

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1047

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

LESSOR: LYNN E ENGLAND
2496 SIMONS LN
AMERICAN FALLS, ID 83211-5221

RECEIVED
MAR 26 2020
DEPARTMENT OF
WATER RESOURCES

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 November 21, 2019.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

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

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

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
29-7622	1/6/1982	GROUND WATER	0.06	10.0	3.0
Combined Lease Totals			0.06	10.0	3.0

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, 2019 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1047

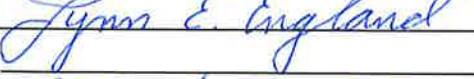
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right 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
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IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: LYNN E ENGLAND
2496 SIMONS LN
AMERICAN FALLS, ID 83211-5221

By 
Title _____
Date March 23, 2020

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 07/02/20

Lease approved by IDWR 

Date 07/02/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1047

**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 29-7622

GROUND WATER SWSESE Sec. 1 Twp 07S Rge 31E POWER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
29-7622	IRRIGATION	4/01	to	11/01	0.06 cfs	10.0 AF
Totals:					0.06 cfs	10.0 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	31E	1																3	3.0

Total Acres: 3.0

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1047

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. Pursuant to Idaho Code § 42-1412(6), the water rights herein leased are 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.
13. The water right being leased, 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 purposes.
14. Use of water under this right will 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. 120.
15. Unleased portions of this right are limited to 0.09 cfs and 16.6 af for the irrigation of 5 acres.

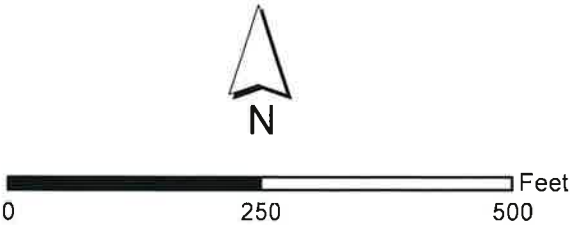
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1047

29-7622
Effective until December 31, 2023

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
OCT 11 2019
DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Lynn England

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

Water Right No. 29-7622

(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 \$ 250Received By: AWDate Received: 10/11/19 Receipt # C107029W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)

Name on W-9:

1490

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 LYNN ENGLAND
Mailing Address 2496 Simons Lane Am Falls ID 83211
Street City State Zip Code
Email Address Lynn_Igo2@yahoo.com Phone Number 208-226-5668

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

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

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☐ No ☒
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative _____ Organization _____
Professional Title _____ Email Address _____
Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☐
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

- B. Please provide a description of the current water diversion and delivery system.

3" Pipe - 20 Handlines = 20 Birds

- 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.

- 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: 2019 to 2023 (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.

Lynn England
Signature of Designated Applicant

LYNN ENGLAND
Printed Name

10-3-19
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**

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). 29-7622

	Designated Applicant	Applicant #2	Applicant #3
Name	LYNN ENGLAND		
Mailing Address	2496 Simons Ln. Am Falls ID 83211		
Phone Number	208-226-5668		
Email Address	Lynn Iso 2@yahoo.com		
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature	<i>Lynn England</i>		

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>29-7622</u>	<u>Irrigation</u>	<u>.056</u>	<u>9.9</u>	<u>3</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Amounts:		<u>.056</u>	<u>9.9</u>	<u>3</u>

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

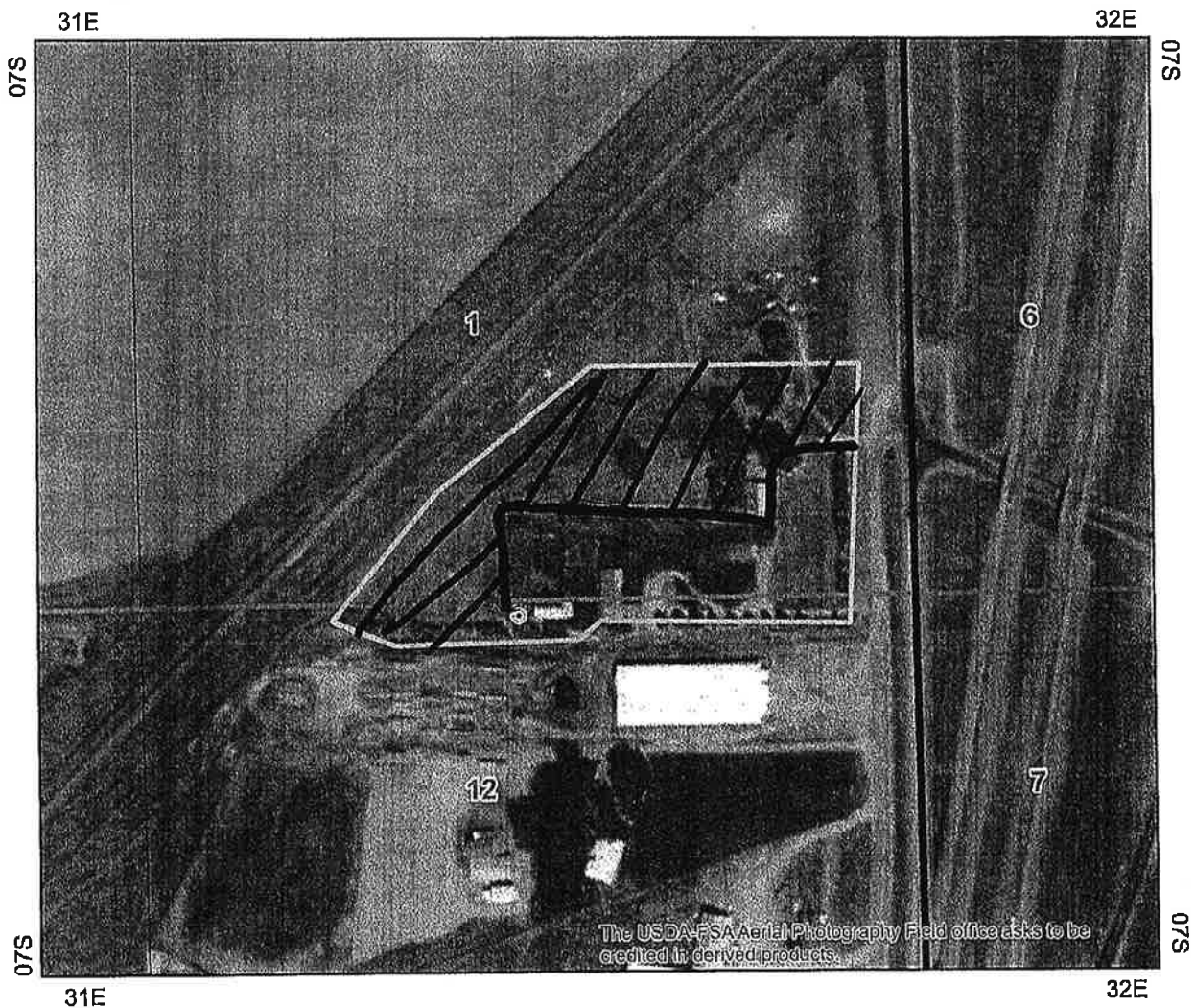
Twp	Rge	Sec	Lot	¼	¼	¼	County
<u>7S</u>	<u>31E</u>	<u>1</u>		<u>SW</u>	<u>SE</u>	<u>SE</u>	<u>Power County</u>

State of Idaho
Department of Water Resources

Water Right
29-7622

IRRIGATION

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



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

0 0.035 0.07 0.14 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/26/2019

Water Right 29-7622

<u>Owner Type</u>	<u>Name</u>
Current Owner	DONNA ENGLAND
Current Owner	GEORGE ENGLAND
Current Owner	LYNN E ENGLAND

Priority Date: 1/6/1982

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.150 CFS	26.6 AF
	<u>Total Diversion</u>		0.150 CFS	26.6 AF

Source and Point(s) of Diversion

GROUND WATER	SWSESE	Sec. 1, Twp 07S, Rge 31E, POWER County
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Place Of Use

IRRIGATION within POWER County

T07S R31E S1	SESE	8.0
POU Total Acres:		8.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Combined Use Limits

N/A

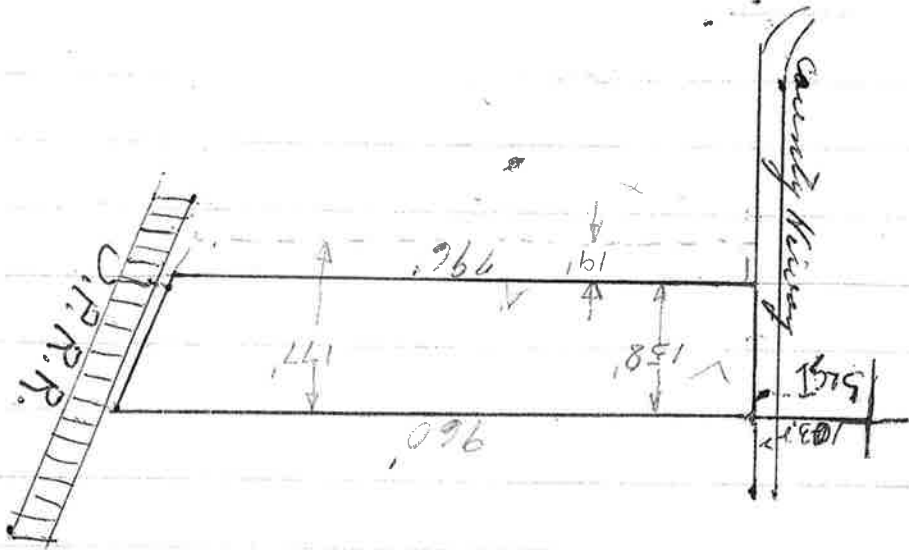
SubCase:

N/A

Water Supply Bank:

N/A

There is a gift deed to Tyn & Englund and
 Henry Englund, husband & wife to a piece of
 land located in the S.E. quarter of the S.E. quarter
 of Sec. I Township 7 S. Range 31 E. R.M. Parker
 County Oa. more ~~specifically~~ described as,
 Beginning: 103.22 ft west of S.W. corner of Sec.
 thence west on section line 960 ft, thence North &
 along R.R. right of way 228 ft, thence due East
 796 ft to physical right of way, thence South
 to point of beginning, containing 3.22 ac
 more or less.



WARRANTY DEED

For Value Received , GEORGE L. ENGLAND and FERN L. ENGLAND , husband and wife,

the grantor S, do hereby grant, bargain, sell and convey unto LYNN E. ENGLAND and DONNA E. ENGLAND , husband and wife,

whose current address is

Route 1 Box 321
American Falls, Idaho 83211

the grantee s, the following described premises, in Power County Idaho, to wit:

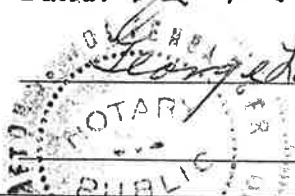
A tract of land in the Southeast Quarter of the Southeast Quarter of Section 1, Township 7 South, Range 31 East Boise Meridian, Power County, Idaho, more particularly described as follows;

Beginning at a point 103.22 feet West of the Southeast corner of Section 1, thence West on section line 960 feet, thence Northeast along Railroad Right of Way 228 feet, thence due East 796 feet to Highway Right of Way, thence South to point of beginning, containing 3.22 acres, more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees , their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees , that they are the owners in fee simple of said premises ; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 12-4-80


George L. England

Fern L. England

STATE OF IDAHO, COUNTY OF Power
On this 4th day of December 1980,
before me, a notary public in and for said State, personally
appeared George L. England

INDEXED

Instrument No. 122419
State of Idaho }
County . Power } SS FILE

the grantees, the following described premises, in Power County, Idaho, to wit:

A tract of land in the Southeast Quarter of the Southeast Quarter of Section 1, Township 7 South, Range 31 East Boise Meridian, Power County, Idaho, more particularly described as follows;

Beginning at a point 103.22 feet West of the Southeast corner of Section 1, thence West on section line 960 feet, thence Northeast along Railroad Right of Way 228 feet, thence due East 796 feet to Highway Right of Way, thence South to point of beginning, containing 3.22 acres, more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 12-4-80

George L. England Tern L. England

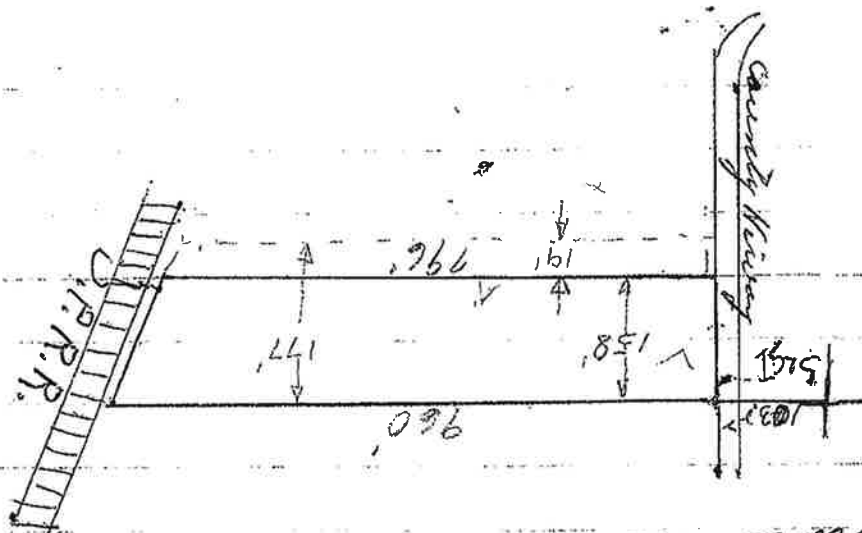
STATE OF IDAHO COUNTY OF Power
On this 4th day of December 1980,
before me, a notary public in and for said State, personally
appeared George L. England
* Tern L. England

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Apton S. Thoenen Notary Public
Residing at American Falls, Idaho
Comm. Expires For Life

INDEXED Instrument No. 122419
State of Idaho }
County of Power } SS
I hereby certify that this
instrument was filed for
record at the request of
George L. England
Filed at 2:45
o'clock P. M., this 14
day of Jan 1981 and
recorded a instrument
No. 122419 in Drawer
#6
Helen Hal, Recorder
By Marilyn S. Thoenen
2.07 Deputy

There is a gift deed to Tenn. & England and
 Home England, husband & wife to a piece of
 land located in the S.E. quarter of the S.E. quarter
 of Sec. I Township 7S, Range 31 E.B.M. given
 Carville Oda. more ~~recently~~ ^{apportioned} divided as,
 Beginning: 103.22 ft west of S.W. corner of Sec.
 Thence west on section line 960 ft, thence North &
 along R.R. right of way 228 ft thence due East
 796 ft to highway right of way, thence South
 to point of beginning, containing 3.22 ac
 more or less.



WARRANTY DEED

For Value Received , GEORGE L. ENGLAND and FERN L. ENGLAND , husband and wife,

the grantor S. do hereby grant, bargain, sell and convey unto LYNN E. ENGLAND and DONNA E. ENGLAND , husband and wife,

whose current address is

Route 1 Box 321
American Falls, Idaho 83211

the grantee s, the following described premises, in.....Power.....County Idaho, to wit:

A tract of land in the Southeast Quarter of the Southeast Quarter of Section 1, Township 7 South, Range 31 East Boise Meridian, Power County, Idaho, more particularly described as follows;

Beginning at a point 103.22 feet West of the Southeast corner of Section 1, thence West on section line 960 feet, thence Northeast along Railroad Right of Way 228 feet, thence due East 796 feet to Highway Right of Way, thence South to point of beginning, containing 3.22 acres, more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees , their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees , that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 12-4-80

George L. England *Fern L. England*

STATE OF IDAHO, COUNTY OF Power
On this _____ day of December 19 80,
before me, a notary public in and for said State, personally
appeared *George L. England*

INDEXED
Instrument No. 122419
State of Idaho }
County . Power } SS *FE*

the grantees, the following described premises, in Power County Idaho, to wit;

A tract of land in the Southeast Quarter of the Southeast Quarter of Section 1, Township 7 South, Range 31 East Boise Meridian, Power County, Idaho, more particularly described as follows;

Beginning at a point 103.22 feet West of the Southeast corner of Section 1, thence West on section line 960 feet, thence Northeast along Railroad Right of Way 228 feet, thence due East 796 feet to Highway Right of Way, thence South to point of beginning, containing 3.22 acres, more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 12-4-80

George L. England Tom L. England

STATE OF IDAHO, COUNTY OF Power
On this 4 day of December, 1980,
before me, a notary public in and for said State, personally
appeared

George L. England
Tom L. England

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Apton S. Thoefer Barger
Notary Public
Residing at American Falls, Idaho
Comm. Expires For Life

INDEXED
Instrument No. 122419
State of Idaho
County . . Power } SS
I hereby certify that this
instrument was filed for
record at the request of
George L. England
Filed at 2:45
o'clock P.M., this 14
day of Jan 1981 and
recorded as instrument
No. 122419 in Drawer
#6

Helen Hal, Recorder
By Marvin L. Barger
Deputy
2.57



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

July 8, 2020

LYNN ENGLAND
2496 SIMONS LN
AMERICAN FALLS, ID 83211-5221

**RE: WATER SUPPLY BANK LEASE CONTRACT 1047
FOR WATER RIGHTS 29-7622**

Dear Lessor:

Water rights **29-7622** 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,

Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- EASTERN REGION
WATER DISTRICT NO. 120



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

March 10, 2020

LYNN ENGLAND
2496 SIMONS LN
AMERICAN FALLS, ID 83211-5221

**RE: APPLICATION TO LEASE WATER RIGHT 29-7622 TO THE WATER SUPPLY BANK
CONTRACT 1047**

******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 Vahell
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C107829

Memorandum

To: Lease Application 1490
From: Justin Ferguson
Date: February 19, 2020
Re: Water Supply Bank Lease Proposal

Purpose/Narrative: An application to lease a portion of water right 29-7622 was received from Mr. England on October 11, 2019. Per the applicant, the right has not undergone a five year period of non-use, however no data on annual diversion volumes was provided. Historically, this right was intended for a cattle grazing pasture however a review of Sentinel satellite imagery (see attachments to this memo) provides limited information to confirm irrigation has actively occurred in the area proposed for lease.

The applicant was contacted requesting more information as to the extent of the beneficial use accomplished on the acreage being offered for lease to the Bank. Idaho Power records were provided indicating that the well had in fact been in use since approximately 2015 however the area the water was being used was not provided. Water Supply Bank rules require that, during a lease review, any information is considered that the water right is not lost to abandonment or forfeiture. At this time, per the power records provided, it appears the right has not been abandoned.

Authority to File: This right was decreed to Mr. Lynn England, along with George and Donna England. Per a 2019 ownership change, Mr. England has become the sole owner. No concerns of authority to file at this time.

Water Right Validity/Forfeiture Evaluation: A review of Sentinel satellite imagery reveals that the area proposed to be leased has been minimally vegetated in recent years, sufficient to consider that the water right remains valid and acceptable for lease. However, the portion proposed for lease may have featured a limited, minimal consumptive use of water.

While there is vegetation observed at times during the year, it remains unclear as to the extent that was irrigated using the applicant's water right. From a review of Idaho Code 42-222, substituting "water" in for the word "it" the statute reads "All rights acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply water to the beneficial use for which water was appropriated and when any rights shall be lost through nonuse or forfeiture such rights to such water shall revert to the state". Because there is evidence of irrigation at the place of use being offered for lease it can be inferred that water was applied to the acreage appurtenant to the water right, thus keeping the water right valid.

It is of note that, due to the applicant's proximity to the American Falls Reservoir, the water table may in fact be quite high. As such, there may not be a need for extensive use of the right to accomplish growth and, again because of the proximity to the Reservoir, it would be expected that more irrigation would be evident had the right been used to its fullest extent.

Injury Evaluation: No injury is apparent through the lease. A review of Sentinel satellite data indicates the portion of the water right proposed to be leased is associated with minimal, limited consumptive uses of ground water. Injury concerns might arise if the portion of this water right leased to the Bank were rented or transferred and thereby enabling an increased consumptive use of ESPA ground water.

Enlargement of Use: Because only a portion of the right was offered for lease, a proportional amount of the decreed rate, volume, and acreage will be idled to prevent enlargement of the right. Prior to any rental or transfer a further review of the historic consumptive use of water under this water right may be necessary to protect against enlargement.

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

Beneficial Use/Conservation of Water Resources: The beneficial use of irrigation is consistent with the conservation of water throughout the State of Idaho.

Department/Watermaster Comments: Water District 120 and IDWR Eastern Region comments were requested December 31, 2019

Water Supply Bank Evaluation: Subject to favorable water district and regional office comments, it is recommended these leases be approved.

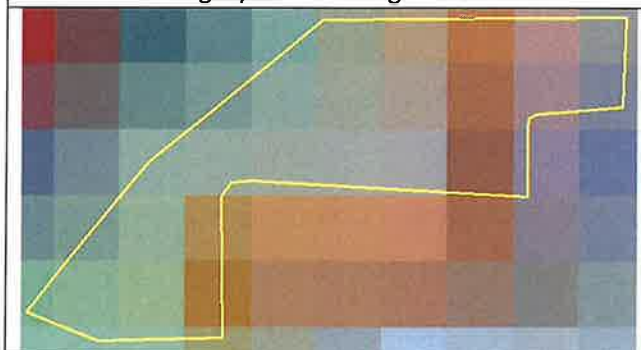
Attachment A – Sentinel Imagery from 2014 through 2019



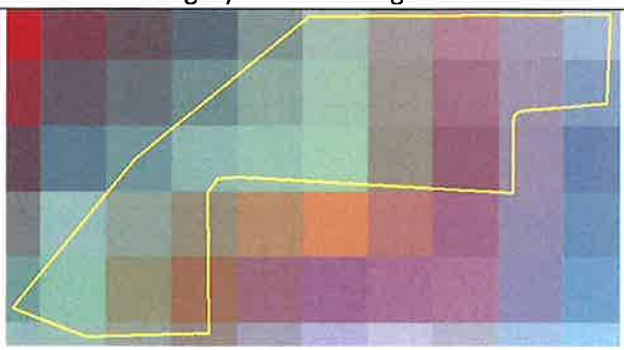
True Color Imagery – 2019 Image



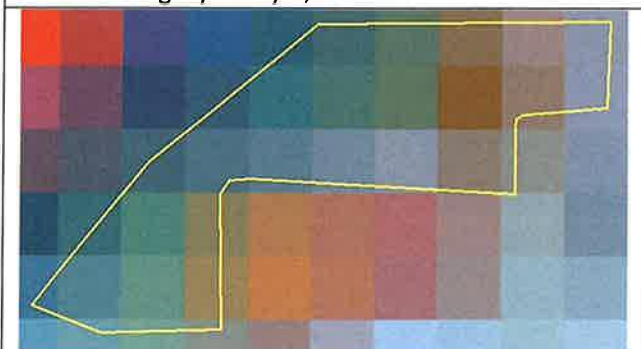
True Color Imagery – Climate Engine 2020



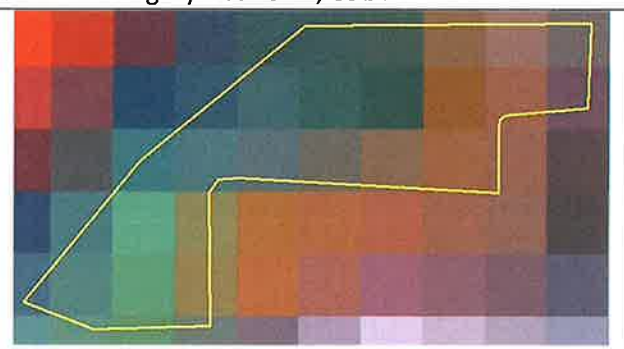
Near IR Imagery – July 5, 2014



Near IR Imagery – June 11, 2014



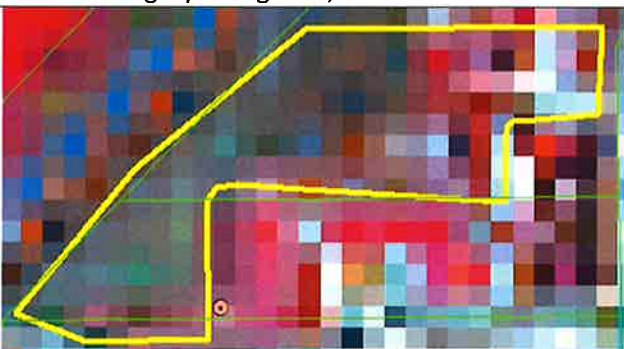
Near IR Imagery – June 22, 2015



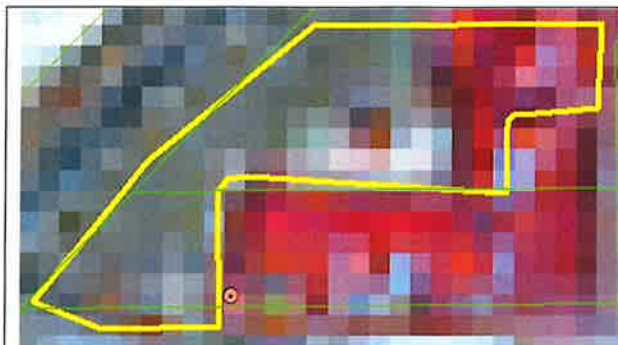
Near IR Imagery – August 9, 2015



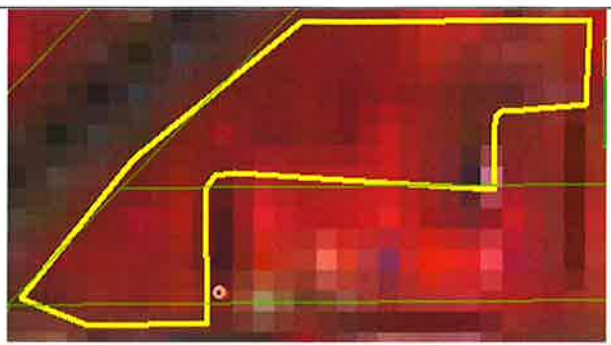
Near IR Imagery – September 10, 2015



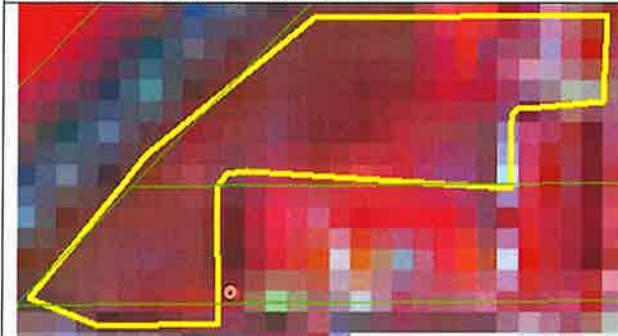
Near IR Imagery – June 5, 2016



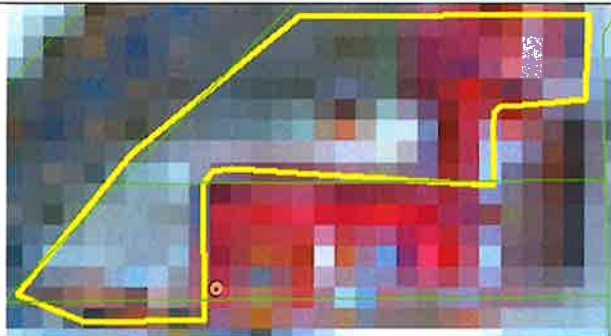
Near IR Imagery – Aug 24, 2016



Near IR Imagery – Apr 1, 2017



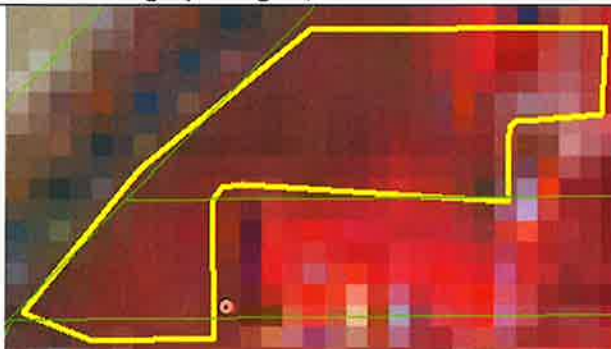
Near IR Imagery – May 11, 2017



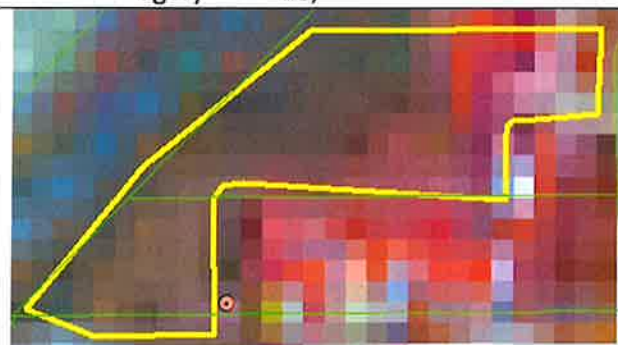
Near IR Imagery – Aug 19, 2017



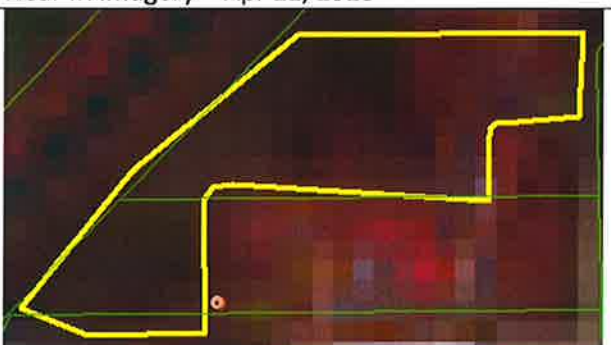
Near IR Imagery – Oct 18, 2017



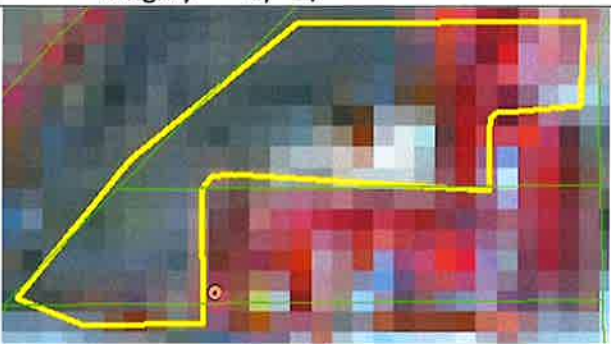
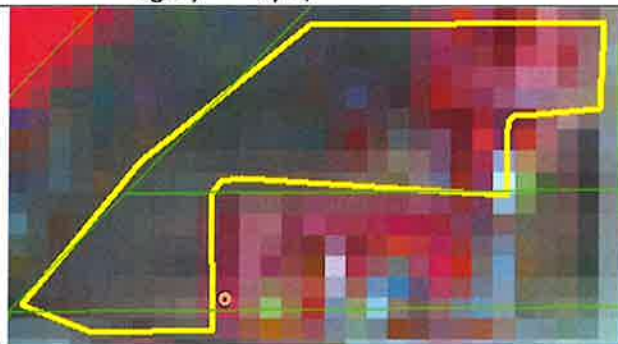
Near IR Imagery – Apr 21, 2018


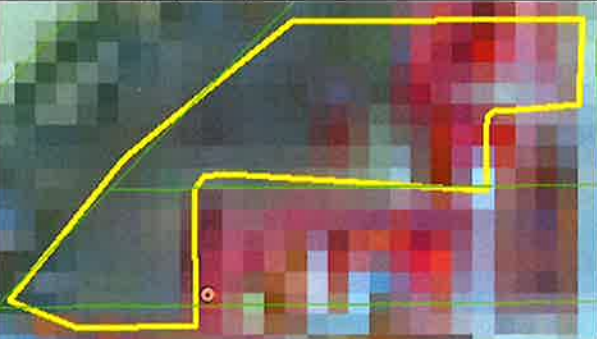




Near IR Imagery – May 6, 2018



Near IR Imagery – May 21, 2018

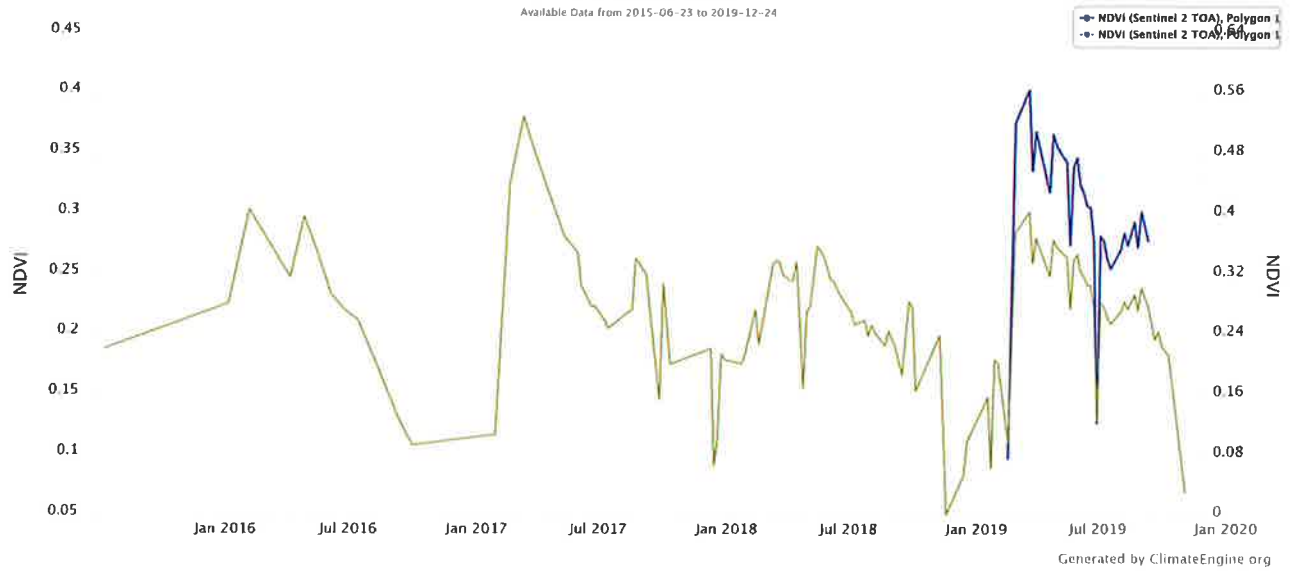


<p>Near IR Imagery - July 10, 2018</p> 	<p>Near IR Imagery – Sept 3, 2018</p> 
<p>Near IR Imagery – May 11, 2019</p> 	<p>Near IR Imagery – Aug 4, 2019</p> 
<p>Near IR Imagery – Sept 18, 2019</p>	<p>Near IR Imagery – Oct 3, 2019</p>



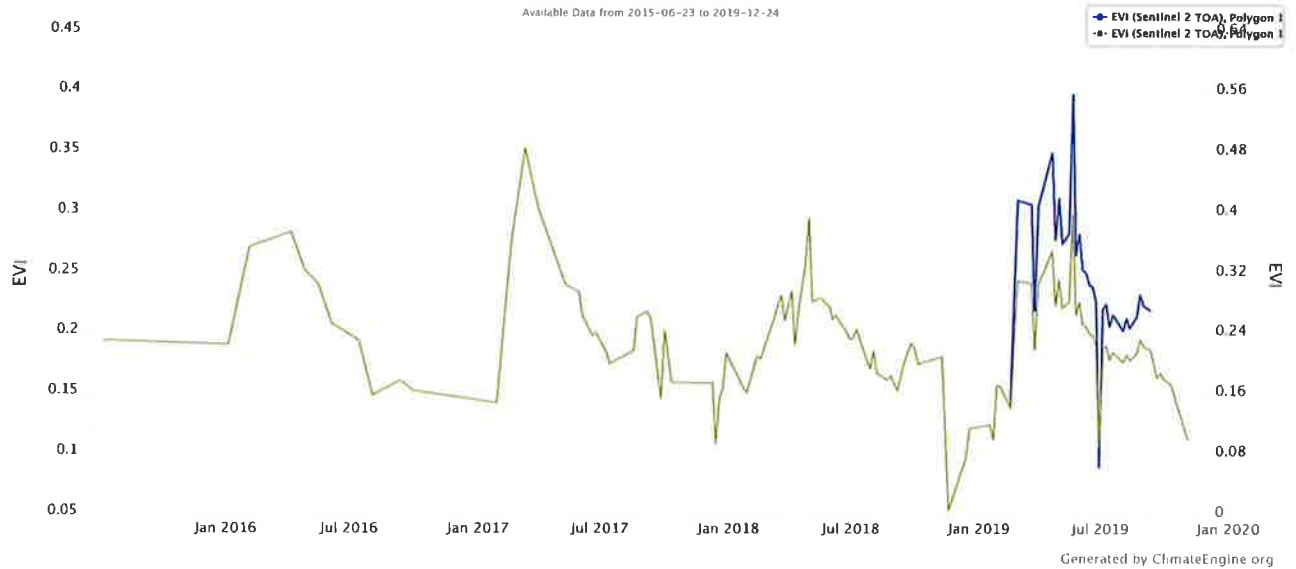
NDVI (Sentinel 2 TOA) and
NDVI (Sentinel 2 TOA)

Available Data from 2015-06-23 to 2019-12-24



EVI (Sentinel 2 TOA) and
EVI (Sentinel 2 TOA)

Available Data from 2015-06-23 to 2019-12-24



Department Of Water Resources

322 E Front Street Suite 648

P.O. Box 83720

Boise, Id 83720-0098

RECEIVED

JAN 27 2020

DEPARTMENT OF
WATER RESOURCES

January 23, 2020

Dear Sirs,

In reply to your letter as to whether or not I have abandoned WR 29-7622, I have not. I have been using my water since about 1975. I'm sending you copies of my power bills for 2015 to 2019 as proof of use. I hope this will suffice.

Sincerely;

A handwritten signature in cursive script that reads "Lynn England". The signature is written in dark ink and is positioned above the printed name.

Lynn England



www.idahopower.com

Questions? Contact us at:
 PO BOX 70, Boise, ID 83707.
 Or call (208) 388-2323 (Treasure Valley)
 or (800) 488-6151. Se habla español.
 For faster service please call
 Tuesday - Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: LYNN ENGLAND

Account Number: 2206943322 *Irrigation Pump 2015*

Billing Date: 12/22/2015

Print Date: 12/22/2015

Service Agreement No: 0030509781

Next Read Date: 01/19/2016

Service Location: 07S31E1202 / AMERICAN FALLS, ID

07s31e1202

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
41069104	11/20/15	12/18/15	29	Regular	19562	19566	1	4

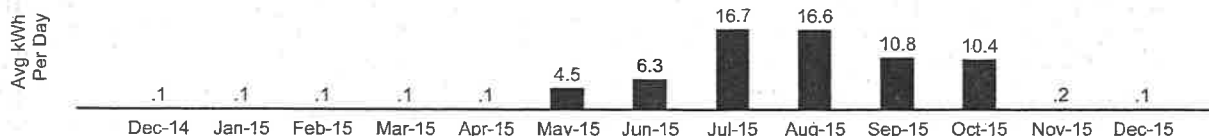
Billing kW	BLC
1	0

Small General
 Service
 Schedule 07

Service Charge	\$5.00
Non-Summer Energy Charge 4 kWh @ \$0.097756 per kWh	\$0.39
Annual Adjustment Mechanism	\$0.04
Energy Efficiency Services	\$0.22
Current Charges - Electric Service	\$5.65

CR = Credit kWh = Kilowatt-hour PCA = Power Cost Adjustment kW = Kilowatt BLC = Basic Load Capacity G = Generation

Your Electric
 Use Pattern





idahopower.com

Questions? Contact us at:
 PO BOX 70, Boise, ID 83707.
 Or call (208) 388-2323 (Treasure Valley)
 or (800) 488-8151. Se habla español.
 For faster service please call
 Tuesday - Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: LYNN ENGLAND
 Account Number: 2206943322 *Irrigation Pump 2016*
 Billing Date: 12/20/2016
 Print Date: 12/20/2016

Page 2 of 2

Service Agreement No: 0030509781

Next Read Date: 01/18/2017

Service Location: 07S31E1202 / AMERICAN FALLS, ID

07s31e1202

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
41069104	11/17/16	12/16/16	30	Regular	22022	22027	1	5

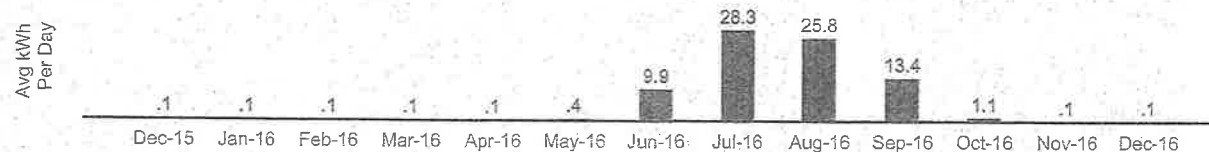
Billing kW	BLC
1	0

Small General
 Service
 Schedule 07

Service Charge	\$5.00
Non-Summer Energy Charge 5 kWh @ \$0.097756 per kWh	\$0.49
Annual Adjustment Mechanism	\$0.06
Energy Efficiency Services	\$0.22
Current Charges - Electric Service	\$5.77

CR = Credit kWh = Kilowatt-hour PCA = Power Cost Adjustment kW = Kilowatt BLC = Basic Load Capacity G = Generation

Your Electric
 Use Pattern





idahopower.com

Questions? Contact us at:
 PO BOX 70, Boise, ID 83707.
 Or call (208) 388-2323 (Treasure Valley)
 or (800) 488-6151. Se habla español.
 For faster service please call!
 Tuesday - Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: LYNN ENGLAND
 Account Number: 2206943322 *Irrigation Pump 2017*
 Billing Date: 12/19/2017
 Print Date: 12/19/2017

Service Agreement No: 0030509781

Next Read Date: 01/16/2018

Service Location: 07S31E1202 / AMERICAN FALLS, ID

07s31e1202

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
41069104	11/17/17	12/15/17	29	Regular	28908	29624	1	716

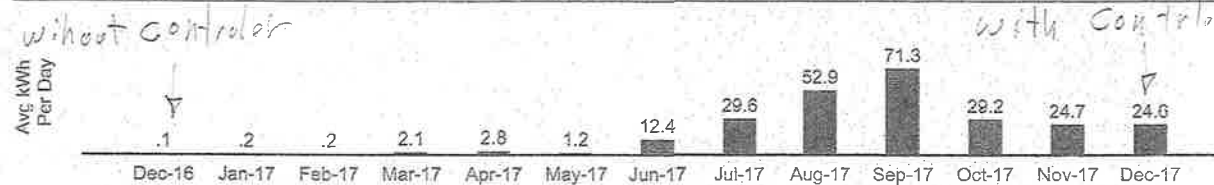
Billing kW	BLC
4	0

Small General Service Schedule 07

Service Charge	\$5.00
Non-Summer Energy Charge 300 kWh @ \$0.099070 per kWh	\$29.72
Non-Summer Energy Charge 416 kWh @ \$0.103944 per kWh	\$43.24
Annual Adjustment Mechanism	\$10.36
Energy Efficiency Services	\$2.92
Current Charges - Electric Service	\$91.24

CR = Credit kWh = Kilowatt-hour PCA = Power Cost Adjustment kW = Kilowatt BLC = Basic Load Capacity G = Generation

Your Electric Use Pattern





An IDACORP Company

PAGE 1 OF 2

Billing Date 12/19/2018
Print Date 12/20/2018

Due Date
01/03/2019

Amount Due
\$6.93

LYNN ENGLAND

Account Number: 2206943322

Irrigation Pump 2018

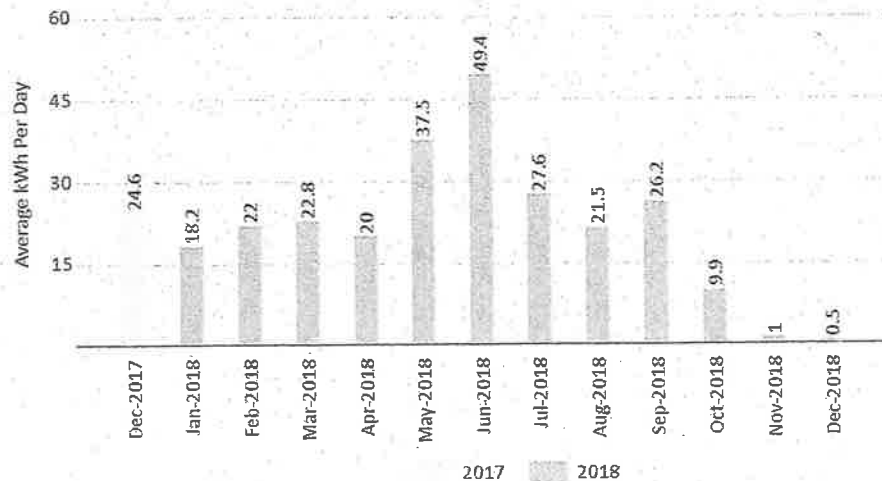
Previous Balance	\$8.34
Payments Received - Thank You	- \$8.34
Balance Forward	\$0.00
Current Charges	\$6.93
Account Balance	\$6.93

Help neighbors in need with their energy costs.

Project Share uses donations for neighbors who need help paying their energy bills. 100 percent of your donation will go to Project Share recipients. To make a pledge, visit idahopower.com/projectshare or mark the appropriate box on the back of this pay stub.



NOTE: Any unpaid balance may be assessed a monthly charge of 1 percent.

Average Daily Energy Use for 07S31E1202 / AMERICAN FALLS, ID



An IDACORP Company

Billing Date
Print Date12/20/2019
12/21/2019Due Date
01/06/2020Amount Due
\$79.12

PAGE 1 OF 2

LYNN ENGLAND

Account Number: 2206943322 *Irrigation Pump 2019*

Previous Balance

\$188.83

Payments Received - Thank You

- \$188.83

Balance Forward

\$0.00

Current Charges

\$79.12

Account Balance

\$79.12

Do You Pay by Mail?

If so, please note the new mailing address on your bill stub: Processing Center, P.O. Box 5381, Carol Stream, IL 60197-5381. Learn about other ways you can pay your bill by visiting idahopower.com/ways2pay.



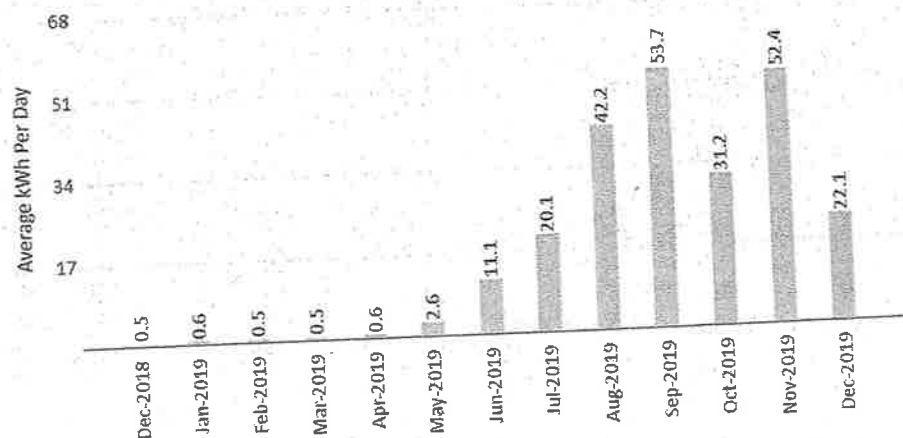
Help neighbors in need with their energy costs.

Project Share uses donations for neighbors who need help paying their energy bills. 100 percent of your donation will go to Project Share recipients. To make a pledge, visit idahopower.com/projectshare or mark the appropriate box on the back of this pay stub.



NOTE: Any unpaid balance may be assessed a monthly charge of 1 percent.

Average Daily Energy Use for 07S31E1202 / AMERICAN FALLS, ID



YAS KAWA



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

January 13, 2020

LYNN ENGLAND
2496 SIMONS LN
AMERICAN FALLS, ID 83211

RESPONSE DEADLINE:
February 13, 2020

RE: Action Required on WSB Lease Application 1490

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your application to lease water right 29-7622 to the Water Supply Bank and has determined that additional information is required to make a determination on your lease proposal. Specifically, the following items are requested to finalize processing of your application:

- Confirmation that the water rights proposed for lease to the Water Supply Bank have not been lost to abandonment or forfeiture.

To be considered complete, Water Supply Bank rule 25.02.c requires that a lease application should include information that a water right has not been lost through abandonment, or forfeiture as defined by Section 42-222(2), Idaho Code. Our preliminary review of your lease application did not confirm that irrigation of the places of use for your water right occurred during the past five years. Since there was not an explanation provided in the application as to the extent of use we were not able to determine beneficial use occurred within the last five years.

To continue processing of your application, our office requires documentation to confirm that the portion of water right 29-7622 proposed for lease has not been subject to forfeiture or abandonment through non-use. Please provide us with information about the extent of water use under water right 29-7622 (diversion rates, volumes and acres irrigated) at the lease place of use, during the past five years. Please provide the requested information within 30 days (deadline of February 13, 2020), so that we can continue processing of your application. If we do not hear from you prior to the established deadline, your application may be denied and your filing fee refunded.

If you have any questions, please contact me at (208) 287-4936.

Regards,

A handwritten signature in blue ink, appearing to read 'J. Ferguson'.

Justin Ferguson

Buyer, Remington

From: Heather Rice <heatherr@afagroundwater.com>
Sent: Monday, November 18, 2019 12:11 PM
To: Buyer, Remington
Subject: Water Bank Lease
Attachments: Lynn England Letter.PDF; Lynn England Application 29-7622.PDF

Hi Remington,

Mr. England came in with copies of his application today. It looks like it is complete but may not have gotten to you guys completed. Attached is a copy of his documents.

Thank you for your help,

Heather Rice
Manager
American Falls Aberdeen GWD
(208) 226-5914 office
(208)844-0419 cell



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

November 7, 2019

LYNN ENGLAND
2496 SIMPSON LN.
AMERICAN FALLS, ID 83211

RESPONSE DEADLINE:
December 12, 2019

Action Required on WSB Lease Application For Water Right No. 26-7266

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your application to lease water right 26-7266 to the Water Supply Bank and determined that your application is incomplete. The following items are required to continue processing your application:

- Completed Lease Application

To be considered complete, Water Supply Bank rule 25.02 requires that a completed application be submitted with evidence that the right has been recorded through court decree, proof of current ownership, and information that the right has not been lost to abandonment or forfeiture. Because your application was submitted without pages two and three we are unable at this time to begin processing.

Please provide the above information to our office by December 12, 2019 so that we may begin processing your lease application for 2019 to 2023, otherwise your application will be returned and the application fee refunded.

If you have any questions, please contact me at (208) 287-4936.

Regards,


Justin Ferguson

Receipt ID # C107829
for 2019-2023