

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 838

RECEIVED

May 14, 2024

This is to certify that:

FLYING SQUIRREL PRODUCTIONS LLC

PO BOX 4938

KETCHUM, ID 83340-4940

DEPARTMENT OF
WATER RESOURCES

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	0.22	40.6	11.6	0.02	3.5
Combined Rental Totals			0.22	40.6	11.6	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 June 1, 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 2024, whichever occurs last.

Annual Rental Fee:

2024 - 2025: \$931.50 annually

The full fee for the rental of the above-described right(s) is \$931.50 per year for years 2024 - 2025. The rental fee includes an administrative fee of \$93.15 per year for years 2024 - 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	0.22	26.3	7.5	0.03	3.5
Combined Total	0.22	26.3	7.5	0.03	3.5

* The authorized water usage reflects a reduction from the water right elements rented, to account for an increased rate per acre and limited volume.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 838

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:

Sign + Date

Signature of Renter

Date

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

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date

Rental approved by IDWR

Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 838

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec. 13, Twp 01N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.22 CFS

VOLUME
26.3 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	
01N	18E	13	4.5			3.0													7.5

Total Acres: 7.5

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. The diversion rate for this rental shall not exceed 0.22 cfs. Provided further, this rental when combined with all other rights shall provide no more than 0.02 cfs, per acre when averaged over a twenty-four hour period based upon the amount of water applied over such twenty-four hour period.
10. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate nor more than 0.3 af per day for irrigation of the place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 838

11. 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 diversion.
12. 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.
13. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 838

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



0 700 1,400 Feet

Hersley, Jean

From: Jonathan Neeley <jneeley@briodest.com>
Sent: Tuesday, May 14, 2024 4:34 PM
To: IDWR File
Cc: Zach Latham; Bank
Subject: Signed agreement for water lease 37-22019 #838
Attachments: IDWR water lease 37-22019 #838.pdf

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.

Jonathan Neeley
President / CEO
BRIO Investment Group
600 First Ave. North
PO Box 4938
Ketchum, Idaho 83340-4938
Cell: 208-720-6913
jneeley@briodest.com

RECEIVED

AUG 16 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

Print Form

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

Applicant Name: Flying Squirrel Productions LLC

Is this application being submitted with a lease application as a lease/rental package?

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ 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)

2719

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Flying Squirrel Productions LLC

Mailing Address P.O. Box 4938 Ketchum, ID 83340

Street _____ City _____ State _____ Zip Code _____
Email Address jneeley@briodest.com Phone Number 208-720-6913

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 Zach Latham Professional Title Hydrologist

Organization Brockway Engineering PLLC Relationship to Applicant Consultant

Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83333

Email Address zach.latham@brockwayeng.com Phone Number 208-736-8543

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**:

Applicant desires to irrigate 7.5 acres within subdivision from any available ground water irrigation water right, see attached map. Applicant seeks additional flow rate on 7.5 acres due to nature of pressurized irrigation system.

See cover letter for detailed explanation.

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)
0.08 CFS	26.3 AF	0.08 CFS	26.3 AF	7.5 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?	
5/1/24	6/1/24	☐ 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.

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 will be used to irrigate place of use via buried pressurized 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
New Well	Ground Water	37-21842

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 7.5 (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.

Number of zones and heads associated with pressurized irrigation system to be installed in future subdivision

common area warrant a flow rate higher than 0.02 cfs/acre.

- 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:

37-510A, 37-685D. Applicant desires to irrigate 7.5 acres with 0.22 cfs after existing surface water rights have been cut off on priority due to low river flows. Approved rental No.711 provides 0.15 cfs.

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**:

N/A.

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:
Please see WSB Rental Agreement No. 711, 3/23/23.

- 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:

If additional water becomes available for transfer, a future permanent transfer will be contemplated.

- 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.
N/A.

- D. Additional Information

Applicant seeks to rent any available ground water irrigation right(s) to provide for additional flow rate (0.08 cfs) for the irrigation of the same 7.5 acres approved under WSB Rental Agreement No. 711. Buried zone pressurized irrigation system necessitates additional flow at decreased zone run times in order to irrigate POU.

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

Printed Name of Applicant

Date

Signature of Representative

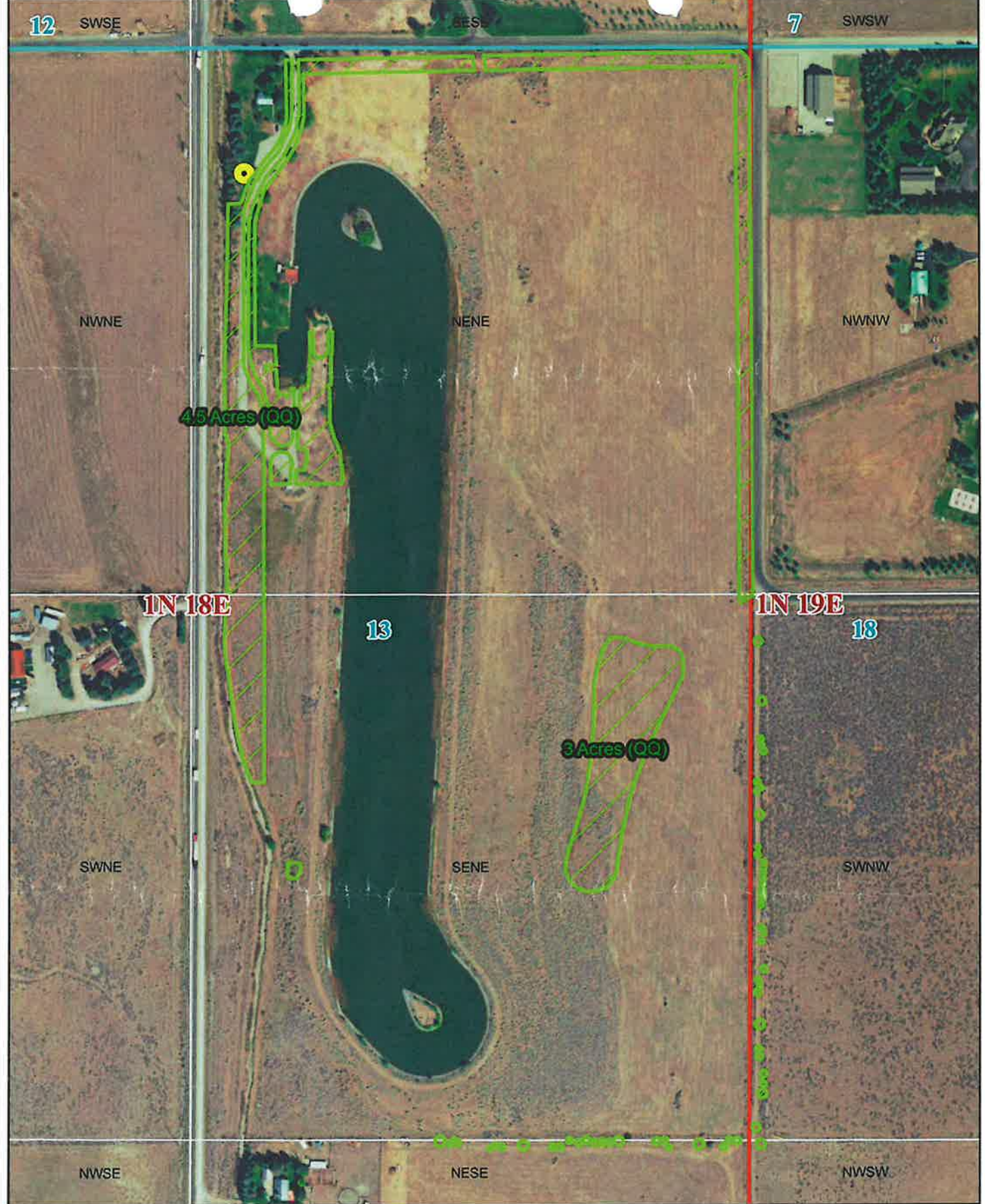
Printed Name of Representative

Date

Print Form

Mail to:

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



0 125 250 500 Feet

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 7/27/2023

Flying Squirrel Productions LLC
Additional WSB Rental 2024-2025

NAIP 2021 AERIAL

Legend

- POD- Well
- WSB Rental- 7.5 Acres





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

June 5, 2024

FLYING SQUIRREL PRODUCTIONS LLC
PO BOX 4938
KETCHUM, ID 83340-4940

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-22019, AGREEMENT 838**

Dear Renter:

Please find enclosed a receipt in the amount of **\$931.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 40.6 acre-feet of water for irrigation of 7.5 acres during 2024. 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 \$838.35 of the rental fee will be paid to the lessor(s) and 10% or \$93.15 will be retained by the Department to offset administrative costs.

The annual rental fee for 2025 is due by December 31, 2024. If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

signature

for
Water Supply Bank

Enclosures: Receipt No. C118305
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Representative-Zach Latham
Water District 37
Galena Ground Water District
IDWR Compliance Officer



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

April 18, 2024

FLYING SQUIRREL PRODUCTIONS LLC
PO BOX 4938
KETCHUM, ID 83340-4940

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-22019 AGREEMENT #838**

*****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 \$931.50 **per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 40.6 acre-feet. The annual rental fee for 2025 is due by December 31, 2024. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check in the amount of \$931.50 for 2024 payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$931.50 of the rental fee will be paid to the lessor(s) and 10% or \$93.15 will be retained by the Department to offset administrative costs for **2024**.

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

Sincerely,

 Shilynn Novak

for

Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Zach Latham (via email)

Novak, Shilynn

From: Novak, Shilynn
Sent: Wednesday, April 17, 2024 2:59 PM
To: jneeley@briodest.com
Cc: Zach Latham; Bank
Subject: *Out for Signature - Rental Agreement #838 (Flying Squirrel Productions LLC)
Attachments: Rental Agreement Letter and Agreement.pdf

Hello,

Rental Agreement #838 for Flying Squirrel Productions LLC will be going out in the mail tomorrow. Please review the rental application then sign and return so the Water Supply Bank may complete processing. If you have any questions, please contact this office at 208-287-4800 or bank@idwr.idaho.gov.

Sincerely,
Shilynn



Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

Novak, Shilynn

From: Novak, Shilynn
Sent: Monday, March 4, 2024 1:28 PM
To: watermanager; Skinner, Corey
Cc: Ryan Fuchs; Bank
Subject: WSB Request for Comment - Rental App 2719
Attachments: Move Map.pdf; Rental Review Memo - App 2719.pdf; WSB Rental Agreement 711 Flying Squirrel Prod LLC 2023-2025 (1).pdf; . Rental Review Memo - updated.pdf; WSB Lease Application to Contract 1273 City of Hailey 2021-2025 (1).pdf

Good afternoon all,

I have a Water Supply Bank rental for Flying Squirrel Productions LLC ready for your review and comments. This rental will take the place of Rental Agreement #711. The rental proposes to increase the total rate to 0.22 cfs for 7.5 acres of irrigation while keeping the same volume. The same lease will be used for this rental.

	Acres	CFS	AF
Rented amounts	11.6	0.22	40.5
Limited to	7.5	0.22	26.3

For your convenience, I have also included the previous lease/rental memos and contract/agreements.

Please let me know in 7 days if you have any concerns or comments about this rental.

Thank you,
Shilynn



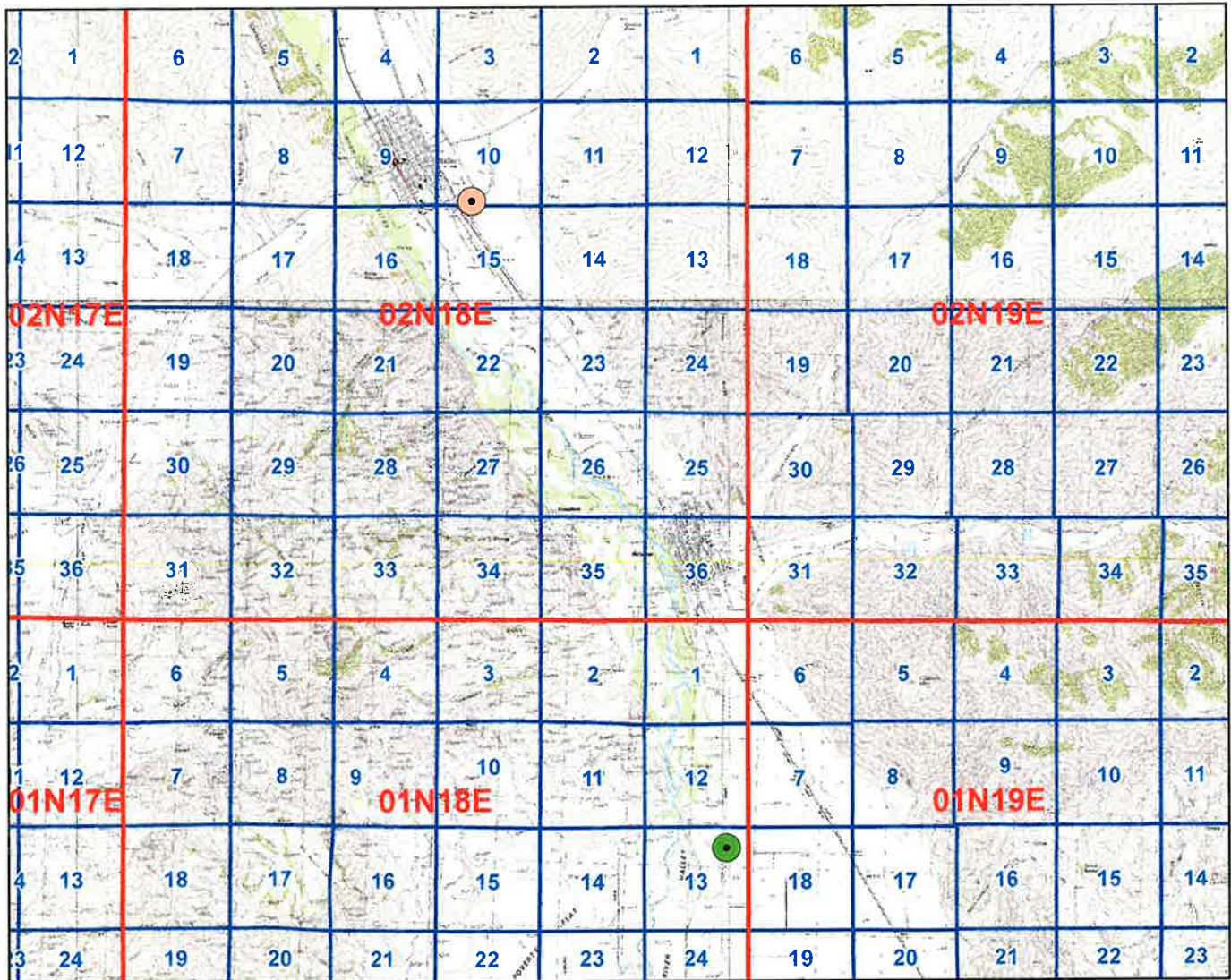
Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

Idaho Water Resource Board

WSB Move Map

37-22019
2023 to 2025



- Active Water Supply Bank Lease POD
- Active Water Supply Bank Rental POD

Township/Range

Sections

0 1 2 Miles

MEMORANDUM FOR APPLICATION #2719

To: Water Right 37-22019

From: Shilynn Novak

Date: February 29, 2024 (edited 4/17/2024 SN)

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

PURPOSE/NARRATIVE: Rental application #2719 (Application #2719) was received by the Department on August 16, 2023, for additional rate for irrigation of 7.5 acres approximately 2.5 miles south of Bellevue.

Rental Agreement #711 (RA #711) is currently in place for irrigation of the same 7.5 acres with a rate of 0.15 cfs and a total volume of 26.3 af. RA #711 is to provide irrigation from ground water when the surface water rights are curtailed. Application #2719 desires an additional rate that totals 0.22 cfs for the pressurized system for the buried irrigation covering large, irregular areas.

During the review, it was determined the applicant could increase their rate but would be limited by volume to not increase use. (Calculations are discussed in the Beneficial Use/Conservation of Water Resources section.)

RA #711 is in effect until December 31, 2025. Instead of the renter having two rentals, RA #711 will be concluded and Application #2719 will reflect the increased rate and limited volume for irrigation of 7.5 acres.

AUTHORITY TO FILE: The rental was filed on behalf of Flying Squirrel Productions LLC, a Delaware LLC, and was signed by Managing Member Jonathan Neeley. Zach Latham from Brockway Engineering PLLC is listed as the consultant for the application. Blaine County Assessor's website confirms that the properties where the water is to be put to use, are owned by Flying Squirrel Productions LLC. There are no concerns about the authority to file.

WATER RIGHT VALIDITY: This rental requested additional rate to be applied on top of the rate for RA #711 and proposed to rent the same water right, 37-22019, from Lease Contract 1273.

Water right 37-22019 was decreed in 2010. An Extension of Time to Avoid Forfeiture was submitted and approved. This extended the time to resume beneficial use to 2021. A transfer was approved for this water right in 2020 which also showed the water right to be valid. The water right was placed into the WSB in 2021 until expiration end of 2025. Application #2719 will be limited to the 2025 date. No concerns about water right validity.

INJURY TO OTHER WATER RIGHTS: This rental is only for irrigation around the property and is not for use in filling the pond or to use the pond for irrigation on the property. This is the continuation of RA #711 which was used for irrigation in the 2023 season but had a lower rate. Application #2719 will take the place of RA #711 because Application #2719 requested a higher rate of use and so only one rental is associated with the property.

The lease POD is located approximately 6.8 miles north/northwest of the rental POD. IDWR has recognized that surface and ground water are interconnected in the Wood River Valley. Multiple water right PODs exist between both locations, the water users between the locations should

not feel the effects of this rental as the water available upstream would be available downstream.

Both the rental and lease locations fall within the Big Wood River Ground Water Management Area (BWRGWMA) and the Snake River Moratorium Area. This rental does not appear to be affected by the BWRGWMA Moratorium Order or the Snake River Moratorium because the established leased right is not a new use and the rental is a continued use of the water right. This rental falls within Water District 37 which regulates both surface and ground water within the water district boundaries. Both the rental and lease locations are in the Galena Ground Water District. The watermaster will be contacted to voice any concerns of injury to other water rights in the area.

Review staff has no immediate concerns.

ENLARGEMENT OF USE: This rental proposes to use the existing well on the property. The existing well provides water for 37-21842 for the diversion to storage component for recreation storage use.

The property has two overlapping irrigation water rights that use water from the Big Wood River for irrigation use on the property. The two surface water rights (37-510A and 37-685D) were leased to the Bank from 2019 to December 31, 2023. Application #2719 is for ground water irrigation and to supplement irrigation after the surface water rights are curtailed.

Other rights that overlap the POU include 37-21842, 37-21849, 37-21866, 37-21883, 37-21900, 37-21917, and 37-12240. Rights 37-21842, 37-21849, 37-21866, 37-21883, 37-21900, and 37-21917 are for diversion to storage and recreation storage from ground water. There are no concerns with these rights because their use is for the pond and not irrigation for the proposed 7.5 acres on this rental.

The leased water right (37-22019) is an irrigation water right with a duty of water of 0.019 cfs/ac and 3.5 af/ac. With this rate per acre, a greater number of acres and volume needed to be rented and are limited to the following:

	Acres	CFS	AF
Rented amounts	11.6	0.22	40.6
Limited to	7.5	0.22	26.3

There are no enlargement concerns with the rental of this right.

4/17/2024 Edit: During supervisor review of the rental, it was noted that the condition stating that ground water from 37-22019 is combined use with water from Hiawatha Canal was dropped during the lease and therefore the rental. A memo written by Corey Skinner dated October 31, 2017, discusses Transfer #81494 which was to split portion a of 37-22019 and change the split portion POU. The memo results from a Petition for Reconsideration and describes evidence that Hiawatha Canal water was not used at the place of use for 37-22019. Because the Petition of Reconsideration was filed for the split portion of 37-22019, the dropped condition only applied to the split portion of the right instead of the whole right.

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 requested higher rate for the system is acceptable as long as the volume does not exceed the standard 3.5 af/ac annually. In an email from 12/12/23, Mr. Latham described the system as being comprised of

irrigating 7.5 acres with 33 zones at a rate of 55 gpm. Irrigation will occur 4 times each day with a run time of 12-15 minutes.

Using the information provided, the system has a capacity of 0.22 cfs. This amount is slightly less than the amount allowed through Application Processing Memo #60 (Turf Grass Memo). Although there is a rate increase, there is no additional volume authorized through this rental. The Turf Grass Memo states a condition that limits the daily volume of the water diverted must be included therefore this rental will have a daily limit condition.

Proposed Rate Calculation:

$$\frac{50 \text{ gal}}{1 \text{ min}} \left| \frac{1 \text{ min}}{60 \text{ sec}} \right| \frac{1 \text{ cu ft}}{7.48 \text{ gal}} = \frac{0.11 \text{ cfs}}{\text{for 1 zone}} \left| \frac{2 \text{ zones run at same time}}{} \right| = 0.22 \text{ cfs total}$$

Proposed Volume Calculation:

$$\frac{100 \text{ gal}}{\text{min}} \left| \frac{990 \text{ min}}{1 \text{ day}} \right| \frac{1 \text{ af}}{3.069^{10^{-6}} \text{ gal}} \left| \frac{138 \text{ days}}{\text{total irr}} \right| = 42 \text{ af total irr}$$

Rate Calculation Based on Turf Grass Memo:

$$\frac{0.02 \text{ cfs/ac}}{16 \text{ hrs} / 24 \text{ hrs}} = \frac{0.03 \text{ cfs}}{\text{ac}} \times 7.5 \text{ ac} = 0.225 \text{ cfs} = 0.23 \text{ cfs total}$$

Daily Volume Calculation Based on Turf Grass Memo:

$$\frac{100 \text{ gal}}{\text{min}} \left| \frac{990 \text{ min}}{1 \text{ day}} \right| \frac{1 \text{ af}}{3.069^{10^{-6}} \text{ gal}} = 0.30 \text{ af maximum per day}$$

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District #37 and located in Southern Region. Any additional comments from the regional office and the watermaster will be added to this section.



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

December 29, 2023

FLYING SQUIRREL PRODUCTIONS LLC
PO BOX 4938
KETCHUM ID 83340-4940

RE: RENTAL APPLICATION 2719 – 30-Day Response Required

Dear Rental Applicant:

The Department received email correspondence from Zach Latham detailing the water usage information for Water Supply Bank (Bank) Rental Application #2719 on November 27, 2023. Mr. Latham clarified that this rental was for an additional amount of volume for irrigation of the same acres already irrigated from Rental #711.

The 42 af total volume requested for 7.5 acres of irrigation comes out to 5.6 af/ac, which is more than the Department standard of 3.5 af/ac. Discussions with my supervisor concluded that for this rental to be approvable:

1. The Department would need justification for more volume than the standard 3.5 af/ac. The Department typically would not consider a justification that relies on an inefficient system to be acceptable.
OR
2. The applicant could rent the additional amount, but the two rentals would be limited to 26.3 af total (at the 3.5 af/ac standard).

Another option is to withdraw your application and keep using Rental #711.

Please submit a written response within 30 days by email to shilynn.novak@idwr.idaho.gov or by mail to:

IDAHO DEPARTMENT OF WATER RESOURCES
ATTN: SHILYNN NOVAK
PO BOX 83720
BOISE, ID 83720-0098

If no response is received in 30 days, the rental application will be returned with no further processing.

Sincerely,

Shilynn Novak

for
Water Supply Bank

Enclosures: Copy of Email Request for Additional Information

c: zach.latham@brockwayeng.com

Novak, Shilynn

From: Novak, Shilynn
Sent: Tuesday, December 12, 2023 2:13 PM
To: Zach Latham
Cc: jneeley@briodest.com; Bank
Subject: RE: WSB Rental 2719 - Additional Info Request

Good afternoon,

Thank you for the information you provided. Your detailed response cleared up any additional questions we had.

I asked my supervisor to weigh in on the request for additional volume for the same 7.5 acres of irrigation. He said that the calculated 42 af requested for 7.5 acres of irrigation comes out to 5.6 af/ac, which is more than the Department standard of 3.5 af/ac. For this rental to be approvable:

1. We would need some justification of why the applicant needs more volume than the standard. We typically would not consider a justification that relies on an inefficient system to be acceptable.
2. The applicant could rent the additional amount, but the two rentals would be limited to 26.3 af total (at the 3.5 af/ac standard).

On occasion the Department approves applications for a higher instantaneous flow (the turf grass memo). But in those cases, the irrigation use is at a higher rate over a shorter period of time which results in the same annual volume. That does not appear to be the case here.

Please respond to this email within 14 days so we can continue working on the rental request. If you would like to withdraw your rental application, please respond to this email stating that you would like to withdraw the application. Please let me know if you have any questions.

Sincerely,
Shilynn



Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Monday, November 27, 2023 12:05 PM
To: Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>
Cc: jneeley@briodest.com
Subject: RE: WSB Rental 2719 - Additional Info Request

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.

Good morning Shilynn-
Yes I do, I apologize for not responding sooner to your request.

hours of irrigation is occurring and how many days irrigation is occurring, we can determine how much volume would need to be rented.

Please respond in 7 days so I may continue processing the rental application.

I will be out of the office tomorrow in observance of Veterans Day and should return on Monday, if you have any questions.

Sincerely,
Shilynn



Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

Novak, Shilynn

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Monday, November 27, 2023 12:05 PM
To: Novak, Shilynn
Cc: jneeley@briodest.com
Subject: RE: WSB Rental 2719 - Additional Info Request

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.

Good morning Shilynn-
Yes I do, I apologize for not responding sooner to your request.

Due to the uneven nature of the area to be irrigated within a proposed subdivision, the system is comprised of 33 zones that are designed at 50gpm each and it is designed to run two zones at a time. Ideally, we need to be watering 4 times per day with 12-15 min run times to meet adequate establishment of the proposed vegetation hence requiring more discharge sought under the additional WSB rental.

Conservatively, if two zones ran at the same time, 4 times a day for 15 minutes each, 990 minutes or 16.5 hours of run time would occur. Watering on this schedule could be done between 6pm and 10am of the following day to avoid irrigating during the time of the day when peak temperatures occur.

I would estimate the annual diversion volume limit at approximately 42 acre-feet, assuming the 990 minute run time at 100 gpm daily for 138 days (5/1 – 9/15). Approved IDWR WSB Rental Contract No. 711 authorizes 26.3 AF to be diverted, and I have applied for another 26.3 AF under the second rental application so the second application's annual diversion volume limit can likely be reduced. Please let me know to what annual diversion volume the proposed second rental application will be limited.

Thanks for your time and please email or call with comments or questions.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Novak, Shilynn [mailto:Shilynn.Novak@idwr.idaho.gov]
Sent: Monday, November 27, 2023 10:01 AM
To: zach.latham@brockwayeng.com
Cc: jneeley@briodest.com
Subject: FW: WSB Rental 2719 - Additional Info Request

Good morning Zach,

Apologies for not following up sooner. Do you have information about the number of hours and the number of days irrigation is expected to occur on the property for Flying Squirrel Productions LLC?

Novak, Shilynn

From: Novak, Shilynn
Sent: Thursday, November 9, 2023 4:21 PM
To: zach.latham@brockwayeng.com
Subject: WSB Rental 2719 - Additional Info Request
Attachments: Lease Application.pdf; Application-Processing-Memo-60.pdf

Hi Zach,

I am processing the Water Supply Bank Rental for Flying Squirrel Productions LLC. For the increased rate without an increase in volume, I was hoping that you could provide information about the number of hours and the number of days irrigation is expected to occur.

Using Application Processing Memo No 60 (Irrigation Diversion Rate for Turf Grass in Public Areas), it describes how a higher rate can be applied for a shorter number of hours each day without an increase in volume. So knowing how many hours of irrigation is occurring and how many days irrigation is occurring, we can determine how much volume would need to be rented.

Please respond in 7 days so I may continue processing the rental application.

I will be out of the office tomorrow in observance of Veterans Day and should return on Monday, if you have any questions.

Sincerely,
Shilynn



Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 16 2023

DEPARTMENT OF
WATER RESOURCES

August 14th, 2023

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

Re: Water Supply Rental Application; Flying Squirrel Productions LLC.

Mary,

On behalf of Flying Squirrel Productions LLC (Applicant), Brockway Engineering is submitting a rental application for any available ground water right for 7.5 acres of irrigation on the Applicant's property south of Bellevue, ID for the two year period of 2024 through 2025. Although WSB Rental Contract No. 711 approved in March of 2023 allows for the irrigation of the same 7.5 acres using 0.15 cfs, additional flow rate (0.08 cfs) is needed on the same 7.5 acres to allow all irrigation zones to run in a 24-hr period for common zone area vegetation establishment in the heat of the summer.

From a consumptive use standpoint, the additional flow rate won't allow for additional consumptive use, it will allow for more area to be irrigated during a shorter time span. Typically, overhead pressurized irrigation (hand lines, wheel lines, pivot or otherwise) wouldn't require more than 0.02 cfs per acre, but zoned buried irrigation covering large, irregular areas in a subdivision requires a higher flow rate per acre in order to provide effective watering cycles for vegetation establishment.

Please copy our office on all correspondence regarding this rental application. Thank you for your assistance and if you have questions or comments, please don't hesitate to give me a call.

Regards,

William for Zach Latham

Zach Latham, M.S., Hydrologist

Enc: (1) Flying Squirrel Productions LLC Rental Application and Map.

Cc: Mr. Jonathan Neeley

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

2719