

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 617

RECEIVED
JUN 02 2022
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

IRENE VANDERVEGT GIBSON
4098 HIDDEN LAKES DR
KIMBERLY, ID 83341

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)
36-16702	3/13/1981	GROUND WATER	0.37	74.4	18.6	0.020	4.0
36-2087K	1/23/1950	GROUND WATER	0.06	14.0	3.5	0.017	4.0
36-2113K	3/12/1951	GROUND WATER	0.03	5.69	1.4	0.021	4.0
36-2161K	1/11/1952	GROUND WATER	0.02	3.38	0.9	0.025	4.2
36-2289M	12/2/1955	GROUND WATER	0.01	1.84	0.5	0.025	4.6
36-2311K	11/23/1956	GROUND WATER	0.03	6.88	1.7	0.018	4.0
36-2500K	7/18/1961	GROUND WATER	0.02	6.98	1.7	0.011	4.1
36-2614K	6/7/1965	GROUND WATER	0.05	10.7	2.7	0.019	4.1
36-15169K	12/11/1969	GROUND WATER	0.16	59.8	14.9	0.011	4.0
36-7307K	2/26/1973	GROUND WATER	0.04	7.12	1.7	0.024	4.2
36-7362K	8/2/1973	GROUND WATER	0.06	24.0	17.7	0.003	1.4
36-7477K	5/28/1974	GROUND WATER	0.02	3.64	0.9	0.022	4.0
36-7606K	2/4/1976	GROUND WATER	0.02	3.44	0.8	0.025	4.3
36-7779K	2/22/1978	GROUND WATER	0.05	11.1	2.7	0.019	4.1
36-7832K	12/11/1978	GROUND WATER	0.01	1.74	0.4	0.025	4.4
36-10225K	5/1/1985	GROUND WATER	0.02	3.34	0.8	0.025	4.2
Combined Limit Totals			0.55	112	28.0	0.014	3.6
Combined Rental Totals			0.92	186	46.6	0.005	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2025. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2022, whichever occurs last.

Annual Rental Fee:

2022: \$3,728.00 annually
2023 - 2025: \$4,287.20 annually

The full fee for the rental of the above-described right(s) is \$3,728.00 per year for 2022 and \$4,287.20 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$372.80 per year for 2022 and \$428.72 per year for years 2023 - 2025. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 617

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)
MITIGATION BY NON-USE	0.92	140
Combined Total	0.92	140

Detailed water right conditions are attached.

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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:

Irene Vander Vegt-Gibson
Signature of Renter

5-24-22
Date

Irene Vander Vegt-Gibson
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
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 6/9/22

Rental approved by IDWR Plummer

Date 6/9/22

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 617

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec. 27, Twp 08S, Rge 14E,	GOODING County
GROUND WATER	NESW	Sec. 26, Twp 08S, Rge 14E,	GOODING County
GROUND WATER	SWSE	Sec. 26, Twp 08S, Rge 14E,	GOODING County
GROUND WATER	SWSE	Sec. 26, Twp 08S, Rge 14E,	GOODING County

BENEFICIAL USE
MITIGATION BY NON-USE

DIVERSION RATE
0.77 CFS

VOLUME
175.5 AF

SEASON OF USE

Water Right No.	From	To
36-16702	3/15	11/01
36-10225 K	4/1	10/31
36-15169 K	4/1	10/31
36-2087 K	4/1	10/31
36-2113 K	4/4	10/31
36-2161 K	4/1	10/31
36-2289 M	4/1	10/31
36-2311 K	4/1	10/31
36-2500 K	4/1	10/31
36-2614 K	4/1	10/31
36-7307 K	4/1	10/31
36-7362 K	4/1	10/31
36-7477 K	4/1	10/31
36-7606 K	4/1	10/31
36-7779 K	4/1	10/31
36-7832 K	4/1	10/31

RENTERS PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	26			X	X			X	X	X	X	X	X	X	X	X	X	X
08S	14E	27			X	X				X	X			X	X	X	X	X	X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.

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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 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. 130.
10. Rental does not authorize construction of a well
11. A measuring device of a type approved by IDWR shall be maintained as part of the diversion works.
12. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
13. This rental agreement is not an authorization for mitigation or credit for any other purpose. The sufficiency of the recharge effort authorized under this agreement for mitigation or credit for some other purpose may be determined by the Department upon proper submission of a mitigation plan pursuant to the Department's Rules of Conjunctive Management of Surface and Ground Water Resources, a mitigation plan to offset depletion in association with a water right application, a Management Program pursuant to Idaho Code § 42-1416B, or any other proposal to utilize credit for the recharge effort.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 617

Effective until December 31, 2025

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



⬠ Authorized Rental Point of Diversion

Authorized Rental Place of Use

⬠ Township/Range

⬠ Sections

QQ



0 1,000 2,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JUN 03 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: IRENE GIBBSON VANDERVEGHT

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)

2087K
al

2087

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant IRENE GIBSON VANDEREVEGHT

Mailing Address 4098 HIDDEN LAKES DR. TWIN FALLS IDAHO 83301

Street City State Zip Code

Email Address _____ Phone Number _____

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☐

If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative GARY FUNDERBURG Professional Title OWNER/MANAGER

Organization TSK ENTERPRISE LLC Relationship to Applicant CLIENT

Mailing Address 255 BLUR LAKES BLVD NORTH, PMB 617, TWIN FALLS , IDAHO 83301

Email Address tskenterprisesh2o@gmail.com Phone Number 208-320-0897

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 application is for mitigation by non -use rental not an irrigation rental. Applicant has overage use and needs the extras volume to compensate.

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)
CFS	AF	CFS	AF	AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
	4/5/2022	☐ 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):

Well, motor and pump , pivots

- 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
SESE, SEC.27 T8SR14E	GROUNDWATER	36-7289,36-4037,36-2114,36-7363B
SENW, SEC.26 T8SR14E	GROUNDWATER	SAME
SWSE, SEC.26 T8SR14E	GROUNDWATER	SAME
SWSE SEC.26, T8SR14E	GROUNDWATER	SAME

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 BY NON-USE 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:

not applicable

**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)
Adendome A	see attachment						328.6	
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			
						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**:

This will allow us to comply with the overage of use for water to our ground.

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:

36-7510, 36-17152

RENTAL WATER HAD BEEN APPROVED FOR A SMALL PORTION OF VOLUME AND WILL END THE YEAR
2021. NO WATER RIGHTS AVAILABLE AT THIS TIME. 36-4179, 36-17152 & 36-37-7510

- 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:

Yes ☐ No ☒

- 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

This application is to rent water rights thru 2022, 2023, 2024 and 2025.

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.

Irene VanderVegt Gibson
Signature of Applicant

IRENE GIBSON VANDERVEGT
Printed Name of Applicant

5-27-21
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

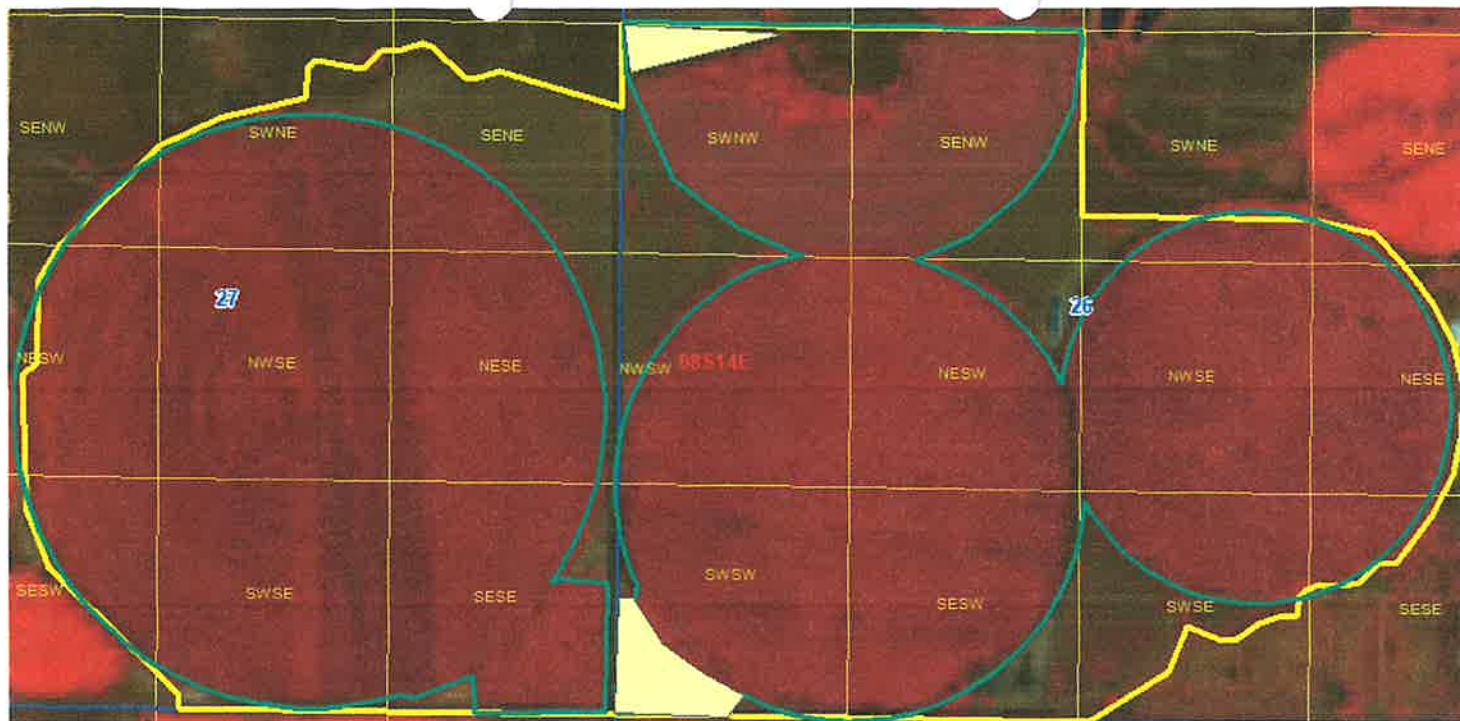
TSK
ENTERPRISES

**Ground & Surface
Water Consultation**



ADENDUM "A" - LIST OF WATER RIGHTS FOR RENTING

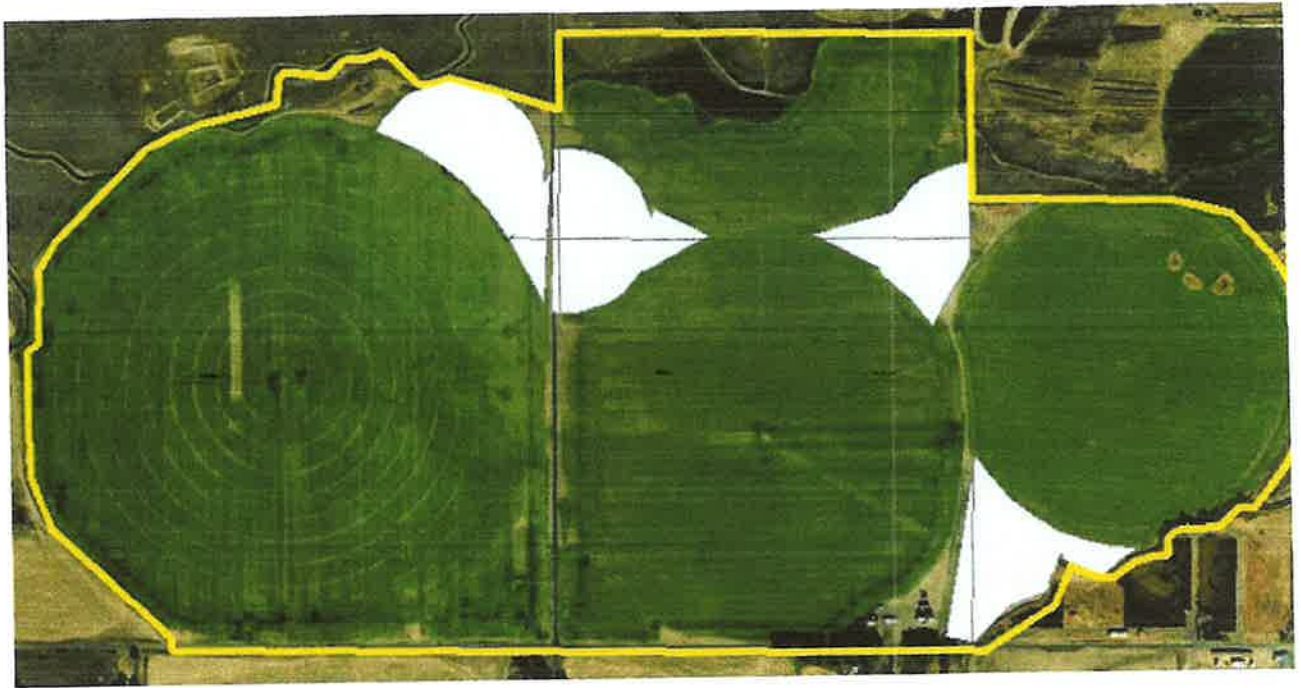
[illegible]





Gang





It is unclear where the remaining 2.5 acres requested are to be located.

Based on 2019 Sentinel satellite imagery, it appears approximately 511.3 acres were irrigated during May through July 2019, within the boundaries of the teal polygons in the image below:



Incorporating the 54.7 acres proposed to be irrigated via rental application 1431 with the 511.3 acres, provides for a possible irrigable area of 565.4 acres, as follows:



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 13, 2022

IRENE VANDERVEGT GIBSON
4098 HIDDEN LAKES DR
KIMBERLY, ID 83341

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-16702, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-15169K, 36-7307K, 36-7362K, 36-7477K, 36-7606L, 36-7779K, 36-7832K & 36-10225K AGREEMENT 617**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,728.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 183 acre-feet of water for mitigation by non-use 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 \$3,355.20 of the rental fee will be paid to the lessor(s) and 10% or \$372.80 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. C112932
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Gary Funderburg
Water District 130
North Snake Ground Water District



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 1, 2022

IRENE VANDERVEGT GIBSON
4098 HIDDEN LAKES DR
KIMBERLY, ID 83341

RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 617 AND PAYMENT FOR WATER RIGHT(S) 36-16702, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-15169K, 36-7307K, 36-7362K, 36-7477K, 36-7606L, 36-7779K, 36-7832K & 36-10225K

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on May 17, 2022. The signed agreement and annual rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$3,728.00 within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank



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

May 17, 2022

IRENE VANDERVEGT GIBSON
4098 HIDDEN LAKES DR
KIMBERLY, ID

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-16702, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-15169K, 36-7307K, 36-7362K, 36-7477K, 36-7606L, 36-7779K, 36-7832K & 36-10225K AGREEMENT 617**

*****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 \$3,728.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 186 acre-feet.

Please send a check for \$3,728.00 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 \$3,355.20 of the rental fee will be paid to the lessor(s) and 10% or \$372.80 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
Gary Funderberg

Buyer, Remington

From: Buyer, Remington
Sent: Monday, March 28, 2022 2:26 PM
To: Erickson, Nathan
Cc: Bank
Subject: Rental Application 2087 - Vandervegt-Gibson
Attachments: Rental Agreement 617.docx; Rental Map - Agreement 617.pdf; Rental Review Memo Application 2087.docx

Hi Nathan,

Attached are my review memo, map and draft rental agreement for WSB application 2087, submitted by Irene Vandervegt-Gibson. I'm forwarding this to Mary for her review, and I'd be happy to incorporate any recommend edits you might suggest. On behalf of Southern Region and WD 130, please advise if you have any questions, comments or concerns.

Thank you!

Remington Buyer
Project Manager
Idaho Department of Water Resources
(208) 287-4918

MEMORANDUM FOR AGREEMENT # 617

To: Water Supply Bank Rental Application 2087
From: Remington Buyer
Date: March 28, 2022
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On June 3, 2021, the Water Supply Bank received from Irene Vandervegt-Gibson, through her representative Gary Funderburg, of TSK Enterprises LLC, a request to rent Eastern Snake River Plain Aquifer (ESPA) ground water rights from the Water Supply Bank, beginning in 2022, for the purposes of mitigation by non-use. Ms. Vandervegt-Gibson's owns a 606 acre farm that is irrigated with ESPA ground water rights 36-2114, 7363B, 4037, 7283 and 7289; collectively, her five water rights authorize a combined limited diversion volume of 2,216 af, for the irrigation of 554 acres, providing a duty of water of 4.0 af/acre, annually.

Ms. Vandervegt-Gibson is a member of the North Snake Ground Water District (NSGWD) and district has asked its members to reduce their annual diversion volumes under their ESPA ground water rights (as part of a large-scale mitigation effort on the ESPA). In an effort to offset the diversion volume reductions requested of her by the NSGWD, Ms. Vandervegt-Gibson has requested a mitigation by non-use rental. Effectively, rather than reduce diversions of ground water under her ESPA ground water rights, as requested by the NSGWD, Ms. Vandervegt-Gibson will instead rent other ESPA ground water right from the Water Supply Bank, to ensure they are not diverted for the duration of the rental. This 2022 rental application is effectively a continuation of rental agreement 533 (application 2045), which was also for mitigation by non-use, and which expired at the end of 2021.

Ms. Vandervegt-Gibson's prior mitigation by non-use rental application included a report from the NSGWD, from 2020, in which it was noted that Ms. Vandervegt-Gibson was expected to reduce her overall annual diversion volumes by 912.6 af, annually, equivalent to 1.65 afa/ac. It is not anticipated that there will have been any recent changes in the diversion volume reduction commitments expected of Ms. Vandervegt-Gibson, and therefore, for the purposes of this rental review memo, it is assumed Ms. Vandervegt-Gibson has a diversion volume reduction target of 912.6 afa, from the NSGWD.

Through rental application 2087, Ms. Vandervegt-Gibson has requested the rental of water rights:

- 36-16702 (Contract 1259),
- 36-2087K, 2113K, 2161K, 2289M, 2311K, 2500K, 2614K, 15169K, 7307K, 7362K, 7477K, 7606K, 7779K, 7832K and 10225K (Contract 1365), as well as
- 37-22168 (Contract 1327).

Water right 36-16702 is available for rental, as requested by the applicant, however water right 37-22168 (contract 1327) appears to have become subject to curtailment under the 2014 Rangen Call ([CM-DC-2014-004](#)) because it is not obtaining qualified mitigation under Mitigation Plan [CM-MP-2018-001](#).

The 15 water rights on Contract 1365 are available for rental, however, there are some irregularities with how the water rights were leased to the Bank, which adds some complexity to how they can be rented by Ms. Vandervegt-Gibson. Effectively, the 15 water rights, as licensed and decreed, feature a combined diversion rate, volume and acreage as follows: 19.65 cfs, 4038.4 af and 1,009.6 acres, for a duty of water of 0.019 cfs/ac and 4.0 afa/ac. However, when the lessor of the 15 water rights placed portions of the rights into the Water Supply Bank, they specified diversion rates, volumes and acreages that are not proportionate to the water rights. The rights were ultimately leased as proposed by the lessor, and not based on how one would expect them to be leased, proportionately as combined.

The table below summarizes how the 15 water rights on contract 1365 are individually described and collectively combined limited, as well as how one would expected the water rights to be leased, proportionate to 28 acres being leased to the Bank under the water rights. The final table summarizes how the water rights have actually been accepted for lease into the Bank, through Contract 1365:

Water Rights As Licensed / Decreed									WRs, if Leased Proportionately					WRs, As Leased Under Contract 1365				
WR	Priority	Use	Rate	Vol	Acres	PPU AC	Vol/Ac	Vol/Ac	Rate	Vol	Acres	Vol/Ac	Vol/Ac	Rate	Vol	Acres	Vol/Ac	Vol/Ac
36-2087K	1/23/1950	irrigation	1.990	504.8	126.2	1009.6	0.016	4.00	0.055	14.0	3.5	0.016	4.0	0.040	9.6	1.9	0.021	5.1
36-2113K	3/12/1951	irrigation	1.030	205.2	51.3	1009.6	0.020	4.00	0.029	5.7	1.4	0.020	4.0	0.030	3.9	0.8	0.038	4.9
36-2161K	1/11/1952	irrigation	0.600	122.0	30.5	1009.6	0.020	4.00	0.017	3.4	0.8	0.020	4.0	0.020	2.3	0.5	0.040	4.6
36-2289M	12/2/1955	irrigation	0.160	66.4	16.6	1009.6	0.010	4.00	0.004	1.8	0.5	0.010	4.0	0.002	1.3	0.2	0.010	6.5
36-2311K	11/23/1956	irrigation	1.240	248.0	62.0	1009.6	0.020	4.00	0.034	6.9	1.7	0.020	4.0	0.030	4.7	0.9	0.033	5.2
36-2500K	7/18/1961	irrigation	0.820	251.6	62.9	1009.6	0.013	4.00	0.023	7.0	1.7	0.013	4.0	0.010	4.8	0.9	0.011	5.3
36-2614K	6/7/1965	irrigation	1.690	386.4	96.6	1009.6	0.017	4.00	0.047	10.7	2.7	0.017	4.0	0.040	7.3	1.4	0.029	5.2
36-15169K	12/11/1969	irrigation	5.760	2156.0	539.0	1009.6	0.011	4.00	0.160	59.8	14.9	0.011	4.0	0.080	40.9	8.0	0.010	5.1
36-7307K	2/26/1973	irrigation	1.270	256.8	64.2	1009.6	0.020	4.00	0.035	7.1	1.8	0.020	4.0	0.030	4.9	0.9	0.033	5.4
36-7362K	8/2/1973	irrigation	2.050	866.1	639.3	1009.6	0.003	1.35	0.057	24.0	17.7	0.003	1.4	0.010	5.5	9.4	0.001	0.6
36-7477K	5/28/1974	irrigation	0.660	131.2	32.8	1009.6	0.020	4.00	0.018	3.6	0.9	0.020	4.0	0.020	2.5	0.5	0.040	5.0
36-7606K	2/4/1976	irrigation	0.610	124.0	31.0	1009.6	0.020	4.00	0.017	3.4	0.9	0.020	4.0	0.012	2.3	0.5	0.024	4.6
36-7779K	2/22/1978	irrigation	1.930	401.2	100.3	1009.6	0.019	4.00	0.054	11.1	2.8	0.019	4.0	0.050	7.6	1.5	0.033	5.1
36-7832K	12/11/1978	irrigation	0.160	62.8	15.7	1009.6	0.010	4.00	0.004	1.7	0.4	0.010	4.0	0.002	1.2	0.2	0.010	6.0
36-10225K	5/1/1985	irrigation	0.580	120.4	30.1	1009.6	0.019	4.00	0.016	3.3	0.8	0.019	4.0	0.020	2.3	0.4	0.050	5.8
combined		irrigation	19.650	4038.4	1009.6	1009.6	0.019	4.00	0.545	112.0	28.0	0.019	4.0	0.404	101.1	28.0	0.014	3.6

One final irregularity associated with the water rights on Contract 1365 is that the rights feature a combined limit of 0.404 cfs, even though the actual diversion rates for the fifteen water rights sum to 0.396 cfs.

Lastly, although there will be no actual diversions of water occurring under this mitigation by non-use rental, the points of diversion (PODs) associated with water rights 36-2114, 7363B, 4037, 7283 and 7289 will be the PODs associated with this rental.

AUTHORITY TO FILE: The property where rental water will be used is owned by the applicant. No concerns about authority to file.

WATER RIGHT VALIDITY: Water rights requested to be rented are valid and available for rental.

INJURY TO OTHER WATER RIGHTS: This is a mitigation by non-use rental and no water will be diverted through this rental. Because there are no diversions of the ESPA ground water rights being rented, no ESPA transfer tool modeling is required to be evaluated to ensure against injury to the Snake River and to other ESPA ground water rights. No injury is apparent through this rental.

ENLARGEMENT OF USE: The maximum leased extent of water right 36-16702 is being rented, and the rented amounts are proportionate the per-acre diversion rates and volumes of the water right. No enlargement of water right 36-16702 is apparent through this rental.

The 15 water rights on lease contract 1365 authorize a collective irrigation of 28 acres, proportionate to 0.545 cfs and 112 af, however, the maximum diversion rate and volume under Contract 1365 is limited 0.404 cfs and 101.1 af. As such, the maximum rentable amount under Contract 1365 is less than the proportionate amounts that could have been leased, and no enlargement of the water right should occur this rental.

The 15 water rights on Contract 1365, and water right 36-16702, all authorize diversions of ESPA ground water for irrigation purposes, which is the same use authorized under Ms. Vandervegt-Gibson's five ESPA water rights, and which are the water rights that will benefit from this mitigation by non-use rental. Although the rights being rented and the rights benefiting from this rental are both for irrigation purposes, the fact remains that the proposed water use under this rental is mitigation by non-use, and therefore, consideration of the historic consumptive use of water under the water rights being rented is merited, to ensure the historic consumptive use of water under the water rights being rented is not enlarged through this change in nature of use rental.

The overall diversion and consumptive use volumes of water authorized under this mitigation by non-use rental is 0.0 afa. Because no water will be diverted or consumed under this rental, the historic overall diversion and consumptive use volumes authorized under the water rights on Contracts 1259 and 1365 will not be enlarged. Notwithstanding these facts, IDWR sometimes requires that the maximum diversion volumes authorized on a rental agreement not exceed the consumptive use of water under the water rights being rented. As such, two outcomes are possible for this rental request:

1. The mitigation by non-use volume authorized under this rental is equivalent to the combined maximum diversion volume available for rental under the water rights requested; or
2. The mitigation by non-use volume authorized under this rental is equivalent to the maximum consumptive use of water recently or historically accomplished under the water rights requested.

The maximum diversion volume authorized to be rented from the Bank, based on Contracts 1279 and 1365 is 175.5 af. This is the diversion volume that can be authorized through outcome one, described above.

Because all but one water right on Contracts 1279 and 1365 feature a duty of water of 4.0 afa/ac, the consumptive use volume anticipated for the water rights would be 3 afa/ac, or 75% of the overall diversion volume. In an effort to avoid having to recalculate the proportionate amounts leased to the Bank through Contract 1365, the consumptive use volume for the 15 water rights on Contract 1365 was estimated by multiplying the leased volume by 75%. This yields an overall consumptive use volume of 131.6 af, associated with the 15 water rights on Contract 1365. Coupled with a consumptive use volume of 55.8 af under water right 36-16702, the overall maximum rentable diversion volume associated with outcome two would be 131.6 af.

The diversion volumes calculated for outcomes one and two can be described as follows:

Amount to be Allocated to the Rented										
WR	Contract	Start	End	Use	Rate	Vol	C/U Vol	Acres	Rate/Ac	Vol/Ac
36-16702	1259	2021	2025	Irrigation	0.372	74.4	55.8	18.6	0.020	4.00
36-2087K	1365	2021	2025	Irrigation	0.040	9.6	7.2	1.9	0.021	5.05
36-2113K	1365	2021	2025	Irrigation	0.030	3.9	2.9	0.8	0.038	4.88
36-2161K	1365	2021	2025	Irrigation	0.020	2.3	1.7	0.5	0.040	4.60
36-2289M	1365	2021	2025	Irrigation	0.002	1.3	1.0	0.2	0.010	6.50
36-2311K	1365	2021	2025	Irrigation	0.030	4.7	3.5	0.9	0.033	5.22
36-2500K	1365	2021	2025	Irrigation	0.010	4.8	3.6	0.9	0.011	5.33
36-2614K	1365	2021	2025	Irrigation	0.040	7.3	5.5	1.4	0.029	5.21
36-15169K	1365	2021	2025	Irrigation	0.080	40.9	30.7	8	0.010	5.11
36-7307K	1365	2021	2025	Irrigation	0.030	4.9	3.7	0.9	0.033	5.44
36-7362K	1365	2021	2025	Irrigation	0.010	5.5	4.1	9.4	0.001	0.59
36-7477K	1365	2021	2025	Irrigation	0.020	2.5	1.9	0.5	0.040	5.00
36-7606K	1365	2021	2025	Irrigation	0.012	2.3	1.7	0.5	0.024	4.60
36-7779K	1365	2021	2025	Irrigation	0.050	7.6	5.7	1.5	0.033	5.07
36-7832K	1365	2021	2025	Irrigation	0.002	1.2	0.9	0.2	0.010	6.00
36-10225K	1365	2021	2025	Irrigation	0.020	2.3	1.7	0.4	0.050	5.75
combined	1365	2021	2025	Irrigation	0.404	101.1	75.8	28	0.014	3.61
overall combined					0.776	175.5	131.6	46.6	0.017	3.77

One final enlargement notion is worthy of consideration through approval of this rental. In the recent past, the applicant appears to have irrigated more than 554 acres authorized under their water rights, and rental agreement 428 was approved for calendar years 2020 and 2021, to authorize the irrigation of 11 acres that appeared vegetated on the applicant's property, in excess of their 554 acre limit. Rental agreement 428 has now expired and the applicant has not requested an irrigation rental for the 11 additional acres that were previously authorized to be irrigated under rental agreement 428. It would be an enlargement in the applicant's water rights if they exceeded the irrigation limit authorized under their water rights. However, staff have no information at this time that suggests more than 554 acres will be irrigated in 2022, so the focus of this rental review remains specific to the mitigation by non-use request.

LOCAL PUBLIC INTEREST: staff are not aware of any information that indicates this rental is contrary to or inconsistent with any local public interests.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: Mitigation by non-use is a beneficial use. As described above in this memo, the applicant has a diversion volume reduction target of 912.6 af for 2022, so this mitigation by non-use rental will be of beneficial use, as it will partially (but not fully) enable the applicant to achieve their overall diversion volume reduction target. Through the mitigation by non-use action, water will remain in the aquifer, un-diverted, which is conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Review comments were requested from IDWR's Southern Region and Water District 130 on 3/28/2022.

WATER SUPPLY BANK RECOMMENDATION: Pursuant to IC 42-1761, staff recommend this rental be approved with the highest duty for beneficial use of water, equivalent to a mitigation by non-use rental of 175.5 af annually, for 2022-2025.

Condon, Mary

From: Gary Funderburg <tskenterpriseh2o@gmail.com>
Sent: Sunday, August 29, 2021 4:24 PM
To: Condon, Mary
Subject: IRENE VANDERVEGTE RENTAL #2087
Attachments: new water rifgts for lease.xls

MARY, Please find attached the corrected Addendum for Irene's application. If you find there is an Error on my behalf please let me know, so I may fix the errors. kAlso would you please let me know if you have received this email?

'Gary Funderburg
TSK Enterprise LLC

29-Sep-21

IRENE VANDERVEGT GIBSON ADENDUM "A" - LIST OF WATER RIGHTS FOR RENTING
APP# 2087

[illegible]



RECEIVED

JUN 03 2021

DEPARTMENT OF
WATER RESOURCES

255 Blue Lakes Blvd N
PMB 617
Twin Falls, ID 83301
Cell: 208-320-0897

May 26, 2021

IDAHO DEPARTMENT OF WATER RES.
322 East Front Street
P.O. Box 83720-0098

Att: Buyer, Remington

Remington:

Please find enclosed the Rental application to rent water for Irene Gibson Vandervegt for the years of 2022, 2023, 2024, and 2025. I will be sending to you the annual report from Idaho Well Consultants at the end of this year irrigation season. If you find a problem with the application, please email the correction that you wish for us to correct. I'm hoping I have completed the form to your approval.

Please let us know you have received this application.

If you have any questions feel free to contact me at the above phone number or email address.

Sincerely,

Gary Funderburg
Tskenterpriseh2o@gmail.com
255 Blue Lakes Blvd N
PMB 617
Twin Falls, ID 83301
Cell: 208-320-0897

2081