

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 206

RECEIVED

APR 27 2018

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

RAYMOND THOMAS GOODRICH
1001 FOREST AVE
PALO ALTO, CA 94301

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-22826	9/1/1885	GREENHORN CREEK	0.030	1.80	0.50	0.060	3.50
37-2644C	11/16/1989	GROUND WATER	0.010	1.80	0.50	0.020	4.10
Combined Limit Totals			0.010	1.80	0.50	0.020	3.50
Combined Rental Totals			0.040	1.80	0.50	0.060	3.50

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2018. 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: \$3.60

The full fee for the rental of the above-described right(s) is \$3.60 for 2018, which includes an administrative fee of \$3.60 for 2018.

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 37-2644C

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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

Date 4/22/18

Raymond Thomas Goodrich

Printed Name

Title

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

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

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 5/1/2018

Rental approved by IDWR 

Date 5-1-2018

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

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

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.04 CFS

VOLUME
1.8 AF

SEASON OF USE

Water Right No.	From	To
37-2644C	4/15	10/31
37-22826	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	18					0.2			0.3									0.5

Total Acres: 0.5

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental authorizes a maximum instantaneous diversion rate of 0.02 cfs for irrigation of 0.5 acres when the sole source of water is surface water diverted from Greenhorn Creek.
10. This rental when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

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11. Place of use is Lot 2, Greenhorn Bench Subdivision.
12. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
13. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
14. This rental agreement does not authorize the construction of a well.



Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2018

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



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



0  Feet
500



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 2, 2018

RAYMOND THOMAS GOODRICH
1001 FOREST AVE
PALO ALTO CA 94301

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

Dear Renter:

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

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

Sincerely,



Water Supply Bank

Enclosures: Receipt No. C105024
Rental Agreement (copy)

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



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 9, 2018

RAYMOND THOMAS GOODRICH
1001 FOREST AVE
PALO ALTO CA 94301

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

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$36.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 1.8 acre-feet. Since you are both the lessor and the renter of the rights, **you are only obligated to pay the 10% administrative fee or \$3.60.**

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

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

Sincerely,


for Water Supply Bank

Enclosure

c: IDWR Front Desk
James Speck – Speck & Aanestad

Buyer, Remington

From: Buyer, Remington
Sent: Friday, January 19, 2018 1:37 PM
To: 'James Speck'
Cc: Rebecca Patton
Subject: RE: RE: Patton/Water Rights 37-2644C & 37-22826

Hi Jim,

Indeed, I see that application submitted for Rental Agreement No. 149 requested two years, but was only approved for one. I will consider your January 10, 2018 email inquiry to be a formal request that Rental Agreement No. 149 be extended to a second, final year through 2018.

Remington

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

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, January 10, 2018 9:48 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Rebecca Patton <rebeccap1234@yahoo.com>
Subject: RE: RE: Patton/Water Rights 37-2644C & 37-22826

Remington,

In reviewing the rental applications we filed last year they both request rentals for two years. Can you simply prepare rental agreements for 2018 based on those filed applications to save having to submit new ones for 2018?

Thanks.

Jim

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

From: James Speck
Sent: Tuesday, January 09, 2018 9:38 AM
To: 'Buyer, Remington'
Cc: Rebecca Patton

Remington,

Thanks for the reply. We will figure out the best way to proceed with these options and then file the appropriate application(s).

Jim

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

From: Buyer, Remington [mailto:Remington.Buyer@idwr.idaho.gov]
Sent: Tuesday, January 9, 2018 9:06 AM
To: James Speck
Cc: Rebecca Patton
Subject: RE: Patton/Water Rights 37-2644C & 37-22826

Hi Jim,

Happy new year to you as well. There is no longer a limitation on rentals of ground water in the Wood River Valley and the Department can process a five year lease/rental of water rights 37-2644C and 37-22826. Water right 37-22826 (and 37-2644C) are leased into the Bank through December 31, 2018, however we can supersede the current lease with a new one (through 12/31/2022) once new paperwork is received from you this year, if establishment of a five year lease/rental is desirable for your clients.

Remington

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

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, January 08, 2018 11:57 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Rebecca Patton <rebeccap1234@yahoo.com>
Subject: Re: Patton/Water Rights 37-2644C & 37-22826

Remington,

I represent Rebecca Patton & Tom Goodrich who have leased the above two water rights (and another not relevant to this e-mail) to the Bank through Dec. 31, 2018. In 2017 they also rented back portions of these rights to irrigate 1/2A of their property. They would now like to both extend the leases for another 5 years through 2023 and rent the same portions back for that entire period. Is that acceptable and doable?

Thanks and Happy New Year!

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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Memorandum

To: Water Rights 37-22826 & 37-2644C

From: Remington Buyer

Date: April 5, 2018

Re: Water Supply Bank Rental Application 996

Purpose/Narrative: This rental request is an extension of the rental initially requested and approved in 2017, extended for an additional year, by request of the renter's legal counsel during spring 2018. By lease, water rights 37-22826 and 37-2644C have been fully deposited into the Bank and a portion of the leased extent of the water rights are being rented back from the Bank, by the right holders themselves. The reason for the rental is that the rights are authorized to be used for irrigation exclusively within the NENW QQ of section 18 in Township 03N Range 18E, however the water right holders intend to use them for irrigation around their residential property, which is located in both the NENW QQ and the SENW QQ. The purpose of this rental is thus to change the POU for the water rights, however it appears that no change is proposed for the points of diversion.

Authority to File: Original application was submitted by the owners of the property where the rental will occur and the extension has been requested by their legal representative. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The water rights to be rented are valid and authorized for rental.

Injury Evaluation: The points of diversion for this rental appear to be the same PODs associated with the water rights being rented and no injury is expected via this rental.

Enlargement of Use: Combined limit conditions on these two water rights (and their sibling water rights: 37-153C, 37-2644D, 37-2644E, 37-22822 and 37-22827) constrain total irrigation under all rights to a maximum of 13.5 acres (from surface and ground water sources), with a maximum diversion rate of 0.02 cfs/ac and 3.5 afa/ac, if water is being diverted from more than once source/right.

Although surface water right 37-22826 authorizes irrigation of 3.0 acres and ground water right 37-2644C authorizes irrigation of 3.5 acres, to avoid enlargement, it is necessary to acknowledge the condition limiting irrigation to a maximum of 13.5 acres under these rights and their five sibling water rights. In recognizing that the sibling water rights authorize irrigation of 10.5 acres (5.7 acres + 2.7 acres + 2.2 acres), only 3.0 acres can be irrigated under one or both of these water rights, regardless of the source.

Furthermore, because it appears that the renter may divert water from either surface and/or ground water sources, to avoid enlargement, the 0.02 cfs/ac and 3.5 afa/ac conditions are being applied to this rental, limiting total instantaneous diversions to 0.01 cfs and annual diversion volumes of 1.8 afa for irrigation. This is the same volume limit that was authorized during 2017 and it is greater than the total volume recorded as diverted during 2017, per WMIS records.

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

Beneficial Use/Conservation of Water Resources: This rental does not appear to be inconsistent with beneficial use and water conservation practices.

Department/Watermaster Comments: Watermaster and regional comments were requested for this rental during 2017 and were favorable. Water District 37 and IDWR Southern Region staff will be alerted to this renewal for 2018.

Water Supply Bank Evaluation: Subject to the conditions outlined above, it is recommended that this rental be approved.