

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1030

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

LESSOR: LEGACY COMMUNITY ASSN INC
6401 W FLOATING FEATHER RD
EAGLE, ID 83616-3119

RECEIVED
OCT 22 2019

RECITALS

DEPARTMENT OF
WATER RESOURCES

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 31, 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.

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)
63-34785	1/1/1900	WASTE WATER, tributary to BOISE RIVER	1.80	Not Stated	104.3
63-34788	10/6/1973	GROUND WATER	0.87	428.2	104.3
63-34783	9/12/1988	GROUND WATER	0.18	88.0	22.6
Combined Limit Totals			2.43	480.0	104.3
Combined Lease Totals			2.43	480.0	104.3

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

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2019 to December 31, 2023. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

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5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

LESSOR: LEGACY COMMUNITY ASSN INC
6401 W FLOATING FEATHER RD
EAGLE, ID 83616-3119

By [Signature]
Title Member
Date 10-21-19

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

By [Signature]
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 10/23/19

Lease approved by IDWR [Signature]

Date 10/23/19

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1030

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): 63-34783

GROUND WATER	NENE	Sec. 10	Twp 04N	Rge 01W	ADA County
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Source and Location of Point(s) of Diversion for Water Right No(s): 63-34785

WASTE WATER	NWNE	Sec. 11	Twp 04N	Rge 01W	ADA County
WASTE WATER	SWSE	Sec. 2	Twp 04N	Rge 01W	ADA County

Source and Location of Point(s) of Diversion for Water Right No(s): 63-34788

GROUND WATER	SESW	Sec. 3	Twp 04N	Rge 01W	ADA County
GROUND WATER	NWNE	Sec. 10	Twp 04N	Rge 01W	ADA County
GROUND WATER	NWNW	Sec. 11	Twp 04N	Rge 01W	ADA County
GROUND WATER	SESW	Sec. 2	Twp 04N	Rge 01W	ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-34783	IRRIGATION	3/15	to	11/15	0.18 cfs	88.0 AF
63-34785	IRRIGATION	03/01	to	11/15	1.80 cfs	Not Stated
63-34788	IRRIGATION	03/15	to	11/15	0.87 cfs	428.2 AF
	STOCKWATER	01/01	to	12/31	0.10 cfs	6.2 AF
Totals:					2.43 cfs	480.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION and STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2											4.1	1.9					6.0
04N	01W	10	8.0	12.5		2.1													32.4
04N	01W	11		18.1			22.8	10.8	11.5	12.8									76.0

Total Acres: 104.3

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

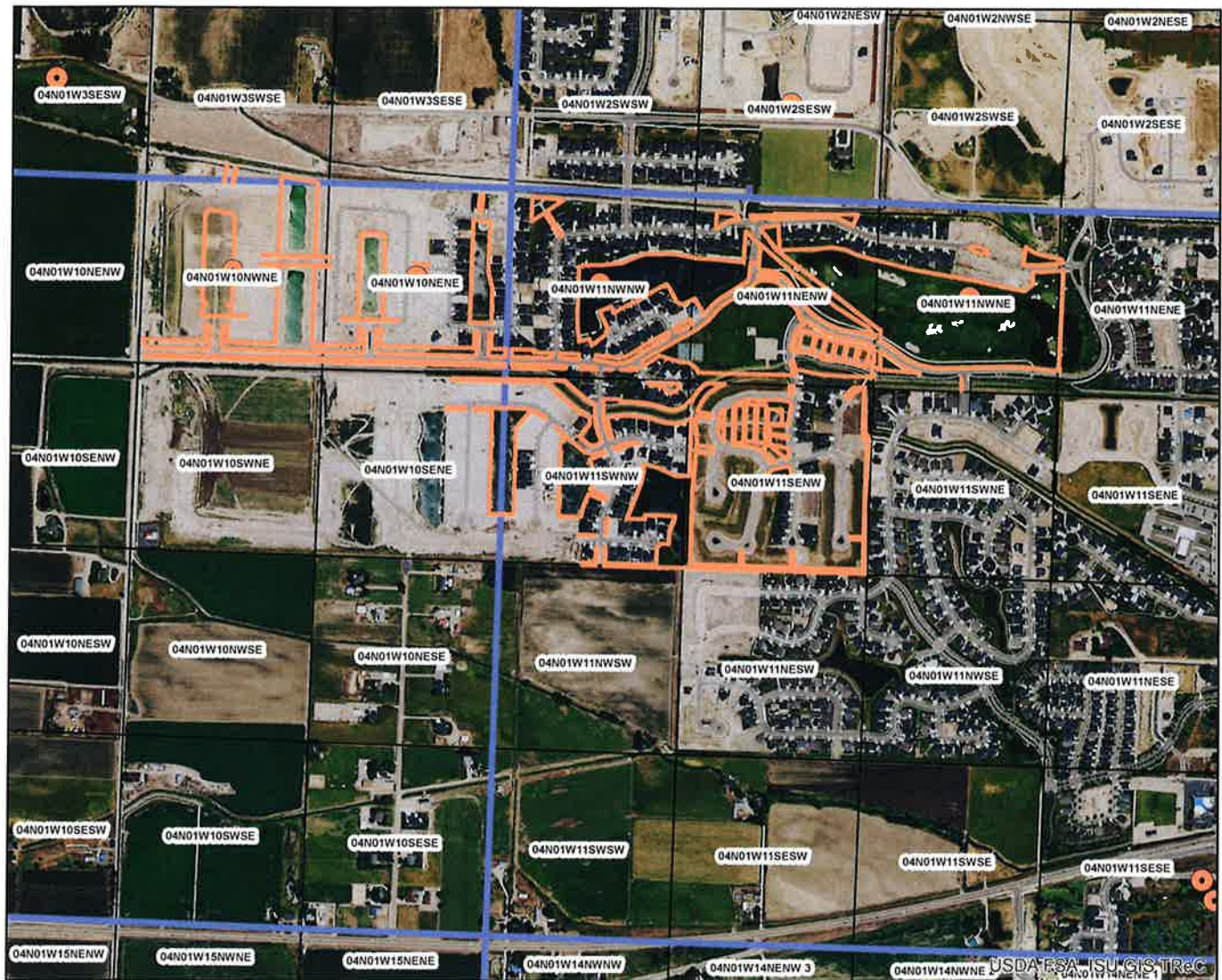
WATER SUPPLY BANK LEASE CONTRACT No. 1030

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.
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. Use of water right 63-34785 with right listed below is limited to a total combined diversion rate of 2.25 cfs and a total combined annual diversion volume of 392.0 af. Combined right nos.: 63-34788.
13. The rights listed below are limited to the irrigation of a combined total of 104.3 acres in a single irrigation season. Combined right nos.: 63-34785 & 63-34788.
14. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right. This right when combined with Rights 63-32959, 63-32960, 63-34783, 63-34785 & 63-34788 shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
15. The following rights are diverted through point(s) of diversion described above: 63-32959, 63-32960 & 63-34785. Right no. 63-5094 is also diverted from P/D 4N 1W S-3 SESW.
16. The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

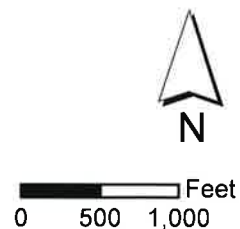
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1030

63-34783, 63-34785 & 63-34788
Effective until December 31, 2023

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



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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
DEC 31 2018
DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Legacy Community Association Inc.
(Select one owner – see item 1A on the application)

Water Right No. 63-10700 63-34783
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☒ | ☐ | Signatures and contact information for <i>all owners</i> 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 \$ <u>250</u>	Received By: <u>RTD</u>	Date Received: <u>12.31.18</u>	Receipt # <u>C106075</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Legacy Community Association Inc</u>	

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 Legacy Community Association Inc.

Mailing Address <u>6401 W Floating Feather Rd</u>	City <u>Eagle</u>	State <u>ID</u>	Zip Code <u>83616</u>
Street	City	State	Zip Code

Email Address Ashley@legacyidaho.com Phone Number 208-286-9344

☒ 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 Lori Graves Organization SPF Water Engineering

Professional Title Water Rights Specialist Email Address lgraves@spfwater.com

Mailing Address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Phone Number 208-383-4140

☐ 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.
Well

- 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. Water rights 63-5094, 63-32958, 63-32960; surface water from Drainage District No.2, New Dry Creek Ditch Co. and/or Middleton Irrigation District/Middleton Mill Ditch Co.

- 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. The overlapping private rights are supplemental to surface water and are being jointly leased to the Water Supply Bank.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This right has been previously leased to the Idaho Water Supply Bank and not used.

- 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: 2019 to 2023 (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.


Signature of Designated Applicant

Justin Martin
Printed Name

12-21-18
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**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

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

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
63-10700	Irrigation	0.18	88.0	22.6
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Amounts:		_____	_____	_____

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	1W	10			NE	NE	Ada

63-10700 Cloud Berry & LCA Portions

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
4N	1W	2																	0	Parent
																			0	Cloud Berry
																			0	LCA
																			0	Remaining
																			0	
4N	1W	3											10	12			2		24	Parent
													7.5	9.7					17.2	Cloud Berry
													0	0					0	LCA
													2.5	2.3			2		6.8	Remaining
																			0	
4N	1W	9	20																20	Parent
			20																20	Cloud Berry
			0																0	LCA
			0																0	Remaining
																			0	
4N	1W	10	37	36	33	38	37	37											218	Parent
			40	39	39	40														IDWR WR POU Shape
			11.6	24.5	39	32.3	all	all												Cloud Berry Land Ownership
			8.6	13.5	*0.5	2.2	0	0												LCA Land Ownership
			10.73	22.62	33	30.69	37	37											171	Cloud Berry
			7.96	12.46	0	2.09	0	0											22.6	LCA
			18.32	0.92	0	5.23	0	0											24.4	Remaining
4N	1W	11																	0	Parent
																			0	Cloud Berry
																			0	LCA
																			0	Remaining
																			0	
																			0	
TOTAL																			262	Parent
TOTAL																			208.2	Cloud Berry
TOTAL																			22.6	LCA
TOTAL																			31.2	Remaining

*not part of original 33-acre field

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34783

9/4/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEGACY COMMUNITY ASSN INC 6401 W FLOATING FEATHER RD EAGLE, ID 83616-3119
Original Owner	QUARTER CIRCLE DJ RANCH CO PO BOX 279 EAGLE, ID 83616 (208) 286-7131
Previous Owner	CLOUD BERRY LLC 6401 W FLOATING FEATHER RD EAGLE, ID 83616 (208) 286-9344

Priority Date: 9/12/1988

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.180 CFS	88.0 AF
	<u>Total Diversion</u>		0.180 CFS	88.0 AF

Source and Point(s) of Diversion

GROUND WATER NENE Sec. 10, Twp 04N, Rge 01W, ADA County

Place Of Use

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	10	8.0	12.5		2.1													22.6

POU Total Acres: 22.6

Conditions of Approval:

- The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
This right when combined with Rights 63-32959, 63-32960, 63-34783, 63-34785 & 63-34788 shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

Comments:

- jhersley 9/3/2019 POU
Updated Shape
- jhersley 9/3/2019 Split Right

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34783

9/4/2019

This right is the result of split from 63-10700 due to ownership change.

Dates and Other Information

Water District Number: TBD

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 31 2018
DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-5092	Yes ☒	Yes ☒			Yes ☐
63-10700	Yes ☒	Yes ☒	63-5092 (split into 63-5092 & 63-34782)		Yes ☐
63-31970	Yes ☒	Yes ☒	63-10700 (Split into 63-10700 & 63-34783)		Yes ☐
63-32958	Yes ☒	Yes ☒	63-31970 (split into 63-31970 & 63-34784)		Yes ☐
63-32960	Yes ☒	Yes ☒	63-32958 (split into 63-32958 & 63-34785)		Yes ☐
			63-32960 (split into 63-32960 & 63-34788)		Yes ☐

2. Previous Owner's Name: Cloud Berry
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Legacy Community Association Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 6401 W Floating Feather Rd Eagle ID 83616
Mailing address City State ZIP
- 208-286-9344 Ashley@legacyidaho.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☒ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 63-5092

8. Signature: [Signature] member 12-28-18
 Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by RD Date 12.31.18 Receipt No. C106075 Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☒ No ☐

Name on W-9 Legacy Community Association, Inc Approved by _____ Processed by [Signature] Date 8-9-19

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 31 2018

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Legacy Community Association Inc.
(Select one owner – see item 1A on the application)

Water Right No. 63-32958 63-34785
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☒ | ☐ | Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | ☒ | ☐ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the 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 \$ <u>250</u>	Received By: <u>RD</u>	Date Received: <u>12-31-18</u>	Receipt # <u>C106075</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Legacy Community Association, LLC</u>	

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 Legacy Community Association Inc.

Mailing Address 6401 W Floating Feather Rd Eagle ID 83616
Street City State Zip Code

Email Address Ashley@legacyidaho.com Phone Number 208-286-9344

- ☒ 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 Lori Graves Organization SPF Water Engineering

Professional Title Water Rights Specialist Email Address lgraves@spfwater.com

Mailing Address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Phone Number 208-383-4140

- ☐ 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.

Headgate

- 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. Water rights 63-32960, 63-10700; surface water from Drainage District No.2, New Dry Creek Ditch Co. and/or Middleton Irrigation District/Middleton Mill Ditch Co.

- 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. The overlapping private rights are supplemental to surface water and are being jointly leased to the Water Supply Bank.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This right has been previously leased to the Idaho Water Supply Bank and not used.

- 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: 2019 to 2023 (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.


Signature of Designated Applicant

Justin Martin
Printed Name

12-21-18
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**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

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

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
63-32958	Irrigation	1.8	n/a	104.3
Total Amounts:				

2. Source of water Waste Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	1W	2			SW	SE	Ada
4N	1W	11			NW	NE	Ada

63-32958 Cloud Berry & LCA Portions

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
4N	1W	2											9.5	4					13.5	Parent
													4.5	0.5					5	Cloud Berry
													4.1	1.9					6	LCA
													0.9	1.6					2.5	Remaining
																			0	
4N	1W	3															1.5		1.5	Parent
																	1.5		1.5	Cloud Berry
																	0		0	LCA
																	0		0	Remaining
																			0	
4N	1W	9																	0	Parent
																			0	Cloud Berry
																			0	LCA
																			0	Remaining
																			0	
4N	1W	10	36	36	35	39													146	Parent
			40	39	39	40														IDWR WR
			11.6	24.5	39	32.3														Cloud Berry
			8.6	13.5	*0.5	2.2														LCA Land (
			10.44	22.62	35	31.49													99.6	Cloud Berry
			7.74	12.46	0	2.15													22.3	LCA
			17.82	0.92	0	5.36													24.1	Remaining
																			0	
4N	1W	11		31			33	35	39	39									177	Parent
				40			40	40	40	40										IDWR WR
				3.6			4.2	6.5	10.4	0.2										Cloud Berry
				23.3			27.7	12.3	11.8	13.1										LCA Land (
				2.79			3.47	5.69	10.14	0.20									22.3	Cloud Berry
				18.06			22.85	10.76	11.51	12.8									76.0	LCA
				10.15			6.68	18.55	17.36	26.0									78.8	Remaining
																			0	
																			0	
TOTAL																			338	Parent
TOTAL																			128.4	Cloud Berry
TOTAL																			104.3	LCA
TOTAL																			105.3	Remaining

*not part of original 35-acre field

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34785

9/4/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEGACY COMMUNITY ASSN INC 6401 W FLOATING FEATHER RD EAGLE, ID 83616-3119
Original Owner	CRAWFORD MOORE BOISE, ID
Previous Owner	EAGLE SPORTS LEGENDS DEVELOPMENT LLC 228 E PLAZA ST STE B EAGLE, ID 83616-5982 (208) 385-0558
Previous Owner	CLOUD BERRY LLC 6401 W FLOATING FEATHER RD EAGLE, ID 83616 (208) 286-9344
Previous Owner	QUARTER CIRCLE DJ RANCH CO PO BOX 279 EAGLE, ID 83616 (208) 286-7131

Priority Date: 1/1/1900

Basis: Decreed

Status: Active

Source

WASTE WATER

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From

03/01

To

11/15

Diversion Rate

1.800 CFS

Volume

Total Diversion

1.800 CFS

Source and Point(s) of Diversion

WASTE WATER

SWSE

Sec. 2, Twp 04N, Rge 01W, ADA County

WASTE WATER

NWNE

Sec. 11, Twp 04N, Rge 01W, ADA County

Place Of Use

IRRIGATION within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2											4.1	1.9					6.0
04N	01W	10	7.7	12.5		2.1													22.3
04N	01W	11		18.1			22.8	10.8	11.5	12.8									76.0

POU Total Acres: 104.3

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34785

9/4/2019

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. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 444 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-32958, 63-05094, 63-32960, 63-34785 & 63-34788.
3. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.88 CFS. COMBINED RIGHT NOS.: 63-32958, 63-05094, 63-32960, 63-34785 & 63-34788.
4. F06 The following rights are diverted through point(s) of diversion described above: 63-32957 & 63-32958.

Comments:

1. jhersley 9/4/2019 POU
Updated Shape
2. jhersley 9/4/2019 Split Right
This right is the result of split from 63-32958 due to ownership change.

Dates and Other Information

State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.880		444.0
63-5094 ,63-32958 ,63-32960 ,63-34785 ,63-34788		

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 31 2018
DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-5092	Yes ☒	Yes ☒			Yes ☐
63-10700	Yes ☒	Yes ☒	63-5092 (split into 63-5092 & 63-34782)		Yes ☐
63-31970	Yes ☒	Yes ☒	63-10700 (Split into 63-10700 & 63-34783)		Yes ☐
63-32958	Yes ☒	Yes ☒	63-31970 (split into 63-31970 & 63-34784)		Yes ☐
63-32960	Yes ☒	Yes ☒	63-32958 (split into 63-32958 & 63-34785)		Yes ☐
			63-32960 (split into 63-32960 & 63-34788)		Yes ☐

2. Previous Owner's Name: Cloud Berry
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Legacy Community Association Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 6401 W Floating Feather Rd Eagle ID 83616
Mailing address City State ZIP
- 208-286-9344 Ashley@legacyidaho.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☒ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 63-5092

8. Signature: [Signature] member 12-28-18
 Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by RD Date 12.31.18 Receipt No. C106075 Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☒ No ☐

Name on W-9 Legacy Community Association, Inc Approved by _____ Processed by [Signature] Date 8-9-4-19

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

DEC 31 2018

DEPARTMENT OF
WATER RESOURCES

Designated Applicant Legacy Community Association Inc.
(Select one owner – see item 1A on the application)

Water Right No. 63-32960 63-34788
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☒ | ☐ | Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | ☒ | ☐ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the 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 \$ <u>250</u>	Received By: <u>RD</u>	Date Received: <u>12-31-18</u>	Receipt # <u>C106075</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Legacy Community Association, Inc</u>	

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 Legacy Community Association Inc.

Mailing Address 6401 W Floating Feather Rd Eagle ID 83616
Street City State Zip Code

Email Address Ashley@legacyidaho.com Phone Number 208-286-9344

- ☒ 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 Lori Graves Organization SPF Water Engineering

Professional Title Water Rights Specialist Email Address lgraves@spfwater.com

Mailing Address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Phone Number 208-383-4140

- ☐ 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.

Wells

- 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. Water rights 63-5094, 63-32958, 63-10700; surface water from Drainage District No.2, New Dry Creek Ditch Co. and/or Middleton Irrigation District/Middleton Mill Ditch Co.

- 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. The overlapping private rights are supplemental to surface water and are being jointly leased to the Water Supply Bank.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This right has been previously leased to the Idaho Water Supply Bank and not used.

- 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: 2019 to 2023 (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.



Signature of Designated Applicant

Justin Martin

Printed Name

12-21-18

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**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

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

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
63-32960	Irrigation	0.87	422	104.3
Total Amounts:				

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	1W	2			SE	SW	Ada
4N	1W	3			SE	SW	Ada

63-32960 Cloud Berry & LCA Portions

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
4N	1W	2											9.5	4					13.5	Parent
													4.5	0.5					5	Cloud Berry
													4.1	1.9					6	LCA
													0.9	1.6					2.5	Remaining
																			0	
4N	1W	3											5.5	8.5			1.5		15.5	Parent
													5.5	8.5			1.5		15.5	Cloud Berry
													0	0			0		0	LCA
													0	0			0		0	Remaining
																			0	
4N	1W	9	18																18	Parent
			18																18	Cloud Berry
			0																0	LCA
			0																0	Remaining
																			0	
4N	1W	10	36	36	35	39	37	37											220	Parent
			40	39	39	40														IDWR WR POU Shape
			11.6	24.5	39	32.3	all	all												Cloud Berry Land Ownership
			8.6	13.5	*0.5	2.2	0	0												LCA Land Ownership
			10.44	22.62	35	31.49	37	37											173.6	Cloud Berry
			7.74	12.46	0	2.15	0	0											22.3	LCA
			17.82	0.92	0	5.36	0	0											24.1	Remaining
																			0	
4N	1W	11		31			33	35	39	39									177	Parent
				40			40	40	40	40										IDWR WR POU Shape
				3.6			4.2	6.5	10.4	0.2										Cloud Berry Land Ownership
				23.3			27.7	12.3	11.8	13.1										LCA Land Ownership
				2.79			3.47	5.69	10.14	0.195									22.3	Cloud Berry
				18.06			22.85	10.76	11.51	12.77									76.0	LCA
				10.15			6.68	18.55	17.36	26.03									78.8	Remaining
																			0	
																			0	
TOTAL																			444	Parent
TOTAL																			234.4	Cloud Berry
TOTAL																			104.3	LCA
TOTAL																			105.3	Remaining

*not part of original 35-acre field

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34788

9/13/2019

AMENDED

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEGACY COMMUNITY ASSN INC 6401 W FLOATING FEATHER RD EAGLE, ID 83616-3119
Original Owner	QUARTER CIRCLE DJ RANCH CO PO BOX 279 EAGLE, ID 83616 (208) 286-7131
Previous Owner	EAGLE SPORTS LEGENDS DEVELOPMENT LLC 228 E PLAZA ST STE B EAGLE, ID 83616-5982 (208) 385-0558
Previous Owner	CLOUD BERRY LLC 6401 W FLOATING FEATHER RD EAGLE, ID 83616 (208) 286-9344
Security Interest	BANK OF THE CASCADES PLAZA 121 BRANCH 121 N 9TH ST STE 100 BOISE, ID 83702

Priority Date: 10/6/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.870 CFS	422.0 AF
STOCKWATER	01/01	12/31	0.100 CFS	6.2 AF
	<u>Total Diversion</u>		0.870 CFS	428.2 AF

Source and Point(s) of Diversion

GROUND WATER	NWNE	Sec. 10, Twp 04N, Rge 01W, ADA County
GROUND WATER	NWNW	Sec. 11, Twp 04N, Rge 01W, ADA County
GROUND WATER	SESW	Sec. 2, Twp 04N, Rge 01W, ADA County
GROUND WATER	SESW	Sec. 3, Twp 04N, Rge 01W, ADA County

Place Of Use

STOCKWATER within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2											X	X					
04N	01W	10	X	X		X													

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34788

9/13/2019

04N	01W	11		X			X	X	X	X									
-----	-----	----	--	---	--	--	---	---	---	---	--	--	--	--	--	--	--	--	--

IRRIGATION within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2											4.1	1.9					6.0
04N	01W	10	7.7	12.5		2.1													22.3
04N	01W	11		18.1			22.8	10.8	11.5	12.8									76.0

POU Total Acres: 104.3

Conditions of Approval:

1. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.25 CFS. COMBINED RIGHT NOS.: 63-34785.
3. E53 USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHT NO. 63-34785 & 63-34788 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 392.0 AF.
4. 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.
5. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 104.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-34785.
6. F06 The following rights are diverted through point(s) of diversion described above: 63-32959, 63-32960 & 63-34785. Right no. 63-5094 is also diverted from P/D 4N 1W S-3 SESW.

Comments:

1. jhersley 9/4/2019 Split Right
This right is the result of split from 63-32960.
2. jhersley 9/4/2019 POU
Updated Shape

Dates and Other Information

State or Federal: S
Water District Number: EXC
Mitigation Plan: False

Combined Use Limits

Rate	Volume	Acres
2.250		104.3

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34788

9/13/2019

63-34785 ,63-34788

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34788

9/4/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEGACY COMMUNITY ASSN INC 6401 W FLOATING FEATHER RD EAGLE, ID 83616-3119
Original Owner	QUARTER CIRCLE DJ RANCH CO PO BOX 279 EAGLE, ID 83616 (208) 286-7131
Previous Owner	EAGLE SPORTS LEGENDS DEVELOPMENT LLC 228 E PLAZA ST STE B EAGLE, ID 83616-5982 (208) 385-0558
Previous Owner	CLOUD BERRY LLC 6401 W FLOATING FEATHER RD EAGLE, ID 83616 (208) 286-9344
Security Interest	BANK OF THE CASCADES PLAZA 121 BRANCH 121 N 9TH ST STE 100 BOISE, ID 83702

Priority Date: 10/6/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.870 CFS	422.0 AF
STOCKWATER	01/01	12/31	0.100 CFS	6.2 AF
	Total Diversion		0.870 CFS	428.2 AF

Source and Point(s) of Diversion

GROUND WATER	NWNE	Sec. 10, Twp 04N, Rge 01W, ADA County
GROUND WATER	NWNW	Sec. 11, Twp 04N, Rge 01W, ADA County
GROUND WATER	SESW	Sec. 2, Twp 04N, Rge 01W, ADA County
GROUND WATER	SESW	Sec. 3, Twp 04N, Rge 01W, ADA County

Place Of Use

STOCKWATER within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2											X	X					
04N	01W	10	X	X		X													

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34788

9/4/2019

04N	01W	11		X			X	X	X	X								
-----	-----	----	--	---	--	--	---	---	---	---	--	--	--	--	--	--	--	--

IRRIGATION within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2											4.1	1.9					6.0
04N	01W	10	7.7	12.5		2.1													22.3
04N	01W	11		18.1			22.8	10.8	11.5	12.8									76.0

POU Total Acres: 104.3

Conditions of Approval:

1. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.88 CFS. COMBINED RIGHT NOS.: 63-32958, 63-05094, 63-32960 & 63-34785.
3. E53 USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHT NO. 63-05094 & 63-32960 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1998 AF.
4. 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.
5. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 444 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-32958, 63-05094, 63-32960 & 63-34785.
6. F06 The following rights are diverted through point(s) of diversion described above: 63-32959, 63-32960 & 63-34785. Right no. 63-5094 is also diverted from P/D 4N 1W S-3 SESW.

Comments:

1. jhersley 9/4/2019 Split Right
This right is the result of split from 63-32960.
2. jhersley 9/4/2019 POU
Updated Shape

Dates and Other Information

State or Federal: S
Water District Number: EXC
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-34788

9/4/2019

8.880

444.0

63-5094 ,63-32958 ,63-32960 ,63-34785 ,63-34788

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 31 2018
DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-5092	Yes ☒	Yes ☒			Yes ☐
63-10700	Yes ☒	Yes ☒	63-5092 (split into 63-5092 & 63-34782)		Yes ☐
63-31970	Yes ☒	Yes ☒	63-10700 (Split into 63-10700 & 63-34783)		Yes ☐
63-32958	Yes ☒	Yes ☒	63-31970 (split into 63-31970 & 63-34784)		Yes ☐
63-32960	Yes ☒	Yes ☒	63-32958 (split into 63-32958 & 63-34785)		Yes ☐
			63-32960 (split into 63-32960 & 63-34788)		Yes ☐

2. Previous Owner's Name: Cloud Berry
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Legacy Community Association Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 6401 W Floating Feather Rd Eagle ID 83616
Mailing address City State ZIP
- 208-286-9344 Ashley@legacyidaho.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - ☒ Filing fee (see instructions for further explanation):
 - o \$25 per *undivided* water right.
 - o \$100 per *split* water right.
 - o No fee is required for pending adjudication claims.
 - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
 - ☒ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 63-5092

8. Signature: [Signature] member 12-28-18
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ _____ _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by RD Date 12.31.18 Receipt No. C106075 Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☒ No ☐

Name on W-9 Legacy Community Association, Inc Approved by _____ Processed by [Signature] Date 8-9-19



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

October 23, 2019

LEGACY COMMUNITY ASSN INC
6401 W FLOATING FEATHER RD
EAGLE ID 83616-3119

**RE: WATER SUPPLY BANK LEASE CONTRACT 1030
FOR WATER RIGHTS 63-34782 and 63-34784**

Dear Lessor:

Water rights **63-34783, 63-34785, and 63-34788** were leased into the Water Supply Bank (Bank) as of December 31, 2018, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2023**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

 Water Supply Bank

Enclosure: Executed Lease Contract

c: Nick Miller - IDWR Western Region
Rex Barrie – Water District 63
Mike Meyers – Water District 63
Lori Graves – SPF Water 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

October 8, 2019

LEGACY COMMUNITY ASSN INC
6401 W FLOATING FEATHER RD
EAGLE ID 83616-3119

RE: APPLICATION TO LEASE WATER RIGHT 63-34782 & 63-34784 CONTRACT 1029 & WATER RIGHT 63-34783, 63-34785 & 63-34788 CONTRACT 1030 TO THE WATER SUPPLY BANK

******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, 2023**, 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 287-4800.

Sincerely,


for Water Supply Bank

Enclosures: Proposed Lease Contracts

c: SPF Water Engineering LLC

WATER SUPPLY BANK
Lease Review Checklist
Applicant(s) Name: Legacy community Assn Inc

Memo Date: September 5, 2019

Water Right Number(s): 63-34783, 63-34785 & 63-34788

Reviewers Name: Jean Hersley

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	
	SOS Web site checked for business entity	x	Justin Martin-Director
	Other (explain in comments)		
6	Water Right validity		
	Decreed/Licensed/Statutory claim date (write in comments section)		2007
	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	2015-2017
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	x	
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		na
11	Area Headgate requirement (write in Comments)		4.5
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 this application on December 31, 2018. Ownership changes were filed with this application. The WR number on the applications is the parent number. The applicant wishes to place the entirety of the rights in the Bank. The applications were signed by Justin Martin-Director. The parents of these rights were decreed in 2007 and 63-32958 & 63-10700 were placed in the Bank in 2015 -2017. Parent right of water right 63- 24788 has been in the Bank since 2008. Forfeiture is not an issue. The POU is within the City of Eagle municipal service area along with Drainage District NO. 2, New Dry Creek Ditch Co and/or Middleton Irrigation District/Middleton Mill Ditch Co. These rights overlap with other rights owned by the applicant but there are no overlapping conditions. they are being placed on the same lease and the rental amount will be limited. Water right 63-34785 is currently within a WS 63. The other rights are ground water rights.

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DEC 31 2018

DEPARTMENT OF
WATER RESOURCES

December 28, 2018

Jean Hersley
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Cloud Berry Water Bank Lease Applications (7)*
Legacy Community Association Ownership Change Notice
Legacy Community Association Water Bank Lease Applications (5)

Dear Jean,

Enclosed on behalf of Cloud Berry, LLC and Legacy Community Association Inc., are applications to lease portions of water rights 63-5092, 63-331970, 63-10700, 63-32958, 63-32960 and, in the case of Cloud Berry, all of rights 63-5094 and 63-10557 to the water supply bank that will supersede applications previously submitted by Cloud Berry.

The water rights listed above are currently in the name of Cloud Berry LLC, however due to recent development, Cloud Berry no longer owns all the property where the water rights are appurtenant. As a result, the water being leased to the bank for Cloud Berry represents water appurtenant to:

1. parcels owned by the developer; either Cloud Berry LLC, Brahma LLC, White Sturgeon LLC, or Horseshoe Flats LLC (all affiliated)
2. parcels where developer has retained the appurtenant water on the warranty deed

Supporting documentation for items 1 and 2 includes:

Attachment A – IDSOS annual statements for the Cloud Berry, Brahma, White Sturgeon and Horseshoe Flats developing companies. Brahma, White Sturgeon and Horseshoe Flats are managed by Developers Services Inc., for which Brian McColl is President and has provided a statement authorizing Cloud Berry to lease the water appurtenant to the property owned by Brahma, White Sturgeon and Horseshoe Flats into the bank. The manager for Cloud Berry is Justin Martin, who signed the lease applications.

Attachment B – warranty deeds for property owned by developers Brahma LLC, White Sturgeon LLC, or Horseshoe Flats LLC.

Attachment C – warranty deeds for sold parcels specifying water was retained by the developer. Note, water will continue to be retained by the developers on all future parcel sells.

Attachment D – spread sheet indicating parcels/owners affiliated with the water being leased to the bank by Cloud Berry LLC.

Legacy Community Association Inc. (LCA) is the homeowners association for part of the Cloud Berry development. Cloud Berry did not retain water rights from the LCA parcels. Rather than quitclaim the appurtenant water back to Cloud Berry, LCA would rather submit their water right portions to the bank in their name. To do so requires a *Notice of Change in Water Right Ownership*, which has been included in this application package as Attachment F. The Director of LCA is Justin Martin, who signed the LCA lease applications.

Attachment E – spread sheet indicating parcels owned by LCA with appurtenant water being leased to the bank by LCA.

Attachment F – *Notice of Change in Water Right Ownership* and associated warranty deeds for LCA's water right portions being leased to the bank.

Following Attachment F are the lease applications, W-9 forms and all-inclusive map. GIS analysis tools were used to determine the acre portions of each water right appurtenant to Cloud Berry and LCA affiliated properties. Split trees and grid tables have been included with each application showing how the associated leased flow rates and volumes were determined.

The fees for the enclosed Cloud Berry applications have been paid with the previous submittal. The filing fees for LCA five applications is \$1250 (\$250/app). The filing fees for LCA's ownership change notice is \$500 (\$100/water right split). Check number 1680 is enclosed for the \$1750 total amount due. Thanks for your help Jean. Please let me know if there are any questions.

Sincerely,



Lori Graves
Water Rights Specialist

Cc: Justin Martin/Ashley Young

Enclosures

SPF file number: 1336.0011