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AUG 15 2023
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 777

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)
37-2619	7/22/1959	GROUND WATER	0.02	3.5	1.0	0.02	3.5
Rental Totals			**0.02**	**3.5**	**1.0**	**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, 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: $80.50 annually

The full fee for the rental of the above-described right(s) is $80.50 per year for years 2023 - 2027. The rental fee includes an administrative fee of $8.05 per year for years 2023 - 2027.

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	3.0	1.0	0.02	3.0
Combined Total	0.02	3.0	1.0	0.02	3.0

**** The authorized water usage reflects a reduction from the water right elements rented, to account for existing water rights at the rental point of diversion.***

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 777

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 8/9/2023

Thomas W. Weisel _____ 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 8/31/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 8/31/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 777

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	3.0 AF

SEASON OF USE

Water Right No.	From	To
37-2619	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	
04N	17E	12	0.3	0.7															1.0

Total Acres: 1.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

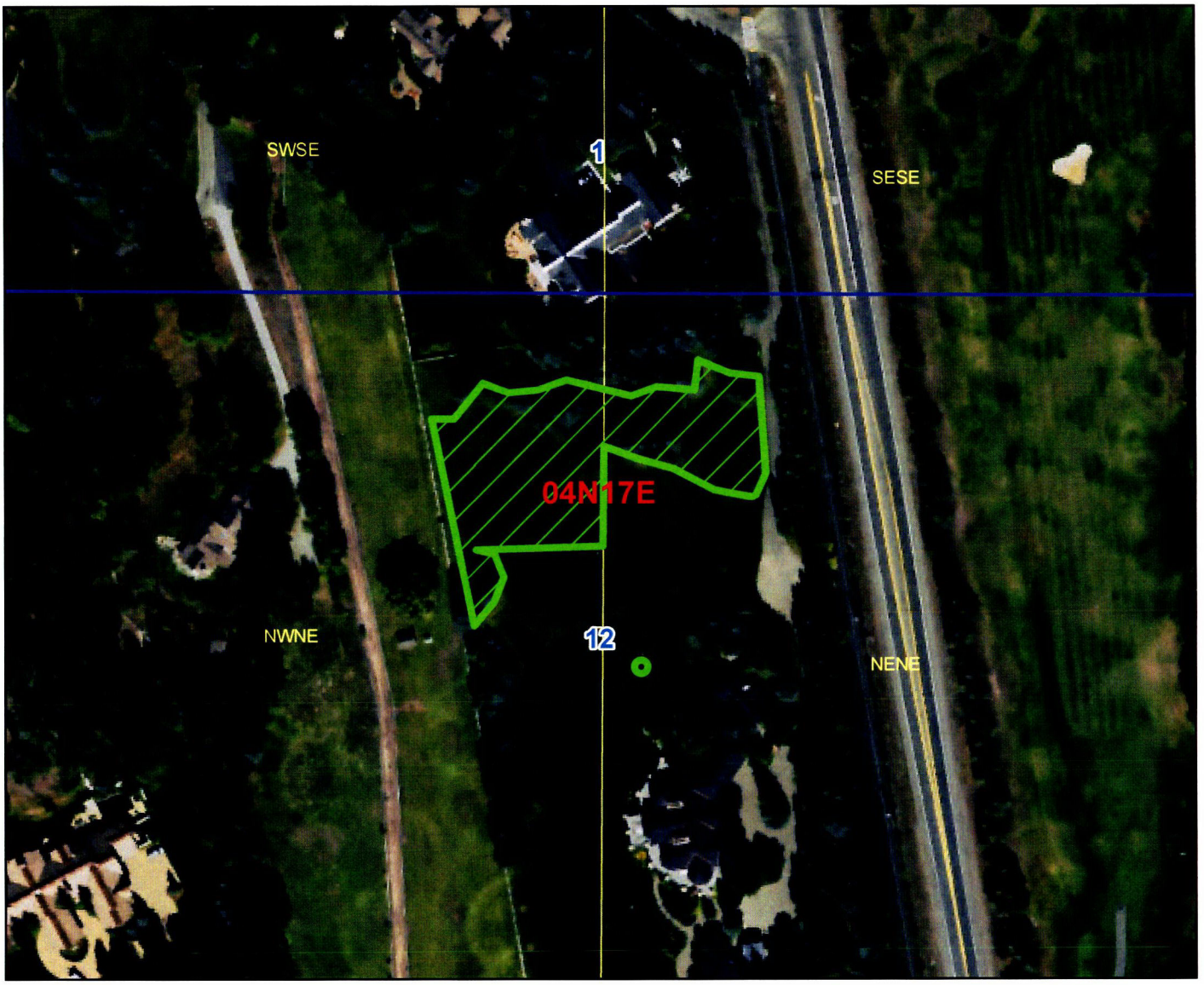
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. Use of water under this right 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.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 777

Effective until December 31, 2027

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



Legend

- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ

N

0 0.05 0.1 Miles

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Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
APR 07 2023
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)

Attachment	N/A	Yes	
		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)

37-2619

2643

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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: Charlie S. Baser Professional Title: Attorney

Organization: Givens Pursley LLP Relationship to Applicant: Attorney

Mailing Address: 601 W. Bannock St., Boise, ID 83702

Email Address: charliebaser@givenspursley.com Phone Number: (209) 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)
0.02 CFS	3.5 AF	0.02 CFS	3.5 AF	1.0 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?	
		☐ 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.***

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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):
Existing Well and 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	groundwater	

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 1.0 (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: _____ (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:
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. Application No. 2528 is currently pending with the Water Supply Bank for rental of an additional 0.9A.

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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)
37-2619	Irrigation	0.08	14.0	4.0		0.02	3.5	1.0
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**	0.02	3.5	1.0
						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**:

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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:
Rented 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.

DocuSigned by:
Thomas W. Weisel
27A05C47832D4DA...
Signature of Applicant

Thomas W. Weisel, Trustee
Printed Name of Applicant

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

DocuSign

Certificate Of Completion

Envelope Id: 736FA7A9A92D4146AFAA1DBEEB17655D
Status: Completed
Subject: Complete with DocuSign: FORM_ Application to Rent Water _ October 2015 _ 42-1761 _ idwr.idaho.pdf
Source Envelope:
Document Pages: 6
Signatures: 1
Certificate Pages: 2
Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-07:00) Mountain Time (US & Canada)

Envelope Originator:
Givens Pursley
PO Box 2720
PO Box 2720
Boise, ID 83701
gpds@givenspursley.com
IP Address: 209.141.116.169

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Status: Original
2023-04-06 | 13:21
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Signer Events	Signature	Timestamp
Thomas W. Weisel dgoyne@stifel.com Security Level: Email, Account Authentication (None)	DocuSigned by: Thomas W. Weisel 27A05C47832D4DA...	Sent: 2023-04-06 | 13:29 Viewed: 2023-04-06 | 14:03 Signed: 2023-04-06 | 14:04
	Signature Adoption: Pre-selected Style Using IP Address: 8.18.205.30	

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	**Status**	**Timestamp**
Agent Delivery Events	**Status**	**Timestamp**
Intermediary Delivery Events	**Status**	**Timestamp**
Certified Delivery Events	**Status**	**Timestamp**
Carbon Copy Events	**Status**	**Timestamp**
Charlie Baser charliebaser@givenspursley.com Security Level: Email, Account Authentication (None)	COPIED	Sent: 2023-04-06 | 13:29
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Mary Barnes marybarnes@givenspursley.com Security Level: Email, Account Authentication (None)	COPIED	Sent: 2023-04-06 | 13:29 Viewed: 2023-04-06 | 13:36
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Witness Events	**Signature**	**Timestamp**
Notary Events	**Signature**	**Timestamp**
Envelope Summary Events	**Status**	**Timestamps**

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	2023-04-06 | 13:29
Certified Delivered	Security Checked	2023-04-06 | 14:03
Signing Complete	Security Checked	2023-04-06 | 14:04
Completed	Security Checked	2023-04-06 | 14:04

Payment Events	Status	Timestamps

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

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

Received Date: 4/7/2023
Latest Start Date: 5/1/2023
Renter: Thomas W. Weisel Trust
Rental Expiration Date 12/31/2027
Lease/Rental Package (Y) N

executed 8/31/23

Application # 2643
Agreement # 777

Water Right	Lease Contract ID
# 37-2619	717 App 2642
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:

Mailings (per application)	Original	CC	Email or Address
Renter: Thomas W. Weisel Trust	☒	☐	dgoyne@stifel.com
Attorney: Charlie Baser - Givens Pursley	☐	☒	
Consultants Name:	☐	☐	
Conveyence Entity: (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist: WD 37, Galena GWD	(final only)	☒	
Other: Big Wood River GWMA (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:

DO NOT SCAN

Protected 9/28/23

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 Mathew Weaver

September 1, 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). 37-2619, AGREEMENT 777

Dear Renter:

Please find enclosed a receipt in the amount of **$80.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.5 acre-feet of water for irrigation of 1.0 acres during 2023. 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 $72.45 of the rental fee will be paid to the lessor(s) and 10% or $8.05 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,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosures: Receipt No. C116894
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR - Southern Region Office
Charlie Baser – Givens Pursley, LLP
Water District No. 37
Galena GWD

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

August 7, 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. 35-2619 AGREEMENT 777

*****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 $80.50 per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 713 acre-feet.

Please send a check for $80.50 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.

Pursuant to the Water Supply Bank Rules, 90% or $72.45 of the rental fee will be paid to the lessor(s) and 10% or $8.05 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,

for
Water Supply Bank

Enclosure

c: Charlie Baser, Givens Pursley LLP (service by email)

MEMORANDUM FOR AGREEMENT #777

To: Water Right(s) 37-2619

From: Mackenzie Kienholz

Date: 6/29/2023

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

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PURPOSE/NARRATIVE: Rental application #2643 was submitted by Charlie Baser (Givens Pursley, LLP) on behalf of the Thomas W Weisel Trust and was received by the Department on 4/7/2023. The application proposes to rent 1.0 acre from groundwater irrigation right 37-2619 for 2023-2027. The application was submitted as a package with the lease application for 37-2619. This rental is for irrigation of the remaining portion of a parcel which was partially covered by agreement #734. The applicant has previously rented this right for the same parcel under agreements #116 (2017) and #256 (2018-2022).

Both the lease and rental are in WD 37, the Galena GWD, the Big Wood River GWMA, and the Trust Area.

AUTHORITY TO FILE: The application was signed by Thomas W. Weisel, trustee of Thomas W. Weisel Trust. The land at the rental POU and POD is owned by Thomas W. Weisel, trustee of Thomas W. Weisel Trust. No concerns with authority to file.

WATER RIGHT VALIDITY: 37-2619 was decreed 9/24/2010 and the portion proposed for lease has been in the Water Supply Bank every year from 2015 to 2022. No concerns with validity of the water right and portion offered to the Bank.

INJURY TO OTHER WATER RIGHTS: Based on shapefiles for the Big Wood River Zones, the lease POD appears to be outside the Ketchum Zone to the West while the rental POD is within the Ketchum Zone. However, James Sinegal has previously rented water for the parcel immediately adjacent to the applicant's property, and in the 2017 review of James Sinegal's rental it was noted that the reviewer, Clay Webster, consulted with the IDWR Hydrology Section who stated that the lease POD is actually connected to the rental POD and can be considered part of the Ketchum Zone. Clay noted that according to the Hydrology Section, the lease location was not included in the shape because the canyon it is located in narrowed to a point, and this affected the new model that was being built for the Wood River Valley. Given that the IDWR Hydrology Section has confirmed that the lease and rental locations draw from the same source, and that both the lease and rental are within the Big Wood River GWMA, there are no concerns with injury to other water rights.

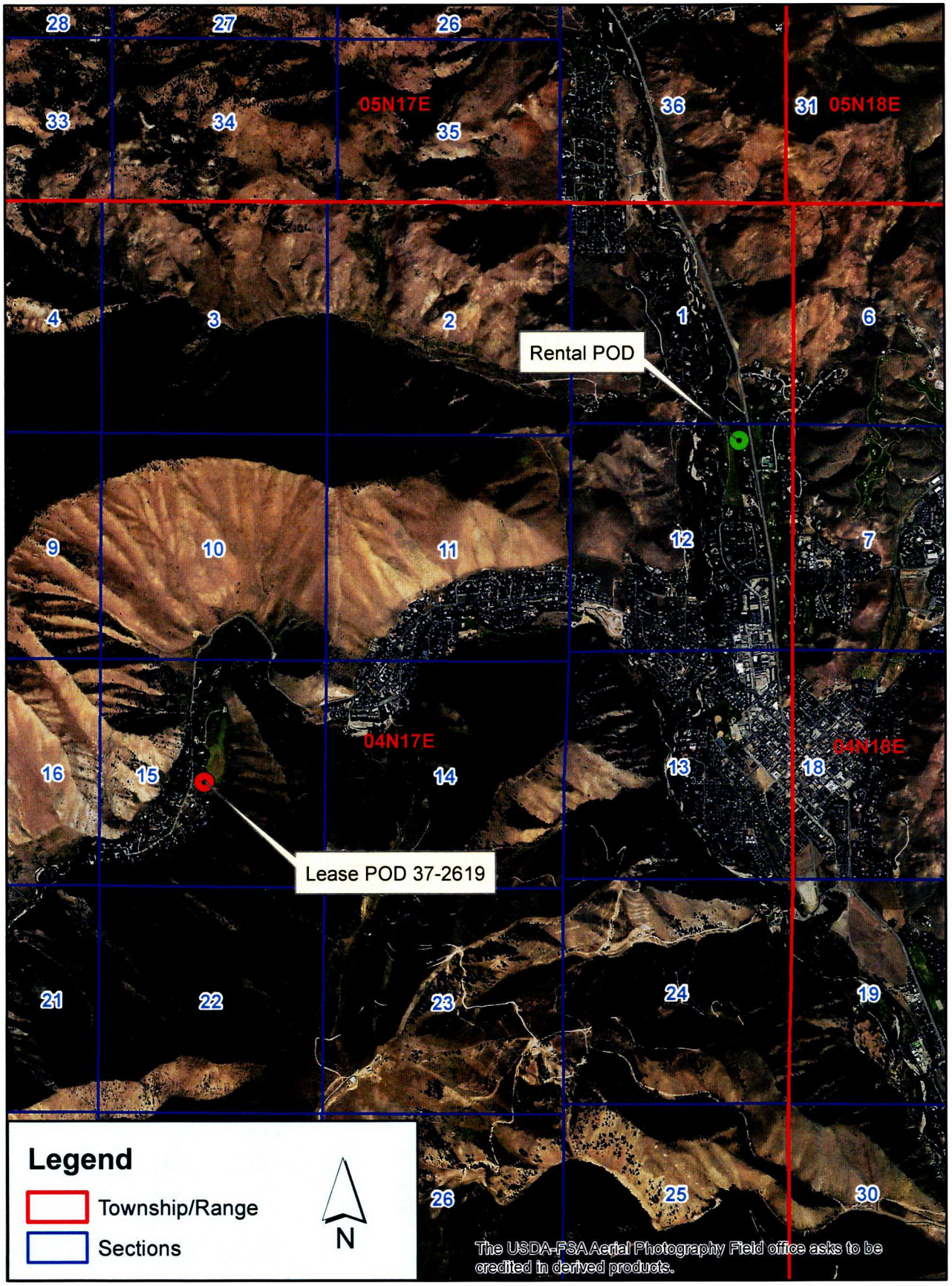
ENLARGEMENT OF USE: The rental POU is not overlapped by any other rights, but the POD also diverts 37-7731. Right 37-7731 authorizes 0.02 cfs/acre and 3.0 af/acre. The right being rented, 37-2619, authorizes 0.02 cfs and 3.5 af/acre, so the volume authorized for use will be reduced from the amount rented to prevent enlargement. There will be no change in beneficial use, the right being rented is not stacked with other rights, the right being rented has historically been used in the same fashion as proposed for the rental, and the right being rented has the same season of use as is standard at the rental location. No concerns with enlargement of use.

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 location for the rental POD is subject to Water District #37. A request for comments was sent to the WD #37 watermaster, Galena GWD, and the Southern Regional Office on 6/29/2023.

Water Supply Bank Rental Application #2643
Weisel Trust 2023



Hummer, Phill

From: Kienholz, Mackenzie
Sent: Thursday, June 29, 2023 3:51 PM
To: watermanager; Skinner, Corey; galenagwd@gmail.com
Subject: Comments Request - WSB Lease & Rentals, WR 37-2619 Gordon/Weisel/Sinegal
Attachments: WM Copy Lease Review Memo - 2642 Gordon 2023.pdf; WM Copy Rental Review Memo - 2643 Weisel 2023.pdf; Move Map - Weisel 2643.pdf; Rental Map 777 Weisel Trust 2023.pdf; WM Copy Rental Review Memo - 2668 Sinegal 2023.pdf; Move Map Sinegal 2023.pdf; Rental Map 776 J Sinegal 2023.pdf

Good afternoon,

Please see the attached review documents for Water Supply Bank Lease Application #2642 for William B Gordon, Rental Application #2643 for Thomas W Weisel Trust, and Rental Application #2668 for James D Sinegal, all for water right 37-2619. These rentals have occurred using this water right since 2017. Kindly respond with any questions or comments within 10 days.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

Kienholz, Mackenzie

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Wednesday, May 10, 2023 11:35 AM
To: Kienholz, Mackenzie
Subject: RE: Final Notice - Weisel Trust - Rental POU

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.**

Mackenzie, one thing I forgot to mention on the phone this morning – emails about this application/rental agreement should be sent to me and dgoyne@stifel.com, not tww@stifel.com. Could you please update your records? If you need me to do something more formal, just let me know!

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
www.givenspursley.com

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From: Charlie S. Baser
Sent: Tuesday, May 9, 2023 12:40 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Final Notice - Weisel Trust - Rental POU

Thank, Mary. We will get the rental agreement docusigned and submitted with a check.

Best,
Charlie

CHARLIE SUZANNAH BASER
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From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Tuesday, May 9, 2023 12:27 PM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Cc: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Final Notice - Weisel Trust - Rental POU

EXTERNAL

Charlie,

We didn't change the rental map or the agreement for the proposed rental. The rental POU map word document I attached is a mockup of both rental applications and the water right POU. The proposed rental agreement 734 map, which has the same shape as application 2528 in the word document, is attached.

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Tuesday, May 9, 2023 12:15 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Final Notice - Weisel Trust - Rental POU

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Hi Mary,

Sorry, I was reading your email too fast. Can you confirm that, other than the changed map, the version of rental agreement you attached to the email is the same as was previously sent to us?

If so, I will ask Thom Weisel to send a signature page and we will get you a check.

Mackenzie, I will give you a call this afternoon.

Best,
Charlie

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From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Tuesday, May 9, 2023 11:51 AM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Cc: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Final Notice - Weisel Trust - Rental POU

EXTERNAL

Charlie,

I don't understand your question about a new lease agreement. I attached the proposed rental agreement for the 0.9 acres with my email, which requires signature and payment for execution within 14 days. The second rental application for the other 1.0 acre will be processed after this rental is executed.

Mary

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Tuesday, May 9, 2023 11:47 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Final Notice - Weisel Trust - Rental POU

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No problem. Will we be getting a new lease agreement?

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Tuesday, May 9, 2023 11:40 AM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Cc: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Final Notice - Weisel Trust - Rental POU

EXTERNAL

Hi Ch[redacted],

Please call Mackenzie at 208-287-4822 about the Gordon applications. She performs the intake process on new applications and can assist you.

The Weisel rental will still need to be paid for and signed within 14 days.

Thank you,
Mary

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Tuesday, May 9, 2023 11:35 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>; tww@stifel.com
Subject: RE: Final Notice - Weisel Trust - Rental POU

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Hi Mary! I reviewed and the map looks correct. I was delaying responding because I am about to submit an additional rental app to be bundled with the Gordon lease app and am also about to amend an existing, previously-submitted rental app to specify and rent the remainder of the Gordon lease water. I will give you a call about that this afternoon to make sure it is clear.

Thanks and sorry for the delay!
Charlie

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From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Tuesday, May 9, 2023 11:24 AM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Cc: Bank <Bank@idwr.idaho.gov>; tww@stifel.com
Subject: Final Notice - Weisel Trust - Rental POU

EXTERNAL

[redacted]ello Charlie,

We have not yet received payment for proposed rental agreement 734, requested on March 20, 2023. I sent the attached Place of Use document on April 17, 2023, to assist in clarifying the location of the proposed rental acres, with no reply. This is our final request for signature and payment of Rental Application 2528/Agreement 734 for 0.9 acres of irrigation.

Basin 37 is a high demand basin. If the signed rental agreement and fees are not received within 14 days, your rental application will not be completed and the water you are pursuing will be made available for others to rent. We are unable to take payments over the phone, but card payments can be made in person at our regional offices or state office, and we accept checks made out to Idaho Dept. of Water Resources.

Diversion and use of the water right(s) requested is not authorized under the proposed agreement until it is signed and executed by the department and the rental fee paid.

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES

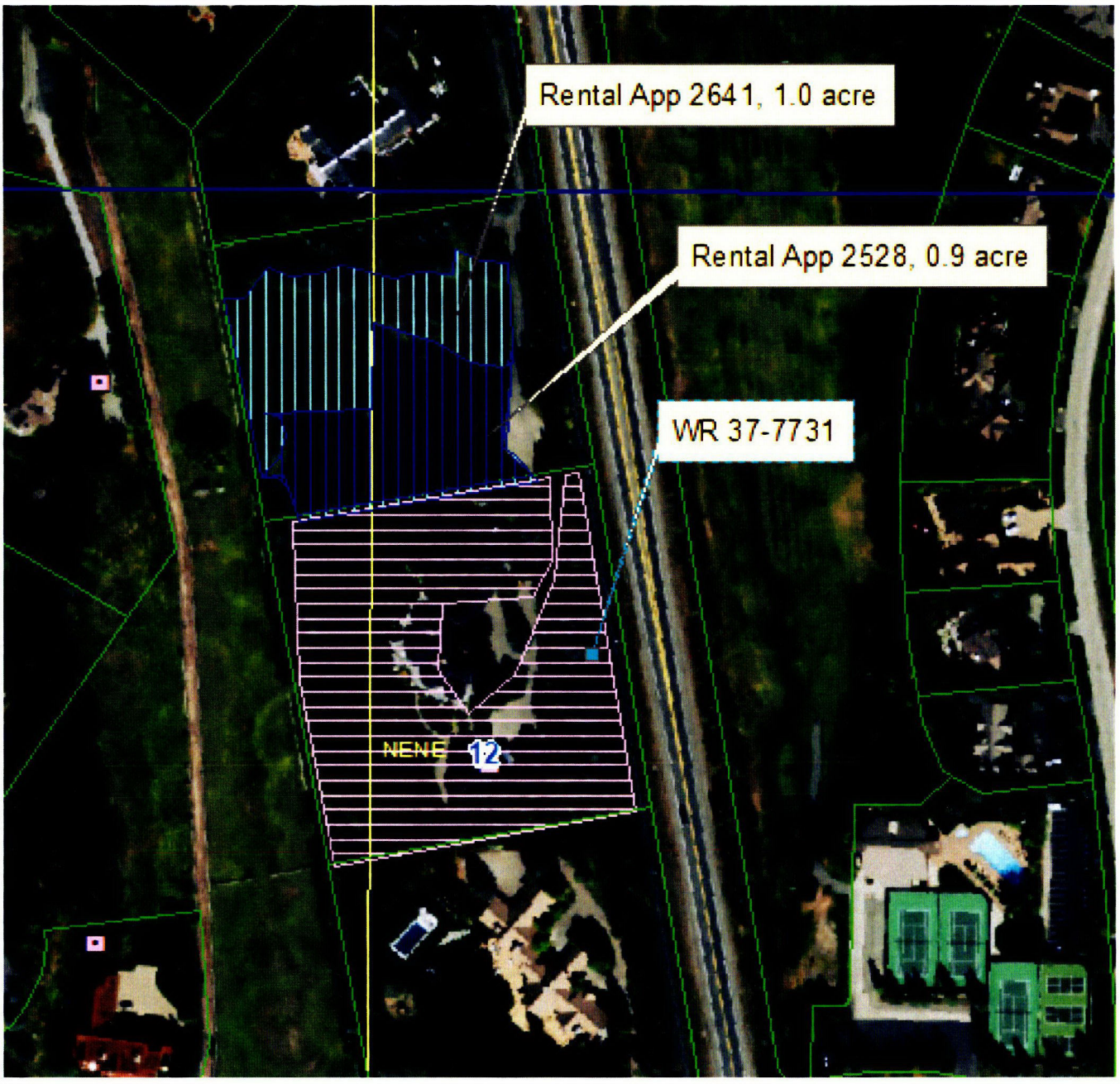
From: Condon, Mary
Sent: Monday, April 17, 2023 2:07 PM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Cc: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>; Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Subject: Weisel Trust - Rental POU

Hi Charlie,

Please see the attached mock up map showing the existing water right and the two rental locations for the 1.0 acre and 0.9 acre portions.

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES
Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936


Rental App 2641, 1.0 acre
Rental App 2528, 0.9 acre
WR 37-7731
NENE
12

Kienholz, Mackenzie

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Wednesday, May 10, 2023 2:05 PM
To: IDWR File
Cc: Kienholz, Mackenzie; Mary Barnes
Subject: Amended WSB Rental Application No. 2349 (Peace & Quiet Trust)
Attachments: 16749278_4_AMENDED EXECUTED - WSB rental application # 2349 (Peace and Quiet Trust).PDF; 16749166_4_POU Map - WSB Rental Application # 2349 (5-10-2023).PDF

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Mackenzie,

As discussed this morning, here is the Amended WSB Rental Application No. 2349 in the name of the Peace & Quiet Trust. The amended sections are Page 1, 1(B), 3(B), 3(C), 3(I), 3(L), 4, and Attachment 2 (POU map). The goal of this amendment is to change the water right to be rented to 37-2619 and make corresponding changes/updates to reflect the amounts being sought and also to update the application with my contact information instead of Jim Speck's.

If either attachment does not come through, please let me know. Please also confirm receipt of this email and the two attached documents (amended application and Attachment 2/POU map).

If you have any questions, please give me a call.

Thanks,
Charlie

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Kienholz, Mackenzie

From: Charlie S. Baser <charliebaser@givenspursley.com>
Sent: Wednesday, April 12, 2023 3:37 PM
To: Kienholz, Mackenzie
Subject: RE: Information Needed - Gordon-Weisel WSB Package

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Thanks for this, Mackenzie. Yes, the map for the lease application will be the same. I will get you a ma for the rental application ASAP. And, as we discussed just now, I have an additional companion rental application for this lease application that I will send with the rental application map.

Thanks again,
Charlie

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From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Wednesday, April 12, 2023 12:50 PM
To: Charlie S. Baser <charliebaser@givenspursley.com>
Subject: Information Needed - Gordon-Weisel WSB Package

EXTERNAL

Good afternoon Charlie,

I am completing the intake for the Water Supply Bank lease/rental package for William B. Gordon and Thomas W. Weisel. I did not see that a map was included with either application. I have attached the previous lease map for water right 37-2619; will this new lease application be for the same acres? If so, I can use this map for the new application. We will also need a map for the rental application **within 30 days** identifying the specific 1.0 acre that is requesting to be irrigated. Please let me know if you have any questions.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822