

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 969

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

LESSOR: LAYNE H ASTLE
24377 A & A RD
GRAND VIEW, ID 83624

RECEIVED
APR 29 2019
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 14, 2018.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

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

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

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
2-7059	4/9/1970	SNAKE RIVER, tributary to COLUMBIA RIVER	0.430	106.60	21.30
Combined Lease Totals			0.430	106.60	21.30

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. 969

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 969

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

LESSOR: LAYNE HASTLE
24377 A & A RD
GRAND VIEW, ID 83624

By 
Title owner
Date 4-24-19

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 4/30/2019

Lease approved by IDWR 

Date 4-30-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 969

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Source and Location of Point(s) of Diversion for Water Right No(s): 2-7059

SNAKE RIVER L 9SESW Sec. 34 Twp 05S Rge 04E OWYHEE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
2-7059	IRRIGATION	03/15	to	11/15	0.430 cfs	106.60 AF
Totals:					0.430 cfs	106.60 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	03E	9							1.0	2.0		2.0		6.3		5.0	5.0		21.3

Total Acres: 21.3

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 969

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. This 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.
13. The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
14. The following water rights are diverted through the Snake River point of diversion described above: 2-71 2-2153, 2-2154, 2-2176B, 2-2242, 2-2243, 2-2275, 2-2279, 2-2288, 2-2308, 2-2380, 2-2405B, 2-2418, 2-2423, 2-2424, 2-4026, 2-7012, 2-7059, 2-7060B, 2-7061, 2-7062, 2-7064, 2-7103, 2-7104, 2-7126, 2-7157C, 2-7168A, 2-7168B, 2-7168C, 2-7206, 2-7237A, 2-7242D, 2-7275, 2-7279B, 2-7344, 2-7839, 2-10181, 2-10187, 2-10198, 2-10201, 2-10202, 2-10313, 2-10315, 2-10316, 2-10435, 2-10436, 2-10503, 2-10542, 2-10543, 2-10545, 2-10557.
15. The unleased portion of water right 2-7059 is limited to a maximum irrigation of 298.7 acres during a single irrigation season.

STATE OF IDAHO
WATER RESOURCE BOARD

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JAN 09 2019

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DEC 14 2018

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

Designated Applicant

Layne H. ASTLE

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

Water Right No.

2-7059

(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 \$ 250.00

Received By:

Date Received:

1/9/2019

Receipt #

C106111

W-9 received? Yes ☐ No ☒

(Route W-9 to Fiscal)

Name on W-9:

1274

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 Layne H. Astle
Mailing Address 24377 A and A Road Grand View ID 83624 cell
Street City State Zip Code 861-5732
Email Address majekcattle@gmail.com Phone Number 208-834-2720

☒ 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.

Bybee Lateral Water Users

- 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. 2-7275 2-7279B 57-7022

- 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. This water right was in the water bank the last five (5) 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. IN water bank. See (F).

- 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.

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.


Signature of Designated Applicant

Layne Astle
Printed Name

12-1-18
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>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>2-7059</u>	<u>Irrigation</u>	<u>~~6.400~~ 0.43</u>	<u>~~1,600.0~~ 106.5</u>	<u>21.3</u>
	Total Amounts:			

2. Source of water Snake River tributary to Columbia River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
05S	04E	34	9				Owyhee

Lease Map Layne Astle



 Dried up.

To Whom It May Concern:

Bybee Lateral Water Users does hereby give consent for Layne Astle to transfer partial water rights for the following water right numbers to the water bank:

2-72798

2-7275

2-7059

David G. Broad President

Bybee Water Lateral Users



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

May 1, 2019

LAYNE HASTLE
24377 A & A RD
GRAND VIEW ID 83624

RE: WATER SUPPLY BANK LEASE CONTRACT 969 FOR WATER RIGHT 2-7059

Dear Lessor:

Water right **2-7059** was leased into the Water Supply Bank (Bank) as of December 14, 2018, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank.** More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2023**, unless the right is 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 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. This form is available on our public website at www.idwr.idaho.gov. **Please note your water right may not be available for immediate release if it has been rented or is 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 287-4800.

Sincerely,


for Water Supply Bank

Enclosure: Executed Lease Contract

c: Nick Miller - IDWR Western Region
Rob Whitney – Water District 02
Jes Erling – Water District 02



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

April 22, 2019

LAYNE HASTLE
24377 A & A RD
GRAND VIEW ID 83624

RE: APPLICATIONS TO LEASE WATER RIGHT 2-7059 CONTRACT 969, WATER RIGHT 2-7275 CONTRACT 970, and WATER RIGHTS 2-7279B & 57-7022 CONTRACT 968 TO THE WATER SUPPLY BANK

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources has completed its review of your applications to lease the above-mentioned water rights 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 executed copies to you. The Lease Contracts are not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2023**, unless the rights are released earlier by the Board, or upon your request. To release the 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. 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 rights may not be available for immediate release if they have 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 287-4800.

Sincerely,


for Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C106111

Buyer, Remington

From: Buyer, Remington
Sent: Friday, April 5, 2019 5:01 PM
To: Whitney, Rob; Miller, Nick
Cc: Webster, Clay
Subject: WSB Lease / Rental for Layne Astle
Attachments: Lease Review Memo.docx; Draft Lease Contract 968.docx; Lease_Map_7279B.PDF; Draft Lease Contract 969.docx; Lease_Map_7059.pdf; Draft Lease Contract 970.docx; Lease_Map_7275.pdf; Draft Rental Agreement.docx; Rental Review Memo.docx; Rental.pdf

Nick, Rob,

Layne Astle has proposed to lease into the Bank portions of his water rights: 2-7059, 2-7275, 2-7279B and 57-7022, in order to rent them back out on lands adjacent to his property, near Grand View. Attached are my review memos, maps, and draft approvals. Please advise as to whether you have any questions, comments or concerns about these WSB transactions.

Thanks,

Remington

Memorandum

To: Water Rights 2-7059, 2-7275, 2-7279B, 57-7022

From: Remington Buyer

Date: April 5, 2019

Re: Water Supply Bank Lease Applications 1273, 1274 and 1278

Purpose/Narrative: Applications originally received December 14, 2018 without filing fee payments. Request for payment issued, resulting in filing fees paid (and application considered formally receipted) on January 9, 2019. Water rights 2-7059, 2-7275, 2-7279B and 57-7022 are proposed for lease in conjunction with a rental application (ID number: 1275) also submitted by the lessor. This memo pertains to the leases.

Authority to File: The water rights are appurtenant to lands owned by Layne Astle, and Majek Cattle. Majek Cattle is an LLC registered in Idaho, of which Layne Astle was the incorporator and founding director. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The water rights were decreed in 2009 and the portions now proposed for lease have been actively leased to the Bank since 2014. No concerns over water right validity.

Injury Evaluation: No injury is foreseen through the lease of these water rights to the Bank.

Enlargement of Use: To avoid enlargement in water use, the water rights will be leased to the Bank, and rented to the applicant, proportionate to their licensed/decreed extents. The Department must also be reasonably confident that the extent of the water right proposed to be idled will in fact be idled.

A review of 2018 satellite sentinel imagery (see attachment to this memo) suggests much of the area proposed to be leased (which is roughly equivalent to the acres leased during 2014-2018) is being idled. However, it also appears that lands adjacent to, but outside the applicant's authorized place of use for their water rights are being irrigated. The limited-resolution satellite imagery precludes an exact determination of all lands that were idled in 2019. The following summarizes the extent of irrigation observed per each of the applicant's three water right during 2018, along with extent of the water rights proposed for lease:

Water Right(s)	Irrigable Acres	Observed Irrigated	Extent of Acres Unirrigated	Acres Proposed for Lease	Acres Considered for Lease
2-7059	320.0	*298.0	22.0	21.3	21.3
2-2725	113.0	*118.7	0.0	4.3	
2-7279B	154.0	150.0	4.0	11.0	11.0
57-7022	146.5	146.5	0.0	2.5	3.5
Combined	154.0	150.0	4.0	11.0	11.0
Sum Total	587.0	566.7	20.3	36.6	

* Observed irrigated includes acres which may not specifically fall within the authorized quarter-quarters, but which appear to be irrigated under the relevant water rights, inclusive of adjacent lands.

To ensure no enlargement will occur during the term of the lease conditions will be placed on the lease contracts to affirm the extent of irrigation use that will remain available during the lease.

Local Public Interest: Staff have no information to suggest the lease is contrary to any local public interests.

Beneficial Use/Conservation of Water Resources: No concerns about beneficial use or the conservation of water resources.

Department/Watermaster Comments: Western Region and Water District 2 staff will be consulted on this lease.

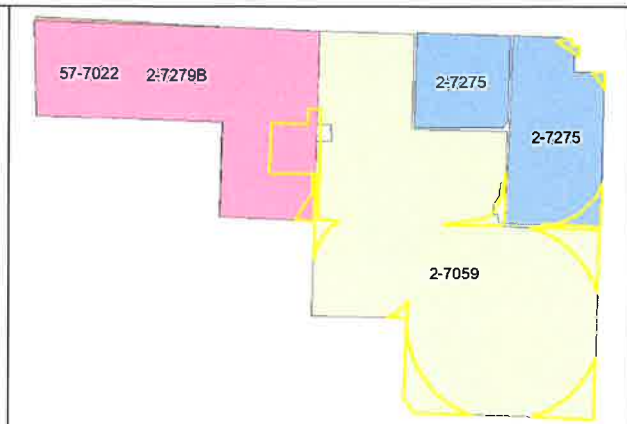
Water Supply Bank Evaluation: Subject to favorable recommendations by regional and water district staff, these water rights can be leased to the Bank.

Attachment 1: Sentinel Satellite Imagery from 2018

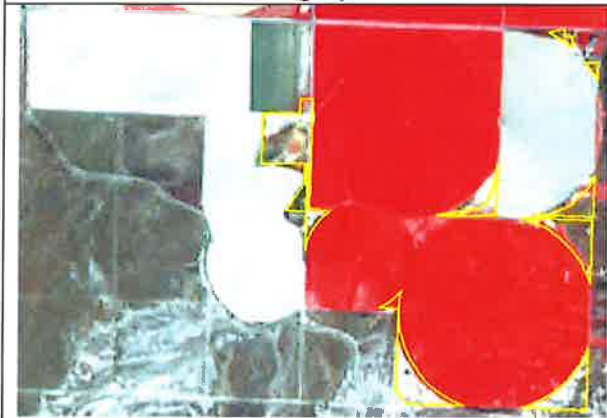
The imagery below shows in yellow, the areas that have previously, and which will over the next five years, not be irrigated as part of the Water Supply Bank lease of water rights 2-7275, 2-7059, 2-7279B and 57-7022. The places of use for these water rights are also depicted against the areas proposed for lease.



True Color Satellite Imagery, 2017



Water Rights Belonging to Applicant



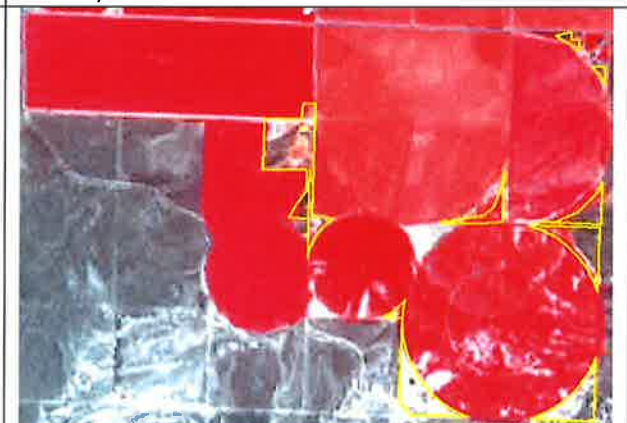
April 27, 2018



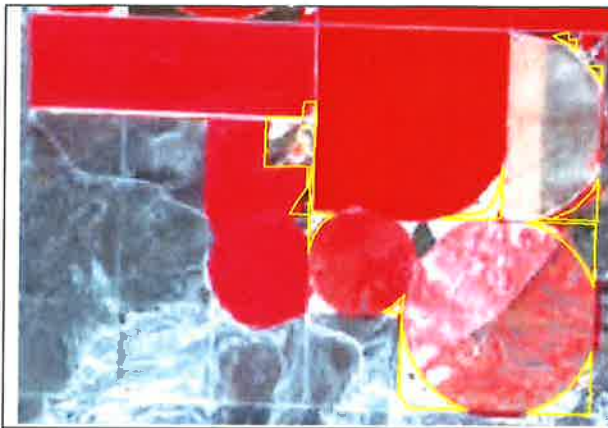
June 6, 2018



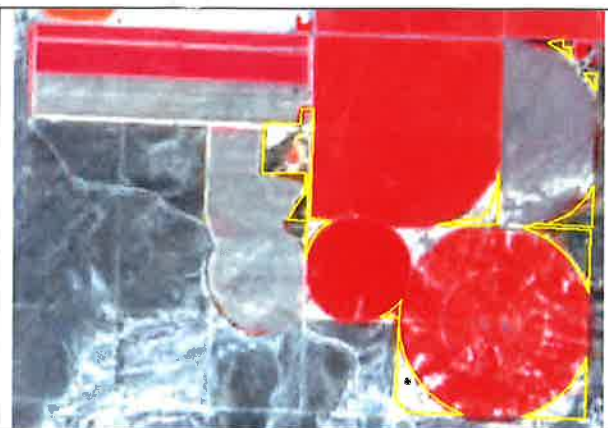
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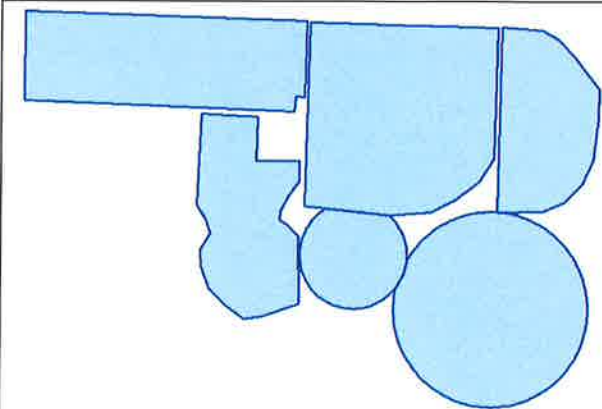
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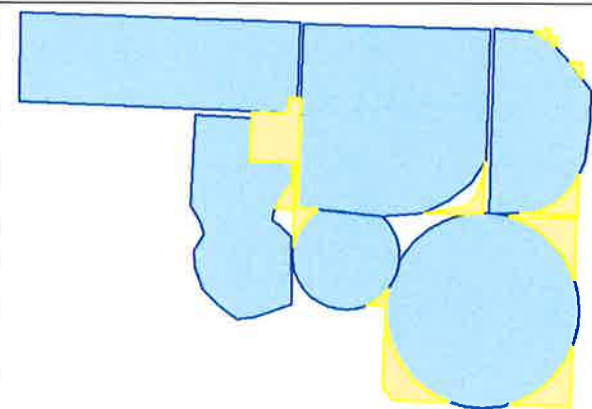
September 16, 2018



October 21, 2018



Observed Irrigated Areas, 2018



Unirrigated Acres (2018) Proposed for Lease

Attachment 2: Irrigated Lands Overlap & Combined Limit Analysis

Authorized Irrigable Acres, Per Water Right Decrees & Licenses												
Water Right(s)	T	R	S	Northeast				Northwest				Totals
				NE	NW	SW	SE	NE	NW	SW	SE	
WR 2-7279B	06S	03E	8	39.0	39.0	39.0		37.0				154.0 ACs
WR 57-7022				37.5	40.0	29.0		40.0				146.5 ACs
Max Irrigable Acres				39.0	40.0	39.0		40.0				346.0 ACs
QQ Acres	06S	03E	9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0 ACs
WR 2-7059								40.0	40.0	40.0		320.0 ACs
WR 2-7275				35.0	39.0			39.0				113.0 ACs
Max Irrigable Acres				35.0	39.0			39.0	40.0	40.0	40.0	433.0 ACs
QQ Acres				40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0 ACs

Water Right Acres Previously Proposed for Lease to the Bank												
Water Right(s)	T	R	S	Northeast				Northwest				Totals
				NE	NW	SW	SE	NE	NW	SW	SE	
WR 2-7279B	06S	03E	8	1.0		10.0						11.0 ACs
WR 57-7022				1.0		10.0						11.0 ACs
Max Irrigable Acres				1.0		10.0						11.0 ACs
WR 2-7059	06S	03E	9					1.2	0.8	7.3	5.9 6.1	21.3 ACs
WR 2-7275				4.3								4.3 ACs
Max Irrigable Acres				4.3				1.2	0.8	7.3	5.9 6.1	25.6 ACs

Authorized Irrigable Acres, Per Water Right Portions Not Leased to the Water Supply Bank												
Water Right(s)	T	R	S	Northeast				Northwest				Totals
				NE	NW	SW	SE	NE	NW	SW	SE	
WR 2-7279B	06S	03E	8	38.0	39.0	29.0		37.0				143.0 ACs
WR 57-7022				36.5	40.0	19.0		40.0				135.5 ACs
Max Irrigable Acres				38.0	40.0	29.0		40.0				135.5 ACs
WR 2-7059	06S	03E	9					40.0	40.0	38.8	40.0 39.2 32.7	298.7 ACs
WR 2-7275				30.7	39.0			39.0				108.7 ACs
Max Irrigable Acres				30.7	39.0			39.0	40.0	40.0	38.8	407.4 ACs

Observed Irrigated Acres (2018)												
Land Owner	T	R	S	Northeast				Northwest				Totals
				NE	NW	SW	SE	NE	NW	SW	SE	
	06S	03E	8	38.0	38.4	3.6	27.8	36.7				186.5 ACs
	06S	03E	9	1.9	33.5	34.3	1.6	39.4	38.2	38.8	35.1	396.1 ACs
	06S	03E	16		0.4			0.3				0.7 ACs
												583.3 ACs

Observed Irrigated Acres Per Unleased, Licensed/Decreed Water Rights (2018)												
Land Owner	T	R	S	Northeast				Northwest				Totals
				NE	NW	SW	SE	NE	NW	SW	SE	
WR 2-7279B	06S	03E	8	38.0	38.4	27.8		36.7				140.9 ACs
WR 57-7022				37.5	38.4	19.0		36.7				131.6 ACs
												140.9 ACs
WR 2-7059	06S	03E	9					38.2	38.8	35.1	34.6 36.3 32.5	283.4 ACs
WR 2-7275				30.7	34.3			39.0			34.0 33.9	104.0 ACs
												387.4 ACs

Unaccounted For Irrigation (2018)												
Land Owner	T	R	S	Northeast				Northwest				Totals
				NE	NW	SW	SE	NE	NW	SW	SE	
	06S	03E	8			3.6						45.6 ACs
	06S	03E	9	1.9	2.8	1.6		0.4			0.6	8.7 ACs
	06S	03E	16		0.4			0.3				0.7 ACs
												55.0 ACs

Decreed / Licensed WR Elements				
	Rate	Vol	Acre Limit	Acres
WR 2-7059	6.4	1600	320.0 ACs	320.0 ACs
WR 2-7275	2.26	565	113.0 ACs	113.0 ACs
WR 2-7279B	3.08	693	154.0 ACs	154.0 ACs
WR 57-7022	2.34	659.3	146.5 ACs	146.5 ACs
Combined	5.42	1352	154.0 ACs	154.0 ACs
Totals	14.1	3517	587.0 ACs	587.0 ACs

Leased WR Elements (= 2019 Proposal)				
	Rate	Vol	Acre Limit	Acres
WR 2-7059	0.43	106.5	21.3 ACs	21.3 ACs
WR 2-7275	0.09	21.5	4.3 ACs	4.3 ACs
WR 2-7279B	0.22	49.5	11.0 ACs	11.0 ACs
WR 57-7022	0.06	15.8	3.5 ACs	11.0 ACs
Combined	0.28	65.3	11.0 ACs	11.0 ACs
Totals	0.8	193.3	36.6	36.6 ACs

Unleased WR Elements				
	Rate	Vol	Acre Limit	Acres
WR 2-7059	5.97	1494	298.7	298.7 ACs
WR 2-7275	2.17	543.5	108.7	108.7 ACs
WR 2-7279B	2.86	643.5	143.0	143.0 ACs
WR 57-7022	2.28	643.5	143.0	143.0 ACs
Combined	5.14	1287.0	143.0 ACs	143.0 ACs
Totals	13.3	3324.0	550.4 ACs	550.4 ACs



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 18, 2018

LAYNE HASTLE
24377 A & A RD
GRAND VIEW ID 83624

RE: LEASE APPLICATION FEE REQUEST TO LEASE WATER RIGHT NO(S). 02-7059, 02-7275, 02-7279 B AND 57-7022 TO THE WATER SUPPLY BANK

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

Effective April 8, 2011, Water Supply Bank Rule 25.02 (also known as IDAPA 37.02.03.025.02.f) requires a \$250.00 fee be submitted with all Water Supply Bank (Bank) lease applications. The fee for a set of overlapping rights is a maximum of \$500.00. To clarify, Bank lease applications seek to place water rights into the Bank.

The Department of Water Resources (Department) received your application(s) to lease water right(s) 02-7059, 02-7275, 02-7279 B AND 57-7022 to the Bank on December 14, 2018 without the required fees. **Please submit the \$1,000.00 lease application fee within 14 days.** Without the lease fee your application(s) is considered incomplete and will not be processed.

Once the application fee is received, your application(s) will be reviewed. If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right. This and other water right forms are available from the Department's web site, <http://www.idwr.idaho.gov>.

Please contact me if you have any questions at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Specialist