

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 624

RECEIVED
MAY 13 2022
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

TODD CLEMENT
697 N 1300 W
BLACKFOOT, ID 83221-5133

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)
35-7692	4/15/1977	GROUND WATER	0.06	10.4	2.6	0.02	4.0
35-2324B	4/14/1953	GROUND WATER	0.07	13.6	3.4	0.02	4.0
Combined Rental Totals			0.12	24.0	6.0	0.02	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, 2026. 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: \$480.00 annually
2023 - 2026: \$552.00 annually

The full fee for the rental of the above-described right(s) is \$480.00 per year for years 2022 - 2022 and \$552.00 per year for years 2023 - 2026. The rental fee includes an administrative fee of \$48.00 per year for years 2022 - 2022 and \$55.20 per year for years 2023 - 2026.

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	0.12	24.0	6.0	0.02	4.0
Combined Total	0.12	24.0	6.0	0.02	4.0

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

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:


Signature of Renter

05/09/2022
Date

Todd M Clement
Printed Name

owner
Title

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

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

By 
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 5/16/22

Rental approved by IDWR 

Date 5/16/22

WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 624

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec. 36, Twp 01S, Rge 33E, BINGHAM County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.12 CFS

VOLUME
24.0 AF

SEASON OF USE

Water Right No.	From	To
35-2324B	4/1	10/31
35-7692	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	
01S	33E	25											0.5						0.5
01S	33E	36						5.5											5.5

Total Acres: 6.0

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

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DEPARTMENT OF WATER RESOURCES

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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. 120.
11. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
12. This rental agreement does not authorize the construction of a well.



Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No.624

Effective until December 31, 2026

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



0 500 Feet

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

RECEIVED

DEC 06 2021

DEPARTMENT OF
WATER RESOURCESApplicant Name: Todd Clement

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)

35-2324B

35-7692

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Todd Clement

Mailing Address <u>697N 1300W</u>	Blackfoot	ID	83221
Street	City	State	Zip Code
Email Address <u>tntclement@gmail.com</u>	Phone Number <u>208-681-8768</u>		

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**:

watering pasture

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)
0.10 CFS	AF	CFS	17.5 AF	5 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?	
01/01/2022	06/01/2022open	☐ 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):

Pressurized system

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

POD Description	Water Source	Other Water Rights Diverted from this POD
Pump	Groundwater	Domestic Exempted Water Right

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 5.0 (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:

**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)
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**:

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**:

Application to Rent Water (Continued)

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

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

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.

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ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR
SEASON

TRANSFER NO:

TRANSFER NAME:
Clement

UPDATE DATES

RUN MODEL

GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	71	92		
COLUMN	131	116		

TRIMESTER OF ACTIVITY	TO WELL Protected Use AF/TRIMESTER	FROM1 WELL With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	FROM2 WELL With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	FROM3 WELL With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1960	0	0	0	0	0	0	0
SUM 1960	0	0	0	0	0	0	0
WIN 1960	0	0	0	0	0	0	0
SPR 1961	0	0	0	0	0	0	0
SUM 1961	0	0	0	0	0	0	0
WIN 1961	0	0	0	0	0	0	0
SPR 1962	0	0	0	0	0	0	0
SUM 1962	0	0	0	0	0	0	0
WIN 1962	0	0	0	0	0	0	0
SPR 1963	0	0	0	0	0	0	0
SUM 1963	0	0	0	0	0	0	0
WIN 1963	0	0	0	0	0	0	0
SPR 1964	0	5	5	0	0	0	0
SUM 1964	0	5	5	0	0	0	0
WIN 1964	0	5	5	0	0	0	0
SPR 1965	0	5	5	0	0	0	0
SUM 1965	0	5	5	0	0	0	0
WIN 1965	0	5	5	0	0	0	0
SPR 1966	0	5	5	0	0	0	0
SUM 1966	0	5	5	0	0	0	0
WIN 1966	0	5	5	0	0	0	0

SPR 2021	0	0	6	0	0	0	0
SUM 2021	0	0	6	0	0	0	0
WIN 2021	0	0	6	0	0	0	0
SPR 2022	5	0	6	0	0	0	0
SUM 2022	5	0	6	0	0	0	0
WIN 2022	5	0	6	0	0	0	0
SPR 2023	5	0	6	0	0	0	0
SUM 2023	5	0	6	0	0	0	0
WIN 2023	5	0	6	0	0	0	0
SPR 2024	5	0	6	0	0	0	0
SUM 2024	5	0	6	0	0	0	0
WIN 2024	5	0	6	0	0	0	0
SPR 2025	5	0	6	0	0	0	0
SUM 2025	5	0	6	0	0	0	0
WIN 2025	5	0	6	0	0	0	0
SPR 2026	0	6	6	0	0	0	0
SUM 2026	0	6	6	0	0	0	0
WIN 2026	0	6	6	0	0	0	0
SPR 2027	0	6	6	0	0	0	0
SUM 2027	0	6	6	0	0	0	0
WIN 2027	0	6	6	0	0	0	0
SPR 2028	0	6	6	0	0	0	0
SUM 2028	0	6	6	0	0	0	0
WIN 2028	0	6	6	0	0	0	0
SPR 2029	0	6	6	0	0	0	0
SUM 2029	0	6	6	0	0	0	0
WIN 2029	0	6	6	0	0	0	0
SPR 2030	0	6	6	0	0	0	0
SUM 2030	0	6	6	0	0	0	0
WIN 2030	0	6	6	0	0	0	0
SPR 2031	0	6	6	0	0	0	0
SUM 2031	0	6	6	0	0	0	0
WIN 2031	0	6	6	0	0	0	0

SPR 2102	0	6	6	0	0	0	0
SUM 2102	0	6	6	0	0	0	0
WIN 2102	0	6	6	0	0	0	0
SPR 2103	0	6	6	0	0	0	0
SUM 2103	0	6	6	0	0	0	0
WIN 2103	0	6	6	0	0	0	0
SPR 2104	0	6	6	0	0	0	0
SUM 2104	0	6	6	0	0	0	0
WIN 2104	0	6	6	0	0	0	0
SPR 2105	0	6	6	0	0	0	0
SUM 2105	0	6	6	0	0	0	0
WIN 2105	0	6	6	0	0	0	0
SPR 2106	0	6	6	0	0	0	0
SUM 2106	0	6	6	0	0	0	0
WIN 2106	0	6	6	0	0	0	0
SPR 2107	0	6	6	0	0	0	0
SUM 2107	0	6	6	0	0	0	0
WIN 2107	0	6	6	0	0	0	0
SPR 2108	0	6	6	0	0	0	0
SUM 2108	0	6	6	0	0	0	0
WIN 2108	0	6	6	0	0	0	0
SPR 2109	0	6	6	0	0	0	0
SUM 2109	0	6	6	0	0	0	0
WIN 2109	0	6	6	0	0	0	0



IDAHO DEPARTMENT
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 18, 2022

TODD CLEMENT
697 N 1300 W
BLACKFOOT, ID 83221-5133

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-7692 & 35-2324B AGREEMENT 624**

Dear Renter:

Please find enclosed a receipt in the amount of **\$480.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.9 acre-feet of water for irrigation of 1.1 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 \$432.00 of the rental fee will be paid to the lessor(s) and 10% or \$48.00 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. C112766
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Water District 120
Bingham Ground Water District



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 5, 2022

TODD CLEMENT
697 N 1300 W
BLACKFOOT, ID 83221-5133

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-7692 & 35-2324B AGREEMENT 624**

*****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 \$480.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 24.0 acre-feet.

Please send a check for \$480.00 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 \$432.00 of the rental fee will be paid to the lessor(s) and 10% or \$48.00 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

Calculations for Rental App 2228 Clement

Water Rights				
Priority	WRs	CFS	AF	Acres
1953	35-2324B	1.72	-	86
1977	35-7692	1.63	-	68
	<i>summed</i>	3.35	-	154
	CUL:	3.12	616	154

Requested
AC
6

Math for Contract			
WRs	indiv ac	rate for 40ac	vol for 40ac
35-2324B	$(86/154) \times 6$	$(1.72/86) \times \text{indiv ac}$	$(616/154) \times \text{indiv ac}$
35-7692	$(68/154) \times 6$	$(1.63/68) \times \text{indiv ac}$	$(616/154) \times \text{indiv ac}$
Combined	6	$(3.12/154) \times 6$	$(616/154) \times 6$
Rental Total:			

Rounded for first table

Portions Rented			
WRs	Acres	Rate (cfs)	Vol (af)
35-2324B	3.4	0.07	13.4
35-7692	2.6	0.06	10.6
<i>summed</i>	6.0	0.1	24.0
Combined	6	0.12	24
Rental Total			

Novak, Shilynn

From: Novak, Shilynn
Sent: Monday, May 2, 2022 9:55 AM
To: Jordan, Blake; Cefalo, James
Cc: Bank
Subject: WSB Rental 2228 Clement - Request for Comment
Attachments: move map.pdf; . etran input & results.docx; . Review Memo clement.docx

Good morning,

The Water Supply Bank received Rental App 2228 to rent water rights 35-2324B and 35-7692 from the Water Supply Bank. Attached is a copy of the review memo, move map, and etran info for your review. Please provide any comments or concerns you have within the next 7 days. If no comments are received in the next 7 days, I will assume there are no issues with this rental and proceed with processing.

Sincerely,

Shilynn Novak

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

MEMORANDUM FOR APPLICATION # 2228

To: Water Right(s) 35-2324B and 35-7692
From: Shilynn Novak
Date: May 2, 2022
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The application to rent water was received by the Department on December 6, 2021. The application requests 0.10 cfs and a minimum of 17.5 afa for 5 acres of irrigation for his pasture. No specific rights were requested on this application, but WSB staff assigned water rights 35-2324B and 35-7692 as they were the same rights used on the previous rental request (Rental Contract 357) and will fill the 5-year use requested.

The original POU was based on 2017 aerial imagery which showed the irrigated acres near the home when a past email stated a pasture behind the house. 2021 aerial imagery showed a 6-acre pasture behind the home on the 12-acre property. To verify that Mr. Clement did not need water for the whole property, an email was sent 4/29/2022 and he stated that his irrigation needs were for the 6-acre pasture.

The minimum amounts on the application were updated to reflect the irrigation of 6 acres. The rate went from 0.10 cfs to 0.12 cfs and the annual volume went from 17.5 afa to 24 afa.

AUTHORITY TO FILE: Todd Clement filed the application Using the Bingham County Assessor map, both the POD and POU are owned by Mr. Clement. No concerns.

WATER RIGHT VALIDITY: The requested water rights are valid and available per Lease Contract 1514. The lease contract is approved through 2026 and will meet the rental request for 5 years. WMIS 500440 is for water rights 35-2324B and 35-7692 and recorded water use should be available in WMIS to verify non-use. No concerns about water right validity.

INJURY TO OTHER WATER RIGHTS: ESPA modeling was required for this application. Mr. Clement originally requested water from a different location and water rights. To determine long-term impacts, the water rights found on Lease Contract 1514 were used which the same rights used in the last approved rental (Rental Contract 357) for Mr. Clement. The following was used during verification: $6 \text{ acres} \times 3 \frac{\text{af}}{\text{ac}} = 18 \text{ af} \div 3 \text{ trimesters} = 6 \frac{\text{af}}{\text{trimester}}$ for 2019 through 2026. The previous rental dates were included because it was for the same water rights for the same place of use for the same use. It was determined that mitigation is not required.

ENLARGEMENT OF USE: The proposed POD is a domestic well that is not required to annual reporting. Metal tag no D0068056 and was drilled in 2015. There is no POU overlap at the proposed site of irrigation and there no irrigation entities that deliver water to this property.

LOCAL PUBLIC INTEREST: There are no NOV's or documented concerns made by the public in response to the 2019-2021 rental with the same water rights for the same rental POU. Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The watermaster for WD120 and IDWR Eastern Region comments is requested and the file will include any comments.

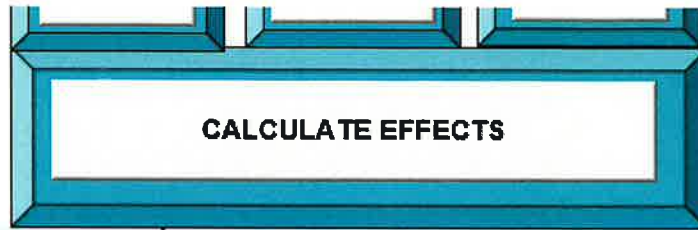
[illegible]

ETRAN Model Input and Results

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

YEAR 1950
SEASON SPRING

TRANSFER NO:
Rental App 2228
TRANSFER NAME:
Clement, Todd



ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	71	74	0	0
COLUMN	131	132	0	0

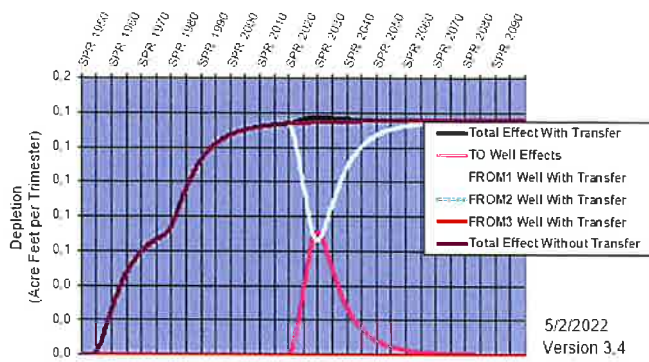
TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1950	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUM 1950	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIN 1950	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SPR 1951	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUM 1951	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIN 1951	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SPR 1952	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUM 1952	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIN 1952	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SPR 1953	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SUM 1953	0.00	3.40	3.40	0.00	0.00	0.00	0.00
WIN 1953	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SPR 1954	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SUM 1954	0.00	3.40	3.40	0.00	0.00	0.00	0.00
WIN 1954	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SPR 1955	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SUM 1955	0.00	3.40	3.40	0.00	0.00	0.00	0.00
WIN 1955	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SPR 1974	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SUM 1974	0.00	3.40	3.40	0.00	0.00	0.00	0.00
WIN 1974	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SPR 1975	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SUM 1975	0.00	3.40	3.40	0.00	0.00	0.00	0.00
WIN 1975	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SPR 1976	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SUM 1976	0.00	3.40	3.40	0.00	0.00	0.00	0.00
WIN 1976	0.00	3.40	3.40	0.00	0.00	0.00	0.00
SPR 1977	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 1977	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 1977	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 1978	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 1978	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 1978	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 1979	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 1979	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 1979	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 1980	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 1980	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 1980	0.00	6.00	6.00	0.00	0.00	0.00	0.00

WIN 2015	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 2016	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 2016	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 2016	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 2017	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 2017	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 2017	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 2018	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 2018	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 2018	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 2019	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SUM 2019	6.00	0.00	6.00	0.00	0.00	0.00	0.00
WIN 2019	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SPR 2020	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SUM 2020	6.00	0.00	6.00	0.00	0.00	0.00	0.00
WIN 2020	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SPR 2021	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SUM 2021	6.00	0.00	6.00	0.00	0.00	0.00	0.00
WIN 2021	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SPR 2022	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SUM 2022	6.00	0.00	6.00	0.00	0.00	0.00	0.00
WIN 2022	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SPR 2023	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SUM 2023	6.00	0.00	6.00	0.00	0.00	0.00	0.00
WIN 2023	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SPR 2024	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SUM 2024	6.00	0.00	6.00	0.00	0.00	0.00	0.00
WIN 2024	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SPR 2025	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SUM 2025	6.00	0.00	6.00	0.00	0.00	0.00	0.00
WIN 2025	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SPR 2026	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SUM 2026	6.00	0.00	6.00	0.00	0.00	0.00	0.00
WIN 2026	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SPR 2027	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 2027	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 2027	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 2028	0.00	6.00	6.00	0.00	0.00	0.00	0.00

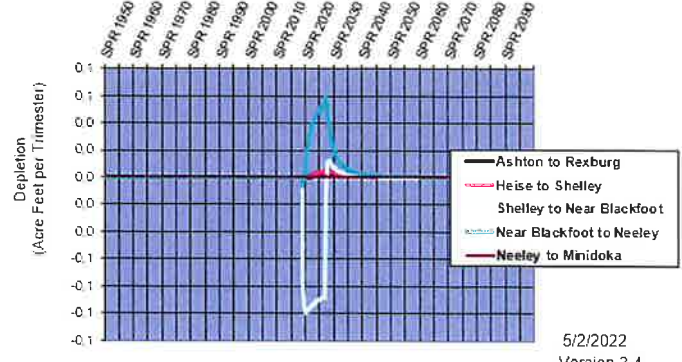
Impact by Reach (AF/Trimester)											
	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
Pre-SS	0.14	0.24	1.39	4.02	0.05	0.06	0.05	0.02	0.02	0.02	0.00
Post-SS	0.14	0.24	1.39	4.02	0.05	0.06	0.05	0.02	0.02	0.02	0.00
Pre-TS	0.14	0.24	1.39	4.02	0.05	0.06	0.05	0.02	0.02	0.02	0.00
Post-TS	0.14	0.24	1.40	4.07	0.05	0.06	0.05	0.02	0.02	0.02	0.00

Steady State Analysis	Mitigation Check 1 - >10% of Historical	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Mitigation Check 2: > 2 AF/T	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Check 3 - >10% of Total	2.3%	3.9%	23.1%	67.0%	0.9%	0.9%	0.8%	0.3%	0.3%	0.4%	0.0%
	Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis	Mitigation Check 1 - >10% of Historical	1.2%	1.6%	0.7%	1.3%	0.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Mitigation Check 2: > 2.01 AF/T	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Hydrologic Response--Ashton to Rexburg
Customer Name: **Clement, Todd** Transfer No: Rental



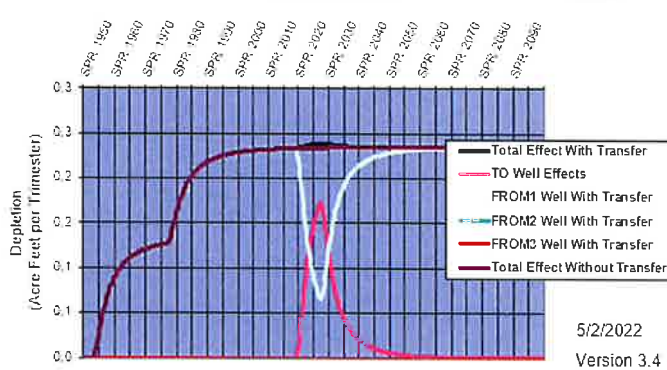
Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)



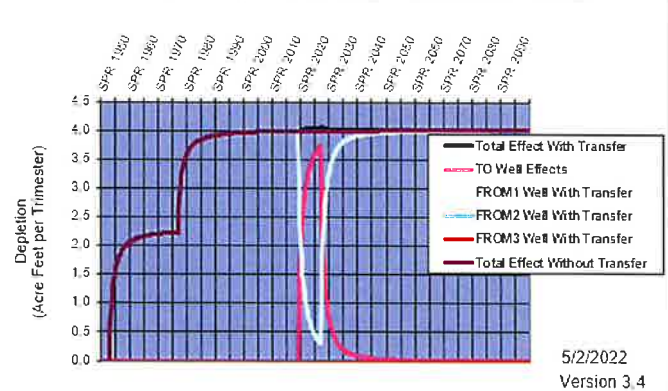
Customer Name: **Clement, Todd**

Transfer No: Rental

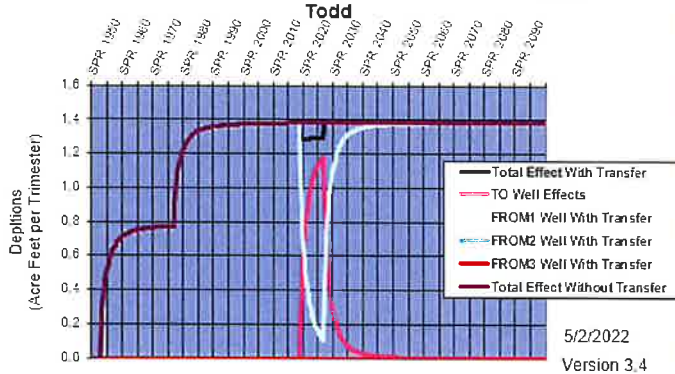
Hydrologic Response--Heise to Shelley
Customer Name: **Clement, Todd** Transfer No: Rental



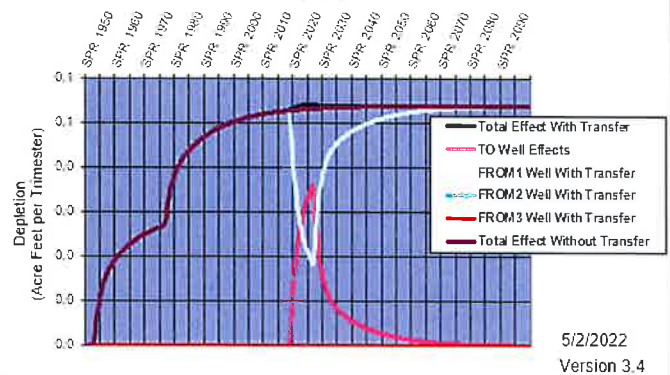
Hydrologic Response-- Near Blackfoot to Neeley
Customer Name: **Clement, Todd** Transfer No: Rental

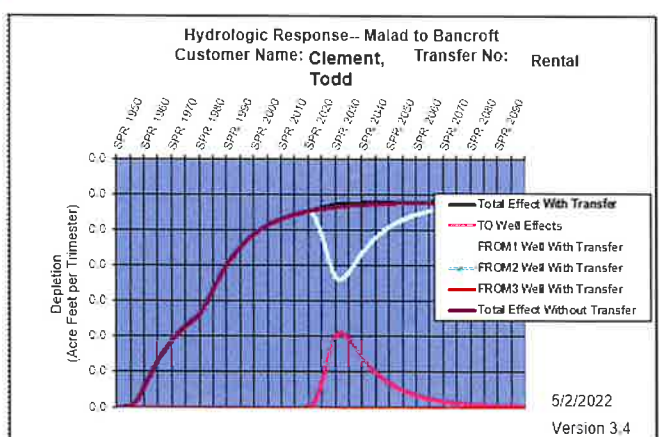
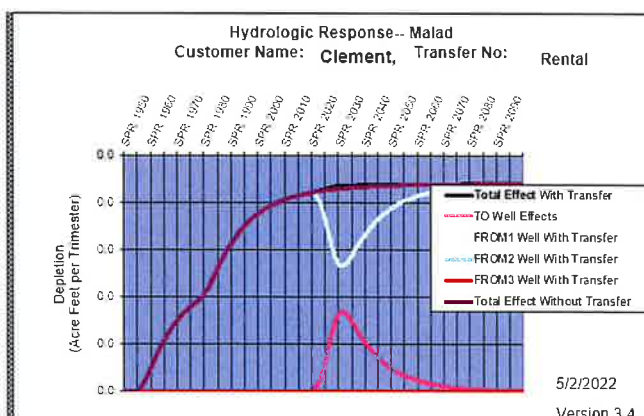
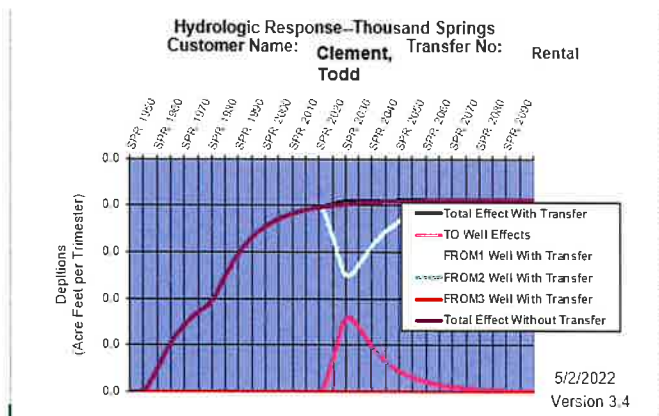
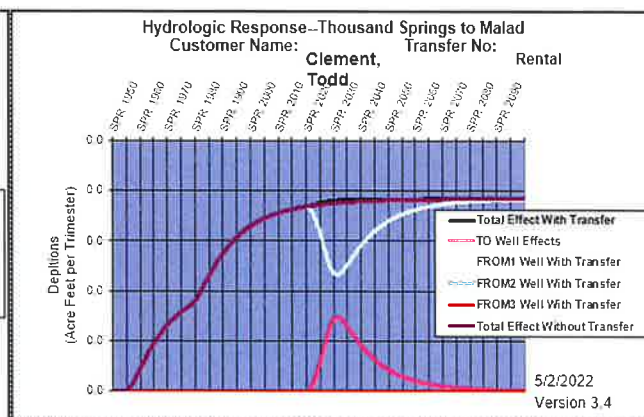
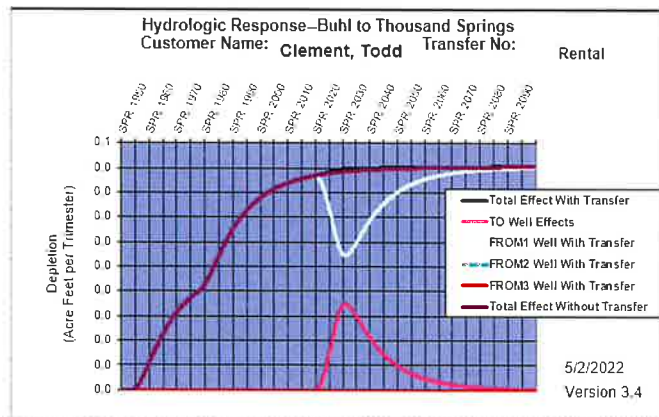
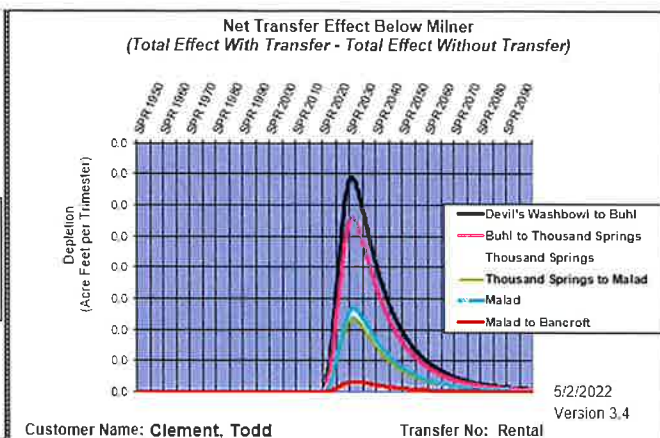
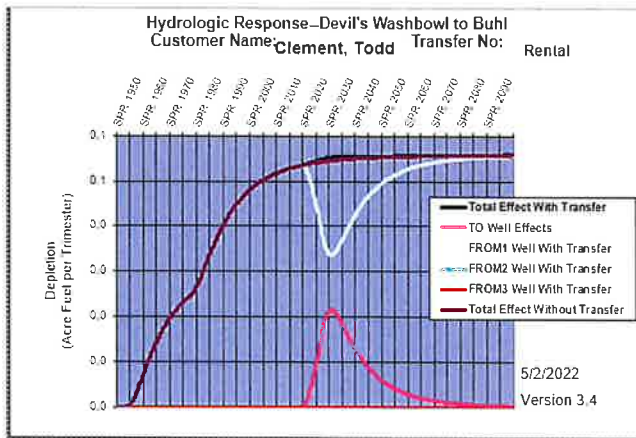


Hydrologic Response--Shelley to Near Blackfoot
Customer Name: **Clement, Todd** Transfer No: Rental



Hydrologic Response-- Neeley to Minidoka
Customer Name: **Clement, Todd** Transfer No: Rental





Novak, Shilynn

From: t Clement <tntclement@gmail.com>
Sent: Friday, April 29, 2022 7:07 PM
To: Novak, Shilynn
Subject: Re: Water Supply Bank - Acre Verification

fig 2 would be perfect. let me know if there is anything else I need to do.
Thank you

On Fri, Apr 29, 2022 at 12:38 PM Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov> wrote:

Hello,

I am processing your Application to Rent Water from the Water Supply Bank and I wanted to verify the acres you plan to irrigate as I did not see a map attached to the application. Comparing recent aerial imagery and the previous map from your last rental, it is difficult to determine what and how many acres are being irrigated. I have a few examples below of potential acres of irrigation. If any of the options below do not match the irrigated acres, please submit a new map. I have attached a map that you can print out, draw on, and return. You can also make a map on the IDWR website (www.idwr.idaho.gov > Forms > Create a Map for Water Right Application) and return to me. Whatever method you choose, I need to know where you plan to irrigate so I can reflect it in my notes.

I also wanted to let you know that I plan to use water rights from Lease 1514 which are 35-2324B and 35-7692. These are the same rights that were used in your previous rental. I ran the ETRAN tool using data from the two water rights as if you rented enough water to irrigate 5 acres or 13 acres, which showed that there would be no mitigation required for either amount. I've included both ETRAN results for your reference. The main difference is the total cost for renting the water rights. (\$20/ac for 2022 and increasing to \$23/ac per year for 2023 to 2026).

Please let me know how many acres and what acres you plan to irrigate as soon as you can so I may proceed processing your application.

Thank you for your assistance,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights

Idaho Dept. of Water Resources



Figure 1 The total irrigated acres is 13 acres. This is based on possible soil disturbances.



Figure 2 This is for 6 acres. This is based on a fenced in area behind the house.



Figure 3 This is 5 acres that is based off the 2019 rental place of use, but now excludes both driveways as well as the additional shop and still only partially covers the fenced area.