

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1363

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

LESSOR: JOY LYNN
4050 CHAPARRAL RD
EAGLE, ID 83616

SUPPORT DATA
IN FILE # 63-11995

RECEIVED
MAR 25 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 December 16, 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)
63-11995	2/25/1993	GROUND WATER	2.0	Not Stated	195
63-11996	2/25/1993	GROUND WATER	2.0	Not Stated	174
63-12450	5/4/1998	GROUND WATER	1.35	Not Stated	369
Combined Limit Totals			5.35	1,660	369

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)
63-11995	2.0	878	195	0.01	4.5
63-11996	2.0	783	174	0.01	4.5
63-12450	1.35	1660	369	0.004	4.5
Combined Limit Totals	5.35	1660	369	0.02	4.5

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits.*

WATER SUPPLY BANK LEASE CONTRACT No. 1363

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. 1363

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

LESSOR: JOY LYNN
4050 CHAPARRAL RD
EAGLE, ID 83616

By Joy Lynn
Title owner/lessor
Date 3-22-2021

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

By Brian Patton Date 4/5/21
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR FP Date 4/5/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1363

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 63-11995, 63-11996, 63-12450

GROUND WATER L 2NWNE Sec. 3 Twp 05N Rge 01W ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-11995	IRRIGATION	03/15	to	11/15	2.0 cfs	
63-11996	IRRIGATION	03/15	to	11/15	2.0 cfs	
63-12450	IRRIGATION	03/15	to	11/15	1.35 cfs	
Totals:					3.35 cfs	1,660 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		
05N	01W	2						10	11											21
05N	01W	3	26	25	27	17	23		15				17							150
05N	01W	4				13									38	24	21	18		114
05N	01W	9		11																11
06N	01W	34													7.0		17	31		55
06N	01W	35										3	15							18

Total Acres: 369

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).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1363

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
13. Rights 63-11995, 63-11996 and 63-12450 when combined shall not exceed a total annual maximum diversion volume of 1660.0 af at the field headgate, and the irrigation of 369 acres.
14. The right holder shall maintain a measuring device on each point of diversion and shall annually report to the Department the amount of water diverted and the depth to water.
15. The right holder shall maintain a well acceptable to the Department for use as a monitoring well. The well shall be completed in the regional aquifer, located within ½ mile of the production well, and the depth to water therein shall be monitored during March and October each year and the measurements provided to IDWR.
16. The right holder shall maintain a measuring device on each point of diversion and shall annually report to the Department the amount of water diverted and the depth to water.

Idaho Water Resource Board

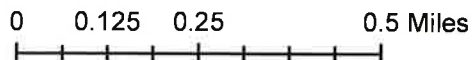
Water Supply Bank Lease Contract No. 1363

Water Rights 63-11995, 63-11996 & 63-12450
Effective until December 31, 2025

This map depicts the **IRRIGATION 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

FEB 01 2021

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Mr. Joy Lynn
(Select one owner - see item 1A on the application)

Water Right No. 63-11995
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes No

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

MIMUMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ <u>500</u>	Received By: <u>KU</u>	Date Received: <u>12/16/20</u>	Receipt # <u>C109663</u>
W-9 received? Yes <input type="checkbox"/> No <input type="checkbox"/> (Route W-9 to Fiscal)		Name on W-9:	

1873

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 M. Joy Lynn
Mailing Address 4050 Chaparral Rd., Eagle ID, 83616
Street City State Zip Code
Email Address _____ Phone Number 208-286-9533

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.

N.A.

- 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. N.A.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? NA. 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? NA 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. N.A.

- 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. N.A.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? N.A. 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.

N.A.

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.

M. Joy Lynn
Signature of Designated Applicant

M. JOY LYNN
Printed Name

1-27-2021
Date

Signature of Authorized Representative

Printed Name

Date

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

STATE OF IDAHO
WATER RESOURCE BOARD

Print Form

RECEIVED
DEC 16 2020

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

Designated Applicant
WATER RESOURCE

JOY LYNN
(Select one owner - see item 1A on the application)

Water Right No. 63-11995
(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.**

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Attachment N/A Yes

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Department Use Only

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W-9 received? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Route W-9 to Fiscal)		Name on W-9:	

1873

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

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Designated Applicant Joy Lynn
Mailing Address 4050 Chaparral Rd. Eagle, Idaho 83616
Street City State Zip Code
Email Address _____ Phone Number 208-286-9533

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 _____

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OR

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

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

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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.

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.

Joy Lynn
Signature of Designated Applicant

Joy Lynn
Printed Name

12-9-2020
Date

Signature of Authorized Representative

Printed Name

Date

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

Print Form



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 8, 2021

JOY LYNN
4050 CHAPARRAL RD
EAGLE, ID 83616

**RE: WATER SUPPLY BANK LEASE CONTRACTS 1363
FOR WATER RIGHTS 63-11995, 63-11996, & 63-12450**

Dear Lessor:

Water rights **63-11995, 63-11996, & 63-12450** 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- Western 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

March 16, 2021

JOY LYNN
4050 CHAPARRAL RD
EAGLE, ID 83616

RE: APPLICATION TO LEASE WATER RIGHTS 63-11995, 63-11996, & 63-12450 TO THE WATER SUPPLY BANK CONTRACT 1363

******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: C109663

MEMORANDUM FOR APPLICATION # 1184

To: Water Rights 63-11995, 63-11996 & 63-12450

From: Alex Dalgleish

Date: 3/1/2021

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received lease applications from Joy Lynn on On December 16, 2020 the Department received lease applications from Joy Lynn proposing to put the full amounts of rights 63-11995, 63-11996 and 63-12450 (“Leased Rights”) into the Water Supply Bank (“Bank”) for a 5 year term. This request is a renewal of a prior 5 year renewal in 2016 and before that, an indefinite lease term beginning in 2005.

The applications were incomplete as they did not include all pages from the lease application resulting in unanswered questions regarding the water rights. The Department sent a letter to the applicant on December 31, 2021 requesting completed applications and they were received on February 1, 2021.

AUTHORITY TO FILE: The applications were signed by Joy Lynn. According to Department records, Mrs. Lynn is the singular and current owner of the Leased Rights. Department records also show that Mrs. Lynn owns the property at the point of diversion. The place of use for the Leased Rights has multiple different owners, with the majority of the land owners having the last name of Lynn. Joy Lynn is the only owner of irrigation water rights within the place of use for the Leased Rights. Because there are no other owners of water rights (aside from Mrs. Lynn) at the place of use, the different land owners would need some type of land/water use agreement from Mrs. Lynn before they could irrigate their property. As a result, there are no apparent issues with this lease proposal/renewal.

WATER RIGHT VALIDITY: The Leased Rights were licensed on 5/22/2003. The full amounts of the Leased Rights were indefinitely leased into the Water Supply Bank (“Bank”) in 2005. In 2015, the Department sent a letter to Mrs. Lynn informing her that the indefinite term needed to be updated. The Leased Rights were leased for a 5 year term, from 2016 until the end of 2020. Review of aerial imagery shows that the lessor has been compliant with their prior lease contract. There is no evidence of irrigation at the leased place of use. Forfeiture does not appear to be a concern. Equally, there are no concerns with validity of the Leased Rights offered to the Bank.

INJURY TO OTHER WATER RIGHTS: Lease of this water right would not cause injury to other water rights. The prior leases did not appear to cause injury to other rights within the area. Proper review to prevent injury if rented. Furthermore no injury is apparent from the prior lease.

ENLARGEMENT OF USE: Below is a table showing the overlapping irrigation rights at the Leased Rights place of use.

Basin	Sequence	Process	Basis	Priority Date	Diversion Rate	Total Acres	Volume	Source List	Water Use List	Current Owner
63	3004	Water Right	Decreed	11/4/1954	0.500	25.0	113.1	GROUND WATER	DOMESTIC, IRRIGATION	LYNN, JOY
63	8044	Water Right	Decreed	10/1/1974	0.050	1.0	10.5	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	LYNN, JOY
63	10775	Water Right	License	9/8/1989	0.040	0.2	1.9	GROUND WATER	IRRIGATION, STOCKWATER	LYNN, JOY

The applications state “N/A” when asked about other water rights used for the same purpose at the same place of use as the Leased Rights. I called Mrs. Joy on 3/1/2021 to confirm that the

place of use will not receive irrigation from the other overlapping water rights. She stated that no irrigation was to occur at the POU for the Leased Rights. There are no apparent concerns with enlargement of use.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The Leased Rights source water from groundwater. The point of diversion for the rights is within Water District No. 63. However, groundwater rights are not administered within this District. Comments were submitted to Western Region on 2/26/2021. No response was received within 7 days so it was presumed there were no concerns or issues with the lease renewal.

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Friday, February 26, 2021 2:03 PM
To: Miller, Nick
Subject: Lease Renewal of Rights 63-11995, 63-11996 & 63-12450
Attachments: Lease Application 63-11995.pdf; Lease Application 63-11996.pdf; Lease Application 63-124250.pdf

Categories: Water Supply Bank

Nick,

I am seeking your comment on the lease renewal of GW irrigation rights 63-11995, 63-11996 and 63-12450. These rights have been continually leased into the Bank since 2005.

The lease applications are attached. If no response is received within 7 days, I will presume you have no concerns or issues with the proposal.

Thank you,

Alex Dalgleish
Senior Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov



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

December 31, 2020

JOY LYNN
4050 CHAPARRAL RD
EAGLE, ID 83616

**RESPONSE DEADLINE:
February 1, 2021**

RE: Action Required on WSB Lease Application 1873

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your applications to lease water rights 63-11995, 63-11996 & 63-12450 to the Water Supply Bank and determined that your applications are incomplete. The following items are required to continue processing your applications:

- A completed application with all questions answered for each water right being offered to the Bank for lease

To continue processing your applications, the Department requires a completed application with all questions answered. During the initial review it was found that the applications were missing pages with required information. Please provide us with the above requested information within 30 days (deadline of February 1, 2021), so that we can continue processing of your applications. If we do not hear from you prior to the established deadline, your applications will be returned and your filing fee refunded.

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

Regards,

A handwritten signature in black ink, appearing to read 'JF', is written above the typed name of Justin Ferguson.

Justin Ferguson
Water Supply Bank Specialist