

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1004

RECEIVED

JUL 18 2019

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

LESSOR: RAYMOND THOMAS GOODRICH
1001 FOREST AVE
PALO ALTO, CA 94301-3031

LESSOR: REBECCA LEA PATTON
1001 FOREST AVE
PALO ALTO, CA 94301-3031

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 April 24, 2019.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-22826	9/1/1885	GREENHORN CREEK, tributary to BIG WOOD RIVER	0.17	Not Stated	3.0
37-2644C	11/16/1989	GROUND WATER	0.07	12.3	3.5
Combined Limit Totals			0.07	12.3	3.5
Combined Lease Totals			0.07	12.3	3.5

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-22826	0.17	10.5	3.0	0.06	3.5
37-2644C	0.06	10.5	3.0	0.02	3.5
Combined Limit Totals	0.06	10.5	3.0	0.02	3.5

** The water right elements rentable have been adjusted from the water right elements leased, to account for a combined 13.5 acre irrigation limit under water rights associated with the leased water rights.*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1004

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

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2019 to December 31, 2023. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
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
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IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: RAYMOND THOMAS
GOODRICH
1001 FOREST AVE
PALO ALTO, CA 94301-3031

By [Signature]
Title _____
Date 7/16/19

LESSOR: REBECCA LEA PATTON
1001 FOREST AVE
PALO ALTO, CA 94301-3031

By [Signature]
Title _____
Date 7/16/19

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 7/22/2019

Lease approved by IDWR [Signature]

Date 7-22-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1004

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2644C

GROUND WATER NWSNW Sec. 18 Twp 03N Rge 18E BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-22826

GREENHORN CREEK NESWNW Sec. 18 Twp 03N Rge 18E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-2644C	IRRIGATION	04/01	to	11/01	0.07 cfs	12.3 AF
37-22826	IRRIGATION	04/01	to	11/01	0.17 cfs	Not Stated
Totals:					0.07 cfs	12.3 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	
03N	18E	18					3.5												3.5

Total Acres: 3.5

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.

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1004

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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
14. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
15. The rights listed below are limited to the irrigation of a combined total of 13.5 acres in a single irrigation season. Combined Right Nos.: 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E.
16. Lease water rights 37- 22826 and 37-2644C, when combined, and when used with all other rights, shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre for irrigation.
17. Place of use for the leased water rights is also known as Lot 2 of Greenhorn Bench Subdivision.
18. Unless otherwise provided for through a different water right administrative process, this lease is limited to a maximum irrigation of 3.0 acres to avoid enlargement in water rights 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E.
19. The unleased portions of Right Nos.: 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E while lease contracts 282, 957 and 1004 are active, are limited to a combined total of 2.2 acres in a single irrigation season.
20. The unleased portions of Right Nos.: 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E, while lease contract 1004 is active, are limited to the irrigation of 10.5 acres in a single irrigation season and total combined diversion rate and volume of 0.21 cfs and 36.8 afa.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 24 2019

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Raymond Thomas Goodrich
(Select one owner - see item 1A on the application)Water Right No. 37-2644C
(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 *all owners* of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☒ ☐ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 250Received By: AWDate Received: 4/24/19Receipt # C106640W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Raymond Thomas Goodrich

1405

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 Raymond Thomas Goodrich

Mailing Address 1001 Forest Ave., Palo Alto, CA 94301

Street City State Zip Code
Email Address tom@dagventures.com Phone Number (650) 322-3569

☐ 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 James P. Speck Organization Speck & Aanestad, A Professional Corp.

Professional Title attorney Email Address jim@speckandaanestad.com

Mailing Address PO Box 987, Ketchum, ID 83340 Phone Number 208-726-4421

☐ 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, mainline, sprinkler irrigation system

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 37-22826

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. None. It has been leased to the Water Supply Bank

- 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

Raymond Thomas Goodrich
Printed Name

4/5/19

Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 37-2644C & 37-22826

	Designated Applicant	Applicant #2	Applicant #3
Name	Raymond Thomas Goodrich	Rebecca Lea Patton	
Mailing Address	1001 Forest Ave., Palo Alto, CA 94301	1001 Forest Ave., Palo Alto, CA 94301	
Phone Number	(650) 322-3569	(650) 322-3569	
Email Address	tom@dagventures.com	rebeccap1234@yahoo.com	
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			

	Applicant #4	Applicant #5	Applicant #6
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
Department of Water Resources

Water Right

37-2644C

IRRIGATION

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



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

0 0.035 0.07 0.14 Miles

Application to Lease 37-2644C to Water Supply Bank
Attachment 3



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 24 2019

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Raymond Thomas Goodrich
(Select one owner - see item 1A on the application)Water Right No. 37-22826
(One water right per application)

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

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Yes

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- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for *all owners* of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
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- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
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Department Use Only

Fee Amount \$ 250Received By: AWDate Received: 4/24/19Receipt # C106640W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Raymond Thomas Goodrich

405

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

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Designated Applicant Raymond Thomas Goodrich

Mailing Address 1001 Forest Ave., Palo Alto, CA 94301

Street City State Zip Code

Email Address tom@dagventures.com

Phone Number (650) 322-3569

☐ 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 James P. Speck Organization Speck & Aanestad, A Professional Corp.

Professional Title attorney Email Address jim@speckandaanestad.com

Mailing Address PO Box 987, Ketchum, ID 83340 Phone Number 208-726-4421

☐ 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.
None

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 37-2644C

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. None. It has been leased to the Water Supply Bank

- 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.

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)

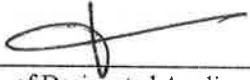
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

Raymond Thomas Goodrich

Printed Name

4/5/19

Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 37-2644C & 37-22826

	Designated Applicant	Applicant #2	Applicant #3
Name	Raymond Thomas Goodrich	Rebecca Lea Patton	
Mailing Address	1001 Forest Ave., Palo Alto, CA 94301	1001 Forest Ave., Palo Alto, CA 94301	
Phone Number	(650) 322-3569	(650) 322-3569	
Email Address	tom@dagventures.com	rebeccap1234@yahoo.com	
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			

	Applicant #4	Applicant #5	Applicant #6
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			

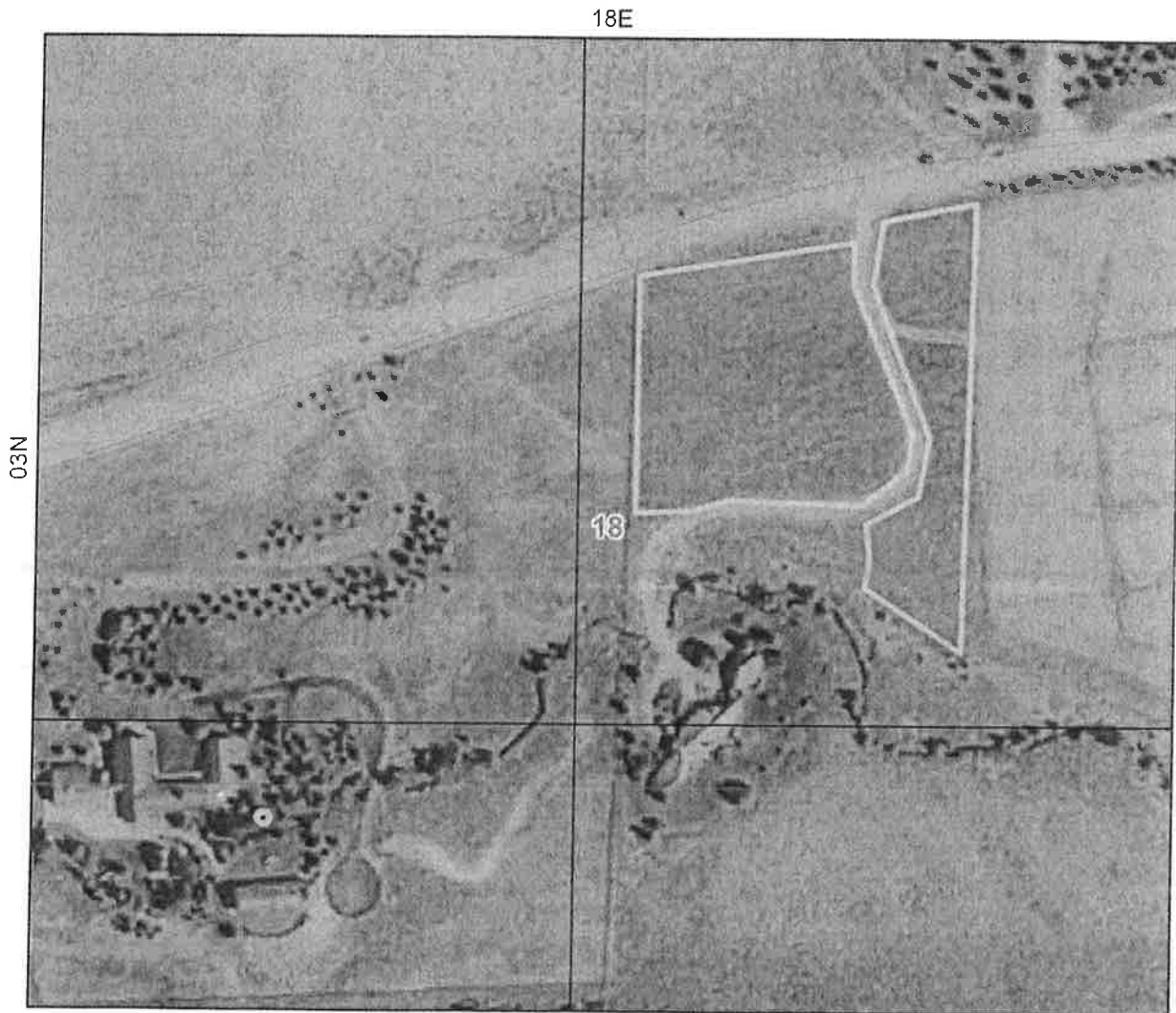
State of Idaho
Department of Water Resources

Water Right

37-22826

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 0.025 0.05 0.1 Miles

Application to Lease 37-22826 to Water Supply Bank
Attachment 3





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

July 23, 2019

RAYMOND THOMAS GOODRICH
REBECCA LEA PATTON
1001 FOREST AVE
PALO ALTO CA 94301-3031

**RE: WATER SUPPLY BANK LEASE CONTRACT 1004
FOR WATER RIGHTS 37-2644C and 37-22826**

Dear Lessor:

Water rights **37-2644C and 37-22826** were leased into the Water Supply Bank (Bank) as of April 24, 2019, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

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

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

Sincerely,


for Water Supply Bank

Enclosure: Executed Lease Contract

c: Corey Skinner - IDWR Southern Region
Kevin Lakey – Water District 37
Galena GWD
James Speck – Speck & Aanestad



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

July 8, 2019

RAYMOND THOMAS GOODRICH
REBECCA LEA PATTON
1001 FOREST AVE
PALO ALTO CA 94301-3031

RE: APPLICATIONS TO LEASE WATER RIGHTS 37-2644C and 37-22826 - CONTRACT 1004,
AND WATER RIGHT 37-1217 - CONTRACT 986 TO THE WATER SUPPLY BANK

****TIME SENSITIVE RESPONSE REQUIRED***

Dear Applicant:

The Department of Water Resources has completed its review of your applications to lease the above-mentioned water rights to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return executed copies to you. The Lease Contracts are not considered final until you and the Department have both signed.

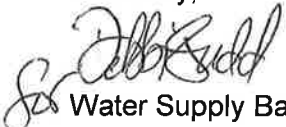
The rights will automatically be released from the Bank on **December 31, 2023**, unless the rights are released earlier by the Board, or upon your request. To release the rights from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have 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,


Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C106640

c: James Speck – Speck & Aanestad

MEMORANDUM

To: Water Right No(s). 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E

From: Justin Ferguson and Remington Buyer

Date: June 10, 2019

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: This application was received on April 24, 2019. The applicant wishes to place the entirety of water right numbers 37-2644C and 37-22826 into the Bank. Water right 37-22826 is an 1885 Greenhorn Creek surface water right that authorizes irrigation of 3.0 acres of lot 2 of the Greenhorn Bench Subdivision, in Gimlet. Water right 37-2644C is a ground water right that authorizes irrigation of 3.5 acres, also within lot 2 of the subdivision.

Water rights 37-2644C and 37-22826 share combined limits with water rights 37-2644D, 37-2644E, 37-22822, 37-22827 and 37-153C, which are all located on lots 1, 2, 3 and 6 of the Greenhorn Bench Subdivision. These subdivision lots were platted prior to 1989; Blaine County Assessor Office data indicates a home was constructed on lot 1 in 1970, and homes were built on lots 2 and 6 in 1990 and 1989, respectively. It appears no home has yet been built on lot 3.

As the residential lots were being developed, apparently only Greenhorn Creek surface water irrigation right 37-153 was appurtenant to the subdivision lands. However, on November 16th, 1989, IDWR approved transfers 3515, 3525 and 3526 which relocated portions of ground water right 37-2644 to the subdivision lots, to authorize irrigation as follows:

Water Right	Location	Diversion Rate	Acres
37-2644C	Lot 2	0.07	3.5
37-2644D	Lot 3	0.07	3.5
37-2644E	Lot 6	0.02	1.0
		0.16	8.0

Lot 1 did not receive a portion of transferred water right 37-2644, likely as a result of a permit for ground water right 37-8551 having been submitted to IDWR on September 7, 1989. It is relevant to note that, although water right 37-2644 had a priority date of October 31, 1960, the transfers that authorized the relocation of the above water rights included a condition that the priority date for the transferred water rights should be advanced to the date of the transfer approval.

Fast forwarding twenty years, in September 2010, the SRBA Adjudication Court approved decrees for the above three ground water rights. The court also approved a decree for the portion of surface water right 37-153 appurtenant to lots 1, 2, 3 and 6 (recorded as 37-153C). Each SRBA decree for the above four water rights included a remark that the four water rights were limited to a combined total irrigation of 13.5 acres (the irrigation extent of 37-153C). An additional distinction, although the court decreed that water right 37-153C alone might authorize up to 0.056 cfs/ac for the irrigation of 13.5 acres, the decree also included a remark limiting irrigation to 0.02 cfs/ac if water right 37-153C was to be used with any other water rights. Water rights 37-2644C, D and E all authorize irrigation from ground water at 0.02 cfs/ac.

The present configuration of water right appurtenant to lots 1, 2, 3 and 6 are as follows:

Water Rights as Recorded on June 7, 2019									
Lot	Water Right	Source	Priority	Use	Rate	Vol	Acres	Rate/AC	Vol/AC
1	37-22827	Greenhorn Creek	09/01/1885	Irrigation	0.120		2.2	0.055	
	37-8551	Ground Water	9/7/1989	Irrigation	0.090	10.5	3	0.030	3.50
				Domestic	0.040	0.6			
					0.110	11.1			
37-12304	Ground Water	12/31/1948	Domestic	0.040					
Max. Combined Irrigation Use:					0.104 ~ 0.156	18.2	5.2	0.02 ~ 0.03	3.50
2	37-22826	Greenhorn Creek	09/01/1885	Irrigation	0.170		3	0.057	
	37-2644C	Ground Water	11/16/1989	Irrigation	0.070	12.25	3.5	0.020	3.50
Max. Combined Irrigation Use:					0.070	12.25	3.5	0.020	3.50
3	37-22822	Greenhorn Creek	09/01/1885	Irrigation	0.320		5.6	0.057	
	37-2644E	Ground Water	11/16/1989	Irrigation	0.070	12.25	3.5	0.020	3.50
Max. Combined Irrigation Use:					0.112	19.6	5.6	0.020	3.50
6	37-153C	Greenhorn Creek	09/01/1885	Irrigation	0.150		2.7	0.056	
	37-2644D	Ground Water	11/16/1989	Irrigation	0.020	3.5	1	0.020	3.50
Max. Combined Irrigation Use:					0.054	9.45	2.7	0.020	3.50
Max. Combined Irrigation Use:					0.392 ~ 0.340	59.5	17.0	0.02 ~ 0.023	3.50
Surface water irrigation from what was formerly decreed as WR 37-153C					0.760		13.5	0.056	
Ground water irrigation from what was formerly 37-2644					0.160		8.0	0.020	
Maximum irrigation on lots 1, 2, 3 and 6, per combined limit conditions					0.27 ~ 0.76	47.3	13.5	0.020 ~ 0.056	3.50
Max. irrigation on lots 1, 2, 3 and 6, per combined limited water right elements					0.27 ~ 0.76	49.0	14.0	0.020 ~ 0.054	3.50

Based on the above, present, approved elements for the nine water rights appurtenant to the four lots in the subdivision, it appears that as many as 17.0 acres of irrigation could transpire if the water rights were not used in a coordinated fashion for irrigation purposes. Also of note, licensing notes for water right 37-12304 indicate it and 37-8551 share the same domestic use.

AUTHORITY TO FILE: The application was signed by the right holder with power of attorney given to James Speck. No concerns about authority to file.

WATER RIGHT VALIDITY: Water rights 37-22826 and 37-2644C were decreed in 2010 and fully leased to the Bank from 2014 through 2018. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent through the lease alone.

ENLARGEMENT OF USE: To avoid enlargement in use through the full exercise of the irrigation component of water rights 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E, it is necessary to determine where the requisite 0.5 acre reduction in use should occur under one or more of the water rights, in the event that both Greenhorn Creek and ground water sources were used for maximum possible irrigation under all nine water rights.

It is possible that Greenhorn Creek surface water no longer flows, and groundwater has become the primary water source accessed under these water rights. Nevertheless, this lease requires conditions to enable continued water use under all nine rights, without causing enlargement. As such, to avoid enlargement in water uses, it is proposed that a condition limiting the rental of water right 37-22826 and 37-2644C to no more than 3.0 acres should be enforced, unless a 0.5 acre irrigation use reduction is certain under one of the other five associated water rights.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Watermaster and regional comments will be requested.

MEMORANDUM

To: Water Right No(s). 37-02644C, 37-22826
From: Justin Ferguson
Date: June 3, 2019
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: This application was received on April 24, 2019. The applicant wishes to place the entirety of water right numbers 37-02644C and 37-22826 into the Bank. 37-2644C is a groundwater right and 37-22826 is a surface water right that overlap with each other and are limited to 3 acres.

AUTHORITY TO FILE: The application was signed by the right holder with power of attorney given to James Speck

WATER RIGHT VALIDITY: The water right was decreed in 2010 and was fully leased to the Bank from 2014 through 2018. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Watermaster and regional comments will be requested.

Webster, Clay

From: Webster, Clay
Sent: Friday, March 29, 2019 3:43 PM
To: 'James Speck'
Subject: RE: Re: Patton/Water Rights

Jim,

It means that when you opt to place these rights into the water supply bank without all of the rights within the combined use limit, we have to determine how we can make these rights rentable without enlarging the acre limit that has been placed on the rights. There are a group of water rights that were limited to the irrigation of 13.5 acres. Some of those rights were split with ownership changes. The decreed rights and all of the splits are limited to 13.5 acres of irrigation as decreed.

Clay

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, March 27, 2019 4:13 PM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: 'Rebecca Patton' <rebeccap1234@yahoo.com>; 'Tom Goodrich' <tom@dagventures.com>
Subject: RE: Re: Patton/Water Rights

Clay,

Does this mean that the GW right is limited to irrigating 3A on the Lot instead of the decreed 3.5A?

Jim

-----Original Message-----

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Sent: Wednesday, March 27, 2019 3:56 PM
To: James Speck <jim@speckandaanestad.com>
Subject: RE: Re: Patton/Water Rights

Jim,

Sorry about the time it took for me to get back to you on this issue. Upon review of these rights with the other rights sited in the combined limits, I have found that the rights were limited to the acreage of the surface water (Greenhorn Creek) rights. These must be leased in with an acre limit of 3 acres between the two rights to not enlarge these limits. With this acre limit on the rights and that fact that the ground water right is only authorized 3.0 acres separating the use of these rights would not be allowed.

Sincerely,
Clay Webster
Water Rights Supervisor
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]

Sent: Monday, March 25, 2019 10:31 AM

To: Webster, Clay <Clay.Webster@idwr.idaho.gov>; James Speck <jim@speckandaanestad.com>

Cc: 'Rebecca Patton' <rebeccap1234@yahoo.com>; 'Tom Goodrich' <tom@dagventures.com>

Subject: RE: Re: Patton/Water Rights

Clay,

I'm following up on my last e-mail to you below. Please reply and let me know if you have any questions about our request. Thank you.

Jim

-----Original Message-----

From: James Speck

Sent: Tuesday, March 12, 2019 1:41 PM

To: 'Clay Webster'

Cc: 'Rebecca Patton'; 'Tom Goodrich'

Clay,

I represent Tom Goodrich & Rebecca Patton, the owners of water rights 37-2644C and 37-22826. We are in the process of preparing new lease applications for these rights. It appears from the IDWR maps that a portion of the 3.5A POU for 37-2644C does NOT overlap the 3A POU for 37-22826. I have attempted to identify this area on the attached map. Would you consider a rental application from my clients for just this portion of 37-2644D and none of 37-22826? If so, can you calculate the size of this non-overlap area? I don't have the ability to do so on our computers.

Please call me if you have any questions. Thank you.

Jim

Jim

James P. Speck

SPECK & AANESTAD

A Professional Corporation

120 East Avenue North

P.O. Box 987

Ketchum, ID 83340

208.726.4421

208.726.0752 (fax)

jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

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copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

Attachment(s): Possible 37-2644C POU for WSB Rental.pdf; 37-2644C map.pdf; 37-22826 map.pdf