

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

JUL 25 2016

DEPARTMENT OF
WATER RESOURCES

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

LESSOR: CARIBOU LANDS LLC
14400 N 76TH PL
SCOTTSDALE AZ 85260
480-368-5205

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. On May 19, 2016, the Lessor filed an application to lease the water right described below into the Water Supply Bank.
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 the 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 RIGHT:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water right described as follows:

Summary of Water Right or Portion Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
24-10700	12/15/1902	GROUSE CREEK	TIN CUP CREEK	0.49 cfs	91.35 af	24.5 ac

Lease Totals 0.49 cfs 91.35 af 24.5 ac

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, 2016 to December 31, 2020. 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. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

WATER SUPPLY BANK LEASE CONTRACT

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

CARIBOU LANDS LLC
14400 N 76TH PL
SCOTTSDALE AZ 85260

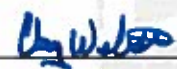
By 
Printed Name Keith J. Miller

Date 7/11/16
Title MANAGER

IDAHO WATER RESOURCE BOARD
322 EAST FRONT ST
PO BOX 83720
BOISE ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 7/26/2016

Lease approved by IDWR 

Date 7-26-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NO. 24-10700

The water right or portion thereof leased to the bank is described as follows:

Lessor: CARIBOU LANDS LLC
14400 N 76TH PL
SCOTTSDALE AZ 85260
480-368-5205

Location of Point(s) of Diversion for Water Right 24-10700

GROUSE CREEK	NENESW	Sec. 08, Twp 05S, Rge 46E, CARIBOU County
GROUSE CREEK	SESENW	Sec. 08, Twp 05S, Rge 46E, CARIBOU County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
24-10700	IRRIGATION	06/15 to 09/01		0.49 cfs	85.75 af
24-10700	WILDLIFE STORAGE	01/01 to 12/31		0.00 cfs	5.6 af
24-10700	RECREATION STORAGE	01/01 to 12/31		0.00 cfs	5.6 af
24-10700	FIRE PROTECTION STORAGE	01/01 to 12/31		0.00 cfs	5.6 af
Total:				0.49 cfs	91.35 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	46E	8			3.6				4.5	16.1	0.3								24.5

Total Acres: 24.5

Place of Use to be Idled Under This Lease: WILDLIFE STORAGE, RECREATION STORAGE & FIRE PROTECTION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	46E	8								X									

Conditions Applicable to Leased Water Right

1. The water right 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.

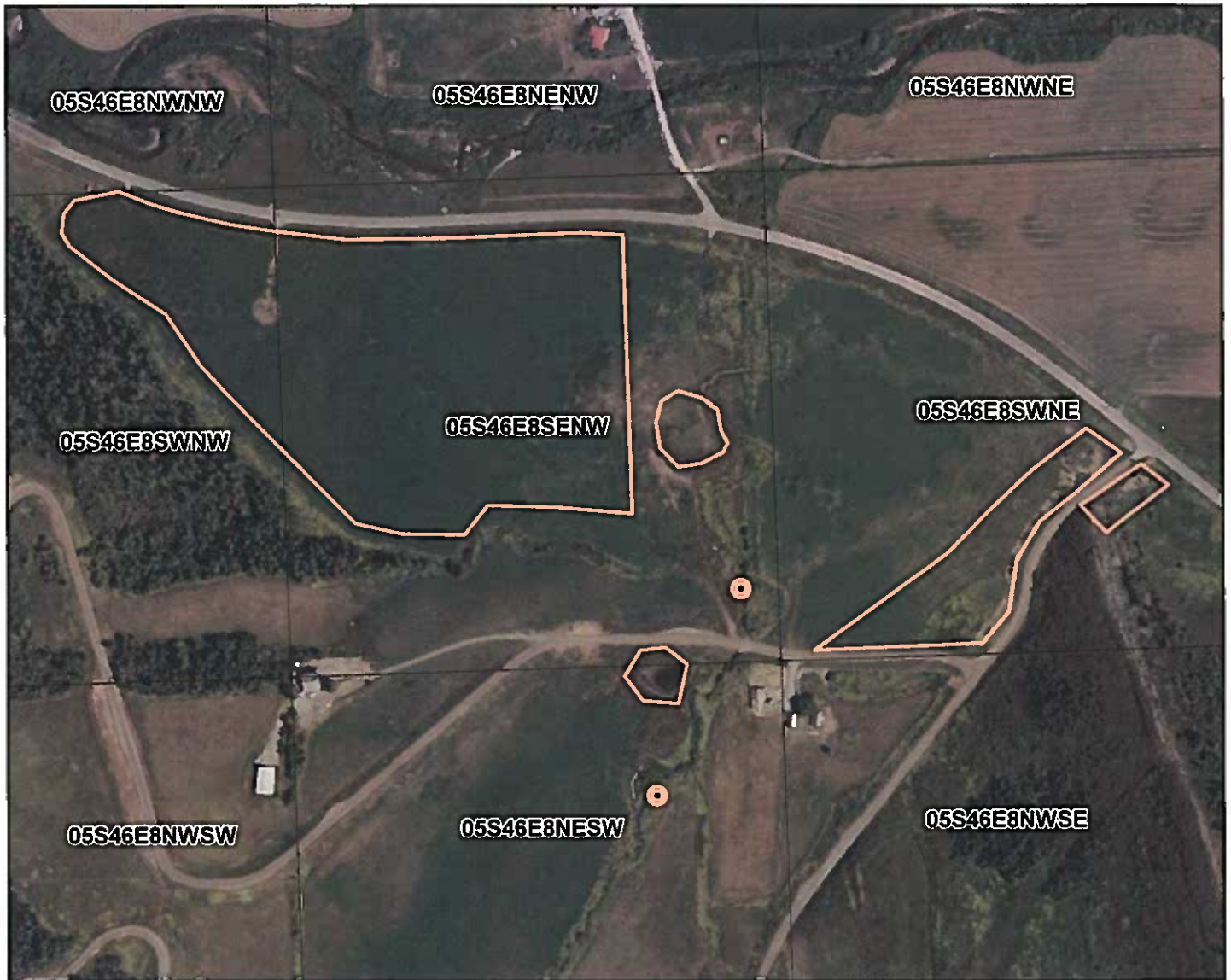
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause 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, nor does it improve the status of the right or accomplish the 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 after the following rental season.
11. The water right leased to the bank is 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 is 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. 01.
13. When combined with all other rights, the leased rights shall provide not more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
14. Right 24-10700 authorizes the diversion of an annual total of 5.6 acre-feet to be used for the initial filling of the pond and for the replacement of losses caused by evaporation from the pond and for replacement of losses caused by transpiration from riparian vegetation.
15. The pond established by the storage of water under this right shall not exceed a total capacity of 4.6 acre-feet or a total surface area of 0.7 acres.
16. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
17. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

Idaho Water Resource Board
Water Supply Bank Lease

24-10700

Effective until December 31, 2020

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 BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

RECEIVED

MAY 19 2016

DEPARTMENT OF
WATER RESOURCES

Designated Applicant

Caribou Lands LLC
(Select one owner - see item 1A on the application)

Water Right No.

24-10700
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.

Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.

Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment

N/A

Yes

1A

Signatures and contact information for *all owners* of the water right to be leased or sold on this application.

1B

An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.

1C

*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).

1D



Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.

2



Description of a water right portion offered to the Water Supply Bank.

3



A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.

4A



Written consent from irrigation district or water delivery company.

4G

Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 250.00Received By: AODate Received: 5-19-16Receipt # C102064W-9 received? Yes ☐ No ☒

(Route W-9 to Fiscal)

Name on W-9:

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 CARIBOU LANDS LLC
Mailing Address 14400 N 176TH PL. SCOTTSDALE AZ 85260
Street City State Zip Code
Email Address _____ Phone Number (480)-368-5205

☒ 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 _____ Organization _____
Professional Title _____ Email Address _____
Mailing Address _____ Phone Number _____

☐ 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.

Schuess Creek is diverted into ditches for irrigation

- 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. N/A

- 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. 0.550 CFS

- 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.

Transfer 75471 is being vacated, see attached withdrawal form

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: 2016 to 2020 (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.

Keith J. Miller
Signature of Designated Applicant

Keith J. Miller Mgr
Printed Name

3/31/16
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

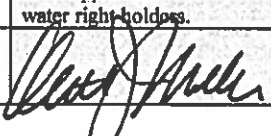
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name	CARIBOU LANDS LLC		
Mailing Address	14400 N 76 TH PL SCOTTSDALE AZ 85260		
Phone Number	480-368-5205		
Email Address	Keith@finelnet.com		
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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



State of Idaho

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

July 26, 2016

GARY SPACKMAN

Director

CARIBOU LANDS LLC
14400 N 76TH PL
SCOTTSDALE AZ 85260

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 24-10700

Dear Lessor:

Water right 24-10700 was leased into the Water Supply Bank (Bank) as of May 19, 2016, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank.** More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2020**, unless the right is released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water right may not be available for immediate release if it has been rented or is being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

 Water Supply Bank

Enclosure: Executed Lease Contract

c: James Cefalo - IDWR Eastern Region
Lyle Swank – Water District 01



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

July 8, 2016

CARIBOU LANDS LLC
14400 N 76TH PL
SCOTTSDALE AZ 85260

RE: APPLICATIONS TO LEASE WATER RIGHT 24-10700 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, 2020, unless the right is leased 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 Water Supply Bank

Enclosure: Proposed Lease Contracts
Receipt # C102064

Hersley, Jean

From: Mary Holladay <racememary@yahoo.com>
Sent: Sunday, July 03, 2016 8:41 PM
To: Hersley, Jean
Cc: Mary Holladay; Keith Miller
Subject: Re: WSB Lease Application for 24-10700

Please continue with the application, including storage. The ponds donot exist, they were filled in. No irrigation has taken place since the first transfer was filed. Please call Mike Holladay at 208-741-1483 if you have any questions. Thank you Mike H.

On Monday, June 27, 2016 11:29 AM, "Hersley, Jean" <Jean.Hersley@idwr.idaho.gov> wrote:

The Department is in the process of reviewing your application to lease water right 24-10700 to the Water Supply Bank. On the application, you indicated you wanted to place the entire right in the Bank. Does this include the storage portions of the right?

Aerial photography suggests that irrigation has taken place on approximately 20 acres of the place of use during the current irrigation season, 2016. If irrigation has taken place, we cannot lease this water right to the Bank. Please let me know how I should continue with this request. Thank you.

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

WATER SUPPLY BANK**Agent Lease Review Checklist**

Applicant(s) Name: Caribou Lands LLC

Memo Date: July 7, 2016

Water Right Number(s): 24-10700

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2009	2015
2010	2016
2011	2017
2012	2018
2013	2019

	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)	2008
		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)	%
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 proposes to place the entire right in the Bank. This includes: wildlife, recreation and fire protection storage as well as irrigation. This right was decreed in 2008 and aerial photography suggests irrigation took place in 2015. Forfeiture is not an issue. The applicant claims no irrigation has taken place since the first transfer was filed, in 2009. The irrigated acres described in Transfer No. 77234, approved in 2011, include the irrigation of wetland vegetation, which could explain why the land is green.	

No. W 51142	Due no later than May 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. CARIBOU LANDS LLC CRAIG EMMERSON 14400 N 76TH PL SCOTTSDALE AZ 85260		KEN KREIS 10580 W CRANBERRY CT BOISE ID 83704			
			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	CRAIG EMMERSON	14400 N 76TH PL	SCOTTSDALE	AZ		85260
MANAGER	KEITH J MILLER	14400 N 76TH PL	SCOTTSDALE	AZ		85260
5. Organized Under the Laws of: ID W 51142		6. Annual Report must be signed.* Signature: CRAIG EMMERSON Name (type or print): CRAIG EMMERSON Date: 03/21/2016 Title: MANAGER				
Processed 03/21/2016		* Electronically provided signatures are accepted as original signatures.				



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 13, 2016

CARIBOU LANDS LLC
14400 N 76TH PL
SCOTTSDALE, AZ 85260

RE: WITHDRAWAL OF APPLICATION FOR TRANSFER OF WATER RIGHTS 75471

Dear Applicant:

Water right 24-10700 was decreed in March 2008 for irrigation from Schiess Creek. On November 12, 2009 you filed an Application for Transfer of Water Right no. 75471. According to the application, you intended to add a point of diversion, change the place of use and the nature of use. The transfer was approved on July 20, 2010. I have enclosed a copy of the approved transfer. The transfer modified the water right to include irrigation, as well as storage for wildlife, recreation and fire protection. The source as identified on the water right is Grouse Creek.

On April 1, 2016, the Department of Water Resources (Department) received a Withdrawal of Application for Transfer of Water Rights for transfer 75471. A preliminary review of your application has been completed and it has been determined that transfer 75471 was accomplished. Imagery from 2009 and 2011 clearly show a pond in T5S R46E Section 8 SENW, as described on the approved transfer.

Since the transfer is no longer in the application stage you cannot withdraw the application. I have enclosed the Withdrawal of Application for Transfer of Water Rights. You also submitted an application to lease a water right to the Water Supply Bank for right 24-10700. Unfortunately, the application was incomplete. We did not receive the first page of the application, nor did we receive the \$250 fee. I spoke with Mike Holliday and he said you intend to submit a complete application and the fee to lease right 24-10700 into the Bank. Based on that information I will keep the incomplete application for 30 days. If I do not receive the fee and the missing pages within that time I will return the lease application.

If you have any questions please contact me at 208.342.3482, or sandra.thiel@idwr.idaho.gov.

Sincerely

Sandra Thiel

Cc: Michael Holliday via email at racememary@yahoo.com

Enclosures

Kim Hardy

From: Keith Miller
Sent: Wednesday, May 11, 2016 9:33 AM
To: Kim Hardy
Subject: FW: Lease application 24-10700

Keith J. Miller, C.P.A.
14400 North 76th Place
Scottsdale, AZ 85260
Telephone: 480-368-5205
Facsimile: 480-889-0613

I want to inform you that, unless I expressly state otherwise, any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed by the Internal Revenue Service; or (ii) should not be used by or recommended to another party without my written consent.

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From: Mary Holladay [mailto:racememary@yahoo.com]
Sent: Wednesday, May 11, 2016 9:14 AM
To: Keith Miller
Cc: Mary Holladay
Subject: Fw: Lease application 24-10700

On Tuesday, May 10, 2016 9:03 AM, "Thiel, Sandra" <Sandra.Thiel@idwr.idaho.gov> wrote:

Hello, The lease application is available at:
<https://idwr.idaho.gov/files/water-supply-bank/Water-Supply-Bank-Lease-Application.pdf>
Please submit the first page and the \$250 fee.

Sandra Beer Thiel
Idaho Department of Water Resources
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Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov