

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective October 16, 2013, between the Idaho Water Resource Board ("**Board**"), and

Lessor: TBL LIVING TRUST
TOBY B LAMBERT TRUSTEE
3111 BEL AIR DR UNIT 7D
LAS VEGAS, NV 89109
(208)727-0004
tobylambert@yahoo.com

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>
37-153B	0.17 CFS	8.8 AF	NA	2.5 AC
37-8826	0.04 CFS	1.5 AF	NA	NA
Combined Lease Totals:	0.21 CFS	10.3 AF	NA	2.5 AC

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

<u>Authorized Period of Use under Lease:</u>	37-153B	4/1 to 11/1
	37-8826	1/1 to 12/31

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.

SCANNED

SUPPORT DATA

DEC 0 2013

IN FILE # **37-153B**

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.

TOBY B LAMBERT TRUSTEE

3111 BEL AIR DR UNIT 7D
LAS VEGAS, NV 89109

By Toby B. Lambert

Printed Name Toby B. Lambert

Date 12/4/13

Title Trustee

IDAHO WATER RESOURCE BOARD

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

By Brian Patton

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 12/9/2013

Lease approved by IDWR Chris Palmer

Date 12/9/2013

ATTACHMENT A
WATER RIGHT NO. 37-153B
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: TOBY B LAMBERT TRUSTEE
 3111 BEL AIR DR UNIT 7D
 LAS VEGAS, NV 89109
 (208)727-0004

Priority Date: 9/1/1885

Source: GREENHORN CREEK **Tributary to:** BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/1 to	11/1	0.17 CFS	8.6
	Total:		0.17 CFS	8.6

LOCATION OF POINT(S) OF DIVERSION:

GREENHORN CREEK NESENW Sec. 18, Twp 03N, Rge 18E, BLAINE 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	
02N	18E	35								2.5									2.7

Total Acres: 2.5

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.

ATTACHMENT A
WATER RIGHT NO. 37-8826
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: TOBY B LAMBERT TRUSTEE
 3111 BEL AIR DR UNIT 7D
 LAS VEGAS, NV 89109
 (208)727-0004

Priority Date: 5/31/1994

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	12/31	0.040 CFS	1.2 AF
FIRE PROTECTION STORAGE	01/01	12/31		0.3 AF
DIVERSION TO STORAGE	01/01	12/31	0.040 CFS	
Total Diversion			0.040 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENW Sec. 18, Twp 03N, Rge 18E, BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: DOMESTIC and FIRE PROTECTION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	18								X									

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.

RECEIVED

OCT 16 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDReceipt No. C0978126
Fee Amount \$ 250.00
Date/by 10-16-13 HP
(For Department Use Only)APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor TBL Living Trust, Toby B. Lambert, Trustee Phone (208) 727-0004
Mailing address P.O. Box 1506, Sun Valley, ID 83353 Email tobylambert@yahoo.com

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	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-153B</u>			_____ to _____
			_____ to _____
			_____ to _____
Total Amount: _____			

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

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	

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.

~~None currently exists~~

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 04/15/2014 to 12/31/2014 (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

Toby B. Lambert, Trustee

Printed Name and Title*

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

State of Idaho
Department of Water Resources

Water Right 37-153B

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 0.0225 0.045 0.09 Miles



RECEIVED**OCT 16 2013****DEPARTMENT OF
WATER RESOURCES****STATE OF IDAHO
WATER RESOURCE BOARD**
 Receipt No. C097866
 Fee Amount \$ 250.00
 Date/by 10-16-13 HP
 (For Department Use Only)
**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**
 Name of Seller/Lessor TBL Living Trust, Toby B. Lambert, Trustee Phone (208) 727-0004
 Mailing address P.O. Box 1506, Sun Valley, ID 83353 Email tobylambert@yahoo.com
A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANKIf 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>37-8826</u>			_____ to _____
			_____ to _____
			_____ to _____

Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twtp	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.

Twtp	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.

~~Well pumps to pond for fire protection~~

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 01/01/2014 to 12/31/2014 (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.

Toby B. Lambert
Signature of Applicant

Toby B. Lambert, Trustee
Printed Name and Title*

10/10/13
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

Monday, December 9, 2013

TBL LIVING TRUST
TOBY B LAMBERT TRUSTEE
3111 BEL AIR DR UNIT 7D
LAS VEGAS, NV 89109

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT(S) 37-00153B and 37-8826

Dear Lessor:

Water Right(s) 37-00153B and 37-8826 were leased into the Water Supply Bank on October 16, 2013 in accordance with the executed original Lease Contract enclosed. **The portion of your right(s) described on the Lease Contract is considered leased into the Bank, and should remain unused, until it is 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. 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 request an extension of the lease period, submit a Request to Extend the Lease Term form along with applicable fees to the Department prior to the release date. These forms are available 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,



Sandra Thiel
Water Resource Planner
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: James P. Speck – Speck & Aanestad
Allen Merritt- IDWR Southern Regional Manager

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

December 4, 2013

Idaho Department of Water Resources
Sandra Thiel
Post Office Box 83720
322 E. Front St.
Boise, Idaho 83720-0098

RECEIVED
DEC 06 2013
DEPARTMENT OF
WATER RESOURCES

**Re: Water Supply Bank Lease Contracts;
37-00153B and 37-8826**

Dear Sandra:

In compliance with your letter of November 26, 2012 regarding the above referenced water rights, I have enclosed two (2) original Water Supply Bank Lease Contracts which our client has signed, along with a completed W-9 form completed by the owner of the water rights. Once the Department has signed the original contracts please forward a copy to our office.

Please call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By 
Jeanne E. Farnea
Asst. to James P. Speck

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

November 26, 2013

TBL LIVING TRUST
TOBY LAMBERT
PO BOX 1506
SUN VALLEY ID 83353

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-00153B and 37-8826 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return BOTH Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2014**, 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 request an extension of the lease period, submit a Request to Extend the Lease Term form along with applicable fees to the Department prior to the release date. 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,

Sandra Thiel
Water Resource Planner
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts
Receipt #C097866
c: James P. Speck – Speck & Aanestad

MEMORANDUM

To: Water Right Nos. 37-00153B and 37-8826

From: Sandy Thiel

Date: November 21, 2013

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: James Speck of Speck & Aanestad submitted two applications to lease water under rights 37-00153B and 37-8826 on behalf of the TBL Living Trust. The entire rate and volume of both rights will be leased, for one year, to the bank together as they completely overlap.

AUTHORITY TO FILE: Toby B. Lambert, is the trustee of the TBL Living Trust, the current water right holder.

WATER RIGHT VALIDITY: Right 37-153B was decreed 9/24/2010 and is not subject to forfeiture. Right 37-8826 lists beneficial uses domestic and fire protection storage. The aerial photography shows both a house and a pond over the past 10 years.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

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

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased rights are subject to Water District #37. Comments were requested of the watermaster and the southern region. The water master responded that he had no comments. Allen Merritt expressed concerns about the domestic right (see attached email dated 11/15/2013) Jim Speck responded that the house is gone and the irrigation system lines have been removed (see attached email 11/18/2013)



Thiel, Sandra

From: Kevin Lakey [watermanager@cableone.net]
Sent: Thursday, November 21, 2013 3:51 PM
To: Thiel, Sandra
Subject: RE: Water Supply Bank leases 37-153B and 37-8826

Sandra,
This one looks OK to me. I have no concerns.
Kevin Lakey

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Wednesday, November 20, 2013 1:41 PM
To: Kevin Lakey
Subject: RE: Water Supply Bank leases 37-153B and 37-8826

Hi Kevin, I wanted to follow up with you about the application to lease 37-153B and 37-8826 into the water supply bank. have been in contact with the owner's representative Jim Speck. You can read his responses below. Please let me know if you have concerns by the end of the week if possible. Thanks.

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

Sandy,

The previous owner cut off the electricity to the well and removed all of the irrigation lines as well as the house. Sad, but true! My client desires to proceed with the WSB lease applications as filed. Thanks.

Jim

-----Original Message-----

From: Thiel, Sandra
Sent: Monday, November 18, 2013 1:14 PM
To: Jim Speck

Thanks Jim. My concern is that if the owners put these rights into the water supply bank they will not be able to irrigate that property at all next summer. Putting the domestic right into the bank will even remove the option of irrigating 1/2 acre. Are they willing to not water the trees or the lawn?

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Sunday, November 17, 2013 4:54 PM
To: Thiel, Sandra
Cc: Toby Lambert
Subject: RE: RE: Water Supply Bank lease water rights 37-8826 and 37-153B

Sandy,

Thiel, Sandra

From: Jim Speck [jim@speckandaanestad.com]
Sent: Wednesday, November 20, 2013 9:49 AM
To: Thiel, Sandra
Cc: Toby Lambert
Subject: RE: RE: RE: Water Supply Bank lease water rights 37-8826 and 37-153B

Sandy,

The previous owner cut off the electricity to the well and removed all of the irrigation lines as well as the house. Sad, but true! My client desires to proceed with the WSB lease applications as filed. Thanks.

Jim

-----Original Message-----

From: Thiel, Sandra
Sent: Monday, November 18, 2013 1:14 PM
To: Jim Speck

Thanks Jim. My concern is that if the owners put these rights into the water supply bank they will not be able to irrigate that property at all next summer. Putting the domestic right into the bank will even remove the option of irrigating 1/2 acre. Are they willing to not water the trees or the lawn?

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Sunday, November 17, 2013 4:54 PM
To: Thiel, Sandra
Cc: Toby Lambert
Subject: RE: RE: Water Supply Bank lease water rights 37-8826 and 37-153B

Sandy,

The house was removed by the previous owner in anticipation of constructing an entirely new home. However, the new home never received the required approvals and thus the lot was sold to my client. My client may well decide to develop the lot and build a home within the next year, so we decided to just lease the rights to the Bank for one year. If those plans are not pursued, my client will likely file new applications (or whatever other filing may be required) to extend the leases.

Please let me know if you need any additional information.
Thank you.

Jim

-----Original Message-----

From: Thiel, Sandra
Sent: Sunday, November 17, 2013 4:10 PM
To: Jim Speck

Hello, I have a few more questions about the 2 water rights that TBL Living Trust proposes to put into the bank.

Right 37-8826 is for domestic, diversion to storage and fire protection storage. Both the pond and the house appear on our most recent aerial photography. You mention that there is no longer a house on the property. Was it destroyed in the fire last summer?

Right 37-153B for irrigation, was decreed July 6, 2010. It will not be subject to forfeiture until 2015 at the earliest.

Is there a particular reason why they want to put these rights into the Bank for one year?

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

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Tuesday, November 12, 2013 4:46 PM
To: Thiel, Sandra
Cc: Toby Lambert
Subject: RE: Water Supply Bank lease water rights 37-8826 and 37-153B

Sandy,

The season of use for 8826 is 1/1 thru 12/31 whereas the season for 153B, an irrigation water right, is 4/15 thru 10/31. However, they can both start 1/1/2014 if it makes sense to you.

Jim

-----Original Message-----

From: Thiel, Sandra
Sent: Tuesday, November 12, 2013 4:21 PM
To: Jim Speck

Hello, I am processing water rights 37-8826 and 37-153B for inclusion in the Water Supply Bank. Water right 37-8826 lists the lease period as 1/1/2014 through 12/31/2014. 37-153B lists the period as being from 4/15/2014 through 12/31/2014. Should the beginning dates be different? Or should both be in the bank starting 1/1/2014?

Sandra Beer Thiel

Idaho Department of Water Resources

322 East Front Street

Boise, Idaho 83720-0098

(208)287-4881

sandra.thiel@idwr.idaho.gov <<mailto:sandra.thiel@idwr.idaho.gov>>

Thiel, Sandra

From: Merritt, Allen
Sent: Friday, November 15, 2013 9:09 AM
To: Thiel, Sandra
Subject: RE: Water Supply Bank leases 37-153B and 37-8826

I kind of question the placement of 37-8826 in the WB since it is essentially a domestic right. Are they going to let the grass around a million dollar house dry up? Is the house going to remain vacant and the well not used? Is this house being served by another system?

From: Thiel, Sandra
Sent: Tuesday, November 12, 2013 4:24 PM
To: Merritt, Allen
Subject: RE: Water Supply Bank leases 37-153B and 37-8826

Hello again. 37-153B should be for 0.17 not 1.58 cfs.

Hello Allen , I am processing an application to lease water rights 37-153B and 37-8826 into the water supply bank. They requested to lease the entire rights through the end of 12/31/2014: 37-153B for 1.58 cfs and 37-8826 for 0.04 cfs. Do you have any concerns that I should be aware of? Thanks for your help in advance.

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: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, November 12, 2013 4:46 PM
To: Thiel, Sandra
Cc: Toby Lambert
Subject: RE: Water Supply Bank lease water rights 37-8826 and 37-153B

Sandy,

The season of use for 8826 is 1/1 thru 12/31 whereas the season for 153B, an irrigation water right, is 4/15 thru 10/31. However, they can both start 1/1/2014 if it makes sense to you.

Jim

-----Original Message-----

From: Thiel, Sandra
Sent: Tuesday, November 12, 2013 4:21 PM
To: Jim Speck

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Sandra Beer Thiel

Idaho Department of Water Resources

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RECEIVED

OCT 16 2013

DEPARTMENT OF
WATER RESOURCES

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

October 14, 2013

Pamela S. Skaggs
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RE: TBL Living Trust
Application to Lease Waters Right No. 37-153B and 37-8826 to the Water Supply
Bank

Dear Pam:

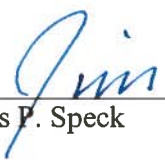
Enclosed please find the original and one copy for each of the above-referenced Applications together with IRS Form W-9, all signed by my client, Toby B. Lambert, who is the trustee of the TBL Living Trust. Also enclosed is my firm's check for the \$500 filing fees. Please receipt date-stamp the copies and return them to me in the enclosed postage prepaid, self-addressed, envelope I have included for that purpose. *ds*

My client has just recently purchased the property. The house depicted in the aerial photograph attached to one of the Applications is no longer there and the pond immediately south of the former house site is filled with silt and other debris from the erosion and runoff after the recent fire and subsequent flood events. At this time, my client desires to lease the two water right to the Bank for one (1) year. She will then decide prior to the expiration of those terms whether or not to renew those leases.

Please contact me if you have any questions about these Applications. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures
cc: Client w/encl.