

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED
MAR 04 2016
DEPARTMENT OF
WATER RESOURCES

This is to certify that: **BRIGHTON DEVELOPMENT INC.**
12601 W EXPLORER DR STE 200
BOISE ID 83713
(208) 287-0522

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
-------------	---------------	--------	-----------	-------------	----------------------	------------	--------------------

63-161 BN	5/1/1866	Boise River	SNAKE RIVER	0.05 cfs	10.5 af	NA	2.34 ac
-----------	----------	-------------	-------------	----------	---------	----	---------

Annual Rental Totals **0.05 cfs 10.5* af NA 2.34 ac**

*The renter is limited to a diversion volume of 8.2 acre-feet for the use authorized under this agreement.

Term of Rental: **This rental shall take effect once both parties have signed it and shall continue in effect until December 31, 2019.**

Rental Fee: **Years 2016-2017 \$178.50 annually**
 Years 2018-2019 \$210.00 annually

The fee for rental of the above-described water is \$178.50 annually for years 2016-2017 and \$210.00 annually for years 2018-2019. Ten percent (\$17.85/\$21.00) will go to the Department for administrative costs, and the remainder will be paid to the lessor(s). An annual payment shall be received by the Department prior to January 1 each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date. No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

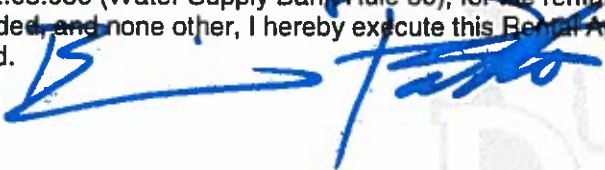
The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

 Blake Alter CFO 3.2.16
Signature of Renter Printed Name and Title* Date

Signature of Renter Printed Name and Title* Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

 3/4/2016
By Date
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L6(NW¼NE¼) Sec. 04 Twp 02N Rge 03E ADA County

BENEFICIAL USE

MITIGATION BY NON-USE

SEASON OF USE

03/01 TO 11/15

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
11. Use of water under this agreement will be 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. 63.

12. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
13. Place of use is also known as Lot 1, Block 7, Paramount Sub No. 01.
14. This rental provides mitigation for the aesthetic storage under right 63-32603.



STATE OF IDAHO
WATER RESOURCE BOARDRECEIVED
AUG 06 2015
DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Brighton Development, Inc.Is this application being submitted with a lease application as a lease/rental package? Yes ☐ No ☒

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

One rental application per beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources. For multiple beneficial uses of water, individual rental requests should be submitted for each unique beneficial use of water.

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

Checked All Items as Either Attached (Yes) or Not Applicable (N/A)		
	YES	
	☒	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
Attachment	N/A	YES
2	☒	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	☐	☒ Detailed information on a proposed use of rental water
3E	☒	☐ Authorization from the owner/operator of the rental point(s) of diversion
3G	☒	☐ Water modeling to account for the impacts of the rental request
3J	☒	☐ Documents justifying a need to rent water for irrigation at a rate of flow greater than 0.02 cfs/acre
3K	☒	☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	☐	☒ Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	☐	☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

63-161BN

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Boise River	2N	3E	3	L6	NW	SW	Ada	None

The entry in this grid must match the map from item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☐ No ☒
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it Attachment 3E.

- F. Do any POD(s) identified in Question 3D divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- G. Has water modeling been provided with your rental request? Yes ☐ No ☒

If yes, include as Attachment 3G. Otherwise please explain why modeling was not provided:

Mitigation to Section 1 of the Boise River for shallow ground water diversions has been established and accepted base on prior analysis of the Boise Valley ground water by IDWR.

Rental applications that require modeling will be returned if modeling is not provided.

- H. Specify the proposed beneficial use: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☒ Other: Mitigation

- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	25							X	X									

The entry in this grid must match the map from item 2 on the application.

Total Acres (for irrigation)

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☒ Yes ☐ No ☐
If yes, explain the justification for this rate of flow and attach any supporting documents as Attachment 3J:

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

- L. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
Rental is for mitigation of Boise River depletion resulting from shallow ground water diversion by the applicant.

Applicant owns well and delivery system that provides ground water to the aesthetic ponds. The Watermaster will deliver mitigation water to the Boise River.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? Yes ☒ No ☐
If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:
Water from an irrigation water right will be used to mitigate ground water diversions as recognized in IDWR
Application Processing Memorandum 71 and 72. IDWR has historically accepted 1:1 swap of irrigated acres for pond surface acres in the Boise Valley.

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
Prior Water Bank rentals and current Rental Pool rental have been secured. Permit holder is actively looking for a water right to purchase that meets the mitigation requirements imposed on this permit, ground water from less than 200 feet depth upstream from the Star Bridge, none have been identified.
- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.
Submitted in response to Show Cause Order dated 4-7-2014.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws.

Diona Lassiter
Signature of Applicant

Diona Lassiter
Printed Name of Applicant

7-22-2015
Date

David Shaw
Signature of Representative

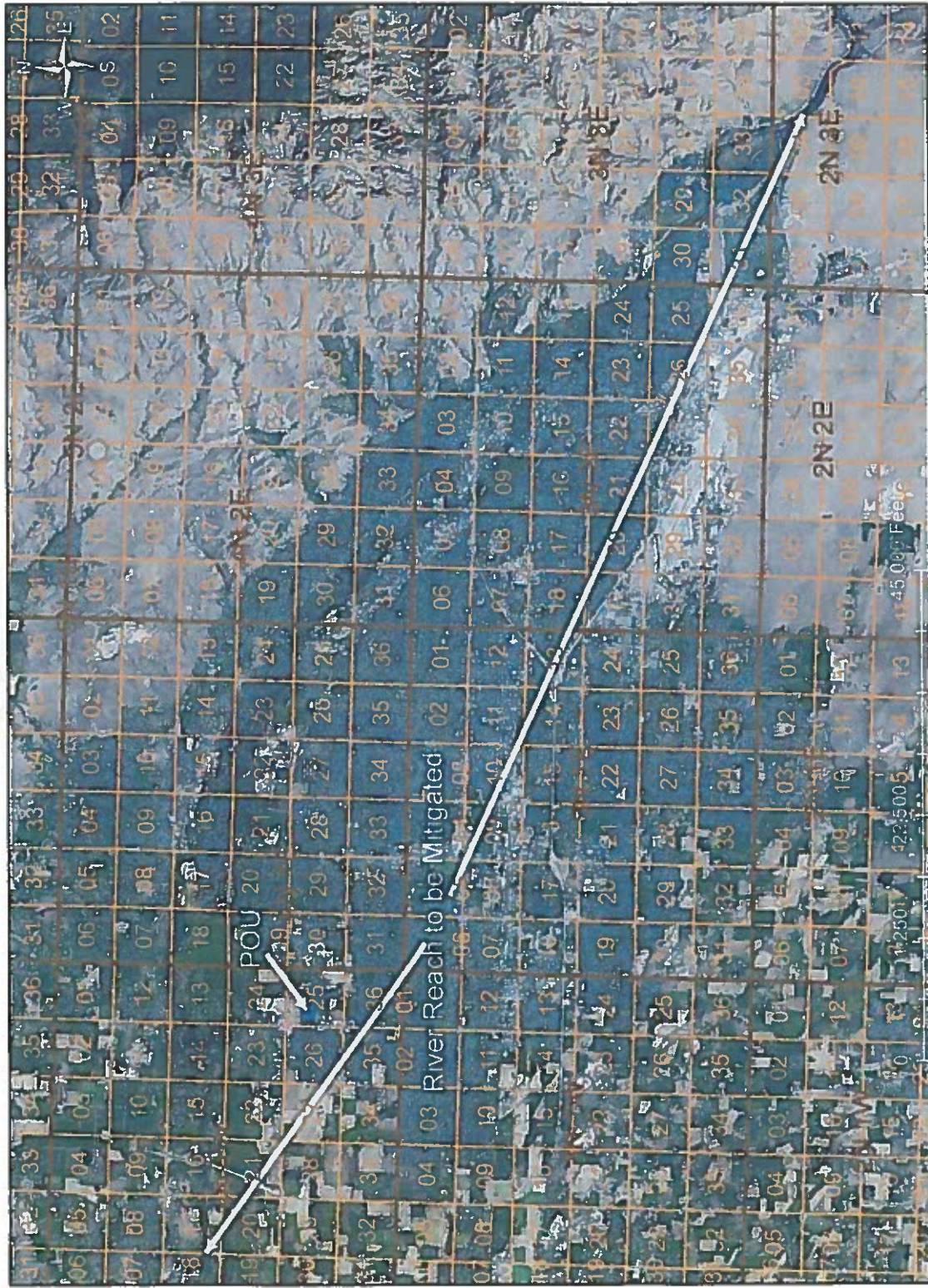
David Shaw
Printed Name of Representative

7-22-15
Date

Mail to:

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

Attachment 2



Based on 2013 NAIP Photography

Prepared for Brighton Development Inc by ERO 7-2015



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 3, 2017

BRIGHTON DEVELOPMENT INC
12061 W EXPLORER DR STE 200
BOISE ID 83713

RESPONSE DEADLINE
2/1/2017

RE: Water Supply Bank Rental Fees for 2017 Rental Agreements

Dear Renter,

The following are your 2017 water rentals from the Water Supply Bank:

Rental	Start	End	Water Right	Rental Volume (AF)	Total Rental Fee	Owner Fee (90%)	Admin Fee (10%)	Rental Fee Due Date
1	2016	2019	63-161BN	10.5	\$178.50	\$160.65	\$17.85	1/1/2017

Our records indicate that payment has not yet been received for the above water right rentals.

If you have not already done so, please remit payment of **\$178.50** prior to the due dates above and enclose a copy of this letter with your payment.

If you have questions about your rental, you can contact me at 208-287-4918.

Regards,

Remington Buyer
Water Supply Bank Coordinator



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

March 8, 2016

GARY SPACKMAN
Director

BRIGHTON DEVELOPMENT INC
12601 W EXPLORER DR STE 200
BOISE ID 83713

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 63-161BN**

Dear Renter:

Please find enclosed a receipt in the amount of **\$178.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 10.5 acre-feet of water for mitigation by non-use during 2016. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$160.65 of the rental fee will be paid to the lessor(s) and 10% or \$17.85 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4946.

Sincerely,

 Michele Edl
Sr. Water Resource Agent

Enclosures: Receipt No. C101585
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angie Grimm – IDWR Western Regional Office
Rex Barrie – State Water District No. 63
David Shaw – ERO Resources Corp
Liz Cresto - IDWR



RECEIVED

MAR 04 2016

DEPARTMENT OF
WATER RESOURCES

March 3, 2016

State of Idaho
Department of Water Resources
Attn: Michele Edl
P.O. Box 83720
Boise, ID 83720-0098

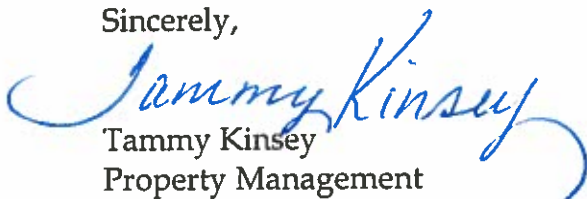
RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK WATER
RIGHT NO. 63-161BN

Dear Ms. Edl,

Please find enclosed a check in the amount of \$178.50 along with the signed Rental Agreement.

Please contact Diona Lassiter at 378-4000 with any questions.

Sincerely,


Tammy Kinsey
Property Management



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

February 24, 2016

BRIGHTON DEVELOPMENT INC
12601 W EXPLORER DR STE 220
BOISE ID 83713

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 63-161BN**

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$178.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 10.5 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$178.50 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$160.65 of the rental fee will be paid to the lessor(s) and 10% or \$17.85 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4946.

Sincerely,

 Michele Edl
Sr. Water Resource Agent

c: IDWR Front Desk
David Shaw – ERO Resources Corp.

Brighton Development, Inc. 2016-2019 rental									
Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$17 (2016-2017)	Rental Amounts		Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2018-2019)
					Rate	Acres			
63-1618N	10.50	\$160.65	\$17.85	\$178.50	0.05	2.34	\$189.00	\$21.00	\$210.00
Total	10.50	\$160.65	\$17.85	\$178.50	0.05	2.34	\$189.00	\$21.00	\$210.00
calculated by Michele Edl									
63-1618N	vol (af)	rate (cfs)	acres	rate/ac	vol/ac	notes			
decreed	634.50	2.820	141.00	0.0200	4.50	lease exp 2019			
revised	8.20	2.820	4.80	0.5875	1.71	not proportional			
revised (consumptive use)	10.50	0.047	2.34	0.0201	4.49	C.U. = 3.5; 8.2/3.5=2.34 ac; total volume = 2.34 ac*4.5afa=10.5AF			
						<> must rent 10.5 AF but will use only 8.20 AF			
remaining	624.00	2.77	138.66						

MEMORANDUM

To: Water Right No(s): 63-161BN
Permit No: 63-32603

From: Michele Edl

Date: February 17, 2016

Re: Review and Analysis of Brighton Development Inc Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On August 6, 2015, Brighton Development, Inc. submitted an application to rent water from the State Water Supply Bank.

The application proposes to rent a portion of Decreed Right 63-161BN as mitigation to offset evaporation losses from ponds developed under Permit 63-32603. The permit authorizes diversion to storage and aesthetic storage for two ponds in the Paramount Subdivision. The surface area of the ponds totals 2.88 acres in the SWNW and SENW of sec 25, Twp 4N, Rge 1W. The losses from those ponds have exceeded the permit authorization.

David Shaw (Principal, ERO Resources Corp) is consultant to the applicant.

The application requested a rental agreement with a 5-year duration. However, WR# 63-161BN is leased to the bank from 2015-2019. Therefore this rental will have a 4-year duration ending in 2019.

AUTHORITY TO FILE: According to available Ada County taxlot information, the proposed place-of-use is owned by Paramount OA Inc.. However, the mitigation will be applicable to Permit 63-32603 which is currently held by Brighton Development, Inc.

The application was signed by Diona Lassiter but an IDSOS business entity query does not show Lassiter as an officer for Brighton Development, Inc. In a February 16, 2016 phone call, Dave Shaw provided the following: Diona Lassiter is Director of Property Management for Brighton Development, Inc.

WATER RIGHT VALIDITY: A portion of water right 63-161BN is leased to the Bank 2015-2019. A review of aerial photography at the former POU shows that portions of the water use have been idled at that location. Water sufficient to satisfy this rental request is available from the right for the next four years.

This right is considered an 'uncuttable' Stewart Decree right. The applicant will not be required to rent additional water to immunize them from cuts which occur across the board, nearly every summer, to the 'normal' Stewart Decree water rights.

INJURY TO OTHER WATER RIGHTS: The aesthetic ponds authorized by permit 63-32603 access shallow groundwater tributary to the Boise River and are kept full year-round. This rental is to mitigate for injury caused by those ponds. The mitigation/rental quantities have been determined and agreed upon by IDWR and Brighton Development Inc.

Injury to other water users principally occurs during the irrigation season. Therefore an irrigation water right is appropriate for mitigation. The proposed rental right is for an irrigation use that would have been pumped from the Boise River several miles upstream. The reach of the Boise River to be mitigated is approximately River Mile 60.5 (~0.5 mile below the Diversion Dam) to River Mile 41.

ENLARGEMENT OF USE: No enlargement is evident through the rental.

The 8.2 AF requested for mitigation of the pond evaporation losses is associated with fewer acres of irrigation than the rental application proposed. The consumptive use standard for this area is 3.5 acre-foot per acre. The consumptive volume of water appurtenant to 2.34 acres ($8.2 \text{ af} / 3.5 \text{ af/ac} = 2.34 \text{ acres}$) is sufficient to supply 8.2 AF.

The total volume for the rental will be 10.5 AF ($2.34 \text{ ac} \times 4.5 \text{ af/ac} = 10.5 \text{ AF}$)

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Comment has been requested from the Watermaster.

Western Region is not opposed to the rental.

Edl, Michele

From: Peppersack, Jeff
Sent: Tuesday, February 16, 2016 5:12 PM
To: Edl, Michele
Subject: RE: Brighton rental

Michele,

Looks good generally with one question – shouldn't the acres required for mitigation be based on the consumptive use value for each acre rather than the total volume? Since mitigation is required for evaporation in the amount of 8.2 acre-feet (totally consumed), then the mitigation needs to offset a total depletion of 8.2 acre-feet. If we assume the consumptive value in the area for irrigation is 3.5 acre-feet per acre, then the acreage needed to offset the depletion is $8.2/3.5=2.34$ acres.

Regarding conveyance losses, do you mean in the river between the mitigating right and the permit? Is there reason to believe non-use of the mitigating right will not satisfy rights that might be injured due to the gw pumping under the permit (I'm answering your question with a question)? Since most of the senior rights on the Boise River in the reach are cut equally, it probably doesn't matter unless there's some strange gains or losses in the reach that would throw off distribution of water.

Jeff

From: Edl, Michele
Sent: Tuesday, February 16, 2016 3:43 PM
To: Peppersack, Jeff
Subject: Brighton rental

Jeff,

I have completed my review of a 4-year rental for mitigation by non-use involving Brighton Development, Inc (renter) and Surprise Valley HOA(lessor).

I have attached a copy of my review memo and a map showing the relation of the rental POU to the authorized POD for the lease.

D Nelson and Western Region are ok with this, as is.

I did not consider conveyance losses in my evaluation. Do I need to?

Sorry to bother but everyone else is yielding the floor to you. Thanks.

Michele

Edl, Michele

From: Van Dyke, Nick
Sent: Tuesday, February 16, 2016 1:38 PM
To: Edl, Michele
Subject: RE: WSB rental for mitigation by non-use

Michele,

Nothing outstanding comes to mind regional wise on our end.

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: Edl, Michele
Sent: Tuesday, February 16, 2016 1:09 PM
To: Van Dyke, Nick; Water District 63
Cc: Miller, Nick
Subject: WSB rental for mitigation by non-use

Nick Van Dyke, Rex Barrie,

I have completed my review of a rental in B63 involving Brighton Development Inc (lessors) and Surprise Valley HOA(renter).

A pair of ponds in the Paramount Subdivision are using more water than Permit 63-32603 authorized which resulted in Show Cause Order (April 7, 2014 by Jeff Peppersack). Dan Nelson is the contact for questions about the permit and the compliance plan.

I have attached a copy of my review memo and a map showing the lease POU and the authorized POD. Because this will be mitigation by non-use the POD will not actually be used. (This rental doesn't fit our templates very well).

When you get a minute, please let me know if you have any concerns about this rental.

Thanks.
Michele

POU(ponds) 63-32603

POD for 63-161 BN

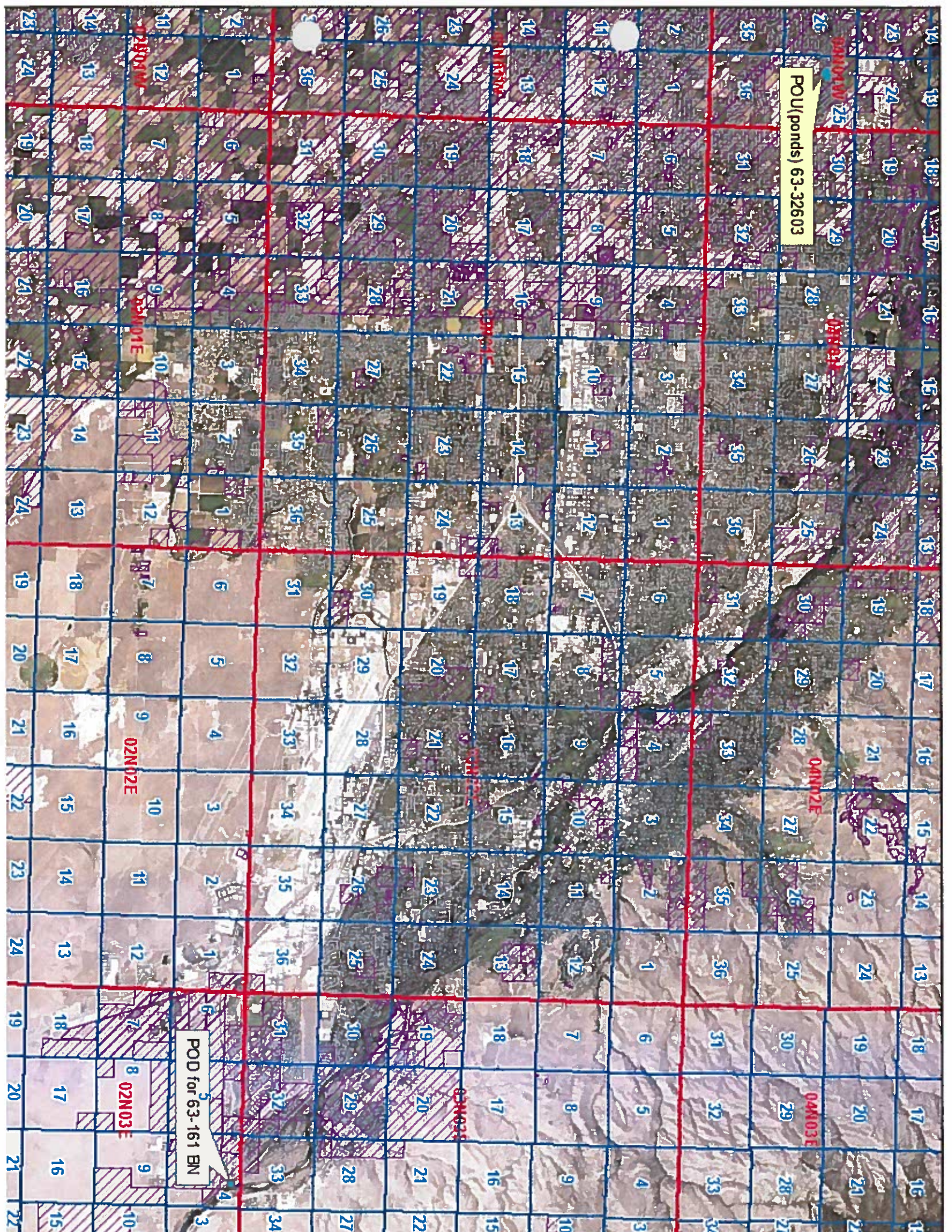
02N02E

02N03E

04N02E

04N03E

02N02E



Edl, Michele

From: Edl, Michele
Sent: Friday, February 12, 2016 4:28 PM
To: 'dshaw@erresources.com'
Subject: 63-161BN for mitigation

Mr. Shaw,

This afternoon I did a little more research in order to better process Brighton Development, Inc's rental application. I found that WR#63-161BN is a former Stewart Decree right. However, it is considered 'uncuttable'. Therefore Brighton Development, Inc. does not need to rent additional water from 63-161BN to immunize their aesthetic use ponds from the 60% and 75% cuts felt by 'normal' Stewart Decrees.

Rental of 8.2 AF will be sufficient. I will adjust the rental agreement accordingly.

Regards,
Michele Edl

Edl, Michele

From: Cresto, Liz
Sent: Friday, February 12, 2016 3:55 PM
To: Edl, Michele
Subject: RE: is WR 63-161BN a Stewart Decreed rt?

Michele,

63-161 BN is a former Stewart Decree right. However, it is considered and "uncuttable" Stewart Decree. It is not subject to the traditional 75% and 60% cuts of "normal" Stewart Decrees. If you open up the partial decrees, the rights with the 75% and 60% cut have special conditions. This one does not have any such special condition.

Liz

From: Edl, Michele
Sent: Friday, February 12, 2016 3:40 PM
To: Cresto, Liz
Subject: is WR 63-161BN a Stewart Decreed rt?

Liz,

I am looking at a water supply bank rental of WR# 63-161 BN for mitigation by non-use. The priority date appears to be 1866. I don't see that this right is subject to the Stewart Decree cuts. Is it? How can I know.

Please and thank you.

Michele



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

September 17, 2015

BRIGHTON DEVELOPMENT INC
12601 W EXPLORER DR STE 200
BOISE ID 83713

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Water Supply Bank (Bank).

The Department will accept applications proposed for the next calendar season on November 1 of the prior year. Your application is proposing water use during the 2016 season; therefore, the Department will begin processing your application after November 1, 2015.

Applications will be processed in the order received at the Department and as time allows. The likelihood of successfully acquiring a rental through the Bank is greatly improved by applying early during the processing period before the proposed season of use begins.

Note that filing a rental application does not authorize diversion and use of water. It is unlawful to use water without a valid water right or an approved Bank rental agreement. **You are not authorized to divert any water for the purposes described in your application until you have paid the rental fee and you and the Department have both signed and executed a rental agreement.**

You can check the status of your rental application by reviewing the Department's processing spreadsheet, accessible from the Bank's website at:

http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm

Sincerely,

Cherie Palmer, Water Rights Supervisor
Water Allocation Bureau

C: David Shaw