

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 25 2025

WATER SUPPLY BANK LEASE CONTRACT No. 1963

DEPT. OF WATER RESOURCES

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

LESSOR: DEER CREEK RANCH INC
PO BOX 3090
NEWPORT BEACH, CA 92658-3090

RECEIVED

APR 22 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 19, 2024.
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)
37-5	3/10/1883	BIG WOOD RIVER, tributary to MALAD RIVER	3.00	Not Stated	58.0
Lease Totals			3.00	Not Stated	58.0

Summary of Water Rights Elements Rentable From the Bank

Water Right	Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-5	IRRIGATION	1.16	203.0	58.0	0.02	3.50
37-5	WILDLIFE	3.00	1,190.1	N/A	N/A	N/A
37-5	RECREATION	3.00	1,190.1	N/A	N/A	N/A
Combined Limit Totals		3.00	1,190.1	58.0	N/A	N/A

** The water right elements rentable have been calculated from the water right elements leased to account for the inclusion of a diversion volume. The diversion volume for wildlife and recreation uses was determined based on maximum daily diversion during the season of use.*

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1963

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2025 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1963

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

LESSOR: DEER CREEK RANCH INC
PO BOX 3090
NEWPORT BEACH, CA 92658-3090

By Daniel Doolittle
Title CFO
Date 4/18/25

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

By Brian Patton
Brian Patton, Executive Manager
Idaho Water Resource Board

Date 4/29/25

Lease approved by IDWR TP

Date 4/29/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1963

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): 37-5

BIG WOOD RIVER	NWSESW	Sec. 30	Twp 03N	Rge 18E	BLAINE County
BIG WOOD RIVER	NWSESW	Sec. 30	Twp 03N	Rge 18E	BLAINE County
BIG WOOD RIVER	NESWSW	Sec. 29	Twp 03N	Rge 18E	BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-5	IRRIGATION	04/15	to	10/31	1.16 cfs	203.0 AF
37-5	WILDLIFE	04/15	to	10/31	3.00 cfs	1,190.1 AF
37-5	RECREATION	04/15	to	10/31	3.00 cfs	1,190.1 AF
Totals:					3.00 cfs	1,190.1 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: WILDLIFE & RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	30									X			X	X	X	X	X	X

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	
03N	18E	29										3.0	7.0						10.0
03N	18E	30			13.0	10.0	30.0			23.0					1.0			5.0	82.0
03N	18E	32						10.0	14.0										24.0

Acre Limit: 58.0
Total Acres: 116.0

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1963

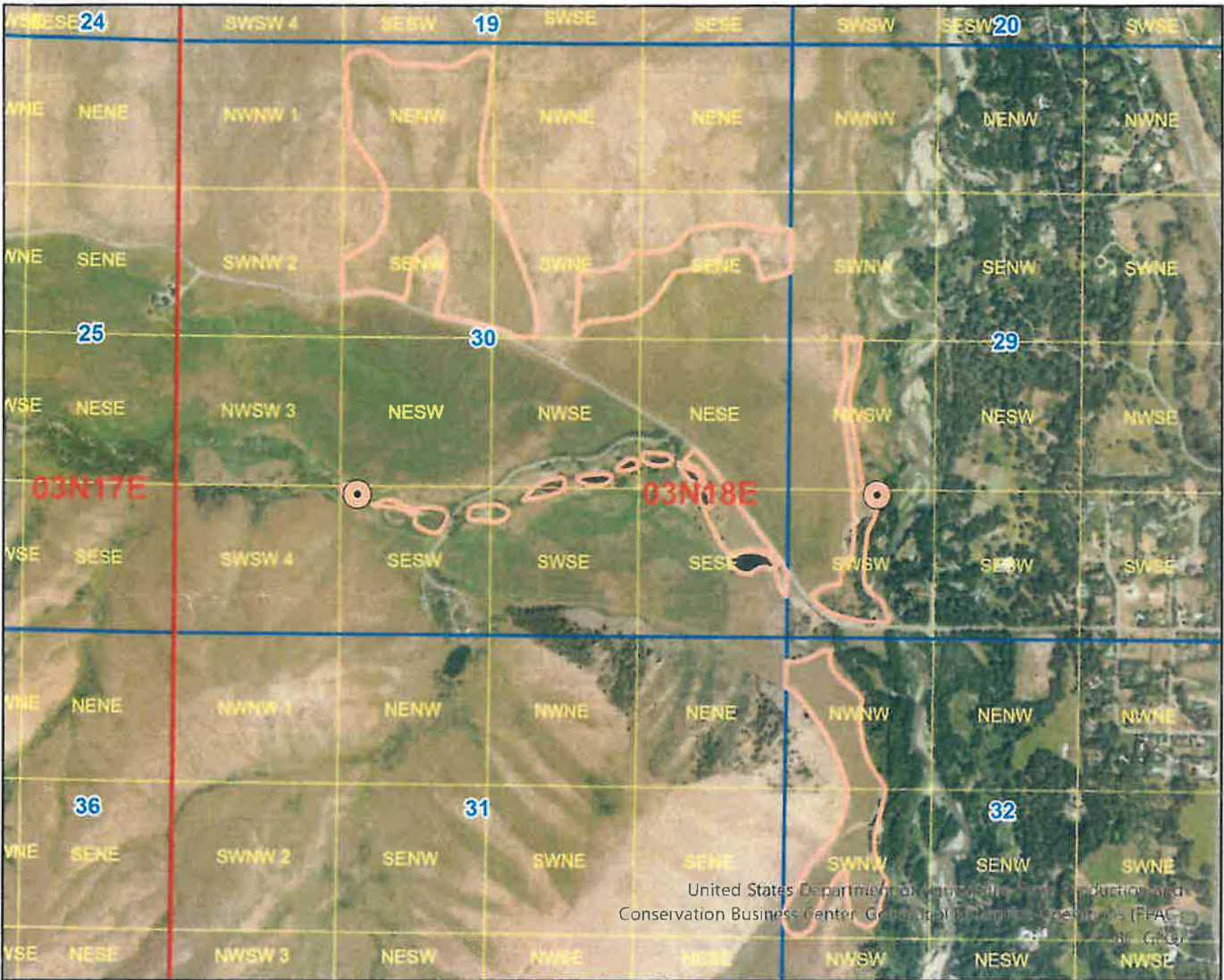
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While 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.
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 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
13. Water Right 37-5 shall not exceed a total diversion rate of 1.16 cfs, a total annual maximum diversion volume of 203.0 af at the field headgate, and the irrigation of 58.0 acres.
14. A measuring device and lockable controlling works of a type acceptable to IDWR shall be permanently installed and maintained at the point of diversion from the big wood river. Additionally, a measuring device shall be installed at the mouth of deer creek for the purpose of verifying the equivalent flow of water being returned from the recreational and wildlife ponds.
15. 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.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1963

37-5

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.



0 1,000 2,000 3,000 Feet

Legend

- Water Supply Bank Lease Point of Diversion
- Water Supply Bank Lease Place of Use
- Township/Range
- Sections
- QQ



09/2023

RECEIVED

STATE OF IDAHO
WATER RESOURCE BOARD

Print Form

DEC 19 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKApplicant / Designated Lessor Deer Creek Ranch Inc., Attn: David Rodibaugh
(Select one owner – see item 1A on the application)Water Right No. 37-5
(One water right per application)Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☒
If yes, include renter and rental fee payment information as attachment 5B.

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
Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*, printed **single sided**, per requirement of 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.

N/A Yes Attachments



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 Applicant / Designated Lessor.

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 Applicant on this application. If the 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.

5B

Rental rate and owner payment agreement between lessor and renter for lease/rental packages.

Department Use Only

Fee Amount \$ 250-Received By: DMDate Received: 12-19-2024 Receipt # S040453W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Deer Creek Ranch, Inc.

3150

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. The applicant or designated lessor must be listed as a current owner of the water right offered for sale or lease to the Water Supply Bank. If there are multiple current owners, choose one owner as the Designated Lessor. Complete and attach the Designated Lessor - Attachment 1A of this application package with the signatures of all current owners.

Applicant / Designated Lessor Deer Creek Ranch Inc., Attn: David Rodibaugh

Mailing Address PO Box 3090 Newport Beach CA 92658-3090
Street City State Zip Code

Email Address drodibaugh@irvinecompany.com Phone Number 949-720-2919

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

OR

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

- B. Has the Designated Lessor / Applicant submitted an [IRS Form W-9](#) to this Department within 6 months? 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 Water Right Holder? Yes ☒ No ☐
If yes, representatives (includes employees of Water Right Holder companies) must complete this section and submit documentary proof of their authority to represent the Water Right Holder (Attachment 1D).

Name of Representative Abby R. Bitzenburg Organization Marten Law LLP

Professional Title Attorney Email Address abitzenburg@martenlaw.com

Mailing Address PO Box 63 Twin Falls, Idaho 83303-0063 Phone Number 208-424-2032

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

OR

☒ Send original correspondence to the Designated Lessor / 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 and none will still be used.

OR

☐ A portion of the water right is being offered to the Bank and a portion will still be used.
If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map. The map must locate the point of diversion from the source of water and the location of the lands to be idled or the place where the water will no longer be used. The map must also show townships, ranges, sections, and government lots. **For irrigation purposes**, mark the number of acres for lease **per** 40-acre tract (1/4-1/4). 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. Identify the owner of the water delivery system or well Deer Creek Ranch, Inc.

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](#). (Label Attachment 4A)

- B. Please provide a description of the current water diversion and delivery system, including source, pump, pipeline or diversion.
See Attachment 4

- C. Describe any other water sources, including municipal, irrigation company shares, or water rights with combined limits to the water right offered to the bank, which are used for the same purpose at the same place of use as the water right being offered to the Bank. 37-5 and 37-833R

- 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, and usually have combined limits in the conditions of the water rights. 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, including those listed in 4C? 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. 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 (Label Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture, including lease into the Bank. Your application may be denied if forfeiture concerns are not addressed. This right has been in the water bank or the last nine (9) years, so no forfeiture has occurred. I.C. 42-223(5).

- G. Identify annual volumes and/or rates of water diverted (used) in the last 5 years to accomplish the beneficial use authorized by this water right. 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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE CONTRACT

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

If lease, specify the first calendar year when the use of water will be suspended: 2026

All lease contracts are for a calendar year from January 1st to December 31st (year)

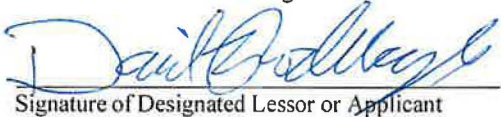
*Mark Desired Lease Duration (Calendar Years)					
☐ 1	☒ 2	☐ 3	☐ 4	☐ 5	Other Term Length (# of years): *Prior IWRB approval required

- B. Show the minimum payment acceptable to the seller/lessor. **If lease**, the minimum payment may be shown as the "current rental rate" as established by the IWRB, or a negotiated rental rate with submittal of an agreement between the lessor and the renter. *The owner payment is 90% of the rental fee. The administrative fee retained by the IWRB is 10% of either the current rental rate or the negotiated rental fee, whichever is higher. Include the method of determining the minimum payment if submitted as a companion lease rental package, and whether the owner payment will be paid directly to the lessor from the renter or if owner payment should be collected by the Department from the renter for payment to the lessor. (Label attachment 5B).*
- 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 Lessor / Applicant acknowledges the following:

1. Payment to the Designated Lessor / 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 Lessor / 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 Lessor or Applicant

David Rodibaugh
Printed Name

12/18/24
Date

Signature of Co-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

Print Form



0005637889

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***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 #: 0005637889

Date Filed: 3/6/2024 9:50:35 AM

B0889-4266 03/06/2024 9:50 AM Received by Office of the Idaho Secretary of State

Entity Name and Mailing Address:

Entity Name: DEER CREEK RANCH, INC.
The file number of this entity on the records of the Idaho Secretary of State is: 0000276584
Address: PO BOX 3090
NEWPORT BEACH, CA 92658-3090

Entity Details:

Entity Status: Active-Good Standing
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: C88971

The registered agent on record is:

Registered Agent: CORPORATION SERVICE COMPANY
Commercial Registered Agent
Physical Address
1305 12TH AVE RD
NAMPA, ID 83686
Mailing Address
1305 12TH AVE RD
NAMPA, ID 83686

Agent or Address Change

☐ Select if you are appointing a new agent.

Corporate Officers and Directors:

Name	Title	Business Address
DAVID RODIBAUGH	Treasurer	PO BOX 3090 NEWPORT BEACH, CA 92658
DONALD BREN	President	PO BOX 3090 NEWPORT BEACH, CA 92658
GINO BIANCHINI	Secretary	PO BOX 3090 NEWPORT BEACH, CA 92658

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

Job Title: Treasurer

David Rodibaugh

Sign Here

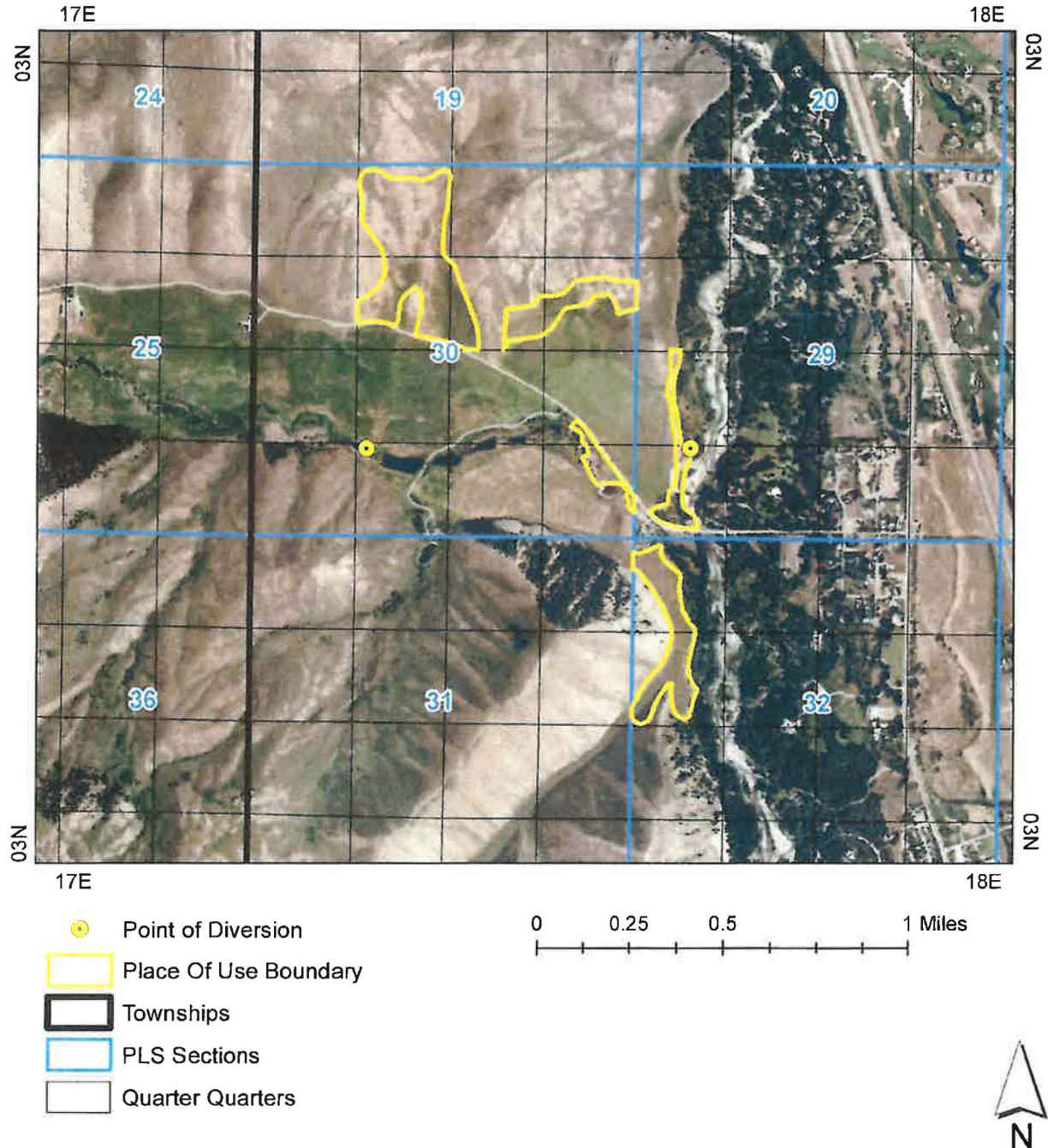
03/06/2024

Date

Attachment 3
State of Idaho
Department of Water Resources
Water Right
37-5

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Map produced on October 02, 2015

Attachment 4

4.B. Water under this right has been historically used from 4/15 through 10/31 with some infrequent late-summer curtailment in dry years. In 2006, a significant amount of water ran through the river system near Deer Creek Ranch. As a result of the increased water, the river changed its channel and the channel from which Deer Creek Ranch diverted this water no longer received water. The channel has been dry since 2006, with water previously diverted now flowing in a separate channel in the river. The right was leased to the Water Supply Bank from 2016-2024.



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 Mathew Weaver

May 07, 2025

DEER CREEK RANCH INC
PO BOX 3090
NEWPORT BEACH, CA 92658-3090

**RE: WATER SUPPLY BANK LEASE CONTRACT 1963
FOR WATER RIGHT 37-5**

Dear Lessor:

Water right **37-5** is leased into the Water Supply Bank (Bank) as of January **2025** 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 will automatically be released from the Bank on **December 31, 2026**, unless the rights are released earlier by the Water Resource Board (Board). 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 are rented.**

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

Sincerely,

Debra Mansfield

Technical Records Specialist I

Enclosure: Executed Lease Contract

c: IDWR Southern Region Office
Representative
Water District No. 37

Mansfield, Debra

From: Mansfield, Debra
Sent: Tuesday, May 6, 2025 12:04 PM
To: watermanager; abitzenburg@martenlaw.com; Skinner, Corey
Cc: Bank
Subject: Executed WSB Lease Contract 1963
Attachments: Executed WSB Lease Contract 1963 Deer Creek Ranch Inc 2025-2026.pdf

Hello,

Please see the attached copy of executed WSB Lease Contract 1963, in the name of Deer Creek Ranch Inc, for your records.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov



April 22, 2025

Via Hand Delivery to the Southern Regional Office

Marten Law LLP
163 Second Ave. W.
Twin Falls, ID 83301

Idaho Department of Water Resources
650 Addison Ave. W. STE 500
Twin Falls, Idaho 83301-5858

RE: Deer Creek Ranch's Signed Water Supply Bank Lease Contract

Dear Idaho Department of Water Resources:

This firm represents Deer Creek Ranch, Inc. in various matters. At its request, we are submitting the signed Water Supply Bank Lease Contract (No. 1963).

Please find the executed contract attached.

Sincerely,

Abby R. Bitzenburg
Staff Attorney
Direct: (208) 613-2933
Email: abitzenburg@martenlaw.com

RECEIVED

APR 22 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

APR 25 2025

DEPT. OF WATER RESOURCES



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: dwinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 18, 2025

DEER CREEK RANCH INC
PO BOX 3090
NEWPORT BEACH, CA 92658-3090

**RE: APPLICATION TO LEASE WATER RIGHTS 37-5 TO THE WATER SUPPLY BANK
CONTRACT 1963**

******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,

Skyler Cheever
Water Resource Agent, Sr – State Office
Idaho Dept. of Water Resources

Enclosures: Proposed Lease Contracts, Receipt S040453

CC: Representative (via email)

Cheever, Skyler

From: Cheever, Skyler
Sent: Monday, March 24, 2025 10:27 AM
To: Skinner, Corey; watermanager
Subject: Water Supply Bank Lease Application 3150
Attachments: Lease Review Memo 3150.pdf; Lease Approval Map 1963.pdf

Hello Corey and Sunny,

I have completed my review of a Water Supply Bank Lease Application 3150 with the point of diversion within Administrative Basin 37 and Water District 37. The applicant is Deer Creek Ranch Inc. The applicant proposes to lease the entirety of WR 37-5 into the water supply bank from 2025-2026. Attached is a copy of a review memo and map of the place of use. If you have any comments on the applicant's proposal or my review, please let me know within 7 days. If you have any questions or concerns, please let me know.

Best,

Skyler

 **Skyler Cheever**
Water Resource Agent, Sr - State Office
(208)-287-4913
Skyler.cheever@idwr.idaho.gov

Idaho Dept. of Water Resources

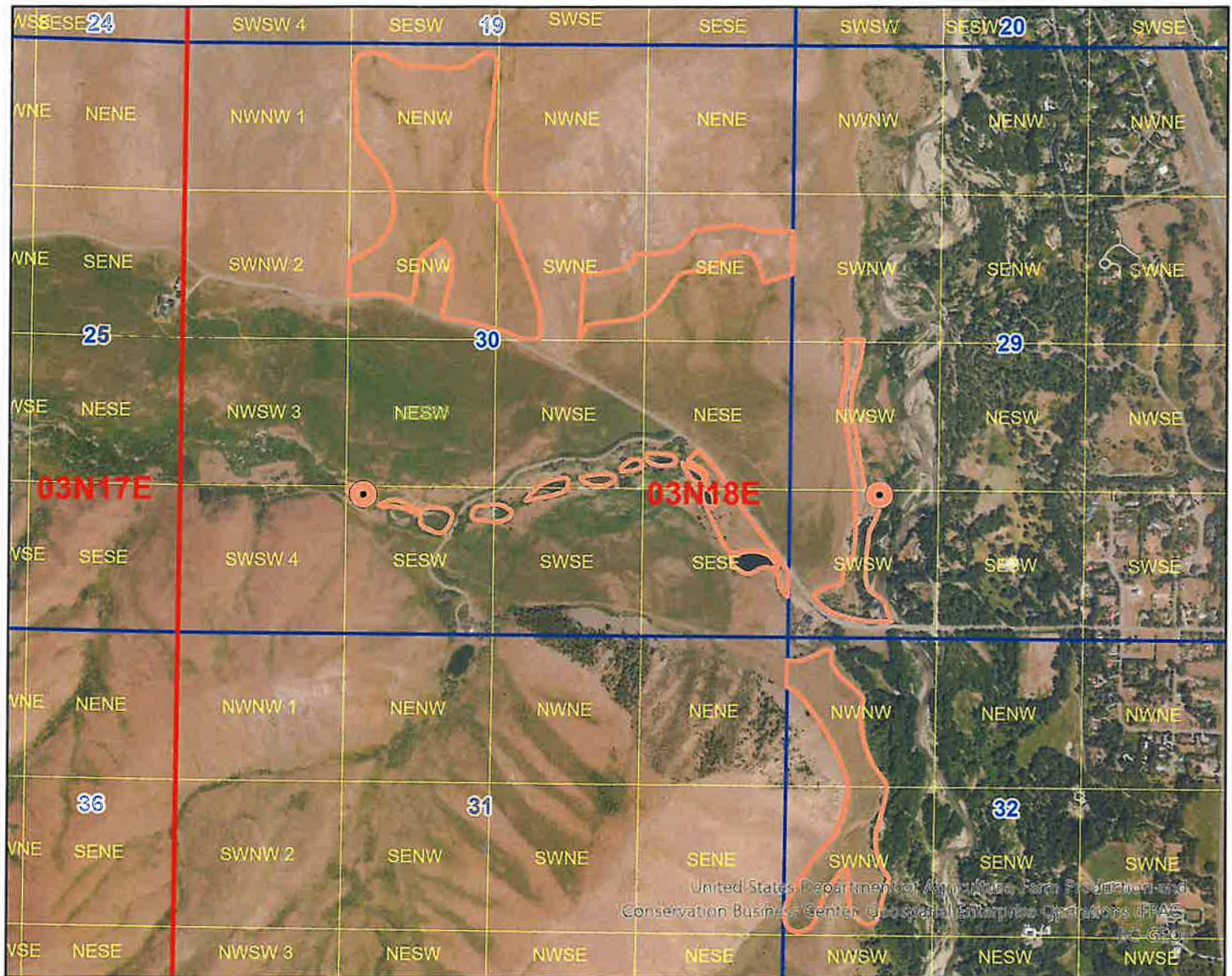
322 E. Front St., P.O. Box 83720 Boise, ID
83720

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1963

37-5

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.



Legend

- Water Supply Bank Lease Point of Diversion
- Water Supply Bank Lease Place of Use
- Township/Range
- Sections
- QQ

MEMORANDUM FOR WSB LEASE APPLICATION # 3150

To: Water Right No(s). 37-5

From: Skyler Cheever, Water Resource Agent, Sr

Date: 3/21/2025

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

PURPOSE/NARRATIVE:

Application 3150 was sent in by Deer Creek Ranch Inc and received by the Department by December 19th, 2025, with the correct fee payment received the same date. The applicant proposes to lease water right (WR) 37-5 into the Water Supply Bank (WSB) from 2025-2026. The proposed points of diversion (POD) are within the Snake River Basin and Big Wood River Moratorium Area, Big Wood River Groundwater Management Area, and Trust Water Area. This application is intended as a renewal of lease contract 1261 which expired on December 31st, 2024.

AUTHORITY TO FILE:

David Rodibaugh signed the application. Mr. Rodibaugh has the authority to file this agreement because he is the treasurer of the company according to the Idaho Secretary of States Office Database. Deer Creek Ranch Inc is the current owner of WR 37-5 according to Department Records.

WATER RIGHT VALIDITY:

WR 37-5 was decreed in the SRBA court in 2010. The WR has been continually leased into the WSB from 2008-December 31st, 2024. Therefore, enough information is available to the bank to conclude WR 37-5 is likely not lost to forfeiture and can be leased into the WSB.

INJURY TO OTHER WATER RIGHTS:

There are no injury concerns leasing this WR into the WSB. Any injury concerns will be addressed in the review of any rental application proposal against the lease contract.

ENLARGEMENT OF USE:

There are two other WR's overlapping the proposed POD's, 37-833R and 37-8748. These WR's are also owned by the applicant according to Department Records. However, the overlapping WR's are not combined limited with WR 37-5 and authorized different beneficial uses. Therefore, there are no other enlargement concerns.

LOCAL PUBLIC INTEREST:

Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The proposed point of diversion is within Administrative Basin 37 and Water District 37. The Watermaster and Southern Regional Manager were contacted for comment on March 24th, 2025. If no response is received it is assumed there are no concerns with the applicants proposal.

Condon, Mary

From: Abby R. Bitzenburg <abitzenburg@martenlaw.com>
Sent: Friday, December 20, 2024 9:32 AM
To: Condon, Mary
Subject: Deer Creek Water Supply Bank Applications

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 Mary,

I'm contacting you on behalf of my clients, Deer Creek Ranch, Inc., to request a change to all four water bank applications filed yesterday. Please amend the 5.A. response to "the first calendar year when the use of water will be suspended" to 2025 for all four applications for water rights 37-833R, 37-5, 37-466, and 37-11329.

Per your question regarding clarifying the question's language, perhaps specifying that it is the year the right will be placed in the water bank? Something like: "If lease, specify the first calendar year when the use of water will be suspended for placement in the water bank." As always though, it's hard to make it clear for everyone! I just appreciate your help.

Best,

Abby Bitzenburg

Staff Attorney

O - 208.424.2032
M - 208.613.5398
E - abitzenburg@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301



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IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.

December 19, 2024

Via Hand Delivery to the Southern Regional Office

Marten Law LLP
163 Second Ave. W.
Twin Falls, ID 83301

Idaho Department of Water Resources
650 Addison Ave. W. STE 500
Twin Falls, Idaho 83301-5858

RE: Deer Creek Ranch, Inc. Water Resource Board Lease Application

Dear Idaho Department of Water Resources:

This firm represents Deer Creek Ranch, Inc. in various matters. At its request, we are submitting four applications to lease water to the Water Resource Board's water bank.

Please find the application forms attached. The filing fee will be paid in person at IDWR's Southern Region office via credit card in the amount of \$1,000.00.

Sincerely,



Abby Bitzenburg
Staff Attorney
Direct: (208) 613-2933
Email: abitzenburg@martenlaw.com

RECEIVED

DEC 19 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

DEC 23 2024

DEPT. OF WATER RESOURCES

3150, 3151, & 3152