

WATER SUPPLY BANK LEASE CONTRACT

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

LESSOR: COHO ESTATES PROPERTY OWNERS ASSOCIATION
PO BOX 56
DONNELLY ID 83615
208-325-7817

RECEIVED

APR 22 2016

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 March 18, 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
65-2591C	01/17/1960	LAKE FORK	NORTH FORK PAYETTE RIVER	1.49 cfs	273.0 af	91.0 ac

Lease Totals 1.49 cfs 273.0 af 91.0 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.

COHO ESTATES PROPERTY OWNERS ASSOCIATION

PO BOX 56
DONNELLY ID 83615

By 

Date 4-21-16

Printed Name LOU NILSEN

Title PRESIDENT HOA

IDAHO WATER RESOURCE BOARD

322 EAST FRONT ST
PO BOX 83720
BOISE ID 83720-0098

By 

Date 4/25/2016

Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR 

Date 4-25-2016

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
 WATER RIGHT NO. 65-2591C

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

Lessor: COHO ESTATES PROPERTY OWNERS ASSOCIATION
 PO BOX 56
 DONNELLY ID 83615
 208-325-7817

Location of Point(s) of Diversion for Water Right 65-2591C

LAKE FORK SENE Sec. 04, Twp 16N, Rge 03E, VALLEY County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
65-2591C	IRRIGATION	04/15	to 10/15	1.49 cfs	273.0 af
Total:				1.49 cfs	273.0 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	
16N	03E	3										17.0							17.0
16N	03E	4													19.0			23.0	42.0
16N	03E	9	32.0																32.0

Total Acres: 91.0

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. 65K.

Effective until December 31, 2020

[illegible]

- 

A horizontal scale bar with a black outline. It is divided into three segments by two vertical tick marks. The first segment is labeled '0' at its left end. The second segment is labeled '0.25' at its midpoint. The third segment is labeled '0.5' at its right end. The word 'Miles' is written in a bold, black, sans-serif font at the far right of the bar.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 18 2016

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant LOU NILSEN / FOR
(Select one owner - see item 1A on the application)Water Right No. 65-2591 C
(One water right per application)

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

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

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

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

Attachment N/A Yes

1A

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

1B

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

1C

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

1D



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

2



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

3



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

4A



Written consent from irrigation district or water delivery company.

4G

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

Department Use Only

Fee Amount \$ 250.00Received By: dhDate Received: 3-18-16Receipt # C101690W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Coho Property Owners Association
PO Box 56
Donnelly ID 83615

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 COHO PROPERTY OWNERS ASSOCIATION
Mailing Address Box 56 DONNELLY ID 83615
Street City State Zip Code
Email Address nilsen@frontier.net Phone Number 208 325-7817

☐ 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 LOU NILSEN Organization HOMEOWNERS ASS'N.
Professional Title PRESIDENT Email Address nilsen@frontier.net
Mailing Address Box 471 DONNELLY, ID 83615 Phone Number 208 325-7817

☐ 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.

NONE

- 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.

- 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. NONE. WATER HAS BEEN IN WATER SUPPLY BANK

- 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.

WATER RIGHT HAS BEEN IN WATER SUPPLY BANK

- 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 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.

Lou Nilsen President
Signature of Designated Applicant

LOU NILSEN
Printed Name

3-14-16
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

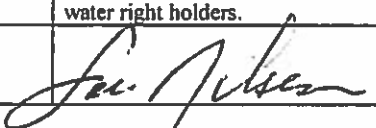
Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). 65-2591C

PLEASE SEND ALL MAIL TO BOX 56 COHO PROP. OWNERS ASSN.

	Designated Applicant	Applicant #2	Applicant #3
Name	LOU NILSEN		
Mailing Address	BOX 471 DONATELLY, ID. 83615		
Phone Number	208 325-7817		
Email Address	nilsen@frontier.net		
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			

Coho Estates Property Owners Association
Board Members & Terms

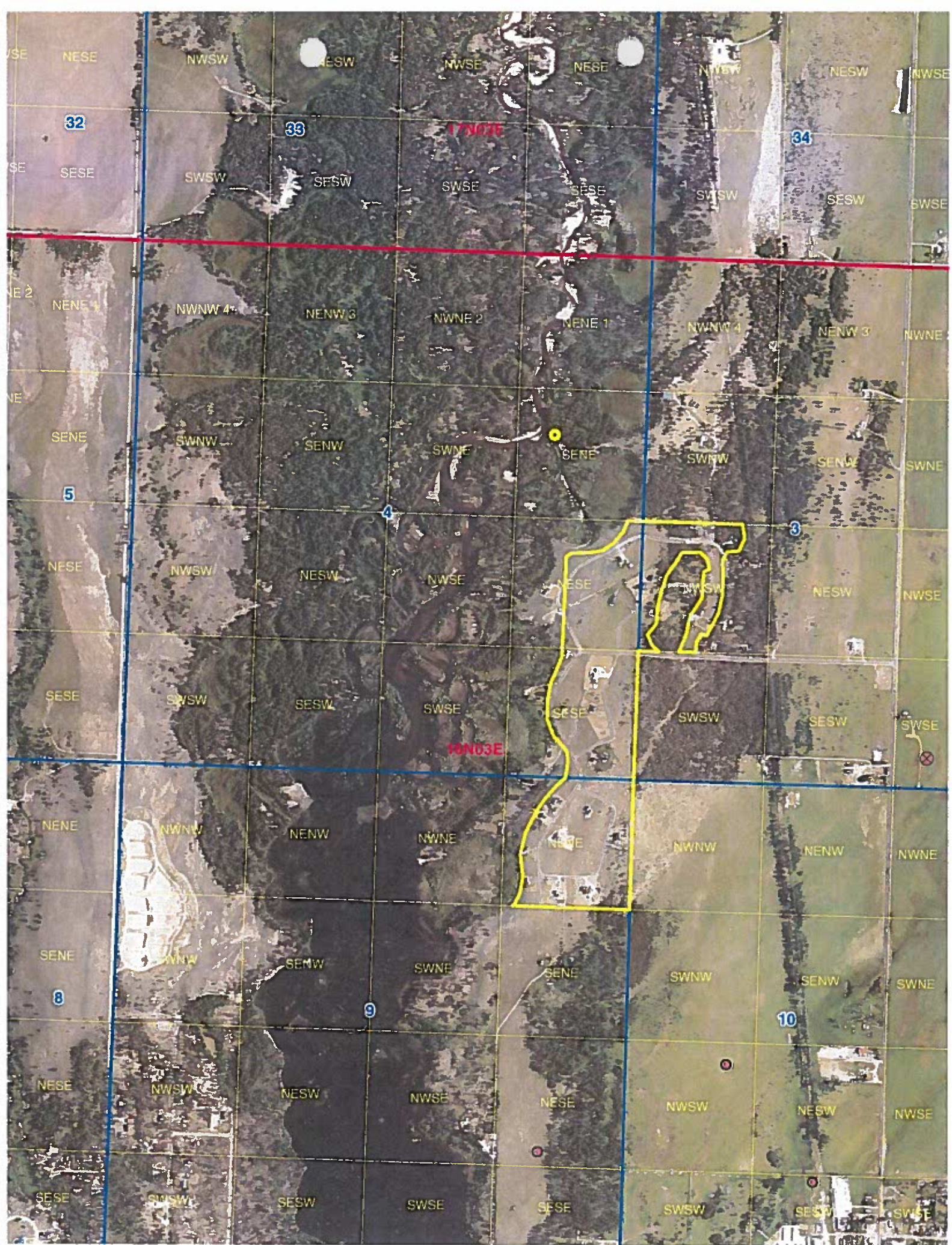
President	Lou Nilsen	2015 – 2018	(208)325-7817
Vice-President	Dan Engelbreit JUDY FREDERICK	2014 – 2017 2016 – 2019	(208)315-3691
Secretary	Mary Fairman	2014 – 2017	(208)325-4088
Treasurer	Sharon Herther	2014 – 2017	(208)315-0534

All terms are three years of service unless, an election is held to replace a current board member. The term runs until the end of the existing term. Elections take place at the Annual Membership meeting.

Architectural Control Committee

Chairman	Eric Gehrung	2015 – 2016	(208)325-3769
	Lou Nilsen	2015 – 2016	(208)325-7817
	Ray McLaughlin	2015 – 2016	(208)455-1884
	Judy Zuckert	2015 – 2016	(208)559-7730

The Board appoints the Architectural Control Committee annually at the Annual Membership Meeting.



No. C 105029	Due no later than Feb 29, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. COHO ESTATES PROPERTY OWNERS' ASSOCIATION, INC. MARY FAIRMAN PO BOX 56 DONNELLY ID 83615		LOU NILSEN 13253 KOKANEE DR DONNELLY ID 83615			
			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
TREASURER	SHARON HERTHER	13239 KOKANEE DR	MCCALL	ID	USA	83638
SECRETARY	MARY FAIRMAN	P.O. BOX 1006	DONNELLY	ID	USA	83615
PRESIDENT	LOU NILSEN	P.O. BOX 471	DONNELLY	ID	USA	83615
VICE PRESIDENT	DAN ENGELBRETT JODY FREDERICK	P.O. BOX 461	DONNELLY	ID	USA	83615
5. Organized Under the Laws of: ID C 105029		6. Annual Report must be signed.* Signature: Mary Fairman Name (type or print): Mary Fairman Date: 01/23/2016 Title: Secretary				
Processed 01/23/2016		* Electronically provided signatures are accepted as original signatures.				



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 26, 2016

COHO ESTATES PROPERTY OWNERS ASSOCIATION
PO BOX 56
DONNELLY ID 83615

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 65-2591C

Dear Lessor:

Water right **65-2591C** was leased into the Water Supply Bank (Bank) as of March 16, 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 me at 287-4910.

Sincerely,

 Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Angie Grimm - IDWR Western Region
John Leedom - Water District 65K

Hersley, Jean

From: Van Dyke, Nick
Sent: Monday, April 18, 2016 2:45 PM
To: Hersley, Jean
Subject: RE: WSB Lease Application for COHO Estates 65-2591C

I don't see anything wrong with the lease.

Nicholas Van Dyke

*Sr. Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: nick.vandyke@idwr.idaho.gov*

From: Hersley, Jean
Sent: Monday, April 18, 2016 2:31 PM
To: Van Dyke, Nick; jleedom@frontier.net
Subject: WSB Lease Application for COHO Estates 65-2591C

Attached is the review memo, draft contract and map of idled acres. This water right has been in the Bank since 1999. It was released this year by a resolution from the IWRB since we are no longer allowing indefinite leases. Please let me know if you have any comments or concerns regarding this lease within 7 days. Thank you.

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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 65-2591C

4/18/2016

pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. RIGHT NO. 65-02591B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. RHOWERTO 8/23/1999 WATER BANK
THIS RIGHT HAS BEEN ACCEPTED INTO THE WATER BANK PER LETTER DATED JULY 1, 1999, SEE FILE. THE RIGHT WILL BE RETAINED IN THE BANK THROUGH DECEMBER 31, 2001, IT WILL STAY IN THE BANK UNTIL IT IS RELEASED BY THE BOARD OR THE TIME PERIOD EXPIRES, WHICHEVER IS EARLIER. COPIED FROM REMARKS THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM A65-02591X. NO FEE REQUIRED. DEED LIMITED AMOUNT OF WATER SOLD TO CLAIMANT TO 1.49 CFS. KW 5/2/1996 OWNERSHIP CHANGED FROM MCGINNIS TO COHO BY RDH, 8/23/1999.
2. AJU10-JS 9/24/1999 AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. cwebster 1/19/2016 Water Supply Bank
Indefinite no term designation received pending release from bank
4. cwebster 1/28/2016 Water Supply Bank
WR released from the Bank per Board Resolution 11/17/2015

Dates and Other Information

Decreed Date: 6/29/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65K
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 65-2591C
Class: 1
SF5 Filed Date: 1/14/2004
Special Master Recom Signed Date: 5/5/2004
Attorney Assigned:
Adjudication Agent:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 65-2591C

4/18/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COHO ESTATES PROPERTY OWNERS ASSN INC P.O. BOX 56 DONNELLY, ID 83615 (208)315-2626
Original Owner	GEORGE A BENNETT PO BOX 714 DONNELLY, ID 83615
Original Owner	ELSIE M MC GINNIS PO BOX 39 DONNELLY, ID 83615 (208)325-8726
Original Owner	CHESTER C MC GINNIS PO BOX 39 DONNELLY, ID 83615 (208)325-8726

Priority Date: 1/17/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LAKE FORK	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	1.490 CFS	
	<u>Total Diversion</u>		1.490 CFS	

Source and Point(s) of Diversion

LAKE FORK SENE Sec. 4, Twp 16N, Rge 03E, VALLEY County

Place Of Use

IRRIGATION within VALLEY County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	03E	3										17.0							17.0
16N	03E	4													19.0			23.0	42.0
16N	03E	9	32.0																32.0

POU Total Acres: 91.0

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 65-2591C

4/18/2016

Basis of Claim: Decreed
Date Filed: 6/9/2000
Objection Status: Active

Water Supply Bank:
N/A



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 18, 2016

JOHN LEEDOM
WATER DISTRICT 65k
370 KNIGHTS RD
MC CALL ID 83638

RE: Water Supply Bank Lease Application for Water Rights: 65-2591C in the name of Coho Estates
Property Owners Assn Inc

Dear Watermaster:

The Department of Water Resources is soliciting your comments or concerns on the proposed lease submitted by Coho Estates Property Owners Assn Inc. A copy of the review memo and draft contract is enclosed.

Please review the information, then complete the enclosed recommendation form and return it to this office within 7 days of the date of this letter. You may return the form via postal mail or you may fax it to me at (208) 287-6700, Attn: Jean or email to jean.hersley@idwr.idaho.gov.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist

Enclosure(s)



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 19, 2016

COHO ESTATES PROPERTY OWNERS ASSN INC
PO BOX 56
DONNELLY ID 83615

RE: APPLICATIONS TO LEASE WATER RIGHT 65-2591C 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.

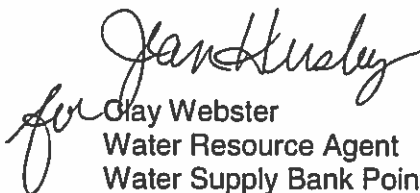
The right will automatically be released from the Bank on **December 31, 2020**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form.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


Jay Webster
Water Resource Agent
Water Supply Bank Point of Contact

Enclosure: Proposed Lease Contracts

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: COHO Estates Property Owners Assn.

Memo Date: april 18, 2016

Water Right Number(s): 65-2591C

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		
All of right	x	
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		
11 Area Headgate requirement		3
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 the entire right in the Bank thru the 2020 season. This right was decreed in 2004 and has been in the Bank since 1999. It was recently released from the Bank by order from the IWRB. Aerial photography suggest no irrigation has taken place.		

No. C 105029	Due no later than Feb 29, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. COHO ESTATES PROPERTY OWNERS' ASSOCIATION, INC. MARY FAIRMAN PO BOX 56 DONNELLY ID 83615		LOU NILSEN 13253 KOKANEE DR DONNELLY ID 83615			
			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
TREASURER	SHARON HERTHER	13239 KOKANEE DR	MCCALL	ID	USA	83638
SECRETARY	MARY FAIRMAN	P.O. BOX 1006	DONNELLY	ID	USA	83615
PRESIDENT	LOU NILSEN	P.O. BOX 471	DONNELLY	ID	USA	83615
VICE PRESIDENT	DAN ENGELBREIT	P. O. BOX 461	DONNELLY	ID	USA	83615
5. Organized Under the Laws of: ID C 105029		6. Annual Report must be signed.* Signature: Mary Fairman Name (type or print): Mary Fairman Date: 01/23/2016 Title: Secretary				
Processed 01/23/2016		* Electronically provided signatures are accepted as original signatures.				