



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 6, 2017

HELEN MARTIN SPALDING
1009 SAN FRANCISCO ST
SAN FRANCISCO CA 94109

RE: Expiration of Water Supply Bank Rental Agreement for water rights: 37-8031, 37-7059

Renter,

This letter is to inform you that your rental agreement(s) to rent the above listed water rights from the Water Supply Bank (Bank) expired at the end of 2016.

Once the rental agreement concludes, any diversion or use of water under the rental agreement will no longer be authorized and, if occurring, may be subject to an enforcement action.

If you wish to rent water in the future, please download a rental application from: <http://idwr.idaho.gov>. You may submit rental applications on November 1 of the year prior to the intended use of rental water. **YOU ARE ENCOURAGED TO FILE AN APPLICATION AT LEAST 3 MONTHS PRIOR TO THE DATE YOU DESIRE TO USE RENTAL WATER.**

If you have any questions about this matter, please contact me at (208) 287-4918.

Sincerely,

A handwritten signature in black ink, appearing to read 'RB', with a long horizontal line extending to the right.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

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

RECEIVED

MAR 08 2016

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: **HELEN MARTIN SPALDING**
1009 FRANCISCO STREET
SAN FRANCISCO CA 94109
415-776-2494

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
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37-8031	6/24/1982	Ground Water	NA	0.03 cfs	3.0 af	NA	1.0 ac
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Annual Combined Rental Totals	0.03 cfs	3.0 af	NA	1.0 ac
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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, 2016.

Rental Fee: \$51.00

The fee for rental of the above-described water is \$51.00 per year. Ten percent (\$5.10) will be retained by the Department to offset administrative costs, and the remainder will be paid to the lessor(s).

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

RECEIVED

MAR 08 2016

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:


Signature of Renter

HELEN MARTIN SPALDING
Printed Name and Title*

3/4/16
Date

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 
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 3/9/2016

Rental Approved by IDWR 

Date 3-9-2016

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

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWNE

Sec. 23, Twp 05N, Rge 17E, BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/01 TO 11/01

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	23			1.0														1.0

Total Acres: 1.0

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. This rental agreement does not authorize the construction of a well.
11. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. 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.

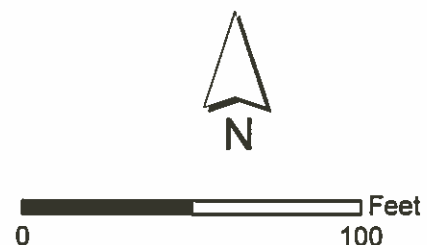
Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2016

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 BOARD

RECEIVED

NOV 23 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Helen Martin Spalding, as Trustee of the Richard and Helen Spalding 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)

37-8031

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Helen Martin Spalding, as Trustee of the Richard and Helen Spalding Revocable Trust
Mailing Address 1009 Francisco Street, San Francisco, CA 94109
Email Address dick@kearnyvp.com Phone Number (415) 776-2494
- 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, Idaho, 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**:
Continue to irrigate a total of 2A (which includes 0.5A domestic exemption irrigation) while establishing drought tolerant landscaping and reducing water use.

- 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)
0.03 CFS	5.3 AF	0.02 CFS	4.5 AF	1.5 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	1	☐ 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
ground water	5N	17E	23		SW	NE	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	23			1.5														1.5
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for irrigation)
																			1.5

- 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):
Well, pump, underground sprinkler & 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:

See 3.A, above

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)								Leased totals minus water actively engaged in rental agreement equals rental availability	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)
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			
									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**:

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:
A portion of 37-2627D was rented for 2013 through 2015. We have not been able to find a water right to purchase and move to our property

- 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.

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

Helen Martin Spalding, Trustee
Printed Name of Applicant

11/4/15
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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





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 11, 2016

GARY SPACKMAN

Director

HELEN MARTIN SPALDING
1009 FRANCISCO ST
SAN FRANCISCO CA 94109

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-8031**

Dear Renter:

Please find enclosed a receipt in the amount of **\$51.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.0 acre-feet of water for irrigation of 1.0 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 \$45.90 of the rental fee will be paid to the lessor(s) and 10% or \$5.10 will be retained by the Department to offset administrative costs.

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

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosures: Receipt No. C101602
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

February 29, 2016

HELEN MARTIN SPALDING
1009 FRANCISCO ST
SAN FRANCISCO CA 94109

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-8031**

*****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 \$51.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 3.0 acre-feet. Please be advised that due to water availability, the Bank is offering 1.0 total acres of the 1.5 acres you requested on the application.

Please send a check for \$51.00 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 \$45.90 of the rental fee will be paid to the lessor(s) and 10% or \$5.10 will be retained by the Department to offset administrative costs.

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

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure

c: IDWR Front Desk
James Speck – Speck & Aanestad

Webster, Clay

From: Webster, Clay
Sent: Monday, February 29, 2016 10:57 AM
To: 'Jim Speck'
Subject: RE: Water Supply Bank Rental Agreement Helen Martin Spalding 37-8031

Jim,

I was unable to find any other ground water rights available in the Ketchum Zone. Your clients could apply for an additional 1/2 acre to be in the queue in case anything else comes in.

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

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Monday, February 29, 2016 9:31 AM
To: Webster, Clay
Cc: 'Helen Spalding'; 'Helen Spalding'
Subject: FW: Water Supply Bank Rental Agreement Helen Martin Spalding 37-8031

Clay,

Thanks for getting this rental agreement processed and out the door. Is there possibly 1/2A of another leased ground water right that could be used to fill the rest of the Spalding rental request?

Jim

-----Original Message-----

From: Judd, Debbi
Sent: Friday, February 26, 2016 10:26 AM
To: James Speck (jim@speckandaanestad.com)

Hi James,

Please find attached the Proposed Rental Agreement for Helen Martin Spalding Water Right 37-8031.

Thank you and have a great day!

Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov<<mailto:debbi.judd@idwr.idaho.gov>>

Idaho Department of Water Resources

322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov<<http://www.idwr.idaho.gov/>>

Webster, Clay

From: Kevin Lakey [watermanager@cableone.net]
Sent: Thursday, February 25, 2016 8:14 AM
To: Webster, Clay
Subject: RE: Watermaster and Regional comments on WSB Rental Application for Spalding 37-8031

Clay,
I have no concerns with this application.

Kevin Lakey
Water District 37

From: Webster, Clay [<mailto:Clay.Webster@idwr.idaho.gov>]
Sent: Wednesday, February 24, 2016 2:06 PM
To: Merritt, Allen; Kevin Lakey
Subject: FW: Watermaster and Regional comments on WSB Rental Application for Spalding 37-8031

Let me try this with the attachments this time.

From: Webster, Clay
Sent: Wednesday, February 24, 2016 2:03 PM
To: Merritt, Allen; 'Kevin Lakey'
Subject: Watermaster and Regional comments on WSB Rental Application for Spalding 37-8031

Allen and Kevin,

We are Currently processing this rental application. 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: Skinner, Corey
Sent: Thursday, February 25, 2016 7:59 AM
To: Webster, Clay
Cc: Merritt, Allen
Subject: RE: Watermaster and Regional comments on WSB Rental Application for Spalding 37-8031

Clay,

Southern Region has no objections to the proposed rental. It might not be a bad idea to emphasize to the renter & Speck that they are only getting one acre worth of water instead of the 1.5 acres they applied for.

Corey

From: Merritt, Allen
Sent: Wednesday, February 24, 2016 2:07 PM
To: Skinner, Corey
Subject: Fwd: Watermaster and Regional comments on WSB Rental Application for Spalding 37-8031

Sent from my iPhone

Begin forwarded message:

From: "Webster, Clay" <Clay.Webster@idwr.idaho.gov>
Date: February 24, 2016 at 2:06:26 PM MST
To: "Merritt, Allen" <Allen.Merritt@idwr.idaho.gov>, Kevin Lakey <watermanager@cableone.net>
Subject: FW: Watermaster and Regional comments on WSB Rental Application for Spalding 37-8031

Let me try this with the attachments this time.

From: Webster, Clay
Sent: Wednesday, February 24, 2016 2:03 PM
To: Merritt, Allen; 'Kevin Lakey'
Subject: Watermaster and Regional comments on WSB Rental Application for Spalding 37-8031

Allen and Kevin,

We are Currently processing this rental application. 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 Right 37-8031

From: Clay Webster

Date: 2/24/2016

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

PURPOSE/NARRATIVE: The department received an application to rent 0.03 cfs, and 5.3 af to irrigate 1.5 acres from Jim Speck for Helen Martin Spalding, as Trustee of the Richard and Helen Spalding Revocable Trust. We received an e-mail from Jim Speck requesting that we add the water right number 37-8031 to the rental application on November 24, 2014.

We received another rental application for 37-276H from Brockway Engineering, prior to this application, on October 5, 2015. This rental application caused possible enlargement and injury concerns as proposed. 37-8031 was found to be a viable water right for that rental. After processing that rental this water right will only provide 1 acre worth of irrigation for this rental. This rental will use the remainder of this leased right.

AUTHORITY TO FILE: This application was signed by Helen Martin Spalding, Trustee. Of the Richard and Helen Spalding Revocable Trust. She is listed as a Trustee on the current taxlot data for the rental POD and POU.

WATER RIGHT VALIDITY: 37-8031 was leased entirely for the 2016 season. There is only 1 acre available at this time for rental. This right was leased prior to using in conjunction with municipal water. City of Ketchum provides water to this property.

INJURY TO OTHER WATER RIGHTS: Both the rental and lease points of diversion are located within the Ketchum Zone of the WRV interim Ground Water Rental Policy. No injury concerns are noted.

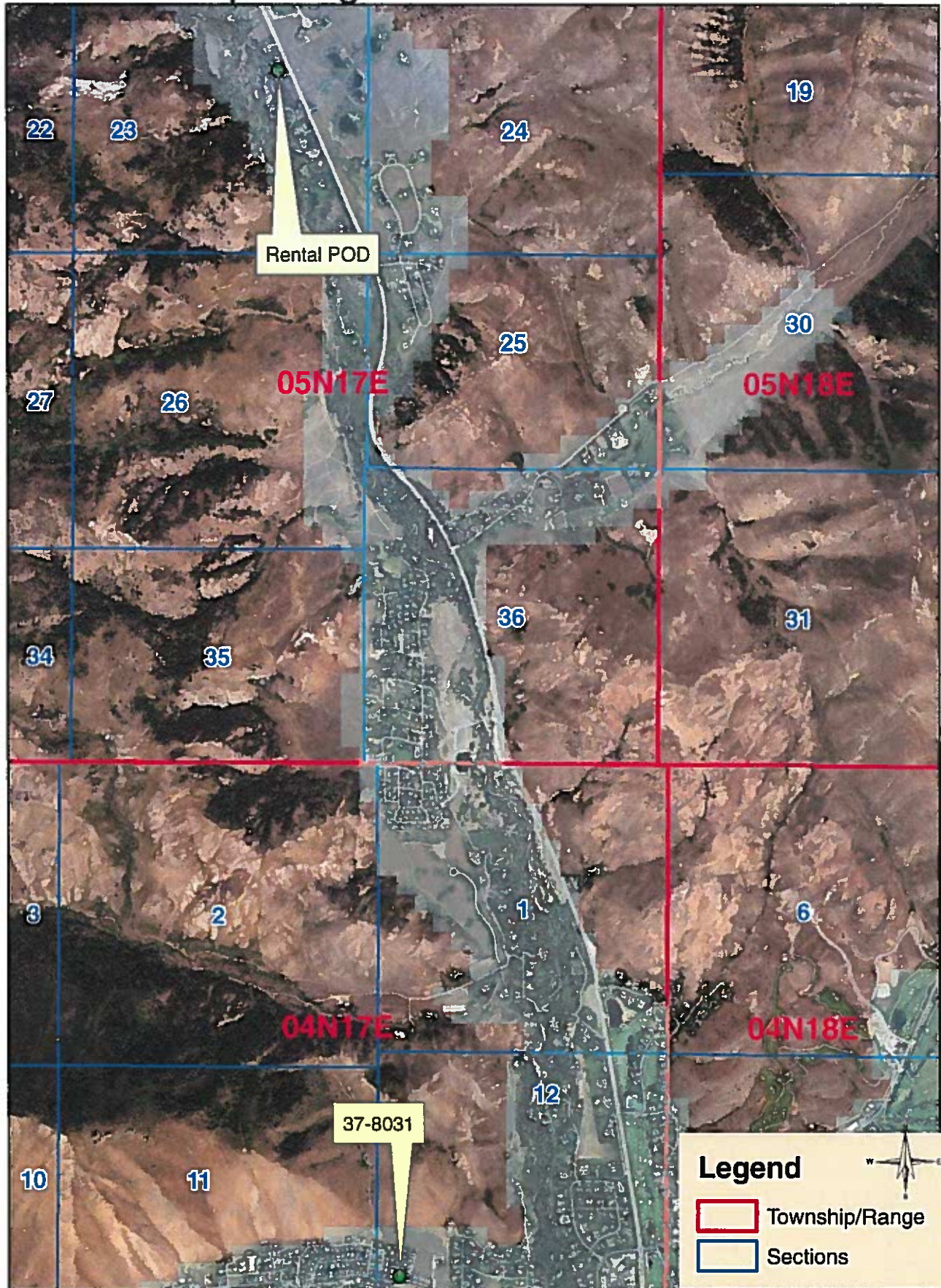
ENLARGEMENT OF USE: The applicant originally requested enough water to irrigate 1.5 acres. However, as described above there is only 1 acre of irrigation left on this right. No other water rights were found within the Ketchum Zone to fulfill the other portion of this request. This rental will only provide enough water to irrigate 1 acre of the property.

LOCAL PUBLIC INTEREST: The Department is currently evaluating a water call from surface water appropriators downstream of the rental location. Downstream appropriators claim upstream ground water diverters are causing them injury. This rental will provide some irrigation coverage for the applicant. Review staff has no other 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. Watermaster and Regional Office comments were requested on 2/24/2016 via e-mail.

Spalding Rental 2016 37-8031



Webster, Clay

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, January 26, 2016 3:51 PM
To: Webster, Clay
Cc: 'Helen Spalding'; 'Helen Spalding'
Subject: RE: RE: FW: RE: RE: 37-8031

Clay,

Thanks for the update. I'll check back in about 30 days.

Jim

-----Original Message-----

From: Webster, Clay
Sent: Tuesday, January 26, 2016 12:55 PM
To: Jim Speck

Jim,

This application has not been assigned yet. We still have 6 rentals with a received date of 1 Nov 2015 in the queue which have not been assigned yet.

According to our data the Spalding application was received 11/23/2016. You can check the Water Supply Bank Processing Spreadsheet at <http://idwr.idaho.gov/water-supply-bank/reports.html> for an updated status.

I hope this helps.

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

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Monday, January 25, 2016 9:42 AM
To: Webster, Clay
Cc: 'Helen Spalding'; 'Helen Spalding'
Subject: RE: FW: RE: RE: 37-8031

Clay,

I see the 2016 Lease Contract for 37-8031 was signed December 7, 2015 and it looks like my clients, the Spalding's, submitted the only rental application identifying this right. Can you update me on the status of the Spalding's application? Thank you.

Jim

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, November 25, 2015 9:27 AM
To: 'Webster, Clay'
Subject: RE: FW: RE: RE: 37-8031

Clay,

Can you tell me how many other rental applications (that are not lease/rental companion applications) for this same transaction zone are ahead of the Spalding application? Thanks.

Jim

-----Original Message-----

From: Webster, Clay
Sent: Wednesday, November 25, 2015 8:02 AM
To: jim@speckandaanestad.com

Jim,

Jean asked me to check into this for you. We have received the rental, I have annotated this water right on the rental application. It will still be subject to it's place in the queue. Happy Thanksgiving!

Sincerely,
Clay Webster
Water Resource Agent
clay.webster@idwr.idaho.gov<<mailto:clay.webster@idwr.idaho.gov>>
208-287-4910
Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov<<http://www.idwr.idaho.gov>>

From: Hersley, Jean
Sent: Wednesday, November 25, 2015 7:20 AM
To: Webster, Clay
Subject: FW: RE: RE: 37-8031

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, November 24, 2015 4:09 PM
To: Hersley, Jean
Subject: RE: RE: RE: 37-8031

Jean,

Last week I sent to Remington for filing an application by Helen Martin Spalding as Trustee of the Richard and Helen Spalding Revocable Trust to lease 1.5A of a

ground water right. Their property is North of Ketchum on the west side of Highway 75, so it's in the same transaction zone as 37-8031. We would like to rent 1.5A of 37-8031 if it's still available.

Please get back to me as soon as you can.

HAPPY THANKSGIVING!!

Jim

-----Original Message-----

From: Hersley, Jean

Sent: Thursday, November 19, 2015 9:55 AM

To: Jim Speck

Yes. You can just rent the irrigation use.

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]

Sent: Thursday, November 19, 2015 9:53 AM

To: Hersley, Jean

Subject: RE: RE: 37-8031

Jean,

Can you rent just the irrigation component of this right - we don't need the domestic.
Thanks.

Jim

-----Original Message-----

From: Hersley, Jean

Sent: Thursday, November 19, 2015 9:28 AM

To: Jim Speck

Attached is a copy of the proposed lease for 37-8031. The Department should receive the signed contracts by December 3.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]

Sent: Thursday, November 19, 2015 9:25 AM

To: Hersley, Jean

Subject: Re: 37-8031

Jean,

I'm about to file a rental application for a 1.5A GW right and would like to name the above right as the target. I see from the processing sheet that a lease has been sent out for signing - can you send me a copy? My client's property is North of Ketchum and in that transaction zone. Thanks.

Jim

James P. Speck

SPECK & AANESTAD

A Professional Corporation

120 East Avenue North

P.O. Box 987

Ketchum, ID 83340

208.726.4421

208.726.0752 (fax)

jim@speckandaanestad.com<mailto:jim@speckandaanestad.com>

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Attachment(s): Lease contract.docx

RECEIVED

NOV 23 2015

DEPARTMENT OF
WATER RESOURCES

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

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

November 18, 2015

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

Re: Application to Rent Water - Helen Martin Spalding as Trustee of the Richard and Helen Spalding Revocable Trust

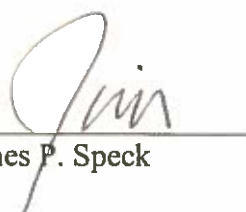
Dear Remington:

Enclosed you will find the original and a copy of the above-referenced Application to Rent Water. Please receipt date-stamp the copy and return it to me in the postage prepaid self-addressed envelope I have included for that purpose. Kindly call me right away if you have any questions, comments or concerns about this Application.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Client w/encl.