



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

January 3, 2017

WILLIAM J MCMORROW
C/O KENNEDY WILSON
151 S EL CAMINO DR
BEVERLY HILLS CA 90212

RESPONSE DEADLINE
2/1/2017

RE: Water Supply Bank Rental Fees for 2017 Rental Agreements

Dear Renter,

The following are your 2017 water rentals from the Water Supply Bank:

Rental	Start	End	Water Right	Rental Volume (AF)	Total Rental Fee	Owner Fee (90%)	Admin Fee (10%)	Rental Fee Due Date
1	2016	2019	37-276H	10.5	\$178.50	\$160.65	\$17.85	1/1/2017

Our records indicate that payment has not yet been received for the above water right rentals.

If you have not already done so, please remit payment of **\$178.50** prior to the due dates above and enclose a copy of this letter with your payment.

If you have questions about your rental, you can contact me at 208-287-4918.

Regards,

Remington Buyer
Water Supply Bank Coordinator

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**MAR 25 2013****WATER SUPPLY BANK RENTAL AGREEMENT****DEPARTMENT OF
WATER RESOURCES**This is to certify that: **WILLIAM J MCMORROW****C/O KENNEDY WILSON****9701 WILSHIRE BLVD STE 700****BEVERLY HILLS CA 90212****310-887-6276***151 S. EL CAMINO DRIVE*

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	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
37-276H	6/1/1885	Big Wood River	Malad River	0.06 cfs	10.5 af	NA	3.0 ac

Annual Combined Rental Totals**0.06 cfs 10.5 af NA 3.0 ac**

Term of Rental: This rental is in effect from the day the Idaho Water Resource Board signs the rental agreement and shall be in effect until December 31, 2019.

Rental Fee: **Years 2016-2017 \$178.50 annually**
 Years 2018-2019 \$210.00 annually

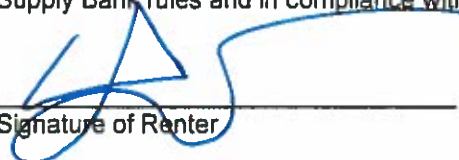
The fee for rental of the above-described water is \$178.50 annually for years 2016-2017 and \$210.00 annually for years 2018-2019. Ten percent (\$17.85/\$21.00) will be retained by the Department to offset administrative costs, and the remainder will be paid to the lessor. An annual payment shall be received by the Department prior to January 1 each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date.

No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

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 Printed Name and Title* Date 3-23-16

Signature of Renter Printed Name and Title* Date

*Please provide title of signatory 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 3/25/2016
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental Approved by IDWR  _____ Date 3/25/2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT OF DIVERSION

BIG WOOD RIVER NE¼SE¼ Sec. 10 Twp 05N Rge 17E BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

05/01 TO 10/31

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	10													3.0				3.0

Total Acres: 3.0

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. 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.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. 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.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

13. Use of water under this agreement 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.
14. The period of use for the irrigation described in this approval may be extended to a beginning date of 04/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 05/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2019

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



0 250 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 23 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK
BIG WOOD RIVERApplicant Name: William J. McMorrow, Trustee of the William J. McMorrow Revocable TrustIs this application being submitted with a lease application as a lease/rental package? Yes ☐ No ☒

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). 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.**

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

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

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

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

YES

☒ Completed *Application to Rent Water from the Board's 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 |
| 3E | ☒ ☐ | Authorization from the owner/operator of the rental point(s) of diversion |
| 3G | ☒ ☐ | Water modeling to account for the impacts of the rental request |
| 3J | ☒ ☐ | Documents justifying a need to rent water for irrigation at 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)

37-276H

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant William J. McMorrow, Trustee of the William J. McMorrow Revocable Trust
Mailing Address c/o Kennedy Wilson, 9701 Wilshire Blvd., Suite 700, Beverly Hills, CA 90212
Email Address kmouton@kennedywilson.com Phone Number (310) 887-6276
- 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 James P. Speck Professional Title attorney
Organization Speck & Aanestad, A Professional Corp. Relationship to Applicant attorney
Mailing Address PO Box 987, Ketchum, ID 83340
Email Address jim@speckandaanestad.com Phone Number (208) 726-4421

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 place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it Attachment 2.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

- A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it Attachment 3A:
Residential irrigation

- B. Enter the desired and/or minimum necessary 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)	Acres (if applicable) (Acre)
0.09 CFS	10.5 AF	0.06 CFS	10.5 AF	3.0 AC

Sometimes water rights available for rent 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. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?
April 1	May 1	4	☒ Yes, approve rental for all remaining future years. ☐ No, return rental request if first year is unapprovable.

- * The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.
** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Big Wood River	5N	17E	10		NE	SE	Blaine	domestic exemption

The entry in this grid must match the map from item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it Attachment 3E.

- F. Do any POD(s) identified in Question 3D 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.

- G. Has water modeling been provided with your rental request? Yes ☐ No ☒

If yes, include as Attachment 3G. Otherwise please explain why modeling was not provided:

Rental applications that require modeling will be returned if modeling is not provided.

- H. Specify the proposed beneficial use: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____

- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	17E	10													3.0				3.0
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for Irrigation)
																			3.0

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, explain the justification for this rate of flow and attach any supporting documents as Attachment 3J:

- 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. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
Pump in river, underground sprinkler and drip irrigation systems

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

Domestic well irrigates 1/2A. Plan to irrigate 3.5A in 2016 during conversion of property to drought tolerant native landscaping. Filed separate rental application for ground water right to supplement the river right designated below.

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the 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 with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)	Rate (CFS)	Vol. (AF)	Acres (AC)
37-276H	irrigation	Big Wood River	0.08	N/A	3.9	2016	2019	0.06	N/A	3.0
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre that have been leased to the Water Supply Bank								TOTAL	0.06 CFS	N/A AF
										3.0 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:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? 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, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:
-
-

5. ADDITIONAL INFORMATION

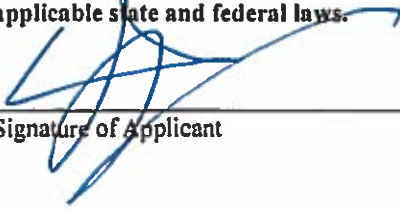
- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
Rented 2.25A of 37-8372 in 2015. Completely re-doing landscaping to reduce water consumption and maintenance. Have not located a water right to purchase.
-

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

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☒ No ☐
If yes, describe the date and location of the NOV.
NOV E2014-661 dated October 10, 2014 resolved by Consent Order and Agreement dated November 13, 2014
-

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.


Signature of Applicant

William J. McMorrow, Trustee
Printed Name of Applicant

12/18/2015
Date

Signature of Representative

Printed Name of Representative

Date

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

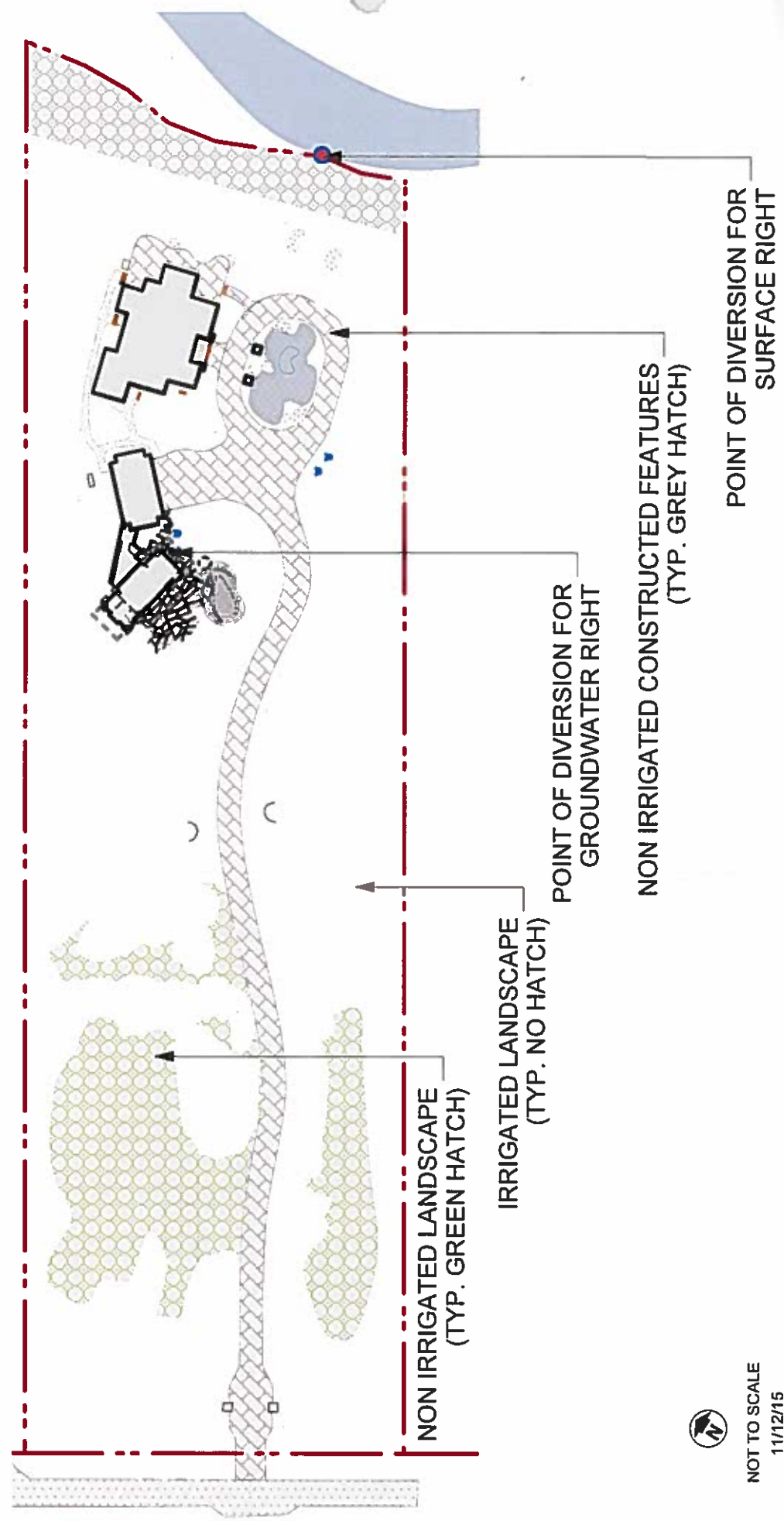
MCMORROW REVOCABLE TRUST - WSB RENTAL APPLICATION
Attachment 2 - p.1



MCMORROW REVOCABLE TRUST - WSB RENTAL APPLICATION
Attachment 2 - p.2

McMorrow 114 Barlow Road
Blaine County, Idaho

5.18 ACRES TOTAL - 1.68 NON IRRIGATED PROPERTY = 3.5 ACRES TOTAL IRRIGATION





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

March 30, 2016

GARY SPACKMAN

Director

WILLIAM J MCMORROW
C/O KENNEDY WILSON
151 S EL CAMINO DR
BEVERLY HILLS CA 90212

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-276H**

Dear Renter:

Please find enclosed a receipt in the amount of **\$178.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 10.5 acre-feet of water for irrigation of 3.0 acres during 2016. 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 \$160.65 of the rental fee will be paid to the lessor(s) and 10% or \$17.85 will be retained by the Department to offset administrative costs.

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

Sincerely,

80 Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosures: Receipt No. C101744
Rental Agreement (copy)

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



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

March 14, 2016

WILLIAM J MCMORROW
C/O KENNEDY WILSON
9701 WILSHIRE BLVD
BEVERLY HILLS CA 90212

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-276H**

*****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 \$178.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 10.5 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$178.50 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 \$160.65 of the rental fee will be paid to the lessor(s) and 10% or \$17.85 will be retained by the Department to offset administrative costs.

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

Sincerely,

 Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure

c: IDWR Front Desk
James Speck – Speck & Aanestad

Webster, Clay

From: Kevin Lakey [watermanager@cableone.net]
Sent: Monday, March 14, 2016 11:04 AM
To: Webster, Clay; Merritt, Allen
Subject: RE: Regional and Watermaster comments on William J McMorrow Revocable Trust Rentals 37-276H, 37-7926 and 37-8372

Clay,
I'm good with the application as long as I have measurement and control devices on both the surface and ground water diversions.

Kevin Lakey
Water District 37

From: Webster, Clay [<mailto:Clay.Webster@idwr.idaho.gov>]
Sent: Wednesday, March 09, 2016 7:56 AM
To: Merritt, Allen; Kevin Lakey
Subject: Regional and Watermaster comments on William J McMorrow Revocable Trust Rentals 37-276H, 37-7926 and 37-8372

Allen and Kevin,

We are currently processing these rental applications, do you have any concerns? Thanks.

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

Webster, Clay

From: Merritt, Allen
Sent: Thursday, March 10, 2016 8:32 AM
To: Webster, Clay
Subject: RE: Regional and Watermaster comments on William J McMorrow Revocable Trust Rentals 37-276H, 37-7926 and 37-8372

I do not have an issue.

From: Webster, Clay
Sent: Wednesday, March 09, 2016 7:56 AM
To: Merritt, Allen; Kevin Lakey
Subject: Regional and Watermaster comments on William J McMorrow Revocable Trust Rentals 37-276H, 37-7926 and 37-8372

Allen and Kevin,

We are currently processing these rental applications, do you have any concerns? Thanks.

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

MEMORANDUM

To: Water Rights 37-276H, 37-7926 and 37-8372
From: Clay Webster
Date: 3/3/2016
Re: Review & Analysis of Application to Rent Water from the Water Supply Bank (Bank)

PURPOSE/NARRATIVE: The Department received two applications to rent 0.04 cfs and 9.5 af to irrigate 2.75 acres from ground water and to rent 0.06 cfs and 10.5 af to irrigate 3 acres from surface water on December 23, 2015 from Jim Speck for William J McMorrow. The ground water rental for this year will be used to supplement the surface water rental to irrigate the same acres. The applicant received an NOV in 2014. They plan to irrigate 3 acres in addition to their domestic exemption. The surface water (37-276H) rental application is to cover the 3 acres, that application will give them coverage for early season irrigation for the next 4 years to get the drought tolerant native landscaping established. That right has been curtailed in July for the last 4 years. This approach was discussed with Delmar Gregor (the landscaper) and Jim Speck in October, 2016, when the rental expiration notices went out for 2015. Mr. Gregor and Mr. Speck had concerns that the early curtailment of the surface water right might cause loss of the landscaping prior to getting it established in the first couple of years.

AUTHORITY TO FILE: These applications were signed by William J McMorrow. He is a trustee of the William J McMorrow Revocable Trust. They are the owners according to the current tax-lot data of the place of use and point of diversion.

WATER RIGHT VALIDITY: 37-7926 leased 1.3 acres into the bank in 2016. This proposal will rent 0.5 acres of this right and will use all that is still available for rent.

37-8372 leased 2.25 acres into the bank in 2016 as a companion application to this application. The entire amount will be rented to fulfill this rental.

37-276H leased 3.9 acres into the water supply bank from 2015 through 2019. This rental will use 3 acres of that right.

INJURY TO OTHER WATER RIGHTS: The lease and rental PODs for the ground water rights all fall within the Ketchum Zone of the Wood River Valley Interim Ground Water Policy. No injury is anticipated.

37-276H POD is located immediately downstream from the Rental POD with no diversions between them in the River Zone. No injury is anticipated.

ENLARGEMENT OF USE: 37-7926 and 37-8372 authorize diversions as early as 04/01. The standard for the area will be used of 05/01, with a shoulder season condition subordinating any use earlier than 05/01.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 37.

2015 Imagery shows significant reduction of water useage from previous imagery GW rental was approved in 2015.



2013 imagery



William J McMorrow Surface Water Rental 2016



RECEIVED

DEC 23 2015

DEPARTMENT OF
WATER RESOURCES

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

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December 22, 2015

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

Re: William J. McMorrow Revocable Trust - Application to Rent Ground Water Rights;
William J. McMorrow Revocable Trust - Application to Rent Big Wood River Water Rights;
Toby B. Lambert Living Trust - Application to Lease A Portion of Water Right 37-8372;
Kiril Sokoloff - Application to Lease A Portion of Water Right 37-7926

Dear Remington:

Enclosed you will find the original and one copy of each the above-referenced Applications together with my firm's check payable to the Department in the amount of \$500 to cover the filing fees for the two Lease Applications. Please note the following:

1. The McMorrow Revocable Trust is seeking to rent Big Wood River water for four (4) years. The application designates a portion of Water Right 37-276H which is already leased to the Bank.

2. The McMorrow Revocable Trust is also submitting an application to rent ground water as part of a companion lease/rental package with all of Water Right 37-8372, which is the subject of the above-referenced Application to Lease by the Toby B. Lambert Living Trust, and with one-half (½) acre of Water Right 37-7926, which is the subject of the above-referenced Application to Lease by Kiril Sokoloff.

3. Please note that the Kiril Sokoloff Application to Lease is, for the balance of 0.8 acres, a companion lease application to the Thomas W. Weisel Trust rental application which was previously filed with you and is also a companion rental application for a portion of Water Right 37-2619 owned by Bing and Debra Gordon.

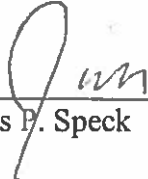
Remington Buyer
December 22, 2015
Page 2

Please call me with any questions, comments or concerns you may have about any of these applications.

Thank you and ***MERRY CHRISTMAS!***

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures
cc: Clients w/encl.