

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1221

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

**RECEIVED**  
**SEP 18 2020**  
**DEPT OF WATER RESOURCES**

**LESSOR:** CITY OF POCA TELLO  
WATER DEPARTMENT  
911 N 7TH AVE  
PO BOX 4169  
POCA TELLO, ID 83205

### 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 June 15, 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) |
|------------------------------|---------------|--------------|----------------------|-----------------------|------------|
| 29-2494                      | 7/18/1966     | GROUND WATER | 1.55                 | 332                   | 90         |
| <b>Combined Lease Totals</b> |               |              | <b>1.55</b>          | <b>332</b>            | <b>90</b>  |

#### 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) |
|------------------------------|----------------------|-----------------------|----------------------|------------------------|-------------------------|
| 29-2494                      | 1.53                 | 331                   | 90                   | 0.02                   | 3.7                     |
| <b>Combined Limit Totals</b> | <b>1.53</b>          | <b>331</b>            | <b>90</b>            | <b>0.02</b>            | <b>3.7</b>              |

*\* The water right elements rentable have been reduced from the water right elements leased to account for the unleased domestic portion of the water right*

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

**WATER SUPPLY BANK LEASE CONTRACT No. 1221**

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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DEPARTMENT OF WATER RESOURCES

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

**LESSOR:** CITY OF POCA TELLO  
WATER DEPARTMENT  
911 N 7TH AVE  
PO BOX 4169  
POCA TELLO, ID 83205

By [Signature]  
Title Brian C. Blad, Mayor  
Date 9/15/20

APPROVED BY LEGAL  
Date 9/14/20 Atty [Signature]  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

By [Signature]  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date 09/21/20

Lease approved by IDWR [Signature]

Date 09/21/20

Admon

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1221

### 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): 29-2494**

GROUND WATER      NENENW      Sec. 17      Twp 07S      Rge 35E      BANNOCK County

| Water Right    | Beneficial Use | Season of Use |    |       | Diversion Rate (CFS) | Volume (AF) |
|----------------|----------------|---------------|----|-------|----------------------|-------------|
|                |                | From          |    | To    |                      |             |
| 29-2494        | IRRIGATION     | 04/01         | to | 10/31 | 1.53 cfs             | 331 AF      |
|                | STOCKWATER     | 01/01         | to | 12/31 | 0.02 cfs             | 0.10 AF     |
| <b>Totals:</b> |                |               |    |       | 1.55 cfs             | 331.4 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 |        |
| 07S | 35E | 8   |    |    |    |    |    |     |    |    |    | 9.2 | 32 | 13 |    |    |    |    | 54.2   |
| 07S | 35E | 17  |    |    |    |    | 31 | 4.8 |    |    |    |     |    |    |    |    |    |    | 35.8   |

**PLACES OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 35E | 8   |    |    |    |    |    |    |    |    |    | X  | X  | X  |    |    |    |    | X      |
| 07S | 35E | 17  |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |    | X      |

**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.

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**WATER SUPPLY BANK LEASE CONTRACT No. 1221**

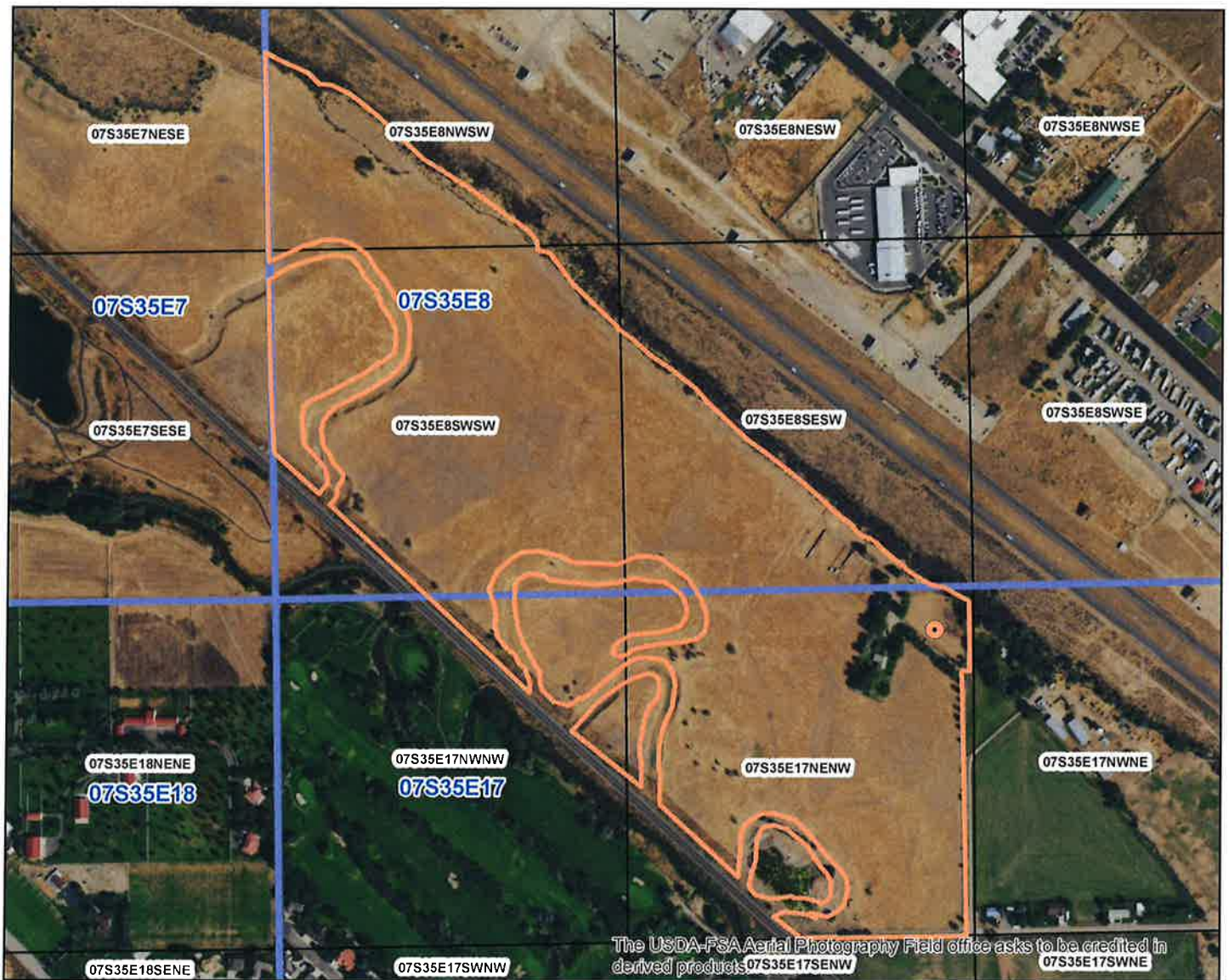
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
  - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
  - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The unleased domestic portion of water right 29-2494 is limited to 0.02 cfs and 0.6 af.
13. Pursuant to Section 42-1412(6), Idaho Code, 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
15. 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. 29D

Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1221

29-2494

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 Point of Diversion

Approved Lease Place of Use

Township/Range

Sections

QQ



0 1,000 2,000 Feet

RECEIVED

JUN 5 2020

DEPT OF WATER RESOURCES

Form 42-1761-1 10/15

STATE OF IDAHO  
WATER RESOURCE BOARD

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

Designated Applicant City of Pocatello

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

Water Right No. 29-2494

(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](http://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](http://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>250.00</u>                                                       | Received By: <u>KU</u> | Date Received: <u>6-15-2020</u>       | Receipt # <u>C108900</u> |
| W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | (Route W-9 to Fiscal)  | Name on W-9: <u>City of Pocatello</u> |                          |

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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 Pocatello, Mayor Brian Blad

Mailing Address 911 N. 7th Ave, P.O. Box 4169 Pocatello Idaho 83205  
Street City State Zip Code

Email Address mayor@pocatello.us Phone Number 208-234-6163

☒ 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.  
Drilled groundwater well with turbine pump, 40-hp motor, and 8" discharge line.
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. N/A
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? 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. Previous owner, Maurice Grady, filed for an application for Extension of Time to Avoid Forfeiture which was approved by IDWR on September 1, 2015. The City of Pocatello purchased both property and associated water rights on November 1, 2016. A change of ownership was submitted to IDWR on November 10, 2016.
- 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. On September 1, 2015, IDWR approved the application for Extension of Time to Avoid Forfeiture that was submitted by Maurice Grady with the condition that the diversion and use of water must resume on or before July 1, 2020.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?  
If yes, describe.

STATE OF IDAHO  
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT  
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, specify the years when the use of water will be suspended: 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.  
\$20 per acre ft/ annually

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]  
Signature of Designated Applicant

Brian C. Blad, Mayor  
Printed Name

6/3/20  
Date

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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

APPROVED BY LEGAL  
Date 6/25/20 Atty B. J. See  
Comments Admin

**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>1. Water Right Number</u> | <u>Nature of Use</u> | <u>Leased Rate</u><br>(cfs) | <u>Leased Volume</u><br>(af) | <u>Leased Acres</u><br>(ac) |
|------------------------------|----------------------|-----------------------------|------------------------------|-----------------------------|
| <u>29-2494</u>               | <u>Irrigation</u>    | <u>1.55</u>                 | <u>332 AFA</u>               | <u>90</u>                   |
|                              | <u>Stockwater</u>    | <u>0.02</u>                 | <u>0.1 AFA</u>               |                             |
|                              |                      |                             |                              |                             |
|                              |                      |                             |                              |                             |
|                              | Total Amounts:       | <u>1.57</u>                 | <u>332.1 AFA</u>             | <u>90</u>                   |

2. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_

3. Point(s) of diversion:

| <u>Twp</u> | <u>Rge</u> | <u>Sec</u> | <u>Lot</u> | <u>¼</u>  | <u>¼</u>  | <u>¼</u>  | <u>County</u>         |
|------------|------------|------------|------------|-----------|-----------|-----------|-----------------------|
| <u>07S</u> | <u>35E</u> | <u>17</u>  |            | <u>NE</u> | <u>NE</u> | <u>NW</u> | <u>Bannock County</u> |
|            |            |            |            |           |           |           |                       |
|            |            |            |            |           |           |           |                       |
|            |            |            |            |           |           |           |                       |
|            |            |            |            |           |           |           |                       |
|            |            |            |            |           |           |           |                       |
|            |            |            |            |           |           |           |                       |

# IDAHO Department of Water Resources



## WATER RIGHT REPORT

5/5/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-2494

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                      |
|-------------------|--------------------------------------------------------------------------------------------------------------|
| Current Owner     | CITY OF POCA TELLO<br>WATER DEPARTMENT<br>911 N 7TH AVE<br>PO BOX 4169<br>POCA TELLO, ID 83205<br>2082346174 |
| Original Owner    | MAURICE GRADY<br>PO BOX 4426<br>POCA TELLO, ID 83205<br>2082321622                                           |

Priority Date: 07/18/1966

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 1.55 CFS              | 332 AFA       |
| STOCKWATER            | 01/01       | 12/31     | 0.02 CFS              | 0.1 AFA       |
| DOMESTIC              | 01/01       | 12/31     | 0.02 CFS              | 0.6 AFA       |
| Total Diversion       |             |           | 1.55 CFS              | 332 AFA       |

Location of Point(s) of Diversion:

GROUND WATER|NENENW|Sec. 17|Township 07S|Range 35E|BANNOCK County

DOMESTIC Use:

Number of homes: 1

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 07S      | 35E   | 8       |     | NWSW  | 9.2   |     | SWSW  | 32    |     | SESW  | 13    |     |       |       |
|          |       | 17      |     | NENW  | 31    |     | NWNW  | 4.8   |     |       |       |     |       |       |

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 90

Conditions of Approval:

1. N14 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. C18 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

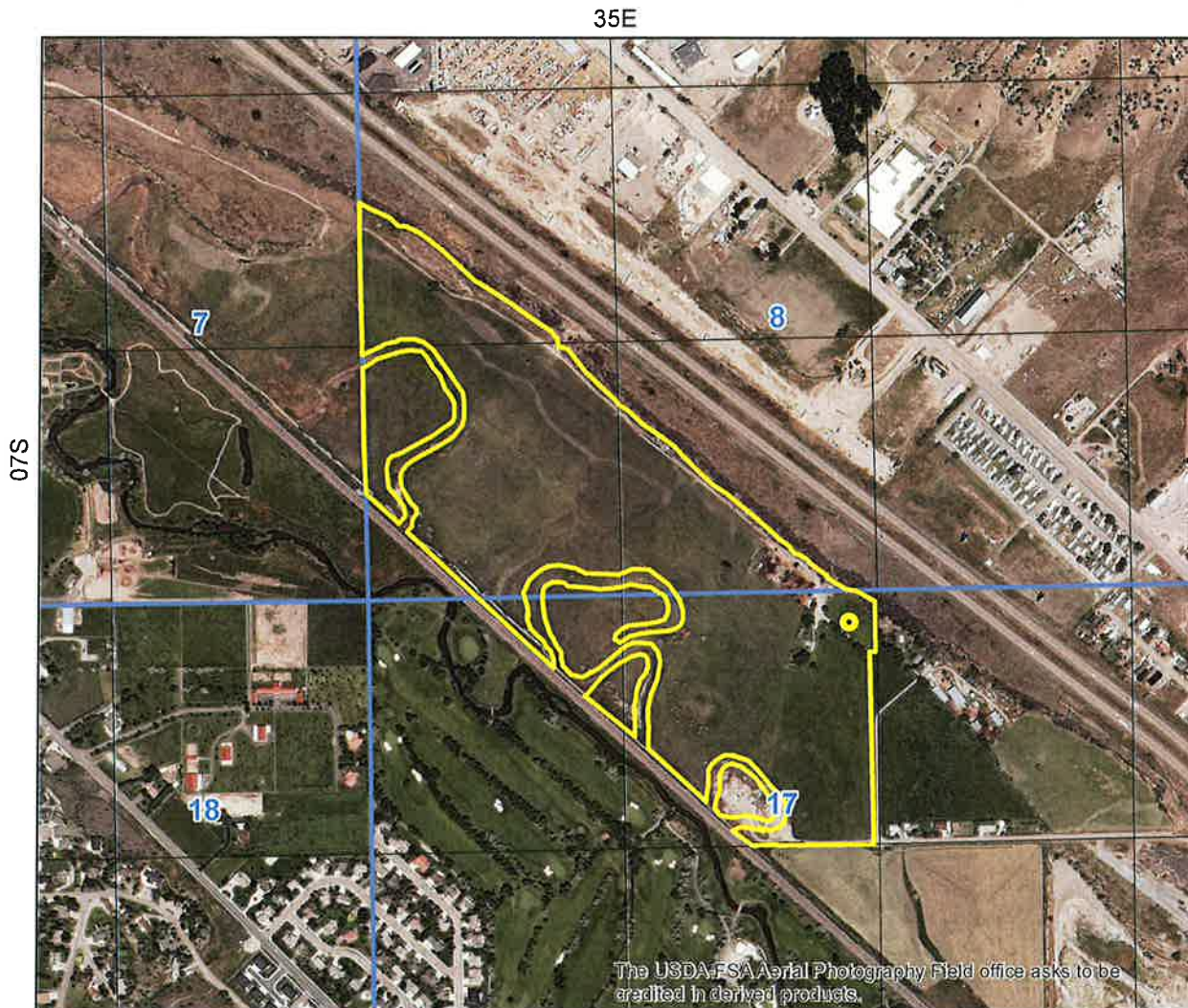
Owner Name Connector:

State of Idaho  
Department of Water Resources

**Water Right**  
**29-2494**

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 0.1 0.2 0.4 Miles





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 8, 2015

MAURICE GRADY  
PO BOX 4426  
POCATELLO, ID 83205  
(208)232-1622

**RE: Extension of Time to Avoid Forfeiture Water Right: 29-2494**

Dear Mr. Smith:

Enclosed is a copy of the approved Applications of Extension of Time to Avoid Forfeiture for water right 29-2494. Please note that resumption of beneficial use of water for this right shall occur on or before July 1, 2020.

Please notify the Department as soon as you resume use of the water. If you have not notified the Department sixty days prior to the resumption deadline, the Department will send you a Resumption of Use Notice by certified mail.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of water right and/or a change in the address of the water right owner are available from and Department office, or at the Department's website at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Please contact this office if you have any questions regarding this matter at 287-4881.

Sincerely,

Sandra Thiel  
Sr. Water Rights Agent

Enclosure



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 22, 2020

CITY OF POCATELLO  
WATER DEPARTMENT  
PO BOX 4169  
POCATELLO ID 83205

RE: Water Right 29-2494

Dear Water Right Holder:

On September 1, 2015, the Idaho Department of Water Resources (Department) approved an Application for Extension of Time to Avoid Forfeiture for the above referenced water right. According to our records, you are the current owner of the water right. One condition of the approval was that diversion and use of this water must resume on or before July 1, 2020. Failure to resume use of the water and to notify the Department of the resumed use would be cause for the water to revert back to the state and again be subject to appropriation.

I am enclosing a Resumption of Use form for your use to notify the Department of your resumption of use of the water right. Please complete the form and return it to my attention at the above address. Also enclosed is a copy of the certified letter that was sent to the applicant for extension of time.

If you have any questions regarding this matter, please call me at 208-287-4826.

Sincerely,

for David Betts  
Senior Water Resource Agent

Enclosures



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 22, 2020

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

MAURICE GRADY  
PO BOX 4426  
POCATELLO ID 83205

**NOTICE TO RESUME WATER USE**

Re: Water Right No. 29-2494

Dear Applicant:

On September 1, 2015 the Idaho Department of Water Resources (Department) approved Application for Extension of Time to Avoid Forfeiture for the above referenced water right. One condition of the approvals was that diversion and use of this water must resume on or before July 1, 2020. Failure to resume use of the water and to notify the Department of the resumed use would be cause for the water to revert back to the state and again be subject to appropriation.

Idaho Code § 42-222(4)(d) requires the Department to send this notice, by certified mail, sixty days prior to the date water use must resume. Enclosed is the Resumption of Use form for your use to notify the Department of your resumption of use of the water right. Please complete the form and return it to my attention at the above address.

If you have any questions regarding this matter, please contact me at (208) 287-4826.

Sincerely,

David Betts  
Senior Water Resource Agent

Enclosure

c. City of Pocatello



State of Idaho

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

September 22, 2020

CITY OF POCATELLO  
WATER DEPARTMENT  
911 N 7<sup>TH</sup> AVE  
PO BOX 4169  
POCATELLO ID 83205

**RE: WATER SUPPLY BANK LEASE CONTRACT 1221  
FOR WATER RIGHTS 29-2494**

Dear Lessor:

Water right **29-2494** 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, 2020**, 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](http://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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson Veibell*

for

Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

August 31, 2020

CITY OF POCATELLO  
WATER DEPARTMENT  
911 N 7<sup>TH</sup> AVE  
PO BOX 4169  
POCATELLO ID 83205

### RE: APPLICATION TO LEASE WATER RIGHT 29-2494 TO THE WATER SUPPLY BANK CONTRACT 1221

\*\*\*\*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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson Vitell*

for

Water Supply Bank

Enclosures: Proposed Lease Contracts  
Receipt # C108900



State of Idaho

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

September 16, 2020

CITY OF POCA TELLO  
WATER DEPARTMENT  
911 N 7<sup>TH</sup> AVE  
PO BOX 4169  
POCA TELLO ID 83205

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS 1221  
FOR WATER RIGHT 29-2494**

**\*\*\*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 31, 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](http://www.idwr.idaho.gov).

If you have questions regarding this matter, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 287-4800.

Sincerely,

*Amanda Johnson- Veibell*

for  
Water Supply Bank



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

August 31, 2020

CITY OF POCATELLO  
WATER DEPARTMENT  
911 N 7<sup>TH</sup> AVE  
PO BOX 4169  
POCATELLO ID 83205

### RE: APPLICATION TO LEASE WATER RIGHT 29-2494 TO THE WATER SUPPLY BANK CONTRACT 1221

\*\*\*\*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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson Veibell*

for

Water Supply Bank

Enclosures: Proposed Lease Contracts  
Receipt # C108900

## Memorandum

**To:** Water Right 29-2494  
**From:** Justin Ferguson  
**Date:** June 17, 2020  
**Re:** Water Supply Bank Lease Application 1744

**Purpose/Narrative:** An application was received from the City of Pocatello on June 15, 2020 offering a portion of water right 29-2494 for lease to the Bank through the end of the 2024 season. Upon further review it appears that, while the application indicated on a portion would be leased, the only remaining portion is related to the domestic portion of the water right for the residence.

**Authority to File:** The application was prepared and signed by Brian Blad, Mayor of the City of Pocatello. No concerns at this time.

**Water Right Validity/Forfeiture Evaluation:** Historically this right was decreed through the SRBA in 2004 and, per the information provided by the water right owner, the domestic and stockwater portions were used in full through 2015. At that time an application for an extension of time to avoid forfeiture was filed with the department and approved through July 2020.

A memo provided by Shelly Keen, dated September 1, 2015 found that the last time the irrigation portion appeared to have been used was 2009. While five years did elapse (2010 through 2014), the applicant took action in the sixth year to protect the right. Per the Department's "Multiple Programs Memo No. 2 – Forfeiture Review Period", protection can be afforded if the applicant takes action in the sixth year. As such, the water right remains valid as a full period of non-use has not elapsed.

**Injury Evaluation:** No injury is apparent through the lease alone as the water right will continue to be idled under this lease. Proper rental review should protect against injury.

**Enlargement of Use:** No enlargement is evident as the historic place of use will not receive water from other sources other than the portion remaining unleased. No concerns at this time.

**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:** IDWR Eastern Region comments were requested

**Water Supply Bank Evaluation:** Based on the information presented by the applicant, staff recommend the application be approved through 2024.