

OCT 16 2015

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is effective May 6, 2015, between the Idaho Water Resource Board ("Board"), and

Lessor: RODRICK H RINKER
BOX 641
PICABO, ID 83348-0641
(208)726-2297

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. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
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 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

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
37-22503	0.05 CFS	Not Stated	5.5 AC
37-22505	0.02 CFS	Not Stated	5.5 AC
37-22507	0.03 CFS	Not Stated	5.5 AC
37-22509	0.05 CFS	Not Stated	5.5 AC
Combined Lease Totals:	0.15 CFS	Not Stated	5.5 AC

The water rights described herein shall be available for rental from the Bank as follows:

Authorized Period of Use under Lease: April 15 to October 31

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, 2015.
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.

SUPPORT DATA

37-22503

IN FILE #

5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

RODRICK H RINKER
BOX 641
PICABO, ID 83348-0641

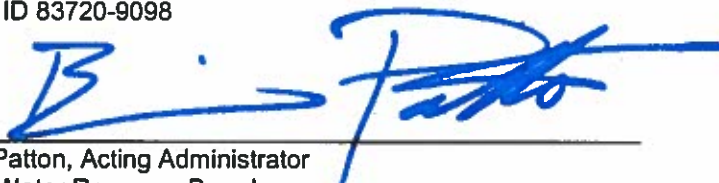
By 

Date 10/14/2015

Printed Name Charles C. Brackley
Power of Attorney

Title _____

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 10/16/2015

Lease approved by IDWR 

Date 10-16-2015

ATTACHMENT A
WATER RIGHT NO. 37-22503
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: RODRICK H RINKER
 BOX 641
 PICABO, ID 83348-0641
 (208)726-2297

Priority Date: 3/29/1877

Source: SILVER CREEK **Tributary to:** LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.05 CFS	Not Stated
	Total:		0.05 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NENESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	NESESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	SWSESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County

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	
01S	20E	36												0.3			5.2		5.5

Total Acres: 5.5

Limited to acres within place of use described above: 5.5 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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. The unleased portions of water rights 37-22503, 37-22505, 37-22507, and 37-22509 are limited to a total combined diversion rate of 0.32 cfs and to a total combined annual 11.5 acres.
13. This right when combined with all other rights shall provide no more than .02 cfs per acre.
14. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved or developed water in Silver Creek, as established, controlled by, and subject to the provisions of the Brett v. Chapman decree (Lincoln County Case No. 2816, entered December 28, 1932).
15. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

ATTACHMENT A
WATER RIGHT NO. 37-22505
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: RODRICK H RINKER
 BOX 641
 PICABO, ID 83348-0641
 (208)726-2297

Priority Date: 11/1/1885

Source: SILVER CREEK **Tributary to:** LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.02 CFS	Not Stated
	Total:		0.02 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NENESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	NESESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	SWSESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County

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	
01S	20E	36												0.3			5.2		5.5

Total Acres: 5.5

Limited to acres within place of use described above: 5.5 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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. This right when combined with all other rights shall provide no more than .02 cfs per acre.
13. The unleased portions of water rights 37-22503, 37-22505, 37-22507, and 37-22509 are limited to a total combined diversion rate of 0.32 cfs and to a total combined annual 11.5 acres.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

ATTACHMENT A
WATER RIGHT NO. 37-22507
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: RODRICK H RINKER
 BOX 641
 PICABO, ID 83348-0641
 (208)726-2297

Priority Date: 4/1/1888

Source: SILVER CREEK

Tributary to: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.03 CFS	Not Stated
	Total:		0.03 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NENESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	NESESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	SWSESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County

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	
01S	20E	36												0.3			5.2		5.5

Total Acres: 5.5

Limited to acres within place of use described above: 5.5 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate. <Enter 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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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. This right when combined with all other rights shall provide no more than .02 cfs per acre.
13. The unleased portions of water rights 37-22503, 37-22505, 37-22507, and 37-22509 are limited to a total combined diversion rate of 0.32 cfs and to a total combined annual 11.5 acres.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

ATTACHMENT A
WATER RIGHT NO. 37-22509
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: RODRICK H RINKER
 BOX 641
 PICABO, ID 83348-0641
 (208)726-2297

Priority Date: 6/30/1895

Source: SILVER CREEK **Tributary to:** LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.05 CFS	Not Stated
	Total:		0.05 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NENESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	NESESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	SWSESW	Sec. 36, Twp 01S, Rge 20E, BLAINE County

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	
01S	20E	36												0.3			5.2		5.5

Total Acres: 5.5

Limited to acres within place of use described above: 5.5 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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. The unleased portions of water rights 37-22503, 37-22505, 37-22507, and 37-22509 are limited to a total combined diversion rate of 0.32 cfs and to a total combined annual 11.5 acres.
13. This right when combined with all other rights shall provide no more than .02 cfs per acre.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

STATE OF IDAHO
WATER RESOURCE BOARD

**WATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST**

RECEIVED
MAY 06 2015
DEPARTMENT OF
WATER RESOURCES

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 ROD RINKERWater Right No. 37-22503

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. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

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. |
| 3D | ☐ | ☒ | 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (http://maps.idwr.idaho.gov/mapall/) to locate a water right place of use or point of diversion. |

Department Use OnlyFee Amount \$ 1100.00Received By: YSHDate Received: 5-6-15Receipt # C100469W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Rod Rinker

**STATE OF IDAHO
WATER RESOURCE BOARD**

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 ROD RINKER Email Address _____
Mailing Address BOX 641 PICABO, ID. 83348 Phone Number 726-2297

☐ 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 Charles G. Brockway Organization Brockway Engineering, PLLC
Professional Title Engineer Email Address charles.g.brockway@brockwayeng.com
Mailing Address 2016 North Washington St. Suite 4 Twin Falls Id 83301 Phone Number 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 37-22503 ☐ 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.
Pump and piping system within a common POU.

- 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.
Water rights 37-22503, 37-22505, 37-22507, & 37-22509 share a common POU.

C. Will the present place of use continue to receive water from any other source?

Yes ☐ No ☒

If yes, describe. _____

D. 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. _____

E. 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. 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, for a period from 3/2/15 to 3/2/16 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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

Printed Name

Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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

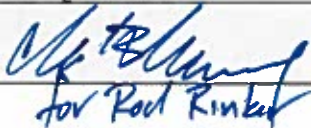
**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

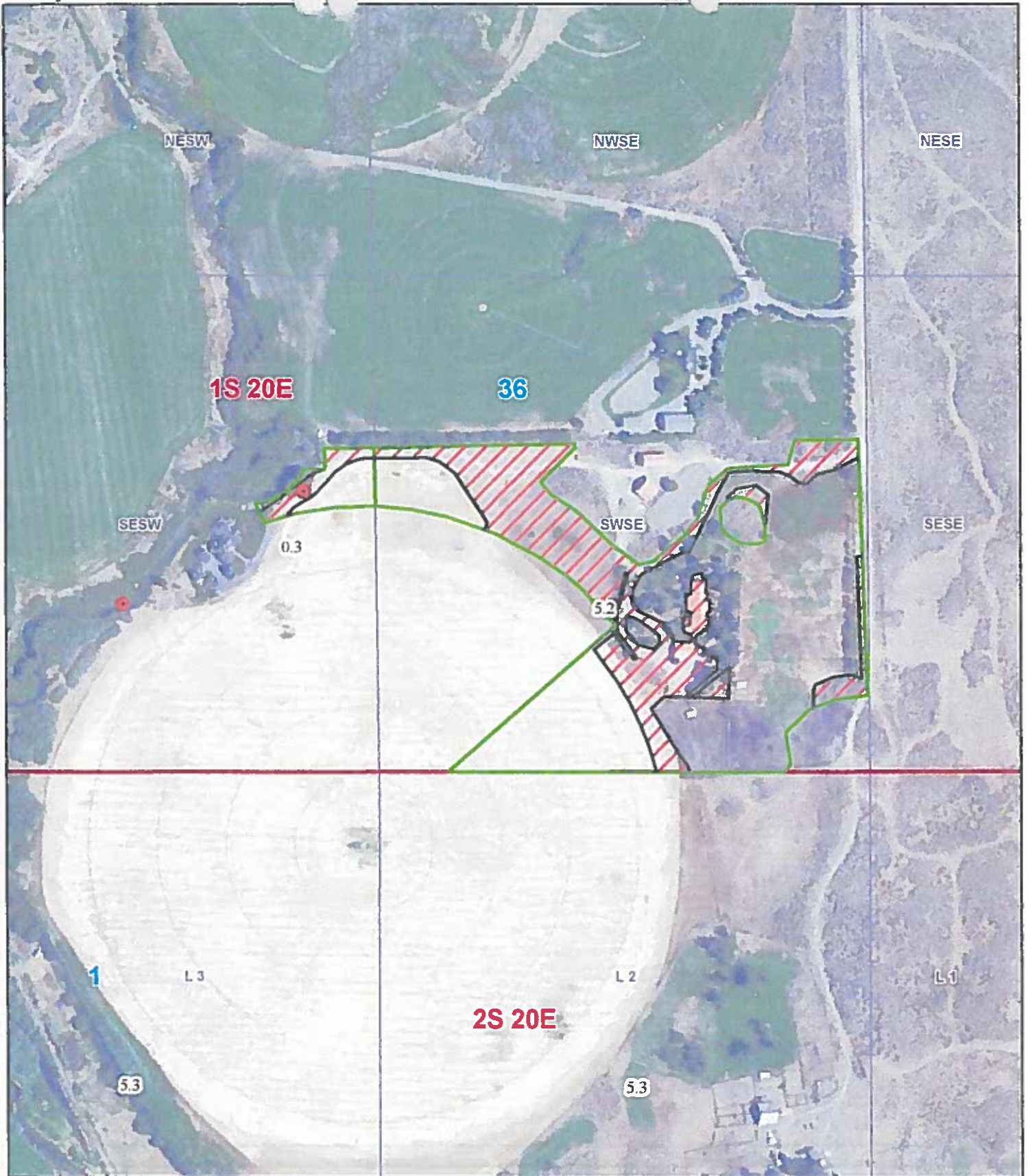
List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 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.

Water Right No. 37-22503

	Designated Applicant	Applicant #2	Applicant #3
Name	ROD RINKER		
Mailing Address	BOX 641 PICABO, ID. 83348		
Phone Number	(208) 726-2297		
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	 for Rod Rinker		

	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			

RINKER, ROD									
SILVER CREEK									
WATER SUPPLY BANK LEASE 2015 (NORTH GROUP)									
3/2/2015									
Irrigation to Irrigation								Ground Water	
Total Acres								37.0	Acres
CFS								1.0	in
AFA								37.00	miners inch
Acres sold/ Transferring								0.74	cfs
								332	gpm
#DIV/0! %								148	AFA
								9.0	gpm/acre
Water Right		Amount		Transfer Amount		Remaining Amount		0.020	cfs/acre
	cfs	acre-ft	cfs	acre-ft	cfs	acre-ft		4.0	AFA/acre
	0.00	0.0	#DIV/0!	0.0	#DIV/0!	0			
Total	0.00	0	#DIV/0!	0	#DIV/0!	0			
	0	acres	0	acres	0	acres			
Multiple Irrigation to Multiple Irrigation									
Total Acres								17	
CFS								0.47	
AFA								0.00	AFA/acre
Acres wsb								5.5	
								0.3235294	%
Water Right		Amount				WSB lease Amount		Remaining Amount	
	cfs	AFA	Acres	Acre Limit	cfs	AFA	cfs	AFA	
37-22503	0.16		17	17	0.05	#DIV/0!	0.11	#DIV/0!	
37-22505	0.047		17		0.02	#DIV/0!	0.03	#DIV/0!	
37-22507	0.095		17		0.03	#DIV/0!	0.06	#DIV/0!	
37-22509	0.164		17		0.05	#DIV/0!	0.11	#DIV/0!	
Total	0.47	0							
					Transferring		Remaining		
Total Limits					0.15	CFS	0.32	CFS	
					0.0	AFA	0.0	AFA	
					5.5	Acres	11.5	Acres	



**RINKER, ROD - SILVER CREEK
WATER BANK LEASE 2015
NAIP 2013 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - Date: 3/2/2015

Legend

- Points_of_Diversion
- 37-22503_WR_POU
- WSB Lease 5.5
- townshp
- Sections
- ladesc



RECEIVED
OCT 16 2015
DEPARTMENT OF
WATER RESOURCES

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Roderick Rinker, hereby nominate and appoint
Charles G. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water rights
before the Idaho Department of Water Resources pertaining to the following property:
Property located in the NE1/4 NW1/4 Section 32, T. 3 N., R. 18 E., known as the
Fawn Creek Ranch property.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 28 day of Sept 2007.

B. G. Brockway

Signature

Signature

State of California)

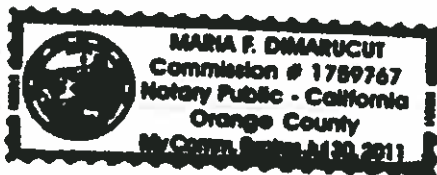
County of Orange)

ss.

On this 2nd Day of October, 2007, before me, a Notary Public
in and for said County and State, personally appeared Roderick Rinker,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



[Signature]
Notary Public

In and for said State and County

7/30/2011

My Commission Expires



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 19, 2015

RODRICK RINKER
PO BOX 7250
NEWPORT BEACH CA 92658

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 37-22536, 37-22538, 37-22504, 37-22506, 37-22508, 37-22510, 37-22503, 37-22505, 37-22507, & 37-22509

Dear Lessor:

Water Rights 37-22536, 37-22538, 37-22504, 37-22506, 37-22508, 37-22510, 37-22503, 37-22505, 37-22507, & 37-22509 were leased into the Water Supply Bank on October 16, 2015 in accordance with the executed original Lease Contract enclosed. **Your water rights as described on the Lease Contract are considered leased into the Bank and should remain unused until they are formally released from the Bank.**

The rights will automatically be released from the Bank on **December 31, 2015**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** 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. This form is available from our public website at www.idwr.idaho.gov.

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 287-4881.

Sincerely,


Sandra Thiel
Sr. Water Resource Agent

Enclosure: Executed Lease Contracts

c: Charles Brockway – Brockway Engineering PLLC
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

GARY SPACKMAN

October 8, 2015

Director

RODRICK H RINKER
PO BOX 7250
NEWPORT BEACH CA 92658

RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHT(S) 37-22536, 37-22538, 37-22504, 37-22506, 37-22508, 37-22510, 37-22503, 37-22505, 37-22507, & 37-22509

*****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 September 18, 2015. The signed contracts have not been returned to the Department.

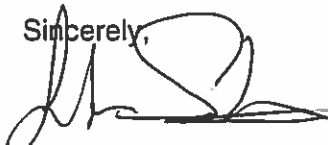
Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

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 287-4881.

Sincerely,


For - Sandra Thiel
Senior Water Resource Agent

c: Charles Brockway – Brockway Engineering PLLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 18, 2015

RODRICK H RINKER
PO BOX 7250
NEWPORT BEACH CA 92658

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-22536, 37-22538, 37-22504, 37-22506, 37-22508, 37-22510, 37-22503, 37-22505, 37-22507, & 37-22509 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, 2015**, 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 287-4881.

Sincerely,


Sandra Thiel
Senior Water Resource Agent

Enclosure: Proposed Lease Contracts
Receipt # C100410

c. Charles Brockway – Brockway Engineering PLLC

MEMORANDUM

To: Water Right No. 37-22503, 37-22505, 37-22507, and 37-22509

From: Sandra Thiel

Date: 9/15/2015

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE:

Brockway Engineering submitted 10 leases on behalf of Rodrick Rinker on May 6, 2015. Rights 37-22503, 37-22505, 37-22507, and 37-22509 are appurtenant to the same place of use and will be included in one lease. The application requests that 0.05 cfs of Silver Creek water used to irrigate 5.5 acres irrigated be leased into the Bank from February 2, 2015 through February 2, 2016. With the combined totals by acre the leased rate will actually be 0.15 cfs.

AUTHORITY TO FILE: The application was signed by Charles G. Brockway for Rod Rinker. Water right file 37-22538 includes a limited power of attorney at appoints Charles G. Brockway.

WATER RIGHT VALIDITY: Rights 37-22505, 37-22507, and 37-22509 were decreed in 2010. Right 37-22503 was decreed in 2011. Forfeiture is not an issue, according to Administrative Memo, Multiple Programs No. 2, which established the forfeiture period for water rights.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right is subject to Water District # 37. See map attached. Both the southern regional manager and the water master responded to requests for comments. Neither had concerns with the leases.

Thiel, Sandra

From: Kevin Lakey [watermanager@cableone.net]
Sent: Monday, August 17, 2015 8:45 AM
To: Thiel, Sandra
Subject: RE: Rod Rinker lease

Sandra,
I have no problems with these applications. Everything looks in order.

Kevin Lakey
Water District 37

From: Thiel, Sandra [mailto:Sandra.Thiel@idwr.idaho.gov]
Sent: Thursday, August 13, 2015 8:58 AM
To: Kevin Lakey
Subject: Rod Rinker lease

Hello Kevin, I hope you are having a good summer. The attached documents are memos for the leases of 10 water rights. As always, thank you for your help with these.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

Thiel, Sandra

From: Merritt, Allen
Sent: Thursday, August 13, 2015 9:09 AM
To: Thiel, Sandra
Subject: RE: Rod Rinker lease

I guess I do not have issues with these. The one involving the permit where proof has not been submitted is a little weird... I guess they will have to deal with proof of the permit when it comes due.

Allen

From: Thiel, Sandra
Sent: Thursday, August 13, 2015 8:44 AM
To: Merritt, Allen
Subject: Rod Rinker lease

Good morning Allen, The attached documents are memos for the leases of 10 water rights. As always, thank you for your help with these.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

Process	Basin Sequence	Draft	Owner	Source	POD/ POU	NE	ENE	NW	NWNE	SWNE	SENE	NE	NENW	NWNW	SWNW	SE	SENW	NE	NE	NWSW	SWSW	SE	SE	SE	SE	SE	SE	Total Acres
Water Right	37-1223	N	BUICH 1995 FAMILY TRUST	SILVER CREEK	POU					1.6					2.0	0.5	5.4	23.0	2.1	16.0								72.6
Water Right	37-1224C	N	THE FOSTER FAMILY TRUST	SILVER CREEK	POU							1.1									0.8					4.2	7.6	13.7
Water Right	37-21180	N	EDWARD A CUTTER 1973 TRUST	SILVER CREEK	POU																13.0							20
Water Right	37-21182	N	EDWARD A CUTTER 1973 TRUST	SILVER CREEK	POU																13.0							20
Water Right	37-21184	N	EDWARD A CUTTER 1973 TRUST	SILVER CREEK	POU																13.0							20
Water Right	37-21186	N	EDWARD A CUTTER 1973 TRUST	SILVER CREEK	POU																13.0							20
Water Right	37-22503	N	RINKER, RODRICK H	SILVER CREEK	POU																1.0							17
Water Right	37-22505	N	RINKER, RODRICK H	SILVER CREEK	POU																1.0							17
Water Right	37-22507	N	RINKER, RODRICK H	SILVER CREEK	POU																1.0							17
Water Right	37-22509	N	RINKER, RODRICK H	SILVER CREEK	POU																1.0							17
Water Right	37-22583	N	SCI PROPERTIES LLC	SILVER CREEK	POU	0.3	5.1			35.1	13.5	27.7	29.5		18.7	33.4												163.3
Water Right	37-22584	N	SCI PROPERTIES LLC	SILVER CREEK	POU	0.3	5.1			35.1	13.5	27.7	29.5		18.7	33.4												163.3
Water Right	37-22585	N	SCI PROPERTIES LLC	SILVER CREEK	POU	0.3	5.1			35.1	13.5	27.7	29.5		18.7	33.4												163.3
Water Right	37-22586	N	SCI PROPERTIES LLC	GROUND WATER	POU	0.3	5.1			35.1	13.5	27.7	29.5		18.7	33.4				10.1								173.4
Water Right	37-90C	N	BUICH 1995 FAMILY TRUST	SILVER CREEK	POU					1.6					2.0	0.5	5.4	23.0	2.1	16.0								72.6



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
MAY 06 2015
DEPARTMENT OF
WATER RESOURCES

May 4, 2015

IDWR Water Supply Bank
P.O. Box 83720
Boise, ID 83720-0098

Re: COA & WSB Lease for Roderick Rinker – Silver Creek

Dear Staff:

Enclosed are two sets of water supply bank lease applications for the Rod Rinker's Silver Creek properties. We are also submitting with these applications a change of ownership from rights 37-22053, 37-22505, 37-22507, & 37-22509, which Rod purchased from Young 9/11/2003.

There are applications included for portions of water rights 37-22504, 37-22506, 37-22508 & 37-22510 which share a common POU. As well as applications for portions of water rights 37-22503, 37-22505, 37-22507, & 37-22509 which share a common POU. Included with these applications are the appurtenant deeds, map, fees, water rights table, W-9 forms, and power of attorney form.

If you have any question or need more information please call the office at (208) 736-8543.

CHARLES E.
BROCKWAY,
PH.D., P.E.

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

Sincerely,

Amy Runser

Enc. WSB Applications, Check amount of \$1,100, Maps, Deeds, W9 & P.O.A.
cc: Rod Rinker

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506