

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective January 1, 2013, between the Idaho Water Resource Board ("**Board**"), and

Lessor: JUNIPER HILLS COUNTRY CLUB INC
6600 BANNOCK HWY
POCATELLO ID 83204
(208) 233-0241

RECEIVED

MAY 14 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>
29-13827	0.30 CFS	52.5 AF	NA	15.0 AC
Combined Lease Totals:	0.30 CFS	52.5 AF	NA	15.0 AC

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

Authorized Period of Use under Lease: 04/01 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.

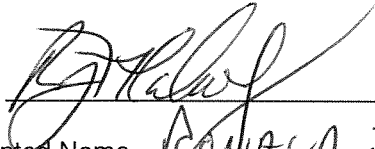
Minimum Payment Acceptable: Current Rental Rate

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.
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.

JUNIPER HILLS COUNTRY CLUB INC

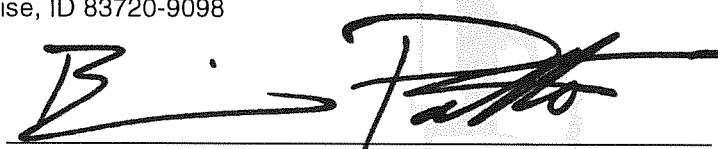
6600 BANNOCK HWY
POCATELLO ID 83204

By 
Printed Name DONALD J. MAROUL

Date 5/9/14
Title GM

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 05-14-2014

Lease approved by IDWR 

Date 05-14-2014

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: JUNIPER HILLS COUNTRY CLUB INC
6600 BANNOCK HWY
POCATELLO ID 83204
(208) 233-0241

Priority Date: 1/29/1960

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	0.30 CFS	52.5 AF
		Total:	0.30 CFS	52.5 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NWSNW Sec. 17, Twp 07S, Rge 35E, BANNOCK County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	35E	17													1.5	13.0		0.5	15.0

Total Acres: 15.0

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands.
13. The following rights are diverted through point(s) of diversion described above: 29-4433, 29-13827.



STATE OF IDAHO
WATER RESOURCE BOARD
**WATER SUPPLY BANK
REQUEST TO EXTEND LEASE TERM**

RECEIVED
DEC 23 2013
DEPARTMENT OF
WATER RESOURCES

ONE FORM PER WATER RIGHT

This form is a statement that the lessor requests an extension of a Water Supply Bank ("Bank") lease for the water right identified below. A water right remains in the Bank for the accepted lease period unless released earlier by the Water Resource Board or until the lessor submits a request in writing to the Department of Water Resources to release the right from the Bank. However, if a water right is currently rented, the portion of the right being rented must remain in the Bank for the duration of the rental agreement.

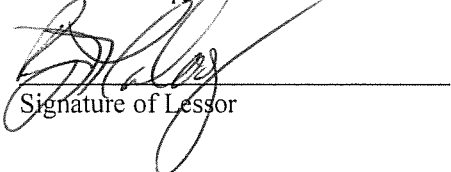
If requesting a change in lease amounts (reducing or increasing acreage, etc.), you must file an Application to Sell or Lease a Water Right to the Water Supply Bank. This form can be found on IDWR's website at: www.idwr.idaho.gov.

Water Right No: 29-13827 Telephone No: 208-233-0241
Name(s) of Lessor(s): Juniper Hills Country Club, Inc.
Mailing Address: 6600 Bannock Hwy
City: Pocatello State: ID Zip: 83204
Current Expiration Date: 12/31/13
Requested Expiration Date: 12/31/18
Lease term not to exceed 5 years.

All lease extension request forms must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled for the duration of this lease.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
3. A completed Internal Revenue Service (IRS) Form W-9 (attached). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

The lessor requests that the above water right remain in the Bank through the date referenced above.


Signature of Lessor
Ronald McBoyle, general manager
Printed Name and Title*
12/20/13
Date

Signature of Lessor

Printed Name and Title*

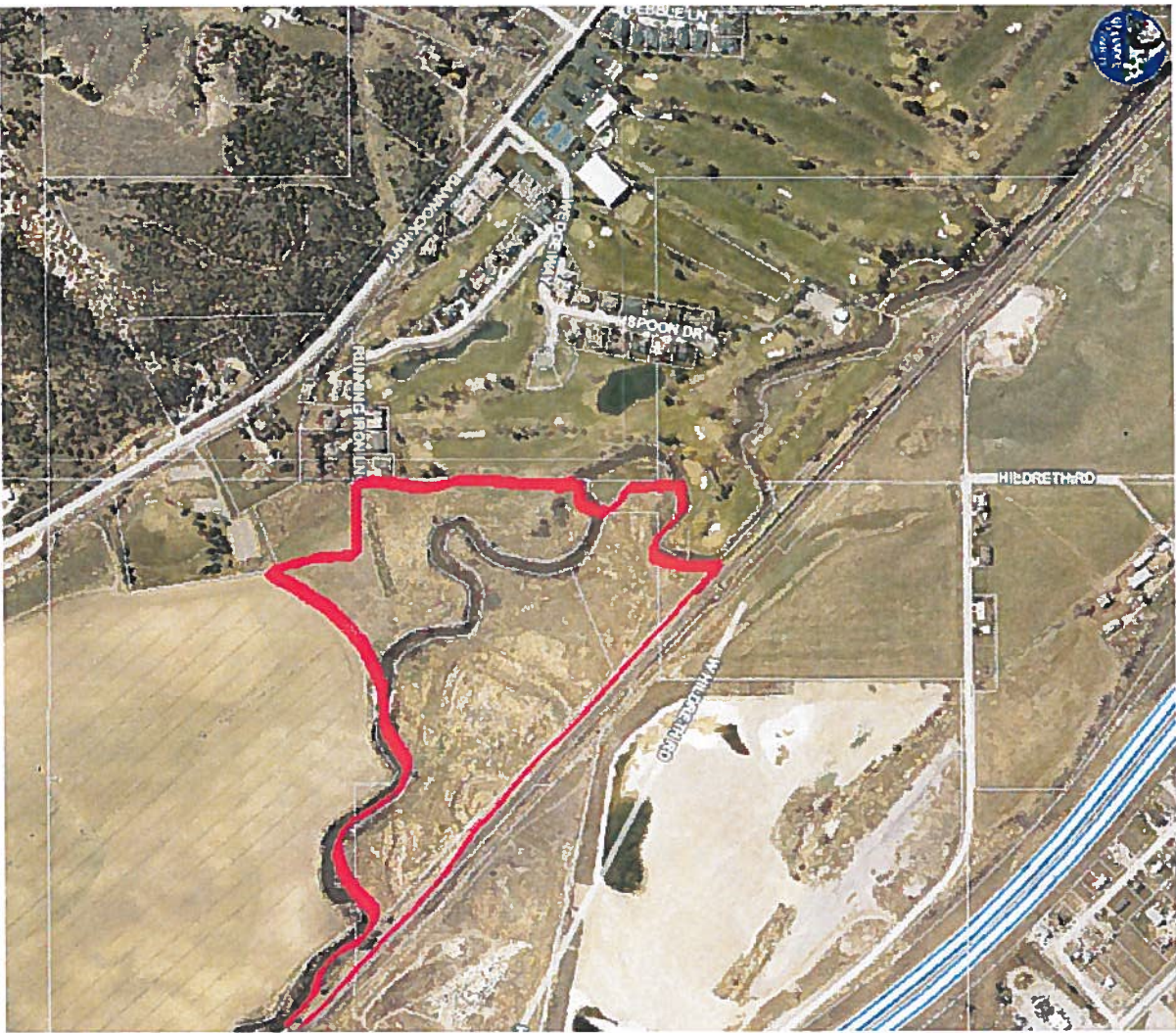
Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

FOR OFFICE USE ONLY

Filing fee received by: HP Date: 12-23-13 Receipt No: CD98100



non-irrigated in red.



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

December 12, 2014

JUNIPER HILLS COUNTRY CLUB INC
6600 BANNOCK HWY
POCATELLO ID 83204

RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 29-13827

Dear Lessor:

The Department of Water Resources is enclosing a state warrant in the amount of \$535.50 as payment to you for the rental of the above referenced water right(s) from the Water Supply Bank managed by the Idaho Water Resource Board. Payment for the rental of your water rights is represented by a single rental agreement as follows:

Receipt No.	Amount	Volume	Renter	Rate/AF
C099494	\$595.00	35 AF	Jeff Duffin	\$17.00

In accordance with Water Supply Bank rule 35.01, *IDAPA 37.02.03* return for the rental is ninety percent (90%) of the gross amount received at the rate per acre described above.

If you have questions regarding this matter, please contact me at (208) 287-4944.

Sincerely,

for Jean Hershby
Clay Webster
Water Resource Agent

Warrant Number: 127020834



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 15, 2014

JUNIPER HILLS COUNTRY CLUB INC
6600 BANNOCK HWY
POCATELLO ID 83204

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 29-13827

Dear Lessor:

Water Rights 29-13827 were leased into the Water Supply Bank on January 1, 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



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

JUNIPER HILLS COUNTRY CLUB INC
6600 BANNOCK HWY
POCATELLO ID 83204

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 29-13827 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 287-4910.

Sincerely,

Clay Webster
Technical Records Specialist

Enclosure: Proposed Lease Contracts
Receipt #C098100

MEMORANDUM

To: Water Right No(s). 29-13827
From: Clay Webster
Date: April 14, 2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: The department received the application to Extend Lease Term on this right in December 2013. It has been leased in its entirety since September 2008.

AUTHORITY TO FILE: This application was signed by Ronald Malooly. According to the Idaho Secretary of State Web Site. Ronald Malooly is not listed as an agent of Juniper Hills Country Club (Juniper Hills). I contacted the Juniper Hills Country Club and requested a letter authorizing him to sign on behalf of Juniper Hills that was received on 04-14-2014.

WATER RIGHT VALIDITY: This water right was the result of a split water right from transfer 73269 in March 2008. The original parent right was partially decreed by the SRBA on 03-22-2004. It has been leased since September 2008. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are subject to Water District # 29D.

No. C 78803	Due no later than Jun 30, 2013 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			WILLIAM J ARMSTRONG 215 NORTH 9TH STE A POCATELLO ID 83201-5278 3. <u>New</u> Registered Agent Signature:*
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).			
Office Held	Name	Street or PO Address	City State Country Postal Code
VICE PRESIDENT	KERI FOWLER	3590 WILD MOUNTAIN DRIVE	POCATELLO ID USA 83204
SECRETARY	WILLIAM J ARMSTRONG	215 N. 9TH, SUITE A	POCATELLO ID USA 83201-5278
PRESIDENT	MARK VILLANO	1910 ARLINGTON DRIVE	POCATELLO ID USA 83204-5278
DIRECTOR	DEAN SCHMITT	2940 TRAPPER COURT	POCATELLO ID USA 83201
DIRECTOR	ERNIE SUTTON	570 WEDGE WAY	POCATELLO ID USA 83204-3860
DIRECTOR	NICOLE OSBORN	4502 BEACH AVENUE	POCATELLO ID USA 83202-3860
5. Organized Under the Laws of: ID C 78803		6. Annual Report must be signed.* Signature: Kevin M. BRown Name (type or print): Kevin M. BRown Date: 04/26/2013 Title: Business Manager	
Processed 04/26/2013		* Electronically provided signatures are accepted as original signatures.	

RECEIVED

APR 14 2014

Juniper Hills Country Club

~~Department of Water Resources~~
6600 Bannock Highway
Pocatello, Idaho 83204-3845
Phone (208) 233-0241
Fax (208) 233-9886
E-mail: office@jhcc.us

April 11, 2014

To Whom It May Concern,

This letter is to affirm that Ronald J. Malooly is the general manager for Juniper Hills Country Club, Inc. and has authorization to act in behalf of the company concerning all water right issues.

Sincerely,

William J. Armstrong

William Armstrong
Secretary / Treasurer

Webster, Clay

From: Webster, Clay
Sent: Friday, April 11, 2014 12:49 PM
To: Cefalo, James
Subject: WSB Lease Extension for 29-13827
Attachments: Lease Review Memo Juniper Hills Country Club 29-13827.docx

James,

I am processing a lease extension for this entire right. Do you have any concerns? Thanks

Sincerely,

Clay Webster

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

Idaho Department of Water Resources (IDWR)
208-287-4800
www.idwr.idaho.gov