

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT No. 1537**

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

LESSOR: TERRA VIEW LLC
6401 W FLOATING FEATHER RD
EAGLE, ID 83616

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 December 29, 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:

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)
63-33859	5/20/1961	GROUND WATER	0.20	45.0	10.0
Lease Totals			0.20	45.0	10.0

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)
63-33859	0.20	45.0	10.0	0.020	4.5
Limit Totals	0.20	45.0	10.0	0.020	4.5

** The water right elements rentable is only for use as a supplemental right to shares of Farmers Union Ditch Co. and is not a determination of the historic use of the right.*

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

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DEPARTMENT OF WATER RESOURCES

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3. **TERM OF LEASE:** The term of this lease shall be January 1, 2022 to December 31, 2026. 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.

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

LESSOR: TERRA VIEW LLC
6401 W FLOATING FEATHER RD
EAGLE, ID 83616

By [Signature]
Title Authorized Agent
Date 9-20-22

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

By [Signature]
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 9/20/22

Lease approved by IDWR [Signature]

Date 9/20/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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**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): 63-33859

GROUND WATER NWSE Sec. 34 Twp 05N Rge 01W ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-33859	IRRIGATION	03/15	to	11/15	0.20 cfs	45.0 AF
Totals:					0.20 cfs	45.0 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	
05N	01W	34														10.0			10.0

Total Acres: 10.0

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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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. Use of this right is combined with water from Farmers Union Ditch Company Ltd.
13. The entire water right is leased and can only be rentable as a supplemental right in combination with equal shares of Farmers Union Ditch Company Ltd.
14. The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

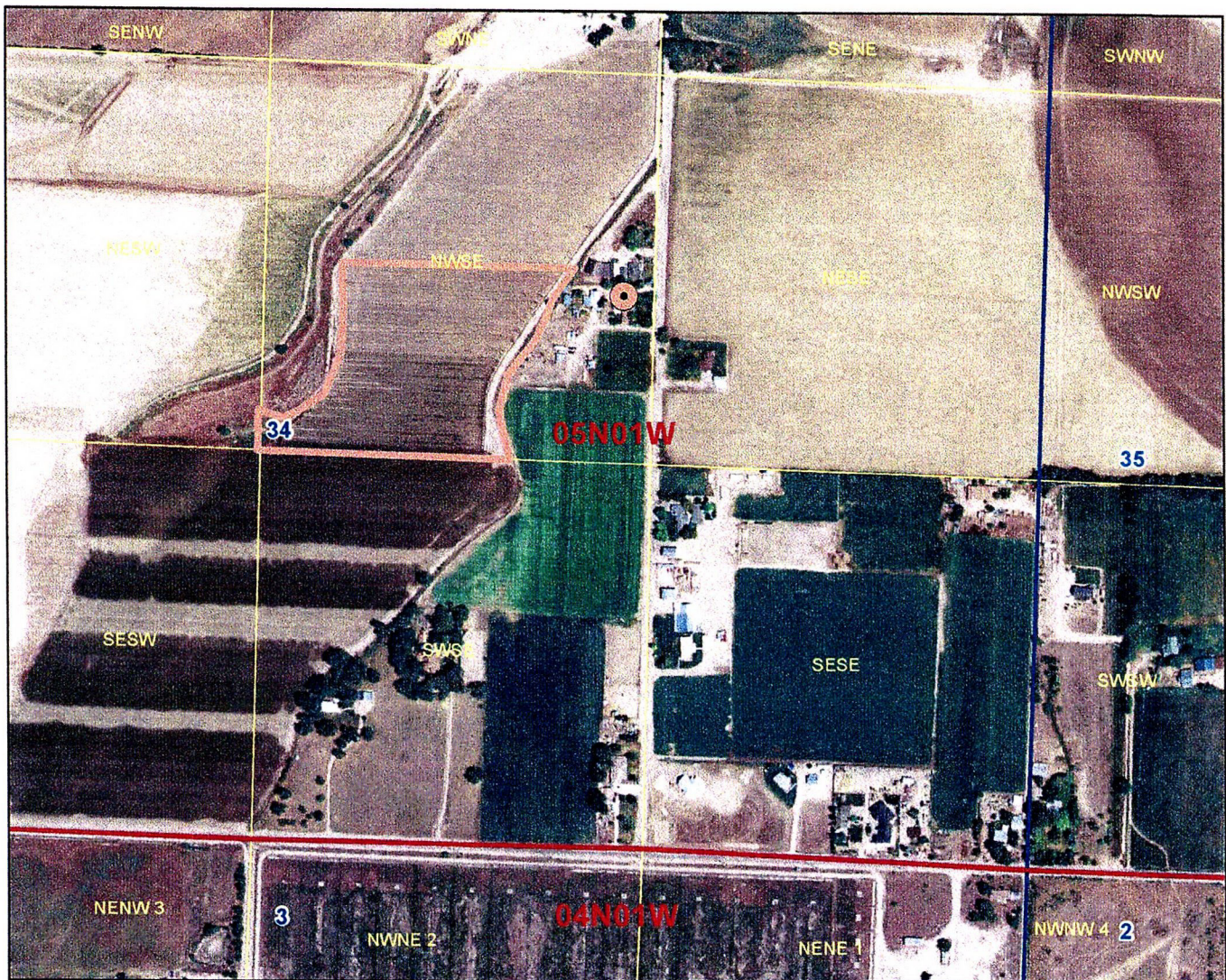
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JUL 19 2022

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1537

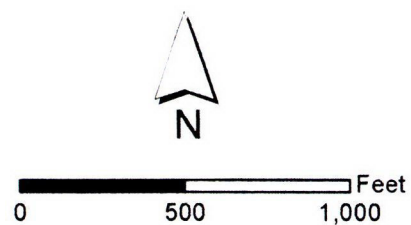
63-33859

Effective until December 31, 2026

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



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OCT 19 2022

RECEIVED

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 29 2021

JAN 03 2022 APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDEPARTMENT OF
WATER RESOURCESWATER RESOURCES
WESTERN REGION

Designated Applicant Terra View LLC Water Right No. 63-33859
 (Select one owner – see item 1A on the application) (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>LE</u>	Date Received: <u>12/29/2021</u>	Receipt # <u>W 050025</u>
W-9 received? Yes ☐ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Terra View LLC</u>	

2195 2253

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DEC 19 2021

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 Terra View LLC

Mailing Address 6401 W Floating Feather Road Eagle, Idaho 83616

Street

City

State

Zip Code

Email Address Justin@LegacyIdaho.com

Phone Number 208-286-9344

☒ 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 Justin Martin

Organization Terra View, LLC

Professional Title Member

Email Address Justin@LegacyIdaho.com

Mailing Address 6401 W Floating Feather Road Eagle, Idaho 83616

Phone Number 208-286-9344

☐ 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.

The current water diversion and delivery system consists of a ground water well and pump.

- 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. The Farmer's Union Ditch Co. - 264 Shares with 1 inch/share

- 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. The water right and the FUDC have partially overlapping places of use. FUDC supplies 264 of the 308 irrigated acres. The 10 acres irrigated solely by the groundwater right will not be irrigated.

- 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. Water has been in the WSB since 2017.

- 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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13

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: 2022 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]
Signature of Designated Applicant

Terra View LLC

Printed Name

12-28-21

Date

[Signature]
Signature of Authorized Representative

Justin Martin

Printed Name

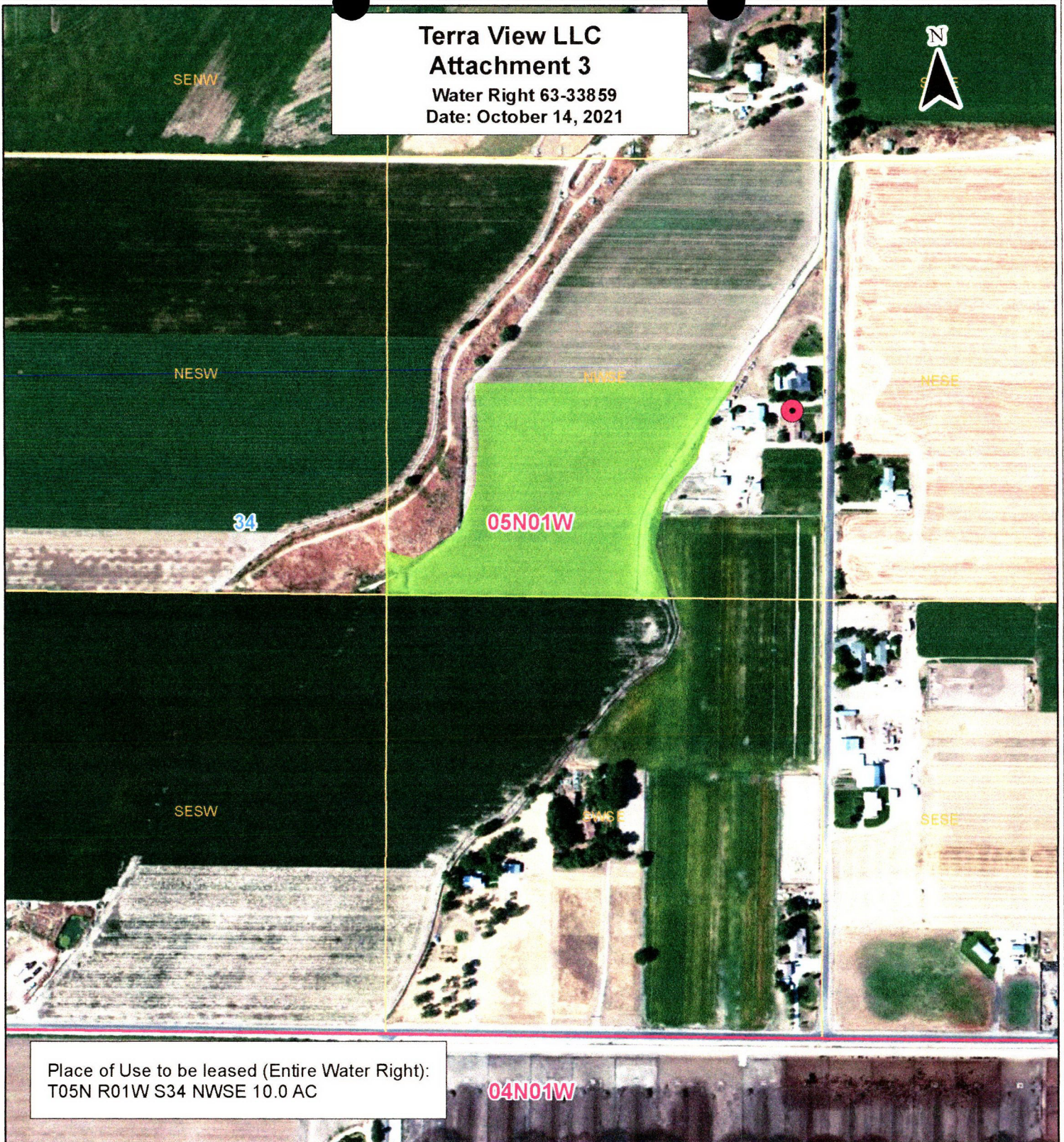
12-28-21

Date

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

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**Terra View LLC
Attachment 3**
Water Right 63-33859
Date: October 14, 2021



Legend

-  Existing Point of Diversion (POD)
-  Existing 63-33859 POU
-  PLSS Township & Range
-  PLSS Section
-  PLSS QQ

1:4,800

0 200 400 800 Feet

Coordinate System: NAD 1983 StatePlane Idaho East FIPS 1101 Feet



2471 S TITANIUM PL
MERIDIAN, ID 83642
PHONE: 208.323.2288 WWW.TO-ENGINEERS.COM
BOISE, CODY, COEUR D'ALENE, HEBER CITY,
MERIDIAN, NAMPA, & SPOKANE

CCAM-130
05/11/2022

**CONSENT OF MANAGER OF
TERRA VIEW, LLC**

The undersigned, being the sole Manager of Terra View, LLC, an Idaho limited company (the "**Company**"), does hereby consent to, and adopt and approve in writing the following actions, without a meeting:

RESOLVED, that Marty Goldsmith is hereby authorized to borrow funds from such commercial banking institutions as he deems advisable for the operation of the Company's affairs, and is further authorized to establish deposit accounts with such commercial banking institutions as he deems advisable for the operation of the Company's affairs; and further

RESOLVED, that Marty Goldsmith is hereby authorized to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds deposited with such commercial banking institutions as he deems advisable for the operation of the Company's affairs; and further

RESOLVED, that Justin Martin is authorized to execute any and all documents required to be signed in the process of development on behalf of Terra View, LLC.

IN WITNESS WHEREOF, the undersigned has hereunto executed this instrument as of the 18th day of September, 2015.

DEVELOPERS SERVICES, INC.

By 

Brian F. McColl, its President

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OCT 19 2022



0004438070



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0004438070

Date Filed: 10/5/2021 10:46:13 AM

Entity Name and Mailing Address:

Entity Name: TERRA VIEW, LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000470949
Address: 3858 N GARDEN CENTER WAY
STE 200
BOISE, ID 83703-5008

Entity Details:

Entity Status: Active-Existing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W154959

The registered agent on record is:

Registered Agent: BRIAN F MCCOLL
Registered Agent
Physical Address
3858 N GARDEN CENTER WAY
STE 200
BOISE, ID 83703
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
Developers Services, Inc.	Manager	3858 N. GARDEN CENTER WAY STE. 200 BOISE, ID 83703

The annual report must be signed by an authorized signer of the entity.

Job Title: Brian F. McColl, President of Developers Services, Inc., Manager

Brian F. McColl

Sign Here

10/05/2021

Date

B0653-3274 10/05/2021 10:46 AM Received by ID Secretary of State Lawrence Denney

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OCT 19 2021

No. W 154959	Due no later than Aug 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			BRIAN F MCCOLL 3858 N GARDEN CENTER WAY STE 200 BOISE ID 83703 3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MANAGER	DEVELOPERS SERVICES, INC.	3858 N GARDEN CENTER WAY STE 200	BOISE ID USA 83703
5. Organized Under the Laws of: ID W 154959		6. Annual Report must be signed.* Signature: Brian F McColl Date: 06/21/2016 Name (type or print): Brian F McColl Title: Registered Agent	
Processed 06/21/2016		* Electronically provided signatures are accepted as original signatures.	

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OCT 19 2022

WSB Mailing Checklist for Leases

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

Key: Who Completes What?

CLERICAL STAFF: MC

REVIEWER:

Received Date 12/29/2021

Desired Lease Duration 2022-2026

Lease / Rental Package Y N

If yes, Renter Name: Terra View

Application # 2195

Contract # 1531

WR#s	#
# 63-33859	#
#	#
#	#
#	#
#	#
#	#
#	#

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: Terra View LLC	☐	☒	EMAIL:
Attorney:	☐	☐	EMAIL:
Consultants Name: Hattie Zobatt - TO Engineers	☐	☐	Comments:
Watermaster:	☐		Repeat, see 662
Delivery Entity:	☐		Supplemental to Farmers Union Ditch Co.
Water District: none	☐		
Ground Water District:	☐		
Region: Western	☐		
Other:	☐	☐	
Address:			

Complete

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

October 19, 2022

TERRA VIEW LLC
6401 W FLOATING FEATHER RD
EAGLE, ID 83616

**RE: WATER SUPPLY BANK LEASE CONTRACT 1537, 1538
FOR WATER RIGHTS 63-33859 & 63-11728**

Dear Lessor:

Water rights **36-33859 & 63-11728** were leased into the Water Supply Bank (Bank) as of January 1, 2022, 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 rights will automatically be released from the Bank on **December 31, 2026**, 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- Western Region
Hattie Zobott

SCANNED
Oct 19 2022

Hersley, Jean

From: Hattie Zobott <HZobott@to-engineers.com>
Sent: Tuesday, September 20, 2022 10:46 AM
To: IDWR File
Cc: Veibell, Amanda; Amy Goodwin
Subject: WSB Lease and change of address for Terra View LLC 63-33859, 63-11728
Attachments: 22-09-20 TV IDWR address change.pdf; 22-09-20 TV IDWR lease contract 1537.pdf; 22-09-20 TV IDWR lease contract 1538.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.

To Whom It May Concern:

Attached are the signed lease documents for Terra View LLC water rights 63-33859 and 63-11728.

Please feel free to contact me with any questions.

Sincerely,

Hattie

HATTIE ZOBOTT, PE (ID, WA) | *Hydraulic Engineer*



T-O ENGINEERS

2471 S. Titanium Place | Meridian, Idaho 83642

O 208-323-2288 | C 208-421-8257

www.to-engineers.com



MERIDIAN, ID | BOISE, ID | NAMPA, ID | COEUR D'ALENE, ID | SPOKANE, WA | HEBER CITY, UT | CODY, WY

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09/20/22



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

August 31, 2022

TERRA VIEW LLC
6401 W FLOATING FEATHER RD
EAGLE, ID 83616

RE: APPLICATION TO LEASE WATER RIGHTS 63-33859 & 63-11728 TO THE WATER SUPPLY BANK CONTRACT 1537 & 1538

******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, 2026**, 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: Hattie Zobott – T.P. Engineers

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MEMORANDUM FOR APPLICATION # 2195

To: Water Right(s) 63-33859
From: Mary Condon
Date: June 14, 2022
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE:

Application to lease entire right 63-33859 received by Western office on December 29, 2021, as a continuation of previous lease from 2017-2021. Purpose of the lease for 2022-2026 is to rent back their own water for development to the east through rental application 2254, with a change in nature of use to aesthetic ponds, and a change in season of use to the winter months. The previous leased water right was unrentable due to overlapping, co-mingling of Farmers Union Ditch surface water.

A request for additional information to support a change in nature of use, a change in season of use and a change from supplemental to primary was requested from the representative with a due date in March. The historic use information to support the changes was not provided. Additional correspondence about whether they still want the lease if a rental cannot be approved was requested in May, and the representative stated they would still like to have the lease either way.

AUTHORITY TO FILE: Terra View is the owner of the water right, and according to Idaho Secretary of State annual report for 2022, Brian McColl is the manager. A letter authorizing Justin Martin to manage transactions relating to the company's water rights from 2015 was supplied with the previous lease and this one. Hattie with T.O. Engineers is representing the company. The lands under the place of use owned by Terra View. The well is shared with right 63-33860, sister right to this one, and is the original POD for the parent right, 63-3234.

WATER RIGHT VALIDITY: This right was decreed in 2007 and accepted into the bank from 2017-2021, with no concerns of validity. There is a statement in the previous application and a note in that review that the grounds would still be irrigated with surface water shares from Farmers Union Ditch Co. The current lease application for 2022-2026 states the 10 acres have been irrigated solely with ground water and are not overlapped with the surface water shares; however, the water right is conditioned to be used supplemental to surface water and a review of satellite imagery shows the place of use was fully irrigated during the lease of the ground water from 2017-2021.

INJURY TO OTHER WATER RIGHTS: No injury is expected with the lease of this supplemental ground water right.

ENLARGEMENT OF USE: A review of sentinel imagery on the water right place of use with available layers for April and May of 2022, see attached, does not indicate any irrigation of the lands offered for lease for 2022. Other rights at the place of use are the Farmers Union Ditch Co surface water and City of Eagle municipal water. Accepting this groundwater right into the bank would require it to remain unrentable, unless used as supplemental to Farmers Union Ditch Co, and only with their permission to rent on lands where equal shares will be used. No enlargement through the lease of this right is expected.

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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.

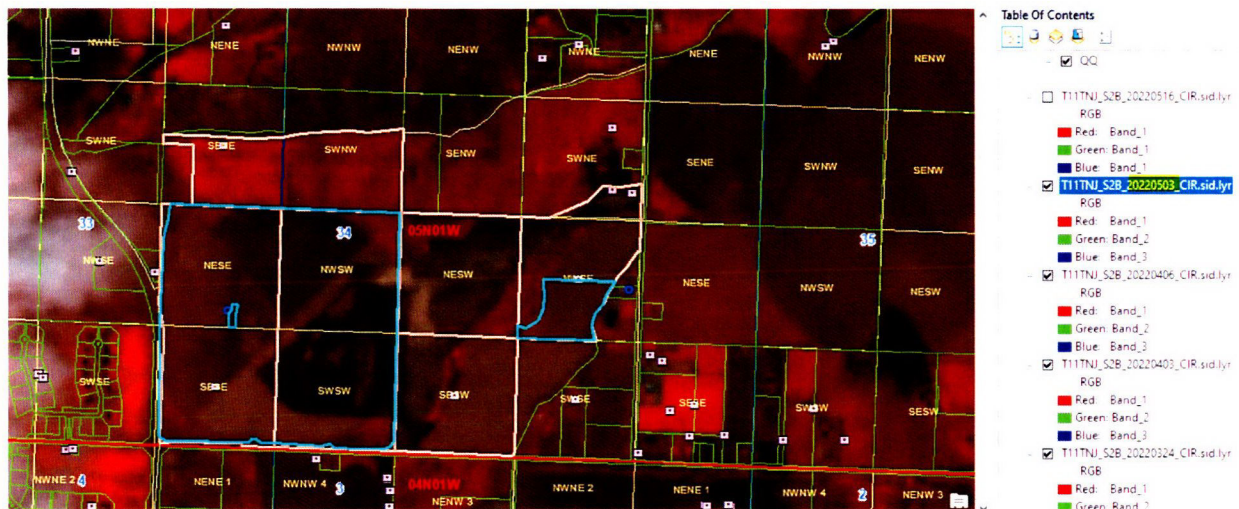
DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is not subject to Water District 63, since it is ground water, and is within Western Region. Comments requested from Western Region manager on 6/14/2022.

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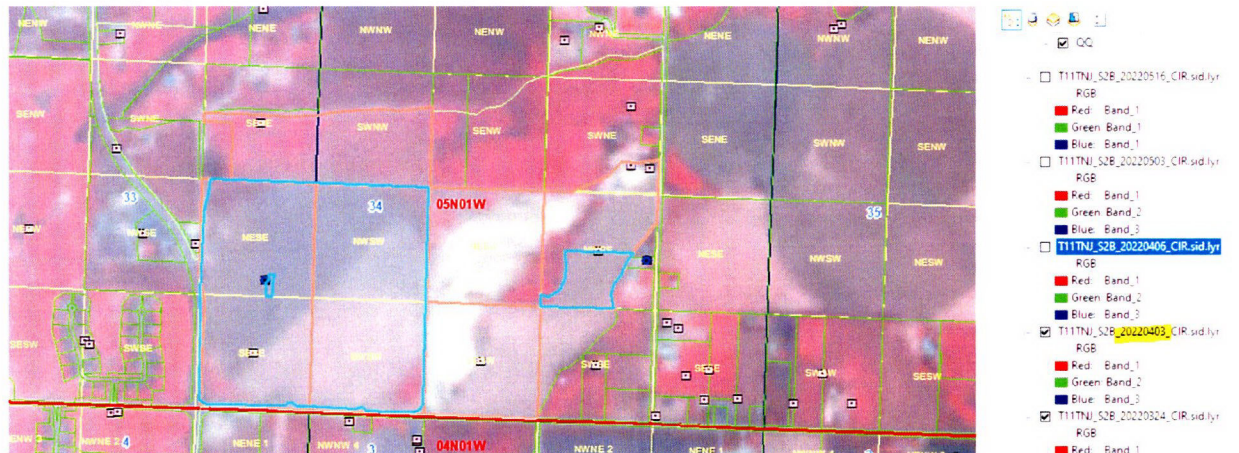
Sentinel 2022, WRs 63-11728 (left square highlighted) & 63-33859 (right polygon highlighted)



05/16/2022, above



05/03/2022, above



04/03/2022, above

Lease application 2253 review, MCondon 6/14/22

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From: [Hattie Zobott](#)
To: [Condon, Mary](#)
Subject: RE: Terra View LLC
Date: Wednesday, May 11, 2022 1:34:04 PM
Attachments: [image002.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image001.png](#)
[image003.png](#)

Dear Mary,

Yes—Terra View will still want to lease the rights regardless of a rental.

May we still use the water as supplemental water for aesthetic/wildlife?

Sincerely,

Hattie

[HATTIE ZOBOTT, PE \(ID, WA\) | Hydraulic Engineer](#)



T-O ENGINEERS

2471 S. Titanium Place | Meridian, Idaho 83642

[O 208-323-2288](#) | [C 208-421-8257](#)

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From: Condon, Mary <Mary.Condon@idwr.idaho.gov>

Sent: Wednesday, May 11, 2022 11:10 AM

To: Hattie Zobott <HZobott@to-engineers.com>

Subject: RE: Terra View LLC

Hattie,

Rental application 2254 is for aesthetic/wildlife ponds, with no request for irrigation or irrigation storage. If there is a new request for a rental to provide irrigation, we will need a new rental application.

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If Terra View no longer wants the aesthetic/wildlife rental, please confirm so I can return it. Also, is Terra View wanting to still lease in the two rights, regardless of a rental?

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator



IDAHO DEPARTMENT OF

WATER RESOURCES
Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.

From: Hattie Zobott <HZobott@to-engineers.com>

Sent: Wednesday, May 11, 2022 8:08 AM

To: Condon, Mary <Mary.Condon@idwr.idaho.gov>

Subject: RE: Terra View LLC

Dear Mary,

Yes, we have discussed the problems with using the water as a primary right. We would like to still rent the water as supplemental irrigation water for the property. We will not be completing a transfer for the change in beneficial use.

Would you like me to amend the water supply bank rental to reflect the changes above?

Sincerely,

Hattie

HATTIE ZOBOTT, PE (ID, WA) | *Hydraulic Engineer*



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From: Condon, Mary <Mary.Condon@idwr.idaho.gov>

Sent: Tuesday, May 10, 2022 5:21 PM

To: Hattie Zobott <HZobott@to-engineers.com>

Subject: Terra View LLC

Hi Hattie,

Have you heard from Terra View and if they would still like to move forward with their rental request? We have not received the supporting information I requested for the historic use of the ground water rights and/or historic delivery of the primary surface water by the March 10th extended date.

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator



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mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.

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