

SPECK & AANESTAD RECEIVED
A PROFESSIONAL CORPORATION
ATTORNEYS

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SEP 08 2010
DEPARTMENT OF
WATER RESOURCES

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

September 3, 2010

Mr. Aaron Marshall
Idaho Department of Water Resources
Post Office Box 83720
322 E. Front St.
Boise, Idaho 83720-0098

**Re: Paul Brainerd;
Application to Rent Water From the Water Supply Bank**

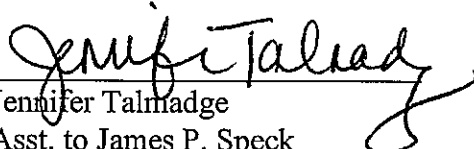
Dear Aaron:

Enclosed please find the original and one copy of the Application to Rent Water From the Water Supply Bank for our client, Paul Brainerd. Please file the original, and receipt date-stamp the copy and return it to us in the enclosed self-addressed, postage prepaid envelope provided for that purpose.

Please call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jennifer Talmadge
Asst. to James P. Speck

Enclosures

cc: Paul Brainerd w/encl.

RECEIVED

SEP 08 2010

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Name of Renter Paul Brainerd Phone (206) 448-0676
Mailing address 2000 First Ave., #2504, Seattle, WA 98121 Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 0.01 Maximum Volume (ac-ft) n/a Nature of Use Irrigation Period of Use April 15 to Nov 1

Total: 0.01 cfs

2. Source of water Ground water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
5N	17E	10		SE	SE		Blaine

4. Lands to be irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	17E	10																2.2	2.2
5N	17E	11											0.1						0.1
5N	17E	14						0.1											0.1
5N	17E	15	3.2																3.2

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 5.6*

* Only 0.5 acres will be irrigated within this 5.6-acre place of use.

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☒ No ☐
If no, list owner, contact information, and provide documentation of the 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 provide documentation of the 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.
Well, buried main line and underground sprinkler 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.
37-8141
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. _____
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. _____

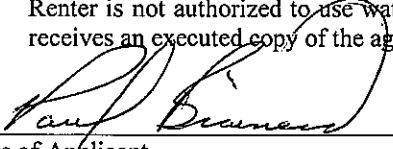
E. RENTAL TERM

1. 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. 2 years

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

Paul Brainerd
Printed Name and Title*

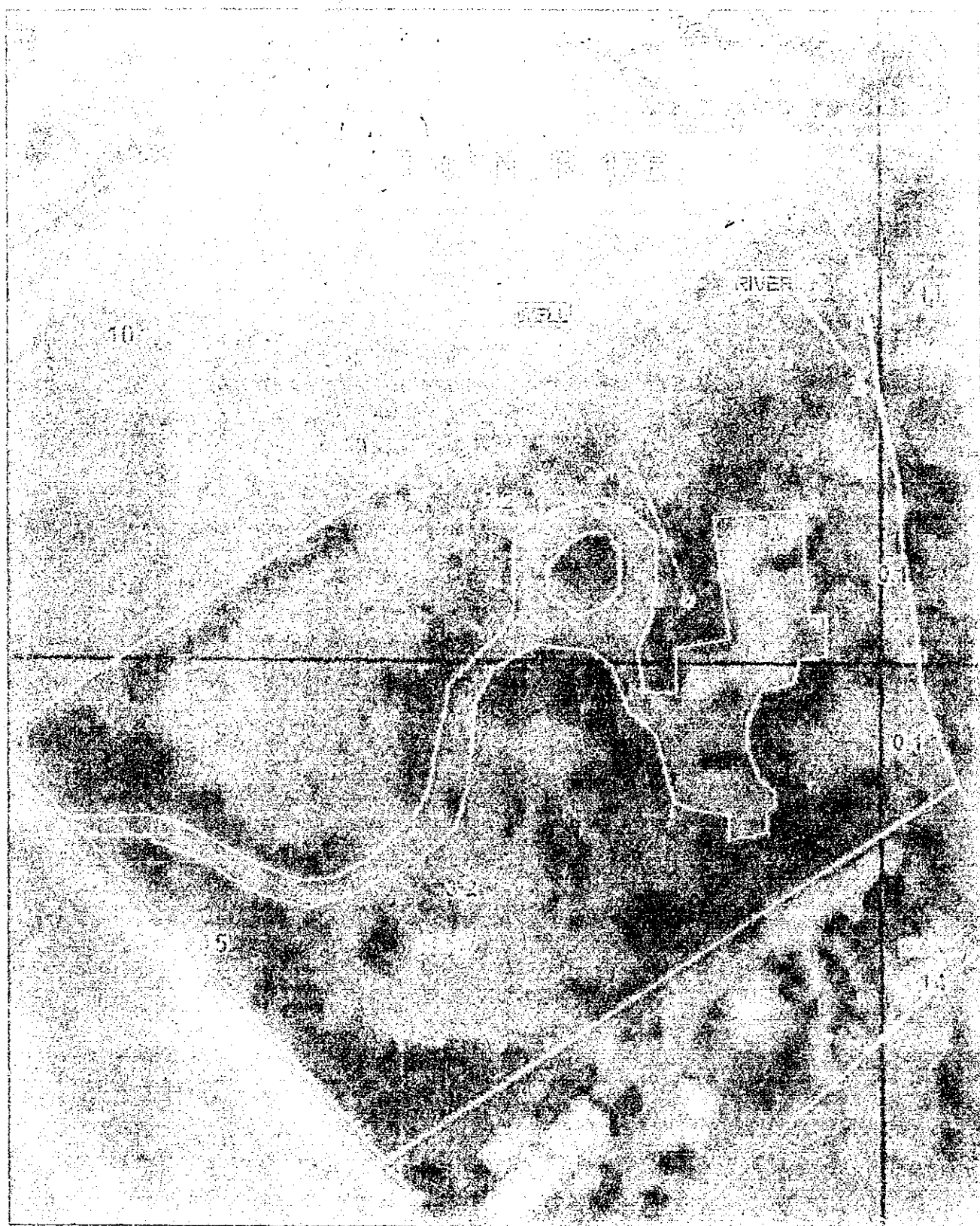
9/2/10
Date

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

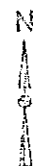


0 100 200 Feet

**BRAINERED, PAUL
PERMISSIBLE PLACE OF USE
NAIP 2004 AERIAL**

Legend

- Easement Subdivision
- Point of Dissection
- Sections
- 105n17e



BROCKWAY ENGINEERING, PLLC.
ALR - JULY 14, 2003
FVW: 12/20/2003/12/20/2003/12/20/2003

At Alaska: Place of use to include entire parcel within section.