RECEIVED
SEP 20 2024
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1838

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

LESSOR: EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE, ID 83703

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.

2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 27, 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)
63-14	11/22/1926	GROUND WATER	0.84	250	8.3
Lease Totals			**0.84**	**250**	**8.3**

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)
63-14	0.84	250	8.3	0.04
Limit Totals	**0.84**	**250**	**8.3**	**0.04**

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, 2024 to December 31, 2028. This Lease shall bind the parties and take effect when both parties have signed it.

WATER SUPPLY BANK LEASE CONTRACT No. 1838

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. 1838

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

LESSOR: EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE, ID 83703

By Garrett Edwards
Title owner
Date 9/20/2024

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

By _____ Date 9/25/24
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 9/25/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1838

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): 63-14

GROUND WATER SWNE Sec. 29 Twp 04N Rge 02E ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-14	IRRIGATION	03/01	to	11/15	0.33 cfs	Not Stated
	COMMERCIAL	01/01	to	12/31	0.84 cfs	250 AF
	HEATING	01/01	to	12/31	0.84 cfs	250 AF
	DOMESTIC	01/01	to	12/31	0.04 cfs	Not Stated
				Totals:	0.84 cfs	250 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	
04N	02E	29			8.3														8.3

PLACES OF USE TO BE IDLED UNDER THIS LEASE: COMMERCIAL, HEATING, & DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29			X														X

Total Acres: 8.3

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. 1838

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. Use of this right with Right No. 63-5067 is limited to a total combined diversion rate of 0.33 cfs for outside irrigation.
13. Use of this right with Right No. 63-5067 is limited to the outside irrigation of a combined total of 8.3 acres.
14. The well that is the point of diversion is known locally as the Edwards well.
15. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
16. Diversion of low temperature geothermal water under this right for outside irrigation and watering of plants shall, to the extent possible, occur only when the cold water under Water Right No. 63-5067 is insufficient or cannot be used.
17. Use of water under this water right may be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch. Water District 63-S regulates the water rights from wells within its boundary that produce from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer.
18. This right may be limited to a total of 108.3 af during the period from October 1 through April 1 and/or 145.2 af during the period April 1 to October 1 for the purpose of protecting the artesian flow of water from the two wells used under water rights 63-12 and 63-13 and located in T04N, R02E, Sec. 29 NENESE.
19. Commercial use is for all uses within the greenhouses, shop, retail shops and watering of plants, except heating. Irrigation use is for areas outside of the greenhouses. Domestic use is for heating in the apartment.
20. This water right is subject to the terms of a private Agreement dated January 24,2002, recorded at the Ada County Recorder's Office on August 27, 2002 as Instrument No. 102097169.

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
DEC 27 2023
DEPARTMENT OF WATER RESOURCES

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

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

Water Right No. 63-00014
(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: KM	Date Received: 12.27.23	Receipt # 0117577
W-9 received? Yes ☑ No ☐ (Route W-9 to Fiscal)		Name on W-9: Edwards Family LLC	

~~2864~~ 2865

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 Edwards Family LLC

Mailing Address 4106 Sand Creek Road, Boise, Idaho 83703
Street City State Zip Code

Email Address garnette@edwardsgreenhouse.com Phone Number 208-342-7548

☑ 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 Dylan Lawrence Organization Varin Thomas LLC

Professional Title Attorney Email Address dylan@varinthomas.com

Mailing Address 242 N. 8th Street, Ste. 220, Boise, ID 83702 Phone Number 208-345-6021

☐ 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.
Well and pump to pipelines

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. Lessor also owns 63-5065 (domestic) and 63-5067 (commercial, irrigation). 63-14 is Lessor's only heating water right.

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. For heating, Applicant will limit use to approved rental. For irrigation, Applicant will limit outdoor irrigation to 2.33 acres, and indoor watering will be pursuant to commercial component of 63-5067.

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. Heating: 201.5 AF (2023 est.); 174.6 AF (2022); 195.8 AF (2021); 141.7 AF (2020); 123.2 AF (2019)

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 ☑

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 2028 (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.

Garnette Edwards	Garnette Edwards, Manager	12/27/23
Signature of Designated Applicant	Printed Name	Date
	Dylan Lawrence	12/27/23
Signature of Authorized Representative	Printed Name	Date

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

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

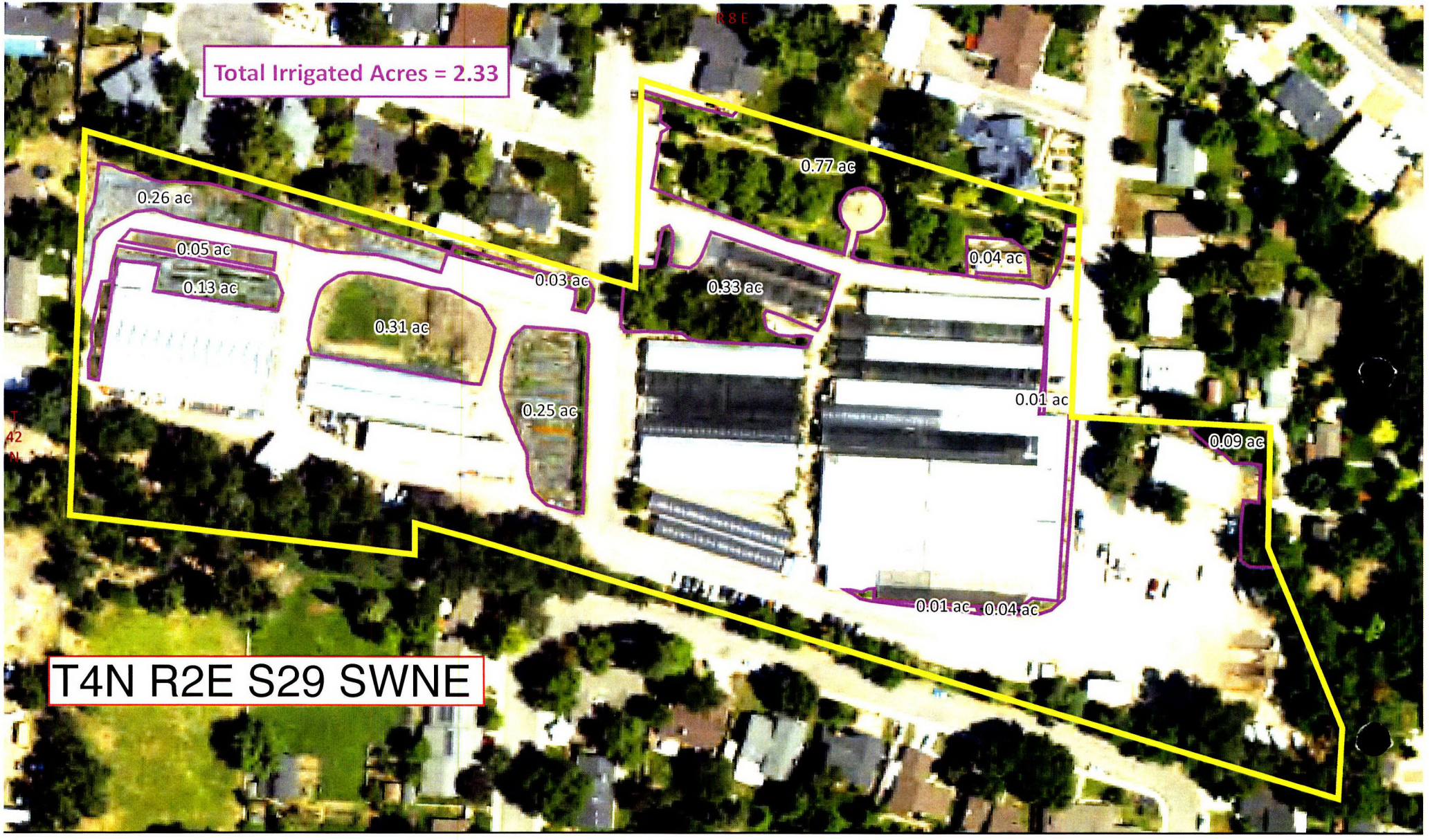
1. Water Right Number: 63-00014

Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
Heating	0.84	250.00	N/A
Commercial	0.84	250.00	N/A
Irrigation	0.24	N/A	5.97
Total Amounts:	0.84	250.00	5.97

2. Source of water: Ground water tributary to: _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	2E	29			SW	NE	Ada



Water Right 63-14
Approximate Outdoor Irrigation
Edwards Greenhouses

Source:
IDWR water right place of use shapefile.
Background map is USDA NAIP for Ada County, ID (7/11/2023).

ATTACHMENT 3

Water Right 63-14 Place of Use
63-14 Irrigated Area

0 0.025 0.05 Miles

N W E S

Spronk Water Engineers, Inc.
1000 Logan Street Denver, CO 80203

12/22/2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1651

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

LESSOR: EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE, ID 83703

RECEIVED
Jan 31, 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 December 22, 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)
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Lease Totals			**0.34**	**100**	**8.3**

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)
63-14	0.34	100	8.3	0.04
Limit Totals	**0.34**	**100**	**8.3**	**0.04**

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.

SCANNED
MAR 0 6 2023

WATER SUPPLY BANK LEASE CONTRACT No. 1651

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.

SCANNED
MAR 0 6 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1651

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

LESSOR: EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE, ID 83703

By Garnette Edwards
Title owner
Date 1/31/2023

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

By _____ Date 2/3/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 2/3/23

SCANNED MAR 0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1651

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): 63-14

GROUND WATER SWNE Sec. 29 Twp 04N Rge 02E ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
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	COMMERCIAL	01/01	to	12/31	0.34 cfs	100 AF
	HEATING	01/01	to	12/31	0.34 cfs	100 AF
				Totals:	0.34 cfs	100 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	
04N	02E	29			8.3														8.3

Total Acres: 8.3

PLACES OF USE TO BE IDLED UNDER THIS LEASE: COMMERCIAL& HEATING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29			X														0.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
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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.

SCANNED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1651

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.
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    a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The well that is the point of diversion is locally known as Edwards well.
13. This right may be limited to a total of 108.3 af during the period from October 1 through April 1 and/or 145.2 af during the period April 1 to October 1 for the purpose of protecting the artesian flow of water from the two wells used under water rights 63-12 and 63-13 and located in T04N, R02E, Sec. 29 NENESE.
14. Use of this right with Right No. 63-5067 is limited a total combined diversion rate of 0.33 cfs for outside irrigation.
15. This water right is subject to the terms of a private agreement dated January 24, 2022, recorded at the Ada County Recorder's Office on August 27, 2002 as instrument No. 102097169.
16. The unleased portions of the heating, commercial, and domestic uses of this right are limited to 0.50 cfs and 150 af.
17. Use of water under this water right may be regulated by the watermaster of State Water District No. 63-S, Stewart Gulch. Water District 63-S regulates the water rights from wells within its boundary that produce from the low temperature geothermal aquifer known locally as the Stewart Gulch Geothermal Aquifer.
18. Diversion of low temperature geothermal water under this right for outside irrigation and watering of plants shall, to the extent possible, occur only when the cold water under Water Right No. 63-5067 is insufficient or cannot be used.

SCANNED
MAR 0 6 2023

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
DEC 22 2022
DEPARTMENT OF WATER RESOURCES

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

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

Water Right No. 63-00014
(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: M	Date Received: 12.22.22	Receipt # C114950
W-9 received? Yes ☑ No ☐	(Route W-9 to Fiscal)	Name on W-9: Edwards Family LLC	

2538

SCANNED MAR 08 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 Edwards Family LLC

Mailing Address c/o Garnette Edwards, 4106 Sand Creek, Boise, Idaho 83703
Street City State Zip Code

Email Address _____ Phone Number (208) 342-7548

☑ 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 Dana L. Hofstetter Organization Hawley Troxell Ennis & Hawley LLP

Professional Title Attorney at Law Email Address dhofstetter@hawleytroxell.com

Mailing Address P.O. Box 1617, Boise, Idaho 83701-1617 Phone Number (208) 344-6000

☐ 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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MAR 08 2023

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.
well, pump, to pipelines

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. none for primary use of heating

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. not for heating

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. See District 63-S Watermaster annual reports; Water Supply Bank Leases; SRBA Partial Decree dated 5/10/2011 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.

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 ☑

SCANNED
MAR 0 8 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: 1/2023 (Year) to * (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.

*lease period is 1/1/2023 to 12/31/2023; 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.

Garnette Edwards	Garnette Edwards	12/21/2022
Signature of Designated Applicant	Printed Name	Date
Dana Hofstetter	Dana L. Hofstetter	12/22/2022
Signature of Authorized Representative	Printed Name	Date

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

SCANNED
MAR 08 2023

0004968470

STATE OF IDAHO

Office of the secretary of state, Lawerence Denney

ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only

-FILED-

File #: 0004968470

Date Filed: 11/3/2022 5:15:03 AM

Entity Name and Mailing Address:

Entity Name:	EDWARDS FAMILY LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0000056018
Address	4106 W SAND CREEK ST BOISE, ID 83703-4028

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W13936

The registered agent on record is:

Registered Agent	GARNETTE EDWARDS Registered Agent Physical Address 4106 SAND CREEK ST BOISE, ID 83703 Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
Garnette K Edwards	Manager	4106 W SAND CREEK STREET BOISE, ID 83703

The annual report must be signed by an authorized signer of the entity.

Job Title: Manager

Garnette Edwards — Sign Here

11/03/2022 — Date

B0751-7535 11/03/2022 5:15 AM Received by Office of the Idaho Secretary of State

SCANNED MAR 08 2023

ATTACHMENT 1D

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

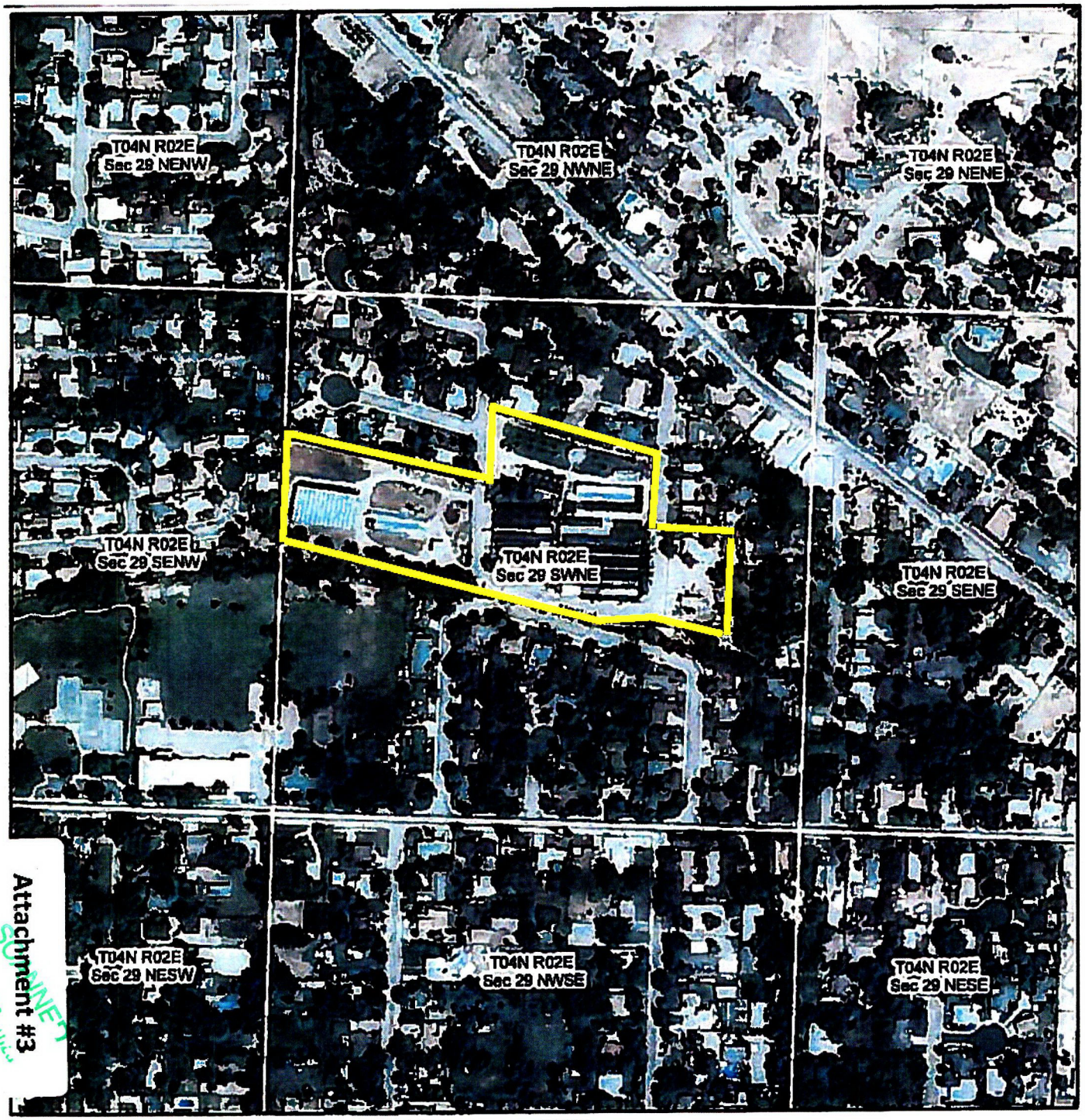
1. Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
63-00014	Heating	0.34	100	N/A
	Commercial	0.34	100	N/A
	Irrigation	0.33		8.3
	Total Amounts:	0.34	100	8.3

2. Source of water Stewart Gulch Geothermal Aquifer tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	2E	29			SW	NE	Ada

SCANNED MAR 08 2023



Attachment #3

SUMNER

MAR 08 2021

Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties

N
W
E
S

WSB Mailing Checklist for Leases

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

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER:

Received Date 12/27/2023

Desired Lease Duration 2024-2028

Lease / Rental Package (Y) N

If yes, Renter Name: Edwards Family LLC

Application # 28165 Contract # ~~1838~~

WR#s	
# 63-14	#
# ~~63-5067~~	#
#	#
#	#
#	#
#	#
#	#

Applicant Authorized?	(Y) / N
Multiple owners, Attach 1A included?	Y / (N) NA – Both signed app
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
WSB Action Request for deficiencies	☐

Stacked Water Rights Need to be Leased? ☐ _____

If checked, list water rights: _____

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)	CC	Original	
Designated Applicant: Edwards Family LLC	☒	☐	EMAIL:
Attorney:	☐	☐	EMAIL:
Consultants Name: Dylan Lawrence, Varin Thomas LLC	☒		Comments:
Watermaster: Mike McVay	☐		
Delivery Entity:	☐		
Water District: WD-63-S	☐		
Ground Water District:	☐		
Region: Western – Nick Miller	☒		
Other: GWMA, Mar Area – Boise Front	☒	☐	
Address:			

Call up Date: _____

DO NOT SCAN

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little **Director Mathew Weaver**

September 27, 2024

EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE, ID 83703

RE: WATER SUPPLY BANK LEASE CONTRACT 1838
FOR WATER RIGHT 63-14

Dear Lessor:

Water right **63-14 is** leased into the Water Supply Bank (Bank) as of January 2024 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, 2028,** unless the rights are released earlier by the Water Resource Board (Board). 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 are rented.**

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

Sincerely,

Debra Mansfield
Technical Records Specialist I

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region Office
Water District No. 63S

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

September 04, 2024

EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE ID 83703

RE: APPLICATION TO LEASE WATER RIGHTS 63-14 TO THE WATER SUPPLY BANK CONTRACT 1838

******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, 2028** 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 <u>not</u> 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,

Debra Mansfield

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

MEMORANDUM FOR LEASE 2865 / RENTAL 2867

To: Water Right 63-14
From: Bob Howe
Date: 03/19/2024
Re: Review & Analysis of Application to Lease and Application to Rent

---

PURPOSE/NARRATIVE: The complete companion lease and rental application package for rights 63-14 & 63-5067 was received on December 27th, 2023. The applicant proposes to lease portions of each of the rights, including the entire heating portion of right 63-14, and 5.97 acres of irrigation, renting back a rate of 0.74 cfs and 220 af for heating use within the right place of use (POU). Right 63-14 has been leased into the WSB previously in various portions. The lease review for right 63-5067 raised forfeiture concerns resulting in a request for additional information. In response the Dylan Lawrence ("Lawrence", representative for the applicant) requested to withdraw the 2024 application for lease for right 63-5067. Additionally, right 63-14 authorizes multiple uses but is limited to a total rate of 0.84 cfs and a volume of 250 af. To address enlargement concerns the Lawrence changed the proposal for the entire right 63-14 and the rental will be for the portions still in use.

AUTHORITY TO FILE: The application was signed by registered agent, Garnette Edwards and named representative, Dylan B. Lawrence. The most recent Annual Report on the Idaho Secretary of State (IDSOS) website verify Garnette Edwards is the registered agent on record for the water right 63-14 owner Edwards Family LLC and right 63-5067 is listed on IDWR records as currently owned by Edwards Family LLC and Dylan Lawrence. Based on the parcel data, Edwards Family LLC is the owner of the parcels the place of use (POU) and the point of diversion (POD) for right 63-14 are located within. The applicant included a copy of the original 2011 decree for WR 63-14, naming Edwards Family LLC as the owner.

WATER RIGHT VALIDITY: This amended proposal is the lease of 0.84 cfs, 250 af, and 8.3 acres and the rental of 0.74 cfs, 220 af, and 2.3 acres. Previous leases were for 0.34 cfs, 100 af, and 8.3 acres with the unleased portions of the right remaining in use. IDWR understands 2.3 acres of outside irrigation within the place of use occurred with cold water under 63-5067 during the terms of prior leases. The unleased portions of commercial and heating uses were used and are available for lease in 2024, the portions previously leased have been continuously leased and rented and can be accepted again. The purpose of the this lease application for the full portion is to rent the portion needed and idle the remaining portion. There are no validity concerns regarding with a lease into the water supply bank.

INJURY TO OTHER WATER RIGHTS: The partial decree for right 63-14 states that seasonal diversions of water might be regulated under this right to ensure sufficient artesian pressure is maintained in the aquifer to avoid injuring water rights 63-12 and 63-13. Right 63-5067 was decreed in 2011 authorizing the use of cold water and is intended to be used as the primary source for irrigation and commercial use (inside watering) within the nursery/greenhouses. IDWR understands the use of cold water under 63-5067 for irrigation will continue as the primary source during the terms of the lease and rental. Irrigation is included on the rental agreement to maintain combined limits and allow for supplemental hot water use for irrigation if needed in accordance with the conditions and the private agreement. Previous lease contracts have maintained water right conditions related to LTG use and the private agreement. This lease and associated rental agreement will maintain these conditions.

ENLARGEMENT OF USE: The POU for right 63-14 is overlapped by municipal water rights and right 63-5067 (also owned by Edwards Family LLC). Rights 63-14 & 63-5067 have a combined limit for 0.33 cfs and the irrigation of the same 8.3 acres. There are enlargement concerns with an independent lease of the irrigation component when considering the combined limit and with the separation of the heating and commercial use. However, the acceptance of the irrigation portion separate from right 63-5067 is considered with the rental of 2.3 acres for continued use in combination with cold water right 63-5067 by the same owner. The remaining portion the irrigation use not rented by Edwards as part of this package will be unrentable to maintain the combined amounts and prevent enlargement. Similarly, the heating, commercial, and domestic use are leased

to facilitate the proposed rental, combined limits will be maintained and the remaining portion not rented by Edwards will be unrentable.

LOCAL PUBLIC INTEREST: The 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 POD for the proposed lease is within Water District #63S. A copy of the proposed lease contract, the lease map and lease application were attached to a comment request emailed to the Watermaster- Mike McVay and Western Regional Manager-Nick Miller, prior to mailing the contract for signing by the applicant.

VARIN THOMAS
ATTORNEYS AT LAW

DYLAN B. LAWRENCE
DYLAN@VARINTHOMAS.COM

242 N. 8TH STREET, SUITE 220
P.O. BOX 1676
BOISE, IDAHO 83701
P: 208.345.6021
F: 1.866.717.1758
VARINTHOMAS.COM

December 27, 2023

RECEIVED
DEC 27 2023
DEPARTMENT OF
WATER RESOURCES

VIA HAND DELIVERY

Idaho Department of Water Resources
322 E. Front Street
Boise, Idaho 83702

Re: Water Supply Bank Applications
Edwards Family LLC

Dear Sir or Madam:

I have enclosed with this letter:

1. A signed, original application to lease a portion of water right 63-14 to the Water Supply Bank;

2. A signed, original application to lease a portion of water right 63-5067 to the Water Supply Bank;

3. A signed, original application to rent a portion of water right 63-14 back out from the Water Supply Bank; and

4. A check for $500 for the processing fees for the two lease applications.

Please process these items at your earliest convenience, and please let me know if you need any additional information or documentation from the applicant.

Thank you for your attention to this matter.

2865, ~~2866~~. 2867

Sincerely,

VARIN THOMAS

Dylan B. Lawrence

Enclosures

WSB Mailing Checklist for Leases

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

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER:

Received Date **12/22/2022**

Desired Lease Duration **2023-2023**

Lease / Rental Package (Y) N

If yes, Renter Name: _____

Application # 2538 Contract # 1651

WR#s	# 63-14
#	#
#	#
#	#
#	#
#	#
#	#

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights: _____

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
WSB Action Request for deficiencies	☐

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: Edwards Family LLC	☐	☐	EMAIL:
Attorney:	☐	☐	EMAIL:
Consultants Name: Dana L. Hofstetter	☐		Comments: prev LA #1502
Watermaster:	☐		
Delivery Entity:	☐		
Water District:	☐		
Ground Water District:	☐		
Region:	☐		
Other:	☐	☐	
Address:			

Call up Date: _____

DO NOT SCAN

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

March 8, 2023

EDWARDS FAMILY LLC
4106 SAND CREEK
BOISE, ID 83703

RE: WATER SUPPLY BANK LEASE CONTRACT 1651
FOR WATER RIGHTS 63-14

Dear Lessor:

Water right(s) **63-14** 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, 2123,** unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

Amanda Johnson-Veibell
for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Office
Dana Hofstetter
Water District No. 63S

Hersley, Jean

From: Dian <AR@edwardsgreenhouse.com>
Sent: Tuesday, January 31, 2023 3:22 PM
To: IDWR File
Cc: Erin Monnie; Dana Hofstetter; Christi; Garnette
Subject: Water Lease Contract
Attachments: Water supply bank lease contract No. 1651.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please find the attached Edwards Family LLC signed lease contract.

Thank you.

Dian Streeby
Accounts Receivable
4106 Sand Creek Street Boise ID 83703
208-342-7548 ext 229/Direct Line 363-7699
Edwards Greenhouse



SCANNED

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

January 10, 2023

EDWARDS FAMILY LLC
4160 SAND CREEK
BOISE, ID 83703

RE: APPLICATION TO LEASE WATER RIGHTS 63-14 TO THE WATER SUPPLY BANK CONTRACT 1651

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

Dear Applicant:

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

The right will automatically be released from the Bank on **December 31, 2023,** unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at http://www.idwr.idaho.gov. Please note your right may not be available for immediate release if it has been rented.

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

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

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Dana Hofstetter

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MAR 08 2023

MEMORANDUM FOR APPLICATION # 2538

To: Water Right 63-14
From: Bob Howe
Date: 01/06/2023
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

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PURPOSE/NARRATIVE:
The complete application for lease for a single year to the water supply bank with applicable fee for water right 63-14 was received on December 22nd, 2022. We have not received a current W-9 for Edwards Family LLC within the last 2 years.

AUTHORITY TO FILE:
The application was signed by registered agent, Garnette Edwards and named representative, Dana L. Hofstetter. The most recent Annual Report on the Idaho Secretary of State (IDSOS) website verify Garnette Edwards is the registered agent on record for the water right (WR) 63-14 owner Edwards Family LLC. Based on the parcel data, Edwards Family LLC is the owner of the parcels the place of use (POU) and the point of diversion (POD) for WR 63-14 are located within. The applicant included a copy of the original 2011 decree for WR 63-14, naming Edwards Family LLC as the owner.

WATER RIGHT VALIDITY:
This application proposes a partial lease of WR 63-14 for lease 0.34cfs and 100af, idling 8.3acres. The purposed partial lease for portions of the heating, commercial and irrigation of WR 63-14 is the same as previous leases into the water bank beginning in 2016. I was able to confirm via GIS aerial imagery that the idled acres are covered in buildings, pavement, or trees. There are no concerns about the validity of the water right and the portion offered to the bank.

INJURY TO OTHER WATER RIGHTS:
As noted on previous lease rentals, there is a remark on the 2011 decree for WR 63-14 stating that seasonal diversions of water might be regulated under this right, to ensure sufficient artesian pressure is maintained in the aquifer to avoid injuring water rights 63-12 and 63-13. There has been previous correspondence with the named representative, Dana Hofstetter regarding the implication of the specific remarks on the decree. If seasonal diversions do not need to be regulated under WR 63-14 to protect WR 63-12 and WR 63-13, then annual diversions of up to 250af would be permitted under the combined leased and unleased portions of WR 63-14. It may be necessary to contact the owner of WR 63-14 to ensure no injury is permitted before any purposed rental occurs.

ENLARGEMENT OF USE:
The applicants are withholding the domestic portion of the water right decree (updated to the standard 13,000 Gal/Day). The POU for WR 63-14 is overlapped by municipal water rights and WR 63-5067 (also owned by Edwards Family LLC). The irrigation portion of water right 63-14 (decreed at 0.33cfs) is supplemental to water right 63-5067, therefore any renter would need to affirm they are able to draw from Stewart Gulch Geothermal Aquifer.

LOCAL PUBLIC INTEREST:
The 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 POD for the purposed lease is within Water District #63S. A copy of the purposed lease contract, the lease map and lease application were attached to a comment request emailed January 6, 2023 to Watermaster- Mike McVay, IDWR. Mike responded the same day that after review he has no concerns.

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Hummer, Phill

From: McVay, Michael
Sent: Friday, January 6, 2023 4:03 PM
To: Howe, Bob
Subject: RE: Comment Request Purposed Lease of 63-14

Hi Bob,

Justin had to walk me though the intricacies, but after our review, I have no concerns.

Have a good weekend,
Mike

Mike McVay, P.E., P.G.
Water Resources Engineer
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720
208-287-4840

From: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Sent: Friday, January 6, 2023 2:52 PM
To: McVay, Michael <Michael.McVay@idwr.idaho.gov>
Subject: Comment Request Purposed Lease of 63-14

Good Afternoon Mike,

I am reaching out to you regarding a proposed partial lease of WR 63-14 submitted by Edwards Family LLC. Please review the attached purposed lease contract, map, and application and respond to this email within the next 14 days with any comments or concerns. If you don't respond within the next 14 days, no response will be considered the same as a statement of no comments or concerns. Please feel free to reach out to me with any questions or concerns.

Thank you for your time and consideration in this matter

Sincerely,

Bob Howe
Water Resource Agent
Phone: 208-287-4847
Bob.howe@idwr.idaho.gov

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