

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1743

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

LESSOR: CITY OF BOISE
PUBLIC WORKS DEPT 150 N
CAPITOL BLVD PO BOX 500
BOISE, ID 83701-0500

RECEIVED

Nov 01, 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 08, 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)
63-7755B	3/23/1973	GROUND WATER	1.15	306	68
Lease Totals			1.15	306	68

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
63-7755B	0.00	0.0	0.0	0.00	0.00
Combined Limit Totals	0.00	0.0	0.0	0.00	0.00

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

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

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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.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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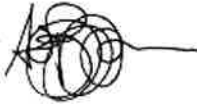
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: CITY OF BOISE
PUBLIC WORKS DEPT 150 N
CAPITOL BLVD PO BOX 500
BOISE, ID 83701-0500

By Stephan L. Burgos

Title Public Works Director

Date 10/31/23



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

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

11/3/23

Lease approved by IDWR



Date

11/3/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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): 63-7755B

GROUND WATER	NWNW	Sec. 35	Twp 01N	Rge 01E	ADA County
GROUND WATER	NENW	Sec. 35	Twp 01N	Rge 01E	ADA County
GROUND WATER	SESW	Sec. 23	Twp 01N	Rge 01E	ADA County
GROUND WATER	SESW	Sec. 25	Twp 01N	Rge 01E	ADA County
GROUND WATER	SESW	Sec. 25	Twp 01N	Rge 01E	ADA County
GROUND WATER	NWSE	Sec. 25	Twp 01N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36	Twp 01N	Rge 01E	ADA County
GROUND WATER	SWNE	Sec. 34	Twp 01N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 33	Twp 01N	Rge 01E	ADA County
GROUND WATER	NWNW	Sec. 34	Twp 01N	Rge 01E	ADA County
GROUND WATER	SWSW	Sec. 24	Twp 01N	Rge 01E	ADA County
GROUND WATER	NWSW	Sec. 27	Twp 01N	Rge 01E	ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
63-7755B	IRRIGATION	03/01	to	11/30	1.15 cfs	306 AF
Totals:					1.15 cfs	306 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	
01N	01E	23									40	40	40	40	40	40	40	40	320
01N	01E	24									40	40	40	40					160
01N	01E	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	15	615
01N	01E	26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
01N	01E	27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
01N	01E	33	40	40	40	40	40			40	40				40	40			360
01N	01E	34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
01N	01E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
01N	01E	36	32	38	4.0	28	40	40	18	10									210

Total Acres: 279

Acres to be idled: 68

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.

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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.
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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
13. Rights 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243 and 63-9359 when combined shall not exceed a total diversion rate of 51.07 cfs, and a total annual maximum diversion volume of 14,490.5 af for the irrigation of 3,051 acres, industrial, stockwater and domestic uses.
14. Rights 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 60.87 cfs, and a total annual maximum diversion volume of 16,808.1 af for the irrigation of 3,646 acres, industrial, stockwater and domestic uses.
15. Rights 63-7005B, 63-7042B, 63-7053, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-9243 and 63-9359 when combined shall not exceed a total diversion rate of 37.53 cfs, and a total annual maximum diversion volume of 10,213.1 af for the irrigation of 2,261 acres, industrial, stockwater and domestic uses.

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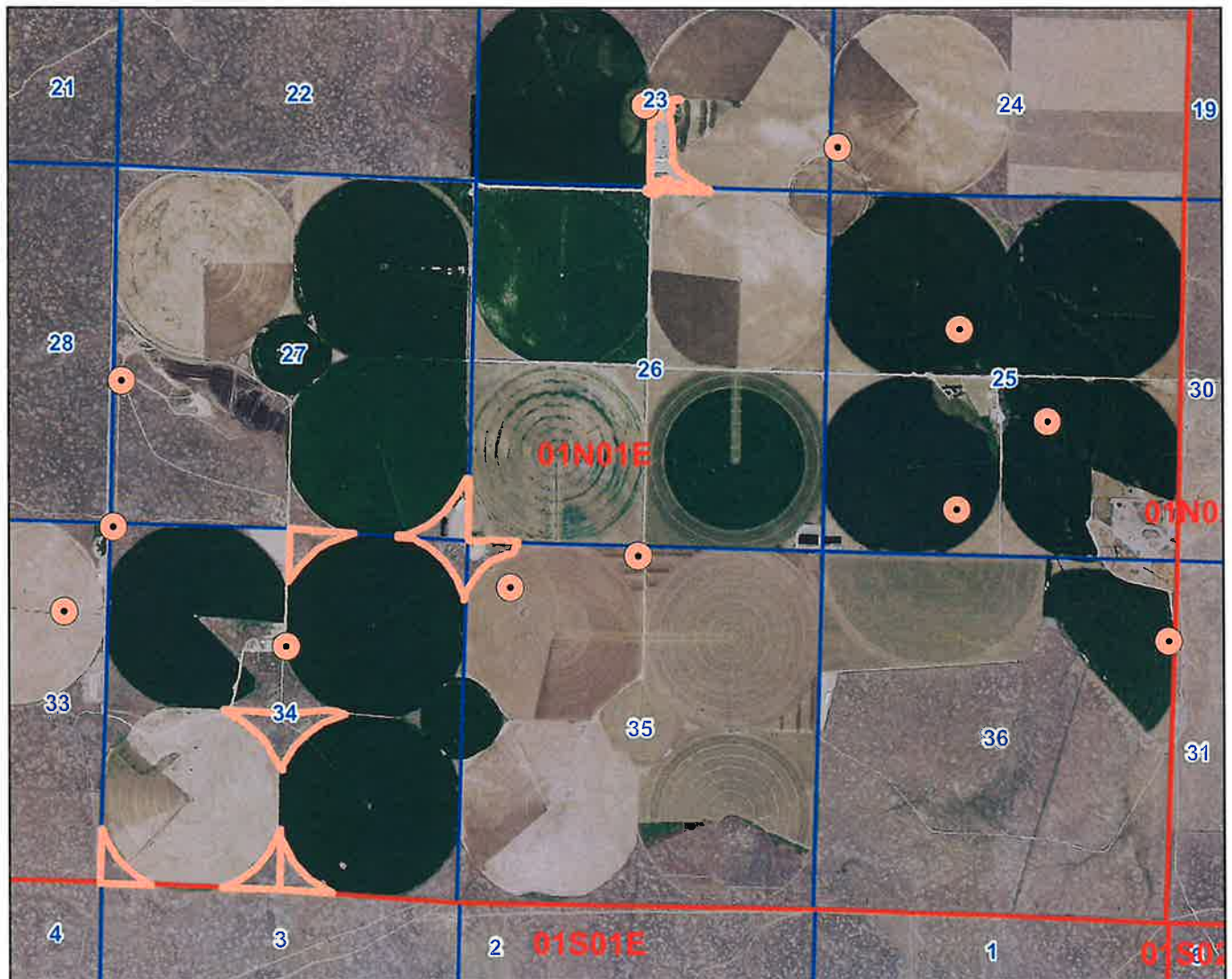
WATER SUPPLY BANK LEASE CONTRACT No. 1743

16. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
17. The unleased portion of water right 63-7755B shall not exceed a total diversion rate of 3.57 cfs, a total annual maximum diversion volume of 950 af at the field headgate, and the irrigation of 211 acres.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1743

63-7755B
Effective until December 31, 2028

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.



- Water Supply Bank Lease Point of Diversion
- Water Supply Bank Lease Place of Use
- Township/Range
- Sections

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
MAY 08 2023
DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant City of Boise

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

Water Right No. 63-7755B

(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 \$ 250.00Received By: luDate Received: 5.8.23Receipt # C116217W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

2667

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.

12 well integrated irrigation system

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. Water rights 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470 are used within the permissible place of use authorized for water right 63-7755B

- 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. See attached explanation/summary

- 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. Subject water is currently banked under Lease Contract No. 1121.

- 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. See item 4F above.

- 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)

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 City of Boise

Mailing Address Public Works Dept, 150 N Capitol Blvd, Boise ID 83701-0500
Street City State Zip Code

Email Address _____ Phone Number 208-384-3920

☒ 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 Lori Graves Organization HDR Inc

Professional Title Water Rights Specialist Email Address lori.graves@hdrinc.com

Mailing Address 412 E Parkcenter Blvd, Ste 100, Boise 83706 Phone Number 208-387-7000

☐ 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)

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)

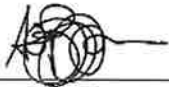
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

Steve Burgos, Public Works Director
Printed Name

05/05/2023
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
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)
63-7755B	Irrigation	1.15	306	68
Total Amounts:		1.15	306	68

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
1N	1E	23			SE	SW	Ada
1N	1E	24			SW	SW	Ada
1N	1E	25			SE	NW	Ada
1N	1E	25			SE	SW	Ada
1N	1E	25			NW	SE	Ada
1N	1E	27			NW	SW	Ada
1N	1E	33			NE	NE	Ada

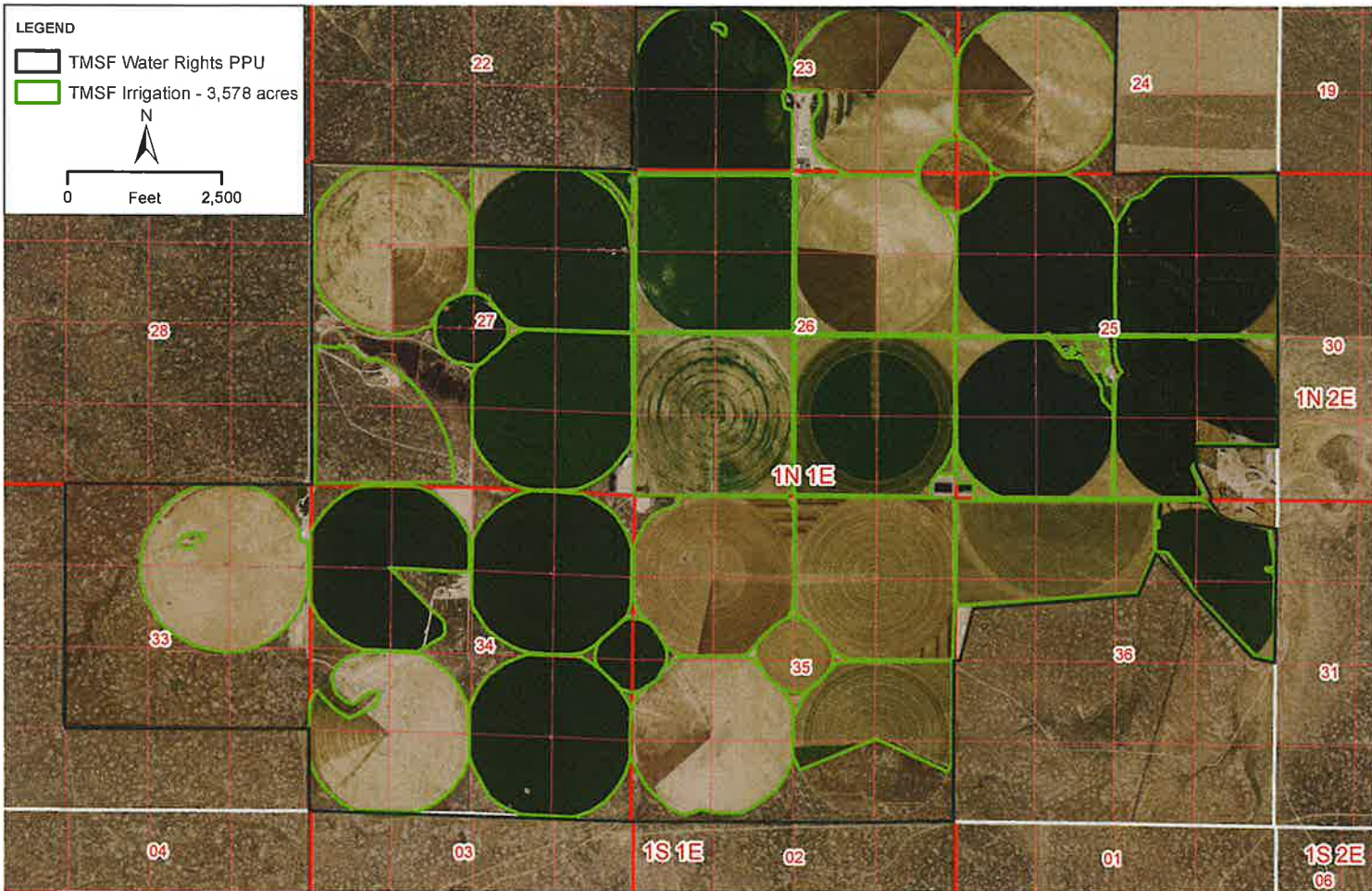
1N	1E	34			SW	NE	Ada
1N	1E	34			NW	NW	Ada
1N	1E	35			NE	NW	Ada
1N	1E	35			NW	NW	Ada
1N	1E	36			NE	NE	Ada

[illegible]

Explanation/Summary

The City's Twenty-Mile South Farm (TMSF) has 3646 total acres within a 4225-acre permissible place of use authorized for irrigation under 19 water rights. The water rights each have an acre limit and are not considered stacked. Currently, applicants have 132 acres protected in the bank until December 31, 2024 under lease contract 1121. The lease application submitted and approved for this contract was prepared in 2020 using the most recent 2018 aerial imagery. Based on the imagery, a total of 3,463 acres were found irrigated, resulting in protection of 183 acres; 132 acres under Contract 1121 and 51 acres under water right 63-12470 protected from forfeiture until July 1, 2025.

With the inclusion of a pivot corner in Section 25 and new pivot area in Section 27, a total of 3,578 acres are now planned for irrigation at TMSF. To account for the additional 115 acres, the City is filing the accompanying *Resumption of Beneficial Use* for the 51 acres currently protected under water right 63-12470 and withdrawing 64 acres of the 132 acres currently leased to the bank under Contract 1121. The remaining 68 acres are proposed for re-lease to the Bank for continued protection under a new contract. Water right 63-7755B remains the chosen water right for the new lease contract.





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

CITY OF BOISE
PUBLIC WORKS DEPARTMENT
150 N. CAPITOL BLVD
BOISE ID, 83701

**RE: APPLICATION TO LEASE WATER RIGHT 63-7755B TO THE WATER SUPPLY BANK
CONTRACT 1743**

******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.

Regards,

Skyler Cheever



IDAHO DEPARTMENT OF
WATER RESOURCES

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

MEMORANDUM FOR WSB LEASE APPLICATION # 2667

To: Water Right No(s). 63-7755B

From: Skyler Cheever, Water Resource Agent

Date: 10/12/2023

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

PURPOSE/NARRATIVE:

Application 2667 was sent in by the City of Boise and received on May 8th, 2023 with the correct fee payment received the same date. The applicant proposes to lease a 68-acre portion of water right 63-7755B into the water supply bank from 2023-2028. The applicant currently has a lease contract, 1121, active through December 31st, 2024, for 132 acres. However, the applicant explained in a written explanation provided with the application they will be irrigating 64 acres idled in lease contract 1121. Therefore, this application will replace the current contract set to expire on December 31st, 2024. The point of diversion is within Water District 63, but not administered.

AUTHORITY TO FILE:

Steve Burgos signed the application. Mr. Burgos has the authority to file this agreement because he is the Director of Public Works for the City of Boise according to the City of Boise's website. The City of Boise is the current owner of water right 63-7755B according to Department records.

WATER RIGHT VALIDITY:

Water right 63-7755B was decreed in 2009. The portion currently authorized to be leased into the bank was approved in 2015-2019 and 2022-December 31st, 2024. According to Multiple Programs Memo #2 a water right can be leased into the water supply bank if it is within the 6th year of nonuse. Any water right leased into or rented from the water supply bank are likely within a defense to forfeiture during the contracted period according to Idaho Code §42-223(5). Therefore, enough evidence is available to the bank to conclude the portion of water right 63-7755B is likely not lost to forfeiture and can be leased into the water supply bank.

ENLARGEMENT OF USE:

The proposed portion of water right 63-7755B is within a PPU and included within 3 separate combined limits with other water rights within the authorized PPU. If the proposed portion was leased and rented separately more rate, volume and acres would be irrigated than was historically leading to enlargement. Therefore, I recommend the portion of water right 63-7755B proposed be unrentable to prevent enlargement.

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 point of diversion is within basin 63 and Water District 63 but not administered. The Western Regional Manager was contacted for comment on October 12th, 2023. No response was received, it is assumed there is no concern with this proposal.



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 3, 2023

CITY OF BOISE
PUBLIC WORKS DEPARTMENT
150 N. CAPITOL BLVD
BOISE ID, 83701

RE: WATER SUPPLY BANK LEASE CONTRACT 1743 FOR WATER RIGHT 63-7755B

Dear Lessor:

Water right 63-7755B 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 or 208-287-4800.

Sincerely,

Skyler Cheever



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Enclosure: Executed Lease Contract

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, May 17, 2023 11:45 AM
To: Graves, Lori
Subject: RE: WSB Application - City of Boise 63-7755B

Hi Lori,

Thank you for the clarification. I will note that the lease is ready for review.

Best,
Mackenzie

From: Graves, Lori <Lori.Grares@hdrinc.com>
Sent: Tuesday, May 16, 2023 4:10 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: WSB Application - City of Boise 63-7755B

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, the City is going to use some of the water currently banked to cover a new pivot. The new lease proposes less acres protected to account for the new pivot.

Lori Graves, Sr. Water Rights Specialist
D 208.872.9519 M 208.850.4601

hdrinc.com/follow-us

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Tuesday, May 16, 2023 2:51 PM
To: Graves, Lori <Lori.Grares@hdrinc.com>
Subject: WSB Application - City of Boise 63-7755B

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Lori,

I completed the intake for Water Supply Bank Lease Application #2667 for the City of Boise's water right 63-7755B. I want to verify the dates. The application said the lease should be for 2023-2028. The current lease contract #1121 is through 2024 (concluding 12/31/2024). Is this application supposed to replace contract #1121?

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822



RECEIVED
MAY 08 2023
DEPARTMENT OF
WATER RESOURCES

May 8, 2023

Mary Condon
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Water Bank Lease – 63-7755B*
Resumption of Beneficial Use Notice – 63-12470

Dear Mary,

On behalf of the City of Boise, enclosed is an application package including an adjusted *Water Bank Lease* for Contract No. 1221 and *Resumption of Beneficial Use Notice* involving water right 63-12470. With the application and notice is an explanation that clarifies the purpose of both water right actions.

The \$250 water bank lease fee is being paid with a p-card upon submittal. Please let me know if there are any questions. Thanks Mary.

Sincerely,

HDR Engineering, Inc.

Lori Graves

Lori Graves
Sr. Water Rights Specialist

Cc via email: Robin Lee-Beusan, Ben Nydegger

Enclosers: lease application, resumption of beneficial use notice

Project # 10339882

hdrinc.com

HDR | SPF, 412 E Parkcenter Blvd, Suite 100, Boise, ID 83706
(208) 387-7000

2662

Cheever, Skyler

From: Cheever, Skyler
Sent: Thursday, October 12, 2023 3:34 PM
To: Miller, Nick
Subject: Water Supply Bank Lease Application 2667
Attachments: Lease 1743 Map.pdf; Lease Review Memo 2667.pdf

Hello Nick,

I have finished my review of a water supply bank lease application within Basin 63. The applicant is the City of Boise. The applicant proposes to lease the entirety of water right 63-7755B into the water supply bank from 2023-2027. Attached is a review memo, and map of the place of use. If there are any comments that need to be made, please do so within 7 days. If you have any questions, please let me know.

Best,

Skyler

Skyler Cheever

Water Resource Agent, State Office

Email: skyler.cheever@idwr.idaho.gov

Phone: 208-287-4913