

DEC 17 2015

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

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

LESSOR: HALBERT D LINDQUIST REVOCABLE TRUST
4542 E CAMP LOWELL STE 200
TUCSON AZ 85712
208-788-3490

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(s) described below into the Water Supply Bank.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to the conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
37-22760	06/03/1884	EAST FORK WOOD RIVER	BIG WOOD RIVER	0.06 cfs	6.3 af	1.8 ac

Lease Totals 0.06 cfs 6.3 af 1.8 ac

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2016 to December 31, 2018. 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.

HALBERT D LINDQUIST REVOCABLE TRUST

4542 E CAMP LOWELL STE 200
TUCSON, AZ 85712

By *Halbert D. Lindquist, Trustee*

Printed Name HALBERT D. LINDQUIST

Date 12/14/2015

Title TRUSTEE

IDAHO WATER RESOURCE BOARD

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

By *Brian Patton*

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 12/18/2015

Lease approved by IDWR *Cheryl Watson*

Date 12-18-2015

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NO. 37-22760

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

Lessor: HALBERT D LINDQUIST REVOCABLE TRUST
4542 E CAMP LOWELL STE 200
TUCSON AZ 85712
208-788-3490

Location of Point(s) of Diversion for Water Right 37-22760,

EAST FORK WOOD RIVER	NESENE	Sec. 03, Twp 03N, Rge 18E, BLAINE County
EAST FORK WOOD RIVER	SWSWNE	Sec. 03, Twp 03N, Rge 18E, BLAINE County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
37-22760	IRRIGATION	04/15	to 10/31	0.06 cfs	6.3 af
Total:				0.06 cfs	6.3 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	3									1.8								1.8

Total Acres: 1.8

Conditions Applicable to All Leased Water Rights

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, nor does it improve the status of the right or accomplish the resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.

9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment after the following rental season.
11. The water right leased to the bank is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water under this right is regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. The leased right shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.

Idaho Water Resource Board
Water Supply Bank Lease

37-22760 and 37-22761
Effective until December 31, 2018

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



0 100 200 Feet

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 Halbert D. Lindquist Revocable Trust
(Select one owner – see item 1A on the application)

Water Right No. 37-22760
(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>[Signature]</u>	Date Received: <u>10-14-15</u>	Receipt # <u>01094</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Halbert D Lindquist Revocable Trust</u>	

4542 E Camp Lowell #200
Tucson AZ 85712

Page 1

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 Halbert D. Lindquist Revocable Trust Email Address _____
Mailing Address 4542 E Camp Lowell Ste 200 Tuscon, AZ 85712 Phone Number 208-788-3490

☒ 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 Zach Latham Organization Brockway Engineering PLLC
Professional Title Hydrologist Email Address zach.latham@brockwayeng.com
Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301 Phone Number 208-736-8543

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 37-22760 ☐ 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.

Irrigation occurs via buried pressurized irrigation system on the property owned by applicant.

- 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.
37-22760 on Lot 16, 37-22761 on Lot 17, Hyndman Peak Subdivision, Blaine County.

- 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. Yes, unused portion of 37-22760.

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. N/A.

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. N/A.

4. MAP

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

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2016 to 2018 (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.

\$850.00 per acre foot based on the current market rental rate as established by multiple recent lease/rental transactions completed in 2015.

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.

Hubert D. Lindquist, Trustee
Signature of Designated Applicant

HUBERT D. LINDQUIST, TRUSTEE
Printed Name

9/30/2015
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

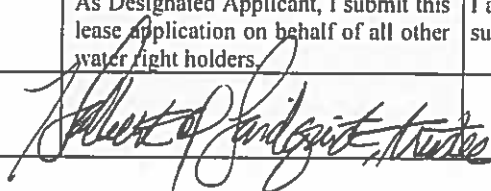
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). 37-22760

	Designated Applicant	Applicant #2	Applicant #3
Name	Halbert D. Lindquist Revocable Trust c/o Tom Furrier		
Mailing Address	4542 E Camp Lowell Ste 200 Tucson, AZ 85712		
Phone Number	208-788-3490		
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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

- Total Amount:**

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
3N	18E	3		SW	SW	NE	BLAINE
3N	18E	3		NE	SE	NE	BLAINE

- [illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 1.83



0 75 150 300 Feet

BROCKWAY ENGINEERING, PLLC.
ALR -Date: 8/29/2018

HAL LINDQUIST
WATER BANK LEASE 2016-2018
NAIP 2013 AERIAL

Legend

 WSB LEASE 16-18	 Parcels
 37-22760	 Domestic=0.5 AC.
 37-22761	 Township
	 Sections
	 Taddac

N



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

December 21, 2015

HALBERT D LINDQUIST REVOCABLE TRUST
4542 E CAMP LOWELL STE 200
TUCSON AZ 85712

RE: WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHTS 37-22760 and 37-22761

Dear Lessor:

Water rights 37-22760 and 37-22761 were leased into the Water Supply Bank (Bank) as of October 14, 2015, in accordance with the enclosed executed lease contracts. **Your water rights, as described on the lease contracts, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contracts. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2018**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or 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 Contracts

c: Zach Latham – Brockway Engineering
Jim Speck – Speck & Aanestad
Allen Merritt - IDWR Southern Region
Kevin Lakey – Water District 37



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 3, 2015

HALBERT D LINDQUIST REVOCABLE TRUST
4542 E CAMP LOWELL STE 200
TUCSON AZ 85712

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-22760 and 37-22761 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.

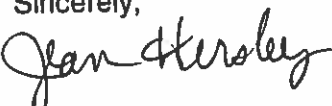
The rights will automatically be released from the Bank on **December 31, 2018**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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

c. Brockway Engineering PLLC

Hersley, Jean

From: Merritt, Allen
Sent: Thursday, November 19, 2015 2:28 PM
To: Hersley, Jean
Subject: RE: wsb Lease for 37-22760 and 37-22761 (Lindquist Trust) and 37-297D and 37-20359 (Damasco Trust)

I do not have any issues with these leases.

From: Hersley, Jean
Sent: Wednesday, November 18, 2015 2:08 PM
To: Merritt, Allen; Kevin Lakey
Subject: wsb Lease for 37-22760 and 37-22761 (Lindquist Trust) and 37-297D and 37-20359 (Damasco Trust)

I requested comments for some of these rights back in October. I had to rework the memo and contracts so I am asking again for comments or concerns. Please let me know within 7 days. Thank you.

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

Hersley, Jean

From: Kevin Lakey <watermanager@cableone.net>
Sent: Wednesday, November 18, 2015 2:23 PM
To: Hersley, Jean
Subject: RE: wsb Lease for 37-22760 and 37-22761 (Lindquist Trust) and 37-297D and 37-20359 (Damasco Trust)

I HAVE NO CONCERNS WITH THESE LEASE CONTRACTS.

Kevin Lakey
Water District 37

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Wednesday, November 18, 2015 2:08 PM
To: Merritt, Allen; Kevin Lakey
Subject: wsb Lease for 37-22760 and 37-22761 (Lindquist Trust) and 37-297D and 37-20359 (Damasco Trust)

I requested comments for some of these rights back in October. I had to rework the memo and contracts so I am asking again for comments or concerns. Please let me know within 7 days. Thank you.

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

Webster, Clay

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Tuesday, November 10, 2015 2:20 PM
To: Webster, Clay
Subject: RE: Lease Rental Rates

Thanks Clay,

Remington mentioned this past summer to indicate a "market driven" lease rate per acre-foot in hopes that applications could be processed and approved with a lease rate per acre-foot that reflect market prices that people are agreeing to in private agreements.

In any case, approval of the lease applications is more important than receiving the market rate per acre-foot if a portion/all of the right is leased, so please process all applications that you have received as though the leases agree to the current rental rate of \$17 per acre foot.

Thanks for your time Clay and let me know if you have any additional questions on pending leases and or rental applications.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

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

From: Webster, Clay [<mailto:Clay.Webster@idwr.idaho.gov>]
Sent: Tuesday, November 10, 2015 2:10 PM
To: Zach Latham
Subject: RE: Lease Rental Rates

Zach,

We can go ahead and process them for the current rental rate if that is how you and your clients wish to proceed.

Clay

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Tuesday, November 10, 2015 2:11 PM
To: Webster, Clay
Subject: RE: Lease Rental Rates

Clay-
Will this affect the processing of the lease of the applications with the increased per Ac-Ft proposed fee? What is needed from me for processing of these applications to continue?

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4

Twin Falls, ID 83301

t. 208-736-8543

c. 208-721-2114

f. 208-736-8506

zach.latham@brockwayeng.com

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

From: Webster, Clay [<mailto:Clay.Webster@idwr.idaho.gov>]

Sent: Tuesday, November 10, 2015 12:48 PM

To: Zach Latham

Subject: Lease Rental Rates

Zach,

It has come up that we have received some lease applications from you requesting rental rates of \$850.00 per acre feet. Unfortunately, we are unable to accommodate any variance to the current rental rate unless there is an agreement made between a lessor and renter.

Please see the attached Idaho Water Resource Board Resolution.

Sincerely,

Clay Webster

Water Resource Agent

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

322 E. Front Street

P.O. Box 83720

Boise, ID 83720-0098

208-287-4800

www.idwr.idaho.gov

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: Halbert D Lindquist Revocable Trust

Memo Date: 10/29/15

Water Right Number(s): 37-22760

Reviewers Name:
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	☒	
2 Reason for lease of water rights (Brief description of lease proposal in narrative)		
Portion of right	☒	
All of right	☐	
3 Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)	☒	
	Yes No	
4 Rentable? If no explain in comments	☐	
5 Authority to file		
Current owner or designated applicant	☒	
SOS Web site checked for business entity	☐	NA
Other (explain in comments)	☐	
6 Water Right validity		
Decreed/Licensed/Statutory claim date (write in comments section)		parent right 37-539G decreed in 2011
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.)		forfeiture is not an issue
Has this right previously been leased to the bank or in CREP?	☒	
7 Injury to other water rights		
If the POD is through a delivery entity, was consent provided?	☐	NA
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	☐	
Complete a combined limits review	☐	NA
Complete POD overlap analysis (if there is an overlap add condition to lease)	☐	
	Yes No	
Are there overlapping rights that need to be placed in the bank also?	☒	
Will the place of use continue to receive water?	☒	portions that are not in the Bank
9 Local Public Interest		
Does the processor know of any problems this action will cause for the local public?	☒	
10 Have you contacted regional office and watermaster for comment/concerns?	☒	
Send the watermaster comment request form or e-mail request	☐	
11 Is water right involved in any other department action? Pull file and check database	☒	
() Ownership Change () Transfer () Mitigation () Other - Explain in comments		

12 **Narrative:** the water right holder wishes to place 1.83 acres, 0.069 cfs in the Bank until 2018. This is an irrigation right for 1.96 acres and 0.074 cfs. 0.17 acres will continue to receive water. The parent of this water right was decreed in 2011. Forfeiture is not an issue. This water right is within WD 37.

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, October 29, 2015 3:42 PM
To: Merritt, Allen; 'Kevin Lakey'
Subject: 2016 WSB Leases for water rights 37-22760 and 22761
Attachments: Lease Application Review Checklist 37-22760.xls; Lease Contract 37-22760.docx; Lease Application Review Checklist 37-22761.xls; Lease Contract 37-22761.docx

We have started processing leases for the 2016 season. Attached is the new "memo" checklist and the draft contracts. Please let me know if you have any comments or concerns. Thank you.

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

October 12th, 2015

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

RECEIVED

OCT 14 2015

DEPARTMENT OF
WATER RESOURCES

Re: WSB Lease; Portions of 37-22760 and 37-22761 on Behalf of the Halburt D. Lindquist Revocable Trust.

Dear Cherie:

On behalf of the Halburt D. Lindquist Revocable Trust, Brockway Engineering is submitting two water supply bank lease applications which propose to lease a portion of water rights 37-22760 and 37-22761 to the Water Supply Bank for the upcoming three year period of 2016 through 2018.

Also enclosed is a check for \$500.00 to cover the cost of the lease applications. Please copy our office on all correspondence regarding these applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

CHARLES E.
BROCKWAY,
Ph.D., P.E.

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Enc: (2) Lindquist Revocable Trust WSB Lease Applications, Aerial Map

Cc: Mr. Hal Lindquist
Mr. Jim Speck