Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
NOV 13 2023
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Brisbie LLC
(Select one owner – see item 1A on the application)

Water Right No. 63-11347
(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 $ 500	Received By: ICM	Date Received: 11.13.23	Receipt # C 117331
W-9 received? Yes ☐ No ☑ (Route W-9 to Fiscal)		Name on W-9:	

2823

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: Brisbie LLC c/o Givens Pursley LLP, Attn: Mike Lawrence

Mailing Address: 601 W Bannock St (Street) | Boise (City) | ID (State) | 83702 (Zip Code)

Email Address: mpl@givenspursley.com Phone Number: 208-388-1200

☑ 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: Terry Scanlan Organization: HDR Engineering Inc

Professional Title: Consultant to Brisbie Email Address: tscanlan@hdrinc.com

Mailing Address: 412 E Parkcenter Blvd, Ste 100, Boise, ID 83706 Phone Number: 208-872-9530

☐ 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.
Wells pump ground water through buried mainlines to pivot irrigation systems

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. Irrigation rights 63-3362, 63-10383, 63-11347, 63-34795 (owned by Brisbie) and 63-35356 (owned by CS Property Development) share a permissible place of use (ppu) and a 525.2-acre combined limit. Some of the ppu lands utilize water from Pleasant Valley Irrigation Co (PVIC) but Brisbie does not hold any PVIC shares.

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. The 525.2 combined acre limit will be reduced to the135.8 acre limit authorized under water right 63-7531.

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 - irrigation water is currently leased to the water bank under contract 1684 until 12/31/2023. This application seeks to "re-lease" the water for another year.

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☑
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☑ No ☐
Protested transfer application #87042

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: 2024 (Year) to 2024 (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.

Administrative costs only

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	Kathy Rushmore Printed Name	10/30/2023 Date
Signature of Authorized Representative	Printed Name	Date

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

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-3362, 63-10383, 63-11347, & 63-34795
Effective until December 31, 2023

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.



Approved Lease Place of Use
Township/Range
Sections
QQ

N

0 600 1,200 Yards

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1684

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

LESSOR: BRISBIE LLC
C/O MICHAEL P LAWRENCE GIVENS PURLSEY LLP
601 W BANNOCK ST
BOISE, ID 83702-5919

RECEIVED
JUN 07 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 January 03, 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)
63-3362	7/11/1963	GROUND WATER	2.27	741.8	157.8
63-10383	9/23/1986	GROUND WATER	2.56	602.3	128.1
63-11347	7/8/1992	GROUND WATER	0.60	157.5	33.5
63-34795	7/8/1992	GROUND WATER	1.28	329.1	70.0
Combined Lease Totals			**3.08**	**1,830.7**	**389.4**

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)
63-3362	2.04	639	142.0	0.014	4.5
63-10383	2.30	519	115.3	0.020	4.5
63-11347	0.54	136	30.2	0.018	4.5
63-34795	1.15	284	63.0	0.018	4.5
Combined Limit Totals	**2.77**	**1,570**	**350.5**	**0.008**	**4.5**

**** The water right elements rentable have been reduced from the water right elements leased to account for combined limits with unleased portions and 10% reduction of historic use extent with surface water***

SUPPORT DATA
IN FILE # 63-3362

WATER SUPPLY BANK LEASE CONTRACT No. 1684

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, 2023. This Lease shall bind the parties and take effect when both parties have signed it.

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

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1684

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

LESSOR: BRISBIE LLC
C/O MICHAEL P LAWRENCE GIVENS PURLSEY LLP
601 W BANNOCK ST
BOISE, ID 83702-5919

By Kathy Kishmore

Title Authorized Representative

Date 6/5/2023

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

By _____ Date 6/7/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 6/7/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1684

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): 63-10383, 63-11347, 63-34795, 63-3362

GROUND WATER	SWSE	Sec. 31	Twp 02N	Rge 02E	ADA County
GROUND WATER	L 2NWNE	Sec. 6	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 3NENW	Sec. 6	Twp 01N	Rge 02E	ADA County
GROUND WATER	SESW	Sec. 18	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 4SWSW	Sec. 18	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 3NWSW	Sec. 7	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 3NWSW	Sec. 7	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 3NWSW	Sec. 7	Twp 01N	Rge 02E	ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-10383	IRRIGATION	03/15	to	11/15	2.56 cfs	602.3 AF
63-11347	IRRIGATION	03/15	to	11/15	0.60 cfs	157.5 AF
63-34795	IRRIGATION	03/15	to	11/15	1.28 cfs	329.1 AF
63-3362	IRRIGATION	04/01	to	10/31	2.27 cfs	741.8 AF
				Totals:	3.08 cfs	1830.7 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	
01N	02E	6	30.5 L1	40.5 L2	40.5	40	40.1 L3			40									231.6
02N	02E	31									30.5	31.2 L3	31.2 L4	35.4			29.5		157.8

Total Acres: 389.4

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1684

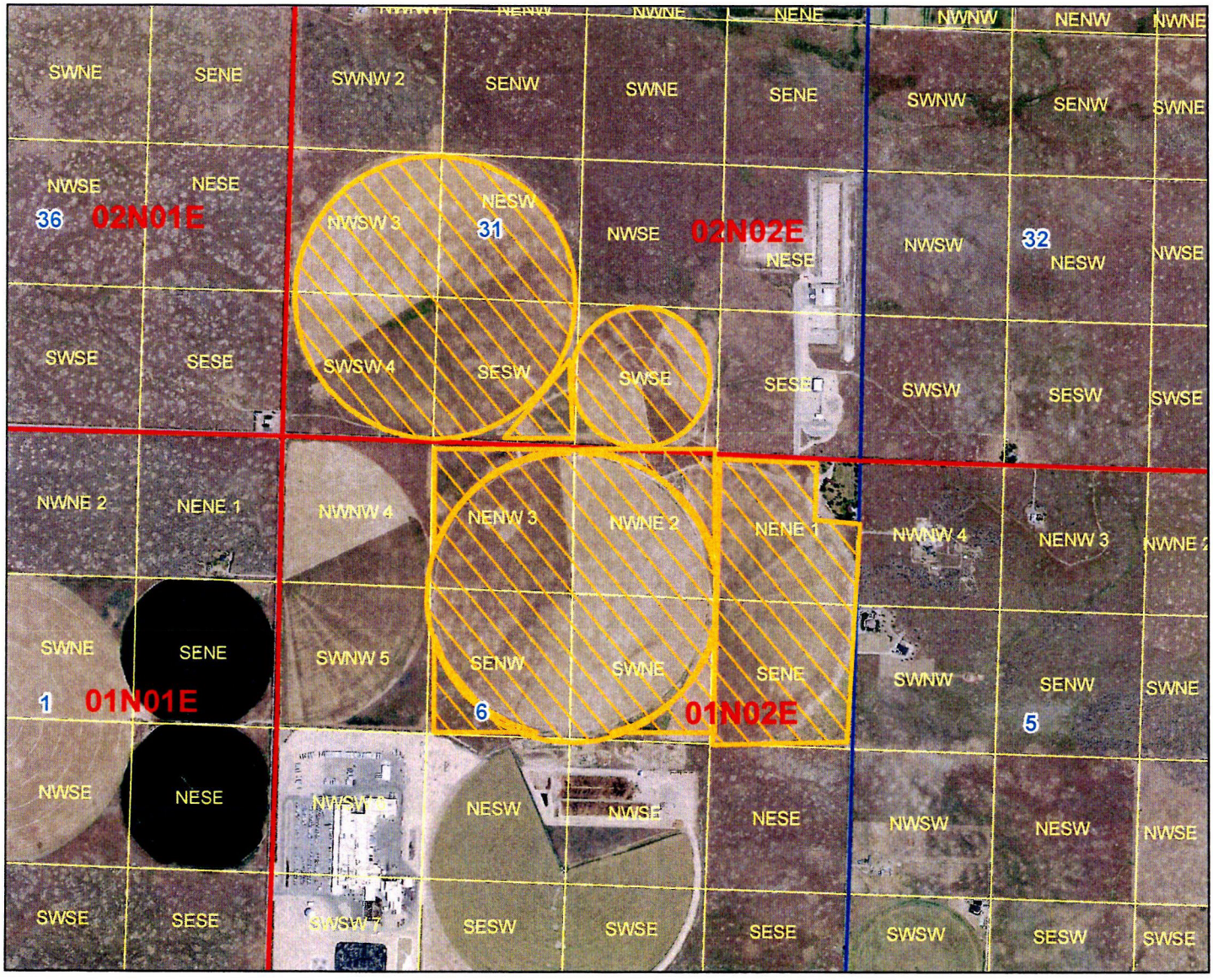
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right 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. Leased rights 63-3362, 63-11347, 63-34795 and the irrigation portion of 63-10383 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation.
13. The leased extent of right 63-3362 is appurtenant to the irrigation of 157.8 acres within the authorized place of use in a single irrigation season.
14. The period of use for the irrigation described for right 63-3362 may be extended to a beginning date of 03/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 04/01 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/16/2007.
15. The leased extent of right 63-10383 is appurtenant to the irrigation of 128.1 acres within the authorized place of use in a single irrigation season.
16. The unleased portion of right 63-10383 for when combined with the unleased portion of right 63-7531 shall not exceed a total diversion rate of 5.87 cfs for industrial use.
17. The period of use for the irrigation described for right 63-10383 may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 Is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03/13/2000.
18. The leased extent of right 63-11347 is appurtenant to the irrigation of 33.5 acres within the authorized place of use in a single irrigation season.
19. The leased extent of right 63-34795 is appurtenant to the irrigation of 70 acres within the authorized place of use in a single irrigation season.
20. The period of use for the irrigation described for right 63-34795 may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03/13/2000.

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-3362, 63-10383, 63-11347, & 63-34795
Effective until December 31, 2023

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.



Approved Lease Place of Use
Township/Range
Sections
QQ

N

0 600 1,200 Yards

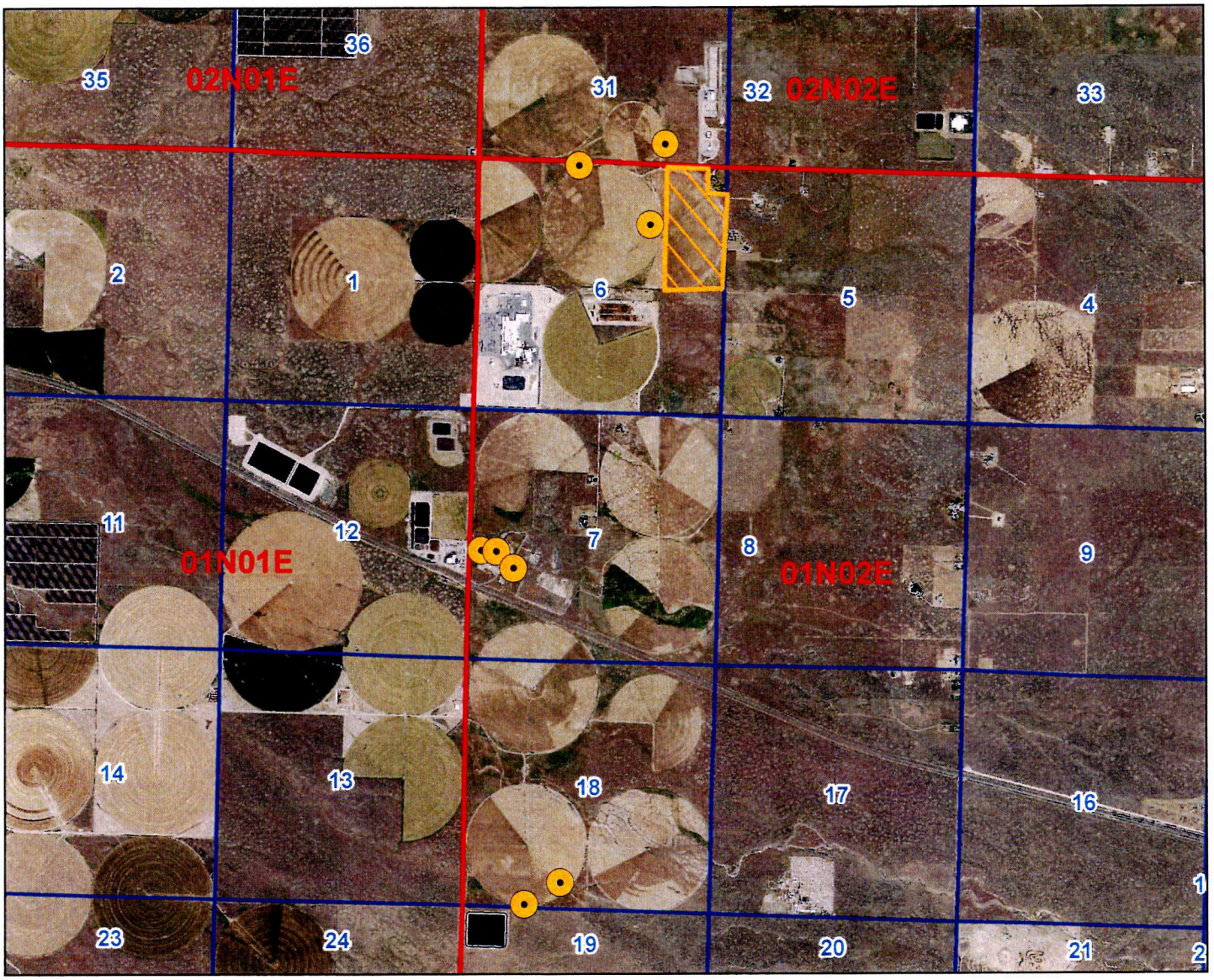
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-34795

Effective until December 31, 2023

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Approved Lease Point of Diversion

Approved Lease Place of Use

Township/Range

Sections

N

0 0.75 1.5 Miles

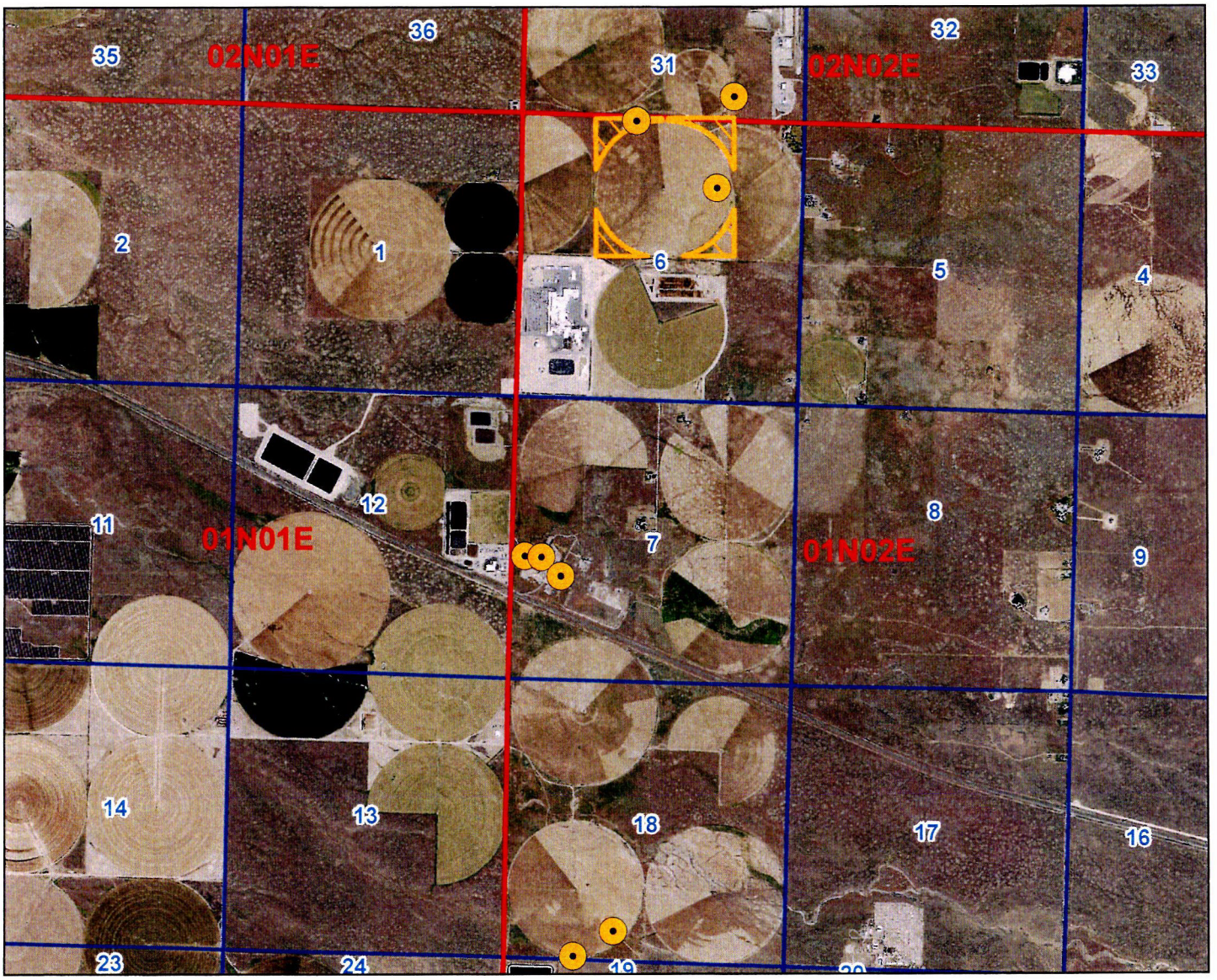
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-11347

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Approved Lease Point of Diversion

Approved Lease Place of Use

Township/Range

Sections

N

0 0.5 1 Miles

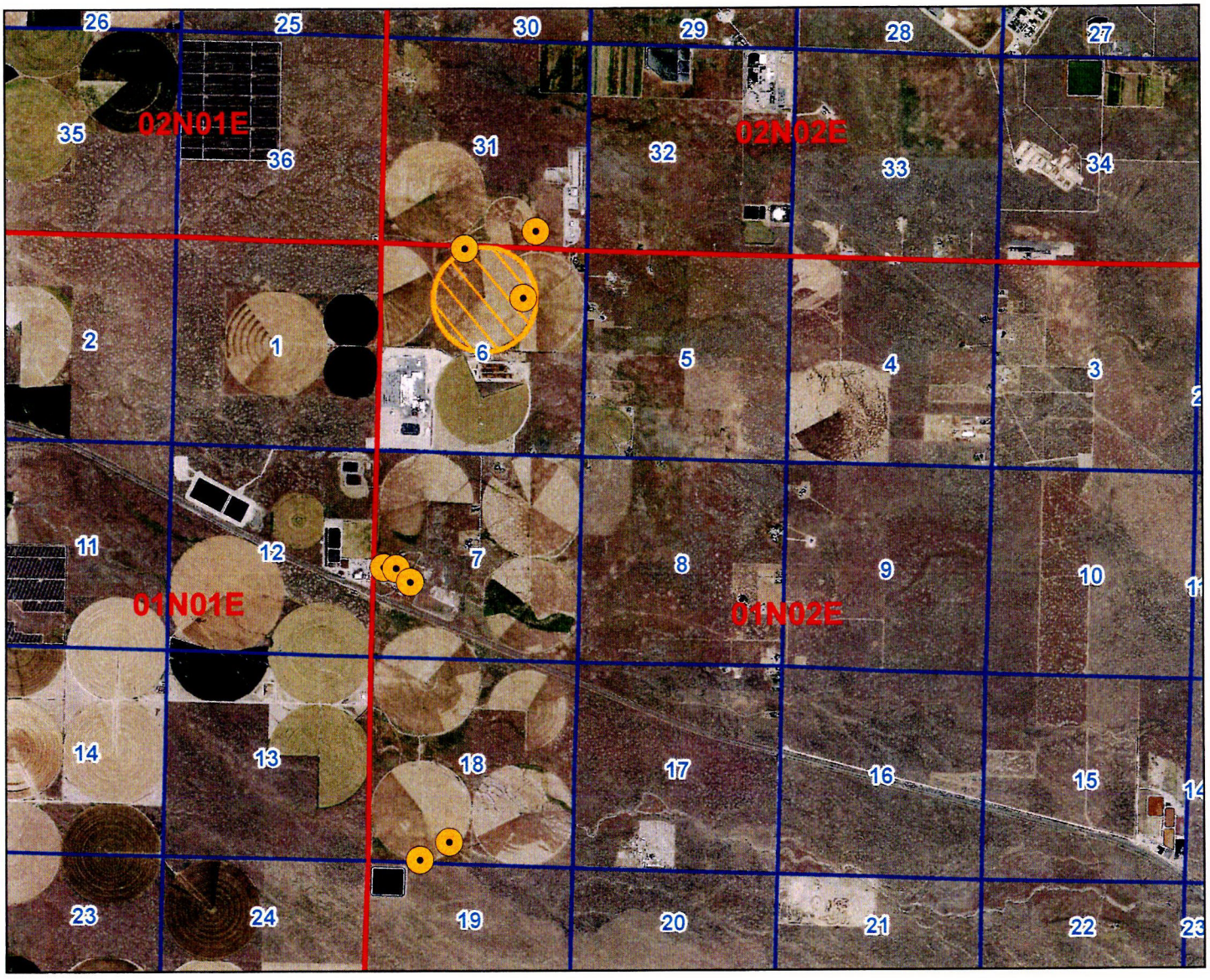
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-10383

Effective until December 31, 2023

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Approved Lease Point of Diversion

Approved Lease Place of Use

Township/Range

Sections

N

0 0.75 1.5 Miles

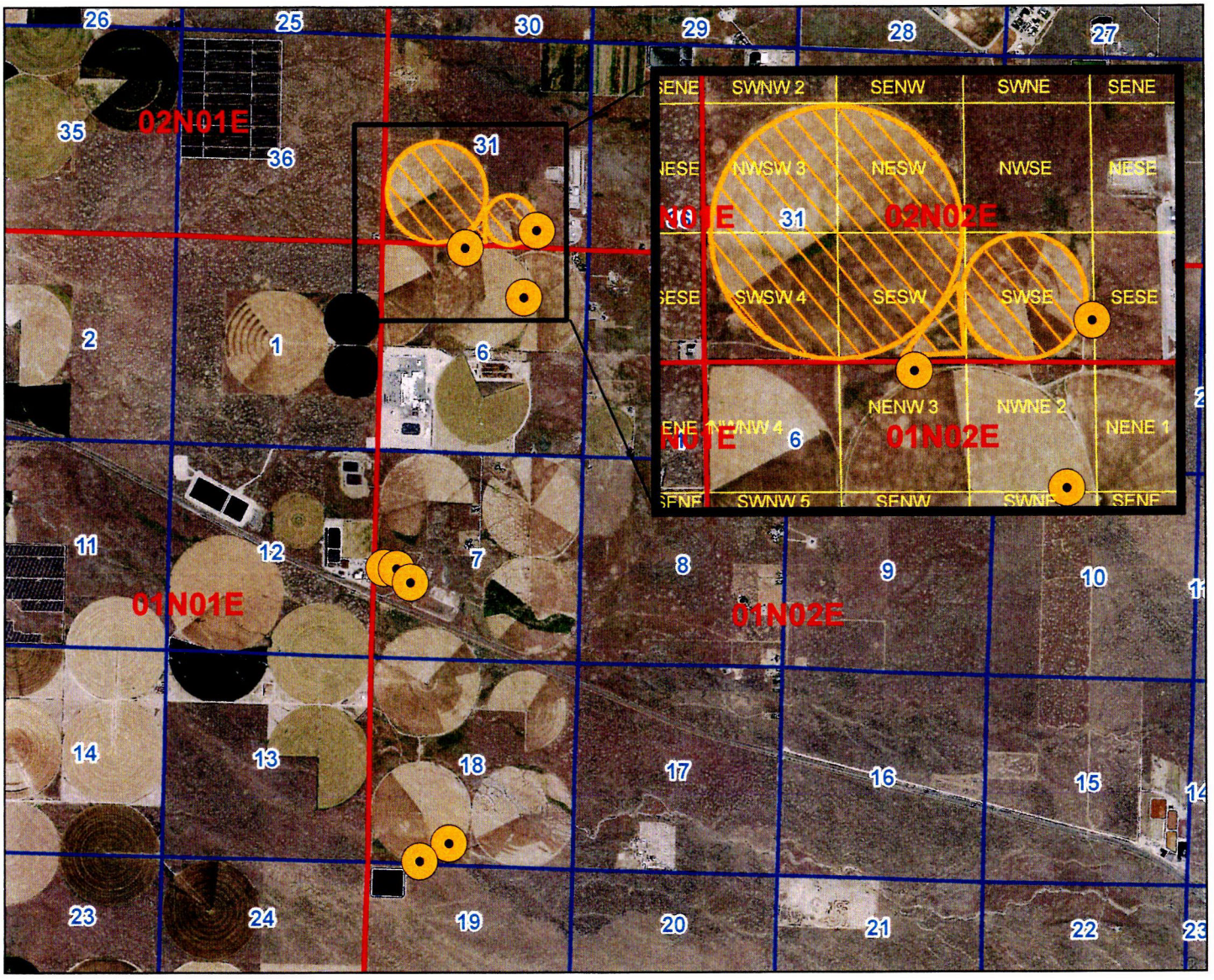
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-3362

Effective until December 31, 2023

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

N

0 5,000 10,000 Feet

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
JAN 03 2023
DEPARTMENT OF WATER RESOURCES

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

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

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(One water right per application)

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Department Use Only

Fee Amount $	250.00	Received By:	KL	Date Received:	1.3.2023	Receipt #	C110520
W-9 received?	Yes ☐ No ☑	(Route W-9 to Fiscal)		Name on W-9:			

2550

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: Brisbie LLC c/o Givens Pursley LLP, Attn: Michael P. Lawrence

Mailing Address: 601 West Bannock Street (Street) | Boise (City) | Idaho (State) | 83702 (Zip Code)

Email Address: mpl@givenspursley.com Phone Number: 208-388-1200

☑ 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: Terry Scanlan Organization: HDR Engineering Inc

Professional Title: Consultant to Brisbie Email Address: tscanlan@hdrinc.com

Mailing Address: 412 E Parkcenter Blvd, Suite 100, Boise, ID 83706 Phone Number: 208-872-9530

☐ 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.
Wells pump ground water through buried mainlines to pivot irrigation systems

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. 63-10383, 63-11347 and 63-3362 (both owned by Brisbie) and the irrigation portion of 63-7531(owned by CS Property Devel.) share a permissible place of use and 525.5-acre combined limit. Some of these lands utilize water from Pleasant Valley Irrigation Co. (PVIC) but Brisbie does not hold any PVIC shares.

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. The 525.2-acre limit will be reduced to 135.8 acres because 63-3362, 63-10383 (irrigation portion only), and 63-11347 are all being leased into the water supply bank.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The maximum diversion rates authorized under the rights divert water for irrigation use. USDA reports describe a historical BU of field corn. According to ET Idaho Kuna NWS, field corn has a precipitation deficit of 2.32 af/ac annually for a total of 77.7 af for the 33.5 acres authorized under 63-11347

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☑
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☑ No ☐
A transfer application is pending that seeks to change the nature of use of 63-11347 from irrigation to industrial use and modify the place of use and points of diversion.

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 2023 (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.

Current rental rate

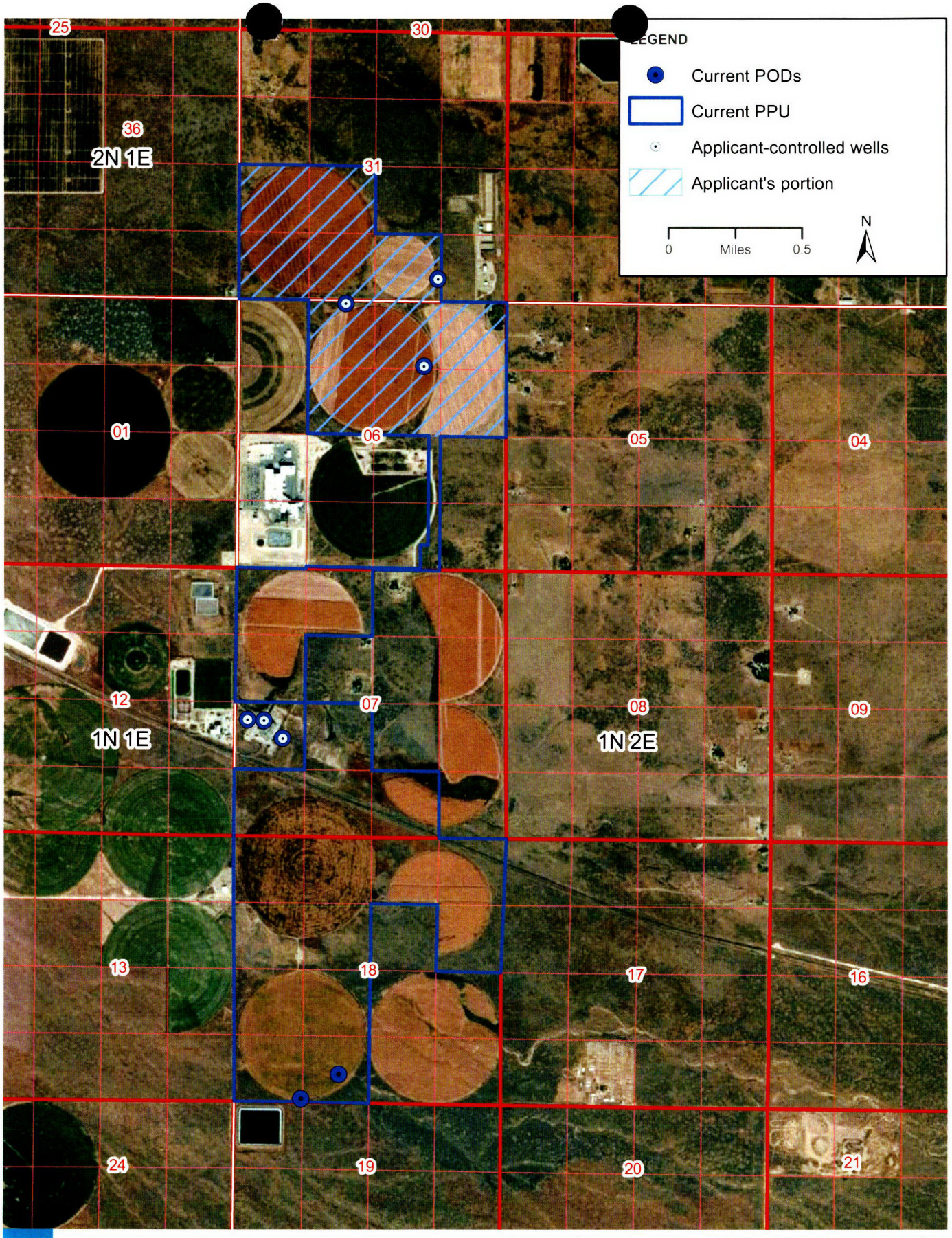
I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant	Kathy Rushmore Printed Name	1/3/2023 Date
Signature of Authorized Representative	Printed Name	Date

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



WATER SUPPLY BANK LEASE APPLICATION

ATTACHMENTS #3 AND #4G

BRISBIE LLC

DATA SOURCE: NAIP 2021

PATH: S:\PROJECTS\M THRU R PROJECTS\P PROJECTS\PARAMETRIX_1660\10335722 XXXTRANSFERXXX\PROJECTGIS\ARCMAP_PROJECTS\WSB LEASE.MXD - USER: LGRAVES - DATE: 9/2/2022

PROJECT #10335772