

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1597

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

LESSOR: BELLEVUE FARMS
LANDOWNERS ASSN
PO BOX 774
BELLEVUE, ID 83313

RECEIVED
FEB 22 2023
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 September 08, 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)
37-21863	3/24/1883	BIG WOOD RIVER, tributary to MALAD RIVER	0.138	Not Stated	27.7
37-21880	7/10/1884	BIG WOOD RIVER, tributary to MALAD RIVER	0.002	Not Stated	27.7
37-21897	9/18/1885	BIG WOOD RIVER, tributary to MALAD RIVER	0.012	Not Stated	27.7
37-21914	6/12/1886	BIG WOOD RIVER, tributary to MALAD RIVER	0.002	Not Stated	27.7
37-21931	6/15/1891	BIG WOOD RIVER, tributary to MALAD RIVER	0.165	Not Stated	27.7
37-21976	9/25/1954	GROUND WATER	0.59	86.1	24.6
Combined Lease Totals			0.909	86.1	27.7

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AUG 14 2023

SUPPORT DATA
IN FILE # 37-21863

WATER SUPPLY BANK LEASE CONTRACT No. 1597

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)
37-21863	0.11	96.95	27.7	0.004	3.5
37-21880	0.002	96.95	27.7	0.000	3.5
37-21897	0.01	96.95	27.7	0.000	3.5
37-21914	0.002	96.95	27.7	0.000	3.5
37-21931	0.13	96.95	27.7	0.006	3.5
37-21976	0.59	86.10	24.6	0.024	3.5
Combined Limit Totals	0.84	97.0	27.7	0.033	3.5

** The water right elements rentable have been reduced from the water right elements leased to account for conveyance losses of 21% and the inclusion of a diversion volume.*

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, 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.

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AUG 9 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1597

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

LESSOR: BELLEVUE FARMS
LANDOWNERS ASSN
PO BOX 774

BELLEVUE, ID 83313

By Steven J. Wilson
Title President - BFLC
Date 2/20/2023

IDAHO WATER RESOURCE BOARD

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

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

Date 3/8/23

Lease approved by IDWR FP

Date 3/8/23

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AUG 4 2023

Page 3 of 5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1597

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): 37-21863, 37-21880, 37-21897, 37-21914, 37-21931

BIG WOOD RIVER NESWNW Sec. 36 Twp 02N Rge 18E BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-21976

GROUND WATER SESW Sec. 7 Twp 01N Rge 19E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-21863	IRRIGATION	04/15	to	10/31	0.138 cfs	Not Stated
37-21880	IRRIGATION	04/15	to	10/31	0.002 cfs	Not Stated
37-21897	IRRIGATION	04/15	to	10/31	0.012 cfs	Not Stated
37-21914	IRRIGATION	04/15	to	10/31	0.002 cfs	Not Stated
37-21931	IRRIGATION	04/15	to	10/31	0.165 cfs	Not Stated
37-21976	IRRIGATION	04/15	to	10/31	0.590 cfs	86.10 AF
Totals:					0.909 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	
01N	19E	7							0.2 L2			2.9 L3	4.2 L4	2.5			4.4		14.2
01N	19E	18		4.8			3.7	5.0 L1											13.5

Total Acres: 27.7

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.

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AUG 4 2023

Page 4 of 5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1597

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.
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. A portion of this right provides conveyance of other holders in the shared delivery of water through the Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 21% or 0.06 cfs of the leased portion of this right into the Irrigation District #45 Canal whether it is rented or not.
13. Use 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 approval, this water right is within State Water District No. 37.

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AUG 4 2023 Page 5 of 5

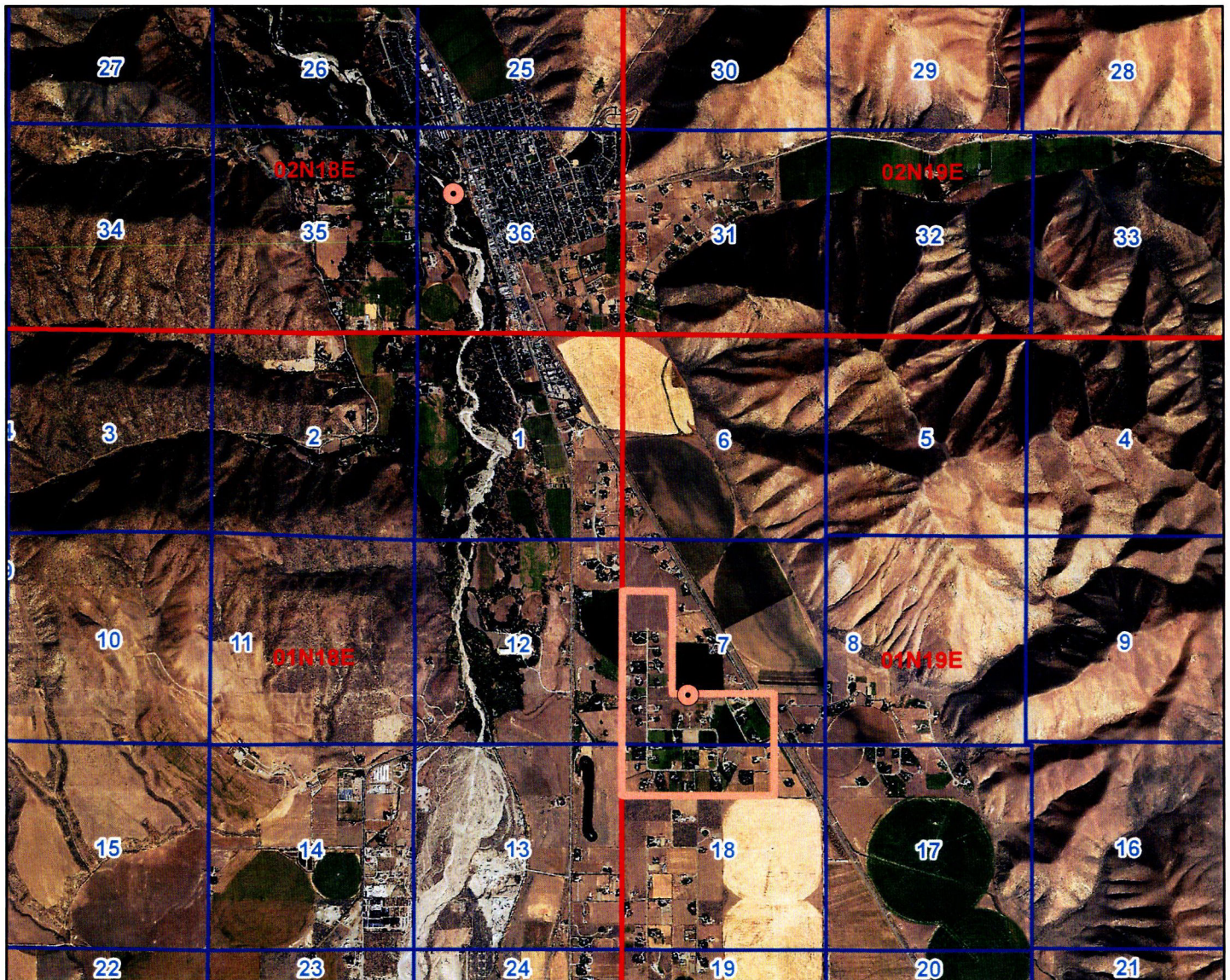
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1597

37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976

Effective until December 31, 2027

This map depicts the Irrigation place of use to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes. (Disclaimer, All roads in POU are not Irrigated)



-  Approved Lease Place of Use
-  Township/Range
-  Sections



0 5,000 10,000 Feet

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AUG 14 2023

**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED

Dec 28, 2022

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Bellevue Farms Landowners Assn **Water Right No.** 37-21863
(Select one owner – see item 1A on the application) (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 <i>all owners</i> 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 Section 42-222(2), Idaho Code . |

Department Use Only

Fee Amount \$	Received By:	Date Received:	Receipt #
W-9 received? Yes ☐ No ☐	(Route W-9 to Fiscal)	Name on W-9:	

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AUG 4 2023

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Bellevue Farms Landowners Assn

Mailing Address P.O. Box 774 Bellevue ID 83313
Street City State Zip Code

Email Address bellevuefarmslandowners@gmail.com Phone Number 208-720-0869

☐ 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**.

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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.
Delivery canal system no longer accessible due to subdivision development.

- 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. Overlapping water rights: 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976

- 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. N/A - this water right as been banked over the last 5 years

- 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. This water right is currently leased to the bank under Contract No. 1455 set to expire 12/31/2022

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒
If yes, describe.

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AUG 14 2023

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2023 to 2028 (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 and future rental rates established by IDWR

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	Derek Wolfley Bellevue Farms LOA, Director Printed Name	09/06/2022 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 14 2023

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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If lease, specify the years when the use of water will be suspended: 2023 to 2028 (maximum lease period 5 calendar years).
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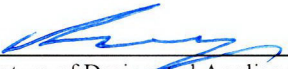
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Current and future rental rates established by IDWR

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Signature of Designated Applicant

Derek Wolfley Bellevue Farms LOA, Director
Printed Name

09/06/2022
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 6 2023
Page 4



Legend

 Bellevue Farms Roadway (not irrigated)

Bellevue Farms Water Rights POU

-  37-21863
-  37-21880
-  37-21897
-  37-21914
-  37-21931
-  37-21976



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Bellevue Farms LOA

Lease Applications Map

DATE: 3/22/2021

CREATOR: Igraves

PROJECT: 1230.0020



Absolute Scale: 1:10,000

0 625 1,250 Feet

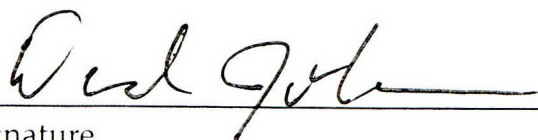
AUG 4 2023

**CERTIFICATE OF ACTION TAKEN BY
THE WOOD RIVER VALLEY IRRIGATION DISTRICT #45**

**P.O. Box 2223
Hailey, Id 83333**

The undersigned hereby certifies that at the Wood River Valley Irrigation District #45 meeting on December 15th, 2022, The directors accepted the water bank application from Bellevue Farms Landowners Assn. for Water Rights 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, and 37-21976 subject to and with the continuing condition of a 21 % percent hold back in the system and on the further condition that there be no adverse impact on the minimum stream flow in the river and that carriage loss sufficient to convey water to the Wood River Valley Irrigation District #45 head gate must be left in the river if the water is to be leased upstream.

DATED: December 15th, 2022



Signature

David Johnson, President and Director



Signature

Greg Clark, Director

SCANNED

AUG 4 2023

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 08 2022

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Bellevue Farms Landowners Assn
(Select one owner – see item 1A on the application)

Water Right No. 37-21863
(One water right per application)

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

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- ☒ 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 -</u>	Received By: <u>Ku</u>	Date Received: <u>9-8-22</u>	Receipt # <u>C113954</u>
W-9 received? Yes ☐ No ☒	(Route W-9 to Fiscal)	Name on W-9:	

SCANNED

AUG 14 2023

2437

SUPERSEDED

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 Bellevue Farms Landowners Assn

Mailing Address P.O. Box 774 Bellevue ID 83313
Street City State Zip Code

Email Address bellevuefarmslandowners@gmail.com Phone Number 208-720-0869

☐ 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**.

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AUG 14 2023 Page 2

SUPERSEDED

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.
Delivery canal system no longer accessible due to subdivision development.
- 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. Overlapping water rights: 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976
- 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. N/A - this water right as been banked over the last 5 years
- 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. This water right is currently leased to the bank under Contract No. 1455 set to expire 12/31/2022
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe.

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AUG 14 2023 Page 3

SUPERSEDED



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 Mathew Weaver

December 1, 2023

BELLEVUE FARMS LANDOWNERS ASSN
PO BOX 774
BELLEVUE ID 83313

**RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976.**

The Department of Water Resources is enclosing a state warrant in the amount of **\$2,006.87** as payment to you for the rental of the above referenced water right(s) from the Water Supply Bank during 2023. Your payment is 90% of the total rental fee for the following transactions:

Lease Contract	Water Right(s)	Rental Agreement	Rental Volume (AF)	Rental Rate (\$/AF)	Total Rental Fee	Owner Share
1597	37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976	698	96.95	\$23/AF	\$2,229.85	\$2,006.87

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

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Warrant Number: 150154603

Enclosures: Check

B 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

9/8/2022

Executed
3/8/23

Desired Lease Duration

2023 - 2027

Lease / Rental Package

Y

N

If yes, Renter Name:

Application # 2437

Contract # 1597

WR#s		#
		37-21863
# 37-21880	#	37-21897
# 37-21914	#	37-21931
# 37-21976	#	.
#	#	
#	#	
#	#	

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: Bellevue Farms Landowners Assn

☐

☒

EMAIL:

Attorney:

☐

☐

EMAIL:

Consultants

Name: none

☐

Comments:

Watermaster:

☐

Delivery Entity: B

☐

Water District:

37 - Big Wood River

☐

Ground Water District:

Galena

☐

Region:

Southern

☐

Other:

Big Wood River GNMA

☐

☐

Address:

Call up Date:

DO NOT SCAN



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

March 9, 2023

BELLEVUE FARMS LANDOWNERS ASSN
PO BOX 774
BELLEVUE ID 83313

**RE: WATER SUPPLY BANK LEASE CONTRACT 1597
FOR WATER RIGHTS 37-21863, 37-21880, 37-21897, 37-21914, 37-21931 & 37-21976**

Dear Lessor:

Water right(s) **37-21863, 37-21880, 37-21897, 37-21914, 37-21931 & 37-21976** was/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 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,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Office
Water District No. 37

SCANNED

AUG 14 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

February 7, 2023

BELLEVUE FARMS LANDOWNERS ASSN
PO BOX 774
BELLEVUE, ID 83313

RE: APPLICATION TO LEASE WATER RIGHTS 37-21863, 37-21880, 37-21897, 37-21914, 37-21931 & 37-21976 TO THE WATER SUPPLY BANK CONTRACT 1597

******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,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

SCANNED
AUG 14 2023

MEMORANDUM FOR APPLICATION # 2437

To: Water Right No(s). 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976
From: Skyler Cheever – Water Rights Agent
Date: 9/24/2022
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE: The original Application 2437 was sent in by the Bellevue Farms Landowners Association and received on September 8th, 2022, with fee payment received the same date. The application proposes to lease the water rights, 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976 into the water supply bank from 2023 to 2027. The water rights are within the Big Wood River GWMA, Snake River Moratorium, and Trust Water Area. The groundwater right 37-21976 is within GWD Galena. Surface water rights authorize the use of water from the Big Wood River for irrigation of 27.7 acres. Groundwater right 37-21976 authorizes the use of groundwater for irrigation of 24.6 acres. The right has been continually leased into the water supply bank since 2017 with the current agreement to expire on December 31st, 2022. Amended applications were received 12/28/22 recognizing the ownership split and the lease will now be for the full water rights

AUTHORITY TO FILE: Derek Wolfley signed the application. Mr. Wolfley has the authority to file this application because he is still Vice President of Bellevue Farms Landowners Association according to the Idaho Secretary of State's Office Database. Bellevue Farms Landowners Association is the current owner of the water rights according to Department Records.

WATER RIGHT VALIDITY: The water rights have been continually leased into the water supply bank since 2017. There are no concerns with continued lease of the full rights.

INJURY TO OTHER WATER RIGHTS:

The surface water for rights 37-21863, 37-21880, 37-21897, 37-21914, and 37-21931 are delivered through the Wood River Valley Irrigation District No. 45 canal system. The canal company returned documentation on December 28th, 2022, granting permission to idle these rights, and requested a conveyance of 21%. This ensures any seepage losses from the canal are accounted for. The diversion rate rentable will be reduced from 0.909 cfs to 0.842 cfs because of conveyance.

ENLARGEMENT OF USE: The rights were decreed in 2010. There are no combined limits for surface water rights or with groundwater right 37-21976. Surface water rights share the same 27.7 acres, or 24.6 acres with 37-21976 included. This represents a combined beneficial use. Therefore, these rights should be leased and made rentable together to alleviate enlargement concerns if they were made rentable separately.

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 37 and Water District 37. A comment letter has been sent to the Water Master and Southern Regional Manager on October 24th, 2022. No response was received, it is assumed there is no concern.

SCANNED
AUG 14 2023



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Governor Brad Little

Director Gary Spackman

September 9th, 2022

BELLEVUE FARMS LANDOWNERS ASSN
PO BOX 774
BELLEVUE ID 83313

**RE: APPLICATION(S) TO LEASE WATER RIGHT NO(S). 37-21863, 37-21880, 37-21897,
37-21914, 37-21931, & 37-21976 TO THE WATER SUPPLY BANK**

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow. If the application(s) is not processed prior to the end of the proposed lease period, it will be returned to the applicant. The Department regrets any inconvenience caused by the delay.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

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 any questions, please contact me at (208) 287-4822.

Sincerely,

A handwritten signature in black ink, appearing to read "Mackenzie Kienholz", written over a horizontal line.

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure: Receipt #C113954

SCANNED
AUG 14 2023