

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 2047

RECEIVED

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

FEB 17 2026

DEPT. OF WATER RESOURCES

LESSOR: ROBERT GARDNER
PO BOX 1200
HAILEY, ID 83333

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on September 14, 2022.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

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

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

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-713B	6/10/1880	BIG WOOD RIVER, tributary to MALAD RIVER	0.12	Not Stated	11.4
37-665H	10/15/1884	BIG WOOD RIVER, tributary to MALAD RIVER	0.44	Not Stated	29.7
37-666F	6/12/1886	BIG WOOD RIVER, tributary to MALAD RIVER	0.13	Not Stated	11.4
37-480B	6/15/1891	BIG WOOD RIVER, tributary to MALAD RIVER	0.32	Not Stated	24.3
37-667K	6/15/1891	BIG WOOD RIVER, tributary to MALAD RIVER	0.15	Not Stated	11.4
Lease Totals			1.16	Not Stated	33.7

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-713B	0.12	39.9	11.4	0.011	3.50
37-665H	0.44	104.0	29.7	0.015	3.50
37-666F	0.13	39.9	11.4	0.011	3.50
37-480B	0.32	85.1	24.3	0.013	3.50
37-667K	0.15	39.9	11.4	0.013	3.50
Combined Limit Totals	1.16	104.0	53.4	0.021	3.09

** The water right elements rentable have been changed from the water right elements leased to account for combined limits and the inclusion of a diversion volume.*

WATER SUPPLY BANK LEASE CONTRACT No. 2047

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

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2022 to December 31, 2024. 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. 2047

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

LESSOR: ROBERT GARDNER

PO BOX 1200

HAILEY, ID 83333

By Robert Gardner

Title Owner

Date Feb 9, 2026

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By

Brian Patton
Brian Patton, Executive Manager
Idaho Water Resource Board

Date 2/19/26

Lease approved by IDWR

AP

Date 2/19/26

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 2047

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 37-480B, 37-665H, 37-666F, 37-667K, 37-713B

BIG WOOD RIVER NESWNW Sec. 36 Twp 02N Rge 18E BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-480B	IRRIGATION	04/15	to	10/31	0.32 cfs	85.1 AF
37-665H	IRRIGATION	04/15	to	10/31	0.44 cfs	104.0 AF
37-666F	IRRIGATION	04/15	to	10/31	0.13 cfs	39.9 AF
37-667K	IRRIGATION	04/15	to	10/31	0.15 cfs	39.9 AF
37-713B	IRRIGATION	04/15	to	10/31	0.12 cfs	39.9 AF
Totals:					1.16 cfs	104.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	33			4.6			3.5	3.3										11.4
01S	19E	12					10.7									10.7			37.4
01S	20E	18								0.6	4.0								4.6

Total Acres: 53.4

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

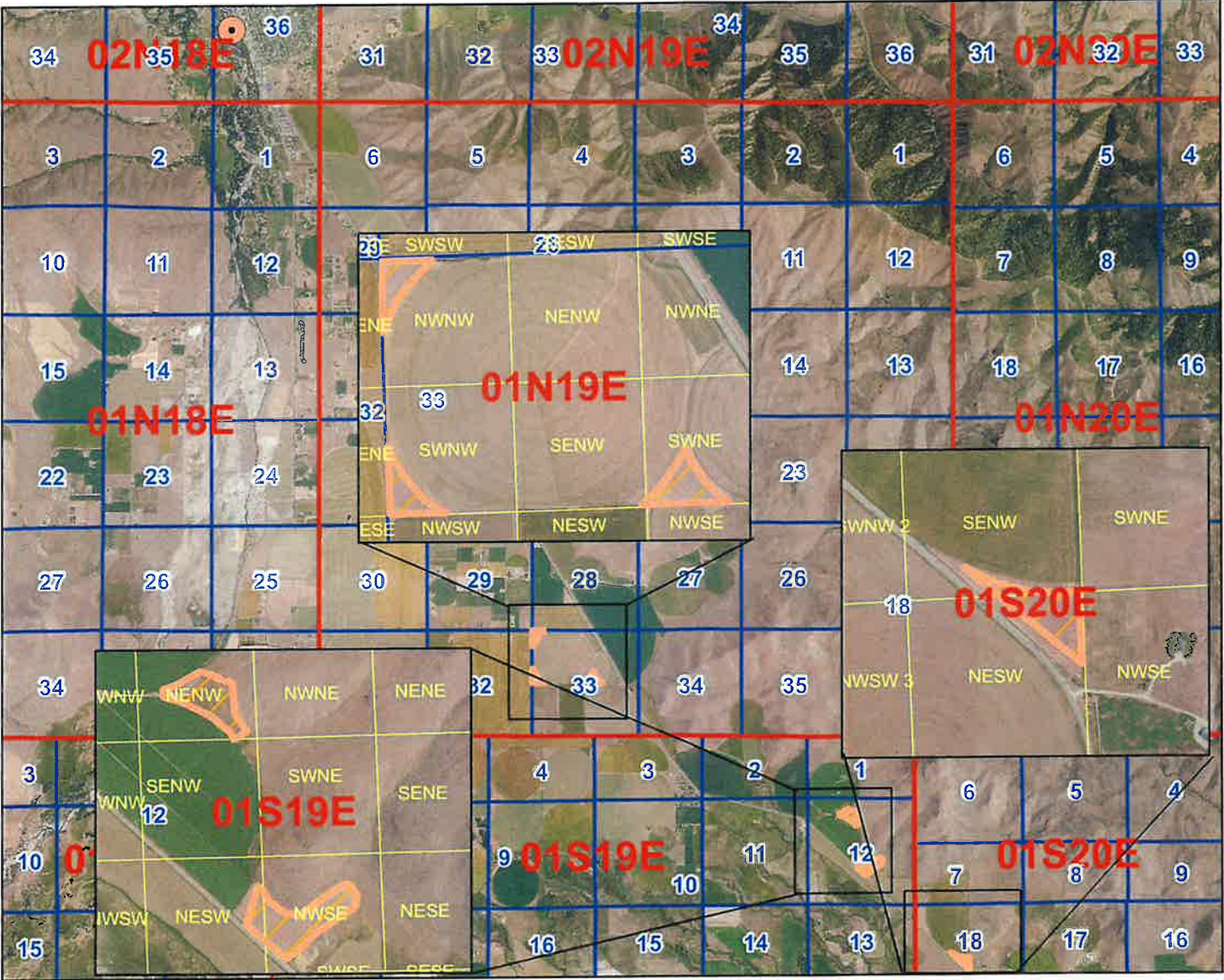
WATER SUPPLY BANK LEASE CONTRACT No. 2047

7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Right Nos 37-480B 37-665H 37-666F 37-667K & 37-713B when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. The unleased portions of rights 37-480B 37-665H 37-666F 37-667K & 37-713B when combined shall not exceed the irrigation of 1454.6 acres.
14. Use of this right is combined with water from Base Line Canal Co.
15. Use of water under this agreement may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

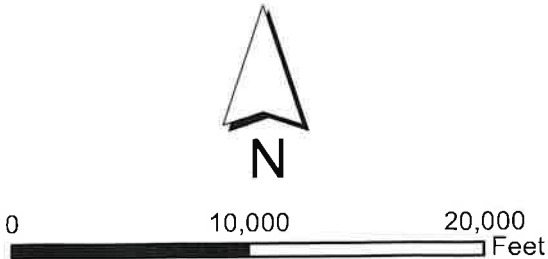
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 2047

37-480B 37-665H 37-666F 37-667K & 37-713B
Effective until December 31, 2024

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Approved Lease POD
- Approved Lease POU
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
SEP 14 2022
DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Robert Gardner, Partner **Water Right No.** 37-480B
(Select one owner – see item 1A on the application) (One water right per application)

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

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

MINIMUM REQUIREMENT CHECKLIST

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

			Yes
			☒ Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> .
			☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
			☒ Confirmation this form has been printed single sided , per requirement of the Water Supply Bank.
Attachment	N/A	Yes	
1A	☐	☒	Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.
1B	☐	☒	An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.
1C	☒	☐	<i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov).
1D	☐	☒	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☐	☒	Description of a water right portion offered to the Water Supply Bank.
3	☐	☒	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov .
4A	☐	☒	Written consent from irrigation district or water delivery company.
4G	☐	☒	Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> .

Department Use Only

Fee Amount \$ <u>1000</u>	Received By: <u>KU</u>	Date Received: <u>9.14.22</u>	Receipt # <u>C114004</u>
W-9 received? Yes ☐ No ☒	(Route W-9 to Fiscal)	Name on W-9:	

2445

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 Robert Gardner, Partner

Mailing Address PO BOX 1200, HAILEY, ID 83333-1201

Street City State Zip Code

Email Address rkgardner@svskylan.net

Phone Number 208-788-2568

- ☒ 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 Dave Shaw

Organization ERO Resources Corp

Professional Title Engineer

Email Address dshaw@eroreources.com

Mailing Address 802 S Plaza Rd., Emmett, ID 83617

Phone Number 208-365-7684

- ☐ 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.
Delivery ditches to property and then pressurized for use in sprinklers and pivots.

- 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. 37-8219, 37-480B, 37-638, 37-665H, 37-443, 37-637, 37-892, 37-891A, 37-802

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The combined diversion rate of the rights listed above is estimated to be 8.54 cfs based on the SVGWD CU Fallow Analysis.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. _____

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☒ No ☐
A portion of this water right is on acres being fallowed as part of the Term Sheet and Management Plan for the Big Wood River Ground Water Management Area.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2022 to 2024 (maximum lease period 5 calendar years).
(Year) (Year)

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

Current Rental Rate

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

The Designated Applicant acknowledges the following:

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

Robert Gardner
Signature of Designated Applicant

Robert Gardner, Partner
Printed Name

8-18-2022
Date

David Shaw
Signature of Authorized Representative

Dave Shaw
Printed Name

5-30-22
Date

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

**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. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
37-480B	Irrigation	0.30		22.3
	Total Amounts:	0.30		22.3

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	18E	36	3		SW	NW	Blaine

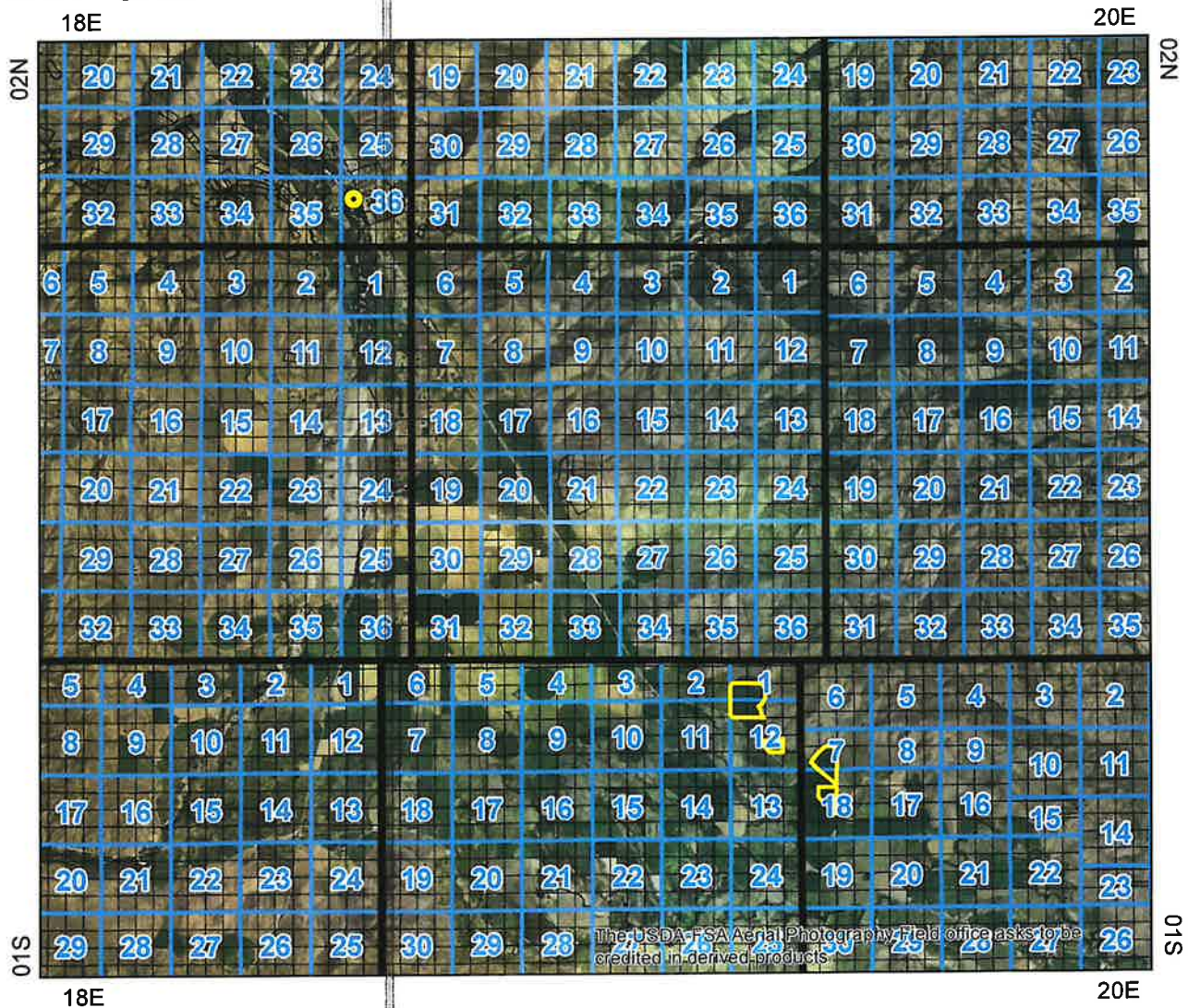
State of Idaho
Department of Water Resources

Water Right

37-480B

IRRIGATION

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



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

0 1.5 3 6 Miles



Attachment 3A

RECEIVED
SEP 14 2022
DEPARTMENT OF
WATER RESOURCES

DECLARATION OF FALLOWING

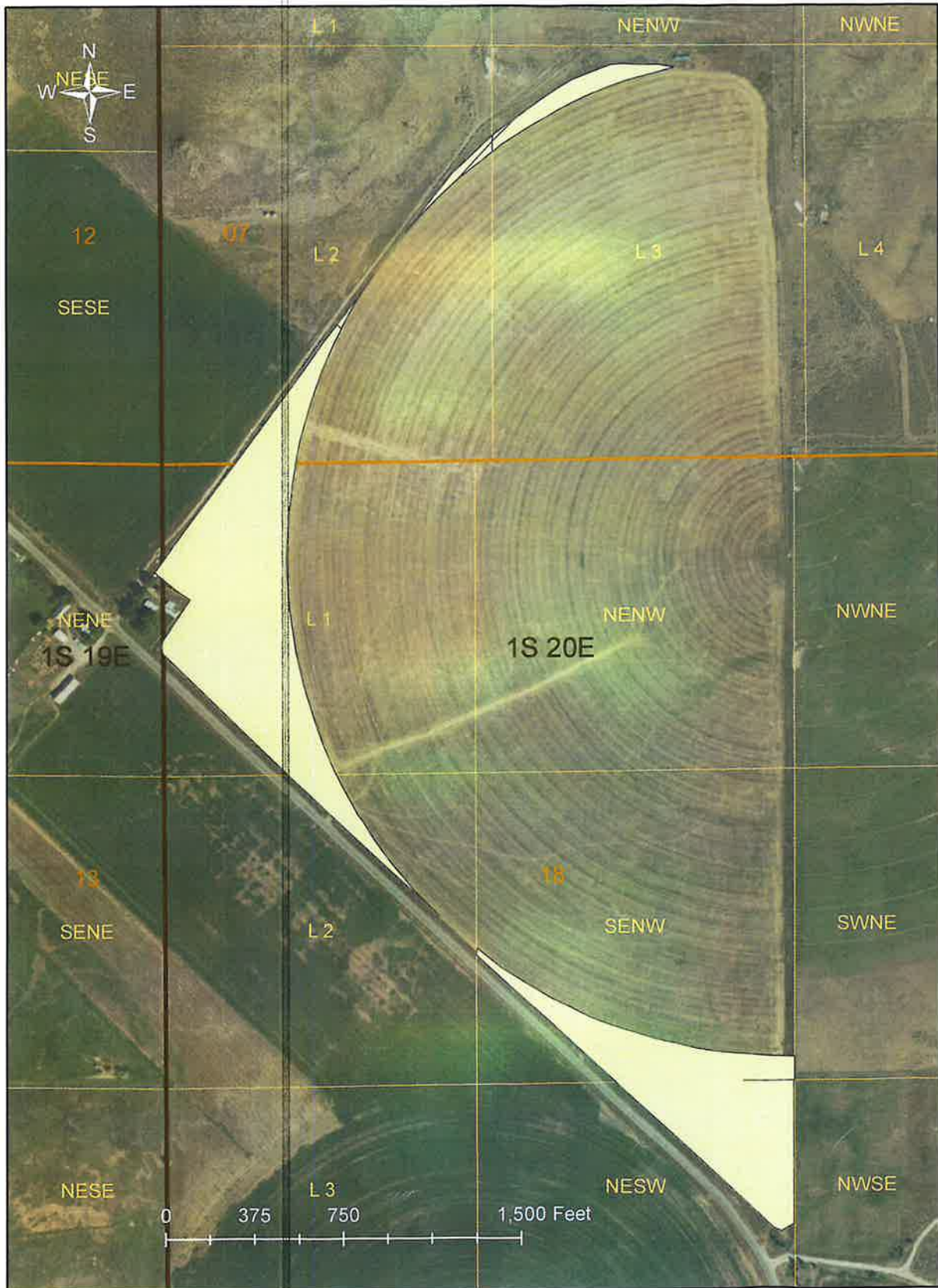
Comes now Robert Gardner for C W & R H Gardner Family Limited Partnership as the (Owner/Operator) of the previously irrigated land shown on the attached maps that will be fallowed during the (___ 2022, ___ 2022 and 2023, ✓ 2022 thru 2024) (**select one**) irrigation season(s). Fallowing means no water will be applied from any source, other than precipitation, on the parcel during the term of the water right leases for water right nos. 37-665H, 37-666F, 37-667K, 37-713B, 37-480B.

I declare under penalty of perjury pursuant to the law of the State of Idaho that the forgoing is true and correct.

Signed this 18 day of Aug 2022, for CW & RH Gardner Family by
Limited Partnership

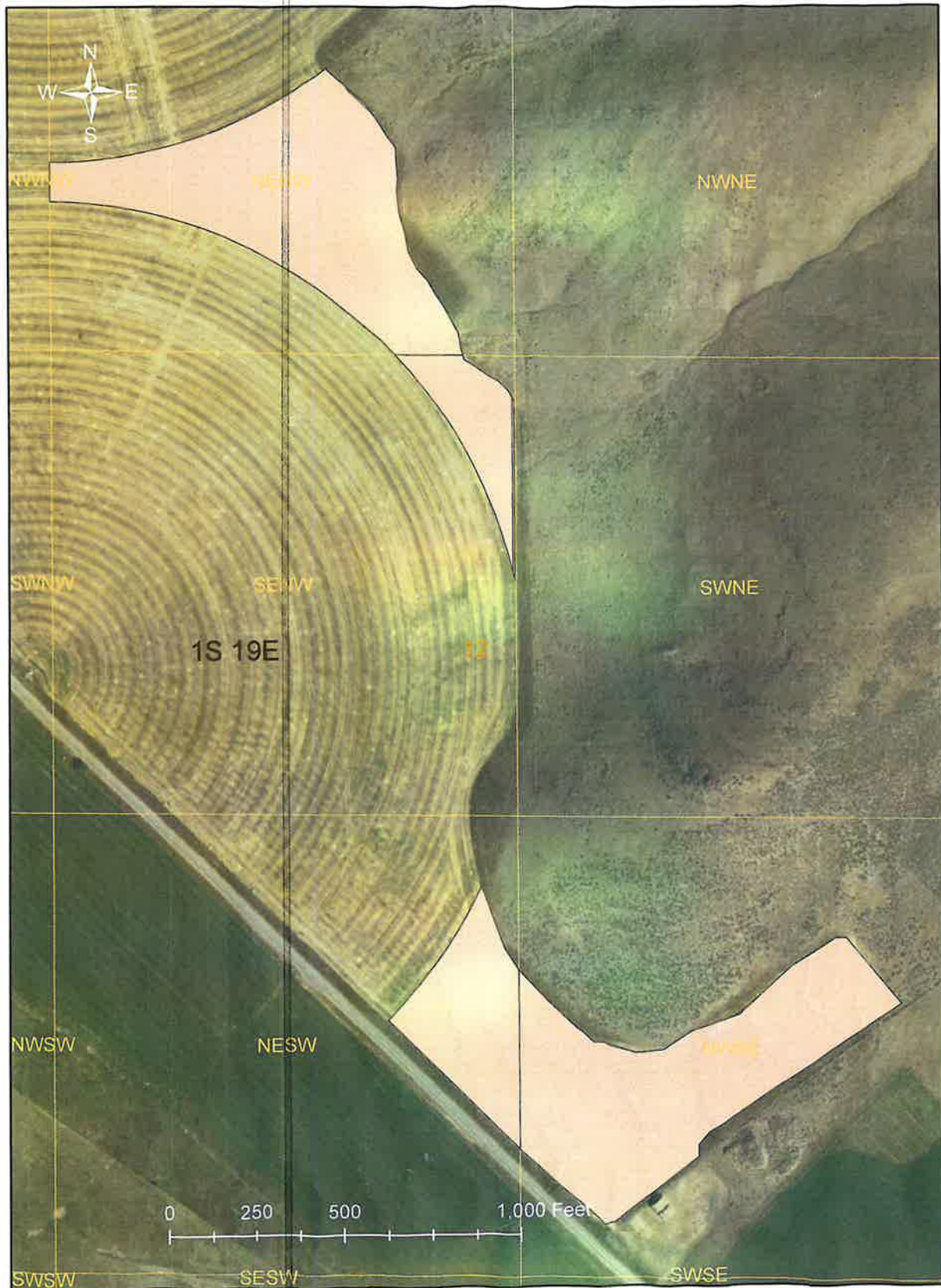
Robert Gardner
Robert Gardner

Hayshed Fallowed Corners



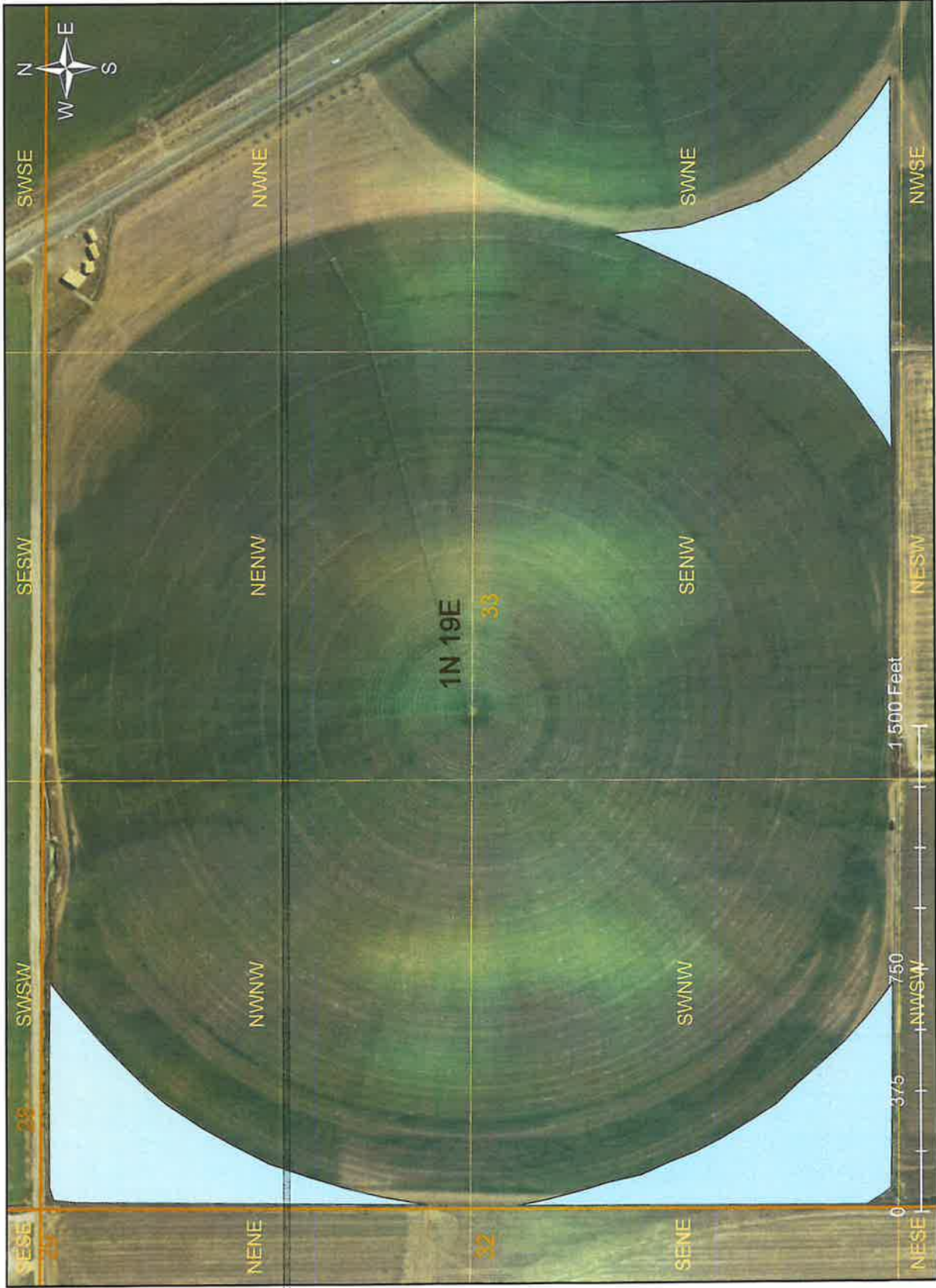
Based on 2021 NAIP Photography

Lafferty Canyon Fallow



Based on 2021 NAIP Photography

Browning Followed Acres



Based on 2021 NAIP Photography

May 31st, 2022

Idaho Department of Water Resources

RE: South Valley Ground Water District Plan to Rent and Recharge Big Wood River
Water from Fallowed Acres

We have discussed the South Valley Ground Water District plan to rent and recharge Big Wood River water from fallowed acres as part of the Final Big Wood River Ground Water Management Plan dated April 29, 2022. We consent to the District's efforts to manage the ground water resources and agree to assist in delivering the rented water for recharge via our canal system.

Baseline Canal Company

By: Rocky Sherburne / President

SEP 14 2022

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Designated Applicant Robert Gardner, Partner **Water Right No.** 37-666F
 (Select one owner – see item 1A on the application) (One water right per application)

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ <u>1000.00</u>	Received By: <u>KU</u>	Date Received: <u>9.14.22</u>	Receipt # <u>C114004</u>
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9:	

2445

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 Robert Gardner, Partner

Mailing Address PO BOX 1200, HAILEY, ID 83333-1201

Street City State Zip Code

Email Address rkgardner@svskylan.net

Phone Number 208-788-2568

- ☒ 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 Dave Shaw

Organization ERO Resources Corp

Professional Title Engineer

Email Address dshaw@eroresources.com

Mailing Address 802 S Plaza Rd., Emmett, ID 83617

Phone Number 208-365-7684

- ☐ 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**

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. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
37-666F	Irrigation	0.23		19.7
	Total Amounts:	0.23		19.7

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	18E	36	3		SW	NW	Blaine

May 31st, 2022

Idaho Department of Water Resources

RE: South Valley Ground Water District Plan to Rent and Recharge Big Wood River
Water from Fallowed Acres

We have discussed the South Valley Ground Water District plan to rent and recharge Big Wood River water from fallowed acres as part of the Final Big Wood River Ground Water Management Plan dated April 29, 2022. We consent to the District's efforts to manage the ground water resources and agree to assist in delivering the rented water for recharge via our canal system.

Baseline Canal Company

By: Rocky Sherbine / President

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 14 2022

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Robert Gardner, Partner

(Select one owner – see item 1A on the application)

Water Right No. 37-665H

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☒ No ☐

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ 1000Received By: KHDate Received: 9.14.22Receipt # C114604W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

2445

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 Robert Gardner, Partner

Mailing Address PO BOX 1200, HAILEY, ID 83333-1201

Street City State Zip Code

Email Address rkgardner@svskylan.net

Phone Number 208-788-2568

- ☒ 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 Dave Shaw

Organization ERO Resources Corp

Professional Title Engineer

Email Address dshaw@eroresources.com

Mailing Address 802 S Plaza Rd., Emmett, ID 83617

Phone Number 208-365-7684

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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**

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. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
37-665H	Irrigation	0.33		22.3
	Total Amounts:	0.33		22.3

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	18E	36	3		SW	NW	Blaine

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.	<u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
	37-665H	Irrigation	0.29		19.7
		Total Amounts:	0.29		19.7

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	18E	36	3		SW	NW	Blaine

May 31st, 2022

Idaho Department of Water Resources

RE: South Valley Ground Water District Plan to Rent and Recharge Big Wood River
Water from Fallowed Acres

We have discussed the South Valley Ground Water District plan to rent and recharge Big Wood River water from fallowed acres as part of the Final Big Wood River Ground Water Management Plan dated April 29, 2022. We consent to the District's efforts to manage the ground water resources and agree to assist in delivering the rented water for recharge via our canal system.

Baseline Canal Company

By: Rocky Sherbina / President

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 14 2022

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Robert Gardner, Partner **Water Right No.** 37-667K
(Select one owner – see item 1A on the application) (One water right per application)

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ <u>1,000</u>	Received By: <u>Ku</u>	Date Received: <u>9.14.22</u>	Receipt # <u>C11404</u>
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9:	

2445

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 Robert Gardner, Partner

Mailing Address PO BOX 1200, HAILEY, ID 83333-1201

Street City State Zip Code

Email Address rkgardner@svskylan.net

Phone Number 208-788-2568

☒ 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 Dave Shaw

Organization ERO Resources Corp

Professional Title Engineer

Email Address dshaw@eroresources.com

Mailing Address 802 S Plaza Rd., Emmett, ID 83617

Phone Number 208-365-7684

☐ 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**

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. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>37-667K</u>	<u>Irrigation</u>	<u>0.26</u>		<u>19.7</u>
	Total Amounts:	<u>0.26</u>		<u>19.7</u>

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	18E	36	3		SW	NW	Blaine

May 31st, 2022

Idaho Department of Water Resources

RE: South Valley Ground Water District Plan to Rent and Recharge Big Wood River
Water from Fallowed Acres

We have discussed the South Valley Ground Water District plan to rent and recharge Big Wood River water from fallowed acres as part of the Final Big Wood River Ground Water Management Plan dated April 29, 2022. We consent to the District's efforts to manage the ground water resources and agree to assist in delivering the rented water for recharge via our canal system.

Baseline Canal Company

By: Rocky Sherbine / President

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 14 2022

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Robert Gardner, Partner
(Select one owner – see item 1A on the application)Water Right No. 37-713B
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☒ No ☐

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for *all owners* of the water right to be leased or sold on this application.
- 1B ☐ ☒ An [Internal Revenue Service \(IRS\) Form W-9](#) for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
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- 4A ☐ ☒ Written consent from irrigation district or water delivery company.
- 4G ☐ ☒ Evidence demonstrating the water right has not been forfeited pursuant to [Section 42-222\(2\), Idaho Code](#).

Department Use Only

Fee Amount \$ <u>1000.00</u>	Received By: <u>ICM</u>	Date Received: <u>9.14.22</u>	Receipt # <u>C114004</u>
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9:	

2445

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 Robert Gardner, Partner

Mailing Address PO BOX 1200, HAILEY, ID 83333-1201

Street City State Zip Code

Email Address rkgardner@svskylan.net

Phone Number 208-788-2568

☒ 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 Dave Shaw Organization ERO Resources Corp

Professional Title Engineer Email Address dshaw@eroreources.com

Mailing Address 802 S Plaza Rd., Emmett, ID 83617 Phone Number 208-365-7684

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2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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3. MAP

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☒ No ☐
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).
- B. Please provide a description of the current water diversion and delivery system.
Delivery ditches to property and then pressurized for use in sprinklers and pivots.

- 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. 37-8218, 37-665H, 37-666F, 37-667K, 37-713B, 37-2684, 37-892, 37-891A

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The combined diversion rate of the rights listed above is estimated to be 4.71 cfs based on the SVGWD CU Fallow Analysis.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. _____

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. _____
A portion of this water right is on acres being fallowed as part of the Term Sheet and Management Plan for the Big Wood River Ground Water Management Area.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2022 to 2024 (maximum lease period 5 calendar years).
(Year) (Year)

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

Current Rental Rate

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

The Designated Applicant acknowledges the following:

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


Signature of Designated Applicant

Robert Gardner, Partner

Printed Name

8-18-22
Date

David Shaw
Signature of Authorized Representative

Dave Shaw

Printed Name

5-28-22
Date

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

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. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
37-713B	Irrigation	0.21		19.7
	Total Amounts:	0.21		19.7

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	18E	36	3		SW	NW	Blaine

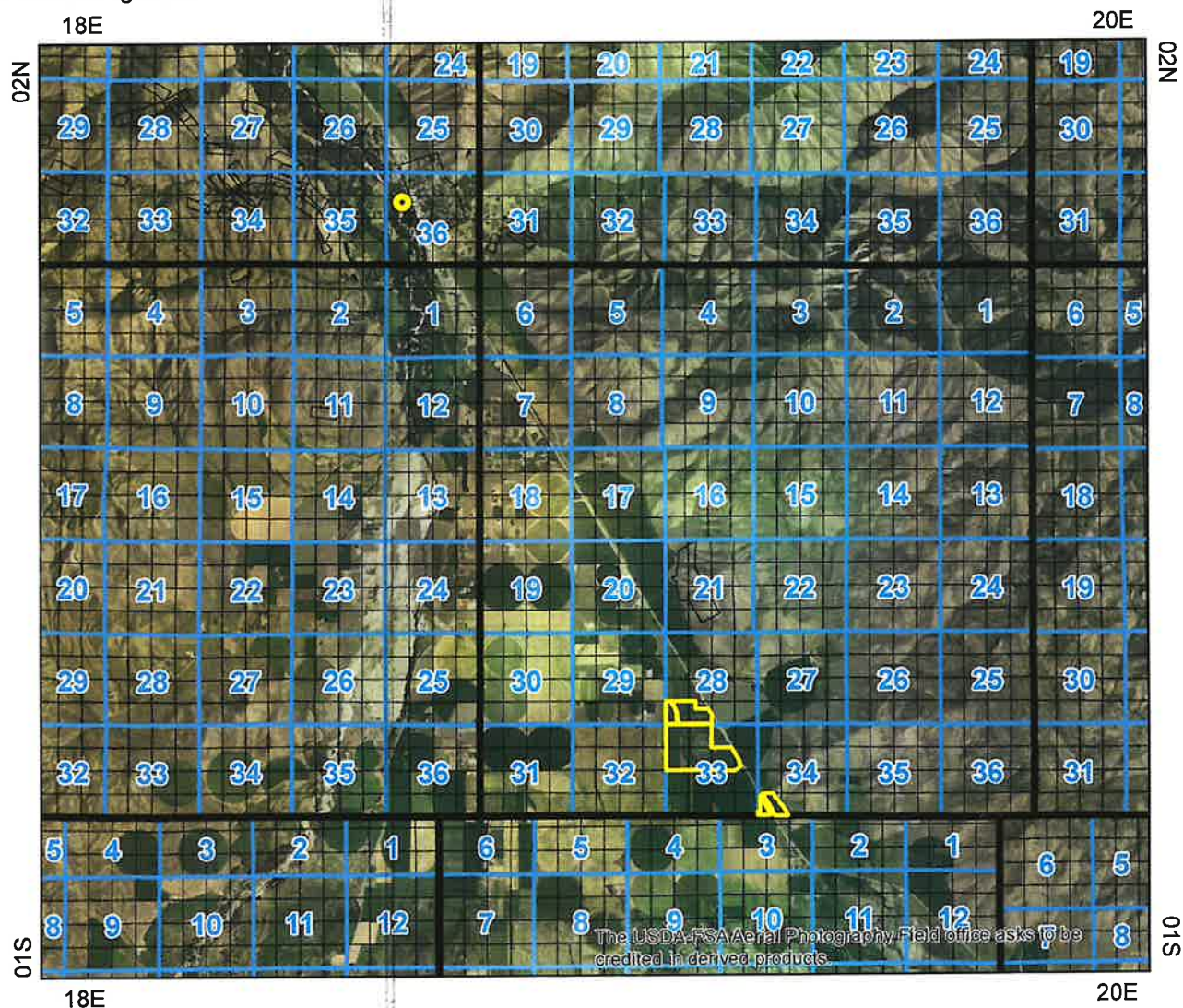
State of Idaho
Department of Water Resources

Water Right

37-713B

IRRIGATION

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



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

0 1.25 2.5 5 Miles



Attachment 3A

May 31st, 2022

Idaho Department of Water Resources

RE: South Valley Ground Water District Plan to Rent and Recharge Big Wood River
Water from Fallowed Acres

We have discussed the South Valley Ground Water District plan to rent and recharge Big Wood River water from fallowed acres as part of the Final Big Wood River Ground Water Management Plan dated April 29, 2022. We consent to the District's efforts to manage the ground water resources and agree to assist in delivering the rented water for recharge via our canal system.

Baseline Canal Company

By: Rocky Sherbine / President



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

February 19, 2026

ROBERT GARDNER
PO BOX 1200
HAILEY ID 83333

**RE: WATER SUPPLY BANK LEASE CONTRACT 2047
FOR WATER RIGHT(S) 37-713B, 37-665H, 37-666F, 37-480B, and 37-667K**

Dear Lessor:

Water rights **37-713B, 37-665H, 37-666F, 37-480B, and 37-667K** are leased into the Water Supply Bank (Bank) as of January **2022** in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2024**, 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 bank@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,

Kris Margheim

Kris Margheim
Technical Records Specialist

Enclosure: Executed Lease Contract

c: IDWR- Southern Region Office



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Governor Brad Little

Director Mathew Weaver

February 4, 2026

*Signed 2-9-26
mailed 2-10-26*

ROBERT GARDNER
PO BOX 1200
HAILEY, ID 83333

**RE: APPLICATION TO LEASE WATER RIGHTS 37-480B, 37-713B, 37-665H, 37-666F,
and 37-667K**

TO THE WATER SUPPLY BANK CONTRACT 2047

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water rights to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

This contract is backdated and will only apply from **January 1, 2022, to December 31, 2024**. Upon signature and execution, the Contract will **automatically** be concluded. This Lease **will not** affect the current status of your Water Rights. To propose a new lease period, submit a new **Application to Sell or Lease a Water Right to the Water Supply Bank** form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>

A water right is not protected from forfeiture unless it is accepted into the Bank, used to its full beneficial use, or an exception or defense to forfeiture applies as described under Idaho Code § 42-223. The five-year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the Bank.

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

Sincerely,

Kris Margheim
for
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt C114004



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

February 4, 2026

ROBERT GARDNER
PO BOX 1200
HAILEY, ID 83333

**RE: APPLICATION TO LEASE WATER RIGHTS 37-480B, 37-713B, 37-665H, 37-666F,
and 37-667K**

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

Sincerely,

Kris Margheim
for
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt C114004

MEMORANDUM FOR APPLICATION #2445

To: Water Rights 37-480B 37-665H 37-666F 37-667K & 37-713B
From: Izzy Crichton
Date: 8/25/2025
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE: The application to lease an 33.7-acre portion of surface water rights 37-436C and 37-884 was received on July 11th, 2022, and is part of the South Valley Ground Water District's ('SVGWD') participation in the Big Wood River Ground Water Management Plan ('BWRGWMA'), as approved by the Director of IDWR in 2022. The groundwater management plan originally proposed to lease certain surface water rights to the Bank and then rent the water rights as recharge. Any stacked ground water rights fallowed as part of the surface water rights leased are protected from forfeiture pursuant to Subsection 42-223(4), Idaho Code. There were delays in the implementation and execution of the fallowing portion of the GWMA plan, and the lease applications submitted to the bank in 2022 and 2023 can only be processed with consideration of the years the acres were fallowed. The acres in this particular lease were fallowed in 2022, 2023, and 2024; the lease will be processed for the 2022-2024 irrigation seasons only, to avoid enlargement.

AUTHORITY TO FILE: The application was signed by Robert Gardner who is a partner of the C W & R H Gardner Family Limited Partnership which owns the POU. The POD is through the Baseline Canal Co. which gave consent to fully lease all water rights that are part of SVGWD's groundwater management plan on May 31, 2022. No concerns with authority to file for the 2022-2024 irrigation seasons.

WATER RIGHT VALIDITY: Water rights 37-480B 37-665H 37-666F 37-667K & 37-713B were decreed in 2010. This is the first time the water rights will be leased to the Water Supply Bank. The statement of fallowing indicated that acres would be fallowed for the 2022 through 2024 irrigation seasons, sentinel imagery shows that the lessor has complied with fallowing of the 33.7 acres offered for lease. Sentinel imagery confirms that acres were irrigated in 2021. Robert Gardner continues to fallow acres for the 2025 irrigation season under the groundwater management plan. No concerns with validity of the water right and the 33.7-acre portion offered to the bank for 2022-2024.

INJURY TO OTHER WATER RIGHTS: Partial lease of these water rights would not cause injury to other water rights due to unleased water right acres being fallowed for the 2022-2024 irrigation seasons. Since the 2022-2024 irrigation season has concluded, the leased water rights will not be rented out.

ENLARGEMENT OF USE: Offered Water Rights share the legal POU with stacked surface water rights 37-353D, 37-418D, 37-419D, 37-443, 37-637, 37-2345A, and 37-11671 and groundwater rights 37-802 and 37-2684 for a combined limit of 1508 acres. All water rights were idled on 33.7 acres for the 2022, 2023, and 2024 irrigation seasons. No concerns of enlargement.

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the leased POD is subject to Water District # 37. Comments from Water Master and Regional Manager were requested on 8/26/2025.

Crichton, Izzy

From: Crichton, Izzy
Sent: Tuesday, August 26, 2025 4:12 PM
To: Skinner, Corey; watermanager
Cc: Bank
Subject: WSB Lease Application #2445 Robert Gardner
Attachments: Lease Map #2445.pdf; Memo #2445.pdf

Good afternoon, Corey and Sunny,

We are seeking comment and review of Water Supply Bank Lease Application (#2445) for Robert Gardner. Attached is a lease review memo and map of the POD/POU. Please note that this is a backdated lease from 2022, for the 2022-2024 irrigation seasons only. If you have any comments, concerns, or questions, please respond within 7 days (by September 2nd). If no response is received, it will be assumed there are no issues/comments/concerns regarding the lease. Please let me know if you have any questions.

Comments are preferred to be received by e-mail to izzy.crichton@idwr.idaho.gov. However, comments by regular mail are acceptable.

Thank you,
Izzy Crichton

 IDAHO DEPARTMENT OF
WATER RESOURCES
Izzy Crichton | Water Supply Bank Specialist
322 E Front St Boise, Idaho 83702
(208)-287-4963 | izzy.crichton@idwr.idaho.gov

Kienholz, Mackenzie

From: Dave Shaw <dshaw@eroresources.com>
Sent: Friday, October 7, 2022 10:41 AM
To: Kienholz, Mackenzie
Cc: Bank
Subject: RE: Questions Regarding Gardner Water Supply Bank Lease Applications

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thank you Mackenzie,

Our numbers agree, sorry for the confusion. If there is a better way to do these in the future, please let me know, this may be an ongoing process for a few more years.

Thank you again,
Dave

David Shaw

ERO Resources Corporation

208.365.7684 | dshaw@eroresources.com | www.eroresources.com

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Wednesday, October 5, 2022 5:02 PM
To: Dave Shaw <dshaw@eroresources.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: Questions Regarding Gardner Water Supply Bank Lease Applications

CAUTION This email originated from outside our organization. Do not click links or open attachments unless you recognize the sender and verify the email address matches their name.

Hello Dave,

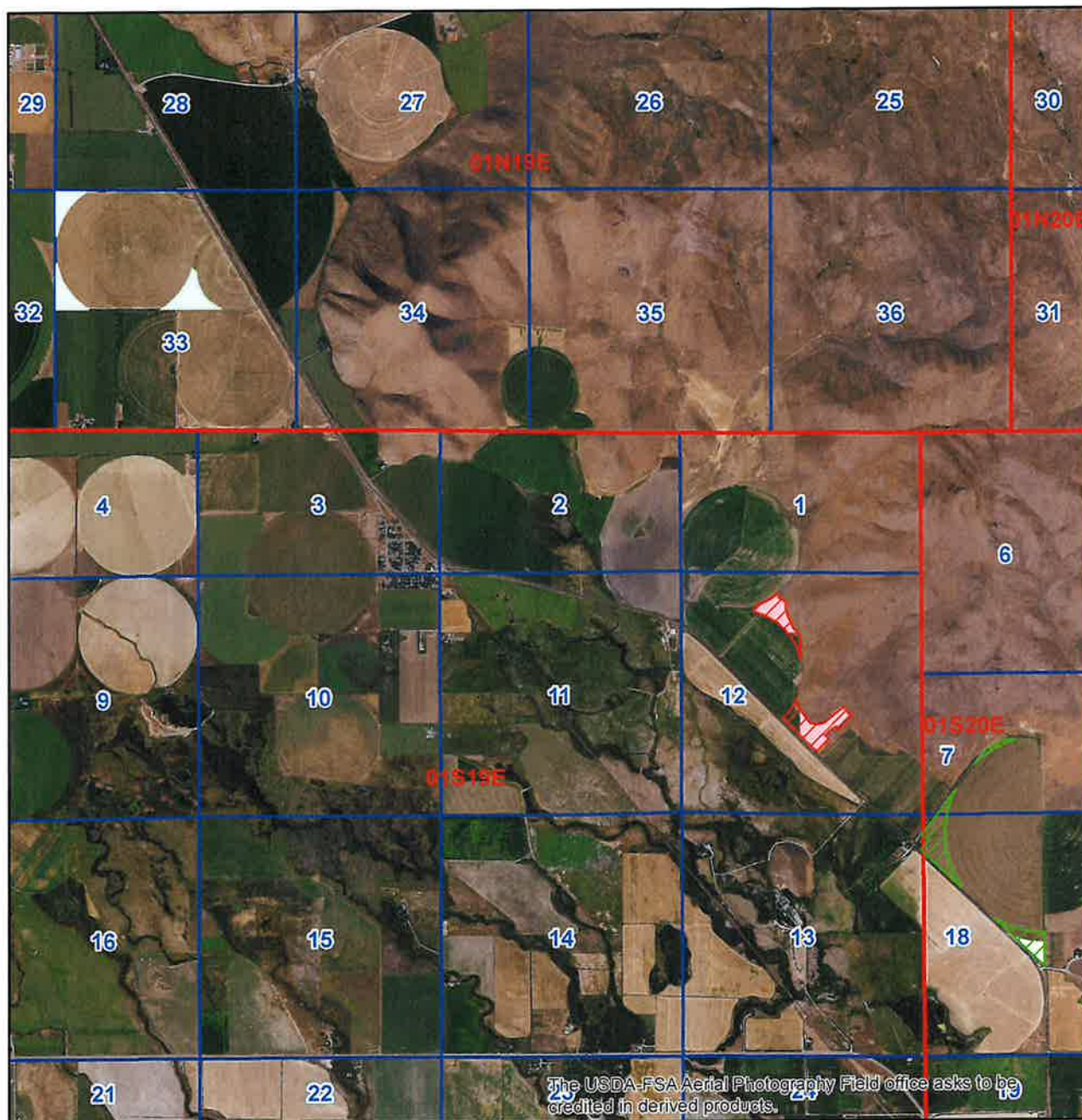
Mary and I went through the Gardner application again and have come up with some answers. We misunderstood that not all the fallowed acres were intended to be leased to the WSB. Some of the fallowed acres shapes matched the acreage listed in Attachment 2 for certain water rights, so we believed the applicants were wishing to lease the total number of acres fallowed. I believe that we have sorted it out now, but please review the attached maps. If the maps look correct, then we will pass the application on to the Southern Region Office for review. Also, because the place of use for 37-665H covers all of the acres proposed for lease (see map), we have combined all the files into one application. A \$500.00 filing fee refund will be requested. Please let me know if you have any questions or comments.

Thank you,
Mackenzie

From: Dave Shaw <dshaw@eroresources.com>
Sent: Thursday, September 22, 2022 12:59 PM

Gardner Family Limited Partnership Lease Application #2445

Fallowed Acres and Acres Proposed for Lease



Legend

- Browning (Fallowed & Leased Acres)
- Hayshed (Fallowed Acres)
- Hayshed_4.6_acres (Lease Acres)
- Lafferty (Fallowed Acres)
- Lafferty_17.7_acres (Lease Acres)
- Township/Range



To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>

Subject: RE: Questions Regarding Gardner Water Supply Bank Lease Applications

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thank you Mackenzie,

I was out this am, will look at your analysis, I am sure we can get this figured out,
Dave

David Shaw

ERO Resources Corporation

208.365.7684 | dshaw@erresources.com | www.erresources.com

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>

Sent: Thursday, September 22, 2022 9:42 AM

To: Dave Shaw <dshaw@erresources.com>

Subject: RE: Questions Regarding Gardner Water Supply Bank Lease Applications

CAUTION This email originated from outside our organization. Do not click links or open attachments unless you recognize the sender and verify the email address matches their name.

Hi Dave,

I haven't forgot about this; it has just taken some time to sort through the rights and discuss with others. I think there is a bit of misunderstanding on both sides. The whole suite of rights has a combined use limit of 1508 acres. When I put all the places of use for all the water rights together, they make up a shape about that size. However, each of the rights overlaps with at least one other, and the rights offered overlap with acres that aren't offered. This means if we were to lease only the offered rights and rent them out to someone else, enlargement would occur. We have to consider overlap even if the rights aren't all on a PPU. In addition, the NWNW corner in 1S 20E S18 (see picture below, about 12 acres) of the Hayshed fallowed acres is not covered by any of the water rights offered. The only surface waters that cover these acres are 37-443 and 37-637. I will attach the Arc File with the different POU's, as well as shapes of the fallowed acres. I know it is not the most intuitive, so I apologize. Please take a look, but I should be around all day today if you would like to discuss.

Thank you,
Mackenzie



From: Dave Shaw <dshaw@eroresources.com>
Sent: Tuesday, September 20, 2022 11:26 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Questions Regarding Gardner Water Supply Bank Lease Applications

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Mackenzie,

Looking a little further, the GW rights that overlap the Big Wood POU's do have a PPU, that could be the reason for the E55 condition, but since none of the GW rights are being leased it appears the 2 applications should be able to move ahead.

Just a thought,
Dave

David Shaw

ERO Resources Corporation

208.365.7684 | dshaw@eroresources.com | www.eroresources.com

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Tuesday, September 20, 2022 9:34 AM
To: Dave Shaw <dshaw@eroresources.com>
Subject: Questions Regarding Gardner Water Supply Bank Lease Applications

Hi Dave,

I hope you are well. I am currently working on the initial intake for the Water Supply Bank Lease Applications for Robert Gardner (C.W. & R.H. Gardner Family Limited Partnership). Firstly, the POU's for the rights proposed for lease overlap, and therefore can be condensed into one application and one filing fee. I will request a refund for \$500.00 from our fiscal department. Secondly, there is a suite of rights that have an overall combined limit, and the rights proposed for lease are a part of this group. It does not appear that the limit is additive. Was there a specific reason why only some of these rights were offered? We believe that at least all the surface water rights will need to be offered and included in the lease. The NWNW corner of 1S 20E S18 is not covered by any of the currently offered rights either. Please let me know what your perspective on this is. I have copied a table of the rights that fall into the combined limit below.

Offered for lease?	Right	PriorityDate	Rate	Source List	Tributary List	Total Acres	Acre Limit	V
	37-353D	6/12/1886	3.6	BIG WOOD RIVER	MALAD RIVER	317		
	37-418D	6/23/1888	1.75	BIG WOOD RIVER	MALAD RIVER	317		
	37-419D	8/2/1889	0.926	BIG WOOD RIVER	MALAD RIVER	317		
	37-443	6/15/1888	4	LOVING CREEK	SILVER CREEK	419.8		
X	37-480B	6/15/1891	3.5	BIG WOOD RIVER	MALAD RIVER	264.5		
	37-637	4/1/1885	3.8	LOVING CREEK	SILVER CREEK	419.8		
X	37-665H	10/15/1884	8.16	BIG WOOD RIVER	MALAD RIVER	557.5		
X	37-666F	6/12/1886	3.428	BIG WOOD RIVER	MALAD RIVER	293		
X	37-667K	6/15/1891	8.16	BIG WOOD RIVER	MALAD RIVER	610		
X	37-713B	6/10/1880	2.84	BIG WOOD RIVER	MALAD RIVER	269		
	37-802	4/1/1935	5	GROUND WATER		484	276	
	37-2345A	2/12/1917	4.8	BIG WOOD RIVER	MALAD RIVER	317		
	37-2684	10/29/1962	6.4	GROUND WATER		321		
	37-11671	3/24/1883	1.3	BIG WOOD RIVER	MALAD RIVER	345		

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

RECEIVED
SEP 14 2022
DEPARTMENT OF
WATER RESOURCES

September 14, 2022

IWRB Water Bank Lease Program
Idaho Department of Water Resources
Hand Delivered

RE: IWRB Water Bank Lease Applications from South Valley Ground Water District

Attention IWRB Water Bank Lease Program Manager:

Enclosed please find the following information:

1. 2 lease applications for Robert Gardner with original signatures, and a signed Declaration of Fallowing. A completed W-9 will follow.
2. A check in the amount of \$1,00 for the Robert Gardner lease applications.

Please let me know if there are questions or if additional information is needed to process any of the applications.

Yours truly,



Project Manager

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

Durango
1015 1/2 Main Avenue
Durango, CO 81301
970.422.2136

Hotchkiss
P.O. Box 932
161 South 2nd St.
Hotchkiss, CO 81419
970.872.3020

Idaho
802 S Plaza Road
Emmett, ID 83617
208.365.7684

www.eroresources.com

Attachments

cc: SVGWD w/o Attachments

2445