

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED WATER SUPPLY BANK RENTAL AGREEMENT No. 304

RECEIVED
JUL 02 2019
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

NORTH FORK RANCH LLC
HC 64 BOX 8008
KETCHUM, ID 83340-9702

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)
37-2168B	1/22/1910	OREGON CREEK tributary to the BIG WOOD RIVER	0.08	11.9	3.4	0.024	3.5
Combined Rental Totals			0.08	11.9	3.4	0.024	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: \$238.00 annually
2023: \$273.70 annually

The full fee for the rental of the above-described right(s) is \$238.00 per year for years 2019 - 2022 and \$273.70 for 2023. The rental fee includes an administrative fee of \$23.80 per year for years 2019 - 2022 and \$27.37 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.

Detailed water right conditions are attached.

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED WATER SUPPLY BANK RENTAL AGREEMENT No. 304

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

JUNE 30, 2019

Date

NICHOLAS E. THOMSON

Printed Name

MANAGER, REFRACTION VENTURES LLC.;
MANAGER, NORTH FORK RANCH, LLC.

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 7/2/2019

Rental approved by IDWR



Date 7-2-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 304

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

OREGON CREEK SWNW Sec. 10, Twp 05N, Rge 17E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.08 CFS

VOLUME
11.9 AF

SEASON OF USE

Water Right No. **From** **To**
37-2168B 5/1 10/01

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	
05N	17E	10			2.6											0.8			3.4

Total Acres: 3.4

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 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 lands above.
10. Use of water under this agreement will 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 rental agreement is within State Water District No. 37.
11. The rental place of use is located within Lot 1, Block 1 of the North Fork Subdivision.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 304

Effective until December 31, 2023

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 1,000 Feet



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 304

RECEIVED

MAR 22 2019

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

CHRIS FLANIGAN
HC 64 BOX 8028
KETCHUM, ID 83340

JACKIE FLANIGAN
HC 64 BOX 8028
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)
37-2168B	1/22/1910	OREGON CREEK tributary to the BIG WOOD RIVER	0.080	11.90	3.40	0.024	3.50
Combined Rental Totals			0.080	11.90	3.40	0.024	3.50

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.

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Detailed water right conditions are attached.

SUPERCEDED

SCANNED
MAR 26 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 304

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

3/19/19
Date

Chris Flanigan
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 3/27/2019

Rental approved by IDWR 

Date 3-27-2019

SCANNED
MAR 28 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 304

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

OREGON CREEK SWNW Sec. 10, Twp 05N, Rge 17E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.08 CFS

VOLUME
11.90 AF

SEASON OF USE

Water Right No. **From** **To**
37-2168B 5/1 10/01

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	
05N	17E	10			2.6											0.8			3.4

Total Acres: 3.4

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.
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11. The rental place of use is located within Lot 1, Block 1 of the North Fork Subdivision.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 304

Effective until December 31, 2023

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 1,000 Feet

SCANNED
MAR 28 2019



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 19 2018

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: Chris and Jackie Flanigan

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)

37-2168B

2168B

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Chris and Jackie Flanigan

Mailing Address HC 64 Box 8028, Ketchum, ID 83340

Street City State Zip Code

Email Address chrisflanigan@mac.com Phone Number 208-725-5980

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 _____ Professional Title _____

Organization _____ Relationship to Applicant _____

Mailing Address _____

Email Address _____ Phone Number _____

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**:

We desire to rent water to irrigate 3.4A of pasture land for grazing horses

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)
0.08 CFS	AF	0.08 CFS	AF	3.4 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?	
05/01/2019	05/10/2019	☐ 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):

Infiltrator collection & pipeline transmission, pond, pump from pond to underground sprinkler 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
Infiltrator pipe	Oregon Gulch Creek	37-2168A, 37-2168B & 37-2168C

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 3.4 (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)
37-2168B	irrigation	0.23		9.1		0.08		3.4
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.08		3.4
						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**:

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:
Rented same water right portion 2014 - 2018. No water right for sale that can be moved to our land.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?
If yes, describe:

Yes ☐ No ☒

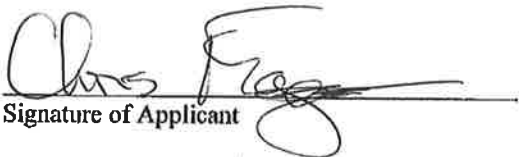
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV?
If yes, describe the date and location of the NOV.

Yes ☐ No ☒

- 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

Chris Frangione
Printed Name of Applicant

9/17/18
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



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 3, 2019

NORTH FORK RANCH LLC
HC 64 BOX 8008
KETCHUM ID 83340-9702

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-2168B, AMENDED AGREEMENT 304**

Dear Renter:

Please find enclosed a copy of a fully executed *Amended* Water Supply Bank Rental Agreement in connection with the rental of 11.9 acre-feet of water for irrigation of 3.4 acres during 2019. Upon receipt of this fully executed *amended* agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

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

Sincerely,


Water Supply Bank

Enclosures: *Amended* Rental Agreement (copy)

c: James Speck – Speck & Aanestad



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 25, 2019

NORTH FORK RANCH LLC
HC 64 BOX 8008
KETCHUM ID 83340-9702

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-2168B, AMENDED AGREEMENT 304**

*****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 Amended Rental Agreement for your review and signature.** Upon signature and return of the original *amended* agreement, the Department will also sign the original *amended* agreement and return an executed copy to you. Execution of the *amended* agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the *amended* agreement.

A rental fee of \$238.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 11.9 acre-feet. The rental fee for 2019 has been paid.

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

Sincerely,

Water Supply Bank

Enclosure

c: James Speck – Speck & Aanestad

Webster, Clay

From: James Speck <jim@speckandaanestad.com>
Sent: Monday, June 24, 2019 9:27 AM
To: Webster, Clay
Cc: Nick Thomson
Subject: RE: WSB Rental Agreement No. 304

Clay,

Yes, that's the correct address. Will you now send the amended rental agreement to my client to sign?

Jim

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

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Sent: Monday, June 24, 2019 9:08 AM
To: James Speck <jim@speckandaanestad.com>
Subject: RE: WSB Rental Agreement No. 304

Jim,

Could you verify your client's address for me? The contact information we have for your client is;

NORTH FORK RANCH LLC
HC 64 BOX 8008
KETCHUM ID 83340-9702

The rental agreement in place authorizes the irrigation at the rental location and has been paid up through the 2019 irrigation season. I had this amendment identified to be generated toward the end of the irrigation season. Thanks for your help with this.

Sincerely,
Clay Webster
Water Rights Supervisor
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)

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

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Friday, June 21, 2019 4:04 PM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Nick Thomson <nick.thomson@kinshipcapital.com>; Chris Flanigan (chrisflanigan@mac.com) <chrisflanigan@mac.com>
Subject: RE: WSB Rental Agreement No. 304

Clay,

Please reply to my e-mail below. How soon can you issue the amended WSB rental agreement for my client to sign?
Please also confirm that you received the rent for 2019. Thanks.

Jim

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

From: James Speck

Sent: Monday, June 10, 2019 12:20 PM

To: Clay Webster (clay.webster@idwr.idaho.gov)

Cc: Nick Thomson; Chris Flanigan (chrisflanigan@mac.com)

Clay,

My client, North Fork Ranch LLC, has now closed its purchase of property from Chris Flanigan et al. Attached is a copy of the recorded Warranty Deed. Parcel 1 is the POU for the use of water pursuant to this Rental Agreement. Le me know what else you may need to transfer it to my client. Thank you.

Jim

James P. Speck

SPECK & AANESTAD

A Professional Corporation

120 East Avenue North

P.O. Box 987

Ketchum, ID 83340

208.726.4421

208.726.0752 (fax)

jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

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Attachment(s): 660524 warranty deed.pdf



PioneerTitleCo.
GOING BEYOND

491 N. Main Street, Suite 102
Ketchum, ID 83340

**ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT**

File No. 679256 /TG

Instrument # 660524

BLAINE, IDAHO
6-23-2019 1:27:33 PM No. of Pages: 3
Recorded for: PIONEER TITLE COMPANY OF BLAINE COUNT
JOLYNN DRAGE Fee: \$15.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

RECEIVED

JUN 10 2019

**DEPARTMENT OF
WATER RESOURCES**

WARRANTY DEED

For Value Received Boweta LLC, a Colorado limited liability company (as to Parcel 1, 3 and 4);
Chris Flanigan and Jackie Flanigan, husband and wife (as to Parcel 2)
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

North Fork Ranch LLC, a Delaware limited liability company
hereinafter referred to as Grantee, whose current address is 160 Greentree Drive, Suite 101 Dover, DE
19904

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 22, 2019

Boweta LLC, a Colorado limited liability company

By:

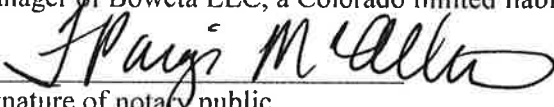
Jacqueline Renee Adams Flanigan
Jacqueline Renee Adams Flanigan, Manager

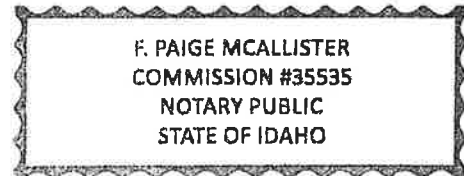
Chris Flanigan
Chris Flanigan

Jackie Flanigan
Jackie Flanigan

State of Idaho, County of Blaine

This record was acknowledged before me on May 28, 2019 by Jacqueline Renee Adams Flanigan, as Manager of Boweta LLC, a Colorado limited liability company.


Signature of notary public
Commission Expires: 1/5/24



State of Idaho, County of Blaine

This record was acknowledged before me on May 28, 2019 by Chris Flanigan and Jackie Flanigan.


Signature of notary public
Commission Expires: 1/5/24

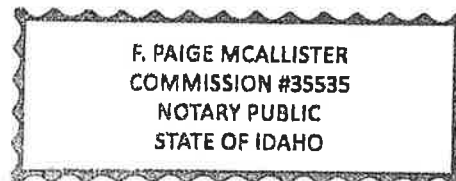


EXHIBIT A

Parcel 1:

Lot 1, Block 1 of Northfork Subdivision, according to the official plat thereof, recorded as Instrument No. 229263, records of Blaine County, Idaho.

Parcel 2:

Lot 3 of North Fork Subdivision First Addition, according to the official plat thereof, recorded on December 5, 2005, as Instrument No. 529595, records of Blaine County, Idaho.

Parcel 3:

Lot 1 of North Fork Subdivision First Addition, according to the official plat thereof, recorded on December 5, 2005, as Instrument No. 529595, records of Blaine County, Idaho.

Parcel 4:

Lot 4 of North Fork Subdivision First Addition, according to the official plat thereof, recorded on December 5, 2005, as Instrument No. 529595, records of Blaine County, Idaho.

Together with any and all water rights appurtenant thereto including, but not limited to, water rights identified on the records of the Idaho Department of Water Resources as Water Right Nos. 37-2168A, 37-2168C, 37-8870, 37-12219, 37-22121 and 37-22125.

RENTER'S PLACE OF USE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	9			2.4												1		3.4
Total Acres:			0.4																

Total Acres: 3.4

NOTES

- [illegible]

UNSURVEYED
SECTION 10
NW 1/4 SE 1/4

UNSURVEYED
SECTION 10
NW 1/4 SW 1/4

UNSURVEYED
SECTION 10
NE 1/4 SW 1/4

UNSURVEYED
SECTION 10
SW 1/4 SW 1/4

Spring Water Rights
No.37-8770
No. 37-22121
No. 37-22125

Oregon Creek Rights
No. 37-2168A
No. 37-2168C

**Groundwater Right
No. 37-12219**

UNSURVEYED
SECTION 10
SE 1/4 SW 1/4

U.S.F.S.
UNPLATTED

U.S.F.S.
UNPLATTED

UNSURVEYED
SECTION 10
NE 1/4
SE 1/4

UNSURVEYED
SECTION 1
SW 1/4
SE 1/4

UNSURVEYED
SECTION 10
SE 1/4
SE 1/4

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PREPARED BY READ-MORE ASSOCIATES, P.A.
P.O. BOX 727 - 100 BELL DRIVE
KETCHIKAN, ALASKA 99901
PHONE (907) 726-6512 FAX (907) 726-6514 EMAIL:readmore@aol.com
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**NORTH FORK SUBDIVISION,
FIRST ADDITION**

UNRECORDED SEC. 12 T34 R 5 E.
BLAKE COUNTY, DAKOTA

PROJECT NO. 07250 : ENG IN : 361 : CRD : 07250LCPD		LANDLOT: 0-522
A MAP REV. 3/09/08 DATE OF SURVEY: 10/1, 2007		DATE: 8 OF 1



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

March 28, 2019

CHRIS FLANIGAN
JACKIE FLANIGAN
HC 64 BOX 8028
KETCHUM ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-2168B, AGREEMENT 304**

Dear Renter:

Please find enclosed a receipt in the amount of **\$238.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 11.90 acre-feet of water for irrigation of 3.4 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, 90% or \$186.83 of the rental fee will be paid to the lessor(s) and 10% or \$51.17 will be retained by the Department to offset administrative costs.

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

Sincerely,


for Water Supply Bank

Enclosures: Receipt No. C106436
Rental Agreement (copy)

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 13, 2019

CHRIS FLANIGAN
JACKIE FLANIGAN
HC 64 BOX 8028
KETCHUM ID 83340

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-2168B, AGREEMENT 304

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 \$238.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 11.9 acre-feet.

Please send a check for \$238.00 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 \$214.20 of the rental fee will be paid to the lessor(s) and 10% or \$23.80 will be retained by the Department to offset administrative costs.

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

Sincerely,


for Water Supply Bank

Enclosure

c: IDWR Front Desk

Buyer, Remington

From: Buyer, Remington
Sent: Monday, February 25, 2019 11:23 AM
To: Skinner, Corey; watermanager@cableone.net
Cc: Webster, Clay
Subject: WSB Rental
Attachments: Rental Agreement.docx; Rental Review Memo.docx; Rental.pdf

Corey, Kevin,

This appears to be a straightforward rental. Please advise if you have any questions, comments or concerns.

Thanks,

Remington

Memorandum

To: Water Rights 37-2168B

From: Remington Buyer

Date: February 25, 2019

Re: Water Supply Bank Rental Application 1176 for Agreement 304

Purpose/Narrative: Application received September 19, 2018, requesting a five year rental of water right 37-2168B, for the irrigation of 3.4 acres of land owned by Chris and Jackie Flanigan.

Authority to File: The rental place of use is owned by Boweta LLC, which, per Blaine County Assessor office property records, features a mailing address "c/o Chris and Jackie Flanigan". The rental point of diversion is also a POD authorized to be used by the Flanigans. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: Water right 37-2168B is in the Bank and valid for rental.

Injury Evaluation: The rental place of use does not feature any specific irrigation water rights. There is minimal distance between the authorized POD for water right 37-2168B and the POD for this rental. No injury is anticipated.

Enlargement of Use: The water right being rented authorizes irrigation of 9.1 with water from Oregon Creek. The rental will authorize irrigation of up to 3.4 acres with water from Oregon Creek. No enlargement is anticipated via this rental.

Local Public Interest: Staff are unaware of any local public interests that would object to this rental.

Beneficial Use/Conservation of Water Resources: Irrigation is a beneficial use. No information indicates the will be issues with the conservation of water resources via this rental.

Department/Watermaster Comments: Comments on this rental will be requested from IDWR Southern Office and Water District 37.

Water Supply Bank Evaluation: Subject to a favorable review by IDWR regional office and water district staff, it is recommended this rental be approved.