

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1531

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

LESSOR: LOY PEHRSON

3624 W 3700 N

DARLINGTON, ID 83255-8779

LESSOR: BYRON PEHRSON

3624 W 3700 N

DARLINGTON, ID 83255-8779

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, 2021.
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)
34-14205	3/10/1894	BIG LOST RIVER, tributary to SINKS	0.44	Not Stated	22.0
34-4010	8/1/1961	GROUND WATER	0.28	49.0	14.0
Combined Limit Totals			0.44	77.1	22.0

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
34-14205	0.44	77.1	22.0	0.02	3.5
34-4010	0.28	49.0	14.0	0.02	3.5
Combined Limit Totals	0.44	77.1	22.0	0.02	3.5

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

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.

SUPPORT DATA

SCANNED

IN FILE # 34-4010

AUG 16 2023

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 27 2021

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Byron Pehrson

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

Water Right No. 34-14205

(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 \$ 250Received By: VADate Received: 12.27.21Receipt # C111614W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

SCANNED

AUG 6 2023

2252

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 Byron Pehrson

Mailing Address <u>3820 W 3580 N</u>	<u>Darlington</u>	ID <u>83255</u>	
Street	City	State	Zip Code

Email Address _____ Phone Number 208-588-3381

☒ 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 Kristin Moore Organization Rocky Mountain Environmental Assoc.

Professional Title Senior Water Rights Analyst Email Address kristin.rmea@gmail.com

Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Phone Number 208-524-2353

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

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

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☒ No ☐
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.
- B. Please provide a description of the current water diversion and delivery system.
Water is diverted from the Big Lost River and transported through a conveyance system to be used in the pivot irrigation system on three separate areas of land.
- 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. Water Rights 34-14189, 34-14191, 34-14193, 34-14195, 34-14197, 34-14199, 34-14201, 34-14203, 34-14207, 34-14209, 34-4010, and 34-7056 overlap the same 645 acres. They are not fully stacked. Only this right and right 34-4010 are being offered to the Bank.
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Water right was in the Bank from 2014-2018.
- 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 ☒

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AUG 16 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: 2022 to 2022 (maximum lease period 5 calendar years).
(Year) (Year)

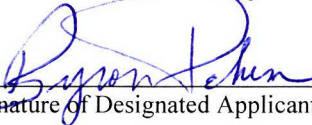
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental 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

Byron Petersen
Printed Name

12-17-21
Date

Signature of Authorized Representative

Printed Name

Date

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

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AUG 16 2023

**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. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
34-14205	Irrigation	0.44	77.1	22
Total Amounts:				

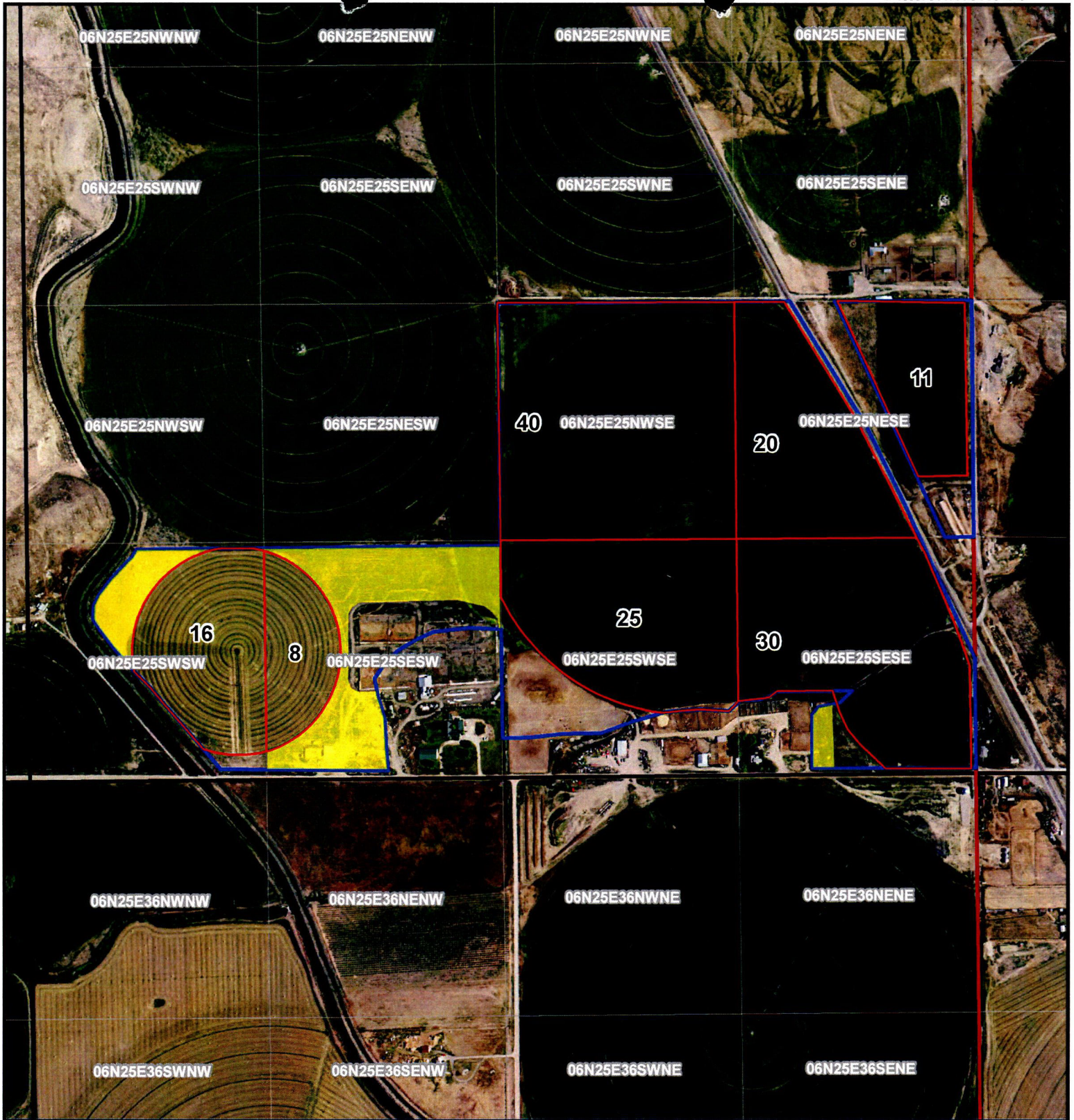
2. Source of water Big Lost River tributary to Sinks

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
6N	25E	11		SW	SE	SW	CUSTER
6N	25E	14		SE	NW	SE	CUSTER
6N	25E	24		NE	NW	NE	CUSTER
7N	24E	34		SE	NW	NW	CUSTER
7N	24E	34		SE	NW	NW	CUSTER

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AUG 16 2023

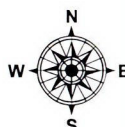


0 700 1,400 2,800 Feet

2017 Aerial Photography

Legend

- Actively Irrigated Acres
- WSB Lease 34-14205
- WR POU 34-14205 et al
- Township and Range
- Section
- QQ



WSB Lease 2022 34-14205

Pehrson
AUG 16 2023

RMEA #11-0029

by: KM

Date: 12/16/2021



3/06/2019 12:29

(FAX)

P.001/001

Big Lost River Irrigation District

101 S. Main Street, P.O. Box 205, Mackay ID 83251 (208) 588-2231 www.blrid.com

Date: 3-5-2019

State of Idaho
Water Resources Board

The Big Lost River Irrigation District gives consent for Water Supply Bank for decree water for the following user:

Byron Perhson
WR#: 34-14205

BLRID Board Approval Date: 3-5-2019

Total number of acres for water bank: up to 34 acres

Sincerely,



Lucas Yockey
General Manager

SCANNED
AUG 16 2023

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87871**

This is to certify that: **BYRON PEHRSON**
3820 N 3580 W
MOORE, ID 83255

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-2365	WR/DECREED	5/4/1960	0.380 cfs	60.2 af	17.2	60.3	GROUND WATER
34-637C	WR/DECREED	6/1/1888	0.220 cfs	N/A	17.2	60.3	BIG LOST RIVER
34-638A	WR/DECREED	10/12/1884	0.150 cfs	N/A	7.4	60.3	BIG LOST RIVER
34-7239A	WR/LICENSE	1/22/1980	0.290 cfs	125.9 af	41.8	60.3	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-440B	WR/DECREED	4/22/1884	0.560 cfs	N/A	28.6	29.3	BIG LOST RIVER
34-7056	WR/DECREED	1/20/1974	3.960 cfs	N/A	225.0	233.0	GROUND WATER
34-4010	WR/DECREED	8/1/1961	2.980 cfs	525.0 af		150.0	GROUND WATER
34-14189	WR/DECREED	6/1/1885	1.540 cfs	N/A	77.0	645.0	BIG LOST RIVER
34-14193	WR/DECREED	6/1/1888	0.770 cfs	N/A	38.5	645.0	BIG LOST RIVER
34-14195	WR/DECREED	5/10/1897	0.480 cfs	N/A	24.0	645.0	BIG LOST RIVER
34-14197	WR/DECREED	6/1/1888	0.150 cfs	N/A	7.7	645.0	BIG LOST RIVER
34-14199	WR/DECREED	9/1/1896	0.060 cfs	N/A	3.4	645.0	BIG LOST RIVER
34-14201	WR/DECREED	5/10/1897	0.070 cfs	N/A	3.8	645.0	BIG LOST RIVER
34-14203	WR/DECREED	6/1/1887	1.460 cfs	N/A	73.0	645.0	BIG LOST RIVER
34-14205	WR/DECREED	3/10/1894	1.730 cfs	N/A	86.6	645.0	BIG LOST RIVER
34-14207	WR/DECREED	6/30/1885	3.080 cfs	N/A	154.0	645.0	BIG LOST RIVER
34-14209	WR/DECREED	9/14/1886	2.310 cfs	N/A	115.5	645.0	BIG LOST RIVER
34-14824	WR/DECREED	5/18/1953	0.120 cfs	21.4 af	7.1	59.6	GROUND WATER
34-14825	WR/DECREED	5/5/1972	0.100 cfs	24.9 af	7.1	59.6	GROUND WATER
34-14826	WR/DECREED	6/9/1966	0.130 cfs	30.1 af	8.6	59.6	GROUND WATER
34-14827	WR/DECREED	9/2/1961	0.450 cfs	78.1 af	22.3	59.6	GROUND WATER
34-14828	WR/DECREED	8/1/1961	0.430 cfs	75.6 af	21.6	59.6	GROUND WATER

SUPPORT DATA

Transfer No. 87871

IN FILE # 34-637C

SCANNED

JUL 17 2023

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87871**

Purpose of Transfer (Changes Proposed)

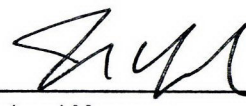
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-2365	NO	YES	YES	NO	NO	NO
34-637C	NO	YES	YES	NO	NO	NO
34-638A	YES	YES	YES	NO	NO	NO
34-7239A	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
34-2365	34-2365	0.330 cfs	57.8 af	16.5	31.0	N/A	N/A	N/A	N/A	N/A
34-637C	34-637C	0.220 cfs	N/A	16.5	31.0	N/A	N/A	N/A	N/A	N/A
34-638A	34-14920	0.120 cfs	N/A	6.7	31.0	34-638A	0.030 cfs	N/A	0.7	29.3
34-7239A	34-7239A	0.290 cfs	50.7 af	14.5	31.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.620 cfs	N/A	31.0	31.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 14th day of July, 2023.



Regional Manager

Transfer No. 87871

SUPPORT DATA

IN FILE # 34-637C

SCANNED

JUL 17 2023

WATER RIGHT NO. 34-14205**As Modified by Transfer No. 87871**

In accordance with the approval of Transfer No. 87871, Water Right No. 34-14205 is now described as follows:

Right Holder: BYRON PEHRSON
3820 N 3580 W
MOORE, ID 83255

Priority Date: 3/10/1894

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	1.730 cfs
STOCKWATER	01/01	to 12/31	0.010 cfs
			1.730 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER	SWSESW	Sec 11 Twp 06N Rge 25E	CUSTER County
BIG LOST RIVER	SEWSE	Sec 14 Twp 06N Rge 25E	CUSTER County
BIG LOST RIVER	NENWNE	Sec 24 Twp 06N Rge 25E	CUSTER County
BIG LOST RIVER	SEWNWN	Sec 34 Twp 07N Rge 24E	CUSTER County
BIG LOST RIVER	SEWNWN	Sec 34 Twp 07N Rge 24E	CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	25											21.0	24.0	35.0	40.0	31.0	32.0	183.0
06N	26E	19	39.0	39.0	40.0	40.0	38.0			39.0	35.0				39.0	40.0			349.0
07N	25E	32									38.0					40.0	35.0		113.0

Right Acre Limit: 86.6

POU Total Acres: 645.0

CONDITIONS OF APPROVAL

1. Water is delivered through the Beck-McGowan, 3 IN 1, Harris-Vaught, Burnett and Lower Burnett ditches.
2. The quantity of water decreed for this water right for stock water use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
3. The appropriator is entitled to the quantity of water described for stock water purposes at a point of measurement where the delivery ditch enters the place of use described.
4. This right is limited to the irrigation of 86.6 acres within the place of use described above in a single irrigation season.

Transfer No. 87871

SCANNED

JUL 17 2023

WATER RIGHT NO. 34-14205

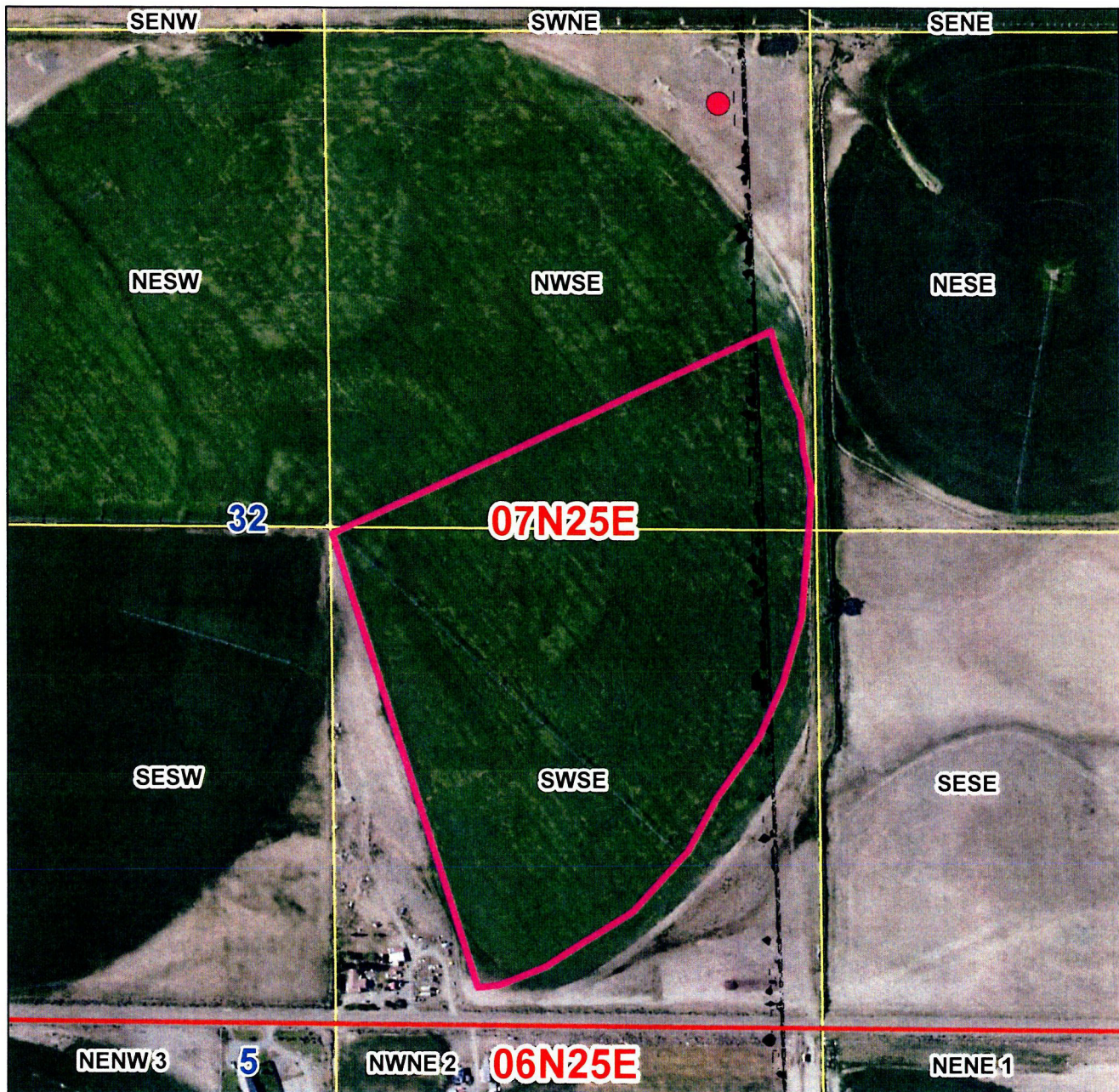
As Modified by Transfer No. 87871

CONDITIONS OF APPROVAL

5. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. Rights 34-637C, 34-2365, 34-7239A, 34-14920, 34-4010, 34-7056, 34-14189, 34-14191, 34-14193, 34-14195, 34-14197, 34-14199, 34-14201, 34-14203, 34-14205, 34-14207, 34-14209, 34-14824, 34-14825, 34-14826, 34-14827, and 34-14828, when combined shall not exceed a total diversion rate of 18.36 cfs and the irrigation of 645 acres.

Attachment to Transfer Approval 87871

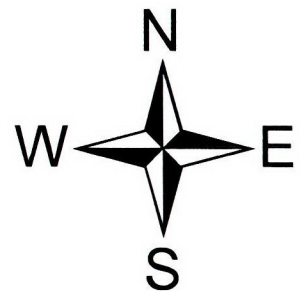
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 250 500 1,000 Feet



Date: 7/14/2023

SCANNED