

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

RECEIVED
DEC 28 2021
DEPARTMENT OF
WATER RESOURCES
SUPPORT DATA
IN FILE # 03-365

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
Combined Lease Totals			5.01	1130.0	250.5

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
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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 L4			0.9 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 L5	17.3	19 L3	19 L4	2.0 L4	8.0 L3					154.0
03N	03E	30	27 L9	7.3		7.0 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.

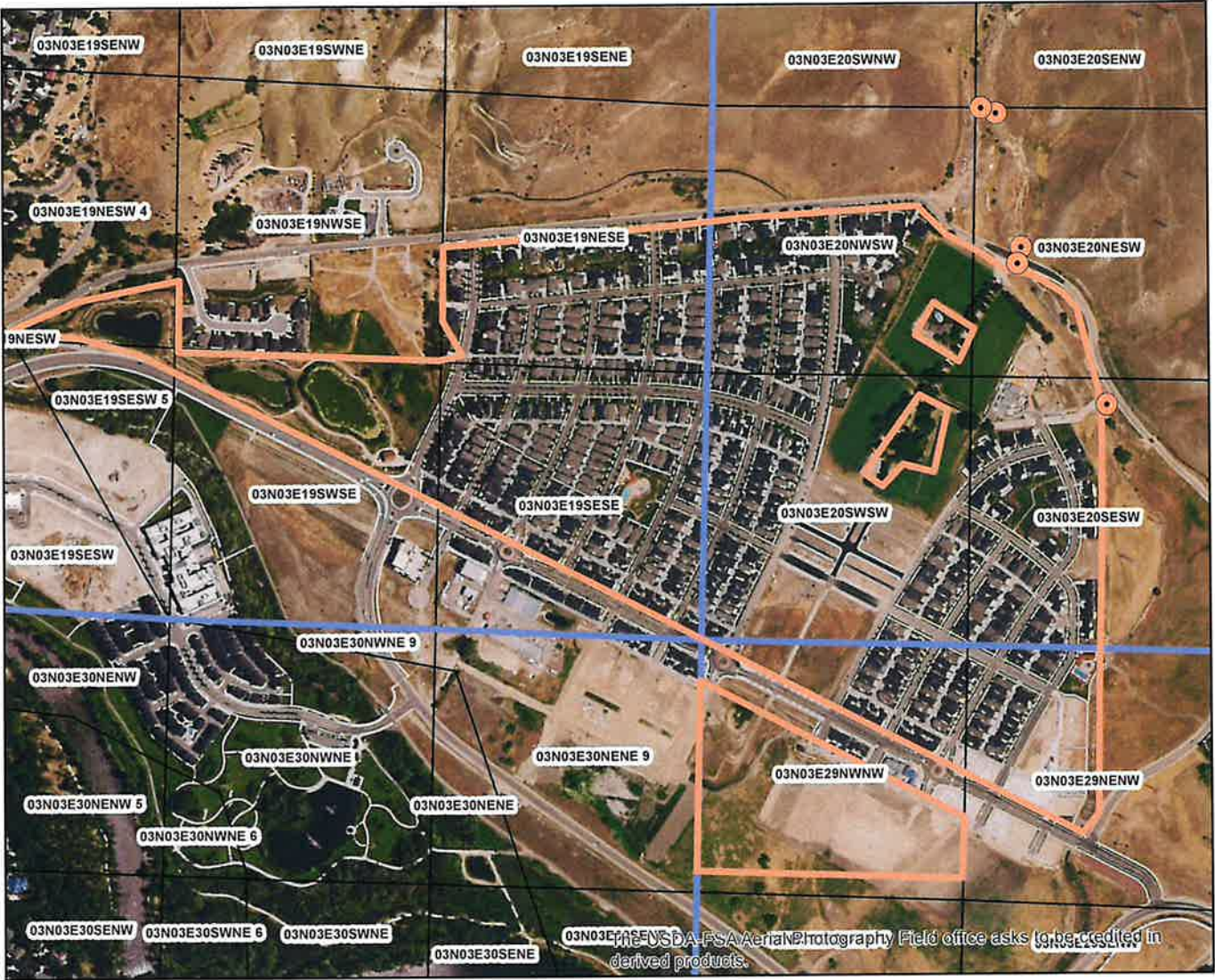
WATER SUPPLY BANK LEASE CONTRACT No. 1458

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.

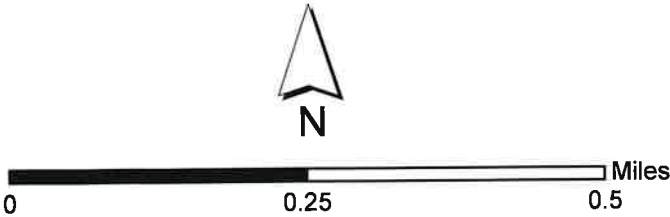
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1458

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

RECEIVED

SEP 23 2021

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Harris Family LTD Partnership

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

Water Right No. 63-365

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for *all owners* of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ <u>500</u>	Received By: <u>MS</u>	Date Received: <u>9/27/21</u>	Receipt # <u>C111028</u>
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9:	

2183

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.
headgate, ditches

- 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, 63-8627 (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. This right is for flood water from an unreliable source. The pou has been converted to a pressurized ground water irrigation system. The undependable nature of Warm Springs Creek makes this right impractical to use in the pressurized system.

- 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 ☐
Mitigation use is not being offered for lease.

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

Doug Fowler
Printed Name

9-22-2021
Date

Signature of Authorized Representative

Printed Name

Date

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

STATE OF IDAHO
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
63-365	Irrigation	7.0	1575.4	349.4
	Total Amounts:	7.0	1575.4	349.4

2. Source of water Warm Springs Creek tributary to Boise River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
3N	3E	20			NE	SW	Ada

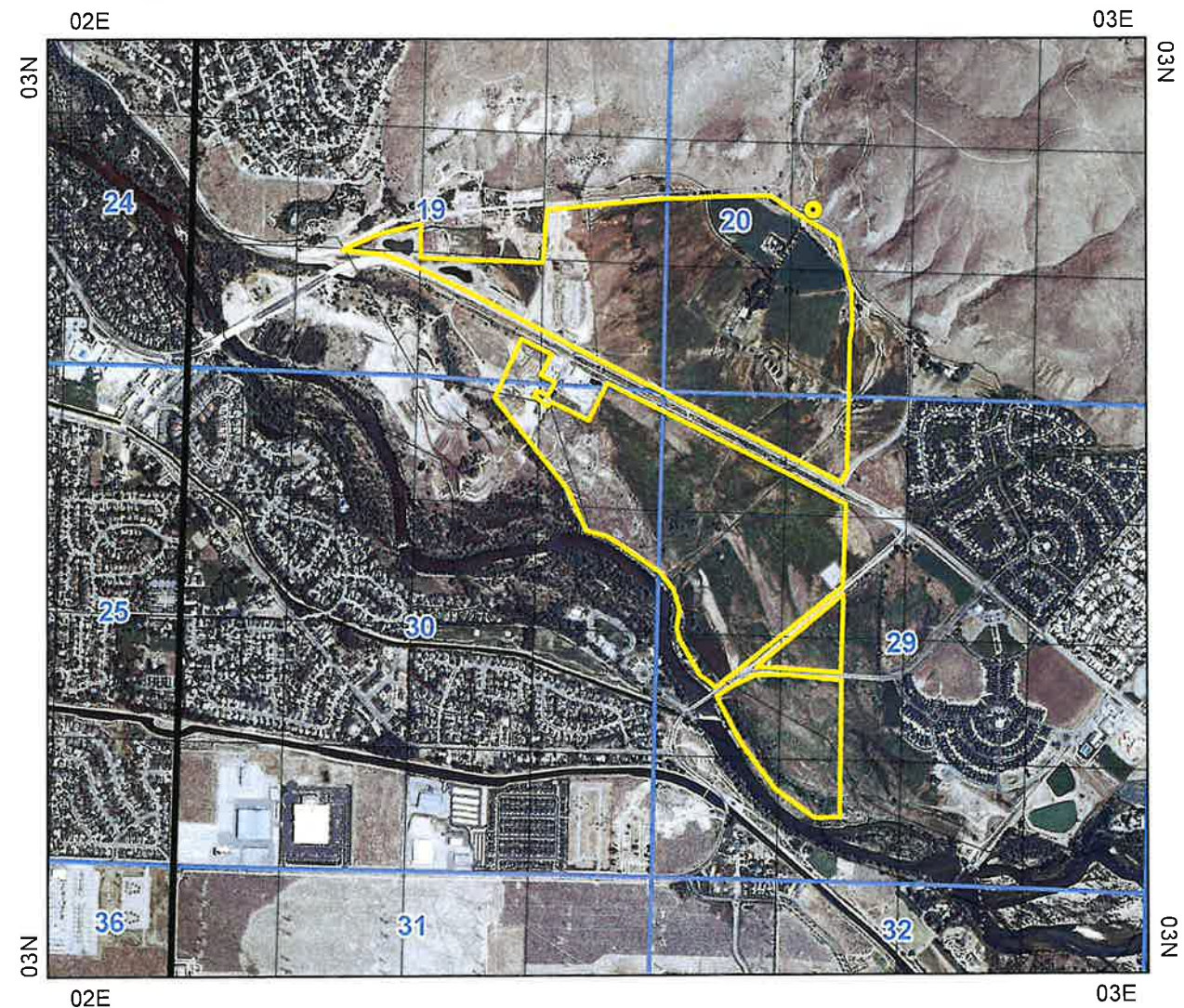
State of Idaho
Department of Water Resources

Water Right

63-365

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 0.225 0.45 0.9 Miles

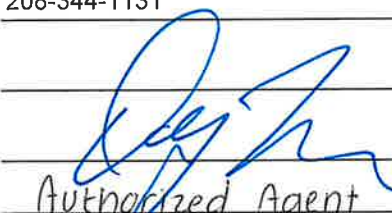


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**CHANGE IN ADDRESS**

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, 63-19099Name(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 Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

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

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 • Website: 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. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Jean Hershey

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region
SPF Water Engineering LLC



IDAHO DEPARTMENT
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

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 or 208-287-4800.

Sincerely,

Jean Hershey

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 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	Acre 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 accpeted is based on a reduction due to 99.6 acres of irrigation that is occuring:

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	left out 99.6 acres of 63-365 due to combined of 63-7103 and 63-2973		
	63	8627	1.15	559.2	158	0.81	0.81	0.81	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									
<table><thead><tr><th>Name</th><th>Business Address</th></tr></thead><tbody><tr><td>+ Felicia H. Burkhalter</td><td>2710 SHADY LANE BOISE, ID 83716</td></tr><tr><td>+ Millie H Davis</td><td>2563 SHADY LANE BOISE, ID 83716</td></tr><tr><td>+ Brian R Harris</td><td>2322 CROSSCREEK LN BOISE, ID 83716</td></tr></tbody></table>		Name	Business Address	+ Felicia H. Burkhalter	2710 SHADY LANE BOISE, ID 83716	+ Millie H Davis	2563 SHADY LANE BOISE, ID 83716	+ Brian R Harris	2322 CROSSCREEK LN BOISE, ID 83716
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+ Brian R Harris	2322 CROSSCREEK LN BOISE, ID 83716								
The annual report must be signed by an authorized signer of the entity.									
Doug Fowler Sign Here	11/05/2020 Date								
Job Title: Manager									

RECEIVED BY ID SECRETARY OF STATE LAW ENFORCEMENT DIVISION

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>
Sent: Tuesday, November 23, 2021 4:08 PM
To: Lori Graves <LGraves@spfwater.com>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; Bank <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

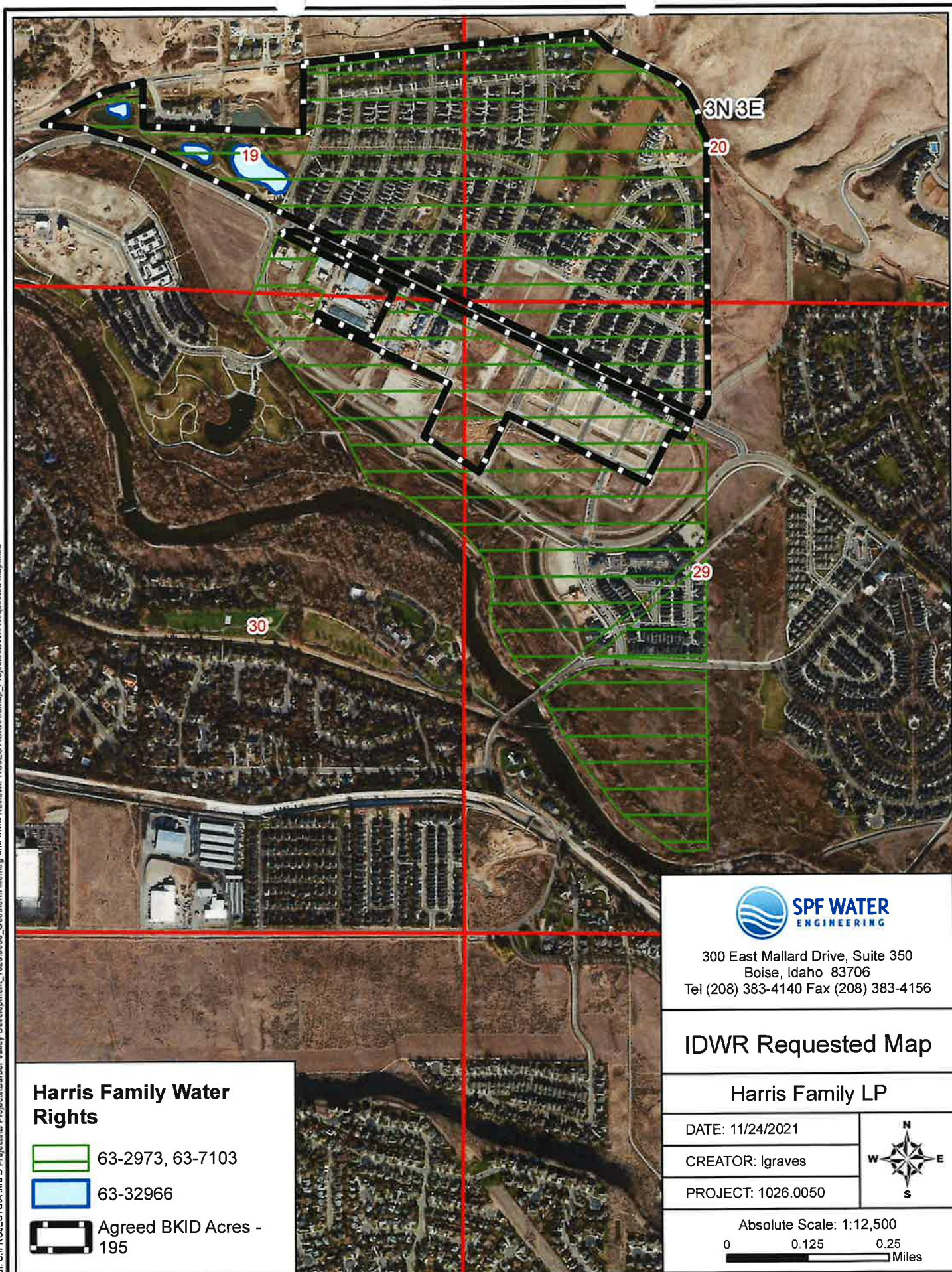
Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

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

Path: S:\PROJECTS\A thru D Projects\Barber Valley Development_10260050_Geotherm Monitng and BKID Review\PROJECT\GIS\ArcMap_Project\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

Decreed Year

2011

2012

2013

2014

2015

No Forfeiture Concerns Thru:

2017

2018

2019

2020

2021

1

Fill out WSB Data Entry Checklist for Leases (Front of File)

x

COMMENTS/CONCERNS:

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

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

x

() Ownership Change () Transfer () Mitigation () Other - Explain in comments

13

Narrative: 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.