

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

JUN 22 2016

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

LESSOR: ROBBINS TRUST & O CONNOR TRUST
1120 NYE ST STE 400
SAN RAFAEL CA 94901
415-457-4964

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 4, 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
37-21794	06/01/1884	EAST FORK WOOD RIVER	BIG WOOD RIVER	0.4 cfs	29.05 af	8.3 ac

Lease Totals 0.4 cfs 29.05 af 8.3 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.

ROBBINS TRUST & O CONNOR TRUST

1120 NYE ST STE 400
SAN RAFAEL CA 94901

By _____

Printed Name _____

Date 6/21/16

Title Partner

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 6/27/2016

Lease approved by IDWR _____

Date 6-27-2016

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
WATER RIGHT NO. 37-21794

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

Lessor: ROBBINS TRUST & O CONNOR TRUST
1120 NYE ST STE 400
SAN RAFAEL CA 94901
415-457-4964

Location of Point(s) of Diversion for Water Right 37-21794

EAST FORK WOOD RIVER NWNWSW Sec. 28, Twp 04N, Rge 19E, BLAINE County
EAST FORK WOOD RIVER SWNESE Sec. 29, Twp 04N, Rge 19E, BLAINE County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
37-21794	IRIGATION	05/01	to 10/31	0.4 cfs	29.05 af
Total:				0.4 cfs	29.05 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	
04N	19E	29														8.3			8.3

Total Acres: 8.3

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. 37.
13. Unleased portion of this right is limited to irrigation 2.0 acres within the place of use in a single irrigation season.

37-21794
Effective until December 31, 2020

04N19E29SWNE

04N19E29SENE

04N19E29NWSE

04N19E29NESE

04N19E29SWSE

04N19E29SESE

Source: Esri, DigitalGlobe, GeoEye, IGN, USDA, USGS, AeroGRID, IGN, SGP, swisstopo, and the GIS User Community

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STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 04 2016

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Robbins Trust & O'Connor Trust

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

Water Right No. 37-21794

(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.-Received By: SLBDate Received: 5/4/16Receipt # C101966W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: RICHARD K ROBBINS FAMILY TRUST

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 Robbins Trust & O'Connor Trust

Mailing Address 1120 Nye Street, Suite 400 San Rafael, CA 94901

Street

City

State

Zip Code

Email Address _____

Phone Number 415-457-4964

☒ 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 Zach Latham

Organization Brockway Engineering PLLC

Professional Title Hydrologist

Email Address zach.latham@brockwayeng.com

Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301

Phone Number 208-736-8543

☐ 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.

Water is diverted from the East Fork of the Big Wood River and is used to flood irrigate 37-21794.

- 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. None.

- 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. N/A.

- 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. During 2015, water was diverted from the East Fork of the Big Wood River under 37-21794 and applied to the place of use for irrigation purposes.

- 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. N/A.

- 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 ☐

The remaining portion of 37-21794 that is not proposed to be leased to the bank (2.0 acres) will be deeded to a new owner in the near future.

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.

Signature of Designated Applicant

Printed Name

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	Robbins Trust O'Connor Trust		
Mailing Address	1120 Nye Street San Rafael CA 94901		
Phone Number	415 457 4964		
Email Address			
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
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

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

<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
37-21794	Irrigation	0.42		8.3
	Total Amounts:	0.42		8.3

2. Source of water East Fork Big Wood River tributary to Big Wood River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	19E	28		NW	NW	SW	BLAINE
4N	19E	29		SW	NE	SE	BLAINE



O'CONNER/ROBBINS
WATER BANK LEASE 37-21794
NAIP 2015 AERIAL

- Legend**
- POD_37-21784
 - WSB LEASE AREA
 - 37-21794, PPU
 - Township
 - Section_Lines
 - QQ lines



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

June 28, 2016

GARY SPACKMAN

Director

ROBBINS TRUST & O CONNOR TRUST

1120 NYE ST STE 400

SAN RAFAEL CA 94901

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 37-21794

Dear Lessor:

Water right 37-21794 was leased into the Water Supply Bank (Bank) as of May 4, 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: Zach Latham – Brockway Engineering
Doug Jones - IDWR Southern Region
Kevin Lakey – Water District 37

Webster, Clay

From: Buyer, Remington
Sent: Monday, June 27, 2016 10:37 AM
To: 'Kevin Lakey'
Cc: Palmer, Cherie; Keen, Shelley; Hersley, Jean; Webster, Clay; 'debby'
Subject: RE: WSB Lease for Robbins Trust & O Connor Trust 37-21794

Kevin,

Thank you for weighing in on this lease specifically, and WSB leases generally. IDWR staff look to Watermasters and Water District staff to help us assess the sufficiency of any portion of a water right proposed to be leased to the Bank.

Please know that the WSB Rules (IDAPA 37.02.03) provide that the following criteria are to be considered when reviewing a proposal to lease a water right to the Bank:

- Whether information available indicates that a water right has been abandoned or forfeited (Rule 25.06.c),
- Whether the application is in the local public interest (Rule 25.06.f), and
- The probability of selling or renting the water right from the Board's water supply bank (Rule 25.06.g)

Though each WSB lease proposal is evaluated on a case-by-case basis, the rules do authorize Bank staff to exercise discretion in determining whether a water right should be accepted in for lease. If and when you have information about a water right pertaining to the above criteria, please provide us with such information as it will help us better determine whether a water right should be accepted in for lease. Also, if you have relevant and useful information about a water right that doesn't directly pertain to the above criteria, please continue to weigh in all the same as your input remains helpful to us in evaluating leases and rentals. Naturally occurring sub-irrigation within the Wood River Valley is something that we will continue to consider when evaluating WSB leases and rentals.

Thank you,

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

From: Kevin Lakey [<mailto:watermanager@cableone.net>]
Sent: Monday, June 20, 2016 11:11 AM
To: Hersley, Jean; Buyer, Remington; Webster, Clay; 'debby'
Subject: RE: WSB Lease for Robbins Trust & O Connor Trust 37-21794

Jean and water bank staff,

It probably doesn't really matter what I think, but I still have concerns about land that has been "idled", yet is still green from sub-irrigation in a riparian area. If the land is still green without being irrigated and the right has not been used, then it probably should not have been allowed through the SRBA to begin with. When I asked about allowing non-used water rights through the SRBA years ago, I was told that even if the rights slipped through, they would be picked up in the future when transfers etc. would take place and the water rights would get a more thorough screening and could be rejected in the future. Well, we are now in the future and I am told that since the rights made it through the adjudication, we can't deny them water bank entry because the adjudication said they were good. I want it to be part of public record that I will voice no concern about these types of water rights being held in the bank, but I will reject any and all applications to rent them from the bank in the future.

Kevin Lakey

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Thursday, June 16, 2016 9:28 AM
To: Skinner, Corey; Kevin Lakey
Subject: WSB Lease for Robbins Trust & O Connor Trust 37-21794

Please let me know if you have any comments or concerns with this lease. Thank you.

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

Hersley, Jean

From: Skinner, Corey
Sent: Friday, June 17, 2016 4:45 PM
To: Hersley, Jean
Subject: RE: WSB Lease for Robbins Trust & O Connor Trust 37-21794

No concerns from me.

From: Hersley, Jean
Sent: Thursday, June 16, 2016 9:28 AM
To: Skinner, Corey; Kevin Lakey
Subject: WSB Lease for Robbins Trust & O Connor Trust 37-21794

Please let me know if you have any comments or concerns with this lease. 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

June 16, 2016

ROBBINS TRUST & O CONNOR TRUST
1120 NYE ST STE 400
SAN RAFAEL CA 94901

RE: APPLICATIONS TO LEASE WATER RIGHT 37-21794 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

c: Brockway Engineering PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, June 16, 2016 9:29 AM
To: Skinner, Corey; 'Kevin Lakey'
Subject: WSB Lease for Robbins Trust & O Connor Trust 37-21794
Attachments: Idled Acres.pdf; Lease Application Review Checklist Oct 2015.xls; Lease Contract 37-21794.docx

Please let me know if you have any comments or concerns with this lease. 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: Robbins Trust & O Connor Trust

Memo Date: June 15, 2016

Water Right Number(s): 37-21794

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)	
	☒	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	
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 8.3 acres of this right in the Bank. Richard Robbins, trustee, signed the application. Robbins Trust & O Connor Trust do not own the land. This water right was split in adjudication from 37-21472 and withheld in the sale of the land to Pioneer Moon LLC. This right was decreed in 2011. Forfeiture is not an issue. This water right is currently within WD 37.	

3.5

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21794
Date Received: 6/6/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBBINS TRUST & O CONNOR TRUST Phone: (208)788-4000
PO BOX 48
BELLEVUE ID USA 83313

2. Date of Priority: 06/01/1884

3. Source: WOOD RIVER EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	19E	28	SE SE NW	BLAINE	

5. Description of diverting works:

OPEN DITCH WITH PLASTIC DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.52	

7. Total Quantity Appropriated is:
0.52 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	19E	29	NW SE	IRRIGATION	1
			SW SE	IRRIGATION	9.3
Section Acres					10.3
Total Acres					10.3

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-120 .

11-26-04, DJ: CLAIM AMENDED TO REDISTRIBUTE ACRES AND LIST POINTS OF DIVERSION AND REDIVERSION.

P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.

P/D FOR THIS CLAIM DETERMINED FROM AERIAL PHOTO ASCS MAP.

| P/U AMENDED AS PER ATTACHED LETTER. --RVW.

ADDRESS CHANGE RECD 04/18/1994 SS.

This right is a split from former right 37-21472 .

NT 06/12/06 Claim split to reflect owner retaining portion of water right 37-21472 on property that was sold to Pioneer Moon LLC.

15. Basis of Claim: Decreed



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 04 2016

DEPARTMENT OF
WATER RESOURCES

May 2nd, 2016

Mr. Clay Webster
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720

Re: WSB Lease Application; Portion of 37-21794 on Behalf of Robbins Trust
& O'Connor Trust.

Dear Clay,

On behalf of the Robbins Trust & O'Connor Trust, Brockway Engineering PLLC is submitting a Water Supply Bank lease application and associated map which proposes to lease 8.3 acres of 37-21794 to the water supply bank for five years. A change of address form has been sent to the Southern Region Office and we have supplied a copy of the form along with this submittal.

Additionally, please see the attached check from Brockway Engineering for \$250.00 to cover the cost of the lease application. Please copy our office on all correspondence regarding this water supply bank lease application. Thank you for your assistance on this matter and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

Enc: (1) Water Supply Bank Lease Application and Map.
(1) Change of Address Form- Copy.
(1) Brockway Engineering PLLC Check # 13350

Cc: Mr. Rich Robbins

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
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