

JUN 15 2016

DEPARTMENT OF
WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT**

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

LESSOR: HEATHERLANDS HOMEOWNERS ASSN INC
PO BOX 3901
KETCHUM ID 83340-3901
208-726-3858

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 April 12, 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
37-159B	7/30/1888	GROUND WATER	NA	0.42 cfs	72.8 af	20.8 ac

Lease Totals 0.42 cfs 72.8 af 20.8 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.

HEATHERLANDS HOMEOWNERS ASSN INC
PO BOX 3901
KETCHUM ID 83340-3901

By Janet C. Wygle
Printed Name JANET C. WYGLE

Date 6/10/16
Title Pres.

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

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 6/15/2016

Lease approved by IDWR Chay West

Date 6-15-2016

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
 WATER RIGHT NO. 37-159B

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

Lessor: HEATHERLANDS HOMEOWNERS ASSN INC
 PO BOX 3901
 KETCHUM ID 83340-3901
 208-726-3858

Location of Point(s) of Diversion for Water Right 37-159B

GROUND WATER SESW Sec. 17, Twp 03N, Rge 18E, BLAINE County
 GROUND WATER NWNE Sec. 20, Twp 03N, Rge 18E, BLAINE County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
37-159B	IRRIGATION	04/15	to 10/15	0.42 cfs	72.8 af
Total:				0.42 cfs	72.8 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					
03N	18E	17								5.5					0.8			4.7					11.0
03N	18E	20					9.8																9.8

Total Acres: 20.8

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.

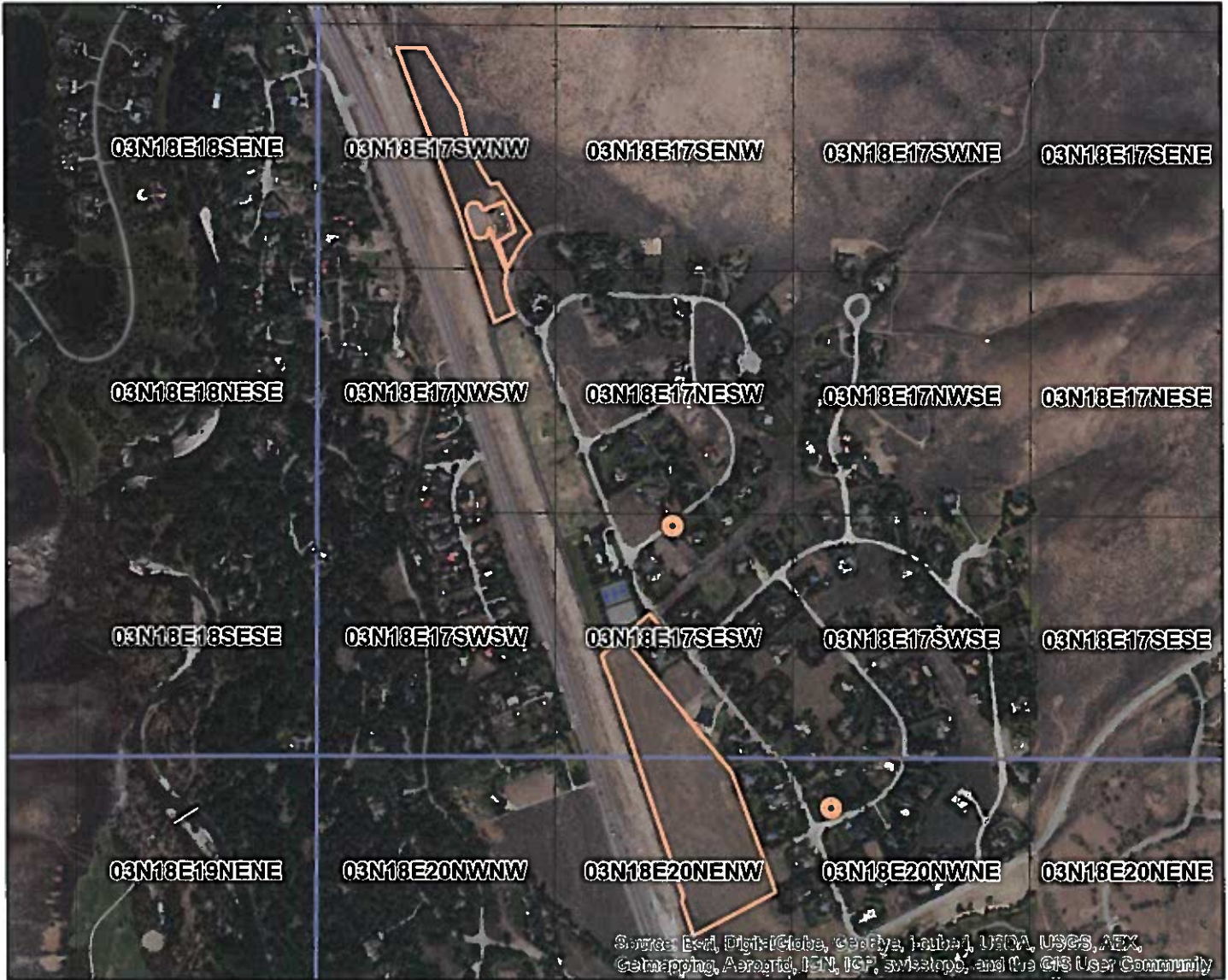
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into 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. 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. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the East Fork of the Wood River.

Idaho Water Resource Board Water Supply Bank Lease






37-159B

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.



Source: Esri, DigitalGlobe, GeoEye, IGN, USDA, USGS, AEX, Getmapping, Aerotid, IGN, IGP, Swisstopo, and the GIS User Community

-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



APR 12 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 Heatherlands Homeowners Assn Inc.
(Select one owner – see item 1A on the application)

Water Right No. 37-159B
(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 *all owners* of the water right that is being 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 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 Section 42-222(2), Idaho Code.
- 4 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.

Department Use Only

Fee Amount \$ <u>250.-</u>	Received By: <u>SMG</u>	Date Received: <u>4/12/16</u>	Receipt # <u>C101833</u>
W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Route W-9 to Fiscal)		Name on W-9: <u>HEATHERLANDS HOMEOWNERS ASSOC. INC.</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.

Designated Applicant Heatherlands Homeowners Assn Inc Email Address _____

Mailing Address P.O. Box 3901, Ketchum, ID 83340 Phone Number (208) 726-3858

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 Charles G. Brockway Organization Brockway Engineering

Professional Title Engineer Email Address _____

Mailing Address 2016 Washington St N, Ste 4 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

Water Right Number 37-159B 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.

Two wells and underground irrigation system.

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.

None

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 2020 (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.

\$1,000 per acre-foot as per documented market rate for water leases in the Big Wood valley.

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.

Janet Wygle
Signature of Designated Applicant

JANET WYGLE
Printed Name

2/2/16
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

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to 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). 37-159B

	Designated Applicant	Applicant #2	Applicant #3
Name	Heatherlands Homeowners Assn Inc	Blechmann, Emmy	
Mailing Address	P.O. Box 3901 Ketchum, ID 83340	P.O. Box 184 Sun Valley, ID 83353	
Phone Number	(208) 726-3858	(208) 726-3498	
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

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>	
37-159B	0.42 / 72.8	Irrigation	4/15	to 10/31
				to
				to
				to
				to
				to
Total Amount:				

2. Source of water Groundwater tributary to _____

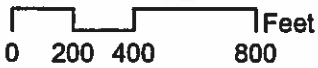
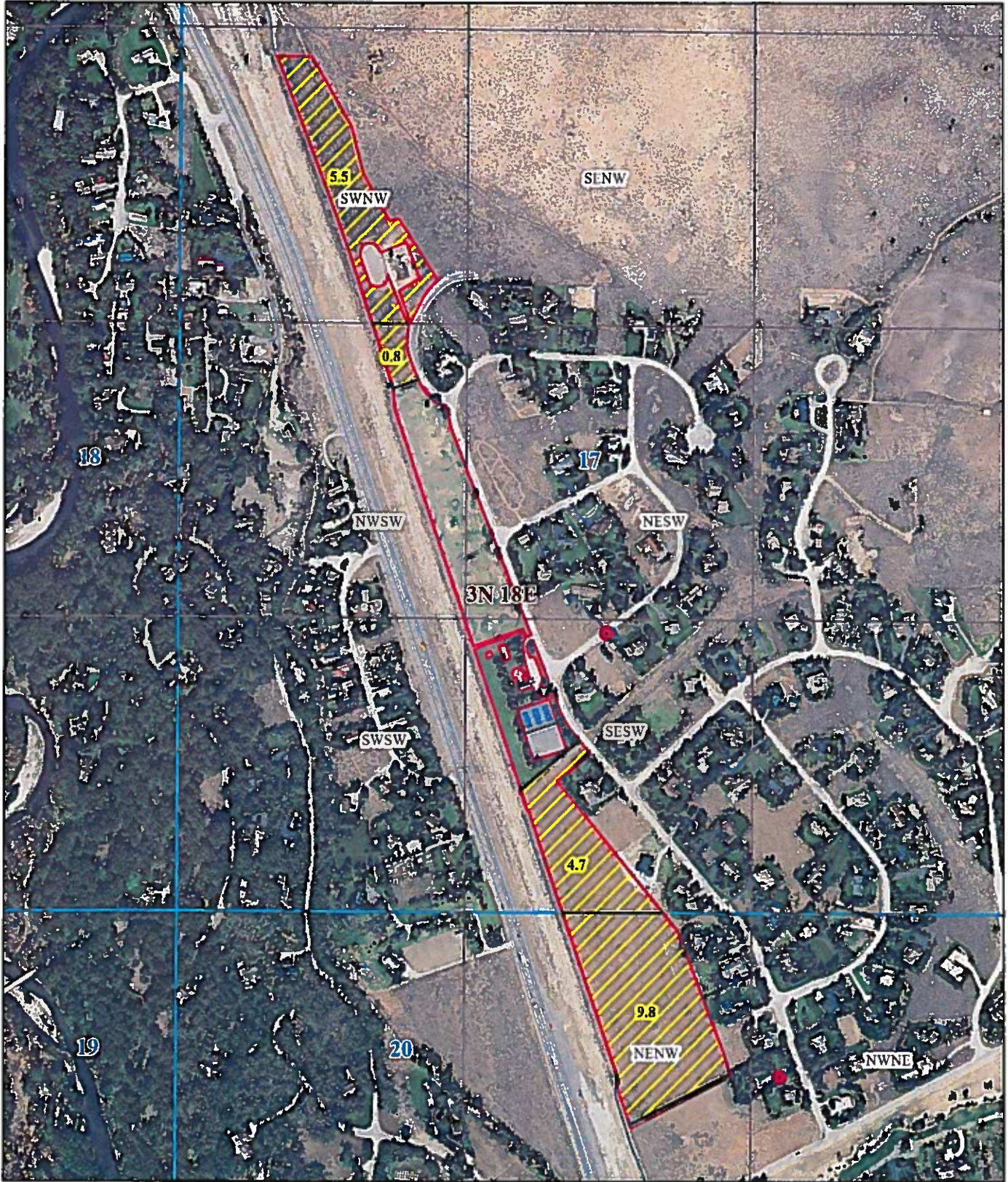
3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
3N	18E	17			SE	SW	Blaine
3N	18E	20			NW	NE	Blaine

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		
03N	18E	17							5.5				0.8		4.7					11.0
03N	18E	20					9.8													9.8

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 20.8



HEATHERLANDS HOA ASSC INC
WATER SUPPLY BANK LEASE 2016
WATER RIGHT 37-159B
NAIP 2013 AERIAL

- Legend
- WR_POU_NEW_37-159B
 - WSB Lease 2016
 - Points of Diversion
 - townshp
 - Sections
 - ladesc



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 17, 2016

GARY SPACKMAN
Director

HEATHERLANDS HOMEOWNERS ASSN INC
PO BOX 3901
KETCHUM ID 83340-3901

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 37-159B

Dear Lessor:


Water right 37-159B was leased into the Water Supply Bank (Bank) as of April 12, 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,

A handwritten signature in black ink that reads "Gabe Sudd".

 Water Supply Bank

Enclosure: Executed Lease Contract

c: Charles G. Brockway – Brockway Engineering
Allen Merritt - IDWR Southern Region
Kevin Lakey – Water District 37



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 2, 2016

HEATHERLANDS HOA INC
PO BOX 3901
KETCHUM ID 83340-3901

RE: APPLICATIONS TO LEASE WATER RIGHT 37-159B 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."

Please notice on the lease contract, #2, COMPENSATION, is current rental rate. A resolution passed by the Idaho Water Resource Board in 2012 resolved that, unless otherwise agreed to between lessor and lessee and approved by the Director of the Department of Water Resources, the price for water rights rented through the Water Supply Bank shall be equal to the Nez Perce Agreement flow augmentation rate in effect at the time that a rental is made. The rate for 2013-2017 is \$17 per acre foot and 2018-2022 is \$20 per acre foot.

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

Sincerely,

[Handwritten signature]

for Water Supply Bank

Enclosure: Proposed Lease Contracts
Receipt # C101833

c: Brockway Engineering PLLC
Speck & Aanestad

Hersley, Jean

From: Hersley, Jean
Sent: Friday, June 03, 2016 7:43 AM
To: 'charles.g.brockway@brockwayeng.com'
Subject: WSB Lease Contracts for Heatherlands HOA Inc.
Attachments: DOC.pdf

These contracts will go out to Heatherlands in today's mail.

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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, June 03, 2016 7:42 AM
To: 'Jim Speck'
Subject: WSB Lease Contract for Heatherlands HOA Inc.
Attachments: DOC.pdf

These contracts will go out to Heatherlands in today's mail.

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

Hersley, Jean

From: Merritt, Allen
Sent: Monday, June 06, 2016 9:38 AM
To: Hersley, Jean
Subject: RE: Heatherlands HOA Inc. WSB Lease

I do not have an issue.

37-159B

From: Hersley, Jean
Sent: Friday, June 03, 2016 7:41 AM
To: Merritt, Allen; Kevin Lakey
Subject: Heatherlands HOA Inc. WSB Lease

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: Charles G. Brockway <charles.g.brockway@brockwayeng.com>
Sent: Friday, June 03, 2016 9:15 AM
To: Hersley, Jean
Cc: 'Sun Country Management'
Subject: RE: WSB Lease Contracts for Heatherlands HOA Inc.

Thanks, Jean.

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Friday, June 03, 2016 8:44 AM
To: Charles G. Brockway
Cc: 'Sun Country Management'
Subject: RE: WSB Lease Contracts for Heatherlands HOA Inc.

The contracts haven't gone out in the mail yet. I replaced the map with the one attached. Thank you for letting me know.

Jean

From: Charles G. Brockway [<mailto:charles.g.brockway@brockwayeng.com>]
Sent: Friday, June 03, 2016 8:32 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Cc: 'Sun Country Management' <sunco1007@cox-internet.com>
Subject: RE: WSB Lease Contracts for Heatherlands HOA Inc.

Jean,

On the Heatherlands lease contract, the map showing the idled place of use is incorrect. Please see the attached map, which was submitted with the lease application, showing the 20.8 acres to be idled hatched in yellow. The written portion of the contract appears to be correct. Would the bank please issue a corrected contract for the applicant to execute?

Thank you,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Friday, June 03, 2016 7:43 AM
To: charles.g.brockway@brockwayeng.com
Subject: WSB Lease Contracts for Heatherlands HOA Inc.

These contracts will go out to Heatherlands in today's mail.

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

WATER SUPPLY BANK

Agent Lease Review Checklist

Applicant(s) Name: Heatherlands HOA

Memo Date: June 2, 2016

Water Right Number(s): 37-159B

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

13 Narrative: This application was received on April 12, 2016. the applicant wishes to place 20.8 acres, 0.42 cfs and 72.8 af in the Bank. Janet Wygle, president, signed the application. This right was decreed in 2011. Forfeiture is not an issue. A transfer approved in January, 2016 moved the POU from the lots to common areas. This right is currently within WD 37. The applicant requested as the minimum payment acceptable \$1000 per acre-foot as per documented marker rate for water leases in the Big Wood River Valley. This would have to be a private agreement between the lessor and lessee.

No. C 62599	Due no later than Nov 30, 2015 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. HEATHERLANDS HOMEOWNERS ASSOCIATION, INC. BOX 3901 KETCHUM ID 83340	LAURA GVOZDAS 675 E SUN VALLEY RD STE I-1 KETCHUM ID 83340 3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
DIRECTOR	TAYT KNOWLES	225 MARIPOSA ROAD	HAILEY	ID	USA	83333
DIRECTOR	MIKE THOMPSON	PO BOX 2513	KETCHUM	ID	USA	83340
SECRETARY	BRUCE TIDWELL	230 MARIPOSA ROAD	HAILEY	ID	USA	83333
TREASURER	KYLE KUNZ	PO BOX 1226	SUN VALLEY	ID	USA	83353
VICE PRESIDENT	PATTI LOUSEN	242 MARIPOSA RD.	HAILEY	ID	USA	83333
PRESIDENT	JAN WYGLE	PO BOX 1172	KETCHUM	ID	USA	83340
DIRECTOR	NANCY GOODENOUGH	P.O. BOX 82	KETCHUM	ID	USA	83340
5. Organized Under the Laws of: ID C 62599	6. Annual Report must be signed.* Signature: Laura Gvozdas Name (type or print): Laura Gvozdas		Date: 09/21/2015 Title: Manager			
Processed 09/21/2015		* Electronically provided signatures are accepted as original signatures.				



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Hydraulics

Hydrology

Water Resources

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APR 12 2016

DEPARTMENT OF
WATER RESOURCES

April 11, 2016

Idaho Department of Water Resources
Water Supply Bank
P.O. Box 83720
Boise, ID 83720-0098

Re: Heatherlands HOA lease application

Enclosed is an application to lease a portion of water right 37-159B to the Water Supply Bank, along with the \$250 application fee. Please copy our office on all correspondence regarding this application.

Cordially,


Charles G. Brockway, P.E.

Enc. Application, fee
cc: Client

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

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