

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
MAR 07 2023
DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK

ONE FORM PER WATER RIGHT

All water rights leased into the Water Supply Bank shall remain unused by the water right holder for the duration of the Lease Contract. The water right will not be released from the Water Supply Bank until the conclusion of the Lease Contract unless otherwise authorized by the Idaho Water Resource Board. Water right holders may use this form to petition for early termination of their Water Supply Bank Lease Contract.

Water right holders seeking an early termination of a Lease Contract must demonstrate justifiable need for the release. Water rights under Lease Contract that are eligible for early termination can be released from the Water Supply Bank if the release will not impair administration of the Water Supply Bank. **If a water right is currently rented, it cannot be considered for release until the Rental Agreement concludes.** A water right is not released from the Water Supply Bank until written release confirmation is issued by the Water Supply Bank.

Water Right No: 37-22761

Name(s) of Lessor(s): HALBERT D LINDQUIST REVOCABLE TRUST

Mailing Address: C/ O TOM FURRIER, 4542 E CAMP LOWELL STE 200

City: TUCSON

State: AZ

Zip: 85712- 1294

Telephone No: (520) 881-4900

Email Address: tfurrier@randacpas.com

Lease Contract Expiration Date: DECEMBER 31, 2023

Requested Release Date: MARCH 7, 2023

Reason for Early Release:

IDWR'S proposed rental of the Lessor's water right is for an illegal use that is currently the subject of litigation, where the Lessor is the Plaintiff and the Applicant is the Defendant. The Applicant's proposed use is the subject of several protests, including one filed by the Lessor. Lessor also intends to use his water right in 2023.



Signature of Lessor

Thomas K Furrier, Trustee

Printed Name and Title*

March 6, 2023

Date

Signature of Lessor

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney.

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

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AUG 07 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1650

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

LESSOR: HALBERT D LINDQUIST
REVOCABLE TRUST
C/O TOM FURRIER 4542 E CAMP
LOWELL STE 200
TUCSON, AZ 85712

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DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 19, 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)
37-22761	6/3/1884	EAST FORK WOOD RIVER, tributary to BIG WOOD RIVER	0.06	Not Stated	1.5
Lease Totals			0.06	Not Stated	1.5

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)
37-22761	0.06	5.3	1.5	0.04	3.5
Combined Limit Totals	0.06	5.3	1.5	0.04	3.5

** The water right elements rentable include a defined volume limit that is based on the regional field headgate irrigation standard of 3.5 afa/acre.*

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

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AUG 7 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1650

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2023 to December 31, 2023. 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.

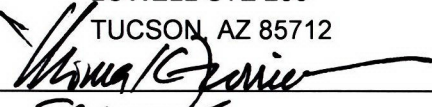
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1650

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

LESSOR: HALBERT D LINDQUIST
REVOCABLE TRUST
C/O TOM FURRIER 4542 E CAMP
LOWELL STE 200
TUCSON, AZ 85712

By 
Title TRUSTEE
Date 1/17/2023

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 1/20/23

Lease approved by IDWR 

Date 1/20/23

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AUG 07 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1650

**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): 37-22761

WOOD RIVER	SWSWNE	Sec. 3	Twp 03N	Rge 18E	BLAINE County
WOOD RIVER	NESENE	Sec. 3	Twp 03N	Rge 18E	BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-22761	IRRIGATION	04/15	to	10/31	0.06 cfs	Not Stated
Totals:					0.06 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	
03N	18E	3									1.5								1.5

Total Acres: 1.5

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.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1650

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. Place of use is located within Lot 17, Hyndman Peak Subdivision.
13. This right shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.
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.37.
15. Unleased portion of this right shall not exceed a total diversion rate of 0.01 cfs, a total annual maximum diversion volume of 0.7 af at the field headgate, and the irrigation of 0.2 acres.

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Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1650

37-22761
Effective until December 31, 2023

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

0 250 500 Feet


N
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STATE OF IDAHO
WATER RESOURCE BOARD

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DEC 19 2022

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Halbert D Lindquist Revocable Trust
(Select one owner – see item 1A on the application)

Water Right No. 37-22761
(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>250.00</u>	Received By: <u>KU</u>	Date Received: <u>12.19.22</u>	Receipt # <u>C114912</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Halbert D Lindquist</u>	

AUG 7 2023

2531

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 Halbert D Lindquist Revocable Trust

Mailing Address 4542 E Camp Lowell Dr., Ste 200 Tucson AZ 85712
Street City State Zip Code

Email Address _____ Phone Number 208-788-3490

☒ 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 Greg Sullivan Organization Brockway Engineering
Professional Title Engineer Email Address greg.sullivan@brockwayeng.com
Mailing Address 2016 N Washington St Ste 4 Twin Falls, ID 83301 Phone Number 208-736-8543

☐ 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.

Irrigation occurs via buried pressurized irrigation system on the property owned by applicant.

- 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. 37-22761 on Lot 16 Hyndman Peak Subdivision Blain County

- 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. Unleased portions of 37-22761

- 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. N/A

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe. Yes ☐ No ☒

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

If lease, specify the years when the use of water will be suspended: 2023 to 2023 (maximum lease period 5 calendar years).
(Year) (Year)

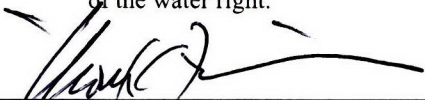
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

850.00 per acre foot based on the current market rental rate as established by multiple recent lease/rental
transactions recently completed.

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

Thomas K Rurrier, Trustee

Printed Name

12-08-2022

Date

Signature of Authorized Representative

Printed Name

Date

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

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AUG 17 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). 37-22761

	Designated Applicant	Applicant #2	Applicant #3
Name	Halbert D Lindquist Revocable Trust		
Mailing Address	4542 E Camp Lowell Dr., Ste 200 Tucson, AZ 85712		
Phone Number	208-788-3490		
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			

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Attachment 1A

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>37-22761</u>	<u>Irrigation</u>	<u>0.06</u>	<u>4.9</u>	<u>1.5 Acres</u>
	Total Amounts:			

2. Source of water _____ tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

5 -
AUG - 7 2023



0 67.5 175 350 Feet

HAL LINDQUIST
WATER BANK LEASE ACRES
NAIP 2017 AERIAL

BROCKWAY ENGINEERING, PLLC.
GWS -Date: 6/17/2018

Legend

WSB LEASE 16-18
37-22760
37-22761
Parcels
Domestic=0.5 AC.





IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

April 10, 2023

HALBERT D LINDQUIST REVOCABLE TRUST
C/O TOM FURRIER
4542 E CAMP LOWELL STE 200
TUCSON AZ 85712-1294

**RE: LEASED WATER RIGHT NO(S). 37-22760 & 37-22761 RELEASED FROM THE
WATER SUPPLY BANK**

Dear Lessor:

On March 07, 2023, the Department of Water Resources (Department) received your request to cancel existing Water Supply Bank (Bank) Lease Contracts 1652 & 1650 executed on January 19, 2023, and release water right(s) 37-22760 & 37-22761 from the Bank. **At this time the Department acknowledges that the Bank Lease Contracts for 1.5 and 1.8 acres of water right(s) 37-22760 & 37-22761 respectively have been canceled releasing the right(s) from the Bank.**

The five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank OR shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank.

You can reapply to lease the water right(s) in the future by submitting new application form(s) from the Department's website at www.idwr.idaho.gov along with applicable fees.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

c: David Concannon – Concannon & Charles Law Office
Greg Sullivan – Brockway Engineering, PLLC
Corey Skinner – IDWR Southern Regional Manager
Sunny Healey – WD 37 Watermaster

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AUG 07 2023

WSB Mailing Checklist for Leases

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

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER:

Bob

Received Date 12/19/2022

Desired Lease Duration 2023-2023

Lease / Rental Package

Y

N

If yes, Renter Name:

Application # 2531

Contract # 1650

WR#s		# 37-22761
#		#
#		#
#		#
#		#
#		#
#		#
#		#

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

Stacked Water Rights Need to be Leased?

☐

WSB Action Request for deficiencies

☐

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: Halbert D Lindquist Revocable Trust

☐
☐

EMAIL:

Attorney:

☐
☐

EMAIL:

Consultants Name: Greg Sullivan - Brockway Engineering

☐

Comments:

Watermaster:

☐

prev contract #1497, requests \$82

Delivery Entity:

☐

\$850.00/af

Water District: 37

☐

Ground Water District:

☐

Region: Southern

☐

Other:

☐
☐

Address:

Call up Date:

DO NOT SCAN



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

January 23, 2023

HALBERT D LINDQUIST REVOCABLE TRUST
C/O TOM FURRIER
4542 E CAMP LOWELL STE 200
TUCSON AZ 85712-1294

**RE: WATER SUPPLY BANK LEASE CONTRACT 1650 & 1652
FOR WATER RIGHTS 37-22760 & 37-22761**

Dear Lessor:

Water rights **37-22760 & 37-22761** 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, 2023**, 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,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Office
Water District No. 37
Brockway Engineering PLLC

SCANNED
AUG 17 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

January 10, 2023

HALBERT D LINDQUIST REVOCABLE TRUST
C/O TOM FURRIER
4542 E CAMP LOWELL STE 200
TUCSON AZ 85712-1294

**RE: APPLICATION TO LEASE WATER RIGHTS 36-22760 & 37-22761 TO THE WATER SUPPLY
BANK CONTRACT 1650 & 1652**

******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, 2023**, 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

C: Brockway Engineering PLLC

SCANNED
AUG 17 2023

MEMORANDUM FOR APPLICATION # 2531

To: Water Right 37-22761

From: Bob Howe

Date: 01/05/2023

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

PURPOSE/NARRATIVE:

The complete application for lease to the water supply bank with applicable fee for water right 37-22761 was received on December 19th, 2023. On section 5 of the lease application the lessor stated the minimum payment acceptable is \$850.00 per acre foot. The department did not receive the lease application packaged with a rental application agreeing to the requested rate. Any accepted rental conducted by IDWR will be at the current rental rate, unless the renter requests to pay the amount requested by the lessor.

AUTHORITY TO FILE:

The lease application was signed by Thomas K Furrier, trustee of the Halbert D Lindquist Revocable Trust. The ownership change documentation in the IDWR water right file confirms that the signing party is a trustee. The deed in the water right file and parcel data confirms that Halbert D Lindquist Revocable Trust is the owner of the place of use and the appurtenant water right. There no signing authority concerns on the purposed lease.

WATER RIGHT VALIDITY:

This application is for a purposed partial lease of WR 37-22761, to lease 0.06cfs and 4.9AF by idling 1.5acres. I was able to confirm with aerial imagery that there is only a small area of irrigation occurring around the home; the purposed portion of the POU to be idled is all covered in trees. A partial lease of WR 37-22761 has been in the water supply bank since 2016. There are no concerns regarding the validity of the water right.

ENLARGEMENT OF USE:

There is a partial overlap of the place of use shape by the shapes for water rights 37-539G and 37-22761, however, in 2011 Halbert D Lindquist Revocable Trust attained ownership of the portion of water right 37-539G appurtenant to the parcel RP003330010170 (the WR 37-22761 POU), owned by Halbert D Lindquist Revocable Trust. The point of diversion (POD) for WR 37-22761 is a well shared by several other water rights. The rights sharing the POD do not have a combined limit, and the purposed partial lease of WR 37-22761 would not cause any enlargement of any of the water rights.

LOCAL PUBLIC INTEREST:

There is 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. Although the water right purposed for lease to the water bank is not within the ESPA area, it is located within Administrative Basin 37 and is subject to any restrictions that apply.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The location of the POD is within Water District #37 which administers all ground and surface water rights inside of the district boundary except water rights used for domestic and stock water purposes. A copy of the lease contract, map and application were attached to a comment request emailed on January 5th, 2023, to the watermaster. No response will be received as a statement of no issues or concerns.

SCANNED

AUG 7 2023

Hummer, Phill

From: Howe, Bob
Sent: Thursday, January 5, 2023 4:16 PM
To: watermanager@wd37.org
Subject: Comment Request for Purposed Lease of WR 37-22761
Attachments: WSB Lease Application # 2531- 37-22761.pdf; 37-22761 Lease Map.pdf; 37-22761-Report - Lease Contract.pdf

Good Afternoon Kevin,

I am reaching out to you regarding a proposed partial lease of WR 37-22761 submitted by the Halbert D. Lindquist Revocable Trust. Please review the attached purposed lease contract, map, and application. I am requesting you respond to this email within the next 14 days with any issues or concerns. If you don't respond within the next 14 days, no response will be considered the same as a statement of no issues or concerns. Please feel free to reach out to me with any questions or concerns. Thank you for your time and consideration in this matter

Sincerely,

Bob Howe

Water Resource Agent

Phone: 208-287-4847

Bob.howe@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

SCANNED

AUG 17 2023