

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 87389**

This is to certify that: **TELFORD LANDS LLC**  
1450 W HWY 24  
PAUL, ID 83347-8666

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>  |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|----------------|
| 34-12376           | WR/DECREED          | 6/1/1977             | 1.250 cfs             | 306.3 af                | 87.5              | 1985.0             | GROUND WATER   |
| 34-13659           | WR/DECREED          | 6/1/1889             | 0.970 cfs             | N/A                     | 43.0              | 1985.0             | BIG LOST RIVER |
| 34-13661           | WR/DECREED          | 6/1/1896             | 1.000 cfs             | N/A                     | 43.0              | 1985.0             | BIG LOST RIVER |
| 34-13840           | WR/DECREED          | 4/6/1982             | 1.260 cfs             | 248.5 af                | 71.0              | 1985.0             | GROUND WATER   |
| 34-13842           | WR/DECREED          | 12/17/1975           | 0.460 cfs             | 196.2 af                | 140.0             | 1985.0             | GROUND WATER   |
| 34-2330B           | WR/DECREED          | 6/1/1977             | 1.750 cfs             | 429.0 af                | 122.5             | 1985.0             | GROUND WATER   |
| 34-618             | WR/DECREED          | 9/1/1884             | 3.200 cfs             | N/A                     | N/A               | 2124.0             | BIG LOST RIVER |
| 34-7077            | WR/DECREED          | 9/5/1974             | 8.000 cfs             | 700.0 af                | 200.0             | 1985.0             | GROUND WATER   |
| 34-7080B           | WR/DECREED          | 9/23/1974            | 5.330 cfs             | 1001.0 af               | 286.0             | 1985.0             | GROUND WATER   |
| 34-7092            | WR/DECREED          | 1/14/1975            | 12.000 cfs            | 2222.5 af               | 635.0             | 1985.0             | GROUND WATER   |
| 34-7121A           | WR/DECREED          | 1/9/1976             | 0.460 cfs             | 169.0 af                | 286.0             | 1985.0             | GROUND WATER   |
| 34-7121B           | WR/DECREED          | 1/9/1976             | 3.740 cfs             | 1106.0 af               | 316.0             | 1985.0             | GROUND WATER   |
| 34-7179            | WR/DECREED          | 4/6/1982             | 2.780 cfs             | 1185.5 af               | N/A               | 2124.0             | GROUND WATER   |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 34-12376              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-13659              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-13661              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-13840              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-13842              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-2330B              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-618                | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-7077               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-7080B              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-7092               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-7121A              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-7121B              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 34-7179               | NO           | NO         | YES        | NO             | NO                   | NO                   |

Transfer No. 87389

SUPPORT DATA

IN FILE # 34-618

SCANNED

MAR 15 2023

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

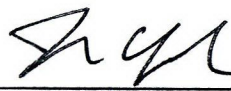
TRANSFER OF WATER RIGHT  
TRANSFER NO. 87389

Summary Of Water Rights After the Approved Change

| Existing Right         | New No. (Changed Portion) | Transfer Rate     | Transfer Volume  | Acre Limit    | Total Acres   | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|------------------------|---------------------------|-------------------|------------------|---------------|---------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 34-12376               | 34-12376                  | 1.250 cfs         | 306.3 af         | 87.5          | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-13659               | 34-13659                  | 0.970 cfs         | N/A              | 43.0          | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-13661               | 34-13661                  | 1.000 cfs         | N/A              | 43.0          | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-13840               | 34-13840                  | 1.260 cfs         | 248.5 af         | 71.0          | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-13842               | 34-13842                  | 0.460 cfs         | 196.2 af         | 140.0         | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-2330B               | 34-2330B                  | 1.750 cfs         | 429.0 af         | 122.5         | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-618                 | 34-618                    | 3.200 cfs         | N/A              | 139.0         | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-7077                | 34-7077                   | 8.000 cfs         | 700.0 af         | 200.0         | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-7080B               | 34-7080B                  | 5.330 cfs         | 1001.0 af        | 286.0         | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-7092                | 34-7092                   | 12.000 cfs        | 2222.5 af        | 635.0         | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-7121A               | 34-7121A                  | 0.460 cfs         | 169.0 af         | 286.0         | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-7121B               | 34-7121B                  | 3.740 cfs         | 1106.0 af        | 316.0         | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| 34-7179                | 34-7179                   | 2.780 cfs         | 1185.5 af        | N/A           | 2124.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED TOTALS</b> |                           | <b>42.200 cfs</b> | <b>7434.0 af</b> | <b>2124.0</b> | <b>2124.0</b> |                             | <b>N/A</b>     | <b>N/A</b>       | <b>N/A</b>           | <b>N/A</b>            |

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 14<sup>th</sup> day of March, 2023.

  
\_\_\_\_\_  
Regional Manager

Transfer No. 87389

SUPPORT DATA  
IN FILE # 34-618

SCANNED  
MAR 15 2023

**WATER RIGHT NO. 34-7179****As Modified by Transfer No. 87389**

In accordance with the approval of Transfer No. 87389, Water Right No. 34-7179 is now described as follows:

**Right Holder:** TELFORD LANDS LLC  
1450 W HWY 24  
PAUL, ID 83347-8666

**Priority Date:** 4/6/1982

**Source:** GROUND WATER

| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/01       | to 11/01  | 2.780 cfs             | 1185.5 af               |
|                       |             |           | 2.780 cfs             | 1185.5 af               |

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |        |                 |              |
|--------------|-------------|--------|-----------------|--------------|
| GROUND WATER | L2 (NENWNE) | Sec 4  | Twp 04N Rge 26E | BUTTE County |
| GROUND WATER | L2 (NWNWNE) | Sec 4  | Twp 04N Rge 26E | BUTTE County |
| GROUND WATER | L3 (NENENW) | Sec 5  | Twp 04N Rge 26E | BUTTE County |
| GROUND WATER | SWNWNW      | Sec 21 | Twp 05N Rge 26E | BUTTE County |
| GROUND WATER | SENWSE      | Sec 29 | Twp 05N Rge 26E | BUTTE County |
| GROUND WATER | SESWNE      | Sec 32 | Twp 05N Rge 26E | BUTTE County |
| GROUND WATER | SENWSE      | Sec 32 | Twp 05N Rge 26E | BUTTE County |

**PLACE OF USE: 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   |        |
| 03N | 25E | 12  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 35.0 | 33.0 | 34.0 | 33.0 | 40.0 | 40.0 | 39.0 | 36.0 | 610.0  |
| 03N | 26E | 17  | 11.0 | 26.0 |      |      | 38.0 | 39.0 | 14.0 | 2.0  |      |      |      |      |      |      |      |      | 130.0  |
| 03N | 26E | 18  | 40.0 | 40.0 | 35.0 | 28.0 | 40.0 | 27.0 | 37.0 | 40.0 | 16.0 | 12.0 |      |      |      | 1.0  |      |      | 316.0  |
|     |     |     |      |      |      |      |      | L 1  | L 2  |      |      | L 3  |      |      |      |      |      |      |        |
| 04N | 25E | 26  | 30.0 | 30.0 | 30.0 | 30.0 |      |      |      |      |      |      |      |      |      |      |      |      | 120.0  |
| 04N | 25E | 35  | 32.0 | 33.0 | 40.0 | 33.0 |      |      |      |      |      |      |      |      | 32.0 | 40.0 | 33.0 | 32.0 | 275.0  |
| 04N | 25E | 36  | 33.0 | 34.0 | 36.0 | 33.0 | 33.0 | 34.0 | 36.0 | 35.0 | 34.0 | 34.0 | 34.0 | 33.0 | 31.0 | 32.0 | 32.0 | 30.0 | 534.0  |
| 04N | 26E | 4   | 37.0 | 34.0 | 36.0 | 32.0 |      |      |      |      |      |      |      |      |      |      |      |      | 139.0  |
|     |     |     | L 1  | L 2  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

POU Total Acres: 2124.0

**CONDITIONS OF APPROVAL**

1. Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.

Transfer No. 87389

SCANNED

MAY 15 2023

**WATER RIGHT NO. 34-7179**

**As Modified by Transfer No. 87389**

**CONDITIONS OF APPROVAL**

2. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
3. Diversion of water from the additional well(s) authorized under Transfer 74921 located in NWNWNE LT2, Sec. 4, T04N, R26E shall not exceed a maximum diversion rate of 5.00 cfs.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this right will 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. Water delivered through the Moore Diversion and Timberdome Canal.
11. Construction of new wells at the location of existing points of diversion is not authorized unless the water right holder obtains approval through an application for transfer, and the Department determines, by considering the transfer, whether the construction of and pumping from new wells will injure other water rights.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

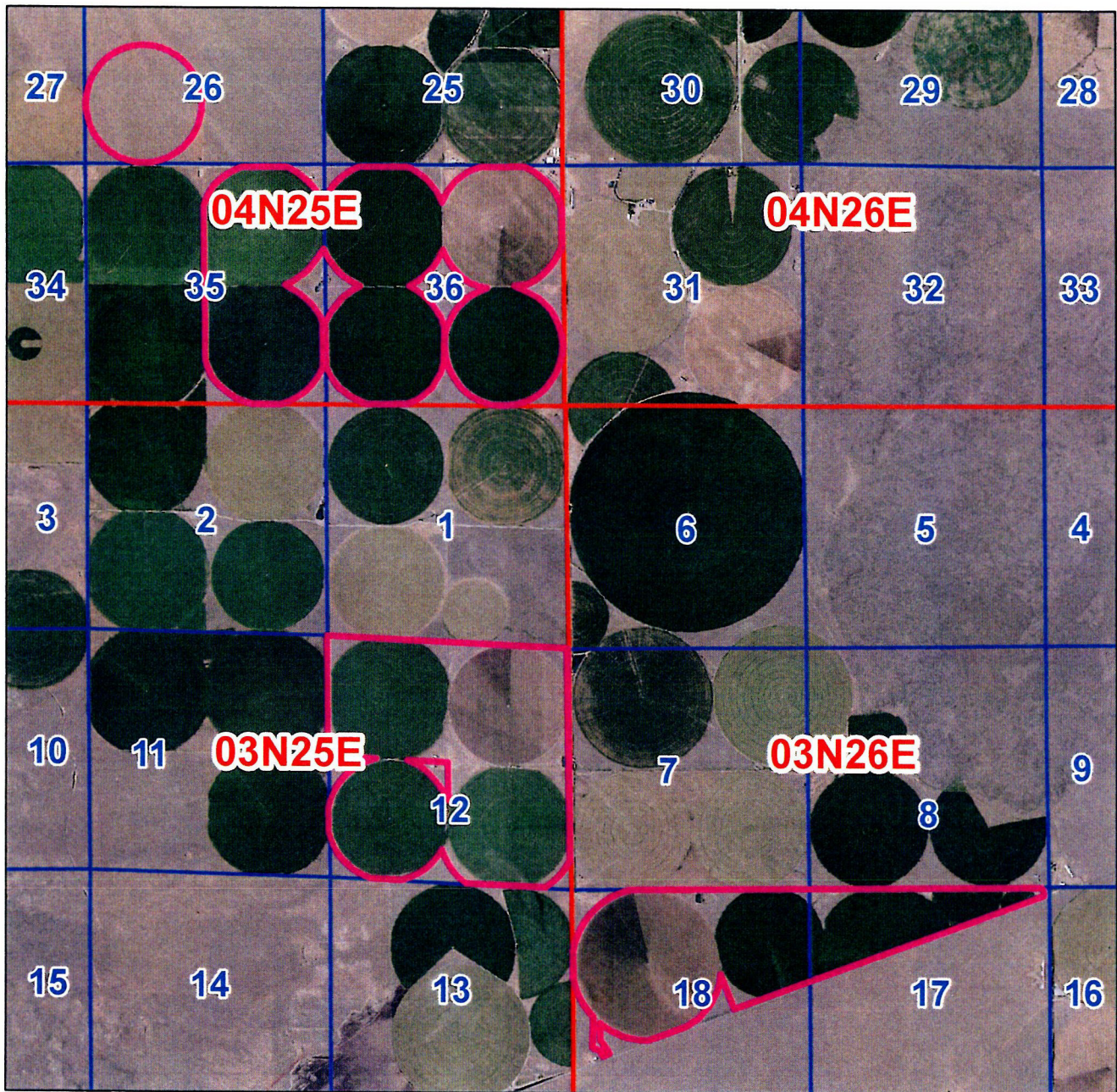
**WATER RIGHT NO. 34-7179**  
**As Modified by Transfer No. 87389**

**CONDITIONS OF APPROVAL**

13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

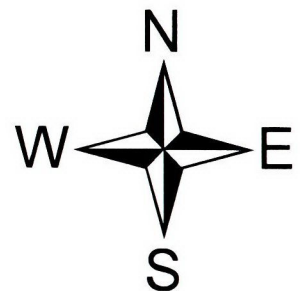
# Attachment to Transfer Approval 87389

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

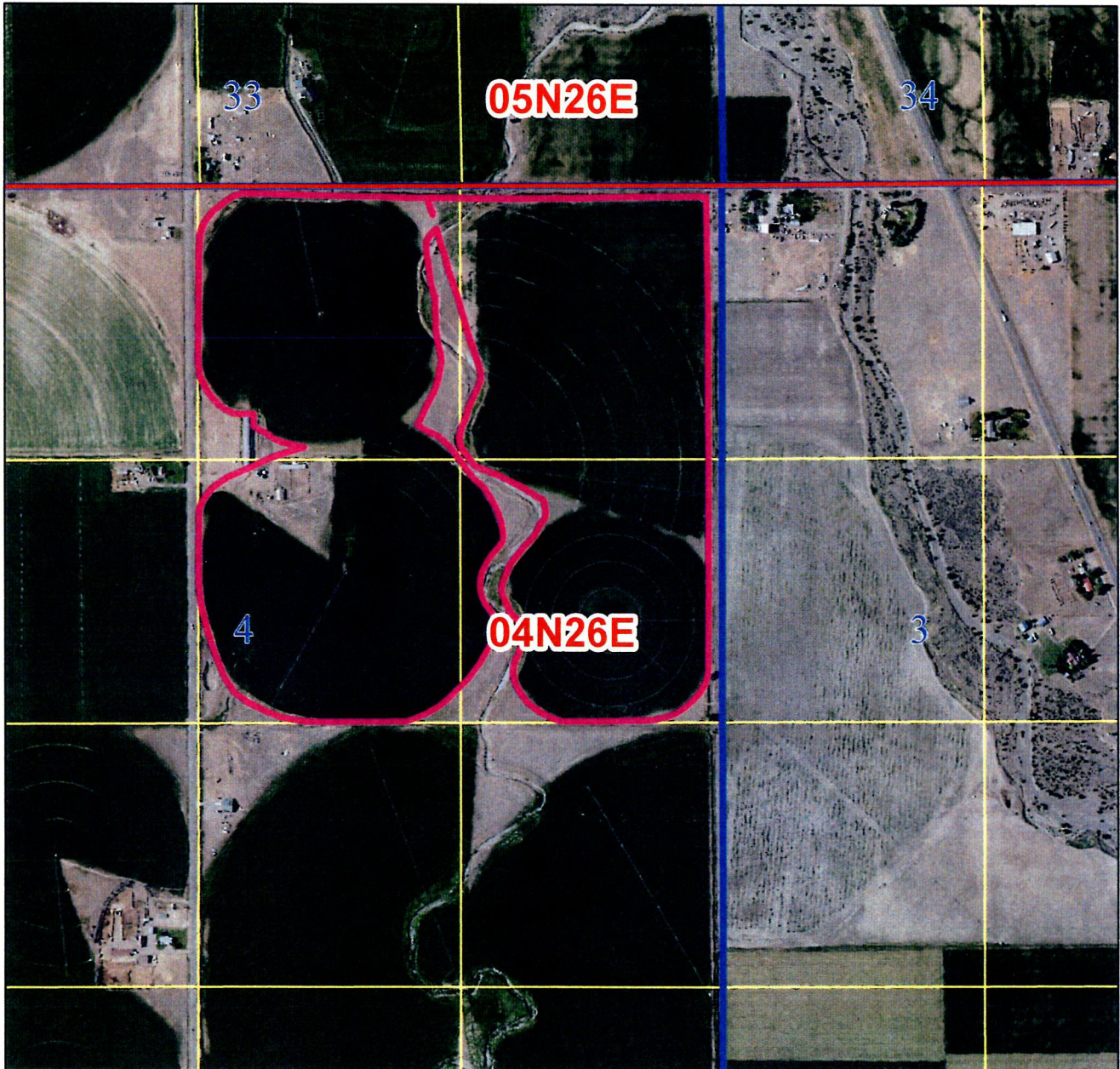
-  WR POU
-  Township/Range
-  Sections



SCANNED  
Date: 3/14/2023  
MAR 15 2023

# Attachment to Transfer Approval 87389

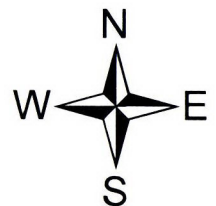
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

-  WR POU
-  Township/Range
-  Sections
-  QQ

0 500 1,000 2,000 Feet



SCANNED Date: 3/14/2023

MRD 15 2023

STATE OF IDAHO  
WATER RESOURCE BOARD

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

RECEIVED

DEC 27 2022

DEPARTMENT OF  
WATER RESOURCESDesignated Applicant Telford Lands LLC

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

Water Right No. 34-7179

(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 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.                                                                                                                                                                                                                                  |
| 1B | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | An <a href="#">Internal Revenue Service (IRS) Form W-9</a> for the Designated Applicant.                                                                                                                                                                                                                                                               |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                   |
| 1D | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| 3  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .                                                            |
| 4A | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| 4G | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Evidence demonstrating the water right has not been forfeited pursuant to <a href="#">Section 42-222(2), Idaho Code</a> .                                                                                                                                                                                                                              |

**Department Use Only**

Fee Amount \$

Received By:

Date Received:

Receipt #

W-9 received? Yes ☐ No ☐

(Route W-9 to Fiscal)

Name on W-9:

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 Telford Lands LLC

|                                                     |                                    |                      |                         |
|-----------------------------------------------------|------------------------------------|----------------------|-------------------------|
| Mailing Address <u>1450 W. Hwy 24</u>               | Paul                               | ID                   | 83347                   |
| <small>Street</small>                               | <small>City</small>                | <small>State</small> | <small>Zip Code</small> |
| Email Address <u>telfordsunvalleyseed@gmail.com</u> | Phone Number <u>(208) 431-5957</u> |                      |                         |

☒ 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 <u>Robert L. Harris</u>             | Organization <u>Holden, Kidwell, Hahn &amp; Crapo, P.L.L.C.</u> |
| Professional Title <u>Attorney</u>                         | Email Address <u>rharris@holdenlegal.com</u>                    |
| Mailing Address <u>PO Box 50130, Idaho Falls, ID 83405</u> | Phone Number <u>(208) 523-0620</u>                              |

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

OR

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

**2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK**

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

OR

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

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

**3. MAP**

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

STATE OF IDAHO  
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT**  
(Continued)

**4. GENERAL INFORMATION**

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☒ No ☐  
**If yes**, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

*If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).*

- B. Please provide a description of the current water diversion and delivery system.

Diversion of water from wells and Big Lost River into Timberdome delivery system. Water is then rediverted into pivots and sprinklers.

- 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. All water rights associated with the place of use are: 34-618, 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, and 34-13842.

- 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. This water right portion was leased and rented for the past 5 years combined with all other stacked water rights for a total of 5.26 cfs through the Idaho Water Supply Bank until 2021. Same water was leased through a temporary transfer for 2022.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

**If yes**, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

**If yes**, describe. Yes ☐ No ☒

STATE OF IDAHO  
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT**  
(Continued)

**5. SALE/LEASE AGREEMENT**

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

If lease, specify the years when the use of water will be suspended: 2023 to 2027 (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

*Robert L. Harris*

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Printed Name

Robert L. Harris

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

December 16, 2022

\_\_\_\_\_  
Date

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

**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). \_\_\_\_\_

|                       | <b>Designated Applicant</b>                                                                          | <b>Applicant #2</b>                                                           | <b>Applicant #3</b>                                                           |
|-----------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Name                  |                                                                                                      |                                                                               |                                                                               |
| Mailing Address       |                                                                                                      |                                                                               |                                                                               |
| Phone Number          |                                                                                                      |                                                                               |                                                                               |
| 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             |                                                                                                      |                                                                               |                                                                               |

|                       | <b>Applicant #4</b>                                                           | <b>Applicant #5</b>                                                           | <b>Applicant #6</b>                                                           |
|-----------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 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             |                                                                               |                                                                               |                                                                               |

## Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Print or type<br>See Specific Instructions on page 2. | 1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                 |
|                                                       | 2 Business name/disregarded entity name, if different from above                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                 |
|                                                       | 3 Check appropriate box for federal tax classification; check only <b>one</b> of the following seven boxes:<br><input type="checkbox"/> Individual/sole proprietor or single-member LLC<br><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____<br><b>Note.</b> For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.<br><input type="checkbox"/> Other (see instructions) ▶ _____ | 4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):<br>Exempt payee code (if any) _____<br>Exemption from FATCA reporting code (if any) _____<br><small>(Applies to accounts maintained outside the U.S.)</small> |
|                                                       | 5 Address (number, street, and apt. or suite no.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Requester's name and address (optional)                                                                                                                                                                                                                         |
|                                                       | 6 City, state, and ZIP code                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                 |
| 7 List account number(s) here (optional)              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                 |

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

|                                |  |  |  |   |   |  |  |   |  |  |  |
|--------------------------------|--|--|--|---|---|--|--|---|--|--|--|
| Social security number         |  |  |  |   |   |  |  |   |  |  |  |
|                                |  |  |  | - |   |  |  | - |  |  |  |
| or                             |  |  |  |   |   |  |  |   |  |  |  |
| Employer identification number |  |  |  |   |   |  |  |   |  |  |  |
|                                |  |  |  |   | - |  |  |   |  |  |  |

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

|           |                            |        |
|-----------|----------------------------|--------|
| Sign Here | Signature of U.S. person ▶ | Date ▶ |
|-----------|----------------------------|--------|

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).

### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

**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> | <u>Nature of Use</u> | <u>Leased Rate</u><br>(cfs)    | <u>Leased Volume</u><br>(af) | <u>Leased Acres</u><br>(ac) |
|------------------------------|----------------------|--------------------------------|------------------------------|-----------------------------|
| 34-7179                      | Irrigation           | .01 (combine<br>w/34-618)      | none                         | 8.1                         |
|                              | Irrigation           | .15(not comb<br>ined w/34-618) | 68.8                         | none                        |
|                              | Total Amounts:       | 0.16                           | 68.8                         | 8.1                         |

2. Source of water Ground water tributary to \_\_\_\_\_

3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼  | ¼  | ¼  | County |
|-----|-----|-----|-----|----|----|----|--------|
| 4N  | 26E | 4   | 2   | NE | NW | NE | BUTTE  |
|     |     | 4   | 2   | NW | NW | NE | BUTTE  |
|     |     | 5   | 3   | NE | NE | NW | BUTTE  |
| 5N  | 26E | 21  |     | SW | NW | NW | BUTTE  |
|     |     | 29  |     | SE | NW | SE | BUTTE  |
|     |     | 32  |     | SE | SW | NE | BUTTE  |
|     |     | 32  |     | SE | NW | SE | BUTTE  |