

WATER SUPPLY BANK LEASE CONTRACT NO. 644

RECEIVED

JUL 18 2017

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

DEPARTMENT OF
WATER RESOURCES

LESSOR: ECCLES FLYING HAT RANCH LLC PO BOX 3028 SALT LAKE CITY, UT 84110

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on Friday, May 05, 2017.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-481D	8/1/1882	BIG WOOD RIVER, tributary to MALAD RIVER	0.12	52.2	14.9
37-482J	8/1/1884	BIG WOOD RIVER, tributary to MALAD RIVER	0.12	52.2	14.9
Combined Limit			0.12	52.2	14.9
37-577BP	3/24/1883	BIG WOOD RIVER, tributary to MALAD RIVER	0.22	70.7	20.2
37-483D	8/1/1902	BIG WOOD RIVER, tributary to MALAD RIVER	0.12	70.7	20.2
Combined Limit			0.22	70.7	20.2
37-11978	3/24/1883	BIG WOOD RIVER, tributary to MALAD RIVER	0.13	10.5	3.0
37-11976	6/1/1884	BIG WOOD RIVER, tributary to MALAD RIVER	0.03	10.5	3.0
37-11975	6/15/1891	BIG WOOD RIVER, tributary to MALAD RIVER	0.12	10.5	3.0
37-11977	6/15/1891	BIG WOOD RIVER, tributary to MALAD RIVER	0.03	2.8	0.8
Combined Limit			NA	10.5	3.0
37-917	4/1/1940	BIG WOOD RIVER, tributary to MALAD RIVER	0.10	33.3	9.5
37-2713	8/18/1965	GROUND WATER, tributary to	0.39	80.5	23.0
37-7356	4/28/1974	GROUND WATER, tributary to	0.10	40.8	23.0
Combined Limit			NA	80.5	23.0
Combined Limit Totals			0.98	160.8	23.0
Combined Lease Totals			0.98	160.8	23.0

IN FILE # 37-481D

LEASE CONTRACT NO. 644

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2017 to December 31, 2021. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

LEASE CONTRACT NO. 644

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY, UT 84110

By C. Hope Eccles
Title Manager
Date July 13, 2017

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

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

Date 7/18/2017

Lease approved by IDWR Angie Webb

Date 7-18-2017

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
FOR LEASE CONTRACT NO. 644

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 37-482J, 37-483D, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-481D, 37-577BP

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2713, 37-7356

GROUND WATER	NWSW	Sec. 23	Twp 02N	Rge 18E	BLAINE County
GROUND WATER	NESW	Sec. 23	Twp 02N	Rge 18E	BLAINE County
GROUND WATER	SWSE	Sec. 23	Twp 02N	Rge 18E	BLAINE County
GROUND WATER	SWSE	Sec. 15	Twp 02N	Rge 18E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-577BP

BIG WOOD RIVER	SWNW	Sec. 20	Twp 03N	Rge 18E	BLAINE County
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Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-482J	IRRIGATION	04/15	to	10/31	0.12 cfs	52.2 AF
37-483D	IRRIGATION	04/15	to	10/31	0.12 cfs	70.7 AF
37-917	IRRIGATION	04/15	to	10/31	0.10 cfs	33.3 AF
37-2713	IRRIGATION	05/01	to	09/01	0.39 cfs	80.5 AF
37-7356	IRRIGATION	05/01	to	09/01	0.10 cfs	40.8 AF
37-11975	IRRIGATION	04/15	to	10/31	0.12 cfs	10.5 AF
37-11976	IRRIGATION	04/15	to	10/31	0.03 cfs	10.5 AF
37-11977	IRRIGATION	04/15	to	10/31	0.03 cfs	2.8 AF
37-11978	IRRIGATION	04/15	to	10/31	0.13 cfs	10.5 AF
37-481D	IRRIGATION	04/15	to	10/31	0.12 cfs	52.2 AF
37-577BP	IRRIGATION	04/15	to	10/31	0.22 cfs	70.7 AF
Total Limits:					1.03 cfs	160.8 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: 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	23												3.5			0.9		4.4
02N	18E	25						1.8											1.8
02N	18E	26		1.2	7.1	4.5	0.5			3.5									16.8

Total Acres: 23.0

LEASE CONTRACT NO. 644
ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into 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.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water rights are leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Unleased portions of rights 37-2713 and 37-7356 when combined shall not exceed a total annual maximum diversion volume of 2005.5 af at the field headgate, and the irrigation of 573 acres.
13. Leased portions of rights 37-2713 and 37-7356 when combined shall not exceed a total annual maximum diversion volume of 80.5 af at the field headgate, and the irrigation of 23.0 acres.
14. Unleased portions of rights 37-481D and 37-482J when combined shall not exceed the irrigation of 372.1 acres.
15. Leased portions of rights 37-481D and 37-482J when combined shall not exceed the irrigation of 14.9 acres.
16. Unleased portions of rights 37-483D and 37-577BP when combined shall not exceed the irrigation of 502.8 acres.

LEASE CONTRACT NO. 644
ADDITIONAL CONDITIONS OF ACCEPTANCE Cont.

17. Leased portions of rights 37-483D and 37-577BP when combined shall not exceed the irrigation of 20.2 acres.
18. Unleased portions of rights 37-11975, 37-11976, 37-11977, and 37-11978 when combined shall not exceed the irrigation of 76.0 acres.
19. Leased portions of rights 37-11975, 37-11976, 37-11977, and 37-11978 when combined shall not exceed the irrigation of 3.0 acres.
20. Unleased portions of rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 25.76 cfs, a total annual maximum diversion volume of 4011.2 af at the field headgate, and the irrigation of 573 acres.
21. Leased portions of rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 0.98 cfs, a total annual maximum diversion volume of 160.8 af at the field headgate, and the irrigation of 23.0 acres.
22. Unleased portions of rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.46 cfs and 2005.6 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 22.92 cfs and 4011.2 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
23. Leased Portions of rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 0.46 cfs and 80.4 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 0.92 cfs and 160.8 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
24. The period of use for the irrigation described in rights 37-2713 and 37-7356 may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 09/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/16/2002 (approval date of transfer 69809).
25. 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(s).
26. 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 above.
27. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
28. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under these rights and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
29. Use of water under these rights may 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.

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 644

37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-2713, 37-7356, 37-11975, 37-11976, 37-11977 & 37-11978
Effective until December 31, 2021

This map depicts the place of use to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.5 1 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 05 2017

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant ECCLES FLYING HAT RANCH LLC
(Select one owner – see item 1A on the application)Water Right No. 37-481D
(One water right per application)Is this application being submitted with a rental application as a lease/rental package? Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for *all owners* of the water right to be leased or sold on this application.
- 1B ☒ ☐ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☐ ☒ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 500Received By: VCDate Received: 5/5/17Receipt # C103501W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

3500

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant ECCLES FLYING HAT RANCH LLC

Mailing Address PO Box 3028 Salt Lake Utah 84110
Street City State Zip Code

Email Address _____ Phone Number 801-246-5329

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☒ No ☐
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan Organization Brockway Engineering

Professional Title Engineer Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N. Washington St. Ste 4 Twin Falls, ID 83301 Phone Number 208-736-8543

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled 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 idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☐
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).
- B. Please provide a description of the current water diversion and delivery system.
Existing well, mainlines and delivery system.
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 37-481D et al.
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. These portions of these water rights have been leased into the Idaho Water Supply Bank for the last several years.
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☒
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

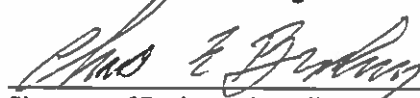
If lease, specify the years when the use of water will be suspended: 2017 to 2021 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
current rental rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.


Signature of Designated Applicant

Charles E. Brockway
Printed Name

5/21/2017
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
<u>37-481D</u>	<u>Irrigation</u>	<u>0.12</u>	<u>N/A</u>	<u>14.9</u>
	Total Amounts:	<u>0.12</u>	<u>N/A</u>	<u>14.9</u>

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>Lot</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>County</u>
<u>02N</u>	<u>18E</u>	<u>16</u>			<u>SW</u>	<u>NE</u>	<u>Blaine</u>
<u>02N</u>	<u>18E</u>	<u>22</u>			<u>NE</u>	<u>SE</u>	<u>Blaine</u>

MEMORANDUM

TO: Water Right Files 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356

FROM: Daniel A. Nelson

DATE: June 24, 2011

SUBJECT: Eccles Flying Hat Ranch LLC Water Supply Bank Lease Application

SUMMARY

Greg Sullivan of Brockway Engineering P.L.L.C. has filed a water bank lease application for water right 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 for Last Ranch LLC. The lease applications request to place a combination of 23 acres, in various portions from each of these water rights into the Water Supply Bank. The spits for each of these water rights are listed on a spreadsheet attached to this memo labeled "Eccles Flying Hat Water Supply Bank Lease Distribution of Water Rights." The changes needed for the combined conditions are listed at the end of this memo.

An earlier Water Supply Bank Lease package was submitted for these water rights, but that lease package was denied. The reason for the earlier denial was that the water right 37-577BP was a contested case in the Snake River Basin Adjudication (SRBA). Water right 37-577BP has still not been decreed, but a "Standard Form 5 – Stipulated Elements of A water Right" was submitted to the SRBA court for 37-577BP. There was and still is an issue with overlapping water right 37-20625. Water right 37-20625 has been recommended to be disallowed by SRBA staff. Eccles Flying Hat Ranch LLC objected to this recommendation. If the recommendation were to be changed, this water right would need to be included in this Water Supply Bank Lease. However, a verbal motion to withdraw the objection to 37-20625 has been submitted to the SRBA court, therefore, this water right should be decreed as a disallowed water right. Although it would be best to continue to hold these Water Supply Bank Leases until both water rights 37-577BP and 37-20625 are decreed in the SRBA, it has been determined that both of these water right recommendations should adequately reflect the partial decrees that will be issued for these water rights.

All of these water rights overlap each other, and share the same overlapping conditions. The applicant supplied a spreadsheet depicting the amount of the diversion rate they wished to remove from each water right. I then equated those diversion rate numbers to include a number of acres retired from each water right and the combined conditions related to each water right. The acres amounts and diversion rates are determined based on the 23 acres being retired is 3.85906040% of the total combined acres. Therefore, this percentage was removed from each of the water rights and the combined condition amounts. The acre amounts appear to be messy to say the least, but the conditions that combine all of the water rights together do come to a total of 23 acres. We have decided to move forward with the lease package.

AUTHORITY TO FILE

Eccles Flying Hat Ranch LLC signed a Limited Power of Attorney document that gave Brockway Engineering power of attorney to perform the necessary business to place these water rights into the Water Supply Bank.

SUFFICIENCY OF SUPPLY

There is no evidence to suggest that there is a lack of water in the Big Wood System for most of these water rights, but there are issues that may arise during the portion of the season when the Minimum Stream Flow requirements are in priority.

INJURY

There have been several protests by the Idaho Water Resource Board concerning water right transfers that move water rights upstream of the Hailey Gauge on the Big Wood River system. It appears as though these water rights are below the Hailey Gauge, so there should be a condition that requires a comment from the Idaho Water Resource Board prior to moving water upstream of its current location.

ENLARGEMENT

An enlargement has not been proposed, but any rental of these water rights will need to be done cautiously to avoid extending the delivery season on these water rights due to a longer delivery season at a new location. The Watermaster for Basin 37 is well versed in monitoring these types of situations, so it is unlikely that it will become a major issue.

BENEFICIAL USE

This is a beneficial use of the waters of Idaho.

LOCAL PUBLIC INTEREST

There is no evidence that this application is not within the local public interest.

WATER DISTRICT

The watermaster for Water District 37 has been contacted concerning these lease applications, but did not respond to my request for comment. I am therefore assuming he has no issues with these lease applications.

RECOMMENDATION

Although there are several issues with these water bank leases, it does appear as though we can move forward with the water bank lease with the inclusion of special conditions to the water bank leases. Probably the biggest issue are the splits of the acres within the water rights, so to prevent confusion, any rental of these water rights should include all of the water rights for the full 23 acres. Any rental for less than 23 acres should not use these water rights. In order for these Water Supply Bank lease to be approved, I recommend that the following conditions be incorporated into the water bank lease.

Water Right 37-481D Conditions for Lease:

Special Condition - When water rights 37-481D and 37-482J are combined the portion being submitted to the Water Supply Bank is limited to 15.5 acres, and the portion remaining on the property is limited to 371.5 acres.

Water Right 37-482J Conditions for Lease:

Special Condition - When water rights 37-481D and 37-482J are combined the portion being submitted to the Water Supply Bank is limited to 15.5 acres, and the portion remaining on the property is limited to 371.5 acres.

Water Right 37-483D Conditions for Lease:

Special Condition - When water rights 37-483D and 37-577BP are combined the portion being submitted to the Water Supply Bank is limited to 21 acres, and the portion remaining on the property is limited to 502 acres.

Water Right 37-577BP Conditions for Lease:

Special Condition – If the final decree issued for water right 37-577BP varies from the Standard Form 5 signed by Department Staff on May 26, 2011, the water bank leases for water rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 will all be rejected.

Special Condition – If the final decree issued for water right 37-20625 is not decreed as a disallowed water right the water bank leases for water rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 will all be rejected.

Special Condition for Remaining Portion only – A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation or is otherwise no longer necessary for such mitigation. The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal.

Special Condition - When water rights 37-483D and 37-577BP are combined the portion being submitted to the Water Supply Bank is limited to 21 acres, and the portion remaining on the property is limited to 502 acres.

Water Right 37-917:

Special Condition – The portion of water right 37-917 being submitted to the Water Supply Bank is limited to 9.7 acres, and the portion remaining on the property is limited to 236.3 acres within the remaining permissible place of use.

Water Right 37-11975:

Special Condition - When water rights 37-11975, 37-11976, 37-11977, and 37-11978 are combined the portion being submitted to the Water Supply Bank is limited to 3 acres, and the portion remaining on the property is limited to 76 acres.

Water Right 37-11976:

Special Condition - When water rights 37-11975, 37-11976, 37-11977, and 37-11978 are combined the portion being submitted to the Water Supply Bank is limited to 3 acres, and the portion remaining on the property is limited to 76 acres.

Water Right 37-11977:

Special Condition – The portion of water right 37-11977 being submitted to the Water Supply Bank is limited to 0.8 acres, and the portion remaining on the property is limited to 19.2 acres within the remaining permissible place of use.

Special Condition - When water rights 37-11975, 37-11976, 37-11977, and 37-11978 are combined the portion being submitted to the Water Supply Bank is limited to 3 acres, and the portion remaining on the property is limited to 76 acres.

Water Right 37-11978:

Special Condition - When water rights 37-11975, 37-11976, 37-11977, and 37-11978 are combined the portion being submitted to the Water Supply Bank is limited to 3 acres, and the portion remaining on the property is limited to 76 acres.

Water Right 37-2713:

Special Condition - When water rights 37-2713 and 37-7356 are combined the portion being submitted to the Water Supply Bank is limited to 23 acres, and the portion remaining on the property is limited to 573 acres.

Water Right 37-7356:

Special Condition - When water rights 37-2713 and 37-7356 are combined the portion being submitted to the Water Supply Bank is limited to 23 acres, and the portion remaining on the property is limited to 573 acres.

Combined Conditions to be placed on all of the water rights:

Water Rights being placed into the Water Supply Bank Conditions.

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed the irrigation of 23 acres.

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-

2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 0.46 cfs and 80.5 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of .092 cfs and 161.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356 when combined shall not exceed 1.03 cfs and a total annual maximum diversion volume of 161.0 af at the field headgate.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.

Any of rental of the water rights from the Water Supply Bank upstream from the current point of diversion must request comments from the Idaho Water Resource Board prior to approval of the rental agreement.

Water Rights remaining on the property Conditions.

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed the irrigation of 573 acres.

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.46 cfs and 2005.5 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 22.92 cfs and 4011.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356 when combined shall not exceed 25.71 cfs and a total annual maximum diversion volume of 4011.0 af at the field headgate.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.

Eccles Flying Hat Water Supply Bank Lease Distribution of Water Rights

Total Combined Acres = 596
 Acres Being Lease to the Bank = 23
 Percent of Total Lands Being Leased = 3.85906040%

Water Right Number	Original Acre Limit	Original Diversion Rate	Original Volume	Acres Leased to Bank (Original Acres times Percentage)	Diversion Rate Leased to Bank ((Original Rate/Original Acres) * Acres Leased) in cfs	Volume Leased to Bank ((Original Volume/Original Acres) * Acres Leased) in af	Acres Remaining on property	Diversion Rate Remaining on property in cfs	Volume Remaining on Property in af
37-481D	387	3.00		14.9	0.12		372.1	2.88	
37-482J	387	3.00		14.9	0.12		372.1	2.88	
37-483D	523	3.00		20.2	0.12		502.8	2.88	
37-577BP	523	5.60		20.2	0.22		502.8	5.38	
37-917	246	2.54		9.5	0.10		236.5	2.44	
37-11975	79	3.20		3.0	0.12		76.0	3.08	
37-11976	79	0.70		3.0	0.03		76.0	0.67	
37-11977	20	0.80		0.8	0.03		19.2	0.77	
37-11978	79	3.50		3.0	0.14		76.0	3.36	
37-2713	596	10.00	2086.0	23.0	0.39	80.5	573.0	9.61	2005.5
37-7356	596	2.68	1057.8	23.0	0.10	40.8	573.0	2.58	1017.0

LIMITED POWER OF ATTORNEY

The Undersigned holder(s) of Licenses, Permits, and/or Applications No. See Exhibit A (attached) of the Department of Water Resources of the State of Idaho ("department") hereby nominates Charles E. Brockway, whose address is 2016 N. Washington St., Twin Falls, ID 83301 as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to the above numbered permit or application submitted or pending before the "department" or the Snake River Basin Adjudication (Fifth Judicial District Court, Civil Case No. 39576) ("SRBA"). Such acts shall include, but not be limited to, the filing of application, receiving of all notices, the signing and filing of applications for extension of time and for amendments of said permits, the submission of proofs of completion of works and beneficial use of water, and claims in the SRBA, and amendments thereto.

Dated this 6th day of November, 2003

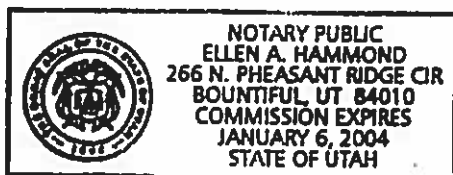
Spencer F. Eccles
 Spencer F. Eccles, Managing Member
 Window Rock Ranch, LLC

State of Utah)
 S.S.
 County of Davis)

On this 6th day of November, in the year of 2003, before me, a Notary Public, personally appeared Spencer F. Eccles, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he (she) (they) executed the same.

Ellen A. Hammond
 Notary Public
 In and for said State and County
January 6, 2004
 My Commission Expires on

S
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LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Spencer Eccles of Eccles Flying Hat Ranch, hereby nominate and appoint
Charles E. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

All water rights relating to Eccles Flying Hat Ranch.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 4th day of March 2010.

Spencer Eccles

Signature

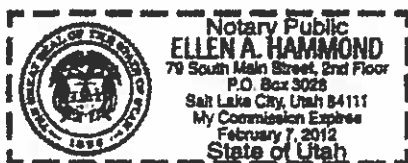
Signature

State of ~~Idaho~~ Utah)
County of Salt Lake) ss.

On this 4th Day of March, 2010, before me, a Notary Public
in and for said County and State, personally appeared SPENCER F. ECCLES,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
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A
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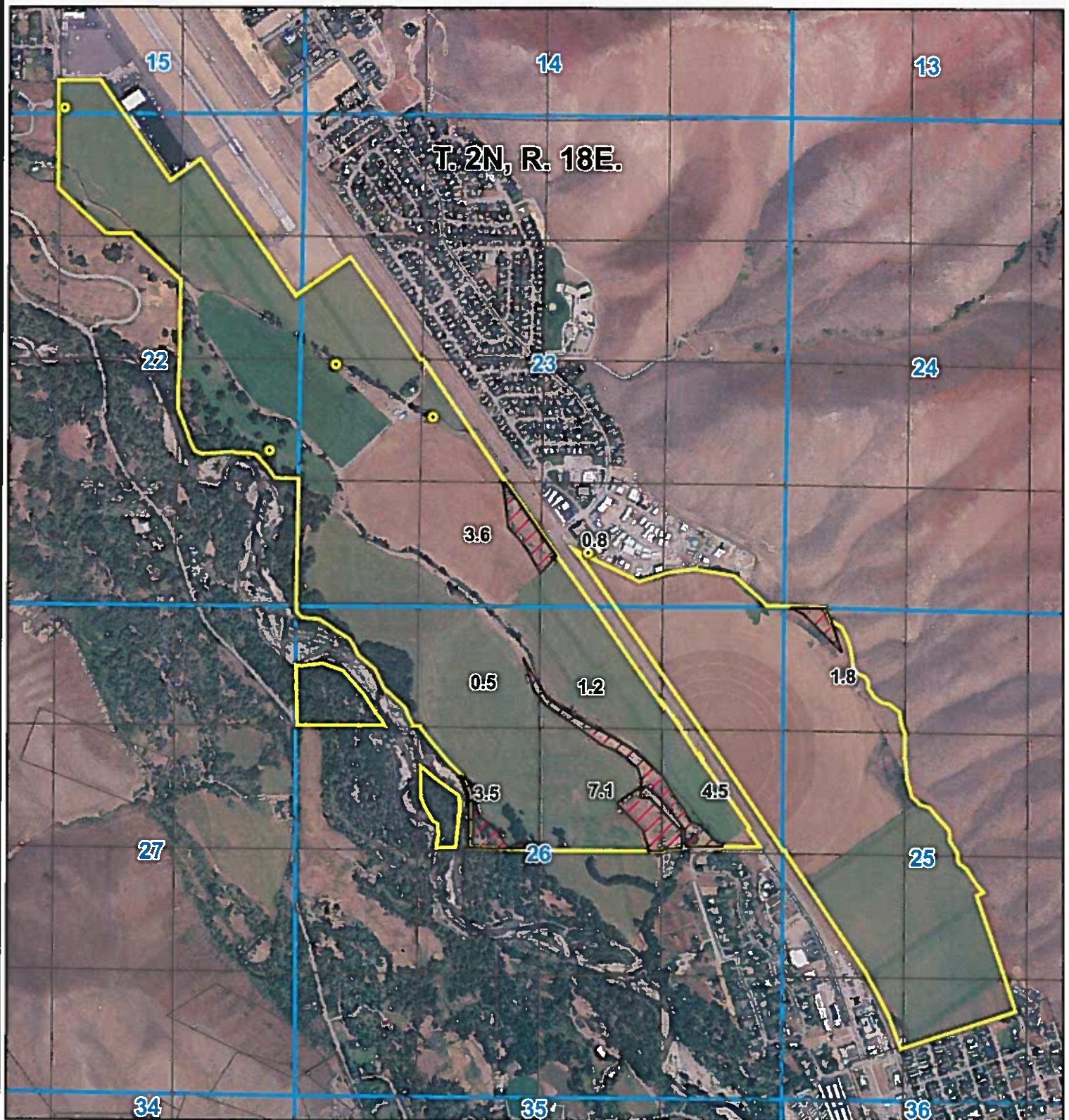
Ellen A. Hammond

Notary Public

In and for said State and County

February 7, 2012

My Commission Expires



0 500 1,000 2,000 Feet

ECCLES FLYING HAT RANCH WATER BANK RENTAL MAP 2017 NAIP 2015 AERIAL

BROCKWAY ENGINEERING, PLLC
GWS - March 8, 2017

NOTE: ALL POD'S NOT SHOWN

- Legend**
- Points Of Diversion
 - Water Bank Rental Acres = 23 acres
 - PPU





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 19, 2017

ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-2713, 37-7356, 37-11975, 37-11976, 37-11977, and 37-11978

Dear Lessor:

Water rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-2713, 37-7356, 37-11975, 37-11976, 37-11977, and 37-11978 were leased into the Water Supply Bank (Bank) as of May 5, 2017, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2021**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

Water Supply Bank

Enclosure: Executed Lease Contract

c: Corey Skinner - IDWR Southern Region
Kevin Lakey - Water District 37
Greg Sullivan - Brockway Engineering
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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 6, 2017

ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

**RE: APPLICATION TO LEASE AND RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-481D, 37-482J, 37-483D. 37-577BP, 37-917, 37-2713, 37-7356,
37-11975, 37-11976, 37-11977 and 37-11978,**

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your applications to lease water to and rent water from the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts and a Water Supply Bank Rental Agreement for your review and signature. Please sign and return ALL Lease Contracts and Rental agreements within 14 days.** Upon signature and return of the original contracts and agreement(s), together with the rental fee described below, the Department will also sign the original contracts and agreement(s) and return executed copies 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 **\$2,023.00** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 119.0 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$202.30. Please send a check for \$202.30** made payable to the Idaho Department of Water Resources, so I can complete processing.

The Department shall receive an annual payment (\$238.00) prior to January 1 in all subsequent years (2018-2021) for the duration of the rental period. The rental agreement will be void if payment is not received prior to the due date in a given year. If the rental is voided and you do not terminate the lease contract, the water rights will still be subject to rental by other parties.

If you would like to terminate the lease and rental agreement prior to the end of the lease/rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date. You may use the Request to Release a Water Right From the Bank located at <http://idwr.idaho.gov/files/water-supply-bank/WSB-Request-to-Release-a-WR-from-the-Bank.pdf>.

If all signed leased contracts, signed rental agreements and the rental fee payment is not received within 14 days, your lease/rental package may be in danger of being returned without being executed in such case, the lease application fee will not be refunded.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,


for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosures:

Proposed Lease Contracts
Proposed Rental Agreement(s)

c: IDWR Front Desk
Greg Sullivan- Brockway Engineering PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, July 06, 2017 10:55 AM
To: 'Greg Sullivan'
Subject: WSB Lease Contract and Rental Agreement for Eccles Flying Hat Ranch
Attachments: DOC000

The contracts and agreement will go out in tomorrow's mail. Please let us know if you have any questions.
Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Webster, Clay

From: Skinner, Corey
Sent: Thursday, June 29, 2017 11:51 AM
To: Webster, Clay
Subject: Re: Watermaster and Regional Comments on WSB Lease Rental package for Eccles Flying Hat Ranch LLC

If it's the same as what we have been doing since 2014 the I have no concerns.

Sent from my iPhone

> On Jun 29, 2017, at 1:34 PM, Webster, Clay <Clay.Webster@idwr.idaho.gov> wrote:
>
> Corey and Kevin,
>
> We are currently processing applications that propose the same lease and rental that have been in place since 2014.
Do you have any concerns? Thanks
>
> Sincerely,
> Clay Webster
> Water Resource Agent Sr.
> clay.webster@idwr.idaho.gov<mailto:clay.webster@idwr.idaho.gov>
> 208-287-4910
> Idaho Department of Water Resources (IDWR)
>
>
> <Map.pdf>
> <Lease and Rental Review Memo-applications 380 and 837.docx>

MEMORANDUM FOR WSB APPLICATIONS # 837 AND 380

To: Water Right(s) 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-2713, 37-7356, 37-11975, 37-11976, 37-11977 & 37-11978

From: Clay Webster

Date: 6/29/2017

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

PURPOSE/NARRATIVE: The department received an application to rent 23 acres worth of the above rights into the WSB on May 5, 2017. We also received an application for the owners to rent back 17 acres worth of these rights from the water supply bank. These applications were received from Brockway Engineering on behalf of Eccles Flying Hat Ranch. However, no map was received for the rental application. The map received for the leases was titled "Eccles Flying Hat Ranch Water Bank Rental Map 2017", but had Rental scratched out in pencil and Lease written in with Acres=23 acres. A deficiency letter was sent to request a rental map and the map was received the same day.

This is a repeat of the lease and rental that have been in place since 2014.

Ground water falls within the Hailey Zone in the Wood River Valley. Since this rental will not move the ground water diversions, there is no need to limit this rental to a single year.

AUTHORITY TO FILE: These applications were signed by Charles E. Brockway. They provided a limited power of attorney authorizing him to sign on the applicants behalf.

WATER RIGHT VALIDITY: The above mentioned rights are all valid and the portion offered to the bank has been leased into the banks since 2011. These acres have been idled pursuant to the lease applications.

INJURY TO OTHER WATER RIGHTS: The rental will be diverted from the same points of diversion authorized from the leased rights with an additional diversion from the POD of 37-885B for the surface water rights only. The place of use for this rental is within the authorized POU of 37-885B. I have no injury concerns at this time.

ENLARGEMENT OF USE: The place of use acres proposed to be irrigated fall within the place of use of 37-885B. This right has been completely leased to the bank since 2014. This eliminates any concerns of overlap. I have no enlargement concerns at this time.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 37. Comments were requested from the regional office and the watermaster via e-mail.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVE
MAY 05 2017
DEPARTMENT OF
WATER RESOURCES

May 3, 2017

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

Re: Flying Hat Ranch Water Rights

Dear Mr. Buyer:

On behalf of Flying Hat Ranch, Brockway Engineering is submitting lease applications for water right 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 for a total of 23.0 acres to the Idaho Water Supply Bank. The water rights are stacked in a PPU of 675 acres, in which 596 acres can be irrigated. The lease applications are for a period of five years. The diversion amount is based on the allowed diversion required for surface irrigation of 0.92/161 cfs/afa as defined in the conditions of the surface water rights at a total diversion limit of 23.84 cfs at 7172.0 afa. Water right 37-20625 has the same POU described under the above water rights but 37-20625 is utilized as transmission losses in the Hiawatha Canal.

Please copy our office on all correspondence regarding these applications.

Sincerely,

Greg Sullivan, Engineer

Cc: Flying Hat Ranch, Marc Reinemann

Enc: Idaho Water Supply Bank Lease Applications, Aerial Map, Brockway Engineering
Check 1401.60 for \$500.00

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