STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1216

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

RECEIVED
AUG 27 2020
DEPARTMENT OF WATER RESOURCES

LESSOR: JACOBA S ATKINS
PO BOX 276
BRUNEAU, ID 83604

SUPPORT DATA
IN FILE # 2-7055

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 May 21, 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)
2-7055	1/23/1970	SNAKE RIVER, tributary to COLUMBIA RIVER	3.47	880	176
2-7112A	2/22/1973	SNAKE RIVER, tributary to COLUMBIA RIVER	3.02	760	152
Combined Lease Totals			**6.49**	**1,640**	**328**

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

   Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2020 to December 31, 2023. 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.

WATER SUPPLY BANK LEASE CONTRACT No. 1216

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. 1216

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

LESSOR: JACOBA S ATKINS
PO BOX 276
BRUNEAU, ID 83604

Jacoba Atkins

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

By _____ Date 08/31/20
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 08/31/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1216

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): 2-7055, 2-7112A

SNAKE RIVER L 6NWSW Sec. 31 Twp 05S Rge 06E OWYHEE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
2-7055	IRRIGATION	03/01	to	12/01	3.47 cfs	880 AF
2-7112A	IRRIGATION	03/15	to	11/15	3.02 cfs	760 AF
				Totals:	6.49 cfs	1,640 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	
06S	05E	2											24	19			18		61
06S	05E	3	30 L1	27 L2	23	33									34	26		31	204
06S	05E	10	7.2																7.2
06S	05E	11		17			35	3.8											55.8

Total Acres: 328

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1216

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

LESSOR: JACOBA S ATKINS
PO BOX 276
BRUNEAU, ID 83604

Jacoba Atkins

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

By _____ Date 08/31/20
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 08/31/20

WATER SUPPLY BANK LEASE CONTRACT No. 1216

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.

10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

    a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.

11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 9/12/2012.

14. The unleased portions of water rights 2-7055 & 2-7112A, when combined with water rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7071, 2-7112B, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 43.50 cfs

15. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 36.88 cfs.

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. 02.

17. 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.

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
MAY 21 2020
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Jacoba Atkins
(Select one owner – see item 1A on the application)

Water Right No. 2-7112A
(One water right per application)

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

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

MIMUMUM REQUIREMENT CHECKLIST

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

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

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

Department Use Only

Fee Amount $ 500.00	Received By: KM	Date Received: 5-21-2020	Receipt # C108792
W-9 received? Yes ☑ No ☐	(Route W-9 to Fiscal)	Name on W-9: Asa Clay Atkins	

1737

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 Jacoba Atkins

Mailing Address PO Box 276 (Street) Bruneau (City) ID (State) 83604 (Zip Code)

Email Address cranefallsjakie@gmail.com Phone Number 208-845-2931

☐ 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.
Pump station, pipeline, sprinklers

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. see attached supplement

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. 3.02 cfs, 760 afa

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 attached supplement

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☑

If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2020 (Year) to 2023 (Year) (maximum lease period 5 calendar years).

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.

standard 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.

Jacoba Atkins	Jacoba Atkins	05/18/2020
Signature of Designated Applicant	Printed Name	Date
Signature of Authorized Representative	Printed Name	Date

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

Form 42-1761-1 10/15

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). 2-7112A

	Designated Applicant	Applicant #2	Applicant #3
Name	Jacoba Atkins	A. Clay Atkins	
Mailing Address	PO Box 276 Bruneau, ID 83604	PO Box 276 Bruneau, ID 83604	
Phone Number	208-845-2931	208-845-2931	
Email Address			
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	Jacoba Atkins	A Clay Atkins	

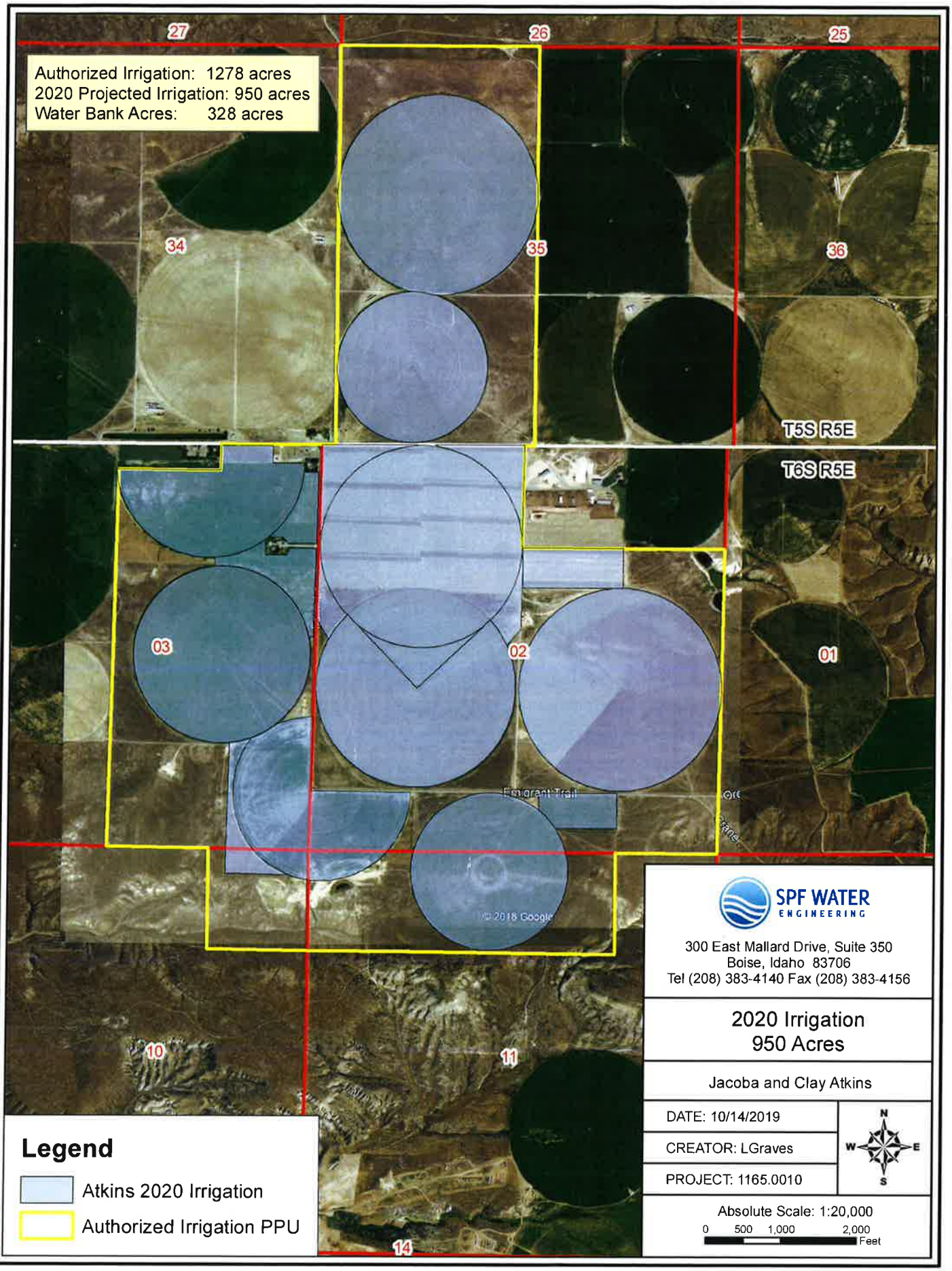
	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated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

Water Bank Lease Item 4A.

Water rights 2-10318, 2-10562, 2-2156, 2-2245A, 2-7055 and 2-7112A, when combined, allow irrigation of 1278 acres within a 1338-acre permissible place of use per transfer no. 82917 approved August 21, 2019. The irrigation place of use has changed over time due to the installation of pivots resulting in a more efficient irrigation system and less acres irrigated. Applicant's plan to only irrigate 950 acres during the requested three year lease period resulting in 328 remaining acres that they want to protect from forfeiture. As a result, they wish to lease all of right 2-7112A (152 acres) and 176 acres of water right 2-7055 to the bank.

Water Bank Lease Item 4G.

All the combined water rights (except 2-10318) were decreed in 2012. Water right 2-10318 was decreed in 2009 and was granted an approved *Extension of Time to Avoid Forfeiture* in 2016, protecting the right until 7/1/2020. The remaining rights, including 2-7112A and 2-7055, were granted approved *Extensions of Time to Avoid Forfeiture* in 2018, protecting them until 12/31/2023.



SPF WATER ENGINEERING

300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

2020 Irrigation
950 Acres

Jacoba and Clay Atkins

DATE: 10/14/2019

CREATOR: LGraves

PROJECT: 1165.0010

N W E S

Absolute Scale: 1:20,000

0 500 1,000 2,000 Feet

Path: S:\PROJECTS\A thru D Projects\A Projects\Atkins_Jakie_1165\0C10_Atkins 2015 Water Right Consulting\PROJECT\GIS\ArcMap_Projects\WB Lease Map V2.mxd

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 1, 2020

JACOBA S ATKINS
PO BOX 276
BRUNEAU, ID 83604

RE: WATER SUPPLY BANK LEASE CONTRACT 1216
FOR WATER RIGHTS 2-7055 & 2-7112A

Dear Lessor:

Water rights **2-7055 & 2-7112A** 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, 2023,** 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-Vaughn

for Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region
Water District No. 02
Lori Graves – SPF Water Engineering

SPF WATER
ENGINEERING

RECEIVED
AUG 27 2020
DEPARTMENT OF
WATER RESOURCES

August 25, 2020

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

Subject: ***Water Bank Lease Contract 1216***

Dear Justin,

Enclosed is water bank lease contract 1216 with two signed signature pages. Please note, signature and date lines for the applicant were not included on the contract document.

As clarified in your email, the applicant understands irrigation can still continue on the designated lease acres using the unleased portions of the water rights as long as the combined conditions and any applicable contract conditions are observed.

Thanks for your assistance in this matter Justin.

Sincerely,

Lori Graves

Lori Graves
Water Rights Specialist

Cc: Jacoba & Clay Atkins

Enclosures

SPF file number: 1165.0010

300 E. Mallard Drive, Suite 350, Boise, Idaho 83706 Tel: 208-383-4140 Fax: 208-383-4156

State of Id o
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 21, 2020

JACOBA S ATKINS
PO BOX 276
BRUNEAU, ID 83604

RE: APPLICATION TO LEASE WATER RIGHT 2-7055 & 2-7112A TO THE WATER SUPPLY BANK CONTRACT 1216

******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, 2023,** 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-Verbeel
for Water Supply Bank

Enclosures: Proposed Lease Contracts

c. Lori Graves – SPF Water Engineering

Memorandum

To: Water Rights 2-7055 & 2-7112A
From: Justin Ferguson
Date: June 4, 2020
Re: Water Supply Bank Lease Application 1737

Purpose/Narrative: An application was received on behalf of Mr. and Ms. Atkins on May 21, 2020, offering a portion of water rights 2-7055 & 2-7112A for lease to the Bank through 2023. A prior application was received by the Department however, it was determined at that time, the rights were currently protected by an extension of time to avoid forfeiture already issued to the Atkinsons, effective through the end of 2023.

Authority to File: Review of IDWR records indicate that Mr. and Ms. Atkins are the current water right holders. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: These water rights are currently being protected from forfeiture under an extension of time to prevent forfeiture until 2023. Prior to the extension, it appears the applicant's had taken action in the sixth year to prevent forfeiture as the rights were decreed in 2012 and the extension filed in 2018. Unlike a Water Supply Bank lease, where possession is taken of the right, no action is required by the Department other than administrative processing. As such the water rights remain valid and available for lease.

Injury Evaluation: No injury is apparent through a lease of these water rights. Taking into account the associated combined limits with these rights it appears there will not be any rate available for rent for the duration of the lease.

Enlargement of Use: No enlargement is evident through the lease, based on the combined limits associated with the water rights, it appears there will not be any rate available for rent. Because the Atkins' do not own all the rights associated with the combined limits, the unowned water rights must be taken out, at full, prior to determining what is available to Mr. and Ms. Atkins. The Bank cannot restrict water rights not held to the Bank and, as the Atkins' do not own the additional rights, cannot lease them or restrict their usage.

Basin	Sequence	Suffix	Diversion Rate
2	2156		5.790
2	2245	A	0.700
2	2245	B	0.640
2	2298		3.660
2	2356		5.060
2	7055		5.830
2	7071		6.400
2	7112	A	3.020
2	7112	B	1.600
2	10317		0.300
2	10318		5.550
2	10519		0.170
2	10550		2.170
2	10562		3.400
2	10579		19.300
		Total:	63.590
		Limit:	43.500
		Difference	-20.090

Figure A. – Total combined limit, water rights held by Mr. and Ms. Atkins highlighted in green

Basin	Sequence	Suffix	Diversion Rate
2	2245	B	0.640
2	2298		3.660
2	2356		5.060
2	7071		6.400
2	7112	B	1.600
2	10317		0.300
2	10519		0.170
2	10550		2.170
2	10579		19.300
		Total:	39.300
		Limit:	43.500
		Difference	4.200

Figure B. –Removing, in full, all water rights not held by Mr. and Ms. Atkins

Basin	Sequence	Suffix	Diversion Rate
2	2156		5.790
2	2245	A	0.700
2	7055		5.830
2	7112	A	3.020
2	10318		5.550
2	10562		3.400
		Total:	24.290
		Limit:	4.200
		Difference	-20.090

Figure C. –Remaining balance available to Mr. and Ms. Atkins

Further, the acreage being offered for lease will not continue to receive water under rights held by the Atkins'. Provided the water rights are not rented there are no concerns of enlargement.

Local Public Interest: Sustainable ground water management is within the local public interest.

Beneficial Use/Conservation of Water Resources: The lease appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Comments from Western Regional manager were requested 88/7/2020, no concerns were received.

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

RECEIVED
MAY 21 2020
DEPARTMENT OF
WATER RESOURCES

SPF WATER
ENGINEERING

May 20, 2020

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

Subject: ***Water Bank Lease Applications, Water Rights 2-7112A (all), 2-7055 (part)***

Dear Justin,

Enclosed are two water bank lease applications for Jacoba and Clay Atkins. The Atkins wish to lease all of water right 2-7112A and part of water right 2-7055 to the bank for the three years. Both rights are part of a group of rights that when combined allow irrigation of 1278 acres within a 1338-acre permissible place of use (per recently approved transfer no. 82917).

The irrigation place of use has changed over time due to the installation of pivots resulting in a more efficient irrigation system and less acres irrigated. As shown on the attached aerial photo map, applicant's plan to irrigate 950 acres of the authorized 1278 acres during the 2020 irrigation season resulting in 328 unused acres that they want to protect from forfeiture. GIS shape files for the 950 acres shown in the aerial photo map can be provided upon request.

Because water rights 2-7112A and 2-7055 are the most junior in priority, they were the rights chosen to bank. The enclosed map for the lease applications identifies the 950 acres within the authorized permissible place of use that are planned for irrigation during the requested lease period.

As you recall, these applications were previously submitted in October, 2019, then retuned since the subject rights were protected from forfeiture through 2023. However, for peace of mind, the applicants would like the acres leased and protected in the Idaho Water Supply Bank.

Check no. 14285 is enclosed for $500 filing fee. Please let me know if there are any questions. Thanks Justin.

Sincerely,

Lori Graves

Lori Graves
Water Rights Specialist

Cc: Jacoba & Clay Atkins

Enclosures
SPF file number: 1165.0010

1737

300 E. Mallard Drive, Suite 350, Boise, Idaho 83706 Tel: 208-383-4140 Fax: 208-383-4156