

RECEIVED

WATER SUPPLY BANK LEASE CONTRACT

DEC 14 2015

DEPARTMENT OF
WATER RESOURCES

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

LESSOR: L 2 LTD PARTNERSHIP

2943 N 800 E
MONTEVIEW ID 83435
208-604-0515

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 1, 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
31-2380	11/18/1960	GROUND WATER		0.06 cfs	17.15 af	4.9 ac

Annual Combined Lease Totals 0.06 cfs 17.15 af 4.9 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:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2019.

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.

SCANNED
DEC 17 2015

WATER SUPPLY BANK LEASE CONTRACT

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

L 2 LTD PARTNERSHIP

2943 N 800 E
MONTEVIEW ID 83435

By Lewis Newman

Date 12-7-15

Printed Name Lewis Newman

Title Partner

IDAHO WATER RESOURCE BOARD

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

By Brian Patton

Date 12/15/2015

Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR Chris Webb

Date 12-15-2015

ATTACHMENT A

WATER RIGHT NO. 31-2380 WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: L 2 LTD PARTNERSHIP
2943 N 800 E
MONTEVIEW ID 83435
208-604-0515

Location of Point(s) of Diversion for Water Right 31-2380.

GROUND WATER SENENE Sec. 10, Twp 08N, Rge 33E, JEFFERSON County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
31-2380	IRRIGATION	04/01	to 10/31	0.06 cfs	17.15 af
Total:				0.06 cfs	17.15 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Total s
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	33E	10	4.9																4.9

Total Acres: 4.9

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. 110.

RECEIVED

OCT 05 2015

DEPARTMENT OF
WATER RESOURCES

RECEIVED

OCT 01 2015

Department of Water Resources
Eastern Region

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

L2 LTD PARTNERSHIP

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

Water Right No.

31-2380

(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 *all owners* of the water right that is being leased or sold on this application.
- 1B ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ 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 Section 42-222(2), Idaho Code.
- 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 \$ 250.00Received By: J. JonesDate Received: 1 Oct 2015Receipt # E041508W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: L2 Limited Partnership

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 L2 LTD PARTNERSHIP Email Address _____
Mailing Address 2943 N 800 E Monticello ID 83435 Phone Number 208 604 0515

☒ 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 _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 31-2380 ☐ 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 Well and Pivot 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.

- 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. _____

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. _____

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. _____

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 2020 (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.

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.

Lewis J. Newman
Signature of Designated Applicant

L2 LTD PARTNERSHIP
Lewis J. Newman
Printed Name

10-1-15
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 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). 31-2380

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
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			

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 2

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

- | <u>I. Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|------------------------------|---------------------------|----------------------|----------------------------|
| <u>31-2380</u> | <u>.06 cfs</u> | <u>Irrigations</u> | <u>4-1</u> to <u>10/31</u> |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| | | | to |

Total Amount: .06

2. Source of water Ground Water tributary to _____
3. Point(s) of diversion: _____

[illegible]

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

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 4.8



IDAHO SECRETARY OF STATE Viewing Business Entity

Lawrence Denney, Secretary of State

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[[Monitor L2 LIMITED PARTNERSHIP business filings](#)]

L2 LIMITED PARTNERSHIP

2943 N 800 E
MONTEVIEW, ID 83435

Type of Business: LIMITED PARTNERSHIP

Status: CURRENT 03 Mar 2011

State of Origin: IDAHO

Date of 30 Nov 1995

Origination/Authorization:

Current Registered Agent: LEWIS J NEWMAN
2996 N 800 E
MONTEVIEW, ID 83435

File Number: L2913

Date of Last Annual Report: 03 Oct 2015

Annual Report Due: Nov 2016

Original Filing:

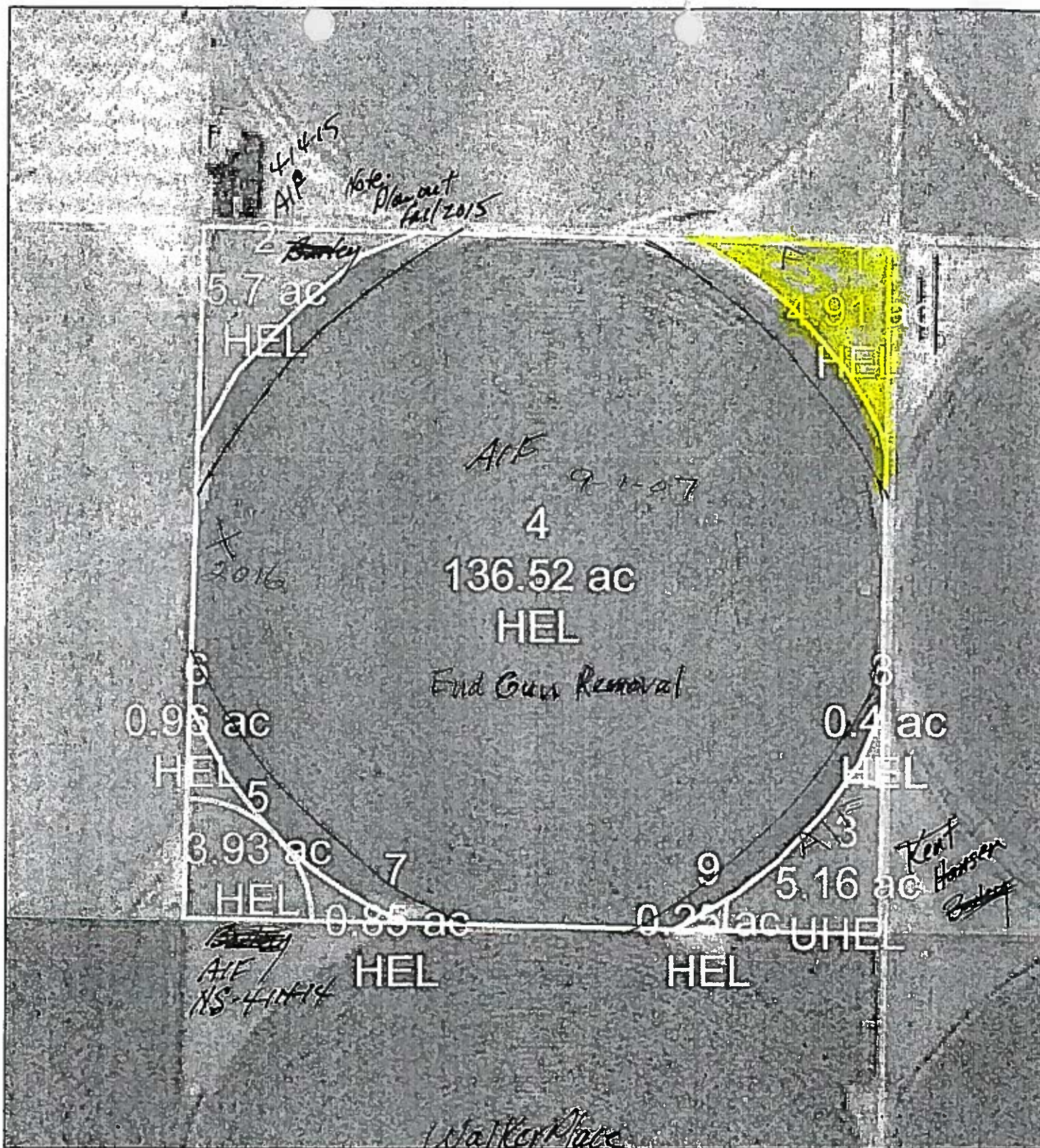
Filed 30 Nov 1995 CERTIFICATE OF LP
[[Help Me Print/View TIFF](#)]
[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)

Amendments:

Amendment Filed 24 Feb 1999 AMENDED & RESTATED
[[Help Me Print/View TIFF](#)]
[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)
Amendment Filed 03 Mar 2011 REINSTATEMENT
[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)

Annual Reports:

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Report for year 2015 ANNUAL REPORT [View Document Online](#)
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Report for year 2013 ANNUAL REPORT [View Document Online](#)
Report for year 2012 ANNUAL REPORT [View Document Online](#)
Report for year 2011 REINSTATEMENT [View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)
Report for year 2009 ANNUAL REPORT [View Document Online](#)
Report for year 2008 ANNUAL REPORT [View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)
Report for year 2007



United States Department of Agriculture
Farm Service Agency

Walker
IDWR 31-15380
31-2465

Farm 4116
Tract 10648

July 11, 2014
Digital Orthophotography
Not to Scale

West Side General Ptrshp-O
L3 Limited Ptrshp-OW
10-8-33



Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

End Gun Removal Only



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 16, 2015

L 2 LTD PARTNERSHIP
2943 N 800 E
MONTEVIEW ID 83435

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 31-2380

Dear Lessor:

Water right 31-2380 was leased into the Water Supply Bank (Bank) as of October 1, 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, 2019**, 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: James Cefalo – IDWR Eastern Region and Water District 110



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
December 2, 2015

GARY SPACKMAN

Director

L2 LTD PARTNERSHIP
2943 N 800 E
MONTEVIEW ID 83435

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS FOR
WATER RIGHT(S) 31-2380**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on November 13, 2015. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application(s) will be returned, and the application fee will not be refunded. You can reapply to lease the water right(s) in the future by submitting new application form(s) along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

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

Sincerely,


Clay Webster
Water Resource Agent
WSB Process Point of Contact



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 13, 2015

L 2 LTD PARTNERSHIP
2943 N 800 E
MONTEVIEW ID 83435

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 31-2380 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.

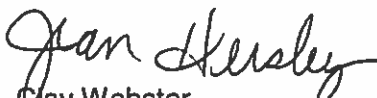
The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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

Hersley, Jean

From: Cefalo, James
Sent: Thursday, November 12, 2015 11:00 AM
To: Hersley, Jean
Subject: RE: WSB Lease application 31-2380

Jean,

I don't have any concerns or comments about the proposed WSB Lease.

James

From: Hersley, Jean
Sent: Thursday, November 12, 2015 9:17 AM
To: Cefalo, James
Subject: WSB Lease application 31-2380

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*



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

October 29, 2015

L2 LTD PARTNERSHIP
2943 N 800 E
MONTEVIEW ID 83435

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT NO 31-2380 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:

- **One of the criteria the Department considers for acceptance is if the water right has been put to beneficial use within the last 5 years. A review of aerial photography from 2012 to 2015 shows no evidence of irrigation on the acres proposed to be leased to the Bank. If proof of beneficial use for the acres in question is not provided within 30 days, the lease application will be denied.**

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

WATER SUPPLY BANK

Agent Lease Review Checklist

Applicant(s) Name: L2 LTD PARTNERSHIP

Memo Date: October 27, 2015

Water Right Number(s): 31-2380

Reviewers Name: Jean Hersley

Quick Tools

Decreed Year	Forfeiture Tolloed 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 discription 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	X		
Other (explain in comments)			
6 Water Right validity			
Decreed/Licensed/Statutory claim date (write in comments section)			decreed 2002
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		2008-indefinite, released in 2012
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	x		
Complete a combined limits review	x		
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?		x	
Will the place of use continue to receive water?	X		acres 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?		x	
10 Have you contacted regional office and watermaster for comment/concerns?	x		
Send the watermaster comment request form or e-mail request			
Is water right involved in any other department action? Pull file and check database			
() Ownership Change () Transfer () Mitigation () Other - Explain in comments		x	

Narrative The applicant wishes to place 4.8 acres and 0.06 cfs in the Bank. Map included with application lists 4.9 acres. The Bank will accept 4.9 acres in the Bank. See Clay's memo regarding forfeiture issue.

MEMORANDUM

DATE: November 10, 2015

TO: Water Right File 31-2380

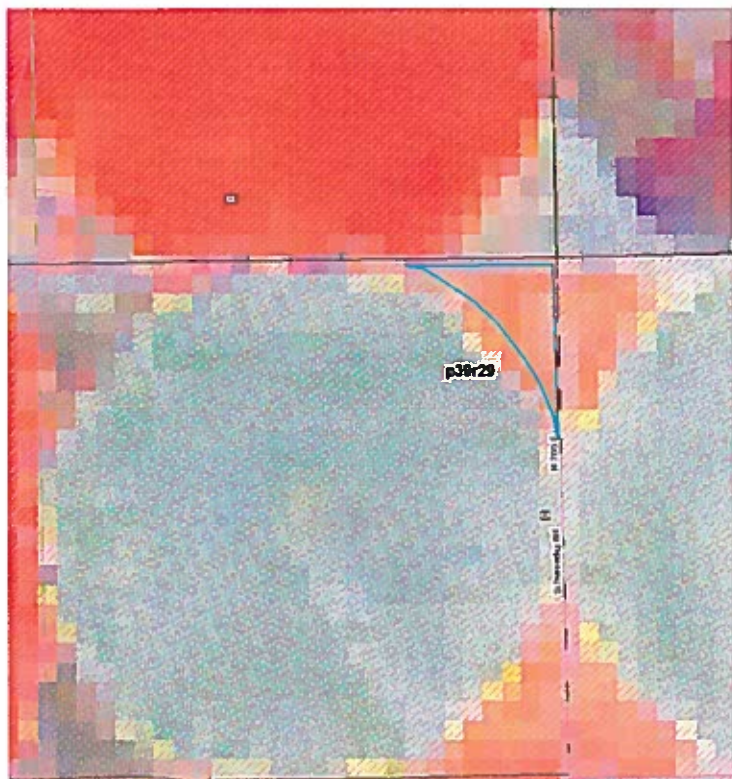
FROM: CW Clay Webster

RE: WSB Lease Expiration Notice sent in error

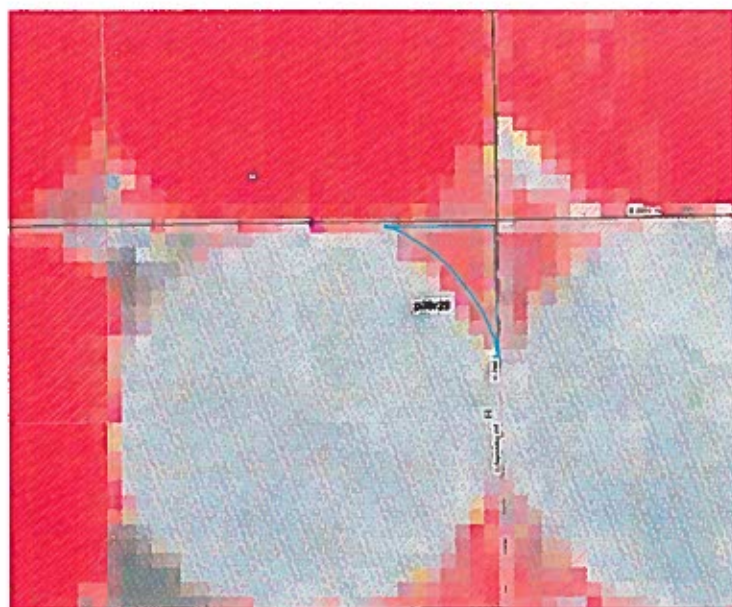
I received a phone call from Lewis Newman addressing our letter dated October 29, 2015 requesting proof of beneficial use for the acres offered for lease in 2015. They have offered 4.8 acres of the corner of NENE of this water right.

In reviewing this lease application and the water right file I found that 9.5 acres of this $\frac{1}{4}$ $\frac{1}{4}$ was in the bank from 2008 to 2012. The question came about as to whether this right is subject of forfeiture for this area due to 5 years of consecutive non-use. The aerial photography was inconclusive and showed partial beneficial use in 2004. I found satellite imagery from LandSat that indicate that irrigation took place for two months in May and June of 2006. (see attached) This would reset the clock on forfeiture of the acres offered for lease outlined in blue. This would leave 2007 as unprotected and 2012-2014 while the right was out of the WSB. Therefore 4 years of non use have occurred as of the time of this lease.

2006/05/12



2006/06/13





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

RECEIVED

OCT 23 2015

DEPARTMENT OF
WATER RESOURCES

October 13, 2015

L2 LTD PARTNERSHIP
2943 N 800 E
MONTEVIEW ID 83435

RE: **ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT NO 31-2380 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**

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

Sincerely,

Clay Webster

for
Clay Webster
Water Resource Agent
WSB Process Point of Contact

MAP Shows 4.91 acres

Lane Newman 208-681-2536



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

GARY SPACKMAN
Director

October 13, 2015

L2 LTD PARTNERSHIP
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Sincerely,

Christine Field

Clay Webster

Water Resource Agent

WSB Process Point of Contact