

WATER SUPPLY BANK LEASE CONTRACT No. 661

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

LESSOR: TERRA VIEW LLC
6401 W FLOATING FEATHER RD
EAGLE, ID 83616

RECEIVED

AUG 15 2017

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 July 26, 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)
63-11728	3/16/1992	GROUND WATER	2.0	684.0	152.0
Combined Lease Totals			2.0	684.0	152.0

** The water right elements rentable have been reduced from the water right elements leased to due to this right being supplemental.*

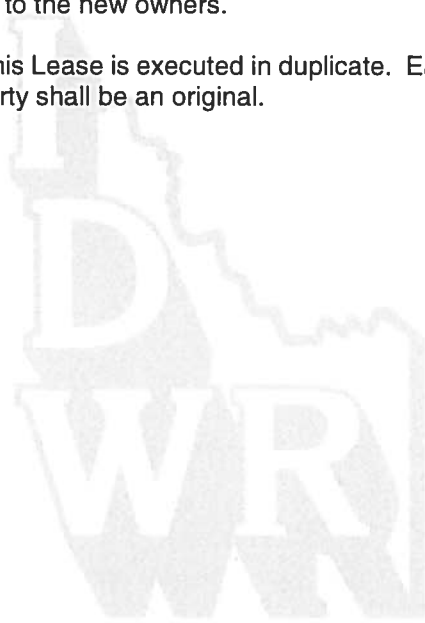
2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Not-Rentable

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2017 to December 31, 2021. 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. 661

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. 661

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

LESSOR: TERRA VIEW LLC

6401 W FLOATING FEATHER RD

EAGLE, ID 83616

By [Signature]

Title MEMBER

Date 8-14-2017

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

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

Date 8/15/2017

Lease approved by IDWR [Signature]

Date 8-15-2017

**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 661**

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 63-11728

GROUND WATER NESE Sec. 33 Twp 05N Rge 01W ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
63-11728	IRRIGATION	03/01	to	11/15	2.0 cfs	684.0 AF
Totals:					2.0 cfs	684.0 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	
05N	01W	33													38.0			37.0	75.0
05N	01W	34										39.0	38.0						77.0

Total Acres: 152.0

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 when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 684 af at the field headgate for the lands above.
13. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
15. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
16. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
17. This water right is being leased as un-rentable.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 661

63-11728

Effective until December 31, 2021

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

JUL 26 2017

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

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Terra View, LLC

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

Water Right No. 63-11728

(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 Internal Revenue Service (IRS) Form W-9 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 Section 42-222(2), Idaho Code . |

Department Use Only

Fee Amount \$ <u>500.00</u>	Received By: <u>dh</u>	Date Received: <u>7-26-17</u>	Receipt # <u>C103888</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Terra View LLC</u>	

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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 Terra View, LLC

Mailing Address 6401 W. Floating Feather Rd, Eagle, ID 83616

Street City State Zip Code

Email Address Justin@Legacyidaho.com

Phone Number 208-286-9344

- ☒ 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 Justin Martin

Organization _____

Professional Title Member

Email Address Justin@Legacyidaho.com

Mailing Address 6401 W. Floating Feather Rd, Eagle, ID 83616

Phone Number 208-286-9344

- ☐ 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.
Groundwater

- 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. Ditch water supplied by Farmers Union Ditch Co

- 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. Farmers Union Ditch

- 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. Amounts vary based on surface water delivery

- 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: 2017 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.

	Terra View LLC	
Signature of Designated Applicant	Printed Name	Date
	Justin Martin	7-24-2017
Signature of Authorized Representative	Printed Name	Date

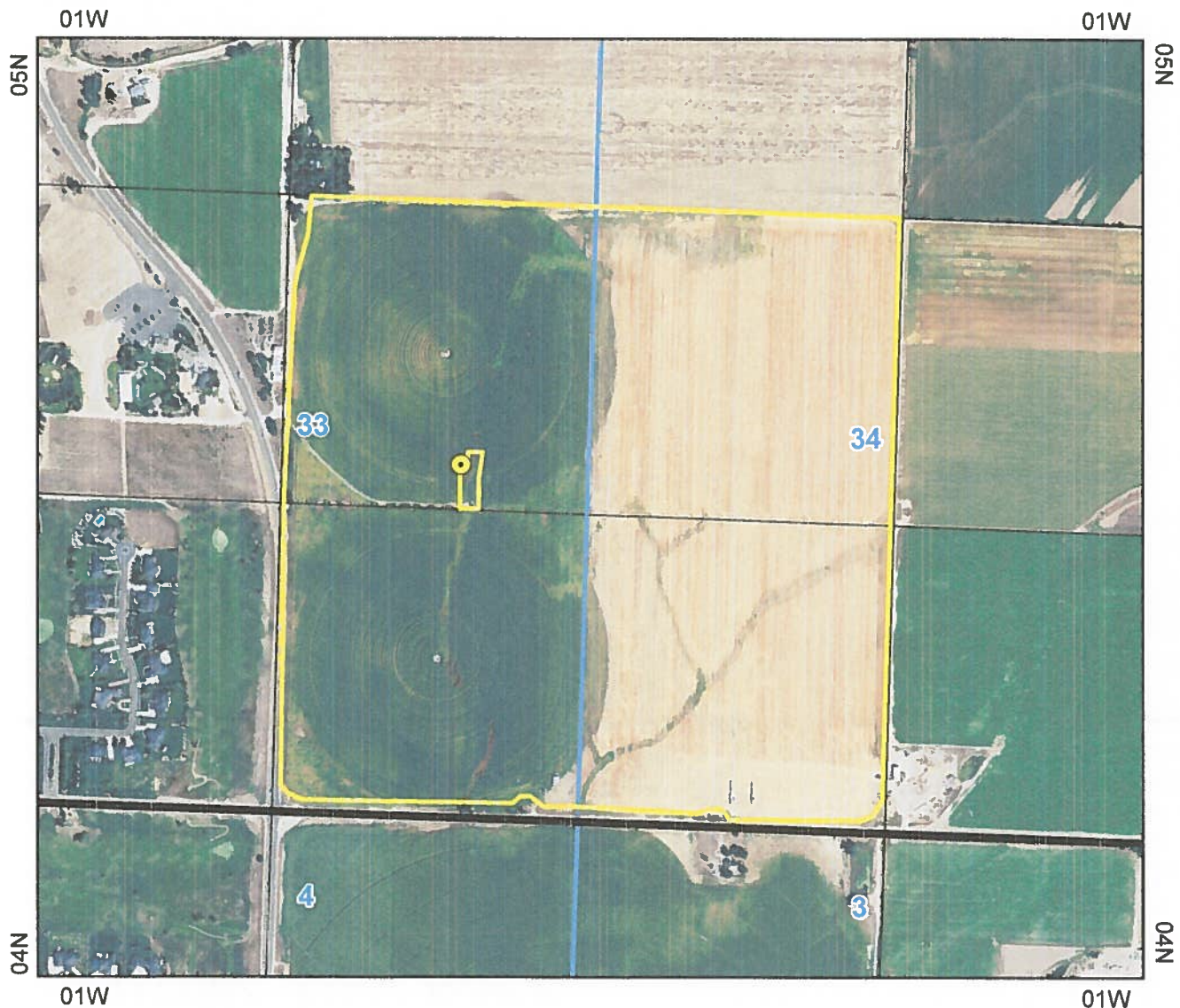
Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

State of Idaho
Department of Water Resources

Water Right 63-11728

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 0.075 0.15 0.3 Miles



Ada County Parcel Information



Parcel ID #: S0333417200
Property Addr: 8040 W Beacon Light Rd
Eagle, ID 83616
Property Type: Agriculture
Owner Information
Owner Name: Terra View LLC
Second Owner:
Mail Addr: 3858 N Garden Center Way
Boise, ID 83700

Assessor Information
Legal Desc: PAR 7200 OF E2SE4 SEC 33 5N 1W
#410000-B
Subdivision: 5n 1w 33
Lot/Block: /
Section: 33
Acres: 79.5400
Irrigation Dist: FARMERS UNION DITCH
Tax Code Area: 05-72
Levy Rate 2015: N/A
Levy Rate 2016: 0.011387991
Levy Rt Change:
Zoning: City of Eagle-MU-DA
Homeowner Exemption: \$0

Treasurer Information

Year: 2014	Tax: \$1,055
Year: 2015	Tax: \$1,200
Year: 2016	Tax: \$1,140

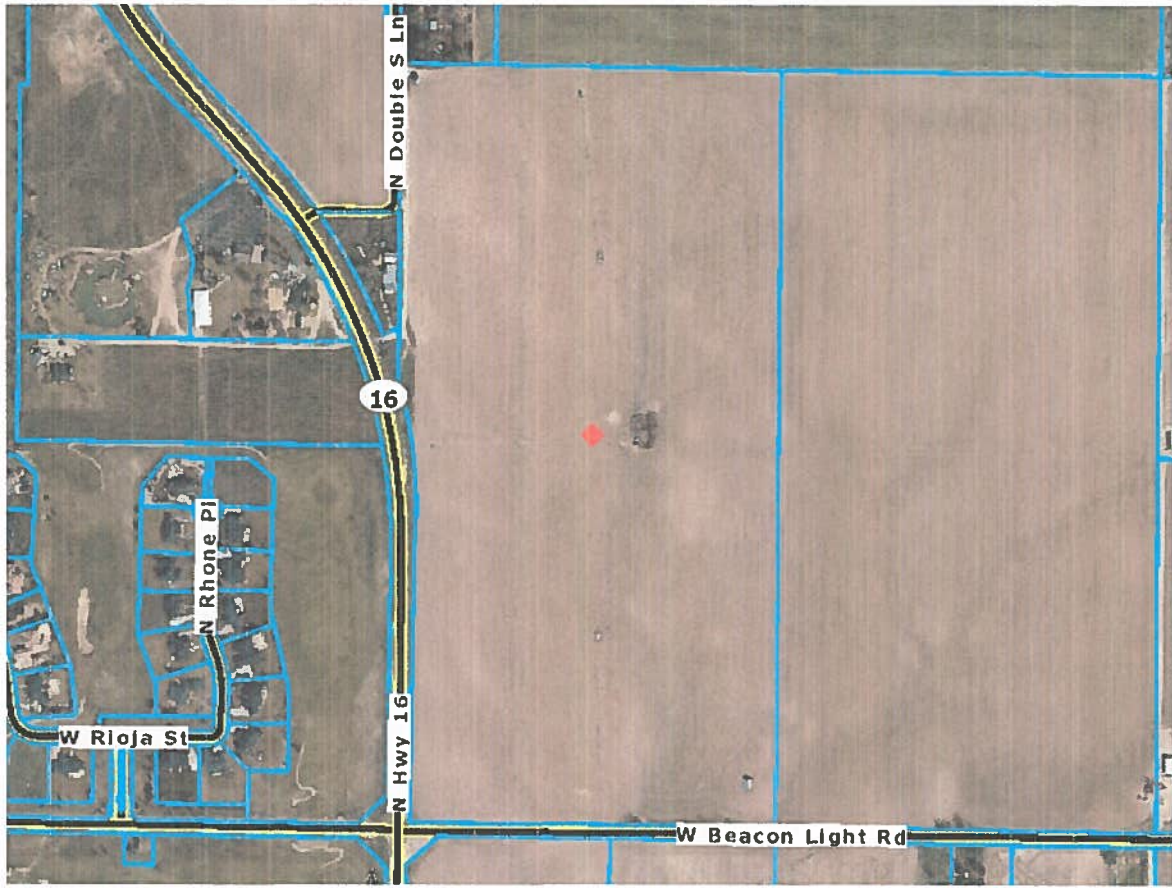
Assessor Categories

Year	Cat.	Description	Acres	Value
2016	10	IRRIGATED AG	77	\$96,900
2016	190	WASTE LAND	2.54	\$
2016	320	IMPROVEMENTS OTHER THAN RESIDENTIAL	0	\$3,200
Totals:				79.54 \$100,100

Residential Characteristics

Main Floor: 0	Deck Sq Ft: 0	Bedrooms: 0	Fireplace: 0
Lower Floor: 0	Lower Floor Unfin: 0	Bathrooms: 0	Car Storage Sq Ft: 0
Upper Floor: 0	Patio Sq Ft: 0	Patio Covered: N	Pool Sq Ft: 0
Attic Fin: 0	Attic Unfin: 0	Year Built: 0	Porch Sq Ft: 0
Basement: 0	Basement Unfin: 0	Year Remodeled: 0	Heating: N
Total Sq Ft: 0	Total Unfin: 0		AC: N

Tax information is provided courtesy of the Assessor's office and is for reference use only. We make no guarantee as to the accuracy of the information, and it's subject to change without notice. Please contact the Assessor's office with any questions regarding current or future tax estimates.



Ada County Parcel Information

Parcel ID #:	S0334320000
Property Addr:	W Beacon Light Rd Eagle, ID 83616
Property Type:	Agriculture
Owner Information	
Owner Name:	Terra View LLC
Second Owner:	
Mail Addr:	3858 N Garden Center Way Boise, ID 83700
Assessor Information	
Legal Desc:	W2SW4 SEC 34 5N 1W
Subdivision:	5n 1w 34
Lot/Block:	/
Section:	34
Acres:	80.0000
Irrigation Dist:	FARMERS UNION DITCH
Tax Code Area:	05-72
Levy Rate 2015:	N/A
Levy Rate 2016:	0.011387991
Levy Rt Change:	
Zoning:	City of Eagle-MU-DA
Homeowner Exemption:	\$0

TitleOne
a title & escrow co.

Ada County Assessor

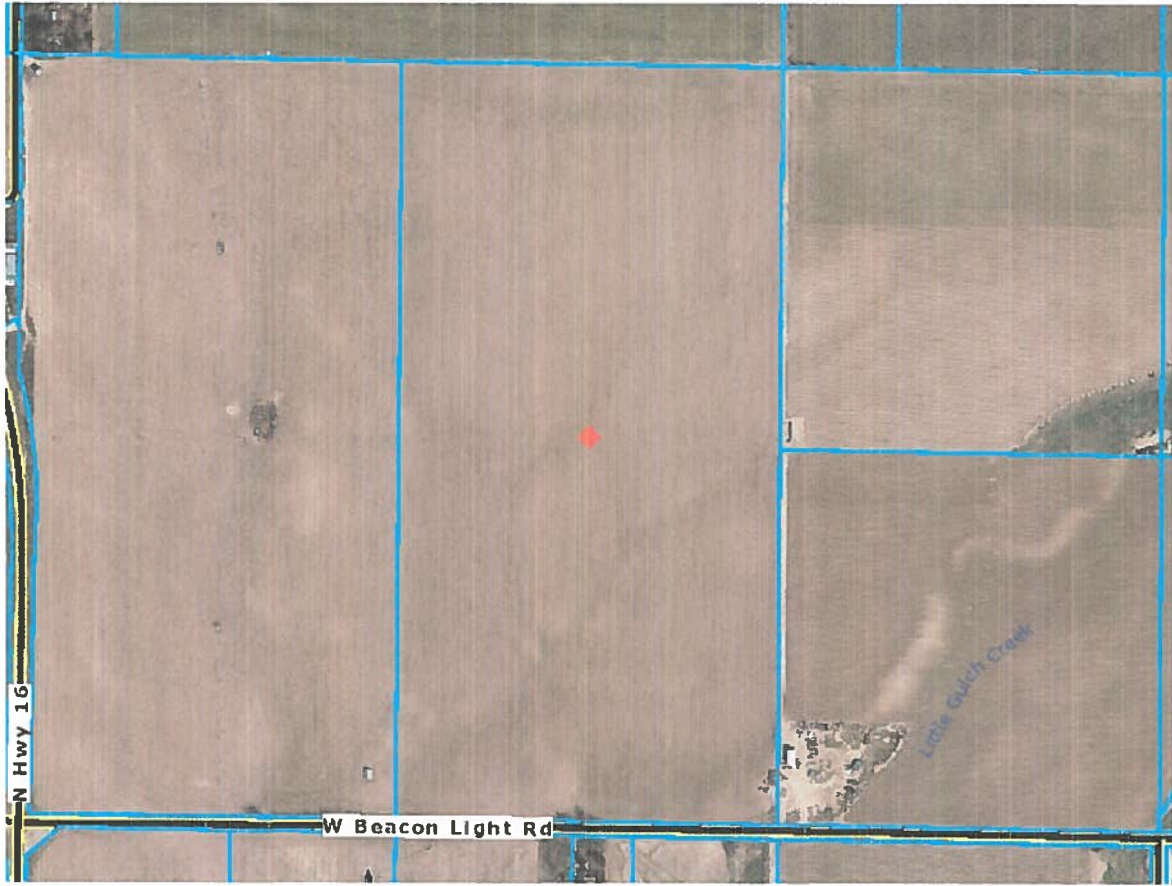
**Treasurer Information**

Year:	2014	Tax:	\$721
Year:	2015	Tax:	\$795
Year:	2016	Tax:	\$798

Assessor Categories

Year	Cat.	Description	Acres	Value
2016	10	IRRIGATED AG	75	\$69,900
2016	50	DRY GRAZING	4	\$200
2016	190	WASTE LAND	1	\$
Totals:			80	\$70,100

Tax information is provided courtesy of the Assessor's office and is for reference use only. We make no guarantee as to the accuracy of the information, and it's subject to change without notice. Please contact the Assessor's office with any questions regarding current or future tax estimates.





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

August 16, 2017

TERRA VIEW LLC
6401 W FLOATING FEATHER RD
EAGLE ID 83616

RE: WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHTS 63-11728 and 63-33859

Dear Lessor:

Water rights **63-11728 and 63-33859** were leased into the Water Supply Bank (Bank) as of July 26, 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, 2021**, 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

Enclosure: Executed Lease Contract

c: Angie Grimm - IDWR Western Region

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

August 11, 2017

TERRA VIEW LLC
6401 W FLOATING FEATHER RD
EAGLE ID 83616

RE: APPLICATIONS TO LEASE WATER RIGHT 63-11728 & 63-33859 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, 2021**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

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

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

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

Sincerely,

for Jean Hershey
Water Supply Bank

Enclosure: Proposed Lease Contracts
Receipt # C103888

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Terra View LLC

Memo Date: August 11, 2017

Water Right Number(s): 63-33859

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

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

Narrative: The Department received this application on July 26, 2017. The applicant wishes to place the entire right in the Bank. This is a supplemental right to surface water rights from Farmers Union Ditch Co. An email was sent letting the applicant know this right would be unrentable and the right is considered protected as long as beneficia use is accomplished. The applicant still wishes to place the water right in the Bank. The place of use will continue to receive water from Farmer's Union Ditch Co. This right is not currently within a WD.

**CONSENT OF MANAGER OF
TERRA VIEW, LLC**

The undersigned, being the sole Manager of Terra View, LLC, an Idaho limited company (the "**Company**"), does hereby consent to, and adopt and approve in writing the following actions, without a meeting:

RESOLVED, that Marty Goldsmith is hereby authorized to borrow funds from such commercial banking institutions as he deems advisable for the operation of the Company's affairs, and is further authorized to establish deposit accounts with such commercial banking institutions as he deems advisable for the operation of the Company's affairs; and further

RESOLVED, that Marty Goldsmith is hereby authorized to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds deposited with such commercial banking institutions as he deems advisable for the operation of the Company's affairs; and further

RESOLVED, that Justin Martin is authorized to execute any and all documents required to be signed in the process of development on behalf of Terra View, LLC.

IN WITNESS WHEREOF, the undersigned has hereunto executed this instrument as of the 18th day of September, 2015.

DEVELOPERS SERVICES, INC.

By 

Brian F. McColl, its President

No. W 154959	Due no later than Aug 31, 2016 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. TERRA VIEW, LLC 3858 N GARDEN CENTER WAY STE 200 BOISE ID 83703		BRIAN F MCCOLL 3858 N GARDEN CENTER WAY STE 200 BOISE ID 83703			
			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	DEVELOPERS SERVICES, INC.	3858 N GARDEN CENTER WAY STE 200	BOISE	ID	USA	83703
5. Organized Under the Laws of: ID W 154959		6. Annual Report must be signed.* Signature: Brian F McColl Name (type or print): Brian F McColl Date: 06/21/2016 Title: Registered Agent				
Processed 06/21/2016		* Electronically provided signatures are accepted as original signatures.				

Hersley, Jean

From: Justin Martin <Justin@legacyidaho.com>
Sent: Thursday, August 10, 2017 2:07 PM
To: Hersley, Jean
Cc: Ashley Young
Subject: RE: WSB Lease Applications for 63-11728 & 63-33859-Terra View LLC

Jean,

Please continue with the leasing even though they will not be rentable.

Thanks

Justin Martin
Brahma LLC
208-890-0451

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Thursday, August 03, 2017 8:53 AM
To: Justin Martin <Justin@legacyidaho.com>
Subject: WSB Lease Applications for 63-11728 & 63-33859-Terra View LLC

Dear Justin,

The Department is preparing to review your applications to place water rights 63-11728 & 63-33859 in the water supply bank. You stated the lands appurtenant to these water rights would continue to be irrigated with water from Farmer's Union Ditch. Since you will continue to irrigate the lands appurtenant to these rights, these rights are protected as long as beneficial use is accomplished under the surface water.

Your options are:

1. to continue with leasing the water rights to the Bank, however, they would be un-rentable since they are supplemental to the surface water rights.
2. Withdraw the applications with a full refund of your filing fee.

Please let me know how you would like to continue. Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 03, 2017 8:53 AM
To: 'Justin Martin'
Subject: WSB Lease Applications for 63-11728 & 63-33859-Terra View LLC

Dear Justin,

The Department is preparing to review your applications to place water rights 63-11728 & 63-33859 in the water supply bank. You stated the lands appurtenant to these water rights would continue to be irrigated with water from Farmer's Union Ditch. Since you will continue to irrigate the lands appurtenant to these rights, these rights are protected as long as beneficial use is accomplished under the surface water.

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1. to continue with leasing the water rights to the Bank, however, they would be un-rentable since they are supplemental to the surface water rights.
2. Withdraw the applications with a full refund of your filing fee.

Please let me know how you would like to continue. Thank you.

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