

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

WATER SUPPLY BANK LEASE CONTRACT No. 1780

MAR 04 2024

DEPT. OF WATER RESOURCES

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

LESSOR: BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR MS 3168
MOSCOW, ID 83844-3168

RECEIVED

FEB 27 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 October 16, 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)
36-17110	2/25/1953	GROUND WATER	0.33	86.4
Combined Lease Totals			0.33	86.4

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

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2024 to December 31, 2024. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1780

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. 1780

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

LESSOR: BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR MS 3168
MOSCOW, ID 83844-3168

By  Kim Salisbury
Title Associate Vice-President, Budget & Planning
Date 2/23/2024

RECEIVED

FEB 27 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 3/5/24

Lease approved by IDWR 

Date 3/5/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1780

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): 36-17110

GROUND WATER SENW Sec. 17 Twp 07S Rge 24E MINIDOKA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
36-17110	STOCKWATER	1 / 1	to	12/31	0.33 cfs	86.4 AF
	COMMERCIAL	1 / 1	to	12/31	0.33 cfs	86.4 AF
Totals:					0.33 cfs	86.4 AF

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
07S	24E	17			X					X	X					X		

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
07S	24E	17			X					X	X					X		

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1780

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. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

RECEIVED

OCT 16 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

OCT 05 2023

DEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Board of Regents of the University of Idaho
(Select one owner - see item 1A on the application)Water Right No. 36-17110
(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 \$ 250.00 Received By: SG Date Received: 10/5/2023 Receipt # 5039951

W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal) Name on W-9:

2780

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 Board of Regents of the University of Idaho

Mailing Address 875 Perimeter Dr., Stop 3168 Moscow Idaho 83844-3168
Street City State Zip Code

Email Address gerardb@uidaho.edu Phone Number 208-885-6468

☒ 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 Travis L. Thompson Organization Marten Law LLP

Professional Title Attorney Email Address tthompson@martenlaw.com

Mailing Address P.O. Box 63, Twin Falls, ID 83303-0063 Phone Number 208-733-0700

☐ 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.

Existing well and infrastructure for water delivery and use on dairy.

- 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. Information may be available with prior owner (W-4 Dairy Limited Partnership), Magic Valley Ground

Water District, and/or Water District No. 130.

- 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 ☒

Water right was placed in the Water Supply Bank in 2023.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

RECEIVED

OCT 05 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

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: 1/24 to 12/24 (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.

Lee Espey
Signature of Designated Applicant

Lee Espey, Operations Officer Finance/Adm
Printed Name

9.26.2023
Date

Signature of Authorized Representative

Printed Name

Date

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



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

March 7, 2024

BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
875 PERIMETER DR MS 3168
MOSCOW, ID 83844-3168

**RE: WATER SUPPLY BANK LEASE CONTRACT 1780
FOR WATER RIGHT 36-17110**

Dear Lessor:

Water right **36-17110** is leased into the Water Supply Bank (Bank) as of January 2024 in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

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

If you have questions regarding this matter, please contact this office at [bank @idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,
Signature

Catalina Beck

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Office Representative
Water District No. 130

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LESSOR DESIGNATION FORM

RECEIVED

NOV 27 2023

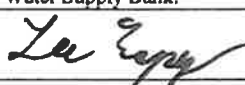
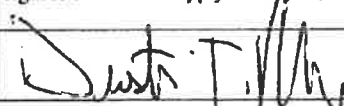
DEPARTMENT OF
WATER RESOURCES

When multiple individuals or business entities jointly own a water right, the parties can use this form to nominate a designated lessor to represent their common interest. The signatures of all water right holders are required on this form to elect a designated lessor. The designated lessor must provide a completed IRS Form W-9 to receive any payment associated with the rental of the water right. **and any financial payment associated with the rental of the water right.** If additional space is needed to list any other water right holders, attach a separate sheet.

Dustin Miller
IDL Director

tenant, the parties can use this form to nominate a designated lessor to represent their common interest. The signatures of all water right holders are required on this form to elect a designated lessor. The designated lessor must provide a completed IRS Form W-9 to receive any payment associated with the rental of the water right. **All correspondence regarding this lease contract. All correspondence regarding this lease contract.** If additional space is needed to list any other water right holders, attach a separate sheet.

Water Right No(s). 36-17110

	Designated Lessor	Water Right Co-owner	Water Right Co-owner
Name	Board of Regents of the University of Idaho	State of Idaho, Board of Land Commissioners, whose administrative agent is the Idaho Dept of Lands	
Mailing Address	Real Estate Office 875 Perimeter Dr MS 3162 Moscow ID 83844-3162	300 N 6th St , Suite 103 Boise ID 83702	
Phone Number	208-885-6468	208-334-0200	
Email Address	gerardb@uidaho.edu	zlathim@idl.idaho.gov	
Water Right Owner Declaration	As designated lessor, I will represent the interest of all other water right owners on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			

	Water Right Co-owner	Water Right Co-owner	Water Right Co-owner
Name			
Mailing Address			
Phone Number			
Email Address			
Water Right Owner Declaration	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			



MARTEN LAW

RECEIVED

OCT 05 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

October 5, 2023

RECEIVED

OCT 16 2023

DEPARTMENT OF
WATER RESOURCES

Via Hand Delivery (Southern Reg. Office) & Email

Ms. Mary Condon
IDWR
P.O. Box 83720
Boise, Idaho 83720-0098
Mary.condon@idwr.idaho.gov

RE: Water Bank Lease / Rental (Water Right No. 36-17110)

Dear Mary:

As previously discussed via email, please find enclosed the following on behalf of our client the Board of Regents of the University of Idaho:

- 1) Application to Lease a Water Right to the Water Bank (for 2024)
- 2) Application to Rent Water from the Water Supply Bank

The University seeks to lease the right to the water bank and rent it back for purposes associated with the construction of the new CAFÉ dairy facility. The W-9 and map associated with the rental should be on file with IDWR from previous lease applications. We are paying the filing fee (\$250.00) by credit card with the hand delivery of the application. If you have any questions or need additional information please contact me. Thank you for your assistance.

Sincerely,

Travis Thompson
Partner

Direct: (208) 735-2227
Email: tthompson@martenlaw.com

Enclosures

cc: Gerard Billington, UI

MEMORANDUM FOR CONTRACT #1780 & AGREEMENT #806

To: Water Right(s) 36-17110

From: Mackenzie Kienholz

Date: 11/17/2023

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

PURPOSE/NARRATIVE: Lease application #2780 was submitted by Travis L. Thompson (Marten Law, LLP) on behalf of the Board of Regents of the University of Idaho and was received by the Department on 10/5/2023. The application requests to lease the full amount of water right 36-17110.

Rental application #2782 was also submitted by Travis L. Thompson (Marten Law, LLP) on behalf of the Board of Regents of the University of Idaho and was received by the Department on 10/5/2023. The application requests to rent the full amount of water right 36-17110 for dust abatement and construction of a Center for Agriculture Food and the Environment.

This lease-rental package occurred in 2023 and has been requested again for 2024. The rental does not propose to change the POD, POU, or any other element of the water right. Review staff contacted Mr. Thompson on 11/17/2023 to confirm that the package was necessary and/or desired. He confirmed that the package is desired as it helps make it clear to contractors involved in the construction project that the applicants have the authority to use the water in the manner proposed.

This lease/rental is within the Magic Valley GWD, WD 130, and the ESPA GWMA.

AUTHORITY TO FILE: The application was signed by Lee Espey who is listed as the Operations Officer for the Division of Finance and Administration on the University of Idaho's website. The parcels at the lease/rental POD and POU are owned by the Board of Regents of the University of Idaho. Water right 36-17110 is owned by the Board of Regents of the University of Idaho and the State of Idaho – State Board of Land Commissioners Acting through Idaho Department of Lands. A lessor designation form was requested by review staff and was submitted by the representative on 11/27/2023. The form listed the Board of Regents of the University of Idaho as the designated lessor. Lee Espey signed on behalf of the University and Dustin Miller, Director of Idaho Department of Lands, signed on behalf of the State Board of Land Commissioners/Idaho Department of Lands. No concerns with authority to file.

WATER RIGHT VALIDITY: Right 37-17110 is a split from right 36-16810 (split in Transfer 81615 approved 10/6/2017). Based on sentinel imagery, the acres under 36-16810 appear to be fully irrigated in 2016 (pre-transfer). This transfer changed the nature of use from irrigation to commercial and stockwater. It was not determined during this review what water use occurred from 2017-2020. Right 37-17110 has been leased to the Bank since 2021. No concerns with water right validity.

INJURY TO OTHER WATER RIGHTS: No elements of the water right will be changed including season of use, nature of use, POD, and POU. Therefore, there are no concerns with injury to other water rights. Modeling was not required as the POD is not changing.

When comments were requested for the 2023 rental, the watermaster noted that he had no concerns as long as an approved measuring device would be installed prior to diverting water. On May 12th the representative confirmed that the applicant had purchased and would install such device. There is no evidence to support that the device was indeed installed for 2023. Review staff informed the applicant's representative that a recommendation for approval would not be made until confirmation that the device has been installed was received.

UPDATE 1/10/2024: The representative emailed review staff on 1/9/2024 that the contractor installed the device. Photos of the measuring device were submitted. This is sufficient evidence to recommend an approval of this lease/rental package, however it would be beneficial to have water district staff confirm the installation and operation of the measuring device at some point in the 2024 season.

ENLARGEMENT OF USE: No elements of the water right will be changed including season of use, nature of use, POD, and POU. Therefore, there are no concerns with enlargement of use.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental POD is subject to Water District #130. A request for comments was sent to the WD 130 watermaster, Magic Valley GWD, and the Southern Regional Office on 1/10/2024.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, January 10, 2024 9:02 AM
To: King, Corey; Skinner, Corey; mvgwd@hotmail.com
Cc: Ragan, Brian
Subject: Comments Request - WSB Lease Rental U of I
Attachments: Meter Pic 4887-9611-6123 version 1.jpg; Meter Pic 2 4854-9185-6539 version 1.jpg; WM Copy Review Memo Lease App 2780 Rental App 2782 - U of I.pdf; Rental Map 806 U of I.pdf; Lease Map 1780 U of I.pdf

Good morning,

Please see the attached review documents for the Board of Regents of the University of Idaho, and kindly respond with any comments or concerns within 10 days.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



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

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Tuesday, January 9, 2024 4:03 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: UI Rental

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.

Hi Mackenzie,

The contractor informed UI that the meter has been installed. Are these pictures sufficient or do you need something else?

Thanks

Travis

Travis L. Thompson
Partner

D – 208.735.2227

M – 208.404.2840

E - tthompson@martenlaw.com

martenlaw.com

163 Second Ave. W.

Twin Falls, ID 83301



This e-mail may contain confidential and privileged information and is sent for the sole use of the intended recipient. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, January 10, 2024 8:51 AM
To: Travis L. Thompson
Subject: RE: UI Rental

Good morning, Travis,

I believe this will be sufficient for now.

Thank you,
Mackenzie

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Tuesday, January 9, 2024 4:03 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: UI Rental

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.

Hi Mackenzie,

The contractor informed UI that the meter has been installed. Are these pictures sufficient or do you need something else?

Thanks

Travis

Travis L. Thompson

Partner

D – 208.735.2227
M – 208.404.2840
E – tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301



This e-mail may contain confidential and privileged information and is sent for the sole use of the intended recipient. If

you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, December 21, 2023 3:20 PM
To: Travis L. Thompson
Cc: Bank
Subject: RE: UI Water Bank Lease

Travis,

It was required that a measuring device would be installed before diverting water under Rental Agreement #756 for 2023, and the Department was told that the device had been purchased and would be installed prior to diversion in 2023. However, there is no indication that a measuring device was installed for the 2023 season. As such, we will likely not send a rental agreement for signature and/or approve a rental until confirmation is received that a measuring device has been installed.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



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

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Monday, December 18, 2023 1:22 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: UI Water Bank Lease

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.

Mackenzie,

I have been advised that the contractor is indicating they will have the meter installed by no later than May 31, 2024. They do not plan to draw water for construction until June and want to avoid installing during the winter if that would be acceptable.

Thanks

Travis

Travis L. Thompson
Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301



From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Monday, December 18, 2023 1:18 PM
To: Travis L. Thompson <tthompson@martenlaw.com>
Subject: RE: UI Water Bank Lease

Travis,

Do you have confirmation on the installation of a measuring device yet? The watermaster has also offered to check on the diversion. I need to ensure the device was installed before passing this on for supervisor approval. Please let me know the status of this as soon as possible.

Thank you,
Mackenzie

From: Kienholz, Mackenzie
Sent: Monday, November 27, 2023 4:00 PM
To: Travis L. Thompson <tthompson@martenlaw.com>
Subject: RE: UI Water Bank Lease

Hi Travis,

This should be perfect. And thank you for checking on the meter as well.

Thank you,
Mackenzie

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Monday, November 27, 2023 3:05 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: UI Water Bank Lease

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.

Mackenzie,

Please see attached, will this work for the 2024 lease renewal? Checking on the status of the meter too will get back to you when I find out.

Thanks

Travis

Travis L. Thompson

Partner

D – 208.735.2227

M – 208.404.2840

E - tthompson@martenlaw.com

martenlaw.com

163 Second Ave. W.

Twin Falls, ID 83301



This e-mail may contain confidential and privileged information and is sent for the sole use of the intended recipient. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.