

WATER SUPPLY BANK LEASE CONTRACT No. 759

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

LESSOR: TAMARACK HOMEOWNERS ACQUISITION CO LLC
311 VILLAGE DR
TAMARACK, ID 83615-5014

RECEIVED
FEB 27 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 December 29, 2017.
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)
65-22475	6/30/1919	POISON CREEK, tributary to NORTH FORK PAYETTE RIVER	6.26	714.0	238.0
Combined Lease Totals			6.26	714.0	238.0

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.

LEASE CONTRACT NO. 759

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. 759

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

LESSOR: TAMARACK HOMEOWNERS ACQUISITION CO LLC

311 VILLAGE DR

TAMARACK, ID 83615-5014

By JAN B. LOCHTENBERG

Title DIRECTOR

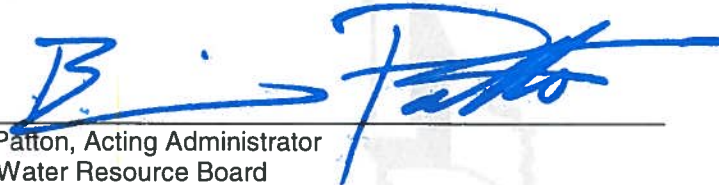
Date 2/18/18

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 2/28/2018

Lease approved by IDWR 

Date 2-28-2018

**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 759**

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): 65-22475

POISON CREEK	SENE	Sec. 6	Twp 15N	Rge 03E	VALLEY County
ROCK CREEK	NESE	Sec. 6	Twp 15N	Rge 03E	VALLEY County
UNNAMED STREAM	SWSW	Sec. 5	Twp 15N	Rge 03E	VALLEY County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
65-22475	IRRIGATION	04/15		10/15	6.26 cfs	714.0 AF
Totals:					6.26 cfs	714.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

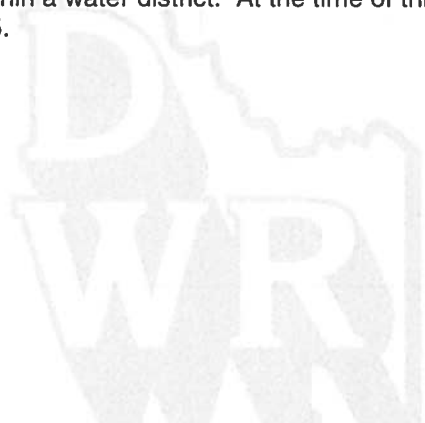
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03E	5	15.0 L1	21.0 L2	40.0	24.0				13.0	22.0	3.0		15.0	24.0	38.0	21.0	2.0	238.0

Total Acres: 238.0

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. This right is limited to .02 cfs per acre delivered to the field headgates.
13. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977. This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
14. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.



Idaho Water Resource Board
Water Supply Bank Lease Contract No. 759

65-22475

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 0.25 0.5 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 29 2017

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Tamarack Homeowners Acquisition Company LLC
(Select one owner – see item 1A on the application)Water Right No. 65-22475
(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 \$ 250.00 Received By: TR Date Received: 12/29/2017 Receipt # 0104478W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Tamarack HomeownersAcquisition Company LLCTR

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 Tamarack Homeowners Acquisition Company LLC

Mailing Address 311 Village Drive, Tamarack, ID 83615

Street City State Zip Code

Email Address PeterL@nyla.cc Phone Number 805.452.1949

☒ 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 Peter Lewis Organization THAC

Professional Title Director / Treasurer Email Address PeterL@nyla.cc

Mailing Address 311 Village Drive, Tamarack, ID 83615 Phone Number 805-452-1949

☐ 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.

Diversion dams into gravity ditches

- 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. The Tamarack Resort golf course partially contained within the POU is irrigated with groundwater under municipal permit 65-22357.

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

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

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

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. The Tamarack Resort golf course will continue to be irrigated with groundwater under municipal permit 65-22357.

- 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. See Attachment 4G: IDWR Memorandum Re: Review of Applications to Lease Water Rights to the State Water Supply Bank for Water Right File Nos. 65-8702, 65-8703, and 65-22475, dated October 31, 2012.

Also, from 1/1/2013 to 12/31/2017, the right has been leased into 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. See Attachment 4G: IDWR Memorandum Re: Review of Applications to Lease Water Rights to the State Water Supply Bank for Water Right File Nos. 65-8702, 65-8703, and 65-22475, dated October 31, 2012. Also, from 1/1/2013 to 12/31/2017, the right has been leased into the Water Supply Bank.

- 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 2023 (maximum lease period 5 calendar years).
(Year) (Year)

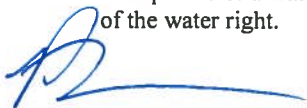
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

Peter Lewis

Printed Name

12/27/17

Date

Signature of Authorized Representative

Printed Name

Date

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

Attachment 1D

TAMARACK HOMEOWNERS ACQUISITION COMPANY LLC

Consent Of Board of Directors

December 26, 2017

The undersigned, constituting all the members of the Board of Directors of Tamarack Homeowners Acquisition Company LLC, an Idaho limited liability company (the "**Company**"), acting collectively as Manager of the Company, do hereby consent to, adopt, ratify and approve in writing the following company actions, without a meeting, in accordance with the Idaho Uniform Limited Liability Company Act and the limited liability company agreement of the Company.



Louise Francesconi, Director

Robert Fullmer, Director

Peter Lewis, Director

Jan Lochtenberg, Director

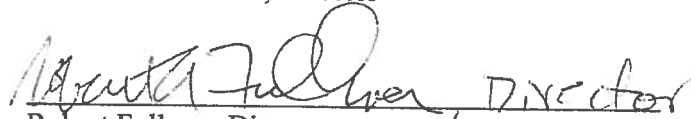
TAMARACK HOMEOWNERS ACQUISITION COMPANY LLC

Consent Of Board of Directors

December 26, 2017

The undersigned, constituting all the members of the Board of Directors of Tamarack Homeowners Acquisition Company LLC, an Idaho limited liability company (the "**Company**"), acting collectively as Manager of the Company, do hereby consent to, adopt, ratify and approve in writing the following company actions, without a meeting, in accordance with the Idaho Uniform Limited Liability Company Act and the limited liability company agreement of the Company.

Louise Francesconi, Director



Robert Fullmer, Director

Peter Lewis, Director

Jan Lochtenberg, Director

TAMARACK HOMEOWNERS ACQUISITION COMPANY LLC

Consent Of Board of Directors

December 26, 2017

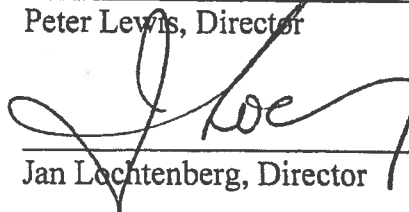
The undersigned, constituting all the members of the Board of Directors of Tamarack Homeowners Acquisition Company LLC, an Idaho limited liability company (the "**Company**"), acting collectively as Manager of the Company, do hereby consent to, adopt, ratify and approve in writing the following company actions, without a meeting, in accordance with the Idaho Uniform Limited Liability Company Act and the limited liability company agreement of the Company.

Louise Francesconi, Director

Robert Fullmer, Director



Peter Lewis, Director



Jan Lichtenberg, Director

ANNEX A

To Action by Unanimous Written Consent of the Board of Directors of Tamarack Homeowners Acquisition Company LLC

Water Rights

WHEREAS, Tamarack Homeowners Acquisition Company LLC (the “**Company**”) is filing certain documentation with the State of Idaho Water Resource Board, including but not limited to an Application to Sell or Lease a Water Right to the Water Supply Bank, an Application for Permit, and various documents related to licensing of the Company’s water permit no. 65-22357 (such documents, the “**Water Rights Documents**”); and

WHEREAS, the Board of Directors has reviewed the Water Rights Documents and determined it is in the best interests of the Company for the Water Rights Documents to be filed with the Idaho Water Resource Board; it is

RESOLVED, that the Water Rights Documents are hereby ratified, confirmed, and approved; and further

RESOLVED, that Peter Lewis, as a Board Member and acting Treasurer of the Company (the “**Authorized Officer**”), is hereby authorized and directed, in the Company’s name and on its behalf, to negotiate, execute and deliver the Water Rights Documents, together with any and all other instruments, applications, certificates, and other documents to be executed in connection with the Water Rights Documents and/or submitted by the Company to the Idaho Water Resource Board (together with the Water Rights Documents, the “**Transaction Documents**”) as shall appear desirable or appropriate for the Company, and to approve such changes to the Water Rights Documents as the Authorized Officer shall approve, the execution and delivery by the Authorized Officer of such Transaction Documents to be conclusive evidence of approval thereof; and further

RESOLVED, that the Authorized Officer is hereby authorized and directed to take, or cause to be taken, any and all such additional actions as appear desirable or appropriate to the Authorized Officer in order to complete the Company’s filings with the Idaho Water Resource Board.

General Authorization

RESOLVED, that the officers of the Company are authorized and directed to take all actions necessary or appropriate to carry out the foregoing resolutions.

Attachment 4G

MEMORANDUM

To: Water Right File Nos. 65-8702, 65-8703, and 65-22475

From: Monica Van Bussum

Date: October 31, 2012

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

PURPOSE/NARRATIVE: On September 13, 2012, the Department received applications to lease water rights 65-8702, 65-8703, and 65-22475 from January 1, 2013 to January 1, 2018. Release date was changed to December 31, 2017.

AUTHORITY TO FILE: The applications were signed by David P Papiez, Controller and Asset Manager for Tamarack Resort LLC.

WATER RIGHT VALIDITY: Partial decrees were issued for 65-8702 and 65-8703 on October 31, 2000 and for 65-22475 on March 7, 2003. All three(3) rights were accepted in the Water Supply Bank on October 26, 2004 and RELEASED from the Bank on October 31, 2010, so forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the leases 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.

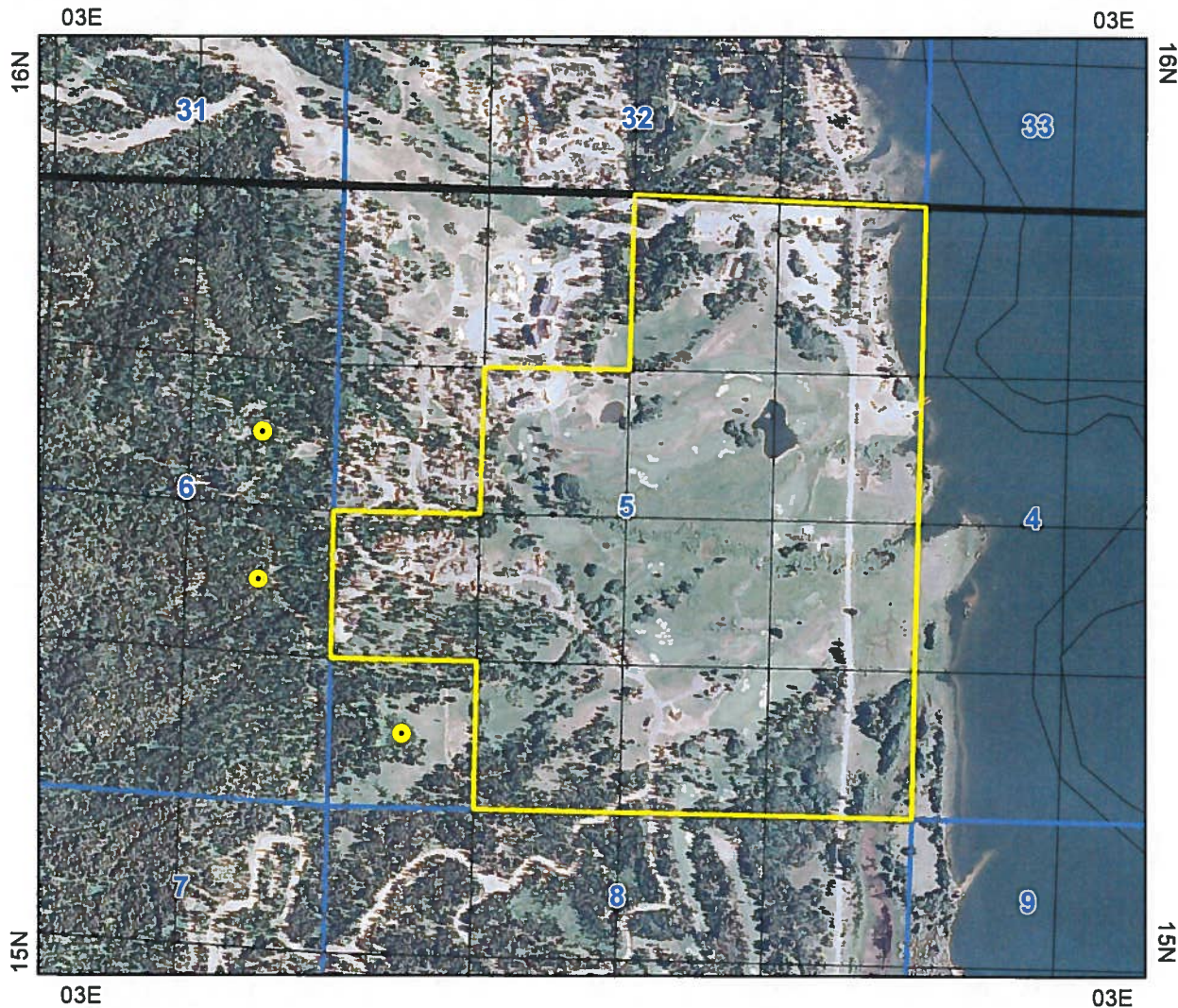
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:
The lease appears consistent with the conservation of water resources in Idaho.

State of Idaho
Department of Water Resources

Water Right 65-22475

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 0.175 0.35 0.7 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 1, 2018

TAMARACK HOMEOWNERS ACQUISITION CO LLC
311 VILLAGE DR
TAMARACK ID 83615-5014

**RE: WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHTS 65-8702, 65-8703,
and 65-22475**

Dear Lessor:

Water rights **65-8702, 65-8703, and 65-22475** were leased into the Water Supply Bank (Bank) as of December 29, 2017, 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: Angie Grimm - IDWR Western Region
Ron Shurtleff - Water District 65
Michael Lawrence - Givens Pursley

Hersley, Jean

From: Grimm, Angie
Sent: Tuesday, February 20, 2018 12:50 PM
To: Hersley, Jean
Subject: RE: WSB Lease for Tamarack Homeowners Acquisition Co

Jean,

Tamarack Homeowners Acquisition Co also has a pending permit application (65-23750) Erik Boe is processing to cover use not licensed under permit no. 65-22357, which overlaps the POU of the rights proposed for lease. This really has not effect on the lease of the rights into the bank (as you noted in your review regarding overlapping permit 65-22357), but I thought I'd mention it. However, no local area concerns come to mind regarding lease of rights 65-8702, 65-8703, and 65-22475. 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: Hersley, Jean
Sent: Tuesday, February 13, 2018 3:26 PM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>; Ron Shurtleff <waterdist65@srvinet.com>
Subject: WSB Lease for Tamarack Homeowners Acquisition Co

Please let me know within 7 days if you have any comments or concerns with the attached leases. 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 14, 2018

TAMARACK HOMEOWNERS ACQUISITION CO LLC
311 VILLAGE DR
TAMARACK ID 83615

RE: APPLICATIONS TO LEASE WATER RIGHT 65-8702, 65-8703 & 65-22475 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 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

Enclosure: Proposed Lease Contracts

c: Givens Pursley LLP

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, February 13, 2018 3:26 PM
To: Grimm, Angie; Ron Shurtleff
Subject: WSB Lease for Tamarack (continued)
Attachments: Idled Acres 65-22475.pdf; Lease Application Review 65-22475.xls; Report - Lease Contract - 759.docx

Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, February 13, 2018 3:26 PM
To: Grimm, Angie; Ron Shurtleff
Subject: WSB Lease for Tamarack Homeowners Acquisition Co
Attachments: Idled Acres 65-8702.pdf; Idled Acres 65-8703.pdf; Lease Application Review 65-8702 65-8703.xls; Report - Lease Contract -758.docx

Please let me know within 7 days if you have any comments or concerns with the attached leases. Thank you.

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

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Tamarack Homeowners Acquisition Co LLC

Memo Date: February 13, 2018

Water Right Number(s): 65-22475

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)	
2		Reason for lease of water rights (Brief description of lease proposal in narrative)	
		Portion of right	
	☒	All of right	
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)	
5		Authority to file	
	☒	Current owner or designated applicant	
		SOS Web site checked for business entity	
		Other (explain in comments)	
6		Water Right validity	
		Decreed/Licensed/Statutory claim date (write in comments section)	2003
		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?	
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	
	☒	Complete a POU comparison overlap analysis	
	☒	Complete a combined limits review	
	☒	Complete POD overlap analysis (if there is an overlap add condition to lease)	
		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)	
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?	
	☒	Send the watermaster comment request form or e-mail request	
11		Area Headgate requirement (write in Comments)	3
12		Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments	x
13		Narrative: The Department received these applications on December 29, 2017. The applicant wishes to place the entire right in the Bank. The application was signed by Peter Lewis, Director. This right was decree in 2003. It was placed in the Bank in 2004-2010 and again in 2013 to 2017 along with 65-8702 and 65-8703. Forfeiture is not an issue. This right is within the service area of municipal permit 65-22357 but the application states the land is not going to receive any water. This right is currently within WD 65.	

No. W 170872	Due no later than Aug 31, 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. TAMARACK HOMEOWNERS ACQUISITION COMPANY LLC TAMARACK HOMEOWNERS ACQ'N.CO.. 311 VILLAGE DRIVE TAMARACK ID 83615-5014 USA		STEPHEN J LORD 409 W JEFFERSON ST BOISE ID 83702			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	JAN LOCHTENBERG	311 VILLAGE DR PMB 3003	TAMARACK	ID	USA	83615-5014
MANAGER	BOB FULLMER	311 VILLAGE DR PMB 3003	TAMARACK	ID	USA	83615-5014
MANAGER	LOUISE FRANCESCONI	311 VILLAGE DRIVE PMB 3003	TAMARACK	ID	USA	83615-5014
MANAGER	PETER LEWIS	311 VILLAGE DRIVE PMB 3003	TAMARACK	ID	USA	83615-5014
5. Organized Under the Laws of: ID W 170872		6. Annual Report must be signed.* Signature: STEPHEN J LORD Date: 10/15/2017 Name (type or print): STEPHEN J LORD Title: ASS'T SEC'Y, COMPANY COUNSEL				
Processed 10/15/2017		* Electronically provided signatures are accepted as original signatures.				

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300

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Brian J. Holleran
Kersti H. Kennedy

Neal A. Kaskella
Debra K. Kristensen
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Emily G. Mueller
Deborah E. Nelson

RECEIVED

JAN 04 2018

DEPARTMENT OF
WATER RESOURCES

Randall A. Peterman
Jack W. Relf
Michael O. Roe
Jamie Caplan Smith
P. Mark Thompson
Jeffrey A. Warr
Robert B. White

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

January 4, 2018

Via Hand Delivery

Shelley Keen
Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Tamarack Homeowners Acquisition Company LLC – Water Supply Bank
Applications Attachment 4G

Dear Shelley,

This letter follows up on my December 29, 2017 letter to you with which I submitted, among other things, three Water Supply Bank (“WSB”) applications on behalf of Tamarack Homeowners Acquisition Company LLC (“THAC”) for water right nos. 65-8702, 65-8703, and 65-22475.

It has come to my attention that Attachment 4G, which is referenced in each application’s items 4.F and 4.G, was inadvertently excluded from each submission. Accordingly, I am enclosing with this letter three copies of Attachment 4G—one for each WSB application. Please update each application file with this documents.

I apologize for any inconvenience this might have caused. Please do not hesitate to contact me if you have any questions about any of THAC’s filings.

Sincerely,



Michael P. Lawrence

Shelley Keen
January 4, 2018
Page 2

MPL:lg

cc: Garrick Baxter, Deputy Attorney General (via email)
Jeff Peppersack, IDWR (via email)
Stephen J. Lord, Esq. (via email)
Peter Lewis, THAC (via email)

Enclosures