

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1703

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

LESSOR: EGIN BENCH CANALS INC
PO BOX 15
ST ANTHONY, ID 83445

RECEIVED

MAY 05 2023

DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 22, 2022.
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)
21-12922	6/21/1888	HENRYS FORK, tributary to SNAKE RIVER	130.0	Not Stated	3162.0
Combined Lease Totals			130.0	Not Stated	3162.0

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
21-12922	130.0	11,070	3,162.0	0.04	3.50

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

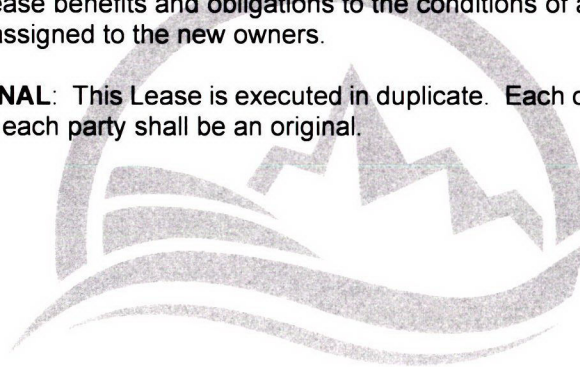
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2023 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.

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WATER SUPPLY BANK LEASE CONTRACT No. 1703

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



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1703

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

LESSOR: EGIN BENCH CANALS INC
PO BOX 15
ST ANTHONY, ID 83445

By [Signature]
Title Secretary
Date 5-1-23

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By [Signature]
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 5/5/23

Lease approved by IDWR [Signature]

Date 5/5/23

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WATER SUPPLY BANK LEASE CONTRACT No. 1703

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Source and Location of Point(s) of Diversion for Water Right No(s): 21-12922

HENRYS FORK	L 6SENW	Sec. 1	Twp 07N	Rge 40E	FREMONT County
HENRYS FORK	L 7NENW	Sec. 33	Twp 08N	Rge 41E	FREMONT County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
21-12922	IRRIGATION	07/02	to	07/16	130 cfs	11,070 AF
21-12922	IRRIGATION	07/17	to	07/31	130 cfs	11,070 AF
21-12922	IRRIGATION	04/01	to	07/01	130 cfs	11,070 AF
21-12922	IRRIGATION	08/01	to	10/31	130 cfs	11,070 AF
Totals:					130 cfs	11,070 AF

Place of Use is within the service area of Egin Bench Canals, Inc.

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.

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WATER SUPPLY BANK LEASE CONTRACT No. 1703

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The quantity of water diverted under this water right during the periods July 2 through July 16 and August 1 through October 31 shall not exceed 500 cfs.
13. The rights listed below are limited to the irrigation of a combined total of 14,596 acres in a single irrigation season. Combined Right Nos.: 21-12908, 21-12921, and 21-12922.
14. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
15. 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.
16. The unleased portion of right 21-12922 is delivered through St. Anthony Union Canal and St. Anthony Union Feeder.
17. The unleased portion delivered through St. Anthony Union Canal and St. Anthony Union Feeder shall not exceed the following amounts:

Beneficial Use	Season of Use			Diversion Rate (CFS)
	From	to	To	
IRRIGATION	04/01	to	07/01	470 cfs
IRRIGATION	07/02	to	07/16	370 cfs
IRRIGATION	07/17	to	07/31	470 cfs
IRRIGATION	08/01	to	10/31	370 cfs
Totals:				470 cfs

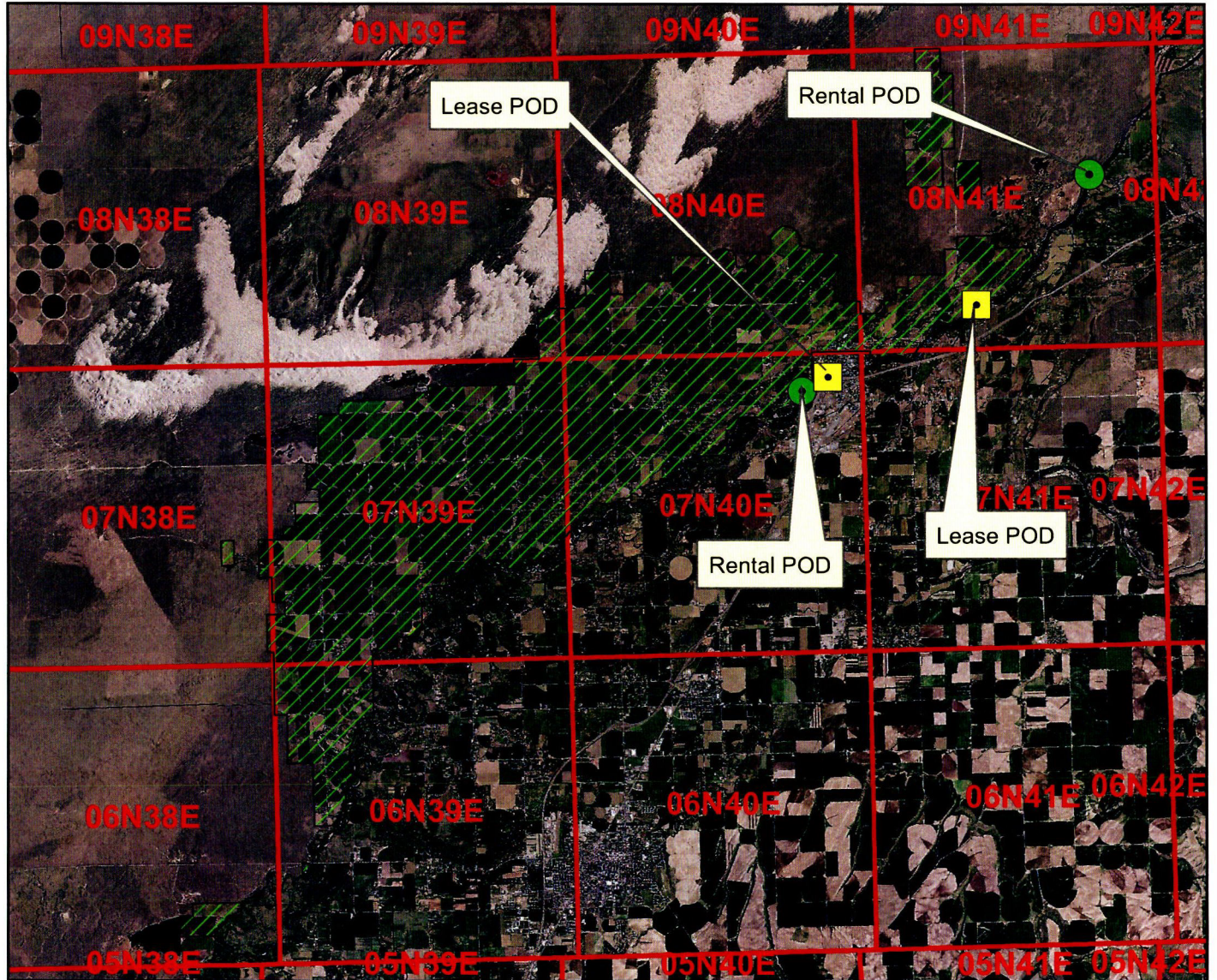
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Idaho Water Resource Board
Attachment to Water Supply Bank

Lease Agreement No. 1703 and Rental Agreement No. 742

Effective until December 31, 2027

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Legend

-  Egin Bench Canal Service Area
-  Township/Range

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0 21,250 42,500
Feet

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

DEC 22 2022

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Egin Bench Canals, Inc.

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

Water Right No. 21-12922

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

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

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☒ ☐ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☒ ☐ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov. *Not Changing POU*
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>KU</u>	Date Received: <u>12.22.22</u>	Receipt # <u>2114942</u>
W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Egin Bench Canals Inc</u>	

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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 Egin Bench Canals, Inc.

Mailing Address PO BOX 15 St. Anthony Idaho 83445

Street City State Zip Code

Email Address aaron.fmid@myidahomail.com

Phone Number 208-403-8474

☒ 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 Aaron Dalling

Organization Egin Bench Canals, Inc.

Professional Title Secretary/Treasurer

Email Address aaron.fmid@myidahomail.com

Mailing Address PO BOX 15 St. Anthony, Idaho 83445

Phone Number 208-624-3381

☒ 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**.

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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.
The water is diverted from the Henry's Fork River into an earthen canal and used to irrigate lands near St.
Anthony, Parker, Egin and Plano, Idaho.
- 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. 21-12908, 21-12921, 21-12897, 21-12934, 21-12912, 21-12928, 21-12910, 21-12961, 21-12962
- 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. Yes, we are proposing to change the point of diversion only, not the place of use or irrigated acres of Egin Bench Canals, Inc.
- 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. The average 5 yr diversion for the St. Anthony Union and St. Anthony Union Feeder Canals is 144,132 acre feet per year.
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☒

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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: 2023 to 2027 (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.

There is not a minimum payment as we will be leasing the water back.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.


Signature of Designated Applicant

Aaron Dalling, Secretary/Treasurer
Printed Name

12-20-2022
Date

Signature of Authorized Representative

Printed Name

Date

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

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**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>21-12922</u>	<u>Irrigation</u>	<u>130cfs</u>	<u>9100</u>	<u>2600</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
	Total Amounts:	_____	_____	_____

2. Source of water Henry's Fork tributary to Snake River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
8N	41E	33	7	NE	NW		Fremont County
7N	40E	1	6	SE	NW		Fremont County

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Attachment 10

other duties as may be assigned to him or her from time to time by the Board of Directors.

Section 4. Secretary. The Secretary shall: (a) keep full minutes of all meetings of the stockholders and directors in accordance with the provisions of these By-Laws; (b) give notice of meetings of stockholders and directors in accordance with the provisions of these By-Laws; (c) be the custodian of the stock certificate books; (d) sign, with the President, all certificates of stock issued or reissued by the corporation; (e) be custodian of the corporation's seal, attesting all contracts and other documents requiring the corporation's seal and affixing the seal thereto; (f) be custodian of the corporation's Articles of Incorporation and By- Laws; and (g) perform such other duties as may be prescribed by the Board of Directors.

Section 5. Treasurer. The Treasurer shall: (a) have custody of and be responsible for all moneys and securities of the corporation; (b) keep a full and accurate record of accounts in books belonging to the corporation, showing the transactions of the corporation, its accounts, liabilities and financial condition; (c) deposit in the name of the corporation all moneys and other forms of negotiable receipts that may come into his or her hands for the corporation's account, in such depository or depositories as are designated by the directors; (d) be accountable for all other valuable corporate papers, except as provided in Section 4 hereof; (e) disburse the funds of the corporation in payment of just demands against the corporation or in accordance with general or special directions of the Board of Directors making proper vouchers for such disbursements, and (f) submit a full report. of the financial condition of the corporation to the annual meeting of the stockholders, and, generally, shall perform all duties incident to the position of treasurer, subject to the control of the Board of Directors. , (g) sign, when authorized by the Board of Directors, all contracts, deeds, bonds, mortgages and other instruments of a special nature, and (h) Perform such other duties as may properly be required of him or her by the Board of Directors.

The treasurer shall give such bond as the Board of Directors may require for the faithful performance of the duties of his or her office and for the

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Attachment 1D



STATE OF IDAHO

Office of the secretary of state, Lawrence Denney

ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00



0004663077

For Office Use Only

-FILED-

File #: 0004663077

Date Filed: 3/17/2022 9:15:09 AM

B0691-8455 03/17/2022 9:15 AM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

Entity Name: EGIN BENCH CANALS, INC.
The file number of this entity on the records of the Idaho Secretary of State is: 0000326698
Address: PO BOX 15
SAINT ANTHONY, ID 83445-0015

Entity Details:

Entity Status: Active-Good Standing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C105872

The registered agent on record is:

Registered Agent: AARON R DALLING
Registered Agent
Physical Address
350 N 6TH W
ST ANTHONY, ID 83445
Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
 GEORGE M CRAPO	Director	726 N 2100 E ST ANTHONY, ID 83445
JEFFERY D RAYBOULD	Director	301 N 1500 E ST ANTHONY, ID 83445
RANDOLPH H BROWN	Director	6028 N 4000 N REXBURG, ID 83440
AARON R DALLING	Secretary	279 NORTH 2450 EAST ST ANTHONY, ID 83445
MIKE RASMUSSEN	President	4991 W 5000 N REXBURG, ID 83440
MIKE LOVELAND	Director	662 SAND CREEK ROAD ST ANTHONY, ID 83445
DOUGLAS HANKS	Director	624 NORTH SPRUCE - PARKER ST ANTHONY, ID 83445
 Keith Parker	Director	670 NORTH 2000 EAST ST. ANTHONY, ID 83445
DAVID BLASER	Director	5569 WEST 6000 NORTH REXBURG, ID 83440
ZAK MILLER	Director	3782 EAST TERRACE HILLS LANE RIGBY, ID 83442
 Kevin Parker	Director	1905 EAST 350 NORTH SAINT ANTHONY, ID 83445

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AUG 10 2023



2022-2023

Director

2029 EAST 700 NORTH
SAINT ANTHONY, ID 83445

The annual report must be signed by an authorized signer of the entity.

Job Title: Secretary

Aaron Dalling

Sign Here

03/17/2022

Date

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AUG 10 2023

WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER:

Ashley

Received Date 12/22/2022

Desired Lease Duration 2023-2027

Lease / Rental Package

Y

N

If yes, Renter Name: Egin Bench Canals, Inc.

Application # 2539

Contract # 1703

WR#s	#
	# 21-12922
#	#
#	#
#	#
#	#
#	#
#	#

Applicant Authorized?	<u>Y</u> / N
Multiple owners, Attach 1A included?	Y / <u>N</u> NA
If portion is offered, Attach 2 included?	<u>Y</u> / N NA
Map of POU and POD?	Y / N <u>NA</u>
POD Consent (if required)?	Y / N <u>NA</u>
Application Complete?	<u>Y</u> / N
Minimum checklist in data base?	☒
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights: _____

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)

CC Original

Designated Applicant: Egin Bench Canals, Inc.

☐
☐

EMAIL:

Attorney:

☐
☐

EMAIL:

Consultants Name: Aaron Dalling

☐

Comments:

Watermaster:

☐

package w/ rental app #2540

Delivery Entity:

☐

Water District:

☐

5/5/23

Ground Water District:

☐

Region:

☐

Other:

☐
☐

Address:

Call up Date: _____

DO NOT SCAN



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 7, 2023

EGIN BENCH CANALS INC
PO BOX 15
ST ANTHONY, ID 83445

RE: WATER SUPPLY BANK LEASE CONTRACT 1703, FOR WATER RIGHTS 21-12922

Dear Lessor:

Water right(s) **21-12922** are leased into the Water Supply Bank (Bank) as of January 1, 2023, 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 right(s) will automatically be released from the Bank on **December 31, 2027**, 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 me at 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Enclosure: Executed Lease Contract

c: IDWR – Eastern Regional Office
Watermaster – Water District 01

SCANNED

AUG 10 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 19, 2023

EGIN BENCH CANALS INC
PO BOX 15
ST ANTHONY, ID 83445

**RE: APPLICATION TO LEASE WATER RIGHTS 21-12922 TO THE WATER SUPPLY BANK
CONTRACT 1703**

******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, 2027**, 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 right may not be available for immediate release if it has 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 bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Aaron Dalling

SCANNED

AUG 10 2023

MEMORANDUM FOR APPLICATION #

To: Water Right(s) 21-12922

From: Ashley Ritter

Date: 03/09/2022

Re: Review & Analysis of Application to Lease & Rent Water to the State Water Supply Bank

PURPOSE/NARRATIVE: A companion package application to lease and rent a portion of water right 21-12922 to the Water Supply Bank (Bank) was received by the Idaho Department of Water Resources (the Department) on December 22, 2022, by Egin Bench Canals, Inc. (Egin Bench). The applications propose to change the existing point of diversion (POD) for 130 cfs of water right 21-12922 to two other POD's within Engin Bench's canal delivery system. It is proposed to move 100 cfs to the Independent Canal Lateral and 30 cfs to the Last Chance Canal lateral. The place of use (POU) will not be changed.

AUTHORITY TO FILE: The applications are signed by Aaron Dalling. The application included the 2022 Secretary of State annual business report for Egin Bench, and the report lists Aaron Dalling as the registered agent and Secretary. There are no concerns with the authority to file.

WATER RIGHT VALIDITY: Water Right 21- 12922 was decreed in 2011 and portions of the right were accepted into the Bank for years 2016- 2020. There appear to be no concerns with validity of the water right and portion offered to the bank.

INJURY TO OTHER WATER RIGHTS: Injury is not a concern with this lease/rental package. One POD will be moved up stream from the original POD. However, Egin Bench will be diverting the same amount of water they are entitled to, just at different locations. It is assumed that the amount of available water is not significantly different at the different diversion locations such that diversion of additional water upstream will impact existing water rights.

ENLARGEMENT OF USE: The place of use for the water right is not changing, and the irrigated acre amount is also not changing. No apparent concern for enlargement of use.

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 location for the rental POD is subject to Water District # 01. Comments will be solicited from the regional IDWR manager and the watermaster for Water District # 01.

SCANNED
AUG 10 2023