

WSB No. _____
 Receipt No. 0095901
 Date/by _____
 (For Department Use Only)

STATE OF IDAHO
 WATER RESOURCE BOARD

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

RECEIVED

NOV 21 2012

Name of Seller/Lessor Diamond/Soldier Properties LLC Phone (425) 460-2542
 Mailing address c/o Gregory Vik, P.O. Box 1607, Bellevue, WA 98009 Email gregv@pistolcreek.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 37-368A Amount (cfs/ac-ft) 2.66 cfs Nature of Use irrigation Period of Use April 15 to October 31
 _____ to _____
 _____ to _____

Total Amount: 2.66 cfs

2. Source of water West Fork Three Mile Creek tributary to Three Mile Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
1N	13E	14		SE	SE	SW	Camas

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	
1N	13E	22	14	9.4	22	40									40	12		37	174.4
1N	13E	23					20.3	10	40	20	20	40	40	28					218.3
1N	13E	26					4.2	33	17										54.2
1N	13E	27	37			30													67.0

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 513.9

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.

Ditches to flood irrigation

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

37-409A, 37-2076A, 37-2157 & 37-2455

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. The 1.7 acres in the NENW, S.23, T.1N., R.13E. will be permanently fallowed as mitigation for Permit37-8859 in the name of Smokey Dome LLC. Thus, the leased portion of 37-368A is limited to the irrigation of 110.3 acres.**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.

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 April 15, 2013 to October 31, 2017 (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.

Diamond/Soldier Properties LLC

By: Investments Manager LLC, Manager

11/19/12

Signature of Applicant

Date

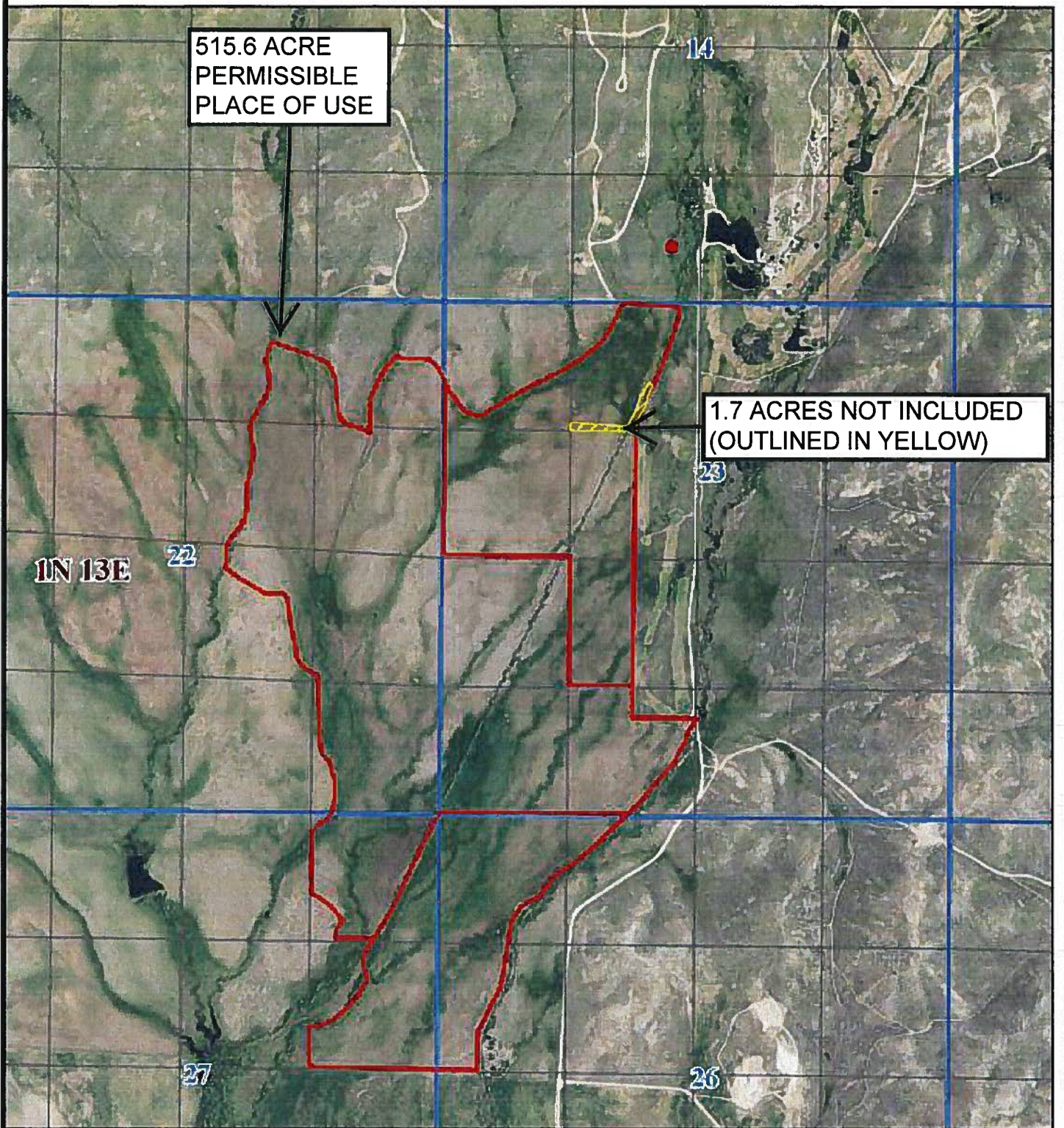
By: Greg Vik, Manager

Signature of Applicant

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



DIAMOND/SOLDIER PROPERTIES LLC
APPLICATION TO LEASE PORTION OF 37-368A
TO WATER SUPPLY BANK
1.7 ACRES NOT INCLUDED IN LEASE

0 485 970 1,940 Feet

BROCKWAY ENGINEERING, PLLC
ALR - NOV. 13, 2012

Legend

- 37, 368, A
- Addition 1.7Ac
- Rec. POU
- Township
- Section
- Ties

