

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 238

This is to certify that:

J KRISTOFFER POPOVICH
1540 OAK GROVE AVE
SAN MARINO, CA 91108

RECEIVED

MAY 25 2018

DEPARTMENT OF
WATER RESOURCES

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)
37-8153	7/21/1984	GROUND WATER	0.040	7.50	2.50	0.016	3.00
Combined Rental Totals			0.040	7.50	2.50	0.016	3.00

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: \$150.00 annually

The full fee for the rental of the above-described right(s) is \$150.00 per year for years 2018 - 2022. The rental fee includes an administrative fee of \$15.00 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	0.400	7.50	2.50	0.016	3.00

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 238

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

May 22, 2018
Date

J K Popovich
Printed Name

owner
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 5/30/2018

Rental approved by IDWR 

Date 5-30-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 238

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec. 5, Twp 03N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.040

VOLUME
7.5

SEASON OF USE

Water Right No. **From** **To**
37-8153 04/01 9/15

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	5											2.0						2.0
03N	18E	6																0.5	0.5

Total Acres: 2.5

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre or more than 3.5 afa per acre for irrigation.
10. Use of water under this right 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 water right is within State Water District No. 37
11. This rental does not authorize the drilling of a ground water well.

Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2022

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



0 100 200 Feet

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

RECEIVED

JAN 26 2018

DEPARTMENT OF
WATER RESOURCES

Applicant Name: J. Kristoffer Popovich

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)

37-8153

1006

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant J. Kristoffer Popovich

Mailing Address 1540 Oak Grove Ave., San Marino, CA 91108

Street City State Zip Code

Email Address jkp@ix.netcom.com Phone Number (818) 507-7116

- 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	7.5 AF	0.04 CFS	7.5 AF	2.5 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
April 1	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	domestic exemption

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

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒

If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐

If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

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

Domestic well irrigates 1/2A. Presently irrigate 3.0A & signed Consent Order & Agreement in November 2014.

Need to continue existing irrigation.

**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)
37-8153	irrigation	0.04	7.5	2.5		0.04	7.5	2.5
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	7.5	2.5
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

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

Yes ☐ No ☒

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

Same water right rented in 2015 - 2017. Have not located a water right to purchase.

- 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 E2014-699 dated October 31, 2014 resolved by Consent Order and Agreement dated November 18, 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

J. Kristoffer Popovich
Printed Name of Applicant

1/8/18
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Irrigated acres approximately: 3

3A place of use
includes 0.5 acre domestic well irrigation

point of diversion
(well)



Imagery: 2013 NAIP
Source: IDWR 10/29/2014

80 Feet

Document : Nolces_ddp .mxd / pd



J. KRISTOFFER POPOVICH

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

May 31, 2018

J KRISTOFFER POPOVICH
1540 OAK GROVE AVE
SAN MARINO CA 91108

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-8153**

Dear Renter:

Please find enclosed a receipt in the amount of **\$150.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 7.5 acre-feet of water for irrigation of 2.5 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 \$135.00 of the rental fee will be paid to the lessor(s) and 10% or \$15.00 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. C105154
Rental Agreement (copy)

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



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

May 17, 2018

J KRISTOFFER POPOVICH
1540 OAK GROVE AVE
SAN MARINO CA 91108

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-8153**

*****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 \$150.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 7.5 acre-feet.

Please send a check for \$150.00 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 \$135.00 of the rental fee will be paid to the lessor(s) and 10% or \$15.00 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

Memorandum

To: Water Rights 37-8153

From: Remington Buyer

Date: May 15, 2018

Re: Water Supply Bank Rental Application 1006

Purpose/Narrative: Application is submitted by J. Kristoffer Popovich, and seeks an authorization to irrigate up to 3.0 acres, via the rental from the Bank of 2.5 acres from leased water right 37-8153, to be used in conjunction with a 0.5 acre permit-exempt domestic ground water right. Application has been submitted through legal representative Jim Speck of Speck & Aanestad, who also represents the lessor of water right 37-8153.

Authority to File: Rental location is owned by applicant, no concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: Water right 37-8153 is leased to the Bank and available for rental, no concerns about its validity. A permit-exempt domestic ground water right is appurtenant to the rental location. No concerns about the validity of domestic use of water at the rental location.

Injury Evaluation: The point of diversion for the water right being rented will move 1.9 miles south via this rental. The anticipated impact of this movement is a slight decrease in depletions to the Big Wood River above the City of Hailey and a slight increase in depletions to the Big Wood River below Hailey. It is not anticipated that prior appropriators of surface water and ground water in the immediate vicinity of the rental will be impacted by this rental, however, continued approval of this multi-year rental will be conditioned upon the right of prior appropriators to petition the Department to modify the terms of the rental, upon a showing that the rental may be causing injury.

Enlargement of Use: This rental requests an authorization to divert 0.04 cfs and 7.5 afa to irrigate 2.5 acres (0.016 cfs/ac and 3.0 afa/ac). The leased water right proposed to satisfy this rental request (37-8153) authorizes a diversion rate of 0.016 cfs/ac and a diversion volume of 3.0 afa/ac.

The renter has drilled a well and diverted ground water therefrom, to establish a permit-exempt, domestic ground water right. Water right 37-8153 is conditioned such that it should not be combined with other water rights to authorize irrigation diversions in excess of 0.02 cfs/acre and 3.5 afa/acre. Enlargement will be avoided as the rental of water right 37-8153, in combination with the domestic water right at the rental place of use, will authorize a maximum diversion rate and diversion volume as follows:

	rate	vol	acres	rate/ac	vol/ac
Domestic right:	0.020	0.04	0.5	0.040	0.08
37-8153:	0.040	7.50	2.5	0.016	3.00
Combined:	0.060	7.54	3.0	0.020	2.51

Satellite imagery review from 2015, 2016 and 2017 indicates approximately 2.8 acres have been irrigated at the rental location in recent years. Rental of water right 37-8153, in conjunction with the domestic ground water right associated with the rental property should effectively cover the entire rental area and avoid an enlargement in the use of water.

Local Public Interest: Staff are unaware of any information to indicate this rental is contrary to local public interests.

Beneficial Use/Conservation of Water Resources: There are no concerns about the efficiency of the diversion system and or water use for proposed under this rental, nor are there any concerns about the diversion rate or diversion volume efficiency proposed under this rental.

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

Water Supply Bank Evaluation: Subject to positive review by the watermaster and regional office, this rental appears approvable.

Buyer, Remington

From: James Speck <jim@speckandaanestad.com>
Sent: Thursday, April 05, 2018 3:19 PM
To: Buyer, Remington
Cc: J. Kristoffer Popovich (jkip@ix.netcom.com); Judy Cahill (judy.cahill@mac.com); Steve & Cristina Cook; Ernie Carlsen (ernie@idahowaterengineering.com)
Subject: RE: Popovich Rental Application 1006

Remington,

In the Fall of 2014 Mr. Popovich had his landscape architect measure the total area irrigated and came up with 3.0A. On that basis he has rented 2.5A of 37-8153 since then. During that time, the HOA agreed that each of its 5 lot owners would irrigate no more than 0.5A on their respective lots using 37-8153 so that the remaining 2.5A could be rented to Mr. Popovich. The owners of Lots 1 and 2 have their own domestic wells which they use for in-house water. In addition they use their domestic well to irrigate anything in excess of the 2.5A under 37-8153. They would all like to continue that arrangement. Please let me know if this is acceptable. If not, please call me so we can discuss another option that will work for both parties.

Thank you.

Jim

From: James Speck
Sent: Tuesday, April 3, 2018 3:09 PM
To: 'Buyer, Remington' <Remington.Buyer@idwr.idaho.gov>
Cc: J. Kristoffer Popovich (jkip@ix.netcom.com) <jkip@ix.netcom.com>
Subject: RE: Popovich Rental Application 1006

Remington,

I will discuss this later today with Mr. Popovich. I have also reached out to Ernie Carlsen and the HOA to discuss the areas of Lots 1 and 2 that are actually irrigated by the HOA water right. I hope to have an answer on that tomorrow.

Jim

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Tuesday, April 3, 2018 2:54 PM
To: James Speck <jim@speckandaanestad.com>
Subject: FW: Popovich Rental Application 1006

Jim,

I've now completed my review of the Popovich rental. Per my review of satellite imagery from 2015, 2016 and 2017, it appears that approximately 2.8 acres of the Popovich property may have been irrigated in recent years. The attached "RentalMap.pdf" outlines the outer extent of the observed irrigation practices at the Popovich property during recent years.

If the boundaries of the irrigable area are reduced slightly, the total irrigable place of use will sum to 2.6 acres, an area that can be authorized for irrigation by IDWR for years 2018-2022, through a rental of water right 37-8153.

I am prepared to finalize my review of Mr. Popovich's rental request, authorizing irrigation of a total area of 2.6 acres (2.1 of which will be covered via rental of 37-8153) and I intend to shortly send out for comments and input from the Water District 37 watermaster, as well as IDWR Southern Region office staff. Please contact me if you intend to request any changes to the lease and/or rental applications submitted on behalf of your clients, for water right 37-8153.

Regards,

Remington

From: Buyer, Remington

Sent: Monday, April 02, 2018 2:45 PM

To: 'James Speck' <jim@speckandaanestad.com>

Cc: Judy Cahill (judy.cahill@mac.com) <judy.cahill@mac.com>; J. Kristoffer Popovich (jkp@ix.netcom.com) <jkp@ix.netcom.com>; Ernie Carlsen (ernie@idahowaterengineering.com) <ernie@idahowaterengineering.com>; 'Steve & Cristina Cook' <steve@stevecookarchitect.com>

Subject: RE: Popovich Rental Application 1006

Hi Jim,

On the map that you emailed this morning, the five properties in the HOA sum to a total area of 5.7 acres, and as you mentioned, 2.5 acres are listed as proposed for lease to the Bank.

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Per the acres in the above map, subtracting the 2.9 acres not leased to the Bank from the total irrigable area of 5.0 acres authorized under 37-8153, allows for a lease and subsequent rental of 2.1 acres without enlargement.

I looked in the Bank and could not find additional ground water rights leased to the Bank through 2022 that could round out Mr. Popovich's rental. As such, please discuss the three options below with your clients and advise on how you would like IDWR to proceed in this matter:

- 1) Consider a rental of 2.1 acres for Mr. Popovich for years 2018-2022,
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- 3) Increase the number of acres proposed to be leased under water right 37-8153, so that the total leased area is 3.1 or 3.2 acres (and the unleased area is 2.5 acres), to allow for a rental of 2.5 acres by Mr. Popovich.

Regards,

Remington

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

Sent: Monday, April 02, 2018 10:08 AM

To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>

Cc: Judy Cahill (judy.cahill@mac.com) <judy.cahill@mac.com>; J. Kristoffer Popovich (jkp@ix.netcom.com) <jkp@ix.netcom.com>; Ernie Carlsen (ernie@idahowaterengineering.com) <ernie@idahowaterengineering.com>; 'Steve & Cristina Cook' <steve@stevecookarchitect.com>

Subject: RE: Popovich Rental Application 1006

Remington,

The WSB lease application is for the same 2.5A leased to the Bank in 2015-2017 and your attached map (prepared by your staff, I believe) is the same one used for the previous lease contracts. I have attached a copy of the map prepared by Ernie Carlsen for my clients depicting the 2.5A that are irrigated in the subdivision (NOT 2.9A as you state below). Since the water right irrigates a total of 5A that leaves 2.5A for the lease. No changes should be necessary to proceed with the companion applications. Please call me if you still disagree.

Jim

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>

Sent: Friday, March 30, 2018 5:10 PM

To: James Speck <jim@speckandaanestad.com>

Subject: Popovich Rental Application 1006

Jim,

I've concluded my review of the Red Cliffs HOA lease of a portion of water right 37-8153, to be rented by Kristoffer Popovich. There are no concerns about the rental by Popovich, but a review of water right 37-8153 shows that the total acreage for the HOA is 5.7 acres, of which 2.8 acres appear to have been proposed for lease, with 2.9 acres not proposed for lease (the attached map delineates the leased 2.8 acres).

Because water right 37-8153 only authorizes irrigation of 5.0 acres, I can lease in and make available for rental by Mr. Popovich 2.1 acres (5.0 authorized acres minus 2.9 unleased acres) of 37-8153, however this will reduce the Popovich rental from 2.5 acres to 2.1 acres.

The following options are available for Mr. Popovich:

- Reduce the rental down from 2.5 acres to 2.1 acres,
- Supplement the rental with an additional rentable water right, to authorize 2.5 acres,

- Increase the number of acres leased to the Bank under water right 37-8153, to reduce the unleased area of the Red Cliffs HOA from 2.9 acres to 2.5 acres, to ensure 2.5 acres can be fully leased into and rented out from the Bank without causing enlargement.

On Monday, April 2nd, I will look to see what ground water rights are available to be rented from the Bank now through 2022, so that we might proceed with option two. If you would rather proceed with option one or three, please advise.

Happy Easter,

Remington

Memorandum

To: Water Rights 37-8153

From: Remington Buyer

Date: March 30, 2017

Re: Water Supply Bank Rental Application 1006

Purpose/Narrative: Application is submitted by J. Kristoffer Popovich, and seeks an authorization to irrigate up to 3.0 acres, via the rental from the Bank of 2.5 acres from leased water right 37-8153, to be used in conjunction with a 0.5 acre permit-exempt domestic ground water right. Application has been submitted through legal representative Jim Speck of Speck & Aanestad, who also represents the lessor of water right 37-8153.

Authority to File: Rental location is owned by applicant, no concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: Water right 37-8153 is leased to the Bank and available for rental, no concerns about its validity. A permit-exempt domestic ground water right is appurtenant to the rental location. No concerns about the validity of domestic use of water at the rental location.

Injury Evaluation: The point of diversion for the water right being rented will move 1.9 miles south via this rental. The anticipated impact of this movement is a slight decrease in depletions to the Big Wood River above the City of Hailey and a slight increase in depletions to the Big Wood River below Hailey. It is not anticipated that prior appropriators of surface water and ground water in the immediate vicinity of the rental will be impacted by this rental, however, continued approval of this multi-year rental will be conditioned upon the right of prior appropriators to petition the Department to modify the terms of the rental, upon a showing that the rental may be causing injury.

Enlargement of Use: This rental requests an authorization to divert 0.04 cfs and 7.5 afa to irrigate 2.5 acres (0.016 cfs/ac and 3.0 afa/ac). The leased water right proposed to satisfy this rental request (37-8153) authorizes a diversion rate of 0.016 cfs/ac and a diversion volume of 3.0 afa/ac, however the maximum extent of the water use leased to the Bank from 37-8153 is 0.034 cfs and 6.3 afa for irrigation of 2.1 acres. As such, only 2.1 acres can be rented under water right 37-8153, as proposed.

The renter has drilled a well and diverted ground water therefrom, to establish a permit-exempt, domestic ground water right. Water right 37-8153 is conditioned such that it should not be combined with other water rights to authorize irrigation diversions in excess of 0.02 cfs/acre and 3.5 afa/acre. Enlargement will be avoided as the rental of water right 37-8153, in combination with the domestic water right at the rental place of use, will authorize a maximum diversion rate and diversion volume as follows:

	rate	vol	acres	rate/ac	vol/ac
Domestic right:	0.020	0.04	0.5	0.04	0.08
37-8153:	0.034	6.30	2.1	0.016	3
Combined:	0.054	6.34	2.6	0.02	2.44

Furthermore, satellite imagery review from 2015, 2016 and 2017 indicates approximately 2.8 acres have been irrigated at the rental location in recent years. Rental of water right 37-8153, in conjunction with the domestic ground water right associated with the rental property should effectively cover the entire rental area and avoid an enlargement in the use of water.

Local Public Interest: Staff are unaware of any information to indicate this rental is contrary to local public interests.

Beneficial Use/Conservation of Water Resources: There are no concerns about the efficiency of the diversion system and or water use for proposed under this rental, nor are there any concerns about the diversion rate or diversion volume efficiency proposed under this rental.

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

Water Supply Bank Evaluation: Subject to positive review by the watermaster and regional office, this rental appears approvable.

Buyer, Remington

From: Buyer, Remington
Sent: Tuesday, April 03, 2018 3:03 PM
To: 'Kevin Lakey'; Skinner, Corey
Subject: WSB Lease/Rental of 37-8153
Attachments: RentalMap.pdf; Draft Rental Agreement.docx; Rental Review Memo.docx; Lease Contract - 37-8153.docx; Lease Review Memo.docx; Lease_Map.pdf

Corey, Kevin,

Below is some recent correspondence between Jim Speck and IDWR regarding a lease/rental package he has submitted for our review. The lease was based on a partial reduction in use under water right 37-8153 (authorizing irrigation of the Red Cliffs subdivision) and the rental was for a residential property closer to Gimlet.

Though my review led me to conclude that the amount of water right 37-8153 acceptable for lease needed to be reduced from the amount originally proposed by the applicant, I also found that the area observed irrigated in recent years (at the rental location) was actually less than the amount authorized to be irrigated via rental. As such, it seems that the amount that can be leased in under 37-8153 (2.1 acres), though less than what was requested, may be sufficient to satisfy the companion rental request by Mr. Popovich.

Attached are my draft lease and rental review documents. As always, please advise if you have any questions, comments and/or concerns.

Thank you,

Remington

From: Buyer, Remington
Sent: Tuesday, April 03, 2018 2:54 PM
To: 'James Speck' <jim@speckandaanestad.com>
Subject: FW: Popovich Rental Application 1006

Jim,

I've now completed my review of the Popovich rental. Per my review of satellite imagery from 2015, 2016 and 2017, it appears that approximately 2.8 acres of the Popovich property may have been irrigated in recent years. The attached "RentalMap.pdf" outlines the outer extent of the observed irrigation practices at the Popovich property during recent years.

If the boundaries of the irrigable area are reduced slightly, the total irrigable place of use will sum to 2.6 acres, an area that can be authorized for irrigation by IDWR for years 2018-2022, through a rental of water right 37-8153.

I am prepared to finalize my review of Mr. Popovich's rental request, authorizing irrigation of a total area of 2.6 acres (2.1 of which will be covered via rental of 37-8153) and I intend to shortly send out for comments and input from the Water District 37 watermaster, as well as IDWR Southern Region office staff. Please contact me if you intend to request any changes to the lease and/or rental applications submitted on behalf of your clients, for water right 37-8153.

Regards,

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From: Buyer, Remington

Sent: Monday, April 02, 2018 2:45 PM

To: 'James Speck' <jim@speckandaanestad.com>

Cc: Judy Cahill (judy.cahill@mac.com) <judy.cahill@mac.com>; J. Kristoffer Popovich (jkp@ix.netcom.com)

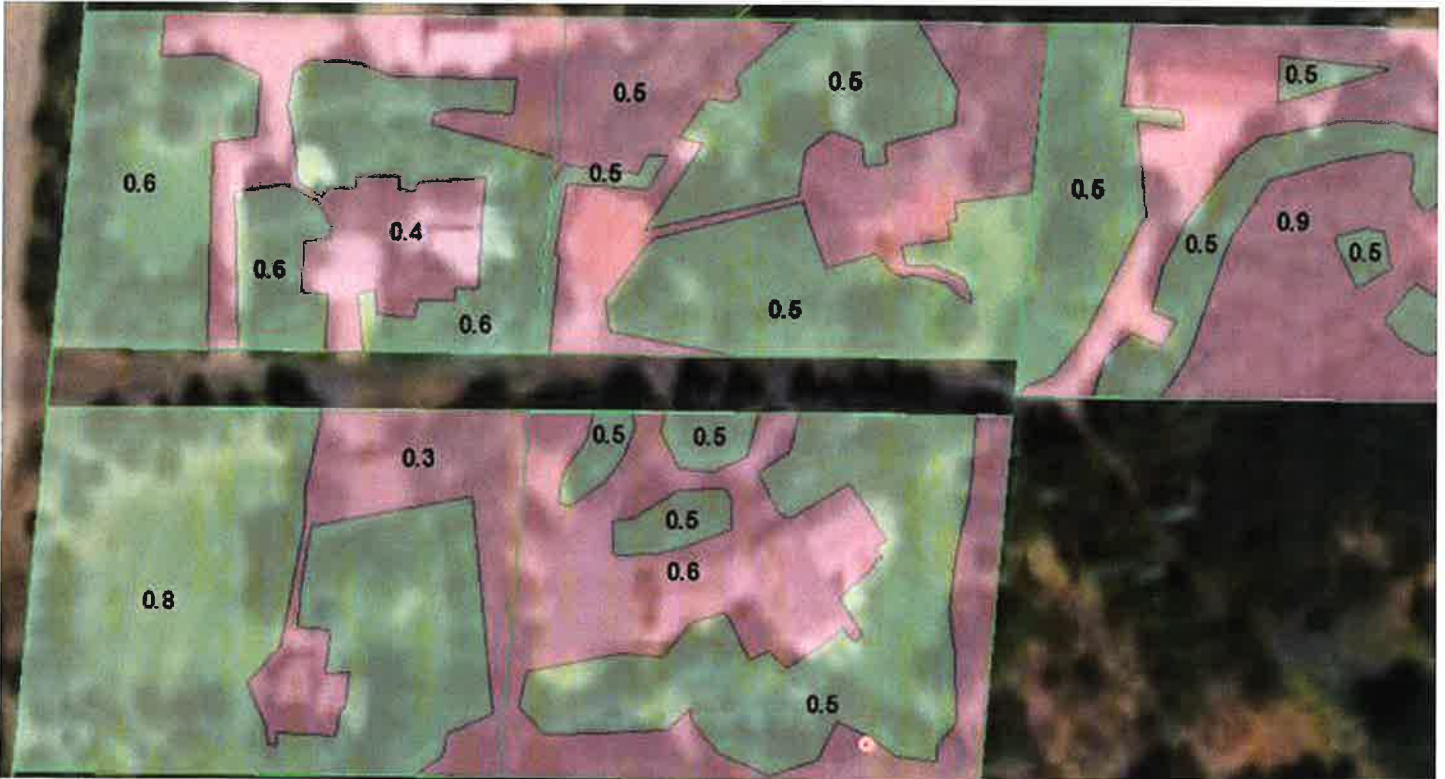
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