

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1737

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

LESSOR: TETON REGIONAL LAND TRUST
PO BOX 247
DRIGGS, ID 83422

RECEIVED
NOV 03 2023
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 May 01, 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)
22-14143	10/2/1906	TETON CREEK, tributary to TETON RIVER	0.30	54.6	16
Combined Lease Totals			0.30	54.6	16

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1737

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. 1737

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

LESSOR: TETON REGIONAL LAND TRUST
PO BOX 247
DRIGGS, ID 83422

By  Kimberly G. Trotter
Title Executive Director
Date October 24, 2023

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 11/6/23

Lease approved by IDWR 

Date 11/6/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1737

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): 22-14143

TETON CREEK L 2SWNE Sec. 20 Twp 05N Rge 46E TETON County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
22-14143	IRRIGATION	04/15	to	10/31	0.30 cfs	54.6 AF
Totals:					0.30 cfs	54.6 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	
05N	46E	30	16																16

Total Acres: 16

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

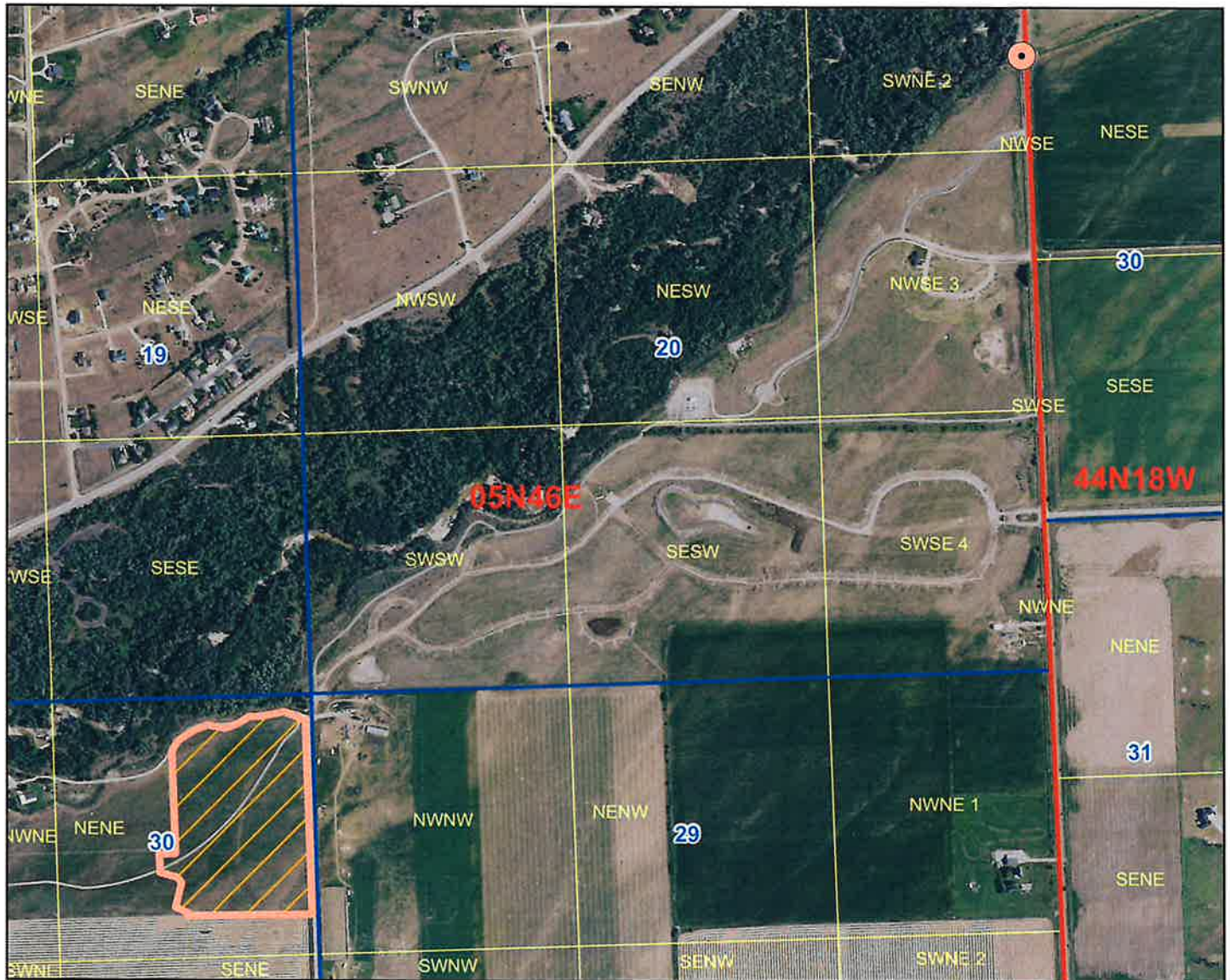
WATER SUPPLY BANK LEASE CONTRACT No. 1737

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted therefrom as set forth in *Roxana Canal Co. v. Daniels*, Equity No. 2447 (D. Wy. Feb. 4, 1941).
13. This right is based on Wyoming Certificate of Appropriation of Water under Permit No. 7420.
14. This water right is subject to the delivery provisions contained in *Roxana Canal Co. v. Daniels*, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
15. The point of diversion for this water right is in Wyoming, T44N, R118W, S20 SESE, Sixth Principal Meridian. The point of diversion shown above is where the conveyance system enters Idaho.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1737

22-14143
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



STATE OF IDAHO
WATER RESOURCE BOARD

Print Form

RECEIVED
MAY 01 2023APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDEPARTMENT OF
WATER RESOURCES

Designated Applicant Teton Regional Land Trust

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

Water Right No. 22-14143

(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 \$ 500	Received By: ASU	Date Received: 5/1/23	Receipt # C11461
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9:	

26666

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 Teton Regional Land Trust

Mailing Address PO Box 247 Driggs ID 83422
Street City State Zip Code

Email Address kimt@tetonlandtrust.org Phone Number 208-354-8939

☒ 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 Kim Trotter Organization Teton Regional Land Trust

Professional Title Executive Director Email Address kimt@tetonlandtrust.org

Mailing Address PO Box 247, Driggs, ID 83422 Phone Number 208-354-8939

☐ 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.

The diversion consists of a headgate located off of Teton Creek at a POD located in Wyoming (SE1/4SE1/4 of Section 20, Township 44N, Range 118W). Water is then conveyed to the POU via an unlined ditch.

- 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. 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. 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. 0.3cfs of water has been diverted, when legally available, and delivered to the property for irrigation.

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

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

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

If yes, describe. Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2023 to 2027 (maximum lease period 5 calendar years).
(Year) (Year)

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

~~current rental rate, but only after securing Lessor's written permission~~

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

The Designated Applicant acknowledges the following:

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

Signature of Designated Applicant

Printed Name

Date

Signature of Authorized Representative

Kim Trotter

Printed Name

April 21, 2023
Date

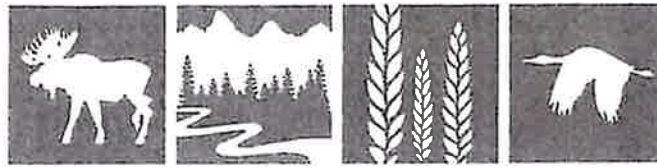
Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Print Form

RECEIVED

MAY 01 2023

DEPARTMENT OF
WATER RESOURCES



TETON REGIONAL LAND TRUST

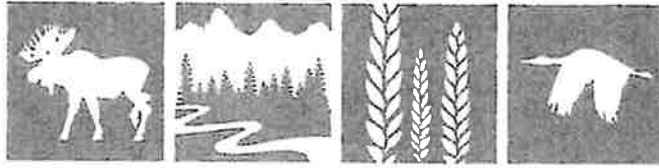
**THE TETON REGIONAL LAND TRUST, INC.
SIGNATORY RESOLUTION FOR FINANCIAL ACCOUNTS AND RECORDS,
CONSERVATION AGREEMENTS & EASEMENTS, ARCHIVE ACCESS, GRANT
APPLICATIONS & PROGRAM AGREEMENTS**

BY RESOLUTION OF THE BOARD OF DIRECTORS OF THE TETON REGIONAL LAND TRUST MADE NOVEMBER 4, 2022, THE FOLLOWING LAND TRUST REPRESENTATIVES MAY SERVE AS SIGNATORIES ON LAND TRUST FINANCIAL ACCOUNTS AND DOCUMENTS, DONATION ACKNOWLEDGEMENTS, AND GRANT RELATED DOCUMENTS:

ARANTZA ZABALA
BILL ROGERS
KIM TROTTER
TAMARA SPERBER
JESKE GRAVE
PAUL MERRILL
BILL GRAHAM

ADDITIONALLY, BY RESOLUTION OF THE BOARD OF DIRECTORS OF THE TETON REGIONAL LAND TRUST MADE NOVEMBER 4, 2022, THE FOLLOWING LAND TRUST REPRESENTATIVES MAY SERVE AS SIGNATORIES ON LAND TRUST CONSERVATION AGREEMENTS, INCLUDING CONSERVATION EASEMENTS:

MICHAEL ALLEN
WILLIAM "BRAD" BRADLEY
WILLIAM GRAHAM
ROBERT KELLER
ROBERT LUGAR
PAUL MERRILL
BRUCE MINCHER
JOHN NEDROW
LAURA PICKARD
TIMOTHY REYNOLDS
KAREN RICE
BILL ROGERS



TETON REGIONAL LAND TRUST

SUE TALBOT

KIM TROTTER

JOHN VANORMAN

ARANTZA ZABALA

Attested ARANTZA ZABALA, BOARD PRESIDENT:

Arantza Zabala

Date:

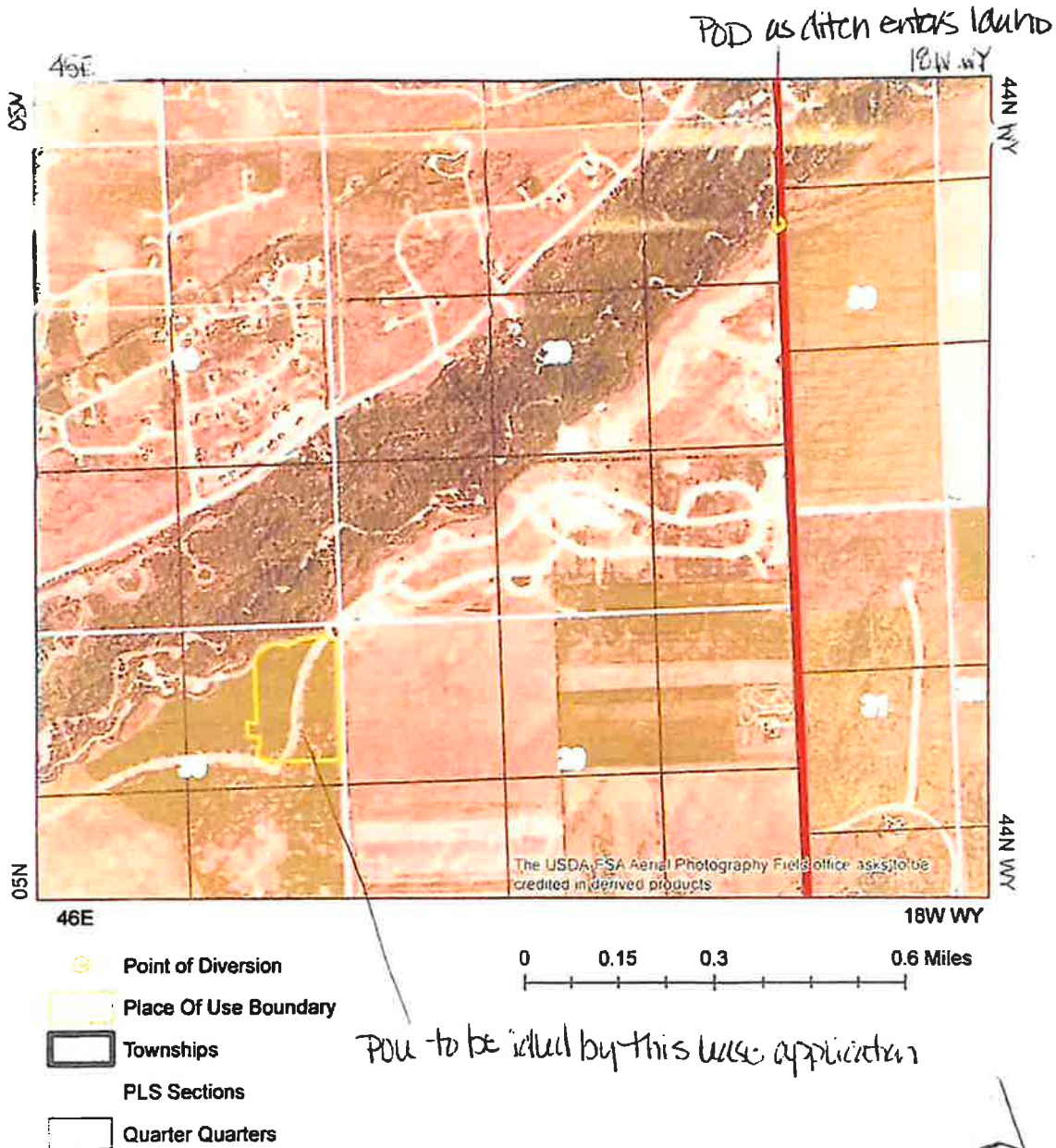
11/14/22

Attachment 3

Water Right

22-14143 -
(22-14143)

Map showing the location of the water use, (listed above) and point(s) of diversion of this right as currently



State of Idaho
Department of Water Resources

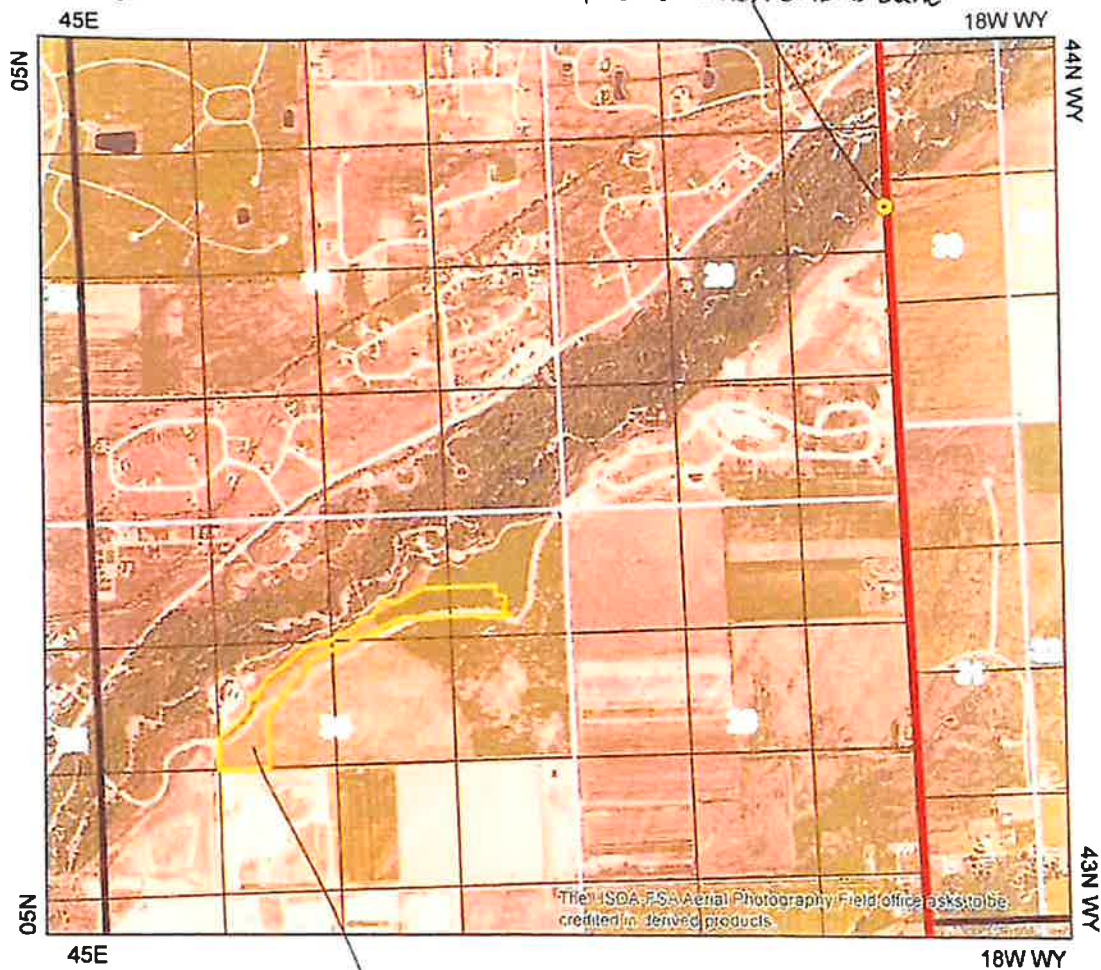
Attachment 3

Water Right
22-14115

IRRIGATION

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

POD as ditch enters bluffs



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

0 0.2 0.4 0.8 Miles

POU to be added by this lease: applied 12/17

N



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

November 6, 2023

TETON REGIONAL LAND TRUST
PO BOX 247
DRIGGS, ID 83422

**RE: WATER SUPPLY BANK LEASE CONTRACT 1737
FOR WATER RIGHT 22-14143**

Dear Lessor:

Water right **22-14143** is 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). 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

for

Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region Office



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 20, 2023

TETON REGIONAL LAND TRUST
PO BOX 247
DRIGGS, ID 83422

**RE: APPLICATION TO LEASE WATER RIGHTS 22-14143 TO THE WATER SUPPLY BANK
CONTRACT 1737**

******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, 2027**, 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,

Bob Howe

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: REPRESENTATIVE

MEMORANDUM FOR APPLICATION #2665 & 2666

To: Water Right 22-14115 & 22-14143
From: Bob Howe
Date: 09/05/2023
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE:

The complete 2023 application for leases 2665 & 2666 and fees were received by the Water Supply Bank (WSB) on May 1st, 2023. The applicant purposes to lease the entire water right (WR) 22-14115 (idling 23.1 acres of irrigation) and the entire WR 22-14143 (idling 15.6 acres of irrigation) into the WSB for a 5-year term. WR 22-14115 is also the right number for the parent right of 22-14115, 22-14142, and 22-14143.

AUTHORITY TO FILE:

The application for lease was submitted and signed by Kim Trotter, Executive director, Teton Regional Land Trust (TRLT). The application was submitted with documentation signed by Arantza Zabala (Board President TRLT), authorizing Kim Trotter as a signatory for TRLT. A business search on the Idaho Secretary of State (IDSOS) website found that Arantza Zabala is listed as the President on the 2023 TRLT annual report. Teton County parcel data lists Teton Regional Land Trust Inc. as the current owner of parcel RP05N46E300100, appurtenant to the right 22-14115 place of use (POU). There are no concerns regarding the applicant's authority to file the application for lease.

WATER RIGHT VALIDITY:

Aerial imagery indicates little evidence of irrigation occurring within the POU for the leased right. In section 4.F. of the application for lease, the applicant stated that the full rates for both rights have been diverted, when legally available, for irrigation of the property. The decree for parent right 22-14115 is for a portion awarded to Idaho and deducted from the settlement of Roxana Canal Co. V Daniels, Equity No. 2447. The point of diversion for this water right is in Wyoming, T44N, R118W, S20 SESE, Sixth Principal Meridian. The point of diversion listed on the decree is where the conveyance system enters Idaho.

On September 13, 2023, I called Kim Trotter and left a voicemail, which was followed up with an email, requesting additional information regarding when water has been legally available to divert for irrigation under WRs 22-14115 & 22-14143 over the last 5 years.

The applicant responded via email on September 26th, 2023, stating beneficial use occurred as recently as 2018 and reiterated that the right is junior to most rights sourcing the Waddell Ditch. The applicant stated that as the ditch is diverted in Wyoming, and not administered by a water district, they are unable to provide any documentation regarding the availability or past curtailment periods. Historic satellite imagery exhibits reasonable evidence of irrigation and cultivation at the place of use within the last 5 years. There are no concerns with validity of the water right offered to the bank. However, I informed the applicant that further information from them and a review will be necessary before any rental can occur.

ENLARGEMENT OF USE:

Water right 22-14115 has sibling rights 22-14142 & 22-14143. The POUs for each right are separate (no combined limits or POU overlaps). The shared POD is upstream of the upper reach of Minimum Stream Flow (MSF) right 22-7369 for the Teton River. The POD is within the SRBA moratorium area but is not administered by water district #1. Water would only be available for rental at times water is available for legal diversion from Teton Creek for right 22-14115. No rights overlap WR 22-14115. There are no concerns regarding enlargement due to the lease of full WR 22-14115 into the WSB.

LOCAL PUBLIC INTEREST:

Review staff have 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 POD for WRs 22-14115 & 22-14143 is located in Wyoming and is not subject to administration by Water District #1. The POD for the rights is upstream of the upper reach of MSF right 22-7369 for the Teton River. The purposed lease contract, map and application were attached to a comment request emailed on October 20, 2023, to Eastern Regional Manager, James Cefalo.

Howe, Bob

From: Novak, Shilynn
Sent: Monday, November 6, 2023 1:38 PM
To: Howe, Bob
Subject: FW: Lease Contracts 1736 & 1737-Comment Request
Attachments: Report - Lease Contract 1736.pdf; Report - Lease Contract 1737.pdf; Lease 1736 Map.pdf; Lease 1737 Map.pdf; Teton Regional Land Trust-Lease 2665 Review Memo.pdf

From: Howe, Bob
Sent: Friday, October 20, 2023 4:04 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Lease Contracts 1736 & 1737-Comment Request

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding the Water Supply Bank (WSB) Lease Contracts 1736 & 1737, for Teton Regional Land Trust. The applicant purposes to lease the entire water right (WR) 22-14115 (idling 23.1 acres of irrigation) and the entire WR 22-14143 (idling 15.6 acres of irrigation) into the WSB for a 5-year term. A copy of the proposed lease contracts, the lease reviews, and maps are attached for your reference.

Please submit your comments within 14 days, no later than November 03, 2023. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the execution of the lease.

Comments are preferred to be received by e-mail to bank@idwr.idaho.gov. However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4847.

Best Regards,

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov