



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 6, 2017

ORION HOLDINGS LLC
PO BOX 1939
EAGLE ID 83616

RE: NOTIFICATION OF WATER SUPPLY BANK LEASE EXPIRATION FOR WATER RIGHTS: 63-4695

Dear Lessor:

Idaho Department of Water Resources (Department) records show that all or a portion of the above referenced water right(s) were leased to the Water Supply Bank (Bank) through December 31, 2016. **This letter is notice that the right(s) are now considered released from the Bank.**

If you would like to renew the lease of these right(s) to the Bank, please complete a new Application to Sell or Lease a Water Right to the Water Supply Bank and remit the applicable filing fee. You can find new applications at the Department's website at www.idwr.idaho.gov.

A water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. The five-year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

If you have any questions regarding this matter, please contact me at (208) 287-4918.

Sincerely,

A handwritten signature in black ink, appearing to be 'RB' followed by a long horizontal stroke.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

DEC 28 2015

DEPARTMENT OF
WATER RESOURCES

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

LESSOR: ORION HOLDINGS LLC
PO BOX 1939
EAGLE ID 83616
208-404-2161

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 October 14, 2015, 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
63-4695	12/31/1939	GROUND WATER	NA	0.12 cfs	27.5 af	6.1 ac

Lease Totals 0.12 cfs 27.5 af 6.1 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, 2016. 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.

ORION HOLDINGS LLC

PO BOX 1939
EAGLE ID 83616

By 

Date 12/23/15

Printed Name DONALD Newell

Title MANAGER

IDAHO WATER RESOURCE BOARD

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

By 

Date 12/28/2015

Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR 

Date 12-28-2015

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NO. 63-4695

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

Lessor: ORION HOLDINGS LLC
PO BOX 1939
EAGLE ID 83616
208-404-2161

Location of Point(s) of Diversion for Water Right 63-4695

GROUND WATER	NESWSW	Sec. 17, Twp 04N, Rge 01E, ADA County
GROUND WATER	NESESW	Sec. 17, Twp 04N, Rge 01E, ADA County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
63-4695	IRRIGATION	3/01	to 11/15	0.12 cfs	27.5 af
Total:				0.12 cfs	27.5 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	17											3.9	.26					4.16
04N	01E	20		.26			.78	.9											1.94

Total Acres: 6.1

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. When combined with all other rights, the leased rights shall provide not more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above
13. The un-leased portion of this right is limited to the irrigation of 4.0 acres a single irrigation season.

Idaho Water Resource Board
Water Supply Bank Lease

63-4695

Effective until December 31, 2016

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.



2013 USDA-FSA Aerial Photography

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



0 Miles 0.25

RECEIVED
OCT 14 2015
DEPARTMENT OF
WATER RESOURCES

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

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Orion Holdings, LLC
(Select one owner – see item 1A on the application)

Water Right No. 63-4695
(One water right per application)

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.

Attachment N/A YES

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

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>dj</u>	Date Received: <u>10-14-15</u>	Receipt # <u>C107095</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Orion Holdings LLC</u> <u>PO Box 1939</u> <u>Eagle ID 83616</u>	

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

1. CONTACT INFORMATION

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

Designated Applicant Orion Holdings, LLC Email Address ashton.homes@hotmail.com
Mailing Address P O Box 1939, Eagle, Idaho 83616 Phone Number (208) 404-2161

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

OR

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

B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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

D. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 1D).

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

Name of Representative Don Newell Organization Orion Holdings, LLC
Professional Title Member Email Address ashton.homes@hotmail.com
Mailing Address P O Box 1939, Eagle, Idaho 83616 Phone Number (208) 404-2161

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 63-4695 ☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.
(If a portion of a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Groundwater diverted from a well within the development, water circulates through aesthetic ponds to a pressure irrigation system.

- B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

Currently 63-31313, 63-31312 and 63-17863 irrigate 39.4 of the 45.5 auth. acres within the same PPU as 63-4695.
Water associated with the 6.1 non-overlapping acres authorized under 63-4695 to be placed in bank until needed.

- C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☐ No ☒

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

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

1. CONTACT INFORMATION

A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Orion Holdings, LLC Email Address ashton.homes@hotmail.com

Mailing Address P O Box 1939, Eagle, Idaho 83616 Phone Number (208) 404-2161

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

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

B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

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

D. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 1D).

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

Name of Representative Don Newell Organization Orion Holdings, LLC

Professional Title Member Email Address ashton.homes@hotmail.com

Mailing Address P O Box 1939, Eagle, Idaho 83616 Phone Number (208) 404-2161

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 63-4695 ☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.
(If a portion of a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

A. Please provide a description of the current water diversion system.

Groundwater diverted from a well within the development, water circulates through aesthetic ponds to a pressure irrigation system.

B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

Currently 63-31313, 63-31312 and 63-17863 irrigate 35.4 of the 45.5 auth. acres within the same PPU as 63-4695.

Water associated with the 10.1 non-overlapping acres authorized under 63-4695 to be placed in bank until needed.

C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☐ No ☒

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

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

If yes, describe. 63-31313, 63-31312, and 63-17863 but only to the extent they irrigate in a common PPU on non-overlapping irrigated acres. Mace-Catlin ditch shares are used for irrigation of other acres in the PPU.

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

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. Applicant has received extensions of time to avoid forfeiture and to complete Transfer No. 72596 from IDWR. See attached.

F. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☒ No ☐

If yes, describe. Approved Transfer No. 72596. Also, mitigation for evaporative losses from seven ponds under permit 63-32235 is exclusive of irrigated acres authorized under 63-4695.

4. MAP

Plat map, survey map, or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2015 to 2016 (maximum lease period 5 years).
(Year) (Year)

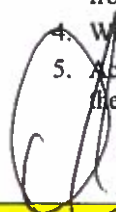
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.


Signature of Designated Applicant

DONALD Newell
Printed Name

10/12/15
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 2

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

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>63-4695</u>	<u>0.12</u>	<u>Irrigation</u>	<u>03/01</u> to <u>11/15</u>
			to
			to
			to
			to
			to
Total Amount:		<u>0.12</u>	

2. Source of water Groundwater tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
04N	01E	17		NE	SW	SW	Ada

4. Acres to be idled within the place of use:

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	17											3.9	.26					
04N	01E	20		.26			.78	.90											

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 6.1

THE SHORES SUBDIVISION IDLED AREAS FOR WATER BANK LEASE



1. AERIAL PHOTO TAKEN ON APRIL OF 2015. SITE INSPECTIONS ON 12/9/15 SHOWED LOTS 65-74 HAVE BEEN CONSTRUCTED OR ARE UNDER CONSTRUCTION AND WILL BE IRRIGATED IN THE 2016 SEASON
2. WETLAND CONSERVATION AND WETLAND CREATION AREAS THAT ARE NOT IRRIGATED ARE EXCLUDED FROM THE CALCULATED IRRIGATION AREA.

KEY:

- IDLE AREA
- SUBDIVISION BOUNDARY
- 1/4 SECTION LINES

THE SHORES IDLED AREA		
LOTS	IDLE AREA/LOT (ACRES/LOT)	AREA (ACRES)
A-F	0.26	1.56
G-K	0.32	1.60
L	1.13	1.13
M	NA	1.81
TOTAL		6.10

THE SHORES IDLED AREA PER 1/4 SECTION		
1/4 SECTION	IDLE AREA (ACRES)	
T4N R1E S20 NWNE	0.26	
T4N R1E S20 NWSW	0.78	
T4N R1E S20 SWSW	0.90	
T4N R1E S17 SWSW	3.90	
T4N R1E S17 SESW	0.26	
TOTAL		6.10



T-O ENGINEERS
 9777 CHINDEN BOULEVARD
 BOISE, IDAHO 83714-2008
 PHONE: (208) 333-2288 FAX: (208) 323-2389
 E-MAIL: T-O-ENG@T-O-ENG.COM DATE DEC 2015 JOB 0007-0001

THE SHORES SUBDIVISION IRRIGATED AND UN-IRRIGATED AREA



KEY:

- LARGER IRRIGATED COMMON AREAS
- 3 LOTS USED TO CALCULATED AVERAGE IRRIGATION AREA PER LOT
- SUBDIVISION BOUNDARY

IRRIGATED AREA:

- IRRIGATED ROAD MEDIAN: 2.4 ACRES
- IRRIGATED ROAD SWALES: 0.4 ACRES
- IRRIGATED ROAD ROUNDABOUTS: 0.1 ACRES
- LARGER IRRIGATED COMMON AREAS: 6.9 ACRES
- 3 LOT AVERAGE OF IRRIGATED AREA: 0.4 ACRES PER LOT
- IRRIGATED LOT AREA: 0.474-29.6 ACRES
- TOTAL IRRIGATED AREA: 39.4 ACRES

IRRIGATION SUMMARY:

- TOTAL IRRIGATED AREAS AUTHORIZED UNDER WATER RIGHTS = 43.5 ACRES
- IRRIGATED AREA AS OF 2016 SEASON = 39.4 ACRES
- UN-IRRIGATED AREA AS OF 2016 SEASON = 6.1 ACRES



T-O ENGINEERS
9777 CHINDEN BOULEVARD
BOISE, IDAHO 83714-2008
PHONE: (208) 323-2288 FAX: (208) 323-2399
E-MAIL: REX DATE: 02-25-2015 JOB: 080714-01

No. W 85831	Due no later than Jul 31, 2015 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. ORION HOLDINGS, LLC DONALD NEWELL PO BOX 1939 EAGLE ID 83616		MATT DROWN 2150 W PACIFIC RIDGE EAGLE ID 83616			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held MEMBER	Name DONALD G NEWELL	Street or PO Address 607 W SHERINGTON DR	City EAGLE	State ID	Country USA	Postal Code 83616
5. Organized Under the Laws of: ID W 85831		6. Annual Report must be signed.* Signature: Joan Newell Name (type or print): Joan Newell Date: 05/22/2015 Title: Treasurer				
Processed 05/22/2015		* 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

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C.L. "BUTCH" OTTER
Governor

December 30, 2015

GARY SPACKMAN
Director

ORION HOLDINGS LLC
PO BOX 1939
EAGLE ID 83616

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 63-4695

Dear Lessor:

Water right **63-4695** was leased into the Water Supply Bank (Bank) as of October 14, 2015, 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, 2016**, 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: Steven Holt – T O Engineers
Angie Grimm - IDWR Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

December 15, 2015

ORION HOLDINGS LLC
PO BOX 1939
EAGLE ID 83616

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 63-4695 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(s) 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.

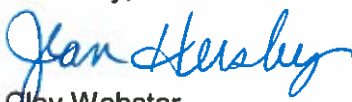
The rights will automatically be released from the Bank on **December 31, 2016**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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,

for 
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C101095

c. T O Engineers

Idaho Department of Water Resources Receipt

Receipt ID: C101095

Payment Amount \$250.00 Date Received 10/14/2015 10:26 AM Region STATE

Payment Type Check Check Number 1333

Payer ORION HOLDINGS LLC

Comments WATER SUPPLY BANK LEASE APPLICATION FOR 63-4695 FOR ORION HOLDINGS LLC FOR 2015-2016 SEASON

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$250.00	WATER BANK LEASE APPLICATIONS	55111	0229	21		1205



Signature Line (Department Representative)

836 837 83714

C3-72

PRSR FIRE
US POST
Bois
PERT



6020151215-111524

RETURN SERVICE REQUEST

6

83714



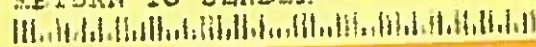
RECEIVED
DEC 28 2015
DEPARTMENT OF
WATER RESOURCES

63-4695 12-29-15
resent to
↓

T-O ENGINEERS
ATTN: STEVEN E HOLT
9777 CHINDEN BLVD
BOISE ID 83714

TOEN777 837143030-1C15 700 12/21/15
RETURN TO SENDER
T-O ENGINEERS INC
2471 S TITANIUM PL
MERIDIAN ID 83642-6709

RETURN TO SENDER





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

December 15, 2015

ORION HOLDINGS LLC
PO BOX 1939
EAGLE ID 83616

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 63-4695 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(s) 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.

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Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

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

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C101095

c. T O Engineers

WATER SUPPLY BANK

Agent Lease Review Checklist

Applicant(s) Name: Orion Holdings LLC

Memo Date: December 11, 2015

Water Right Number(s): 63-4695

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)	X	
	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?		
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		4.5
12 Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation (X) Other - Explain in comments	X	
13 Narrative: The applicant wishes to place 6.1 of the allowed 10.1 acres in the Bank. This water right is located in Basin 63 Ground Water Restricted Area. Don Newell, a member named on the IDSOS page, signed the application. This water right was decreed in 2007. There is a second approved Extension of Time to Avoid Forfeiture that expires on November 15, 2016. The first one was filed in August, 2010. Forfeiture is not an issue. This right is limited to the irrigation of 10.1 acres in a PPU of 101.0. There are other rights within the PPU but they can all be separated out. None of these rights need to come into the Bank. This water right is not within a Water District at this time.		

Hersley, Jean

From: Holt, Steve <sholt@to-engineers.com>
Sent: Friday, December 11, 2015 10:27 AM
To: Webster, Clay
Cc: Hersley, Jean
Subject: RE: WSB Lease Application for Orion Holdings LLC
Attachments: Water Bank App 63-4695 Orion Add Info 12 11 15.pdf; IDWR Request for Information 11 17 15.pdf

Clay:

Please find attached a response to the Idaho Department of Water Resources letter dated November 17. We are moving our office today and will be out of e-mail communication until Tuesday, December 15. Please accept this e-mail as a response within the 30 day time period beginning November 17, 2015. A hardcopy will follow in the mail after we establish our new office.

Steven E. Holt, P.E.
Project Manager



T-O ENGINEERS

THIS E-MAIL MAY BE CONFIDENTIAL: This e-mail, including any attachments, may contain information that is confidential and/or non-public information. It is intended to be conveyed only to the designated recipient or recipients. If you are not an intended recipient of this message, please (a) do not read, copy or disclose the contents of this communication to others, (b) notify the sender at (208) 323-2288, and (c) return the message and delete it from your system. Unauthorized use, dissemination, distribution, or reproduction of this message is strictly prohibited and may be unlawful. Thank you.

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Thursday, November 12, 2015 11:22 AM
To: Holt, Steve
Subject: WSB Lease Application for Orion Holdings LLC

The Department is in the process of reviewing the WSB Lease Application for water right 63-4695. Could you please send a map that specifically identifies which 10.1 acres will be idled during the term of the lease? You can send an electronic copy, if you desire. Thank you.

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

RECEIVED

DEC 11 2015



DEPARTMENT OF
WATER RESOURCES

T-O ENGINEERS

December 11, 2015

Clay Webster, Water Resource Agent
Idaho Department of Water Resources
P O Box 83720
Boise, Idaho 83720

Re: Additional Information for Application to Lease Water Right 63-4695 to the Water Supply Bank

Mr. Webster:

This letter is in response to the Idaho Department of Water Resources (Department) letter of November 17, 2015.

On behalf of Orion Holdings, LLC, we request by this letter to amend the application. The application as submitted on October 12, 2015 proposed the entire 10.1 acres of irrigation authorized under water right 63-4695 be leased to the Water Supply Bank (Bank). Upon request by the Department for a map of acres to be idled, we conducted a follow-up site inspection to determine specific locations. That site inspection revealed homes now under construction that are not shown on the current available aerial photograph submitted with the application. Therefore, we have adjusted the irrigated acreage to be leased to the Bank to be 6.1 acres to provide for homes now under construction to be irrigated in the 2016 irrigation season. The remainder (4.0 acres) of the total 10.1 acres authorized for irrigation under water right 63-4695 will continue to be fully irrigated on the site.

Please find attached the following:

1. A map showing the 6.1 acres to be idled for the 2016 irrigation season and leased to the Bank.
2. An updated map showing cumulative acres that will continue to be irrigated.
3. Attachment 2 showing the 6.1 acres by legal description to be leased to the Bank.
4. Updated application Pages 1 and 2 relevant to the adjusted 6.1 acres to be leased to the Bank.
5. In response to the Department's letter of November 17, 2015, we confirm that the domestic use, aesthetic storage, and diversion to storage components of water right 63-4695 will continue to be fully utilized on the site and are not being offered for lease to the Bank.

You may call me for additional information regarding this additional information.

Sincerely,
T-O Engineers, Inc.



Steven E. Holt, P.E.
Project Manager

cc: Don Newell, Orion Holdings, LLC



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

November 17, 2015

ORION HOLDINGS LLC
PO BOX 1939
EAGLE ID 83616

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT NO(S) 63-4695 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application to lease the above referenced water right to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

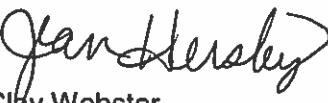
If the right is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information within 30 days of the date of this letter or the application will be denied:

- A map of acres to be idled according to this lease
- Item 2 of the application asked for a description of the water right offered to the Bank. The full water right or a portion of the water right. The box was checked that offered the full water right to the Bank. Does this include the domestic use, aesthetic storage and diversion to storage uses?

The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4910.

Sincerely,


for Clay Webster
Water Resource Agent
WSB Process Point of Contact

c: T O Engineers



T-O ENGINEERS

RECEIVED

OCT 14 2015

**DEPARTMENT OF
WATER RESOURCES**

October 12, 2015

Remington Buyers
IWRB Water Supply Bank
Idaho Department of Water Resources
P O Box 83720
Boise, Idaho 83720

Re: Application to Lease Water Right 63-4695 to the Water Supply Bank

Mr. Buyers:

On behalf of Orion Holdings, LLC, please find attached an application to lease water right 63-4695 to the Water Supply Bank.

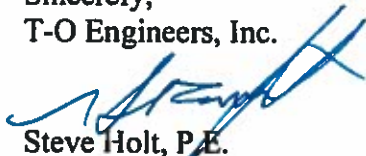
Water right 63-4695 is authorized for irrigation of up to 10.1 of a total 45.5 authorized irrigated acres of common areas and residential lots within The Shores development via a pressure irrigation system. The remaining 35.4 acres are currently irrigated under separate, non-stacked water rights within the same PPU as designated for right 63-4695. Due to the economic downturn of 2008 through 2010, the pace of development was slowed and to-date only the 35.4 acres are irrigated. Development continues and the remaining 10.1 acres are anticipated to be built-out and irrigated within the coming year.

The attached application seeks to lease water right 63-4695 to the Water Supply Bank for the 2016 irrigation season as a means to stay forfeiture pending need for the water as the 10.1 acres are developed. Orion holdings will re-evaluate irrigated acreage in 2016 and may lease some or all of water right 63-4695 in the Water Supply Bank in successive years as development proceeds.

We can provide at your request the digital files used to determine irrigated acreage as shown on the figure attached to the application.

You may call me for additional information regarding the attached application.

Sincerely,
T-O Engineers, Inc.



Steve Holt, P.E.
Project Manager

cc: Don Newell, Orion Holdings, LLC
Shelley Keen, IDWR