

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 659

RECEIVED

NOV 07 2022

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

JAMIE O BRIEN
1126 W MONTANA ST
CHICAGO, IL 60614-2221

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)
37-22019	3/29/1961	GROUND WATER	0.07	12.3	3.5	0.02	3.5
Combined Rental Totals			0.07	12.3	3.5	0.02	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2025. 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 2022, whichever occurs last.

Annual Rental Fee:

2022: \$246.00 annually
2023 - 2025: \$282.90 annually

The full fee for the rental of the above-described right(s) is \$246.00 for year 2022 and \$282.90 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$24.60 for year 2022 and \$28.29 per year for years 2023 - 2025.

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.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 659

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:

 10/24/22
Signature of Renter Date

Jamie Stone O'Brien Owner
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  Date 11/8/22
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR  Date 11/8/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 659

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER 2NWNE Sec. 5, Twp 03N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.07 CFS

VOLUME
12.3 AF

SEASON OF USE

Water Right No. **From** **To**
37-22019 4/15 10/31

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	
03N	18E	5		1.1 L2			1.1 L2 2.3 L3			0.1									3.5

Total Acres: 3.5

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. Use of water under this agreement may 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.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 659

11. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan for the Big Wood River Ground Water Management Area (BWRGWMA). The Board may cancel this rental agreement if the Board determines it is not consistent with the BWRGWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
12. This rental when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre for irrigation of the place of use.
13. This rental agreement does not authorize the construction of a well.
14. This rental shall be subordinate to Big Wood River minimum streamflow water rights 37-7919 & 37-8307 and diversion are only authorized when flows exceed 189 cfs as measured at the USGS Stream Gage 13139510 in Hailey, ID.

**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED
Apr 11, 2022
DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Jamie Stone O'Brien

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

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|-----------|--|--|
| 2 | ☒ | 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 | ☒ ☐ | Detailed information on a proposed use of rental water |
| 3F | ☒ ☐ | Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ ☐ | Water modeling to account for the impacts of the rental request |
| 3J | ☒ ☐ | Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☒ ☐ | Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☒ ☐ | Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☒ ☐ | Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

37-22019

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NOV 27 2022

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Jamie Stone O'Brien

Mailing Address <u>1126 W Montana St</u>	City <u>Chicago</u>	State <u>IL</u>	Zip Code <u>60614-2221</u>
Street	City	State	Zip Code
Email Address <u>jamiestoneobrien@gmail.com</u>		Phone Number <u>615-418-0254</u>	

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 <u>James P. Speck</u>	Professional Title <u>attorney</u>
Organization <u>Speck & Aanestad, A Professional Corp</u>	Relationship to Applicant <u>attorney</u>
Mailing Address <u>PO Box 987, Ketchum, ID 83340</u>	
Email Address <u>jim@speckandaanestad.com</u>	Phone Number <u>208-726-4421</u>

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 landscape 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)
0.06 CFS	10.5 AF	0.06 CFS	10.5 AF	3.0 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?	
4/15/2022	5/15/2022	☐ 1	☐ 2	☐ 3	☒ 4	☐ 5	☒ Process application as soon as possible	☐ 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.

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Well, pump, underground sprinkler irrigation system

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
well	ground water	37-8793

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

☒ Irrigation 3.0 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: 4/15 (mm/dd) to: 10/31 (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

None

APPLICATION TO
RENT WATER #2348
AMENDED P.4

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)
37-22019	irrigation	8.78	1593.5	455.3		0.07	12.3	3.5
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	0.07	12.3	3.5
						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**:

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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)
37-22019	irrigation	8.78	1593.5	455.3		0.06	10.5	3.0
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	0.06	10.5	3.0
						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**:

Superseded pg. 4

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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:

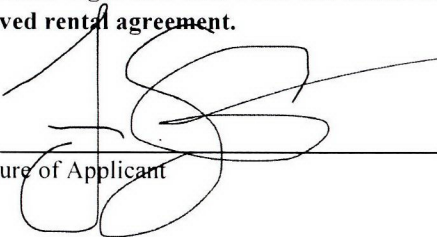
- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- 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.


Signature of Applicant

Jamie Stone O'Brien
Printed Name of Applicant

4/11/22
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

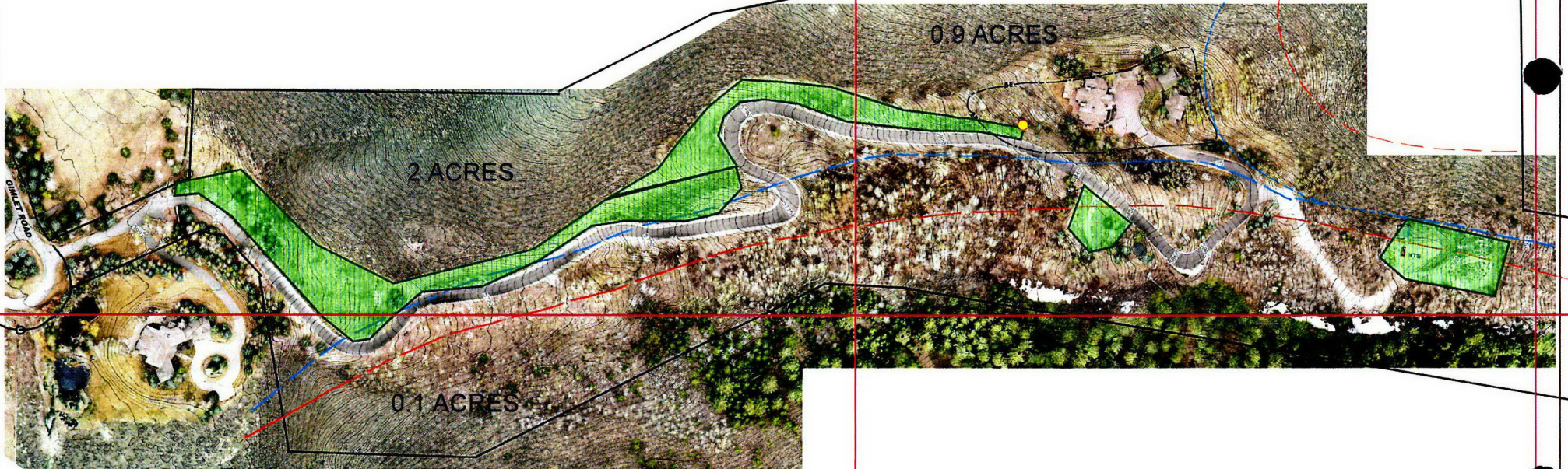
SCANNED
NOV 2 2022
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R18E

TOWNSHIP 3 NORTH RANGE 18 EAST SECTION 5

NENE
87,000 SF

NWNE
39,500 SF



SENE
4,000 SF

JAMIE STONE O'BRIEN
APPLICATION TO RENT WATER
ATTACHMENT 2

April 4th 2022 Site Plan Showing 3 Acres

- Indicates 3 acre area
- Indicates Point of Diversion

PLAN LEGEND

- Existing 5' Contour
(Per Drone Flight)
- Existing 1' Contour
(Per Drone Flight)

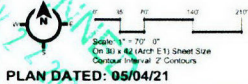
NOTES

1. PROPERTY AERIAL IMAGE FROM DRONE FLIGHT DATED 05/04/21 BY NS CONSULTING, PLLC.
2. THIS IS NOT A SURVEY AND IS A NON-AUTHORITATIVE MAP.

O'BRIEN PROPERTY

DRONE ORTHOMOSAIC AERIAL PHOTOGRAPH & TOPOGRAPHY
BLAINE COUNTY, ID

BYLA



WSB Mailing Checklist for Rentals

(Use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF:

MC MK

REVIEWER:

MC

Received Date: 04/08/2022

Latest Start Date:

Renter: J O'Brien

Rental Expiration Date

Lease/Rental Package

Y

N

Application # 2348

Agreement # 659

Water Right	Lease Contract ID
# 37-22019	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:

subject to MSF

Mailings (per application)

Original

CC

Email or Address

Renter: James O'Brien

☒

☐

Attorney:

James O'Brien

☐

☐

Consultants

Name:

James Speck

☒

☐

Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(final only)

☐

(Ground) Water Dist:

37

(final only)

☐

Other:

BWGWMA

(final only)

☐

WD Snake 01, Boise, Payette, and Bear River

Region:

(final only)

☐

Watermaster:

Kevin Lakey

(final only)

☐

Compliance:

(final only)

☐

Resolving NOV? Y / N

#

Call up Date: _____

DO NOT SCAN



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

November 22, 2022

JAMIE O BRIEN
1126 W MONTANA ST
CHICAGO, IL 60614-2221

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-22019 AGREEMENT 659**

Dear Renter:

Please find enclosed receipts in the amount of **\$528.90** and a copy of the fully executed Water Supply Bank Rental Agreements in connection with the rental of 12.3 acre-feet of water for irrigation of 3.5 acres during 2022. 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 \$476.01 of the rental fees will be paid to the lessor(s) and 10% or \$52.89 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C114570
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Water District 37
James Speck

SCANNED
NOV 22 2022



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

October 20, 2022

JAMIE O BRIEN
1126 W MONTANA ST
CHICAGO, IL 60614-2221

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-22019 AGREEMENT 659**

*****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 \$246.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 12.3 acre-feet.

Please send a check for \$246.00 for 2022 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. 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.

Pursuant to the Water Supply Bank Rules, 90% or \$221.40 of the rental fee will be paid to the lessor(s) and 10% or \$24.60 will be retained by the Department to offset administrative costs for **2022**.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk
James Speck

SCANNED
NOV 22 2022

MEMORANDUM

To: Water Right(s) 37-22019

From: Michele Edl

Date: September 15, 2022

Re: Review & Analysis of application # to Rent Water to the State Water Supply Bank

PURPOSE/NARRATIVE: On April 8, 2022, IDWR received an application to rent a portion of water right 37-22019 from the Water Supply Bank (WSB) for four years (2022-2025). The rental application was submitted by James P. Speck (Speck & Aanestad, a professional corporation) on behalf of Jamie O'Brien.

The application requested water to irrigate 3.5 acres that isn't currently authorized as the place-of-use (POU) for any water right. The rental water would be diverted from the applicant's existing well which the authorized point-of-diversion (POD) for decreed right 37-577CM and licensed right 37-8793.

AUTHORITY TO FILE: According to the available Blaine County parcel data, Jamie O'Brien and Matthew O'Brien own the property which contains the rental POU and the well which is proposed as the rental point-of-diversion (POD). Jamie Stone O'Brien signed the application.

The parcel is currently known as Lot 4 Block 1 of the Gimlet Terrace Subdivision.

WATER RIGHT VALIDITY: A thorough validity review of the leased right was completed in preparation for transfer 84115 (approved August 3, 2020) and for the subsequent lease contract. The right is currently under contract to remain in the WSB until December 31, 2025. There are no concerns related to water right validity at this time. Enough leased water is available from the right to satisfy this rental request.

INJURY TO OTHER WATER RIGHTS:

The O'Brien property is isolated from neighboring properties. There are very few water rights and few wells nearby. The majority of the rental POU are the irrigated swales and buffer strips beside the road leading up to the homes.

The nearest active well is 0.2 mile away, is sited in a different gully and is unlikely to be impacted by increased water diversion from the existing O'Brien well.

The leased right, Water Right 37-22019, authorizes diversion of ground water from the Wood River Valley Aquifer at a location near the Friedman Memorial Airport south of Hailey. The rental location is approximately 7 miles due north of Hailey. Many water rights divert from ground water or surface water between the lease POD and the rental POD.

Idaho Department of Water Resources (IDWR) has recognized that the surface and ground waters of the Big Wood River drainage are interconnected. Pumping ground water under this rental may result in a depletion of water in the Big Wood River.

After this rental request was received, IDWR designated a ground water management area for the Big Wood River drainage and approved a management plan to coordinate use of the hydraulically connected ground and surface waters. The order approving the management plan and the plan itself can be found at this link: [Order Approving Groundwater Management Plan and Final BWAGWMA Plan \(idaho.gov\)](#)

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The rental approval will call attention to the requirements of the management plan with the following condition:

Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan for the Big Wood River Ground Water Management Area (BWRGWMA). The Board may cancel this rental agreement if the Board determines it is not consistent with the BWRGWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.

Water rights diverting from this area are also subject to a Trust Water Rights review. The right providing the rental water is senior to October 1, 1984, and therefore protected from a call to meet the minimum stream flow at the Murphy gage on the Snake River.

ENLARGEMENT OF USE: No enlargement of water use is anticipated through this rental. Existing Water Right 37-8793 belongs to Jamie O'Brien and authorizes the irrigation of ½ acre under the domestic use. Approximately 3.5 additional acres are to be irrigated within the O'Brien property.

The headgate volume allowance, nature-of-use and season-of-use for the water will not be changed by this rental. The rental rate and volume have been made proportionate to the elements of the lease right.

LOCAL PUBLIC INTEREST: Review staff have no information to suggest that this rental application is inconsistent with the local public interest.

Both the lease and the rental POU's and PODs are within the Galena Ground Water District. The district made commitments to a plan for management of the Big Wood River which was approved by all parties after this rental was received.

In a phone call on 9/12/2022, Water District 37 staff stated that the Galena GWD had met its commitment to the management plan.

The order approving the management plan and the plan itself can be found at this link: [Order Approving Groundwater Management Plan and Final BWAGWMA Plan \(idaho.gov\)](https://www.idaho.gov/order/Order-Approving-Groundwater-Management-Plan-and-Final-BWAGWMA-Plan)

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rental well-POD is identified as WMIS# 1001546. It is subject to oversight by Water District 37 and water use reporting to the Galena Ground Water District.

Comments regarding the rental were requested from the Watermaster for District 37 via phone call 9/12/2022. The remaining watermaster responded but stated that she was too new to the position to understand the ramifications of this rental or to have concerns.

I requested comment from the manager of IDWR's Southern Regional Office in an email on 9/12/2022. No response has been received as of this date.

I created the POU shape based on the imagery provided with the rental application.

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IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

May 9, 2022

JAMIE O BRIEN
1126 W MONTANA ST
CHICAGO IL 60614-2221

RE: APPLICATIONS 2348 TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Idaho Water Resource Board's Water Supply Bank (Bank) for the irrigation of 3.0 acres. Filing a Bank rental application does not automatically result in approval.

Before a rental application can be approved, the rental request must be reviewed, a rental agreement must be prepared, the agreement must be approved by the applicant and the Department, and the rental fee must be paid. To maximize the number of rental applications processed while managing competing priorities, the Department begins accepting rental applications on November 1 for use in the next calendar year, and it processes as many applications as it can before the start of the irrigation season in March or April. Once the irrigation season begins, Department staff members are reassigned to address field work and other duties. Consequently, few rental applications are processed after May 1.

Because your application was received near the beginning of the irrigation season, which is now underway, the Department will not be able to process your application prior to the latest possible start date on your application. Your application will remain in the order it was received for review, unless you request it be returned, or the irrigation season ends prior to finalization of a review.

Water Supply Bank Processing for application status may be found on the Department's website at <https://idwr.idaho.gov/iwrb/programs/water-supply-bank/reports/>

If you have questions regarding this matter, please contact me at 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

c: James Speck – Speck & Aanestad

RECEIVED
NOV 24 2022

Hersley, Jean

From: James Speck <jim@speckandaanestad.com>
Sent: Monday, April 25, 2022 9:38 AM
To: IDWR File
Cc: Ben Young; Jamie Stone O'Brien
Subject: Jamie Stone O'Brien - Application to Rent Water No. 2348
Attachments: WSB rental application - obrien - amended p4.pdf

Please file. Thank you

Jim

James P. Speck
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