

WATER SUPPLY BANK LEASE CONTRACT No. 709

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

LESSOR: VINTAGE PROPERTIES LLLP
PO BOX 1486
BOISE, ID 83701

RECEIVED

JAN 08 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 22, 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)
65-2706	12/23/1961	PAYETTE RIVER, tributary to SNAKE RIVER	0.12	10.5	NA
Combined Lease Totals			0.12	10.5	NA

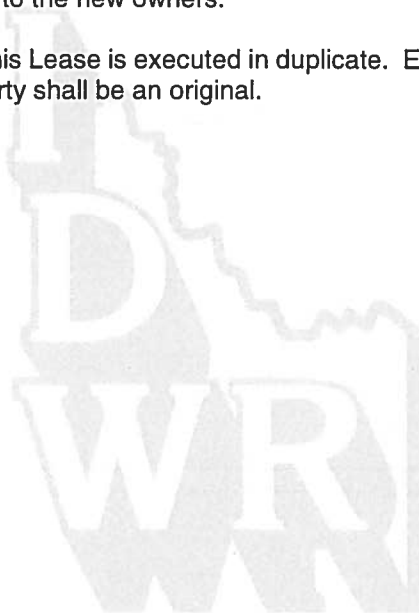
2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

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. 709

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. 709

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

LESSOR: VINTAGE PROPERTIES LLLP

PO BOX 1486

BOISE, ID 83701

By

Title

Date

B. [Signature]

RESIDENT EXECUTIVE MANAGEMENT, INC.; GENERAL PARTNER -
VINTAGE PROPERTIES LLLP

1/5/10

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By

B. [Signature]
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

1/10/2018

Lease approved by IDWR

[Signature]

Date

1-10-2018

10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of 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. 709

65-2706

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



0 500 1,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 22 2017

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Vintage Properties LLLP

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

Water Right No. 65-2706

(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 <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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 <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>TP</u>	Date Received: <u>12/22/2017</u>	Receipt # <u>C104448</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Vintage Properties LLLP</u>	

946
950

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 Vintage Properties LLLP

Mailing Address P.O. Box 1486 Boise Idaho 83701
Street City State Zip Code

Email Address rthompson@powderriver.com Phone Number 208-345-9325

☒ 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 Randy Thompson Organization Executive Management, Inc.

Professional Title President Email Address rthompson@powderriver.com

Mailing Address P.O. Box 1486, Boise, Idaho 83701 Phone Number 208-345-9325

☒ 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.
Pump station to underground pipe to place of use

- 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. 65-2622 (companion WSB lease application being filed contemporaneously with this one)

- 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. City water will continue to be used to satisfy existing uses of the property.

- 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. Both water rights have been leased to the Water Supply Bank since January 2009.

- 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)

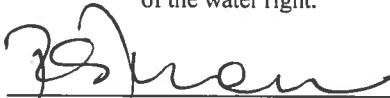
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

Randy Thompson
Printed Name

12/22/17
Date

Signature of Authorized Representative

Printed Name

Date

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

CERTIFICATE OF LIMITED PARTNERSHIP

To the: STATE OF IDAHO SECRETARY OF STATE
CORPORATIONS DIVISION

PHONE: (208) 334-5355 FAX: (208) 334-2282
700 WEST JEFFERSON, ROOM 203 • P.O. BOX 83720 • BOISE, ID 83720-0080



1. The name of the limited partnership is: Vintage Properties L.P.
(Must include, without abbreviation, the words "Limited Partnership.")

2. The name and business address of the registered agent are:

D. John Thornton, 1101 W. River, Suite 340, Boise, ID 83702
(not a P.O. Box)

3. The name and business address of each general partner are:

<u>Name</u>	<u>Address</u>
<u>Executive Management, Inc.</u>	<u>3366 Overland Road, Boise, ID 83705</u>

(If more space is needed, continue in item 5.)

4. The latest date on which the partnership will dissolve is: December 31, 2030
5. Other matters (optional):

Jan 2 1 35 PM '96

SECRETARY OF STATE
STATE OF IDAHO

6. Signatures of all general partners:

Executive Management, Inc.

By: Fred P. Thompson, Jr.

Fred P. Thompson, Jr., President

Secretary of State use only

IDAHO SECRETARY OF STATE

DATE 01/02/1996 0900 26656

12

CK #: 1415 CUST# 62202

LTD PTR DM

1@ 100.00= 100.00



AMENDMENT TO CERTIFICATE OR REGISTRATION OF LIMITED PARTNERSHIP

(instructions on back of application)

08 JAN -2 PM 3:17

SECRETARY OF STATE
STATE OF IDAHO

FILED EFFECTIVE

1. The name of the limited partnership is:

Vintage Properties L.P.

If the Limited Partnership has been administratively dissolved and the name is no longer available for use, #3a below must include an amendment of name.

2. The date of which its certificate or registration of limited partnership was filed with the Idaho

Secretary of State was 1/2/96 and its domestic state is: Idaho

3. The certificate of limited partnership is amended as follows: [check appropriate box(es)]

- ☒ a. The name of the limited partnership is amended to read:

Vintage Properties LLLP

- ☐ b. The name of each withdrawing general partner is:

- ☐ c. The name and business address of each new general partner is: (if more space is needed, continue in block g)

- ☐ d. The statement that this limited liability limited partnership is hereby deleted.

- ☒ e. This limited partnership [☒ is] [☐ is not] a limited liability limited partnership.

- ☐ f. The business of the limited partnership is continued following an event of withdrawal of a general partner.

- ☐ g. Other amendments (optional):

Signature of all general partners:

Signature

Typed Name

Executive Management, Inc.

Signature

Typed Name

Ann L. Thompson, President

Signature

Typed Name

Ann L. Thompson

Secretary of State use only

g:\compliance\form\amend lp.pptd
Revised 1/2/06

Web Form

IDAHO SECRETARY OF STATE
01/02/2008 05:00
CK: 1861 CT: 44531 BH: 1092521
1 @ 38.00 = 38.00 LP AMEND # 2

L2974



Department of State.

**CERTIFICATE OF INCORPORATION
OF**

EXECUTIVE MANAGEMENT, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Incorporation for the incorporation of _____

EXECUTIVE MANAGEMENT, INC.

duly signed pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

n Dated: January 15, 1985



Pete T. Cenarrusa

SECRETARY OF STATE

by: _____

'85 JAN 15 PM 3 21

ARTICLES OF INCORPORATION
OF
EXECUTIVE MANAGEMENT, INC.

SECRETARY OF
STATE

The undersigned, in order to form a corporation pursuant to the Idaho Business Corporation Act, certifies as follows:

ARTICLE I

The name of the corporation is EXECUTIVE MANAGEMENT, INC. ("Corporation").

ARTICLE II

The purposes for which this Corporation is organized are as follows:

To engage in any lawful activity or business for which corporations may be incorporated under the Idaho Business Corporation Act.

ARTICLE III

The Corporation shall have perpetual existence.

ARTICLE IV

The address of the initial registered office of the Corporation shall be 325 W. Idaho Street, Boise, Idaho 83702, and the name of its initial registered agent at such address is Lee B. Dillion.

ARTICLE V

The shares of stock to be issued by the Corporation shall consist of one class only, and the aggregate number of shares which the Corporation shall be authorized to issue shall be 50,000 shares of stock, each having a par value of \$1.00 per share. All shares of stock shall have the same rights in such Corporation and shall be nonassessable when paid in full.

ARTICLE VI

The name and post office address of the incorporator and organizer, who has named himself as the initial director to serve until the first election of directors of the Corporation, is as follows:

NAME:
Lee B. Dillion

ADDRESS:
325 West Idaho Street
Boise, Idaho 83702

ARTICLE VII

The private property of the stockholders of this Corporation shall not be subject to the payment of the corporate debts.

ARTICLE VIII

The Corporation reserves the right to amend, alter, change or repeal any provisions contained in these Articles of Incorporation in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders are granted subject to this reservation.

Dated: 1-15-85

Lee B. Dillion
Lee B. Dillion

No. C 77645 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Jan 31, 2018 Annual Report Form 1. Mailing Address: Correct in this box if needed. EXECUTIVE MANAGEMENT, INC. RANDALL S THOMPSON 3366 OVERLAND RD BOISE ID 83705	2. Registered Agent and Address (NO PO BOX) RANDALL THOMPSON 3366 W OVERLAND RD BOISE ID 83705 3. New Registered Agent Signature:*																																										
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional). <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>PRESIDENT</td> <td>RANDALL S THOMPSON</td> <td>3366 OVERLAND RD</td> <td>BOISE</td> <td>ID</td> <td>USA</td> <td>83705</td> </tr> <tr> <td>SECRETARY</td> <td>FRED P THOMPSON, JR</td> <td>3366 OVERLAND RD</td> <td>BOISE</td> <td>ID</td> <td>USA</td> <td>83705</td> </tr> <tr> <td>DIRECTOR</td> <td>CHARLOTTE J THOMPSON</td> <td>3366 OVERLAND RD</td> <td>BOISE</td> <td>ID</td> <td>USA</td> <td>83705</td> </tr> <tr> <td>DIRECTOR</td> <td>MARILEE T CLARKE</td> <td>3366 OVERLAND RD</td> <td>BOISE</td> <td>ID</td> <td>USA</td> <td>83705</td> </tr> <tr> <td>DIRECTOR</td> <td>ANN L THOMPSON</td> <td>3366 OVERLAND RD</td> <td>BOISE</td> <td>ID</td> <td>USA</td> <td>83705</td> </tr> </tbody> </table>			Office Held	Name	Street or PO Address	City	State	Country	Postal Code	PRESIDENT	RANDALL S THOMPSON	3366 OVERLAND RD	BOISE	ID	USA	83705	SECRETARY	FRED P THOMPSON, JR	3366 OVERLAND RD	BOISE	ID	USA	83705	DIRECTOR	CHARLOTTE J THOMPSON	3366 OVERLAND RD	BOISE	ID	USA	83705	DIRECTOR	MARILEE T CLARKE	3366 OVERLAND RD	BOISE	ID	USA	83705	DIRECTOR	ANN L THOMPSON	3366 OVERLAND RD	BOISE	ID	USA	83705
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5. Organized Under the Laws of: ID C 77645	6. Annual Report must be signed.* Signature: rsthompson Name (type or print): rsthompson Date: 11/27/2017 Title: President																																											
Processed 11/27/2017 * Electronically provided signatures are accepted as original signatures.																																												

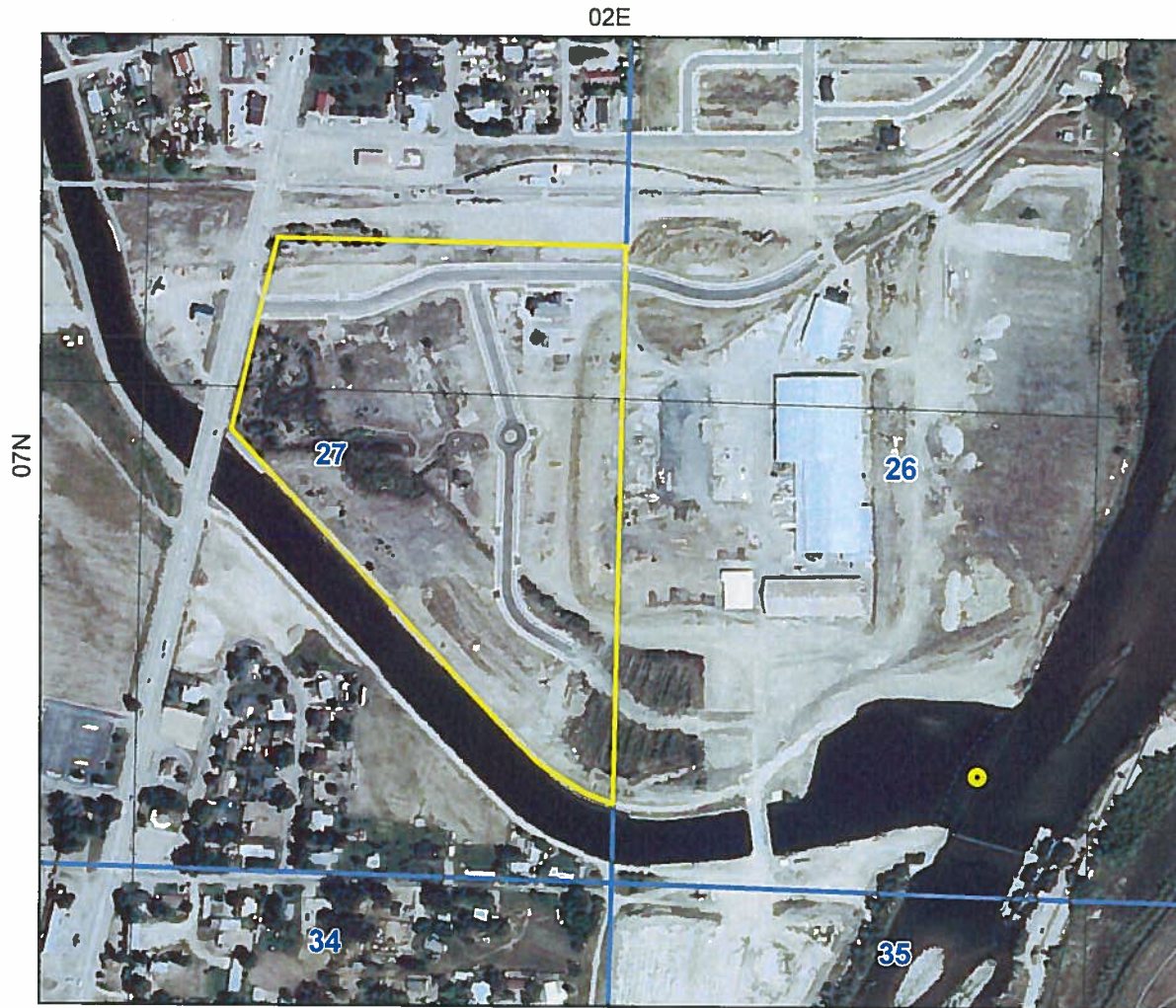
ATTACHMENT 3

State of Idaho
Department of Water Resources

Water Right 65-2706

INDUSTRIAL

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

January 11, 2018

VINTAGE PROPERTIES LLLP
PO BOX 1486
BOISE ID 83701

RE: WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHTS 65-2622 and 65-2706

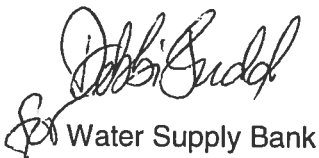
Dear Lessor:

Water rights **65-2622 and 65-2706** were leased into the Water Supply Bank (Bank) as of December 22, 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,



John Sudd
Water Supply Bank

Enclosure: Executed Lease Contract

c: Angie Grimm - IDWR Western Region
Ron Shurtleff - Water District 65
Dylan Lawrence - Varin Wardwell



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

December 28, 2017

VINTAGE PROPERTIES LLLP
PO BOX 1486
BOISE ID 83701

RE: APPLICATIONS TO LEASE WATER RIGHT 65-2622 and 65-2706 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,


Water Supply Bank

Enclosure: Proposed Lease Contracts
Receipt # C104447 & C104448

c: Varin Wardwell LLC

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, December 27, 2017 10:56 AM
To: 'dylanlawrence@varinwardwell.com'
Subject: Emailing: Vintage Properties WSB Lease Contracts
Attachments: Vintage Properties WSB Lease Contracts.pdf

These contracts will go out in tomorrow'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

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, December 27, 2017 10:58 AM
To: Grimm, Angie; Ron Shurtleff
Subject: WSB Lease Contracts for Vintage Properties LLLP
Attachments: Idled Acres 65-2622.pdf; Idled Acres 65-2706.pdf; Lease Application Review 65-2622.xls; Lease Application Review 65-2706.xls

Please let me know if you have any comments or concerns about these 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: Vintage Properties LLLP

Memo Date: December 27, 2017

Water Right Number(s): 65-2706

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)	2002
		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?	2004-2017
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	
	☒	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?	
	☒	Will the place of use continue to receive water? (if yes explain in comments)	City of Horseshoe Bend
9		Local Public Interest	
	☒	Does the processor know of any problems this action will cause for the local public?	
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)	4.5
12		Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments	x

13 **Narrative:** The Department received this application on December 22, 2017. The applicant wishes to place the right in the Bank through the 2022 season. This right was decreed in 2002 and has been in the Bank since 2004.. Water Right 65-2622 is an industrial storage right for the same place of use and is also being placed in the Bank. These rights should be rented together. City water will continue to be used to satisfy existing uses of the property. This right is currently within WD 65.

No. L 2974	Due no later than Jan 31, 2018 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. VINTAGE PROPERTIES LLLP PO BOX 1486 BOISE ID 83705		RANDALL THOMPSON 3366 W OVERLAND RD BOISE ID 83705			
				3. <u>New</u> Registered Agent Signature:*		
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
GENERAL PARTNER	RANDALL THOMPSON PRESIDENT EXECUTIVE MANAGEMENT, INC.	3366 OVERLAND RD	BOISE	ID	USA	83705
5. Organized Under the Laws of: ID L 2974		6. Annual Report must be signed.* Signature: rsthompson Date: 11/28/2017 Name (type or print): rsthompson Title: President of the General Partn				
Processed 11/28/2017		* Electronically provided signatures are accepted as original signatures.				



ATTORNEYS AT LAW

DYLAN B. LAWRENCE
DYLANLAWRENCE@VARINWARDWELL.COM

242 N. 8TH STREET, SUITE 220
P.O. Box 1676
BOISE, IDAHO 83701
P: 208.907.1529
F: 1.866.717.1758
VARINWARDWELL.COM

December 22, 2017

VIA HAND DELIVERY

Idaho Department of Water Resources
State Water Supply Bank
322 East Front Street
Boise, Idaho 83702-7374

RECEIVED
DEC 22 2017
DEPARTMENT OF
WATER RESOURCES

Re: Water Supply Bank Lease Application
Water Right No. 65-2706 (Vintage Properties LLLP)

Dear Sir or Madam:

I have enclosed with this letter an application to lease the above-referenced water right to the State Water Supply Bank (including Attachments 1B, 1D, and 3), along with the \$250 filing fee. Please process this application at your earliest convenience. If you have any questions or need anything else from the Applicant, please contact me directly.

Thank you for your attention to this matter.

Sincerely,

VARIN WARDWELL LLC

Dylan B. Lawrence

Enclosures

cc: Randy Thompson (*via e-mail*)

9/1/16 *950*