

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 13 2018

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 251

This is to certify that:

OTIS BOOTH RESIDENCE TRUST
C/O LYNN BOOTH CO-TRUSTEE
10431 BELAGIO RD
LOS ANGELES, CA 90077

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)
37-7059	3/11/1970	GROUND WATER	0.040	7.30	5.60	0.007	1.30
37-20900	1/6/1975	GROUND WATER	0.066	22.10	6.30	0.010	3.48
Combined Rental Totals			0.106	29.40	11.90	0.009	2.45

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2020. 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 - 2020: \$588.00 annually

The full fee for the rental of the above-described right(s) is \$588.00 per year for years 2018 - 2020. The rental fee includes an administrative fee of \$58.80 per year for years 2018 - 2020.

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	0.106	18.60	5.30	0.020	3.5
Combined Total	0.106	18.60	5.30	0.020	3.5

* The authorized water usage reflects a reduction from the water right elements rented, to account for a concentration of the total diversion rate onto 5.3 acres, with a maximum per-acre diversion volume of 3.5 afa/ac.

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 37-7059

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 251

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:

Lynn A. Booth
Signature of Renter

7-9-18

Date

Lynn A. Booth
Printed Name

Co-Trustee

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By Brian Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date

7/13/2018

Rental approved by IDWR

Clay West

Date

7-13-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 251

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec. 7, Twp 03N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.106 CFS

VOLUME
18.6 AF

SEASON OF USE

Water Right No.	From	To
37-7059	4/15	10/31
37-20900	4/15	10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	7	5.4																5.4

Total Acres: 5.4

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 partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
10. Rental does not authorize construction of a well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 251

11. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement
12. Water rights being rented, 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 above lands.
13. Use of water under this agreement will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
14. A measuring device of a type approved by the Department shall be maintained as part of the diverting works.
15. Diversions of ground water under this rental agreement are authorized contingent on non-injury to prior appropriations. This rental may be modified or cancelled upon a showing that the use of water authorized under this rental may be causing injury to prior appropriators.



Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2020

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



-  Rental Place of Use
-  Rental Point of Diversion
-  Townships
-  PLS Sections
-  Quarter Quarters



0 250 500 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

MAR 12 2018

DEPARTMENT OF
WATER RESOURCES

Applicant Name: The Otis Booth Residence Trust c/o Lynn Booth; Co-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)

37-7059

37-8153

1057

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant The Otis Booth Residence Trust c/o Lynn Booth; Co-Trustee

Mailing Address 10431 Bellagio Road, Los Angeles, CA 90077

Street City State Zip Code

Email Address office@boothoffice.com Phone Number 310-471-2575

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Zach Latham Professional Title Hydrologist

Organization Brockway Engineering PLLC Relationship to Applicant Consultant

Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301

Email Address zach.latham@brockwayeng.com Phone Number 208-736-8543

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Proposed 3 year rental is for irrigation use under 37-7059 and 37-8153 at applicant's property.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.11 CFS	19.6 AF	0.11 CFS	19.6 AF	9.7 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/18	8/1/18	☐ 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):

Water is conveyed to rental POU through buried pressurized 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
Domestic Well	Ground Water	None.

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

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

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

- ☒ Irrigation 9.7 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

N/A

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

No other irrigation water rights are appurtenant to the proposed rental POU.

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)
37-7059	Irrigation	0.04	7.3	5.6		0.04	7.3	5.6
37-8153	Irrigation	0.08	15	5.0		0.07	12.3	4.1
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	0.11	19.6	9.7
						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**:

Applicant seeks to rent 5.6 acres of 37-7059 for 2.0 acres and 4.1 acres of 37-8153 for 3.3 acres of physical land.

Low diversion rate (37-7059 and 37-8153) requires rental of additional acres in order to apply 0.02 cfs per acre.

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

N/A.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
See previous 2015, 2016 and 2017 WSB rental approvals.

- 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 ☒

N/A.

- 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 E2014-691, Dated 11/24/2014.

- D. Additional Information

This WSB Rental application seeks to rent 9.7 acres for the physical irrigation of 5.3 acres on the property.

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

Lynn Booth
Printed Name of Applicant

2/26/18
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
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.



USDA-FSA-APFO Aerial Photography Field Office

0 50 100 200 Feet

OTIS BOOTH RESIDENCE TRUST WATER BANK RENTAL MAP

NAIP 2017 AERIAL

ATTACHMENT #2

BROCKWAY ENGINEERING, PLLC.
ICB - Date: 3/5/2018

- POD
- Trust property
- Domestic Exemption
- 37-7059 rental area
- 37-8153 rental area





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 16, 2018

OTIS BOOTH RESIDENCE TRUST
C/O LYNN BOOTH CO-TRUSTEE
10431 BELAGIO RD
LOS ANGELES CA 90077

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-7059 and 37-20900**

Dear Renter:

Please find enclosed a receipt in the amount of **\$588.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 29.40 acre-feet of water for irrigation of 5.4 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 \$529.20 of the rental fee will be paid to the lessor(s) and 10% or \$58.80 will be retained by the Department to offset administrative costs.

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

Sincerely,



Water Supply Bank

Enclosures: Receipt No. C105363
Rental Agreement (copy)

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



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 9, 2018

OTIS BOOTH RESIDENCE TRUST
C/O LYNN BOOTH CO-TRUSTEE
10431 BELAGIO RD
LOS ANGELES CA 90077

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-7059 and 37-20900**

*****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.

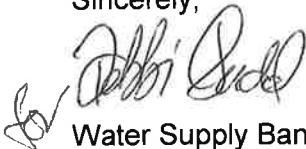
A rental fee of \$588.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 29.40 acre-feet.

Please send a check for \$588.00 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 \$529.20 of the rental fee will be paid to the lessor(s) and 10% or \$58.80 will be retained by the Department to offset administrative costs.

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

Sincerely,



Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham – Brockway Engineering

Memorandum

To: Water Rights 37-7059 and 37-8153

From: Remington Buyer

Date: May 14, 2018

Re: Water Supply Bank Rental Application 1057

Purpose/Narrative: This rental application was received on March 12, 2018 from Lynn Booth, who is co-owner of a residential property associated with five parcels in Blaine County, located in Gimlet, halfway between Hailey and Ketchum. The applicant has requested a rental authorization to irrigate 5.3 acres of their residential property. Approximately 0.5 acres of the property is hardscaped while a creek runs across the northern two parcels (total acreage for creek is approximately 0.2 acres) and a domestic ground water right authorizes irrigation of 0.5 acres, which leaves a remaining balance of approximately 5.4 irrigable acres, which is effectively the acreage that the applicant has requested to rent.

The applicant has filed the rental application through a consulting-engineer representative, Brockway Engineering, and they have requested to rent water rights 37-7059 and 37-8153 to satisfy their rental request. The requested portion of water right 37-7059 is available to be rented from the Bank, however water right 37-8156 is not available to be rented and water right 37-20900 will be rented instead.

Authority to File: The property is co-owned by Lynn Booth. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The water rights requested to be rented, 37-7059 and 37-20900, are valid and leased to the Bank.

Injury Evaluation: Water right 37-7059 authorizes ground water diversions from the Wood River Valley aquifer due west of Ketchum, while water right 37-20900 authorizes diversions of ground water from below Elkhorn Village, southeast of Ketchum. The rental location is south of Ketchum, near Gimlet. A run of the Wood River Valley ground water model indicates that changing the points of diversion for these two water rights, by relocating them both south to Gimlet, should not significantly change flows of surface water in the Big Wood River above Hailey. In fact, modeling indicates there could be a slight decrease in depletions of Big Wood River surface water above Hailey, and a slight increase in depletions in the Big Wood River south of Hailey.

However, beyond modeled and simulated impacts, it is worthwhile to consider what real impacts might occur to regional water resources if water right 37-20900 is authorized for rental under this agreement. Water right 37-20900 authorizes irrigation of 19.0 acres in Elkhorn Village, through diversions of ground water. The right was originally developed and licensed as water right 37-7416, authorizing diversions of ground water from the Eastern Snake Plain Aquifer (ESPA) for irrigation of lands due west of Dietrich, in Lincoln County. In 1988, IDWR approved Transfer 3458, which split water right 37-7416 into parts A and B, and authorized the relocation of 37-7416B to its current location in Elkhorn Village. 37-7416B was subsequently split into 37-20900 and 37-20901, which were both decreed through the Snake River Basin Adjudication (SRBA) during 2010. Water right 37-20900 was then leased into the Bank in 2012, where it has remained ever since.

It is inconclusive from a review of water right documentation whether ground water has ever been diverted and beneficially used for irrigation of the present place of use for water right 37-20900. The place of use for water right 37-20900 is authorized to be irrigated with ground water diverted and delivered under water rights held by the Sun Valley Water & Sewer District (SVWSD) and it is conceivable that the place of use has only ever been historically irrigated with SVSWD water and that ground water may not ever have been diverted under 37-20900. This proposition is supported by Wood River Valley modeling work which estimates that as little as one acre foot of ground water flows out annually from Elkhorn Village to the Wood River aquifer and that there may not be sufficient ground water available below Elkhorn Village to support diversions of 19 AF under 37-20900.

Because water right 37-20900 is a valid, decreed irrigation ground water right, it can be considered as part of this rental request. However, if ground water has never historically been diverted in Elkhorn Village, then diversions of Wood River Valley aquifer ground water via a rental of this water right may contribute to a real increased consumptive use of ground water within the Valley. The rental location is within the boundaries of the Big Wood River Ground Water Management Area (BWR GWMA), which since 1991 has required that any new consumptive use of ground water should only be approved by IDWR after requisite mitigation has been secured. As such, mitigation should be contemplated for this rental request.

One way to avoid injury through a rental of 37-20900 would be to ensure that the extent of the right being dedicated to this rental is matched by an equivalent amount of water to be dedicated to mitigation. The amount of water right 37-20900 proposed to be rented in supplement to the rental of 37-7059 is 0.066 cfs and 21.9 afa (which is 33% of the 0.2 cfs and 66.5 afa leased into the Bank under 37-20900). As such, water right 37-20900 could be rented twice (once for irrigation once for mitigation, with a third of the water right still left leased but un-rented) and thereby injury might be avoided. Additionally, although 21.9 afa must be rented under 37-20900 (to provide for the necessary diversion rate of 0.066 cfs), the actual number of additional acres to be irrigated via a rental of 37-20900 is 3.3, which at a maximum volumetric headgate duty of 3.5 afa/ac, results in an authorized rental diversion volume of 11.6 afa. As such, 47.4% of the volume of water associated with this rental of 37-20900 will be left un-diverted, which may constitute a form of mitigation.

In light of the above, a rental of water right 37-20900 can be contemplated, conditioned upon the right of water users to petition the Director to modify and/or cancel the rental, upon a showing that the rental is causing injury.

Enlargement of Use: Water right 37-7059 authorizes diversions of ground water at a per-acre rate of 0.007 cfs and a per-acre volume of 1.3 afa, while water right 37-20900 authorizes per-acre irrigation diversion rates and volumes of 0.011 cfs/ac and 3.5 afa. Because this rental seeks an authorization to irrigate at 0.02 cfs/ac and 3.5 afa/ac, enlargement will be avoided by ensuring that a sufficiently high diversion rate (and an equivalent diversion volume) is rented under both water rights, to provide for the necessary duty of water. Specifically, to avoid enlargement, the tables below list the diversion elements that will be rented from the leased water rights, as well as the diversion elements that will be authorized for this rental:

Amounts to be rented						Rental Authorizations					
	Rate	Vol	Acres	R/AC	V/AC		Rate	Vol	Acres	R/AC	V/AC
37-7059	0.040	7.3	5.6	0.007	1.3	37-7059	0.040	7.0	2	0.020	3.5
37-20900	0.066	21.9	6.3	0.011	3.5	37-20900	0.066	11.6	3.3	0.020	3.5
Total	0.106	29.2	11.9	0.009	2.46	Total	0.106	18.6	5.3	0.020	3.5

Local Public Interest: No information indicates this rental is contrary to local public interests.

Beneficial Use/Conservation of Water Resources: The rates of diversion are consistent with irrigation water conservation practices.

Department/Watermaster Comments: Watermaster and regional comments will be requested.

Water Supply Bank Evaluation: Subject to no objections from IDWR regional office staff, or the Water District 37 Watermaster, it is recommended this rental be approved.

Buyer, Remington

From: Buyer, Remington
Sent: Friday, May 18, 2018 2:35 PM
To: 'watermanager@cableone.net'; Skinner, Corey
Cc: Webster, Clay
Subject: Wood River Valley Rentals
Attachments: Lease Review Memo.docx; Lease Contract 780.docx; Lease_Map_780.pdf; Lease Contract 795.docx; Lease_Map_795.pdf; Lease Contract 796.docx; Lease_Map_796.pdf; Lease Contract 797.docx; Lease_Map_797.pdf; Lease Contract 798.docx; Lease_Map_798.pdf; Lease Contract 799.docx; Lease_Map_799.pdf; Report, Rental Agreement.docx; Rental Review Memo.docx; RentalMap.pdf; RentalMap.pdf; Rental Agreement.docx; Rental Review Memo.docx; Rental Agreement.docx; Rental Review Memo.docx; RentalMap.pdf; Rental Agreement.docx; Rental Review Memo.docx; RentalMap.pdf; Rental Agreement.docx; RentalMap.pdf; Rental Review Memo.docx

Corey, Kevin,

In recent years, Brockway Engineering has submitted a number of Water Supply Bank lease and rental applications for water right 37-7059, to satisfy rental requests for various water users in the Ketchum area. This year, Brockway proposed dividing water right 37-7059 up into six parts, to satisfy five different rentals.

Attached is a single lease review memo for water right 37-7059, along with six lease draft contracts and associated lease maps. Also included are rental review memos, maps and draft rental agreements for five different rentals of the leased portions of water right 37-7059.

Thank you for taking time to consider the contents of this email. Please do advise if you have any questions, comments or concerns about the proposed lease/rentals.

Thank you,

Remington
(208) 287-4918

p.s. – Sorry in advance for clogging up your inbox with so many attachments!



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 12 2018

DEPARTMENT OF

forward
to Remington
(Remington has
37-8153)

March 5th, 2018

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

Re: Companion Water Supply Bank Lease and Rental of Portion of 37-7059;
Rental of 37-8153.

Remington,

On behalf of The Otis Booth Residence Trust (Trust), Brockway Engineering is submitting a companion Water Supply Bank lease/rental package which proposes to lease 5.6 acres of 37-7059 to the Trust and to allow the Trust to rent back 2.0 acres of 37-7059 for the irrigation of 2.0 acres from an existing well at the Trust residence south of Ketchum, ID. The rental application also seeks to rent 4.1 acres of 37-8153 for the irrigation of 3.3 acres using 9 gpm per acre from the same well at the Trust residence.

Also enclosed is a check for \$250.00 to cover the cost of the lease application. Please copy our office on all correspondence regarding these companion water supply bank lease and rental applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to give me a call.

Regards

Zach Latham, M.S., Hydrologist

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Enc: (1) Schernthanner Lease Application and Map.
(1) Otis Booth Residence Trust Rental Application and Map.
(1) Brockway Engineering Check # 14558

Cc: The Otis Booth Residence Trust c/o: Ms. Lynn Booth
Britta Hubbard