

JUN 29 2020

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 438

This is to certify that:

ROBERT C ROOT
PO BOX 2562
KETCHUM, ID 83340

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)
37-22822	9/1/1885	GREENHORN CREEK	0.09	5.6	1.6	0.06	3.5
37-2644E	11/16/1989	GROUND WATER	0.02	3.5	1.0	0.02	3.5
Rental Totals			0.11	9.1	2.6	0.04	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until October 31, 2024. 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 2020, whichever occurs last.

Annual Rental Fee:

2020 - 2022: \$182.00 annually
2023 - 2024: \$209.30 annually

SUPPORT DATA

IN FILE #

37-2644E

The full fee for the rental of the above-described right(s) is \$182.00 per year for years 2020 - 2022 and \$209.30 per year for years 2023 - 2024. The rental fee includes an administrative fee of \$18.20 per year for years 2020 - 2022 and \$20.93 per year for years 2023 - 2024.

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	0.02	3.5	1.0	0.02	3.5
Total	0.02	3.5	1.0	0.02	3.5

* The authorized water usage reflects a reduction from the water right elements rented, to account for authorized rental diversions from only the ground water right, 37-2644E.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 438

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.

Donna M. Bartholomew
Signature of Renter

June 22, 2020
Date

Donna M. Bartholomew
Printed Name

Personal Representative
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 7/21/20

Rental approved by IDWR T. Humes

Date 7/21/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 438

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec. 3, Twp 03N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.02 CFS

VOLUME
3.5 AF

SEASON OF USE

Water Right No.	From	To
37-2644E	4/15	10/31
37-22822	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	
03N	18E	3											1.0						1.0

Total Acres: 1.0

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. This agreement does not authorize the construction of a well.
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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 438

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. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 438

Effective until December 31, 2024

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



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



0 500 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK**

RECEIVED

DEC 11 2019

DEPARTMENT OF
WATER RESOURCESApplicant Name: Robert C. Root

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)

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Robert C. Root

Mailing Address PO Box 2562 Ketchum, ID 83340

Street City State Zip Code

Email Address RCR1957@gmail.com Phone Number 312-259-0300

- 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 Suite #4 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 an additional 1.0 acre on 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)
0.02 CFS	3.5 AF	0.02 CFS	3.5 AF	1.0 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/20	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):

Buried pressurized irrigation system provides irrigation water to property.

- 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
Domestic 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 1.0 (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:

None. Applicant seeks to irrigate an additional 1.0 acre on property.

**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)
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			
						CFS	AF	AC

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

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

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:
Please see previously approved IDWR rental agreements (2015 through 2017 and 2018 through 2019) for the
irrigation of an additional 1.0 acre on behalf of applicant.

- 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:
Applicant will consider transfer of a water right should one become available.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☒ No ☐

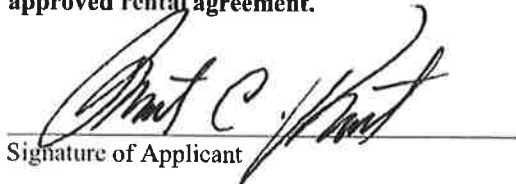
If yes, describe the date and location of the NOV.
NOV E2014-701.

- D. Additional Information

Applicant seeks the rental of any available ground water right for the irrigation of 1.0 acre, for a 5 year duration.

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

ROBERT C. ROOT
Printed Name of Applicant

12-05-19
12-05-19
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



0 75 150 300 Feet

ROBERT C. ROOT
2018-22 WATER SUPPLY BANK RENTAL

BROCKWAY ENGINEERING, PLLC.
ICB - Date: 1/15/2018

NAIP 2015 AERIAL

-  Domestic Well
-  Parcel
- WSB Rental Area**
-  Rental POU 1.0 Ac.
-  Domestic 0.5 Ac.





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

July 22, 2020

ROBERT C ROOT
PO BOX 2562
KETCHUM ID 83340

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-2644E & 37-22822, AGREEMENT 438

Dear Renter:

Please find enclosed a receipt in the amount of **\$182.00** and a copy of a fully executed Water Supply Bank Rental Agreement of 9.1 acre-feet of water for irrigation of 19.5 acres. 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 \$163.80 of the rental fee will be paid to the lessor(s) and 10% or \$18.20 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,


f Water Supply Bank

Enclosures: Receipt No. C108973
Rental Agreement (copy)

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

Bren E. Mollerup, ISB No. 7959
Jeffrey J. Grieve, ISB No. 9822
BENOIT LAW
(BENOIT, ALEXANDER & MOLLERUP, PLLC)
126 2nd Avenue North
P.O. Box 366
Twin Falls, Idaho 83303-0366
Telephone: (208) 733-5463
Fax: (208) 734-1438
Email: mollerup@benoitlaw.com
Email: grieve@benoitlaw.com
iCourt Service Email: benoitlaw@benoitlaw.com
Attorneys for Applicant/Personal Representative

RECEIVED
JUL 21 2020
DEPT OF WATER RESOURCES
via email

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF

ROBERT ROOT a/k/a ROBERT C.
ROOT a/k/a ROBERT CHRISTOPHER
ROOT,

Deceased.

Case No. CV07-20-00231

LETTERS TESTAMENTARY

The Will of Robert Christopher Root having been admitted to informal probate,
Donna M. Bartholomew is hereby appointed Personal Representative of the Estate.

WITNESS: The undersigned Magistrate of the District Court, County of Blaine,
State of Idaho, with the seal of the Court affixed.

Signed: 5/28/2020 12:49 PM

DATED: May 28, 2020


MAGISTRATE JUDGE

LETTERS TESTAMENTARY - 1



STATE OF IDAHO } ss
County of Blaine
I do hereby certify that the foregoing is a
full, true and correct copy of the original
thereof, on file in my office.
IN WITNESS THEREOF, I have hereunto
set my hand and affixed by official seal
this Signed: 5/28/2020 12:58 PM
JOLYNN DRAGE
Clerk District Court

STATE OF FLORIDA)

) ss.
County of Volusia)

I, Donna M. Bartholomew, hereby accept the duties of Personal Representative of the Estate of Robert Root a/k/a Robert C. Root a/k/a Robert Christopher Root, deceased, and do solemnly swear that I will perform, according to law, the duties of Personal Representative of the Estate of Robert Root a/k/a Robert C. Root a/k/a Robert Christopher Root, deceased.


DONNA M. BARTHOLOMEW

SUBSCRIBED AND SWORN to before me this 15 day of May, 2020.


NOTARY PUBLIC
Residing at: 1930 Bayview Ct, Port Orange, FL 32128
My Commission Expires: 06-19-2021



CERTIFICATE OF SERVICE

I hereby certify that on 5/28/2020, I caused a true and correct copy of the foregoing **LETTERS TESTAMENTARY** to be served upon the following attorneys in the following manner:

Bren E. Mollerup
Jeffrey J. Grieve
BENOIT, ALEXANDER, & MOLLERUP, PLLC
P.O. Box 366
Twin Falls, ID 83303-0366

Hand Delivered	☐
U.S. Mail	☐
Fax (208) 734-1438	☐
Electronic Court Filing	☒
benoitlaw@benoitlaw.com	

CLERK OF THE DISTRICT COURT

By  Deputy Clerk Signed: 5/28/2020 12:55 PM

Veibell, Amanda

From: Buyer, Remington
Sent: Friday, June 19, 2020 3:16 PM
To: Hersley, Jean; Veibell, Amanda
Subject: FW: Water Supply Bank delay of Payment

Mr. Root passed away and his attorney will finalize the rental application on his behalf. His daughter contacted Manuel today to request an additional week to get this all wrapped up.

From: Buyer, Remington
Sent: Friday, June 19, 2020 3:15 PM
To: Rauhut, Manuel <Manuel.Rauhut@idwr.idaho.gov>
Cc: Vanessaroot08@gmail.com
Subject: RE: Water Supply Bank delay of Payment

Thank you Manuel. Vanessa, we will hold the rental application open to allow time for Mr. Root's attorney to finalize the rental application process by signing the document and returning it to our office with the payment.

Regards,

Remington

From: Rauhut, Manuel
Sent: Friday, June 19, 2020 3:13 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Vanessaroot08@gmail.com
Subject: Water Supply Bank delay of Payment

Remington –

Ms. Root will have her father's attorney sign the documents, which is the reason for the request for another week to submit the documents and payment until next Friday.
Could you please acknowledge your concurrence (reply all).

Thanks,
Manuel

*Manuel Rauhut, PE
Staff Engineer
Idaho Department of Water Resources
322 E Front St, PO Box 83720
Boise, ID 83720-0098
208-287-4846 (office)*



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

June 3, 2020

ROBERT C ROOT
PO BOX 2562
KETCHUM ID 83340

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-2644E & 37-22822 AGREEMENT 438

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 \$182.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 9.1 acre-feet.

Please send a check for \$182.00 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 \$163.80 of the rental fee will be paid to the lessor(s) and 10% or \$18.20 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,

for Jan Hersley
Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham- Brockway Engineering PLLC

Hersley, Jean

From: Betts, David
Sent: Friday, April 24, 2020 10:47 AM
To: 'watermanager@cableone.net'; Skinner, Corey
Subject: Request for comments on proposed groundwater rental in Basin 37 (Root)
Attachments: MoveMap.pdf; ReviewMemo_Root_438.docx

Hello Kevin and Corey,

The proposed rental from Robert C. Root is a renewal of a previous rental contract (2018-2019). Please let me know if you have any concerns with the proposed rental within 7 days. My review materials are attached.

Thank you for your help,

Dave Betts
Water Resource Agent
Water Rights Section
Idaho Department of Water Resources
322 East Front St
Boise, ID 83720

Phone: (208) 287-4826

MEMORANDUM FOR AGREEMENT No. 438

To: Water Rights 37-2644E & 37-22822

From: Dave Betts

Date: April 16, 2020

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

PURPOSE/NARRATIVE: Robert C. Root submitted an application to rent on December 11, 2019, through a consultant, Brockway Engineering. This is a renewal of a previous rental agreement in 2018, which expired on Dec. 31, 2019. The previous rental and rentals for 2015 - 2017 were in response a 2014 enforcement investigation that found that the applicant had been irrigating 0.9 acres without a water right.

The applicant requests groundwater for the irrigation of 1.0 acre of landscaping around a home.

AUTHORITY TO FILE: Applicant has previously rented at the proposed place of use (POU). No concerns about authority to file.

WATER RIGHT VALIDITY: The water rights proposed for use with this application to rent were decreed through the SRBA in 2010, and have been leased to the Bank since 2015. No concerns at this time.

INJURY TO OTHER WATER RIGHTS: The proposed rental has been assigned the same water rights that were used to fulfill the previous rental contract. The selected rights share a place of use. Regarding the potential injury of the water rights proposed for rental, information from the previous rental review is included below:

Water right 37-22822 authorizes diversions of surface water from Greenhorn Creek for irrigation of up to 5.6 acres of a residential property in Gimlet, and water right 37-2644E augments the Greenhorn Creek water right with irrigation from ground water of up to 3.5 acres within the 5.6 acres. There are no supplemental conditions on water right 37-2644E, and it can therefore be used as a primary water right, provided that a proportionate amount of 37-22822 is also rented.

The distance between the two leased water rights and the rental location is approximately 3 miles and Wood River Valley ground water modeling information suggests that this rental will slightly increase Big Wood River surface water depletions above the City of Hailey but decrease depletions south of Hailey. As such, this rental is permissible, subject to the right of prior appropriators to petition for a modification of the rental, if it can be demonstrated that the rental is causing injury.

ENLARGEMENT OF USE: To reflect the use of the rights that are leased to the Bank, it is proposed that 0.02 cfs and 3.5 afa be rented from water right 37-2644E for irrigation of 1.0 acres. To avoid enlargement in water use, a proportionate amount of water right 37-22822 (0.092 cfs and 5.6 afa for irrigation of 1.6 acres) will be rented with water right 37-2644E.

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: Comments will be requested from Regional staff and the watermaster (WD 37).



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
DEC 11 2019
DEPARTMENT OF
WATER RESOURCES

December 9th, 2019

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 on Behalf of Richard C. Root.

Dear Remington,

On behalf of Robert C. Root, Brockway Engineering is submitting a five year water supply bank rental application for rental of any available ground water right for use on Mr. Root's property. The proposed POD associated with this rental application is an existing domestic well on the Root property. IDWR approved rentals as described under the attached application during 2015 through 2017 and 2018 through 2019.

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,

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. Robert C. Root

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506