

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 228

This is to certify that:

ASPEN LAKES CANAL CO
C/O JAMES P SPECK PO BOX 987
KETCHUM, ID 83340

RECEIVED

MAR 29 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)
37-557	5/15/1884	BIG WOOD RIVER	1.000	128.10	36.60	0.027	3.50
Combined Rental Totals			1.000	128.10	36.60	0.027	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, 2021. 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 - 2021 \$256.20 annually

The full fee for the rental of the above-described right(s) is \$256.20 per year for years 2018 - 2021. The rental fee includes an administrative fee of \$256.20 per year for years 2018 - 2021. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 37-557.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 228

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:

J. P. Speck, attorney 3.27.18
Signature of Renter Date

James P. Speck attorney
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 3/29/2018
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR Ch. W. Co 3-29-2018
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 228

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER	NENW	Sec. 5, Twp 02N, Rge 18E,	BLAINE County
BIG WOOD RIVER	SESW	Sec. 32, Twp 03N, Rge 18E,	BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
1.00 CFS

VOLUME
128.10 AF

SEASON OF USE

Water Right No.	From	To
37-557	4/1	11/1

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	
02N	18E	5	0.6 L1	14.0 L2	18.0	4.0													36.6

Total Acres: 36.6

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. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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10. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use.
11. The rights listed below are limited to the irrigation of a combined total of 125.6 acres in a single irrigation season. Combined Right Nos.: 37-557, 37-558 & 37-559. With the analysis provided to allow the separation of these rights, the rental of 37-557 without 37-558 & 37-559 is limited to the irrigation of 36.6 acres.
12. This rental does not grant any right-of-way or easement across the property of another party.
13. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
14. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.



Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No 228

Effective until December 31, 2021

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  Miles
0.25

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

DEC 04 2017

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Aspen Lakes Canal Co.

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 <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	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)

37-557

920

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Aspen Lakes Canal Co.

Mailing Address PO Box 987 Ketchum, Idaho 83340

Street

City

State

Zip Code

Email Address _____

Phone Number _____

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 Greg Sullivan

Professional Title Engineer

Organization Brockway Engineering

Relationship to Applicant Consultant

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Email Address greg.sullivan@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**:

This water will continue to be used for irrigation on 36.6 acres of ground that has been historically irrigated and provide a senior priority irrigation right.

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)
1.0 CFS	AF	1.0 CFS	AF	36.6 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?	
4/01/18	6/1/2018	☐ 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 diversion structures, mainlines and delivery 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
02N18E Sec 5 NENW	Big Wood River	37-557, 37-558, 37-559
03N18E Sec 32 SESW	Big Wood River	37-557, 37-558, 37-559

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 36.6 (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.

The historical diversion has been 1.0 cfs from 37-557 on 125.0 acres. This rental proposes to divert 1.0 cfs on 36.6 acres. The 1.0 cfs diversion rate will be needed to deliver the water to the proposed rental POU.

- 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:

N/A

**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)
37-557	Irriagtion	1.0		36.6		1.0		36.6
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	1.0		36.6
						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**:

This rental will be limited to 36.6 acres of irrigation.

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:

- 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.

- D. Additional Information

This rental will be limited to a diversion rate of 1.0 cfs on 36.6 acres.

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

RICHARD PAUL BUSZ
Printed Name of Applicant

11/15/17
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



0 125 250 500 Feet

ASPEN LAKES CANAL CO.

RENTAL ACRES
NAIP 2015 AERIAL

Legend

● POD

□ Rental_Acres



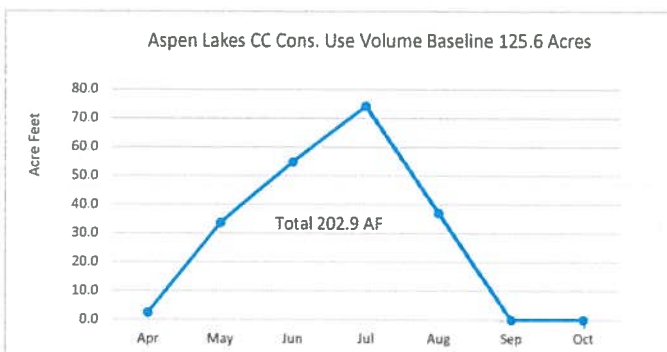
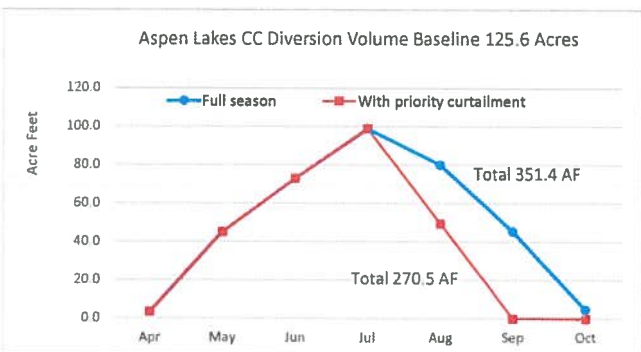
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Days	31	28	31	30	31	30	31	31	30	31	30	31
Pdef mm/d	-0.04	0.02	0.04	0.21	2.65	4.44	5.82	4.71	2.76	0.28	-0.41	-0.12
	-1.24	0.56	1.24	6.3	82.15	133.2	180.42	146.01	82.8	8.68	-12.3	-3.72
mm/month				6.3	82.15	133.2	180.42	146.01	82.8	8.68		
ft/month				0.02	0.27	0.44	0.59	0.48	0.27	0.03		
											639.56	mm total
											2.10	ft total

	CFS
37-557	1.00
37-558	2.00
37-559	3.60
	6.60

	Acre Feet Available if 100% On All Year
37-557	59.5
37-558	119.0
37-559	214.2
	392.7

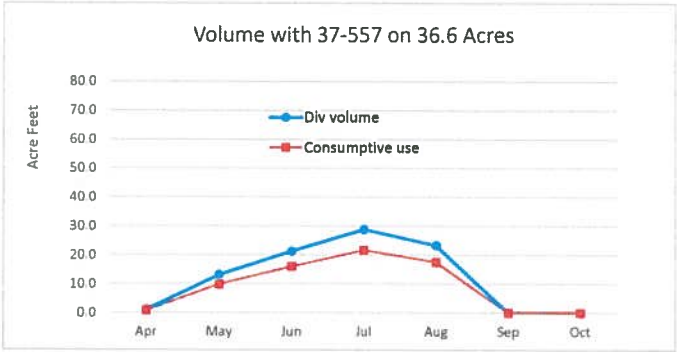
Median Curtailment Date	Acre Feet Available With Curtailment
37-557 Aug-21	59.5
37-558 Aug-2	119.0
37-559 Jul-28	214.2
	392.7

	Volume Requirement	Total
125.6 Acres	3.5	351.4
Irrigation Efficiency 75%	0.03	2.8
	3.5	270.5
	2.6	202.9

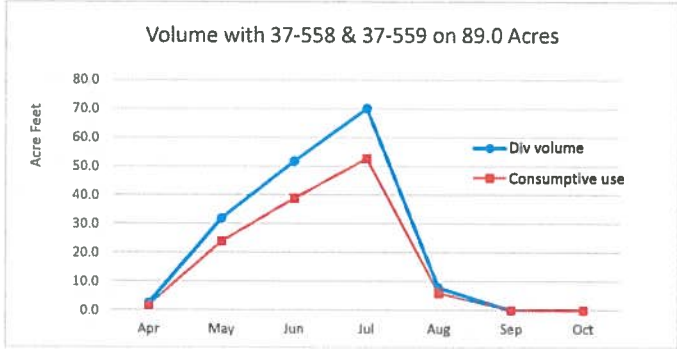


Analysis with split of rights: 37-557 on 36.6 acres and 37-558 & 37-559 on 89.0 acres

37-557	36.6 Acres	Volume Requirement							Total
		1.0	13.2	21.3	28.9	23.4	0.0	0.0	87.8 Actual div volume with curtailment on 36.6 ac
		0.8	9.9	16.0	21.7	17.5	0.0	0.0	65.8 Consumptive use with curtailment on 36.6 ac

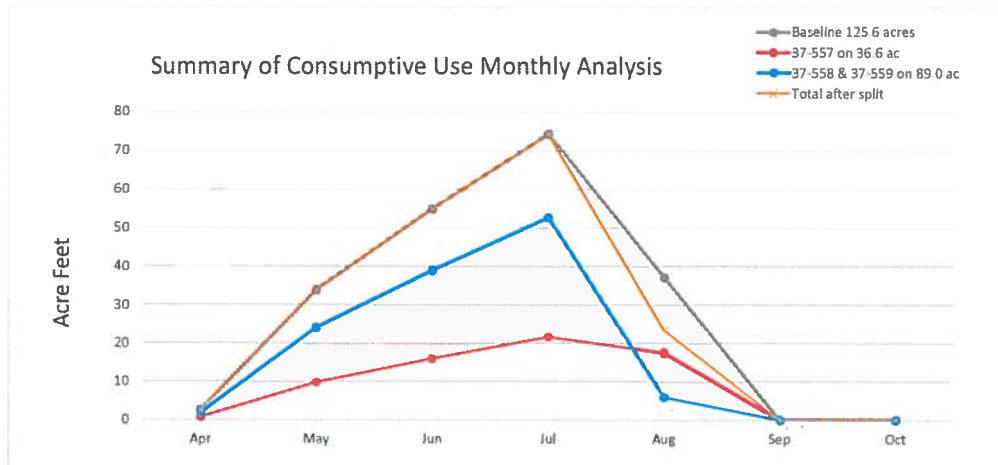


37-558 & 37-559		Volume Requirement							Total
89 Acres	2.5	32.0	51.9	70.2	7.9	0.0	0.0	164.5	Actual div volume with curtailment on 89.0 ac
	1.8	24.0	38.9	52.7	6.0	0.0	0.0	123.4	Consumptive use with curtailment on 89.0 ac



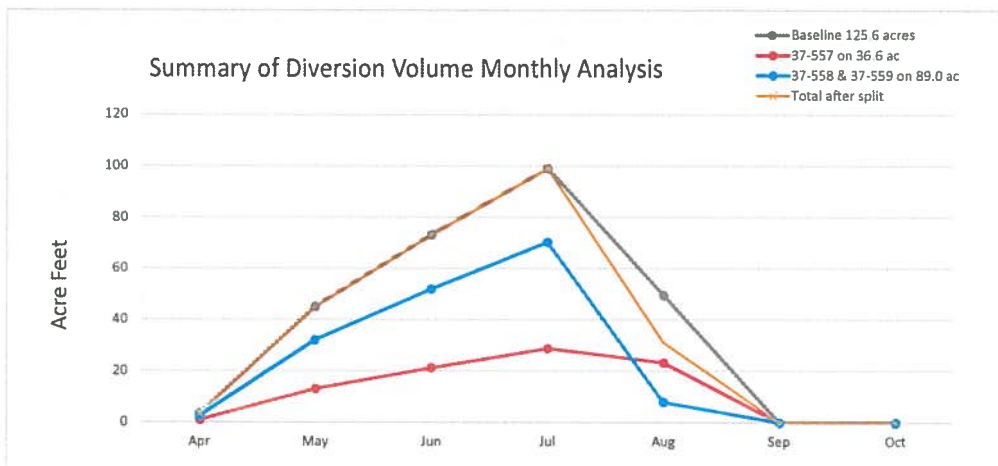
Summary of Results - Consumptive Use

		Consumptive Annual Volume (Acre-Feet)							
		Apr	May	Jun	Jul	Aug	Sep	Oct	
Current	125.6 Acres	2.6	33.9	54.9	74.3	37.2	0.0	0.0	37-557, 37-558 & 37-559
After Lease	36.6 Acres	0.8	9.9	16.0	21.7	17.5	0.0	0.0	37-557
After Lease	89.0 Acres	1.8	24.0	38.9	52.7	6.0	0.0	0.0	37-558 & 37-559
After Lease Total		2.6	33.9	54.9	74.3	23.5	0.0	0.0	Total
Difference		0.0	0.0	0.0	0.0	13.7	0.0	0.0	



Summary of Results - Diversion Volume

		Consumptive Annual Volume (Acre-Feet)							
		0	0	0	0	0	0	0	
Current	125.6 Acres	3.5	45.1	73.2	99.1	49.6	0.0	0.0	37-557, 37-558 & 37-559
After Lease	36.6 Acres	1.0	13.2	21.3	28.9	23.4	0.0	0.0	37-557
After Lease	89.0 Acres	2.5	32.0	51.9	70.2	7.9	0.0	0.0	37-558 & 37-559
After Lease Total		3.5	45.1	73.2	99.1	31.3	0.0	0.0	Total
Difference		0.0	0.0	0.0	0.0	18.3	0.0	0.0	





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

April 4, 2018

ASPEN LAKES CANAL CO
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-557**

Dear Renter:

Please find enclosed a receipt in the amount of **\$256.20** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 128.1 acre-feet of water for irrigation of 36.6 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 right.

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

Sincerely,

for Water Supply Bank

Enclosures: Receipt No. C104876
Rental Agreement (copy)

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

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

March 27, 2018

RECEIVED

MAR 29 2018

DEPARTMENT OF
WATER RESOURCES

Debbie Judd
Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: *Water Supply Bank Lease Contracts No. 772*
Water Supply Bank Lease Contracts No. 773
Water Supply Bank Rental Agreement No. 228

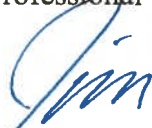
Dear Debbie:

Enclosed please find the *original* and one (1) copy of the above-referenced Contracts and Agreement as signed by me as Aspen Lakes Canal Co.'s attorney. I have also enclosed our firm's check in the amount of \$256.20 for the rental fee. Please process and receipt date-stamp the copies and return them to me in the enclosed self-addressed, postage-paid envelope.

If you have questions, please contact me. Thank you for your assistance.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation



James P. Speck

JPS:kd1

Encls.

cc: Mr. Paul Buss w/ copies of Contracts and Agreement
Mr. Greg Sullivan w/ copies of Contracts and Agreement
Mr. Clay Webster w/o encls.

Webster, Clay

From: Webster, Clay
Sent: Tuesday, March 20, 2018 8:49 AM
To: Skinner, Corey; 'Kevin Lakey'
Subject: Lease/ Rental Package for Aspen Lakes Canal Co (Applications 880, 918 & 920)
Attachments: Lease-Rental Review Memo Applications 918 & 920.docx; Aspen Lakes Canal Co evaluation.pdf

Kevin and Corey,

We are currently processing this lease rental package. Kevin, this is the one we previously discussed about the 2017 diversion information. I'm attaching the evaluation that they provided to the department to separate these water rights without increasing consumptive use. Do you have any comments/concerns? Thanks

Clay

MEMORANDUM FOR APPLICATIONS 880, 918 & 920

To: Water Rights 37-557, 37-558 & 37-559

From: Clay Webster

Date: 3/20/2018

Re: Review & Analysis of Application to Lease Water to and Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The department received applications to lease and rent these water rights from Brockway Engineering on behalf of Aspen Lakes Canal Co. on December 4, 2017.

These applications propose to unstack senior water right (37-557) from the other water rights (37-558 & 37-559). The proposal would limit the rental of 37-557 to the irrigation of 36.6 acres. Then this would leave the two remaining rights with a limit of 89 acres. They provided an analysis which was discussed between Greg Sullivan, Charles G. Brockway, Shelley Keen and I via phone conversation on September 29, 2017. The review of their analysis shows that the proposal would reduce consumptive use normally during the month of August when the two junior rights are being cut by priority date. This would occur because the senior right would be the only right being irrigated and through the rental would be limited to 36.6 acres vs the 125.6 acres authorized by the water right. However, due to the concerns for enlargement because of the overlap with ground water rights the rentable amount of 37-558 and 37-559 will be reduced by the overlapping ground water rights (see enlargement below).

The rights were decreed in 2011. According to the department Multi Programs Memo # 2, the water right holders had to do something to protect the unused portions of these rights from forfeiture by 2017. It seems that these rights were only used to irrigate certain lots within a subset of the place of use. See "Articles of Incorporation of Aspen Lakes Canal Company" at the ISOS website. The court then decreed these rights and made them appurtenant to lots which they were not used on, as well as the ones that they were used on. The rental will add lots 32, 35A & 36A to the lots listed in Article VII of the "Articles of Incorporation of Aspen Lakes Canal Company" that are entitled to receive water from the Aspen Lakes Canal Company.

AUTHORITY TO FILE: The application was signed by Richard Paul Buss, he is listed as the President of Aspen Lakes Canal Co. on the Idaho Secretary of State Website.

WATER RIGHT VALIDITY: 37-557, 37-558 and 37-559 were decreed in 2011. They had to have something done to protect unused portions from forfeiture within 2017. The applications for lease were received December 4, 2017. The rental application proposes to rent the senior right for 36.6 acres from 2018 for 5 years.

INJURY TO OTHER WATER RIGHTS: There is no change to the POD for this right. The ground water rights for irrigation that overlap the lease POU but fall completely or partially outside of the rental POU may result in increased pumping of ground water when surface water is cut by priority date earlier in those areas after the senior right has been moved.

ENLARGEMENT OF USE: The proposal is to lease in all of rights of 37-557, 37-558 and 37-559 to the bank beginning in 2017. However, my review finds that the rights were delivered in part in 2017. Therefore, only the portion that was not put to beneficial use would be allowed in the bank in 2017.

The analysis provided remained silent on the fact that there are ground water rights appurtenant to the place of use of these three water rights. The POU for the lease and rental fall outside of the Municipal Boundary of the City of Hailey. There are two permits within the POU, 37-22876 for Recreation, Wildlife and Aesthetic and 37-8822 is for Aesthetic use. There are several domestic rights within this area. Because they are for a different beneficial use these are not actual overlapping rights.

The ground water rights for irrigation that are completely overlapped by the place of use for the lease **and** rental are 37-20400, 37-8467 & 37-8502. Per conversation with Greg Sullivan at Brockway Engineering on 1/18/2018, he stated that the overlapping ground water rights should not effect this lease/rental package. Because the only people who can irrigate from these rights are those that are within the Aspen Lakes Canal Company. This proposal should not result in an enlargement of these rights. With right 37-557 concentrated on this place of use, there may actually be a reduction in ground water pumping.

The ground water rights for irrigation that overlap the lease POU but fall completely or partially outside of the rental POU (37-8429, 37-8561 and 37-8658) may result in increased pumping of ground water when surface water is cut by priority earlier than historically was the case after the senior right has been removed. A request for additional information was sent to the applicant and consultant to address these overlapping ground water irrigation rights as well as to address historical use for 2017 to clarify when these rights could be accepted into the WSB. The lease will make the portions of 37-558 and 37-559 appurtenant to the acres overlapped by 37-8429, 37-5651 and 37-8658 will be unrentable. The overlapping acres from the legal descriptions are as follows (see below for overlap review):

37-8429

8.2 in 02N18ES05 NENE L1

1.0 in 02N18ES05 NWNE L2

3.0 in 02N18ES05 SENE

12.2 acres unrentable

37-5651

2.6 in 02N18ES05 SENE

2.6 acres unrentable

37-8658

3.0 in 03N18ES32 SESW

3.0 acres unrentable

89.0 acres for WRs 37-558 & 37-559 (in the original proposal)

-12.2

- 2.6

- 3.0

71.2 acres rentable

According to the response, all of 37-557 was diverted in 2017. Therefore, the lease for this water right should start in 2018 through 2021. The response showed that 37-558 may have been diverted in April 2017 and that 37-559 was not diverted in 2017. Due to conversations with the watermaster and the fact that water was being diverted to limit flooding during the spring months in this area. It is highly unlikely that the water was diverted to be put to the beneficial use of irrigation in April 2017. Therefore the lease for 37-558 and 37-559 will be approved for 2017 through 2021. The lease for 37-557 will be limited to 4 years to keep these overlapping rights on the same lease schedule. This will limit the rental of 37-557 to 4 years as well.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 37. Region and watermaster comments were requested via e-mail on 3/20/2018. These enlargement concerns were discussed with Corey Skinner from the Southern Regional Office on 3/27/2018. He concluded that he has no further concerns.

37-557, 37-558 & 37-559

Place Of Use

IRRIGATION within BLAINE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5	12.0	38.0	23.0	25.0	1.6												99.8
			L1	L2			L3												
03N	18E	32											12.0				14.0		26.0

POU Total Acres: 125.6

89.0 acres

37-8429

Place Of Use

IRRIGATION within BLAINE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4							1.0										1.0
02N	18E	5	13.0	1.0		5.0													19.0
			L1	L2															

POU Total Acres: 20.0

8.2 in 02N18ES05 NENE L1

1.0 in 02N18ES05 NWNE L2

3.0 in 02N18ES05 SENE

12.2 acres unrentable

37-8651

IRRIGATION within BLAINE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5				2.6													2.6

POU Total Acres: 2.6

2.6 in 02N18ES05 SENE

2.6 unrentable

37-8658

Place Of Use

IRRIGATION within BLAINE County

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	32															3.0		3.0

3.0 in 03N18ES32 SESW

3.0 acres unrentable

89.0

-12.2

-2.6

-3.0

71.2 acres rentable

Webster, Clay

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, February 09, 2018 9:19 AM
To: Webster, Clay
Cc: 'Charles G. Brockway'; 'James Speck'
Subject: Aspen Lakes CC Lease and Rental Application
Attachments: Aspen Lakes CC WSB 2017 Overlap Acres.jpg; Aspen Lakes Spreadsheet.pdf

Clay,

In response to your January 31, 2018 letter the following has been prepared.

During the 2017 irrigation season there was 36.6 acres irrigated by Aspen Lakes Canal Co. Those 36.6 acres were identified on an aerial map submitted with the lease application for water rights 37-557, 37-558 and 37-559. Delivery records from the District 37 Watermaster for these water rights have been obtain and the record indicates that delivery for these water right occurred during 2017.

It is necessary to identify water right 37-577CH. Water right 37-577CH has a March 24, 1883 priority date and is provided water from the Big Wood River. Water right 37-577CH has a beneficial use of Recreation and Aesthetic. Water for 37-577CH is diverted from the same headgate as 37-557, 37-558 and 37-559. Water right 37-577CH is allowed to divert 1.2 cfs and has an annual volume of 180 AFA.

An analysis of the delivery records from the Watermaster and the allowed cfs per water right in 2017 was performed. The analysis indicates that the most senior water right, 37-577CH, requires 1.2 cfs. The full 1.2 cfs for 37-577CH was delivered April, May, June, September and October with portions of the 1.2 cfs being delivered in July and August. The full 1.0 cfs for 37-557 was delivered in April of 2017 with portions of the allowed 1.0 cfs being delivered in May, June and October. The only month that water was delivered for 37-558 was in April of 2017. Water right 37-559 was NOT delivered during 2017.

It is necessary to note that during the spring of 2017 there was a large run off event along the Wood River in which flooding occurred. This is evident by the high delivery rate of water in April of 2017. Even with the high delivery rate the required water requirement needed on 36.6 acres for the month of April is 3.5 acre feet which indicates that water right 37-557 was more than adequate to provide the necessary water for the 36.6 acres. There was not enough water delivered by the Watermaster to supply a water to water rights 37-558 and 37-559.

Regarding the ground water rights 37-8429, 37-8561 and 37-8658 and their overlapping irrigation place of use with water rights 37-557, 37-558 and 37-559. There is no common system that hydraulically connects the ground water rights with the Big Wood River water rights. There are no common ownership or agreements between owners that would allow for Big Wood River water to mix with ground water for irrigation purposes. That being said, Aspen Lakes Canal Co. is willing to allow 23.2 acres of water rights 37-558 and 37-559 to be leased into the Idaho Water Supply Bank and not be eligible for rental from the Idaho Water Supply Bank.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

RECEIVED

FEB 09 2018

WATER DISTRICT 37

CANAL NAME		CANAL NO: 27												DEPARTMENT OF 2017	
OWNER		DEPT 27 FCBW													
DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
1	1.52	0.00	1.00	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.77	1
2	1.52	0.00	1.00	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.77	2
3	1.84	0.00	1.00	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.77	3
4	1.84	0.00	1.00	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.77	4
5	1.84	0.00	1.00	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.77	5
6	1.65	0.00	1.00	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.77	6
7	1.65	0.00	0.75	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.77	7
8	1.65	0.00	0.75	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.07	8
9	1.65	1.29	0.75	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.07	9
10	1.65	1.29	0.75	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.07	10
11	1.65	1.29	0.75	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.07	11
12	1.65	1.29	0.75	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.07	12
13	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.07	13
14	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.07	14
15	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.12	15
16	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.12	16
17	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.12	17
18	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.12	18
19	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	2.24	19
20	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	2.24	20
21	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.46	21
22	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.46	22
23	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.46	23
24	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.46	24
25	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.46	25
26	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.46	26
27	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.29	27
28	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.29	28
29	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.29	29
30	1.65	1.29	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.29	30
31	0	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	1.29	31
TOTAL	49.8	28.4	20.0	15.5	14.0	15.5	78.5	47.6	51.7	11.3	21.5	36.1			

YEARLY C F S 390
 YEARLY ACRE FEET 772
 TOTAL NO OF DAYS 356
 YEARLY MEAN 1

RECEIVED

FEB 09 2018

DEPARTMENT OF
WATER RESOURCES

Aspen Lakes Canal Co.
Water Supply Bank Lease Analysis
Brockway Engineering
GWS

Pdef based on Allen & Robison (2012), Hailey station, Grass Pasture - High Mgmt
Priority cut dates based on Median for 1948 through 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Days	31	28	31	30	31	30	31	31	30	31	30	31	
Pdef mm/d	-0.04	0.02	0.04	0.21	2.65	4.44	5.82	4.71	2.76	0.28	-0.41	-0.12	
	-1.24	0.56	1.24	6.3	82.15	133.2	180.42	146.01	82.8	8.68	-12.3	-3.72	
mm/month				6.3	82.15	133.2	180.42	146.01	82.8	8.68			639.56 mm total
ft/month				0.02	0.27	0.44	0.59	0.48	0.27	0.03			2.10 ft total

ALLOWED CFS per WATER RIGHT

37-577CH	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
37-557	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
37-558	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
37-559	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60
	6.60	6.60	6.60	6.60	6.60	6.60	6.60	6.60	6.60	6.60	6.60	6.60

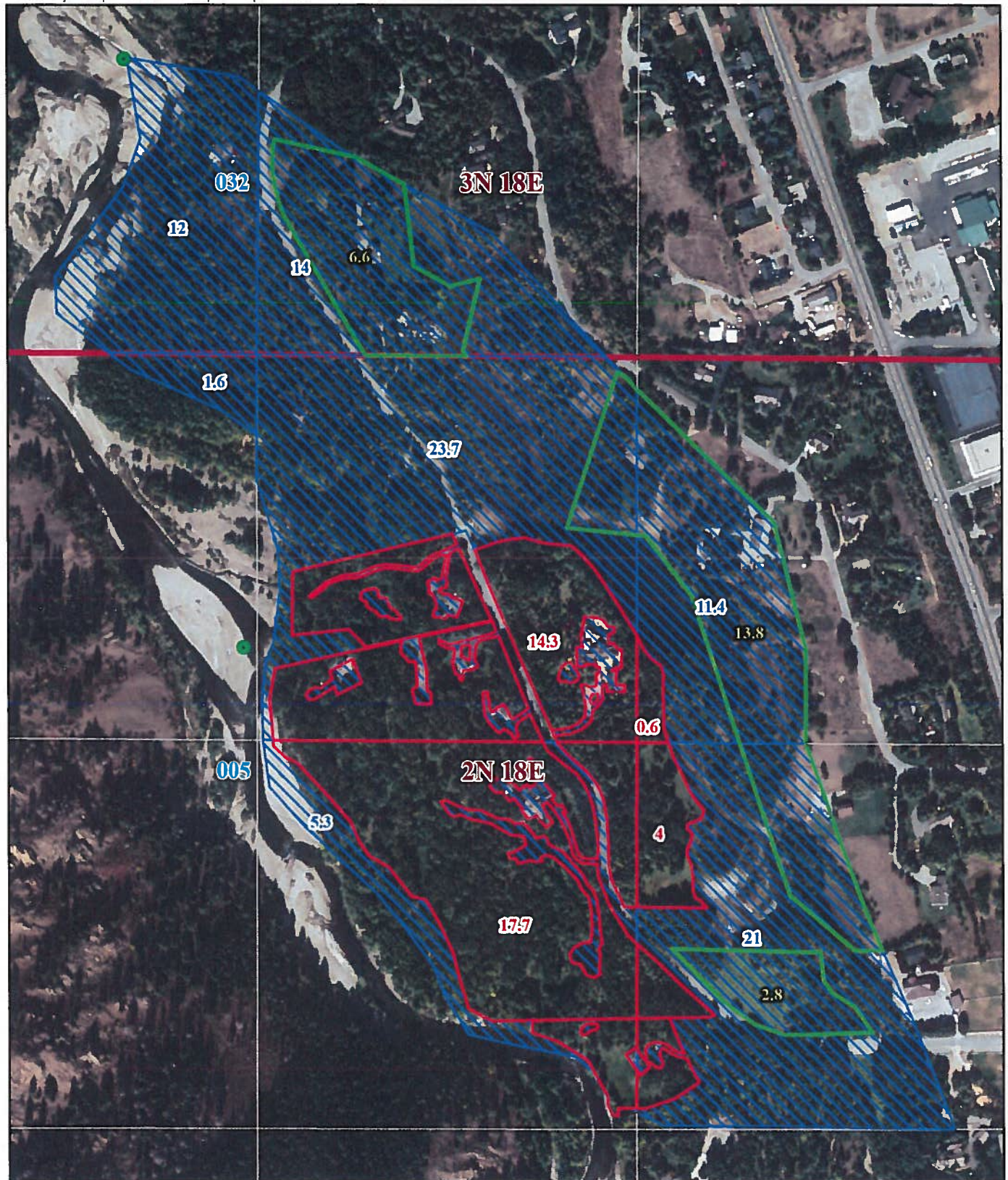
Average 2017 Monthly Deliveries	3.74	1.54	1.72	0.37	0.69	1.20	1.61
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CFS DELIVERD per WATER RIGHT 2017

37-577CH	1.20	1.20	1.20	0.37	0.69	1.20	1.20
37-557	1.00	0.34	0.52	0.00	0.00	0.00	0.41
37-558	1.54	0.00	0.00	0.00	0.00	0.00	0.00
37-559	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	3.74	1.54	1.72	0.37	0.69	1.20	1.61

PERCENTAGE OF WATER DELIVERED 2017

37-577CH	100%	100%	100%	30%	58%	100%	100%
37-557	100%	34%	52%	0%	0%	0%	41%
37-558	77%	0%	0%	0%	0%	0%	0%
37-559	0%	0%	0%	0%	0%	0%	0%



0 125 250 500 Feet

ASPEN LAKES CANAL CO.

WATER SUPPLY BANK APPLICATIONS
NAIP 2017 AERIAL

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 2/9/2018

Legend

- POD
- Lease Acres
- Rental_Acres
- Overlapping_Acres





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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 31, 2018

ASPEN LAKES CANAL CO.
PO BOX 987
KETCHUM ID 83340

RE: APPLICATIONS TO LEASE WATER RIGHTS 37-557, 37-558 & 37-559 TO THE WATER SUPPLY BANK AND RENT WATER RIGHT 37-557 FROM THE WATER SUPPLY BANK

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

Dear Lessor:

The Department of Water Resources received applications to Lease Water Rights 37-557, 37-558 and 37-559 and an application to Rent Water Right 37-557 from Brockway Engineering on your behalf on December 4, 2017. Through the review of these applications we have determined that we will need additional information prior to approval of these applications.

The applications propose to place these three water rights entirely into the water supply bank from 2017 through 2021. According to the lease application submitted for water right 37-557, on question 4. F. you stated, "There are 36.6 acres that are currently being irrigated." The water supply bank cannot approve a lease to accept those 36.6 acres into the water supply bank for the year 2017 if those acres were already put to beneficial use. According to satellite imagery, those acres were irrigated in 2017. We would be able to accept proportional amounts of the unirrigated portions of these water rights into the water supply bank.

One of the evaluation criteria for rental applications in the water Supply Bank Rules also known as IDAPA 37.02.03 is enlargement of the water right. The department may reject and refuse approval if the rental would cause the use of the water to be enlarged beyond that authorized. The department considers the unstacking of water rights that would increase irrigated acres to be an enlargement.

The analysis provided for the separation of these rights would have been adequate to address enlargement concerns if the only water rights authorized for the place of use were water rights 37-557, 37-558 and 37-559. However, there are several ground water rights with irrigation as the beneficial use that overlap these surface water rights. The department has concluded that a possible enlargement of these ground water rights was not addressed in the analysis provided. The department has concerns that the idling of the 89 acres proposed under these applications would result in an increase of ground water use under water rights 37-8429, 37-8561 and 37-8658 to make up for the idled surface water rights.

Please provide the following information within 30 days of this letter to address the concerns discussed above.

- Please provide information about whether water rights 37-557, 37-558 and 37-559 were used in

calendar year 2017 and where they were used. Diversion and priority cutoff information should be available from and verifiable through the Watermaster of Water District 37. There are a couple of foreseeable outcomes.

1. If 37-557 was the only right diverted in 2017, the department could place the other two rights into the bank beginning in 2017 to avoid forfeiture. Then water right 37-557 could be placed on a separate lease contract starting in 2018. This would require an additional \$250.00 application fee for 37-557. The rental processing could proceed to be processed as requested.
 2. If portions of all three water rights were diverted in 2017, then the approval of a lease of the proportions not diverted could be accepted into the bank beginning in 2017. This would protect the unused portions of these rights from forfeiture. However, this would result in the rental application, as proposed, to be denied.
- Explain how there will not be an acreage enlargement if IDWR approves this lease and makes those 89 acres rentable for water rights 37-558 and 37-559 while the groundwater rights (37-8429, 37-8561 and 37-8658) that they overlap are not being idled.
1. One possible solution is the overlapping acres could be made un-rentable to avoid this enlargement scenario.

If the Department does not receive the information requested within 30 days of this letter the applications will be denied. No refund will be provided for these applications.

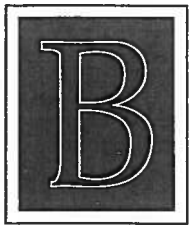
If you have any questions or no longer have an interest in the applications, please contact me at (208) 287-4910.

Sincerely,



Clay Webster
Water Rights Supervisor

cc. Greg Sullivan – Brockway Engineering



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 04 2017

DEPARTMENT OF
WATER RESOURCES

November 30, 2017

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

Re: Aspen Lakes Canal Co.

Dear Mr. Buyer:

Aspen Lakes Canal Co. desires to lease the full portions of irrigation water from water rights 37-557, 37-558 and 37-559. Aspen Lakes Canal Co. also desires to rent the entire diversion rate of 1.0 cfs from 37-557 onto 36.6 acres.

By renting 1.0 cfs from 37-557, a rental from 37-558 and 37-559 would be limited to 89.0 acres. An analysis of the diversion available volume and the consumptive use volume on the 125.6, 36.6 and 89.0 acres has been performed. The analysis is attached to this letter. Based on monthly consumptive use values, there is no increase in consumptive use or expansion of water rights 37-557, 37-558 and 37-559 when the rentals from these three water rights are limited to a 36.6 acre rental (37-557) and a 89.0 acre rental (37-558 and 37-559). This analysis was discussed with Shelly Keen, Clay Webster, Charles G. Brockway and Greg Sullivan on September 29, 2017 and all parties agreed to the analysis.

The attached lease applications propose a lease period of 2017 through 2021. The rental contract for the 36.6 acres is expected to active 2018 through 2021. The Aspen Lakes Canal Co. will pay the Idaho Water Supply Bank the 10% processing fee for the rental annually.

A W-9 Form is not being submitted at this time to the Idaho Water Supply Bank. Due to the structure of the Aspen Lakes Canal Co. there is not an active tax identification number associated with the entity. If a portion of 37-558 and 37-559 is rented from the Idaho Water Supply Bank, Aspen Lakes Canal Co will submit a W-9 Form if they desire to receive payment for the rental.

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

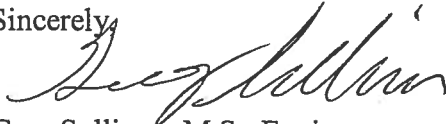
TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Please copy our office on all correspondence regarding this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Sullivan". The signature is fluid and cursive, with the first name "Greg" and last name "Sullivan" clearly distinguishable.

Greg Sullivan, M.S., Engineer

Cc: Jim Speck

Enc: Lease and Rental Applications, Aerial Maps, Consumptive Use Analysis, Brockway
Engineering Check # 14363 for \$500.00