

JUL 28 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: SUN VALLEY LAND AND MINERALS INC
PO BOX 1959
SUN VALLEY ID 83353
(208) 309-1359

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 on January 22, 2015 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>Acre Limit</u>	<u>Total Leased Acres</u>
37-4100	0.25 CFS	NA	NA	0.0 AC
37-21614	0.24 CFS	NA	NA	0.0 AC
Combined Lease Totals:	0.49 CFS	NA	NA	0.0 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: January 1 to December 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, 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.

SUPPORT DATA
IN FILE # 37-4100

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

SUN VALLEY LAND AND MINERALS INC

PO BOX 1959
SUN VALLEY ID 83353

By Donna R Kelsey
Printed Name DONNA R KELSEY

Date 7-27-15
Title President
Sun Valley Land & Minerals, INC

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 7-29-2015

Lease approved by IDWR Chas Winters

Date 7/29/2015

ATTACHMENT A
WATER RIGHT NO. 37-4100
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: SUN VALLEY LAND AND MINERALS INC
 PO BOX 1959
 SUN VALLEY ID 83353
 (208) 309-1359

Priority Date: 09/06/1956

Source: SPRING

Tributary to: DEER CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
RECREATION	01/01	to 12/31	0.25 CFS	Not Stated
	Total:		0.25 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

SPRING NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Twp 03N, Rge 17E, 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	
03N	17E	34					X												0.0

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. Use of water under this right shall be non-consumptive.

ATTACHMENT A
WATER RIGHT NO. 37-21614
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: SUN VALLEY LAND AND MINERALS INC
 PO BOX 1959
 SUN VALLEY ID 83353
 (208) 309-1359

Priority Date: 09/06/1956

Source: DEER CREEK

Tributary to: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
RECREATION	01/01	12/31	0.24 CFS	Not Stated
	Total:		0.24 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

DEER CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Twp 03N, Rge 17E, 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	
03N	17E	34					X												0.0

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. Use of water under this right shall be non-consumptive.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

WATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

JAN 22 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 Sun Valley Land and Minerals, Inc.Water Right No. 37-4100

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 *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.
- 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 Only

Fee Amount \$	Received By:	Date Received:	Receipt #
W-9 received? Yes ☐ No ☐	(Route W-9 to Fiscal)	Name on W-9:	

**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 Sun Valley Land and Minerals, Inc. Email Address _____
Mailing Address P.O. Box 1959, Sun Valley ID 83353 Phone Number (208) 309-1359

☒ 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
Professional Title Engineer Email Address _____
Mailing Address 2016 Washington St. North, Suite 4, Twin Falls, ID 83301 Phone Number (208) 736-8543

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 37-4100 ☒ 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.

Well and pump to pool

- 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.

None

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

Yes ☐ No ☐

If yes, describe. No

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 6/24/2014 to 12/31/2019 (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.

Sun Valley Land & Minerals, Inc

Donna Kelsey
Signature of Designated Applicant

DONNA KELSEY, Mrs
Printed Name

6-27-14
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. 37-4100

	Designated Applicant	Applicant #2	Applicant #3
Name	Sun Valley Land and Minerals, Inc.		
Mailing Address	P.O. Box 1959 Sun Valley, ID 83353		
Phone Number	(208) 309-1359		
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	<i>Sun Valley Land & Minerals Inc. Norma Kelsey, Pres.</i>		

	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
Department of Water Resources

Water Right
37-4100

RECREATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

17E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.0025 0.005 0.01 Miles





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

July 30, 2015

SUN VALLEY LAND AND MINERALS INC
PO BOX 1959
SUN VALLEY ID 83353

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 37-8205, 37-4100 and 37-21614

Dear Lessor:

Water Rights **37-8205, 37-4100 and 37-21614** were leased into the Water Supply Bank on January 22, 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, 2019**, 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: Brockway Engineering PLLC
IDWR Southern Region
Kevin Lakey – Water District No. 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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 20, 2015

SUN VALLEY LAND AND MINERALS INC
PO BOX 1959
SUN VALLEY ID 83353

**RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-4100, 37-8205, 37-21614 and 37-22128
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 of three (3) 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.

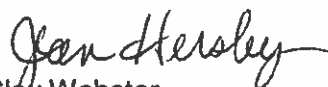
The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form.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

c. Brockway Engineering PLLC



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 22 2015

DEPARTMENT OF
WATER RESOURCES

January 19, 2015

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

Re: Applications to Lease Water Right Nos. 37-4100, 37-8205, 37-22128, 37-12160,
and 37-21614

Dear Ms Palmer:

This letter is in response to your letter dated August 28, 2014 regarding the above-referenced matter. The lease applications are being resubmitted, and the following clarifications are provided to address each of your questions:

1. Sun Valley Land and Minerals, Inc. is an Idaho corporation which owns all of the water rights, as indicated on the Department's current records. The President and sole officer of the corporation is Donna Kelsey, as confirmed by the most recent annual report filed with the Idaho Secretary of State. Donna Kelsey is the signatory on the water bank applications and is authorized to sign for the corporation.
2. Rights 37-8205 and 37-12160 do not pertain to a pump in Deer Creek. This correction has been made.
3. Rights 37-4368B and 37-22128 are mutually exclusive. 37-4368B is appurtenant to one (1) artesian point of diversion (spring / wellhead) and 37-22128 is appurtenant to five (5) wells excepting the one covered by 37-4368B. There are no combined-use conditions. The natural discharge from the 37-4368 POD is approximately equal to the diversion rate on the water right, and will continue to be used for the heating requirements. Therefore, right 37-22128 can be placed in the bank independently without any enlargement occurring.
4. Right 37-12160 is appurtenant to an old well which historically served a house at the well site but at present does not serve any residence. All residences are currently served by 37-22127 which is appurtenant to a well located up a draw north of the Forest Service road. A map is enclosed showing these two wells.

Two sheets are enclosed on which all rights on the property are summarized. This may assist you with understanding the water right structure. I am assuming the Department has retained the application fees, as we have not received any refund warrants. Please let me know if any additional information is required.

Cordially,


Charles G. Brockway, P.E.

Enc. Water bank lease applications
Cc w/o enc. Donna Kelsey

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



Well
31-22127

Old well - not used
31-12160

027

SN 17E

Sun Valley Land & Minerals – Clarendon Water Rights

Status as of June 23, 2014

C. G. Brockway

Deer Creek rights

37-2446	This right allows 10 cfs diversion from Deer Creek for recreational purposes. It is appurtenant to the main three reservoirs plus the two lower ponds.
37-4369	This right allows storage in the five reservoirs in the amount of 102 acre-feet; however 2.3 acre-feet is dedicated to mitigation of 37-8205 so the actual storage cannot exceed 99.7 acre-feet with a maximum surface area of 11.8 acres.
37-12158	This right allows 0.02 cfs for stockwater purposes from Deer Creek.
37-21614	The right allows 0.24 cfs to be diverted from Deer Creek for recreational purposes. This water was historically used for a pool in the west end of the property. Water usage must be non-consumptive, i.e. all water must return to the stream. Note: this right has been decreed, but this status is not reflected in the IDWR database.

Geothermal Spring Rights

37-4100	This right allows 0.25 cfs diversion for recreation purposes from hot spring / well serving a pool on the west end of the property (same as 37-21614).
37-4368B	This right allows 0.13 cfs diversion for heating and recreation purposes from natural spring flow from the main hot spring complex on the hill behind the buildings – one point of diversion only.
37-22128	This right allows 0.16 cfs diversion for heating, recreation, and irrigation purposes (1.3 acres) from natural spring flow from the main hot spring complex on the hill behind the buildings. This right is appurtenant to all artesian points of diversion (5 total), except the one covered under 37-4368B.

Geothermal Well Right

37-8205	This right allows 1.21 cfs of pumped diversion for heating and recreation purposes from the three developed wells in the spring complex on the hill behind the buildings. The primary usage of this water is for roadway snowmelting.
---------	---

Other Rights

37-12160	This is a right allowing domestic use under I.C. 42-111(a)
37-22127	This is a right allowing domestic use under I.C. 42-111(a)
37-12159	This right allows 0.02 cfs for stockwater purposes from Jimmie Creek (aka Jimmie the Harp Creek).

Sun Valley Land & Minerals - Clarendon Water Rights

Status as of June 23, 2014

Type	Basin	Sequence	Suffix	Basis	Status	Priority Date	Div Rate	Source	Nature of Use	Owner
Water Right	37	2446		Decreed	Active	12/19/1932	10	DEER CREEK	RECREATION	SUN VALLEY LAND & MINERALS INC
Water Right	37	4100		Decreed	Active	9/6/1956	0.25	SPRING	RECREATION	SUN VALLEY LAND & MINERALS INC
Water Right	37	4368 B		Decreed	Active	09/01/1883	0.13	CLARENDON HOT SPRINGS	HEATING, RECREATION	SUN VALLEY LAND & MINERALS INC
Water Right	37	4369		Decreed	Active	7/1/1939	102 AFA	DEER CREEK	MITIGATION, RECREATION STORAGE	SUN VALLEY LAND & MINERALS INC
Water Right	37	8205		License	Active	3/12/1985	1.21	GROUND WATER	HEATING, RECREATION	SUN VALLEY LAND & MINERALS INC
Water Right	37	12158		Decreed	Active	09/01/1883	0.02	DEER CREEK	STOCKWATER	SUN VALLEY LAND & MINERALS INC
Water Right	37	12159		Decreed	Active	09/01/1883	0.02	JIMMIE CREEK	STOCKWATER	SUN VALLEY LAND & MINERALS INC
Water Right	37	12160		Decreed	Active	10/27/1956	0.04	GROUND WATER	DOMESTIC	SUN VALLEY LAND & MINERALS INC
Water Right	37	22127		Decreed	Active	7/1/1940	0.12	GROUND WATER	DOMESTIC	SUN VALLEY LAND & MINERALS INC
Water Right	37	22128		Decreed	Active	7/1/1940	0.16	GROUND WATER	HEATING, IRRIGATION, RECREATION	SUN VALLEY LAND & MINERALS INC
Water Right	37	21614		Decreed	Active	9/6/1956	0.24	DEER CREEK	RECREATION	SUN VALLEY LAND & MINERALS INC

MEMORANDUM

To: Water Right No(s). 37-4100 and 37-21614

From: Clay Webster

Date: May 4, 2014

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

PURPOSE/NARRATIVE: The department received applications to lease these water rights into the Water Supply Bank in their entirety from Brockway Engineering on January 22, 2015 on behalf of Sun Valley Land & Minerals Inc.

These rights are for a pool that is fed from a spring and Deer Creek for non-consumptive use.

AUTHORITY TO FILE: These applications were signed by Donna R. Kelsey, president of Sun Valley Land & Minerals Inc., the current owner of these water rights

WATER RIGHT VALIDITY: These rights were partially decreed by the SRBA in May of 2011. Forfeiture is not an issue at this time.

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(s) are subject to Water District # 37.

No. C 87844	Due no later than Oct 31, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			EDWARD A LAWSON ESQ 675 SUN VALLEY RD STE A KETCHUM ID 83340 3. <u>New</u> Registered Agent Signature:*
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).			
Office Held	Name	Street or PO Address	City State Country Postal Code
PRESIDENT	DONNA R. KELSEY	PO BOX 1959	SUN VALLEY ID 83353-1959
5. Organized Under the Laws of: ID C 87844	6. Annual Report must be signed.* Signature: Edward A. Lawson Date: 08/21/2014 Name (type or print): Edward A. Lawson Title: Registered Agent		
Processed 08/21/2014		* Electronically provided signatures are accepted as original signatures.	