STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1673

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

LESSOR: JUNIPER VIEW LLC
680 N 2100 E
SAINT ANTHONY, ID 83445-5323

RECEIVED
MAR 22 2023
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.

2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on January 30, 2023.

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

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
21-7046	7/13/1974	GROUND WATER	0.47	70.2	23.4
Lease Totals			**0.47**	**70.2**	**23.4**

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**: The term of this lease shall be January 1, 2023 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.

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.

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MAR 29 2023

WATER SUPPLY BANK LEASE CONTRACT No. 1673

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

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

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MAR 29 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1673

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

LESSOR: JUNIPER VIEW LLC
680 N 2100 E
SAINT ANTHONY, ID 83445-5323

By Weston Cugno
Title Member
Date 3-20-23

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By _____ Date 3/23/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 3/23/23

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MAR 29 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1673

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 21-7046

GROUND WATER	SENW	Sec. 17	Twp 08N	Rge 41E	FREMONT County
GROUND WATER	SWSE	Sec. 8	Twp 08N	Rge 41E	FREMONT County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
21-7046	IRRIGATION	04/01	to	11/01	0.47 cfs	70.2 AF
				Totals:	0.47 cfs	70.2 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	41E	17						23.4											23.4

Total Acres: 23.4

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, or the lease term expires. A right may be released from the bank upon request, 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 pursuant to Idaho Code § 42-223(5).
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.

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MAR 2 9 2023

WATER SUPPLY BANK LEASE CONTRACT No. 1673

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, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.
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. Right Nos. 21-7564, 21-13201 and 21-13202 are also diverted through points of diversion described above.
13. Use of water under this right may 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. 100.

SCANNED
MAR 2 9 2023

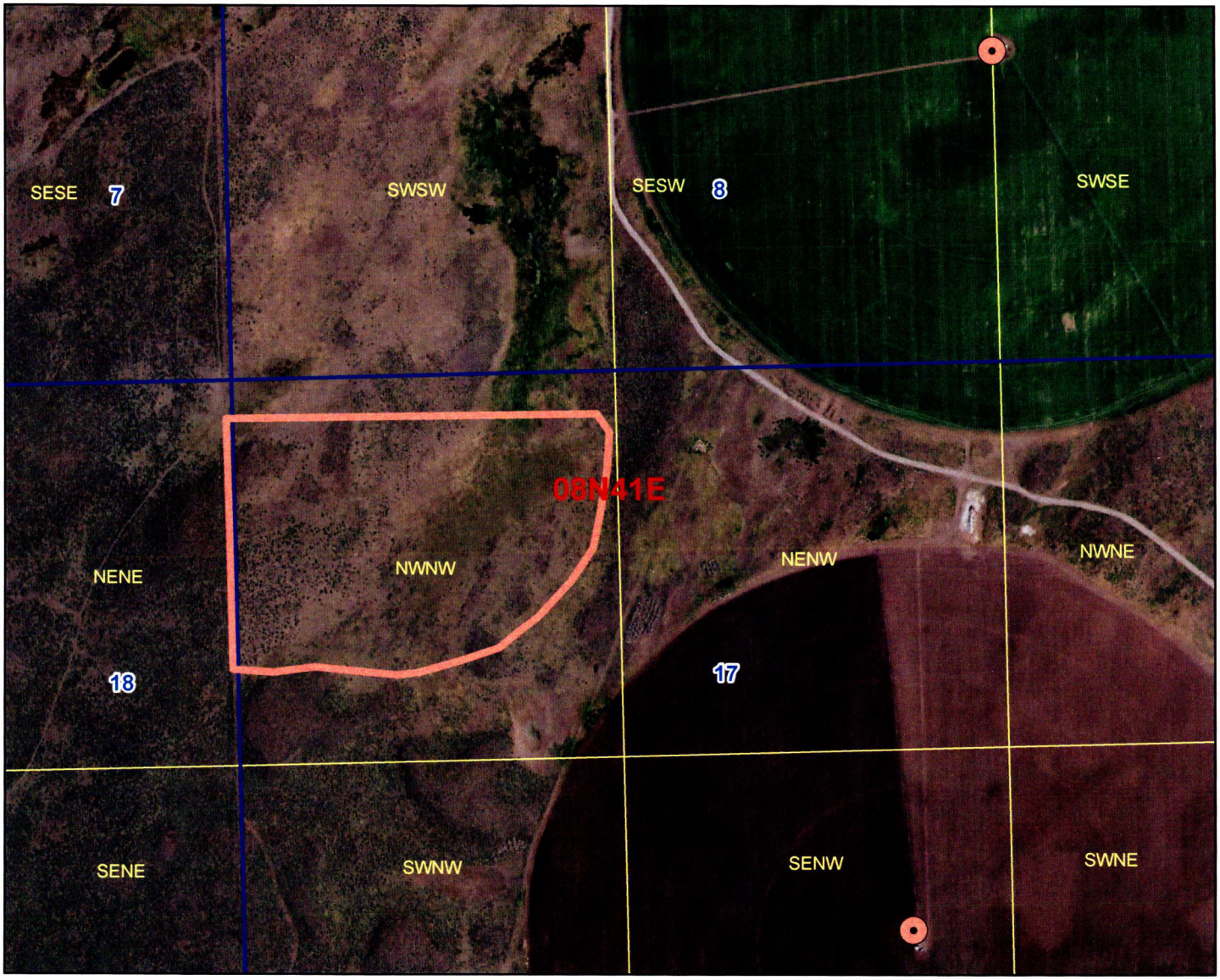
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1673

21-7046

Effective until December 31, 2027

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Water Supply Bank Lease POD
- Water Supply Bank Lease POU
- Township/Range
- Sections
- QQ

0 750 1,500 Feet

N

SCANNED
MAR 2 9 2023

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
JAN 30 2023
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Juniper View LLC
(Select one owner – see item 1A on the application)

Water Right No. 21-7046
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☑

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MIMUMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached* (Yes) or *Not Applicable* (N/A)

		Yes	
		☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
		☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
		☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.
Attachment	**N/A**	**Yes**	
1A	☑	☐	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☐	☑	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☐	☑	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☑	☐	Description of a water right portion offered to the Water Supply Bank.
3	☑	☐	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☐	☑	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 250.00	Received By: KH	Date Received: 1.30.23	Receipt # C115193
W-9 received? Yes ☑ No ☐ (Route W-9 to Fiscal)		Name on W-9: Juniper View LLC	

2582

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MAR 29 2023

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant: Juniper View LLC

Mailing Address: 680 N. 2100 E. (Street) | Saint Anthony (City) | ID (State) | 83445-5323 (Zip Code)

Email Address: coycrapo@msn.com Phone Number: 208-313-6323

☑ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☑
If no, complete the form and attach to this application (Attachment 1B).

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☑ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☑ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative: Robert Harris Organization: Holden Kidwell Hahn & Crapo, P.L.L.C.

Professional Title: Attorney Email Address: rharris@holdenlegal.com

Mailing Address: P.O. Box 50130, Idaho Falls, ID 83402 Phone Number: 208-523-0620

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☑ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☑ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, **complete Attachment 2**.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

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MAR 2 9 2023

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

A. 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 authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

B. Please provide a description of the current water diversion and delivery system.
Wells and pumps into mainlines. Water Right No. 21-7564 is actively exercised through this same diversion and delivery system.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None.

D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☑
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of $500.

E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☑
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. None. This right received approval for an application for extension of time to avoid forfeiture on October 7, 2015, which expired on April 1, 2021. This right was placed in the WSB in 2021 and 2022.

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☑ No ☐
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. This water right received approval for an application for extension of time to avoid forfeiture on October 7, 2015, which expired on April 1, 2021. This right was placed in the WSB in 2021 and 2022.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☑

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MAR 29 2023

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☑?

If lease, specify the years when the use of water will be suspended: 2023 (Year) to 2027 (Year) (maximum lease period 5 calendar years).

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

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant	Printed Name	Date
Robert L. Harris	Robert L. Harris	January 24, 2023
Signature of Authorized Representative	Printed Name	Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

SCANNED
MAR 29 2023

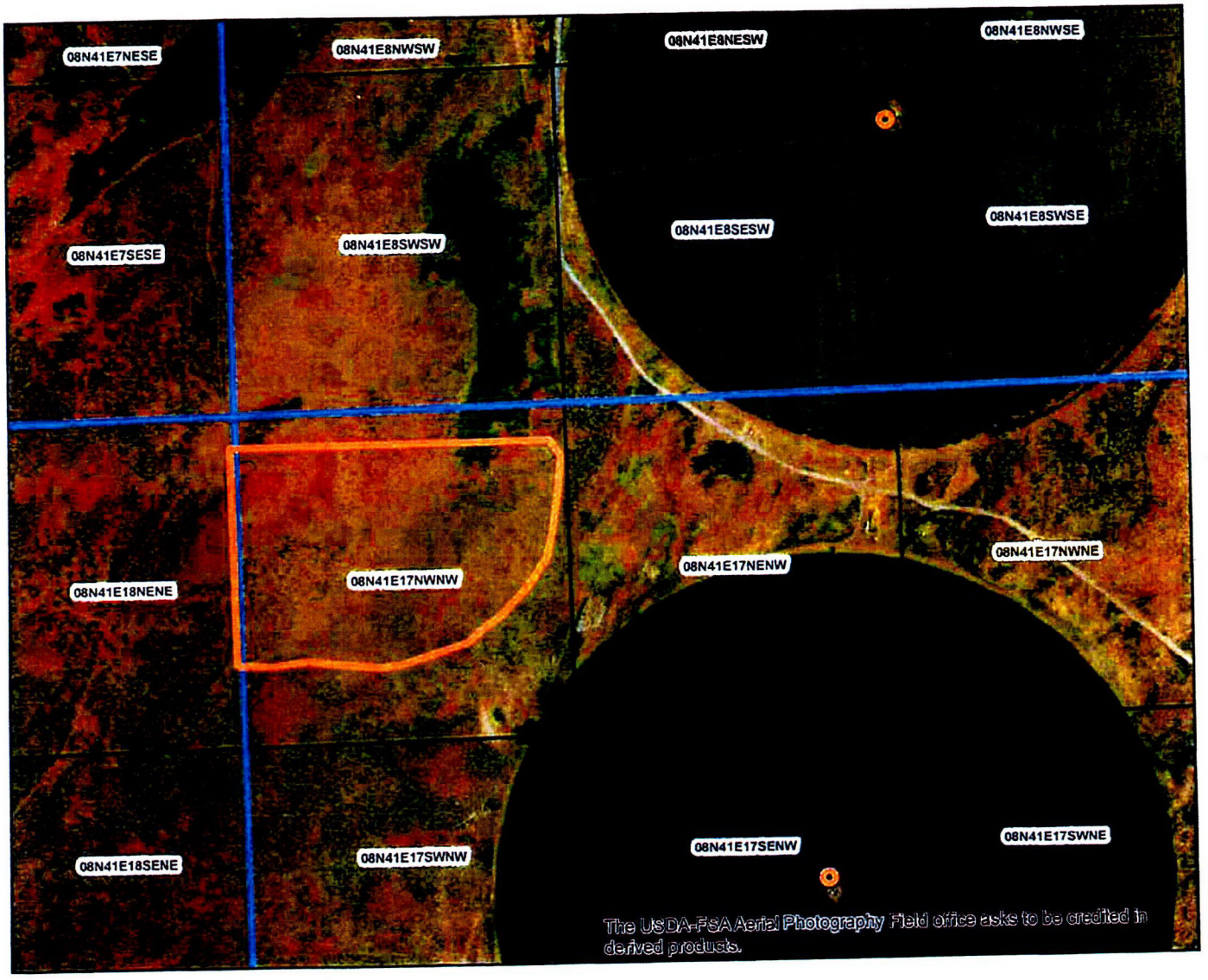
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1467

21-7046

Effective until December 31, 2022

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Approved Lease Point of Diversion
- Approved Lease Place of Use
- Township/Range
- Sections
- QQ

N

0 500 1,000 Feet

SCANNED
MAR 29 2023

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints Robert L. Harris of the law firm of Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405, our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources and the Idaho Water Resource Board relative to water supply bank applications for Water Right Nos. 21-7046, 21-13201, 21-13202, and to allow him to receive all information, opinions, and records regarding these water rights, and to sign and submit applications and other filings on our behalf.

DATED this 26th day of February, 2021.

JUNIPER VIEW LLC

By: Coy Crapo
Name: Coy Crapo
Title: Partner

STATE OF IDAHO)
)ss.
County of Fremont)

This record was acknowledged before me on the 26 day of February, 2021, by Sandy Edwards, as Member of Juniper View LLC.
Coy B Crapo

SANDY EDWARDS NOTARY PUBLIC MY COMMISSION EXPIRES 01-29-2022 STATE OF IDAHO COMMISSION NUMBER 55659

Sandy Edwards
Signature of Notary Public
My Commission Expires: 01-29-2022

SCANNED
MAR 29 2023

DATED this 25 day of February, 2021.

UNIT 1 LLC

By: _____
Name: Cade D Crapo
Title: Partner

STATE OF IDAHO)
)ss.
County of Fremont)

This record was acknowledged before me on the 25 day of February, 2021, by Cade D Crapo, as Partner of Unit 1 LLC.

SANDY EDWARDS NOTARY PUBLIC (stamp) MY COMMISSION EXPIRES 01-29-2022 STATE OF IDAHO COMMISSION NUMBER 53554

_____
Signature of Notary Public
My Commission Expires: 01-29-2022

SCANNED
MAR 29 2023

Close

Water Right Report : 21-7046(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	JUNIPER VIEW LLC	680 N 2100 E	SAINT ANTHONY	ID	83445-5323
Original Owner	BLAKE BROTHER PARTNERSHIP	C/O BRENT BLAKE 819 N 2600 E	ST ANTHONY	ID	83445
Original Owner	BLAKE, RICHARD R	PO BOX 211-5	ST ANTHONY	ID	83445
Original Owner	BLAKE, FRANK BRENT	PO BOX 211-6	ST ANTHONY	ID	83445
Previous Owner	BRG LTD PARTNERSHIP	130 E INDUSTRIAL PARK RD	SAINT ANTHONY	ID	83445-4713

Water Right Status

Priority Date : 7/13/1974
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	08N	41E	8	0		SW	SE	FREMONT	
GROUND WATER	08N	41E	17	0		SE	NW	FREMONT	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.47 CFS	70.20 AFA
TOTAL			0.47 CFS	70.20 CFS

Places of Use

Printable View | Paged View

Place of Use Legal Description : IRRIGATION (FREMONT county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
08N	41E	17			NW	NW	23

Irrigation Totals

Total Acres Acre Limit

23.40

Conditions

Code	Condtions
C18	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. Section 42-1412(6), Idaho Code.

SCANNED
MAR 2 9 2023

F05 Right Nos. 21-7564, [redacted] and 21-13202 are also diverted through points of [redacted] described above.

C03 Right includes accomplished change in point of diversion pursuant to Section 42-[redacted], Idaho Code.

Dates

Licensed Date :
Decreed Date : 11/2/2011
Permit Proof Due Date : 7/1/1980
Permit Proof Made Date : 1/1/1900
Permit Approved Date : 7/19/1974
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Recevied Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 100
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Civil Case Number :
Decree Plantiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES 1/23/2023

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SCANNED
MAR 29 2023

RECEIVED
JAN 30 2023
DEPARTMENT OF
WATER RESOURCES

ATTACHMENT 4G
Evidence of No Forfeiture

SCANNED
MAR 29 2023

RECEIVED
MAY 21 2015
DEPT OF WATER RESOURCES

Form 42-222(4) Rev. 06/12
FEE $100.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 15 2015
Department of Water Resources
Eastern Region

APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT

Section 42-222(4), Idaho Code, provides that a water right holder may apply to protect a valid water right from forfeiture. Upon a showing of reasonable cause, the Director may grant one (1) extension of five (5) years in which to resume use.

1. Water Right No. 21-7046 (one right per application)

   ☑ Attach a copy of the water right record, available at *http://www.idwr.idaho.gov, Water Right Transfers, Step 1*, or by contacting any Department office.

2. Applicant BRG Ltd Partnership Phone (208) 624-3293

3. Are you the current water right holder of record? 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.

4. Mailing address ☑ Same as water right record -- OR -- complete the following information:

   Address _____ City _____

   State _____ Zip code _____ Email _____

5. Give the last date water was beneficially used November 2, 2011 (the date of the SRBA decree).

6. Explain your reasons for non-use of the water right and your reasons for requesting an extension of time. Attach additional documentation if needed.

   The wells authorized to divert this right are also authorized to divert another right (Nos. 21-7564 (11.69 cfs for 832 acres)), and the wells are not currently producing enough water to irrigate the 78 acres authorized under 21-7046. It is anticipated that the water right holder will make improvements within the next 5 years to increase well production.

The information contained in this application is true to the best of my knowledge.

Signature of applicant or authorized agent	Print name (and title, if applicable)	Date
[signature]	Richard L. Crapo, General Partner	May 13, 2015

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby Approve said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water *on or before* April 1, 2021.

Signed this 7th day of October, 2015. Shelley W. Keen

Title: Manager, Water Rights Section

Stamped received ☑ Fee receipted by SO Date 5/15/15 Receipt # E041038

SCANNED
MAR 29 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1467

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

LESSOR: JUNIPER VIEW LLC
680 N 2100 E
SAINT ANTHONY, ID 83445-5323

RECEIVED
MAR 11 2022
DEPARTMENT OF
WATER RESOURCES

RECITALS

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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 and received by the Department on November 01, 2021.

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:

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   Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2022 to December 31, 2022. This Lease shall bind the parties and take effect when both parties have signed it.

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.

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WATER SUPPLY BANK LEASE CONTRACT No. 1467

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1467

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

LESSOR: JUNIPER VIEW LLC
680 N 2100 E
SAINT ANTHONY, ID 83445-5323

By Coy Capo
Title Partner
Date 3/7/22

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By _____ Date 3-24-22
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 3-24-22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1467

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 21-7046

GROUND WATER	SENW	Sec. 17	Twp 08N	Rge 41E	FREMONT County
GROUND WATER	SWSE	Sec. 8	Twp 08N	Rge 41E	FREMONT County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
21-7046	IRRIGATION	04/01	to	11/01	0.47 cfs	70.2 AF
				Totals:	0.47 cfs	70.2 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	41E	17						23.4											23.4

Total Acres: 23.4

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, or the lease term expires. A right may be released from the bank upon request, 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 pursuant to Idaho Code § 42-223(5).
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.

WATER SUPPLY BANK LEASE CONTRACT No. 1467

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, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.
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. Right Nos. 21-7564, 21-13201 and 21-13202 are also diverted through points of diversion described above.
13. Use of water under this right may 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. 100.

WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER:

Received Date 1/30/2023

Desired Lease Duration 2023-2027

Lease / Rental Package Y (N)

If yes, Renter Name: _____

Application # 2582 Contract # 1673

WR#s	# 21-7046
#	#
#	#
#	#
#	#
#	#
#	#

Applicant Authorized?	(Y) / N
Multiple owners, Attach 1A included?	Y / N (NA)
If portion is offered, Attach 2 included?	Y / N (NA)
Map of POU and POD?	(Y) / N NA
POD Consent (if required)?	Y / N (NA)
Application Complete?	(Y) / N
Minimum checklist in data base?	☑
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Stacked Water Rights Need to be Leased? ☐ _____

If checked, list water rights: _____

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)	CC	Original	
Designated Applicant: Juniper View LLC	☐	☐	**EMAIL:**
Attorney: Robert Harris - Holden, Kidwell, Hahn & Crapo, PLLC	☐	☐	**EMAIL:**
~~**Consultants Name:**~~	☐		**Comments:** prev LC 1467
Watermaster:	☐		
Delivery Entity:	☐		
Water District:	☐		
Ground Water District:	☐		
Region:	☐		
Other:	☐	☐	
Address:			

Call up Date: _____

DO NOT SCAN

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

March 28, 2023

JUNIPER VIEW LLC
680 N 2100 E
ST. ANTHONY ID 83445-5323

RE: WATER SUPPLY BANK LEASE CONTRACT 1673
FOR WATER RIGHT 21-7046

Dear Lessor:

Water right **21-7046** was leased into the Water Supply Bank (Bank) as of January 1, 2023, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank**. More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2027,** unless the right is released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water 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 on our public website at www.idwr.idaho.gov. **Please note your water right may not be available for immediate release if it has been rented or is being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at bank @idwr.idaho.gov or 208-287-4800.

Sincerely,

Debbi Judd

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Office – *via email*
Robert Harris – Holden, Kidwell, Hahn & Crapo PLLC – *via email*
Water District No. 100 – *via email*

SCANNED
MAR 29 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 9, 2023

JUNIPER VIEW LLC
680 N 2100 E
ST. ANTHONY ID 83445-5323

RE: APPLICATION TO LEASE WATER RIGHTS 21-7046 TO THE WATER SUPPLY BANK CONTRACT 1673

******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 ALL 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 right will automatically be released from the Bank on **December 31, 2027,** unless the right is 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 right may not be available for immediate release if it has 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 this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

c: Robert Harris- Holden, Kidwell, Hahn & Crapo PLLC

SCANNED
MAR 2 9 2023

MEMORANDUM FOR APPLICATION # 2582

To: Water Right No. 21-7046

From: Skyler Cheever – Water Resource Agent

Date: 2/1/2023

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

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PURPOSE/NARRATIVE:
Application 2582 was sent in by Juniper View LLC and received on January 30th, 2023, with fee payment received the same date. The application proposes to lease the full water right, 21-7046, into the water supply bank from 2023-2027. The point of diversion is within the Eastern Snake Plain Aquifer GWMA, Snake River Moratorium, Henrys Fork Groundwater District, and Trust Water Area. This application is a renewal of contract 1467, which expired in 2022.

AUTHORITY TO FILE:
Robert Harris signed the application. Mr. Harris has the authority to file this application because documentation was provided and signed by Coy Crapo granting Mr. Harris the authority to file. Mr. Crapo is a manager with the company according to the Idaho Secretary of State's Office Database. Juniper View LLC is the current of water right 21-7046 according to Department Records.

WATER RIGHT VALIDITY:
The water right was decreed in 2011. An Application of Extension of Time to Prevent Forfeiture was filed in 2015 and expired in 2021. The right was then leased into the water supply bank in 2021 and 2022. There are no forfeiture concerns.

ENLARGEMENT OF USE:
Since the entire water right is being leased into the bank there are no enlargement concerns with spreading remaining water to idle acres. There are no other water rights with the same beneficial use that overlap the proposed place of use. There are no other enlargement concerns.

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 point of diversion is within Basin 21 and Water District 100. The Water Master and Eastern Regional Manager were contacted for comment on February 1st, 2023. Comment was received from the Eastern Regional Manager on the same date, there was is no concern with this proposal.

SCANNED
MAR 2 9 2023

Cheever, Skyler

From: Cefalo, James
Sent: Wednesday, February 1, 2023 1:32 PM
To: Cheever, Skyler
Subject: RE: Water Supply Bank Lease Application 2582

Skyler,

I don't have any concerns with the proposed WSB Lease.

James

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Wednesday, February 1, 2023 1:19 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Jordan, Blake <Blake.Jordan@idwr.idaho.gov>
Subject: Water Supply Bank Lease Application 2582

Hello Mr. Cefalo and Mr. Jordan,

I am currently working on reviewing a lease application within Basin 21 and Water District 100. The applicant is Juniper View LLC. The application proposes to lease water right 21-7046 into the water supply bank from 2023-2027. The application is a renewal of contract 1467. Attached to this email is a copy of the draft lease contract, review memo, and map of the place of use. If you have any comments you would like to make, please reply to this email within 14 days if needed.

Best,

Skyler

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913

SCANNED
MAR 29 2023

Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED
JAN 30 2023
DEPARTMENT OF
WATER RESOURCES

Established in 1896
1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

January 24, 2023

Idaho Water Supply Bank
Idaho Department of Water Resources
P O Box 83720
Boise, ID 83720-0098

Re: Applications to Lease a Water Right to the Water Supply Bank for WR Nos. 21-7046 and 21-13201.

Dear Reviewing Agent:

Enclosed for processing are *Applications to Lease a Water Right to the Water Supply Bank* for WR Nos. 21-7046 and 21-13201 submitted on behalf of Juniper View LLC and Unit 1 LLC, respectively. Also enclosed is a *Special Power of Attorney for Water Rights* designating myself as an agent to act on behalf of Juniper View LLC and Unit 1 LLC on these applications. We have also included a check in the amount of $500.00 for the necessary filing fees.

As described in the applications themselves, this water right received an extension of time to avoid forfeiture up through April 1, 2021 and was placed in the Water Supply Bank in 2021 and 2022. The water rights owners have elected to place these water rights in the Water Supply Bank for five years (through 2027).

We appreciate your attention to this matter. Please let me know if you have any questions or concerns.

Best regards,

Robert L. Harris

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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SCANNED
MAR 29 2023

2582