

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective April 2, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: VEDA J RUPP
HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK ID 83202
(208) 237-8997
levelrupp@aol.com

RECEIVED
MAY 12 2014
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.
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>
29-2292	0.81 CFS	280.0 AF	NA	70.0 AC
29-13143	0.11 CFS	45.7 AF	24.2 AC	70.0 AC
29-13144	0.24 CFS	102.6 AF	54.3 AC	70.0 AC
Combined Lease Totals:	1.16 CFS	280.0 AF	70.0 AC	70.0 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: April 1 to October 31

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, 2014.
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 # 29-2292

5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

VEDA J RUPP
HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK ID 83202

By H. Lavelle Rupp Jr. Date 5-7-14
Printed Name H. Lavelle Rupp Jr. Title Trustee

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By [Signature] Date May 12, 2014
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR Cherie Palmer Date May 12, 2014

ATTACHMENT A
WATER RIGHT NO. 29-2292
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: VEDA J RUPP
HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK ID 83202
(208) 237-8997

Priority Date: 10/14/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.81 CFS	280.0 af
	Total:		0.81 CFS	280.0 af

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼NE¼SE¼ Sec. 35 Twp 05S Rge 34E BANNOCK 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	
05S	34E	35				2.8									6.0	7.0			15.8
05S	34E	36								14.0	14.0		5.5	0.5					34.0
06S	34E	1		2.7	1.6		3.2	4.5	3.2										15.2
06S	34E	2	2.5			2.5													5.0

Total Acres: 70.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
29-2292, 29-13143 and 29-13144	NA	280.0 AF	70.0 AC	70.0 AC

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 or more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. The unleased portion of rights 29-2292, 29-13143 and 29-13144 when combined shall not exceed a total annual maximum diversion volume of 1180.0 af and the irrigation of 295.0 acres.

ATTACHMENT A
WATER RIGHT NO. 29-13143
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: VEDA J RUPP
HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK ID 83202
(208) 237-8997

Priority Date: 06/02/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.11 CFS	45.7 AF
	Total:		0.11 CFS	45.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼NE¼SE¼ Sec. 35 Twp 05S Rge 34E BANNOCK 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	
05S	34E	35				2.8									6.0			7.0	15.8
05S	34E	36								14.0	14.0		5.5	0.5					34.0
06S	34E	1		2.7	1.6		3.2	4.5	3.2										15.2
06S	34E	2	2.5			2.5													5.0

Total Acres: 70.0

Limited to acres within place of use described above: 24.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
29-2292, 29-13143 and 29-13144	NA	280.0 AF	70.0 AC	70.0 AC

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. The unleased portion of this right is limited to the irrigation of 101.8 acres within the place of use described above in a single irrigation season.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre or more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
14. The unleased portion of rights 29-2292, 29-13143 and 29-13144 when combined shall not exceed a total annual maximum diversion volume of 1180.0 af and the irrigation of 295.0 acres.

ATTACHMENT A
WATER RIGHT NO. 29-13144
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: VEDA J RUPP
HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK ID 83202
(208) 237-8997

Priority Date: 06/09/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.24 CFS	102.6 AF
	Total:		0.24 CFS	102.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼NE¼SE¼ Sec. 35 Twp 05S Rge 34E BANNOCK 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	
05S	34E	35				2.8									6.0			7.0	15.8
05S	34E	36								14.0	14.0		5.5	0.5					34.0
06S	34E	1		2.7	1.6		3.2	4.5	3.2										15.2
06S	34E	2	2.5			2.5													5.0

Total Acres: 70.0

Limited to acres within place of use described above: 54.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
29-2292, 29-13143 and 29-13144	NA	280.0 AF	70.0 AC	70.0 AC

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. The unleased portion of this right is limited to the irrigation of 228.7 acres within the place of use described above in a single irrigation season.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre or more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
14. The unleased portion of rights 29-2292, 29-13143 and 29-13144 when combined shall not exceed a total annual maximum diversion volume of 1180.0 af and the irrigation of 295.0 acres.

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
APR 02 2014
DEPARTMENT OF
WATER RESOURCES

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 H. Lavelle Rupp Jr. - TrusteeWater Right No. 29-2292

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. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☐ ☒ Contact information for **all owners** 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 *N/A* ☐ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D *N/A* ☐ ☐ Written consent from irrigation district or water delivery company.
- 1E *N/A* ☐ ☐ 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.
- 3D *N/A* ☐ ☐ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ 500⁰⁰Received By: CSDate Received: 4/2/14Receipt # C098610W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Harold L. Rupp Sr. Trust

**STATE OF IDAHO
WATER RESOURCE BOARD**

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 H. Lavelle Rupp Jr. - Trustee Email Address levelrupp@aol.com
Mailing Address P.O. Box 5307, Chubbuck, Idaho 83202 Phone Number 208-237-8997

☐ 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 _____ 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

Water Right Number 29-2292 ☐ 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.

Deep water irrigation well, underground main line and center pivot sprinkler systems.

- 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.
29-13143 and 29-13144

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

Yes ☐ No ☒

If yes, describe. _____

D. 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. _____

E. 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. 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, for a period from 04/01/2014 to 10/31/2014 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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.

H. Lavelle Rupp Jr.
Signature of Designated Applicant

H. Lavelle Rupp Jr.
Printed Name

3/28/2014
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**

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.

Water Right No. 29-2292

	Designated Applicant	Applicant #2	Applicant #3
Name	Harold L Rupp Sr Trust H Lavelle Rupp Jr - Trustee	Harold L Rupp Sr Trust Christine R Petersen - Trustee	Veda J Rupp
Mailing Address	P.O. Box 5307 Chubbuck, Idaho 83202	2340 S 45th E Ammon, Idaho 83406	1052 W Quinn Rd #107 Chubbuck, Idaho 83202
Phone Number	208-237-8997	208-524-6213	208-237-0878
Email Address	levelrupp@aol.com		
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			

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 2

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

1. Water Right Number Amount (cfs/ac-ft) Nature of Use Period of Use
29-2292 4.24 cfs Irrigation 04/01/2014 to 10/31/2014

Total Amount: _____

2. Source of water _____ Irrigation Well _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
5 S	34 E	35SE		SE	NE	SE	Bannock

4. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	34E	35				3.3									6.0			17.	26.9
05S	34E	36							34.	20	15	20.	30.	.5					121.1
06S	34E	1		16.	18.		37	37	32	39									180.0
06S	34E	2	16			21													37.0
	See	Attached					E-Mail												

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 71

Mr. Rupp,

Attached is a map with acreages listed for the different sections of your property. I've listed the center pivot irrigated fields 1-4 and the adjacent areas 1a, 1b and 2a. The acreages for these areas are as follows:

Area	Acres
Field 1	69
Space 1a	4
Space 1b	27
Field 2	79
Space 2a	7
Field 3	124
Field 4	54.6
Total	364.6

If you put the adjacent areas into the Bank, that will equal 33 acres. If you take off 10% of the acreages from each field, that will bring your total up to 71 acres into the Bank:

Area	Acres	10% Trim
Field 1	69	7
Space 1a	4	
Space 1b	27	
Field 2	79	8
Space 2a	7	
Field 3	124	12.4
Field 4	54.6	5.5
Total	364.6	32.9
Lease into Bank	38	33
Remaining	326.6	0

If you subtract 71 acres from each of the stacked water rights, the following acreages will remain available to you:

	AC Auth	AC Total	AC into Bank	AC Remain
29-2292	365	365	71	294
29-13144	283	365	71	212
29-13143	126	365	71	55

All three rights need to go into the Water Supply Bank together because they are stacked and need to be idled together. If you decide to lease the acreages into the Bank, the application fee is \$500 for all three rights.

Please feel free to email me if you have questions about this,

Remington Buyer

Water Supply Bank Coordinator

Idaho Department of Water Resources

322 East Front Street, Boise, ID, 83720

T: (208) 287-4918 | **F:** (208) 287-6700

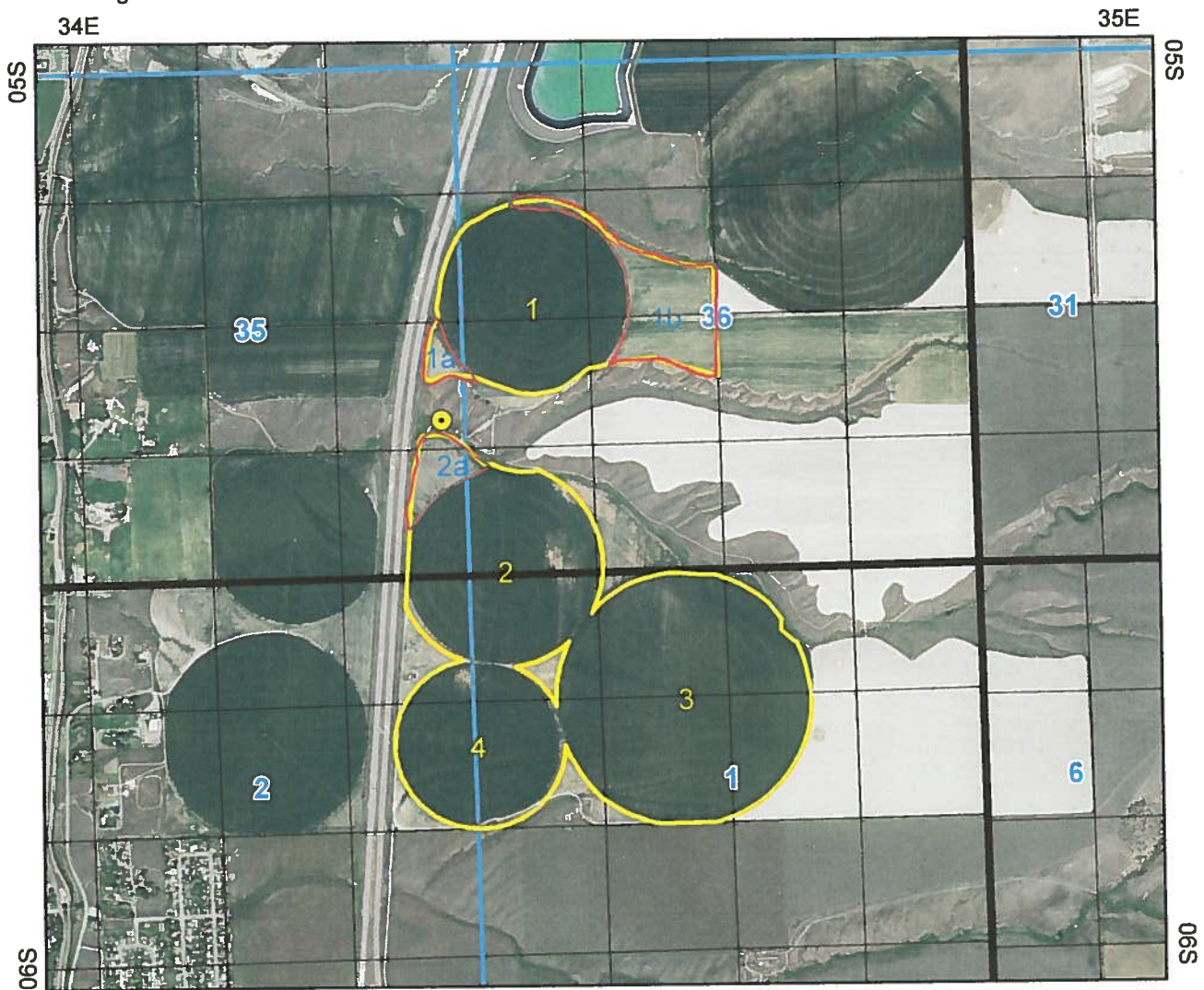
State of Idaho
Department of Water Resources

Water Right

29-2292

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.



- 34E Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.225 0.45 0.9 Miles



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

ATTACHMENT 2

APR 24 2014

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK
Department of Water Resources

1. Water Right Number Amount (cfs/ac-ft) Nature of Use Period of Use

29-2292 4.24 cfs Irrigation 04/01/2014 to 10/31/2014

_____ to _____

_____ to _____

_____ to _____

_____ to _____

Total Amount: 4.24 cfs

2. Source of water Irrigation Deep Water Well tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
5 S	34 E	35SE		SE	NE	SE	Bannock

4. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	34E	35				2.8									6.0			7.0	15.8
05S	34E	36								14	14		5.5	1.5					35
06S	34E	1		2.7	1.6		3.2	4.5	3.2					1.5					15.2
06S	34E	2	2.5			2.5													5

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 71.0

MEMO

TO: Water Right 29-2292

FROM: Cherie Palmer

DATE: December 17, 2014

RE: WSB Correction to 2014 Bannock County Rental

While issuing warrants for the 2014 season I noticed that there was a discrepancy between the fees collected and the elements that were rented for water right 29-14096. The total amount rented should be reflected as follows:

WR	Rented Rate	Rented Volume
29-14096	0.14 cfs	55.6 af

Instead of

WR	Rented Rate	Rented Volume
29-14096	0.21 cfs	83.2 af

This conclusion was reached when evaluating the intent of the rental agreement. The rented rates and volumes should have added up to the total under the annual combined rental total section (the purple sections) to meet the 1.30 cfs that was requested by the applicant. The applicant did not pay for 83.2 af under water right 29-14096 only 55.6 af; therefore, I will issue payment based on the lesser amount.

Summary of Water Rights or Portions Rented from the Bank

Water Right	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
29-14096	11/29/1971	Groundwater	NA	0.21 cfs	83.2 af	NA	NA
29-13143	6/2/1953	Groundwater	NA	0.11 cfs	45.7 af	NA	NA
29-13144	6/9/1953	Groundwater	NA	0.24 cfs	102.6 af	NA	NA
29-2292	10/14/1950	Groundwater	NA	0.81 cfs	280.0 af	NA	NA
Total Annual Combined Limit				1.16 cfs	280.0 af	NA	NA

Annual Combined Rental Totals	1.30 cfs	335.5 af*	NA	NA
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*This rental is limited to the total annual volume of 81.0 af



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

December 22, 2014

HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK ID 83202

RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 29-2292, 29-13143, AND 29-13144

Dear Lessor:

The Department of Water Resources is enclosing a state warrant in the amount of **\$4,284.00** as payment to you for the rental of the above referenced water right(s) from the Water Supply Bank managed by the Idaho Water Resource Board. Payment for the rental of your water rights is represented by a single rental agreement as follows:

Receipt No.	Amount	Volume	Renter	Rate/AF
Transferred to Board Acct	\$4,760.00	280.0 AF	Bannock Cty	\$17

In accordance with Water Supply Bank rule 35.01, *IDAPA 37.02.03* return for the rental is ninety percent (90%) of the gross amount received at the rate per acre described above.

If you have questions regarding this matter, please contact me at (208) 287-4944.

Sincerely,


for Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

Warrant Number: 127031845



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 30, 2014

HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK, ID 83202

**RE: NOTIFICATION OF WATER SUPPLY BANK LEASE EXPIRATION FOR WATER
RIGHT(S): 29-2292, 29-13143, and 29-13144**

Dear Lessor:

The Idaho Department of Water Resources (Department) records show that all or a portion of the above referenced water right, currently leased to the Water Supply Bank (Bank), will expire December 31, 2014. This letter is notice that the right will be considered released from the Bank at that time.

If you would like the right to remain leased to the Bank, please complete the enclosed Application to Lease a Water Right to the Water Supply Bank.

Please consider that 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.

If you have questions regarding this matter, you may contact the Department at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Cherie Palmer". The signature is fluid and cursive, with the first name "Cherie" being more prominent than the last name "Palmer".

Cherie Palmer
Water Rights Supervisor
Water Allocation Bureau

Enclosure: Application to Lease a Water Right

c: IDWR Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 13, 2014

VEDA J RUPP
HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK ID 83202

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 29-2292, 29-13143 and 29-13144

Dear Lessor:

Water Rights 29-2292, 29-13143 and 29-13144 were leased into the Water Supply Bank on April 2, 2014 in accordance with the executed original Lease Contract enclosed. **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.**

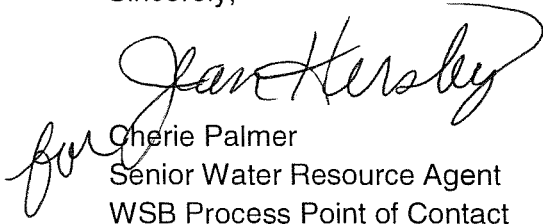
The rights will automatically be released from the Bank on **December 31, 2014**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the 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 287-4944.

Sincerely,


Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: James Cefalo- IDWR Eastern Region



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

May 1, 2014

VEDA J RUPP
HAROLD L RUPP SR TRUST
PO BOX 5307
CHUBBUCK ID 83202

**RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 29-2292, 29-13143 and 29-13144 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 BOTH 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 rights will automatically be released from the Bank on **December 31, 2014**, unless the rights are 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 me at 287-4944.

Sincerely,

for Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts

MEMORANDUM

To: Water Right No(s). 29-2292, 29-13143 and 29-13144

From: Jean Hersley

Date: April 28, 2014

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

PURPOSE/NARRATIVE: The Department received these applications on April 2, 2014. A letter was sent on April 18, 2014 requesting the specific acres to be leased to the Bank. Information was received on April 24, 2014. The applicant listed the entire diversion rate on the application. I made the proper adjustments. In T05S R34E Sec 36, SESW, I adjusted the number acres to match what is on the water right. The lease will expire at the end of the irrigation season, 2014.

AUTHORITY TO FILE: The applications were signed by two trustees of the Harold L Rupp Sr Trust and Veda J Rupp, as the current water right owners.

WATER RIGHT VALIDITY: These rights were decreed in 2004. Aerial photography suggests some irrigation took place in 2011.

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 to a Water District at this time. They are a ground water source.

April 22, 2014

RECEIVED
APR 24 2014
DEPARTMENT OF
WATER RESOURCES

State Of Idaho Department of Water Resources
C/O Cherie Palmer
Senior Water Resource Agent
P.O. Box 83720-0098
Boise Idaho 83720-0098

RE: Additional information for leasing Water Rights 29-2292, 29-13143 and 29-13144 to the Water Supply Bank.

Dear Cherie Palmer:

I have figured the acreages as close as I can for the amount of acreage we would like to lease to the water supply bank for the 2014 irrigation season.

It is very difficult to figure acreages with pivots being in different sections and quarter sections.

These acreages are including corners, fields and the reduction amounts that will no longer be irrigated with end guns attached to the pivots.

I hope this information is sufficient for your calculations.

Please inform me as to your need for any additional information.

Sincerely,



H. Lavelle Rupp Jr.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 18, 2014

HAROLD L RUPP ST TRUST
C/O H. LAVELLE RUPP JR- TRUSTEE
PO BOX 5307
CHUBBUCK ID 83202

**RESPONSE
DEADLINE
MAY 2, 2014**

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO
LEASE WATER RIGHT NO(S). 29-2292, 29-13143 and 29-13144 TO THE WATER
SUPPLY BANK**

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

Dear Applicant:

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

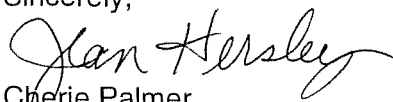
If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application(s) has been completed and it has been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

Please provide the following information within 14 days of the date of this letter or the application will be returned:

- Attachment 2 of the applications, you listed the entire right place of use. The Department needs to list the acres you want leased to the Bank.

The department will continue processing your application(s) once you have submitted the requested information. Water right forms are available from the Department's web site at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4944.

Sincerely,

for 
Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Receipt #C098610

Application to Sell or Lease a Water Right to the Water Supply Bank- Attachment 2