

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1778

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

LESSOR: MARY J HORGAN
14180 NE CROSS WATER LN
MOUNTAIN HOME, ID 83647

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 August 22, 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)
61-12226	10/1/1874	CANYON CREEK, tributary to SNAKE RIVER	0.20	27.2	6.8
Lease Totals			0.20	27.2	6.8

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.

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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.

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

LESSOR: MARY J HORGAN
14180 NE CROSS WATER LN
MOUNTAIN HOME, ID 83647

By Mary J Horgan
Title Property Owner
Date Dec 13, 2023

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 12/27/23

Lease approved by IDWR [Signature]

Date 12/27/23

*Approved with original measurement of: 0.23 (cfs)
Current lease indicated as: Page 5 of 5; 0.07 cfs. Per Scott
Water Resource, Dec 13, 2023 - Current contract of line # 12 is a non
and does not reflect actual water right # 61-12226.*

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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): 61-12226

CANYON CREEK	NWNW	Sec. 12	Twp 02S	Rge 06E	ELMORE County
CANYON CREEK	NESE	Sec. 11	Twp 02S	Rge 06E	ELMORE County
CANYON CREEK	NESE	Sec. 11	Twp 02S	Rge 06E	ELMORE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
61-12226	IRRIGATION	04/01	to	10/31	0.20 cfs	27.2 AF
Totals:					0.20 cfs	27.2 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	
02S	06E	11				0.5									24.0			30.8	55.3

Acre Limit: 6.8

Within Total Acres: 55.3

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

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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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. The unleased portion of water right 61-12226 shall not exceed the irrigation of 3.2 acres.
14. 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. 61A.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
16. Rights 61-12223, 61-12224, 61-12225 and the unleased portion of right 61-12226 when combined shall not exceed a total diversion rate of 0.03 cfs and a total annual maximum diversion volume of 1.0 af for stockwater purposes and a total diversion rate of 0.99 cfs for irrigation purposes.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1778

61-12226

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.



0 1,000 2,000 3,000 Feet

- Water Supply Bank Lease Point of Diversion
- Water Supply Bank Lease Place of Use
- Township/Range
- Sections
- QQ



MEMORANDUM FOR WSB LEASE APPLICATION # 2727

To: Water Right No(s). 61-12226

From: Skyler Cheever, Water Resource Agent

Date: 11/22/2023

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

PURPOSE/NARRATIVE:

Application 2727 was sent in by Mary Horgan and received on August 22nd, 2023, with the correct fee payment received on the same date. The applicant proposes to lease a 7.7-acre portion of water right 61-12226 into the water supply bank from 2024-2028. The applicant did not provide information on what acres would be irrigated and whom is the designated applicant. A map of the irrigated place of use and a signed attachment 1A designating Mary Horgan as the designated applicant was received on September 12th, 2023. The point of diversion is within Snake River Basin Moratorium Area, Mountain Home Ground Water Management Area, and Trust Water Area. This application is intended as a renewal of contract 846 which is set to expire on December 31st, 2023.

AUTHORITY TO FILE:

Mary Horgan signed the application. Ms. Horgan has the authority to file this agreement because she is the owner of water right 61-12226 along with Robert Horgan according to Department records. Attachment 1A included with the application designates Mary Horgan as the designated applicant.

WATER RIGHT VALIDITY:

Water right 61-250 was decreed in 2000. A transfer split the parent right 61-250 into four separate portions, creating 61-12226, in 2009. The right was leased into the water supply bank in 2014-December 31st, 2023. Any water right leased into or rented from the water supply bank is likely within a valid defense to forfeiture according to Idaho Code §42-223(5). Therefore, enough evidence is available to the bank to conclude water right 61-12226 is likely not lost to forfeiture and can be leased into the water supply bank.

ENLARGEMENT OF USE:

The applicants propose to lease 7.7 acres of irrigation into the bank. The applicant provided a map designating 3.2 acres of irrigation would be occurring during the proposed contracted period. The total between the two adds to 10.9 acres. This right is limited to the irrigation of 10 acres within a 58.5-acre PPU. To prevent enlargement of 61-12226 the proposal should be reduced to 6.8 acres.

Water rights 61-12223, 61-12224, 61-12225 and 61-12226 when combined are limited to 0.03 cfs and 1 af for stockwater purposes and 1.19 cfs for irrigation use. Right 61-12226 is also limited to 0.02 cfs/acre and 4.0 af/acre. The right does authorize 0.03 cfs per/acre but the additional rate is intended as conveyance in the surface water system. The water right also authorizes 0.01 cfs of stockwater use, but it is not proposed for this lease. To prevent enlargement the rentable diversion rate will be reduced to account for the unleased stockwater 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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The point of diversion is within basin 61 and Water District 61A. The Watermaster and Western Regional Manager was contacted for comment on November 27th, 2023. No response was received, it is assumed there are no concerns with the applicant's proposal.

Note Regarding Lease Contract Amendment

The original contract was mailed to the applicant with an error in the water right amounts accepted for lease listed in the tables on pages 1 and 4. The contract was returned to the Department signed by the applicant but they had written on some of the pages pointing out the error. The contract was amended to correct the error and instead of mailing the amended contract for signature the original signed page was inserted into the amended contract. The applicant was asked and agreed to using the original signature page with the amended contract.



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

December 4, 2023

MARY HORGAN
14180 NE CROSS WATER LN
MOUNTAIN HOME ID, 83647

**RE: APPLICATION TO LEASE WATER RIGHT 63-31800 AND 61-12226 TO THE WATER
SUPPLY BANK CONTRACT 1778**

******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.

Regards,

Skyler Cheever



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Cheever, Skyler

From: Cheever, Skyler
Sent: Monday, November 27, 2023 1:33 PM
To: Miller, Nick; headgate2000@yahoo.com
Subject: Water Supply Bank Lease/Rental Application Package 2727/2770
Attachments: Lease 1778 Map.pdf; Lease Review Memo 2727.docx; Move Map 803.pdf; Rental 803 Map.pdf; Rental Agreement 803.docx; Rental Review Memo 803.docx

Hello Nick and Mr. Seegrist,

I have finished my review of a water supply bank lease/rental package within basin 61 and Water District 61A. The lease applicant is Mary Horgan. The applicant proposes to lease 6.9 acres of water right 61-12226 from 2024-2028. The rental applicant is Pam Warthen. The applicant proposes to rent 6.8 acres of from contract 1778 from 2024-2028. The rental applicant isn't renting their own water right but has rented water right 61-12226 for the last 8 years. Attached are review memo's, rental agreement, maps of the place of use, and rental move map. If there are any comments that need to be made, please do so within 7 days. If you have any questions, please let me know.

Best,

Skyler

Skyler Cheever

Water Resource Agent, State Office

Email: skyler.cheever@idwr.idaho.gov

Phone: 208-287-4913

Beck, Catalina

From: Beck, Catalina
Sent: Thursday, December 28, 2023 12:14 PM
To: Miller, Nick
Cc: Bank
Subject: Executed lease contract 1778
Attachments: 4846_001.pdf

Good Afternoon

Here is the Executed lease contract 1778



Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.idaho.gov

Idaho Dept. of Water Resources
322 E FRONT ST STE 648, BOISE ID 83702-7371

Beck, Catalina

From: Beck, Catalina
Sent: Thursday, December 28, 2023 12:52 PM
To: headgate2000@yahoo.com
Subject: FW: Executed lease contract 1778
Attachments: 4846_001.pdf

From: Beck, Catalina
Sent: Thursday, December 28, 2023 12:14 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Executed lease contract 1778

Good Afternoon

Here is the Executed lease contract 1778



Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.idaho.gov

Idaho Dept. of Water Resources
322 E FRONT ST STE 648, BOISE ID 83702-7371



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

December 28, 2023

Mary J Horgan
14180 NE Cross Water Ln
Mountain Home, ID 83647

**RE: WATER SUPPLY BANK LEASE CONTRACT 1778
FOR WATER RIGHT 61-12226**

Dear Lessor:

Water right **61-12226** is leased into the Water Supply Bank (Bank) as of January 1, 2024, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 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,

Technical Records Specialist I

Enclosure: Executed Lease Contract

c: IDWR- Western Region Office
Water District No.61

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

AUG 22 2023

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Mary Horgan

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

Water Right No. 61-12226

(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 | ☒ | ☐ | <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>KM</u>	Date Received: <u>8.22.23</u>	Receipt # <u>C11693</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Mary J Norstebon Horgan</u>	

2727

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 Mary Horgan

Mailing Address <u>14180 NE Cross Water LN</u>	Mtn. Home _____	Idaho	83647
Street	City	State	Zip Code
Email Address <u>m_breezy@msn.com</u>	Phone Number <u>208-796-2184</u>		

☒ 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.
Privately owned 2-horse power electric pump. Extraction hose submerged within Canyon Creek. Delivery of
irrigation water by gated pipe & applied by sprinklers.
- 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. No other water rights used.
- 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. _____
- 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. Current allocation of water right with transfer number 75120.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☒ No ☐
If yes, describe. Transfer number 75120

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2024 to 2029 (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 as established by the IWRB.

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.

Mary Horgan
Signature of Designated Applicant

Mary Horgan
Printed Name

Aug 9, 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
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). N/A

	Designated Applicant	Applicant #2	Applicant #3
Name	N/A		
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

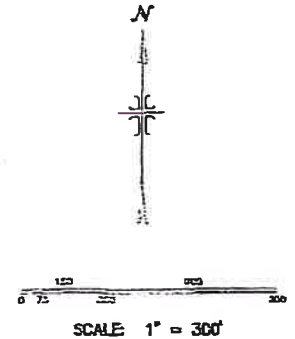
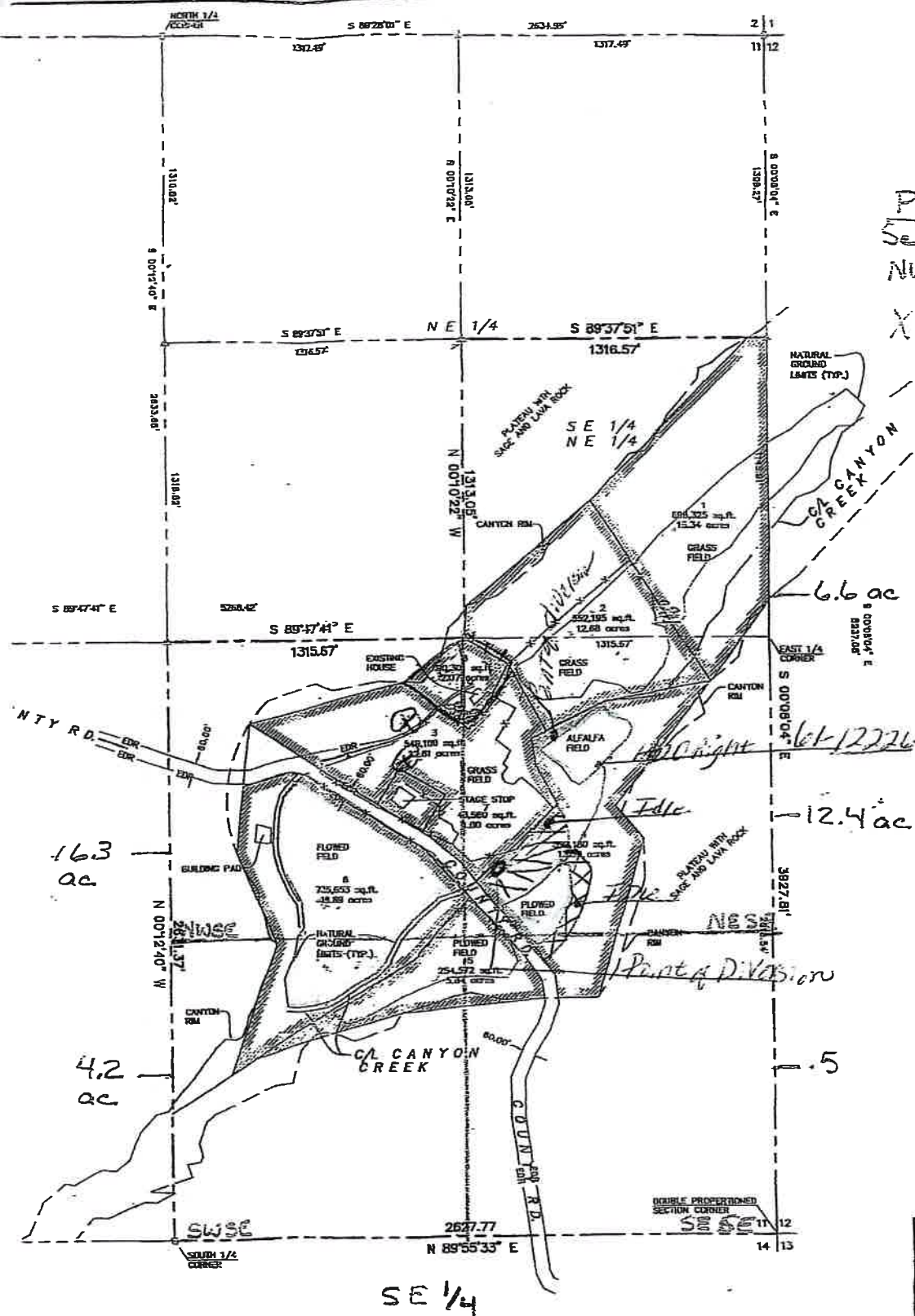
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
61-12226	Irrg Pasture & Hay	0.23 (30.8)		7.7
Total Amounts:				

2. Source of water Canyon Creek tributary to Snake River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
02S	06E	11					Elmore
02S	06E	12					Elmore



NW SE Sec 11
NE SE Sec 11

LEGEND

- 9 FOUND 5/8" IRON PIN
- ⊙ FOUND BRASS CAP MONUMENT
- ⊙ FOUND ALUMINUM CAP MONUMENT
- ⊙ SET 5/8" IRON PIN WITH CAP
- Δ CALCULATED POINT
- PROPERTY BOUNDARY LINE
- LOT LINE
- SECTION LINE
- - - - - FENCE
- - - - - EDGE OF DIRT ROAD
- - - - - EDGE OF RM
- - - - - BOTTOM OF DITCH
- /// TEMPORARY PARCEL PLANNING ACRES

THE SE 1/4 OF THE NE 1/4 AND THE SE 1/4 OF SEC. 11, T.2S., R.6E., B.M., ELMORE COUNTY, ID.	PRC
BOUNDARY SURVEY - PARCEL SPLITS	SH
NORSTEBON FAMILY	
claiborn & waite consulting	
120 N. CLINTS BORD, BOISE, ID 83706 P.O. BOX 516-6555	