

RECEIVED

WATER SUPPLY BANK LEASE CONTRACT APR 27 2015

DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("Lease") is effective March 9, 2015, between the Idaho Water Resource Board ("Board"), and

Lessor: ENGLESON FAMILY TRUST
C/O SHANNON ENGLESON
PO BOX 1304
POCATELLO ID 83204
208-232-8800
lorne@gemstate.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>
35-2491	2.52 CFS	Not Stated	286.0 AC
35-7005	0.88 CFS	Not Stated	286.0 AC
35-7648	1.63 CFS	Not Stated	286.0 AC
Combined Lease Totals:	5.03 CFS	1144.0 AF	286.0 AC

SUPPORT DATA

IN FILE # 35-2491

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

Authorized Period of Use under Lease: See individual water rights.

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.

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

ENGLESON FAMILY TRUST
C/O SHANNON ENGLESON
PO BOX 1304
POCATELLO ID 83204

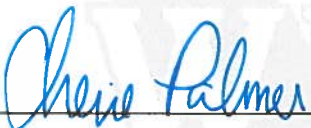
By 
Printed Name Shannon Engleson

Date 4-21-2015
Title Trustee

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 4/27/2015

Lease approved by IDWR 

Date April 27, 2015

ATTACHMENT A
WATER RIGHT NO. 35-2491
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: ENGLESON FAMILY TRUST
C/O SHANNON ENGLESON
PO BOX 1304
POCATELLO ID 83204
208-232-8800

Priority Date: 01/24/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.52 CFS	Not Stated
	Total:		2.52 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼NW¼SW¼	Sec. 28, Twp 02S, Rge 32E, BINGHAM County
GROUND WATER	SE¼SW¼SE¼	Sec. 20, Twp 02S, Rge 32E, BINGHAM 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	
02S	32E	20															35.0	39.0	74.0
02S	32E	28							37.0				40.0						77.0
02S	32E	29	33.0	34.	28.0	40.0													135.0

Total Acres: 286.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
35-2491, 35-7005 and 35-7648	5.03 CFS	1144.0 AF	286.0	286.0 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. 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. 120.

ATTACHMENT A
WATER RIGHT NO. 35-7005
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: ENGLESON FAMILY TRUST
C/O SHANNON ENGLESON
PO BOX 1304
POCATELLO ID 83204
208-232-8800

Priority Date: 12/14/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/31	0.88 CFS	Not Stated
	Total:		0.88 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼NW¼SW¼	Sec. 28, Twp 02S, Rge 32E, BINGHAM County
GROUND WATER	SE¼SW¼SE¼	Sec. 20, Twp 02S, Rge 32E, BINGHAM 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	
02S	32E	20															35.0	39.0	74.0
02S	32E	28							37.0				40.0						77.0
02S	32E	29	33.0	34.0	28.0	40.0													135.0

Total Acres: 286.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
35-2491, 35-7005 and 35-7648	5.03 CFS	1144.0 AF	286.0	286.0 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. 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. 120.
13. The use of water for irrigation under this right begin as early as April 1, provided other elements of the right are not exceeded. The use of water before May 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

ATTACHMENT A
WATER RIGHT NO. 35-7648
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: ENGLESON FAMILY TRUST
C/O SHANNON ENGLESON
PO BOX 1304
POCATELLO ID 83204
208-232-8800

Priority Date: 11/24/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.63 CFS	Not Stated
	Total:		1.63 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW ¼NW ¼SW ¼	Sec. 28, Twp 02S, Rge 32E, BINGHAM County
GROUND WATER	SE ¼SW ¼SE ¼	Sec. 20, Twp 02S, Rge 32E, BINGHAM 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	
02S	32E	20															35.0	39.0	74.0
02S	32E	28							37.0			40.0							77.0
02S	32E	29	33.0	34.0	28.0	40.0													135.0

Total Acres: 286.0

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
35-2491, 35-7005 and 35-7648	5.03 CFS	1144.0 AF	286.0	286.0 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. 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. 120.

RECEIVED

MAR 27 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 Engleson Family Trust
(Select one owner – see item 1A on the application)

Water Right No. 35-2491
(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 <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 1E | ☐ | ☒ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | ☒ | ☐ | Description of a water right portion offered to the Water Supply Bank. |
| 3E | ☒ | ☐ | Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to <u>Section 42-222(2), Idaho Code</u> . |
| 4 | ☒ | ☐ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov . |

Department Use Only

Fee Amount \$ <u>500</u>	Received By: <u>JS</u>	Date Received: <u>3-19-15</u>	Receipt # <u>C100038</u>
W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal)		Name on W-9:	

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 Engleson Family Trust Email Address lorne@gemstate.net
Mailing Address CO Shannon Engleson, PO Box 1304, Pocatello ID 83204 Phone Number 208-232-8800

☒ 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 TJ Budge Organization Racine Olson Nye Budge & Bailey
Professional Title Attorney Email Address tjb@racinelaw.net
Mailing Address P.O. Box 1391, Pocatello, ID 83204 Phone Number 208-232-6101

☒ 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 35-2491 ☒ 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.

Land has two wells (points of diversion), a main line, two pumps, and a combination of pivots, wheel lines, and hand lines.

- 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 Nos. 35-7648 and 35-7005 have the exact same purpose and place of use.

- C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☒ No ☐

Stacked water rights are water rights that are utilized together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

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

Yes ☐ No ☒

If yes, describe. _____

E. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

F. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

4. MAP

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

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2015 to 2020 (maximum lease period 5 years).
(Year) (Year)

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

Current rental rates. _____

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.

Thomas J. Budge
Signature of Designated Applicant

Thomas J. Budge
Printed Name
Attorney for Applicant

3.25.15
Date

Signature of Authorized Representative

Printed Name

Date

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

ACKNOWLEDGMENT

STATE OF IDAHO)
 : ss.
COUNTY OF BANNOCK)

On this 19th day of March, 2015, before me, the undersigned notary public in and for said county and state, personally appeared **Shannon Nadene Engleson**, known or proved to me by satisfactory evidence to be the Personal Representative of the estate of John Engleson, and the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same on behalf of said estate.



Sandra J. Hartwig
Notary Public for Idaho
Commission expires 4/27/18

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FEB 26 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 Estate of John Engleson
(Select one owner – see item 1A on the application)

Water Right No. 35-2491
(One water right per application)

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.

Attachment N/A YES

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☒ | ☐ | Contact information for <i>all owners</i> of the water right that is being leased or sold on this application. |
| 1B | ☒ | ☒ | An 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 <u>Section 42-222(2), Idaho Code</u> . |
| 4 | ☒ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov . |

Department Use Only

Fee Amount \$ <u>500</u>	Received By: <u>JS</u>	Date Received: <u>3/9/2015</u>	Receipt # <u>C100038</u>
W-9 received? Yes ☐ No ☐	(Route W-9 to Fiscal)	Name on W-9:	

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 Estate of John Engleson Email Address lorne@gemstate.net

Mailing Address CO Shannon Engleson, PO Box 1304, Pocatello ID 83204 Phone Number 208-232-8800

☒ 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 TJ Budge Organization Racine Olson Nye Budge & Bailey

Professional Title Attorney Email Address tjb@racinelaw.net

Mailing Address P.O. Box 1391, Pocatello, ID 83204 Phone Number 208-232-6101

☒ 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 35-2491 ☒ 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.

Land has two wells (points of diversion), a main line, two pumps, and a combination of pivots, wheel lines, and hand lines.

- 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 Nos. 35-7648 and 35-7005 have the exact same purpose and place of use.

- C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☒ No ☐

Stacked water rights are water rights that are utilized together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

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

Yes ☐ No ☒

If yes, describe. _____

E. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

F. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

4. MAP

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

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2015 to 2020 (maximum lease period 5 years).
(Year) (Year)

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

Current rental rates. _____

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

Thomas J. Bridge, Attorney
Printed Name

2.24.15
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

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

Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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

STATE OF IDAHO
WATER RESOURCE BOARD

ATTACHMENT 2

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

- | | | | |
|------------------------------|---------------------------|----------------------|----------------------|
| 1. <u>Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
| <u>35-2491</u> | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ to _____ |
| Total Amount: | _____ | | |

2. Source of water _____ tributary to _____

3. Point(s) of diversion:

[illegible]

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

[illegible]

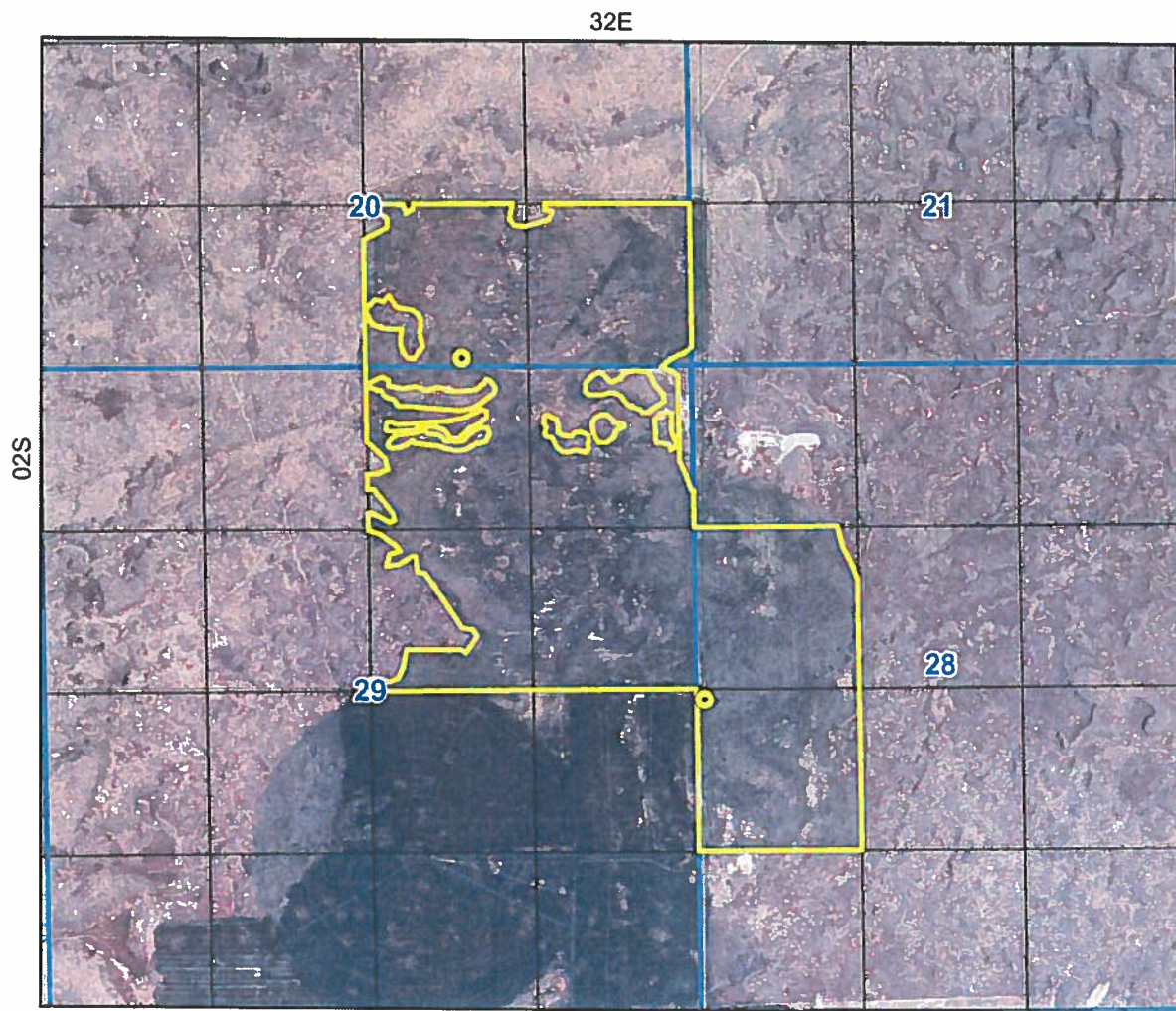
If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** _____

State of Idaho
Department of Water Resources

Water Right 35-2491

IRRIGATION

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.



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

0 0.175 0.35 0.7 Miles



SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The Estate of John Engleson hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow the firm to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

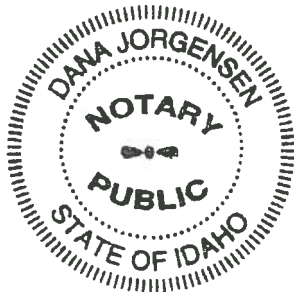
DATED this 5th day of February, 2015.

ESTATE OF JOHN ENGLESON

By: Shannon Nadine Engleson, Pers. Rep.
Shannon Nadine Engleson, Personal Representative

STATE OF IDAHO)
 :ss
County of Bannock)

On this 5th day of February, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Shannon Nadine Engleson, known to me to be the Personal Representative of the Estate of John Engleson, and person whose name is subscribed to the foregoing and acknowledged on behalf of said Estate, to me that she executed the same as Personal Representative of said Estate.



Dana Jorgensen
NOTARY PUBLIC FOR Idaho
Commission expires: 6/2/2016

STATE OF IDAHO

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

State of Idaho CERTIFICATE OF DEATH

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR WITH THE DEPARTMENT OF HEALTH AND WELFARE, SHALL BE USED AS PROOF OF DEATH FOR ANY PURPOSE.

Local Reg. No.

DECEDENT	1. DECEDENT'S LEGAL NAME (include AKA's if any) (First, Middle, Last, Suffix) JOHN ALLAN ENGLESON		2. SEX MALE		3. SOCIAL SECURITY NUMBER [REDACTED]	
	4a. AGE-Last Birthday 80 (Years)		4b. UNDER 1 YEAR Months: 0 Days: 0 Hours: 0 Minutes: 0		5. DATE OF BIRTH (Mo/Day/Yr) 06/05/1933	
PARENTS	7a. RESIDENCE - STATE OR FOREIGN COUNTRY IDAHO		7b. COUNTY BANNOCK		7c. CITY OR TOWN POCATELLO	
	7d. STREET AND NUMBER 1110 EAST ELM STREET		7e. APT. NO. 83201		7f. ZIP CODE 83201	
INFORMANT	8. MARITAL STATUS AT TIME OF DEATH ☒ Married ☐ Married, but separated ☐ Widowed ☐ Divorced ☐ Never married ☐ Unknown		9. SURVIVING SPOUSE'S NAME (if wife, give maiden name) SHANNON NADINE COZIAH			
	10. EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		11. BIRTHPLACE (State, Territory, or Foreign Country) MINNESOTA			
DISPOSITION	12a. MOTHER'S MAIDEN NAME (First, Middle, Last, Suffix) MABEL FAY FINCKE		12b. BIRTHPLACE (State, Territory, or Foreign Country) IOWA			
	13a. INFORMANT'S NAME (Type or print) SHANNON ENGLESON		13b. RELATIONSHIP TO DECEDENT WIFE		13c. MAILING ADDRESS (Street and Number, City, State, Zip Code) 1110 EAST ELM STREET POCATELLO, ID 83201	
PLACE OF DEATH	14. METHOD OF DISPOSITION ☐ Burial ☒ Cremation ☐ Donation ☐ Entombment ☐ Removal from Idaho ☐ Other (Specify)		15. PLACE OF DISPOSITION (Name and address of cemetery, crematory, other place) PORTNEUF VALLEY CREMATORY 241 NORTH GARFIELD AVENUE POCATELLO, IDAHO 83204		16. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY COLONIAL FUNERAL HOME 2005 SOUTH FOURTH AVENUE POCATELLO, IDAHO 83201	
	17a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH ELECTRONICALLY FILED: BRADLEY S. SPARROW		17b. LICENSE NUMBER (Of licensee) M0867		18. WAS CORONER CONTACTED DUE TO CAUSE OF DEATH? ☐ Yes ☒ No	
DATE OF DEATH	19a. IF DEATH OCCURRED IN A HOSPITAL: ☐ Inpatient ☐ Outpatient ☐ DDA ☐ Hospice facility ☐ Nursing home/Long term care facility ☐ Decedent's home ☐ Other (Specify)		19b. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: IDAHO STATE VETERANS HOME - POCATELLO			
	20. FACILITY NAME (if not facility, give street and number) POCATELLO, ID 83201		21. CITY, TOWN, OR LOCATION OF DEATH, AND ZIP CODE POCATELLO, ID 83201		22. COUNTY OF DEATH BANNOCK	
CAUSE OF DEATH	23. DATE OF DEATH (Mo/Day/Yr) (Specify month) October 3, 2013		24. TIME OF DEATH (24hr) 17:15		25. DATE PRONOUNCED DEAD (Mo/Day/Yr) (Specify month) October 3, 2013	
	26. TIME PRONOUNCED DEAD (24hr) 17:15		27. CAUSE OF DEATH			
ITEMS 32-38 TO BE USED FOR EXTERNAL CAUSES ONLY (CORONER)	PART I. Enter the chain of events—diseases, injuries, or complications—that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. IMMEDIATE CAUSE (Final disease or condition resulting in death) a. HEART FAILURE DUE TO (or as a consequence of): b. COR PULMONALE DUE TO (or as a consequence of): c. DUE TO (or as a consequence of): d.		Approximate Interval Onset to Death 1 WEEK 1 WEEK			
	PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in Part I ATRIAL FIBRILLATION		28a. WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No		28b. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? ☐ Yes ☒ No	
CERTIFIER	29. DID TOBACCO USE CONTRIBUTE TO DEATH? ☒ Yes ☐ Probably ☐ No ☐ Unknown		30. IF FEMALE (Aged 10-54): ☐ Not pregnant within past year ☐ Not pregnant, but pregnant 43 days to 1 year before death ☐ Pregnant at time of death ☐ Unknown if pregnant within the past year		31. MANNER OF DEATH ☒ Natural ☐ Homicide ☐ Accident ☐ Pending investigation ☐ Suicide ☐ Could not be determined	
	32. DATE OF INJURY (Mo/Day/Yr) (Specify month)		33. TIME OF INJURY (24hr)		34. PLACE OF INJURY (Decedent's home, farm, street, construction site, nursing home, restaurant, forest, etc.)	
REGISTRAR	35. LOCATION OF INJURY: State: _____ City/Town or County: _____ Zip Code: _____ Street and Number or Location: _____ Apartment Number: _____		36. DESCRIBE HOW INJURY OCCURRED. IF TRANSPORTATION INJURY, STATE THE TYPE(S) OF VEHICLE(S) INVOLVED (Automobile, pickup, motorcycle, ATV, bicycle, etc.). SPECIFY WHICH VEHICLE DECEDENT OCCUPIED, if applicable.			
	37. TRANSPORTATION INJURY ONLY: ☐ Pedestrian ☐ Other (Specify)		38a. WAS DECEDENT: ☒ Driver/Operator ☐ Passenger ☐ What safety device(s) did decedent use/employ? ☐ Seat belt ☐ Child safety seat ☐ Helmet ☐ Air bag ☐ None ☐ Unknown			
CERTIFIER	39a. CERTIFIER (Check only one, based on official capacity for this certificate) ☒ PHYSICIAN ☐ PHYSICIAN ASSISTANT ☐ ADVANCED PRACTICE PROFESSIONAL NURSE -To the best of my knowledge, death occurred at the time, date, and place, and due to the natural cause(s)/manner stated.		39b. LICENSE NUMBER M-07906			
	39c. CORONER -On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated. Signature and Title of Certifier: ELECTRONICALLY SIGNED: SHERWIN C. D'SOUZA, M.D.		39d. DATE SIGNED 10 / 7 / 2013 MM DD YYYY			
REGISTRAR	39e. NAME, ADDRESS, AND ZIP CODE OF CERTIFIER (Type or print) SHERWIN C. D'SOUZA, 2302 EAST TERRY STREET POCATELLO, ID 83201		40a. REGISTRAR'S SIGNATURE James B. Aydelotte			
	40b. DATE SIGNED 10 / 8 / 2013 MM DD YYYY					

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: **October 08, 2013**

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JAMES B. AYDELOTTE
STATE REGISTRAR

Gary L. Cooper - Idaho State Bar #1814
COOPER & LARSEN
151 North Third Avenue, 2nd Floor
P.O. Box 4229
Pocatello, Idaho 83205-4229
Telephone (208) 235-1145
Facsimile (208) 235-1182

Attorney for Applicant

FILED
NOV 20 2013
2013 NOV 18 PM 11:07
BY
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

In the Matter of the Estate of:)
)
JOHN ENGLESON,)
)
Deceased.)
)

Case No. CN 2013-4395 DE

STATEMENT OF INFORMAL
APPOINTMENT OF PERSONAL
REPRESENTATIVE

RICK CARNAROLI

Upon consideration of the Application for Informal Appointment of Personal Representative
filed by Shannon Nadine Engleson, the Court finds that:

1. The application is complete.
2. Applicant has made oath or affirmation that the statements contained in the application
are true to the best of applicant's knowledge and belief.
3. Application appears from the application to be an interested person as defined by the
Idaho Uniform Probate Code.
4. The decedent died on October 3, 2013, at the age of 80 years.
5. On the basis of the statements in the application, venue is proper.
6. The decedent died testate.

COPY

7. Any required notice has been given or waived.

8. On the basis of the statements in the application, no personal representative has been appointed in this state or elsewhere.

9. On the basis of the statements in the application, neither the will to which the application relates nor any other will of the decedent has been the subject of a previous probate order in this state.

10. Based on the statements in the application, the person whose appointment as personal representative is sought is qualified to act as personal representative and is qualified to act as such and has priority as the person nominated in, or pursuant to the exercise of a power conferred by, the decedent's will.

11. It appears from the application that the time limit for informal probate and appointment has not expired.

12. Bond is not required.

NOW, THEREFORE,

1. Shannon Nadine Engleson is hereby appointed personal representative of the estate of the decedent, to act without bond.

2. Upon qualification and acceptance, letters testamentary shall be issued.

3. Notice shall be given in accordance with I. C. §15-3-705.

DATED this 15 day of November, 2013.


MAGISTRATE JUDGE

2013 NOV 18 PM 11:07
BY: [illegible]
[illegible]

RICK CARMAROLL

RECEIVED

FEB 26 2015

DEPARTMENT OF
WATER RESOURCES

NOV 20 2013

FILED
2013 NOV 18 PM 11:07
BY
DEPUTY CLERK

Gary L. Cooper - Idaho State Bar #1814
COOPER & LARSEN
151 North Third Avenue, 2nd Floor
P.O. Box 4229
Pocatello, Idaho 83205-4229
Telephone (208) 235-1145
Facsimile (208) 235-1182

Attorney for Applicant

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

In the Matter of the Estate of:

JOHN ENGLESON,

Deceased.

Case No. CV-2013-4395-DE

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APPOINTMENT OF PERSONAL
REPRESENTATIVE

RICK CARNAROLI

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1. The application is complete.
2. Applicant has made oath or affirmation that the statements contained in the application are true to the best of applicant's knowledge and belief.
3. Application appears from the application to be an interested person as defined by the Idaho Uniform Probate Code.
4. The decedent died on October 3, 2013, at the age of 80 years.
5. On the basis of the statements in the application, venue is proper.
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COPY

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8. On the basis of the statements in the application, no personal representative has been appointed in this state or elsewhere.

9. On the basis of the statements in the application, neither the will to which the application relates nor any other will of the decedent has been the subject of a previous probate order in this state.

10. Based on the statements in the application, the person whose appointment as personal representative is sought is qualified to act as personal representative and is qualified to act as such and has priority as the person nominated in, or pursuant to the exercise of a power conferred by, the decedent's will.

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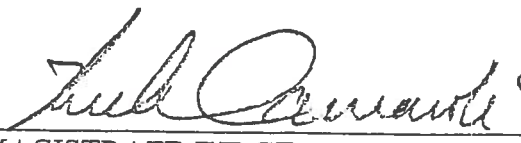
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2. Upon qualification and acceptance, letters testamentary shall be issued.

3. Notice shall be given in accordance with I. C. §15-3-705.

DATED this 15 day of November, 2013.


MAGISTRATE JUDGE

RECEIVED
FEB 26 2015
DEPARTMENT OF
WATER RESOURCES

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The Estate of John Engleson hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow the firm to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

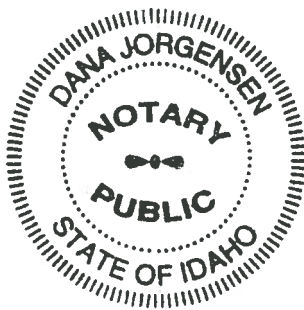
DATED this 5th day of February, 2015.

ESTATE OF JOHN ENGLESON

By: Shannon Nadine Engleson, Pers. Rep.
Shannon Nadine Engleson, Personal Representative

STATE OF IDAHO)
 :SS
County of Bannock)

On this 5th day of February, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Shannon Nadine Engleson, known to me to be the Personal Representative of the Estate of John Engleson, and person whose name is subscribed to the foregoing and acknowledged on behalf of said Estate, to me that she executed the same as Personal Representative of said Estate.



Dana Jorgensen
NOTARY PUBLIC FOR Idaho
Commission expires: 6/2/2016



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

April 27, 2015

ENGELSON FAMILY TRUST
C/O SHANNON ENGLESON
PO BOX 1304
POCATELLO ID 83204-1304

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 35-2491, 35-7005 & 35-7648

Dear Lessor:

Water Rights **35-2491, 35-7005 & 35-7648** were leased into the Water Supply Bank on March 9, 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: T.J. Budge – Racine Olson Nye Budge Bailey
IDWR Eastern Region
James Cefalo – Water District #120



RACINE
OLSON
NYE
BUDGE
BAILEY

201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
O 208.232.6101
F 208.232.6109
racinelaw.net

Thomas J. Budge
tjb@racinelaw.net

RECEIVED

APR 27 2015

DEPARTMENT OF
WATER RESOURCES

April 22, 2015

Idaho Department of Water Resources
Clay Webster
Water Resource Agent
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

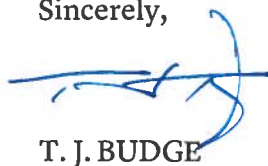
**Re: Signed Water Supply Bank Lease Contracts
Water Rights 35-2491, 35-7005 and 35-7648**

Dear Clay,

Enclosed please find the two (2) signed Water Supply Bank Lease Contracts.

Thank you for your assistance. Please contact me with any questions.

Sincerely,



T. J. BUDGE



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

November 3, 2015

April 7

ENGLESON FAMILY TRUST
C/O RACINE OLSON NYE BUDGE & BAILEY
PO BOX 1391
POCATELLO ID 83204

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 35-2491, 35-7005 and 35-7648 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 BOTH 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."

The Department is returning the form W9 for a signature. Please return the W9 with the signed leases.

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
IRS Form W9

MEMORANDUM

To: Water Right No(s). 35-2491, 35-7005 and 35-7648
From: Jean Hersley
Date: 03/31/2015
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: These application(s) were received on February 26, 2015. These leases are for the entirety of all rights through the 2019 irrigation season. Water rights are in the name of John Engleson. The WSB applications are in the name of the Estate of John Engleson. Change of ownership has been requested. Ownership Change request and amended lease contracts were received March 27, 2015 in the name of Engleson Family Trust.

The water rights are located in the Bingham Ground Water District and the ESPA Moratorium .

AUTHORITY TO FILE: The applications were signed by TJ Budge, who has power of attorney.

WATER RIGHT VALIDITY: These water rights were decreed in 2002. They have been in the CREP program since 2006 and were terminated in 2014. Forfeiture is not an issue.

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 # 120. Watermaster comments are being sought. No concerns or comment from region or watermaster.

Hersley, Jean

From: Cefalo, James
Sent: Friday, March 27, 2015 1:24 PM
To: Hersley, Jean
Subject: RE: WSB Lease Contract for 35-2491, 35-7005 35-7648 in the name of Engleson

Jean,

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

James

From: Hersley, Jean
Sent: Friday, March 27, 2015 1:15 PM
To: Cefalo, James
Subject: WSB Lease Contract for 35-2491, 35-7005 35-7648 in the name of Engleson

The applicant wishes to place the entirety of all rights in the Bank. They were previously in the CREP program but were released in 2014.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 27, 2015

ENGLESON FAMILY TRUST
C/O SHANNON ENGLESON
PO BOX 1304
POCATELLO ID 83204

Re: Change of Ownership for Water Right/Permit No(s): 35-2491, 35-7005 and 35-7648

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see § 42-222 and §42-223, Idaho Code.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Racine Olson Nye Budge Bailey

SCANNED

MAR 27 2015



RACINE
OLSON
NYE
BUDGE
BAILEY

201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
O 208.232.6101
F 208.232.6109
racinelaw.net

Thomas J. Budge
tjb@racinelaw.net

RECEIVED

MAR 27 2015

DEPARTMENT OF
WATER RESOURCES

March 25, 2015

Jean Hersley
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

**Re: Water Bank Lease of 35-2491, 35-7005 and 35-7648
Notice of Change in Water Right Ownership**

Dear Jean,

Enclosed is a Notice of Change in Water Right Ownership, along with a check in the amount of \$75.00 for the filing fee. This right has been transferred to the Engleson Family Trust, so I have also enclosed an amended Application to lease water rights 35-7648, 35-7005, and 35-2491 into the Bank.

To answer your questions about the CREP program, it is my understanding these rights were removed from the program last year.

Sincerely,



T. J. BUDGE

SCANNED

MAR 27 2015



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

March 16, 2015

TJ BUDGE
RACINE OLSON NYE BUDGE & BAILEY
PO BOX 1391
POCATELLO ID 83204

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO LEASE
WATER RIGHT NO(S). 35-2491, 35-7005 and 35-7648 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the fees for the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank).

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application(s) has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information within 14 days of the date of this letter or the application will be denied:

- Notice of Change in Water Right Ownership- these rights need to be in the name of the Estate of John Engleson before we can process them into the Bank. Enclosed is Notice of Change in Water Right Ownership form. Please sign and submit with the proper documentation and fees.
- Are the water rights still enrolled in the CREP program?

The department will continue processing your application(s) once you have submitted the requested information. Water right forms are available from the Department's web site at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean Hersley'.

Jean Hersley
Technical Records Specialist II

Enclosure: Receipt # C0100038

c: Estate of John Engleson



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

CARY SPACKMAN
Director

March 2, 2015

ESTATE OF JOHN ENGLESON
C/O SHANNON ENGLESON
PO BOX 1304
POCATELLO ID 83204

**RE: WATER SUPPLY BANK LEASE APPLICATION(S) FOR WATER RIGHT
NO(S). 35-2491, 35-7648 AND 35-7005**

Dear Applicant:

On February 26, 2015 the Idaho Department of Water Resources (Department) received your application(s) to lease water right no(s). 35-2491, 35-7648 and 35-7005 to the Water Supply Bank (Bank).

A lease application fee is required to process your lease applications into the Water Supply Bank. Without the required lease application fees, the applications are incomplete, and cannot be processed. Please submit the \$500 lease application filing fees to process the lease applications for the above water rights.

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.

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

for Clay Webster
Water Right Agent
WSB Process Point of Contact

c: TJ Budge – Racine Olson Nye Budge & Bailey



RACINE
OLSON
NYE
BUDGE
BAILEY

201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
O 208.232.6101
F 208.232.6109
racinelaw.net

RECEIVED
MAR 09 2015
DEPARTMENT OF
WATER RESOURCES

Thomas J. Budge
tjb@racinelaw.net

March 5, 2015

Clay Webster
Water Supply Bank
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: **Leased Water Rights 35-2491, 35-7005, and 35-7694** ⁴⁸

Dear Clay,

Enclosed please find a check in the amount of \$500.00 in payment of the Lease Application filing fees.

Sincerely,

T. J. BUDGE



RACINE
OLSON
NYE
BUDGE
BAILEY

201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
O 208.232.6101
F 208.232.6109
racinelaw.net

Thomas J. Budge
tjb@racinelaw.net

RECEIVED

FEB 26 2015
DEPARTMENT OF
WATER RESOURCES

February 24, 2015

Cherie Palmer
Water Supply Bank
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: Leased Water Rights 35-2491, 35-7005, and 35-7694

Dear Cherie,

Enclosed is an Application to Lease water rights 35-2491, 35-7005, and 35-7694 into the Bank on behalf of the Estate of John Engleson. Mr. Engleson is shown as the current owner of these rights on the IDWR Water Right Reports. He passed away in October of 2013 and the property is currently owned by his estate. I have enclosed a copy of his Death Certificate, along with the Appointment of Shannon Engleson as the Personal Representative of the Estate. I have also enclosed a Special Power of Attorney from the Estate allowing me to file this Application on its behalf.

The lease applications are for five years, but the Estate reserves the right to terminate the leases after any year. Please let me know if there is a deadline by which a notice of termination must be received between irrigation seasons.

Also enclosed is a companion Application by Timothy and Diane Deeg to rent a 1.12 cfs/160 acre feet portion of the Engleson water rights from the Bank. Chuck Brockway, Sr. with Brockway Engineering has performed or is performing the transfer model analysis that goes with the Deeg's Rental Application.

Please process both Applications in advance of the 2014 irrigation season. Should you have any questions, please give me a call.

Sincerely,

T. J. BUDGE

STATE OF IDAHO

CERTIFICATION OF VITAL RECORDS

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

State of Idaho CERTIFICATE OF DEATH

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR WITH THE DEPARTMENT OF HEALTH AND WELFARE, SHALL BE USED AS PROOF OF THE DEATH OF THE DECEASED. (S.S. 21-119) AND S.S. 21-121, IDAHO CODE

Local Reg. No.

DECEASED	1. DECEASED'S LEGAL NAME (Include AKA's if any) (First, Middle, Last, Suffix) JOHN ALLAN ENGLESON				2. SEX MALE		3. SOCIAL SECURITY NUMBER [REDACTED]	
	4a. AGE-Last Birthday 80 (Years)		4b. UNDER 1 YEAR Months: 0 Days: 0 Hours: 0 Minutes: 0		5. DATE OF BIRTH (Mo/Day/Yr) 06/05/1933		6. BIRTHPLACE (City and State, Territory, or Foreign Country) BENSON, MINNESOTA	
MORTICIAN: Complete/Verify and File Within 5 Days of Death	7a. RESIDENCE - STATE OR FOREIGN COUNTRY IDAHO				7b. COUNTY BANNOCK		7c. CITY OR TOWN POCATELLO	
	7d. STREET AND NUMBER 1110 EAST ELM STREET				7e. APT. NO. 83201		7f. ZIP CODE 83201	
PARENTS	8. MARITAL STATUS AT TIME OF DEATH ☒ Married ☐ Married, but separated ☐ Widowed ☐ Divorced ☐ Never married ☐ Unknown				9. SURVIVING SPOUSE'S NAME (If wife, give maiden name) SHANNON NADINE COZIAH			
	10. EVER IN U.S. ARMED FORCES? ☒ Yes ☐ No				11. BIRTHPLACE (State, Territory, or Foreign Country) MINNESOTA			
INFORMANT	11a. FATHER'S NAME (First, Middle, Last, Suffix) ALFRED ENGLESON				11b. BIRTHPLACE (State, Territory, or Foreign Country) MINNESOTA			
	12a. MOTHER'S MAIDEN NAME (First, Middle, Last, Suffix) MABEL FAY FINCKE				12b. BIRTHPLACE (State, Territory, or Foreign Country) IOWA			
DISPOSITION	13a. INFORMANT'S NAME (Type or print) SHANNON ENGLESON				13b. RELATIONSHIP TO DECEASED WIFE		13c. MAILING ADDRESS (Street and Number, City, State, Zip Code) 1110 EAST ELM STREET POCATELLO, ID 83201	
	14. METHOD OF DISPOSITION ☐ Burial ☒ Cremation ☐ Donation ☐ Entombment ☐ Removal from Idaho ☐ Other (Specify)				15. PLACE OF DISPOSITION (Name and address of cemetery, crematory, other place) PORTNEUF VALLEY CREMATORY 241 NORTH GARFIELD AVENUE POCATELLO, IDAHO 83204		16. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY COLONIAL FUNERAL HOME 2005 SOUTH FOURTH AVENUE POCATELLO, IDAHO 83201	
PLACE OF DEATH	17a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH ELECTRONICALLY FILED: BRADLEY S. SPARROW				17b. LICENSE NUMBER (Of licensee) M0867		18. WAS CORONER CONTACTED DUE TO CAUSE OF DEATH? ☐ Yes ☒ No	
	19a. IF DEATH OCCURRED IN A HOSPITAL: ☐ Inpatient ☐ ER/Outpatient ☐ DCA ☐ Other (Specify)				19b. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: ☐ Nursing home/Long term care facility ☐ Decedent's home ☐ Other (Specify)			
DATE OF DEATH	20. FACILITY NAME (If not facility, give street and number) IDAHO STATE VETERANS HOME - POCATELLO				21. CITY, TOWN, OR LOCATION OF DEATH, AND ZIP CODE POCATELLO, ID 83201		22. COUNTY OF DEATH BANNOCK	
	23. DATE OF DEATH (Mo/Day/Yr) (Spell month) October 3, 2013				24. TIME OF DEATH (24hr) 17:15		25. DATE PRONOUNCED DEAD (Mo/Day/Yr) (Spell month) October 3, 2013	
CAUSE OF DEATH	26. TIME PRONOUNCED DEAD (24hr) 17:15				27. CAUSE OF DEATH PART I. Enter the chain of events - diseases, injuries, or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. IMMEDIATE CAUSE (Final disease or condition resulting in death) a. HEART FAILURE DUE TO (or as a consequence of): b. COR PULMONALE DUE TO (or as a consequence of): c. ATRIAL FIBRILLATION DUE TO (or as a consequence of): d. [REDACTED]			
	28. DID TOBACCO USE CONTRIBUTE TO DEATH? ☒ Yes ☐ Probably ☐ No ☐ Unknown				29. IF FEMALE (Aged 10-54): ☐ Not pregnant within past year ☐ Not pregnant, but pregnant 43 days to 1 year before death ☐ Pregnant at time of death ☐ Unknown if pregnant within the past year ☐ Not pregnant, but pregnant within 42 days of death			
ITEMS 32-38 TO BE USED FOR EXTERNAL CAUSES ONLY (CORONER)	30. DATE OF INJURY (Mo/Day/Yr) (Spell month) October 3, 2013				31. TIME OF INJURY (24hr) 17:15		32. PLACE OF INJURY (Decedent's home, farm, street, construction site, nursing home, restaurant, forest, etc.) POCATELLO, ID 83201	
	33. LOCATION OF INJURY: State IDAHO City/Town or County POCATELLO Zip Code 83201 Street and Number or Location 1110 EAST ELM STREET Apartment Number 83201				34. DESCRIBE HOW INJURY OCCURRED. IF TRANSPORTATION INJURY, STATE THE TYPE(S) OF VEHICLE(S) INVOLVED (Automobile, pickup, motorcycle, ATV, bicycle, etc.) TRANSPORTATION: 36a. WAS DECEASED: ☐ Driver/Operator ☐ Passenger ☐ Pedestrian ☐ Other (Specify) 36b. WHAT SAFETY DEVICES(S) DID DECEASED USE/EMPLOY? ☐ Seat belt ☐ Child safety seat ☐ Helmet ☐ Air bag ☐ None ☐ Unknown			
CERTIFIER	35. INJURY AT WORK? ☐ Yes ☒ No				36. MANNER OF DEATH ☒ Natural ☐ Accident ☐ Suicide ☐ Homicide ☐ Pending investigation ☐ Could not be determined			
	37. CERTIFIER (Check only one, based on official capacity for this certificate) ☒ PHYSICIAN ☐ PHYSICIAN ASSISTANT ☐ ADVANCED PRACTICE PROFESSIONAL NURSE - To the best of my knowledge, death occurred at the time, date, and place, and due to the natural cause(s)/manner stated. ☐ CORONER - On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated. Signature and Title of Certifier ELECTRONICALLY SIGNED: SHERWIN C. D'SOUZA, M.D. 38. NAME, ADDRESS, AND ZIP CODE OF CERTIFIER (Type or print) SHERWIN C. D'SOUZA, 2302 EAST TERRY STREET POCATELLO, ID 83201				39. LICENSE NUMBER M-07906 39c. DATE SIGNED 10 / 7 / 2013 MM DD YYYY			
REGISTRAR	40a. REGISTRAR'S SIGNATURE James B. Aydelotte				40b. DATE SIGNED 10 / 8 / 2013 MM DD YYYY			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: **October 08, 2013**

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JAMES B. AYDELOTTE
STATE REGISTRAR