

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

FEB 19 2015

DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

Lessor: AF 2014 TRUST ALI FAYED TRUSTEE
ROUND ISLAND 50 PEAR LN FIELD POINT CIR
GREENWICH CT 06830
203-629-8181

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
37-8499	0.11 CFS	11.1 AF		3.0 AC
Combined Lease Totals:	0.11 CFS	11.1 AF		3.0 AC

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2019.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

AF 2014 TRUST ALI FAYED TRUSTEE

Round Island 50 Pear Ln Field Point Cir
GREENWICH CT 06830

By 
Printed Name Ali Fayed

Date 02.16.2015
Title Trustee

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date February 19, 2015

Lease approved by IDWR 

Date 2/19/2015

ATTACHMENT A
WATER RIGHT NO. 37-8499
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: AF 2014 TRUST ALI FAYED TRUSTEE
ROUND ISLAND 50 PEAR LN FIELD POINT CIR
GREENWICH CT 06830
203-629-8181

Priority Date: 03/30/1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	0.09 CFS	10.5 AF
DOMESTIC	01/01 to	12/31	0.02 CFS	0.6 AF
	Total:		0.11 CFS	11.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1 Twp 04N Rge 17E BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	1			2.2	0.8													3.0

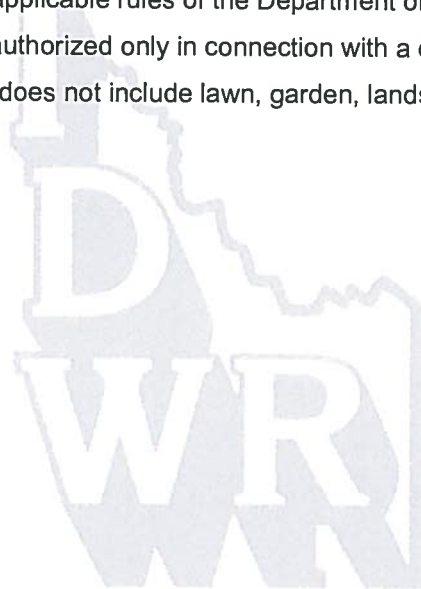
Total Acres: 3.0

DOMESTIC same as IRRIGATION

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

8. Acceptance of a right into 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.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Irrigation use under this right is authorized only in connection with a domestic use.
13. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.



STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

RECEIVED

NOV 07 2014

DEPARTMENT OF
WATER RESOURCES

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant AF 2014 Trust Ali Fayed TrusteeWater Right No. 37-8499

One water right per application

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☒ ☐ Contact information for *all owners* of the water right that is being leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☒ ☐ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3D ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>CS</u>	Date Received: <u>11/07/14</u>	Receipt # <u>C099586</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>AF 2014 Trust</u>	

**STATE OF IDAHO
WATER RESOURCE BOARD**

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant AF 2014 Trust Ali Fayed Trustee Email Address _____
Mailing Address Round Island 50 Pear LN. Field PT. CIR. Greenwich CT Phone Number (203) 629-8181
06830

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 1D).

E. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1E).

Name of Representative Terry G. Hogue Organization Hogue & Dunlap LLP
Professional Title Attorney at Law Email Address reception@hdlaw.biz
Mailing Address 419 S. Main Street Hailey, ID 83333 Phone Number 208-788-3567

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 37-8499 ☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.
(If a portion of a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

A. Please provide a description of the current water diversion system.
Existing well provides domestic and irrigation water to the Fayed residence.

B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.
None.

- C. Will the present place of use continue to receive water from any other source? Yes ☒ No ☐
 If yes, describe. The City of Ketchum will provide domestic and irrigation water for the residence.

- D. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
 If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. N/A.

- E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒
 If yes, describe. N/A.

4. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?
 If lease, for a period from 1/1/15 to 12/31/2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current rental rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture provisions are stayed.
5. Acceptance of a water right into the bank does not, in itself, confirm the validity of the water right or any elements of the water right.


 Signature of Designated Applicant

A. FAYED
 Printed Name

10/29/14
 Date


 Signature of Authorized Representative

TERRY G. HOANE
 Printed Name

10/24/14
 Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

Water Right No. 37-8499

	Designated Applicant	Applicant #2	Applicant #3
Name	AF 2014 Trust Ali Fayed Trustee		
Mailing Address	Round Island 50 Pear LN. Field PT. CIR. Greenwich CT 06830		
Phone Number	(203)-629-8181		
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/5/2014

WATER RIGHT NO. 37-8499

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AF 2014 TRUST ALI FAYED TRUSTEE ROUND ISLAND 50 PEAR LANE FIELD POINT CIRCLE GREENWICH, CT 06830 (203)629-8181
Attorney	HOGUE & DUNLAP LLP ATTN TERRY G HOGUE 419 S MAIN ST PO BOX 460 HAILEY, ID 83333
Original Owner	CICELY NICOLAI
Original Owner	THEODORE NICOLAI PO BOX 5918 KETCHUM, ID 83340-5918 (208)622-7156

Priority Date: 03/30/1989

Basis: License

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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IRRIGATION	4/15	10/15	0.09 CFS	10.5 AFA
DOMESTIC	1/01	12/31	0.02 CFS	0.6 AFA
Total Diversion			0.11 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 01|Township 04N|Range 17E|BLAINE County

Licensed Diversion Capacity: 0.25

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	17E	1		SWNE	2.2		SENE	0.8						

Place of Use Legal Description:DOMESTIC same as IRRIGATION

Total Acres: 3

Conditions of Approval:

- | | | |
|----|-----|--|
| 1. | 041 | Irrigation use under this right is authorized only in connection with a domestic use.
Point of diversion and place of use are located within Large Block 9 Amended, Bigwood |
| 2. | | Subdivision. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation. |

Dates:

Licensed Date: 12/23/1998

Decreed Date:

Permit Proof Due Date: 8/1/1991

Permit Proof Made Date: 8/1/1991

Permit Approved Date: 7/17/1989

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date: 03/30/1989
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Water Supply Bank:
Lessor Name(s):ALI FAYED
Lease Status: Active
Lease Amount: 11.1
Rental Availability: 2.3
Date Received: 7/5/2013
Lease Begin Date: 7/5/2013
Expiration Date: 12/31/2014

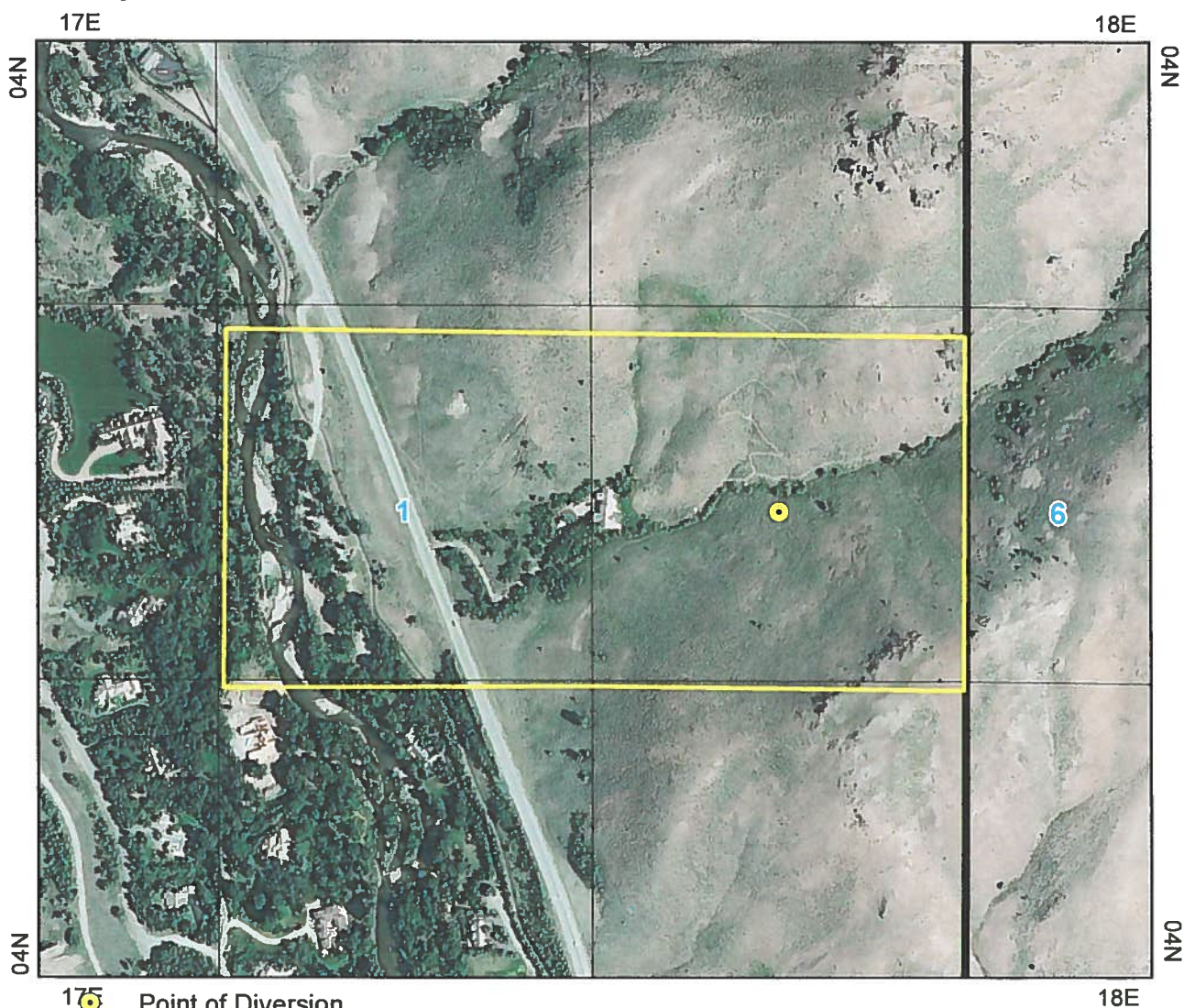
Close

State of Idaho
Department of Water Resources

Water Right
37-8499

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



175 Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 20, 2015

AF 2014 TRUST ALI FAYED TRUSTEE
ROUND ISLAND 50 PEAR LN FIELD POINT CIR
GREENWICH CT 06830

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHT NO. 37-8499

Dear Lessor:

Water Rights **37-8499** was leased into the Water Supply Bank in accordance with the executed original Lease Contract enclosed. **Your water right as described on the Lease Contract is considered leased into the Bank and should remain unused until it is formally released from the Bank.**

The right will automatically be released from the Bank on **December 31, 2019**, unless the right is released earlier by the Board, or upon your request. **Please note your right may not be available for immediate release if it has been rented.** To release the right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available from our public website at www.idwr.idaho.gov.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Terry G. Hogue- Hogue & Dunlap LLP
Greg Sullivan- Brockway Engineering PLLC
IDWR Southern Region
Kevin Lakey – Water District No. 37
Barbara M Brakman-Park Lane Investments

Hersley, Jean

From: Kevin Lakey [watermanager@cableone.net]
Sent: Friday, February 20, 2015 8:01 AM
To: Hersley, Jean
Subject: RE: WSB Lease 37-8499

I have no comments or concerns with this lease.

Kevin Lakey

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Friday, February 20, 2015 7:38 AM
To: Kevin Lakey
Subject: WSB Lease 37-8499

Ali Fayed is seeking to lease water right 37-8499 to the Bank until 2019. Please let me know as soon as possible if you have any comments or concerns. This water right was leased to the Bank for the 2014 irrigation season. Review memo and draft contract are attached.

Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

RECEIVED

FEB 19 2015

DEPARTMENT OF
WATER RESOURCES

AF 2014 TRUST
c/o Park Lane Investments
240 Greenwich Ave – 3rd Floor
Greenwich, CT 06830

February 17, 2015

Mr. Clay Webster, Water Resource Agent
State of Idaho
Department of Water Resources
322 East Front Street
Boise, ID 83720-0098

RE: WATER SUPPLY BANK LEASE CONTRACT
LEASE WATER RIGHT 37-8499

Dear Mr. Webster:

Enclosed please find two (2) original signed Water Supply Bank Lease Contracts for the above referenced Lease Water Right. Once the contracts have been signed by the Water Supply Board please return one fully executed copy to me for my file.

With best regards.

Sincerely,



Barbara M Brakman (on behalf of A Fayed)

Enc.



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

February 5, 2015

ALI FAYED
ROUND ISLAND
50 PEAR LN FIELD POINT CIR
GREENWICH CT 06830

RE: APPLICATION TO LEASE WATER RIGHT 37-8499 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return BOTH Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Encl: Proposed Lease Contracts

C: Terry G. Hogue, Hogue & Dunlap LLP
Greg Sullivan, Brockway Engineering PLLC

MEMORANDUM

To: Water Right File No. 37-8499
From: Emalee Rushing
Date: January 26, 2015
Re: Review of Application to Lease Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: Application to lease the entire water right into the Bank was submitted by Greg Sullivan of Brockway Engineering on Nov. 7, 2014. The land and home will continue to receive water from the City of Ketchum.

AUTHORITY TO FILE: The application was signed by the right holder Ali Fayed who is Trustee for the AF 2014 Trust. Mr. Fayed is represented by attorney Terry G. Hogue of Hogue & Dunlap LLP who also signed the application.

WATER RIGHT VALIDITY: No review at this time since the water right is currently leased to the Bank.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The regional manager expressed that he has no issues and the watermaster was not contacted as this is a ground water right.



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

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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.

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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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