

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1602

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

LESSOR: ROTARUN SKI CLUB INC
PO BOX 2083
HAILEY, ID 83333-2083

RECEIVED
DEC 19 2022
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 October 03, 2022.
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)
37-23032	6/1/1884	EAST FORK WOOD RIVER, tributary to BIG WOOD RIVER	0.05	Not Stated	1.0
Lease Totals			0.05	Not Stated	1.0

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-23032	0.05	3.5	1.0	0.05	3.5
Combined Limit Totals	0.05	3.5	1.0	0.05	3.5

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

SCANNED
JAN 27 2023
Page 1 of 5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1602

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.
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. 1602

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

LESSOR: ROTARUN SKI CLUB INC
PO BOX 2083

HAILEY, ID 83333-2083

By Scott McGraw
Title Executive Director
Date Dec 14, 2022

IDAHO WATER RESOURCE BOARD

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

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 12/23/22

Lease approved by IDWR FP

Date 12/23/22

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JAN 27 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1602

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): 37-23032

WOOD RIVER	SWNESE	Sec. 29	Twp 04N	Rge 19E	BLAINE County
WOOD RIVER	NWNWSW	Sec. 28	Twp 04N	Rge 19E	BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-23032	IRRIGATION	05/01	to	10/31	0.05 cfs	3.5 AF
Totals:					0.05 cfs	3.5 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	
04N	19E	29														8.3	11.0		19.3

Total Acres: 19.3

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.
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.

SCANNED
Page 4 of 5
JAN 27 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

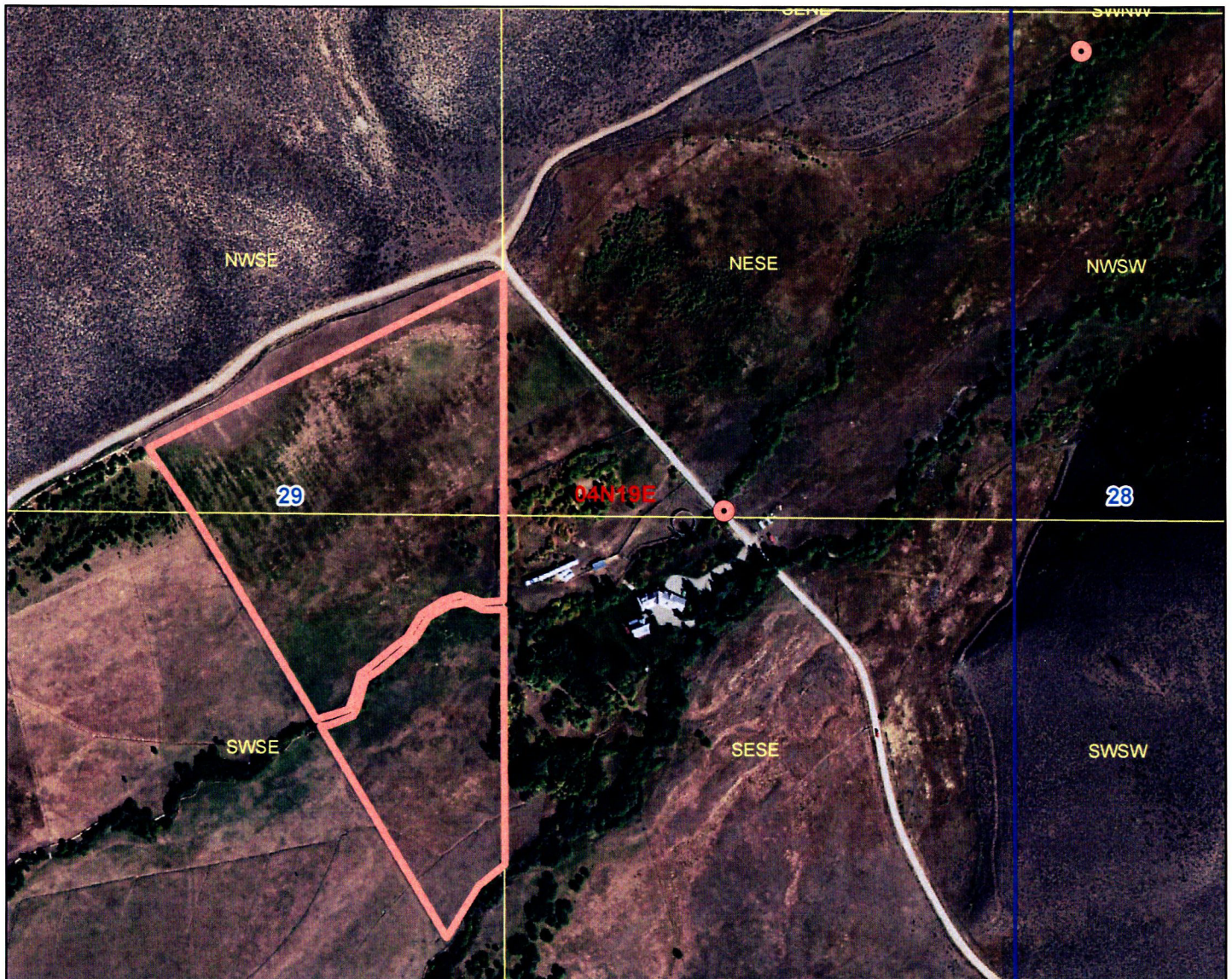
WATER SUPPLY BANK LEASE CONTRACT No. 1602

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. This right is limited to the irrigation of 1.0 acre within the place of use described above in a single irrigation season.

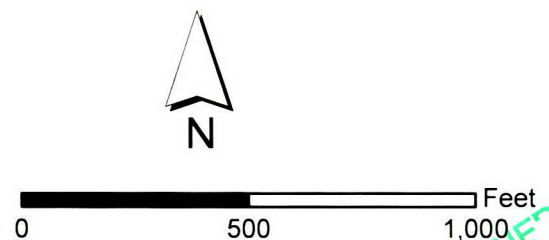
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1602

37-23032
Effective until December 31, 2027

This map depicts the Irrigation 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



SCANNED
2027-07-02

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

OCT 03 2022

DEPARTMENT OF
WATER RESOURCESDesignated Applicant Rotarun Ski Club Inc

(Select one owner – see item 1A on the application)

Water Right No. 37-23032

(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.

MINIMUM 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 \$ <u>250.00</u>	Received By: <u>LM</u>	Date Received: <u>10.3.22</u>	Receipt # <u>C114171</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Rotarun Ski Club</u>	

2453

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OCT 27 2022

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 Rotarun Ski Club Inc

Mailing Address P.O. Box 2083 Hailey, ID 83333

Street City State Zip Code

Email Address scott@svsef.org

Phone Number 208-726-4126

☒ 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 Zach Latham Organization Brockway Engineering PLLC

Professional Title Hydrologist Email Address zach.latham@brockwayeng.com

Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301 Phone Number 208-736-8543

☐ 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.

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.
Water is diverted through surface water ditches and delivered to place of use.

- 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. 37-21473, 37-21794, 37-892, and 37-891A.

- 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. Other water rights owned by other water right holders may be used at the place of use, specifically 37-21473, 37-21794, 37-892, and 37-891A.

- 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. See the attached Watermaster delivery records for points of diversion associated with 37-23032.

- 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. N/A.

- 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 ☒
N/A.

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JAN 27 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 to 2027 (maximum lease period 5 calendar years).
(Year) (Year)

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

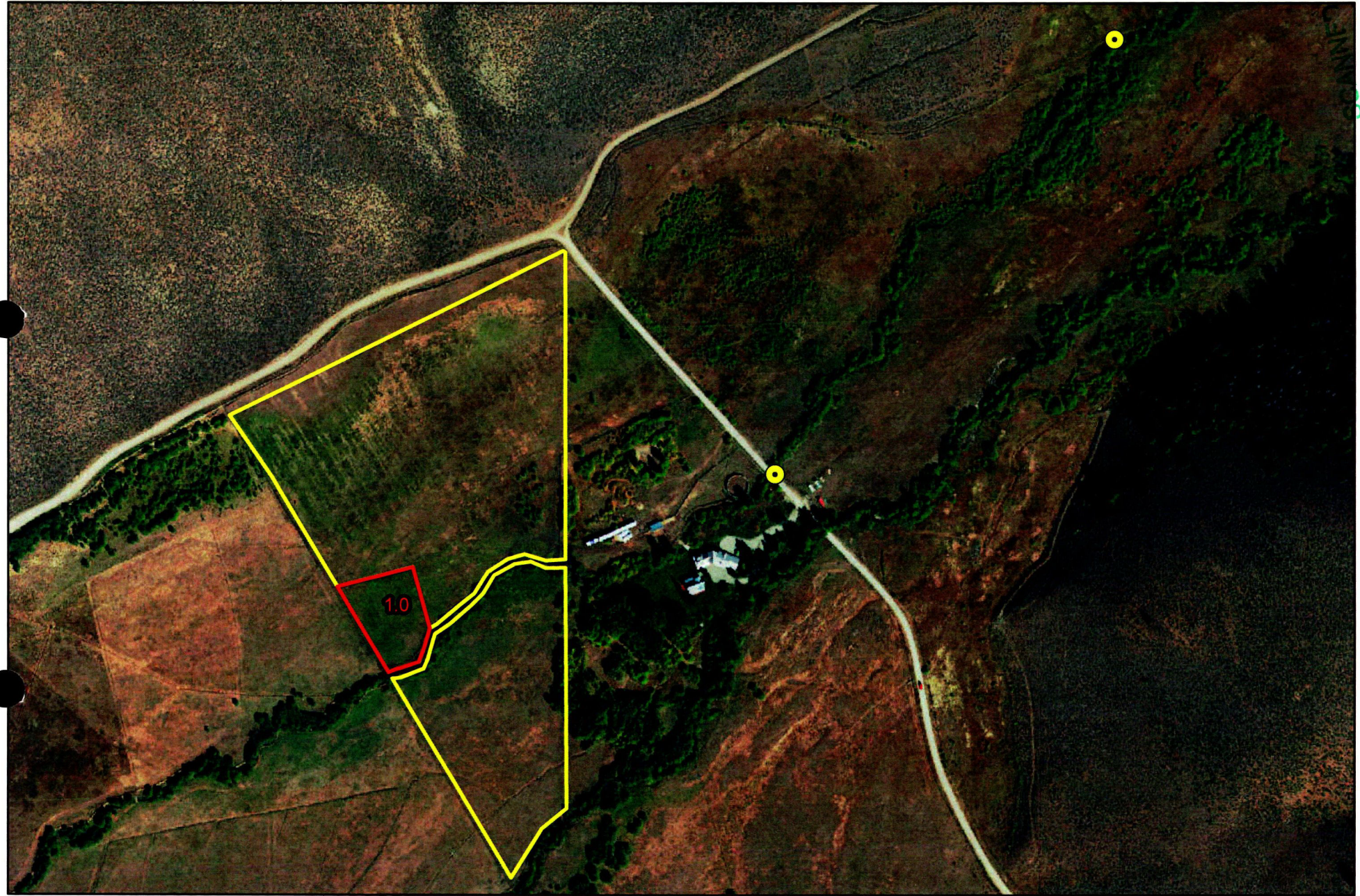
Signature of Authorized Representative

Printed Name

Date

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

SCANNED
JAN 27 2023
Page 4



0 130 260 520 Feet

ROTARUN SKI CLUB INC.
WSB LEASE MAP

BROCKWAY ENGINEERING, PLLC.
JJJ- Date: 9/12/2022

NAIP 2021 AERIAL

- Legend
- WSB Area
 - 37-23032
 - POD



WATER DISTRICT 37

CANAL NAME		G-K	CANAL NO. 19					2018
OWNER		PIONEER MOON		3 FT CW & 2 FT Critical Depth Flume				
DATE	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	DATE
1		3.28	5.39	4.07				1
2		3.28	5.39	4.07				2
3		3.28	5.39	5.16				3
4		3.28	5.39	5.16				4
5		3.28	5.26	5.16				5
6		3.28	5.26	5.42				6
7		3.28	5.26	5.42				7
8		5.76	4.87	5.42				8
9		5.76	4.87	5.42				9
10		5.76	4.87	6.50				10
11		5.21	4.87	6.50				11
12		5.21	5.85	6.50				12
13		5.21	5.85	6.72				13
14		5.57	5.85	6.72				14
15		5.57	5.24	6.72				15
16		5.57	5.24	6.72				16
17		5.57	5.24	6.19				17
18		5.57	5.24	6.19				18
19		5.57	4.04	6.19				19
20	1.64	5.57	4.04	6.68				20
21	1.64	5.57	4.04	6.68				21
22	1.64	5.97	4.04	6.68				22
23	1.64	5.97	4.04	6.68				23
24	1.64	5.97	4.04	6.39				24
25	1.64	7.15	4.04	6.39				25
26	1.64	7.15	3.87	6.39				26
27	2.73	7.15	3.87	5.75				27
28	2.73	7.15	3.87	5.75				28
29	2.73	5.58	4.07	5.75				29
30	3.28	5.58	4.07					30
31		5.58						31
TOTAL	22.95	163.68	143.36	173.39	0.00	0.00	0.00	

YEARLY C F S	503
YEARLY ACRE FEET	997
TOTAL NO OF DAYS	101
YEARLY MEAN	5

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JAN 27 2023

WATER DISTRICT 37

CANAL NAME		G-K		CANAL NO. 19				2019	
OWNER		PIONEER MOON		3 FT CW & 2 FT Critical Depth Flume					
DATE	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	DATE	
1		4.45	7.33	7.05	3.13			1	
2		4.45	7.33	7.05	3.94			2	
3		4.93	7.33	7.05	3.94			3	
4		4.93	10.31	7.05	3.94			4	
5		4.93	10.31	7.05	3.94			5	
6		4.93	10.31	7.05	4.13			6	
7		5.97	10.69	7.05	4.13			7	
8		5.97	10.69	7.78	4.13			8	
9		5.97	10.69	7.78	2.92			9	
10		6.60	9.90	7.78	2.92			10	
11		6.60	9.90	7.78	2.92			11	
12		6.60	9.90	5.63	2.92			12	
13		7.85	9.90	5.63	2.92			13	
14		7.85	10.51	5.63	2.74			14	
15		7.85	10.51	6.86	2.74			15	
16		7.85	10.51	6.86	2.74			16	
17		7.49	10.08	6.86	2.74			17	
18		7.49	10.08	6.86	2.74			18	
19		7.49	10.08	7.42	2.74			19	
20		7.49	10.08	7.42	2.74			20	
21		7.49	9.09	7.42	4.33			21	
22		5.83	9.09	6.26	4.33			22	
23		5.83	9.09	6.26	4.33			23	
24		5.61	8.34	6.26	4.33			24	
25	4.45	5.61	8.34	6.26	4.33			25	
26	4.45	5.61	8.34	4.46	0.00			26	
27	4.45	5.10	8.34	4.46				27	
28	4.45	5.10	7.72	4.46				28	
29	4.45	5.10	7.72	3.13				29	
30	4.45	5.10	7.72	3.13				30	
31		7.33		3.13				31	
TOTAL	26.70	191.40	280.23	194.87	86.71	0.00	0.00		

YEARLY C F S 780
 YEARLY ACRE FEET 1544
 TOTAL NO OF DAYS 124
 YEARLY MEAN 6

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

10/3/2022

Desired Lease Duration

2023-2027

Lease / Rental Package

Y

(N)

If yes, Renter Name:

Application # 2453 Contract # 1602

WR#s		#
		37-23032
#		#
#		#
#		#
#		#
#		#
#		#
#		#

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

Stacked Water Rights Need to be Leased?

☐

WSB Action Request for deficiencies

☐

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: Rotarun Ski Club Inc

☐
☐

EMAIL:

Attorney:

☐
☐

EMAIL:

Consultants

Name: Zach Latham

☐

Comments:

Watermaster:

Kevin Lakley

☐

Delivery Entity:

☐

Water District:

377

☐

Ground Water District:

☐

Region:

Southern

☐

Other:

☐
☐

Address:

Call up Date:

DO NOT SCAN



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

January 27, 2023

ROTARUN SKI CLUB
PO BOX 2083
HAILEY, ID 83333-2083

**RE: WATER SUPPLY BANK LEASE CONTRACT 1602
FOR WATER RIGHTS 37-23032**

Dear Lessor:

Water right(s) **37-23032** was/were leased into the Water Supply Bank (Bank) as of January 1, 2023, in accordance with the enclosed executed lease contract. **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.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2027**, unless the rights are 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 rights 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 rights may not be available for immediate release if they have been rented or are 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,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Office
Zach Latham
Water District No. 37

SCANNED
JAN 27 2023



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

December 6, 2022

ROTARUN SKI CLUB INC
PO BOX 2083
HAILEY, ID 83333-2083

**RE: APPLICATION TO LEASE WATER RIGHTS 37-23032 TO THE WATER SUPPLY BANK
CONTRACT 1602**

*****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,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Zach Latham

SCANNED
JAN 27 2023

Cheever, Skyler

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Tuesday, November 8, 2022 3:29 PM
To: Cheever, Skyler; scott@svsef.org
Cc: cbromley@mchughbromley.com
Subject: RE: Clarification on Lease Application 2453

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Mr. Cheever-

Rotarun does not own any portion of any Upper Wood River Water Users Assn. Inc. water rights. IDWR's shapefile and the place of use for 37-891A and 37-892 overlaps with the POU shapefile for 37-23032 although shares in the actual water rights (37-891A and 37-892) do not overlap the 1.0 acre where 37-23032's has recently been beneficially used. 37-23032's place of use is larger than the 1.0 acre irrigation limit.

Therefore, no expansion will occur as a result of the lease of the Rotarun Ski Club Inc. water right 37-23032. Please proceed with the processing of the lease application for 37-23032.

If you have any questions, please feel free to give me a call, thanks for your time.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
c.208-721-2114
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Cheever, Skyler [mailto:Skyler.Cheever@idwr.idaho.gov]
Sent: Tuesday, November 08, 2022 1:57 PM
To: scott@svsef.org
Cc: zach.latham@brockwayeng.com
Subject: Clarification on Lease Application 2453

Hello Mr. McGrew,

I have been working on processing your Lease Application 2453 for Rotarun Ski Club Inc. and require some clarifications to properly evaluate your application. When I looked at other water rights that overlap the lease place of use and found there are two Upper Wood River Water Users Assn. Inc. rights. I wanted to make sure that water from these rights was used on the 1-acre place of use along with the water that is allocated from your point of diversion. Please let me know if you have any questions or clarifications on my end.

Best,

Skyler

SCANNED
JAN 27 2023

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

MEMORANDUM FOR APPLICATION # 2453

To: Water Right No. 37-23032

From: Skyler Cheever – Water Resource Agent

Date: 10/26/2022

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

PURPOSE/NARRATIVE:

This application was sent in by Rotarun Ski Club Inc. and received on October 3, 2022, with fee payment received the same date. This lease application proposes to lease the full, acre limited portion, of water right no. 37-23032 from 2023 to 2027. The right under this lease authorizes the use of water from the East Fork Wood River for irrigation limited to 1 acre. The water right is within the Trust Water Area. This water right has not been leased into the water supply bank before.

AUTHORITY TO FILE:

The individual, Scott McGrew, has the authority to file this lease agreement because he is currently a registered agent with the company according to the Idaho Secretary of State's Office Database.

WATER RIGHT VALIDITY:

GIS imagery indicates that the 1-acre area was irrigated within the last five years. There are no concerns with leasing this right.

INJURY TO OTHER WATER RIGHTS:

Lease of this water right would not cause injury to other water rights.

ENLARGEMENT OF USE:

There are two other rights are within the same 19.3-acre plot. Since the two private rights are limited to different acre amounts that add with this right to the POU total of 19.3 acres there is no enlargement of use. There are also two Upper Wood River Users Assn. Inc. rights that overlap the place of use. However, the representee for the applicant, Zach Latham, confirmed that Mr. McGrew neither has nor uses any portion of association rights to irrigate the place of use on November 8, 2022.

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 lease POD is located Within Basin and Water District 37. The Watermaster and Southern Regional Manager were contacted for comment on October 26, 2022. It is assumed that they have no concerns if there is no response.

SCANNED
JAN 27 2023



IDAHO DEPARTMENT
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

October 5, 2022

ROTARUN SKI CLUB INC
PO BOX 2083
HAILEY ID 83333

**RE: APPLICATION(S) TO LEASE WATER RIGHT NO(S). 37-23032 TO THE WATER
SUPPLY BANK**

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow. If the application(s) is not processed prior to the end of the proposed lease period, it will be returned to the applicant. The Department regrets any inconvenience caused by the delay.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4822.

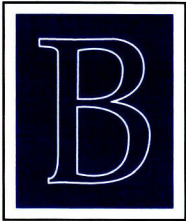
Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

c: Zach Latham – Brockway Engineering PLLC

Enclosure: Receipt #C114171

SCANNED
OCT 27 2022



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 03 2022

DEPARTMENT OF
WATER RESOURCES

September 28th, 2022

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

Re: WSB Lease Application; 37-23032 on Behalf of Rotarun Ski Club Inc.

Dear Mary,

On behalf of Rotarun Ski Club Inc., Brockway Engineering is submitting one water supply bank lease application which proposes to lease all of 37-23032 to the Water Supply Bank for a five year period spanning the 2023-2027 irrigation seasons.

Also enclosed is a check for \$250.00 to cover the cost of the lease application. Please copy our office on all correspondence regarding this lease application. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Enc: (1) Rotarun Ski Club Inc. WSB Lease Application and Map.
(1) Brockway Engineering PLLC Check # 19125.

Cc: Mr. Scott McGrew

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

2453

SCANNED
OCT 27 2022