

RECEIVED

NOV 22 2016

DEPARTMENT OF
WATER RESOURCES

This is to certify that: FERGUSON BERMAN TRUST OF 1994
C/O CHRISTINE FERGUSON
PO BOX 1738
CAVE CREEK AZ 85327-1738
(208)720-4512

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
37-21506	09/25/1954	Ground Water	NA	0.070 cfs	12.6 af	NA	3.6 ac
37-21518	03/24/1883	Big Wood River	Malad River	0.060 cfs	Not stated	NA	3.6 ac
37-21529	07/10/1884	Big Wood River	Malad River	0.004 cfs	Not stated	NA	3.6 ac
37-21540	09/18/1885	Big Wood River	Malad River	0.040 cfs	Not stated	NA	3.6 ac
37-21551	06/12/1886	Big Wood River	Malad River	0.004 cfs	Not stated	NA	3.6 ac
37-21562	06/15/1891	Big Wood River	Malad River	0.090 cfs	Not stated	NA	3.6 ac
Total Annual Combined Limit				0.268 cfs	12.6 af	NA	3.6 ac

37-21668	09/25/1954	Ground Water	NA	0.050 cfs	9.4 af	NA	2.7 ac
37-21677	03/24/1883	Big Wood River	Malad River	0.040 cfs	Not stated	NA	2.7 ac
37-21686	07/10/1884	Big Wood River	Malad River	0.003 cfs	Not stated	NA	2.7 ac
37-21695	09/18/1885	Big Wood River	Malad River	0.030 cfs	Not stated	NA	2.7 ac
37-21704	06/12/1886	Big Wood River	Malad River	0.003 cfs	Not stated	NA	2.7 ac
37-21713	06/15/1891	Big Wood River	Malad River	0.070 cfs	Not stated	NA	2.7 ac
Total Annual Combined Limit				0.196 cfs	9.4 af	2.7 ac	2.7 ac

Annual Combined Rental Totals 0.13 cfs 22.0 af 6.3 AC 6.3 AC

Term of Rental: January 1, 2017 to December 31, 2017
Rental Fee: \$374.00 annually

The fee for rental of the above-described water is \$374.00 per year. Ten percent (\$37.40) 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.

SUPPORT DATA

IN FILE # 37-21506

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:

FERGUSON BERMAN TRUST OF 1994

David Lee Berman
Signature of Renter

DAVID LEE BERMAN TRUST/POA
Printed Name and Title*

11-19-16
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.

Brian Patton
By
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 11/23/2016

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

37-21506 and 37-21668:

GROUND WATER NE¼SE¼ Sec. 12 Twp 1N Rge 18E BLAINE County

37-21518, 37-21529, 37-21540, 37-21551, 37-21562, 37-21677, 37-21686, 37-21695, 37-21704, 37-21713:
BIG WOOD RIVER SW¼NW¼ Lot 3 Sec. 36 Twp 02N 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	
01N	18E	12													6.3				6.3

Total Acres: 6.3

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

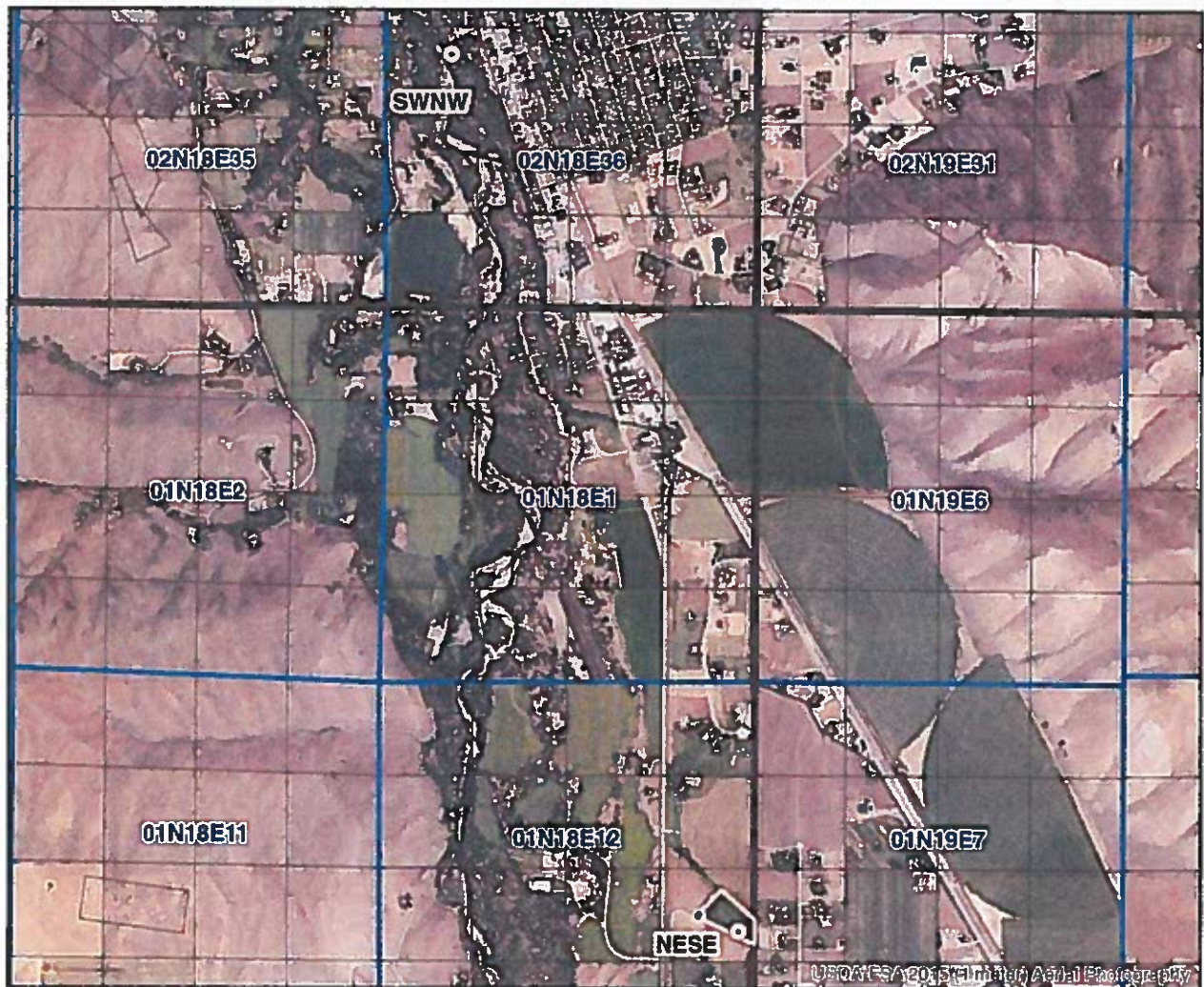
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption 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 surface water point of diversion described above: 37-685C.
14. The following rights are diverted through ground water point of diversion described above: 37-8614, 37-8615 and 37-8616.
15. Water rights 37-21518, 37-21529, 37-21540, 37-21551, 37-21562, 37-21677, 37-21686, 37-21695, 37-21704 and 37-21713 are diverted from Headgate #45 through District Canal.

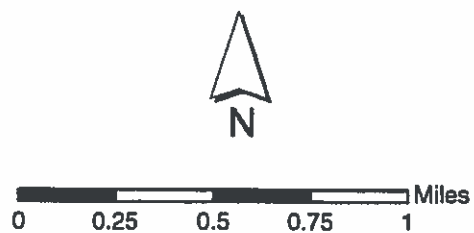
Idaho Water Resource Board
Water Supply Bank Rental Agreement

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





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 23, 2016

FERGUSON BERMAN TRUST
PO BOX 1738
CAVE CREEK AZ 85327-1738

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-21506, 37-21518, 37-21529, 37-21540, 37-21551,
37-21562, 37-21668, 37-21677, 37-21686, 37-21695, 37-21704 AND 37-21713**

Dear Renter:

Please find enclosed a receipt in the amount of **\$374.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 22.0 acre-feet of water for irrigation of 6.3 acres during 2017. Beginning January 1, 2017, 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 \$336.60 of the rental fee will be paid to the lessor(s) and 10% or \$37.40 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. C102712
Rental Agreement (copy)

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



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

FERGUSON BERMAN TRUST OF 1994
C/O CHRISTINE FERGUSON
PO BOX 1738
CAVE CREEK AZ 85327-1738

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-21506, 37-21518, 37-21529, 37-21540, 37-21551, 37-21562, 37-21668, 37-21677, 37-21686, 37-21695, 37-21704 AND 37-21713

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

Dear Applicant:

In 2015 you applied to rent the above mentioned water rights 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 \$374.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 22 acre-feet.

Please send a check for \$374.00 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$336.60 of the rental fee will be paid to the lessor(s) and 10% or \$37.40 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,



Water Supply Bank

Enclosure: Rental Agreement

c: IDWR Front Desk
Zach Latham-Brockway Engineering PLLC

The associated lease is in the bank through 2017

MEMORANDUM

To: Water Rights 37-21506, 37-21518, 37-21529, 37-21540 37-21551 & 37-21562
37-21668, 37-21677, 37-21686, 37-21695, 37-21704 & 37-21713

From: Sandy Thiel

Date: September 28, 2015

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

The Interim Ground Water Rental Policy for the Wood River Valley only allows for one year ground water rentals. Christine Ferguson requested water through 2018. According to the 2016 taxlot data David Lee, Berman and Christine F Ferguson Trustees are the land owners. The requested water rights remain in the Bank and can be rented for another year. –SBT 11/14/2016

PURPOSE/NARRATIVE:

On November 25, 2014 the Department received an application from the Ferguson Berman Trust to rent water. Zach Latham of Broackway Engineering submitted the application. The applicants intend to irrigate 6.3 acres through an existing well and pressurized irrigation system. Water right 37-685C supplies irrigation water for the rental place of use; however, the relatively late priority date for that right potentially prohibits irrigation through the end of the season. They seek the additional ground water to cover the land when 37-685C is out of priority. They propose to rent the water through 2017. As of the spring of 2015 we are only renting water in basin 37 for one year; this rental will be through 2015.

Applications to put rights 37-21506, 37-21518, 37-21529, 37-21540 37-21551 & 37-21562 into the bank were received on April 3, 2013. All six of the rights (1 ground water and 5 Big Wood River rights) are used on the same 5 acre parcel of land identified as Lot 7, Block 4 of Bellevue Farms Subdivision. Ground water right 37-21506 provides 0.10 cfs and 17.5 AF for 5 acres.

Rights 37-21668, 37-21677, 37-21686, 37-21695, 37-21704, and 37-21713 were placed in the water supply bank to prevent forfeiture. Ground water is the source of right 37-21668. The other five are from the Big Wood River. All six water rights contribute water for the same 5-acres, with a combined limit not to exceed irrigation of 5-acres within a single irrigation season. Right 37-21668 provides 9.45 AF for 2.7 acres, or 3.5 AF/acre.

Originally I included the ground water right as the only portion of the leased rights that would be diverted. However, using just the ground water could lead to an enlargement of those rights. The leased Big Wood River rights have an earlier priority dates than the existing right from the same source, 37-685C. Since they will be required to use the existing surface rights first, and those rights are diverted from the District #45 canal they are required to obtain the District's consent. Right 37-685C is diverted through the same point of diversion as the rented rights.

AUTHORITY TO FILE: Blaine County parcel data lists David Lee Berman and Christine F Ferguson Trustees as the owners of the rental place of use.

WATER RIGHT VALIDITY: All rights were decreed in 2010. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: The rental of the rights listed above does not include a change in the nature of use. The lease and the rental share the same season of use 4/15 to 10/31, the same headgate requirement of 3.5 af/ac and the same consumptive use of 2.5 af/ac.

LOCAL PUBLIC INTEREST: The point of diversion for the leased rights falls within the same ground water transaction zone as the rental point of diversion. Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Allen Merritt called on Friday, February 27. Allen said he didn't have any objections to the rental; however, there is a water call and we inform the renters in the rental cover letter that they may not get the water. The rented rights are subject to Water District # 37. Comments were solicited from the water master; none were received.

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

RECEIVED

OCT 16 2015

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

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

FERLUSON BERMAN TRUST OF 1994

David L Berman TTEE/POA
Signature of Renter

DAVID BERMAN TTEE/POA
Printed Name and Title*

10-12-15
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*
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date *10/16/2015*

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

LOCATION OF POINT(S) OF DIVERSION

37-21506 and 37-21668:

GROUND WATER NE¼SE¼ Sec. 12 Twp 1N Rge 18E BLAINE County

37-21518, 37-21529, 37-21540, 37-21551, 37-21562, 37-21677, 37-21686, 37-21695, 37-21704, 37-21713:

BIG WOOD RIVER SW¼NW¼ Lot 3 Sec. 36 Twp 02N 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	
01N	18E	12													6.3				6.3

Total Acres: 6.3

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 surface water point of diversion described above: 37-685C.
14. The following rights are diverted through ground water point of diversion described above: 37-8614, 37-8615 and 37-8616.
15. Water rights 37-21518, 37-21529, 37-21540, 37-21551, 37-21562, 37-21677, 37-21686, 37-21695, 37-21704 and 37-21713 are diverted from Headgate #45 through District Canal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 19, 2015

FERGUSON BERMAN TRUST
PO BOX 1738
CAVE CREEK AZ 85327-1738

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-21506, 37-21518, 37-21529, 37-21540, 37-21551,
37-21562, 37-21668, 37-21677, 37-21686, 37-21695, 37-21704 AND 37-21713**

Dear Renter:

Please find enclosed a receipt in the amount of **\$374.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 22 acre-feet of water for irrigation of 6.3 acres during 2016. Beginning January 1, 2016, 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 \$336.60 of the rental fee will be paid to the lessor(s) and 10% or \$37.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

ST - Sandra Thiel
Sr. Water Resource Agent

Enclosure(s): Receipt No. C101102
Rental Agreement (copy)

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



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

FERGUSON BERMAN TRUST OF 1994
C/O CHRISTINE FERGUSON
PO BOX 1738
CAVE CREEK AZ 85327-1738

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-21506, 37-21518, 37-21529, 37-21540, 37-21551, 37-21562, 37-21668,
37-21677, 37-21686, 37-21695, 37-21704 AND 37-21713

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

Dear Applicant:

In 2015 you applied to rent the above mentioned water rights 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 \$374.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 22 acre-feet.

Please send a check for \$374.00 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$336.60 of the rental fee will be paid to the lessor(s) and 10% or \$37.40 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,

Sandra Thiel
Sr. Water Resource Agent

Enclosure(s): Rental Agreement

c: IDWR Front Desk
Zach Latham-Brockway Engineering PLLC

The associated lease is in the bank through 2017

MEMORANDUM

To: Water Rights 37-21506, 37-21518, 37-21529, 37-21540 37-21551 & 37-21562
37-21668, 37-21677, 37-21686, 37-21695, 37-21704 & 37-21713

From: Sandy Thiel

Date: September 28, 2015

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

The Interim Ground Water Rental Policy for the Wood River Valley only allows for one year ground water rentals. Christine Ferguson requested water through 2018. According to the taxlot data David Lee, Berman and Christine F Ferguson Trustees are the land owners. The requested water rights remain in the Bank and can be rented for another year. –SBT 9/25/2015

PURPOSE/NARRATIVE:

On November 25, 2014 the Department received an application from the Ferguson Berman Trust to rent water. Zach Latham of Broackway Engineering submitted the application. The applicants intend to irrigate 6.3 acres through an existing well and pressurized irrigation system. Water right 37-685C supplies irrigation water for the rental place of use; however, the relatively late priority date for that right potentially prohibits irrigation through the end of the season. They seek the additional ground water to cover the land when 37-685C is out of priority. They propose to rent the water through 2017. As of the spring of 2015 we are only renting water in basin 37 for one year; this rental will be through 2015.

Applications to put rights 37-21506, 37-21518, 37-21529, 37-21540 37-21551 & 37-21562 into the bank were received on April 3, 2013. All six of the rights (1 ground water and 5 Big Wood River rights) are used on the same 5 acre parcel of land identified as Lot 7, Block 4 of Bellevue Farms Subdivision. Ground water right 37-21506 provides 0.10 cfs and 17.5 AF for 5 acres.

Rights 37-21668, 37-21677, 37-21686, 37-21695, 37-21704, and 37-21713 were placed in the water supply bank to prevent forfeiture. Ground water is the source of right 37-21668. The other five are from the Big Wood River. All six water rights contribute water for the same 5-acres, with a combined limit not to exceed irrigation of 5-acres within a single irrigation season. Right 37-21668 provides 9.45 AF for 2.7 acres, or 3.5 AF/acre.

Originally I included the ground water right as the only portion of the leased rights that would be diverted. However, using just the ground water could lead to an enlargement of those rights. The leased Big Wood River rights have an earlier priority dates than the existing right from the same source, 37-685C. Since they will be required to use the existing surface rights first, and those rights are diverted from the District #45 canal they

are required to obtain the District's consent. Right 37-685C is diverted through the same point of diversion as the rented rights.

AUTHORITY TO FILE: Blaine County parcel data lists David Lee Berman and Christine F Ferguson Trustees as the owners of the rental place of use.

WATER RIGHT VALIDITY: All rights were decreed in 2010. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: The rental of the rights listed above does not include a change in the nature of use. The lease and the rental share the same season of use 4/15 to 10/31, the same headgate requirement of 3.5 af/ac and the same consumptive use of 2.5 af/ac.

LOCAL PUBLIC INTEREST: The point of diversion for the leased rights falls within the same ground water transaction zone as the rental point of diversion. Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Allen Merritt called on Friday, February 27. Allen said he didn't have any objections to the rental; however, there is a water call and we inform the renters in the rental cover letter that they may not get the water. The rented rights are subject to Water District # 37. Comments were solicited from the water master; none were received.

WATER SUPPLY BANK RENTAL AGREEMENT

MAY 12 2015

Page 1 of 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

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

David Lee Berman DAVID BERMAN TTEE/POA 5-8-15
Signature of Renter Printed Name and Title* Date

Christine F. Ferguson CHRISTINE F. FERLUSON TTEE POA 5/8/15
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 Date May 13, 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

37-21506 and 37-21668:

GROUND WATER NE¼SE¼ Sec. 12 Twp 1N Rge 18E BLAINE County

37-21518, 37-21529, 37-21540, 37-21551, 37-21562, 37-21677, 37-21686, 37-21695, 37-21704, 37-21713:
BIG WOOD RIVER SW¼NW¼ Lot 3 Sec. 36 Twp 02N 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	
01N	18E	12													6.3				6.3

Total Acres: 6.3

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 surface water point of diversion described above: 37-685C.
14. The following rights are diverted through ground water point of diversion described above: 37-8614, 37-8615 and 37-8616.
15. Water rights 37-21518, 37-21529, 37-21540, 37-21551, 37-21562, 37-21677, 37-21686, 37-21695, 37-21704 and 37-21713 are diverted from Headgate #45 through District Canal.



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

RECEIVED

NOV 25 2014

DEPARTMENT OF
WATER RESOURCES

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) Ferguson Berman Trust of 1994 c/o: Christine FergusonMailing Address P.O. Box 1738 Cave Creek AZ 85327Phone 208-720-4512

Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. <u>Maximum Flow Rate (cfs)</u>	<u>Maximum Volume (ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
37-22655 <u>0.13</u>	<u>22.1</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
Total: <u>0.13</u>	<u>22.1</u>		

2. Source of water Ground Water tributary to N/A.

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
1N	18E	12			NE	SE	BLAINE COUNTY PARCEL: RP005160000020

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	
1N	18E	12																6.3	6.3

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

Total Acres 6.3

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.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.
Existing well on applicant's property will provide water to property through existing pressurized irrigation 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.
Water right 37-685C is authorized to be used for irrigation on applicant's property. Applicant seeks rental of an additional ground water irrigation water right to be used during the time after which 37-685C is out of priority.
3. Will the proposed place of use receive water from any other source? Yes ☒ No ☐
If yes, describe. 37-685C, applicant seeks rental of an additional ground water irrigation water right to be used during the time after which 37-685C is out of priority.
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. N/A
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. N/A.
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. N/A.

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. THROUGH 12/31/17

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.

Christine Ferguson TTEE/POA
Signature of Applicant

Christine Ferguson; TTEE/POA
Printed Name and Title*

11/13/14
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



FERGUSON BERMAN TRUST OF 1994
WATER SUPPLY BANK RENTAL
NAIP 2013 AERIAL

- Legend
- Point of Diversion
 - Parcel
 - Sections
 - ladesc

**WOOD RIVER VALLEY
IRRIGATION DISTRICT #45
P.O. BOX 2223
HAILEY, ID 83333**

April 14, 2015

Idaho Water Center
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, ID 83720-0098

Reference: I.D.W.R. Ferguson Berman Trust Rental Agreement 3031-15

The Wood River Valley Irrigation District #45 has no objections for this request for water supply bank rental submitted by Mr. Zach Latham.

Motion to approve Jolyon Sawyer yes, Jim Super yes, and Gary Furgard absent from meeting.



Jim Super
President
Wood River
Irrigation District #45



Rental point of diversion

Point of diversion
37-21668
37-21506

- Rental POU
- WSB Lease Water Right POU
- 37-21506
- 37-21668
- Zones

37-21668
37-21677
37-21686
37-21695
37-21704
37-21713

37-21506
37-21518
37-21529
37-21540
37-21551
37-21562



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 13, 2015

FERGUSON BERMAN TRUST OF 1994
C/O CHRISTINE FERGUSON
PO BOX 1738
CAVE CREEK AZ 85327-1738

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-21506, 37-21518, 37-21529, 37-21540, 37-21551,
37-21562, 37-21668, 37-21677, 37-21686, 37-21695, 37-21704 AND 37-21713**

Dear Renter:

Please find enclosed a receipt in the amount of **\$374.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 22.0 acre-feet of water for irrigation of 6.3 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 \$336.60 of the rental fee will be paid to the lessor(s) and 10% or \$37.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

For **Sandy Thiel**
Senior Water Resource Agent

Enclosure(s): Receipt No. C100442
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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 30, 2015

FERGUSON BERMAN TRUST OF 1994
C/O CHRISTINE FERGUSON
PO BOX 1738
CAVE CREEK AZ 85327-1738

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-21506, 37-21518, 37-21529, 37-21540, 37-21551, 37-21562, 37-21668, 37-21677, 37-21686, 37-21695, 37-21704 AND 37-21713**

*****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 \$374.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 22 acre-feet.

Please send a check for \$374.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$336.60 of the rental fee will be paid to the lessor(s) and 10% or \$37.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

For – Sandy Thiel
Senior Water Resource Agent

Enclosure(s): Rental Agreement

c: IDWR Front Desk
Zach Latham-Brockway Engineering PLLC

MEMORANDUM

To: Water Rights 37-21506, 37-21518, 37-21529, 37-21540 37-21551 & 37-21562
37-21668, 37-21677, 37-21686, 37-21695, 37-21704 & 37-21713

From: Sandy Thiel

Date: April 16, 2015

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE:

On November 25, 2014 the Department received an application from the Ferguson Berman Trust to rent water. Zach Latham of Broackway Engineering submitted the application. The applicants intend to irrigate 6.3 acres through an existing well and pressurized irrigation system. Water right 37-685C supplies irrigation water for the rental place of use; however, the relatively late priority date for that right potentially prohibits irrigation through the end of the season. They seek the additional ground water to cover the land when 37-685C is out of priority. They propose to rent the water through 2017. As of the spring of 2015 we are only renting water in basin 37 for one year; this rental will be through 2015.

Applications to put rights 37-21506, 37-21518, 37-21529, 37-21540 37-21551 & 37-21562 into the bank were received on April 3, 2013. All six of the rights (1 ground water and 5 Big Wood River rights) are used on the same 5 acre parcel of land identified as Lot 7, Block 4 of Bellevue Farms Subdivision. Ground water right 37-21506 provides 0.10 cfs and 17.5 AF for 5 acres.

Rights 37-21668, 37-21677, 37-21686, 37-21695, 37-21704, and 37-21713 were placed in the water supply bank, to prevent forfeiture. Ground water is the source of right 37-21668. The other five are from the Big Wood River. All six water rights contribute water for the same 5-acres, with a combined limit not to exceed irrigation of 5-acres within a single irrigation season. Right 37-21668 provides 9.45 AF for 2.7 acres, or 3.5 AF/acre.

Originally I included the ground water right as the only portion of the leased rights that would be diverted. However, using just the ground water could lead to an enlargement of those rights. The leased Big Wood River rights have an earlier priority dates than the existing right from the same source, 37-685C. Since they will be required to use the existing surface rights first, and those rights are diverted from the District #45 canal they are required to obtain the District's consent. Right 37-685C is diverted through the same point of diversion as the rented rights.

AUTHORITY TO FILE: Blaine County parcel data lists David Lee Berman and Christine F Ferguson Trustees as the owners of the rental place of use.

WATER RIGHT VALIDITY: All rights were decreed in 2010. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: The rental of the rights listed above does not include a change in the nature of use. The lease and the rental share the same season of use 4/15 to 10/31, the same headgate requirement of 3.5 af/ac and the same consumptive use of 2.5 af/ac.

LOCAL PUBLIC INTEREST: The point of diversion for the leased rights falls within the same ground water transaction zone as the rental point of diversion. Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Allen Merritt called on Friday, February 27. Allen said he didn't have any objections to the rental; however, there is a water call and we inform the renters in the rental cover letter that they may not get the water. The rented rights are subject to Water District # 37. Comments were solicited from the watermaster; none were received.

Thiel, Sandra

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Tuesday, April 28, 2015 8:02 AM
To: Thiel, Sandra
Cc: Palmer, Cherie
Subject: FW: Dave Berman
Attachments: IDWR LTR - Ferguson Berman Trust Rental Agmt.JPG

Sandy-

Please see the attached comment from the Wood River Valley Irrigation District #45 in which they are un-opposed to IDWR's proposed rental approval for the Berman Ferguson Trust.

It is my understanding that with this comment letter, you can process and send out the rental agreement. Please let me know if there is anything else you need to proceed. Thanks 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: Jim Super [<mailto:js.super.13@gmail.com>]
Sent: Monday, April 27, 2015 6:00 PM
To: 'Zach Latham'
Cc: Jim Spinelli
Subject: RE: Dave Berman

Zach,

We will try again. This a jpg file with signature.

Let me know

Jim Super, President WRVID45
(208) 720-6727

NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client or other confidential communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail, so that our address record can be corrected. Thank you.

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From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Monday, April 27, 2015 1:20 PM
To: js.super.13@gmail.com
Subject: Dave Berman

Jim-

Please forward the WRVID #45's approval/comment on the Berman Fergusson Trust's proposed water supply bank rental. 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.

Thiel, Sandra

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Tuesday, March 03, 2015 1:30 PM
To: Thiel, Sandra
Subject: RE: water supply bank rental

Sandra-

Per Mr. Berman, the water proposed to be diverted under the WSB rental application will originate from a private well on Lot 2 of the subdivision, both of which are owned by Mr. Berman. Please let me know if you need any further clarification regarding Mr. Berman's WSB rental application, thanks-

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: Tuesday, March 03, 2015 10:32 AM
To: 'Thiel, Sandra'
Subject: RE: water supply bank rental

Sandra-

I have a call in to the applicant to confirm the location of the rental POD, I am pretty sure it is a private well on the applicants property but I need confirmation. I will be in touch shortly, thanks for the email.

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: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Friday, February 27, 2015 11:50 AM
To: zach.latham@brockwayeng.com
Subject: water supply bank rental

Hello, I am processing the water supply bank rental for the Ferguson Berman Trust. Can you tell me if the rented water will be diverted through the same well as rights 37-8614, 37-8615 and 37-8616?



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

November 17th 2014

Cherie Palmer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

NOV 25 2014

**DEPARTMENT OF
WATER RESOURCES**

Re: Water Supply Bank Rental; Ferguson Berman Trust of 1994.

Dear Cherie,

On behalf of the Ferguson Berman Trust of 1994 (Trust), Brockway Engineering is submitting a water supply bank rental application which proposes to divert a portion of 37-22655 for the irrigation of 6.3 acres from the irrigation well on the Trust's property through the end of 2017. Currently, Big Wood River water right 37-685C is authorized to irrigate the Trust's property in its entirety. The Trust seeks to provide late season irrigation water from a rented water right when priority date cuts on the Big Wood River preclude 37-685C from being used. The Trust seeks to divert water rented from the WSB from an existing well on the property.

If water right 37-22655 is not available to be rented, we ask that the Water Supply Bank approve the rental of a similar ground water right that will be authorized to be used for the same proposed purpose at the identified place of use. Please copy our office on all correspondence regarding this water supply bank rental application. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Sincerely,

Zach Latham, M.S., Hydrologist

Enclosures:

- (1) Water Supply Bank Rental Application
- (1) Water Supply Bank Rental Map

Cc: Mr. David Berman- Ferguson Berman Trust of 1994

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506