STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1890

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

LESSOR: CLEAR LAKE RANCH P U D
MASTER ASSN INC
C/O GARY STOUDER 211 CLEAR
LAKE LN
BUHL, ID 83316-5275

RECEIVED
AUG 22 2024
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 November 03, 2023.

3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS**: The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
36-16236	9/19/1912	CLEAR SPRINGS, tributary to CLEAR LAKES	0.19	Not Stated	9.4
Combined Lease Totals			**0.19**	**Not Stated**	**9.4**

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)
36-16236	0.19	37.6	9.4	0.02	4.0
Combined Limit Totals	**0.19**	**37.6**	**9.4**	**0.02**	**4.0**

**** The water right elements rentable amounts account for irrigation standard field headgate requirements.***

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. 1890

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2023 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.

4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**: The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

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. 1890

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

LESSOR: CLEAR LAKE RANCH P U D
MASTER ASSN INC
C/O GARY STOUDER 211 CLEAR
LAKE LN
BUHL, ID 83316-5275

By _____
Title Treasurer
Date 8-22-24

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

By _____ Date 8/23/24
Brian Patton, Executive Manager
Idaho Water Resource Board

Lease approved by IDWR _____ Date 8/23/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1890

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): 36-16236
CLEAR SPRINGS L 5SESENE Sec. 2 Twp 09S Rge 14E GOODING County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
36-16236	IRRIGATION	03/15	to	11/15	0.19 cfs	37.6 AF
				Totals:	0.19 cfs	37.6 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	1									1.1 L13	3.3 L12	1.8 L15						6.2
09S	14E	2													0.1 L9			3.1 L9	3.2

Total Acres: 9.4

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1890

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. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
13. The unleased portion of right 36-16236 shall not exceed a total diversion rate of 0.71 cfs, a total annual maximum diversion volume of 141 af at the field headgate, and the irrigation of 35.3 acres.
14. Rights 36-16236 and 36-8329 when combined shall not exceed a total diversion rate of 2.12 cfs, and a total annual maximum diversion volume of 79.2 af.

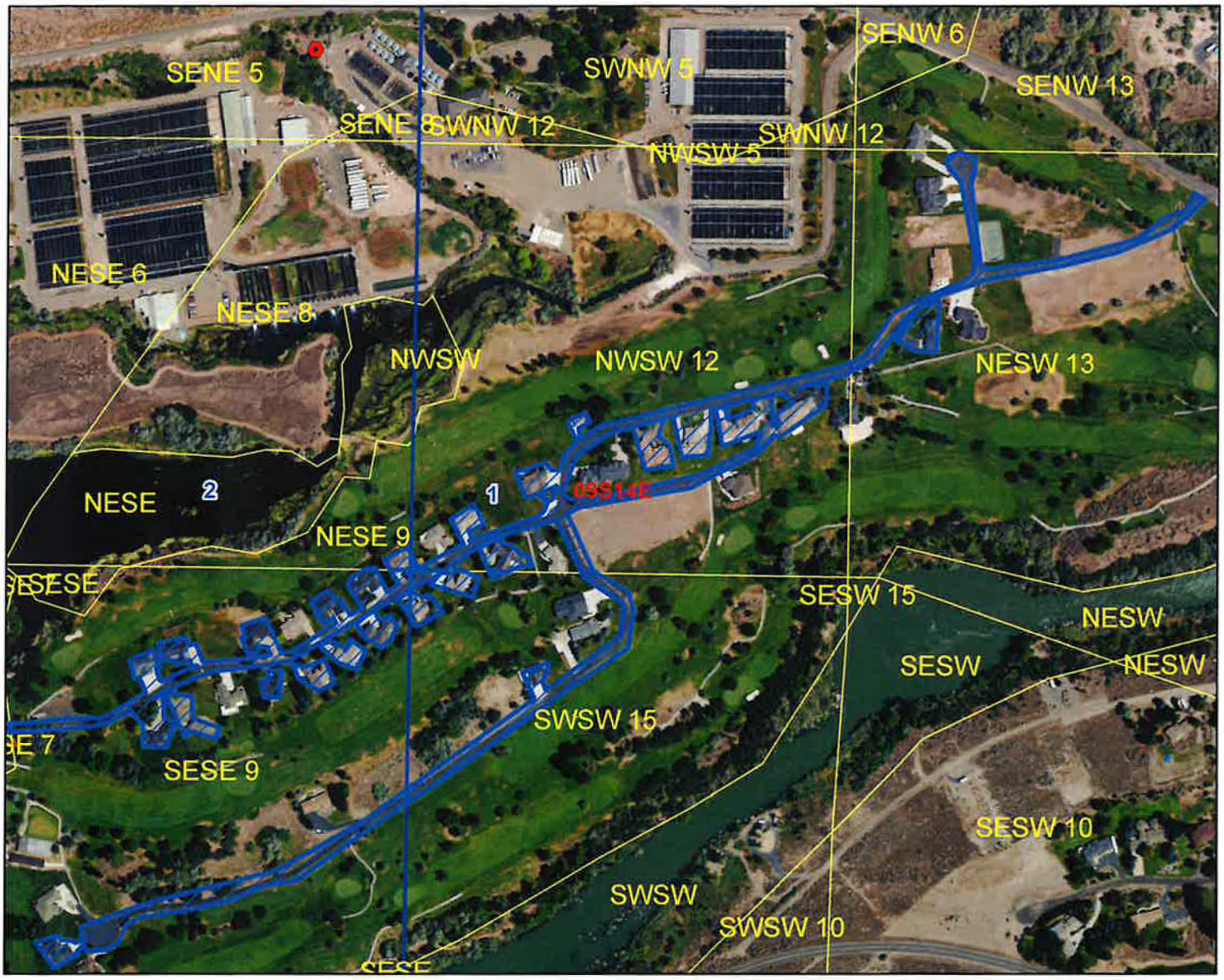
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1890

36-16236

Effective until December 31, 2027

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.



Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
NOV 03 2023
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Clear Lake Ranch PUD Master Association Inc.
(Select one owner – see item 1A on the application)

Water Right No. 36-16236
(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)

Attachment	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.
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: 11.3.23	Receipt # C117278
W-9 received? Yes ☑ No ☐ (Route W-9 to Fiscal)		Name on W-9: Clear Lake Ranch P.U.D. Master Assn INC	

2812

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: Clear Lake Ranch PUD Master Association Inc. c/o Gary Stouder

Mailing Address: 211 Clear Lake Lane (Street) | Buhl (City) | ID (State) | 83316-5275 (Zip Code)

Email Address: gary@stouderholsteins.co Phone Number: 208.280.1600

☑ 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: John Simpson Organization: Marten Law

Professional Title: Attorney Email Address: jsimpson@martenlaw.com

Mailing Address: 105 S. Capitol Blvd., Ste. 305 Phone Number: 208.336.0700

☐ 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.
Irrigation pump.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. North Side Canal Co. LTD owns multiple overlapping irrigation rights at the rental POU but these rights are not pertinent to the rental POU.

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. Within the authorized POU for right 36-16236, there are 22-24 acres that will not be irrigated. The balance of acres are still subject to irrigation.

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. Pursuant to exchange agreement with Riverence (formerly Clear Springs Foods, Inc.), 0.16 cfs/32 AF have been irrigating 8 acres for 2015-2019 and 2020.

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. Water has consistently been utilized at the POU as development has progressed.

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: 2023 (Year) to 2028 (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.

Signature of Designated Applicant	Gary Stouder Printed Name	10-25-23 Date
Signature of Authorized Representative	John K. Simpson Printed Name	11/3/2023 Date

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

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

1.

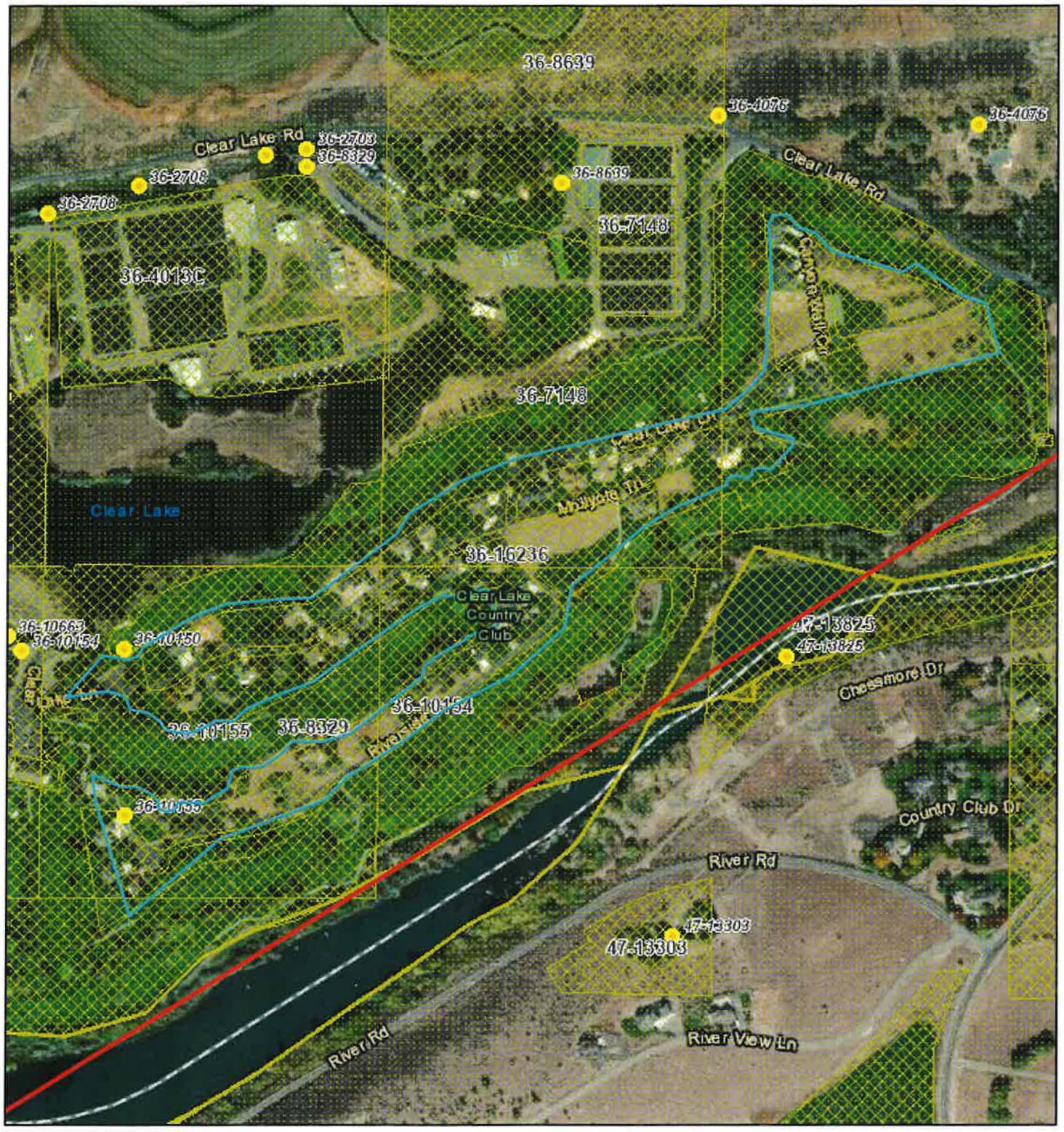
Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
36-16236	Irrigation	0.48 cfs		24.0 ac
	Total Amounts:	0.48 cfs		24.0 ac

2. Source of water Clear Springs tributary to Clear Lakes

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
09S	14E	02	5	SE	SE	NE	Gooding

36-16236 POU 44.7 acres



7/13/2022, 4:14:57 PM

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

ESPA Model Outline

POU - Water Rights

All Other POU (non-provider)

Irrigation Providers and Municipal Service Areas

POD - Water Rights

Esri, HERE, GeoTechnologies, Inc., Esri, HERE, Garmin, GeoTechnologies, Inc., Maxar

Web AppBuilder for ArcGIS

Esri, HERE, GeoTechnologies, Inc. | Maxar | USGS TNM – National Hydrography Dataset. Data Refreshed July, 2022. IDWR Idaho Department of Water Resources (IDWR)

Clear Lake Parcel No.	Parcel No.	Total Acreage for Lot (according to Gooding County)	Area of lot occupied by home/driveway, or Lot Not Irrigated YET	Remaining acres NOW Irrigated	Legal Description	Type of Dwelling (SF - Single Family, TH - Townhouse or Vacant
1	RP002000010010	0.43	0	0.43	T 9S R 14E SEC 2, LOT 1, BLOCK 1, CLEAR LAKES P U D, PHASE I	Vacant
2	RP002000010020	0.5	0.2	0.3	T 9S R 14E SEC 2, LOT 2, BLOCK 1, CLEAR LAKES P U D, PHASE I	SF
3	RP002000010030	0.43	0.2	0.23	T 9S R 14E SEC 2, LOT 3, BLOCK 1, CLEAR LAKES SUBD, PHASE I	SF
4	RP002000010040	0.42	0	0.42	T 9S R 14E SEC 2, LOT 4, BLOCK 1, CLEAR LAKES P U D, PHASE I	Vacant
5	RP002000010050	0.45	0.1	0.35	T 9S R 14E SEC 2, LOT 5, BLOCK 1, CLEAR LAKES P U D, PHASE I	SF
6	RP002000010060	0.39	0.1	0.29	T 9S R 14E SEC 2, LOT 6, BLOCK 1, CLEAR LAKES P U D, PHASE I	SF
7	RP002000010070	0.37	0.2	0.17	T 9S R 14E SEC 2, LOT 7, BLOCK 1, CLEAR LAKES P U D, PHASE I	SF
8	RP002000010080	0.37	0.2	0.17	T 9S R 14E SEC 2, LOT 8, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF
9	RP002000010090	0.35	0.1	0.25	T 9S R 14E SEC 1 & 2, LOT 9, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF
10	RP002000010100	0.36	0.1	0.26	T 9S R 14E SEC 1, LOT 10, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF
11	RP002000010110	0.37	0.1	0.27	T 9S R 14E SEC 1, LOT 11, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF
12	RP002000010120	0.43	0	0.43	T 9S R 14E SEC 1, LOT 12, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	Vacant
13	RP002000010130	0.4	0.2	0.2	T 9S R 14E SEC 1, LOT 13, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF
14	RP002000020010	0.68	0.1	0.58	T 9S R 14E SEC 2, LOT 1, BLOCK 2, CLEAR LAKE P U D, PHASE I, PHASE I, 1 SW	SF
15	RP002000020020	0.61	0.2	0.41	T 9S R 14E SEC 2, LOT 2, BLOCK 2, CLEAR LAKES SUBD, PHASE I, PHASE I,	SF
16	RP002000020030	0.56	0.2	0.36	T 9S R 14E SEC 2, LOT 3, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF
17	RP002000020040	0.49	0.1	0.39	T 9S R 14E SEC 2, LOT 4, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I, 1 SW	SF
18	RP002000020050	0.38	0.1	0.28	T 9S R 14E SEC 2, LOT 5, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF
19	RP002000020060	0.37	0.1	0.27	T 9S R 14E SEC 2, LOT 6, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I, SW 1	SF
20	RP002000020070	0.38	0.1	0.28	T 9S R 14E SEC 1 & 2, LOT 7, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF
21	RP002000020080	0.38	0.2	0.18	T 9S R 14E SEC 1 & 2, LOT 8, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF
22	RP002000020090	0.4	0.1	0.3	T 9S R 14E SEC 1, LOT 9, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF
23	RP002000020100	0.62	0.1	0.52	T 9S R 14E SEC 1, LOT 10, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF
24	RP002000020110	0.55	0.1	0.45	T 9S R 14E SEC 1, LOT 11, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I, 1SW	SF
25	RP00205001025A RP002050010258	0.87	0	0.87	T 9S R 14E SEC 2, LOT # 25-A, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 2, LOT #25-B, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
26	RP00205001026C	0.51	0.1	0.41	T 9S R 14E SEC 2 & 11, LOT 26C, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, COMBINATION OF LOTS 26A & 26B T 9S R 14E SEC 2 & 11, LOT 26C, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, COMBINATION OF LOTS 26A & 26B	SF
27	RP00205001027C	0.51	0.1	0.41	No legal description listed on Gooding County Parcel map	SF
28	RP00205001028C	1.031	0.2	0.831	T 9S R 14E SEC 2, LOT #28-C, BLOCK 1, CLEAR LAKE P U D PHASE II, , ,	SF
29						
30	RP00205001030A RP00205001030B	0.72	0	0.72	T 9S R 14E SEC 2, LOT #30-A, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 2, LOT #30-B, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
31	RP00205001031A RP00205001030B	0.66	0.66	0	T 9S R 14E SEC 2, LOT #31-A, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 2, LOT #31-B, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
32	RP00205001032A RP00205001032B	1.788	1.388	0.4	T 9S R 14E SEC 2, LOT #32-A, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 2, LOT #32-B, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, AMENDED	Vacant
33	RP002050010330	0.542	0.2	0.342	T 9S R 14E SEC 2, LOT #33 BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, AMENDED	SF
34	RP002050010340	0.466	0.466	0	T 9S R 14E SEC 2, LOT #34, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, AMENDED	Vacant

Clear Lake Parcel No.	Parcel No.	Total Acreage for Lot (according to Gooding County)	Area of lot occupied by home/driveway, or Lot Not irrigated YET	Remaining acres NOW irrigated	Legal Description	Type of Dwelling (SF - Single Family, TH - Townhouse or Vacant
35	RP0020500103S0	0.5	0.5	0	T 9S R 14E SEC 1 & 2, LOT #35, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
36	RP0020500103S0	0.5	0.5	0	T 9S R 14E SEC 1, LOT # 36, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
37	RP0020500103S0	0.5	0.5	0	T 9S R 14E SEC 1, LOT # 37, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
38	RP0020500103S0	0.5	0.5	0	T 9S R 14E SEC 1, LOT # 38, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
39	RP0020500103S0	0.46	0.2	0.26	T 9S R 14E SEC 1, LOT # 39, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, 1 SW	SF
40	RP0020500104S0	0.582	0.2	0.382	T 9S R 14E SEC 1, LOT # 40, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, AMENDED	SF
41	RP0020500104S0	0.53	0.3	0.23	T 9S R 14E SEC 1, LOT # 41, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	SF
42	RP00205006042A RP00205006042B	0.75	0.3	0.45	T 9S R 14E SEC 1, LOT #42-A, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #42-B, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II,	TH - two unit
43	RP00205006043C	0.5	0.2	0.3	T9S R 14E SEC 1, LOTS 43-A & 43-B, CLEAR LAKE PUD, , ,	SF
44	RP00205006044A RP00205006044B	0.5	0.2	0.3	T 9S R 14E SEC 1, LOT #44-A, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #44-B, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II,	TH - two unit
45	RP00205006045A RP00205006045A	0.5	0.2	0.3	T 9S R 14E SEC 1, LOT #45-A, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #45-B, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II,	TH - two unit
46	RP00205004046B RP002050040460	1.05	0.2	0.85	T 9S R 14E SEC 1, LOT #46-B, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 09S R 14E SEC 01, LOTS 46A & 52, BLOCK 4, CLEAR LAKE PUD PHASE II, , ,	TH - two unit
47	RP00205004047A RP00205004047B	0.69	0.56	0.13	T 9S R 14E SEC 1, LOT #47-A, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #47-B, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
48	RP00205004048A RP00205004048B	0.64	0.35	0.29	T 9S R 14E SEC 1, LOT #48 LESS TAX 1, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, TAX 214416B IN LOT #48, BLOCK 4, CLEAR LAKE P U D, CLEAR LAKE P U D, PHASE II	Vacant
49	RP00205004049A RP00205004049B	0.55	0.36	0.19	T 9S R 14E SEC 1, LOT #49 LESS TAX 1, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, TAX 214416B IN LOT #49, BLOCK 4, CLEAR LAKE P U D, CLEAR LAKE P U D, PHASE II	Vacant
50	RP00205004050A RP00205004050B	0.5	0.344	0.156	T 9S R 14E SEC 1, LOT #50 LESS TAX 1, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, TAX 214416B IN LOT #50, BLOCK 4, CLEAR LAKE P U D, CLEAR LAKE P U D, PHASE II	Vacant
51	RP002050040510	0.5	0.2	0.3	T 9S R 14E SEC 1, LOT #51, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II,	SF
52	See Lot 46					
53	RP00205004053A	1.71	0.3	1.41	T 9S R 14E SEC 1, LOTS 53 & 54, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, 1SW	SF
54						
55	RP002050080550	0.6	0.2	0.4	T 9S R 14E SEC 1, LOT #55, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	SF
56	RP00205008056A	1	0.3	0.7	T 09S R 14E SEC 01, LOTS 56 & 57, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	SF
57					T 09S R 14E SEC 01, LOTS 56 & 57, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	SF
58	RP002050080580	0.5	0.5	0	T 9S R 14E SEC 1, LOT #58, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
59	RP002050080590	0.5	0.5	0	T 9S R 14E SEC 1, LOT #59, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
60	RP002050080600	0.5	0.5	0	T 9S R 14E SEC 1, LOT #60, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
61	RP002050080610	0.5	0.5	0	T 9S R 14E SEC 1, LOT #61, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
62	RP00205010062A RP00205010062B	0.63	0.2	0.43	T 9S R 14E SEC 1, LOT #62-A, BLOCK 10, CLEAR LAKE P U D, PHASE II, PHASE II,	TH
63	RP00205010063C RP00205010064D	0.582	0.2	0.382	T 09S R 14E SEC 01, PART OF LOTS 63A&63B, BLOCK 10, CLEAR LAKE P U D, PHASE II, PHASE II, 1 SW	TH
64	RP00205010064C	0.548	0.548	0	T 09S R 14E SEC 01, PART OF LOTS 64A&64B, BLOCK 10, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant
65	RP00205010065C	0.69	0.2	0.49	T 9S R 14E SEC 01, LOTS 65A & 65B, BLOCK 10, CLEAR LAKE P U D, CLEAR LAKE P U D, PHASEII	SF

Clear Lake Parcel No.	Parcel No.	Total Acreage for Lot (according to Gooding County)	Area of lot occupied by home/driveway, or Lot Not irrigated YET	Remaining acres NOW irrigated	Legal Description	Type of Dwelling (SF - Single Family, TH - Townhouse or Vacant
66	RP00205011066A RP00205011066B	0.66	0.2	0.46	T 9S R 14E SEC 1, LOT #66-A, BLOCK 11, CLEAR LAKE P U D, PHASE II, PHASE II T 9S R 14E SEC 1, LOT #66-B, BLOCK 11, CLEAR LAKE P U D,	
67	RP00205011067A	0.54	0.54	0	T 9S R 14E SEC 1, LOT #67-A, BLOCK 11, CLEAR LAKE P U D,	
	RP00205011067B			0	PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #67-B, BLOCK 11, CLEAR LAKE P U D,	
68	RP00205011068A	0.51	0.51	0	T 9S R 14E SEC 1, LOT #68-A, BLOCK 11, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #68-B, BLOCK 11, CLEAR LAKE P U D,	
	RP00205011068B			0	PHASE II, PHASE II,	
69	RP00205011069A	0.69	0.69	0	T 9S R 14E SEC 1, LOT #69-A, BLOCK 11, CLEAR LAKE P U D, PHASE II, PHASE II,	
	RP00205011069B			0	T 9S R 14E SEC 1, LOT #69-B, BLOCK 11, CLEAR LAKE P U D,	
ROAD	RP00205003000A	9.055	6.795	2.26	T 9S R 14E SEC 1 & 2, BLOCK S 3-9, PHASE 1, BLOCKS 2,3,5,7,& 9,, COMMON AREAS, COMMON AREAS, CLEAR LAKES P U D	
GRAND TOTALS		**46.754**	**24.311**	**22.443**		

Acres Not Irrigated - Lots 1-13



3/30/2023, 11:48:26 AM

1:2,592

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 14-24



3/30/2023, 12:10:22 PM

1:2,592

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 25-29



3/30/2023, 12:33:21 PM

1:2,592

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 30-41



3/30/2023, 1:14:12 PM

1:5,184

0 0.03 0.07 0.13 mi

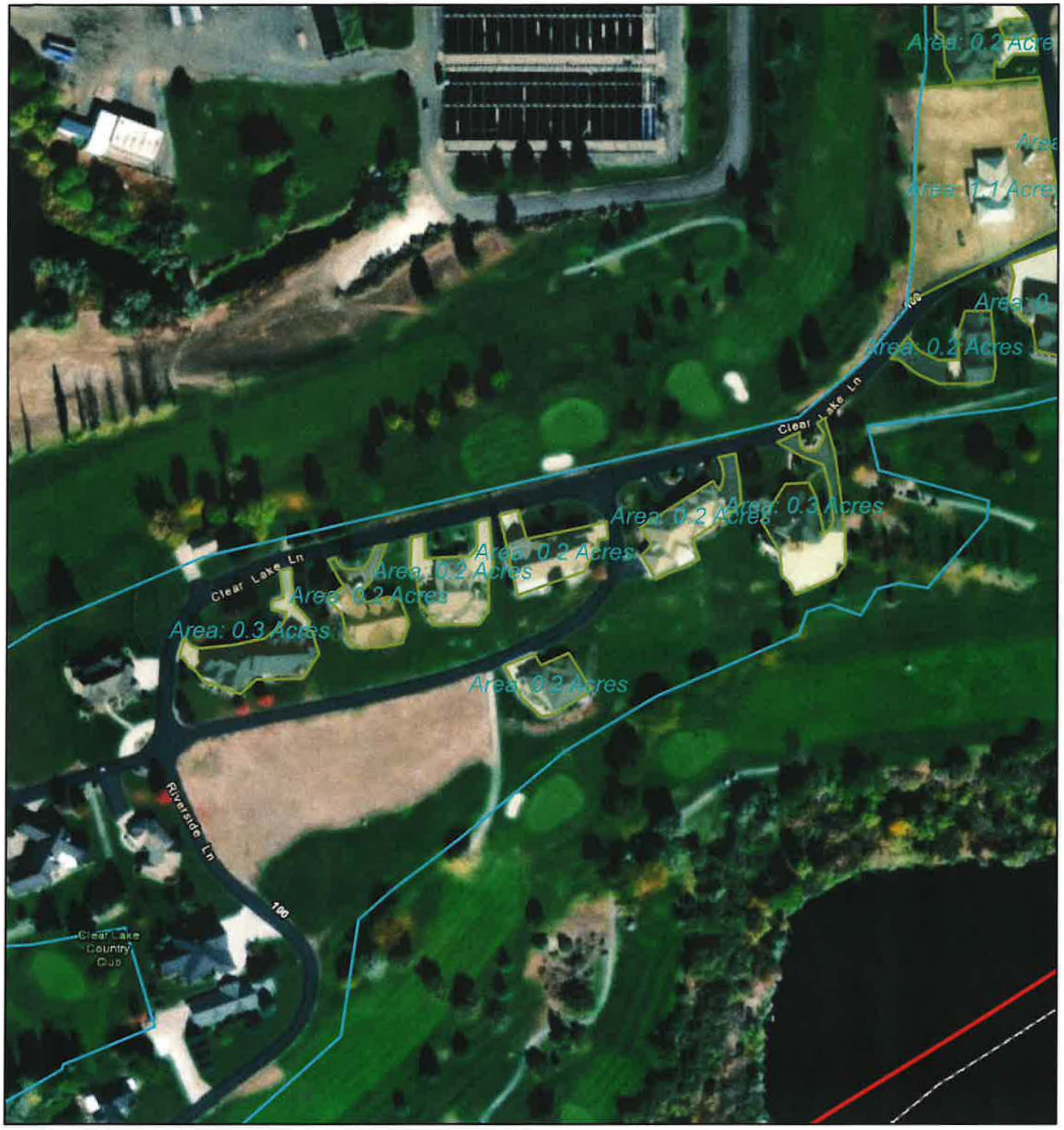
0 0.05 0.1 0.2 km

Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

Idaho Department of Water Resources

Maxar | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 42-54



3/30/2023, 11:21:55 AM

ESPA Model Outline

1:3,191

0 0.02 0.04 0.08 mi

0 0.03 0.06 0.12 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset, Data Refreshed January, 2023, IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 55-69



3/30/2023, 11:06:35 AM

ESPA Model Outline

1:3,191

0 0.02 0.04 0.08 mi

0 0.03 0.06 0.12 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

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**

August 26, 2024

CLEAR LAKE RANCH P U D
MASTER ASSN INC
C/O GARY STOUDER
211 CLEAR LAKE LN
BUHL ID, 83316-5275

RE: WATER SUPPLY BANK LEASE CONTRACT 1890
FOR WATER RIGHT 36-16236

Dear Lessor:

Water right **36-16236 is** leased into the Water Supply Bank (Bank) as of January 01, 2023, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2027,** unless the rights are released earlier by the Water Resource Board (Board). 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
for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Office
Water District No. 130 – Thousand Springs Area

Mansfield, Debra

From: Mansfield, Debra
Sent: Friday, August 23, 2024 10:50 AM
To: King, Corey; Skinner, Corey
Cc: Bank
Subject: Executed WSB Lease Agreement 1890
Attachments: Finalized WSB Lease 1890, Clear Lake Ranch P U D Master Assn Inc.pdf

Hello,

Please the above finalized Water Supply Bank Lease Contract 1890, for water right 36-16236, 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

0005864726

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 #: 0005864726

Date Filed: 8/19/2024 8:49:35 AM

Entity Name and Mailing Address:

Entity Name:	CLEAR LAKE RANCH P.U.D. MASTER ASSOCIATION, INC.
The file number of this entity on the records of the Idaho Secretary of State is:	0000280735
Address	211 CLEAR LAKE LN BUHL, ID 83316-5275

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:	C90369

The registered agent on record is:

Registered Agent	Gary Stouder Registered Agent Physical Address 211 CLEAR LAKE LN BUHL, ID 83316 Mailing Address 211 CLEAR LAKE LN BUHL, ID 83316-5275

Corporate Officers and Directors:

Name	Title	Business Address
DAVID ERICKSON	Director	305 CLEAR LAKE LANE BUHL, ID 83316
BOB SNEED	President	324 CLEAR LAKE LANE BUHL, ID 83316
SUSAN VANDYK	Vice President	102 RIVERSIDE LANE BUHL, ID 83316
GARY STOUDER	Treasurer	211 CLEAR LAKE LANE BUHL, ID 83316
- ~~Teresa Phillips~~	~~Secretary~~	~~311 CLEAR LAKE LN.~~ ~~BUHL, ID 83316~~
- ~~Richard Penman~~	~~Director~~	~~106 RIVERSIDE LN~~ ~~BUHL, ID 83316~~
Jim Paulus	Director	309 CLEAR LAKE LN BUHL, ID 83316
+ Bob Boulware	Secretary	114 CLEAR LAKE LANE BUHL, ID 83316
+ Kristy DeVries	Director	322 CLEAR LAKE LN BUHL, ID 83316
+ Roxanne Paulson	Director	317 CLEAR LAKE LN BUHL, ID 83316

Page 1 of 2

DOCUMENT - 5944 - 2024 08/19/2024 0:49 AM RECEIVED BY CLERK OF THE DISTRICT COURT OF THE STATE

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

Job Title: Treasurer

Gary Stouder

Sign Here

08/19/2024

Date

DC9440-4555 08/19/2024 04:49 PM RECEIVED BY OFFICE OF SECRETARY OF STATE

Page 2 of 2

MEMORANDUM FOR LEASE APPLICATION #2812

To: Water Right(s) 36-16236

From: Phill Hummer

Date: 08/07/24

Re: Summary of Water Supply Bank Filings

Background - Partial Decree Up to Modern Era WSB Filings

Water right no. 36-16236 is a child of parent right 36-4148A. The partial decree for the parent right was issued in 2001. In 2005 IDWR received an application to lease an 8.0 acre portion of right 36-4148A (later assigned application 720). On the same day IDWR received an application from Clear Springs Foods Inc ("CSF") to rent the same portion. The applications contained the first and third pages of an exchange agreement executed in 2005 describing the agreement between Clear Ranch PUD Master Association Inc. ("CLR") to allowing CSF to use a portion of right 36-4148A to irrigate 8.0 acres around their property. Right 36-16236 was created as part of transfer application approved 02/03/06, the right authorizes 0.90 cfs for 44.7 acres of irrigation. The first lease contract (later assigned contract 545) was executed following the split of the parent right with the contract listing 8.0 acres of right 36-16236 leased starting in 2005 for an indefinite period. The first rental of that same 8.0 acres was also executed in 2005 for a 5 year term ending in 2009. Two more 5 year rentals were executed for 2010-2014 and 2015-2019. Then the policy of indefinite lease contracts ended and the lease contract was scheduled to conclude at the end of 2020. Because of this the fourth rental (agreement 376) of the 8.0 acre portion by CSF was only for one year and ended in 2020.

Background - Modern WSB Filings and Historic Use

IDWR received a second lease application in 2020 proposing to lease the entire portion of right 36-16236 (application 1911). Upon review, IDWR asked John Simpson ("Simpson" CLR's representative) to clarify the number of acres proposed for lease since previous leases and other information on the form indicated the lease was for 8.0 acres. Simpson responded with a list of lots within the subdivision totaling 11.9 acres. Initial review did not find evidence of historic use for the 3.9 acres in addition to the 8.0 acres previously leased into the water supply bank. Simpson later provided an updated list of 16 lots to be leased which totaled 8.0 acres. The lots identified are: 34, 35, 38, 47, 48, 49, 50, 58, 59, 60, 61, 64, 65, 67, 68, and 69. Lease contract 1411 was created for an 8.0 acre portion for a 2 year lease period of 2021 and 2022 identifying those lots as idle through the contract. The contact was returned signed by R. Sneed on behalf of CLR with the period of the contract reduced from 2 years to 1 year (change initialed by R. Sneed).

On August 23, 2021 IDWR staff sent CLR a notice that the lease contract 1411 would expire at the end of the year. On January 1, 2022 IDWR staff sent CLR notice lease contract 1411 had expired. IDWR has not received rental applications from CSF since the agreement 376 concluded at the end of 2020.

On November 3, 2023 IDWR received lease application 2812 proposing to lease 0.8 cfs and 24.0 acres of right 36-16236 for five years. Section 4.G of the application asks applicants to

provide historic use information. The applicant checked the box indicating that no portion of the right has undergone a period of 5 years or more of nonuse and explained, "Water has consistently been utilized at the POU as development has progressed." The application included a lot list of the subdivision with the total acres and portions with homes and pavement calculated. The calculations show 24.3 acres within the subdivision are not irrigatable and 22.4 acres remain irrigated. Maps included identify the portions of each lot proposed for lease. Initial review by IDWR staff identified portions of lots that had been developed could likely be accepted but did not find evidence supporting acceptance of 24.0 acres. On November 29, 2023 IDWR emailed the applicant and Simpson requesting additional information showing historic use and asking for clarification. Following the email the applicants representative contacted IDWR and asked for more time to conduct addition research and provide information. The following is a detailed review of the development of the subdivision in timeframes relevant to periods of non-use and water supply bank filings.

Detailed Review of Historic Development and Past Lease Contracts

A summary of the history of right 36-16236 was received via email on April 23, 2024. The summary appears to be written by Simpson and includes the following statement:

> It was the intentions of the parties at the time that this arrangement would be in perpetuity. In order for that agreement to be in perpetuity the irrigation water associated with the water bank application would not be irrigation water otherwise used in the future development of lots associated with the development, but would instead be lands that had previously been irrigated but [are] now under pavement, roads, etc.

It is logical that the intent of the original lease application would have been to lease those acres already developed at the time the application was filed to provide the 8.0 acres needed to satisfy the exchange agreement and related rental application filed by CSF. Review of available imagery show the lots with existing homes in 2004 were: 9, 11, 14, 15, 17, 18, 19, 20, 21, 22, 23, 43, 44, 45, 46, and 55 (these are Clear Lake Parcel No. provided by the applicant not the county id numbers). The homes on those lots occupy about 2.3 acres, the roadways total about 5.7 acres. Considered together those homes and the roadways comprise the 8.0 acres of hardscape leased beginning in 2005 (see attached map title Constructed Homes and Roads in 2004). Based on 2004 imagery there were 24 vacant lots where irrigation was occurring including common land totaling 12.1 acres and 30 lots that were vacant and not irrigated totaling 18.6 acres. The specific lots and calculated acres are listed by tables 2, 3, and 4, see below. The following table provides a summary of the likely land use of the entire 44.7 acres water right in 2004:

Category	Acres
Homes	2.3
Roads	5.7
Irrigation	18.1
Idle	18.6
Total	44.7

Table 1. Likely land use of water right 36-16236 in 2004.

Lease application 1911 was received in 2020 proposing to begin in 2021. Detailed review of the development of the subdivision based on aerial imagery and parcel data from Gooding County

Assessor website (https://www.goodingcounty.org/150/Assessors-Office) from 2004 to 2015 indicates 11 lots were developed by 2015 with a combined 2.2 acres of hardscape. The lots with existing homes in 2015 are listed in table 5 and shown on the attached map titled *Constructed Homes and Roads in 2015*. It is necessary to determine the homes constructed prior to 2015 because the acres occupied by a home constructed prior to 2015 has been idle for a period of more than 5 years when lease application 1911 was filed in 2020.

Using aerial imagery and county information the lots developed from 2016 and 2020 were determined, see table 6 and the attached map titled *Constructed Homes and Roads in 2020*. In accordance with IDWR policy the lots previously irrigated and developed in or after 2015 could have been accepted for a lease starting in 2021 because 2021 would have been the 6th year of non-use (assuming some irrigation of the acres later occupied by a home were irrigated the same year the home was built and 2016 was the first year of non-use). 7 lots were developed in this time frame totaling 1.4 acres of hardscape. However, 3 of those lots were previously vacant and not irrigated for a period of more than 5 years. The total number of acres available for lease in 2021 under application 1911 was 8.7 acres which includes the 8.0 acres originally leased in 2005. I believe two mistakes were made during the 2021 lease process but that both are easily remedied.

First, IDWR erred when staff identified 16 lots to comprise the 8.0 acre lease. It is my understanding contract 1411 was executed as a continuation of prior 8.0 acres lease and therefore the acres identified should have been the hardscapes that existed in 2005 including roadways. This error can be fixed by recognizing the 8.0 acres boundary shown on the *Constructed Homes and Roads in 2004 map* and by creating more accurate boundaries for idle acres in future leases applications and contracts.
Second, IDWR erred when the contract was executed for only 8.0 acres. Based on detailed review of development going back to 2004 there is evidence that an additional 0.7 acres of hardscape could have been accepted for lease in 2021. This can be addressed with the 2023 lease because of the timing of development and application filing, discussed in detail in the next section.

Detailed Review of Acres Available for Lease in 2023

Using aerial imagery and county information the lots developed between 2020 and 2023 were determined, see table 7 below and the attached map titled *Constructed Homes and Roads in 2023*. 6 additional lots totaling about 1.1 acres were developed between the filing of lease application 1911 and the filing of lease application 2812. However, the acres occupied by homes in 2 of those lots have likely undergone a period of more than 5 years of non-use. The total number of acres occupied by homes in lots developed since 2020 and available for lease in 2023 is 0.7 acres.

The 4 lots developed from 2016 to 2020 that were previously irrigated were all developed in 2017 or later. Assuming some irrigation occurred on acres that are now hardscape were irrigated in 2017 and 2018 was the first year of non-use, those acres can be accepted for lease under a new contract beginning in 2023 in accordance with current IDWR policy because 2023 is the 6th year of non-use. As previously mentioned, these acres were likely available for lease in 2021 but were mistakenly not accepted but can be accepted in 2023 due to the timing of development.

The partial decree for 36-16236 was issued in 2001 and the first lease contract of 8.0 acres began in 2005 and concluded in 2020. Lease contract 1411 began in 2021 and concluded that

same year. Lease application 2812 was received in 2023 proposing a contract beginning in 2023. There was likely a period of 3 years of non-use prior to the first lease and an additional 1 year of non-use between the end of lease contract 1411 and the filing of application 2812 for a total of 4 years. However, the right was rented from 2005 to 2020. The 8.0 acres of hardscape originally under lease contract in 2005 has likely not be lost due to forfeiture or abandonment and can be accepted into the bank starting in 2023.

Based on the review of development and history of water supply bank filings, 9.4 acres of right 36-16236 can be accepted at this time without additional information. Comprised of the original 8.0 acres, 0.7 acres of homes developed between 2016 and 2020, and 0.7 acres of homes developed between 2021 and 2023.

Options for Proceeding

Based on historic use, the development of lots within the subdivision, and the timing of past leases and rentals up to 9.4 acres can be accepted for lease in 2023. IDWR staff can proceed with processing lease application 2812 and create a contract for 9.2 acres beginning in 2023 and concluding in 2027. A lease for 8.0 acres is also an option.

The following actions may increase the number of acres available for lease beyond 9.2:

1) The applicant can provide information demonstrating that irrigation occurred since 2006 on the house and driveway footprints within lots that are now developed.

2) The applicant can identify lots or portions of property that have been irrigated within the last 5 years that will be made idle (not irrigated) during the terms of the lease contract.

3) The applicant identifies a defense to forfeiture that applies to the acres that have not been irrigated since 2006.

Clear Lake ID	Lot	Block	Acres Not Irr	Acres Irrigated
9	9	1	0.1	0.3
11	11	1	0.1	0.3
14	1	2	0.1	0.6
15	2	2	0.2	0.4
17	4	2	0.1	0.4
18	5	2	0.1	0.3
19	6	2	0.1	0.3
20	7	2	0.1	0.3
21	8	2	0.2	0.2
22	9	2	0.1	0.3
23	10	2	0.1	0.5
43	43A/B	4	0.2	0.3
44	44A/B	4	0.2	0.3
45	45A/B	4	0.2	0.3
46**	46A/B	4	0.2	0.8
55	55	8	0.2	0.4
		total	2.3	6.0

Table 2. Lots with developed homes evidence by 2004 aerial imagery. The number of acres occupied by the home and acres irrigated are based on the tables provided by CLR attached to lease application 2812. **Lot 46A and 46B block 4 are combined with lot 52 block 4 according to the counties parcel records, the entire lot is labeled lot 46 by CLR. The home is constructed on the northern part of the lot and crosses the parcel boundary, the southern portion was not irrigated. In tables 2 through 8 I count lot 46 as the home area and lot 52 as the idled portion.

Clear Lake ID	Lot	Block	Acres Irrigated
1	1	1	0.4
2	2	1	0.5
3	3	1	0.4
4	4	1	0.4
5	5	1	0.5
6	6	1	0.4
7	7	1	0.4
8	8	1	0.4
10	10	1	0.4
12	12	1	0.4
13	13	1	0.4
16	3	2	0.6
24	11	2	0.5
25	25A/B	1	0.7
26	26A/B	1	0.6
27	27C	1	0.5
28/29	28A/B & 29A/B	1	1.0
30	30A/B	1	0.7
39	39	1	0.4
42	42A/B	6	0.7
47*	47B	4	0.1
48*	48	4	0.3
49*	49	4	0.2
50*	50	4	0.2

common lots	1.0
total	12.1

Table 3. Lots without constructed homes where irrigation occurred between the issuance of the partial decree and the initial lease, based on 2004 aerial imagery. Lot size based on information provided by CLR. *These lots have divided parcel boundaries in the IDWR parcel layer and in the Gooding County Assessor's Map but are designated the same lot and block id and the same number by CLR. Since 2004, the northern portions of these lots have been idle and the southern portions have been irrigated so they are entered into table 3 and table 4.

Clear Lake ID	Lot	Block	Acres Not Irrigated
31	31A/B	1	0.6
32	32A/B	1	1.8
33	33	1	0.5
34	34	1	0.5
35	35	1	0.5
36	36	1	0.5
37	37	1	0.5
38	38	1	0.5
40	40	1	0.6
41	41	1	0.5
47*	47A	4	0.6
48*	48	4	0.3
49*	49	4	0.3
50*	50	4	0.3
51	51	4	0.5
52**	52	4	0.5
53/54	53/54	4	1.7
56/57	56/57	8	1.0
58	58	8	0.5
59	59	8	0.5
60	60	8	0.5
61	61	8	0.5
62	62A/B	10	0.6
63	63A/B	10	0.6
64	64A/B	10	0.6
65	65A/B	10	0.7
66	66A/B	11	0.6
67	67A/B	11	0.6
68	68A/B	11	0.5
69	69A/B	11	0.7

total	18.6

Table 4. Lots without constructed homes and that were not irrigated in 2004. The hardscapes in these lots are excluded from the acres that can be consider for acceptance pursuant to lease application 2812 without additional information.

Clear Lake ID	Lot	Block	Acres Not Irr	Acres Irrigated	Year Built
6	6	1	0.1	0.4	2009
9	9	1	0.1	0.3	before 2005
10	10	1	0.1	0.3	2014
11	11	1	0.1	0.3	2005
14	1	2	0.1	0.6	before 2005
15	2	2	0.2	0.4	before 2005
16	3	2	0.2	0.4	2008
17	4	2	0.1	0.4	before 2005
18	5	2	0.1	0.3	before 2005
19	6	2	0.1	0.3	before 2005
20	7	2	0.1	0.3	before 2005
21	8	2	0.2	0.2	before 2005
22	9	2	0.1	0.3	before 2005
23	10	2	0.1	0.5	before 2005
26	26A/B	1	0.1	0.4	2008
28/29	28A/B & 29A/B	1	0.2	0.8	2013
33#	33	1	0.2	0.3	2005
40#	40	1	0.2	0.4	2006
41#	41	1	0.3	0.2	2015
42	42A/B	6	0.3	0.4	2006
43	43A/B	4	0.2	0.3	before 2005
44	44A/B	4	0.2	0.3	before 2005
45	45A/B	4	0.2	0.3	before 2005
46**	46A/B	4	0.2	0.8	before 2005
53/54#	53/54	4	0.3	1.4	2006
55	55	8	0.2	0.4	before 2005
66#	66A/B	11	0.2	0.4	2014/2015

total	2.2	11.4

Table 5. Lots with developed homes as of 2015. The lots highlighted were developed after lease contract 535 began in 2005. #These lots were not irrigated prior to the construction of the home, see table 4.

Clear Lake ID	Lot	Block	Acres Not Irr	Acres Irrigated	Year Built
2	2	1	0.2	0.3	2018
6	6	1	0.1	0.4	2009
9	9	1	0.1	0.3	before 2005
10	10	1	0.1	0.3	2014
11	11	1	0.1	0.3	2005
13	13	1	0.2	0.2	2017
14	1	2	0.1	0.6	before 2005
15	2	2	0.2	0.4	before 2005
16	3	2	0.2	0.4	2008
17	4	2	0.1	0.4	before 2005
18	5	2	0.1	0.3	before 2005
19	6	2	0.1	0.3	before 2005
20	7	2	0.1	0.3	before 2005
21	8	2	0.2	0.2	before 2005
22	9	2	0.1	0.3	before 2005
23	10	2	0.1	0.5	before 2005
26	26A/B	1	0.1	0.4	2008
27	27C	1	0.1	0.4	2017
28/29	28A/B & 29A/B	1	0.2	0.8	2013
33#	33	1	0.2	0.3	2005
39	39	1	0.2	0.2	2020
40#	40	1	0.2	0.4	2006
41#	41	1	0.3	0.2	2015
42	42A/B	6	0.3	0.4	2006
43	43A/B	4	0.2	0.3	before 2005
44	44A/B	4	0.2	0.3	before 2005
45	45A/B	4	0.2	0.3	before 2005
46**	46A/B	4	0.2	0.8	before 2005
51#	51	4	0.2	0.3	2018
53/54#	53/54	4	0.3	1.4	2006
55	55	8	0.2	0.4	before 2005
56/57#	56/57	8	0.3	0.7	2019
62#	62A/B	10	0.2	0.4	2018
66#	66A/B	11	0.2	0.4	2014/2015

total acceptable	0.7	
total	1.4	13.9

Table 6. Lots with homes constructed as of 2020. The lots highlighted were constructed from 2016 to 2020 and are the lots IDWR should have considered in review of lease application 1911. #These lots were idle before development and the hardscape should not be accepted for lease.

Clear Lake ID	Lot	Block	Acres Not Irr	Acres Irrigated	Year Built
2	2	1	0.2	0.3	2018
3	3	1	0.2	0.2	2022
5	5	1	0.1	0.4	2023
6	6	1	0.1	0.4	2009
7	7	1	0.2	0.2	2022
8	8	1	0.2	0.2	2021
9	9	1	0.1	0.3	before 2005
10	10	1	0.1	0.3	2014
11	11	1	0.1	0.3	2005
13	13	1	0.2	0.2	2017
14	1	2	0.1	0.6	before 2005
15	2	2	0.2	0.4	before 2005
16	3	2	0.2	0.4	2008
17	4	2	0.1	0.4	before 2005
18	5	2	0.1	0.3	before 2005
19	6	2	0.1	0.3	before 2005
20	7	2	0.1	0.3	before 2005
21	8	2	0.2	0.2	before 2005
22	9	2	0.1	0.3	before 2005
23	10	2	0.1	0.5	before 2005
26	26A/B	1	0.1	0.4	2008
27	27C	1	0.1	0.4	2017
28/29	28A/B & 29A/B	1	0.2	0.8	2013
33#	33	1	0.2	0.3	2005
39	39	1	0.2	0.2	2020
40#	40	1	0.2	0.4	2006
41#	41	1	0.3	0.2	2015
42	42A/B	6	0.3	0.4	2006
43	43A/B	4	0.2	0.3	before 2005
44	44A/B	4	0.2	0.3	before 2005
45	45A/B	4	0.2	0.3	before 2005
46**	46A/B	4	0.2	0.8	before 2005
51#	51	4	0.2	0.3	2018
53/54#	53/54	4	0.3	1.4	2006
55	55	8	0.2	0.4	before 2005
56/57#	56/57	8	0.3	0.7	2019
62#	62A/B	10	0.2	0.4	2018
63#	63A/B	10	0.2	0.4	2021
65#	65A/B	10	0.2	0.5	2023
66#	66A/B	11	0.2	0.4	2014/2015

total acceptable	0.7	
total	1.1	15.2

Table 7. Lots with homes constructed as of 2023. Lots highlighted were developed from 2021 to 2023 and were previously irrigated. #These lots were idle before development and the hardscape should not be accepted for lease.

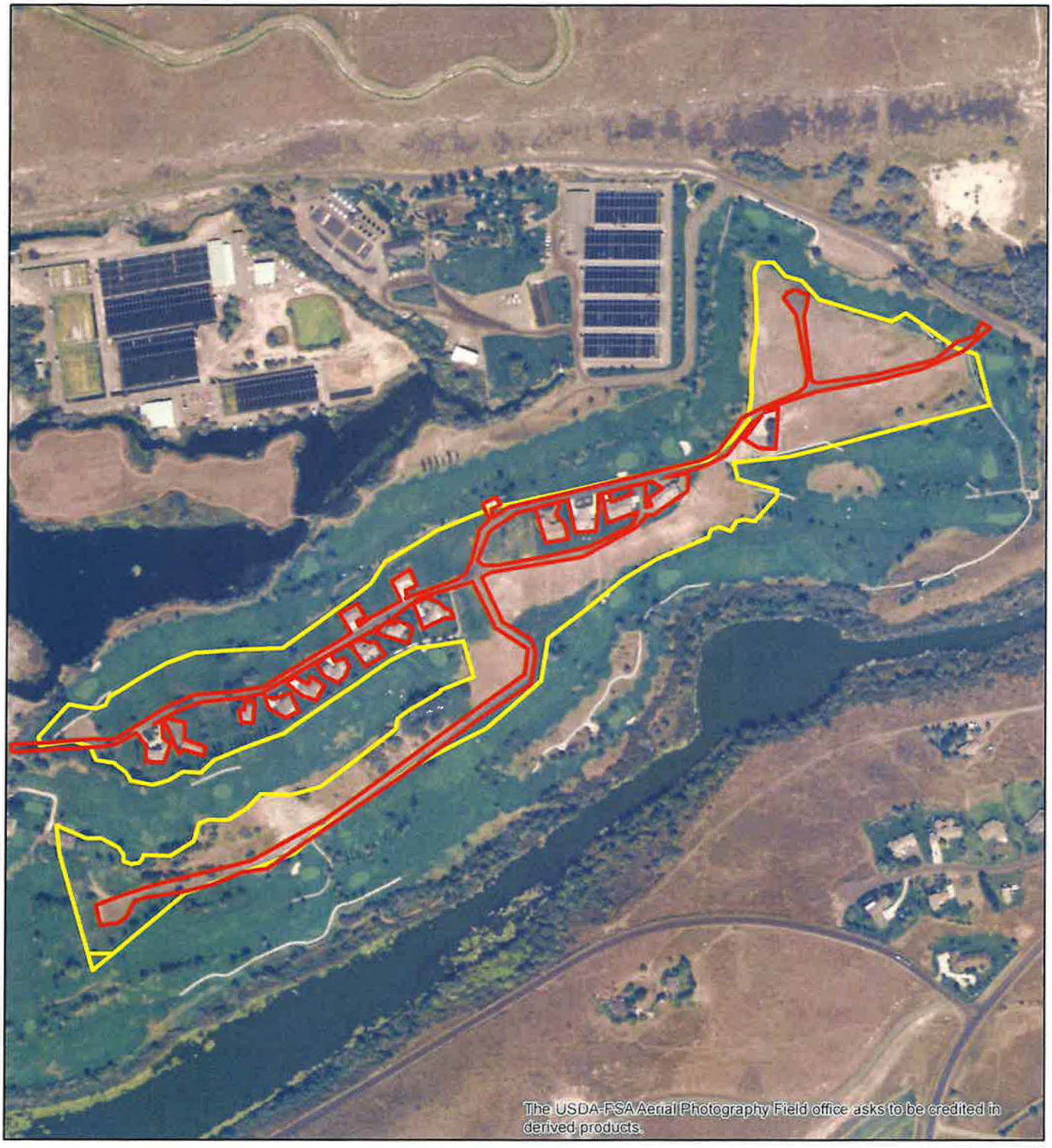
Clear Lake ID	Lot	Block	Acres Not Irr	Acres Irrigated	Year Built
2	2	1	0.2	0.3	2018
3	3	1	0.2	0.2	2022
5	5	1	0.1	0.4	2023
6	6	1	0.1	0.4	2009
7	7	1	0.2	0.2	2022
8	8	1	0.2	0.2	2021
9	9	1	0.1	0.3	before 2004
10	10	1	0.1	0.3	2014
11	11	1	0.1	0.3	2005
13	13	1	0.2	0.2	2017
14	1	2	0.1	0.6	before 2004
15	2	2	0.2	0.4	before 2004
16	3	2	0.2	0.4	2008
17	4	2	0.1	0.4	before 2004
18	5	2	0.1	0.3	before 2004
19	6	2	0.1	0.3	before 2004
20	7	2	0.1	0.3	before 2004
21	8	2	0.2	0.2	before 2004
22	9	2	0.1	0.3	before 2004
23	10	2	0.1	0.5	before 2004
26	26A/B	1	0.1	0.4	2008
27	27C	1	0.1	0.4	2017
28/29 'B & 29A/B		1	0.2	0.8	2013
33#	33	1	0.2	0.3	2005
39	39	1	0.2	0.2	2020
40#	40	1	0.2	0.4	2006
41#	41	1	0.3	0.2	2015
42	42A/B	6	0.3	0.4	2006
43	43A/B	4	0.2	0.3	before 2004
44	44A/B	4	0.2	0.3	before 2004
45	45A/B	4	0.2	0.3	before 2004
46**	46A/B	4	0.2	0.8	before 2004
51#	51	4	0.2	0.3	2018
53/54#	53/54	4	0.3	1.4	2006
55	55	8	0.2	0.4	before 2004
56/57#	56/57	8	0.3	0.7	2019
62#	62A/B	10	0.2	0.4	2018
63#	63A/B	10	0.2	0.4	2021
65#	65A/B	10	0.2	0.5	2023
66#	66A/B	11	0.2	0.4	2014/2015

Total 2004	2.3	6.0
Total 2015	2.2	5.4
Total 2020	1.4	2.5
Total 2023	1.1	2.3

Table 8. Summary of all the lots with constructed homes as of 2023 highlighted by timeframe.

Water Right 36-16236 Place of Use and Lot Development History

Constructed Homes and Roads in 2004



Background image is from 2004

Legend

POU

Idle in 2004

Water Right 36-16236 Place of Use and Lot Development History

Constructed Homes and Roads in 2015



Background image is from 2015

Legend

- POU
- Idle in 2004
- Developed 2005 & 2015

Water Right 36-16236 Place of Use and Lot Development History

Constructed Homes and Roads in 2020



Background image is from 2020

Legend

- POU
- Idle in 2004
- Developed 2005 & 2015
- Developed 2016 to 2020

*Lots with constructed homes excluded from boundary shapes were idle in 2005 when the initial lease of 8.0 acres began and have likely been idle for a period of more than 5 years. The acres occupied by homes in these lots are excluded from the total acres considered acceptable to lease in 2023.

Water Right 36-16236 Place of Use and Lot Development History

Constructed Homes and Roads in 2023



Legend

- POU
- Idle in 2004
- Developed 2005 & 2015
- Developed 2016 to 2020
- Developed 2021 to 2023

Background image is from 2023

*Lots with constructed homes excluded from boundary shapes were idle in 2005 when the initial lease of 8.0 acres began and have likely been idle for a period of more than 5 years. The acres occupied by homes in these lots are excluded from the total acres considered acceptable to lease in 2023.

Keen, Shelley

From: Gary Stouder <gary@stouderholsteins.com>
Sent: Tuesday, May 28, 2024 10:02 AM
To: John K. Simpson
Cc: Keen, Shelley; Jessica L Witt
Subject: Re: FW: Clear Lake Ranch Lease Application

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.**

John,

Thanks for the update. I apologize if I insinuated that the ball had been dropped on this. I guess I don't realize the complexity of it and the time that goes into an agreement of this nature.

We do want to continue to have you work on this, on our behalf and appreciate everything you are doing for us.

Has anything new developed in the last month or so?

Thanks again,

Gary

On 4/23/2024 10:09 AM, John K. Simpson wrote:

> Gary,
>
> I have not forgotten about this issue. In fact, yesterday I had a 90-minute call with Shelley Keen(copied here). Shelley is a deputy director for the Department of Water Resources. He took over the review of this matter when Mat Weaver became the Director. In part because of this change and the Department's request for greater specificity on the Water Supply Bank Application, the discussions have slowed or resulted in a review of historical information. Jessica in our office has put together the water use and lot development history. I believe she has sent that to you in the past. As recently as yesterday(see the email below), I discussed this history and the intent of the parties with Mr. Keen. I have continued to be reluctant to have a discussion about forfeiture with the Department given the PUD's development history and needs. Hence, attached is a narrative of the history between the parties and the Department's involvement.
>
> After you have had a chance to review, I would suggest you call Shelley Keen at the Department and seek his opinion. This opportunity to meet with the Department is similar to meetings Clear Lakes

had in 2022. If you continue to be dissatisfied with our efforts to resolve these issues, you are certainly welcome to work directly with Shelley or seek other advice. I believe this offer was made in correspondence with David Brush in 2022.

Sincerely,

John K. Simpson
Partner

M- 208 .724.2580
D – 208.424.2031
E - jsimpson@martenlaw.com
martenlaw.com
101 S. Capitol Blvd., Ste. 305
Boise, ID, 83702

MARTEN LAW

From: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Sent: Sunday, April 21, 2024 9:29 AM
To: John K. Simpson <jsimpson@martenlaw.com>
Subject: RE: Clear Lake Ranch Lease Application

John,

I reserved time on my calendar to give you a call at 3:00 on Monday. Will that work? If not, just about any other time on Monday works for me.

Shelley

From: John K. Simpson <jsimpson@martenlaw.com>
Sent: Friday, April 19, 2024 6:05 PM
To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Subject: Re: Clear Lake Ranch Lease Application

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Great. Monday or Tuesday?

Get Outlook for iOS

From: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Sent: Friday, April 19, 2024 3:56:07 PM
To: John K. Simpson <jsimpson@martenlaw.com>
Subject: Clear Lake Ranch Lease Application

John,

I still have the Clear Lake Ranch Water Supply Bank lease application in my office. Do you want to chat next week about next steps?

Shelley

Shelley Keen | Deputy Director
Idaho Dept. of Water Resources
shelley.keen@idwr.idaho.gov
208-287-4947

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Keen, Shelley

From: John K. Simpson <jsimpson@martenlaw.com>
Sent: Monday, April 22, 2024 4:14 PM
To: Keen, Shelley
Subject: FW: Mitigation Plan - Clear Springs delivery call

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From: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Sent: Wednesday, June 29, 2022 10:04 AM
To: John Simpson <jks@idahowaters.com>
Subject: RE: Mitigation Plan - Clear Springs delivery call

Brian Ragan (WD130 Watermaster) plans to be "on the ground" next week in WD130. I asked him yesterday to reach out Mr. Souder to coordinate a meeting or at least initiate contact.

Mathew Weaver, PE | deputy director
Idaho Department of Water Resources
www.idwr.idaho.gov | 208.287.4800

From: John Simpson <jks@idahowaters.com>
Sent: Sunday, June 26, 2022 5:47 PM
To: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Subject: RE: Mitigation Plan - Clear Springs delivery call

Mat,

Any progress on a meeting with the users and the new water master?

John K. Simpson
Barker Rosholt & Simpson LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, Idaho 83701-2139
Phone: 208.336.0700
Fax: 208.344.6034
www.idahowaters.com

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From: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Sent: Friday, April 1, 2022 1:49 PM

To: Karen Henderson <karen.henderson@riverence.com>; John Simpson <jks@idahowaters.com>
Cc: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>; Jessica Witt <jlw@idahowaters.com>
Subject: RE: Mitigation Plan - Clear Springs delivery call

Great, we'll host at 3 pm.

Thanks for your flexibility.

Mathew Weaver, PE | deputy director
Idaho Department of Water Resources
www.idwr.idaho.gov | 208.287.4800

From: Karen Henderson <karen.henderson@riverence.com>
Sent: Friday, April 1, 2022 1:47 PM
To: John Simpson <jks@idahowaters.com>
Cc: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>; Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>; Jessica Witt <jlw@idahowaters.com>
Subject: Re: Mitigation Plan - Clear Springs delivery call

Yes, that works for me.

Karen

KAREN HENDERSON
Riverence Holdings LLC and its subsidiaries
Chief Legal Officer
Director of Land & Water Resources
604 W. Franklin St., Boise, ID 83702
Office: (208) 420-1742
Mobile: (208) 703-1554
Email: karen.henderson@riverence.com

> On Apr 1, 2022, at 12:13 PM, John Simpson <jks@idahowaters.com> wrote:
>
> 3:00 pm works for me. Karen?
>
> **From:** Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>
> **Sent:** Friday, April 1, 2022 12:01 PM
> **To:** John Simpson <jks@idahowaters.com>; Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
> **Cc:** Jessica Witt <jlw@idahowaters.com>; Karen Henderson <karen.henderson@riverence.com>
> **Subject:** RE: Mitigation Plan - Clear Springs delivery call
>
> John and Karen,
> Mat just had another meeting set for 2:00 pm related to IDWR's budget. Any way we can push this meeting to 3:00 pm?

Garrick

From: John Simpson <jks@idahowaters.com>
Sent: Monday, March 28, 2022 2:22 PM
To: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>; Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Cc: Jessica Witt <jlw@idahowaters.com>; Karen Henderson <karen.henderson@riverence.com>
Subject: RE: Mitigation Plan - Clear Springs delivery call

We can come to IDWR.

Thanks Garrick.

From: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>
Sent: Monday, March 28, 2022 11:19 AM
To: John Simpson <jks@idahowaters.com>; Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Cc: Jessica Witt <jlw@idahowaters.com>; Karen Henderson <karen.henderson@riverence.com>
Subject: RE: Mitigation Plan - Clear Springs delivery call

Do you want to meet via phone or do you want to come to IDWR?

From: John Simpson <jks@idahowaters.com>
Sent: Monday, March 28, 2022 9:06 AM
To: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>; Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Cc: Jessica Witt <jlw@idahowaters.com>; Karen Henderson <karen.henderson@riverence.com>
Subject: RE: Mitigation Plan - Clear Springs delivery call

Garrick,

That should work.

Thanks

John

From: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>
Sent: Monday, March 28, 2022 8:36 AM
To: John Simpson <jks@idahowaters.com>; Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Cc: Jessica Witt <jlw@idahowaters.com>; Karen Henderson <karen.henderson@riverence.com>
Subject: RE: Mitigation Plan - Clear Springs delivery call

How about Friday sometime after the Board meeting...so say 2:00 pm?

From: John Simpson <jks@idahowaters.com>
Sent: Friday, March 25, 2022 3:19 PM
To: Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>; Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Cc: Jessica Witt <jlw@idahowaters.com>; Karen Henderson <karen.henderson@riverence.com>
Subject: FW: Mitigation Plan - Clear Springs delivery call

Garrick/Mat:

Do you have time next week for a short meeting to discuss the scope and continuation of the administration of the Clear Springs(Riverence) delivery call as it would apply to on-going mitigation activities (See email trail below)? Time for the meeting would be about 30-60 minutes. Also, could we discuss the extent to which areas below the canyon rim, i.e. areas and ground water withdrawals in the area of Clear Lakes are considered within the ESPA or are considered tributary to the Snake River. I seem to recall some dialogue regarding whether ground water withdrawals in the Hagerman area are considered in the ESPA.

If next week doesn't work, please identify some alternative dates.

Thanks

John

From: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Sent: Thursday, January 7, 2021 4:13 PM
To: John Simpson <jks@idahowaters.com>
Cc: Jessica Witt <jlw@idahowaters.com>
Subject: RE: Mitigation Plan - Clear Springs delivery call

John,

As we discussed, IDWR's default assumption is that IGWA's mitigation activities cover the uses under this water right. I'm not aware that IDWR is tracking any mitigation activities associated with the Clear Springs Delivery Call. Our records and my discussion with Garrick appear to confirm that.

In 2001, when the examination for this water right was conducted, there were 28 lots built out, and 57 "bare lots with water line stub-outs." IDWR's practice at the time was to count the stub-outs as a beneficial use. This is reflected in the license, which authorizes domestic use for 85 homes. There are no conditions on the water right specifying a "build-out" timeline, which makes sense because IDWR does not have a statutory process or the resources to follow up on water rights once licensed. Licensing is the Department's last bite at the apple. You'll recall this was one of the issues with the RAFN WR process before the statutory changes last year.

From the Department's perspective, the water right holder has an indefinite amount of time to build out the subdivision. However, if the owner filed a transfer proposing to move the water or change the beneficial use, the Department would evaluate and likely limit the transfer to the historical consumptive use volume, which would reflect the amount of water use in 28 homes and not the full 85 homes. In that case, the lack of build-out could decrease the licensed volume of water. That practice is not related to forfeiture per se, but it would have a similar effect.

Mathew Weaver, PE | deputy director
Idaho Department of Water Resources
www.idwr.idaho.gov | 208.287.4800

From: John Simpson [mailto:jks@idahowaters.com]
Sent: Thursday, January 7, 2021 1:17 PM
To: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>

Cc: Jessica Witt <jlw@idahowaters.com>
Subject: RE: Mitigation Plan - Clear Springs delivery call

Mat,

Any thoughts on this?

Thanks

From: John Simpson
Sent: Thursday, December 24, 2020 11:43 AM
To: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Subject: Mitigation Plan - Clear Springs delivery call

Mat,

The water right that we were discussing relative to the Clear Springs delivery call and mitigation is wr no. 36-08329. The owner is Clear Lakes Ranch PUD Master Association. It was licensed in 2015. Because of its junior priority(1987), it was on the curtailment list. Clear Lakes and Clear Springs then struck an agreement whereby Clear Lakes put water right no. 36-16236 into the Water Supply Bank and by lease agreement Clear Springs utilized the right for irrigation of approximately 8 acres around its facility. The Water Supply Bank lease expires on December 31, 2020 so Clear Lakes it asking whether to renew the lease and application to the Bank. The question for Clear Lakes is whether it has an on-going mitigation obligation given the settlement between Clear Springs and IGWA. Your insight from an administration standpoint would be helpful.

The other question discussed concerned the period of time Clear Lakes had to build-out the lots under water right no. 36-08329. You had some additional thoughts on this issue as well.

Thanks and Merry Christmas.

John

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Keen, Shelley

From: John K. Simpson <jsimpson@martenlaw.com>
Sent: Monday, April 22, 2024 4:19 PM
To: Keen, Shelley
Subject: FW: Clear Springs Delivery call and Oakley Fan Management Program

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.

From: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Sent: Monday, December 21, 2020 8:35 AM
To: John Simpson <jks@idahowaters.com>
Subject: RE: Clear Springs Delivery call and Oakley Fan Management Program

John,

Perhaps Wednesday? It's going to be cold, but sunny. We could meet mid-day for a coffee, someplace downtown in the sun, or perhaps walk over to the capitol building.

Mathew Weaver, PE | deputy director
Idaho Department of Water Resources
www.idwr.idaho.gov | 208.287.4800

From: John Simpson [mailto:jks@idahowaters.com]
Sent: Monday, December 21, 2020 7:31 AM
To: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Subject: RE: Clear Springs Delivery call and Oakley Fan Management Program

Mat,

Need to reschedule our lunch for today. I am available Wednesday, Thursday for lunch or a beverage. Or next Monday for either as well.

Thanks

From: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Sent: Friday, December 18, 2020 3:23 PM
To: John Simpson <jks@idahowaters.com>
Subject: RE: Clear Springs Delivery call and Oakley Fan Management Program

John,

Regarding the Blue Lakes/Clear Springs delivery call, the final IGWA mitigation plan approved by IDWR was for "fully and finally mitigating, compromising, and settling all current and future water delivery calls, water right administration disputes and challenges to mitigation plan." I recollect that when this plan was approved, IDWR stopped worrying about

and carrying out enforcement of the delivery call. It's a little before my time, but I did technically support the Clear Springs delivery call for a few years, and then I stopped doing that, I think b/c of the approval of the final mitigation plan. So, I'm not aware of any ongoing effort by IDWR associated with the Blue Lakes/Clear Springs delivery call.

I quickly searched our records for Clear Lakes HOA and couldn't find any water rights or mitigation plans for that entity. So I'm at a loss to speak to that topic. From a practical standpoint, IDWR does not favor many small individual mitigation plans. Instead, we strongly prefer comprehensive groundwater district mitigation plans. However, I do have some hazy recollection about multiple small water replacement plans. I wonder if the smaller plans went away as a byproduct of the court's determination that water replacement plans were a no go.

Regarding the Oakley Fan Critical Ground Water Areas, here is a link to the "Final Order RE: Management Program." The order is a little odd b/c the impetus for approving the Management Program (i.e., critical ground water area management plan) and getting it underway was the Department's legal obligation under I.C. Section 42-1416B(2) to curtail all expansion water rights unless the Director "finds that a management program exists which will, within a time period acceptable to the [D]irector, limit the average annual water withdrawals from the aquifer designated in the critical ground water area to no more than the average annual recharge to the aquifer." The only other CGWA that the expansion water right wrinkle applies to is the Raft River CGWA. In the case of the Raft River, the water users have not established an adequate Management Program and as a result, the Department has curtailed all expansion water rights since ~2018. However, you'll note that the order approves the management plan "as a ground water management plan for the Oakley-Kenyon, West Oakley Fan, and Artesian City CGWAs in accordance with Idaho Code Section 42-233a." Setting aside the issue of the expansion water rights, this is the only GWMA/CGWA management plan that I'm aware of with the describe activities and "teeth" to truly address a rapidly declining groundwater resource. Although perhaps not a perfect analog to the Wood River or the ESPA, the Oakley management plan is informative as to what "real" practices look like in a management plan that has been approved by the Director following rigorous technical scrutiny by the Department. Hopefully that is helpful.

Cheers,

Mathew Weaver, PE | deputy director
Idaho Department of Water Resources
www.idwr.idaho.gov | 208.287.4800

From: John Simpson [mailto:jks@idahowaters.com]
Sent: Friday, December 18, 2020 1:21 PM
To: Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Subject: Clear Springs Delivery call

Mat,

During implementation of the Clear Springs delivery call (and maybe others), there were curtailment notices sent out by the Department which necessitated a number of small mitigation plans between waterusers to satisfy the individual obligation. Are those still being enforced/checked on by the Department? One specific one I recall was the Clear Lakes HOA had a 1987 permit which was subject to administration through notice from IDWR. They entered into a mitigation plan. I am sure there are others out there as well. Are they being enforced by IDWR? I now we see material injury determinations annually by the Director on the SWC call but wasn't sure how or if the Clear Springs or other spring user calls are being handled.

Related to the HOA and their 1987 permit, the permit authorizes the development of 85 homes. How long after licensing does the right holder have to develop all 85 sites? Indefinite as long as they are showing progress? At licensing they prove up ability, that is all the plumbing, etc. However, they don't have to have the sites developed so then what to ensure they don't run into claims of forfeiture? Or are they treated like a municipality and have some indefinite period of time?

Thanks for the input.

P.S. you were going to send me some info on GWMAs.

This e-mail may contain confidential and privileged information and is sent for the sole use of the intended recipient. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

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.

First attachment to 4/23/2024 email from John Simpson to Shelley Keen.

Jessica Witt

From:	John Simpson
Sent:	Saturday, April 2, 2022 10:31 AM
To:	David Brush
Cc:	Jessica Witt
Subject:	Clear Lakes Ranch
Attachments:	2953_001.pdf

David,

I am sorry for the delay in getting a summary of your water rights issue and rental with Riverence to you. I believe you indicated that a new board was going to be in place by now. Therefore, if you or the new board representative have questions, please let me know. I may have received a phone message from one of the new board members.

As I checked in with the Department of Water Resources again on the status of the Water Bank lease and their previous statement regarding the Ranch's continued obligation to mitigate for the continued use of Ranch's right no 36-8329, I received a different message than the prior statement. In summary, the Department believes that the Settlement between Clear Springs Foods(now Riverence) and the Idaho Ground Water Appropriators (IGWA) resolves the conjunctive management issues related to junior ground water rights and the surface water rights of Clear Springs Foods. As for the relationship between Clear Springs Foods and the Ranch, and their respective spring rights diverting our of the same source, it is a matter of on-going administration within Water District 130. Hence, in order for Ranch to continue to divert 36-8329 (Domestic, commercial and firefighting) with a 1987 priority, the Department believes that the Ranch must provide mitigation or some other form of evidence that it can legally divert. As you recall that rationale was the basis for the agreement with Clear Springs in 2005. I have included the excerpt out of the original order describing the initial findings and subsequent agreement.

In light of this change of Department interpretation, I believe the Department is willing to get Riverence and Ranch representatives together to review the facts and water right uses down at the spring site. The local watermaster would then review the rights and facts and explain to the parties how the Department would administer the rights moving forward and opportunities for the parties to continue working together. Mat Weaver, the Deputy Director for the Department, will coordinate such a review and meeting. His number is 208-287-4800. As you are aware, our firm originally represented Clear Spring Foods during the delivery call and has now continued to represent Riverence. At the time of the original 2005 Agreement between Clear Springs Foods and Ranch, both parties desired that our firm put the 2005 agreement and associated documentation together. The firm has assisted Ranch in continued submittals to the Water Supply Bank in recognition of the original agreement. Given the Department's statements, we are willing to assist the parties as we have in the past with the same understanding, that is that the firm is counsel of record for Clear Springs Foods (Riverence). If for whatever reason Ranch now believes it should seek independent counsel, it should take such actions. Perhaps after the board has an opportunity to review this correspondence and talk with the Department and watermaster, we can discuss this issue fully.

Thanks. I am on travel in Washington DC this upcoming week, but will be back in the office on April 11th.

John K. Simpson
Barker Rosholt & Simpson LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, Idaho 83701-2139
Phone: 208.336.0700
Fax: 208.344.6034

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHTS NOS. 36-4013A, 36-04013B, AND 36-07148 IN THE NAME OF CLEAR SPRINGS FOODS, INC.	)))))	**ORDER APPROVING IGWA'S 2005 SUBSTITUTE CURTAILMENTS (Clear Springs Delivery Call, Snake River Farm)**

BACKGROUND

On July 8, 2005, the Director issued his order ("July 8 Order") in the above-captioned matter. The July 8 Order determined that diversions of ground water are causing material injury to water rights held by Clear Springs Foods, Inc. ("Clear Springs") for use at its Snake River Farm.

The July 8 Order determined that Clear Springs' diversion of water was not entirely reasonable. Conclusion of Law No. 26 stated:

> Because of the estimated 2 cfs of collected spring discharge observed to be escaping the western-most spring collection box for the 54-inch diameter pipeline to the Snake River Farm, which was found to be in disrepair during the field inspections conducted on May 5, 2005, Clear Springs has not gone to reasonable effort or expense to divert water from the source . . ..

The July 8 Order also determined that Clear Springs was not diverting some water within its water rights. Conclusion of Law No. 27 stated:

> Because of the approximately 6 or 7 irrigated acres of grass and landscaping around the facilities at the Snake River Farm observed during the field inspections conducted on May 5, 2005, in excess of the 1 acre authorized under water rights held for the Snake River Farm, Clear Springs is not diverting and using water consistent with the water rights as required by Rule 42.01.c. of the Conjunctive Management Rules.

Finally, the July 8 Order determined that the Clear Lake Ranch P.U.D. Master Association, Inc. was diverting water out of priority under water right no. 36-8329 from a spring supplying water to the Snake River Farm.

After identifying the three problems with diversion and use of water under water rights held by Clear Springs for use at its Snake River Farm, Conclusion of Law No. 30 of the July 8 Order stated the following:

> Notwithstanding the disrepair of the western-most spring collection box for the 54-inch diameter pipeline to the Snake River Farm, the out-of-priority diversion of up to 0.9 cfs by the Clear Lake Ranch P.U.D. Master Association under water right no. 36-8329, and the unauthorized irrigation of 6 to 7 acres of grass and landscaping at the Snake River Farm, when superimposed on the effects of changes in surface water irrigation, described in Finding 6, and drought, the diversion and consumptive use of ground water under water rights junior in priority to water rights nos. 36-04013B and 36-07148 held by Clear Springs for its Snake River Farm are reducing the quantity of water available to water rights nos. 36-04013B and 36-07148, thereby causing material injury.

The July 8 Order required that Clear Springs repair the leak at its western spring collection box as a condition precedent to any curtailment of ground water diversions. On July 12, 2006, the watermaster for Water District No. 130 inspected the collection box and determined Clear Springs had made adequate repairs.

The July 8 Order also stated that "by July 22, 2005, Clear Springs must present evidence acceptable to the Director of a legal basis to continue irrigation of the grass and landscaping at its Snake River Farm facilities." *July 8 Order* at p. 36. Failure to provide a legal basis for the irrigation would result in the watermaster for Water District No. 130 limiting the irrigation to 1.0 acre of irrigation.

The July 8 Order also instructed the Clear Lake P.U.D. Master Association ("Association") to acquire a water right by June 1, 2006, bearing a priority date earlier than Clear Springs' water right No. 36-4013C (priority date of February 4, 1964). The July 8 Order stated that if the Association did not acquire a water right, and if "the water supply available at the source for water rights held by Clear Springs for diversion and use at its Snake River Farm is less than the total amount of 117.67 cfs," the watermaster for Water District No. 130 would curtail the diversion of water by the Association.

On July 20, 2005, Clear Springs and the Association executed an agreement to provide for the legal diversion and use of water by both entities. Clear Springs agreed to subordinate 0.9 cfs of its water right no. 36-2703 (priority date of November 23, 1933) to the Association's water right no. 36-8329 (priority date of June 2, 1987). In return, the Association agreed to rent 0.16 cfs of water right no. 36-4148A (priority date of September 9, 1912) to Clear Springs. Clear Springs subsequently rented the 0.16 cfs from the Association through the Water Supply Bank, which also authorized the change to the Clear Springs point of diversion and place of use.

Previous Mitigation Provided for Blue Lakes Trout

The July 8 Order acknowledged actions taken by the Idaho Ground Water Appropriators, Inc. ("IGWA") and its member ground water districts to satisfy an earlier order, dated May 19, 2005 ("May 19 Blue Lakes Order"), addressing another petition for delivery call filed by Blue Lakes Trout Farm, Inc. The July 8 Order recognized that the actions taken by IGWA and its

EXCHANGE OF WATER RIGHTS AGREEMENT

This Exchange Agreement ("**Agreement**") is made and entered into this 20th day of July, 2005, by CLEAR SPRINGS FOODS, INC. ("**Clear Springs Foods**") that is a party to, beneficiary, or holder of interest in water right 36-02703 and CLEAR LAKE RANCH PUD MASTER ASSOCIATION, INC. ("**Clear Lake Ranch**") that is a party to, beneficiary, or holder of interest in water right 36-4148 A.

RECITALS:

A. Clear Springs Foods holds fish propagation water right 36-2703 dated Nov. 23, 1933 for 40 cubic feet per second (cfs) diverted from Clear Springs.

B. Clear Lake Ranch holds an irrigation water right 36-04148 A dated Sept. 9, 1912 for 1.5 cfs diverted from Clear Springs of which 0.6 cfs has been sold to Clear Lake Country Club and for which a transfer application (71435) has been received by the Idaho Department of Water Resources dated Aug. 5, 2004.

C. Clear Lake Ranch holds water right 36-8329 dated June 2, 1987 for 1.5 cfs diverted from Clear Springs of which 1.5 cfs is for fire protection, 0.7 cfs is for domestic residential use and 0.2 cfs is for commercial use.

D. Clear Springs Foods made a water delivery call May 2, 2005 in which Clear Lake Ranch water right 36-8329 is junior and potentially subject to curtailment.

E. Clear Springs Foods holds water right 36-07148 dated Jan. 1, 1971 for 1.67 cfs diverted from Clear Springs of which 0.8 cfs was, prior to adjudication, for commercial use but subsequent to adjudication is for fish propagation and domestic use only. Clear Springs Foods irrigates approximately 8 acres of visitor center grounds and shrubbery but does not have a decreed water right for irrigation.

F. It is to the mutual benefit of the parties hereto that an exchange agreement be formalized that ensures the right of Clear Lakes Ranch to divert water from Clear Springs to satisfy their 0.7 cfs domestic residential use and 0.2 cfs for commercial use and further that the exchange agreement ensure the right of Clear Springs Foods to divert water from Clear Springs to satisfy their need to irrigate approximately 8 acres of visitor center grounds and shrubbery.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Exchange: Clear Springs Foods hereby subordinates 0.9 cfs of their water right 36-2703 to Clear Lake Ranch for domestic residential and commercial use under water right no. 36-8329, in exchange for Clear Lake Ranch's lease of 0.16 cfs of their water right 36-04148 A to Clear Springs Foods for irrigation use. The parties to this Agreement acknowledge that Clear Springs' subordination identified herein constitutes adequate

consideration and payment for Clear Lakes Ranch's lease of water. Further, the parties agree that upon signing of this Agreement Clear Springs Foods shall submit this Agreement to the Watermaster for Water District 130 for approval in order to avoid administration of Clear Lake Ranch's water right. Clear Lake Ranch shall notify the Watermaster of the lease of 0.16 cfs of water right 36-04148 to Clear Springs Foods and ensure that any necessary submittals are made to the State for approval of the lease. This Agreement and the parties' obligations shall be subject to the above approvals required, if any.

2. **Term:** The term of this Agreement shall continue from year-to-year until both parties agree in writing to terminate said Agreement.

3. **Counterparts.** This Agreement may be executed in counterparts and as executed shall constitute one agreement binding on the parties hereto, even though the parties do not sign the original or the same counterpart.

4. **Entire Agreement.** This Agreement shall be the whole and only agreement with regards to the subordination of water rights held by Clear Springs Foods and lease of water right held by Clear Lake Ranch.

5. **Idaho Law.** This Agreement is governed by Idaho law, irrespective of its choice of law principles.

6. **Binding Effect.** This Agreement shall be binding on Clear Springs Foods and Clear Lake Ranch, and their respective heirs, legal representatives, successors and assigns.

7. **Severability; Waivers.** If any part of this Agreement is not enforceable, the remainder of the Agreement shall be void.

8. **Headings.** Article and paragraph headings are for reference only and shall not affect the interpretation or meaning of any provision of this Agreement.

9. **Notices.** Any notice, request, tender, demand, delivery, approval or other communication provided for, required, or arising under this Agreement shall be in writing and, unless sooner actually received, shall be deemed delivered three (3) business days after deposit in the United States mail, certified with receipt requested, postage prepaid, and addressed to the party as follows:

To Clear Springs:	Clear Springs Foods, Inc. Attention: Chief Executive Officer P.O. B. 712 Buhl, Idaho 83316
To Clear Lake Ranch	Clear Lake Ranch PUD Master Association, Inc. Attention: President 307 Clear Lake Lane Buhl, Idaho 83316

IN WITNESS WHEREOF the parties hereunto set their hands the day and year first above written pursuant to resolutions of their respective boards of directors authorizing executing of this agreement.

CLEAR LAKE RANCH PUD MASTER ASSOCIATION, INC.

By _____

CLEAR SPRINGS FOODS, INC.

By _____
Larry W. Cope, President

STATE OF IDAHO)
)ss.
County of Twin Falls)

On the 18 day of July, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ronald L Brown, known or identified to me to be the President, respectively, of Clear Lake Ranch PUD Master Association, Inc., an Idaho Corporation, who subscribed said corporate name to the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

IRENE L. RUPCHESTER NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC FOR Idaho
Residing at Buhl, Id

STATE OF IDAHO)
)ss.
County of Twin Falls)

On the 20th day of July, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared LARRY W. COPE, known or identified to me to be the President of CLEAR SPRINGS FOODS, INC., an Idaho corporation, who subscribed said corporate name to the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR Idaho
Residing at Buhl, ID

MAVIS EASTERDAY NOTARY PUBLIC STATE OF IDAHO

Second attachment to 4/23/2024 email from John Simpson to Shelley Keen. The author is not stated, but is probably John Simpson.

Clear Springs/Clear Lakes Ranch PUD

In or about 2005 as a result of the Clear Springs delivery call, the Department issued a curtailment order listing junior water rights subject to immediate curtailment absent a mitigation plan. The Clear Lakes Ranch PUD ("PUD") water right 36-8329 was on the list for curtailment. This was a 1987 permit for commercial and housing use associated with the development of the PUD. At the same time the department in its investigation determined that Clear Springs had an unauthorized irrigation use associated with eight acres of irrigation in and around the Clear Lakes facility. As a result of this factual circumstance PUD and Clear Springs, with the assistance of the Department, entered into a settlement. This settlement included PUD putting into the State Water Supply Bank 8 acres worth of water from a senior irrigation right 36-04148 dash into the water bank. As a part of the settlement Clear Springs leased said irrigation water from the Bank and subordinated its delivery call to the 1987 permit. Because of the Water Bank rules, this settlement was effective for five years. At the end of a five year. Through the settlement, the application to the water bank would have to be renewed. It was the intentions of the parties at the time that this arrangement would be in perpetuity. In order for that agreement to be in perpetuity the irrigation water associated with the water bank application would not be irrigation water otherwise used in the future development of lots associated with the development, but would instead be lands that had been previously irrigated but now under pavement, roads, etc.

At the time of the original application into the Water Bank, the Department did not require the specification of the lands being dried up in this water bank application. Hence for the first couple of five-year periods, the application form into the water bank did not change. PUD representatives remained concerned that the water bank application did not impair the future development of the lots. Additionally, the PUD wanted to preserve the water under its water right 36-04148 for potential future use on the development.

In or about 2020 at the conclusion of a five-year period, the PUD representatives discussed the possibility of continuing on a one year basis in the application and lease of water through the water supply bank. There were continued concerns about the timing of individual lot development. Discussions with Riverence, the present owner of the Clear Lakes facility, brought up questions of the continued water bank application and enforcement of the original curtailment order. The 2021 application into the water supply bank and approval by the Department for the first-time specified acres which would constitute being dried during the lease. These newly identified acres included lots which had yet to be developed. Discussions with then deputy director Weaver identified questions regarding the time frame necessary to fully develop the residential lots. Weaver stated that the Department's policy was not to raise issues of forfeiture but to allow an extended period of time to develop the lots.

Importantly, relying upon development lots as the basis for the application into the water supply bank was generally inconsistent with the original intent of the agreement between Clear Springs and PUD. That is, the parties each had a benefit from the agreement. Clear Springs was to receive the ability to rent 8 acres worth of water from the water supply bank in perpetuity to continue irrigating in and around it's facility. PUD was to receive a subordination of the Clear Springs delivery call with the ability to continue to utilize the irrigation water and domestic water for future build-out

of the lots and preserve any additional irrigation water. So long as the agreement continues to recognize the future PUD needs and the irrigation needs in and around the Riverence facility, the intent of the agreement is satisfied.

John K. Simpson

From: Jessica L Witt
Sent: Thursday, February 1, 2024 1:52 PM
To: John K. Simpson
Subject: FW: Clear Lake Ranch
Attachments: 20230518 Revised Clear Lake - acres irrigated v. acres that need irrigation (D. Brush comments incorporated).xlsx

Jessica L. Witt
Contractor

O – 208.424.2033
E - jwitt@martenlaw.com
martenlaw.com
101 S. Capitol Blvd., Ste. 305
Boise, ID 83702

MARTEN LAW

From: Jessica L Witt
Sent: Monday, January 8, 2024 12:26 PM
To: John K. Simpson <jsimpson@martenlaw.com>
Subject: Clear Lake Ranch

Eyoung is going to send me the template for Escosa.

As to Clear Lake, I think this is what you wanted broken out? See attached spreadsheet for additional detail. 24.311 acres is the total of house footprints/driveways, lots tapped for water, but not yet built upon and roads. 13.899 acres is the total for house footprints/driveways and roads – which is enough to cover the 8 acres for Riverence. I believe that is what we were trying to nail down?

Total acres (according to Gooding County)		46.754	
Total house footprints and driveways		7.104	**24.311**
Lots tapped for water but not yet Built upon		10.412	
Roads		6.795	

Jessica L. Witt
Contractor

O – 208.424.2033
E - jwitt@martenlaw.com
martenlaw.com
101 S. Capitol Blvd., Ste. 305

EXCHANGE OF WATER RIGHTS AGREEMENT

This Exchange Agreement (" Agreement") is made and entered into this 26th day of July, 2005, by CLEAR SPRINGS FOODS, INC ("Clear Springs Foods") that is a party to, beneficiary, or holder of interest in water right 36-02703 and CLEAR LAKE RANCH PUD MASTER ASSOCIATION, INC. ("Clear Lake Ranch") that is a party to, beneficiary, or holder of interest in water right 36-4148 A.

RECITALS:

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C. Clear Lake Ranch holds water right 36-8329 dated June 2, 1987 for 1.5 cfs diverted from Clear Springs of which 1.5 cfs is for fire protection, 0.7 cfs is for domestic residential use and 0.2 cfs is for commercial use.

D. Clear Springs Foods made a water delivery call May 2, 2005 in which Clear Lake Ranch water right 36-8329 is junior and potentially subject to curtailment.

E. Clear Springs Foods holds water right 36-07148 dated Jan 1, 1971 for 1 67 cfs diverted from Clear Springs of which 0.8 cfs was, prior to adjudication, for commercial use but subsequent to adjudication is for fish propagation and domestic use only. Clear Springs Foods irrigates approximately 8 acres of visitor center grounds and shrubbery but does not have a decreed water right for irrigation.

F. It is to the mutual benefit of the parties hereto that an exchange agreement be formalized that ensures the right of Clear Lakes Ranch to divert water from Clear Springs to satisfy their 0.7 cfs domestic residential use and 0.2 cfs for commercial use and further that the exchange agreement ensure the right of Clear Springs Foods to divert water from Clear Springs to satisfy their need to irrigate approximately 8 acres of visitor center grounds and shrubbery

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Exchange:** Clear Springs Foods hereby subordinates 0 9 cfs of their water right 36-2703 to Clear Lake Ranch for domestic residential and commercial use under water right no 36-8329, in exchange for Clear Lake Ranch's lease of 0.16 cfs of their water right 36-04148 A to Clear Springs Foods for irrigation use. The parties to this Agreement acknowledge that Clear Springs' subordination identified herein constitutes adequate

Clear Lake Parcel No.	Parcel No.	Total Acreage for Lot (according to Gooding County)	Area of lot occupied by home/driveway, or Lot Not irrigated YET	Remaining acres NOW irrigated	Legal Description	Type of Dwelling (SF - Single Family, TH - Townhouse or Vacant	Notes
1	RP002000010010	0.43	0	0.43	T 9S R 14E SEC 2, LOT 1, BLOCK 1, CLEAR LAKES P U D, PHASE I	Vacant	Vacant Lot - Tapped for water
2	RP002000010020	0.5	0.2	0.3	T 9S R 14E SEC 2, LOT 2, BLOCK 1, CLEAR LAKES P U D, PHASE I	SF	
3	RP002000010030	0.43	0.2	0.23	T 9S R 14E SEC 2, LOT 3, BLOCK 1, CLEAR LAKES SUBD, PHASE I	SF	
4	RP002000010040	0.42	0	0.42	T 9S R 14E SEC 2, LOT 4, BLOCK 1, CLEAR LAKES P U D, PHASE I	Vacant	Vacant Lot - Tapped for water
5	RP002000010050	0.45	0.1	0.35	T 9S R 14E SEC 2, LOT 5, BLOCK 1, CLEAR LAKES P U D, PHASE I	SF	
6	RP002000010060	0.39	0.1	0.29	T 9S R 14E SEC 2, LOT 6, BLOCK 1, CLEAR LAKES P U D, PHASE I	SF	
7	RP002000010070	0.37	0.2	0.17	T 9S R 14E SEC 2, LOT 7, BLOCK 1, CLEAR LAKES P U D, PHASE I	SF	
8	RP002000010080	0.37	0.2	0.17	T 9S R 14E SEC 2, LOT 8, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF	
9	RP002000010090	0.35	0.1	0.25	T 9S R 14E SEC 1 & 2, LOT 9, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF	
10	RP002000010100	0.36	0.1	0.26	T 9S R 14E SEC 1, LOT 10, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF	
11	RP002000010110	0.37	0.1	0.27	T 9S R 14E SEC 1, LOT 11, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF	
12	RP002000010120	0.43	0	0.43	T 9S R 14E SEC 1, LOT 12, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	Vacant	Vacant Lot - Tapped for water
13	RP002000010130	0.4	0.2	0.2	T 9S R 14E SEC 1, LOT 13, BLOCK 1, CLEAR LAKES P U D, CLEAR LAKES P U D, PHASE I	SF	
14	RP002000020010	0.68	0.1	0.58	T 9S R 14E SEC 2, LOT 1, BLOCK 2, CLEAR LAKE P U D, PHASE I, PHASE I, 1 SW	SF	
15	RP002000020020	0.61	0.2	0.41	T 9S R 14E SEC 2, LOT 2, BLOCK 2, CLEAR LAKES SUBD, PHASE I, PHASE I,	SF	
16	RP002000020030	0.56	0.2	0.36	T 9S R 14E SEC 2, LOT 3, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF	
17	RP002000020040	0.49	0.1	0.39	T 9S R 14E SEC 2, LOT 4, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I, 1 SW	SF	
18	RP002000020050	0.38	0.1	0.28	T 9S R 14E SEC 2, LOT 5, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF	
19	RP002000020060	0.37	0.1	0.27	T 9S R 14E SEC 2, LOT 6, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I, SW 1	SF	
20	RP002000020070	0.38	0.1	0.28	T 9S R 14E SEC 1 & 2, LOT 7, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF	
21	RP002000020080	0.38	0.2	0.18	T 9S R 14E SEC 1 & 2, LOT 8, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF	
22	RP002000020090	0.4	0.1	0.3	T 9S R 14E SEC 1, LOT 9, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF	
23	RP002000020100	0.62	0.1	0.52	T 9S R 14E SEC 1, LOT 10, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I,	SF	
24	RP002000020110	0.55	0.1	0.45	T 9S R 14E SEC 1, LOT 11, BLOCK 2, CLEAR LAKES P U D, PHASE I, PHASE I, 1SW	SF	
25	RP00205001025A RP00205001025B	0.87	0	0.87	T 9S R 14E SEC 2, LOT # 25-A, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 2, LOT #25-B, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant Lot - Tapped for water
Page 1 Totals		11.56	2.9	8.66			Figures coincide with those from D. Brush

Clear Lake Parcel No.	Parcel No.	Total Acreage for Lot (according to Gooding County)	Area of lot occupied by home/driveway, or Lot Not irrigated YET	Remaining acres NOW irrigated	Legal Description	Type of Dwelling (SF - Single Family, TH - Townhouse or Vacant	Notes
26	RP002050010260	0.51	0.1	0.41	T 9S R 14E SEC 2 & 11, LOT 26C, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, COMBINATION OF LOTS 26A & 26B T 9S R 14E SEC 2 & 11, LOT 26C, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, COMBINATION OF LOTS 26A & 26B	SF	
27	RP002050010270	0.51	0.1	0.41	No legal description listed on Gooding County Parcel map	SF	RP002050010270A RP002050010278
28	RP002050010280	1.031	0.2	0.831	T 9S R 14E SEC 2, LOT #28-C, BLOCK 1, CLEAR LAKE P U D PHASE II, , ,	SF	Lot 28 and 29 combined
29							
30	RP002050010300A RP002050010308	0.72	0	0.72	T 9S R 14E SEC 2, LOT #30-A, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 2, LOT #30-B, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant Lot - Tapped for water
31	RP002050010310A RP002050010308	0.66	0.66	0	T 9S R 14E SEC 2, LOT #31-A, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 2, LOT #31-B, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant Lot - Tapped for water, but land not irrigated
32	RP002050010320A RP002050010328	1.788	1.388	0.4	T 9S R 14E SEC 2, LOT #32-A, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 2, LOT #32-B, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, AMENDED	Vacant	Vacant Lot - Tapped for water; 0.40 next to golf course is being irrigated
33	RP002050010330	0.542	0.2	0.342	T 9S R 14E SEC 2, LOT #33 BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, AMENDED	SF	
34	RP002050010340	0.466	0.466	0	T 9S R 14E SEC 2, LOT #34, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, AMENDED	Vacant	Vacant - Tapped for water
35	RP002050010350	0.5	0.5	0	T 9S R 14E SEC 1 & 2, LOT #35, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water
36	RP002050010360	0.5	0.5	0	T 9S R 14E SEC 1, LOT # 36, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water
37	RP002050010370	0.5	0.5	0	T 9S R 14E SEC 1, LOT # 37, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water
38	RP002050010380	0.5	0.5	0	T 9S R 14E SEC 1, LOT # 38, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water
39	RP002050010390	0.46	0.2	0.26	T 9S R 14E SEC 1, LOT # 39, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, 1 SW	SF	Lot line for #39 and #40 adjusted
40	RP002050010400	0.582	0.2	0.382	T 9S R 14E SEC 1, LOT # 40, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II, AMENDED	SF	Lot line for #39 and #40 adjusted
41	RP002050010410	0.53	0.3	0.23	T 9S R 14E SEC 1, LOT # 41, BLOCK 1, CLEAR LAKE P U D, PHASE II, PHASE II,	SF	
42	RP00205006042A RP00205006042B	0.75	0.3	0.45	T 9S R 14E SEC 1, LOT #42-A, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #42-B, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II,	TH - two unit	
43	RP00205006043C	0.5	0.2	0.3	T9S R 14E SEC 1, LOTS 43-A & 43-B, CLEAR LAKE PUD, , ,	SF	
44	RP00205006044A RP00205006044B	0.5	0.2	0.3	T 9S R 14E SEC 1, LOT #44-A, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #44-B, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II,	TH - two unit	
45	RP00205006045A RP00205006045A	0.5	0.2	0.3	T 9S R 14E SEC 1, LOT #45-A, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #45-B, BLOCK 6, CLEAR LAKE P U D, PHASE II, PHASE II,	TH - two unit	
46	RP002050040468 RP002050040460	1.05	0.2	0.85	T 9S R 14E SEC 1, LOT #46-B, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 09S R 14E SEC 01, LOTS 46A & 52, BLOCK 4, CLEAR LAKE PUD PHASE II, , ,	TH - two unit	Lot 46A, Lot 46B and Lot 52 combined

Clear Lake Parcel No.	Parcel No.	Total Acreage for Lot (according to Gooding County)	Area of lot occupied by home/driveway, or Lot Not Irrigated YET	Remaining acres NOW irrigated	Legal Description	Type of Dwelling (SF - Single Family, TH - Townhouse or Vacant	Notes
Page 2 Totals		13.099	6.914	6.185			Figures coincide with those from D. Brush
47	RP00205004047A RP00205004047B	0.69	0.56	0.13	T 9S R 14E SEC 1, LOT #47-A, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #47-B, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water; lot line adjusted, 0.13 acres currently irrigated is common ground
48	RP00205004048A RP00205004048B	0.64	0.35	0.29	T 9S R 14E SEC 1, LOT #48 LESS TAX 1, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, TAX 214416B IN LOT #48, BLOCK 4, CLEAR LAKE P U D, CLEAR LAKE P U D, PHASE II	Vacant	Vacant - Tapped for water; lot line adjusted, 0.29 acres currently irrigated is common ground
49	RP00205004049A RP00205004049B	0.55	0.36	0.19	T 9S R 14E SEC 1, LOT #49 LESS TAX 1, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, TAX 214416B IN LOT #49, BLOCK 4, CLEAR LAKE P U D, CLEAR LAKE P U D, PHASE II	Vacant	Vacant - Tapped for water; lot line adjusted, 0.19 acres currently irrigated is common ground
50	RP00205004050A RP00205004050B	0.5	0.344	0.156	T 9S R 14E SEC 1, LOT #50 LESS TAX 1, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, T 9S R 14E SEC 1, TAX 214416B IN LOT #50, BLOCK 4, CLEAR LAKE P U D, CLEAR LAKE P U D, PHASE II	Vacant	Vacant - Tapped for water; lot line adjusted, 0.156 acres currently irrigated is common ground
51	RP00205004051O	0.5	0.2	0.3	T 9S R 14E SEC 1, LOT #51, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II,	SF	
52	See Lot 46						
53	RP00205004053A	1.71	0.3	1.41	T 9S R 14E SEC 1, LOTS 53 & 54, BLOCK 4, CLEAR LAKE P U D, PHASE II, PHASE II, 1SW	SF	Lots 53 and 54 combined
54							
55	RP00205008055O	0.6	0.2	0.4	T 9S R 14E SEC 1, LOT #55, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	SF	
56	RP00205008056A	1	0.3	0.7	T 09S R 14E SEC 01, LOTS 56 & 57, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	SF	
57					T 09S R 14E SEC 01, LOTS 56 & 57, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	SF	
58	RP00205008058O	0.5	0.5	0	T 9S R 14E SEC 1, LOT #58, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water
59	RP00205008059O	0.5	0.5	0	T 9S R 14E SEC 1, LOT #59, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water
60	RP00205008060O	0.5	0.5	0	T 9S R 14E SEC 1, LOT #60, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water
61	RP00205008061O	0.5	0.5	0	T 9S R 14E SEC 1, LOT #61, BLOCK 8, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water
62	RP00205010062A RP00205010062B	0.63	0.2	0.43	T 9S R 14E SEC 1, LOT #62-A, BLOCK 10, CLEAR LAKE P U D, PHASE II, PHASE II,	TH	Lot Line for #62 and #63 adjusted
63	RP00205010063C RP00205010064D	0.582	0.2	0.382	T 09S R 14E SEC 01, PART OF LOTS 63A&63B, BLOCK 10, CLEAR LAKE P U D, PHASE II, PHASE II, 1 SW	TH	Lot Line for #62 and #63 adjusted
64	RP00205010064C	0.548	0.548	0	T 09S R 14E SEC 01, PART OF LOTS 64A&64B, BLOCK 10, CLEAR LAKE P U D, PHASE II, PHASE II,	Vacant	Vacant - Tapped for water
65	RP00205010065C	0.69	0.2	0.49	T 9S R 14E SEC 01, LOTS 65A & 65B, BLOCK 10, CLEAR LAKE P U D, CLEAR LAKE P U D, PHASEII	SF	Updated 5/18/23 - D. Brush indicates lot is now built upon; approximately 0.49 acres of irrigation and 0.20 acres occupied by home/concrete
66	RP00205011066A RP00205011066B	0.66	0.2	0.46	T 9S R 14E SEC 1, LOT #66-A, BLOCK 11, CLEAR LAKE P U D, PHASE II, PHASE II T 9S R 14E SEC 1, LOT #66-B, BLOCK 11, CLEAR LAKE P U D,		Tennis court area
67	RP00205011067A	0.54	0.54	0	T 9S R 14E SEC 1, LOT #67-A, BLOCK 11, CLEAR LAKE P U D,		Vacant - Tapped for water
	RP00205011067B			0	PHASE II, PHASE II, T 9S R 14E SEC 1, LOT #67-B, BLOCK 11, CLEAR LAKE P U D,		Vacant - Tapped for water

Keen, Shelley

From: Weaver, Mathew
Sent: Tuesday, December 12, 2023 4:01 PM
To: Hansen, Angela; Hersley, Jean
Cc: Keen, Shelley
Subject: FW: Clear Lake Ranch PUD Master Association Inc WSB Lease application

Angie and Jean,

Marten Law Office reached out to me with concerns about IDWR's analysis of the WSB transaction described below. Jean, your email states that we are going to process the lease tomorrow (12/13). Please do not process this lease until I've had a chance to follow up with the lease/mitigation facts associated with the WRs described below.

I will let you know when I've completed my review.

Thank you,

Mathew Weaver, PE | Director
Idaho Department of Water Resources
www.idwr.idaho.gov | 208.287.4800

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Wednesday, November 29, 2023 4:01 PM
To: gary@stouderholsteins.com; John K. Simpson <jsimpson@martenlaw.com>; Jessica L Witt <jwitt@martenlaw.com>
Subject: Clear Lake Ranch PUD Master Association Inc WSB Lease application

The Department of Water Resources (Department) is in the process of reviewing your Water Supply Application to lease water right 36-16236 to the Water Supply Bank (Bank). Additional information is needed to process this application. The application requested that 24 acres be placed in the Bank. During the review, it was determined that only 8.4 acres of the 24 acres could be leased to the Bank. This includes the 3.5 acres that have been previously leased. If you wanted to include all the acres that have been previously leased, that would be a total of 9.4 acres. It appears that the other acres have gone 5 or more years without any irrigation.

On the map attached, the acres that were offered to the Bank are outlined in red and the previous leased acres are outlined in blue. The parcels with an X are the acres that appear to have gone 5 or more years without irrigation.

The Department also needs clarification under 4F, General Information. It states, *"Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right."* The explanation is, *"Pursuant to exchange agreement with Riverence (formerly Clear Springs Foods, Inc), 0.16 cfs/32AF have been irrigating 8 acres for 2015-2016 and 2020."* I am not sure what this means. The 0.16cfs/32AF and 8 acres are the amounts that have been leased to the Bank since 2005.

Please let me know how you would like the Department to move forward with this application. If you have any additional information that help the Department with the review of this application and the acres irrigated, please provide documentation within 14 days. If the Department doesn't hear from you within 14 days, we will move forward with leasing the 8.4 acres to the Bank. Please let me know if you have any questions.

MEMO

To: 36-16236

From: Jean Hersley

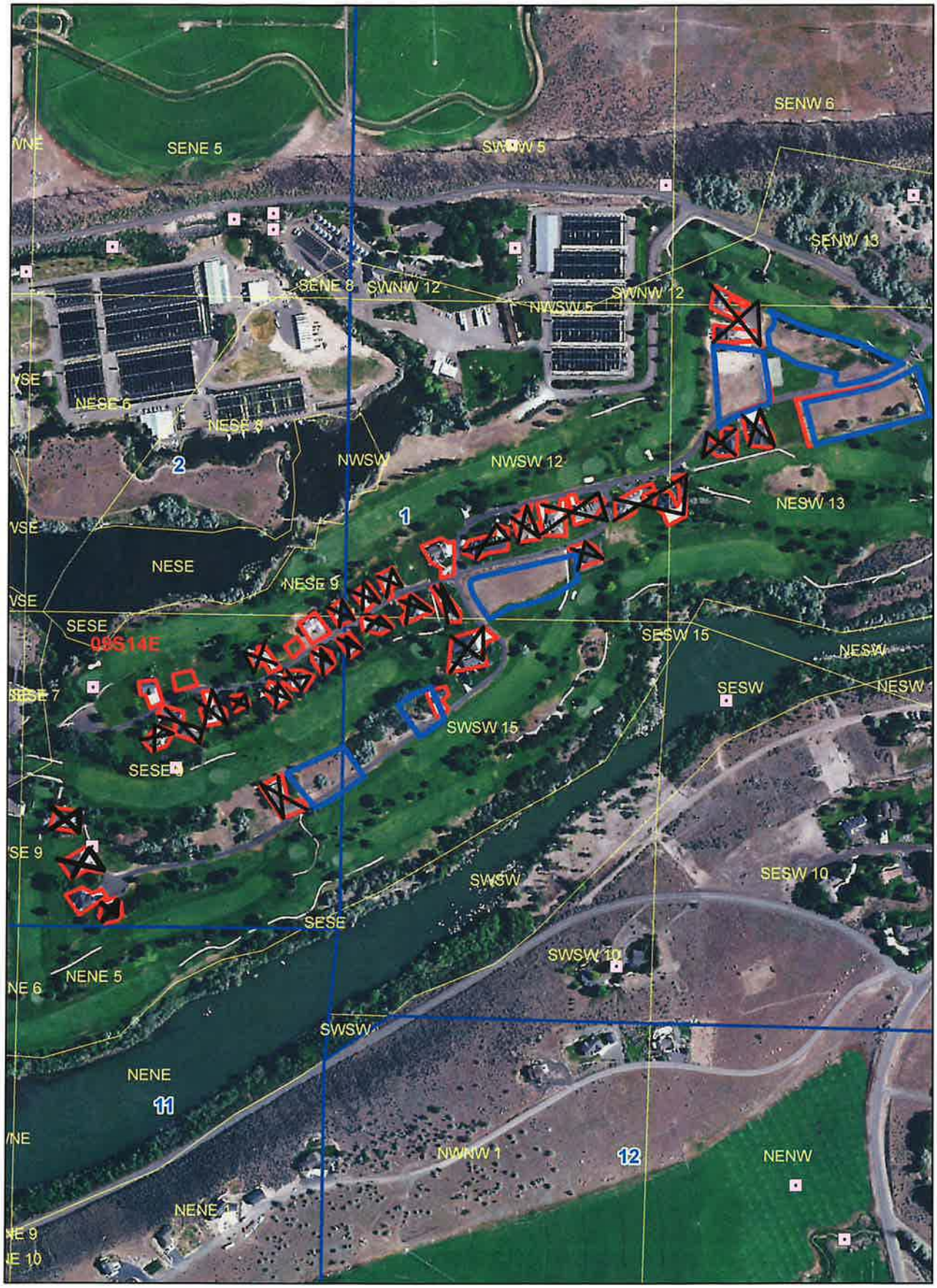
Date: 12/13/2023

Re: Clear Lake Ranch WSB Lease

Clear Lake Ranch requested to place 24 acres of water right 36-16236 in the WSB. A portion of the acres, 3.4? acres, requested have been in the Bank since 2005.

The acres offered were mostly the hardscape (homes and driveways) of some of the lots in the subdivision. I looked at aerial imagery from 2006, 2009 and 2021 in ArcMap, Google Earth and Gooding County to determine when the homes were built and irrigation of the land under the homes and driveways ceased.

From that, it was determined that 8.4 acres of the requested land could be placed in the Bank, 9.4 acres if they included all the land that had been in the Bank before.


SENW 6
SENE 5
SWNW 5
SENW 13
SENE 8
SWNW 12
SWNW 12
NWSW 5
NESE 6
NESE 8
2
NWSW
NWSW 12
1
NESW 13
NESE
NESE 9
SESE
08S14E
SESW 15
NESW
SESW
NESW
SWSW 15
SESE
SWSW
SESW 10
SESE
SWSW 10
NENE 5
SWSW
NENE
11
NWNW 1
12
NENW
NENE 1

Acres Not Irrigated - Lots 55-69



3/30/2023, 11:06:35 AM

ESPA Model Outline

1:3,191

0 0.02 0.04 0.08 mi

0 0.03 0.06 0.12 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 14-24



3/30/2023, 12:10:22 PM

1:2,592

0 0.01 0.03 0.06 mi

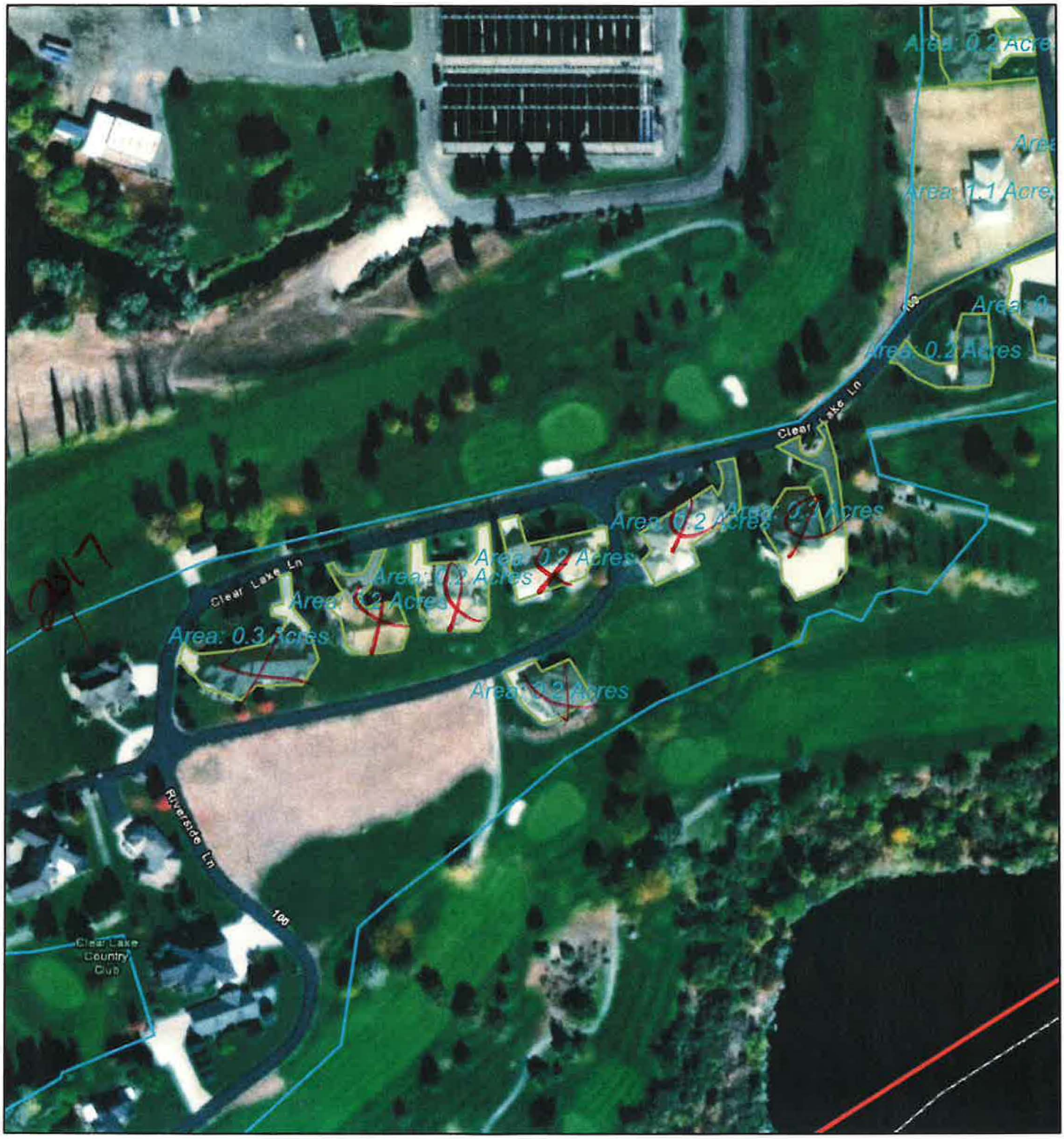
0 0.03 0.05 0.1 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 42-54



3/30/2023, 11:21:55 AM

ESPA Model Outline

1:3,191

0 0.02 0.04 0.08 mi

0 0.03 0.06 0.12 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset, Data Refreshed January, 2023, IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 1-13



3/30/2023, 11:48:26 AM

1:2,592

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 25-29



3/30/2023, 12:33:21 PM

1:2,592

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Maxar, Microsoft, Esri, HERE, iPC, Esri, HERE, Garmin, iPC

Idaho Department of Water Resources

Maxar, Microsoft | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

Acres Not Irrigated - Lots 30-41



3/30/2023, 1:14:12 PM

1:5,184

0 0.03 0.07 0.13 mi

0 0.05 0.1 0.2 km

Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

Idaho Department of Water Resources

Maxar | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

Kienholz, Mackenzie

From: Jessica L Witt <jwitt@martenlaw.com>
Sent: Wednesday, November 8, 2023 2:15 PM
To: Kienholz, Mackenzie
Cc: John K. Simpson
Subject: RE: Shapefile Request - Water Supply Bank Rental Application for Clear Lake Ranch

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.**

Dear Mackenzie,

As we discussed a moment ago via phone, I did not use a shapefile for the application – everything was done manually. Please feel free to reach out should you have any additional questions.

Sincerely,
Jessica

Jessica L. Witt
Contractor

O – 208.424.2033
E - jwitt@martenlaw.com
martenlaw.com
101 S. Capitol Blvd., Ste. 305
Boise, ID 83702

MARTEN LAW

From: John K. Simpson <jsimpson@martenlaw.com>
Sent: Wednesday, November 8, 2023 1:04 PM
To: Jessica L Witt <jwitt@martenlaw.com>
Subject: Fwd: Shapefile Request - Water Supply Bank Rental Application for Clear Lake Ranch

Get Outlook for iOS

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Wednesday, November 8, 2023 1:44:58 PM
To: John K. Simpson <jsimpson@martenlaw.com>
Subject: Shapefile Request - Water Supply Bank Rental Application for Clear Lake Ranch

Good afternoon, John,

I have completed my initial intake on the Water Supply Bank rental application you submitted on behalf of Clear Lake Ranch PUD Master Association Inc. I have noted that the application is complete and ready for review. However, would you please send the lease place of use shapefile you used for the application? I see that the lease place of use is made up of many small "pieces" and it would significantly reduce the time it takes to review the application if the reviewing agent does not need to recreate all these shapes.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF
WATER RESOURCES

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

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