

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 642

This is to certify that:

JAMES E DAVERMAN
310 ISLAND CREEK DR
VERO BEACH, FL 32963-3305

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)
37-458A	6/1/1883	CLEAR CREEK	0.01	2.1	0.6	0.02	3.5
37-11550	8/1/1979	GROUND WATER	0.01	1.8	0.6	0.02	3.0
Combined Limit Totals			0.01	2.1	0.6	0.02	3.5
Combined Rental Totals			0.01	2.1	0.6	0.02	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2022. 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 2022, whichever occurs last.

Annual Rental Fee:

2022: \$42.00

The full fee for the rental of the above-described right(s) is \$42.00 for 2022. The rental fee includes an administrative fee of \$4.20 for 2022.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
MITIGATION	0.01	2.1	0.6	0.02	3.5
Combined Total	0.01	2.1	0.6	0.02	3.5

*** The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits and for mitigation for standard duty of water for irrigation.**

Detailed water right conditions are attached.

STATE OF IDAHO
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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:

J. E. Davenport 7/15/22
Signature of Renter Date

Jamey E. Davenport
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 Date 7/25/2022
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR Angela H. Hansen Date 7/25/2022

IDAHO DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 642

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec. 6, Twp 03N, Rge 18E,	BLAINE County
GROUND WATER	SENE	Sec. 6, Twp 03N, Rge 18E,	BLAINE County

BENEFICIAL USE
MITIGATION

DIVERSION RATE
0.01 CFS

VOLUME
2.1 AF

SEASON OF USE

Water Right No.	From	To
37-458A	6/15	10/31
37-11550	6/15	10/31

RENTERS PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	6	X	L	1														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 right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

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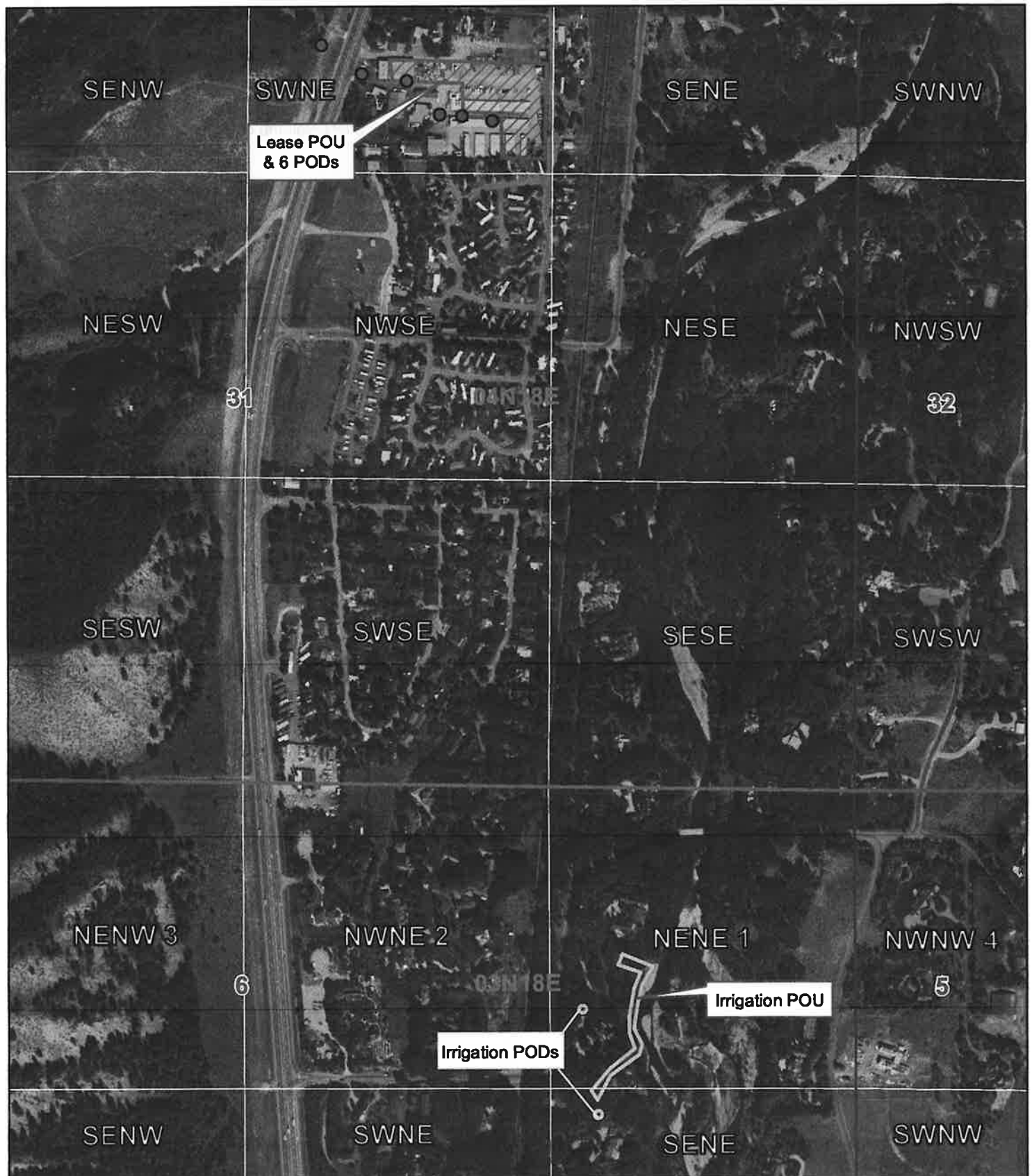
11. This agreement mitigates for the depletion of water resulting from the diversion and use of water under Temporary Approval TP-37-103. If the mitigation portion of this agreement is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of TP-37-103 that are being mitigated shall be reduced by the same proportion as the reduction to this right.
12. Temporary Approval TP37-103, Rental Agreement 564, and Rental Agreement 642 when combined shall not exceed a total diversion rate of 0.02 cfs, a total annual maximum diversion volume of 4.2 af at the field headgate, and the irrigation of 1.2 acres.



IDAHO DEPARTMENT OF
WATER RESOURCES

WSB Rental for Mitigation of 0.6 Acres of Irrigation

WSB Rental for Mitigation of 0.6 Acres of Irrigation



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
JAN 31 2022
DEPARTMENT OF
WATER RESOURCES

Applicant Name: James E. Daverman

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)

37-458A

37-11550

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant James E. Daverman

Mailing Address 310 Island Creek Drive, Vero Beach, FL 32963

Street City State Zip Code
Email Address jdaverman@redfishpartners.com Phone Number 847-421-8391

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Zach Latham Professional Title Hydrologist
Organization Brockway Engineering PLLC Relationship to Applicant Consultant
Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301
Email Address zach.latham@brockwayeng.com Phone Number 208-736-8543

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

This rental will mitigate for 0.6 acres of irrigation under a concurrent temporary permit. The purpose of the temporary permit is for re-vegetation of disturbed areas associated with Joint Application for Permit No. S37-20547.

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	2.1 AF	0.01 CFS	2.1 AF	AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
6/15/2022	7/1/2022	☒ 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):

No direct use. Non-use of 0.6 acres under 37-458A and 37-11550 will mitigate for a temporary permit.

- 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

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

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

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

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

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

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Other: **Mitigation** from: **6/15** (mm/dd) to: **10/31** (mm/dd)

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

N/A

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

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

None

**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)
37-458A	Irrigation	0.07	11.6	3.3		0.01	2.1	0.6
37-11550	Irrigation	0.07	9.9	3.3		0.01	1.8	0.6
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	2.1	0.06
						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**:

Water rights were decreed in 2010 and leased to the bank within 5 years of that date. Validity is not in question.

See narrative.

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:
See approved 2021 rental application no. 568.

- 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 ☒

Temporary permit application

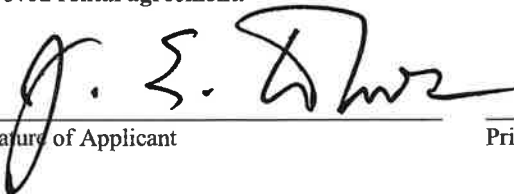
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

See narrative.

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.

 James E. Daverman 1/20/2024

Signature of Applicant

Printed Name of Applicant

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

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

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

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

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

Regulated water sources may areas include:

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

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

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

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

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

Modeling situations may include:

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

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

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

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

Narrative in Support of Temporary Permit Application and Mitigation with Water Bank Rental

Brockway Engineering, PLLC
January 19, 2022

likely temp app

The purpose of the temporary permit application is to provide irrigation water for establishment of newly-planted vegetation in floodplain and stream bank areas associated with, and required by, IDWR stream channel alteration permit S37-20547. This same temporary permit request was made and granted in 2021 due to the accompanying rental of the water rights listed below.

For this purpose, the applicant has recently obtained a water bank rental of a portion of 37-22019 through the end of 2023. However, this rental is subordinated to the minimum streamflow right in the Big Wood River and will be cut off when the streamflow at the Hailey gauge reaches 189 cfs, which may occur as early as June 15 due to drought conditions in the basin.

To provide water for the 2022 irrigation season, a temporary permit is being sought for groundwater diversion and irrigation of 0.6 acres from June 15 through the end of the 2021 season. Although the vegetation is establishing well, drought conditions in 2021 precluded meaningful natural precipitation and supplemental irrigation were needed. The lack of precipitation warrants applying for the same permit for 2022 to ensure vegetative establishment success.

The temporary diversion of groundwater will be mitigated by a water supply bank rental of 37-458A and 37-11550. These two rights are applicable to 4.0 acres of irrigation about 0.7 miles north of the applicant's property (see attached maps). 37-458A is from Clear Creek, and 37-11550 is a groundwater right for the same land. Clear Creek is a continuously-flowing spring-fed stream that flows across Highway 75 in a culvert, into the old Comstock Ditch, and continues in the ditch southward approximately 1.6 miles to a second crossing of Highway 75. Brockway Engineering made flow measurements in 2003 and determined that the flow in the creek was 0.76 cfs and the seepage loss was 0.32 cfs (143 gpm) in the reach from the inflow point to a point 200 feet below the second crossing of Highway 75. Water leased from 37-458A will remain in the ditch and seep to the aquifer, mitigating the temporary permit. In addition, 0.6 acres of the groundwater right 37-11550 will remain unused, directly mitigating the aquifer.

The Gimlet area groundwater and surface water hydrology is well-established. The aquifer recharged by infiltration along the Comstock Ditch is the same aquifer that exists at the applicant's property.

Consumptive use will balance, since the acreage will be the same on the rental and on the temporary permit.

The flow rate on 0.6 acres of 37-458A and 37-11550 is 0.012 cfs. From June 15 through October 31 (139 days), 3.3 acre-feet will be infiltrated under 37-458A, whereas the temporary permit requests 2.1 acre-feet. Mitigation by infiltration is sufficient, but the additional reduction of use under the groundwater right (to whatever extent it may have historically been used), provides further mitigation to the aquifer. There appears to be no question that the water balance is sufficient in this case.



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

July 26, 2022

JAMES E DAVERMAN
310 ISLAND CREEK DR
VERO BEACH FL 32963-3305

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-458A & 37-11550 AGREEMENT 642**

Dear Renter:

Please find enclosed a receipt in the amount of **\$42.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 2.1 acre-feet of water for mitigation during 2022. 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 \$37.80 of the rental fee will be paid to the lessor(s) and 10% or \$4.20 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C113497
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Zach Latham, Brockway Engineering PLLC
Water District 37



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

Governor Brad Little

Director Gary Spackman

July 12, 2022

JAMES E DAVERMAN
310 ISLAND CREEK DR
VERO BEACH, FL 32963-3305

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-458A & 37-11550 AGREEMENT 642**

*****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 \$42.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 724 acre-feet.

Please send a check for \$42.00 for 2022 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 \$37.80 of the rental fee will be paid to the lessor(s) and 10% or \$4.20 will be retained by the Department to offset administrative costs for **2022**.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham

Novak, Shilynn

From: Novak, Shilynn
Sent: Friday, July 1, 2022 3:25 PM
To: watermanager@wd37.org; watermstr@wd37.org; Skinner, Corey
Cc: Bank; Hummer, Phill
Subject: Request for Comment - WSB Rental App 2295 Daverman
Attachments: TP 37-103.pdf; TP-37-103 review memo.pdf; Move Map.pdf; . Review Memo.docx

Hello,

The Water Supply Bank received Rental App 2295 to rent water rights 37-458A and 37-11550 from the Water Supply Bank for mitigation of Temporary Approval TP-37-103. Attached is a copy of the review memo and move map for your review. I've also attached the temp app application and memo for reference only. Please send any comments or concerns you have within the next 7 days to **Phill Hummer** at phill.hummer@idwr.idaho.gov as I will be out of the office. If no comments are received in the next 7 days, we will assume there are no issues with this rental and proceed with processing.

Sincerely,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
Idaho Dept. of Water Resources
322 E Front St Ste 648 | Boise ID 83702-7371
Phone: (208) 287-4915

MEMORANDUM FOR AGREEMENT #2295

To: Water Rights 37-458A and 37-11550
From: Shilynn Novak; Water Resource Agent, Sr.
Date: July 1, 2022
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE:

The application to rent water was received with along with Temporary Approval TP-37-103 (temp app) by the Department on January 31, 2022. The rental application requests 0.01 cfs and a volume of 2.1 af to fulfill mitigation for the temp app. The temp app proposes to divert groundwater for irrigation to establish newly planted vegetation as a result of joint stream channel alteration permit S37-20547. Prior to temp app approval, mitigation was required to be in place by the Idaho Water Resource Board (IWRB).

The rental/temp app combination is to supplement WSB Rental Agreement #564 (2021) in the event that it is curtailed so the Big Wood River meets the Minimum Stream Flow (MSF) requirement. In 2021, the applicant was granted use of Temporary Approval TP-37-101 which allowed for irrigation of 0.6 acres with the use of rental #568 which mitigated the impact of the temporary approval. The 2021 rental/temp app combination was to also supplement WSB Rental Agreement #564. The same strategy is being proposed in 2022 with WSB rental application #2295 and the temp app.

The rental/temp app combination is only for a year and will expire December 31, 2022.

AUTHORITY TO FILE:

The rental application was signed by James E. Daverman and submitted on his behalf by his representative Zach Latham of Brockway Engineering. The WSB rental states that the applicant owns the property at the intended place of use.

WATER RIGHT VALIDITY:

The water rights were decreed 9/24/2010 and were leased into the WSB in 2016. The rights have been leased to the bank since 2016 and the most recent lease is from 2019 until the end of 2023. The leased rights are valid and there are no concerns about validity.

INJURY TO OTHER WATER RIGHTS:

No injury is apparent. Mitigation is generally used to prevent injury. The overall idea is to mitigate the irrigation use (requested by the temp app) by leaving the surface water that naturally flows from Clear Creek then flows into the Comstock Ditch. By leaving the water to flow into the Comstock Ditch, the water then seeps into the ground through the ditch. This seepage into the aquifer is for mitigation. Additional ground water is rented and not diverted as a way to mitigate the rest of the irrigation values.

This rental application (#2295) was submitted in tandem with temp app TP-37-103. The rental application is for mitigating purposes for the use of water under the temp app. The Applicant has active rental agreement #564 from the WSB to allow for the irrigation of 1.2 acres from

groundwater from 2021 to 2023. However, rental #564 is subordinate to the Idaho Water Resource Board's 189 cfs minimum streamflow right's 37-7919 & 37-8307 on the Big Wood River.

Knowing that rental #564 would likely be curtailed around June of each year due to the minimum stream flow rights, the Applicant previously submitted TP-37-101 and obtained rental agreement #568. TP-37-101 allowed for irrigation of 0.6 acres, while rental #568 mitigated the impact of this temporary approval on the IWRB's minimum stream flow rights. The same strategy is being proposed in this temporary approval and rental application #2295. Since this rental for mitigation is in process of being obtained, there are no concerns about injury.

No modeling was required for this rental because it is outside of the ESPA boundary. The leased POD and the place of use for irrigation are less than a mile apart from each other. There are WR PODs between the lease POU and the temp app, which are mostly for domestic uses. If there are injuries for other uses, the watermaster will be able to administer water accordingly.

ENLARGEMENT OF USE:

The rental is for the use of two water rights (37-458A and 37-11550) which are rented together as they are part of the combined use limits. Both rights are for irrigation uses and the rental is for mitigation for irrigation. There is no change of use and therefore no conversions for changes in nature of use.

This rental is for mitigation for irrigation of 0.6 acres and overlaps a portion of 1.2 acres of authorized irrigation from WSB Rental #564 that ends 2023. Rental #564 is subordinate to the MSF in the Big Wood River and rental app 2295 is to supplement a portion of the irrigation in the event that Rental #564 is curtailed. To avoid any enlargement, conditions limiting the rate and volume (which will apply to both rentals) will be placed on the agreement.

LOCAL PUBLIC INTEREST:

This rental is for mitigation of irrigation use within a groundwater management area and the mitigation use is in the public interest. Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

This rental (app 2295) is used for mitigation of 0.6 acres of irrigation. The rental requests 0.01 cfs total which is consistent with the standard irrigation rate of 0.02 cfs/ac. ($0.6 \text{ ac} \times 0.02 \text{ cfs/ac} = 0.012 \text{ cfs} \Rightarrow \underline{0.01 \text{ cfs}}$) The rental requested a total volume of 2.1 af which is consistent with an irrigation volume of 3.5 af/ac. ($0.6 \text{ ac} \times 3.5 \text{ af/ac} = \underline{2.1 \text{ af}}$)

This rental is for mitigation and mitigation does not have a direct POD. In this instance, since the mitigation use is for irrigation, the irrigation PODs will be used as the mitigation PODs.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The location for the rental PD is subject to Water District 37. A request for comment will go out to the watermaster and to the Southern Regional Office. Any returned comments will be addressed separately.

WSB Rental for Mitigation of 0.6 Acres of Irrigation

WSB Rental for Mitigation of 0.6 Acres of Irrigation





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
JAN 31 2022
DEPARTMENT OF
WATER RESOURCES

January 27th, 2022

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

Re: Temporary Permit and Mitigating WSB Rental Applications on Behalf of
James E. Daverman.

Dear Mary,

On behalf of Mr. James E. Daverman, Brockway Engineering is submitting a temporary permit seeking 5.0 acre-feet of ground water for the irrigation of 0.6 acres after irrigation under active WSB Rental Contract number 564 is un-divertible and out of priority. The accompanying WSB rental application will provide mitigation for the temporary permit, as was applied for and approved by IDWR in 2021 under WSB rental contract number 568. This submittal is identical to the previously approved rental contract number 568.

Also enclosed is a check for \$50.00 to cover the cost of the temporary permit application. Please copy our office on all correspondence regarding these temporary permit and WSB rental applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

Enc: (1) Temporary Permit and Map.
(1) Daverman WSB Rental Application and Map.
(1) Narrative in Support of Temp Permit and WSB Rental Apps.
(1) Brockway Engineering PLLC Check # 16776.

Cc: Mr. Corey Skinner, IDWR Southern Region Office
Mr. James Daverman

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

2295

Narrative in Support of Temporary Permit Application and Mitigation with Water Bank Rental

Brockway Engineering, PLLC
June 4, 2021

The purpose of the temporary permit application is to provide irrigation water for establishment of newly-planted vegetation in floodplain and stream bank areas associated with, and required by, IDWR stream channel alteration permit S37-20547.

For this purpose, the applicant has recently obtained a water bank rental of a portion of 37-22019. However, this rental is subordinated to the minimum streamflow right in the Big Wood River and will be cut off when the streamflow at the Hailey gauge reaches 189 cfs, anticipated to occur as early as June 15 due to drought conditions in the basin.

To provide water for the remainder of the season, a temporary permit is being sought for groundwater diversion and irrigation of 0.6 acres from June 15 through the end of the 2021 season. Although the vegetation is establishing well, drought conditions in 2021 preclude meaningful natural precipitation and supplemental irrigation is needed. It is believed that 2021 will be the last year that irrigation is needed, but this will depend on natural precipitation in 2021 and 2022 and the response of the plants to 2021 irrigation.

The temporary diversion of groundwater will be mitigated by a water supply bank rental of 37-458A and 37-11550. These two rights are applicable to 4.0 acres of irrigation about 0.7 miles north of the applicant's property (see attached maps). 37-458A is from Clear Creek, and 37-11550 is a groundwater right for the same land. Clear Creek is a continuously-flowing spring-fed stream that flows across Highway 75 in a culvert, into the old Comstock Ditch, and continues in the ditch southward approximately 1.6 miles to a second crossing of Highway 75. Brockway Engineering made flow measurements in 2003 and determined that the flow in the creek was 0.76 cfs and the seepage loss was 0.32 cfs (143 gpm) in the reach from the inflow point to a point 200 feet below the second crossing of Highway 75. Water leased from 37-458A will remain in the ditch and seep to the aquifer, mitigating the temporary permit. In addition, 0.6 acres of the groundwater right 37-11550 will remain unused, directly mitigating the aquifer.

The Gimlet area groundwater and surface water hydrology is well-established. The aquifer recharged by infiltration along the Comstock Ditch is the same aquifer that exists at the applicant's property.

Consumptive use will balance, since the acreage will be the same on the rental and on the temporary permit.

The flow rate on 0.6 acres of 37-458A and 37-11550 is 0.012 cfs. From June 15 through October 31 (139 days), 3.3 acre-feet will be infiltrated under 37-458A, whereas the temporary permit requests 2.1 acre-feet. Mitigation by infiltration is sufficient, but the additional reduction of use under the groundwater right (to whatever extent it may have historically been used), provides further mitigation to the aquifer. There appears to be no question that the water balance is sufficient in this case.



**MITIGATION OF TEMPORARY PERMIT APPLICATION USING 37-458A AND 37-11550
JAMES E. DAVERMAN**