

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# WATER SUPPLY BANK LEASE CONTRACT No. 1435

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

**LESSOR:** UNITED STATES OF AMERICA  
ACTING THROUGH USDI  
BUREAU OF LAND MANAGEMENT  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

**SUPPORT DATA**  
**IN FILE #** 37-23348

**RECEIVED**

**NOV 01 2021**

**DEPARTMENT OF  
WATER RESOURCES**

## RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on September 23, 2021.
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)    |
|------------------------------|---------------|------------------------------------------|----------------------|-----------------------|---------------|
| 37-23348                     | 5/23/1885     | BIG WOOD RIVER, tributary to MALAD RIVER | 0.1                  | Not Stated            | 171.00        |
| 37-23349                     | 6/15/1886     | BIG WOOD RIVER, tributary to MALAD RIVER | 0.1                  | Not Stated            | 171.00        |
| <b>Combined Lease Totals</b> |               |                                          | <b>0.2</b>           | <b>Not Stated</b>     | <b>171.00</b> |

### 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) |
|------------------------------|----------------------|-----------------------|----------------------|------------------------|-------------------------|
| 37-23348                     | 0.1                  | 598.5                 | 171.00               | 0.001                  | 3.5                     |
| 37-23349                     | 0.1                  | 598.5                 | 171.00               | 0.001                  | 3.5                     |
| <b>Combined Limit Totals</b> | <b>0.2</b>           | <b>598.5</b>          | <b>171.00</b>        | <b>0.001</b>           | <b>3.5</b>              |

*\* The water right elements rentable have been reduced from the water right elements leased to account for combined limits and defined volume limit that is based on the regional field headgate irrigation standard of 3.5 afa/acre.*

## WATER SUPPLY BANK LEASE CONTRACT No. 1435

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

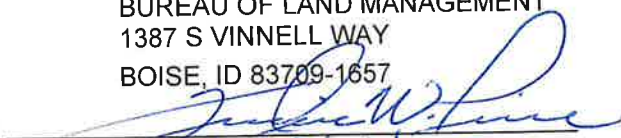
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2021 to December 31, 2025. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water 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. 1435**

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

**LESSOR:** UNITED STATES OF AMERICA  
ACTING THROUGH USDI  
BUREAU OF LAND MANAGEMENT  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

By   
Title Water Rights Spec.  
Date 10-29-2021

**IDAHO WATER RESOURCE BOARD**

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

By   
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date 11/3/21

Lease approved by IDWR 

Date 11/3/21

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# WATER SUPPLY BANK LEASE CONTRACT No. 1435

## 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): 37-23348, 37-23349**  
BIG WOOD RIVER      NWNENE      Sec. 19      Twp 01S      Rge 18E      BLAINE County

| Water Right    | Beneficial Use | Season of Use |    |       | Diversion Rate (CFS) | Volume (AF) |
|----------------|----------------|---------------|----|-------|----------------------|-------------|
|                |                | From          |    | To    |                      |             |
| 37-23348       | IRRIGATION     | 04/15         | to | 10/31 | 0.10 cfs             | Not Stated  |
| 37-23349       | IRRIGATION     | 04/15         | to | 10/31 | 0.10 cfs             | Not Stated  |
| <b>Totals:</b> |                |               |    |       | 0.20 cfs             | Not Stated  |

### 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   |        |
| 01S | 17E | 13  |      |    |    |    |      |            |    |    |    |    |            |      |    |    |      | 38.0 | 38.0   |
| 01S | 17E | 24  | 17.0 |    |    |    |      |            |    |    |    |    |            |      |    |    |      |      | 17.0   |
| 01S | 18E | 18  |      |    |    |    |      |            |    |    |    |    | 29.0<br>L4 | 26.0 |    |    | 17.0 |      | 72.0   |
| 01S | 18E | 19  |      |    |    |    | 18.0 | 26.0<br>L1 |    |    |    |    |            |      |    |    |      |      | 44.0   |

Total Acres: 171.0

### ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

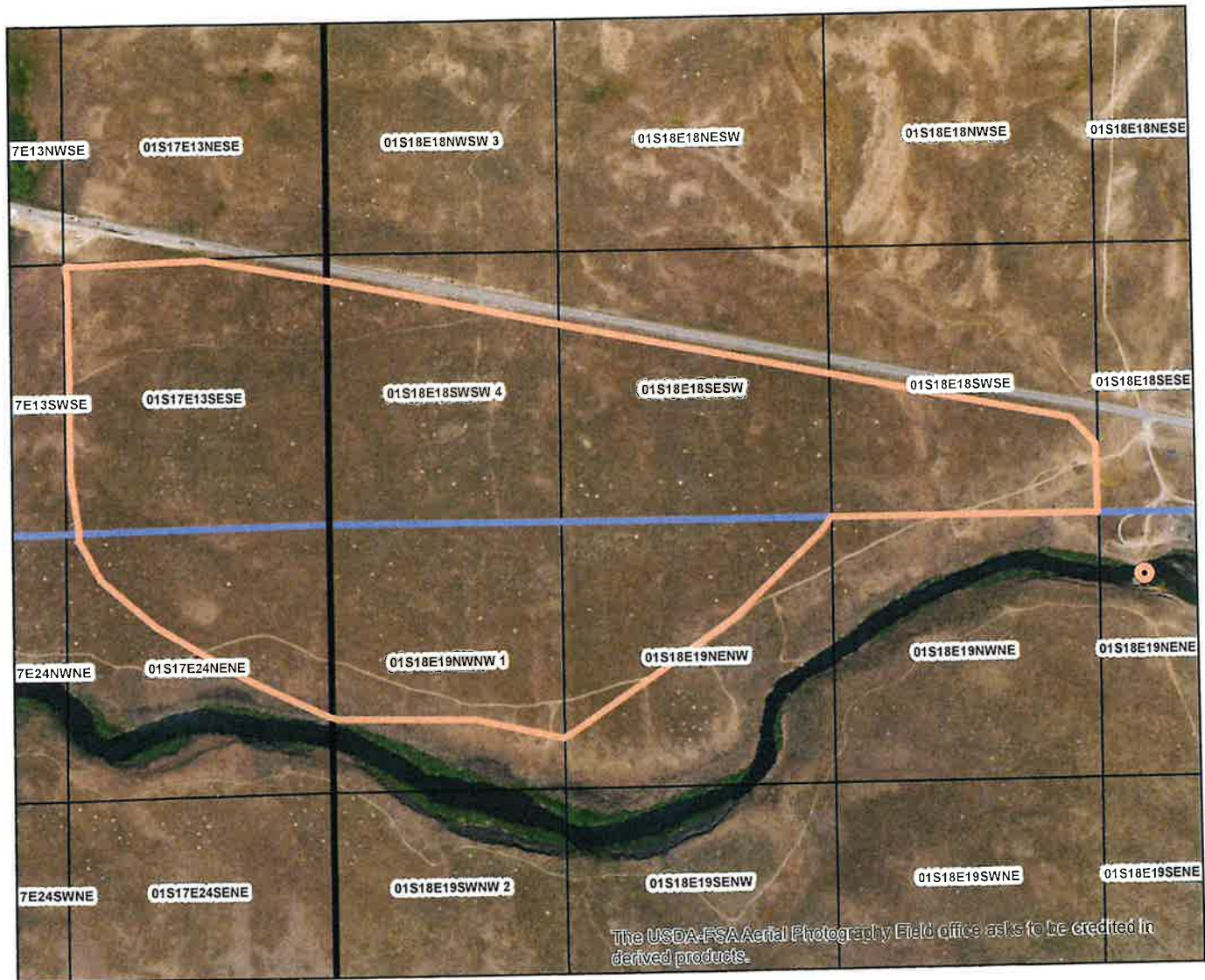
## **WATER SUPPLY BANK LEASE CONTRACT No. 1435**

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. Right Nos. 37-26, 37-27, 37-23128, 37-23129, 37-23130 & 37-23131, 37-23348, 37-23349 are limited to the irrigation of a combined total of 171 acres in a single irrigation season.
13. This right is subject to regulation by the watermaster of Water District 37.
14. Total rate of diversion includes 0.011 cfs charged for river channel loss. These rights are limited to 0.1 cfs at the point of diversion.
15. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
16. The actual total diversion rate for each right is 0.111 cfs.
17. Water Supply Bank Lease Contracts # 1435 & # 1443 are only available to rent in combination.

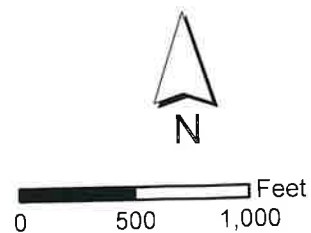
Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1435

37-23348 & 37-23349  
Effective until December 31, 2025

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



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



# Idaho Department of Water Resources Receipt

## Receipt ID: C110994

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|                |                                                                                                                                                                                                                                        |               |           |        |       |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------|--------|-------|
| Payment Amount | \$500.00                                                                                                                                                                                                                               | Date Received | 9/23/2021 | Region | STATE |
| Payment Type   | Charge Card                                                                                                                                                                                                                            |               |           |        |       |
| Payer          | BLM                                                                                                                                                                                                                                    |               |           |        |       |
| Comments       | WATER SUPPLY BANK LEASE APPLICATION FEE FOR WR# 37-27 & 37-28 FOR BLM<br>ORDERID: 48666568<br>LOCAL REFID: I9xYTK4xA0epSH6Dlsw2tQ==<br>TOTAL PAID: \$516.00(FEES: \$16.00)<br>AUTH_CODE: 019957<br>REC DATE: 9/23/2021 11:49:19 AM MDT |               |           |        |       |

### Fee Details

| Amount   | Description                   | PCA   | Fund | Fund Detail | Subsidiary | Object |
|----------|-------------------------------|-------|------|-------------|------------|--------|
| \$250.00 | WATER BANK LEASE APPLICATIONS | 55111 | 0229 | 21          |            | 1205   |
| \$250.00 | WATER BANK LEASE APPLICATIONS | 55111 | 0229 | 21          |            | 1205   |

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Signature Line (Department Representative)

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED  
SEP 23 2021  
DEPARTMENT OF  
WATER RESOURCES

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

37-23349

Designated Applicant USDI, BLM

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

Water Right No. 37-00027 (BLM portion)

(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 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Signatures and contact information for <b>all owners</b> of the water right to be leased or sold on this application.                                                                                                                                                                                                                                  |
| 1B | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.                                                                                                                                                                                                                                                                        |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                   |
| 1D | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| 3  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .                                                            |
| 4A | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| 4G | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> .                                                                                                                                                                                                                                       |

#### Department Use Only

Fee Amount \$

250

Received By:

AGJ

Date Received:

9/23/21

Receipt #

C1109941

W-9 received?

Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9:

DOI - Bureau of Land Management

2147

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 USDI, BLM, Idaho State Office

Mailing Address 1387 S Vinnell Way, Boise, ID, 83709

|        |      |       |          |
|--------|------|-------|----------|
| Street | City | State | Zip Code |
|--------|------|-------|----------|

Email Address fwprice@blm.gov Phone Number (208) 373-3831

☒ 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 Fredric W. Price Organization USDI, BLM

Professional Title Water Rights Specialist Email Address fwprice@blm.gov

Mailing Address 1387 S. Vinnell Way, Boise, ID 83709 Phone Number (208) 373-3831

☒ 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.  
The right has been in the water bank since 2003.  
\_\_\_\_\_  
\_\_\_\_\_
- 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 rights are "used" at the place of use as the rights describing the place of use (POU) have been in the WSB since 2003. Rights that describe the same POU as 37-00027 are as follows: 37-00026, 37-23128, 37-23129, 37-23130, 37-23131. Other owners are not authorized to irrigate the POU.  
\_\_\_\_\_
- 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. This right has been in the WSB 2003.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒  
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒  
If yes, describe. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: 2021 to 2025 (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.

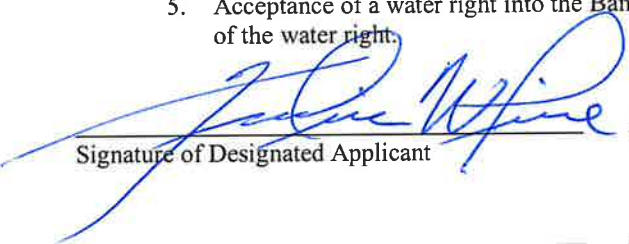
Current lease rate.

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**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

Fredric W. Price

Printed Name

09/23/2021

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). 37-00026, 37-00027: BLM filed a change of ownership on 05/09/2013 to separate its interests.

|                       | <b>Designated Applicant</b>                                                                          | <b>Applicant #2</b>                                                           | <b>Applicant #3</b>                                                           |
|-----------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Name                  |                                                                                                      |                                                                               |                                                                               |
| 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             |                                                                                                      |                                                                               |                                                                               |

|                       | <b>Applicant #4</b>                                                           | <b>Applicant #5</b>                                                           | <b>Applicant #6</b>                                                           |
|-----------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 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**

| 1. <u>Water Right Number</u> | Nature of Use                               | Leased Rate<br>(cfs)        | Leased Volume<br>(af)       | Leased Acres<br>(ac)        |
|------------------------------|---------------------------------------------|-----------------------------|-----------------------------|-----------------------------|
| <u>37-00027</u>              | <u>Irrigation</u>                           | <u>0.111</u>                | <u>7.336624</u>             | <u>5.6% of 52.62 ac</u>     |
|                              | <u>All of BLM's portion</u>                 | <u>                    </u> | <u>                    </u> | <u>                    </u> |
|                              | <u>                                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
|                              | <u>                                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
|                              | <u>Total Amounts:</u>                       | <u>                    </u> | <u>                    </u> | <u>                    </u> |

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼  | ¼  | ¼  | County |
|-----|-----|-----|-----|----|----|----|--------|
| 01S | 18E | 19  |     | NW | NE | NE | Blaine |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |

Form 1221-2  
(June 1969)



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Idaho State Office

Release 1-346

Date  
September 22, 2011

MANUAL TRANSMITTAL SHEET

Subject: **1203 – DELEGATION OF AUTHORITY**

1. Explanation of Material Transmitted: This manual supplement updates delegations of authority and related procedures to the State Office, District Offices, and Field Offices and National Landscape Conservation System (NLCS) Managers (Mgr) and staff. It includes a new column for the NLCS Mgr.
2. Reports Required: None.
3. Material Superseded: The manual supplement release superseded by this release is listed under REMOVE below. This release also supersedes any Idaho Instruction Memorandum dated before this transmittal.
4. Filing Instructions: File as directed below.

REMOVE

1203 – All Pages (Release 1-343)

(Total: 61 Sheets)

INSERT

1203 (Release 1-346)

(Total: 91 Sheets)

Peter J. Ditton for

Steven A. Ellis  
State Director

Distribution

## 1203 - DELEGATION OF AUTHORITY

| Code<br>/or<br>Reg.                                                              | Activity                                                                                                                                                                                                                      | Authority Delegated To |     |          |    |    |          |        |         |      |      |     |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----|----------|----|----|----------|--------|---------|------|------|-----|
|                                                                                  |                                                                                                                                                                                                                               | SD                     | DSD | Br Chief | DM | FM | NLCS Mgr | AO/SSM | All Sup | SSPA | DFMO | MRF |
| 6525                                                                             | Approve cooperative management programs jointly with State wildlife agencies pursuant to the Sikes Act, as amended.                                                                                                           | X                      |     |          | X  | X  | X        |        |         |      |      |     |
| 6600 FISH, WILDLIFE, AND SPECIAL STATUS PLANT RESOURCES INVENTORY AND MONITORING |                                                                                                                                                                                                                               |                        |     |          |    |    |          |        |         |      |      |     |
| 6602                                                                             | Approve wildlife inventory and monitoring plans.                                                                                                                                                                              | X                      |     |          | X  | X  | X        |        |         |      |      |     |
| 6620                                                                             | Approve Habitat Management Plans.                                                                                                                                                                                             | X                      |     |          | X  | X  | X        |        |         |      |      |     |
| 6800 WILDLIFE POPULATION MANAGEMENT                                              |                                                                                                                                                                                                                               |                        |     |          |    |    |          |        |         |      |      |     |
| 6840                                                                             | Conduct endangered species consultation per Section 7 of Endangered Species Act of 1973, as amended.                                                                                                                          | X                      |     |          | X  | X  | X        |        |         |      |      |     |
| 7250 WATER RIGHTS                                                                |                                                                                                                                                                                                                               |                        |     |          |    |    |          |        |         |      |      |     |
| 7250                                                                             | Settle water rights issues.<br><br>1) Special delegation to DSD for Resource Services and the Special Project Team (Water Rights). See Instruction Memorandum No. ID-2001-063, Subject: Water Rights Delegation of Authority. | X                      | 1   |          |    |    |          |        |         |      |      |     |
| 8000 RECREATION PROGRAMS                                                         |                                                                                                                                                                                                                               |                        |     |          |    |    |          |        |         |      |      |     |
| 8000                                                                             | Authorize recreation use and specify terms and conditions of such use (exceptions are provided for in the regulations).                                                                                                       | X                      |     |          | X  | X  | X        |        |         |      |      |     |
| 8100 CULTURAL RESOURCE MANAGEMENT                                                |                                                                                                                                                                                                                               |                        |     |          |    |    |          |        |         |      |      |     |
| 8110                                                                             | Carry out matters of responsibility of BLM relating to <b>determination</b> of eligibility for nomination to the National Register under 36 CFR 63.                                                                           | X                      |     |          | X  | X  | X        |        |         |      |      |     |
| 8110                                                                             | Carry out matters of responsibility of BLM relating to <b>nomination</b> to the National Register under 36 CFR 60.                                                                                                            | X                      |     |          | X  | X  | X        |        |         |      |      |     |

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709-1657

In Reply Refer To:  
7250/1230 (933) P

*July 27, 2001*

EMS  
Instruction Memorandum No. ID-2001-063  
Expires: 09/30/2002

To: ICT

From: State Director

Subject: Water Rights Delegation of Authority

Idaho State Office 1203 - Delegation of Authority Manual Supplement is amended to add a delegated authority to both the Deputy State Director for Resource Services and the Branch Chief for Lands and Minerals to negotiate and settle Snake River Basin Adjudication (SRBA) water rights issues. The SRBA water rights team leader (Gary Madenford) and senior water rights specialist (Fred Price) will continue to have authority to represent the BLM regarding all water rights issues.

This delegation is effective immediately. The Idaho Delegation of Authority Supplement will be revised to reflect these changes.

Contact Jimmie Buxton if you have comments or questions regarding this issue.

Signed by:  
Martha G. Hahn

Authenticated by:  
Susanna M. Henry  
Staff Assistant (ID-933)

cc:  
ISO Water Rights Team  
Larry Brown, DOJ Attorney  
Mel Matlock (950)  
Bill Ferry, Field Solicitor - Boise

|                                       | Original WRs |            |         | WRLT/BLM   |            |         | Sligar     |            |         | Thornton   |            |         |
|---------------------------------------|--------------|------------|---------|------------|------------|---------|------------|------------|---------|------------|------------|---------|
|                                       | Divertible   | Mitigation | Actual  | Divertible | Mitigation | Actual  | Divertible | Mitigation | Actual  | Divertible | Mitigation | Actual  |
| 37-00026 proportions percent original | 4.05         | 0.45       | 4.5     | 0.1        | 0.011      | 0.111   | 2.765      | 0.307      | 3.072   | 1.185      | 0.132      | 1.317   |
|                                       | 90.00%       | 10.00%     | 100.00% | 90.00%     | 10.00%     | 100.00% | 90.00%     | 10.00%     | 100.00% | 90.00%     | 10.00%     | 100.00% |
|                                       |              |            |         | 2.50%      | 2.40%      | 2.50%   | 68.30%     | 68.20%     | 68.30%  | 29.30%     | 29.30%     | 29.30%  |
| 37-00027 proportions percent original | 1.8          | 0.2        | 2       | 0.1        | 0.011      | 0.111   | 1.19       | 0.132      | 1.322   | 0.51       | 0.057      | 0.567   |
|                                       | 90.00%       | 10.00%     | 100.00% | 90.00%     | 10.00%     | 100.00% | 90.00%     | 10.00%     | 100.00% | 90.00%     | 10.00%     | 100.00% |
|                                       |              |            |         | 5.60%      | 5.50%      | 5.60%   | 66.10%     | 66.00%     | 66.10%  | 28.30%     | 28.50%     | 28.40%  |
| Stack proportions percent original    | 5.85         | 0.65       | 6.5     | 0.2        | 0.022      | 0.222   | 3.955      | 0.439      | 4.394   | 1.695      | 0.189      | 1.884   |
|                                       | 90.00%       | 10.00%     | 100.00% | 90.00%     | 10.00%     | 100.00% | 90.00%     | 10.00%     | 100.00% | 90.00%     | 10.00%     | 100.00% |
|                                       |              |            |         | 3.40%      | 3.40%      | 3.40%   | 67.60%     | 67.50%     | 67.60%  | 29.00%     | 29.10%     | 29.00%  |

Tot Quan      ACRES      DUTY/AC      S.C. Frost et. al. v. Alturas Water Co., 12-13-1909, 4th Jud. Dist., Lincoln Co.

diverted      6.5      171      0.038 cfs/ac      1st WSB lease was in 2003

427.5      171      2.5 AF/ac      Current WSB lease up end of 2020 irr season.

avail on field      5.85      171      0.034 cfs/ac      IDWR Memo to File dated 04-19-2013 states that standard consumptive use volume for this area is 2.5 AFA/ac so 171 acres x 2.5 AFA/ac = 427.5 AFY.

| COSTING BY EACH WR |                     |          | COSTING AS A % OF TOTAL |                              |                             |
|--------------------|---------------------|----------|-------------------------|------------------------------|-----------------------------|
| 37-00026 rental    | (4.5 cfs/6.5 cfs) x | 118.4 ac | 295.96 AFY              | 2.5% of 295.96 = 7.399 AF    | 427.50 AFY                  |
| 37-00027 rental    | (2.0 cfs/6.5 cfs) x | 52.62 ac | 131.54 AFY              | 5.6% of 131.54 = 7.336624 AF | 3.4 % of total is BLM       |
|                    |                     |          | 427.50 AFY              | 14.76519 AF                  | 14.535 AF is BLM's          |
|                    |                     |          |                         | \$20.00 rental per AF        | \$20.00 rental per AF       |
|                    |                     |          |                         | \$295.30                     | \$290.70                    |
|                    |                     |          |                         | \$29.53 minus 10% admin fee  | \$29.07 minus 10% admin fee |
|                    |                     |          |                         | \$265.77                     | \$261.63                    |

## Webster, Clay

**From:** Buyer, Remington  
**Sent:** Thursday, October 01, 2015 9:06 AM  
**To:** Palmer, Cherie; Webster, Clay  
**Subject:** Ownership Change

Cherie, Clay,

There is a worksheet in the file "Warrants/xlsx" titled "Three Way Rental" in which you can see the further consider the math below. (N:\WRDocs\WSB\WSB PROCESSING DOCUMENTS\2015 Lease-Rentals\2015 Warrants). I drafted this to determine how to split the Sligar, BLM, Thornton rental payments for 37-26 and 37-27. Through review this morning, it appears MV Property is in fact no longer an owner of the property/water rights and can be removed from the records in our database.

The following is my analysis of the ownership changes documentation:

- 1) Property sold by JRJ Development to Harry Rinker in 2004 (ownership change filed with IDWR in 2006),
- 2) Sometime between 2004 and 2006, property seems to have been sold to David McDonald (MV Property),
- 3) In 2008, MV Property sells the property to The WRLT. At this time the water rights (in cfs) are as follows:

|                  | Divertible | Mitigation | Actual |
|------------------|------------|------------|--------|
| 37-26            | 4.05       | 0.45       | 4.5    |
| Proportions      | 90%        | 10%        | 100%   |
| Percent Original |            |            |        |
| 37-27            | 1.8        | 0.2        | 2      |
| Proportions      | 90%        | 10%        | 100%   |
| Percent Original |            |            |        |
| Stack            | 5.85       | 0.65       | 6.5    |
| Proportions      | 90%        | 10%        | 100%   |
| Percent Original |            |            |        |

- 4) WRLT files water right ownership change form (in 2010 along) with documentation regarding the portions of water rights owned by WRLT. WRLT now holds 10 % of the original right:

|                       |              |                       |
|-----------------------|--------------|-----------------------|
| Original Water Rights | WRLT Portion | Water Right Remaining |
|-----------------------|--------------|-----------------------|

|                  | Divertible | Mitigation | Actual | Divertible | Mitigation | Actual | Divertible | Mitigation | Actual |
|------------------|------------|------------|--------|------------|------------|--------|------------|------------|--------|
| 37-26            | 4.05       | 0.45       | 4.5    | 0.1        | 0.011      | 0.111  | 3.95       | 0.439      | 4.389  |
| Proportions      | 90%        | 10%        | 100%   | 90%        | 10%        | 100%   | 90%        | 10%        | 100%   |
| Percent Original |            |            |        | 2.5%       | 2.4%       | 2.5%   |            |            |        |
| 37-27            | 1.8        | 0.2        | 2      | 0.1        | 0.011      | 0.111  | 1.7        | 0.189      | 1.889  |
| Proportions      | 90%        | 10%        | 100%   | 90%        | 10%        | 100%   | 90%        | 10%        | 100%   |
| Percent Original |            |            |        | 5.6%       | 5.5%       | 5.6%   |            |            |        |
| Stack            | 5.85       | 0.65       | 6.5    | 0.2        | 0.022      | 0.222  | 5.65       | 0.628      | 6.278  |
| Proportions      | 90%        | 10%        | 100%   | 90%        | 10%        | 100%   | 90%        | 10%        | 100%   |
| Percent Original |            |            |        | 3.4%       | 3.4%       | 3.4%   |            |            |        |

5) In 2009, MV Property conveys thirty percent (of the remaining irrigation component) of the water rights to Thornton and seventy percent (of the irrigation component) to Sligar. The ownership assignment document erred however on the 30%/70% split of the mitigation component and left a sliver of the mitigation component unassigned. Per the legal deed, Sligar and Thornton now holds the following amounts:

|                  | Water Right Remaining |            |        | Sligar (70% remaining) |            |        | Thornton (30% remaining split) |            |        | Remaining Unleased |            |        |
|------------------|-----------------------|------------|--------|------------------------|------------|--------|--------------------------------|------------|--------|--------------------|------------|--------|
|                  | Divertible            | Mitigation | Actual | Divertible             | Mitigation | Actual | Divertible                     | Mitigation | Actual | Divertible         | Mitigation | Actual |
| 37-26            | 3.95                  | 0.439      | 4.389  | 2.765                  | 0.2835     | 3.0485 | 1.185                          | 0.1215     | 1.3065 | 0                  | 0.034      | 0.034  |
| Proportions      | 90%                   | 10%        | 100%   | 91%                    | 9%         | 100%   | 91%                            | 9%         | 100%   | 0%                 | 100%       | 100%   |
| Percent Original |                       |            |        | 70.0%                  | 64.6%      | 69.5%  | 30.0%                          | 27.7%      | 29.8%  | 0.0%               | 12.0%      | 1.1%   |
| 37-27            | 1.7                   | 0.189      | 1.889  | 1.19                   | 0.126      | 1.316  | 0.51                           | 0.054      | 0.564  | 0                  | 0.009      | 0.009  |
| Proportions      | 90%                   | 10%        | 100%   | 90%                    | 10%        | 100%   | 90%                            | 10%        | 100%   | 0%                 | 100%       | 100%   |
| Percent Original |                       |            |        | 70.0%                  | 66.7%      | 69.7%  | 30.0%                          | 28.6%      | 29.9%  | 0.0%               | 7.1%       | 0.7%   |
| Stack            | 5.65                  | 0.628      | 6.278  | 3.955                  | 0.4095     | 4.3645 | 1.695                          | 0.1755     | 1.8705 | 0                  | 0.043      | 0.043  |
| Proportions      | 90%                   | 10%        | 100%   | 91%                    | 9%         | 100%   | 91%                            | 9%         | 100%   | 0%                 | 100%       | 100%   |
| Percent Original |                       |            |        | 70.0%                  | 65.2%      | 69.5%  | 30.0%                          | 27.9%      | 29.8%  | 0.0%               | 10.5%      | 1.0%   |

6) In 2012, WRLT sells the property to BLM and BLM executes an agreement with all water right owners to correct the previously erroneous proportioned amounts of the water rights. All parties (BLM, WRLT, Sligar, Thornton and MV Property) sign off on the ownership change documentation submitted by BLM to IDWR in 2012. The water rights are now as follows:

|       | Original Water Rights |            |        | WRLT/BLM   |            |        | Sligar     |            |        | Thornton   |            |        |
|-------|-----------------------|------------|--------|------------|------------|--------|------------|------------|--------|------------|------------|--------|
|       | Divertible            | Mitigation | Actual | Divertible | Mitigation | Actual | Divertible | Mitigation | Actual | Divertible | Mitigation | Actual |
| 37-26 | 4.05                  | 0.45       | 4.5    | 0.1        | 0.011      | 0.111  | 2.765      | 0.307      | 3.072  | 1.185      | 0.132      | 1.317  |

|                  |      |      |      |      |       |       |       |       |       |       |       |       |
|------------------|------|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|
| Proportions      | 90%  | 10%  | 100% | 90%  | 10%   | 100%  | 90%   | 10%   | 100%  | 90%   | 10%   | 100%  |
| Percent Original |      |      |      | 2.5% | 2.4%  | 2.5%  | 68.3% | 68.2% | 68.3% | 29.3% | 29.3% | 29.3% |
| 37-27            | 1.8  | 0.2  | 2    | 0.1  | 0.011 | 0.111 | 1.19  | 0.132 | 1.322 | 0.51  | 0.057 | 0.567 |
| Proportions      | 90%  | 10%  | 100% | 90%  | 10%   | 100%  | 90%   | 10%   | 100%  | 90%   | 10%   | 100%  |
| Percent Original |      |      |      | 5.6% | 5.5%  | 5.6%  | 66.1% | 66.0% | 66.1% | 28.3% | 28.5% | 28.4% |
| Stack            | 5.85 | 0.65 | 6.5  | 0.2  | 0.022 | 0.222 | 3.955 | 0.439 | 4.394 | 1.695 | 0.189 | 1.884 |
| Proportions      | 90%  | 10%  | 100% | 90%  | 10%   | 100%  | 90%   | 10%   | 100%  | 90%   | 10%   | 100%  |
| Percent Original |      |      |      | 3.4% | 3.4%  | 3.4%  | 67.6% | 67.5% | 67.6% | 29.0% | 29.1% | 29.0% |

So, MV Property is no longer an owner of these rights and IDWR's ownership records should be updated.

-Remington

**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**

| 1. <u>Water Right Number</u> | Nature of Use                               | Leased Rate<br>(cfs)        | Leased Volume<br>(af)       | Leased Acres<br>(ac)        |
|------------------------------|---------------------------------------------|-----------------------------|-----------------------------|-----------------------------|
| <u>37-00026</u>              | <u>Irrigation</u>                           | <u>0,111</u>                | <u>7.399</u>                | <u>2.5% of 118.4 ac</u>     |
|                              | <u>All of BLM's portion</u>                 | <u>                    </u> | <u>                    </u> | <u>                    </u> |
|                              | <u>                                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
|                              | <u>                                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
|                              | <u>Total Amounts:</u>                       | <u>                    </u> | <u>                    </u> | <u>                    </u> |

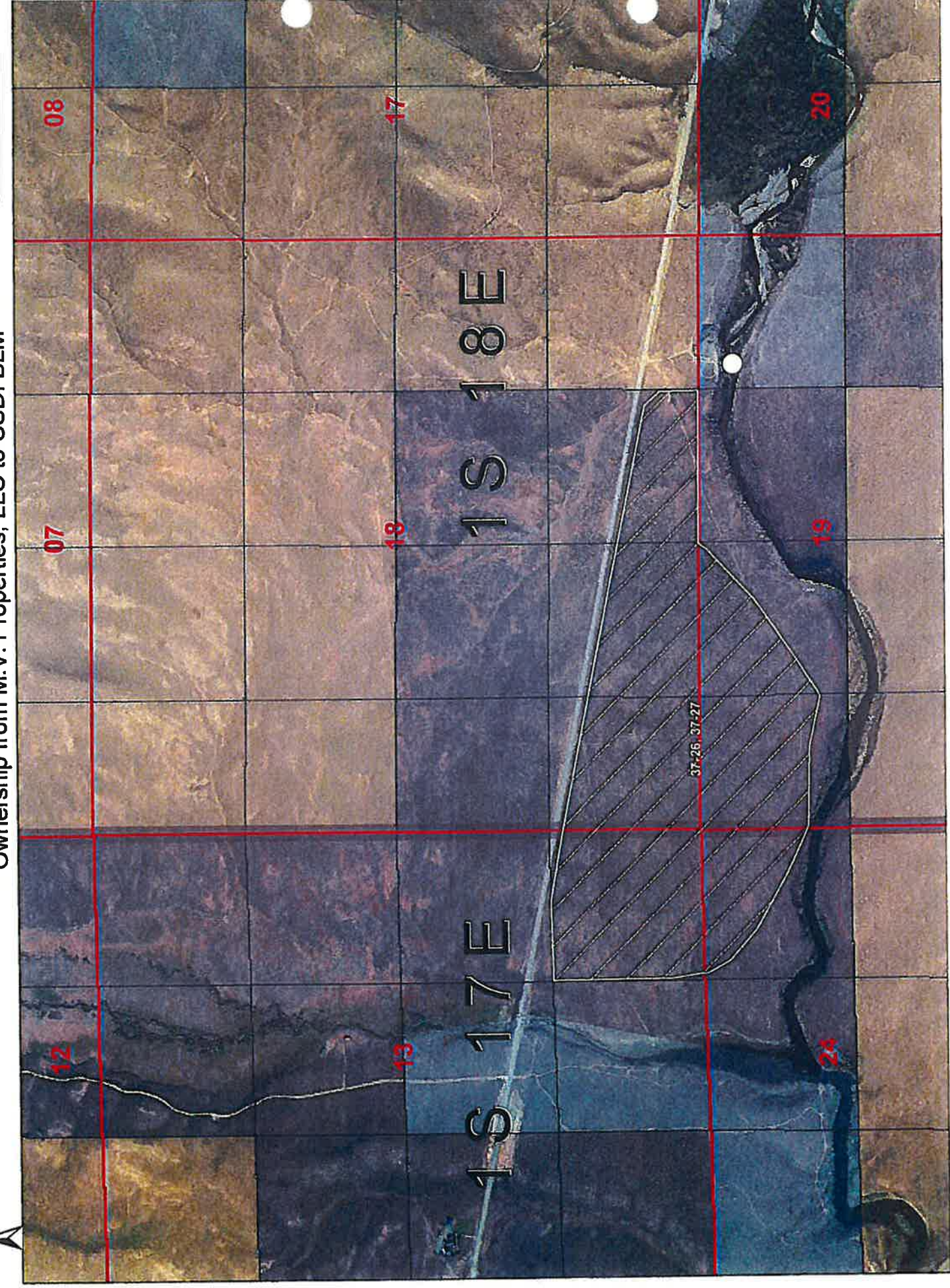
2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼  | ¼  | ¼  | County |
|-----|-----|-----|-----|----|----|----|--------|
| 01S | 18E | 19  |     | NW | NE | NE | Blaine |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |

37-00026 & 37-00027, Change in Water Right  
Ownership from M.V. Properties, LLC to USDI BLM

0.25



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**Notice of Change in Water Right Ownership**

**RECEIVED**

**MAY 09 2013**

DEPARTMENT OF  
WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

| Water Right/Claim No. | Split?                                  | Water Right/Claim No. | Split?                       | Water Right/Claim No. | Split?                       |
|-----------------------|-----------------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| 37-00026              | Yes <input checked="" type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| 37-00027              | Yes <input checked="" type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |

2. Previous Owner's Name: M.V. Properties, LLC  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): U.S.D.I., Bureau of Land Management, Idaho State Office  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- 1387 S. Vinnell Way      Boise      ID      83709-1657  
Mailing address      City      State      ZIP  
(208) 373-3831      fwprice@blm.gov  
Telephone      Email
4. If the water rights and/or adjudication claims were split, how did the division occur?  
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 12/12/2012
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
  - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
  - New lessor(s) of record will receive payment after the following rental season.
- It is our understanding that these two water rights reside in the Water Supply Bank, and after the splits these rights should remain in the water bank supply.*
7. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
  - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
  - Filing fee (see instructions for further explanation):
    - \$25 per *undivided* water right.
    - \$100 per *split* water right.
    - No fee is required for pending adjudication claims.

8. Signature: [Signature]      Water Rights Specialist      5/9/2013  
Signature of new owner/claimant      Title, if applicable      Date

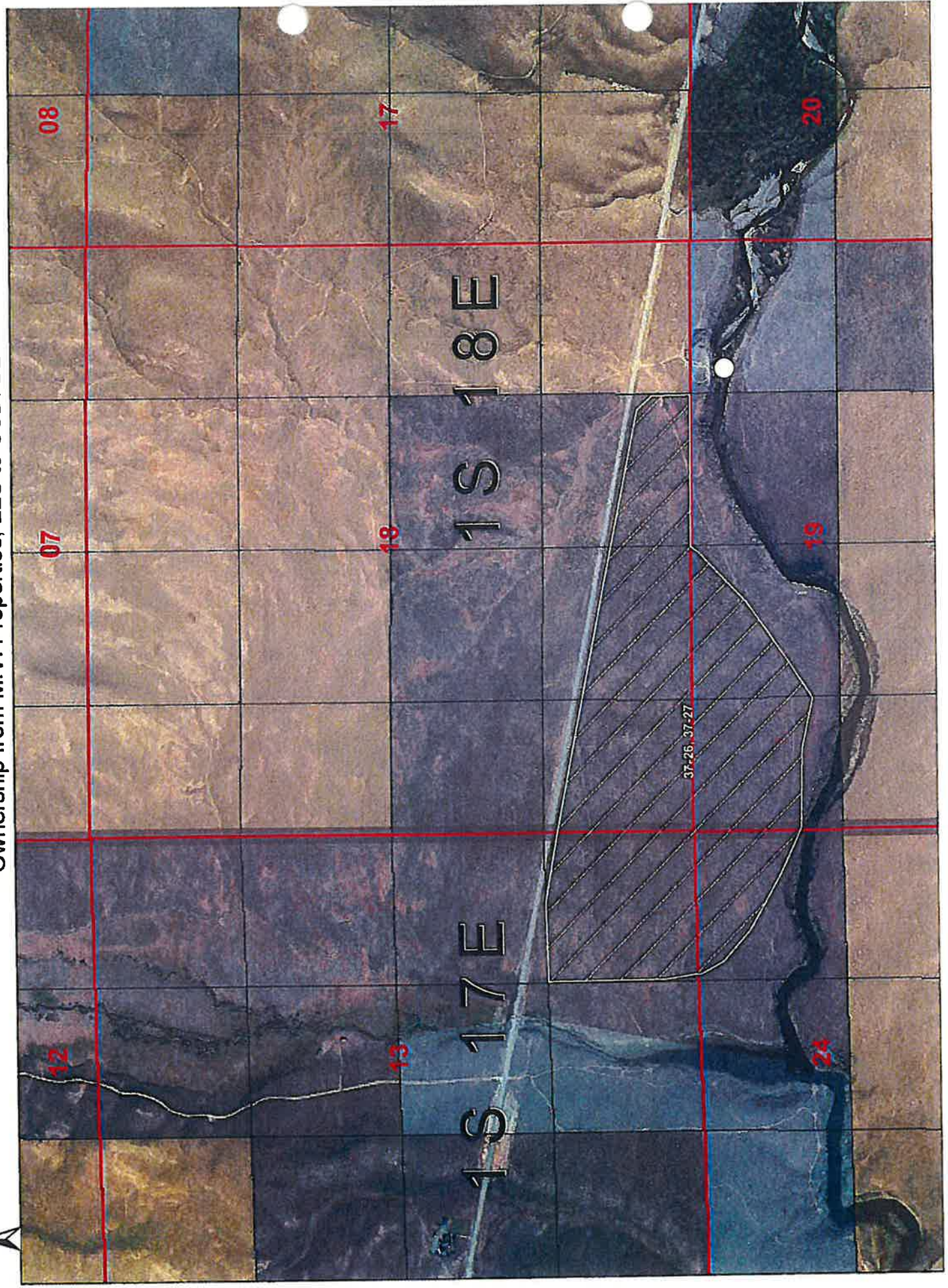
Signature: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature of new owner/claimant      Title, if applicable      Date

For IDWR Office Use Only

Received by [Signature]      Date 5-9-13      Receipt No. 1097127      Receipt Amt. 200.00  
Approved by \_\_\_\_\_      Processed by \_\_\_\_\_      Date \_\_\_\_\_

0.25 Miles

37-00026 & 37-00027, Change in Water Right  
Ownership from M.V. Properties, LLC to USDI BLM



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA  
Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 37-00026

DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

SEP 24 2010

By

Clerk

Deputy Clerk

NAME AND ADDRESS: MV PROPERTY LLC  
PO BOX 5  
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 4.50 CFS

Total rate of diversion includes 0.45 cfs charged for river  
channel loss. The right is limited to 4.05 cfs at the point of  
diversion.

PRIORITY DATE: 05/23/1885

POINT OF DIVERSION: T01S R18E S19 NWNENE Within Blaine County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-31 | 4.05 CFS |
|                               | Mitigation     | 04-15 TO 10-31 | 0.45 CFS |

Mitigation use is water charged for river channel loss.

| PLACE OF USE: | Irrigation                 | Within Blaine County |
|---------------|----------------------------|----------------------|
|               | T01S R17E S13 SESE 38.0    |                      |
|               | S24 NENE 17.0              |                      |
|               | R18E S18 LOT 4 (SWSW) 29.0 | SESW 26.0            |
|               | SWSE 17.0                  |                      |
|               | S19 NENW 18.0              | LOT 1 (NWNW) 26.0    |
|               | 171.0 Acres Total          |                      |

Right Nos. 37-26 and 37-27 are limited to the irrigation of a  
combined total of 171 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Waldman  
Presiding Judge of the  
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA  
Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-00027

NAME AND ADDRESS: MV PROPERTY LLC  
PO BOX 5  
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 2.00 CFS

Total rate of diversion includes 0.20 cfs charged for river  
channel loss. The right is limited to 1.80 cfs at the point of  
diversion.

PRIORITY DATE: 06/15/1886

POINT OF DIVERSION: T01S R18E S19 NWNENE Within Blaine County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-31 | 1.80 CFS |
|                               | Mitigation     | 04-15 TO 10-31 | 0.20 CFS |

Mitigation use is water charged for river channel loss.

| PLACE OF USE: | Irrigation        |             | Within Blaine County |
|---------------|-------------------|-------------|----------------------|
|               | T01S R17E S13     | SESE 38.0   |                      |
|               | S24               | NENE 17.0   |                      |
|               | R18E S18 LOT 4    | (SWSW) 29.0 | SESW 26.0            |
|               |                   | SWSE 17.0   |                      |
|               | S19               | NENW 18.0   | LOT 1 (NWNW) 26.0    |
|               | 171.0 Acres Total |             |                      |

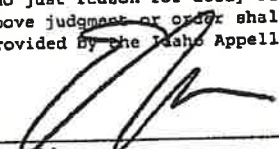
Right Nos. 37-26 and 37-27 are limited to the irrigation of a  
combined total of 171 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

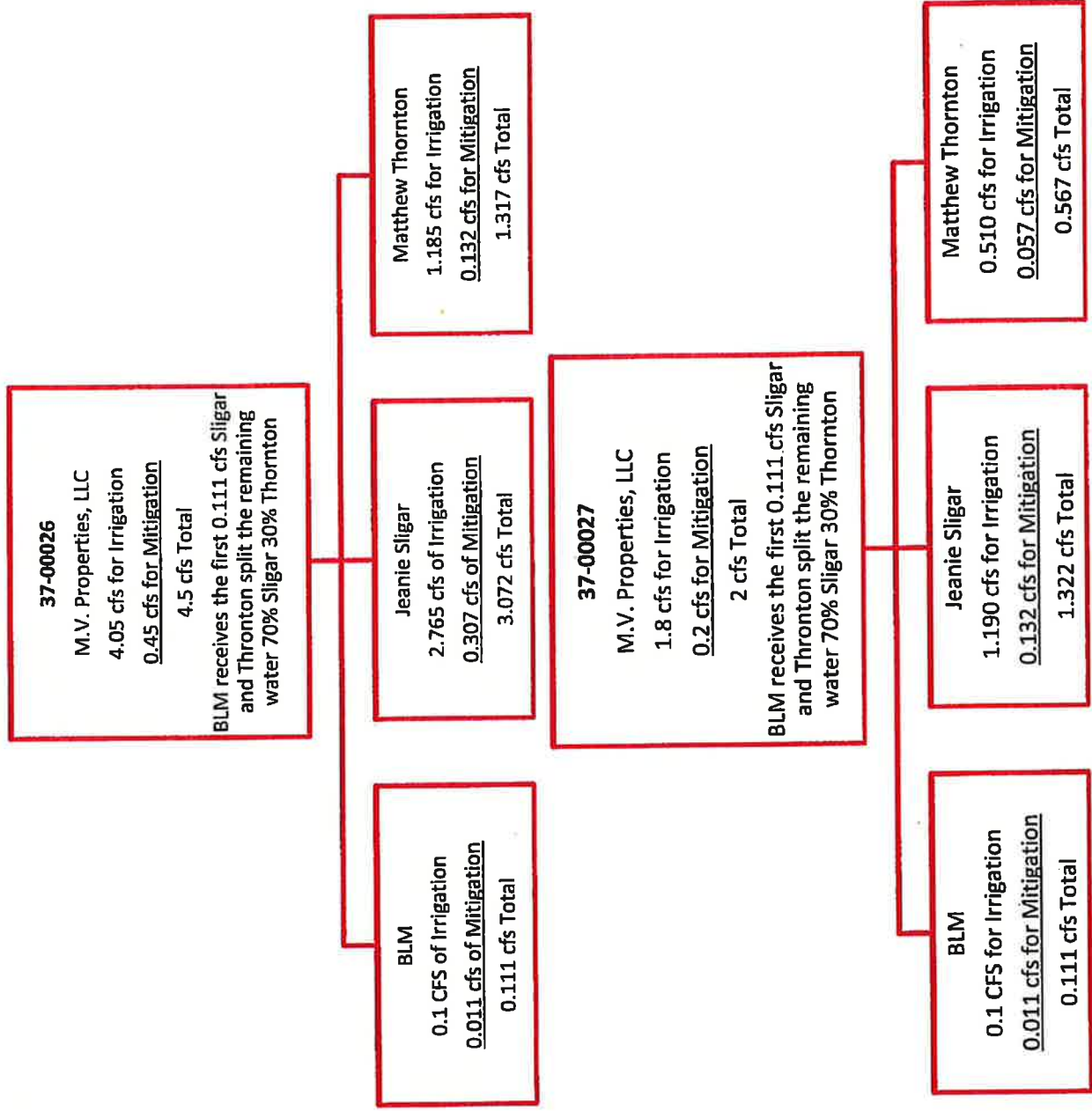
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

## 37-00026 & 37-00027, Split: Division of Quantity



- ORIGINAL

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:  
Tara Hagen, Realty Specialist  
Bureau of Land Management  
Shoshone Field Office  
400 West F Street  
Shoshone, ID 83352

Instrument # 601909

HAILEY, BLAINE, IDAHO  
10-10-2012 05:16:15 No. of Pages: 2  
Recorded for : HAEMMERLE & HAEMMERLE  
JOLYNN DRAGE Fee: 13.00  
Ex-Officio Recorder Deputy  
Index to: CORRECTION DEED

*JB*

(Space Above Line for Recorder's Use)

### QUITCLAIM AND CORRECTION DEED

This QUITCLAIM and CORRECTION DEED relates back to and hereby supersedes and replaces the Affidavit Affecting Title to Property and Correction Warranty Deed recorded as Blaine County Instrument No. 566559. This Correction Deed also corrects the Warranty Deed recorded as Blaine County Instrument No. 554221 by excluding any and all water rights appurtenant to the real property conveyed in that deed from the term "appurtenances" contained in that deed. All other portions of that deed remain in full force and effect.

FOR VALUE RECEIVED, MV Property, LLC, a Idaho Limited Liability Company (Grantor), does hereby convey, release, remise and forever quit claim unto the Wood River Land Trust Company, 119 E. Bullion St., Hailey, ID 83333, all right, title and interest in and to the following water rights as follows:

0.100 cubic feet per second (cfs) of the irrigation component of the Idaho Department of Water Resources water right number 37-00026, plus 0.011 cfs of the mitigation component of the same right, for a total quantity of 0.111 cfs.

0.100 cubic feet per second (cfs) of the irrigation component of the Idaho Department of Water Resources water right number 37-00027, plus 0.011 cfs of the mitigation component of the same right, for a total quantity of 0.111 cfs.

DATED this 17 day of September, 2012.

MV PROPERTY, LLC

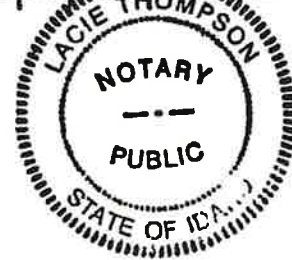
*[Signature]*

David S. McDonald, Manager

State of Idaho       )  
                              ) ss.  
County of Blaine     )

On this 17<sup>th</sup> day of September, 2012, before me, a Notary Public in and for said State, personally appeared David S. McDonald, known or identified to me to be the Manager of MV Property, LLC, a limited liability company, who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such limited liability company executed the same in the name of MV Property, LLC.

Lacie Thompson  
Notary Public for Idaho  
Residing at Blaine  
My Commission expires 1/28/2014



2

Square Lake

SVTC Order No. 04-21139

WARRANTY DEED

Instrument # 514380

HAILEY, BLAINE, IDAHO

2004-12-23

09:27:00 No. of Pages: 1

Recorded for : SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to WTY/CORP DEED

FOR VALUE RECEIVED

BROWN INVESTMENT PROPERTIES LIMITED PARTNERSHIP, A LIMITED PARTNERSHIP

the grantors, do hereby grant, bargain, sell and convey unto

WOOD RIVER LAND TRUST COMPANY, AN IDAHO NONPROFIT CORPORATION

the grantee, whose current address is 119 East Bullion Street  
Hailey, ID 83333

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

TOWNSHIP 2 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.  
SECTION 4: SE1/4SE1/4 SECTION 9: E1/2NE1/4, NESE SECTION 10: W1/2W1/2

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of  
record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and their  
heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that  
they are the owners in fee simple of said premises; that said premises are free from all encumbrances and  
that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 16, 2004

BROWN INVESTMENT PROPERTIES, LIMITED PARTNERSHIP

Daniel P. Brown  
By: Daniel P. Brown, general partner

State of: Idaho

County of: Blaine

On this 21<sup>st</sup> day of December, 2003, Before me a Notary Public in and for said State, personally  
appeared Daniel P. Brown known or identified to me to be the partners in the partnership of BROWN  
INVESTMENT PROPERTIES, LIMITED PARTNERSHIP, an Idaho limited partnership and the partners who  
subscribed said partnership name to the foregoing instrument, and acknowledged to me they executed the same in  
the said partnership name.

Karen Tackett  
Notary Public

Residing at Hailey

Comm. Expires 04/03/06





IDWD  
Order No. 0057852

Instrument # 554221  
HAILEY, BLAINE, IDAHO  
2007-12-21 12:51:00 No. of Pages: 2  
Recorded for : AMERITITLE  
JOLYNN DRAGE Fee: 6.00  
Ex-Officio Recorder Deputy ynpp  
Index to: WTYICICORP DEED

## WARRANTY DEED

For Value Received,

MV Property LLC, an Idaho Limited Liability Company

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Wood River Land Trust Company, an Idaho Non Profit Corporation

GRANTEE(s), whose address is: 119 E. Bullion Street, Hailey, ID 83333

the following described real property, to-wit:

See Exhibit A Attached

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 20 day of December, 2007.

MV Property LLC

BY: [Signature]

David S. McDonald, Manager

State of Idaho )

ss

County of Blaine )

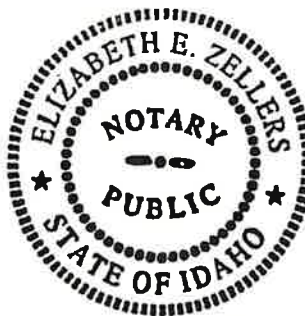
On this 20th day of December, 2007 before me Elizabeth E. Zellers, a notary public in and for said State, personally appeared David S. McDonald known or identified to me to be the Manger of MV Property, LLC the limited liability company that executed the foregoing instrument, , and acknowledged to me that such limited liability company executed the same.

[Signature]

Notary Public

Residing at:

Commission Expires:



**Order No. 57852  
Legal Description**

**EXHIBIT A**

**A parcel of land located within Sections 13 and 24, Township 1 South, Range 17 East, Boise Meridian, Blaine County, Idaho and also within Sections 18 and 19, Township 1 South, Range 18 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:**

**Commencing at a brass cap marking the One Quarter Corner common to said Section 18 and 19, from which point the northwest corner of said Section 19 bears South 89°35'52" West 2,478.84 feet;**

**Thence North 89°38'46" East 1,331.67 feet along the north boundary of said Section 19 to an aluminum cap marking the northeast corner of the NW1/4 NE1/4, Section 19, which point is the REAL POINT OF BEGINNING;**

**Thence South 0°11'50" East 1,311.76 feet along the east boundary said NW1/4 NE1/4, Section 19 to an aluminum cap marking the southeast corner of said NW1/4 NE1/4, Section 19;**

**Thence South 89°29'31" West 1,325.15 feet along the south boundary said NW1/4 NE1/4, Section 19 to an aluminum cap marking the southwest corner of said NW1/4 NE1/4, Section 19;**

**Thence South 89°28'02" West 2,473.88 feet along the south boundary of the N1/2 NW1/4 to an aluminum cap marking the southwest corner of said N1/2 NW1/4, Section 19;**

**Thence South 88°33'38" West 2,227.48 feet along the south boundary of the N1/2 NE1/4, said Section 24;**

**Thence North 11°07'50" East 324.91 feet;**

**Thence North 78°52'10" West 100.00 feet;**

**Thence North 11°07'50" East 250.00 feet;**

**Thence South 78°52'10" East 100.00 feet;**

**Thence North 11°07'50" East 2,225.80 feet to a point on the southerly boundary of Idaho State Highway No. 20;**

**Thence the following five courses and distances along the southerly boundary of said Idaho State Highway No. 20 to aluminum caps:**

**South 79°18'56" East 345.39 feet;  
North 61°30'28" East 221.48 feet;  
South 79°19'06" East 2,565.58 feet;  
South 79°19'09" East 2,330.08 feet;  
South 45°58'28" East 185.05 feet;**

**Thence South 0°24'42" East 351.20 feet along the east boundary of the SW1/4 SE1/4 said Section 18 to the point of beginning.**

When Recorded Mail Deed and Send Tax Statements To:  
Bureau of Land Management (ID 933)  
1387 S Vinnell Way  
Boise, Idaho 83709

325 358

Instrument # 604129

HAILEY, BLAINE, IDAHO  
12-13-2012 4:08:56 PM No. of Pages: 3  
Recorded for: FIRST AMERICAN TITLE - KETCHUM  
JOLYNN DRAGE Fee: \$16.00  
Ex-Officio Recorder Deputy: JB  
Electronically Recorded by Simplifile

Ketchum Land Exchange  
IDI-35331-PT

## WARRANTY DEED

For and in consideration of the exchange of certain land and interests as authorized by Section 206 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1701 et seq.),

**WOOD RIVER LAND TRUST COMPANY, AN IDAHO NONPROFIT CORPORATION**

hereinafter called the Grantor, whether one or more, does hereby grant, bargain, sell, and convey to the **UNITED STATES OF AMERICA** and its assigns, the following-described real property situated in the County of Blaine, State of Idaho, to wit:

### SEE EXHIBIT A ATTACHED

The described property and rights, privileges, immunities, and appurtenances, not including water rights conveyed by a separate instrument, are being acquired by the United States Department of the Interior, Bureau of Land Management.

**TO HAVE AND TO HOLD** unto the **UNITED STATES OF AMERICA** and its assigns the said parcel of land together with all the tenements, hereditaments, and appurtenances, not including water rights conveyed by a separate instrument, appertaining thereto forever.

The Grantor covenants and warrants that it is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is free and clear of liens, claims or encumbrances, except as shown of record, and that it will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

Dated this 12<sup>TH</sup> day of DECEMBER, 2012

**GRANTOR:**

**WOOD RIVER LAND TRUST COMPANY**

BY: J. [Signature]

Its: PRESIDENT

**ACKNOWLEDGMENT**

STATE OF ID )  
COUNTY OF BLAINE ) ss:

On this 12TH day of DEC. 20 12, before me, the undersigned Notary Public in and for said State, personally appeared J. TRENT JONES, known or identified to me to be the PRES. of the **WOOD RIVER LAND TRUST COMPANY**, an Idaho Nonprofit Company that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated they are authorized to execute said instrument on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.



[Signature]  
Notary Public in and for the  
State of: IDAHO  
Residing at: HAILEY  
My commission expires: 5.15.16

**EXHIBIT A**

**TOWNSHIP 2 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY  
IDAHO. SECTION 9: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; SECTION 10: W $\frac{1}{2}$ W $\frac{1}{2}$ .**

The parcel of land to which the above description applies contains 240 acres, more or less.

**AND:**

**A PARCEL OF LAND LOCATED WITHIN SECTIONS 13 AND 24, TOWNSHIP 1  
SOUTH, RANGE 17 EAST, BOISE MERIDIAN, IDAHO AND ALSO WITHIN  
SECTIONS 18 AND 19, TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE  
MERIDIAN, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING** at a brass cap marking the One Quarter Corner common to said Section 18 and 19, from which point the northwest corner of said Section 19 bears South 89°35'52" West 2,478.84 feet;

Thence, North 89°38'46" East 1,331.67 feet along the north boundary of said Section 19 to an aluminum cap marking the northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 19, which point is the **REAL POINT OF BEGINNING**;

Thence, South 0°11'50" East 1,311.76 feet along the east boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 19 to an aluminum cap marking the southeast corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 19;

Thence, South 89°29'31" West, 1,325.15 feet along the south boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 19, to an aluminum cap marking the southwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 19;

Thence, South 89°28'02" West, 2,473.88 feet along the south boundary of the N $\frac{1}{2}$ NW $\frac{1}{4}$  to an aluminum cap marking the southwest corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 19;

Thence, South 88°33'38" West 2,227.48 feet along the south boundary of the N $\frac{1}{2}$ NE $\frac{1}{4}$ , said Section 24;

Thence, North 11°07'50" East 324.91 feet;

Thence, North 78°52'10" West 100.00 feet;

Thence, North 11°07'50" East 250.00 feet;

Thence, South 78°52'10" East 100.00 feet;

Thence, North 11°07'50" East 2,225.80 feet to a point on the southerly boundary of Idaho State Highway No. 20,

Thence, the following five courses and distances along the southerly boundary of said Idaho State Highway No. 20 to an aluminum cap, South 79°18'56" East 345.39 feet;

North 61°30'28" East 221.48 feet;

South 79°19'06" East 2,565.58 feet;

South 79°19'09" East 2,330.08 feet;

South 45°58'28" East 185.05 feet;

Thence, South 0°24'42" East 351.20 feet along the east boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 18 to the **POINT OF BEGINNING**.

The parcel of land to which the above description applies contains 306.89 acres, more or less.

When Recorded Mail Deed and Send Tax Statements To:  
Bureau of Land Management (ID 933)  
1387 S Vinnell Way  
Boise, Idaho 83709

325358

Instrument # 604130  
HAILEY, BLAINE, IDAHO  
12-13-2012 4:08:56 PM No. of Pages: 2  
Recorded for: FIRST AMERICAN TITLE - KETCHUM  
JOLYNN DRAGE Fee: \$13.00  
Ex-Officio Recorder Deputy: JB  
Electronically Recorded by Simplifile

Ketchum Land Exchange  
IDI-35331-P1

## QUITCLAIM DEED

For and in consideration of the exchange of certain land and interests as authorized by Section 206 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1701 et seq.),

### WOOD RIVER LAND TRUST COMPANY, AN IDAHO NONPROFIT CORPORATION

hereinafter called the Grantor, whether one or more, does hereby remise, release, and forever Quitclaim unto the **UNITED STATES OF AMERICA** and its assigns, all right, title, and interest the Grantor may have to the following described water rights identified in the records of the Idaho Department of Water Resources ("IDWR") as follows:

0.100 cubic feet per second (cfs) of the irrigation component of the Idaho Department of Water Resources water right number 37-00026, and 0.011 cfs of the mitigation component of the same right, for a total quantity of 0.111 cfs.

0.100 cubic feet per second (cfs) of the irrigation component of the Idaho Department of Water Resources water right number 37-00027, and 0.011 cfs of the mitigation component of the same right, for a total quantity of 0.111 cfs.

Grantor has not conveyed the above water rights, or any right, title or interest therein, to any person other than the Grantee. The described water rights are being acquired by the United States Department of the Interior, Bureau of Land Management.

**TOGETHER WITH ALL AND SINGULAR** the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

**TO HAVE AND TO HOLD** unto the **UNITED STATES OF AMERICA** and its assigns the said water rights forever.

Dated this 12<sup>TH</sup> day of DECEMBER, 2012.

**GRANTOR:**

**WOOD RIVER LAND TRUST COMPANY**

BY: J. Trent Jones

Trent Jones, President

ACKNOWLEDGMENT

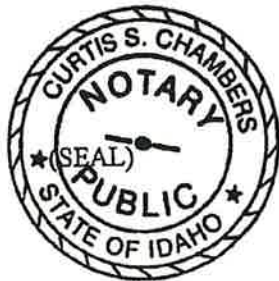
STATE OF IDAHO)

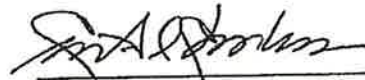
COUNTY OF BLAINE

)ss:  
)

On this 12TH day of DEC. 2012, before me, the undersigned Notary Public in and for said State, personally appeared J. TRENT JONES, known or identified to me to be the PRES. of the **WOOD RIVER LAND TRUST COMPANY**, an Idaho Nonprofit Company that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated they are authorized to execute said instrument on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.





Notary Public in and for the

State of: IDAHO

Residing at: HAILEY

My commission expires: 5.15.16

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

JOHN A. SEILLER  
Attorney at Law, PLLC, ISB No. 4595  
191 Fifth Street West, Third Floor  
Post Office Box 6090  
Ketchum, Idaho 83340  
(208) 726-5962  
FAX 726-5998

Instrument # 566559  
HAILEY, BLAINE, IDAHO  
4-13-2009 04:23:58 No. of Pages: 5  
Recorded for: JOHN A SEILLER  
JOLYNN DRAGE Fee: 15.00  
Ex-Officio Recorder Deputy  
Index to, MISC AFFIDAVITS



(Space above this line is for Recorder's use, only.)

AFFIDAVIT AFFECTING TITLE TO PROPERTY  
AND  
CORRECTION WARRANTY DEED

ORIGINAL

STATE OF IDAHO                    )  
                                          )       ss.  
County of Blaine                 )

I, DAVID S. MCDONALD, being duly sworn under oath, depose and state:

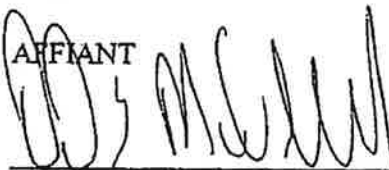
1. I make this affidavit of my own personal knowledge.
  2. I am making this affidavit affecting title to the water rights appurtenant to real property, described on EXHIBIT A (referred to in this affidavit as the "Property").
  3. I am the manager of MV PROPERTY LLC, an Idaho limited liability company ("MV Property"), the former fee simple title holder of the Property, and the entity that conveyed the Property to the current fee simple title holder, WOOD RIVER LAND TRUST COMPANY, an Idaho nonprofit corporation (the "Land Trust"), by Warranty Deed recorded December 21, 2007, as Blaine County Instrument No. 554221 ("Instrument No. 554221").
  4. While Instrument No. 554221 is correct in all other respects, MV Property, nor I, ever intended to convey any water rights to the Land Trust in Instrument No. 554221. However, Instrument No. 554221 included all "appurtenances" with the Property, and therefore, it could be interpreted that Instrument No. 554221, included all water rights appurtenant to the Property. Instrument No. 554221 should have contained a statement that water rights would be excluded from all appurtenances to the Property.
  5. As a result of an interpretation that the Land Trust had received all water rights appurtenant to the Property, the Land Trust executed Warranty Deed recorded February 4, 2008, as Blaine County Instrument No. 555372 ("Instrument No. 555372"), purporting to convey all the water rights appurtenant to the Property back to MV Property. Unfortunately, Instrument No. 555372 did not convey all the water rights appurtenant to the Property, so that deed was in
- AFFIDAVIT AFFECTING TITLE TO PROPERTY AND CORRECTION WARRANTY  
DEED/Page 1 of 4

error. In addition, the Land Trust executed an additional Warranty Deed recorded March 26, 2009, as Blaine County Instrument No. 566054 ("Instrument No. 566054"), which appears to be intended to correct Instrument No. 555373, but that deed is in error, as well. If Instrument No. 554221 had contained a statement that water rights were excluded from all appurtenances to the Property, then Instrument No. 555373 and Instrument No. 566054 would not have been necessary.

6. Subsequently, MV Property executed a Warranty Deed intending to transfer part, but not all the water rights appurtenant to the Property to the Land Trust, which was a Warranty Deed recorded February 4, 2008, as Blaine County Instrument No. 555373 ("Instrument No. 555373"). However, Instrument No. 555373 contained multiple errors. MV Property executed a Warranty Deed recorded February 26, 2009, as Blaine County Instrument No. 565218 ("Instrument No. 565218") and a Warranty Deed recorded March 3, 2009, as Blaine County Instrument No. 565306 ("Instrument No. 565306"), both of which were intended to correct Instrument No. 555373, but both Instrument No. 565218 and Instrument No. 565306 also contained errors. As a result, Instrument No. 554221 is corrected; but only amended by this Correction Warranty Deed, as set out below. Instrument No. 555373, Instrument No. 565218 and Instrument No. 565306 are all corrected and replaced by this Correction Warranty Deed, which relates back to February 4, 2008, the date MV Property recorded Instrument No. 555373, as set out below.

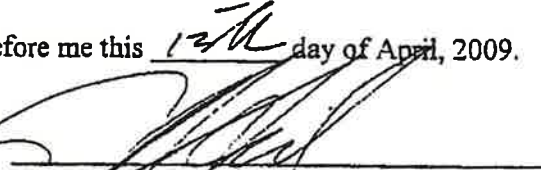
DATED this 13 day of April, 2009.

AFFIANT

  
DAVID S. MCDONALD

SUBSCRIBED AND SWORN to before me this 12th day of April, 2009.



  
Notary Public for the State of Idaho

Residing: Pelham, Idaho

Commission Expires: Oct. 2011

**THIS CORRECTION WARRANTY DEED CORRECTS AND AMENDS** the Warranty Deed recorded December 21, 2007, as Blaine County Instrument No. 554221, by adding this statement, "Any and all water rights are excluded from the appurtenances."

**THIS CORRECTION WARRANTY DEED CORRECTS AND REPLACES** Warranty Deed recorded February 4, 2008, as Blaine County Instrument No. 555373; Warranty Deed recorded February 26, 2009, as Blaine County Instrument No. 565218; and Warranty Deed recorded March 3, 2009, as Blaine County Instrument No. 565306. and  
AFFIDAVIT AFFECTING TITLE TO PROPERTY AND CORRECTION WARRANTY  
DEED/Page 2 of 4

therefore, this Correction Warranty Deed relates back to the date of the Warranty Deed recorded as Instrument No. 555373, on February 4, 2008.

MV PROPERTY LLC, an Idaho limited liability company, Grantor, grants, bargains, sells and conveys to WOOD RIVER LAND TRUST COMPANY, an Idaho nonprofit corporation, Grantee, the following water rights appurtenant to real property described on EXHIBIT A, located in Blaine County, Idaho, and more particularly described as follows:

0.10 cubic feet per second or 5 inches of Idaho Department of Water Resources water right number 37-26 with a ten percent (10%) river channel loss assessed to the right.

0.10 cubic feet per second or 5 inches of Idaho Department of Water Resources water right number 37-27 with a ten percent (10%) river channel loss assessed to the right.

Subject to taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

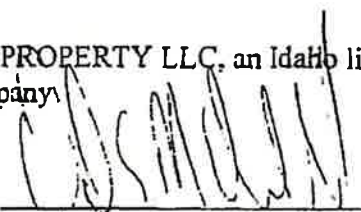
TO HAVE AND TO HOLD the said premises, with all appurtenances, including, without limitation, any and all water rights, if any, unto Grantee and to Grantee's heirs and assigns forever. Grantor does hereby covenant to and with Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims.

This Affidavit Affecting Title to Property and Correction Warranty Deed is intended to be recorded with and immediately after a Correction Quitclaim Deed from the Wood River Land Trust Company to MV Property LLC, correcting prior instruments recorded in Blaine County, Idaho, referenced in that document.

DATED this 13 day of April, 2009.

MV PROPERTY LLC, an Idaho limited liability company

By:

  
DAVID S. McDONALD, Manager

STATE OF IDAHO       )  
                                  )  
County of Blaine       )       ss.

On this 13<sup>th</sup> day of April, 2009, before me, the undersigned, personally appeared DAVID S. McDONALD, known or identified to me to be the manager of MV Property LLC, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing: Boise, Idaho  
Commission Expires: Oct. 2011

EXHIBIT A  
LEGAL DESCRIPTION

A parcel of land located within Sections 13 and 24, Township 1 South, Range 17 East, Boise Meridian, Blaine County, Idaho and also within Sections 18 and 19, Township 1 South, Range 18 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the One Quarter Corner common to said Section 18 and 19, from which point the northwest corner of said Section 19 bears South 89°35'52" West 2,478.84 feet;

Thence North 89°38'46" East 1,331.67 feet along the north boundary of said Section 19 to an aluminum cap marking the northeast corner of the NW1/4 NE1/4, Section 19, which point is the REAL POINT OF BEGINNING;

Thence South 0°11'50" East 1,311.76 feet along the east boundary said NW1/4 NE1/4, Section 19 to an aluminum cap marking the southeast corner of said NW1/4 NE1/4, Section 19;

Thence South 89°29'31" West, 1,325.15 feet along the south boundary said NW1/4 NE1/4, Section 19, to an aluminum cap marking the southwest corner of said NW1/4, NE1/4, Section 19;

Thence South 89°28'02" West, 2,473.88 feet along the south boundary of the N1/2 NW1/4 to an aluminum cap marking the southwest corner of said N1/2 NW1/4, Section 19;

Thence South 88°33'38" West 2,227.48 feet along the south boundary of the N1/2 NE1/4, said Section 24;

Thence North 11°07'50" East 324.91 feet;

Thence North 78°52'10" West 100.00 feet;

Thence North 11°07'50" East 250.00 feet;

Thence South 78°52'10" East 100.00 feet;

Thence North 11°07'50" East 2,225.80 feet to a point on the southerly boundary of Idaho State Highway No. 20;

Thence the following five courses and distances along the southerly boundary of said Idaho State Highway No. 20 to aluminum caps:

South 79°18'56" East 345.39 feet;

North 61°30'28" East 221.48 feet;

South 79°19'06" East 2,565.58 feet;

South 79°19'09" East 2,330.08 feet;

South 45°58'28" East 185.05 feet;

Thence South 0°24'42" East 351.20 feet along the east boundary of the SW1/4 SE1/4 said Section 18 to the POINT OF BEGINNING.

When Recorded Mail Agreement To:  
Bureau of Land Management (ID-933)  
1387 S. Vinnell Way  
Boise, Idaho 83709-1657

**Instrument # 604132**  
HAILEY, BLAINE, IDAHO  
12-13-2012 4:12:18 PM No. of Pages: 10  
Recorded for: FIRST AMERICAN TITLE - KETCHUM  
JOLYNN DRAGE Fee: \$37.00  
Ex-Officio Recorder Deputy: JB  
Electronically Recorded by Simplifile

BEFORE THE DEPARTMENT OF WATER RESOURCES

325358

OF THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT Nos. )  
37-00026, 37-00027 and 37-20945 ) **AGREEMENT**  
)  
)  
)  
)  
)  
)

The Wood River Land Trust Company, MV Property, LLC, Jeanie Sligar, Matthew Thornton (hereinafter "Percentage Water Owners"), and the United States Department of Interior, Bureau of Land Management (hereinafter "BLM") enter into this agreement as follows:

**STIPULATION**

WHEREAS, water right numbers 37-00026 and 37-00027 have been leased entirely to the Water Supply Bank since March 8, 2003 and aren't being used at the place of use;

WHEREAS, water right numbers 37-00026, 37-00027 and 37-20945 described the place of use as SESE (38.0 ac), Sec. 13, NENE (17.0 ac), Sec. 24, T.01S., R.17E., Lot 4 (SWSW) (29.0 ac), SESW (26.0 ac), SWSE (17.0 ac), Sec. 18, NENW (18.0 ac) and Lot 1 (NWNW) (26.0 ac), Sec. 19., T.01S., R.18E., BM;

WHEREAS, water right numbers 37-00026, 37-00027 and 37-20945 describe a place of use where the land is wholly owned by Wood River Land Trust Company ("WRLT"), however the water rights are owned on a percentage basis by several persons/entities, including WRLT;

WHEREAS, there is a pending land exchange between BLM and WRLT for all of the land described as a place of use under water right numbers 37-00026, 37-00027 and 37-20945, as well as, the interest in water rights that are owned by WRLT. WRLT acquired no interest in

Agreement

Water Right Nos: 37-00026, 37-00027 and 37-20945

Page 1 of 11

water right number 37-20945 pursuant to acquiring the land described by the place of use under 37-20945 nor associated shares with the Upper Wood River Water Users Association, Inc. (the "Association") that may be appurtenant to said land; and

WHEREAS, any resumption of use by Percentage Water Owners of 37-00026, 37-00027 and 37-20945 at the currently described place of use by those who don't own the land would constitute an unauthorized use of the land owner's property;

THEREFORE, the Percentage Water Owners and BLM stipulate and agree as follows:

1. The parties stipulate and agree that WRLT owns a portion of water right numbers 37-00026 and 37-00027 as follows:

a. 37-00026: 0.100 cubic feet per second (cfs) of the irrigation component of the Idaho Department of Water Resources ("IDWR") water right number 37-00026, and 0.011 cfs of the mitigation component of the same right, for a total quantity of 0.111 cfs; and

b. 37-00027: 0.100 cubic feet per second (cfs) of the irrigation component of IDWR water right number 37-00027, and 0.011 cfs of the mitigation component of the same right, for a total quantity of 0.111 cfs;

c. Zero percent (0%) interest in 37-20945; and

d. Zero percent (0%) interest in shares held by the Association for the acres described as a place of use for 37-00026, 37-00027 and 37-20945 even though shares may be appurtenant to the land.

2. The parties stipulate and agree that Jeanie Sligar owns approximately seventy percent (70%) interest in water rights 37-00026, 37-00027 and 37-20945 as follows:

a. 37-00026: 2.765 cubic feet per second (cfs) of the irrigation component of the IDWR water right number 37-00026, and 0.307 cfs of the mitigation component of the same right, for a total quantity of 3.072 cfs;

b. 37-00027: 1.190 cubic feet per second (cfs) of the irrigation component of the IDWR water right number 37-00027, and 0.132 cfs of the mitigation component of the same right, for a total quantity of 1.322 cfs;

c. 37-20945: Seventy percent (70%) interest in 37-20945 or 1.05 cfs; and/or

d. Seventy percent (70%) interest in shares held by the Association for the acres described as a place of use for 37-00026, 37-00027 and 37-20945.

3. The parties stipulate and agree that Matthew Thornton owns approximately thirty percent (30%) interest in water rights 37-00026, 37-00027 and 37-20945 as follows:

a. 37-00026: 1.185 cubic feet per second (cfs) of the irrigation component of the IDWR water right number 37-00026, and 0.132 cfs of the mitigation component of the same right, for a total quantity of 1.317 cfs;

b. 37-00027: 0.510 cubic feet per second (cfs) of the irrigation component of the IDWR water right number 37-00027, and 0.057 cfs of the mitigation component of the same right, for a total quantity of 0.567 cfs; and

c. 37-20945: Thirty percent (30%) interest in 37-20945 or 0.45 cfs; and/or

d. Thirty percent (30%) interest in shares held by the Association for the acres described as a place of use for 37-00026, 37-00027 and 37-20945.

4. The parties stipulate and agree that WRLT, as owner of the land described as a place of use for water right numbers 37-00026, 37-00027 and 37-20945 shall not be liable for assessments by the Association for shares that may be appurtenant to the aforementioned land.

5. The parties stipulate and agree that severance of a portion of the appurtenant water rights or shares from the place of use described in 37-00026, 37-00027 and 37-20945 shall not allow Percentage Water Owners to resume use of their water interests/shares on the place of use no longer owned by them. Furthermore, the parties stipulate and agree that a place of use which Percentage Water Owners own shall have to be established by administrative transfer with the IDWR pursuant to Idaho Code §42-222, if and when their interests are ever removed from the Water Supply Bank. Therefore, the parties stipulate and agree that the following condition shall be imposed on water right numbers 37-00026, 37-00027 and 37-20945:

This water right is currently not being used at the described place of use, but is in the Idaho Water Resource Board's water supply bank pursuant to Idaho Code §42-1761, *et seq.* No resumption of use shall be allowed at the place of use described under this right for portions of this water right owned by persons who do not own the land described by the place of use for this water right. If this water right, or portion thereof, is removed from the water supply bank, then non-land owner water interest holders shall have to establish a place of use via an administrative transfer proceeding pursuant to Idaho Code §42-222. A title holder to any portion of this water right, for which the water title holder does not own the land described by the place of use, agrees that denial of permission by the land owner at the place of use to use water on the land owner's property shall not be construed to be a taking, in whole or part, of the water right. Should the owners of the water rights seek to transfer all or part of any of the appurtenant water rights from

the land, the owner of the property shall cooperate and give permission for the transfer, should that permission be required from the State of Idaho, or its agencies. Furthermore the owners of the land shall not object to the owners of the water rights reapplying to the State of Idaho to keep their water rights in the State Water Bank.

6. Should Sligar and/or Thornton ever seek to transfer all or part of any of the appurtenant water rights from the land, the owner of the property shall cooperate and give permission for the transfer, should that permission be required from the State of Idaho, or its agencies. Furthermore, should Sligar and/or Thornton ever be required to reapply to the State of Idaho to keep their water rights in the State Water Bank, the owners of the land shall give their permission, should that permission ever be required from the State of Idaho, or its agencies.

7. This Agreement shall run with the land and shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors and assigns of the parties hereto.

8. This Agreement may be recorded by any of the parties.

(End of Agreement, signature lines to follow)

**PERCENTAGE WATER OWNERS:  
WOOD RIVER LAND TRUST COMPANY**

Trent Jones 10/2/2012  
President Date

State of Idaho )  
County of Blaine ) ss.

On this day 10th of October 2012, before me, the undersigned, personally appeared Trent Jones, known or identified to me to be the president of the corporation that executed the instrument of the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



WITNESS my hand and official seal,

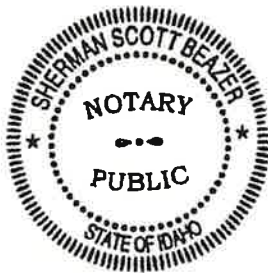
[Signature]  
Notary Public  
Residing at [Signature]  
Commission Expires Oct. 6, 2017

**Fredric W. Price**  
**Water Rights Specialist**

[illegible]

On this day, 8<sup>th</sup> of November 2012, before me, the undersigned, personally appeared Fredric W. Price, known or identified as an authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476).

WITNESS my hand and official seal,



Notary Public  
Residing at Boise, ID  
Commission Expires 12/10/2015

MV PROPERTY, LLC

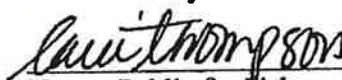
  
David S. McDonald  
Manager

9-17-12  
Date

State of Idaho       )  
                              ) ss.  
County of Blaine     )

On this 17<sup>th</sup> day of September, 2012, before me, a Notary Public in and for said State, personally appeared David S. McDonald, known or identified to me to be the Manager of MV Property, LLC, a limited liability company, who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such limited liability company executed the same in the name of MV Property, LLC.

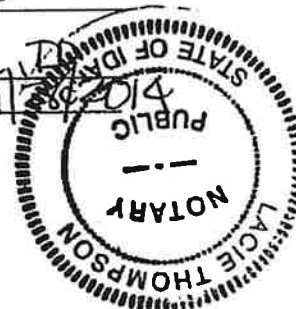
WITNESS my hand and official seal,



Notary Public for Idaho

Residing at Bellevue, ID

My Commission expires 11-18-2014



JEANIE SLIGAR

Jeanie Sligar 9/9/2012  
Date

State of Idaho )  
 ) ss.  
County of Twins Falls )



On this 17<sup>th</sup> day of September, 2012, before me, a Notary Public in and for said County and State, personally appeared Jeanie Sligar, known to me to be the person who name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal,

James Evans  
Notary Public for Idaho  
Residing at Twins Falls  
My Commission expires 9-9-2015

MATTHEW THORNTON

\_\_\_\_\_  
Matthew Thornton Date

State of Idaho )  
 ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, a Notary Public in and for said County and State, personally appeared Matthew Thorton, known to me to be the person who name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal,

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
Commission Expires \_\_\_\_\_



ORIGINAL

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:  
Tara Hagen, Realty Specialist  
Bureau of Land Management  
Shoshone Field Office  
400 West F Street  
Shoshone, ID 83352

Instrument # 601908  
HAILEY, BLAINE, IDAHO  
10-10-2012 05:14:03 No. of Pages: 2  
Recorded for : HAEMMERLE & HAEMMERLE  
JOLYNN DRAGE Fee: 13.00  
Ex-Officio Recorder Deputy  
Index to: CORRECTION DEED

93

(Space Above Line for Recorder's Use)

**QUITCLAIM AND CORRECTION DEED**

FOR VALUE RECEIVED, MV Property, LLC, a Idaho Limited Liability Company (Grantor), does hereby convey, release, remise and forever quit claim unto Matthew Thornton, P.O. Box 751, Bellevue, ID 83313, all right, title and interest in and to the following water rights as follows:

1.185 cubic feet per second (cfs) of the irrigation component of the Idaho Department of Water Resources water right number 37-00026, plus 0.132 cfs of the mitigation component of the same right, for a total quantity of 1.317 cfs.

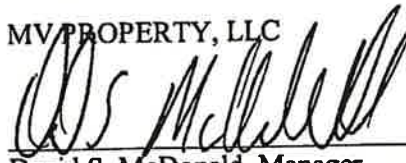
0.510 cubic feet per second (cfs) of the irrigation component of the Idaho Department of Water Resources water right number 37-00027, plus 0.057 cfs of the mitigation component of the same right, for a total quantity of 0.567 cfs.

A thirty percent (30%) interest in 37-20945 or 0.45 cfs, and/or a thirty percent (30%) in shares held by the Upper Wood River Water Users Association, Inc.

This QUITCLAIM and CORRECTION DEED hereby supersedes and replaces the Quitclaim deed recorded as Blaine County Instrument No. 569725

DATED this 17 day of September, 2012.

MV PROPERTY, LLC

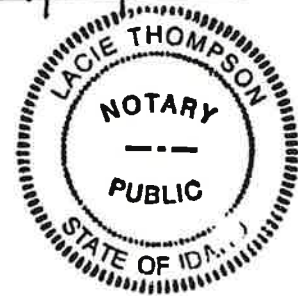


David S. McDonald, Manager

State of Idaho           )  
                                  ) ss.  
County of Blaine        )

On this 17<sup>th</sup> day of September, 2012, before me, a Notary Public in and for said State, personally appeared David S. McDonald, known or identified to me to be the Manager of MV Property, LLC, a limited liability company, the manager who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such limited liability company executed the same in the name of MV Property, LLC.

Lacie Thompson  
Notary Public for Idaho  
Residing at Blaine  
My Commission expires 1/28/2014



ORIGINAL

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:  
Tara Hagen, Realty Specialist  
Bureau of Land Management  
Shoshone Field Office  
400 West F Street  
Shoshone, ID 83352

Instrument # 601907  
HAILEY, BLAINE, IDAHO  
10-10-2012 05:11:28 No. of Pages: 2  
Recorded for: HAEMMERLE & HAEMMERLE  
JOLYNN DRAGE Fee: 13.00  
Ex-Officio Recorder Deputy  
Index to: CORRECTION DEED

*JB*

(Space Above Line for Recorder's Use)

**QUITCLAIM AND CORRECTION DEED**

This QUITCLAIM and CORRECTION DEED relates back to and hereby supersedes and replaces the Quitclaim Deed recorded as Blaine County Instrument No. 569726.

FOR VALUE RECEIVED, MV Property, LLC, a Idaho Limited Liability Company (Grantor), does hereby convey, release, remise and forever quit claim unto Jeanie Sligar, 3550 E. 4000 N., Kimberly, ID 83341 ("Grantee"), all right, title and interest in and to the following water rights as follows:

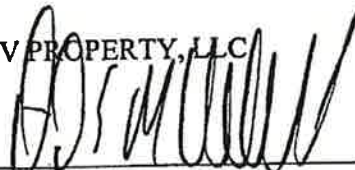
2.765 cubic feet per second (cfs) of the irrigation component of the Idaho Department of Water Resources water right number 37-00026, plus 0.307 cfs of the mitigation component of the same right, for a total quantity of 3.072 cfs.

1.190 cubic feet per second (cfs) of the irrigation component of the Idaho Department of Water Resources water right number 37-00027, plus 0.132 cfs of the mitigation component of the same right, for a total quantity of 1.322 cfs.

A seventy percent (70%) interest in 37-20945 or 1.05 cfs, and/or a seventy percent (70%) in shares held by the Upper Wood River Water Users Association, Inc.

DATED this 17 day of September, 2012.

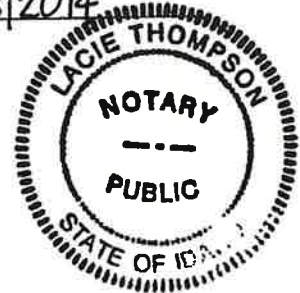
MV PROPERTY, LLC

  
\_\_\_\_\_  
David S. McDonald, Manager

State of Idaho       )  
                                  ) ss.  
County of Blaine     )

On this 17<sup>th</sup> day of September, 2012, before me, a Notary Public in and for said State, personally appeared David S. McDonald, known or identified to me to be the Manager of MV Property, LLC, a limited liability company, who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such limited liability company executed the same in the name of MV Property, LLC.

Lacie Thompson  
Notary Public for Idaho.  
Residing at Blaine  
My Commission expires 1/28/2014





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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

November 4, 2021

UNITED STATES OF AMERICA  
ACTING THROUGH USDI  
BUREAU OF LAND MANAGEMENT  
1387 S VINNELL WAY  
BOISE ID 83709-1657

**RE: WATER SUPPLY BANK LEASE CONTRACT 1435  
FOR WATER RIGHTS 37-23348 & 37-23349**

Dear Lessor:

Water rights **37-23348 & 37-23349** were leased into the Water Supply Bank (Bank) as of January 1, 2021, 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 rights will automatically be released from the Bank on **December 31, 2025**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. 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](http://www.idwr.idaho.gov). **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

*Jean Hersley*

for

Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region  
Water District No. 37



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

October 20, 2021

UNITED STATES OF AMERICA  
ACTING THROUGH USDI  
BUREAU OF LAND MANAGEMENT  
1387 S VINNELL WAY  
BOISE ID 83709-1657

**RE: APPLICATION TO LEASE WATER RIGHTS 37-23348 & 37-23349 TO THE WATER SUPPLY  
BANK CONTRACT 1435**

**\*\*\*\*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, 2025**, 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Jean Hersley*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts

## Hersley, Jean

---

**From:** Hersley, Jean  
**Sent:** Wednesday, October 20, 2021 2:01 PM  
**To:** Skinner, Corey; Kevin Lakey  
**Subject:** WSB Lease Contracts for 37-26, 37-27 and all splits  
**Attachments:** Idled Acres.mxd; Lease Application Review 37-26 et al.xls; Lease Contract -1443.docx; Lease Application Review 37-23348 37-23349.xls; Lease Contract - Template.docx

Please let me know if you have any comments or concerns with the attached leases. The BLM water rights are splits from 37-26 & 37-27. BLM submitted their lease applications with the filing fee separate of the others. Fritz Haemmerle submitted the other lease applications from Sligard-Shakstad/Thornton and David McDonald and Rain McDonald with one fee. They were given the opportunity to separate the water rights on individual contracts, but no word or additional filing fee was received.

Water Rights 37-26 & 37-27 are the parents of the other rights and have been in the Bank since before they were decreed.  
Thank you.

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

# WATER SUPPLY BANK

## Lease Review Checklist

Applicant(s) Name: BLM

Memo Date: September 23, 2021

Water Right Number(s): 37-23348 & 37-23349

Reviewers Name: Jean

### Quick Tools

| Decreed Year | No Forfeiture Concerns Thru: |
|--------------|------------------------------|
| 2011         | 2017                         |
| 2012         | 2018                         |
| 2013         | 2019                         |
| 2014         | 2020                         |
| 2015         | 2021                         |

|    | Check box                           |                                     | COMMENTS/CONCERNS:                                                                                                                                                       |
|----|-------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | <input checked="" type="checkbox"/> |                                     | Fill out WSB Data Entry Checklist for Leases (Front of File)                                                                                                             |
| 2  |                                     |                                     | Reason for lease of water rights (Brief description of lease proposal in narrative)                                                                                      |
|    |                                     |                                     | Portion of right                                                                                                                                                         |
|    | <input checked="" type="checkbox"/> |                                     | All of right                                                                                                                                                             |
| 3  |                                     |                                     | Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)                                                                                                |
|    | Yes                                 | No                                  |                                                                                                                                                                          |
| 4  |                                     |                                     | Rentable? (If no explain in comments or narrative)                                                                                                                       |
| 5  |                                     |                                     | Authority to file                                                                                                                                                        |
|    | <input checked="" type="checkbox"/> |                                     | Current owner or designated applicant                                                                                                                                    |
|    |                                     |                                     | SOS Web site checked for business entity                                                                                                                                 |
|    |                                     |                                     | Other (explain in comments)                                                                                                                                              |
| 6  |                                     |                                     | Water Right validity                                                                                                                                                     |
|    |                                     |                                     | Decreed/Licensed/Statutory claim date (write in comments section) 2008                                                                                                   |
|    |                                     |                                     | Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)          |
|    | <input checked="" type="checkbox"/> |                                     | Has this right previously been leased to the bank or in CREP? 2003                                                                                                       |
| 7  |                                     |                                     | Injury to other water rights                                                                                                                                             |
|    |                                     | na                                  | If the POD is through a delivery entity, was consent provided?                                                                                                           |
|    |                                     |                                     | If the POD is through a delivery entity, was holdback required? (percentage in comments) %                                                                               |
|    | <input checked="" type="checkbox"/> |                                     | Any other concerns                                                                                                                                                       |
| 8  |                                     |                                     | Enlargement concerns                                                                                                                                                     |
|    | <input checked="" type="checkbox"/> |                                     | Complete a POU comparison overlap analysis                                                                                                                               |
|    | <input checked="" type="checkbox"/> |                                     | Complete a combined limits review                                                                                                                                        |
|    | <input checked="" type="checkbox"/> |                                     | Complete POD overlap analysis (if there is an overlap add condition to lease)                                                                                            |
|    | Yes                                 | No                                  |                                                                                                                                                                          |
|    | <input checked="" type="checkbox"/> |                                     | Are there overlapping rights that need to be placed in the bank also?                                                                                                    |
|    |                                     | <input checked="" type="checkbox"/> | Will the place of use continue to receive water? (if yes explain in comments)                                                                                            |
| 9  |                                     |                                     | Local Public Interest                                                                                                                                                    |
|    |                                     | <input checked="" type="checkbox"/> | Does the processor know of any problems this action will cause for the local public?                                                                                     |
| 10 | <input checked="" type="checkbox"/> |                                     | Have you contacted regional office and watermaster for comment/concerns?                                                                                                 |
|    | <input checked="" type="checkbox"/> |                                     | Send the watermaster comment request form or e-mail request                                                                                                              |
| 11 |                                     |                                     | Area Headgate requirement (write in Comments) 3.5                                                                                                                        |
| 12 |                                     | <input checked="" type="checkbox"/> | Is water right involved in any other department action? Pull file and check database<br>( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments |

**Narrative:** These applications were received on September 23, 2021. These rights were split from 37-26 & 37-27. The parents of these rights have been in the Bank since 2003 and were decreed in 2008. There are no issues of forfeiture. Water rights 37-26, 37-27, 37-23128-23131 share the same POU as these rights and are limited, with rights 37-23348 & 37-23349 to 171 acres. Those water rights were conveyed without land and have been offered to the Bank. BLM is the current owner of the land. These rights will need to be rented with the lease contracts for water rights 37-26, 37-27, 37-23128-37-23131 due to the acre limit. These rights are currently within WD 37. The mitigation portion of these rights is water charged for river channel loss and are not subject to be leased.

13

## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Thursday, September 23, 2021 8:22 AM  
**To:** Fritz Haemerle; fwprice@blm.gov  
**Cc:** Buyer, Remington; Condon, Mary  
**Subject:** Water Supply Bank Lease Applications for 37-26 & 37-27

First, let me apologize for the time it has taken to get these Water Supply Bank (WSB) Lease applications processed.

Earlier this year, questions arose about why the Department did not split off Bureau of Land Management (BLM's) portion of the water right when the Notice of Change in Water Right Ownership was processed in 2013. The assumption was because of the way the current owners were listed on the water rights, that instead of splitting off BLM's portion, they should be added to the water rights as a current owner with the amounts they were entitled to as a comment on the water rights. The ownership documents were sent to our legal staff, and it was concluded that we could split off BLM's portion to their owner water right numbers. Several things occurred, and the Water Supply Bank Lease applications were placed back in the queue for Bank processing.

I am working on splitting water rights 37-26 & 37-27 into two new water rights that will have the current owner of the BLM. When that is complete, the Department will need lease applications from the BLM to place their portion of the water rights in the Bank. There are a couple of options on how to proceed with the WSB Lease applications that were filed by Mr. Haemmerle and the BLM applications.

- Option 1- If the intent is everyone to have their own contract, the Department will need a filing fee from David McDonald and Rain McDonald and BLM of \$500 each.
- Option 2- If we proceed and place all the rights on the same contract, the \$500 filing fee that has been received is sufficient.

Please let me know how to proceed with the WSB applications.

*Jean Hersley  
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