

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 729

RECEIVED
MAY 02 2023
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

DAMO LLC
C/O STEPHEN WYNN 2449 N
TENAYA WAY # 35290
LAS VEGAS, NV 89133-8093

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 No. | Priority Date | Source | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (AC) | Rate Per Acre (CFS/AC) | Volume Per Acre (AF/AC) |
|----------------------|---------------|--------------|----------------------|-----------------------|------------|------------------------|-------------------------|
| 37-7926 | 8/12/1981 | GROUND WATER | 0.01 | 1.2 | 0.4 | 0.03 | 3.0 |
| Rental Totals | | | 0.01 | 1.2 | 0.4 | 0.03 | 3.0 |

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2027. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2027: \$2.76 annually

The full fee for the rental of the above-described right(s) is \$27.60 per year for years 2023 - 2027. The rental fee includes an administrative fee of \$27.60 per year for years 2023 - 2027. The administrative fee required for this rental is calculated using more decimals than the rounded amounts recorded on this agreement. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 37-7926.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

SUNSHINE
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 729

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:

SA Wynn 4/24/2023
Signature of Renter Date

Stephen Wynn Manager
Printed Name Title

*Title required 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 [Signature] Date 5/1/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR [Signature] Date 5/10/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 729

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

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

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.01 CFS

VOLUME
1.2 AF

SEASON OF USE

| | | |
|------------------------|-------------|-----------|
| Water Right No. | From | To |
| 37-7926 | 4/1 | 11/1 |

RENTERS PLACE OF USE: IRRIGATION

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals | |
|-----|-----|-----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|--------|-----|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| 04n | 17e | 12 | | | | 0.4 | | | | | | | | | | | | | | 0.4 |

Total Acres: 0.4

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

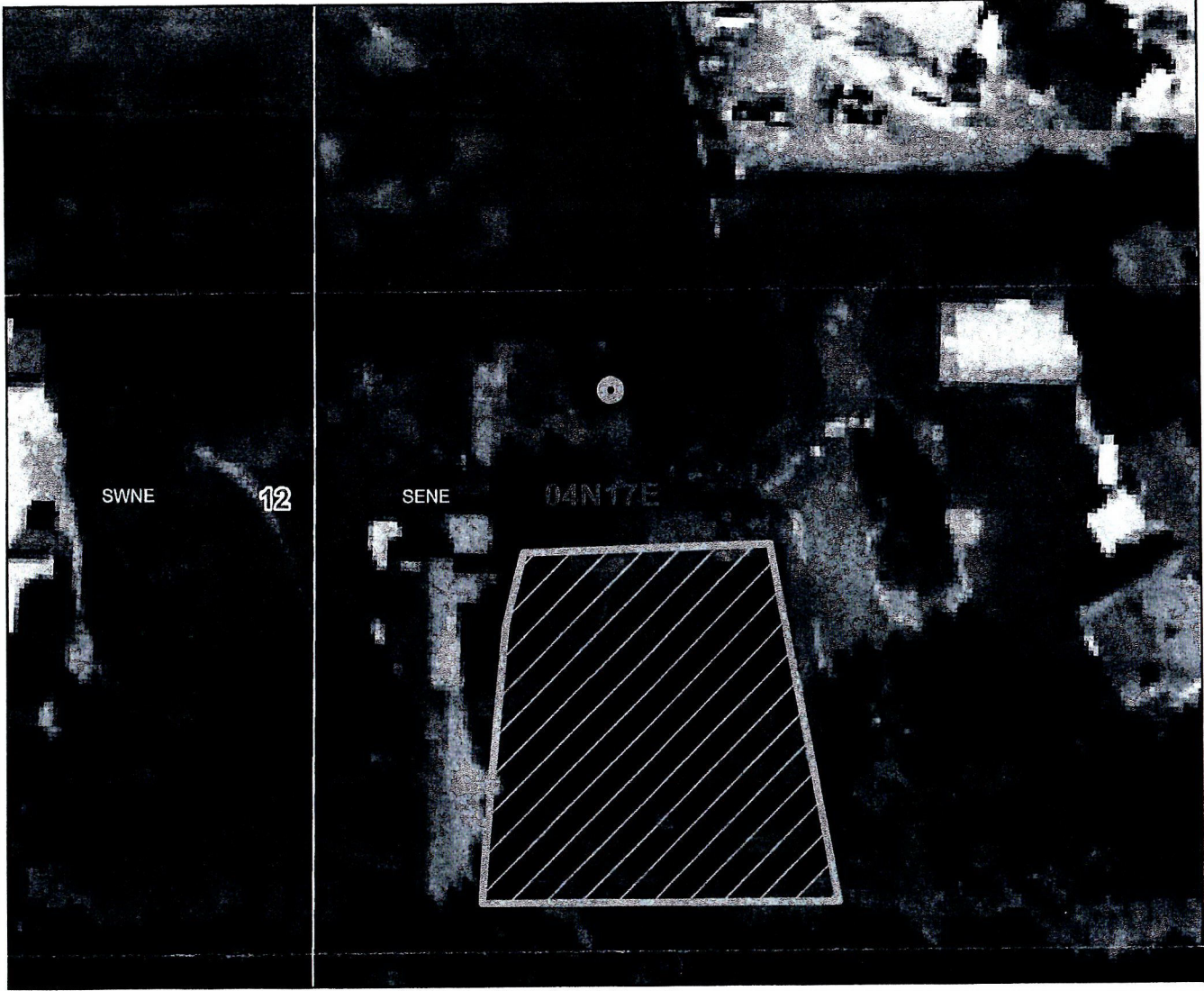
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption 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. 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.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. 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.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental agreement does not authorize the construction of a well.
10. 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.
11. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 1.4 afa at the field headgate for irrigation of the place of use.

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Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 729

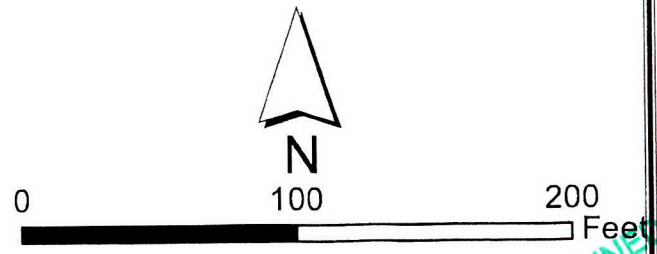
Effective until December 31, 2027

This map depicts the rental place of use pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Legend

- Water Supply Bank Rental POD
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ



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MAY 11 2023

FEB 03 2023

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: Damo, LLC

Is this application being submitted with a lease application as a lease/rental package? Yes No
If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

| MINIMUM REQUIREMENT CHECKLIST | | |
|------------------------------------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Check All Items as Either Attached (Yes) or Not Applicable (N/A) | | |
| | Yes | |
| | <input checked="" type="checkbox"/> | Completed <i>Application to Rent Water from the Board's Water Supply Bank</i> |
| | <input checked="" type="checkbox"/> | Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank |
| Attachment | N/A | Yes |
| 2 | <input checked="" type="checkbox"/> | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | <input checked="" type="checkbox"/> | <input type="checkbox"/> Detailed information on a proposed use of rental water |
| 3F | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | <input checked="" type="checkbox"/> | <input type="checkbox"/> Water modeling to account for the impacts of the rental request |
| 3J | <input checked="" type="checkbox"/> | <input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

37-7926

2587

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**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Damo, LLC

Mailing Address 2449 N. Tenaya Way #35290 Las Vegas, NV 89133

Street City State Zip Code

Email Address hspangler@luluco.com Phone Number 702-340-8429

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

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

Representative _____ Professional Title _____

Organization _____ Relationship to Applicant _____

Mailing Address _____

Email Address _____ Phone Number _____

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it Attachment 2.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them Attachment 3A:

Residential Irrigation

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

| Desired Rate (Cubic Feet/Second) | Desired Volume (Acre-Foot) | Minimum Rate* (Cubic Feet/Second) | Minimum Volume* (Acre-Foot) | Desired Acres (If applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 0.01 CFS | 1.3 AF | 0.01 CFS | 1.3 AF | 0.4 AC |

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

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

| Desired Start Date (month/day/year) | Latest Possible Start Date (month/day/year) | *Mark Desired Rental Duration (Calendar Years) | | | | | **Applicant's preference if rental application cannot be processed prior to the latest possible start? | |
|----------------------------------------|------------------------------------------------|---------------------------------------------------|----------------------------|----------------------------|----------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| April 15 | April 15 | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> Process application as soon as possible | <input type="checkbox"/> Return application to applicant |

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes No
 If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

| Water Right Elements Leased to Water Supply Bank | | | | | Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent | Water Supply Bank Rental Request | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------|-------------|------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------|------------|
| Water Right Number (leave blank if sub-total of combined limits) | Nature of Use | Diversion Rate (CFS) | Volume (AF) | Acres (AC) | | Diversion Rate (CFS) | Volume (AF) | Acres (AC) |
| 37-7926 | Irrigation | 0.03 | 4.1 | 1.3 | 0.01 | 1.3 | 0.4 | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank | | | | | TOTAL | 0.01 | 1.3 | 0.4 |
| | | | | | CFS | AF | AC | |

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:
 N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented? Yes No
 If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes No
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
Rented the same water rights 2018-2022. Have not found a water right to purchase.

B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes No
If yes, describe:

C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes No
If yes, describe the date and location of the NOV.

D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Stephen A. Wynn
Signature of Applicant

Stephen A. Wynn, Manager
Printed Name of Applicant

1-12-23
Date

Signature of Representative

Printed Name of Representative

Date

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

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MAY 11 2023

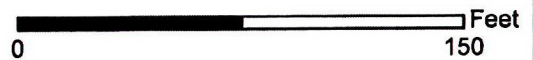
Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2016

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



ATTACHMENT 2 - DAMO, LLC APPLICATION TO RENT WATER

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WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER:

Received Date: 2/3/2023
 Latest Start Date: 4/15/2023
 Renter: Damo LLC

Rental Expiration Date _____
 Lease/Rental Package Y N

Application # 2587 Agreement # 729

| Water Right | Lease Contract ID |
|------------------|-------------------|
| # <u>31-7926</u> | <u>APP 2586</u> |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |
| # _____ | _____ |

Applicant Authorized? Y / N
 Map of POU and POD Y / N
 POD consent? Y / N
 ESPA Modeling? Y / N NA
 Application Complete? Y / N
 Minimum Checklist in database?
 Request for additional information letter sent: Y NA
 WSB Action Request for deficiencies

Comments:
 superceding app 2565
 ↳ verified w/ rep via phone 2/8/23 MK
 ↳ Holli Spangler

| Mailings (per application) | Original | CC | Email or Address |
|------------------------------------------------------------------------------|--------------------------|--------------------------|------------------|
| Renter: <u>Damo LLC</u> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Attorney: _____ | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Consultants Name: _____ | <input type="checkbox"/> | <input type="checkbox"/> | |
| Conveyance Entity: _____ <small>Ex. Irrigation Dist. of Canal Co.</small> | (final only) | <input type="checkbox"/> | |
| (Ground) Water Dist: <u>37</u> | (final only) | <input type="checkbox"/> | |
| Other: _____ <small>WD Snake 01, Boise, Payette, and Bear River</small> | (final only) | <input type="checkbox"/> | _____ |
| Region: <u>Southern</u> | (final only) | <input type="checkbox"/> | |
| Watermaster: _____ | (final only) | <input type="checkbox"/> | |
| Compliance: _____ | (final only) | <input type="checkbox"/> | |

Resolving NOV? Y / N
 # _____

Call up Date: _____

DO NOT SCAN



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 10, 2023

DAMO LLC
C/O STEPHEN WYNN 2449 N
TENAYA WAY # 35290
LAS VEGAS, NV 89133-8093

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-7926, AGREEMENT 729**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2.76** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 1.2 acre-feet of water for irrigation of 0.4 acres during 2023 - 2027. 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.

Because there is a private agreement between the lessor and the renter **you are only obligated to pay the 10% administrative fee or \$2.76** for 2023.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Water Supply Bank

Enclosures: Receipt No. C116170
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office

SCANNED
MAY 11 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 3, 2023

DAMO LLC
C/O STEPHEN WYNN
2449 N TENAYA WAY #35290
LAS VEGAS NV 89133-8093

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-7926, AGREEMENT 729**

*****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 **\$27.60 per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 1.2 acre-feet. Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$2.76.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check in the amount of \$2.76 for 2023 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Water Supply Bank

Enclosures

c: IDWR Front Desk

SCANNED
MAY 11 2023

MEMORANDUM FOR RENTAL AGREEMENT #729

To: Water Right 37-07926
From: Bob Howe
Date: 02/10/2023
Re: Review & Analysis of Application to Rent Water to the State Water Supply Bank

PURPOSE/NARRATIVE:

The complete application for rental of a portion of water right (WR) 37-7926 was received on February 3rd, 2023. The application was submitted on behalf of DAMO, LLC by Stephen A. Wynn, manager of DAMO, LLC. The purposed rental requests 0.01cfs and 1.3 AF for the irrigation of 0.4 acres, a portion of Kiril Solokoff's lease of 0.02cfs and 2.7 AF, idling 0.9 acres. Although the application for rental requests 1.3 AF, the amount being rented is for the irrigation of 0.4 acres on property with no appurtenant water rights. The duty of water rented was matched to a 0.4-acre portion of WR 37-7926. This provides 0.01cfs and 1.2 AF for the irrigation of 0.4 acres, the same as the previous rental agreement for irrigation of the same 0.4 acres from 2018-2022. There is an existing private fee between the lessor and renter, so only administrative fees will be applied to the rental.

AUTHORITY TO FILE:

The lease application was signed by Stephen A. Wynn, Manager of DAMO, LLC. Parcel data names DAMO, LLC C/O Steve Wynn, as the current owner as the parcel owner appurtenant to the rental POU. A business search through the Idaho Secretary of State's office shows that DAMO, LLC has an Inactive-Revoked status, since 04/16/2019. A business search through the Nevada Secretary of State's website shows DAMO, LLC is currently registered for business in Nevada and the 2022 Annual list name's Stephen Wynn as manager. There are no concerns regarding the authority to file the lease application.

INJURY TO OTHER WATER RIGHTS:

The lease and rental POD well locations are within approximately 500 feet of one another. The leased POD is upstream of the rental POD. The duty of water at the rental is matched to the leased water right. There are no concerns regarding injury to other water rights as a result of the purposed rental of a portion of WR 37-7926.

ENLARGEMENT OF USE:

The purposed lease and rental place of use is overlapped by municipal water rights for the City of Ketchum. The idled acres are developed and have been leased into the Water Supply Bank for the last 5 years. There are no enlargement concerns with the purposed rental for the irrigation of 0.4 acres.

LOCAL PUBLIC INTEREST:

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

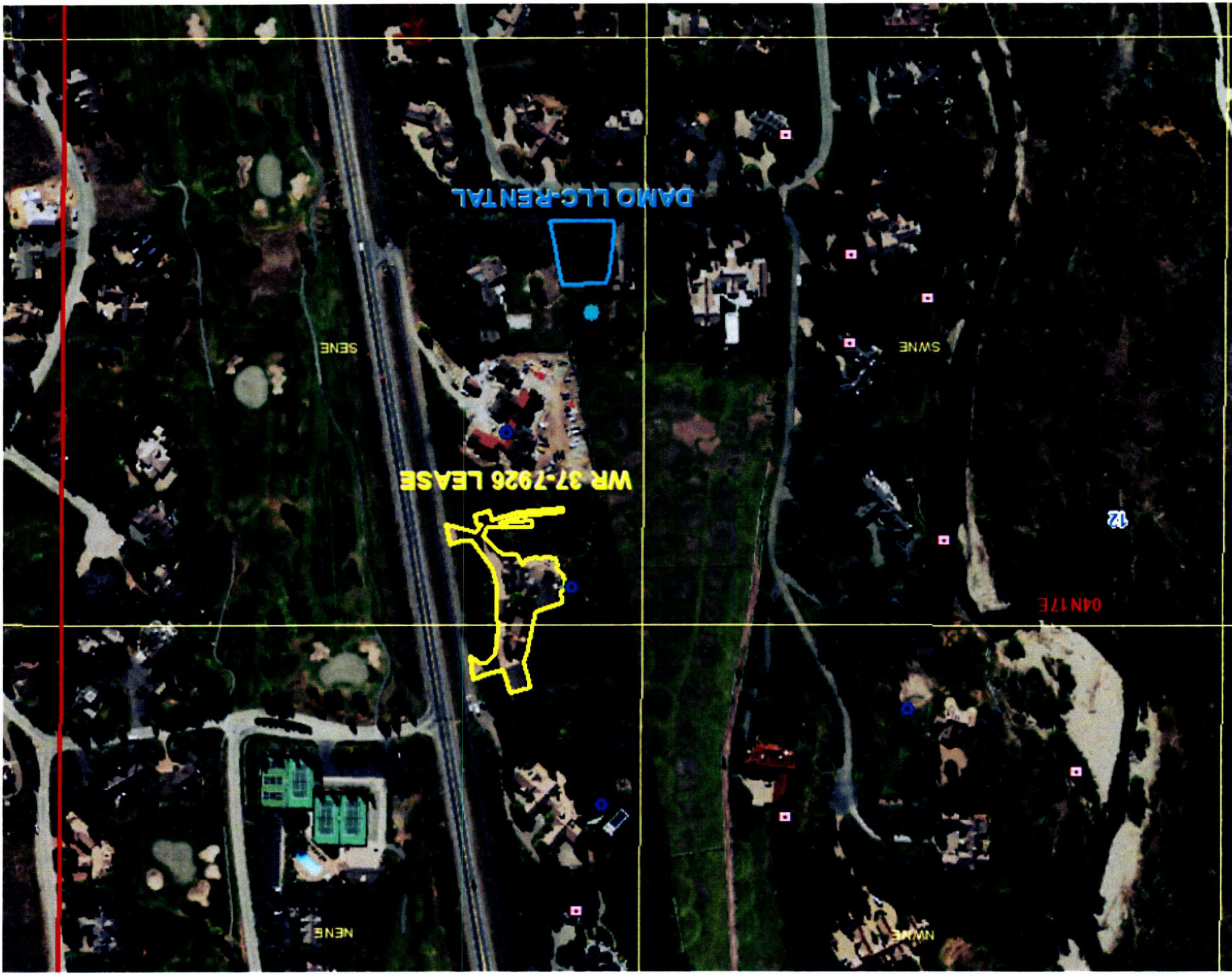
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The lease and rental PODs are administered by Water District #37 and is within the Big Wood River Ground Water Management Area (GWMA) and the Galena Ground Water District. Comment requests were emailed to the watermaster and Regional Manager Corey Skinner.

SCANNED
MAY 11 2023



SCANNED
MAY 11 2023

Idaho Department of Water Resources Receipt

Receipt ID: C116170

| | | | | | |
|----------------|------------------------------------------------------------------------------------------------|---------------|------------|--------|-------|
| Payment Amount | \$2.76 | Date Received | 5/2/2023 | Region | STATE |
| Payment Type | Check | Check Number | 0207582107 | | |
| Payer | SAW REVOCABLE TRUST | | | | |
| Comments | WATER SUPPLY RENTAL FEE 37-7926 AGREEMENT # 729 FOR DAMO LLC DOCUMENT NUMBER: D230676 | | | | |

Fee Details

| Amount | Description | PCA | Fund | Fund Detail | Subsidiary | Object |
|--------|-----------------------------|-------|------|-------------|------------|--------|
| \$2.76 | WATER BANK-DEPARTMENT SHARE | 55113 | 0229 | 21 | | 1205 |

Signature Line (Department Representative)