STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1794

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

LESSOR: BRISBIE LLC
C/O GIVENS PURSLY LLP
601 W BANNOCK ST
BOISE, ID 83702-5919

RECEIVED
FEB 02 2024
DEPT. 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 November 13, 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)
63-3362	7/11/1963	GROUND WATER	2.27	742	157.8
63-10383	9/23/1986	GROUND WATER	2.56	602	128.1
63-11347	7/8/1992	GROUND WATER	0.60	158	33.5
63-34795	7/8/1992	GROUND WATER	1.28	329	70.0
Combined Limit Totals			**3.01**	**1,830**	**389.4**
Combined Lease Totals			**3.01**	**1,830**	**389.4**

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)
63-3362	2.04	639	142.0	0.014	4.5
63-10383	2.30	519	115.3	0.020	4.5
63-11347	0.54	136	30.2	0.018	4.5
63-34795	1.15	284	63.0	0.018	4.5
Combined Limit Totals	**2.71**	**1,580**	**350.5**	**0.008**	**4.5**

**** The water right elements rentable have been reduced from the water right elements leased to account for combined limits with unleased portions and 10% reduction of historic use extent with surface water.***

WATER SUPPLY BANK LEASE CONTRACT No. 1794

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

   Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2024 to December 31, 2024. This Lease shall bind the parties and take effect when both parties have signed it.

4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**: The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

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. 1794

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

LESSOR: BRISBIE LLC
C/O GIVENS PURSLY LLP
601 W BANNOCK ST
BOISE, ID 83702-5919

By Kathy Richmond
Title Authorized Representative
Date 2/1/2024

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

By _____ Date 2/5/24
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 2/5/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1794

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): 63-10383, 63-11347, 63-3362, 63-34795

GROUND WATER	SWSE	Sec. 31	Twp 02N	Rge 02E	ADA County
GROUND WATER	L 2NWNE	Sec. 6	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 3NENW	Sec. 6	Twp 01N	Rge 02E	ADA County
GROUND WATER	SESW	Sec. 18	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 4SWSW	Sec. 18	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 3NWSW	Sec. 7	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 3NWSW	Sec. 7	Twp 01N	Rge 02E	ADA County
GROUND WATER	L 3NWSW	Sec. 7	Twp 01N	Rge 02E	ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-10383	IRRIGATION	03/15	to	11/15	2.56 cfs	602 AF
63-11347	IRRIGATION	03/15	to	11/15	0.60 cfs	158 AF
63-3362	IRRIGATION	04/01	to	10/31	2.27 cfs	742 AF
63-34795	IRRIGATION	03/15	to	11/15	1.28 cfs	329 AF
				Totals:	3.01 cfs	1,830 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	02E	6	30.5 L1	40.5 L2	40.5	40.0	40.1 L3			40.0									231.6
02N	02E	31									30.5	31.2 L3	31.2 L4	35.4			29.5		157.8

Total Acres: 389.4

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).

WATER SUPPLY BANK LEASE CONTRACT No. 1794

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. Leased rights 63-3362, 63-11347, 63-34795 and the irrigation portion of 63-10383 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.

10. The leased extent of right 63-3362 is appurtenant to the irrigation of 157.8 acres within the authorized place of use in a single irrigation season.

11. The leased extent of right 63-10383 is appurtenant to the irrigation of 128.1 acres within the authorized place of use in a single irrigation season.

12. The leased extent of right 63-11347 is appurtenant to the irrigation of 33.5 acres within the authorized place of use in a single irrigation season.

13. The leased extent of right 63-34795 is appurtenant to the irrigation of 70 acres within the authorized place of use in a single irrigation season.

14. The unleased portion of right 63-10383 for when combined with rights 63-7531, 63-35411, and

    63-35356 shall not exceed a total diversion rate of 5.87 cfs for industrial use.

15. The period of use for the irrigation described for right 63-3362 may be extended to a beginning date of 03/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 04/01 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/16/2007.

16. The period of use for the irrigation described for right 63-10383 may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 Is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03/13/2000.

17. The period of use for the irrigation described for right 63-34795 may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03/13/2000.

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
NOV 13 2023
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Brisbie LLC
(Select one owner – see item 1A on the application)

Water Right No. 63-34795
(One water right per application)

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

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

MIMUMUM REQUIREMENT CHECKLIST

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

	Yes	
	☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
	☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment	N/A	Yes	
1A	☑	☐	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☑	☐	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☑	☐	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☑	☐	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 500.00	Received By: KM	Date Received: 11.13.23	Receipt # C117331
W-9 received? Yes ☐ No ☐	(Route W-9 to Fiscal)	Name on W-9:	

2823

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 Brisbie LLC c/o Givens Pursley LLP, Attn: Mike Lawrence

Mailing Address 601 W Bannock St (Street) Boise (City) ID (State) 83702 (Zip Code)

Email Address mpl@givenspursley.com Phone Number 208-388-1200

☑ 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 Terry Scanlan Organization HDR Engineering Inc

Professional Title Consultant to Brisbie Email Address tscanlan@hdrinc.com

Mailing Address 412 E Parkcenter Blvd, Ste 100, Boise, ID 83706 Phone Number 208-872-9530

☐ 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.
Wells pump ground water through buried mainlines to pivot irrigation systems

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. Irrigation rights 63-3362, 63-10383, 63-11347, 63-34795 (owned by Brisbie) and 63-35356 (owned by CS Property Development) share a permissible place of use (ppu) and a 525.2-acre combined limit. Some of the ppu lands utilize water from Pleasant Valley Irrigation Co (PVIC) but Brisbie does not hold any PVIC shares.

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. The 525.2 combined acre limit will be reduced to the135.8 acre limit authorized under water right 63-7531.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. n/a - irrigation water is currently leased to the water bank under contract 1684 until 12/31/2023. This application seeks to "re-lease" the water for another year.

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? Yes ☑ No ☐

If yes, describe.
Protested transfer application #87042

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

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

Administrative costs only

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
Kathy Rushmore	Kathy Rushmore	10/30/2023
Signature of Authorized Representative	Printed Name	Date

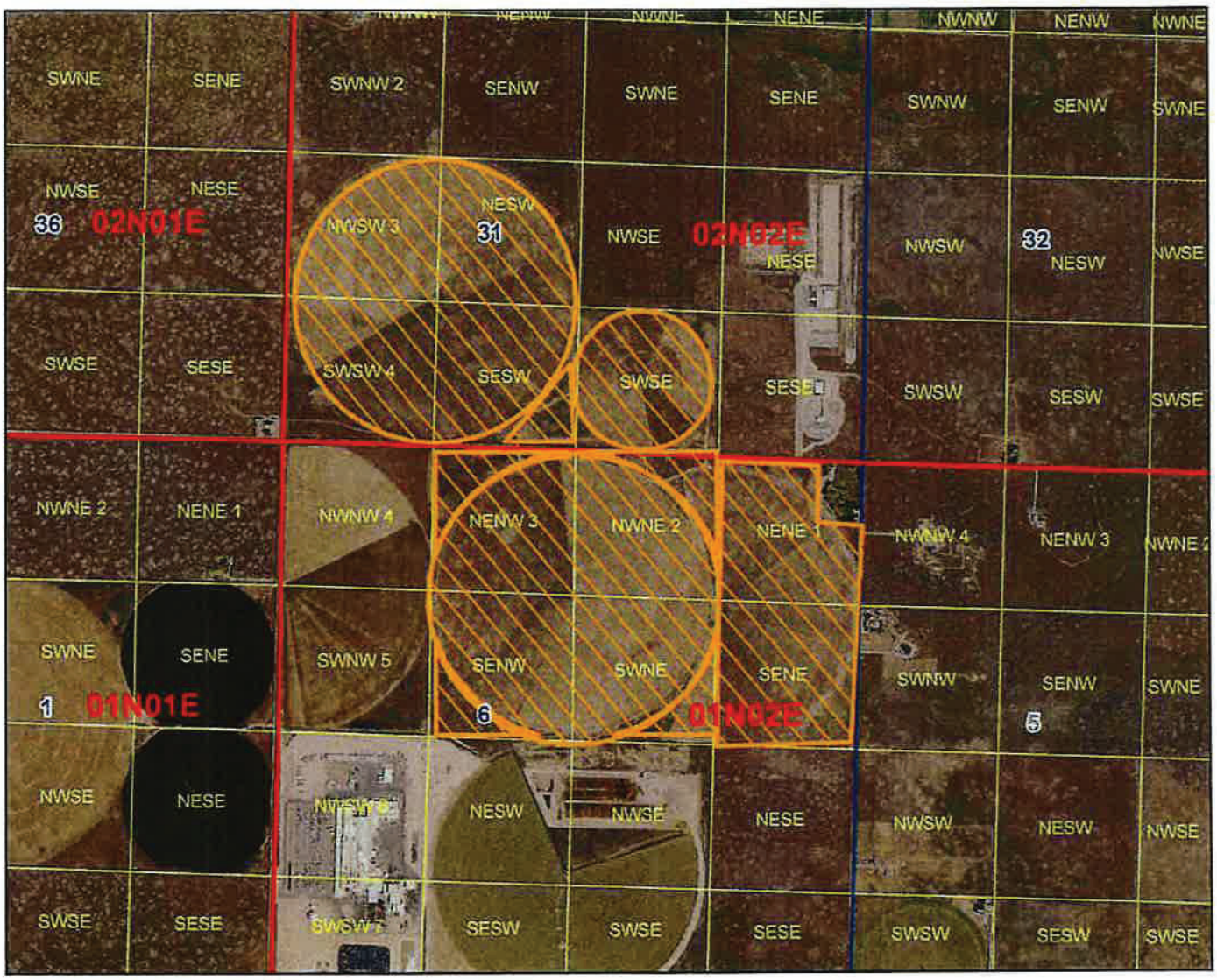
Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-3362, 63-10383, 63-11347, & 63-34795
Effective until December 31, 2023

This map depicts the IRRIGATION place of use to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



Approved Lease Place of Use
Township/Range
Sections
QQ

N

0 600 1,200 Yards

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
NOV 13 2023
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Brisbie LLC
(Select one owner – see item 1A on the application)

Water Right No. 63-11347
(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.**

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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: KM	Date Received: 11.13.23	Receipt # C 117331
W-9 received? Yes ☐ No ☑	(Route W-9 to Fiscal)	Name on W-9:	

2823

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

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Designated Applicant Brisbie LLC c/o Givens Pursley LLP, Attn: Mike Lawrence

Mailing Address 601 W Bannock St (Street) Boise (City) ID (State) 83702 (Zip Code)

Email Address mpl@givenspursley.com Phone Number 208-388-1200

☑ 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 ☐
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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 Terry Scanlan Organization HDR Engineering Inc

Professional Title Consultant to Brisbie Email Address tscanlan@hdrinc.com

Mailing Address 412 E Parkcenter Blvd, Ste 100, Boise, ID 83706 Phone Number 208-872-9530

☐ 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

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If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

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B. Please provide a description of the current water diversion and delivery system.
Wells pump ground water through buried mainlines to pivot irrigation systems

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. Irrigation rights 63-3362, 63-10383, 63-11347, 63-34795 (owned by Brisbie) and 63-35356 (owned by CS Property Development) share a permissible place of use (ppu) and a 525.2-acre combined limit. Some of the ppu lands utilize water from Pleasant Valley Irrigation Co (PVIC) but Brisbie does not hold any PVIC shares.

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. The 525.2 combined acre limit will be reduced to the135.8 acre limit authorized under water right 63-7531.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. n/a - irrigation water is currently leased to the water bank under contract 1684 until 12/31/2023. This application seeks to "re-lease" the water for another year.

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 ☐
Protested transfer application #87042

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

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

Administrative costs only

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.

Kathy Rushmore	Kathy Rushmore	10/30/2023
Signature of Designated Applicant	Printed Name	Date
Signature of Authorized Representative	Printed Name	Date

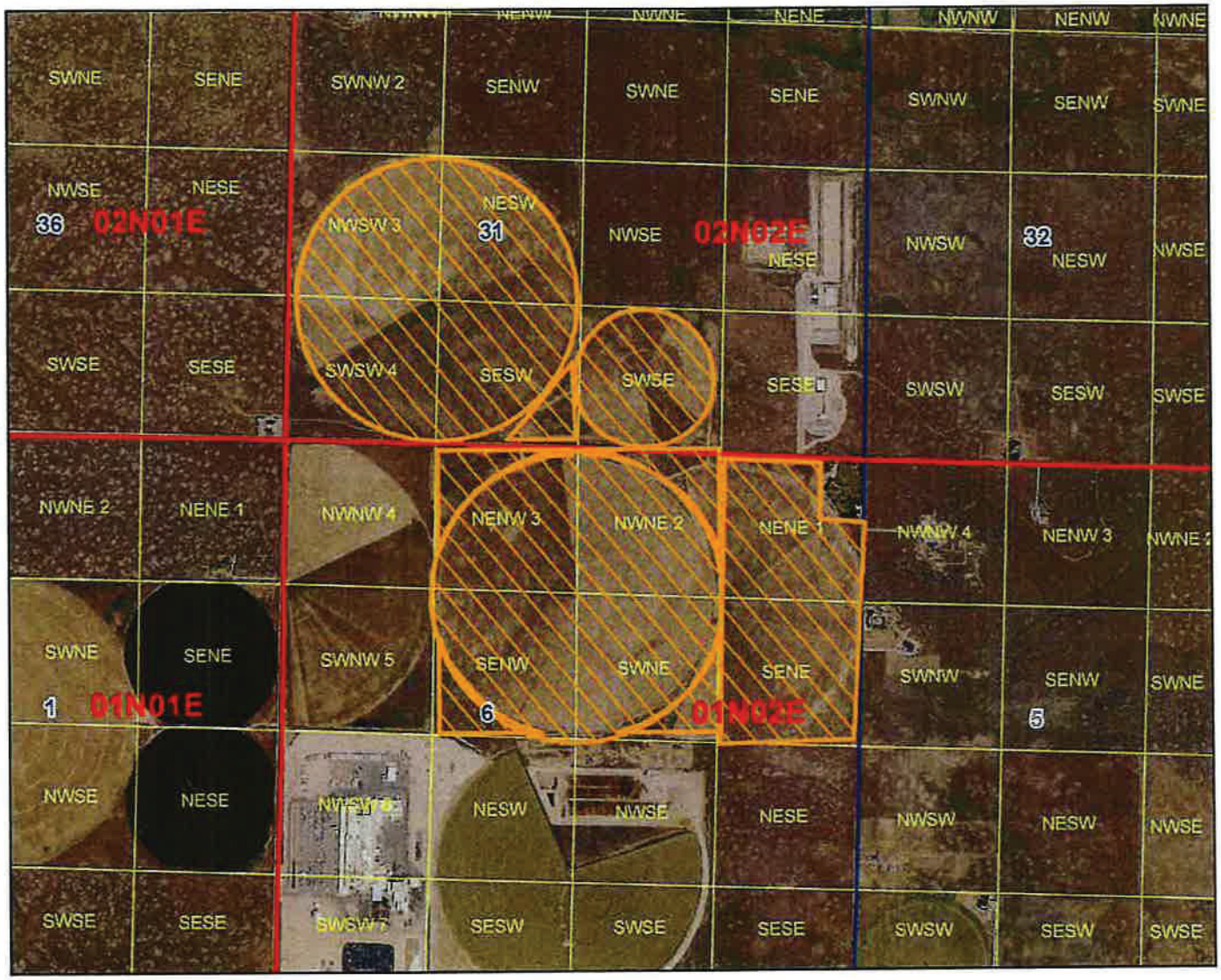
Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-3362, 63-10383, 63-11347, & 63-34795
Effective until December 31, 2023

This map depicts the IRRIGATION place of use to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



Approved Lease Place of Use
Township/Range
Sections
QQ

N

0 600 1,200 Yards

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
NOV 13 2023
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Brisbie LLC
(Select one owner – see item 1A on the application)

Water Right No. 63-10383
(One water right per application)

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

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

MIMUMUM REQUIREMENT CHECKLIST

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

	Yes	
	☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
	☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment	N/A	Yes	
1A	☑	☐	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☑	☐	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☑	☐	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☐	☑	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 500	Received By: KM	Date Received: 11.13.23	Receipt # C11 7331
W-9 received? Yes ☐ No ☑	(Route W-9 to Fiscal)	Name on W-9:	

2823

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 Brisbie LLC c/o Givens Pursley LLP, Attn: Mike Lawrence

Mailing Address 601 W Bannock St (Street) Boise (City) ID (State) 83702 (Zip Code)

Email Address mpl@givenspursley.com Phone Number 208-388-1200

☑ 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 Terry Scanlan Organization HDR Engineering Inc

Professional Title Consultant to Brisbie Email Address tscanlan@hdrinc.com

Mailing Address 412 E Parkcenter Blvd, Ste 100, Boise, ID 83706 Phone Number 208-872-9530

☐ 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.
Wells pump ground water through buried mainlines to pivot irrigation systems

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. Irrigation rights 63-3362, 63-10383, 63-11347, 63-34795 (owned by Brisbie) and 63-35356 (owned by CS Property Development) share a permissible place of use (ppu) and a 525.2-acre combined limit. Some of the ppu lands utilize water from Pleasant Valley Irrigation Co (PVIC) but Brisbie does not hold any PVIC shares.

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. The 525.2 combined acre limit will be reduced to the 135.8 acre limit authorized under water right 63-7531. The industrial portion of 63-10383 will continue to be used.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. n/a - irrigation water is currently leased to the water bank under contract 1684 until 12/31/2023. This application seeks to "re-lease" the water for another year.

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

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

Administrative costs only

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.

Kathy Rushmore	Kathy Rushmore	10/30/2023
Signature of Designated Applicant	Printed Name	Date
Signature of Authorized Representative	Printed Name	Date

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

Form 42-1761-1 10/15

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.

Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
63-10383	Irrigation	2.56	602.3	128.1
	Total Amounts:	2.56	602.3	128.1

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

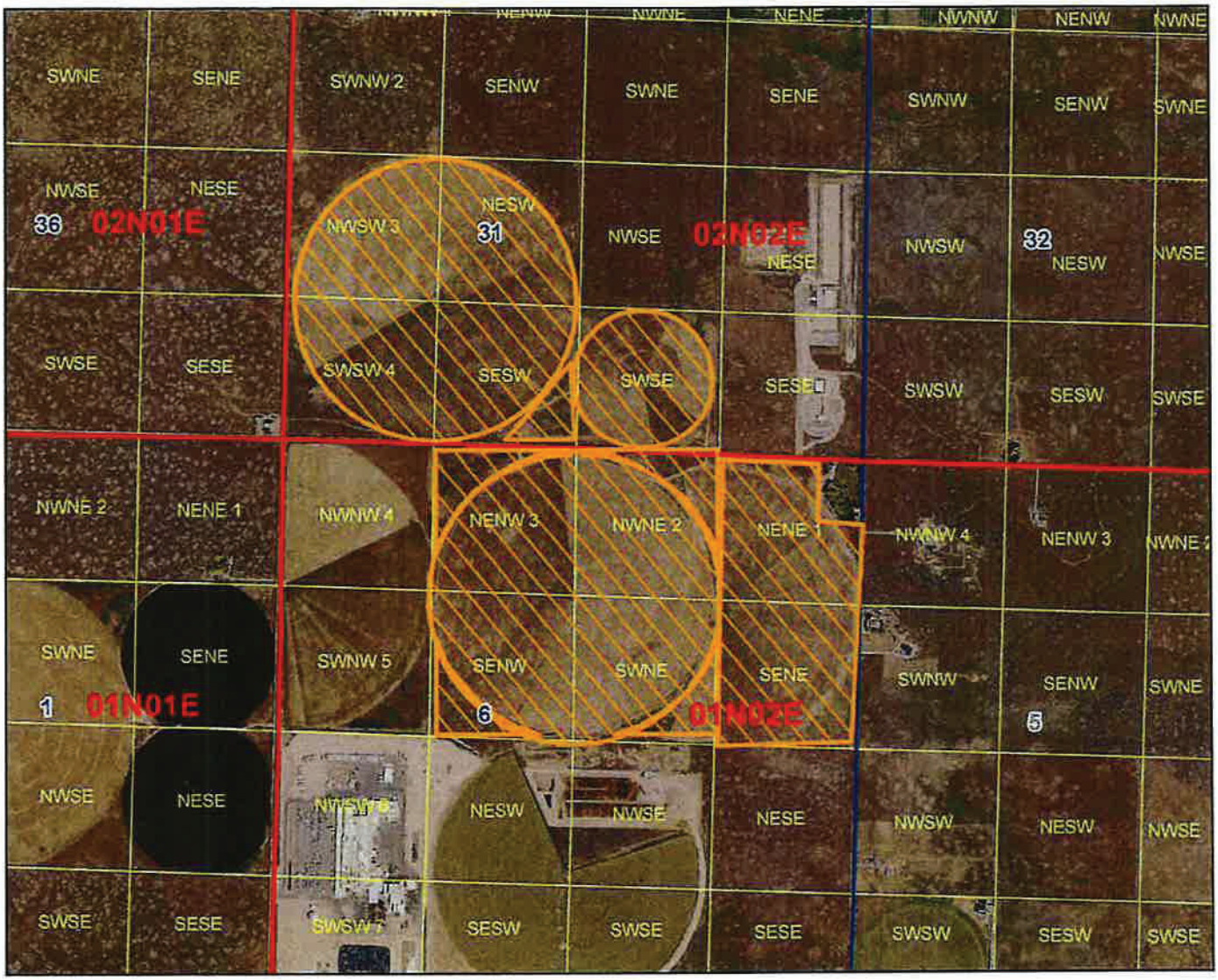
Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	2E	31			SW	SE	Ada
1N	2E	6	2		NW	NE	Ada
1N	2E	6	3		NE	NW	Ada
1N	2E	18			SE	SW	Ada
1N	2E	18	4		SW	SW	Ada
1N	2E	7	3		NW	SW	Ada
1N	2E	7	3		NW	SW	Ada
1N	2E	7	3		NW	SW	Ada

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-3362, 63-10383, 63-11347, & 63-34795
Effective until December 31, 2023

This map depicts the IRRIGATION place of use to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



Approved Lease Place of Use
Township/Range
Sections
QQ

N

0 600 1,200 Yards

Form 42-1761-1 10/15

RECEIVED
NOV 13 2023
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

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

Designated Applicant Brisbie LLC
(Select one owner – see item 1A on the application)

Water Right No. 63-3362
(One water right per application)

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

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

MIMUMUM REQUIREMENT CHECKLIST

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

	Yes	
	☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
	☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment	N/A	Yes	
1A	☑	☐	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☑	☐	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☑	☐	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☑	☐	Description of a water right portion offered to the Water Supply Bank.
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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: KM	Date Received: 11.13.23	Receipt # C117331
W-9 received? Yes ☐ No ☑	(Route W-9 to Fiscal)	Name on W-9:	

2823

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 Brisbie LLC c/o Givens Pursley LLP, Attn: Mike Lawrence

Mailing Address 601 W Bannock St (Street) Boise (City) ID (State) 83702 (Zip Code)

Email Address mpl@givenspursley.com Phone Number 208-388-1200

☑ 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 Terry Scanlan Organization HDR Engineering Inc

Professional Title Consultant to Brisbie Email Address tscanlan@hdrinc.com

Mailing Address 412 E Parkcenter Blvd, Ste 100, Boise, ID 83706 Phone Number 208-872-9530

☐ 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.
Wells pump ground water through buried mainlines to pivot irrigation systems

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. Irrigation rights 63-3362, 63-10383, 63-11347, 63-34795 (owned by Brisbie) and 63-35356 (owned by CS Property Development) share a permissible place of use (ppu) and a 525.2-acre combined limit. Some of the ppu lands utilize water from Pleasant Valley Irrigation Co (PVIC) but Brisbie does not hold any PVIC shares.

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. The 525.2 combined acre limit will be reduced to the 135.8 acre limit authorized under water right 63-7531.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. n/a - irrigation water is currently leased to the water bank under contract 1684 until 12/31/2023. This application seeks to "re-lease" the water for another year.

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 ☐
Protested transfer application #87042

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

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

Administrative costs only

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.

Kathy Rushmore	Kathy Rushmore	10/30/2023
Signature of Designated Applicant	Printed Name	Date
Signature of Authorized Representative	Printed Name	Date

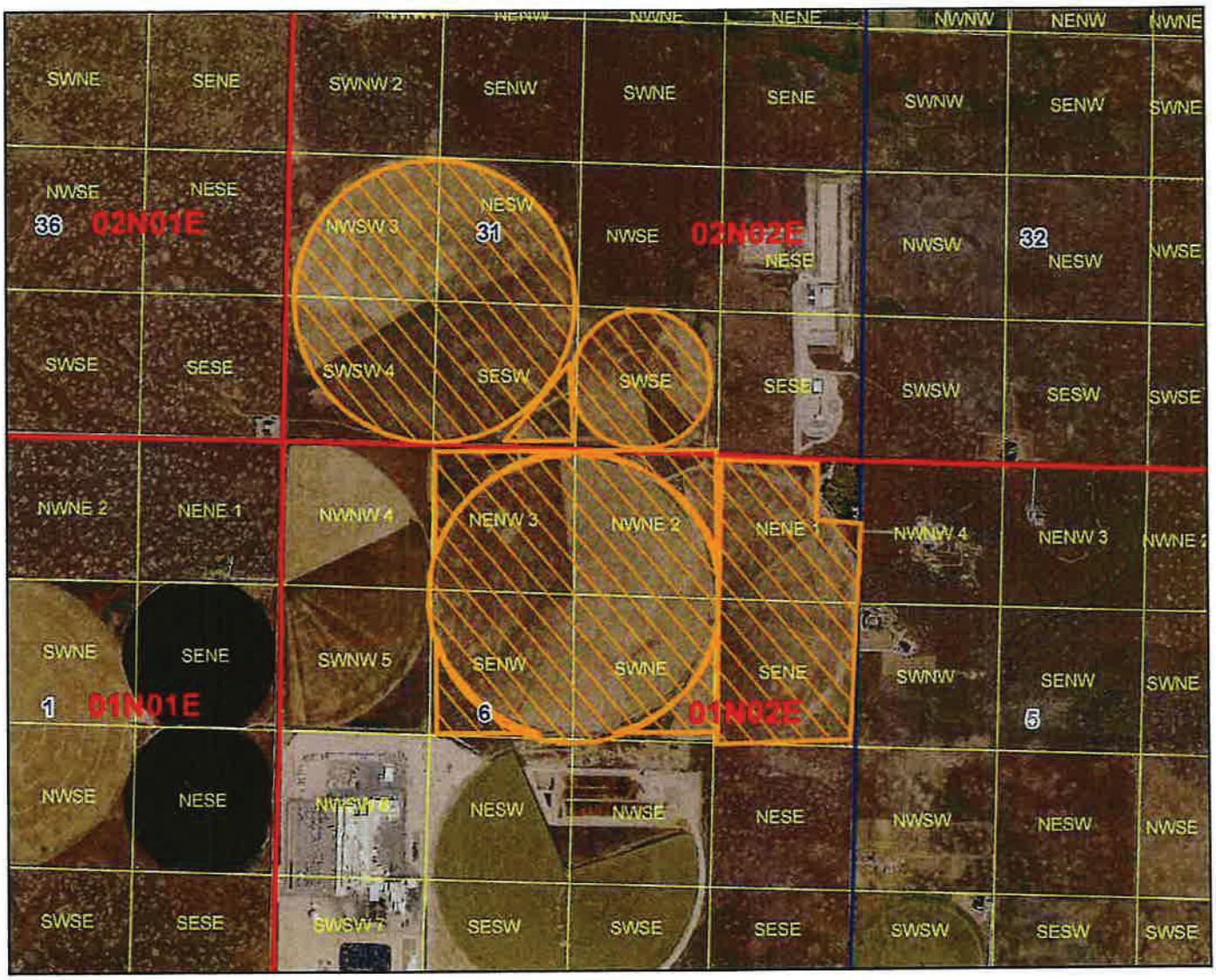
Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1684

63-3362, 63-10383, 63-11347, & 63-34795
Effective until December 31, 2023

This map depicts the IRRIGATION place of use to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



Approved Lease Place of Use
Township/Range
Sections
QQ

N

0 600 1,200 Yards

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, January 10, 2024 9:40 AM
To: Miller, Nick
Subject: Comment Request - WSB Package for Brisbie LLC
Attachments: WM Copy Review Memo Rental App 2824 Brisbie LLC.pdf; Rental Map Brisbie 2024.pdf; WM Copy Review Memo Lease App 2823 Brisbie 2024.pdf; 2024 Lease Map - 63-3362.pdf; 2024 Lease Map - 63-10383.pdf; 2024 Lease Map - 63-11347.pdf; 2024 Lease Map - 63-34795.pdf; 2024 Lease Map - all rights.pdf

Good morning,

Please see the attached review documents for a lease/rental package for Brisbie, LLC and kindly respond with any questions or comments within 10 days.

Phill Hummer sent me this this morning: "I talked to Mike Lawarence and he said the transfer and rental are not the same. The rental will be for construction water and the transfer is for more permanent "production" water. They have a temporary approval but anticipate the 5 af will run out soon if not already and they are currently using water for construction so they would like the rental to move forward."

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF
WATER RESOURCES

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

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**

February 5,2024

BRISBIE LLC
C/O MICHAEL P LAWRENCE GIVENS PURSLEY LLP
601 W BANNOCK ST
BOISE ID 83702-5919

RE: WATER SUPPLY BANK LEASE CONTRACT 1794
FOR WATER RIGHT 63-3362, 63-10383, 63-11347 & 63-34795

Dear Lessor:

Water right **63-3362, 63-10383, 63-11347 & 63-34795 is** leased into the Water Supply Bank (Bank) as of **January 1,2024** in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

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

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

Sincerely,
Signature

Technical Records Specialist
Enclosure: Executed Lease Contract

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

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**

RECEIVED
FEB 02 2024
DEPARTMENT OF
WATER RESOURCES

January 26, 2024

BRISBIE LLC
C/O MICHAEL P LAWRENCE GIVENS PURSLEY LLP
601 W BANNOCK ST
BOISE ID 83702-5919

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-3362, 63-10383, 63-11347 & 63-34795 AGREEMENT 816

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **$3,627.33 per year** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 1,577.1 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or $3,627.33.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check in the amount of $3,627.33 for 2024 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure(s): Proposed Rental Agreement

C: IDWR Front Desk
Michael P. Lawrence – Givens Pursley, LLP
Terry Scanlan – HDR Engineering, Inc.

Kienholz, Mackenzie

From: Mike Meyers <mike@wd63.org>
Sent: Tuesday, January 2, 2024 6:28 AM
To: Kienholz, Mackenzie
Subject: RE: PVIC Delivery Follow Up for Brisbie WSB Package

Follow Up Flag: Follow up
Flag Status: Flagged

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Mackenzie,

Good morning and sorry for the late response we have been on vacation over the holidays. I don't have any further information on PVIC's water usage I would not consider these rights any differently than you did in 2023. Let me know if you need anything else and I will try and help. Thanks

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Thursday, December 21, 2023 8:52 AM
To: Mike Meyers <mike@wd63.org>
Subject: PVIC Delivery Follow Up for Brisbie WSB Package

Good morning, Mike,

I am working on a Water Supply Bank review for Brisbie, LLC. Brisbie had a WSB lease/rental in 2023 and are requesting the same for 2024. In Mary Condon's review for the 2023 lease/rental, she mentioned a discussion she had with you about Pleasant Valley Irrigation Company's ability to provide surface water; the land appurtenant to the groundwater rights proposed for lease/rental has shares, but it appears that it was very infrequent that they were actually delivered. I have inserted a section of her review below, which is what I am now following up on. Last year the amounts rentable from the groundwater rights was given a 10% reduction to account for possible use of PVIC shares with the assumption that shares have not provided more than 10% of the historic beneficial use. We will request watermaster comments once review of the applications is complete, but do you have any information as of now to suggest that we should consider these rights any differently than we did for 2023?

"An email to the water district 63 watermaster was sent on November 1, 2022, requesting diversion records or recent history for PVIC providing storage out of Blacks Creek Reservoir, of which he replied the reservoir is usually dry on the first day of allocation, he does not have knowledge of them providing surface water within their boundaries since he has been with the district, and that he is quite certain most of the farms within the PVIC boundary rely on ground water. He will be investigating the use of PVIC's storage water in the spring of 2023."

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Kienholz, Mackenzie

From: Michael P. Lawrence <mpl@givenspursley.com>
Sent: Friday, February 2, 2024 6:31 PM
To: Kienholz, Mackenzie; Graves, Lori
Cc: terry.scanlan@hdrinc.com
Subject: RE: Proposed Water Supply Bank Lease & Rental - Brisbie LLC [GP-DMS.014808.0002]
Attachments: KND Proposed Lease Contract 1794 - Brisbie LLC 2024_signed.pdf; KND Proposed Rental Agreement 816 Brisbie 2024_signed.pdf

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Mackenzie,

Attached are the lease and rental contracts signed by Brisbie.

A check for the rental fee should be delivered right away, if it hasn't been delivered already.

Thanks,
Mike

MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP
601 West Bannock Street, Boise, ID 83702
main 208-388-1200
direct 208-388-1294
fax 208-388-1300
mpl@givenspursley.com
www.givenspursley.com

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From: Michael P. Lawrence
Sent: Tuesday, January 30, 2024 9:49 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>; Graves, Lori <Lori.Graves@hdrinc.com>
Cc: terry.scanlan@hdrinc.com
Subject: RE: Proposed Water Supply Bank Lease & Rental - Brisbie LLC [GP-DMS.014808.0002.FID647266]

Thanks for the explanation Mackenzie. I've forwarded the contracts to Brisbie for signature and hope to have them back to you soon.

Thanks,
Mike

MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP
601 West Bannock Street, Boise, ID 83702
main 208-388-1200
direct 208-388-1294
fax 208-388-1300
mpl@givenspursley.com
www.givenspursley.com

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From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Tuesday, January 30, 2024 8:36 AM
To: Graves, Lori <Lori.Graves@hdrinc.com>
Cc: terry.scanlan@hdrinc.com; Michael P. Lawrence <mpl@givenspursley.com>
Subject: RE: Proposed Water Supply Bank Lease & Rental - Brisbie LLC [GP-DMS.014808.0002.FID647266]

EXTERNAL

Good morning, Lori,

The slight difference in the rate compared to the 2023 lease/rental is due to how the combined limits currently stand. During the 2023 rental, there were assumptions that certain combined limits, specifically that the remaining portion of 63-7531 and all child rights should have retained a combined limit of 3.6 cfs, would be corrected through the transfer filed by Brisbie, LLC. In a phone conversation with IDWR Western Regional Manager Nick Miller, he mentioned that they would not be addressing any changes to combined limits through this transfer. Additionally, there has been another split from 63-7531 since the 2023 Water Supply Bank review. For the 2024 lease and rental, I had to consider combined limits as they stand and assume that all other water right owners will be using the full amount that they are authorized to prevent enlargement. This reduced the rate available to the Bank by 0.07 cfs.

The rate per acre of 0.008 cfs/acre is correct. It appears there was a typo on the 2023 rental agreement, but not one that affects the amounts rented. Our software automatically generates a rate/acre number for the document based off the sum rate that we then manually correct to account for combined limits. It appears that this manual correction was missed for the rate/acre on the face of the document, but the authorized rental rate of 2.77 cfs divided by the authorized rental 350.5 acres is 0.008 cfs/acre. Similarly, the lease amounts for 2023 (3.08 cfs / 389.4 acres) is equal to 0.008 cfs/acre. This proportion was listed on the second table of the 2023 lease contract.

Please let me know if you have any additional questions.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF
WATER RESOURCES

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

From: Graves, Lori <Lori.Graves@hdrinc.com>
Sent: Monday, January 29, 2024 10:25 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Cc: terry.scanlan@hdrinc.com; mpl@givenspursley.com
Subject: RE: Proposed Water Supply Bank Lease & Rental - Brisbie LLC [GP-DMS.014808.0002.FID647266]

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Hi Mackenzie,
I reviewed the draft lease contract 1794 and rental agreement 816 for Brisbie. I'm assuming the slight differences in the lease/rental amounts between the 2023 approvals and these draft approvals are due to rounding but wanted to confirm. Other than that, I noticed on the rental agreement that the combined total rate per acre is listed at 0.008? I believe it should be listed at 0.017 or 0.018. Can you please check and fix or clarify? Thanks Mackenzie.

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

hdrinc.com/follow-us

From: Scanlan, Terry <Terry.Scanlan@hdrinc.com>
Sent: Friday, January 26, 2024 5:58 PM
To: Graves, Lori <Lori.Graves@hdrinc.com>
Subject: FW: Proposed Water Supply Bank Lease & Rental - Brisbie LLC [GP-DMS.014808.0002.FID647266]

Please review if you are working this weekend. Thanks.

Terry M. Scanlan, P.E., P.G.
D 208-872-9530 M 208-861-4758

hdrinc.com/follow-us

From: Michael P. Lawrence <mpl@givenspursley.com>
Sent: Friday, January 26, 2024 3:00 PM
To: Scanlan, Terry <Terry.Scanlan@hdrinc.com>
Cc: Charlie S. Baser <charliebaser@givenspursley.com>
Subject: FW: Proposed Water Supply Bank Lease & Rental - Brisbie LLC [GP-DMS.014808.0002.FID647266]

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Terry, do these look good to you? I haven't had a chance to look at them, but will try to this afternoon. I'm planning to forward to Brisbie right away in any event.

Thanks,
Mike

MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP
601 West Bannock Street, Boise, ID 83702
main 208-388-1200
direct 208-388-1294
fax 208-388-1300
mpl@givenspursley.com
www.givenspursley.com

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From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Friday, January 26, 2024 2:20 PM
To: tscanlan@hdrinc.com; Michael P. Lawrence <mpl@givenspursley.com>
Cc: Bank <Bank@idwr.idaho.gov>; Charlie S. Baser <charliebaser@givenspursley.com>
Subject: Proposed Water Supply Bank Lease & Rental - Brisbie LLC

EXTERNAL

Good afternoon,

Attached is a proposed lease contract and rental agreement along with the respective cover letters for Brisbie, LLC for 2024. Please return signed copies of the proposed lease and rental as well as the rental fee within 14 days, and please feel free to contact me with any questions.

Best,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF
WATER RESOURCES

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

MEMORANDUM FOR APPLICATION #2823

To: Water Right(s) 63-3362, 63-10383, 63-11347 & 63-34795

From: Mackenzie Kienholz

Date: 1/10/2024

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

---

PURPOSE/NARRATIVE: Lease application #2823, received on 11/13/2023, was submitted by Terry Scanlan (HDR Engineering, Inc.) on behalf of Brisbie, LLC and proposes to lease the entirety of groundwater rights 63-3362, 63-11347, and 63-34795 and the entire irrigation portion of right 63-10383 to the Bank for 2024. This lease application was submitted with companion rental application #2824, also for Brisbie, LLC. This package is essentially a continuation of Lease Contract #1684 and Rental Agreement #744 (2023).

Transfer application #87042 was submitted on October 6, 2022 to permanently change the PODs/POU and correct a previous combined limit miscalculation for these rights, but at the time of this review the transfer has not been approved. The transfer application was protested by the City of Boise claiming a lack of "sufficient information to determine whether it meets the requirements of Idaho Code 42-222(1)." The requirements of 42-222(1) has been and will be evaluated through reviews for previous and current rental applications.

AUTHORITY TO FILE: The water rights offered for lease are all solely owned by Brisbie, LLC. The lease applications were signed by Kathy Rushmore, however the only agent listed on Brisbie, LLC's most recent IDSOS annual filing (8/24/2023) is Raj Singh and no additional document was submitted with the application extending authority to sign. Upon request by review staff, a document signed by Raj Singh was submitted giving Kathy Rushmore to sign on behalf of Brisbie, LLC. No concerns with authority to file.

WATER RIGHT VALIDITY: Right 63-3362 was decreed in 2007, 63-10383 was licensed in 1993, and 63-11347 was licensed in 1999. Right 63-34795 is a child right of 63-13347.

Aerial imagery from 2019 suggests that around 756 acres were irrigated within the shapefile recorded for the PPU of the rights offered for lease. The four rights offered authorize the irrigation of 389.4 acres. The irrigated 756 acres included the 389.4 acres under 63-3362, 63-10383, 63-11347, and 63-34795, so there is no concern with water right validity. The remaining irrigated acres may have come from un-leased water rights 63-7531 (and child right 63-35356) which were also a part of this PPU, Pleasant Valley Irrigation Company (PVIC) shares, and/or the application of wastewater from other water uses. The acre-limit condition on right 63-10383 (and other rights not offered for lease) states that the acre-limit for irrigation is not inclusive of land upon which wastewater from industrial (and commercial) uses can be applied for water treatment purposes to satisfy water quality requirements.

It should be noted, however, that the water rights sold to Brisbie, LLC were not solely those appurtenant to the property now owned by Brisbie, LLC. For this reason, the WSB lease shapefiles will represent the proper idled acres for the lease term, but will not represent historic location of use as the lease shape will be contained to acres owned by Brisbie, LLC.

INJURY TO OTHER WATER RIGHTS: Lease of water rights 63-3362, 63-10383, 63-11347, and 63-34795 would not cause injury to other water rights. Proper review to prevent injury completed through rental review process.

ENLARGEMENT OF USE: Rights 63-11347 and 63-34795 have conditions noting that they are supplemental to surface water and should only be used when surface water supply is unavailable. The surface water at this place of use is provided by PVIC. This overlap is discussed in the beneficial use field report (10/29/1996) for right 63-11347 found on page 157 of the water right backfile. The field examiner was told that shares had last been used in 1987 before the water was put in set aside programs until 1995. The field exam also notes that PVIC shares were delivered "sporadically" and that they would be used again in 1996 and beyond if available.

In a transfer filed by PVIC in 2012 to expand their service area to include "all of Tyson Foods integrated irrigation system", PVIC confirmed that Tyson Foods, a previous owner of these rights, had 495 shares at approximately 0.77 acres per share at the time (see page 45 of transfer application through legal notice in backfile for water right 63-329B. In 2013, the rights now offered for lease were conveyed to Ray and Susan Montierth who in turn conveyed the rights in full to Brisbie, LLC in 2021 (but not all appurtenant land as previously discussed).

Comments on the Adjudication Field Report (10/14/2002) note that the delivery of the surface water shares was not reliable, so some of the land within the PVIC service area was being irrigated with groundwater. An email was sent to the WD #63 watermaster during the review of the 2023 rental application requesting diversion records or information on PVIC storage water delivery from Blacks Creek Reservoir in recent years. The watermaster replied that the reservoir is normally dry on the first day of allocation and he does not have knowledge of PVIC providing surface water within their boundaries in his time with the water district and that he is fairly certain that most of the farms within the PVIC boundary rely on groundwater. He stated that he would look into PVIC's storage water delivery in the spring of 2023. An email following up on this was sent to the watermaster, and he said that there was no new information regarding PVIC's water usage and that the rights should be considered as they were for 2023.

Through various splits of these water rights the combined limits have not been properly carried through to the children rights. Not all of the rights involved in these splits are owned by Brisbie, LLC, we therefore must take a conservative approach when calculating the amounts rentable and assume all un-leased water rights that contributed to the original combined limit are being fully used. Brisbie, LLC did request to correct the combined limits through a transfer application, but in a phone conversation, Western Regional Manager Nick Miller stated that the combined limits would not be corrected through the transfer application submitted. This supports evaluating the combined limits as they are currently written, though this may change for future leases if the combined limits are corrected.

Below is a table of the combined limits involving the Brisbie, LLC rights to be leased to the Bank as they currently stand. It may be pertinent to note that 63-35411 had not yet been split from 63-7531 at the time of the previous lease review for these rights in 2023.

Table of Combined Limits – "Yes" in the Offered column indicates this right is part of this lease

Owner	Right No.	Offered	Beneficial Use	Rate	Vol	Acres	cfs/acre	af/acre
Brisbie	63-3362	Yes	IRRIGATION	2.27	741.8	157.8	0.0144	4.701
Brisbie	63-11347	Yes	IRRIGATION	0.6	157.5	33.5	0.0179	4.701
Brisbie	63-34795	Yes	IRRIGATION	1.28	329.1	70	0.0183	4.701
Brisbie	63-10383	Yes	IRRIGATION	2.56	602.3	128.1	0.0200	4.702
		No	INDUSTRIAL	2.2	1593	-		
			Combined Limit	4.76	2195.3		*CL is additive*	
Montierth	63-7531	No	COMMERCIAL	2.11	360	-		
Seeler West Real Estate	63-35411*	No	STOCKWATER	0.2	13.4	-		
*Split from 63-7531 in 5/2023		No	COMMERCIAL	1.09	360	-		
		No	DOMESTIC	0.2	11.2	-		
			Combined Limit	1.09	384.6			
CS Property Development	63-35356	No	IRRIGATION	2.51	360	135.8	0.0185	2.651
			Combined Limit		744.6			
			Combined Limit	5.87				
			Combined Limit	**8.88**	**2363.4**	**525.2**	**0.0169**	**4.500**

The combined limit for the leased amounts is the difference between the overall combined limit and the maximum rate the other water rights allow as currently written (8.88 cfs – 5.87 cfs) = 3.01 cfs. The irrigation portion of 63-10383 is offered for lease and included in the 5.87 cfs rate combined limit. However, the sum of the rates that make up the 5.87 cfs suite is greater than 5.87 cfs even when the irrigation portion of 63-10383 is not included, so it must be assumed that the entire 5.87 cfs would continue to be diverted. The overall acreage combined limit of 525.2 acres is additive, so no reductions to the number of acres available for lease are necessary.

Lease Amounts (Rounded to appropriate significant figures)

Right	Beneficial Use	Rate	Vol	Acres	cfs/acre	af/acre
63-3362	IRRIGATION	2.27	742	157.8	0.014	4.7
63-11347	IRRIGATION	0.6	158	33.5	0.018	4.7
63-34795	IRRIGATION	1.28	329	70	0.018	4.7
63-10383	IRRIGATION	2.56	602	128.1	0.020	4.7
	Combined Limit	**3.01**	**1830**	**389.4**	**0.008**	**4.7**

The amounts rentable under water rights 63-3362, 63-10383, 63-11347 and 63-34795 reflects the 10% reduction due to surface water share overlap discussed earlier.

Rentable Amounts After 10% Reduction (Rounded to appropriate significant figures)

Right	Beneficial Use	Rate	Vol	Acres	cfs/acre	af/acre
63-3362	IRRIGATION	2.04	639	142	0.014	4.5
63-11347	IRRIGATION	0.54	136	30.2	0.018	4.5
63-34795	IRRIGATION	1.15	284	63	0.018	4.5
63-10383	IRRIGATION	2.3	519	115.3	0.020	4.5
	Combined Limit	2.71	1580	350.5	0.008	4.5

Three active water permits overlap the lease POU: 63-12546 (irrigation) owned by GC Kuna Land Co, LLC plus 63-33884 (irrigation) and 63-34373 (irrigation from storage) owned by CS Property Development, LLC. None of these permits were conveyed to Brisbie, LLC; both GC Kuna Land Co. and CS Property Development, LLC own lands semi- or directly adjacent to the acres now owned by Brisbie, LLC. As these permits have not been licensed and are not owned

by the applicant, they should be considered severed from the acres conveyed to Brisbie, LLC and should not be considered to impact the leased rights' historic use and/or amounts available for the associated rental application.

LOCAL PUBLIC INTEREST: As previously stated, transfer application #87042 was protested by the City of Boise claiming a lack of "sufficient information to determine whether it meets the requirements of Idaho Code 42-222(1)." The requirements of 42-222(1) has been and will be evaluated through reviews for previous and current rental applications. 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 PODs is not subject to a water district. A request for comments was sent to the IDWR Western Regional Office on 1/10/2024.

MEMORANDUM FOR AGREEMENT #816

To: Water Right(s) 63-3362, 63-10383, 63-11347, 63-34795

From: Mackenzie Kienholz

Date: 1/10/2024

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

---

PURPOSE/NARRATIVE: Rental application #2824 was submitted by Terry Scanlan (HDR, Inc.) on behalf of Brisbie, LLC and was received by the Department on 11/13/2023. The rental application was submitted with a companion lease application for 389.4 acres from water rights 63-3362, 63-10383, 63-11347, and 63-3795, owned by Brisbie, LLC. The rental proposes a change in nature of use from irrigation to industrial use. This rental is essentially a continuation of previous rental agreement #744 (2023).

Transfer application #87042 was submitted on October 6, 2022 to permanently change the PODs/POU and correct a previous combined limit miscalculation for these rights, but at the time of this review the transfer has not been approved. The transfer application was protested by the City of Boise claiming a lack of "sufficient information to determine whether it meets the requirements of Idaho Code 42-222(1)." The requirements of 42-222(1) has been and will be evaluated through reviews for previous and current rental applications.

AUTHORITY TO FILE: The water rights offered for lease/rental are all solely owned by Brisbie, LLC. The rental application was signed by Kathy Rushmore, however the only agent listed on Brisbie, LLC's most recent IDSOS annual filing (8/24/2023) is Raj Singh and no additional document was submitted with the application extending authority to sign. Upon request by review staff, a document signed by Raj Singh was submitted giving Kathy Rushmore to sign on behalf of Brisbie, LLC. The northern portion of the rental POU is owned by Brisbie, LLC, however about 164.5 acres that make up the southern portion of the POU are owned by GC Kuna Land, LC. A temporary construction easement agreement between Brisbie, LLC and GC Kuna Land, LC was included with the application along with an extension of said agreement through March 31, 2024. The proposed rental PODs are all either on land owned by Brisbie, LLC or are the original PODs for the requested water rights. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right validity was evaluated as part of the lease application review and found no concerns.

INJURY TO OTHER WATER RIGHTS: This rental application proposes a change in nature of use from irrigation to industrial use. With the proposed change in nature of use, an extension of the season of use to 1/1-12/31 from the irrigation seasons of use listed below. It is currently acceptable to extend the season of use for groundwater and is not anticipated to cause injury to other water rights. Other water rights in the surrounding area have beneficial uses of irrigation, industrial, municipal, stockwater, and domestic. There are several rights in this area that have been or will be converted from irrigation to industrial use. The review for rental agreement #744 notes that this rental will increase the use of groundwater in November-March, that it appears that this is a common trend in this specific area, and that this also suggests that there is less irrigation, and thus less incidental recharge, occurring in April-October.

Water Right	Season of Use	Water Right	Season of Use
63-3362	4/1 – 10/31	63-11347	3/15 – 11/15
63-10383	3/15 – 11/15	63-34795	3/15 – 11/15

ENLARGEMENT OF USE: This rental requests a change in nature of use (CNOU) from irrigation to industrial use. The historic crop for this location is corn. Data from ETIdaho (University of Idaho Kimberly Research and Extension Center) was used to determine historic consumptive use for the 389.4 acres. Evapotranspiration data for field corn, silage corn, late plant sweet corn, and early plant sweet corn at the Kuna station was evaluated. Field corn had the highest calculated historic consumptive use at 2.3 acre-feet/acre (versus 1.9 af/acre for silage corn, and 1.6 af/acre for both sweet corn data sets). Transfer Processing Memo No. 24 includes information about changing the nature of use and states "The highest-year historic consumptive use (i.e. highest-use crop rotation using a climatic average for crop water use estimates)...will be the basis for the annual volume of consumptive use available for transfer." Therefore, 2.3 af/acre will be used as the basis for the volume available for this rental.

Amounts Rented (rounded to appropriate significant figures)

Right	Use	Rate (cfs)	Volume (af)	Acres	cfs/acre	af/acre
63-3362	Irrigation	2.04	639	142	0.014	4.5
63-11347	Irrigation	0.54	136	30.2	0.018	4.5
63-34795	Irrigation	1.15	284	63	0.018	4.5
63-10383	Irrigation	2.3	519	115.3	0.020	4.5
Combined Limit		**2.71**	**1580**	**350.5**	**0.008**	**4.5**

Amounts Authorized for Use (after CNOU, rounded to appropriate significant figures)

Right	Use	Rate (cfs)	Volume (af)
63-3362	Industrial	2.04	327
63-11347	Industrial	0.54	69.5
63-34795	Industrial	1.15	145
63-10383	Industrial	2.3	265
Combined Limit		**2.71**	**806**

As previously mentioned, with the change in nature of use there will be a change to the season of use. This will likely increase the use of groundwater from November-March and decrease groundwater use from April-October. However, the annual volume limit will remain the same and is not expected to cause enlargement of the water rights.

LOCAL PUBLIC INTEREST: As previously stated, transfer application #87042 was protested by the City of Boise claiming a lack of "sufficient information to determine whether it meets the requirements of Idaho Code 42-222(1)." The requirements of 42-222(1) has been evaluated through reviews for previous and current rental applications. All criteria for consideration under statute and as required per the Water Supply Bank Rules, IDAPA 37.02.03 have been included, considered, and met within this review memo for the rental of rights 63-3362, 63-10383, 63-11347, and 63-34795 for one year for construction/industrial purposes. Review staff has no information to suggest this application is inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PODs is not subject to a water district. A request for comments was sent to the IDWR Western Regional Office on 1/10/2024.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Monday, December 4, 2023 10:58 AM
To: Michael P. Lawrence; tscanlan@hdrinc.com
Subject: RE: Information Needed - Water Supply Bank Applications for Brisbie LLC [GP-DMS.014808.0002.FID647266]

Thank you, Mike. I will add this to the application file and note that it is ready for review. All applications received before November 1st receive priority for review. All applications received after November 1st are processed in the order that a complete version of the application is received, after all November 1st priority applications have been reviewed.

Best,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

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

From: Michael P. Lawrence <mpl@givenspursley.com>
Sent: Monday, December 4, 2023 10:27 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>; tscanlan@hdrinc.com
Subject: RE: Information Needed - Water Supply Bank Applications for Brisbie LLC [GP-DMS.014808.0002.FID647266]

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Mackenzie,

Please find the attached attestation signed by Raj Singh stating that Kathy Rushmore has authority to sign for Brisbie.

Please let me know if you need anything else. Your prompt approval of the applications would be very appreciated, and should not be difficult since Brisbie is asking for the same authorizations that were approved for 2023.

Thanks,
Mike

MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP

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From: Michael P. Lawrence
Sent: Thursday, November 16, 2023 8:59 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>; tscanlan@hdrinc.com
Subject: RE: Information Needed - Water Supply Bank Applications for Brisbie LLC [GP-DMS.014808.0002.FID647266]

Thanks Mackenzie. I'll work on getting you the information asap.

MICHAEL P. LAWRENCE
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From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Thursday, November 16, 2023 8:38 AM
To: tscanlan@hdrinc.com; Michael P. Lawrence <mpl@givenspursley.com>
Subject: Information Needed - Water Supply Bank Applications for Brisbie LLC

EXTERNAL

Good morning, Mike and Terry,

I have completed the initial intake for Brisbie, LLC's Water Supply Bank lease and rental applications. Everything appears to be in order except for the authority to sign. The applications were signed by Kathy Rushmore, who signed the applications last year. However, last year documentation was submitted granting Ms. Rushmore authority to sign from Katherine Kelly, who was listed as president on the IDSOS annual filing from 7/20/2022. On the most recent IDSOS filing, filed on 8/24/2023, Raj Singh (manager) is the only authorized member listed. Please provide evidence that Kathy Rushmore is authorized to sign on behalf of Brisbie, LLC or submit a new signature page within **30 days** or the applications may be returned. If you have any questions, please feel free to call or email me.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

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