

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 24 2021

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 37-2557H

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

LESSOR: SCOTT C PORTER
PO BOX 99
HAILEY, ID 83333

SUPPORT DATA

IN FILE # 37-2557H

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 April 17, 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)
37-21514	3/24/1883	BIG WOOD RIVER, tributary to MALAD RIVER	0.12	Not Stated	7.6
37-21525	7/10/1884	BIG WOOD RIVER, tributary to MALAD RIVER	0.01	Not Stated	7.6
37-21536	9/18/1885	BIG WOOD RIVER, tributary to MALAD RIVER	0.08	Not Stated	7.6
37-21547	6/12/1886	BIG WOOD RIVER, tributary to MALAD RIVER	0.01	Not Stated	7.6
37-21558	6/15/1891	BIG WOOD RIVER, tributary to MALAD RIVER	0.20	Not Stated	7.6
37-2557H	9/25/1954	GROUND WATER	0.07	13.0	3.7
Combined Lease Totals			0.49	Not Stated	7.6

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)
37-21514	0.12	26.7	7.6	0.02	3.5
37-21525	0.01	3.0	7.6	0.001	0.4
37-21536	0.08	26.7	7.6	0.01	3.5
37-21547	0.01	3.0	7.6	0.001	0.4
37-21558	0.20	26.7	7.6	0.02	3.5
37-2557H	0.07	13.0	3.7	0.02	3.5
Combined Limit Totals	0.41	26.7	7.6	0.05	3.5

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits and conveyance losses of 20 %*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1271

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

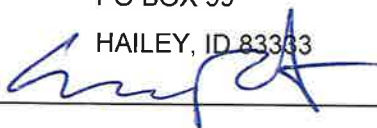
WATER SUPPLY BANK LEASE CONTRACT No. 1271

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

LESSOR: SCOTT C PORTER

PO BOX 99

HAILEY, ID 83333

By 

Title _____

Date FEB 21, 2021

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By 

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 2/25/21

Lease approved by IDWR 

Date 2/25/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1271

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): 37-2557H, 37-21514, 37-21525, 37-21536, 37-21547

GROUND WATER NWNE Sec. 18 Twp 01N Rge 19E BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-21558

BIG WOOD RIVER NESWNW Sec. 36 Twp 02N Rge 18E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-2557H	IRRIGATION	04/15	to	10/31	0.08 cfs	13.09 AF
37-21514	IRRIGATION	04/15	to	10/31	0.12 cfs	Not Stated
37-21525	IRRIGATION	04/15	to	10/31	0.01 cfs	Not Stated
37-21536	IRRIGATION	04/15	to	10/31	0.08 cfs	Not Stated
37-21547	IRRIGATION	04/15	to	10/31	0.01 cfs	Not Stated
37-21558	IRRIGATION	04/15	to	10/31	0.20 cfs	Not Stated
Totals:					0.49 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	
01N	19E	18		6.4			1.2												7.6

Total Acres: 7.6

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1271

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. The unleased portion of water right nos. 37-2557H, 37-21514, 37-21525, 37-21536, 37-21547 and 37-21558 are limited to the irrigation of a combined total of 2.3 acres in a single irrigation season.
13. Point of diversion described above is the headgate for District 45 canal.
14. This right to divert groundwater 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 without the approval of the Department.
15. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
16. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
17. A portion of this right provides conveyance for other right holders in the shared delivery of water through the Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 20% or 0.08 cfs of the leased portion of this right into the Irrigation District #45 Canal whether it is rented or not.
18. 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. 37.

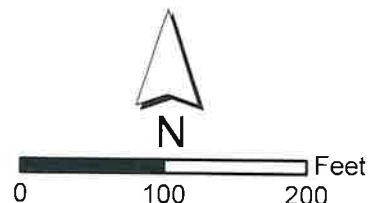
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1271

37-2557H, 37-2154, 37-21525, 37-21536, 37-21547 & 37-21558
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**

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

RECEIVED

APR 17 2020

DEPARTMENT OF
WATER RESOURCES

Designated Applicant Scott C. Porter
(Select one owner – see item 1A on the application)

Water Right No. 37-21558
(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 <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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 <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ <u>500.00</u>	Received By: <u>KM</u>	Date Received: <u>4-17-2020</u>	Receipt # <u>C108631</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Scott C Porter</u>	

1700

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 Scott C. Porter

Mailing Address <u>P.O. Box 99</u>	<u>Hailey</u>	<u>ID</u>	<u>83333</u>
Street	City	State	Zip Code

Email Address <u>sporter747@gmail.com</u>	Phone Number <u>(208) 800-7061</u>
---	------------------------------------

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

OR

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

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

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

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

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

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

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☒ No ☐
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.
- B. Please provide a description of the current water diversion and delivery system.
District 45 canal to Bellevue Farms South ditch to Northeast corner of subject property, underground pipe to irrigation pond, pump draws from pond and pressurizes underground piping and pop up irrigation heads.
- 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. 37-02557H, 37-21514, 37-21525, 37-21536, 37-21547, 37-21558.
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The unused portion of the entire water right stack has been in the Water Supply Bank the last 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.
- 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)

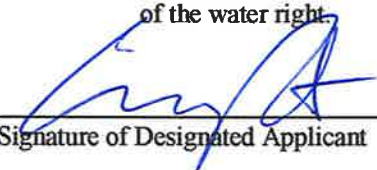
5. SALE/LEASE AGREEMENT

- 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

Scott C. Porter
Printed Name

4-16-20
Date

Signature of Authorized Representative

Printed Name

Date

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

[illegible]

TRIANGLE IRRIGATION DISTRICT
P.O. Box 424
Bellevue, Idaho 83313

At the Triangle Irrigation District Board meeting on 2.2.14, the
directors accepted the water bank application from Scott Porter subject
to and with the continuing condition of a 20.1 percent hold back in the
system and on the further condition that there be no adverse impact on the
minimum stream flow in the river and that carriage loss sufficient to convey water
to the Triangle Irrigation District head gate must be left in the river if the water
right is to be leased upstream.

Garland Gardner
President and Director

2.2.14

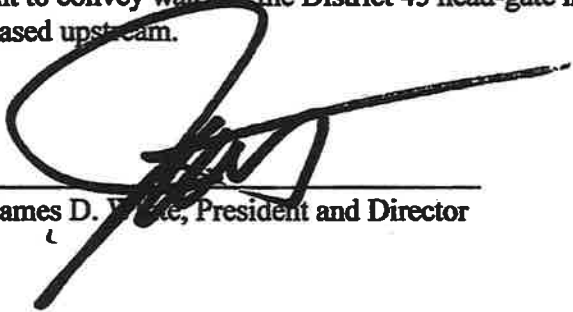
Date

**CERTIFICATE OF ACTION TAKEN BY
THE WOOD RIVER VALLEY IRRIGATION DISTRICT # 45**

The undersigned hereby certifies that at the January 12, 2016 meeting of the Board of Directors of the WOOD RIVER VALLEY IRRIGATION DISTRICT # 45 the board took up the matter of the APPLICATION OF SCOTT PORTER for the consent of the District to his application to place a portion of his surface water rights into the IDWR Water Bank, and the board, after discussion and on motion by Director Sawrey, seconded by Director White, and unanimously approved, the following resolution was adopted by the Board and is at this time in full force and effect:

RESOLVED, THAT the President was instructed to notify the IDWR Water Bank officials of the District's consent to the Application of Scott Porter, subject to and with the continuing condition of a TWENTY PERCENT (20 %) hold-back in the District 45 system and on the further condition that there be no adverse impact on minimum stream flow in the river and that carriage loss sufficient to convey water to the District 45 head-gate must be left in the river if the water right is to be leased upstream.

Dated: January 13, 2016



James D. White, President and Director



SCOTT C PORTER

WATER SUPPLY BANK LEASE 2016-2020

37-21514, 37-21525, 37-21536, 37-21547, 37-21558, & 37-2557H

NAIP 2013 AERIAL PHOTOGRAPH

ATTACHMENT #3

0 50 100 200 Feet

BROCKWAY ENGINEERING, PLLC.
ALR -Date: 1/5/2016

Legend

WR_PODS

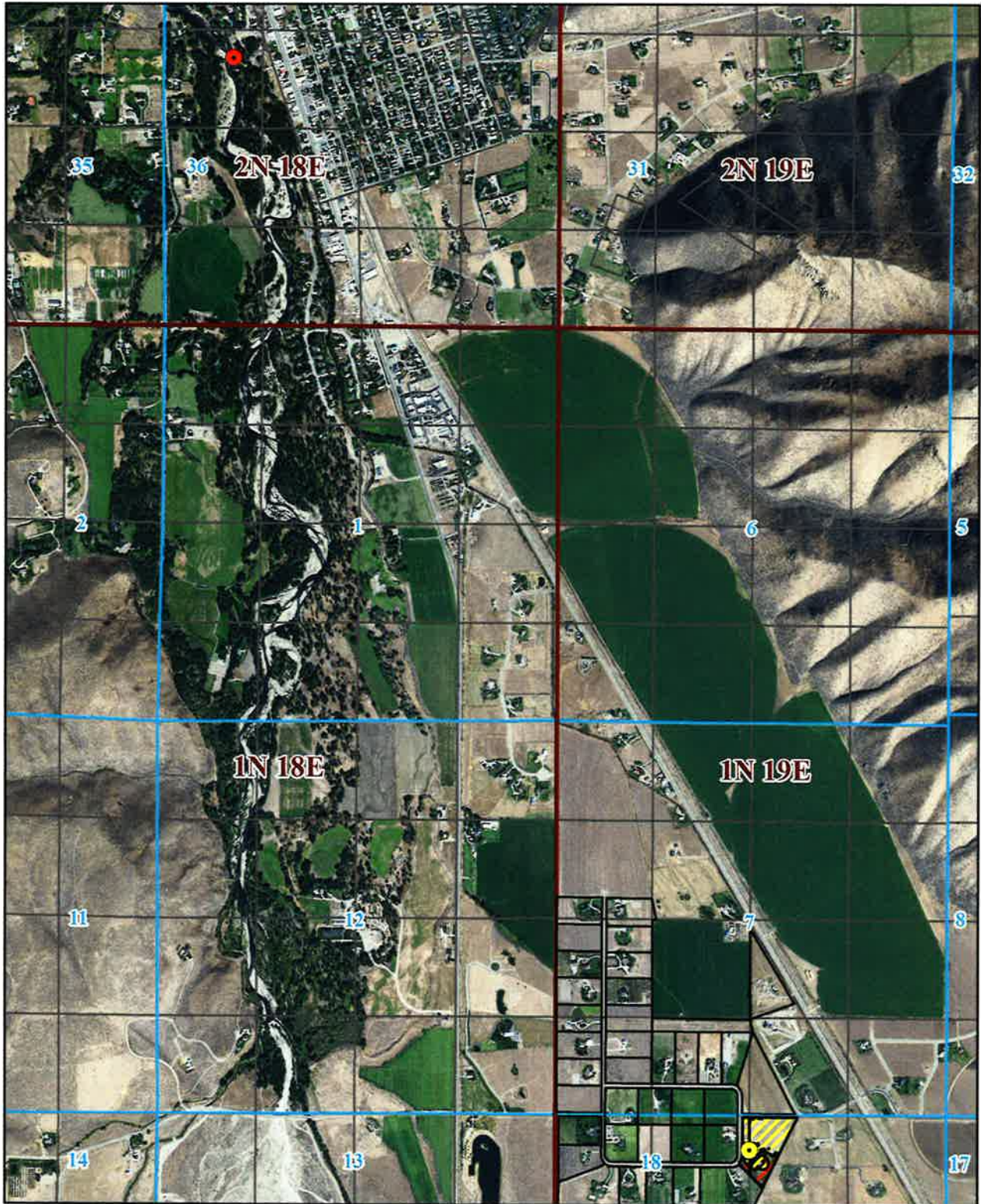
-  37-2557H
-  Bellevue Farms Sub.
-  WSB LEASE

Irrigation 2013

-  Irrigation
-  Domestic

-  twshp
-  Sections
-  lades





SCOTT C PORTER

WATER SUPPLY BANK LEASE 2016-2020

37-21514, 37-21525, 37-21536, 37-21547, 37-21558, & 37-2557H

NAIP 2013 AERIAL PHOTOGRAPH

ATTACHMENT #3

0 5001,000 2,000 Feet

BROCKWAY ENGINEERING, PLLC.
ALR -Date: 1/5/2016

WR_PODS

- 37-2557H
- SURFACE POD
- Bellevue Farms Sub.
- WSB LEASE

Irrigation 2013

- Irrigation
- Domestic

- twnshp
- Sections
- ladesec





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

March 2, 2021

SCOTT C PORTER
PO BOX 99
HAILEY, ID 83333

**RE: WATER SUPPLY BANK LEASE CONTRACT 1271
FOR WATER RIGHTS 37-21514, 37-21525, 37-21536, 37-21547, 37-21558 & 37-2557H**

Dear Lessor:

Water rights **37-21514, 37-21525, 37-21536, 37-21547, 37-21558 & 37-2557H** were leased into the Water Supply Bank (Bank) as of January 1, 2021, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

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

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region



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

February 16, 2021

SCOTT C PORTER
PO BOX 99
HAILEY, ID 83333

RE: APPLICATION TO LEASE WATER RIGHTS 37-2557H, 37-21514, 37-21525, 37-21536, 37-21547 & 37-21558 TO THE WATER SUPPLY BANK CONTRACT 1271

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

Dear Applicant:

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

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

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

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

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt: C108631

Memorandum

To: Water Rights 37-2557H, 37-21514, 37-21525, 37-21536, 37-21547 & 37-21558
From: Justin Ferguson
Date: January 22, 2021
Re: Water Supply Bank Lease Application 1700

Purpose/Narrative: An application was received by the Department April 17, 2020 from Mr. Scott Porter, offering a portion of his stacked water rights for lease to the Bank through 2025. This proposal is a continuation of Mr. Porter's prior lease from 2016 through the end of 2020 (contract 104) offering the portions that Mr. Porter does not plan to use while reserving the remaining volume to continue his current irrigation practices.

Authority to File: The applications were prepared and submitted by Mr. Scott Porter. Review of current IDWR records indicate Mr. Porter is the current water right holder and is authorized to submit the lease proposal. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: Prior to the initial lease, Mr. Porter's water rights were decreed in 2010 and enrolled in the Wood River Basin Enhancement Water Pool through 2012. After removing them from the Water Pool, a portion of the water rights were then offered to the Bank in 2016 through 2020 and again with this proposal from 2021 through 2025. As of the date of this review, based on the protections afforded by the Bank and the Wood River Water Pool Legacy Project, a full period of non-use has not elapsed. As such, the water rights can remain valid and be considered for lease to the Bank.

Injury Evaluation: As the purpose of this proposal is to idle acreage that could otherwise be irrigated, there is not an apparent concern for injury. Submitted with the application package are consent forms for both the Triangle Irrigation District as well as the Wood River Valley irrigation District #45, both requesting a 20% holdback for convenience loss. As such, the 20% will be withheld from the approval should the water rights be rented outside the irrigation districts.

Enlargement of Use: Because Mr. Porter wished to continue his current irrigation practices, only portions of the water rights were offered for lease. The rights share a combined acre limit and will be leased together with respect to that limit. Prior to any rental or transfer a further review of the historic consumptive use of water under this water right may be necessary to protect against enlargement.

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

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

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

Water Supply Bank Evaluation: Based on the information presented by the applicant, staff recommend the proposal be approved for Mr. Porter through the end of 2025.

Parker, Cody

From: Ferguson, Justin
Sent: Friday, January 22, 2021 11:08 AM
To: Skinner, Corey; watermanager@cableone.net
Subject: WSB Lease Applications - Scott Porter & Starweather Subdivision
Attachments: Lease Review Memo.docx; Draft Lease Contract - Starweather Subdivision.docx; Lease Map - Starweather Subdivision.pdf; Draft Contract - Scott Porter.docx; Lease Map - Scott Porter.pdf; Lease Review Memo.docx

Corey, Kevin,

Attached are the draft lease contracts for both Starweather Subdivision and Mr. Scott Porter. Both are renewals from their leases from prior years through the end of 2025. Please let me know if you have any comments or concerns within the next several days

Thank you!

Scott C. Porter
P.O. Box 99
Hailey, ID 83333

RECEIVED

APR 17 2020

DEPARTMENT OF
WATER RESOURCES

April 16, 2020

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

Re: Water Supply Bank Applications

To whom it may concern:

Enclosed please find a check in the amount of \$500 and completed Water Supply Bank applications for water right numbers 37-02557H, 37-21514, 37-21525, 37-21536, 37-21547 and 37-21558.

With the exception of a phone number change on page 2 and an updated explanation on page 3 (F), these applications are identical to those submitted in early 2016 establishing the current lease contract that expires December 31, 2020. I anticipate that a new lease contract will commence on January 1, 2021 and expire December 31, 2025.

Feel free to contact me if there are any questions regarding this application package.

Respectfully,



Scott C. Porter

1700