

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 12 2017

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 151

This is to certify that:

JEAN H SMITH
1451 NORTH IRONBRIDGE WAY
EAGLE, ID 83616

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-7059	3/11/1970	GROUND WATER	0.04	6.9	5.3	0.008	1.30
Rental Totals			0.04	6.9	5.3	0.008	1.30

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2017.

Annual Rental Fee:

2017: \$117.30

The full fee for the rental of the above-described right(s) is \$117.30 for 2017. The rental fee includes an administrative fee of \$11.73 for 2017.

Total Water Use Authorized Under Rental Agreement No. 151

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.04	6.7	1.9	0.02	3.5
Total	0.04	6.7	1.9	0.02	3.5

** The authorized water usage reflects a reduction from the water right elements rented, to account for consolidation of the rate and volume on reduced acres.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 151

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DEPARTMENT OF
WATER RESOURCES

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:

Jean H. Smith
Signature of Renter

June 8, 2017
Date

Jean H. Smith
Printed Name

Renter
Title

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

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

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

Date 6/12/2017

Rental approved by IDWR Chy Wren

Date 6-12-2017

RECEIVED

JUN 05 2017

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 151

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:


Signature of Renter

May 27 2017
Date

Shamon Pack
Printed Name

Title

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

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

By _____
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date _____

Rental approved by IDWR _____

Date _____

WATER SUPPLY BANK RENTAL AGREEMENT NO. 151

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec. 12, Twp 04N, Rge 17E, BLAINE County

Beneficial Use
IRRIGATION

Diversion Rate
0.04 CFS

Volume
6.7 AF

BENEFICIAL USE & SEASON OF USE

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

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	12		1.6	0.3														1.9

Total Acres: 1.9

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 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.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. 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.
6. 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. This rental for mitigation by non-use may be ineffective if the mitigating water right is not in priority.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. This rental agreement does not authorize the construction of a well.
9. Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

11. 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.
12. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. This rental when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate.
14. The following rights are also diverted through point of diversion described above: 37-12134.
15. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
16. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 151

Effective until December 31, 2017

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



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

RECEIVED

FEB 27 2017

DEPARTMENT OF
WATER RESOURCESApplicant Name: Jean H. Smith

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☐ ☒ Detailed information on a proposed use of rental water
- 3F ☐ ☒ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☒ ☐ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☐ ☒ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☐ ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☒ ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

37-7059

372

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Jean H. Smith c/o Colby Smith

Mailing Address 1451 North Ironbridge Way Eagle Idaho 83616

Street

City

State

Zip Code

Email Address _____

Phone Number 208-608-3743

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

Representative Zach Latham

Professional Title Hydrologist

Organization Brockway Engineering PLLC

Relationship to Applicant Consultant

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

Email Address zach.latham@brockwayeng.com

Phone Number 208-736-8543

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Proposed rental is for irrigation use at applicant's property.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.04 CFS	6.9 AF	0.04 CFS	6.9 AF	5.3 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/17	8/1/17	☒	☐	☐	☐	☐	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Water is conveyed to rental POU through buried pressurized irrigation system.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
Domestic Well	Ground Water	None.

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

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

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

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

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

- ☒ Irrigation 5.3 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

N/A.

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

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

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request. For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
37-7059	Irrigation	0.04	6.9	5.3		0.04	6.9	5.3
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.04	6.9	5.3
						CFS	AF	AC

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

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

Applicant seeks to rent back 5.3 acres for the irrigation of 1.9 acres of physical land. Low diversion rate associated with 37-7059 necessitates rental of additional acres in order to divert and apply 0.02 cfs per acre.

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

Yes ☐ No ☒

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

N/A.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
See previous 2015 and 2016 WSB rental approvals.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:
N/A.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information
Both the from and to wells are in the Ketchum zone.

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.

Jean H Smith
Signature of Applicant

Jean H Smith
Printed Name of Applicant

Feb. 7 2017
Date

Shannon Cook
Signature of Representative

Shannon Cook
Printed Name of Representative

4-14-17
Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

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

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

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

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

Regulated water sources may areas include:

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

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

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

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

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

Modeling situations may include:

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

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

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

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



0 25 50 100 Feet

JEAN H. SMITH
WATER BANK RENTAL, 2017
NAIP 2015 AERIAL

● POD
▨ WSB Rental
--- Smith Parcel



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

June 13, 2017

JEAN H SMITH
1451 NORTH IRONBRIDGE WAY
EAGLE ID 83616

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-7059**

Dear Renter:

Please find enclosed a receipt in the amount of **\$117.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 6.9 acre-feet of water for irrigation of 1.9 acres during 2017. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$105.57 of the rental fee will be paid to the lessor(s) and 10% or \$11.73 will be retained by the Department to offset administrative costs.

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

Sincerely,

for Water Supply Bank

Enclosures: Receipt No. C103655
Rental Agreement (copy)

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

Webster, Clay

From: Webster, Clay
Sent: Monday, June 05, 2017 3:26 PM
To: 'dsmith@generationcreative.com'
Subject: Rental Agreement 151 Jean H. Smith
Attachments: Smith 2017 Rental 37-7059 Agreement.pdf

Drew,

Thank you for discussing this rental with me. I have attached the rental agreement. Please have Jean H Smith sign this and return it to me via postal mail. Thank you for your assistance in this matter.

Sincerely,
Clay Webster
Water Resource Agent Sr.
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 25, 2017

JEAN H SMITH
1451 NORTH IRONBRIDGE WAY
EAGLE ID 83616

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR
WATER RIGHT 37-7059**

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

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on May 5, 2017. The signed agreement and rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$117.30 within ten (10) days of this letter to complete processing. Diversion and use of the water right is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

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

Sincerely,


Dan Budd

Water Supply Bank

c: Zach Latham – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 5, 2017

JEAN H SMITH
1451 NORTH IRONBRIDGE WAY
EAGLE ID 83616

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-7059**

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

Dear Applicant:

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

A rental fee of \$117.30 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 6.7 acre-feet.

Please send a check for \$117.30 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$105.57 of the rental fee will be paid to the lessor(s) and 10% or \$11.73 will be retained by the Department to offset administrative costs.

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

Sincerely,


Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham - Brockway Engineering

Edl, Michele

From: Colby Smith <colbysmith38@gmail.com>
Sent: Monday, April 17, 2017 12:02 PM
To: Edl, Michele
Subject: Fwd: RE: Smith Descendants' Trust - Trustee [IWOV-GPDMS.FID776621]
Attachments: TST Acceptance by Cook (signed 7.20.15).PDF

Michelle here is the acceptance signature page showing Shannon Cook Trustee of the Smith descendants Trust. Let me know if you need anything else. Thanks Colby

----- Forwarded message -----

From: "Cori Barrera" <coribarrera@givenspursley.com>
Date: Apr 17, 2017 11:59 AM
Subject: RE: Smith Descendants' Trust - Trustee [IWOV-GPDMS.FID776621]
To: "Colby Smith" <colbysmith38@gmail.com>
Cc: "Neal Koskella" <nealkoskella@givenspursley.com>

Colby, I called over to Kathleen and they had an electronic copy of the acceptance. Please see attached.

From: Colby Smith [mailto:colbysmith38@gmail.com]
Sent: Monday, April 17, 2017 11:42 AM
To: Cori Barrera <coribarrera@givenspursley.com>
Subject: Re: Smith Descendants' Trust - Trustee [IWOV-GPDMS.FID776621]

Great thanks. Just wondering why there is no signature page for Shannon? Shannon has one if you can not find. Thanks again.

On Apr 17, 2017 11:34 AM, "Cori Barrera" <coribarrera@givenspursley.com> wrote:

Colby,

Attached please find (1) a Declination to Act as Successor Trustee (Dennis Lallman) and (2) a Resignation of Trustee Release of Liability of Trustee (Michael Feltman appoints Shannon Cook).

I am also reattaching the Amendment and Restatement of Trust Agreement Establishing Smith Revocable Trust, for your use. As you and Neal discussed, the Smith Descendants' Trust was created under the Smith Revocable Trust. Also, Section 12.2 of the trust names the trustees in the order to act which lines up with the attached documentation that you requested.

Please let us know if we may be of further assistance.

Cori

Cori Barrera, Legal Assistant

Judson B. Montgomery • Neal Koskella

GIVENS PURSLEY LLP

601 W Bannock St, Boise, ID 83702

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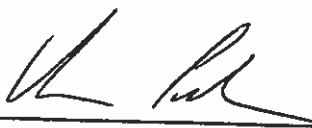
CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

ACCEPTANCE BY SUCCESSOR TRUSTEE

In accordance with Section 12.2 of THE SMITH REVOCABLE TRUST u/t/d January 23, 1981, as amended, the last acting Trustee may nominate a successor Trustee. MICHAEL FELTMAN, as the last acting Trustee, appointed SHANNON COOK as his successor upon the resignation of MICHAEL FELTMAN. SHANNON COOK hereby accepts such appointment as Successor Trustee and agrees to perform the duties of Trustee and to administer the SMITH DESCENDANTS' TRUST established under THE SMITH REVOCABLE TRUST u/t/d January 23, 1981, as amended, as provided thereunder.

DATED this 20th day of July, 2015.



SHANNON COOK, SUCCESSOR TRUSTEE

Edl, Michele

From: Edl, Michele
Sent: Friday, April 14, 2017 12:44 PM
To: 'Colby Smith'
Subject: RE: rental water application

Yes. A signature from Mr. Cook is a step in the right direction.

I'm a church musician and I am taking this afternoon off to prepare for Easter. I will leave the rental application with instruction, at the receptionist's desk located on the 6th floor. Please have Mr. Cook add his signature and the date to page 5.

Michele Edl

From: Colby Smith [mailto:colbysmith38@gmail.com]
Sent: Friday, April 14, 2017 12:11 PM
To: Edl, Michele <Michele.Edl@idwr.idaho.gov>
Subject: Re: rental water application

Michelle I am sending Shannon Cook down to sign. I am doing my best to track down the operating agreement which shows him as trustee. I am busy today but should be able to get that to you. Can you please just let him sign and I will get you the proper documentation when I get it. Thanks Colby

On Apr 14, 2017 9:55 AM, "Edl, Michele" <Michele.Edl@idwr.idaho.gov> wrote:

THANK YOU for responding to my phone message.

In order to process an application to rent water I need the signature on the form from someone who has authority over the Smith Descendants Trust. I don't have that.

So 1) please provide a copy of the document which confirms who is a trustee. I can put it in the water right file and it should only be needed once as long as the trustee status doesn't change.

Then 2) I need a trustee to cosign the application I have in front of me. Jean H Smith signed the application but she does not have the authority to encumber the trust. I am at the state office of the Idaho Department of Water Resources which is located at the intersection of Broadway and Front. Our address is 322 E Front St. Boise

Sincerely,

Michele Edl

287-4946

Edl, Michele

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Friday, April 14, 2017 3:35 PM
To: Edl, Michele
Subject: RE: Authority to file clarifications needed

Michele-

Thanks for the email. It sounds as if we never provided the linking documentation for the Younger and Smith rentals, for that I apologize. I assumed because IDWR had processed these applications the past 2 years, we had everything we needed. Please let me know if you need any additional information, thank you.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Edl, Michele [<mailto:Michele.Edl@idwr.idaho.gov>]
Sent: Friday, April 14, 2017 10:18 AM
To: Zach Latham
Subject: RE: Authority to file clarifications needed

Zach Latham,

Just because IDWR personnel did an incomplete review in the past doesn't mean that I should do an incomplete review now. Authority to file was not adequately documented before issuing the rental agreements for 2015 and 2016. And I will be consulting with Remington about this issue.

I have requested and already received the authority to file from Gordon Younger for his son Eric Younger in matters of this water supply rental and irrigation water use on the property.

I expect to receive either today or Monday the trustee documentation and the trustee signature for the Jean H Smith Application to Rent Water from the WSB. Jean H Smith is NOT authorized to encumber the trust so her signature on the application in front of me has no value.

I have been firmly directed not to do this type of work for you again. In the future, if an application is considered deficient, you and your clients will receive a letter with a very short timeline within which to respond. Failure to respond timely will mean that the deficient application will be returned.

Respectfully
Michele Edl

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Wednesday, April 12, 2017 10:52 AM
To: Edl, Michele <Michele.Edl@idwr.idaho.gov>
Subject: RE: Authority to file clarifications needed

Michele-

Please see the attached IDWR sufficiency memo from 2015 regarding the Smith rental confirming the authority to file the rental. This rental has been awarded BY IDWR to Jean H. Smith in 2015 and 2016, she is a trustee and is authorized to sign for the trust and to file the WSB rental application.

Additionally, please see the attached IDWR sufficiency memo from 2015 regarding the Younger rental confirming the authority to file the rental. This rental has been awarded BY IDWR to Eric Younger in 2015 and 2016, he is the son of Gordon Younger, he lives at the residence described in the POU and he has authority to sign/file the WSB rental application.

Please continue processing these and all other rentals associated with 37-7059, thank you.

Zach Latham

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2016 Washington Street North, Suite 4
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f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Edl, Michele [<mailto:Michele.Edl@idwr.idaho.gov>]

Sent: Tuesday, April 11, 2017 10:53 AM

To: Zach Latham

Subject: Authority to file clarifications needed

Zach Latham,

In my review of the rental applications for Jean Smith and Erick Younger, I found that these two applicants are not listed as owners of the two properties that they propose to irrigate with the rented water.

As you know IDWR uses the county taxlot information as a way to confirm ownership and we usually have current information. However, available Blaine County taxlot information failed to confirm that either Ms. Smith or Mr. Younger have any authority over the proposed rental places-of-use. I have searched through the previous rental applications in the water right file #37-7059 but didn't find the confirming documentation there.

Jean Smith is requesting a rental on property that is owned by the Smith Descendants Trust but she is not listed as a trustee nor did she sign the application as trustee. How does Jean Smith have authority in matters of the Smith Descendants Trust?

Erick Younger is requesting a rental on property that is owned by Gordon Younger. The relationship between Erick Younger and Gordon Younger is not described in the rental application. How does Erick Younger have authority over the Gordon Younger property?

At your earliest convenience, please provide information which will support your client's authority to enter into a rental agreement for their respective properties.

Sincerely,
Michele Edl
208-287-4946

MEMORANDUM

To: Water Right(s): 37-7059

From: Michele Edl

Date: April 13, 2017

Re: Review & Analysis of the Britta Hubbard Applications to Lease Water to the State Water Supply Bank and the Hubbard-Schernthanner, Younger, Forgeon, Smith, Colee, and Booth Residence Trust Applications to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: In late February and early March 2017, Zach Latham (hydrologist, Brockway Engineering PLLC) submitted six applications to lease water totaling 0.19 cfs, 34.9 AF and 26.9 acres-worth to the State Water Supply Bank. Each lease application was paired with a companion rental application. So there are also six applications to rent that same 0.19 cfs, 34.9 AF and 26.9 acres-worth of water from the Bank. The leased and rented water are portions of water right 37-7059.

Six members of the Hubbard-Schernthanner family own Water Right# 37-7059 and are concentrating a portion of this right for their own use. The other five rental applicants are: Erick M Younger, Ralph K Forgeon, Jean H Smith, Diane and Patrick Colee, and the Otis Booth Residence Trust.

Approvals which act on ground water rights within the Big Wood River Valley are limited to one year. So these lease contracts and rental agreements will be limited to 2017.

The Water Supply Bank processing group has found that processing 12 applications (6 lease-rental pairs) is unnecessarily complex and have determined that processing a single lease which recognizes the total of the 6 lease application is more manageable. The six rental applications will be processed as if they were each paired with a dedicated lease.

A topic by topic review of these six WSB rentals is duplicative in some areas. A few issues will be discussed in more detail for individual rentals, but to simplify the rental processing as much as possible I am reviewing all of the rentals in this single memo.

AUTHORITY TO FILE and OVERLAP ANALYSIS

Hubbard-Schernthanner

According to available Blaine County taxlot information, the proposed rental place-of-use is property owned by the extended Schernthanner family. Britta Hubbard has a limited power of attorney which authorizes her to sign water rights related documents on behalf of her family members. She signed all six leases and the Hubbard-Schernthanner self-serve rental application.

The proposed lease-rental PODs for Hubbard and the Schernthanners are two existing wells located within properties owned by the extended Schernthanner family. They are also described as the PODs for water rights 37-7104 and 37-7105. However, the consultant provided locations for those wells which differ from previous locations for those same wells and also differ from the legal locations as they appear in the partial decrees for water rights 37-7104 and 37-7105.

There is a shift in the GCDB which makes it challenging to correctly locate PODs and POU. I created new lease POD shapes to match the locations where the consultant sited them for 2017 and notified him that the POD locations he provided were not authorized by a water right.

Younger

According to Blaine County taxlot information, the proposed POU is owned by Gordon Younger. The relationship between Eric Younger and Gordon Younger is unknown. Eric Younger signed the application but it isn't clear what authority Eric Younger has over the Gordon Younger property. I requested and received an authorization document directly from Eric Younger on 4/13/2017 and have placed in the water right file.

The rental POU is overlapped by WR 37-7847A (fire protection) and is also served by an unrecorded domestic water right. The proposed rental well-POD is the domestic well which is located within the Younger property.

Forgeon

According to Blaine County taxlot information, the proposed POU is owned by a trust. The applicant Ralph Kent Forgeon, is named as a trustee and he signed the application. The rental POU is overlapped by domestic WR#37-8906 (Hulen Meadows Water Co) and by irrigation WR #37-22170 (Cynthia and Kent Forgeon, owners). A 0.9-acre portion of 37-8499 is also rented through 2017 on acres between the two homes in the northern portion of the POU. The proposed rental POD-well is the existing well-POD for WR# 37-22170 and for the other rental.

Smith

According to Blaine County taxlot information, the proposed rental POU is owned by Smith Descendants Trust. Jean H. Smith signed the application but not as trustee and she is not listed as a trustee in the Blaine County tax records. It isn't clear that she has the authority to act on behalf of the trust.

I requested trustee documentation and a trustee signature on the rental application. Mr. Shannon Cook is a current trustee for the Smith Descendants Trust and he cosigned the application.

The POU for domestic WR# 37-12134 (Robert Smith, owner) overlaps the entire taxlot. The proposed rental POD-well is an existing well. It may be the domestic well, although the location is unclear. I re-selected the POD from the 2015 rental season rather than create a new POD.

Colee

According to Blaine County taxlot information, the proposed rental POU is 0.5 acres within the lot owned by Patrick Colee and Diane Colee. Patrick Colee signed the application.

The property is served by an unrecorded domestic right. The proposed POD is located within the Colee property and may also be the location of the domestic well.

Otis Booth Residence Trust

According to Blaine County taxlot information the proposed rental POU is owned by a trust. Lynn Allan Booth is listed as a co-trustee and signed the application.

The POU is overlapped by WR 37-154B and 37-7822 (recreation use) and an unrecorded domestic water right. Portions of the Booth property are irrigated by existing rentals derived from WR#s 37-21259, 37-21261 and 37-21263. This rental authorizes additional water to be diverted from the domestic well for irrigation of another acre on the property.

The POD is located in the River Zone. Modeling of the rental was required and was provided in the form of a copy of the modeling for the 2016 rental application. The AWAS modeling showed that an additional acre must be rented but not used at the POU to mitigate depletions of the Big Wood River.

WATER RIGHT VALIDITY: Most but not all, of WR #37-7059 has been leased to the WSB for 2017 as 6 pairs of lease-rental applications. A review of aerial photography of the lease POU shows that sufficient portions have been idled. Water sufficient to satisfy the 6 rental requests is available from the right.

The 6 portions of 37-7059 which are leased into the bank total: 0.19 cfs, 34.9 AF and 26.9 acres. Approval of the 6 rental agreements will exhaust the availability of the 6 leases. The unleased portions of 37-7059 total: 0.01 cfs, 1.5 AF and 1.1 acres.

INJURY TO OTHER WATER RIGHTS: All six rentals move and concentrate an existing ground water diversion from within the Big Wood River GWMA. According to the interim guidance documents for this area, modeling is not required if the proposed change is within the same transaction zone.

The lease wells-PODs for WR #37-7059 and the proposed rental wells-PODs for the Hubbard-Schernthanner, Younger, Forgeon, Smith, and Colee rentals are within the Ketchum zone. Modeling of the rental was not required.

Only the POD for the Otis Booth rental is outside the Ketchum zone. A copy of the 2016 AWAS modeling results were provided by the consultant. That modeling shows that additional water must be rented and not used to offset depletions to the Big Wood River caused by the rental.

ENLARGEMENT OF USE: No enlargement is evident through the rentals. Each rental agreement will be issued with volume and acreage amounts suited to the concentrated rate that is sought by each renter. The 6 rental agreements closely approximate the standard 0.02 cfs/acre by concentrating the decreed 0.007 cfs/acre that is available from 37-7059.

The Hubbard-Schernthanner rental POUs overlap portions of the lease POU shape for WR 37-7059. Domestic water rights 37-7104 and 37-7105 also partially overlap the rental POU and will continue to be diverted from the two wells which may also serve as the source wells for the leased right. The WSB processing group considers the overlaps of the Schernthanner domestic rights as not having a significant impact on the irrigation amounts for the rentals. Our reasoning is that because the irrigation right is so thin on the ground and because we are expecting the renters to concentrate and buy proportionally high volume to get the rate they want, the additional slivers of the domestic overlap are lost in rounding.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest that these applications are inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right(s) are subject to Water District 37. The watermaster and Southern Region have been consulted by phone and email are not opposed to these lease-rentals.

Edl, Michele

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Wednesday, April 12, 2017 10:52 AM
To: Edl, Michele
Subject: RE: Authority to file clarifications needed
Attachments: Smith 2015 IDWR Memo.pdf; Younger 2015 IDWR Memo.pdf

Michele-

Please see the attached IDWR sufficiency memo from 2015 regarding the Smith rental confirming the authority to file the rental. This rental has been awarded BY IDWR to Jean H. Smith in 2015 and 2016, she is a trustee and is authorized to sign for the trust and to file the WSB rental application.

Additionally, please see the attached IDWR sufficiency memo from 2015 regarding the Younger rental confirming the authority to file the rental. This rental has been awarded BY IDWR to Eric Younger in 2015 and 2016, he is the son of Gordon Younger, he lives at the residence described in the POU and he has authority to sign/file the WSB rental application.

Please continue processing these and all other rentals associated with 37-7059, thank you.

Zach Latham

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All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Tuesday, April 11, 2017 10:53 AM
To: Zach Latham
Subject: Authority to file clarifications needed

Zach Latham,

In my review of the rental applications for Jean Smith and Erick Younger, I found that these two applicants are not listed as owners of the two properties that they propose to irrigate with the rented water.

As you know IDWR uses the county taxlot information as a way to confirm ownership and we usually have current information. However, available Blaine County taxlot information failed to confirm that either Ms. Smith or Mr. Younger have any authority over the proposed rental places-of-use. I have searched through the previous rental applications in the water right file #37-7059 but didn't find the confirming documentation there.

Jean Smith is requesting a rental on property that is owned by the Smith Descendants Trust but she is not listed as a trustee nor did she sign the application as trustee. How does Jean Smith have authority in matters of the Smith Descendants Trust?

Erick Younger is requesting a rental on property that is owned by Gordon Younger. The relationship between Erick Younger and Gordon Younger is not described in the rental application. How does Erick Younger have authority over the Gordon Younger property?

At your earliest convenience, please provide information which will support your client's authority to enter into a rental agreement for their respective properties.

Sincerely,
Michele Edl
208-287-4946



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MEMORANDUM

To: Water Rights: 37-7059

From: Flemington Buyer

Date: June 4, 2015

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

PURPOSE/NARRATIVE: Rental applicant is Jeanne Smith, who lists 113 Sheep Meadow Lane as her address on the rental application. Taxlot data indicates the land is owned by Smith Descendants Trust.

AUTHORITY TO FILE: It appears Jeanne Smith is a Smith descendant and has authority to file the rental application.

WATER RIGHT VALIDITY: The water right is leased to the Bank and available for rental.

INJURY TO OTHER WATER RIGHTS: The point of diversion for this rental is located more than 100 feet from the Big Wood River, and the location of the rental point of diversion (POD) and the POD for the right rented are both in the same zone, hence no ground water modeling is required. No concerns about injury to other water users.

ENLARGEMENT OF USE: Renter requires a standard flow of 0.02 cfs/AC for their purposes and is renting 2.86 times the base flow rate in order to rent a flow rate sufficient for their purposes. No enlargement of the water right will occur through the rental.

LOCAL PUBLIC INTEREST: No information indicates this rental is contrary to the local public interest

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The standard duty of water (0.02 cfs/AC) is being rented, which is consistent with standard beneficial use and the conservation of water resources.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The Watermaster for Water District 37 and IDWR Southern Region staff had no concerns with the rental.

CANNED
JUL 13 2015

MEMORANDUM

To: Water Rights: 37-7059

From: Remington Buyer

Date: June 22, 2015

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

PURPOSE/NARRATIVE:

Rental applicant is Eric Younger and rental place of use is a 6.4 acre property located south of Ketchum, owned by Gordon Younger. Eric Younger, the renter, is the son of Gordon Younger. There are no water rights appurtenant to the property. Mr. Younger is seeking to rent 2.5 acres of water right 37-7059 to irrigate his property.

AUTHORITY TO FILE: Eric Younger is the son of Gordon Younger, no concerns with rental authority.

WATER RIGHT VALIDITY: The water right is leased to the Bank and available for rental.

INJURY TO OTHER WATER RIGHTS: The point of diversion for this rental is located more than 200 feet from the river and there are no concerns about injury to other water users.

ENLARGEMENT OF USE: Renter requires a standard flow of 0.02 cfs/AC for their purposes and is renting 2.86 times the base flow rate in order to rent a flow rate sufficient for their purposes. No enlargement of the water right will occur through the rental.

LOCAL PUBLIC INTEREST: No information indicates this rental is contrary to the local public interest

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The standard duty of water (0.02 cfs/AC) is being rented, which is consistent with standard beneficial use and the conservation of water resources.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Comments were received from both Water District 37 Watermaster and IDWR Southern Region Staff. No concerns with the rental.

Edl, Michele

From: Skinner, Corey
Sent: Tuesday, April 11, 2017 3:14 PM
To: Edl, Michele
Subject: RE: lease of 37-7059 and 6 rentals

I have no concerns with the package.

From: Edl, Michele
Sent: Tuesday, April 11, 2017 12:05 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Subject: FW: lease of 37-7059 and 6 rentals

I am hoping to get responses from you relatively soon, but I haven't been fair. I haven't provided you with enough information to make timely determination. I have attached an additional map which shows the overall picture of this lease-rental for 2017. I am attempting to simplify processing. The Bank will process 1 lease and 6 rentals instead of 6 leases and 6 rentals.

I have the lease in for editorial review as I type. And I have posed a few more questions to Zach Latham, who is consultant for the group. I expect to get answers back soon. I have also attached my current memo which covers the combined rentals.

Please let me know if you have concerns or are opposed to these leases and rentals.

Michele Edl
287-4946

From: Edl, Michele
Sent: Friday, April 07, 2017 12:39 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Subject: lease of 37-7059 and 6 rentals

Corey Skinner and Kevin Lakey,

I have completed my review of the applications to lease and rent WR 37-7059. The leased right has both a thin rate and a thin volume so the rentals are concentrating the elements of each slice of the right. The parties and rights involved are the same as we approved last year. They were packaged differently this year to make them lease-rental pairs. We are limited to one year approvals in Basin 37 so I would expect to see this group again next year.

They are: Hubbard-Schernthanner (a self-serve lease-rental); Erick Younger (renter), Ralph Forgeon (renter), Jean Smith (renter), Patrick & Diane Colee (renter) and finally the Otis-Booth Residence Trust (renter). All of the rentals are for ~double the acre & volume than will actually be used. In addition to the concentrated acre, Otis-Booth trust will rent and not use one acres-worth of water; mitigation by non-use for depletion to the Big Wood River.

Domestic water rights 37-7104 and 37-7105 partially overlap and will continue to be diverted from the two wells which may also serve as the source wells for the leased right 37-7059. The WSB team considers the domestic overlaps as not having a significant impact on the irrigation right. Our reasoning is that because the irrigation right is so thin and because we are expecting the renters to concentrate and buy proportionally high volume to get the rate they want, the additional slivers of the overlap are in the margin of round off.

The actual well locations are a point of discussion this year because Brockway Engineering has not provided consistent locations for the wells and apparently there is also a GCDB correction in the area which is giving us trouble. I will be placing the two lease wells where Zach Latham said they were this year.

I have attached a map which attempts to illustrate the lease pou and how it is divided. The Hubbard-Schernthanner rental overlaps portions of the lease but the other rentals are all over the valley and so are difficult to see on a scale that broad. Each rental will have a map of that POU & POD and I can provide them if you wish.

The Otis-Booth Residence Trust rental pod is in the River zone. The lease wells and the other rental wells-pods are in the Ketchum zone. We used AWAS to model last year and Brockway has provided last year's modeling and mitigation amount as the support documents for approval of this year's Otis Booth rental.

But lets start with the lease-rental for Hubbard-Schernthanner. Please let me know if you have concerns.

Then let me know what more information you need for the other rentals.

Thank you

Michele Edk



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 27 2017

DEPARTMENT OF
WATER RESOURCES

February 22nd, 2017

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

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

Clay,

On behalf of Ms. Jean H. Smith, Brockway Engineering is submitting a companion Water Supply Bank lease/rental package which proposes to lease 5.3 acres of 37-7059 to Ms. Smith, and to allow Ms. Smith to rent back the same acreage for the irrigation of 1.9 acres using 9 gpm per acre from an existing well at the Smith residence in Ketchum, ID. Ms. Smith's well is in the Ketchum zone as are the wells associated with 37-7059; therefore no supplemental impact analysis was performed in conjunction with this rental application. This 2017 irrigation season lease and rental request is identical to the 2015 and 2016 lease and rental requests that have previously been approved by IDWR.

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

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

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

2016 NORTH
WASHINGTON
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TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Regards,

Shirley Daniel on behalf of

Zach Latham, M.S., Hydrologist

Enc: (1) Scherthanner Lease Application and Map.
(1) Smith Rental Application and Map.
(1) Brockway Engineering Check # 13862

Cc: Jean Smith
Britta Hubbard