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APR 01 2015

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is effective February 26, 2015, between the Idaho Water Resource Board ("Board"), and

Lessor: LAVAR THORNTON
2800 FORREY RD
KUNA ID 83634
208-922-5779

RELEASED
APR 05 2016

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.
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

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
63-33073	0.1 CFS	3.1 AF	NA	12.0 AC
Combined Lease Totals:	0.1 CFS	3.1 AF	NA	12.0 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: March 1 to November 15

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:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2016.
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. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

SCANNED

APR 02 2015

Page 1 of 4

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

LAVAR THORNTON

2800 FORREY RD

KUNA ID 83634

By Lavar Thornton

Date 3/30/15

Printed Name Lavar Thornton

Title Owner

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-9098

By Brian Patton

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date April 1, 2015

Lease approved by IDWR Cherie Palmer

Date 4/1/2015

ATTACHMENT A
WATER RIGHT NO. 63-33073
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: LAVAR THORNTON
2800 FORREY RD
KUNA ID 83634
208-922-5779

Priority Date: 07/14/2008

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.1 CFS	3.1 AF
	Total:		0.1 CFS	3.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE¼SE¼	Sec. 34, Twp 02N, Rge 01W, ADA County
GROUND WATER	NE¼SE¼	Sec. 34, Twp 02N, Rge 01W, ADA County
GROUND WATER	SW¼SE¼	Sec. 34, Twp 02N, Rge 01W, ADA County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	34			4.0	6.0									2.0				12.0

Total Acres: 12.0

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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 right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
13. Water rights 63-3469, 63-7154, 63-7247, 63-11602 and the unleased portion of 63-33073 when combined shall not exceed a total diversion rate of 4.44 cfs, a total annual maximum diversion volume of 1011.16 af at the fieldgate and the irrigation of 213.4 acres.
14. Water rights 63-3469, 63-7154, 63-7247, 63-11602, 63-33075 and the unleased portion of 63-33073 when combined shall not exceed a total diversion rate of 5.07 cfs.

Form 42-1761-1 1/15
RECEIVED
FEB 26 2015
 DEPARTMENT OF
 WATER RESOURCES

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

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Lavar Thornton
 (Select one owner – see item 1A on the application)

Water Right No. 63-33073
 (One water right per application)

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ 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.

Attachment N/A YES

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☐ | ☒ | Contact information for <i>all owners</i> of the water right that is being 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 | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 1E | ☒ | ☐ | 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. |
| 3E | ☒ | ☐ | Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code . |
| 4 | ☐ | ☒ | 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 . |

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>YSH</u>	Date Received: <u>2-26-15</u>	Receipt # <u>C099964</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)		Name on W-9: <u>Lavar Thornton</u>

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

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Lavar Thornton Email Address _____

Mailing Address 2800 Forrey Rd, Kuna, ID 83634 Phone Number 208-922-5779

☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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 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 1D).

E. 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 1E).

Name of Representative Lori Graves Organization SPF Water Engineering, LLC

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

Mailing Address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 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

Water Right Number 63-33073 ☐ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Three wells, pressurized irrigation system

- B. 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.
See attached explanation

- C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☒ No ☐

Stacked water rights are water rights that are utilized 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.

D. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. _____

E. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to [Section 42-222\(2\), Idaho Code](#). _____

F. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

4. MAP

Plat map, survey map, or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.

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: 2015 to 2016 (maximum lease period 5 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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Lavar Thornton
Signature of Designated Applicant

Lavar Thornton Sep 24, 2015
Printed Name Date

Signature of Authorized Representative

Printed Name

Date

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

Water Bank Lease Parts 3.B and 3.C Explanation:

Water rights 63-3469, 63-7154, 63-7247 and 63-11602 allow irrigation of 212.3 acres within a 236-acre permissible place of use. Of these, 203 acres are authorized diversion of 0.012 cfs/acre and full volume and 9.3 acres are authorized 0.02 cfs/acre and full volume.

Recently licensed water right 63-33073 allows full flow rate (0.02 cfs/acre) on the 203 acres described above and irrigation of 13.1 new acres at full appropriation both in cfs and volume. The 12 acres being lease to the bank are considered part of the 13.1 new acres authorized under water right 63-33073 and not the 212.3 acres authorized under the overlapping rights described above.

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

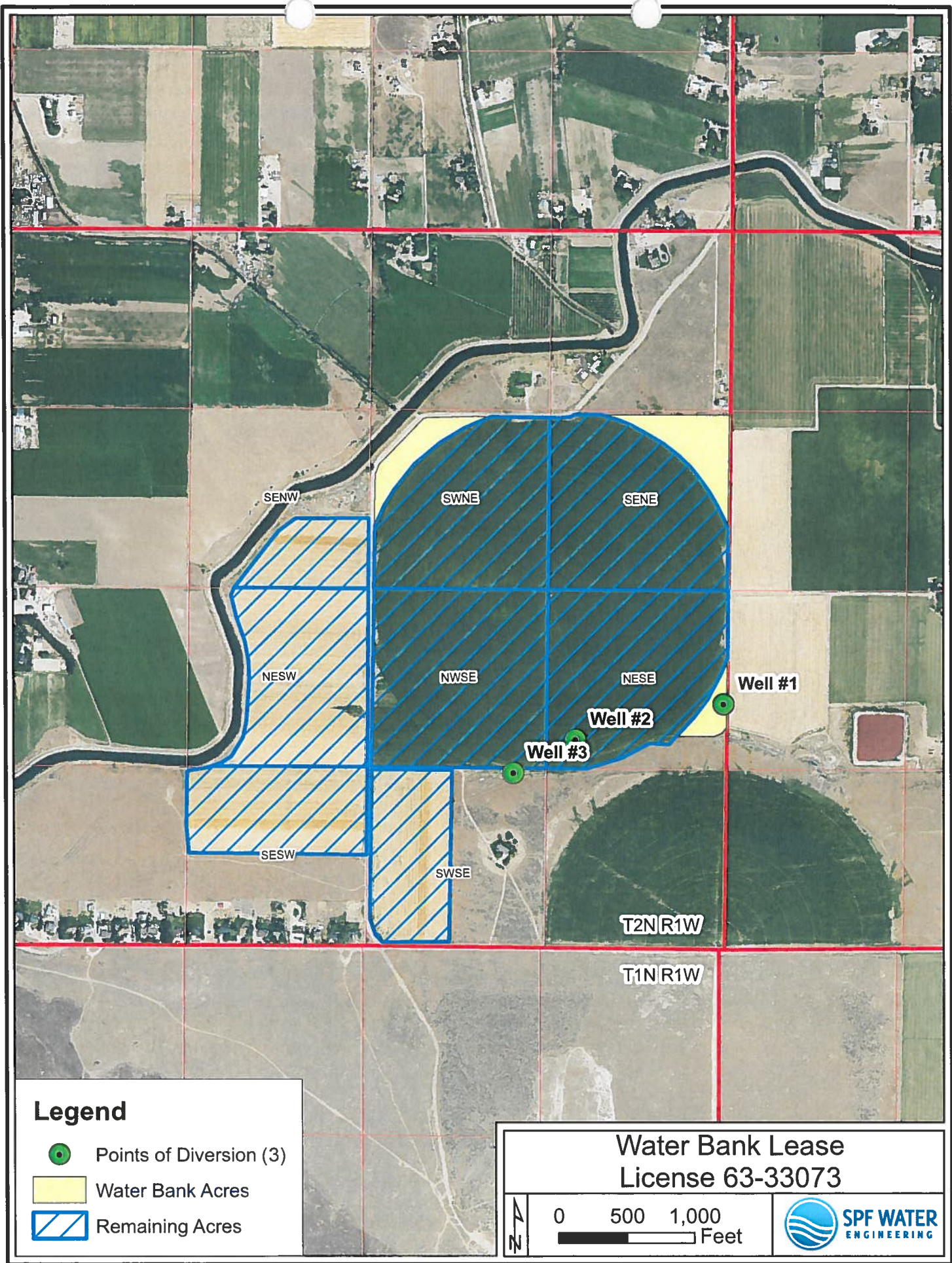
List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 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). 63-33073

	Designated Applicant	Applicant #2	Applicant #3
Name	Lavar Thornton		
Mailing Address	2800 Forrey Rd, Kuna, ID 83634		
Phone Number	208-922-5779		
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			

	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			



[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/30/2015

WATER RIGHT NO. 63-33073

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVAR THORNTON 2800 FORREY RD KUNA, ID 83634 (208)922-5779
Representative	SPF WATER ENGINEERING LLC C/O LORI GRAVES 300 E MALLARD DR STE 350 BOISE, ID 83706 (208)383-4140

Priority Date: 07/14/2008

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	1.88 CFS	59 AFA
Total Diversion			1.88 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESE|Sec. 34|Township 02N|Range 01W|ADA County
 GROUND WATER|NESE|Sec. 34|Township 02N|Range 01W|ADA County
 GROUND WATER|SWSE|Sec. 34|Township 02N|Range 01W|ADA County

IRRIGATION Use:

Acre Limit: 225.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	01W	34		SWNE	36		SENE	39						
				SENE	9.4									
				NESW	28		SESW	20						
				NESE	37		NWSE	39		SWSE	17			

Total Acres: 225.4

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this
3. 103 purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
4. X35 Rights 63-63-3469, 63-7154, 63-7247, 63-11602, and 63-33073 when combined shall not exceed a total diversion rate of 4.51 cfs, a total annual maximum diversion volume of 1014.3 af at the field headgate,

5. X35 and the irrigation of 225.4 acres.
Rights 63-3469, 63-7154, 63-7247, 63-11602, 63-33703, and 63-33075 when combined shall not exceed a total diversion rate of 5.12 cfs.

Dates:

Licensed Date: 09/10/2014

Decreed Date:

Permit Proof Due Date: 8/1/2014

Permit Proof Made Date: 7/14/2014

Permit Approved Date: 7/27/2009

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 07/14/2008

Protest Deadline Date: 07/06/2009

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 225.4

Combined Volume Limit: 1014.3

Combined Rate Limit: 4.51

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

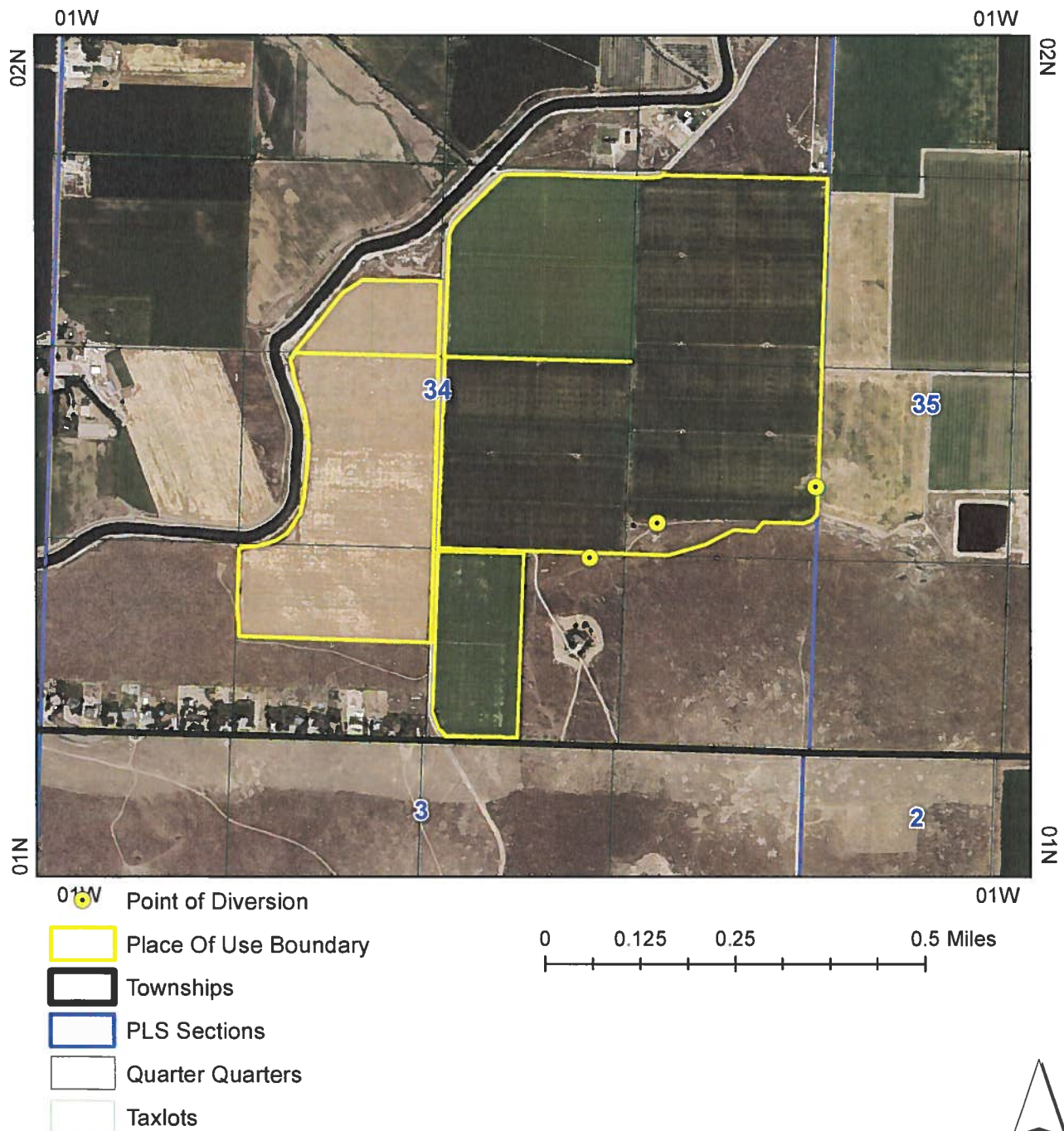
[Close](#)

State of Idaho
Department of Water Resources

Water Right
63-33073

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.





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 8, 2016

LAVAR THORNTON
2800 FORREY RD
KUNA ID 83634

RE: LEASED WATER RIGHT NO(S). 63-33073 RELEASED FROM THE WATER SUPPLY BANK

Dear Lessor:

On April 5, 2016, the Department of Water Resources (Department) received your request to cancel the existing Water Supply Bank (Bank) Lease Contract executed on April 1, 2015 and release water right(s) 63-33073 from the Bank. **At this time the Department acknowledges that the Bank Lease Contract for 12 acres of water right(s) 63-33073 has been canceled releasing the right(s) from the Bank.**

The five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank.

You can reapply to lease the water right(s) in the future by submitting new application form(s) from the Department's website at www.idwr.idaho.gov along with applicable fees.

If you have any questions regarding this matter, please contact me at (208) 287-4910.

Sincerely,

 Clay Webster
Water Resource Agent
WSB Process Point of Contact

c: Lori Graves – SPF Water Engineering



SPF WATER
ENGINEERING

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APR 05 2016

DEPARTMENT OF
WATER RESOURCES

April 4, 2016

Clay Webster
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: WB Release Request & WB Lease Application; Water Right 63-33073

Dear Clay,

Enclosed on behalf of Lavar Thornton, is a request to release 12 acres currently leased to the bank under water right 63-33073, keep 10 out for irrigation and re-lease 2.

Check No. 3002 is enclosed for the \$250 filing fee.

Please let me know if there are any questions. Thanks Clay.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Lavar Thornton

Enclosures

SPF file number: 344.0010

STATE OF IDAHO
WATER RESOURCE BOARD

**WATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK**

ONE FORM PER WATER RIGHT

All water rights leased into the Water Supply Bank shall remain unused by the water right holder for the duration of the Lease Contract. The water right will not be released from the Water Supply Bank until the conclusion of the Lease Contract unless otherwise authorized by the Idaho Water Resource Board. Water right holders may use this form to petition for early termination of their Water Supply Bank Lease Contract.

Water right holders seeking an early termination of a Lease Contract must demonstrate justifiable need for the release. Water rights under Lease Contract that are eligible for early termination can be released from the Water Supply Bank if the release will not impair administration of the Water Supply Bank. **If a water right is currently rented, it cannot be considered for release until the Rental Agreement concludes.** A water right is not released from the Water Supply Bank until written release confirmation is issued by the Water Supply Bank.

Water Right No: 63-33073

Name(s) of Lessor(s): Lavar Thornton

Mailing Address: 2800 Forrey Rd

City: Kuna State: ID Zip: 83634

Telephone No: 208-922-5779 Email Address: _____

Lease Contract Expiration Date: 12/31/2016

Requested Release Date: 4/5/2016

Reason for Early Release:

Plan to farm two of the three corners (10 acres) currently in the bank and re-lease the third corner (2 acres) for 5 years (see accompanying lease application).


Signature of Lessor

Lavar Thornton
Printed Name and Title*

4/4/16
Date

Signature of Lessor

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney.

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



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

April 2, 2015

LAVAR THORNTON
2800 FORREY RD
KUNA ID 83634

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 63-33073

Dear Lessor:

Water Rights **63-33073** was leased into the Water Supply Bank on February 26, 2015 in accordance with the executed original Lease Contract enclosed. **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.**

The right will automatically be released from the Bank on **December 31, 2016**, unless the right is released earlier by the Board, or upon your request. **Please note your right may not be available for immediate release if it has been rented.** 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. This form is available from our public website at www.idwr.idaho.gov.

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 me at 287-4910.

Sincerely,


for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: SPF Water Engineering LLC
IDWR Western Region

Hersley, Jean

From: Lori Graves [LGraves@spfwater.com]
Sent: Monday, March 23, 2015 10:52 AM
To: Hersley, Jean
Subject: RE: Draft Lease for Thornton 63-33073

Thanks much Jean.

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Friday, March 20, 2015 3:47 PM
To: Lori Graves
Subject: Draft Lease for Thornton 63-33073

Attached is a draft lease for Lavar Thornton that will go out next week.

I wanted to give you a heads up that the rate and volume will be different than what was on the application. It looks like you determined the rate and volume based on the limits of the 5 water right, 63-3469, 63-7154, 63-7247, 63-11602 and 63-33037 which is 5.51 cfs, 1014.3 af and 225.4 acres. After consulting with Cherie and Clay, we determined you need to determine the rate and volume based on the water right 63-33073, 1.88 cfs and 54 af and 225.4 acres. ($1.88 \text{ cfs} \div 225.4 \times 12 = 0.1 \text{ cfs}$ and $59 \text{ af} \div 225.4 \times 12 = 3.1 \text{ af}$).

If you have any questions, please contact Clay. 287-4910

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

MEMORANDUM

To: Water Right No(s). 63-33073

From: Jean Hersley

Date: March 18, 2015

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: This application was received on February 26, 2015. The applicant wishes to place 12 acres, 0.24 cfs and 54 af into the Bank. These amounts were figured on the combined limit of 5 water rights that a diversion rate of 4.51 cfs, diversion volume of 1014.3 af and acre limit of 225.4. ($4.51 \div 225.4 \times 12 = 0.24$ cfs and $1014.3 \div 225.4 \times 12 = 0.54$ af. The rate and volume should have been calculated as $1.88 \text{ cfs} \div 225.4 \times 12 = 0.1$ cfs and $59 \text{ af} \div 225.4 \times 12 = 3.1$ af)

Water Rights 63-3469, 63-7154, 63-7247 and 63-11602 allow the irrigation of 212.3 acres withing a 236 acre PPU. Of these, 203 acres are authorized diversion on 0.012 cfs/acre and full volume and 9.3 acres are authorized 0.02 cfs/acre and full volume.

This water right allows full flow rate (0.02 cfs/acre) on the 203 acres described above and irrigation of 13.1 new acres at full appropriation both in rate and volume. The 12 acres being offered to the Bank are considered part of the 13.1 new acres authorized under this water right not the 212.3 acres authorized under the overlapping rights described above.

AUTHORITY TO FILE: The water right holder signed the application.

WATER RIGHT VALIDITY: This water right was licensed in September, 2014. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are not subject any Water District at this time.



SPF WATER
ENGINEERING

February 25, 2015

RECEIVED

FEB 26 2015

DEPARTMENT OF
WATER RESOURCES

Clay Webster
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: Water Supply Bank Lease Application; Water Right 63-33073

Dear Clay,

Enclosed on behalf of Lavar Thornton, is a lease application for a portion of water right 63-33073.

Check No. 2873 is enclosed for the \$250 filing fee.

Please let me know if there are any questions. Thanks Clay.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Lavar Thornton

Enclosures

SPF file number: 344.0010