

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 581

RECEIVED
DEC 06 2021
DEPT OF WATER RESOURCES

This is to certify that:

TWO RIVERS HOMEOWNERS ASSOCIATION INC
6149 N MEEKER PL, SUITE 150
BOISE, ID 83713

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)
63-194	6/1/1877	BOISE RIVER	1.86	383.9	85.3	0.022	4.50
Combined Rental Totals			1.86	383.9	85.3	0.022	4.50

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2023. 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: \$7,678.00 annually
2023: \$8,829.70 annually

The full fee for the rental of the above-described right(s) is \$7,678.00 per year for year 2022 and \$8,829.70 for 2023. The rental fee includes an administrative fee of \$767.80 per year for year 2022 and \$882.97 for 2023.

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.

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

11/15/2021

Date

Kevin Zasio

Printed Name

President

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 12/10/21

Rental approved by IDWR 

Date 12/10/21

STATE OF IDAHO
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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER SWSW Sec. 16, Twp 04N, Rge 01E, ADA County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
1.86 CFS

VOLUME
383.9 AF

SEASON OF USE

Water Right No. **From** **To**
63-194 3/1 11/15

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	
04N	01E	17			7.5	2.7			0.4	2.7	23.0	1.0		8.3	26.0	26.0	24.0	29.0	165
					2.9	7.6			L5	3.9	L6	L5			L8	L7			
					L7	L8				L6									
04N	01E	20	4.0	1.0															5
			L1	L2															

Total Acres: 170
Acre Limit: 114.7 acres

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. The rental place of use is the common areas and privately owned residential properties of the Two Rivers Subdivision.
10. Water right 63-194 when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the lands above.

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11. Diversion for irrigation under water right 63-194 prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
12. Water right 63-194 shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
13. Water right 63-194 originated as all or part of right no. 63 in the Stewart Decree and the historic Boise River Water Masters records.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
15. The renter shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

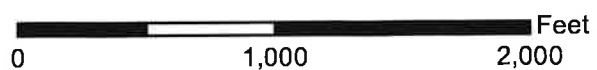
Attachment to Water Supply Bank Rental Agreement No. 581

Effective until December 31, 2023

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



**STATE OF IDAHO
WATER RESOURCE BOARD**

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

Applicant Name: Two Rivers Subdivision Homeowners Association INC.

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)

63-194

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Two Rivers Subdivision Homeowners Association Inc.
Mailing Address 6149 N. Meeker Pl. Suite 150. Boise ID 83713
City Boise State ID Zip Code 83713
Email Address cbrockl@sentrymgt.com Phone Number 2083231080 ext 59515
- 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 Christian Brockl Professional Title Community Manager
Organization Sentry Management Relationship to Applicant Managing Agent
Mailing Address 6149 N. Meeker Pl. Suite 150 Boise, ID 83713
Email Address cbrockl@sentrymgt.com Phone Number (208) 323-1080 59515

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**:
Shortage of Irrigation water to property to meet all demands in a low water year. Use for common area landscape 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)
1.86 CFS	383.85 AF	1.12 CFS	229.8 AF	85.3 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?	
7/14/2021	10/31/2021	☐ 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):

Head gate at Boise River, automated, flows to pond located on Property. Pond fills vault. Pumps in vault distribute through pressurized irrigation.

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

POD Description	Water Source	Other Water Rights Diverted from this POD

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

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒

If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

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

- ☒ Irrigation 85.3 (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:

Water Rights to the property are distributed through Water District 63. . Drought is the reason for purchase of additional water.

**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)
63-194	Irrigation	1.86	383.85	85.3		1.86	383.85	85.3
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**:

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:
The board believes that there is insufficient water provided with property rights to completely irrigate for an entire season without additional shares. Always rented through the Water District.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

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

- D. Additional Information

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

Two Rivers Homeowners Suvdivision HOAIN

Printed Name of Applicant

7/14/2021

Date

Signature of Representative

Christian Brockl

Printed Name of Representative

7/14/2021

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.



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

December 15, 2021

TWO RIVERS HOMEOWNERS ASSOCIATION INC
6149 N MEEKER PL, SUITE 150
BOISE, ID 83713

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-194 AGREEMENT(S) 581**

Dear Renter:

Please find enclosed a receipt in the amount of **\$15,356.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 383.9 acre-feet of water for irrigation of 170 acres with an acre limit of 114.7 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 \$13,820.40 of the rental fee will be paid to the lessor(s) and 10% or \$1,535.60 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. C111445
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office

Condon, Mary

From: Hummer, Phill
Sent: Wednesday, November 17, 2021 9:58 AM
To: Condon, Mary
Subject: RE: Two Rivers HOA

Follow Up Flag: Follow up
Flag Status: Flagged

Sounds good.

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Wednesday, November 17, 2021 8:42 AM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: RE: Two Rivers HOA

Phill,

I'll generate the 2022 amendment, and when we receive the signed agreement, the amended version can go out with the receipt.

Mary

From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Sent: Wednesday, November 17, 2021 8:39 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: Two Rivers HOA

Are you sending an amended agreement or are we waiting for the original to come back and setting the start date to 2022?

-Phill

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Monday, November 15, 2021 12:33 PM
To: Mike Meyers <mike@wd63.org>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; Bank <Bank@idwr.idaho.gov>
Subject: RE: Two Rivers HOA

Hi Mike,

Thank you. Since they did not use excess water, the rental will not be in effect for 2021 and can start in 2022 instead.

Best,
Mary

From: Mike Meyers <mike@wd63.org>
Sent: Monday, November 15, 2021 10:21 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>; Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: RE: Two Rivers HOA

Mary,

Flows stayed reduced on their water right until about October 1st this was due to most of the big irrigators shutting off mid-September and allowing more natural flow for the remainder of the diversions left on. I hope this answers your question.

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Tuesday, November 9, 2021 4:33 PM
To: Mike Meyers <mike@wd63.org>
Cc: Bank <Bank@idwr.idaho.gov>; Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: FW: Two Rivers HOA

Good afternoon, Mike,

We recently sent out the attached rental agreement for signature and finalization from Two Rivers HOA and received a reply from Christian Brockl that they will no longer need the rental for the 2021 season and that they would like to begin instead in 2022.

In a reply email from you to Remington in September, you stated their existing right had been cut by 60% as of June. Was there any increase for diversions made available to the HOA in anticipation of the rental agreement finalization for 2021, or did it stay reduced for the remainder of the irrigation season and the rental is not needed for 2021?

Thank you in advance,
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.

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Tuesday, November 9, 2021 2:51 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>; Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: Two Rivers



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 26, 2021

TWO RIVERS HOMEOWNERS ASSOCIATION INC
6149 N MEEKER PL, STE 150
BOISE, ID 83713

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-194 AGREEMENT 581**

*****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 \$7,678.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 383.9 acre-feet.

Please send a check for \$7,678.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$6,910.20 of the rental fee will be paid to the lessor(s) and 10% or \$767.80 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

Hummer, Phill

From: Buyer, Remington
Sent: Friday, September 24, 2021 5:29 PM
To: Hummer, Phill; Condon, Mary
Subject: RE: Rental 2110/581

Good questions Phill.

This rental is a bit peculiar in that it could be considered to be either:

- A. an irrigation rental, or
- B. a diversion to storage / aesthetic storage rental; or
- C. a combination of both; or
- D. a pond/streamflow maintenance rental.

The unleased diversion rate being 3.34 cfs, when the Stewart Decree is in effect, they can only divert 2.004 cfs (60% of 3.34 cfs). Presumably, they don't have control over flows into their system and need this rental to prevent being billed for out of priority diversions through the water right accounting methodology.

The unleased diversion rate is more specifically 2.51 cfs (for irrigation) and 0.83 cfs for diversion to storage, for 3.34 cfs overall. Even at 2.004 cfs diversion rate, they can still accomplish the full 0.83 cfs diversion to storage use, leaving a balance of only 1.174 cfs (2.004 cfs – 0.83 cfs) for irrigation uses. For the irrigation of 114.7 acres, this would equate to 0.01 cfs/ac. Hence, if this rental is authorized for irrigation uses, they could divert an additional 1.86 cfs overall, and an additional 1.12 cfs when the Stewart Decree is in effect. If you combine 1.174 cfs and 1.12 cfs, you get an overall irrigation diversion rate of 2.29 cfs, which for the irrigation of 114.7 acres, is exactly 0.02 cfs/ac. Condition 10 on the rental agreement should prevent waste by limiting irrigation to 0.02 cfs/ac when the Stewart Decree is not fully in effect.

From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Sent: Friday, September 24, 2021 3:57 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Rental 2110/581

Remington and Mary,

A quick question about the application then some discussion. Are they asking for additional rate for irrigation and also for diversion to storage? It seems like from the memo you are contemplating additional rate for both because your math is based off a combined rate ($2.51 + 0.83 = 3.34$ cfs). But they didn't lease any of the diversion to storage component so to increase the amount diverted to storage for the purpose of aesthetic storage we would need to do a nature of use change converting some of the 1.86 cfs leased to diversion to storage beneficial use. There isn't any issue with this nature of use change because we are talking about rate only, but the agreement should reflect the two uses on page 3. If they are only wanting additional diversion rate for irrigation then I think the calculations should be based on 2.51 cfs instead of 3.34 cfs.

If they wanted additional rate for both uses we would need to calculate what portion is available for DTS. I calculate 0.19 cfs could be converted if they wanted to maximize the rate for irrigation. Here is the calculation:

$$2.51 * .60 = 1.506 \text{ cfs}$$

$2.51 - 1.506 = 1.004$ cfs additional rate needed. However, the entire right it is cut to 60% not just the unleased portions. So:

Buyer, Remington

From: Rex Barrie <rex@wd63.org>
Sent: Friday, September 3, 2021 7:59 AM
To: Buyer, Remington; Mike Meyers
Cc: Miller, Nick
Subject: RE: WSB Rental Application 2110 for Two Rivers Subdivision Homeowners Association

Remington,

We do not have any objections to this lease.

Rex R. Barrie
Boise River Watermaster

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Thursday, September 2, 2021 4:33 PM
To: Mike Meyers <mike@wd63.org>; Rex Barrie <rex@wd63.org>
Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: WSB Rental Application 2110 for Two Rivers Subdivision Homeowners Association

Mike, Rex, Nick,

I've completed a review of Two Rivers Subdivision Homeowner's Association rental request, for an increased diversion rate from the Boise River. Attached are my review memos, map and draft rental agreement. Please advise if you have any questions, comments or concerns.

Thank you,

Remington

MEMORANDUM FOR AGREEMENT # 581

To: Water Supply Bank Rental Application 2110
From: Remington Buyer
Date: September 2, 2021
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On July 15th, 2021, the Water Supply Bank received from Christian Brockl a rental application submitted on behalf of Two Rivers Subdivision Homeowner's Association Inc. (TRHOA), requesting a rental of water right 63-194 from 2021 through 2023. Water right 63-194 is appurtenant to the subdivision and it authorizes the irrigation of 200 acres, along with storage of 112.1 af of water in ponds throughout the subdivision.

When ponds, roads and walkways are removed from the overall acreage associated with the subdivision, it appears there are approximately 170 acres of residential and common-area property that could be irrigated. A majority of residential properties are developed, and it appears driveways and houses occupy approximately 50% of the acreage of most properties. Therefore, it seems logical that as many as 85 acres might be under active irrigation in the subdivision. On August 31, 2021, Christian Brockl affirmed that 114.7 acres is the likely number of acres being irrigated in the subdivision.

A portion of water right 63-194 is leased to the Bank through 2023 under lease contract 897. The leased extent—1.86 cfs for the irrigation of 85.3 acres—leaves an unleased balance of 3.34 cfs for the irrigation 114.7 acres. Therefore, this rental will not result in increased irrigation, beyond the irrigation already occurring (and already authorized) under the unleased extent of water right 63-194. However, it seems that due to priority water right administration on the Boise River the diversion rate authorized for the Boise River under the unleased diversion rate for 63-194 has been cut back, per to Stewart Decree requirements, to 2.00 cfs (60% of 3.34 cfs), which is not sufficient for pond fill and irrigation practices within the subdivision.

The difference between the desired diversion rate (3.34 cfs) and the currently authorized diversion rate (2.00 cfs) is 1.34 cfs. As stated above, the leased diversion rate is 1.86 cfs, of which 1.12 cfs can be diverted when the Stewart Decree reduction is enforced. Although the sum of 1.12 cfs and 2.0 cfs (3.12 cfs) is less than the desired 3.34 cfs, it is within the overall desired range required for this rental. Further, the applicant has stated on the rental application form that they are require a minimum diversion rate of 1.12 cfs, which can be authorized through this rental.

AUTHORITY TO FILE: The property where rental water will be used for irrigation purposes are lands already authorized to be irrigated under the water right being rented. The [TRSHOA website](#) lists Sentry Management as the Management Agency for the association. Christian Brockl has submitted the application as the "managing agent" for TRSHOA. No concerns about authority to file.

WATER RIGHT VALIDITY: Water rights 63-194 is valid and available for rental from the Bank.

INJURY TO OTHER WATER RIGHTS: Water right 63-194 already authorizes diversions and uses of water at the location where rental water will be used. No injury is apparent through this rental.

ENLARGEMENT OF USE: The overall diversion and use of Boise River water authorized under this rental will not exceed the leased and decreed maximums of water right 63-194. Since this rental is primarily for flow maintenance and an increased rate of diversion from the Boise River, it is not expected to have a significant consumptive use. No enlargement is apparent under the rental.

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: This applicant was submitted as an irrigation rental, as the increased diversion rate requested is incidental to irrigation uses (as well as pond storage maintenance). Although the use of water might alternatively be described as streamflow maintenance, or mitigation for required diversion rate reductions, it is reasonable to describe the beneficial use authorized under this rental as irrigation. Further, although the place of use described for irrigation under this rental sums to 170 acres in size, the actual acres authorized to be irrigated will be limited to 114.7 acres, per the unleased extent of water right 63-194. The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Review comments were requested from IDWR's Western Region and Water District 63 on September 2, 2021.

WATER SUPPLY BANK RECOMMENDATION: Staff recommend this rental be approved.

From: Mike Meyers [mailto:mike@wd63.org]
Sent: Wednesday, September 1, 2021 7:09 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Christian Brockl <cbrockl@sentrymgt.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: WSB Rental Application 2110

Remington,

The diversion rate of 3.34 CFS has been cut to 60% as of about the third week of June. I believe they are looking for the extra water for just that reason. As far as the irrigatable acres I would not have any good input on those.

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Tuesday, August 31, 2021 3:57 PM
To: Christian Brockl <cbrockl@sentrymgt.com>
Cc: Mike Meyers <mike@wd63.org>; Bank <Bank@idwr.idaho.gov>
Subject: RE: WSB Rental Application 2110

Thanks for the additional information Christian.

If no more than 114.7 acres is presently being irrigated, than I'm looking for some additional information as to what the intended use of water should be under the rental, as it is not apparent that irrigation should be the new/additional beneficial use authorized under the rental.

Is there a need for an increased diversion rate? Will diversion rates from the Boise River be reduced below 3.34 cfs, perhaps because of a Stewart Decree diversion rate reduction? Or because of another reason? If so, what diversion rate is required and how much diversion rate should be allocated from the leased extent of water right 63-194?

Mike, can you provide some additional context?

Thanks,

Remington

From: Christian Brockl [mailto:cbrockl@sentrymgt.com]
Sent: Tuesday, August 31, 2021 10:21 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Mike Meyers <mike@wd63.org>; Bank <Bank@idwr.idaho.gov>
Subject: RE: WSB Rental Application 2110

Greetings Remington,
I will to the best of my abilities attempt to answer below. Mike if you have any input or advice please weigh in. Let me know if I can provide anything else.



Christian Brockl
Community Manager
Sentry Management Inc
6149 North Meeker Place Suite 150
Boise ID 83713
208-323-1080 Ext. 59515
208-853-1960 (fax)
208-871-4343 Afterhours Emergency Irrigation
boise.sentrymgt.com

[Click here for Sentry management's Office support team availability in response to COVID-19.](#)

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Monday, August 30, 2021 4:32 PM
To: Christian Brockl <cbrockl@sentrymgt.com>
Cc: Mike Meyers <mike@wd63.org>; Bank <Bank@idwr.idaho.gov>
Subject: WSB Rental Application 2110

External Email: Please be careful when opening attachments or clicking links.

Hi Christian,

I've had a chance to begin reviewing rental application 2110. There was no map provided to identify which acres will be actively irrigated under this rental request, so I've made a few assumptions, and I have a few questions:

- 1) The unleased extent of water right 63-194 presently authorizes a diversion of 3.34 cfs of Boise River water for the irrigation of 114.7 acres within the subdivision. How many acres are presently being irrigated? Exactly 114.7 acres? More? Less? I think the 114.7 acres is the accurate number of irrigated acres.

Your rental application requested a rental of 1.86 cfs and 383.9 af for the irrigation of 85.3 acres, which is exactly the extent of water right 63-194 under lease to the Bank. You also stated that the purpose of the rental was to irrigate common areas owned by the Homeowner's Association (HOA). Based on the first and second supplements to the master declaration of covenants, conditions and restrictions ([accessible online here](#)), it appears that the common areas owned by the "Master Association" (HOA?) sums to 23.7 acres. For your convenience, attached is a map of the 23.7 acres of parcels understood to be the common area owned by the Master Association ("Potential Rental Map v2"). This area is

significantly less than the 85.3 acres requested to be rented. Further, it appears 58.1 acres might be the sum total of acres owned by the Two Rivers Subdivision (see the attached "Potential Rental Map v1")

- 2) Are the 23.7 acres of common area owned by the Master Association intended to be irrigated under the rental? Yes, common areas, and homeowner's property.
- 3) Are the 58.1 acres of land owned by the Two Rivers Subdivision intended to be irrigated under this rental? Yes,
- 4) Are any additional acres intended to be irrigated under this rental? If so, which acres? Please provide a map, or describe the parcel IDs or the legal block/lot description for these acres. I think the entire Two Rivers including the sub associations will add up to the 114.7 acres. This includes the Island HOA, The Pointe HOA, Rivermoor HOA, and the Streams Riverbridge HOA. Each has home sites, and common areas. I will attach the plats for these as well.
- 5) If a sum total of fewer than 114.7 acres will be irrigated during this rental, is this rental more accurately being submitted to provide additional diversion rate and volume for the irrigation of the subdivision common area acres? I think that may be more accurate.
- 6) What is most important for your rental purposes, an authorization for the irrigation of additional acres? Or for an increased diversion rate? Or for an increased diversion volume? That is a great question. Increased diversion rate and volume.

Thanks for your answers to these questions,

Remington Buyer

Water Supply Bank Coordinator

Idaho Department of Water Resources

322 East Front Street, Boise, ID, 83720

T: (208) 287-4918 | F: (208) 287-6700

Buyer, Remington

From: Christian Brockl <cbrockl@sentrymgt.com>
Sent: Thursday, July 15, 2021 10:07 AM
To: mike@wd63.org; Buyer, Remington
Cc: Kevin Zasio
Subject: Amended Application
Attachments: WSB-rental-application - Completed Amended (3 years).pdf; WSB- Rental Application (signed) .pdf

Greetings,
Attached is the amended application.

Thank you,



Christian Brockl
Community Manager
Sentry Management Inc
6149 North Meeker Place Suite 150
Boise ID 83713
208-323-1080 Ext. 59515
208-853-1960 (fax)
208-871-4343 Afterhours Emergency Irrigation
boise.sentrymgt.com

[Click here](#) for Sentry management's Office support team availability in response to COVID-19.