

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1121

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

LESSOR: CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

RECEIVED

DEC 18 2020

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 30, 2019.
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)
63-7755B	3/23/1973	GROUND WATER	2.23	594.0	132.0
Combined Lease Totals			2.23	594.0	132.0

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)
63-7755B	0.00	0.0	0.0	0.0	0.0
Combined Limit Totals	0.00	0.0	0.0	0.0	0.0

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

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

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DEPARTMENT OF WATER RESOURCES

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3. **TERM OF LEASE:** The term of this lease shall be January 1, 2020 to December 31, 2024. 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.

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

LESSOR: CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

By *Laura McLean*
Title *Mayor*
Date *12-7-20*

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 *12-28-20*

Lease approved by IDWR *Cody*

Date *12-28-20*

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DEPARTMENT OF WATER RESOURCES

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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): 63-7755B

GROUND WATER	NWNW	Sec. 35	Twp 01N	Rge 01E	ADA County
GROUND WATER	NENW	Sec. 35	Twp 01N	Rge 01E	ADA County
GROUND WATER	SESW	Sec. 23	Twp 01N	Rge 01E	ADA County
GROUND WATER	SESW	Sec. 25	Twp 01N	Rge 01E	ADA County
GROUND WATER	SESW	Sec. 25	Twp 01N	Rge 01E	ADA County
GROUND WATER	NWSE	Sec. 25	Twp 01N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36	Twp 01N	Rge 01E	ADA County
GROUND WATER	SWNE	Sec. 34	Twp 01N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 33	Twp 01N	Rge 01E	ADA County
GROUND WATER	NWNW	Sec. 34	Twp 01N	Rge 01E	ADA County
GROUND WATER	SWSW	Sec. 24	Twp 01N	Rge 01E	ADA County
GROUND WATER	NWSW	Sec. 27	Twp 01N	Rge 01E	ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-7755B	IRRIGATION	03/01	to	11/30	2.23 cfs	594.0 AF
Totals:					2.23 cfs	594.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	23									40	40	40	40	40	40	40	40	320
01N	01E	24									40	40	40	40					160
01N	01E	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	15	615
01N	01E	26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
01N	01E	27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
01N	01E	33	40	40	40	40	40			40	40				40	40			360
01N	01E	34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
01N	01E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
01N	01E	36	32	38	4	28	40	40	18	10									210

Total Acres: 279

Acres to be idled: 132

ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.
- 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.

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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.
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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
14. Rights 63-7005B, 63-7042B, 63-7053, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-9243 and 63-9359 when combined shall not exceed a total diversion rate of 37.53 cfs, and a total annual maximum diversion volume of 10,213.1 af for the irrigation of 2,261 acres, industrial, stockwater and domestic uses.
15. Rights 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243 and 63-9359 when combined shall not exceed a total diversion rate of 51.7 cfs, and a total annual maximum diversion volume of 14,490.5 af for the irrigation of 3,051 acres, industrial, stockwater and domestic uses.

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16. Rights 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 60.87 cfs, and a total annual maximum diversion volume of 16,808.1 af for the irrigation of 3,646 acres, industrial, stockwater and domestic uses.
17. This right when combined with all other rights shall provide no more than 02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.



STATE OF IDAHO
WATER RESOURCE BOARD

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DEC 30 2019

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant City of Boise
(Select one owner – see item 1A on the application)

Water Right No. 63-7755B
(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 <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 \$ 350.00

Received By: KU

Date Received: 12-30-19

Receipt # C108174

W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

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 City of Boise

Mailing Address <u>Public Works Dept., 150 N. Capitol Blvd., Boise,</u>	ID	83701-0500
Street	City	State

Email Address _____ Phone Number 208-384-3920

☒ 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 Lori Graves Organization SPF Water Engineering

Professional Title Water Rights Specialist Email Address lgraves@spfwater.com

Mailing Address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Phone Number 208-383-4140

☐ 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.
12 well integrated irrigation system

- 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. Water rights 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470 are used within the permissible place of use authorized for water right 63-7755B

- 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. See attached explanation/summary

- 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. Subject water has been banked for the last 5 years under Lease Contract No. 391.

- 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. See item 4F above.

- 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

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: 2020 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

David H. Bieter
Printed Name

12/17/19
Date


Signature of Authorized Representative

LORI GRAVES
Printed Name

12/23/19
Date

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

Attest: 
City Clerk, Lynda Lowry



**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

<u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
63-7755B	Irrigation	2.42	643.5	132
Total Amounts:		2.23	594	132

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
1N	1E	23			SE	SW	Ada
1N	1E	24			SW	SW	Ada
1N	1E	25			SE	NW	Ada
1N	1E	25			SE	SW	Ada
1N	1E	25			NW	SE	Ada
1N	1E	27			NW	SW	Ada
1N	1E	33			NE	NE	Ada

1N	1E	34			SW	NE	Ada
1N	1E	34			NW	NW	Ada
1N	1E	35			NE	NW	Ada
1N	1E	35			NW	NW	Ada
1N	1E	36			NE	NE	Ada

Explanation/Summary

Nineteen ground water rights authorize irrigation use at the City's Twenty-Mile South (TMS) Farm. When combined, the water right authorize irrigation of 3646 acres within a 4225-acre permissible place of use (ppu). The water rights each have an acre limit and are not considered stacked. Water right 63-7755B was the chosen water right used for Lease Contract 391 and remains the chosen water right for the lease contract renewal application described below.

In 2015, total authorized irrigation under the 19 rights was 3,653 acres and only 3440 were being irrigated. Consequently, 150 acres were leased to the Water Supply Bank for 5 years under Contract No. 391 set to expire December 31, 2019 and 63 acres the City planned to bring into production within 5 years were protected under an Extension of Time to Avoid Forfeiture set to expire July 1, 2020. As a result, 213 acres have been protected since 2015.

In January 2017, the Department approved transfer no. 80626, allowing a 4225-acre permissible place of use for irrigation of 3,653 combined acres under the 19 water rights. In July 2017, transfer no. 81638 was then approved allowing 7 of the 3,653 acres to be permanently retired from irrigation and used for the City's new compost facility. As a result, 3,646 acres are now authorized for irrigation within the 4,225-acre ppu.

Based on irrigation data provided by the farm manager as shown on the attached GIS photo map and listed in the attached table, 3,463 acres of the 3,646 authorized acres will be irrigated at TMS Farm during the 2020-2025 irrigation seasons. For continued protection of the remaining 183 authorized acres, enclosed are the following:

1. *Resumption of Beneficial Use Notice* for the 63 acres under water right 63-7755B protected under the Extension of Time to Avoid Forfeiture approved in 2015 set to expire July, 2020.
2. *Extension of Time to Avoid Forfeiture* for 51 acres currently not being irrigated that the City plans to develop within the next 2 years. Water right 63-12470 was chosen for this action.
3. *Water Supply Bank Lease Application* requesting lease renewal for the remaining 132 acres currently not being irrigated that the City would like to protect for another 5 years. The water right allows irrigation of 279 acres within the authorized ppu, of which 147 acres will continue to be irrigated.

[illegible]

Legend

- TMSF Irrigation - 3463 acres
- Twenty Mile South Farm Irrigation ppv

The City has 19 water rights that authorize 3,646 acres irrigation within a 4,225-acre ppv. As shown, irrigation is planned for 3,463 acres during the 2020-2025 irrigation seasons. Of the remaining 183 acres currently not being irrigated, 132 are proposed for protection under a lease renewal application and 51 acres are proposed for protection under an extension from forfeiture application.



SPF WATER
ENGINEERING
300 East Main Street, Suite 300
Boise, Idaho 83726
Tel (208) 383-4140 Fax (208) 383-4158

City of Boise
Twenty Mile South Farm

WB Lease Renewal & Forfeiture Extension

DATE: 12/10/2019

CREATOR: L.Graves

PROJECT: 389 0900



Absolute Scale: 1:18,000
0 1,250 2,500 Feet



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 29, 2020

CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

RE: **WATER SUPPLY BANK LEASE CONTRACT 1121
FOR WATER RIGHTS 63-7755B**

Dear Lessor:

Water rights **63-7755B** was leased into the Water Supply Bank (Bank) as of January 1, 2020, 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, 2024**, 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-Viebell

for

Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region
Lori Graves – SPF Water Engineering



OFFICE OF THE CITY ATTORNEY

MAYOR: Lauren McLean | BOISE CITY ATTORNEY: Jayme Sullivan

RECEIVED

DEC 18 2020

DEPARTMENT OF
WATER RESOURCES

December 15, 2020

Amanda Johnson-Veibell
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

RE: Water Supply Bank Lease Contract No. 1121

Dear Amanda,

Please find enclosed the Water Supply Bank Lease Contract No. 1121 with City of Boise signatures. Once you have obtained all necessary signatures, please return an electronic copy to both John Roldan (jroldan@cityofboise.org) and me (msteel@cityofboise.org).

Thank you!

Sincerely,

Michelle Steel

Enclosure



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

November 18, 2020

CITY OF BOISE
PUBLIC WORKS DEPARTMENT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

RE: **REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACT 1121
FOR WATER RIGHT 63-7755B**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on October 30, 2020. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application will be returned, and the application fee will not be refunded. You can reapply to lease the water right in the future by submitting new application form along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

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

Sincerely,

Amanda Johnson Veibel

for
Water Supply Bank

c: Lori Graves – SPF Water Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 30, 2020

CITY OF BOISE
PUBLIC WORKS DEPARTMENT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

RE: APPLICATION TO LEASE WATER RIGHT 63-7755B TO THE WATER SUPPLY BANK CONTRACT 1121

*****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, 2024**, 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-Viehl

for

Water Supply Bank

Enclosures: Proposed Lease Contracts

C. Lori Graves – SPF Water Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 4, 2020

CITY OF BOISE
PUBLIC WORKS DEPT
105 N CAPITOL BLVD
PO BOX 500
BOISE ID 83701-0500

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS 1211
FOR WATER RIGHT 63-7755B**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on August 21, 2020. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application will be returned, and the application fee will not be refunded. You can reapply to lease the water right in the future by submitting new application form along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

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

Sincerely,

Amanda Johnson Veibell

for
Water Supply Bank

c: Lori Graves – SPF Water Engineering



State of Idaho

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 21, 2020

CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

RE: APPLICATION TO LEASE WATER RIGHT 63-7755B TO THE WATER SUPPLY BANK CONTRACT 1211

****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, 2024**, 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.

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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: C108174

c. Lori Graves – SPF Water Engineering

Memorandum

To: Water Right 63-7755B
From: Justin Ferguson
Date: January 9, 2020
Re: Water Supply Bank Lease Application

Purpose/Narrative: An application was received December 30, 2019 from the City of Boise requesting to lease portions of the permissible place of use to the Bank through 2024. Review of the previous contract indicates that this is a continuation of the previous lease with fewer acres offered as the farm expands.

The Department also received both a resumption of use notice for this right indicating that they had resumed use before the expiration in July 2020. The farm is authorized to irrigate 3,653 acres using 19 water rights within a 4,225 acre permissible place of use of which 132 will be protected under 63-7755B.

Authority to File: The applications were signed by Dave Bieter and Lynda Lowery from the City of Boise and submitted by their representative, Lori Graves of SPF Water Engineering. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The water right offered was decreed through the SRBA in 2009 and offered for lease in 2015 through the end of 2019. The applicant has requested to lease a smaller portion of the same right again while they expand their irrigation operations. No concerns of validity at this time.

Injury Evaluation: No injury is apparent as it appears there will not be any of the right available for rent.

Enlargement of Use: Since the right is within a PPU the specific acres leased were not designated as the applicant is authorized the 132 acres from the total PPU. Review of the combined limits found that, with the proposed lease, there will not be any of the right available for rent. The right is part of three separate combined limits with c as a subset of b and b as a subset of a. Evaluation of the overall combined limit indicated that there was a total loss of 7.78 cfs and 392.0 acres. Removing the value of the proposed lease from each of the limits, when all other rights are left at the full value, does not provide sufficient value to overcome the deficit. As such there not be any rate, volume, or acreage rentable without causing enlargement.

Decreed value of 63-7755B			
Rate	4.72		
Volume	1255.50		
Acres	279.00		
Proposed Lease Amounts Application 1585 - 63-7755B			
Rate	2.23		
Volume	594.00		
Acres	132.00		
Total Remaining 63-7755B			
Rate	2.49		
Volume	661.50		
Acres	147.00		

Basin	Sequence	Suffix	Priority	Date	Use	Diversion Rate	Volume	Total Acres	Acres Limit	Rate/Ac	Vol/Ac
63	12461			3/19/1980	Irrigation	4.58	1,030.50	229.00	4,225.0	0.020	4.50
63	12470			3/19/1980	Irrigation	7.32	1,647.00	366.00	4,225.0	0.020	4.50
63	3013			11/15/1954	Irrigation	3.30	1,215.00	270.00	4,225.0	0.012	4.50
63	3014			11/15/1954	Irrigation	2.74	819.00	182.00	4,225.0	0.015	4.50
6	63	7047		2/17/1968	Irrigation	2.40	540.00	120.00		0.020	4.50
6	63	7047		2/17/1968	Stockwater	0.09	5.40				
6	63	7047		2/17/1968	Domestic	0.04	1.20				
5	63	7055	A	3/29/1968	Irrigation	2.53	546.60	120.00	4,225.0	0.021	4.56
5	63	7055	A	3/29/1968	Stockwater	4.36	981.00	218.00		0.020	4.50
5	63	7055				0.07	4.10				
5	63	7055				4.43	985.10	218.00	4,225.0	0.020	4.52
63	8435			4/13/1977	Irrigation	2.84	711.00	158.00	4,225.0	0.018	4.50
63	7005	B		6/14/1967	Irrigation	6.10	1,372.50	305.00	2,261.0	0.020	4.50
63	7042	B		12/6/1967	Irrigation	6.50	1,800.00	400.00	2,261.0	0.016	4.50
63	8130	B		5/30/1975	Irrigation	2.40	540.00	120.00	2,261.0	0.020	4.50
4	63	7053		1/10/1968	Irrigation	6.10	1,372.50	305.00			
4	63	7053		1/10/1968	Stockwater	0.30	8.00				
4	63	7053				6.40	1,380.50	305.00	2,261.0	0.021	4.53
63	7055	C		3/22/1968	Irrigation	0.39	189.50	78.00	4,225.0	0.005	2.43
63	7055	D		3/22/1968	Irrigation	1.47	328.50	73.00	2,261.0	0.020	4.50
63	7064	A		4/11/1968	Irrigation	3.20	720.00	160.00	2,261.0	0.020	4.50
3	63	7064	B	4/11/1968	Irrigation	3.15	711.00	158.00		0.004	4.50
3	63	7064	B	4/11/1968	Domestic	0.04	0.60				
3	63	7064				3.19	711.60	158.00		0.020	4.50
3	63	7064				3.15	711.60	158.00	2,261.0	0.020	4.50
2	63	7078	B	3/18/1968	Irrigation	3.40	1,647.00	366.00		0.002	4.50
2	63	7078	B	3/18/1968	Stockwater	0.30	8.00				
2	63	7078				3.70	1,655.00	366.00		0.010	4.52
2	63	7078				3.40	1,655.00	366.00	2,261.0	0.009	4.52
1	63	7755	B	3/23/1973	Irrigation	4.72	1,255.50	279.00		0.004	4.50
1	63	7755	B	3/23/1973	Industrial	0.12	22.00	279.00		0.005	0.08
1	63	7755				4.84	1,277.50	279.00	2,261.0	0.017	4.58
63	9243			6/1/1979	Irrigation	2.60	778.50	173.00	2,261.0	0.015	4.50
63	9359			3/19/1980	Irrigation	1.17	351.00	78.00	2,261.0	0.015	4.50
Total Available						41.62	10,046.60	2,224.00		0.019	4.52
Total Irrigation Available						41.20	10,526.00	2,375.00		0.017	4.43
Combined Limit						37.53	10,213.10	2,261.00		0.017	4.52
Total Available						57.46	14,866.30	3,292.00	3,051.0	0.017	4.51
Total Irrigation Available						56.84	15,332.00	3,443.00	3,051.0	0.017	4.45
Combined Limit						51.07	14,500.00	3,051.00	3,051.0	0.017	4.75
Total Available						69.36	17,540.80	3,887.00	4,225.0	0.018	4.51
Total Irrigation Available						68.74	18,009.50	4,038.00	4,225.0	0.017	4.46
Combined Limit						60.87	16,808.00	3,645.00	4,225.0	0.017	4.61
Total Irrigation Avail - Combined Limit						3.67	312.90	114.00		0.032	2.74
Total Irrigation Avail - Combined Limit						5.77	832.00	397.00		0.015	2.12
Total Irrigation Avail - Combined Limit						7.87	1,201.50	392.00		0.020	3.07
Rentable Extent						(1.44)	(310.67)	(111.77)		0.013	2.78
Rentable Extent						(3.54)	(829.77)	(369.77)		0.009	2.13
Rentable Extent						(5.64)	(1,199.27)	(369.77)		0.014	3.08

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 Western Region comments were requested

Water Supply Bank Evaluation: Based on the information presented by the applicant, staff recommend the application be approved.



SPF WATER
ENGINEERING

December 23, 2019

RECEIVED
DEC 30 2019
DEPARTMENT OF
WATER RESOURCES

Justin Ferguson
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Water Bank Lease Renewal – 63-7755B*
Resumption of Beneficial Use Notice – 63-7755B
Extension of Time to Avoid Forfeiture – 63-12470

Dear Justin,

On behalf of the City of Boise, enclosed is an application package including a *Water Bank Lease Renewal* for Contract No. 391, *Resumption of Beneficial Use Notice* involving water right 63-7755B and an *Extension of Time to Avoid Forfeiture* for water right 63-12470. With the applications is an explanation that clarifies the relationship and purpose of the three water right actions.

Check No. 014831 for \$350 is enclosed for the water bank lease (\$250) and forfeiture extension (\$100). Please let me know if there are any questions. Thanks Justin.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: John Roldan, Boise City

Enclosures

SPF file numbers: 389.0980