RECEIVED
MAY 16 2023
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 734

This is to certify that:

THOMAS W WEISEL TRUST
ONE MONTGOMERY ST STE 3700
SAN FRANCISCO , CA 94104

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)
37-159B	7/30/1888	GROUND WATER	0.02	3.1	0.9	0.02	3.44
Rental Totals			**0.02**	**3.1**	**0.9**	**0.02**	**3.44**

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 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2025: $71.30 annually

The full fee for the rental of the above-described right(s) is $71.30 per year for years 2023 - 2025. The rental fee includes an administrative fee of $7.13 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.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.02	2.7	0.9	0.022	3.0
Combined Total	0.02	2.7	0.9	0.022	3.0

**** The authorized water usage reflects a reduction from the water right elements rented, to account for differences in the duty of water.***

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 734

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Signature of Renter _____ Date 5-9-23

Thomas W. Weisel
Printed Name

Renter, Homeowner
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 5/17/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 5/17/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 734

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

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

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	0.02 CFS	2.7 AF

SEASON OF USE

From	To
4/15	10/15

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	0.6	0.3															0.9

Total Acres: 0.9

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 right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

11. Use of water under this right 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.
12. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River.
13. This right does not grant any right-of-way or easement across the land of another.
14. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 734

Effective until December 31, 2025

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
- Water Supply Bank Rental POU
- Township/Range
- Sections
- QQ

N

0 50 100 150 Feet

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
Dec 16, 2022
DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Thomas W. Weisel Trust by Thomas W. Weisel, Trustee

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)

2528

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

RECEIVED
Mar 01, 2023
DEPARTMENT OF
WATER RESOURCES

1. CONTACT INFORMATION

A. Applicant Thomas W. Weisel Trust by Thomas W. Weisel, Trustee

Mailing Address One Montgomery St., Suite 3700, San Francisco, CA 94104
Street City State Zip Code

Email Address tww@stifel.com Phone Number (415) 364-2587

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 Charlie S. Baser Professional Title attorney

Organization Givens Pursley LLP Relationship to Applicant attorney

Mailing Address 601 W. Bannock St., Boise, Idaho 83702

Email Address charliebaser@givenspursley.com Phone Number (208) 388-1200

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)
0.04 CFS	3.2 AF	0.04 CFS	3.2 AF	0.9 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?	
		☐ 1	☐ 2	☐ 3	☐ 4	☑ 5		
April 15	May 1						☑ 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.***

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):
Existing well & pump, underground residential 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 & pump	ground water	37-7731

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 0.9 (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: _____ (mm/dd) to: _____ (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:
Domestic well irrigates 1/2A. Presently irrigate 5.4A, including 0.5A domestic exemption & 3.0A under 37-7731.
Want to continue existing irrigation while looking for a permanent fix within the next 5 years

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)
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			
						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 t water rights in 2017 through 2022. Have not found a water right to purchase and transfer to my property

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

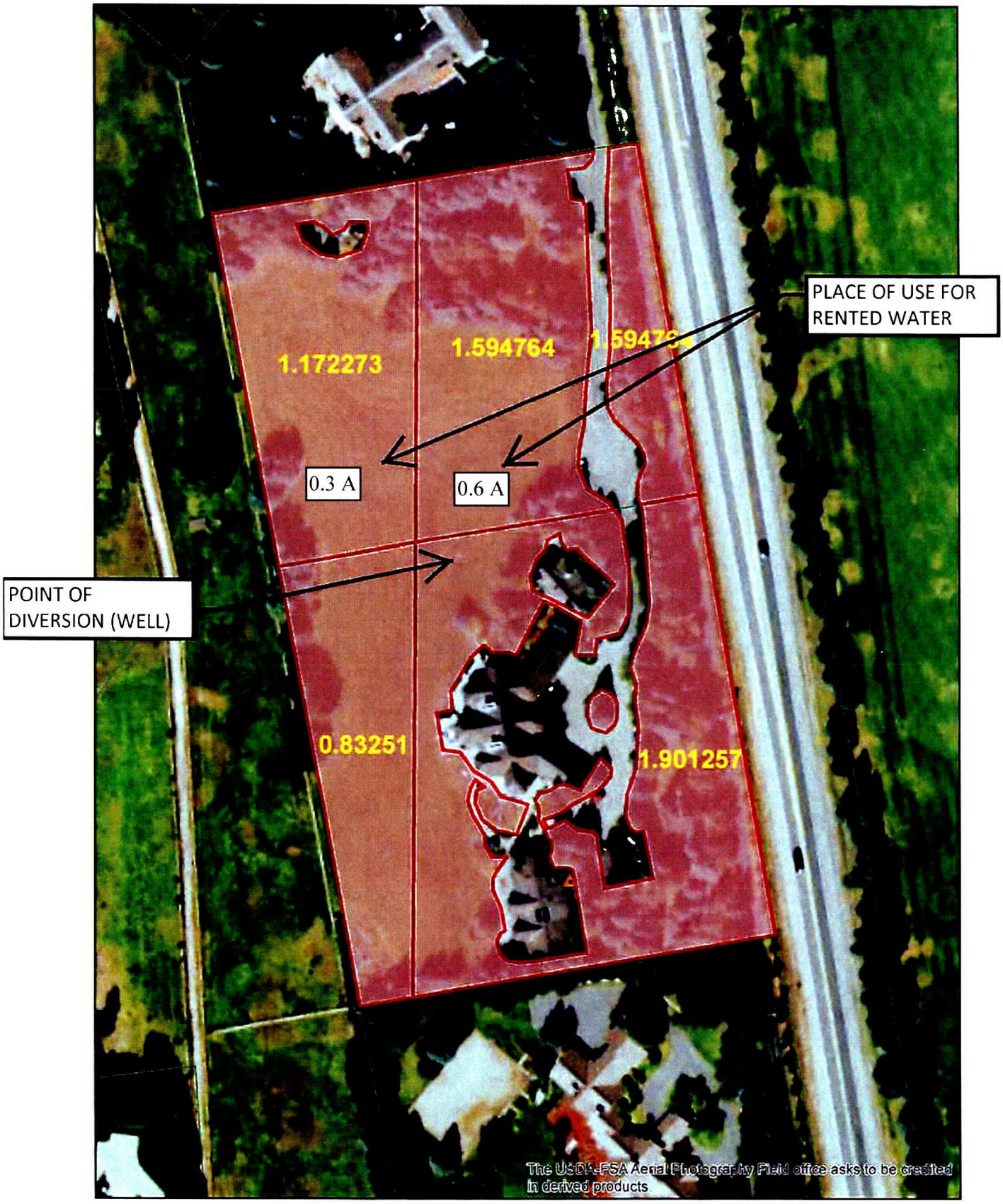
DECLARATION

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	Thomas W. Weisel, Trustee Printed Name of Applicant	12/15/2022 Date
Signature of Representative	Printed Name of Representative	Date

Mail to:

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



THE THOMAS W. WEISEL TRUST - APPLICATION TO RENT WATER FROM WATER SUPPLY BANK

ATTACHMENT 2

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Thomas W. Weisel Trust by Thomas W. Weisel, Trustee

Mailing Address One Montgomery St., Suite 3700, San Francisco, CA 94104
Street City State Zip Code

Email Address tww@stifel.com Phone Number (415) 364-2587

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 James P. Speck Professional Title attorney

Organization Speck & Aanestad, A Professional Corp. Relationship to Applicant attorney

Mailing Address PO Box 987, Ketchum, ID 83340

Email Address jim@speckandaanestad.com Phone Number (208) 726-4421

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**.

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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)
0.04 CFS	6.7 AF	0.04 CFS	6.7 AF	1.9 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.

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April 15	May 1	☐ 1	☐ 2	☐ 3	☐ 4	☑ 5	☑ Process application as soon as possible	☐ Return application to applicant

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Superceded

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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Existing well & pump, underground residential 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
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H. Has water modeling been provided with your rental request? Yes ☐ N/A ☑
If yes, label modeling Attachment 3 H.
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☑ Irrigation 1.9 (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)

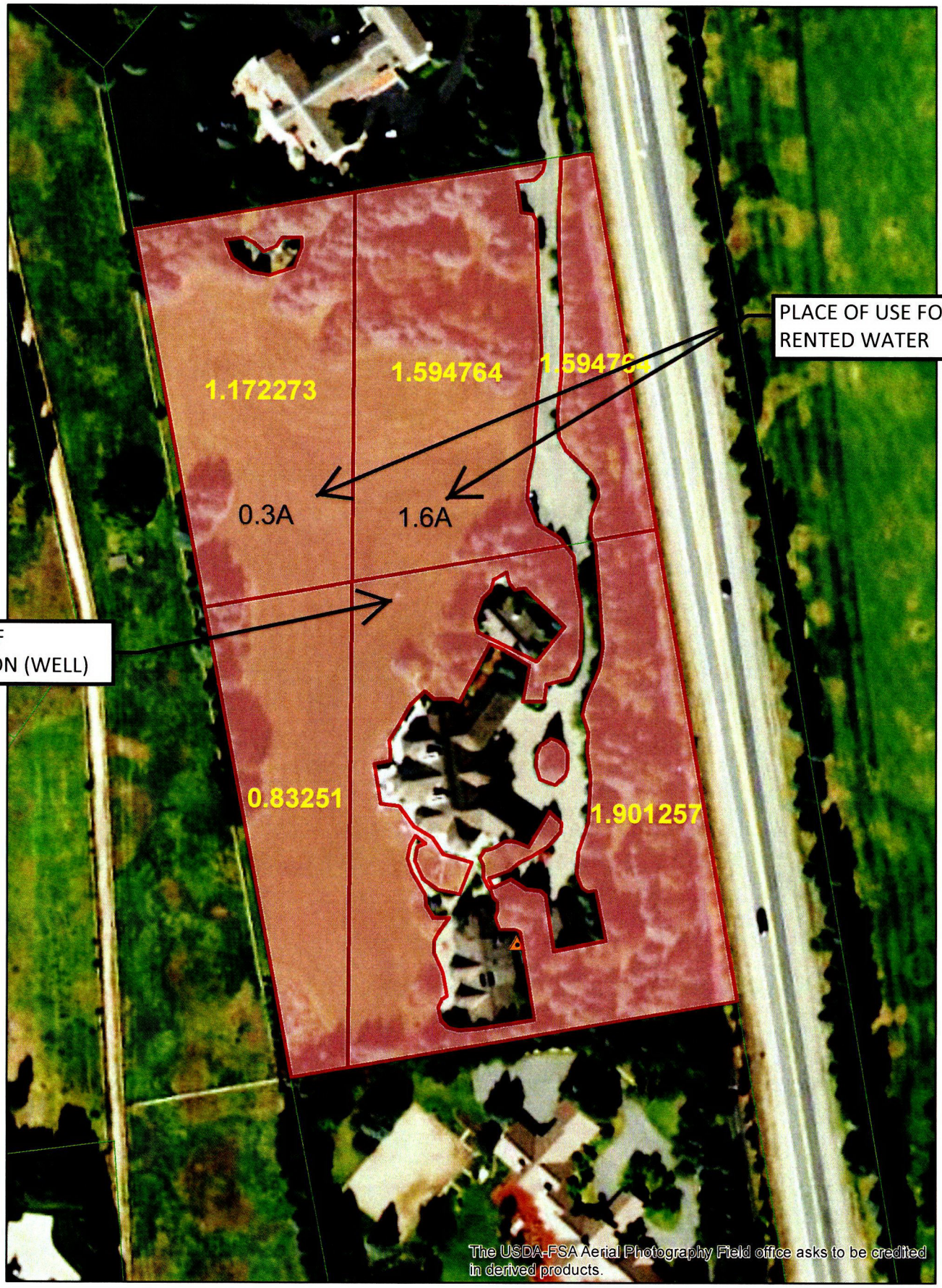
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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:
Domestic well irrigates 1/2A. Presently irrigate 5.4A, including 0.5A domestic exemption & 3.0A under 37-7731.
Want to continue existing irrigation while looking for a permanent fix within the next 5 years

Superceded



THE THOMAS W. WEISEL TRUST - APPLICATION TO RENT WATER FROM WATER SUPPLY BANK Superceded

ATTACHMENT 2

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: Skyler Cheever

Received Date: 12/16/2022

Latest Start Date: 5/1/2023

Renter: Thomas W Weisel Trust

Rental Expiration Date 12/31/2025

Lease/Rental Package Y (N)

Application # 2528 Agreement # 734

Water Right	Lease Contract ID
# 37-159B	13lele
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:

prev agreement #256

Applicant had question about KA map. wait until 5/1 to follow up.

Mailings (per application)	Original	CC	Email or Address
Renter: Thomas W Weisel Trust	☐	☐	
Attorney: ~~James P Speck~~ - Speck & Aanestad	☐	☐	Charlie Baser - 208-383-1271 charliebaser@givenspursley.com
Consultants Name:	☐	☐	
Conveyence Entity: (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist: Galena GWD	(final only)	☐	
Other: (WD Snake 01, Boise, Payette, and Bear River)	(final only)	☐	
Region: Southern	(final only)	☐	
Watermaster: Sunny Healey	(final only)	☐	
Compliance:	(final only)	☐	

Resolving NOV? Y / N

#

Call up Date: ~~5/1/23~~ 5/23/23

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 23, 2023

THOMAS W WEISEL TRUST
ONE MONTGOMERY ST STE 3700
SAN FRANCISCO, CA 94104

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-159B, AGREEMENT 734

Dear Renter:

Please find enclosed a receipt in the amount of **$71.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.1 acre-feet of water for irrigation of 0.9 acres during 2023 - 2025. 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 $64.17 of the rental fee will be paid to the lessor(s) and 10% or $7.13 will be retained by the Department to offset administrative costs 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. C116254
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Charlie Baser, Givens Pursley LLP
Galena GWD
WD 37

Parker, Cody

From: Parker, Cody
Sent: Tuesday, May 23, 2023 9:41 AM
To: Marston, Sascha; Skinner, Corey; galenagwd@gmail.com; charliebaser@givenspursley.com; watermanager
Subject: WSB Rental Agreement 734
Attachments: 2471_001.pdf

Good morning,

Attached is an executed Water Supply Bank rental agreement (No. 734) for the Thomas W Weisel Trust. Please let me know if you have any questions or need any additional information.

Thanks

Cody Parker
Water Rights Supervisor
208-287-4910

Idaho Dept. of Water Resources
322 E Front St, PO Box 83720, Boise ID 83720
idwr.idaho.gov

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

RECEIVED
MAY 16 2023
DEPARTMENT OF
WATER RESOURCES

March 20, 2023

THOMAS W WEISEL TRUST
ONE MONTGOMERY ST STE 3700
SAN FRANCISCO, CA 94104

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-159B AGREEMENT 734

*****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 $71.30 per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 3.1 acre-feet.

paid 5/9/23

Please send a check for $71.30 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. 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.

Before:
1/1/24
1/1/25

Pursuant to the Water Supply Bank Rules, 90% or $64.14 of the rental fee will be paid to the lessor(s) and 10% or $7.13 will be retained by the Department to offset administrative costs for **2023**.

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
Jim Speck

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

March 20, 2023

THOMAS W WEISEL TRUST
ONE MONTGOMERY ST STE 3700
SAN FRANCISCO, CA 94104

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WATER RIGHT NO(S). 37-159B AGREEMENT 734

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

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Please send a check for $71.30 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. 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.

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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
Jim Speck

Cheever, Skyler

From: Cheever, Skyler
Sent: Thursday, March 9, 2023 11:54 AM
To: Skinner, Corey; watermanager
Subject: RE: Water Supply Bank Rental Application 2528
Attachments: Rental Review Memo 734.docx; Rental Agreement 734.docx

Hello Corey and Ms. Healey,

Due to some unforeseen complexities with the leased water right I had to make some changes and additions to the review memo and rental agreement. Attached are the updated documents. If there are any comments you would like to make, please do so within 14 days. If you have any questions, please let me know.

Best,

Skyler

From: Cheever, Skyler
Sent: Thursday, March 2, 2023 10:44 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager <watermanager@wd37.org>
Subject: Water Supply Bank Rental Application 2528

Hello Corey and Ms. Healey,

I am currently finishing my review of rental application 2528 which is within Basin 37 and WD 37. The applicant is Thomas Weisel. The application proposed to find a contract for the irrigation of 0.9 acres. Contract 1366 had the availability to fill their proposal. Attached is a draft agreement, review memo and map of the place of use. If there are any comments you would like to make, please do so within 14 days. If you have any questions, please let me know.

Best,

Skyler

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913

MEMORANDUM FOR AGREEMENT # 734

To: Water Right No. 37-159B

From: Skyler Cheever

Date: 3/9/2023

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

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PURPOSE/NARRATIVE:
Application 2528 was sent in by Thomas Weisel and received on December 16th, 2022. An amended application was received on March 1st, 2023. The amended application reduced the number of acres from 1.9 to 0.9 acres from the original. This application proposes to find a contract with the availability to irrigate 0.9 acres from 2023-2027.

Contract 1366 has availability to fill the proposal. However, the applicant requested a five-year rental, but contract 1366 is for 3 years, through 2025. However, the water right's source is technically not a ground water, it is surface water from the East Fork Big Wood River. The applicant was contacted about the situation on January 23rd, 2023. After phone and email conversations with representatives it was decided a three-year rental was acceptable. The point of diversion is within the Big Wood River GWMA, Snake River Moratorium, Big Wood River Moratorium, Groundwater District Galena, and Trust Water Area. The Groundwater District was notified of this proposal on March 2nd, 2023. This application is a renewal of agreement 256.

AUTHORITY TO FILE:
Thomas Weisel signed the application. Mr. Weisel has the authority to file this application because he is the current owner of the property in which rental water is applied according to Department records. He is also the owner of water right 37-7731 authorizing access to the point of diversion.

INJURY TO OTHER WATER RIGHTS:
Since the point source for water right 37-159B is surface water. However, it is unlikely the impact to the river will change if the rental is approved because the proposed point of diversion is likely connected to the Big Wood River. The proposed well is less than 1000 feet from the Big Wood River and is only 48 feet deep according to Department records. Because of this a condition should be added to the agreement limiting the diversion of groundwater to the times water is available and in priority from the Big Wood River.

The proposed POD is roughly 6 miles upstream from the confluence between the Big Wood River and East Big Wood River. This would therefore be considered an exchange changing the source from the East Fork Wood River to the Big Wood River. This is because the point of diversion is upstream of the confluence between the sources. There could be injury concerns for users between the rental point of diversion the confluence between the Big Wood River and the East Fork Big Wood River. It is unlikely there would be injury to Senior users because there is adequate supply to satisfy rights and the watermaster will administer rights by priority. There is unlikely to be injury to junior right because there will be adequate supply for all rights until junior rights are curtailed. Junior users between the rental POD and leased POD would either be normally required to pass water to senior downstream rights which can now be diverted above their POD or curtailed by priority.

The proposed point of diversion will not move outside any GWMA's, CGWMA's or Moratorium areas the contract 1366's point of diversion was within. The IWRB is concerned that rentals

within the Big Wood River drainage might impact minimum stream flow reaches but the right 37-159B is senior to all three MSF rights. The proposed rental should not impact MSF reaches if the rights are administer by priority.

ENLARGEMENT OF USE:
The place of use does not overlap any other water rights POU with the same beneficial use. The point of diversion is shared with water right 37-7731. The authorized rate/volume per acre for water right 37-7731 is 0.02 cfs/acre and 3.0 af/acre. However, rate/volume per acre of 37-159B is 0.02 cfs/acre and 3.5 af/acre. To prevent the enlargement of water right 37-7731 the volume of rental water usable will be reduced to meet 3.0 af/acre. There are no other enlargement concerns.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS:
The point of diversion is within Basin 37 and Water District 37. The Water Master and Southern Regional Manager were contacted for comment initially on March 2nd, 2023. After changes were made the Water Master and Southern Regional Manager were updated and contacted for any additional comment on March 9, 2023. No response was received, it is assumed there is no concern with this proposal.

Hummer, Phill

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Tuesday, March 7, 2023 3:07 PM
To: Hummer, Phill
Subject: RE: WSB Rental 2528 Weisel Trust [IWOV-GPDMS.FID1033792]

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Phill,

No, the applicant will be entering into a lease/rental package with another party in the WRV. We will be submitting that package shortly!

Thanks!
Charlie

CHARLIE SUZANNAH BASER
GIVENS PURSLEY LLP
601 W Bannock St, Boise, ID 83702
main 208-388-1200
direct 208-388-1271
fax 208-388-1300
charliebaser@givenspursley.com
www.givenspursley.com

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From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Sent: Tuesday, March 7, 2023 2:51 PM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Subject: WSB Rental 2528 Weisel Trust

EXTERNAL

Hi Charlie,

It looks like the number of acres was decreased from 1.9 to 0.9. Review of imagery shows about 5.8 acres is normally irrigated which is confirmed by the application form where the applicant estimated 5.4 acres are irrigated. If we approve a rental of 0.9 acres about 1.0 acres will not be covered by authorization. Does the Trust plan to reduce the number of acres irrigated?

-Phill

Hersley, Jean

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Wednesday, March 1, 2023 2:36 PM
To: IDWR File
Cc: Cheever, Skyler; Michael P. Lawrence
Subject: Amendment to WSB rental application 2528
Attachments: 16645144_2_WSB Rental Application (Weisel) - Amended Pages 3-1-2023.PDF

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Hello,

Per my conversation with Skyler Cheever (copied), I am attaching 3 amended pages to Water Supply Bank Rental Application 2528. Please let me know if there is anything else you need from me to accomplish this change in the application or if you have any questions.

Best,
Charlie

CHARLIE SUZANNAH BASER
GIVENS PURSLEY LLP
601 W Bannock St, Boise, ID 83702
main 208-388-1200
direct 208-388-1271
fax 208-388-1300
charliebaser@givenspursley.com
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Cheever, Skyler

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Tuesday, February 28, 2023 1:21 PM
To: Cheever, Skyler
Subject: RE: Rental Application 2528

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Thanks, Skyler! I apologize for the delay – it's been hectic here. I believe my client intends to proceed with amending the application. I will try to get that to you this afternoon or tomorrow.

I appreciate your patience and the reminder.

Best,
Charlie

CHARLIE SUZANNAH BASER
GIVENS PURSLEY LLP
601 W Bannock St, Boise, ID 83702
main 208-388-1200
direct 208-388-1271
fax 208-388-1300
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From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Tuesday, February 28, 2023 8:12 AM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Subject: Rental Application 2528

EXTERNAL

Hello Charlie,

It has been over two weeks since I emailed you information regarding the water supply bank rental application 2528 and I have not received a response. You enquired about changing the number of acres in the application. After speaking with my supervisor, I was told that all you would need to send in if these changes are made is submit any pages in which updated information would be present. If you are updating more than just the number of acres, then signing and submitting an amended application would be a better option. If your client would not like to pursue this application, then please let me know and I can have it returned. If you have any questions or need clarification, please let me know.

Best,

Skyler

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913

Cheever, Skyler

From: Cheever, Skyler
Sent: Monday, February 13, 2023 4:12 PM
To: charliebaser@givenspursley.com
Subject: RE: Water Supply Bank Rental Application 2528

Hello Charlie,

I just received an update from my supervisor, all I need from if your client just wants to reduce the number of acres is any pages in the application that would include this change with the updated information, we will then update the file ourselves. If there are more changes then it might be best to send a full amended application. You should send the pages to our file email file@idwr.idaho.gov.

Skyler

From: Cheever, Skyler
Sent: Monday, February 13, 2023 3:53 PM
To: charliebaser@givenspursley.com
Subject: FW: Water Supply Bank Rental Application 2528

Hello Charlie,

Here is a copy of the initial email I sent to the applicant. I double checked on our Water Supply Bank Data base and the lease contract, 1366, I investigated still has 3.5 acres of irrigation available from 2023-2025. I also spoke with my supervisor, and you don't need to necessarily send an amended application. All I need is the proposes changes and I can update them in my review and the database. I have attached a copy of the application to this forwarded email. If you have any other questions or need clarification on anything, please let me know.

Best,

Skyler

From: Cheever, Skyler
Sent: Monday, January 23, 2023 10:42 AM
To: tww@stifel.com
Subject: Water Supply Bank Rental Application 2528

Hello Mr. Weisel,

I am currently reviewing your water supply bank application. Since you did not provide any lease contracts to use I had to look through out records. Unfortunately, I could not find any 5-year lease contracts that span from 2023-2027. The best I could find were through 2025. I would have contacted your representative, but Mr. Speck is retired and would not contact me back. If you have any other representative, you would like me to contact, or would like to go ahead with a three-year rental please let me know.

Best,

Skyler

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913

Idaho Department of Water Resources Receipt

Receipt ID: C116254

Payment Amount	$71.30	Date Received	5/16/2023	Region	STATE
Payment Type	Check	Check Number	50163		

Payer THOMAS W. WEISEL TRUST

Comments
WATER SUPPLY BANK RENTAL AGREEMENT
RENTER NAME: THOMAS W WEISEL TRUST
RENTAL AGREEMENT # 734
FOR WR # 37-159B
FOR YEAR 2023

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$7.13	WATER BANK-DEPARTMENT SHARE	55113	0229	21		1205
$64.17	WATER BANK-OWNER SHARE	29512	0490	1		1205

Signature Line (Department Representative)