

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1565

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

LESSOR: BELVA E ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

LESSOR: JOEL S ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

RECEIVED
OCT 14 2022
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 18, 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)
34-299	6/1/1896	BIG LOST RIVER, tributary to SINKS	0.30	N/A	15
34-2397A	2/20/1961	GROUND WATER, tributary to	0.30	52.5	15
Combined Limit Totals			0.30	N/A	15
Combined Lease Totals			0.30	52.5	15

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)
34-299	0.30	52.5	15	0.02	3.5
34-2397A	0.30	52.5	15	0.02	3.5
Combined Limit Totals	0.39	52.5	15	0.02	3.5

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

SUPPORT DATA
IN FILE # 34-299

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WATER SUPPLY BANK LEASE CONTRACT No. 1565

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, 2022 to December 31, 2026. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1565

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

LESSOR: BELVA E ANDERSEN

2791 N 3375 W

MOORE, ID 83255-8715

By Belva E. Andersen

Title _____

Date 9-28-22

LESSOR: JOEL S ANDERSEN

2791 N 3375 W

MOORE, ID 83255-8715

By Joel S. Andersen

Title _____

Date 9-28-22

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By Brian Patton

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 10/17/22

Lease approved by IDWR HP

Date 10/17/22

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AUG 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1565

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): 34-2397A

GROUND WATER NENWNW Sec. 4 Twp 04N Rge 26E BUTTE County

Source and Location of Point(s) of Diversion for Water Right No(s): 34-299

BIG LOST RIVER NWSESE Sec. 4 Twp 05N Rge 26E BUTTE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
34-2397A	IRRIGATION	4/01	to	11/01	0.30 cfs	52.5 AF
34-299	IRRIGATION	5/01	to	10/15	0.30 cfs	NA
Totals:					0.30 cfs	52.5 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	26E	4					5.0 L3	5.0 L4	5.0										15

Total Acres: 15

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

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WATER SUPPLY BANK LEASE CONTRACT No. 1565

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. 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.
13. The unleased portion of Right 34-299 shall not exceed a total diversion rate of 2.10 cfs and the irrigation of 105 acres.
14. The unleased portion of Right 34-2397A shall not exceed a total diversion rate of 2.10 cfs, a total annual maximum diversion volume of 367.5 af, and the irrigation of 105 acres.
15. The unleased portions of Rights 34-299 and 34-2397A when combined shall not exceed a total diversion rate of 2.73 cfs and the irrigation of 105 acres.
16. When combined with all other rights, the leased rights shall provide not more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
17. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.

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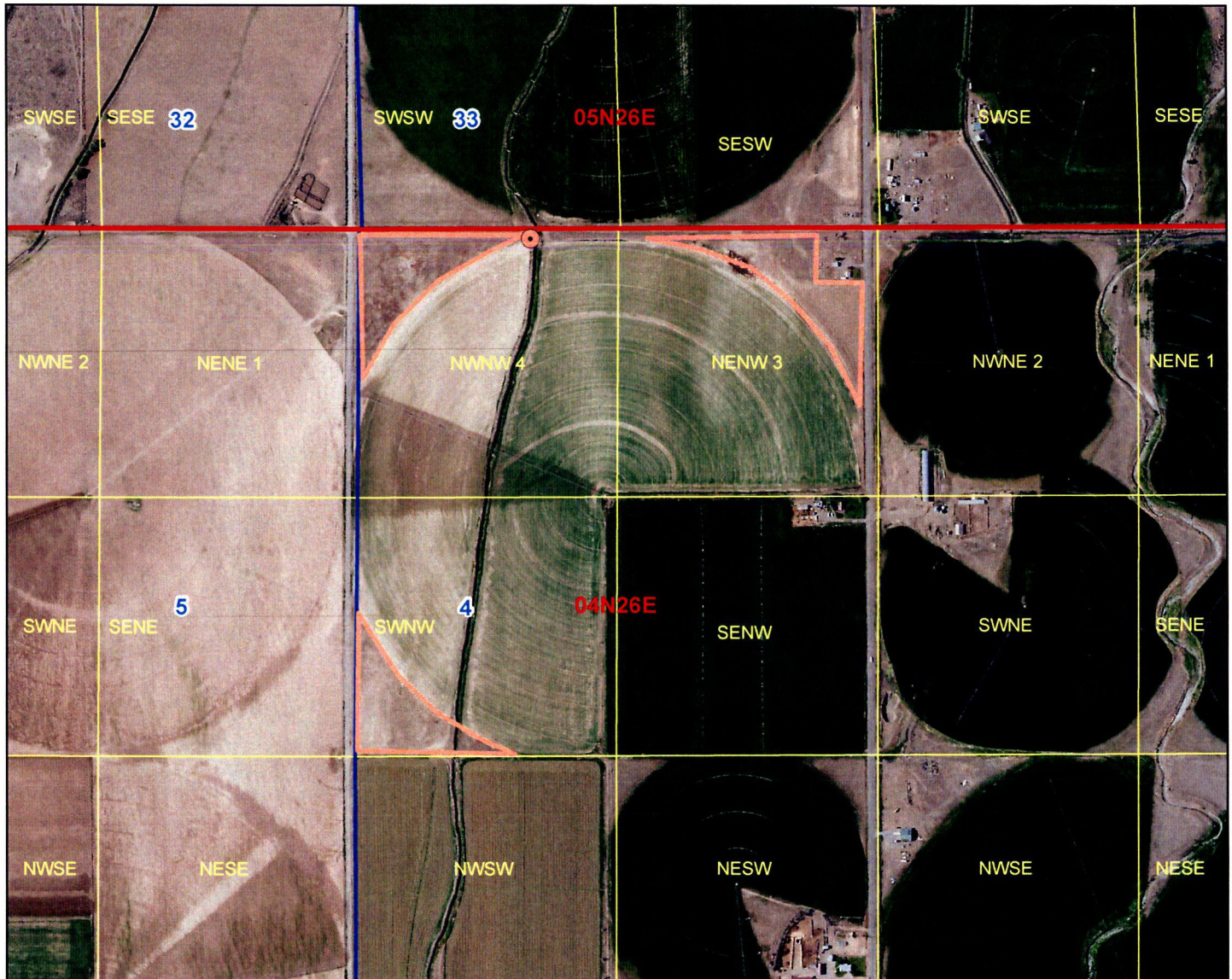
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1565

34-2397A and 34-299

Effective until December 31, 2026

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



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



0 500 1,000 Feet

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STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

OCT 14 2022

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Joel Andersen

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

Water Right No. 34-299

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☒ No ☐

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

- 1A** ☐ ☒ Signatures and contact information for *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 \$ <u>250.00</u>	Received By: <u>BU</u>	Date Received: <u>10.14.22</u>	Receipt # <u>C114301</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Joel S Anderson</u>	

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AUG 17 2023

2462
2282

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 Joel Andersen

Mailing Address 2791 N 3375 W Moore, ID 83255

Street

City

State

Zip Code

Email Address _____

Phone Number 208-589-0019

☐ 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., Inc.

Professional Title Sen. 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 through the Moore Diversion, Westside Ditch to the property and then delivered into mainline and irrigation system.
- 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. Fully overlapped by ground water right 34-2397A, which is also 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. Corners will not be irrigated.
- 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 34-2397A and 34-299 were used in an emergency transfer in 2020 and 2021.
- 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.

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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 2026 (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.
Applicant is also renting this water right for his own purposes on another property. Assume the renter's fee will be consistent with the WSB administrative fee of the 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

Joe L. S. Andersen
Printed Name

9-28-22
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 7 2023

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 34-299

	Designated Applicant	Applicant #2	Applicant #3
Name	Joel Andersen	Belva Andersen	
Mailing Address	2791 N 3375 W Moore, ID 83255	2791 N 3375 W Moore, ID 83255	
Phone Number	208-527-3379	208-527-3379	
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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AUG 17 2023

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: JOEL ANDERSEN

RE: Authorized Representatives

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way 303
Idaho Falls, ID 83402
(208) 524-2353 / (208) 524-1795 Fax

Rocky Mountain Environmental Associates, Inc. (RMEA) is hereby authorized to act on behalf of Applicant regarding Water Supply Bank Application(s) for water right(s).


Signature

Joel Andersen
Printed Name

1-12-22
Date

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AUG 7 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)
34-299	Irrigation	0.30		15
Total Amounts:		0.30		15

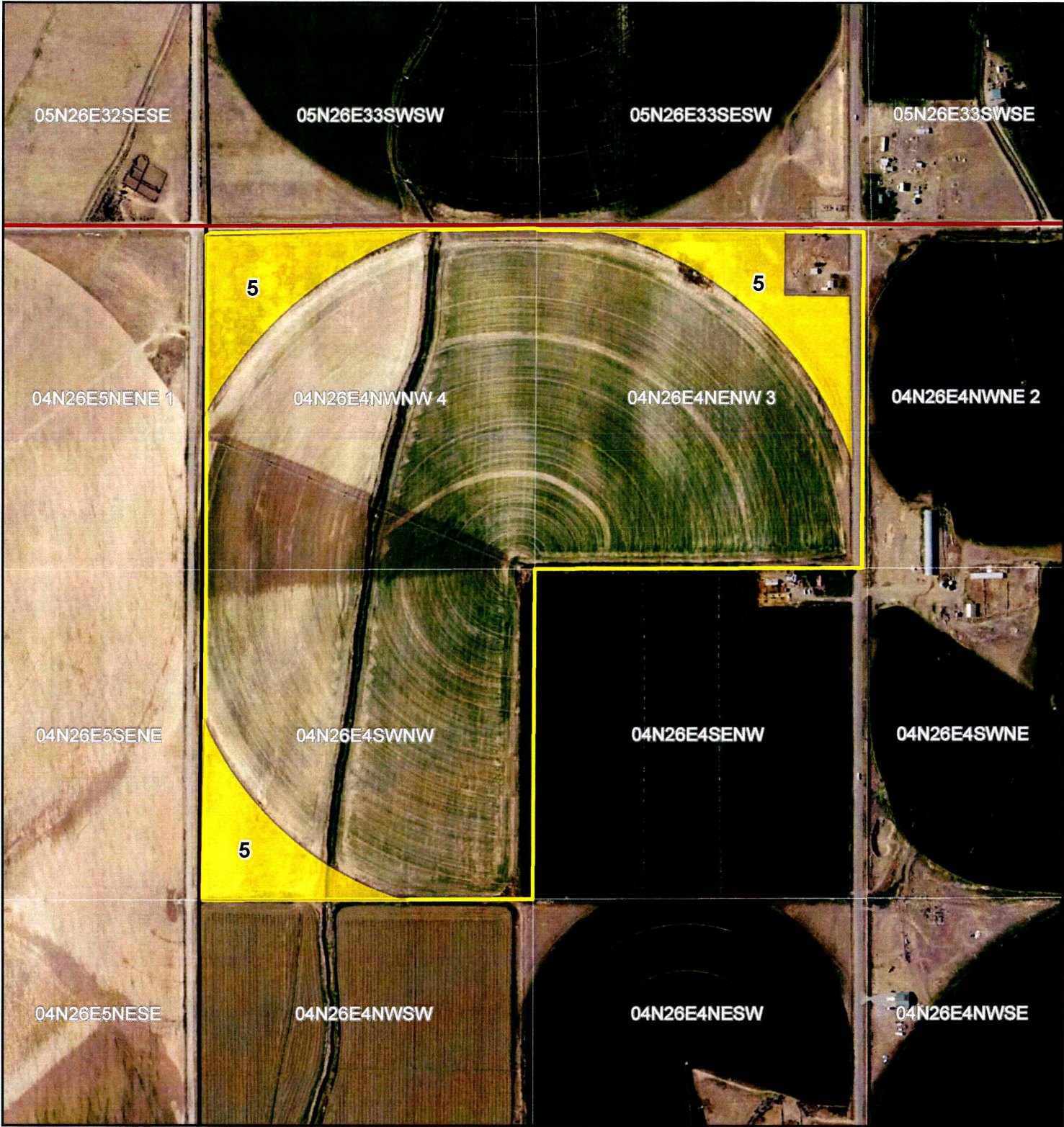
2. Source of water Big Lost River tributary to Sinks

3. Point(s) of diversion:

Tw	Rge	Sec	Lot	¼	¼	¼	County
5N	26E	4		NW	SE	SE	Butte

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8/16 - 7 2023



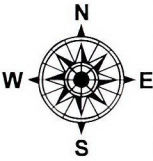
0 250 500 1,000 Feet

2021 NAIP

Legend

- WSB Lease Acres
- WRPOU 34-2397A & 34-299
- Twp & Rng
- Section

QQ



WSB Lease App 34-299

Joel Andersen

RMEA # 21-0268

by: KM

Date: 9/27/2022



Big Lost River Irrigation District

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

October 6, 2022

To whom it may concern,

The Big Lost River Irrigation District has no objections with Joel Andersen's application to lease Big Lost River water right 34-299 into the Water Bank.

Thank you

Big Lost River Irrigation District

SCANNED

AUG 17 2023



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

Governor Brad Little

Director Mathew Weaver

December 1, 2023

JOEL ANDERSEN
2791 N 3375 W
MOORE ID 83255-8715

**RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 34-299, 34-2397A.**

The Department of Water Resources is enclosing a state warrant in the amount of **\$217.35** as payment to you for the rental of the above referenced water right(s) from the Water Supply Bank during 2023. Your payment is 90% of the total rental fee for the following transactions:

Lease Contract	Water Right(s)	Rental Agreement	Rental Volume (AF)	Rental Rate (\$/AF)	Total Rental Fee	Owner Share
1565	34-299, 34-2397A	722	10.5	\$23/AF	\$241.50	\$217.35

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

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Warrant Number: 150154591

Enclosures: Check

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

DO NOT SCAN



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

November 3, 2022

BELVA E ANDERSEN
JOEL S ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

**RE: WATER SUPPLY BANK LEASE CONTRACT 1565
FOR WATER RIGHTS 34-299 & 34-2397A**

Dear Lessor:

Water right **34-299 & 34-2397A** was leased into the Water Supply Bank (Bank) as of January 1, 2022, 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 rights will automatically be released from the Bank on **December 31, 2026**, 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- Eastern Region
Water District No. 34
Kristin Moore

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AUG 07 2023



IDAHO DEPARTMENT
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

September 20, 2022

JOEL S ANDERSEN
BELVA E ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

**RE: APPLICATION TO LEASE WATER RIGHTS 37-7210A, 34-299 & 34-2397A TO THE WATER
SUPPLY BANK CONTRACT 1572 & 1565**

******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. Upon review it was determined the groundwater right proposed for lease is overlapping one or more surface water right(s). Since the groundwater and surface water rights provide a combined beneficial use they can't be separated and must be leased together.

I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. **The Lease Contract packet includes the overlapping surface water right. The surface water right(s) must be included with groundwater right(s). Since the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for a lease of all water rights is \$500.00. \$250 was paid when the original application for lease was filed, therefore another \$250 is required as part of the processing fee. Please sign and return ALL Lease Contracts along with an additional payment of \$250 and an application to lease the surface water right within 14 days.** Upon signature and return of the contracts, lease application, and the fee, 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, 2026**, 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: Kristin Moore – Rocky Mountain Environmental

SCANNED

AUG 27 2023

Novak, Shilynn

From: Cefalo, James
Sent: Thursday, September 8, 2022 11:14 AM
To: Novak, Shilynn
Subject: RE: Water Supply Bank Lease Review - J. Andersen

I don't have any concern with the proposed WSB leases.

James

From: Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>
Sent: Thursday, September 8, 2022 11:04 AM
To: waterdist34@atcnet.net; Cefalo, James <James.Cefalo@idwr.idaho.gov>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: Water Supply Bank Lease Review - J. Andersen

Hello,

I have two leases for Joel Andersen. I've attached the scanned applications, review memos, and maps for your review. Please respond with any comments or concerns within 7 days. If no response is received, then it will be assumed that there are no concerns regarding these leases.

Thank you,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
Idaho Dept. of Water Resources
322 E Front St Ste 648 | Boise ID 83702-7371
Phone: (208) 287-4915

SCANNED
SEP 7 2023

Novak, Shilynn

From: Novak, Shilynn
Sent: Thursday, September 8, 2022 11:04 AM
To: waterdist34@atcnet.net; Cefalo, James
Cc: Hummer, Phill
Subject: Water Supply Bank Lease Review - J. Andersen
Attachments: LeaseApp2285-contract1565_Map.pdf; Lease Review Memo 2282.docx; Memo Update for 2282.docx; LeaseApp2299-contract1572 Map.pdf; Lease Review Memo 2299.docx; WSB Lease Application # 2299 WR # 34-7210A.pdf; WSB Lease Application # 2282 WR # 34-2397A (1).pdf

Hello,

I have two leases for Joel Andersen. I've attached the scanned applications, review memos, and maps for your review. Please respond with any comments or concerns within 7 days. If no response is received, then it will be assumed that there are no concerns regarding these leases.

Thank you,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
Idaho Dept. of Water Resources
322 E Front St Ste 648 | Boise ID 83702-7371
Phone: (208) 287-4915

MEMORANDUM FOR LEASE APPLICATION # 2282

To: Water Right(s) 34-2397A and 34-299
From: Shilynn Novak; Water Resource Agent, Sr.
Date: August 23, 2022
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

During further review of the application, it was determined that water right 34-299 would also need to be leased into the Water Supply Bank (WSB). Leasing in 34-299 would avoid enlargement. The surface water right has the exact same place of use (POU) therefore to achieve non-irrigation on the land offered to the WSB, the same acres of the surface water would need to be leased to the WSB. The conveyance water would still be diverted from the source so there would be no reduction in water use. Since the ground water and surface water rights are stacked, an equal portion of both rights will be leased.

When rights 34-2397A and 34-299 are rented in the future, both rights will need to be included.

SCANNED
AUG 17 2023

Ritter, Ashley

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, August 2, 2022 9:35 AM
To: Ritter, Ashley
Subject: RE: Water Supply Bank Lease 2282

Ashley,

The water right was used on the corners in 2015. Also in 2015, a Temporary Change application was filed and approved. Then in 2020 and 2021, temporary changes were also approved. In the review process for temporary change applications, they are reviewed just like a normal Application for Transfer under 42-222. And as such, the water rights are also deemed to be beneficially used on the year of an approved temporary change. The right was most recently used in 2021 and therefore, the forfeiture clock was restarted last year. If you need verification of acres, the approved temporary change identifies the acres on which the right was used.

I don't see any forfeiture impediments for this right.

Kristin Moore

Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795



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From: Ritter, Ashley [<mailto:Ashley.Ritter@idwr.idaho.gov>]
Sent: Monday, August 01, 2022 1:49 PM
To: kristin.rmea@gmail.com
Subject: Water Supply Bank Lease 2282

Good afternoon,

I have been reviewing Water Supply Bank (Bank) Lease #2282 (application Attached) for water right 34-2397A for applicant Joel Anderson. I have checked climate engine data and sentinel imagery for 2017 through 2021 (previous 5 years) and even looked back as far as 2014 and cannot find any information to suggest that the pivot corners proposed to be leased into the Bank have been irrigated during the last five years. I did see that the water right was used for a temporary change/transfer, but the temporary change does not provide validity for the water right. Do you have any information to suggest that the pivot corners have been irrigated within the last five years? Thank you.

SCANNED
AUG 17 2023

Ashley M. Ritter, E.I.T., G.I.T. | Associate Engineer
Idaho Department of Water Resources-State Office
(208) 287-4907 | www.idwr.idaho.gov

SCANNED
AUG 17 2023

MEMORANDUM FOR APPLICATION # 2282

To: Water Right(s) 34-2397A
From: Ashley Ritter
Date: July 29, 2022
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE:

An application to lease a portion of water right 34-2397A to the Water Supply Bank (Bank) was received by the Idaho Department of Water Resources (the Department) on January 18, 2022, by Joel Andersen. Water right 34-2397A does not appear to have been previously leased into the Bank. This application proposes to lease the corners of a 3/4 pivot equating to 0.30 cubic feet per second (cfs), 52.5 acre-feet (AF), for 15 acres of irrigation.

AUTHORITY TO FILE: Water right 34-2397A is owned by Joel Andersen (designated applicant) and Belva Andersen. Attachment 1A, Additional Water Right Holders Party to the Lease Application form is to be included with the Water Supply Bank Lease application if there are multiple owners of the proposed leased water right. Attachment 1A was included with this application signed by Belva Andersen. Rocky Mountain Environmental Associates, Inc. is listed as an authorized representative for this application.

The Point of Diversion (POD) is a groundwater well located on property owned by the applicant. The well does not serve as a POD for any other water rights. Joel Andersen is the property owner at the Place of Use (POU) for water right 34-2397A.

WATER RIGHT VALIDITY: Water right 34-2397A has not been previously leased into the Bank. An email from Kristin Moore (representative) states that the corners proposed for this lease were irrigated in 2015. Aerial imagery suggest that sometime between 2015 and 2016 the irrigation system was switched to a pivot system. The acres proposed for this lease were also utilized in Temporary Change Orders for 2020 and 2021 (TC34-164 & TC-34-178) which verify that the acres under the initial water right 34-2397A (the pivot corners) were put to beneficial use at the temporary change order's POU. Water right validity is not an issue.

INJURY TO OTHER WATER RIGHTS: Lease of this water right does not appear to cause injury to other water rights.

ENLARGEMENT OF USE: Water right 34-299 (owned by the applicant) shares the same POU as 34-2397A and utilizes surface water from the Big Lost River. Water right 34-2397A likely supplements surface water right 34-299. The application states that the corners are overlapped by water right 34-299 but will not be irrigated during the proposed lease term. An enlargement analysis would need to be addressed during any rental process of this water right.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease POD is subject to Water District # 34 (Big Lost River). Comments from Eastern Region and District 34

SCANNED
AUG 2 2023

Watermaster will be solicited. If no response is received, it is assumed that there were no concerns with the lease as proposed.

SCANNED
AUG 7 2023