

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ORIGINAL IN RED

WATER SUPPLY BANK RENTAL AGREEMENT No. 256

RECEIVED

AUG 08 2018

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

THOMAS W WEISEL TRUST
ONE MONTGOMERY ST STE 3700
SAN FRANCISCO , CA 94104

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)
37-2619	7/22/1959	GROUND WATER	0.020	3.50	1.0	0.02	3.50
37-7926	8/12/1981	GROUND WATER	0.020	2.70	0.9	0.02	3.00
Combined Rental Totals			0.040	6.20	1.90	0.02	3.26

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2022. 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 2018, whichever occurs last.

Annual Rental Fee:

2018 - 2022: \$124.00 annually

The full fee for the rental of the above-described right(s) is \$124.00 per year for years 2018 - 2022. The rental fee includes an administrative fee of \$12.40 per year for years 2018 - 2022.

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	0.04	5.7	1.90	0.02	3.00
Combined Total	0.04	5.7	1.90	0.02	3.00

* The authorized water usage reflects a reduction from the water right elements rented, to account for enlargement concerns.

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 37-2619

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 256

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:

 7/30/18
Signature of Renter Date

Thomas W. Weisel Owner
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  8/8/2018
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board Date

Rental approved by IDWR  8-8-2018
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 256

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec. 12, Twp 04N, Rge 17E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.04 CFS

VOLUME
5.70 AF

SEASON OF USE

Water Right No.	From	To
37-2619	4/15	10/31
37-7926	4/15	10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	12		0.9			1.0												1.9

Total Acres: 1.9

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 rental does not authorize construction of a well.
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 is located within State Water District No. 37.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 256

11. This rental when combined with all other rights, shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.



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

RECEIVED

FEB 22 2018

DEPARTMENT OF
WATER RESOURCESApplicant Name: Thomas W. Weisel Trust by Thomas W. Weisel, Trustee

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)

37-2619

37-7926

1043

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Thomas W. Weisel Trust by Thomas W. Weisel, Trustee
- Mailing Address One Montgomery St., Suite 3700, San Francisco, CA 94104
- Street City State Zip Code
- Email Address tw@stifel.com Phone Number (415) 364-2587
- 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**:
- Residential 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	6.3 AF	0.04 CFS	6.3 AF	1.9 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?	
April 15	May 1	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Existing well & pump, underground residential 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
well & pump	ground water	37-7731

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒

If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 1.9 (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:

Domestic well irrigates 1/2A. Presently irrigate 5.4A, including 0.5A domestic exemption & 3.0A under 37-7731.

Received a notice of violation and need to continue existing irrigation in 2017 while looking for a permanent fix

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)
37-2619	irrigation	0.08	14.0	4.0		0.02	3.5	1.0
37-7926	irrigation	0.03	4.1	1.3		0.02	2.8	0.9
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	0.04	6.3	1.9
						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:

Rented the same water rights in 2015 through 2017. Have not found a water right to purchase and transfer to my property

- 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.

NOV E2014-714 dated December 16, 2014

- 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

Thomas W. Weisel, Trustee

Printed Name of Applicant

1/22/18

Date

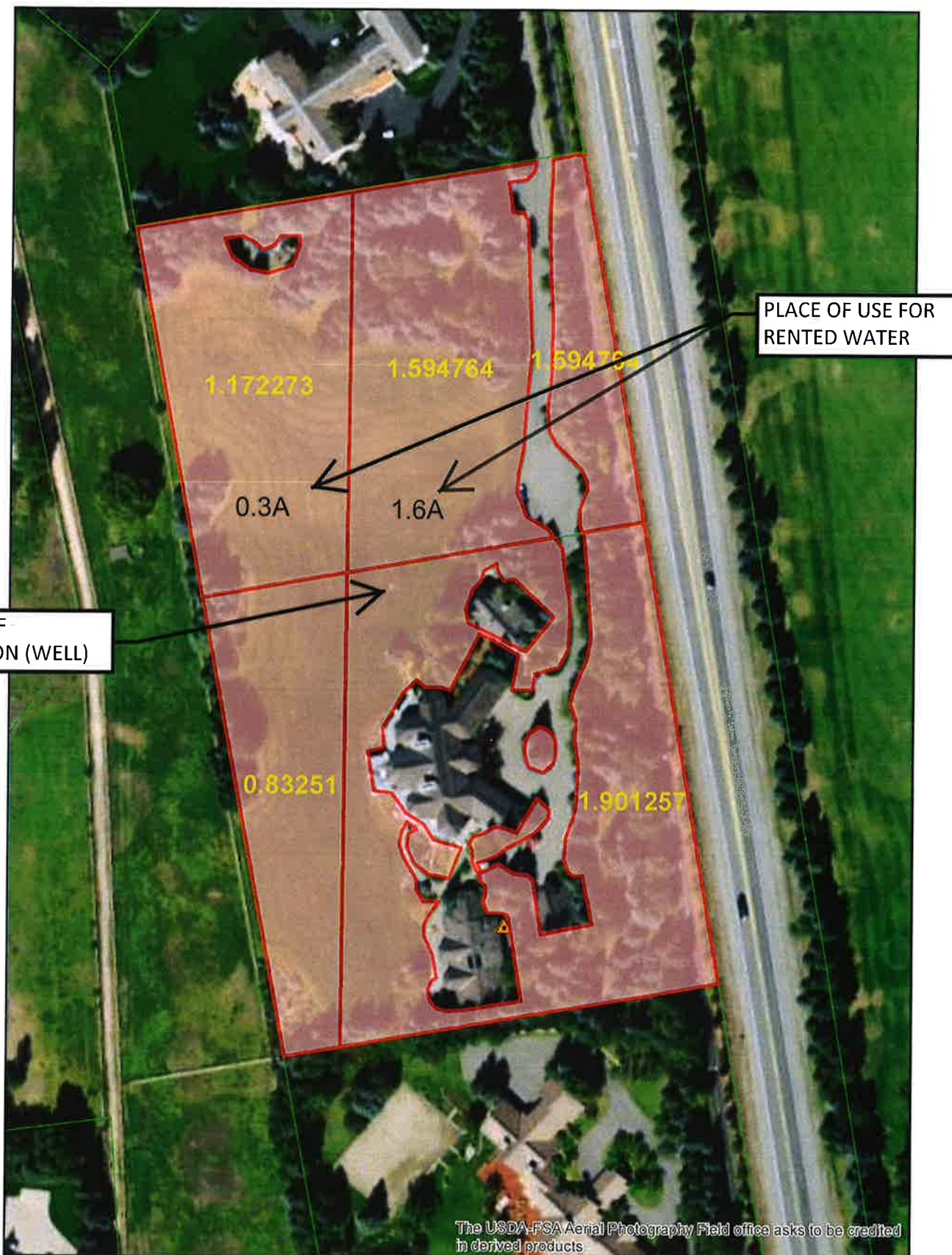
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



THE THOMAS W. WEISEL TRUST - APPLICATION TO
RENT WATER FROM WATER SUPPLY BANK
ATTACHMENT 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2018

THOMAS W WEISEL TRUST
ONE MONTGOMERY ST STE 3700
SAN FRANCISCO CA 94104

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-2619 and 37-7926**

Dear Renter:

Please find enclosed a receipt in the amount of **\$124.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 6.20 acre-feet of water for irrigation of 1.9 acres during 2018. 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 \$111.60 of the rental fee will be paid to the lessor(s) and 10% or \$12.40 will be retained by the Department to offset administrative costs.

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

Sincerely,



Water Supply Bank

Enclosures: Receipt No. C105488
Rental Agreement (copy)

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

RECEIVED

AUG 08 2018

DEPARTMENT OF
WATER RESOURCES

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
(retired)

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

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

August 6, 2018

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

**Re: Thomas W. Weisel Trust, Water Supply Bank Rental Agreement No. 256,
Water Right Nos. 37-2619 and 37-7926**

Dear Remington:

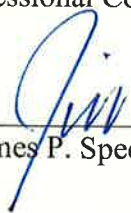
Enclosed you will find duplicate *originals* and a copy of the above-referenced Water Supply Bank Rental Agreement No. 256 accompanied by a check from the Thomas W. Weisel Trust in the amount of \$124.00 in payment of the Annual Rental Fee for 2018.

Please forward the duplicate original, once signed by Brian Patton, directly to the Thomas W. Weisel Trust, One Montgomery Street, Suite 3700, San Francisco, CA 94104, and return the receipt date-stamped copy 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: Thomas W. Weisel Trust (w/enclosure)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 11, 2018

THOMAS W WEISEL TRUST
ONE MONTGOMERY ST STE 3700
SAN FRANCISCO CA 94104

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-2619 and 37-7926**

*****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 \$124.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 6.20 acre-feet.

Please send a check for \$124.00 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 \$111.60 of the rental fee will be paid to the lessors and 10% or \$12.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk
James Speck – Speck & Aanestad

Webster, Clay

From: Keen, Shelley
Sent: Tuesday, July 24, 2018 12:48 PM
To: James Speck
Cc: Webster, Clay
Subject: RE: FW: Water Supply Bank Rental Agreement Weisel

Jim,

From my discussion with Clay, I understand that the two water rights involved in the rental will irrigate separate portions of a 1.9-acre place of use and that the two rights have different annual diversion volume limits per acre. When evaluating the potential for enlargement, each right is evaluated individually. (See WSB Rule 30.01 -- ". . . enlargement of the water right . . .") Unused volume from one water right on an adjacent place of use cannot be applied to enlarge the volume applied to irrigated lands covered by the second water right. Doing so enlarges the number of acres covered by the first right.

The reason to seek additional volume per acre is to enable the successful irrigation of a more water consumptive crop (either a different plant altogether, or more vigorous growth of the same plant). Your statement that the consumptive use is the same regardless of the volume applied is only true when the volume always exceeds what the crop can consume. But if that were the case here, there would be no need for more volume per acre than the water right authorizes.

I recommend evaluating data from ET Idaho to determine whether the volume per acre proposed in the draft rental agreement will suffice for the anticipated crop at the proposed location. If not, maybe rental of more or different water rights would be appropriate.

If you and your client decide to pursue the rental agreement as proposed, a rental fee of \$124.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 6.20 acre-feet. Please send a check for \$124.00 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days. Pursuant to the Water Supply Bank Rules, 90% or \$111.60 of the rental fee will be paid to the lessors and 10% or \$12.40 will be retained by the Department to offset administrative costs. If the signed rental agreement and fee is not received by the department within the 14-day period, the rental application will be returned. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

Regards,

Shelley Keen

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

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, July 23, 2018 4:00 PM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Danielle Goyne (dgoyne@stifel.com) <dgoyne@stifel.com>; Baxter, Garrick <Garrick.Baxter@idwr.idaho.gov>
Subject: RE: FW: Water Supply Bank Rental Agreement Weisel

Clay,

As we discussed I respectfully disagree with the enlargement concern. Regardless of the amount of water applied to the 0.9A allowed to be irrigated by 37-7926, the consumptive use is the same. It's also the same as it was on the place of use for that right which is residential use on a lot in the same subdivision as the Weisel lots.

In addition, the only way additional water can be applied to that 0.9A is if LESS water is applied to the 1.0A irrigated with 37-2619 so there is NO overall enlargement of the two rented water rights.

Jim

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

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Sent: Monday, July 23, 2018 2:30 PM

To: James Speck <jim@speckandaanestad.com>

Subject: RE: FW: Water Supply Bank Rental Agreement Weisel

Jim,

The rental without a limit on the volume would result in an enlargement of the water use under right 37-7926 (which historically was allowed 3.0 af per acre). Allowing the 0.9 acre portion to be irrigated with a volume higher than what was historically applied would constitute an enlargement and allow for a higher more consumptive use under the rental of this right. Limiting the volume of the rental to 3.0 af avoids the spreading of a higher volume of the other right (37-2619) over the 0.9 acre portion of 37-7926. This rental is not a supplemental right, I have removed that verbiage from the agreement. Please see the agreement attached which removed that wording. Thanks

Clay

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

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

Sent: Thursday, July 19, 2018 9:23 AM

To: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Subject: RE: FW: Water Supply Bank Rental Agreements Greenstein, Sinegal & Weisel

Thanks, Clay.

Jim

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

From: Webster, Clay

Sent: Thursday, July 19, 2018 8:20 AM

To: James Speck

Jim,

This is currently in my office for review. I will get an answer to you soon.

Sincerely,

Clay Webster

Water Rights Supervisor

clay.webster@idwr.idaho.gov <mailto:clay.webster@idwr.idaho.gov>

208-287-4910

Idaho Department of Water Resources (IDWR)

From: Judd, Debbi

Sent: Tuesday, July 10, 2018 4:44 PM

To: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Subject: FW: Water Supply Bank Rental Agreements Greenstein, Sinegal & Weisel

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

Sent: Tuesday, July 10, 2018 4:27 PM

To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov <mailto:Debbi.Judd@idwr.idaho.gov> >

Cc: 'Thomas Weisel' <tw@stifel.com <mailto:tw@stifel.com> >; Danielle Goyne (dgoyne@stifel.com <mailto:dgoyne@stifel.com>) <dgoyne@stifel.com <mailto:dgoyne@stifel.com> >

Subject: RE: Water Supply Bank Rental Agreements Greenstein, Sinegal & Weisel

Debbi,

The Greenstein & Sinegal rental agreements are fine and I have authorized them to sign and return the agreements.

I disagree with the reduction of the rented volume for the Weisel agreement. These rented rights do NOT supplement the Weisel right as they irrigate additional lands on the two lots. There was no volume reduction last year for renting the exact same rights. A total of 4.9A will be irrigated under the 3 water rights.

Jim

From: Judd, Debbi <Debbi.Judd@idwr.idaho.gov <mailto:Debbi.Judd@idwr.idaho.gov> >
Sent: Tuesday, July 10, 2018 3:51 PM
To: James Speck <jim@speckandaanestad.com <mailto:jim@speckandaanestad.com> >
Subject: Water Supply Bank Rental Agreements Greenstein, Sinegal & Weisel

Hi Jim,

Please find attached the Proposed Rental Agreements for Jeffrey & Judith Greenstein 37-2619, James Sinegal 37-2619, and Thomas Weisel Trust 37-2619 & 37-7926.

Thank you and have a great rest of your day!

Debbi

Debbi Judd

Technical Records Specialist

debbi.judd@idwr.idaho.gov <mailto: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 <<http://www.idwr.idaho.gov>>

Attachment(s): 2018-2022 WSB rental agreement - proposed.pdf

MEMORANDUM

To: Water Right No: 37-2619 and 37-7926
From: Remington Buyer
Date: May 31, 2018
Re: Review and Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Application received from the Thomas W. Weisel Trust on February 22, 2018, through legal counsel Jim Speck, requesting a rental authorization for irrigation of lands north of the City of Ketchum. The applicant, the Weisel Trust, owns two contiguous parcels, one which is 3.0 acres and another which is 3.7 acres. A residential home has been constructed on the 3.7 acre parcel. Approximately 1.0 acres of the 3.7 acre residential parcel is hardscape, while 0.3 acres of the 3.0 non-residential parcel is hardscape, which results in approximately 2.7 acres of both parcels being irrigable (total irrigable area between both parcels = approximately 5.4 acres).

Water right 37-7731 is appurtenant to both parcels and authorizes irrigation of up to 3.5 acres: 0.5 acres in association with a residential home and 3.0 additional acres. The domestic 0.5 acre irrigation authorization and 2.2 acres of the additional 3.0 acre irrigation authorization fully accounts for irrigation of the 2.7 acres of the residential parcel. The remaining irrigation balance under 37-7731 (0.8 acres) can be applied to the 2.7 irrigable acres in the 3.0 acre non-residential parcel, leaving 1.9 irrigable acres of the non-residential parcel not covered by any water right.

The purpose of this rental is to authorize irrigation of the 1.9 acres not covered by water rights in the non-residential parcel. The applicant has requested to rent portions of water rights 37-2619 and 37-7926, to authorize irrigation of the 1.9 acres, with a desired per-acre diversion rate and volume of 0.02 cfs/acre and 3.3 afa/acre.

AUTHORITY TO FILE: The application was signed by Thomas W. Weisel, trustee of the Thomas W. Weisel Trust. Current taxlot information shows that they are the property owners at the POU and POD.

WATER RIGHT VALIDITY: The application requests to rent portions of water rights 37-2619 and 37-7926, which are valid and leased to the Bank, to supplement water right 37-7731. No concerns about the validity of any of these water rights.

INJURY TO OTHER WATER RIGHTS: Water right 37-7926 authorizes diversions of ground water from a well located 0.2 miles south of the rental location, whereas water right 37-2619 authorizes diversions of ground water from a location south and west of the rental location, within the Warm Springs drainage, where ground water is tributary to Big Wood River surface and ground water flows. Though there is no significant impact anticipated for the movement 0.2 miles north of water right 37-7926 and increased ground water depletions north of Ketchum attributable to the rental of 37-2619 are not anticipated to significantly change surface water flows in the Ketchum to Hailey reach of the Big Wood River. This rental appears permissible, subject to the right of prior appropriators to request that it be modified or cancelled upon a future showing of injury.

ENLARGEMENT OF USE: This rental will authorize irrigation of 1.9 acres not covered by 37-7731, thereby augmenting or supplementing irrigation uses of water under 37-7731. Water right 37-7731 authorizes per-acre diversion rates and volumes of 0.02 cfs/ac and 3.0 afa/ac. Water right 37-7926 also authorizes an equivalent per-acre diversion rate and volume, however water right 37-2619 authorizes a per-acre diversion rate and volume of 0.02 cfs/ac and 3.5 afa/ac. To avoid enlargement in water use under 37-7731, diversions of ground water authorized under 37-2619 will be limited to 3.0 afa/ac.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 37. Comments were requested from the regional office and the watermaster on 2/28/18 and no concerns or objections were expressed.

Buyer, Remington

From: Smith, Rachael
Sent: Monday, March 05, 2018 11:12 AM
To: Buyer, Remington
Subject: FW: WSB lease of water right 37-2619

Regional office comments for WSB lease 37-2619 (Gordon)

From: Skinner, Corey
Sent: Monday, March 05, 2018 11:07 AM
To: Smith, Rachael <Rachael.Smith@idwr.idaho.gov>
Subject: RE: WSB lease of water right 37-2619

No issues for me.

From: Smith, Rachael
Sent: Tuesday, February 27, 2018 3:45 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Subject: WSB lease of water right 37-2619

Corey and Kevin,

Attached are a review memo and map for a WSB lease application in Basin 37. This has been leased in the past. Please let me know if you have any comments or concerns.

Thank you,

Rachael

Buyer, Remington

From: Smith, Rachael
Sent: Wednesday, February 28, 2018 9:45 AM
To: Buyer, Remington
Subject: FW: WSB lease of water right 37-2619

Water master comments for lease of WR37-2619

From: Kevin Lakey [mailto:watermanager@cableone.net]
Sent: Wednesday, February 28, 2018 8:28 AM
To: Smith, Rachael <Rachael.Smith@idwr.idaho.gov>
Subject: RE: WSB lease of water right 37-2619

Rachael,
I have no concerns or comments at this time.

Kevin Lakey
Water District 37

From: Smith, Rachael [mailto:Rachael.Smith@idwr.idaho.gov]
Sent: Tuesday, February 27, 2018 3:45 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Subject: WSB lease of water right 37-2619

Corey and Kevin,

Attached are a review memo and map for a WSB lease application in Basin 37. This has been leased in the past. Please let me know if you have any comments or concerns.

Thank you,

Rachael

MEMORANDUM

To: Water Right No: 37-2619 and 37-7926
From: Rachael Smith
Date: February 28, 2018
Re: Review and Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: This application was received from Jim Speck on behalf of Thomas W. Weisel Trust on February 22, 2018. It proposes to rent 0.04 cfs, 6.3 af to irrigate 1.9 acres at the NENE and NWNE of sec 12 Twp 4N, Rge 17E. This will be in addition to the 3 acres of irrigation and ½ acre of irrigation under the domestic portion authorized under WR 37-7731. They acquired a rental to cover 1.8 acres from the same water rights in 2016 and 1.9 acres in 2017.

AUTHORITY TO FILE: The application was signed by Thomas W. Weisel, trustee of the Thomas W. Weisel Trust. Current taxlot information shows that they are the property owners at the POU and POD.

WATER RIGHT VALIDITY: The application proposes to rent water rights 37-2619 and 37-7926. Water right 37-2619 has a portion leased into the WSB as lease/rental packages. This right was decreed in 2010. The same portions have been leased into the bank since 2015. 37-7926 had a portion leased into the WSB as lease/rental packages. This right was decreed in 2010. The same portions of this right were leased into the bank since 2015. This rental was one of the packages for both of these rights. There are no forfeiture concerns.

INJURY TO OTHER WATER RIGHTS: This rental will have a shared POD with water right 37-7731 which also has a diversion rate of 0.02 cfs. No injury is expected.

ENLARGEMENT OF USE: This rental will authorize irrigation of 1.9 acres which is not covered by 37-7731. The rental will not overlap with other rights. The rental will be limited to the rates and volumes per acre defined on the leased water right. No enlargement is anticipated.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 37. Comments were requested from the regional office and the watermaster on 2/28/18.

RECEIVED

FEB 22 2018

DEPARTMENT OF
WATER RESOURCES

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

February 20, 2018

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

Re: William B. and Debra Gordon - Application To Lease A Portion of Water Right 37-2619;
Kiril Sokoloff - Application to Lease A Portion of Water Right 37-7926
Jeffrey & Judith Greenstein - Application To Rent A Portion of Water Right 37-2619;
James D. Sinegal - Application To Rent A Portion of Water Right 37-2619;
Thomas W. Weisel Trust - Application To Rent A Portion of Water Right 37-2619 and a portion of Water Right 37-7926; and
Damo, LLC - Application To Rent a Portion of Water Right 37-7926

Dear Remington:

Enclosed you will find the original and a copy of each the above-referenced companion Lease and Rental Applications. All of the Applications request a term of five (5) years. I have also enclosed my firm's check in the amount of \$500 payable to the Department for the \$250 filing fee for the Gordon Application to Lease and the \$250 filing fee for the Sokoloff Application To Lease.

Please receipt date-stamp all of the copies and return them 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 about these companion Water Supply Bank Applications.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures
cc: Clients w/encl.