

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 526

RECEIVED

JUL 12 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

LEE H SUTTON
1577 E 10000 S
REXBURG, ID 83440

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
22-7336	10/22/1980	GROUND WATER	0.92	161.0	46.0	0.02	3.5
Combined Rental Totals			0.92	161.0	46.0	0.02	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2025. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2021, whichever occurs last.

Annual Rental Fee:

2021 - 2022: \$3,220.00 annually
2023 - 2025: \$3,703.00 annually

The full fee for the rental of the above-described right(s) is \$3,220.00 per year for years 2021 - 2022 and \$3,703.00 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$322.00 per year for years 2021 - 2022 and \$370.30 per year for years 2023 - 2025.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 526

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Lee H. Sutton
Signature of Renter

7-8-21
Date

Lee H. Sutton
Printed Name

7-8-21
Title OWNER

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

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

Date 7/24/21

Rental approved by IDWR Phum

Date 7/24/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 526

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec. 2, Twp 04N, Rge 40E, MADISON County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.92 CFS

VOLUME
161.0 AF

SEASON OF USE

4/1 10/31

RENTERS PLACE OF USE: 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	
04N	40E	3	32 L1	9.5 L2	0.5	4													46.0

Total Acres: 46.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from 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.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. The following rights are diverted through point(s) of diversion described above: 22-2242A, 22-2242B, 22-7336 and 22-10897.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 526

11. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
12. Use of water under this right 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. 100.
13. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.



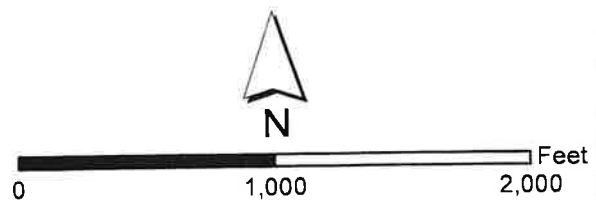
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 526

Effective until December 31, 2025

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 05 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Lee Sutton

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☒ ☐ Detailed information on a proposed use of rental water
- 3F ☒ ☐ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☐ ☒ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☒ ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☒ ☐ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☒ ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

22-7336

2024

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Lee Sutton

Mailing Address 1577 E. 10000 S. Rexburg Idaho 83440
Street City State Zip Code

Email Address lhsutt@ida.net Phone Number (208) 356-6392

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
 If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Robert L. Harris Professional Title Attorney
 Organization Holden, Kidwell, Hahn & Crapo, P.L.L.C. Relationship to Applicant Attorney
 Mailing Address P.O. Box 50130
 Email Address rharris@holdenlegal.com Phone Number (208) 523-0620

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental 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 irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:
The Applicant desires to rent water to continue with the same prior Water Supply Bank Rental Agreement (see attached) which expired in 2020. The rental allows 46 additional acres to be irrigated on Applicant's farm above what his existing water rights allow him to irrigate.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.92 CFS	161 AF	0.46 CFS	N/A AF	46 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
04/1/2021	5/1/2021	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Well and mainlines into pivots. System is already installed and fully operational.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
NWSESW, Sec. 2, 4N, 40E	Ground water	22-2242A, 22-2242B, and 22-10897

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☒ No ☐
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☒ N/A ☐
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 46 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

None.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
22-7336	Irrigation	1.60	287.0	82.0		0.92	161	46
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.92	161	46
						CFS	AF	AC

*Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

This same rental was allowed previously. The water right owner was approached by the Applicant to sell the water right to the Applicant, but the water right owner is not willing to sell.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒

If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒

If yes, describe the date and location of the NOV.

- D. Additional Information

Just like the prior approved rental, the actual diversion at the Applicant's place of use will be limited to 0.92 cfs, 161.0 AF and the irrigation of 46 acres annually.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Signature of Applicant

Printed Name of Applicant

Date


Signature of Representative

Robert L. Harris

Printed Name of Representative

March 1, 2021

Date

Mail to:

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



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

October 22, 2020

LEE H SUTTON
1577 E 10000 S
REXBURG ID 83440

**RE: EXPIRATION OF WATER SUPPLY BANK RENTAL AGREEMENT FOR WATER RIGHTS:
22-7336**

Dear Renter,

Idaho Department of Water Resources (Department) records show that your rental agreements for the above and below listed water rights will expire at the end of 2020:

Rental Agreement ID	Water Rights Rented	Agreement Start	Agreement End
14	22-7336	04/01/2017	12/31/2020

Once the rental agreements above conclude, any diversion or use of water under these rentals will no longer be authorized. If you wish to rent water in the future, and you have not already done so, you can download and complete an [Application to Rent Water Rights from the Water Supply Bank](#) by visiting the Department's website at from: <http://idwr.idaho.gov>.

Rental applications can be submitted on November 1 of the year prior to the intended use of rental water. **YOU ARE ENCOURAGED TO FILE AN APPLICATION AT LEAST 3 MONTHS PRIOR TO THE DATE YOU DESIRE TO USE RENTAL WATER.**

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

Sincerely,

Justin Ferguson
Water Supply Bank Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 16 2020

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1258

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

LESSOR: ROBERT E SMITH
512 S MILL HOLLOW RD
REXBURG, ID 83440

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 30, 2020.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
22-7336	10/22/1980	GROUND WATER	1.640	287.00	82.00
Lease Totals			1.640	287.00	82.00

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1258

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. 1258

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

LESSOR: ROBERT E SMITH
512 S MILL HOLLOW RD
REXBURG, ID 83440

By Robert E. Smith
Title owner
Date 12-14-2020

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 12/23/20

Lease approved by IDWR TP

Date 12/23/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1258

**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): 22-7336

GROUND WATER SENESE Sec. 29 Twp 06N Rge 40E MADISON County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
22-7336	IRRIGATION	04/01	to	11/01	1.64 cfs	287.0 AF
Totals:					1.64 cfs	287.0 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	
06N	40E	29			7.0	27.0									27.0	21.0			82.0

Total Acres: 82.0

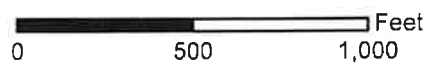
ADDITIONAL CONDITIONS OF ACCEPTANCE

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

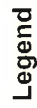
WATER SUPPLY BANK LEASE CONTRACT No. 1258

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. Use of water under this right 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. 100.



ATTACHMENT 2

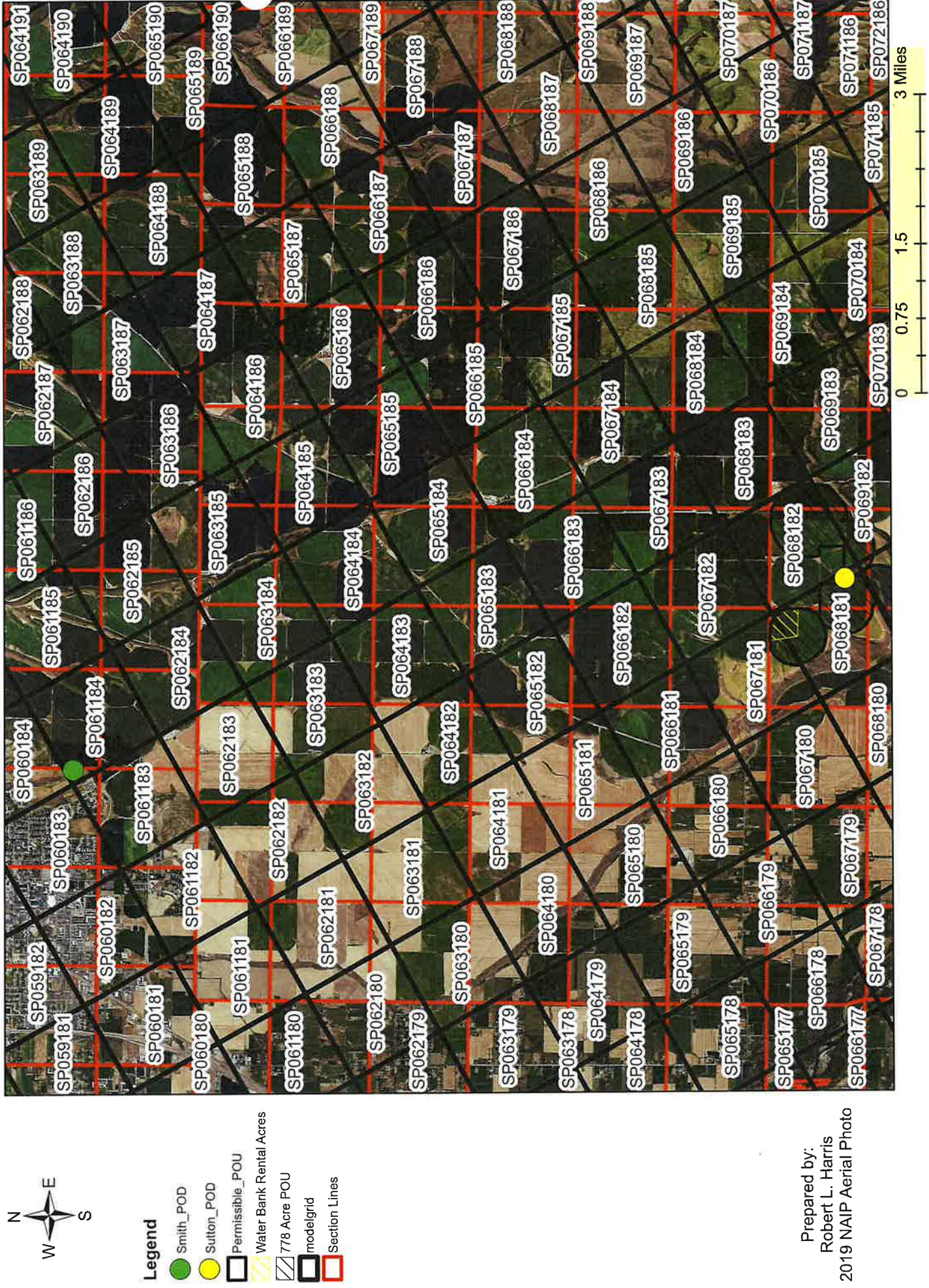
GIS Maps



-  Smith_POD
 Sutton_POD
 Permissible_POU
 Water Bank Rental Acres
 778 Acre POU
 Section Lines
 Quarter Quarters

Prepared by:
Robert L. Harris
2019 NAIP Aerial Photo

SUTTON WATER BANK APPLICATION



Prepared by:
Robert L. Harris
2019 NAIP Aerial Photo

ATTACHMENT 3H.1
Water Modeling – Data Entry

Cells this color are
set up for user entries

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

YEAR 1980
SEASON SPRING

TRANSFER NO:

WSB

TRANSFER NAME:

Sutton

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	68	61		
COLUMN	181	184		

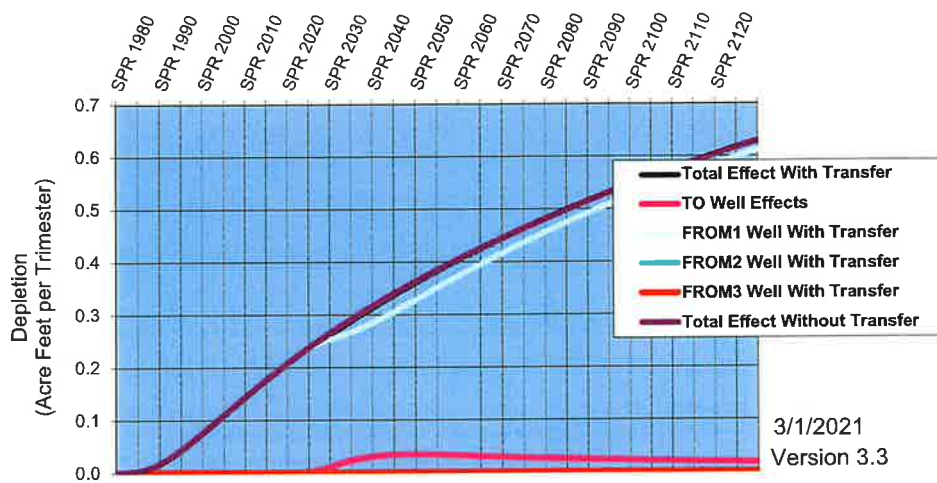
TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
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SPR 1984	0	54	54	0	0	0	0
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WIN 1994	0	54	54	0	0	0	0
SPR 1995	0	54	54	0	0	0	0

SUM 1995	0	54	54	0	0	0	0
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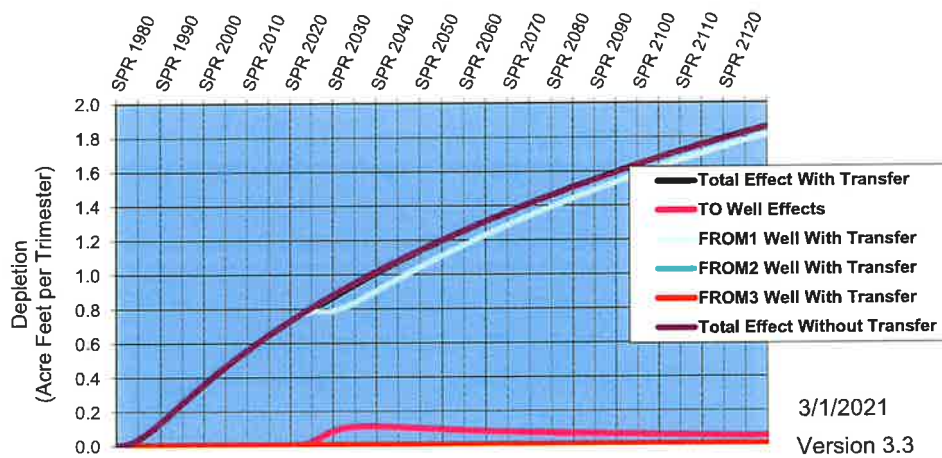
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ATTACHMENT 3H.2
Water Modeling – Calculated
Effects

Hydrologic Response--Ashton to Rexburg
Customer Name: Sutton **Transfer No: WSB**



Hydrologic Response--Heise to Shelley
Customer Name: Sutton **Transfer No: WSB**

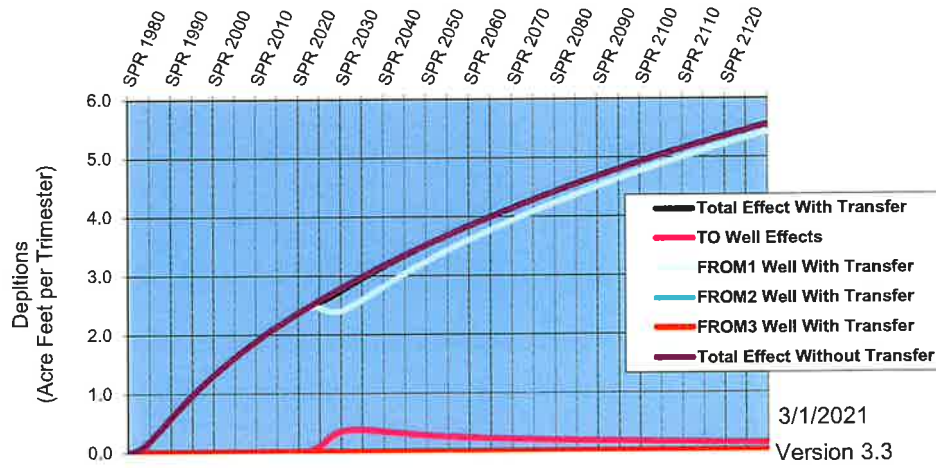


Hydrologic Response--Shelley to Near Blackfoot

Customer Name: Sutton

Transfer No:

WSB

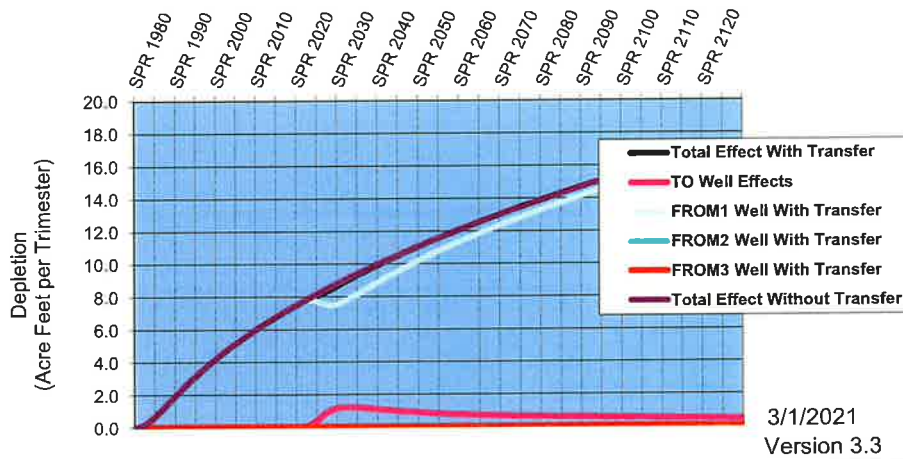


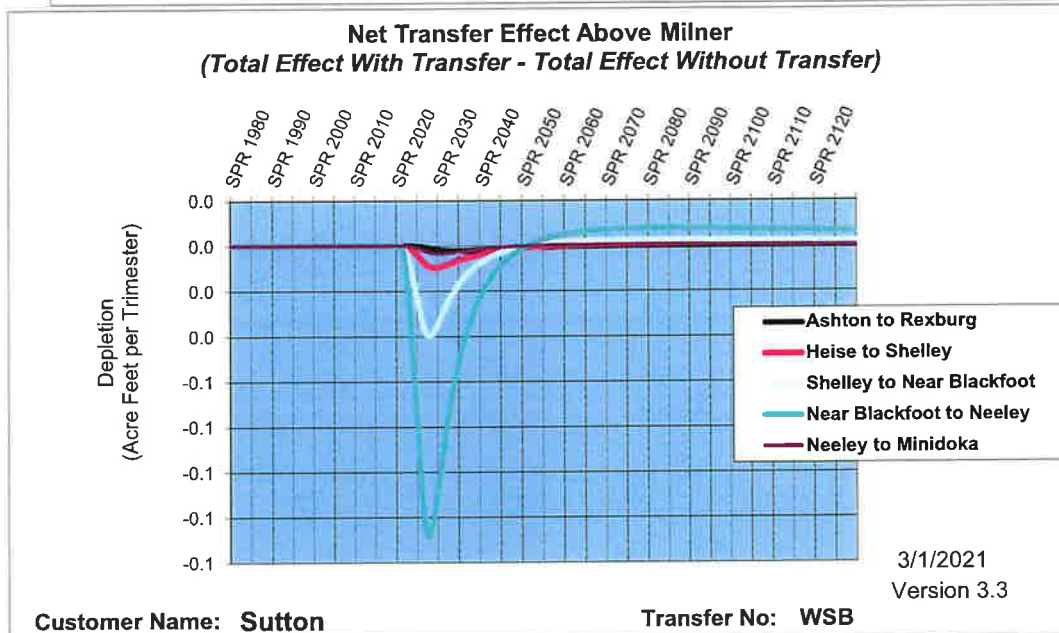
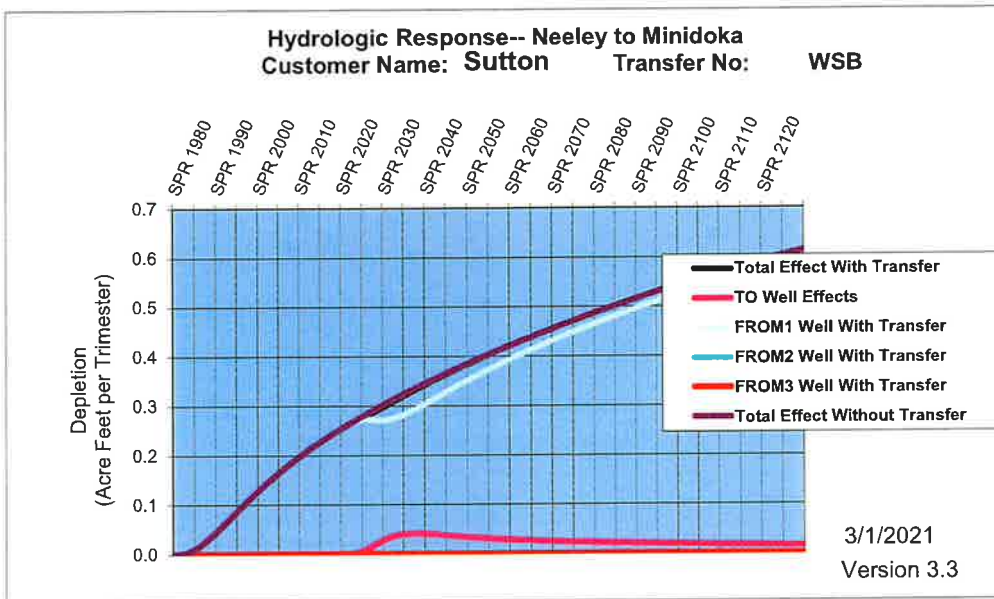
Hydrologic Response-- Near Blackfoot to Neeley

Customer Name: Sutton

Transfer No:

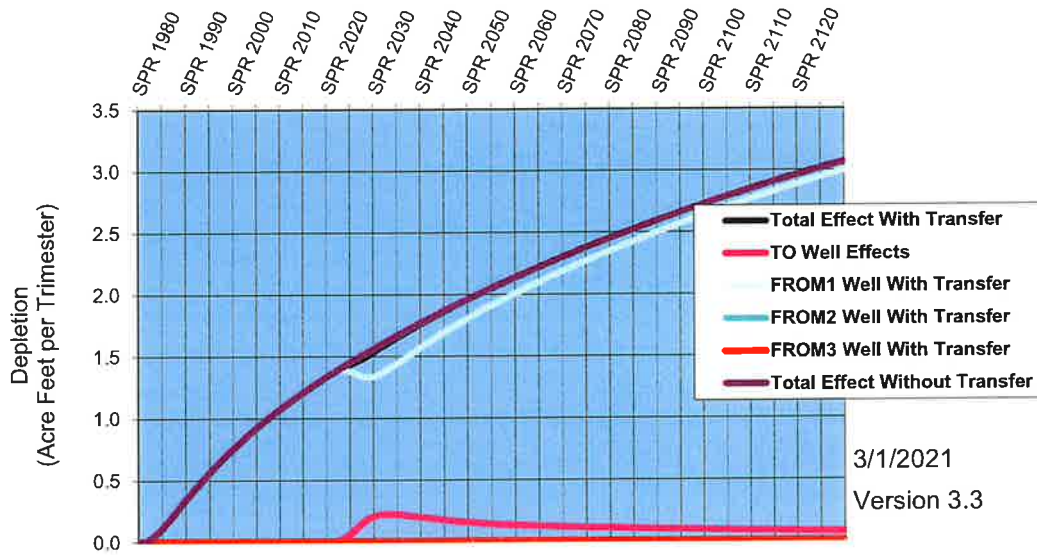
WSB





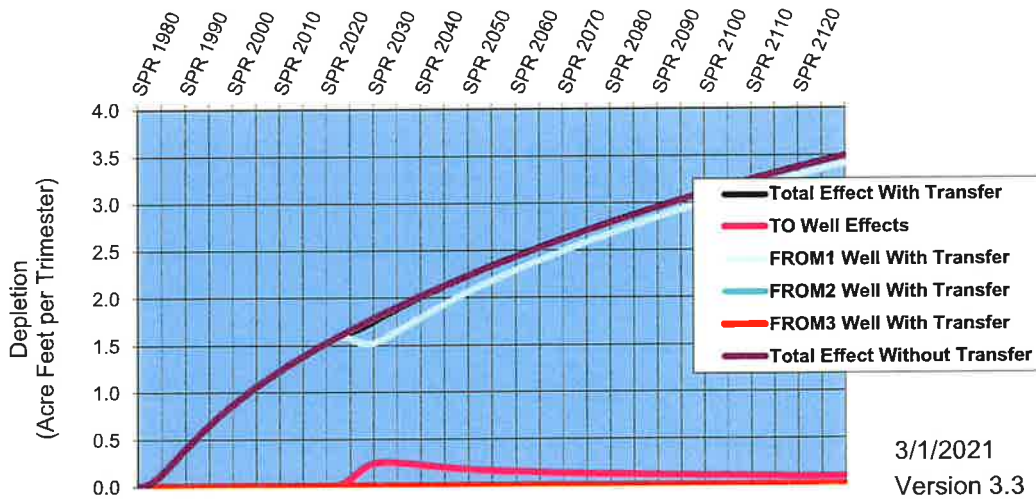
Hydrologic Response--Devil's Washbowl to Buhl Customer Name: Sutton

Transfer No: WSB



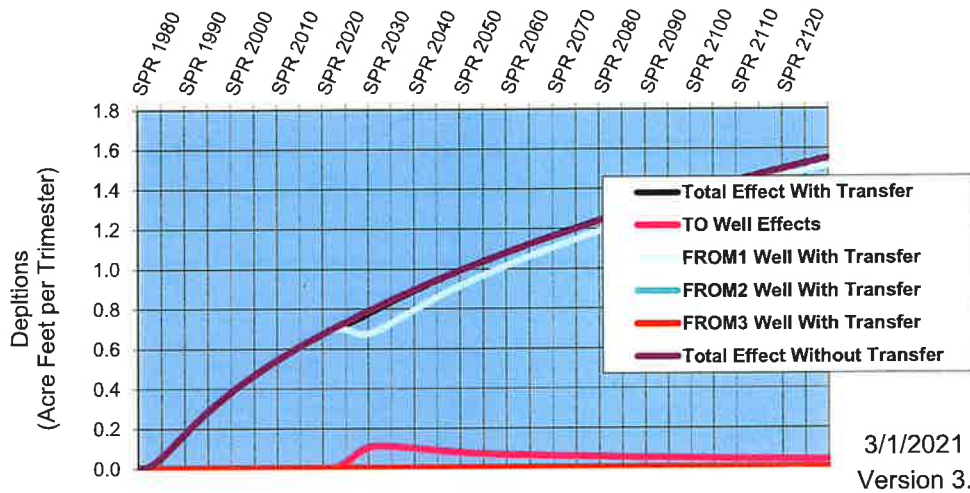
Hydrologic Response--Buhl to Thousand Springs Customer Name: Sutton

Transfer No: WSB



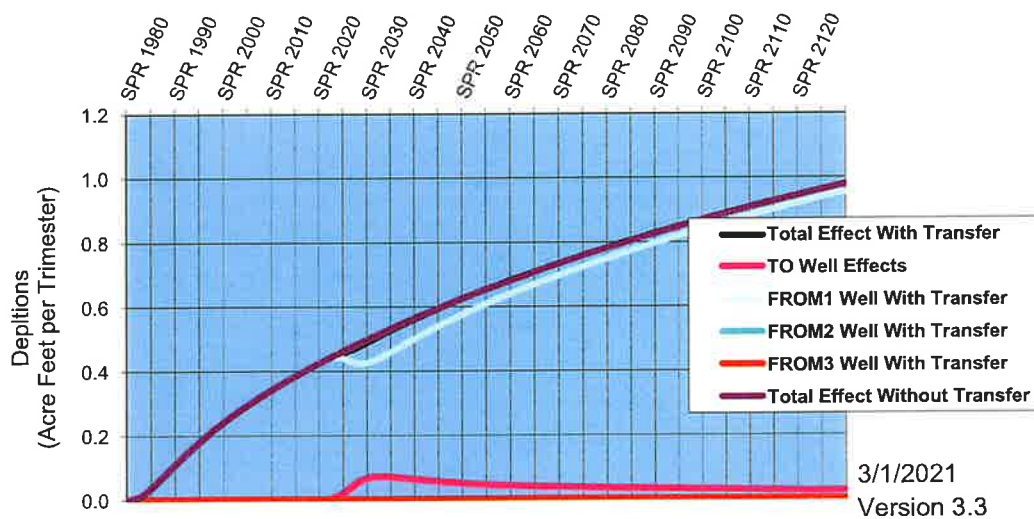
Hydrologic Response--Thousand Springs

Customer Name: **Sutton** Transfer No: **WSB**



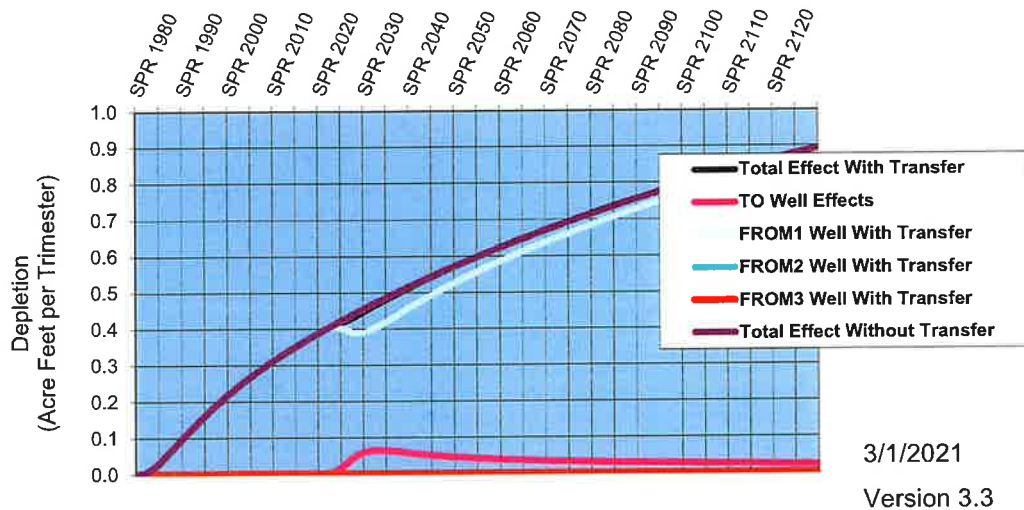
Hydrologic Response--Thousand Springs to Malad

Customer Name: **Sutton** Transfer No: **WSB**



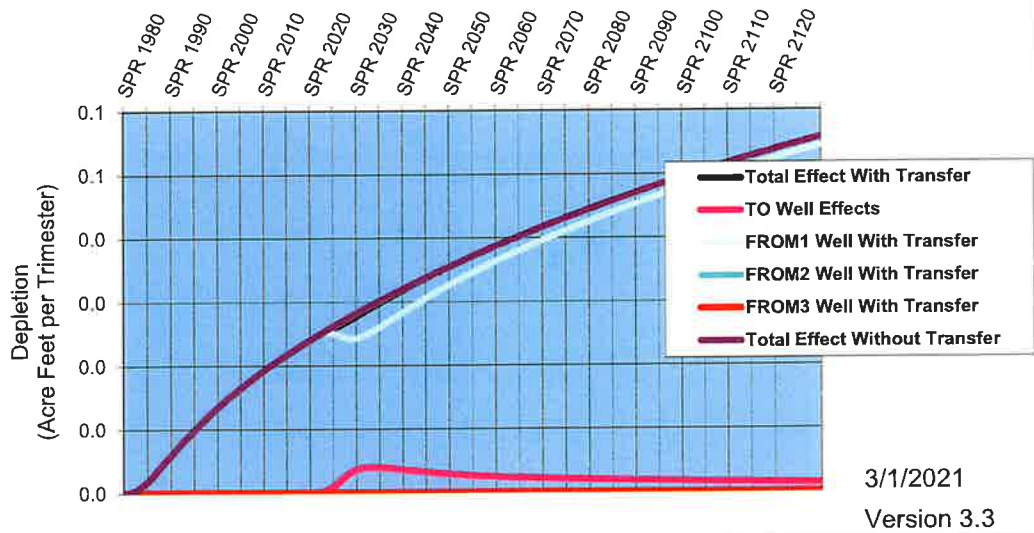
Hydrologic Response-- Malad

Customer Name: **Sutton** Transfer No: **WSB**

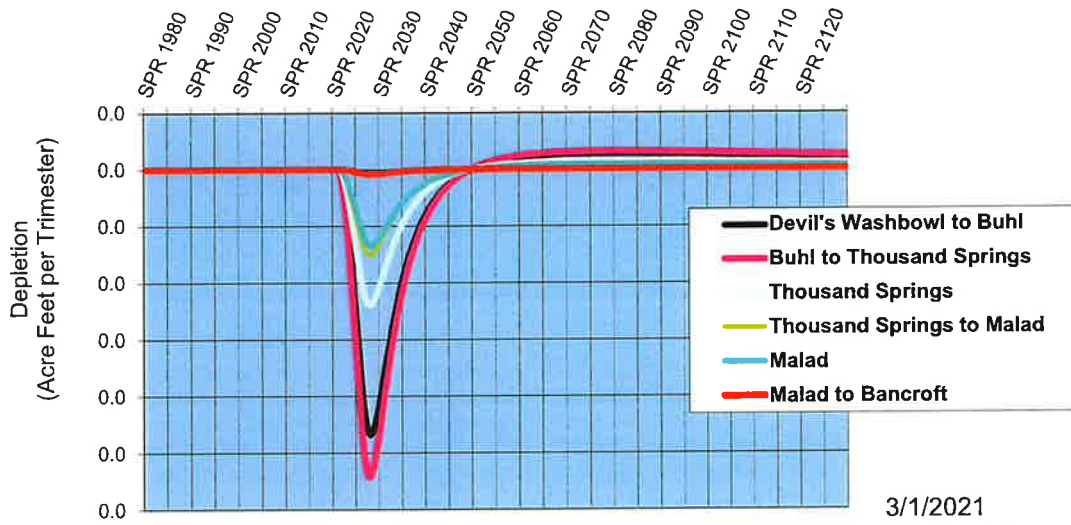


Hydrologic Response-- Malad to Bancroft

Customer Name: **Sutton** Transfer No: **WSB**



Net Transfer Effect Below Milner
(Total Effect With Transfer - Total Effect Without Transfer)



3/1/2021
Version 3.3

Customer Name: Sutton

Transfer No: WSB

ATTACHMENT 3H.3
Water Modeling – Mitigation
Analysis

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
Transfer 1: Proposed Steady State Impacts following Transfer							
Transfer 1: Worst Case Transient State Impacts following Transfer							

Impact by Reach (AFT/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Neeley	Nr Bckft	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr to Malad	Malad to Bancroft
0.63	1.86	5.55	17.37	0.61	3.06	3.49	1.55	0.89
0.63	1.86	5.55	17.38	0.61	3.06	3.49	1.55	0.89
0.63	1.86	5.55	17.37	0.61	3.06	3.49	1.55	0.89
0.63	1.86	5.55	17.38	0.61	3.06	3.49	1.55	0.89
Pre-SS Post-SS								
Pre-TS Post-TS								
Steady State Analysis								
Mitigation Check 1 - >10% of Historical:								
Mitigation Check 2: > 2 AFT:								
Mitigation Check 3 - > 10% of Total:								
Mitigation Required?:								
Mitigation Vol. Req'd (ac-ft):								
Transient State Analysis								
Mitigation Check 1 - >10% of Historical:								
Mitigation Check 2: > 2.01 AFT:								
Mitigation Required?:								
Mitigation Vol. Req'd (ac-ft):								

Read Me



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

July 28, 2021

LEE H SUTTON
1577 E 10000 S
REXBURG, ID 83440

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-7336 AGREEMENTS 526 & 547**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,400.00, \$3,200.00 & 20.00** and a copy of a fully executed Water Supply Bank Rental Agreements in connection with the rental of 161 acre feet of water for irrigation of 40.6 acres and 120 acre-feet of water for irrigation of 30.0 acres during 2021. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$2,898.00 of the rental fee will be paid to the lessor(s) and 10% or \$322.00 will be retained by the Department to offset administrative costs.

Pursuant to the Water Supply Bank Rules, 90% or \$2,160.00 of the rental fee will be paid to the lessor(s) and 10% or \$240.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt Nos. C110546, C110609 & C110659
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Greg Sullivan – Brockway Engineering



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

RECEIVED

JUL 26 2021

DEPARTMENT OF
WATER RESOURCES

Established in 1896

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

July 22, 2021

Phill Hummer
Water Rights Supervisor
Idaho Department of Water Resources
P O Box 83720
Boise, ID 83720-0098

Re: Additional Fee for Lee Sutton Water Supply Bank Rental.

Dear Phill:

As requested, enclosed is a check in the amount of \$20.00 to cover the additional fee for Mr. Sutton's Water Supply Bank rental. As noted in your email to me of July 21, 2021, the cover letter had an error in it with a fee amount that was \$20.00 short. Enclosed is the remaining \$20.00. Once received, please finalize the lease documents as soon as you are able. Call me with any questions or concerns. We appreciate your attention to this matter.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\rlh\16818-003 sutton, lee\2021.07.21 hummer idwr.docx



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 29, 2021

LEE H SUTTON
1577 E 10000 S
REXBURG, ID 83440

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-7336 AGREEMENT 526

TIME SENSITIVE RESPONSE REQUIRED

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$3,220.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 161 acre-feet.

Please send a check for \$3,200.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$2,898.00 of the rental fee will be paid to the lessor(s) and 10% or \$322.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

Veibell, Amanda

From: Ferguson, Justin
Sent: Thursday, April 15, 2021 10:07 AM
To: Cefalo, James; Jordan, Blake
Subject: WSB Lease - Delbert Christensen
Attachments: Lease Map - Christensen Rev. Trust.pdf; Lease Review Memo.docx; Draft Lease - Christensen Rev. Trust.docx

Attached are the approval docs for the Delbert Christensen Revocable Living Trust, please let me know if you have any comments or concerns. Sorry again for the mix up!

Justin

Veibell, Amanda

From: Ferguson, Justin
Sent: Thursday, April 15, 2021 10:03 AM
To: Cefalo, James; Jordan, Blake
Subject: WSB Leases - Delbert Christensen & Shoshone-Bannock Agri-Business
Attachments: Rental Review Mem1.docx; Draft Agreement - Lee Sutton.docx; Rental Map - Lee Sutton.pdf; Shoshone-Bannock 2021 Leases.zip

James, Blake,

Attached are the draft approval documents for the Delbert Christensen Revocable Living Trust and Shoshone-Bannock Agri-Business. Please let me know if you have any comments or concerns or if there are any problems opening the zip file. I thought putting them all together would help get a better look at the entire proposal, if the zip file doesn't work I can send over the files separately

Thank you!



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED

MAR 05 2021

DEPARTMENT OF
WATER RESOURCES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

March 1, 2021

Justin Ferguson
Idaho Water Supply Bank
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720

Re: *Application to Rent Water from the Board's Water Supply Bank Submitted on Behalf of Lee Sutton; Proposal to Rent 46 Acres of WR 22-7336.*

Dear Justin:

Enclosed for processing is a completed *Application to Rent Water from the Board's Water Supply Bank* which I am submitting on behalf of Lee Sutton. As described in the rental application, this rental proposes to lease a 46-acre portion of WR 22-7336 for a period of five (5) years. Based on our email communication, this water right has been placed in the Idaho Water Supply Bank for five years, and Mr. Sutton desires to lease the 46-acre portion for five years. Unlike modeling from prior years, modeling with the new version 3.3 for a five-year rental does not indicate that any mitigation is required. Accordingly, we are only proposing to rent a 46-acre portion of 22-7336, which is different than what was done in prior years where additional acres had to be rented for mitigation.

We appreciate your attention to this matter. If you have any questions or concerns, please do not hesitate to give me a call or email me at rharris@holdenlegal.com.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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