

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

WATER SUPPLY BANK RENTAL AGREEMENT No. 567

AUG 24 2021  
DEPARTMENT OF  
WATER RESOURCES

This is to certify that:

BEAR LAKE GRAZING CO  
70 CAMP STEWART RD  
MONTPELIER, ID 83254-5235

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)
27-4096	12/23/1902	UNNAMED STREAM	0.66	116	33.0	0.020	3.50
<b>Combined Rental Totals</b>			<b>0.66</b>	<b>116</b>	<b>33.0</b>	<b>0.020</b>	<b>3.50</b>

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2025. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2021, whichever occurs last.

**Annual Rental Fee:**

2021 - 2022: \$232.00 annually  
2023 - 2025: \$266.80 annually

The full fee for the rental of the above-described right(s) is \$232.00 per year for years 2021 - 2022 and \$266.80 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$232.00 per year for years 2021 - 2022 and \$266.80 per year for years 2023 - 2025. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 27-4096.

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.



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 567**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

LANES CREEK                      SWSE              Sec. 28, Twp 06S, Rge 044E,              ADA County

**BENEFICIAL USE**

IRRIGATION

**DIVERSION RATE**

0.66 CFS

**VOLUME**

116 AF

**SEASON OF USE**

<b>Water Right No.</b>	<b>From</b>	<b>To</b>
27-4096	6/20	9/20

**RENTERS PLACE OF USE: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	44E	33	11.0	22.0															33.0

Total Acres: 33.0

**RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE**

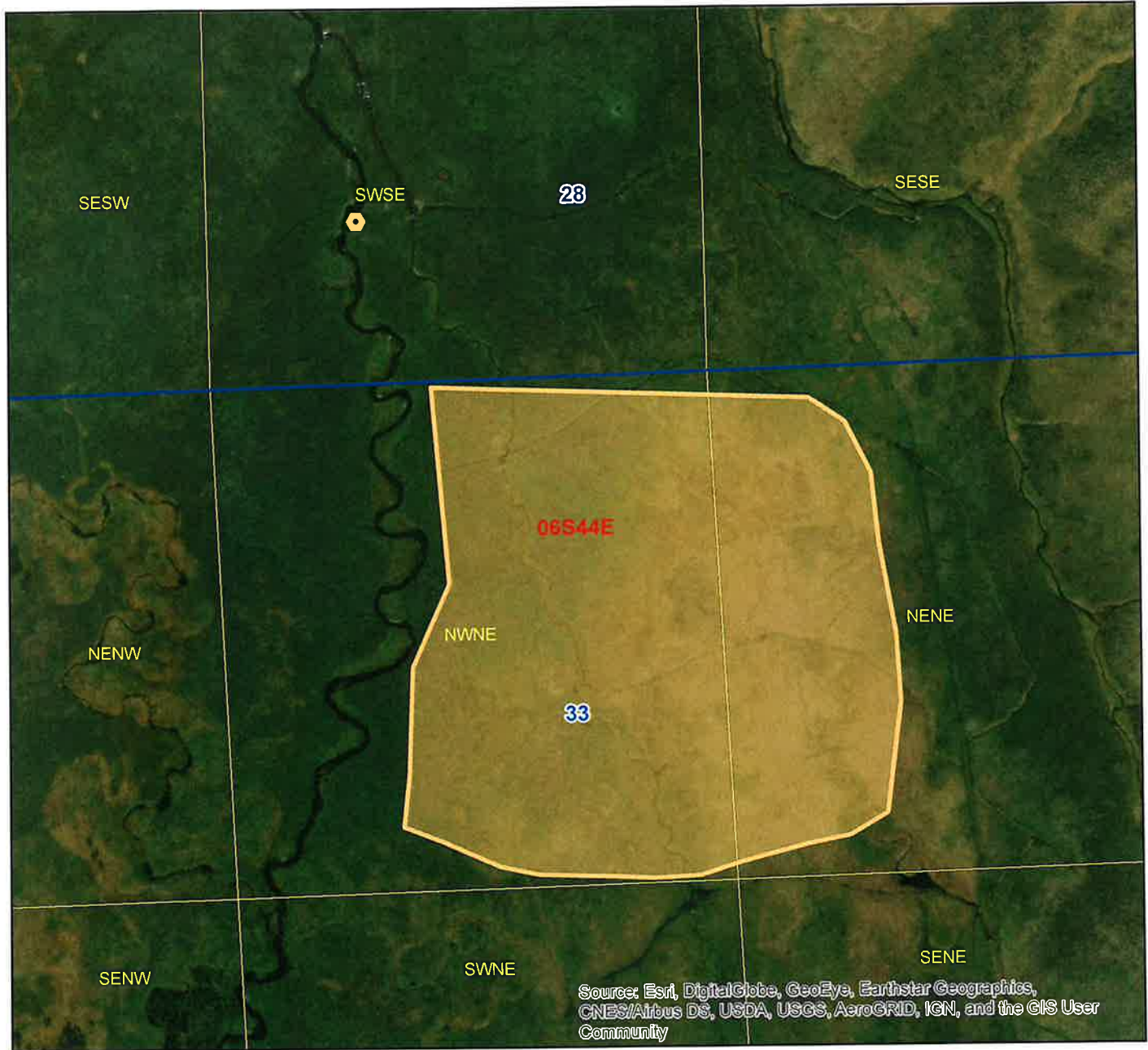
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, the water right is within State Water District No. 27.
10. The right holder 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(s).
11. This water right is entitled to the protections of paragraph x.d of water right 27-11375.
12. The use of water under this rental 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. 567

Effective until December 31, 2025

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



 Authorized Rental Point of Diversion

 Authorized Rental Place of Use

 Township/Range

 Sections

 QQ



STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED  
APR 26 2021  
DEPARTMENT OF  
WATER RESOURCES

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

Applicant Name: Bear Lake Grazing Company

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](http://idwr.idaho.gov/water_supply_bank).

MINIMUM REQUIREMENT CHECKLIST		
Check All Items as Either Attached (Yes) or Not Applicable (N/A)		
	Yes	
	<input type="checkbox"/>	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	<input type="checkbox"/>	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes
2	<input type="checkbox"/>	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	<input type="checkbox"/>	<input type="checkbox"/> Detailed information on a proposed use of rental water
3F	<input type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion
3H	<input type="checkbox"/>	<input type="checkbox"/> Water modeling to account for the impacts of the rental request
3J	<input type="checkbox"/>	<input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	<input type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	<input type="checkbox"/>	<input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	<input type="checkbox"/>	<input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

#2063

STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant Bear Lake Grazing Company

Mailing Address 70 Camp Stewart Road, Montpelier, Idaho 83254  
Street City State Zip Code

Email Address lrkeetch@gmail.com Phone Number 208-847-0636

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 Dan Keetch Professional Title General Managing Partner

Organization Bear Lake Grazing Company Relationship to Applicant \_\_\_\_\_

Mailing Address 166 Keetch Road, Montpelier, ID

Email Address \_\_\_\_\_ Phone Number 208-540-0595

**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**:

Irrigate pasture to increase forage as part of an elk/fish/cattle conservation agreement with Fish and Game

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)
10.54 CFS	113 AF	.66 CFS	115.5 AF	33 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?	
07/01/21	12/31/25	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> 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):

It would use the existing distribution system for water right 27-11271 which only allows irrigation until July

- 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
Head Gate Sec. 28 T6SR44	Lanes Creek	27-11271

*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 33 (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 Right 27-11271 only allows irrigation until July. This lease would extend the irrigation dates on a small part of the property.

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)
27-4096	Irrigation	.66	115.5	33		.66	115.5	33
<b>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</b>					<b>TOTAL</b>	.66	115.5	33
						<b>CFS</b>	<b>AF</b>	<b>AC</b>

*\*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**:

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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**:

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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:

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- 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:

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- 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.

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- D. Additional Information

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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

Dan Keetch  
Printed Name of Applicant

04/22/2021  
Date

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Printed Name of Representative

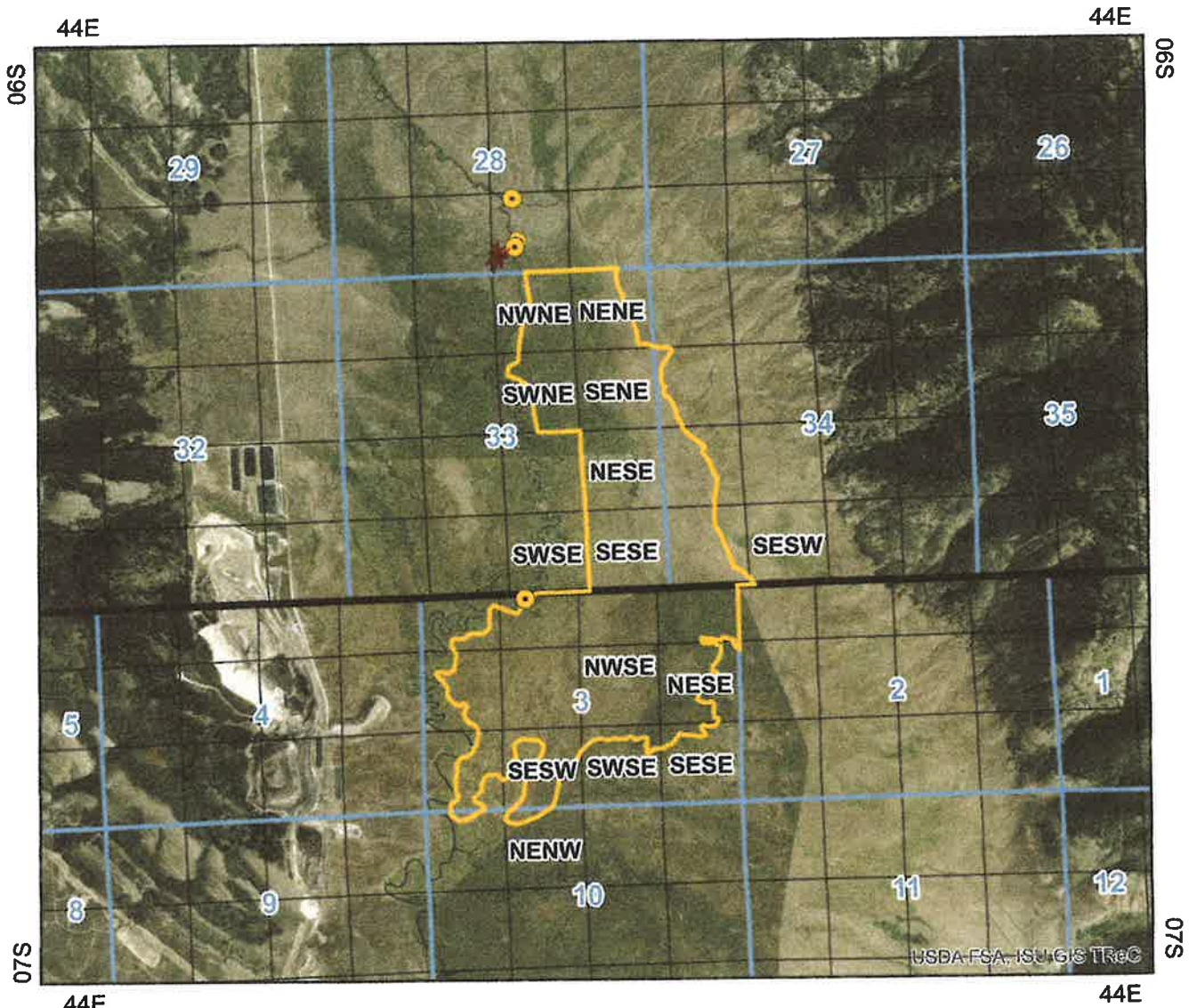
\_\_\_\_\_  
Date






Mail to:

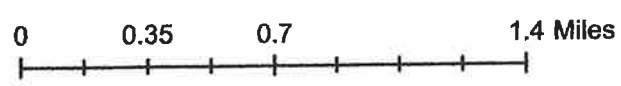
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

State of Idaho  
 Department of Water Resources  
**Attachment to Water Right License**  
 27-11271

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



USDA-FSA, ISU GIS TR&C



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

October 25, 2021

BEAR LAKE GRAZING CO  
70 CAMP STEWART RD  
MONTPELIER, ID 83254-5235

IDFG  
ATTN: JASON BECK  
1345 BARTNO RD  
POCATELLO, ID 83204

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 27-4096 AGREEMENT 567**

Dear Renter:

Please find enclosed a receipt in the amount of **\$232.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 116 acre-feet of water for irrigation of 33 acres during 2021. 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 \$208.80 of the rental fee will be paid to the lessor(s) and 10% or \$23.20 will be retained by the Department to offset administrative costs.

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

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosures: Receipt No. C111026  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
IDWR Eastern Regional Office

## Veibell, Amanda

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**From:** Veibell, Amanda  
**Sent:** Tuesday, September 14, 2021 12:56 PM  
**To:** Buyer, Remington; Corbett, Brenda; Condon, Mary  
**Cc:** Marston, Sascha  
**Subject:** RE: Bear lake grazing

In that case, I have the signed agreement at my desk. I had not passed it along pending the payment. I will take it to Phil with a copy of this email for signature.

### Amanda Johnson-Veibell



**From:** Buyer, Remington <Remington.Buyer@idwr.idaho.gov>  
**Sent:** Tuesday, September 14, 2021 12:48 PM  
**To:** Corbett, Brenda <Brenda.Corbett@idwr.idaho.gov>; Condon, Mary <Mary.Condon@idwr.idaho.gov>  
**Cc:** Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>; Marston, Sascha <Sascha.Marston@idwr.idaho.gov>  
**Subject:** RE: Bear lake grazing

Let's follow up with Bear Lake Grazing to have them sign and return the rental agreement. Once we receive the rental agreement back, signed, and we can execute it, we can request the payment from IDFG as either an interagency billing, or, as a check.

**From:** Corbett, Brenda <[Brenda.Corbett@idwr.idaho.gov](mailto:Brenda.Corbett@idwr.idaho.gov)>  
**Sent:** Tuesday, September 14, 2021 12:01 PM  
**To:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>; Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>  
**Cc:** Veibell, Amanda <[Amanda.Veibell@idwr.idaho.gov](mailto:Amanda.Veibell@idwr.idaho.gov)>; Marston, Sascha <[Sascha.Marston@idwr.idaho.gov](mailto:Sascha.Marston@idwr.idaho.gov)>  
**Subject:** RE: Bear lake grazing

Good Morning,

The only interagency that I show we have requested payment for is the rental agreement #436. Nothing for #567.

Thanks and have a good day,  
Brenda

**From:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>  
**Sent:** Tuesday, September 14, 2021 11:49 AM  
**To:** Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>  
**Cc:** Veibell, Amanda <[Amanda.Veibell@idwr.idaho.gov](mailto:Amanda.Veibell@idwr.idaho.gov)>; Marston, Sascha <[Sascha.Marston@idwr.idaho.gov](mailto:Sascha.Marston@idwr.idaho.gov)>; Corbett, Brenda <[Brenda.Corbett@idwr.idaho.gov](mailto:Brenda.Corbett@idwr.idaho.gov)>  
**Subject:** RE: Bear lake grazing

Mary,



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

August 6, 2021

BEAR LAKE GRAZING CO  
70 CAMP STEWART RD  
MONTPELIER, ID 83254-5235

IDFG  
ATTN: JASON BECK  
1345 BARTNO RD  
POCATELLO, ID 83204

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 27-4096, AGREEMENT 567**

**\*\*\*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 **\$232.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 116.0 acre-feet. Since you have a private agreement with the lessor **you are only obligated to pay the 10% administrative fee or \$232.00.** 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.

**Please send a check for \$232.00** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

*Amanda Johnson-Weibell*

Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

**MEMORANDUM FOR AGREEMENT # 567**

**To:** Water Supply Bank Rental Application 2063  
**From:** Remington Buyer  
**Date:** July 27, 2021  
**Re:** Review & Analysis of Application to Rent Water from the State Water Supply Bank

**PURPOSE/NARRATIVE:** On April 26<sup>th</sup>, 2021, an application was received from Bear Lake Grazing Company, through Dan Keetch who represented himself as General Managing Partner, requesting a rental of water right 27-4096, to authorize the irrigation of 33 acres through a diversion and use of water from Lanes Creek, a tributary of the Blackfoot River. The 33 acre rental place of use (POU) is already authorized to be irrigated with water from Lanes Creek under water right 27-11271, however water cannot be diverted after July 1<sup>st</sup> under water right 27-11271. Because water right 27-4096 authorizes diversions of Blackfoot River water from June 20<sup>th</sup> through September 20<sup>th</sup>, a rental of this right can be the basis for the renter to continuously divert water from Lanes Creek, after July 1<sup>st</sup>, to supplement water right 27-11271.

Diversions of rental water will be used to irrigate pasture and increase forage as part of an elk/fish/cattle conservation agreement with Idaho Fish & Game (IDFG). This rental is effectively a continuation of rental agreement 391, which expired last year. In prior years, a *“Blackfoot River Wildlife Management Area Grazing Exchange Agreement”* was provided by the renter, which affirmed that IDFG would pay all costs associated with the rental agreement, and that only admin fees needed to be requested by the Water Supply Bank. No such agreement was provided with rental application 2063, however on July 27<sup>th</sup>, 2021, IDFG representative Jason Beck confirmed via email that IDFG would be paying admin fees only for this rental.

**AUTHORITY TO FILE:** Idaho Secretary of State records confirm Dan Keetch is a general partner of Bear Lake Grazing LP (BLGLP) and BLGLP owns the land where water will be diverted and put to beneficial use. No concerns about authority to file.

**WATER RIGHT VALIDITY:** Water right 27-4096 is leased to the Bank and available to be rented.

**INJURY TO OTHER WATER RIGHTS:** Through this rental, the point of diversion for Blackfoot River water right 27-4096 will be relocated approximately 4 miles upstream to Lanes Creek, which is a tributary of the Blackfoot River. Between the location where 27-4096 diverts from the Blackfoot River, and where this water right will be diverted through this rental, two water rights (27-4095 and 27-11507) divert water from the Blackfoot River, as follows:

<b>WATER RIGHT</b>	<b>RIGHT HOLDER</b>	<b>WATER SOURCE</b>	<b>WATER USE</b>	<b>SEASON OF USE</b>	<b>DIVERSION RATE</b>
<b>27-4095</b>	IDFG	Blackfoot River	Stockwater	05/01 – 11/15	0.02
<b>27-11507</b>	US Forest Service	Blackfoot River	Stockwater	07/01 – 8/31	0.02

Both of these water rights are stockwater rights. It is not anticipated that BLGLP’s diversion of 0.66 cfs from Lane’s Creek will cause injury to either of these water rights. Subject to the right of either IDFG or the US Forest Service to ask for an amendment to the approval generated through rental request, it appears water can be diverted under this rental without causing injury.

**ENLARGEMENT OF USE:** Water right 27-4096 authorizes irrigation of up to 33 acres through a diversion of 0.66 cfs from the Blackfoot River. No enlargement is apparent through the rental of the water right, upstream on Lanes Creek, for the irrigation of 33 acres. A condition limiting diversions and uses of water to no more than 0.02 cfs/ac and 3.5 afa/ac will be added to the agreement, to avoid an enlargement of water use during the period June 20<sup>th</sup> through July 1<sup>st</sup>, when both water rights 27-4096 and 11271 might be diverted by the renter for irrigation of the rental location

**LOCAL PUBLIC INTEREST:** This rental appears to be consistent with local public interests—an agreement exists between IDFG and BLGLP, to conduct this rental as part of a habitat conservation agreement.

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

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** Review comments were requested from IDWR's Eastern Region and Water District 27 on July 27, 2021.

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

## Buyer, Remington

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**From:** Beck, Jason <jason.beck@idfg.idaho.gov>  
**Sent:** Tuesday, July 27, 2021 3:04 PM  
**To:** Buyer, Remington  
**Cc:** Bank; Owsiak, Anna; Irkeetch@gmail.com  
**Subject:** Re: Water Supply Bank Rental Application 2060

Yes. Fish and Game will be responsible for the annual rental payment as you have detailed in the final paragraph.

Jason Beck  
Regional Wildlife Biologist  
Idaho Department of Fish and Game  
On Jul 27, 2021 1:32 PM, "Buyer, Remington" <Remington.Buyer@idwr.idaho.gov> wrote:  
Mr. Keetch,

I've completed a review of rental application 2060 submitted by Bear Lake Grazing Company for a late summer irrigation authorization from June 20th through September 20th, now until 2025, through a rental of water right 27-4096. I'm trying to confirm whether you, or Idaho Fish and Game (IDFG) will be paying the administrative fees associated with this rental?

I see in the lease application paperwork for water right 27-4096 from IDFG, it is proposed that they will pay all costs associated with a water right rental, if water will be used to benefit fish and wildlife. And I see that you've stated in your rental application that your use of water will "increase forage as part of an elk/fish/cattle conservation agreement" with IDFG. As such, I've drafted this rental to be admin fee only, and we will soon be issuing the paperwork to you for signature and finalization. However, we cannot finalize the rental agreement at IDWR until the annual rental payment is received for 2021.

I'm cc'ing Anna Owsiak and Jason Beck with IDFG, so that they might also confirm whether IDFG will be responsible for remitting the annual rental payment. Anna, Jason, if IDFG will be paying for Bear Lake Grazing Company's rental, should IDWR use PCA 41501 and cod C1AX to interagency bill IDFG for the annual payment associated with this transaction?

Thank you,

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

**From:** Cefalo, James  
**Sent:** Tuesday, July 27, 2021 3:03 PM  
**To:** Buyer, Remington <Remington.Buyer@idwr.idaho.gov>  
**Subject:** RE: Water Supply Bank Rental Application 567

Remington,

I don't have any concerns with the proposed WSB Rental.

James  
Water District 27

**From:** Visosky, Steven  
**Sent:** Tuesday, July 27, 2021 2:54 PM  
**To:** Buyer, Remington <Remington.Buyer@idwr.idaho.gov>  
**Subject:** RE: Water Supply Bank Rental Application 567

Remington,  
Thanks for reaching out. It looks like the request is out of the area where I am an assistant watermaster or my scope of work is currently at. I will leave it up to James to provide appropriate feedback.  
Thanks,  
Steve V.

**From:** Buyer, Remington  
**Sent:** Tuesday, July 27, 2021 2:46 PM  
**To:** Cefalo, James <[James.Cefalo@idwr.idaho.gov](mailto:James.Cefalo@idwr.idaho.gov)>; Visosky, Steven <[Steven.Visosky@idwr.idaho.gov](mailto:Steven.Visosky@idwr.idaho.gov)>  
**Subject:** Water Supply Bank Rental Application 567

James, Steve,

The Bank received a request from Bear Lake Grazing Limited Partnership earlier this year, requesting a rental of water right 27-4096, to divert water from Lanes Creek (a tributary of the Blackfoot River), as part of an elk/wildlife/fish habitat restoration and conversation agreement with Idaho Fish and Game (IDFG). This is effectively a continuation of a rental that commenced last year.

Attached are my review memo, map and draft approval for this rental. Please advise if you have any questions, comments or concerns about this rental.

Thank you,

Remington