

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 07 2020

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1254

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

LESSOR: RODNA E SISK
DIAMOND R ACRES
5900 SWEET-OLA HWY
SWEET, ID 83670

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 27, 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)
65-7085	7/14/1969	PAYETTE RIVER, tributary to SNAKE RIVER	1.8	Not Stated	155.0
Lease Totals			1.8	Not Stated	155.0

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)
65-7085	1.8	697.5	155.0	0.012	4.5
Combined Limit Totals	1.8	697.5	155.0	0.012	4.5

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

Minimum Payment Acceptable: Current Rental Rate

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1254

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. 1254

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

LESSOR: RODNA E SISK
DIAMOND R ACRES
5900 SWEET-OLA HWY
SWEET, ID 83670

By Rodna E. Sisk
Title Lessor
Date 12-4-20

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 1-15-21

Lease approved by IDWR Cody R

Date 1-15-21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1254

**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): 65-7085

PAYETTE RIVER L 5(NENW) Sec. 22 Twp 07N Rge 01E GEM County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
65-7085	IRRIGATION	04/01	to	11/01	1.8 cfs	Not Stated
Totals:					1.8 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	
07N	01E	15			40.0				39.0	39.0		37.0							155.0

Total Acres: 155.0

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. 1254

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. 65.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1254

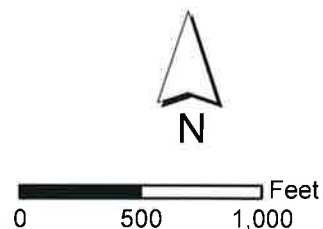
65-7085

Effective until December 31, 2025

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



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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 27 2020

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Rodna E. Sisk

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

Water Right No. 65-7085

(One water right per application)

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

Yes ☒ No ☐

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ <u>250-</u>	Received By: <u>Ku</u>	Date Received: <u>11.27.2020</u>	Receipt # <u>C109526</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Rodna E. Sisk</u>	

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Rodna E. Sisk

Mailing Address <u>5900 Sweet Ola Hwy</u>	Sweet,	ID	83670
Street	City	State	Zip Code

Email Address <u>gitrdun@outlook.com</u>	Phone Number <u>208-584-3381</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.

Payette River by Electric pump

- 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. _____

None

- 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. _____

None

- 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. _____

Water right is presently enrolled in the water bank.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe. _____

Yes ☐ No ☒

**STATE OF IDAHO
WATER RESOURCE BOARD**

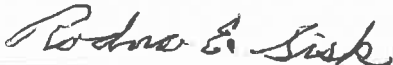
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 65-7085

	Designated Applicant	Applicant #2	Applicant #3
Name	Rodna E. Sisk	Robert W. Sisk	
Mailing Address	5900 Sweet Ola Hwy Sweet, ID 83670	5900 Sweet Ola Hwy Sweet, ID 83670	
Phone Number	208-584-3381	208-584-3381	
Email Address	gitrdun@outlook.com	gitrdun@outlook.com	
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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 2026 (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.

Rodna E. Sisk
Signature of Designated Applicant

Rodna E. Sisk
Printed Name

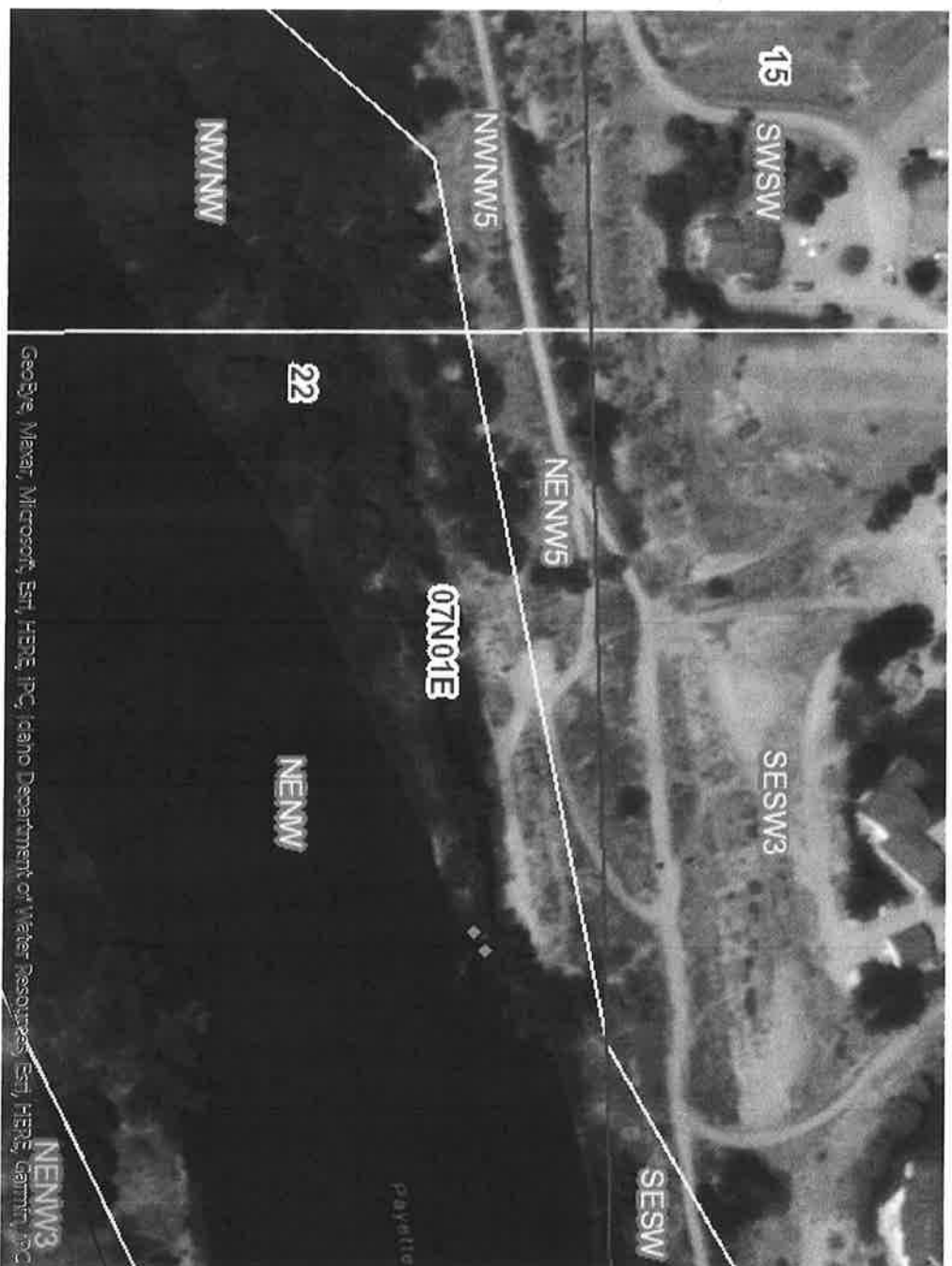
11/25/2020
Date

Signature of Authorized Representative

Printed Name

Date

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



Geoby, Maxar, Microsoft, Esri, HERE, IPC, Idaho Department of Water Resources, Esri, HERE, Garmin, IGC



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

January 19, 2021

RONDA E SISK
DIAMOND R ACRES
5900 SWEET-OLA HWY
SWEET, ID 83670

**RE: WATER SUPPLY BANK LEASE CONTRACT 1254
FOR WATER RIGHT 65-7085**

Dear Lessor:

Water right **65-7085** will be 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
Water District 65

This Corrects Instrument # 248639 Legal Description

INSTRU. NO. 251046
PAGES 1 OF 3

Instrument # 251046
EMMETT, GEM, IDAHO
2006-04-24 01:45:00 No. of Pages: 3
Recorded for : JOHN & SHERRI PERKINS
SUSAN K. HOWARD Fee: 9.00
Ex-Officio Recorder Deputy *Judy Estene*
Index to: QUIT CLAIM DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, *Rodna E. Sisk*

do(es) hereby convey, release, remise and forever quitclaim unto
John and Sherrri Perkins

whose current address is: *5880 Sweet Ola Hwy.*
Sweet, Idaho 83670
the following described premises:

See property description
parcel 1 revised attached
hereto.

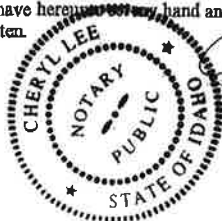
TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: *April 11, 2006*

Rodna E. Sisk

State of Idaho)
County of *GEM*)ss

On this 11 day of APRIL, 2006, before me, a Notary Public in and for said state, personally appeared *Rodna E. Sisk* known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Cheryl Lee
Notary Public for the State of Idaho
Residing at *SWEET, ID*
Commission Expires: *2-01-09*

INSTR. NO. 250694
PAGES 1 OF 2

Instrument # 250694

EMMETT, GEM, IDAHO

2006-04-10 11:37:00 No. of Pages: 2

Recorded for: RODNA SISK

SUSAN K. HOWARD

Ex-Officio Recorder Deputy

Index to: QUIT CLAIM DEED

Fee: 5.00

Judy Evans

QUITCLAIM DEED

FOR VALUE RECEIVED, *Rodna E. Sisk*

do(es) hereby convey, release, remise and forever quitclaim unto

Robert H. Sisk and Leah Sisk

whose current address is: *1117 S. Gem Stone Way*

Emmett, Idaho
the following described premises:

See Property Description
Parcel 3B attached
hereto.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

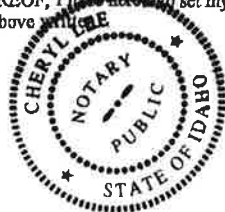
Dated: *April 8, 2006*

Rodna E. Sisk

State of Idaho

County of *GEM*

On this 8 day of April 2006, before me, a Notary Public in and for said state, personally appeared RODNA E. SISK known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Cheryl Lee
Notary Public for the State of Idaho

Residing at: *SWEET, ID*

Commission Expires: *2-01-09*

Instrument # 291661

EMMETT, GEM, IDAHO
2013-04-19 11:28:24 AM No. of Pages: 2
Recorded for: ALLIANCE TITLE - BOISE PRODUCT
SHELLY TILTON Fee: \$13.00
Ex-Officio Recorder Deputy SStewart
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

WARRANTY DEED

ATEC Order No.:186634

FOR VALUE RECEIVED

Robert W. Sisk and Rodna E. Sisk, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Ralph E. Hodges and Constance D. Hodges, husband and wife

whose current address is



10000 Wild Horse Circle, Horse Shoe Bend, Idaho 83629

the grantee(s), the following described premises, in Gem County, Idaho, TO WIT:

Parcel 1

**Beginning at the Northwest corner of the Southwest ¼ of the Northeast ¼ of said Section 15, Township 7 North, Range 1 East, Boise Meridian;
Thence North 89°45'11" East, 1302.11 feet, along the North line of the Southwest ¼ of the Northeast ¼ of said Section 15 and the Easterly prolongation thereof to the Northwest corner of Shelly Acres Subdivision filed in Book 3 of Plats at Page 22, records of Gem County, Idaho;
Thence South 00°11'33" West, 1330.63 feet, along the West line of said Shelly Acres Subdivision;
Thence South 89°57'38" West, 1321.53 feet, along the North line of said Shelly Acres Subdivision;
Thence North 01°01'58" East, 1326.14 feet to the Northwest corner of the Southwest ¼ of the Northeast ¼ of said Section 15 being the point of Beginning**

Parcel 2

A non-exclusive right-of-way for a perpetual easement under, over and across the South 40.0 feet of Lot 9, Block 1 of Shelly Acres Subdivision, according to the official plat thereof, filed in Book 3 of Plats at Page 22, Official Records of Gem County, Idaho, recorded April 8, 2013 as Instrument No. 291465

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Rodna E Sisk

Memo Date: December 1, 2020 *updated 1-8-21*

Water Right Number(s): 65-7085

Reviewers Name: Jean

Quick Tools

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

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	x		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right			
	All of right	x		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? (If no explain in comments or narrative)	x		
5	Authority to file			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity			
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			2004
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?	x		
7	Injury to other water rights			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns		x	
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	No	
	Are there overlapping rights that need to be placed in the bank also?		x	65-9447 (stockwater & domestic)
	Will the place of use continue to receive water? (if yes explain in comments)		x	
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?		x	
10	Have you contacted regional office and watermaster for comment/concerns?	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement (write in Comments)			4.5
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		x	

13 **Narrative:** The Department received this application on November 27, 2020. The application was signed by the decreed owner. She wishes to place the entire right in the Bank. This right was decreed in 2004 and placed in the Bank in 2006 indefinitely. In 2015, the Department updated all indefinite rights to a maximum of 5 years. It doesn't appear any irrigation has taken place in this time. There is a stockwater/domestic right (65-9447) that overlaps a portion of this right but they do not need to be placed in the Bank. This right is currently within WD 65. The Rodna Sisk sold portions of the land appurtenant to the water right but the water right was withheld. There are affidavits signed by the current land owners giving Rodna authorization to place the water right in the Bank. Mrs. Sisk also sent an agreement for sale/transfer of real estate that specifically withheld the water rights.

Rodna E. Sisk
Diamond R Acres
5900 Sweet Ola Hwy
Sweet, ID 83670

1/4/2021

RECEIVED

JAN 06 2021

DEPARTMENT OF
WATER RESOURCES

Ref: Water Right Number 65-7085

Attn: Jean Hersley
Idaho Dept. of Water Resources
322 E. Front St., Suite 648
P.O. Box 83720
Boise, ID 83720-0098

Enclosed, please find the documentation that shows authorization and retention of ownership for Rodna E. Sisk to continue the placement of Water Right Number 65-7085 in the Idaho Dept. of Water Resources Water Supply Bank.

It should also be noted that the annual fees and assessments for the total 155 acres associated with Water Right 85-7085, have been paid in full and in a timely manner, by Rodna E. Sisk for over 40 years, including the year 2020 assessment.

Thank you,



Rodna E. Sisk

RECEIVED

JAN 06 2021

DEPARTMENT OF
WATER RESOURCES

Authorization

We, the undersigned, do hereby authorize Rodna E. Sisk to submit our portion of water rights associated with water right No. 65-7085, granted and appurtenant to our property (see attached conveyance and description) to the Idaho department of Water Resources Water Bank, and in accordance with the Water Bank contract.

[Signature] 12-30-20

Robert H. Sisk

Date

[Signature] 12-30-20

Leah Sisk

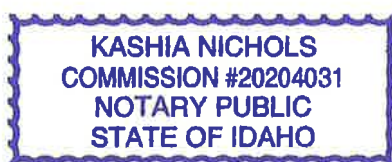
Date

State of ID

County of Gem

On this 30 day of December, in the year 2020, before me, Kashia Nichols (Notary's name) a notary public, personally appeared Robert H. Sisk, Leah Sisk (individual's name), personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

Seal



[Signature]

Notary Public

My Commission expires on: 10/16/2026

INSTRU. NO. 250694
PAGES 1 OF 2

Instrument # 250694

EMMETT, GEM, IDAHO
2006-04-10 11:37:00 No. of Pages: 2
Recorded for: RODNA SISK
SUSAN K. HOWARD Fee: 5.00
Ex-Officio Recorder Deputy *Judy Evans*
Index to: QUIT CLAIM DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, *Rodna E. Sisk*

do(es) hereby convey, release, remise and forever quitclaim unto

Robert H. Sisk and Leah Sisk

whose current address is: *1117 S. Gem Stone Way*
Emmett, Idaho
the following described premises:

See Property Description
Parcel 3B attached
hereto.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: *April 8, 2006*

Rodna E. Sisk

State of Idaho)

) ss

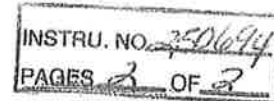
County of *GEM*)

On this 8 day of April 2006, before me, a Notary Public in and for said state, personally appeared *Rodna E. Sisk* known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Cheryl Lee
Notary Public for the State of Idaho
Residing at: *Sweet, ID*
Commission Expires: *2-01-09*

Tri County Surveying, Inc.



Job No. 06-037
April 3, 2006

Property Description
Parcel 3B

That portion of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 15, Township 7 North, Range 1 East, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the southwest corner of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 15, Township 7 North, Range 1 East, Boise Meridian;
Thence North $00^{\circ}02'53''$ West, 593.71 feet, along the west line said South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$;
Thence North $89^{\circ}40'56''$ East, 326.83 feet, parallel to the north line of said South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$;
Thence South $00^{\circ}02'53''$ East, 593.21 feet, parallel to the west line of said South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$;
Thence South $00^{\circ}05'14''$ West, 1125.11 feet, parallel to the west line of said Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, to the northerly right-of-way line of State Highway 52, to the beginning of a non-tangent 1392.50 foot radius curve to the right, a radial bearing from said point bears North $27^{\circ}07'22''$ East;
Thence northwesterly along the arc of said curve through a central angle of $16^{\circ}32'06''$ a distance of 401.86 feet, along said northerly right-of-way line, to a point on the west line of said Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$;
Thence North $00^{\circ}05'14''$ East, 890.87 feet, along said west line of said Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, to the point of **Beginning**.

Together with and subject to an ingress and egress and utility easement under, over and across a portion of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and a portion of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 15, Township 7 North, Range 1 East, Boise Meridian, Gem County, Idaho, lying 40.00 feet east of and adjacent to the following described line:

Commencing at the southwest corner of the Northwest $\frac{1}{4}$ of the Southwest of Section 15, Township 7 North, Range 1 East, Boise Meridian;
Thence North $00^{\circ}05'14''$ East, 435.89 feet to a point on the northerly right-of-way line of State Highway 52 being the **Point of Beginning**;
Thence continuing North $00^{\circ}05'14''$ East, 890.87 feet, along said west;
Thence North $00^{\circ}02'53''$ West, 593.71 feet along the west line of said Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, to the terminus of this easement.

Said tract of land containing therein, a calculated area of 12.104 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.



RECEIVED

JAN 06 2021

DEPARTMENT OF
WATER RESOURCES

Authorization

We, the undersigned, do hereby authorize Rodna E. Sisk to submit our portion of water rights associated with water right No. 65-7085, granted and appurtenant to our property (see attached conveyance and description) to the Idaho department of Water Resources Water Bank, and in accordance with the Water Bank contract.

John D. Perkins 12/23/2020
John D. Perkins Date

Sherrie D Perkins 12/23/2020
Sherri Perkins Date

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 23rd DAY OF Dec, 2020
BY John D & Sherrie D Perkins
Peggy Irving
NOTARY PUBLIC

PEGGY IRVING
Notary Public - State of Idaho
Commission Number 12556
My Commission Expires Jul 1, 2024

QUITCLAIM DEED

FOR VALUE RECEIVED, Rodna E. Sisk

do(es) hereby convey, release, remise and forever quitclaim unto
John and Sherril Perkins

whose current address is: 5880 Sweet-Ola Hwy.
Sweet, Idaho 83670
the following described premises:

See property description
parcel 1 revised attached
hereto.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: April 11, 2006

Robert E. Lisk

State of Idaho }
County of Gem } ss

On this 11 day of APRIL, 2006, before me, a Notary Public in and for said state, personally appeared Rodna E. S. S. S. known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

ten.



Notary Public for the State of Idaho
Residing at: SWEET, ID
Commission Expires: 2-01-00

Tri County Surveying, Inc.

Job No. 05-131
December 22, 2005

Property Description Parcel 1

The Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 15, Township 7 North, Range 1 East, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the northwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 15, Township 7 North, Range 1 East, Boise Meridian;
Thence North $89^{\circ}44'45''$ East, 654.76 feet, along the north line of said Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, to the northeast corner thereof;
Thence South $00^{\circ}02'21''$ West, 657.98 feet, along the east line of said Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, to the southeast corner thereof;
Thence South $89^{\circ}40'56''$ West, 653.76 feet, along the south line of said Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, to the southwest corner thereof;
Thence North $00^{\circ}02'53''$ West, 658.70 feet, along the west line of said Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, to the point of **Beginning**;

Together with and subject to an egress, ingress and utility easement under, over and across a portion of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 15, Township 7 North, Range 1 East, Boise Meridian, Gem County, Idaho, lying 40.00 feet south of and adjacent to the following described line:

Beginning at the northwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 15, Township 7 North, Range 1 East, Boise Meridian;
Thence North $89^{\circ}44'45''$ East, 654.76 feet, along the north line of said Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, to the terminus of this easement.

Also together with and subject to an ingress and egress easements described in Instrument No. 246137, records of Gem County, Idaho.

Said tract of land containing therein, a calculated area of 9.888 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.



Agreement for sale/transfer of real estate

RECEIVED

JAN 06 2021

DEPARTMENT OF
WATER RESOURCES

Robert W. Sisk and Rodna E. Sisk, husband and wife, agree to sell a forty (40) acre parcel, more or less, to Ralph E. Hodges and Constance D. Hodges, described as: See attached Exhibit "A," recorded instrument no. 291382, Gem County, Idaho.

Selling price, agreed upon by sellers, (Sisks) and buyers, (Hodges) is two hundred thousand dollars, (\$200,000,) to be paid by the buyers in the form of The United States legal tender, in cash.

Sellers, agree to furnish a quitclaim deed for the described property, free and clear of any liens and encumbrances.

Sellers agree and have completed, a survey of said property by a licensed surveyor, duly recorded, at their expense.

Sellers agree and have completed, a survey of an easement granted by the Hodges to access said property, duly recorded, at their expense.

Buyers are aware and agree that no irrigation water, nor any irrigation water rights are included in said sale of the property described in Exhibit "A."

Buyers agree to construct a fence on the west side and on the surveyed line of described property in Exhibit "A," that will be in compliance with Idaho Statutes, Title 35, Chapter 1, 35-102. All construction, costs and expenses associated with said fence, will be the buyers obligation.

Since sellers did not have the property listed for sale, and since the buyers approached the sellers about purchasing the property, standard practices would be, that the buyers would normally pay for the costs of the property surveys, title insurance and any other costs affiliated with the purchase.

As stated above, sellers agreed to fund the costs of the survey and costs of the easement. In addition, sellers agree to pay the property taxes up to the date of the property transfer.

If buyers require title insurance or additional services from a title or escrow

company, it will be at the buyers expense.

Robert W. Sisk 4-19-13
Sellers: Robert W. Sisk Date:

Ralph E. Hodges 4-5-13
Buyers: Ralph E. Hodges Date:

Rodna E. Sisk
Rodna E. Sisk Date:

Constance D. Hodges 4-5-13
Constance D. Hodges Date:

Exhibit "A"

Property Description Parcel A

INSTRU. NO.	291382
PAGES	2 OF 2

Beginning at the northwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15, Township 7 North, Range 1 East, Boise Meridian;
Thence North $89^{\circ}45'11''$ East, 1302.11 feet, along the north line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15 and the easterly prolongation thereof to the northwest corner of Shelly Acres Subdivision filed in Book 3 of Plats at Page 22, records of Gem County, Idaho;
Thence South $00^{\circ}11'33''$ West, 1330.63 feet, along the west line of said Shelly Acres Subdivision;
Thence South $89^{\circ}57'38''$ West, 1321.53 feet, along the north line of said Shelly Acres Subdivision;
Thence North $01^{\circ}01'58''$ East, 1326.14 feet to the northwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15 being the point of **Beginning**.

Said tract of land containing therein a calculated area of 40.00 acres, more or less.

Job No. 13-009
February 27, 2013



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 17, 2020

RODNA E SISK
DIAMOND R ACRES
5900 SWEET OLA HWY
SWEET ID 83670

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT NO(S) 65-7085 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application to lease the above referenced water right to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

The Bank rules provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration is proof of current ownership of water right (IDAPA rules 37.02.03.025.02.b).

In your email received December 15, 2020, you said the portions of the water right appurtenant to property you no longer own, were withheld in the sale and/or gifting of the land. The Department will need to see the documentation that the water rights were withheld or an affidavit from the land owners giving you permission to lease the water right to the Bank. The concern from the Department is if the water right is rented, you would be making money on portions of the water right you no longer own and that the current land owners would irrigate land that is supposed to be idled. Please provide the requested information within 30 days. If the Department does not receive the requested information, a new contract will be sent to you with the acres appurtenant to the land you own, approximately 92 acres.

The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4942.

Sincerely,


for Water Supply Bank

Hersley, Jean

From: robert sisk <gitrdun@outlook.com>
Sent: Tuesday, December 15, 2020 5:31 PM
To: Hersley, Jean
Subject: Re: Water Supply Bank Lease Contract 65-7085

Would you please send your request and requirements concerning water right 65-7085, being retained into the Water Bank, in an official letter to enable us to present, and consult with legal counsel? This would be greatly appreciated.

Thank you,
Rodna E. Sisk

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, December 15, 2020 7:54 AM
To: gitrdun@outlook.com <gitrdun@outlook.com>
Subject: Water Supply Bank Lease Contract 65-7085

The Department of Water Resources received your signed lease contracts. During the final review, it was discovered that you do not own all of the property appurtenant to water right 65-7085. There are 40 acres in the SWNE that, according to our records, are owned by Hodges, 11 acres in the SWNW that are owned by Perkins and 12 acres located in the SWNW and NWSW that are owned by Robert & Leah Sisk.

When the land was sold, did you hold back the water rights? Or do you have permission from the land owners to place the water right in the Bank? Please provide documentation that allows you to place the entire water right in the Bank within 30 days. If the Department does not receive the information within 30 days, we will reduce the number of acres to reflect the land you own to be leased to the Bank and resend the contracts for you to sign.

If you have any questions, please contact me. Thank you.

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

Hersley, Jean

From: robert sisk <gitrdun@outlook.com>
Sent: Tuesday, December 15, 2020 9:29 AM
To: Hersley, Jean
Subject: Re: Water Supply Bank Lease Contract 65-7085

Good morning Jean,

None of the water rights were transferred to other parties. Perkins and Robert & Leah Sisk are family members, and their properties were given to them, not sold, and the water rights were retained by us. The 40 acres were sold to Hodges, with the recorded sales contract specifically stating that no irrigation water rights to be included. The Idaho Dept of Water Resources and Water Bank records should show that no official transfer of 65-7085 water rights has taken place, and that the only name for the rights is under Rodna E. Sisk.

We need to retain these water rights for the possibility of future farm/ranch land purchases.

Thank you,

Rodna E. & Robert W. Sisk

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, December 15, 2020 7:54 AM
To: gitrdun@outlook.com <gitrdun@outlook.com>
Subject: Water Supply Bank Lease Contract 65-7085

The Department of Water Resources received your signed lease contracts. During the final review, it was discovered that you do not own all of the property appurtenant to water right 65-7085. There are 40 acres in the SWNE that, according to our records, are owned by Hodges, 11 acres in the SWNW that are owned by Perkins and 12 acres located in the SWNW and NWSW that are owned by Robert & Leah Sisk.

When the land was sold, did you hold back the water rights? Or do you have permission from the land owners to place the water right in the Bank? Please provide documentation that allows you to place the entire water right in the Bank within 30 days. If the Department does not receive the information within 30 days, we will reduce the number of acres to reflect the land you own to be leased to the Bank and resend the contracts for you to sign.

If you have any questions, please contact me. Thank you.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 1, 2020

RODNA E SISK
5900 SWEET OLA HWY
SWEET ID 83670

**RE: APPLICATION TO LEASE WATER RIGHT 65-7085 TO THE WATER SUPPLY BANK
CONTRACT 1254**

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

Dear Applicant:

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

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

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

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

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C109526

Hersley, Jean

From: Ron Shurtleff <waterdist65@srvinet.com>
Sent: Wednesday, December 2, 2020 2:09 PM
To: Hersley, Jean
Subject: RE: WSB Lease for 65-7085

Jean,

I do not have any objection for water right 65-7085 being leased to the Water Bank. The current owners do not seem to be interested in irrigating the land but in my opinion it would be appropriate to believe that subsequent owners are likely to want irrigation. The land will depend heavily on stored water leased from the water bank if brought back under irrigation. At this time the Payette system is equipped to supply supplemental stored water for full season operation of this water right.

Thank you for the opportunity to review this Lease contract.

Best regards,

Ron Shurtleff
102 N. Main St.
Payette, ID 83661
Office: 208-642-4465
Cell: 208-642-0230

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Tuesday, December 1, 2020 1:36 PM
To: Ron Shurtleff
Subject: WSB Lease for 65-7085

This right was decreed in 2004 and has been in the Bank since 2006. It does not appear any irrigation has taken place. Please let me know within 7 days if you have any comments or concerns with the attached lease. Thank you.

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