

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is effective January 1, 2014 between the Idaho Water Resource Board ("Board"), and

Lessor: GREENE TREE INC
909 E PARKHURST LANE
SANDY UT 84094
(801) 352-1780

RECEIVED

APR 07 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>
63-2532	0.08 CFS	33 AF	9.9 AC	46.0 AC
63-3609	0.92 CFS		46.0 AC	46.0 AC
63-7866	0.17 CFS	49 AF	13.9 AC	46.0 AC
Combined Lease Totals	:0.92 CFS	NA	46.0 AC	46.0 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: 04/15 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, 2014.
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.

GREENE TREE INC
909 E PARKHURST LANE
SANDY UT 84094

By 
Printed Name Sharon Davis

Date 4-5-2014
Title director-VP

IDAHO WATER RESOURCE BOARD
322 E Front St
PO Box 83720
Boise ID 83720-9098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 04-08-2014

Lease approved by IDWR 

Date 04-08-2014

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

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

Lessor: GREENE TREE INC
 909 E PARKHURST LANE
 SANDY UT 84094
 (801) 352-1780

Priority Date: 5/20/1937

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.08 CFS	33.0 AF
	Total:		0.08 CFS	33.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GREYLOCK CREEK NENW Sec. 35 Twp 06N Rge 11E ELMORE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	11E	35	1.2	0.8	12.7	1.9	0.8			16.5	10.5								44.4
06N	11E	36						1.6											1.6

Total Acres: 46.0 AC

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

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
63-2532, 63-3609, 63-7866	0.92 CFS	NA	46.0 AC	46.0 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

6. Unleased portions of rights 63-2532 and 63-7866 are limited when combined to one or more of the following in accordance with the conditions of approval on the water rights: 0.52 cfs and 26.1 acres authorized for irrigation.
7. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
8. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
9. 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.
10. 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.
11. 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.
12. 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.

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

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

Lessor: GREENE TREE INC
909 E PARKHURST LANE
SANDY UT 84094
(801) 352-1780

Priority Date: 07/24/1937

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	0.92 CFS	NA
	Total:		0.92 CFS	NA

LOCATION OF POINT(S) OF DIVERSION:

MIDDLE FORK BOISE RIVER NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.35, Twp 06N, Rge 11E, ELMORE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	11E	35	1.2	0.8	12.7	1.9	0.8			16.5	10.5								44.4
06N	11E	36						1.6											1.6

Total Acres: 46.0 AC

Limited to acres within place of use described above: NA

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
63-2532, 63-3609, 63-7866	0.92 CFS	NA	46.0 AC	46.0 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - d. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - e. 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.
 - f. 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.

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

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

Lessor: GREENE TREE INC
 909 E PARKHURST LANE
 SANDY UT 84094
 (801) 352-1780

Priority Date: 9/12/1973

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.17 CFS	49.0 AF
	Total:		0.17 CFS	49.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NE¼ Sec. 24 Twp 03N Rge 01E ADA County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	11E	35	1.2	0.8	12.7	1.9	0.8			16.5	10.5								44.4
06N	11E	36						1.6											1.6

Total Acres: 46.0 AC

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

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
63-2532, 63-3609, 63-7866	0.92 CFS	NA	46.0 AC	46.0 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

6. Unleased portions of rights 63-2532 and 63-7866 are limited when combined to one or more of the following in accordance with the conditions of approval on the water rights: 0.52 cfs and 26.1 acres authorized for irrigation.
7. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
8. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
9. 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.
10. 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.
11. 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.
12. 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.

Receipt No. 09856320981
 Fee Amount \$ 500⁰⁰
 Date/by 3/26/14 and 4/7/14
 (For Department Use Only)

STATE OF IDAHO
 WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
 TO THE WATER SUPPLY BANK

Name of Seller/Lessor Greene Tree Inc. Phone (801) 352-1780
 Mailing address 909 E. Parkhurst Lane, Sandy, UT 84094 Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, check here ☐, list the water right number, and skip to Part B.

1. Water Right Number 63-3609 Amount (cfs/ac-ft) 0.92 cfs Nature of Use Irrigation Period of Use 4/15 to 10/15
 _____ to _____
 _____ to _____
 Total Amount: 0.92 cfs

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

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06N	11E	35			NW	SE	Elmore

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	11E	35	1.2	0.8	12.7	1.9	0.8		1.6	33.5	12.9	5.1							70.5
06N	11E	36										1.6							1.6

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 46, within 72.1-acre PPU

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
 If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
2. 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 to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

- Please provide a description of the current diversion system.
Rock dam in river diverts water into ditch.
- Describe any other water rights used for the same purpose or at the same place of use as described above.
63-2532, 63-7866
- Will the present place of use continue to receive water from any source? Yes ☒ No ☐
If yes, describe. Non-idled acres will still be irrigated. Idled area to south receives some natural sub-irrigation.
- 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 right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. Water right has been leased to Water Supply Bank. This is a renewal application.
- Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes ☐ No ☒
If yes, describe.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

- Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
- 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.
- A completed [Internal Revenue Service \(IRS\) Form W-9](#). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

E. SALE/LEASE AGREEMENT

- Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?
If lease, for a period from ASAP to 12/31/2014 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)
- 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. Rental by anyone other than Atlanta Gold requires prior approval by Lessor.

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 right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

- Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
- While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
- A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
- While a right is in the bank, forfeiture provisions are stayed.
- Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Signature of Applicant

Sharon Davis, Vice President

Printed Name and Title*

Date

1-15-2014

Signature of Applicant

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

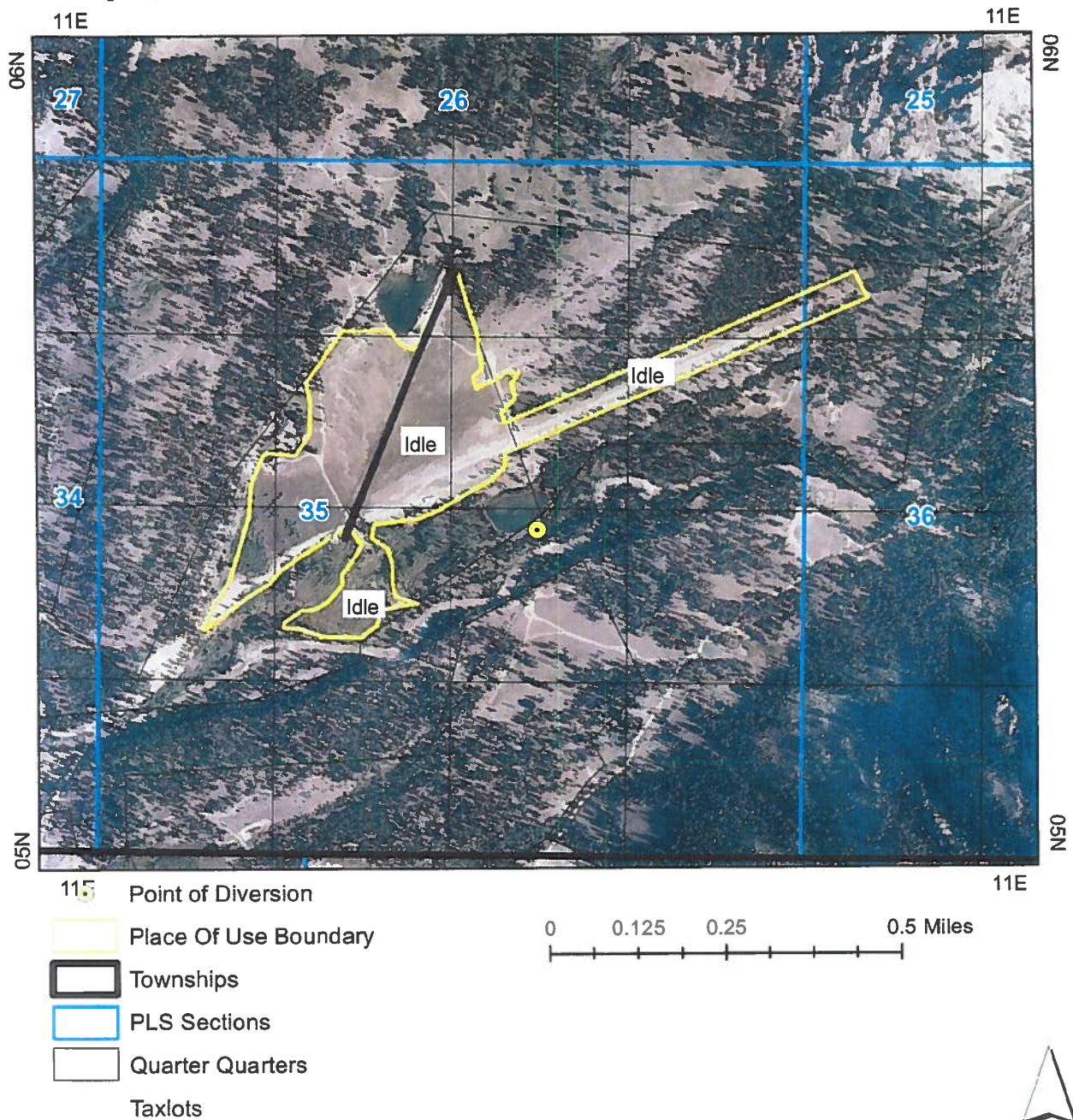
State of Idaho
Department of Water Resources

Water Right

63-3609

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



RECEIVED

DEC 05 2013

DEPARTMENT OF
WATER RESOURCES

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

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: 63-3609 Telephone No: 208-424-3343

Name(s) of Lessor(s): Atlanta Gold Corporation

Mailing Address: 2417 Bank Drive, Suite 101

City: Boise State: ID Zip: 83705

Current Expiration Date: 12/31/2013

Requested Expiration Date: 12/31/2014
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.
- HP 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.

Wm. Ernest Simmons Wm. Ernest Simmons, President & CEO 12-3-13
Signature of Lessor Printed Name and Title* Date

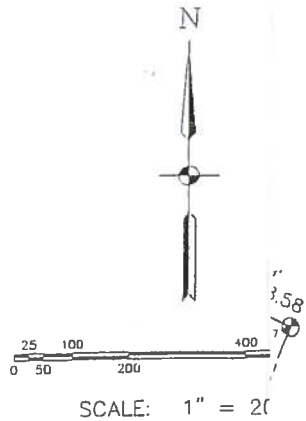
Signature of Lessor Printed Name and Title* Date

*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: 12-5-13 Receipt No: CD98037



LEGEND

- FOUND 1/2" IRON PIN
- ◼ FOUND 2 1/2" IRON PIPE
- ⊙ FOUND BRASS CAP MONUMENT
- ⊙ SET ALUMINUM CAP MONUMENT
- ⊙ SET 5/8" IRON PIN WITH CAP
- △ CALCULATED POINT
- BOUNDARY LINE
- CENTERLINE OF ROAD
- SECTION LINE
- N 90° 00' 00" E 100.00' RECORD DATA
- W.C. WITNESS CORNER
- 7 MONUMENT CORNER NUMBER

MASON CHAPMAN
PLACER
MINING CLAIM

OF LAND SURVEYOR

I DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY OF THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF IDAHO PERTAINING TO PLATS AND SURVEYS, INCLUDING TITLE 55, CHAPTER 16, CONCERNING RECORDING AND FILING.



LICENSE NO. 4431

ORDER'S CERTIFICATE

ATLANTA
TOWNSITE
SUB. NO. 1

793.2'
193.03
N 41°21'3"
N 41°24'
46.8'
46.73'
N 87°28'08" E
N 87°37' E

200.5'
201.79'
N 01°21'32" W
N 01°09' W

143.0'
143.16'
S 87°15'50" W
S 87°54' W

COUNTY OF ELMORE, SS.

AT THE REQUEST OF

O'CLOCK M. THIS DAY OF 20

DEPUTY

RECORDING INDEX NUMBER: 5111-02,03

IDAHO
SURVEY
GROUP, P.C.

1450 E. WATERTOWER ST.
SUITE 150
MERIDIAN, IDAHO 83642
(208) 846-8570



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 8, 2014

GREEN TREE INC
909 E PARKHURST LANE
SANDY UT 84094

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 63-02532, 63-03609 & 63-07866

Dear Lessor:

Water Rights 63-02532, 63-03609 and 63-07866 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, 2014**, 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 287-4918.

Sincerely,

Remington Buyer
Water Supply Bank Coordinator

Enclosures: Executed Lease Contract
Receipt #s C098563 and C098627

c: Dyllan Lawrence – Moffatt Thomas
John Westra – IDWR Western Regional Manager
Rex Barrie – Water District 63



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 8, 2014

ATLANTA GOLD CORPORATION
2417 BANK DR STE 101
BOISE ID 83705-2572

**RE: REFUND OF RECEIPT C098037 FOR WATER SUPPLY BANK LEASE CONTRACT FOR
RIGHTS 63-02532**

Dear Applicant:

I have requested a refund of your \$250.00 application fee for the lease of water right 63-02532. This fee will be returned to you under separate cover from the State Controller's Office. This lease was not processed through your application. The lease was processed through an application received from the current water right owner, Green Tree Inc.

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

Sincerely,

Clay Webster
Technical Records Specialist

Webster, Clay

From: Webster, Clay
Sent: Tuesday, April 08, 2014 10:49 AM
To: Marston, Sascha
Subject: Receipt Refund for C098037

Sascha,

Please refund this receipt for \$250.00 to:

ATLANTA GOLD CORPORATION
2417 BANK DR STE 101
BOISE ID 83705-2572

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

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello

Richard C. Fields
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John C. Ward
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Bradley J. Williams
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Michael O. Roe
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Mindy M. Willman
Jetta Hatch Mathews
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Norman M. Semanko, *of counsel*
Terri L. Ackerman, *of counsel*

Willis C. Moffatt, 1907-1980
Eugene C. Thomas, 1931-2010
John W. Barrett, 1931-2011
Kirk R. Helvie, 1956-2003

Mailing Address
PO Box 829
Boise ID 83701-0829

Physical Address
US Bank Plaza
101 S Capitol Blvd 10th Fl
Boise ID 83702-7710

208 345 2000
800 422 2889
208 385 5384 Fax
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March 25, 2014

RECEIVED

MAR 26 2014

DEPARTMENT OF
WATER RESOURCES

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720

Re: Greene Tree Inc.

Water Supply Bank Lease Contract for Water Right Nos. 63-02532, 63-03609, and 63-07866

MTBR&F File No. 19344.0002

Dear Remington:

Please find enclosed a check in the amount of \$250.00 for the above referenced contract. The second original executed contract will be provided to you upon my receipt it.

Thank you for your attention.

Sincerely,



Scott L. Campbell

SLC/dll
Enclosure

cc: Sharon Davis
Clark Oborn

Moffatt Thomas

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MAR 25 2014

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March 25, 2014
via Hand Delivery

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720

Re: Greene Tree Inc.
Water Supply Bank Lease Contract for Water Right Nos. 63-02532, 63-03609, and 63-07866
MTBR&F File No. 19344.0002

Dear Remington:

I have enclosed a fully executed agreement for Green Tree, Inc., as you requested in your prior correspondence.

Please direct any future communications concerning this matter to me for the clients' benefit.

Sincerely,


Scott L. Campbell

SLC/dll

Enclosure

cc: Sharon Davis
Clark Oborn



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Tuesday, March 11, 2014

Green Tree INC
909 E PARKHURST LN
SANDY UT 84094

RE: Water Supply Bank Lease Contract for Water Right 63-3609

Dear Lessor,

The Idaho Department of Water Resources has completed its review of your application to lease water right 63-3609 into the Water Supply Bank. Signed Lease Contracts were received by the Department March 5, 2014. In preparing to finalize the Lease Contract, it was noticed that the full area authorized for irrigation under 63-3609 overlaps with water rights 63-2532 and 63-7866. Specifically, 9.9 acres of water right 63-2532 and 13.9 acres of water right 63-7866 overlap with the area proposed to be idled by placing water right 63-3609 into the Water Supply Bank.

In order to accept the full 46 acres of water right 63-3609 into the Water Supply Bank, the overlapping portions of water rights 63-2532 and 63-7866 need to be brought into the Water Supply Bank as well. For your convenience, I have drafted a Lease Contract for all three water rights, addressing the acre and volume limits for all areas, including the overlaps. Please sign both the enclosed contracts and return them to our office with the additional filing of \$250 to cover the two additional water rights. Once we have the filing fee and the signed contracts, the full 46 acres for water right 63-3609, as well as the corresponding overlapping areas for 63-2532 and 63-7866 will be accepted into the Bank.

Please contact me if you have questions regarding this matter,

Remington Buyer
Water Supply Bank Coordinator

Enclosed: Lease Contract for Water Rights 63-2532, 63-3609 and 63-7866

CC: Dyllan Lawrence – Moffatt Law

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

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

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

72.1 Total Acres

-46.0 Leased acres

26.1 Remaining Irrigated acres under unleased portions of 63-2532 & 63-7866

Lease proposes to place all of 63-3609 into the bank with a proportional share of the overlapping acres of the other two rights.

Other two rights primarily serve the northwest side of the parcel near the creek sources & partially overlap the the proposed lease acres.

Overall combined right diversion rate of 1.44 cfs for 72.1 acres = 0.92 cfs for 46.0 leased acres & 0.52 cfs for 26.1 unleased acres under Rights 63-2532 & 63-7866..



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Thursday, February 20, 2014

Green Tree INC
909 E PARKHURST LN
SANDY UT 84094

RE: APPLICATION TO LEASE WATER RIGHT 63-3609 TO THE WATER SUPPLY BANK

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

Sir,

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, 2014**, unless the rights are released earlier by the Board. 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."

Please contact me at 208-287-4918 if you have questions regarding this matter,

Remington Buyer
Water Supply Bank Coordinator

Enclosed: Two Water Supply Bank Lease Contracts,
CC: John Westra – IDWR Western Region,
Dyllan Lawrence – Moffatt Law

MEMORANDUM

From: Remington Buyer

Date: February 10, 2014

Re: Review of Application to Lease Water Right 63-3609 to the State Water Supply Bank

PURPOSE/NARRATIVE: Greene Tree Inc, owner of property to which water right 63-3609 is appurtenant, is seeking to renew their Water Supply Bank lease contract which expired at the end of 2013. A Request to Extend Lease Term was received by IDWR on December 5, 2013. There has been a contract in place between Greene Tree INC and Atlanta Gold to sublease the property to which this water right is appurtenant. Atlanta Gold has not submitted a Water Supply Bank rental application in conjunction with this water right.

AUTHORITY TO FILE: Atlanta Gold initially filed this extension request however IDWR has obtained a lease contract renewal form from Greene Tree INC.

WATER RIGHT VALIDITY: The water right has been in the Bank since 2007. This water right shares the same place of use as water rights 63-2532 and 63-7866. Though satellite imagery shows there has been some irrigation within the authorized place of use, this may be attributed to water rights 2532 and 7866.

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 water right is within Water District #63. Watermaster comments have been sought, along with comments from Western Region staff.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

JAN 16 2014

DEPARTMENT OF
WATER RESOURCES

Boise
Idaho Falls
Pocatello

Mailing Address
PO Box 829
Boise ID 83701-0829

Physical Address
US Bank Plaza
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January 16, 2014
via Hand Delivery

Richard C. Fields	Michael O. Roe	Matthew J. McGee
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John C. Ward	James L. Martin	Jetta Hatch Mathews
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Lee Radford	Benjamin C. Ritchie	

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID 83720

Re: Water Supply Bank Lease Extension for Water Right 63-3609 (Greene Tree Inc.)
MTBR&F File No. 19344.0002

Dear Remington:

Thank you for all of your time and input over the past several days regarding the above-referenced matter. Based upon those discussions, I am enclosing with this letter an original Application to Sell or Lease a Water Right to the Water Supply Bank form, signed by Greene Tree as the water right owner. During our discussions, you indicated that having Greene Tree complete and submit this form would be sufficient to extend the Water Supply Bank lease through 2014, in light of the fact that the private lease between Greene Tree and Atlanta Gold is currently set to expire at the end of June 2014.

As you requested, I am also enclosing a map depicting the acres to be idled and a completed W-9 form. Regarding the map, as you can see, there is a black line drawn primarily through the SENW of Section 35. Everything to the east of that line, including the meadow in the NESW of Section 35, would be idled. As you know, Atlanta Gold has already paid the \$250 fee, which you acknowledged as sufficient. Therefore, I have not enclosed a fee payment.

Please process these materials at your earliest convenience. If you have any questions or need any additional information from Greene Tree, please do not hesitate to contact me.

Thank you for your attention to this matter.

Very truly yours,


Dylan B. Lawrence

Remington Buyer
January 15, 2014
Page 2

DBL/kam
Enclosures

cc: Sharon Davis (*via E-mail*)
Clark Oborn (*via E-mail*)
Becky Shull, Atlanta Gold Corporation (*via Facsimile*)