

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1138

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

LESSOR: MARJEAN BULCHER
2381 BOWLIN LN
TWIN FALLS, ID 83301

RECEIVED
MAR 05 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 December 19, 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)
37-22822	9/1/1885	GREENHORN CREEK, tributary to BIG WOOD RIVER	0.32	Not Stated	5.6
37-2644E	11/16/1989	GROUND WATER	0.07	12.3	3.5
Combined Lease Totals			0.39	12.3	9.1
Combined Limit Totals			0.11		5.6

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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WATER SUPPLY BANK LEASE CONTRACT No. 1138

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

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

LESSOR: MARJEAN BULCHER
2381 BOWLIN LN
TWIN FALLS, ID 83301

By Marjean Bulcher
Title Owner
Date 03/03/2020

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 6/2/2020

Lease approved by IDWR

Angela M. Gamm

Date 6/2/2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1138

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): 37-2644E

GROUND WATER NWSNW Sec. 18 Twp 03N Rge 18E BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-22822

GREENHORN CREEK NESWNW Sec. 18 Twp 03N Rge 18E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-2644E	IRRIGATION	04/01	to	11/01	0.07 cfs	12.3 AF
37-22822	IRRIGATION	04/01	to	11/01	0.32 cfs	Not Stated
Totals:					0.39 cfs	12.3 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	
03N	18E	18					5.6												5.6

Total Acres: 5.6

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1138

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 right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
13. The unleased portions of rights listed below are limited to the irrigation of a combined total of 2.2 acres in a single irrigation season. Combined Right Nos.: 37-153C, 37-2644C, 37-2644D, 37-2644E, 37-22822, 37-22826 and 37-22827.
14. Place of use is located within Lot 3, Greenhorn Bench Subdivision.
15. 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.
16. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
17. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

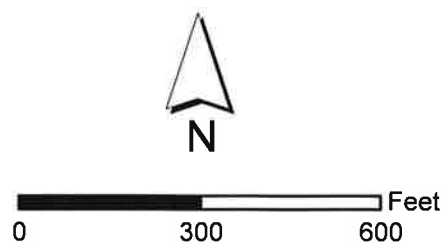
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1138

37-2644E & 37-22822
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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 02 2020

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant MARJEAN or MARK C. Bulcher
(Select one owner – see item 1A on the application)

Water Right No. 31-2644E
(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 <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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 <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$

Received By: KM

Date Received: 1-2-20

Receipt # 008116

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

Name on W-9: Mark C. Bulcher

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

RECEIVED

DEC 18 2019

DEPARTMENT OF
WATER RESOURCES

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 MARJEAN & MARK E. BULCHER

Mailing Address 2381 BOWLIN LANE TWIN FALLS Id. 83301
Street City State Zip Code

Email Address marjean.bulcher@gmail.com Phone Number 208-316-9779

☒ 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.

Well on property with a 107 cfs irrigation right

- 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? Yes ☐ No ☒
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2020 to 2025 (maximum lease period 5 calendar years).
(Year) (Year)

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

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.

Mark C Bulcher
MarJean Bulcher
Signature of Designated Applicant

MARK Bulcher
MARJEAN Bulcher
Printed Name

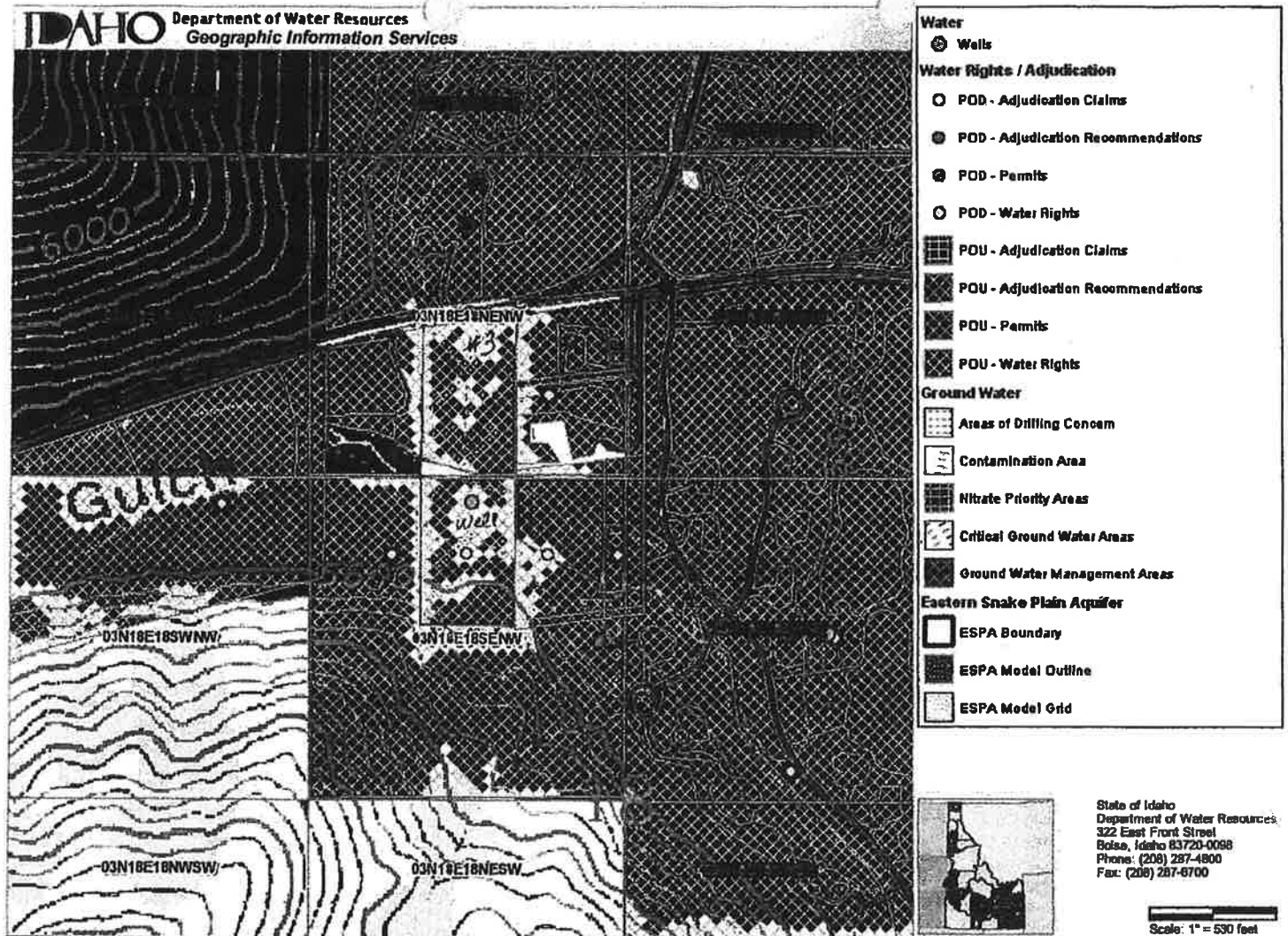
12/12/2019
12/12/19
Date

Signature of Authorized Representative

Printed Name

Date

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



Created: 12/2/2014 -- Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

Blaine Co. - Greenhorn Bench Lot "3"

Attachment 3



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

June 3, 2020

GARY SPACKMAN
Director

MARJEAN BULCHER
2381 BOWLIN LN
TWIN FALLS ID 83301

RE: **WATER SUPPLY BANK LEASE CONTRACT 1138
FOR WATER RIGHTS 37-2644E & 37-22822**

Dear Lessor:

Water rights 37-2644E & 37-22822 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, 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. **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,

for Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region
Water District No. 37



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

February 27, 2020

MARJEAN BULCHER
2371 BOWLIN LN
TWIN FALLS ID 83301

RE: APPLICATION TO LEASE WATER RIGHT 37-22822, 37-2644E TO THE WATER SUPPLY BANK

CONTRACT 1138

******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.

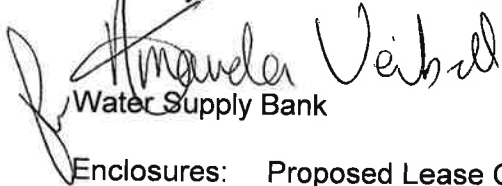
The right will automatically be released from the Bank on **December 31, 2024**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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 or 208-287-4800.

Sincerely,


Amanda Veihl
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C108116

Memorandum

To: Water Right 37-2644E & 37-22822
From: Justin Ferguson
Date: January 29, 2020
Re: Water Supply Bank Lease Application

Purpose/Narrative: An application was received from Ms. Bulcher January 2, 2020 offering for lease the full portions of water rights 37-2644E & 37-22822 to the Bank. This is a renewal of their previous lease beginning in 2015 through the end of 2019. The two rights share a combined limit with water rights 37-2644C, 37-22826, 37-2644D, 37-2644E, 37-22827 and 37-153C, which are all located on lots 1, 2, 3 and 6 within the Greenhorn Bench Subdivision. When combined, this package of rights loses 0.1 cfs and 1.7 af for 0.5 acres.

From a review done in 2019 for water rights offered for lease by Mr. Goodrich, the surface water rights were appurtenant to the land being developed for the subdivision. A series of transfers (3515, 3525, & 3526) processed in 1989 moved portions of the ground water right 37-2644 to the subdivision, more specifically, lots 2, 3, & 6. As part of the transfer process the priority dates were advanced forward to the date of the approval which were later confirmed through the SRBA in 2010. Conditions were added through the proceedings such that the rights were limited to a maximum combined acreage of 13.5.

Water Rights as Recorded on July 9, 2019											
Lot	Water Right	Source	Priority	Use	Rate	Vol	Acre Limit	Lot Acres	Rate/AC	Vol/AC	
1	37-22827	Greenhorn Creek	09/01/1885	Irrigation	0.120		2.2	4.0	0.055		
	37-8551	Ground Water	9/7/1989	Irrigation	0.090	10.5	3.0	4.0	0.030	3.50	
				Domestic	0.040	0.6					
					0.110	11.1					
37-12304	Ground Water	12/31/1948	Domestic	0.040							
Max. Combined Irrigation Use:					0.104	18.2	5.2	4.0	0.020	3.50	
2	37-22826	Greenhorn Creek	09/01/1885	Irrigation	0.170		3.0	12.0	0.057		
	37-2644C	Ground Water	11/16/1989	Irrigation	0.070	12.25	3.5	12.0	0.020	3.50	
	Max. Combined Irrigation Use:				0.070	12.25	3.5	12.0	0.020	3.50	
3	37-22822	Greenhorn Creek	09/01/1885	Irrigation	0.320		5.6	12.0	0.057		
	37-2644E	Ground Water	11/16/1989	Irrigation	0.070	12.25	3.5	12.0	0.020	3.50	
	Max. Combined Irrigation Use:				0.112	19.6	5.6	12.0	0.020	3.50	
6	37-153C	Greenhorn Creek	09/01/1885	Irrigation	0.150		2.7	4.0	0.056		
	37-2644D	Ground Water	11/16/1989	Irrigation	0.020	3.5	1.0	4.0	0.020	3.50	
	Max. Combined Irrigation Use:				0.054	9.45	2.7	4.0	0.020	3.50	
					Max. Combined Irrigation Use:	0.340	59.5	17.0	32.0	0.020	3.50
Surface water irrigation from what was formerly decreed as WR 37-153C					0.760		13.5		0.056		
Ground water irrigation from what was formerly 37-2644					0.160		8.0		0.020		
Not including 37-8551, max irrigation of lots 1, 2, 3 and 6, per combined limit conditions					0.270	47.3	13.5		0.020	3.50	
Not including 37-8551, max irrigation of lots 1, 2, 3 and 6, per decreed water right elements					0.280	49.0	14.0		0.020	3.50	

It was found that, if there was no coordination of use between the water right holders, it may be possible to irrigate up to 17.0 acres causing an enlargement. In an effort to preserve the relationships and components of the rights and their interactions, the same conditions will be added to the contract such that these rights will continue to be limited to 0.11 cfs and 19.6 af for the irrigation of 5.6 acres. In this way we can work to prevent forfeiture unless we can verify a 0.5 acre reduction under one of the other rights. Since most of the rights included in the combined limit condition for 13.5 acres are leased (all except 37-22827) any rentals of these rights will only be possible if there are acres remaining since the total acres available to rent is less than the face value of the rights and 13.5 acres should be reduced by 2.2 to account for the acres irrigated under 37-22827, assuming it is fully satisfied.

Authority to File: The applications were signed and submitted by Ms. MarJean Bulcher, current water right holder. County parcel data also indicates that the Bulchers are also the current land owners to which the right is appurtenant. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: These rights were decreed through the SRBA in 2010 and offered to the Bank beginning in 2015. No concerns at this time.

Injury Evaluation: Proper rental review of the rights and their interactions should prevent injury.

Enlargement of Use: No enlargement is evident as conditions will be preserved from the previous lease limiting the extent of the two rights such that they continue to hold the same value within the larger picture of the associated surface and ground water rights. In this way we can continue to prevent forfeiture unless there is a 0.5 acre reduction accounted for under one of the other associated rights.

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

Department/Watermaster Comments: Watermaster for District 37 and IDWR Southern Region comments were requested January 29, 2020

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

Ferguson, Justin

From: Ferguson, Justin
Sent: Wednesday, January 29, 2020 1:34 PM
To: Skinner, Corey; watermanager@cableone.net; Erickson, Nathan
Subject: WSB Lease Applications - Alonzo Leavell & MarJean Bulcher
Attachments: Lease Review Memo.docx; Draft Lease Contract Leavell 37-23215.docx; Lease Leavell 37-23215.pdf; Lease Review Memo.docx; Draft Lease Contract Leavell 37-23210.docx; Lease Leavell 37-23210.pdf; Lease Review Memo.docx; Draft Lease Contract Leavell 37-23208.docx; Lease Leavell 37-23208.pdf; Lease Review Memo.docx; Draft Lease Bulcher 37-2644E & 37-22822.docx; Bulcher 37-2644E & 37-22822.pdf

Afternoon!

Attached are the draft rental maps, memos, and agreements for Alonzo Leavell & Marjean Bulcher. Please let me know if you have any comments or concerns, IDWR will assume you do not object to this application if a timely response is not received.

Thank you!



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

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JAN 02 2020

DEPARTMENT OF
WATER RESOURCES

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 19, 2019

MARJEAN & MARK BULCHER
2381 BOWLIN LANE
TWIN FALLS, ID 83301

RESPONSE DEADLINE:
January 19, 2020

RE: Action Required on WSB Lease Application 1555

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your application to lease water rights 37-22822 and 37-2644E to the Water Supply Bank (Lease Application 1555) and determined that your application is incomplete. The following items are required to continue processing your application:

- Page 1 for the lease application submitted with the water right number being offered for lease
- A completed application for the second water right being offered for lease

To be considered complete, Water Supply Bank rule 25 requires that a completed application be submitted before the Department can begin processing your request. Please provide us with the above requested information within 30 days (deadline of January 19, 2020), so that we can finalize processing of your application. If we do not hear from you prior to the established deadline, your application will be returned to you and your filing fee will be refunded.

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

Regards,

Justin Ferguson

Enclosure - IDWR Receipt ID C108116

Hi Justin!
Enclosed please find pg 1 for water right # 37-2644E
and a completed application for water right # 37-22822.

Happy New Year & thank you for your time this morning!

Marjean Bulcher



State of Idaho

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Regards,



Justin Ferguson

Enclosure – IDWR Receipt ID C108116