

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1267

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

LESSOR: HIDDEN PARADISE LLC
216 W JEFFERSON ST
BOISE, ID 83702-6044

SUPPORT DATA
IN FILE # 37-2227

RECEIVED
JAN 11 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 December 09, 2020.
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)
37-2227	2/21/1912	EAST FORK THREEMILE CREEK, tributary to CAMAS CREEK	0.32	Not Stated	16.0
37-8609	2/15/1990	GROUND WATER	0.33	Not Stated	40.0
Limit Totals			0.65	Not Stated	40.0
37-19832	4/15/1915	EAST FORK THREEMILE CREEK, tributary to CAMAS CREEK	0.91	Not Stated	45.4
Combined Lease Totals			1.56	Not Stated	45.4

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)
37-2227	0.32	56.0	16.0	0.020	3.5
37-19832	0.91	158.9	45.4	0.020	3.5
37-8609	0.33	140.0	40.0	0.008	3.5
Combined Limit Totals	1.56	158.9	45.4	0.030	3.5

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

WATER SUPPLY BANK LEASE CONTRACT No. 1267

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

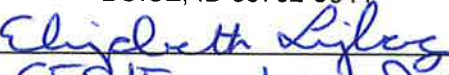
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2020 to December 31, 2022. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water 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

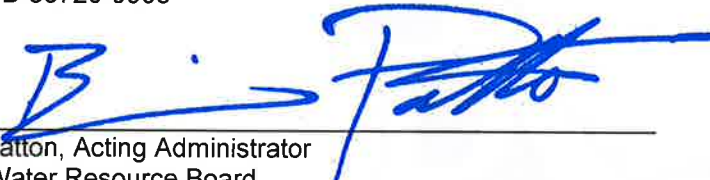
WATER SUPPLY BANK LEASE CONTRACT No. 1267

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

LESSOR: HIDDEN PARADISE LLC
216 W JEFFERSON ST
BOISE, ID 83702-6044

By 
Title CEO/Executive Director
Date 12/13/2020

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 01/15/21

Lease approved by IDWR 

Date 01/15/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1267

**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): 37-2227

THREEMILE CREEK SESWSE Sec. 14 Twp 01N Rge 13E CAMAS County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-8609

GROUND WATER NWNE Sec. 23 Twp 01N Rge 13E CAMAS County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-19832

THREEMILE CREEK SWSESE Sec. 14 Twp 01N Rge 13E CAMAS County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-2227	IRRIGATION	04/15	to	10/31	0.32 cfs	Not Stated
37-8609	IRRIGATION	4/15	to	10/15	0.33 cfs	Not Stated
37-19832	IRRIGATION	04/15	to	10/31	0.91 cfs	Not Stated
Totals:					1.56 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	
01N	13E	14				0.5									13.3		8.1	9.8	31.7
01N	13E	23	0.9	12.8															13.7

Total Acres: 45.4

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).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1267

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. Water right 37-2227 is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.
13. Water rights 37-2227 & 37-19832 shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.
14. Property also known as Soldier Mountain Resort, 550 W 500 N.
15. Water right 37-8609 is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
16. The rights listed below are limited to the irrigation of a combined total of 45.4 acres in a single irrigation season. Combined Right Nos.: 37-2227, 37-8609 & 37-19832.
17. Water right 37-8609 is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season. Water right 37-8609 when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of 140.0 af for the 40 acres upon which this right may be used.
18. Water right 37-8609 shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
19. The rights listed below are limited to the irrigation of a combined total of 40.0 acres in a single irrigation season. Combined Right Nos.: 37-2227 & 37-8609.
20. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

37-2227, 37-8609 & 37-19832
Effective until December 31, 2022

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 09 2020

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Hidden Paradise LLC

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

Water Right No. 37-2227

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

Department Use Only

Fee Amount \$ 250Received By: KuDate Received: 12.9.2020Receipt # C109610W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Hidden Paradise LLC

1837

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 Hidden Paradise LLC

Mailing Address 216 W. Jefferson St Boise, Idaho 83702

Street

City

State

Zip Code

Email Address elizabeth@camprainbowgold.org

Phone Number 208-350-6435

☐ 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 Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Phone Number 208-736-8543

☐ 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.
Existing diversions and delivery systems.

- 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. 37-2227, 37-8609 and 37-19832

- 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. Water rights 37-2227, 37-8609 and 37-19832 were leased into the Idaho Water Supply Bank for the 2018 irrigation season. Rust Kramer (Water Master Water District 37B) indicated in a 2017 email that these three water rights fully utilized for the years 2014, 2015 and 2016.

- 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 to 2022 (maximum lease period 5 calendar years).
(Year) (Year)

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

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.

Elizabeth Lizberg
Signature of Designated Applicant

Elizabeth Lizberg
Printed Name

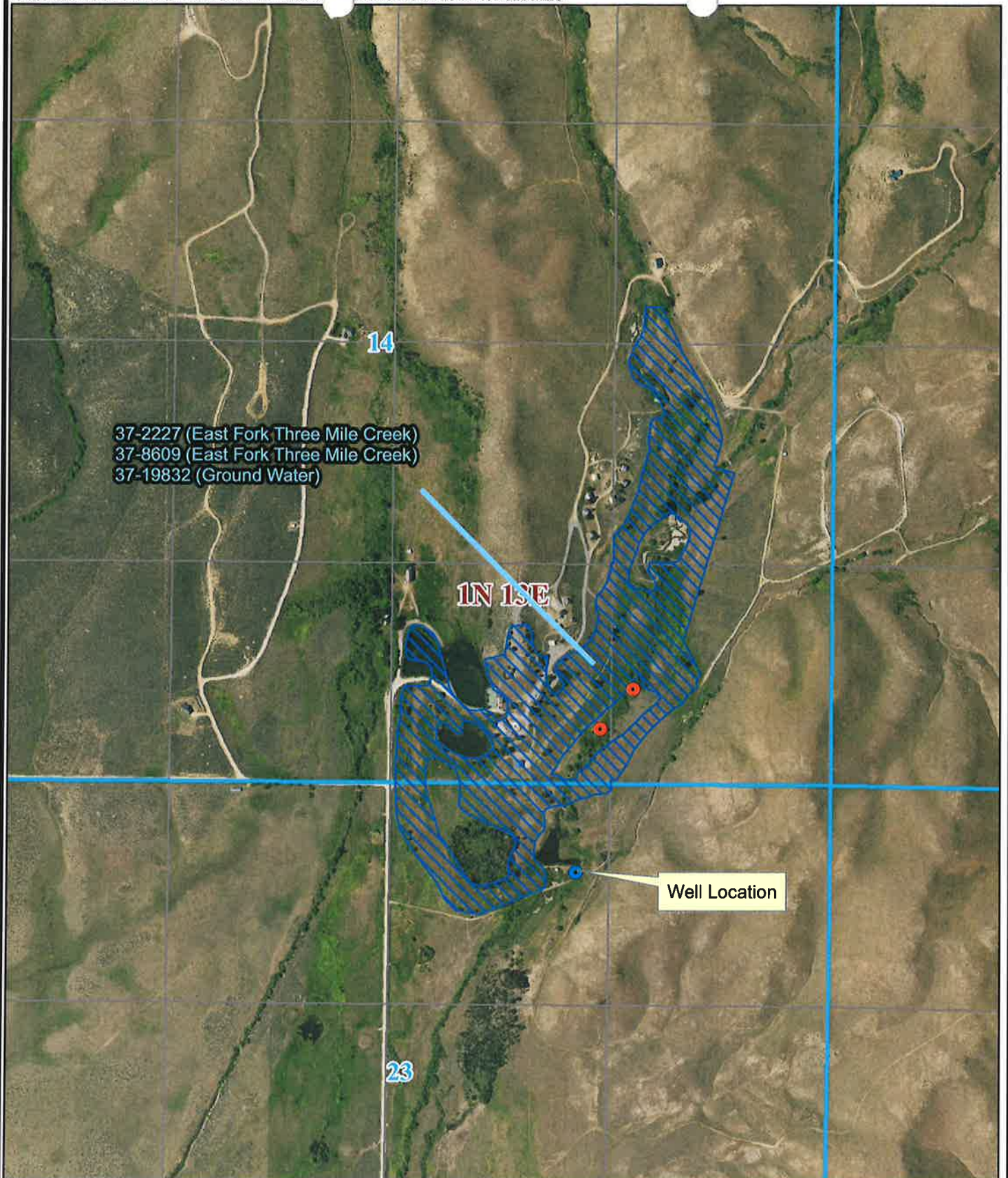
11-18-2020
Date

Signature of Authorized Representative

Printed Name

Date

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



0 500 1,000 Feet

**HIDDEN PARADISE
45.4 ACRES OF ALLOWED IRRIGATION
WATER RIGHTS 37-2227, 37-8609, 37-19832
NAIP 2019 AERIAL**

BROCKWAY ENGINEERING, PLLC.
GWS Date: 11/17/2020

Legend

- East Fork Three Mile Creek PODs
- Ground Water Well
- Irrigate_WRs



IDAHO Department of Water Resources



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

11/2/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 37-2227

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAMP RAINBOW GOLD INC 216 W JEFFERSON ST BOISE, ID 83702-6044 2083506435
Attorney	ERIKA MALMEN PERKINS COIE LLP 1111 W JEFFERSON ST STE 500 BOISE, ID 83702-5391 2083433434
Original Owner	HIDDEN PARADISE RANCH OWNERS ASSN PO BOX 279 FAIRFIELD, ID 83327 2087642506

Priority Date: 02/21/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK THREEMILE CREEK	CAMAS CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	0.32 CFS	
Total Diversion			0.32 CFS	

Location of Point(s) of Diversion:

THREEMILE CREEK|SESWSE|Sec. 14|Township 01N|Range 13E|CAMAS County

IRRIGATION Use:

Acre Limit: 16

Place(s) of use:

Place of Use Legal Description: IRRIGATION CAMAS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	13E	14		SENE	0.5									
				NESE	13.3		SWSE	8.1		SESE	9.8			
		23		NENE	0.9		NWNE	12.8						

Total Acres: 45.4

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. K06 This right is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.
5. E56 The rights listed below are limited to the irrigation of a combined total of 40.0 acres in a single irrigation season. Combined Right Nos.: 37-2227 & 37-8609.
6. 223 This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

Dates:

Licensed Date:

Decreed Date: 01/31/2011

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37B

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 45.4

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 838

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

LESSOR: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

RECEIVED
OCT 11 2018
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 04, 2018.
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.

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37-8609	0.33	130.9	40.0	0.008	3.27
Combined Limit Totals	1.56	158.9	45.4	0.034	3.50

SUPPORT DATA

IN FILE # 37-2227

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 838

** The water right elements rentable have been changed to identify rentable volumes and enlargement concerns.*

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

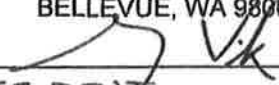
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2018 to December 31, 2018. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water 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. 838

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

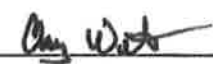
LESSOR: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

By 
Title PRESIDENT
Date 10/5/18

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 10/16/2018

Lease approved by IDWR 

Date 10-16-2018

Greg Sullivan

From: Rusty Krame <waterdistrict37b@outlook.com>
Sent: Thursday, July 27, 2017 8:18 AM
To: Greg Sullivan
Subject: Smokey Dome Rights on 3 Mile Creek Fairfield

Greg,
Sorry took so long. For the record WD 37B does not require a measuring device on 3-Mile Creek until irrigation season of 2018. Here is the irrigation records that were officially recorded with IDWR on my WaterMaster report for 3 mile creek.

2014 152 days
2015 80 day
2016 81 days

Again, no measurement on that creek until next year. Just been counting days.

Yell if you need anything else.

Thanks

Rusty Kramer - Water Master
Water District 37B
208-870-3217



Virus-free. www.avg.com

WATER SUPPLY BANK**Quick Tools****Lease Review Checklist****Applicant(s) Name:** Smokey Dome LLC**Memo Date:** September 20, 2018**Water Right Number(s):** 37-2227, 37-8609 & 37-19832**Reviewers Name:** Jean

Decreed

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)		
	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	X	
Other (explain in comments)		
6 Water Right validity		
Decreed/Licensed/Statutory claim date (write in comments section)		2011
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	
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	X	
11 Area Headgate requirement (write in Comments)		3.5
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 these applications on September 4, 2018. The applicant wishes to place the entire right in the Bank for the 2018 season. Greg Vik, registered agent and president, signed the applications. These right were decreed in 2011 and according to an email from the watermaster, Rusty Kramer, these rights were used in 2014-2016. (See application attachment) Forfeiture is not an issue. There are no overlapping rights. These rights are currently within WD 37B.		



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

January 26, 2021

HIDDEN PARADISE LLC
216 W JEFFERSON ST
BOISE, ID 83702-6044

**RE: WATER SUPPLY BANK LEASE CONTRACT 1267
FOR WATER RIGHTS 37-2227, 37-8609 & 37-19832**

Dear Lessor:

Water right **37-2227, 37-8609 & 37-19832** will be 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, 2022**, 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.**

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region
Water District 37B
Greg Sullivan – Brockway Engineering



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

January 6, 2021

HIDDEN PARADISE LLC
216 W JEFFERSON ST
BOISE ID 83702

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS 1267
FOR WATER RIGHT 37-2227, 37-8609 & 37-19832**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on December 21, 2020. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application will be returned, and the application fee will not be refunded. You can reapply to lease the water right in the future by submitting new application form along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

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

Sincerely,

Water Supply Bank

c: Brockway Engineering PLLC

Hersley, Jean

From: Skinner, Corey
Sent: Tuesday, December 22, 2020 1:37 PM
To: Hersley, Jean
Subject: RE: WSB Lease contracts for Hidden Paradise LLC

No objections from me.

From: Hersley, Jean
Sent: Monday, December 21, 2020 8:44 AM
To: Rusty Kramer <waterdistrict37b@outlook.com>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: WSB Lease contracts for Hidden Paradise LLC

Please let me know within 7 days if you have any comments of concerns with this lease. The contract is for the 2020-2022 season.

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

December 21, 2020

HIDDEN PARADISE LLC
216 W JEFFERSON ST
BOISE ID 83702

RE: APPLICATION TO LEASE WATER RIGHT 37-2227, 37-8609 & 37-19832 TO THE WATER
SUPPLY BANK CONTRACT 1267

****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, 2022**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

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

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

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C109681

C. Brockway Engineering PLLC
Perkins Coie LLP

Hersley, Jean

From: Hersley, Jean
Sent: Monday, December 21, 2020 8:44 AM
To: Rusty Kramer; Skinner, Corey
Subject: WSB Lease contracts for Hidden Paradise LLC
Attachments: Idled Acres.pdf; Lease Contract - 1267.pdf; Lease Application Review 37-2227 37-8609 37-19832.xls

Please let me know within 7 days if you have any comments of concerns with this lease. The contract is for the 2020-2022 season.

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

WATER SUPPLY BANK
Lease Review Checklist
Applicant(s) Name: Hidden Paradise LLC

Memo Date: December 9, 2020

Water Right Number(s): 37-2227, 37-8609 & 37-19832

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)			
		Yes	No	
4	Rentable? (If no explain in comments or narrative)	X		
5	Authority to file			
	Current owner or designated applicant	X		Elizabeth Lizberg, Director
	SOS Web site checked for business entity	X		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			1997, 2011
	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		2018
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	X		
11	Area Headgate requirement (write in Comments)			3.5
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		X	

Narrative: The Department received these applications on December 9, 2020. The applicant wishes to place the entirety of all rights in the Bank for the 2020-2022 season. Elizabeth Lizberg, Director, signed the applications. Water rights 37-2227 & 37-19832 were decreed in 2011 and 37-8609 was licensed in 1997. The full allotment of the appurtenant surface water rights in conjunction with groundwater diverted under water right 37-8609 and shall only divert groundwater under right 37-8609 when water from appurtenant surface water right cannot be delivered. Rusty Kramer, watermaster of WD 37B, sent an email in 2018 stating these rights were used from 2014-2016. Forfeiture is not an issue. There are no overlapping rights. These rights are currently within WD 37B.

13



0003842456

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003842456

Date Filed: 4/10/2020 9:04:01 AM

Entity Name and Mailing Address:

CAMP RAINBOW GOLD, INC.

The file number of this entity on the records of the Idaho Secretary
of State is: 0000597614

Address 216 W JEFFERSON ST
BOISE, ID 83702-6044

Entity Details:

Entity Status Active-Good Standing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the
Idaho Secretary of State was: C198098

The registered agent on record is:

Registered Agent TIMOTHY W TYREE
Registered Agent
Physical Address
618 W. FRANKLIN ST.
BOISE, ID 83702
Mailing Address
618 W FRANKLIN ST
BOISE, ID 83702-5509

BU001-00094 04/10/2020 9:04 AM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY



Corporate Officers and Directors:

Name	Title	Business Address
☒ DR. DORIS TUNNEY	Director	216 W. JEFFERSON STREET BOISE, ID 83702
☒ ELIZABETH LIZBERG	Director	216 W. JEFFERSON STREET BOISE, ID 83702
☒ TIMOTHY W TYREE	Vice President	216 W. JEFFERSON STREET BOISE, ID 83702
☒ AL STEVENSON	Vice President	216 W. JEFFERSON STREET BOISE, ID 83702
☒ AMANDA WATSON	Director	216 W. JEFFERSON STREET BOISE, ID 83702
JASON COUVILLION	Director	216 W. JEFFERSON STREET BOISE, ID 83702
BRENT EATON	Director	216 W. JEFFERSON STREET BOISE, ID 83702
☒ DR. BRIAN GOLTRY	Director	216 W. JEFFERSON STREET BOISE, ID 83702
DR. DAVID MCCLUSKY III	Director	216 W. JEFFERSON STREET BOISE, ID 83702
JESSICA SHAW	Treasurer	216 W. JEFFERSON STREET BOISE, ID 83702
☒ MONICA WALKER	President	216 W. JEFFERSON STREET BOISE, ID 83702
DR. NATE MEEKER	Director	216 W. JEFFERSON STREET BOISE, ID 83702
☒ Carlie Pedersen	Secretary	216 W. JEFFERSON STREET BOISE, ID 83702
☒ Will Varin	Director	216 W. JEFFERSON STREET BOISE, ID 83702
☒ Randy S. Steed	Director	216 W. JEFFERSON STREET BOISE, ID 83702
☒ Chris Morrison	Director	216 W. JEFFERSON STREET BOISE, ID 83702
☒ Levie Smith	Director	216 W. JEFFERSON STREET BOISE, ID 83702

The annual report must be signed by an authorized signer of the entity.

Elizabeth Lizberg

Sign Here

04/10/2020

Date

Job Title: Executive Director



0004005859

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$100.00

*For Office Use Only***-FILED-**

File #: 0004005859

Date Filed: 9/16/2020 3:26:06 PM

Certificate of Organization Limited Liability Company

Select one: Standard, Expedited or Same Day Service (see descriptions below)

Standard (filing fee \$100)

1. Limited Liability Company Name

Type of Limited Liability Company

Limited Liability Company

Entity name

Hidden Paradise LLC

2. The complete street address of the principal office is:

Principal Office Address

216 WEST JEFFERSON STREET
BOISE, ID 83702

3. The mailing address of the principal office is:

Mailing Address

216 W JEFFERSON ST
BOISE, ID 83702-6044

4. Registered Agent Name and Address

Registered Agent

Registered Agent
CAMP RAINBOW GOLD, INC.
Physical Address:
216 WEST JEFFERSON STREET
BOISE, ID 83702
Mailing Address:
216 W JEFFERSON ST
BOISE, ID 83702-6044☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

5. Governors

Name	Address
Camp Rainbow Gold, Inc.	216 WEST JEFFERSON STREET BOISE, ID 83702

Signature of Organizer:

*Timothy W. Tyree**09/16/2020*

Sign Here

Date

BU034U-3326 / 09/16/2020 3:26 PM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 09 2020

DEPARTMENT OF
WATER RESOURCES

December 4, 2020

Remington Buyer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Hidden Paradise LLC

Dear Mr. Buyer:

Hidden Paradis LLC desires to lease 45.4 acres of water rights 37-2227, 37-8609 and 37-19832 into the Idaho Water Supply Bank. The proposed lease contract period will be for 2020, 2021 and 2022. No irrigation has occurred on this property during 2020.

These three water rights were leased into the Idaho Water Supply Bank under Lease Contract 838 for the 2018 irrigation season.

Correspondence with the Water District 37B Watermaster Rusty Kramer from 2017 indicates that these water rights were fully used the days that water was available for delivery during 2014, 2015 and 2016.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Elizabeth Lizberg

Enc: Lease Applications, Attachment 1A, W-9 Form, Aerial Map, Annual Report, Brockway Engineering Check # 16164 for \$250.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

1837

1838

1839