

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 959

This is to certify that:

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

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)
37-5	3/10/1883	BIG WOOD RIVER	1.09	190.7	54.5	0.020	3.50
Rental Totals			1.09	190.7	54.5	0.020	3.50

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 2025, whichever occurs last.

Annual Rental Fee:

2025: \$6,293.10

The full fee for the rental of the above-described right(s) is \$6,293.10 for 2025. The rental fee includes an administrative fee of \$629.31 for 2025.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
DIVERSION TO STORAGE	1.09	
RECREATION STORAGE		134.6
Combined Total	1.09	134.6

*** The authorized water usage reflects a reduction from the water right elements rented, to account for a nature of use change.**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 959

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

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, Executive Manager
Idaho Water Resource Board

Date

Rental approved by IDWR

Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 959

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER 3SWNW Sec. 36, Twp 02N, Rge 18E, BLAINE County

BENEFICIAL USE

DIVERSION TO STORAGE
RECREATION STORAGE

DIVERSION RATE

1.09 CFS

VOLUME

134.6 AF

SEASON OF USE

Water Right No.

37-5

From

7/1

To

12/31

RENTERS PLACE OF USE: RECREATION STORAGE

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	X			X													X

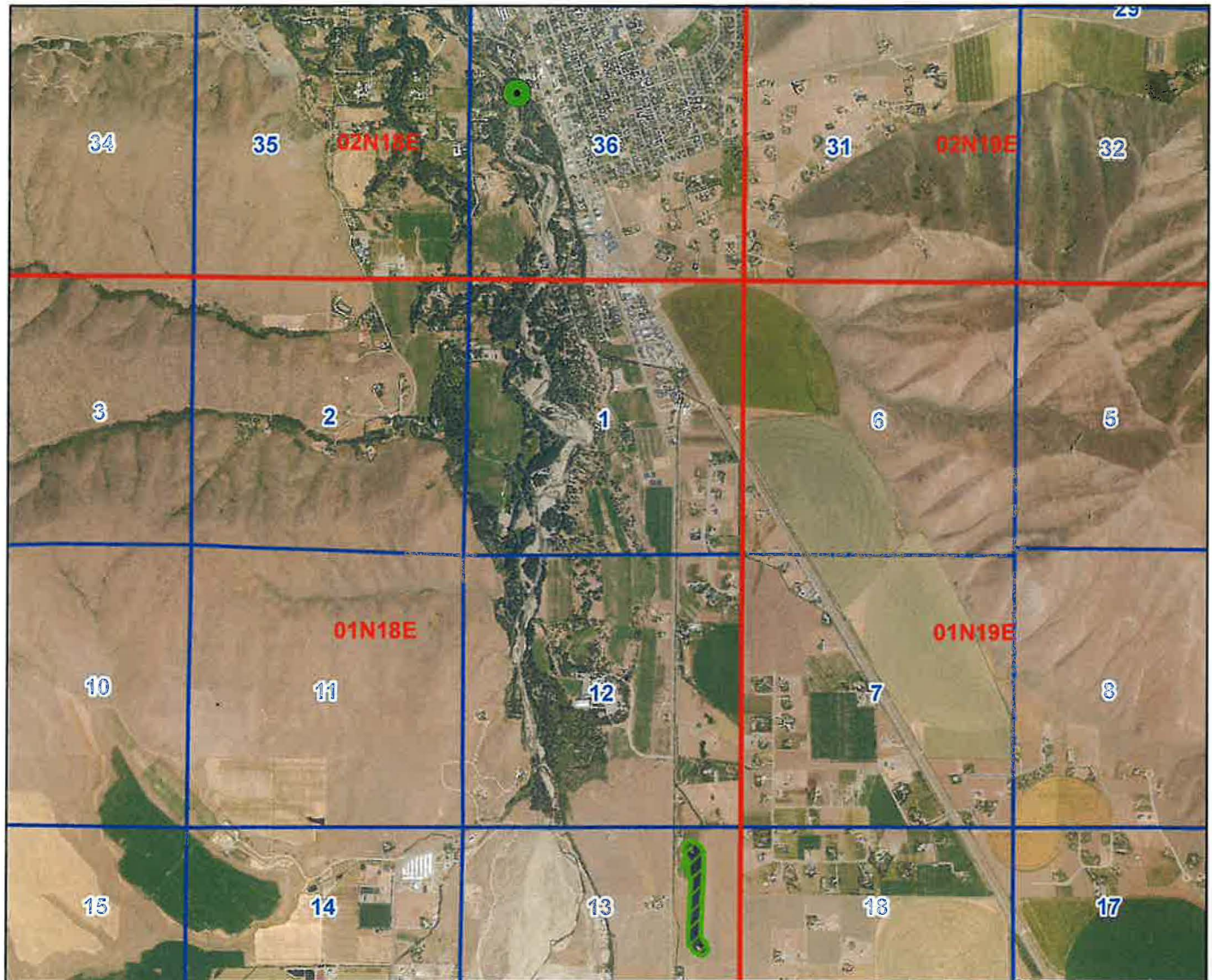
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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 any change to the size, shape, or capacity of the pond.
10. This rental agreement authorizes a total annual storage volume of 134.6 acre-feet for the replacement of losses due to leaks through the liner. 81.9 acre-feet for the initial fill and the replacement of losses due to evaporation and seepage is authorized by water right(s) 37-510A, 37-658D, 37-21849, 37-21866, 37-2190, and 37-21917.
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 diversions.
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.

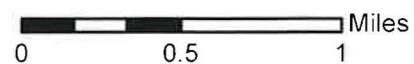
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 959

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.



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



STATE OF IDAHO
WATER RESOURCE BOARD

Print Form

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

RECEIVED

JUL 01 2025

DEPARTMENT OF
WATER RESOURCES

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)

Any Avail. 37-21112

Any Avail. 37-22019

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 PLC Relationship to Applicant Consultant

Mailing Address 2016 Washington Ave N Suite 4 Twin Falls, ID 83301

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 seeks to rent water to replace conveyance losses so that existing rights 37-510A and 37-685D can be delivered to applicant's place of use. If these rights are out of priority, water will continue to be needed to refill a recently-maintained pond authorized under the above rights.

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)
4.0 CFS	AF	2.0 CFS	AF	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?	
7/4/25	7/11/25	☒ 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):

Water sought under this rental will be delivered through existing Wood River Valley Irrigation District #45 canal system and or existing well on applicant's property.

- 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
D45 @ Big Wood River	Big Wood River	37-510A, 37-685D and numerous others
Existing 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 _____ (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: Recreation, recreation storage from: 7/4 (mm/dd) to: 10/31 (mm/dd)

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

N/A

- 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 and 37-685D. Cuts to existing water rights preclude in-priority flow rates from being delivered to applicant under existing rights. Rental is sought to deliver 37-510A and 37-685D while they are in priority & after.

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)
Any Avail.	Surface WR					4		
Any Avail.	Ground WR					4		
37-21112	SW					4		
37-22019	GW					4		
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	4		
						CFS	AF	AC

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

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

Applicant seeks to rent all portions of all rights listed above and or any other available surface water right with a priority date senior to 6/12/1886 in order to allow delivery of 37-510A and 37-685D and additional flow when cut.

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**:

Consumptive use associated with rights requested to be rented, far exceeds evaporation off of existing pond. 37-510A and 37-685D provide consumptive use associated with aesthetic use proposed under this rental app.

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:

N/A

- 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:

N/A

- 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 surface or ground water right to allow delivery of 37-510A and 37-685D and additional flow when they are cut. WRVID#45 conveyance loss precludes delivery of existing rights. Applicant needs to top off aesthetic pond in order to proceed with maintenance of pond (sealing).~~

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

Jonathan Neeley- Manager
Printed Name of Applicant

7/1/25
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

Water Modeling Requirement Information Sheet

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

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

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

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

Regulated water sources may areas include:

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

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

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

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

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

Modeling situations may include:

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

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

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

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

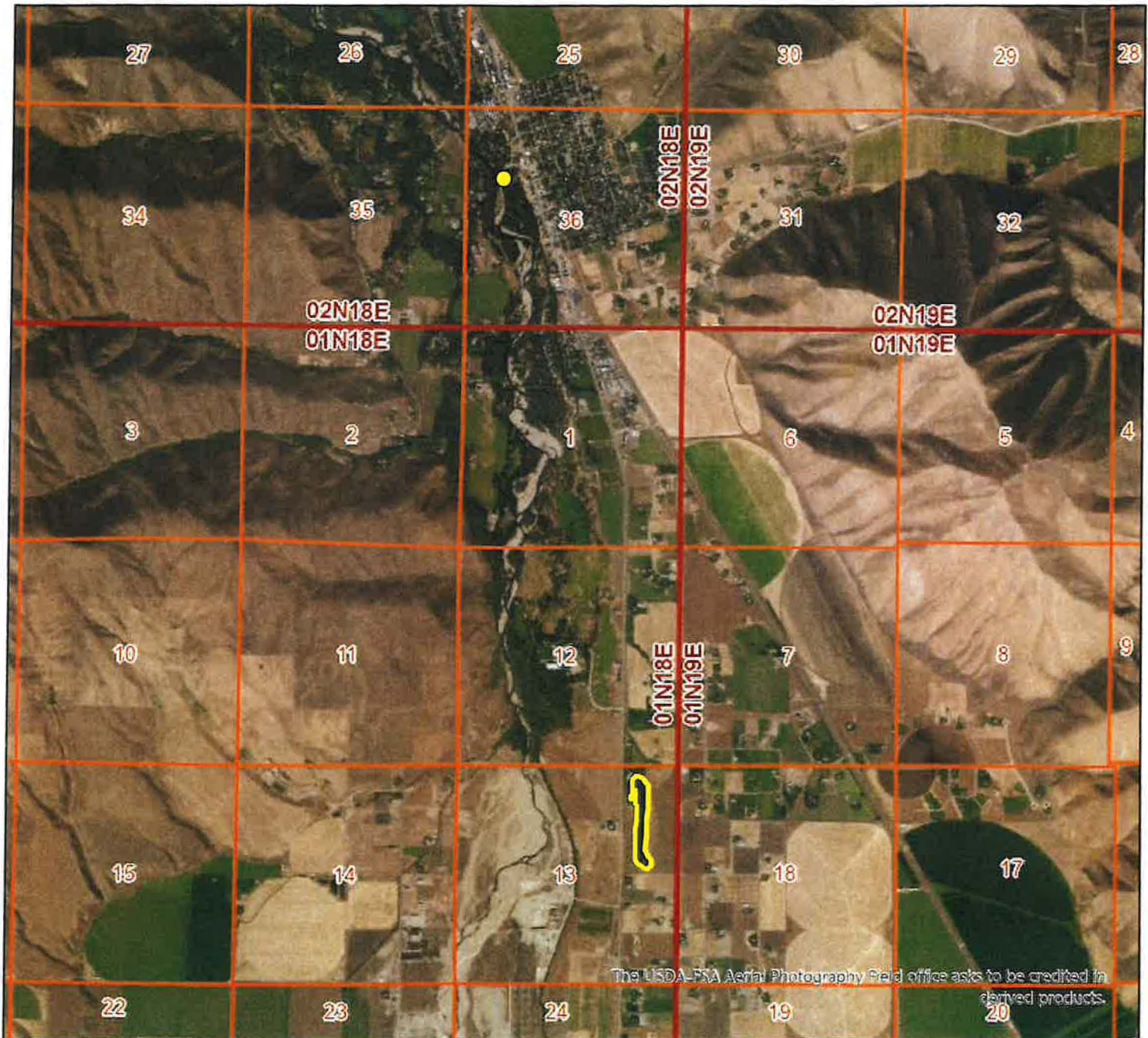
State of Idaho
Department of Water Resources

Water Right

37-510A

RECREATION STORAGE

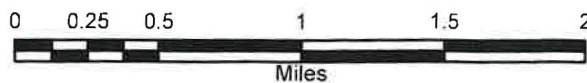
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



Date created 7-1-2025



Legend

- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion



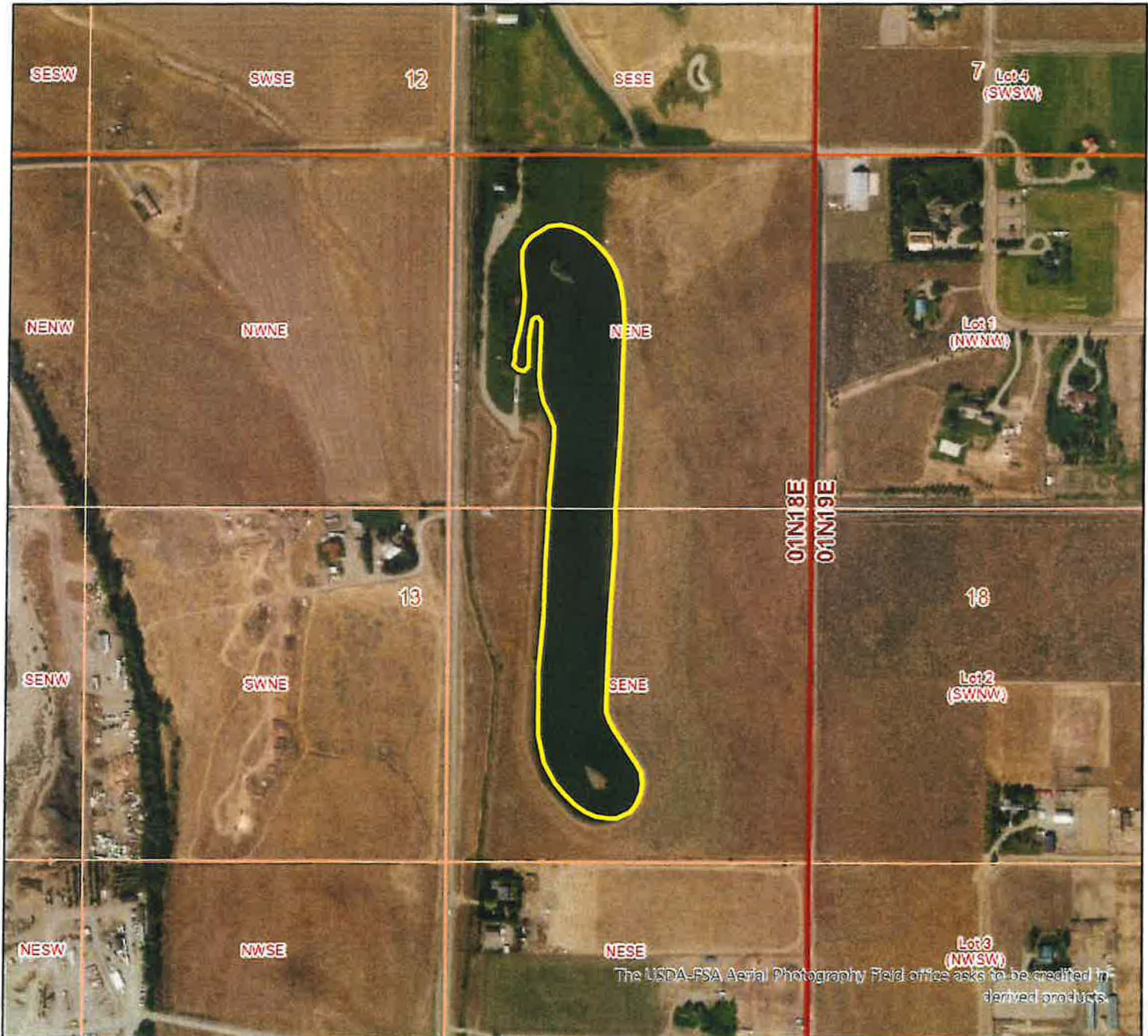
State of Idaho
Department of Water Resources

Water Right

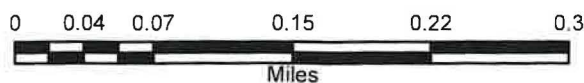
37-510A

RECREATION STORAGE

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 7/26/25



Legend

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary



Mansfield, Debra

From: Mansfield, Debra
Sent: Tuesday, July 8, 2025 11:58 AM
To: watermanager@wd37.org; IdwrPayable; galenagwd@gmail.com
Cc: Bank
Subject: Executed WSB Rental Agreements 958 & 959, Flying Squirrel Productions LLC
Attachments: Executed WSB Rental Agreements 958 & 959, Flying Squirrel Productions LLC.pdf

Hello,

Please see the attached copy of executed WSB Rental Agreements 958 & 959, in the name of Flying Squirrel Productions LLC, for your records.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

Hummer, Phill

From: Hummer, Phill
Sent: Monday, July 7, 2025 8:31 AM
To: Zach Latham; Olson, Aaron; 'Jonathan Neeley'
Cc: 'Charles Brockway'; zlatham@gmail.com
Subject: RE: Flying Squirrel Productions LLC WSB Rentals
Attachments: Rental 959 BWR.pdf; Rental 958 GW.pdf; Executed Rental Agreement and Receipt Letter.docx; Executed Rental Agreement and Receipt Letter.docx; Receipt 958.pdf

Zach,

Looks like the email with the signed copies didn't get sent Thursday last week, Im sorry about. They are attached to this email along with copies of the receipts and the approval cover letters for both agreements.

-Phill

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Friday, July 4, 2025 9:28 PM
To: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>; 'Jonathan Neeley' <jneeley@briodest.com>; Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Cc: 'Charles Brockway' <charles.g.brockway@brockwayeng.com>; zlatham@gmail.com
Subject: RE: Flying Squirrel Productions LLC WSB Rentals

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.

Phill and Aaron,

Thanks so much for helping us out with this request, we really appreciate it! When attaching the executed rentals, please reply all so that we can get the rental contracts to the correct contacts, thanks again and I hope you have/had a great holiday weekend, cheers-
Zach.

From: Olson, Aaron [<mailto:Aaron.Olson@idwr.idaho.gov>]
Sent: Thursday, July 3, 2025 5:04 PM
To: Zach Latham; 'Jonathan Neeley'
Cc: 'Charles Brockway'
Subject: RE: Flying Squirrel Productions LLC WSB Rentals

Zach,

Perfect, Suzanne at Southern gave me a call. Phill is going to send some scanned copies of them with his signature in just a moment.

Aaron

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, July 3, 2025 4:47 PM
To: 'Jonathan Neeley' <jneeley@briodest.com>; Olson, Aaron <Aaron.Olson@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 Mathew Weaver

7/7/25

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

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-5, AGREEMENT No. 959**

Dear Renter:

The Department received your payment for Rental Agreement No. 959. Enclosed is a receipt for the payment and a copy of a fully executed Rental Agreement authorizing 1.09 cfs and 134.6 af of water for Recreation Storage during 2025. 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 \$5,663.79 of the rental fee will be paid to the lessor(s) and 10% or \$629.31 will be retained by the Department to offset administrative costs.

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

Sincerely,

for
Water Supply Bank

Enclosures: Receipt No. C121954
Rental Agreement (copy)

Hummer, Phill

From: George, Suzanne
Sent: Thursday, July 3, 2025 5:05 PM
To: Olson, Aaron; Crichton, Izzy
Cc: Hummer, Phill
Subject: Emailing: 20250703160253, 20250703160257
Attachments: 20250703160253.pdf; 20250703160257.pdf

Hello,

Please see attached receipts for the water supply bank for Flying Squirrel Productions.

Thanks,

Suzanne

Your message is ready to be sent with the following file or link attachments:

20250703160253
20250703160257

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Olson, Aaron

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, July 3, 2025 4:21 PM
To: Olson, Aaron
Cc: jneeley@briodest.com; Charles Brockway
Subject: FW: Flying Squirrel Productions LLC WSB Rentals
Attachments: Rental Agreement 959 FINAL.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.

Aaron-
Signed surface water agreement for Phill.
Zach.

From: Jonathan Neeley [mailto:jneeley@briodest.com]
Sent: Thursday, July 3, 2025 4:17 PM
To: Zach Latham
Cc: Charles Brockway
Subject: Re: Flying Squirrel Productions LLC WSB Rentals

Surface water right executed sorry for the poor penmanship. I'm doing it with my finger on my phone.

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

On Jul 3, 2025, at 3:46 PM, Zach Latham <zach.latham@brockwayeng.com> wrote:

JN-
Rentals for signature. Note the fees, large, but it's the going rate with IDWR.
Zach.
Ps- I will call you at 4pm in 15 mins-

From: Olson, Aaron [mailto:Aaron.Olson@idwr.idaho.gov]
Sent: Thursday, July 3, 2025 3:17 PM
To: zach.latham@brockwayeng.com
Subject: Flying Squirrel Productions LLC WSB Rentals

Zach,

Olson, Aaron

From: Olson, Aaron
Sent: Thursday, July 3, 2025 3:17 PM
To: zach.latham@brockwayeng.com
Subject: Flying Squirrel Productions LLC WSB Rentals
Attachments: Rental Agreement 958 FINAL.pdf; Rental App 3239 Map.pdf; Rental Agreement 959 FINAL.pdf; Rental App Agreement 959 Map.pdf

Zach,

As discussed earlier here are two rental agreements for Flying Squirrel Productions LLC. We can accept digital filings through the file@idwr.idaho.gov email address (cc me and Phill). The fee for the rentals will need to be received however before the agreements can be executed. Phill says he will stay around the office longer if you think it would be possible to get the fee paid today.

Let me know if you have any questions or there is anything I can help with.

Thanks,

Aaron

Aaron Olson - Water Resource Agent, Principal
Idaho Dept. of Water Resources
322 E Front St Ste 648
Boise, ID 83702-7371
(208) 287-4907
Aaron.Olson@idwr.idaho.gov

Olson, Aaron

From: Olson, Aaron
Sent: Thursday, July 3, 2025 3:04 PM
To: Skinner, Corey
Subject: Water Supply Bank Rental Application 3240 Flying Squirrel Productions LLC
Attachments: WSB Rental App for Submittal 2025-7-1.pdf; Rental App 3240 Review Memo FINAL.docx; Rental App Agreement 959 Map.pdf; Rental App 3240 Move Map.pdf

Good Afternoon,

The Water Supply Bank received an application to rent water right 37-5. Attached is a copy of the review memo, and maps for your review. Please provide any comments or concerns you have with the proposed rental within the next 7 days. If no comments are received in the next 7 days, I will assume there are no issues with this rental and proceed with processing.

This application is the same as the one I sent earlier but we are creating an agreement for both a ground water and a surface water source.

Sincerely,

Aaron

Aaron Olson - Water Resource Agent, Principal
Idaho Dept. of Water Resources
322 E Front St Ste 648
Boise, ID 83702-7371
(208) 287-4907
Aaron.Olson@idwr.idaho.gov

Olson, Aaron

From: Olson, Aaron
Sent: Thursday, July 3, 2025 3:04 PM
To: watermanager
Subject: Water Supply Bank Rental Application 3240 Flying Squirrel Productions LLC
Attachments: WSB Rental App for Submittal 2025-7-1.pdf; Rental App 3240 Review Memo FINAL.docx; Rental App Agreement 959 Map.pdf; Rental App 3240 Move Map.pdf

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Sincerely,

Aaron

Aaron Olson - Water Resource Agent, Principal
Idaho Dept. of Water Resources
322 E Front St Ste 648
Boise, ID 83702-7371
(208) 287-4907
Aaron.Olson@idwr.idaho.gov

MEMORANDUM FOR AGREEMENT # 959

To: Water Right(s) 37-5
From: Aaron Olson
Date: 07/02/2025
Re: Review & Analysis of Application to Rent Water

PURPOSE/NARRATIVE:

IDWR received application 3240 on 7/1/25 from Zach Latham on behalf of Flying Squirrel Productions LLC requesting 4.0 cfs of water from either the Big Wood River or Ground Water to maintain a pond with a leaking liner. Rights senior to 1886 are requested because exiting surface water rights for the pond will likely be curtailed soon and the applicant does not want the pond to empty. This rental will authorize the delivery of water pursuant to water right 37-5 through a change in nature of use from irrigation to storage.

After discussion with Zach it was decided that as high a diversion rate as possible is desired. Water right 37-5 has 1.09 cfs remaining available to be rented, the entirety of the remaining right will be rented.

AUTHORITY TO FILE:

The application is signed by Jonathan Neeley as a manager for the company. The company does not appear to be registered with Idaho, but Jonathan Neeley submitted the notice of ownership change for rights 37-510A, 37-685D, and 37-12240 on behalf of the company and likely has the authority to act. Consent from Triangle Irrigation District and Wood River Valley Irrigation District No 45 to use their canals as a means of conveyance was not provided with the application. A condition will be included in the agreement stating that diversion of water under the rental shall not occur unless proper consent is obtained from the appropriate districts.

INJURY TO OTHER WATER RIGHTS:

The rental proposes diversion from the Big Wood River tributary to the Malad River which water right 37-5 also authorizes use from. The proposed point of diversion is at the District 45 Canal which is approximately 7.5 miles downstream of the lease point and is a shared point of diversion for . Water right 37-5 is administered by Water District 37 which will facilitate delivery of water when available or shut off to prevent injury if needed if rights go out of priority.

ENLARGEMENT OF USE:

Water right 37-5 authorizes irrigation, wildlife, and recreation uses. The wildlife and recreation uses cover ponds that have a stacked place of use with water right 37-8748 that authorizes recreation storage from Deer Creek and ground water. Only the irrigation portion of 37-5 will be rented to prevent enlargement due to diversion of water at the ponds under right 37-8748 while 37-5 is in the bank. The nature of use of the rented water right will be changed from irrigation to recreation storage (with diversion to storage). ET Idaho data at the Hailey RS Station (NWS -- USC00103942) shows the historical consumptive use of irrigation to be 2.47 acre-feet per year when using the value for alfalfa – peak (no cutting effects) which is slightly below the area consumptive use standard of 2.5 acre-feet per year. The pond which the rental proposes to maintain has a storage capacity of 70.3 acre-feet. However to cover the maximum potential for leaks the applicant request a greater rate, therefore 54.5 acres will be designated to the rental. To ensure enlargement does not occur the full consumptive volume will be authorized for storage. The rental will add volume to the total authorized temporarily until the leaks are fixed. A

condition will be added to explain the storage in relation to the existing rights that authorize fill and evaporation and regular seepage losses.

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 proposed location of the rental is within the Southern Region and is administered by Water District 37. A request for comments was sent to the Southern Regional Office Manager and the Water District 37 Water Master on July 3, 2025.

Hummer, Phill

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Tuesday, July 1, 2025 3:07 PM
To: IDWR File
Cc: Saxton, Craig; Hummer, Phill; Condon, Mary; Charles Brockway; jneeley@briodest.com; Bank
Subject: Emergency Water Bank Rental App Processing Request
Attachments: Signed Flying Squirrel Productions LLC Emergency WSB Rental App for Submittal 2025-7-1.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.

Craig-

I apologize in advance for this email, but the attached water supply bank rental application is being submitted as a result of an emergency finding yesterday wherein the storage pond's liner associated with 37-510A and 37-685D has been severely compromised. As the previously mentioned rights are likely to go off on priority very soon, filling the pond as soon as possible with rental water will allow maintenance on the liner to occur, saving multiple hundreds of thousands of dollars when compared to letting the pond dry up and repairing the liner later this year. The application request rental of any available surface or ground water right(s) for the continued filling of the pond so that the liner can be repaired.

Although I do not take this request and filing lightly, I do ask that the Department review and process this rental application ahead of existing rentals based on the circumstances. Please let us know if you have any questions or comments, we look forward to hearing from you today or tomorrow.

Zach Latham