

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1125

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

**LESSOR:** BIG LOST RANCH LLC  
700 EMERSON ST  
PALO ALTO, CA 94301-2410

RECEIVED  
FEB 13 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 10, 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)
34-13621	3/18/1975	GROUND WATER, tributary to	0.39	109	31.0
<b>Lease Totals</b>			<b>0.39</b>	<b>109</b>	<b>31.0</b>

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, 2024. 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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1125**

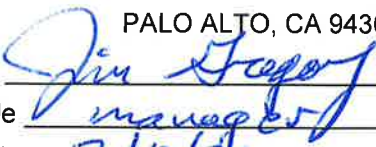
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right 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. 1125**

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

**LESSOR:** BIG LOST RANCH LLC  
700 EMERSON ST  
PALO ALTO, CA 94301-2410

By   
Title manager  
Date 2/10/20

**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 02/28/20

Lease approved by IDWR 

Date 02/28/20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1125

**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): 34-13621**

GROUND WATER      L 21NESW      Sec. 29      Twp 08N      Rge 23E      CUSTER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
34-13621	IRRIGATION	04/01	to	11/01	0.39 cfs	109 AF
<b>Totals:</b>					0.39 cfs	109 AF

**PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	23E	29										31							31

Total Acres: 31

**ADDITIONAL CONDITIONS OF ACCEPTANCE**

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

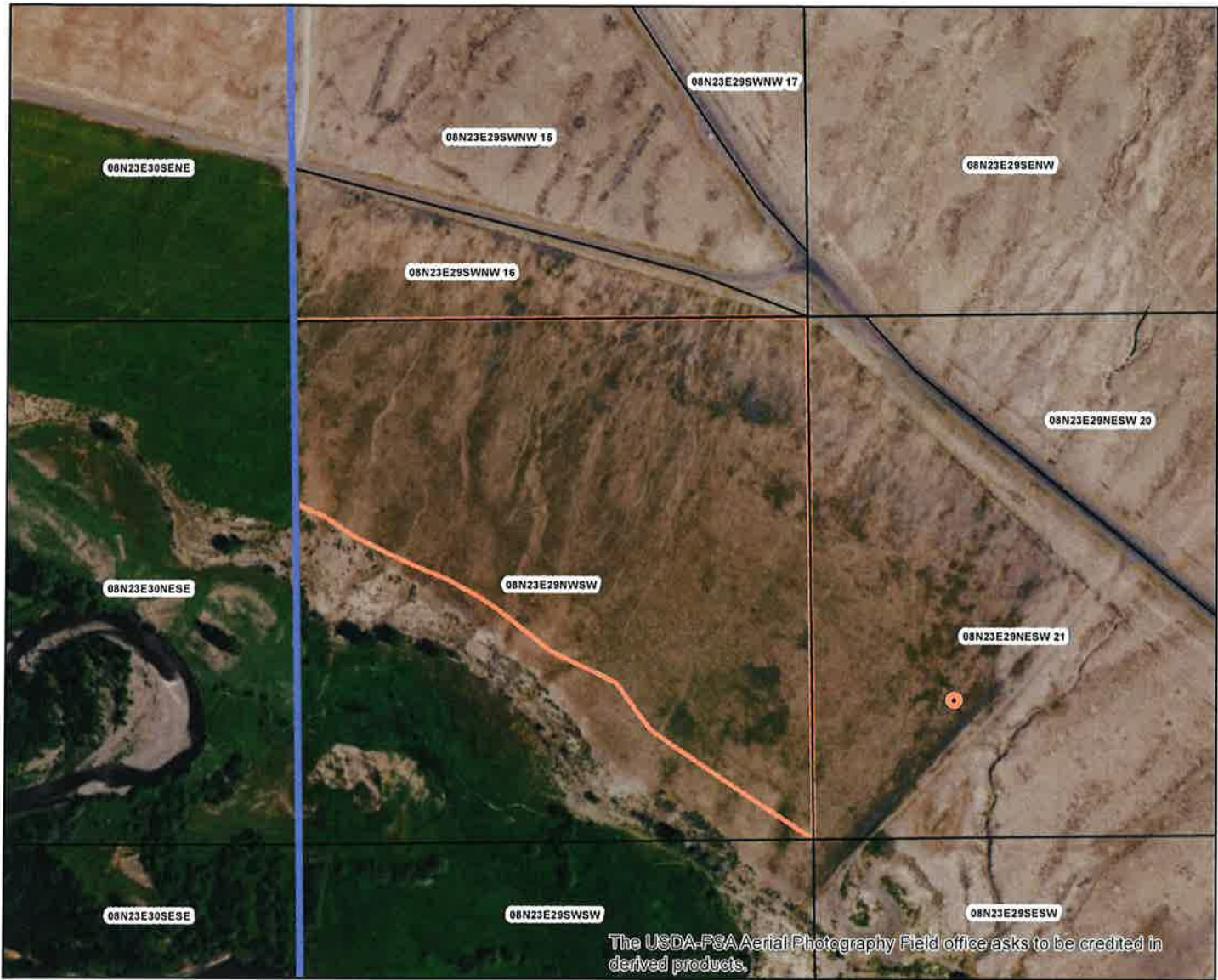
**WATER SUPPLY BANK LEASE CONTRACT No. 1125**

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. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
13. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. #34.

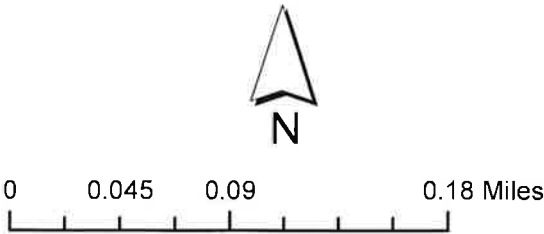
Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1125

34-13621  
Effective until December 31, 2024

This map depicts the **IRRIGATION 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



STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

DEC 23 2019

DEPARTMENT OF  
WATER RESOURCES

Amended

WATER SUPPLY BANK LEASE OR SALE  
APPLICATION CHECKLIST

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Big Lost Ranch LLCWater Right No. 34-13621One water right per applicationAll items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

## YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

## Attachment N/A YES

- 1A ☐ ☒ Contact information for **all owners** of the water right that is being 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](http://www.idwr.idaho.gov)).
- 1D ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☒ 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.
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ ☒ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

## Department Use Only

Fee Amount \$ 250.00Received By: KMDate Received: 1-8-20\*Receipt # C108207W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Big Lost Ranch LLC

\* Received with original application

1561

**STATE OF IDAHO  
WATER RESOURCE BOARD**

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

### 1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Big Lost Ranch LLC Email Address Mark@gatesland.com  
Mailing Address 700 Emerson St., Palo Alto, CA 94301 Phone Number 650-614-6234

☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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 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 1D).

E. 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 1E).

Name of Representative Mark Gates Organization Big Lost Ranch LLC  
Professional Title Managing partner Email Address Mark@gatesland.com  
Mailing Address 700 Emerson, Palo Alto CA 94301 Phone Number 650-614-6234

☐ 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

Water Right Number 34-13621 ☒ 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 a water right is being offered, complete Attachment 2)

### 3. GENERAL INFORMATION

A. Please provide a description of the current water diversion system.  
Well and pump

B. 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.  
None

C. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. \_\_\_\_\_

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. \_\_\_\_\_

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. \_\_\_\_\_

#### 4. 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, for a period from 1/1/2020 to 12/31/2024 (maximum lease period 5 years).  
(Month / Day / Year) (Month / Day / 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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Signature of Designated Applicant

Printed Name

Date

Jim Gregory  
Signature of Authorized Representative

Jim Gregory  
Printed Name

13 December 2020  
Date

**Mail to:**

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

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**ATTACHMENT 1A**

**Additional Water Right Holders Party to the Lease Application**

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

Water Right No. 34-13621

	<b>Designated Applicant</b>	<b>Applicant #2</b>	<b>Applicant #3</b>
<b>Name</b>			
<b>Mailing Address</b>			
<b>Phone Number</b>			
<b>Email Address</b>			
<b>Applicant Declaration</b>	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
<b>Signature</b>			

	<b>Applicant #4</b>	<b>Applicant #5</b>	<b>Applicant #6</b>
<b>Name</b>			
<b>Mailing Address</b>			
<b>Phone Number</b>			
<b>Email Address</b>			
<b>Applicant Declaration</b>	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
<b>Signature</b>			


### DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

BIG LOST RANCH, LLC  
700 EMERSON STREET  
PALO ALTO, CA 94301

I, Mark T. Gates, being duly sworn, declare that I am the Owner and Manager of Big Lost Ranch, LLC.

I hereby authorize Jim Gregory, resident at 5306 Zollinger Road, Mackay, Idaho 83251, to act on behalf of Big Lost Ranch, LLC in connection with the State of Idaho Department of Water Resources, with particular regard to actions concerning water rights.

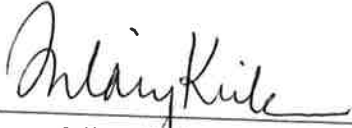
I further declare that all statements, answers and information herein submitted is in all respects true and correct to the best of my knowledge and belief. This Authorization shall become effective on the date of execution set forth below and continue until revoked by me.

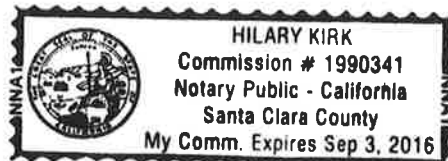
  
Mark T. Gates  
Manager, Big Lost Ranch

April, 14, 2014

State of California  
County of Santa Clara

Subscribed and sworn to before me, Hilary Kirk, Notary Public,  
on this fifteenth day of April, 2014 by Mark T. Gates, who proved  
to me on the basis of satisfactory evidence to be the person who  
appeared before me.

Signature:   
Hilary Kirk, Notary Public





0003643271

**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 #: 0003643271

Date Filed: 10/7/2019 4:19:24 PM

## Entity Name and Mailing Address:

**BIG LOST RANCH LLC**

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

Address

700 EMERSON ST  
PALO ALTO, CA 94301-2410

## Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

DELAWARE

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

W106290

## The registered agent on record is:

Registered Agent

**NORTHWEST REGISTERED AGENT LLC**  
Commercial Registered Agent

Physical Address

784 S CLEARWATER LOOP STE B  
POST FALLS, ID 83854

Mailing Address

784 S CLEARWATER LOOP STE B  
POST FALLS, ID 83854

## Agent or Address Change

☐ Select if you are appointing a new agent.

## Limited Liability Company Managers and Members

Name	Title	Address
MARK T. GATES	Member	700 EMERSON STREET PALO ALTO, CA 94301

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

**MARK T GATES**

Sign Here

10/07/2019

Date

Signer's Title: Manager

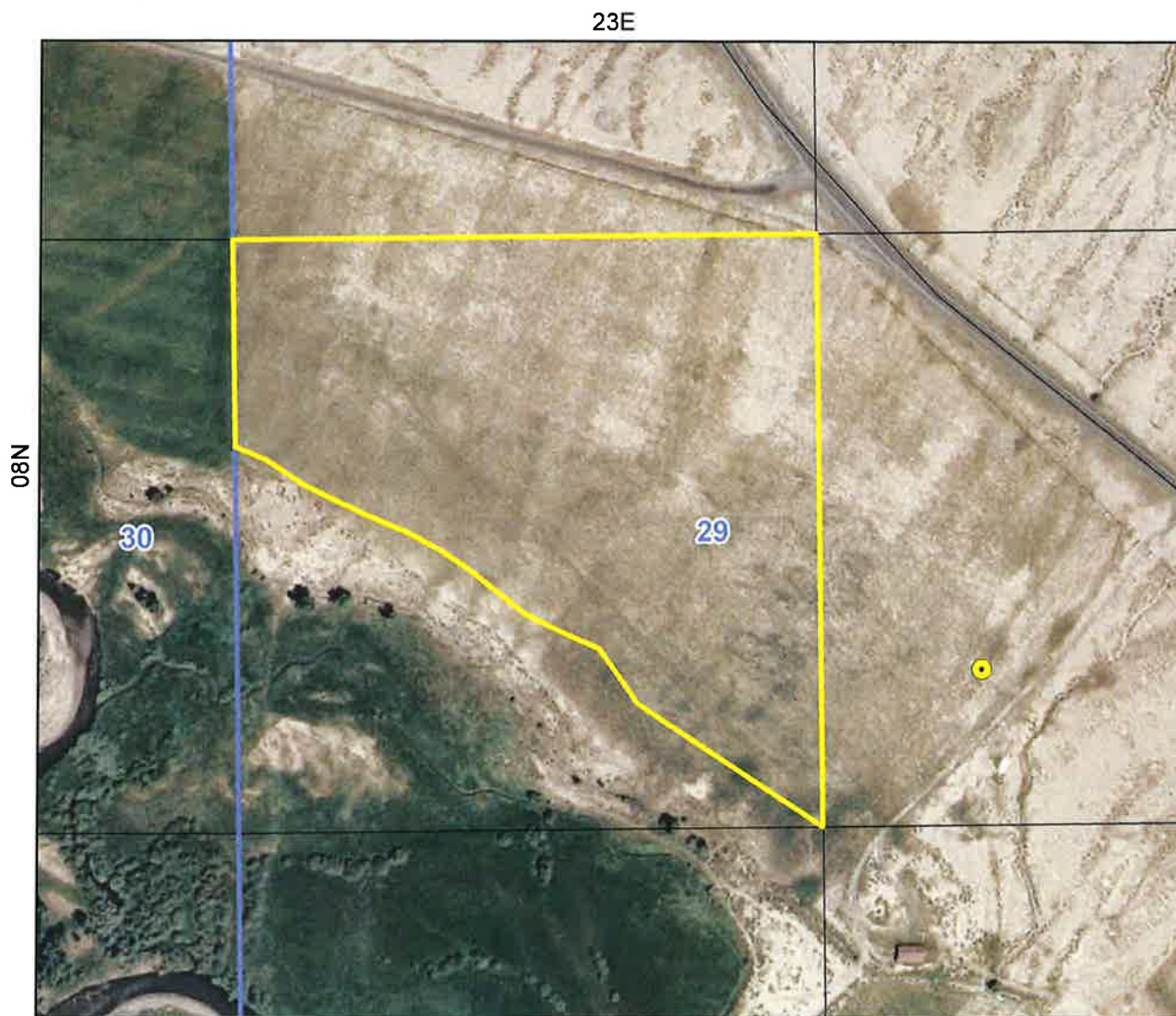
B0369-6091 10/07/2019 4:19 PM Received by ID Secretary of State Lawrence Denney







State of Idaho  
Department of Water Resources

**Water Right**  
**34-13621**

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
-  Taxlots

0 0.05 0.1 0.2 Miles



Succeeded by Amendment Application

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

DEC 10 2019

DEPARTMENT OF  
WATER RESOURCESWATER SUPPLY BANK LEASE OR SALE  
APPLICATION CHECKLIST

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Designated Applicant Big Lost Ranch LLCWater Right No. 34-13621

One water right per application

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

## YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
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## Attachment N/A YES

- 1A ☐ ☒ Contact information for *all owners* of the water right that is being leased or sold on this application.
- 1B ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
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## Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>KM</u>	Date Received: <u>1-8-2020</u>	Receipt # <u>C108207</u>
W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	(Route W-9 to Fiscal)	Name on W-9: <u>Big Lost Ranch LLC</u>	

1561

**STATE OF IDAHO  
WATER RESOURCE BOARD**

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

### 1. CONTACT INFORMATION

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Designated Applicant Big Lost Ranch LLC Email Address Mark@gatesland.com  
Mailing Address 700 Emerson St., Palo Alto, CA 94301 Phone Number 650-614-6234

☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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 the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒  
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E. 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 1E).

Name of Representative Mark Gates Organization Big Lost Ranch LLC  
Professional Title Managing partner Email Address Mark@gatesland.com  
Mailing Address 700 Emerson, Palo Alto CA 94301 Phone Number 650-614-6234

☐ 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.

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**OR**

☐ A part of the water right is being offered to the Bank.  
(If a portion of a water right is being offered, complete Attachment 2)

### 3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Well and pump

- B. 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.

None

C. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. \_\_\_\_\_  
\_\_\_\_\_

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. \_\_\_\_\_  
\_\_\_\_\_

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. \_\_\_\_\_  
\_\_\_\_\_

#### 4. 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, for a period from 1/1/2020 to 1/1/2025 (maximum lease period 5 years).  
(Month / Day / Year) (Month / Day / 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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

_____ Signature of Designated Applicant	<u>Mark Gates</u> Printed Name	_____ Date
_____ Signature of Authorized Representative	_____ Printed Name	_____ Date

#### Mail to:

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

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**ATTACHMENT 1A**

**Additional Water Right Holders Party to the Lease Application**

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

Water Right No. 34-13621

	<b>Designated Applicant</b>	<b>Applicant #2</b>	<b>Applicant #3</b>
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	<b>Applicant #4</b>	<b>Applicant #5</b>	<b>Applicant #6</b>
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**ATTACHMENT 2**

**DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK**

1. Water Right Number      Amount (cfs/ac-ft)      Nature of Use      Period of Use
- 34-13621      0.39      Irrigation      04/01 to 11/01
- \_\_\_\_\_ to \_\_\_\_\_
- \_\_\_\_\_ to \_\_\_\_\_
- \_\_\_\_\_ to \_\_\_\_\_
- \_\_\_\_\_ to \_\_\_\_\_
- \_\_\_\_\_ to \_\_\_\_\_
- Total Amount: \_\_\_\_\_

2. Source of water Groundwater tributary to \_\_\_\_\_

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
08N	23E	29	21	NE	SW		Custer

4. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	23E	29										31							31

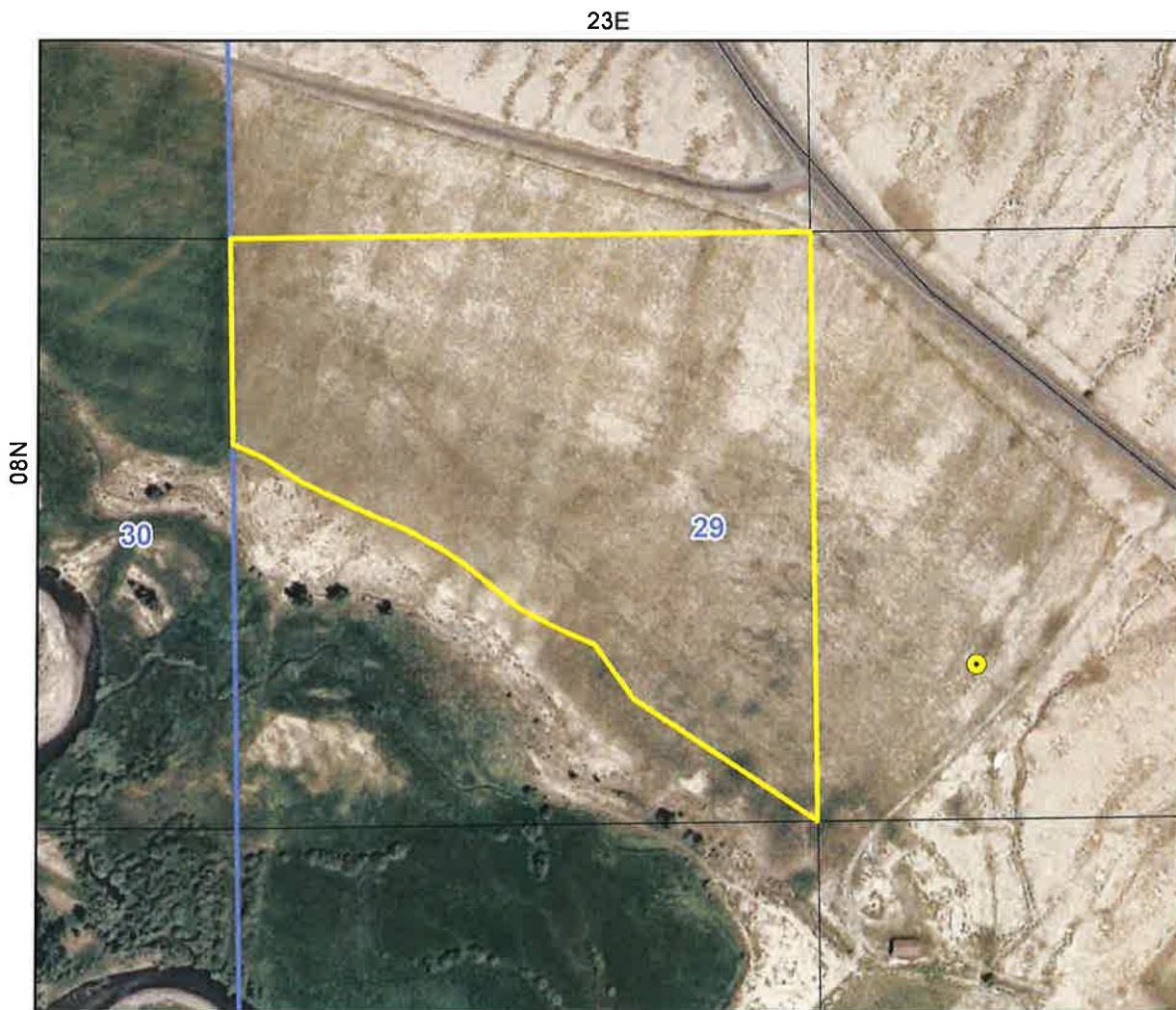
If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 31







State of Idaho  
Department of Water Resources

**Water Right**  
**34-13621**

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
-  Taxlots

0 0.05 0.1 0.2 Miles





0003643271

**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 #: 0003643271

Date Filed: 10/7/2019 4:19:24 PM

## Entity Name and Mailing Address:

**BIG LOST RANCH LLC**

The file number of this entity on the records of the Idaho Secretary of State is: 0000327936

Address 700 EMERSON ST  
PALO ALTO, CA 94301-2410

## Entity Details:

## Entity Status

Active-Existing

This entity is organized under the laws of:

DELAWARE

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W106290

## The registered agent on record is:

Registered Agent

**NORTHWEST REGISTERED AGENT LLC**  
Commercial Registered Agent

Physical Address

784 S CLEARWATER LOOP STE B  
POST FALLS, ID 83854

Mailing Address

784 S CLEARWATER LOOP STE B  
POST FALLS, ID 83854

## Agent or Address Change

☐ Select if you are appointing a new agent.

## Limited Liability Company Managers and Members

Name	Title	Address
MARK T. GATES	Member	700 EMERSON STREET PALO ALTO, CA 94301

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

**MARK T GATES**


Sign Here

**10/07/2019**



Date

Signer's Title: Manager

B0369-6091 10/07/2019 4:19 PM Received by ID Secretary of State Lawrence Denney

	<b>NATIONAL FISH AND WILDLIFE FOUNDATION GRANT AGREEMENT</b>	1. NFWF PROPOSAL ID: 65102	2. NFWF GRANT ID: 0201.20.065102
		3. UNIQUE ENTITY IDENTIFIER (DUNS #) 825017403	4. INDIRECT COST RATE (REFERENCE LINE 17 for RATE TERMS) 46%
5. SUBRECIPIENT TYPE State or Local Government		6. NFWF SUBRECIPIENT Idaho Department of Water Resources	
7. NFWF SUBRECIPIENT CONTACT Amy Cassel The Idaho Water Center 322 East Front Center Boise, ID 83720-0098 amy.cassel@idwr.idaho.gov		8. NFWF GRANTS ADMINISTRATOR/NFWF CONTACT INFORMATION Devin Lee National Fish and Wildlife Foundation 1133 15 <sup>th</sup> Street, N.W. Suite 1000 Washington, D.C. 20005 Tel: 202-857-0166 Fax: 202-857-0162 Devin.Lee@nfwf.org	
9. PROJECT TITLE Identifying, Assessing, Prioritizing and Implementing Water Transactions in the Upper Salmon and Teton River Basins (ID)			
10. PROJECT DESCRIPTION Work in a voluntary manner with water users in the Upper Salmon River Basin and the Teton River Basin to improve tributary flows for the benefit of Chinook salmon, steelhead, and native trout populations. Project will identify, assess, prioritize, and implement new water transactions, as well as monitor existing water transactions for compliance and biological/ecological effectiveness.			
11. PERIOD OF PERFORMANCE October 1, 2019 to September 30, 2020	12. TOTAL AWARD TO SUBRECIPIENT \$254,487.17	13. TOTAL FED. FUNDS \$254,487.17	14. TOTAL NON-FED. FUNDS N/A
15. FEDERAL MATCH REQUIREMENT N/A		16. NON-FEDERAL MATCH REQUIREMENT N/A	
17. SUBRECIPIENT INDIRECT COST RATE TERMS The rate specified in Line 4 reflects either, the indirect cost rate negotiated between the Subrecipient and their cognizant federal agency as stated in the Subrecipient's valid Negotiated Indirect Cost Rate Agreement (NICRA), or, the indirect cost rate that the Subrecipient applied to the project budget (but not in excess of the rate stated in the Subrecipient's valid NICRA).			
18. TABLE OF CONTENTS			
SEC.	DESCRIPTION		
1	NFWF Agreement Administration		
2	NFWF Agreement Clauses		
3	Representations, Certifications, and Other Statements – General		
4	Representations, Certifications, and Other Statements Relating to Federal Funds- General		
5	Representations, Certifications, and Other Statements Relating to Federal Funds – Funding Source Specific		
6	Other Representations, Certifications, Statements and Clauses		

19. FUNDING SOURCE INFORMATION/FEDERAL AND NON-FEDERAL						
A. FUNDING SOURCE (FS)	B. NFWF FS ID	C. FS AWARD DATE TO NFWF	D. FAIN	E. TOT FED. AWARD TO NFWF	F. TOT OBLG. TO SUBRECIPIENT	G. CFDA
Bonneville Power Administration	FC.R422	9/24/2019	00083308	\$5,223,985	\$254,487.17	81.000

20. NOTICE OF AWARD			
<p>The National Fish and Wildlife Foundation (NFWF) agrees to provide the NFWF Award to the NFWF Subrecipient for the purpose of satisfactorily performing the Project described in a full proposal as identified on line 1 and incorporated into this Grant Agreement by reference. The NFWF Award is provided on the condition that the NFWF Subrecipient agrees that it will raise and spend at least the amount listed on lines 15 and 16 in matching contributions on the Project, as applicable. The Project must be completed, with all NFWF funds and matching contributions spent, during the Period of Performance as set forth above. All items designated on the Cover Page and the Table of Contents are incorporated into this Grant Agreement by reference herein. NFWF Subrecipient agrees to abide by all statutory or regulatory requirements, or obligations otherwise required by law, required of a subrecipient of Federal grant or cooperative agreement funds. Subrecipient is obligated to notify NFWF if any of the information on the Cover Page changes in any way, whether material or immaterial.</p>			
<b>A. NAME AND TITLE OF AUTHORIZED SUBRECIPIENT SIGNER (Type or Print)</b> <b>BRIAN PATTON, EXECUTIVE OFFICER</b> <b>IRAWA WATER RESOURCE BOARD</b>		<b>D. NAME AND TITLE OF NFWF AWARDOING OFFICIAL</b> Holly A. Bamford, Ph.D., Chief Conservation Officer	
<b>B. SUBRECIPIENT BY</b> 	<b>C. DATE</b> 25 OCT 2019	<b>E. NATIONAL FISH AND WILDLIFE FOUNDATION BY</b> 	<b>F. DATE</b> 10/30/19

See Reporting Schedule on the following page.

BIG LOST RANCH, LLC  
700 EMERSON STREET  
PALO ALTO, CA 94301

I, Mark T. Gates, being duly sworn, declare that I am the Owner and Manager of Big Lost Ranch, LLC.

I hereby authorize Jim Gregory, resident at 5306 Zollinger Road, Mackay, Idaho 83251, to act on behalf of Big Lost Ranch, LLC in connection with the State of Idaho Department of Water Resources, with particular regard to actions concerning water rights.

I further declare that all statements, answers and information herein submitted is in all respects true and correct to the best of my knowledge and belief. This Authorization shall become effective on the date of execution set forth below and continue until revoked by me.



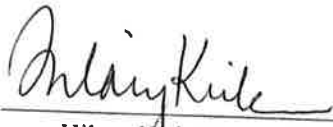
Mark T. Gates  
Manager, Big Lost Ranch

April, 14, 2014

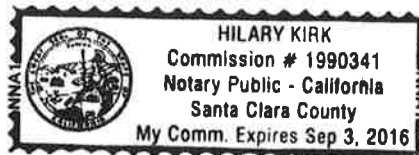
State of California  
County of Santa Clara

Subscribed and sworn to before me, Hilary Kirk, Notary Public,  
on this fifteenth day of April, 2014 by Mark T. Gates, who proved  
to me on the basis of satisfactory evidence to be the person who  
appeared before me.

Signature:



Hilary Kirk, Notary Public





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

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

March 2, 2020

BIG LOST RANCH LLC  
700 EMERSON ST  
PALO ALTO, CA 94301-2410

**RE: WATER SUPPLY BANK LEASE CONTRACT 1125  
FOR WATER RIGHTS 34-13621**


Dear Lessor:

Water right **34-13621** was leased into the Water Supply Bank (Bank) as of January 1, 2020, 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, 2024**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,



Water Supply Bank

Enclosure: Executed Lease Contract

c: James Cefalo - IDWR Eastern Region  
Lucas Yockey – Water District 34



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

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

January 28, 2020

BIG LOST RANCH LLC  
700 EMERSON ST  
PALO ALTO, CA 94301-2410

**RE: APPLICATION TO LEASE WATER RIGHT 34-13621 TO THE WATER SUPPLY BANK  
CONTRACT 1125**

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

Dear Applicant:

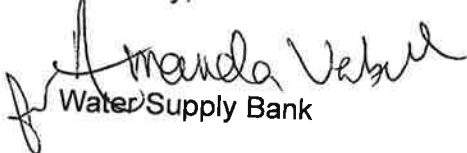
The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** 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, 2024**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says: "While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

  
Amanda Velazquez  
Water Supply Bank

Enclosures: Proposed Lease Contracts  
Receipt C108207

## Dalgleish, Alex

---

**From:** Cefalo, James  
**Sent:** Friday, January 10, 2020 3:42 PM  
**To:** Dalgleish, Alex  
**Subject:** RE: Big Lost Ranch Lease

I don't have any concerns or comments with the proposed WSB lease.

James

**From:** Dalgleish, Alex  
**Sent:** Friday, January 10, 2020 3:20 PM  
**To:** Cefalo, James <James.Cefalo@idwr.idaho.gov>; watermaster34@atcnet.net  
**Subject:** Big Lost Ranch Lease

James and Lucas

I am seeking comment on the proposed lease of right 34-13621 into the Bank from 2020 through 2024. Please see the attachments and respond with any comments or concerns within 14 days, by 1/24/2020.

If no response is received, IDWR will assume you do not object to this application.

Thank you,

Alex Dalgleish  
Water Resource Agent  
Phone (208) 287-4913  
[alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov)

Enclosed please find a check for \$250 which is the fee for entering water right 34-13621, owned by the Big Lost Ranch, into the water supply bank. The application for putting this water right into the water bank was previously submitted by Jim Gregory to Justin Ferguson on 13 December 2019 via e-mail. If you have any questions, please contact Jim Gregory at [Gregory\\_Jim@yahoo.com](mailto:Gregory_Jim@yahoo.com) or 208-588-2447.

Thanks,

Jim

RECEIVED  
JAN 08 2020  
DEPARTMENT OF  
WATER RESOURCES