

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1393

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

LESSOR: BLACK CANYON BLISS LLC
20511 F ST
RUPERT, ID 83350

RECEIVED

APR 08 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 March 12, 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)
37-793	4/1/1888	SPRINGS, tributary to SNAKE RIVER	0.29	Not Stated	13.4
37-21721	4/1/1888	SPRINGS, tributary to SNAKE RIVER	0.42	Not Stated	13.4
37-7216	4/2/1973	SPRINGS, tributary to SNAKE RIVER	0.37	55.5	13.4
Combined Limit Totals			0.70	Not Stated	13.4
Combined Lease Totals			0.70	Not Stated	13.4

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-793	0.29	53.6	13.4	0.022	4.00
37-21721	0.42	53.6	13.4	0.031	4.00
37-7216	0.00	0.0	00.0	0.000	0.00
Combined Limit Totals	0.70	53.6	13.4	0.016	4.00

WATER SUPPLY BANK LEASE CONTRACT No. 1393

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits and a defined volume limit that is based on the regional field headgate irrigation standard of 4.0 afa/acre.*

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2021 to December 31, 2025. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
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

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

LESSOR: BLACK CANYON BLISS LLC
20511 F ST
RUPERT, ID 83350

By Bryan Lentz
Title Manager
Date 4-6-21

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

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 6/16/21

Lease approved by IDWR Phumma

Date 6/16/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1393

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): 37-7216, 37-793, 37-21721

SPRINGS NENWNW Sec. 17 Twp 06S Rge 13E GOODING County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-7216

SPRINGS SESWSW Sec. 8 Twp 06S Rge 13E GOODING County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-793, 37-21721

SPRINGS NESESE Sec. 17 Twp 06S Rge 13E GOODING County

SPRINGS NENW Sec. 17 Twp 06S Rge 13E GOODING County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-7216	IRRIGATION	04/01	to	11/01	0.370 cfs	55.50 AF
37-793	IRRIGATION	03/15	to	11/15	0.290 cfs	Not Stated
37-21721	IRRIGATION	03/15	to	11/15	0.420 cfs	Not Stated
Totals:					0.700 cfs	Not Stated

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	
06S	13E	8											0.6						0.6
06S	13E	17						1.6	9.6 L1	0.5									11.7
06S	13E	18				1.1 L7													1.1

Total Acres: 13.4

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

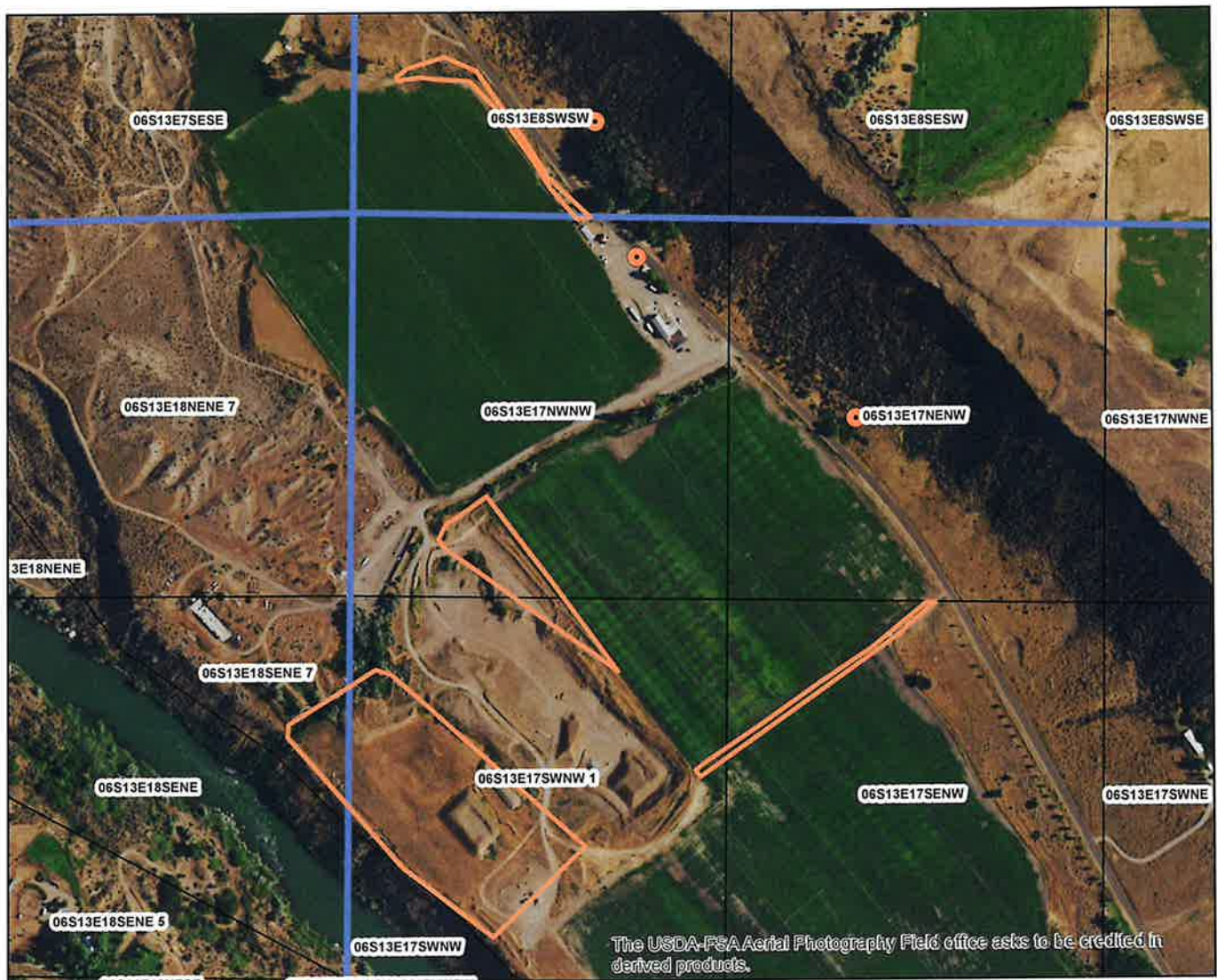
WATER SUPPLY BANK LEASE CONTRACT No. 1393






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.
12. Point of diversion sources for water rights 37-793 and 37-21721 are also known as Montana Mining Company Ditch Spring No. 9, Montana Mining Company Ditch Spring No. 10 and Montana Mining Company Ditch Spring No. 11.
13. The use of water for irrigation under right 37-7216 may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.
14. The unleased portion of water right nos. 37-793, 37-7216 and 37-21721 are limited to the irrigation of a combined total of 65.3 acres in a single irrigation season and are limited to a total combined diversion rate of 3.7 cfs for irrigation.
15. Water right 37-7216 has 2 points of diversion located in the NWNW, S17, T6S, R13E.
16. Water right 37-7126 when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
17. In the event of a call in times of scarcity, the diversion of water for water rights 37-793 & 37-21721 from the point of diversion located in T06S, R13E, S17, NESESE(also known as Montana Mining Company Spring No. 9) is junior to the diversion of water from the same spring for Water Right Nos. 37-7218 and 37-21222.
18. Source in T06S, R13E, S17, NENWNW for water right 37-7216 is also known as Montana Mining Company Ditch Spring No. 11.

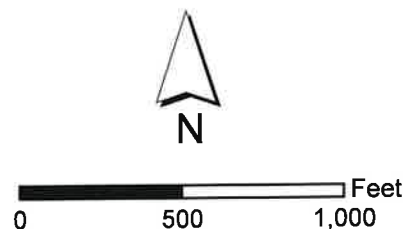
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1393

37-793, 37-7216 & 37-21721
Effective until December 31, 2025

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



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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 12 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant BLACK CANYON BLISS LLC

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

Water Right No. 37-793

(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>500.00</u>	Received By: <u>dy</u>	Date Received: <u>3/12/2021</u>	Receipt # <u>C110041</u>
W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Route W-9 to Fiscal)		Name on W-9: <u>Black Canyon Bliss</u>	

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 BLACK CANYON BLISS LLC

Mailing Address 20511 F ST. RUPERTY, IDAHO 83350

Street

City

State

Zip Code

Email Address _____

Phone Number (208) 532-4119

- ☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

- ☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan

Organization Brockway Engineering, PLLC.

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N. Washington St. Suite 4

Phone Number (208) 736-8543

- ☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

- ☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

- ☐ The full water right is being offered to the Bank.

OR

- ☒ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).
- B. Please provide a description of the current water diversion and delivery system.
Springs source collect in ditch, pumped and applied with use of wheel/hand lines.

- 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. 37-793, 37-7216 & 37-21721 have combined POU and limit 92.0 acres at this location

- 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. Only 13.4 acres of the 92 acres allowed will be placed in the Water Supply Bank. The remaining acres will continue to be irrigated under these water rights.

- 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. The 13.4 acres have been under lease contract from 2016 through 2020.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2021 to 2025 (maximum lease period 5 calendar years).
(Year) (Year)

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

Current rental rate _____

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

The Designated Applicant acknowledges the following:

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

Signature of Designated Applicant

Bryan Jentzsch
Signature of Authorized Representative

Printed Name

Bryan Jentzsch
Printed Name

Date

3-2-21
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) |
|------------------------------|-----------------------|-----------------------------|------------------------------|-----------------------------|
| <u>37-793</u> | <u>IRRIGATION</u> | <u>0.29</u> | <u>53.6</u> | <u>13.4</u> |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | Total Amounts: | | | |

2. Source of water _____ SPRINGS _____ tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06S	13E	17			NE	NW	SPRINGS
06S	13E	17		NE	NW	NW	SPRINGS
06S	13E	17		NE	SE	SE	SPRINGS







JENTZSCH-KEARL FARMS- BLISS FARM, BLACK CANYON

0 500 1,000 Feet

WATER BANK LEASE 2021-2025
NAIP 2019 AERIAL

Legend

- BCB_PODs
-  37-21721, 793
 -  37-7216
 -  IRRIGATION POU
 -  WSB_LEASE_2021-25_BCB

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 3/2/2021





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 17, 2021

BLACK CANYON BLISS LLC
20511 F ST
RUPERT ID 83350

RE: **WATER SUPPLY BANK LEASE CONTRACT 1393
FOR WATER RIGHT 37-793, 37-7216 & 37-21721**

Dear Lessor:

Water rights **37-793, 37-7216 & 37-21721** were leased into the Water Supply Bank (Bank) as of January 1, 2021, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2025**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region
Water District No.130
Brockway Engineering PLLC

Hersley, Jean

From: Erickson, Nathan
Sent: Thursday, April 1, 2021 2:44 PM
To: Hersley, Jean; Skinner, Corey
Subject: RE: WSB Lease for Black Canyon Bliss 37-793, 37-7216 & 37-21721

Looks good. I have no concerns. Thanks!

From: Hersley, Jean
Sent: Thursday, April 1, 2021 2:06 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: WSB Lease for Black Canyon Bliss 37-793, 37-7216 & 37-21721

Please let me know if you have any comments or concerns with the attached lease. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 2, 2021

BLACK CANYON BLISS LLC
20511 F ST
RUPERT ID 83350-9476

RE: APPLICATION TO LEASE WATER RIGHTS 37-793, 37-7216 & 37-21721 TO THE WATER
SUPPLY BANK CONTRACT 1393

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

Dear Applicant:

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

The right will automatically be released from the Bank on **December 31, 2025**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

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

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

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Brockway Engineering PLLC- Greg Sullivan

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 1, 2021 2:06 PM
To: Erickson, Nathan; Skinner, Corey
Subject: WSB Lease for Black Canyon Bliss 37-793, 37-7216 & 37-21721
Attachments: Idled Acres.pdf; Lease Application Review.xls; Lease Contract -1393.docx

Please let me know if you have any comments or concerns with the attached lease. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Black Canyon Bliss LLC

Memo Date: April 1, 2021

Water Right Number(s): 37-793, 37-7216, 37-21721

Reviewers Name: Jean

Quick Tools

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

	Check box		COMMENTS/CONCERNS:
1	<input checked="" type="checkbox"/>	Fill out WSB Data Entry Checklist for Leases (Front of File)	
2	<input checked="" type="checkbox"/>	Reason for lease of water rights (Brief description of lease proposal in narrative)	
	<input checked="" type="checkbox"/>	Portion of right	
	<input checked="" type="checkbox"/>	All of right	
3	<input checked="" type="checkbox"/>	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)	
	<input checked="" type="checkbox"/>	Yes	No
4	<input checked="" type="checkbox"/>	Rentable? (If no explain in comments or narrative)	
5	<input checked="" type="checkbox"/>	Authority to file	
	<input checked="" type="checkbox"/>	Current owner or designated applicant	
	<input checked="" type="checkbox"/>	SOS Web site checked for business entity	
	<input checked="" type="checkbox"/>	Other (explain in comments)	
6	<input checked="" type="checkbox"/>	Water Right validity	
	<input checked="" type="checkbox"/>	Decreed/Licensed/Statutory claim date (write in comments section)	2007
	<input checked="" type="checkbox"/>	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.)	
	<input checked="" type="checkbox"/>	Has this right previously been leased to the bank or in CREP?	2010-2020
7	<input checked="" type="checkbox"/>	Injury to other water rights	
	<input checked="" type="checkbox"/>	If the POD is through a delivery entity, was consent provided?	na
	<input checked="" type="checkbox"/>	If the POD is through a delivery entity, was holdback required? (percentage in comments)	%
	<input checked="" type="checkbox"/>	Any other concerns	
8	<input checked="" type="checkbox"/>	Enlargement concerns	
	<input checked="" type="checkbox"/>	Complete a POU comparison overlap analysis	
	<input checked="" type="checkbox"/>	Complete a combined limits review	
	<input checked="" type="checkbox"/>	Complete POD overlap analysis (if there is an overlap add condition to lease)	
	<input checked="" type="checkbox"/>	Yes	No
	<input checked="" type="checkbox"/>	Are there overlapping rights that need to be placed in the bank also?	
	<input checked="" type="checkbox"/>	Will the place of use continue to receive water? (if yes explain in comments)	
9	<input checked="" type="checkbox"/>	Local Public Interest	
	<input checked="" type="checkbox"/>	Does the processor know of any problems this action will cause for the local public?	
10	<input checked="" type="checkbox"/>	Have you contacted regional office and watermaster for comment/concerns?	
	<input checked="" type="checkbox"/>	Send the watermaster comment request form or e-mail request	
11	<input checked="" type="checkbox"/>	Area Headgate requirement (write in Comments)	4
12	<input checked="" type="checkbox"/>	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments	
13		Narrative: The Department received these applications on March 12, 2021. The applicant wishes to place 13.4 acres in the Bank. These acres have been in the Bank since 2010. These rights were decreed in 2007. There are no issues with forfeiture. These rights overlap with rights from the Northside Canal Co. but the applicant doesn't indicate that water from Northside will be used. Water right 37-7126 won't be rentable. The irrigation rate is included in the overall rate of 4.0 cfs which is the rate for the fish propagation. It shouldn't be an issue as the the combined limit for these three rights is 4.157 comes from the additive rate of 37-793 and 37-21721. These rights are currently within WD 130.	



0004196408

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***STATEMENT OF DISSOLUTION LIMITED LIABILITY COMPANY**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

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

File #: 0004196408

Date Filed: 3/4/2021 1:23:01 PM

Statement of Dissolution (LLC or PLLC)

Select one: Standard, Expedited or Same Day Service (see descriptions below) Standard (filing fee \$0)

1. The name of the limited liability company is:

BLACK CANYON BLISS, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000153832

2. The date the certificate of organization was originally filed is:

02/13/2006

3. Other information concerning the dissolution (optional):

This business entity has been dissolved and no longer does business as of 12-31-2020

4. Effective Date

The dissolution shall be effective when filed with the Secretary of State.

5. Name and address to return acknowledgment copy of this form to (if submitted by mail):

Name of individual or organization

Bryan Jentzsch

Address

20511 F ST
RUPERT, ID 83350-9476

The Statement of Dissolution must be signed by a manager, member, or authorized person.

David Coats

Sign Here

03/04/2021

Date

Job Title: Member

BU003-2/20 03/04/2021 1:23 PM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 12 2021

DEPARTMENT OF
WATER RESOURCES

March 9, 2021

Remington Buyer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Black Canyon Bliss LLC

Dear Mr. Buyer:

Black Canyon Bliss LLC is submitting three lease applications for water rights 37-21721, 37-793 and 37-7216. Portions of these three water rights have been under lease contract with the Water Supply Bank since 2010. The lease applications that are being submitted at this time will extend the lease period to 2025.

Please copy our office on all correspondence regarding these applications.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: Bryan Jentzsch

Enc: Three Lease Applications, Aerial Maps, Brockway Engineering Check# 16328
for \$500.00