

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

RECEIVED

MAY 26 2015

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **THE 1984 BROTMAN FAMILY TRUST**
JOSEPH M GAFFNEY TRUSTEE
PO BOX 34185
SEATTLE WA 98124-1185
425-454-9270

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
37-7926	8/12/1981	Ground Water	NA	0.02 cfs	3.5 af	1.1 ac	1.1 ac

Annual Combined Rental Totals

0.02 cfs 3.5 af 1.1 ac 1.1 ac

Term of Rental: May 1, 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.

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:

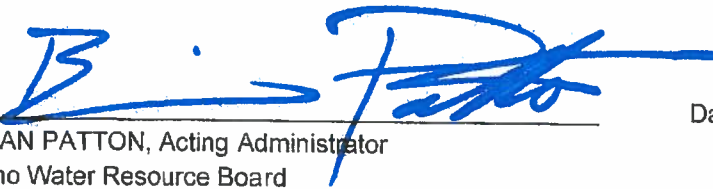
 _____
Signature of Renter Printed Name and Title* Date 5/21/15

Joseph Gaffney, Trustee

Signature of Renter Printed Name and Title* Date

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

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

By  _____ Date May 27, 2015
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SW¼NE¼ Sec. 12 Twp 04N Rge 17E BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

05/01 TO 11/01

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	12			1.1														1.1

Total Acres: 1.1

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. This rental agreement does not authorize the construction of a well.
11. 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(s) of diversion described above: 37-11940.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 03 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: The 1984 Brotman Family Trust, Joseph M. Gaffney, TrusteeIs 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 <i>Application to Rent Water from the Board's Water Supply Bank</i>	
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)

37-7926

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant The 1984 Brotman Family Trust, JJoseph M. Gaffney, Trustee

Mailing Address PO Box 34185, Seattle, WA 98124-1185

Email Address jeffreyh@costco.com

Phone Number (425) 454-9270

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

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

Representative James P. Speck

Professional Title attorney

Organization Speck & Aanestad, A Professional Corp.

Relationship to Applicant attorney

Mailing Address PO Box 987, Ketchum, ID 83340

Email Address jim@speckandaanestad.com

Phone Number (208) 726-4421

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use, and water diversion, delivery and distribution systems. Make sure the place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it **Attachment 3A**:
Residential irrigation

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Acres (if applicable) (Acre)
0.02 CFS	3.5 AF	0.02 CFS	3.5 AF	1.1 AC

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

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

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?	
April 1	April 1	1	☐ Yes, approve rental for all remaining future years.	☐ No, return rental request if first year is unapprovable.

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.
** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
ground water	4N	17E	12		SW	NE	Blaine	none

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

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it **Attachment 3E**.

- F. Do any POD(s) identified in Question 3D divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- G. Has water modeling been provided with your rental request? Yes ☐ No ☒
If yes, include as **Attachment 3G**. Otherwise please explain why modeling was not provided:

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

- H. Specify the proposed beneficial use: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____

- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	17E	12															1.1		1.1
The entry in this grid must match the map from Item 2 on the application.																			Total Acres (for Irrigation)
																			1.1

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, explain the justification for this rate of flow and attach any supporting documents as **Attachment 3J**:

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
Existing well & pump, underground residential sprinkler irrigation system

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

M. List all other water rights and sources of water at the rental place of use for the same purpose and explain why additional water is required. Include privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company, or any other water deliver entity:

Domestic well irrigates 1/2A. Presently irrigate 1.6A & received a notice of violation. Need to continue existing irrigation in 2015 while looking for a permanent solution.

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.**

For leased rights with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								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)
37-7926	irrigation	ground water	0.03	4.1	1.3	2015	2015		0.02	3.5	1.1
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	1.1 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**:

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒

If yes, describe: _____

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

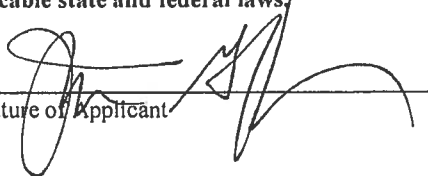
If yes, describe the date and location of the NOV.

NOV E2014-711 dated December 10, 2014

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws.

Signature of Applicant



Joseph M. Gaffney, Trustee

Printed Name of Applicant

Date

3/25/15

Signature of Representative

Printed Name of Representative

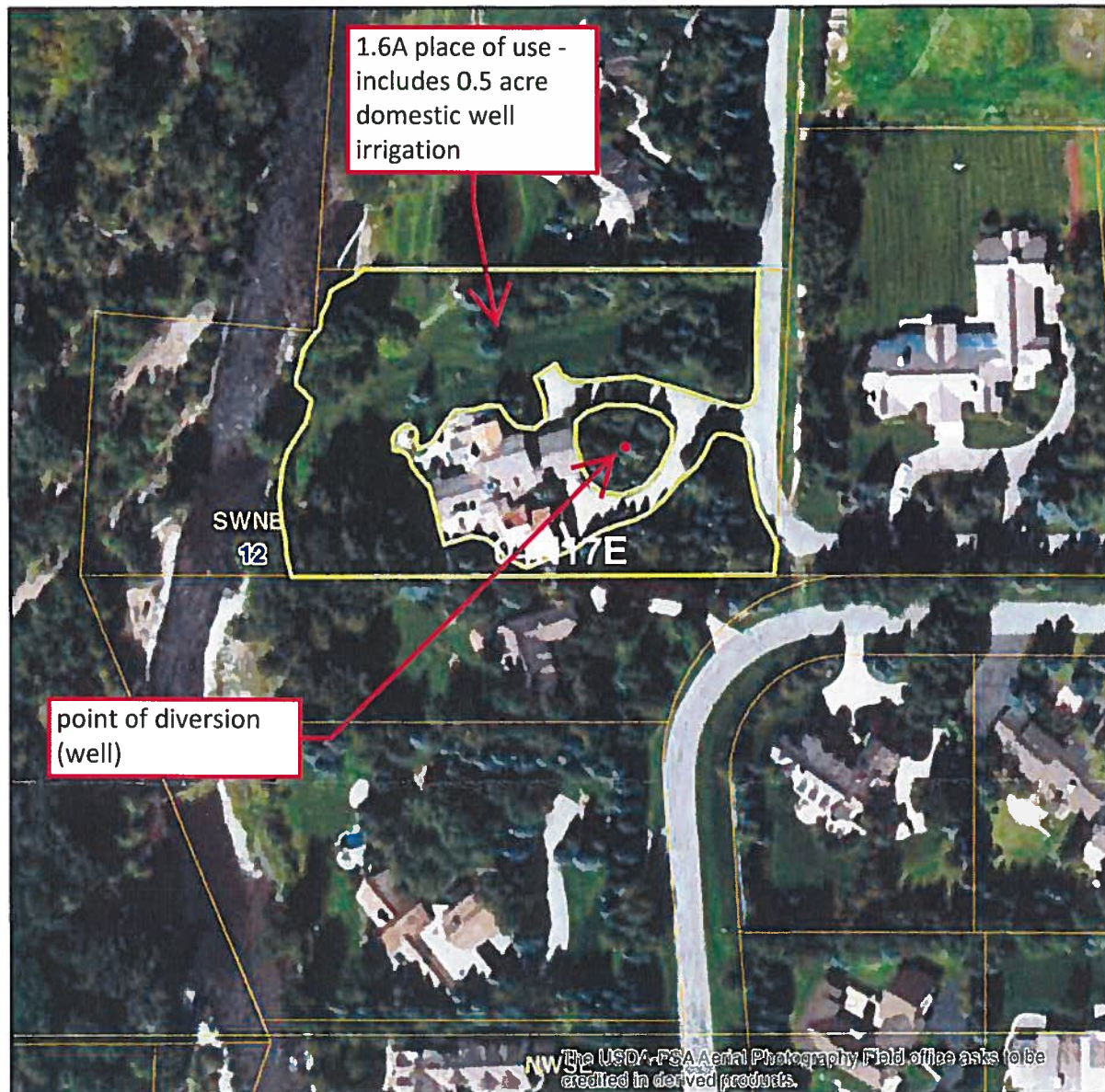
Date

Mail to:

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

Idaho Department of Water Resources

Potential Unauthorized Use



The 1984 Brotman Family Trust
1.6 acres irrigated - 0.5 acre allowed with domestic use
1.1 acres of unauthorized use

Legend

- Taxlots
- Township/Range
- Sections
- QQ
- Potential Unauthorized Irrigation



0 0.0125 0.025 0.05 Miles



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 27, 2015

THE 1984 BROTMAN FAMILY TRUST
JOSEPH M GAFFNEY TRUSTEE
PO BOX 34185
SEATTLE WA 98124-1185

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

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 1.1 acres during 2015. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 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): Receipt No. C100500
Rental Agreement (copy)

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



State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 13, 2015

THE 1984 BROTMAN FAMILY TRUST
JOSEPH M GAFFNEY TRUSTEE
PO BOX 34185
SEATTLE WA 98124-1185

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

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

Dear Applicant:

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

A rental fee of \$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): Rental Agreement

c: IDWR Front Desk
James Speck-Speck & Aanestad PC

Webster, Clay

From: Merritt, Allen
Sent: Tuesday, May 12, 2015 8:17 AM
To: Webster, Clay
Subject: RE: Region and Watermaster Comments on The 1984 Brotman Family Trust 37-7926

Since you bought off on the lease I have not issue with the rental.

From: Webster, Clay
Sent: Friday, May 08, 2015 7:53 AM
To: Merritt, Allen; Kevin Lakey
Subject: Region and Watermaster Comments on The 1984 Brotman Family Trust 37-7926

Allen and Kevin,

We are currently processing this rental. Do you have any concerns?

Clay

Webster, Clay

From: Jim Speck [jim@speckandaanestad.com]
Sent: Wednesday, May 06, 2015 8:05 PM
To: Webster, Clay
Cc: Buyer, Remington; kiril@13d.com; Jeff Brotman
Subject: RE: Sokoloff/Water Rights
Attachments: 2015.05.05 idwr ltr re. wsb lease contract.pdf; 2015.05.04 idwr ltr re. rental.pdf

Forgot the attachments - sorry, here they are.

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, May 06, 2015 8:03 PM
To: 'Clay Webster'
Cc: Buyer, Remington (Remington.Buyer@idwr.idaho.gov); 'kiril@13d.com' (kiril@13d.com); Jeff Brotman (jeffreyh@costco.com)
Subject: Re: Sokoloff/Water Rights

Clay,

The lease & rental applications which are the subject to the two attached letters were submitted on April 3, 2015 as companion applications. In other words, they BOTH must be approved together. They involve properties in the same subdivision, not just the same transaction zone, and it makes absolutely NO sense to me why the Brotman rental application cannot be approved right now at the same time the Sokoloff lease application and contract has been processed and approved. In fact, it has always been my understanding that companion lease/rental applications are to be processed together. Therefore, I request that you immediately process and approve the Brotman rental application as there are no significant issues raised by it and no reason for further delay.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

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MEMORANDUM

To: Water Right(s) 37-7926
From: Clay Webster
Date: May 6, 2015
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received this application to rent 0.02 cfs, 3.5 af to irrigate 1.1 ac. from Speck & Aanestad for The 1984 Brotman Family Trust on April 3, 2014.

This application was in response to an NOV.

AUTHORITY TO FILE: The application was signed by Joseph M. Gaffney, Trustee. The Application identified the POU as in the SW SE of Twp 4N Rge 17E Sec 12. However the map showed the location as in the SW NE of Twp 4N Rge 17E Sec 12. I verified the information through satellite imagery. This property is owned by the applicant.

WATER RIGHT VALIDITY: 37-7926 was decreed in 2010. Forfeiture is not an issue at this time.

INJURY TO OTHER WATER RIGHTS: Both the rental POD and the lease POD are located within the Ketchum Zone of the Wood River Valley Interim Rental Policy. This move will move the POD less than 1,000 feet from the previous POD. Review staff has found no injury concerns.

ENLARGEMENT OF USE: This property also has WR 37-11940 for domestic use. The property owner will have to rent 1.3 acres to get the full 3.5 afa for the area. This rental will add 1.1 acres of irrigation to the 0.5 acres allowed under the domestic exemption. We had some discussion with the Southern Regional Office about the concern of banking a portion of the right that was not historically irrigated per the field exam. The issue that we have is that the right was decreed for 4 acres. Forfeiture time has not tolled, on the portions of the property where the house was built and the driveway was laid, since the date of the decree. Therefore we cannot reduce the decreed amount of the WR before placing in the bank. No other enlargement concerns have been noted.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right is subject to Water District # 37. Comments will be requested from the regional office and the watermaster.

The 1984 Brotman Family Trust Rental 2015



Palmer, Cherie

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

Jim,

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

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

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

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

Cherie,

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

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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Director

May 4, 2015

THE 1984 BROTMAN FAMILY TRUST
JOSEPH M GAFFNEY TRUSTEE
PO BOX 34185
SEATTLE WA 98124-1185

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 for irrigation to irrigate 1.1 acres from the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application(s) as resources allow. However, because your application was received late in the season the Department may not be able to process your application in time for use this year, or at all. If the application(s) is not processed prior to the latest proposed start date on your application, it will be returned to you.

If your application requests a rental for more than one year, the rental application will be retained by the Department and evaluated for approval for next year.

Filing a rental application itself does not authorize diversion and use of water. In order to increase your chances of receiving an approved rental, it is imperative that rental applications are received early. The Department begins accepting rental applications beginning November 1 of the prior year. The later you wait to submit a rental application, the less likely it is we will have time to process the application by the requested start date or at all. Please for future filing please file your rental applications at an earlier time. Finally it is important that you understand that you are not authorized to divert any water for the purposes described in this application until you have paid the rental fee and you and the Department have both signed a rental agreement.

Additional information about the Bank may be found on the Department's website www.idwr.idaho.gov.

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

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

C: James Speck – Speck and Aanestad

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
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120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

March 30, 2015

RECEIVED

APR 03 2015

DEPARTMENT OF
WATER RESOURCES

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

**Re: *Water Supply Bank Companion Lease and Rental Applications for Water Rights
Nos. 37-2473J and 37-7926***

Dear Remington:

Enclosed you will find the following documents for the above-referenced companion Lease and Rental Applications:

1. Application to Lease a portion of Water Right No. 37-2473J - Peter B. Foreman, *et al* GST - Grandfathered Trusts, Applicants (original and one copy);
2. Application to Lease Water Right No. 37-7926 - Kiril Sokoloff, Applicant (original and one copy);
3. Application to Rent portions of Water Rights Nos. 37-2473J and 37-7926 - Thomas W. Weisel Trust, Applicant (two copies); and
4. Application to Rent portion of Water Right No. 37-7926- the 1984 Brotman Family Trust, Applicant (two copies).

I have also enclosed my firm's check payable to the Department in the sum of \$500 to cover the fees for the two Lease Applications. It is my understanding you do not require the rental applications to bear the original signatures. If I am wrong and you need them with the original signatures, please notify me immediately and I will send them on to you.

Please note that the lease application from the Foreman GST - Grandfathered Trust does not include a W-9. My client would like to donate the lease of the designated portion of Water Right No. 37-2473J to the Department so that my client will not receive any rent from the rentals of that water right. We discussed this concept previously, but please let me know right away if you have any questions about my client's desires with respect to this Lease Application.

Please receipt date-stamp the copies of the two Lease Applications and one copy each of the Rental Applications and return them to me in the postage prepaid, self-addressed envelope I have

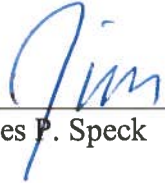
Mr. Remington Buyer
March 31, 2015
Page 2

included for that purpose. Please let me know right away if you have any questions about these Applications.

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Client w/encl.