

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED
MAR 17 2014
DEPARTMENT OF
WATER RESOURCES

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

Lessor: TRAIL CREEK MEADOWS RANCH
945 RIO PINAR LANE
EAGLE ID 83616
(208) 344-7300

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>
63-2414	1.20 CFS	NA	NA	60.0 AC
63-5047B	2.98 CFS	NA	NA	117.5 AC
	3.92 CFS			164.5 AC
63-5034	2.43 CFS	NA	NA	82.2 AC
Combined Lease Totals:	6.35 CFS	NA	NA	246.7 AC

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

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

Minimum Payment Acceptable: Current Rental Rate

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

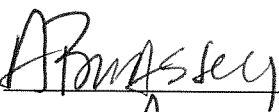
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

TRAIL CREEK MEADOWS RANCH

945 RIO PINAR LANE

EAGLE ID 83616

By 
Printed Name ANDREW C. BRASSEY

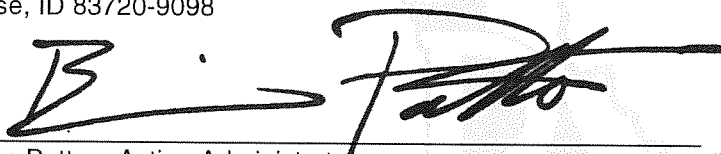
Date MARCH 16, 2014
Title MANAGING PARTNER

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 03-19-2014

Lease approved by IDWR 

Date 03-19-2014

ATTACHMENT A
WATER RIGHT NO. 63-2414
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: TRAIL CREEK MEADOWS RANCH
 945 RIO PINAR LANE
 EAGLE ID 83616
 (208)344-7300

Priority Date: 07/17/1928

Source
 TRAIL CREEK

Tributary
 GRANITE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	10/31	1.200 CFS
	<u>Total Diversion</u>		1.200 CFS

Source and Point(s) of Diversion

TRAIL CREEK SESE Sec. 28, Twp 07N, Rge 04E, BOISE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

IRRIGATION within BOISE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	04E	27											20.0	15.0			25.0		60.0

Total Acres: 60.0

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>
63-2414 and 63-5047B	3.92 CFS	NA	NA	164.5 AC
63-2414, 63-5034 and 63-5047B	6.35 CFS	NA	NA	246.7 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. This right when combined with Right No. 63-5047B shall provide no more than .02 cfs per acre.
13. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

ATTACHMENT A
WATER RIGHT NO. 63-5034
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: TRAIL CREEK MEADOWS RANCH
 945 RIO PINAR LANE
 EAGLE ID 83616
 (208)344-7300

Priority Date: 01/01/1863

Source
 UNNAMED STREAM

Tributary
 TRAIL CREEK

Beneficial Use	From	To	Diversion Rate
IRRIGATION	04/01	10/31	2.430 CFS
STOCKWATER	01/01	12/31	0.070 CFS
Total Diversion			2.430 CFS

Source and Point(s) of Diversion

UNNAMED STREAM SENWNW Sec. 34, Twp 07N, Rge 04E, BOISE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	04E	26											X						
07N	04E	34	X	X	X		X	X		X									
07N	04E	35						X											

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

07N	04E	26											1.7						1.7
07N	04E	34	27.0	17.0	4.0		16.0	2.0		2.5									68.5
07N	04E	35						12.0											12.0

Total Acres: 82.2

Combined Rights	Lease Rate	Lease Volume	Acre Limit	Total Leased Acres
63-2414, 63-5034 and 63-5047B	6.35 CFS	NA	NA	246.7 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.

3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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.
13. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
14. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
15. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

ATTACHMENT A
WATER RIGHT NO. 63-5047B
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: TRAIL CREEK MEADOWS RANCH
 945 RIO PINAR LANE
 EAGLE ID 83616
 (208)344-7300

Priority Date: 01/01/1863

Source
 TRAIL CREEK

Tributary
 CLEAR CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	2.98 CFS
STOCKWATER	01/01	to 12/31	0.07 CFS
Total:			2.98 CFS

Source and Point(s) of Diversion

TRAIL CREEK SESESW Sec. 27, Twp 07N, Rge 04E, BOISE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	04E	26											X						
07N	04E	27												X			X	X	
07N	04E	34		X			X												

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	04E	26											32.0						32.0
07N	04E	27												12.0			35.0	34.0	81.0
07N	04E	34		1.5			3.0												4.5

Total Acres: 117.5

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
63-2414 and 63-5047B	3.92 CFS	NA	NA	164.5 AC
63-2414, 63-5034 and 63-5047B	6.35 CFS	NA	NA	246.7 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.

3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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.
13. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
14. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
15. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

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

ONE FORM PER WATER RIGHT

RECEIVED
JAN 31 2014
DEPARTMENT OF
WATER RESOURCES

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: 63-5047B
63-2414, 63-5034 Telephone No: 208-344-7300
Name(s) of Lessor(s): TRAIL CREEK MEADOWS TRANCH
Mailing Address: 945 TRIO PINAR LANE
City: EAGLE State: IDAHO Zip: 83616
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] ANDREW C. BRASSEY-PARKER 1/31/14
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: CJ Date: 2-4-2014 Receipt No: C098275



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 19, 2014

TRAIL CREEK MEADOWS RANCH
C/O ANDREW BRASSEY
945 RIO PINAR LANE
EAGLE ID 83616

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 63-02414, 63-05047B & 63-05034

Dear Lessor:

Water Rights 63-02414, 63-05047B and 63-05043 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: John Westra – IDWR Western Regional Manager
Rex Barrie – Water District # 63

LAW OFFICE
BRASSEY, CRAWFORD & HOWELL, L.L.P.
203 W. MAIN STREET
POST OFFICE BOX 1009
BOISE, IDAHO 83701

TELEPHONE
(208) 344-7300
FACSIMILE
(208) 344-7077
E-MAIL
acb@brassey.net

ANDREW C. BRASSEY

March 17, 2014

RECEIVED
MAR 17 2014
DEPARTMENT OF
WATER RESOURCES

Clay Webster
Technical Records Specialist
State of Idaho
Idaho Department of Water Resources
322 East Front Street
Boise, ID

Re: Applications to Lease Water Rights: 63-2414, 63-5034, 63-5047B

Dear Mr. Webster:

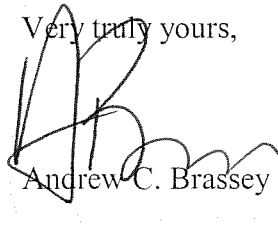
Enclosed please find the following:

1. 2 original Water Supply Bank Lease Contracts which I have executed; and
2. A revised W-9 for Trail Creek Meadows Ranch

After we spoke on the telephone I determined the proper Employer Identification Number which I have now included on the W-9. I confirmed it with the State Controller's Office so with any luck at all this will work.

I appreciate your help. Please let me know if you need any additional information from me. As I understand it, once the contract has been fully executed you will provide me with a copy.

Very truly yours,



Andrew C. Brassey

ACB:tns
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 11, 2014

TRAIL CREEK MEADOWS RANCH
C/O ANDREW BRASSEY
945 RIO PINAR LN
EAGLE ID 83616

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 63-2414, 63-5034 AND 63-5047B 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. I have also enclosed the W-9 for correction. The state controller's office cannot accept it because the Employer Identification Number (EIN) does not match the Name on the form. Please correct it and return it with the contracts.

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
W-9 for correction
Receipt # C098275



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

February 27, 2014

REX BARRIE
PO BOX 767
STAR ID 83669

RE: Water Supply Bank Lease Applications Water Right No(s). 63-2414, 63-5034 AND 63-5047B

Dear Watermaster:

The Idaho Department of Water Resources received a request to extend lease term for this right to the Water Supply Bank from Trail Creek Meadows Ranch. They have requested this right in their entirety to be leased to the Bank until December 31, 2018.

Please let us know if you have any objections or concerns regarding this application within 10 days. Review can be completed as soon as your response is received. Prompt response to this request is appreciated so your recommendation can be considered during the review process. I have enclosed a recommendation form for your convenience.

If after 10 days from the date of this letter the department has not received your written recommendation, IDWR will presume you do not oppose approval of the application and you have no comments for the department to consider.

If you have any questions about this application, please contact this office or the applicant.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clay Webster', with a horizontal line extending to the right.

Clay Webster
Technical Records Specialist

Enclosure

Webster, Clay

From: Lester, Steve
Sent: Wednesday, February 26, 2014 3:05 PM
To: Webster, Clay
Subject: RE: Lease Extensions for Trail Creek Meadows Ranch

Clay:

Don't see any problem with renewing since previously accepted into bank.

As an editorial, wonder about viability of rentals: 1 right with 1928 priority, pretty much worthless in water district #63 (now expanded throughout entire drainage) when watermaster is curtailing rights; and, despite 1863! priorities in other 2 rights, availability for water supply for Trail Ck system since not a very big drainage, imagine that affects ability to rent it from a better source.

Don't need a reply, just thinking out loud.

Steve

From: Webster, Clay
Sent: Wednesday, February 26, 2014 12:57 PM
To: Lester, Steve
Subject: Lease Extensions for Trail Creek Meadows Ranch

Steve,

I am currently processing the lease extensions for 63-2414, 63-5034 and 63-5047B. Do you have any concerns/comments on these? 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

MEMORANDUM

To: Water Right No(s). 63-2414, 63-5034 and 63-5047B
From: Clay Webster through Pam Skaggs
Date: February 13, 2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: The department received the Requests to Extend Lease Terms on January 31, 2014 and the application fee was received February 4, 2014. One of these rights is for irrigation only the other two are for irrigation and stockwater.

There are 13 overlapping acres between 63-2414 and 63-5047B. Therefore, the diversion rate and number of acres are not additive on the approval. When you add the authorized acres under both rights and subtract the 13 acres of overlap, you arrive at the authorized irrigation acreage. Right 63-5047B is limited to 0.02 cfs/acre on the 13 overlapping acres providing no additional rate for these acres. The remaining 47 acres receive the authorized 0.02 cfs/acre or 0.94 cfs. The two rights when combined are limited to a diversion rate of 3.92 cfs for irrigation of a total of 164.5 acres. This review resulted in a minor adjustment to the leased rate.

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
63-2414	1.20 CFS	NA	NA	60.0 AC
63-5047B	2.98 CFS	NA	NA	117.5 AC
	3.92 CFS		(13 AC Overlap)	164.5 AC
63-5034	2.43 CFS	NA	NA	82.2 AC
Combined Lease Totals:	6.35 CFS	NA	NA	246.7 AC

AUTHORITY TO FILE: These applications were signed by Andrew Brassey. He is listed as a partner in Trail Creek Ranch Meadows on the Secretary of State web site.

WATER RIGHT VALIDITY: These rights were partially decreed in February 2009 and May 2004. These rights have been in the water supply bank since April 2009. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: There are three separate domestic ground water rights in this place of use. No injury is apparent.

ENLARGEMENT OF USE: Satellite imagery was used to ensure the POU was not irrigated while it has been leased to the Bank. No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are subject to Water District # 63. Comments were requested from the watermaster via letter dated 2/27/2014. No response was received indicating no concerns.

RECEIVED
FEB 03 2014
DEPARTMENT OF
WATER RESOURCES

LAW OFFICE
BRASSEY, CRAWFORD & HOWELL, L.L.P.
203 W. MAIN STREET
POST OFFICE BOX 1009
BOISE, IDAHO 83701

TELEPHONE
(208) 344-7300
FACSIMILE
(208) 344-7077
E-MAIL
acb@brassey.net

ANDREW C. BRASSEY

February 3, 2014

VIA: HAND DELIVERY

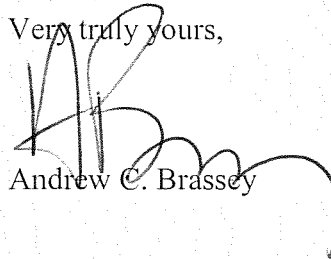
Idaho Department of Water Resources
322 East Front Street
Boise, ID

Re: Request to Extend Lease Term for Water Rights: 63-2414, 63-5034, 63-5047B

Gentlemen:

Enclosed is Trail Creek Meadow's Ranch's check in the amount of \$500 which I understand is required to process our lease extension request for 63-2414, 63-5034 & 63-5047B.

Very truly yours,



Andrew C. Brassey

ACB:tns
Enclosure