

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective April 8, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: LYNN J METCALF & VELMA L METCALF TRUST
3780 W 4050 N
MOORE ID 83255
208-588-3362
lmetcalf@atcnet.net

RECEIVED

JUL 11 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>Acre Limit</u>	<u>Total Leased Acres</u>
34-713B	0.12 CFS	NA	6.0 AC
Combined Lease Totals:	0.12 CFS	NA	6.0 AC

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

Authorized Period of Use under Lease: May 1 to October 15

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.
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.

LYNN J METCALF & VELMA L METCALF TRUST

3780 W 4050 N
MOORE ID 83255

By Velma L Metcalf Trust

Date July 3, 2014

Printed Name Velma L Metcalf

Title Trust owner

IDAHO WATER RESOURCE BOARD

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

By 

Date 07-14-2014

Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR Samuel S. Skaggs

Date 07-14-2014

ATTACHMENT A
WATER RIGHT NO. 34-713B
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: LYNN J METCALF & VELMA L METCALF TRUST
3780 W 4050 N
MOORE ID 83255
208-588-3362

Priority Date: 05/30/1885

Source: BIG LOST RIVER **Tributary to:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	0.12 CFS
	Total:		0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10 Twp 06N Rge 25E CUSTER 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	25E	11							6.0										6.0

Total Acres: 6.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Water is delivered through the Angelo Ditch.
13. Use of water under this agreement 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 BOARDRECEIVED
APR 08 2014
Department of Water Resources
Eastern RegionWATER 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 Velma MetcalfWater Right No. 34-713B
One water right per applicationAll 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 \$ 250.00Received By: KmDate Received: 4-8-2014 Receipt # E039701W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Velma Metcalf

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
APR 08 2014
Department of Water Resources
Economic Development

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 Velma Metcalf Email Address lmetcalf@atcnet.net
Mailing Address 3780W 4050N Moore ID 83255 Phone Number 208-588-3362

☒ 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 _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ 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 34-713B ☒ 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.

Diverted through a ditch and then pumped into
sprinklers

- B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

NONE

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

Yes ☐ No ☒

If yes, describe. _____

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

Yes ☐ No ☒

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

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

If yes, describe. _____

4. SALE/LEASE AGREEMENT

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

If lease, for a period from 4-1-14 to 4-1-19 (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.

Velma L. Metcalf
Signature of Designated Applicant

Velma L. Metcalf
Printed Name

Mar 19-2014
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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

RECEIVED
JUN 03 2014
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
MAY 21 2014
DEPARTMENT OF
WATER RESOURCES

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

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

Water Right No. 34-713B

	Designated Applicant	Applicant #2	Applicant #3
Name	Velma L Metcalf		
Mailing Address	3780 W 4050 N Moore ID 83758		
Phone Number	1-208-388-3362		
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	Velma L Metcalf		

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 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. 34-713B

	Designated Applicant	Applicant #2	Applicant #3
Name	LYNN J Metcalf		
Mailing Address	3780 W 4050 N		
Phone Number	(208) 588-2362		
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 2

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

1. Water Right Number Amount (cfs/ac-ft) Nature of Use Period of Use
34-713B .120 cfs Irrigation 5/01 to 10/15

Total Amount: 0.120 cfs

2. Source of water Big Lost River tributary to Sinks.

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06N	25E	10		NE	NE	SW	Custer.

4. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	11							6										6.

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 6.

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed MARCH 06, 2014

State File No. 2014-02038

DECEDENT - LEGAL NAME LYNN JAY METCALF			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 91 YEARS	DATE OF BIRTH JULY 17, 1922
BIRTHPLACE UCON, IDAHO		PLACE OF RESIDENCE LESLIE, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) VELMA LILLY RASMUSSEN	WAS DECEDENT EVER IN U.S. ARMED FORCES? NO
FATHER - NAME JESSE EARL METCALF			BIRTHPLACE IDAHO
MOTHER - MAIDEN NAME ALICE LUCINDA FREEMAN			BIRTHPLACE IDAHO
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE MICHAEL D. ANDERSON	
NAME AND ADDRESS OF FUNERAL FACILITY ANDERSON FAMILY FUNERAL HOME, ARCO, IDAHO			
DATE OF DEATH FEB. 19, 2014	TIME OF DEATH 2:36 P.M.	CITY, TOWN OR LOCATION OF DEATH IDAHO FALLS, IDAHO	COUNTY OF DEATH BONNEVILLE
CAUSE OF DEATH (underlying cause last) VENTRICULAR FIBRILLATION			Approximate Interval Between Onset and Death 30 MINUTES
DUE TO (or as a consequence of): a.			
DUE TO (or as a consequence of): b.			
DUE TO (or as a consequence of): c.			
DUE TO (or as a consequence of): d.			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL		NAME OF CERTIFIER DAVID A. GARRITY, M.D.	TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

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

DATE ISSUED: MARCH 06, 2014

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

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR

PRNCO (Rev.) 8/2/12

COPY

WARRANTY DEED

244643

Custer County Reg. of

Titleone, Inc. Alliance Title

Time *10:59 A.M.* Date *9-26, 2011*

Barbara C. Tamey, Clerk

Deputy *[Signature]*

\$13.00

For Valuable Consideration Received:

LARRY CROSS and KATHY CROSS, Husband and Wife,

the Grantors, do hereby grant, bargain, sell, convey and warrant unto

LYNN J. METCALF and VELMA L. METCALF, Trustees of the LYNN J. METCALF and VELMA L. METCALF TRUST

the Grantees, whose current address is:

3816 W. 4050 N., Moore, ID 83255

the following described premises, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

[Signature]
Larry Cross

9-22-2011
Date

[Signature]
Kathy Cross

9-22-2011
Date

STATE OF IDAHO

COUNTY OF BONNEVILLE

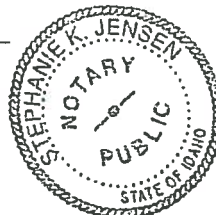
)
)ss.
)

On this 22nd day of September, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared LARRY CROSS AND KATHY CROSS, known to me, and/or identified to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]
Commission Expires:
Residing at:

Notary Public for the State of Idaho
Residing in Rigby
Commission Expires 11-01-2012



244643

Order No : 3071105745TD

LEGAL DESCRIPTION
EXHIBIT 'A'

TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY,
IDAHO.

SECTION 11:

A PORTION OF THE SW1/4NW1/4, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID SW1/4NW1/4;
THENCE SOUTH 88° 54' 04" EAST A DISTANCE OF 119.76 FEET TO THE REAL
POINT OF BEGINNING; THENCE SOUTH 88° 54' 04" EAST A DISTANCE OF 1240.24
FEET TO A POINT; THENCE NORTH 0° 08' 30" WEST A DISTANCE OF 266 FEET
TO A POINT; THENCE NORTH 88° 54' 04" WEST A DISTANCE OF 1008.54 FEET TO
A POINT; THENCE SOUTH 0° 53' 30" EAST A DISTANCE OF 136 FEET TO A
POINT; THENCE SOUTH 84° 48' 30" WEST A DISTANCE OF 87.10 FEET TO A
POINT; THENCE SOUTH 50° 50' 50" WEST A DISTANCE OF 184.30 FEET, TO THE
TRUE POINT OF BEGINNING.

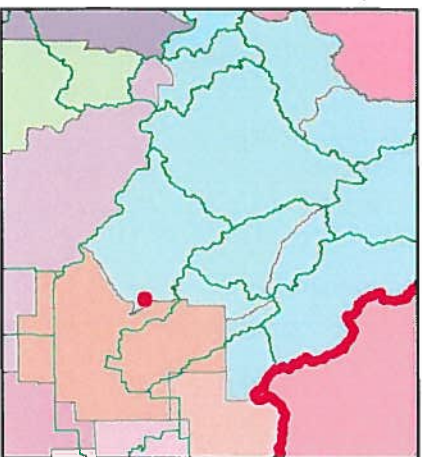
LC KC



Idaho Department of Water Resources

Water Right
34-713b
(IRRIGATION)

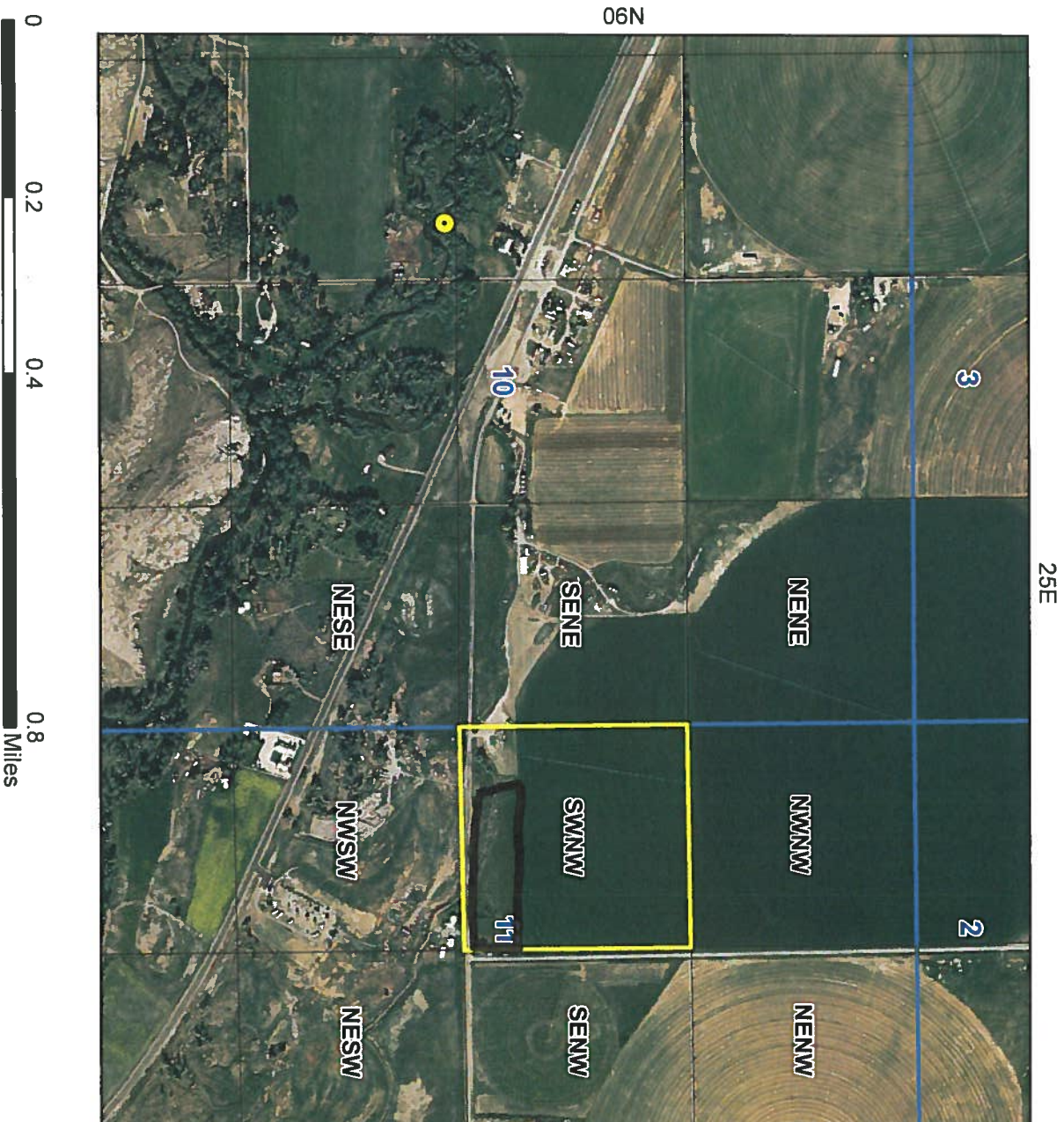
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Custer County
IDWR Basin 34

Prepared by Mathews, Kerrie

2009 Aerial Photography





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 15, 2014

LYNN J METCALF & VELMA L METCALF TRUST
3780 W 4050 N
MOORE ID 83255

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT 34-713B

Dear Lessor:

Water Rights 34-713B was leased into the Water Supply Bank on April 8, 2014, in accordance with the executed original Lease Contract enclosed. **Your water right as described on the Lease Contract is considered leased into the Bank and should remain unused until it is formally released from the Bank.**

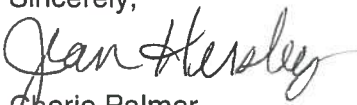
The right will automatically be released from the Bank on **December 31, 2018**, unless the right is released earlier by the Board, or upon your request. **Please note your right may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the release 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 287-4944.

Sincerely,

for 
Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Water District No. 34
Lyle Swank IDWR Eastern Regional Manager



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

June 23, 2014

LYNN J METCLAF & VELMA L METCLAF TRUST
3780 W 4050 N
MOORE ID 83255

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS FOR
WATER RIGHT(S) 34-713B**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on June 5, 2014. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application(s) will be returned, and the application fee will not be refunded. You can reapply to lease the water right(s) in the future by submitting new application form(s) along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have questions regarding this matter, please contact me at 287-4942.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Hersley", with a long, sweeping underline that extends to the right.

Jean Hersley
Technical Records Specialist II



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

June 5, 2014

LYNN J METCALF & VELMA L METCALF TRUST
3780 W 4050 N
MOORE ID 83255

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 34-713B 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 287-4942.

Sincerely,

Jean Hersley

Technical Records Specialist II

Enclosure: Proposed Lease Contracts

MEMORANDUM

To: Water Right No(s). 34-713B
From: Jean Hersley
Date: June 3, 2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received this application on April 8, 2014. The applicant wishes to lease the entire right to the Bank.

AUTHORITY TO FILE: The application was signed by Velma L Metcalf, a trustee. A death certificate was received for Lynn J Metcalf.

WATER RIGHT VALIDITY: The water right was decreed in 1997. Aerial photography suggests some irrigation has taken place in the last 5 years.

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.

Water User Name: Mead, John

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Moore	0	0	1	1
Summary for Mead, John (1 diversion record)				
Total	0.00	0.00	1.00	1.00

Water User Name: Merrill, Chris

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Center/Middle	0	0	19	19
Summary for Merrill, Chris (1 diversion record)				
Total	0.00	0.00	19.00	19.00

Water User Name: Merrill, Jones Phyllis / L.Bar

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Island	0	0	139	139
Summary for Merrill, Jones Phyllis / L.Bar (1 diversion record)				
Total	0.00	0.00	139.00	139.00

Water User Name: Metcalf, Lynn

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Angelo	0	0	3	3
Burnett	0	0	253	253
Wells	0	1163	0	1163
Summary for Metcalf, Lynn (3 diversion records)				
Total	0.00	1163.00	256.00	1419.00

Water User Name: Miller, Clifford

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Westside	0	0	226	226
Summary for Miller, Clifford (1 diversion record)				
Total	0.00	0.00	226.00	226.00

Water User Name: Mitchell, Greg

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Darlington	0	0	17	17
Summary for Mitchell, Greg (1 diversion record)				
Total	0.00	0.00	17.00	17.00



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

May 5, 2014

LYNN J METCALF & VELMA L METCALF TRUST
LYNN J METCALF, TRUSTEE
VELMA L METCALF, TRUSTEE
3780 W 4050 N
MOORE ID 83255

**RESPONSE
DEADLINE
MAY 30, 2014**

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO
LEASE WATER RIGHT NO(S). 34-713B TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the attachment 1A we sent to you on May 5, 2014. I am returning the attachment as we need to have Lynn J Metcalf sign as Applicant #2.

The department will continue processing your application(s) once you have submitted the requested information. If you have any questions, please contact me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean Hersley', written over a horizontal line.

Jean Hersley
Technical Records Specialist II

Enclosure: Attachment 1A



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 5, 2014

LYNN J METCALF & VELMA L METCALF TRUST
LYNN J METCALF, TRUSTEE
VELMA L METCALF, TRUSTEE
3780 W 4050 N
MOORE ID 83255

**RESPONSE
DEADLINE
MAY 19, 2014**

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO
LEASE WATER RIGHT NO(S). 34-713B TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

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

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

- Attachment 1A- Please fill out and return Attachment 1A with a designated applicant. We are assuming the designated applicant is Velma L Metcalf as a IRS Form W9 was submitted in her name

The department will continue processing your application(s) once you have submitted the requested information. Water right forms are available from the Department's web site at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4944.

Sincerely,


Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Receipt #E039701