

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1805

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

LESSOR: BENSON RANCH TRUST
1590 CALICO CIR
POCATELLO, ID 83201-7121

RECEIVED

JAN 29 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 24, 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)
41-7029B	10/3/1978	FALL CREEK, tributary to SNAKE RIVER	22.300	16,145.00	0.00
Lease Totals			22.300	16,145.00	0.00

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, 2028. 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.

WATER SUPPLY BANK LEASE CONTRACT No. 1805

- 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. 1805

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

LESSOR: BENSON RANCH TRUST
1590 CALICO CIR
POCATELLO, ID 83201-7121

By Benson Ranch Trust - Teresa Benson
Title Owner
Date 1/26/24

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

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

Date 1/31/24

Lease approved by IDWR PP

Date 1/31/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1805

**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): 41-7029B

FALL CREEK NWSE Sec. 28 Twp 09S Rge 29E POWER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
41-7029B	FISH PROPAGATION	1/01	to	12/31	22.300 cfs	16,145.00 AF
Totals:					22.300 cfs	16,145.00 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	29E	28														X			0.0

Total Acres: 0.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1805

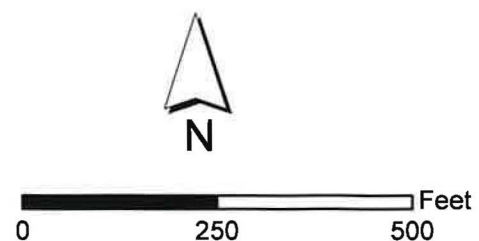
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into 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. Facility volume of Domsea site 115,720 CF.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1805
41-7029B
Effective until December 31, 2028

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



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Township/Range
-  Sections
-  QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

Nov 16, 2023

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Benson Ranch Trust Terri I. Benson
(Select one owner – see item 1A on the application)

Water Right No. 41-7029 B
(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 <i>all owners</i> 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 | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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>ICM</u>	Date Received: <u>11.24.23</u>	Receipt # <u>C117400</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Terresa I Benson</u>	

2839

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 Benson Ranch Trust Terri I. Benson (1590 Calico Circle, Pocatello, Idaho 83201)

Mailing Address 4025 Georges Road American Falls Idaho 83211
Street City State Zip Code

Email Address bensonranchid@gmail.com Phone Number 208-548-2330

☒ 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 _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ 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.
Water is diverted from the dam into the fish hatchery and fish ponds then returned to Fall Creek
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. 22,300 cfs
- 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. Water has been in the Water Supply Bank
- 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 ☒.

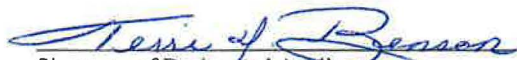
If lease, specify the years when the use of water will be suspended: $\frac{2024}{\text{(Year)}}$ to $\frac{2029}{\text{(Year)}}$ (maximum lease period 5 calendar years).

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.

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

Terri I. Benson
Printed Name

11/14/2023
Date

Signature of Authorized Representative

Printed Name

Date

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

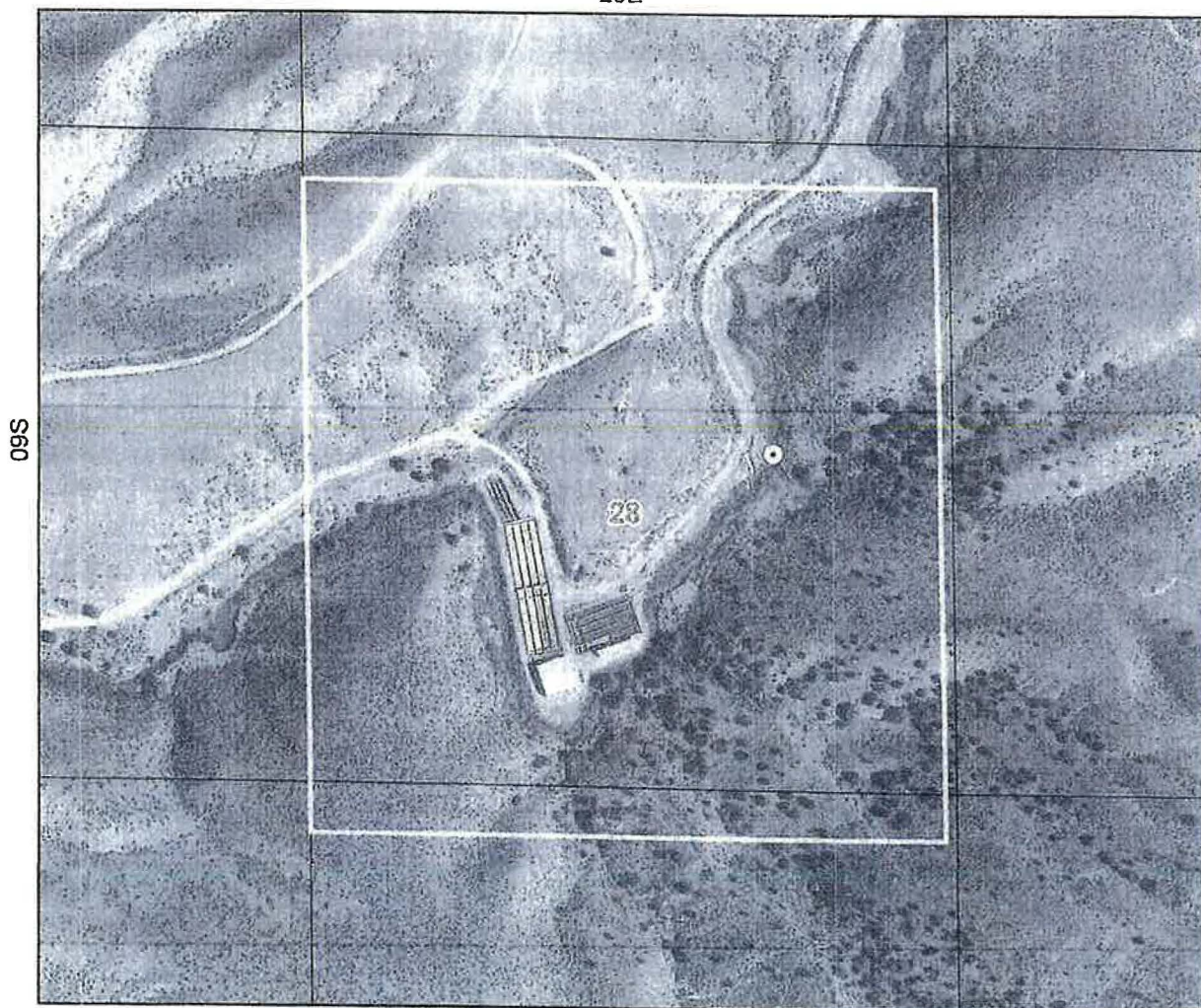
State of Idaho
Department of Water Resources

Water Right
41-7029B

FISH PROPAGATION

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.

29E



- ⊙ Point of Diversion
- Place Of Use Boundary



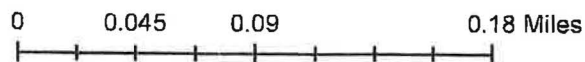
Townships



PLS Sections



Quarter Quarters



Idaho Water Resource Board
Water Supply Bank Lease Contract No. 945

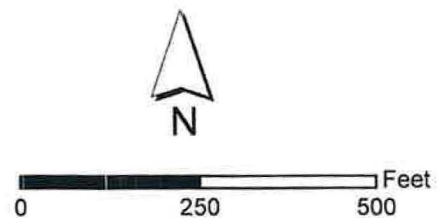
41-7029B

Effective until December 31, 2023

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 Point of Diversion
-  Approved Lease Place of Use
-  Township/Range
-  Sections
-  QQ



Certification of Trust for the Benson Ranch Trust dated April 2, 2021

Pursuant to Idaho Code Ann. § 68-114, this Certification of Trust is signed by all the currently acting Trustees of the Benson Ranch Trust dated April 2, 2021, who declare:

1. The Grantors are D. Steve Benson, also known as Donald Steven Benson, and Terri I. Benson, also known as Teresa Ilene Benson. The trust is revocable by the Grantors, acting jointly and not separately.
2. The Trustees of the trust are D. Steve Benson (whose address is 4025 Georges Rd., American Falls, Idaho 83211) and Terri I. Benson (whose address is 4025 Georges Rd., American Falls, Idaho 83211). The signature of one Trustee is sufficient to exercise the powers of the Trustee.
3. The Successor Trustees of the trust are:

Upon Incapacity or Death:

The non-incapacitated or surviving spouse will serve as sole Trustee. If he or she is unable to serve or to continue to serve for any reason, then the following will serve as successor Trustee, in the order named:

Brian Roy Benson
Bradley Steven Benson

4. The tax identification number of the trust is the Social Security number of D. Steve Benson.
5. Title to assets held in the trust will be titled as:

D. Steve Benson and Terri I. Benson, Trustees of the Benson Ranch Trust dated April 2, 2021, and any amendments thereto.
6. An alternative description will be effective to title assets in the name of the trust or to designate the trust as a beneficiary if the description includes the name of at least one initial or successor Trustee, any reference indicating that property is being held in a fiduciary capacity, and the date of the trust.
7. Excerpts from the trust document that establish the trust, designate the Trustee, and set forth the powers of the Trustee will be provided upon request. The powers of the Trustees include the power to acquire, sell, assign, convey, pledge, encumber, lease, borrow, manage, and deal with real and personal property interests.
8. The terms of the trust provide that a third party may rely upon this Certification of Trust as evidence of the existence of the trust and is specifically relieved of any obligation to inquire

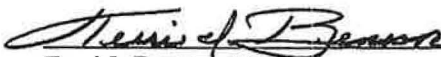
into the terms of this trust or the authority of my Trustee, or to see to the application that my Trustee makes of funds or other property received by my Trustee.

9. The trust has not been revoked, modified, or amended in any way that would cause the representations in this Certification of Trust to be incorrect.

April 2, 2021


D. Steve Benson, Trustee

April 2, 2021


Terri I. Benson, Trustee

STATE OF IDAHO

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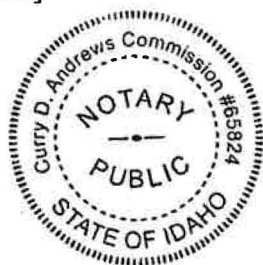
) ss.

COUNTY OF POWER

)

On this day, April 2, 2021, before me Curry D. Andrews, a notary public, personally appeared D. Steve Benson and Terri I. Benson, as Trustees, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within Certification of Trust, and acknowledged that they executed the same.

[Seal]




Curry D. Andrews, Notary Public
202 Idaho St
American Falls, Idaho 83211-1236
My commission expires: June 23, 2021

Trustee Affidavit

D. Steve Benson and Terri I. Benson being first duly sworn upon oath, depose and say:

1. Affiants are the Trustees of the Revocable Living Trust named below and as such have the authority to execute this Trustee Affidavit.
2. This Trustee Affidavit relates to the Benson Ranch Trust, dated April 2, 2021.
3. The names of the currently serving Trustees of the above-described trust are:

D. Steve Benson

Terri I. Benson

4. Selected provisions of the trust, including the pages naming the initial Trustees, creating the trust, stating the relevant trustee powers, stating the revocability of the trust, designating successor Trustees, as well as a copy of the signature pages, may be attached to this Trustee Affidavit or are available upon request.
5. Under the terms of the trust, any person may rely upon this Trustee Affidavit as evidence of the existence of the trust and is relieved of any obligation to verify that any transaction entered into by a Trustee or successor Trustee is consistent with the terms and conditions of the trust.
6. The other provisions of the trust are of a personal nature and set forth the distribution of trust property. They do not modify the powers of the Trustee.
7. The trust has not been revoked.

Dated: April 2, 2021


D. Steve Benson, Trustee



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) SS.

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all

STATE OF IDAHO CERTIFICATION OF VITAL RECORD

STATE OF IDAHO IDAHO DEPARTMENT OF HEALTH AND WELFARE BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

DATE FILED BY STATE REGISTRAR:

State of Idaho CERTIFICATE OF DEATH

STATE FILE NO. 2022-05895

05/00/2022

Local Reg No.

RECORDING TYPE OR FORM IN PERMANENT BLOCKS DO NOT USE FELT TIP PEN FOR INSTRUCTIONS SEE HANDBOOK	1. DECEDENT'S LEGAL NAME (Include AKA's if any) (First, Middle, Last, Suffix) DONALD STEVEN BENSON 2. SEX MALE 3. SOCIAL SECURITY NUMBER [REDACTED] 4a. AGE Last Birthday 4b. UNDER 1 YEAR 4c. UNDER 1 DAY 5. DATE OF BIRTH (Mo/Day/Yr) 75 (Years) Months Days Hours Minutes 12/11/1946 6. BIRTHPLACE (City and State, Territory, or Foreign Country) POCATELLO, IDAHO 7a. CITY OR TOWN AMERICAN FALLS 7b. APT. NO. 7c. ZIP CODE 7d. INSIDE CITY LIMITS? 4025 GEORGES RD 83211 ☒ Yes ☐ No 8. SURVIVING SPOUSE'S NAME (If wife, give maiden name) TERRI SHUMAKER 9. BIRTHPLACE (State, Territory, or Foreign Country) CANADA 10. BIRTHPLACE (State, Territory, or Foreign Country) IDAHO 11. INFORMATION (Type as per form) TERRI BENSON 12. RELATIONSHIP TO DECEDENT WIFE 13. MAILING ADDRESS (Street and Number, City, State, Zip Code) 4025 GEORGES RD AMERICAN FALLS, ID 83211 14. METHOD OF DISPOSITION ☐ Burial ☒ Cremation ☐ Donation ☐ Entombment ☐ Other (Specify) 15. PLACE OF DISPOSITION (Name and address of cemetery) AFFORDABLE CREMATIONS 1422 N. HARRISON POCATELLO, IDAHO 83204 16. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY DAVIS-ROSE MORTUARY 170 IDAHO ST. P.O. BOX 413 AMERICAN FALLS, IDAHO 83211-0413 17a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH ELECTRONICALLY FILED: MATTHEW J. ROSE 17b. LICENSE NUMBER (Of licensee) M1026 18. WAS CORONER CONTACTED DUE TO CAUSE OF DEATH? ☐ Yes ☒ No
PARENTS 19. EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No 20a. FATHER'S NAME (First, Middle, Last, Suffix) DONALD SAMUEL BENSON 20b. MOTHER'S MAIDEN NAME (First, Middle, Last, Suffix) ALENE AFTON HEATON	21. IF DEATH OCCURRED IN A HOSPITAL 22. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: ☒ Inpatient ☐ ER/Outpatient ☐ JCA ☐ Hospice facility ☐ Nursing home/long term care facility ☐ Decedent's home ☐ Other (Specify) 23. FACILITY NAME (If not facility, give street and number) PORTNEUF MEDICAL CENTER 24. CITY, TOWN, OR LOCATION OF DEATH, AND ZIP CODE POCATELLO, ID 83201 25. COUNTY OF DEATH BANNOCK 26. DATE OF DEATH (Mo/Day/Yr) (Specify month) May 3, 2022 27. TIME OF DEATH (24hr) 16:44 28. DATE ANNOUNCED DEAD (Mo/Day/Yr) (Specify month) May 3, 2022 29. TIME ANNOUNCED DEAD (24hr) 16:44 30. CAUSE OF DEATH 31. IMMEDIATE CAUSE (If disease or condition, specify resulting in death) RESPIRATORY FAILURE 32. UNDERLYING CAUSE (If any, leading to the cause listed on line 31. Enter the LAST disease or injury that caused the event, resulting in death) LUNG/THROAT CANCER - UNSPECIFIED 33. DUE TO (or as a consequence of) DUE TO (or as a consequence of) 34. IF FEMALE (Aged 15-34): ☐ Not pregnant within past year ☐ Not pregnant, but pregnant 45 days to 1 year before death ☐ Pregnant at time of death ☐ Not pregnant, not pregnant within past year 35. DID TOBACCO USE CONTRIBUTE TO DEATH? ☐ Yes ☒ No ☐ Unknown 36. DATE OF INJURY (Mo/Day/Yr) (Specify month) May 3, 2022 37. TIME OF INJURY (24hr) 16:44 38. PLACE OF INJURY (If not at home, farm, street, construction site, nursing home, restaurant, house, etc.) POCATELLO, IDAHO 39. INJURY AT WORK? ☐ Yes ☒ No 40. LOCATION OF INJURY: State _____ City/Town or County _____ Zip Code _____ 41. DESCRIBE HOW INJURY OCCURRED, IF TRANSPORTATION INJURY; STATE THE TYPE(S) OF VEHICLE(S) INVOLVED (Automobile, pickup, motorcycle, ATV, bicycle, etc.) TRANSPORTATION INJURY ONLY ☐ Pedestrian ☐ Driver (Specify) ☐ Passenger ☐ Scooter ☐ Child safety seat ☐ Helmet ☐ Air bag ☐ None ☐ Unknown 42. CERTIFIER (Check only one. Based on official capacity for this certificate) ☒ PHYSICIAN ☐ PHYSICIAN ASSISTANT ☐ ADVANCED PRACTICE REGISTERED NURSE ☐ CORONER 43. SIGNATURE AND TITLE OF CERTIFIER ELECTRONICALLY SIGNED: KOLBY V. JOHNSON, M.D. 44. NAME, ADDRESS, AND ZIP CODE OF CERTIFIER (Type or print) KOLBY V. JOHNSON, 777 HOSPITAL WAY POCATELLO, ID 83201 45. REGISTRAR'S SIGNATURE JAMES B. AYDELOTTE 46. DATE SIGNED 5 / 6 / 2022

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: **MAY 11, 2022**

This copy is not valid unless prepared on ungrained border displaying state seal and signature of the Registrar.

Rev. 9/19/2020

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE





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 2, 2024

BENSON RANCH TRUST
1590 CALICO CIR
POCATELLO ID 83201-7121

**RE: WATER SUPPLY BANK LEASE CONTRACT 1805
FOR WATER RIGHT 41-7029B**

Dear Lessor:

Water right **41-7029B** is leased into the Water Supply Bank (Bank) as of January 2024 in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in the 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, 2028**, 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 Hershey

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Office



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

January 19, 2024

BENSON RANCH TRUST
1590 CALICO CIR
POCATELLO ID 83201-7121

**RE: APPLICATION TO LEASE WATER RIGHTS 41-7029B TO THE WATER SUPPLY BANK
CONTRACT 1805**

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

Dear Applicant:

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

The right will automatically be released from the Bank on **December 31, 2028**, 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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, January 19, 2024 7:30 AM
To: Skinner, Corey
Subject: WSB Lease for 41-7029B
Attachments: Lease Application Review Checklist July 2017.xls; Lease Contract - Template.docx

Please let me know if you have any comments or concerns. Thank you.



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

WATER SUPPLY BANK		Quick Tools	
Lease Review Checklist		Decreed	
		Year	No Forfeiture Concerns Thru:
Applicant(s) Name: Benson Ranch Trust		2011	2017
Memo Date: January 18, 2024		2012	2018
Water Right Number(s): 41-7029B		2013	2019
		2014	2020
		2015	2021
Reviewers Name: Jean			
		Check box	COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	x	
2	Reason for lease of water rights (Brief description of lease proposal in narrative)		
	Portion of right		
	All of right	x	
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)		
		Yes	No
4	Rentable? (If no explain in comments or narrative)	x	
5	Authority to file		
	Current owner or designated applicant	x	
	SOS Web site checked for business entity		
	Other (explain in comments)		
6	Water Right validity		
	Decreed/Licensed/Statutory claim date (write in comments section)		2000
	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	
7	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	x	
8	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	
9	Local Public Interest		
	Does the processor know of any problems this action will cause for the local public?	x	
10	Have you contacted regional office and watermaster for comment/concerns?	x	
	Send the watermaster comment request form or e-mail request		
11	Area Headgate requirement (write in Comments)		4
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		x
13	Narrative: The Department received this application on November 16, 2023. The applicant wishes to place the entire right in the Bank. This is a fish propagation right for a hatchery. The water right holder placed water right 41-7029A in the Bank in 2005. A site visit from a Department employee in 2012 came to the conclusion that right 41-7029B should have been placed in the Bank. The issue was corrected in 2013. This right hasn't been put to beneficial use since 2005 when it should have been placed in the Bank. This is currently no WD.		

RECEIVED

NOV 24 2023

DEPARTMENT OF
WATER RESOURCES

Nov. 18, 2023

IDWR,

Please note the filing^{fee} for my application
to lease Water Right #741-70297B into the
Water Supply Bank, submitted electronically
on Nov. 16th.

Thank You,
Teri Benson

208-548-2330 Home
bensonranchid@gmail.com
208-226-6606 - Cell

Veibell, Amanda

From: Terri Benson <Terri.Benson@bpx.com>
Sent: Thursday, November 16, 2023 3:55 PM
To: IDWR File
Cc: bensonranchid@gmail.com
Subject: Benson Trust- Application to Lease Water Right # 41-7029 B to the Water Supply Bank (Renewal)
Attachments: Dept of Water Resources-Water Supply Bank Renewal 2023.pdf
Follow Up Flag: Follow up
Flag Status: Completed

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.

IDWR,

Please note my attached application to renew the lease for Water Right # 41-7029 B to the Water Supply Bank.

My husband, D. Steve Benson, passed away May 3, 2022 and a change of ownership was filed June, 2022 to reflect Benson Ranch Trust as the owner. I am the sole Trustee/Manager and have included the Certificate of Trust and Trustee Affidavit, along with his death certificate.

I will send the \$250 application filing fee via USPS.

Please advise if additional information is needed.
Thank you!

Best Regards,
Terri Benson
Benson Ranch Trust
4025 Georges Road, American Falls, Idaho 83211
208-548-2330 Home
208-226-6606 Cell