

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 796

RECEIVED

NOV 24 2023

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

HP4 TRUST
1201 3RD AVE STE 3400
SEATTLE, WA 98101-3034

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-2619	7/22/1959	GROUND WATER	0.01	1.1	0.3	0.02	3.5
Combined Rental Totals			0.01	1.1	0.3	0.02	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2027. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2024, whichever occurs last.

Annual Rental Fee:

2024 - 2027: \$25.30 annually

The full fee for the rental of the above-described right(s) is \$25.30 per year for years 2024 - 2027. The rental fee includes an administrative fee of \$2.53 per year for years 2024 - 2027.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

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:



November 19, 2023

Signature of Renter

Date

Kari A. Brotherton

Trustee of HP4 Trust

Printed Name

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By



BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date

11/28/23

Rental approved by IDWR



Date

11/28/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 796

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec. 23, Twp 05N, Rge 17E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.01 CFS

VOLUME
1.1 AF

SEASON OF USE

Water Right No. **From** **To**
37-2619 4/15 10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	23			0.3														0.3

Total Acres: 0.3

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. Use of water under this agreement 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 796

11. The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before May 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
12. Prior to the diversion and use of water under this approval, the user shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 796

Effective until December 31, 2027

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



Legend

-  Water Supply Bank Rental POD
-  Authorized Rental Place of Use
-  Township/Range
-  Sections
-  QQ



0 0.005 0.01 Miles

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
AUG 21 2023
DEPARTMENT OF
WATER RESOURCESApplicant Name: HP4 Trust

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)

2725

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant HP4 Trust

Mailing Address 1201 Third Ave., Ste. 3400 Seattle WA 98101-3034
Street City State Zip Code
 Email Address Brotherton@ryanlaw.com Phone Number 206-654-2227

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 Chris M. Bromley Professional Title Attorney
 Organization McHugh Bromley, PLLC Relationship to Applicant Attorney
 Mailing Address 380 S. 4th St., Ste. 103, Boise, ID 83702
 Email Address cbromley@mchughbromley.com Phone Number 208-287-0991

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**:

The water will be used to irrigate 0.30 acres. These acres have been irrigated previously with water right no. 37-8250 and applicant will again use the same rental for the same acres.

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)
0.01 CFS	0.9 AF	0.01 CFS	0.9 AF	0.3 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
5/1/2024	5/15/2024	☐ 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):

Well, pump, and irrigation system.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
Pump	ground water	37-11236 & 37-11237

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 0.3 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

37-11236 and 37-11237 are owned by applicant and authorize irrigation for fewer acres than are irrigated.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
37-8250	irrigation	0.01	0.9	0.3		0.01	0.9	0.3
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	0.01	0.9	0.3
						CFS	AF	AC

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

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

n/a

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

Water Supply Bank Rental Agreement No. 305 for this same water right. Applicant is diligently attempting to purchase a water right for the acres in question.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☒ No ☐

If a water right purchase can be secured a transfer will be required; however, until that occurs, no transfer will be filed.

- 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

Kari A. Brotherton, Trustee
Printed Name of Applicant

August 11, 2023
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

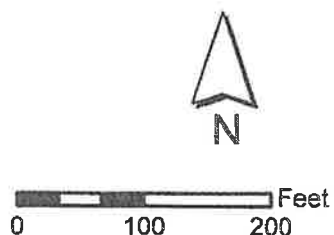
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 305

Effective until December 31, 2023

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
- Parcels
- Township/Range
- Sections
- QQ





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

November 29, 2023

HP4 TRUST
401 UNION ST, SUITE 1500
SEATTLE, WA 98101-2668

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO 37-2619, AGREEMENT 796**

Dear Renter:

Please find enclosed a receipt in the amount of **\$25.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 1.1 acre-feet of water for irrigation of 0.3 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 \$22.77 of the rental fee will be paid to the lessor(s) and 10% or \$2.53 will be retained by the Department to offset administrative costs for 2024.

If you have questions regarding this matter, please contact this office at [bank @idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

Bob Howe

for
Water Supply Bank

Enclosures: Receipt No. C117401
Rental Agreement

c: IDWR Southern Regional Office
Representative- Chris Bromley
Water District 37-Sunny Healey
Galena Ground Water District-Patrick McMahon
IDWR Compliance Officer



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 13, 2023

HP4 TRUST
1201 THIRD AVE, STE 3400
SEATTLE, WA 98101-3034

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-2619, AGREEMENT 796**

*****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.

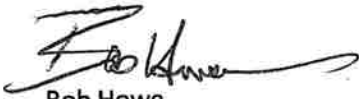
A rental fee of \$25.30 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 1.1 acre-feet.

Please send a check for \$25.30 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. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Pursuant to the Water Supply Bank Rules, 90% or \$22.77 of the rental fee will be paid to the lessor(s) and 10% or \$2.53 will be retained by the Department to offset administrative costs for **2023**.

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

Sincerely,



Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

For the Water Supply Bank

Enclosure: Rental Agreement 796

c: IDWR Front Desk
Representative-Chris M. Bromley (via email)

MEMORANDUM FOR RENTAL APPLICATION #2725-AGREEMENT #796

To: Water Right(s) 37-2619

From: Bob Howe

Date: 11/09/2023

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

PURPOSE/NARRATIVE:

Lease application 2724 was submitted as a companion to rental application 2725, however, a review found that the leased right is stacked and thus not an acceptable fit for the rental request. Leased right 37-2619 was found to replace the companion lease. The representative for the rental found the substitution acceptable, so the rental was processed for 0.3 acres of leased right 37-2619.

Rental application 2725 for 0.01cfs, 0.9 AF for the irrigation of 0.3 acres, was submitted by Chris Bromley (representative) and signed by Kari A. Brotherton (trustee) on behalf of HP4 Trust. The rental requested a term of 2024-2028, however, the lease for right 37-2619 will end December 31, 2027. No leased rights currently suitable for the rental would provide for the 2028 rental, so the applicant will need to apply for the companion package requested was a repeat of a previous lease/rental companion package for a 5-year term ending December 31, 2023.

Both the leased right and rental POU/POD are within WD #37, Big Wood River GWMA, and the Galena GWD.

AUTHORITY TO FILE:

The authority of Kari A. Brotherton (trustee) to rent water on behalf of HP4 Trust was confirmed via Blaine County tax records listing the parcel appurtenant to the rental POU as currently owned by HP4 Trust, Trustee Kari A. Brotherton. Further IDWR records list HP4 Trust as the current owner for rights 37-11236 and 37-11237 (Domestic rights), appurtenant to the rental POU. No concerns with authority to file rental application.

WATER RIGHT VALIDITY:

Right 37-2619 was decreed 9/24/2010 and the portion proposed for lease has been in the Water Supply Bank every year since 2015. Currently the right is leased through December 31, 2027. No concerns with validity of the water right and portion offered to the Bank.

INJURY TO OTHER WATER RIGHTS:

Lease of this water right would not cause injury to other water rights. The rental and leased rights are within the same water district, groundwater district, groundwater management area, and the same transaction zone (2015 WSB Interim Groundwater Rental Policy for Wood River Valley). The proposed rental of this lease within the same transaction zone and groundwater administrative area significantly limits impacts to the river, similar to historic use.

ENLARGEMENT OF USE:

The rental POU does not have overlapping water rights. The applicant irrigates 1.5 which may be partially authorized by domestic type irrigation. This rental is for the irrigation of 0.3 acres only. The applicants stated in section 4.C. of lease application 2642 for right 37-2619 that the leased place of use does not receive water from other sources. There are 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 lease and rental appear consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease POD is subject to Water District #37. A request for comments was sent to the WD #37 watermaster, the Galena GWD, and the Southern Regional Office on 11/13/2023.

Howe, Bob

From: Howe, Bob
Sent: Wednesday, November 29, 2023 12:32 PM
To: Skinner, Corey; watermanager@wd37.org; pat@svwsd.com
Cc: Bank
Subject: Executed Rental Agreement 796-HP4 Trust
Attachments: Executed Rental Agreement 796-HP4 Trust.pdf

Dear Interested Agencies:

I have attached a PDF of the executed rental agreement for HP4 Trust for your records. Feel free to reach out with any questions or concerns. Thank you and have a great day.

Best Regards,

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

322 E Front St, PO Box 83720, Boise, ID 83720

(208) 287-4800 | www.idwr.idaho.gov

Howe, Bob

From: Howe, Bob
Sent: Wednesday, November 29, 2023 11:52 AM
To: Chris Bromley
Cc: Bank
Subject: RE: Executed Rental Agreement 796-Mailing question

Hi Chris,

The address we mailed the rental agreement to was from the rental application. Rights 37-11236 and 37-11237 (owned by HP4 Trust) both list 1201 3rd Ave, Suite 3400, Seattle WA as the current address. A change will need to be filed.

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

322 E Front St, PO Box 83720, Boise, ID 83720

(208) 287-4800 | www.idwr.idaho.gov

From: Chris Bromley <cbromley@mchughbromley.com>
Sent: Wednesday, November 29, 2023 11:35 AM
To: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: Executed Rental Agreement 796-Mailing question

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

Good Morning Bob,

I spoke with the trustee and was told that the office moved to this address: 401 Union Street, Suite 1500, Seattle, WA 98101-2668. Since I can't easily access IDWR's records, can you tell me if the address you mailed the executed rental agreement to is the mailing address for the water right? If so, then I will need to file a change of address to update the record.

Thanks,

Chris

From: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Sent: Wednesday, November 29, 2023 10:42 AM
To: Chris Bromley <cbromley@mchughbromley.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Executed Rental Agreement 796-Mailing question

Good Morning Chris,

I have received the signed rental agreement for HP4 Trust and am preparing to mail out the executed contract today. The rental agreement mailed to HP4 Trust at the address provided on the application was received separate from the

signature page as "return to sender". Please let me know the preferred address to mail the executed rental agreement and receipt for payment (see attached PDF) and I will drop it in the mail today.
Thank you for your time and attention in this matter.

Best Regards,

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

322 E Front St, PO Box 83720, Boise, ID 83720

(208) 287-4800 | www.idwr.idaho.gov

M^cHUGH BROMLEY

ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

November 21, 2023

RECEIVED

NOV 24 2023

**DEPARTMENT OF
WATER RESOURCES**

Bob Howe
Idaho Dept. of Water Res.
PO Box 83720
Boise, ID 83720-0098

Re: WSB # 796 Rental Fees

Dear Mr. Howe:

Please find enclosed an executed rental agreement for Water Supply Bank Rental No. 796 in the name of HP4 Trust, along with a check in the amount of \$25.30 for fees associated with the same. If you have any questions, please do not hesitate to contact me.

Sincerely,



CHRIS M. BROMLEY

Encls.

Howe, Bob

From: Howe, Bob
Sent: Monday, November 13, 2023 11:18 AM
To: Skinner, Corey; watermanager@wd37.org; pat@svwsd.com
Cc: Bank
Subject: Comment Request-Rental Agreement 796-HP4 Trust
Attachments: Rental Application 24725 Review Memo-right 37-2619.pdf; Rental 796 Map.pdf; Rental Agreement 796.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding the Water Supply Bank (WSB) Rental Agreement 796, for HP4 Trust. The rental of a portion of right 37-2619 is for the same portion as the active rental (Contract 305-ending 12/31/2023), for a term from 2024-2027. A copy of the proposed lease contract, the lease review, and map are attached for your reference.

Please submit your comments within 14 days, no later than November 27, 2023. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the execution of the lease.

Comments are preferred to be received by e-mail to bob.howe@idwr.idaho.gov. However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4847.

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

322 E Front St, PO Box 83720, Boise, ID 83720

(208) 287-4800 | www.idwr.idaho.gov

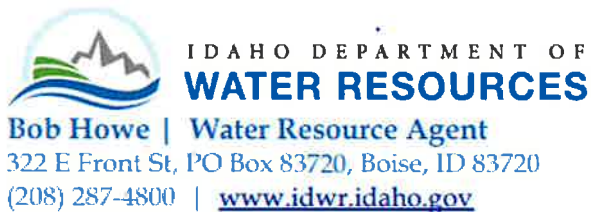
Howe, Bob

From: Howe, Bob
Sent: Monday, November 13, 2023 11:19 AM
To: 'Chris Bromley'
Cc: Bank
Subject: RENTAL AGREEMENT 796-HP4 TRUST
Attachments: Rental Agreement 796-with cover letter mailed 11.13.2023.pdf

Good Morning Chris,
Rental agreement for HP4 Trust has been submitted for mailing. Please review the attached rental agreement, cover letter, and rental map. Feel free to reach out with any questions or concerns regarding the rental.
Thank you and have a great day.

Best Regards,

Bob Howe

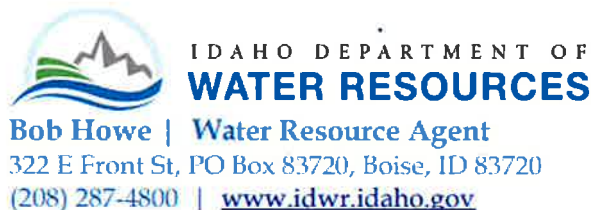


From: Howe, Bob
Sent: Thursday, November 9, 2023 9:08 AM
To: Chris Bromley <cbromley@mchughbromley.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: Rental For HP4 Trust- Seeking Lease for Use

Hi Chris,
I have submitted the rental request for supervisor review. Upon review, it seems like right 37-2619 should be a fit. I will let you know once I receive the review back if there are any issues. Thank you for your time and attention in this matter.

Best Regards,

Bob Howe



From: Chris Bromley <cbromley@mchughbromley.com>
Sent: Monday, November 6, 2023 8:40 AM
To: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: Rental For HP4 Trust- Seeking Lease for Use

Bob,

I'm happy to go along with the rental of 37-2619 for HP4 Trust, so please let me know if that's going to work.

Thanks,

Chris

From: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Sent: Friday, November 3, 2023 12:28 PM
To: cbromley@mchughbromley.com
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Rental For HP4 Trust- Seeking Lease for Use

Hi Chris,

I just called and left a message at your office. I am processing the lease for the Village Condominium Association Inc and rental for HP4 Trust, which you submitted to the Water Supply Bank (WSB) as a companion package. Due to recent guidance changes regarding the transfer process (Duffin v IDWR) the right leased, which was previously used for the HP4 Trust rental on the current rental agreement would not likely be eligible for the proposed agreement. Right 37-8250 (owned by Village Condominium Association Inc) can still be leased into the WSB but it would need to be rented for use within the Ketchum Municipal service area, which the HP4 Trust rental is not.

I have identified right 37-2619 as an alternative best fit lease (Lease Contract 1717) for the HP4 Trust rental needs. However, its current term ends December 31, 2027, which would require another rental application be submitted for 2028 and dates thereafter. The proof report for right 37-2619 is attached.

Please let me know if you would like to proceed with this substitution, or if you have another right option for the lease you would like to put forward for review. Feel free to reach out with any questions or concerns.
Have a great day.

Best Regards,

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

Howe, Bob

From: Howe, Bob
Sent: Friday, November 3, 2023 3:45 PM
To: cbromley@mchughbromley.com
Cc: Bank
Subject: Reference Memo: Rental For HP4 Trust- Seeking Lease for Use
Attachments: Transfer-Processing-Memo-24.pdf

Hi Chris,

In response to your request for the guidance referenced in reviewing the current application I have attached Administrative Memo #24 (the Transfer Memo), the application of which is discussed in Duffin v IDWR. This guidance is the most referenced memo for transfers and the Water Supply Bank leases and rentals. In this instance "Enlargement of Use" beginning on page 28 of the memo was regarding stacked rights. I believe this section speaks to the point of concern in the current lease/rental package you submitted.

Please feel free to reach out to me or my supervisor Phill Hummer for any questions or concerns.

Thank you for your time and attention to this matter.

Best Regards,

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

From: Howe, Bob
Sent: Friday, November 3, 2023 12:28 PM
To: cbromley@mchughbromley.com
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Rental For HP4 Trust- Seeking Lease for Use

Hi Chris,

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Please let me know if you would like to proceed with this substitution, or if you have another right option for the lease you would like to put forward for review. Feel free to reach out with any questions or concerns.

Have a great day.

Best Regards,

Bob Howe



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