

WATER SUPPLY BANK LEASE CONTRACT No. 610

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

LESSOR: HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION
BOISE, ID 83716

RECEIVED

APR 10 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 Monday, January 23, 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)
63-365	7/2/1902	WARM SPRINGS CREEK, tributary to BOISE RIVER	5.00	1126.3	249.8
63-8627	3/21/1977	GROUND WATER	1.15	559.2	158.0
Combined Lease Totals			5.01	1127.3	250.5

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.

SUPPORT DATA

IN FILE # 63-365

LEASE CONTRACT No. 610

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. 610

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

LESSOR: HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION
BOISE, ID 83716

By Mimi Davis
Title manager
Date 4.4.17

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 4/12/2017

Lease approved by IDWR Charles

Date 4-12-2017

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 610

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): 63-365

WARM SPRINGS CREEK NESW Sec. 20 Twp 03N Rge 03E ADA County

Source and Location of Point(s) of Diversion for Water Right No(s): 63-8627

GROUND WATER	NESW	Sec. 20	Twp 03N	Rge 03E	ADA County
GROUND WATER	NESW	Sec. 20	Twp 03N	Rge 03E	ADA County
GROUND WATER	NESW	Sec. 20	Twp 03N	Rge 03E	ADA County
GROUND WATER	SESW	Sec. 20	Twp 03N	Rge 03E	ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-365	IRRIGATION	03/01	to	11/15	5.00 cfs	1126.3 AF
63-8627	IRRIGATION	03/15	to	11/15	1.15 cfs	559.2 AF
Totals:					5.01 cfs	1127.3 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	03E	19									4.0 L4 4.4 L5			0.9 L5	19.0		15.7	32.5	76.5
03N	03E	20									7.0	24.0	38.5	20.0					89.5
03N	03E	29					16.7	34.0	38.0 L5	17.3	19.0 L3	19.0 L4	2.0 L4	8.0 L3					154.0
03N	03E	30	27.0 L9	7.3		7.0 L8													41.3

Total Leased Acres: 250.5 within 361.3 acres

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. When the appurtenant surface water rights are not available, the portion of the place of use located east of the diversion points may be irrigated under right 63-8627 by diverting water from the Penitentiary Canal in exchange for replenishing the Penitentiary Canal with an equal amount of water diverted under this right, so long as the arrangement is acceptable to the owners/operators of the Penitentiary Canal.
13. The unleased portions of Right Nos. 63-365 and 63-8627 with rights 63-2973 and 63-7103 is limited to the irrigation of a combined total of 99.6 acres in a single irrigation season.
14. The unleased portions of rights 63-365 and 63-8627 with the rights listed below is limited to a total combined diversion rate of 1.99 cfs and to a total combined annual diversion volume of 448.2 AF. Combined Right Nos.: 63-2973 and 63-7103
15. Water right 63-8627 is low temperature geothermal water.
16. The unleased portion of Right No 63-8627 with water right 63-7103 shall not exceed a maximum combined annual diversion volume of 356.0 AF at the field headgate.
17. The unleased portion of water right No. 63-8627 with right 63-7103 is limited to the irrigation of a total of 80.5 acres in a single irrigation season.
18. The period of use for the irrigation described in this approval for water right 63-8627 may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/21/2008.
19. Water right 63-8627 shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
20. Water temperature of water right 63-8627 measured at 180 degrees F.
21. Water diverted under water right 63-8627 is injected into Warm Springs Creek and is rediverted from Warm Springs Creek in the NESW S20, T3N, R3E, or in the SESW, S20, T3N, R3E, at the intersection of the creek and the Penitentiary Canal.

22. The right holder shall install and maintain measuring devices and lockable controlling works at the point of redirection from Warm Springs Creek into the Penitentiary Canal and at the point where Penitentiary Canal is diverted in exchange for water diverted under this right
23. 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.
24. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under water right 63-8627 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
25. Use of water under water right 63-365 may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63T.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 23 2017

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Harris Family LTD Partnership

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

Water Right No. 63-365

(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 <i>all owners</i> 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 \$ 250Received By: VCDate Received: 1/23/17Receipt # C102932W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

1288

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 Harris Family LTD Partnership

Mailing Address <u>4940 E. Mill Station</u>	Boise	ID	83716
Street	City	State	Zip Code

Email Address _____ Phone Number 208-344-1131

☒ 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 Lori Graves Organization SPF Water Engineering

Professional Title Water Rights Specialist Email Address lgraves@spfwater.com

Mailing Address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Phone Number 208-383-4140

☐ 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.
headgate, ditches

- 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. 63-2973, 63-7103, 63-8627 (common ppu)

- 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. This right is for flood water from an unreliable source. The pou has been converted to a pressurized ground water irrigation system. The undependable nature of Warm Springs Creek makes this right impractical to use in the pressurized system.

- 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. Water right has been leased to the bank since 2008.

- 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. Water right has been leased to the bank since 2008.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe.

Mitigation use is not being offered for lease.

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: 5 yrs to (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.

Felicia Bunkhalter
Signature of Designated Applicant

Felicia Bunkhalter
Printed Name

1-18-17
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

<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
63-365	Irrigation	7.0	1575.4	349.4
	Total Amounts:	7.0	1575.4	349.4

2. Source of water Warm Springs Creek tributary to Boise River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
3N	3E	20			NE	SW	Ada

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/16/2017

WATER RIGHT NO. 63-365

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRIS FAMILY LTD PARTNERSHIP 4940 E MILL STATION BOISE, ID 83716 (208)344-1131
Original Owner	KATE A PERRAULT

Priority Date: 07/02/1902

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	7 CFS	1575.4 AFA
MITIGATION BY NON-USE	03/01	11/15	0.1 CFS	22.1 AFA
Total Diversion			7.1 CFS	

Location of Point(s) of Diversion:

WARM SPRINGS CREEK|NESW|Sec. 20|Township 03N|Range 03E|ADA County

IRRIGATION Use:

Acre Limit: 349.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	03E	19	4	NESW	4	5	SESW	0.5						
				NESE	18		SWSE	15.7		SESE	32.5			
		20		NESW	7		NWSW	24		SWSW	38		SESW	20
		29		NENW	16.7		NWNW	34	5	SWNW	38		SENW	17.3
			3	NESW	19	4	NWSW	19	4	SWSW	2	3	SESW	8
		30	9	NENE	27		NWNE	7.3	8	SENE	7			

Place of Use Legal Description: MITIGATION BY NON-USE same as IRRIGATION

Total Acres: 355

Conditions of Approval:

1. E61 Use of this right with rights listed below is limited to a total combined diversion rate of 7.00 cfs and to a total combined annual diversion volume of 1575.5 AF. Combined Right Nos.: 63-365, 63-2973, 63-7103 and 63-8627.
2. E11 Use of this right with Right Nos. 63-2973, 63-7103 and 63-8627 is limited to the irrigation of a combined total of 350.1 acres in a single irrigation season.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. T18 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.
5. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 63-32966. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.11 cfs of this right, which shall remain undiverted in Warm Springs Creek. If the mitigation portion of this right and right 63-2973 are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Right 63-32966 that is being mitigated shall be reduced by the same proportion as the reduction to this right. Rights 63-365 and 63-2973 when combined for mitigation shall not exceed a total diversion rate of 0.11 cfs and a total annual maximum diversion volume of 25.2 af for the reduction of 5.6 acres of irrigation.

Dates:

Licensed Date:

Decreed Date: 03/10/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 63T
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 355
Combined Volume Limit: 1597.5
Combined Rate Limit: 7.1
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Water Supply Bank:
Lessor Name(s): HARRIS FAMILY LTD PARTNERSHIP
Lease Status: Active
Lease Amount: All
Rental Availability: All
Date Received: 1/29/2008
Lease Begin Date: 3/1/2008
Expiration Date: 12/31/2016

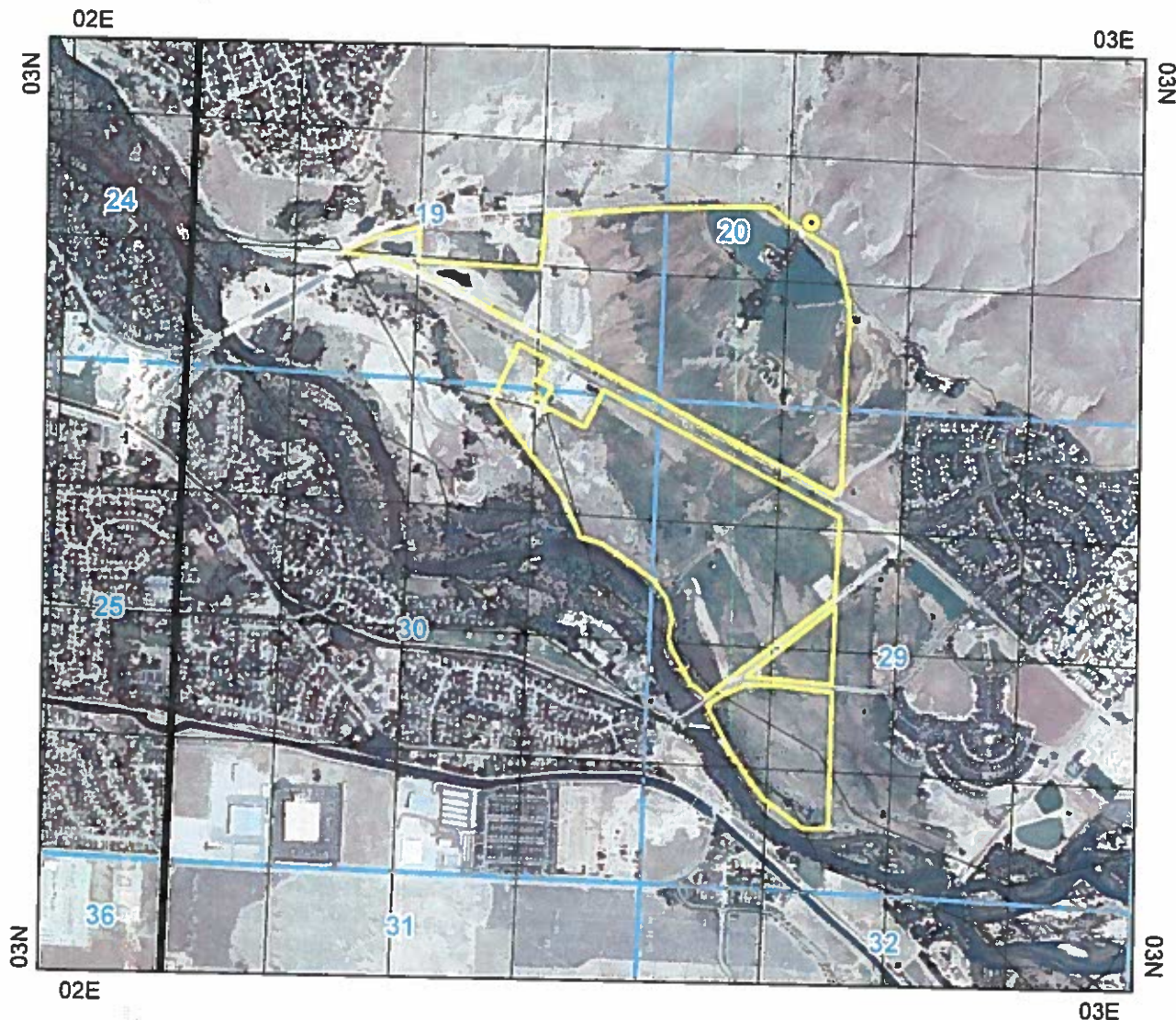
Close

State of Idaho
Department of Water Resources

Water Right 63-365

IRRIGATION

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



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

0 0.225 0.45 0.9 Miles





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

April 12, 2017

HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION
BOISE ID 83716

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 63-365 and 63-8627

Dear Lessor:

Water rights **63-365 and 63-8627** were leased into the Water Supply Bank (Bank) as of January 23, 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,


for Water Supply Bank

Enclosure: Executed Lease Contract

c: Angie Grimm - IDWR Western Region
Lori Graves – SPF Water Engineering



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

March 28, 2017

HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION
BOISE ID 83716

RE: APPLICATIONS TO LEASE WATER RIGHT 63-365 and 63-8627 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,

Jan Husky
for Water Supply Bank

Enclosure: Proposed Lease Contracts

c: SPF Water Engineering LLC

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: Harris Family LTD Partnership

Memo Date: March 16, 2017

Water Right Number(s): 63-365 and 63-8627

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2010	2016
2011	2017
2012	2018
2013	2019
2014	2020

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases	x		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right			
	All of right	x		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? If no explain in comments			
5	Authority to file			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity	x		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			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?	x		63-365
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)			%
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		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?	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?	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement			4.5
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 department received the application for 63-365 on January 23, 2017. After looking at the overlapping right we determined that right 63-8627 also needed to be leased to the Bank because of a condition that was added when Transfer 74506 was approved in 2009. The condition states, "This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use", and "The right holder shall use the full allotment of appurtenant surface water rights in conjunction with gw diverted under this right (63-8627) and shall only divert gw under this right when water from the appurtenant surface water rights cannot be delivered to the right holder." Water right 63-8627 has not been in the Bank but is not subject to forfeiture do to the condition that states it is not to be used if the surface water right has been leased. The department opted to place a portion of 63-8627 to ensure it wasn't being used. The application for 63-8627 was received on March 10, 2017. 249.8 acres of 63-365 and 158.0 acres of 63-8627 will be placed in the Bank. With overlaps, the total available for rental will be 250.5 acres, 5.01 cfs and 1127.3 af. Both rights were decreed in 2008 and 63-365 has been in the Bank since then. Water right 63-365 is currently within WD 63T.

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No. L 3261		Due no later than Dec 31, 2016		2. Registered Agent and Address (NO PO BOX)		
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. HARRIS FAMILY LIMITED PARTNERSHIP FELICIA H BURKHALTER 2710 SHADY LANE BOISE ID 83716		BRIAN R HARRIS 2232 S. CROSSCREEK LN BOISE ID 83706		
				3. <u>New</u> Registered Agent Signature:*		
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
GENERAL PARTNER	FELICIA BURKHAL HARRIS FAMILY LIMITED PARTNERS	2710 SHADY LANE	BOISE	ID	USA	83716
5. Organized Under the Laws of: ID L 3261		6. Annual Report must be signed.* Signature: Felicia Burkhalter Name (type or print): Felicia Burkhalter Date: 12/01/2016 Title: partner				
Processed 12/01/2016		* Electronically provided signatures are accepted as original signatures.				



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 23, 2017

HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION
BOISE ID 83716

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT NO(S) 63-365 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application to lease the above referenced water right to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

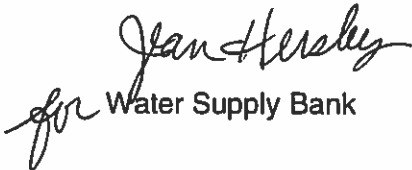
If the right is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information or request withdrawal of your application within 30 days of the date of this letter or the application will be returned unprocessed and your application fee will be refunded:

- **Water Right 63-8627 will need to be placed in the Bank also. This right overlaps with 63-365 and has a condition that states, "This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use." A water right proof report is enclosed for your benefit.**

The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at www.idwr.idaho.gov. If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


for Water Supply Bank

Enclosure

c: SPF Water Engineering LLC

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, February 23, 2017 8:05 AM
To: 'Lori Graves'
Subject: Additional information for Harris Family LTD Lease Application 63-365
Attachments: DOC005

Lori,

This letter is going out to Harris Family LTD today. If you have any questions, please contact Clay Webster (208) 287-4910. Thank you.

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

Judd, Debbi

From: Lori Graves <LGraves@spfwater.com>
Sent: Thursday, January 26, 2017 8:01 AM
To: Judd, Debbi
Subject: RE: Water Supply Bank Lease Application Harris Family 63-365
Attachments: W9 signed.pdf

Here you go Debbi. Please let me know if you need anything else.

From: Judd, Debbi [mailto:Debbi.Judd@idwr.idaho.gov]
Sent: Tuesday, January 24, 2017 3:55 PM
To: Lori Graves <LGraves@spfwater.com>
Subject: Water Supply Bank Lease Application Harris Family 63-365

Hi Lori,

Please find attached the deficiency letter for Harris Family's lease application. The letter will go out in tomorrow's mail.

Thank you!

Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
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State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 25, 2017

HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION
BOISE ID 83716

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT NO. 63-365 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application to lease the above referenced water right to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the right 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 when additional information is required. A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information or request withdrawal of your application within 30 days of the date of this letter or the application will be returned unprocessed and your application fee will be refunded:

- **Have Harris Family LTD Partnership Sign the W-9 form (attached)**

The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at www.idwr.idaho.gov. If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

for

Water Supply Bank

Enclosure: W9 form

cc. Lori Graves – SPF Water Engineering