

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

RECEIVED

DEC 01 2016

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: **ROBERT C ROOT**
PO BOX 2562
KETCHUM ID 83340
312-259-0300

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

Summary of Water Rights or Portions Rented from the Bank

Water Right	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
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37-2644D	11/16/1989	Ground Water	NA	0.02 cfs	3.5 af	NA	1.0 ac
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Annual Combined Rental Totals	0.02 cfs	3.5 af	NA	1.0 ac
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Term of Rental: May 2, 2016 thru December 31, 2017

Rental Fee: \$59.50

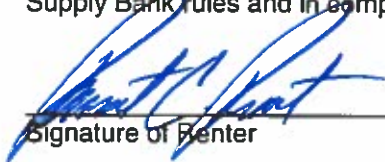
The fee for rental of the above-described water is \$59.50 per year. Ten percent (\$5.95) will go to the Department for administrative costs, and the remainder will be paid to the lessor(s). No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

*Water right 37-153C is stacked with water right 37-2644D a portion of this right will be un-rentable on its own. For the purposes of this Rental Agreement, water right 37-153C does not add a benefit and will not be diverted.

Detailed water right conditions are attached.

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

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



Signature of Renter

ROBERT C. ROOT

Printed Name and Title*

11-28-16

Date

Signature of Renter

Printed Name and Title*

Date

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

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 12/2/2016

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SE¼SW¼ SW¼ Sec. 3 Twp 03N Rge 18E BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

05/02 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	
03N	18E	3											1.0						1.0

Total Acres: 1.0

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. This rental agreement does not authorize the construction of a well.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. The following rights are diverted through point of diversion described above: 37-10703.

Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2017

This map depicts the rental place of use pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



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



0  Feet
500



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

December 5, 2016

ROBERT C ROOT
PO BOX 2562
KETCHUM ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-2644D**

Dear Renter:

Please find enclosed a receipt in the amount of **\$59.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.5 acre-feet of water for irrigation of 1.0 acres during 2017. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$53.55 of the rental fee will be paid to the lessor(s) and 10% or \$5.95 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


 Water Supply Bank

Enclosures: Receipt No. C102743
Rental Agreement (copy)

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



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

November 21, 2016

ROBERT C ROOT
PO BOX 2562
KETCHUM ID 83340

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK (WSB)
WATER RIGHT NO. 37-2644D

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

In 2015 you applied to rent the above mentioned water right for multiple years. The Idaho Water Resource Board has extended the WSB Interim Ground Water Rental Policy (Interim Policy) for the Wood River Valley. The Department will automatically renew this rental to allow for another year. I have enclosed a Water Supply Bank Rental (WSB) Agreement for your review and signature.

A rental fee of \$59.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 3.5 acre-feet.

Please send a check for \$59.50 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$53.55 of the rental fee will be paid to the lessor(s) and 10% or \$5.95 will be retained by the Department to offset administrative costs.

Please note that all rented water rights remain subject to priority date curtailment. Water Supply Bank Rental Agreements include a condition that the Director of IDWR may terminate your diversion of water if he determines there is not a sufficient water supply for the priority of the right or portion thereof being rented. If a water right is available for you to rent, your remittance of the fee for rental of the water right would not guarantee delivery of the full volume under the water right if the Director is required to issue a curtailment order.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


Sv Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham – Brockway Engineering PLLC

The associated lease is in the bank through 2019

MEMORANDUM

To: Water Right(s) 37-2644D
From: Clay Webster
Date: April 28, 2015
Re: Review & Analysis of Denied Application to Rent Water from the State Water Supply Bank

The Interim Ground Water Rental Policy for the Wood River Valley only allows for one year ground water rentals. The Jones Trust requested water through 2017. According to the 2016 taxlot data Robert C. Root is the land owner. The requested water rights remain in the Bank and can be rented for another year. –SBT 11/14/2016

PURPOSE/NARRATIVE: The Department received an application to rent 0.02 cfs, 3.5 af to allow irrigating 1 acre at Twp 03N Rge18E Sec 3 from Brockway Engineering on behalf of Applicant Richard C. Root for 4 years. The Interim Ground Water Rental Policy for the Wood River Valley currently only allows for a one-year term.

This proposal is requesting to separate two overlapping water rights 37-153C and 37-8499D which have combined use limits on the acreage and volume per the lease agreement.

This applicant received an NOV in 2014. The property has a domestic right 37-10703. This right would authorize the irrigation of ½ acre. However this right is in the name of Ruth Carmona.

AUTHORITY TO FILE: This application was signed by Robert C. Root, current property owner of the proposed Place of Use and Point of Diversion, according to tax lot data.

WATER RIGHT VALIDITY: The applicant for this rental has requested WR# 37-2644D to fulfill this request. This water right is stacked with a Greenhorn Creek right 37-153C. The watermaster was sent to the leased location to assess the POD for WR 37-153C. The consultant insists that water right 37-2644D is not a supplemental water right. However, research through the water right file shows that the groundwater right was transferred to the property, "To irrigate ground that is presently short of water." Both rights were decreed in 2010. This resets the clock for forfeiture. This does not help me to determine a supplemental nature of this water right.

INJURY TO OTHER WATER RIGHTS: Both the rental and the leased POD Fall within the Ketchum Zone of the Interim Ground Water Rental Policy for the Wood River Valley. This ensures that the impacts on the Big Wood River will be similar through the rental.

ENLARGEMENT OF USE: This water right does not have a supplemental condition on the right. However, the ground water right was transferred onto the property to irrigate land that was short of water with 37-153C. The lot size is approximately 4 acres. The transfer to bring this GW right to this property was completed in 1989. Upon completion of that transfer there was a limit placed on all of the rights associated that limited the irrigation to the acres associated with the surface water portions of those rights. This implies that the ground water rights would be considered of a supplemental nature. To rent the groundwater right without the associated surface water right could cause an enlargement. I researched the use of this right to determine the historical use of the irrigation. Satellite imagery was inconclusive. With the question of enlargement of the historical use of this right. This rental cannot be approved.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right is subject to Water District # 37. The watermaster was contacted via e-mail, by the consultant, and provided comment to the Department on April 6, 2015. He concluded that there is no delivery system in place for right 37-153C at this time. Upon reviewing Satellite imagery for these rights, the property was irrigated in 2009. This irrigation was for the entire POU for the ground water and surface water rights. Inconclusive imagery suggested that the entire POU for the ground water and surface water rights may have been irrigated as recently as July and August of 2010. Since the ground water right is only good for 1 acre of irrigation and the ground water right combined with the surface water right can irrigate 2.7 acres, it is my conclusion that these rights were used together to accomplish this historical irrigation.

Thiel, Sandra

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Wednesday, November 09, 2016 1:37 PM
To: Thiel, Sandra
Subject: RE: 2017 Rentals

Sandy-

Robert Root would like to renew his rental of 37-2644D through the end of 2017.

The Ferguson Berman Trust of 1994 would like to renew the rental of the 2016 rented rights, through the end of 2017.

The Otis Booth Residence Trust would like to renew the rental of 37-21229, 37-21261 and 37-21263 through the end of 2017.

Please let me know if you require anything else in order for the renewals of these rentals to be processed.. Thanks again for your time and please let me know if any additional forms or information is required.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
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.

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Monday, November 07, 2016 9:24 AM
To: Zach Latham
Subject: 2017 Rentals

Good morning Zach, I am reviewing rentals in the Wood River valley that requested water for more than one year. We carried over the rentals below from 2015 to 2016. I wanted to confirm that the renters want the water for the 2017 season.

The Otis Booth Residence Trust rented rights 37-21229, 37-21261 and 21263 to irrigate 1.2 acres. Can you confirm that the Trust is still interested in renting the water for another year?

Robert Root rented 37-2644D to irrigate 1 acre.

The Ferguson Berman trust of 1994 rented 12 rights to irrigate 6.3 acres.

Anthony and Judy D'Angelo rented 37-8499 for 2.1 acres

If any of the above are no longer interested in renting water, please let me know.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881

DEPARTMENT OF
WATER RESOURCES

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

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



Signature of Renter

ROBERT C. ROOT

Printed Name and Title*

10-10-15

Date

Signature of Renter

Printed Name and Title*

Date

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

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 10/15/2015

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

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SE¼SW¼ SW¼ Sec. 3 Twp 03N Rge 18E BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

05/02 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	
03N	18E	3											1.0						1.0

Total Acres: 1.0

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. This rental agreement does not authorize the construction of a well.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. The following rights are diverted through point of diversion described above: 37-10703.



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.J. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 20, 2015

ROBERT C ROOT
PO BOX 2562
KETCHUM ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-2644D**

Dear Renter:

Please find enclosed a receipt in the amount of **\$59.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.5 acre-feet of water for irrigation of 1.0 acres during 2016. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$53.55 of the rental fee will be paid to the lessor(s) and 10% or \$5.95 will be retained by the Department to offset administrative costs.

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

Sincerely,

for Sandra Thiel
Sr. Water Resource Agent

Enclosure(s): Receipt No. C101087
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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 1, 2015

ROBERT C ROOT
PO BOX 2562
KETCHUM ID 83340

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK (WSB)
WATER RIGHT NO. 37-2644D

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

In 2015 you applied to rent the above mentioned water right for multiple years. The Idaho Water Resource Board has extended the WSB Interim Ground Water Rental Policy (Interim Policy) for the Wood River Valley. The Department will automatically renew this rental to allow for another year. I have enclosed a Water Supply Bank Rental (WSB) Agreement for your review and signature.

A rental fee of \$59.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 3.5 acre-feet.

Please send a check for \$59.50 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$53.55 of the rental fee will be paid to the lessor(s) and 10% or \$5.95 will be retained by the Department to offset administrative costs.

Please note that all rented water rights remain subject to priority date curtailment. Water Supply Bank Rental Agreements include a condition that the Director of IDWR may terminate your diversion of water if he determines there is not a sufficient water supply for the priority of the right or portion thereof being rented. If a water right is available for you to rent, your remittance of the fee for rental of the water right would not guarantee delivery of the full volume under the water right if the Director is required to issue a curtailment order.

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

Sincerely,

for
Sandra Thiel
Sr. Water Resource Agent
Enclosure(s)

c: IDWR Front Desk
Zach Latham – Brockway Engineering PLLC

MEMORANDUM

To: Water Right(s) 37-2644D and 37-153C

From: Clay Webster

Date: September 29, 2015

Re: Application to Rent Water from the State Water Supply Bank

The Interim Ground Water Rental Policy for the Wood River Valley only allows for one year ground water rentals. Robert Root requested water through 2018. According to the taxlot data Robert Root owns the land at the place of use. The requested water rights remain in the Bank. To prevent enlargement of the water use, the rental start date for the 2016 lease will begin on May 1. -SBT 9/25/2015

The Department received an application from Brockway Engineering, for Robert C. Root, to Rent WR 37-2644D on March 27, 2015. The rental was denied on April 29, 2015, based on the fact that it proposed to un-stack this right from 37-153C. The department received a request for reconsideration from the Applicants Consultant Via E-mail on May 4, 2015. The department received a new application to process on May 8, 2014.

The department decided that this rental could be processed for this season based on the fact that, according to the watermaster, the surface water right 37-153C (Greenhorn Creek) was deliverable to the original POD to around April 15th to May 1st.

This rental will reduce the availability of water right 37-153C for rental.

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

RECEIVED

MAY 27 2015

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **ROBERT C ROOT**
PO BOX 2562
KETCHUM ID 83340
312-259-0300

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:

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Annual Combined Rental Totals	0.02 cfs	3.5 af	NA	1.0 ac
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Term of Rental: May 20, 2015 thru December 31, 2015

Rental Fee: \$59.50

The fee for rental of the above-described water is \$59.50 per year. Ten percent (\$5.95) will go to the Department for administrative costs, and the remainder will be paid to the lessor(s). No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

*Water right 37-153C is stacked with water right 37-2644D a portion of this right will be un-rentable on its own. For the purposes of this Rental Agreement, water right 37-153C does not add a benefit and will not be diverted.

Detailed water right conditions are attached.

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

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



Signature of Renter

ROBERT C. ROOT

Printed Name and Title*

05-21-15

Date

Signature of Renter

Printed Name and Title*

Date

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

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date May 28, 2015

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SE¼SW¼ SW¼ Sec. 3 Twp 03N Rge 18E BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/15 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	
03N	18E	3														1.0			1.0

Total Acres: 1.0

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13. The following rights are diverted through point of diversion described above: 37-10703.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAY 08 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Robert C. Root

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)

37-2644D

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Robert C. Root

Mailing Address PO Box 2562 Ketchum, ID 83340

Email Address _____ Phone Number 312-259-0300

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. N 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)
0.02 CFS	3.5 AF	0.02 CFS	3.5 AF	1.0 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?	
5/20/15	7/1/15	2	☒ 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	3N	18E	3	NE	SW	SW	BLAINE	Existing Domestic Well

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

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it **Attachment 3E**.
- F. Do any POD(s) identified in Question 3D divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.
- G. Has water modeling been provided with your rental request? Yes ☐ No ☒
If yes, include as **Attachment 3G**. Otherwise please explain why modeling was not provided:

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

- H. Specify the proposed beneficial use: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____
- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	3											1.0						1.0
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for irrigation)
																			1.0

- 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**:
N/A.
- 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):
Water will be diverted through existing domestic well and applied to property via buried pressurized 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 water right 37-10703.

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)
37-2644D	Irrigation	Ground Water	0.02	3.5	1.0	2014	2018		0.02	3.5	1.0
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	0.02 CFS	3.5 AF	1.0 AC

Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B:**
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**:

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:

N/A.

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.

NOV E2014-701. Applicant seeks to rent 1.0 acres listed above to mitigate for over irrigation as outlined in NOV E2014-701.

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

Robert C. Root
Printed Name of Applicant

05-07-15
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

STATE OF IDAHO
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.



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 29, 2015

ROBERT C ROOT
PO BOX 2562
KETCHUM ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-2644D**

Dear Renter:

Please find enclosed a receipt in the amount of **\$59.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.5 acre-feet of water for irrigation of 1 acre 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, 90% or \$53.55 of the rental fee will be paid to the lessor(s) and 10% or \$5.95 will be retained by the Department to offset administrative costs.

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

Sincerely,

For — Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C100509
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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 19, 2015

ROBERT C ROOT
PO BOX 2562
KETCHUM ID 83340

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-2644D**

*****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 \$59.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 3.5 acre-feet.

Please send a check for \$59.50 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$53.55 of the rental fee will be paid to the lessor(s) and 10% or \$5.95 will be retained by the Department to offset administrative costs.

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

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact
Enclosure(s)

c: IDWR Front Desk
Zach Latham – Brockway Engineering PLLC

MEMORANDUM

To: Water Right(s) 37-2644D and 37-153C
From: Clay Webster
Date: May 12, 2015
Re: Application to Rent Water from the State Water Supply Bank

The Department received an application from Brockway Engineering, for Robert C. Root, to Rent WR 37-2644D on March 27, 2015. The rental was denied on April 29, 2015, based on the fact that it proposed to un-stack this right from 37-153C. The department received a request for reconsideration from the Applicants Consultant Via E-mail on May 4, 2015. The department received a new application to process on May 8, 2014.

The department decided that this rental could be processed for this season based on the fact that, according to the watermaster, the surface water right 37-153C (Greenhorn Creek) was deliverable to the original POD to around April 15th to May 1st.

This rental will reduce the availability of water right 37-153C for rental.

Webster, Clay

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Thursday, May 07, 2015 4:57 PM
To: Palmer, Cherie; Webster, Clay
Cc: 'Robert Root'
Subject: RE: Root

Cherie and Clay-

Mr. Root's signed amended WSB Rental application was sent via FedEx to Clay this afternoon, you should receive it by 10:30 tomorrow morning. 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.

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Thursday, May 07, 2015 2:51 PM
To: cherie.palmer@idwr.idaho.gov
Cc: 'Robert Root'
Subject: RE: Root

Cherie-

Per our telephone conversation today, please see the signed, amended Root Rental Application. Mr. Root requests this application be processed by IDWR even if the dates listed on question 3C. are not able to be met.

It's my understanding that with this amended application, processing and approval of the request can continue. Please let me know if you need any additional information, I will mail you the original copy on Monday of next week. 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.

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Monday, May 04, 2015 11:25 AM
To: 'Palmer, Cherie'
Cc: 'gary.spackman@idwr.idaho.gov'; shelley.keen@idwr.idaho.gov; watermanager@cableone.net;

Subject: RE: Root

Cherie-

To review, surface water right 37-153C and ground water right 37-2644D were decreed in late September of 2010 (attached) for irrigation uses on the Jones Trust Property in Greenhorn Gulch midway between Hailey and Ketchum, ID. The forfeiture clock was reset on the date of decree.

1. These water rights were ACCEPTED by the water supply bank on July 30th 2014, indicating that IDWR confirmed the validity of the water right at that time. Further, the forfeiture clock was tolled on the acceptance date.
2. On March 25th 2015, our office applied to rent ground water right 37-2644D on a property to the east in the East Fork of the Wood River drainage.
3. Both the lease and rental POD's are in the Ketchum Zone per IDWR's January 29th 2015 Water Supply Bank interim policy.
4. Because both the surface water right and the ground water right POU's are on the same area, the water rights are assumed to be stacked and you were concerned that rental of the ground water without a companion rental of the surface water would cause an expansion of use. Based on our office's experience in the Wood River Valley and in dealing with clients in the immediate vicinity, Our office has direct experience since prior to 1995 regarding Greenhorn creek and its use or lack of use in this vicinity. Based on that evidence, we voiced our opinion that the surface water is not readily available for diversion based on the un-reliable discharge at the mouth of the Greenhorn Creek and the fact that no diversion system has been in place for many years.
5. You noted in telephone correspondence that IDWR needed some evidence to support the un-reliability of the creek, thus making the ground water the primary source of irrigation for the property.
6. On April 6th, 2015, the District 37 Watermaster, Kevin Lakey sent us an email stating; "Zach and Cherie, 37-153C is deliverable up to around April 15th to May 1st. After that, Greenhorn Creek is usually dry and does not reach the main Big Wood channel. Because of this, the ground water rights act as primary sources of irrigation and I don't believe there would be a "double dipping" or expansion of use."
7. On April 15th 2015, the District 37 Watermaster, Kevin Lakey, made a site visit to the point of diversion associated with the surface water right 37-153C and he stated to us in an email, "Zach and Cherie, I was finally able to make an on-site inspection for a POD for water right 37-153C. At this time, there is no delivery system for that water right out of Greenhorn Creek."

First, any non-use of the groundwater right is completely irrelevant in this case, since 5 years have not elapsed since the decree date, and in any event the forfeiture clock was tolled on July 30, 2014. Second, I find it hard to believe that IDWR will not accept and or believe the findings of the District 37 Watermaster relative to the availability or lack thereof of water under the surface water right. I also find it very hard to believe that IDWR would accept a water right for lease and then question the validity of the very same water right when a rental request is filed.

I am requesting you move forward with processing the rental of 37-2644D for the applicant as the reasons you stated for denial are vague and are directly contradictory to the District 37 Watermaster's testimony relative to non-delivery of the surface water right. Idaho State Statutes and Administrative Rules don't allow IDWR to deny applications because they are "uncomfortable" or "can't reach a conclusion" with regards to a rental request. In light of direct observations and testimony by Mr. Lakey, the rental application should be approved.

Please let me know if you have any additional questions, thank you for your time.

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.

From: Palmer, Cherie [<mailto:Cherie.Palmer@idwr.idaho.gov>]

Sent: Friday, May 01, 2015 1:40 PM

To: Zach Latham

Subject: Root

Zach,

I just tried to reach you at 308-0739 but was unable to leave a message because the voicemail hasn't been set-up. So I am catching up with you via email. Clay and I reviewed the Root rental application and had a lot of conversations with staff about the water rights. Unfortunately we weren't able to reach a conclusion regarding the unstacking of the surface water and ground water, we just didn't have enough information. Since we were uncomfortable with the possible enlargement issue, the Root application was denied this week.

Basically, we had no information telling us that the ground water has been used at all. We could tell that there was some irrigation back in 2010 (pasture land?) on this property but, again, we don't what source of water was used at that time. If you want to discuss further please let me know.

Cherie