STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# WATER SUPPLY BANK LEASE CONTRACT No. 1861

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

**LESSOR:** STATE OF IDAHO
IDAHO WATER RESOURCE
BOARD CYNTHIA BRIDGE
CLARK PO BOX 83720
BOISE, ID 83720-0098

SUPPORT DATA
IN FILE # 02-10300A

## 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 May 08, 2024.

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) |
|---|---|---|---|---|---|
| 2-10300A | 2/25/1963 | SNAKE RIVER, tributary to COLUMBIA RIVER | 8.00 | 1,339 | 400 |
| 2-10300B | 5/10/1965 | SNAKE RIVER, tributary to COLUMBIA RIVER | 8.00 | Not Stated | 400 |
| **Combined Limit Total** | | | **8.00** | **1600** | **400** |
| 2-10506 | 2/25/1963 | SNAKE RIVER, tributary to COLUMBIA RIVER | 4.50 | 900 | 225 |
| **Combined Lease Totals** | | | **12.50** | **2,500** | **625** |

**Summary of Water Rights Elements Rentable From the Bank**

| Water Right | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (Limited) (AC) |
|---|---|---|---|
| 2-10300A | 8.00 | 1,340 | 400 |
| 2-10300B | 8.00 | 261 | 400 |
| **Combined Limit Total** | **8.00** | **1600** | **400** |
| 2-10506 | 4.50 | 900 | 225 |
| **Combined Totals** | **12.50** | **2,500** | **625** |

***The water right elements rentable include a defined volume limit that is based on the regional field headgate irrigation standard of 4.0 afa/acre.***

# WATER SUPPLY BANK LEASE CONTRACT No. 1861

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, 2025 to December 31, 2029. This Lease shall bind the parties and take effect when both parties have signed it.

4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**: The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

7. **DUPLICATE ORIGINAL**: This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# WATER SUPPLY BANK LEASE CONTRACT No. 1861

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

**LESSOR:** STATE OF IDAHO
IDAHO WATER RESOURCE
BOARD CYNTHIA BRIDGE CLARK
PO BOX 83720
BOISE, ID 83720-0098

By _____
Title CYNTHIA BRIDGE CLARK, PLANNING & PROJECTS BUREAU CHIEF
Date 5/20/2024

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

By _____ Date 5/20/24
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 5/20/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# WATER SUPPLY BANK LEASE CONTRACT No. 1861

## 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): 2-10506, 2-10300B, 2-10300A**

SNAKE RIVER L 4SESWSW Sec. 22 Twp 05S Rge 04E ELMORE County

| Water Right | Beneficial Use | Season of Use | | | Diversion Rate (CFS) | Volume (AF) |
|---|---|---|---|---|---|---|
| | | From | | To | | |
| 2-10506 | IRRIGATION | 04/01 | to | 10/31 | 4.50 cfs | 900 AF |
| 2-10300B | IRRIGATION | 04/01 | to | 10/31 | 8.00 cfs | Not Stated |
| 2-10300A | IRRIGATION | 04/01 | to | 10/31 | 8.00 cfs | 1,339 AF |
| | | | | **Totals:** | 12.50 cfs | 2,500 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 | |
| 04S | 04E | 30 | | | | 40.0 | | | | | 40.0 | | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 320.0 |
| 04S | 04E | 31 | | | | | | | | | | | | | | | 39.0 | 40.0 | 79.0 |
| 04S | 04E | 32 | | 40.0 | 39.0 | | 40.0 | | 2.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | | 39.0 | 40.0 | | 400.0 |
| 05S | 04E | 4 | | | | | | | | | | 40.0 | | | | | | | 40.0 |
| 05S | 04E | 5 | | | | | | 38.0 | 40.0 | 35.0 | 39.0 | 40.0 | 39.0 | 40.0 | 40.0 | 37.0 | 40.0 | 39.0 | 427.0 |
| 05S | 04E | 6 | 39.0 | 40.0 | 40.0 | 40.0 | | | | | | | | | 40.0 | 40.0 | 40.0 | 40.0 | 319.0 |
| 05S | 04E | 7 | 40.0 | | | 40.0 | | | | | | | | | | | | | 80.0 |
| 05S | 04E | 8 | | | 3.0 | | 40.0 | 40.0 | 40.0 | 40.0 | | | | | | | | | 163.0 |

Total Acres: 1,828.0

### 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.

# WATER SUPPLY BANK LEASE CONTRACT No. 1861

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.
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. Rights 2-10300A and 2-10300B when combined shall not exceed a total diversion rate of 8.00 cfs, a total annual maximum diversion volume of 1600 af at the field headgate, and the irrigation of 400 acres.
13. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
14. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1and 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 7/31/2012.
15. 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 place of use.
16. Per a private agreement these rights will not be rented for any purpose other than that for which they were purchased by the Idaho Water Resource Board.
17. Right 2-10506 is limited to the irrigation of 225 acres within the authorized place of use in a single irrigation season.
18. 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. 02.

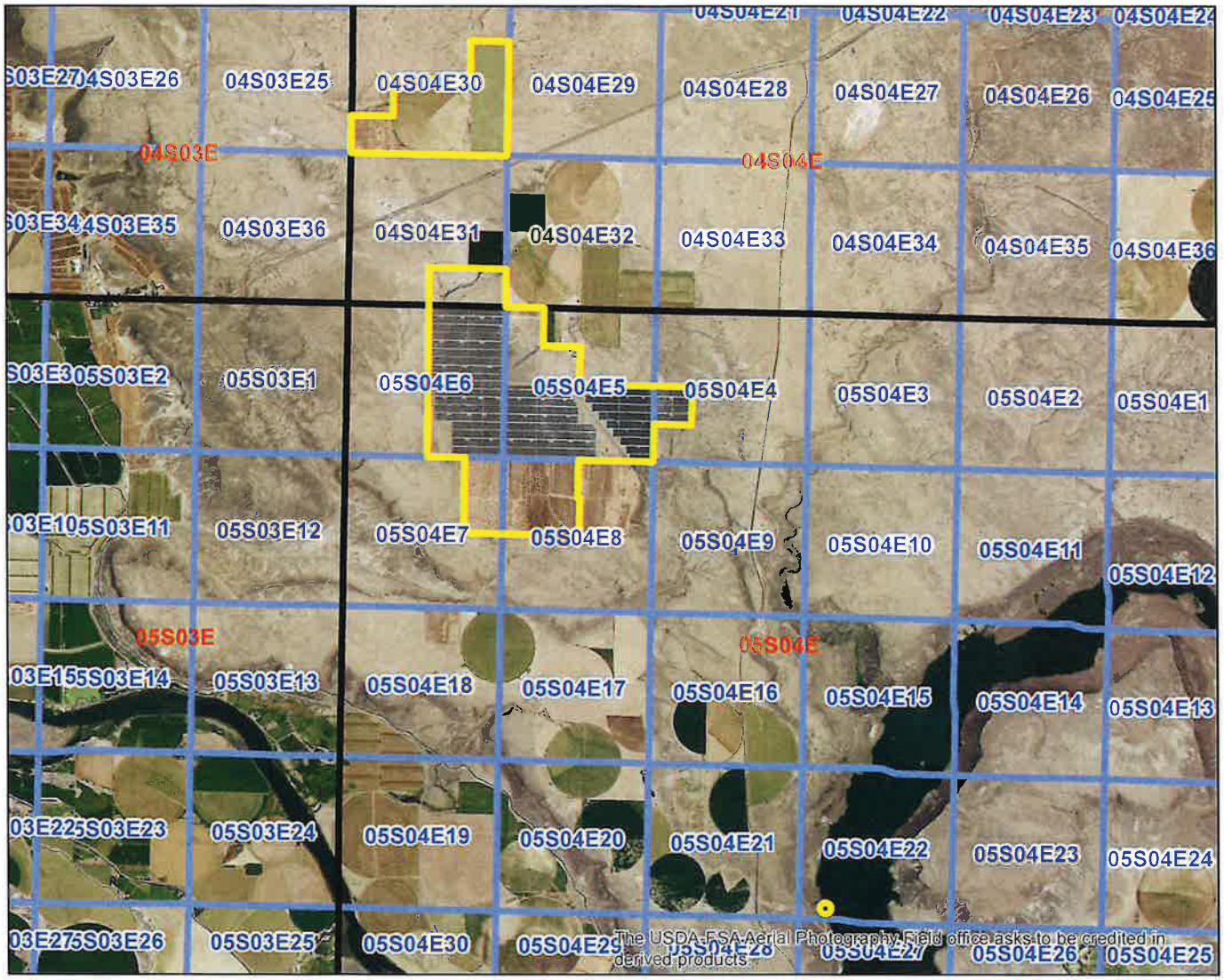
## Idaho Water Resource Board

# Water Supply Bank Lease Contract No. 1861

2-10506

Effective until December 31, 2029

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




Approved Lease Point of Diversion

Approved Lease Place of Use

Township/Range

Sections

N

0 7,000 14,000 Feet

Form 42-1761-1 10/15

RECEIVED
MAY 08 2024
DEPT. OF WATER RESOURCES

**STATE OF IDAHO**
**WATER RESOURCE BOARD**

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

**Designated Applicant** Idaho Water Resource Board
(Select one owner – see item 1A on the application)

**Water Right No.** 2-10300A
(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.**

## MIMUMUM 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 $ | Received By: | Date Received: | Receipt # |
| W-9 received? Yes ☐ No ☐ | (Route W-9 to Fiscal) | Name on W-9: | |

2984

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 Idaho Water Resource Board

Mailing Address 322 E. Front St. Boise, ID 83720
Street City State Zip Code

Email Address Cynthia.Clark@idwr.idaho.gov Phone Number 208-287-4800

☑ 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 Cynthia Bridge Clark Organization Idaho Department of Water Resource

Professional Title Planning & Projects Bureau Chief Email Address Cynthia.Clark@idwr.idaho.gov

Mailing Address 322 E. Front Street Boise, ID 83720 Phone Number 208-287-4800

☐ 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.
Pump station consisting of pumps, intakes, motors and an inlet structure to be built. Conveyance system was not constructed to the Place of Use (POU)

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. 61-7088, 61-11747

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. The groundwater supply located at the current POU under rights listed in section C will be used in lieu of the surface water rights being entered into the Water Supply Bank

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. The water right was decreed in 2012 and placed into the Water Supply Bank in 2013 through 2024

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. The water rights were decreed in 2012 and placed into the Water Supply Bank from 2013 through 2024

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 ☐
The water right is currently involved in the transfer process however that application will be withdrawn

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: 2025 (Year) to 2030 (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.

Current allowable lease rate

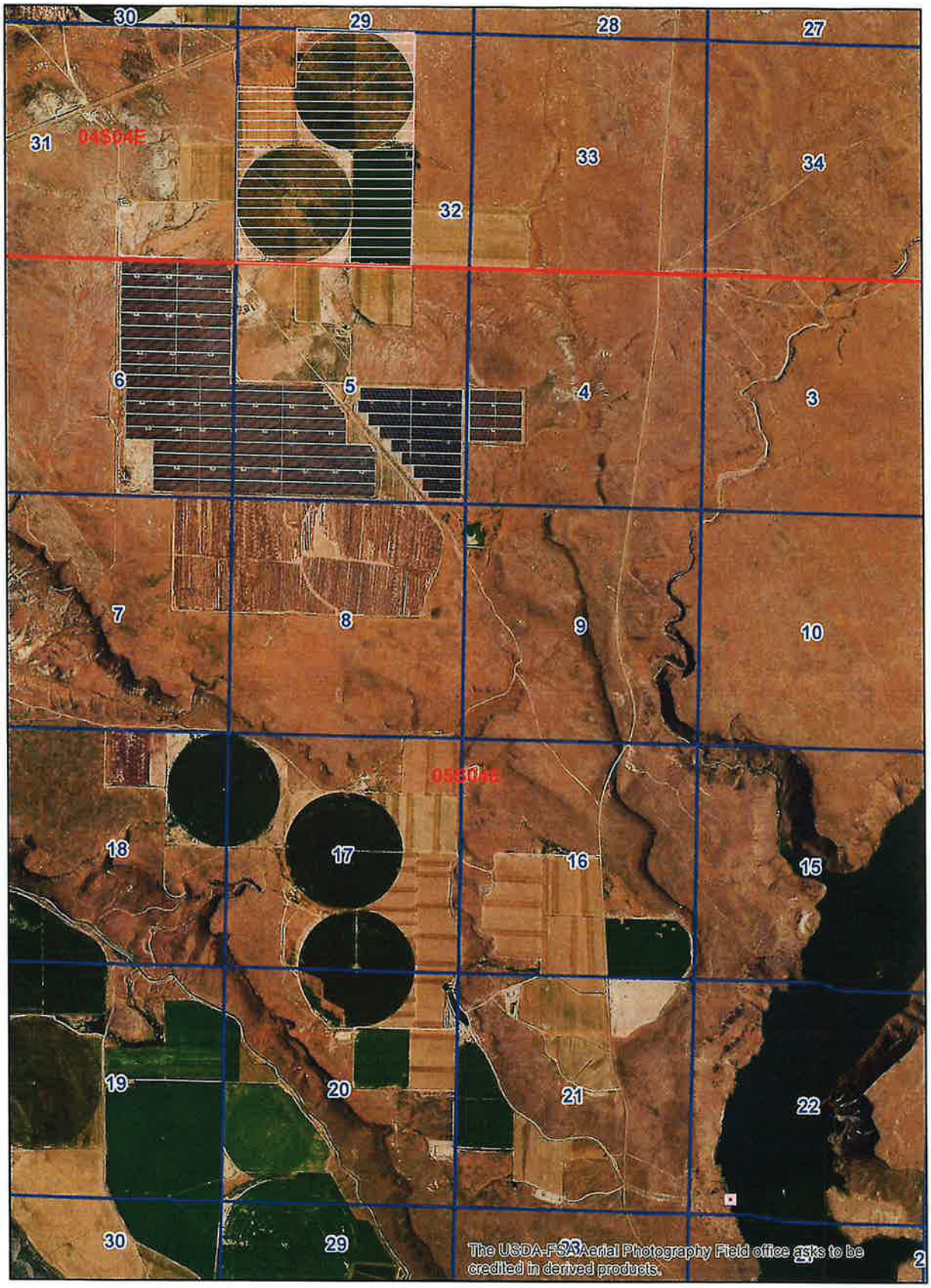
**I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.**

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 | Printed Name | Date |
| Signature of Authorized Representative | Cynthia Bridge Clark<br>Printed Name | 5/7/2024<br>Date |

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




Attachment 3-POU Water Right 2-10300B

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**

May 20, 2024

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
PO BOX 83720
BOISE, ID 83720-0098

**RE: WATER SUPPLY BANK LEASE CONTRACT 1861**
**FOR WATER RIGHT 2-10300A, 2-10300B, 2-10506**

Dear Lessor:

Water right **2-10300A, 2-10300B, 2-10506 is** leased into the Water Supply Bank (Bank) as of January 2025 in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2029,** unless the rights are released earlier by the Water Resource Board (Board). To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they are rented.**

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

Sincerely,
Signature

*Catalina Beck*

Enclosure: Executed Lease Contract

c: IDWR- Western Region Office
Water District No. 02

**MEMORANDUM FOR LEASE APPLICATION #2987**

**To:** Water Rights 2-10300A & 2-10300B

**From:** Bob Howe

**Date:** May 17, 2024

**Re:** Water Supply Bank Lease Application 2987

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**Purpose/Narrative:** Lease application 2987 was received by the Department May 8, 2024, requesting to lease the entire portions of water rights 2-10506, 2-10300A, and 2-10300B into the Water Supply Bank for a 5-year term from 2024 to 2029. Review of the water right back file shows that all rights proposed for lease have been leased into the Water Supply Bank since 2015. Rental application 2974, submitted by the Idaho Water Resource Board (IWRB) has requested to rent the rights for industrial construction use during construction of a pipeline and pump station for the Mountain Home Airforce Base (MHAFB) Water Resiliency Project for the term from 2024 to 2025.

**Authority to File:** The applications were signed by Cynthia Bridge-Clark, Planning Bureau Chief for IDWR. No concerns at this time.

**Water Right Validity:** Rights 2-10300A & 2-10300B were decreed in 2012, placed in the bank in 2013, and have remained in the bank since that time with the current contract ending 12/31/2024.

The partial decree for parent right of right 2-10506 was issued in 2008 and the portion of its parent rights have been leased into the bank since 2014. The initial lease was accepted in the 6th year of non-use therefore there is a 5-year period where the POU appears mostly idle from 2008 to 2013. There are no concerns of validity of any of the rights at this time.

**Enlargement of Use:** The previous lease review in 2013, describes the historic use of rights 2-10300A 7 2-10300B from partial decree 2012, and transfer to 400 acres already irrigated under larger groundwater rights 61-7088 and 61-11747. In 2013, rights 2-10300A & 2-10300B were accepted into the Water Supply Bank (Bank) after a review citing statements from the owner's that the surface and groundwater rights were not used together on their common acres. Therefore, rights 2-10300A, 2-10300B, and 2-10506 are not stacked with other rights and can be leased into the Bank without enlargement of their historic use. Evidence in the water right records show the rights were not diverted for use at the current place of use. Combined limits will be maintained through future rentals.

**Local Public Interest:** Review staff has no information to suggest this application is inconsistent with the local public interest.

**Conservation of Water Resources:** The lease appears consistent with the conservation of water resources in Idaho.

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** The location for the lease PODs is within Water District 02, the Trust Water, the Snake River Basin Moratorium Area, and tributary to the Snake River which is associated with multiple Minimum Stream Flow (MSF) rights. A request for comments was sent to the Western Regional office, Watermaster Rob Whitney, and Idaho Water Resource Board.

# IDAHO WATER RESOURCE BOARD

RECEIVED
MAY 08 2024
DEPT. OF WATER RESOURCES

**Brad Little**
*Governor*

**Jeff Raybould**
*Chairman*
St. Anthony
At Large

**Jo Ann Cole-Hansen**
*Vice Chair*
Lewiston
At Large

**Dean Stevenson**
*Secretary*
Paul
District 3

**Dale Van Stone**
Hope
District 1

**Albert Barker**
Boise
District 2

**Brian Olmstead**
Twin Falls
At Large

**Marcus Gibbs**
Grace
District 4

**Patrick McMahon**
Sun Valley
At Large

May 8, 2024

Mary Condon
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 E. Front Street
Boise, Idaho 83720

Dear Ms. Condon,

Please accept the attached water supply bank applications for water rights 2-10300A, 2-10300B, and 2-10506. Please be aware the IWRB purchased the water rights from the Simplot Corporation in 2014, and in accordance with the agreement between the parties, the associated water rights should not be rented from the water supply bank.
We kindly appreciate your recognition of the conditional agreement between the IWRB and the Simplot Corporation.

If you have questions please contact me at your earliest convenience

Sincerely,

Cynthia Bridge Clark, P.E.
Planning & Projects Bureau Chief,
Idaho Water Resource Board

2986, 2987

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Website: idwr.idaho.gov/IWRB/