

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 153

This is to certify that:

OTIS BOOTH RESIDENCE TRUST
C/O LYNN BOOTH CO TRUSTEE
10431 BELAGIO RD
LOS ANGELES, CA 90077

RECEIVED

MAY 25 2017

DEPARTMENT OF
WATER RESOURCES

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-7059	3/11/1970	GROUND WATER	0.04	7.3	5.6	0.007	1.3
Rental Totals			0.04	7.3	5.6	0.007	1.3

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: \$124.10

The full fee for the rental of the above-described right(s) is \$124.10 for 2017. The rental fee includes an administrative fee of \$12.41 for 2017.

Total Water Use Authorized Under Rental Agreement No. 153

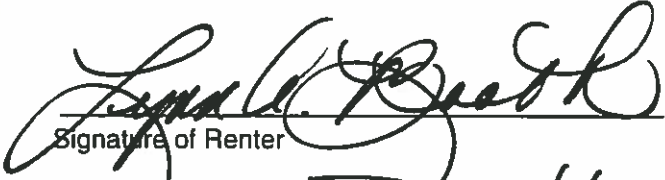
Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.02	3.5	1.0	0.02	3.5
Total	0.02	3.5	1.0	0.02	3.5

** 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. To mitigate impact to the Big Wood River, 3.8 acre-feet will be rented but not used.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 153

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:

 5-22-17
Signature of Renter Date
Lynn Booth Co-Trustee
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  Date 5/26/2017
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR  Date 5-26-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 153

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec. 7, Twp 03N, Rge 18E, BLAINE County

Beneficial Use
IRRIGATION

Diversion Rate
0.02 CFS

Volume
3.5 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	
03N	18E	7	1.0																1.0

Total Acres: 1.0

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

WATER SUPPLY BANK RENTAL AGREEMENT NO. 153

10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
11. This rental when combined with all other rights and rentals shall provide no more than 3.5 afa per acre at the field headgate.



Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No.153

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



0  Miles
0.05

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 01 2017

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: The Otis Booth Residence Trust c/o Lynn Booth; Co-Trustee

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

801

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant The Otis Booth Residence Trust c/o Lynn Booth; Co-Trustee
Mailing Address 10431 Bellagio Road, Los Angeles, CA 90077
Street City State Zip Code
Email Address office@boothoffice.com Phone Number 310-471-2575
- 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 of 1.0 additional acre 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	7.3 AF	0.04 CFS	7.3 AF	5.6 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/17	8/1/17	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

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	rental portions; 37-21259, 37-21261, 37-21263

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

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

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

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	7.3	5.6		0.04	7.3	5.6
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.04	7.3	5.6
						CFS	AF	AC

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

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

Applicant seeks to rent 2.0 acres for the irrigation of 1.0 acres of physical land, 1.0 acre to be un-diverted. Low diversion rate under 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 2016 WSB rental approval.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☐ No ☒

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.

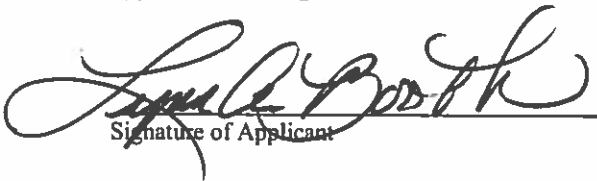
NOV E2014-691, Dated 11/24/2014.

- D. Additional Information

This WSB Rental application seeks to rent 0.04 cfs, 7.3 afa, 5.6 acres. 0.02 cfs, 3.6 afa, 2.8 acres will be left in Big Wood River as mitigation for depletion for irrigation using remaining 0.02 cfs and 3.6 afa, will be diverted for the physical irrigation of 1.0 acre on the property. See the SAME 2016 rental approval and mitigation requirement.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.


Signature of Applicant

Lynn A. Booth
Printed Name of Applicant

Feb 8, 2017
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



0 50 100 200 Feet

THE OTIS BOOTH RESIDENCE TRUST

WATER BANK RENTAL 1.0 AC.
FROM W.R. 37-7059, 2017
NAIP 2015 AERIAL

● Trust Well
37-7059 = 1.0 Ac
--- Parcels

MEMORANDUM

To: Water Rights: 37-7059

From: Remington Buyer

Date: June 1, 2016

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

PURPOSE/NARRATIVE: On January 13, 2016, Zach Latham of Brockway Engineering submitted a rental application on behalf of Otis Booth Residence Trust. The Trust plans to rent ground water rights from the Bank to irrigate 4.1 acres on a property south of Ketchum. The rental point of diversion is within one hundred feet of the Big Wood River. We assume that the nearness of the rental to the Big Wood River means that the water source is actually ground water tributary to the river and modeling is required to determine those impacts on the river.

AUTHORITY TO FILE: Lynn Booth, Co-Trustee of the Trust signed the application. Documentation is provided confirming Co-Trustee status, no concerns about authority to file the rental application.

WATER RIGHT VALIDITY: This right was decreed in the SRBA on 9/24/2010. It was accepted into the WSB in 2015 and again for the 2016 season. Forfeiture is not an issue.

INJURY ANALYSIS: The rental point of diversion is a 70' deep well located within 100 feet of the Big Wood River while the lease point of diversion is a 80' deep well in the vicinity of Warm Springs Creek. Hydrologic studies of the Big Wood River basin indicate that the valley is primarily an alluvial aquifer and ground water flows do impact surface water sources, hence, the lease location can be considered to be ground water tributary to Warm Springs Creek. Due to the proximity of the rental location to the Big Wood River, AWAS modeling was used to evaluate the rental, to ensure it does not cause excess depletions of the Big Wood River, which would injure the IWRB's minimum stream flow water right and other appropriators.

AWAS modeling indicates that an approximate 2:1 ratio is required to balance river accretions with depletions, with two acre feet of non-pumping of ground water at the lease location sufficiently mitigating for depletions of surface water caused by ground water pumping at the rental location. This rental request is for irrigation of one acre (at 3.5 AF/AC); AWAS modeling indicates that the rental of 0.04 cfs, 7.45 AF and 5.75 acres from leased water right 37-7059 is required to ensure no injury occurs at any time during the irrigation season, however only 0.04 cfs, 7.1 AF and 5.4 acres remain available to be rented from water right 37-7059. Though AWAS modeling indicates that depletions would exceed accretions to the Big Wood River during the month of April, this rental is being approved from June through the end of the irrigation season and so injury should be avoided.

ENLARGEMENT OF USE: No enlargement of the water right is posited through this 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 requested from both the IDWR regional office, as well as the Water District 37 watermaster. Southern region had no concerns and no response was received from the Water District.



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 30, 2017

OTIS BOOTH RESIDENCE TRUST
C/O LYNN BOOTH CO TRUSTEE
10431 BELAGIO RD
LOS ANGELES CA 90077

**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 **\$124.10** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 7.3 acre-feet of water for irrigation of 1.0 acre 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 \$111.69 of the rental fee will be paid to the lessor(s) and 10% or \$12.41 will be retained by the Department to offset administrative costs.

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

Sincerely,


Debbie Sudd
Water Supply Bank

Enclosures: Receipt No. C103629
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37
Zach Latham – 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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 25, 2017

OTIS BOOTH RESIDENCE TRUST
C/O LYNN BOOTH CO-TRUSTEE
10431 BELAGIO RD
LOS ANGELES CA 90077

**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 9, 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 \$124.10 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,


For 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 9, 2017

OTIS BOOTH RESIDENCE TRUST
C/O LYNN BOOTH CO-TRUSTEE
10431 BELAGIO RD
LOS ANGELES CA 90077

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 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 \$124.10 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 3.5 acre-feet.

Please send a check for \$124.10 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 \$111.69 of the rental fee will be paid to the lessor(s) and 10% or \$12.41 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

Enclosure(s)

c: IDWR Front Desk
Zach Latham-Brockway Engineering PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, May 09, 2017 8:28 AM
To: 'Zach Latham'
Subject: Rental agreement for Otis Booth Trust
Attachments: DOC003

This agreement will go out in today's mail.

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

MEMORANDUM

To: Water Right(s): 37-7059

From: Michele Edl

Date: May 4, 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 POUs. 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 one more 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 in order to mitigate depletions of 37-7059 rental 2017 review memo

the Big Wood River caused by additional pumping at the POD. Unlike the 2016 season, the proposed water right has sufficient water remaining to accomplish this rental in full for 2017.

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: 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 pod 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



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Hydraulics

Hydrology

Water Resources

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MAR 01 2017

DEPARTMENT OF
WATER RESOURCES

February 28th, 2017

Mr. 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 The Otis Booth Residence Trust (Trust), Brockway Engineering is submitting a companion Water Supply Bank lease/rental package which proposes to lease 5.6 acres of 37-7059 to the Trust, and to allow the Trust to rent back the half of the acreage for the irrigation of 1.0 acres using 9 gpm per acre from an existing well at the Trust residence south of Ketchum, ID while leaving remaining volume un-diverted in the Big Wood River.

The Trust well is in the River zone, the wells associated with 37-7059 are in the Ketchum zone; therefore as determined and approved by IDWR in 2016, the rental and use of 2.8 acres (1.0 acre at 9gpm per acre) is authorized if 2.8 acres (1.0 acre at 9gpm per acre) are left un-diverted in the Big Wood River. The 2016 IDWR approved rental authorized 1.0 acres of irrigation at the Trust residence using 37-7059 and the remainder was left un-diverted in the Big Wood River. The approved 2016 rental is attached; model results have not been included as the IDWR 2016 rental approval memo (attached) serves as guidance for the 2017 rental filing under the same interim ground water rental policy. The attached 2017 irrigation season lease and rental request are identical to the previously approved 2016 rental and are therefore approvable.

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.

Regards,


Zach Latham, M.S., Hydrologist

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

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

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IDAHO 83301

208•736•8543

FAX: 736•8506

Enc: (1) Schernthanner Lease Application and Map.
 (1) Otis Booth Residence Trust Rental Application and Map.
 (1) IDWR 2016 Rental Approval Memorandum
 (1) Brockway Engineering Check # 13872

Cc: The Otis Booth Residence Trust c/o: Ms. Lynn Booth
 Britta Hubbard