

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 608

RECEIVED

APR 20 2022

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

RANDALL D BURR
1216 S LAKE POINTE WAY
EAGLE, ID 83616

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-4301	4/15/1939	SPRING, Tributary to Camas Creek	0.17	30.5	8.7	0.02	3.5
Rental Totals			0.17	30.5	8.7	0.02	3.5

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

Annual Rental Fee:

2022: \$610.00

The full fee for the rental of the above-described right(s) is \$610.00 for 2022. The rental fee includes an administrative fee of \$61.00 for 2022.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.13	23.1	6.6	0.02	3.5
Combined Total	0.13	23.1	6.6	0.02	3.5

** The authorized water usage reflects a reduction from the water right elements rented, to account for historic consumptive use.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 608

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

4/15/2022

Date

RANDALL D. BURR

Printed Name

M.D.

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 4/26/22

Rental approved by IDWR 

Date 4/26/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 608

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SPRING NWNE Sec. 14, Twp 02S, Rge 09E, ELMORE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.13 CFS

VOLUME
23.1 AF

SEASON OF USE

Water Right No. **From** **To**
37-4301 4/15 10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	09E	14		6.6															6.6

Total Acres: 6.6

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 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. 37B.

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 608

10. Diversion of water under this rental agreement is limited to those times when the water is available for diversion under right 37-4301 at the original points of diversion, located in the SWNWSE, of Section 12, Township 02S, Range 10E, SENWSE, of Section 12, Township 02S, Range 10E, and NWNENE, of Section 13, Township 02S, Range 10E in Elmore County.
11. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 608

Effective until December 31, 2022

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

2017 (1 meter)

RGB

■ Red: Red

■ Green: Green

■ Blue: Blue



0 500 1,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARDRECEIVED
JUL 06 2021
DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Randall D. Burr

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)

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Randall D. Burr

Mailing Address 1216 S. Lake Pointe Way Eagle ID 83616
Street City State Zip Code
 Email Address rdburr@cableone.net (Preferred contact method) Phone Number 208-841-6006

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**:

Excavated land on my property revealed a spring. Covered up with gravel and desire to develop and use
spring to irrigate property on west side of Bennett Mountain Road through property.

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)
.14 CFS	21 AF	.07 CFS	14 AF	6.9 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?	
8/1/2021	5/1/2022	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

Spring water collected via perforated pipe placed in gravel inside trench. Delivered to place of use by pump,
pipes and hoses.

- 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
See above	Developed shallow spring	None

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 6.9 (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:

None

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent **specific** water rights?

Yes ☐ No ☒

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

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

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

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

Will adjust crop and irrigated area as necessary

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:

- 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:

If source is viable, will search for surface water right to purchase and transfer.

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

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.



Signature of Applicant

RANDALL D. BURR

Printed Name of Applicant

7/1/2021

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

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

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

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

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

Regulated water sources may areas include:

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

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

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

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

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

Modeling situations may include:

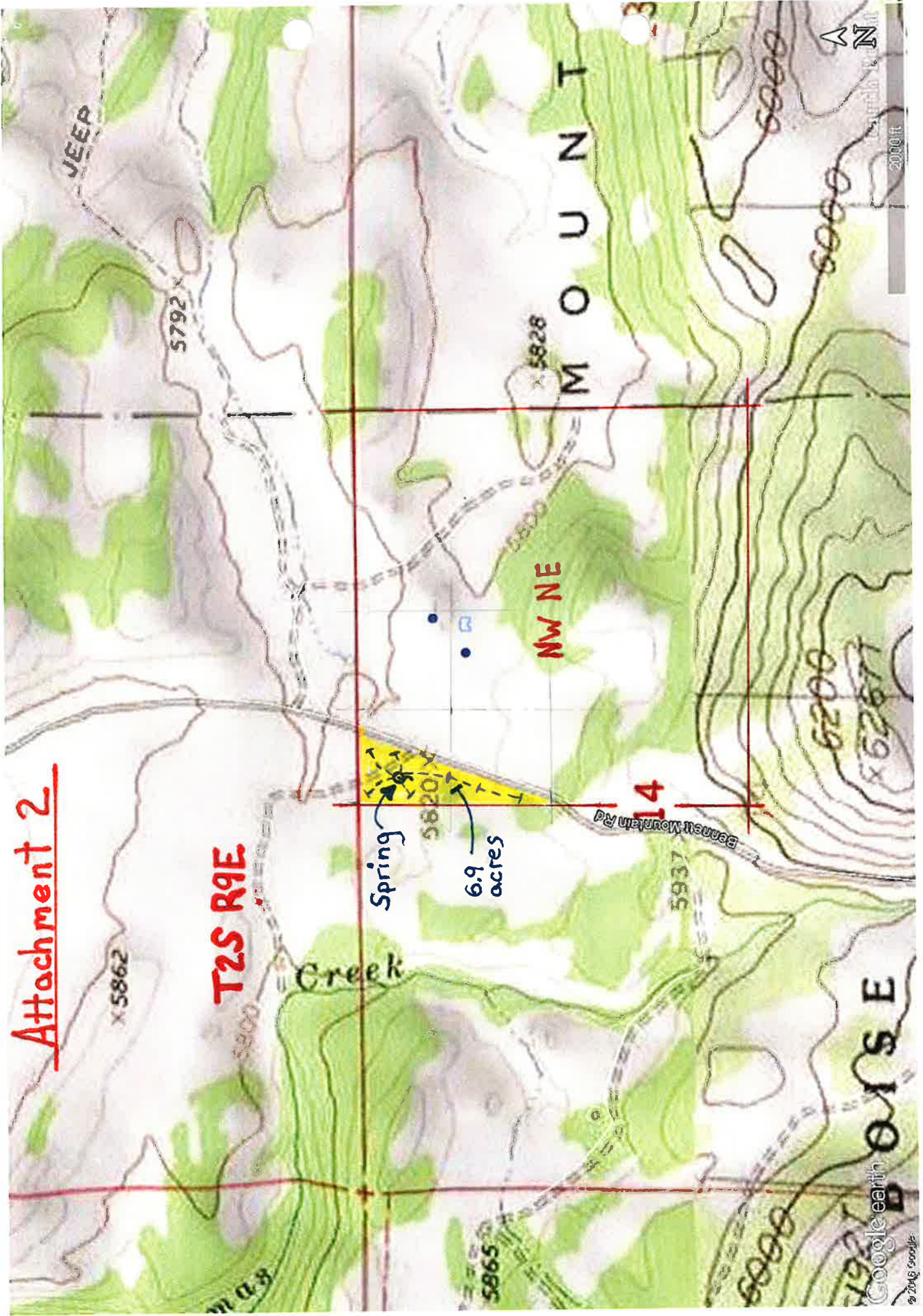
- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

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

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

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

Attachment 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

April 26, 2022

RANDALL D BURR
1216 S LAKE POINTE WAY
EAGLE, ID 83616

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-4301 AGREEMENT 608**

Dear Renter:

Please find enclosed a receipt in the amount of **\$610.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 30.5 acre-feet of water for irrigation of 6.6 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 \$549.00 of the rental fee will be paid to the lessor(s) and 10% or \$61.00 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. C112560
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Water District 37B



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

April 12, 2022

RANDALL D BURR
1216 S LAKE POINTE WAY
EAGLE, ID 83616

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-4301 AGREEMENT 608**

*****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 \$610.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 30.5 acre-feet.

Please send a check for \$610.00 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 \$549.00 of the rental fee will be paid to the lessor(s) and 10% or \$61.00 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

MEMORANDUM FOR AGREEMENT # 608

To: Water Right(s) 37-4301

From: Mary Condon

Date: October 21, 2021 – February 24, 2022

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

PURPOSE/NARRATIVE: Application to rent any available spring surface water for irrigation received on 7/6/2021, with a requested start no later than date of 5/22/2022 for a duration of 5 years. Applicant was doing work on the hillside with an excavator when the spring water discovery was made. Purpose of rental is to establish greenery, shrubs, and trees through irrigation on 6.9 acres with the intent to purchase any available spring water in the future.

Review of the immediate area through aerial imagery, and topographic detail, for leased spring water rights found spring water rights 37-4301 & 37-21732 were the closest and likely within the same watershed. On October 29th, I requested comments from the watermaster and region manager, and both were concerned the lease and rental PODs were of different sources, and the rental would move the water upstream. A request was then made to staff within the hydrology section of IDWR to evaluate the hydrology of the rental POD to the lease POD, as well as the hydraulic connectiveness of the rental POD and the lease POD. Dennis Owsley, PG, with review by his colleagues, provided me a review memo on December 12th, of his field inspection of the rental POD, relation to the lease POD, topography, geography of the watershed, and the probability of hydraulic connection. On January 26th, 2022, I sent a request for additional information to Dr. Burr, requesting modeling consistent with the modeling requirements for different sources of water, and proof of supply of water for the rental needs.

After discussions with the Southern Region manager, and the state office Water Rights team, including Angela Hansen, Water Rights Manager on February 3rd, a different approach consistent with an exchange for the rental review was agreed upon. The spring at the rental location is tributary to downstream users on Camas Creek, and there is a leased water right 37-2144 on Johnson Spring, directly tributary to Camas Creek. Review will be considered a temporary exchange since the sources are different but are tributary to the same – Camas Creek.

UPDATE 2/15/2022 – Application for transfer of water right 37-2144, with intent to remove the right from the bank, was received by the Southern Region office on January 31, 2022, and fees fully paid on February 14, 2022. Since the application for transfer and request for removal from the bank was received prior to identifying and approving the rental application, the right will no longer be considered. Reconsideration of rights 37-4301 & 37-21732 were further examined through aerial imagery, and ET viewer (<https://idwr.idaho.gov/GIS/mapping-evapotranspiration>) for years 1986 through 2018 to estimate consumptive use prior to lease as well as the amount of subirrigation present on the leased lands after the rights were leased to the bank in 2016 through 2018. Both spring rights naturally flow to a reservoir for irrigation storage with an outlet pipe to the diversion for irrigation, as well as a suitable spillway. Flows past the irrigation diversion flow northerly to spill into Camas Creek, just before the Malad River confluence.

AUTHORITY TO FILE: Application for rental in the name of Randall Burr, no representative. Place of use for the rental is owned by Randall Burr, per taxlot record. Size of taxlot is 6.6 acres, max acres of rental reduced to taxlot size. No concerns with authority to file.

WATER RIGHT VALIDITY: Water rights 37-4301 and 37-21732 share a 30-acre place of use, but do not overlap, so rental can be for 37-4301 only. Water right 37-4301 was decreed in 2010 and has a 1939 priority date for 22.5 acres of irrigation leased to the bank until 2025 (stockwater is not leased or considered). Mr. Olson confirmed by telephone the spring boxes are removed from the PODs for these two rights. An analysis using ET viewer shows much higher levels of ET and CIR during years of use from 1986 to 2015 than during years idled and in the bank from 2016 to 2018. No concerns of validity.

INJURY TO OTHER WATER RIGHTS: The lease POD and rental POD are within the Little Camas Basin and BWGWMA. They are approximately 7 miles apart. Topography and a review by hydrology staff indicates return flows of the rental would enter the same drainage as the lease POD, also known as Camas Creek, tributary to Malad River. Rental of this right for irrigation is upstream in a losing reach and does not appear to pose injury to any other water rights. However, the rental will be conditioned so that the renter must make water available to Camas Creek water right holders between the rental POD and the original POD. Additionally, the rental will have a condition that water at the rental POD is only available when water is also available at the original POD from the unnamed spring, tributary to Camas Creek. Below is the list of water rights between the rental POD and lease POD confluence on Camas Creek.

37	13259	Water Right	Decreed	Active	5/20/1900	0.090	CAMAS CREEK	37B - Camas Creek Drainage	BIG WOOD RIVER
37	4323	Water Right	Decreed	Active	12/14/1909	1.260	63.1 CAMAS CREEK	37B - Camas Creek Drainage	BIG WOOD RIVER
37	4325	Water Right	Decreed	Active	12/14/1909	4.000	215.2 CAMAS CREEK	37B - Camas Creek Drainage	BIG WOOD RIVER
37	22792	Water Right	Decreed	Active	12/14/1909	1.540	76.9 CAMAS CREEK	37B - Camas Creek Drainage	BIG WOOD RIVER
37	14283	Water Right	Decreed	Active	1/17/1914	0.020	CAMAS CREEK, UNNAMED STREAM	EXC - Excluded from water district	BIG WOOD RIVER, CAMAS CREEK
37	14284 E	Water Right	Decreed	Active	1/17/1914	0.020	CAMAS CREEK	EXC - Excluded from water district	MALAD RIVER
37	14284 C	Water Right	Decreed	Active	1/17/1914	0.020	CAMAS CREEK	EXC - Excluded from water district	MALAD RIVER
37	14287	Water Right	Decreed	Active	1/11/1922	0.020	CAMAS CREEK	EXC - Excluded from water district	BIG WOOD RIVER
37	23062	Water Right	Decreed	Active	1/11/1922	0.020	CAMAS CREEK	TBD - To Be Determined	BIG WOOD RIVER
						6.950			
37	2144	Water Right	Decreed	Active	7/5/1909	0.400	20.0 JOHNSON SPRING (leased to bank)	37B - Camas Creek Drainage	CAMAS CREEK

ENLARGEMENT OF USE: There is not a change in nature of use or season of use proposed. The water right does not have a volume assigned, but the area standard headgate is 3.5 af/acre and the standard consumptive use is 2.5 af/acre. The historic consumptive use of the leased right was also evaluated based on historic data through the ET Idaho precipitation deficit, using statistical summaries on a 30-year span from 1983-2016, (<http://data.kimberly.uidaho.edu/ETIdaho/>), for the Fairfield area and assuming Alfalfa with less frequent cuttings. The result of 2.8 acre-feet per acre for precipitation deficit is slightly higher than the area standard c/u of 2.5 acre-feet per acre.

U of I, Kimberly extension, ET Precip Def data														
	31	28	31	30	31	30	31	31	30	31	30	31	30	31
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	
mm	-0.17	-0.05	0.17	1.46	5.02	5.18	5.96	5.23	3.62	1.93	-0.3	-0.17	872	
acre-feet	-0.39	-0.10	0.39	3.23	11.49	11.47	13.64	11.97	8.02	4.42	-0.66	-0.39	63.1	
SOU			0	1.62	11.49	11.47	13.64	11.97	8.02	4.42	0		62.6	2.8 af/acre
15-Apr start										31-Oct end				
														50 2.5 standard

The soil saturation for the leased POU is likely much higher than the rental POD due its location in and along the spring drainage whereas the rental is at a higher elevation with a gentle slope and is not in a drainage. Consideration for subirrigation at the leased POU is necessary to avoid enlargement of its historic use. The leased POU subirrigation was estimated using the ET Viewer (<https://idwr.idaho.gov/GIS/mapping-evapotranspiration/>) to compare the years prior to lease, and for 2018 when the land was idled, localized to the leased POU. The Consumptive Use Irrigation (CIR) is the amount of water needed to be manually applied, after precipitation data is reduced from the ET data.

ET Viewer data						
ET CIR	Irrigated				Idled	Ac-Ft/Acre Ac-Ft/Acre
	1986	2002	2009	2015	2018	
	2.28	1.54	2.03	1.29	0.9	
	1.67	1.33	1.09	0.82	0.39	

The CIR of in the idled year was 0.39 acre-feet/acre, for the place of use. The amount attributable to subirrigation was then compared to the highest year CIR to the idled year CIR, where 24% of the CIR may be attributed to subirrigation, leaving 76% attributable to manual application of water.

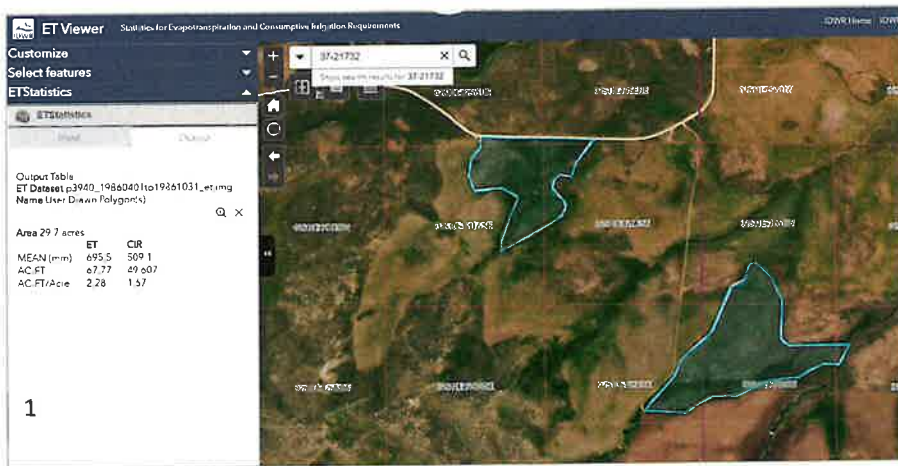
The rental for 6.6 acres calculates to 8.7 acres of the leased right required for the rental to prevent enlargement of historic use and account for subirrigation. No enlargement is expected.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 37B. Request for comment from the watermaster and region manager for final review of the rental made on February 24, 2022.

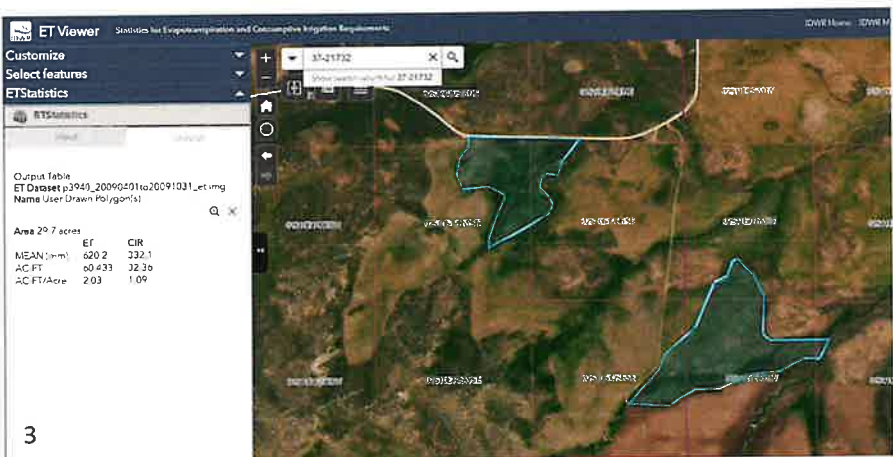
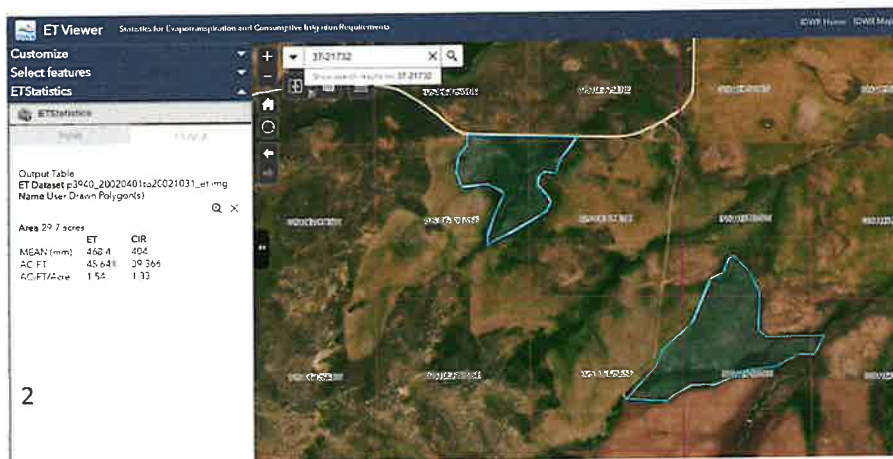
WATER SUPPLY BANK COMMENTS: Additional material to support this rental are the ET Comparison of 37-4301 & 37-21732 document, an email from Phil Blankenau with GIS for IDWR in reply to my inquiry on the ET data for comparison of subirrigation, a phone memo recording a conversation with Clare Olson regarding his leased spring rights, and a reply email from the rental applicant confirming he will shut off the rental if it is curtailed by priority for surface water rights administered on Camas Creek, tributary to Malad River, which is on average in mid-June.



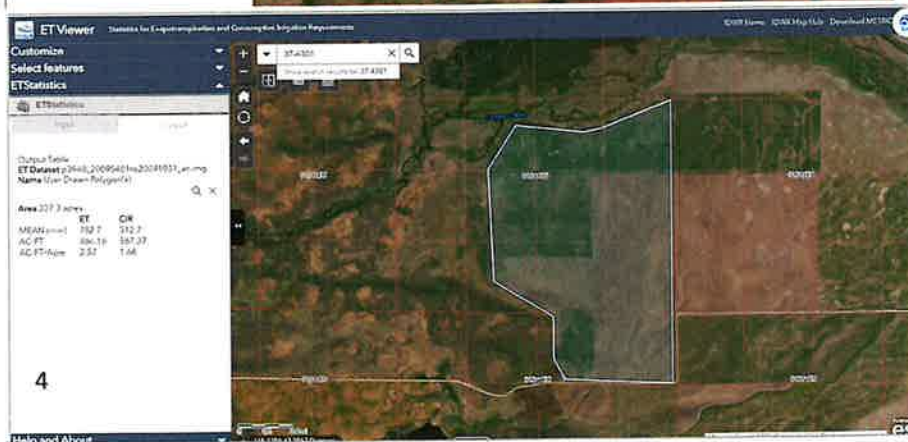
Comparison for Irrigated and Leased Period WR 37-4301 & WR 37-21732

Water right 37-4301 is for 22.5 acres, and with right 37-21732, they cover a total of 30 acres.

The first three pictures are the ET data sets and Consumptive Irrigation Requirement (CIR) during a period expected to be irrigated, prior to the first lease term beginning in 2016.



The fourth picture is of other lands owned by the same owner of the leased rights. These acres are partially irrigated from a diversion piped from the outlet of the reservoir with a max diversion rate of 5.6 cfs. The reservoir is fed by the same springs used for 37-4301 and 37-21732.



Precipitation for the 30 acres in picture 3 compared to the other lands in picture 4 for the same year, 2009, has a difference of less than .05, showing similar precipitation. (ET minus CIR = Precipitation)

Comparison, continued

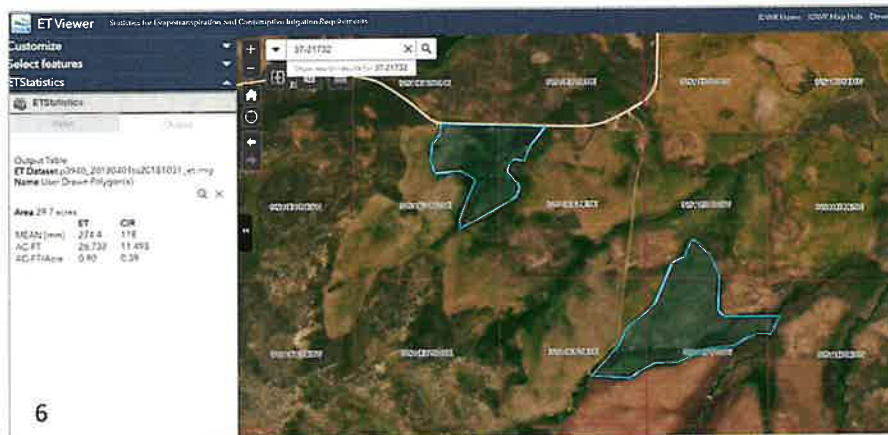
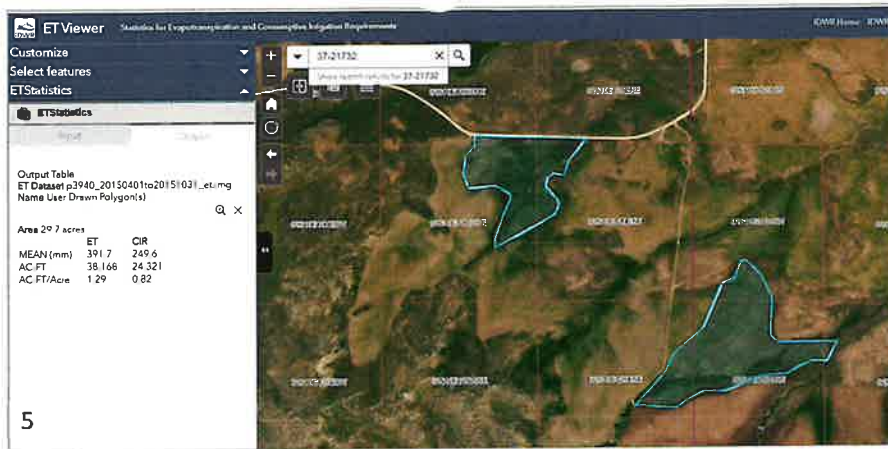
Picture 5 shows irrigation requirements for 2015, the last year of irrigation before the acres were idled and placed in the bank.

The highest CIR for the years between 1986 and 2015 for the 30 acres was 1.67 acre-feet per acre in 1986.

Pictures 6 is of the 30 acres idled in 2018. The CIR value for the idled lands in 2018 can be used to estimate for subirrigation, at 0.39 acre-feet per acre.

Compare the values in picture 6 of the idled lands to picture 7 of the other irrigated lands during the same year. While the precipitation (ET minus CIR) for the two areas are similar in 2018 within .04, the difference in ET between the irrigated lands and the idled lands becomes more obvious. This shows that while there was the same amount of precipitation, there was lush crop growth on the irrigated lands, and not on the idled lands.

With the highest CIR value of 1.67 AC-FT/Acre during years of irrigation in 1986, less the subirrigation estimation of 0.39 AC-FT/Acre from 2018, about 76% of the decreed volume was historically diverted after subirrigation is removed.



From: [Blankenau, Phil](#)
To: [Condon, Mary](#)
Subject: RE: ET data for comparison
Date: Monday, February 7, 2022 1:18:21 PM

Hi Mary,

It sounds like you're trying to assess the amount of irrigation necessary for a naturally subirrigated field? Clarence is correct, you could look at our METRIC data and compare the CIR from natural vegetation to an adjacent irrigated field. The difference might indicate the amount of irrigation necessary, provided the two areas have similar subirrigation conditions over the growing season. The number would only be a rough estimate, but it's hard to think of another way to split ET between irrigation and subirrigation. If flowmeter data is available, it might help clarify the situation. We'll see if Rick chimes in.

-Phil

Phil Blankenau
Evapotranspiration Analyst
Idaho Dept. of Water Resources
322 E Front St
Boise, ID 83720
(208) 287-4880



From: Robison, Clarence (robison@uidaho.edu) <robison@uidaho.edu>
Sent: Monday, February 7, 2022 9:32 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Allen, Richard (rallen@uidaho.edu) <rallen@uidaho.edu>; Blankenau, Phil <Philip.Blankenau@idwr.idaho.gov>
Subject: RE: ET data for comparison

Mary,

Good question. Your best shot would be using at remotely sensed ET data and looking at the areas that you know are semi-saturated and irrigation status.

Some thoughts you would need to keep in mind:

- Irrigation water requirement includes soil evaporation from irrigation.
- Crop consumptive use maybe less due to stress cause by "saturated" soils.

Clarence

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Friday, February 4, 2022 5:17 PM
To: Robison, Clarence (robison@uidaho.edu) <robison@uidaho.edu>
Subject: ET data for comparison

Good afternoon,

Is there a way to calculate the difference in consumptive use between natural (rangeland or wetland) and crop irrigation, for lands alongside a stream channel with semi-saturated soil? Or is there a different method to reduce/calculate the precip def or irrigation requirement for crops grown on semi-saturated soil?

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator

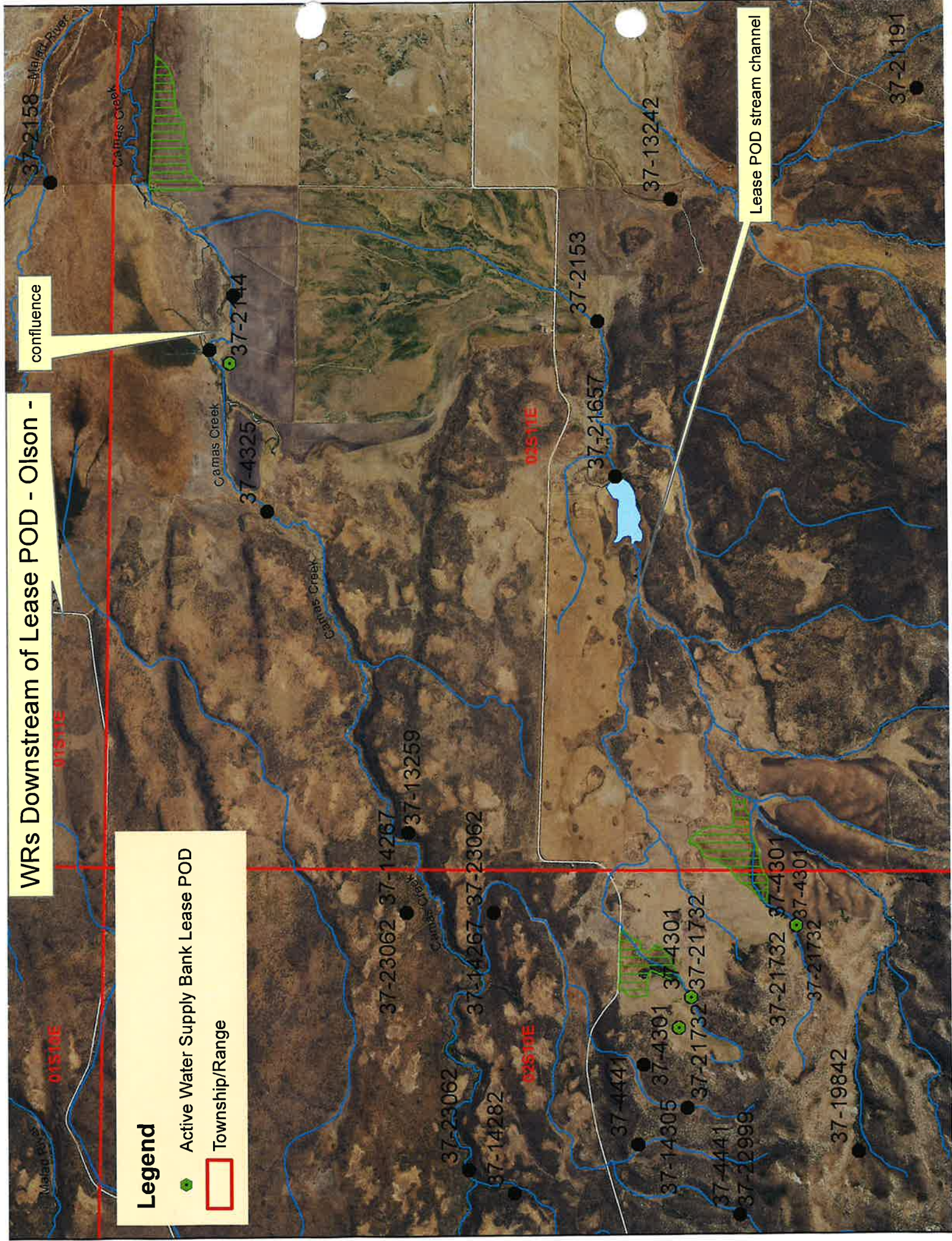


IDAHO DEPARTMENT OF
WATER RESOURCES
Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.



Condon, Mary

From: Randy Burr, M.D. <rdburr@cableone.net>
Sent: Wednesday, February 23, 2022 6:18 AM
To: Condon, Mary
Subject: Re: Rental Application

Mary, thanks so much for your reply and I appreciate your working with me in this situation.

Yes I'm willing to take the risk and I have no problem purchasing that water right as a rental from the bank even with this risk.

Thanks again for your consideration.

I am praying for snow 🙏❄️

Randy Burr, M.D.
Sent from my iPhone

On Feb 22, 2022, at 11:34 AM, Condon, Mary <Mary.Condon@idwr.idaho.gov> wrote:

Good morning, Mr. Burr,

We have completed the review on your rental application and evaluation for completing the temporary rental of surface water leased to the bank from Camas Creek for 2022. The leased water right available for your rental has a 1939 priority date, and per the watermaster, on average would be curtailed in mid-June. Depending on the precipitation for the rest of this winter and spring, the water from Camas Creek may get curtailed earlier or later than mid-June. If you are comfortable with the risk, we can complete the rental proposal.

Please let me know how you would like us to proceed by March 1st.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator



IDAHO DEPARTMENT OF
WATER RESOURCES
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mary.condon@idwr.idaho.gov
Direct: (208) 287-4936
Fax: (208) 287-6700, Attn. Mary C.

Condon, Mary

From: Rusty Krame <waterdistrict37b@outlook.com>
Sent: Tuesday, February 22, 2022 10:34 AM
To: Condon, Mary
Subject: Re: Rental 37-2144 for R Burr

Mary,
On a typical year Mid June it would be curtailed.

Thanks
Rusty Kramer

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Saturday, February 19, 2022 9:55 AM
To: waterdistrict37b@outlook.com <waterdistrict37b@outlook.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: FW: Rental 37-2144 for R Burr

Hi Rusty,

Do you have an estimate for when 1939 on Camas would get shut-off? Once we know when it would normally no longer be available, I can go to Dr. Burr with the stipulations to move towards approval or denial due to lack of supply. I would have to advise him of the estimated shut-off time and if he still thinks it would be worth it to rent to establish foliage.

Thanks so much,
Mary

Mary Condon
Water Supply Bank Coordinator



IDAHO DEPARTMENT OF
WATER RESOURCES
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mary.condon@idwr.idaho.gov
Direct: (208) 287-4936
Fax: (208) 287-6700, Attn. Mary C.

From: Condon, Mary
Sent: Wednesday, February 16, 2022 4:48 PM
To: Rusty Krame <waterdistrict37b@outlook.com>
Subject: RE: Rental 37-2144 for R Burr

Rusty,

The users on Camas Creek from the rental to where the return flow of the original place of use spills into Camas Creek, just before the Malad confluence, can call on it since it would be moved upstream from them. Past the confluence, I'm not sure how those are administered. Also, the water would have to be available at the original springs for use at the rental location, so if the springs on the Olson property aren't flowing, then Dr. Burr will not be able to divert water. I do not know if the road going by Mr. Olson's place and those springs is a private or public roadway. Angie is going to talk to Corey more about this one as well.

Thanks,
Mary

Mary Condon
Water Supply Bank Coordinator

From: Rusty Krame <waterdistrict37b@outlook.com>
Sent: Wednesday, February 16, 2022 4:24 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Re: Rental 37-2144 for R Burr

Mary,

I guess it depends how I would manage that right. I have never dealt with moving a spring right like this. On some streams in drought years they never get to use their 1885 water rights, ever during the season. On other streams they are using 1918 rights. I guess I would have to determine who would even be able to call on that 1939 water?

Thank you

Rusty Kramer

Water District 37B Watermaster

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Wednesday, February 16, 2022 2:38 PM
To: Rusty Krame <waterdistrict37b@outlook.com>
Subject: FW: Rental 37-2144 for R Burr

Rusty,

You may already be aware, but the leased right (Helmick) I requested for the rental is now under transfer with a request for removal from the WSB to resume use.

I have moved back to reviewing Mr. Olson's spring rights, 37-4301 (4/15/1939) and 37-21732 (9/30/1965) for Dr. Burr's rental on Bennett Mtn. Water right 37-4301 has enough leased acres (22.5) to fulfil the rental, but I am wondering when 1939 would normally get shut-off for the season.

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator

MEMO

To: Mary Condon

FROM: Dennis Owsley, P.G.

DATE: 11/22/2021

SUBJECT: Hydrologic Investigation of WSB Rental Application #2107

Per your request, I have reviewed the hydrologic conditions of the spring sources in the application. Specifically, two questions were posed with respect to this application; 1) Is the spring water from the leased location, 02S 10E Section 12, hydrologically connected to the spring water at the rental location 7.5 miles to the west, in 02S 08E Section 14? And 2) If the springs are hydrologically connected, would the drainage on the rental POU drain into the same watershed as the leased POU?

The following sections provide the background information used to help answer the questions posed.

The leased springs and rental spring are both located on the northern side of Bennett Mountain, in the southwest portion of the Camas Prairie (Figure 1). Using the mapped Hydrologic Units (HUCs) developed by the United States Geologic Survey (USGS), Camas Creek forms its own Subbasin, 8-digit Hydrologic Unit 17040220. This Subbasin is delineated into five 10-digit watersheds which are further divided into 25 12-digit subwatersheds. The 12-digit subwatershed is the smallest delineation of the mapped Hydrologic Units for the nation's watersheds (USGS, 1987). Both the rental spring and leased springs are located within the Sheep Creek-Camas Creek subwatershed (HUC #170402200101) (Figure 2).

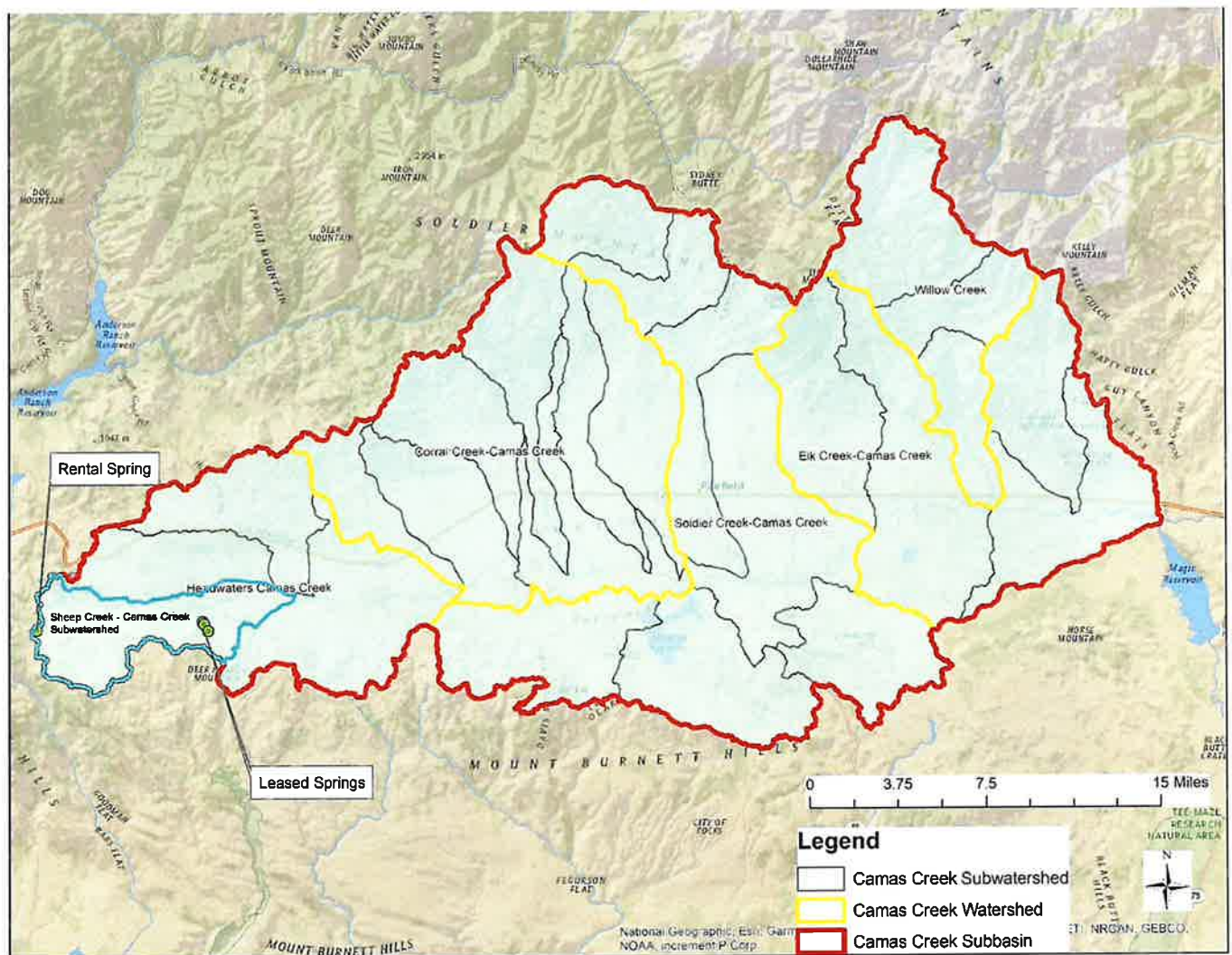


Figure 2. Map of the Camas Creek Subbasin and associated watersheds and subwatersheds.

The Sheep Creek-Camas Creek subwatershed is approximately 18,500 acres in size. Flow in Camas Creek in this subwatershed is supplied by precipitation and through spring discharge. There are 19 mapped springs in this subwatershed that provide flow to Camas Creek and its tributaries (Figure 3). Numerous other unmapped springs (including both the leased and rental springs) exist along this portion of the watershed that contribute flow to Camas Creek and its tributaries.



Figure 4. Map of the rental spring location and rental POU.

The slope of the rental POU is to the east, in the direction of the Camas Creek flow. The landowner of the rental POU has constructed earthen berms along the west side of Bennett Mountain Road to control the precipitation run-off each spring. Two culverts exist under Bennett Mountain Road, one near the northern end of the POU and another one just to the north of the POU (Figure 5). Both culverts indicate the water flows to the east in this portion of the watershed and any drainage from the rental POU would also drain to the east.

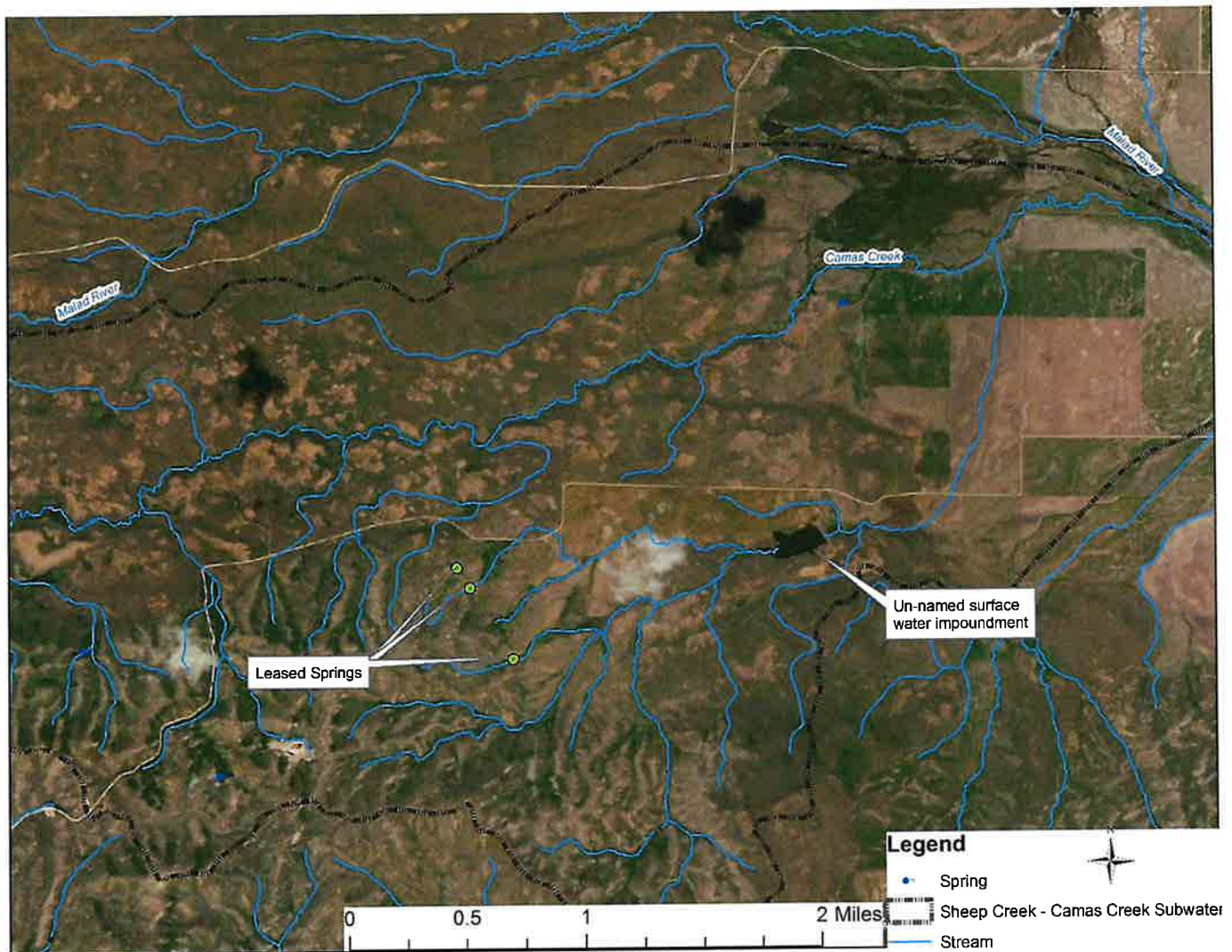


Figure 6. Map of the Leased Spring locations.

In conclusion, both the rental spring and the leased springs are hydrologically connected as they are both springs that contribute to flow in the upper headwaters of Camas Creek. Despite the elevation differences of the leased and rental springs, they are part of a series of springs that emerge throughout this portion of the watershed at various elevations. Any drainage that may occur on the rental POU will drain into the Camas Creek watershed.



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

January 27, 2022

RANDALL BURR
1216 S LAKE POINTE WAY
EAGLE ID 83616

RE: REQUEST FOR ADDITIONAL INFORMATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

On July 6, 2021 the Idaho Department of Water Resources (Department) received your application to rent water from the Water Supply Bank (Bank) for diversion of spring water for irrigation over a period of five years beginning in either 2021 or by the latest May 1, 2022. The Department is requesting additional information regarding the sufficiency of supply at the rental location for the rental purposes and modeling to support hydraulic connectivity between the rental point of diversion (POD) and the closest, available leased water right point of diversion (POD).

Per IDAPA 37.02.03, Rule 30, and Section 42-1763, Idaho Code, the Department must evaluate the sufficiency of supply, local public interest, and the local watershed. See also Scenario 2, Water Modeling Requirement Information Sheet, pg 6 of the Application to Rent water from the Board's Water Supply Bank, where "an acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD."

Currently, there are only a few spring water sources and groundwater sources leased in proximity to the proposed rental POD, of which water right 37-21732 is the closest available leased water right from a spring. There are concerns the lease POD and the rental POD for spring water are of two different water sources, due to their distance and elevation differences. A review of the watershed, performed by IDWR hydrology staff and provided to me in December, determined the rental POD and the lease POD are within the same watershed and are hydrologically connected. They also concluded there is likely a hydraulic connection between the two PODs. Further data analysis for the extent of the hydraulic connection and the sufficiency of supply are required before a rental review can be completed. IDWR does not, at this time, have a groundwater model for Elmore County.

Please provide the following information within 30 days of the date of this letter or the application will be returned:

- Sufficiency of supply of water for rental purposes
- Modeling or other analysis consistent with the modeling requirements for a different but hydraulically connected water source

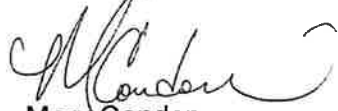
Pg 2

Request for Additional Information

January 26, 2022

If you have any questions regarding this matter, please contact me at (208) 287-4936.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M. Condon', with a stylized flourish at the end.

Mary Condon

Water Supply Bank Specialist

Enclosure(s): Water Modeling Requirement Information Sheet, pg 6 of the Application to Rent
Water

C: Rusty Kramer – 37B Watermaster
Corey Skinner – IDWR Southern Region Manager

Condon, Mary

From: Rusty Krame <waterdistrict37b@outlook.com>
Sent: Wednesday, November 3, 2021 9:17 AM
To: Skinner, Corey; Condon, Mary
Cc: Bank
Subject: Re: Olson Leased acres request for information

Mary,

I'm not concerned at all with the pasture vs cultivated crop question. We go off diversion rates and acres being irrigated. The part I'm not comfortable with is to Corey's point.... We are taking a spring right and moving it to a completely different source. This feels the same as taking Spring Creek water in the water bank and diverting it from Chimney Creek in the next drainage. I would vote no myself but this is a Corey descion.

Thank you
Rusty Kramer
Water District 37B Watermaster

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Monday, November 1, 2021 4:36 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>; waterdistrict37B@outlook.com <waterdistrict37B@outlook.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: Olson Leased acres request for information

Mary,

I have concerns with moving upstream through the drainage from one spring to another spring for a rental. It seems like we should only allow moving from one source to the same source (groundwater to groundwater, or "XYZ Creek" to "XYZ Creek", or from "XYZ Creek" to another surface water source downstream of "XYZ Creek").

My two cents,

Corey

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Friday, October 29, 2021 3:06 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; waterdistrict37B@outlook.com
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Olson Leased acres request for information

Gentlemen,

Please see the attached letter requesting information from the owner regarding leased acres for Mrs. Olson on Bennett Mtn. It appears as though the leased acres may be pasture grass, but the 135 acres just to the immediate northeast is some type of crop. There is not an additional water right or rental for the area being cultivated. The purpose of the review is for a rental request 7.5 miles to the west, by Randall Burr for crop irrigation from spring water.

I'm also curious about your thoughts on renting spring water "from" a leased right if the POU has native or riparian vegetation versus "dry land farming" crop, and if either or both might actually cause enlargement of the leased right when rented. The number of spring source water rights leased to the bank are increasing, and I'm sure more rental applications for springs will follow in the coming years. There is not an approved rental of spring water in our water supply bank software, and I'm not sure we have a precedent to go by for this type of water source.

Thank you in advance for your consideration and any comments or direction you might provide,
Mary

Mary Condon
Water Supply Bank Specialist



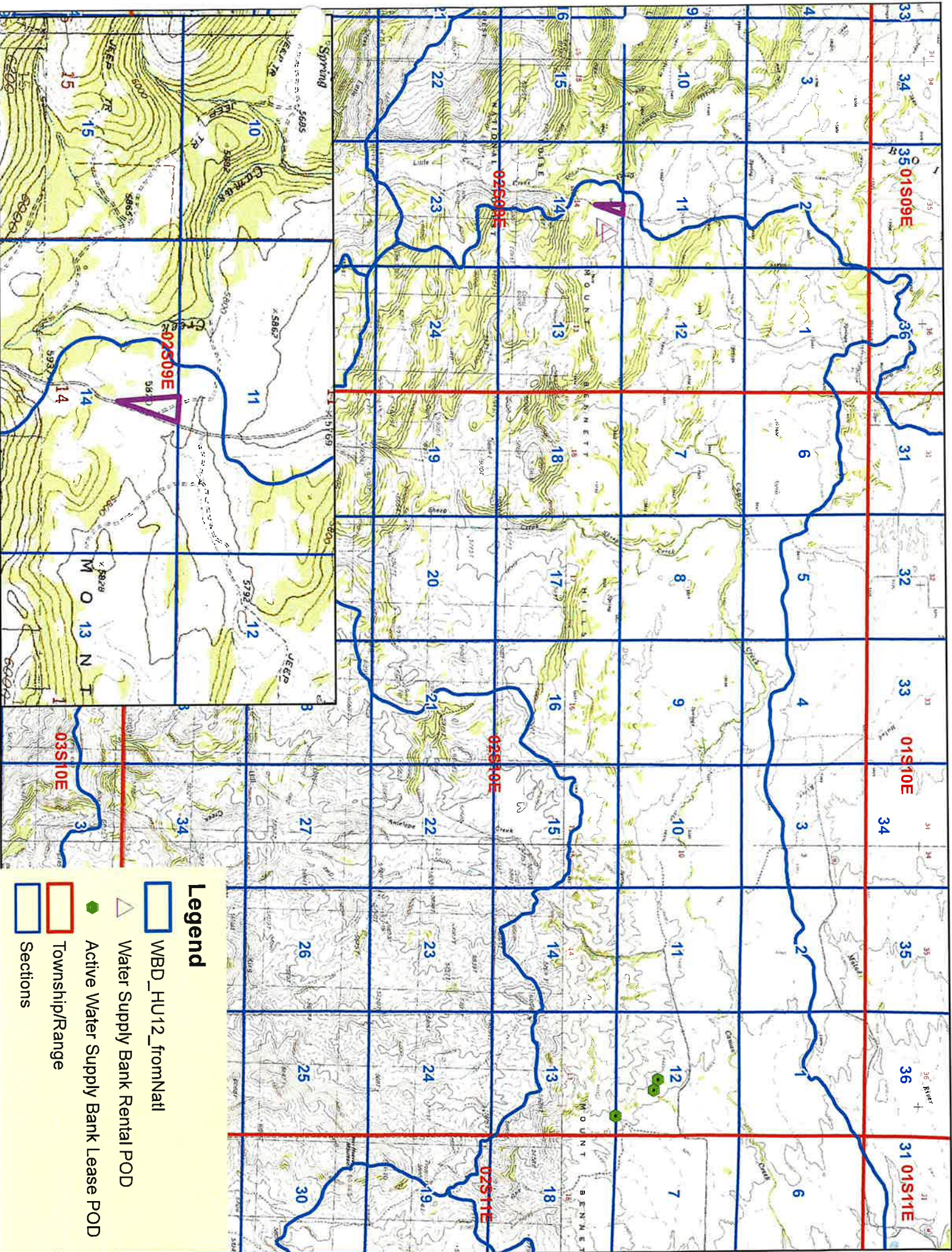
IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.



MEMORANDUM

To: Water Right File No(s). 37-4301 & 37-21732

From: Mary Condon

Per: Phone Conversation with Clare Olson

Date: November 17, 2021

Re: Water Supply Bank Rental Application

Mr. Olson has stated he does not have a diversion in place to use his spring water, and that the seeps and springs flow through the natural waterway on his property. The surrounding low-lying areas are saturated enough for alfalfa and pasture grass growing.

He said if he had time today that he would send a picture of the land and the washed-out diversion, but the area is partially under snow at this time.



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

October 29, 2021

CLARE M OLSON
PO BOX 136
HILL CITY ID 83337

**RE: ADDITIONAL INFORMATION REQUEST FOR WATER SUPPLY BANK LEASE
STATUS FOR WATER RIGHT NO(S). 37-21732 & 37-4301**

Dear Lessor:

All of the water right(s) were leased into the Water Supply Bank (Bank) on March 8, 2021, a continuation of lease from 2016-2020. **All of your water right(s) is considered leased into the Bank, and should remain unused, until the water right(s) is released from the Bank.**

During a review of your leased rights for consideration of a rental, aerial imagery shows moderate to high vegetation on the leased acres in 2019 and 2021. Part of the rental review process is to ensure the leased water right is in compliance with idling leased acres.

Please reply with the type of vegetation grown on the leased and surrounding acres, duration and the source of any water used for diversion for irrigation on property owned by you within Sections 7 and 12, T02S, R14E, within 30 days. Again, your water right(s) is considered leased to the Bank, and should remain unused, until the water right(s) are released from the Bank.

If you have questions regarding this matter, please contact me at 287-4936.

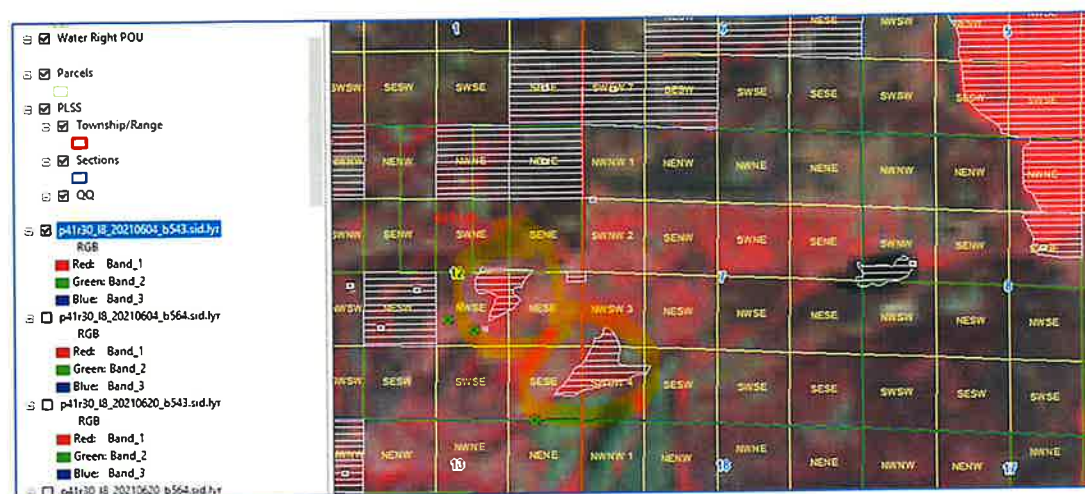
Sincerely,

Mary Condon
Water Supply Bank Specialist

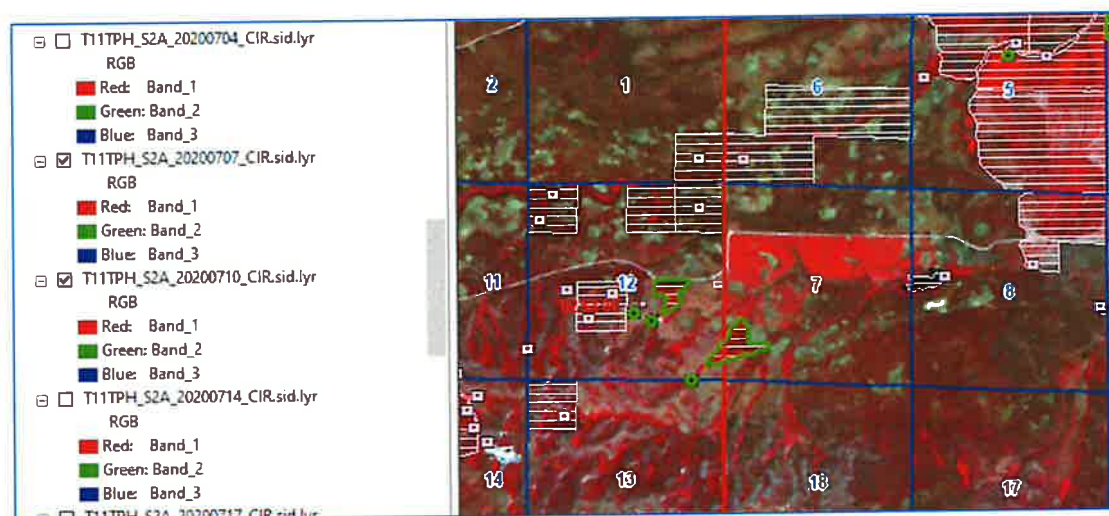
Enclosures: Imagery – 2015-2021

c: Corey Skinner – IDWR Southern Region
Rusty Kramer – 37B Watermaster

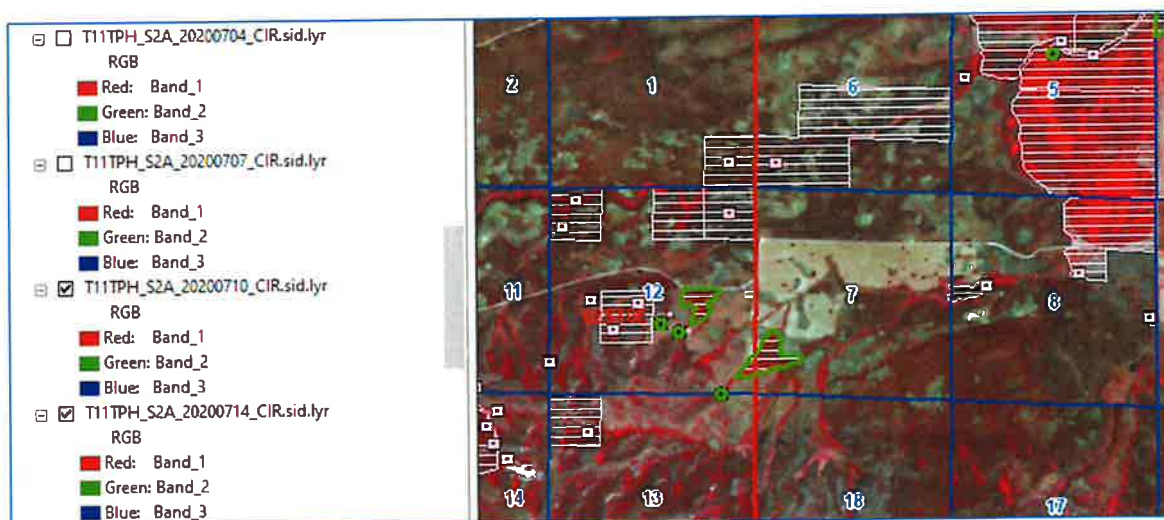
Landsat Imagery -
June 4, 2021



Sentinel
July 7, 2020



Sentinel
July 10, 2020



National Agricultural
Imagery Program (NAIP)
2019

