

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 12 2020

DEPARTMENT OF  
WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1146**

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

**LESSOR:** THE JONES TRUST  
PO BOX 5900  
NEWPORT BEACH, CA 92662

**SUPPORT DATA**

**IN FILE #**

37-153C

**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 January 13, 2020.
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)
37-153C	9/1/1885	GREENHORN CREEK, BIG WOOD RIVER	0.15	Not Stated	2.7
37-2644D	11/16/1989	GROUND WATER, tributary to	0.02	3.5	1.0
<b>Combined Lease Totals</b>			<b>0.17</b>	<b>3.5</b>	<b>3.7</b>

**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)
37-153C	0.15	9.5	2.7	0.056	3.5
37-2644D	0.02	3.5	1.0	0.020	3.5
<b>Combined Limit Totals</b>	<b>0.15</b>	<b>9.5</b>	<b>2.7</b>	<b>0.056</b>	<b>3.5</b>

*\* The water right elements rentable have been reduced from the water right elements leased, to account for a combined 13.5 acre irrigation limit under water rights associated with the leased rights.*

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.

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**WATER SUPPLY BANK LEASE CONTRACT No. 1146**

**Minimum Payment Acceptable:** Current Rental Rate

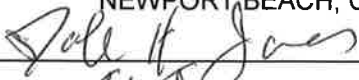
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2020 to December 31, 2020. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water 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  
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**WATER SUPPLY BANK LEASE CONTRACT No. 1146**

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

**LESSOR:** THE JONES TRUST  
PO BOX 5900  
NEWPORT BEACH, CA 92662

By   
Title Trustee  
Date 2/16/2020

**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 03/13/20

Lease approved by IDWR 

Date 03/13/20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1146

**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): 37-2644D**

GROUND WATER      SENENW      Sec. 18      Twp 03N      Rge 18E      BLAINE County

**Source and Location of Point(s) of Diversion for Water Right No(s): 37-153C**

GREENHORN CREEK      NESWNW      Sec. 18      Twp 03N      Rge 18E      BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-2644D	IRRIGATION	04/01	to	11/01	0.02 cfs	3.5 AF
37-153C	IRRIGATION	04/01	to	11/01	0.15 cfs	9.5 AF
<b>Totals:</b>					0.17 cfs	9.5 AF

**PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	18					2.7												2.7

Total Acres: 2.7

**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.

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**WATER SUPPLY BANK LEASE CONTRACT No. 1146**






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. Water right 37-153C when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
13. Place of use is within lot 6, Greenhorn Bench Subdivision.
14. Prior to the diversion of water under water right 37-153C or 37-2644D, a measuring device and lockable controlling works of a type approved by the Department should be installed in a manner that will provide the watermaster suitable control of the diversion
15. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
16. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
17. The unleased portions of Rights Nos. 37-153C, 37-2644C, 37-2644D, 37-2644E, 37-22822, 37-22826 and 37-22827 while lease contracts 1004, 1146 and 1138 are active, are limited to a combined total of 2.2 acres in a single irrigation season.

Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1146

37-153C  
Effective until December 31, 2020

This map depicts the **IRRIGATION 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



0 0.05 0.1 0.2 Miles








Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1146

37-2644d  
Effective until December 31, 2020

This map depicts the **IRRIGATION 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



0 0.025 0.05 0.1 Miles

STATE OF IDAHO  
WATER RESOURCE BOARD

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

RECEIVED

JAN 13 2020

DEPARTMENT OF  
WATER RESOURCESDesignated Applicant The Jones Trust

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

Water Right No. 37-2644D

(One water right per application)

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

Yes ☐ No ☒

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

**MINIMUM REQUIREMENT CHECKLIST**

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

Yes

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

Attachment N/A Yes

- |    |                                     |                                     |  |
|----|-------------------------------------|-------------------------------------|--|
| 1A | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Signatures and contact information for <b>all owners</b> of the water right to be leased or sold on this application.  |
| 1B | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.  |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).   |
| 1D | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 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  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Description of a water right portion offered to the Water Supply Bank.   |
| 3  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .  |
| 4A | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Written consent from irrigation district or water delivery company.  |
| 4G | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 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>500.00</u>	Received By: <u>KM</u>	Date Received: <u>1-13-2020</u>	Receipt # <u>C108223</u>
W-9 received? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	(Route W-9 to Fiscal)	Name on W-9: <u>Dale H Jones</u>	

1614



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 The Jones Trust

Mailing Address PO Box 5900, Newport Beach, CA, 92662

Street City State Zip Code  
Email Address dhj5@aol.com Phone Number (714) 273-4177

☒ 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 James P. Speck Organization Speck & Aanestad, A Professional Corp.

Professional Title attorney Email Address jim@speckandaanestad.com

Mailing Address PO Box 987, Ketchum, ID, 83340 Phone Number (208) 726-4421

☐ 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.

None

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 37-153C

- 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. None - it was leased to the Bank

- 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. It was leased to the Bank

- 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: 2020 to 2020 (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

Dale H. Jones, Trustee

\_\_\_\_\_  
Printed Name

12/17/19  
\_\_\_\_\_  
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**  
**37-2644D**

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.

18E



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

0 0.0125 0.025 0.05 Miles





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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

March 17, 2020

THE JONES TRUST  
PO BOX 5900  
NEWPORT BEACH, CA 92662

RE: **WATER SUPPLY BANK LEASE CONTRACT 1146  
FOR WATER RIGHTS 37-153C, 37-2644D**

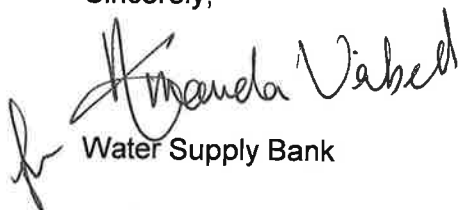
Dear Lessor:

Water rights **37-153C, 37-2644D** were leased into the Water Supply Bank (Bank) as of January 1, 2020, 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, 2020**, 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](http://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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,



for Water Supply Bank

Enclosure: Executed Lease Contract

c: Corey Skinner – IDWR Southern Region  
Jim Speck – Speck and Aanestad  
Kevin Lakey – Water District 37



## **Veibell, Amanda**

---

**From:** James Speck <jim@speckandaanestad.com>  
**Sent:** Tuesday, March 17, 2020 11:11 AM  
**To:** Bank; Veibell, Amanda  
**Cc:** Buyer, Remington  
**Subject:** RE: The Jones Trust Water Supply Bank Lease 1146  
**Attachments:** RE: RE: The Jones Trust Water Supply Bank Lease 1146

Amanda,

Per the e-mail exchange below condition #14 was to be modified and the contract re-sent to my client for signing. Please confirm that will be done and this version can be destroyed. Thank you.

Jim

**From:** Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>  
**Sent:** Tuesday, March 17, 2020 11:05 AM  
**To:** Bank <Bank@idwr.idaho.gov>  
**Subject:** The Jones Trust Water Supply Bank Lease 1146

Good Afternoon.

Please see the attached copy of executed Water Supply Bank Lease 1146 the name of The Jones Trust for your records. The original contract is being mailed to The Jones Trust.

If you have any questions, feel free to contact the Water Supply Bank at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov).

## **Amanda Veibell**

Technical Records Specialist I  
Idaho Dept Water Resources  
PO Box 83720 Boise ID 83720-0098  
208-287-4945

## Ferguson, Justin

---

**From:** James Speck <jim@speckandaanestad.com>  
**Sent:** Wednesday, March 11, 2020 1:45 PM  
**To:** Buyer, Remington; Ferguson, Justin  
**Cc:** Dale; Sherry Jones; Veibell, Amanda  
**Subject:** RE: RE: The Jones Trust Water Supply Bank Lease 1146

Remington,

Your proposal clarifies my clients' responsibilities under the Lease Contract and thus is acceptable. However, it should refer to BOTH leased water rights. The new language would then be "Prior to diversion of water under either water right 37-153C or 37-2644D . . ." Thanks for working with us on this issue.

Jim

-----Original Message-----

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>  
Sent: Wednesday, March 11, 2020 1:39 PM  
To: James Speck <jim@speckandaanestad.com>; Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
Cc: Dale <dhj5@aol.com>; Sherry Jones <ssj127@aol.com>; Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>  
Subject: RE: RE: The Jones Trust Water Supply Bank Lease 1146

Jim,

Inclusion of condition 14 in the lease contract is to assist water users and Water Supply Bank stakeholders with understanding the constraints associated with how water right 37-153C might be rented. If your concern is that the specific text of condition 14 implies that your clients must install a measurement device and controlling works while the lease is active, then the condition could be modified to address your concerns, while still allowing for effective administration of the water right.

The following language seems like it can both maintain the relevancy of the condition, without implying that your clients must rebuild the diversion works for the water right: "prior to the diversion of water under water right 37-153C, a measuring device and lockable controlling works of a type approved by the Department should be installed in a manner that will provide the watermaster suitable control of the diversion." Please advise if you have reservations or objections to this alternative, condition language? If

you do not object to this language, we can reissue the contract with the modified language for signature by your clients.

Regards,

Remington

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]

Sent: Wednesday, March 11, 2020 10:28 AM

To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>

Cc: Dale <dhj5@aol.com>; Sherry Jones <ssj127@aol.com>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Subject: RE: RE: The Jones Trust Water Supply Bank Lease 1146

Justin,

Please reply to my last e-mail below. Thank you.

Jim

-----Original Message-----

From: James Speck

Sent: Monday, March 02, 2020 5:13 PM

To: Ferguson, Justin

Cc: Dale; Sherry Jones; Buyer, Remington; Veibell, Amanda

Justin,

I made this exact same request to Jean Hersley for WSB Lease Contract 1115 for my client Henry Vigil and the condition was readily removed. Regardless of the history of the condition for the water right it makes NO sense whatsoever to require the Jones' to install a measuring device & lockable control works for a water right they, by law, cannot divert and use during the term of the Lease Contract.

Jim

From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
Sent: Monday, March 02, 2020 4:48 PM  
To: James Speck <jim@speckandaanestad.com>  
Cc: Dale <dhj5@aol.com>; Sherry Jones <ssj127@aol.com>; Buyer, Remington  
<Remington.Buyer@idwr.idaho.gov>; Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>  
Subject: RE: The Jones Trust Water Supply Bank Lease 1146

Jim,

It looks like that condition is a standard condition attached to water right 37-153C which is why it was included in the lease. We would not be able to remove the condition unless a transfer was filed to remove it from the right. I am attaching a copy of the previous 2019 lease, it appears that condition was also added on this approval, number 12. From what I found in the water right back file it appears that condition was added during the split into parts A, B, C, and D from the parent right 37-153.

Justin

208-287-4936

From: James Speck [mailto:jim@speckandaanestad.com]  
Sent: Thursday, February 27, 2020 4:07 PM  
To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov <mailto:Amanda.Veibell@idwr.idaho.gov> >  
Cc: Bank <Bank@idwr.idaho.gov <mailto:Bank@idwr.idaho.gov> >; Dale <dhj5@aol.com  
<mailto:dhj5@aol.com> >; Sherry Jones <ssj127@aol.com <mailto:ssj127@aol.com> >

Subject: RE: The Jones Trust Water Supply Bank Lease 1146

Amanda,

Everything looks good except Condition 14 requiring my clients to maintain a measuring device & lockable control works. The entirety of both rights is leased and no such devices are currently in place. They should not have to install these devices which, by law, they can't use during the term of the Lease Contract! Can you correct and resend it? Thank you.

Jim

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov <mailto:Amanda.Veibell@idwr.idaho.gov> >  
Sent: Thursday, February 27, 2020 1:24 PM  
To: James Speck <jim@speckandaanestad.com <mailto:jim@speckandaanestad.com> >  
Cc: Bank <Bank@idwr.idaho.gov <mailto:Bank@idwr.idaho.gov> >  
Subject: The Jones Trust Water Supply Bank Lease 1146

Good Afternoon.

Please see the attached copy of Water Supply Bank Lease Contract 1146 the name of The Jones Trust for your records. The original agreement is being mailed out tomorrow to The Jones Trust for signature.



If you have any questions, feel free to contact the Water Supply Bank at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov)  
<mailto:bank@idwr.idaho.gov> .

Amanda Veibell

Technical Records Specialist I

Idaho Dept Water Resources

PO Box 83720 Boise ID 83720-0098

208-287-4945



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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

February 27, 2020

THE JONES TRUST  
PO BOX 5900  
NEWPORT BEACH, CA 92662

RE: APPLICATION TO LEASE WATER RIGHT 37-153C, 37-2644D TO THE WATER SUPPLY BANK  
CONTRACT 1146

\*\*\*\*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, 2020**, 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

  
Amanda Veibel  
Water Supply Bank

Enclosures: Proposed Lease Contracts  
Receipt # C108223

c. Jim Speck – Speck & Aanestad

## Dalgleish, Alex

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**From:** Skinner, Corey  
**Sent:** Wednesday, February 5, 2020 3:53 PM  
**To:** Dalgleish, Alex  
**Subject:** RE: WSB Lease 1146

No concerns from me.

**From:** Dalgleish, Alex  
**Sent:** Wednesday, February 05, 2020 1:03 PM  
**To:** Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net  
**Subject:** WSB Lease 1146

Corey and Kevin,

I am seeking comment on the proposed lease of rights 37-153C and 37-2644D into the Bank for the 2020 year. Please see the attachments and respond with any comments or concerns within 14 days, by 2/19/2020.

If no response is received, IDWR will assume you do not object to this application.

Thank you,

Alex Dalgleish  
Water Resource Agent  
Phone (208) 287-4913  
[alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov)

## Dalgleish, Alex

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**From:** watermanager@cableone.net  
**Sent:** Wednesday, February 5, 2020 1:59 PM  
**To:** Dalgleish, Alex; Skinner, Corey  
**Subject:** RE: WSB Lease 1146

I have no comments or concerns at this time.

Kevin Lakey  
Water District 37

**From:** Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>  
**Sent:** Wednesday, February 05, 2020 1:03 PM  
**To:** Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net  
**Subject:** WSB Lease 1146

Corey and Kevin,

I am seeking comment on the proposed lease of rights 37-153C and 37-2644D into the Bank for the 2020 year. Please see the attachments and respond with any comments or concerns within 14 days, by 2/19/2020.

If no response is received, IDWR will assume you do not object to this application.

Thank you,

Alex Dalgleish  
Water Resource Agent  
Phone (208) 287-4913  
[alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov)

## Dalgleish, Alex

---

**From:** Dalgleish, Alex  
**Sent:** Wednesday, February 5, 2020 1:03 PM  
**To:** Skinner, Corey; 'watermanager@cableone.net'  
**Subject:** WSB Lease 1146  
**Attachments:** Lease Map 37-153C.pdf; Lease Map 37-2644D.pdf; Lease Review Memo 34-153C & 37-2644D.docx

Corey and Kevin,

I am seeking comment on the proposed lease of rights 37-153C and 37-2644D into the Bank for the 2020 year. Please see the attachments and respond with any comments or concerns within 14 days, by 2/19/2020.

If no response is received, IDWR will assume you do not object to this application.

Thank you,

Alex Dalgleish  
Water Resource Agent  
Phone (208) 287-4913  
[alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov)



JAMES P. SPECK  
jim@speckandaanestad.com

DOUGLAS J. AANESTAD  
(retired)

**SPECK & AANESTAD**  
A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE NORTH  
P. O. BOX 987  
KETCHUM, IDAHO 83340

TELEPHONE  
(208)726-4421  
FACSIMILE  
(208)726-0752

January 9, 2020

***CERTIFIED MAIL - RETURN RECEIPT REQUESTED***

Remington Buyer  
Water Supply Bank Coordinator  
Idaho Department of Water Resources  
322 E. Front St.  
Boise, Idaho 83720-0098

RECEIVED  
JAN 13 2020  
DEPARTMENT OF  
WATER RESOURCES

***Re: The Jones Trust - Applications to Sell or Lease a Water Right  
to the Water Supply Bank  
Water Rights Nos. 37-153C and 37-2644D***

Dear Remington:

Enclosed you will find the *originals* and one copy each of the above-referenced *Applications to Sell or Lease a Water Right to the Water Supply Bank Rights Nos. 37-153C and 37-2644D* accompanied our firm check in the amount of \$500.00 in payment of the Application fees.

Please return the receipt date-stamped copies to me in the postage prepaid self-addressed envelope I have included for that purpose. Please call me right away if you have any questions, comments or concerns. ✓

Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By:   
James P. Speck

Enclosures

cc: Client (w/enclosure - via email)