STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1699

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

RECEIVED
AUG 15 2023
DEPARTMENT OF
WATER RESOURCES

LESSOR: IDAHO IRRIGATION DISTRICT
496 E 14TH ST
IDAHO FALLS ID 83404

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 March 6, 2023.

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

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

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

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
25-224	5/1/1889	WILLOW CREEK tributary to SNAKE RIVER	160	Not Stated	35,995
Lease Totals			**160**	**Not Stated**	**35,995**

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)
25-224	0.00	0.0	0.0	0.00	0.0
Combined Limit Totals	**0.00**	**0.0**	**0.0**	**0.00**	**0.0**

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

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

WATER SUPPLY BANK LEASE CONTRACT No. 1699

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2023 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.

4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**: The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

7. **DUPLICATE ORIGINAL**: This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1699

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

LESSOR: IDAHO IRRIGATION DISTRICT
496 E 14TH ST
IDAHO FALLS ID 83404

By _____
Title Chairman
Date 8-9-2023

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

By _____ Date 8/17/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 8/17/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1698

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): 25-224

WILLOW CREEK NESW Sec. 15 Twp 01N Rge 01W ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
25-224	IRRIGATION	04/01	to	10/31	160 cfs	Not Stated
				Totals:	160 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Large POU not Displayed.
Total Acres: 35,995

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.
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.

WATER SUPPLY BANK LEASE CONTRACT No. 1698

10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
    a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Water rights 1-75, 1-76, 1-312, 1-368, 1-369, 1-370 and 25-224 are limited to the irrigation of a combined total of 35,995 acres in a single irrigation season.
13. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

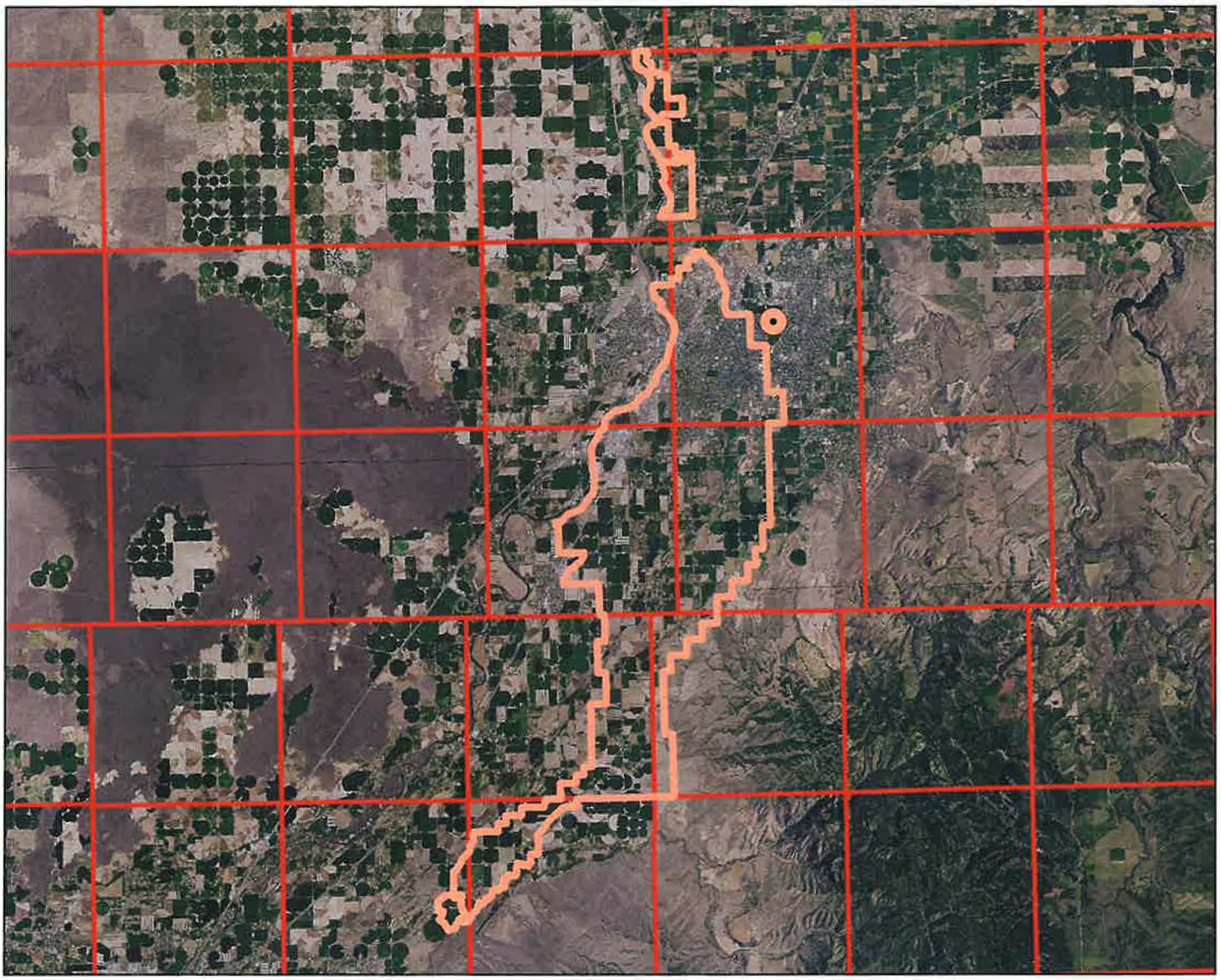
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1699

25-224

Effective until December 31, 2027

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



Legend

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

N

0 10 20 Miles

Form 42-1761-1 10/15

RECEIVED
MAR 06 2023
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Print Form

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

Designated Applicant Idaho Irrigation District
(Select one owner – see item 1A on the application)

Water Right No. 25-224
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☑

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

MIMUMUM REQUIREMENT CHECKLIST

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

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

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

Department Use Only

Fee Amount $ 250.00	Received By: KU	Date Received: 3.6.23	Receipt # C115475
W-9 received? Yes ☑ No ☐	(Route W-9 to Fiscal)	Name on W-9: Idaho Irrigation District	

2622

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 Idaho Irrigation District

Mailing Address 496 E 14th Street, Idaho Falls, ID 83404
Street City State Zip Code

Email Address idahowater@gmail.com Phone Number 208-522-2356

☑ 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 Alan D Kelsch Organization Idaho Irrigation District

Professional Title Chairman Email Address alankelsch@icloud.com

Mailing Address 496 E 14th Street, Idaho Falls, ID Phone Number 208-339-2307

☐ 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.

25-224 is diverted by Idaho Irrigation District from Willow Creek and measured at Sand Creek. District distributes water throughout Idaho Irrigation District distribution system to patrons of the District.

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. Idaho Irrigation District currently owns water rights 1-75, 1-76, 1-312, 1-368, 1-369, 1-370. These rights are for the same purpose and place of use.

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. Water Rights 1-75, 1-76, 1-312, 1-368, 1-369, 1-370 will continue to deliver to current place of use. No enlargement of place of use will occur.

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. 2016-5542 a/f. 2015-8631 a/f. 2014-6518 a/f. 2013-3778 a/f. 2012-12382 a/f. Years 2017-2022 water right was leased to Water Supply Bank through lease No. 790. Copy of lease No. 790 is attached.

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 Right 25-224 has been leased to Water Supply Bank last 6 years. Copy of latest Lease Contract No. 790 is attached.

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: 2023 (Year) to 2027 (Year) (maximum lease period 5 calendar years).

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.
N/A Water Right is submitted to Water Bank to protect from forfeiture.

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.

Alan D. Kelsch	Idaho Irrigation District	3/27/2023
Signature of Designated Applicant	Printed Name	Date
Alan D. Kelsch	Alan D. Kelsch	3/27/2023
Signature of Authorized Representative	Printed Name	Date

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

Print Form

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

Complete Attachment 1 if more than one applicant/water right holder.

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). 25-224

	Designated Applicant	Applicant #2	Applicant #3
Name	Alan D. Kelsch, Chairman		
Mailing Address	496 E 14th Street Idaho Falls, ID 83404		
Phone Number	208-522-2356		
Email Address	alankelsch@icloud.com		
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	Alan D. Kelsch		

	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			

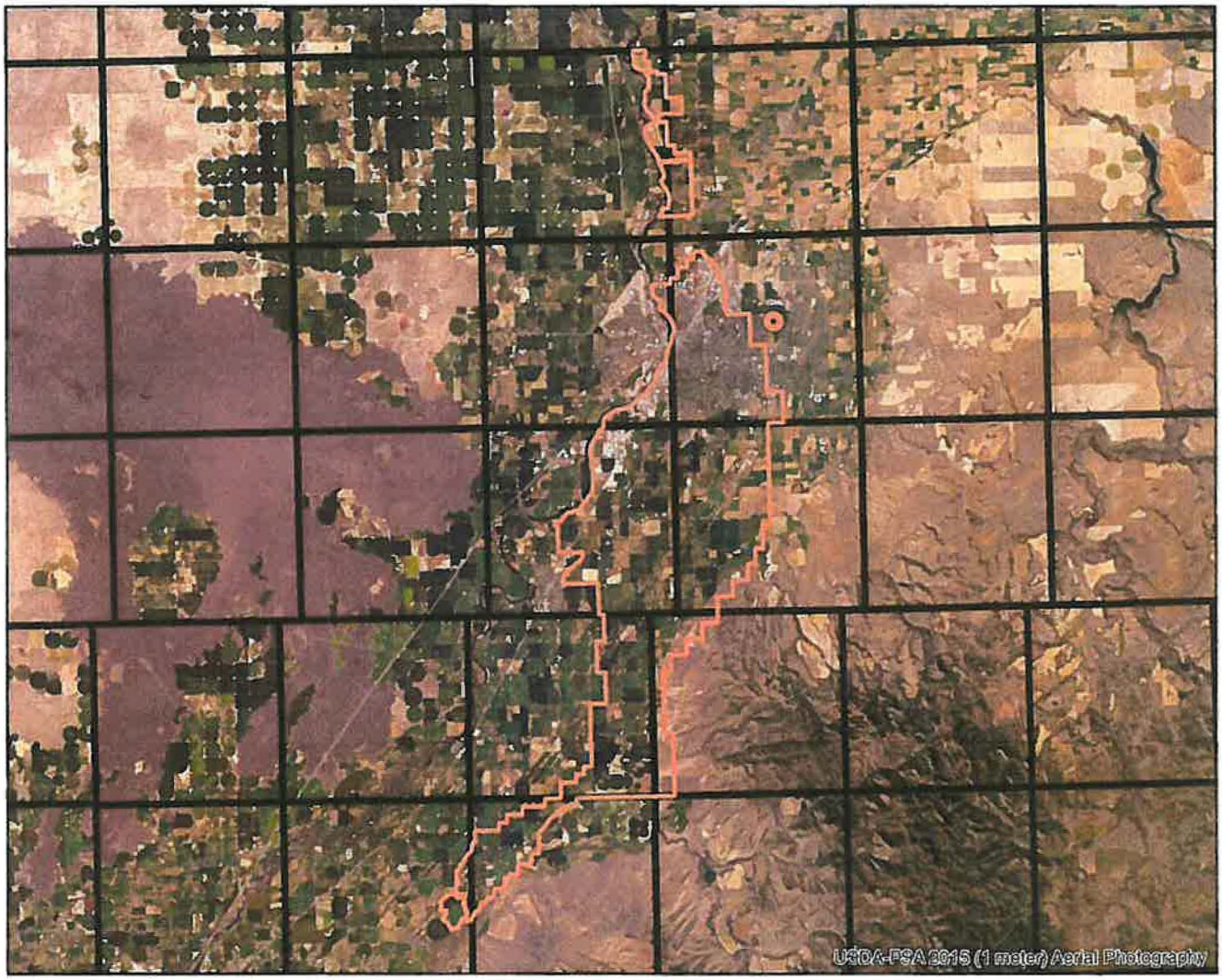
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 790

25-224

Effective until December 31, 2022

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

Townships

N

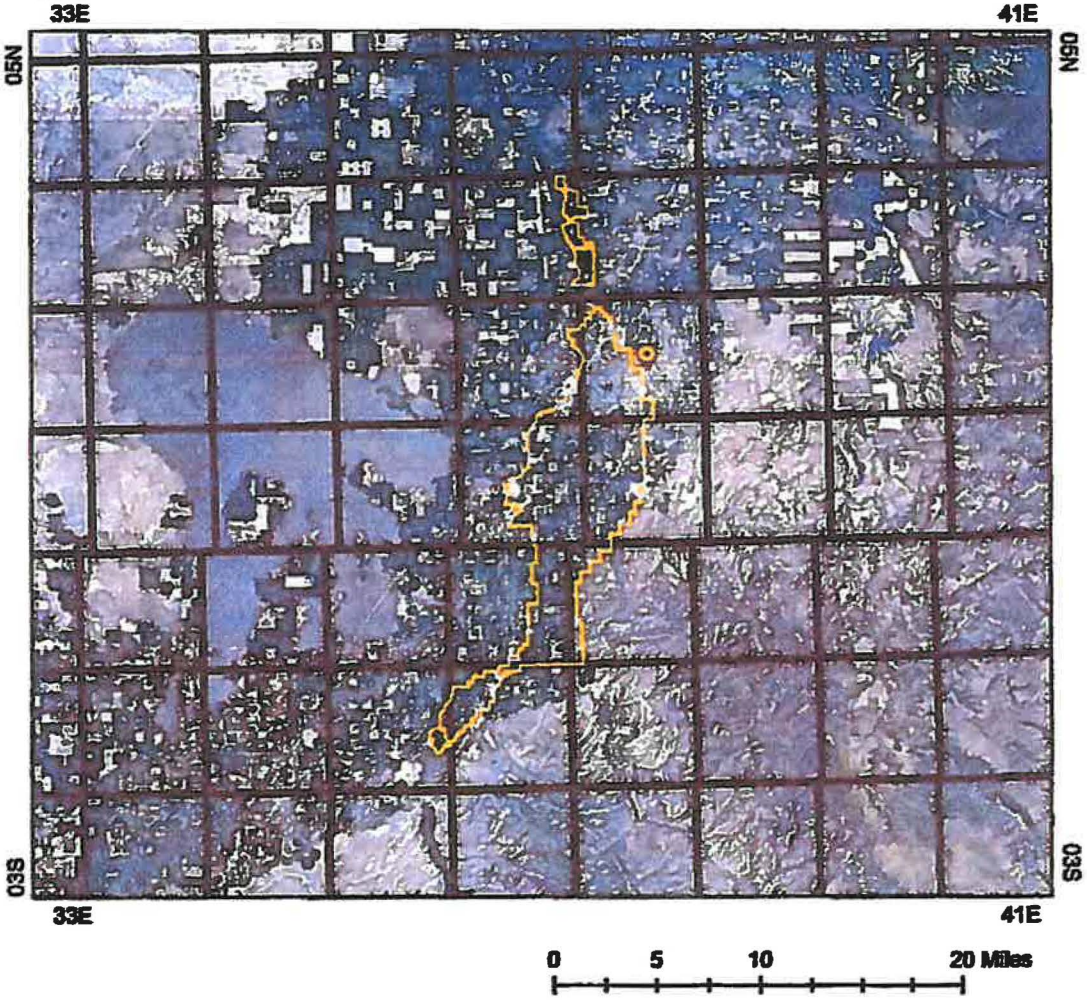
0 5 10 Miles

State of Idaho
Department of Water Resources

Water Right
25-224

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

N

Map produced on March 06, 2017

Attachment 4.

MINUTES OF THE REGULAR MEETING

RECEIVED
MAR 06 2023
DEPARTMENT OF
WATER RESOURCES

IDAHO IRRIGATION DISTRICT
496 E 14TH St., Idaho Falls ID, ID 83404 **JANUARY 11, 2023**

Board Members:
Chairman -Alan D. Kelsch, Vice Chairman- Devin Fielding, Treasurer/Director Merrill Hanny, Manager -Richard Lockyer, Secretary -Wendy Hansen

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Mr. Hanny moved to amend the Agenda for the reorganization of the Board. Mr. Fielding seconded. Passed.

Minutes of the Regular Meeting held December 14, 2022 were read and discussed. **Mr. Fielding moved to accept the minutes with a few corrections as written. Mr. Hanny Seconded. Board Passed.**

Exclusions or Annexations:
There were no Exclusions this month **therefore; the total available acres that could be annexed into the District is 575.434**

Manager's Report:
Managers' Report: **SEE JANUARY REPORT ATTACHED: Mr. Fielding moved to accept the Managers Report. Mr. Hanny Seconded. Board Passed.**

Managers Follow-up:

- **City of Idaho Falls Maintenance Crew** – Mr. Lockyer has been in contact with the crew and will keep track of them.
- **Hands Free** Policy - **Quint** – Pending
- **Shop Plans** – Tabled for now
- **Schwendiman/Progressive** – Transfer of acres – waiting on letter/voting process
- **Jones Ditch** – Mr. Lockyer working on.
- **Safety Meeting/First Aid Classes** - Pending

The Board of Directors talked about the current snow pack and says that the snow pack and precipitation to date is looking good. They say that more water is needed in the system but if we can hold the rest of the season we will fill the reservoirs.

Committee of Nine:

Meetings are set for the Committee of Nine until the end of January. They will be discussing Budget review and Rental Pool changes.

Other Meetings will be on snow pack and cloud seeding. The Water Board put out a requirement that Districts will be assessed proportionately for cloud seeding.

Meetings are set for the IWUA in Boise January 16th through the 19th. All Directors of IID will be attending the meetings.

The Columbia River Partnership has work groups on the Basin and Hydro Power along with Native Salmon Passage at Hells Canyon. There is a sub-work group under the work group on Hells Canyon fish passage.

The Board went through the **Idaho Irrigation Encroachment Policy** and talked about a few amendments to the Policy for improvements. The Encroachment Policy will then be submitted to Mr. Jerry Rigby for inspection and approval. The Policy was last revised in 2018.

Mr. Hanny moved to approve the following Offices to be filled on the Board of the Idaho Irrigation District. Mr. Kelsch-Chairman , Mr. Fielding -Vice Chairman , Mr. Hanny-Treasurer, Mr. Lockyer- Manager and Ms. Hansen-Secretary. Mr. Fielding Seconded. Passed.

Kent Oseen is here to report on the 2022 IID Audit. Mr. Oseen presented the Audit and discussion with the Board was had. Mr. Oseen says that the Audit looks good. Mr. Hanny moved to approve the 2022 Audit presented by the office of Mr. Kent Oseen. Mr. Fielding Seconded. Passed.

Bills were presented, allowed and paid.

The next Board Meeting will be held on February 6, 2023 at 9:00 a.m.

Mr. Hanny moved to adjourn the meeting. Mr. Fielding Seconded. Passed.

They're being no further business this meeting was adjourned at 12:00 p.m.

Alan D Kelsch-Chairman

ATTEST

Secretary

Wendy L Hansen

SEAL

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

August 17, 2023

IDAHO IRRIGATION DISTRICT
496 E 14TH ST
IDAHO FALLS ID 83404

RE: WATER SUPPLY BANK LEASE CONTRACT 1699 FOR WATER RIGHTS 25-244

Dear Lessor:

Water right 25-244 is 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 right(s) will automatically be released from the Bank on **December 31, 2027,** unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

for
Water Supply Bank

Enclosure: Executed Lease Contract

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**

August 2, 2023

IDAHO IRRIGATION DISTRICT
496 E 14TH ST
IDAHO FALLS ID 83404

RE: APPLICATION TO LEASE WATER RIGHTS 25-224 TO THE WATER SUPPLY BANK CONTRACT 1699

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature**. **Please sign and return ALL Lease Contracts within 14 days**. Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2027,** unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at http://www.idwr.idaho.gov. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

> "While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

MEMORANDUM FOR APPLICATION # 2622

To: Water Right No. 25-224

From: Skyler Cheever – Water Resource Agent

Date: 3/9/2023

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

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PURPOSE/NARRATIVE:
Application 2622 was sent in by the Idaho Irrigation District and received on March 6th, 2023, with fee payment received the same date. The application proposes to lease water right 25-224 into the water supply bank from 2023-2027. The place of use will continue to receive water for the same purpose from water rights 1-75, 1-76, 1-312, 1-368, 1-369, and 1-370. The point of diversion is within the Eastern Snake Plain Aquifer GWMA, Snake River Moratorium, Groundwater District Bonneville-Jefferson, and Non-Trust Water Area. This lease application is a renewal of contract 790 which expired on December 31st, 2022.

AUTHORITY TO FILE:
Alan Kelsch signed the application. Mr. Kelsch has the authority to file this application because he is a chairman of the Irrigation District according to Attachment 1A submitted with the application. The Idaho Irrigation District is the current owner of water right 25-224 according to Department records.

WATER RIGHT VALIDITY:
The water right has been continuously leased into the bank since 2017. Water rights leased into or rented from the water supply bank are in exemption to abandonment and forfeiture according to Idaho Code § 42-223(5). Therefore, there are no validity concerns.

ENLARGEMENT OF USE:
Water rights 1-75, 1-76, 1-312, 1-368, 1-369 and 1-370 all overlap the proposed place of use and have the same beneficial use as water right 24-224. To prevent enlargement due to overlapping Snake River rights this water right will be unrentable.

LOCAL PUBLIC INTEREST:
Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:
The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:
The point of diversion is within basin 25 and Water District 1. The Watermaster and Eastern Regional Manager were contacted for comment on March 10th, 2023. No response was received, it is assumed there is no concern with this proposal.

Cheever, Skyler

From: Cheever, Skyler
Sent: Tuesday, March 7, 2023 9:29 AM
To: Cefalo, James; waterdist34@atcnet.net
Subject: Water Supply Bank Lease Application 2255
Attachments: Lease Contract 1645.docx; Lease Review Memo 2255.docx; Lease 1645 POD Map.pdf; Lease 1645 POU Map.pdf

Hello Mr. Cefalo and Mr. Marcroft,

I am finishing my review of a lease application within Basin 34 and Water District 34. The applicant is Telford Lands. The application proposes to lease portions of multiple water rights into the water supply bank from 2023-2027. Attached to this email is a copy of the draft lease contract, review memo, and map of the place of use. If you have any comments, please reply to this email within 14 days as needed.

Best,

Skyler

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

Idaho Irrigation District

ORGANIZED IN 1905

496 E 14th Street Idaho Falls, Idaho 83404 Office: (208)-522-2356 Fax: (208)-522-1593
idahowater@gmail.com

RECEIVED
MAR 06 2023
DEPARTMENT OF
WATER RESOURCES

Dear State of Idaho Water Resource Board, February 27, 2023

Please find attached application to lease Water Right 25-224.
Water Right 25-224 was placed in the Water Bank in 2018 for five (5) years.

Idaho Irrigation District wishes to re-submit Water Right #25-224 into the Water Bank for a period of five (5) years.

If there is any additional information needed please call our office @ 208-522-2356.

Thank you,

Alan D. Kelsch

Alan D Kelsch
Chairman
Idaho Irrigation District

2622