

AUG 06 2015

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

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

Lessor: RON AND LORRAINE WILCOX

PO BOX 4860

HAILEY ID 83333

(208) 788-7329

RGW13@COX.NET

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>
37-20924	0.27 CFS*	NOT STATED	13.3 AC
37-20926	0.55 CFS**	NOT STATED	13.3 AC
Combined Lease Totals: 0.66 CFS		NOT STATED	13.3 AC

*The lease of 37-20924 is limited to 0.22 cfs, the remaining portion is used for conveyance losses.

**The lease of 37-20926 is limited to 0.44 cfs, the remaining portion is used for conveyance losses.

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

Authorized Period of Use under Lease: 4/15 to 10/31

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.

SUPPORT DATA

IN FILE # 37-20924

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.

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

RON AND LORRAINE WILCOX
PO BOX 4860
HAILEY ID 83333



By 
Printed Name RON WILCOX
LORRAINE WILCOX

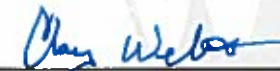
Date 8/2/15

Title _____

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 8/6/2015

Lease approved by IDWR 

Date 8-6-2015

ATTACHMENT A
WATER RIGHT NO. 37-20924
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: RON AND LORRAINE WILCOX
 PO BOX 4860
 HAILEY ID 83333
 (208) 788-7329

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.27 CFS	NOT STATED
	Total:		0.27 CFS	NOT STATED

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20, Twp 03N, Rge 18E, BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

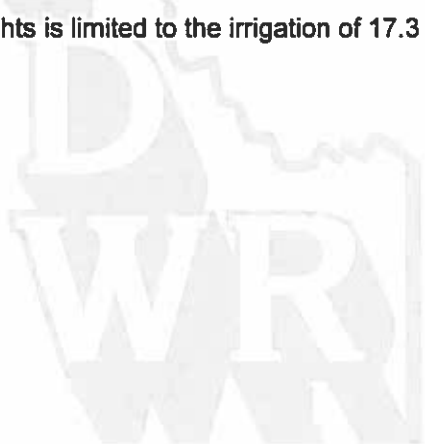
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4			13.3														13.3

Total Acres: 13.3

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. Place of use is also known as Lo 4A, Block 1; Buckhorn Subdivision 2nd Addition and Lot 3C, Block 1; Buttercup Meadows Subdivision.
13. These water rights are delivered through the Hiawatha Canal.
14. A portion of water rights 37-20924 and 37-20926 provide conveyance for other right holders in the shared delivery of water through the Hiawatha Canal. To prevent injury to other water right holders, the watermaster shall deliver 20% or 0.16 cfs of the leased portion of water rights 37-20924 and 37-20926 into the Hiawatha Canal whether it is rented or not.
15. The unleased portion of these rights is limited to the irrigation of 17.3 acres.



ATTACHMENT A
WATER RIGHT NO. 37-20926
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: RON AND LORRAINE WILCOX
 PO BOX 4860
 HAILEY ID 83333
 (208) 788-7329

Priority Date: 11/26/1886

Source: BIG WOOD RIVER **Tributary to:** MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diverslon Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.55 CFS	NOT STATED
	Total:		0.55 CFS	NOT STATED

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20, Twp 03N, Rge 18E, BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

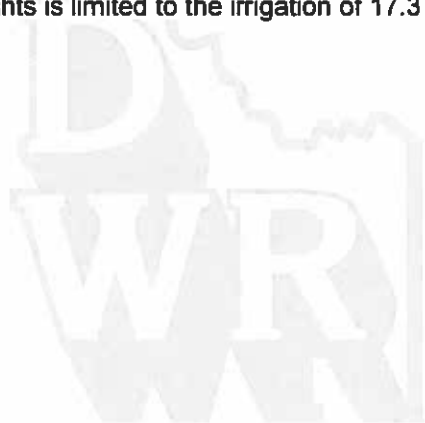
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4			13.3														13.3

Total Acres: 13.3

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. Place of use is also known as Lo 4A, Block 1; Buckhorn Subdivision 2nd Addition and Lot 3C, Block 1; Buttercup Meadows Subdivision.
13. These water rights are delivered through the Hiawatha Canal.
14. A portion of water rights 37-20924 and 37-20926 provide conveyance for other right holders in the shared delivery of water through the Hiawatha Canal. To prevent injury to other water right holders, the watermaster shall deliver 20% or 0.16 cfs of the leased portion of water rights 37-20924 and 37-20926 into the Hiawatha Canal whether it is rented or not.
15. The unleased portion of these rights is limited to the irrigation of 17.3 acres.



**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED

JUL 31 2015

DEPARTMENT OF
WATER RESOURCES

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). 37-20924 & 37-20926

	Designated Applicant	Applicant #2	Applicant #3
Name	Ron Wilcox	Lorraine Wilcox	
Mailing Address	PO Box 4860 Hailey, ID 83333	PO Box 4860 Hailey, ID 83333	
Phone Number	(208) 788-7329	(208) 788-7329	
Email Address	rgw13@cox.net		
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			

RECEIVED
MAR 31 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 Ron Wilcox & Lorraine Wilcox
(Select one owner – see item 1A on the application)

Water Right No. 37-20924
(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 | ☒ | ☐ | <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 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 \$	<u>500.00</u>	Received By: <u>LSH</u>	Date Received: <u>3-31-15</u> Receipt # <u>0100202</u>
W-9 received?	Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Ron Wilcox</u>

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

1. CONTACT INFORMATION

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

Designated Applicant Ron Wilcox & Lorraine Wilcox Email Address rgw13@cox.net

Mailing Address PO Box 4860, Hailey, ID 83333 Phone Number (208) 788-7329

☒ 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 James P. Speck Organization Speck & Aanestad, A Professional Corp.

Professional Title attorney Email Address jim@speckandaanestad.com

Mailing Address PO Box 987, Ketchum, Idaho, 83340 Phone Number (208) 726-4421

☐ 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 37-20924 ☐ 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.

Hiawatha Canal headgate, Hiawatha Canal, headgate & ditch from Canal to pond, pump from pond through buried pipelines to sprinkler irrigation systems

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.
37-20926

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. The portions of 37-20924 & 37-20926 NOT leased to the WSB shall continue to irrigate a portion of the decreed place of use for those rights

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 2015 (maximum lease period 5 years).
(Year) (Year)

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

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Ron Wilcox
Signature of Designated Applicant

Ron Wilcox
Printed Name

3/5/15
Date

Lorraine Wilcox
Signature of Authorized Representative

Lorraine Wilcox
Printed Name

3-5-15
Date

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

HIAWATHA CANAL

P.O. Box 1604 • Hailey, ID 83333

February 24, 2015

Cherie Palmer
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

Re: *Ron and Lorraine Wilcox Water Leases; 37-20926 and 37-20924*

Dear Ms. Palmer:

The purpose of this letter is to respond generally to water rights being leased to the Water Bank, which are conveyed in the Hiawatha Canal ("Canal") by the Hiawatha Canal Company, a.k.a. The Hiawatha Canal Water Users Association of Lateral or Laterals ("Canal Company"). Also, this letter will specifically address the proposed water rights being placed in the Water Bank for the aforementioned water rights.

The Hiawatha Canal Company is concerned about the amount of water being removed from the Canal and placed in the Water Bank by various water right holders. Generally, at this time, the Canal Company does not object to water rights conveyed in the Hiawatha Canal being placed in the Water Bank; provided that if the water rights are moved outside of the Canal, then the Water Bank should require twenty-percent (20%) of the right to be left in the Canal as conveyance loss. I suggest that the Department place a condition on the leases to this effect.

Providing you some historical perspective, the Canal Company filed for mitigation (conveyance loss) rights in the adjudication for rights that had been forfeited or abandoned out of the Canal. The Department agreed that the conveyance loss in the Canal was twenty-percent (20%), and therefore, entered recommendations accordingly. See e.g., water rights 37-22630, 37-22631, 37-22632 and 37-22633. This conveyance has been recognized by the Idaho Department of Water Resources in similar transfers. Leaving twenty-percent (20%) of the leased rights in the Canal will insure that all rights in the Canal continue to be delivered without injury to water right holders in the Canal.

ATTACHMENT 1D

Cherie Palmer
Page 2
February 24, 2015

As a condition of being leased, the Canal Company requests:

1. The Canal Company does not presently object to the water rights being placed in the Water Bank by Ron and Lorraine Wilcox under water rights 37-20924 and 37-20926, provided that twenty-percent (20%) of the right is left in the Canal as conveyance loss.

2. Since the Applicants are proposing leasing only a portion of each right to the Water Bank, the Hiawatha Canal would require a measuring device be placed on the headgate on the Hiawatha Canal where the Applicants divert their water. The measuring device would only have to meet the current requirements for measuring devices as published by the Idaho Department of Water Resources.

3. Finally, the Canal Company would like to be notified if the water rights are eventually released from the Water Bank, or if the Water Rights are being leased again to the Water Bank after the expiration of the five-year lease period.

Thank you in advance for responding to this letter and addressing our concerns. If you have any questions, please do not hesitate to call me.

Sincerely,

HIAWATHA CANAL COMPANY



David Cropper, President

FXH: fxh
cc: client
Jim Speck, Esq.

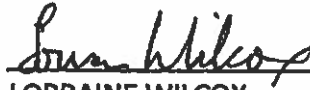
AUTHORITY TO REPRESENT

The undersigned hereby authorize their attorney, James P. Speck of the law firm of Speck & Aanestad, A Professional Corporation, to represent them in all matters relating to the leasing of their Water Rights Nos. 37-20924 and 37-20926 to the Idaho Water Supply Bank.

Dated this 31 day of December, 2014.



RON WILCOX



LORRAINE WILCOX

WSB Lease Application - 37-20926 - Ron & Lorraine Wilcox
Attachment 1E

RECEIVED
JAN 08 2015
SPECK & AANESTAD

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 2

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

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-20926</u>	<u>0.55 cfs</u>	<u>Irrigation</u>	<u>April 15</u> to <u>October 31</u>
			to
			to
			to
			to
			to
Total Amount: <u>0.55 cfs</u>			

2. Source of water Big Wood River tributary to Malad River

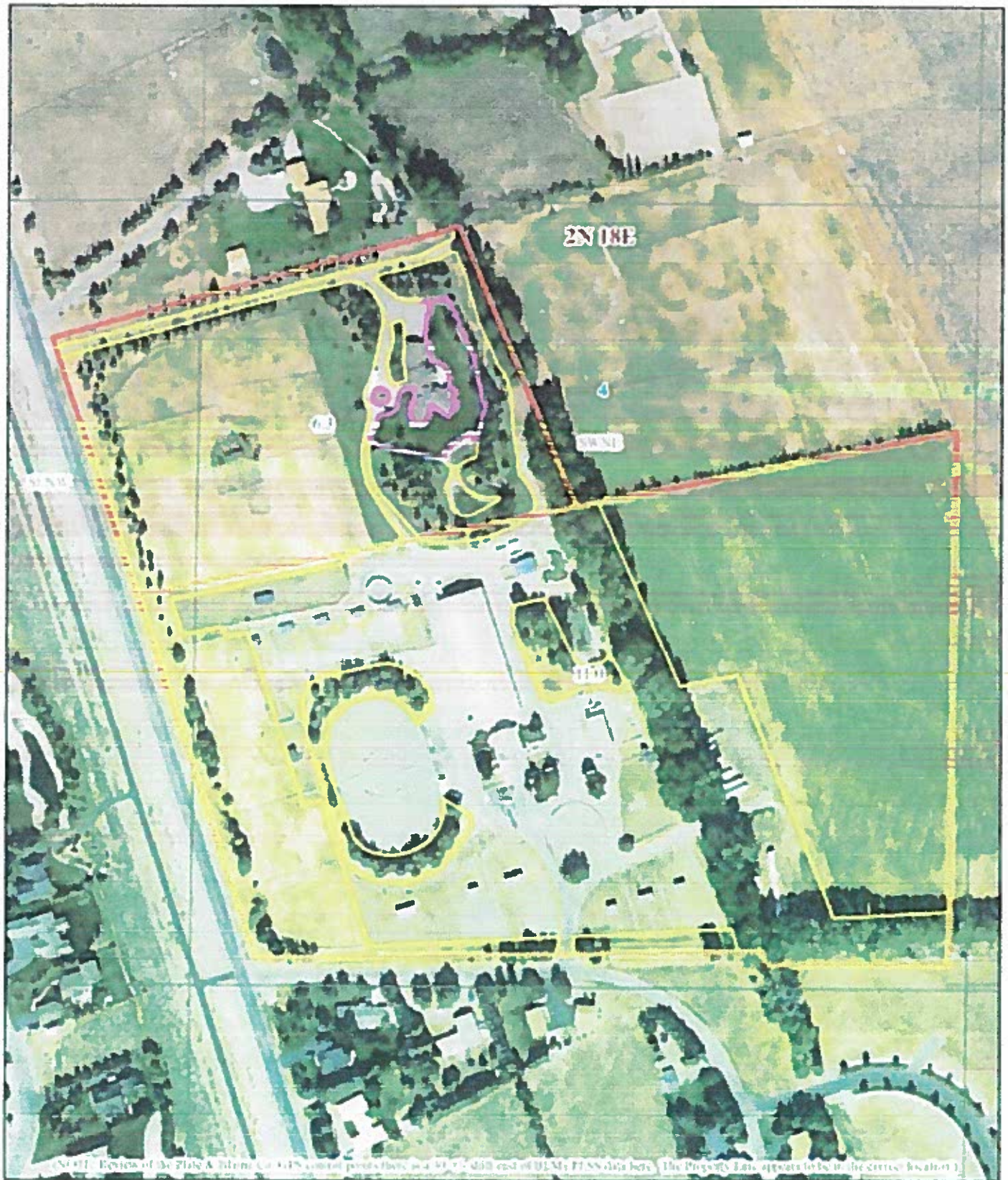
3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
3N	18E	20			SW	NW	Blaine

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

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	4			13.3														13.3

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 13.3



NOTE: Review of the 2013 & 2014 NAIP aerial photos shows a 4.5177 - still east of 01.1111. The Property Line appears to be in the correct location.

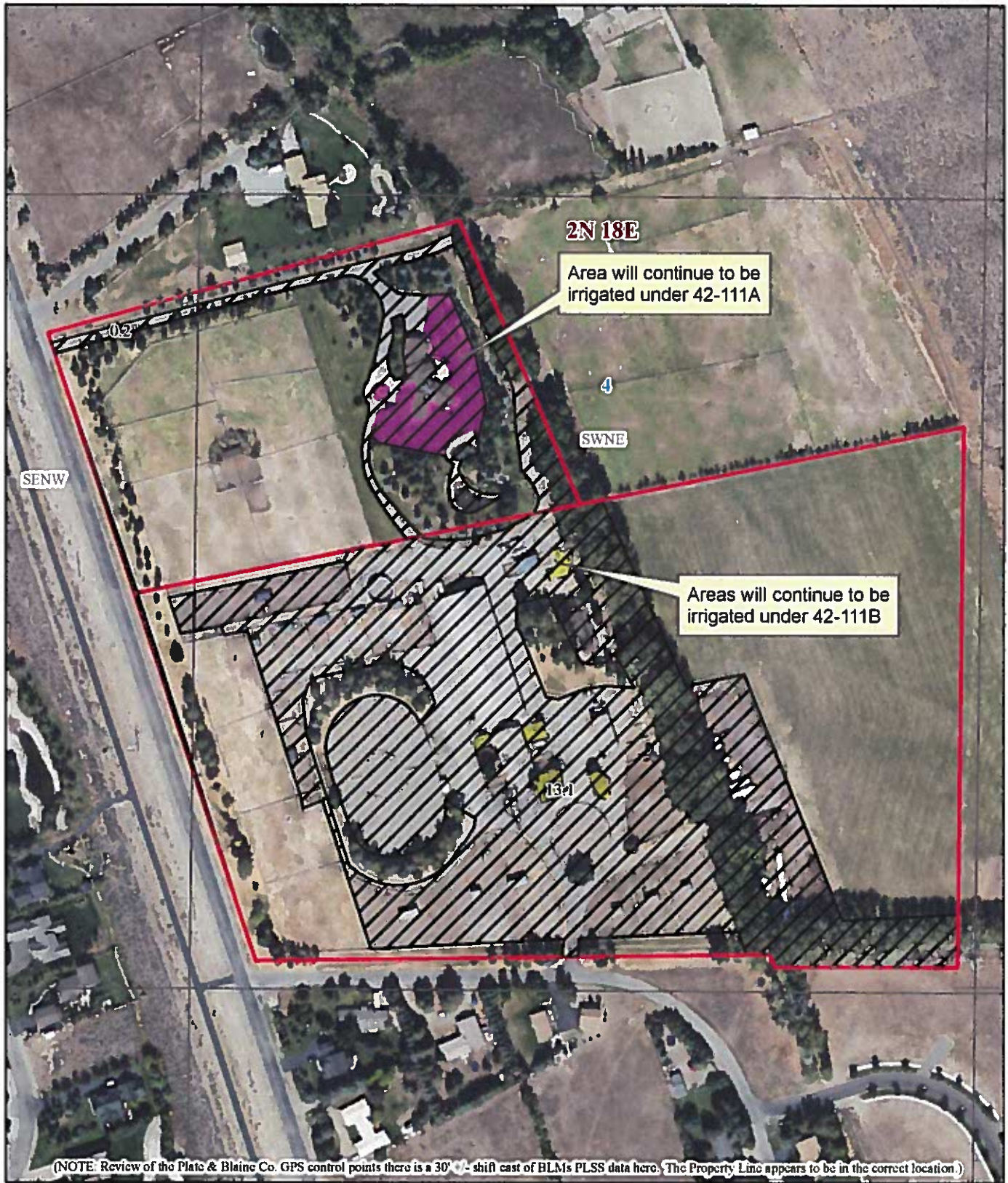
0 75 150 300 Feet

WILCOX - LUCKY 13 **IRRIGATION ANALYSIS** **NAIP 2013 AERIAL PHOTO**

Legend

- Palmer's
- Domestic 42-111A 0.5 Ac
- Exempt 42-111B 0.15 Ac
- Irrigation
- Wetland
- Section
- 20 Lines

BROCKWAY ENGINEERING, PLLC
 ALR - Date: 12.18.2014



(NOTE: Review of the Platte & Blaine Co. GPS control points there is a 30' +/- shift east of BLMs PLSS data here. The Property Line appears to be in the correct location.)

0 75 150 300 Feet

WILCOX - LUCKY 13

WSB LEASE AREAS 2015

NAIP 2013 AERIAL PHOTO.

Legend

- Parcels
- WSB Lease_Ac_2015
- Domestic Irr 42-111A, 0.5 Ac.
- Exempt 42-111B, 0.15 Ac.
- Township
- Sections
- QQ Lines



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 7, 2015

RON & LORRAINE WILCOX
PO BOX 4860
HAILEY ID 83333-4860

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 37-20924 AND 37-20926

Dear Lessor:

Water Rights **37-20924 & 37-20926** were leased into the Water Supply Bank 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 287-4910.

Sincerely,


For - Clay Webster

Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Dave Cropper – Hiawatha Canal
James Speck – Speck & Aarstad
Allen Merritt – IDWR Southern Region
Kevin Lakey – Water District #37

RECEIVED
JUL 31 2015
DEPARTMENT OF
WATER RESOURCES

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

July 29, 2015

Cherie Palmer
Sr. Water Resource Agent
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

**Re: *Applications to Lease Water Rights Nos. 37-20924 & 37-20926;
 Ron Wilcox and Lorraine Wilcox***

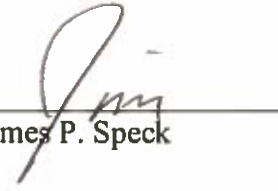
Dear Cherie:

Enclosed you will find the original of an executed Attachment 1A for the above-referenced Applications. Please let me know if you need any more information to complete the processing of these Applications.

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosure
cc: Client w/encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 28, 2015

RON & LORRAINE WILCOX
PO BOX 4860
HAILEY ID 83333-4860

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-20924 AND 37-20926 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.

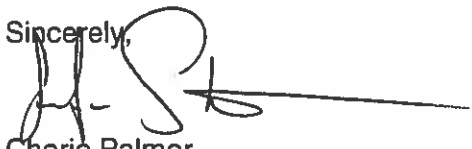
The rights will automatically be released from the Bank on **December 31, 2015**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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 287-4944.

Sincerely,


for Cherie Palmer
Water Rights Supervisor

Enclosure: Proposed Lease Contracts
Receipt # C100222

c. James Speck – Speck & Aanestad
Dave Cropper – Hiawatha Canal

MEMORANDUM

To: Water Right No(s). 37-20924 and 37-20926
From: Cherie Palmer
Date: July 9, 2015
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: These applications were received on March 31, 2015. The applicant is proposing to lease in 13.3 acres of these stacked water rights, leaving 17.3 acres out of the Bank.

These water rights provide irrigation from 4/15 to 10/31—which is also the standard irrigation season for the area.

AUTHORITY TO FILE: Jim Speck filed these applications on behalf of Ron and Lorraine Wilcox (the water right holders). The right holder signed the applications and appear to own the place of use as of 2015 taxlot data. This water is delivered through the Hiawatha Canal Co who has given their consent to lease these rights into the Bank so long as a 20% conveyance is reserved on the lease.

WATER RIGHT VALIDITY: Both of these rights were decreed on 9/24/2010 so forfeiture is not a concern.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. Conveyance loss will be held back on the lease to avoid injuring the Hiawatha Canal.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone; there are no other water rights at the place of use of these rights. 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(s) are subject to Water District #37.

Palmer, Cherie

From: Jim Speck [jim@speckandaanestad.com]
Sent: Wednesday, July 22, 2015 2:05 PM
To: Palmer, Cherie
Cc: rgw13@cox.net; Zach Latham
Subject: RE: Wilcox Lease 37-20924 and 37-20926
Attachments: WILCOX WSBL 2015.pdf

Cherie,

Attached is the map of the 13.3A that will no longer be irrigated by these two water rights and should be leased to the Bank. Call Zach Latham or me if you have any questions about it. I will get you the Attachment 1A as soon as I reach my clients.

Jim

From: Palmer, Cherie [<mailto:Cherie.Palmer@idwr.idaho.gov>]
Sent: Thursday, July 09, 2015 5:07 PM
To: Jim Speck
Subject: Wilcox Lease 37-20924 and 37-20926

Jim,

I am reviewing the lease application you submitted on behalf of Ron and Lorraine Wilcox. I am unable to decipher the area your client would like to lease into the Bank. Can you please submit a new map that clearly outlines the area that will be leased into the Bank? Please provide the map within 7 days so I can finalize this lease.

Thank you,

*Cherie Palmer, Water Rights Supervisor
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700*

**STATE OF IDAHO
WATER RESOURCE BOARD**

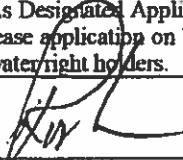
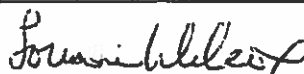
ATTACHMENT 1A

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). 37-20924 & 37-20926

	Designated Applicant	Applicant #2	Applicant #3
Name	Ron Wilcox	Lorraine Wilcox	
Mailing Address	PO Box 4860 Hailey, ID 83333	PO Box 4860 Hailey, ID 83333	
Phone Number	(208) 788-7329	(208) 788-7329	
Email Address	rgw13@cox.net		
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			

Palmer, Cherie

From: Merritt, Allen
Sent: Friday, July 10, 2015 8:58 AM
To: Palmer, Cherie
Subject: RE: Lease Review in the WSB; Ron and Lorraine Wilcox 37-20924/26

I do not have any issues since you have addressed the Hiawatha's concerns.

From: Palmer, Cherie
Sent: Thursday, July 09, 2015 6:12 PM
To: Kevin Lakey; Merritt, Allen
Subject: Lease Review in the WSB; Ron and Lorraine Wilcox 37-20924/26

Gentlemen,

The Department received two applications to lease 13.3 acres of water rights 37-20924 and 37-20926. These rights are from the Big Wood River and are conveyed thru the Hiawatha Canal. Please let me know if you have any concerns as soon as you can.

Thanks,

*Cherie Palmer, Water Rights Supervisor
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700*

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

March 24, 2015

RECEIVED
MAR 31 2015
DEPARTMENT OF
WATER RESOURCES

Remington Buyer
Water Supply Bank Coordinator
IDWR
322 E. Front St.
Boise, Idaho 83720-0098

Re: Ron Wilcox and Lorraine Wilcox - Applications to Lease Water Rights No. 37-20924 and 37-20926 to the Water Supply Bank

Dear Remington:

Enclosed you will find the original and one copy each of the above-referenced Applications together with my firm's check payable to the Department for the \$500 filing fee.

Please receipt date-stamp the copies and return them to me in the postage prepaid self-addressed envelope I have included for that purpose. Kindly call me right away if you have any questions about these Applications.

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures
cc: Clients w/encl.

HIAWATHA CANAL

P.O. Box 1604 • Hailey, ID 83333

RECEIVED

FEB 27 2015

DEPARTMENT OF
WATER RESOURCES

February 24, 2015

Cherie Palmer
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Ron and Lorraine Wilcox Water Leases; 37-20926 and 37-20924

Dear Ms. Palmer:

The purpose of this letter is to respond generally to water rights being leased to the Water Bank, which are conveyed in the Hiawatha Canal ("Canal") by the Hiawatha Canal Company, a.k.a. The Hiawatha Canal Water Users Association of Lateral or Laterals ("Canal Company"). Also, this letter will specifically address the proposed water rights being placed in the Water Bank for the aforementioned water rights.

The Hiawatha Canal Company is concerned about the amount of water being removed from the Canal and placed in the Water Bank by various water right holders. Generally, at this time, the Canal Company does not object to water rights conveyed in the Hiawatha Canal being placed in the Water Bank; provided that if the water rights are moved outside of the Canal, then the Water Bank should require twenty-percent (20%) of the right to be left in the Canal as conveyance loss. I suggest that the Department place a condition on the leases to this effect.

Providing you some historical perspective, the Canal Company filed for mitigation (conveyance loss) rights in the adjudication for rights that had been forfeited or abandoned out of the Canal. The Department agreed that the conveyance loss in the Canal was twenty-percent (20%), and therefore, entered recommendations accordingly. See e.g., water rights 37-22630, 37-22631, 37-22632 and 37-22633. This conveyance has been recognized by the Idaho Department of Water Resources in similar transfers. Leaving twenty-percent (20%) of the leased rights in the Canal will insure that all rights in the Canal continue to be delivered without injury to water right holders in the Canal.

As a condition of being leased, the Canal Company requests:

1. The Canal Company does not presently object to the water rights being placed in the Water Bank by Ron and Lorraine Wilcox under water rights 37-20924 and 37-20926, provided that twenty-percent (20%) of the right is left in the Canal as conveyance loss.

2. Since the Applicants are proposing leasing only a portion of each right to the Water Bank, the Hiawatha Canal would require a measuring device be placed on the headgate on the Hiawatha Canal where the Applicants divert their water. The measuring device would only have to meet the current requirements for measuring devices as published by the Idaho Department of Water Resources.

3. Finally, the Canal Company would like to be notified if the water rights are eventually released from the Water Bank, or if the Water Rights are being leased again to the Water Bank after the expiration of the five-year lease period.

Thank you in advance for responding to this letter and addressing our concerns. If you have any questions, please do not hesitate to call me.

Sincerely,

HIAWATHA CANAL COMPANY



David Cropper, President

FXH: fxh
cc: client
Jim Speck, Esq.