

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

RECEIVED
OCT 27 2015
DEPARTMENT OF
WATER RESOURCES

This is to certify that: **ANTHONY D ANGELO**
JUDY D ANGELO
PO BOX 3267
KETCHUM ID 83340
(208) 726-1415

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
37-8499	3/30/1989	Ground Water	NA	0.06 cfs	7.4 af	NA	2.1 ac

Annual Combined Rental Totals

0.06 cfs 7.4 af NA 2.1 ac

Term of Rental: January 1, 2016 to December 31, 2016
Rental Fee: \$125.80

The fee for rental of the above-described water is \$125.80. Ten percent (\$12.58) 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:

B. C. O'Connell Anthony C. D'Angelo 10-21-15
Signature of Renter Printed Name and Title* Date

Judy L. D'Angelo JUDY L. D'ANGELO 10-21-15
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 10/27/2015
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 OF DIVERSION

GROUND WATER	SE¼NE¼NW¼	Sec. 14	Twp 05N	Rge 17E	BLAINE County
GROUND WATER	SE¼NE¼NW¼	Sec. 14	Twp 05N	Rge 17E	BLAINE County
GROUND WATER	SE¼NE¼NW¼	Sec. 14	Twp 05N	Rge 17E	BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/15 TO 10/15

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	
05N	17E	36					2.1												2.1

Total Acres: 2.1

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

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

12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
14. The following rights are diverted through point(s) of diversion described above: 37-8515, 37-8517 and 37-8518.
15. The place of use is within HES #329.



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

October 29, 2015

ANTHONY D ANGELO
JUDY D ANGELO
PO BOX 3267
KETCHUM ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-8499**

Dear Renter:

Please find enclosed a receipt in the amount of **\$125.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 7.4 acre-feet of water irrigation of 2.1 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 \$113.22 of the rental fee will be paid to the lessor(s) and 10% or \$12.58 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

Enclosures: Receipt No. C101140
Rental Agreement (copy)

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 14, 2015

ANTHONY AND JUDY DANVELO
PO BOX 3267
KETCHUM ID 83340

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK (WSB)
WATER RIGHT NO. 37-8499

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

Dear Applicant:

In 2015 you applied to rent the above mentioned water right for multiple years. When your rental was approved in 2015, the department informed you that if the WSB Interim Ground Water Rental Policy (Interim Policy) for the Wood River Valley is extended through 2016, the Department will automatically renew this rental to allow for another year. The Idaho Water Resource Board has extended the Interim Policy. **I have enclosed a Water Supply Bank Rental (WSB) Agreement for your review and signature.** The enclosed documents include your recent rental application, received by the Department on September 2, 2015. Since we will carry over your rental from last year, the new application is not necessary.

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 for one year.

A rental fee of \$125.80 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 7.4 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement.

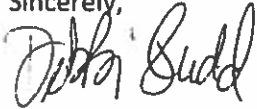
Please send a check for \$125.80 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$113.22 of the rental fee will be paid to the lessor(s) and 10% or \$12.58 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,



Sr
Sandra Thiel
Sr. Water Resource Agent

Enclosure

c: IDWR Front Desk
Greg Sullivan-Brockway Engineering PLLC

The associated lease is in the bank through 2019

MEMORANDUM

To: Water Rights 37-8499

From: Clay Webster

Date: October 1, 2015

Re: Review & Analysis of 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. Anthony and Judy D'Angelo requested water through 2019. According to the taxlot data Anthony C D'angelo Sr and Judy L D'angelo Trustees are the land owners. The requested water rights remain in the Bank and can be rented for another year. –SBT 10/1/2015

PURPOSE/NARRATIVE: The department received the application to rent 0.06 cfs and 7.4 af to irrigate 2.1 acres for Anthony and Judy D'Angelo from Brockway Engineering on 11/7/2014. The cover letter requested to use water right 37-8499.

The application lists the PODs and the POU in the SE NW of 05N17E section 14. However, it also listed the Property Identification Numbers. I was able to find the location was actually in the NENW of 05N17E section 14.

AUTHORITY TO FILE: This application was signed by both Anthony C and Judy L D'Angelo, owners of the property associated with the POD and POU for this rental according to the taxlot records.

WATER RIGHT VALIDITY: 37-8499 was leased entirely into the WSB in July of 2013 through 2014. It was leased again for 2015 through 2019. The lease application for 2015 contends that the owner is irrigating around his property utilizing water from the City of Ketchum municipal right. I have verified that the leased property falls within the municipal boundary of the City of Ketchum under their water right # 37-8269. I contacted the City of Ketchum to verify that 1 Blue Canyon Rd received water from the City of Ketchum. They do receive irrigation water from the City of Ketchum. (See email dated 3/5/2015)

INJURY TO OTHER WATER RIGHTS: This water right does not fall within the Ketchum Zone of the WSB Interim Ground Water Rental Policy for the Wood River Valley (WSBIGWRP). The rental POD does fall within the Ketchum Zone if the WSBIGWRP. Charles Brockway of Brockway Engineering contacted the department to petition for this water right to be included in the Ketchum Zone. Mike McVay, of the Hydrology section concluded that this right should be included in the Ketchum Zone (see email dated 3/4/2015). No injury is apparent.

ENLARGEMENT OF USE: There are other water rights that cover portions of the D'Angelos property. 37-8515 is an irrigation and stockwater right that covers 1.8 acres of irrigation. 37-8517 is an irrigation and stockwater right that covers 0.7 acres. 37-8518 is an irrigation stockwater and domestic right that covers 0.5 acres. This is depicted very well in the application map. There are no limits that will cause an enlargement with this rental. (See the Application Map)

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 had no concerns with this rental. (see email dated 3/10/2015).

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

RECEIVED

MAR 24 2015

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: **ANTHONY D ANGELO**
JUDY D ANGELO
PO BOX 3267
KETCHUM ID 83340
(208) 726-1415

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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37-8499	3/30/1989	Ground Water	NA	0.06 cfs	7.4 af	NA	2.1 ac
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Annual Combined Rental Totals	0.06 cfs	7.4 af	NA	2.1 ac
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Term of Rental: **April 15, 2015 to December 31, 2015**

Rental Fee: **\$125.80**

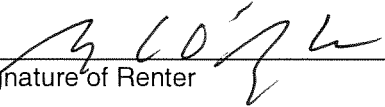
The fee for rental of the above-described water is \$125.80. Ten percent (\$12.58) will go to the Department for administrative costs, and the remainder will be paid to the lessor(s). No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

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

ANTHONY C. D'ANGELO
Printed Name and Title*

3-20-15
Date

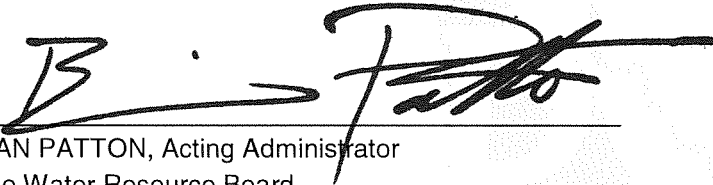

Signature of Renter

JUDY L. D'ANGELO
Printed Name and Title*

3-20-15
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 March 24, 2015

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

WATER USE DETAILS

LOCATION OF POINT OF DIVERSION

GROUND WATER	SE¼NE¼NW¼	Sec. 14	Twp 05N	Rge 17E	BLAINE County
GROUND WATER	SE¼NE¼NW¼	Sec. 14	Twp 05N	Rge 17E	BLAINE County
GROUND WATER	SE¼NE¼NW¼	Sec. 14	Twp 05N	Rge 17E	BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/15 TO 10/15

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	
05N	17E	36					2.1												2.1

Total Acres: 2.1

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

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

12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
14. The following rights are diverted through point(s) of diversion described above: 37-8515, 37-8517 and 37-8518.
15. The place of use is within HES #329.



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANKRECEIVED
NOV 07 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) Anthony D'Angelo and Judy D'AngeloMailing Address PO Box 3267 Ketchum, Idaho 83340Phone 208-726-1415

Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT Rental from 37-8499

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use
0.06 7.4 Irrigation 4/15 to 10/15
 _____ to _____
 _____ to _____
 Total: 0.06 7.4

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
05N	17E	14			SE	NW	RP05N17014003A Blaine
05N	17E	14			SE	NW	RP05N170140040 Blaine
05N	17E	14			SE	NW	RP05N170140050 Blaine

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	14								0.3	RP05N17014003A								0.3
05N	17E	14								0.6	RP05N170140040								0.6
05N	17E	14								1.2	RP05N170140050								1.2

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

Total Acres 2.1

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 wells, mainlines and irrigation systems

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
37-8515, 37-8517 and 37-8518

3. Will the proposed place of use receive water from any other source? Yes ☐ No ☒

If yes, describe.

4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. 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.

6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☒ No ☐

If yes, describe. Talk to Rob Whitney

E. RENTAL TERM

Proposed rental water right 37-8499

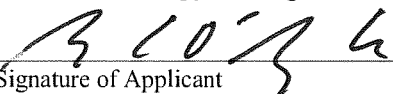
- Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐

If yes, please specify the number of years desired through proposed rental. 2015, 2016, 2017, 2018, 2019

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

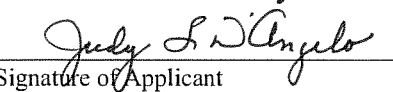
If this application is approved, the applicant agrees to the following:

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


Signature of Applicant

ANTHONY C. D'ANGELO
Printed Name and Title*

8-16-14
Date


Signature of Applicant

JUDY L. D'ANGELO
Printed Name and Title*

8-16-14
Date

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

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



D'ANGELO, ANTHONY & JUDY

WATER BANK RENTAL 2014
NAIP 2013 AERIAL

Legend

Water Rental Areas

 Rental Area=2.1 Ac.

 Water Right 37-8515

☐ Water Right 37-8517

☐ Water Rights 37-8518

 Weiss☐ D'Angelo Lots

D'Angel
townshp

twship
Section

☐ Section
☐ lades

BROCKWAY ENGINEERING, PLLC.
ALR - Date: 8/14/2014

3



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

March 24, 2015

ANTHONY D ANGELO
JUDY D ANGELO
PO BOX 3267
KETCHUM ID 83340

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-8499**

Dear Renter:

Please find enclosed a receipt in the amount of **\$125.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 7.4 acre-feet of water for irrigation of 2.1 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 \$113.22 of the rental fee will be paid to the lessor(s) and 10% or \$12.58 will be retained by the Department to offset administrative costs.

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

Sincerely,

for Lana Hedley

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C100165
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southren Regional Office Manager
Kevin Lakey – Water District #37
Greg Sullivan – Brockway Engineering
James P. Speck – Speck & Aanestad
Rob Whitney – IDWR Compliance Bureau (only if rental is to resolve an NOV)

Webster, Clay

From: Merritt, Allen
Sent: Thursday, March 12, 2015 3:48 PM
To: Webster, Clay
Subject: RE: Region and Watermaster Comments on D'Angelo Rental 37-8499

Comments for D'Angelo and Forgeon for portions of 37-8499:

I guess I'm not aware of the WSBIGWRP Zones. If it meets that policy I have no other issues.

Allen

From: Webster, Clay
Sent: Monday, March 09, 2015 8:46 AM
To: Merritt, Allen; Kevin Lakey
Subject: Region and Watermaster Comments on D'Angelo Rental 37-8499

Allen and Kevin,

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

Sincerely,

Clay Webster

Water Resource Agent

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

322 E. Front Street

P.O. Box 83720

Boise, ID 83720-0098

208-287-4800

www.idwr.idaho.gov

Webster, Clay

From: Kevin Lakey [watermanager@cableone.net]
Sent: Tuesday, March 10, 2015 10:14 AM
To: Webster, Clay
Subject: RE: Region and Watermaster Comments on D'Angelo Rental 37-8499

Clay,
I have no concerns with this application.

Kevin Lakey

From: Webster, Clay [mailto:Clay.Webster@idwr.idaho.gov]
Sent: Monday, March 09, 2015 8:46 AM
To: Merritt, Allen; Kevin Lakey
Subject: Region and Watermaster Comments on D'Angelo Rental 37-8499

Allen and Kevin,

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Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

MEMORANDUM

To: Water Rights 37-8499

From: Clay Webster

Date: 3/5/2015

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The department received the application to rent 0.06 cfs and 7.4 af to irrigate 2.1 acres for Anthony and Judy D'Angelo from Brockway Engineering on 11/7/2014. The cover letter requested to use water right 37-8499.

The application lists the PODs and the POU in the SE NW of 05N17E section 14. However, it also listed the Property Identification Numbers. I was able to find the location was actually in the NENW of 05N17E section 14.

AUTHORITY TO FILE: This application was signed by both Anthony C and Judy L D'Angelo, owners of the property associated with the POD and POU for this rental according to the taxlot records.

WATER RIGHT VALIDITY: 37-8499 was leased entirely into the WSB in July of 2013 through 2014. It was leased again for 2015 through 2019. The lease application for 2015 contends that the owner is irrigating around his property utilizing water from the City of Ketchum municipal right. I have verified that the leased property falls within the municipal boundary of the City of Ketchum under their water right # 37-8269. I contacted the City of Ketchum to verify that 1 Blue Canyon Rd received water from the City of Ketchum. They do receive irrigation water from the City of Ketchum. (See email dated 3/5/2015)

INJURY TO OTHER WATER RIGHTS: This water right does not fall within the Ketchum Zone of the WSB Interim Ground Water Rental Policy for the Wood River Valley (WSBIGWRP). The rental POD does fall within the Ketchum Zone if the WSBIGWRP. Charles Brockway of Brockway Engineering contacted the department to petition for this water right to be included in the Ketchum Zone. Mike McVay, of the Hydrology section concluded that this right should be included in the Ketchum Zone (see email dated 3/4/2015). No injury is apparent.

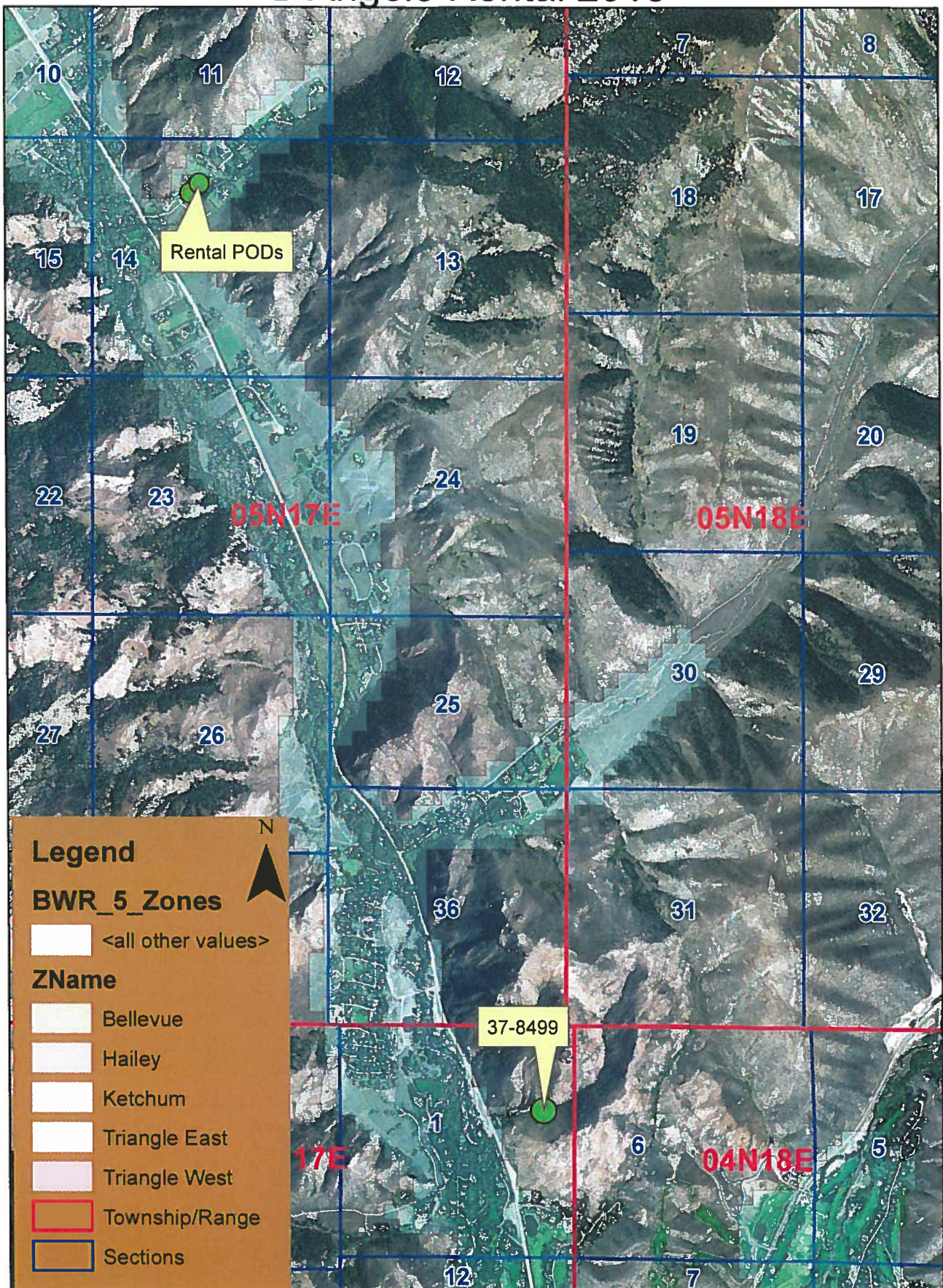
ENLARGEMENT OF USE: There are other water rights that cover portions of the D'Angelos property. 37-8515 is an irrigation and stockwater right that covers 1.8 acres of irrigation. 37-8517 is an irrigation and stockwater right that covers 0.7 acres. 37-8518 is an irrigation stockwater and domestic right that covers 0.5 acres. This is depicted very well in the application map. There are no limits that will cause an enlargement with this rental. (See the Application Map)

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 had no concerns with this rental. (see email dated 3/10/2015).

D'Angelo Rental 2015



Webster, Clay

From: Robyn Mattison [rmattison@ketchumidaho.org]
Sent: Thursday, March 05, 2015 3:38 PM
To: Webster, Clay
Subject: RE: Water Service Question for WR 37-8499

Hi Clay. Our records show we have an irrigation water account at that property address. So we provide water for irrigation use, but no water for in-home use.

ROBYN L. MATTISON, P.E., LEED A.P. | CITY OF KETCHUM

Public Works Director / City Engineer
P.O. Box 2315 | 110 River Ranch Rd | Ketchum, ID 83340
o: 208.726.7825 ext. 101 | c: 208.720.9992
rmattison@ketchumidaho.org | www.ketchumidaho.org

From: Webster, Clay [<mailto:Clay.Webster@idwr.idaho.gov>]
Sent: Thursday, March 05, 2015 2:48 PM
To: Robyn Mattison
Subject: Water Service Question for WR 37-8499

Robyn,

I was wondering if I could get some information on whether a property has water services from the City of Ketchum. The address is 1 Blue Canyon Rd, Ketchum Id. Thank you for your help.

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

Webster, Clay

From: Palmer, Cherie
Sent: Wednesday, March 04, 2015 3:30 PM
To: Webster, Clay
Subject: FW: Water Supply Bank-Fayed, Forgeon, dAngelo

Clay,

Looks like we are good to process both the Forgeon and Dangelo rentals with the Fayed right. I will let Chuck know.

Cherie

From: Buyer, Remington
Sent: Wednesday, March 04, 2015 2:30 PM
To: Palmer, Cherie
Subject: FW: Water Supply Bank-Fayed, Forgeon, dAngelo

Cherie,

Mike and I are good with this rental. Please proceed on it.

Remington
287-4918

From: McVay, Michael
Sent: Wednesday, March 04, 2015 2:28 PM
To: Buyer, Remington
Subject: RE: Water Supply Bank-Fayed, Forgeon, dAngelo

Hi Remington,

I did not measure the distance between the well and the zone boundary, but if it is 656 feet or less, I think it should be included. The model boundary is partly based on elevation, so some of these small coves may have been clipped out (too small for a trib, too high in elevation for our algorithm to catch). So it is likely that there are some places like this that could have easily been included (and maybe should be considered for inclusion) that lie outside our boundary; I think it should be in for physical reasons.

In summary, either by policy or hydrogeology, I think it should be included – press on good soldier and process this buggar.

Mike

From: Buyer, Remington
Sent: Wednesday, March 04, 2015 2:18 PM
To: McVay, Michael
Cc: Palmer, Cherie
Subject: FW: Water Supply Bank-Fayed, Forgeon, dAngelo

Mike,

Please see the email below from Brockway Engineering regarding ground water right 37-8499. Water right 37-8499 apparently pumps ground water from the alluvial aquifer of the Big Wood River and should have been included within the boundaries of our Ketchum Zone.

Please advise whether you agree with Brockway that the right should be included as part of our Ketchum zone, or whether disagree and that the right is in fact not pumping ground water tributary to the Big Wood River aquifer. If you agree, the Bank can move forward with the rental of these rights per Brockway's request.

Thanks,

Remington
287-4918

From: Palmer, Cherie
Sent: Wednesday, March 04, 2015 2:10 PM
To: Buyer, Remington
Subject: FW: Water Supply Bank-Fayed, Forgeon, dAngelo

From: Charles E. Brockway [<mailto:charles.e.brockway@brockwayeng.com>]
Sent: Tuesday, March 03, 2015 4:13 PM
To: Palmer, Cherie
Subject: FW: Water Supply Bank-Fayed, Forgeon, dAngelo

From: Charles E. Brockway [<mailto:charles.e.brockway@brockwayeng.com>]
Sent: Monday, March 02, 2015 4:08 PM
To: 'cheri.palmer@idwr.idaho.gov'; 'shelley.keen@idwr.idaho.gov'; 'McVay, Michael'; 'remington.byer@idwr.idaho.gov'
Cc: 'James Speck'; 'judydangelore@gmail.com'; 'Zach Latham'
Subject: Water Supply Bank-Fayed, Forgeon, dAngelo

Cherie: Water Bank staff assured me that the application which Brockway Engineering had submitted to lease ground water from the Fayed water right (37- 8499 Af214Trust) to two clients, Kent Forgeon and Anthony and Judy d Angelo would be approved and that I would be provided with written notice of such approval on Friday February 27, 2015. I therefore informed my clients that, likely, we would not need to apply for rental of other water (the Chuck Mattiesen ground water rights) but that we should wait for written notice of the Fayed lease/rental approval.

Your phone call on Friday along with Clay Webster informed me that you had discussions with Remington Byer, Shelly Keen, Mike McVey and that the lease/rental application could not be approved. The reason being that the Fayed point of diversion was 600 feet outside the boundary of the Ketchum Zone adopted for interim evaluation of Water Bank applications. The .shp file of the Ketchum Zone which you e-mailed to us was overlayed on the IDWR .shp file for the Fayed water right. The Fayed well is 295 feet east of the east boundary of the Ketchum Zone, not 600 feet. An examination of the well driller's log of the Fayed well shows that the well is 103 feet deep, produced 50 gpm with negligible drawdown, and the profile shows gravel for the full depth of the well. Therefore, the aquifer underlying the Fayed property is part of the alluvial aquifer of the Big Wood River and is, in fact, tributary to the Big Wood River. If the criteria for designation of the boundary of the Ketchum Zone is the limit of the alluvial aquifer of the Big Wood River, then the boundary is incorrect and the Fayed ground water right should be allowed to be rented to d Angelo and Forgeon. I am attaching the overlay of the Ketchum Zone .shp file on an aerial photo showing the Fayed point of diversion and the driller's log for the Fayed well. It is apparent that the use of the Big Wood ground water model cell delineations for the Ketchum Zone .shp is too coarse and failed to include the Fayed point of diversion.



The d Angelo property and points of diversion are within part of the Ketchum Zone which incorporates the Eagle Creek drainage and the Fayed property is within the Ketchum Zone, so there should be no problem with these location relative to the new interim water supply bank criteria.

I am therefore requesting, on behalf of the applicants, that the application be approved and the .shp file for the Ketchum Zone be modified to include the Fayed point of diversion.

Please respond so that we can inform our clients of the decision on this request.

Thanks

Charles E. Brockway

Palmer, Cherie

From: Palmer, Cherie
Sent: Friday, February 27, 2015 11:57 AM
To: 'Greg Sullivan'
Cc: 'Zach Latham'; Webster, Clay
Subject: BWR Zone shapes
Attachments: BIG WOOD 5.zip; BIG WOOD.zip

Greg,

Per our phone conversation this morning, I am sending you the shapes created for the BWR WSB Rental Interim Policy.

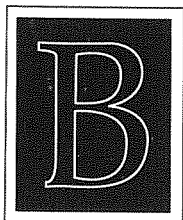
To summarize our conversation this morning, we will fulfill Forgeon's rental request using an existing lease from the Blaine County Recreation District. It seems that you might have other water rights that will be coming into the bank to fulfill the D'Angelo rental request.

One item that I failed to mention in the phone conversation is the capability to move between zones. As long as a leased PD is within a zone, you can provide a stream depletion analysis that confirms any possible mitigation when moving in between zones.

Unfortunately, water right 37-8499 is not within a zone at all so it cannot be used to fulfill rental that falls within any zone.

I hope this hopes clear things up a bit. Please let me know if the files I emailed work. Thanks.

Cherie



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 2, 2014

Cheri Palmer
Water Rights Supervisor
Idaho Department of Water Resources
322 East Front Street P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
DEC 04 2014
DEPARTMENT OF
WATER RESOURCES

Re: Water Supply Bank Rental D' Angelo and Forgeon

Dear Cheri:

Thank you for the November 20, 2014 response to the request for Water Supply Bank rental for two of our clients, Anthony and Judy D' Angelo and Ralph Kent Forgeon. These requests were submitted along with the request to lease water right 37-8499 owned by Ali Fayed to the Water Supply Bank. You indicated in your November 20, 2014 letter that both applications were reviewed to determine whether or not the proposed use will reduce the quantity of water available under existing water rights. Further, you determined that pumping of groundwater based on these two applications, both of which requested to rent water from water right 37-8499, is likely to cause injury to the minimum stream flow water rights 37-7919 and 37-8307 upstream of Hailey. You stated that the Department would therefore require a hydrologic analysis of these rental applications. However, you also mentioned that the Department did not currently possess a ground water model to facilitate the necessary hydrologic analysis and, consequently, the knowledge and resources to process a rental application in this area are not available at this time.

I certainly appreciate the need for the Department to have or to perform a hydrologic analysis if, in fact, there is a likelihood of injuring existing water rights. However, I find it difficult to believe that the Department can require an analysis without a ground water model to assist in confirming or not confirming the suspected injury, and not providing the applicant with some idea of a procedure to perform an acceptable analysis without a model or even when an acceptable procedure might be available to perform the analysis.

An examination of the location of the point of diversion of the water right to be rented (37-8499) and the places of use of the applicants, shows that all three locations are situated adjacent to the Big Wood River, upstream of the

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

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

2016 NORTH
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TWIN FALLS,
IDAHO 83301

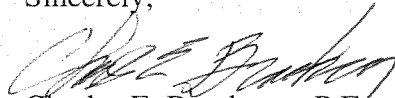
208•736•8543

FAX: 736•8506

confluence of the Big Wood River and Warm Springs Creek. This simple hydrologic analysis therefore shows that there is no way that rental of water from 37-8499 for use upstream of the place of use of the rented water right and upstream of the 18 mile reach of the Big Wood River to which the two MSL water rights are applicable can possibly injure the MSL water rights. This analysis can be performed without an elaborate ground water model.

I am therefore requesting that you reconsider the requirement for an elaborate hydrologic analysis for these applications and approve the applications.

Sincerely,



Charles E. Brockway, P.E.

Cc: Gary Spackman
Judy D'Angelo
Kent Forgeon
Kevin Lakey



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 20, 2014

ANTHONY AND JUDY D ANGELO
PO BOX 3267
KETCHUM ID 83340

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

Dear Applicant:

On November 7, 2014, the Idaho Department of Water Resources (Department) received your Water Supply Bank (Bank) rental application. The rental application indicates that you would like to rent ground water right 37-8499 for the purpose of irrigating a parcel of land in the upper Big Wood River Basin for the 2015 through 2019 irrigation seasons.

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

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

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

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

We will retain your application for the 2015 irrigation season in order to preserve your place in the processing queue and honor your request to rent water right 37-8499 if possible. However, a ground water model that will facilitate the necessary hydrologic analysis is still being worked on by the Department. Consequently, the knowledge and resources to process a rental application in your area are not available at this time.

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

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

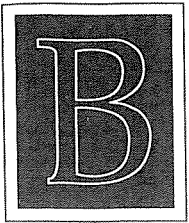
If you have any questions, please contact me at (208) 287-4944.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cherie Palmer".

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

c: Brockway Engineering PLLC



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

November 6, 2014

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

RECEIVED
NOV 07 2014
DEPARTMENT OF
WATER RESOURCES

Re: Ali Fayed Lease Application, Forgeon Rental and D'Angelo Rental

Dear Mrs. Palmer:

On behalf of the AF 2014 Trust, Brockway Engineering is submitting a Water Supply Bank (WSB) lease application which proposes to lease water right 37-8499 to the WSB for five years starting on January 1st 2015. Water right 37-8499 is authorized to irrigate 3.0 acres using ground water from a well on the Fayed property. Water right 37-8499 has been previously been leased to the Idaho Water Supply Bank from July 5, 2013 through December 31, 2014.

Mr. Kent Forgeon desires to rent 0.9 acres or 3.2 afa of 37-8499 and divert it from the irrigation well associated with 37-22170 on the Forgeon property. Mr. Forgeon seeks to rent the 0.9 acres from water right 37-8499 for five years. Currently, water right 37-22170 on the Forgeon property is authorized to irrigate 3.0 acres on the four lots owned by Mr. Forgeon out of an irrigation well. Additionally, Mr. Forgeon is authorized to irrigated 0.5 acres associated with each of the two residences on the property, or 1.0 acres under 37-8906. Water under delivered under 37-8906 originates from wells off of the Forgeon property. Approval of the proposed 0.9 acre rental will bring the authorized irrigated area up to 4.9 acres on the property.

Anthony and Judy D'Angelo are seeking to rent 2.1 acres or 7.4 afa of water right 37-8499 for five years. The 2.1 acre rentals will be broken down into three smaller acres amounts of 0.3, 0.6 and 1.2 acres. Each of these smaller acres amounts will be applied to and used on individual parcels owned by the D'Angelo's. The rental application identifies the parcels with the appropriate acre amounts.

There are three existing water rights on the property owned by D'Angelo, from which water rights 37-8515, 37-8517 and 37-8518 are diverted. Diversion of the flow rate associated with the rental will occur from these three wells.

CHARLES E.
BROCKWAY,
Ph.D., P.E.

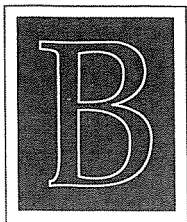
CHARLES G.
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x: 736•8506



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

With regards to the enclosed rental applications, Brockway Engineering is requesting that the WSB make a determination as to whether or not a supporting hydraulic analysis is required for approval of the applications and the basis for the requirement, if needed.

The demand for available rentable water in the Big Wood River Basin is expected to expand greatly as the Department continues to review irrigation water use violations. It is requested that the Water Supply Bank process these two rental applications as quickly as possible. This will allow the rental applicants to appropriately plan for the upcoming coming irrigation season.

Please copy our office on all correspondence regarding these WSB lease and rental applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Mr. Ali Fayed
Mr. Terry Hogue
Mr. Kent Forgeon
Mr. and Mrs. D'Angelo

Enc: (1) Fayed WSB Lease Application, Aerial Map, W-9 Form
(1) Forgeon WSB Rental Application, Aerial Map
(1) D'Angelo WSB Rental Application, Aerial Map
Brockway Engineering check #12298 for \$250.00

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