

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1531

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

LESSOR: LOY PEHRSON

3624 W 3700 N

DARLINGTON, ID 83255-8779

LESSOR: BYRON PEHRSON

3624 W 3700 N

DARLINGTON, ID 83255-8779

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 27, 2021.
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)
34-14205	3/10/1894	BIG LOST RIVER, tributary to SINKS	0.44	Not Stated	22.0
34-4010	8/1/1961	GROUND WATER	0.28	49.0	14.0
Combined Limit Totals			0.44	77.1	22.0

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)
34-14205	0.44	77.1	22.0	0.02	3.5
34-4010	0.28	49.0	14.0	0.02	3.5
Combined Limit Totals	0.44	77.1	22.0	0.02	3.5

** The water right elements rentable have been reduced from the water right elements leased to account for overlapping acres.*

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

SUPPORT DATA

AUG 16 2023

IN FILE #

34-4010

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 27 2021

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Loy Pehrson

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

Water Right No. 34-4010

(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.**

MIMUMUM 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.
- 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-</u>	Received By: <u>Ka</u>	Date Received: <u>12-27-21</u>	Receipt # <u>C111614</u>
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9: <u>SCANNED</u>	

AUG 16 2023

2251

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 Loy Pehrson

Mailing Address 3624 W 3700 N Darlington ID 83255
Street City State Zip Code

Email Address _____ Phone Number 208-588-3381

☐ 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 Kristin Moore Organization Rocky Mountain Environmental Assoc.

Professional Title Senior Water Rights Analyst Email Address kristin.rmea@gmail.com

Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Phone Number 208-524-2353

☐ 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

AUG 6 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.
Water is diverted from wells into a co-mingled irrigation system.
- 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 Rights 34-14189, 34-14191, 34-14193, 34-14195, 34-14197, 34-14199, 34-14201, 34-14203, 34-14205, 34-14207, 34-14209, and 34-7056 overlap the same acres. They are not fully stacked. Only this right and right 34-14205 are being offered to the 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. Water right was in the Bank from 2014-2018.
- 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.

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AUG 6 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: 2022 to 2022 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate

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

The Designated Applicant acknowledges the following:

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

[Signature]
Signature of Designated Applicant

boy Petersen
Printed Name

12-17-21
Date

Signature of Authorized Representative

Printed Name

Date

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

SCANNED

AUG 6 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 ☒.

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(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate

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

The Designated Applicant acknowledges the following:

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

Bryan Peterson
Signature of Designated Applicant

Bryan Peterson
Printed Name

12-17-21
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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AUG 6 2023

**STATE OF IDAHO
WATER RESOURCE BOARD**

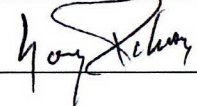
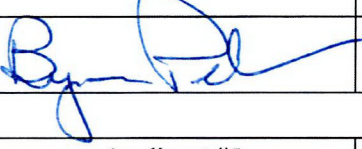
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 34-4010

	Designated Applicant	Applicant #2	Applicant #3
Name	Loy Pehrson	Byron Perhson	
Mailing Address	3624 W 3700 N Darlington, ID 83255	3820 N 3580 W Darlington, ID 83255	
Phone Number	208-390-6166	208-588-3381	
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

SCANNED

AUG 16 2023

**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)
34-4010	Irrigation	0.28	49	14
Total Amounts:				

2. Source of water Ground water tributary to

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
6N	25E	25			SW	SW	CUSTER
6N	25E	25		NW	NW	SE	CUSTER

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AUG - 6 2023



0 700 1,400 2,800 Feet

2017 Aerial Photography

Legend

- Actively Irrigated Acres
- Section
- WSB Lease 34-4010
- WR POU 34-4010
- Township and Range
- QQ



WSB Lease 2022 34-4010

Pehrson

AUG 16 2023

RMEA #11-0029

by: KM

Date: 12/16/2021



Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87871**

This is to certify that: **BYRON PEHRSON**
3820 N 3580 W
MOORE, ID 83255

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-2365	WR/DECREED	5/4/1960	0.380 cfs	60.2 af	17.2	60.3	GROUND WATER
34-637C	WR/DECREED	6/1/1888	0.220 cfs	N/A	17.2	60.3	BIG LOST RIVER
34-638A	WR/DECREED	10/12/1884	0.150 cfs	N/A	7.4	60.3	BIG LOST RIVER
34-7239A	WR/LICENSE	1/22/1980	0.290 cfs	125.9 af	41.8	60.3	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-440B	WR/DECREED	4/22/1884	0.560 cfs	N/A	28.6	29.3	BIG LOST RIVER
34-7056	WR/DECREED	1/20/1974	3.960 cfs	N/A	225.0	233.0	GROUND WATER
34-4010	WR/DECREED	8/1/1961	2.980 cfs	525.0 af		150.0	GROUND WATER
34-14189	WR/DECREED	6/1/1885	1.540 cfs	N/A	77.0	645.0	BIG LOST RIVER
34-14193	WR/DECREED	6/1/1888	0.770 cfs	N/A	38.5	645.0	BIG LOST RIVER
34-14195	WR/DECREED	5/10/1897	0.480 cfs	N/A	24.0	645.0	BIG LOST RIVER
34-14197	WR/DECREED	6/1/1888	0.150 cfs	N/A	7.7	645.0	BIG LOST RIVER
34-14199	WR/DECREED	9/1/1896	0.060 cfs	N/A	3.4	645.0	BIG LOST RIVER
34-14201	WR/DECREED	5/10/1897	0.070 cfs	N/A	3.8	645.0	BIG LOST RIVER
34-14203	WR/DECREED	6/1/1887	1.460 cfs	N/A	73.0	645.0	BIG LOST RIVER
34-14205	WR/DECREED	3/10/1894	1.730 cfs	N/A	86.6	645.0	BIG LOST RIVER
34-14207	WR/DECREED	6/30/1885	3.080 cfs	N/A	154.0	645.0	BIG LOST RIVER
34-14209	WR/DECREED	9/14/1886	2.310 cfs	N/A	115.5	645.0	BIG LOST RIVER
34-14824	WR/DECREED	5/18/1953	0.120 cfs	21.4 af	7.1	59.6	GROUND WATER
34-14825	WR/DECREED	5/5/1972	0.100 cfs	24.9 af	7.1	59.6	GROUND WATER
34-14826	WR/DECREED	6/9/1966	0.130 cfs	30.1 af	8.6	59.6	GROUND WATER
34-14827	WR/DECREED	9/2/1961	0.450 cfs	78.1 af	22.3	59.6	GROUND WATER
34-14828	WR/DECREED	8/1/1961	0.430 cfs	75.6 af	21.6	59.6	GROUND WATER

SUPPORT DATA

Transfer No. 87871

IN FILE # 34-637C

SCANNED

JUL 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87871

Purpose of Transfer (Changes Proposed)

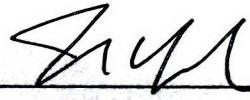
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-2365	NO	YES	YES	NO	NO	NO
34-637C	NO	YES	YES	NO	NO	NO
34-638A	YES	YES	YES	NO	NO	NO
34-7239A	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
34-2365	34-2365	0.330 cfs	57.8 af	16.5	31.0	N/A	N/A	N/A	N/A	N/A
34-637C	34-637C	0.220 cfs	N/A	16.5	31.0	N/A	N/A	N/A	N/A	N/A
34-638A	34-14920	0.120 cfs	N/A	6.7	31.0	34-638A	0.030 cfs	N/A	0.7	29.3
34-7239A	34-7239A	0.290 cfs	50.7 af	14.5	31.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.620 cfs	N/A	31.0	31.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 14th day of July, 2023.


Regional Manager

SUPPORT DATA

Transfer No. 87871

IN FILE # 34-637C

SCANNED

JUL 17 2023

WATER RIGHT NO. 34-4010**As Modified by Transfer No. 87871**

In accordance with the approval of Transfer No. 87871, Water Right No. 34-4010 is now described as follows:

Right Holder: LOY PEHRSON
3624 W 3700 N
DARLINGTON, ID 83255-8779
Or
BYRON PEHRSON
3820 N 3580 W
MOORE, ID 83255

Priority Date: 8/1/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.980 cfs 2.980 cfs	525.0 af 525.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWSE	Sec 25 Twp 06N Rge 25E CUSTER County
GROUND WATER	SWSW	Sec 25 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	25											15.5	8.6	31.0	40.0	25.0	29.9	150.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

1. Diversion of water from the additional well authorized under Transfer 77006 located in SWSW, Sec. 25, T06N, R25E shall not exceed a maximum diversion rate of 0.74 cfs.
2. Rights 34-637C, 34-2365, 34-7239A, 34-14920, 34-4010, 34-7056, 34-14189, 34-14191, 34-14193, 34-14195, 34-14197, 34-14199, 34-14201, 34-14203, 34-14205, 34-14207, 34-14209, 34-14824, 34-14825, 34-14826, 34-14827, and 34-14828, when combined shall not exceed a total diversion rate of 18.36 cfs and the irrigation of 645 acres.
3. Use of water under this right will 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. 34.

Transfer No. 87871

SCANNED

JUL 17 2023

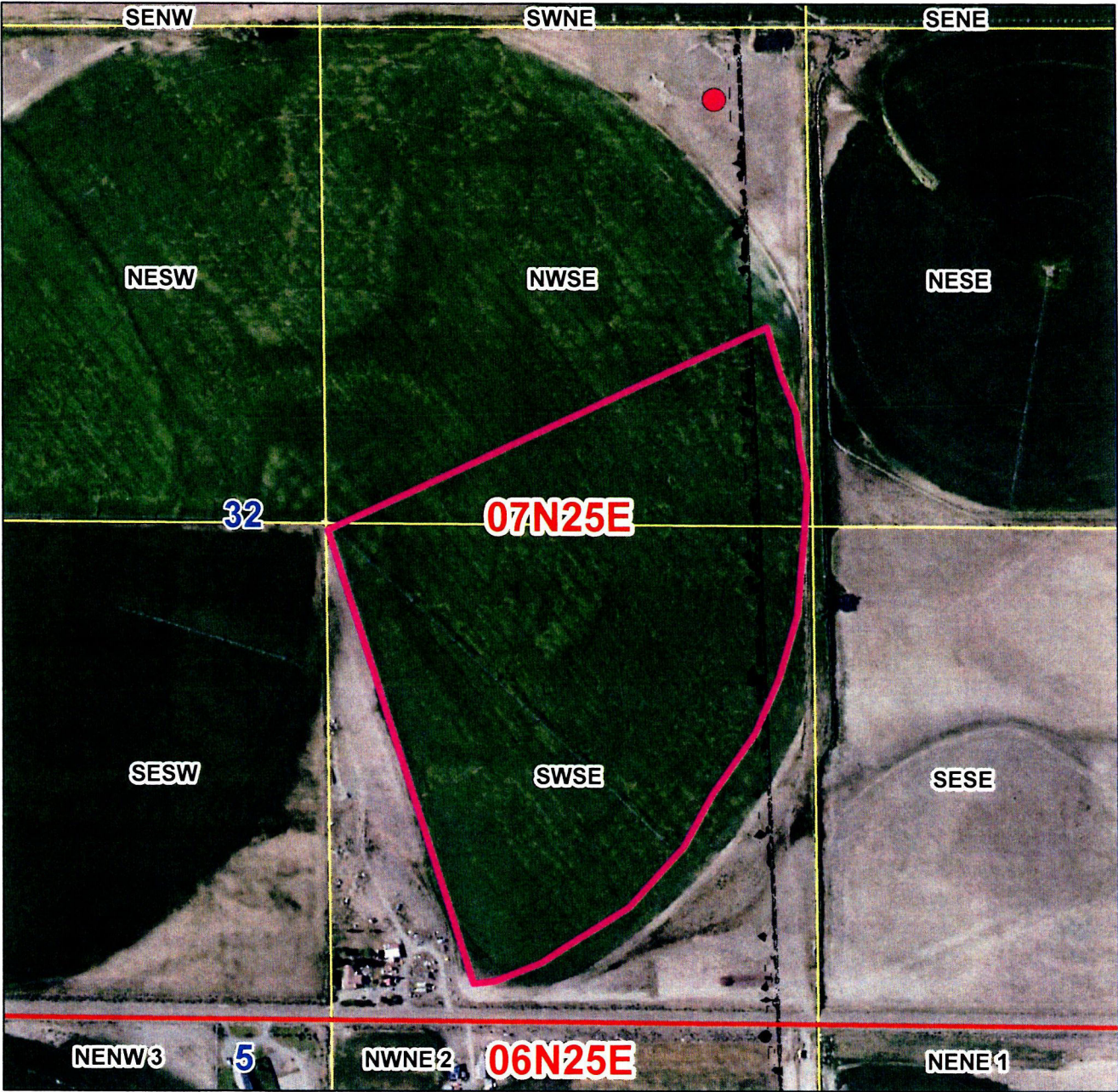
WATER RIGHT NO. 34-4010
As Modified by Transfer No. 87871

CONDITIONS OF APPROVAL

4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 77006, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Attachment to Transfer Approval 87871

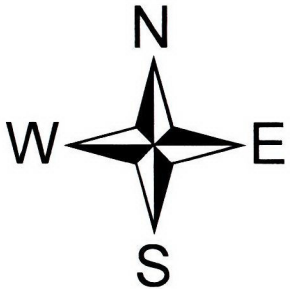
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 250 500 1,000 Feet



Date: 7/14/2023

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WSB Mailing Checklist for Leases

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

Key: Who Completes What?

CLERICAL STAFF: MC

REVIEWER:

Received Date 12/27/2021

Desired Lease Duration 2022 AMENDMENT 959

Lease / Rental Package Y N

If yes, Renter Name: Active rental 499

Application # 2251 Contract # 1531

WR#s	#
# 34-4010	#
# 34-14205	#
#	#
#	#
#	#
#	#

Applicant Authorized? Y / N

Multiple owners, Attach 1A included? Y / N NA

If portion is offered, Attach 2 included? Y / N NA

Map of POU and POD? Y / N NA

POD Consent (if required)? Y / N NA

Application Complete? Y / 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: Pehrson, Bryon and Loy	☐	☒	EMAIL:
Attorney:	☐	☐	EMAIL:
Consultants Name: Kristen Moore	☐		Comments:
Watermaster: Lucas Yockey	☐		Amendment to 959 - reduce acres and term
Delivery Entity:	☐		move over rental 499 when active
Water District: 34	☐		SW & GW overlap - pre transfer review
Ground Water District: Big Lost	☐		8/18/22
Region: Eastern	☐		
Other: ESPA	☐	☐	
Address:			

Call up Date:

DO NOT SCAN



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

August 18, 2022

LOY & BYRON PHERSON
3624 W 3700 N
DARLINGTON, ID 83255-8779

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACT 1531
FOR WATER RIGHTS 34-4010 & 34-14205**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on August 2, 2022. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application will be returned, and the application fee will not be refunded. You can reapply to lease the water right in the future by submitting new application form along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

c: Kristin Moore

SCANNED

AUG 16 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

August 2, 2022

LOY & PYRON PHERSON
3624 W 3700 N
DARLINGTON, ID 83255-8779

RE: APPLICATION TO LEASE WATER RIGHTS 34-4010 & 34-14205 TO THE WATER SUPPLY BANK CONTRACT 1531

******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, 2022**, 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: Kristin Moore

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AUG 16 2023

MEMORANDUM

DATE: 7/5/22

TO: 34-4010, 34-14205, Application Lease 2251/1531

FROM: Phill Hummer

RE: Approved Transfer 84908, Contract 959 and Lease Application 2251

In March 2019 IDWR received an application to lease portions of water right 34-4010 and 34-14205 into the water supply bank. The application was approved as contract no. 959 for 0.43 cfs, 75.6 af, and 21.6 acres of right 34-4010 (ground water) and 0.68 cfs, 119 af and 34 acres of right 34-14205 (Big Lost River) for 2019 through 2023. The leased portions of the two rights are limited to 0.68 cfs, 119 af, and 34 acres when combined.

In September 2021, IDWR approved transfer no. 84908 splitting a portion of right 34-4010 and moving that portion to a new place of use. The split portion became water right no. 34-14828, and is equal to 0.43 cfs, 75.6 af, and 21.6 acres. The transfer was approved while right 34-4010 was leased into the water supply bank and under contract to be idle. Since the split portions are idle the changes to right 34-4010 authorized by the approval should not be considered accomplished until the full amounts are released and used and the new place of use. The approval of the transfer did not authorize the diversion and use of water right 34-14828 at the new place of use. The full amount leased pursuant to contract 959 should be idle at both the historic place of use and place of use described on right 34-14828.

At the time a transfer application is approved, water supply staff could normally release the portions of rights involved in water rights transfers. However, before transfer 84908 was approved rental agreement 499 was approved authorizing the use of portions of rights 34-4010 and 34-14828 so releasing the right was not possible. Alternatively, water supply bank staff could update the water supply bank records to reflect the approved transfer so that the water numbers, portions of rights, or both would reflect the current water right information. While this process is labor intensive due to the capabilities of the current database, it could have been done if water supply staff were made aware a transfer approval had been completed.

In 2021, the water right owners (Pherson) wanted to release a portion of the leased rights from the bank. Since the database was not updated to reflect the changes made by the transfer approval, the acres to be released and the acres to remain idle are no longer part of right no. 34-4010 and not located at the pre-transfer place of use. Any action taken to alter the water supply bank records for 34-4010 must be evaluated using the pre-transfer water right records.

Since the current version of the water supply software caused an amendment to existing contracts erase pre-amendment data, the current policy is to issue a new contract. Current water supply bank policy requires water right owner to submit a new application to lease a water right and the corresponding fee. However, application 2251 should not be treated like a new application, it should be considered as an amendment to an existing contract 959. Therefore, the water right

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AUG 16 2023

numbers, portions, and location of idle acres should be evaluated as if transfer 84908 was not approved.

Rental agreement 499 authorizes the use of 0.28 cfs, 49 af, and 14.0 acres of water right 34-4010 leaving 0.15 cfs, 26.6 af, and 7.6 acres available for release from the water supply bank. 0.24 cfs, 41.9 af, and 12 acres of water right 34-14205 should also be released because before transfer 84908 was approved these two rights were considered overlapping at the same place of use and the amendment to lease contract 959 is based on the pre-transfer water right situation.

The portions of right 34-4010 and 34-14205 that will remain leased (and currently rented) were accepted in 2019. There will be no change to those portions, so additional review is not necessary to evaluate the validity, injury concerns, or other the other criteria normally associated with an application to lease a water right. The conclusions made in 2019 by review staff remain applicable. There are no issues with releasing unrented portions of water rights from the water supply bank.

It is assumed the released portion of 34-4010 and 34-14205 will be used according to the transfer 84908 approval document. 14 acres of water right 34-14828 can be used at the post transfer approval place of use.

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AUG 16 2023