

DEC 23 2016

DEPARTMENT OF
WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT No. 352**

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

LESSOR: BELLEVUE FARMS
LANDOWNERS ASSN
PO BOX 774
BELLEVUE, ID 83313

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 October 28, 2016.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-21863	3/24/1883	BIG WOOD RIVER, tributary to MALAD RIVER	0.138	54.70	27.70
37-21880	7/10/1884	BIG WOOD RIVER, tributary to MALAD RIVER	0.002	0.80	27.70
37-21897	9/18/1885	BIG WOOD RIVER, tributary to MALAD RIVER	0.012	4.80	27.70
37-21914	6/12/1886	BIG WOOD RIVER, tributary to MALAD RIVER	0.002	0.80	27.70
37-21931	6/15/1891	BIG WOOD RIVER, tributary to MALAD RIVER	0.165	65.50	27.70
37-21976	9/25/1954	GROUND WATER, tributary to	0.590	86.10	24.60
Combined Limit Totals			0.909	96.95	27.70
Combined Lease Totals			0.909	96.95	27.70

SUPPORT DATA

IN FILE # 37-21863

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
*37-21863	0.110	43.76	22.16	0.005	1.97
*37-21880	0.001	0.60	22.16	0.000	0.03
*37-21897	0.010	3.84	22.16	0.000	0.17
*37-21914	0.001	0.60	22.16	0.000	0.03
*37-21931	0.132	52.40	22.16	0.006	2.36
37-21976	0.590	86.10	24.60	0.024	3.50
Combined Limit Totals	0.909	96.95	27.70	0.033	3.50

** The water right elements rentable have been reduced from the water right elements leased to account for conveyance losses of 20%.*

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, 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.
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.

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

LESSOR: BELLEVUE FARMS LANDOWNERS
ASSN, *Inc*
PO BOX 774

BELLEVUE, ID 83313

By

Title

Date

Tracy Suncap
President
12/21/2016

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

Brian Patton
12/28/2016

Lease approved by IDWR

Date

Angela
12-28-2016

**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 352**

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

Source and Location of Point(s) of Diversion for Water Right No(s): 37-21863, 37-21880, 37-21897, 37-21914, 37-21931

BIG WOOD RIVER NESWNW Sec. 36 Twp 02N Rge 18E BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-21976

GROUND WATER SESW Sec. 7 Twp 01N Rge 19E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-21863	IRRIGATION	04/15	to	10/31	0.138 cfs	54.70AF
37-21880	IRRIGATION	04/15	to	10/31	0.002 cfs	0.80 AF
37-21897	IRRIGATION	04/15	to	10/31	0.012 cfs	4.80 AF
37-21914	IRRIGATION	04/15	to	10/31	0.002 cfs	0.80 AF
37-21931	IRRIGATION	04/15	to	10/31	0.165 cfs	65.50 AF
37-21976	IRRIGATION	04/15	to	10/31	0.590 cfs	86.10 AF
Totals:					0.909 cfs	96.95 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

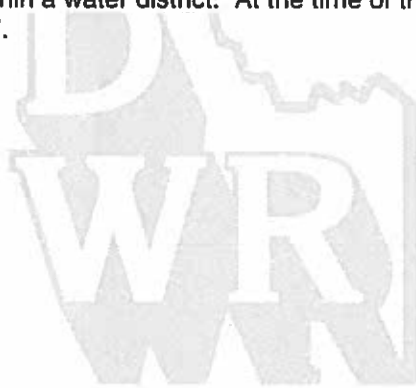
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	7							0.2 L2			2.9 L3	4.2 L4	2.5			4.4		14.2
01N	19E	18		4.8			3.7	5.0 L1											13.5

Total Acres: 27.7

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).

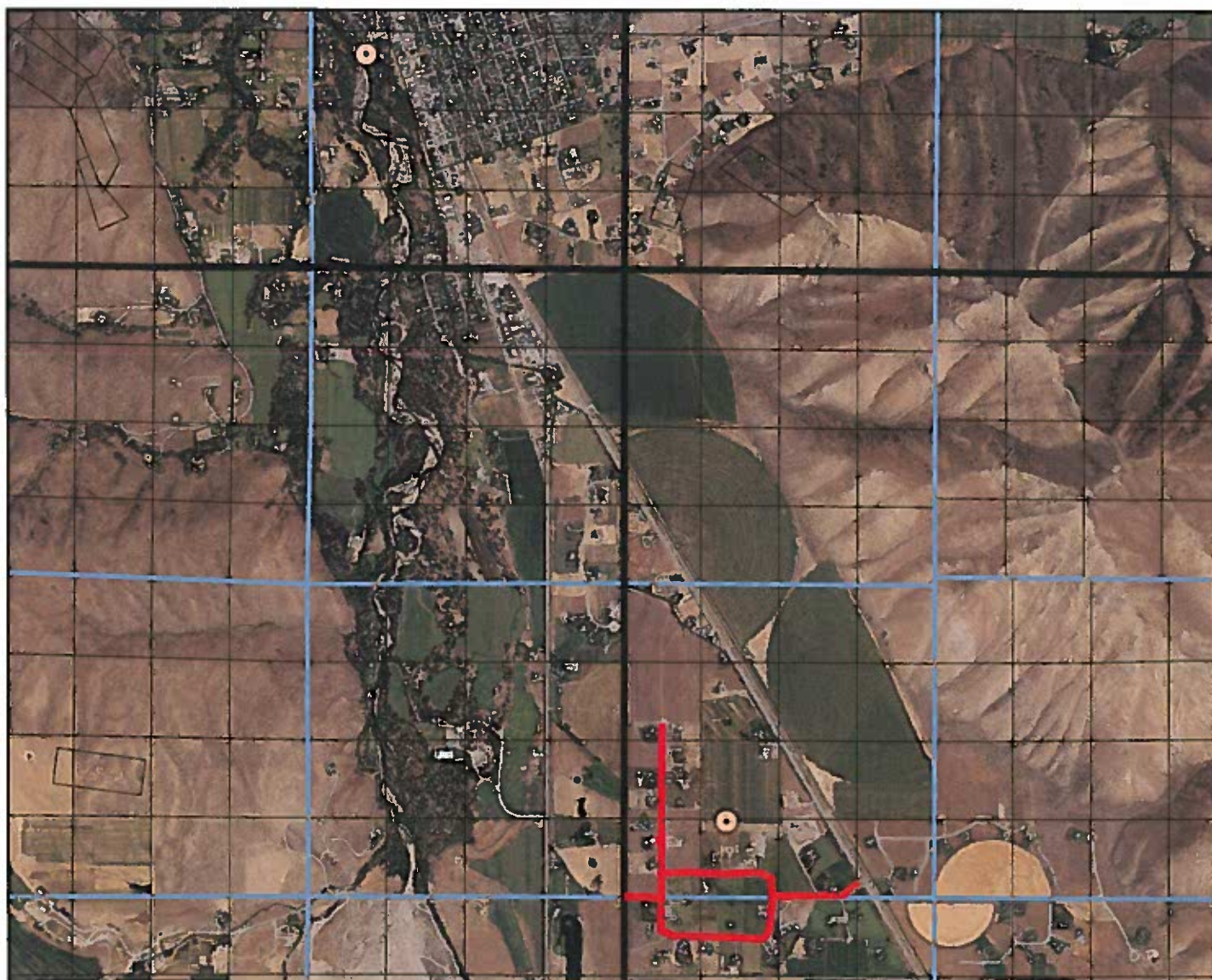
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in 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. Use of water under this right will 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. 37.



Idaho Water Resource Board
Water Supply Bank Lease

37-21863, 37-21880, 37-21897, 37-21914, 37-21931 and 37-21976
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 0.25 0.5 Miles

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKRECEIVED
OCT 28 2016
DEPARTMENT OF
WATER RESOURCESDesignated Applicant Bellevue Farms Landowners' Association, Inc.
(Select one owner – see item 1A on the application)Water Right No. 37-21863
(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 \$ <u>500</u>	Received By: <u>VC</u>	Date Received: <u>10/28/16</u>	Receipt # <u>C102646</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Bellevue F LA</u>	

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 Bellevue Farms Landowners' Association, Inc.

Mailing Address P.O. Box 774 Bellevue ID 83313
Street City State Zip Code

Email Address tracy@hdlaw.biz Phone Number (208) 788-4931

☒ 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 Roxanne Brown Organization SPF Water Engineering, LLC

Professional Title Sr. Water Rights Specialist Email Address rbrown@spfwater.com

Mailing Address 300 E. Mallard Dr., Suite 350, Boise, ID 83706 Phone Number (208) 383-4140

☐ 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.
Headworks from the Big Wood River and delivery canal are owned by District 45, Triangle Irrigation District, and Cove Irrigation District, maintained and operated by a board of control.
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976 (see attached copy of the SRBA decree issued in 2010 for the water right described in this application)

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The current places of use are the roadways, easements, and other non-irrigated areas of Bellevue Subdivision owned and/or maintained by the applicant.

- 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. Water rights were decreed in 2010, and were donated to the Wood River Basin Enhancement Water Supply Bank for the 2012 delivery season (see attached letter dated April 26, 2012 from the Basin 37 Watermaster).

- 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 2021 (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]
Signature of Designated Applicant

Tracy Dunlap, Director and Current President
Printed Name

10/4/2016
Date

[Signature]
Signature of Authorized Representative

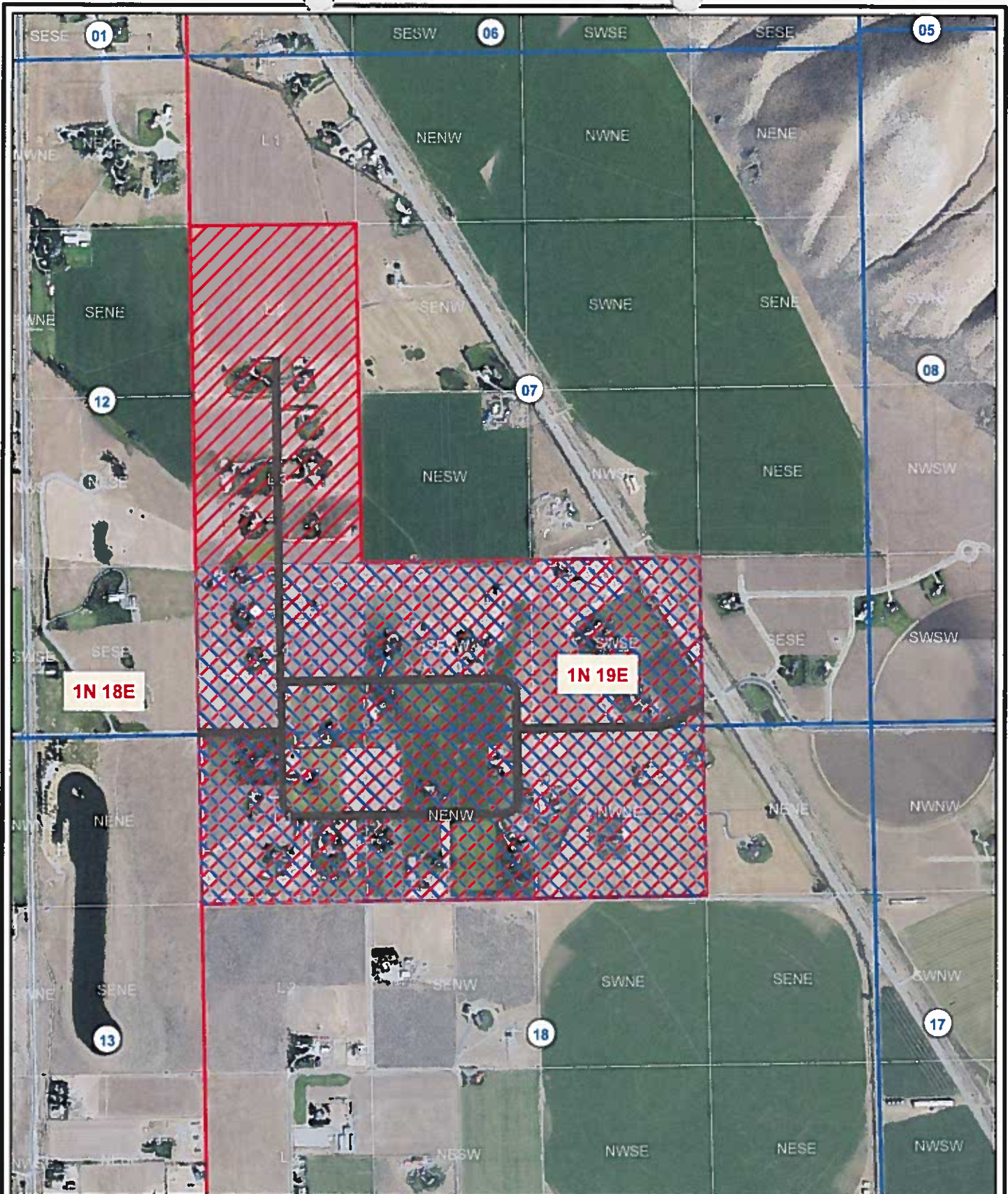
Roxanne Brown
Printed Name

10/28/2016
Date

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

ATTACHMENT 1D

No. C 66484	Due no later than Apr 30, 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.		STEVE WILSON 122 QUARTERHORSE BELLEVUE ID 83313			
	BELLEVUE FARMS LANDOWNERS ASSOCIATION, INC. GREG BLOOMFIELD PO BOX 774 BELLEVUE ID 83313		3. New Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
DIRECTOR	TOM JOCHUMS	P.O. BOX 896	BELLEVUE	ID	USA	83313
DIRECTOR	TRACY DUNLAP	BOX 644	BELLEVUE	ID	USA	83313
DIRECTOR	SCOTT PORTER	P.O. BOX 99	HAILEY	ID	USA	83333
TREASURER	GREG BLOOMFIELD	P.O. BOX 757	HAILEY	ID	USA	83333
SECRETARY	GREG BLOOMFIELD	P.O. BOX 757	HAILEY	ID	USA	83333
PRESIDENT	STEVE WILSON	122 QUARTERHORSE BOX 877	BELLEVUE	ID	USA	83313
DIRECTOR	JIM BLANDFORD	P.O. BOX 778	BELLEVUE	ID	USA	83313
DIRECTOR	JIM WHITE	P.O. BOX 367	BELLEVUE	ID	USA	83313
DIRECTOR	GARY FRUGARD	P.O. BOX 346	BELLEVUE	ID	USA	83313
DIRECTOR	JUDY CASH	P.O. BOX 880	BELLEVUE	ID	USA	83313
5. Organized Under the Laws of:		6. Annual Report must be signed.*				
ID C 66484		Signature: Maria Acosta Name (type or print): Maria Acosta		Date: 02/24/2016 Title: Secretary to the Board of BFLA		
Processed 02/24/2016		* Electronically provided signatures are accepted as original signatures.				



 Bellevue Farms Private Roadway
Water Right Place of Use

 37-21863, -21880, -21897, -21914, -21931

 37-21976

Bellevue Farms - IWSB Lease Application

27

0.25

 Miles

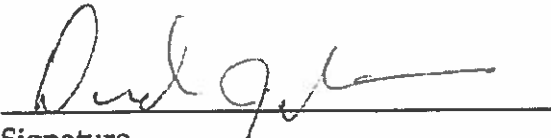


**CERTIFICATE OF ACTION TAKEN BY
THE WOOD RIVER VALLEY IRRIGATION DISTRICT #45**

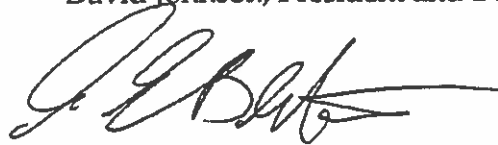
P.O. Box 2223
Hailey, Id 83333

The undersigned hereby certifies that at the Wood River Valley Irrigation District #45 meeting on October 18, 2016, The directors accepted the water bank application from BFLCA subject to and with the continuing condition of a 20% percent hold back in the system and on the further condition that there be no adverse impact on the minimum stream flow in the river and that carriage loss sufficient to convey water to the Wood River Valley Irrigation District #45 head gate must be left in the river if the water is to be leased upstream.

DATED: October 18th, 2016



Signature
David Johnson, President and Director



4A.1

TRIANGLE IRRIGATION DISTRICT

P.O. BOX 424

BELLEVUE, IDAHO 83313

At the Triangle Irrigation District Board meeting on October 11, 2016, the directors accepted the water bank application from Bellevue Farms HOA subject to and with the continuing condition of a 20% hold back in the system and on further condition that there be no adverse impact on the minimum stream flow in the river and that carriage loss sufficient to convey water to the Triangle Irrigation District head gate must be left in the river if the water is to be leased upstream.

Jural Gardner

4A.2

Roxanne Brown
SPF Water Engineering LLC
300 E Mallard Drive
Boise, Idaho 83706

Ms. Brown,

The Cove Irrigation District has reviewed the following request for approval of a water bank application.

- Owners: Bellevue Farms Landowners Association
- Tracy Dunlap, President, PO Box 774, Bellevue, Idaho 83313
- To lease all portions of their water rights 37-21880, 37-21863, 37-21897, 37-21914, 37-21931, 37-21976 (24.6 acres) to the WSB for the five year period starting in 2017 and ending in 2021

Cove Irrigation District approves this application subject to the following conditions:

1. If any of this water is leased from the water bank carriage loss sufficient to convey water to the CID headgates must be left in the river.
2. Carriage loss sufficient to convey water within the CID system without injury to other users must be left in the system – the minimum amount required is 20%.

There should be no impact on minimum stream flow.

Regards,


Jay Gove
Chair, Cove Irrigation District

4A.3

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21863

NAME AND ADDRESS: BELLEVUE FARMS LANDOWNERS ASSN
PO BOX 774
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.138 CFS 6.9"

PRIORITY DATE: 03/24/1983

POINT OF DIVERSION: T02N R18E S16 N85WN Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.138 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01N R19E S07 LOT 2	(SWNW) 0.2	LOT 3 (NWSW) 2.9
LOT 4	(SWSW) 4.2	SESW 2.5
	SWSE 4.4	
S18	NWNE 4.8	NENW 3.7
LOT 1	(NNNW) 5.0	
27.7 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Videman
Presiding Judge of the
Snake River Basin Adjudication

COPY OF H₂O DECREE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37M
107 WEST 1ST
SHOSHONE, IDAHO 83352
(208) 886-2451



Kevin Lakey
Watermaster

Bellevue Farms Landowner's Assoc.
P.O. Box 774
Bellevue, Idaho 83313

April 26, 2012

Water Right donor:

I am writing to inform you that the water rights you recently donated to the Wood River Basin Enhancement Water Supply bank (Legacy Project) have been accepted into the Bank for the 2012 delivery season. The Idaho Department of Water Resources has also been notified of this donation. If you have any further questions concerning these matters, you can contact this office using the information listed above. Thank you for your help and interest in Big Wood River conservation.

Respectfully,

A handwritten signature in cursive script, appearing to read "Kevin Lakey".

Kevin Lakey
Watermaster, Water Districts 37 & 37M



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

December 29, 2016

BELLEVUE FARMS LANDOWNERS ASSN
PO BOX 774
BELLEVUE ID 83313

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, and 37-21976

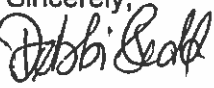
Dear Lessor:

Water rights 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, and 37-21976 were leased into the Water Supply Bank (Bank) as of October 28, 2016, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, 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 contract. 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 contract 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,


Debbie Gold
for Water Supply Bank

Enclosure: Executed Lease Contract

c: Roxanne Brown – SPF Water Engineering
Corey Skinner - IDWR Southern Region
Kevin Lakey – Water District 37
Wood River Valley Irrigation District 45
Triangle Irrigation District



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 19, 2016

BELLEVUE FARMS LANDOWNERS ASSN
PO BOX 774
BELLEVUE ID 83313

RE: APPLICATIONS TO LEASE WATER RIGHT 37-21863, 37-21880, 37-21897, 37-21914, 37-21931 and 37-21976 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, 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 Jan Hersley
Water Supply Bank

Enclosure: Proposed Lease Contracts
Receipt # C102646

c: SPF Water Engineering LLC

WATER SUPPLY BANK

Agent Lease Review Checklist

Applicant(s) Name: BELLEVUE FARMS LANDOWNERS ASSN

Memo Date: 12/19/16

Water Right Number(s): 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21916

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2010	2016
2011	2017
2012	2018
2013	2019
2014	2020

	Check box		COMMENTS/CONCERNS:
1	☒		Fill out WSB Data Entry Checklist for Leases
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
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)
			Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)
		☒	Has this right previously been leased to the bank or in CREP?
7			Injury to other water rights
	☒		If the POD is through a delivery entity, was consent provided?
			If the POD is through a delivery entity, was holdback required? (percentage in comments) 20%
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?
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 3.5
12		☒	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments
13			Narrative: The applicant wishes to place the entirety of all rights in the Bank. Tracy Dunlap, director, signed the applications. These rights were decreed in 2010 and were accepted into the Wood River Basin Enhancement Water Supply Bank for the 2012 season. Forfeiture is not an issue. The current POU for these rights is roadways, easements and other non-irrigated areas of Bellevue Subdivision. The Wood River Rights are delivered through the WRVIR 45 Canal. Consent from Irrigation District 45, Triangle Irrigation and Cove Irrigation Districts were submitted with the applications. There are several individual rights within the subdivision but none overlap with these rights. These rights are currently within WD 37.