

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1681

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

LESSOR: CITY OF TETONIA
PO BOX 57
TETONIA, ID 83452

RECEIVED
MAR 30 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 January 30, 2023.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
22-11579	6/1/1896	SPRING CREEK, tributary to TETON RIVER	1.50	Not Stated	75.0
22-13536	1/22/1916	SPRING CREEK, tributary to TETON RIVER	2.50	Not Stated	125
Combined Lease Totals			4.00	Not Stated	125

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
22-11579	1.50	263	75.0	0.020	3.5
22-13536	2.50	438	125	0.020	3.5
Combined Limit Totals	4.00	438	125	0.032	3.5

** The water right elements rentable have been changed from the water right elements leased to account for the inclusion of a diversion volume.*

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.

SCANNED
APR 04 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1681

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.
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.

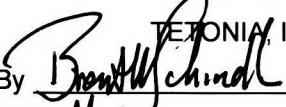
SCANNED
APR 04 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1681

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

LESSOR: CITY OF TETONIA
PO BOX 57
TETONIA, ID 83452

By 
Title Mayor
Date 21 March 2023

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 3/30/23

Lease approved by IDWR 

Date 3/30/23

SCANNED
APR 04 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1681

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): 22-11579, 22-13536

SPRING CREEK NWSWNE Sec. 33 Twp 06N Rge 45E TETON County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
22-11579	IRRIGATION	04/15	to	10/31	1.50 cfs	Not Stated
22-13536	IRRIGATION	04/15	to	10/31	2.50 cfs	Not Stated
Totals:					4.00 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	28										29	23						52
06N	45E	29													37			36	73

Total Acres: 125

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.

SCANNED
APR 04 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1681

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Water is delivered through the Tetonia Canal.
13. Water Rights 22-11579 and 22-13536 are limited to the irrigation of a combined total of 125 acres in a single irrigation season.
14. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

SCANNED
APR 04 2023

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1681

22-11579, 22-13536
Effective until December 31, 2027

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



- Water Supply Bank Lease POD
- Water Supply Bank Lease POU
- Township/Range
- Sections
- QQ

0 500 1,000 1,500 Feet



SCANNED
APR 04 2023

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
JAN 30 2023
DEPARTMENT OF
WATER RESOURCES

Designated Applicant City of Tetonia Water Right No. 22-11579
(Select one owner – see item 1A on the application) (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 <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☒ | ☐ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | ☒ | ☐ | Description of a water right portion offered to the Water Supply Bank. |
| 3 | ☐ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov . |
| 4A | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 4G | ☐ | ☒ | Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ <u>500</u>	Received By: <u>KU</u>	Date Received: <u>1.30.23</u>	Receipt # <u>C115196</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>City of Tetonia</u>	

2584

SCANNED
APR 04 2023

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 City of Teton

Mailing Address P.O. Box 57 Tetonia ID 83452
Street City State Zip Code

Email Address clerk@cityoftetonia.com Phone Number 208-456-2249

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☐ No ☒
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

SCANNED
APR 04 2023

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 diversion consists of a headgate structure with 2 gates that are located off of Spring Creek at the point of diversion described below.
- 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. Water right 22-13536 is also used to irrigate appurtenant to the place of use associated with water right 22-11579. Water Right 22-113536 is also being leased into the Idaho Water Supply Bank.
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The water right has been enrolled in the Idaho Water Supply Bank for the past 5 years. 2018-2022.
- 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. As discussed above, the water right has been enrolled in the Idaho Water Supply Bank for the past 5 years. During that time, no water has been diverted or applied to the designated place of use. However, enrollment in the Idaho Water Supply Bank is a statutory exception to forfeiture, in accordance with Idaho Code 42-223(5).
- H. 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. _____

SCANNED
APR 04 2023

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.

The water right is part of a lease/rental package. It is to be rented to the IWRB to support flow restoration is Spring Creek and Teton River. The water right is a donation, so the standard rental rate fee of \$2/AF shall apply.

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

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

SCANNED
APR 04 2023

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.

The water right is part of a lease/rental package. It is to be rented to the IWRB to support flow restoration is Spring Creek and Teton River. The water right is a donation, so the standard rental rate fee of \$2/AF shall apply.

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.

Jacque M. Beard
Signature of Designated Applicant

Jacque Beard
Printed Name

1/9/2023
Date

Signature of Authorized Representative

Printed Name

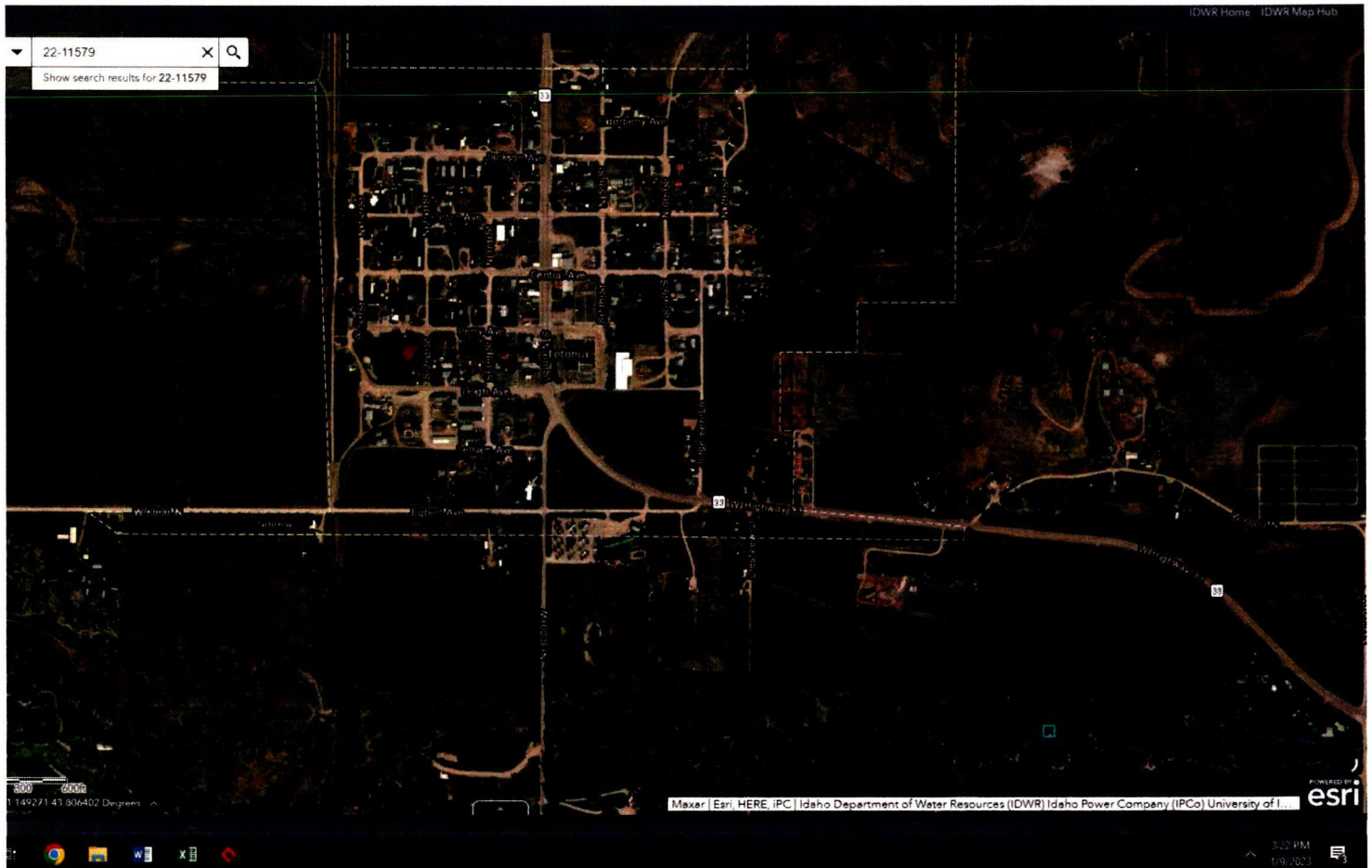
Date

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

SCANNED
APR 04 2023

Attachment 3

Water Right 22-11579



SCANNED
APR 6 4 2023

WSB Mailing Checklist for Leases

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

Key: Who Completes What?

CLERICAL STAFF: MF

REVIEWER:

Received Date 1/30/2023

Desired Lease Duration 2023-2027

Lease / Rental Package (Y) N

If yes, Renter Name: 1WRB

Application # 2584 Contract # 1681

WR#s		#
#	<u>22-13536</u>	#
#		#
#		#
#		#
#		#
#		#
#		#

Applicant Authorized?	<u>(Y)</u> / N
Multiple owners, Attach 1A included?	Y / N <u>(NA)</u>
If portion is offered, Attach 2 included?	Y / N <u>(NA)</u>
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: <u>City of Teton</u>	☐	☐	EMAIL:
Attorney:	☐	☐	EMAIL:
Consultants Name:	☐		Comments:
Watermaster:	☐		- <u>Jaque Beard signed -</u>
Delivery Entity:	☐		<u>listed as Clerk/Treasurer</u>
Water District:	☐		<u>on City of Teton website</u>
Ground Water District:	☐		- <u>prev LC #821</u>
Region:	☐		- <u>Flow restoration: Spring</u>
Other:	☐	☐	<u>Creek & Teton River</u>
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
April 3, 2023

Director Gary Spackman

CITY OF TETONIA
PO BOX 57
TETONIA ID 83452-0057

**RE: WATER SUPPLY BANK LEASE CONTRACT 1681
FOR WATER RIGHTS 22-11579 & 22-13536**

Dear Lessor:

Water rights **22-11579 & 22-13536** were 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 rights 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 this office at [bank @idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

Debbi Judd

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Office – *via email*
Water District No. 01 – *via email*

SCANNED
APR 04 2023



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

March 8, 2023

CITY OF TETONIA
PO BOX 57
TETONIA ID 83452-0057

RE: APPLICATION TO LEASE WATER RIGHTS 22-11579 & 22-13536 TO THE WATER SUPPLY BANK CONTRACT 1681

******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,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

SCANNED
APR 04 2023

MEMORANDUM FOR APPLICATION # 2584

To: Water Right No(s). 22-11579, 22-13536

From: Skyler Cheever – Water Resource Agent

Date: 2/3/2023

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

PURPOSE/NARRATIVE:

Application 2584 was sent in by the City of Teton and received on January 30th, 2023, with fee payment received the same date. This application is part of a lease rental package. The rental will be conducted through the Idaho Water Resource Board for Flow Restoration of Spring Creek and the Teton River and to fulfill the minimum streamflow right 22-7369 ensuring healthy fish propagation. This application proposes to lease the full water rights 22-11579 and 22-13536 into the water supply bank from 2023-2027. The point of diversion is within the Snake River Moratorium and Non-Trust Water Area. This application is a renewal of contract 821.

AUTHORITY TO FILE:

Jacque Beard signed the application. Mr. Beard has the authority to file this application because the City Clerk with the City of Teton according to the city's website. The City of Teton is the current owner of the water rights 22-11579 and 22-13536.

WATER RIGHT VALIDITY:

Both water rights were decreed in 2008. They have been leased continuously into the water supply bank since 2013.

ENLARGEMENT OF USE:

Water rights 22-11579 and 22-13536 are limited to the irrigation of 125 acres in a single irrigation season. Irrigation separately would lead to the rate and volume of water used to exceed historic use. Therefore, these rights should be leased into the bank together to prevent enlargement. There are no other enlargement concerns.

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 point of diversion is within Basin 22 and Water District 1. The Water Master and Eastern Regional Manager were contacted for comment on February 6th, 2023. Comment was received from the Water Master the same date, there was no concern with this proposal.

SCANNED
APR 14 2023

Cheever, Skyler

From: Cefalo, James
Sent: Monday, February 6, 2023 11:05 AM
To: Cheever, Skyler
Subject: RE: Water Supply Bank Lease Application 2584

Skyler,

I don't have any concerns with the proposed WSB lease or the eventual rental by IWRB.

James

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Monday, February 6, 2023 9:42 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Olenichak, Tony <Tony.Olenichak@idwr.idaho.gov>
Subject: Water Supply Bank Lease Application 2584

Hello Mr. Cefalo and Mr. Olenichak,

I am currently working on reviewing a lease application within Basin 22 and Water District 1. The applicant is the City of Tetonia. The application proposes to lease water rights 22-11579 and 22-13536 into the water supply bank for 2023-2027. The application is a renewal of contract 821. Attached to this email is a copy of the draft lease contract, review memo, and map of the place of use. If you have any comments, please reply to this email within 14 days as needed.

Best,

Skyler

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913



City of Tetonia
Idaho

[Home](#) [Community](#) [Government](#) [Residents](#) [Business](#) [Visitors](#) [Q](#)

GOVERNMENT

- Boards & Commissions
 - Planning & Zoning
- City Hall
 - **City Clerk**
 - Public Works Director
- Code Compliance
 - Ordinances
 - Resolutions
 - Policies
 - Tetonia City Code - Full Version
- Financial Reports & Budgets
 - Annual Budget
 - Financial Reports/Audits
 - Financial Transparency
- Human Resources
 - Application Process
 - Benefits
 - Employment Opportunities
- Mayor & Council
 - Mayor
 - Council
- Meeting Agendas & Minutes
 - Agendas
 - Minutes
- Open Records

City Clerk

The City Clerk serves as the link between City Council and citizens as well as between the City Manager and city employees.

The office of City Clerk for the City of Tetonia provides clerical, record keeping and administrative functions to the City Council and the City Manager. In addition, this individual performs many tasks that assist in guiding and managing the operation of local government policy and law. Below are just a few of the responsibilities of the City of Tetonia City Clerk.

- Grants parade permits
- Grants street closures
- Manages requests to speak to Council
- Collects information and prepares Council agendas and other information for Council
- Collects, organizes, and maintains records
- Records and submits City Council meeting minutes

Contact Info

Jacque Beard
Clerk / Treasurer
P.O. Box 57
208-456-2249
clerk@cityoftetonia.com
[Visit Website](#)

SCANNED
APR 04 2023

Renter: IDWR Board

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Date Received: 7/11/2018
Latest Start Date: 10/31/2018

Who Completes What?

Key (color indicates who completes the field)

CLERICAL STAFF

REVIEWER [Signature]

Lease/Rental Package (Y) N

Source Surface Spring Creek

Resolving an NOV (N)

Rental Expiration Date 2022

Beneficial Use Minimum Stream Flow

Rental Application # 1125

Water District Y # 01 N

Rental Agreement # 268

Watermaster hyle Swank

Receipt# _____ Received Date _____

Total Paid _____ Paid by _____

Group ID? Y # _____ N

Water Right	Contract #
# <u>22-11579</u>	<u>1122-APP</u>
# <u>22-13536</u>	<u>1124</u>
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____

Mailings

per application CC (check if yes)

Name of Party

Original

Renter: IDWRB - State

Attorney: _____

Consultant: Sarah Lien - Friends of Teton River

& Amy Casel - IDWR

Conveyance Entity: _____ (final only)

Ex. Irrigation Dist. of Canal Co.

Ground Water Dist: _____ (final only)

Other: _____

Liz Cresto: cc her when Snake 01, Boise, Payette, and Bear River (final only)

Region: Eastern (final only)

Water Master: _____ (final only)

tack this sheet down inside the lowest numbered file
NOT SCAN