

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1533

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

LESSOR: ASPEN LAKES CANAL CO
PO BOX 987
KETCHUM, ID 83340

RECEIVED
JUN 27 2022
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on May 16, 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)
37-557	5/15/1884	GROUND WATER, tributary to BIG WOOD RIVER	1.0	Not stated	125.6
Combined Lease Totals			1.0	Not stated	125.6

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)
37-557	1.0	128	36.6	0.027	3.5
Combined Limit Totals	1.0	128	36.6	0.027	3.5

** The water right elements rentable have been reduced from the water right elements leased to correspond to the analysis provided which separates this right from overlapping rights 37-558 and 37-559.*

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

Minimum Payment Acceptable: Current Rental Rate

WATER SUPPLY BANK LEASE CONTRACT No. 1533

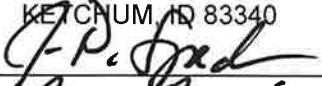
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2022 to December 31, 2026. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water 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. 1533

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

LESSOR: ASPEN LAKES CANAL CO
C/O JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340

By 
Title Reg. Agent
Date 6-23-22

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 6/30/22

Lease approved by IDWR 

Date 6/30/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1533

**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): 37-557

GROUND WATER	L2 NWNE	Sec. 5	Twp 02N	Rge 18E	BLAINE County
GROUND WATER	L2 NWNE	Sec. 5	Twp 02N	Rge 18E	BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-557	IRRIGATION	4/01	to	11/01	1.0 cfs	Not stated
Totals:					1.0 cfs	Not stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5	12 L1	38 L2	23	25	1.6 L3												99.6
03N	18E	32												12			14		26

Total Acres: 125.6

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1533

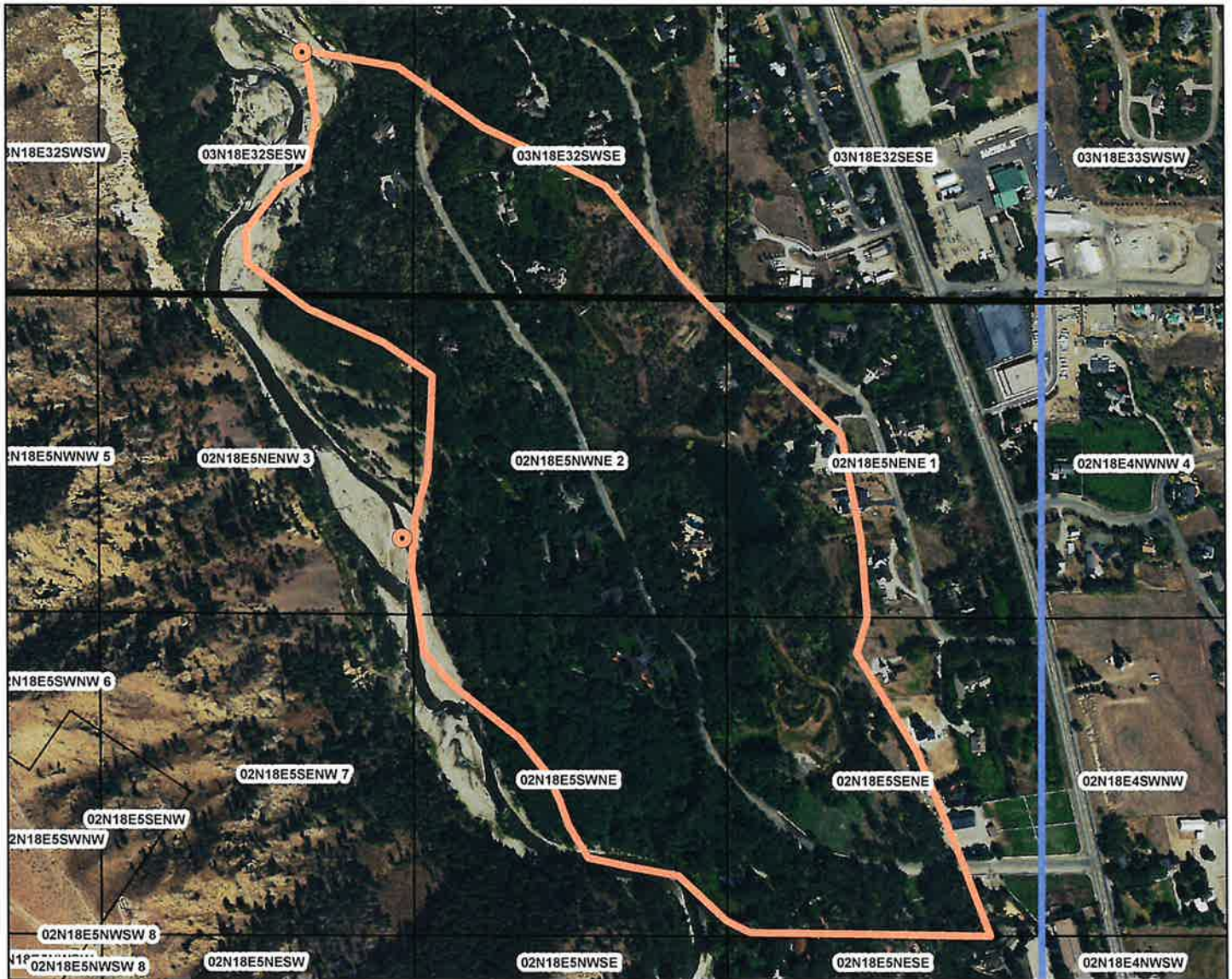
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other 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. Rights 37-557, 37-558 and 37-559 when combined shall not exceed the irrigation of 125.6 acres.
13. This right is limited to the irrigation of 36.6 acres within the authorized place of use in a single irrigation season.
14. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River.
15. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the place of use.
16. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
17. Points of Diversion are located within Lot 33, Flying Heart Ranch #2 Subdivision.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1533

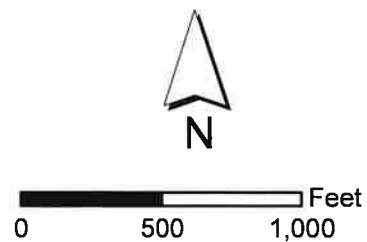
37-557

Effective until December 31, 2026

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

OCT 04 2021

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Aspen Lakes Canal Co.
(Select one owner – see item 1A on the application)

Water Right No. 37-557
(One water right per application)

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

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

MIMUMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment **N/A** **Yes**

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☐ | ☐ | Signatures and contact information for all owners of the water right to be leased or sold on this application. |
| 1B | ☐ | ☐ | An <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>500</u>	Received By: <u>Ku</u>	Date Received: <u>10-4-21</u>	Receipt # <u>C111071</u>
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9:	

2152

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 Aspen Lakes Canal CO

Mailing Address PO Box 987 Ketchum, Idaho 83340

Street City State Zip Code

Email Address jim@speckandaanestad.com

Phone Number (208) 726-4421

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

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

Phone Number 208-736-8543

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

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

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

3. MAP

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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

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

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

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

Existing diversion, mainlines and delivery system.

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

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This water right was decreed 5/2/11 which means this water right needs to be fully utilized this year or leased into the Water Supply Bank to protect it from any forfeiture concerns. There are 36.6 acres that are currently being irrigated.

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

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2022 to 2026 (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

RICHARD PAUL BOSS
Printed Name

9/21/2021
Date

Signature of Authorized Representative

Printed Name

Date

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

State of Idaho
Department of Water Resources

Water Right

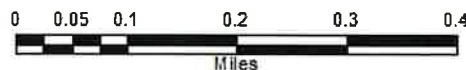
37-557

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.



The USDA, FSA Aerial Photography Field office asks to be credited in derived products.



Legend

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



Date created: 9/21/2021



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 Gary Spackman

July 11, 2022

ASPEN LAKES CANAL CO
PO BOX 987
KETCHUM, ID 83340

**RE: WATER SUPPLY BANK LEASE CONTRACTS 1533 & 1534
FOR WATER RIGHTS 37-557, 37-558 & 37-559**

Dear Lessor:

Water right **37-557, 37-558 & 37-559** was leased into the Water Supply Bank (Bank) as of January 1, 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 rights will automatically be released from the Bank on **December 31, 2026**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region
Water District No. 37
Greg Sullivan



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

June 14, 2022

ASPEN LAKES CANAL CO
PO BOX 987
KETCHUM, ID 83340

**RE: APPLICATION TO LEASE WATER RIGHTS 37-557, 37-558 & 37-559 TO THE WATER SUPPLY
BANK CONTRACT 1533 & 1534**

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right 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.

The right will automatically be released from the Bank on **December 31, 2026**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:
"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Greg Sullivan

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/pdocsquery/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.

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

	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

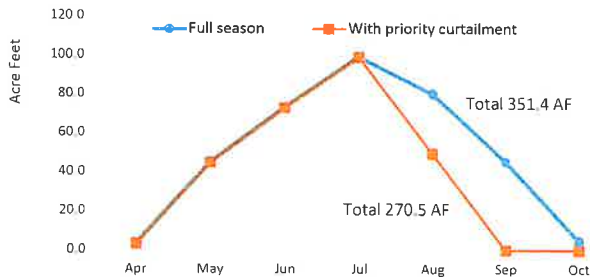
	CFS
37-557	1.00
37-558	2.00
37-559	3.60
	6.60

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

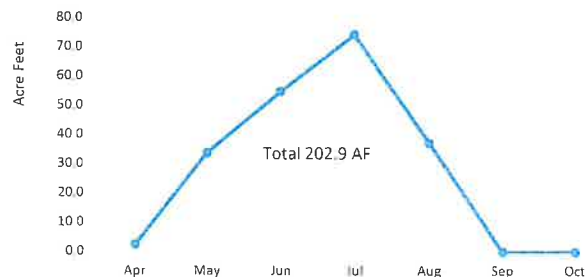
	Median Curtailment Date	Acre Feet Available With Curtailment
37-557	Aug-21	59.5
37-558	Aug-2	119.0
37-559	Jul-28	214.2
		392.7

	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

Aspen Lakes CC Diversion Volume Baseline 125.6 Acres

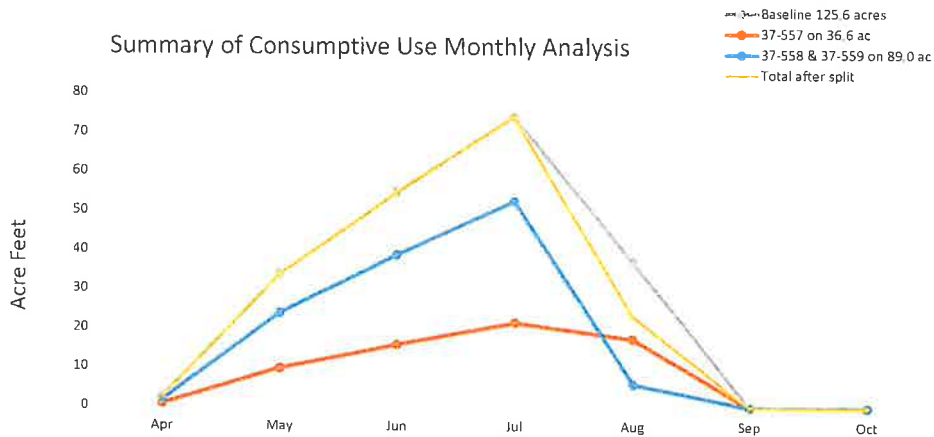


Aspen Lakes CC Cons. Use Volume Baseline 125.6 Acres



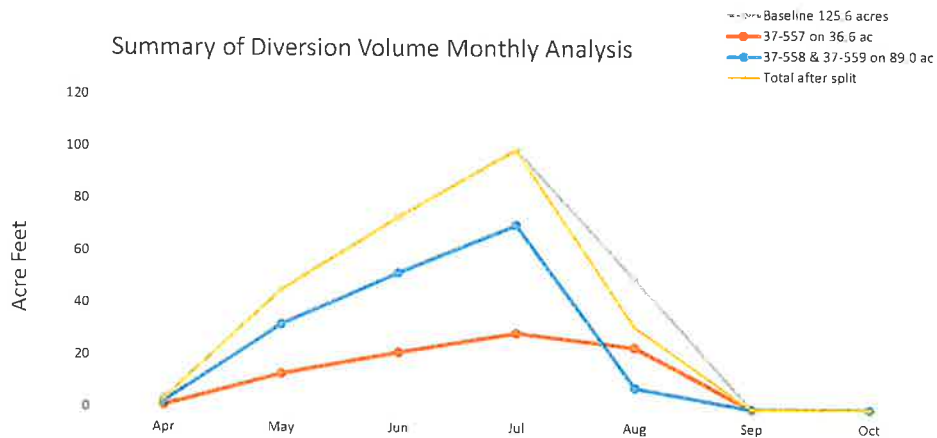
Summary of Results - Consumptive Use

		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 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

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.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 16 2022

DEPARTMENT OF
WATER RESOURCES

May 11, 2022

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

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 # 16976 for \$250.00

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

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

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FAX: 736•8506

Margheim, Kris

From: Condon, Mary
Sent: Wednesday, May 11, 2022 4:30 PM
To: Margheim, Kris
Cc: Edl, Michele
Subject: FW: Aspen Lakes Canal Co

Kris,

A check for lease application for WR 37-557 will be coming in for Aspen Lakes Canal Co. for 2022-2026. Original application ID was 2152.

Thank you,
Mary

From: Edl, Michele <Michele.Edl@idwr.idaho.gov>
Sent: Wednesday, May 11, 2022 4:24 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: FW: Aspen Lakes Canal Co

Greg will have a \$250 check in the mail tomorrow morning. I told him to send it to your attention.

From: Edl, Michele
Sent: Wednesday, May 11, 2022 3:39 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Aspen Lakes Canal Co

Mary,

Here's what I came to see you about:

I have reviewed lease and rental requests for this entity. They act on WR# 37-557, 37-558, and 37-559. The rental request is for only one of the 3 rights, 37-557. Greg Sullivan, the consultant, has provided an argument which I discussed with him this morning and so I can track through it. In essence the oldest right is severed from the two more junior rights. Rights 37-558 and 37-559 will be leased into the WSB and available for others to rent. Only 37-557 will be a lease-rental. And I believe that it would be easier to work with if 37-557 is a separate lease. The other two rights can be on the same, maybe lower priority lease.

If you have heartburn with this, let me know asap. Otherwise I will process just 37-557 as I have described.
Michele