

RECEIVED

MAR 06 2024

DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1820**

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

**LESSOR:** HTI-ID3 LLC  
784 S CLEARWATER LOOP STE R  
POST FALLS, ID 83854-9599

**RECITALS**

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 22, 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)
63-35510	4/19/1973	GROUND WATER	0.191	60.0	15.0
<b>Lease Totals</b>			<b>0.191</b>	<b>60.0</b>	<b>15.0</b>

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

**Minimum Payment Acceptable: Current Rental Rate**

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2024 to December 31, 2025. 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.

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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:** HTI-ID3 LLC  
784 S CLEARWATER LOOP STE  
R  
POST FALLS, ID 83854-9599

By Scott Godfrey  
Title Managing Member  
Date 3/6/24

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

By Brian Patton Date 3/6/24  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Lease approved by IDWR [Signature] Date 3/6/24

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1820

### 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): 63-35510**

GROUND WATER                      SESE                      Sec. 14                      Twp 02N                      Rge 03W                      CANYON County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-35510	IRRIGATION	03/15	to	11/15	0.191 cfs	60.0 AF
<b>Totals:</b>					0.191 cfs	60.0 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		
02N	03W	14																	15.0	15.0

Total Acres: 15.0

#### 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.

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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 period of use for the irrigation described in this approval may be extended to a beginning date of March 1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before March 15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 29, 2009.
13. 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.
14. The actual overall diversion rate is 0.191 cfs.

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED  
DEC 22 2023  
DEPARTMENT OF  
WATER RESOURCES

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

Designated Applicant HTI-ID 3 LLC  
(Select one owner – see item 1A on the application)

Water Right No. 63-34874 35510  
(One water right per application)

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

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

MIMUMUM REQUIREMENT CHECKLIST		
All items must be checked as either <i>Attached (Yes)</i> or <i>Not Applicable (N/A)</i>		
Yes		
	<input checked="" type="checkbox"/>	Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> .
	<input checked="" type="checkbox"/>	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.
	<input checked="" type="checkbox"/>	Confirmation this form has been printed <b>single sided</b> , per requirement of the Water Supply Bank.
Attachment	N/A	Yes
1A	<input type="checkbox"/>	<input checked="" type="checkbox"/> Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.
1B	<input type="checkbox"/>	<input checked="" type="checkbox"/> An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.
1C	<input type="checkbox"/>	<input checked="" type="checkbox"/> <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).
1D	<input type="checkbox"/>	<input checked="" type="checkbox"/> Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	<input type="checkbox"/>	<input checked="" type="checkbox"/> Description of a water right portion offered to the Water Supply Bank.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/> A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .
4A	<input checked="" type="checkbox"/>	<input type="checkbox"/> Written consent from irrigation district or water delivery company.
4G	<input checked="" type="checkbox"/>	<input type="checkbox"/> Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> .

Department Use Only			
Fee Amount \$	<u>250</u>	Received By:	<u>KM</u>
		Date Received:	<u>12.22.23</u>
		Receipt #	<u>C117560</u>
W-9 received?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	(Route W-9 to Fiscal)	Name on W-9: <u>HTI-ID 3 LLC</u>

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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 Scott Godfrey - HTI-ID LLC Member

Mailing Address 784 S Clearwater Loop, Ste R Post Falls ID 83854  
Street City State Zip Code

Email Address sgodfrey@hte1.net Phone Number 916-416-0280

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 Sr Water Rights Specialist Email Address lori.graves@hdrinc.com

Mailing Address 412 E Parkcenter Dr, Ste 100, Boise, ID 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  
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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, pump

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

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes  No

*Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.*

- E. Will the present place of use continue to receive water from any other source? Yes  No

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The acres are currently leased to the water bank under Contract No. 854 set to expire 12/31/2023.

- 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)

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: 2024 to 2026 (maximum lease period 5 calendar years).  
(Year) (Year) (2 years)

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

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

The Designated Applicant acknowledges the following:

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

  
Signature of Designated Applicant

Scott Godfrey  
Printed Name

12/21/23  
Date


  
Signature of Authorized Representative

Stephanie Godfrey  
Printed Name

12/21/23  
Date

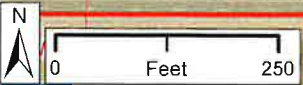
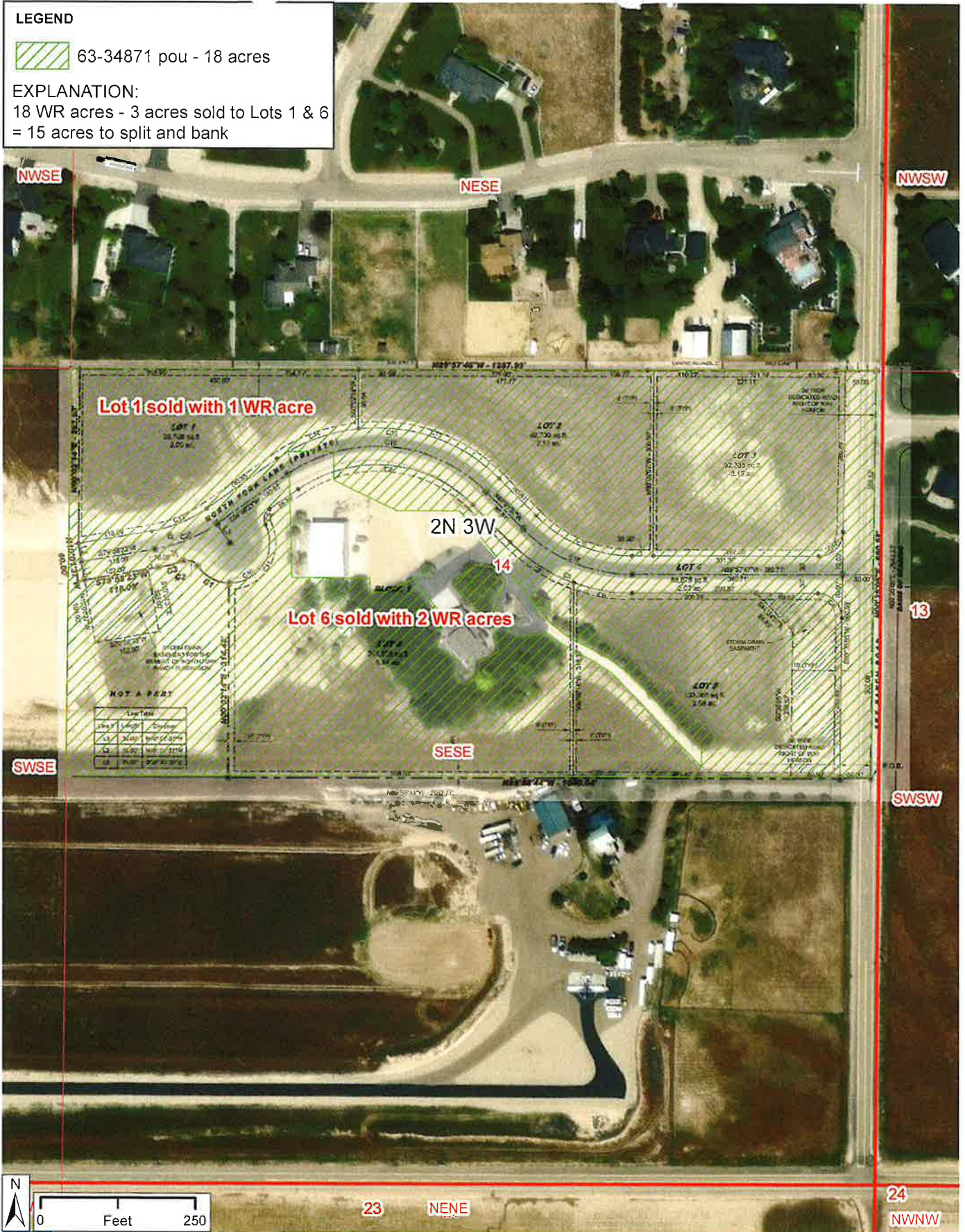
Mail to:  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

**LEGEND**

 63-34871 pou - 18 acres

**EXPLANATION:**

18 WR acres - 3 acres sold to Lots 1 & 6  
 = 15 acres to split and bank



**WB LEASE APPLICATION, WR OWNERSHIP CHANGE MAP**

HTI-ID 3, LLC

SCOTT AND STEPHANIE GODFREY

## **Water Bank Lease Application and Ownership Change Notice Remarks**

Water right 63-32256 originally authorized 20 acres irrigation in the SWSE and 20 acres irrigation in the SESE. All but 2 acres landscape area in the SESE were banked in 2018 under Contract 854. Applicants purchased all 40 acres in 2020 with only 18 acres of water right in the SESE. The original owners retained the remaining 22 water right acres. As a result, 20 acres in the SWSE no longer have water right coverage and 20 acres in the SESE only have 18 acres of water right coverage (now represented by water right 63-34871). Sixteen of the 18 acres are currently leased to the water bank under Contract No. 854 set to expire 12/31/2023.

The property has been subdivided into 14 lots, with lots 4 and 14 representing road areas. Scott and Steffanie Godfrey are the trustees for Godfrey Trust, which is listed as the current water right owner. The trustees recently formed HTI-ID 3, LLC for business dealings associated with the subdivision. Included is a Notice of Change in Water Right Ownership.

Lots 1 through 7 (portion) are located in the SESE where water right 63-34871 is appurtenant. The Godfrey's intent is for each residential lot to have a specific 1 or 2-acre portion of the water right. Lot 1 was the first lot sold, but the Godfreys failed to withhold the water right on the property deed. As a result, the new owner of Lot 1 (Lunt) quitclaimed the appurtenant water right back to the Godfreys, who then quitclaimed 1 water right acre back to Lunt as originally intended. Lot 6 was then sold with 2 water right acres. As a result, the attached ownership change notice requests water right 63-34871 be split for the remaining 15 water right acres still owned by the LLC (Godfreys). The attached water bank "re-lease" application then requests two years of continued protection for the LLC's remaining 15 water right acres while subdivision development proceeds.

**STATE OF IDAHO  
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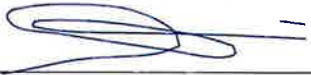

**ATTACHMENT 1A**

**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). 63-34821

	Designated Applicant	Applicant #2	Applicant #3
Name	Scott Godfrey, Member	Stephanie Godfrey, Member	
Mailing Address	same as 1.a.	same as 1.a.	
Phone Number	same as 1.a.	same as 1.a.	
Email Address	same as 1.a.	same as 1.a.	
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			

	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			

**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**

<u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> <small>(cfs)</small>	<u>Leased Volume</u> <small>(af)</small>	<u>Leased Acres</u> <small>(ac)</small>
63-34821	Irrigation	0.192	60.0	15
	Total Amounts:	0.192	60.0	15

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

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	3W	14			SE	SE	Canyon



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

March 6, 2024

HTI-ID3 LLC  
784 S CLEARWATER LOOP STE R  
POST FALLS, ID 83854-9599

**RE: WATER SUPPLY BANK LEASE CONTRACT 1820  
FOR WATER RIGHT 63-35510**

Dear Lessor:

Water right **63-35510** is leased into the Water Supply Bank (Bank) as of January 2024 in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2025**, 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](http://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,  
Signature

*Catalina Beck*

Enclosure: Executed Lease Contract

c: IDWR- Western Region Office  
Water District No. 63

## MEMORANDUM FOR LEASE CONTRACT #1820

**To:** Water Right 63-35510  
**From:** Bob Howe  
**Date:** February 15, 2024  
**Re:** Review & Analysis of Application to Lease Water to the State Water Supply Bank

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**PURPOSE/NARRATIVE:** The application for lease of right 63-35510 into the Water Supply Bank (WSB) was received December 22, 2023, submitted on behalf of HTI-ID LLC Inc. by Lori Graves (representative-HDR Inc). Although the applicant checked the response to section #2 indicating that a part of the right is being offered for lease the rate of 0.192cfs, 60 AF annual volume for the irrigation of 15 acres represent the full elements of right 63-35510. The map submitted with the application represents an 18-acre area which encompasses the 10-acre Place of Use (POU) area of right 63-35510 within the SESE of section 14. However, as the full elements of right 63-35510 are proposed for lease into the WSB the lease map will use the water right POU for the leased right.

**AUTHORITY TO FILE:** The application for lease into the WSB was signed by Scott and Stephanie Godfrey, on behalf of HTI-ID3 LLC. IDWR records list HTI-ID3 LLC as current owner of record for right 63-35510. The ownership information of the land appurtenant to right 63-35510 was found in the parcel data for Canyon County which lists HTI-ID3 LLC as the current owner of parcels R3012130100, R3012130200 and R3012130400, and Godfrey Living Trust- Stephanie Godfrey, trustee as the current owner of parcel R3012130300. An IDSOS business search for an annual report listing the members of HTI-ID3 LLC found that the agent listed is HTI WY-1 LLC (not currently registered on the website). The representative was able to email a PDF of the HTI WY-1 LLC Operating Agreement naming the applicants as authorized signatories. There are no concerns regarding the authority to file for lease of right 63-35510 into the WSB.

**WATER RIGHT VALIDITY:** Parent right 63-32256 was decreed in 2009 for 40 acres of irrigation. All but 2 acres of right 63-32256 were leased into the WSB under contract 854, from 2019-2023. In 2023, the POU was subdivided into 14 lots, and portions of right 63-32256 were split into 2 rights 63-32256 for the irrigation of 22 acres, and 63-34871 for the irrigation of 18 acres.

Right 63-34871 was then split leaving 2 acres of irrigation within a 5.6-acre parcel (lot #6, block #1) in the parent right and creating 2 additional rights. The rights created in the split are right 63-35507 for the irrigation of 1 acre within a 2.1-acre parcel (Lot 1, Block 1), and WR 63-35510 for the irrigation of 15 acres for an area of approximately 10 acres. There are no concerns with validity of the water right and portion offered to the bank.

**ENLARGEMENT OF USE:** No irrigation rights overlap the proposed lease POU. A review of aerial imagery of the area appurtenant to 63-35510 found no evidence of irrigation within the areas idled for lease since the parent right 63-32256 was accepted into the WSB in 2018. There do not appear to be any enlargement concerns.

**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 location for the lease POU and POD but not subject to administration by Water District # 63. The Western Regional Manager, Nick Miller was solicited for comment via email when the contracts were mailed for signature.



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

March 5, 2024

HTI-ID3 LLC  
784 S CLEARWATER LOOP STE R  
POST FALLS, ID 83854-9599

**RE: APPLICATION TO LEASE WATER RIGHT 63-35510 TO THE WATER SUPPLY BANK  
CONTRACT 1820**

**\*\*\*\*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, 2025**, 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Bob Howe*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Western Regional Manager- Nick Miller

## Howe, Bob

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**From:** Howe, Bob  
**Sent:** Monday, March 4, 2024 11:34 AM  
**To:** Graves, Lori; Scott Godfrey  
**Cc:** Bank  
**Subject:** Water Supply Bank-Lease Contract 1820-HTI-ID3 LLC-Mailed for Signature  
**Attachments:** Lease Contract 1820.pdf; Lease 1820 Map.pdf; Lease 1820 Cover Letter-Proposed Contract-14 Days.pdf

Good Morning Lori Graves & Scott Godfrey,

Water Supply Bank Lease Contract 1820 for right 63-35510 have been submitted for mailing to the address on the lease application for signature and return. I have attached the mailed documents for your records. Feel free to reach out with any questions or concerns. Thank you and have a great day.

## 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](http://www.idwr.idaho.gov)

## Howe, Bob

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**From:** Howe, Bob  
**Sent:** Monday, March 4, 2024 11:30 AM  
**To:** Miller, Nick  
**Cc:** Bank  
**Subject:** Comment Requested-Lease Contract1820-HTI-ID 3 LLC-Mailed for Signature  
**Attachments:** Lease Review Memo .pdf; Lease Contract 1820.pdf; Lease 1820 Map.pdf

Good Morning Nick:

The Department of Water Resources is seeking comment from your agency, regarding the Water Supply Bank (WSB) Lease Contract 1820, for HTI-ID 3 LLC. The lease is for a smaller portion of the POU in the previous lease for parent right 63-32256(Contract 854-ending 12/31/2023), for a new term from 2024-2025. A copy of the proposed lease contract, the lease review, and map are attached for your reference.

Please submit your comments within 14 days, no later than March 18, 2024. 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 [bob.howe@idwr.idaho.gov](mailto:bob.howe@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.

**Bob Howe**



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

**Bob Howe | Water Resource Agent**

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