



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 6, 2017

J KRISTOPHER POPOVICH  
1540 OAK GROVE AVE  
SAN MARINO CA 91108

**RE: Expiration of Water Supply Bank Rental Agreement for water rights: 37-8153**

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:

RECEIVED  
JAN 25 2016  
DEPARTMENT OF  
WATER RESOURCES

Page 1 of 4

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

Joan V. Popovich, owner  
Printed Name and Title\*

1/20/16  
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 1/26/2016

Rental Approved by IDWR 

Date 1-26-2016

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

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER      SW¼SW¼      Sec. 5      Twp 03N      Rge 18E      BLAINE County

**BENEFICIAL USE**

IRRIGATION

**SEASON OF USE**

04/15 TO 10/15

**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  |        |
| 03N | 18E | 5   |    |    |    |    |    |    |    |    |    |    | 2.2 |    |    |    |    |     | 2.2    |
| 03N | 18E | 6   |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    | 0.3 | 0.3    |

Total Acres:    2.5

**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. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.

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. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
15. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the SRBA partial decree date.



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.



2013 USDA-FSA Aerial Photography

-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 100 200 Feet

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

NOV 13 2015

DEPARTMENT OF  
WATER RESOURCESAPPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: J. Kristoffer Popovich

Is 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](http://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  | <input checked="" type="checkbox"/>                          | 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 | <input checked="" type="checkbox"/> <input type="checkbox"/> | Detailed information on a proposed use of rental water                                                                                                       |
| 3E | <input checked="" type="checkbox"/> <input type="checkbox"/> | Authorization from the owner/operator of the rental point(s) of diversion                                                                                    |
| 3G | <input checked="" type="checkbox"/> <input type="checkbox"/> | Water modeling to account for the impacts of the rental request                                                                                              |
| 3J | <input checked="" type="checkbox"/> <input type="checkbox"/> | Documents justifying a need to rent water for irrigation at a rate of flow greater than 0.02 cfs/acre                                                        |
| 3K | <input checked="" type="checkbox"/> <input type="checkbox"/> | Authorization from the owner/operator of the property at the proposed rental place(s) of use                                                                 |
| 4B | <input checked="" type="checkbox"/> <input type="checkbox"/> | Explanation of how the rental water will sufficiently accomplish your rental purposes                                                                        |
| 4C | <input checked="" type="checkbox"/> <input type="checkbox"/> | Explanation of consumptive use amounts for water rights experiencing a change in nature of use                                                               |

Department Use Only – Proposed Water Right(s)

37-8153

STATE OF IDAHO  
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant J. Kristoffer Popovich

Mailing Address 1540 Oak Grove Ave., San Marino, CA 91108

Email Address jkp@ix.netcom.com

Phone Number (818) 507-7116

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<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Acres (if applicable)<br>(Acre) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|---------------------------------|
| 0.04 CFS                            | 8.8 AF                        | 0.04 CFS                             | 8.8 AF                         | 2.5 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<br>(month/day/year) | Latest Possible Start<br>(month/day/year) | * Proposed Rental<br>Duration<br>(Max 5 Years) | ** For multi-year rentals, indicate whether you desire to rent<br>water for remaining years if a rental request cannot be<br>approved for the first year? |                                                                                      |
|-----------------------------------------|-------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| April 1                                 | May 1                                     | 1                                              | <input type="checkbox"/> Yes, approve rental for all<br>remaining future years.                                                                           | <input type="checkbox"/> No, return rental request if<br>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 | 3N  | 18E | 5   | SW | SW | SW | Blaine | none                                                           |
|              |     |     |     |    |    |    |        |                                                                |
|              |     |     |     |    |    |    |        |                                                                |
|              |     |     |     |    |    |    |        |                                                                |

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 |                              |
| 3N                                                                        | 18E | 5   |    |    |    |    |    |    |    |    |    |    | 2.5 |    |    |    |    |    | 2.5                          |
|                                                                           |     |     |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |                              |
|                                                                           |     |     |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |                              |
|                                                                           |     |     |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |                              |
|                                                                           |     |     |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |                              |
|                                                                           |     |     |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    |                              |
| The entry in this grid must match the map from item 2 on the application. |     |     |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    | Total Acres (for irrigation) |
|                                                                           |     |     |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    | 2.5                          |

- 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):  
Existing well & pump, underground residential sprinkler irrigation system

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. Presently irrigate 3.0A & signed Consent Order & Agreement in November 2014.

Need to continue existing irrigation in 2016

**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) |
| 37-8153                                                                                                                                                                          | irrigation    | ground water | 0.04       | 8.8         | 2.5        | 2016         | 2016       |                                                                                           | 0.04           | 8.8       | 2.5        |
|                                                                                                                                                                                  |               |              |            |             |            |              |            |                                                                                           |                |           |            |
|                                                                                                                                                                                  |               |              |            |             |            |              |            |                                                                                           |                |           |            |
|                                                                                                                                                                                  |               |              |            |             |            |              |            |                                                                                           |                |           |            |
|                                                                                                                                                                                  |               |              |            |             |            |              |            |                                                                                           |                |           |            |
|                                                                                                                                                                                  |               |              |            |             |            |              |            |                                                                                           |                |           |            |
|                                                                                                                                                                                  |               |              |            |             |            |              |            |                                                                                           |                |           |            |
|                                                                                                                                                                                  |               |              |            |             |            |              |            |                                                                                           |                |           |            |
| <b>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</b> |               |              |            |             |            |              |            | <b>TOTAL</b>                                                                              | 0.04           | 8.8       | 2.5        |
|                                                                                                                                                                                  |               |              |            |             |            |              |            |                                                                                           | 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:**

N/A

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**:

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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:  
Same water right rented in 2015. Have not located a water right to purchase.

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- 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: \_\_\_\_\_

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- 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 E2014-699 dated October 31, 2014 resolved by Consent Order and Agreement dated November 18, 2014

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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

J. Kristoffer Popovich  
Printed Name of Applicant

11/3/2015  
Date

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Printed Name of Representative

\_\_\_\_\_  
Date

Mail to:

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

# Potential Unauthorized Use

POPOVICH J KRISTOFFER, POPOVICH JANE HOFFMAN TSTEEES

Irrigated acres approximately: 3

3A place of use  
includes 0.5 acre domestic well irrigation

point of diversion  
(well)





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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 27, 2016

J KRISTOPHER POPOVICH  
1540 OAK GROVE AVE  
SAN MARINO CA 91108

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO. 37-8153**

Dear Renter:

Please find enclosed a receipt in the amount of **\$127.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 7.5 acre-feet of water for irrigation of 2.5 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 \$114.75 of the rental fee will be paid to the lessor(s) and 10% or \$12.75 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4881.

Sincerely,

for

Sandra Thiel  
Sr. Water Resource Agent

Enclosures: Receipt No. C101454  
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

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 14, 2016

J KRISTOFFER POPOVICH  
1540 OAK GROVE AVE  
SAN MARINO CA 91108

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO. 37-8153**

**\*\*\*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 \$127.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 7.5 acre-feet.

**Please send a check for \$127.50** 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 \$114.75 of the rental fee will be paid to the lessor(s) and 10% or \$12.75 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4881.

Sincerely,

 Sandra Thiel  
Sr. Water Resource Agent

Enclosure: (previously sent)

c: IDWR Front Desk  
James Speck – Speck & Aanestad



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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Director

January 11, 2016

J KRISTOFFER POPOVICH  
1540 OAK GROVE AVE  
SAN MARINO CA 91108

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 35-2491, 35-7005, and 35-7648**

**\*\*\*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 \$127.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 7.5 acre-feet.

**Please send a check for \$5,440.00** 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 \$114.75 of the rental fee will be paid to the lessor(s) and 10% or \$12.75 will be retained by the Department to offset administrative costs.

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

Sincerely,

 Sandra Thiel  
Sr. Water Resource Agent

Enclosure

c: IDWR Front Desk  
James Speck – Speck & Aanestad

## MEMORANDUM

**To:** Water Right 37-8153  
**From:** Sandra Thiel  
**Date:** December 21, 2015  
**Re:** Review & Analysis of Application to Rent Water from the State Water Supply Bank

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**PURPOSE/NARRATIVE:** On November 13, 2015 Red Cliffs HOA and Kristoffer Popovich submitted a lease/rental package to the Department. According to the application Mr. Popovich intends to irrigate 2.5 acres. The application requested 0.04 cfs and 8.8 af. Based on the rate and volume of the leased right, the rental will be for 0.04 cfs and 7.5 af. This package is almost identical to the applications submitted in 2015. The place of use was subject to a notice of violation in 2014.

**AUTHORITY TO FILE:** This application was signed by J Kristopher Popovich. He is the property owner according to our tax lot data.

**WATER RIGHT VALIDITY:** Right 37-8183 was decreed in 2010. Red Cliffs HOA leased the right into the bank for 2015. Forfeiture is not an issue.

**INJURY TO OTHER WATER RIGHTS:** The lease and rental are both within the Ketchum Zone of the Bank's Interim Ground Water Rental Policy. No injury is anticipated.

**ENLARGEMENT OF USE:** This rental with the ½ acre of domestic exemption will allow 2.5 acres of irrigation. No enlargement concerns are noted.

**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 rented right is subject to Water District # 37. See attached for water master and regional comments.

## Thiel, Sandra

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**From:** Kevin Lakey [watermanager@cableone.net]  
**Sent:** Monday, December 28, 2015 10:34 AM  
**To:** Thiel, Sandra  
**Subject:** RE: Lease/rental for water right 37-8153

Sandra,

After working with Jean and Clay on another application, I don't think there is anymore I wish to submit on Red Cliffs/Popovich. I will approve the application.

Kevin Lakey

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**From:** Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]  
**Sent:** Monday, December 28, 2015 10:12 AM  
**To:** Kevin Lakey  
**Subject:** FW: Lease/rental for water right 37-8153

Hello, Were you going to submit more information about the Red Cliffs / Popovich lease rental? I thought maybe you were going to send comments and I wanted to make sure that I had everything before I finished processing the applications.

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**From:** Thiel, Sandra  
**Sent:** Thursday, December 17, 2015 3:05 PM  
**To:** 'Kevin Lakey'  
**Subject:** Lease/rental for water right 37-8153

Hello, The attached documents provide information about a lease and a rental. Please let me know if you have any concerns. How are things down your way?

**Sandra Beer Thiel**  
Idaho Department of Water Resources  
322 East Front Street  
Boise, Idaho 83720-0098  
(208)287-4881  
[sandra.thiel@idwr.idaho.gov](mailto:sandra.thiel@idwr.idaho.gov)

## Thiel, Sandra

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**From:** Merritt, Allen  
**Sent:** Thursday, December 17, 2015 4:05 PM  
**To:** Thiel, Sandra  
**Subject:** RE: Lease/rental for water right 37-8153

I do not see an issue as long as they are not using the domestic exemption to claim irrigation of ½ on the lots where acres are being idled.

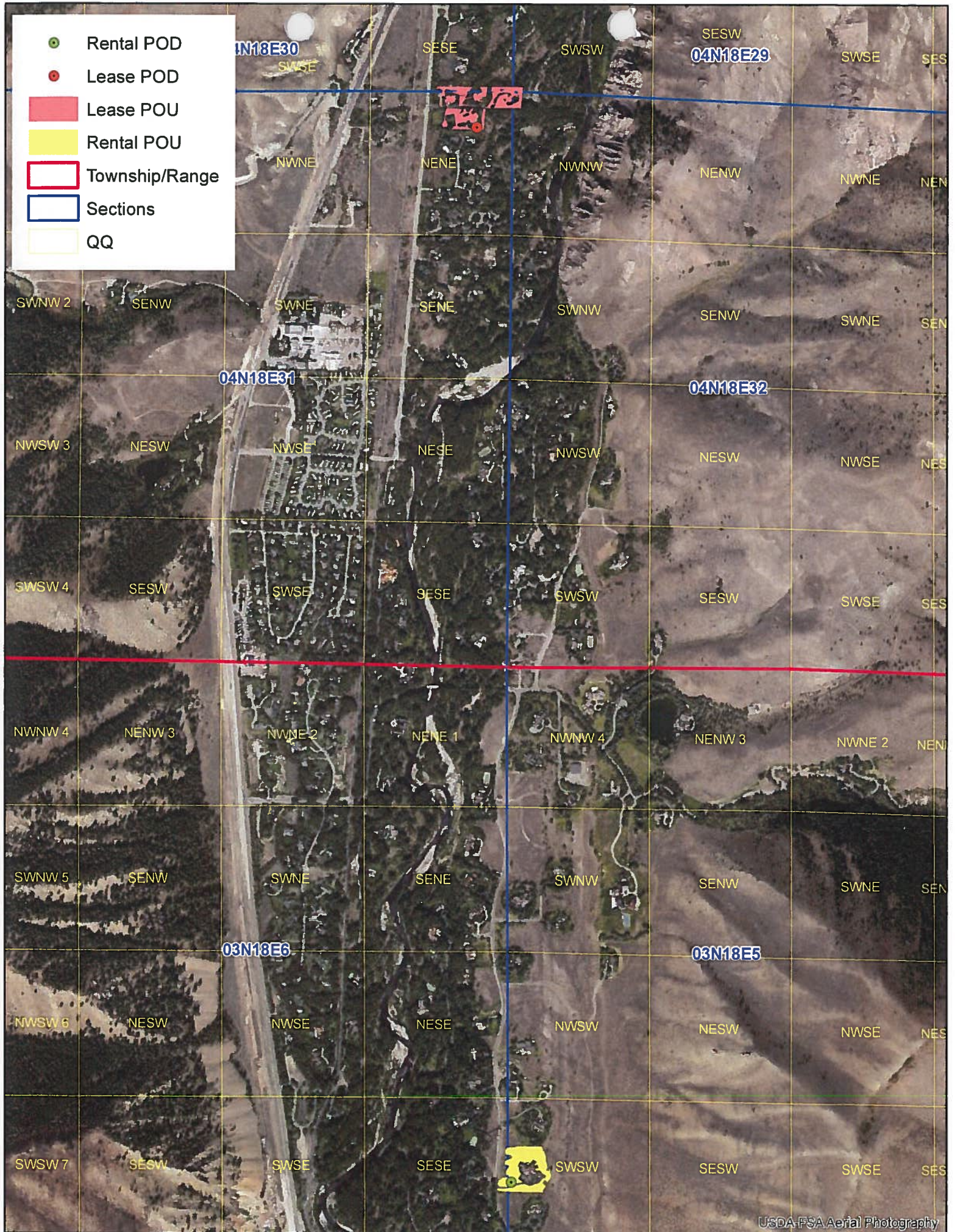
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**From:** Thiel, Sandra  
**Sent:** Thursday, December 17, 2015 3:07 PM  
**To:** Merritt, Allen  
**Subject:** FW: Lease/rental for water right 37-8153

Hello, The attached documents provide information about a lease and a rental in basin 37. Please let me know if you have any concerns.

**Sandra Beer Thiel**  
Idaho Department of Water Resources  
322 East Front Street  
Boise, Idaho 83720-0098  
(208)287-4881  
[sandra.thiel@idwr.idaho.gov](mailto:sandra.thiel@idwr.idaho.gov)

-  Rental POD
-  Lease POD
-  Lease POU
-  Rental POU
-  Township/Range
-  Sections
-  QQ



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|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------|---------|-------------|
| No. <b>C 102344</b>                                                                                                                                    | <b>Due no later than Jun 30, 2015</b>                                                                                                                                |                                                                                                                                                   | <b>2. Registered Agent and Address<br/>(NO PO BOX)</b>       |       |         |             |
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> | <b>1. Mailing Address: Correct in this box if needed.</b><br>RED CLIFFS HOMEOWNERS ASSOCIATION, INC.<br>STEVE R. COOK<br>P O BOX 680<br>KETCHUM ID 83340-0680<br>USA |                                                                                                                                                   | STEVE COOK<br>105 REDCLIFF RD<br>SOUTH OF KETCHUM 83340-0680 |       |         |             |
|                                                                                                                                                        |                                                                                                                                                                      |                                                                                                                                                   | <b>3. <u>New</u> Registered Agent Signature:*</b>            |       |         |             |
| <b>4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).</b>                               |                                                                                                                                                                      |                                                                                                                                                   |                                                              |       |         |             |
| Office Held                                                                                                                                            | Name                                                                                                                                                                 | Street or PO Address                                                                                                                              | City                                                         | State | Country | Postal Code |
| TREASURER                                                                                                                                              | WILLA MC LAUGHLIN                                                                                                                                                    | PO BOX 6                                                                                                                                          | KETCHUM                                                      | ID    | USA     | 83340-0006  |
| SECRETARY                                                                                                                                              | WILLA MC LAUGHLIN                                                                                                                                                    | PO BOX 6                                                                                                                                          | KETCHUM                                                      | ID    | USA     | 83340-1650  |
| <b>5. Organized Under the Laws of:</b><br><b>ID</b><br><b>C 102344</b>                                                                                 |                                                                                                                                                                      | <b>6. Annual Report must be signed.*</b><br>Signature: Steve R Cook<br>Name (type or print): Steve R Cook<br>Date: 04/18/2015<br>Title: President |                                                              |       |         |             |
| Processed 04/18/2015                                                                                                                                   |                                                                                                                                                                      | * Electronically provided signatures are accepted as original signatures.                                                                         |                                                              |       |         |             |