

STATE OF IDAHO
WATER RESOURCE BOARD

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

Designated Applicant Edwards Family LLC

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

Water Right No. 63-00014

(One water right per application)

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

Yes ☒ No ☐

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$	<u>250</u>	Received By:	<u>KM</u>	Date Received:	<u>12-27-23</u>	Receipt #	<u>C117577</u>
W-9 received?	Yes ☒ No ☐	(Route W-9 to Fiscal)		Name on W-9:	<u>Edwards Family 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 Edwards Family LLC

Mailing Address 4106 Sand Creek Road, Boise, Idaho 83703

Street

City

State

Zip Code

Email Address garnette@edwardsgreenhouse.com

Phone Number 208-342-7548

☒ 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 Dylan Lawrence Organization Varin Thomas LLC

Professional Title Attorney Email Address dylan@varinthomas.com

Mailing Address 242 N. 8th Street, Ste. 220, Boise, ID 83702 Phone Number 208-345-6021

☐ 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**.

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(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 and pump to pipelines
- 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. Lessor also owns 63-5065 (domestic) and 63-5067 (commercial, irrigation). 63-14 is Lessor's only heating water right.
- 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. For heating, Applicant will limit use to approved rental. For irrigation, Applicant will limit outdoor irrigation to 2.33 acres, and indoor watering will be pursuant to commercial component of 63-5067.
- 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. Heating: 201.5 AF (2023 est.); 174.6 AF (2022); 195.8 AF (2021); 141.7 AF (2020); 123.2 AF (2019)
- 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 ☒

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

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

Current rental rate _____

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

The Designated Applicant acknowledges the following:

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

Garnette Edwards
Signature of Designated Applicant

Garnette Edwards, Manager

Printed Name

12/27/23
Date

Dylan Lawrence
Signature of Authorized Representative

Dylan Lawrence

Printed Name

12/27/23
Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

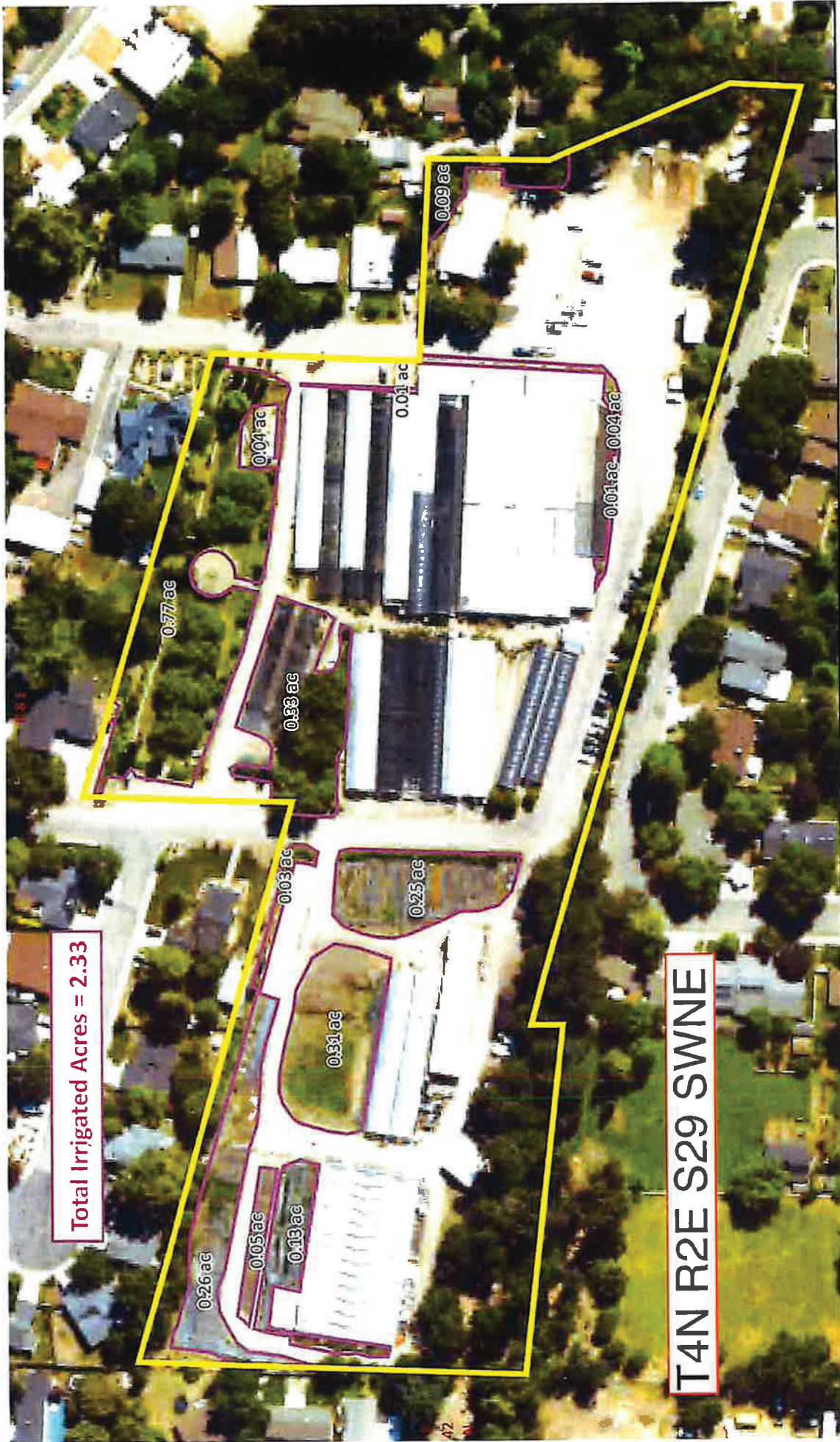
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
63-00014	Heating	0.84	250.00	N/A
	Commercial	0.84	250.00	N/A
	Irrigation	0.24	N/A	5.97
	Total Amounts:	0.84	250.00	5.97

2. Source of water Ground water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	2E	29			SW	NE	Ada



Total Irrigated Acres = 2.33

T4N R2E S29 SWNE

Water Right 63-14
Approximate Outdoor Irrigation
Edwards Greenhouses

Water Right 63-14 Place of Use
63-14 Irrigated Area

ATTACHMENT 3

Source:
IDWR water right place of use shapefile.
Background map is USDA NAIP for Ada County, ID (7/11/2023).



0 0.025 0.05 Miles



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

March 15, 2024

EDWARDS FAMILY LLC
4106 SAND CREEK ROAD
BOISE, ID 83703

RE: WITHDRAWAL OF APPLICATIONS TO LEASE WATER RIGHT NO. 63-5067 TO THE WATER SUPPLY BANK

Dear Applicant:

Per your written email request received on March 14, 2024, the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Application(s) for the right(s) listed above. The lease application filing fees will be refunded.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Howe", with a stylized flourish at the end.

Bob Howe



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

Enclosure: Lease Application(s)

c: Dylan Lawrence-Representative

Howe, Bob

From: Dylan Lawrence <dylan@varinthomas.com>
Sent: Thursday, March 14, 2024 2:05 PM
To: Howe, Bob
Cc: garnette@edwardsgreenhouse.com; Bank
Subject: Re: Additional Information Requested-Water Supply Bank Lease for 63-5067

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Bob,

I apologize for my delay in addressing this. It seems like the past few weeks have been nonstop deadlines, meetings, and hearings.

Edwards would like to withdraw the lease application involving water right 63-5067 but continue to pursue the lease and rental applications involving water right 63-14. I am not finding a specific form to withdraw a lease application, so presumably this email will suffice, but if you need anything else, just let me know. And, whenever you are able to process the lease/rental applications for 63-14, that would be great.

Thanks,
Dylan

Dylan Lawrence

242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701
(208) 345-6021
VarinThomas.com



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On Wed, Feb 28, 2024 at 8:39 AM Howe, Bob <Bob.Howe@idwr.idaho.gov> wrote:

Dear Dylan Lawrence,

Please review the attached letter mailed today to the applicant requesting additional information regarding Water Supply Bank lease application #2865 for Right 63-5067. Thank you for your time and attention to this matter.

Best Regards,

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

322 E Front St, PO Box 83720, Boise, ID 83720

(208) 287-4800 | www.idwr.idaho.gov



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WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

February 28, 2024

EDWARDS FAMILY LLC
4106 SAND CREEK ROAD
BOISE, ID 83703

**RE: APPLICATION TO LEASE WATER RIGHT NO 63-5067 TO THE WATER SUPPLY BANK.
ADDITIONAL INFORMATION REQUEST**

Dear Applicant:

On December 27, 2023, the Department of Water Resources (Department) received an application to lease water right 63-5067 to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (IDAPA 37.02.03.025.06.c) requires the Department to consider whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated."

The partial decree for water right 63-5067 was issued in 2011 and this application is the first request to lease the right into the Water Supply Bank. On your application (section 4.G.) you stated that, "Based on personal knowledge, Applicant represents that it uses this water right for irrigation each year." A review of previous aerial imagery reveals that a portion of the place of use is comprised of parking lots and buildings. IDWR staff are unable to find evidence demonstrating the 6 acres proposed for lease has been irrigated since the partial decree was issued in 2011. Based on information available to IDWR at this time a period of more than five years of non-use occurred following issuance of the partial decree.

Please submit information demonstrating the 6-acre portion of right 63-5067 proposed for lease has been irrigated within the last 5 years or provide a valid defense to forfeiture pursuant to Idaho Code 42-223 for application processing to continue. Information relative to forfeiture is required for lease application #2865 to be considered a complete filing (IDAPA 37.02.03.025.02.c). If the information is not received within thirty days, the Department will return the incomplete application pursuant to IDAPA 37.02.03.025.04. Upon a showing the right has not been abandoned or forfeit the portion of right 63-5067 proposed for lease will be accepted into the Bank, otherwise the right will not be acceptable, and the application will be returned unprocessed.

If you have any questions regarding this matter, please contact the Department at (208) 287-4847.

Sincerely,

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent
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