

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

RECEIVED

JUN 29 2015

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: JEAN H SMITH
113 SHEEP MEADOW LN
KETCHUM ID 83340

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

Summary of Water Rights or Portions Rented from the Bank

| Water Right | Priority Date | Source | Tributary | Rented Rate | Annual Rented Volume | Total Rented Acres |
|----------------------|---------------|--------------|-----------|-----------------|----------------------|--------------------|
| 37-7059 | 3/11/1970 | Ground Water | N/A | 0.04 cfs | 6.5 af | 5 ac |
| Rental Totals | | | | 0.04 cfs | 6.5 af | 5* ac |

*This rental authorizes the irrigation of 1.9 acres.

Term of Rental: June 22, 2015 to December 31, 2015
Rental Fee: \$11.50

The fee for rental of the above-described water is \$110.50. Because of a private agreement between the renter and the lessor, only the administrative fee for ten percent of the rental fee (\$11.05) shall be paid. No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

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DEPARTMENT OF WATER RESOURCES
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DEPARTMENT OF
WATER RESOURCES

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

Jean H. Smith Jean H. Smith renter 6/25/2015
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

Brian Patton Date 6/30/2015
By _____
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

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

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NW¼NE¼ Sec. 12 Twp 04N Rge 17E BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

06/15 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 | |
| 4N | 17E | 12 | | 1.7 | 0.2 | | | | | | | | | | | | | | 1.9 |

Total Acres: 1.9

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.

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13. Use of water under this agreement will be regulated by a water master 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.

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STATE OF IDAHO
WATER RESOURCE BOARD

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DEPARTMENT OF
WATER RESOURCES

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: Jean H. Smith

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 | | |
| | <input checked="" type="checkbox"/> | Completed <i>Application to Rent Water from the Board's Water Supply Bank</i> |
| 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 type="checkbox"/> | <input checked="" 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) |
| 37-7059 |

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Jean H. Smith

Mailing Address 113 Sheep Meadow Lane, Ketchum ID 83340

Email Address _____ Phone Number 208-721-2612

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes No

If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Zach Latham Professional Title Hydrologist

Organization Brockway Engineering PLLC Relationship to Applicant Consultant

Mailing Address 2016 Washington St. North, Suite #4 Twin Falls, ID 83301

Email Address zach.latham@brockwayeng.com Phone Number 208-736-8543

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use, and water diversion, delivery and distribution systems. Make sure the 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**:
Irrigation use.

B. Enter the desired and/or minimum necessary rates of flow, volume, or irrigable acres requested for your rental purposes:

| Desired Rate (Cubic Feet/Second) | Desired Volume (Acre-Foot) | Minimum Rate* (Cubic Feet/Second) | Minimum Volume* (Acre-Foot) | Acres (if applicable) (Acre) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|---------------------------------|
| 0.04 CFS | 6.6 AF | 0.04 CFS | 6.6 AF | 5.0 AC |

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

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

| Proposed Start Date (month/day/year) | Latest Possible Start (month/day/year) | * Proposed Rental Duration (Max 5 Years) | ** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year? | |
|---|---|--|---|---|
| 5/1/15 | 5/1/15 | 1 | <input type="checkbox"/> Yes, approve rental for all remaining future years. | <input type="checkbox"/> 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.

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**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:
NONE.

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) |
| 37-7059 | Irrigation | Ground Water | 0.20 | 36.4 | 28.0 | 2015 | 2015 | 0.04 | 6.6 | 5.0 | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre that have been leased to the Water Supply Bank | | | | | | | | TOTAL | 0.04 | 6.6 | 5.0 |
| | | | | | | | | | 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:**
 37-7059 authorizes 0.20 cfs on 28.0 acres, or a flow rate of 3.2 gallons per minute per acre. In order to reach approximately 0.02 cfs or 9gpm per acre, applicant needs to rent 2.8 times the acreage to attain desired flow rate.

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:

N/A.

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: Water was previously rented at proposed rental POU. Previously rented water right is not longer available to be rented, thus the need for this application.

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: N/A.

C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes No

If yes, describe the date and location of the NOV.

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.

Jean H. Smith
Signature of Applicant

Jean H. Smith
Printed Name of Applicant

4/24/2015
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

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STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within the Eastern Snake Plain Aquifer (ESPA) and other selected administrative areas: If your proposed rental falls within the boundaries of the ESPA or other selected administrative area (as explained below) you must identify specific water rights leased into the Bank to use for your rental. Item 4 of the rental application can be used for this purpose. Use the information below to determine whether modeling the potential impacts of your proposed rental is necessary. If you submit an application to rent water from within the ESPA and/or a special administrative area and it is determined that your rental request requires water modeling, your rental request will be returned if water modeling is not provided.

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The application proposes the use of a regulated water source within an administrative area and the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources areas may include:

- A. Ground water within the Eastern Snake Plain Aquifer (ESPA);
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are within the same or adjacent model cells. If lease and rental POD(s) are separated by more than one model cell, however, groundwater modeling must be completed and submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting:

www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit www.idwr.idaho.gov/AboutIDWR/legal.htm for information on other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

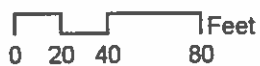
- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented is authorized to divert ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are sufficiently hydraulically connected. The ground water and surface water sources must have a direct and immediate hydraulic connection (at least 50 percent of the total depletion must be detectable in the original source in one day). The existing POD and proposed POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

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**JEAN H. SMITH
WATER SUPPLY BANK RENTAL FROM 37-7059
NAIP 2013 AERIAL PHOTO.**

- Legend**
- Well
 - BEAVER SPRINGS
 - Irrigation Lot 3
 - township
 - Section



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**IDAHO WATER RESOURCE BOARD
WATER SUPPLY BANK CONTRACT OF AGREEMENT**

To Whom It May Concern,

Peter Scherthanner, Liesl Scherthanner, Heidi Scherthanner, Monika Scherthanner, Britta Hubbard and Andreas Scherthanner (Scherthanner) have entered into an agreement to lease a portion of ground water irrigation water right 37-7059 to Jean H. Smith (hereinafter "Lessee" or "Smith") for use at the 113 Sheep Meadow Lane, Ketchum Idaho property. The contract authorizes Smith to rent a portion of 37-7059 from Scherthanner for 1 year, starting at the beginning of the irrigation season of 2015 and ending at the end of the 2015 irrigation season. The portion proposed to be leased by Scherthanner to Smith for rental and use at the 113 Sheep Meadow Lane, Ketchum Idaho property is identified on the accompanying rental application.

The Water Supply Bank rental payment of the 90% associated with the yearly rental fee for water right 37-7059 will be paid in full to Scherthanner by Smith upon approval of the attached rental application. Therefore, no additional fees are required by Scherthanner for 2015 for use and rental of the portion of 37-7059 identified in the rental application. Scherthanner does not seek to receive any further payment from Smith through the aforementioned Water Supply Bank lease.

BHSHB Dated this 27th day of April 2015
Lessor, Britta Hubbard

Jean H. Smith Dated this 24th day of April 2015
Lessee, Jean H. Smith

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

RECEIVED
NOV 19 2014
DEPARTMENT OF
WATER RESOURCES

This application must be prepared in accordance with the minimum requirements listed to be acceptable for production of water rights. Incomplete applications will be returned.

Name of Renter(s) Ms. Jeanne Smith
Mailing Address PO Box 3008, Sun Valley, ID 83353
Phone 208-720-2612 Email jsmith5015@gmail.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use
.09 10.5 Irrigation 4/15 to 10/15

Total: .09

2. Source of water Groundwater tributary to _____

3. Point(s) of Diversion:

| TWP | RGE | SEC | GOVT LOT | ¼ | ¼ | ¼ | County |
|-----|-----|-----|----------|----|----|----|--------|
| 4N | 17E | | | SE | NW | NE | Blaine |
| | | | | | | | |
| | | | | | | | |

4. Lands to be irrigated or place of use:

| 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 | | 2.4 | .6 | | | | | | | | | | | | | | 3 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 3

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes No
If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. _____

2. Do you own the land at the proposed place of use? Yes No
If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

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D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.
Existing well used for domestic purposes will be connected to sprinkling system.
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
None except for one-half (1/2) acre of irrigation pursuant to Idaho Code section 42-111(1)(a).
3. Will the proposed place of use receive water from any other source? Yes No
If yes, describe.
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed.
5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes No
If yes, describe.
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes No
If yes, describe.

E. RENTAL TERM

Do you wish to rent water from the Board's bank for more than one (1) year? Yes No
If yes, please specify the number of years desired through proposed rental. Five (5)

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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. 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.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.


Signature of Applicant

Jeanne Smith
Printed Name and Title*

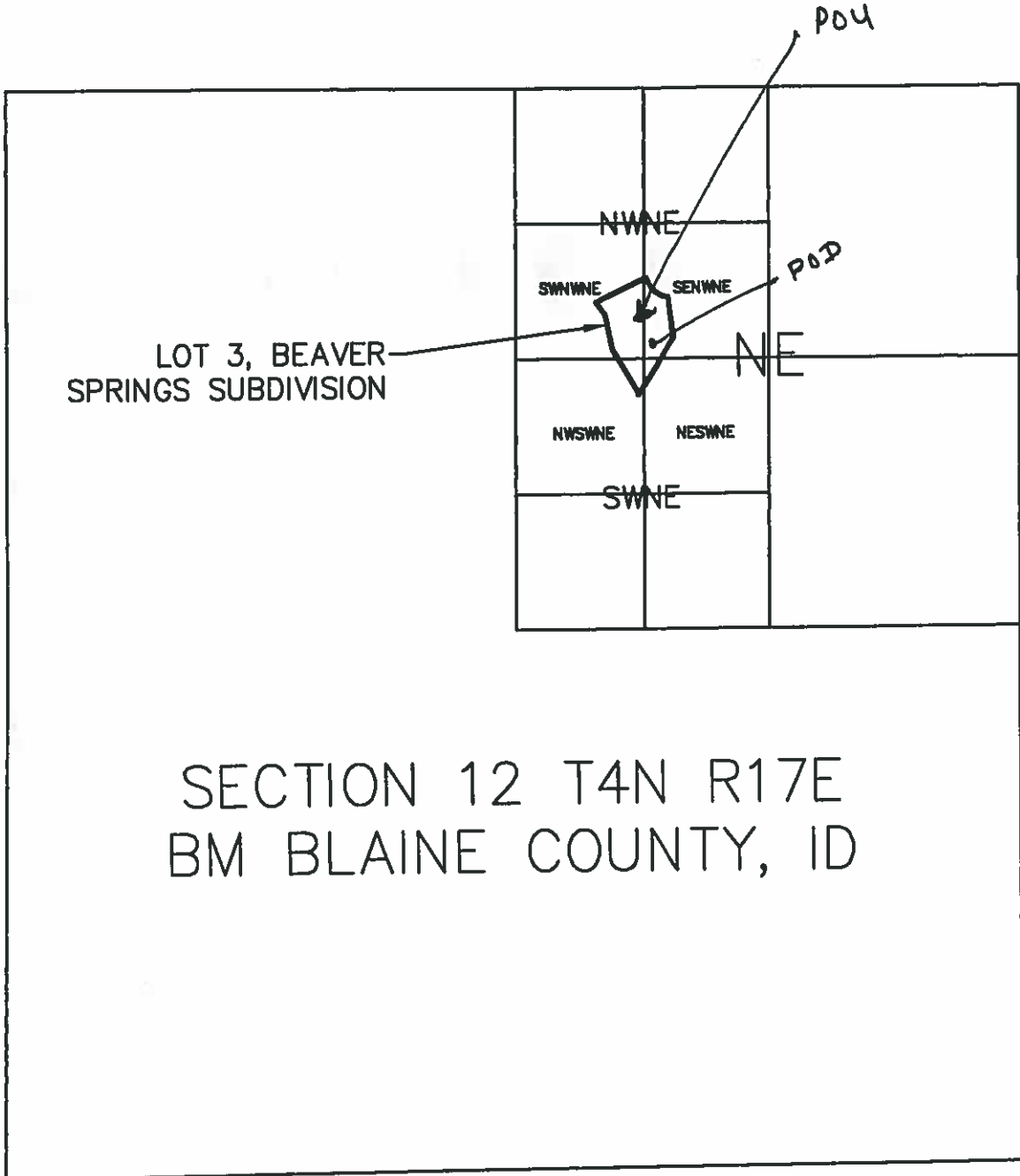
Nov 11, 2014
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney



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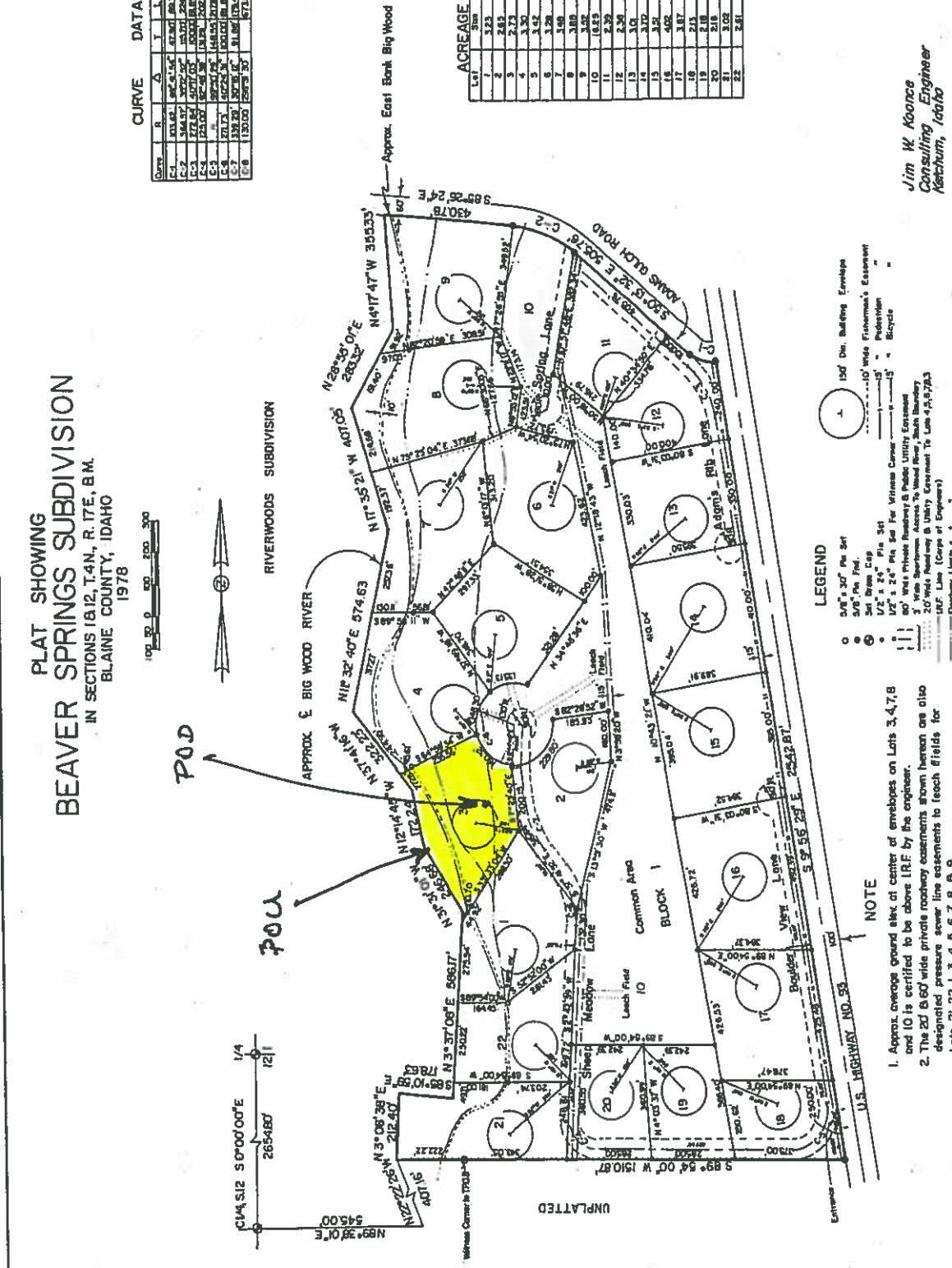
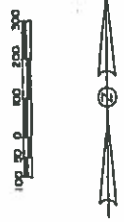
PLAT SHOWING BEAVER SPRINGS SUBDIVISION IN SECTIONS 18, 12, T. 4N., R. 17E., B.M. BLAINE COUNTY, IDAHO 1978

CURVE DATA

| Curve | R | Δ | T | L | Ch. L. | Dist. from P.C. to P.T. |
|-------|--------|--------------|---------|---------|---------|-------------------------|
| C-1 | 173.62 | 182° 41' 42" | 87.804 | 88.722 | 88.820 | 87.700 |
| C-2 | 274.17 | 147° 00' | 137.085 | 137.085 | 137.085 | 137.085 |
| C-3 | 223.07 | 152° 58' 30" | 111.535 | 111.535 | 111.535 | 111.535 |
| C-4 | 223.07 | 152° 58' 30" | 111.535 | 111.535 | 111.535 | 111.535 |
| C-5 | 223.07 | 152° 58' 30" | 111.535 | 111.535 | 111.535 | 111.535 |
| C-6 | 223.07 | 152° 58' 30" | 111.535 | 111.535 | 111.535 | 111.535 |
| C-7 | 223.07 | 152° 58' 30" | 111.535 | 111.535 | 111.535 | 111.535 |
| C-8 | 223.07 | 152° 58' 30" | 111.535 | 111.535 | 111.535 | 111.535 |
| C-9 | 223.07 | 152° 58' 30" | 111.535 | 111.535 | 111.535 | 111.535 |
| C-10 | 223.07 | 152° 58' 30" | 111.535 | 111.535 | 111.535 | 111.535 |

ACREAGE

| Lot | Size |
|-----|-------|
| 1 | 3.23 |
| 2 | 2.43 |
| 3 | 2.73 |
| 4 | 3.20 |
| 5 | 3.52 |
| 6 | 3.48 |
| 7 | 3.88 |
| 8 | 3.82 |
| 9 | 3.42 |
| 10 | 16.23 |
| 11 | 2.32 |
| 12 | 2.32 |
| 13 | 3.10 |
| 14 | 3.10 |
| 15 | 3.20 |
| 16 | 3.20 |
| 17 | 3.20 |
| 18 | 2.18 |
| 19 | 2.18 |
| 20 | 2.18 |
| 21 | 3.02 |
| 22 | 2.41 |



LEGEND

- 5/8" x 3/8" Pin Set
- 5/8" Pin Pin
- Set Iron Peg
- U.S. 2 1/2" Pin Set For Witness Corner
- 10' Wide Private Roadway & Public Utility Easement
- 20' Wide Roadway & Utility Easement To Lot 4, 5, 7, 8, 9
- U.S. Line (Corner of Easement)
- Boundary Line
- 100' Dia. Building Envelope
- 10' Wide Fireman's Easement
- Pedestrian
- Bicycle

NOTE

1. Approx. average ground elev. at center of envelopes on Lots 3, 4, 7, 8 and 10 is certified to be above I.R.F. by the engineer.
2. The 20' & 60' wide private roadway easements shown hereon are also designated pressure sewer line easements to leach fields for Lots 21, 22, 1, 3, 4, 5, 6, 7, 8, & 9.

Jim W. Koonce
Consulting Engineer
Ketchum, Idaho



113 Sheep Meadow Ln, Ketchum, ID 83340

Google earth

Google earth



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JUL 13 2015



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
June 30, 2015

GARY SPACKMAN
Director

JEAN H SMITH
113 SHEEP MEADOW LN
KETCHUM ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-7059**

Dear Renter:

Please find enclosed a receipt in the amount of **\$11.05** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 6.5 acre-feet of water for irrigation of 5 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.

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

Sincerely,

For

Remington Buyer
WSB Program Coordinator

Enclosure(s): Receipt No. C100693
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37
Zach Latham – Brockway Engineering PLLC

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JUL 13 2015



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 24, 2015

JEAN SMITH
113 SHEEP MEADOW LN
KETCHUM ID 83340

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-7059

TIME SENSITIVE RESPONSE REQUIRED

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. I have enclosed a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$110.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 6.5 acre-feet. Since you have a private agreement with the lessor, you are only obligated to pay the 10% administrative fee or \$11.05.

Please send a check for \$11.05 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,

FOR - Remington Buyer
WSB Program Coordinator

Enclosure(s)

c: IDWR Front Desk
Zach Latham – Brockway Engineering PLLC

SCANNED
JUL 13 2015

Buyer, Remington

Subject: RE: Rentals for 37-7059

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]

Sent: Monday, June 08, 2015 4:51 PM

To: Buyer, Remington

Subject: RE: Rentals for 37-7059

Remington-

The mailing address for the Jean H. Smith WSB Rental application (37-7059) is incorrect.

The correct address is:

Jean Smith

Po Box 3008

Sun Valley, ID 83353

Please let me know if you have any questions, thank you.

Zach Latham

Hydrologist

Brockway Engineering, P.L.L.C.

2016 Washington Street North, Suite 4

Twin Falls, ID 83301

t. 208-736-8543

c.208-308-0739

f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

MEMORANDUM

To: Water Rights: 37-7059
From: Remington Buyer
Date: June 4, 2015
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Rental applicant is Jeanne Smith, who lists 113 Sheep Meadow Lane as her address on the rental application. Taxlot data indicates the land is owned by Smith Descendants Trust.

AUTHORITY TO FILE: It appears Jeanne Smith is a Smith descendant and has authority to file the rental application.

WATER RIGHT VALIDITY: The water right is leased to the Bank and available for rental.

INJURY TO OTHER WATER RIGHTS: The point of diversion for this rental is located more than 100 feet from the Big Wood River, and the location of the rental point of diversion (POD) and the POD for the right rented are both in the same zone, hence no ground water modeling is required. 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 is renting 2.86 times the base flow rate in order to rent a flow rate sufficient for their purposes. No enlargement of the water right will occur through the rental.

LOCAL PUBLIC INTEREST: No information indicates this rental is contrary to the local public interest

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The Watermaster for Water District 37 and IDWR Southern Region staff had no concerns with the rental.

SCANNED
JUL 13 2015

Webster, Clay

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Thursday, May 07, 2015 5:09 PM
To: Palmer, Cherie
Cc: Webster, Clay
Subject: Schernthanner Lease/Rental App Package 37-7059

Cherie-

Per our conversation this afternoon regarding the Schernthanner Lease of 37-7059 and accompanying rentals on behalf of the Schernthanners, Eric Younger, The Otis Booth Residence Trust and Jean H. Smith, the proposed start date for all rentals would be approximately May 21st, the latest possible start date would be approximately July 1st. In other words, each rental applicant requests to have IDWR process each application, regardless of the dates listed on each individual application as I am anticipating IDWR completing each rental request before July 1st. The complicated nature of the lease/rental package required a greater amount of time to put together than was originally anticipated and therefore the dates on each application (question 3C.) should be superseded by this email.

Thank you for your willingness to accept this email and hold the afore mentioned applications for continued processing. I look forward to answering any questions you may have regarding these applications.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.



State of Idaho

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 5, 2015

JEAN H SMITH
113 SHEEP MEADOW LN
KETCHUM ID 83340

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: Zach Latham – Brockway Engineering PLLC

SCANNED
JUL 13 2015



State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 17, 2015

JEANNE SMITH
PO BOX 3008
SUN VALLEY ID 83353

**RE: NOTIFICATION THAT APPLICATION TO RENT WATER FROM THE WATER
SUPPLY BANK CANNOT BE PROCESSED**

Dear Applicant:

On November 19, 2014, you applied to rent water for 3 acres from the Water Supply Bank (Bank). On November 20, 2014, the Department of Water Resources (Department) sent you a letter explaining potential complications with renting water in the Wood River Valley in 2015 and that a processing policy will be put in place prior to the 2015 irrigation season.

On January 29, 2015, an Interim Ground Water Rental Policy (rental policy) for the Wood River Valley was established. You may find a copy of the rental policy at the following webpage:

http://idwr.idaho.gov/files/water_supply_bank/20150129_WRV_Interim_Ground_Water_Rental_Policy.pdf

The rental policy sets forth six rental zones in the Wood River Valley. As long as the leased water is in the same zone as the proposed rental activity, the rental can be approved without further analysis. Your proposed rental place of use falls within the Ketchum Zone. The Department has been holding your application to see if a ground water right would be offered to the Bank to fulfill your rental request. To date there are no leased water rights from a ground water source in the Ketchum Zone; therefore, the Department cannot issue a rental agreement to cover your proposed water use.

At this time the Department is giving you 14 days to locate a water right lease to fulfill your rental. Keep in mind that if you rent outside of the Ketchum Zone, there will be further application requirements as outlined in the rental policy.

Please keep in mind that a specific water right cannot be guaranteed unless you file for a lease in connection with your rental. If you have any questions regarding this matter, please contact me at (208) 287-4944.

Sincerely,

A handwritten signature in black ink that reads "Cherie Palmer". The signature is written in a cursive, flowing style.

Cherie Palmer
Water Right Supervisor
Water Allocation Bureau

C: Gary Slette-Robertson & Slette, PLLC

SCANNED
JUL 13 2015



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

November 20, 2014

JEANNE SMITH
PO BOX 3008
SUN VALLEY ID 83353

RE: Application to Rent Water from the Water Supply Bank in the Big Wood River Basin

Dear Applicant:

On November 19, 2014, the Idaho Department of Water Resources (Department) received your Water Supply Bank (Bank) rental application. The rental application indicates that you would like to rent ground water for the purpose of irrigating a parcel of land in the upper Big Wood River Basin for the 2015 through 2019 irrigation seasons.

Bank applications must be reviewed in accordance with Idaho Code § 42-1763 and Rule 30 of the Department's Administrative Rules for the Bank (IDAPA 37.02.03). This includes consideration of whether the proposed use will reduce the quantity of water available under existing water rights.

The reach of the Big Wood River upstream from Hailey, also known as the upper Big Wood River Basin, contains two minimum stream flow (MSF) water rights held by the Idaho Water Resource Board (Board). The MSF water rights extend from Warm Springs Creek downstream approximately 18 miles to the District 45 Canal diversion. The MSF water rights are numbered 37-7919 and 37-8307. The above referenced water rights establish 189.0 cubic feet per second (cfs) as the MSF for a section of the Big Wood River. In recent years, flows in the Big Wood River dropped at or below the established MSF during the irrigation season for periods of about 30 days or more.

Consideration for the MSF in the Big Wood River must be part of the evaluation of your application because the Big Wood River upstream of Hailey is an effluent stream, meaning ground water is hydraulically connected to the river. Due to the connection between groundwater and surface water in this area, pumping upstream of Hailey is likely to cause injury to the MSF water rights.

In order to ensure that the rental of ground water will not result in injuring the MSF water rights, the Department is requiring a hydrologic analysis of most rental applications in the Big Wood River Basin. In regard to your application, the Bank does not have any leased water rights available to fulfill your rental without requiring a hydrologic analysis.

We will retain your application for the 2015 irrigation season in order to preserve your place in the processing queue. However, a ground water model that will facilitate the necessary hydrologic analysis is still being worked on by the Department. Consequently, the knowledge and resources to process a rental application in your area are not available at this time.

SCANNED
JUL 13 2015

Page 2

The Department is optimistic that guidelines will be set forth for rental applicants to use in the analysis by the beginning of the 2015 irrigation season. Of course the Department will notify you as soon as we know what data and analysis will be necessary to support a rental application in the Big Wood River Basin.

Please note that your request to rent water is not finalized until a rental agreement has been executed by the Department. Any irrigation pursuant to your rental request prior to an executed rental agreement will constitute an illegal water use and will be subject to an enforcement action.

If you have any questions, please contact me at (208) 287-4944.

Sincerely,



Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

c: GARY SLETTE-ROBERTSON & SLETTE, PLLC

CANNED
JUL 13 2015

Robertson & Slette, p.l.l.c.

ATTORNEYS AT LAW

J EVAN ROBERTSON
GARY D. SLETTE

Robin L. Moore - Paralegal

134 Third Avenue East
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 933-0700
FAX (208) 933-0701



GARY D. SLETTE
gslette@rsidaholaw.com

November 18, 2014

RECEIVED
NOV 19 2014
DEPARTMENT OF
WATER RESOURCES

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

RE: Jeanne Smith – Application to Rent Water From the Water Supply Bank

Ladies and Gentlemen:

On behalf of my client Jeanne Smith, I am enclosing herewith a signed Application to Rent Water from the Water Supply Bank for water in Blaine County, Idaho. She is currently renting water from the Water Supply Bank under Water Right No. 37-08499. If approved, please forward to me the Water Supply Bank Rental Agreement and I will obtain my client's signature and provide you the Agreement, together with the rental fee, for the 2015 season.

If you have any questions or comments, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "G. Slette".

GARY D. SLETTE

GDS:rlm
Encls.
cc: Jeanne Smith
rlm\gds\letter\IDWR_Boise.2

SCANNED
JUL 13 2015