

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1239

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

LESSOR: LARRY G GREEN
101 N MAIN ST
HAILEY, ID 83333-8410

RECEIVED
OCT 05 2020
DEPARTMENT
WATER RES.

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 August 19, 2020.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

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

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

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-667V	6/15/1891	BIG WOOD RIVER, tributary to MALAD RIVER	0.78	Not Stated	39.00
Lease Totals			0.78	Not Stated	39.00

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-667V	0.00	000.0	00.0	0.000	0.0
Combined Limit Totals	0.00	000.0	00.0	0.000	0.0

** The water right elements rentable have been reduced from the water right elements leased to account for conveyance losses of 30 % and to avoid concerns of enlargement.*

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: Not rentable

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1239

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1239

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

LESSOR: LARRY G GREEN

101 N MAIN ST

HAILEY, ID 83333-8410

By Larry G Green

Title Owner

Date Sept. 30, 2020

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By Brian Patton

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 10/08/20

Lease approved by IDWR FTP

Date 10/08/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1239

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
14. Right Nos. 37-667V and 37-2705B are limited to the irrigation of a combined total of 39 acres in a single irrigation season.
15. A portion of this right provides conveyance for other right holders in the shared delivery of water through the Wood River Valley Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 30% or 0.23 cfs of the leased portion of this right into the Wood River Valley Irrigation District #45 Canal whether it is rented or not.
16. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
17. To avoid concerns of enlargement, this right is not rentable.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1239

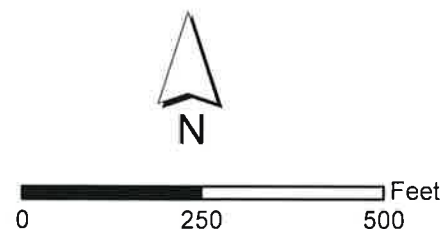
37-667V

Effective until December 31, 2024

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 Place of Use
-  Township/Range
-  Sections
-  QQ



Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1239

37-667V

Effective until December 31, 2024

This map depicts the **point of diversion** 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



0 250 500 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

AUG 19 2020

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Larry G. Green
(Select one owner - see item 1A on the application)Water Right No. 37-667 V
(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 \$ 250.00Received By: KMDate Received: 8-19-2020 Receipt # C109154W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Larry Green

1769

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 LARRY GREEN & LEANNE GREEN
Mailing Address 101 N. MAIN ST., HAILEY, ID 83333
Street City State Zip Code
Email Address lgreens@gmail.com Phone Number 208-721-7378

☒ 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.

Wood River Valley Irrigation District head gate and canal 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. 37-2705 B

- *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

- 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. THERE HAS BEEN NO WATER DIVERTED IN THE PAST FIVE YEARS FOR USE BY WATER RIGHT 37-667 V

- 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 E ABOVE. WE PAID FOR AN EXTENSION TO GAIN MORE TIME TO GET WATER ROUTED TO OUR PROPERTY.

- 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. (IT MAY NOT BE LEASED. IT IS OFFERED TO THE WATER BANK TO PREVENT FORFEITURE.)

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.

Sony L. Green
Signature of Designated Applicant

LARRY G. GREEN
Printed Name

8/10/20
Date

Leanne Green
Signature of Authorized Representative

Leanne Green
Printed Name

8/10/20
Date

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

4. GENERAL INFORMATION

- E. We have Ground Water Rights (37-667V) and Surface Water Rights ((37-2705B)). We have never been able to access the SW since we moved onto the property. Five years ago, we filed an extension for the SW to prevent forfeiture of the SW Rights. We have used only our GW to irrigate our property and have looked at some of the options to get SW to our property. Those options would include cutting a ditch across someone else's crop land or burying a pipe across the same crop land. I am guessing the pipe would be the only solution that would be agreeable to the other parties involved due to pivots, etc.

Therefore, I am trying to put the GW Rights into the Water Bank to prevent the forfeiture of this water right. It could be annotated that it is not for lease to prevent enlargement from occurring.

**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). 37-667 V

	Designated Applicant	Applicant #2	Applicant #3
Name	LARRY G. GREEN	LUANIE GREEN	LARRY G. GREEN
Mailing Address	101 N. MAIN ST.	101 N. MAIN ST. HAILEY, ID 83333	101 N. MAIN ST. HAILEY, ID 83333
Phone Number	208-721-7378	208-720-4757	208-721-7378
Email Address	lgreens@gmail.com	lgreens@gmail.com	lgreens@gmail.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	<i>Larry G. Green</i>	<i>Luanie Green</i>	<i>Larry G. Green</i>

	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

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

- | 1. <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) |
|------------------------------|----------------------|-----------------------------|------------------------------|-----------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | Total Amounts: | | | |
2. Source of water _____ tributary to _____

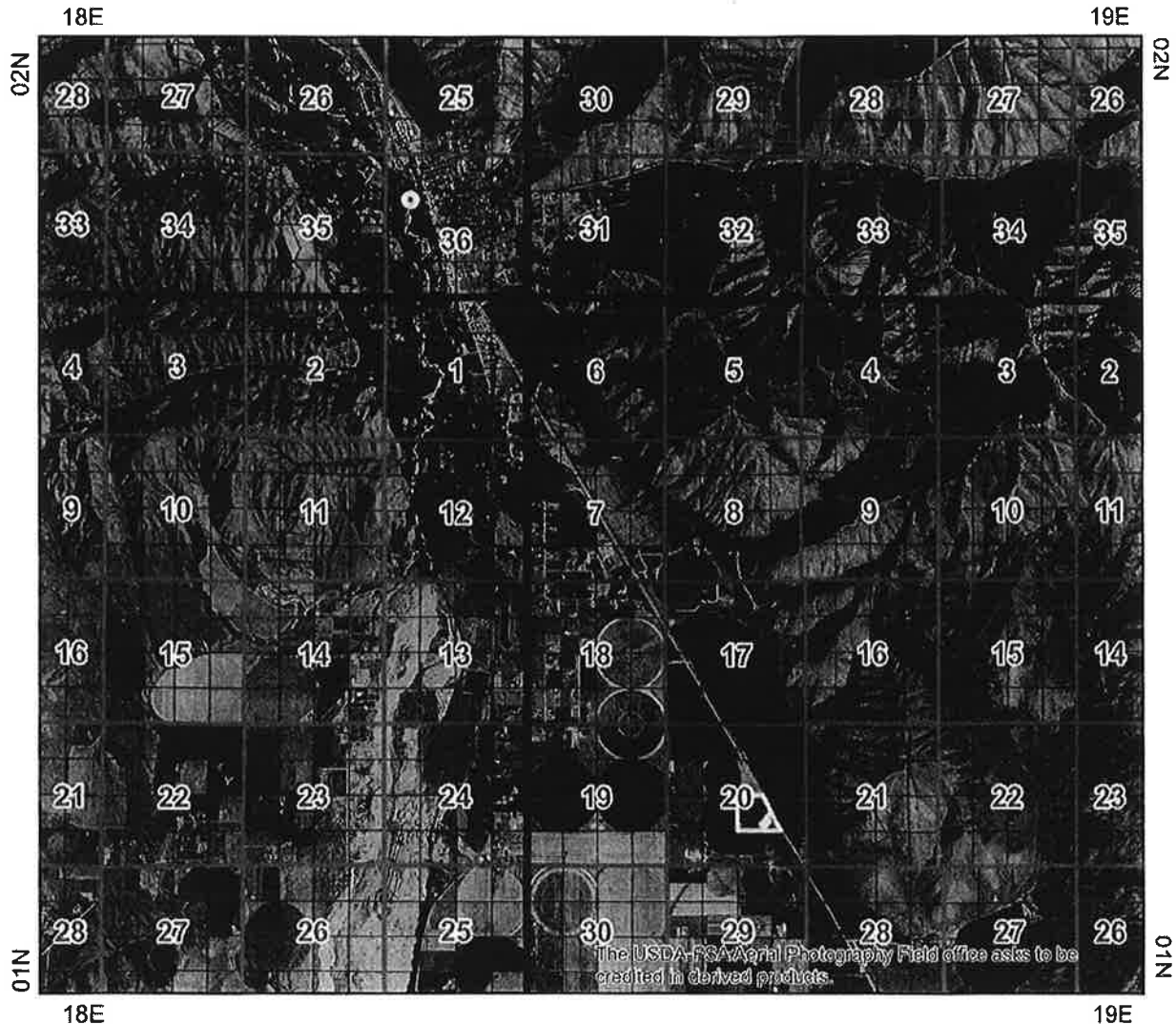
[illegible]

State of Idaho
Department of Water Resources

Water Right 37-667V

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



⊙ Point of Diversion

□ Place Of Use Boundary

□ Townships

□ PLS Sections

□ Quarter Quarters

0 0.75 1.5 3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 8, 2020

LARRY G GREEN
101 N MAIN ST
HAILEY ID 83333-8410

**RE: WATER SUPPLY BANK LEASE CONTRACT 1239
FOR WATER RIGHTS 37-667V**

Dear Lessor:

Water rights **37-667V** 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 Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region
Water District 37



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

September 28, 2020

RECEIVED

OCT 05 2020

DEPARTMENT OF
WATER RESOURCES

LARRY G GREEN
101 N MAIN ST
HAILEY ID 83333-8410

**RE: APPLICATION TO LEASE WATER RIGHT 37-667V TO THE WATER SUPPLY BANK
CONTRACT 1239**

******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,



Water Supply Bank

Enclosures: Proposed Lease Contracts





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

September 28, 2020

LARRY G GREEN
101 N MAIN ST
HAILEY ID 83333-8410

**RE: APPLICATION TO LEASE WATER RIGHT 37-667V TO THE WATER SUPPLY BANK
CONTRACT 1239**

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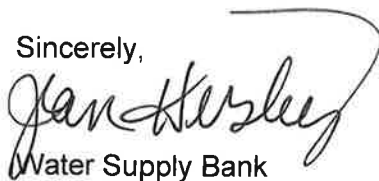
The right will automatically be released from the Bank on **December 31, 2024**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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,



Water Supply Bank

Enclosures: Proposed Lease Contracts

Hersley, Jean

From: Skinner, Corey
Sent: Monday, September 28, 2020 8:06 AM
To: Hersley, Jean
Subject: RE: WSB Lease contract for 37-667V in the name of Green

No concerns from me.

From: Hersley, Jean
Sent: Monday, September 28, 2020 7:46 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Kevin Lakey <watermanager@cableone.net>
Subject: WSB Lease contract for 37-667V in the name of Green

Please let me know within 7 days if you have any comments or concerns with this lease.

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

Hersley, Jean

From: watermanager@cableone.net
Sent: Monday, September 28, 2020 8:46 AM
To: Hersley, Jean; Skinner, Corey
Subject: RE: WSB Lease contract for 37-667V in the name of Green

I have no comments or concerns at this time.

Kevin Lakey
Water District 37

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Monday, September 28, 2020 7:46 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Kevin Lakey <watermanager@cableone.net>
Subject: WSB Lease contract for 37-667V in the name of Green

Please let me know within 7 days if you have any comments or concerns with this lease.

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

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Larry Green

Memo Date: September 25, 2020

Water Right Number(s): 37-667V

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)		2010
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.)		extension of time 2015-2020
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?	x	
If the POD is through a delivery entity, was holdback required? (percentage in comments)	x	30%
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	
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)		3.5
12 Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments	x	
Narrative: The Department received this application on August 19, 2020. Consent from Wood River Valley Irrigation District #45 and Triangle Irrigation District is needed. Sent email on August 28. A response was received on September 25, 2020. The letter from WRVID #45 listed water right 37-2705B but that is a ground water right. I am assuming they meant water right 37-667V which has been offered to the Bank. They are requiring a 30% holdback. This right was decreed in 2010 and an Extension of Time to Avoid Forfeiture was filed in 2015 -2020. There is no system in place to deliver this right to the property. The Green's purchased this property in 2013 and have been trying to figure out a way to get the surface water to their property. This right completely overlaps with 37-2705B and has a combined acre condition. Since this right has never been utilized, they do not need to place 37-2705B in the Bank. However, this right will be non-rentable to avoid any concerns of enlargement.		
13 This right is currently within WD 37.		

RECEIVED

SEP 25 2020

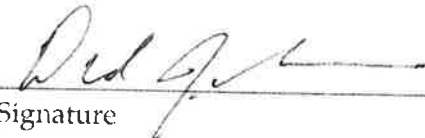
DEPARTMENT OF
WATER RESOURCES

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

P.O. Box 2223
Hailey, Id 83333

The undersigned hereby certifies that at the Wood River Valley Irrigation District #45 meeting on September 8th, 2020, The directors accepted the water bank application from Larry & Luanne Green for Water Right 37-2705B subject to and with the continuing condition of a 30 % percent hold back in the system and on the further condition that there be no adverse impact on the minimum stream flow in the river and that carriage loss sufficient to convey water to the Wood River Valley Irrigation District #45 head gate must be left in the river if the water is to be leased upstream.

DATED: September 8th, 2020



Signature
David Johnson, President and Director



Signature
Greg Clark, Director

RECEIVED

SEP 25 2020

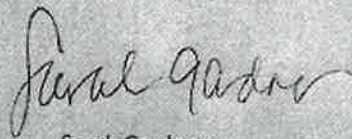
DEPARTMENT OF
WATER RESOURCES

TRIANGLE IRRIGATION DISTRICT

P.O. BOX 424

BELLEVUE, IDAHO 83313

At the Triangle Irrigation District Board meeting on September 22, 2020 , the directors accepted the water bank application from Larry and Luanne Green , subject to and with the condition of a 30 % hold back in the system and on the further condition that there be no adverse impact on the minimum stream flow in the river and that carriage loss sufficient to convey water to the Triangle Irrigation District head gate must be left in the river if the water right is to be leased upstream.



Sarah Gardner

President and Director

Hersley, Jean

From: Larry & Luanne Green <llgreens@gmail.com>
Sent: Friday, September 25, 2020 3:39 PM
To: Hersley, Jean
Subject: Re: Water Bank Application
Attachments: water letters 002.jpg; water letters 001.jpg

Jean,

I just forwarded their emails to you but since that didn't appear to work I scanned the letters and have attached them to this email. Sorry for the slow response but I was out of the office till just now. Let's try this. Thanks for your patience. LG

On Fri, Sep 25, 2020 at 11:17 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Mr. Green,

The letters from WR Irrigation District #45 and Triangle Irrigation District were not attached to either of your emails.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

From: Larry & Luanne Green [mailto:llgreens@gmail.com]
Sent: Thursday, September 24, 2020 4:37 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Fwd: Water Bank Application

Jean,

Larry Green here. I am forwarding you this letter from the Wood River Irrigation District #45 regarding my water right 37-2705B. you needed this letter along with the one from the Triangle Irrigation District which I will forward as well to complete my application. Thank you. LG

----- Forwarded message -----

From: Larry & Luanne Green <llgreens@gmail.com>
Date: Mon, Sep 14, 2020 at 2:23 PM

Subject: Re: Water Bank Application
To: WRVID 45 <wrvirrigation45@gmail.com>

Got it. Thanks for your help Bette. Was good to see you. LG

On Mon, Sep 14, 2020 at 2:12 PM WRVID 45 <wrvirrigation45@gmail.com> wrote:

Hope this completes your application. Have a great day.

Bette Gower, Secretary WRVID#45

On Mon, Sep 14, 2020 at 1:22 PM Larry & Luanne Green <llgreens@gmail.com> wrote:

No problem, thank you!

On Mon, Sep 14, 2020 at 12:10 PM WRVID 45 <wrvirrigation45@gmail.com> wrote:

Larry, I am sorry for the delay in sending you the Certificate of Action by the WRVID#45 for you water bank application. I have signatures to retrieve and I will be sending the PDF signed copy today or tomorrow. Again, I apologize for the delay.

Bette Gower, Secretary WRVID#45

Hersley, Jean

From: Hersley, Jean
Sent: Friday, August 28, 2020 2:06 PM
To: 'llgreens@gmail.com'
Subject: WSB Lease Application for 37-667V

RE: IRRIGATION DISTRICT REQUIREMENT FOR APPLICATION TO LEASE WATER RIGHT TO THE WATER SUPPLY BANK 37-667V

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

Dear Applicant:

The Department of Water Resources (Department) acknowledges receipt of your Application to Lease water right to the Water Supply Bank (Bank). A receipt for \$250.00 application fee is enclosed. A preliminary review of your application has found required information was not been included with the application.

Question 4.A on the Bank lease application form asks, "Is the diversion works or system owned or managed by an Irrigation District or water delivery company?" You have checked "YES", Water Right 37-667V is delivered through Wood River Valley Irrigation District #45 Canal.

Idaho Administrative Code IDAPA 37-02.03.025 Acquisition of Water Rights for the Board's Water Supply Bank at <http://adminrules.idaho.gov/rules/current/37/0203.pdf> requires the written consent of an irrigation company be submitted with the application for lease. **Please contact Wood River Valley Irrigation District #45 and Triangle Irrigation District for written consent and submit it to the department to complete your application.**

The application will be returned, unprocessed, if the consent is not received within thirty (30) days from the date of this letter. If you need longer than 30 days or have questions regarding this matter, please contact the Department at 287-4800.

Sincerely,

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

*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

August 28, 2020

LARRY GREEN
101 N MAIN ST
HAILEY ID 83333

**RE: IRRIGATION DISTRICT REQUIREMENT FOR APPLICATION TO LEASE
WATER RIGHT TO THE WATER SUPPLY BANK 37-667V**

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

Dear Applicant:

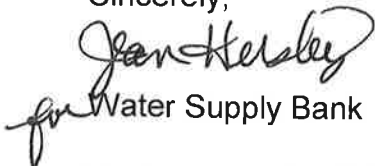
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Sincerely,


for Water Supply Bank

Enclosures: Receipt # C109154