

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective January 1, 2015, between the Idaho Water Resource Board ("**Board**"), and

Lessor: GREENE TREE INC
909 E PARKHURST LN
SANDY UT 84094
801-352-1780
clarkoborn@gmail.com

RECEIVED

MAR 30 2015

**DEPARTMENT OF
WATER RESOURCES**

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>Acre Limit</u>	<u>Total Leased Acres</u>
63-2532	0.08 CFS	32.7 AF	9.9 AC	46.0 AC
63-3609	0.92 CFS	Not Stated	46.0 AC	46.0 AC
63-7866	0.17 CFS	48.7 AF	13.9 AC	46.0 AC
Combined Lease Totals:	0.92 CFS	NA	46.0 AC	46.0 AC

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

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

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2015.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

SUPPORT DATA

IN FILE # 63-2532

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.

GREENE TREE INC
909 E PARKHURST LN
SANDY UT 84094

By Mary Alice Moss
Printed Name Mary Alice Moss

Date 3/25/15
Title Pres. Greene Tree 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 March 30, 2015

Lease approved by IDWR Chris Palmer

Date 3/30/2015

RECEIVED

MAR 30 2015

**DEPARTMENT OF
WATER RESOURCES**

ATTACHMENT A
WATER RIGHT NO. 63-2532
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: GREENE TREE INC
909 E PARKHURST LN
SANDY UT 84094
801-352-1780

Priority Date: 05/20/1937

Source: GREYLOCK CREEK **Tributary to:** MIDDLE FORK BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.08 CFS	32.7 AF
	Total: 0.08 CFS			32.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GREYLOCK CREEK NE¼NW¼ Sec. 35, Twp 06N, Rge 11E, ELMORE 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	
06N	11E	35	1.2	0.8	12.7	1.9	0.8			16.5	10.5								44.4
06N	11E	36						1.6											1.6

Total Acres: 46.0

Limited to acres within place of use described above: 9.9 AC

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>
63-2532, 63-3609 and 63-7866	0.92 CFS	Not Stated	46.0 AC	46.0 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. The unleased portion of this water right with unleased portions of water rights 63-3609 and 63-7866 is limited to the irrigation of a combined total of 26.1 acres and 0.52 cfs in a single irrigation season.
13. The unleased portion of this right is limited to the irrigation of 26.1 acres within the place of use described above in a single irrigation season.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

ATTACHMENT A
WATER RIGHT NO. 63-3609
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: GREENE TREE INC
909 E PARKHURST LN
SANDY UT 84094
801-352-1780

Priority Date: 07/24/1937

Source: MIDDLE FORK BOISE RIVER **Tributary to:** BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/15	0.92 CFS	Not Stated
	Total:		0.92 CFS	Not Stated

LOCATION OF POINT(S) OF DIVERSION:

MIDDLE FORK BOISE RIVER NW¼SE¼ Sec. 35, Twp 06N, Rge 11E, ELMORE 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	
06N	11E	35	1.2	0.8	12.7	1.9	0.8			16.5	10.5								44.4
06N	11E	36						1.6											1.6

Total Acres: 46.0

Limited to acres within place of use described above: 46.0 AC

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>
63-2532, 63-3609 and 63-7866	0.92 CFS	Not Stated	46.0 AC	46.0 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. The unleased portion of this water right with the unleased portion of water rights 63-2532 and 63-7866 is limited to the irrigation of a combined total of 26.1 acres and 0.52 cfs in a single irrigation season.
13. The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 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.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

ATTACHMENT A
WATER RIGHT NO. 63-7866
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: GREENE TREE INC
 909 E PARKHURST LN
 SANDY UT 84094
 801-352-1780

Priority Date: 09/12/1973

Source: JOE DALY CREEK
 GREYLOCK CREEK

Tributary to: MIDDLE FORK BOISE RIVER
 MIDDLE FORK BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.17 CFS	48.7 AF
	Total:		0.17 CFS	48.7 AF

LOCATION OF POINT(S) OF DIVERSION:

JOE DALY CREEK	SE¼NW¼	Sec. 35, Twp 06N, Rge 11E, ELMORE County
GREYLOCK CREEK	NE¼NW¼	Sec. 35, Twp 06N, Rge 11E, ELMORE 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	
06N	11E	35	1.2	0.8	12.7	1.9	0.8			16.5	10.5								44.4
06N	11E	36						1.6											1.6

Total Acres: 46.0

Limited to acres within place of use described above: 13.9 AC

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>
63-2532, 63-3609 and 63-7866	0.92 CFS	Not Stated	46.0 AC	46.0 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. The unleased portion of this water right with the unleased portion water rights 63-3609 and 63-2532 is limited to the irrigation of a combined total of 26.1 acres and 0.52 cfs in a single irrigation season.
13. The unleased portion of this right is limited to the irrigation of 26.1 acres within the place of use described above in a single irrigation season.
14. The unleased portion of this right with water right 63-2532 is limited to a total combined diversion rate of 0.22 cfs from Greylock Creek.
15. Use of this right with all other rights is limited to a total combined diversion rate of 0.02 cfs and to a total combined annual diversion volume of 3.5 af per acre at the field headgate.
16. 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. 63.

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 Greene Tree, Inc.
(Select one owner – see item 1A on the application)

Water Right No. 63-2532
(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 <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>250</u>	Received By: <u>gnt</u>	Date Received: <u>12-17-14</u>	Receipt # <u>C099714</u>
W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal)		Name on W-9:	

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 17 2014

DEPARTMENT OF
WATER RESOURCESAPPLICATION 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 Green Tree Inc. Email Address clarkoborn@gmail.com
Mailing Address 909 E. Parkhurst Lane, Sandy, UT 84094 Phone Number (801) 352-1780

☒ 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 Sharon Davis Organization Corporation
Professional Title Vice President Email Address _____
Mailing Address 909 E. Parkhurst Land, Sandy, Utah 84094 Phone Number _____

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 63-2532 ☐ 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.

Rock dam in river diverts water into ditch.

- 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.

63-03609, 63-07866

**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> |
|------------------------------|---------------------------|----------------------|----------------------|
| 63-2532 | 0.08 cfs/33 af | Irrigation | 4/15 to 10/31 |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| Total Amount: | 0.08 cfs/33 af | | |

2. Source of water Greylock Creek tributary to Middle Fork, Boise River

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** 46

Limited to 9.9 acres within the place of use described above

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>63-2532</u> | <u>0.08 cfs/33.0 AF</u> | <u>Irrigation</u> | <u>04/15</u> to <u>10/31</u> |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| Total Amount: | 0.08 cfs | | |

2. Source of water Greylock Creek tributary to Middle Fork Boise River

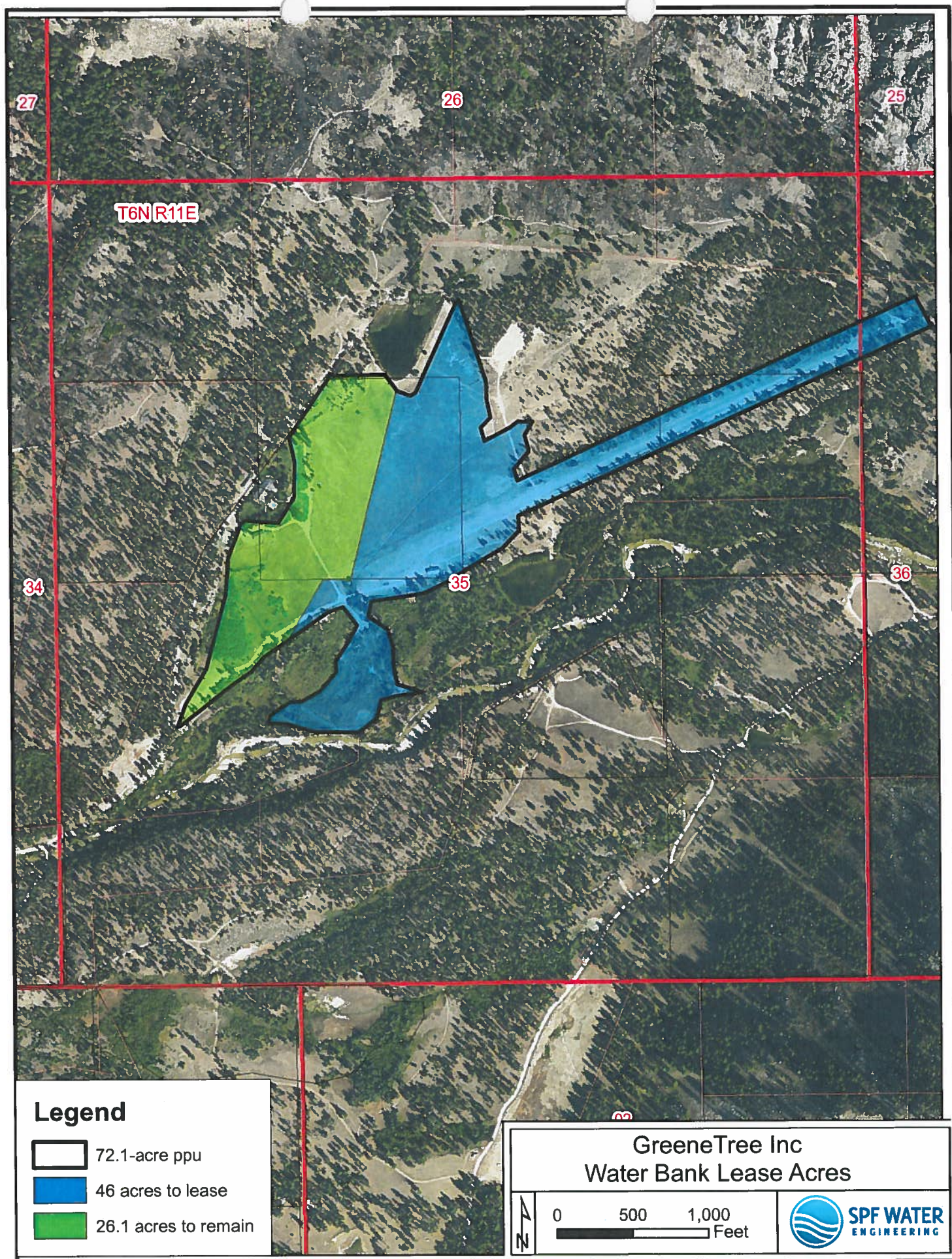
- 3. Point(s) of Diversion:**

[illegible]

- 4. Lands irrigated or place of use:**

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 9.9





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 31, 2015

GREENE TREE INC
909 E PARKHURST LN
SANDY UT 84094

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 63-2532, 63-3609 and 63-7866

Dear Lessor:

Water Rights **63-2532, 63-3609 and 63-7866** were leased into the Water Supply Bank on January 1, 2015 in accordance with the executed original Lease Contract enclosed. **Your water rights as described on the Lease Contract are considered leased into the Bank and should remain unused until they are formally released from the Bank.**

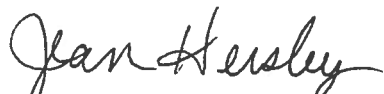
The rights will automatically be released from the Bank on **December 31, 2015**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the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

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

for 
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: SPF Water Engineering LLC
Moffatt Thomas Law
IDWR Western Region
Rex Barrie – Water District No. 63

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley 
DATE: March 13, 2015
RE: **Refund: WSB Lease Applications**

Please refund \$250.00. The applicant submitted three lease applications that have a common place of use so the fee is \$500.00. IDWR received \$750. Applicant sent 3 checks so three receipts.

NAME: GREENE TREE INC
ADDRESS: 909 E PARKHURST LN
SANDY UT 84094

RECEIPT #:C099712 or C099713 or C099714

Thank you.

Jean



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

GREENE TREE INC
909 E PARKHURST LN
SANDY UT 84094

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 63-2532, 63-3609 and 63-7866 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, 2015**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

The application filing fee is \$250.00 per water right. Since you submitted more than one lease application and the water rights have an overlapping, common place of use, the total fee for all water rights is \$500.00. The Department received \$750 (see attached receipts). A refund of \$250.00 has been requested which you should be receiving within 10 days under separate cover from the Idaho State Controller's Office.

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
Receipt # C099712, C099713 and C099714

c. SPF Water Engineering LLC
Moffatt Thomas



RECEIVED

MAR 06 2015

DEPARTMENT OF
WATER RESOURCES

March 5, 2015

Jean Hersley
Clay Webster
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Additional Water Bank Lease Information; Water Rights 63-2532, 63-3609 and 63-7866*

Dear Jean and Clay,

Enclosed, on behalf of Greene Tree Inc., are the water bank lease documents requested for the water rights listed above in your letter dated February 19, 2015.

Please let me know if there are any questions. Thanks Jean and Clay.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", is written in a cursive style.

Lori Graves
Water Rights Specialist

Cc: Scott Campbell – Moffatt Thomas Law

Enclosures

SPF file number: 272.0240

MEMORANDUM

To: Water Right No(s). 63-2532, 63-3609 and 63-7866
From: Jean Hersley
Date: March 6, 2015
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: These application(s) were received on December 17, 2014. Applicant is wishing to place 9.9 acres, 0.08 cfs/33.0 af of 63-2532. 13.9 acres, 0.17 cfs/49.0 af of 63-7866 and the entirety of 63-3609. The specific acres were not specified on the applications and a map was not received. A request was made for both. The Department received these on March 6.

AUTHORITY TO FILE: Sharon Davis, Vice President of Green Tree Inc. signed the applications.

WATER RIGHT VALIDITY: These rights were decreed in 2003. They have been in the Bank since 2007. 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 # 63.

Water Right Overlap Review for WSB
Pam Skaggs 03-13-2014

	Basin	Sequence	Process	Basis	Status	Priority Date	Diversion Rate	Acre Limit	Total Acres	Volume	Source List	Water Use List	Current Owner	Water District
Rt 1	63	2532	Water Right	Decreed	Active	5/20/1937	0.300	36.0	72.1	119.0	GREYLOCK CREEK	IRRIGATION	GREENE TREE INC	63 - Boise River
Rt 2	63	3609	Water Right	Decreed	Active	7/24/1937	0.920	46.0	72.1		MIDDLE FORK BOISE RIVER	IRRIGATION	GREENE TREE INC	63 - Boise River
							1.220	82.0	72.1	Limited to 72.1 POU Acres = 9.9 acre overlap				
Rt 3	63	7866	Water Right	Decreed	Active	9/12/1973	0.480	40.0	72.1	235.0	GREYLOCK CREEK, JOE DALEY CREEK	DIVERSION TO GREENE TREE INC	63 - Boise River	
							1.700	122.0	72.1					
							1.440	72.1	POU Acres					

Conditions limit 3 Rights limit to a combined total

	Rate	Volume	Acres
Rt 1	0.08	32.7	9.9
Rt 2	0.92	N/A	46.0
Rt 3	0.17	48.7	13.9
	0.92 cfs	N/A	46.0

72.1 Total Acres
-46.0 Leased acres
26.1 Remaining irrigated acres under unleased portions of 63-2532 & 63-7866

Lease proposes to place all of 63-3609 into the bank with a proportional share of the overlapping acres of the other two rights.
Other two rights primarily serve the northwest side of the parcel near the creek sources & partially overlap the the proposed lease acres.
Overall combined right diversion rate of 1.44 cfs for 72.1 acres = 0.92 cfs for 46.0 leased acres & 0.52 cfs for 26.1 unleased acres under Rights 63-2532 & 63-7866..

RECEIVED

DEC 17 2014

DEPARTMENT OF
WATER RESOURCES

MOFFATT
THOMAS

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208.345.2000 MAIN
800.422.2889 TOLL-FREE
208.385.5384 FAX

December 16, 2014

Cherie Palmer
Water Rights Supervisor
Water Allocation Bureau
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720

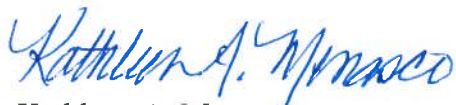
**Re: Application to Sell or Lease a Water Right to the Water Supply Bank;
Water Right 63-2532**
MTBR&F File No. 19344.0002

Dear Ms. Palmer:

I am the administrative assistant to Scott L. Campbell at Moffatt Thomas. He is out of the office this week and asked that I submit the above-referenced Application for Water Right #63-2532 on behalf of Green Tree, Inc. Also enclosed is check No. 1579 in the amount of \$250.00 for the filing fee.

Thank you for your anticipated assistance in this matter.

Very truly yours,



Kathleen A. Menasco
Administrative Assistant to
Scott L. Campbell

kam
Enclosures