

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 2035

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

LESSOR: TERRELL F SMITH
2620 KELLY TOPONCE RD
BANCROFT, ID 83217-5041

RECEIVED

OCT 17 2025

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 February 26, 2025.
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)
29-2524	6/2/1966	GROUND WATER	0.65	105.0	35.0
29-13408	4/1/1974	GROUND WATER	0.33	60.2	35.0
Combined Limit Totals			0.33	113.9	35.0
Combined Lease Totals			0.33	113.9	35.0

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)
29-2524	0.00	0.00	0.00	0.00	0.00
29-13408	0.00	0.00	0.00	0.00	0.00
Combined Limit Totals	0.00	0.00	0.00	0.00	0.00

** The water right elements rentable have been reduced from the water right elements leased to account for surface water overlap with 29-127 & 29-128.*

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.

SUPPORT DATA

IN FILE # 29-2524

WATER SUPPLY BANK LEASE CONTRACT No. 2035

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2025 to December 31, 2029. 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. 2035

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

LESSOR: TERRELL F SMITH
2620 KELLY TOPONCE RD
BANCROFT, ID 83217-5041

By *Terrell F Smith*
Title *Owner*
Date *October 14, 2025*

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

By *Brian Patton*
Brian Patton, Executive Manager
Idaho Water Resource Board

Date *10/21/25*

Lease approved by IDWR *HP*

Date *10/21/25*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 2035

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): 29-2524

GROUND WATER SESENW Sec. 24 Twp 07S Rge 38E CARIBOU County

Source and Location of Point(s) of Diversion for Water Right No(s): 29-13408

GROUND WATER SWSWNE Sec. 24 Twp 07S Rge 38E CARIBOU County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
29-2524	IRRIGATION	4/01	to	10/31	0.65 cfs	105. AF
29-13408	IRRIGATION	04/01	to	10/31	0.33 cfs	60.2 AF
Totals:					0.33 cfs	113.90 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	
07S	38E	23				4.0									6.0	3.0			13.0
07S	38E	24							3.0	6.0	6.0	7.0							22.0

Total Acres: 35.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 2035

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The use of the unleased portions of the rights listed below is limited to the irrigation of a combined total of 262 acres in a single irrigation season. Combined right nos.: 29-2524, 29-127, 29-128 and 29-13408.
13. The unleased portion of water right 29-2524 is limited to the irrigation of 135 acres within the place of use described above in a single irrigation season.
14. The unleased portion of water right 29-13408 is for an enlargement of 127 acres within the place of use described for this right.
15. The unleased portion of rights 2-2524 and 29-13408 when combined shall not exceed a total diversion rate of 2.51 cfs, a total annual maximum diversion volume of 853.1 af at the field headgate, and the irrigation of 262.0 acres.

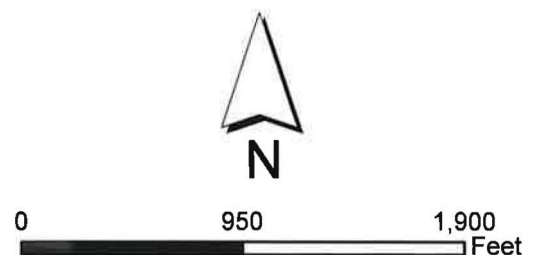
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 2035

29-2524 & 29-13408
Effective until December 31, 2029

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



-  Approved Lease POD
-  Approved Lease POU
-  Township/Range
-  Sections
-  QQ



RECEIVED

FEB 26 2025

STATE OF IDAHO
WATER RESOURCE BOARD

Print Form

DEPT. OF WATER RESOURCES

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

Applicant / Designated Lessor

Terrell Smith

Water Right No.

29-2524

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

(One water right per application)

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

If yes, include renter and rental fee payment information as attachment 5B.

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

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*, printed **single sided**, per requirement of 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.

N/A

Yes

Attachments



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 Applicant / Designated Lessor.

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 Applicant on this application. If the 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](#).

5B

Rental rate and owner payment agreement between lessor and renter for lease/rental packages.

Department Use Only

Fee Amount \$ 500.00

Received By: KM

Date Received: 2.26.25

Receipt # C120230

W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)

Name on W-9: Terrell Smith

3205

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. The applicant or designated lessor must be listed as a current owner of the water right offered for sale or lease to the Water Supply Bank. If there are multiple current owners, choose one owner as the Designated Lessor. Complete and attach the Designated Lessor - Attachment 1A of this application package with the signatures of all current owners.

Applicant / Designated Lessor Terrell Smith
Mailing Address 2620 Kelly Toponce Road Bancroft, Idaho 83217
Street City State Zip Code
Email Address Phone Number

- ☒ The Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.
OR
☐ The Designated Lessor is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Lessor / Applicant submitted an [IRS Form W-9](#) to this Department within 6 months? 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 Water Right Holder? Yes ☒ No ☐
If yes, representatives (includes employees of Water Right Holder companies) must complete this section and submit documentary proof of their authority to represent the Water Right Holder (Attachment 1D).

Name of Representative Greg Sullivan Organization Brockway Engineering
Professional Title Engineer Email Address greg.sullivan@brockwayeng.com
Mailing Address 2016 N Washington St Ste 4 Twin Falls, ID 83301 Phone Number 208-736-8543

- ☐ Send all correspondence for this application to the representative and not to the Designated Lessor / Applicant.
OR
☒ Send original correspondence to the Designated Lessor / 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 and none will still be used.
OR
☒ A portion of the water right is being offered to the Bank and a portion will still be used.
If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

[Attach a map](#) The map must locate the point of diversion from the source of water and the location of the lands to be idled or the place where the water will no longer be used. The map must also show townships, ranges, sections, and government lots. For irrigation purposes, mark the number of acres for lease per 40-acre tract (1/4-1/4). 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. Identify the owner of the water delivery system or well Terrell Smith

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](#). (Label Attachment 4A)

B. Please provide a description of the current water diversion and delivery system, including source, pump, pipeline or diversion.
Existing well, mainline and delivery sytem.

C. Describe any other water sources, including municipal, irrigation company shares, or water rights with combined limits to the water right offered to the bank, which are used for the same purpose at the same place of use as the water right being offered to the Bank. 29-2524, 29-127, 29-128 and 29-13408

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, and usually have combined limits in the conditions of the water rights. 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, including those listed in 4C? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____

F. 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 (Label Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture, including lease into the Bank. Your application may be denied if forfeiture concerns are not addressed. _____

G. Identify annual volumes and/or rates of water diverted (used) in the last 5 years to accomplish the beneficial use authorized by this water right. See attached aerial mapping documents.

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 CONTRACT

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

If lease, specify the first calendar year when the use of water will be suspended: 2025

All lease contracts are for a calendar year from January 1st to December 31st (year)

*Mark Desired Lease Duration (Calendar Years)					
☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	Other Term Length (# of years): <i>*Prior IWRB approval required</i>

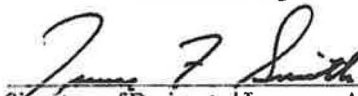
- B. Show the minimum payment acceptable to the seller/lessor. If lease, the minimum payment may be shown as the "current rental rate" as established by the IWRB, or a negotiated rental rate with submittal of an agreement between the lessor and the renter. *The owner payment is 90% of the rental fee. The administrative fee retained by the IWRB is 10% of either the current rental rate or the negotiated rental fee, whichever is higher. Include the method of determining the minimum payment if submitted as a companion lease rental package, and whether the owner payment will be paid directly to the lessor from the renter or if owner payment should be collected by the Department from the renter for payment to the lessor. (Label attachment 5B).*

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 Lessor / Applicant acknowledges the following:

1. Payment to the Designated Lessor / 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 Lessor / 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 Lessor or Applicant

Terrell F. Smith
Printed Name

February 19, 2025
Date

Signature of Co-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

Print Form

STATE OF IDAHO
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
29-2524	Irrigation	0.33	114	35
				35
Total Amounts:		0.33	114	35

2. Source of water Ground Water tributary to _____

3. **Point(s) of diversion.** Locate the point of diversion within each 40-acre tract and/or the U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10-acre tract. Identify the county where the point of diversion is located.

TWP	RGE	SEC	GOVT LOT	¼	¼	¼	County	Source	Local name or tag #
07S	38E	24		SE	SE	NW	Caribou	Ground Water	

4. Place of Use to be idled. Mark the idled place of use within each 40-acre tract in the appropriate box using the number of acres for irrigation, or the symbol listed below for other uses.

D - domestic, S - stockwater, M - municipal, C - commercial, I - industrial, X - other.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	38E	23				4									6	3			13
07S	38E	24			3	6									6	7			22

Water Right Report : 29-2524(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	SMITH, TERRELL F	2620 KELLY TOPONCE RD	BANCROFT	ID	83217-5041
Original Owner	ASA HATCH RANCH		BANCROFT	ID	83217
Previous Owner	SMITH, ADA K	2620 KELLY TOPONCE RD	BANCROFT	ID	83217
Previous Owner	SMITH, ALAN	1000 COLUMBIA RD	MERIDIAN	ID	83642
Previous Owner	HATCH, DONNA H	1468 N 1750 E	LOGAN	UT	84341
Previous Owner	HATCH, MIKE W	1468 N 1750 E	LOGAN	UT	84341

Water Right Status

Priority Date : 6/2/1966

Basis : Decreed

Status : Active

Water Source

Source Source Qualifier Tributary Tributary Qualifier

GROUND WATER

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	07S	38E	24	0	SE	SE	NW	CARIBOU	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	2.84 CFS	456.00 AFA
TOTAL			2.84 CFS	456.00 AFA

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (CARIBOU county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
07S	38E	23		SW	NE	32.0	
07S	38E	23		SE	NE	40.0	
07S	38E	23		NE	SE	40.0	
07S	38E	23		NW	SE	32.0	
07S	38E	24		SW	NW	40.0	
07S	38E	24		SE	NW	40.0	
07S	38E	24		NE	SW	34.0	
07S	38E	24		NW	SW	39.0	

Irrigation Totals

Total Acres	Acre Limit
297.00	152.00

Code Conditions

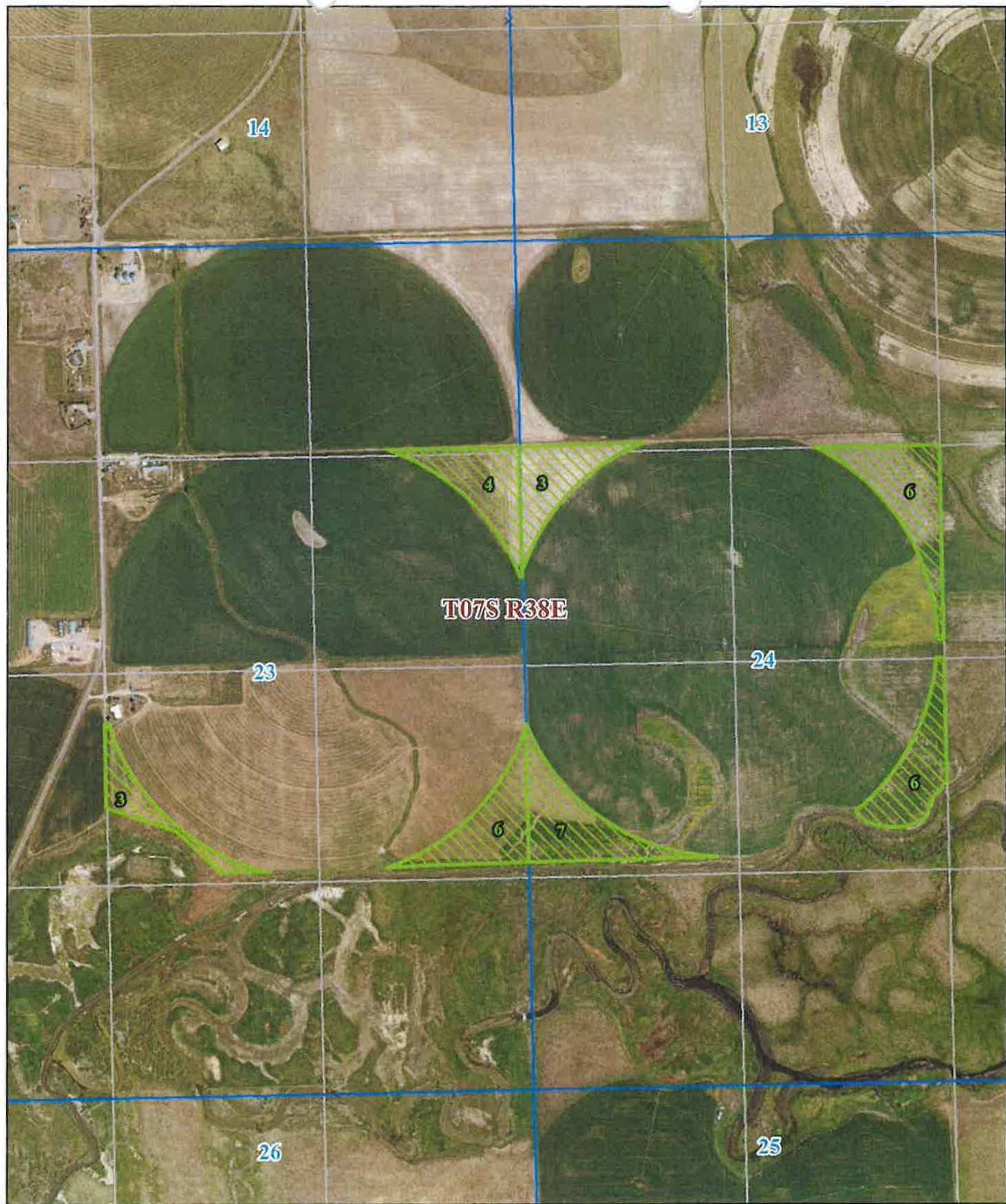
- K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 152 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 297 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2524, 29-127, 29-128 AND 29-13408.
- E54 USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 967 AF. COMBINED RIGHT NOS.: 29-2524 AND 29-13408.
- C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- F05 RIGHT NOS. 29-2430A AND 29-13408 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
- E52 USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.84 CFS. COMBINED RIGHT NOS.: 29-2524 AND 29-13408.
- C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- K01 RIGHT NO. 29-13408 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates

Licensed Date :
Decreed Date : 3/22/2004
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 129
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Combined Acre Limit : 297.00
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False



0 500 1,000 Feet

Smith Farm Water Right Analysis

NAIP 2023 AERIAL

Legend

 29-2524 and 29-13408

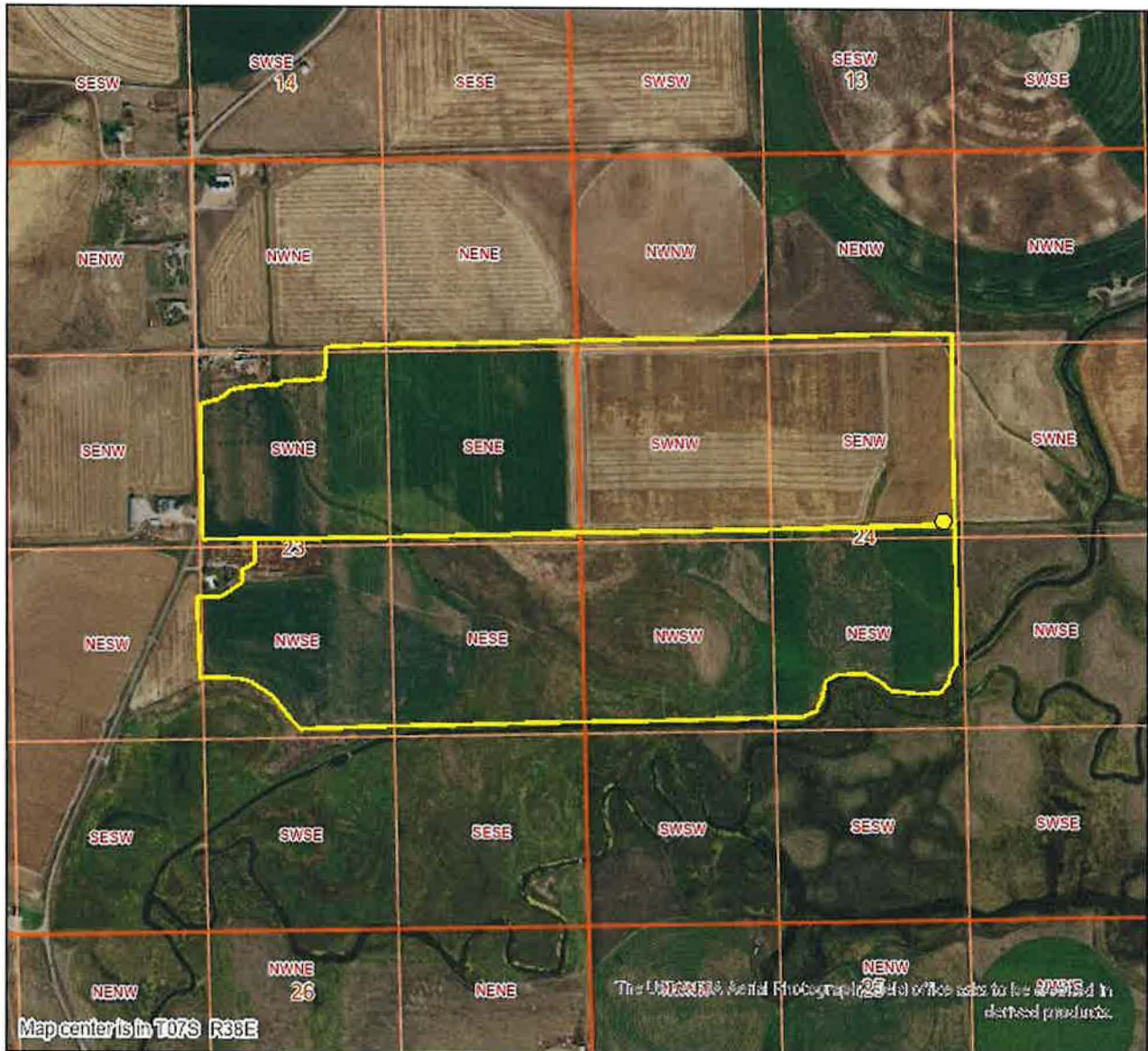
State of Idaho
Department of Water Resources

Water Right

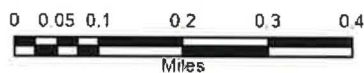
29-2524

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 2/18/2025



Legend

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





IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 22, 2025

TERRELL F SMITH
2620 KELLY TOPONCE RD
BANCROFT ID 83217-5041

**RE: WATER SUPPLY BANK LEASE CONTRACTS 2035, 2040 & 2041
FOR WATER RIGHTS 29-2524, 29-13408, 29-2430A, & 29-2431A**

Dear Lessor:

Water rights **29-2524, 29-13408, 29-2430A, & 29-2431A** are/is leased into the Water Supply Bank (Bank) as of January **2025** 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, 2029**, 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,

Jean Hersley
Technical Records Specialist II

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region Office
Brockway Engineering PLLC
Water District No. 129

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, October 22, 2025 7:04 AM
To: Greg Sullivan
Cc: Cefalo, James; Jordan, Blake
Subject: Executed WSB Lease Contracts for Terrell Smith
Attachments: Terrell Smith Executed Lease Contracts.pdf

I have attached the executed WSB Lease Contracts for Terrell Smith. Please let me know if you have any questions. Thank you.

 *Jean Hersley*
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 7, 2025

TERRELL F SMITH
2620 KELLY TOPONCE RD
BANCROFT ID 83217-5041

**RE: APPLICATION TO LEASE WATER RIGHTS 29-2430A BANK CONTRACT 2040, 29-2431A
BANK CONTRACT 2041, 29-2524 & 29-13408 BANK CONTRACT 2035 TO THE WATER
SUPPLY**

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water rights to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2029** unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt C120230

Hersley, Jean

From: Hersley, Jean
Sent: Monday, October 6, 2025 1:46 PM
To: watermaster129@gmail.com
Cc: Cefalo, James
Subject: WSB Lease Contracts in the name of Terrell Smith
Attachments: Lease Contract, 2041 - 29-2431A.docx; Lease Contract - 2040, 29-2430A.docx; Lease Contract -2035 V2.docx; Lease Application Review 29-2524, 29-13408.xls; Lease Application Review 29-2431A.xls; Lease Application Review 29-2430A.xls

Please let me know within 7 days if you have any comments or concerns with the attached lease contracts.



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

Hersley, Jean

From: Hersley, Jean
Sent: Monday, October 6, 2025 1:44 PM
To: Greg Sullivan
Subject: lease contracts for Terrell Smith
Attachments: Lease Cover Letter-Proposed Contract-14 Days.doc; Lease Contract -2035 V2.docx; Lease Contract - 2040, 29-2430A.docx; Lease Contract, 2041 - 29-2431A.docx

These contracts will go out in tomorrow's mail. Let me know if you have any questions. Thank you.

 *Jean Hersley*
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Terrell Smith

Memo Date: July 24, 2025

Water Right Number(s): 29-2524 & 29-13408

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

Reviewers Name:

	Check box		COMMENTS/CONCERNS:
Fill out WSB Data Entry Checklist for Leases (Front of File)	x		
Reason for lease of water rights (Brief description of lease proposal in narrative)			
Portion of right	x		
All of right			
Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
	Yes	No	
Rentable? (If no explain in comments or narrative)	x		
Authority to file			
Current owner or designated applicant	x		
SOS Web site checked for business entity			
Other (explain in comments)			
Water Right validity			
Decreed/Licensed/Statutory claim date (write in comments section)			Decreed 2004
Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
Has this right previously been leased to the bank or in CREP?		x	
Injury to other water rights			
If the POD is through a delivery entity, was consent provided?		na	
If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
Any other concerns			
Enlargement concerns	Check box		
Complete a POU comparison overlap analysis	x		
Complete a combined limits review	x		
Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
	Yes	No	
Are there overlapping rights that need to be placed in the bank also?		x	
Will the place of use continue to receive water? (if yes explain in comments)		x	
Local Public Interest			
Does the processor know of any problems this action will cause for the local public?		x	
Have you contacted regional office and watermaster for comment/concerns?	x		
Send the watermaster comment request form or e-mail request	x		
Area Headgate requirement (write in Comments)			3.5
Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		x	

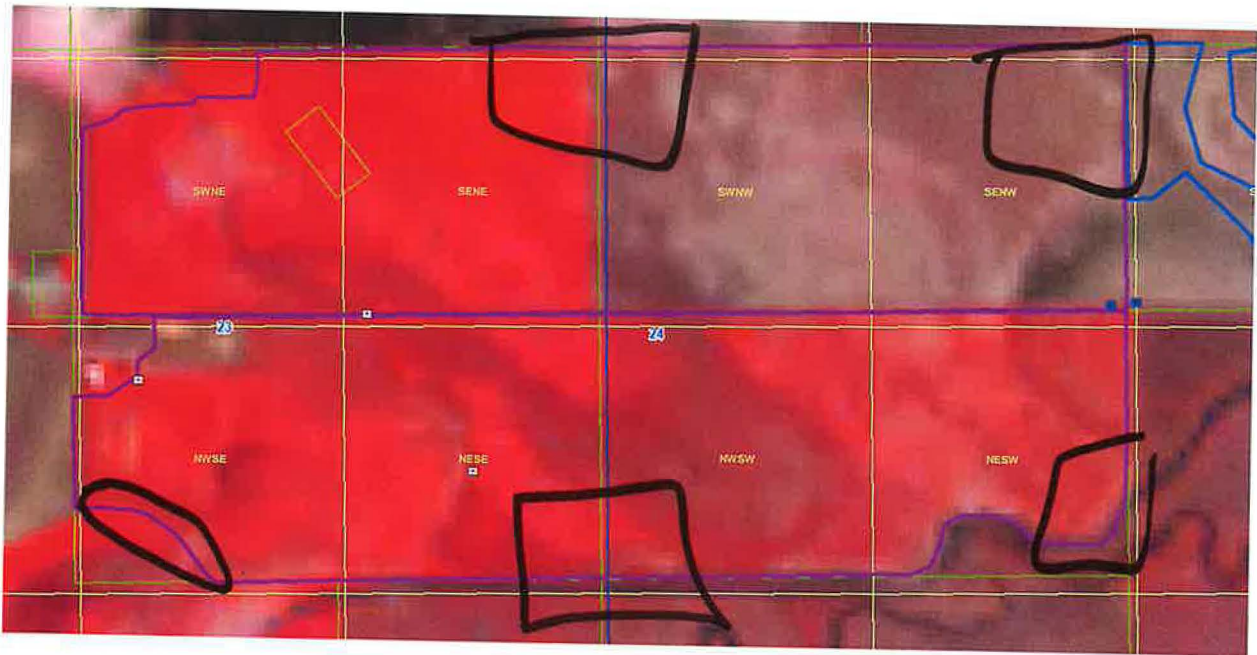
Narrative: The Department received these applications on February 26, 2025. The applications were signed by Terrell Smith, current owner. The applicant wishes to place 35 acres of both rights in the Bank. These are the pivot corners. Water rights 29-127, 29-127, 29-2524 & 29-13408 are limited to the irrigation of a combined total of 297 acres. Water rights 29-2524 & 29-13408 are limited to a combined total of 2.84 cfs, 967 af & 297 acres. See spreadsheet regarding combined limits. 29-13408 is an enlargement right of 29-2524. Applicant states that all acres were irrigated in 2019. Not all the acres were irrigated from 2020-2024 which is why these leases were submitted. Because of the overlap with the surface water rights that are not offered to the Bank, these rights are not rentable. These are groundwater rights currently within WD 129.

TRS	Process	BasinSequence	NENE	NWNE	SWNE	SENE	Bank	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	Bank	NWSE	Bank	SWSE	SESE	TotalAcres
07S38E23	Water Right	29-127															16					16
07S38E23	Water Right	29-128															16					16
07S38E23	Water Right	29-13408			32		40	4									40	6	32	3		144
07S38E23	Water Right	29-2545									36	35	12		11	10						104

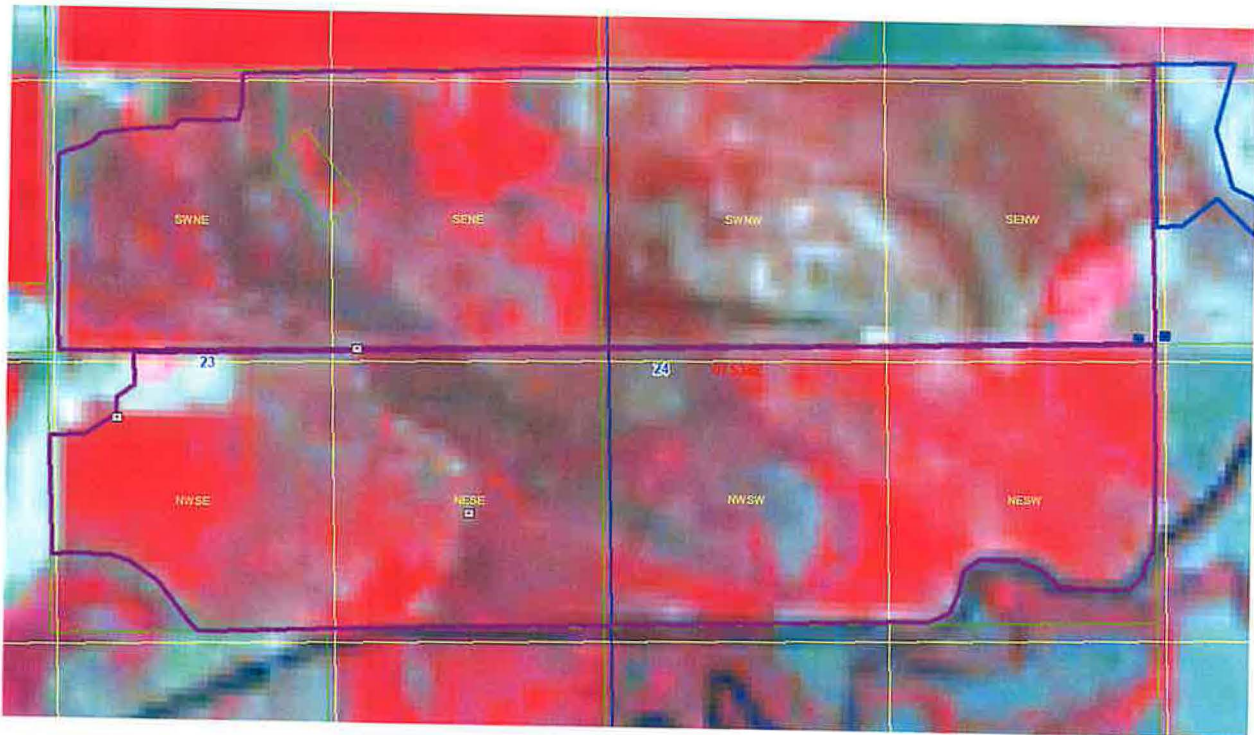
TRS	Process	BasinSequence	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	Bank	SENW	Bank	NESW	Bank	NWSW	Bank	SWSW	SESW	NESE	NWSE	SWSE	SESE	TotalAcres
07S38E24	Water Right	29-127											2.7		30								32.7
07S38E24	Water Right	29-128											2.7		30								32.7
07S38E24	Water Right	29-13408							40	3	40	6	34	6	39	7							153
07S38E24	Water Right	29-2524							40	3	40	6	34	6	39	7							153
												31.3										9	

BasinNumt	SequenceNur	SplitSuffix	DiversionRate	TotalAcres	AcreLimit	DiversionVolume
29	127			0.4	48.7	30
29	128			0.4	48.7	20
29	2524			2.84	297	152
29	13408	enlargement right		2.84	297	145
				total		347
				limit		297
29	2524			2.84	297	152
29	13408			2.84	297	145
				total		967
				limit		967
29	127			0.4	48.7	30
29	128			0.4	48.7	20
				total		50
				limit		48.7

29-2524 & 29-13408



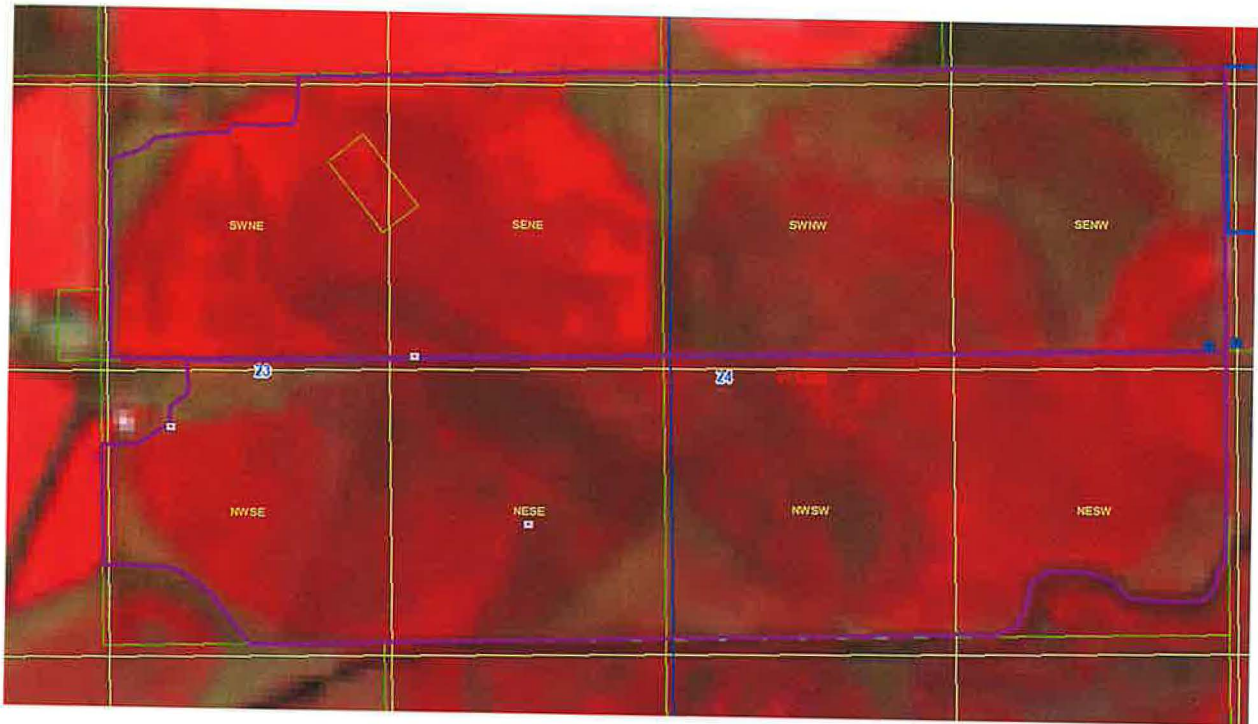
May 2, 2020



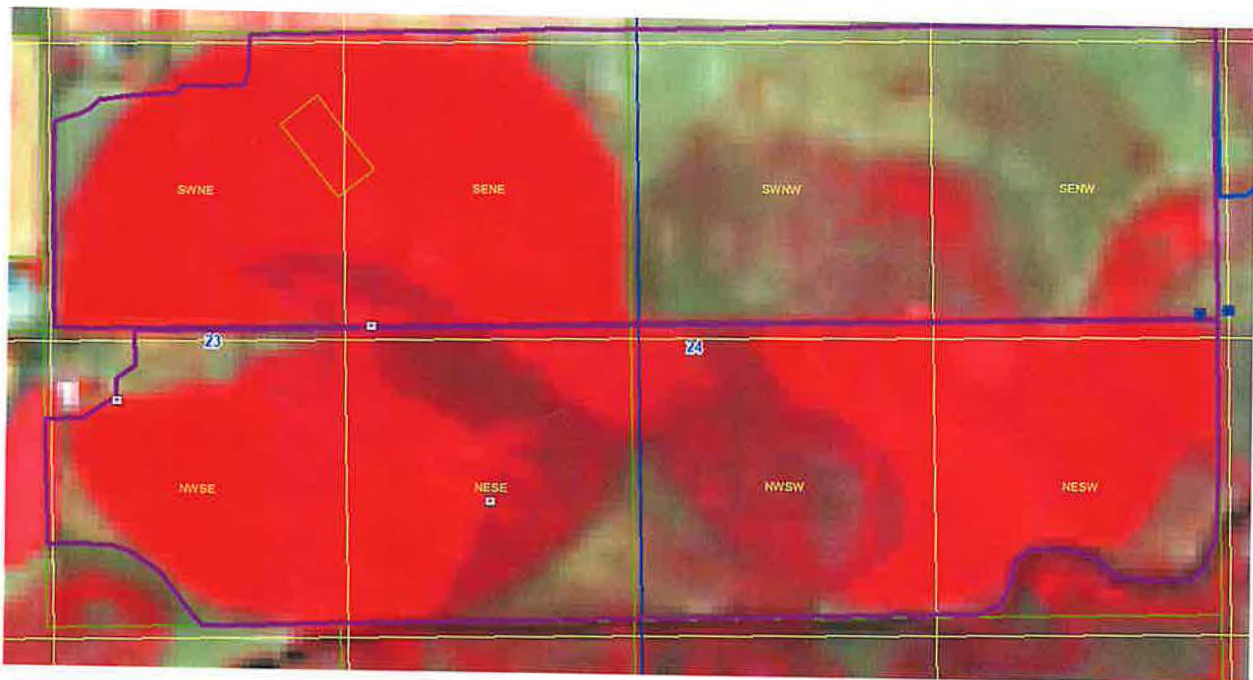
July 1, 2020

No SWNW, SENW

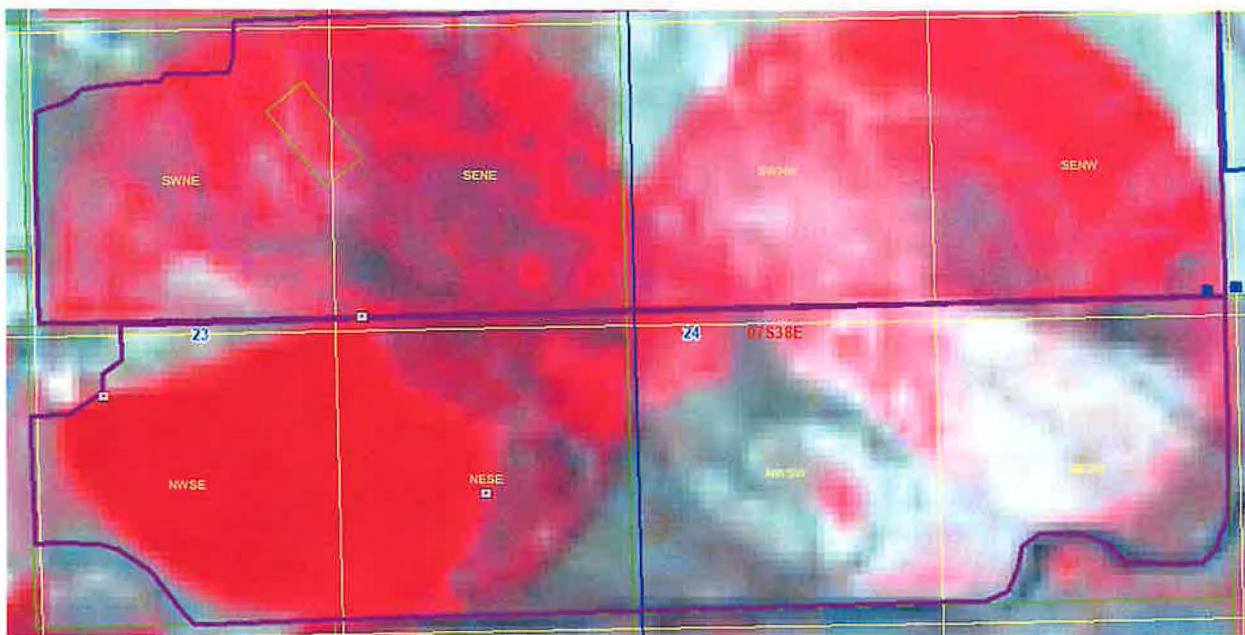
NESE 37
NWSE 38



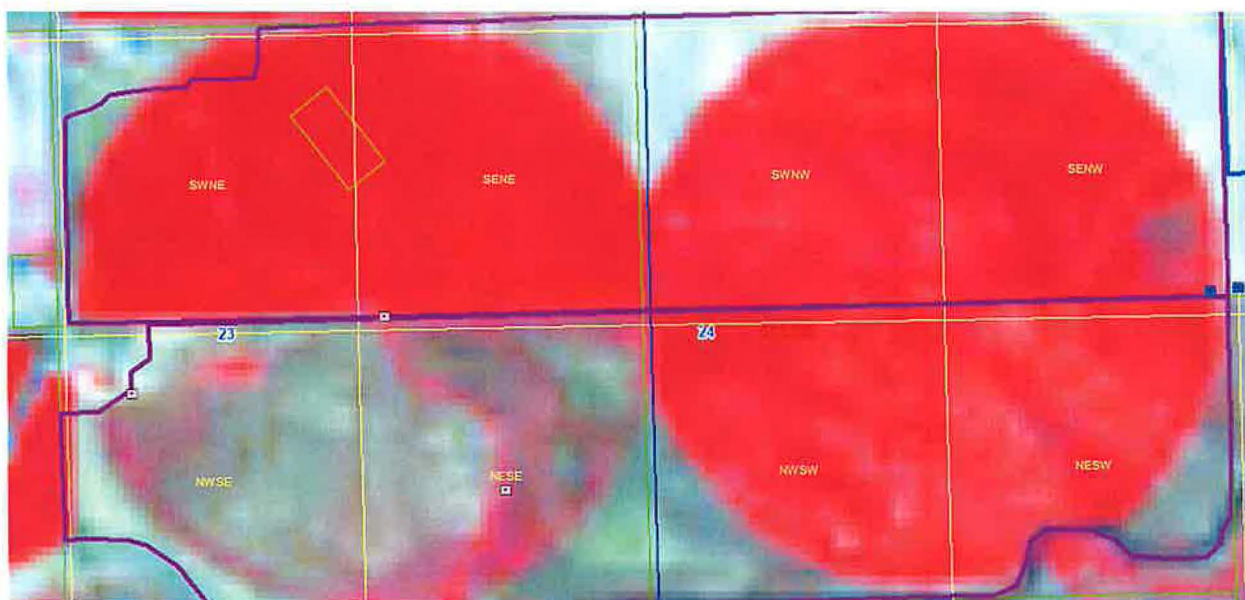
July 31, 2020



August 13, 2020

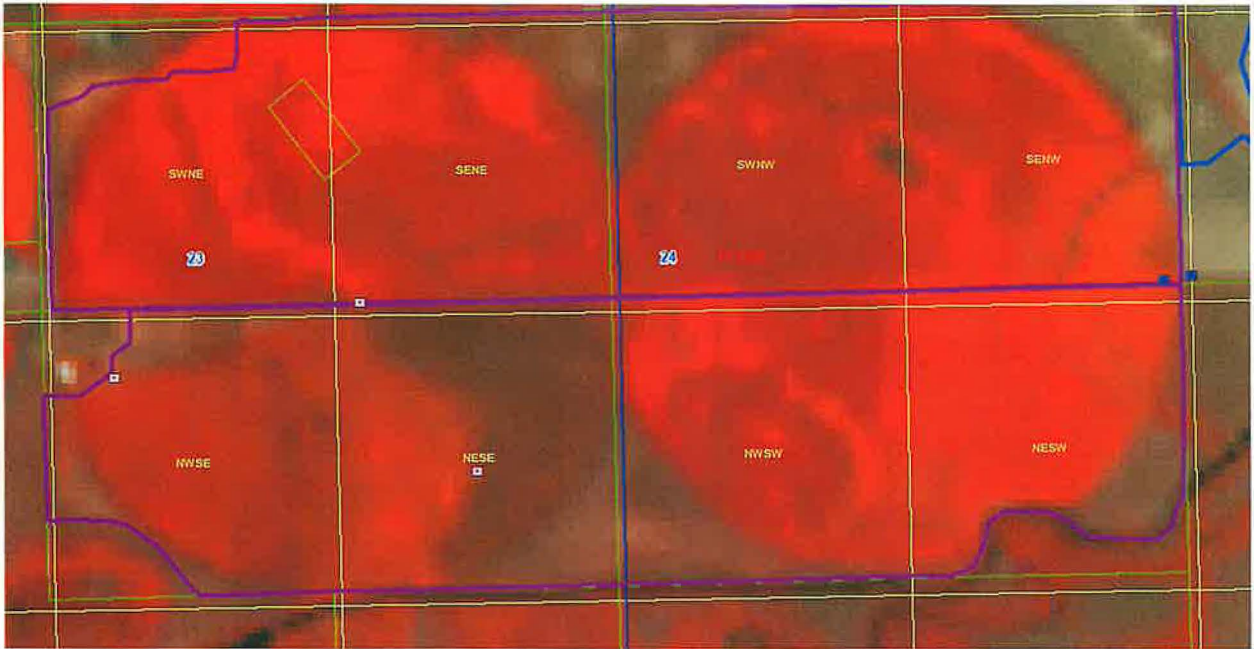


June 9, 2021

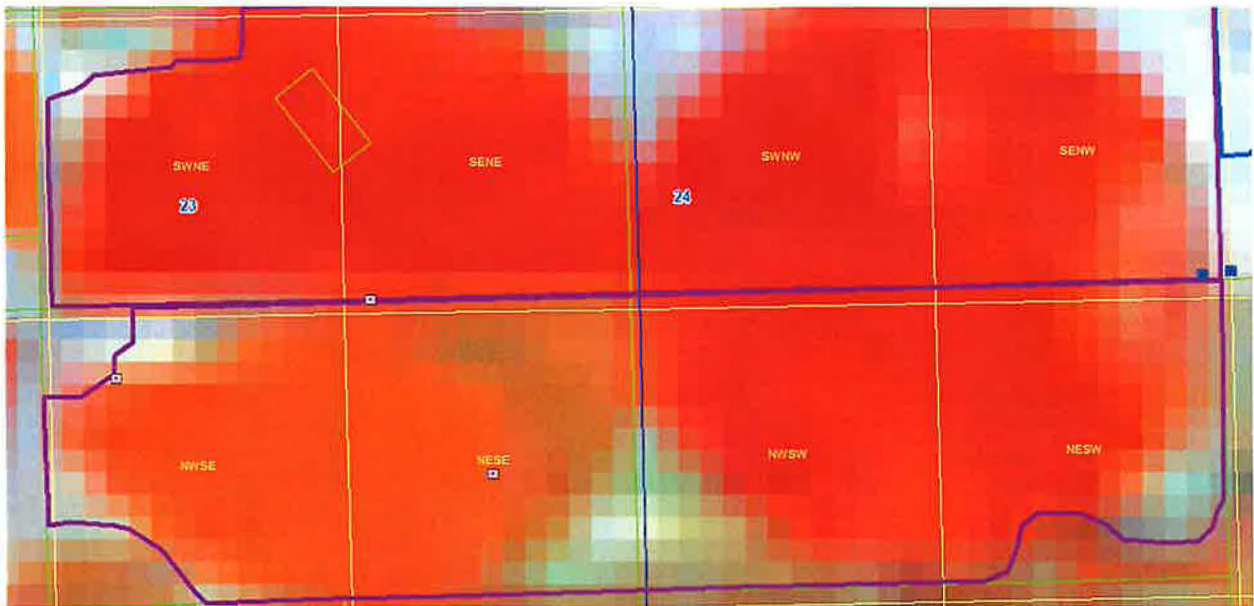


July 9, 2021

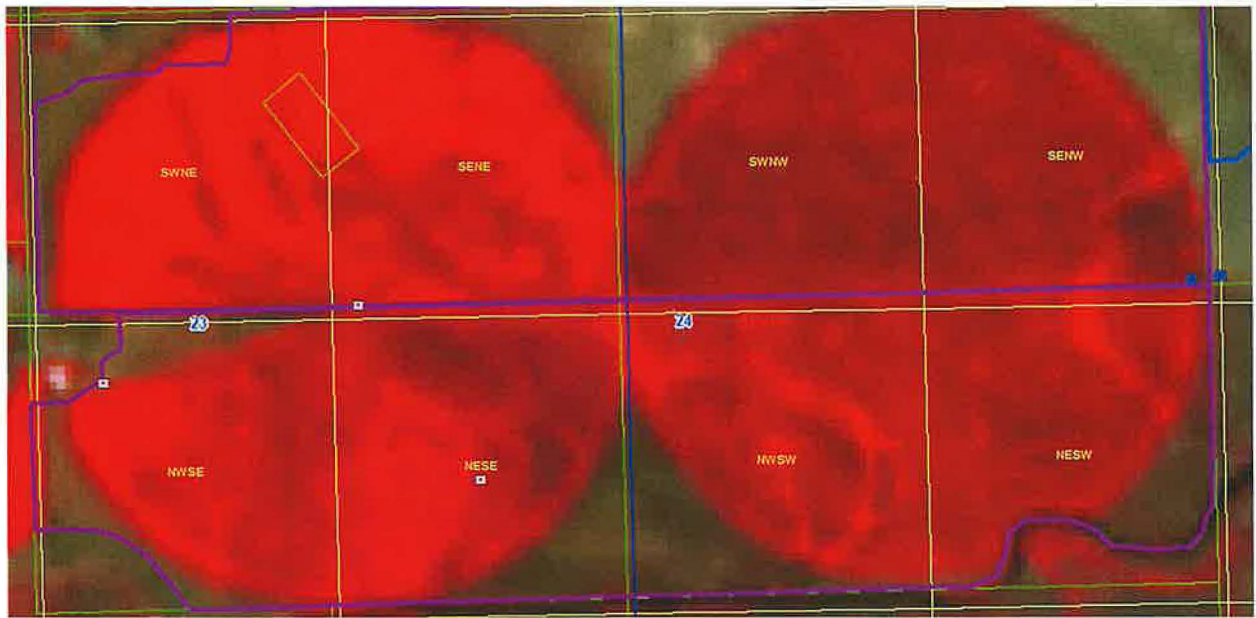
SWNW 36
 SENW 34
 NESW 29
 NWSW 32
 NESE 31
 NWSE 26



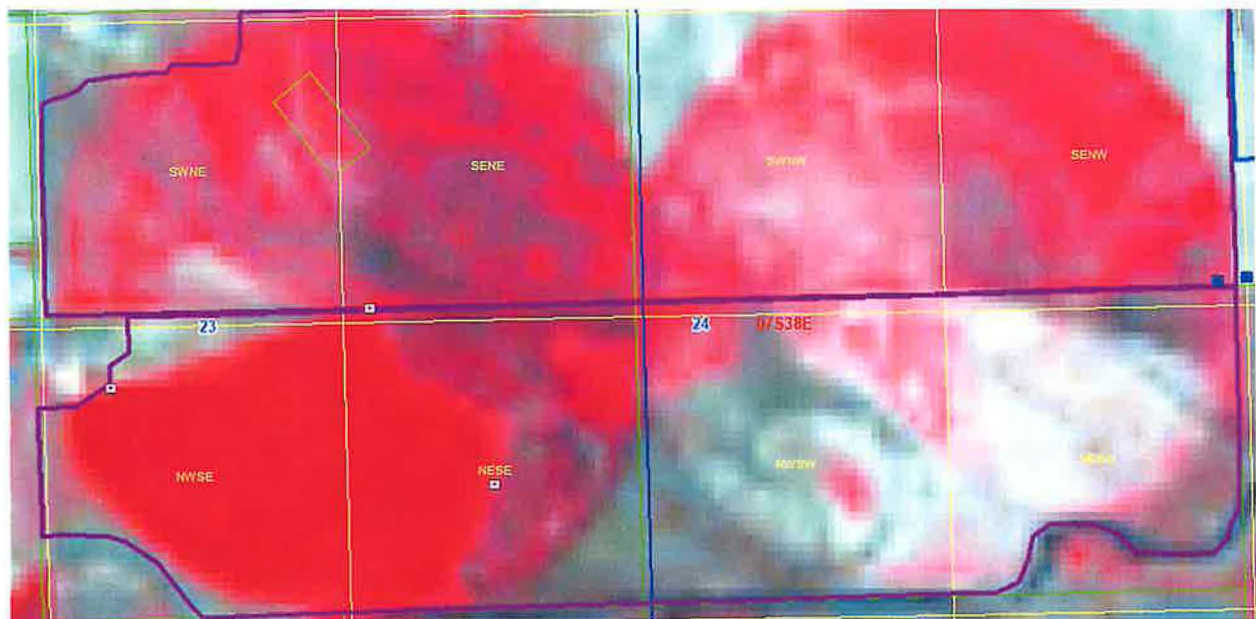
July 23, 2024



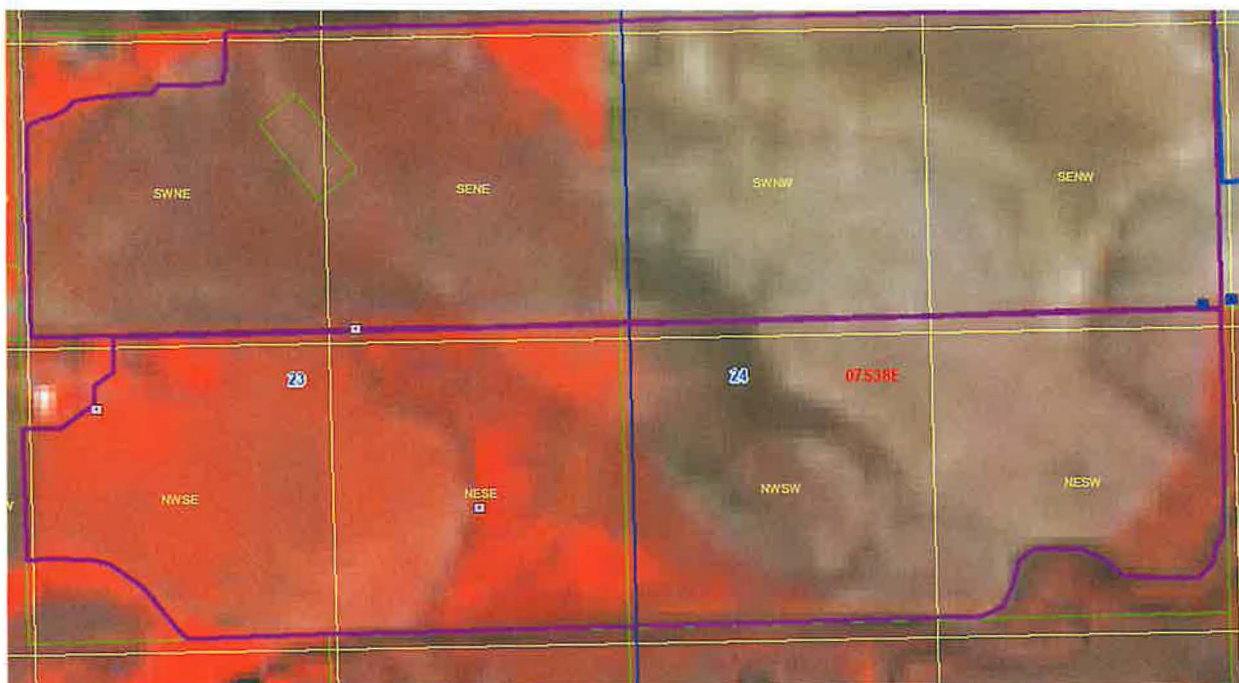
August 2, 2024



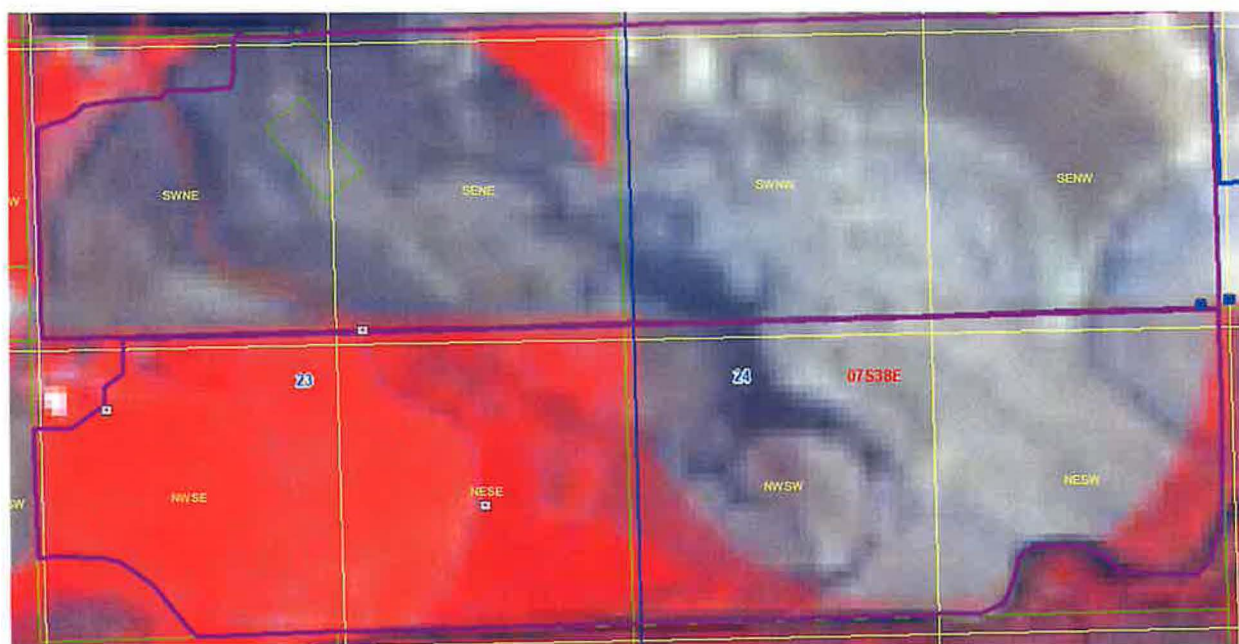
July 19, 2021



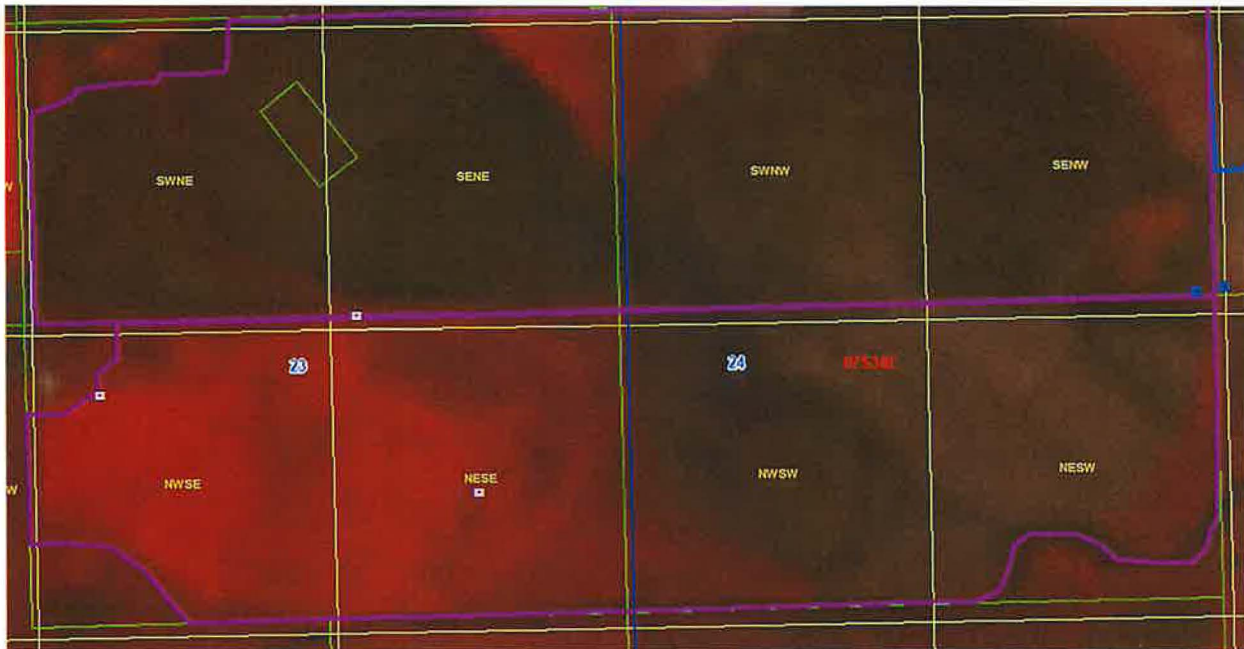
June 9, 2022



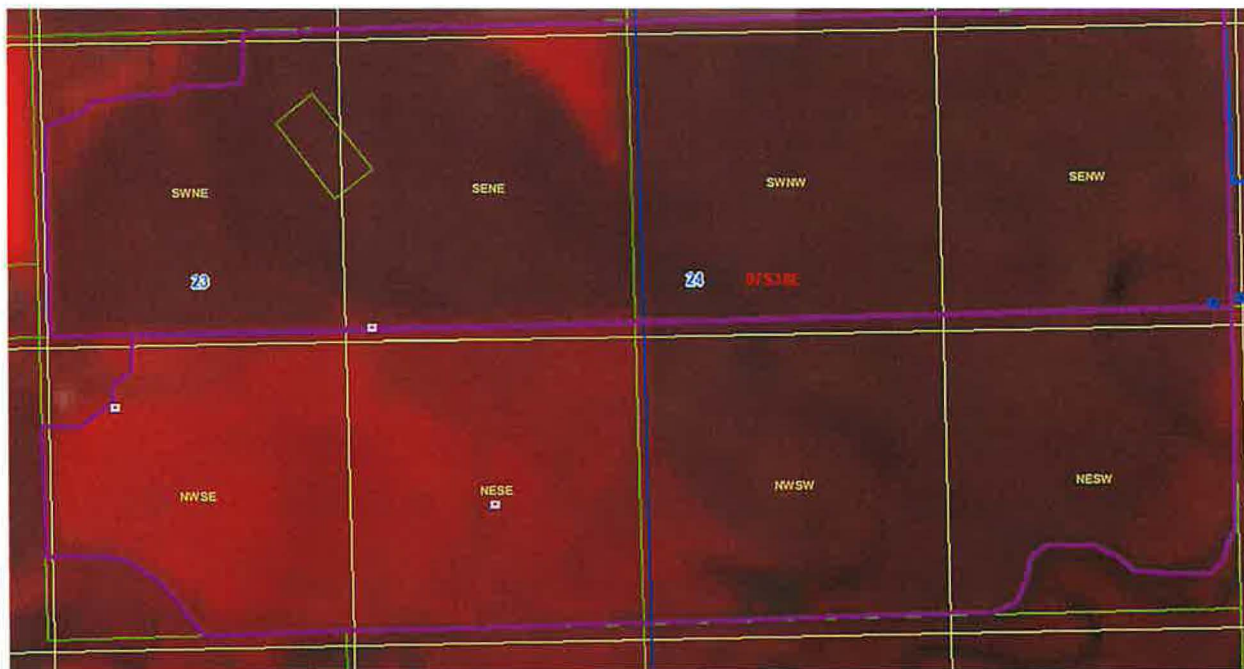
May 12, 2022



May 25, 2022

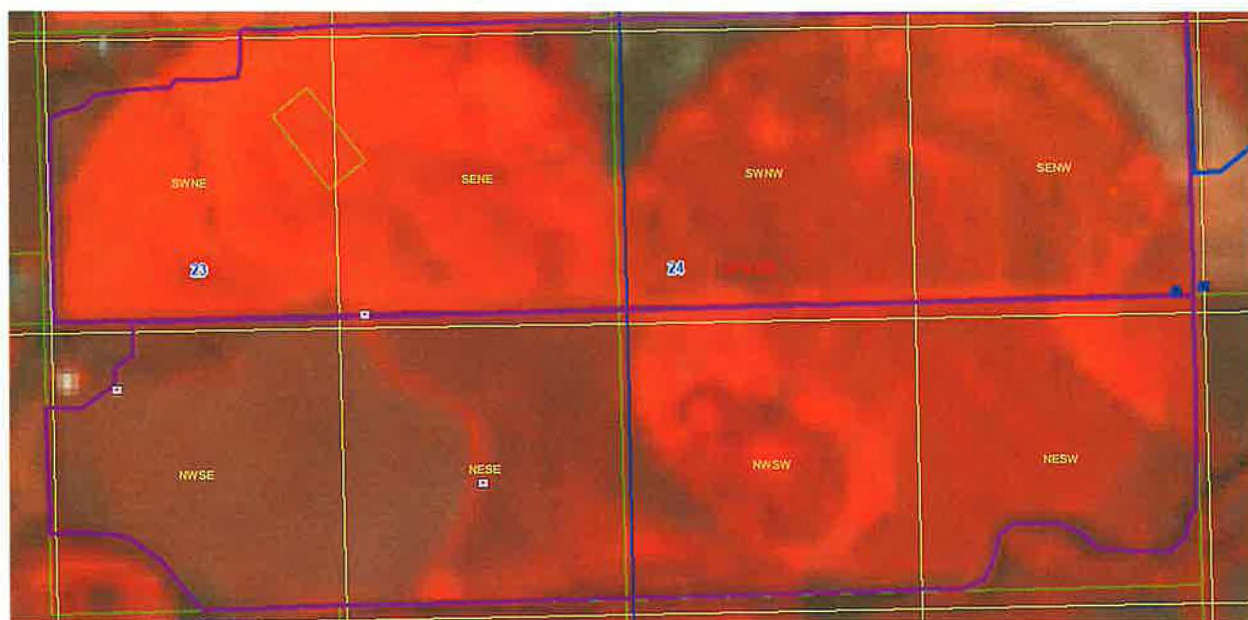


June 11, 2022

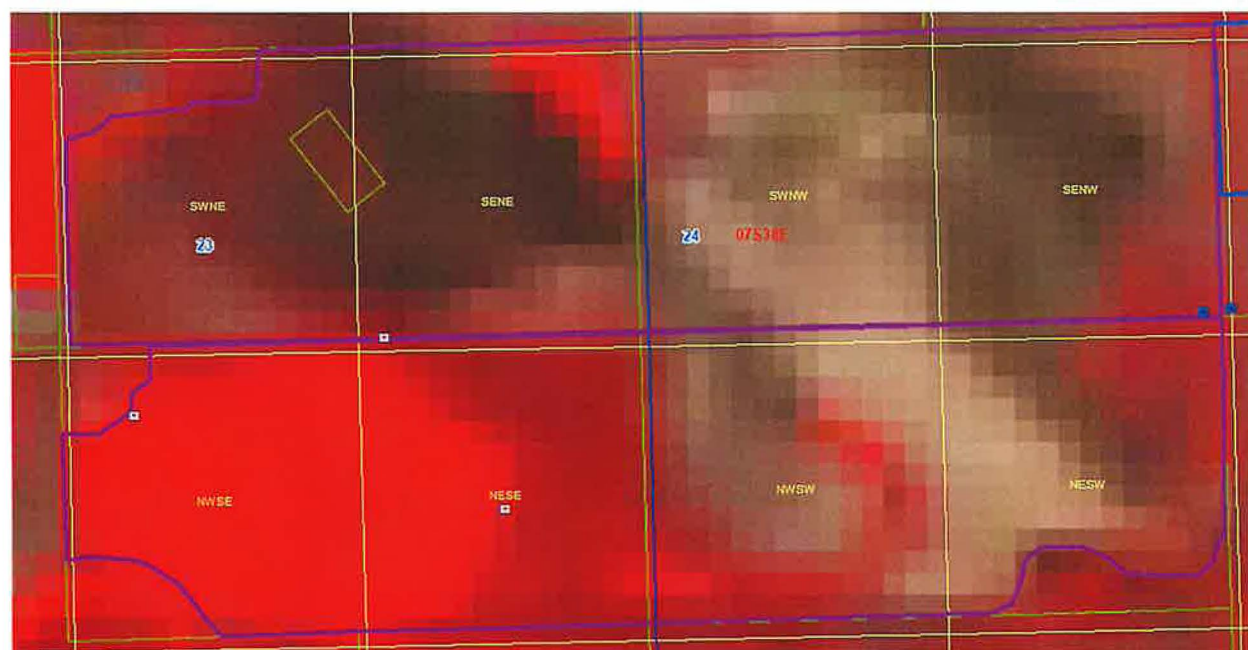


May 30, 2023

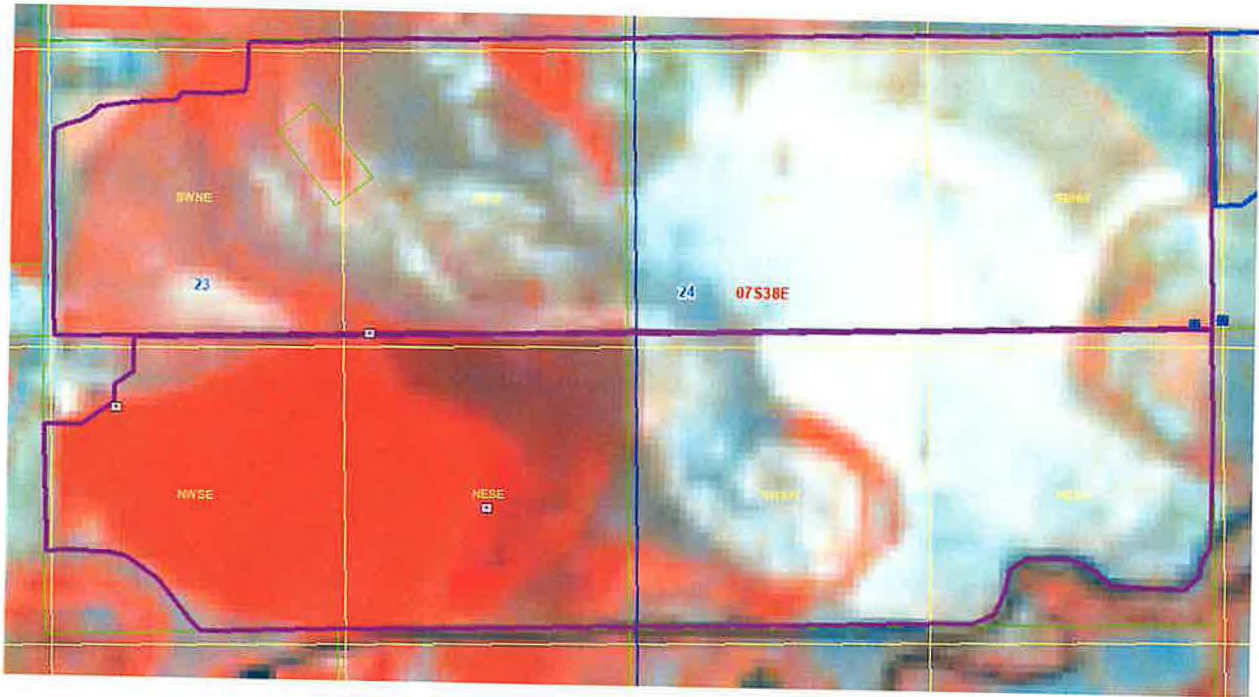
SWNE 33
SENE 33
NESW 34
NWSW 34
SWNW 34
SENW 31



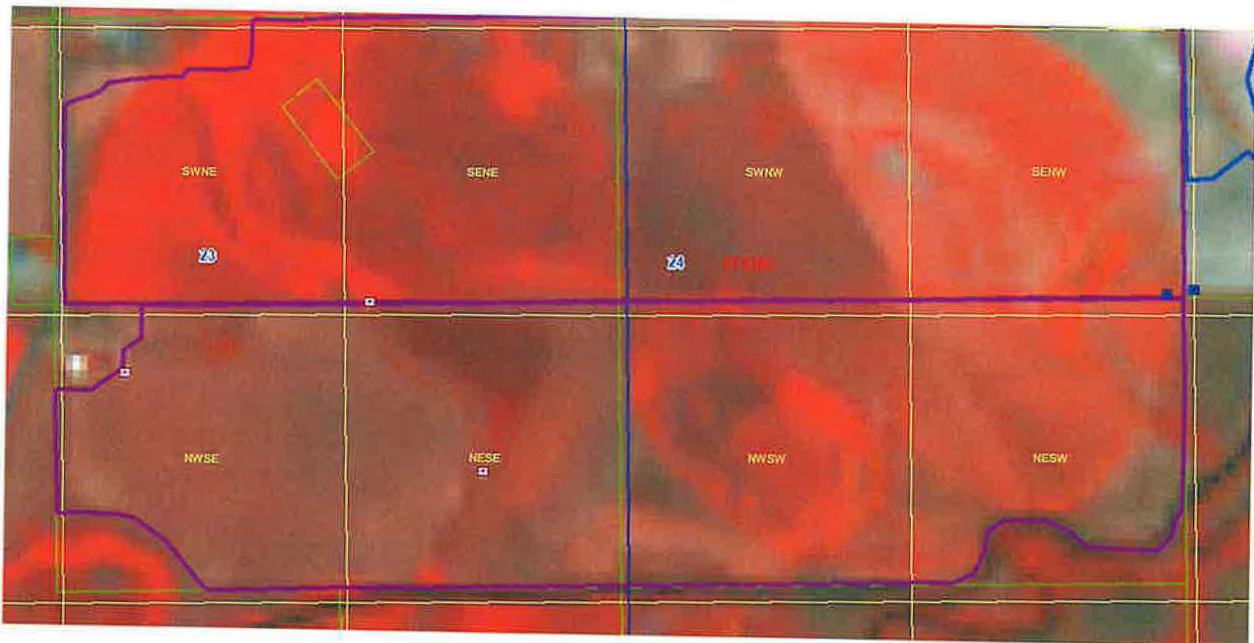
August 18, 2023



June 15, 2024



June 23, 2024



July 3, 2024

Hersley, Jean

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, July 21, 2025 11:23 AM
To: Hersley, Jean; haysales1950@gmail.com
Cc: 'tiffany labrouche'
Subject: RE: Additional Information for WSB Lease of 29-2524 & 29-13408
Attachments: Smith Farm 2019 Aerial.pdf

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.

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Monday, July 21, 2025 11:09 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>; haysales1950@gmail.com
Cc: 'tiffany labrouche' <tlabrouche@msn.com>
Subject: RE: Additional Information for WSB Lease of 29-2524 & 29-13408

No map was attached.



*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, July 21, 2025 11:06 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>; haysales1950@gmail.com
Cc: 'tiffany labrouche' <tlabrouche@msn.com>
Subject: RE: Additional Information for WSB Lease of 29-2524 & 29-13408

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.

Jean,

See the attached map.

I talked with the renters of this farm this morning on the phone. They indicated to me that the corner area located in the SENE Section 24 of T07S R38E was in fact irrigated in 2019. A grain crop was harvested on this field in 2019. I have

attached a 2019 aerial map with the updated 6 acres to be lease matching the property boundaries of the farm. The QQ lines in this part of the state do not match up very well with the on the ground property boundaries.

Let me know if this additional information is sufficient to process the 35 acre lease application.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Thursday, July 17, 2025 1:40 PM
To: haysales1950@gmail.com; Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: Additional Information for WSB Lease of 29-2524 & 29-13408

Please see the attached request. Let me know if you have any questions. Thank you.



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942



Hersley, Jean

From: Hersley, Jean
Sent: Thursday, July 17, 2025 1:40 PM
To: 'haysales1950@gmail.com'; Greg Sullivan
Subject: Additional Information for WSB Lease of 29-2524 & 29-13408
Attachments: L1.9.1 Lease App Rcvd Acknowledgement Letter - Need Additional Info to Process 2.docx

Please see the attached request. Let me know if you have any questions. Thank you.



*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



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

July 18, 2025

TERRELL F SMITH
2620 KELLY TOPONCE RD
BANCROFT ID 83217-5041

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO
LEASE WATER RIGHT NO(S) 29-2524 & 29-13408 THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application to lease the above referenced water right to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the right is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application has been completed, and it has been determined that additional information is required to continue processing.

Please provide the following information or request withdrawal of your application within 30 days of the date of this letter or the application will be returned unprocessed, and your application fee will be refunded:

- **You requested a total of 35 acres to be leased under water rights 29-2524 & 29-13804. 6 acres in T07S, R38E Section 24, SENW. There is a total of 40 acres that can be irrigated in T07S, R38E Section 24, SENW. Review of the aerial imagery suggests that a maximum of 34 acres has been irrigated in the T07S, R38E Section 24, SENW in the last 5 years. Unless you can provide additional information that these 6 acres have been irrigated, the Department cannot lease these 6 acres to the Bank.**

The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at www.idwr.idaho.gov. If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Water Supply Bank

c: Brockway Engineering PLLC



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 26 2025

DEPT. OF WATER RESOURCES

February 24, 2025

Mary Condon
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: 29-2524 and 29-13408

Dear Ms. Condon,

Terrell Smith desires to lease 35.0 acres of water right 29-2524 and 29-13408 into the Idaho Water Supply Bank for a period of 5 years. The fields have historically been irrigated with wheel lines or solid set irrigation systems. New pivot irrigation system have been installed and the corner areas need to be protected until a permanent location for these acres can be identified and transferred.

The lease application fee for these two water rights is \$500.00.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: Jean Labrouche
Enc: Lease Application, Aerial Maps, Annual Report, W-9 Form, Brockway Engineering
check# 18428 for \$1,000.00

3205