

OCT 16 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT No. 1728**

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

LESSOR: AUSTIN ISAAC
31695 STATE HIGHWAY 51
BRUNEAU, ID 83604-5072

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 April 20, 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)	Acres (AC)
51-2213A	4/11/1966	GROUND WATER	0.80	200	40.0
Lease Totals			0.80	200	40.0

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, 2027. 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. 1728

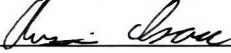
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right 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. 1728

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

LESSOR: AUSTIN ISAAC
31695 STATE HIGHWAY 51
BRUNEAU, ID 83604-5072

By 
Title Owner
Date 10-12-23

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 10/18/23

Lease approved by IDWR 

Date 10/18/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1728

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): 51-2213A

GROUND WATER SWSE Sec. 23 Twp 07S Rge 06E OWYHEE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
51-2213A	IRRIGATION	4/01	to	10/15	0.80 cfs	200 AF
Totals:					0.80 cfs	200 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	06E	23														4.0	8.0		12.0
07S	06E	26		28															28.0

Total Acres: 40.0

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1728

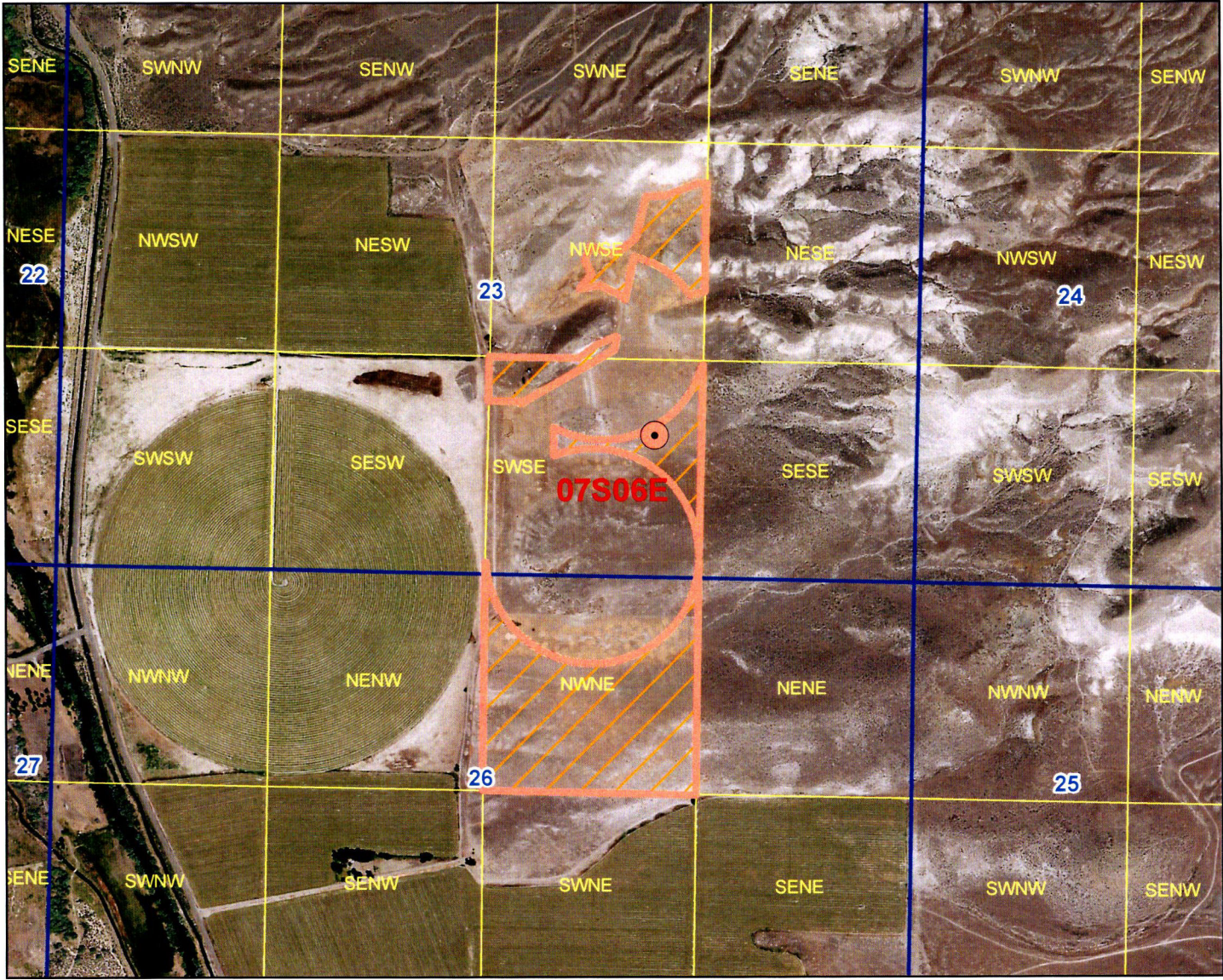
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into 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. Non-offered Water Right No. 51-02089A is also diverted through point of diversion described above.
13. The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
14. There are 2 points of diversion located in T07S, R06E, S23, SWSE, Boise-Meridian.
15. The unleased portion of Right 51-2213A shall not exceed a total diversion rate of 0.90 cfs, a total annual maximum diversion volume of 225 af at the field headgate, and the irrigation of 45 acres.

Idaho Water Resource Board

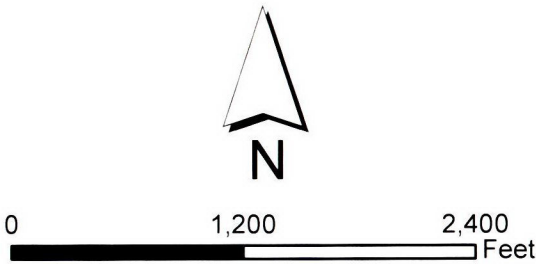
Water Supply Bank Lease Contract No. 1728

51-2213 A
Effective until December 31, 2027

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



APR 20 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Designated Applicant

Austin Isaac

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

Water Right No.

51-2213A

(One water right per application)

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

Yes ☐No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

☐Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.☐

Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.

☐Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment

N/A

Yes

1A

☐☐Signatures and contact information for **all owners** of the water right to be leased or sold on this application.

1B

☐☐An [Internal Revenue Service \(IRS\) Form W-9](#) for the Designated Applicant.

1C

☐☐*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).

1D

☐☐

Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.

2

☐☐

Description of a water right portion offered to the Water Supply Bank.

3

☐☐

A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.

4A

☐☐

Written consent from irrigation district or water delivery company.

4G

☐☐Evidence demonstrating the water right has not been forfeited pursuant to [Section 42-222\(2\), Idaho Code](#).

Department Use Only

Fee Amount \$

250

Received By:

ku

Date Received:

4.20.23

Receipt #

C115970

W-9 received?

Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9:

Austin Dean Isaac

2649

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 Austin Isaac
Mailing Address 31695 St. Highway 51 Bruneau ID 83604
Street City State Zip Code
Email Address austindisaac@gmail.com Phone Number 208-859-1475

☐ 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 _____ Organization _____
Professional Title _____ Email Address _____
Mailing Address _____ Phone Number _____

☐ 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.

Well water is pumped through pivots and hand lines.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. Water Right 51-2089 A is also used for pasture
and/or stock water.

- 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. n/a

- 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. Banked From 2004 - 2020

- 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**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>51-2213A</u>	<u>Irrigation</u>	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	Total Amounts:	_____	_____	_____

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

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 2028 (maximum lease period 5 calendar years).
(Year) (Year)

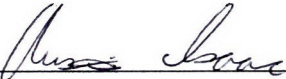
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

Austin Isaac
Printed Name

4-20-23
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
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.

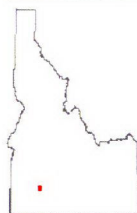
If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 51-2213A

	Designated Applicant	Applicant #2	Applicant #3
Name	Austin Isaac	Shawna Isaac	
Mailing Address	31695 St. Highway 51		
Phone Number	208 - 859 - 1475		
Email Address	austindisac@gmail.com		
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	<i>Austin Isaac</i>	<i>Shawna Isaac</i>	

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

Pod
lease

[illegible]

Date created: 4/20/2023



Legend

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



WSB Mailing Checklist for Leases

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

executed
10/18/23

Scanned
10/19/23

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: MC

Received Date 4/20/2023

Desired Lease Duration 2023-2027

Lease / Rental Package Y (N)

If yes, Renter Name:

Application # 2649

Contract # 1728

WR#s		#
		51-2213 A
#		#
#		#
#		#
#		#
#		#
#		#
#		#

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

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights:

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: Austin Isaac	☐	☐	EMAIL:
Attorney: —	☐	☐	EMAIL:
Consultants Name: —	☐		Comments:
Watermaster: —	☐		will need to use
Delivery Entity: —	☐		imagery for location
Water District: —	☐		of second pivot
Ground Water District: —	☐		
Region: Western	☐		
Other: Bruneau-Grandview GWMA	☐	☐	
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

October 19, 2023

AUSTIN ISAAC
31695 STATE HIGHWAY 51
BRUNEAU, ID 83604-5072

**RE: WATER SUPPLY BANK LEASE CONTRACT 1728
FOR WATER RIGHTS 51-2213A**

Dear Lessor:

Water right(s) **51-2213A** was/were 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 right(s) will automatically be released from the Bank on **December 31, 2027**, 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,

Mackenzie Kienholz
Water Supply Bank Specialist

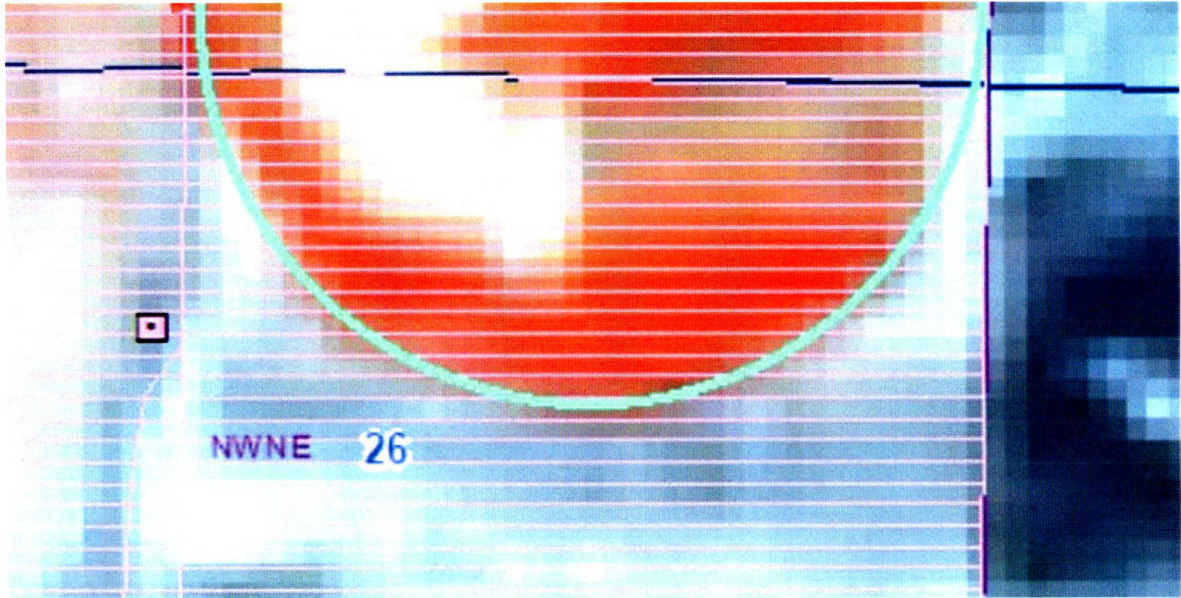
Enclosure: Executed Lease Contract

c: IDWR - Western Region Office

From: [Austin Isaac](#)
To: [Condon, Mary](#)
Subject: Map
Date: Thursday, September 14, 2023 3:20:56 PM

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.





Sent from my iPhone

From: [Condon, Mary](#)
To: austindisaac@gmail.com
Subject: Irrigated acres not offered for WSB
Date: Wednesday, September 13, 2023 5:01:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Austin,

The top pivot is about 14 acres, the bottom pivot is about 29.7 acres but round to 30. You had called me and said $30.7 + 14.5 + 4.87$. Where are the 4.87 acres? The map you provided included an area you intended to irrigate with handlines on the west side between the two pivots. Is that the remainder for the 4.87 you will be irrigating?

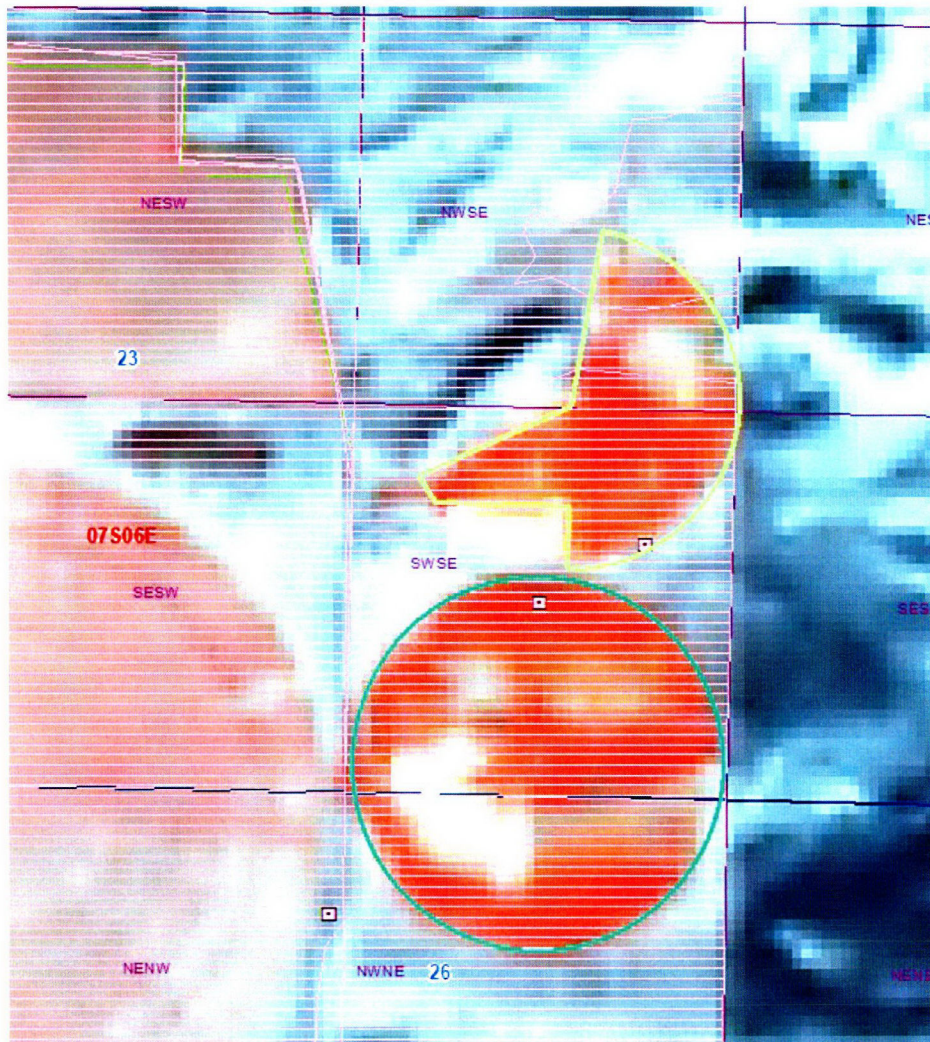
Please see imagery, below.

Thanks,
Mary

Mary Condon
Water Supply Bank Coordinator



Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936



MEMORANDUM FOR APPLICATION # 2649

To: Water Right(s) 51-2213A

From: Mary Condon

Date: September 13, 2023

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

PURPOSE/NARRATIVE: Application to lease a portion of right 51-2213A received on April 20, 2023 for five years from 2023 through 2027, but the owners were not completely sure the exact number of acres that would not be irrigated by the end of the year. Applicants are new owners and have put some of the water back to beneficial use during 2023. The applicant called our office on August 23, 2023 to update the amounts not offered for lease as 30.7 + 14.5 + 4.87 acres which were irrigated in 2023 and will continue to be developed. An analysis of overlap and irrigation will be discussed under Enlargement of Use.

AUTHORITY TO FILE: Application to lease is signed by a designated lessor as one of the owners of the water right, with a designated lessor form attached with both owners' signatures. County parcel information shows they are also the owner of the land offered under lease. No concerns with authority to file.

WATER RIGHT VALIDITY: Entire water right 51-2213A was adjudicated in 2001 and has been in the bank since 2004 through 2020. There have been as many as 55 acres of the 85 acre right rented from 2013 through 2020. No concerns with validity of the portion offered to the bank.

INJURY TO OTHER WATER RIGHTS: There are two wells within the same 40-acre tract for diversion of the irrigation right, but only listed once on the water right report, as noted in the conditions for offered right 51-2213A. Other water rights from the two wells authorized from this right are owned by the applicant. The first water right is for stockwater under right 51-10149 and another water right is for domestic with five acres of irrigation under right 51-2089A. Lease of a portion of this water right would not cause injury to other water rights. Proper review to prevent injury if rented, as it is within the Bruneau-Grandview Ground Water Management Area (GWMA).

ENLARGEMENT OF USE: Offered right 51-2213A is for 85 acres, with 35 acres authorized in the SWSE of Section 23, and non-offered senior right 51-2089A is also authorized for 5 acres within the same 40-acre tract. Non-offered right 51-2089A does not have a shapefile, but is senior, and it appears offered right 51-2213A was developed on the remaining 35 acres, both covering the entire 40-acre tract. Additionally, while there is not a shapefile for right 51-2089A, the shapefile for offered right 51-2213A covers the entire 40 acre-tract. These two irrigation rights do not have a combined limit, and there is no overlap. There will be a total of 32 acres irrigated within the 40 acre-tract, where 27 acres will be deducted from offered right 51-2213A and the last five from non-offered right 51-2089A. No portion of right 51-2089A is offered for lease, nor has it been in the past.

Additionally, the new owners' development has slightly changed the layout of use in the NWSE, but complies with the legal's description limits of the right to no more than 10 acres. As such, there are approximately 6 acres irrigated within that quarter quarter, leaving 4 acres available to lease. Due to the difference between the water right shapefile and the current irrigation practices, the leased acres shapefile is larger than the actual number of acres accepted for lease.

In total, there are 40 acres offered for lease under right 51-2213A, of which 45 will remain irrigated under the same right and another five acres will be irrigated under right 51-2089A. Duty of water between leased portion and unleased portion will remain at 0.02 cfs/acre and 5.0 acre-feet/acre. No enlargement of the offered acres or the acres not offered to the bank are expected through this lease.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The offered right source is ground water and the location for the lease diversion is not subject to a Water District. Offered right is subject to the Bruneau-Grandview GWMA and is within Western Region. Request for comment sent to IDWR Western Regional Manager sent via email on September 15, 2023.

NON-IRRIGATED ACRES			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	06E	23														4	8.0		12
07S	06E	26		28															28
Total non-Irrigated 40																			

IRRIGATED ACRES			NE				NW				SW				SE				
Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals		
23														6	27(5)		33(5)		
26		12															12		

*(5) is under right 51-2089A, Total Irrigated 45 to right 51-2213A