

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 834

RECEIVED
APR 01 2024
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

KELLY CANYON WINTER PARK LLC
PO BOX 367
RIRIE, ID 83443-0367

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)
22-2175A	2/23/1960	GROUND WATER	0.04	12.1	3.4	0.014	3.56
Combined Rental Totals			0.04	12.1	3.4	0.014	3.56

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 2024, whichever occurs last.

Annual Rental Fee:

2024 - 2025: \$278.30 annually

The full fee for the rental of the above-described right(s) is \$278.30 per year for years 2024 - 2025. The rental fee includes an administrative fee of \$27.83 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.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 834

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 3-28-24

Mike VanSteenkiste _____
Printed Name _____ Title Owner

*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 4/2/24

Rental approved by IDWR  _____
Date 4/2/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 834

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec. 28, Twp 04N, Rge 41E,	JEFFERSON County
GROUND WATER	NESE	Sec. 28, Twp 04N, Rge 41E,	JEFFERSON County

BENEFICIAL USE
COMMERCIAL

DIVERSION RATE
0.04 CFS

VOLUME
12.1 AF

SEASON OF USE

Water Right No. 22-2175A	From 11/1	To 4/1
------------------------------------	---------------------	------------------

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
04N	41E	28													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 the construction of a well.
10. Commercial use is for snow-making
11. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.

RECEIVED

NOV 30 2023

Department of Water Resources

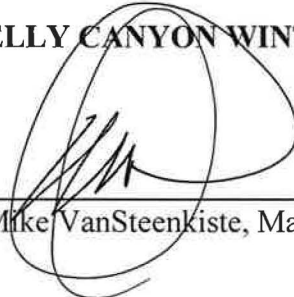
SPECIAL POWER OF ATTORNEY

The undersigned hereby appoints **Robert L. Harris** and **Luke H. Marchant** of the law firm of Holden Kidwell Hahn & Crapo P.L.L.C., 1000 Riverwalk Drive, Suite 200, Idaho Falls, Idaho 83401, as our true and lawful attorney for the purpose of signing documents and acting on our behalf on matters associated with submission of water right applications and water supply bank rentals to the Idaho Department of Water Resources and/or the Idaho Water Resource Board, and to allow him to receive all information, and to sign documents and other filings on our behalf.

DATED this 30 day of November, 2023.

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

KELLY CANYON WINTER PARK LLC

By: 

Mike VanSteenkiste, Manager

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

NOV 17 2023

DEPARTMENT OF
WATER RESOURCESApplicant Name: Kelly Canyon Winter Park, 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)

22-7680A 22-7687

22-7680B

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Kelly Canyon Winter Park, LLC

Mailing Address PO Box 367 Ririe ID 83443-0367
Street City State Zip Code
Email Address _____ Phone Number _____

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 Robert L. Harris Professional Title Attorney
Organization Holden, Kidwell, Hahn & Crapo, P.L.L.C. Relationship to Applicant _____
Mailing Address PO Box 50130, Idaho Falls, ID 83405
Email Address rharris@holdenlegal.com Phone Number (208) 523-0620

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**:

Water will be used at a ski resort for commercial (snow making) purposes. Applicant is expanding its current snow making capabilities and will need approximately 12 acre-feet of water for this purpose.

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	12.2 AF	0.08 CFS	12.2 AF	4.2 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?	
11/15/2023		☐ 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 will be diverted from existing pumps into a pipeline system to mobile snow making units.

- 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
Pump	Ground Water	23-11313
Pump	Ground Water	New domestic well

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: 11/01 (mm/dd) to: 04/01 (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:

Water Right No. 23-11313 is also diverted from one of the proposed PODs for the same purpose. Applicant needs more water to expand its snow making capabilities.

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)
22-7680A	Irrigation	0.13	26.41	9		0.04	7.4	2.5
22-7680B	Irrigation	0.91	132.8	45.3		0.02	2.3	0.8
22-7687	Irrigation	1.48	216.6	73.9		0.02	2.5	0.9
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	0.08	12.2	4.2
						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**:

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**:

Applicant used IDWR's standard consumptive irrigation requirement of 2.5 acre-feet/acre as the historic consumptive use. The industry standard consumptive use for snow making is typically less than 20%.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☒ No ☐
If yes, describe: Applicant is seeking a water right to purchase and permanently transfer for the proposed use.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Signature of Applicant

Printed Name of Applicant

Date



Robert L. Harris

November 13, 2023

Signature of Representative

Printed Name of Representative

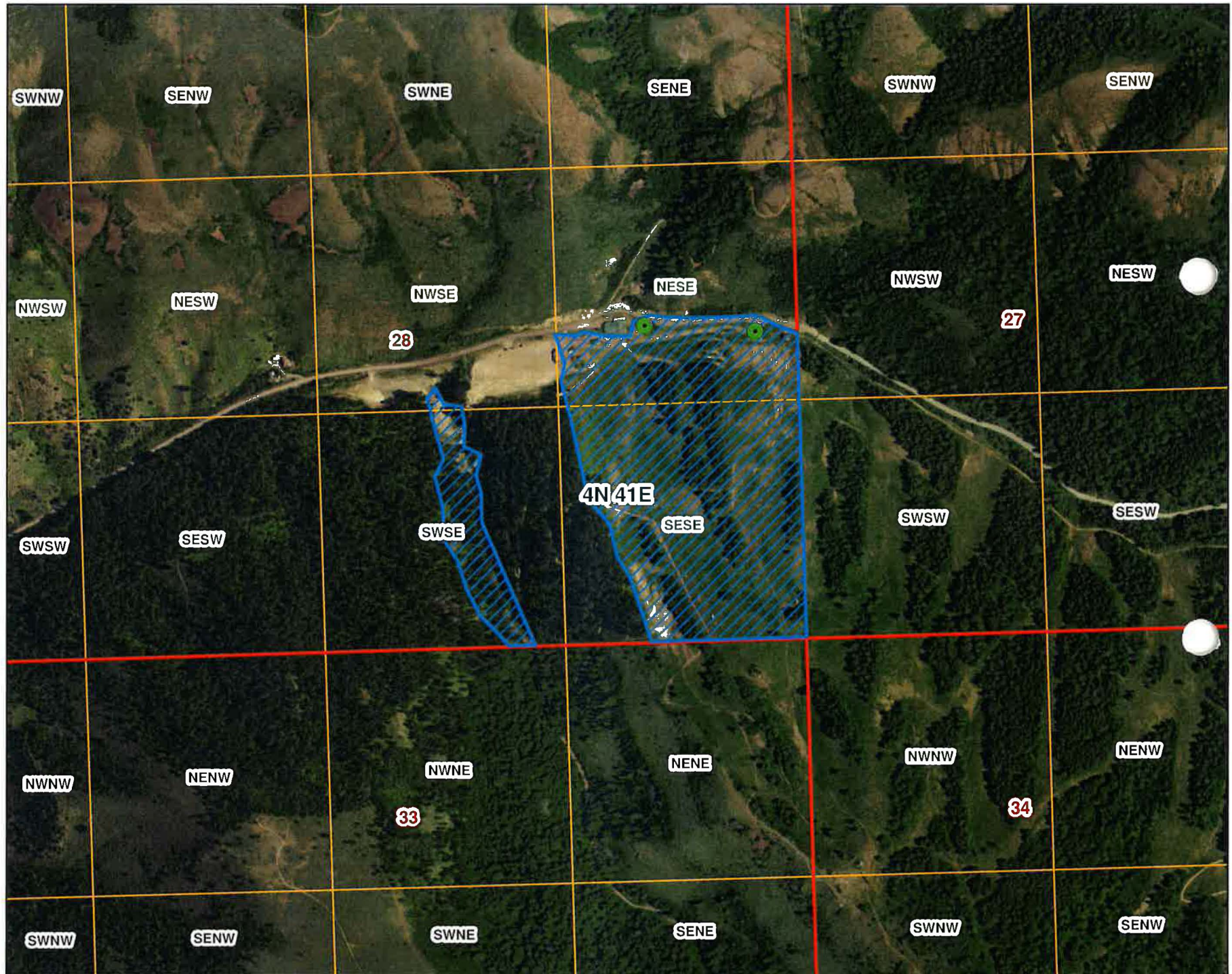
Date

Mail to:

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

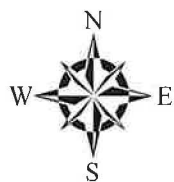
ATTACHMENT 2

GIS Maps



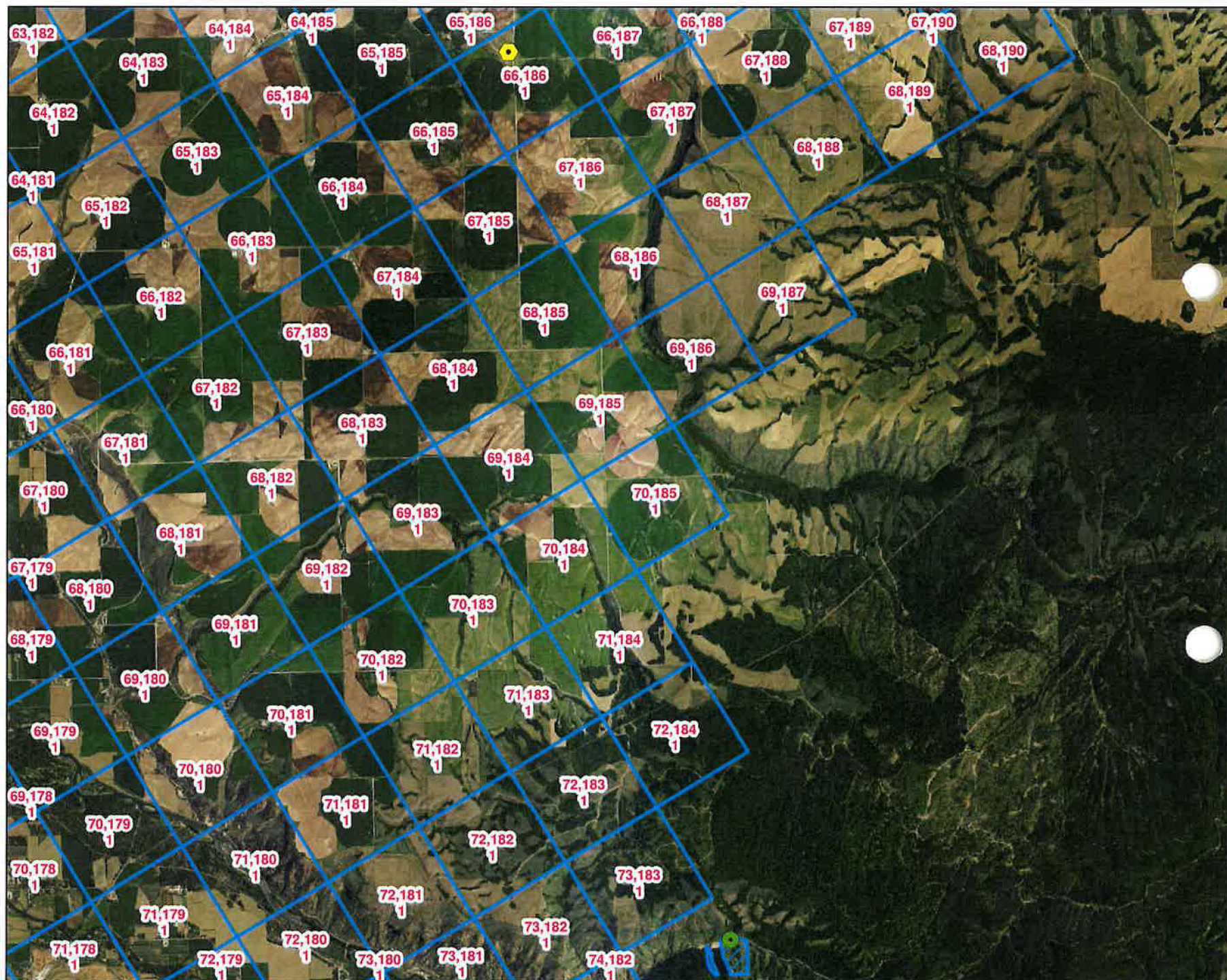
Prepared by:
Luke H. Marchant
11/14/2023

KELLY CANYON WSB RENTAL



Legend

- From Well
- Proposed POD
- Proposed POU
- Model Grid



2021 NAIP Photo



Prepared by:
Luke H. Marchant
11/13/2023

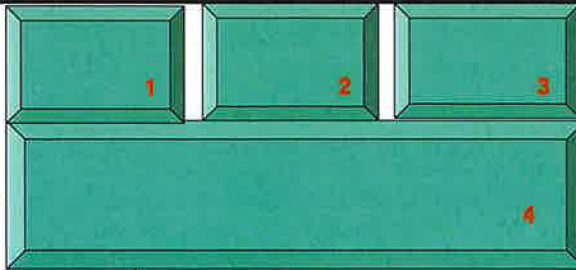
ATTACHMENT 3H.1
Water Modeling – Data Entry

ENHANCED GROUND-WATER RIGHTS TRANS

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEP

Cells this color are
set up for user entries



ENTER STARTING DATE FOR

SIMULATION. THEN PUSH

TRANSFER NO:

"UPDATE DATES" BUTTON

0

YEAR

1990

TRANSFER NAME:

SEASON

SUMMER



Kelly Canyon

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	73	66	0	0
COLUMN	183	186	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use	With Transfer	Without Transfer	With Transfer	Without Transfer	With Transfer	Without Transfer
	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER
SUM 1990	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1990	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 1991	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 1991	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1991	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 1992	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 1992	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1992	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 1993	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 1993	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1993	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 1994	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 1994	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1994	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 1995	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 1995	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1995	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 1996	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 1996	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1996	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 1997	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 1997	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1997	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 1998	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 1998	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1998	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 1999	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 1999	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 1999	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2000	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2000	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2000	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2001	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2001	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2001	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2002	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2002	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2002	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2003	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2003	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2003	0.00	3.50	3.50	0.00	0.00	0.00	0.00

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

SUM 2127	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2127	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2128	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2128	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2128	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2129	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2129	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2129	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2130	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2130	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2130	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2131	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2131	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2131	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2132	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2132	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2132	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2133	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2133	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2133	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2134	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2134	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2134	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2135	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2135	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2135	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2136	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2136	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2136	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2137	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2137	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2137	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2138	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2138	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2138	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2139	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SUM 2139	0.00	3.50	3.50	0.00	0.00	0.00	0.00
WIN 2139	0.00	3.50	3.50	0.00	0.00	0.00	0.00
SPR 2140	0.00	3.50	3.50	0.00	0.00	0.00	0.00

ATTACHMENT 3H.2
Water Modeling – Calculated
Effects

WIN 2023

101

Match:

456

[illegible]

ATTACHMENT 3H.3
Water Modeling – Mitigation
Analysis



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 03, 2024

KELLY CANYON WINTER PARK LLC
PO BOX 367
RIRIE ID 83443-0367

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-2175A, AGREEMENT 834**

Dear Renter:

Please find enclosed a receipt in the amount of **\$278.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 12.1 acre-feet of water for commercial of 3.4 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 \$250.47 of the rental fee will be paid to the lessor(s) and 10% or \$27.83 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,

for
Water Supply Bank

Enclosures: Receipt No. C118080
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Water District 100 – St Anthony, Rexburg
Ground Water District - Madison

Mansfield, Debra

From: Mansfield, Debra
Sent: Wednesday, April 3, 2024 8:56 AM
To: Jordan, Blake; IdwrPayable; Cefalo, James; kwhuskinson@gmail.com; aaron.fmid@myidahomail.com
Cc: Bank
Subject: Executed WSB Rental 834
Attachments: Executed Rental Agreement 834.pdf

Good morning,

Please see the attached copy of Executed Rental Agreement 834, in the name of Kelly Canyon Winter Park 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



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

March 13, 2024

KELLY CANYON WINTER PARK LLC
PO BOX 367
RIRIE, ID 83443-0367

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S).22-2175A AGREEMENT 834**

*****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 \$278.30 **per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 12.1 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 for \$278.30 for 2024 made 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 \$250.47 of the rental fee will be paid to the lessor(s) and 10% or \$27.83 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,

Catalina Beck

Water Supply-Bank

Enclosure

c: IDWR Front Desk
Representative (via email)

MEMORANDUM FOR AGREEMENT # 834

To: Water Right(s) 22-2175A
From: Mackenzie Kienholz
Date: 3/6/2024
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Rental Application #2834 was submitted by Robert L. Harris (Holden, Kidwell, Hahn & Crapo, PLLC) on behalf of Kelly Canyon Winter Park, LLC and was received by the Department on 11/17/2023. A total of 12.2 af were requested for snowmaking at the ski resort, increasing the amount of snowmaking authorized under the applicant's existing right. The application originally proposed to rent a total of 12.2 acre-feet from combined rights 22-7680A, 22-7680B, and 22-7687, however these rights provide an unusually low rate per acre. Review staff suggested right 22-2175A be used instead. The representative agreed to this change and that the amounts available under 22-2175A would be sufficient for the rental purposes in an email reply to review staff's inquiry. The representative also confirmed that while the initial request was through 2024, right 22-2175A has availability through 2025, so the applicant would like the rental to include 2025. Right 22-275A has 0.046 cfs and 12.1 af available that will be dedicated to this rental for 2024-2025.

This rental is not subject to a water district, ground water district, or (C)GWMA. The rental is within one model grid cell of the ESPA GWMA. Because the rental is renting water from within the ESPA GWMA, it will include the condition below as all multi-year rentals within the ESPA GWMA do:

"Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled."

The lease is within the ESPA GWMA, WD 100, and the Madison GWD. The rental is not within any (C)GWMA, water district, or groundwater district.

AUTHORITY TO FILE: The application was signed by the applicant's representative Robert L. Harris. Upon request, a document giving Mr. Harris special power of attorney was submitted. This document was signed by Mike VanSteenkiste, who is listed as the registered agent on Kelly Canyon Winter Park, LLC's most recent IDSOS annual filing (filed 9/27/2023). On the map submitted with the application, most of the land at the rental POU is owned by Mike VanSteenkiste, but a western portion is owned by SBP Holdings, LLC. Review staff contacted the representative who confirmed that only the portion of the POU owned by Mike VanSteenkiste is requested for this rental. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right validity was evaluated as part of the lease review for water right 22-2175A and found no concerns.

INJURY TO OTHER WATER RIGHTS: As this rental is within one model grid cell of the ESPA GWMA and the lease is within the ESPA GWMA, ETRAN V3.4 modeling was completed and found that no mitigation would be required. See the attached results and data entry. The rental

POD is in the Palisades ESPA tributary basin and is within one model grid cell of the ESPA GWMA boundary. At this time, rentals within two model grid cells are allowed to rent water from within the ESPA GWMA boundary.

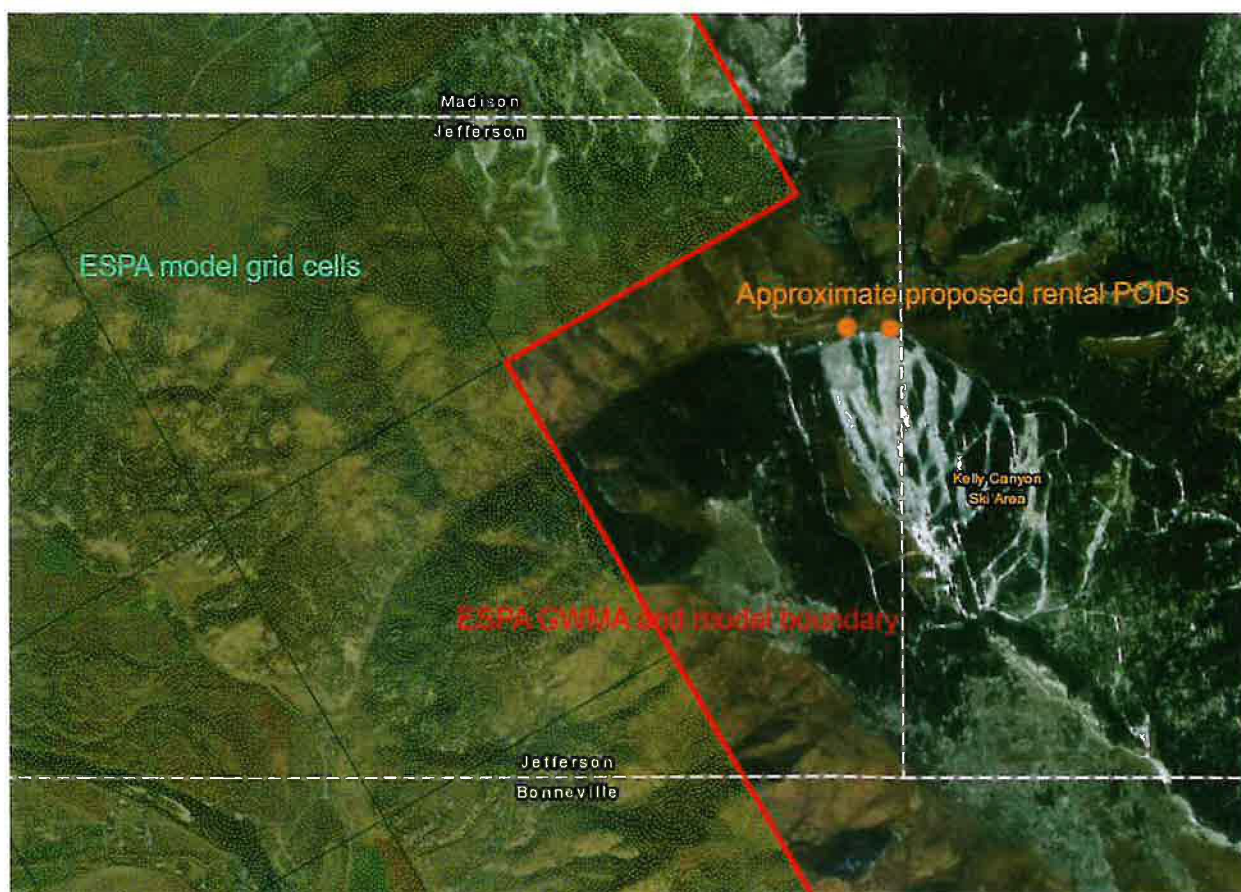


Figure 1. Map showing location of rental PODs in relation to ESPA GWMA and model boundaries.

The season of use will be changing from an irrigation season of 4/1-10/31 to 1/1-12/3, but the rate and volume limits will not be changed. Review staff do not anticipate that the change in season of use will have injurious impacts to other surface or ground water users. No concerns with injury to other water rights.

ENLARGEMENT OF USE: Two water rights overlap the proposed rental POU. Right 23-4007 is in the name of Kelly Canyon Ski Area Inc. and authorizes stockwater and domestic use. Right 23-11312 is owned by Kelly Canyon Winter Park, LLC and authorizes 0.06 cfs for 3.0 acres of irrigation and an additive 0.04 cfs for commercial use. It is stated in the conditions for 23-11312 that "Commercial use is for lodge, hydrants, and snow-making." Two different rights owned by Kelly Canyon Winter Park, LLC overlap the rental PODs: 23-4040 for irrigation and 23-11313 for irrigation and commercial use. Right 23-11313 has the same condition as 23-11312 mentioned above noting the purpose of the commercial portion.

The decreed beneficial use for 22-2175A is irrigation and the use under the rental will be commercial for snowmaking. The standard irrigation consumptive use value at both the lease and rental locations is 2.5 af/acre. This equates to about 71.4% of the right historically being consumptive. As part of a study presented by the National Ski Areas Association, it was

estimated that in Idaho, snowmaking is approximately 15-20% consumptive^{1 2}. As this change in nature of use will be from a more consumptive use to a less consumptive use, no reductions to the amount authorized for use are necessary.

The change in season of use from 4/1-10/31 to 1/1-12/3 is not anticipated to cause any enlargement concerns as the rate and annual volume limits will be retained. Right 22-2175A is considered primary groundwater and will continue to be used as such under this rental. 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 not subject to a Water District. A request for comments was sent to the IDWR Eastern Regional Office on 3/6/2024.

¹ National Ski Areas Association & Brendle Group (2023) *Fact Sheet: Climate Smart Snowmaking (2023)*. National Ski Areas Association.

https://nsaa.org/webdocs/Sustainability/Snowmaking/ClimateSmartSnowmaking_FactSheet_2023.pdf

² National Ski Areas Association (2023) *Climate Smart Snowmaking: The Role and Significance of Snowmaking in a Changing Climate*. National Ski Areas Association.

https://nsaa.org/webdocs/Sustainability/Snowmaking/ClimateSmartSnowmaking_Primer_2023.pdf

Etran V3.4 Run Kelly Canyon Winter Park 2024, 3.4 acres from 22-2175A, CU = 2.5 afa

Mitigation Analysis Period

Trimester

One-Way Analysis of Independent Transfers

New Water Right (GModelo):

WR No	Dw Rate (CFS)	Can Vol (AF/yr)	No of Irr Acres	Priority Date	POD Location	Dedicated Vol AF/yr AFT	Model Node
Transfer 1: Proposed Steady State Impacts following Transfer							
???	???	275.6	68.9	1/1/1960	BS29E-3	275.6 91.9	SP062075
???	???	275.6	68.9	1/1/1960	BS29E-3	275.6 91.9	SP068066
Transfer 1: Worst Case Transient State Impacts following Transfer							
???	???	275.6	68.9	1/1/1960	BS29E-3	275.6 91.9	SP062075
???	???	275.6	68.9	1/1/1960	BS29E-3	275.6 91.9	SP068066

Impact by Reach (AF/Trimester)											
Action to Reach	Here to Shelby	Shelby to Here	Here to Irick	Irick to Here	Here to Unkous	Unkous to Here	Here to Kopr	Kopr to Here	Here to Maled	Maled to Here	Here to Banora
1.43	1.22	0.05	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1.43	1.22	0.05	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1.43	1.22	0.05	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1.43	2.68	0.05	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Steady State Analysis

Mitigation Check 1 - >10% of Historical
Mitigation Check 2 - >2 AFT:
Mitigation Check 3 - >10% of Total
Mitigation Required?
Mitigation Vol. Req'd (ac-ft)

0.0%
0.0
58.6%
NO
0.0

0.0%
0.0
43.2%
NO
0.0

0.0%
0.0
1.8%
NO
0.0

0.0%
0.0
4.1%
NO
0.0

-0.1%
0.0
0.1%
NO
0.0

-0.2%
0.0
0.0%
NO
0.0

-0.2%
0.0
0.0%
NO
0.0

-0.2%
0.0
0.0%
NO
0.0

-0.2%
0.0
0.0%
NO
0.0

-0.2%
0.0
0.0%
NO
0.0

-0.2%
0.0
0.0%
NO
0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical
Mitigation Check 2 - >2.01 AFT:
Mitigation Required?
Mitigation Vol. Req'd (ac-ft)

0.0%
0.0
NO
0.0

119.1%
1.5
NO
1.5

0.0%
0.0
NO
0.0

0.0%
0.0
NO
0.0

-0.1%
0.0
NO
0.0

-0.2%
0.0
NO
0.0

-0.2%
0.0
NO
0.0

-0.2%
0.0
NO
0.0

-0.2%
0.0
NO
0.0

-0.2%
0.0
NO
0.0

-0.2%
0.0
NO
0.0

Read Me

Transfer: SPR 2024

Match: 196 Match: 456

YEAR

1959

TRANSFER NAME:

CALCULATE EFFECTS

SEASON

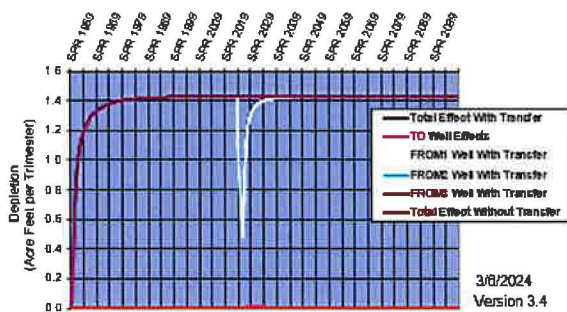
SPRING

KCWP 22-2175A

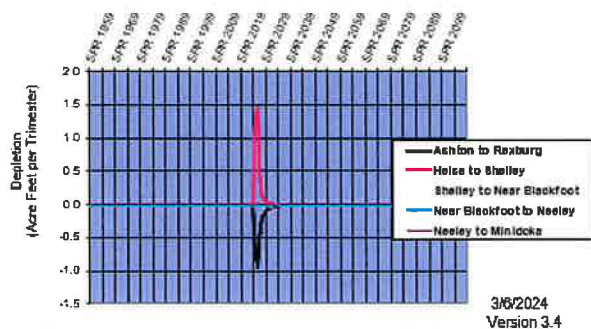
ENTER CELL LOCATIONS:

Graphs Above Milner

Hydrologic Response—Ashton to Rexburg
Customer Name: KCWP 22- Transfer No: 0



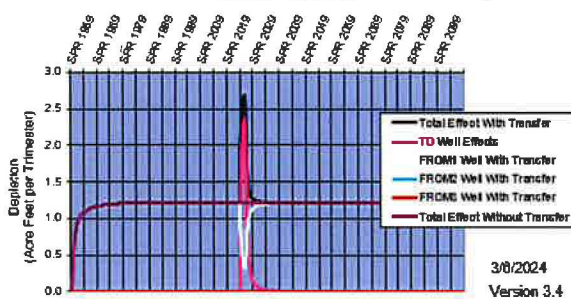
Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)



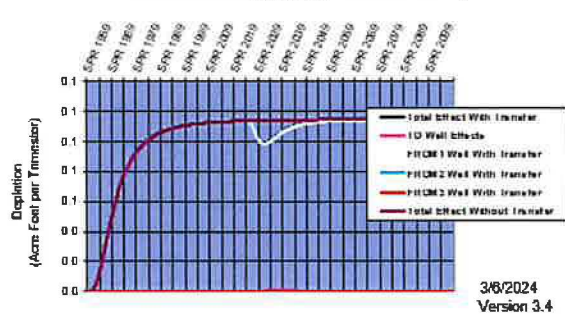
Customer Name: KCWP 22-2175A

Transfer No: 0

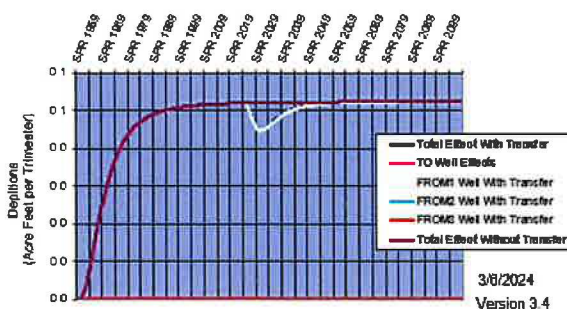
Hydrologic Response—Heise to Shelley
Customer Name: KCWP 22-2175A Transfer No: 0



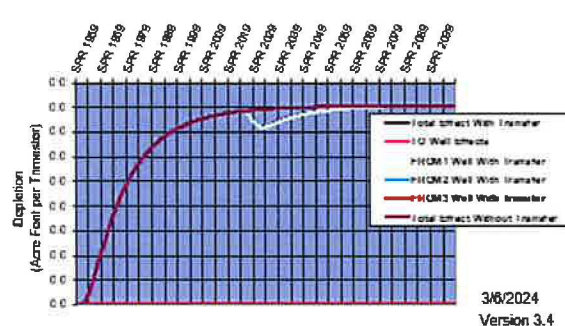
Hydrologic Response—Near Blackfoot to Neeley
Customer Name: KCWP 22- Transfer No: 0



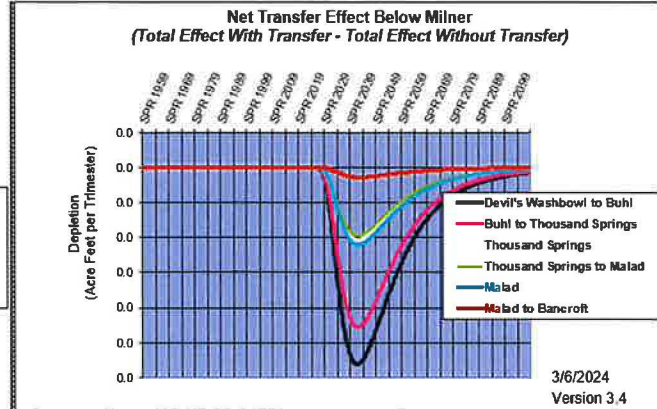
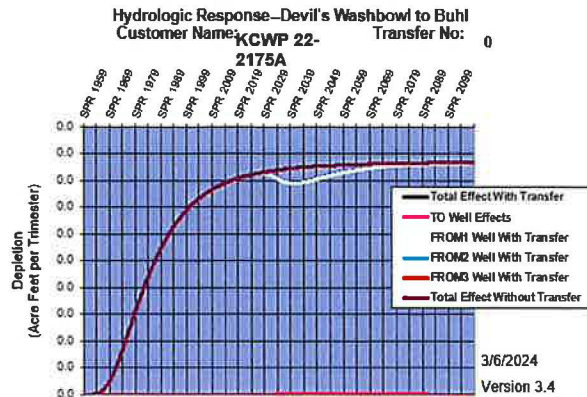
Hydrologic Response—Shelley to Near Blackfoot
Customer Name: KCWP 22- Transfer No: 0



Hydrologic Response—Neeley to Minidoka
Customer Name: KCWP 22- Transfer No: 0

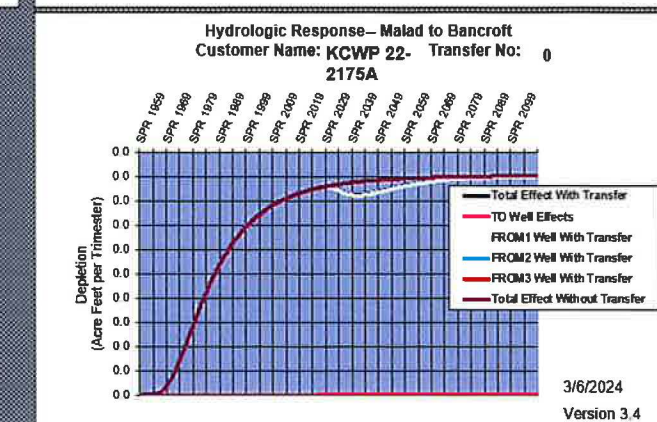
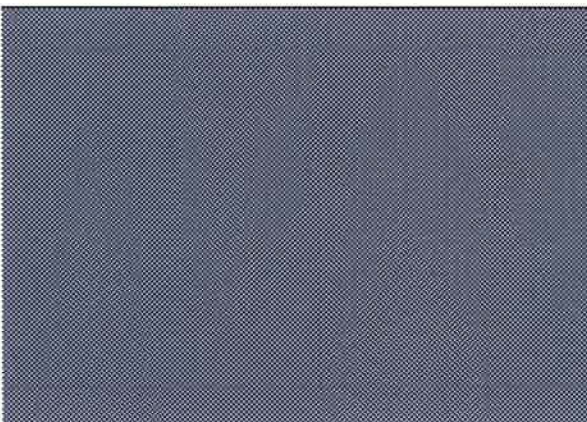
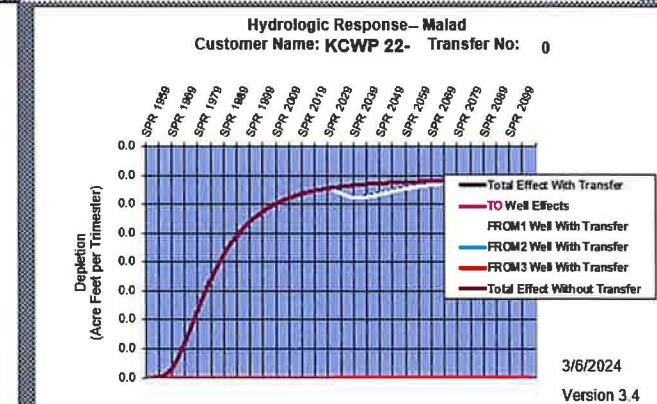
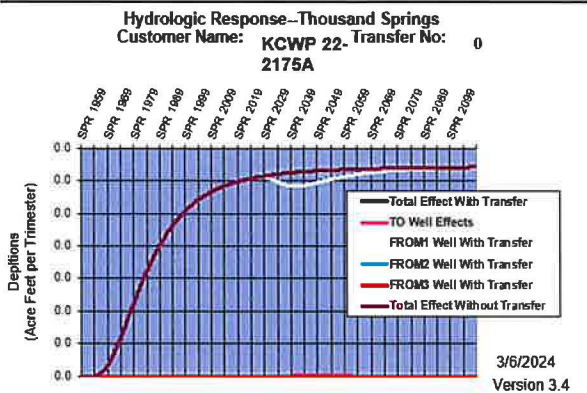
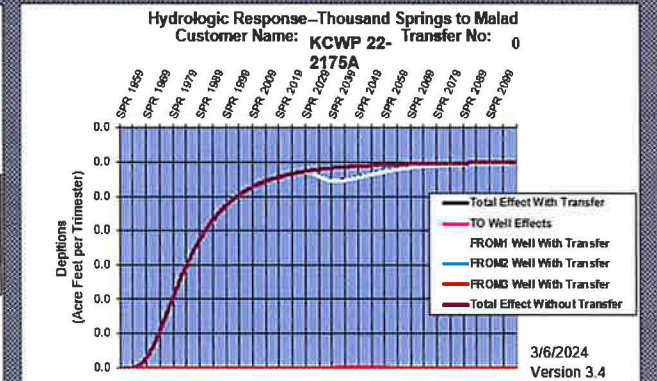
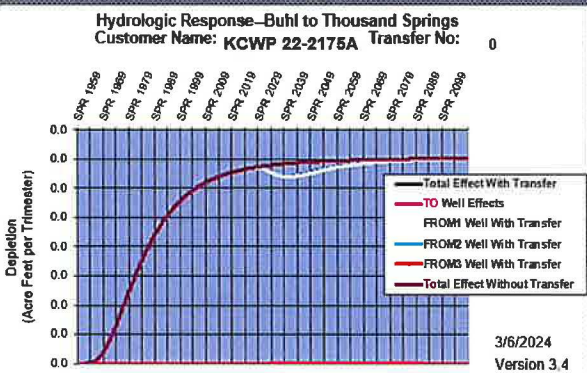


Graphs Below Milner



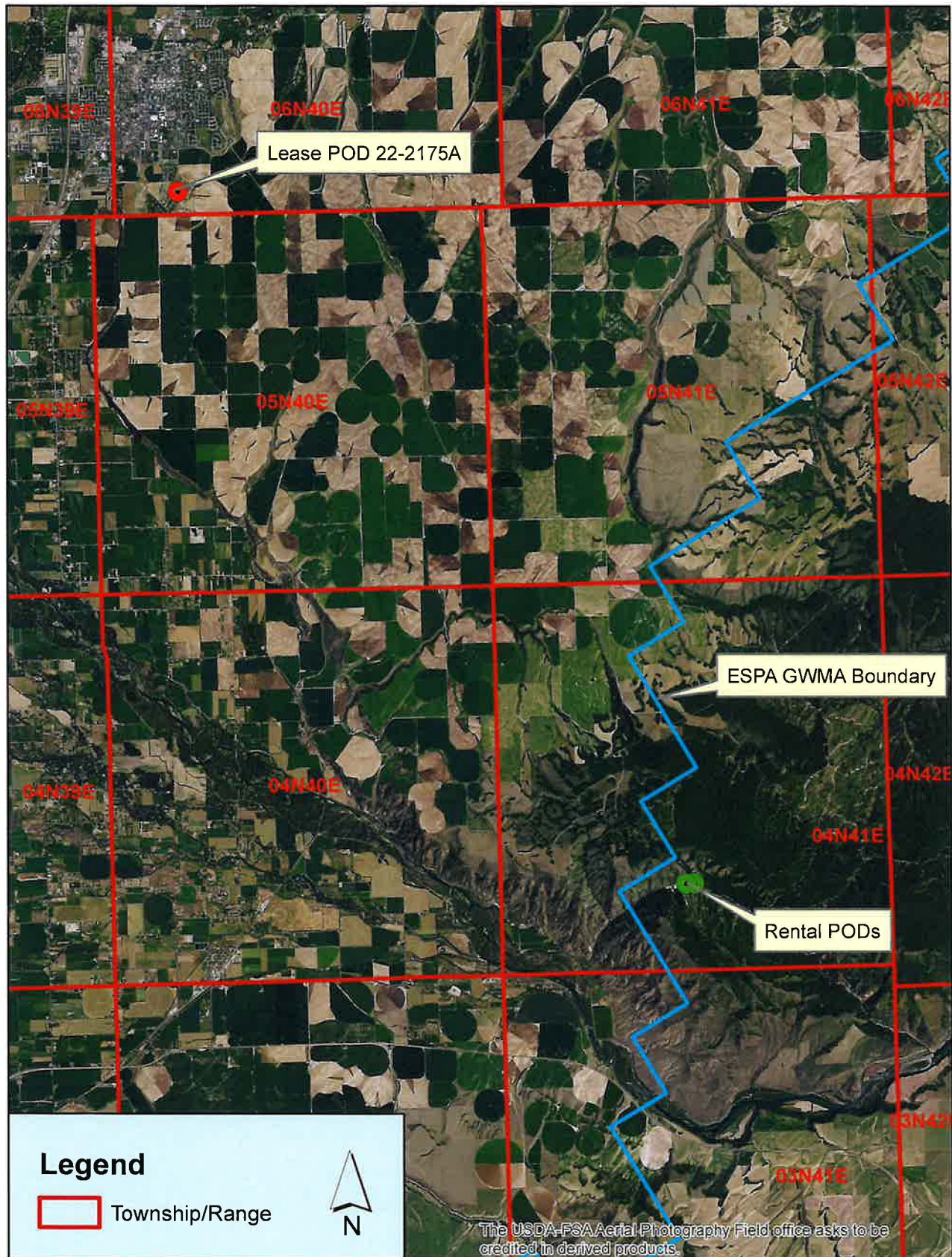
Customer Name: **KCWP 22-2175A**

Transfer No: **0**



WSB Rental Application #2834

Kelly Canyon Winter Park LLC 2024-2025



Kienholz, Mackenzie

From: Rob Harris <rharris@holdenlegal.com>
Sent: Tuesday, March 5, 2024 4:01 PM
To: Kienholz, Mackenzie
Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

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.

Yes, let's go with a rental to 2025.

Thank you again for all of your work on this application. We look forward to getting the final documents.



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only for the intended recipient. If you are not the intended recipient, any unauthorized use, disclosure or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please delete the original message and all copies from your system. Thank you.

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Tuesday, March 5, 2024 3:25 PM
To: Rob Harris <rharris@holdenlegal.com>
Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

Rob,

The annual fee should be \$278.30 (12.1 af * \$23/af).

Best,
Mackenzie

From: Rob Harris <rharris@holdenlegal.com>
Sent: Tuesday, March 5, 2024 3:22 PM

To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>

Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

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:

Thank you for the email. Do you know what the annual rental rate will be? I think my client will want to go to 2025, but I will need to let him know the cost for the extra year.

Thanks!

Rob Harris

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>

Sent: Tuesday, March 5, 2024 3:11 PM

To: Rob Harris <rharris@holdenlegal.com>

Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

Rob,

Water right 22-2175A has availability through 2025. Would Kelly Canyon Winter Park like to extend their rental request to include 2025?

Thank you,

Mackenzie Kienholz

From: Kienholz, Mackenzie

Sent: Tuesday, March 5, 2024 9:55 AM

To: Rob Harris <rharris@holdenlegal.com>

Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

Hi Rob,

Thank you for confirming the POU adjustment. I should be able to make the changes fairly quickly and pass the application on for supervisor review.

Best,

Mackenzie Kienholz

From: Rob Harris <rharris@holdenlegal.com>

Sent: Tuesday, March 5, 2024 9:43 AM

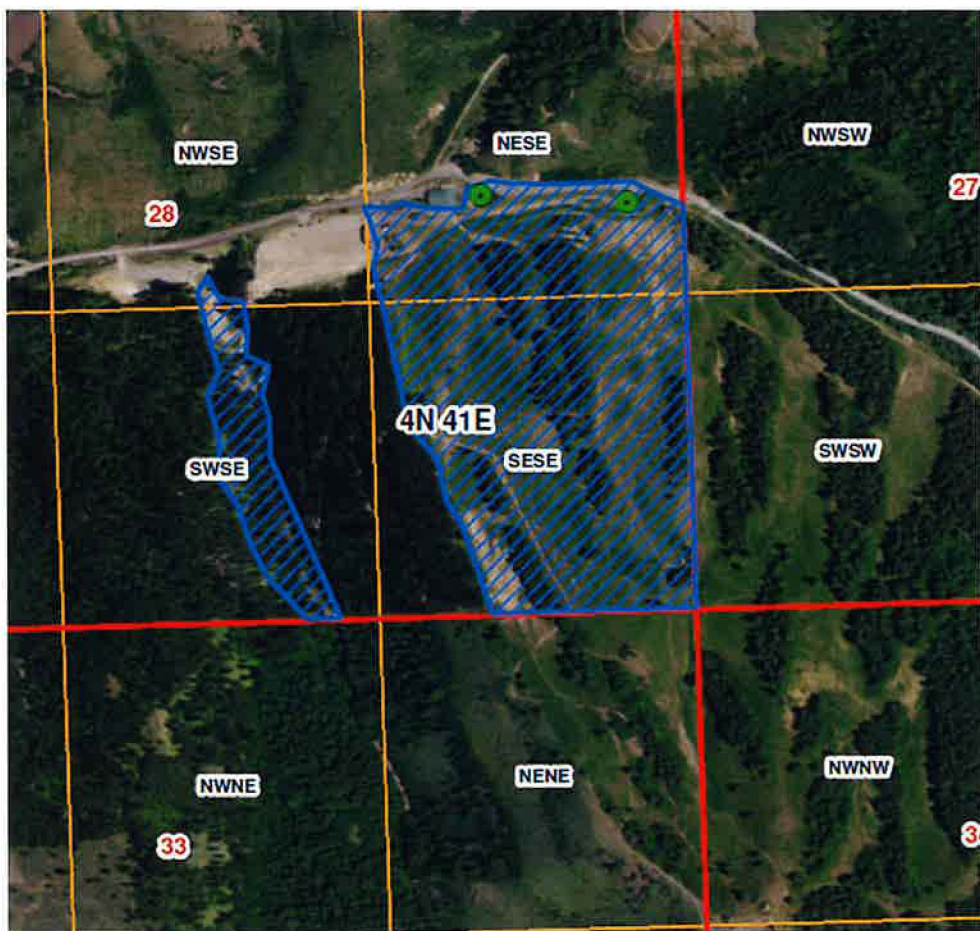
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>

Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

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:

I apologize for my delay in getting back to you, and you may need to forward this to another agent as described in your email below. As for the SBP Holdings LLC property, the plan changed where no snowmaking has or will occur on the west blue area depicted below (all of the snowmaking is within the east blue area:



If you could remove this land from the WSB approval of the rental, that would be great.

If you know the agent that is now reviewing this application, let me know, and I can email them as well.

Thanks,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only for the intended recipient. If you are not the intended recipient, any unauthorized use, disclosure or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please do not delete the original message and all copies from your system. Thank you.

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Tuesday, February 13, 2024 8:11 AM
To: Rob Harris <rharris@holdenlegal.com>
Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

Good morning, Rob,

Do you have information on the authorization for this parcel? I am going to be moving to another section within IDWR, and my last day with the Bank is this Friday. I would love to get this review finalized by the end of the week if possible. I am involved in a training today and Wednesday, so if you have any questions please feel free to email me or we can get in touch later in the week.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



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

From: Kienholz, Mackenzie
Sent: Thursday, February 8, 2024 1:21 PM
To: 'Rob Harris' <rharris@holdenlegal.com>
Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

Rob,

I am finalizing my review of Kelly Canyon Winter Park's rental application, and I noticed that not all of the acres identified in the rental place of use are owned by Mike Vansteenkiste or Kelly Canyon. The parcel hashed in orange in the image below is listed as being owned by SBP Holdings, LLC. Do you have any documentation or information as to how Kelly Canyon has authorization to rent water on this parcel? I have attached the IDSOS filing for SBP Holdings, LLC.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



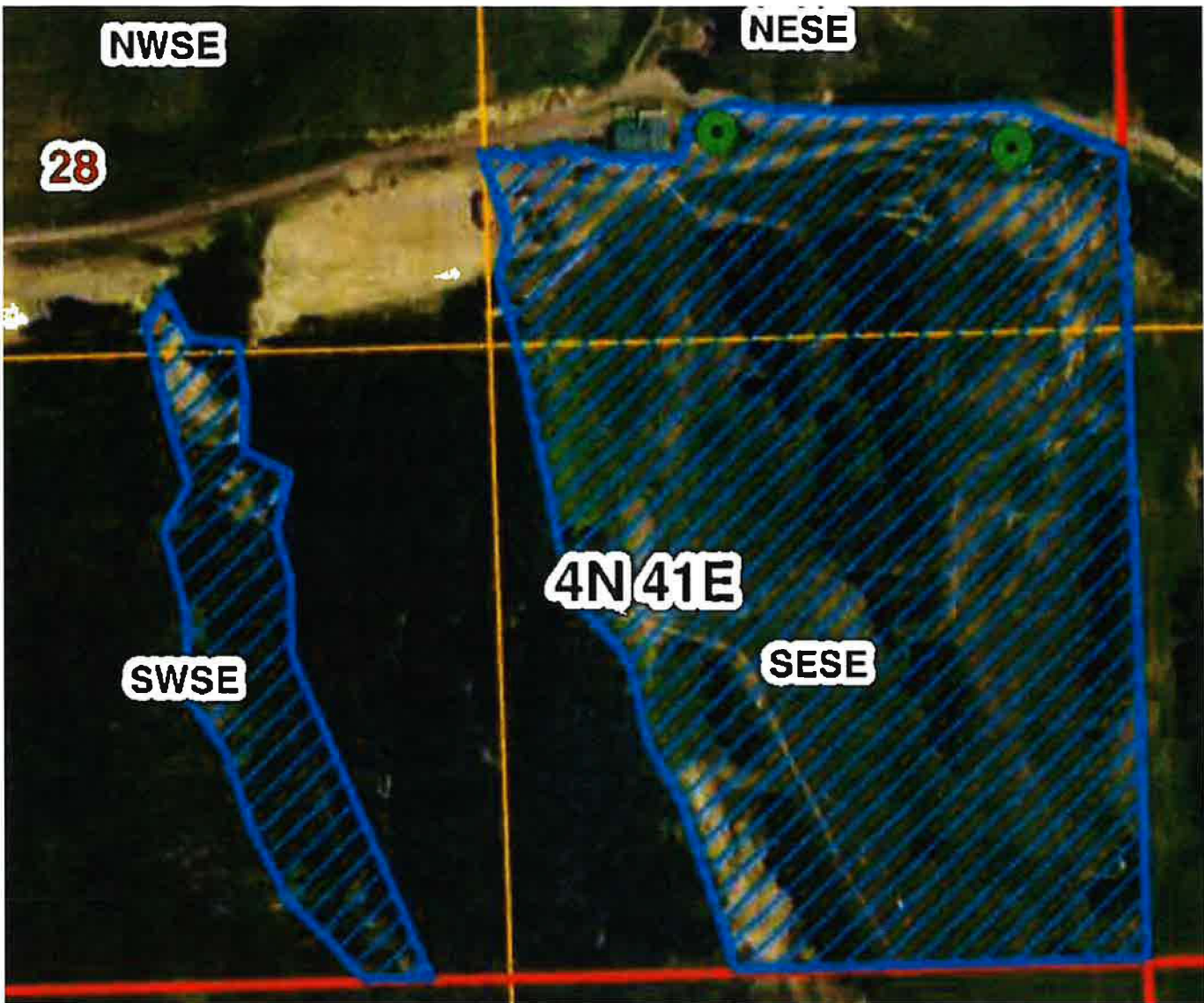
IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822





From: Kienholz, Mackenzie
Sent: Thursday, February 8, 2024 11:07 AM
To: Rob Harris <rharris@holdenlegal.com>
Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

Hello Rob,

You are correct that there is no additional documentation needed. I will make the switch and continue with my review.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



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

From: Rob Harris <rharris@holdenlegal.com>
Sent: Wednesday, February 7, 2024 4:20 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Rate Question - Kelly Canyon Winter Park WSB Rental Application

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:

Thanks for your email below. As for the replacement right, I think the .046 cfs diversion rate will be adequate. The original list of what was available didn't note the overall combined rates, so we thought those rights were unstacked and available at the full rate.

I believe in the past when you substitute other rights you simply include them in the rental agreement, and there is no need to submit revised applications. If you could proceed with the rental agreement, we would appreciate it.

Thanks,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only for the intended recipient. If you are not the intended recipient, any unauthorized use, disclosure or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please delete the original message and all copies from your system. Thank you.

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Friday, February 2, 2024 9:48 AM
To: Rob Harris <rharris@holdenlegal.com>
Subject: Rate Question - Kelly Canyon Winter Park WSB Rental Application

Good morning, Rob,

I am reviewing Kelly Canyon Winter Park's Water Supply Bank rental application. The water rights you identified are available, but they have a combined rate limit and another rental against them which results in a low rate per acre.

There is another right I am looking at instead which should have 0.046 cfs, 12.1 af, and 3.4 acres available. What is the minimum rate that is needed for the proposed snow making?

Thank you,

Mackenzie Kienholz

Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

Kienholz, Mackenzie

From: Jordan, Blake
Sent: Tuesday, January 30, 2024 10:34 AM
To: Holliday, Michael; Kienholz, Mackenzie
Subject: RE: WSB Rental Question

Hi Mackenzie,

I agree that modeling would be required to evaluate injury. Since the proposed WSB rental is adjacent to an active ESPA model cell, I feel that an ESPA analysis will be sufficient to evaluate the impacts and no additional modeling would be necessary.

Blake

Blake Jordan || Water Rights Supervisor



IDAHO DEPARTMENT OF
WATER RESOURCES

900 N Skyline Dr. Ste A
Idaho Falls, ID 83402
208-497-3777

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Friday, January 26, 2024 8:58 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>; Jordan, Blake <Blake.Jordan@idwr.idaho.gov>
Subject: RE: WSB Rental Question

Mackenzie,

Blake is a lot more knowledgeable about the ESPA model, but I will take a crack at your question. Yes, we have approved transfers moving rights from inside the ESPA to outside the ESPA, and we have required modeling. Looks like the proposed POD for the Kelly Canyon ski area is in an inactive cell, but there is an active cell right next door. We would use that one for the modeling.

Blake, please weigh in on this if you have additional information that could be helpful for Mackenzie's analysis. Thanks.

michael

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Thursday, January 25, 2024 2:44 PM
To: Jordan, Blake <Blake.Jordan@idwr.idaho.gov>; Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: WSB Rental Question

Good afternoon,

We received a Water Supply Bank rental application which proposes the move indicated by the blue arrow in the image below (black circle to orange circle). The water rights proposed may have too low of a rate to be used, so another option would be a move from a different Basin 22 right as indicated by the purple arrow (orange squares to orange circle).

Although the rental is just outside the model boundary, it appears to be in a tributary basin. If a move like this was proposed for transfer, would it be approvable to move from inside the ESPA GWMA to outside the GWMA? Would modeling be completed to evaluate injury? I have to confirm whether the Board is agreeable to crossing the ESPA boundary in this direction through the Bank, but how would a situation like this be evaluated for a transfer?

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



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



Kienholz, Mackenzie

From: Rob Harris <rharris@holdenlegal.com>
Sent: Friday, December 1, 2023 10:56 AM
To: Kienholz, Mackenzie
Subject: RE: Information Needed - WSB Rental Application Kelly Canyon Winter Park LLC

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:

Thank you for your email. We appreciate the Department's work on the application and know the Department has other applications to review along with ours. We do think that the amount proposed for rental is relatively small and the modeling is straightforward, so we hope it can be processed without issue.

Thanks,

Rob Harris

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Friday, December 1, 2023 10:13 AM
To: Rob Harris <rharris@holdenlegal.com>
Subject: RE: Information Needed - WSB Rental Application Kelly Canyon Winter Park LLC

Good morning, Rob,

I want to clarify that while this application is ready for review, we need to first review all rental applications that were received before November 1st and then review applications in the order they were received. It may not be for a few weeks to a couple months before a final executed approval could be reached. If you have any questions, please feel free to reach out to Mary or myself.

Have a good weekend,
Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, November 30, 2023 1:12 PM
To: 'Rob Harris' <rharris@holdenlegal.com>
Subject: RE: Information Needed - WSB Rental Application Kelly Canyon Winter Park LLC

Thank you, Rob. I will add this to the application and note that it is ready for review.

Best,
Mackenzie

From: Rob Harris <rharris@holdenlegal.com>
Sent: Thursday, November 30, 2023 1:06 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Information Needed - WSB Rental Application Kelly Canyon Winter Park LLC

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:

As requested, please see the attached.

Thanks,

Rob Harris

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>

Sent: Friday, November 24, 2023 10:40 AM

To: Rob Harris <rharris@holdenlegal.com>

Subject: Information Needed - WSB Rental Application Kelly Canyon Winter Park LLC

Good morning, Rob,

We received the Water Supply Bank Rental Application for Kelly Canyon Winter Park, LLC. You signed the application, however no documents showing power of attorney. We will need either a signature page signed by an authorized member of Kelly Canyon Winter Park, LLC or a document showing power of attorney. Please submit the requested information within **30 days** or the application may be returned. I have attached the applicant's most recent IDSOS annual filing which is typically how we verify authority to sign. The other elements of the application

Thank you,

Mackenzie Kienholz

Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822