

RECEIVED

FEB 20 2018

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 737

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

LESSOR: CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
50 E NORTH TEMPLE ST 12TH FLOOR EAST
SALT LAKE CITY, UT 84150-0012

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 January 8, 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)
25-14350	8/19/1952	GROUND WATER	0.04	10.4	2.6
Combined Lease Totals			0.04	10.4	2.6

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, 2018. 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 NO. 737

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 NO. 737

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

LESSOR: CORP OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST
OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST 12TH FLOOR EAST
SALT LAKE CITY, UT 84150-0012

By Matt Danks
Title Water Resource
Date 2/15/17

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 2/21/2018

Lease approved by IDWR By WDR

Date 2-21-2018

WATER SUPPLY BANK LEASE CONTRACT NO. 737

**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 737**

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): 25-14350

GROUND WATER NWNWNW Sec. 29 Twp 04N Rge 39E JEFFERSON County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
25-14350	IRRIGATION	04/01	to	10/31	0.04 cfs	10.4 AF
Totals:					0.04 cfs	10.4 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	39E	29						2.6											2.6

Total Acres: 2.6

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 NO. 737

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 when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

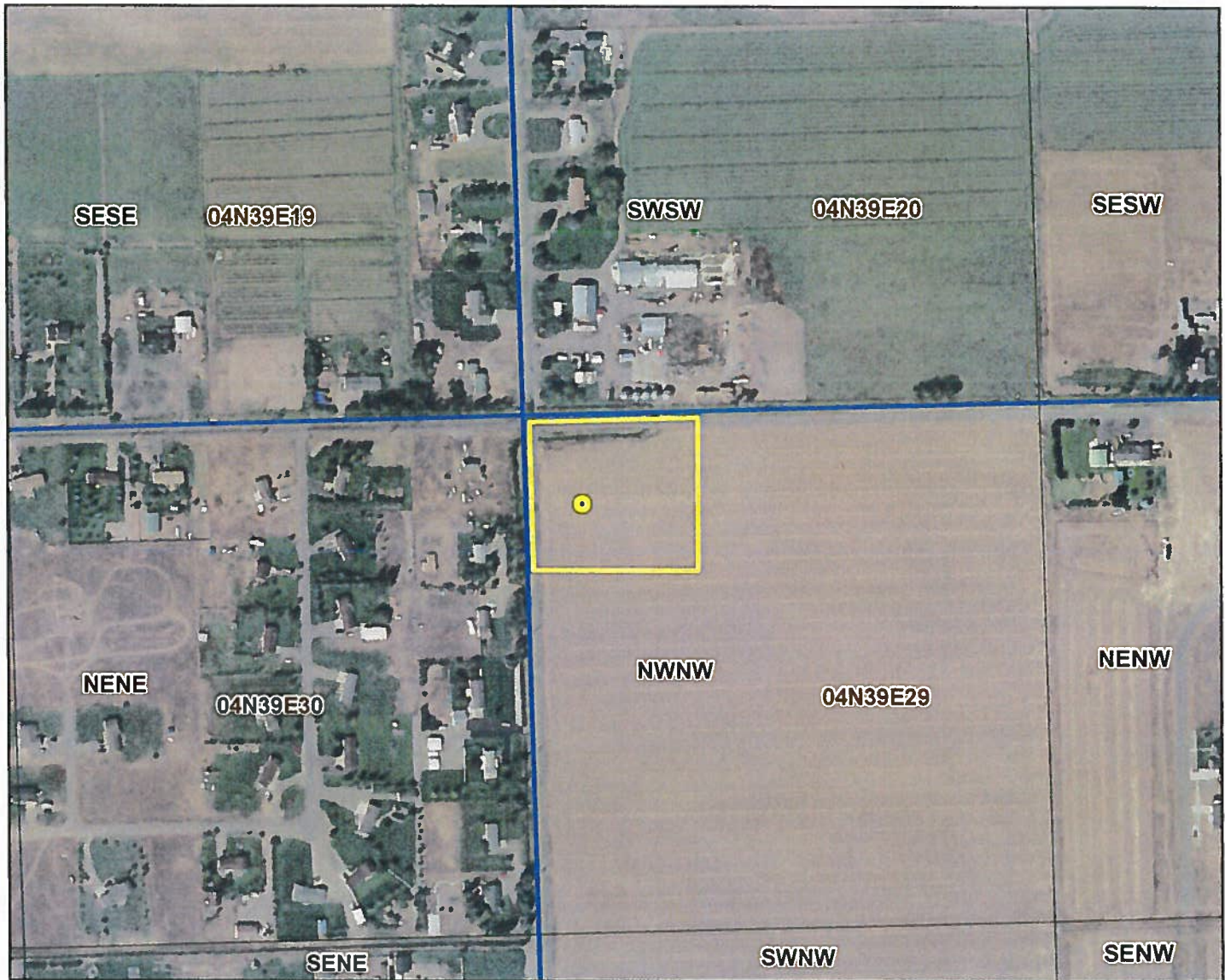


Idaho Water Resource Board
Water Supply Bank Lease Contract No. 737

25-14350

Effective until December 31, 2018

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



0 500 1,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 08 2018

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Designated Applicant

Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation

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

Water Right No. 25-14350

(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: TPDate Received: 1/8/2018Receipt # C104513W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

978

W9 on file

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 Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints

Mailing Address 50 E. North Temple St, 12th Floor East, Salt Lake City Utah 84150-0012
Street City State Zip Code

Email Address mpdavidson@ldschurch.org Phone Number (801) 240-3840

☒ 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 Matthew Davidson Organization Corp of the Presiding Bishop of LDS Church

Professional Title Water Resources Manager Email Address mpdavidson@ldschurch.org

Mailing Address 50 E. N. Temple St., 12 Fl E. Salt Lake City, UT 84150 Phone Number (801) 240-3840

☒ 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.
This water right was part of a transfer (77446) for use at a new chapel to be constructed. The Chapel is planned to be under construction in 2018 and to be finished in the fall of 2019.

- 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. _____

- 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 property is currently being leased to a local farmer. The irrigation water is being supplied from the South Rigby Canal Company and the Burgess Canal Company

- 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. The water right was previously owned and used by the Idaho Water Co. LLC which was assigned to WR #35-14155

- 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 ☐
This water right was previously part of WR #35-14155 and was transferred (77446) for use at this future chapel site.

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: 1 ^{M.D.} to 2 ^{M.D.} (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

Printed Name

Date



Matthew Davidson

12/29/20017

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). 25-14350

	Designated Applicant	Applicant #2	Applicant #3
Name	Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation with		
Mailing Address	Meetinghouse Facilities, 12th Floor, 50 E. North Temple, Salt Lake City, UT 84150		
Phone Number	(801) 240-3840		
Email Address	MPDavidson@ldschurch.org		
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

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

<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
25-14350	Irrigation	0.04	10.4	2.6
	Total Amounts:	0.04	10.4	2.6

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
04N	39E	29		NW	NW	NW	Jefferson

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

October 22, 2015

Attachment 1D

SPECIAL PROJECTS DEPARTMENT

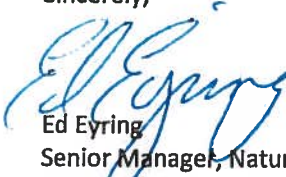
Real Estate Services Division
50 East North Temple Street
Salt Lake City, Utah 84150-0012
Phone: 1-801-240-2915
Facsimile: 1-801-240-2913

To Whom It May Concern:

Matthew Davidson, Professional Engineer (P.E.) was hired by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah corporation sole (Church), in November of 2010 to manage water related issues for the Church. As an employee, Matt has been authorized by the Church to sign in behalf of and for, all water related applications, change applications, extensions of time, and water right proofs.

As the manager of the Natural Resource Section, in the Real Estate Services Division, Special Projects Department, please accept this letter of explanation of approval to sign on the Church's behalf.

Sincerely,



Ed Eyring
Senior Manager, Natural Resource Services
Real Estate Services Division – Special Projects
Department





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

February 21, 2018

CORP OF THE PRESIDING BISHOP
50 E NORTH TEMPLE ST 12TH FL EAST
SALT LAKE CITY UT 84150-0012

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 25-14350

Dear Lessor:

Water right **25-14350** was leased into the Water Supply Bank (Bank) as of January 8, 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, 2018**, 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,


Deborah Fudd
Water Supply Bank

Enclosure: Executed Lease Contract

c: James Cefalo - IDWR Eastern Region/Water District 120



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

February 14, 2018

CORP OF THE PRESIDING BISHOP
OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 3 NORTH TEMPLE ST 12TH FL EAST
SALT LAKE CITY UT 84150-0012

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS FOR
WATER RIGHT 25-14350**

*****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 January 30, 2018. The signed contracts have not been returned to the Department.

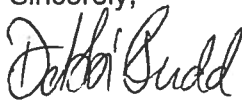
Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

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



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

January 30, 2018

CORP OF THE PRESIDING BISHOP
OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST 12TH FLOOR EAST
SALT LAKE CITY UT 84150-0012

RE: APPLICATION TO LEASE WATER RIGHT 25-14350 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, 2018**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

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

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

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

Sincerely,


for Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C104513

MEMORANDUM

To: Water Right No. 25-14350

From: Rachael Smith

Date: January 25, 2018

Re: Review of Application to Lease Water Rights to the Water Supply Bank

PURPOSE/NARRATIVE:

On January 8, 2018 The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, (the Church) submitted an application to lease all of water right 25-14350 into the Bank. They intend to use the water for a new chapel that has not yet been constructed. The application stated that the chapel is planned to be under construction in 2018 and to be completed in the fall of 2019. The right will be leased into the bank to prevent forfeiture.

AUTHORITY TO FILE: According to the Jefferson County 2016 parcel data the CPB OF LDS CHURCH owns the property at the place of use. Matthew Davidson signed the lease application. There is a letter dated October 22, 2015 in the water right files from the Church of Jesus Christ of Latter-day Saints which authorizes Mr. Davidson to manage water related issues for the Church, including all water related applications.

WATER RIGHT VALIDITY: Parent right 35-14069 was decreed in 2002. That right was split and transferred to 35-14155. In 2011 Idaho Water Company LLC of Eden Idaho, filed transfer 77446. The result was a change from basin 35-14155 to 25-14350. The Church filed a notice of change in ownership in 2012. On October 19, 2015, the Church submitted a *Request for Extension of Time to Complete Transfer* for transfer 77446. The extension of time allowed the Church until October 7, 2016 to accomplish the transfer. The transfer was not completed so the right was placed in the Bank from January 1- December 31, 2017. At this time, the transfer has still not been completed so the applicant would like to lease the right to the bank for an additional year (2018).

The application states that the land at the transfer (water supply bank lease) place of use is currently leased to a farmer and the South Rigby Canal and Burgess Canal companies supply irrigation water to the place of use.

INJURY TO OTHER WATER RIGHTS: No injury apparent at this time.

ENLARGEMENT OF USE: No enlargement is evident by leasing the right to the bank and making the right rentable. The water rights currently used for irrigation have never been used in conjunction with water right 25-14350 and the water right placed in the bank is a result of a transfer from a different location.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: These right(s) are subject to Water District # 120. The watermaster did not have any concerns or comments for the lease. The right is located within the Eastern Snake Plain Aquifer Trust Area.

Smith, Rachael

From: Cefalo, James
Sent: Friday, January 26, 2018 12:33 PM
To: Smith, Rachael
Subject: RE: Water Supply Bank Lease

Rachael,

I do not have any concerns or comments for the proposed WSB lease.

James

From: Smith, Rachael
Sent: Thursday, January 25, 2018 10:05 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: Water Supply Bank Lease

Good morning,

I have attached a review memo and map for a WSB Lease Application.
Please let me know if you have any comments or concerns regarding this lease.

Thank you,

Rachael Smith
Idaho Dept of Water Resources
322 E. Front Street
Rachael.Smith@idwr.idaho.gov
208.287.4912

Field, Christine

From: Matthew Paul Davidson <mpdavidson@ldschurch.org>
Sent: Wednesday, January 17, 2018 3:41 PM
To: Field, Christine
Subject: RE: Lease Date Confirmation Needed

Sorry this email got buried.

Just do the lease for 1 year.

Thanks.

Matthew Davidson | P.E., Water Resources
NATURAL RESOURCES SERVICES - SPECIAL PROJECTS DEPARTMENT
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS | CORP. OF PRESIDING BISHOP
50 East North Temple Street, 12th Floor | Salt Lake City, UT 84150-0012
Phone: 801-240-3263 | Cell: 801-835-2547 | E-mail: mpdavidson@ldschurch.org

From: Field, Christine [mailto:Christine.Field@idwr.idaho.gov]
Sent: Tuesday, January 9, 2018 2:49 PM
To: Matthew Paul Davidson <mpdavidson@ldschurch.org>
Subject: Lease Date Confirmation Needed

Dear Mr. Davidson,

I am writing to you regarding the Lease Application submitted on behalf of Corporation of Presiding Bishop of Jesus Christ Latter Day Saints for Water Right 25-14350.

The ID Dept. of Water Resources needs the actual year(s) you would like this Water Right to be leased into the Water Supply Bank.

Currently listed on the application is 1 to 2 years. Example would be 2018 – 2019 for 2 years or if just 1 year 2018 to 2018.

Once we have your reply to the lease date confirmed, we can continue processing your lease application.

Kind regards,

Christine Field
Water Supply Bank Support