

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

JUL 14 2016

DEPARTMENT OF
WATER RESOURCES

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

**LESSOR: CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6320
801-240-4657**

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 February 4, 2016, the Lessor filed an application to lease the water rights 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 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	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
34-13752	01/30/1961	GROUND WATER	NA	0.005 cfs	1.8 af	0.5 ac
34-13754	08/31/1976	GROUND WATER	NA	0.020 cfs	4.2 af	1.2 ac
34-13756	05/01/1905	BIG LOST RIVER	NA	0.014 cfs	2.4 af	0.7 ac
34-13758	05/01/1906	BIG LOST RIVER	NA	0.004 cfs	0.7 af	0.2 ac
34-13760	05/01/1977	BIG LOST RIVER	NA	0.005 cfs	1.1 af	0.3 ac

Total Annual Combined Limits:	0.03 cfs	4.2 af	1.2 ac
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Lease Totals **SUPPORT DATA** 0.03 cfs 4.2 af 1.2 ac

IN FILE # 34-13752

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.

WATER SUPPLY BANK LEASE CONTRACT

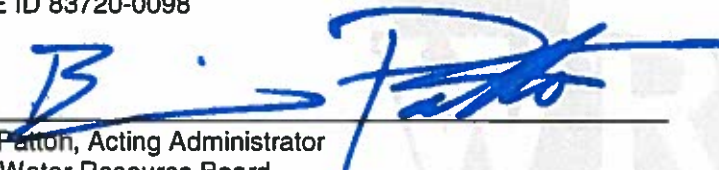
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6320

By  Date July 11, 2016
Printed Name Matt Davidson Title P.E.

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

By  Date 7/15/2016
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR  Date 7-15-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NOS. 34-13752, 34-13754,
34-13756, 34-13758, and 34-13760

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

Lessor: CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6320
801-240-4657

Location of Point(s) of Diversion for Water Right 34-13752 and 34-13754

GROUND WATER SWNWSW Sec. 10, Twp 06N, Rge 25E, CUSTER County

Location of Point(s) of Diversion for Water Right 34-13756, 34-13758 and 34-13760

BIG LOST RIVER NENESW Sec. 10, Twp 06N, Rge 25E, CUSTER County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
34-13752	IRRIGATION	04/01	to 10/31	0.005 cfs	1.7 af
34-13754	IRRIGATION	04/01	to 11/01	0.020 cfs	4.2 af
34-13756	IRRIGATION	05/01	to 10/15	0.010 cfs	2.4 af
34-13758	IRRIGATION	05/01	to 10/15	0.004 cfs	0.7 af
34-13760	IRRIGATION	05/01	to 10/15	0.005 cfs	1.0 af
Total:				0.04 cfs	4.2 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	
06N	25E	10																0.5	0.5
06N	25E	11											0.7						0.7

Total Acres: 1.2

Conditions Applicable to All Leased Water Rights

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, 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 rights leased to the bank are 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. 34.
13. When combined with all other rights, the leased rights shall provide not more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
14. Unleased portions of rights 34-13752, 34-13754, 34-13756, 34-13758 and 34-13760 are limited to irrigation of a combined total of 1.3 acres in a single irrigation season, a total combined diversion rate of 0.05 cfs, and a total combined annual diversion volume of 4.6 af.
15. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
16. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
17. Water right 34-13760 is an enlargement of water rights 34-13756 and 34-13758 pursuant to Section 42-1426, Idaho code.
18. The period of use for irrigation described above may be extended in season of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
19. The unleased portions of 34-13756, 34-13758 and 34-13760 when combined shall not exceed a total diversion rate of 0.02 cfs.
20. The leased portions of 34-13756, 34-13758 and 34-13760 when combined shall not exceed a total diversion rate of 0.02 cfs.

Idaho Water Resource Board
Water Supply Bank Lease

34-13752, 34-13754, 34-13756, 34-13758, 34-13760
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



0 100 200 Feet

RECEIVED

FEB 04 2016

DEPARTMENT OF
WATER RESOURCES

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

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant The Corporation of the Presiding Bishop
of the Church of Jesus Christ of Latter day Saints Water Right No. 34-13752
(Select one owner – see item 1A on the application) (One water right per application)

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ 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.

Attachment N/A YES

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☐ | ☒ | Contact information for <i>all owners</i> of the water right that is being leased or sold on this application. |
| 1B | | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 1E | ☒ | ☐ | 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. |
| 3E | ☒ | ☐ | Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to <u>Section 42-222(2), Idaho Code</u> . |
| 4 | | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where beneficial use of water will be suspended. You have the option of printing a map using the map to on IDWR's website at: www.idwr.idaho.gov . |

Department Use Only

Fee Amount \$ <u>500.00</u>	Received By: <u>ELLS</u>	Date Received: <u>2/4/16</u>	Receipt # <u>C101492</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Corp. of Presiding B</u>	

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

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Corporation of the Presiding Bishop of the Church
Jesus Christ of Latter Day Saints, C/O Matt Davidson

Designated Applicant Jesus Christ of Latter Day Saints, C/O Matt Davidson Email Address mpdavidson@ldschurch.org
50 East North Temple St. 12th Fl Natural Resources
Salt Lake City, UT 84150-0012
 Mailing Address _____ Phone Number 801-240-3840

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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 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 1D).

E. 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 1E).

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

Water Right Number 34-13752 ☐ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

On-site Well with distribution piping and lateral from Angelo Ditch (Big Lost River).

- B. 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.

Ground Water: 34-13754

Surface Water (Big Lost River): 34-13756, 34-13758, 34-13760

- C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☒ No ☐

Stacked water rights are water rights that are utilized 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.

D. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. _____

E. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to [Section 42-222\(2\), Idaho Code](#). _____

F. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

4. MAP

Plat map, survey map, or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.

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 2021 (maximum lease period 5 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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.



Signature of Designated Applicant

Matt Davidson

Printed Name

1/8/16

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 2

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

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>34-13752</u>	<u>0.005 / 1.6</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
			to
			to
			to
			to
			to
Total Amount:	<u>0.005/ 1.6</u>		

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06N	25E	10		SW	NW	SW	Custer

4. Acres to be idled within the place of use:

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	10													0.05			0.25	0.3
06N	25E	11											0.5	0.4					0.9

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 1.2

Custer County Idaho MapServer

Leslie, Idaho Chapel

Location of Water Rights to be
Banked

34-13752, -13754, -13756,
13758, -13760

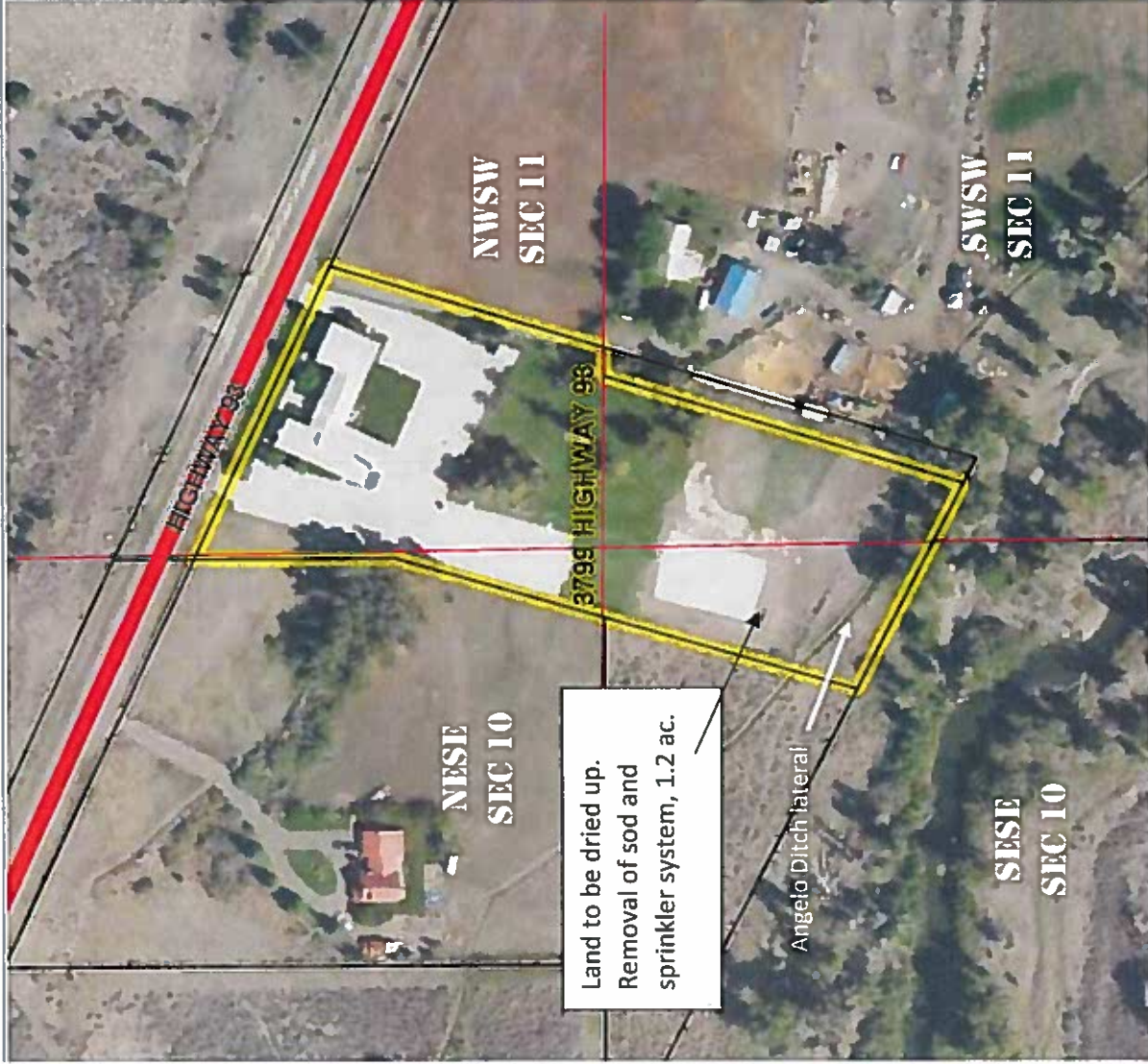
Land to be Dried Up

- Highways
- County Road
- Other Road
- BLM
- US Forest Service
- State of Idaho
- Cities
- 2013 Aerial Photography



This map/data is provided by Custer County, Idaho is for display purposes only. Custer County invokes its sovereign and governmental immunity in allowing access to or use of this data, and makes no warranties as to the validity, and assumes no liability associated with the use or misuse of this information.

0 110 220 330 ft
10/9/2013



Land to be dried up.
Removal of sod and
sprinkler system, 1.2 ac.

Angelo Ditch lateral

NESE
SEC 10

NWSW
SEC 11

SWSW
SEC 11

SESE
SEC 10

HIGHWAY 93

3799 HIGHWAY 93

Custer County Idaho MapServer

Leslie, Idaho Chapel

Location of Water Rights to be
Banked

34-13752, -13754, -13756,
13758, -13760

Land to be idled.

Highways

County Road

Other Road

BLM

US Forest Service

State of Idaho

Cities

2019 Aerial Photography

NORTH

This map/data is provided by Custer County, Idaho for display purposes only. Custer County invokes its sovereign and governmental immunity in allowing access to or use of this data, and makes no warranties as to the validity, and assumes no liability associated with the use or misuse of this information.

0 110 220 330 ft

10/9/2015





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

July 15, 2016

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6320

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 34-13752, 34-13754, 34-13756, 34-13758, and 34-13760

Dear Lessor:

Water rights 34-13752, 34-13754, 34-13756, 34-13758, and 34-13760 were leased into the Water Supply Bank (Bank) as of February 4, 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, 2020**, 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 right may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

John Gadd
Water Supply Bank

Enclosure: Executed Lease Contract

c: James Cefalo - IDWR Eastern Region
Lucas Yockey – Water District 34
Big Lost River Irrigation District

Hersley, Jean

From: Cefalo, James
Sent: Monday, July 11, 2016 8:22 AM
To: Hersley, Jean
Subject: RE: WSB Lease for LDS Church 34-13752, 13754, 13756, 13758 and 13760

Jean,

I don't have any concerns with the proposed WSB lease. We recently approved a transfer correcting the place of use for these water rights.

James

From: Hersley, Jean
Sent: Thursday, July 07, 2016 12:13 PM
To: Cefalo, James
Subject: WSB Lease for LDS Church 34-13752, 13754, 13756, 13758 and 13760

The review memo, map and lease contract are attached. Please let me know if you have any comments or concerns within 7 days. Thank you.

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



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 7, 2016

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6320

RE: APPLICATIONS TO LEASE WATER RIGHT 34-13752, 34-13754, 34-13756, 34-13758 and 34-13760 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.

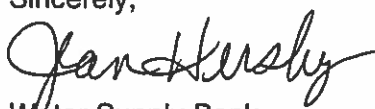
The right will automatically be released from the Bank on **December 31, 2020**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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 Water Supply Bank

Enclosure: Proposed Lease Contracts

RECEIVED

JUL 06 2016

DEPT OF WATER RESOURCES

BIG LOST RIVER IRRIGATION DISTRICT

P.O. BOX 205 · MACKAY, IDAHO 83251 · (208) 588-2231 · FAX: (208) 588-2863

June 24, 2016

Steve Hutchings, P.E.
Real Estate Services Division-Special Project Department
50 east North Temple Street, 12th Floor
Salt lake City, UT 84150-0012

Dear Sir:

On June 7, 2016 the Big Lost River Board of Directors held their monthly board of director meeting. At that time your application for releasing your water rights to the Water Supply Bank was reviewed by the Board and passed.

Therefore you have the approval of the Board for Directors of the Big Lost River irrigation District to place your water rights in the Water Supply Bank.

If there are any questions, contact James Rindfleisch at 208-390-1447.

Sincerely

James Rindfleisch, Mgr. Big Lost River Irrigation District

Hersley, Jean

From: Steven William Hutchings <hutchingsh@ldschurch.org>
Sent: Wednesday, July 06, 2016 3:07 PM
To: Hersley, Jean
Cc: Matthew Paul Davidson
Subject: RE: Water supply lease applications for 34-13752, 34-13754, 34-13756, 34-13758, 34-13760
Attachments: Big Lost River ID approval.pdf

Jean – Attached is the letter from the District.

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Monday, June 27, 2016 10:23 AM
To: Steven William Hutchings <hutchingsh@ldschurch.org>
Cc: Matthew Paul Davidson <mpdavidson@ldschurch.org>
Subject: RE: Water supply lease applications for 34-13752, 34-13754, 34-13756, 34-13758, 34-13760

Thank you. Please submit a copy of the letter as soon as you can. You can email it to me or fax, if you choose. Fax number is 208-287-6700.

Jean

From: Steven William Hutchings [mailto:hutchingsh@ldschurch.org]
Sent: Monday, June 27, 2016 9:08 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Cc: Matthew Paul Davidson <mpdavidson@ldschurch.org>
Subject: Water supply lease applications for 34-13752, 34-13754, 34-13756, 34-13758, 34-13760

Jean – I contacted The Lost Big River Irrigation District and confirmed that the lease applications were approved. As of last week, the letter is still in the works.

STEVE HUTCHINGS, P.E. | Water Resources - Natural Resource Services
REAL ESTATE SERVICES DIVISION - SPECIAL PROJECTS DEPARTMENT
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS | CORP. OF PRESIDING BISHOP
50 East North Temple Street, 12th Floor | Salt Lake City, UT 84150-0012
Phone: 801-240-7839 | e-mail: hutchingsh@ldschurch.org



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

April 26, 2016

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6320

**RE: IRRIGATION DISTRICT REQUIREMENT FOR APPLICATION TO LEASE
WATER RIGHTS TO THE WATER SUPPLY BANK
34-13752, 34-13754, 34-13756, 34-13758 and 34-13760**

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources (Department) acknowledges receipt of your Application to Lease water rights to the Water Supply Bank (Bank). A receipt for \$500.00 application fee is enclosed. A preliminary review of your application has found required information was not been included with the application.

Question D.1. on the Bank lease application form asks, "Is the diversion works or system owned or managed by an Irrigation District or water delivery company?" You have checked "No", but all the surface water rights (34-13756, 34-13758 and 34-13760) are a part of the Big Lost River Irrigation District.

Idaho Administrative Code IDAPA 37-02.03.025 Acquisition of Water Rights for the Board's Water Supply Bank at <http://adminrules.idaho.gov/rules/current/37/0203.pdf> requires the written consent of an irrigation company be submitted with the application for lease. **Please contact the Big Lost River Irrigation District for written consent and submit it to the department to complete your application.**

The application will be returned, unprocessed, if the consent is not received within thirty (30) days from the date of this letter. If you need longer than 30 days or have questions regarding this matter, please contact me at 287-4910.

Sincerely,

for 
Clay Webster
Water Right Agent
WSB Point of Contact

Enclosures: Receipt # 101492

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: LDS Church

Memo Date: February 9, 2016

Water Right Number(s): 34-13752, 13754, 13756, 13758 and 13760

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	☒		except 37-13760-supplemental
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)			
			%
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?			
		☒	not leased portion
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			3.5
Area Headgate requirement			
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 Department received these applications on February 4, 2016. The applicant wishes to place a portion = to 1.2 acres in the Bank. Matthew Davidson, PE has been authorized to sign the applications on behalf of the church. These rights were decreed in 2001. Aerial photography suggests irrigation took place as recent as 2011. Forfeiture is not an issue. I do not see any problems this lease will cause. 34-13760 is an enlargement right of 34-13756 and 34-13758 and can only be rented as such. These water rights are within WD 34- Big Lost River.