

WATER SUPPLY BANK LEASE CONTRACT 767

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

LESSOR: DANIEL G GIBSON JR
PO BOX 88
NOTUS, ID 83656-0088

RECEIVED

MAR 19 2018

DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on Friday, January 26, 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)
63-33127	3/2/1977	GROUND WATER	0.360	82.30	18.30
Combined Limit Totals			0.360	82.30	18.30
Combined Lease Totals			0.360	82.30	18.30

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

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2018 to December 31, 2022. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

WATER SUPPLY BANK LEASE CONTRACT 767

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.



WATER SUPPLY BANK LEASE CONTRACT 767

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

LESSOR: DANIEL G GIBSON JR

PO BOX 88

NOTUS, ID 83656-0088

By

Title

Date

Daniel Gibson Jr
owner
3-16-18

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By

Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

3/21/2018

Lease approved by IDWR

Ch. Wata

Date

3-21-2018

WATER SUPPLY BANK LEASE CONTRACT 767

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE FOR LEASE CONTRACT NO. 767

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): 63-33127

GROUND WATER SESW Sec. 26 Twp 04N Rge 01W ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
63-33127	IRRIGATION	03/15	to	11/15	0.830 cfs	81.92 AF
Totals:					0.830 cfs	81.92 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	
04N	01W	26									3.3			15.0					18.3

Total Acres: 18.3

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.
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.

WATER SUPPLY BANK LEASE CONTRACT 767

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 this right is combined with water from Settlers Irrigation District.
13. 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.
14. 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 irrigation use and a priority date earlier than 04-01-2007.



Idaho Water Resource Board
Water Supply Bank Lease Contract No. 767

63-33127
Effective until December 31, 2022

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.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 26 2018

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Daniel G. Gibson Jr.

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

Water Right No. 63-33127

(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 \$ 250.00Received By: TRDate Received: 1/26/2018Receipt # C104578W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Daniel G. Jr. andCarolyn A. Gibson

1007

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 Daniel G. Gibson Jr.

Mailing Address <u>PO Box 88</u>	Notus	ID	83656
Street	City	State	Zip Code

Email Address <u>Hootgibson4747@gmail.com</u>	Phone Number	<u>208-573-3328</u>
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☒ 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, pump

- 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. Surface water from Settlers Irrigation District

- 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. Water right 63-33127 is a supplemental water right.

- 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 - surface water from Settlers Irrigation District has been sufficient.

- 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. See item 4E above. Portions of the water right place of use have been sold. Attached is a quitclaim deed indicating applicant retained appurtenant water. A water right split tree is also attached for information purposes.

- 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: 5 yrs to _____ (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.

Daniel L. Gibson Jr
Signature of Designated Applicant

DANIEL L. G. GIBSON Jr 1-22-2018
Printed Name Date

Carolyn A. Gibson
Signature of Authorized Representative

CAROLYN A. GIBSON 1-22-18
Printed Name Date

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

State of Idaho
Department of Water Resources

Water Right
63-33127

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.

01W



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

0 0.05 0.1 0.2 Miles



ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 03/01/05 08:51 AM
DEPUTY Joanne Hooper
RECORDED - REQUEST OF
GIVENS PURSLEY

AMOUNT 12.00

4



QUITCLAIM DEED

GRANTOR: Daniel G. Gibson and Carolyn A. Gibson, husband and wife, (hereinafter "Gibson" or "Grantor").
Address: 19500 Highway 20/26, Caldwell, Idaho 83607.

GRANTEE: Kevin A. Howell Construction, Inc. an Idaho corporation (hereinafter "Howell" or "Grantee").
Address: 4822 N. Rosepoint Way, Suite C, Boise, Idaho 83713.

For good and valuable consideration the receipt of which is hereby acknowledged Grantor hereby CONVEYS, RELEASES. AND FOREVER QUITCLAIMS and transfers unto the Grantee that real property located in Ada County, State of Idaho, legally described on Exhibit A, attached hereto, together with all ditch and ditch rights, and all appurtenances except as limited herein.

Surface Water Rights Conveyed: All Settlers Irrigation District water rights appurtenant to the property described in Exhibit A attached hereto are conveyed herein to Grantee.

Ground Water Rights Partially Conveyed: Conveyed and transferred herewith are 26.84 acres of the 73 acres of ground water rights at a diversion rate of .02 cfs described in Grantor's ground water right #63-8518. Grantor reserves and does not convey herewith the remaining 46.16 acres of the 73 acres of ground water rights described in ground water right #63-8518.

Subject to the following Restrictive Covenant running with the land described on Exhibit A: "Grantor, (including Grantor's successors or assigns) may develop the Grantor's remaining 22.52 acres of property which is adjacent to and south and west of the property described in Exhibit A as a mix of uses at the sole discretion of Grantor. These uses of the Grantor adjacent property may be any use approved by the City of Meridian, including, but not limited to multi-family housing (apartments), offices, mini-storage units, any and all commercial uses, and/or a combination of uses. Grantee and Grantee's successors and assigns acquire the property described in Exhibit A with the full understanding and knowledge of the foregoing and acknowledge and agree not to object to any use or development of the adjacent Grantor property as contemplated by the Development Agreement with the City of Meridian dated the 24th day of January, 2003, recorded as Ada County Instrument No. 103012598 or as may be otherwise approved by the City of Meridian or other governmental entity having jurisdiction over the Grantor's adjacent property. This Restrictive Covenant shall run with the land described on Exhibit A and shall bind the Grantee and Grantee's heirs, assigns and successors."

To have and to hold the said premises, unto the Grantee, and Grantees heirs, successors and assigns forever.

IN WITNESS WHEREOF, the parties set their hands the day and year below written.

Daniel G. Gibson
Daniel G. Gibson

Date signed: 2-28-05

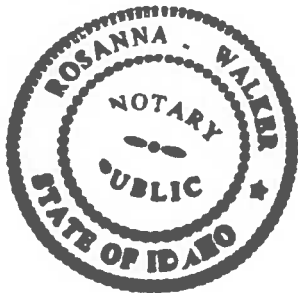
Carolyn A. Gibson
Carolyn A. Gibson

Date signed: 2-28-05

STATE OF IDAHO,)
)ss.
COUNTY OF ADA,)

On this 28th day of February, 2005, before me, the undersigned a Notary Public in and for said State, personally appeared Daniel G. Gibson and Carolyn A. Gibson, (husband and wife,) known or identified to me (on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Rosanna C. Walker
Notary Public
Residing: Boise, ID
Commission Expires: 6-14-05

Project: 11970
Date: March 31, 2004
Revised: December 30, 2004

HOWELL PARCEL
PARCEL DESCRIPTION

That portion of the Southwest 1/4 of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Meridian, Idaho, being more particularly described as follows:

Commencing at the Southwest corner of Section 26, marked by a 1/2" pin, from which the West 1/4 corner of Section 26 bears North 00°21'16" East, 2,644.38 feet, marked by an aluminum cap; thence along the Southerly boundary of the Southwest 1/4 of Section 26, South 88°58'47" East, 1,301.38 feet; thence along the Westerly boundary of the East 1/2 of the Southwest 1/4 of Section 26, North 00°29'12" East, 872.31 feet to the POINT OF BEGINNING;

thence continuing along said boundary North 00°29'12" East, 1,776.03 feet to a point on the Northerly boundary of the Southwest 1/4 of Section 26;

thence along said boundary South 89°09'23" East, 1,307.45 feet to the center 1/4 corner of Section 26, marked by a 5/8" iron pin;

thence along the Easterly boundary of the Southwest 1/4 of Section 26, South 00°37'07" West, 1,136.13 feet;

thence North 89°09'33" West, 365.90 feet;

thence South 00°37'07" West, 185.90 feet;

thence South 89°09'33" East, 365.90 feet to a point on the Easterly boundary of the Southwest 1/4 of Section 26;

thence along said boundary South 00°37'07" West, 1,330.30 feet to the South 1/4 corner of Section 26, marked by a 5/8" iron pin;

thence along the Southerly boundary of the Southwest 1/4 of Section 26, North 88°58'47" West, 156.00 feet;

thence North 00°37'07" East, 25.00 feet;

thence North 88°58'47" West, 220.00 feet;

thence North 00°37'07" East, 5.00 feet;

thence South 88°58'47" East, 220.00 feet;

thence North 00°37'07" East, 48.34 feet;

thence North 14°22'53" West, 58.02 feet;

thence along a curve to the right 131.95 feet, having a radius of 252.00 feet, a tangent of 67.52 feet, a delta of 30°00'00", and a long chord which bears North 00°37'07" East, 130.44 feet;

thence North 15°37'07" East, 96.54 feet;

thence along a curve to the left 7.85 feet, having a radius of 30.00 feet, a tangent of 3.95 feet, a delta of $15^{\circ}00'00''$, and a long chord which bears North $08^{\circ}07'07''$ East, 7.83 feet;

thence North $00^{\circ}37'07''$ East, 107.63 feet;

thence along a curve to the left 262.06 feet, having a radius of 455.00 feet, a tangent of 134.78 feet, a delta of $33^{\circ}00'00''$, and a long chord which bears North $15^{\circ}52'53''$ West, 258.45 feet;

thence North $32^{\circ}22'53''$ West, 131.26 feet;

thence along a curve to the right 48.17 feet, having a radius of 345.00 feet, a tangent of 24.12 feet, a delta of $08^{\circ}00'00''$, and a long chord which bears North $28^{\circ}22'53''$ West, 48.13 feet;

thence North $24^{\circ}22'53''$ West, 25.46 feet;

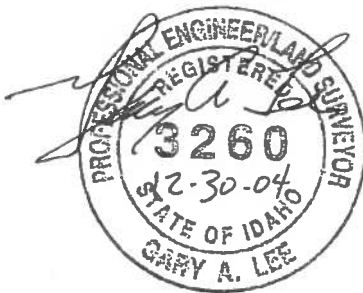
thence South $77^{\circ}41'03''$ West, 88.08 feet;

thence North $89^{\circ}09'23''$ West, 893.53 feet to the POINT OF BEGINNING.

Containing 55.32 acres, more or less.

END OF DESCRIPTION

Prepared by:
J-U-B ENGINEERS, Inc.
Gary A. Lee, P.E., L.S.



GAL:lhc

F:\ProjectManagers\GAL\10-04-002 - Kelly Creek Subdivision No. 3\10-04-002-Survey\Descriptions\HowellParcel-2.doc



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 22, 2018

DANIEL G GIBSON JR
PO BOX 88
NOTUS ID 83656-0088

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 63-33127

Dear Lessor:

Water right **63-33127** was leased into the Water Supply Bank (Bank) as of January 26, 2018, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank.** More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2022**, unless the right is 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 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. This form is available on our public website at www.idwr.idaho.gov. **Please note your water right may not be available for immediate release if it has been rented or is 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: Angie Grimm - IDWR Western Region
Rex Barrie - Water District 63
Lori Graves - SPF Water Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 13, 2018

DANIEL GIBSON JR
PO BOX 88
NOTUS ID 83656-0088

RE: APPLICATION TO LEASE WATER RIGHT 63-33127 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, 2022**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

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

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

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

Sincerely,

Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C104578

c: Lori Graves – SPF Water Engineering

WATER SUPPLY BANK		Quick Tools	
Lease Review Checklist		Applicant(s) Name: Daniel G. Gibson Memo Date: 2/8/17 Water Right Number(s): 63-33127 Reviewers Name: Chelsey Serrano ☒ 2011 2012 2013 2014 2015	
		☒ 2016 2017 2018 2019 2020 2021 ☒ 2022	
		☒ 2023 ☒ 2024	
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		☒ 2137 ☒	

Serrano, Chelsey

From: Grimm, Angie
Sent: Tuesday, February 20, 2018 1:12 PM
To: Serrano, Chelsey
Subject: RE: 63-33127 Water Supply Bank Lease

Chelsey,

Good afternoon! The lease POD is within the Bs 63 ground water restricted area so if the right is rented, one should consider the historic water bearing zone of the lease POD vs. the proposed rental POD when evaluating injury concerns. Also, the lease POD is within the Meridian Area of GW Concern within which any newly constricted well has certain well construction requirements per IDWR's agreement with the City of Meridian. This area of concern has less impact on potential rentals of the right and pretty much no impact on lease of the right, but I thought I might mention it since it's a local area item. Other than these notes, no local area concerns come to mind with the lease of this right. Thank you for the opportunity to comment.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Serrano, Chelsey
Sent: Wednesday, February 14, 2018 11:21 AM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: FW: 63-33127 Water Supply Bank Lease

Hi Angie,

I'd sent this to Nick, but understand that you are the person who usually reviews water supply bank documents. Would you let me know if you have any questions or concerns about the proposed lease attached? Thank you,

Chelsey Serrano

From: Serrano, Chelsey
Sent: Friday, February 09, 2018 9:03 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; 'WATERDISTRICT63@QWESTOFFICE.NET' <WATERDISTRICT63@QWESTOFFICE.NET>
Subject: 63-33127 Water Supply Bank Lease

Dear Nick and Rex,

I am working on a water supply bank lease located in Meridian. The water right is 63-33127. I am hoping to have this lease reviewed by the watermaster and regional manager. The application review and proof report can be found attached. If you have any questions or feedback, please aim to have that to me in the next 5 days.

Thank you,

Chelsey Serrano

Serrano, Chelsey

From: Rex Barrie <Waterdistrict63@qwestoffice.net>
Sent: Monday, February 12, 2018 7:54 AM
To: Serrano, Chelsey; Miller, Nick
Subject: RE: 63-33127 Water Supply Bank Lease

Chelsey,

I have no objection to this lease.

Rex R. Barrie
Boise River Watermaster

From: Serrano, Chelsey [mailto:Chelsey.Serrano@idwr.idaho.gov]
Sent: Friday, February 09, 2018 9:03 AM
To: Miller, Nick; WATERDISTRICT63@QWESTOFFICE.NET
Subject: 63-33127 Water Supply Bank Lease

Dear Nick and Rex,

I am working on a water supply bank lease located in Meridian. The water right is 63-33127. I am hoping to have this lease reviewed by the watermaster and regional manager. The application review and proof report can be found attached. If you have any questions or feedback, please aim to have that to me in the next 5 days.

Thank you,

Chelsey Serrano



January XX, 2018

RECEIVED

JAN 26 2018

DEPARTMENT OF
WATER RESOURCES

Clay Webster
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

**Subject: *Water Bank Lease Application (Water Right 63-33127);
Change in Address Form***

Dear Clay,

Enclosed on behalf of Daniel G. Gibson Jr., is an application to lease water right 63-33127 to the water supply bank. Also enclosed is a change in address notification. Check No. 6306 is enclosed for the \$250 filing fee.

Please let me know if there are any questions. Thanks Clay.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", is written over a faint horizontal line.

Lori Graves
Water Rights Specialist

Cc: Daniel G. Gibson Jr.

Enclosures

SPF file number: 1387.0010