

AUG 21 2026

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

WATER SUPPLY BANK LEASE CONTRACT No. 2135

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

LESSOR: WADE DEE JARVIS
1956 COTTAGE AVE
POCATELLO, ID 83201-6009

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 July 31, 2025.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
29-14360	2/10/1987	GROUND WATER	0.02	5.2	1.5
Lease Totals			0.02	5.2	1.5

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
29-14360	0.00	0.0	0.0	0.00	0.00
Combined Limit Totals	0.00	0.0	0.0	0.00	0.00

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits.*

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

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3. **TERM OF LEASE:** The term of this lease shall be January 1, 2025 to December 31, 2027. 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.

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

LESSOR: WADE DEE JARVIS
1956 COTTAGE AVE
POCATELLO, ID 83201-6009

By Wade Jarvis
Title Owner
Date 8/21/2026

IDAHO WATER RESOURCE BOARD

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

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

Date 8/24/26

Lease approved by IDWR HP

Date 8/24/26

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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): 29-14360

GROUND WATER NESE Sec. 22 Twp 06S Rge 33E POWER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
29-14360	IRRIGATION	03/15	to	11/15	0.02 cfs	5.2 AF
Totals:					0.02 cfs	5.2 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	
06S	33E	22													1.5				1.5

Total Acres: 1.5

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

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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.

Water Supply Bank Lease Contract No. 2135

29-14360

Effective until December 31, 2027

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.



Legend

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



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
JUL 25 2025
DEPT. OF WATER RESOURCES
BOISE REGION

Print Form

Applicant / Designated Lessor Wade Jarvis
(Select one owner – see item 1A on the application)

Water Right No. 29-14360
(One water right per application)

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

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

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

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

	Yes		
	☒		Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> , printed single sided , per requirement of the Water Supply Bank.
	☒		Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
N/A	Yes	Attachments	
☒	☐	1A	Signatures and contact information for all owners of the water right to be leased or sold on this application.
☐	☐	1B	An <u>Internal Revenue Service (IRS) Form W-9</u> for the Applicant / Designated Lessor.
☐	☒	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 Applicant on this application. If the Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
☐	☐	2	Description of a water right portion offered to the Water Supply Bank.
☒	☐	3	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov .
☐	☒	4A	Written consent from irrigation district or water delivery company.
☐	☐	4G	Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> .
☐	☒	5B	Rental rate and owner payment agreement between lessor and renter for lease/rental packages.

Department Use Only

Fee Amount \$ 250.00

Received By: Wade Jarvis

Date Received: 7/25/25

Receipt # E051025

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

Name on W-9: Wade Jarvis

3259

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

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

Applicant / Designated Lessor Jarvis Webb

Mailing Address <u>1956 Cottage Ave</u>	<u>Pocatello</u>	<u>ID</u>	<u>83201</u>
Street	City	State	Zip Code
Email Address <u>wadeee57@gmail.com</u>	Phone Number <u>925-783-7010</u>		

☒ The Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Lessor is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Lessor / Applicant submitted an [IRS Form W-9](#) to this Department within 6 months? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Water Right Holder? Yes ☐ No ☒
If yes, representatives (includes employees of Water Right Holder companies) must complete this section and submit documentary proof of their authority to represent the Water Right Holder (Attachment 1D).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Lessor / Applicant.

OR

☐ Send original correspondence to the Designated Lessor / Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☒ The full water right is being offered to the Bank and none will still be used.

OR

☐ A portion of the water right is being offered to the Bank and a portion will still be used.

If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map The map must locate the point of diversion from the source of water and the location of the lands to be idled or the place where the water will no longer be used. The map must also show townships, ranges, sections, and government lots. **For irrigation purposes**, mark the number of acres for lease **per** 40-acre tract (1/4-1/4). If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO
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APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Identify the owner of the water delivery system or well Jack Montague (Well) , Jay Pennick, Byron Marshall(POU)
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#). (Label Attachment 4A)
- B. Please provide a description of the current water diversion and delivery system, including source, pump, pipeline or diversion.
groud water well used to irrigate property with wheel lines
- C. Describe any other water sources, including municipal, irrigation company shares, or water rights with combined limits to the water right offered to the bank, which are used for the same purpose at the same place of use as the water right being offered to the Bank. _____
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands, and usually have combined limits in the conditions of the water rights. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source, including those listed in 4C? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____
- F. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Label Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture, including lease into the Bank. Your application may be denied if forfeiture concerns are not addressed. _____
- G. Identify annual volumes and/or rates of water diverted (used) in the last 5 years to accomplish the beneficial use authorized by this water right. .02 cfs 5.2 af irrigation of 1.5 acres
- 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
Transfer 89707. However application has been withdrawn.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE CONTRACT

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

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

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

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

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

Current rental rate.

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

The Designated Lessor / Applicant acknowledges the following:

1. Payment to the Designated Lessor / Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Lessor / Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Wade Jarvis
Signature of Designated Lessor or Applicant

Wade Jarvis
Printed Name

7/25/2025
Date

Signature of Co-Applicant

Printed Name

Date

Signature of Authorized Representative

Printed Name

Date

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

Print Form

STATE OF IDAHO
WATER RESOURCE BOARD

Complete Attachment 1A if more than one water right owner

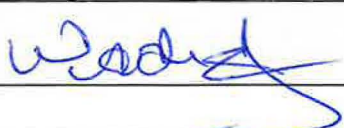
ATTACHMENT 1A

Multiple Water Right Holders Party to the Lease Application

For the water right offered for sale or lease, 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 Lessor or 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 Lessor.** 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). 29-14360

	Designated Lessor	Applicant #2	Applicant #3
Name	Wade Jarvis		
Mailing Address	1956 Cottage Ave. Pocatello ID 83201		
Phone Number	925-783-7010		
Email Address	wadeeee57@gmail.com		
Applicant Declaration	As Designated Lessor, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Lessor to submit this application on my behalf.	I authorize the Designated Lessor to submit this application on my behalf.
Signatures			

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

Water Right Report : 29-14360(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	JARVIS, WADE DEE	1956 COTTAGE AVE	POCATELLO	ID	83201-6009
Original Owner	BUZZARD, JAMES A	2171 MICHAUD CREEK RD	POCATELLO	ID	83204
Previous Owner	JARVIS, WYNN	3813 N 3580 W	MOORE	ID	83255-8740

Water Right Status

Priority Date : 2/10/1987
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	06S	33E	22	0	SW	NE	SE	POWER	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.02 CFS	5.20 AFA
TOTAL			0.02 CFS	5.20 AFA

Places of Use



Place of Use Legal Description : IRRIGATION (POWER county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
06S	33E	22			NE	SE	1.5

Irrigation Totals

Total Acres Acre Limit
1.50

Conditions

Code Conditions

C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates

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

Other Information

State or Federal : S
Water District Number : 290
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :

State of Idaho
Department of Water Resources
Water Right
29-14360



0 0.035 0.07 0.14 Miles

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





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

August 24, 2026

WADE DEE JARVIS
1956 COTTAGE AVE
POCATELLO, ID 83201-6009

**RE: WATER SUPPLY BANK LEASE CONTRACT(S) 2135
FOR WATER RIGHT(S) 29-14380**

Dear Lessor:

Water right **29-14360** 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, 2027**, 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 bank@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,

Kris Margheim
Technical Records Specialist

Enclosure: Executed Lease Contract

C: IDWR- Eastern Region Office

MEMORANDUM FOR APPLICATION # 3259 CONTRACT # 2135

To: Water Right 29-14360

From: Emma Channpraseut – Water Resource Agent – State Office

Date: 8/17/2026

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

PURPOSE/NARRATIVE: The Water Supply Bank (WSB) received lease application 3259 on 07/25/2025. The applicant, Wade Dee Jarvis, initially applied for a 1-year lease duration but after additional communication the applicant decided to extend to a 3-year (2025-2027) lease term. The applicant proposes leasing the entirety of Water Right No. 29-14360 into the WSB for irrigation of 1.5 acres with a diversion rate of 0.02 cfs and a volume of 5.2 afa from ground water. Within the application, Jarvis notes that the Point of Diversion (POD) is owned by Jack Montague and the property appurtenant to the Place of Use (POU) is owned by Jay Pennick and Byron Marshall. After reviewing the history of this water right, it appears that this right is from a change of ownership with a split and severed the water right off the property in 2021.

A request for additional Information letter was sent to the applicant on 5/4/2026 asking for evidence that Water Right No. 29-14360 has been put to beneficial use within the last five years (2021-2023). On 5/28/26 the Applicant's attorney responded, see validity discussion below.

The proposed point of diversion (POD) is within the Eastern Snake Plain Aquifer Ground Water Management Areas, Snake River Basin Area Moratorium Area, Water District 290 Bannock Creek Drainage, and Non Trust Areas.

AUTHORITY TO FILE: Wade Dee Jarvis signed the application. Jarvis has the authority to file because he is the sole owner of water right 29-14360 according to Idaho Department of Water Resources (IDWR) records. There are no identified concerns with validity of water right offered to the bank.

WATER RIGHT VALIDITY: Water right 29-7483 was decreed on 3/22/2004. IDWR records show that this water right was derived from a split of 29-7483 into 29-14310 and later into 29-14360 in 2021. Water right 29-14310 was partially withheld from a change of ownership resulting in a split. Water right 29-14360 has not previously been leased into the bank nor has either parent right. It is possible that ground water has not been used at the place of use but instead the POU appears green riparian growth due to proximity with Michaud Creek. Since the partial decree included these acres as part of the 13.0 acres (based on maps in the adjudication records) and the vegetation appears to be consistently present since (based on aerial imagery), it was unknown if beneficial use of ground water had occurred within the last 5 years. On May 4, 2026, an information request letter was sent asking for information about the recent use of the right. On May 28, 2026, Jarvis responded with an affidavit stating the property where the POD and POU are located are owned by someone else and asserting the property owners are using the water right for sprinkler irrigation. This asserting is enough to accept the right for lease. However, the right can't be rented because the right holder also can't ensure the right will be idle during the term of the lease.

ENLARGEMENT OF USE: The applicants propose to lease the entirety of water right 29-14360 into the WSB. The water rights are not combined limited with any other water rights. The point of diversion (POD) is shared with right 29-14360 and 29-7483, but the use associated with those water rights for irrigation and domestic purposes on other land. The water right can't be rented

because the water right owner doesn't own or control to well or place of use and cant ensure ground water use will be idle during the term of the lease. Any rental of the rights while the property owners are also irrigating would be an enlargement.

LOCAL PUBLIC INTEREST: Accepting valid rights into the water supply bank to provide water for new and supplemental uses is in the local public interest.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location of the water right POD is with IDWR's Eastern Region and within Water District #290 – Bannock Creek Drainage. A request for comment regarding the proposed lease was sent on 3/12/2026. Watermaster relayed his concerns that this POU has not been irrigated in the last ten years and that there are some contentions between the parcel owners and the water right owner.



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

8/17/2026

WADE DEE JARVIS
1956 COTTAGE AVE
POCATELLO ID 83201

**RE: APPLICATION TO LEASE WATER RIGHTS 29-14360 TO THE WATER SUPPLY BANK
CONTRACT 2135**

******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, 2027** unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

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

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

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

Sincerely,



for

Water Supply Bank

Enclosures: Proposed Lease Contracts 2135 (2)
Receipt E051025
Lease Approval Map

CC: Payton Hampton & Theresa Catillo – Representative via email

Channpraseut, Emma

From: Channpraseut, Emma
Sent: Friday, August 14, 2026 12:12 PM
To: Theresa Castillo; Payton Hampton
Subject: Re: Water Right No. 29-14360
Attachments: WSB Cover letter, map, Contract No. 2135 for Wade Dee Jarvis.pdf

Apologies! The PDF did not attach. Here is a copy of the cover letter, contract, and map.

Emma Channpraseut
Water Resource Agent
Idaho Department of Water Resources
emma.channpraseut@idwr.idaho.gov | 208-287-4946

From: Channpraseut, Emma <emma.channpraseut@idwr.idaho.gov>
Sent: Friday, August 14, 2026 12:08 PM
To: Theresa Castillo <TCastillo@parsonsbehle.com>; Payton Hampton <PHampton@parsonsbehle.com>
Subject: Re: Water Right No. 29-14360

Good afternoon,

Based on the information you provided, I was able to complete my review of the Water Supply Bank Lease Application 3259 / Contract 2135 for Wade Dee Jarvis.

I am CCing you via email to loop you in that I have prepped Water Supply Bank (WSB) Lease Contract No. 2135 for Wade Dee Jarvis. The contracts should be mailed Monday to Wade for review and signature. Please see attached PDF of the cover letter, copy of the lease contract, and map for your reference.

Have a good weekend!

Emma Channpraseut
Water Resource Agent
Idaho Department of Water Resources
emma.channpraseut@idwr.idaho.gov | 208-287-4946

From: Theresa Castillo <TCastillo@parsonsbehle.com>
Sent: Thursday, May 28, 2026 2:33 PM
To: Channpraseut, Emma <emma.channpraseut@idwr.idaho.gov>
Cc: Payton Hampton <PHampton@parsonsbehle.com>
Subject: Re: Water Right No. 29-14360

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.

Dear Ms. Channpraseut,

Please see the enclosed correspondence. If you have any questions, please feel free to contact Payton Hampton who is cc'd on this email.

Regards,

Theresa



A Professional
Law Corporation

Theresa Castillo
Legal Assistant
Parsons Behle & Latimer
350 Memorial Drive, Suite 300 • Idaho Falls, Idaho 83402
Main +1 208.522.6700 • Direct +1 208 528 5247

parsonsbehle.com • TCastillo@parsonsbehle.com



A Professional
Law Corporation

Theresa Castillo
Legal Assistant
Parsons Behle & Latimer
350 Memorial Drive, Suite 300 • Idaho Falls, Idaho 83402
Main +1 208.522.6700 • Direct +1 208.528.5247

parsonsbehle.com • TCastillo@parsonsbehle.com • [vCard](#)

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May 28, 2026

Water Supply Bank
Attn: Emma Channpraseut
322 E Front Street
Suite 648
Boise, ID 83702
Emma.channpraseut@idwr.idaho.gov

**Re: Response to Request for Information from Water Supply Bank Regarding
Water Right No. 29-14360**

Dear Ms. Channpraseut,

Our firm represents Wade Dee Jarvis in connection with Water Right No. 29-14360 and Mr. Jarvis's pending Water Supply Bank application. This letter responds to IDWR's May 4, 2026 request for information regarding whether Water Right No. 29-14360 has been lost to forfeiture.

Water Right No. 29-14360 has not been forfeited. Idaho Code § 42-222(2) provides that a water right is subject to forfeiture only upon "failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated." The statute further provides that "[t]he party asserting that a water right has been forfeited has the burden of proving the forfeiture by clear and convincing evidence." That standard is not met here for at least three independent reasons.

First, Water Right No. 29-14360 has been used for irrigation within the last five years. Mr. Jarvis has confirmed that the well serving the right has been used to irrigate the authorized place of use with sprinklers during the relevant period by communicating with Mr. Jack Montague—the owner of the parcel where the well is located—who confirmed that the well has been used to irrigate the place of use during that period. Accordingly, this is not a circumstance where there has been a continuous five-year "failure . . . to apply [the right] to the beneficial use for which it was appropriated." Idaho Code § 42-222(2). The existence of actual irrigation use within the relevant five-year period independently defeats any forfeiture concern.

Second, even if IDWR were to identify some period of nonuse, any such nonuse would fall within Idaho Code § 42-223(6). That subsection provides: "No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from circumstances over which the

Attn: Emma Channpraseut
Water Supply Bank
May 28, 2026
Page Two

water right owner has no control. Whether the water right owner has control over nonuse of water shall be determined on a case-by-case basis.” Here, Mr. Jarvis does not own or control the point of diversion. The well where the point of diversion is located is owned by Jack and Fannye Montague. Mr. Jarvis also does not own or control the place of use. The place of use is located on property owned by Jay and Renee Pennick and on property owned by Byron and Lory Marshall. Mr. Jarvis does not have physical access to those parcels and does not control the well, the sprinkler system, or the land where water is applied. Therefore, to the extent IDWR identifies any nonuse, that nonuse resulted from circumstances outside Mr. Jarvis’s control and is protected from forfeiture under Idaho Code § 42-223(6).

Third, Water Right No. 29-14360 is currently subject to curtailment and is not enrolled in the American Falls-Aberdeen Ground Water District. As a result, the right is not currently available for diversion and use absent relief from curtailment, enrollment/mitigation, or other authorization. Current nonuse resulting from curtailment is not voluntary nonuse. It is nonuse caused by circumstances outside Mr. Jarvis’s control. Idaho Code § 42-223(6) expressly protects against forfeiture where “the nonuse results from circumstances over which the water right owner has no control.” Because Mr. Jarvis cannot lawfully divert under the right while it is subject to curtailment, any present nonuse attributable to curtailment does not support forfeiture.

Enclosed is a Declaration of Wade Jarvis to support the facts asserted in this letter, to the extent that is required.

For these reasons, Water Right No. 29-14360 has not been forfeited. Mr. Jarvis respectfully requests that IDWR accept this response and continue processing the Water Supply Bank application. Mr. Jarvis also reserves all rights, claims, defenses, and arguments regarding the validity, ownership, use, and administration of Water Right No. 29-14360.

Respectfully submitted,

PARSONS BEHLE & LATIMER



Payton Hampton
Attorney at Law

PH:

Enclosure

Payton Hampton, ISB #11529
PARSONS BEHLE & LATIMER
350 Memorial Drive, Suite 300
Idaho Falls, Idaho 83402
Telephone: 208.522.6700
Facsimile: 208.522.5111
PHampton@parsonsbehle.com

Attorneys for Wade Jarvis

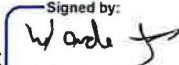
DECLARATION OF WADE JARVIS

I, Wade Jarvis, declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts set forth herein.
2. I am the applicant in the pending Water Supply Bank application concerning Water Right No. 29-14360.
3. I understand that the Idaho Department of Water Resources has requested information regarding whether Water Right No. 29-14360 has been used within the last five years or is otherwise protected from forfeiture.
4. Water Right No. 29-14360 is an irrigation water right.
5. To the best of my knowledge, the well associated with Water Right No. 29-14360 has been used within the last five years to irrigate the place of use with sprinklers.
6. The well where the point of diversion is located is not owned by me. The well is located on property owned by Jack and Fannye Montague.
7. I have communicated with Jack Montague regarding use of the well. Mr. Montague confirmed to me that the well has been used to irrigate the place of use during the relevant period.

8. The place of use for Water Right No. 29-14360 is not owned by me. The place of use is located on property owned by Jay and Renee Pennick and on property owned by Byron and Lory Marshall.
9. I do not own the parcels where the point of diversion and place of use are located. I do not control those parcels, and I do not have access to those parcels to physically operate the well, sprinkler system, or irrigation facilities.
10. To the extent there has been any period of nonuse of Water Right No. 29-14360, that nonuse has resulted from circumstances outside my control, including the fact that I do not own or control the well, the point of diversion parcel, the place of use parcels, or the irrigation facilities used to apply water to the place of use.
11. I also understand that Water Right No. 29-14360 is currently subject to curtailment and is not enrolled in the American Falls-Aberdeen Ground Water District.
12. Because of that curtailment and the lack of enrollment in the American Falls-Aberdeen Ground Water District, I understand that Water Right No. 29-14360 is not currently available for diversion.
13. I have not intended to abandon, relinquish, or forfeit Water Right No. 29-14360.
14. I declare under penalty of perjury, pursuant to the laws of the state of Idaho, that the foregoing is true and correct.

DATED May 28, 2026.

Signed by:
By: 
Wade Jarvis
089F6859DB9E4DA...



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 4, 2026

WADE DEE JARVIS
1956 COTTAGE AVE
POCATELLO, ID 83201

**RE: APPLICATION(S) TO SELL LEASE A WATER RIGHT TO THE WATER SUPPLY
BANK FOR WATER RIGHT NO(S). 29-14360**

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

Dear Applicant,

The Department of Water Resources received your application proposing to lease Water Right 29-14360 on July 25, 2025. Water Supply Bank Rule 25 (**IDAPA 37.02.03.025.02.c**) states that a complete application must include information demonstrating that the water right has not been lost through abandonment or forfeiture as defined by Idaho Code Section 42-222(2).

Review of aerial imagery indicates the place of use contains vegetation. However, it is unclear if plant growth that is visible is due to the proximity of CREEK or from ground water use under the right. Information in the file suggest ground water has not been applied to the place of use for several years.

Please submit information demonstrating Water Right 29-14360 has not been lost to forfeiture. Typically, this is accomplished by providing evidence of diversion and use of ground water within the last five years (2021-2025) such as measurement data or power records, or by demonstrating a legal defense pursuant to Idaho Code § 42-223.

The Department cannot accept this water right for the lease without this information. The application will place on hold pending your response. If the requested information is not received within **30 days**, the application will be returned because it is incomplete.

If you have any questions, please contact me at emma.channpraseut@idwr.idaho.gov or (208) 287-4800

Sincerely,

A handwritten signature in blue ink that reads "Emma Channpraseut".

Emma Channpraseut
for
Water Supply Bank

Channpraseut, Emma

From: RD Curry <rd@dcdi.net>
Sent: Friday, March 13, 2026 11:14 AM
To: Channpraseut, Emma
Subject: Re: Comments Request - Water Supply Bank Lease Application No. 3259 Contract No. 2135

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Good Morning Emma

In regards to Water Right 29-14360 Wade Dee Jarvis current owner who purchased water right from Wynn Jarvis previous owner. The POU map covers two different owners Jay and Renee Pennick and Byron & Lori Marshall. My last visit with Jay & Renee Pennick they were definitely not in agreement of Wade using a portion of their property as a POU. I have not discussed this with Marshall. This POU under Wynn or Wade has not been irrigated in the last ten years. Pennick indicated they may irrigate trees or shrubs on this property. I have no issue with Wade entering his 1.5 acers into the water bank but Pennick does not want his POU to include their property.

Thank You
Richard Curry
Water Master 290

From: "Channpraseut, Emma" <emma.channpraseut@idwr.idaho.gov>
To: "Directcom Customer" <rd@dcdi.net>, "Cefalo, James" <James.Cefalo@idwr.idaho.gov>
Sent: Thursday, March 12, 2026 5:29:30 PM
Subject: Comments Request - Water Supply Bank Lease Application No. 3259 Contract No. 2135

Good afternoon,

I am seeking comments regarding Water Supply Bank (WSB) Lease Application No. 3259 / Contract No. 2135 for Wade Dee Jarvis. Please see attached review documents (Lease Applications, Lease Review Memo, and reference map). Please submit your comments within 7 days. If we do not hear from you by that date, we will assume that no comment from you means that you have no objection to, concerns, or conditions about the rental.

Have a good rest of your day!

Channpraseut, Emma

From: Channpraseut, Emma
Sent: Thursday, March 12, 2026 5:29 PM
To: 'rd@dcdi.net'; Cefalo, James
Subject: Comments Request - Water Supply Bank Lease Application No. 3259 Contract No. 2135
Attachments: Lease Approval Map App 3259 Contract 2135 Jarvis.pdf; Lease Review Memo App 3259 Contract 2135 Jarvis, Wade.pdf; WSB Lease Application 3259 Jarvis, Wade (2).pdf

Good afternoon,

I am seeking comments regarding Water Supply Bank (WSB) Lease Application No. 3259 / Contract No. 2135 for Wade Dee Jarvis. Please see attached review documents (Lease Applications, Lease Review Memo, and reference map). Please submit your comments within 7 days. If we do not hear from you by that date, we will assume that no comment from you means that you have no objection to, concerns, or conditions about the rental.

Have a good rest of your day!
Emma



IDAHO DEPARTMENT OF
WATER RESOURCES

Emma Channpraseut | Water Resources Agent

322 E Front St, PO Box 83720, Boise, ID 83720

(208) 287-4946 | www.idwr.idaho.gov