

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 631

RECEIVED
JUL 05 2022
DEPT OF WATER RESOURCES

This is to certify that:

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW, ID 83624

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)
2-10471	2/25/1963	SNAKE RIVER	0.54	108.0	27.0	0.02	5.63
Combined Rental Totals			0.54	108.0	27.0	0.02	5.63

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2024. 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: \$2,160.00 annually
2023 - 2024: \$2,484.00 annually

The full fee for the rental of the above-described right(s) is \$2,160.00 per year for 2022 and \$2,484.00 per year for years 2023 - 2024. The rental fee includes an administrative fee of \$216.00 per year for 2022 and \$248.40 per year for years 2023 - 2024.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.50	108.0	24.0	0.02	4.5
Combined Total	0.50	108.0	24.0	0.02	4.5

The authorized water usage reflects a change from the water right elements rented, to account for a difference in headgate volume allowance.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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:

Kent Dicks 6-25-22
Signature of Renter Date

Kenton Dicks Farming
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 7/8/22
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR Patton 7/8/22
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 631

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L9 (SESW) Sec. 34, Twp 05S, Rge 04E, OWYHEE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.50 CFS

VOLUME
135.0 AF

SEASON OF USE

Water Right No. **From** **To**
2-10471 4/1 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	
06S	03E	3						24.0											24.0
								L4											

Total Acres: 24.0

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. Use of water under this agreement will 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. 02.
10. The renter shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 631

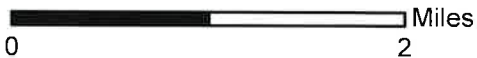
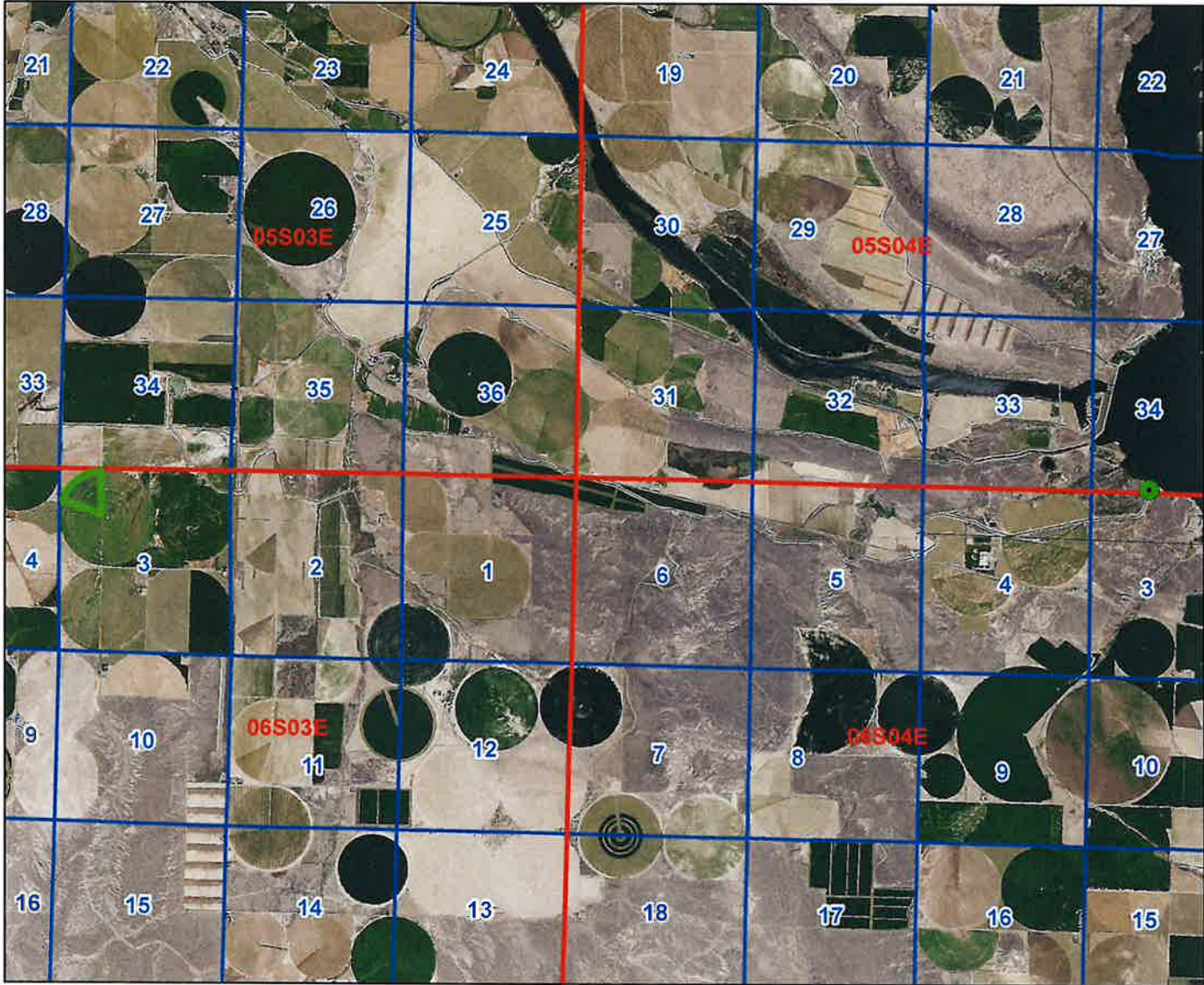
11. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 631

Effective until December 31, 2024

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



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

DEC 10 2021

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

DEC 14 2021

DEPARTMENT OF
WATER RESOURCES

Applicant Name:

Kenton Dirks

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 ☒ *N/A* 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)

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Kenton Dirks
- Mailing Address 33386 Muel Flar Rd. Grangeville Idaho 83624
Street City State Zip Code
- Email Address Kent dirks @ g mail . com Phone Number 208 590 1607
- 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 _____ Professional Title _____
- Organization _____ Relationship to Applicant _____
- Mailing Address _____
- Email Address _____ Phone Number _____

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**:

Grow Crop & Livestock

- 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)
<u>48.60</u> CFS	<u>135</u> AF	<u>.60</u> CFS	<u>135</u> AF	<u>30</u> 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?	
<u>3-15</u>	<u>5-5</u>	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

existing pump & main line to pivot

- 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
BLWA canal	Snake River	2-2176A 2-2405A

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 30 (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:

2-4026, 2-7126, 2-10316, 2-10542, (was 2-10316 & 2-10545 transferred
and 2-10543 off acres in 2018)

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)
2-2176 A	irr.	.57	213.4	49		.57	130.5	28.5
2-2405 A	irr.	.34	169	49		0.03	4.5	1.5
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	0.6 CFS	135 AF	30 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:

Agreement 335

- 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:

- 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

Increase acre from 24 to 30 acre

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

Kenton Dirks
Printed Name of Applicant

12-8-21
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



70 ac. ~~are~~ total minus 40 ~~transferred~~ + 6 ac. = 24 rented
 moved within
 the PPV

ASSIGNMENT OF CARRIAGE RIGHT AGREEMENT

This assignment is made this 6th day of February, 2012, between Kenton O. Dirks, of P.O. Box 565, Grand View, Idaho 83624, (the "Assignor"), and , Jack Post, of P.O. 298, Mountain Home, Idaho 83647 (the "Assignee").

RECITALS

(a) The Assignor, on the 24th day of February, 2011, entered into an agreement entitled Carriage Right Agreement whereby the owners of the Bybee Ditch in Owyhee County, Idaho, sold and conveyed to Assignee a carriage right in the C.J. Strike Pump Station and the south branch and main stem of the Bybee Ditch for 70 miner's inches of water for the price of \$1,400.00, a copy of which Carriage Right Agreement is attached hereto and by this reference made a part hereof.

(b) Pursuant to the Carriage Right Agreement Assignor also purchased the right to use the pump, motor and panel at the C.J. Strike Pump Station for a one-time fee of \$3,500.00.

(c) Assignee was the owner of the real property described in the Carriage Right Agreement and paid the fees mentioned above.

(d) The Carriage Right Agreement should have been in the name of the Assignee, but it was not.

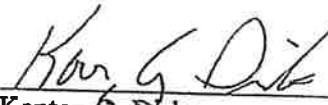
(e) Assignor, Assignee and the Bybee Lateral Water Users Association have all agreed that all of Assignor's rights in the Carriage Right Agreement that is attached hereto shall be assigned to Assignee.

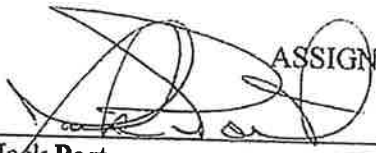
(f) Upon the assignment of all of Assignor's rights in the Carriage Right Agreement Assignee has agreed to assume the obligations of the Assignor under the agreement.

NOW, THEREFORE:

1. Assignor hereby assigns to Assignee all Assignor's rights and interest in the Carriage Right Agreement that is attached hereto and by this reference made a part hereof effective the date of said Carriage Right Agreement.

2. Assignee assumes and covenants to perform all the obligations of the Assignor under the Carriage Right Agreement, and guarantees to hold the Assignor harmless from any claim or demand made under said agreement.


Kenton G. Dirks

 ASSIGNOR
Jack Post

ASSIGNEE

CONSENT TO ASSIGNMENT

The Bybee Lateral Water Users Association hereby consents to the above assignment of the Carriage Right Agreement to Jack Post.

Dated this 16th day of February, 2012.

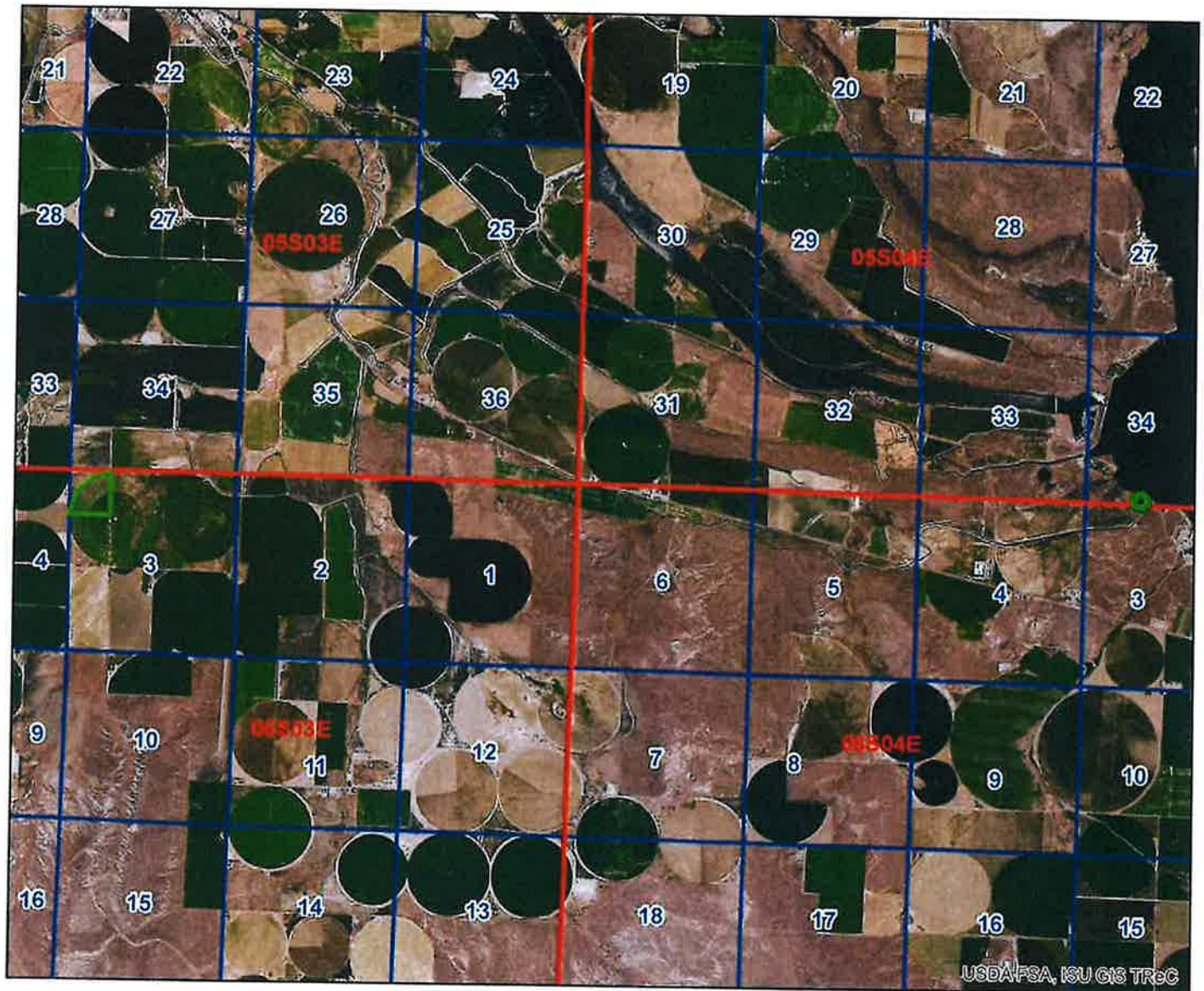
Bybee Lateral Water Users Association

By 

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 335

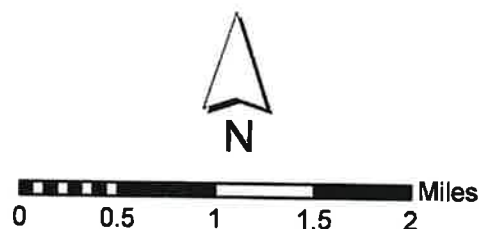
Effective until December 31, 2021

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



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

COPY





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 11, 2022

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW, ID 83624

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-10471 AGREEMENT 631**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,160.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 108 acre-feet of water for irrigation of 24 acres 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 \$1,944.00 of the rental fee will be paid to the lessor(s) and 10% or \$216.00 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. C113388
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Water District 2



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

June 24, 2022

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW, ID 83624

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-10471 AGREEMENT 631**

*****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 \$2,160.00 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 \$2,160.00 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 \$1,944.00 of the rental fee will be paid to the lessor(s) and 10% or \$216.00 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

Water Right No.	Rented Volume (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2022)	Rented Rate (cfs)	Acres	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$23 (2023-2024)
2-10471	108.0	\$1,944.00	\$216.00	\$2,160.00	0.50	27.00	\$2,235.60	\$248.40	\$2,484.00
Total	108.0	\$1,944.00	\$216.00	\$2,160.00	0.50	27.00	\$2,235.60	\$248.40	\$2,484.00
calculated by									
Michele Edl									
2-10471 (2/25/1963)	rate	volume	acre	af/ac	cfs/ac				
as xferred & leased	23.76	4752	1188	4.00	0.02				
if Hg change	23.76	5346.0	1188	4.50	0.02				
%		1.125		1.125					
rental request	0.6	135	30	4.50	0.02	24 or 30 acres?			
confirmed 24 ac	0.5	108	24	4.50	0.02				
original elements	23.76	4752	1188	4.00	0.02				
minus rental	0.5	108	24	4.50	0.02				
check sum ratios	23.26	4644	1164	3.990	0.02				

WSB limits workbook results

1 Decreed	rate	volume	acres	cfs/ac	vol/ac
Enter yellow cells	23.76	4752.00	1188.00	0.020	4.00

2 Requested	0.50	108.00	24.00	0.021	4.50
rate	0.50	100.00	25.00	0.020	4.00
volume	0.54	108.00	27.00	0.020	4.00
acres	0.48	96.00	24.00	0.020	4.00

3 Enter entire line for highest volume						2018-2022	2023-2030
Enter yellow cells	0.54	108.00	27.00	0.020	4.00	\$ 2,160.00	\$ 2,484.00

4 Limited to	0.50	108.00	24.00	0.021	4.50
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MEMORANDUM FOR AGREEMENT #631

To: Water Right 2-10471

From: Michele Edl

Date: June 10, 2022

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

PURPOSE/NARRATIVE: On December 14, 2021, the Department received an Application to Rent Water from the Board's Water Supply Bank (WSB) which was submitted by Kenton G. Dirks.

The application requested rental of the leased portions of Water Rights 2-2176A and 2-2405A and mimics the rental that Mr. Dirks had in 2019-2021. However, the leased portions of 2-2176A and 2-2405A have been fully utilized through other rentals.

The application requested a 5-year rental using water from the Snake River to irrigate 24 acres of a 160-acre pivot. The rental water would be delivered through the Bybee Lateral Water Users' Canal. The same diversion and delivery works convey the applicant's own water rights and some of those rights provide water for the other acres irrigated by the subject pivot.

AUTHORITY TO FILE: Mr. Dirks completed and signed the application, but he does not own the place of use (POU). According to available Owyhee County parcel information, the property containing the rental POU belongs to Jackie (Jack) Post.

Authorization to access and irrigate that POU was given in an email from Jackie P. Post, dated December 10, 2021. The email was provided to western region personnel and forwarded to the processing queue for this WSB rental. It gives permission for Mr. Kenton Dirks to access and irrigate a portion of Mr. Post's property with rental water for the next 3 years (2022, 2023 and 2024).

Review staff selected Water Right 2-10471 to fill this rental request. It has water available for the duration of this 3-year rental.

The rental application also included a copy of an Assignment of Carriage Right Agreement for a shared use of the diverting works. The agreement is between the applicant (Dirks) and the property owner (Post), with consent from the Bybee Lateral Water Users Association.

The POU is acreage under a single pivot, which has been in place for several years. Water for portions of the pivot-irrigated acres have been provided through several previous rental agreements. As Mr. Post has been able, he has purchased and transferred water rights into the area, reducing the quantity to be supplied by WSB rentals. More than half of the area irrigated by the pivot belongs to the applicant. The remainder of the pivot-irrigated acres belongs to Mr. Post.

WATER RIGHT VALIDITY: The validity of the water right to be rented is not a concern. Decreed right 2-10471 was leased into the Water Supply Bank (WSB) again in 2020. A validity review was done at that time. The right is under contract to remain in the WSB until December 2024.

Sufficient leased water is available from the right to satisfy this rental request.

INJURY TO OTHER WATER RIGHTS: No injury to other water rights is apparent.

The proposed rental POD is the head of the Bybee Canal (WMIS 1001397) located in section 34, of gov't lot 9 (SESW) Twp 05S Rge 04E. That canal diverts from the Snake River ~2.5 miles downstream from the pumping station which is the lease POD (Simplot 4; WMIS 1001399) located in section 22, gov't lot 4 (SWSW). Several other water rights divert from those PODs and other rights divert from the Snake River in between them.

Water rights diverting from this reach of the Snake River are subject to a Trust Water Rights review. The right providing the rental water and the native rights providing the majority of the water used by the pivot, are all senior to October 1, 1984, and therefore protected from a call to meet the minimum stream flow at the Murphy gage.

ENLARGEMENT OF USE: The application lists several water rights as overlapping the rental place of use. The pivot seen in the NW quarter of section 3, Twp 6S, Rge 3E is centered on property owned by the applicant. It irrigates ~160 acres; ~90 acres on the applicant's property and ~70 acres on property owned by a neighbor, Mr. Jackie (Jack) Post.

Three water rights (2-4026, 2-10542, and 2-10543) belong to the applicant and are appurtenant to the eastern half of the pivot area.

Two water rights (2-10316 and 2-10545), belong to Mr. Post and authorize the irrigation of a total of 107 acres within a 173-acre POU. 131 acres of irrigation (including the western half of the Dirk pivot) have been seen in recent aerial photography of that POU. That's 24 acres more than are authorized by Mr. Post's two water rights.

The rental water will be used in an area of B57 where the headgate volume allowance is 4.5 af/ac while the leased water comes from an area of B61 where the headgate volume allowance is 4.0. Additional water must be rented to maintain proportionate af/ac between the lease and rental.

The total rate authorized by the rental will be 0.02 cfs/ac which is more than sufficient for pivot irrigation and comparable to the rate authorized by Dirks' own irrigation rights for that pivot.

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: There are no concerns about the efficiency of the diversion system, or the water use proposed by this application.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented water right is subject to regulation by Water District 2. Comments were requested from the Watermaster and regional manager.

MEMORANDUM

To: Right(s) 2-10471
From: Michele Edl
Date: June 7, 2022
Re: phone conversation about rental acres and rental duration

This morning (June 7, 2022) I called Mr. Kenton Dirks to clarify 2 items in his water supply bank rental application.

- 1) I shared that Mr. Jack Post had given him (Mr. Dirks) permission to irrigate a portion of Mr. Post's property for 3 years and had in essence limited the length of the rental to 3 years rather than the 5 years that the application had requested. Mr. Dirks responded that he understood, and that the shorter timeframe was ok with him.
- 2) I confirmed that he meant to rent 24 acres worth of water. The map he provided indicated the same ~24 acres previously irrigated by rented water and states 24 acres worth of water is to be rented. But the rental application requested water for irrigation of 30 acres. He stated that he may not have correctly accounted for water recently transferred in. (Available 2021 aerial photography shows 131 irrigated acres on Mr. Post's property, 24 acres more than the 107 acres authorized by Mr. Post's water rights.)

Water Right No.	Rented Volume (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2022)	Rented Rate (cfs)	Acres	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$23 (2023-2024)
2-10471	135.0	\$2,430.00	\$270.00	\$2,700.00	0.50	24.00	\$2,794.50	\$310.50	\$3,105.00
Total	135.0	\$2,430.00	\$270.00	\$2,700.00	0.50	24.00	\$2,794.50	\$310.50	\$3,105.00
calculated by Michele Edl									
2-10471 (2/25/1963)	rate	volume	acre	af/ac	cfs/ac				
as xferred & leased	23.76	4752	1188	4.00	0.02				
if HG change	23.76	5346.0	1188	4.50	0.02				
%		1.125		1.125					
rental request	0.6	135	30	4.50	0.02	24 or 30 acres?			
confirmed 24 ac	0.5	96	24	4.00	0.02				
adjusted HG change	0.5	135	24	5.63	0.02				
original	23.76	4752	1188	4.00	0.02				
minus rental	0.5	135	24	5.63	0.02				
check sum ratios	23.26	4617	1164	3.966	0.02				

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Skinner, Aaron

From:
Sent:
To:
Subject:

Hi Aaron,

This email is to
and also allow K
my property for t

Thank You,

Jackie P. Post

(208) 599-0400

Distribution	Provided for your:	
Date: 12/10/2021	Information	
To: Mary Condon	Comments	
From: A. Skinner	Approval	
	Signature	
Special Notes: Completed application for Kenton Dirks.		

property
Bank to

RECEIVED

DEC 14 2021

DEPARTMENT OF
WATER RESOURCES

-----Original Message-----

From: Skinner, Aaron <Aaron.Skinner@idwr.idaho.gov>
Sent: Dec 8, 2021 12:11 PM
To: calzola@earthlink.net <calzola@earthlink.net>
Cc: kentondirks@gmail.com <kentondirks@gmail.com>
Subject: Kenton Dirks

Chris,

Will you please send an updated email stating no objections to Mr. Dirks accessing Jackie's property to irrigate 30 acres of Mr. Post's land. Once received, I will pass Mr. Dirks application over to the State Office.

I've attached the email thread from 2019 for your convenience.

Thank you,

Aaron Skinner

Idaho Department of Water Resources