

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 503

RECEIVED

MAY 26 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

SV FAMILY PROPERTIES LLC
PO BOX 6729
KETCHUM, ID 83340-6729

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)
37-22019	3/29/1961	GROUND WATER	0.47	82.3	23.5	0.02	3.5
Rental Totals			0.47	82.3	23.5	0.02	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, 2025. 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 2021, whichever occurs last.

Annual Rental Fee:

2021 - 2022: \$1,646.00 annually
2023 - 2025: \$1,892.90 annually

The full fee for the rental of the above-described right(s) is \$1,646.00 per year for years 2021 - 2022 and \$1,892.90 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$164.60 per year for years 2021 - 2022 and \$189.29 per year for years 2023 - 2025.

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	0.47	82.3	23.5	0.02	3.5

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 503

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:

F. Webb
Signature of Renter

5-20-21
Date

Frank Dulich
Printed Name

Manager
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 5/26/21

Rental approved by IDWR *Phonon*

Date 5/26/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 503

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec. 19, Twp 04N, Rge 18E,	BLAINE County
GROUND WATER	NESW	Sec. 19, Twp 04N, Rge 18E,	BLAINE County
GROUND WATER	NESW	Sec. 19, Twp 04N, Rge 18E,	BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.47 CFS

VOLUME
82.30 AF

SEASON OF USE

Water Right No.	From	To
37-22019	4/15	10/31

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	
04N	18E	19									20			3.5					23.5

Total Acres: 23.5

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. When the minimum stream flow water rights in the Big Wood River at the Hailey Gage are not being satisfied, the renter shall cease diverting water authorized by this rental agreement. Minimum stream flow water rights 37-7919 and 37-8307 are for a combined total of 189 cfs.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. 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.
12. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 503

Effective until December 31, 2025

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 1,000 Feet



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

NOV 05 2020

DEPARTMENT OF
WATER RESOURCESApplicant Name: SV Family Properties

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)

~~Any~~

37-22019

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant SV Family Properties

Mailing Address P.O. Box 6729 Ketchum, ID 83340

Street City State Zip Code

Email Address _____ Phone Number 208-720-6001

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 Zach Latham Professional Title Hydrologist

Organization Brockway Engineering PLLC Relationship to Applicant Consultant

Mailing Address 2016 Washington St. North Twin Falls, ID 83301

Email Address zach.latham@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**:
- Applicant seeks to irrigate acreage on the property.

- 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)
0.47 CFS	82.3 AF	0.47 CFS	82.3 AF	23.5 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?	
5/15/20	7/1/20	☐ 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 well provides irrigation water to rental area through a buried pressurized irrigation 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
Existing Well	Ground Water	None.

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 23.5 (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.

N/A.

- 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:

Historically, irrigation water has been delivered to the applicant's property from the City of Ketchum.

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)
Any	Available	GW	Right			0.47	82.3	23.5
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	0.47 CFS	82.3 AF	23.5 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**:

N/A.

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**:

N/A.

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:

N/A.

- 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:

N/A.

- 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.

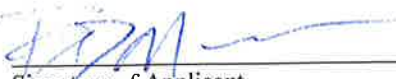
N/A.

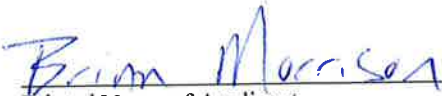
- D. Additional Information

Applicant seeks to rent any available ground water right for irrigation on applicant's property.

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


Printed Name of Applicant


Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

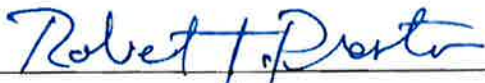
AUTHORIZATION

KNOW ALL MEN BY THESE PRESENTS:

SV FAMILY PROPERTIES, LLC, ("SVFP") a limited liability company, does hereby authorize and appoint **BRIAN MORRISON**, ("Brian") as its agent to file on its behalf, any and all applications and to execute on its behalf any and all documents necessary for filings with the Idaho Department of Water Resources, and further agree that all such actions taken on its behalf by Brian pursuant to this Authorization shall be binding upon SVFP.

Facsimile and/or email transmission of any signed original, and the retransmission of any signed facsimile and/or email transmission shall be deemed the same as delivery of the original. SVFP may terminate this Authorization at any time by written notice to Brian of such termination.

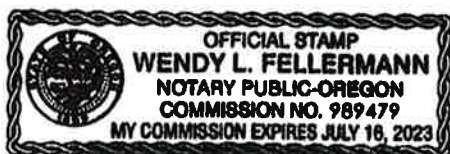
Dated this 13 day of November, 2020.


Robert J. Preston, Manager

STATE OF Oregon)
County of Multnomah) ss.

On this 13 day of November, 2020, before me, a Notary Public for said County and State, personally appeared **Robert J. Preston**, known or identified to me, to be the Manager of **SV Family Properties, LLC**, and the person who executed the foregoing instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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




NOTARY PUBLIC FOR Oregon
Residing at Portland



Adding 3rd POD — updated map:
received in email
from Zach Latham
on March 10
-D. Betts

SV FAMILY PROPERTIES

WSB RENTAL

NAIP 2019 AERIAL

Legend

-  Rental PODs
-  Rental POU- 23.5 Acr.



0 100 200 400 Feet

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 3/10/2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 28, 2021

SV FAMILY PROPERTIES
PO BOX 6729
KETCHUM, ID 83340-6729

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-22019, AGREEMENT 503**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,646.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 82.3 acre-feet of water for irrigation of 23.5 acres during 2021. 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.

Pursuant to the Water Supply Bank Rules, 90% or \$1,481.40 of the rental fee will be paid to the lessor(s) and 10% or \$164.60 will be retained by the Department to offset administrative costs.

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. C110439
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
State Water District No. 37
Zach Latham – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 12, 2021

SV FAMILY PROPERTIES LLC
PO BOX 6729
KETCHUM, ID 83340-6729

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-22019 AGREEMENT 503

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 \$1,646.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 82.3 acre-feet.

Please send a check for \$1,646.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$1,481.40 of the rental fee will be paid to the lessor(s) and 10% or \$164.60 will be retained by the Department to offset administrative costs.

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

c: IDWR Front Desk
Zach Latham – Brockway Engineering

Water Supply Bank Rental Agreement No. 503

To: Water Right 37-22019

From: Dave Betts

Date: May 11, 2021

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: SV Family Properties ("applicants") submitted an application to rent water on Nov. 5, 2020. The applicants are seeking to irrigate 23.5 acres on their property. The applicants state that the City of Ketchum has previously provided municipal water for the irrigation of these acres.

The proposed lease is for five (5) years, requesting a diversion rate of 0.47 cfs and a diversion volume of 82.3 AF per year for the irrigation of the 23.5 acres. The diversion rate and diversion volume are equivalent to the irrigation standards per acre for this area.

The applicants are proposing to use existing wells on the property as the points of diversion for the rental. The application was submitted with a single point of diversion (POD). On Nov. 18, 2020, Zach Latham, Brockway Engineering, provided the Department (IDWR) with GIS shapefiles for the proposed place of use (POU) and two proposed PODs. A third POD was requested and identified in an updated PDF map, provided by Latham on March 10, 2021.

On March 16, I discussed the two additional PODs with Zach Latham. These PODs are in the SWNESW of Section 19, Township 4 N, Range 18 E. The Department does not have records for wells in those locations. Latham said that the applicants have described the two additional PODs as shallow sumps. Latham also said that the applicants are aware that an approved rental does not authorize the construction of a well, and that measuring devices may be required by the water district.

On April 16, I emailed Latham asking if the proposed PODs were already constructed, and if any of the PODs are associated with existing water rights. Latham replied on April 28, and confirmed that the two sumps and the well are already existing, and provided some additional details on their construction and use.

The sumps are approximately 16 feet deep. Latham said that the northern sump is not currently being used, but the southern sump is in use associated with water right 37-8860. I did not find a water right associated with the northern sump. The location of the southern sump provided by Latham corresponds with the location of the POD for 37-8860 as illustrated in maps in the back file for the water right. IDWR's GIS shapefile for the POD (and the associated WMIS for right 37-8860) appear to be in the incorrect location compared to the information in the back file and from Latham. IDWR's shapefile is located in the correct quarter-quarter, which is the same quarter-quarter as the information from Latham and the maps in the back file.

Latham said that the well that is a proposed POD has metal tag number D0062076, but is not associated with a water right. Latham stated that the well has been used as a point of diversion for a previous rental. The Application for Drilling Permit lists "37-4414 Water Bank" for the Water Right Permit No. and the application identifies irrigation as the proposed use. This use of

water right 37-4414 appears to be associated with Rental Agreement no. 98 (City of Ketchum). I have not identified any additional water uses associated with this well besides Rental Agreement no. 98.

AUTHORITY TO FILE: The application was signed by Brian Morrison. At the request of review staff, the applicants provided a notarized document confirming Mr. Morrison's authority to sign on behalf of the applicants. The document was submitted via email from Zach Latham of Brockway Engineering. Authority is not a concern.

WATER RIGHT VALIDITY: Review staff selected leased water right 37-22019 to provide water for this application to rent. Water right 37-22019 was reviewed and leased to the Bank in January, 2021. Validity of the leased water right is not a concern at this time.

INJURY TO OTHER WATER RIGHTS: The proposed points of diversion for the application to rent, and the point of diversion for the leased water right are within the Galena Ground Water District. The Department's ground water models of the Wood River Valley suggest that ground water resources are hydrologically connected to surface water flows in the Big Wood River. For similar transfers of water from Hailey upstream to Ketchum, the models predict that 100% of the impact of the transfer of water will occur on the reach between Hailey and Ketchum. In order to prevent injury to other water rights, the use of the rented water will be curtailed when minimum stream flows for the Big Wood River are not being met at the Hailey gaging station, as described by water rights 37-7919 and 37-8307.

ENLARGEMENT OF USE: The leased water right is an irrigation right authorized for the standard rate of diversion per acre and the standard volume per acre for this area. The acres to be idled for the leased water right will continue to receive water provided by municipal rights. The irrigation of the leased acres from municipal rights has not been identified as an enlargement of use of the leased right. Enlargement is not a concern.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: On February 11, I sent a request for comments from Regional Staff and Water District 37. Neither replied to the request.

Betts, David

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Wednesday, April 28, 2021 11:02 AM
To: Betts, David
Cc: charles.g.brockway@brockwayeng.com
Subject: RE: Request for more information on proposed PODs (SV Family Properties - Rental App. 1799)
Attachments: IMG_3076.jpg; IMG_3077.jpg; Southern Sump 2.jpg; Southern Sump.jpg

David-

I am sorry for the delay, here are my responses to your questions. Please give me a call or email if you need further clarification.

1. Yes, these sumps are existing. I believe they are approximately 16' deep. The southern sump is in use associated with 37-8860, the northern sump is not currently being used (pictures attached).
2. Yes, there is a well tag on the third point of diversion, the existing well. The tag number is D0062076 (pictures attached). There are no water rights appurtenant to the well, but in the past, the City of Ketchum has allowed some use under the well through a WSB lease/rental of one of their rights.

Thanks again for your time and attention to this matter, we really appreciate it.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c. 208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

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: Betts, David [mailto:David.Betts@idwr.idaho.gov]
Sent: Friday, April 16, 2021 3:34 PM
To: Zach Latham
Subject: Request for more information on proposed PODs (SV Family Properties - Rental App. 1799)

Hello Zach,

I need some additional information regarding the proposed points of diversion (PODs) for the rental application from SV Family Properties (App no. 1799).

Two of the PODs have been described as shallow sumps. Are these sumps already existing? Do you have information on their construction and how deep they are? Are there existing uses from these sumps?

The Department has record of a few wells in the same quarter-quarter as the proposed PODs. Is there a well tag on the third point of diversion? Do you know which water rights or other uses divert from the well that the applicants propose for use?

Please let me know if there is any additional information about these points of diversion that may be helpful to describe the applicants' proposed use.

Rental Application 1799 - SV Family Properties (2021)
Proposed Point of Diversion from Well D0062076



Proposed Point of Diversion – "Southern Sump" – POD for WR 37-8860



Betts, David

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Wednesday, March 10, 2021 4:58 PM
To: Betts, David
Cc: charles.g.brockway@brockwayeng.com; b@alterisx.com
Subject: RE: Application to Rent - SV Family Properties - Potential Limitations
Attachments: SV Family Properties- Updated WSB Rental Map 2021-3-10.pdf

David-

Thanks again for your patience. SV Family Properties would like to proceed with a 5-year rental of 37-22019. Attached is an updated map with the requested points of diversion, I can send you the shapefile and associated files if you need them for processing.

Thank you for your time and please let us know when the rental contract goes out for signature.

Zach Latham

Hydrologist
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c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

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: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Monday, March 08, 2021 9:16 AM
To: 'Betts, David'
Cc: charles.g.brockway@brockwayeng.com
Subject: RE: Application to Rent - SV Family Properties - Potential Limitations

David-

As was the case with our other client, I am waiting on a response here in order to determine how to proceed. I appreciate your explanation and willingness to assist. I am hoping to be able to get back to you in the next few days with an answer.

Thanks again-

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
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t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

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: Betts, David [mailto:David.Betts@idwr.idaho.gov]
Sent: Tuesday, March 02, 2021 9:38 AM

To: zach.latham@brockwayeng.co

Subject: Application to Rent - SV Family Properties - Potential Limitations

Hello Zach,

There is a water right that could potentially provide for all 23.5 acres of the rental request from SV Family Properties (Rental application no. 1799). Leased water right 37-22019 belongs to the City of Hailey, and is available through 2025. There are some potential limitations to the use of this right, which I discuss below. For water rights that may not have the same limitations, a search from last week found less than six acres of irrigation for rent for the 2021 irrigation season.

There are concerns with respect to the use of 37-22019 because of the distance between the leased point of diversion (POD) and the proposed PODs for the rental. The Water Resource Board typically asks that a proposed rental has no impact on their minimum stream flow rights on the Big Wood River (water rights 37-7919 and 37-8307). The expected conditions for approval would limit the use of the rental to the times when the minimum stream flows are being met at the Hailey gaging station.

August, September, and October are the most common months of the irrigation season when the minimum stream flows are NOT being met. There are some years when at least some water is available during these months. Whether there is water available may depend on a combination of the annual snow pack, and the groundwater demand in the area.

If the applicants are okay with the potential restrictions on the use of the rental, I can continue to process the application using water right 37-22019.

If the applicants would rather not be restricted by the minimum stream flows, I could complete the search for nearby leases. As I said above, these leases may not satisfy the total number of acres nor the number of years for the proposed rental.

Please let me know how the applicants would like to proceed with their application.

--
Dave Betts

Senior Water Resource Agent

Idaho Department of Water Resources

(208) 287-4826

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DEPARTMENT OF
WATER RESOURCES



BROCKWAY
ENGINEERING
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Hydraulics

Hydrology

Water Resources

November 3rd, 2020

Mr. Remington Buyer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Supply Bank Rental Request; SV Family Properties.

Dear Remington,

On behalf of SV Family Properties, Brockway Engineering is submitting a five year water supply bank rental application for rental of any available ground water right for use on the SV Family Properties property. The proposed POD associated with this rental application is an existing well on the applicant's property.

Please copy our office on all correspondence regarding this water supply bank rental application. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Shirley D. Latham on behalf of

Zach Latham, M.S., Hydrologist

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

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

Enclosures: (1) Water Supply Bank Rental Application
(1) Water Supply Bank Rental Map

Cc: Mr. Brian Morrison
Mr. Gary Slette

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WASHINGTON
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1799