

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1580

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

LESSOR: BLACK CANYON PARTNERS LLC
PO BOX 7
EMMETT, ID 83617

SUPPORT DATA
IN FILE # 65-2633
RECITALS

RECEIVED
DEC 02 2022
DEPARTMENT OF
WATER RESOURCES

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 May 20, 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)
65-2633	3/31/1958	PAYETTE RIVER, tributary to SNAKE RIVER	0.81	Not Stated	53.0
65-11363	5/1/1964	PAYETTE RIVER, tributary to SNAKE RIVER	0.25	Not Stated	53.0
65-7817	1/26/1977	PAYETTE RIVER, tributary to SNAKE RIVER	0.62	139.50	31.0
Combined Lease Totals			0.81	Not Stated	84.0

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)
65-2633	0.81	239	53.0	0.015	4.51
65-11363	0.25	107	53.0	0.005	2.02
65-7817	0.62	140	31.0	0.020	4.50
Combined Limit Totals	0.81	378	84.0	0.030	3.32

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1580

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.
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.

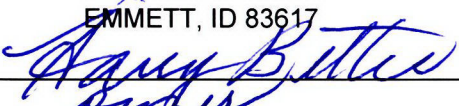
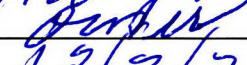
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JUN 26 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1580

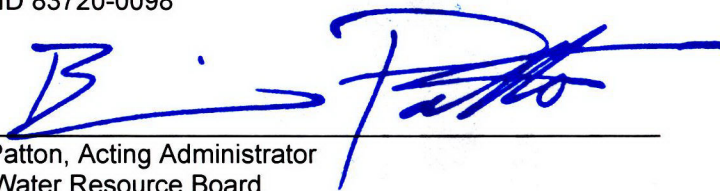
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: BLACK CANYON PARTNERS LLC
PO BOX 7
EMMETT, ID 83617

By 
Title 
Date 12/2/2022

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 12/5/22

Lease approved by IDWR 

Date 12/5/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1580

**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): 65-2633, 65-11363, 65-7817
PAYETTE RIVER (L4)SESW Sec. 19 Twp 07N Rge 01E GEM County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
65-2633	IRRIGATION	4/01	to	11/01	0.81 cfs	239 AF
65-11363	IRRIGATION	4/01	to	11/01	0.25 cfs	107 AF
65-7817	IRRIGATION	3/15	to	11/15	0.62 cfs	140 AF
Totals:					0.81 cfs	378 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	
07N	01E	19														25	33	1.0	69.0
07N	01E	30		15															15

Total Acres: 84.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

SCANNED
2023-06-26

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1580

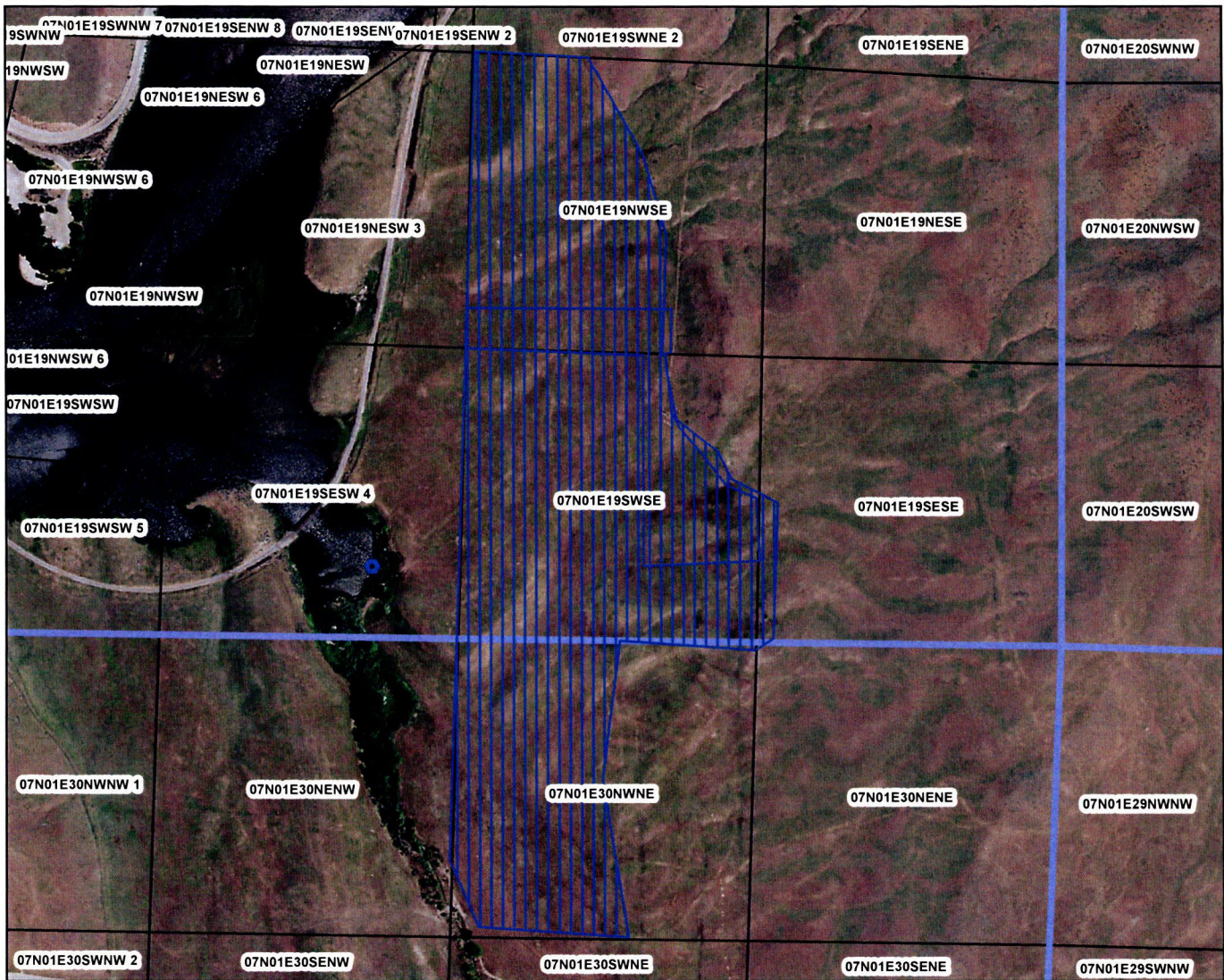
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
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. 65.
14. Rights 65-2633, 65-7817, and 65-11363 when combined shall not exceed a total diversion rate of 0.81 cfs.
15. Rights 65-2633 and 65-11363 when combined shall not exceed the irrigation of 53 acres.

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JUN 26 2023

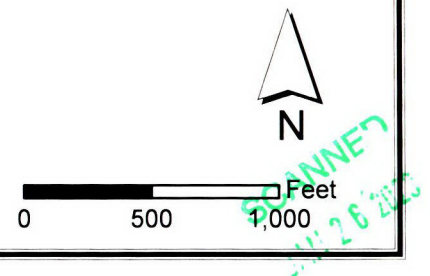
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1580

65-2633, 65-11363, 65-7817
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.



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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 20 2022

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Black Canyon Partners LLC

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

Water Right No. 65-2633

(One water right per application)

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

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ <u>500.00</u>	Received By: <u>M</u>	Date Received: <u>5.20.22</u>	Receipt # <u>C112837</u>
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9:	

2381

SCANNED
 MAY 26 2022

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 Black Canyon Partners LLC

Mailing Address PO Box 7 Emmett Idaho 83617
Street City State Zip Code

Email Address _____ Phone Number 208-484-4858

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

OR

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

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

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

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

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

☐ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, complete Attachment 2.

3. MAP

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

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.
Pump System #4
- 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. 65-7817/ 65-11363
- 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. In the Water Bank since 2012
- 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. Water Bank Lease
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe.

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.

Current Rental Rates

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.

Harry Bettis
Signature of Designated Applicant

Harry Bettis
Printed Name

5-18-22
Date

Signature of Authorized Representative

Printed Name

Date

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

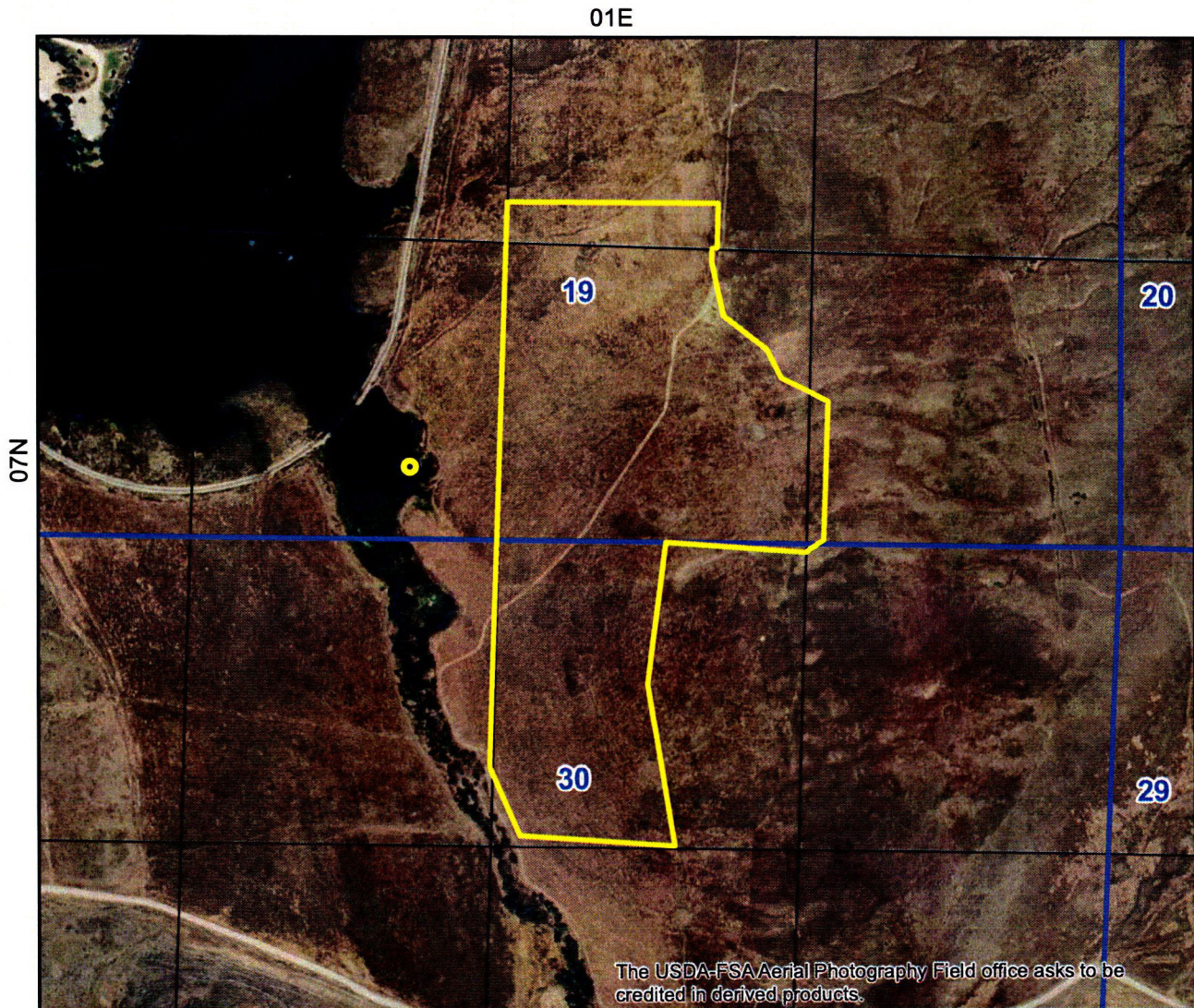
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JUN 26 2023

State of Idaho
Department of Water Resources

Water Right 65-2633

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles



SCANNED
2023-06-26 11:17:26



- Business
- Notary
- Liens
- Trademark
- Franchise Authority

- Home
- Search
- Forms
- Links
- Help

Business Search

black canyon partners



Advanced

Results: 2

Form Info	Status	Filing Date	Agent
BLACK CANYON PARTNERS DEVELOPMENT, LLC (183632) Limited Liability Company (LLC)	Inactive-Dissolved (Administrative)	12/21/2006	NO AGENT
BLACK CANYON PARTNERS LLC (87734) Limited Liability Company (LLC)	Active-Existing	06/29/2003	HARRY L BETTIS

BLACK CANYON PARTNERS LLC
(87734)
Limited Liability Company (LLC)



Entity Information

Filing Type: Limited Liability Company (LLC)
Status: Active-Existing
Formed In: IDAHO
Term of Duration: Perpetual
Principal Address: 5401 WILLOW CREEK RD
EAGLE, ID 83616-7062
Mailing Address: PO BOX 7
EMMETT, ID 83617-0007
Initial Filing Date: 06/23/2003
AR Due Date: 06/30/2023
Registered Agent: Noncommercial
0009422
HARRY L BETTIS
5401 WILLOW CREEK RD
EAGLE, ID 83616

View History

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:

Received Date 5/20/2022

Desired Lease Duration 2022-2026

Lease / Rental Package Y N

If yes, Renter Name: _____

Application # 2381

Contract # 1500

WR#s	
# 65-7817	# 65-11363
#	#
#	#
#	#
#	#
#	#
#	#

Applicant Authorized?	<u>Y</u> / N
Multiple owners, Attach 1A included?	Y / N <u>NA</u>
If portion is offered, Attach 2 included?	Y / N <u>NA</u>
Map of POU and POD?	<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 <u>NA</u>
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:	☐	☐	EMAIL: _____
Attorney:	☐	☐	EMAIL: _____
Consultants Name:	☐		Comments: _____
Watermaster:	☐		_____
Delivery Entity:	☐		
Water District:	☐		
Ground Water District:	☐		
Region:	☐		
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

BLACK CANYON PARTNERS LLC
PO BOX 7
EMMETT, ID 83617

**RE: WATER SUPPLY BANK LEASE CONTRACT 1581, 1578, 1580, 1582 & 1583
FOR WATER RIGHTS 65-2538, 65-11362, 65-2633, 65-7817, 65-11363, 65-2541, 65-10453, 65-2307 & 65-2546**

Dear Lessor:

Water right(s) **65-2538, 65-11362, 65-2633, 65-7817, 65-11363, 65-2541, 65-10453, 65-2307 & 65-2546** 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

SCANNED
JAN 26 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

November 15, 2022

BLACK CANYON PARTNERS LLC
PO BOX 7
EMMETT, ID 83617

RE: APPLICATION TO LEASE WATER RIGHTS 65-2538, 65-2543, 65-11362, 65-2633, 65-7817, 65-11363, 65-2541, 65-10453, 65-2307 & 65-2546 TO THE WATER SUPPLY BANK CONTRACTS 1581, 1578, 1580, 1582 & 1583

******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, 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

SCANNED
JUN 26 2023

Memorandum

TO: water rights 65-2633, 65-11363, 65-7817

FROM: Amanda Veibell, Cody Parker

RE: Evaluation of WSB Lease Application 2381

DATE: November 2, 2022

Purpose

The purpose of this application is to lease the entirety of water rights 65-2633, 65-11363, and 65-7817 into the Bank for a five-year period beginning in 2022.

Authority to File

The water rights' current owner is Black Canyon Partners LLC. The lease applications are signed by Harry Bettis. According to the Idaho Secretary of State website, Harry Bettis is the active registered agent of Black Canyon Partners LLC.

Water Right Validity

Water rights 65-2633 and 65-11363 were decreed in 2002. Water right 65-7817 was decreed in 2004. In 2011 there appears to have been full irrigation of the place of use. The rights were leased into the WSB from 2012 to 2021. No concerns

Injury to Other Water Rights

Lease of these water rights would not cause injury to other water rights.

Enlargement of Use

No enlargement is expected through the lease of these rights.

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 65. A letter was submitted with each lease application stating that the Water Master, Neil Shippy, had no objections to the water rights being leased into the bank.

WSB Data Entry Checklist for Leases

(For use on all lease applications-Multiple leases can be on one form if the WRs are stacked)

Key: Who Completes What?

CLERICAL STAFF

REVIEWER: *Jan*

Received Date

2-21-17

Desired Lease Duration

2017-2021

Water Dist.

65

N

(if yes fill in contact below)

Application # <i>792</i>		Contract # <i>593</i>		Applicant and Owner Match?		
WR#s	# <i>65-2033</i>				Y / N	If no, check to see if a change in ownership change has been filed or the owner gave the applicant consent to file a lease.
#	# <i>65-7817</i>			Y / N	Y / N	
#	# <i>65-11363</i>			Y / N	Y / N	
#	#			Y / N	Y / N	
#	#			Y / N	Y / N	
#	#			Y / N	Y / N	

If portion is offered, Attach 2 submitted?

Y / N NA

Multiple owners, attach 1A included?

Y / N NA

Deficiencies: Applicant not Authorized? ☐

No Map (always required)? ☐

No PD Consent (if required)? ☐

Incomplete Application: ☐

Stacked Water Rights Need to be Leased? ☐ If checked, list water rights: _____

Minimum checklist in data base? ☐

Mailings (per lease application)	CC	Original	If the WR owner provided a different address on the application than what's in our database, update address in workflow.
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Designated Applicant: *BLK Canyon Partners* ☐ ☐ EMAIL: _____

Attorney/Consultant: _____ ☐ ☐ Comments: _____

Watermaster: *Pon* ☐ ☐ _____

Delivery Entity: _____ ☐ ☐

Water District: *65* ☐ ☐

Region: *Western* ☐ ☐

Other: _____ ☐ ☐

Address: _____ ☐ ☐

Old Data Entry in Workflow and WSB Processing Spreadsheet Data Entry Done



Instructions: Staple to outside of water right file during processing. Tack this sheet down inside the lowest numbered file once lease complete.

DO NOT SCAN

SCANNED
JAN 26 2023



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 28, 2017

BLACK CANYON PARTNERS LLC
PO BOX 7
EMMETT ID 83617

RE: WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHTS 65-2307, 65-2538, 65-2541, 65-2543, 65-2546, 65-2633, 65-7817, 65-10453, 65-11362 and 63-11363

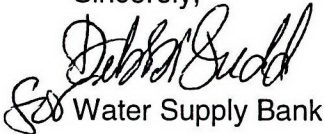
Dear Lessor:

Water rights **65-2307, 65-2538, 65-2541, 65-2543, 65-2546, 65-2633, 65-7817, 65-10453, 65-11362 and 63-11363** were leased into the Water Supply Bank (Bank) as of February 21, 2017, in accordance with the enclosed executed lease contracts. **Your water rights, as described on the lease contracts, 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 contracts. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2021**, 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 287-4800.

Sincerely,


Water Supply Bank

Enclosure: Executed Lease Contract

c: Angie Grimm - IDWR Western Region
Ron Shurtleff - Water District 65

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 23, 2017

BLACK CANYON PARTNERS LLC
PO BOX 7
EMMETT ID 83617

RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHT(S) 65-2307, 65-2538, 65-2541, 65-2543, 65-2546, 65-2633, 65-7817, 65-10453, 65-11362 and 63-11363

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two of each original Water Supply Bank Lease Contracts for your review and signature** on March 8, 2017. 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(s) will be returned, and the application fee will not be refunded. You can reapply to lease the water right(s) in the future by submitting new application form(s) 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 287-4800.

Sincerely,


for Water Supply Bank

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 8, 2017

BLACK CANYON PARTNERS LLC
PO BOX 7
EMMETT ID 83617

RE: APPLICATIONS TO LEASE WATER RIGHT 65-2307, 65-2538, 65-2541, 65-2543, 65-2546, 65-2633, 65-7817, 65-10453, 65-11362 and 63-11363 TO THE WATER SUPPLY BANK

******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 of each 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, 2021**, 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 rights may not be available for immediate release if they have 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 287-4800.

Sincerely,


for Water Supply Bank

Enclosure: Proposed Lease Contracts
Receipt # C103115 & C103043

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Hersley, Jean

From: Grimm, Angie
Sent: Wednesday, March 08, 2017 9:24 AM
To: Hersley, Jean
Subject: RE: WSB Lease Contracts for Black Canyon Partners

Jean,

No local area concerns come to mind from the regional perspective on this one. Thank you for the opportunity to comment.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Hersley, Jean
Sent: Tuesday, March 07, 2017 10:36 AM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Cc: Ron Shurtleff <waterdist65@srvinet.com>
Subject: WSB Lease Contracts for Black Canyon Partners

Angie, you can find the documents for these leases at:
N:\WRDocs\WSB\WSB PROCESSING DOCUMENTS\2017 Lease-Rentals\Leases\BLACK CANYON PARTNERS LLC

Ron,
This may take two emails to send all the attachments

Please let me know if you have any comments or concerns within 7 days. Thank you.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

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Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, March 07, 2017 10:37 AM
To: Ron Shurtleff
Subject: Black Canyon continued
Attachments: Idled Acres 65-2541.pdf; Idled Acres 65-10453.pdf; Lease Application Review Checklist 65-2541 65-10453.xls; Report - Lease Contract - #595 65-2541 65-10453.docx; Idled Acres 65-2633 65-11363.pdf; Idled Acres 65-7817.pdf; Lease Application Review Checklist 65-2633 et al.xls; Report - Lease Contract - # 593 65-2633 65-7817 65-11363.docx; Idled Acres 65-2543 65-11362.pdf; Lease Application Review Checklist 65-11362 65-2543.xls; Report - Lease Contract - #592 65-11362 65-2543.docx

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

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WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: Black Canyon Partners LLC

Memo Date: February 28, 2017

Water Right Number(s): 65-2633, 65-7817 & 65-11363

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2010	2016
2011	2017
2012	2018
2013	2019
2014	2020

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases	x		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right			
	All of right	x		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? If no explain in comments	x		
5	Authority to file			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity	x		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?	x		
7	Injury to other water rights			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	No	
	Are there overlapping rights that need to be placed in the bank also?		x	
	Will the place of use continue to receive water?		x	
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?		x	
10	Have you contacted regional office and watermaster for comment/concerns?	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement			4.5
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		x	

13 **Narrative:** The applicant wishes to place the entirety of all rights in the Bank. These rights overlap and have combined conditions. Harry Bettis, registered agent, signed the applications. These rights have been in the Bank since 2012. No irrigation has taken place. Forfeiture is not an issue. These rights are diverted from the same POD. Water District 65.

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No. W 24804	Due no later than Jun 30, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		HARRY L BETTIS 5401 WILLOW CREEK RD EAGLE ID 83616
	BLACK CANYON PARTNERS LLC HARRY L BETTIS PO BOX 7 EMMETT ID 83617		3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held MANAGER	Name HARRY L BETTIS	Street or PO Address PO BOX 7	City State Country Postal Code EMMETT ID 83617
5. Organized Under the Laws of: ID W 24804	6. Annual Report must be signed.* Signature: Christina Rhoades Date: 06/27/2016 Name (type or print): Christina Rhoades Title: Accountant		
Processed 06/27/2016	* Electronically provided signatures are accepted as original signatures.		

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