STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1901

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

RECEIVED
OCT 25 2024
DEPT. OF WATER RESOURCES

LESSOR: GWC CAPITAL LLC
730 N 1500 W
OREM, UT 84057-2826

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 September 27, 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)
63-33255	3/15/1930	DRY CREEK, tributary to BOISE RIVER	1.10	Not Stated	54.8
Lease Totals			**1.10**	**Not Stated**	**54.8**

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)
63-33255	1.10	246.6	54.8	0.02	4.5
Combined Limit Totals	**1.10**	**246.6**	**54.8**	**0.02**	**4.5**

The water right elements rentable include a defined volume limit that is based on the regional field headgate irrigation standard of 4.5 afa/acre.

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

WATER SUPPLY BANK LEASE CONTRACT No. 1901

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2024 to December 31, 2028. 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. 1901

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

LESSOR: GWC CAPITAL LLC
730 N 1500 W
OREM, UT 84057-2826

By _____
Title President
Date 10/24/2024

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

By _____ Date 10/30/24
Brian Patton, Executive Manager
Idaho Water Resource Board

Lease approved by IDWR _____ Date 10/30/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1901

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): 63-33255

DRY CREEK SESW Sec. 32 Twp 05N Rge 02E ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
63-33255	IRRIGATION	03/01	to	11/15	1.100 cfs	Not Stated
	STOCKWATER	01/01	to	12/31	1.100 cfs	Not Stated
				Totals:	1.100 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION & STOCKWATER

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	02E	31													32.5	17.7	0.5	4.1	54.8

Total Acres: 54.8

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1901

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
    a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Right No(s). 63-33249, 63-33250 and 63-33256 are also diverted through the above point of diversion.
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. 63.

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
SEP 27 2024
DEPT. OF WATER RESOURCES

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

Designated Applicant GWC Capital, LLC
(Select one owner – see item 1A on the application)

Water Right No. 63-33255
(One water right per application)

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

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

MIMUMUM REQUIREMENT CHECKLIST

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

	Yes	
	☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
	☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	☑	Confirmation this form has been printed **single sided,** per requirement of the Water Supply Bank.

Attachment	N/A	Yes	
1A	☑	☐	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☐	☑	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☐	☑	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☑	☐	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 250.00	Received By: KM	Date Received: 9.27.24	Receipt # C1189166
W-9 received? Yes ☑ No ☐	(Route W-9 to Fiscal)	Name on W-9: GWC Capital llc	

30608

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 GWC Capital, LLC

Mailing Address 730 North 1500 West, Orem, UT 84058
Street City State Zip Code

Email Address bcole@gwccap.com Phone Number (801) 592-6132

☑ 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 Laura A. Schroeder Organization Schroeder Law Offices, P.C.

Professional Title Attorney for GWC Capital, LLC Email Address counsel@water-law.com

Mailing Address 10615 Double R Blvd, Suite 100, Reno, NV 89521 Phone Number (775) 786-8800

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

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

3. MAP

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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☑
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

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

B. Please provide a description of the current water diversion and delivery system.
The historical water diversion and delivery system currently is not in use.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 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. Portions of land now landscaped are irrigated with water delivered by Suez Water Idaho Inc. and/or with treated wastewater.

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. This water right (or its parent) was leased into the Water Supply Bank between 2007 and 2021.

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☑

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. This water right's parent (no. 63-30271) was decreed by the SRBA Court on April 10, 2007. This water right (or its parent) was leased into the Water Supply Bank between 2007 and 2021.

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 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: 2025 (Year) to 2030 (Year) (maximum lease period 5 calendar years).

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

Current rental rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

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

Brandon Henrie	Brandon Henrie, GWC Capital	8/14/24
Signature of Designated Applicant	Printed Name	Date
Laura A. Schroeder	Laura A. Schroeder	9/23/24
Signature of Authorized Representative	Printed Name	Date

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

Agent Representative Contact Information

Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Blvd.
Portland, OR 97212
Phone: (503)281-4100
Fax: (887)600-4971
Email: *counsel@water-law.com*

and

Schroeder Law Offices, P.C.
10615 Double R. Blvd., Ste. 100
Reno, NV 89521
Phone: (775)786-8800
Fax: (887)600-4971
Email: *counsel@water-law.com*

AGENCY AGREEMENT

Parties and Scope

This Agency Agreement ("Agreement"), entered into on the date inscribed below, is made between GWC Capital, LLC, a Utah limited liability corporation, having its principal office at 482 West 800 North, Ste. 204, Orem, UT 84057, hereafter referred to as "Principal", and Schroeder Law Offices, PC, an Oregon professional corporation, having its principal office at 1915 NE Cesar E Chavez Blvd, Portland, OR 97212 and regional office at 10615 Double R. Blvd., Ste. 100 Reno, Nevada 89521, and its agents and employees, hereafter referred to as "Schroeder" or "Agent." The Principal hereby grants the Agent authority to act on its behalf and as it directs in matters pertaining to the purchase, sale, or lease of water rights and represent the Principal in all other matters pertaining to water rights brought before the State of Idaho Department of Water Resources.

Duties and Responsibilities

The Agent agrees to:

- Represent the Principal with due care, skill, and professionalism;
- Keep all information shared by the Principal confidential; and
- Abide by all applicable laws and regulations.

Duration and Termination

This Agreement will be in effect on the date inscribed below and will terminate upon the termination of the Contract for Legal Services between GWC Capital, LLC and Schroeder Law Offices, PC, in accordance with the terms set forth therein.

The undersigned has read the foregoing Agreement and understands its terms and those set forth in the Contract for Legal Services, and agrees to be liable, jointly and severally, for all obligations under this agreement. Signature by facsimile or email on this Agreement will constitute Principal's original signature and Principal's acceptance of the terms of this Agreement.

9/23/24
Date

For Schroeder Law Offices, PC
Laura A. Schroeder; Therese A. Ure Stix; Caitlin R. Skulan

9/23/2024
Date

Brandon Henrie, Manager
On behalf of GWC Capital, LLC

0005570903

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 #: 0005570903
Date Filed: 1/25/2024 7:24:20 AM

Entity Name and Mailing Address:

Entity Name:	GWC Capital, LLC
Foreign Name (name in home jurisdiction):	GWC Capital, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0004180357
Address	730 N 1500 W OREM, UT 84057

Entity Details:

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

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.

Limited Liability Company Managers and Members

Name	Title	Business Address
■ Brandon Henrie	Manager	730 N 1500 W OREM, UT 84057
■ Jared Morgan	Manager	730 N 1500 W OREM, UT 84057
■ Wilford W. Clyde	Manager	4393 S RIVERBOAT RD SUITE 200 SALT LAKE CITY, UT 84123-2548
■ Jeremy D. Hafen	Manager	4393 S RIVERBOAT RD SUITE 200 SALT LAKE CITY, UT 84123-2548

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

Job Title: Manager

Jeremy D. Hafen — Sign Here

01/25/2024 — Date

B0875-7667 01/25/2024 7:24 AM Received by Office of the Idaho Secretary of State

State of Idaho
Department of Water Resources

Water Right

63-33255

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.

Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.125 0.25 0.5 Miles

N

ATTACHMENT 3 (p.1)

Map produced on December 19, 2016

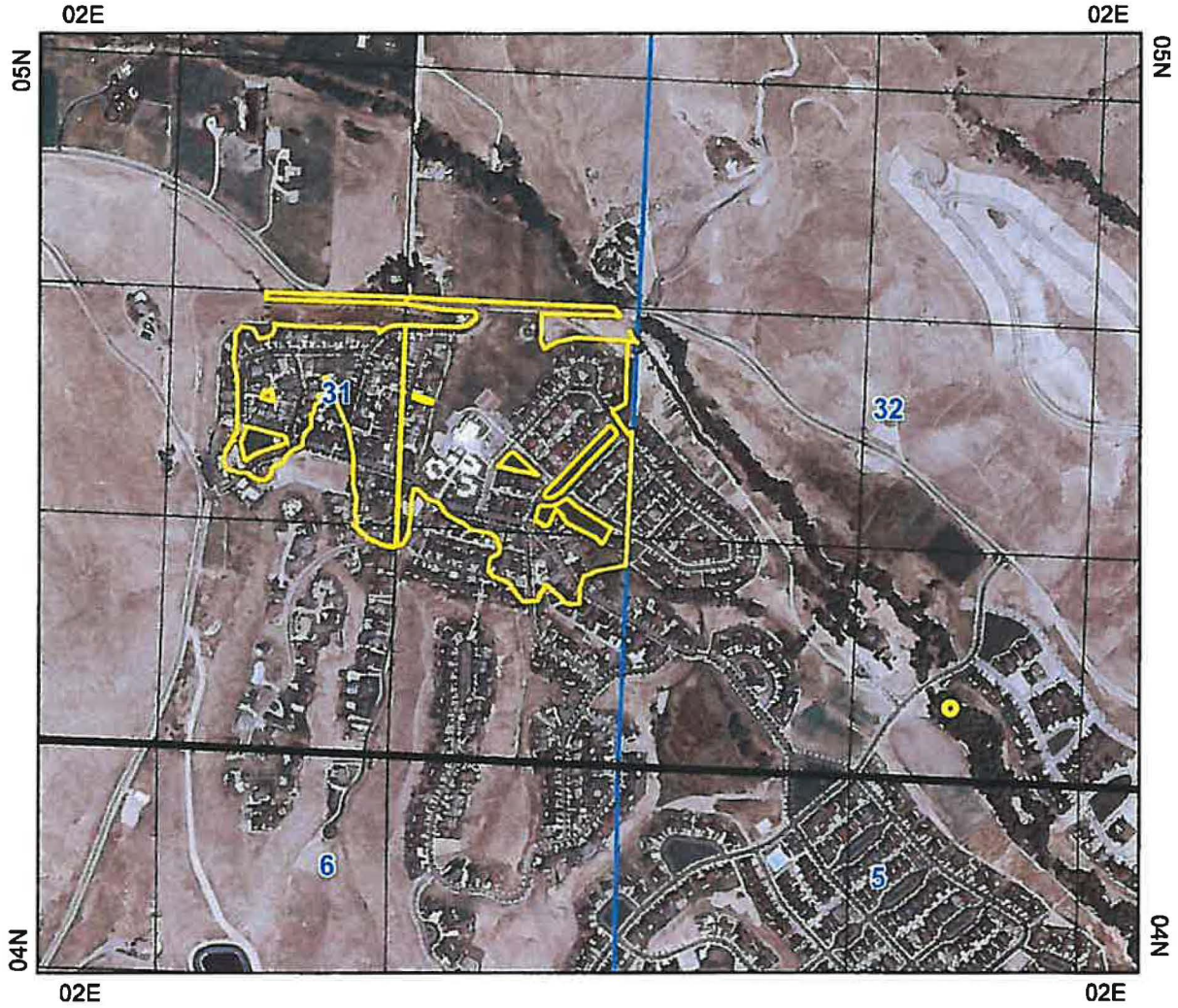
State of Idaho
Department of Water Resources

Water Right

63-33255

STOCKWATER

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.



Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.125 0.25 0.5 Miles

N

ATTACHMENT 3 (p.2)

Map produced on December 19, 2016

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

November 1, 2024

GWC CAPITAL LLC
730 N 1500 W
OREM UT 84057-2826

RE: WATER SUPPLY BANK LEASE CONTRACT 1900 & 1901
FOR WATER RIGHT 63-33249 & 63-33255

Dear Lessor:

Water rights **63-33249 & 63-33255 are** leased into the Water Supply Bank (Bank) as of January 1, 2024 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, 2028,** 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,

Jean Hersley

Jean Hersley
Technical Records Specialist II

Enclosure: Executed Lease Contract

c: IDWR- Western Region Office
Water District No. 63

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

October 21, 2024

GWC CAPITAL LLC
730 N 1500 W
OREM UT 84057-2826

RE: APPLICATION TO LEASE WATER RIGHTS 63-33249 & 63-33255 TO THE WATER SUPPLY BANK CONTRACT 1900 & 1901

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water rights to the Water Supply Bank. **I have enclosed two original of each 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 rights will automatically be released from the Bank on **December 31, 2028** unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at http://www.idwr.idaho.gov. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

> "While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: GWC Capital LLC

Memo Date: October 21, 2024

Water Right Number(s): 63-33255

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

		Check box		COMMENTS/CONCERNS:
1	**Fill out WSB Data Entry Checklist for Leases (Front of File)**	x		
2	**Reason for lease of water rights (Brief description of lease proposal in narrative)**			
	Portion of right			
	All of right	x		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	**No**	
4	Rentable? (If no explain in comments or narrative)	x		
5	**Authority to file**			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity			
	Other (explain in comments)			
6	**Water Right validity**			
	Decreed/Licensed/Statutory claim date (write in comments section)			2007
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?	x		2007-2021
7	**Injury to other water rights**			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns		x	
8	**Enlargement concerns**	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	**No**	
	Are there overlapping rights that need to be placed in the bank also?		x	
	Will the place of use continue to receive water? (if yes explain in comments)	x		
9	**Local Public Interest**			
	Does the processor know of any problems this action will cause for the local public?		x	
10	**Have you contacted regional office and watermaster for comment/concerns?**	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement (write in Comments)			4.5
12	**Is water right involved in any other department action? Pull file and check database** ( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments		x	

13 **Narrative:** The Department received this application on September 27, 2024. The applicant wishes to place the entire water right in the Bank. This right was decreed in 2007 and was in the Bank from 2007-2021. Brandon Henrie, manager, signed the application. Laura Schroder, Schroder Law Offices, PC, is the attorney. This right have not been used since it was decreed. Water Rights 63-33249 and 63-33256 are also diverted through the POD in the SWNE of Section 5. This right overlaps with rights owned by Veolia Water and Hidden Springs and the land will continue to receive water from Veolia. Rental of this right may require additional review to confirm the availability of the surface water sources and the extent of beneficial use. This right is currently within WD 63.

Condon, Mary

From: Laura Schroeder <schroeder@water-law.com>
Sent: Wednesday, October 2, 2024 5:59 PM
To: Condon, Mary; bcole@gwccap.com
Cc: Caitlin Skulan; Schroeder Law Offices, PC; Bank
Subject: RE: Water Supply Bank Lease Applications - GWC Capital, LLC

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.

Mary-

I have spoken to Brook who advises that they did not use the water in 2024 and would amend the application at your suggestion to January 1, 2024. Let me know if you require any additional paperwork from us.

Thank you!
Laura

Laura A. Schroeder
Shareholder
Schroeder Law Offices, P.C.
1915 NE Cesar Chavez Blvd., Portland OR 97212
P: (503) 281-4100 | Cell: (503) 887-4753 | F: (877) 600-4971

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Wednesday, October 2, 2024 3:31 PM
To: bcole@gwccap.com
Cc: Laura Schroeder <schroeder@water-law.com>; Caitlin Skulan <c.skulan@water-law.com>; Schroeder Law Offices, PC <counsel@water-law.com>; Bank <Bank@idwr.idaho.gov>
Subject: Water Supply Bank Lease Applications - GWC Capital, LLC

Good afternoon, Brooke, and Laura,

We have received the lease applications for water rights 63-33249 and 63-33255. The lease applications have a requested start date in 2025, although the last lease contract concluded in December of 2021. Since we are still within the 2024 calendar year, there is an opportunity to instead request the lease begin retroactively to January 1, 2024, rather than not until January 1, 2025, so long as the water offered for lease was not used during 2024.

Please let me know if the water rights remained unused in 2024 and if you would like to amend the lease application to begin in 2024.

Thank you,
Mary

Mary Condon
Water Supply Bank Program Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES
Planning & Projects

Laura A. Schroeder
Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure Stix
Oregon & Nevada

Caitlin R. Skulan
Nevada & Idaho

SCHROEDER
LAW OFFICES, P.C.

William F. Schroeder
(1928 - 2015)

James Browitt
Of Counsel
Idaho & Washington

September 24, 2024

RECEIVED
SEP 27 2024
DEPT. OF WATER RESOURCES

VIA U.S. MAIL

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

RE: Water Bank Applications for Water Rights 63-33249 & 63-33255

To Whom It May Concern:

Enclosed on behalf of GWC Capital, LLC, please find the following items:

- *Application to Sell or Lease Water Right to the Water Supply Bank* for Water Right 63-33249 with the required enclosures and a check in the amount of $250 for the application fee; and

- *Application to Sell or Lease Water Right to the Water Supply Bank* for Water Right 63-33255 with the required enclosures and a check in the amount of $250 for the application fee.

If you have any questions, please contact our office at (775) 786-8800.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

Laura A. Schroeder
Caitlin R. Skulan

LAS:rms

Enclosures

cc: Client

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100
10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800
www.water-law.com counsel@water-law.com

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