

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
JUN 30 2020  
DEPARTMENT  
WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1186

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

**LESSOR:** DOUGLAS E GRANT JR  
4647 MOUNTAIN PARK RD  
CHUBBUCK, ID 83202

**LESSOR:** LAUREL A GRANT  
4647 MOUNTAIN PARK RD  
CHUBBUCK, ID 83202

### 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 March 04, 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)
36-2684	3/2/1967	GROUND WATER	0.79	189	47.3
<b>Combined Lease Totals</b>			<b>0.79</b>	<b>189</b>	<b>47.3</b>

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, 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.

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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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**WATER SUPPLY BANK LEASE CONTRACT No. 1186**

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

**LESSOR:** DOUGLAS E GRANT JR  
4647 MOUNTAIN PARK RD  
CHUBBUCK, ID 83202

By Douglas E Grant  
Title owner  
Date June 26, 2020

**LESSOR:** LAUREL A GRANT  
4647 MOUNTAIN PARK RD  
CHUBBUCK, ID 83202

By Laurel A Grant  
Title owner  
Date 6/26/2020

**IDAHO WATER RESOURCE BOARD**

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

By Brian Patton  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date 07/09/20

Lease approved by IDWR P. Thomas

Date 07/09/20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1186

**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): 36-2684**

GROUND WATER      NENENE      Sec. 28      Twp 07S      Rge 25E      MINIDOKA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
36-2684	IRRIGATION	3/15	to	11/15	0.79 cfs	189 AF
<b>Totals:</b>					0.79 cfs	189 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	25E	28	4.3	7.1	3.8	5.5									6.6	7.3	7.3	5.4	47.3

Total Acres: 47.3

**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.

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**WATER SUPPLY BANK LEASE CONTRACT No. 1186**

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 this right is limited to the irrigation of 273 acres, a total rate of 4.57 cfs and volume of 1090 af annually.
13. 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. 130.
14. 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.

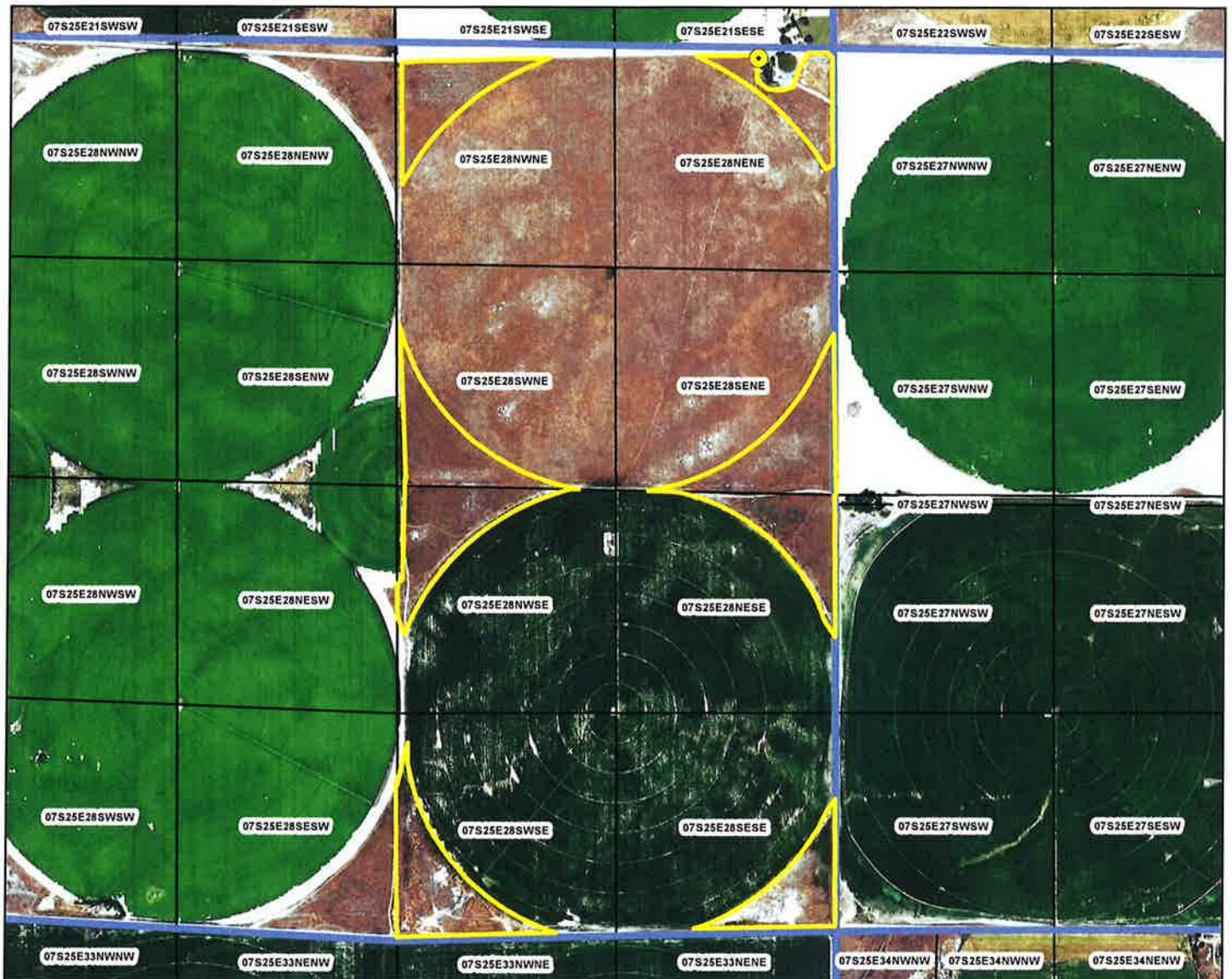


Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1186

36-2684

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



0 500 1,000 Feet

RECEIVED

MAR 04 2020

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT  
TO THE WATER SUPPLY BANK

Designated Applicant DOUG E GRANT and LAUREL GRANT

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

Water Right No. 36-2684

(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 \$ 250.00

Received By: KM

Date Received: 3-4-2020 Receipt # C108382

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

Name on W-9: Douglas E. Grant

1657

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 DOUG E GRANT and LAUREL GRANT

Mailing Address 4647 MOUNTAIN PARK RD CHUBBUCK, ID ~~83202~~ 83202  
Street City State Zip Code

Email Address \_\_\_\_\_ Phone Number 2083390677

☒ 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 Greg Sullivan Organization Brockway Engineering

Professional Title Engineer Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N Washington St Ste 4 Twin Falls, ID 83301 Phone Number 208-736-8543

☐ 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  
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**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.  
Existing well, mainlines and delivery system.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 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. A 47.3 acre portion of these water rights have been leased into the Idaho Water Supply Bank for the last several years.

- 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 ☒

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 2024 (maximum lease period 5 calendar years).  
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.  
current rental rate

**I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.**

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Douglas E. Grant Jr.  
Signature of Designated Applicant

DOUGLAS E. GRANT JR.  
Printed Name

2/7/2020  
Date

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

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

\_\_\_\_\_  
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**

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
36-2684	Irrigation	0.80	189.2	47.3
	Total Amounts:	0.80	189.2	47.3

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

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
07S	25E	28		NE	NE	NE	Minidoka County

**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). 36-2684

	<b>Designated Applicant</b>	<b>Applicant #2</b>	<b>Applicant #3</b>
Name	Doug Grant	Laurel Grant	
Mailing Address	4647 MOUNTAIN PARK RD CHUBBUCK, ID <del>832020</del> 83202	4647 MOUNTAIN PARK RD CHUBBUCK, ID <del>832020</del> 83202	
Phone Number	2083390677	2083390677	
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	<i>Douglas E. Grant Jr.</i>	<i>Laurel Grant</i>	

	<b>Applicant #4</b>	<b>Applicant #5</b>	<b>Applicant #6</b>
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			

## CONTRACT OF AGREEMENT

To Whom It May Concern,

Grant 4-D Farms and Douglas Grant and Laurel Grant have in place an agreement pertaining to leasing and renting portions of water rights 36-2684.

Grant 4-D Farms has agreed to pay an annual payment for 2020, 2021, 2022, 2023 and 2024 directly to Douglas Grant and Laurel Grant. No additional fees are required by Douglas Grant and Laurel Grant of Grant 4-D Farms for 2020, 2021, 2022, 2023 and 2024 from the Idaho Water Supply Bank pertaining to water right 36-2684.

Therefore, the rental payment of the 90% of the rental fee for water right 36-2684 have been paid in full. Grant 4-D Farms will pay the Idaho Water Supply Bank the annual 10% processing and rental fee to the Idaho Water Supply Bank.

Douglas Grant:

Douglas E. Grant

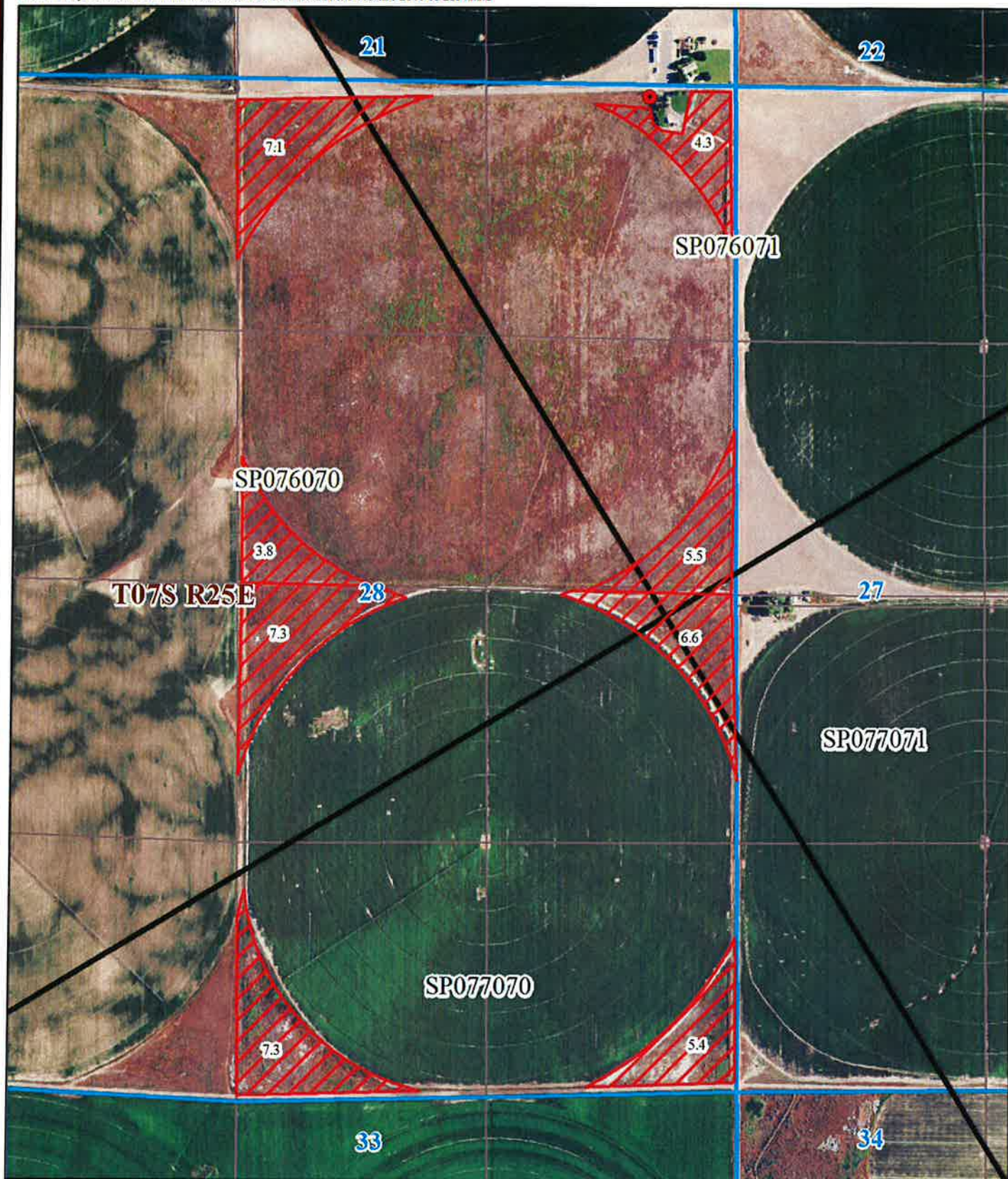
Date: 2/7/2020

Grant 4-D Farms:

R. A. G5

Date: 1/28/2020





0 500 1,000 Feet

**LAUREL A. AND DOUGLAS E. GRANT  
WATER BANK LEASE NEW 36-2684  
47.3 ACRES LEASE  
2017 NAIP AERIAL**

**Legend**

- WaterRight Point of Diversion
- ▨ WSB Lease NEW 36-2684
- modelgrid





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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 10, 2020

DOUGLAS E GRANT JR  
4647 MOUNTAIN PARK RD  
CHUBBUCK, ID 83202

LAUREL A GRANT  
4647 MOUNTAIN PARK RD  
CHUBBUCK, ID 83202

**RE: WATER SUPPLY BANK LEASE CONTRACT 1186  
FOR WATER RIGHTS 36-2684**

Dear Lessor:

Water rights **36-2684** was leased into the Water Supply Bank (Bank) as of January 1, 2020, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2024**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at [www.idwr.idaho.gov](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,

Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- SOUTHERN REGION  
WATER DISTRICT NO. 130  
Greg Sullivan – Brockway 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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 17, 2020

DOUGLAS E GRANT JR  
4647 MOUNTAIN PARK RD  
CHUBBUCK, ID 83202

LAUREL A GRANT  
4647 MOUNTAIN PARK RD  
CHUBBUCK, ID 83202

### RE: APPLICATION TO LEASE WATER RIGHT 36-2684 TO THE WATER SUPPLY BANK CONTRACT 1186

#### \*\*\*\*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,

  
Alexander Vabell  
Water Supply Bank

Enclosures: Proposed Lease Contracts

## Parker, Cody

---

**From:** Skinner, Corey  
**Sent:** Friday, April 17, 2020 2:47 PM  
**To:** Erickson, Nathan; Storms, Scott  
**Subject:** RE: Lease/Rental package

I'm good if Nathan is good.

**From:** Erickson, Nathan  
**Sent:** Friday, April 17, 2020 2:12 PM  
**To:** Storms, Scott <Scott.Storms@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Subject:** RE: Lease/Rental package

I see no problems with the lease/rental package.

**From:** Storms, Scott  
**Sent:** Friday, April 17, 2020 11:50 AM  
**To:** Erickson, Nathan <[Nathan.Erickson@idwr.idaho.gov](mailto:Nathan.Erickson@idwr.idaho.gov)>; Skinner, Corey <[Corey.Skinner@idwr.idaho.gov](mailto:Corey.Skinner@idwr.idaho.gov)>  
**Subject:** Lease/Rental package

Hello Nathan and Corey,

Can you please review the attached lease/rental package review memos and maps for WRs 36-2130C, 36-8106C, 36-7850C, & 36-2684 and provide any response within the next 14 days.

Thank you very much.

Scott

Scott Storms  
Senior Water Resource Agent  
Idaho Department of Water Resources  
208-287-4915  
[Scott.Storms@idwr.idaho.gov](mailto:Scott.Storms@idwr.idaho.gov)

## Lease Review Memorandum

**To:** Water Rights 36-2684

**From:** Scott Storms

**Date:** April 16, 2020

**Re:** Water Supply Bank Lease Application 1657 for Contract 1186

**Purpose/Narrative:** Application to lease 47.3 acres of water rights (WR) 36-2684 to the Water Supply Bank (Bank) was received in March 4, 2020. The application was submitted by Greg Sullivan of Brockway Engineering, on behalf of the WR owners Doug and Laurel Grant. The proposal is a repeat/renewal of lease contract 359, which expired December 31, 2019. The proposal would lease in the pivot corners of two fields into the Bank. The application was submitted as part of a lease/rental package that includes rental of this right by Grant 4D Farms. The application included an agreement between Douglas and Laurel Grant and Grant 4D Farms stating they have a private agreement for the rental rate of WR 36-2684, and is signed by Douglas Grant and Duane R. Grant of Grant 4D Farms.

**Authority to File:** The owner of record on WR 36-2684 is Laurel and Douglas Grant, and the application is signed by the same. Department parcel records show the property at the place of use (POU and point of diversion (POD) as owned by the same. No concerns over authority to file.

**Water Right Validity/Forfeiture Evaluation:** The right was decreed in 2001 and the unirrigated field corners have been in the Bank since 2004. Department data showed the remainder of the field in the NE quarter of Sec. 28, T07S, R 25E as enrolled in the Conservation Reserve Enhancement Projects (CREP). Review of maximum NDVI for the years 2015 through 2019 show high likelihood that none of the enrolled acres were irrigated across this time period, as is required per CREP contract. An inquiry to the Idaho Soil and Water Conservation Commission revealed that this contract is current and valid through September 30, 2021. There are no further concerns over validity of the right.

**Injury Evaluation/Rentability:** There are no apparent concerns about injury to other water rights or water users.

**Enlargement of Use/Rentability:** The original application requested to lease 47.3 acres with a total flow rate of 0.80 cfs. The face of the right contains a flow rate equal to 0.0168 cfs per acres. At this rate per acres, 47.3 acres would equal a total flow rate of 0.79 cfs. The lease was adjusted to match this rate. There are no apparent concerns about enlargement in the use of water. Proper prior rental review should prevent any enlargement.

**Local Public Interest:** There are no apparent local public interest concerns.

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

**Department/Watermaster Comments:** Watermaster and regional office comments were requested on April 17, 2020. No concerns received.

## Storms, Scott

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**From:** Chuck Pentzer <Chuck.Pentzer@swc.idaho.gov>  
**Sent:** Wednesday, March 11, 2020 9:41 AM  
**To:** Storms, Scott  
**Subject:** RE: CREP Acres Owned by Douglas and Laurel Grant

Hi Scott;

That guid number: {D5B93D9D-B85D-4265-AF70-7897BADB9504} does show that they have an active CREP contract on 130.7 acres. That CREP contract is scheduled to expire on 9/30/2021, which frees up the water right on those acres unless they opt to re-enroll into the program. I think you have the shapefile for this already.

We can't display any information on the web or cloud, which really limits the accessibility of information. USDA also prohibits us from using modern cloud-based field data technology. They are stringent about PII potentially getting out to the public thru a shape file, Tract or Farm number etc. so you came to the right place for information!

We normally track our contracts in house by county code of the USDA administering office, & tract number, but with the name, guid, I was able to find their record, with no problem.

Let me know if you need additional information.

Chuck

**Chuck Pentzer**  
**Idaho Soil & Water Conservation Commission**

**Office** [208-332-1794](tel:208-332-1794)

**Mobile** [208-810-0765](tel:208-810-0765)

[chuck.pentzer@swc.idaho.gov](mailto:chuck.pentzer@swc.idaho.gov)

[chuck.pentzer@id.usda.gov](mailto:chuck.pentzer@id.usda.gov)

322 E Front st. Suite 560

Boise, Id. 83702



**From:** Storms, Scott <Scott.Storms@idwr.idaho.gov>  
**Sent:** Wednesday, March 11, 2020 8:59 AM  
**To:** Chuck Pentzer <Chuck.Pentzer@swc.idaho.gov>  
**Subject:** CREP Acres Owned by Douglas and Laurel Grant

Hello Chuck,

I am reviewing an application for an Idaho Water Supply Bank Lease for water right 36-2648, owned by Douglas and Laurel Grant, located in the SE ¼ of Sec. 28, T07S, R 25E B.M. in Minidoka County. They are only looking at leasing a portion of this field to the Water Supply Bank, and according to data I have, the remainder of that field is in the CREP program. My database has this labeled as CREP ID D5B93D9D-B85D-4265-AF70-7897BADB9504. I'm not sure if that number correlates with how you guys track these contracts but I just wanted to check the status of it and make sure it is still in good standings. I was unable to find any sort of information pertaining to specific contracts on the Soil and Water Conservation Commission website, so I'm hoping you can help.

Thank you,

Scott

Scott Storms  
Senior Water Resource Agent  
Idaho Department of Water Resources  
208-287-4915  
[Scott.Storms@idwr.idaho.gov](mailto:Scott.Storms@idwr.idaho.gov)





**BROCKWAY**  
ENGINEERING  
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Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 04 2020

DEPARTMENT OF  
WATER RESOURCES

March 2, 2020

Remington Buyer  
Idaho Water Supply Bank  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Re: Doug and Laurel Grant Lease Application

Dear Mr. Buyer:

Attached to this letter is the lease application for Doug and Laurel Grant. The lease for Doug and Laurel Grant proposes to lease 47.3 acres of water right 36-2684 for the 2020-2024 irrigation seasons.

This 47.3 acres of water is to be rented by Gant 4D Farms.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Doug Grant

Enc: Lease Application, Aerial Map, Contract of Agreement, W-9 Form, Attachment 1-A,  
Brockway Engineering Check# 15790 for \$250.00

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

1657