STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1558

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

LESSOR: SETH E BEAL
2827 N 3375 W
MOORE, ID 83255-8766

LESSOR: SHELLEY BEAL
2827 N 3375 W
MOORE, ID 83255-8766

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)
34-738C	6/30/1891	BIG LOST RIVER, tributary to SINKS	0.08	NA	7.0
34-2397C	2/20/1961	GROUND WATER	0.14	24.5	7.0
Combined Limit Totals			**0.19**	**24.5**	**7.0**
Combined Lease Totals			**0.19**	**24.5**	**7.0**

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)
34-738C	0.08	24.5	7.0	0.01	3.5
34-2397C	0.14	24.5	7.0	0.02	3.5
Combined Limit Totals	**0.19**	**24.5**	**7.0**	**0.02**	**3.5**

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

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AUG 17 2023
SUPPORT DATA
IN FILE # 34-738C

WATER SUPPLY BANK LEASE CONTRACT No. 1558

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. 1558

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

LESSOR: SETH E BEAL
2827 N 3375 W
MOORE, ID 83255-8766

By Seth E Beal
Title Owner
Date 26 Sep 2022

LESSOR: SHELLEY BEAL
2827 N 3375 W
MOORE, ID 83255-8766

By Shelley Beal
Title owner
Date 26 Sept. 2022

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

By _____ Date 10/18/22
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 10/18/22

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AUG 7 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1558

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): 34-2397C

GROUND WATER	SENW	Sec. 9	Twp 04N	Rge 26E	BUTTE County

Source and Location of Point(s) of Diversion for Water Right No(s): 34-738C

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		
34-2397C	IRRIGATION	4/01	to	11/01	0.14 cfs	24.5 AF
34-738C	IRRIGATION	5/01	to	10/15	0.08 cfs	NA
				Totals:	0.14 cfs	24.5 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									3.9			3.6					7.0

Total Acres: 7.0

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.
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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AUG 7

WATER SUPPLY BANK LEASE CONTRACT No. 1558

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 unleased portion of Right 34-738C shall not exceed a total diversion rate of 0.72 cfs and the irrigation of 68 acres.
13. The unleased portion of Right 34-2397C shall not exceed a total diversion rate of 1.36 cfs and the irrigation of 68 acres.
14. The unleased portions of Rights 34-738C and 34-2397C when combined shall not exceed a total diversion rate of 1.95 cfs and the irrigation of 68 acres.
15. 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.
16. 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.
17. Rental of this right from the bank may require additional review to confirm the availability of the surface water sources and the extent of beneficial use.

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Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1558

34-2397C and 34-738C
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

N

0 500 1,000 Feet

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JUL 7 2023

Form 42-1761-1 10/15

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OCT 14 2022

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

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

Designated Applicant Seth Beal
(Select one owner – see item 1A on the application)

Water Right No. 34-738C
(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	Received By: MM	Date Received: 10.14.22	Receipt # C114302
W-9 received? Yes ☑ No ☐ (Route W-9 to Fiscal)		Name on W-9: Seth E. Beal	

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AUG 17 2023

2463 2297

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 Seth Beal

Mailing Address 2827 N 3375 W, Moore, ID 83255
Street City State Zip Code

Email Address _____ Phone Number 208-527-3137

☐ 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 to the property and delivered through mainline into 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. Overlapping surface water right 34-62B from Big Lost River is described at the same POU but is not fully stacked. Groundwater right 34-2397C is fully stacked with 34-738C and is also proposed to be leased 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. The acres under the corners were used in an emergency transfer in 2021. Previous to 2021, water right was used as needed when paired with the surface rights. No measurements are on file with WMIS that could be found. Since 2017, the corners have not been irrigated due to a change in a more conservative system.

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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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 (Year) to 2026 (Year) (maximum lease period 5 calendar years).

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

Current Rental Rate

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

The Designated Applicant acknowledges the following:

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

Signature of Designated Applicant	Printed Name	Date
[signature]	SETH BEAL	27 Jul 22
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 17 2023

Form 42-1761-1 10/15

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). 34-2397B and 34-2397C, 34-738C, 34-504A 3 of 3

	Designated Applicant	Applicant #2	Applicant #3
Name	Seth E Beal	Shelley Beal	
Mailing Address	2827 N 3375 W Moore, ID 83255	2827 N 3375 W Moore, ID 83255	
Phone Number	208-527-3137	208-527-3137	
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	Seth E Beal	Shelley Beal	

	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

Attachment # 1.D

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: SETH BEAL

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 my behalf Partnership Water Supply Bank Application(s) for water right(s).

Signature	Seth Beal Printed Name	27 Sep 22 Date

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AUG 17 2023

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

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)
34-738C	Irrigation	0.07		7
	Total Amounts:	0.07	0	7

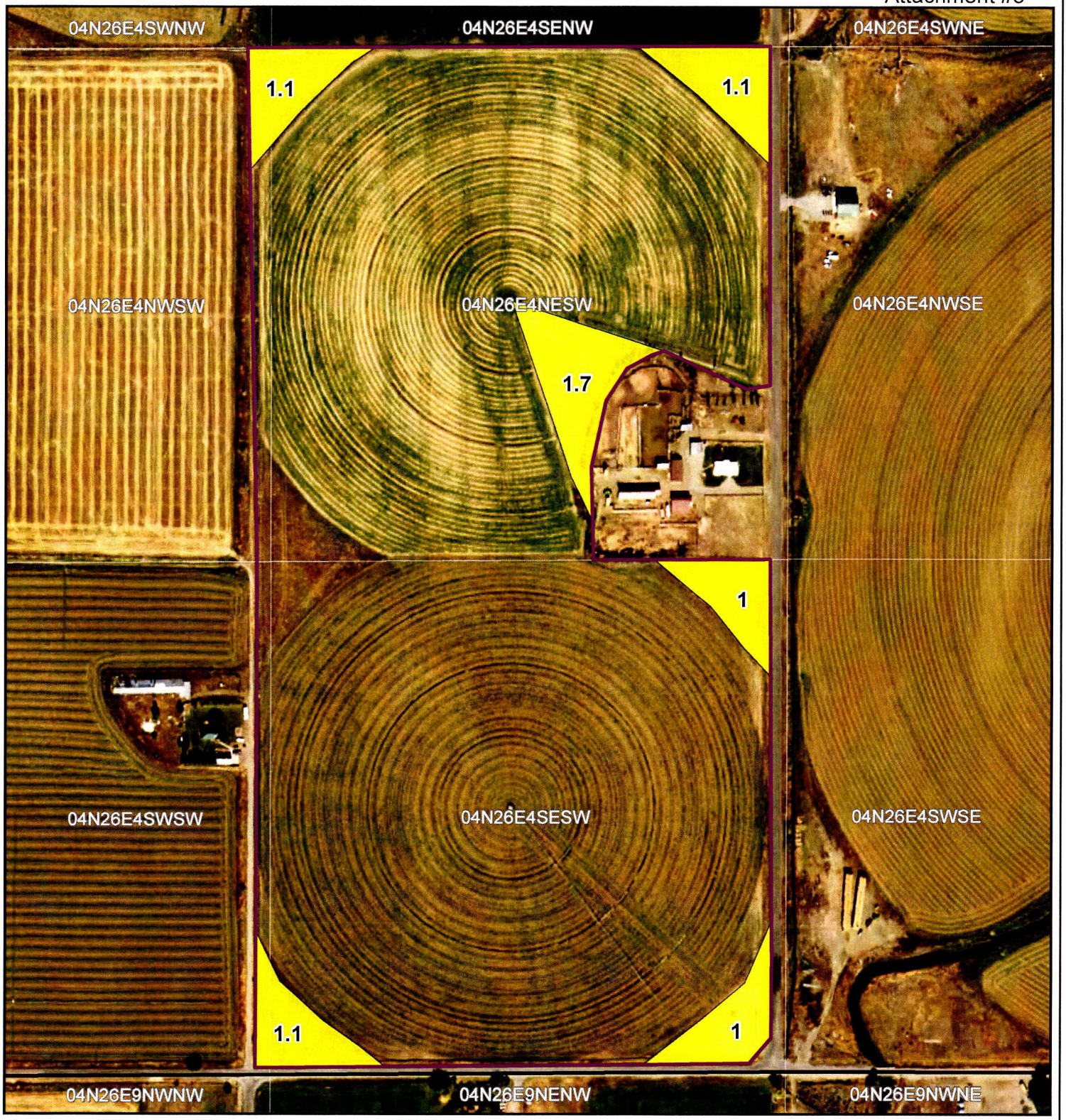
2. Source of water Big Lost River tributary to Sinks

3. Point(s) of diversion:

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

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AUG 7 2023

Attachment #3



Legend

- POU 34-738C
- WSB Lease Acres
- Twp & Rng
- Section

QQ

N W E S

WSB Lease App. 34-738C

Seth Beal

SCANNED AUG 7 2023

RMEA # 21-0268	
by: KM	
Date: 1/6/2022	

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

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 Seth Beal's application to lease Big Lost River water rights 34-504A and 34-738C into the Water Bank.

Thank you

Big Lost River Irrigation District

SCANNED
AUG 7 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

December 5, 2023

SETH BEAL
2827 N 3375 W
MOORE ID 83255-8766

RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK. WATER RIGHT NO(S). 34-504A, 34-738C, 34-2397B, 34-2397C .

The Department of Water Resources is enclosing a state warrant in the amount of **$863.19** 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
1558	34-738C, 34-2397C	670	24.5	$23/AF	$563.50	$507.15
1561	34-504A, 34-2397B	670	17.2	$23/AF	$395.60	$356.04
					Total	**$863.19**

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

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Warrant Number: 150154581

Enclosures: Check

WSB Mailing Checklist for Leases

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

Key: Who Completes What?	
CLERICAL STAFF:	MC
REVIEWER:	Shilynn

Received Date: ~~1/18/2022~~ 10/18/22

Desired Lease Duration: 2022-2026

Lease / Rental Package: (Y) / N — 2285

If yes, Renter Name: Andersen

Application # 2297 Contract # 1558

WR#s	#
# 34-2397C	#
#	#
# 34-738C (added)	#
#	#
#	#
#	#

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	☐

Stacked Water Rights Need to be Leased? ☒

If checked, list water rights: 34-738C

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:	Seth Beal	☐	☒	EMAIL: None
Attorney:		☐	☐	EMAIL: kristin.rmea@gmail.com
Consultants Name:	Kristin Moore - Rocky Mtn Environmental	☒		Comments:
Watermaster:	Lucas Yockey	☒		
Delivery Entity:		☐		
Water District:	34	☒		GW, overlap SW rights 34-738C & 34-62B
Ground Water District:		☐		
Region:	Eastern	☒		10/18/22
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

November 3, 2022

SETH E BEAL
SHELLEY BEAL
2827 N 3375 W
MOORE, ID 3255-8766

RE: WATER SUPPLY BANK LEASE CONTRACTS 1558 & 1561
FOR WATER RIGHTS 34-738C, 34-2397C, 34-504A & 34-2397B

Dear Lessor:

Water right **34-738C, 34-2397C, 34-504A & 34-2397B** 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

SCANNED
AUG 7 2023

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

September 20, 2022

SETH E BEAL
SHELLEY BEAL
2827 N 3375 W
MOORE, ID 83255-8766

RE: APPLICATION TO LEASE WATER RIGHTS 34-504A, 34-2397B, 34-738C, 34-2397C TO THE WATER SUPPLY BANK CONTRACT 1564 & 1558

******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 17 2023

MEMORANDUM FOR LEASE APPLICATION # 2297

To: Water Right(s) 34-2397C and 34-738C

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

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During further review of the application, it was determined that water right 34-738C would also need to be leased into the Water Supply Bank (WSB). Leasing in 34-738C 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 form 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.

The other surface water rights only cover a portion of the QQs and can be moved around within the QQ on the water right.

When rights 34-2397C and 34-738C are rented in the future, both rights will need to be included.

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AUG 17 2023

Novak, Shilynn

From: Cefalo, James
Sent: Thursday, July 28, 2022 12:25 PM
To: Novak, Shilynn; waterdist34@atcnet.net
Cc: Ritter, Ashley
Subject: RE: Water District 34 Water Supply Bank Lease Review

I don't have concerns with the proposed leases or rental.

James

From: Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>
Sent: Thursday, July 28, 2022 11:44 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; waterdist34@atcnet.net
Cc: Ritter, Ashley <Ashley.Ritter@idwr.idaho.gov>
Subject: RE: Water District 34 Water Supply Bank Lease Review

Hello,

I realized that I sent Ashley the wrong map and have attached an updated map: . *Leases Map*. These two lease applications (2297 & 2281) will be used for Rental Application 2285 as seen on the attached draft map: . *Rental Move Map*. Right now, we are seeking comment on the two leases, but if you have any questions or concerns about the rental, feel free to reach out to me. I will send out another email for comment on the rental after I complete the memo.

I've reattached the documents as there was an error with the scanned WSB lease applications. Please let us know if you have any questions.

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

From: Ritter, Ashley <Ashley.Ritter@idwr.idaho.gov>
Sent: Thursday, July 28, 2022 8:29 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; waterdist34@atcnet.net
Cc: Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>
Subject: Water District 34 Water Supply Bank Lease Review

Good morning,

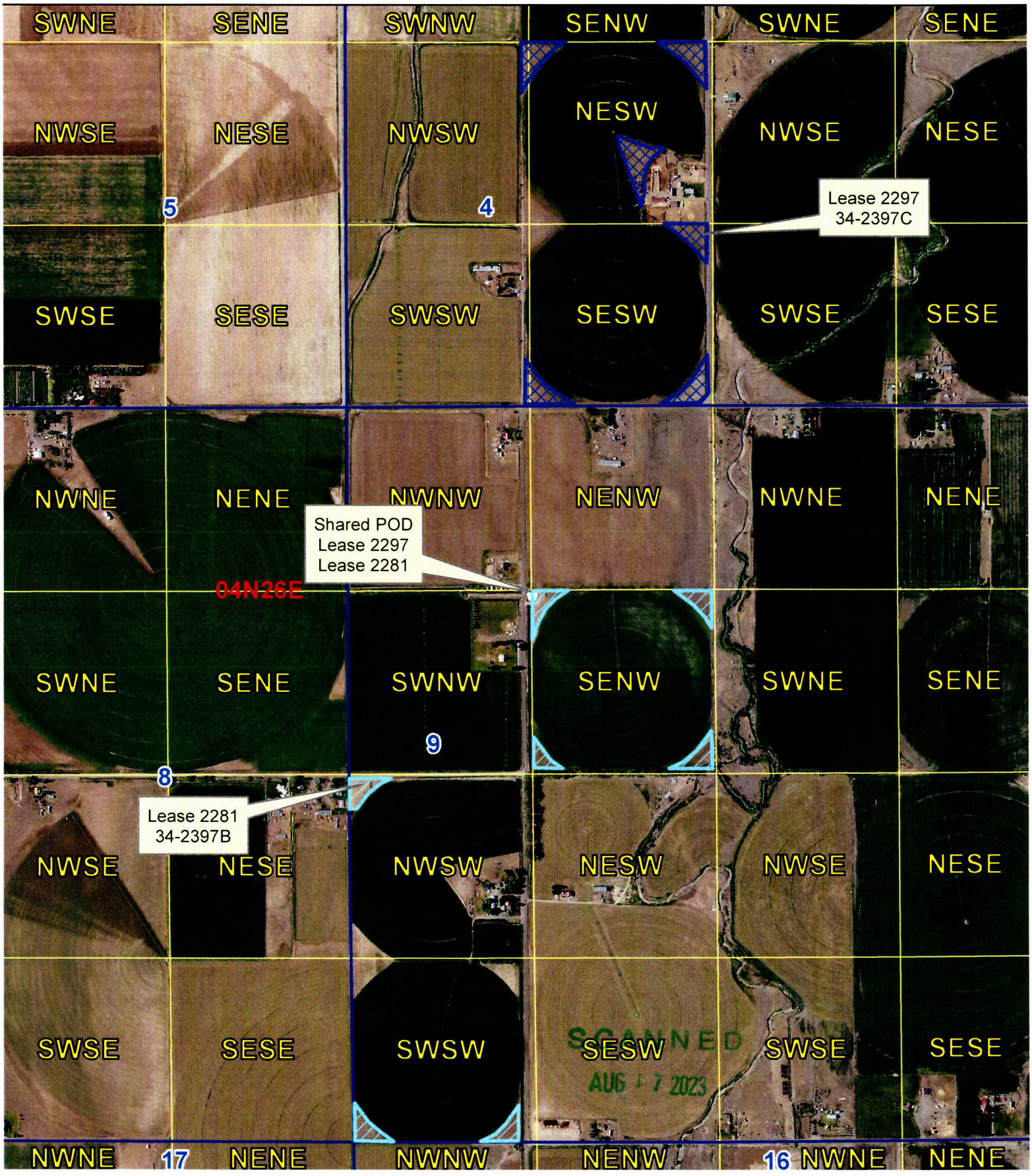
For your review and comment are two water supply bank lease applications. You will find attached the Water Supply Bank applications, review memos, and map. Please respond with any comments or concerns within 7 days. If no response is received, then it will be assumed that there are no concerns regarding these leases. Thank you.

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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

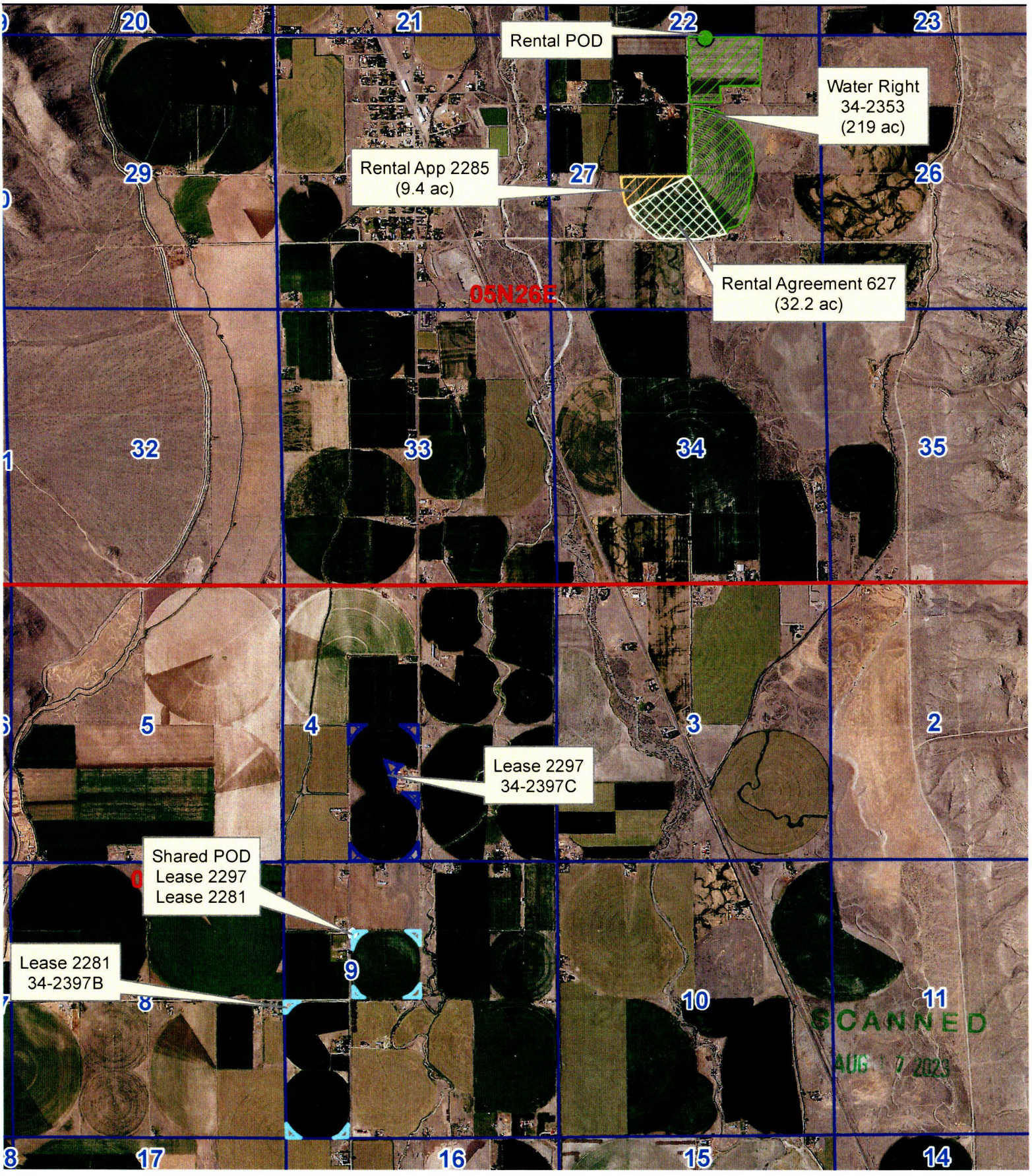
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Map for WSB Leases
Lease App 2281 & Lease App 2297



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Move Map for Rental App 2285 using Lease App 2297 & Lease App 2281



MEMORANDUM FOR LEASE APPLICATION # 2297

To: Water Right(s) 34-2397C

From: Shilynn Novak; Water Resource Agent, Sr.

Date: July 21, 2022

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

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PURPOSE/NARRATIVE: This lease application was received by the Department on January 18. 2022. The application proposes to place a portion of ground water right 34-2397C into the Water Supply Bank (WSB) from 2022 through 2026 (5 years). This lease is part of a lease/rental package and both requests to be used from 2022 through 2026 (5 years). Rental 2285 proposes to use Lease 2297 and Lease 2281 to irrigate a total of 9.4 acres for Joel Andersen. This lease (Lease 2297) is to place 0.14 cfs, 24.5 af, with a total of 7 acres in the bank. WSB Lease 2281 requests to place 2.4 acres into the Bank. Both leases total 9.4 acres and are requested to rent from the Bank with Rental 2285.

AUTHORITY TO FILE: This lease was submitted by Kristin Moore of Rocky Mountain Environmental Assoc., Inc. on behalf of Seth E. Beal. According to the Idaho county assessors, it appears that Mr. Beal is the owner of the land for the lease. The water right offered to the bank also lists Mr. Beal as the current owner. Mr. Beal submitted a written statement giving REMA authority on WSB matters for this water right. No concerns about authority to file.

WATER RIGHT VALIDITY: The water right was decreed in 2001. There was a change in type of irrigation practice sometime around 2016/2017 where pivots were put in. Aerial, Sentinel, and Landsat imagery suggests that irrigation ceased in the corners starting in 2017. Irrigation on the corners would have needed to resume this year, but the acres were offered to the WSB and therefore are protected for the duration of the lease.

Although the application states, "the corners have not been irrigated due to a change in more conservative system" this does not align with 42-250. Conserved water generally covers a reduction of water that is being put to beneficial use. If corners are not being put to beneficial use by not irrigating, then the corners would not be covered under the definition of "Water Conservation." Since these corners are being put into the Bank versus resuming irrigation, they are covered for the lease duration.

Well info can normally be found at WMIS #1003912, although there are no current recordings in WMIS.

INJURY TO OTHER WATER RIGHTS: This water right is ground water and likely supplements surface water when it is available. Water can be leased into the bank but will require that surface water is available at the rental location. Since the surface water rights are not offered to the bank, there is no concerns about surface water priority dates at the lease location.

The well that supplies water for this water right also supplies water for 34-2397B. Well info can normally be found at WMIS #1003912, although there are no current recordings in WMIS. This water right is administered by the watermaster for Water District 34.

Ther are no enforcement actions at the lease place of use.

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ENLARGEMENT OF USE: Since this lease is for ground water that supplements surface water, surface water availability would need to be determined at the rental location. The priority dates of the surface water may also be compared for the lease and rental locations to prevent enlargement. Moving supplemental irrigation rights can be done so long as the primary rights at the original and proposed places of use provide comparable water supplies. The watermaster comments will be requested to address concerns about the lease/rental.

The lease POD is approximately 3.5 miles SW of the rental POD. The Big Lost River is between the two locations. At the lease location, there are two other water rights that are part of a combined use limit with the water right offered to the Bank. The two other rights are surface water rights and will remain at their current place of use.

LOCAL PUBLIC INTEREST: There are no recorded complaints at the lease location to suggest that this lease is against the local public interest. Request for comment will be sent to the IDWR Eastern Regional Office. 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 leased is subject to Water District 34 - Big Lost River. WD 34 administers surface water and ground water. A request for comment will be sent to the IDWR Eastern Regional Office as well as the watermaster for WD 34.

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AUG 17 2023

POU Comparison for Lease App 2297

Water Right 34-2397C

WR	Owner	Source	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	TotalAcres
34-10279	ARCHER, CINDY L; GOODSON, PATSY A; TECHICK, NORA M	GROUND WATER	DOMESTIC								X									
34-10279	ARCHER, CINDY L; GOODSON, PATSY A; TECHICK, NORA M	GROUND WATER	STOCKWATER								X									
34-10423	BEAL, RICHARD E; BEAL, SETH E; BEAL, SHELLEY; BEAL, THORA	GROUND WATER	DOMESTIC									X								
34-10423	BEAL, RICHARD E; BEAL, SETH E; BEAL, SHELLEY; BEAL, THORA	GROUND WATER	STOCKWATER									X								
34-10481	JENSEN, DIANA; JENSEN, JACK A	GROUND WATER	DOMESTIC																X	
34-10481	JENSEN, DIANA; JENSEN, JACK A	GROUND WATER	STOCKWATER																X	
34-10762	ANDERSEN, BELVA E; ANDERSEN, JOEL S; HANEY, LONNIE; THE BANK OF COMMERCE	GROUND WATER	DOMESTIC					X												
34-10788	ACOR, DARYN P	GROUND WATER	DOMESTIC											X						
34-10790	ACOR, DARYN P	GROUND WATER	DOMESTIC											X						
34-10793	ACOR JR, EVERETT T; TELFORD LANDS LLC	GROUND WATER	DOMESTIC				X													
34-14852	JENSEN, DIANA; JENSEN, H L; JENSEN, JACK A; STAMOS, CAMERON; STAMOS, CHRIS	BIG LOST RIVER	IRRIGATION														5			5
34-14853	JENSEN, DIANA; JENSEN, JACK A; JENSEN, REUBEN L; STAMOS, CAMERON; STAMOS, CHRIS	GROUND WATER	IRRIGATION														5			5
34-2340A	JENSEN, DIANA; JENSEN, JACK A; JENSEN, REUBEN L; TELFORD, MARK; TELFORD, PAIGE	GROUND WATER	IRRIGATION													39	34	38	36	147
34-2397A	ANDERSEN, BELVA E; ANDERSEN, JOEL S; BEAL, RICHARD E; BURNS, J; HANEY, HAROLD; HANEY, LONNIE; THE BANK OF COMMERCE	GROUND WATER	IRRIGATION					40	40	40										120
34-2397C	BEAL, RICHARD E; BEAL, SETH E; BEAL, SHELLEY; BEAL, THORA; BURNS, J; HANEY, HAROLD	GROUND WATER	IRRIGATION									36			39					75
34-2412C	ANDERSEN, ANN S; ANDERSEN, BELVA E; ANDERSEN, JENNESS W; ANDERSEN, JOEL S; ANDERSEN, LARMAN D; BLASER SORENSEN & HANSEN; NOBLE, JAMES A; PEARSON, JAY F	GROUND WATER	IRRIGATION										38	4						42
34-2439	ARCHER, CINDY L; GOODSON, PATSY A; PAULUS, ED A	GROUND WATER	IRRIGATION								39									39
34-259E	ANDERSEN, BELVA E; ANDERSEN, JOEL S; GATES, FRANK W; STEWART, GERALD J; STEWART, RELLA O; THE BANK OF COMMERCE	BIG LOST RIVER	IRRIGATION											33						33
34-259F	ANDERSEN, ANN S; ANDERSEN, BELVA E; ANDERSEN, JOEL S; ANDERSEN, LARMAN D; ANDERSON, RULON; GATES, FRANK W; HOLLIFIELD, WILLIAM R; KAY, J J; RUNYON, GEORGE	BIG LOST RIVER	IRRIGATION										38	4						42
34-259G	ACOR JR, EVERETT T; HANEY, KODY; SORENSON	BIG LOST RIVER	IRRIGATION											1.5						1.5
34-299	ANDERSEN, BELVA E; ANDERSEN, JOEL S; HANEY, LONNIE; HANEY, OLIVE S; THE BANK OF COMMERCE	BIG LOST RIVER	IRRIGATION					40	40	40										120
34-372A	JENSEN, DIANA; JENSEN, H L; JENSEN, JACK A; TELFORD, MARK; TELFORD, PAIGE	BIG LOST RIVER	IRRIGATION													39	34	38	36	147
34-523B	ARCHER, CINDY L; GOODSON, PATSY A; MORRIS, J D; PAULUS, ED A	BIG LOST RIVER	IRRIGATION								39									39
34-618	ACOR JR, EVERETT T; MICKELSEN PROPERTIES LLC; TELFORD LANDS LLC	BIG LOST RIVER	IRRIGATION	35	36	36	32													139
34-62B	BEAL, ELVA J; BEAL, ERIN; BEAL, RICHARD E; BEAL, SETH E; BEAL, SHELLEY; BEAL, THORA	BIG LOST RIVER	IRRIGATION									36			39					75
34-7179	HARRIS, ROBERT L; MICKELSEN PROPERTIES LLC; TELFORD LANDS LLC	GROUND WATER	IRRIGATION	35	36	36	32													139
34-7184	ANDERSEN, BELVA E; ANDERSEN, JOEL S; STEWART, GERALD J; STEWART, RELLA O; THE BANK OF COMMERCE	GROUND WATER	IRRIGATION											33						33
34-738C	BEAL, RICHARD E; BEAL, SETH E; BEAL, SHELLEY; BEAL, THORA; THAYN, EDGAR M	BIG LOST RIVER	IRRIGATION									36			39					75
34-738D	ANDERSEN, BELVA E; ANDERSEN, JOEL S; STEWART, GERALD J; STEWART, RELLA O; THAYN, EDGAR M; THE BANK OF COMMERCE	BIG LOST RIVER	IRRIGATION											33						33
34-738E	ANDERSEN, ANN S; ANDERSEN, BELVA E; ANDERSEN, JOEL S; ANDERSEN, LARMAN D; HOLLIFIELD, WILLIAM R; THAYN, EDGAR M	BIG LOST RIVER	IRRIGATION										38	4						42
34-7573	DAVE NELSON ET AL; WATER DISTRICT NO 34	ALDER CREEK	GROUND WATER RECHARGE		X	X			X	X			X	X						
34-7573	DAVE NELSON ET AL; WATER DISTRICT NO 34	ANTELOPE CREEK	GROUND WATER RECHARGE		X	X			X	X			X	X						
34-7573	DAVE NELSON ET AL; WATER DISTRICT NO 34	BIG LOST RIVER	GROUND WATER RECHARGE		X	X			X	X			X	X						
34-7573	DAVE NELSON ET AL; WATER DISTRICT NO 34	PARSONS CREEK	GROUND WATER RECHARGE		X	X			X	X			X	X						
34-7573	DAVE NELSON ET AL; WATER DISTRICT NO 34	WARM SPRINGS CREEK	GROUND WATER RECHARGE		X	X			X	X			X	X						
34-7573	DAVE NELSON ET AL; WATER DISTRICT NO 34	PASS CREEK	GROUND WATER RECHARGE		X	X			X	X			X	X						
34-10873	BIG LOST RIVER IRRIGATION DISTRICT; HARRIS, ROBERT L	BIG LOST RIVER	IRRIGATION FROM STORAGE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
34-10935	BIG LOST RIVER IRRIGATION DISTRICT; LING, ROGER D	BIG LOST RIVER	IRRIGATION FROM STORAGE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
34-12	BIG LOST RIVER IRRIGATION DISTRICT; HARRIS, ROBERT L	BIG LOST RIVER	IRRIGATION FROM STORAGE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
34-13	BIG LOST RIVER IRRIGATION DISTRICT; HARRIS, ROBERT L	ANTELOPE CREEK	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
34-2507	BIG LOST RIVER IRRIGATION DISTRICT; HARRIS, ROBERT L	BIG LOST RIVER	IRRIGATION FROM STORAGE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
34-810	BIG LOST RIVER IRRIGATION DISTRICT; LING, ROGER D	BIG LOST RIVER	IRRIGATION FROM STORAGE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
34-811	BIG LOST RIVER IRRIGATION DISTRICT; LING, ROGER D	BIG LOST RIVER	IRRIGATION FROM STORAGE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
34-817B	BIG LOST RIVER IRRIGATION DISTRICT; LING, ROGER D	BIG LOST RIVER	IRRIGATION FROM STORAGE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
34-818	BIG LOST RIVER IRRIGATION DISTRICT; LING, ROGER D	BIG LOST RIVER	IRRIGATION FROM STORAGE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

SCANNED AUG 7 2023