

WATER SUPPLY BANK LEASE CONTRACT No. 693

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

LESSOR: SUZANNE K WILKIN
537 PARKWAY CIR
TWIN FALLS, ID 83301

RECEIVED

NOV 16 2017

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 June 02, 2017.
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)
22-14296	6/1/1899	BADGER CREEK, tributary to TETON RIVER	0.63	165.0	47.0
22-14297	6/1/1901	BULL ELK CREEK, tributary to BADGER CREEK	0.51	28.0	8.0
22-14288	1/22/1916	BADGER CREEK, tributary to TETON RIVER	1.90	164.5	47.0
22-14298	4/1/1939	BADGER CREEK, tributary to TETON RIVER	1.27	164.5	47.0
22-14264	8/2/1976	GROUND WATER	0.04	14.0	5.6
Combined Lease Totals			4.35	164.5	47.0

SUPPORT DATA

IN FILE # 22-14264

LEASE CONTRACT NO. 693

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
22-14296	0.63	164.5	47.0	0.013	3.5
22-14297	0.51	28.0	8.0	0.064	3.5
22-14288	1.90	164.5	47.0	0.040	3.5
22-14298	1.27	164.5	47.0	0.027	3.5
22-14264	0.04	14.0	5.6	0.007	2.5
Combined Limit Totals	0.94	164.5	47.0	0.037	1.4

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits.*

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, 2017 to December 31, 2021. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
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.

LEASE CONTRACT NO. 693

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

LESSOR: SUZANNE K WILKIN

537 PARKWAY CIR

TWIN FALLS, ID 83301

By

Title

Date

Suzanne K Wilkin
Landowner
11/14/2017

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

11/16/2017

Lease approved by IDWR

Date

11-16-2017

**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 693**

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): 22-14264

GROUND WATER L 2(NWNE) Sec. 6 Twp 06N Rge 45E TETON County

Source and Location of Point(s) of Diversion for Water Right No(s): 22-14288, 22-14296, 22-14298

BADGER CREEK NWSENE Sec. 8 Twp 06N Rge 45E TETON County

Source and Location of Point(s) of Diversion for Water Right No(s): 22-14297

BULL ELK CREEK L 1(SENENE) Sec. 6 Twp 06N Rge 45E TETON County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
22-14264	IRRIGATION	04/15	to	10/15	0.04 cfs	14.0 AF
22-14288	IRRIGATION	04/15	to	10/31	1.90 cfs	164.5 AF
22-14296	IRRIGATION	04/15	to	10/31	0.63 cfs	164.5 AF
22-14297	IRRIGATION	04/15	to	10/31	0.51 cfs	28.0 AF
22-14298	IRRIGATION	04/15	to	10/31	1.27 cfs	164.5 AF
Totals:					4.35 cfs	164.5 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	
06N	45E	6		37.0 L2															37.0
07N	45E	31															10.0 L6		10.0

Total Acres: 47.0

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.
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 use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/24/2008.
13. Water is delivered through Ricks Canal.
14. Rights 22-14264, 22-14288, 22-14296, 22-14297 and 22-14298 when combined shall not exceed the irrigation of 47 acres.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
16. Source for water right 22-14297 is also known as Little Badger Creek.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 693

22-14264

Effective until December 31, 2021

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



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 500 1,000 Feet

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 693

22-14297

Effective until December 31, 2021

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



○ Approved Lease Point of Diversion

Approved Lease Place of Use

Townships

PLS Sections

Quarter Quarters

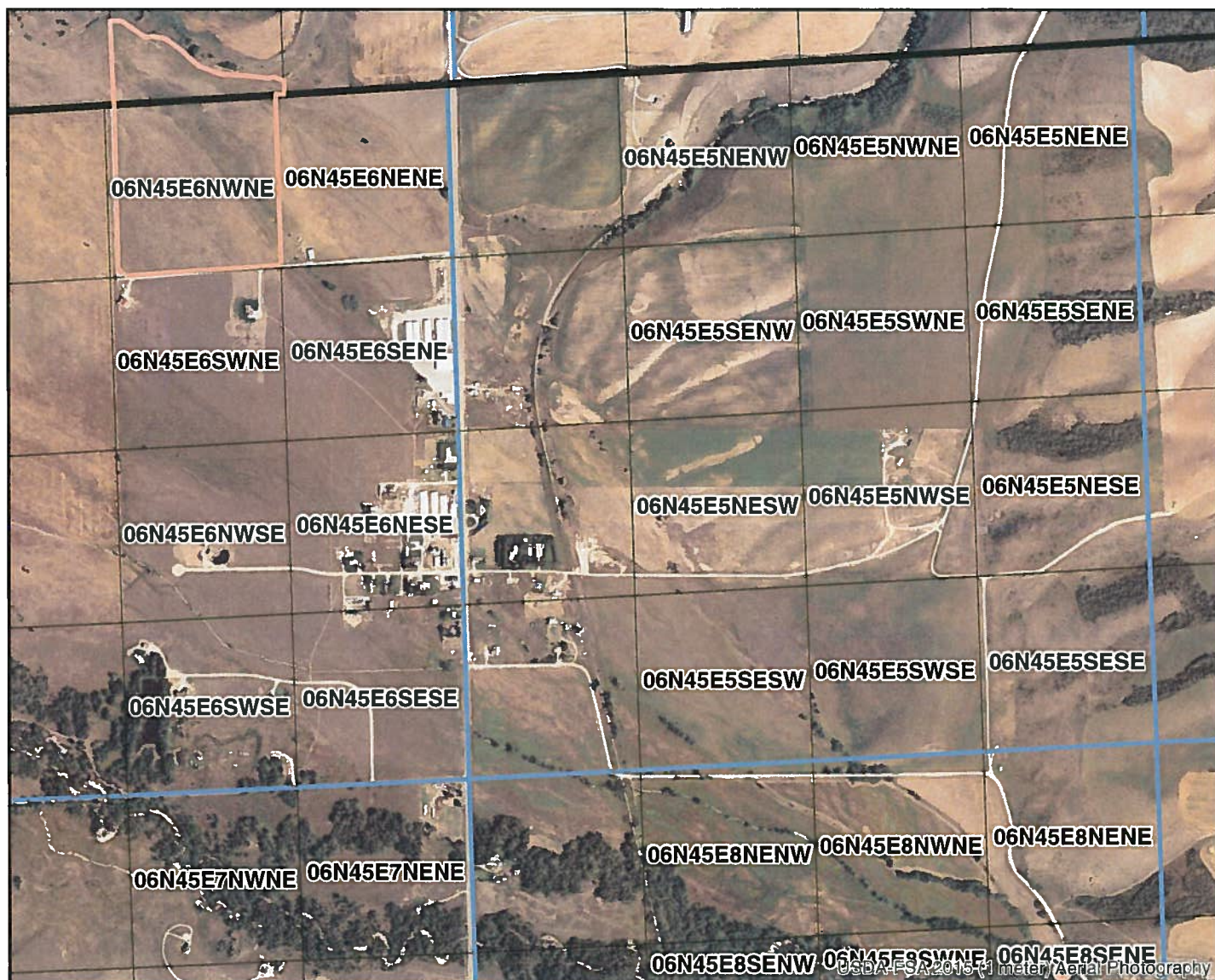


0 500 1,000 Feet

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 693

22-14288, 22-14296 and 22-14298
Effective until December 31, 2021

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



● Approved Lease Point of Diversion

Approved Lease Place of Use

Townships

PLS Sections

Quarter Quarters



0 0.25 0.5 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JUN 02 2017

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Suzanne Wilkin

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

Water Right No. 22-7189 (portion) 22-14264

(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 | ☐ | ☒ | <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 Section 42-222(2), Idaho Code . |

Department Use Only

Fee Amount \$ 500Received By: VCDate Received: 6/2/17Receipt # C103662W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)

Name on W-9:

524

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 Suzanne Wilkin

Mailing Address 537 Parkway Circle Twin Falls Idaho 83301
Street City State Zip Code

Email Address _____ Phone Number (208) 420-5058

☐ 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.
This portion of water right 22-7189 is being transferred to the applicant according to Teton County instrument #240031, #240032, #240033 and no system is in place at the new location at this time.
- 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. None
- 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 portion of 22-7189 is associated with 0.038 cfs, 14.0 acre-ft and a proportional split including 5.6 acres.
- 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 ☐
An application for transfer with ownership change is being filed concurrent with this application.

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: 2017 to 2021 (maximum lease period 5 calendar years).
(Year) (Year)

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

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

Suzanne K Wilkin
Printed Name

5-9-2017
Date


Signature of Authorized Representative

James S. Guthrie
Printed Name

5/13/17
Date

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

STATE OF IDAHO
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
22-7189	Irrigation	0.038	14.0	5.6
	Total Amounts:			

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
07N	45E	31			NE	SE	Teton

**STATE OF IDAHO
WATER RESOURCE BOARD**

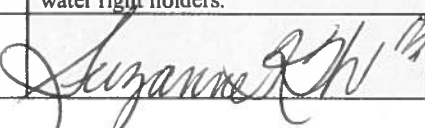
ATTACHMENT 1A

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). 22-7189

	Designated Applicant	Applicant #2	Applicant #3
Name	Suzanne K. Wilkin	James S. Guthrie	
Mailing Address	537 Parkway Circle Twin Falls, ID 83301	1213 Hannah Drive Elko, NV 89801	
Phone Number	(208) 420-5058		
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature		 5/12	

	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			

Existing Appurtenant Surface Water Rights						
Water Right	Priority	Source	Div. Rate [cfs]	Acres	Vol [afa]	Listed Owner
22-50	1/22/1916	Badger Creek	3.60	89.0	na	Dale R Robson
22-462	6/1/1899	Badger Creek	1.20	89.0	na	Dale R Robson
22-463	6/1/1901	Bull Elk Creek	3.20	50.0	na	Dale R Robson
22-667	4/1/1939	Badger Creek	2.40	89.0	na	Dale R Robson
22-7189	8/2/1976	Ground Water	5.36	780.0	1945.6	Dale R Robson
Wilkin-Guthrie Property Split (Teton County Inst# 240031, 240032, 240033, 245426)						
Water Right	Priority	Source	Div. Rate [cfs]	Acres	Vol [afa]	Split Owner
22-50	1/22/1916	Badger Creek	1.90	47.0	na	Suzanne Wilkin; James Guthrie
22-462	6/1/1899	Badger Creek	0.63	47.0	na	Suzanne Wilkin; James Guthrie
22-463	6/1/1901	Bull Elk Creek	0.51	8.0	na	Suzanne Wilkin; James Guthrie
22-667	4/1/1939	Badger Creek	1.27	47.0	na	Suzanne Wilkin; James Guthrie
22-7189	8/2/1976	Ground Water	0.038	5.6	14.0	Suzanne Wilkin; James Guthrie
Unchanged Water Rights						
Water Right	Priority	Source	Div. Rate [cfs]	Acres	Vol [afa]	Listed Owner
22-50	1/22/1916	Badger Creek	1.70	42.0		Dale R Robson
22-462	6/1/1899	Badger Creek	0.57	42.0		Dale R Robson
22-463	6/1/1901	Bull Elk Creek	2.69	42.0		Dale R Robson
22-667	4/1/1939	Badger Creek	1.13	42.0		Dale R Robson
22-7189	8/2/1976	Ground Water	5.322	774.4	1931.6	Dale R Robson

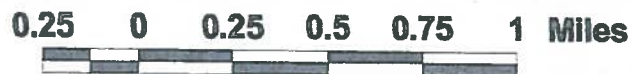
Application To Lease Water To The Water Supply Bank
Suzanne Wilkin & James Guthrie (22-50, 22-462, 22-463, 22-667, 22-7189)

ATTACHMENT 2



JCH - 04/24/2017

2015 NAIP Aerial Photo



LEASE TO WATER SUPPLY BANK

- 22-7189
- 22-463
- 22-50, 22-462, 22-667

- Townships
- Sections
- 40's



Application to Lease Water To The Water Supply Bank
Suzanne Wilkin & James Guthrie (22-50, 22-462, 22-463, 22-667, 22-7189)

ATTACHMENT 3

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/7/2017

Water Right 22-14264

Owner Type **Name and Address**
Current Owner SUZANNE K WILKIN
537 PARKWAY CIR
TWIN FALLS, ID 83301
(208) 420-5058

Current Owner JAMES S GUTHRIE
537 PARKWAY CIR
TWIN FALLS, ID 83301
(208) 420-5058

Priority Date: 8/2/1976

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.040 CFS	14.0 AF
	<u>Total Diversion</u>		0.040 CFS	14.0 AF

Source and Point(s) of Diversion

GROUND WATER L2(NWNE) Sec. 6, Twp 06N, Rge 45E, TETON County

Place Of Use

IRRIGATION within TETON County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	6		5.6															5.6
				L2															

POU Total Acres: 5.6

Conditions of Approval:

1. X35 Rights 22-14264, 22-14288, 22-14296, 22-14297 and 22-14298 when combined shall not exceed the irrigation of 47 acres.
2. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/24/2008.
4. F01 Water is delivered through Ricks Canal.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/7/2017

6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates and Other Information

Decreed Date: 11/24/2008

State or Federal: S

Owner Name Connector: AND

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



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

November 17, 2017

SUZANNE K WILKIN
537 PARKWAY CIR
TWIN FALLS ID 83301

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 22-14264, 22-14288, 22-14296, 22-14297 and 22-14298

Dear Lessor:

Water rights **22-14264, 22-14288, 22-14296, 22-14297 and 22-14298** were leased into the Water Supply Bank (Bank) as of June 2, 2017, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2021**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

Water Supply Bank

Enclosure: Executed Lease Contract

c: James Cefalo - IDWR Eastern Region
Lyle Swank - Water District 01

Hersley, Jean

From: Cefalo, James
Sent: Monday, November 13, 2017 9:22 AM
To: Hersley, Jean
Subject: RE: WSB Lease for 22-14264, 22-14288, 22-14296, 22-14297, 22-14298

Jean,

Sorry that it took so long to complete the transfer. We had some issues getting the ownership change completed properly. I don't have any concerns if the split water rights are leased to the WSB.

James

From: Hersley, Jean
Sent: Thursday, November 09, 2017 7:34 AM
To: Swank, Lyle <Lyle.Swank@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: WSB Lease for 22-14264, 22-14288, 22-14296, 22-14297, 22-14298

This lease is for the 2017-2021 season. We had been waiting for an ownership change and transfer to be completed. Please let me know if you have any comments or concerns within 7 days. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 9, 2017

SUZANNE K WILKIN
537 PARKWAY CIR
TWIN FALLS ID 83301

RE: APPLICATIONS TO LEASE WATER RIGHT 22-14264, 22-14288 22-14296, 22-14297 and 22-14298 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

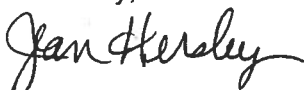
The right will automatically be released from the Bank on **December 31, 2021**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your 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,


Water Supply Bank

Enclosure: Proposed Lease Contracts
Receipt # C103662

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, November 09, 2017 7:34 AM
To: Swank, Lyle; Cefalo, James
Subject: WSB Lease for 22-14264, 22-14288, 22-14296, 22-14297, 22-14298
Attachments: Lease Application Review.xls; Report - Lease Contract - # 693.docx

This lease is for the 2017-2021 season. We had been waiting for an ownership change and transfer to be completed. Please let me know if you have any comments or concerns within 7 days. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: WILKIN

Memo Date: November 8, 2017

Water Right Number(s): 22-14264, 22-14288, 22-14296, 22-14297, 22-14298

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

	Check box		COMMENTS/CONCERNS:
1	☒	Fill out WSB Data Entry Checklist for Leases (Front of File)	
2		Reason for lease of water rights (Brief description of lease proposal in narrative)	
		Portion of right	
	☒	All of right	
3		Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)	
	☒	Yes	No
4	☒	Rentable? (If no explain in comments or narrative)	
5		Authority to file	
	☒	Current owner or designated applicant	
		SOS Web site checked for business entity	
		Other (explain in comments)	
6		Water Right validity	
		Decreed/Licensed/Statutory claim date (write in comments section)	parents decreed 2008
		Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)	
	☒	Has this right previously been leased to the bank or in CREP?	
7		Injury to other water rights	
		If the POD is through a delivery entity, was consent provided?	na
		If the POD is through a delivery entity, was holdback required? (percentage in comments)	%
		Any other concerns	
8		Enlargement concerns	
	☒	Complete a POU comparison overlap analysis	
	☒	Complete a combined limits review	
	☒	Complete POD overlap analysis (if there is an overlap add condition to lease)	
	☒	Yes	No
		Are there overlapping rights that need to be placed in the bank also?	x
		Will the place of use continue to receive water? (if yes explain in comments)	x
9		Local Public Interest	
	☒	Does the processor know of any problems this action will cause for the local public?	x
10	☒	Have you contacted regional office and watermaster for comment/concerns?	
	☒	Send the watermaster comment request form or e-mail request	
11		Area Headgate requirement (write in Comments)	3.5
12		Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments	x

Narrative: The applicant wishes to place the entirety of all rights in the Bank. The Department received these applications on June 2, 2017. A transfer was also filed and these rights were split from 22-7189, 22-50, 22-462, 22-463 and 22-867. The State office was waiting for the transfer 81762 to be approved before moving forward with the lease. The parents of these rights were decreed in 2008 and irrigation has taken place at the original POU since then. Forfeiture is not an issue. A delivery system is not in place for the rights that are being placed in the Bank. The approval condition states the applicant has one year to complete the transfer. Some of these rights are currently within WD 01.

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