

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1717

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

LESSOR: WILLIAM B GORDON
179 ALBION AVE
WOODSIDE, CA 94062-3601

RECEIVED

AUG 30 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 April 07, 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)
37-2619	7/22/1959	GROUND WATER, tributary to	0.08	14.0	4.0
Combined Lease Totals			0.08	14.0	4.0

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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WATER SUPPLY BANK LEASE CONTRACT No. 1717

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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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1717

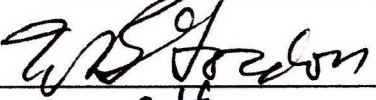
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: WILLIAM B GORDON
179 ALBION AVE
WOODSIDE, CA 94062-3601

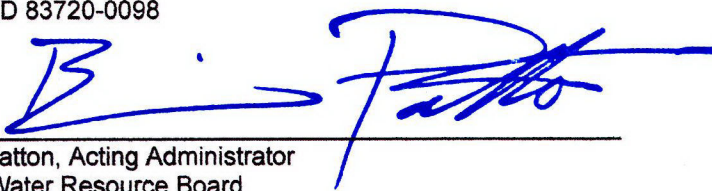
RECEIVED

AUG 30 2023

Department of Water Resources

By 
Title self
Date 8.29.23

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 8/31/23

Lease approved by IDWR 

Date 8/31/23

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WATER SUPPLY BANK LEASE CONTRACT No. 1717

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): 37-2619

GROUND WATER NENESW Sec. 15 Twp 04N Rge 17E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-2619	IRRIGATION	04/15	to	10/31	0.08 cfs	14.0 AF
Totals:					0.08 cfs	14.0 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	17E	15		0.6	1.2		0.1			1.8						0.3			4.0

Total Acres: 4.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, 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.

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WATER SUPPLY BANK LEASE CONTRACT No. 1717

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. Property is also known as Parcel A, Blk 2, Boards Lower Ranch Subdivision, and is located within Homestead Entry Survey 293.
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. 37.
14. The unleased portion of right 37-2619 shall not exceed a total diversion rate of 0.27 cfs, a total annual maximum diversion volume of 47.6 af at the field headgate, and the irrigation of 13.6 acres.

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SEP 28 2023

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1717

37-2619

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



0 0.1 0.2 Miles

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STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
APR 07 2023
DEPARTMENT OF
WATER RESOURCES

Designated Applicant William B. Gordon & Debra Gordon

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

Water Right No. 37-2619

(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 <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> 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 <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ <u>250</u>	Received By: <u>kn</u>	Date Received: <u>4.7.23</u>	Receipt # <u>C115819</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>William Bingham Gordon</u>	

2642

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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 William B. Gordon

Mailing Address 179 Albion Ave., Woodside, CA 94062

Street City State Zip Code

Email Address bgordon@kpcb.com

Phone Number (650) 400-9005

☐ 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 Charlie S. Baser

Organization Givens Pursley LLP

Professional Title Attorney

Email Address csb@givenspursley.com

Mailing Address 601 W. Bannock St., Boise, Idaho 83702

Phone Number (208) 388-1200

☐ 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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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.
Well, pump, pivot sprinkler irrigation 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. The portion sought to be leased to the Bank has been leased to the Bank for the last eight years (2015, 2016, 2017, and 2018-2022)

- 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.

- 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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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)

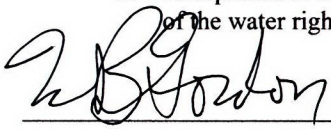
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

WILLIAM BINGHAM GORDON 3. 27. 23
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

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SEP 28 2023

**STATE OF IDAHO
WATER RESOURCE BOARD**

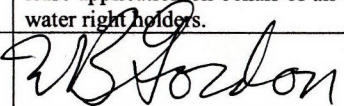
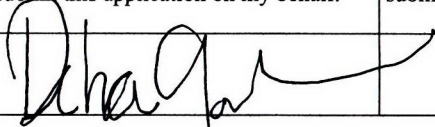
ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name	William B. Gordon	Debra Gordon	
Mailing Address	179 Albion Ave., Woodside, CA 94062	179 Albion Ave., Woodside, CA 94062	
Phone Number	(650) 400-9005	(650) 851-0715	
Email Address	bgordon@kpcb.com	debra@albion179.com	
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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SEP 7 8 2023

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
37-2619	Irrigation	0.08	14	4.0
Total Amounts:				

2. Source of water Ground Water tributary to

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	17E	15		NE	NE	SW	Blaine

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SEP 7 8 2023

Water Mailing Checklist for Leases

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

executed
8/31/23

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: MK

Received Date

4/7/2023

Desired Lease Duration

2023-2027

Lease / Rental Package

(Y)

N

If yes, Renter Name:

Application # 2642

Contract # 1717

WR#s		#
		37-2649
#		#
#		#
#		#
#		#
#		#
#		#
#		#

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)

Designated Applicant: William B Gordon

CC

Original

☐

☒

EMAIL:

Attorney: Charlie Baser - Givens Pursley

☒

☐

EMAIL:

Consultants

Name:

☐

Comments:

Watermaster: Sunny Healey

☒

Delivery Entity:

☐

Water District: 37

☒

Ground Water District: Galena GWD

☒

Region: Southern

☒

Other: (Big Wood River GWNRA)

☐

☐

Address:

Call up Date:

DO NOT SCAN

Filed
9/28/23



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 Mathew Weaver

September 1, 2023

WILLIAM B GORDON
179 ALBION AVE
WOODSIDE, CA 94062-3601

**RE: WATER SUPPLY BANK LEASE CONTRACT 1717
FOR WATER RIGHTS 37-2619**

Dear Lessor:

Water right(s) **37-2619** 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,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure: Executed Lease Contract

c: IDWR - Southern Region Office
Charlie Baser – Givens Pursley, LLP
Water District No. 37
Galena GWD

SCANNED
SEP 7 8 2023

Kienholz, Mackenzie

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Wednesday, August 30, 2023 11:42 AM
To: Kienholz, Mackenzie
Subject: RE: Gordon WSB Lease Not Yet Returned [IWOV-GPDMS.FID1185075]
Attachments: Scan0164.pdf

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.

Hi Mackenzie!

Attached is the Gordons' signature page to the lease contract. Would you also like me to send this to the file email address?

Best,
Charlie

CHARLIE SUZANNAH BASER

GIVENS PURSLEY LLP

601 W Bannock St, Boise, ID 83702

main 208-388-1200

direct 208-388-1271

fax 208-388-1300

charliebaser@givenspursley.com

www.givenspursley.com

CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: Charlie S. Baser
Sent: Thursday, August 24, 2023 3:40 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Gordon WSB Lease Not Yet Returned

Thanks for letting me know, Mackenzie. I will check in with the Gordons and make sure they send the lease contract in ASAP if they have not yet.

Best,
Charlie

CHARLIE SUZANNAH BASER

GIVENS PURSLEY LLP

601 W Bannock St, Boise, ID 83702

main 208-388-1200

SCANNED
SEP 7 8 2023

direct 208-388-1271
fax 208-388-1300
charliebaser@givenspursley.com
www.givenspursley.com

CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Thursday, August 24, 2023 3:39 PM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Subject: Gordon WSB Lease Not Yet Returned

EXTERNAL

Hello Charlie,

I don't see that we have received signed copies of Lease Contract #1717 for William B Gordon yet. Have these been signed yet? We received copies of both the Sinegal and Weisel rentals, but we cannot execute them until the lease is returned.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

SCANNED
SEP 28 2023

Kienholz, Mackenzie

From: Hummer, Phill
Sent: Monday, August 7, 2023 3:28 PM
To: bgordon@kpcb.com; csb@givenspursley.com
Subject: WSB Lease App 2642 for Right 37-2619
Attachments: Proposed Lease Contract 1717 - W Gordon 2023.docx; Lease Map - Contract 1717 Gordon 2023.pdf; Lease Cover Letter-Proposed Contract.pdf

Dear Applicant,

I apologize for delays. Attached is the lease contract for the proposed 4 acre portion right 37-2619. Please sign and return the contract either by regular mail or by email to file@idwr.idaho.gov.

-Phill

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SEP 28 2023

MEMORANDUM FOR APPLICATION #2642

To: Water Right(s) 37-2619

From: Mackenzie Kienholz

Date: 6/29/2023

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

PURPOSE/NARRATIVE: Lease application #2642 was submitted by Charlie Baser (Givens Pursley, LLP) on behalf of William B. Gordon and was received by the Department on 4/7/2023. The application proposes to lease 4.0 acres of groundwater irrigation right 37-2619 for 2023-2027. This lease is a repeat of Contract #776 and was submitted as a package with rental applications #2643 for Thomas W. Weisel Trust and #2668 for James D. Sinegal.

This lease is within WD #37, Big Wood River GWMA, and the Galena GWD.

AUTHORITY TO FILE: Water right 37-2619 is owned by William B Gordon and Debra R Gordon. The application was signed by William B Gordon; an attachment 1A was included with the application signed by Debra Gordon and William B Gordon listing William as the designated applicant. No concerns with authority to file.

WATER RIGHT VALIDITY: 37-2619 was decreed 9/24/2010 and the portion proposed for lease has been in the Water Supply Bank every year from 2015 to 2022. No concerns with validity of the water right and portion offered to the Bank.

INJURY TO OTHER WATER RIGHTS: Lease of this water right would not cause injury to other water rights. Proper review to prevent injury completed as part of rental review.

ENLARGEMENT OF USE: Neither the water right POD nor the POU are overlapped by any other rights. There is no indication that the place of use has historically received water from other sources. No concerns with enlargement of use.

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 location for the lease POD is subject to Water District #37. A request for comments was sent to the WD #37 watermaster, the Galena GWD, and the Southern Regional Office on 6/29/2023.

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Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, June 29, 2023 3:51 PM
To: watermanager; Skinner, Corey; galenagwd@gmail.com
Subject: Comments Request - WSB Lease & Rentals, WR 37-2619 Gordon/Weisel/Sinegal
Attachments: WM Copy Lease Review Memo - 2642 Gordon 2023.pdf; WM Copy Rental Review Memo - 2643 Weisel 2023.pdf; Move Map - Weisel 2643.pdf; Rental Map 777 Weisel Trust 2023.pdf; WM Copy Rental Review Memo - 2668 Sinegal 2023.pdf; Move Map Sinegal 2023.pdf; Rental Map 776 J Sinegal 2023.pdf

Good afternoon,

Please see the attached review documents for Water Supply Bank Lease Application #2642 for William B Gordon, Rental Application #2643 for Thomas W Weisel Trust, and Rental Application #2668 for James D Sinegal, all for water right 37-2619. These rentals have occurred using this water right since 2017. Kindly respond with any questions or comments within 10 days.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

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SEP 7 8 2023

Kienholz, Mackenzie

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Wednesday, April 12, 2023 3:37 PM
To: Kienholz, Mackenzie
Subject: RE: Information Needed - Gordon-Weisel WSB Package

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.

Thanks for this, Mackenzie. Yes, the map for the lease application will be the same. I will get you a ma for the rental application ASAP. And, as we discussed just now, I have an additional companion rental application for this lease application that I will send with the rental application map.

Thanks again,
Charlie

CHARLIE SUZANNAH BASER

GIVENS PURSLEY LLP

601 W Bannock St, Boise, ID 83702

main 208-388-1200

direct 208-388-1271

fax 208-388-1300

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www.givenspursley.com

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From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Wednesday, April 12, 2023 12:50 PM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Subject: Information Needed - Gordon-Weisel WSB Package

EXTERNAL

Good afternoon Charlie,

I am completing the intake for the Water Supply Bank lease/rental package for William B. Gordon and Thomas W. Weisel. I did not see that a map was included with either application. I have attached the previous lease map for water right 37-2619; will this new lease application be for the same acres? If so, I can use this map for the new application. We will also need a map for the rental application **within 30 days** identifying the specific 1.0 acre that is requesting to be irrigated. Please let me know if you have any questions.

Thank you,

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SEP 7 8 2023

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

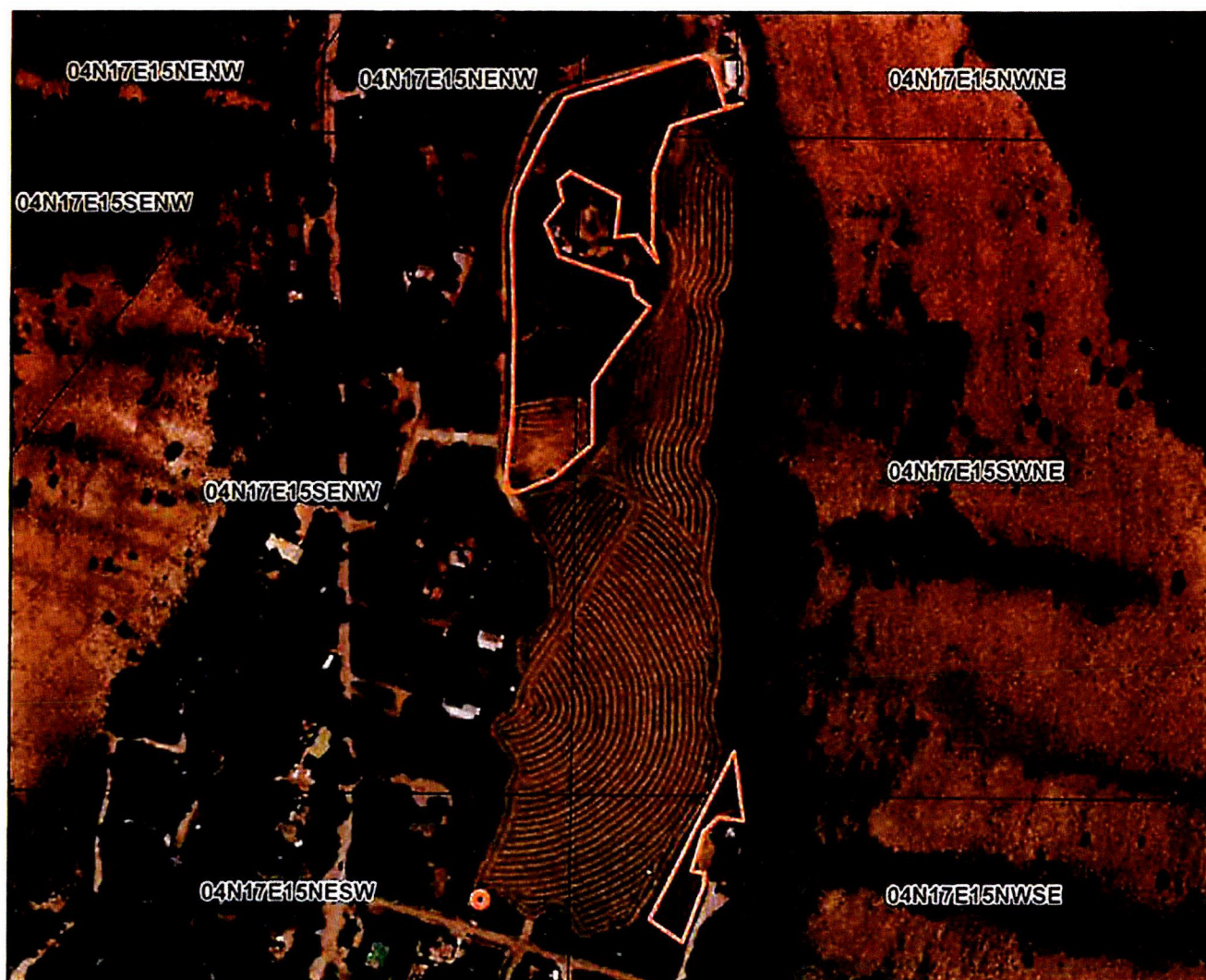
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Idaho Water Resource Board
Water Supply Bank Lease

37-2619

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

 Townships

 PLS Sections

 Quarter Quarters



0 500 1,000 Feet

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SEP 28 2023

GIVENS PURSLEY LLP

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Deborah E. Nelson
Samuel F. Parry
Randall A. Peterman
Blake W. Ringer
Michael O. Roe
Danielle M. Strollo
Robert B. White
Michael V. Woodhouse

William C. Cole (Of Counsel)

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

RECEIVED
APR 07 2023
DEPARTMENT OF
WATER RESOURCES

April 7, 2023

Via Hand Delivery

Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83702

RE: *WSB Lease/Rental Package for Water Right 37-2619*

Dear Sir or Madam:

Enclosed please find a lease/rental package for the Gordon/Weisel parties for filing with your office:

- 1) William B. Gordon and Debra Gordon's Application to Sell or Lease a Water Right to the Water Supply Bank, along with a check in the amount of \$250.00; and
- 2) Thomas W. Weisel Trust's Application to Rent Water from the Water Supply Bank.

Please return a date stamped copy of each document to our office upon receipt via our runner.

Sincerely,



Charlie S. Baser

CSB/mb
Enclosures
16698283.1 [16611-1]

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SEP 28 2023

2642 + 2643