

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 628

This is to certify that:

ASPEN LAKES CANAL CO
PO BOX 987
KETCHUM, ID 83340

RECEIVED

JUN 27 2022

DEPARTMENT OF
WATER RESOURCES

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-557	5/15/1884	GROUND WATER	1.0	128.0	36.6	0.027	3.5
Combined Rental Totals			1.0	128.0	36.6	0.027	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2026. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2022, whichever occurs last.

Annual Rental Fee:

2022: \$256.00 annually
2023-2026: \$294.00 annually

The full fee for the rental of the above-described right(s) is \$256.00 per year for year 2022 and \$294.00 per year for years 2023 – 2026. The rental fee includes an administrative fee of \$256.00 per year for year 2022 and \$294.00 per year for years 2023 - 2026. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 37-557.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	1.0	128.0	36.6	0.027	3.50
Combined Total	1.0	128.0	36.6	0.027	3.50

** The authorized water usage reflects a reduction from the water right elements rented, to account for concentration of the water onto fewer acres.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 628

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Aspen Lakes Canal Co

By: *J. P. Speck*
Signature of Renter *Reg. Agent*

6-23-22

Date

JAMES P. SPECK, Reg. Agent

Printed Name

Reg. Agent

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By

Brian Patton

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date

6/30/22

Rental approved by IDWR

Plummer

Date

6/30/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 628

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER	3NENW	Sec. 5,	Twp 02N, Rge 18E,	BLAINE County
GROUND WATER	NWNE	Sec. 5,	Twp 02N, Rge 18E,	BLAINE County
GROUND WATER	NWNE	Sec. 5,	Twp 02N, Rge 18E,	BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
1.0 CFS

VOLUME
128.0 AF

SEASON OF USE

Water Right No.	From	To
37-557	4/1	11/1

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5	0.5 L1	0.5 L1	18.0	4.1													36.6
				14.0 L2															

Total Acres: 36.6

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

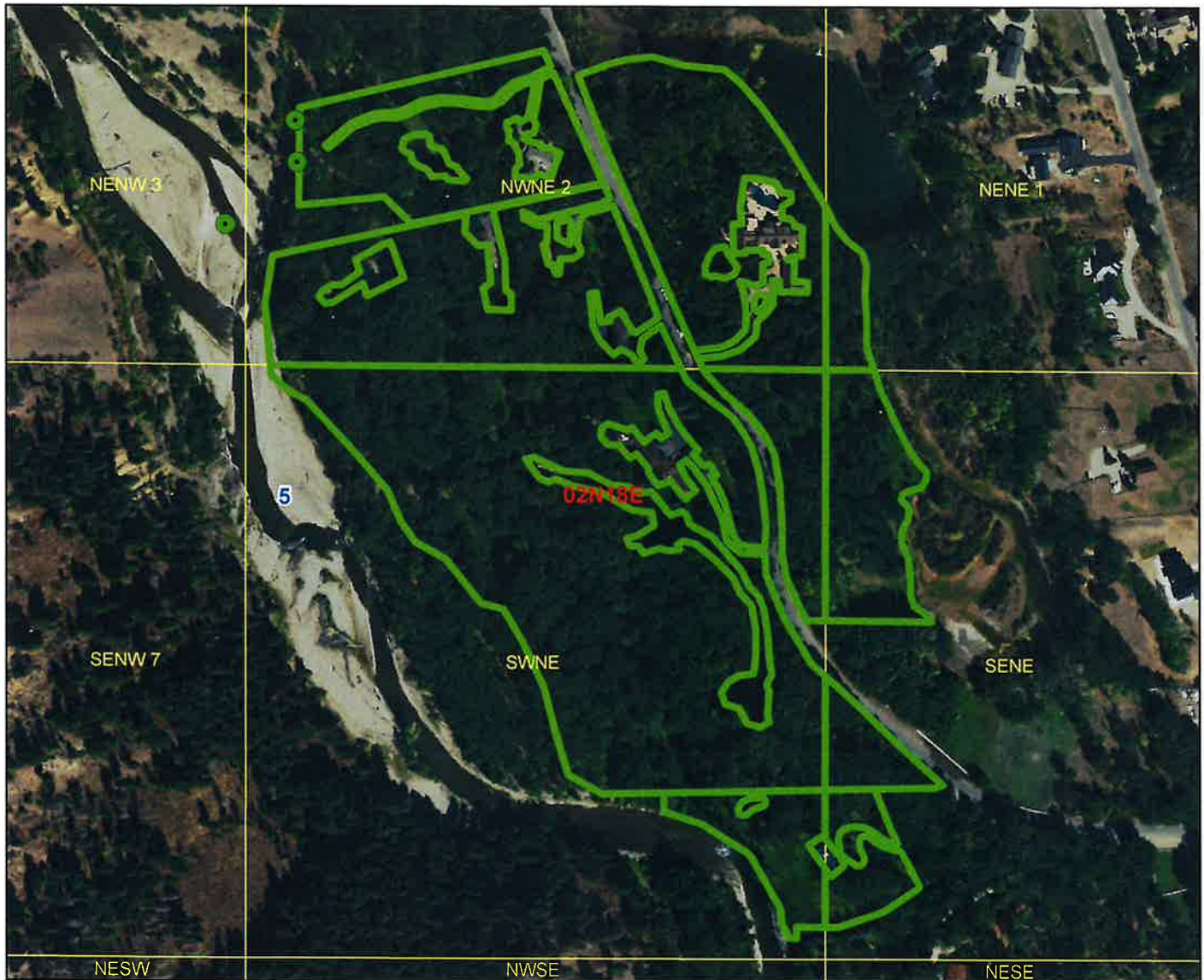
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Rental does not authorize construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 628

Effective until December 31, 2026

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Township/Range
-  Sections
-  QQ



0 500 Feet

Idaho Department of Water Resources Receipt
Receipt ID: C113220

Payment Amount	\$256.00	Date Received	6/27/2022	Region	STATE
Payment Type	Check	Check Number	41897		
Payer	SPECK & AANESTAD				
Comments	WATER SUPPLY BANK RENTAL AGREEMENT RENTER NAME: RENTAL AGREEMENT # 628 FOR WR # 37-557 FOR YEAR 2022				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$256.00	WATER BANK-DEPARTMENT SHARE	55113	0229	21		1205



Signature Line (Department Representative)

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

OCT 04 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Aspen Lakes Canal Co.

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

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

Yes

Completed *Application to Rent Water from the Board's Water Supply Bank*

Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

2



A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request

3A



Detailed information on a proposed use of rental water

3F



Authorization from the owner/operator of the rental point(s) of diversion

3H



Water modeling to account for the impacts of the rental request

3J



Documents justifying a rate of flow greater than 0.02 cfs/acre

3K



Authorization from the owner/operator of the property at the proposed rental place(s) of use

4B



Explanation of how the rental water will sufficiently accomplish your rental purposes

4C



Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

37-557

2153

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Aspen Lakes Canal Co.

Mailing Address PO Box 987 Ketchum, Idaho 83340

Street

City

State

Zip Code

Email Address _____

Phone Number _____

- B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Greg Sullivan

Professional Title Engineer

Organization Brockway Engineering

Relationship to Applicant Consultant

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Email Address greg.sullivan@brockwayeng.com

Phone Number 208-736-8543

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental 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 irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

- A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

This water will continue to be used for irrigation on 36.6 acres of ground that has been historically irrigated and provide a senior priority irrigation right.

- B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
1.0 CFS	128.10 AF	1.0 CFS	128.10 AF	36.6 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

- C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/01/22	6/1/2022	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Existing diversion structures, mainlines and delivery system.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
02N18E Sec 5 NWNE	Big Wood River	37-557, 37-558, 37-559
02N18E Sec 5 NWNE	Big Wood River	37-557, 37-558, 37-559
02N18E Sec 5 NENW	Big Wood River	37-557, 37-558, 37-559

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as Attachment 3F.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

☒ Irrigation 36.6 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☒ No ☐
If yes, justify the rate of flow and attach any supporting documents as Attachment 3J. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

The historical diversion has been 1.0 cfs from 37-557 on 125.0 acres. This rental proposes to divert 1.0 cfs on 36.6 acres. The 1.0 cfs diversion rate will be needed to deliver the water to the proposed rental POU.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☐ No ☒
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

N/A

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Existing diversion structures, mainlines and delivery system.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
02N18E Sec 5 NENW	Big Wood River	37-557, 37-558, 37-559
03N18E Sec 32 SESW	Big Wood River	37-557, 37-558, 37-559

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 36.6 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☒ No ☐
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

The historical diversion has been 1.0 cfs from 37-557 on 125.0 acres. This rental proposes to divert 1.0 cfs on 36.6 acres. The 1.0 cfs diversion rate will be needed to deliver the water to the proposed rental POU.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☐ No ☒
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

N/A

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
37-557	Irrigation	1.0		36.6		1.0	128.10	36.6
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	1.0	128.10	36.6
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

This rental will be limited to 36.6 acres of irrigation.

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

This rental will be limited to a diversion rate of 1.0 cfs on 36.6 acres.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.



Signature of Applicant

Richard Paul Buss

Printed Name of Applicant

09/21/2021

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



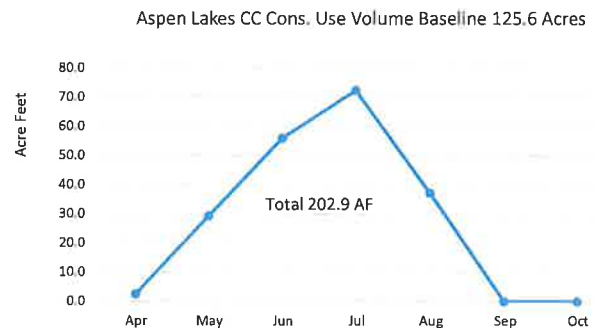
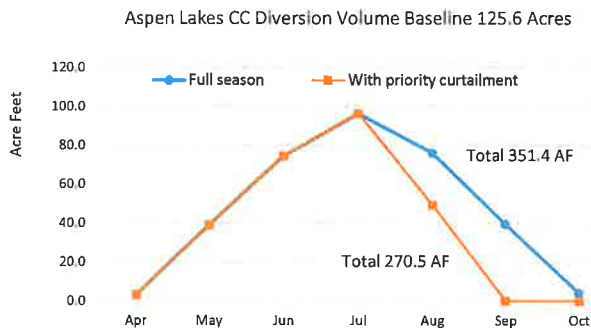
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Days	31	28	31	30	31	30	31	31	30	31	30	31		
Pdef mm/d	-0.07	0.01	0.05	0.2	2.29	4.53	5.66	4.48	2.41	0.25	-0.32	-0.11		
	-2.17	0.28	1.55	6	70.99	135.9	175.46	138.88	72.3	7.75	-9.6	-3.41		
mm/month				6	70.99	135.9	175.46	138.88	72.3	7.75			607.28	mm total
ft/month				0.02	0.23	0.45	0.58	0.46	0.24	0.03			1.99	ft total

	CFS
37-557	1.00
37-558	2.00
37-559	3.60
	6.60

	Acre Feet Available if 100% On All Year
37-557	59.5
37-558	119.0
37-559	214.2
	392.7

	Median Curtailment Date	Acre Feet Available With Curtailment
37-557	Aug-21	59.5
37-558	Aug-2	119.0
37-559	Jul-28	214.2
		392.7

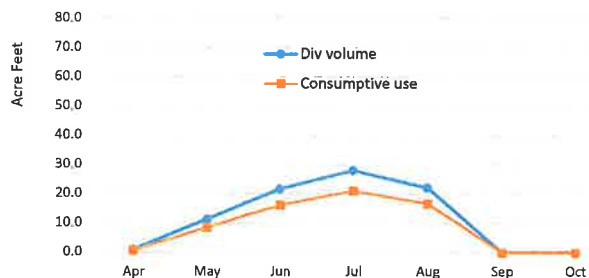
	Volume Requirement	Total
125.6 Acres	3.3	333.7
Irrigation Efficiency 75%	0.03	2.7
	3.3	263.0
	2.5	197.2



Analysis with split of rights: 37-557 on 36.6 acres and 37-558 & 37-559 on 89.0 acres

37-557	36.6 Acres	Volume Requirement							Total
		1.0	11.4	21.8	28.1	22.2	0.0	0.0	84.4 Actual div volume with curtailment on 36.6 ac
		0.7	8.5	16.3	21.1	16.7	0.0	0.0	63.3 Consumptive use with curtailment on 36.6 ac

Volume with 37-557 on 36.6 Acres

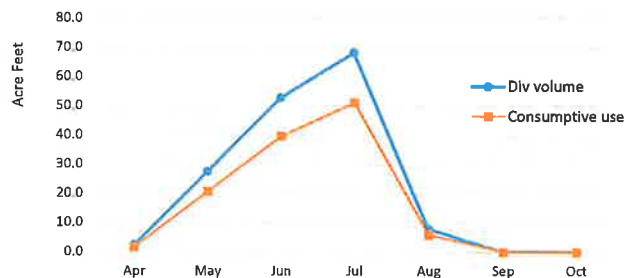


37-558 & 37-559

89 Acres

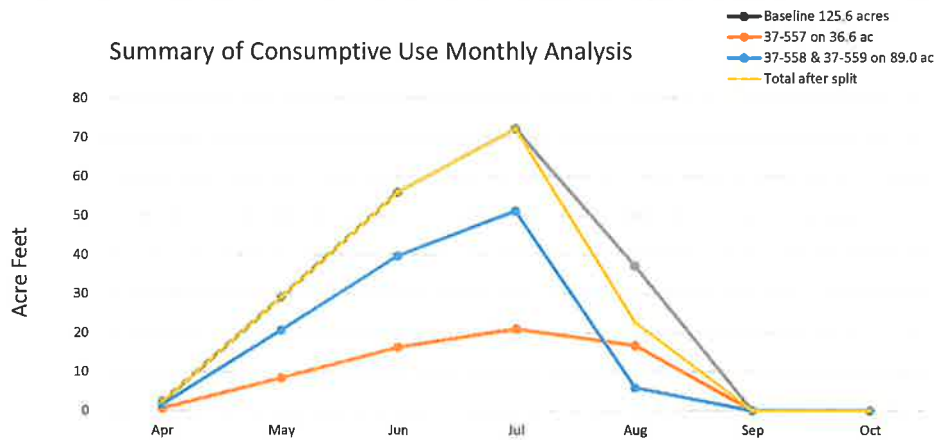
Volume Requirement							Total
2.3	27.6	52.9	68.3	7.9	0.0	0.0	159.1 Actual div volume with curtailment on 89.0 ac
1.8	20.7	39.7	51.2	6.0	0.0	0.0	119.4 Consumptive use with curtailment on 89.0 ac

Volume with 37-558 & 37-559 on 89.0 Acres



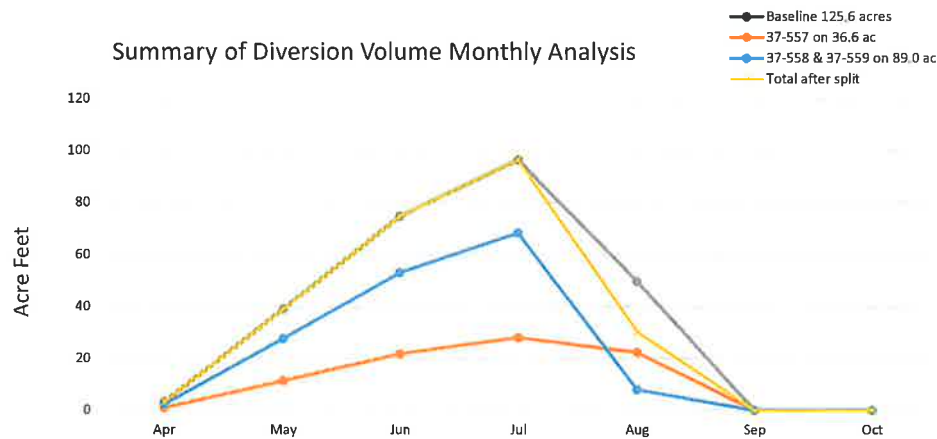
Summary of Results - Consumptive Use

		Consumptive Annual Volume (Acre-Feet)							
		Apr	May	Jun	Jul	Aug	Sep	Oct	
Current	125.6 Acres	2.5	29.3	56.0	72.3	37.2	0.0	0.0	37-557, 37-558 & 37-559
After Lease	36.6 Acres	0.7	8.5	16.3	21.1	16.7	0.0	0.0	37-557
After Lease	89.0 Acres	1.8	20.7	39.7	51.2	6.0	0.0	0.0	37-558 & 37-559
After Lease Total		2.5	29.3	56.0	72.3	22.6	0.0	0.0	Total
Difference		0.0	0.0	0.0	0.0	14.6	0.0	0.0	



Summary of Results - Diversion Volume

		Consumptive Annual Volume (Acre-Feet)							
		0	0	0	0	0	0	0	
Current	125.6 Acres	3.3	39.0	74.7	96.4	49.6	0.0	0.0	37-557, 37-558 & 37-559
After Lease	36.6 Acres	1.0	11.4	21.8	28.1	22.2	0.0	0.0	37-557
After Lease	89.0 Acres	2.3	27.6	52.9	68.3	7.9	0.0	0.0	37-558 & 37-559
After Lease	Total	3.3	39.0	74.7	96.4	30.2	0.0	0.0	Total
	Difference	0.0	0.0	0.0	0.0	19.4	0.0	0.0	





0004309109

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***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 #: 0004309109

Date Filed: 6/7/2021 4:46:55 PM

B0617-0570 06/07/2021 4:46 PM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:**Entity Name:**

ASPEN LAKES CANAL COMPANY

The file number of this entity on the records of the Idaho Secretary of State is:

0000457022

AddressPO BOX 987
KETCHUM, ID 83340-0998**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:

C150222

The registered agent on record is:**Registered Agent**

JAMES P SPECK

Registered Agent

Physical Address

120 EAST AVE N.

KETCHUM, ID 83340

Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
Richard Paul Buss	President	7922 LA JOLLA SCENIC DRIVE NORTH LA JOLLA, CA 92037

The annual report must be signed by an authorized signer of the entity.**Job Title: President*****Richard Paul Buss*****Sign Here*****06/07/2021*****Date**



IDAHO DEPARTMENT
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 Gary Spackman

July 22, 2022

ASPEN LAKES CANAL CO
PO BOX 987
KETCHUM, ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-2175B AGREEMENT 634**

Dear Renter:

Please find enclosed a receipt in the amount of **\$256.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 128 acre-feet of water for irrigation of 36.6 acres during 2022. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$256.00.**

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C113220
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Greg Sullivan



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 Gary Spackman

June 14, 2022

ASPEN LAKES CANAL CO
PO BOX 987
KETCHUM, ID 83340

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-557, AGREEMENT 628**

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$256.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 128.0 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$256.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$256.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

MEMORANDUM

WSB Applications #2152 and 2153; Leases #1533 and 1534; and Rental #628

To: Water Right(s) 37-557, 37-558 and 37-559

From: Michele Edl

Date: June 1, 2022

Re: Review and Analysis of Companion Applications to Lease and Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On October 4, 2021, the department received applications to renew 3 leases and one companion rental for 2022 through 2026, from Greg Sullivan (consultant, Brockway Engineering, PLLC) on behalf of Aspen Lakes Canal Co.

The applications proposed to lease water rights 37-557, 37-558 and 37-559, and rent back only 37-557. The current proposals mimic the recently expired WSB contracts and agreement which acted on these same 3 rights. Until September 29, 2017, these rights were considered to be permanently stacked. In-depth discussions prompted by the previous WSB proposals resulted in temporarily severing 37-557 from the stack. See the analysis provided by Brockway Engineering for unstacking these rights beginning with pg 12 at this link

<http://workflow/shared/pcdocsquery/files/WATERRIGHTS/37/CFIELD/ph9g01 .PDF>

My memo explaining that analysis is attached.

The rental application proposed concentration of the rate associated with 37-557 onto fewer acres, down from 125.6 acres to 36.6 acres. And the amounts rentable under the lease contracts for rights 37-558 and 37-559 were reduced to compensate.

On December 17, 2021, Transfer 85374 was approved changing the POD locations and the source of water for the three rights. The transfer authorized two new wells to be drilled and changed the source from the Big Wood River to groundwater tributary to the Big Wood River. The two new wells had not yet been drilled as of the date of this memo but are scheduled to be completed in the coming year. For the first year of the rental, the water will be diverted from one of the former PODs on the Big Wood River. In subsequent years of the rental agreement, the wells will be the only authorized PODs.

AUTHORITY TO FILE: The applications for lease and rental were signed by Richard Paul Buss for Aspen Lakes Canal Co. Mr. Buss is listed as the President for the company on the 2021 Annual Report filing with Idaho Secretary of State. The lease and rental areas are within the decreed POU for Aspen Lakes Canal Co. There are no concerns about the authority to file the applications.

WATER RIGHT VALIDITY: The three water rights were decreed in 2011 and were accepted into the bank from 2017 through 2021. There are no concerns about the validity of the rights.

INJURY TO OTHER WATER RIGHTS: Neither leasing the three rights, nor renting the most senior right for use on 36.6 acres of the 125-acre POU is expected to cause injury.

The water uses will be limited to those times when the water rights are available under their priority from the Big Wood River.

Revised rate, volume and acre limits were applied to the leases and rental because of the unstacking.

The consultant stated that the same system which delivered the surface water will be used to deliver the ground water to the members of the Aspen Lakes Canal Co. The 3 PODs are all located within the same parcel and no other water right diversions are authorized between the river POD and the new well-PODs.

ENLARGEMENT OF USE: An overlap analysis yielded very similar results to those found for the previous lease and rental proposals. I found three overlapping groundwater rights are authorized to irrigate portions of the POU which is proposed to be idled for the current leases. The overlapping rights are 37-8429, 37-8561 and 37-8658. They overlap the lease place of use, but not the rental place of use. (See the attached Excel spreadsheet for the POU overlap review).

The overlapping acres are itemized below and have been deducted from the rentable amounts of 37-558 and 37-559. The overlapping acres are:

37-8429

8.2 acres in 02N 18E S05 L1(NENE)
1.0 acres in 02N 18E S05 L2(NWNE)
3.0 acres in 02N 18E S05 SENE
12.2 acres unrentable

37-8561

2.6 acres in 02N 18E S05 SENE
2.6 acres unrentable

37-8658

3.0 acres in 03N 18E S32 SWSE
3.0 acres unrentable

89.0 total acres remained in the lease POUs for 37-558 and 37-559 after excising 36.6 acres for the rental of 37-557. The overlapping acres attributed to other rights sum to 17.8 acres ($12.2+2.6+3.0=17.8$). 71.2 acres worth of water remain rentable ($89.0-17.8=71.2$) under the leases for 37-558 and 37-559.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest these applications for lease and rental are inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The leases and the lease-rental package appear consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease and rental POD's are subject to Water District # 37, and are within the Galena GWD. Requests for comments were sent via email to watermaster and the manager of IDWR's southern region on May 12, 2022.

The consultant submitted a revised page 3 and suggested the following condition for the rental to address concerns about the use of authorized wells that did not yet exist.

"For the 2022 irrigation season, this rental will be authorized to divert water from 02N 18E Section 5 NENW. For the 2023, 2024, 2025, 2026 irrigation season, this rental will be authorized to divert water from 02N 18E Section 5 NWNE and 02N 18E Section 5 NWNE."

A condition similar to the proposed condition above, will be added to the rental agreement detailing which POD can be used. On 5/25/2022 the southern region manager stated that he was not opposed to the rental as it was revised.

Basin	Sequence	Suffix	Priority Date	Diversion Rate	Volume	Acre Limit	Total Acres	rate per acre	vol per acre	Multiplier to calculate volume
37	557		5/15/1884	1.00	128.1	36.6	125.6	0.027	3.500	0.04
37	558		6/1/1886	2.00	111.3	89.0	125.6	0.022	1.250	0.30
37	559		6/1/1888	3.60	200.3	89.0	125.6	0.040	2.250	0.55
Totals				6.60	439.6	125.6	376.8		7.00	
Limits				6.60	439.6	125.6	125.6	0.053	3.5	
37	558		6/1/1886	2.00	111.3	89.0	125.6	0.022	1.250	0.36
37	559		6/1/1888	3.60	200.3	89.0	125.6	0.040	2.250	0.64
Totals				5.600	311.5					
Limits				5.600	311.5	89.0	125.6	0.063	3.5	
Rentable amounts										
37	557		5/15/1884	1.00	128.0	36.6	125.6	0.027	3.497	
37	558		6/1/1886	1.60	89.0	71.2	125.6	0.022	1.250	0.36
37	559		6/1/1888	2.88	160.2	71.2	125.6	0.040	2.250	0.64
Totals				4.480	249.2					
Limits				4.480	249.2	71.2	125.6	0.063	3.5	
Totals of rental (37-557) and rentable				5.48	377.2	107.8		0.051	3.5	

MEMORANDUM
WSB Applications #2152 and 2153; Leases #1533 and 1534; and Rental #628

To: Water Right(s) 37-557, 37-558 and 37-559

From: Michele Edl

Date: June 1, 2022

Re: Explanation of analysis to unstack 37-557 from rights 37-558 and 37-559

This memo explains the unstacking analysis which is located in the backfile of 37-557. At this link the analysis begins on pg 12.

<http://workflow/shared/pcdocsquery/files/WATERRIGHTS/37/CFIELD/ph9g01 .PDF>

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Days	31	28	31	30	31	30	31	31	30	31	30	31	
Pdef mm/d	-0.04	0.02	0.04	0.21	2.65	4.44	5.82	4.71	2.76	0.28	-0.41	-0.12	
	-1.24	0.56	1.24	6.3	82.15	133.2	180.42	146.01	82.8	8.68	-12.3	-3.72	
mm/month				6.3	82.15	133.2	180.42	146.01	82.8	8.68			639.56 mm total
ft/month				0.02	0.27	0.44	0.59	0.48	0.27	0.03			2.10 ft total

The table above and at the top of the analysis is the precipitation deficit (P_{def}) for growing the presumed crop (pasture grass) at the lease-rental location. The table appears to come from a Hailey weather station, but the station ID is not given.

IDWR considers precipitation deficit as reasonable surrogate for consumptive use. It represents the net irrigation needed by a crop and is provided in millimeters. At this station and for this crop, the annual P_{def} sums to 639.56 mm. Converted to feet, the sum is 2.10 ft/year. The bottom row of that table shows the P_{def} for each month in feet.

The column headers are missing from all the tables below the top one. But the information in the subsequent tables is ordered by month. They are intentionally lined up under the appropriate months from the table at the top but show only those months that are this area's season of use.

The second table, titled *CFS*, shows the full rate in cubic feet per second and the full season of use (4/1-11/1) that are authorized for the three stacked water rights 37-557, 37-558, and 37-559.

The table titled, *Acre Feet Available if 100% On All Year*, converts the continuous flowrate in cfs authorized for each right into the total volume of irrigation water in acre-feet. The equation is: flowrate x days x 1.9835 = volume. The volumes shown are for total acre-feet for each month within the season-of-use and the bottom row is a summation of the columns.

The table titled *Acre Feet Available With Curtailment*, shows the impact to the volume from curtailment by the priorities of these rights. The median curtailment information is not provided with the other lease documents. But in subsequent phone conversations with the consultant, I learned that the curtailment history originated with Watermaster records but is now an in-house document maintained by Brockway Engineering. A copy of the table (2019 update) is attached. The most senior right 37-557, is typically available until August 21. When curtailed, the available volume for the month of August is calculated as 1 cfs x 21 days x 1.9835 = 41.7 af. No volume is available from that water right after it is curtailed through the end of the irrigation season. Similar volume calculations using the median curtailment dates of the other rights fill

the table. The bottom row of the table is a summation of the columns and represents the total curtailed volume available from the 3 water rights for each month of the season.

The SRBA decrees of 37-557, 37-558, and 37-559 stack them onto the same 125.6-acre POU. The table titled *Volume Requirement* shows both the results of precedent calculations and the calculated volumes of water for irrigation of the 125.6-acre POU.

125.6 Acres Irrigation Efficiency 75%	Volume Requirement								Total
	3.5	45.1	73.2	99.1	80.2	45.5	4.8	351.4	Div volume reqm't - 125.6 Acres All Year
	0.03	0.36	0.58	0.79	0.64	0.36	0.04	2.8	Required Ft per Acre
	3.5	45.1	73.2	99.1	49.6	0.0	0.0	270.5	Actual Div. Vol. With Curtailment on 125.6 ac
	2.6	33.9	54.9	74.3	37.2	0.0	0.0	202.9	Cons. Use with curtailment on 125.6 ac

The second row of numbers in the *Volume Requirement* table are not volumes. The numbers in row two are the calculated results of P_{def} for a system that is 75% efficient. The consultant successfully argued that more water must be diverted than is needed by the crop because the delivery system is less than 100% efficient. The equation is: monthly P_{def} (from the top table) / 0.75. For example: in May, 0.27 ft per month / 0.75 = 0.36 $P_{def\ 75\%}$. (Results in this and other tables in the analysis are rounded and so will not always match the calculated value.)

The top row of numbers in the *Volume Requirement* table accounts for the delivery system losses in calculations for the volumes of water delivered to the 125.6 acre POU. This row shows the volume of water in acre-feet that must be diverted at $P_{def\ 75\%}$ efficiency (the second row of the table) to ensure that sufficient water is delivered for irrigation of 125.6 acres. The equation is: acres x $P_{def\ 75\%}(ft)$ = AF. For example: in May, 125.6 ac x 0.36 ft ~ 45.1 AF.

The third row of calculations shows the smaller of two volumes: either the top row (the volume required for irrigation of 125.6 acres at 75% efficiency) or the curtailed volume, the volume that is actually available for those acres. That curtailed volume is shown in the bottom row of the table titled *Acre Feet Available With Curtailment*.

Acre Feet Available With Curtailment						
59.5	61.5	59.5	61.5	41.7	0.0	0.0
119.0	123.0	119.0	123.0	7.9	0.0	0.0
214.2	221.4	214.2	199.9	0.0	0.0	0.0
392.7	405.8	392.7	384.4	49.6	0.0	0.0

For example: in August, the two choices for volumes are 80.2 or 49.6.

Volume Requirement						
3.5	45.1	73.2	99.1	80.2	45.5	4.8
0.03	0.36	0.58	0.79	0.64	0.36	0.04
3.5	45.1	73.2	99.1	49.6	0.0	0.0
2.6	33.9	54.9	74.3	37.2	0.0	0.0

49.6 AF is the smaller of the two and appears in the third row of the *Volume Requirement* table.

The fourth row of numbers in the *Volume Requirement* table are calculations for the consumptive use for the smaller of the two volumes. The calculation backs out the efficiency addition to calculate the consumptive use volume for the smaller of the two volume requirements. The equation is: AF x 0.75 = AF. For example: in August, 49.6 AF / 0.75 = 37.2 AF.

The data in the tables are illustrated in the two graphs below them on that page. The graph on the left shows the total volume (consumptive use plus system losses) needed for Aspen Lakes

Canal Co to irrigate 125.6 acres with and without curtailment. The total volume without curtailment is 351.4 AF (see the top row and the 3rd row of the *Volume Requirement* table).

The graph on the right shows the consumptive use volume with curtailment (see the 4th row of the *Volume Requirement* table).

The next page of the Brockway analysis splits WR 37-557 away from WRs 37-558 and 37-559 and calculates the diversion volume and consumptive use volumes for each split group. The calculations for the Volume Requirement tables associated with each of the two groups use the same logic as was discussed in detail above for the calculations of the *Volume Requirement* table for the unsplit whole.

The graph directly below each table shows a comparison of the two calculated and curtailed volumes: the actual diversion volume needed for a less than 100% efficient system and the consumptive use volume.

On the final page of the analysis, only the consumptive use volumes for the whole and the splits are compared. The diversion volumes are no longer considered.

The top table and associated graph summarize the consumptive use volumes: first as a total of the three rights and then as the rights are separated into two leases.

The data provides confirmation that separating the rights for rental use does not increase the consumptive use for the remaining right so long as they are curtailed by priority.

Brockway Engineering did not consider overlapping water rights in their 2017 analysis. WSB personnel found overlapping water rights, and after the overlapped acres were excised from the common lease POU, only 71.2 acres (not 89.0 acres) remain in a possible rental of Water Rights 37-558 and 37-559.

Aspen Lakes Canal Co.
Water Supply Bank Lease Analysis
Brockway Engineering
GWS

Pdef based on Allen & Robison (2012), Hailey station, Grass Pasture - High Mgmt
Priority cut dates based on Median for 1948 through 2016

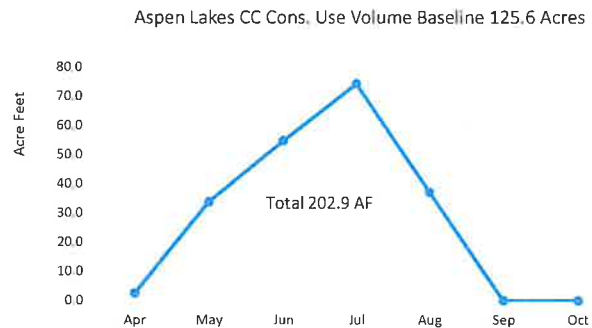
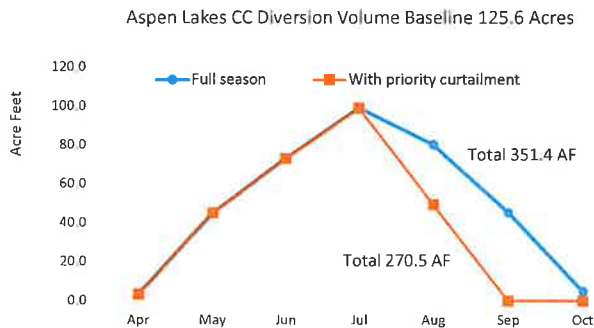
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Days	31	28	31	30	31	30	31	31	30	31	30	31		
Pdef mm/d	-0.04	0.02	0.04	0.21	2.65	4.44	5.82	4.71	2.76	0.28	-0.41	-0.12		
	-1.24	0.56	1.24	6.3	82.15	133.2	180.42	146.01	82.8	8.68	-12.3	-3.72		
mm/month				6.3	82.15	133.2	180.42	146.01	82.8	8.68			639.56	mm total
ft/month				0.02	0.27	0.44	0.59	0.48	0.27	0.03			2.10	ft total

	CFS
37-557	1.00
37-558	2.00
37-559	3.60
	6.60

	Acre Feet Available if 100% On All Year
37-557	59.5
37-558	119.0
37-559	214.2
	392.7

	Median Curtailment Date	Acre Feet Available With Curtailment
37-557	Aug-21	59.5
37-558	Aug-2	119.0
37-559	Jul-28	214.2
		392.7

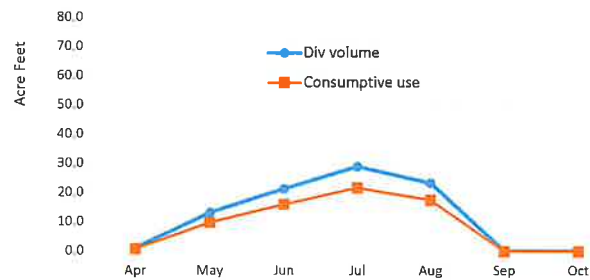
		Volume Requirement	Total
125.6 Acres		3.5	351.4
Irrigation Efficiency	75%	0.03	2.8
		3.5	270.5
		2.6	202.9



Analysis with split of rights: 37-557 on 36.6 acres and 37-558 & 37-559 on 89.0 acres

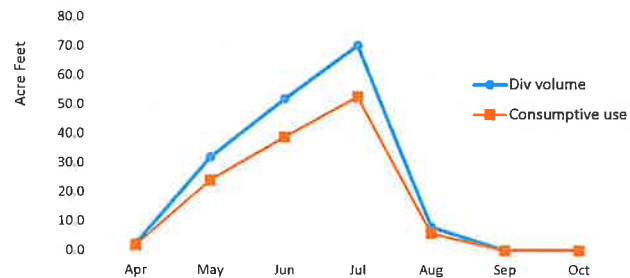
37-557	36.6 Acres	Volume Requirement							Total
		1.0	13.2	21.3	28.9	23.4	0.0	0.0	87.8 Actual div volume with curtailment on 36.6 ac
		0.8	9.9	16.0	21.7	17.5	0.0	0.0	65.8 Consumptive use with curtailment on 36.6 ac

Volume with 37-557 on 36.6 Acres



37-558 & 37-559		Volume Requirement							Total
89 Acres	2.5	32.0	51.9	70.2	7.9	0.0	0.0	164.5 Actual div volume with curtailment on 89.0 ac	
	1.8	24.0	38.9	52.7	6.0	0.0	0.0	123.4 Consumptive use with curtailment on 89.0 ac	

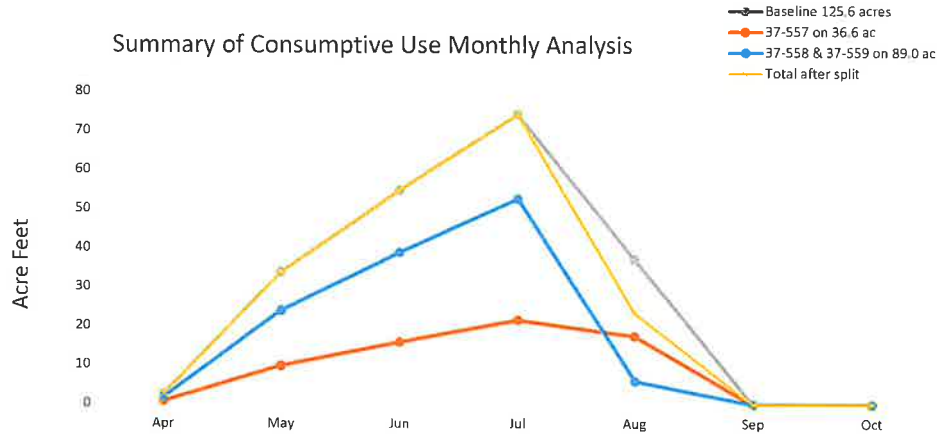
Volume with 37-558 & 37-559 on 89.0 Acres



Summary of Results - Consumptive Use

		Consumptive Annual Volume (Acre-Feet)							
		Apr	May	Jun	Jul	Aug	Sep	Oct	
Current	125.6 Acres	2.6	33.9	54.9	74.3	37.2	0.0	0.0	37-557, 37-558 & 37-559
After Lease	36.6 Acres	0.8	9.9	16.0	21.7	17.5	0.0	0.0	37-557
After Lease	89.0 Acres	1.8	24.0	38.9	52.7	6.0	0.0	0.0	37-558 & 37-559
After Lease Total		2.6	33.9	54.9	74.3	23.5	0.0	0.0	Total
Difference		0.0	0.0	0.0	0.0	13.7	0.0	0.0	

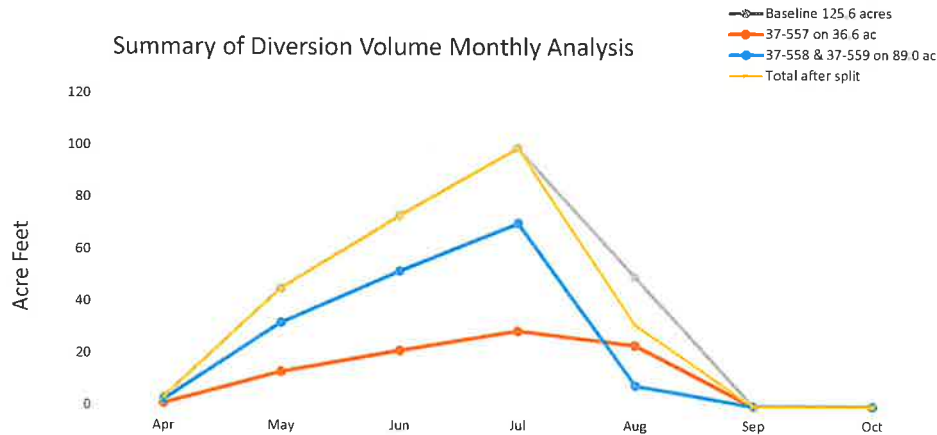
Summary of Consumptive Use Monthly Analysis



Summary of Results - Diversion Volume

		Consumptive Annual Volume (Acre-Feet)							
		0	0	0	0	0	0	0	
Current	125.6 Acres	3.5	45.1	73.2	99.1	49.6	0.0	0.0	37-557, 37-558 & 37-559
After Lease	36.6 Acres	1.0	13.2	21.3	28.9	23.4	0.0	0.0	37-557
After Lease	89.0 Acres	2.5	32.0	51.9	70.2	7.9	0.0	0.0	37-558 & 37-559
After Lease Total		3.5	45.1	73.2	99.1	31.3	0.0	0.0	Total
Difference		0.0	0.0	0.0	0.0	18.3	0.0	0.0	

Summary of Diversion Volume Monthly Analysis



SUMMARY

Big Wood River Above Magic Reservoir - Water Rights Cutoff Data

Start year 1948

End year 2019

Priority Date	No. of times cut	Percent of Years	Earliest Cutoff	Latest Cutoff	Min days on from 15-Apr	Max days on from 15-Apr	Avg Days on from 15-Apr	Water on avg. from 15 Apr to:	Median cutoff date
6 - 10 - 1880	0	0%	Never	Never	199	199	199	31-Oct	31-Oct
7 - 1 - 1880	0	0%	Never	Never	199	199	199	31-Oct	31-Oct
4 - 25 - 1881	0	0%	Never	Never	199	199	199	31-Oct	31-Oct
5 - 1 - 1881	0	0%	Never	Never	199	199	199	31-Oct	31-Oct
6 - 1 - 1881	0	0%	Never	Never	199	199	199	31-Oct	31-Oct
7 - 1 - 1881	2	3%	29-Jul	30-Aug	105	199	197	28-Oct	31-Oct
5 - 15 - 1882	2	3%	29-Jul	19-Aug	105	199	197	28-Oct	31-Oct
6 - 1 - 1882	2	3%	29-Jul	19-Aug	105	199	197	28-Oct	31-Oct
8 - 1 - 1882	3	4%	29-Jul	17-Aug	105	199	195	27-Oct	31-Oct
12 - 19 - 1882	5	7%	12-Jul	10-Sep	88	199	193	25-Oct	31-Oct
3 - 10 - 1883	7	10%	12-Jul	10-Sep	88	199	191	22-Oct	31-Oct
3 - 24 - 1883	24	33%	1-Jul	17-Sep	77	199	172	3-Oct	31-Oct
4 - 12 - 1883	25	35%	1-Jul	17-Sep	77	199	169	1-Oct	31-Oct
4 - 17 - 1883	25	35%	1-Jul	17-Sep	77	199	169	1-Oct	31-Oct
5 - 1 - 1883	29	40%	1-Jul	30-Sep	77	199	164	26-Sep	31-Oct
5 - 15 - 1883	28	39%	1-Jul	4-Sep	77	199	165	26-Sep	31-Oct
6 - 1 - 1883	29	40%	1-Jul	4-Sep	77	199	163	25-Sep	31-Oct
6 - 15 - 1883	34	47%	28-Jun	15-Sep	74	199	157	19-Sep	31-Oct
6 - 26 - 1883	34	47%	28-Jun	15-Sep	74	199	157	18-Sep	31-Oct
7 - 1 - 1883	34	47%	28-Jun	15-Sep	74	199	157	18-Sep	31-Oct
10 - 15 - 1883	34	47%	28-Jun	15-Sep	74	199	157	18-Sep	31-Oct
4 - 3 - 1884	37	51%	28-Jun	15-Sep	74	199	153	14-Sep	11-Sep
5 - 1 - 1884	37	51%	28-Jun	15-Sep	74	199	153	14-Sep	11-Sep
5 - 2 - 1884	38	53%	28-Jun	15-Sep	74	199	152	13-Sep	3-Sep
5 - 15 - 1884	39	54%	28-Jun	15-Sep	74	199	150	12-Sep	26-Aug
6 - 1 - 1884	40	56%	28-Jun	15-Sep	74	199	149	11-Sep	21-Aug
6 - 3 - 1884	41	57%	22-Jun	15-Sep	68	199	147	9-Sep	20-Aug
6 - 15 - 1884	42	58%	22-Jun	15-Sep	68	199	146	8-Sep	20-Aug
6 - 20 - 1884	43	60%	22-Jun	15-Sep	68	199	145	6-Sep	18-Aug
6 - 30 - 1884	44	61%	22-Jun	15-Sep	68	199	144	5-Sep	18-Aug
7 - 10 - 1884	47	65%	22-Jun	10-Sep	68	199	140	1-Sep	18-Aug
8 - 1 - 1884	47	65%	22-Jun	9-Sep	68	199	138	31-Aug	16-Aug
10 - 15 - 1884	51	71%	22-Jun	9-Sep	68	199	133	25-Aug	11-Aug
5 - 15 - 1885	52	72%	16-Jun	19-Sep	62	199	130	23-Aug	7-Aug
5 - 23 - 1885	52	72%	16-Jun	19-Sep	62	199	130	23-Aug	7-Aug
6 - 1 - 1885	52	72%	16-Jun	19-Sep	62	199	130	23-Aug	7-Aug
6 - 15 - 1885	52	72%	16-Jun	19-Sep	62	199	130	23-Aug	5-Aug
7 - 15 - 1885	52	72%	16-Jun	19-Sep	62	199	130	23-Aug	5-Aug
9 - 18 - 1885	52	72%	16-Jun	19-Sep	62	199	130	22-Aug	5-Aug
5 - 1 - 1886	57	79%	15-Apr	19-Sep	0	199	123	16-Aug	2-Aug
6 - 1 - 1886	58	81%	15-Apr	19-Sep	0	199	122	14-Aug	2-Aug
6 - 12 - 1886	61	85%	15-Apr	5-Sep	0	199	117	9-Aug	1-Aug
10 - 26 - 1886	62	86%	15-Apr	2-Sep	0	199	115	8-Aug	1-Aug
11 - 26 - 1886	62	86%	15-Apr	2-Sep	0	199	115	8-Aug	1-Aug
5 - 1 - 1887	62	86%	15-Apr	2-Sep	0	199	114	7-Aug	30-Jul
5 - 10 - 1887	62	86%	15-Apr	2-Sep	0	199	114	7-Aug	30-Jul
5 - 15 - 1887	62	86%	15-Apr	2-Sep	0	199	114	7-Aug	30-Jul
5 - 31 - 1887	62	86%	15-Apr	2-Sep	0	199	114	6-Aug	30-Jul
6 - 1 - 1887	62	86%	15-Apr	2-Sep	0	199	114	6-Aug	30-Jul
6 - 3 - 1887	62	86%	15-Apr	2-Sep	0	199	114	6-Aug	30-Jul
6 - 10 - 1887	62	86%	15-Apr	2-Sep	0	199	114	6-Aug	31-Jul

7 - 1 - 1887	62	86%	15-Apr	2-Sep	0	199	114	6-Aug	31-Jul
7 - 15 - 1887	62	86%	15-Apr	2-Sep	0	199	114	6-Aug	31-Jul
12 - 13 - 1887	63	88%	15-Apr	8-Sep	0	199	113	5-Aug	31-Jul
5 - 1 - 1888	65	90%	15-Apr	6-Sep	0	199	109	2-Aug	29-Jul
5 - 15 - 1888	65	90%	15-Apr	6-Sep	0	199	109	2-Aug	29-Jul
6 - 1 - 1888	65	90%	15-Apr	6-Sep	0	199	109	1-Aug	28-Jul
6 - 2 - 1888	65	90%	15-Apr	6-Sep	0	199	109	1-Aug	28-Jul
6 - 23 - 1888	65	90%	15-Apr	6-Sep	0	199	109	1-Aug	28-Jul
7 - 1 - 1888	65	90%	15-Apr	6-Sep	0	199	109	1-Aug	28-Jul
7 - 30 - 1888	65	90%	15-Apr	6-Sep	0	199	109	1-Aug	28-Jul
4 - 30 - 1889	65	90%	15-Apr	6-Sep	0	199	108	1-Aug	28-Jul
5 - 4 - 1889	66	92%	15-Apr	6-Sep	0	199	107	31-Jul	28-Jul
6 - 2 - 1889	66	92%	15-Apr	6-Sep	0	199	107	31-Jul	28-Jul
7 - 1 - 1889	66	92%	15-Apr	6-Sep	0	199	107	31-Jul	28-Jul
7 - 15 - 1889	66	92%	15-Apr	6-Sep	0	199	107	31-Jul	28-Jul
8 - 2 - 1889	66	92%	15-Apr	6-Sep	0	199	107	31-Jul	28-Jul
8 - 18 - 1889	66	92%	15-Apr	6-Sep	0	199	107	31-Jul	28-Jul
10 - 31 - 1889	66	92%	15-Apr	6-Sep	0	199	107	31-Jul	28-Jul
5 - 21 - 1890	68	94%	15-Apr	6-Sep	0	199	104	28-Jul	25-Jul
6 - 2 - 1890	69	96%	15-Apr	6-Sep	0	199	103	26-Jul	24-Jul
10 - 1 - 1890	69	96%	15-Apr	6-Sep	0	199	103	26-Jul	24-Jul
5 - 15 - 1891	70	97%	15-Apr	29-Aug	0	199	100	24-Jul	24-Jul
6 - 15 - 1891	70	97%	15-Apr	29-Aug	0	199	98	21-Jul	23-Jul
5 - 1 - 1892	70	97%	15-Apr	29-Aug	0	199	97	20-Jul	20-Jul
5 - 15 - 1892	70	97%	15-Apr	29-Aug	0	199	97	20-Jul	20-Jul
7 - 1 - 1892	70	97%	15-Apr	29-Aug	0	199	97	20-Jul	20-Jul
5 - 30 - 1894	70	97%	15-Apr	29-Aug	0	199	97	20-Jul	20-Jul
5 - 15 - 1895	70	97%	15-Apr	29-Aug	0	199	97	20-Jul	20-Jul
8 - 9 - 1899	71	99%	15-Apr	29-Aug	0	199	91	14-Jul	14-Jul
5 - 1 - 1900	71	99%	15-Apr	29-Aug	0	199	88	11-Jul	14-Jul
6 - 1 - 1901	71	99%	15-Apr	28-Aug	0	199	86	9-Jul	14-Jul
5 - 1 - 1902	71	99%	15-Apr	28-Aug	0	199	85	8-Jul	13-Jul
8 - 1 - 1902	72	100%	15-Apr	28-Aug	0	135	83	7-Jul	12-Jul
8 - 15 - 1902	72	100%	15-Apr	28-Aug	0	135	83	7-Jul	12-Jul
4 - 10 - 1903	72	100%	15-Apr	28-Aug	0	135	83	6-Jul	12-Jul
2 - 10 - 1906	72	100%	15-Apr	28-Aug	0	135	79	2-Jul	8-Jul
6 - 15 - 1907	72	100%	15-Apr	28-Aug	0	135	78	2-Jul	7-Jul

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Thursday, May 19, 2022 9:23 AM
To: Edl, Michele
Cc: Skinner, Corey; 'Charles Brockway'
Subject: RE: Aspen Lakes Canal Co leases and rental
Attachments: Page 3 Aspen Lakes Canal Company Rental.pdf

Michele,

I am not sure why you are discussing this lease and rental with Tim Luke. You should be discussing it with Shelly Keen. Shelly is the one that Chuck Brockway, Clay Webster and myself sat down with and discussed this lease and rental years ago with. We reviewed all of the data and submitted correspondence back and forth several times regarding these water rights. Ultimately, the lease and rental was approved as we had proposed. In fact the rental was processed twice with no issues with the compliance bureau or WD37. Everyone signed off on the lease and the rental several times. We are simply duplicating the lease and rental for another period of time.

Transfer 85374 was approved in December of 2021. Transfer 85374 will allow the water right owners to construct two ground water sumps that will be utilized to supply water to the existing system. Any compliance issues, forfeiture issues, enlargement issues, beneficial use issues, place of use issues, point of diversion issues, period of use issues or ownership issues have been already be reviewed by IDWR staff and all of the concerns have been satisfied.

The transfer application allows up to 1 year for the proposed changes to be implemented. The new PODs have not been constructed yet but will be constructed during 2022. Which means that the rental needs to utilize the PODs currently in the Big Wood River in which Aspen Lakes Canal Company will divert water for the beneficial use of irrigation for the entire 2022 irrigation season. The current POD being utilized is located in Section 5 from the Big Wood River in the NENW. The new ground water PODs will be located in Section 5 NWNE. These are adjacent QQs and are basically in the same location geographically.

I recognize that the transition from diverting irrigation directly from the Big Wood River in 2022 and then diverting Big Wood River irrigation water from the two new PODs in 2023 will be an issue for the rental approval. Therefore, I have prepared a new Page 3 of the rental application which identifies all three PODs in Section 5. This will allow the 2022 irrigation water to be diverted from the old POD in the NENW. After Transfer 85374 is accomplished, the 2023 and future years irrigation water will be diverted from the 2 new PODs located in the NWNE.

A possible condition on the rental approval could be worded in this manner to address the issue:

"For the 2022 irrigation season, this rental will be authorized to divert water from 02N 18E Section 5 NENW. For the 2023, 2024, 2025, 2026 irrigation season, this rental will be authorized to divert water from 02N 18E Section 5 NWNE and 02N 18E Section 5 NWNE."

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

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

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]

Sent: Wednesday, May 18, 2022 3:19 PM

To: Greg Sullivan <greg.sullivan@brockwayeng.com>

Cc: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>

Subject: Aspen Lakes Canal Co leases and rental

Greg,

I have connected with WD37 folk and with the compliance bureau chief Tim Luke. Both contacts expressed concern about the lease-rental activity proposed on the 3 Aspen Lakes Canal Co rights.

No one has been able to confirm that the new wells-PODs exist.

Without use of wells how are the Aspen Lakes Canal Co users going to divert the water and deliver it to their properties?

Are they reverting to their surface water diversions?

I will be in-office tomorrow. Let chat.

Michele

Edl, Michele

From: Edl, Michele
Sent: Thursday, May 12, 2022 2:03 PM
To: Skinner, Corey; watermstr@wd37.org
Subject: Aspen Lakes Canal Co lease and rental

Corey and Cyndi,

I have completed my review of a lease and rental proposal submitted by Greg Sullivan (consultant, Brockway Engineering) on behalf of Aspen Lakes Canal Co.

The proposal acts on three 1880s vintage B37 rights and is almost identical to the lease and rental package that acted theses same rights and that was approved for 2018-2021 seasons.

The only real and significant difference is that now the rights are authorized to divert from ground water through 2 wells, instead of from two points on the Big Wood River.

The transfer (85374) which authorized that change was approved 12/17/2021.

Aspen Lakes Canal Co is leasing its three rights, 37-557, 37-558 and 37-559 to the bank. But they are renting back only the senior right 37-557 and that right will be concentrated on 36.6 acres.

Greg Sullivan provided a convincing argument for the previous lease-rental package on these rights which severed the senior right from the two more junior rights. That logic remains the same.

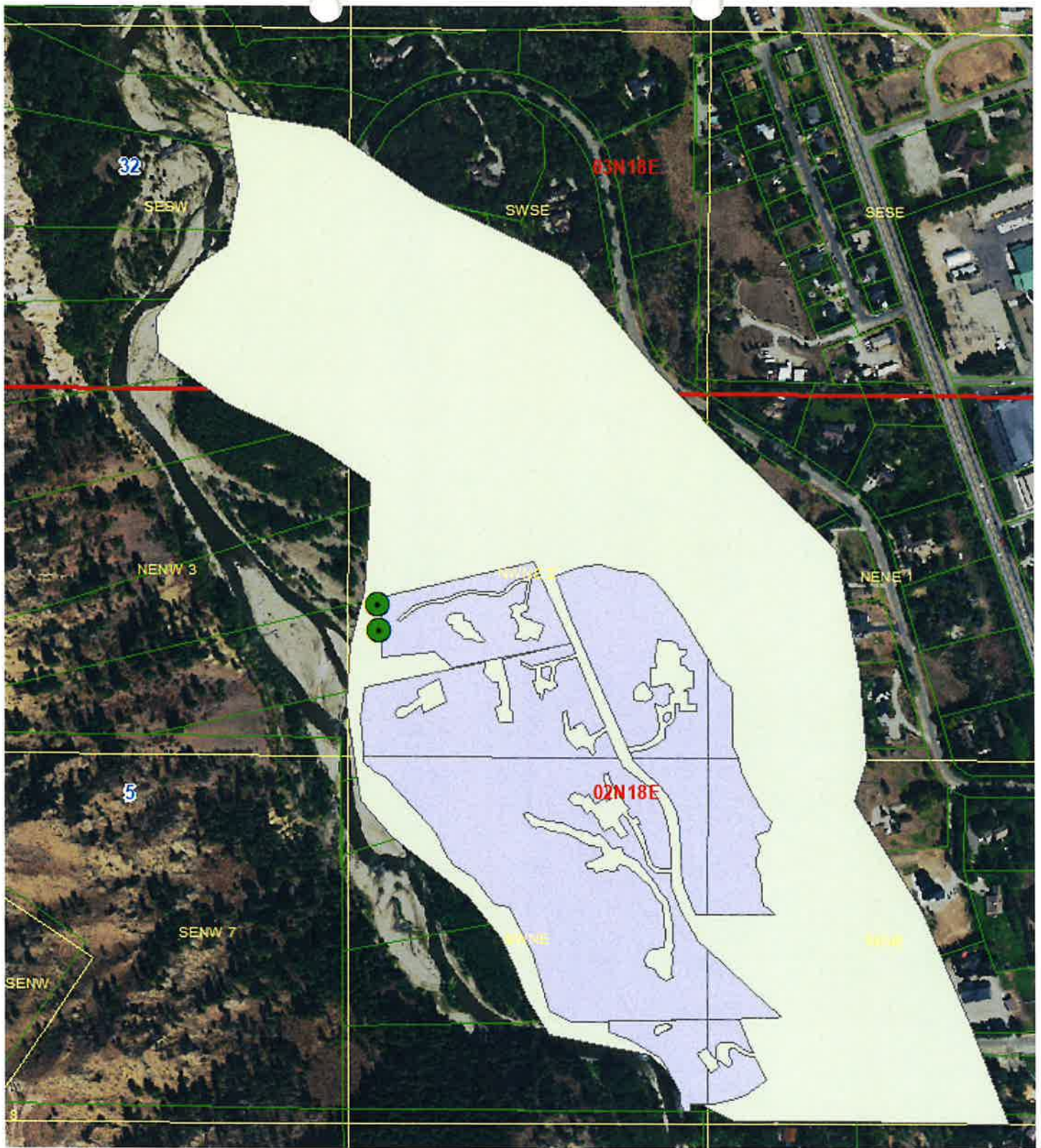
Because of overlapping irrigation rights, the remaining acres available to rent from 35-558 and 37-559 will be reduced more than a simple subtraction of 36.6 acres from the decreed 125.6-acre POU. The rentable portions of 37-558 and 37-559 will be limited to 71.2 acres worth of water.

I have attached a map showing the rental POU shape (purple) and the lease POU shape (mint green). The PODs for the lease and the rental are the two lime green donuts. Please let me know if you have concerns about this package.

Thank you

Michele Edl

208-287-4946





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 11, 2022

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

FILE COPY

Re: Aspen Lakes Canal Co. Lease Application # 2153

Dear Ms. Condon:

Aspen Lakes Canal Co. desires to lease the full portion of irrigation water from water right 37-557 into the water supply bank. Through correspondence with Michele Idl, an additional fee of \$250.00 is required for IDWR to process the lease application #2153.

Please let me know if there is any additional information that you need to process the lease application for 37-557.

Sincerely,

Greg Sullivan, M.S., Engineer

Enc: Brockway Engineering Check # 110926 for \$250.00

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

CHARLES G.
BROCKWAY,
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