Form 42-1761-1
09/2024

RECEIVED
OCT 16 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

Print Form

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

Applicant / Designated Lessor University of Idaho Board of Regents
(Select one owner – see item 1A on the application)

Water Right No. 36-17110
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☑ No ☐
If yes, include renter and rental fee payment information as attachment 5B.

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

MINIMUM REQUIREMENT CHECKLIST
Check All Items as Either Attached (Yes) or Not Applicable (N/A)

	Yes		
	☒		Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*, printed **single sided**, per requirement of 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.
N/A	**Yes**	**Attachments**	
☐	☑	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 Applicant / Designated Lessor.
☒	☐	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 Applicant on this application. If the 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.
☑	☐	5B	Rental rate and owner payment agreement between lessor and renter for lease/rental packages.

Department Use Only

Fee Amount $ 250 — Received By: SG Date Received: 10/16/24 Receipt # 3040400

W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal) Name on W-9:

3076

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

A. The applicant or designated lessor must be listed as a current owner of the water right offered for sale or lease to the Water Supply Bank. If there are multiple current owners, choose one owner as the Designated Lessor. Complete and attach the Designated Lessor - Attachment 1A of this application package with the signatures of all current owners.

Applicant / Designated Lessor: University of Idaho Board of Regents

Mailing Address: 875 Perimeter Dr. Stop 3168 (Street) Moscow (City) Idaho (State) 83844-3168 (Zip Code)

Email Address: gerardb@uidaho.edu Phone Number: 208-885-6468

☑ The Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Lessor is representing additional water right holders who have completed Attachment 1A.

B. Has the Designated Lessor / Applicant submitted an IRS Form W-9 to this Department within 6 months? 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 Water Right Holder? Yes ☑ No ☐
If yes, representatives (includes employees of Water Right Holder companies) must complete this section and submit documentary proof of their authority to represent the Water Right Holder (Attachment 1D).

Name of Representative: Travis L. Thompson Organization: Marten Law LLP

Professional Title: Attorney Email Address: tthompson@martenlaw.com

Mailing Address: PO Box 63 Twin Falls, Idaho 83303-0063 Phone Number: 208-735-2227

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

OR

☑ Send original correspondence to the Designated Lessor / 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 and none will still be used.

OR

☐ A portion of the water right is being offered to the Bank and a portion will still be used.
If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map The map must locate the point of diversion from the source of water and the location of the lands to be idled or the place where the water will no longer be used. The map must also show townships, ranges, sections, and government lots. **For irrigation purposes**, mark the number of acres for lease **per** 40-acre tract (1/4-1/4). 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. Identify the owner of the water delivery system or well State of Idaho

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. (Label Attachment 4A)

B. Please provide a description of the current water diversion and delivery system, including source, pump, pipeline or diversion.
Existing well and infrastructure for water delivery and use on dairy.

C. Describe any other water sources, including municipal, irrigation company shares, or water rights with combined limits to the water right offered to the bank, which are used for the same purpose at the same place of use as the water right being offered to the Bank. N/A

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, and usually have combined limits in the conditions of the water rights. 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, including those listed in 4C? 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. 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 (Label Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture, including lease into the Bank. Your application may be denied if forfeiture concerns are not addressed.

G. Identify annual volumes and/or rates of water diverted (used) in the last 5 years to accomplish the beneficial use authorized by this water right. Information may be available with prior owner (W-4 Dairy Limited Partnership), Magic Valley Ground District, and/or Water district No. 130.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? ☐ Yes ☑ No

If yes, describe.
Water right was placed in the Water Supply Bank in 2024.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE CONTRACT

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

If lease, specify the first calendar year when the use of water will be suspended: 2025

All lease contracts are for a calendar year from January 1st to December 31st (year)

*Mark Desired Lease Duration (Calendar Years)					
☑ 1	☐ 2	☐ 3	☐ 4	☐ 5	Other Term Length (# of years): ***Prior IWRB approval required***

B. Show the minimum payment acceptable to the seller/lessor. **If lease,** the minimum payment may be shown as the "current rental rate" as established by the IWRB, or a negotiated rental rate with submittal of an agreement between the lessor and the renter. ***The owner payment is 90% of the rental fee. The administrative fee retained by the IWRB is 10% of either the current rental rate or the negotiated rental fee, whichever is higher. Include the method of determining the minimum payment if submitted as a companion lease rental package, and whether the owner payment will be paid directly to the lessor from the renter or if owner payment should be collected by the Department from the renter for payment to the lessor. (Label attachment 5B).***

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 Lessor / Applicant acknowledges the following:

1. Payment to the Designated Lessor / 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 Lessor / 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 Lessor or Applicant	Printed Name	Date
	Kim Salisbury	10/15/2024
Signature of Co-Applicant	Printed Name	Date
	Travis L. Thompson	
Signature of Authorized Representative	Printed Name	Date

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

Print Form

Attachment 3F

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LESSOR DESIGNATION FORM

When multiple individuals or business entities jointly own property to which a water right is appurtenant, the parties can use this form to nominate a designated lessor to represent their common interests on a Water Supply Bank lease contract. The signatures of all water right holders are required on this form to elect a designated lessor. The designated lessor is required to provide a completed IRS Form W-9 to receive any payment associated with the rental of a water right under a Water Supply Bank lease contract. **All correspondence and any financial payment associated with the rental of this water right will be directed to the designated lessor.** If additional space is needed to list any other water right holders, attach a second copy of this Lessor Designation Form.

Water Right No(s). 36-17110

	Designated Lessor	Water Right Co-owner	Water Right Co-owner
Name	Board of Regents of the University of Idaho	State of Idaho, Board of Land Commissioners, whose administ agent is the Idaho Dept of Lands	
Mailing Address	Real Estate Office 875 Perimeter Dr MS 3162 Moscow ID 83844-3162	300 N 6th St , Suite 103 Boise ID 83702	
Phone Number	208-885-6468	208-334-0200	
Email Address	gerardb@uidaho.edu	zlathim@idl.idaho.gov	
Water Right Owner Declaration	As designated lessor, I will represent the interest of all other water right owners on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			

	Water Right Co-owner	Water Right Co-owner	Water Right Co-owner
Name			
Mailing Address			
Phone Number			
Email Address			
Water Right Owner Declaration	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			



Kim Salisbury

Associate Vice President, Budget and Planning

PHONE 208-885-5055

EMAIL kims@uidaho.edu

Kim is a proud Idaho native and has served the University of Idaho full time since 2011, first as an Accountant and now as an AVP, with a few stops in between. She received her BS and MAcct degrees from the U of I and is currently pursuing a PhD, also from the U of I. She holds a CMA, and is a member of IMA, NACUBO and WACUBO.

Kim works closely with senior leadership to apply resources to institutional priorities and acts as a liaison between academic and non-academic units. She actively engages with the university community and encourages her team and colleagues to do the same. Is it any wonder she says the best parts of her job are the people she works with and the friends she has made along the way?

At home, Kim enjoys time with her husband raising their two teenage boys. Their family spends time together traveling to national parks, gardening, snowmobiling, motorcycling, and supporting their local FFA Chapter.

Budget and Planning

Attachment 3

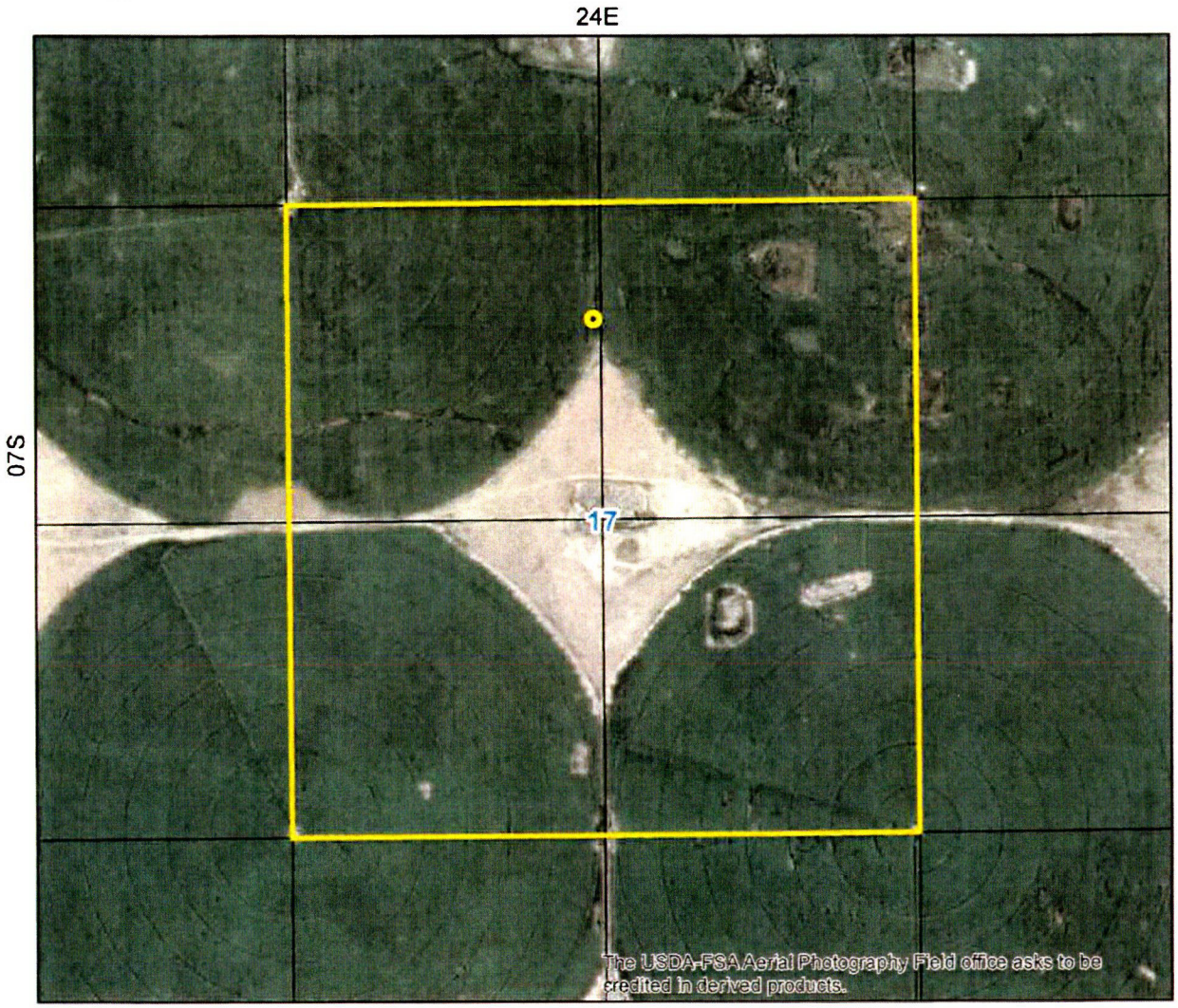
State of Idaho
Department of Water Resources

Water Right

36-17110

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.075 0.15 0.3 Miles

N

Map produced on March 09, 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 04 2024
DEPT. OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1780

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

LESSOR: BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR MS 3168
MOSCOW, ID 83844-3168

RECEIVED
FEB 27 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 October 16, 2023.

3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS**: The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)
36-17110	2/25/1953	GROUND WATER	0.33	86.4
Combined Lease Totals			**0.33**	**86.4**

2. **COMPENSATION**: The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

   Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2024 to December 31, 2024. 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.

WATER SUPPLY BANK LEASE CONTRACT No. 1780

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

7. **DUPLICATE ORIGINAL**: This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1780

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

LESSOR: BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR MS 3168
MOSCOW, ID 83844-3168

RECEIVED
FEB 27 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

By _____ Kim Salisbury
Title Associate Vice President, Budgets & Planning
Date 2/23/2024

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

By _____ Date 3/5/24
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 3/5/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1780

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): 36-17110

GROUND WATER SENW Sec. 17 Twp 07S Rge 24E MINIDOKA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
36-17110	STOCKWATER	1 /1	to	12/31	0.33 cfs	86.4 AF
	COMMERCIAL	1 /1	to	12/31	0.33 cfs	86.4 AF
				Totals:	0.33 cfs	86.4 AF

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
07S	24E	17			X					X	X					X		

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
07S	24E	17			X					X	X					X		

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1780

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.

10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

    a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.

11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

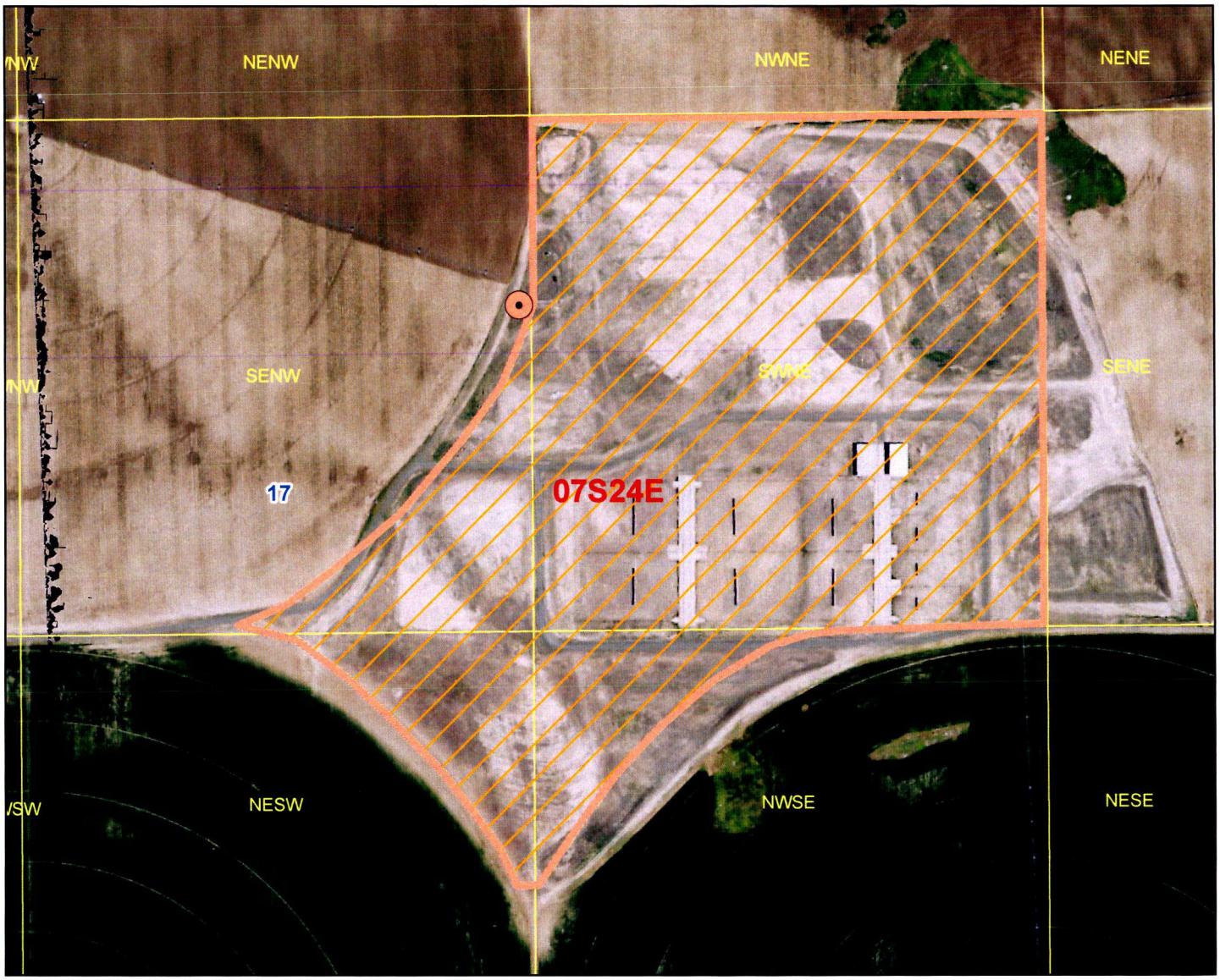
12. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1780

36-17110
Effective until December 31, 2024

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 0.1 0.2 Miles

Form 42-1761-1 10/15

RECEIVED
OCT 16 2023
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 05 2023
DEPT OF WATER RESOURCES SOUTHERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

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

Designated Applicant Board of Regents of the University of Idaho
(Select one owner – see item 1A on the application)

Water Right No. 36-17110
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☐

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

MIMUMUM REQUIREMENT CHECKLIST

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

		Yes	
		☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*
		☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
		☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.
Attachment	**N/A**	**Yes**	
1A	☐	☑	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☑	☐	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☐	☑	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☑	☐	Description of a water right portion offered to the Water Supply Bank.
3	☑	☐	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 250.00 Received By: SG Date Received: 10/5/2023 Receipt # 5039951

W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal) Name on W-9:

2780

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: Board of Regents of the University of Idaho

Mailing Address: 875 Perimeter Dr., Stop 3168 (Street) | Moscow (City) | Idaho (State) | 83844-3168 (Zip Code)

Email Address: gerardb@uidahol.edu Phone Number: 208-885-6468

☑ 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: Travis L. Thompson Organization: Marten Law LLP

Professional Title: Attorney Email Address: tthompson@martenlaw.com

Mailing Address: P.O. Box 63, Twin Falls, ID 83303-0063 Phone Number: 208-733-0700

☐ 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 37.02.03.25.02c.

B. Please provide a description of the current water diversion and delivery system.
Existing well and infrastructure for water delivery and use on dairy.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None.

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. Information may be available with prior owner (W-4 Dairy Limited Partnership), Magic Valley Ground Water District, and/or Water District No. 130.

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 ☑
Water right was placed in the Water Supply Bank in 2023.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
OCT 05 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 1/24 (Year) to 12/24 (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	Lee Espey, Operations Officer Finance/Adm Printed Name	9.26.2023 Date
Signature of Authorized Representative	Printed Name	Date

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1635

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

LESSOR: BOARD OF REGENTS OF THE
UNIVERSITY OF IDAHO
875 PERIMETER DR STOP 3162
MOSCOW, ID 83844-3168

RECEIVED
Dec 20, 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 December 05, 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)
36-17110	2/25/1953	GROUND WATER	0.33	86.4	0.00
Lease Totals			**0.33**	**86.4**	**0.00**

2. **COMPENSATION**: The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

   Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2023 to December 31, 2023. This Lease shall bind the parties and take effect when both parties have signed it.

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.

SCANNED
AUG 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1635

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

7. **DUPLICATE ORIGINAL**: This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

SCANNED
AUG 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1635

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

LESSOR: BOARD OF REGENTS OF THE
UNIVERSITY OF IDAHO
875 PERIMETER DR STOP 3162
MOSCOW, ID 83844-3168

By Lee Eyny
Title Operations Officer, Finance & Administration
Date 12.20.2022

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

By _____ Date 1/11/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 1/11/23

SCANNED
AUG 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1635

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): 36-17110

GROUND WATER SENW Sec. 17 Twp 07S Rge 24E MINIDOKA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
36-17110	STOCKWATER	1/1	to	12/31	0.33 cfs	86.4 AF
	COMMERCIAL	1/1	to	12/31	0.33 cfs	86.4 AF
				Totals:	0.33 cfs	86.4 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER and COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	17			x					x	x					x			0.0

Total Acres: 0.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

SCANNED
AUG 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1635

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. 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.
13. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
14. 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.
15. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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. 130.

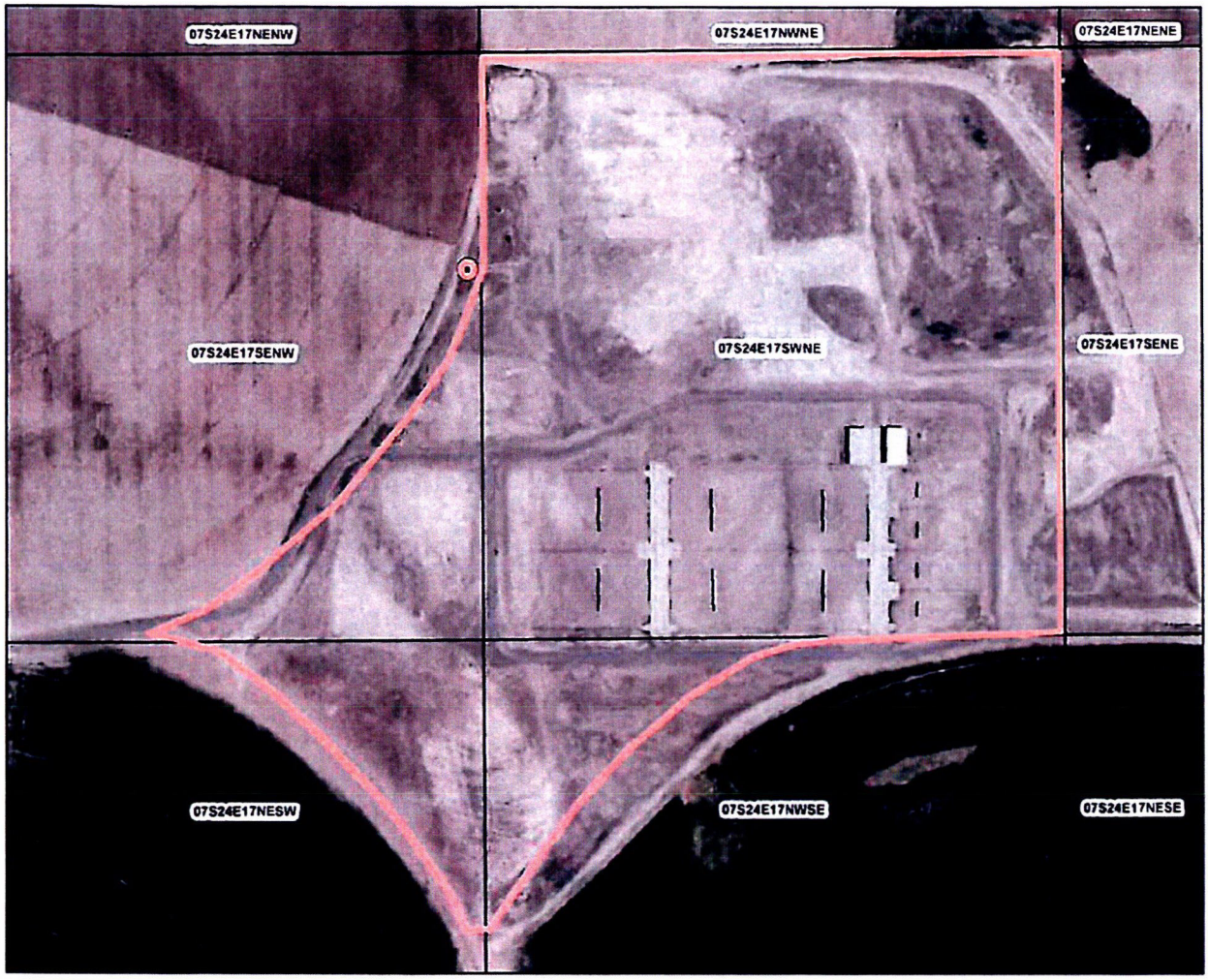
SCANNED
AUG 17 2023

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1635

36-17110
Effective until December 31, 2023

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

SCANNED
AUG 17 2023

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
DEC 05 2022
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Board of Regents of the University of Idaho
(Select one owner – see item 1A on the application)

Water Right No. 36-17110
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☐

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

MIMUMUM REQUIREMENT CHECKLIST

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

		Yes	
		☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
		☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
		☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.
Attachment	**N/A**	**Yes**	
1A	☐	☑	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☐	☑	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☐	☑	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☑	☐	Description of a water right portion offered to the Water Supply Bank.
3	☑	☐	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 250.00	Received By: KM	Date Received: 12.5.22	Receipt # C114801
W-9 received? Yes ☑ No ☐	(Route W-9 to Fiscal)	Name on W-9: Regents of the University of Idaho	

SCANNED AUG 17 2023

2509

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: Board of Regents of the University of Idaho

Mailing Address: 875 Perimeter Dr., Stop 3168 (Street) | Moscow (City) | Idaho (State) | 83844-3168 (Zip Code)

Email Address: gerardb@uidahol.edu Phone Number: 208-885-6468

☑ 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: Travis L. Thompson Organization: Barker Rosholt & Simpson LLP

Professional Title: Attorney Email Address: tlt@idahowaters.com

Mailing Address: P.O. Box 63, Twin Falls, ID 83303-0063 Phone Number: 208-733-0700

☐ 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**.

SCANNED
AUG 17 2023

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

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

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

B. Please provide a description of the current water diversion and delivery system.
Existing well and infrastructure for water delivery and use on dairy.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None.

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. Information may be available with prior owner (W-4 Dairy Limited Partnership), Magic Valley Ground Water District, and/or Water District No. 130.

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☑
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☑

SCANNED
AUG 17 2023

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 1-1-23 (Year) to 12-31 (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.

Lee Espey	Lee Espey, Operations Officer Finance/Adm	11.30.2022
Signature of Designated Applicant	Printed Name	Date
	Travis L. Thompson	12/1/22
Signature of Authorized Representative	Printed Name	Date

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

SCANNED
AUG 7 2023

MARTEN

October 16, 2024

Privileged and Confidential
Attorney Work Product/Attorney-Client Communication

Via Hand Delivery to the Southern Regional Office

Marten Law LLP
163 Second Ave. W.
Twin Falls, ID 83301

RECEIVED
OCT 16 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
650 Addison Ave. W. STE 500
Twin Falls, Idaho 83301-5858

RE: University of Idaho's Water Bank Applications to Lease/Rent

Dear Idaho Department of Water Resources:

This firm represents the Board of Regents of the University of Idaho in various matters. At its request, we are submitting applications to lease and rent water from the Idaho Water Resource Board's water bank.

Please find the application forms attached. The filing fee will be paid in person at IDWR's Southern Region office via credit card in the amount of $250.00.

Sincerely,

Abby R. Bitzenburg

Abby Bitzenburg
Staff Attorney
Direct: (208) 613-2933
Email: abitzenburg@martenlaw.com

3076 of 3077

WSB Mailing Checklist for Leases

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

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

Received Date: 10/5/2023

Desired Lease Duration: 2024

Lease / Rental Package: (Y) N

If yes, Renter Name: Board of Regents U of I

Application # 2780 Contract # 1780

WR#s	# 36-17110
#	#
#	#
#	#
#	#
#	#
#	#

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights: _____

Applicant Authorized?	(Y) / N
Multiple owners, Attach 1A included?	Y / N (NA)
If portion is offered, Attach 2 included?	Y / N (NA)
Map of POU and POD?	Y / N (NA)
POD Consent (if required)?	Y / N (NA)
Application Complete?	(Y) / N
Minimum checklist in data base?	☐
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

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

Mailings (per lease application)	CC	Original	
Designated Applicant: Board of Regents of University of Idaho	☐	☐	EMAIL:
Attorney: Travis L. Thompson - Marten Law LLP	☐	☐	EMAIL:
Consultants Name: —	☐		Comments:
Watermaster: Corey King	☐		
Delivery Entity: —	☐		
Water District: 130	☐		
Ground Water District: Magic Valley GWD	☐		mvgwd@hotmail.com
Region: Southern - Corey Skinner	☐		
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 Mathew Weaver

March 7, 2024

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR MS 3168
MOSCOW, ID 83844-3168

RE: WATER SUPPLY BANK LEASE CONTRACT 1780
FOR WATER RIGHT 36-17110

Dear Lessor:

Water right **36-17110 is** leased into the Water Supply Bank (Bank) as of January 2024 in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2024,** unless the rights are released earlier by the Water Resource Board (Board). To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they are rented.**

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

Sincerely,
Signature

Catalina Beck

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Office Representative
Water District No. 130

RECEIVED
NOV 27 2023
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LESSOR DESIGNATION FORM

When multiple individuals or business entities jointly own property to which a water right is appurtenant, the parties can use this form to nominate a designated lessor to represent their common interests on a Water Supply Bank lease contract. The signatures of all water right holders are required on this form to elect a designated lessor. The designated lessor is required to provide a completed IRS Form W-9 to receive any payment associated with the rental of a water right under a Water Supply Bank lease contract. **All correspondence and any financial payment associated with the rental of this water right will be directed to the designated lessor**. If additional space is needed to list any other water right holders, attach a second copy of this Lessor Designation Form.

Water Right No(s). 36-17110

	Designated Lessor	Water Right Co-owner	Water Right Co-owner
Name	Board of Regents of the University of Idaho	State of Idaho, Board of Land Commissioners, whose administ agent is the Idaho Dept of Lands	
Mailing Address	Real Estate Office 875 Perimeter Dr MS 3162 Moscow ID 83844-3162	300 N 6th St , Suite 103 Boise ID 83702	
Phone Number	208-885-6468	208-334-0200	
Email Address	gerardb@uidaho.edu	zlathim@idl.idaho.gov	
Water Right Owner Declaration	As designated lessor, I will represent the interest of all other water right owners on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature	Lee Eppy	Dustin T. Miller	

	Water Right Co-owner	Water Right Co-owner	Water Right Co-owner
Name			
Mailing Address			
Phone Number			
Email Address			
Water Right Owner Declaration	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			

Dustin Miller
IDL Director

[redacted] [redacted]

RECEIVED
OCT 05 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

MARTEN LAW

October 5, 2023

RECEIVED
OCT 16 2023
DEPARTMENT OF
WATER RESOURCES

Via Hand Delivery (Southern Reg. Office) & Email

Ms. Mary Condon
IDWR
P.O. Box 83720
Boise, Idaho 83720-0098
Mary.condon@idwr.idaho.gov

RE: Water Bank Lease / Rental (Water Right No. 36-17110)

Dear Mary:

As previously discussed via email, please find enclosed the following on behalf of our client the Board of Regents of the University of Idaho:

1) Application to Lease a Water Right to the Water Bank (for 2024)
2) Application to Rent Water from the Water Supply Bank

The University seeks to lease the right to the water bank and rent it back for purposes associated with the construction of the new CAFÉ dairy facility. The W-9 and map associated with the rental should be on file with IDWR from previous lease applications. We are paying the filing fee ($250.00) by credit card with the hand delivery of the application. If you have any questions or need additional information please contact me. Thank you for your assistance.

Sincerely,

Travis Thompson
Partner

Direct: (208) 735-2227
Email: tthompson@martenlaw.com

Enclosures

cc: Gerard Billington, UI

2780 - 2782

MEMORANDUM FOR CONTRACT #1780 & AGREEMENT #806

To: Water Right(s) 36-17110

From: Mackenzie Kienholz

Date: 11/17/2023

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

---

PURPOSE/NARRATIVE: Lease application #2780 was submitted by Travis L. Thompson (Marten Law, LLP) on behalf of the Board of Regents of the University of Idaho and was received by the Department on 10/5/2023. The application requests to lease the full amount of water right 36-17110.

Rental application #2782 was also submitted by Travis L. Thompson (Marten Law, LLP) on behalf of the Board of Regents of the University of Idaho and was received by the Department on 10/5/2023. The application requests to rent the full amount of water right 36-17110 for dust abatement and construction of a Center for Agriculture Food and the Environment.

This lease-rental package occurred in 2023 and has been requested again for 2024. The rental does not propose to change the POD, POU, or any other element of the water right. Review staff contacted Mr. Thompson on 11/17/2023 to confirm that the package was necessary and/or desired. He confirmed that the package is desired as it helps make it clear to contractors involved in the construction project that the applicants have the authority to use the water in the manner proposed.

This lease/rental is within the Magic Valley GWD, WD 130, and the ESPA GWMA.

AUTHORITY TO FILE: The application was signed by Lee Espey who is listed as the Operations Officer for the Division of Finance and Administration on the University of Idaho's website. The parcels at the lease/rental POD and POU are owned by the Board of Regents of the University of Idaho. Water right 36-17110 is owned by the Board of Regents of the University of Idaho and the State of Idaho – State Board of Land Commissioners Acting through Idaho Department of Lands. A lessor designation form was requested by review staff and was submitted by the representative on 11/27/2023. The form listed the Board of Regents of the University of Idaho as the designated lessor. Lee Espey signed on behalf of the University and Dustin Miller, Director of Idaho Department of Lands, signed on behalf of the State Board of Land Commissioners/Idaho Department of Lands. No concerns with authority to file.

WATER RIGHT VALIDITY: Right 37-17110 is a split from right 36-16810 (split in Transfer 81615 approved 10/6/2017). Based on sentinel imagery, the acres under 36-16810 appear to be fully irrigated in 2016 (pre-transfer). This transfer changed the nature of use from irrigation to commercial and stockwater. It was not determined during this review what water use occurred from 2017-2020. Right 37-17110 has been leased to the Bank since 2021. No concerns with water right validity.

INJURY TO OTHER WATER RIGHTS: No elements of the water right will be changed including season of use, nature of use, POD, and POU. Therefore, there are no concerns with injury to other water rights. Modeling was not required as the POD is not changing.

When comments were requested for the 2023 rental, the watermaster noted that he had no concerns as long as an approved measuring device would be installed prior to diverting water. On May 12th the representative confirmed that the applicant had purchased and would install such device. There is no evidence to support that the device was indeed installed for 2023. Review staff informed the applicant's representative that a recommendation for approval would not be made until confirmation that the device has been installed was received.

UPDATE 1/10/2024: The representative emailed review staff on 1/9/2024 that the contractor installed the device. Photos of the measuring device were submitted. This is sufficient evidence to recommend an approval of this lease/rental package, however it would be beneficial to have water district staff confirm the installation and operation of the measuring device at some point in the 2024 season.

ENLARGEMENT OF USE: No elements of the water right will be changed including season of use, nature of use, POD, and POU. Therefore, there are no concerns with enlargement of use.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental POD is subject to Water District #130. A request for comments was sent to the WD 130 watermaster, Magic Valley GWD, and the Southern Regional Office on 1/10/2024.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, January 10, 2024 9:02 AM
To: King, Corey; Skinner, Corey; mvgwd@hotmail.com
Cc: Ragan, Brian
Subject: Comments Request - WSB Lease Rental U of I
Attachments: Meter Pic 4887-9611-6123 version 1.jpg; Meter Pic 2 4854-9185-6539 version 1.jpg; WM Copy Review Memo Lease App 2780 Rental App 2782 - U of I.pdf; Rental Map 806 U of I.pdf; Lease Map 1780 U of I.pdf

Good morning,

Please see the attached review documents for the Board of Regents of the University of Idaho, and kindly respond with any comments or concerns within 10 days.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Tuesday, January 9, 2024 4:03 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: UI Rental

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

Hi Mackenzie,

The contractor informed UI that the meter has been installed. Are these pictures sufficient or do you need something else?

Thanks

Travis

Travis L. Thompson
Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301

MARTEN LAW

This e-mail may contain confidential and privileged information and is sent for the sole use of the intended recipient. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, January 10, 2024 8:51 AM
To: Travis L. Thompson
Subject: RE: UI Rental

Good morning, Travis,

I believe this will be sufficient for now.

Thank you,
Mackenzie

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Tuesday, January 9, 2024 4:03 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: UI Rental

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

Hi Mackenzie,

The contractor informed UI that the meter has been installed. Are these pictures sufficient or do you need something else?

Thanks

Travis

Travis L. Thompson
Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
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Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, December 21, 2023 3:20 PM
To: Travis L. Thompson
Cc: Bank
Subject: RE: UI Water Bank Lease

Travis,

It was required that a measuring device would be installed before diverting water under Rental Agreement #756 for 2023, and the Department was told that the device had been purchased and would be installed prior to diversion in 2023. However, there is no indication that a measuring device was installed for the 2023 season. As such, we will likely not send a rental agreement for signature and/or approve a rental until confirmation is received that a measuring device has been installed.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Monday, December 18, 2023 1:22 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: UI Water Bank Lease

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

Mackenzie,

I have been advised that the contractor is indicating they will have the meter installed by no later than May 31, 2024. They do not plan to draw water for construction until June and want to avoid installing during the winter if that would be acceptable.

Thanks

Travis

Travis L. Thompson
Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301

MARTEN LAW

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Monday, December 18, 2023 1:18 PM
To: Travis L. Thompson <tthompson@martenlaw.com>
Subject: RE: UI Water Bank Lease

Travis,

Do you have confirmation on the installation of a measuring device yet? The watermaster has also offered to check on the diversion. I need to ensure the device was installed before passing this on for supervisor approval. Please let me know the status of this as soon as possible.

Thank you,
Mackenzie

From: Kienholz, Mackenzie
Sent: Monday, November 27, 2023 4:00 PM
To: Travis L. Thompson <tthompson@martenlaw.com>
Subject: RE: UI Water Bank Lease

Hi Travis,

This should be perfect. And thank you for checking on the meter as well.

Thank you,
Mackenzie

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Monday, November 27, 2023 3:05 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: UI Water Bank Lease

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

Mackenzie,

Please see attached, will this work for the 2024 lease renewal? Checking on the status of the meter too will get back to you when I find out.

Thanks

Travis

Travis L. Thompson
Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301

MARTEN LAW

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IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

January 25, 2023

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR STOP 3162
MOSCOW, ID 83844-3168

STATE BOARD OF LAND COMMISSIONERS
ACTING THROUGH IDAHO DEPT OF LANDS
300 N 6TH ST STE 103
BOISE, ID 83702-6098

Re: Change in Ownership for Water Right No(s): 36-7932, 36-16800, 36-16810, 36-16812 and 36-17110

Dear Water Right Holder(s):

The Department of Water Resources (Department) recently processed a Notice of Change in Water Right Ownership for the above referenced water right(s). After further review, it was discovered that water right no. 36-17110 is leased to the water supply bank. Additional information is as follows:

Water right(s) 36-17110 was leased to the Water Supply Bank (bank) in 2023. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. The right(s) will remain in the bank until December 31, 2023, unless released earlier by the Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release and notify the right holder of the release date.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9908.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

c: Water District 130

SCANNED
JAN 26 2023

WSB Mailing Checklist for Leases

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

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

Received Date 12/5/2022

Desired Lease Duration 2023

Lease / Rental Package Y (N)

If yes, Renter Name:

Application # 2509 Contract # 1635

WR#s	# 36-17110
#	#
#	#
#	#
#	#
#	#
#	#

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights:

Applicant Authorized?	(Y) / N
Multiple owners, Attach 1A included?	Y / N (NA)
If portion is offered, Attach 2 included?	Y / N (NA)
Map of POU and POD?	Y / N (NA)
POD Consent (if required)?	Y / N (NA)
Application Complete?	(Y) / N
Minimum checklist in data base?	☑
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

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

Mailings (per lease application)	CC	Original	
Designated Applicant: Board of Regents of University of Idaho	☐	☐	EMAIL:
Attorney: Travis L Thompson - Barker, Rosholt, & Simpson LLP	☐	☐	EMAIL:
Consultants Name:	☐		Comments: prev contract #1472
Watermaster: Brian Ragan	☐		
Delivery Entity:	☐		
Water District: 130	☐		HG-4
Ground Water District: Magic Valley	☐		1/11/23
Region: Southern	☐		
Other: ESPA GWMA	☐	☐	
Address:			

Call up Date: 1-4-23

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

January 12, 2023

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR STOP 3162
MOSCOW, ID 83844-3168

RE: WATER SUPPLY BANK LEASE CONTRACT 1635
FOR WATER RIGHTS 36-17110

Dear Lessor:

Water rights **36-17110** was leased into the Water Supply Bank (Bank) as of January 1, 2023, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2023,** 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,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Office
Water District No. 130
Barker Rosholt & Simpson LLP

SCANNED
AUG 17 2023

Hersley, Jean

From: Billington, Gerard (gerardb@uidaho.edu) <gerardb@uidaho.edu>
Sent: Tuesday, December 20, 2022 3:47 PM
To: Travis Thompson; Hersley, Jean
Subject: RE: WSB Lease Contract for U of I Board of Regents
Attachments: SKM_C554e22122014360.pdf

Jean, Because University of Idaho officials with signing authority would not likely be available over the holiday break, I forwarded the draft (you sent to Travis Thompson in the email string below) to UI administration for their prompt signature today. Attached is that UI signed Water Supply Bank Lease Contract 1635. If this will not work for your purposes please let me know and we can discuss alternatives. Thanks for your help with this and have a great holiday!

From: Travis Thompson <tlt@idahowaters.com>
Sent: Tuesday, December 20, 2022 7:45 AM
To: Billington, Gerard (gerardb@uidaho.edu) <gerardb@uidaho.edu>
Subject: FW: WSB Lease Contract for U of I Board of Regents

Gerard,

These should hit the mail soon up there.

Have a Merry Christmas!

Travis

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, December 20, 2022 8:43 AM
To: Travis Thompson <tlt@idahowaters.com>
Subject: WSB Lease Contract for U of I Board of Regents

These contracts will go out in today's mail. Please let me know if you have any questions. Thank you.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

SCANNED
AUG 17 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

December 20, 2022

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR STOP 3162
MOSCOW, ID 83844-3168

RE: APPLICATION TO LEASE WATER RIGHTS 36-17110 TO THE WATER SUPPLY BANK CONTRACT 1635

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

Dear Applicant:

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

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

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

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

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

SCANNED
AUG 7 2023

C: Barker Rosholt & Simpson LLP

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, December 20, 2022 8:41 AM
To: Ragan, Brian
Subject: Watermaster Comments for WSB Lease
Attachments: Lease_.pdf; Lease Application Review.xls; Lease Contract - 1635.docx

The WSB has received a request to lease water right 36-17110 to the Bank for the 2023 season. Please let me know if you have any comments or concerns with the attached lease. Thank you.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

SCANNED
AUG 17 2023

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Board of Regents U of I

Memo Date: December 20, 2022

Water Right Number(s): 36-17110

Reviewers Name: Jean

Quick Tools

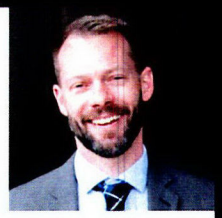
Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

		Check box		COMMENTS/CONCERNS:
1	**Fill out WSB Data Entry Checklist for Leases (Front of File)**	x		
2	**Reason for lease of water rights (Brief description of lease proposal in narrative)**			
	Portion of right			
	All of right	x		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	**No**	
4	Rentable? (If no explain in comments or narrative)	x		
5	**Authority to file**			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity			
	Other (explain in comments)			
6	**Water Right validity**			
	Decreed/Licensed/Statutory claim date (write in comments section)			2001
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?		x	
7	**Injury to other water rights**			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns		x	
8	**Enlargement concerns**	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	**No**	
	Are there overlapping rights that need to be placed in the bank also?		x	
	Will the place of use continue to receive water? (if yes explain in comments)		x	
9	**Local Public Interest**			
	Does the processor know of any problems this action will cause for the local public?		x	
10	**Have you contacted regional office and watermaster for comment/concerns?**	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement (write in Comments)			4
12	**Is water right involved in any other department action? Pull file and check database** ( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments		x	

13 **Narrative:** The Department received this application on December 5, 2022. The applicant wishes to place the entire right in the Bank for the 2023 season. The parent of this right was decreed in 2001. This right was split from 36-16810 in transfer 81615, approved in 2017. It was a change in nature of use transfer. The transfer memo states the water had been used prior to the transfer. In 2019, W4 Dairy gifted this water right along with 2 others to the U of I. This water right is not appurtenant to the land that was gifted. There are no issues with forfeiture. This right is currently within WD 130, the ESPA GWMA and the Magic Valley GWD.

SCANNED
AUG 17 2023

close



Lee Espey

Division Operations Officer

PHONE 208-885-6174

EMAIL leeespey@uidaho.edu

Lee joined the university in 2020 and brings over 10 years of operations management and industry perspective to his role as Division Operations Officer. He has a bachelor's degree in Spanish and linguistics from the University of North Carolina and a master's degree in business administration from Willamette University.

Always up for a challenge, Lee is passionate about process improvement. He uses systems approaches to solve complex business problems and thrives when working with compassionate and innovative groups. "I work with an amazing team," Lee said. "Their experience, expertise and dedication makes the University of Idaho a safe and welcoming place for our students to learn and grow."

Lee served as a Peace Corps volunteer in Panama for 5 years. He enjoys spending time outdoors cycling, running and fly fishing.

Division Operations

SCANNED
AUG 17 2023

Kienholz, Mackenzie

From: Travis Thompson <tlt@idahowaters.com>
Sent: Wednesday, December 7, 2022 11:23 AM
To: Kienholz, Mackenzie; gerardb@uidahol.edu
Subject: RE: Water Supply Bank Lease Application - Board of Regents of the University of Idaho

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

Mackenzie,

Thanks, it was meant for one year. The form is too small to include another number after the 31.

Travis

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Wednesday, December 7, 2022 11:17 AM
To: gerardb@uidahol.edu; Travis Thompson <tlt@idahowaters.com>
Subject: Water Supply Bank Lease Application - Board of Regents of the University of Idaho

Hello,

We recently received Water Supply Bank Lease Application #2509 for the Board of Regents of the University of Idaho, water right 36-17110. On Page 4 of the application where it asks for the requested length of the agreement no end year was included. It currently states that the start is 1/1/2023, but the end date only says 12/31. Could you please confirm how long you would like to lease water right 36-17110 to the Water Supply Bank? The maximum length is five calendar years (12/31/2027). Please note that this information is required before we can continue processing your application.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

SCANNED
AUG 17 2023

Barker Rosholt & Simpson LLP

Travis L. Thompson
EMAIL: tlt@idahowaters.com
PHONE: 208.733.0700
WEB: idahowaters.com

RECEIVED
DEC 05 2022
DEPARTMENT OF
WATER RESOURCES

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Twin Falls, Idaho 83301
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December 1, 2022

Mary Condon
Idaho Water Resource Board
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Bank Lease (36-17110)

Dear Mary:

Please find enclosed a completed *Application to Sell or Lease a Water Right to the Water Supply Bank* on behalf of the Board of Regents for the University of Idaho regarding water right 36-17110. This application essentially renews prior applications to the bank. I have include check no. 1766 in the amount of $250 to cover the filing fee. If you have any questions or need anything else please contact me at (208) 733-0700.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

Travis L. Thompson

Enc.

cc: Gerard Billington, UI

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AUG 17 2023

2509

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 15, 2022

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR STOP 3168
MOSCOW ID 83844

RE: Water Supply Bank Warrant Payment

Dear Water Right Holder,

The following water rights which are leased to the Water Supply Bank: Lease Contract ID(s) 1472

Rental Year	Rental ID(s)	Water Right (s)
2022	648	36-17110

The Department of Water Resources intends to issue you a state warrant as payment to you for the rental of the above referenced water right(s) from the Water Supply Bank.

However, issuance of payment requires receipt from you of a new IRS W9 form. Please complete and return to our office by mail or email, the enclosed IRS W-9 form. Once we receive this from you, we can issue to you your warrant payment.

If you have questions about your rental, you can contact me at 208-287-4936.

Regards,

Mary Condon
Water Supply Bank Coordinator

Enclosures: IRS W-9 Form

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AUG 16 2023