

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED
FEB 11 2014
DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("**Lease**") is effective December 5, 2013, between the Idaho Water Resource Board ("**Board**"), and

Lessor: WOOD RIVER LAND TRUST CO
119 E BULLION ST
HAILEY, ID 83333
(208)788-3947
cstoesz@woodriverlandtrust.org

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>
37-2386	0.40 CFS	--	20 AC	20.0 AC
37-2505	0.80 CFS	140 AF	40 AC	40.0 AC
	0.80 CFS	140 AF	40 AC	40.0 AC
37-2546B	0.66 CFS	115.5AF	33 AC	33.0 AC
Combined Lease Totals:	1.46 CFS	255.5 AF	73 AC	73 AC

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

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

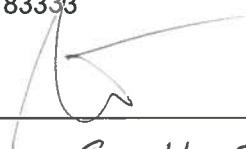
3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 5, 2018.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached 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.

WOOD RIVER LAND TRUST CO

119 E BULLION ST
HAILEY, ID 83333

By  _____

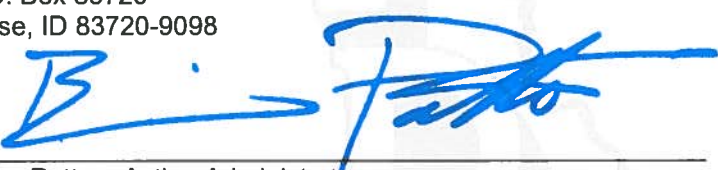
Date 2-10-14

Printed Name Scott Boettger

Title Executive Director

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 2/11/2014

Lease approved by IDWR  _____

Date 2/11/2014

ATTACHMENT A
WATER RIGHT NO. 37-2386
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: **WOOD RIVER LAND TRUST CO**
 119 E BULLION ST
 HAILEY, ID 83333
 (208)788-3947

Priority Date: 5/27/1919

Source
 UNNAMED STREAM

Tributary
 WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	10/31	0.400 CFS
	<u>Total Diversion</u>		0.400 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NWNENE Sec. 13, Twp 01S, Rge 18E, BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION within BLAINE 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	
01S	18E	13			30.0										2.0	38.0			70.0

Right Acre Limit: 20.0

POU Total Acres: 70.0

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. All of leased right 37-2386 and the portion of right 37-2505 described above when combined shall not exceed the irrigation of 40 acres and 140.0 af at the field headgate.
13. This right authorizes and is limited to the irrigation of 20 total acres within the place of use described in any one irrigation season.
14. Rights 37-2386 and 37-2505 when combined shall provide no more than .02 cfs per acre.
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. 37.

Attachment A

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.
12. All of leased right 37-2386 and the portion of right 37-2505 described above when combined shall not exceed the irrigation of 40 acres and 140.0 af at the field headgate.
13. Rights 37-2386 and 37-2505 when combined shall provide no more than .02 cfs per acre.
14. 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. 37.

Lessor: WOOD RIVER LAND TRUST CO
119 E BULLION ST
HAILEY, ID 83333
(208)788-3947

Source
GROUNDWATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/05	11/01	0.660 CFS	115.5 AF
	Total Diversion		0.660 CFS	115.5 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NENESE Sec. 13, Twp 01S, Rge 18E, BLAINE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	18E	13													26			7.0	33.0

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:
 - g. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - h. 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.
 - i. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of 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. 37.



RECEIVED

DEC 12 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDReceipt No. 1098062
Fee Amount \$ 500.00
Date/by 12-12-13 RP
(For Department Use Only)APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor Wood River Land Trust Co. Phone 208-788-3947
Mailing address 119 E. Bullion Street, Hailey, ID 83333 Email cstoesz@woodriverlandtrust.org

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. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-2386</u>	<u>0.4cfs</u>	<u>Irrigation</u>	<u>04/15</u> to <u>10/31</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
Total Amount: <u>0.4cfs</u>			

2. Source of water Unnamed Stream tributary to Willow Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County
01S	18E	13					Blaine

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18W	13			30										2	38			70

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 20.0

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

1. Please provide a description of the current diversion system.

~~Water has been historically delivered to property through an irrigation ditch~~

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

~~Rights 37-2386 and 37-2505 are combined and have same place of use~~

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

Yes ☒ No ☐

If yes, describe. 30 acres within place of use will continue to be irrigated by a portion of 37-2505

4. 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. Fifth Judicial District in County of Twin Falls issued partial decree for this right on June 4, 2009, so there has been no cause for forfeiture.

5. 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. It has been proposed that non-use of 37-2386 could be used as mitigation for continued use of 23-2505 in the case of possible future curtailment. A letter stating this has been submitted to IDWR.

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 (attached). 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

1. 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 12/5/2013 to 12/5/2013 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental" 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 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

Scott Boettger - Executive Director

Printed Name and Title*

12/3/13

Date

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

ERROR ON LEASE

● Lease Point of Diversion

▭ Lease Place of Use

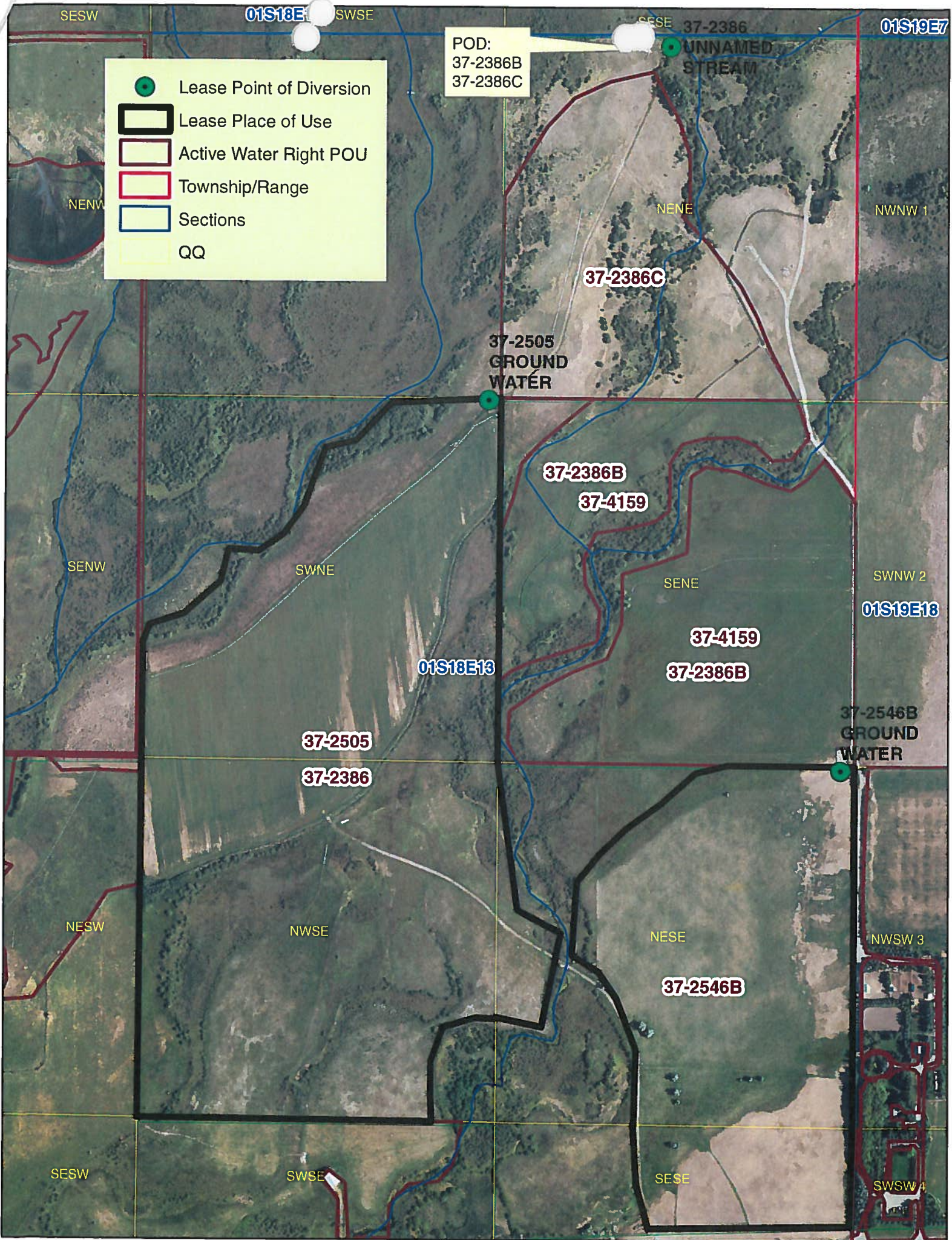
▭ Active Water Right POU

▭ Township/Range

▭ Sections

▭ QQ

POD:
37-2386B
37-2386C



RECEIVED

DEC 12 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDReceipt No. C098062Fee Amount \$ 500.00Date/by 12-12-13 HP

(For Department Use Only)

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor Wood River Land Trust Co. Phone 208-788-3947Mailing address 119 E. Bullion Street, Hailey, ID 83333 Email cstoesz@woodriverlandtrust.org

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. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-2505</u>	<u>1.4cfs</u>	<u>Irrigation</u>	<u>04/15</u> to <u>10/31</u>
			to
			to

Total Amount: 1.4cfs2. Source of water Groundwater tributary to

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
01S	18E	13					Blaine

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	
01S	18W	13			30										2	38			70

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 40.0

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

1. Please provide a description of the current diversion system.

~~Artesian well with measuring device delivered through irrigation ditch and gated pipe~~

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

~~Rights 37-2386 and 37-2505 are combined and have same place of use~~

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

Yes ☒ No ☐If yes, describe. 30 acres within place of use will continue to be irrigated by remaining portion of 37-2505

4. 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. Fifth Judicial District in County of Twin Falls issued partial decree for this right on June 4, 2009, so there has not been cause for forfeiture.

5. 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. It has been proposed that non-use of 37-2386 could be used as mitigation for continued use of 23-2505 in the case of possible future curtailment. A letter stating this has been submitted to IDWR.**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.
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E. SALE/LEASE AGREEMENT

1. 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 12/5/2013 to 12/5/2013 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. 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 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

Scott Boettger - Executive Director

Printed Name and Title*

12/3/13

Date

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-02505

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 4 2009

Clerk

Duty Clerk

NAME AND ADDRESS: WOOD RIVER LAND TRUST CO
119 E BULLION ST
HAILEY, ID 83333

SOURCE: GROUND WATER

QUANTITY: 1.40 CFS
245.00 AFY

Rights 37-2505 and 37-2386 when combined shall not exceed
irrigation of 70 acres.
Rights 37-2386 and 37-2505 when combined shall provide no more
than .02 cfs per acre.

PRIORITY DATE: 06/09/1949

POINT OF DIVERSION: T01S R18E S13 NESWNE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.40 CFS 245.00 AFY

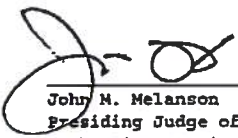
PLACE OF USE:	Irrigation	Within Blaine County
	T01S R18E S13	SWNE 30.0 NWSE 38.0
	70.0 Acres Total	NESE 2.0

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

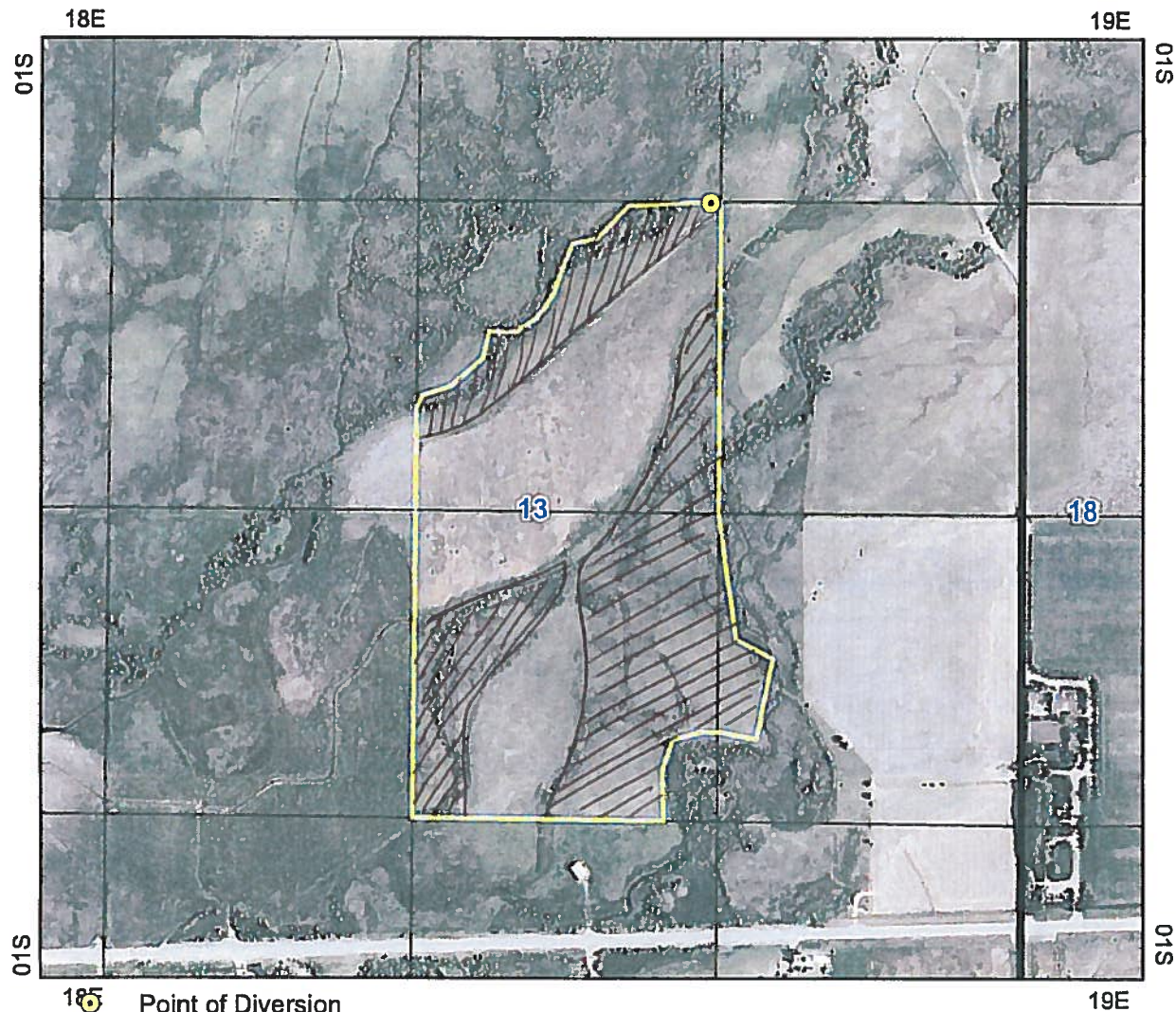

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

Water Right
37-2505

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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.075 0.15 0.3 Miles

 = acres into bank



RECEIVED
DEC 12 2013
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Receipt No. 1098062
 Fee Amount \$ 500.00
 Date/by 12-12-13 JP
 (For Department Use Only)

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

Name of Seller/Lessor Wood River Land Trust Co. Phone 208-788-3947
 Mailing address 119 E. Bullion Street, Hailey, ID 83333 Email cstoesz@woodriverlandtrust.org

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 37-2546B Amount (cfs/ac-ft) Nature of Use Period of Use
 _____ to _____
 _____ to _____
 _____ to _____
 Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** _____

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

1. Please provide a description of the current diversion system.

~~Artesian well with a measuring device through an irrigation ditch~~

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

~~None~~

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

Yes ☐ No ☒

If yes, describe.

4. 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.

5. 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:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
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.

E. SALE/LEASE AGREEMENT

1. 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 12/5/2013 to 12/5/2018 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

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

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. 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.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. 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

Scott Boettger

Printed Name and Title*

12/2/13

Date

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-02546B

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 4 2009

NAME AND ADDRESS: WOOD RIVER LAND TRUST CO
119 E BULLION ST
HAILEY, ID 83333

SOURCE: GROUND WATER

QUANTITY: 0.66 CFS
115.50 AFY

PRIORITY DATE: 09/28/1953

POINT OF DIVERSION: T01S R18E S13 NENESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.66 CFS 115.50 AFY

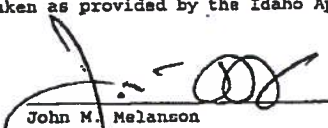
PLACE OF USE:	Irrigation		Within Blaine County
	T01S R18E S13	NESE 26.0	SESE 7.0
	33.0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

Adjudication Recommendation 37-2546B

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.



- 185 Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.05 0.1 0.2 Miles

 = acres into bank





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 12, 2014

WOOD RIVER LAND TRUST CO
119 E BULLION ST
HAILEY ID 83333

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 37-2386 and 37-2505

Dear Lessor:

Water Rights 37-2386 and 37-2505 were leased into the Water Supply Bank on December 5, 2013 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 5, 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 287-4879.

Sincerely,

for Chay Webster
Sandra Thiel

Water Resource Planner

Enclosure: Executed Lease Contract

c: Allen Merritt- IDWR Southern 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

January 27, 2014

WOOD RIVER LAND TRUST CO
119 E BULLION ST
HAILEY ID 83333

**RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-2386, 37-2505 AND 37-2546B 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 5, 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."

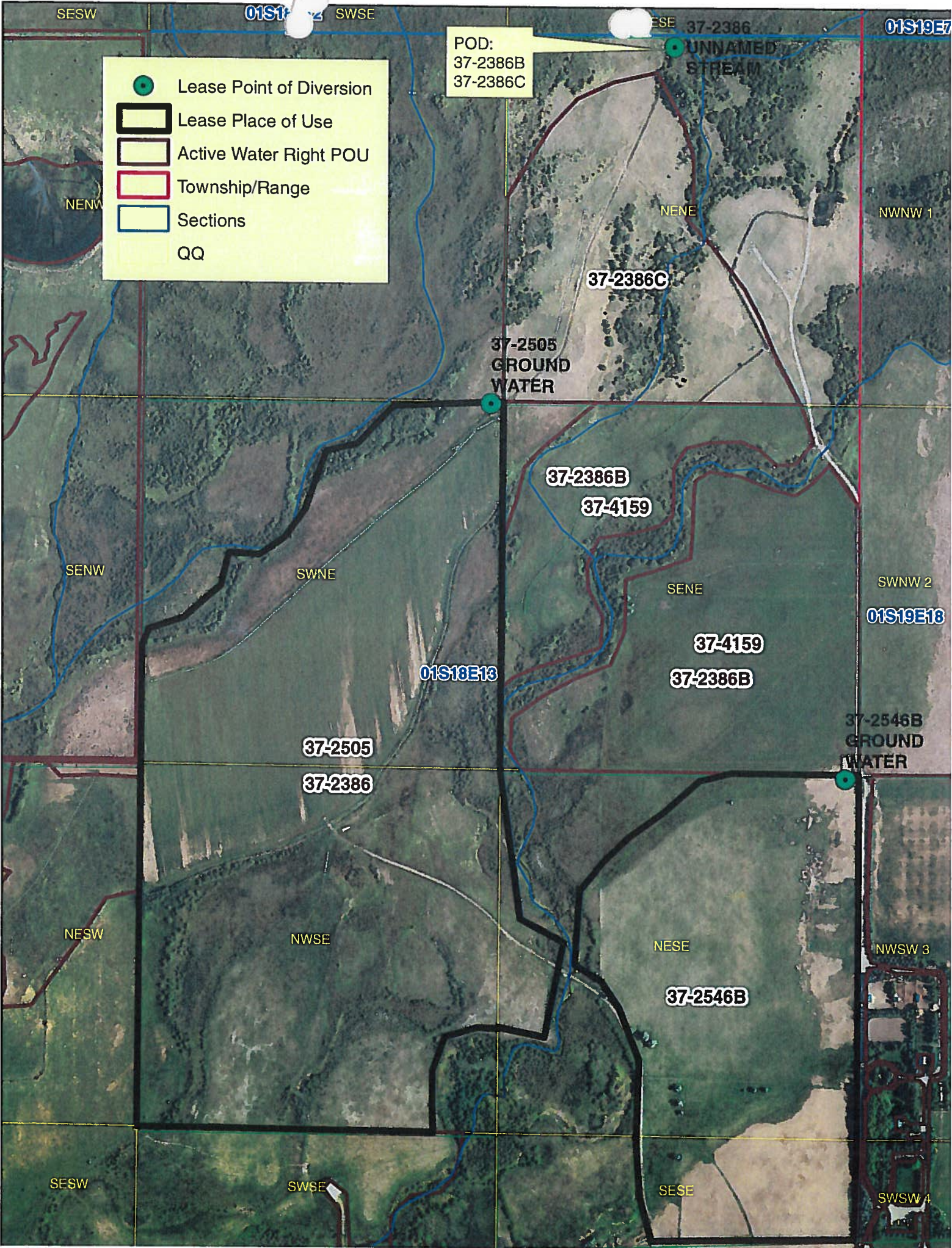
If you have questions regarding this matter, please contact me at 287-4879.

Sincerely,

for Clay Webster
Sandra Thiel

Water Resource Planner

Enclosure: Proposed Lease Contracts



● Lease Point of Diversion

▭ Lease Place of Use

▭ Active Water Right POU

▭ Township/Range

▭ Sections

▭ QQ

POD:
37-2386B
37-2386C

37-2386
UNNAMED
STREAM

37-2386C

37-2505
GROUND
WATER

37-2386B

37-4159

37-4159

37-2386B

37-2505

37-2386

37-2546B
GROUND
WATER

37-2546B

MEMORANDUM

To: Water Right Nos. 37-2386, 37-2505 and 37-2546B
From: Sandy Thiel
Date: January 20, 2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: Scott Boettger, executive director of the Wood River Land Trust Co., submitted three lease applications. According to the applications all of rights 37-2386 and 37-2546B will be placed into the bank. Forty acres of the 70 acres under right 37-2505 will be put into the bank.

AUTHORITY TO FILE: The Wood River Land Trust Co. owns all three of the water rights. They are also the land owners. According to the Idaho Secretary of State Scott Boettger is the director of the land trust (see attached annual report form).

WATER RIGHT VALIDITY: All three water rights were partially decreed June 4, 2009 making them valid at the time of this lease. Leasing the rights will protect against forfeiture.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: Right 37-2386 for surface water has historically been diverted through an irrigation ditch. This right and 37-2505 have the same place of use and 30 acres of 37-2505 will remain at the place of use. Leased portions of rights 37-2386 and 37-2505 are limited to a combined total of 0.8 cfs, 40 acres and 140 af. 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. These rights are within the Trust water area and the Big Wood Groundwater Management Area.

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 rights are subject to Water District #37. Comments were solicited from water master Kevin Lakey on January 6, 2014. He responded on January 7 that he had no concerns (see attached email). Comments were also requested from IDWR Southern regional office on January 6. We did not receive any comments.

ADDITIONAL INFORMATION: The lease applications for 37-2386 and 37-25046B listed the lease period as being 12/5/2013 through 12/5/2013. Application 37-2505 showed the lease dates as 12/5/2013 through 12/5/2018. I contacted Chad Stoez and asked for clarification. He responded that all three should remain in the bank through 12/5/2018 (see attached email).

MEMORANDUM

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Thiel, Sandra

From: Kevin Lakey [watermanager@cableone.net]
Sent: Tuesday, January 07, 2014 2:20 PM
To: Thiel, Sandra
Subject: RE: Water supply bank lease applications 37-2386, 37-2505 and 37-2546B

Sandra,
I have no concerns with this lease application.
Kevin Lakey

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Monday, January 06, 2014 1:52 PM
To: Kevin Lakey
Subject: Water supply bank lease applications 37-2386, 37-2505 and 37-2546B

Happy New Year,

The Wood River Land Trust submitted water supply bank lease applications for water rights 37-2386, 37-2505 and 37-2546B. All three rights were decreed in 2009 for irrigation. They intend to lease all of 37-2386 and 37-2546B. They would like to lease 40 of the 70 acres under right 37-2505. The term will be now through December 2018. Please let me know if you have any concerns about leasing this right into the bank by January 20 if possible. Thanks for your help.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

Thiel, Sandra

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Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

Thiel, Sandra

From: Chad Stoesz [cstoesz@woodriverlandtrust.org]
Sent: Monday, December 30, 2013 9:25 AM
To: Thiel, Sandra
Subject: Re: Water supply bank lease

Hi Sandra,

Yes, thank you for catching that mistake. The lease period should be the same for all of the applications: 12/5/2013 to 12/5/2018. Let me know if you need anything else, Thanks.

-Chad

On Mon, Dec 30, 2013 at 9:05 AM, Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov> wrote:

Hello, We received applications to submit three water rights 37-2386, 37-2505 and 37-2546B, into the water supply bank. On the lease application for both 37-2386 and 37-2505 the lease period on the form is 12/5/2013 through 12/5/2013. The lease period for 37-2546B is 12/5/2013 to 12/5/2018. Should 37-2386 and 37-2505 have the lease period as 12/5/2013 to 12/5/2018 also?

Sandra Beer Thiel

Idaho Department of Water Resources

322 East Front Street

Boise, Idaho 83720-0098

[\(208\)287-4881](tel:(208)287-4881)

sandra.thiel@idwr.idaho.gov

--

Chad Stoesz | Stewardship Coordinator
cstoesz@woodriverlandtrust.org

Wood River Land Trust

119 East Bullion Street | Hailey, ID 83333

Phone: 208.788.3947 | Cell: 303.588.0766 | Fax: 208.788.5991

www.woodriverlandtrust.org

Federal 501(c)3 Tax Exempt Organization: Tax ID# 82-0474191

No. C 106731	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	1. Mailing Address: Correct in this box if needed. WOOD RIVER LAND TRUST COMPANY TREY SPAULDING 119 E BULLION ST HAILEY ID 83333 USA		SCOTT BOETTGER 119 E BULLION ST HAILEY ID 83333			
			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
DIRECTOR	RICK DAVIS	PO BOX 281	HAILEY	ID	USA	83333
DIRECTOR	RICHARD CARR	PO BOX 9040	KETCHUM	ID	USA	83340
SECRETARY	ROBIN GARWOOD	P.O. BOX 2793	HAILEY	ID	USA	83333
DIRECTOR	ED CUTTER	P.O. BOX 7330	KETCHUM	ID	USA	83340
DIRECTOR	JACK KUENEMAN	P.O. BOX 6813	KETCHUM	ID	USA	83340
DIRECTOR	STEVE STRANDBERG	2849 PACIFIC AVENUE	SAN FRANCISCO	CA	USA	94115
DIRECTOR	BARBARA THRASHER	P.O. BOX 2939	KETCHUM	ID	USA	83340
PRESIDENT	TRENT JONES	P.O. BOX 2913	SUN VALLEY	ID	USA	83353
DIRECTOR	JOHN FLATTERY	P.O. BOX 6046	KETCHUM	ID	USA	83340
VICE PRESIDENT	DAVID ANDERSON	P.O. BOX 5917	KETCHUM	ID	USA	83340
DIRECTOR	WOLF RIEHLE	P.O. BOX 2881	KETCHUM	ID	USA	83340
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DIRECTOR	MEGAN STEVENSON	P.O. BOX 3322	HAILEY	ID	USA	83333
DIRECTOR	REBECCA PATTON	1001 FOREST AVE.	PALO ALTO	CA	USA	94301
DIRECTOR	JANE MASON	PO BOX 5630	KETCHUM	ID	USA	83340
DIRECTOR	SCOTT BOETTGER	920 FOXMOOR DRIVE	HAILEY	ID	USA	83333
5. Organized Under the Laws of: ID C 106731		6. Annual Report must be signed.* Signature: Trey Spaulding Name (type or print): Trey Spaulding Date: 04/24/2013 Title: Director of Operations				
Processed 04/24/2013		* Electronically provided signatures are accepted as original signatures.				

Thiel, Sandra

From: Chad Stoesz [cstoesz@woodriverlandtrust.org]
Sent: Monday, December 30, 2013 9:25 AM
To: Thiel, Sandra
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Sandra Beer Thiel

Idaho Department of Water Resources

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Boise, Idaho 83720-0098

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sandra.thiel@idwr.idaho.gov

--
Chad Stoesz | Stewardship Coordinator
cstoesz@woodriverlandtrust.org

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Federal 501(c)3 Tax Exempt Organization: Tax ID# 82-0474191

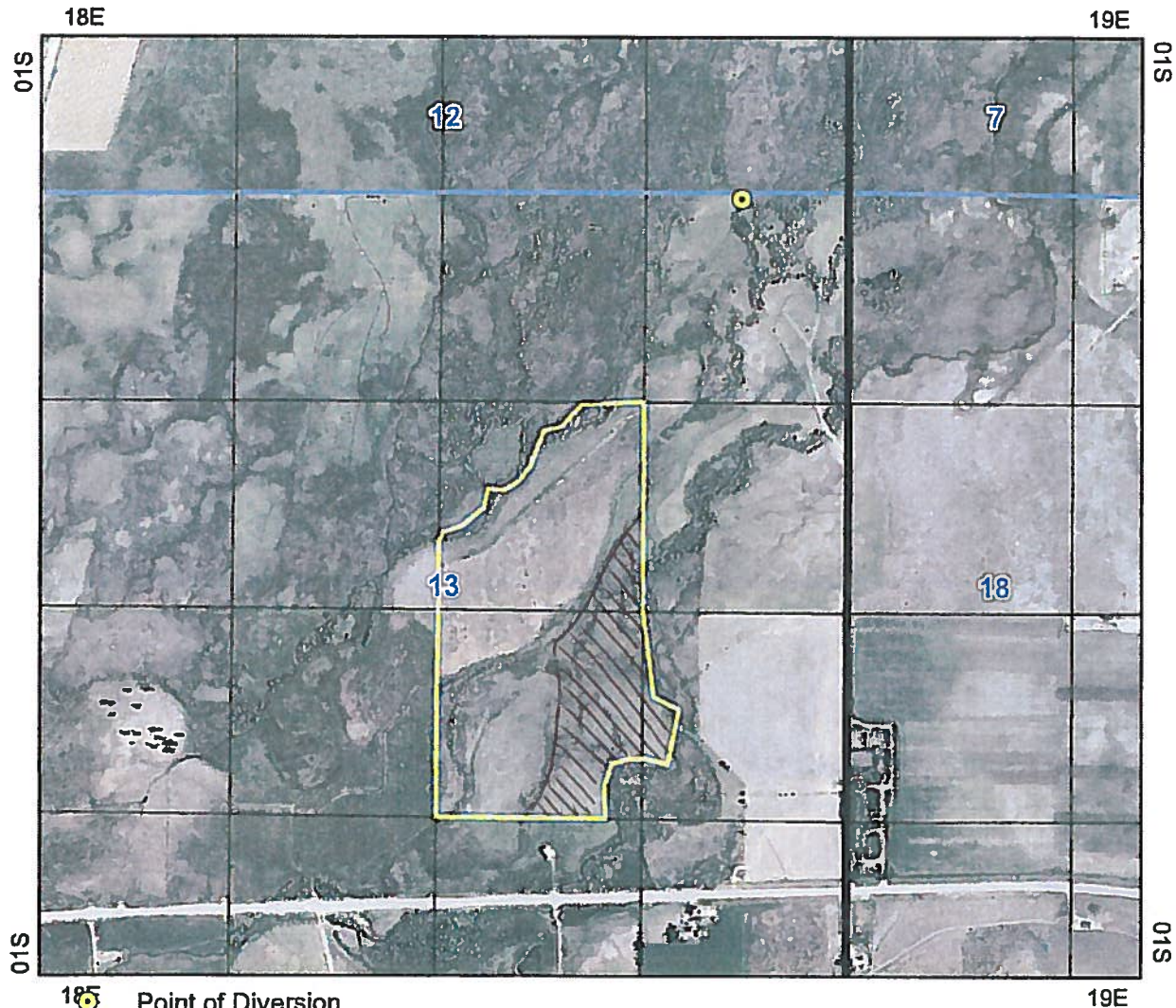
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ID C 106731		Signature: Trey Spaulding		Date: 04/24/2013			
		Name (type or print): Trey Spaulding		Title: Director of Operations			
Processed 04/24/2013		* Electronically provided signatures are accepted as original signatures.					

State of Idaho
Department of Water Resources

Water Right
37-2386

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.



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 = acres into bank

