

RECEIVED

MAR 12 2018

DEPARTMENT OF
WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT No. 764**

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

LESSOR: DIAMOND/SOLDIER PROPERTIES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

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 Tuesday, February 13, 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)
37-368A	6/15/1884	WEST FORK THREEMILE CREEK, tributary to THREEMILE CREEK	2.66	386.1	110.3
37-409A	4/1/1907	EAST FORK THREEMILE CREEK, tributary to CAMAS CREEK	2.85	330.1	94.3
37-2076A	5/17/1907	MC MAHAN CREEK, tributary to THREEMILE CREEK WEST FORK THREEMILE CREEK, tributary to THREEMILE CREEK	6.10	784.0	224.0
37-2157	10/14/1909	UNNAMED STREAM, tributary to MC MAHAN CREEK	0.80	140.0	40.0
37-2455	3/12/1940	MC MAHAN CREEK, tributary to THREEMILE CREEK	3.00	158.6	45.3
Combined Limit Totals			15.41	1,798.8	513.9
Combined Lease Totals			15.41	1,798.8	513.9

SUPPORT DATA

IN FILE # 37-368A

LEASE CONTRACT NO. 764

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.

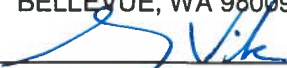
Minimum Payment Acceptable: Current Rental Rate

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.
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.

LEASE CONTRACT NO. 764

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

LESSOR: DIAMOND/SOLDIER PROPERTIES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

By 
Title PRESIDENT
Date 3/7/18

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 3/13/2018

Lease approved by IDWR 

Date 3-13-2018

**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 764**

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): 37-368A

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

Source and Location of Point(s) of Diversion for Water Right No(s): 37-409A

THREEMILE CREEK NENWNE Sec. 23 Twp 01N Rge 13E CAMAS County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2076A

MC MAHAN CREEK NESWNE Sec. 22 Twp 01N Rge 13E CAMAS County
THREEMILE CREEK NENENW Sec. 23 Twp 01N Rge 13E CAMAS County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2455

MC MAHAN CREEK NENWNE Sec. 22 Twp 01N Rge 13E CAMAS County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2157

UNNAMED STREAM SESESE Sec. 15 Twp 01N Rge 13E CAMAS County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-368A	IRRIGATION	04/15	to	10/31	2.66 cfs	386.1 AF
37-409A	IRRIGATION	04/15	to	10/31	2.85 cfs	330.1 AF
37-2076A	IRRIGATION	04/15	to	10/31	6.10 cfs	784.0 AF
37-2455	IRRIGATION	04/15	to	10/31	3.00 cfs	158.6 AF
37-2157	IRRIGATION	04/15	to	10/31	0.80 cfs	140.0 AF
37-409A	STOCKWATER	01/01	to	12/31	2.85 cfs	Not Stated
37-2076A	STOCKWATER	01/01	to	12/31	6.10 cfs	Not Stated
37-2455	STOCKWATER	01/01	to	12/31	3.00 cfs	Not Stated
37-2157	STOCKWATER	01/01	to	12/31	0.80 cfs	Not Stated
Totals:					15.41 cfs	1,798.8 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	
01N	13E	22	14.0	9.4	22.0	40.0									40.0	12.0		37.0	174.4
01N	13E	23					20.3	10.0	40.0	20.0	20.0	40.0	40.0	28.0					218.3
01N	13E	26					4.2	33.0	17.0										54.2
01N	13E	27	37.0			30.0													67.0

Total Acres: 513.9

**PLACES OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER for 37-409A, 37-2076A, 37-2157,
37-2455**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	13E	22	X	X	X	X									X	X			
01N	13E	23					X	X	X	X	X	X	X	X					
01N	13E	26					X	X	X										
01N	13E	27	X			X													

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.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

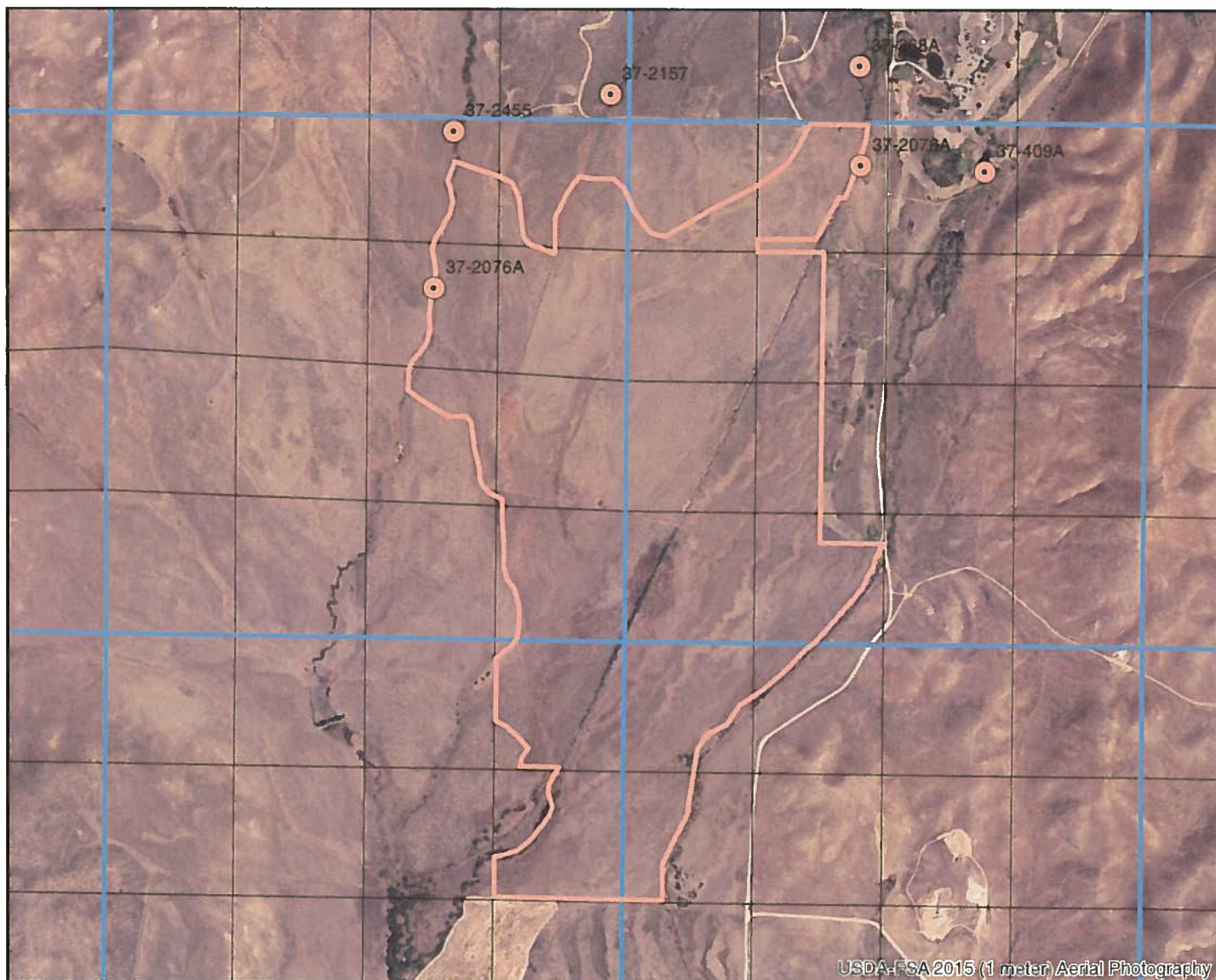
12. Water right 37-2076A is limited to the irrigation of 224 acres within the place of use described above in a single irrigation season. Water right 37-368A is limited to the irrigation of 110.3 acres within the place of use described above in a single irrigation season. Water right 37-409A is limited to the irrigation of 94.3 acres within the place of use described above in a single irrigation season. Water right 37-2455 is limited to the irrigation of 45.3 acres within the place of use described above in a single irrigation season. Water right 37-2157 is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
13. The rights listed below are limited to the irrigation of a combined total of 513.9 acres in a single irrigation season. Combined Right Nos.: 37-368A, 37-409A, 37-2076A, 37-2455 & 37-2157.
14. Water rights 37-368A, 37-409A, 37-2076A, 37-2157 and 37-2455 shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of these rights seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.
15. Source for water right 37-2157 known locally as Little Sheep Ck.
16. Use of water under these rights may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37B.



Idaho Water Resource Board
Water Supply Bank Lease Contract No. 764

37-368A, 37-409A, 37-2076A, 37-2157 and 37-2455
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.



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.5 1 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 13 2018

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Diamond/Soldier Properties

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

Water Right No. 37-368A

(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 \$ 500.00Received By: TDDate Received: 2/13/2018 Receipt # C104652W-9 received? Yes ☐ No ☒

(Route W-9 to Fiscal)

Name on W-9:

1031

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 Diamond/Soldier Properties

Mailing Address PO Box 1607 Bellevue, WA 98009

Street

City

State

Zip Code

Email Address _____

Phone Number 425-460-2542

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☒ No ☐

If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐

If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐

If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

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

Phone Number 208-736-8543

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).

- B. Please provide a description of the current water diversion and delivery system.

Existing diversion structure, mainlines and delivery 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. 37-2076A, 37-2157, 37-2455, 37-368A and 37-709A

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

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

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

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

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Water rights 37-2076A, 37-2157, 37-2455, 37-368A and 37-709A have been leased into the Water Supply Bank since 4/1/2013.

- 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: 2018 to 2022 (maximum lease period 5 calendar years).
(Year) (Year)

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

current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant
GREG VIK, PRESIDENT, DIAMOND / SOLDIER PROPERTIES LLC

GREG VIK
Printed Name

12/29/17
Date

Signature of Authorized Representative

Printed Name

Date

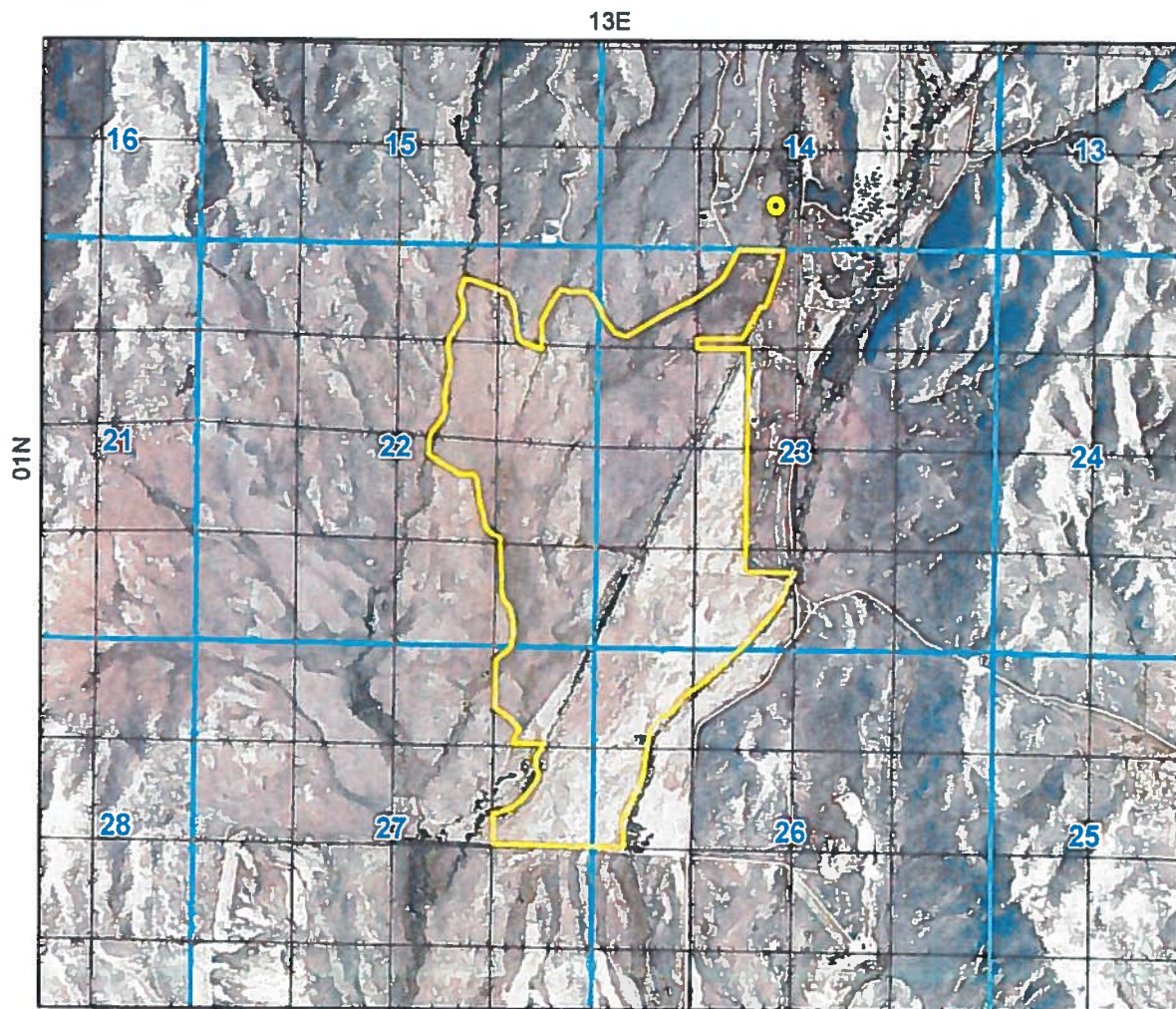
Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

State of Idaho
Department of Water Resources

Water Right 37-368A

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 0.275 0.55 1.1 Miles



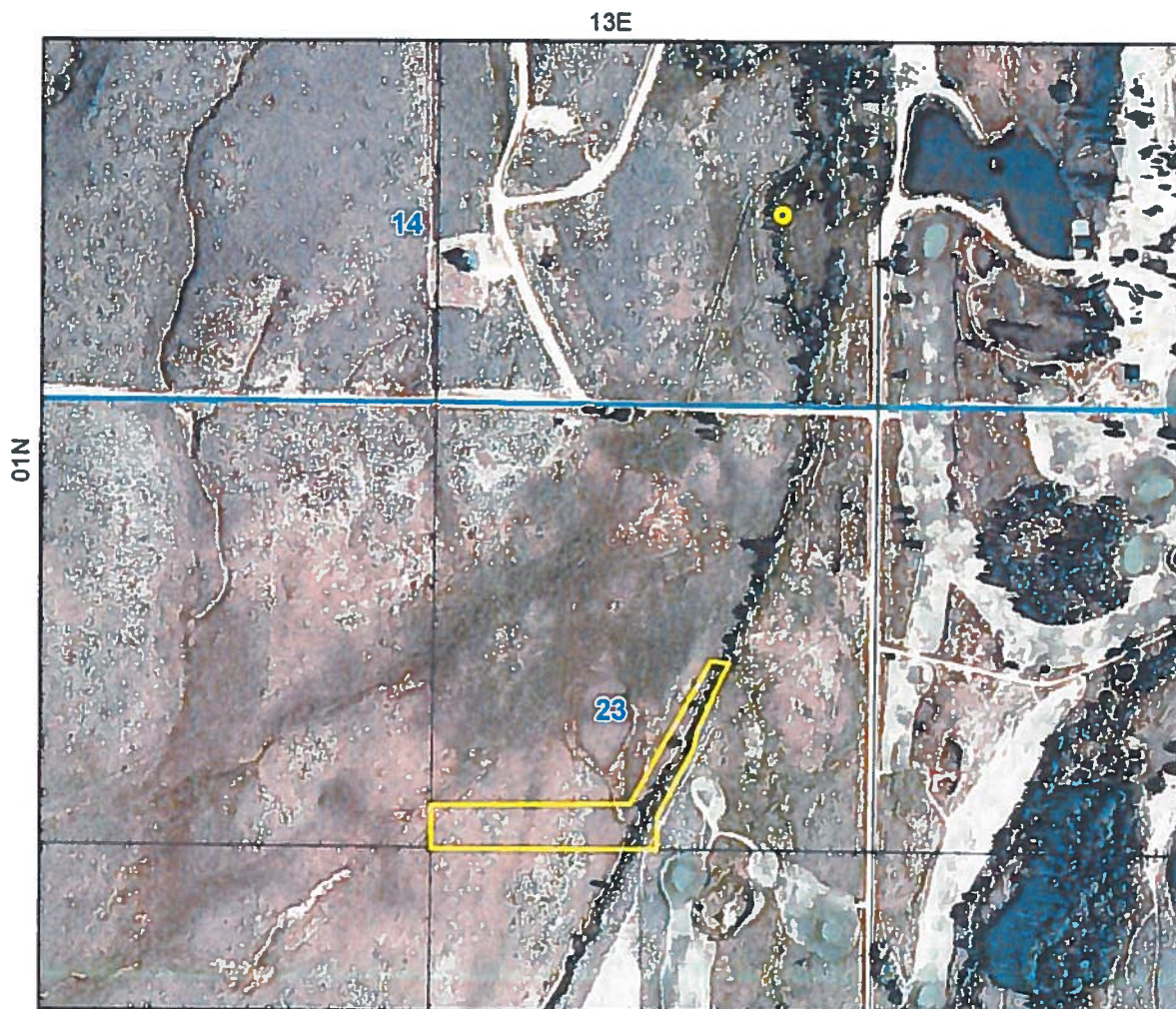
Map produced on December 12, 2017

State of Idaho
Department of Water Resources

Water Right 37-368A

MITIGATION

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 0.05 0.1 0.2 Miles





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 14, 2018

DIAMOND/SOLDIER PROPERTIES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHTS 37-410, 37-411, 37-368A, 37-409A, 37-2076A, 37-2157, and 37-2455

Dear Lessor:

Water rights **37-410, 37-411, 37-368A, 37-409A, 37-2076A, 37-2157, and 37-2455** were leased into the Water Supply Bank (Bank) as of February 13, 2018, in accordance with the enclosed executed lease contracts. **Your water rights, as described on the lease contracts, 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 contracts. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2022**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contracts 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

Enclosures: Executed Lease Contracts

c: Corey Skinner - IDWR Southern Region
Rusty Kramer - Water District 37B
Greg Sullivan - Brockway 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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 7, 2018

DIAMOND/SOLDIER PROPERTIES LLC
SV RANCH LLC
BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHT(S) 37-410, 37-411, 37-368A, 37-409A, 37-2076A, 37-2157 and 37-2455, 37-7595B, 37-20373 and 37-22771

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on February 20, 2018. The signed contracts have not been returned to the Department.

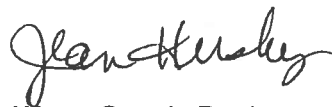
Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

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

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

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

Sincerely,


for Water Supply Bank

c: Brockway Engineering PLLC

Hersley, Jean

From: Skinner, Corey
Sent: Tuesday, February 27, 2018 9:30 AM
To: Hersley, Jean
Subject: RE: WSB Lease for Diamond/Soldier Properties

No concerns from me.

From: Hersley, Jean
Sent: Tuesday, February 20, 2018 8:58 AM
To: Rusty Kramer (idahotrapguy@hotmail.com) <idahotrapguy@hotmail.com>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: WSB Lease for Diamond/Soldier Properties

Attached are the review memo's, contracts and map for the leases. Please let me know if you have any comments or concerns within 7 days. Thank you.

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



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 20, 2018

DIAMOND/SOLKIER PROPERTIES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: APPLICATIONS TO LEASE WATER RIGHT 37-410, 37-411, 37-368A, 37-409A, 37-2076A, 37-2157 and 37-2455 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 of each 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 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,

for Water Supply Bank

Enclosure: Proposed Lease Contracts

c: Brockway Engineering PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, February 20, 2018 8:58 AM
To: Rusty Kramer (idahotrapguy@hotmail.com); Skinner, Corey
Subject: WSB Lease for Diamond/Soldier Properties
Attachments: Idled Acres 37-368A et al.pdf; Lease Application Review 37-368A, et al.xls; Report - Lease Contract - # 764 37-368A, et al.docx; Idled Acres 37-410- 37-411.pdf; Lease Application Review Checklist 37-410 37-411.xls; Report - Lease Contract - #762.docx

Attached are the review memo's, contracts and map for the leases. Please let me know if you have any comments or concerns within 7 days. Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, February 20, 2018 9:00 AM
To: 'Greg Sullivan'
Subject: WSB Lease Contracts
Attachments: Black Butte Hills.pdf; Diamond-Soldier Properties.pdf; Receipt C104652.pdf; SV Ranch.pdf

These contracts went out in today's mail. If you have any questions, please contact me. Thank you.

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

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Diamond/Soldier Properties

Memo Date: February 16, 2018

Water Right Number(s): 37-368A, 37-409A, et al

Reviewers Name: Jean

Quick Tools

Decreed

Year

No Forfeiture Concerns Thru:

2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	X		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right			
	All of right	X		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? (If no explain in comments or narrative)	X		
5	Authority to file			
	Current owner or designated applicant	X		
	SOS Web site checked for business entity	X		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			2009/2011
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?	X		2013-2017
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			
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	X		
	Complete a combined limits review	X		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	X		
		Yes	No	
	Are there overlapping rights that need to be placed in the bank also?		X	
	Will the place of use continue to receive water? (if yes explain in comments)		X	
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?		X	
10	Have you contacted regional office and watermaster for comment/concerns?	X		
	Send the watermaster comment request form or e-mail request	X		
11	Area Headgate requirement (write in Comments)			3.5
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		X	

Narrative: The Department received these applications on Feb. 13, 2018. The applicant wishes to place the entirety of all rights in the Bank. WR 37-368A has a mitigation use that was not leased to the Bank. All other rights have stockwater use which was placed in the Bank. The applications were signed by Gregory Vik, manager of Investments Manager, LLC. Investments Manager, LLC is listed as the manager of Diamond/Soldier Properties. Water right 37-409A was decreed in 2011 and all other rights were decreed in 2009. The rights have been in the Bank since 2013. These rights have a combined limit of 513.9 acres. These rights are currently within WD 37B.

No. W 30257	Due no later than Apr 30, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)																	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. DIAMOND/SOLDIER PROPERTIES LLC PR CORP. SERVICES, INC. 10900 NE 4TH STREET SUITE 1850 BELLEVUE WA 98004-8341		NATIONAL REGISTERED AGENTS INC 921 S ORCHARD ST STE G BOISE ID 83705																	
			3. <u>New</u> Registered Agent Signature:*																	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>MANAGER</td> <td>INVESTMENTS MANAGER LLC</td> <td>10900 NE 4TH STREET SUITE 1850</td> <td>BELLEVUE</td> <td>WA</td> <td></td> <td>98004-8341</td> </tr> </tbody> </table>							Office Held	Name	Street or PO Address	City	State	Country	Postal Code	MANAGER	INVESTMENTS MANAGER LLC	10900 NE 4TH STREET SUITE 1850	BELLEVUE	WA		98004-8341
Office Held	Name	Street or PO Address	City	State	Country	Postal Code														
MANAGER	INVESTMENTS MANAGER LLC	10900 NE 4TH STREET SUITE 1850	BELLEVUE	WA		98004-8341														
5. Organized Under the Laws of: WA W 30257		6. Annual Report must be signed.* Signature: Peterson Russell Kelly PLLC Name (type or print): Peterson Russell Kelly PLLC Date: 03/28/2017 Title: Attorney for LLC																		
Processed 03/28/2017		* Electronically provided signatures are accepted as original signatures.																		

No. W 19047	Due no later than Apr 30, 2014 Annual Report Form		2. Registered Agent and Office (NOT A P.O. BOX) NATIONAL REGISTERED AGENTS INC 921 S ORCHARD ST STE G BOISE ID 83705 USA
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080	1. Mailing Address: Correct in this box if needed. SV RANCH LLC C/O SCRB SERVICES INC 999 3RD AVE STE 3000 SEATTLE WA 98104		3. New Registered Agent Signature.
NO FILING FEE IF RECEIVED BY DUE DATE			
4. Limited Liability Companies: Enter Names and Addresses of Managers OR Members. See Instructions.			
Manager or Member Manager ☒ Member ☐ Manager ☐ Member ☐ Manager ☐ Member ☐ Manager ☐ Member ☐	Name Investments Manager LLC, 999 3rd Avenue, Suite 3000, Seattle	City Seattle	State WA
		Country USA	Postal Code 98104
5. Organized Under the Laws of: WASHINGTON W 19047		6. Signature:	
		Date: 2/21/14	
		Title: Manager	
		Name (type or print): Investments Manager LLC, Manager, by Greg Vik, its Manager	

Issued 02/14/2014 by KAH

129784

INSTRUCTIONS FOR THE IDAHO ANNUAL REPORT FORM

Hersley, Jean

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, February 16, 2018 12:58 PM
To: Hersley, Jean
Subject: RE: WSB Lease for Diamond/Soldier Properties 37-368A, et al

Jean,

Yes, please continue to process the lease application. Do not include in the lease application acres required for mitigation.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Friday, February 16, 2018 12:20 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: WSB Lease for Diamond/Soldier Properties 37-368A, et al

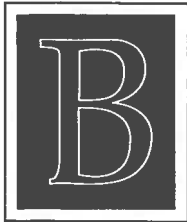
Greg,
I am in the processing of reviewing a group of water rights, 37-368A, 37-409A, 37-2157, 37-2455 and 37-2076A, to be placed in the Bank.

I have a question regarding the mitigation portion of water right 37-368A. The application was for the entire right to be placed in the Bank. The mitigation use is for water right 37-8859, in the name of Smokey Dome, LLC. If this is still being used for mitigation, the mitigation use cannot be placed in the Bank. The mitigation use was not included on the previous lease. I can exclude the mitigation and move forward with the lease, if that is what your client desires. Please let me know.

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



Virus-free. www.avg.com



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 13 2018

DEPARTMENT OF
WATER RESOURCES

January 15, 2018

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

Re: SV Ranch LLC, Diamond/Soldier Properties and Black Butte Hills LLC

Dear Mr. Buyer:

Lease application for water rights 37-410, 37-411, 37-7295B and 37-20373 are attached to this letter. These water rights are owned by SV Ranch LLC. The lease period for these water rights will be for 5 years.

Lease application for water rights 37-2076A, 37-2157, 37-2455, 37-368A and 37-409A are attached to this letter. These water rights are owned by Diamond/Soldier Properties. The lease period for these water rights will be for 5 years.

Lease application for water right 37-22771 is attached to this letter. This water right is owned by Black Butte Hills LLC. The lease period for this water right will be for 2 years.

Fee Break Down:

CHARLES E. BROCKWAY, PH.D., P.E.	37-410 and 37-411	\$500.00
	37-7295B	\$250.00
	37-20373	\$250.00
CHARLES G. BROCKWAY, PH.D., P.E.	37-2076A, 37-2157, 37-2455, 37-368A and 37-409A	\$500.00
	37-22771	\$250.00

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Greg Vik, Rod Gonsales

Enc: Lease Applications, Aerial Maps, Annual Reports, Brockway Engineering Check #
14459 for \$1,750.00

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506