STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1090

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

LESSOR: CIRCLE C RANCHES
HOMEOWNERS ASSN INC
PO BOX 143
NEW MEADOWS, ID 83654-0143

SUPPORT DATA
IN FILE # 78-4272A

RECEIVED
JAN 10 2020
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 December 24, 2019.

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)
78-7083	8/28/1969	LITTLE SALMON RIVER, tributary to SALMON RIVER	5.11	1,850	467
78-7031	9/28/1972	LITTLE SALMON RIVER, tributary to SALMON RIVER	3.53	254	551.6
78-4272A	4/15/1955	TRAIL CREEK, tributary to ROUND VALLEY CREEK	2.53	Not Stated	126.7
78-4272B	4/15/1955	ROUND VALLEY CREEK, tributary to LITTLE SALMON RIVER	5.60	Not Stated	339.0
78-4272C	4/15/1955	UNNAMED STREAM, tributary to ROUND VALLEY CREEK	0.64	Not Stated	31.7
78-4272D	4/15/1955	UNNAMED STREAM, tributary to ROUND VALLEY CREEK	1.71	Not Stated	85.4
78-4272E	4/15/1955	SPRING, tributary to ROUND VALLEY CREEK	0.06	Not Stated	1.8
78-4272F	4/15/1955	UNNAMED STREAM, tributary to ROUND VALLEY CREEK	0.85	Not Stated	42.5
78-4272G	4/15/1955	UNNAMED STREAM, tributary to ROUND VALLEY CREEK	1.20	Not Stated	60.1
78-4272H	4/15/1955	UNNAMED STREAM, tributary to ROUND VALLEY CREEK	0.30	Not Stated	14.9
Combined Lease Totals			**21.5**	**2104**	**8,201.6**

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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)
78-4272A	2.53	380	126.70	0.020	3.00
78-4272B	5.60	1,020	339.10	0.017	3.00
78-4272C	0.64	95.1	31.70	0.020	3.00
78-4272D	1.71	256	85.40	0.020	3.00
78-4272E	0.06	5.40	1.80	0.033	3.00
78-4272F	0.85	128	42.50	0.020	3.00
78-4272G	1.20	180	60.10	0.020	3.00
78-4272H	0.30	44.7	14.90	0.020	3.00
78-7083	5.11	1,850	467.00	0.011	3.97
78-7031	3.53	254	520.00	0.007	0.49
Combined Limit Totals	**21.5**	**4210**	**850**	**0.025**	**3.0**

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

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

   Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2019 to December 31, 2023. 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.

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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.

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

LESSOR: CIRCLE C RANCHES
HOMEOWNERS ASSN INC
PO BOX 737
NEW MEADOWS, ID 83654

By _____
Title J Robert Polk President Circle C HOA Board
Date January 6, 2020

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

By _____ Date 08/19/20
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 08/19/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1090

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): 78-7083, 78-7031

LITTLE SALMON RIVER	NENW	Sec. 35	Twp 21N	Rge 01E	ADAMS County

Source and Location of Point(s) of Diversion for Water Right No(s): 78-4272A

TRAIL CREEK	NWSE	Sec. 28	Twp 21N	Rge 01E	ADAMS County

Source and Location of Point(s) of Diversion for Water Right No(s): 78-4272B

ROUND VALLEY CREEK	SESW	Sec. 28	Twp 21N	Rge 01E	ADAMS County
ROUND VALLEY CREEK	SESE	Sec. 28	Twp 21N	Rge 01E	ADAMS County

Source and Location of Point(s) of Diversion for Water Right No(s): 78-4272C

UNNAMED STREAM	NESW	Sec. 33	Twp 21N	Rge 01E	ADAMS County

Source and Location of Point(s) of Diversion for Water Right No(s): 78-4272D

UNNAMED STREAM	L 2NWNE	Sec. 4	Twp 20N	Rge 01E	ADAMS County

Source and Location of Point(s) of Diversion for Water Right No(s): 78-4272E

SPRING	NWNESW	Sec. 34	Twp 21N	Rge 01E	ADAMS County

Source and Location of Point(s) of Diversion for Water Right No(s): 78-4272F

UNNAMED STREAM	L 3NENW	Sec. 3	Twp 20N	Rge 01E	ADAMS County

Source and Location of Point(s) of Diversion for Water Right No(s): 78-4272G

UNNAMED STREAM	NWSE	Sec. 27	Twp 21N	Rge 01E	ADAMS County

Source and Location of Point(s) of Diversion for Water Right No(s): 78-4272H

UNNAMED STREAM	NENE	Sec. 28	Twp 21N	Rge 01E	ADAMS County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
78-7083	IRRIGATION	04/15	to	10/15	5.11 cfs	1,852.00 AF
78-7031	IRRIGATION	04/01	to	10/31	3.53 cfs	254.00 AF
78-4272A	IRRIGATION	04/01	to	10/31	2.53 cfs	Not Stated
78-4272B	IRRIGATION	04/01	to	10/31	5.60 cfs	Not Stated
78-4272C	IRRIGATION	04/01	to	10/31	0.64 cfs	Not Stated
78-4272D	IRRIGATION	04/01	to	10/31	1.71 cfs	Not Stated
78-4272E	IRRIGATION	04/01	to	10/31	0.06 cfs	Not Stated
78-4272F	IRRIGATION	04/01	to	10/31	0.85 cfs	Not Stated
78-4272G	IRRIGATION	04/01	to	10/31	1.20 cfs	Not Stated
78-4272H	IRRIGATION	04/01	to	10/31	0.30 cfs	Not Stated
				Totals:	21.5 cfs	2104 AF

Total Acres: 1,397.3

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WATER SUPPLY BANK LEASE CONTRACT No. 1090

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-4272A

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	27											27.0	4.4					31.4
21N	01E	28													0.3			13.0	13.3
21N	01E	34	10.0	22.0			28.0	4.9											64.9
21N	01E	35						16.0	1.1										17.1

Total Acres: 126.7

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-4272B

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	27											1.5						1.5
21N	01E	28													2.8	4.9	27.0	17.0	51.7
21N	01E	33	39.0	34.0	28.0	30.0										0.1			131.1
21N	01E	34	7.2	2.6	24.0	16.0	8.4	26.0	33.0	36.0	1.6								154.8

Total Acres: 339.1

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-4272C

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	33			6.3					0.9	6.5					18.0			31.7

Total Acres: 31.7

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-4272D

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	33			0.8	7.6					1.6			1.0	32.0	13.0	13.0	2.1	71.1
21N	01E	34							4.9			9.4							14.3

Total Acres: 85.4

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-4272E

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	34							0.2			1.6							1.8

Total Acres: 1.8

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-4272F

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	34			10.0	2.6				0.2	1.0				1.7	27.0			42.5

Total Acres: 42.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1090

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-4272G

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	27									0.2	6.5	7.8	29.0			9.6		53.1
21N	01E	34		6.0			1.0												7.0

Total Acres: 60.1

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-4272H

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	27										4.6	0.1						4.7
21N	01E	28													9.9			0.3	10.2

Total Acres: 14.9

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-7031

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	27									0.4	21.0	40.0	35.0			9.7		106.1
21N	01E	28																19.0	19.0
21N	01E	33	9.4			22.0													31.4
21N	01E	34	33.0	37.0	40.0	28.0	40.0	40.0	40.0	40.0	5.3	8.4			4.1	28.0			343.8
21N	01E	35					13.0	32.0	3.9	2.4									51.3

Total Acres: 551.6

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 78-7083

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	27											26.0	5.5					31.5
21N	01E	28																19.0	19.0
21N	01E	33	9.4			22.0													31.4
21N	01E	34	33.0	31.0	40.0	28.0	39.0	40.0	40.0	40.0	5.3	8.4			4.1	28.0			336.8
21N	01E	35					11.0	31.0	3.9	2.4									48.3

Total Acres: 467.0

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1090

4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
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. 78-2011, 78-4272A, 78-4272B, 78-4272C, 78-4272D, 78-4272E, 78-4272F, 78-4272G, 78-4272H, 78-7031 and 78-7083 are limited to the irrigation of a combined total of 850 acres in a single irrigation season.
13. Right Nos. 78-2011, 78-7031 and 78-7083 are limited to the irrigation of a combined total of 606.6 acres in a single irrigation season.
14. Right Nos. 78-7031 and 78-7083 are limited to the irrigation of a combined total of 551.6 acres in a single irrigation season.
15. The use of water for irrigation under right 78-7083 may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
16. Right 78-7031 is limited to the irrigation of 520 acres within the authorized place of use in a single irrigation season.
17. These rights when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

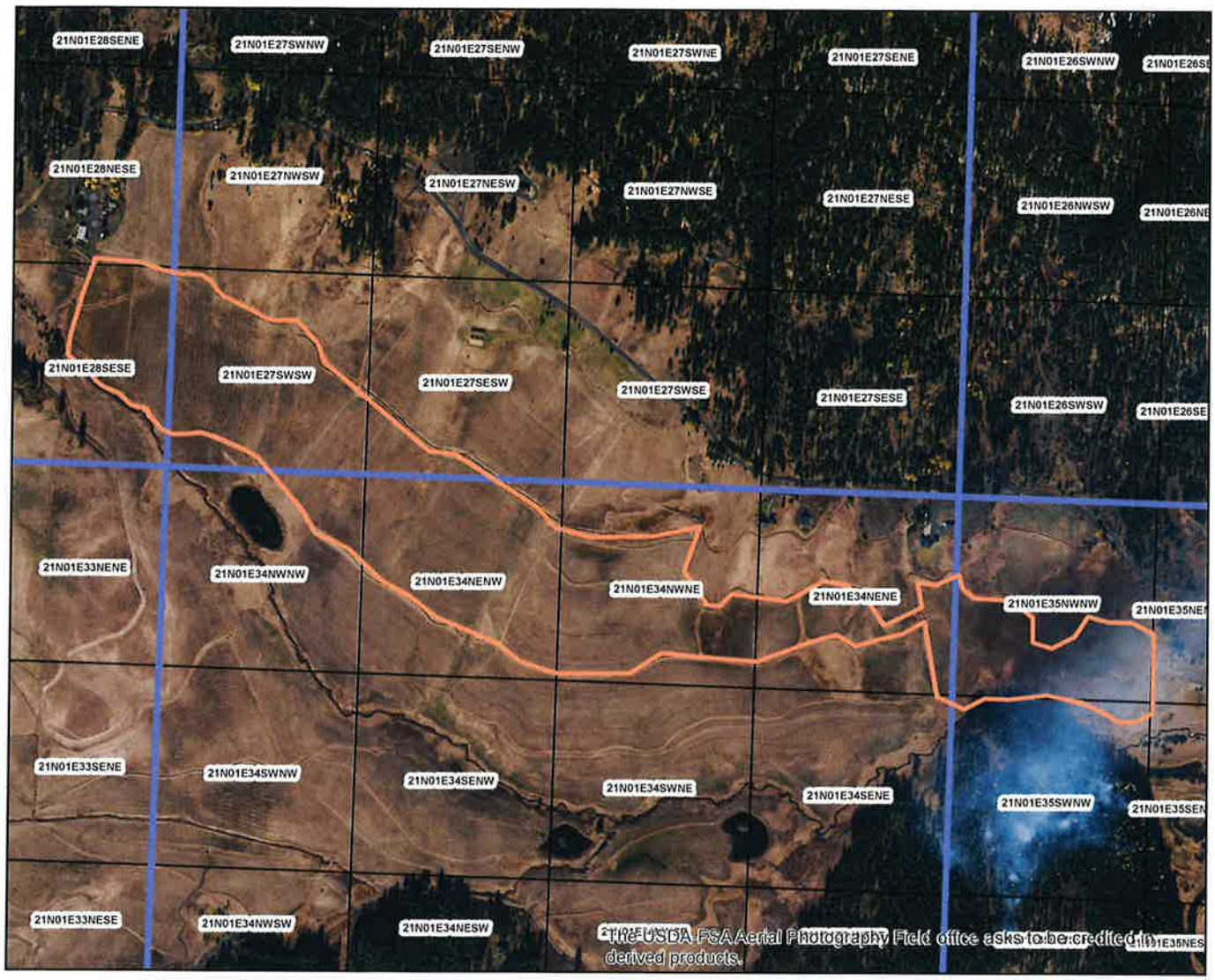
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-4272A

Effective until December 31, 2023

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

N

Feet

0 500 1,000

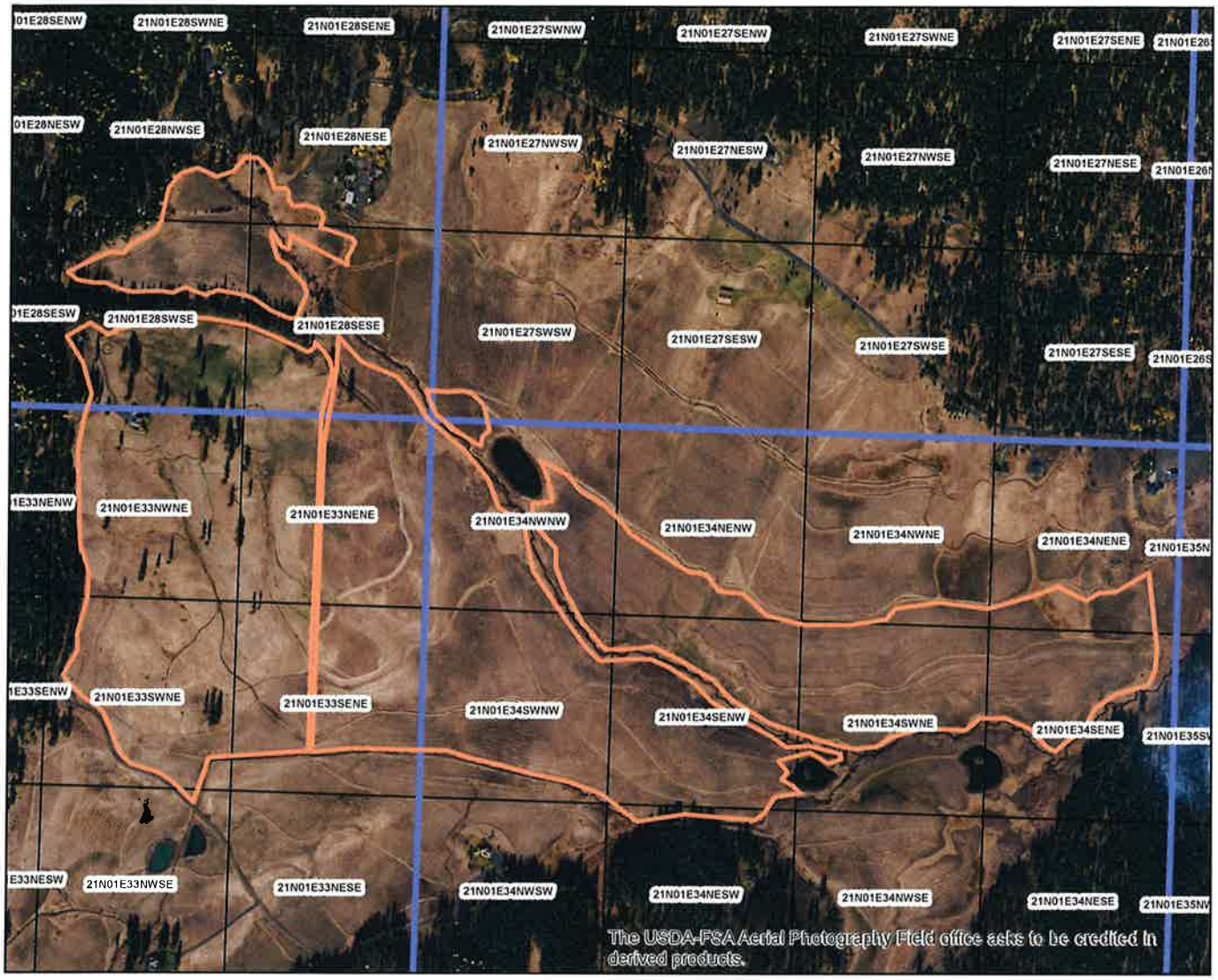
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-4272B

Effective until December 31, 2023

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

N

Miles

0 0.25 0.5

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-4272C

Effective until December 31, 2023

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

N

0 500 1,000 Feet

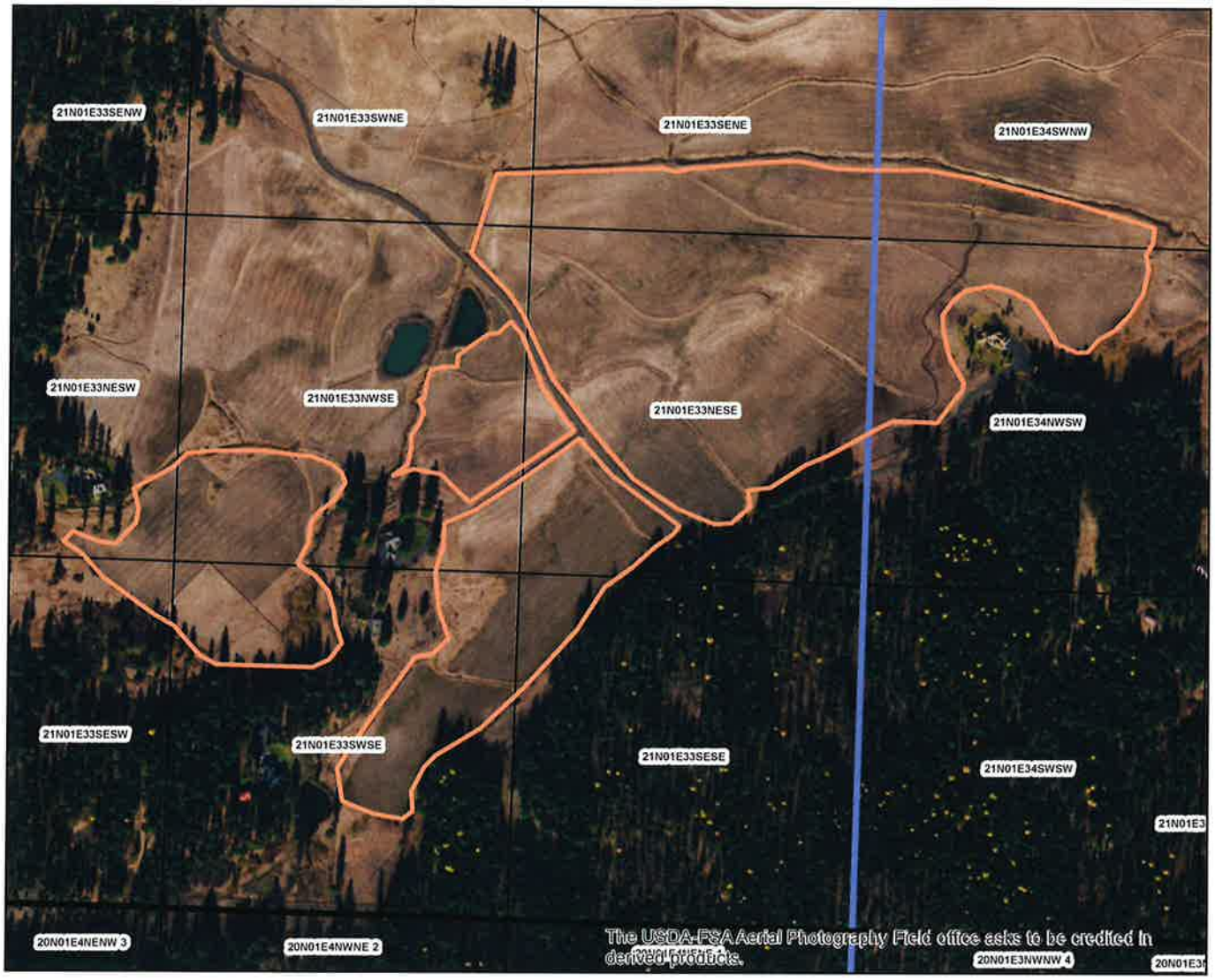
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-4272D

Effective until December 31, 2023

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

N

0 500 1,000 Feet

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-4272E

Effective until December 31, 2023

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

N

0 100 200 Feet

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-4272F

Effective until December 31, 2023

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

N

0 500 1,000 Feet

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-4272G

Effective until December 31, 2023

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

N

Feet

0 500 1,000

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-4272H

Effective until December 31, 2023

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

N

0 250 500 Feet

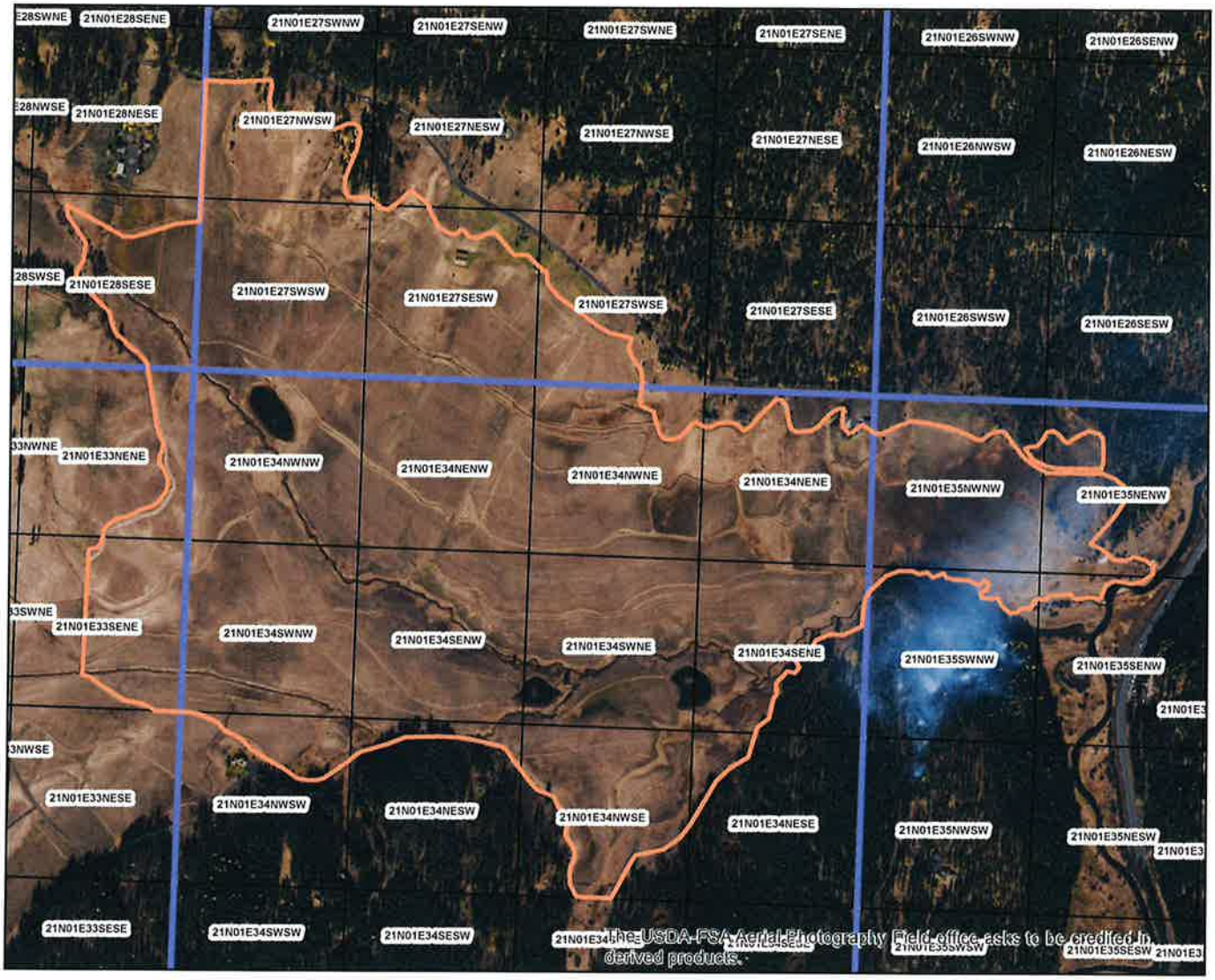
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-7031

Effective until December 31, 2023

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

N

0 0.25 0.5 Miles

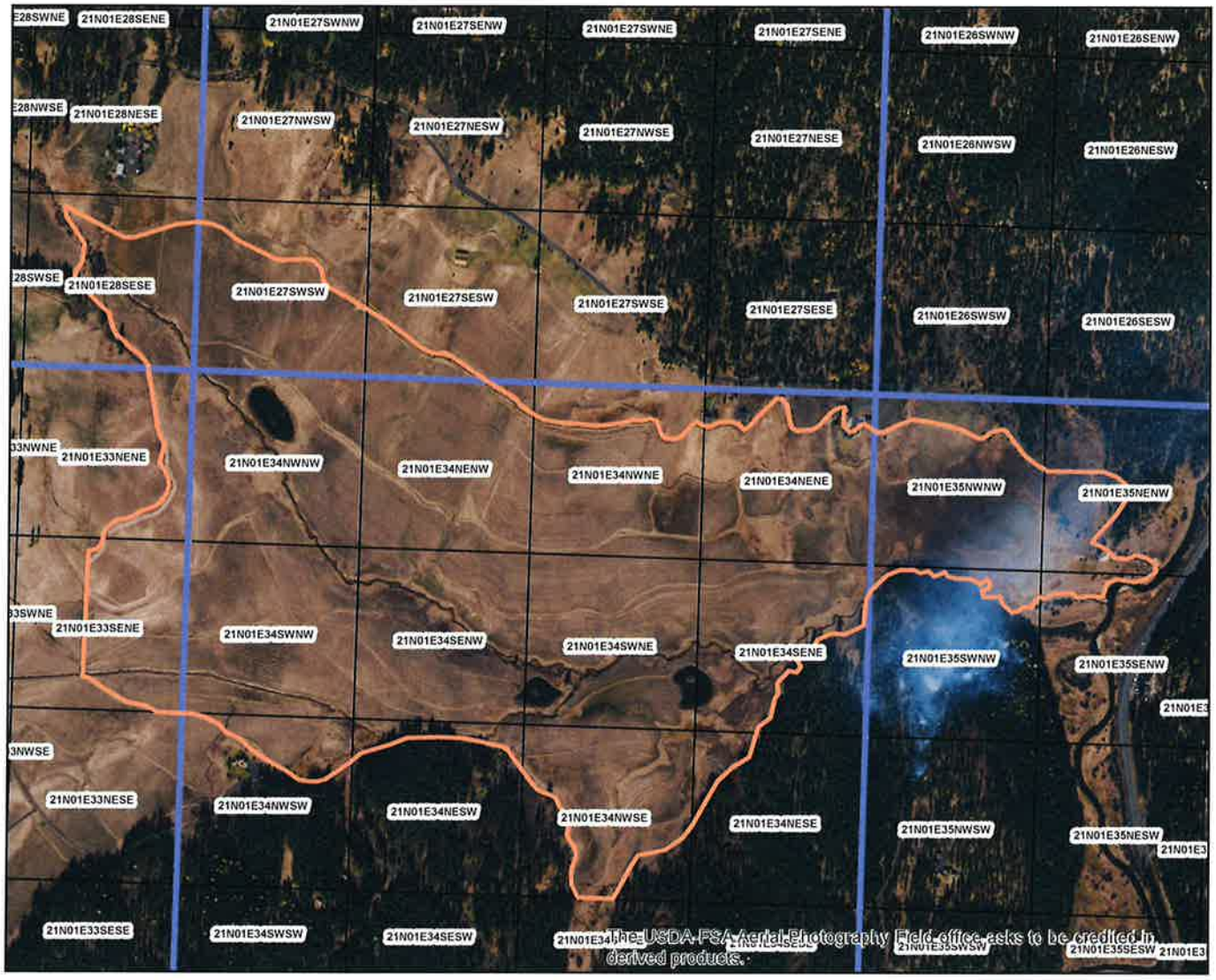
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

78-7083

Effective until December 31, 2023

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

N

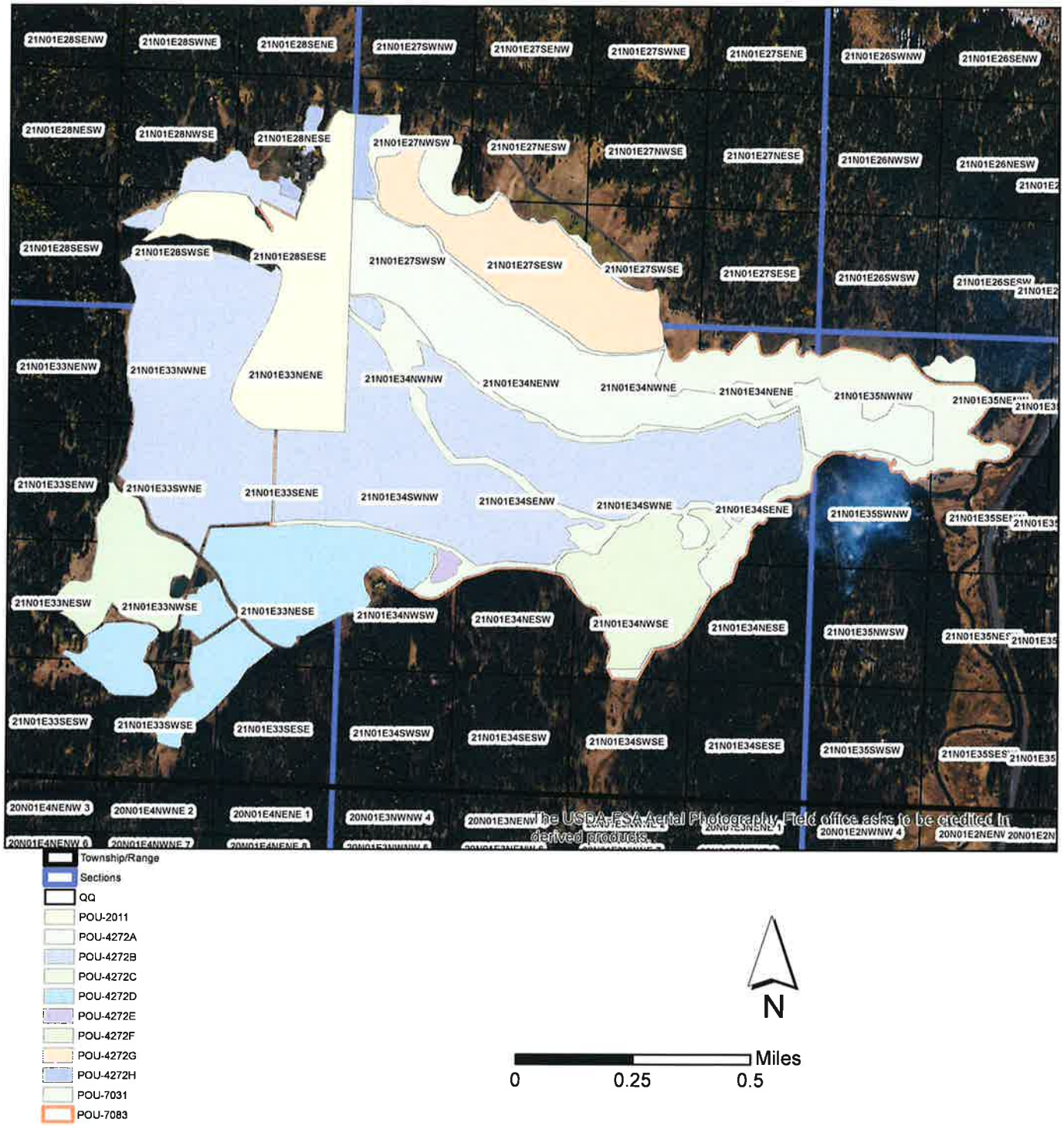
0 0.25 0.5 Miles

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

Effective until December 31, 2023

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.



Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1090

Effective until December 31, 2023

This map depicts the **point of diversion** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.

Township/Range
Sections
QQ
PODS

N

Miles
0 0.25 0.5

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
DEC 24 2019
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant CIRCLE C HOMEOWNERS ASSOC., INC.
(Select one owner – see item 1A on the application)

Water Right No. 78-4272 A
(One water right per application)

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

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

MIMUMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached* (Yes) or *Not Applicable* (N/A)

	Yes	
	☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
	☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment	N/A	Yes	
1A	☐	☑	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☐	☑	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☐	☑	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☐	☑	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 2500.00	Received By: KM	Date Received: 12-24-19	Receipt # C108158
W-9 received? Yes ☑ No ☐	(Route W-9 to Fiscal)	Name on W-9: Circle C Ranches HoA	

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 CIRCLE C RANCHES HOMEOWNERS ASSOCIATION, INC.

Mailing Address PO BOX 143, NEW MEADOWS, ID 83654
Street City State Zip Code

Email Address _____ Phone Number _____

☑ 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 JOHN CURTIS HUCKS Organization JOHN HUCKS, ATTORNEY AT LAW

Professional Title ATTORNEY FOR APPLICANT Email Address huckslaw@yahoo.com

Mailing Address PO BOX 737, NEW MEADOWS, ID 83654 Phone Number 208-347-4128

☐ 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.

THERE IS CURRENTLY NO ACTIVE DIVERSION AND DELIVERY SYSTEM

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

NO OTHER RIGHTS BEING USED OTHER THAN DOMESTIC WELLS AND SEASONAL ANIMAL GRAZING

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.

ALL ELIGIBLE WATER RIGHTS HAVE BEEN BANKED FOR THE LAST 5 YEARS

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☑

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☑

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: 2020 (Year) to 2025 (Year) (maximum lease period 5 calendar years).

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

CURRENT RENTAL RATE

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

The Designated Applicant acknowledges the following:

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

Signature of Designated Applicant	Circle C Ranches Homeowner's Association, Inc. By: J. Robert Polk, President Printed Name	12·19·2019 Date
Signature of Authorized Representative	JOHN CURTIS HUCKS, ATTORNEY Printed Name	12/2/2019 Date

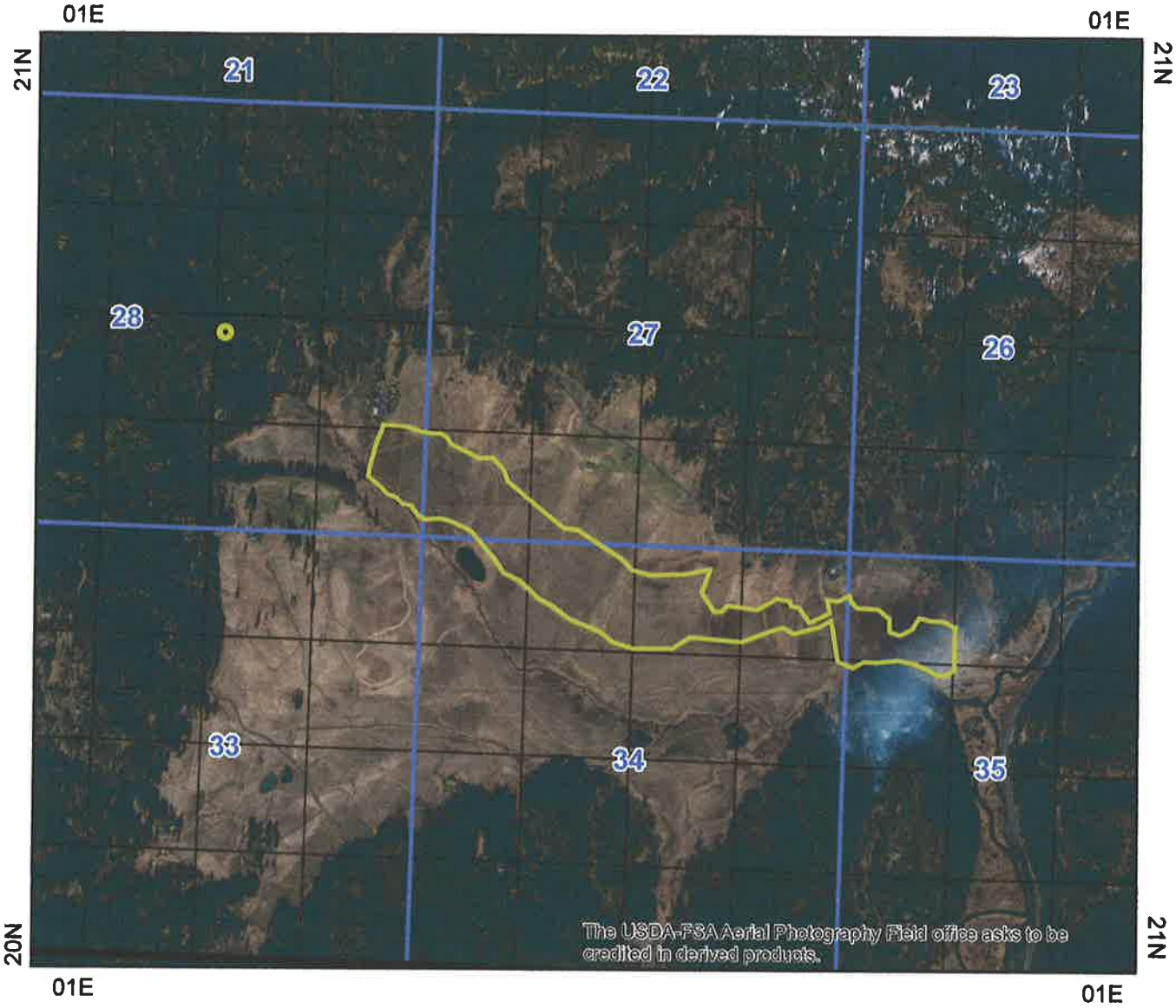
Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

State of Idaho
Department of Water Resources

Water Right
78-4272A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.25 0.5 1 Miles

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 11, 2021

CIRCLE C RANCHES HOA
PO BOX 143
NEW MEADOWS ID 83654-0143

RE: WATER SUPPLY BANK LEASE CONTRACT 1090
FOR WATER RIGHTS 78-4272A, 78-4272B, 78-4272C, 78-4272D, 78-4272E, 78-4272F, 78-4272G, 78-4172H, 78-7031 & 78-7083

Dear Lessor:

Water rights **78-4272A, 78-4272B, 78-4272C, 78-4272D, 78-4272E, 78-4272F, 78-4272G, 78-4172H, 78-7031 & 78-7083** were leased into the Water Supply Bank (Bank) as of January 1, 2019, 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, 2023,** 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. **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.**

Please note that water right 78-2011 was removed from the contract.

If you have questions regarding this matter, please contact Phill Hummer at phill.hummer@idwr.idaho.gov or 208-287-4925.

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region
Hucks Law

MEMORANDUM

DATE: 05/10/21

TO: Right 78-2011, WSB Lease Application 1576 (Contract 1090)

FROM: Phill Hummer (Water Rights Supervisor)

RE: Validity of Water Right and Acceptance into the Bank

On December 24, 2019 Circle C Homeowners Association Inc. filed an application to lease water right 78-2011 along with several other water rights (application 1576). The application form listed John Hucks as the representative of the applicant. The application was reviewed by Jean Hersley and a lease contract was drafted and mailed to the applicant. They signed the contract and returned it according to normal water supply bank procedures. Before signing the contract on behalf of the IWRB and IDWR I conducted a review of the water rights involved in the application.

Review of the water right file and aerial imagery suggests water right 78-2011 may be subject to forfeiture. According to the Department's Administrative Memorandum Multiple Programs No. 2 the Department will presume that resumption of use or any defense or protection to forfeiture initiated before the end of the sixth calendar year will prevent a finding of forfeiture. The partial decree for the right was issued on November 6, 2007. Review of the place of use using aerial imagery available to the Department and Climate Engine does not reveal obvious irrigation occurring within the last five years. Irrigation or a defense should have been initiated before the end of 2013.

Rights 78-7031 and 78-7083 were accepted into the Water Supply Bank (Bank) starting March 3, 2006 for an indefinite period of time. Which was later amended to end in 2018. Right 78-2011 was not included in the applications filed in 2006 and was not accepted into the Water Supply Bank at this time. Although a condition of the right limits irrigation under 78-2011 to 606.6 acres when combined with rights 78-7031 and 78-7083, portions of the right do not fully overlap these two rights making them not entirely stacked. 78-2011 could potentially be utilized fully while 78-7301 and 78-7083 are leased into the Bank without an enlargement of the right provided any rental of 78-7301 and 78-7083 are limited to combine total of 526.6 acres (606.6 acres of the combined limit minus the 80 acres authorized under 78-2011). For these reasons I don't not believe the lease contract executed in 2006 was done in error when right 78-2011 was not included.

Water Supply Bank rules (IDPA 37.02.03.025) require Water Supply Bank applications to be submitted with information demonstrating water rights proposed for lease have not been lost through abandonment or forfeiture. Question 4.f of the current application form asks the applicant to provide validity information. The application wrote in the section, "All eligible water rights have been banked for the last five years." Since it current records indicate that 78-2011 was not previously leased, this statement alone is not enough information to accept right 78-2011

into the Bank. On July 7, 2020 I received an email from Jean Hersley (staff member processing application 1576) indicating she had asked John Hucks to supply additional information supporting the validity of right 78-2011. Jean Hersley further indicated John Hucks' response was that the water right owner thought right 78-2011 was leased into the bank. In my opinion this does not qualify as a valid defense or protection to forfeiture. I sent an additional letter on August 19, 2020 attempting to clarify my findings, the WSB rules, and asking for additional validity information. Following the letter I have numerous lengthy telephone conversations With Mr. Hucks discussing IRWR records for 78-2011 and Circle C HOA's options. In summary, the HOA believed 78-2011 had been previously leased and therefore could be accepted again. I do not think the record shows that was true but I wanted to give them the opportunity to provide documentation that might be missing from the water right and water supply bank record that would demonstrate their opinion. Every conversation and follow up was delay considerably because Mr. Hucks had to present what he learned from our conversations and their options to the HOA board at regular meetings, then he would call me again with new questions. I never received anything from the applicant or Mr. Hucks to show right 78-2011 should be accepted for least to the water supply bank. Per IDPA 37.02.03.025.04 the application proposing to lease right 78-2011 could be considered incomplete and not a valid request. However, the other rights listed on water supply bank application 1576 are likely valid and review indicated these rights can be accepted for lease.

I had asked Mr. Hucks to either get confirmation from the HOA board or confirm himself that it was ok to proceed with application 1576 by modifying the lease contract to remove right 78-2011. I never received confirmation from the applicant that they agreed to the terms of the lease in this manner. However, I do not think that the application should be rejected completely when the other water rights can be leased. The original lease contract had been returned signed by the applicant indicating the applicant agreed to the individual water right portions to be idle and the conditions of acceptance listed. None of those items are changed. Therefore, I believe a new version of the contract can be completed using the signature page from the original contract without the applicant specific consent allowing water supply bank staff to finish processing application 1576 without rejecting it completely because the applicant is no longer communicating with IDWR. They have the opportunity to object and the contract can be modified if required.

The decision to not accept right 78-2011 into the Bank is not a determination of the validity of the right. There may be valid reason why right 78-2011 has not been lost to forfeiture but that reason is not evident at this time. I recommend that right 78-2011 is not accepted into the Bank and removed from Lease Contract 1090.

Hummer, Phill

From: John Curtis Hucks <huckslaw@yahoo.com>
Sent: Monday, September 14, 2020 11:26 AM
To: Hummer, Phill
Cc: Bob Polk; Bank
Subject: Re: Circle C Home Owners Association - Additional Information request
Attachments: Circle C HOA adtl info request.pdf

Mr. Hummer,

This will confirm our telephone call on 9/11/20 regarding the above matter. As we discussed, I will be submitting background materials to you this week regarding the history of the HOA's water bank submissions. Based on our conversation it is my understanding that the 30 day timeline for response has been placed on hold while we work through the status of Water Right No. 78-2011. Thank you for your assistance in this matter.

Sincerely, John Hucks

John Curtis Hucks
Attorney at Law, P.C.
P.O. Box 737
New Meadows, ID 83654
208-347-4128 - Office
208-347-3994 - Facsimile
208-315-0113 - Cellphone

CONFIDENTIALITY NOTICE: This email transmission, and any documents, files or previous email messages attached hereto may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender, delete and destroy the original transmission and any attachments without reading or saving the same.

On Thursday, August 20, 2020, 08:06:32 AM MDT, Veibell, Amanda <amanda.veibell@idwr.idaho.gov> wrote:

Good Morning.

The attached letter is being mailed today to your client. If you have any questions, please reach out to bank@idwr.idaho.gov.

Thank you.

Hummer, Phill

From: Hersley, Jean
Sent: Thursday, July 2, 2020 8:29 AM
To: Hummer, Phill; Grimm, Angie; Buyer, Remington
Subject: RE: WSB Leases for Circle C Ranches HOA

I asked the attorney about this right, 78-2011. He can't remember why it wasn't included or more importantly, why the Department never asked about it. There isn't a review memo so I don't know why this right was missed or why it wasn't asked about. It wasn't used while the other rights were in the Bank because they assumed all the rights were leased. If they had used this right, they would have been in violation of their lease and could have gotten a NOV because the land was supposed to be idled.

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

From: Hummer, Phill
Sent: Thursday, July 2, 2020 8:14 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>; Grimm, Angie <Angie.Grimm@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: WSB Leases for Circle C Ranches HOA

There is a sticky not on the file that says I sent you an email on 2/20/20 asking you to ask the applicant for more information. Below is a copy/paste of the email I sent you on 4/6/20 in response to basically the same question you asked me back in april, the answer is the same today as it was then.

Jean,

Last thing I remember occurring on this was an email I sent you in late February saying that I didn't think the imagery showed use had occurred under right 78-2011 and asking you to get information from the applicant that supported the validity of the right. Their other option would be removing 78-2011 from the application and the lease could be processed similar to the previous one. Doesn't look I like I received any follow up emails since that one.

-Phill

I still haven't heard whether the applicant had provided evidence to support the validity of the right or if they wanted to proceed without leasing 78-2011. We discuss some situations in the past where rights have been accepted but I didnt think those situations were compareable. In my opinion, it is possible to lease the rest of the rights without 78-2011 by reducing the number of acres in the combined limit and available for rent. Also in this situation I won't proceed just because it has been done before. I think it was incorrect to do so and that accepting a right into the bank that is potentially forfeit would violate the water supply bank rules. Without further information I will not sign the lease contract.

-Phill

From: Hersley, Jean
Sent: Tuesday, June 30, 2020 12:12 PM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>; Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; Buyer, Remington

<Remington.Buyer@idwr.idaho.gov>
Subject: WSB Leases for Circle C Ranches HOA

I received a call from the attorney for Circle C Ranches HOA. He needs to know what is going on with the lease contracts.

We received them signed months ago. There was a question about one of the rights, 78-2011 I believe, that was missed when they placed other rights in the Bank in 2006. There is nothing in the file of why this right was not placed in the Bank or even if anyone looked at it. I have to assume no one looked at it or knew it existed. We have had this situation before and have allowed the right in the Bank because the Dept. should have asked that it be placed in the Bank along with other overlapping rights. Please let me know what I can tell the attorney.

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

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

08/19/20

CIRCLE C HOMEOWNERS ASSOC INC
PO BOX 143
NEW MEADOWS ID 83654

Re: Application to Lease Right 78-2011 – Additional Information Required

Dear Applicant:

I am trying to finish processing water supply bank application 1576 for rights 78-2011, 78-7031, 78-7083 and 78-4272A-H. During review of these rights the validity of right 78-2011 was unclear. Per water supply bank rules (IDAPA 37.02.03) an application to lease a water right is incomplete unless the applicant provides adequate evidence that the right has not been lost to forfeiture. The partial decree for right 78-2011 was issued in 2007. Since that time it does not appear that irrigation under the right has occurred and the right has not been previously leased into the Water Supply Bank. A lease contract was executed in 2006 for rights 78-7301 and 78-7083, but right 78-2011 was not included in that contract. I don't believe this was a mistake by the Department. The application forms did not request to lease right 78-2011, the rights do not appear to be completely stacked, and rental of rights 78-7031 and 78-7083 could occur without enlargement if any rentals do not exceed the combined limit of the rights (606.6 acres). Therefore it is possible rights 78-7031 and 78-7083 could be accepted into the Water Supply Bank without right 78-2011.

Right 78-2011 can be accepted into the Water Supply Bank at this time through Contract 1090 along with the rest of the rights according to the applications if you can supply information to show right 78-2011 has not been lost to forfeiture. Information to support the validity of right 78-2011 must be submitted within thirty (30) days. If adequate information is not received within that deadline the application to lease right 78-2011 will no longer be considered a valid request and water right 78- 2011 will be removed from Lease Contract 1090.
If you have any questions regarding this matter, please call me at 208-287-4925.

Sincerely,

Phill Hummer
Water Rights Supervisor, State Office
Email: phill.hummer@idwr.idaho.gov

CC: John Hucks, Attorney for the applicant

RECEIVED
JAN 13 2020
DEPARTMENT OF WATER RESOURCES

CIRCLE C HOMEOWNER'S ASSOCIATION, INC.
c/o P.O. BOX 143
NEW MEADOWS, ID 83654
208-347-4128 – Phone
Email – huckslaw@yahoo.com

January 9, ~~2019~~ 2020

Via Priority Mail

Idaho Water Bank
Attn. Jean Hersley
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Supply Bank Lease Contract No. 1090

Dear Ms. Hersley:

Please find attached **two** executed lease contracts, including the original signature pages from the HOA. Once the IDWR Acting Director has executed the contracts, please mail or email me a copy of the fully executed contract for the HOA records.

Thank you for your assistance in this matter, and please contact me with any questions.

Sincerely,

John Hucks

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 31, 2019

CIRCLE C RANCHES HOA INC
PO BOX 737
NEW MEADOWS ID 83654

RE: APPLICATION TO LEASE WATER RIGHT 78-2011, 78-4272A, 78-4272B, 78-4272C, 78-4272D, 78-4272E, 78-4272F, 78-4272G, 78-4172H, 78-7031 & 78-7083 TO THE WATER SUPPLY BANK CONTRACT 1090

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

Dear Applicant:

The Department of Water Resources has completed its review of your applications to lease the above-mentioned water rights 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 rights will automatically be released from the Bank on **December 31, 2023,** unless the rights are released earlier by the Board, or upon your request. To release the 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. 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 rights 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."

Please note, a refund of $2,000 has been requested and will be sent to your attorney under separate cover from the Idaho State Controller's Office. Since these water rights overlap and have combined conditions, the fee for these applications is $500.

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

Jean Husley
for Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C108158

c: John Hucks

MEMORANDUM

TO: Sascha Marston

FROM: Jean Hersley

DATE: December 31, 2019

RE: Refund: overpayment

Please refund $2,000.

NAME: CIRCLE C RANCHES HOA INC
PO BOX 737
NEW MEADOWS ID 83654

RECEIPT #: C108158

AND

Please refund $500.

NAME: JOHN CURTIS HUCKS,
PO BOX 737
NEW MEADOWS ID 83654

RECEIPT #: C108157

Thank you.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, December 31, 2019 8:27 AM
To: Financial
Subject: refund
Attachments: Circle C Ranches & Hucks.doc

Please process the attached refund. Thank you.

Jean

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Circle C HOA Inc

Memo Date: December 27, 2019

Water Right Number(s): 78-2011 et al

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	**Fill out WSB Data Entry Checklist for Leases (Front of File)**	x		
2	**Reason for lease of water rights (Brief description of lease proposal in narrative)**			
	Portion of right			
	All of right	x		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)	x		
		Yes	**No**	
4	Rentable? (If no explain in comments or narrative)	x		
5	**Authority to file**			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity			Robert Polk, Director
	Other (explain in comments)			
6	**Water Right validity**			
	Decreed/Licensed/Statutory claim date (write in comments section)			2007 & 2013
	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.)			
	Has this right previously been leased to the bank or in CREP?	x		7031 & 7083
7	**Injury to other water rights**			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns			
8	**Enlargement concerns**	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	**No**	
	Are there overlapping rights that need to be placed in the bank also?		x	
	Will the place of use continue to receive water? (if yes explain in comments)		x	
9	**Local Public Interest**			
	Does the processor know of any problems this action will cause for the local public?		x	
10	**Have you contacted regional office and watermaster for comment/concerns?**	x		
	Send the watermaster comment request form or e-mail request			
11	Area Headgate requirement (write in Comments)			3
12	**Is water right involved in any other department action? Pull file and check database** ( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments		x	

13 **Narrative:** The Department received applications to lease the entirety of water rights 78-2011, 78-4272A-H, 78-7031& 78-7083 to the Bank. These rights overlap and have a combined use limit of 850 acres, which is limiting not additive. Robert Polk, Director, signed the applications. Water rights 78-2011, 78-7031 & 78-7083 were decreed in 2007. 78-7031 & 78-7083 were leased to the Bank in 2006, indefintely. In 2015, the contract end date changed to December 31, 2018. Water right 78-2011 should have been leased with 78-7031 & 78-7083 because they were decreed with an irrigation limit of 606.6 acres. This is limiting not additive. Aerial imagery suggests water right 78-2011 has not been used since it was decreed. Since the Department did not contact the water right owner regarding water right 78-2011, we will accept it into the Bank. Water rights 78-4272A-H were decreed in 2013. Aerial imagery suggests these rights have not been put to beneficial use since then. These rights will be placed in the Bank from 2019-2023 to avoid forfeiture concerns.

change of start date confirmed by John Huck via email

0003458975

STATE OF IDAHO
Office of the secretary of state, Lawerence Denney
REINSTATEMENT ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $30.00 - Make Checks Payable to Secretary of State

For Office Use Only
-FILED-
File #: 0003458975
Date Filed: 3/20/2019 7:07:11 PM

Reinstatement Annual Report Form

Current Entity Name	CIRCLE C RANCHES HOMEOWNERS' ASSOCIATION, INC.
The file number of this entity on the records of the Idaho Secretary of State is:	0000310002
Organized under the laws of:	IDAHO

Change Entity Name:
Do not change the entity name

The registered agent on record is:

Registered Agent	JOHN HUCKS Registered Agent Physical Address 2988 ROUND VALLEY RD NEW MEADOWS, ID 83654 Mailing Address

The mailing address of the corporation is:
TREASURER
PO BOX 143
NEW MEADOWS, ID 83654-0143

Corporate Officers and Directors:

Name	Title	Address
ART PEAVEY	Director	P.O. BOX 143 NEW MEADOWS, ID 83654
RICK SIRONEN	President	2777 SMOKY BOULDER RD NEW MEADOWS, ID 83654
Robert A Lemmon	Treasurer	ROB LEMMON PO BOX 143 NEW MEADOW, ID 83654
Robert Polk MD	Director	PO BOX 143 NEW MEADOWS, ID 83654
Karen Severin	Secretary	PO BOX 143 NEW MEADOWS, ID 83654

The Application for Reinstatement must be signed by at least one governor.

Robert Lemmon
Sign Here

03/20/2019
Date

Signer's Title: Treasurer

B0207-1291 03/20/2019 7:07 PM Received by ID Secretary of State Lawerence Denney

Hersley, Jean

From: John Curtis Hucks <huckslaw@yahoo.com>
Sent: Friday, December 27, 2019 2:59 PM
To: Hersley, Jean
Cc: Bob Polk
Subject: Re: WSB Lease applications 78-4272A-H

Ms. Hersley,

In follow up to your two emails of this date, and our subsequent telephone call, please take the following actions:

1. Remove Water Right 78-10227 from the water bank application.

2. Change the starting banking date for the remaining water rights to run from 2019 thru 2023.

3. Process the partial fee refunds that we discussed. You can mail both of the refund warrants to my address, and I will pass on the HOA refund to the HOA Secretary.

I very much appreciate your courtesy and assistance in this matter. Have a nice New Year.

Thank you, John Hucks

John Curtis Hucks
Attorney at Law, P.C.
P.O. Box 737
New Meadows, ID 83654
208-347-4128 - Office
208-347-3994 - Facsimile
208-315-0113 - Cellphone

CONFIDENTIALITY NOTICE: This email transmission, and any documents, files or previous email messages attached hereto may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender, delete and destroy the original transmission and any attachments without reading or saving the same.

On Friday, December 27, 2019, 09:06:07 AM MST, Hersley, Jean <jean.hersley@idwr.idaho.gov> wrote:

Sorry to bother you again.

I am in the process of reviewing all of the rights that have been offered to the Bank in the name of Circle C Ranches HOA.

Water rights 78-4272A-H were decreed in 2013 and have never been in the Water Supply Bank. Aerial imagery suggests these rights have not been put to beneficial use since they were decreed. In order for these rights to be protected from forfeiture, they will need to go into the Bank from 2019 to 2023. And since they overlap with 78-2011, 78-7031 & 78-7083, these rights will need to be placed in the Bank in 2019 also.

Please let me know if you would like to change the lease period to January 1, 2019 to December 31, 2023 within 14 days or the Department could deny your applications based on non-use.

If you have any questions, please contact me. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

Hersley, Jean

From: Hersley, Jean
Sent: Friday, December 27, 2019 9:06 AM
To: 'huckslaw@yahoo.com'
Subject: WSB Lease applications 78-4272A-H

Sorry to bother you again.
I am in the process of reviewing all of the rights that have been offered to the Bank in the name of Circle C Ranches HOA.

Water rights 78-4272A-H were decreed in 2013 and have never been in the Water Supply Bank. Aerial imagery suggests these rights have not been put to beneficial use since they were decreed. In order for these rights to be protected from forfeiture, they will need to go into the Bank from 2019 to 2023. And since they overlap with 78-2011, 78-7031 & 78-7083, these rights will need to be placed in the Bank in 2019 also.

Please let me know if you would like to change the lease period to January 1, 2019 to December 31, 2023 within 14 days or the Department could deny your applications based on non-use.

If you have any questions, please contact me. Thank you.

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

CIRCLE C HOMEOWNER'S ASSOCIATION, INC.
c/o P.O. BOX 143
NEW MEADOWS, ID 83654
208-347-4128 – Phone
Email – huckslaw@yahoo.com

RECEIVED
DEC 24 2019
DEPARTMENT OF
WATER RESOURCES

December 20, 2019

Sent by Priority Mail

Idaho Water Bank
Attn. Justin Ferguson
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Licenses - 78-2011; 78-4272A; 78-4272B; 78-4272C; 78-4272D; 78-4272E; 78-4272F; 78-4272G; 78-4272H; and 78-7031

Dear Mr. Ferguson:

Please find enclosed ten (10) executed Applications to Sell or Lease Water Right to the Water Supply Bank. Circle C Ranches Homeowners Association, Inc. wishes to bank all of the water from these licenses for a period of five (5) years.

Also enclosed is an executed W-9 form and a check in the amount of $2,500.00. If any of the above-referenced Water Right Licenses constitute overlapping rights, please issue a partial refund check as appropriate.

I would appreciate you reviewing and processing these applications. If you have any questions, or if additional information is required, please contact me directly. Thank you for your assistance in this matter.

Sincerely,

John Hucks
Authorized Representative

cc: HOA Board of Directors