

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 2009

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

LESSOR: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

RECEIVED

Jul 03, 2025

DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on February 06, 2025.
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)
37-38	11/8/1887	OWENS CREEK, tributary to SOLDIER CREEK	1.50	Not Stated	78.9
37-404A	6/1/1898	OWENS CREEK, tributary to SOLDIER CREEK	0.12	Not Stated	78.9
Combined Limit Totals			1.62	Not Stated	78.9
Combined Lease Totals			1.62	Not Stated	78.9

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-38	1.50	276.2	78.9	0.019	3.5
37-404A	0.12	276.2	78.9	0.002	3.5
Combined Limit Totals	1.62	276.2	78.9	0.021	3.5

** The water right elements rentable have been reduced from the water right elements leased to account for a field headgate standard of 3.5 afa and a combined limit of 78.9 acres*

SUPPORT DATA

IN FILE # 37-38

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 2009

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

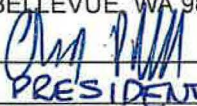
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2025 to December 31, 2029. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water 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. 2009

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

LESSOR: SMOKEY DOME LLC
C/O GREGORY VIK PO BOX 1607
BELLEVUE, WA 98009

By 
Title VICE PRESIDENT
Date 6/25/25

IDAHO WATER RESOURCE BOARD

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

By 
Brian Patton, Executive Manager
Idaho Water Resource Board

Date 7/9/25

Lease approved by IDWR 

Date 7/9/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 2009

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): 37-38, 37-404A

OWENS CREEK	NESWSE	Sec. 29	Twp 02N	Rge 14E	CAMAS County
OWENS CREEK	NESWSE	Sec. 29	Twp 02N	Rge 14E	CAMAS County
SOLDIER CREEK	SWSWSE	Sec. 29	Twp 02N	Rge 14E	CAMAS County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-38	IRRIGATION	04/15	to	10/31	1.500 cfs	Not Stated
37-404A	IRRIGATION	04/15	to	10/31	0.120 cfs	Not Stated
Totals:					1.620 cfs	Not Stated

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	
02N	14E	29															15.0		15.0
02N	14E	32	9.1	20.0	7.8	27.0													63.9

Total Acres: 78.9

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

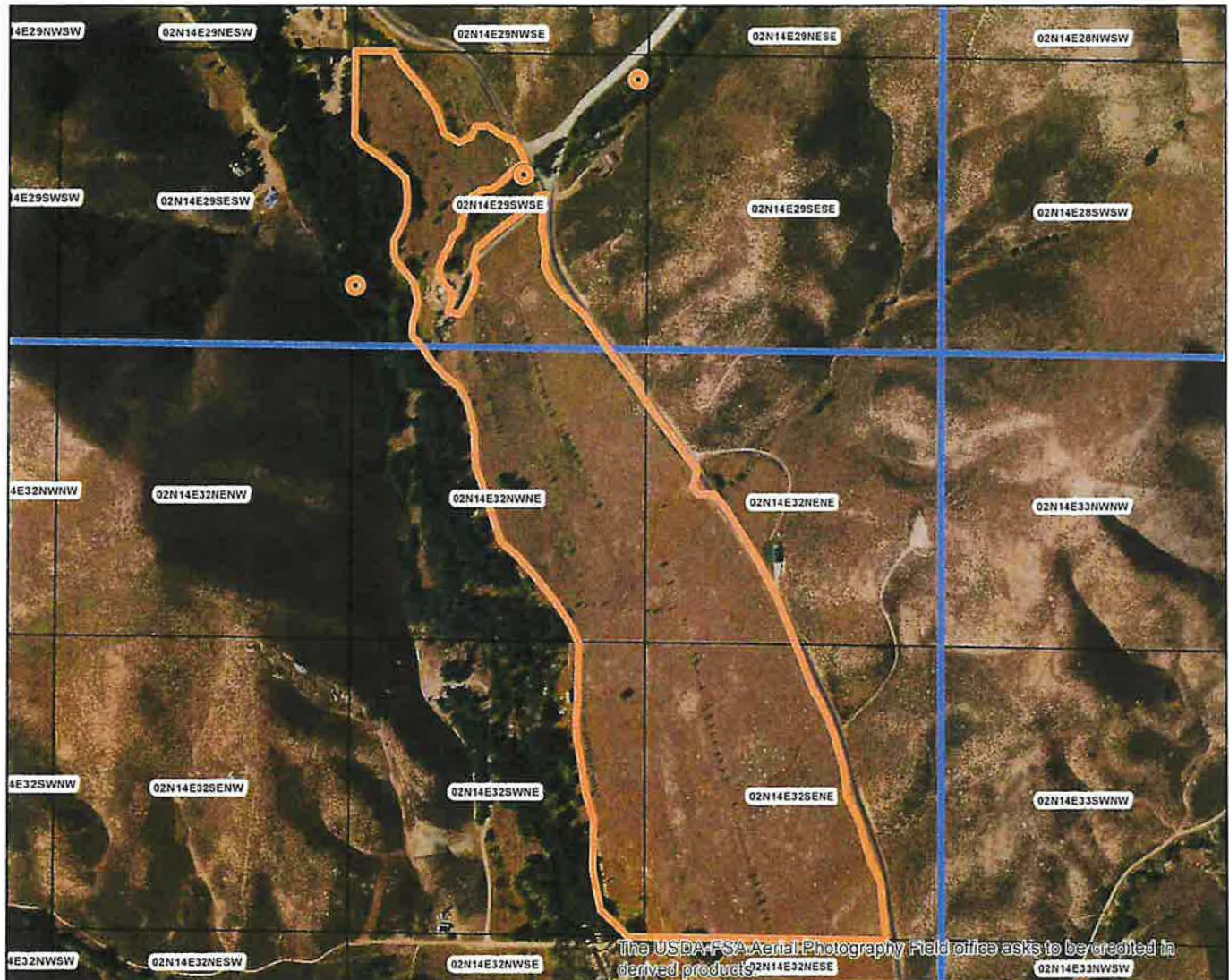
WATER SUPPLY BANK LEASE CONTRACT No. 2009

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. The rights listed below are limited to the irrigation of a combined total of 78.9 acres in a single irrigation season. Combined Right Nos.: 37-0038 & 37-0404A.
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. 37B.

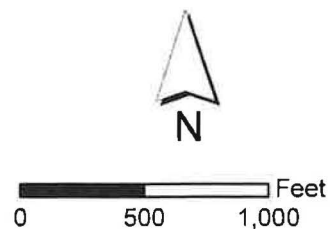
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 2009

37-38 & 37-404A
Effective until December 31, 2029

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.



- ① Approved Lease Point of Diversion
- Approved Lease Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 06 2025

DEPT. OF WATER RESOURCES

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

Designated Applicant SMOKEY DOME LLC **Water Right No.** 37-38
(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 | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☐ | ☒ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | ☐ | ☒ | Description of a water right portion offered to the Water Supply Bank. |
| 3 | ☐ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov . |
| 4A | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 4G | ☐ | ☒ | Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code . |

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>KM</u>	Date Received: <u>2.6.25</u>	Receipt # <u>C120043</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Smoky Dome LLC</u>	

3189

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 SMOKEY DOME LLC

Mailing Address PO Box 1607 Bellevue, WA 98009

Street

City

State

Zip Code

Email Address _____

Phone Number _____

☒ 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 Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 North Washington St Ste 4 Twin Falls, ID 83301

Phone Number 208-736-8543

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

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

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

- B. Please provide a description of the current water diversion and delivery system.
Existing diversion system and delivery system.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This water right has been leased into the Idaho Water Supply Bank since 2015.

- 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 ☒

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 to 2029 (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.

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

The Designated Applicant acknowledges the following:

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


Signature of Designated Applicant

CHRIS POUAK
Printed Name

12/23/24
Date

Signature of Authorized Representative

Printed Name

Date

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



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

June 27, 2025

SMOKEY DOME LLC
PO BOX 1607
BELLEVUE ID 98009

**RE: WATER SUPPLY BANK LEASE CONTRACTS 2009, 2010, 2012 & 2013
FOR WATER RIGHTS 37-38, 37-404A, 37-2103, 37-2131 & 37-2726**

Dear Lessor:

Water rights **-37-38, 37-404A, 37-2103, 37-2131 & 37-2726** are 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(s) will automatically be released from the Bank on **December 31, 2029**, 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,

Technical Records Specialist II

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Office
Brockway Engineering PLLC (via email)
Water District No. 37 (via email)

Hersley, Jean

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Thursday, July 3, 2025 4:18 PM
To: Hersley, Jean
Subject: FW: Water Supply Bank Lease Contracts
Attachments: tb-backoffice_20250630_151907.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.

Jean,

See the attached documents. Do you need the original paper copies?

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

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

-----Original Message-----

From: Nancy Lukacs [mailto:nancyl@pistolcreek.com]
Sent: Monday, June 30, 2025 4:24 PM
To: greg.sullivan@brockwayeng.com
Subject: Water Supply Bank Lease Contracts

Hi Greg,

I hope you're doing well. Attached is the first of two PDFs of Water Supply Bank Lease Contracts which we have signed. It seems that my assistant inadvertently discarded the cover letters so I am not sure if these need to be mailed to the IDWR, PDF'd to you, or mailed to you. Can you advise?
Thanks!

Nancy

CONFIDENTIALITY NOTICE:

This message (including attachments) contains information which is intended for the use of the addressee(s) only. It is confidential, privileged or otherwise protected. If you are not the intended recipient, you are prohibited from reviewing, using, copying, or disclosing it to anyone. This message or any information contained in the message may not be posted to any social networking site, blog or internet site. If you have received this message in error, please notify the sender immediately by replying to the email and deleting it from your computer. Thank you.



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

June 5, 2025

SMOKEY DOME LLC
PO BOX 1607
BELLEVUE ID 98009

RE: APPLICATION TO LEASE WATER RIGHTS 37-00038 & 37-404A BANK CONTRACT 2009, WATER RIGHTS 37-2103 BANK CONTRACT 2010, WATER RIGHTS 37-00038 & 37-404A BANK CONTRACT 2009, WATER RIGHTS 37-2131 BANK CONTRACT 2012 & WATER RIGHTS 37-2726 BANK CONTRACT 2013 TO THE WATER SUPPLY

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

Dear Applicant:

The Department of Water Resources has completed its review of your applications to lease the above-mentioned water rights to the Water Supply Bank. **I have enclosed two of each 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 rights will automatically be released from the Bank on **December 31, 2029** 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 rights may not be available for immediate release if they have 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,

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

CC: Brockway Engineering, PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, June 4, 2025 1:20 PM
To: Rusty Kramer
Cc: Skinner, Corey
Subject: WSB Lease Contracts for Smokey Dome
Attachments: Lease Contract 2009_20250604125655.pdf; Lease Contract 2010_20250604125629.pdf; Lease Contract 2012_20250604125558.pdf; Lease Contract 2013_20250604125532.pdf; Lease Application Review 37-38 & 37-404A.xls; Lease Application Review 37-2103.xls; Lease Application Review 37-2131.xls; Lease Application Review 37-2726.xls

The Department of Water Resources is soliciting your comments or concerns on the proposed lease submitted by Smokey Dome LLC. A copy of the review memos and contracts are enclosed. These rights have been in the Bank since 2015.

Please review the information, and let the Department know within 7 days of the date of this letter if you have any comments or concerns.



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, June 4, 2025 1:18 PM
To: greg.sullivan@brockwayeng.com
Subject: WSB Lease Contracts for Smokey Dome LLC
Attachments: Lease Contract 2009_20250604125655.pdf; Lease Contract 2010_20250604125629.pdf; Lease Contract 2012_20250604125558.pdf; Lease Contract 2013_20250604125532.pdf

These contracts will go out in the mail tomorrow. Please let me know if you have any questions. Thank you.



*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

WATER SUPPLY BANK		Quick Tools													
Lease Review Checklist Applicant(s) Name: <u>Smokey Dome</u> Memo Date: <u>June 4, 2025</u> Water Right Number(s): <u>37-28 & 37-404A</u> Reviewers Name: <u>Jean</u>		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Decreed Year</th> <th>No Forfeiture Concerns Thru:</th> </tr> </thead> <tbody> <tr><td>2011</td><td>2017</td></tr> <tr><td>2012</td><td>2018</td></tr> <tr><td>2013</td><td>2019</td></tr> <tr><td>2014</td><td>2020</td></tr> <tr><td>2015</td><td>2021</td></tr> </tbody> </table>		Decreed Year	No Forfeiture Concerns Thru:	2011	2017	2012	2018	2013	2019	2014	2020	2015	2021
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)		2010												
	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	2015-2024												
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														
11	Area Headgate requirement (write in Comments)		3.5												
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments														
13	Narrative: The Department received these application on February 6, 2025. The applicant wishes to place the entirety of both rights in the Bank. The applications were signed by Chris Pollock, member. These rights were decreed in 2010 and have been in the Bank since 2015. There are no overlapping rights and no issues with forfeiture. These rights are within the Snake River Basin Moratorium and WD 37B.														

Idaho Department of Water Resources Receipt

Receipt ID: C120063

Payment Amount \$3,000.00 Date Received 2/6/2025 Region STATE

Payment Type Check Check Number 18393

Payer BROCKWAY ENGINEERING, PLLC

Comments WATER SUPPLY BANK LEASE APPLICATION FEE
FOR WR# 37-2726, 37-38, 37-404A, 37-2131, 37-2103
FOR: SMOKEY DOME LLC
FOR: 2025- 2029 SEASON
\$1,250.00
*
FOR WR# 37-132, 37-596, 37-21364, 37-21366, 37-21368
FOR: BLACK BUTTE HILLS LLC
FOR: 2025- 2029 SEASON
\$1,250.00
*
FOR WR# 37-591B, 37-592B, 37-593B, 37-594B, 37-595, 37-7295B, 37-20374
FOR: SV RANCH REVOCABLE LIVING TRUST
FOR: 2025- 2029 SEASON
\$500.00

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,250.00	WATER BANK LEASE APPLICATIONS	55111	0229	21		1205
\$1,250.00	WATER BANK LEASE APPLICATIONS	55111	0229	21		1205
\$500.00	WATER BANK LEASE APPLICATIONS	55111	0229	21		1205

KM

Signature Line (Department Representative)



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 06 2025

DEPT. OF WATER RESOURCES

February 3, 2025

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

Re: SV Ranch Revocable Living Trust, Smokey Dome LLC, Black Butte Hills LLC

Dear Ms. Condon:

SV Ranch Revocable Living Trust desires to lease a portion or all of the following water rights into the Idaho Water Supply Bank (WSB); 37-20374, 37-7295B, 37-591B, 37-592B, 37-593B, 37-594B and 37-595B. No W-9 Form is for these water rights are being submitting to the WSB. When these water rights are rented from the WSB, SV Ranch Revocable Living Trust will provide the necessary documents to satisfy the State of Idaho Recorders office in order to receive rental payments from Idaho Water Board. The lease duration will be from 2025 through 2029.

Smokey Dome LLC desires to lease a portion or all of water rights 37-2726, 37-38, 37-404A, 37-2131, 37-2103 into the Idaho Water Supply Bank for the years 2025 through 2029.

Black Butte Hills LLC desires to lease a portion or all of water rights 37-132, 37-596, 37-21364, 37-21366, 37-21368 into the Idaho Water Supply Bank for the years 2025 through 2029.

The lease packages are being submitted at this time but only one check for \$3,000.00 will be submitted to the Idaho Water Supply Bank.

Sincerely,



Greg Sullivan, M.S., Engineer

Cc: Greg Vik, Rod Gonsales

Enc: Lease Applications, Aerial Map, W-9 Forms, Authority to Sign Documents, Annual Reports, Brockway Engineering Check # 18393 for \$3,000.00

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

3188, 3189, 3190

COPY



0005673575

**STATE OF IDAHO****Office of the secretary of state, Phil McGrane**
ANNUAL REPORTIdaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0005673575

Date Filed: 4/4/2024 2:41:29 PM

B0897-3683 04/04/2024 2:41 PM Received by Office of the Idaho Secretary of State

Entity Name and Mailing Address:

Entity Name: SMOKEY DOME LLC
Foreign Name (name in home jurisdiction): SMOKEY DOME LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000102547
Address: 10900 NE 4TH ST
STE 1850
BELLEVUE, WA 98004-8341

Entity Details:

Entity Status: Active-Existing
This entity is organized under the laws of: WASHINGTON
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W29851

The registered agent on record is:

Registered Agent: NATIONAL REGISTERED AGENTS, INC.
Commercial Registered Agent
Physical Address: 1555 W SHORELINE DR
STE 100
BOISE, ID 83702
Mailing Address: 1555 W SHORELINE DR
STE 100
BOISE, ID 83702

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	Title	Business Address
INVESTMENTS MANAGER LLC	Manager	10900 NE 4TH STREET SUITE 1850 BELLEVUE, WA 98004

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

Job Title: Attorney for LLC

Peterson Russell Kelly Livengood PLLC

Sign Here

04/04/2024

Date