

WATER SUPPLY BANK LEASE CONTRACT

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

LESSOR: SCOTT C PORTER
PO BOX 99
HAILEY ID 83333
(208) 788-5626

RECEIVED

MAY 02 2013

DEPARTMENT OF
WATER RESOURCES

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
37-2557H	09/25/1954	GROUND WATER	NA	0.07 cfs	13.0 af	3.7 ac
37-21514	03/24/1883	BIG WOOD RIVER	MALAD RIVER	0.12 cfs	26.6 af	7.6 ac
37-21525	07/10/1884	BIG WOOD RIVER	MALAD RIVER	0.008 cfs	3.20 af	7.6 ac
37-21536	09/18/1885	BIG WOOD RIVER	MALAD RIVER	0.08 cfs	26.6 af	7.6 ac
37-21547	06/12/1886	BIG WOOD RIVER	MALAD RIVER	0.008 cfs	3.20 af	7.6 ac
37-21558	06/15/1891	BIG WOOD RIVER	MALAD RIVER	0.20 cfs	26.6 af	7.6 ac

Total Annual Combined Limits	NA	26.6 af	7.6 ac
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Lease Totals

0.49* cfs 26.6 af 7.6 ac

*0.41 of the surface water rights is available for rental due to conveyance loss

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.

SUPPORT DATA

IN FILE # 37-2557H

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.

SCOTT C PORTER
PO BOX 99
HAILEY ID 83333

By



Date

APRIL 28, 2016

Printed Name

SCOTT C. PORTER

Title

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

5/2/2016

Lease approved by IDWR



Date

5-2-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NOS. 37-2557H, 37-21514, 37-21525,
37-21536, 37-21547, and 37-21558

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

Lessor: SCOTT C PORTER
PO BOX 99
HAILEY ID 83333
(208) 788-5626

Location of Point(s) of Diversion for Water Right 37-2557H

GROUND WATER NWNW Sec. 18, Twp 01N, Rge 19E, BLAINE County

Location of Point(s) of Diversion for Water Right 37-21514, 37-21525, 37-21536, 37-21547, 37-21558

BIG WOOD RIVER NESWNW Sec. 36, Twp 02N, 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>
37-2557H	IRRIGATION	04/15 to 10/31		0.070 cfs	13.0 af
37-21514	IRRIGATION	04/15 to 10/31		0.120 cfs	26.6 af
37-21525	IRRIGATION	04/15 to 10/31		0.008 cfs	3.2 af
37-21536	IRRIGATION	04/15 to 10/31		0.080 cfs	26.6 af
37-21547	IRRIGATION	04/15 to 10/31		0.008 cfs	3.2 af
37-21558	IRRIGATION	04/15 to 10/31		0.200 cfs	26.6 af
Total:				0.49 cfs	34.7 af

Place of Use to be Idled Under This Lease: IRRIGATION for 37-2557H

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	18		3.7															3.7

Total Acres: 3.7

Place of Use to be Idled Under This Lease: IRRIGATION for 37-21514, 37-21525, 37-21536, 37-21547, 37-21558

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	18		6.5			1.1												7.6

Total Acres: 7.6

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 right(s) leased to the bank <is/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. Water right 37-2557H may only be rented for use as a supplemental right in conjunction with a primary surface water right.
13. 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.
14. Water Right 37-2557H when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
15. A portion of this right provides conveyance for other right holders in the shared delivery of water through the Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 20% or 0.08 cfs of the leased portion of this right into the Irrigation District #45 Canal whether it is rented or not.
16. Unleased portions of rights 37-2557H, 37-21514, 37-21525, 37-21536, 37-21547 and 37-21558 are limited to irrigation of a combined total of 2.3 acres in a single irrigation season.
17. Point of diversion described above for water rights 37-21514, 37-21525, 37-21536, 37-21547 and 37-21558 is the headgate for District 45 Canal.

Idaho Water Resource Board
Water Supply Bank Lease

37-2557H, 37-21514, 37-21525,
37-21536, 37-21547 and 37-21558
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- Groundwater
-  Approved Lease Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 250 500 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 04 2016

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Scott C. Porter

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

Water Right No. 37-02557H

(One water right per application)

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

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☒ ☐ Signatures and contact information for *all owners* of the water right to be leased or sold on this application.
- 1B ☐ ☒ An [Internal Revenue Service \(IRS\) Form W-9](#) for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☐ ☒ Written consent from irrigation district or water delivery company.
- 4G ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to [Section 42-222\(2\), Idaho Code](#).

Department Use Only

Fee Amount \$ <u>500</u>	Received By: <u>EG</u>	Date Received: <u>2/4/16</u>	Receipt # <u>C10493</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Scott C Porter</u>	

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

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

Designated Applicant Scott C. Porter

Mailing Address <u>P.O. Box 99</u>	<u>Hailey</u>	<u>ID</u>	<u>83333</u>
Street	City	State	Zip Code

Email Address sporter747@gmail.com Phone Number (208) 788-5626

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

OR

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

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☐ No ☒
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☒ No ☐
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).

- B. Please provide a description of the current water diversion and delivery system.

Underground well pump and piping fills irrigation pond. separate pump draws water from pond and pressurizes underground piping and pop up irrigation heads.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 37-02557H, 37-21514, 37-21525, 37-21536, 37-21547, 37-21558.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Water right was decreed in 2010. Unused portion of entire water right stack was donated to the Wood River Basin Enhancement Water Supply Bank (Legacy Project) for delivery seasons 2009, 2010, 2011 and 2012. Copies of donation confirmation letters from Kevin Lakey, District 37 watermaster are attached.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe. Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

If lease, specify the years when the use of water will be suspended: 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

Scott C. Porter
Printed Name

JAN 5, 2016
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**

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

ATTACHMENT 2

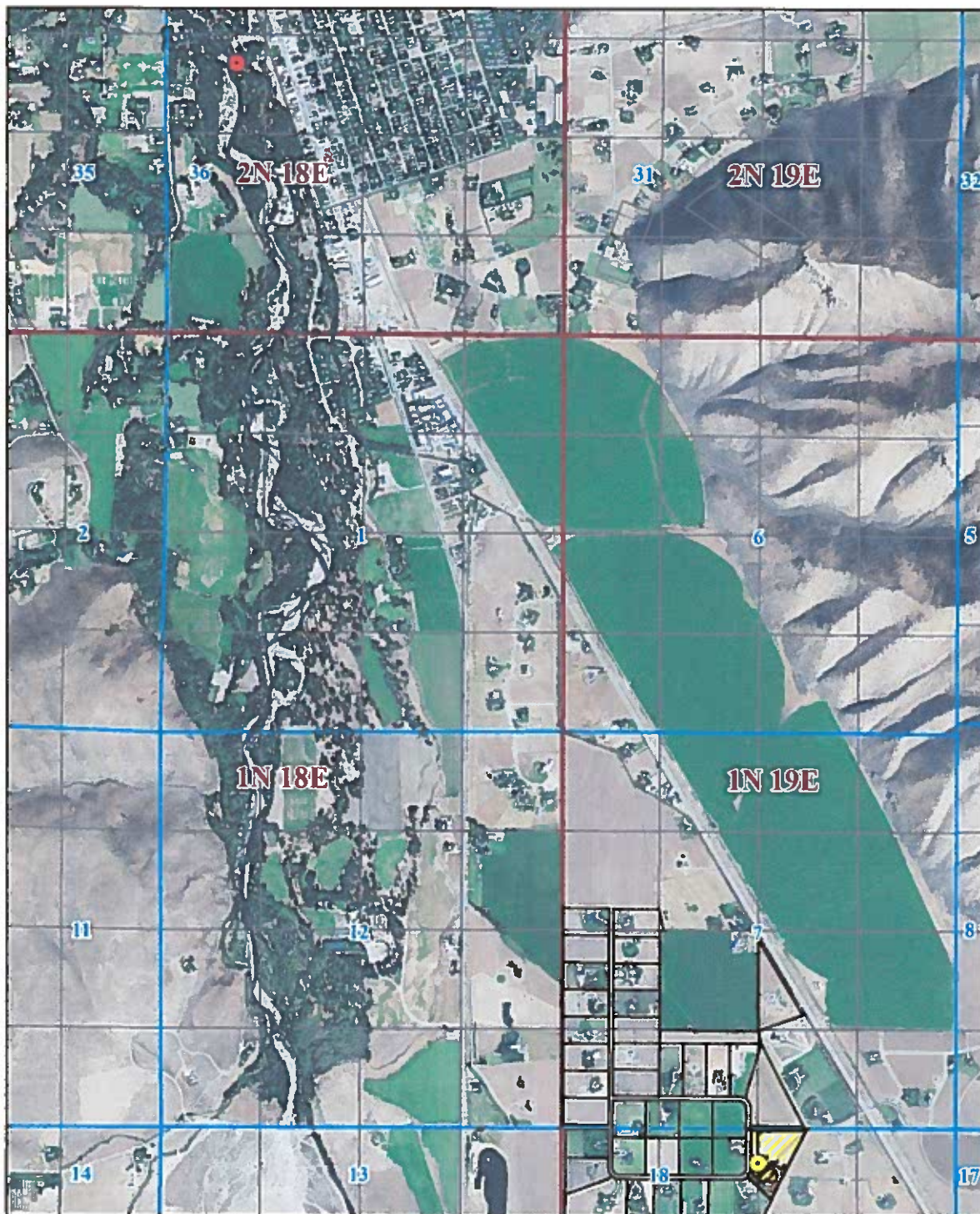
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>37-02557H</u>	<u>Irrigation</u>	<u>.075</u>	<u></u>	<u>3.74</u>
Total Amounts:		<u></u>	<u></u>	<u></u>

2. Source of water Ground water tributary to

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
1N	19E	18			NW	NE	Blaine



SCOTT C PORTER

WATER SUPPLY BANK LEASE 2016-2020

37-21514, 37-21525, 37-21536, 37-21547, 37-21558, & 37-2557H

NAIP 2013 AERIAL PHOTOGRAPH

ATTACHMENT #3

0 500 1,000 2,000 Feet

WR_PODS

37-2557H

SURFACE POD

Bellevue Farms Sub.

WSB LEASE

Irrigation 2013

Irrigation

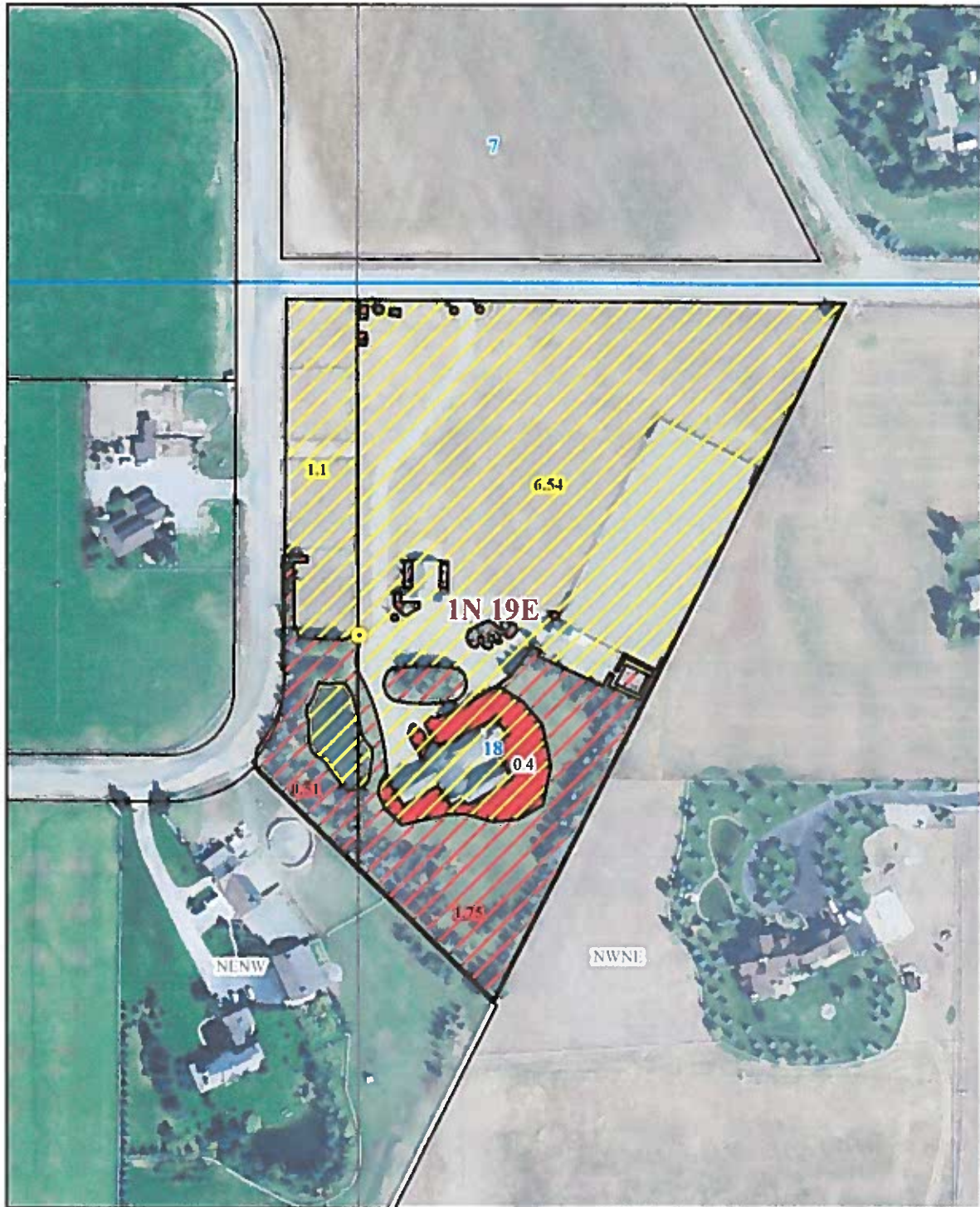
Domestic

twoshp

Sections

ladesc





SCOTT C PORTER

WATER SUPPLY BANK LEASE 2016-2020

37-21514, 37-21525, 37-21536, 37-21547, 37-21558, & 37-2557H

NAIP 2013 AERIAL PHOTOGRAPH

ATTACHMENT #3

0 50 100 200 Feet

BROCKWAY ENGINEERING, PLLC.
ALR -Date: 1/5/2016

Legend

WR_PODS

- 37-2557H
- Bellevue Farms Sub.
- WSB LEASE

Irrigation 2013

- Irrigation
- Domestic

- twndsp
- Sections
- ladesec

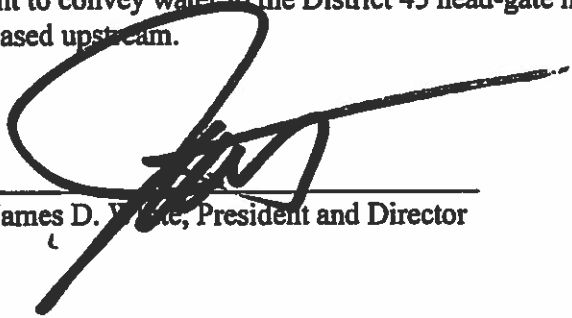


**CERTIFICATE OF ACTION TAKEN BY
THE WOOD RIVER VALLEY IRRIGATION DISTRICT # 45**

The undersigned hereby certifies that at the January 12, 2016 meeting of the Board of Directors of the WOOD RIVER VALLEY IRRIGATION DISTRICT # 45 the board took up the matter of the APPLICATION OF SCOTT PORTER for the consent of the District to his application to place a portion of his surface water rights into the IDWR Water Bank, and the board, after discussion and on motion by Director Sawrey, seconded by Director White, and unanimously approved, the following resolution was adopted by the Board and is at this time in full force and effect:

RESOLVED, THAT the President was instructed to notify the IDWR Water Bank officials of the District's consent to the Application of Scott Porter, subject to and with the continuing condition of a TWENTY PERCENT (20 %) hold-back in the District 45 system and on the further condition that there be no adverse impact on minimum stream flow in the river and that carriage loss sufficient to convey water to the District 45 head-gate must be left in the river if the water right is to be leased upstream.

Dated: January 13, 2016



James D. White, President and Director

TRIANGLE IRRIGATION DISTRICT
P.O. Box 424
Bellevue, Idaho 83313

At the Triangle Irrigation District Board meeting on 2.2.14 the
directors accepted the water bank application from Scott Porter subject
to and with the continuing condition of a 20.1 percent hold back in the
system and on the further condition that there be no adverse impact on the
minimum stream flow in the river and that carriage loss sufficient to convey water
to the Triangle Irrigation District head gate must be left in the river if the water
right is to be leased upstream.

Garth Gardner
President and Director

2.2.14
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Kevin Lakey
Watermaster

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

Scott Porter
Box 99
Hailey, Idaho 83333

April 26, 2012

Water Right donor:

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

Respectfully,

A handwritten signature in cursive script that reads "Kevin Lakey".

Kevin Lakey

Watermaster, Water Districts 37 & 37M

2012 PROOF OF DONATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Kevin Lakey
Watermaster

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

Scott C. Porter
P.O. Box 99
Hailey, Idaho 83333

April 27, 2011

Water Right Donor:

I am writing to inform you that your water right donation to the Wood River Basin Enhancement Water Supply Bank (WRBEWSB) through your Legacy Project donation for water year 2011 was accepted under the conditions you requested.

Please find attached a copy of the description of your donation, and thank you for your participation in this project.

Respectfully,

A handwritten signature in dark ink, appearing to read "Kevin Lakey".

Kevin Lakey
Watermaster, Water Districts 37 & 37M

2011 PROOF OF DONATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Kevin Lakey
Watermaster

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

Scott C. Porter
P.O. Box 99
Hailey, Idaho 83333

May 5, 2010

Water Right Donor:

I am writing to inform you that your water right donation to the Wood River Basin Enhancement Water Supply Bank (WRBEWSB) through your Legacy Project donation for water year 2010 was accepted under the conditions you requested.

Please find attached a copy of the description of your donation, and thank you for your participation in this project.

Respectfully,

Kevin Lakey
Watermaster, Water Districts 37 & 37M

2010 PROOF OF DONATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Kevin Lakey
Watermaster

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

February 23, 2010

Legacy Project Donor:

Please find enclosed information concerning water right(s) you donated into the Wood River Basin Enhancement Water Supply Bank (WREWSB) through the Legacy Project. As a record of your donation, please keep this letter for future reference. A copy of this information has also been provided to the Idaho Department of Water Resources.

If your donation is set to expire in 2010 and you wish to continue your donation, you will need to submit a new application for this upcoming water year. A copy of the donation application is enclosed regardless of whether your donation expires this year. An Advisory Committee meeting to review all donations and WREWSB procedures is scheduled for 1:30 pm on Tuesday April 13 at the Lincoln County Community Center in Shoshone. I am asking that you submit your applications to this office before April 1, 2010 for review before the Advisory Committee meeting.

If you have any questions, feel free to call.

Respectfully,

Kevin Lakey
Watermaster, Water Districts 37 & 37M

2009 PROOF OF DONATION



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

May 4, 2016

GARY SPACKMAN

Director

SCOTT C PORTER

PO BOX 99

HAILEY ID 83333

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 37-2557H, 37-21514, 37-21525, 37-21536, 37-21547, and 37-21558

Dear Lessor:

Water rights 37-2557H, 37-21514, 37-21525, 37-21536, 37-21547, and 37-21558 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 rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

 Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Allen Merritt - IDWR Southern Region
Kevin Lakey - Water District 37
Irrigation District 45
Triangle Irrigation District



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 26, 2016

SCOTT C PORTER
PO BOX 99
HAILEY ID 83333

RE: APPLICATIONS TO LEASE WATER RIGHT 37-2557H, 37-21514, 37-21525, 37-21536, 37-21547 and 37-21558 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.

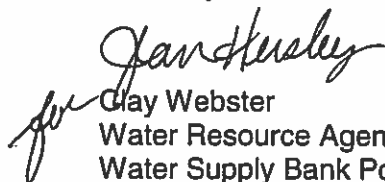
The right will automatically be released from the Bank on **December 31, 2020**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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 me at 287-4910.

Sincerely,


Clay Webster
Water Resource Agent
Water Supply Bank Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C101493

Hersley, Jean

From: Skinner, Corey
Sent: Monday, February 22, 2016 8:28 AM
To: Hersley, Jean
Cc: Merritt, Allen; Jones, Doug
Subject: FW: WSB Lease Applications for Scott Porter
Attachments: Idled Acres.pdf; ATT00001.htm; Lease Application Review Porter.xls; ATT00002.htm; Lease Contract.docx; ATT00003.htm

Jean,

In general this one looks OK. However, I am a little fuzzy on the "0.37 cfs is available for rental due to conveyance loss" on the lease contract. The review memo indicates that 20% will be left in the canal. The total of the portions of the six rights on the lease contract is 0.49 cfs, with 0.07 cfs being a groundwater right on the property. This would leave 0.42 cfs from the river and delivered through the canal. 80 % of 0.42 cfs is 0.34 cfs. I am not sure where the 0.37 cfs number comes from. Am I missing something?

Corey

From: Merritt, Allen
Sent: Friday, February 19, 2016 3:53 PM
To: Jones, Doug; Skinner, Corey
Subject: Fwd: WSB Lease Applications for Scott Porter

Please respond

Sent from my iPhone

Begin forwarded message:

From: "Hersley, Jean" <Jean.Hersley@idwr.idaho.gov>
Date: February 16, 2016 at 12:51:55 PM MST
To: "Merritt, Allen" <Allen.Merritt@idwr.idaho.gov>, Kevin Lakey <watermanager@cableone.net>
Subject: WSB Lease Applications for Scott Porter

37-2557H, 37-21514, 37-21525, 37-21536, 37-21547, 37-21558

Review memo, draft contract and map attached. Please let me know within 7 days if you have any comments or concerns.

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

Hersley, Jean

From: Skinner, Corey
Sent: Monday, February 22, 2016 8:40 AM
To: Hersley, Jean
Subject: RE: WSB Lease Applications for Scott Porter

Jean,

Along the same line, I am also fuzzy on condition # 15 on the lease contract (20% conveyance loss = 0.09 cfs).

Corey

From: Skinner, Corey
Sent: Monday, February 22, 2016 8:33 AM
To: Hersley, Jean
Cc: Merritt, Allen; Jones, Doug
Subject: FW: WSB Lease Applications for Scott Porter

Jean,

In general this one looks OK. However, I am a little fuzzy on the "0.37 cfs is available for rental due to conveyance loss" on the lease contract. The review memo indicates that 20% will be left in the canal. The total of the portions of the six rights on the lease contract is 0.49 cfs, with 0.07 cfs being a groundwater right on the property. This would leave 0.42 cfs from the river and delivered through the canal. 80 % of 0.42 cfs is 0.34 cfs. I am not sure where the 0.37 cfs number comes from. Am I missing something?

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Sent: Friday, February 19, 2016 3:53 PM
To: Jones, Doug; Skinner, Corey
Subject: Fwd: WSB Lease Applications for Scott Porter

Please respond

Sent from my iPhone

Begin forwarded message:

From: "Hersley, Jean" <Jean.Hersley@idwr.idaho.gov>
Date: February 16, 2016 at 12:51:55 PM MST
To: "Merritt, Allen" <Allen.Merritt@idwr.idaho.gov>, Kevin Lakey <watermanager@cableone.net>
Subject: WSB Lease Applications for Scott Porter

37-2557H, 37-21514, 37-21525, 37-21536, 37-21547, 37-21558

Review memo, draft contract and map attached. Please let me know within 7 days if you have any comments or concerns.

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

Hersley, Jean

From: Kevin Lakey <watermanager@cableone.net>
Sent: Thursday, February 18, 2016 8:55 AM
To: Hersley, Jean
Subject: RE: WSB Lease Applications for Scott Porter

Jean,
I have no concerns with this application.

Kevin Lakey
Water District 37

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Tuesday, February 16, 2016 12:52 PM
To: Merritt, Allen; Kevin Lakey
Subject: WSB Lease Applications for Scott Porter

37-2557H, 37-21514, 37-21525, 37-21536, 37-21547, 37-21558

Review memo, draft contract and map attached. Please let me know within 7 days if you have any comments or concerns.

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

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: Scott C Porter

Memo Date: February 10, 2016

Water Right Number(s): 37-2557H, 21514, 21525, 21536, 21547 and 21558

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			
	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?	x		
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			20%
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: The applicant wishes to place 7.6 acres in the Bank. These rights combined are limited to the irrigation of 9.9 acres. Scott Porter, current water right holder, signed the applications. The proposed leased portions of these rights were part of the Wood River Basin Enhancement (Legacy Project) Water Pool thru 2012. the rights were decreed in 2010 so forfeiture is not an issue. The POD is from the Irrigation District #45 and 20% will be left in the canal for conveyance losses. 2.3 acres will continue to receive water on the POU. These rights are currently within WD 37.			

RECEIVED

FEB 04 2016

DEPARTMENT OF
WATER RESOURCES

Scott C. Porter
P.O. Box 99
Hailey, ID 83333

February 2, 2016

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

Re: Water Supply Bank Applications

To whom it may concern:

Enclosed please find a check in the amount of \$500 and completed Water Supply Bank applications for water right numbers 37-02557H, 37-21514, 37-21525, 37-21536, 37-21547 and 37-21558.

Included with each application is a form W-9, written consents from the two divisions of the applicable irrigation district, the Wood River Valley Irrigation District #45 and the Triangle Irrigation District and copies of the acceptance letters from Kevin Lakey documenting participation in the Wood River Basin Enhancement Water Supply Bank for irrigation seasons 2009, 2010, 2011 and 2012.

Feel free to contact me if there are any questions regarding this application package.

Respectfully,



Scott C. Porter