

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1572

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

LESSOR: BELVA E ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

LESSOR: JOEL S ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

RECEIVED
DEC 12 2022
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 18, 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)
34-7210A	11/8/1977	GROUND WATER	0.06	14.4	4.1
Combined Lease Totals			0.06	14.4	4.1

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

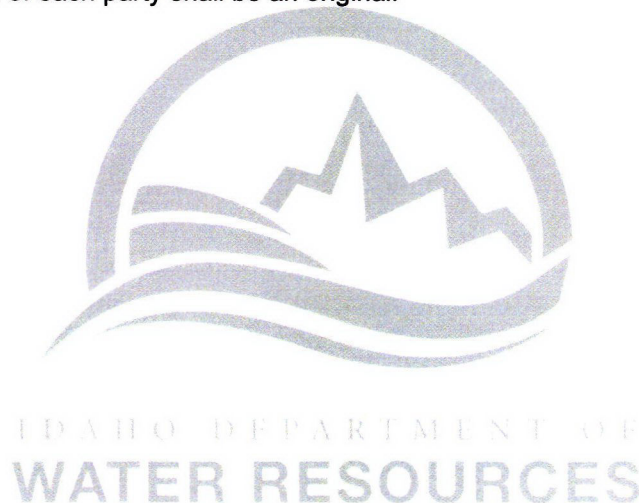
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2022 to December 31, 2026. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

SCANNED
JAN 26 2023
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1572

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.



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

LESSOR: BELVA E ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

By Belva E. Andersen
Title _____
Date 12.8.22

LESSOR: JOEL S ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

By Joel S. Andersen
Title _____
Date 12-8-22

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 12/19/22

Lease approved by IDWR FP

Date 12/19/22

IDAHO DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1572

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): 34-7210A

GROUND WATER NESENE Sec. 17 Twp 04N Rge 26E BUTTE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
34-7210A	IRRIGATION	4/01	to	11/01	0.06 cfs	14.4 AF
Totals:					0.06 cfs	14.4 AF

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	
04N	26E	16							2.3										2.3
04N	26E	17			1.8														1.8

Total Acres: 4.1

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1572

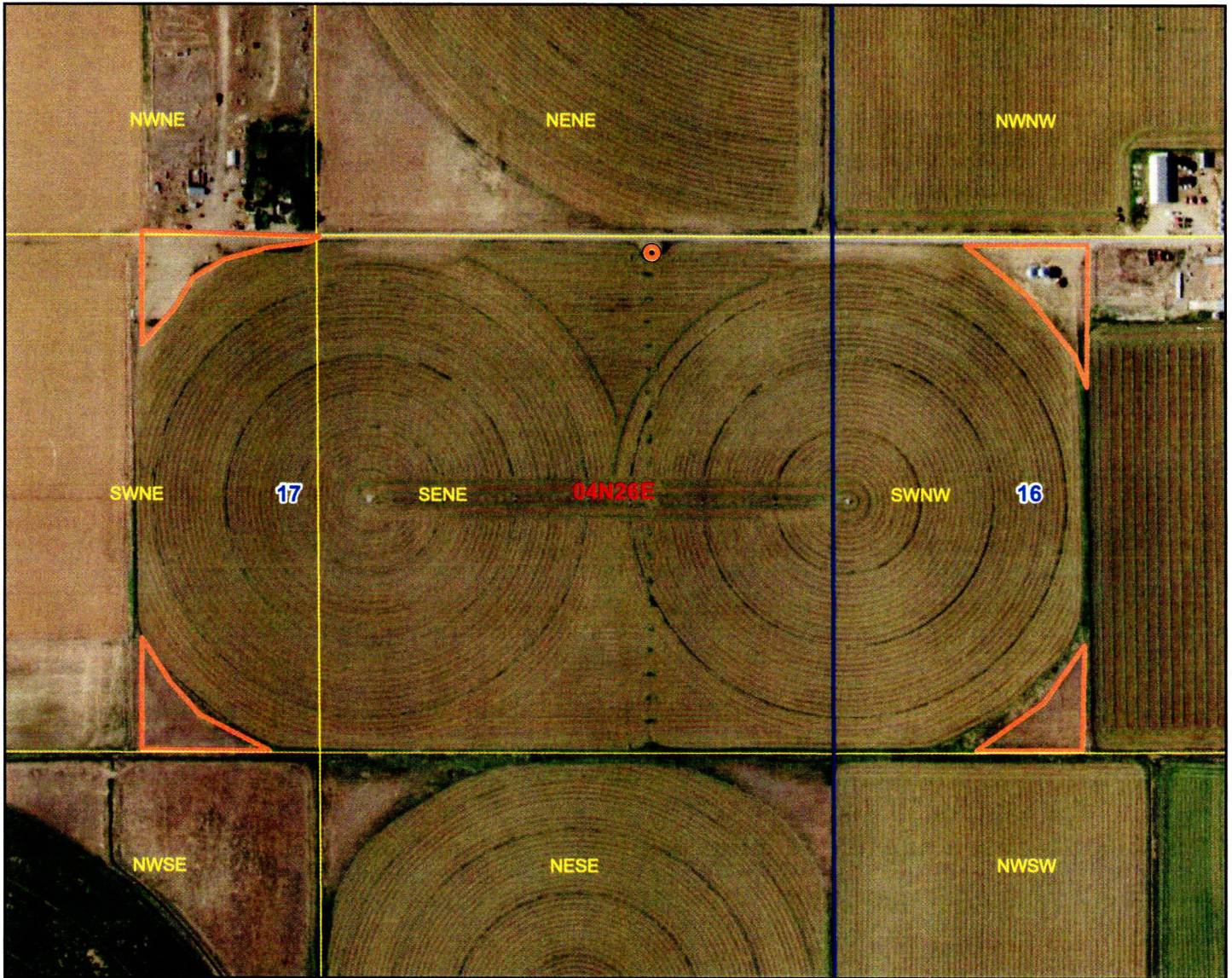
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other 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. When combined with all other rights, the leased rights shall provide not more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. 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. 34.
14. The unleased portion of Right 34-7210A shall not exceed a total diversion rate of 1.02 cfs, a total annual maximum diversion volume of 241.1 af, and the irrigation of 68.9 acres.

IDAHO DEPARTMENT OF
WATER RESOURCES

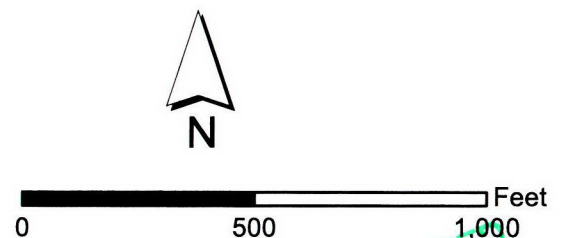
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1572

34-7210A
Effective until December 31, 2026

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.



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Township/Range
-  Sections
-  QQ



SCANNED
JAN 26 2023

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 18 2022

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Joel Andersen

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

Water Right No. 34-7210A

(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.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 \$ 250Received By: luDate Received: 1.18.22Receipt # C111719W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Joel S. Andersen

2299
2282

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JAN 26 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 Joel Andersen

Mailing Address 2791 N 3375 W Moore, ID 83255

Street

City

State

Zip Code

Email Address _____

Phone Number 208-527-3379

☐ 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., Inc.

Professional Title Sen. 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.**

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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.
Water is diverted from a well through a pressurized mainline to a center pivot.

- 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. No other water rights. It is within the service area of Big Lost River Irrigation District, but there is no storage associated with this property.

- 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 same corners being offered to the Bank were used in an emergency transfer in 2020 and 2021.

- 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 ☒

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 ☒.

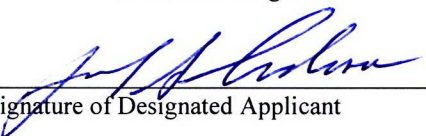
If lease, specify the years when the use of water will be suspended: 2022 to 2026 (maximum lease period 5 calendar years).
(Year) (Year)

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.
Applicant is also renting this water right for his own purposes on another property. Assume the renter's fee will be consistent with the WSB administrative fee of the 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 of Designated Applicant

Joel S. Anderson
Printed Name

1-12-22
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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JAN 26 2023
Page 4

**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). 34-2397A, 34-7210A, 34-14231

	Designated Applicant	Applicant #2	Applicant #3
Name	Joel Andersen	Belva Andersen	
Mailing Address	2791 N 3375 W Moore, ID 83255	2791 N 3375 W Moore, ID 83255	
Phone Number	208-527-3379	208-527-3379	
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
Attachment 1A
JAN 26 2023

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: JOEL ANDERSEN

RE: Authorized Representatives

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way 303
Idaho Falls, ID 83402
(208) 524-2353 / (208) 524-1795 Fax

Rocky Mountain Environmental Associates, Inc. (RMEA) is hereby authorized to act on behalf of Applicant regarding Water Supply Bank Application(s) for water right(s).


Signature

Joel Andersen
Printed Name

1-12-22
Date

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

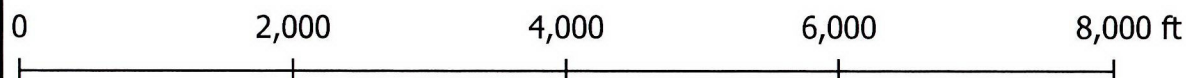
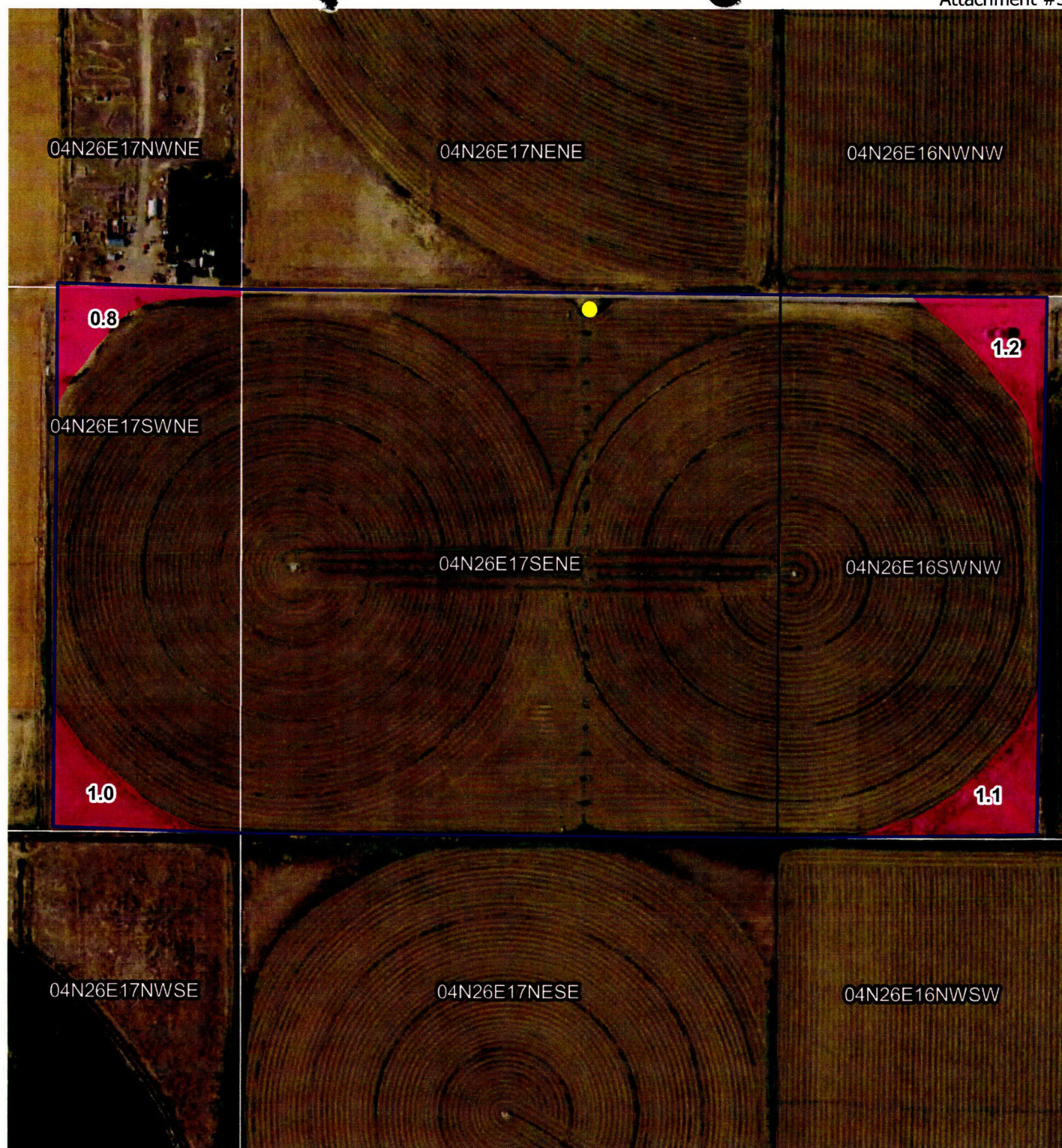
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
34-7210A	Irrigation	0.06	14.4	4.1
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
	Total Amounts:	0.06	14.1	4.1

2. Source of water _____ Groundwater _____ tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	26E	17			SE	NE	Butte



Legend

- WR POU 34-7210A
- WSB Acres
- WR POD 34-7210A
- TR
- TRS
- QQ

WSB Lease App. 34-7210A
Joel Andersen

RMEA #21-0268

by: MM

Date: 1/11/2022



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 1/18/2022

Desired Lease Duration 2022-2026

Lease / Rental Package (Y) N

If yes, Renter Name: Andersen - 2283

Application # 2299

Contract # 1572

WR#s	#
# 34-7210 A	#
#	#
#	#
#	#
#	#
#	#
#	#

Applicant Authorized?	<u>(Y)</u> / N
Multiple owners, Attach 1A included?	<u>(Y)</u> / N NA
If portion is offered, Attach 2 included?	<u>(Y)</u> / N NA
Map of POU and POD?	<u>(Y)</u> / N NA
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: Joel Andersen	☐	☒	EMAIL:
Attorney:	☐	☐	EMAIL:
Consultants Name: Kristin Moore - Rocky Mtn Environmental	☒		Comments:
Watermaster: Lucas Yockey	☐		
Delivery Entity:	☐		
Water District: 34	☐		
Ground Water District:	☐		
Region: Eastern	☐		
Other:	☐	☐	
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

January 26, 2023

BELVA E ANDERSEN
JOEL S ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

**RE: WATER SUPPLY BANK LEASE CONTRACT 1572
FOR WATER RIGHTS 34-7210A**

Dear Lessor:

Water right(s) **34-7210A** was/were leased into the Water Supply Bank (Bank) as of January 1, 2022, 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, 2026**, 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 or 208-287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Office
Kristin Moore
Water District No. 34

SCANNED
JAN 26 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

December 5, 2022

JOEL ANDERSEN
2791 N 3375 W
MOORE ID 83255

**RE: WATER SUPPLY BANK LEASE APPLICATION(S) FOR WATER RIGHT
NO(S). 34-7210A, CONTRACT 1572**

******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 September 20, 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 me at 287-4822.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

c: Kristin Moore – Rocky Mountain Environmental Assn.

SCANNED
JAN 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

September 20, 2022

JOEL S ANDERSEN
BELVA E ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

RE: APPLICATION TO LEASE WATER RIGHTS 37-7210A, 34-299 & 34-2397A TO THE WATER SUPPLY BANK CONTRACT 1572 & 1565

******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. Upon review it was determined the groundwater right proposed for lease is overlapping one or more surface water right(s). Since the groundwater and surface water rights provide a combined beneficial use they can't be separated and must be leased together.

I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. **The Lease Contract packet includes the overlapping surface water right. The surface water right(s) must be included with groundwater right(s). Since the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for a lease of all water rights is \$500.00. \$250 was paid when the original application for lease was filed, therefore another \$250 is required as part of the processing fee. Please sign and return ALL Lease Contracts along with an additional payment of \$250 and an application to lease the surface water right within 14 days.** Upon signature and return of the contracts, lease application, and the fee, 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, 2026**, 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 – Rocky Mountain Environmental

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JAN 26 2023

MEMORANDUM FOR APPLICATION # 2299

To: Water Right(s) 34-7210A
From: Ashley Ritter & Shilynn Novak
Date: August 23, 2022
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE: An application to lease a portion of water right 34-7210A to the Water Supply Bank (WSB) was received by the Idaho Department of Water Resources (the Department) on January 18, 2022, by Joel Andersen. Water right 34-7210 does not appear to have been leased into the WSB in the past. This application proposes to lease the corners of a double pivot equating to 0.06 cubic feet per second (cfs), 14.4 acre-feet (AF), for 4.1 acres of irrigation.

On Attachment 2, 14.1 AF was listed in the Total Amounts while 14.4 AF was listed under the Leased Volume amount for the water right. 14.4 AF was used for the lease as it meets the 3.5 af/ac reflected in the water right.

This lease is being processed alongside TC-34-212 which was submitted to the Eastern Regional Office May 17, 2022. The Temporary Change is to move the other acres of the water right that are not being leased to the WSB.

AUTHORITY TO FILE: Water right 34-7210A is owned by Joel Andersen (designated applicant) and Belva Andersen. Attachment 1A, Additional Water Right Holders Party to the Lease Application form is to be included with the WSB Lease application if there are multiple owners of the proposed leased water right. Attachment 1A was included with this application signed by Belva Andersen, designating Joel Andersen to submit the application on her behalf. Rocky Mountain Environmental Associates, Inc. is listed as an authorized representative for this application.

The Point of Diversion (POD) is a groundwater well located on property owned by the applicant. The well serves as the POD for one additional irrigation water right (34-7210B) owned by Thomas J Perkes, which authorizes 0.21 cfs, 49 AF, for the irrigation of 14 acres. Joel Andersen is the property owner at the Place of Use (POU) for water right 34-7210A.

WATER RIGHT VALIDITY: Water right 34-7210A has not been previously leased into the WSB. The acres offered to the WSB have been offered previously in Water Right Temporary Changes in 2021 and 2022. These acres were found to be valid during the evaluation. Since the water for the water right was used at a different location in those years, the water right is considered having been used for both years. Water right validity is not an issue.

INJURY TO OTHER WATER RIGHTS: Injury to other water rights is not likely. The acres offered to the WSB have been moved in 2021 and 2020 and there appears to be no recorded complaints resulting from these moves. The IDWR Eastern Regional Office will have the opportunity to comment if they believe this will injure other water rights in the area.

ENLARGEMENT OF USE: TC-34-212 will authorize the use of the rest of the water right that is not offered to the WSB. May 20, 2022, Michael Holiday (Eastern Region) reached out to verify what is being offered to the WSB so that the Temporary Change does not enlarge the water right.

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The requested lease is based on the cfs/acre on the water right and applied to the lease. The water right cfs/acre is $1.08 \text{ cfs} / 73 \text{ acres} = 0.015 \text{ cfs/acre} \rightarrow \underline{0.01 \text{ cfs/ac}}$. When this is applied to the acres proposed to the bank, it is $0.06 \text{ cfs} / 4.1 \text{ acres} = 0.015 \rightarrow \underline{0.01 \text{ cfs/ac}}$. If this lease is rented out at a rate of 0.02 cfs/acre (the standard duty of water), the number of acres may need to be adjusted to not enlarge the water right.

The place of use is overlapped by water right owned by Big Lost Irrigation District. Use of surface water at the place of use should be determined if a rental is proposed.

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 lease POD is subject to Water District # 34 (Big Lost River). Comments from Eastern Region and District 34 Watermaster will be solicited. If no response is received, it is assumed that there were no concerns with the lease as proposed.

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JAN 26 2023

Novak, Shilynn

From: Cefalo, James
Sent: Thursday, September 8, 2022 11:14 AM
To: Novak, Shilynn
Subject: RE: Water Supply Bank Lease Review - J. Andersen

I don't have any concern with the proposed WSB leases.

James

From: Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>
Sent: Thursday, September 8, 2022 11:04 AM
To: waterdist34@atcnet.net; Cefalo, James <James.Cefalo@idwr.idaho.gov>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: Water Supply Bank Lease Review - J. Andersen

Hello,

I have two leases for Joel Andersen. I've attached the scanned applications, review memos, and maps for your review. Please respond with any comments or concerns within 7 days. If no response is received, then it will be assumed that there are no concerns regarding these leases.

Thank you,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
Idaho Dept. of Water Resources
322 E Front St Ste 648 | Boise ID 83702-7371
Phone: (208) 287-4915

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Cc: Hummer, Phill
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Attachments: LeaseApp2285-contract1565_Map.pdf; Lease Review Memo 2282.docx; Memo Update for 2282.docx; LeaseApp2299-contract1572 Map.pdf; Lease Review Memo 2299.docx; WSB Lease Application # 2299 WR # 34-7210A.pdf; WSB Lease Application # 2282 WR # 34-2397A (1).pdf

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INJURY TO OTHER WATER RIGHTS: Injury to other water rights is not likely. The acres offered to the WSB have been moved in 2021 and 2020 and there appears to be no recorded complaints resulting from these moves. The IDWR Eastern Regional Office will have the opportunity to comment if they believe this will injure other water rights in the area.

ENLARGEMENT OF USE: No other water rights utilize the same POU, thus there are no overlapping rights. TC-34-212 will use the rest of the water right that is not offered to the WSB. May 20, 2022, Michael Holiday (Eastern Region) reached out to verify what is being offered to the WSB so that the Temporary Change does not enlarge the water right.

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