

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 346

RECEIVED

JUL 18 2019

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

RAYMOND THOMAS GOODRICH
1001 FOREST AVE
PALO ALTO, CA 94301-3031

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) |
|-------------------------------|---------------|-----------------|----------------------|-----------------------|------------|------------------------|-------------------------|
| 37-22826 | 9/1/1885 | GREENHORN CREEK | 0.03 | 1.8 | 0.5 | 0.06 | 3.5 |
| 37-2644C | 11/16/1989 | GROUND WATER | 0.01 | 2.0 | 0.6 | 0.02 | 3.5 |
| Combined Rental Totals | | | 0.01 | 1.8 | 0.5 | 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, 2023. 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 2019, whichever occurs last.

Annual Rental Fee:

2019 - 2022: \$3.60 annually
2023: \$3.54 annually

The full fee for the rental of the above-described right(s) is \$3.60 per year for years 2019 - 2022 and \$4.03 for 2023. The rental fees include administrative fees of \$3.60 per year for years 2019 - 2022 and \$4.03 for 2023.

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 | 0.01 | 1.8 | 0.5 | 0.02 | 3.5 |
| Combined Total | 0.01 | 1.8 | 0.5 | 0.02 | 3.5 |

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 346

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:



Signature of Renter

7/16/19

Date

Raymond Thomas Goodrich

Printed Name

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, Acting Administrator
Idaho Water Resource Board

Date 7/22/2019

Rental approved by IDWR 

Date 7-22-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 346

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

| | | |
|-----------------|----------------------------------|---------------|
| GROUND WATER | Sec. 18, Twp 03N , Rge 18E, SENW | Blaine County |
| GREENHORN CREEK | Sec. 18, Twp 03N , Rge 18E, SWNW | Blaine County |

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.01 CFS

VOLUME
1.80 AF

SEASON OF USE

| | |
|-------------|-----------|
| From | To |
| 4/1 | 11/1 |

RENTERS PLACE OF USE: IRRIGATION

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|-----|----|----|----|-----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 03N | 18E | 18 | | | | | 0.2 | | | | 0.3 | | | | | | | | 0.5 |

Total Acres: 0.5

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. Place of use is Lot 2, Greenhorn Bench Subdivision.
10. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
11. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED *DE*
APR 24 2019
DEPARTMENT OF
WATER RESOURCES

Applicant Name: Raymond Thomas Goodrich

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 | |
| | <input checked="" type="checkbox"/> | Completed <i>Application to Rent Water from the Board's Water Supply Bank</i> |
| | <input checked="" type="checkbox"/> | Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank |
| Attachment | N/A | Yes |
| 2 | <input checked="" type="checkbox"/> | 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 | <input checked="" type="checkbox"/> | <input type="checkbox"/> Detailed information on a proposed use of rental water |
| 3F | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | <input checked="" type="checkbox"/> | <input type="checkbox"/> Water modeling to account for the impacts of the rental request |
| 3J | <input checked="" type="checkbox"/> | <input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

| Department Use Only – Proposed Water Right(s) |
|---|
| 37-22826 |
| 37-2644C |

1407

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Raymond Thomas Goodrich
 Mailing Address 1001 Forest Ave., Palo Alto, CA 94301
Street City State Zip Code
 Email Address tom@dagventures.com Phone Number (650) 322-3569

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 James P. Speck Professional Title attorney
 Organization Speck & Aanestad, A Professional Corp. Relationship to Applicant attorney
 Mailing Address PO Box 987, Ketchum, ID, 83340
 Email Address jim@speckandaanestad.com Phone Number 208-726-4421

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**:

Irrigation of 1 acre in excess of domestic exemption irrigation

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) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 0.04 CFS | 1.8 AF | 0.04 CFS | 1.8 AF | 0.5 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? | |
|--|--|---|-------------------------------|-------------------------------|-------------------------------|--|--|---|
| May 1, 2019 | May 1, 2019 | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> Process application as soon as possible | <input type="checkbox"/> 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):

Pump in creek, mainline, sprinkler 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 |
|-----------------|-----------------|---|
| pum in creek | Greenhorn Creek | none |
| well | ground water | domestic |
| | | |
| | | |

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 0.5 (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.

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes No

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

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

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

| Water Right Elements Leased to Water Supply Bank | | | | | Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent | Water Supply Bank Rental Request | | |
|--|---------------|----------------------|-------------|------------|--|----------------------------------|-------------|------------|
| Water Right Number (leave blank if sub-total of combined limits) | Nature of Use | Diversion Rate (CFS) | Volume (AF) | Acres (AC) | | Diversion Rate (CFS) | Volume (AF) | Acres (AC) |
| 37-22826 | irrigation | 0.17 | N/A | 3.0 | | 0.03 | 1.8 | 0.5 |
| 37-2644C | irrigation | 0.07 | 12.3 | 3.5 | | 0.01 | 1.8 | 0.5 |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| <i>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</i> | | | | | TOTAL | 0.04 | 1.8 | 0.5 |
| | | | | | | 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**:

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:
Same rights rented for past 3 years

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

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

D. Additional Information

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

Raymond Thomas Goodrich
Printed Name of Applicant

4/5/19
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

APPLICATION TO RENT PORTIONS OF 37-22826
& 37-2644C FROM WATER SUPPLY BANK
ATTACHMENT 2





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

August 20, 2019

RAYMOND THOMAS GOODRICH
REBECCA LEA PATTON
1001 FOREST AVE
PALO ALTO CA 94301-3031

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-2644C and 37-22826, AGREEMENT 346**


Dear Renter:

Please find enclosed a receipt in the amount of **\$3.60** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 1.8 acre-feet of water for irrigation of 0.5 acres during 2019. 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, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the rights.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


Water Supply Bank

Enclosures: Receipt No. C107421
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37
James Speck – Speck & Aanestad

Webster, Clay

From: Webster, Clay
Sent: Wednesday, July 31, 2019 7:55 AM
To: 'James Speck'
Cc: 'tom@dagventures.com'
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Jim,

We received the signed lease contract 1004 for Goodrich and Patton and rental agreement 346 without payment. We did not receive lease contract 986.

Thank you for your assistance in this matter,
Clay Webster
Water Rights Supervisor
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, July 10, 2019 1:30 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Webster, Clay <Clay.Webster@idwr.idaho.gov>; Judd, Debbi <Debbi.Judd@idwr.idaho.gov>; 'Tom Goodrich' <tom@dagventures.com>; Rebecca Patton <rebeccap1234@yahoo.com>
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Remington,

Now I understand. Thank you.

Jim

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Wednesday, July 10, 2019 1:11 PM
To: James Speck <jim@speckandaanestad.com>
Cc: Webster, Clay <Clay.Webster@idwr.idaho.gov>; Judd, Debbi <Debbi.Judd@idwr.idaho.gov>; 'Tom Goodrich' <tom@dagventures.com>; Rebecca Patton <rebeccap1234@yahoo.com>
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Jim,

The main differences between the previous rental agreement and the one I emailed you yesterday are that the combined diversion rate for the rental was clarified as limited to 0.01 cfs if water is being diverted under both sources, and, the annual rental payment has been limited to just administrative fees.

If water is only being diverted from Greenhorn Creek, then as much as 0.3 cfs could be diverted for irrigation of 0.5 acres. However, if the creek right will be used with the ground water right, a combined limit condition on the ground water right limits diversions from all sources to no more than 0.02 cfs/acre.

Remington

From: James Speck [<mailto:jim@speckandaanestad.com>]
Sent: Wednesday, July 10, 2019 10:25 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Webster, Clay <Clay.Webster@idwr.idaho.gov>; Judd, Debbi <Debbi.Judd@idwr.idaho.gov>; 'Tom Goodrich' <tom@dagventures.com>; Rebecca Patton <rebeccap1234@yahoo.com>
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Remington,

Thanks for the explanations. Can you point out all of the corrections you made to save me some time comparing the contract & agreement? One point I did see is that the combined diversion rate on the rental agreement is only 0.01 cfs – why is the creek right limited from 0.03 cfs to that amount?

Jim

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Tuesday, July 09, 2019 3:13 PM
To: James Speck <jim@speckandaanestad.com>
Cc: Webster, Clay <Clay.Webster@idwr.idaho.gov>; Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Jim,

All of water rights 37-2644C and 37-22826 have been accepted for lease to the Bank through the recently submitted applications. The lease contract conditions referencing unleased irrigation amounts pertain the combined limited irrigation amounts of water rights 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E which are not under active lease to the Bank (primarily water right 37-22827).

In reviewing today the lease contract and rental agreement, I observed some typos (including the 4.2 afa/ac amount about which you inquired) that have been addressed and corrected in the attached approval documents. Please disregard the prior issued approval documents. Your clients can sign copies of the attached documents and our office can route to you copies of the attached, if required.

Please let me know if you have any further questions.

Thanks,

Remington

From: Judd, Debbi
Sent: Monday, July 8, 2019 10:24 AM
To: James Speck <jim@speckandaanestad.com>
Cc: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Webster, Clay <Clay.Webster@idwr.idaho.gov>
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Jim,

I have forwarded your inquiries to Remington. Clay is out this week for vacation.

Thanks,

Debbi

From: James Speck [<mailto:jim@speckandaanestad.com>]
Sent: Monday, July 08, 2019 10:17 AM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Cc: Rebecca Patton <rebeccap1234@yahoo.com>; 'Tom Goodrich' <tom@dagventures.com>
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Debbi,

I have these questions:

- Conditions 19 & 20 in proposed Lease Contract 1004 restrict the “unleased portions” of the listed water rights. Please confirm that ALL of my clients’ two rights – 37-2644C & 37-22826 – will be leased to the Bank under this contract so that no unleased portion is subject to forfeiture.
- The proposed Rental Agreement 346 lists 4.2 acre-feet/acre as the combined rental total for the 0.5A rented on the two water rights – how do you arrive at this number?

Thanks.

Jim

From: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Sent: Friday, July 05, 2019 10:32 AM
To: James Speck <jim@speckandaanestad.com>
Subject: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Jim,

Please find attached the *Proposed* Lease Contracts and Rental Agreement for Raymond Goodrich.

Thank you and have a great day!

Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov

Buyer, Remington

From: Buyer, Remington
Sent: Tuesday, July 9, 2019 3:13 PM
To: James Speck
Cc: Webster, Clay; Judd, Debbi
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich
Attachments: Lease Contract 1004.pdf; Rental Agreement 346.pdf

Jim,

All of water rights 37-2644C and 37-22826 have been accepted for lease to the Bank through the recently submitted applications. The lease contract conditions referencing unleased irrigation amounts pertain the combined limited irrigation amounts of water rights 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E which are not under active lease to the Bank (primarily water right 37-22827).

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Please let me know if you have any further questions.

Thanks,

Remington

From: Judd, Debbi
Sent: Monday, July 8, 2019 10:24 AM
To: James Speck <jim@speckandaanestad.com>
Cc: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Webster, Clay <Clay.Webster@idwr.idaho.gov>
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Jim,

I have forwarded your inquiries to Remington. Clay is out this week for vacation.

Thanks,

Debbi

From: James Speck [<mailto:jim@speckandaanestad.com>]
Sent: Monday, July 08, 2019 10:17 AM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Cc: Rebecca Patton <rebeccap1234@yahoo.com>; 'Tom Goodrich' <tom@dagventures.com>
Subject: RE: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Debbi,

I have these questions:

- Conditions 19 & 20 in proposed Lease Contract 1004 restrict the “unleased portions” of the listed water rights. Please confirm that ALL of my clients’ two rights – 37-2644C & 37-22826 – will be leased to the Bank under this contract so that no unleased portion is subject to forfeiture.
- The proposed Rental Agreement 346 lists 4.2 acre-feet/acre as the combined rental total for the 0.5A rented on the two water rights – how do you arrive at this number?

Thanks.

Jim

From: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Sent: Friday, July 05, 2019 10:32 AM
To: James Speck <jim@speckandaanestad.com>
Subject: Water Supply Bank Lease Contracts & Rental Agreement Raymond Goodrich

Jim,

Please find attached the *Proposed* Lease Contracts and Rental Agreement for Raymond Goodrich.

Thank you and have a great day!

Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov

MEMORANDUM

To: Water Right No(s). 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E

From: Justin Ferguson and Remington Buyer

Date: July 9, 2019

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: This application was received on April 24, 2019. The applicant wishes to place the entirety of water right numbers 37-2644C and 37-22826 into the Bank. Water right 37-22826 is an 1885 Greenhorn Creek surface water right that authorizes irrigation of 3.0 acres of lot 2 of the Greenhorn Bench Subdivision, in Gimlet. Water right 37-2644C is a ground water right that authorizes irrigation of 3.5 acres, also within lot 2 of the subdivision.

Water rights 37-2644C and 37-22826 share combined limits with water rights 37-2644D, 37-2644E, 37-22822, 37-22827 and 37-153C, which are all located on lots 1, 2, 3 and 6 within the Greenhorn Bench Subdivision. These subdivision lots were platted prior to 1989; Blaine County Assessor Office data indicates a home was constructed on lot 1 in 1970, and homes were built on lots 2 and 6 in 1990 and 1989, respectively. It appears no home has yet been built on lot 3.

As the residential lots were being developed, apparently only Greenhorn Creek surface water irrigation right 37-153 was appurtenant to the subdivision lands. However, on November 16th, 1989, IDWR approved transfers 3515, 3525 and 3526 which relocated portions of ground water right 37-2644 to the subdivision lots, to authorize irrigation as follows:

| Water Right | Location | Diversions Rate | Acres |
|--------------------|-----------------|------------------------|--------------|
| 37-2644C | Lot 2 | 0.07 | 3.5 |
| 37-2644D | Lot 3 | 0.07 | 3.5 |
| 37-2644E | Lot 6 | 0.02 | 1.0 |
| | | 0.16 | 8.0 |

Lot 1 did not receive a portion of transferred water right 37-2644, likely as a result of a permit for ground water right 37-8551 having been submitted to IDWR on September 7, 1989. It is relevant to note that, although water right 37-2644 had a priority date of October 31, 1960, the transfers that authorized the relocation of the above water rights included a condition that the priority date for the transferred water rights should be advanced to the date of the transfer approval.

Fast forwarding twenty years, in September 2010, the SRBA Adjudication Court approved decrees for the above three ground water rights. The court also approved a decree for the portion of surface water right 37-153 appurtenant to lots 1, 2, 3 and 6 (recorded as 37-153C). Each SRBA decree for the four ground water rights included remarks limiting them to a max, combined irrigation of 13.5 acres (the irrigation extent of 37-153C). An additional distinction, although the court decreed that water right 37-153C alone might authorize up to 0.056 cfs/ac for the irrigation of 13.5 acres, the decree also included a remark limiting irrigation to 0.02 cfs/ac if water right 37-153C was to be used with any other water rights. Water rights 37-2644C, D and E all authorize irrigation from ground water at 0.02 cfs/ac.

The present configuration of water right appurtenant to lots 1, 2, 3 and 6 are as follows:

| Water Rights as Recorded on July 9, 2019 | | | | | | | | | | |
|--|---|-----------------|------------|------------|--------------|--------------|--------------|-------------|--------------|--------------|
| Lot | Water Right | Source | Priority | Use | Rate | Vol | Acre Limit | Lot Acres | Rate/AC | Vol/AC |
| 1 | 37-22827 | Greenhorn Creek | 09/01/1885 | Irrigation | 0.120 | | 2.2 | 4.0 | 0.055 | |
| | | | | Irrigation | 0.090 | 10.5 | 3.0 | 4.0 | 0.030 | 3.50 |
| | 37-8551 | Ground Water | 9/7/1989 | Domestic | 0.040 | 0.6 | | | | |
| | | | | | 0.110 | 11.1 | | | | |
| | 37-12304 | Ground Water | 12/31/1948 | Domestic | 0.040 | | | | | |
| Max. Combined Irrigation Use: | | | | | 0.104 | 18.2 | 5.2 | 4.0 | 0.020 | 3.50 |
| 2 | 37-22826 | Greenhorn Creek | 09/01/1885 | Irrigation | 0.170 | | 3.0 | 12.0 | 0.057 | |
| | 37-2644C | Ground Water | 11/16/1989 | Irrigation | 0.070 | 12.25 | 3.5 | 12.0 | 0.020 | 3.50 |
| | Max. Combined Irrigation Use: | | | | | 0.070 | 12.25 | 3.5 | 12.0 | 0.020 |
| 3 | 37-22822 | Greenhorn Creek | 09/01/1885 | Irrigation | 0.320 | | 5.6 | 12.0 | 0.057 | |
| | 37-2644E | Ground Water | 11/16/1989 | Irrigation | 0.070 | 12.25 | 3.5 | 12.0 | 0.020 | 3.50 |
| | Max. Combined Irrigation Use: | | | | | 0.112 | 19.6 | 5.6 | 12.0 | 0.020 |
| 6 | 37-153C | Greenhorn Creek | 09/01/1885 | Irrigation | 0.150 | | 2.7 | 4.0 | 0.056 | |
| | 37-2644D | Ground Water | 11/16/1989 | Irrigation | 0.020 | 3.5 | 1.0 | 4.0 | 0.020 | 3.50 |
| | Max. Combined Irrigation Use: | | | | | 0.054 | 9.45 | 2.7 | 4.0 | 0.020 |
| Max. Combined Irrigation Use: | | | | | 0.340 | 59.5 | 17.0 | 32.0 | 0.020 | 3.50 |
| | Surface water irrigation from what was formerly decreed as WR 37-153C | | | | 0.760 | | 13.5 | | 0.056 | |
| | Ground water irrigation from what was formerly 37-2644 | | | | 0.160 | | 8.0 | | 0.020 | |
| | Not including 37-8551, max irrigation of lots 1, 2, 3 and 6, per combined limit conditions | | | | 0.270 | 47.3 | 13.5 | | 0.020 | 3.50 |
| | Not including 37-8551, max irrigation of lots 1, 2, 3 and 6, per decreed water right elements | | | | 0.280 | 49.0 | 14.0 | | 0.020 | 3.50 |

Based on the above, present, approved elements for the nine water rights appurtenant to the four lots in the subdivision, it appears that as many as 17.0 acres might be irrigated if the water rights were not used in a coordinated fashion. Also of relevance: licensing notes for water right 37-12304 indicate it and 37-8551 share the same domestic use.

AUTHORITY TO FILE: The application was signed by the right holder with power of attorney given to James Speck. No concerns about authority to file.

WATER RIGHT VALIDITY: Water rights 37-22826 and 37-2644C were decreed in 2010 and fully leased to the Bank from 2014 through 2018. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent through the lease alone.

ENLARGEMENT OF USE: As evidenced in the table above, 0.01 cfs, 1.7 af and 0.5 acres needs to be subtracted from the combined irrigation limits of water rights 37-153C, 37-22822, 37-22826, 37-22827, 37-2644C, 37-2644D and 37-2644E. It is not clear how this can or should be accomplished. However, to avoid enlargement in irrigation water use, it is proposed that a condition limiting the rental of water right 37-22826 and 37-2644C to no more than 3.0 acres should be enforced, unless a 0.5 acre irrigation use reduction is certain under one of the other five associated water rights.

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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Watermaster and regional comments were requested.



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 8, 2019

RAYMOND THOMAS GOODRICH
1001 FOREST AVE
PALO ALTO CA 94301-3031

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-2644C and 37-22826, AGREEMENT 346

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 **\$36.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 1.8 acre-feet. Since you are both the lessor and the renter of the rights, **you are only obligated to pay the 10% administrative fee or \$3.60.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$3.60 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


James Speck
Water Supply Bank

Enclosure

c: IDWR Front Desk
James Speck – Speck & Aanestad

MEMORANDUM

To: Water Rights 37-22826 & 37-2644C
From: Justin Ferguson
Date: June 3, 2019
Re: Water Supply Bank Rental Application 1004

PURPOSE/NARRATIVE: This rental is a continuation of previous rentals by the applicant for the same place of use. By lease, water rights 37-22826 and 37-2644C have been fully deposited into the Bank and a portion of the leased extent of the water rights are being rented back from the Bank, by the right holders themselves. The applicants wish to irrigate around their residence but the POU for their rights do not allow for irrigation in that area.

AUTHORITY TO FILE: Staff have no concerns, the application was submitted by the owners of the property with James Speck as their attorney.

WATER RIGHT VALIDITY: The water rights to be rented are valid and authorized for rental.

INJURY TO OTHER WATER RIGHTS: No injury is apparent as the PODs are going to be the same as the existing water rights.

ENLARGEMENT OF USE: The previous rental application added conditions to the agreement to avoid enlargement. Combined limit conditions on these two water rights (and their sibling water rights: 37-153C, 37-2644D, 37-2644E, 37-22822 and 37-22827) constrain total irrigation under all rights to a maximum of 13.5 acres (from surface and ground water sources), with a maximum diversion rate of 0.02 cfs/ac and 3.5 afa/ac, if water is being diverted from more than one source/right.

To avoid enlargement, it is necessary to acknowledge the condition limiting irrigation to a maximum of 13.5 acres under these rights and their five sibling water rights. In recognizing that the sibling water rights authorize irrigation of 10.5 acres, only 3.0 acres can be irrigated under one or both of these water rights, regardless of the source. While there is a domestic ground water right appurtenant to the property, it is not authorized for irrigation and is limited to in home use only. Total irrigable area is limited to 3.0 acres consistent with the leased areas, however the applicant only wishes to rent 0.5 acres.

It also appears that the applicant is able to divert from either surface or ground water and a condition of 0.02 cfs/ac and 3.5 afa/ac are being applied to this rental, limiting total instantaneous diversions to 0.01 cfs and annual diversion volumes of 1.8 afa for irrigation.

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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Watermaster and regional comments will be requested.

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
(retired)

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KETCHUM, IDAHO 83340

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

April 22, 2019

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

RECEIVED
APR 24 2019
DEPARTMENT OF
WATER RESOURCES

Re: Applications to Lease Water Rights 37-1217, 37-22826 and 37-2644C to the Water Supply Bank and Application to Rent a Portion of Water Right 37-2644C from Water Supply Bank

Dear Remington:

Enclosed you will find the *original* and one copy each of the above-referenced Applications to Lease Water Rights from the Water Supply Bank. Also enclosed is an Application to Rent a portion of Water Right 37-2644C from the Water Supply Bank. The Applications for that last water right are companion Applications. All of the Applications are filed by Raymond Thomas Goodrich as the Designated Applicant. Last, I have also enclosed Rebecca Lea Patton's check to the State of Idaho Water Resource Board in the amount of \$750.00 to cover the fees for the three Lease Applications.

Please receipt date-stamped the copies and return them to me in the postage prepaid self-addressed envelope I have included for that purpose. Call me right away if you have any questions or comments about these Applications.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Raymond Thomas Goodrich (w/enclosures)