

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective May 2, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: MAX J BINGHAM
3861 N HWY 93
LESLIE ID 83255
(208) 588-2080

RECEIVED
AUG 15 2014
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>
34-00282C	0.34 CFS	NA	17.1 AC	41.6 AC
34-00452E	0.36 CFS	NA	18.0 AC	41.6 AC
34-02438	0.72 CFS	NA	35.9 AC	41.6 AC
34-10795	0.11 CFS	NA	5.7 AC	41.6 AC
Combined Lease Totals:	1.04 CFS	NA	41.6 AC	41.6 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: 4/1 to 10/31

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

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2018.
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 # 34-282C

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.

MAX J BINGHAM

3861 N HWY 93

LESLIE ID 83255

By 
Printed Name MAX J. BINGHAM

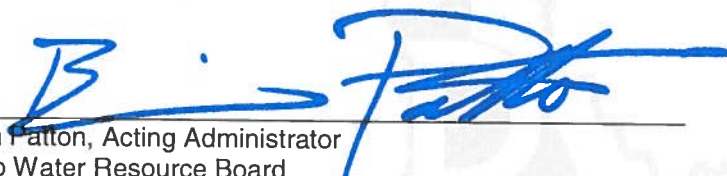
Date 8-12-14
Title _____

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-9098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date August 18, 2014

Lease approved by IDWR 

Date August 18, 2014

ATTACHMENT A
WATER RIGHT NO. 34-00282C
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: MAX J BINGHAM
 3861 N HWY 93
 LESLIE ID 83255
 (208) 588-2080

Priority Date: 6/1/1897

Source: BIG LOST RIVER

Tributary to: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.34 CFS	NA
	Total:		0.34 CFS	NA

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER NENWNE Sec. 24, Twp 06N, Rge 25E, CUSTER County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	19												3.5			2.2	2.9	8.6
06N	26E	30	33.0																33.0

Total Acres: 41.6

Limited to acres within place of use described above: 17.1 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>
34-00282C, 34-00452E, 34-02438, and 34-10795	1.04 CFS	NA	41.6 AC	41.6 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 period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the director of the Idaho department of water resources.
13. Use of this leased right with leased right nos. 34-00452e, 34-02438 and 34-10795 is limited to a total combined diversion rate of 1.04 cfs.
14. Use of this leased right with leased right nos. 34-00452e, 34-02438 and 34-10795 is limited to the irrigation of a combined total of 41.6 acres in a single irrigation season.
15. This leased right is limited to the irrigation of 17.1 acres within the place of use described above in a single irrigation season.
16. Water is delivered through private ditch just upstream from the Lower Burnett diversion structure.
17. 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. 34.

ATTACHMENT A
WATER RIGHT NO. 34-00452E
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: MAX J BINGHAM
3861 N HWY 93
LESLIE ID 83255
(208) 588-2080

Priority Date: 6/1/1885

Source: BIG LOST RIVER

Tributary to: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01 to 10/15

To

Diversion Rate

0.36 CFS

Volume

NA

Total:

0.36 CFS

NA

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER

NENWNE

Sec. 24, Twp 06N, Rge 25E, CUSTER County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	19												3.5			2.2	2.9	8.6
06N	26E	30	33.0																33.0

Total Acres: 41.6

Limited to acres within place of use described above: 18.0 AC

COMBINED LIMITS OF LEASED RIGHT:

Combined Rights

34-00282C, 34-00452E,
34-02438, and 34-10795

Lease Rate

1.04 CFS

Acre Limit

41.6 AC

Total Leased Acres

41.6 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 period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the director of the Idaho department of water resources.
13. Use of this leased right with leased right nos. 34-00282c, 34-02438 and 34-10795 is limited to a total combined diversion rate of 1.04 cfs.
14. Use of this leased right with leased right nos. 34-00282c, 34-02438 and 34-10795 is limited to the irrigation of a combined total of 41.6 acres in a single irrigation season.
15. This leased right is limited to the irrigation of 18 acres within the place of use described above in a single irrigation season.
16. Water is delivered through private ditch just upstream from the Lower Burnett diversion structure.
17. 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. 34.

ATTACHMENT A
WATER RIGHT NO. 34-02438
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: MAX J BINGHAM
 3861 N HWY 93
 LESLIE ID 83255
 (208) 588-2080

Priority Date: 9/13/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/04	0.72 CFS	NA
	Total:		0.72 CFS	NA

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESW Sec. 19, Twp 06N, Rge 26E, CUSTER County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	19												3.5			2.2	2.9	8.6
06N	26E	30	33.0																33.0

Total Acres: 41.6

Limited to acres within place of use described above: 35.9 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
34-02438, and 34-10795	.72 CFS	41.6 AC	41.6 AC

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
34-00282C, 34-00452E, 34-02438, and 34-10795	1.04 CFS	41.6 AC	41.6 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 this leased right with leased right no. 34-10795 is limited to a total combined diversion rate of .72 cfs and a total combined annual diversion volume of 145.6 af.
13. Use of this leased right with leased right nos. 34-00282c, 34-00452e and 34-10795 is limited to a total combined diversion rate of 1.04 cfs
14. Use of this leased right with leased right nos. 34-00282c, 34-00452e and 34-10795 is limited to the irrigation of a combined total of 41.6 acres in a single irrigation season.
15. This leased right is limited to the irrigation of 35.9 acres within the place of use described above in a single irrigation season.
16. Right no. 34-10795 is an enlargement of this right pursuant to section 42-1426, Idaho code.
17. 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. 34.

ATTACHMENT A
WATER RIGHT NO. 34-10795
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: MAX J BINGHAM
 3861 N HWY 93
 LESLIE ID 83255
 (208) 588-2080

Priority Date: 4/1/1977

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	0.11 CFS	NA
	Total:		0.11 CFS	NA

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSESW Sec. 19, Twp 06N, Rge 26E, CUSTER County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	19												3.5			2.2	2.9	8.6
06N	26E	30	33.0																33.0

Total Acres: 41.6

Limited to acres within place of use described above: 5.7 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
34-02438, and 34-10795	.72 CFS	41.6 AC	41.6 AC

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
34-00282C, 34-00452E, 34-02438, and 34-10795	1.04 CFS	41.6 AC	41.6 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 this leased right with leased right no. 34-02438 is limited to a total combined diversion rate of .72 cfs and a total combined annual diversion volume of 145.6 af.
13. Use of this leased right with leased right nos. 34-00282c, 34-00452e and 34-02438 is limited to a total combined diversion rate of 1.04 cfs.
14. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to section 42-1426, Idaho code. As between water rights decreed as enlargements pursuant to section 42-1426, Idaho code, the earlier priority right is the superior right.
15. Use of this leased right with leased right nos. 34-00282c, 34-00452e and 34-02438 is limited to the irrigation of a combined total of 41.6 acres in a single irrigation season.
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. 34.

STATE OF IDAHO
WATER RESOURCE BOARD

WATER SUPPLY BANK LEASE OR SALE APPLICATION CHECKLIST

RECEIVED
MAY 02 2014
DEPARTMENT OF
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Max J BinghamWater Right No. 34-282C
One water right per application

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- | | | | |
|----|-------------------------------------|-------------------------------------|---|
| 1A | ☐ | ☒ | Contact information for <i>all owners</i> of the water right that is being leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☐ | ☒ | Written consent from irrigation district or water delivery company. |
| 1E | ☐ | ☒ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | ☐ | ☒ | Description of a water right portion offered to the Water Supply Bank. |
| 3D | ☐ | ☒ | Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. |
| 4 | ☐ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (http://maps.idwr.idaho.gov/mapall/) to locate a water right place of use or point of diversion. |

Department Use Only

Fee Amount \$ <u>500⁰⁰</u>	Received By: <u>CJ</u>	Date Received: <u>5/12/14</u>	Receipt # <u>C098782</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Max J. Bingham</u>	

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 02 2014

DEPARTMENT OF
WATER RESOURCES

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 Max J Bingham Email Address _____
Mailing Address 3861 N Hwy 93, Leslie, ID 83255 Phone Number 208-588-2080

☐ 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 Kristin Moore Organization Rocky Mountain Environmental Associates
Professional Title Water Right Analyst Email Address kristin.rmea@gmail.com
Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Phone Number 208-524-2353

☐ 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 34-282C ☐ 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.

Water is diverted from the Big Lost River through Lower Burnett ditch to property.

- 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 right nos. 34-452E, 34-2438, and 34-10795 all overlap the same 146 acres. Proportionate shares of each are being offered to the Bank.

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

Yes ☐ No ☒

If yes, describe. _____

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

Yes ☒ No ☐

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. Applicant has attempted to deliver water to corners and other unused acres, but water could not reach those locations. Water master affidavit attached.

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

If yes, describe. _____

4. SALE/LEASE AGREEMENT

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

If lease, for a period from 5/1/2014 to 12/31/2018 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

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

Current rental rate

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

The Designated Applicant acknowledges the following:

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


Signature of Designated Applicant

MAX J. BINGHAM
Printed Name

4-29-14
Date

Cheryl J. Bingham
Signature of Authorized Representative

Cheryl J. Bingham
Printed Name

4-29-14
Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

Water Right No. 34-282C

	Designated Applicant	Applicant #2	Applicant #3
Name	Max J Bingham	Cheryl J Bingham	
Mailing Address	3861 N Hwy 93 Leslie, ID 83255	3861 N Hwy 93 Leslie, ID 83255	
Phone Number	208-588-2080	208-588-2080	
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			

Big Lost River Irrigation District

101 S. Main Street, P.O. Box 205, Mackay ID 83251 (208) 588-2231 www.blrid.com

March 6, 2014

State of Idaho
Water Resources Board

The Big Lost River Irrigation District gives consent for Water Supply Bank for decree water for the following:

Max J. and Cheryl J. Bingham
3861 N Highway 93
Moore, Idaho 83255

Total number of acres for water bank: up to 45.6

Sincerely,



James Rindfleisch
General Manager



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

Attachment#1E

April 29, 2014

Max and Cheryl Bingham hereby authorize Rocky Mountain Environmental Associates to act on our behalf regarding the Water Supply Bank applications for water right numbers 34-282C, 34-452E, 34-2438, and 34-10795.

A handwritten signature in blue ink, appearing to read 'Max Bingham', written over a horizontal line.

Max Bingham

A handwritten signature in blue ink, appearing to read 'Cheryl Bingham', written over a horizontal line.

Cheryl Bingham

Water District 34
Nashua Idaho

To Whom it may concern,

The following water rights are currently active.

34 - 282 C

34 - 452 E

34 - 2438

34 - 10799

these rights were believed while I was
watermaster of district 34 in 2011, 2012 + 2013.

Water master

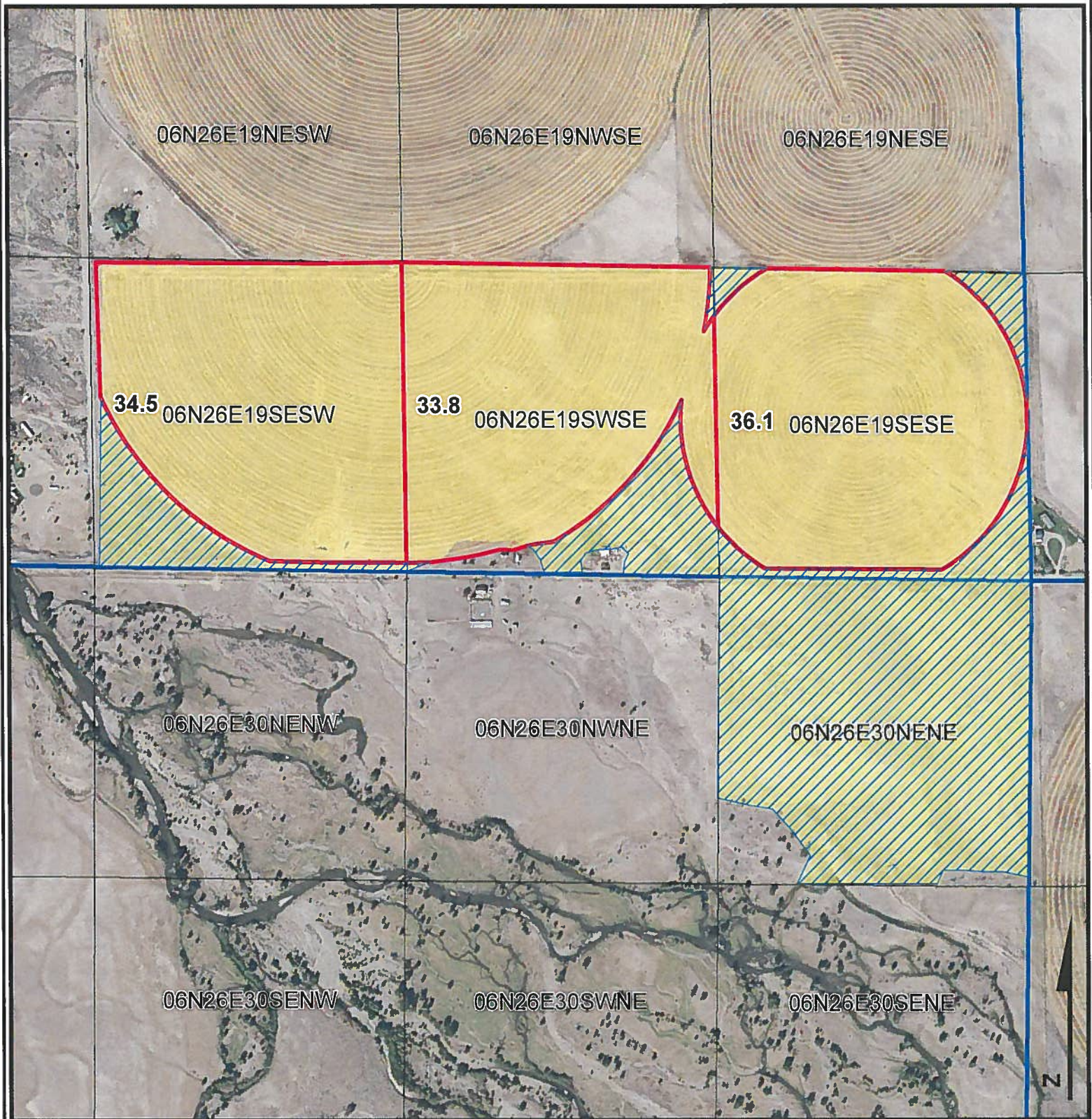
Roger Otter

Post script - Mr. B. Bingham tried to water
all of his corners, but his water did not
cover all the corners so it was a futile
call. Even though we tried for about 6 weeks.

Roger Otter

Water Supply Bank Attachment #4

Water Rights 34-282C, 34-452E, 34-2438, 34-10795



0 950 1,900 3,800 Feet

-  WSB Acres to Lease
-  Township and Range
-  Actively Irrigated Acres
-  Section
-  WR Permissible POU
-  QQ

2013 NAIP Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 23 2015

DEPARTMENT OF
WATER RESOURCES

LESSOR DESIGNATION FORM

When multiple individuals or business entities jointly own property to which a water right is appurtenant, the parties can use this form to nominate a designated lessor to represent their common interests on a Water Supply Bank lease contract. The signatures of all water right holders are required on this form to elect a designated lessor. The designated lessor is required to provide a completed IRS Form W-9 to receive any payment associated with the rental of a water right under a Water Supply Bank lease contract. All correspondence and any financial payment associated with the rental of this water right will be directed to the designated lessor. If additional space is needed to list any other water right holders, attach a second copy of this Lessor Designation Form.

Water Right No(s). 34-282C, 34-452E, 34-2438, 34-10795

	Designated Lessor	Water Right Co-owner	Water Right Co-owner
Name	Jessica McDonald	James McDonald	
Mailing Address	8 N 3900 E Rigby, ID 83442	8 N 3900 E Rigby, ID 83442	
Phone Number	(208) 521-8474	(208) 520-8980	
Email Address	mcdjessica@gmail.com	mcdjip@gmail.com	
Water Right Owner Declaration	As designated lessor, I will represent the interest of all other water right owners on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			

	Water Right Co-owner	Water Right Co-owner	Water Right Co-owner
Name			
Mailing Address			
Phone Number			
Email Address			
Water Right Owner Declaration	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			



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

August 19, 2014

C.L. "BUTCH" OTTER

Governor

MAX J BINGHAM
3861 N HWY 93
LESLIE ID 83255

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 34-00282C, 34-00452E, 34-02438 AND 34-10795

Dear Lessor:

Water Rights 34-00282C, 34-00452E, 34-02438 and 34-10795 were leased into the Water Supply Bank on May 2, 2014 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, 2018**, 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,

Clay Webster

Technical Records Specialist

Enclosure: Executed Lease Contract

c: James Cefalo – IDWR Eastern Regional Office
M Todd Perkes – Water District 34



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 7, 2014

MAX J BINGHAM
3861 N HWY 93
LESLIE ID 83255

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 34-00282C, 34-00452E, 34-02438 AND 34-10795 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 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, 2018**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

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

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

If you have questions regarding this matter, please contact me at 287-4944.

Sincerely,

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts
Receipt # C098782

c. Kristin Moore – Rocky Mountain Environmental

MEMORANDUM

To: Water Right No(s). 34-282C, 34-452E, 34-2438 and 34-10795

From: Clay Webster

Date: August 7, 2014

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

PURPOSE/NARRATIVE: The department received applications to lease part of the water rights into the WSB on May 2, 2014. I contacted the Big Lost River Irrigation District on 8/5/2014 to see if the Bingham had any storage through them. They do not.

AUTHORITY TO FILE: The applications were signed by Max and Cheryl Bingham current owners of these water rights. They also enclosed a letter from the Big Lost River Irrigation District authorizing them to lease up to 45.6 acres.

WATER RIGHT VALIDITY: 34-282C and 34-452E were partially decreed by the SRBA in March 2009. Forfeiture for these rights is not an issue. 34-2438 and 34-10795 were partially decreed in December 2001. The applicant has stated on the applications in question 3D that attempt at delivery to the corners has been attempted but not accomplished. They have provided a letter from the old watermaster to confirm this statement.

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 # 34. The water master had no problems with this lease. The Eastern Region had reservations about the resumption of use of these rights after 2011. However, after discussion in the WSB processing meetings and in light of the fact that the surface water rights were partially decreed in 2009 and these rights were being irrigated in the last five years and the fact that the past water-master had attempted to assist the Bingham in irrigating the corners without success showing a defense to the forfeiture issue. We decided to move forward with this lease.

Attor. Clay Webster IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

WSB Lease Application Water Right No: 34-282C, 34-452E, 34-2438 and 34-10795

Applicant's Name: Max J Bingham

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if conditioned as follows:

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional comments:

Dated this 5 day of August, 2014

Water District No. 34

Tim Todd Perkes
Watermaster's signature

Webster, Clay

From: Webster, Clay
Sent: Tuesday, July 29, 2014 9:57 AM
To: 'Todd Perkes'
Subject: Watermaster Comments on WSB Lease Applications for Max Bingham 34-282C, 34-452E, 34-2438 and 34-10795
Attachments: DOC.pdf, DOC000.pdf, DOC001.pdf, DOC002.pdf

Mr. Perkes,

I am currently processing these applications. They have stated that they have not been able to reach the corners of these rights. They have provided a letter from Roger Totten stating that he assisted in this effort, it is in the applications.

The rights that are under scrutiny are the ground water rights due to their date of decree. Do you have any comments/concerns with these applications?

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

322 E. Front Street

P.O. Box 83720

Boise, ID 83720-0098

208-287-4800

www.idwr.idaho.gov

Webster, Clay

From: Cefalo, James
Sent: Tuesday, July 29, 2014 3:49 PM
To: Webster, Clay
Subject: RE: Region Comments on WSB Lease Applications for Max Bingham 34-282C, 34-452E, 34-2438 and 34-10795

Clay,

I have significant reservations about accepting any portion of these water rights into the WSB. Aerial photos suggest that these water rights were not used at all between 2004 and 2011. The ground water well is located on the property and the ground water rights authorize 0.17 cfs/acre so there is not really a reason for not irrigating. Upon 5 years of non-use, the water rights would have been forfeited. I believe that resumption of use does not apply to fully appropriated basins like the Big Lost River basin. Therefore, when they started using the water again in 2011, it was not authorized by any water rights. As always, I will defer to your conclusion on the forfeiture question.

James

From: Webster, Clay
Sent: Tuesday, July 29, 2014 9:54 AM
To: Cefalo, James
Subject: Region Comments on WSB Lease Applications for Max Bingham 34-282C, 34-452E, 34-2438 and 34-10795

James,

I am currently processing these applications. They have stated that they have not been able to reach the corners of these rights. They have provided a letter from Roger Totten stating that he assisted in this effort, it is in the applications. The rights that are under scrutiny are the ground water rights due to their date of decree. Do you have any comments/concerns with these applications?

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov
208-287-4910

Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov



April 29, 2014

RMEA 14-0035

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

RECEIVED

MAY 02 2014

**DEPARTMENT OF
WATER RESOURCES**

Re: Water Supply Bank Applications

Dear Agent,

Enclosed are four applications to Lease water into the Water Supply Bank for water right nos. 34-282C, 34-452E, 34-2438, and 34-10795 and a check for \$500 to cover filing fees. Portions of each of these water rights, which share a permissible place of use, are offered to the Bank. There are some factors to note that explain the calculations used to determine acreages offered for each water right.

The applicant diverts water from the Big Lost River through the Lower Burnett ditch, which delivers to the property. Changes in irrigation practices and water availability in the ditch have affected the ability for water to reach all of the lands within the place of use. Even the ground water right, which is delivered through the Lower Burnett ditch, has not been deliverable to those acres. The water master of Water District 34 attests to this in an affidavit under Attachment #3D for each of the water rights. Consequently, applicant desires to Bank the portions he cannot deliver to his own property.

In creating the map for Attachment #4, it was discovered that the shapefile, available from IDWR GIS Database, does not correspond to the place of use description for the water rights. The acres per QQ do not match. To determine how many acres are to be offered to the Bank, a reverse approach was used. The irrigated acres are displayed on the map for the portions that WILL NOT be leased to the Bank. A simple subtraction from the place of use description resulted in the number of acres not being irrigated, which is the number of acres proposed to be leased. An attached spreadsheet displays the values determined in this process, along with the acre limits and cfs associated with each water right.

The applicants have authorized us to act on their behalf in regards to these applications. If you have questions or concerns, please contact me at 524-2353 or through my email kmoore@rockymountainenvironmental.com.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore

Water Rights Analyst

Enclosures: WSB Applications

Water Right Nos. 34-282C, 34-452E, 34-2438, and 34-10795

Water Rights	cfs	AFA	POU Ac	Acre Limit	% Acre/POU	Combined Use Limits	% of CUL	Active Irrigated Acres	Not Actively Irrigated	WSB Acres	WSB Acre Limit	WSB cfs	Remaining Acre Limits
WR 34-282C	1.2	210	146	60	41%	146	41.1%	104.4	41.6	41.6	17.1	0.34	42.9
6N26E19 SESW			38					34.5	3.5				
SWSE			36					33.8	2.2				
SESE			39					36.1	2.9				
6N26E30 NENE			33					0	33				
WR 34-452E	1.26	220.5	146	63	43%	148	42.6%	104.4	41.6	41.6	18.0	0.36	45.0
6N26E19 SESW			38					34.5	3.5				
SWSE			36					33.8	2.2				
SESE			39					36.1	2.9				
6N26E30 NENE			33					0	33				
WR 34-2438	2.52	441	146	126	86%	148	85.1%	104.4	41.6	41.6	35.9	0.72	90.1
6N26E19 SESW			38					34.5	3.5				
SWSE			36					33.8	2.2				
SESE			39					36.1	2.9				
6N26E30 NENE			33					0	33				
WR 34-10795	0.4	70	146	20	14%	148	13.5%	104.4	41.6	41.6	5.7	0.11	14.3
6N26E19 SESW			38					34.5	3.5				
SWSE			36					33.8	2.2				
SESE			39					36.1	2.9				
6N26E30 NENE			33					0	33				

RECEIVED

APR 25 2005

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[✓] Water Right Number(s): 34-452E, 34-2438, 34-10795
34-10799
34-282C

[] Name(s): MAX J. + CHERYL BINGHAM

[] Old Mailing Address: 520 VISTA DR.
CLINTON TN. 37716

[] New Mailing Address: 3861 NO. HWY 93
LESLIE IDAHO
83255

Telephone Number: (208) 588-2080

[] Signature(s) of Owner(s) Max Bingham Cheryl Bingham

(Include your title if on behalf of company or organization)

Date: 4-19-05
already partially updated

SCANNED
JAN 30 2006

STATE OF IDAHO
WATER RESOURCE BOARDRECEIVED
MAY 02 2014
DEPARTMENT OF
WATER RESOURCESWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

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 Max J BinghamWater Right No. 34-10795

One water right per application

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☐ ☒ Contact information for **all owners** of the water right that is being leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ <u>500⁰⁰</u>	Received By: <u>CJ</u>	Date Received: <u>5/2/14</u>	Receipt # <u>C098782</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Max J Bingham</u>	

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
MAY 02 2014
DEPARTMENT OF
WATER RESOURCES

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 Max J Bingham Email Address _____
Mailing Address 3861 N Hwy 93, Leslie, ID 83255 Phone Number 208-588-2080

☐ 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 Kristin Moore Organization Rocky Mountain Environmental Associates
Professional Title Water Right Analyst Email Address kristin.rmea@gmail.com
Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Phone Number 208-524-2353

☐ 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 34-10795 ☐ 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.

Water is diverted from well to pump to the irrigation system.

- 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 right nos. 34-282C, 34-452E, and 34-2438 all overlap the same 146 acres. Proportionate shares of each are being offered to the Bank.

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

Yes ☐ No ☒

If yes, describe. _____

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

Yes ☒ No ☐

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. Applicant has attempted to deliver water to corners and other unused acres, but water could not reach those locations. Water master affidavit attached.

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

If yes, describe. _____

4. SALE/LEASE AGREEMENT

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

If lease, for a period from 4/1/2014 to 12/31/2018 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

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

Current rental rate

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

The Designated Applicant acknowledges the following:

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


Signature of Designated Applicant

MAX J. BINGHAM
Printed Name

4-29-14
Date


Signature of Authorized Representative

Cheryl J. Bingham
Printed Name

4-29-14
Date

Mail to:

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

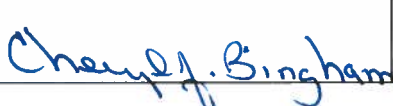
**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

Water Right No. 34-10795

	Designated Applicant	Applicant #2	Applicant #3
Name	Max J Bingham	Cheryl J Bingham	
Mailing Address	3861 N Hwy 93 Leslie, ID 83255	3861 N Hwy 93 Leslie, ID 83255	
Phone Number	208-588-2080	208-588-2080	
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			



Attachment#1E

April 29, 2014

Max and Cheryl Bingham hereby authorize Rocky Mountain Environmental Associates to act on our behalf regarding the Water Supply Bank applications for water right numbers 34-282C, 34-452E, 34-2438, and 34-10795.

A handwritten signature in blue ink, appearing to read "Max Bingham", written over a horizontal line.

Max Bingham

A handwritten signature in blue ink, appearing to read "Cheryl Bingham", written over a horizontal line.

Cheryl Bingham

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

3. Point(s) of Diversion:

[illegible]

- [illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 41.6
Limited to 5.7 ac

Water District 34
Machay Idaho

To Whom it may concern,

The following water rights are currently active.

34 - 282 C

34 - 452 E

34 - 2438

34 - 10799

these rights were believed while I was
watermaster of district 34 in 2011, 2012 + 2013.

Water master

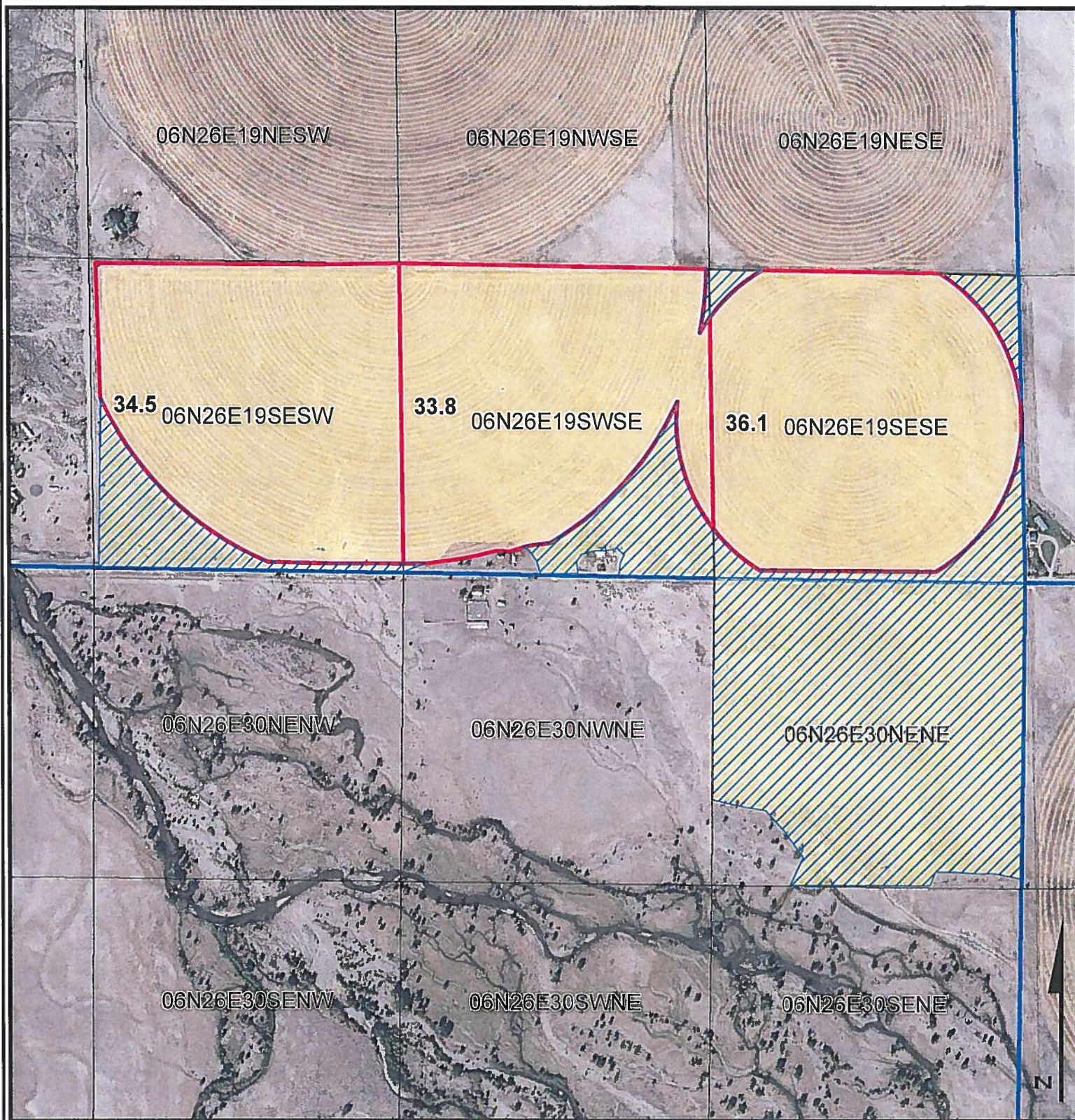
Proctor

Postscript - Mr. Bingham tried to water
all of his corners, but his water did not
cover all the corners so it was a futile
call. Even though we tried for about 6 weeks.

Proctor

Water Supply Bank Attachment #4

Water Rights 34-282C, 34-452E, 34-2438, 34-10795



0 950 1,900 3,800 Feet

- | | |
|---|--|
|  WSB Acres to Lease |  Township and Range |
|  Actively Irrigated Acres |  Section |
| WR Permissible POU |  QQ |

2013 NAIP Photography



STATE OF IDAHO
WATER RESOURCE BOARD

WATER SUPPLY BANK LEASE OR SALE APPLICATION CHECKLIST

RECEIVED
MAY 02 2014
DEPARTMENT OF
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Max J BinghamWater Right No. 34-452E

One water right per application

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- | | | | |
|----|-------------------------------------|-------------------------------------|---|
| 1A | ☐ | ☒ | Contact information for <i>all owners</i> of the water right that is being leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☐ | ☒ | Written consent from irrigation district or water delivery company. |
| 1E | ☐ | ☒ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | ☐ | ☒ | Description of a water right portion offered to the Water Supply Bank. |
| 3D | ☐ | ☒ | Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. |
| 4 | ☐ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (http://maps.idwr.idaho.gov/mapall/) to locate a water right place of use or point of diversion. |

Department Use Only

Fee Amount \$ <u>500⁰⁰</u>	Received By: <u>CS</u>	Date Received: <u>5/2/14</u>	Receipt # <u>C098782</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Max J Bingham</u>	

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 02 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 Max J Bingham Email Address _____
Mailing Address 3861 N Hwy 93, Leslie, ID 83255 Phone Number 208-588-2080

☐ 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 Kristin Moore Organization Rocky Mountain Environmental Associates
Professional Title Water Right Analyst Email Address kristin.rmea@gmail.com
Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Phone Number 208-524-2353

☐ 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 34-452E ☐ 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.

Water is diverted from the Big Lost River through Lower Burnett Ditch to irrigation system.

- 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 right nos. 34-282C, 34-2438, and 34-10795 all overlap the same 146 acres. Proportionate shares of each are being offered to the Bank.

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

Yes ☐ No ☒

If yes, describe. _____

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

Yes ☒ No ☐

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. Applicant has attempted to deliver water to corners and other unused acres, but water could not reach those locations. Water mast affidavit attached.

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

If yes, describe. _____

4. SALE/LEASE AGREEMENT

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

If lease, for a period from 5/1/2014 to 12/31/2018 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

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

Current rental rate

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

The Designated Applicant acknowledges the following:

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

Max J. Bingham
Signature of Designated Applicant

MAX J. BINGHAM
Printed Name

4-29-14
Date

Cheryl J. Bingham
Signature of Authorized Representative

Cheryl J. Bingham
Printed Name

4-29-14
Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

Water Right No. 34-452E

	Designated Applicant	Applicant #2	Applicant #3
Name	Max J Bingham	Cheryl J Bingham	
Mailing Address	3861 N Hwy 93 Leslie, ID 83255	3861 N Hwy 93 Leslie, ID 83255	
Phone Number	208-588-2080	208-588-2080	
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			

Big Lost River Irrigation District

101 S. Main Street, P.O. Box 205, Mackay ID 83251 (208) 588-2231 www.blrid.com

March 6, 2014

State of Idaho
Water Resources Board

The Big Lost River Irrigation District gives consent for Water Supply Bank for decree water for the following:

Max J. and Cheryl J. Bingham
3861 N Highway 93
Moore, Idaho 83255

Total number of acres for water bank: up to 45.6

Sincerely,



James Rindfleisch
General Manager

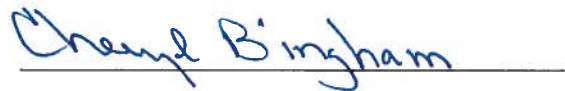


Attachment#1E

April 29, 2014

Max and Cheryl Bingham hereby authorize Rocky Mountain Environmental Associates to act on our behalf regarding the Water Supply Bank applications for water right numbers 34-282C, 34-452E, 34-2438, and 34-10795.


Max Bingham


Cheryl Bingham

water District 34
Machay Idaho

To Whom it may concern,

the following water rights are currently active.

34 - 282 C

34 - 452 E

34 - 2438

34 - 10799

these rights were believed while I was
watermaster of district 34 in 2011, 2012 + 2013.

water master

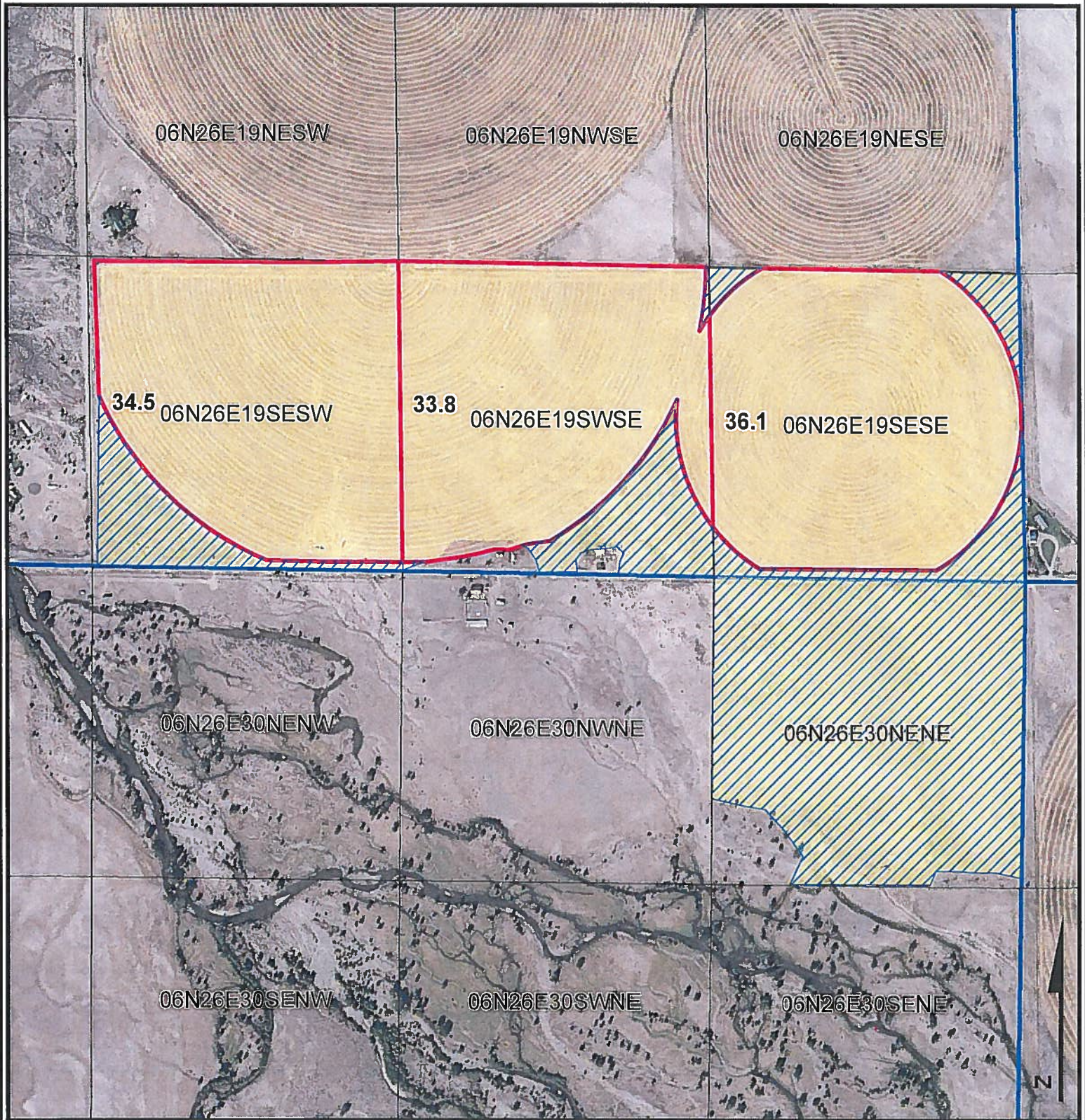
Properly

Post script - Mr. Bingham tried to water
all of his corners, but his water did not
cover all the corners so it was a futile
call. Even though we tried for about 6 weeks.

Properly

Water Supply Bank Attachment #4

Water Rights 34-282C, 34-452E, 34-2438, 34-10795



0 950 1,900 3,800 Feet

- | | |
|---|--|
|  WSB Acres to Lease |  Township and Range |
|  Actively Irrigated Acres |  Section |
| WR Permissible POU |  QQ |

2013 NAIP Photography



STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
MAY 02 2014
DEPARTMENT OF
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Max J BinghamWater Right No. 34-2438

One water right per application

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☐ ☒ Contact information for *all owners* of the water right that is being leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ 500⁰⁰Received By: CJDate Received: 5/2/14Receipt # C098782W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Max J Bingham

**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED**MAY 02 2014****DEPARTMENT OF
WATER RESOURCES**

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 Max J Bingham Email Address _____
 Mailing Address 3861 N Hwy 93, Leslie, ID 83255 Phone Number 208-588-2080

☐ 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 Kristin Moore Organization Rocky Mountain Environmental Associoates
 Professional Title Water Right Analyst Email Address kristin.rmea@gmail.com
 Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Phone Number 208-524-2353

☐ 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 34-2438 ☐ 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.
Water is diverted from well to pump to the irrigation system.

- 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 right nos. 34-282C, 34-452E, and 34-10795 all overlap the same 146 acres. Proportionate shares of each are being offered to the Bank.

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

Yes ☐ No ☒

If yes, describe. _____

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

Yes ☒ No ☐

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. Applicant has attempted to deliver water to corners and other unused acres, but water could not reach those locations. Water master affidavit attached.

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

If yes, describe. _____

4. SALE/LEASE AGREEMENT

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

If lease, for a period from 4/1/2014 to 12/31/2018 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

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

Current rental rate

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

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right even if the water right is not rented from the Bank.
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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.

Max J. Bingham
Signature of Designated Applicant

MAX J. BINGHAM
Printed Name

4-29-14
Date

Cheryl J. Bingham
Signature of Authorized Representative

Cheryl J. Bingham
Printed Name

4-29-14
Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

Water Right No. 34-2438

	Designated Applicant	Applicant #2	Applicant #3
Name	Max J Bingham	Cheryl J Bingham	
Mailing Address	3861 N Hwy 93 Leslie, ID 83255	3861 N Hwy 93 Leslie, ID 83255	
Phone Number	208-588-2080	208-588-2080	
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			



Attachment#1E

April 29, 2014

Max and Cheryl Bingham hereby authorize Rocky Mountain Environmental Associates to act on our behalf regarding the Water Supply Bank applications for water right numbers 34-282C, 34-452E, 34-2438, and 34-10795.

A handwritten signature in blue ink, appearing to read "Max Bingham", written over a horizontal line.

Max Bingham

A handwritten signature in blue ink, appearing to read "Cheryl Bingham", written over a horizontal line.

Cheryl Bingham

Water District 34
Hachay Idaho

To Whom it may concern,

The following water rights are currently active.

34 - 282 C

34 - 452 E

34 - 2438

34 - 10799

these rights were believed while I was
watermaster of district 34 in 2011, 2012 + 2013.

Water master

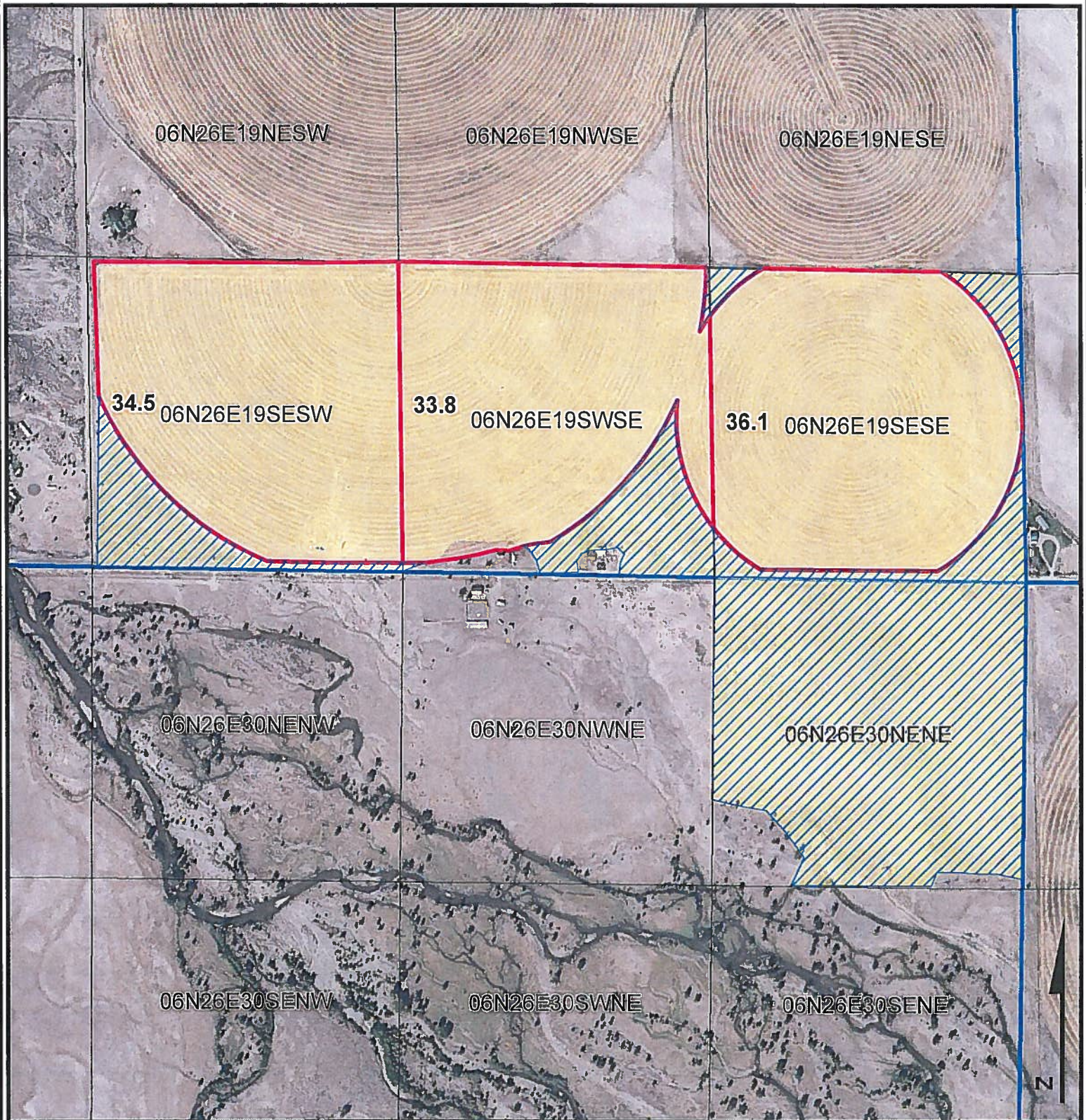
Progen Otto

Postscript - Mr. Benichau tried to water
all of his corners, but his water did not
cover all the corners so it was a futile
call. Even though we tried for about 6 weeks.

Progen Otto

Water Supply Bank Attachment #4

Water Rights 34-282C, 34-452E, 34-2438, 34-10795



0 950 1,900 3,800 Feet

- | | |
|---|--|
|  WSB Acres to Lease |  Township and Range |
|  Actively Irrigated Acres |  Section |
| WR Permissible POU |  QQ |

2013 NAIP Photography

