

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUL 17 2015

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

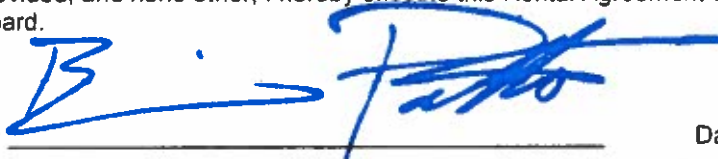
The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

 Thomas W. Weisel, Trustee 7/14/15
Signature of Renter Printed Name and Title* 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  Date July 17, 2015
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR  Date 7/17/2015

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

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NE¼NE¼ Sec. 1 Twp 04N Rge 17E BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

07/15 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	
04N	17E	12	0.54	0.54															1.1

Total Acres: 1.1

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 4.0 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 water right(s) referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. Administrative fees will be paid based on the current rental rate.
15. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
16. Place of use is also known as Lot 13, Block 1, Beaver Springs Subdivision.
17. The following right also diverts from the above point of diversion: 37-7731.

RECEIVED

MAY 04 2015

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

RECEIVED

APR 03 2015

DEPARTMENT OF
WATER RESOURCESApplicant Name: Thomas W. Weisel Trust by Thomas W. Weisel, Trustee

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.

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)

~~37-2473J~~

37-7926

37-269

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Thomas W. Weisel Trust by Thomas W. Weisel, Trustee

Mailing Address 7 Upper Road, Ross, CA 94957

Email Address tw@stifel.com

Phone Number (415) 364-2587

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)
<u>0.06 CFS</u> <u>6.04 gps</u>	<u>7.0 AF</u> <u>6.6 gps</u>	0.04 CFS	<u>7.0 AF</u> <u>6.6 gps</u>	<u>2.0 AC</u> <u>1.9 gps</u>

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?
<u>April 1</u>	<u>May 15 gps</u>	<u>1</u>	☐ 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	4N	17E	12		NE	NE	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	
4N	17E	12	2.0																2.0
The entry in this grid must match the map from item 2 on the application.																			
																			Total Acres (for Irrigation)
																			2.0

- 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):
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 5.5A, including 0.5A domestic exemption & 3.0A under 37-7731.

Received a notice of violation and need to continue existing irrigation in 2015 while looking for a permanent solution.

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)
~~37-24734~~	~~Irrigation~~	~~ground water~~	~~0.02~~	~~3.7~~	~~1.1~~	~~2015~~	~~2015~~	~~0.02~~	~~3.7~~	~~1.1~~
37-7926	Irrigation	ground water	0.04	4.1	1.3	2015	2015	0.01	0.6	0.2
37-2619	Irrigation	ground water	0.08	14	4.0	2015	2015	0.03	6.0	1.7
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								0.07	6.6	1.9
								0.03	1.3	1.3
								CFS	AF	AC

Leased totals minus water actively engaged in rental agreement equals rental availability

TOTAL

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:

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:

- 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 E2014-714 dated December 16, 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

Thomas W. Weisel, Trustee
Printed Name of Applicant

3-26-15
Date

Signature of Representative

Printed Name of Representative

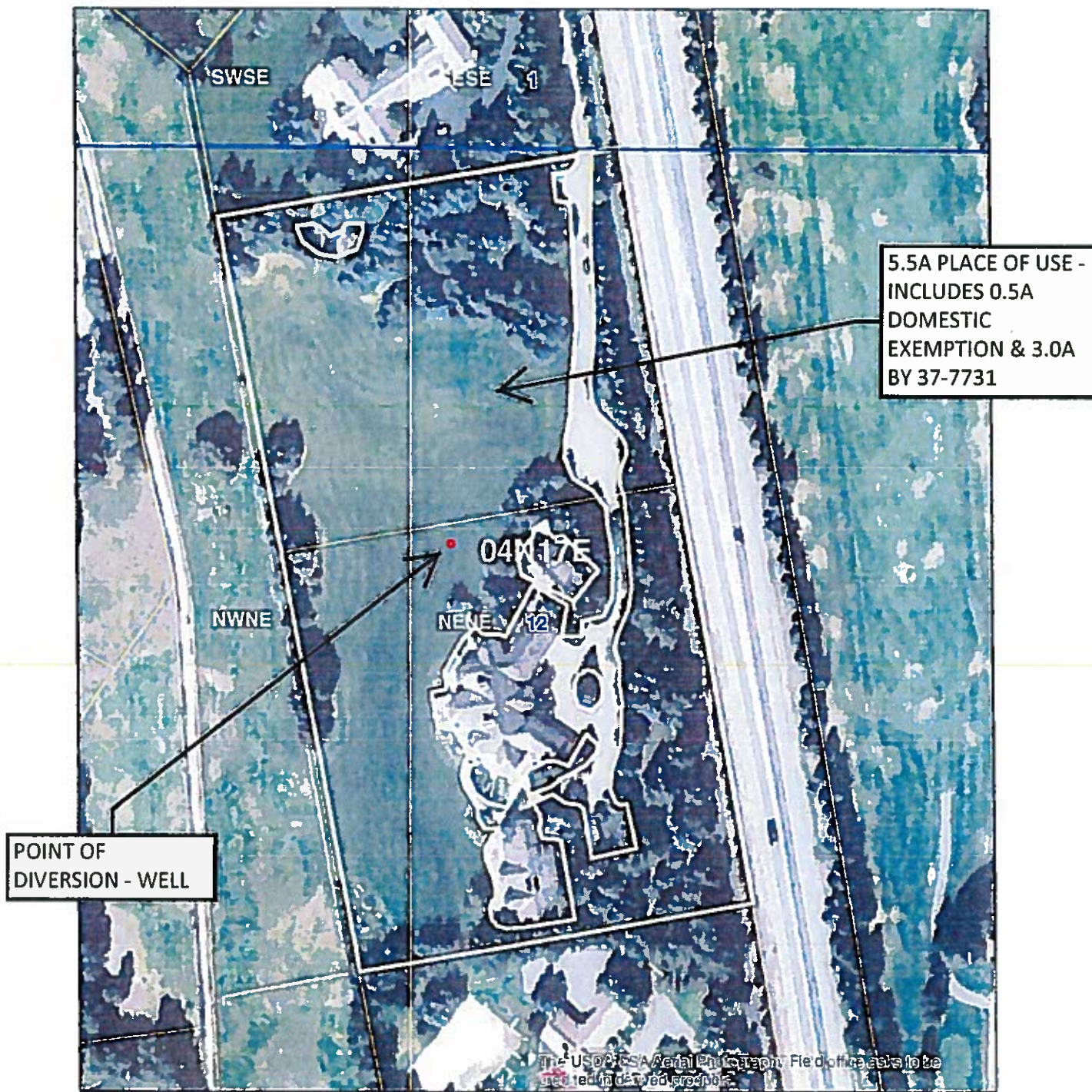
Date

Mail to:

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

Idaho Department of Water Resources

Potential Unauthorized Use



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

PRESORTED
FIRST CLASS



US POSTAGE >> PITNEY BOWES



ZIP 83702 \$ 000.39¹
02 1W
0001393370 OCT 05 2015

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OCT 22 2015

DEPARTMENT OF
WATER RESOURCES

Thomas W Weisel Trust
7 UPPER RD
ROSS CA 94957-9685

NIXIE 957 DE 1260 0210/15/15

RETURN TO SENDER
UNDELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 837200098 *2772-02522-18-38

837200098 8945



MEMORANDUM

DATE: September 17, 2015
TO: Water Right File 37-2619
FROM: Clay Webster

RE: Weisel WSB Rental POD Error

During creation of shapes for the Thomas W. Weisel Trust rental of this right, the department found that the POD was identified in the wrong location on the rental agreement. This shape was incorrectly identified as NENE of Township 04N Range 17E Section 01. The correct location is NENE of Township 04N Range 17E Section 12.



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 20, 2015

THOMAS W WEISEL TRUST
C/O THOMAS W WEISEL
7 UPPER RD
ROSS CA 94957-9685

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-2619 AND 37-7926**

Dear Renter:

Please find enclosed a receipt in the amount of **\$6.46** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.8 acre-feet of water for irrigation of 1.1 acres during 2015. 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, the rental fee will be retained by the Department to offset administrative costs since you have a private agreement with the lessor of the right(s).

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

Sincerely,

TL Remington Buyer
Water Supply Bank Coordinator

Enclosure(s): Receipt No. C100778
Rental Agreement (copy)

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



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

July 10, 2015

THOMAS W. WEISEL TRUST
C/O THOMAS W. WEISEL, TRUSTEE
7 UPPER ROAD
ROSS CA 94957

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-2619, 37-7926**

*****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 \$64.60 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 3.8 acre-feet. Because of a private agreement in place between you and the water right holder, only the ten percent administrative fee of \$6.46 is required for this rental.

Please send a check for \$6.46 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Remington Buyer', is written over a horizontal line.

Remington Buyer
Water Supply Bank Coordinator

Enclosure(s): Rental Agreement

c: IDWR Front Desk
Jim Speck, Attorney

MEMORANDUM

To: Water Rights: 37-2619
From: Remington Buyer
Date: July 9, 2015
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE:

Rental applicant is Thomas W. Weisel, Trustee of the Thomas W. Weisel Trust, which is the registered owner of a property (comprised of two platted parcels, Lots 13 & 14) north of Ketchum. Rental water is requested for irrigation. Per correspondence with the applicant's attorney, James Speck, a July start date for irrigation is desired by the applicant. Applicant originally requested authorization to irrigate 2 acres, however less than that is available for rental from the Bank and the applicant shall confirm which areas are to be covered under the water right rental.

AUTHORITY TO FILE: Application has been submitted by James Speck, though the application is signed by both renters. No concerns about authority to file.

WATER RIGHT VALIDITY: Water right 37-2619 is in the Bank and available for rental.

INJURY TO OTHER WATER RIGHTS: The rental point of diversion is located more than one hundred feet from the Big Wood River. No concerns about direct impacts to the river and injury to the minimum stream flow. Moreover, the lease and rental locations are both ground water wells in the Ketchum zone, constraining any ground water accretions/depletions to this administrative area. No concerns about injury to other water users.

ENLARGEMENT OF USE: Renter requires a standard flow of 0.02 cfs/AC for their purposes and that is the flow being provided by the leased right. No enlargement of the water right will occur through the rental.

LOCAL PUBLIC INTEREST: The Department is currently evaluating a water call from surface water appropriators downstream of the rental location. Downstream appropriators allege upstream ground water diverters are causing them injury. This rental is in part to address a 2014 Notice of Violation (#2014-709) that was issued to the property owner when it was discovered they were irrigating beyond the permissible limits of their water right. They have a water right (37-7731) that authorizes irrigation of 3 acres of a 3.7 acre parcel (Lot 14), but it appears that Lot 13 is fully bare with no water right coverage. Thus, approximately 2.8 acres are being irrigated without a water right. Though irrigation without a water right is a critical local public interest concern at present (due to the water call) a rental that will in part bring Mr. Weisel into compliance is in the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Comments were requested from Watermaster and Southern Region staff. No concerns from Southern Region staff, the watermaster suggested that the Bank ensure a flowmeter requirement condition be added to this rental which shall be done.

Buyer, Remington

From: Buyer, Remington
Sent: Friday, July 10, 2015 10:23 AM
To: 'Jim Speck'
Subject: RE: Rental Requests
Attachments: Rental Form-Admin Fees-Greenstein.pdf; Rental Form-Admin Fees-Sinegal.pdf; Rental Form-Admin Fees-WEISEL.pdf; Cover Letter - Greenstein.pdf; Cover Letter - Sinegal.pdf; Cover Letter - Weisel.pdf

Jim,

Please find enclosed with this email three rental agreements and corresponding cover letters for your three clients who are renting portions of water right 37-2619. Printed copies of these documents will be going out on Monday however I am providing you with digital copies so that you may expedite conclusion of this process by having your clients sign and return these documents to our office, along with the necessary rental fees.

Please feel free to contact me if you have any questions,

Remington
287-4918

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, July 07, 2015 3:40 PM
To: Buyer, Remington
Subject: RE: RE: RE: RE: RE: Rental Requests

Remington,

I'm just following up to see when the rental agreement for Weisel and those for Sinegal & Greenstein will be finalized and sent out. Please reply when you can. Thanks.

Jim

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Thursday, July 02, 2015 12:27 PM
To: 'Buyer, Remington'
Cc: twm@stifel.com
Subject: RE: RE: RE: RE: RE: Rental Requests

Remington,

Mr. Weisel approves this 1.1A layout. Please proceed. Thank you.

Jim

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

From: Buyer, Remington
Sent: Thursday, July 02, 2015 10:22 AM
To: 'Jim Speck'

Thank you for the map Jim, it is helpful. I've mapped 1.1 acres within the boundaries of the shape you drew, please see the attached map that delineates these acres. If these acres will

suffice for Mr. Weisel, please confirm by email and I will proceed with processing the rental agreement.

Remington
287-4918

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

From: Jim Speck [mailto:jim@speckkandaanestad.com]
Sent: Wednesday, July 01, 2015 4:38 PM
To: Buyer, Remington
Subject: RE: RE: RE: RE: Rental Requests

Remington,

The attached map outlines 1.1A (according to Google Earth) that are to be irrigated within Lot 13 by the WSB rental. I do not have the capability to break this down per 1/41/4 section. Is this sufficient?

Jim

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

From: Buyer, Remington
Sent: Wednesday, July 01, 2015 3:03 PM
To: 'Jim Speck'

Jim,

This proposal is insufficient to authorize a rental from the Water Supply Bank.

The Water Supply Bank understands that Mr. Weisel is seeking to rent 2 acres worth of water in order to come into compliance with the alleged unauthorized irrigation of 2 acres, per NOV E2014-709. According to the NOV, 5.5 acres is being irrigated on two parcels (2.8 acres within Lot 13 and 2.7 acres within Lot 14). Allowing for 3 acres authorized under water right 37-7731 and a domestic allowance of an additional 0.5 acres, irrigation of the remaining 2 acres would be unauthorized.

Through my review of your client's rental request however, it appears to me that Mr. Weisel may have been irrigating as much as 2.8 or 3.35 acres in excess of his authorized limits. The following explains how I arrived at this number:

Lot 14 is 3.7 acres in size (0.85 acres in the NWNE quarter-quarter and 2.85 acres in the NENE quarter-quarter). The decree for water right 37-7731 authorizes irrigation of 3 acres within the parcel (0.7 acres within the NWNE QQ and 2.3 acres with the NENE QQ). The decree also authorizes .04 cfs and 1.2 acre feet for domestic use within the same place of use area of the irrigation usage. Thus, domestic irrigation may be permissible within the same place of use where irrigation is authorized under water right 37-7731, but the decree does not explicitly authorize irrigation in excess of the 3 acres under water right 37-7731.

Taking into account the current irrigation practices within Lot 14, it thus appears that 0.7 acres is being irrigated in excess of decreed authorizations (0.15 acres in the NWNE QQ and 0.55 acres in the NENE QQ).

Moreover, accounting for the hardscaping on the property (which appears to amount to one acre) and accepting that all areas outside the hardscaping is being irrigated, it appears that 2.7 acres of the total parcel is being irrigated. Allowing for the discrepancy between where irrigation is occurring within the parcel and where irrigation is authorized under the

decree for 37-7731, it appears that 2.7 out of a possible 3 acres worth of irrigation under water right 37-7731 is occurring within Lot 14. Thus, the irrigation of Lot 14 may be in conformity with water right decrees and authorizations.

Lot 13 however is not covered by any water rights or domestic exemption. Lot 13 is 3 acres in size and appears to be covered by 0.2 acres of hardscaping. It thus appears that 2.8 acres of Lot 13 is without any water right coverage.

Per our previous correspondence, 1.1 acres of water is available to be rented from the Water Supply Bank. The Bank is ready to draft a rental agreement to authorize irrigation of 1.1 acres within the bounds of your client's property, either fully within Lot 13, or on the portions of Lot 14 that appear to not be covered by water right 37-7731. TO assist us in concluding our processing of your client's rental request, we require that you specify which exact acres will be covered by the 1.1 acres under this rental agreement. Please provide us with this information no later than by Friday, July 10th so that we can timely conclude our processing of this rental request.

As always, you can reach me by phone if you have questions about this matter.

Regards,

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, July 01, 2015 10:53 AM
To: Buyer, Remington
Cc: tw@stifel.com
Subject: RE: RE: RE: Rental Requests

Remington,

Attached is a map prepared by Mr. Weisel's landscape contractor, Webb Landscaping. The 0.9A outlined in orange will NOT be irrigated this summer. That leaves a total of 4.6A irrigated - 0.5A domestic exemption, 3.0A by 37-7731 and 1.1A by the rental. Is this map sufficient for you to complete the processing of the rental agreement? Please get back to me right away if you have any questions.

Thank you.

Jim

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, June 30, 2015 2:32 PM
To: 'Buyer, Remington'
Cc: tw@stifel.com
Subject: RE: RE: RE: Rental Requests

Remington,

I spoke with Mr. Weisel after my e-mail below. He has decided to pursue the rental of the available 1.1A for this year. I will get you the map depicting the total of 4.6A that will be irrigated with the domestic exemption, 37-7731 and the rental water as soon as I can.

Jim

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, June 30, 2015 11:01 AM
To: 'Buyer, Remington'
Subject: RE: RE: RE: Rental Requests

Remington,

Mr. Weisel has decided to review his actual irrigation and may determine that he only needs to irrigate the 3.5A covered by his domestic exemption and 37-7731. I will let you know in the next day or so.

Jim

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

From: Buyer, Remington
Sent: Tuesday, June 30, 2015 8:40 AM
To: 'Jim Speck'

Jim,

Have you received confirmation from Mr. Weisel regarding his irrigation request?

Remington

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

From: Buyer, Remington
Sent: Wednesday, June 24, 2015 9:28 AM
To: 'Jim Speck'
Subject: RE: RE: Rental Requests

Jim,

I misstated the number of acres that were dedicated to Brotman's rental. It was 1.2, not 1.3. Allow me to explain: because 3.5 AF and 0.02 cfs of the Sokoloff lease was dedicated to the Brotman rental, it required 1.2 acres of the Sokoloff right. Sokoloff's right only provides 3AF/AC, so to achieve 3.5 AF from the lease required a rental of 1.2 acres of the Sokoloff right (1.167 acres in fact, but IDWR policy is to round acres to the first decimal place). Thus, 0.1 acres of the Sokoloff lease remains available for rent to Weisel. To avoid enlargement of the Sokoloff right, only 0.3 AF should be rented out on the 0.1 acres remaining, so as to ensure that no more than 3AF/ac is dedicated to any remaining rental, however the remaining flow rate can be rounded up to 0.01 cfs (the amount remaining under the Sokoloff lease).

Let me know if you have questions on this,

Remington
287-4918

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, June 23, 2015 5:30 PM
To: Buyer, Remington
Subject: RE: RE: Rental Requests

Remington,

Mr. Weisel will confirm by the end of this week the area he needs to irrigate with the WSB rental.

Brotman's rental agreement identifies ONLY 1.1A and 3.5AF of 37-7926 as rented. So, 0.2A and 0.4AF should be available out of the leased 1.3A & 3.9AF - at least by my calculations.

Jim

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

From: Buyer, Remington
Sent: Tuesday, June 23, 2015 5:17 PM
To: 'Jim Speck'

Jim,

Thanks for confirming a July start date is sufficient for your client's needs. I will proceed with putting together rental agreements for the Greensteins and Mr. Sinegal.

Please note, the Brotman rental of 1.1 acres required 1.3 acres worth of water from the Sokoloff lease (water right 37-7926 had a duty of water that was 3 AF/AC, not 3.5 AF/AC), thus, there is only 0.1 acres and 0.3 af worth of water right 37-7926 remaining to be rented. Together, 37-7926 and 2619 can provide Mr. Weisel with 1.1 acres and 3.8 af worth of water. To draft a rental agreement for Mr. Weisel, I need to know which acres within the NWNE and/or NENE quarter quarters of Section 12 should be covered by this rental. To assist in this matter, I'm attaching a map that shows the parcels to be covered by a 1.1 acre rental. Per IDWR's shapefile, 37-7731 covers almost the entirety of the 4 acre southern parcel, leaving the four acre northern parcel not covered by irrigation water rights/rentals. I will wait for your response before proceeding on a rental agreement for Weisel.

Remington
287-4918

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, June 23, 2015 2:56 PM
To: Buyer, Remington
Subject: RE: Rental Requests

Remington,

The late start date is acceptable to all three clients. The Sinegal & Greenstein rentals should be met using 37-2619. Weisel should be allocated 1.0A under 37-2619 and 0.2A from 37-7926 (a total of 1.3A of 7926 is leased and 1.1A has been rented to Brotman). I will get you the location of the 0.7A that won't be irrigated on the Weisel lots.

Jim

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

From: Buyer, Remington
Sent: Tuesday, June 23, 2015 2:03 PM

To: 'Jim Speck'

Jim,

I've looked over the rental requests for the Greensteins, Thomas W. Weisel Trust and for Mr. Sinegal and I require input from you to proceed on these requests.

The following items require attention:

1) The start date for these rental requests have been modified multiple times and the applications currently before us suggest that the latest possible start date to begin using irrigation water was Monday, June 15. Do your clients still desire to pursue rental water for 2015? If so, the Water Supply Bank can authorize rental agreements for them commencing in early July. Please confirm on whether this late start date is desired by your clients.

2) Collectively, the three rental requests seek water sufficient to authorize irrigation of 5 acres (Greenstein: 1.2 AC, Sinegal: 1.8AC and Weisel: 2 AC) however there is only enough water available for rent under water rights 37-7926 and 37-2619 to authorize irrigation of 4.1 acres. The Bank can draft a rental agreement for 2/3 rentals and partially for the third, how do you propose to proceed? If your clients intend to pursue a partial rental for less than the number of acres specified on their rental request, please ensure to indicate which acres should be covered by any amended rental requests for 2015.

Regards,

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

Attachment(s): Acres.pdf

Attachment(s): Irrigated Areas.pdf

Attachment(s): Rental_option.pdf



Buyer, Remington

From: Kevin Lakey [watermanager@cableone.net]
Sent: Wednesday, June 24, 2015 2:32 PM
To: Buyer, Remington
Subject: RE: Water Supply Bank Rental Requests

Remington,
Definitely. I don't want the work, but the water users within the district will want to see some kind of measurement.
Thanks for the update.

Kevin Lakey

From: Buyer, Remington [<mailto:Remington.Buyer@idwr.idaho.gov>]
Sent: Wednesday, June 24, 2015 1:22 PM
To: 'Kevin Lakey'
Subject: RE: Water Supply Bank Rental Requests

Kevin,

Thanks for getting back to me so quickly. No, I don't have anything on file from Jim specifying that meters are installed on these wells. It is my understanding that meters are not currently required on domestic wells, is that correct? Because these three rentals are for irrigation in excess of de minimis 0.5 acre exemptions, I think it merits consideration to condition the rentals with language that contemplates meters and/or controlling works so that the wells can be regulated by the Water District. What are your thoughts?

Remington

From: Kevin Lakey [<mailto:watermanager@cableone.net>]
Sent: Wednesday, June 24, 2015 12:07 PM
To: Buyer, Remington
Subject: RE: Water Supply Bank Rental Requests

Remington,
I don't really have input, but do have a few questions. I have been working with the landscaper on the Wiesel property to insure there has been a meter installed for water right 37-7731. Would you have anything from Jim Speck that says there is a meter in place on the Weisel property? Also, will there be meters installed at all of these ground water rental applicant sites? Thanks.

Kevin

From: Buyer, Remington [<mailto:Remington.Buyer@idwr.idaho.gov>]
Sent: Wednesday, June 24, 2015 9:56 AM
To: 'Kevin Lakey'; Merritt, Allen
Subject: Water Supply Bank Rental Requests

Allen, Kevin,

The Bank has completed its preliminary review of three irrigation rental requests in the Ketchum area that involve water right 37-2619. This water right, an irrigation water right, authorizes diversions of ground water in the vicinity of Warm Springs Creek. The right holder, William Gordon, leased the right into the Bank earlier this year. The lease is for a duty of water of 0.02 cfs/ac and 3.5af/ac.

Jim Speck has submitted rental requests for three applicants who all reside near the confluence of Warm Springs Creek and the Big Wood River, all of whom are seeking to rent portions of 37-2619 to authorize irrigation of their domestic properties. All three applicants were issued NOV's in 2014 for irrigation in excess 0.5 acres.

Two of the three, Jeffrey and Judith Greenstein, and James Sinegal, are seeking to rent portions of 37-2619 in order to fully cover irrigation of their properties, while the third applicant, Thomas W. Weisel, is seeking to rent the remaining leased portion of 37-2619 (as well as a portion of another lease, 37-7926) to authorize irrigation of 1.1 acres at his property. This will not fully cover irrigation of Mr. Weisel's property, so I have requested confirmation from him as to which acres will be covered by his rental, and which acres shall remain idled per his NOV.

I have drafted rental agreements that commence in July and run through October. Please advise if you have any questions, concerns or additional information that the Department should consider regarding these rental requests.

Thank you for your input,

Remington

Buyer, Remington

From: Merritt, Allen
Sent: Monday, June 29, 2015 8:29 AM
To: Buyer, Remington
Subject: RE: Water Supply Bank Rental Requests

I have no issues.

From: Buyer, Remington
Sent: Wednesday, June 24, 2015 9:56 AM
To: 'Kevin Lakey'; Merritt, Allen
Subject: Water Supply Bank Rental Requests

Allen, Kevin,

The Bank has completed its preliminary review of three irrigation rental requests in the Ketchum area that involve water right 37-2619. This water right, an irrigation water right, authorizes diversions of ground water in the vicinity of Warm Springs Creek. The right holder, William Gordon, leased the right into the Bank earlier this year. The lease is for a duty of water of 0.02 cfs/ac and 3.5af/ac.

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I have drafted rental agreements that commence in July and run through October. Please advise if you have any questions, concerns or additional information that the Department should consider regarding these rental requests.

Thank you for your input,

Remington

Webster, Clay

From: Jim Speck [jim@speckandaanestad.com]
Sent: Friday, May 15, 2015 12:42 PM
To: Webster, Clay
Subject: WSB Rental Start Dates

Clay,

This will confirm our phone discussion yesterday. The latest possible start date for the 2015 rentals by Popovich, Sinegal, Greenstein & Weisel are to all be changed to June 15, 2015. Please reply to confirm you have received this e-mail. Thank you.

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

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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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 6, 2015

THOMAS W WEISEL TRUST BY THOMAS W WEISEL
7 UPPER RD
ROSS CA 94957-9685

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Idaho Water Resource Board's Water Supply Bank (Bank) to irrigate 1.9 acres. Filing a Bank rental application does not automatically result in approval. Before a rental application can be approved, the rental request must be reviewed, a rental agreement must be prepared, the agreement must be approved by the applicant and the Department, and the rental fee must be paid. To maximize the number of rental applications processed while managing competing priorities, the Department begins accepting rental applications on November 1 for use in the next calendar year, and it processes as many applications as it can before the start of the irrigation season in March or April. Once the irrigation season begins, Department staff members are reassigned to address field work and other duties.

Because your application was received near the beginning of the irrigation season, which is now well underway, it is unlikely the Department will be able to process your application in time for approval in 2015 unless you have proposed a start date late in the year. If your application was for 2015 only and the latest possible start date on your application has passed, the application will be returned to you. If your application requests a rental for more than one year, the rental application may be retained by the Department and evaluated for 2016.

In future years, we encourage you to file your rental applications as soon as possible after November 1 to improve the chances that they will be processed.

Additional information about the Bank may be found on the Department's website at http://idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

FOR
Clay Webster
Water Resource Agent
WSB Process Point of Contact

C: James Speck – Speck & Aanestad

RECEIVED

MAY 04 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 R. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

April 30, 2015

TRANSMISSION BY E-MAIL TO: Remington.Buyer@idwr.idaho.gov
ORIGINAL TO FOLLOW BY FEDERAL EXPRESS

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

Re: William B. Gordon and Debra Gordon - Application to Lease a Portion of Water Right No. 37-2619 to the Water Supply Bank and Companion Rental Applications

Dear Remington:

Enclosed you will find the original and one copy of the above-referenced Application to Lease a Portion of Water Right No. 37-2619 to the Water Supply Bank by William B. Gordon and Debra Gordon, together with the \$250 filing fee. Please note that I have highlighted in yellow on Attachment 4 the areas by quarter-quarter section that will not be irrigated and are therefore the subject of this Lease Application.

This Lease Application will be a companion to three previously submitted Applications to Rent Water From the Water Supply Bank in the names of James D. Sinegal, Jeffrey and Judith Greenstein, and the Thomas W. Weisel Trust. I have enclosed the original and one copy each of these three previously submitted Rental Applications on which I have made the appropriate modifications to reflect the portions of Water Right 37-2619 each is requesting to rent. I have made and initialed these changes as the authorized representative for each of the rental applications. Note that the Greenstein Application covers another water right for which I will be submitting a Lease Application tomorrow. Note also that the Weisel Trust Application is also a companion to the Kiril Sokoloff Lease Application which I have discussed with Cherie Palmer.

These three Rental Applications shall no longer be companion applications to the lease applications filed by Charles L. Mattheisen and the Foreman Trusts for groundwater rights which are mitigated by flows in Dip Creek. Per an e-mail to Cherie Palmer earlier today, all of those Lease Applications have been withdrawn.

Palmer, Cherie

From: Palmer, Cherie
Sent: Tuesday, April 28, 2015 12:03 PM
To: 'Jim Speck'
Subject: RE: Sokoloff/Water Rights

Jim,

I've received your email. I will place a copy of this email with the rental applications.

Cherie Palmer, Water Rights Supervisor
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700

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

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Tuesday, April 28, 2015 12:02 PM
To: Palmer, Cherie
Subject: Re: Sokoloff/Water Rights

Cherie,

Confirming our phone call, both Brotman and Weisel will accept May 15 as the latest start date for the rental of the Sokoloff water right. Please reply to confirm your receipt of this e-mail. Thank you.

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

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