

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 01 2020
DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1200

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

LESSOR: SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

RECITALS

SUPPORT DATA
IN FILE # 61-12280

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 April 27, 2020.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

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

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

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
61-12280	7/10/1972	GROUND WATER	0.19	37.4	9.4
61-12281	8/23/1967	GROUND WATER	0.19	45.5	11.4
61-12282	1/4/1980	GROUND WATER	0.08	22.6	5.6
61-12283	4/30/1974	GROUND WATER	0.03	6.7	1.7
61-12284	1/14/1963	GROUND WATER	0.20	38.9	9.7
61-12285	1/14/1963	GROUND WATER	0.21	43.6	10.9
Combined Lease Totals			0.67	177	44.3

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, 2021. 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1200

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. 1200

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

LESSOR: SHEKINAH INDUSTRIES INC

ATTN: MICHAEL PRESTON

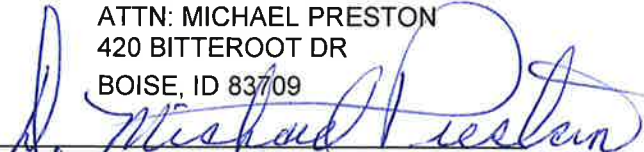
420 BITTERROOT DR

BOISE, ID 83709

By

Title

Date


PRES.
6/29/20

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

08/20/20

Lease approved by IDWR



Date

08/20/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1200

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): 61-12280, 61-12281, 61-12282, 61-12283, 61-12284, 61-12285

GROUND WATER	SWNW	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NWNW	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SENW	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NESW	Sec. 14	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec. 14	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec. 14	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SESW	Sec. 14	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NENW	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NESW	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SESW	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NESE	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SESE	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NWSW	Sec. 24	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SWSW	Sec. 24	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SESW	Sec. 24	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NESW	Sec. 24	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	NWNE	Sec. 23	Twp 01S	Rge 04E	ELMORE County
GROUND WATER	SWNE	Sec. 23	Twp 01S	Rge 04E	ELMORE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
61-12280	IRRIGATION	3/15	to	11/15	0.19 cfs	37.4 AF
61-12281	IRRIGATION	3/1	to	10/15	0.19 cfs	45.5 AF
61-12282	IRRIGATION	3/15	to	11/15	0.08 cfs	22.6 AF
61-12283	IRRIGATION	3/15	to	11/15	0.03 cfs	6.7 AF
61-12284	IRRIGATION	3/15	to	11/15	0.20 cfs	38.9 AF
61-12285	IRRIGATION	4/01	to	10/31	0.21 cfs	43.6 AF
Totals:					0.67 cfs	177 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	
01S	04E	14									0.2								0.2
01S	04E	23		2.3	3.2		5.6	15	3.6	0.7	9.7	15	0.1	0.1	29	15	4.5	28	131.8
01S	04E	24									15	40	40	39					134
01S	04E	25						0.1											0.1
01S	04E	26	0.1																0.1

Total PPU Limited Acres: 255
Acre Limit: 44.3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1200

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
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 portion of water right 61-12280 is limited to the irrigation of 44.5 acres within the authorized place of use in a single irrigation season.
13. The unleased portion of water right 61-12281 is limited to the irrigation of 54.2 acres within the authorized place of use in a single irrigation season.
14. The unleased portion of water right 61-12282 is limited to the irrigation of 26.9 acres within the authorized place of use in a single irrigation season.
15. The unleased portion of water right 61-12283 is limited to the irrigation of 8.0 acres within the authorized place of use in a single irrigation season.
16. The unleased portion of water right 61-12284 is limited to the irrigation of 46.2 acres within the authorized place of use in a single irrigation season.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

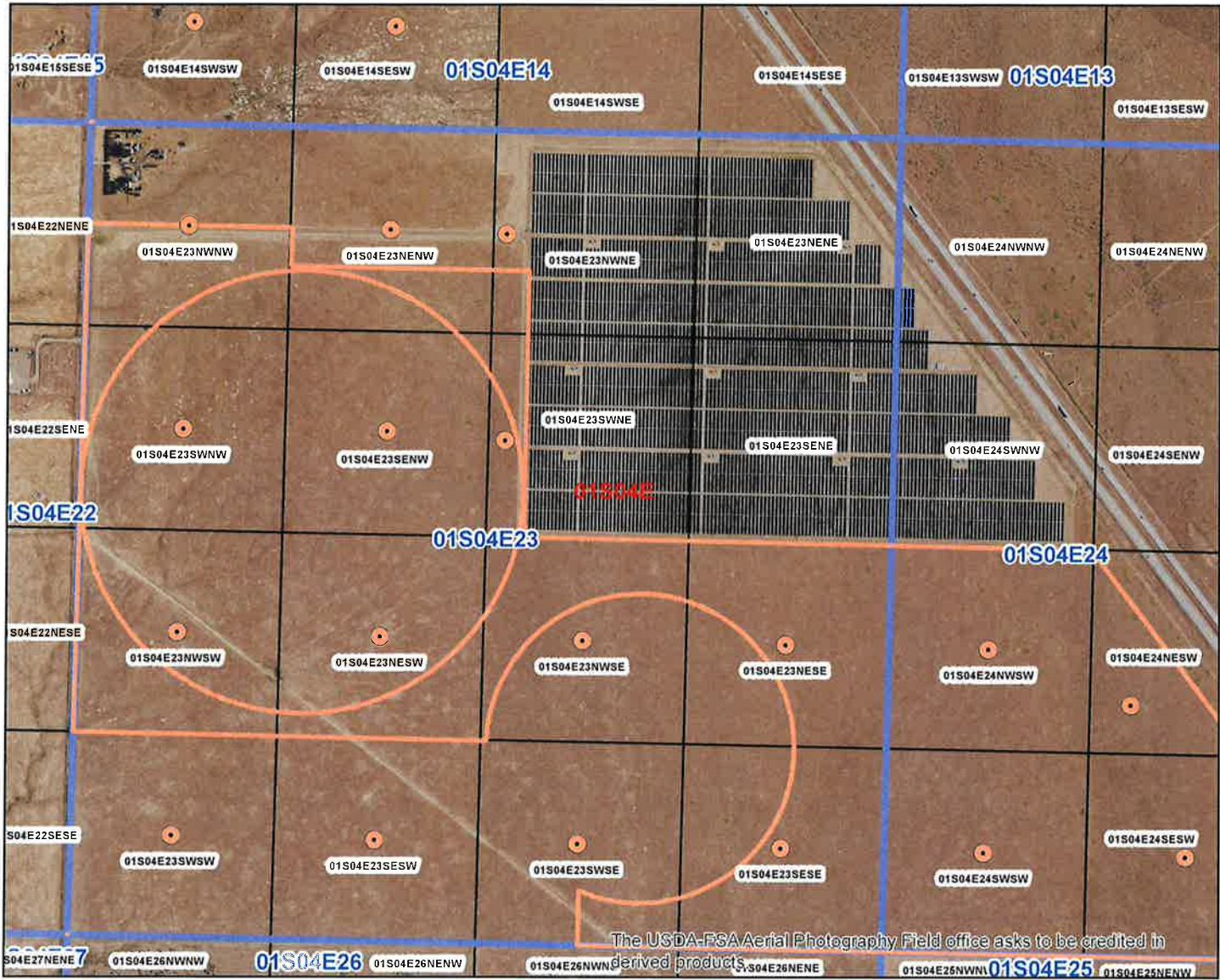
WATER SUPPLY BANK LEASE CONTRACT No. 1200

17. The unleased portion of water right 61-12285 is limited to the irrigation of 52.0 acres within the authorized place of use in a single irrigation season.
18. This rental agreement 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.
19. The unleased portions of water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 when combined shall not exceed a total diversion rate of 3.18 cfs, a total annual maximum diversion volume of 843 af, a total annual maximum consumptive use volume of 625 af, and the irrigation of 211 acres in a single irrigation season.
20. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 63-32499 in the event of priority administration of water rights with points of diversion within administrative Basin 63.
21. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 61-12090 in the event of priority administration of water rights with points of diversion within administrative Basin 61.
22. Water right 61-12283 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
23. The diversion and use of water described in Transfer 78356 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
24. Use of water under this agreement 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 161.
25. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
26. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
27. 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.
28. This right does not grant any right-of-way or easement across the land of another.

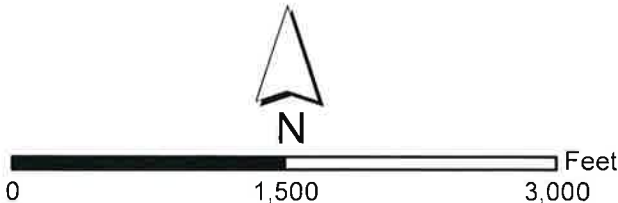
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1200

61-12280, 61-12281, 61-12282, 61-12283, 61-12284, & 61-12285
Effective until December 31, 2021

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



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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 11 2020

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Designated Applicant

Michael Preston Shekinah Industries

Water Right No.

Attachment-A

(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 \$

500.00

Received By:

Ku

Date Received:

5-11-2020

Receipt #

C108673

W-9 received?

Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9:

Shekinah Industries, Inc

1710

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 Michael Preston

Mailing Address <u>420 Bitterroot Dr.</u>	<u>Boise</u>	<u>ID.</u>	<u>83709</u>
<small>Street</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
Email Address <u>dmp3669@icloud.com</u>	Phone Number <u>(208) 859-3669</u>		

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).
- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).
- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative <u>Hal N. Anderson</u>	Organization <u>Idaho Water Engineering</u>
Professional Title <u>Managing Partner</u>	Email Address <u>hal@idahowaterengineering.com</u>
Mailing Address <u>2918 N. El Rancho Pl., Boise ID. 83703</u>	Phone Number <u>(208) 830-5525</u>

☐ 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.
Wells, Mainlines and Center Pivots
- 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. All Rights Included
- 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. Rights acquired and transfered to current POU, 1/21/2016, No. 78356
- 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.
- 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 ☐
Transfer No. 48356

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 2021 (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.

Zero

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.

D. Michael Preston
Signature of Designated Applicant

D. MICHAEL PRESTON
Printed Name

5/8/20
Date

H. N. Anderson
Signature of Authorized Representative

H. N. Anderson
Printed Name

5/8/20
Date

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

**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> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
Attachment-A				
	Total Amounts:			

2. Source of water Groundwater tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
01S	04E	14		SW	NW		Elmore
01S	04E	14		SW	NE		Elmore

Attachment A

Shekinah Water Supply Bank Lease and Amyx Rental

Water Right

4/15/2020

Needed for Amyx Rental

Shekinah	Div. Rate	Volume AF	Acre Limit	Div. Rate	Volume AF	Acre Limit
61-12280	1.08	215	53.9	0.170	34.02	8.50
61-12281	1.08	262	65.6	0.207	41.40	10.35
61-12282	0.45	130	32.5	0.103	20.51	5.13
61-12283	0.17		9.67	0.031	6.10	1.53
61-12284	1.12	224	55.9	0.176	35.28	8.82
61-12285	1.19	251	62.9	0.198	39.70	9.92
Total			280.47			44.25
Tot. Combined Allowed	3.85	1020	255			

** After Split*

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/20/2020

Water Right 61-12283

Owner Type
Current Owner

Name and Address
SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709
(208) 859-3669

*Split to: 61-12345
61-12351
61-12357*

Priority Date: 4/30/1974

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use
IRRIGATION

From	To	Diversion Rate
03/15	11/15	0.170 CFS
Total Diversion		0.170 CFS

Volume

Source and Point(s) of Diversion

GROUND WATER	NWSW	Sec. 14, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NESE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWSE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWSE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NESW	Sec. 24, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NESW	Sec. 14, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESW	Sec. 14, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWSW	Sec. 14, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWNE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWNE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWSW	Sec. 24, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESW	Sec. 24, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWSW	Sec. 24, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NENW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWNW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWNW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NESW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWSW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWSW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County

Place Of Use

IRRIGATION within ELMORE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	04E	14									0.2								0.2
01S	04E	23		3.0	7.0		18.0	22.0	40.0	40.0	40.0	40.0			40.0	40.0	20.0	40.0	350.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/20/2020

01S	04E	24									12.0	40.0	40.0	37.0				129.0
-----	-----	----	--	--	--	--	--	--	--	--	------	------	------	------	--	--	--	-------

Right Acre Limit: 9.7

POU Total Acres: 479.2

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. 004 This right does not grant any right-of-way or easement across the land of another.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to diversion and use of water under this right, the right holder shall install a flow measurement and volume totalizing device of a type approved by the Department on each point of diversion to measure flow and volume of water diverted.
7. 196 The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. 020 The diversion and use of water described in Transfer 78356 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
10. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 61-12090 in the event of priority administration of water rights with points of diversion within administrative Basin 61.
11. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 63-32499 in the event of priority administration of water rights with points of diversion within administrative Basin 63.
12. X27 This right is for an enlargement of 9.67 acres within the place of use described above.
13. K01 Right 61-12283 is an enlargement of Right 61-12284 pursuant to Section 42-1426, Idaho Code.
14. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/20/2020

- As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
15. Rights 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 1.11 cfs, a total annual maximum diversion volume of 263 af at the field headgate, and the irrigation of 65.7 acres.
16. Rights 61-12280, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 1.66 cfs and the irrigation of 127 acres.
17. Rights 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 656 af at the field headgate, and the irrigation of 164 acres.
18. Rights 61-12280, 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 769 af at the field headgate, and the irrigation of 192 acres.
19. X35 Rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 when combined shall not exceed a total diversion rate of 3.85 cfs, a total annual maximum diversion volume of 1020 af, a total annual maximum consumptive use volume of 755 af, and the irrigation of 255 acres in a single irrigation season.
20. R64 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.
21. F06 The following rights are diverted through points of diversion described above:
61-12280, 61-12281, 61-12282, 61-12283, 61-12284, 61-12285, 61-12342, 61-12343, 61-12344, 61-12345, 61-12346, 61-12347, 61-12348, 61-12349, 61-12350, 61-12351, 61-12352, 61-12353, 61-12354, 61-12355, 61-12356, 61-12357, 61-12358, 61-12359.

Comments:

- | | | | |
|---|---------|-----------|-------------------|
| 1. | rneely | 1/21/2016 | Transferred Right |
| This is now an approved transfer. Transfer Number = 78356 | | | |
| 2. | AKaiser | 3/13/2020 | Split Right |
| Split into 61-12345. | | | |
| 3. | AKaiser | 3/13/2020 | POU |
| Updated Shape | | | |
| 4. | AKaiser | 3/17/2020 | Split Right |
| Split into 61-12351. | | | |
| 5. | AKaiser | 3/18/2020 | POU |
| Updated Shape | | | |
| 6. | AKaiser | 3/19/2020 | Split Right |
| Split into 61-12357. | | | |
| 7. | AKaiser | 3/19/2020 | POU |
| Updated Shape | | | |

Dates and Other Information

Decreed Date: 2/27/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/20/2020

Enlargement Statute Priority Date: 4/12/1994
State or Federal: S
Water District Number: 161
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

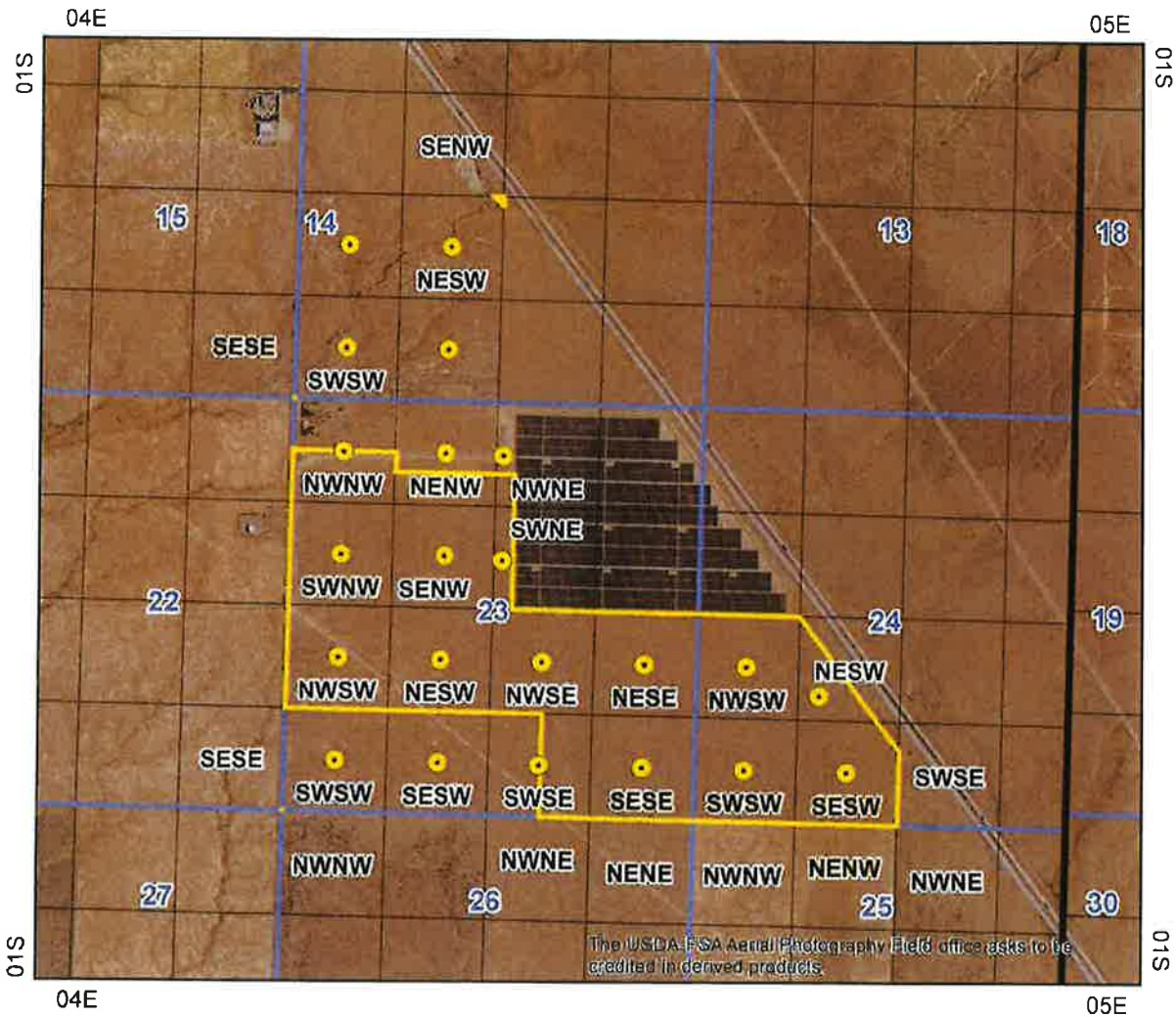
Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right After Split

61-12283

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.275 0.55 1.1 Miles



* Before Split

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/13/2020

Water Right 61-12283

Owner Type **Name and Address**
Current Owner SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709
(208) 859-3669

Priority Date: 4/30/1974
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.240 CFS	
	Total Diversion		0.240 CFS	

Source and Point(s) of Diversion

GROUND WATER	NWSW	Sec. 14, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NESE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWSE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWSE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NESW	Sec. 24, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NESW	Sec. 14, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESW	Sec. 14, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWSW	Sec. 14, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWNE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWNE	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWSW	Sec. 24, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESW	Sec. 24, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWSW	Sec. 24, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NENW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWNW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWSW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NENW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	NWNW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SESW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County
GROUND WATER	SWSW	Sec. 23, Twp 01S, Rge 04E,	ELMORE County

Place Of Use

IRRIGATION within ELMORE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	04E	14									40.0	40.0	40.0	40.0					160.0
01S	04E	23		7.0	7.0		40.0	22.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	476.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/13/2020

01S	04E	24									12.0	40.0	40.0	37.0				129.0
-----	-----	----	--	--	--	--	--	--	--	--	------	------	------	------	--	--	--	-------

Right Acre Limit: 14.0

POU Total Acres: 765.0

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. 004 This right does not grant any right-of-way or easement across the land of another.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to diversion and use of water under this right, the right holder shall install a flow measurement and volume totalizing device of a type approved by the Department on each point of diversion to measure flow and volume of water diverted.
7. 196 The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. 020 The diversion and use of water described in Transfer 78356 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
9. Diversion and use of water in connection with this right is subject to a Monitoring-Reporting Plan. The right holder shall provide the Department with a plan for monitoring-reporting aquifer levels, diversion flow rates, and volumes. The monitoring-reporting should occur in parallel with land development and production and should include identification of non-production wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the plan is approved by the Department. Failure to comply with the plan once it is accepted shall be cause for the Department to cancel or revoke the right.
10. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 61-12090 in the event of priority administration of water rights with points of diversion within administrative Basin 61.
11. Water rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 shall be subordinated to 63-32499 in the event of priority administration of water rights with points of diversion within administrative Basin 63.
12. X27 This right is for an enlargement of 14 acres within the place of use described above.
13. K01 Right 61-12283 is an enlargement of Right 61-12284 pursuant to Section 42-1426, Idaho Code.
14. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/13/2020

- As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
15. Rights 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 1.61 cfs, a total annual maximum diversion volume of 380 af at the field headgate, and the irrigation of 95 acres.
16. Rights 61-12280, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 2.40 cfs and the irrigation of 183 acres.
17. Rights 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 948 af at the field headgate, and the irrigation of 237 acres.
18. Rights 61-12280, 61-12281, 61-12282, 61-12283 and 61-12284 when combined shall not exceed a total diversion rate of 3.82 cfs, a total annual maximum diversion volume of 1112 af at the field headgate, and the irrigation of 278 acres.
19. X35 Rights 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285 when combined shall not exceed a total diversion rate of 5.56 cfs, a total annual maximum diversion volume of 1476 af, a total annual maximum consumptive use volume of 1092 af, and the irrigation of 369 acres in a single irrigation season.
20. R64 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.
21. F06 The following rights are diverted through points of diversion described above: 61-12280, 61-12281, 61-12282, 61-12283, 61-12284 and 61-12285.

Comments:

1. reely 1/21/2016 Transferred Right
This is now an approved transfer. Transfer Number = 78356

Dates and Other Information

Decreed Date: 2/27/2003
Enlargement Statute Priority Date: 4/12/1994
State or Federal: S
Water District Number: 161
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



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 24, 2020

SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

**RE: WATER SUPPLY BANK LEASE CONTRACT 1200
FOR WATER RIGHTS 61-12280, 61-12281, 61-12282, 61-12283, 61-12284, 61-12285**

Dear Lessor:

Water rights **61-12280, 61-12281, 61-12282, 61-12283, 61-12284, 61-12285** were 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, 2021**, 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,


f Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR – Western Region
Water District NO. 161
Hal Anderson – Idaho Water Engineering



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

June 26, 2020

SHEKINAH INDUSTRIES INC
ATTN: MICHAEL PRESTON
420 BITTERROOT DR
BOISE, ID 83709

**RE: APPLICATION TO LEASE WATER RIGHT 61-12280, 61-12281, 61-12282, 61-12283, 61-12284,
61-12285 TO THE WATER SUPPLY BANK
CONTRACT 1200**

******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, 2021**, 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 Solson-Vibul
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C108673

Memorandum

To: Water Rights 61-12280, 61-12281, 61-12283, 61-12284, 61-12285, 61-12354, 61-12355, 61-12356, 61-12357, 61-12358, & 61-12359
From: Justin Ferguson
Date: May 6, 2020
Re: Water Supply Bank Lease Application 1710

Purpose/Narrative: An application was received April 27, 2020 offering a portion of water rights held by Shekinah Industries. The application was submitted as part of a lease/rental package prepared by their representative at Idaho Water Engineering to facilitate a rental for Mr. Duane Amyx in conjunction with a lease proposal by Mr. Paul Hudson.

Prior to the water right being split into the current ownership proportions, the entire water right had been purchased and transferred by Shekinah Industries to its current location. When the right was split, the proportions were divided between the different parties based on the percent ownership of the right. This left some of the places of use without enough water and the other areas with too much. This lease/rental package seeks to modify the amounts held such that the maximum extent of the prior permissible place of use can be irrigated.

It may be inferred that this may be a rental in perpetuity until such time the rate, volume, and acreage are redistributed within the PPU to align each water right with the area standards.

Authority to File: The application was signed by Mr. Michael Preston, an authorized agent for Shekinah Industries. The application was prepared and submitted by his representative at Idaho Water Engineering. No concerns at this time

Water Right Validity/Forfeiture Evaluation: The water rights being leased have recently been transferred to a new place of use with an updated point of diversion as well.

From a review of the water rights being offered and the associated permit, this is the fifth year that the applicant has in which to complete the transfer. Because this is a transfer of an existing water right, the applicant only has to prove that the change in place of use and point of diversion has been accomplished. With the construction of the diversion works it would appear that the transfer has been accomplished and the water rights can be protected.

Injury Evaluation: During the review of the initial transfer moving the water right, impact to the Mountain Home Ground Water Area was evaluated. It was determined that there was no evidence of injury and that the transfer could proceed. As such, because the purpose of this lease is to idle acres that would otherwise be irrigated, no injury is apparent. No concerns at this time.

Enlargement of Use: No enlargement is evident through the lease proposal. The acreage outlined in the map will continue to receive water under the water rights held by Shekinah Industries while the surrounding area is going to be idled to facilitate the rental for Mr. Amyx. No concerns at this time. *Leased valves were adjusted from amounts on the application to maintain ratios at the original water rights.*

Local Public Interest: Staff are unaware of any local public interests that are averse to the lease.

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

Department/Watermaster Comments: Watermaster and IDWR Western Region comments were requested

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