)</i> |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                          | Yes                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                          | <input checked="" type="checkbox"/> | Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                          | <input checked="" type="checkbox"/> | 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. |                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                          | <input checked="" type="checkbox"/> | Confirmation this form has been printed <b>single sided</b> , per requirement of the Water Supply Bank.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                        |
| Attachment                                                                               | N/A                                 | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                        |
| 1A                                                                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.                                                                                                                                                                                                                                  |
| 1B                                                                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.                                                                                                                                                                                                                                                                        |
| 1C                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                   |
| 1D                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| 3                                                                                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .                                                            |
| 4A                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| 4G                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Evidence demonstrating the water right has not been forfeited pursuant to <a href="#">Section 42-222(2), Idaho Code</a> .                                                                                                                                                                                                                              |
| Department Use Only                                                                      |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                        |
| Fee Amount \$ <u>500</u>                                                                 | Received By: <u>MS</u>              | Date Received: <u>9/21/21</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Receipt # <u>C111028</u>                                                                                                                                                                                                                                                                                                                               |
| W-9 received? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>        | (Route W-9 to Fiscal)               | Name on W-9:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                        |

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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 Harris Family LTD Partnership  
Mailing Address 877 W Main St. Ste 501 Boise ID 83702  
Street City State Zip Code  
Email Address \_\_\_\_\_ Phone Number 208-344-1131

☒ 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 Water Rights 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.

Well, pump, headgate, ditches, sprinklers

- 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. 63-2973, 63-7103, 63-365 (common ppu)

- 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. See attached explanation

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This water right is currently leased to the IWSB under Contract No. 610 set to expire 12/31/31.

Applicants wish to renew the lease contract for another 5 years.

- 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 4.F. 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 ☒

STATE OF IDAHO  
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT  
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2022 to 2027 (maximum lease period 5 calendar years).  
(Year) (Year) (5 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

Water Bank Lease Application Explanation:

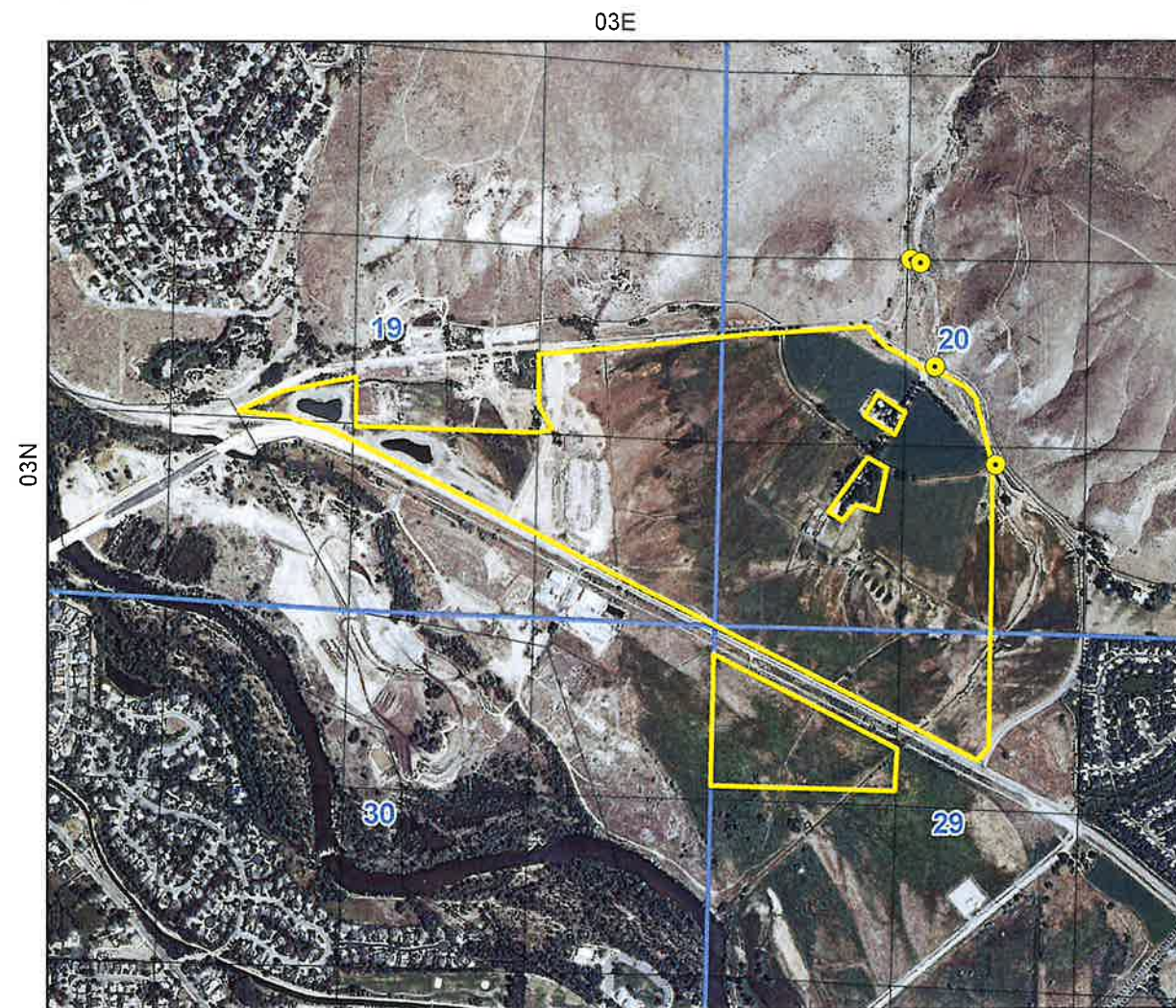
This right is for hot ground water supplemental to surface water under water right 63-365. Historically, the hot ground water under water right 63-8627 is injected, cooled and delivered through the surface water system. Because the surface water source is undependable and impractical to use in a pressurized irrigation system, it has been offered to the Bank for lease. To prevent unstacking, this right is being offered also as requested by the Department in 2017 for Contract No. 610.

State of Idaho  
Department of Water Resources

**Water Right**  
**63-8627**

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.



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

0 0.15 0.3 0.6 Miles



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in  
address of the owners of record for the listed water rights.  
*(Please print or type)*

Water Right Number(s): 63-365, 63-2973, 63-7103, 63-8627, 63-19098, 63-19099

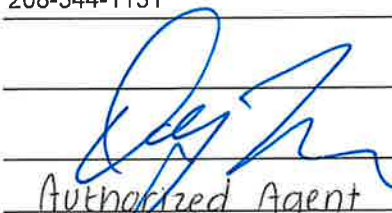
Name(s): Harris Family LTD Partnership

Old Mailing Address: 4940 E Mill Station  
Boise, ID 83716

New Mailing Address: 877 W Main St Ste. 501  
Boise, ID 83702

Telephone Number: 208-344-1131

Email: \_\_\_\_\_

Signature(s) of Owner(s)   
Authorized Agent  
(Include your title if on behalf of company or organization.)

Date: 9-23-2021

Send a signed original to your closest regional office:

IDWR Northern Region  
7600 N. Mineral Dr., Suite 100  
Coeur d'Alene, ID 83815-7763  
(208) 762-2800

IDWR Eastern Region  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402-1718  
(208) 525-7161

IDWR Western Region  
2735 Airport Way  
Boise, ID 83705-5082  
(208) 334-2190

IDWR Southern Region  
650 Addison Ave W, Suite 500  
Twin Falls, ID 83301-5858  
(208) 736-3033



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

Governor Brad Little

Director Gary Spackman

December 29, 2021

HARRIS FAMILY LTD PARTNERSHIP  
877 W MAIN ST STE 501  
BOISE ID 83702-6018

**RE: WATER SUPPLY BANK LEASE CONTRACT 1458  
FOR WATER RIGHTS 63-365 & 63-8627**

Dear Lessor:

Water rights 63-365 & 63-8627 were leased into the Water Supply Bank (Bank) as of January 1, 2022, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2026**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Jean Hersley*

for  
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region  
SPF Water Engineering LLC



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

Governor Brad Little

Director Gary Spackman

December 13, 2021

HARRIS FAMILY LTD PARTNERSHIP  
877 W MAIN ST STE 501  
BOISE ID 83702-6018

**RE: APPLICATION TO LEASE WATER RIGHTS 63-365 & 63-8627 TO THE WATER SUPPLY  
BANK CONTRACT 1458**

**\*\*\*\*TIME SENSITIVE RESPONSE REQUIRED\*\*\***

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2026**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Jean Hersley*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: SPF Water Engineering LLC

MEMORANDUM

DATE: 12/8/21

TO: 63-365, 63-8627

FROM: Phill Hummer (Water Rights Supervisor)

RE: Application for Lease No. 2183 combined limit calculation

The purpose of this memo is to provide an explanation for the calculation of the portions of rights leased under contract 610 (2017 – 2019) and Contract 1458 (2022 – 2026). In 2017 Harris Family LTD proposed to lease the entire portion of surface right no. 63-365 into the water supply bank. At that time, it was determined 99.6 acres of irrigation were occurring and that based on the combined limits of the right and related ground water rights, the entire portion could not be accepted for lease. Right 63-365 and rights nos. 63-2973, 63-7103, and 63-8627 are limited to a combined total 7.00 cfs, 1575 af, and 350.1 acres. Additionally, the three ground water rights are limited to 350.1 acres and rights no. 63-7103 and 63-8627 are limited to 1054.7 af and 238.5 acres.

| Basin | Sequence | Priority Date | Source List        | Diversion Rate | Volume  | Total Acres | Acres Limit |                      |
|-------|----------|---------------|--------------------|----------------|---------|-------------|-------------|----------------------|
| 63    | 365      | 7/2/1902      | WARM SPRINGS CREEK | 7.000          | 1,575.4 | 355.0       | 349.4       | excluding Mitigation |
| 63    | 2973     | 12/28/1953    | GROUND WATER       | 0.330          | 85.9    | 425.7       | 19.1        | excluding Mitigation |
| 63    | 7103     | 6/25/1968     | GROUND WATER       | 1.200          | 363.0   | 355.0       | 80.5        |                      |
| 63    | 8627     | 3/21/1977     | GROUND WATER       | 1.420          | 690.1   | 195.0       | 195.0       |                      |
|       |          |               | sum                | 2.6            | 1,053.1 | 550.0       | 275.5       |                      |
|       |          |               | limit              |                | 1,054.7 | 238.5       | 238.5       |                      |
|       |          |               | sum                | 10.0           | 2,714.4 | 1,330.7     | 644.0       |                      |
|       |          |               | sum with limit     | 9.95           | 2,716.0 | 1,019.2     | 1,019.2     |                      |
|       |          |               | Limit All          | 7.0            | 350.1   |             | 350.1       |                      |
|       |          |               | Limit GW           |                |         |             | 350.1       |                      |

Table 1. Water right information showing rates, volumes, acres of each right including limits.

On September 23, 2021, Harris Family LTD proposed to lease 63-365 and 63-8627 again following the expiration of Contract No. 610, the new contract will be for 2022 through 2026. The amounts available for lease and the remaining portions were calculated by staff in 2017 and will again be accepted. The following is an explanation of those calculations.

The portions of the total limit that can be accepted is based on a reduction due to 99.6 acres of irrigation that is occurring:

350.1 acres – 99.6 acres = 250.5 acres of the total limit can be leased. This is equivalent to:

(7.0 cfs / 350.1 ac) \* 250.5 = 5.008 cfs rounded up to 5.01 cfs, and a volume of:

(1575 af / 350.1 ac) \* 250.5 = 1126.928 af rounded up to 1130 af per Application Processing Memo No. 6.

The amount of ground water that must be leased is also based on the 99.6 ac of irrigation occurring and assumes senior rights are satisfied first:

99.6 acres occurring = 19.1 ac of 63-2973 (1953 priority) + 80.5 ac (1968 priority)

This means that 63-2973 and 63-7103 are fully satisfied and the remaining non irrigated acres are equal to:

238.5 ac (limit of 63-7103 and 63-8627) – 80.5 ac = 158 acres that are not being irrigated under 63-8627, which can be accepted into the water supply bank. Which is equivalent to:

A diversion rate of  $(1.42 \text{ cfs} / 195) * 158 \text{ ac} = 1.150 \text{ cfs}$  and a volume of:

$(690.1 \text{ af} / 195 \text{ ac}) * 158 \text{ ac} = 559.15 \text{ af}$  rounded to 559 per Application Processing Memo No. 6.

A different approach, and one that has been used to process other applications, would be to require an equivalent portion of each of the ground water rights to be leased along with 249.8 acres of surface water. I don't think that approach would be mathematically incorrect. But this approach considers priority administration of ground water and the conditions of water right no. 63-8627, which make it supplemental and fully stacked with surface water use. By reducing the total combined limit by the number of acres irrigated, 99.6 acres can be irrigated under the two most senior rights.



|  |    |      |             |         |        |            |                                   |       |       |       |      |              |             |
|--|----|------|-------------|---------|--------|------------|-----------------------------------|-------|-------|-------|------|--------------|-------------|
|  | 63 | 7103 | Water Right | Decreed | Active | 6/25/1968  | IRRIGATION                        | 1.200 | 363.0 | 355.0 | 80.5 | GROUND WATER | BOISE RIVER |
|  | 63 | 2973 | Water Right | Decreed | Active | 12/28/1953 | IRRIGATION, mitigation by non use | 0.420 | 108.0 | 355.0 | 19.1 | GROUND WATER | BOISE RIVER |
|  |    |      |             |         |        |            | additive amounts                  | 1.620 | 471.0 |       | 99.6 |              |             |

POU overlap

|             |    |      |             |         |        |            |                                   |       |         |       |       |                    |             |
|-------------|----|------|-------------|---------|--------|------------|-----------------------------------|-------|---------|-------|-------|--------------------|-------------|
| 796 acres   | 63 | 7103 | Water Right | Decreed | Active | 6/25/1968  | IRRIGATION                        | 1.200 | 363.0   | 355.0 | 80.5  | GROUND WATER       | BOISE RIVER |
|             | 63 | 2973 | Water Right | Decreed | Active | 12/28/1953 | IRRIGATION, MITIGATION BY NON-USE | 0.420 | 108.0   | 355.0 | 19.1  | GROUND WATER       | BOISE RIVER |
| 354.2 acres | 63 | 365  | Water Right | Decreed | Active | 7/2/1902   | IRRIGATION, MITIGATION BY NON-USE | 7.000 | 1,574.4 | 355.0 | 349.4 | WARM SPRINGS CREEK | BOISE RIVER |
| 195         | 63 | 8627 | Water Right | Decreed | Active | 3/21/1977  | IRRIGATION                        | 1.420 | 690.1   | 195.0 | 195.0 | GROUND WATER       |             |

638627

158.0 rentable due to combined limit with 7103

195-(275.5-238.5) =37 acres

lease 610

|    |      |      |        |       |      |      |      |
|----|------|------|--------|-------|------|------|------|
| 63 | 365  | 5    | 1126.3 | 249.8 | 0.71 | 0.72 | 0.70 |
| 63 | 8627 | 1.15 | 559.2  | 158   | 0.81 | 0.81 | 0.81 |

left out 99.6 acres of 63-365 due to combined of 63-7103 and 63-2973  
349.4-99.6=249.8  
2017 review states 37 acres is overlapped by 63-7103  
195-37=158



0004060740



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 #: 0004060740

Date Filed: 11/5/2020 4:03:18 PM

Entity Name and Mailing Address:

Entity Name: HARRIS FAMILY LIMITED PARTNERSHIP  
The file number of this entity on the records of the Idaho Secretary of State is: 0000020599  
Address: LENIR LTD. DOUG FOWLER  
877 W MAIN ST  
STE 501  
BOISE, ID 83702-6094

Entity Details:

Entity Status: Active-Current  
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: L3261

The registered agent on record is:

Registered Agent: BRIAN R HARRIS  
Registered Agent  
Physical Address  
2232 S. CROSSCREEK LN  
BOISE, ID 83706  
Mailing Address

Limited Partnership General Partners

| Name                    | Business Address                      |
|-------------------------|---------------------------------------|
| + Felicia H. Burkhalter | 2710 SHADY LANE<br>BOISE, ID 83716    |
| + Millie H Davis        | 2563 SHADY LANE<br>BOISE, ID 83716    |
| + Brian R Harris        | 2322 CROSSCREEK LN<br>BOISE, ID 83716 |

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

Doug Fowler

Sign Here

Job Title: Manager

11/05/2020

Date

## Hersley, Jean

---

**From:** Condon, Mary  
**Sent:** Wednesday, November 24, 2021 3:34 PM  
**To:** Hersley, Jean  
**Cc:** Hummer, Phill; Parker, Cody; Bank  
**Subject:** FW: Information Request Harris Family LTD  
**Attachments:** IDWR Requested Map.pdf; WR Report 63-2973 (shown as current).pdf; WR Report 63-2973 (upated 1-18-2017).pdf

FYI -response from Lori regarding 63-365 and 63-8627

**From:** Lori Graves <LGraves@spfwater.com>  
**Sent:** Wednesday, November 24, 2021 3:01 PM  
**To:** Condon, Mary <Mary.Condon@idwr.idaho.gov>  
**Cc:** Steve Hannula <SHannula@spfwater.com>  
**Subject:** Information Request

Hi Mary,

As requested, attached is a map of the place of use for water rights 63-7103 and 63-2973. Water right 63-7103 allows irrigation of 80.5 acres and water right 63-2973 allows irrigation of 19.1 acres, both within a common 355-acre permissible place of use. Please note, the proof report that currently pops up in the Department's database for water right 63-2973 does not reflect the attached record updated by the Department in 2017 as a result of their BUFE findings for water right 63-32966. Attached are both records for comparison. Please update the Department's database accordingly.

The Harris Family also have 195 acres/shares assessed under Boise-Kuna Irrigation District. The place of use for the BKID water is shown on the attached map as established by a 2019 Settlement Agreement between the Harris Family and BKID.

The pond areas authorized under water right 63-32966 are also shown on the map. Water right 63-184 is appurtenant to other lands east of Harris Family LP property. Please let me know if you have any further questions.

Regards,  
Lori

**From:** Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>  
**Sent:** Tuesday, November 23, 2021 4:08 PM  
**To:** Lori Graves <[LGraves@spfwater.com](mailto:LGraves@spfwater.com)>  
**Cc:** Hummer, Phill <[Phill.Hummer@idwr.idaho.gov](mailto:Phill.Hummer@idwr.idaho.gov)>; Bank <[Bank@idwr.idaho.gov](mailto:Bank@idwr.idaho.gov)>  
**Subject:** Harris Family Lease

Hi Lori,

We are reviewing the lease application for 63-365 and 63-8627 and have a couple of questions regarding the idled lands and use of water still occurring.

Could you please provide us with a map or shapefiles of the lands irrigated with 63-7103 and 63-2973? Additionally, if Harris Family is using irrigation shares, of Boise Kuna Irrigation or other, please provide us with where those are used and how much. There is also water right 63-32966 and 63-184 if those are being used on the overlapping idled lands.

Best,  
Mary

Mary Condon  
Water Supply Bank Specialist



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

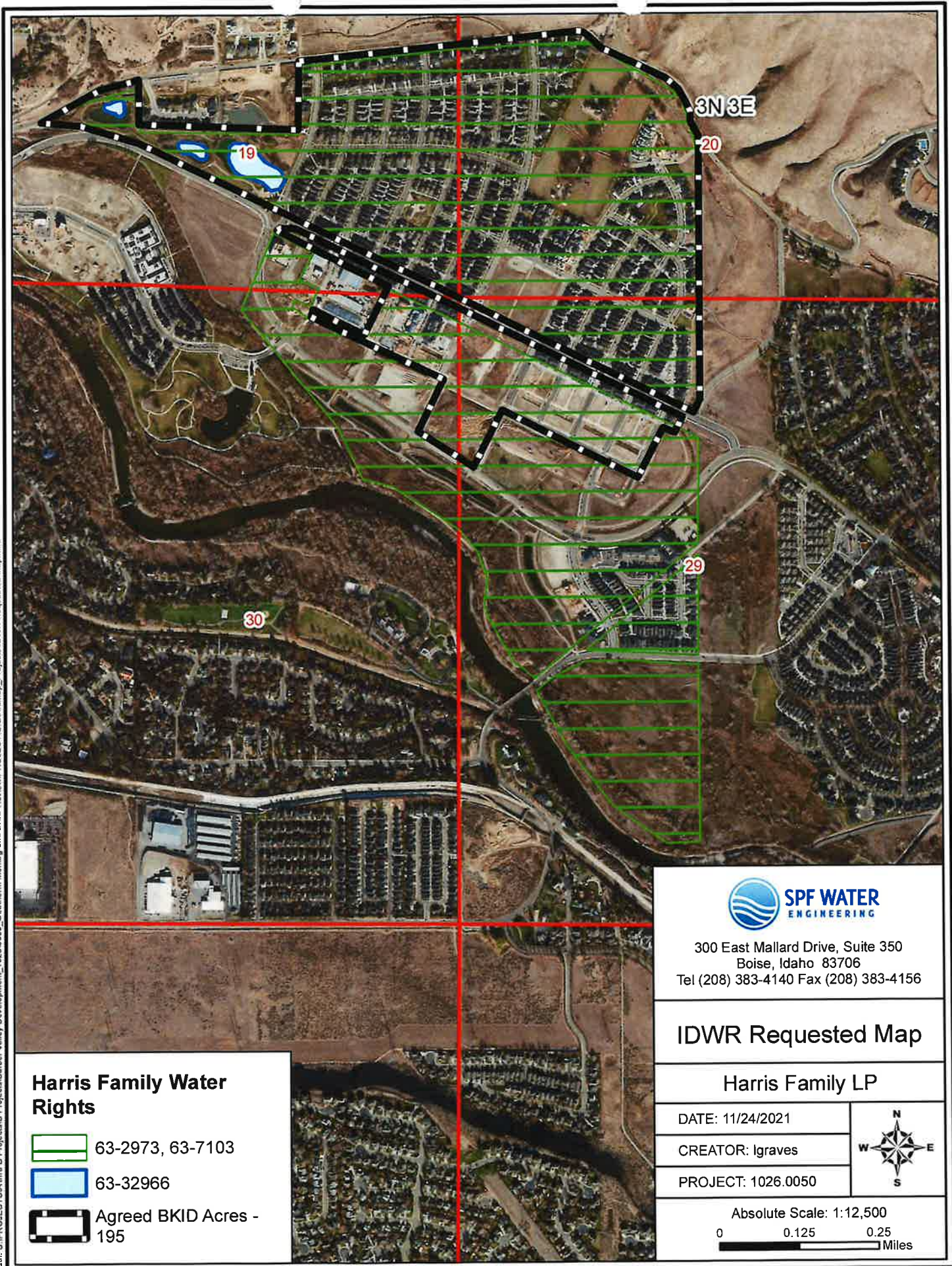
Planning & Projects

[mary.condon@idwr.idaho.gov](mailto:mary.condon@idwr.idaho.gov)

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.

Path: S:\PROJECTS\IA thru D Projects\Barber Valley Development\_10260050\_Geotherm Monring and BKID Review\PROJECT\GIS\ArcMap\_Projects\IDWR Requested Map.mxd



WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Harris Family LTD

Memo Date: December 6, 2021

Water Right Number(s): 63-365 & 63-8627

Reviewers Name: jean

Quick Tools

| Decreed 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)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |           |    |                    |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 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)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |           |    | 2008               |
|    | 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         |    | 2008               |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |    |                    |
| 7  | Injury to other water rights                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |    |                    |
|    | If the POD is through a delivery entity, was consent provided?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |           | na |                    |
|    | If the POD is through a delivery entity, was holdback required? (percentage in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |    | %                  |
|    | Any other concerns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |    |                    |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |    |                    |
| 8  | Enlargement concerns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Check 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  |                    |
|    | Send the watermaster comment request form or e-mail request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |    |                    |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |    |                    |
| 11 | Area Headgate requirement (write in Comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |           |    | 4.5                |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |    |                    |
| 12 | Is water right involved in any other department action? Pull file and check database<br>( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           | x  |                    |
| 13 | <p><b>Narrative:</b> The department received the applications September 23, 2021. These rights overlap with 63-2973 (limited to 19.1 acres) and 63-7103 (limited to 80.5 acres) and water from Boise-Kuna Irrigation District (195 acres). With overlaps , the total available for rental will be 250.5 acres, 5.01 cfs and 1127.3 af. Both rights were decreed in 2008 and 63-365 has been in the Bank since then and 63-8627 has been in the Bank since 2017 but it is not subject to forfeiture do to the condition that states it is not to be used if the surface water right has been leased. Water right 63-365 is currently within WD 63T which is not currently active and is not part of WD 63.</p> |           |    |                    |