

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 577

RECEIVED

OCT 13 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

LAVA RANCH PROPERTY OWNERS ASSN
PO BOX 131
LAVA HOT SPGS, ID 83246-0131

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)
29-7076	2/16/1972	GROUND WATER	0.010	7.3	0.00	∞	∞
Combined Rental Totals			0.010	7.3	0.00	∞	∞

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2021. 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: \$146.00

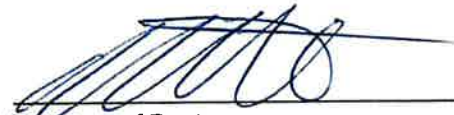
The full fee for the rental of the above-described right(s) is \$146.00 for 2021. The rental fee includes an administrative fee of \$14.60 for 2021.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 577

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

10/13/2021
Date

MATTHEW C GROLL
Printed Name

PRESIDENT OF CANYA RANCH
Title HOA

*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 10/18/21

Rental approved by IDWR 

Date 10/18/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 577

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESE Sec. 7, Twp 10S, Rge 38E, BANNOCK County

BENEFICIAL USE

DOMESTIC

DIVERSION RATE

0.01 CFS

VOLUME

7.3 AF

SEASON OF USE

Water Right No.

29-7076

From

1/1

To

12/31

RENTERS PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	38E	17		X L2	X		X L3	X L4	X	X	X	X		X	X	X	X	X	X
10S	38E	18	X L1	X L2	X	X									X	X	X	X	X
10S	38E	19	X	X															X
10S	38E	20					X	X	X	X									X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
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. Rental does not authorize the construction of a well.
10. Renter must diligently work toward securing a permanent authorization for the domestic use authorized under this approval.
11. Place of use is located within Lava Ranch Subdivision.

STATE OF IDAHO
WATER RESOURCE BOARD

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

Applicant Name: Lava Ranch Property Owners Association

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 Lava Ranch Property Owners Association

Mailing Address P.O. Box 131 Lava Hot Springs Idaho 83246
Street City State Zip Code
 Email Address mattgroll@gmail.com Phone Number (425) 232-1951

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 Travis L. Thompson Professional Title Attorney at Law
 Organization Barker, Rosholt & Simpson, LLP Relationship to Applicant Attorney
 Mailing Address P.O. Box 63 Twin Falls, Idaho 83303-0063
 Email Address tlt@idahowaters.com Phone Number (208) 733-0700

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**:

Domestic use for households within the subdivision.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.04 CFS	29.0 AF	0.04 CFS	10 AF	N/A 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?	
6-26-2021	7-3-2021	☒	☐	☐	☐	☐	☒ Process application as soon as possible	☐ Return application to applicant
		1	2	3	4	5		

* 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):

Existing well known as the "lower well" to distribution pipe. GPS location is 42.5639440; -112.0502130

- 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	Groundwater	N/A

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

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as Attachment 3F.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

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

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☒ Other: Domestic from: 1-1 (mm/dd) to: 12-31 (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:

No other supply other than exempt domestic use of 2,500 gallons per day which is insufficient.

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)
29-7076	Industrial	0.04	29.0	N/A		0.04	29.0	N/A
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	0.04	29.0	N/A
						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**:

N/A

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**:

In house domestic use only, should be no change in consumptive use.

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:

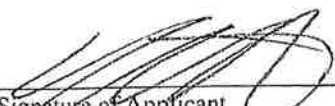
- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☒ No ☐
If yes, describe:
The Association filed two new applications for permit on 6/21/2021

- 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

Matt Groll
Printed Name of Applicant

6/22/21
Date


Signature of Representative

Travis L. Thompson
Printed Name of Representative

6/22/21
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.

KEY MAP

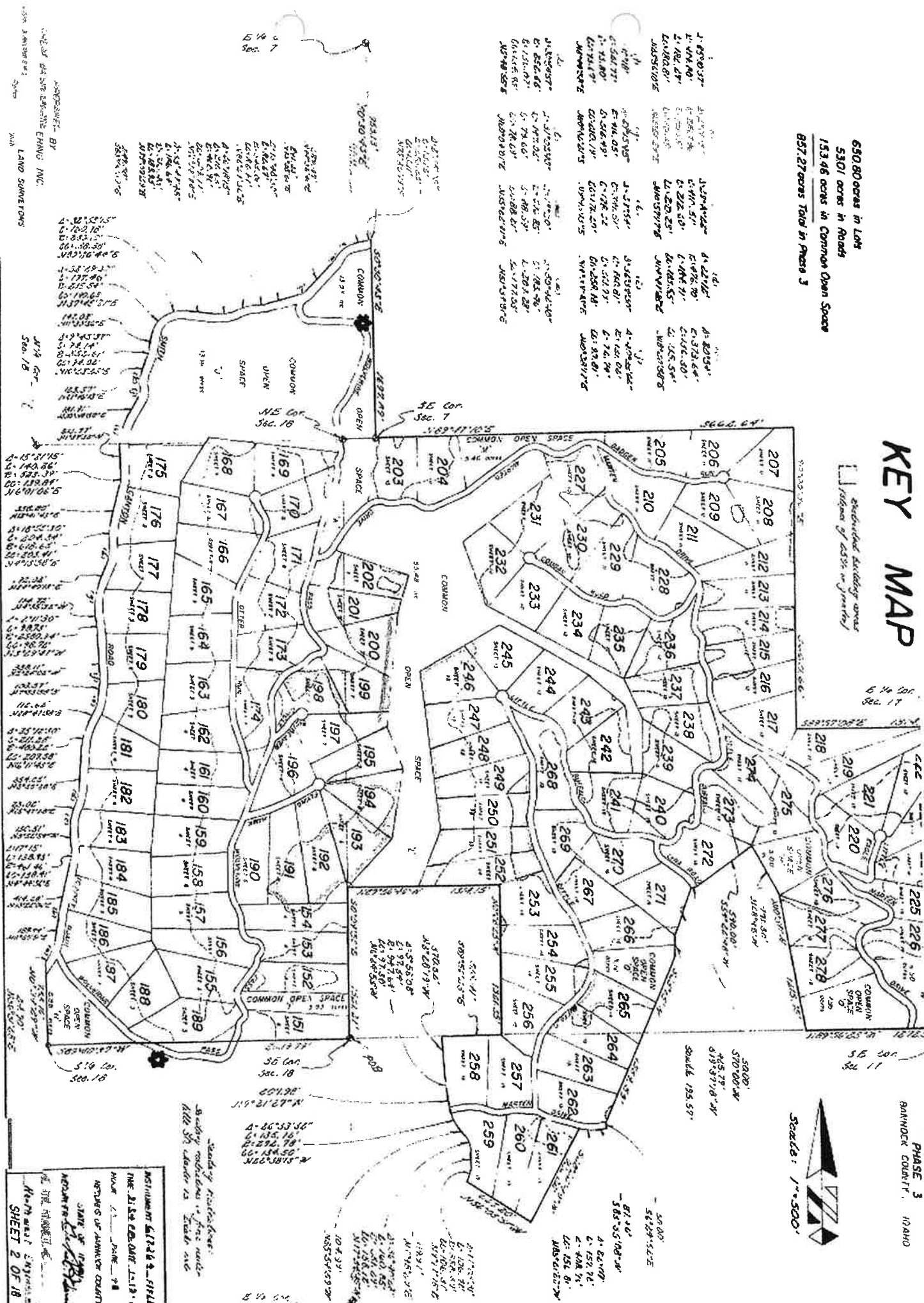
Redefined building corner
of 63.5% in quarter

630.80 acres in Lots
5301 acres in Roads
13.46 acres in Common Open Space
837.27 acres Total in Phase 3



Scale: 1"=500'

PHASE 3
BANNOCK COUNTY, INDIANA



RECORDING BY
LAND SURVEYING
SHEET 2 OF 18



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 19, 2021

LAVA RANCH PROPERTY OWNERS ASSN
PO BOX 131
LAVA HOT SPRINGS, ID 83246-0131

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-7076 AGREEMENTS 577**

Dear Renter:

Please find enclosed a receipt in the amount of **\$146.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 7.3 acre-feet of water for domestic use 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 \$131.40 of the rental fee will be paid to the lessor(s) and 10% or \$14.60 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. C111131
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Travis Thompson



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

September 23, 2021

LAVA RANCH PROPERTY OWNERS ASSN
PO BOX 131
LAVA HOT SPRINGS, ID 83246-0131

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-7076 AGREEMENT 577**

*****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 \$580.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 29 acre-feet.

Please send a check for \$580.00 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 \$522.00 of the rental fee will be paid to the lessor(s) and 10% or \$58.00 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

Enclosure

c: IDWR Front Desk
Travis Thompson

Veibell, Amanda

From: Travis Thompson <tl@idahowaters.com>
Sent: Thursday, September 23, 2021 8:31 AM
To: Hummer, Phill
Subject: RE: Lava Ranch Water Bank App - Contract 577

Phil,

From Matt Groll (president of HOA)

"Based on the survey data provided, we would use very little water. Especially now that they are getting around to it, I'd be surprised if we use more than 10,000 gallons in the next 6 mos due to 99% of lot owners not using their lots until next Memorial day. The well that would be utilized under the rental is the lower well. It is 1.5 miles north of the other well and 500' lower than the upper well. There is a standing pond between the two wells, so I'd guess we'd draw from that water.

Please convey to him that we have to close down the upper well next week due to lack of accessibility during the winter, hence ending any potential negative impact on the Beers (protestant). There are people that live up there year around that need some source of water. They historically use the lower well. If we shut down the upper well and not get access to the lower well, this will leave them without water."

Please advise. This is there only supply of water up there.

Thanks

Travis

From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Sent: Wednesday, September 22, 2021 1:56 PM
To: Travis Thompson <tl@idahowaters.com>
Subject: RE: Lava Ranch Water Bank App - Contract 577

Travis,

I have been looking at the rental application and was wondering if you had some additional information about the diversion system. The protest in the file for 29-14401 indicates there isnt a piped delivery system servicing the homes in the subdivision. The protestant wrote the well is pumped to fill tanks and that home owners bring tanks to the well site to get water. Is that an accurate summary of how water would be used under the rental? I initially had concerns that the 29 af of the water right rented might get enlarged if the water was pumped into a delivery system servicing 470 homes given the standard volume for homes is 0.6 af (470 * .06 af = 282 af). But I don't think I would have the same concern if a system of holding tanks is used to fill individual truck mounted type tanks. My other question is also related to the protest. The protestant asserts the use of the well is impacting their springs. The POD for the rental application appears to be the same well as the POD in 29-14401 and I am hesitant to approve a rental if there is evidence (a protest filed) that injury might occur. Do you have the construction record from the well proposed as the POD for the rental or any water bearing zone information? Will you please also provide some information demonstrating the rental would not injure other right holders.

-Phill

From: Travis Thompson <tlh@idahowaters.com>

Sent: Monday, September 20, 2021 1:20 PM

To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>

Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Hansen, Angela <Angela.Hansen@idwr.idaho.gov>

Subject: RE: Lava Ranch Water Bank App - Contract 577

Thank you, appreciate the update.

Travis

From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>

Sent: Monday, September 20, 2021 12:49 PM

To: Travis Thompson <tlh@idahowaters.com>

Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Hansen, Angela <Angela.Hansen@idwr.idaho.gov>

Subject: RE: Lava Ranch Water Bank App - Contract 577

Travis,

The rental application for Lava Ranch Property Owners Association was received June 22, 2021. Proceeding in order of the day they are received this rental application is the next one that I will review. From April until the end of October the time that I have available to dedicate to the water supply bank is very limited. But I will work on this application as soon as I can and I will commit to getting it out in the mail before the end of the week.

-Phill

From: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>

Sent: Sunday, September 19, 2021 12:23 PM

To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>

Cc: Hansen, Angela <Angela.Hansen@idwr.idaho.gov>

Subject: FW: Lava Ranch Water Bank App - Contract 577

Phill,

Please look into the WSB contract listed below and give Travis Thompson, Remington, and me a short update.

Thanks.

Shelley

From: Travis Thompson <tlh@idahowaters.com>

Sent: Friday, September 17, 2021 9:40 AM

To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>

Subject: FW: Lava Ranch Water Bank App - Contract 577

Hi Shelley,

Do you know if this rental contract is in your department or who may be reviewing it?

Thanks

Travis

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Wednesday, September 15, 2021 1:40 PM
To: Travis Thompson <tlit@idahowaters.com>
Subject: RE: Lava Ranch Water Bank App - Contract 577

Hi Travis, no, it does appear that the rental approval has yet been mailed out by IDWR—the files are still with IDWR's Water Rights Section undergoing review.

From: Travis Thompson <tlit@idahowaters.com>
Sent: Friday, September 10, 2021 8:28 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: Lava Ranch Water Bank App - Contract 577

Hi Remington,

Do you know if the rental agreement has been mailed yet?

Thanks

Travis

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Friday, August 27, 2021 12:11 PM
To: Travis Thompson <tlit@idahowaters.com>
Subject: RE: Lava Ranch Water Bank App - Contract 577

Hi Travis,

Yes, I recommended the approval for the rental and a draft rental agreement is currently with our Water Rights Permit Section for final review. I anticipate the rental agreement should be going out for signature by the HOA soon, perhaps next week.

Remington

From: Travis Thompson [<mailto:tlit@idahowaters.com>]
Sent: Friday, August 27, 2021 11:47 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Lava Ranch Water Bank App - Contract 577

Hi Remington,

Just following up on Lava Ranch water bank applications, it appears it has been processed and is under review? Do you expect anything to be issued next week?

Thanks

Travis

MEMORANDUM FOR AGREEMENT # 577

To: Water Supply Bank Rental Application 2116
From: Remington Buyer
Date: August 17, 2021
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On June 22, 2021 the Department received from the Lava Ranch Property Owners Association (LRPOA), through Travis Thompson of Barker, Rosholt & Simpson LLP, an application to rent water right 29-7076, to authorize a diversion of 0.04 cfs and 29 af of ground water, for domestic (municipal) purposes on the residential properties of the Lava Ranch subdivision, located south of Lava Hot Springs in Bannock County.

There are approximately 500 parcels platted in the area where the Lava Ranch subdivision is being developed. On these parcels, IDWR records indicate there are 16 water rights, of which 10 are from ground water, that provide for domestic uses on certain subdivision properties, as follows:

Water Right Number	Basis	Priority Date	Decreed Date	Owner	Water Use	Source	Tributary Of	Season of Use	Diversion Rate	Diversion Volume	Irrigable Acres	Water Use Location
29-11396	Decreed	9/1/1979	6/18/1998	MAPES, EARL C; MAPES, JOAN H	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.04		0	Parcel ID RRLR2006900
29-11973	Decreed	7/10/1980	6/18/1998	FORGEON, GARY B; FORGEON, TRUDY	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.04		0	Parcel ID RRLVR000700
29-10068	Decreed	7/1/1982	6/22/1998	BROADHEAD, JUDY	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.04		0	Parcel ID RRLF2003600
29-12220	Decreed	8/31/1983	6/18/1998	BLOXHAM, DOROTHY M; BLOXHAM, IANTHA	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.04		0	Parcel ID RRLVR004300
29-11398	Decreed	10/19/1983	6/15/1998	SAATHOFF, JENNIFER KELLER	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.04		0	Parcel ID RRLVR001600
29-11299	Decreed	7/31/1988	6/17/1998	MAC BETH, ALBERT W; MAC BETH, DONNA J	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.02		0.5	Parcel ID RRLR3004200 LOT 192, LAVA RANCH 3
29-12110	Decreed	11/12/1988	6/18/1998	STRICKLAND, KAREN; STRICKLAND, LEE	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.02		0.5	Parcel ID RRLR3006400
29-13090	Decreed	8/24/1998	3/22/2004	PARKER, GEORGE ALDEN	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.04		0	Tract 107, Lava Ranch Subdivision, Phase 2
29-13869	License	10/6/2008		RALPH YRIBAR AND CLAUDIA J. YRIBAR LIVING TRUST	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.04	0.6	0	Tract 106 Lava Ranch Subdivision, Phase 2
29-14321	License	10/6/2008		RALPH YRIBAR AND CLAUDIA J. YRIBAR LIVING TRUST	DOMESTIC	GROUND WATER	<Null>	01/01 - 12/31	0.04	0.6	0	Tract 106 Lava Ranch Subdivision, Phase 2
GROUND WATER									0.36		1	
29-7649	License	7/7/1982		SCOTT, HARRY R; SCOTT, MAXINE M; SCOTT, WALTER A	DOMESTIC	SPRING	DEMPSEY CREEK	01/01 - 12/31	0.01	0.6	0.5	
29-7808	License	2/12/1986		SALLY A MAY FAMILY TRUST	DOMESTIC	SPRING	SINKS	01/01 - 12/31	0.01	0.6	0.5	
29-11822	Decreed	4/26/1986	3/22/2004	PEWTRESS, HERBERT DON; PEWTRESS, SHIRLEY J	DOMESTIC	SPRINGS	DEMPSEY CREEK	01/01 - 12/31	0.04		0.5	Parcel ID RRLR3003400 LOT 184, LAVA RANCH PHASE 3
29-7921	License	2/5/1990		WRIDE, DALE	DOMESTIC	SPRING	SINKS	01/01 - 12/31	0.02	0.6	0.5	
29-13740	License	5/8/2006		BEER, LORI; BEER, MIKE	DOMESTIC	SPRING	SINKS	01/01 - 12/31	0.04		0.5	
29-13917	License	8/25/2009		BUCKLEY, MICHAEL T	DOMESTIC	SPRINGS	SINKS	05/01 - 12/31	0.02		0.5	Lot 288, Lava Ranch Phase 4 Subdivision
									0.14		3	

There are no active water use permits associated with the subdivision. Concurrent with this rental application, the applicant's legal representative has submitted applications for permit on their behalf (application IDs 85159 and 85160, draft permits 29-14401 and 29-14402). Collectively, permit applications 85159 and 85160 propose a diversion of ground water for domestic uses in an area greater in extent than the mapped area identified with the rental application. This rental appears to be similar in nature to permit application 85159, which proposes a diversion of 0.04 cfs and 6 af from the same well identified for diversions under this rental.

The requested ground water right is leased into the Bank through contract 1068, which also includes surface water right 29-10029 and ground water rights 29-4069 and 29-7855. These water rights were leased into the Bank on the same contract, for convenience, however the water rights do not appear to be combined limited in anyway and they can be leased into the Bank on separate contracts. Because the applicant has requested the rental of only water right 29-7076, this will be the sole water right rented to them from contract 1068.

AUTHORITY TO FILE: The property where rental water will be diverted is owned by "Lava Ranch, C/O LRPOA" and the properties where domestic water will be used are properties associated with the LRPOA. No concerns about authority to file.

WATER RIGHT VALIDITY: Water right 29-7076 is valid and available for rental from the Bank.

INJURY TO OTHER WATER RIGHTS: Water right 29-7076 is a fully consumptive industrial ground water right that authorizes diversions at the Ash Grove Cement facility near Inkom. The rental requests an authorization to divert ground water from the hills south of and above Lava Hot Springs, approximately 25 miles upstream of Inkom. Although there should be no net increase in the consumptive use of water within basin 29 through this rental, the location where ground water will be extracted and potentially consumptively used in the basin will change through this rental. Staff are not aware of any specific injury concerns related to this rental.

Note from Phill Hummer (water right supervisor): Protests were filed for both related applications for permit 29-14401 and 29-14402. The main concern of the protestant is the impact to their use of spring water. While related the potential for injury under the rental is extremely low. I asked Travis Thompson (representative for the rental applicant) for diversion system information and to address any injury concerns. He confirmed there is no connected diversion system, the well is used to fill small mobile tanks with water. Home owners bring tanks to the well to get water for use in their homes. Mr. Thompson also sent me information from Matt Groll, president of the HOA. Mr. Groll states, "I'd be surprised if we used more than 10,000 gallons in the next 6 mos due to 99% of the lot owners not using their lots until next Memorial day." 10,000 gallons is about 0.3 af which is about half the standard volume for home use in a typical home. Due to the method of pumping and delivery and the potential for minimal use since winter is approaching and most of the lots will be vacant, there is little risk of injury to existing right holders. Increased use in the summer months by increased occupancy or a connected delivery system typical of public drinking systems might be cause for concern expressed in the protests filed against the pending applications for permit. Additional rental applications for this HOA should consider these factors.

ENLARGEMENT OF USE: Water right 29-7076 is a fully consumptive industrial water right that was decreed a diversion rate and volume of 0.04 cfs and 29 AF. This rental application requests a diversion rate of 0.04 cfs and 29 AF. No enlargement is apparent through this 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: Domestic / municipal uses are beneficial. 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 on August 17, 2021.

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

Buyer, Remington

From: Buyer, Remington
Sent: Tuesday, August 17, 2021 12:55 PM
To: Cefalo, James; Holliday, Michael
Subject: RE: Lava Ranch HOA Applications 29-14401 & 29-14402
Attachments: Draft Rental Agreement 577.docx; Rental Map - Agreement 577.pdf; Rental Review Memo Application 2116.docx

Michael, James,

Attached are the review memo, map and draft approval for the rental request recently submitted to IDRW by Lava Ranch Property Owner's Association. They specified this rental would be for domestic uses, similar to their permit applications. However, I wonder if it wouldn't be more accurate (or make a difference) if the use were authorized as municipal, since it's a collective system for the entire subdivision? Do you have strong position on domestic vs municipal?

Also, any additional questions, comments or concerns about this rental?

Thanks,

Remington

From: Holliday, Michael
Sent: Monday, August 16, 2021 11:58 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: Lava Ranch HOA Applications 29-14401 & 29-14402

Remington,

You are right. This is an active water use. These filings are in response to an unauthorized water use letter. Part of the agreement to resolve included a WSB rental. We don't have any concerns.

michael

From: Buyer, Remington
Sent: Monday, August 16, 2021 11:34 AM
To: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: Lava Ranch HOA Applications 29-14401 & 29-14402

Hi Michael,

Travis Thompson submitted a WSB rental application for Lava Ranch HOA at the same time as he filed the applications for permit back in June (see attached). Evidently the HOA is looking for an immediate approval of what I presume is an active use water use. Any concerns on your end about the Bank reviewing this rental concurrent with the regional office review of rental applications 29-14401 & 29-14402?

Thanks,

Remington

Buyer, Remington

From: Holliday, Michael
Sent: Tuesday, August 17, 2021 1:50 PM
To: Buyer, Remington; Cefalo, James
Subject: RE: Lava Ranch HOA Applications 29-14401 & 29-14402

Remington,

Your review memo and draft approval look good to me. I think either municipal or domestic would be acceptable in this case. I would just stick with domestic for the sake of consistency.

michael

From: Buyer, Remington
Sent: Tuesday, August 17, 2021 12:55 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: RE: Lava Ranch HOA Applications 29-14401 & 29-14402

Michael, James,

Attached are the review memo, map and draft approval for the rental request recently submitted to IDRW by Lava Ranch Property Owner's Association. They specified this rental would be for domestic uses, similar to their permit applications. However, I wonder if it wouldn't be more accurate (or make a difference) if the use were authorized as municipal, since it's a collective system for the entire subdivision? Do you have strong position on domestic vs municipal?

Also, any additional questions, comments or concerns about this rental?

Thanks,

Remington

From: Holliday, Michael
Sent: Monday, August 16, 2021 11:58 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: Lava Ranch HOA Applications 29-14401 & 29-14402

Remington,

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michael

From: Buyer, Remington
Sent: Monday, August 16, 2021 11:34 AM
To: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: Lava Ranch HOA Applications 29-14401 & 29-14402

Hi Michael,

Buyer, Remington

From: Jessica Nielsen <jf@idahowaters.com>
Sent: Tuesday, June 22, 2021 1:34 PM
To: Bank
Cc: Travis Thompson
Subject: Application to Rent Water from the Board's Water Supply Bank (Lava Ranch Property Owners Association)
Attachments: 20210622 Application to Rent Water from Board's Water Supply Bank - Lava Ranch Property Owners Assoc. - signed.pdf

Dear Mr. Buyer,

Attached, for filing, please find the *Application to Rent Water From the Board's Water Supply Bank* regarding Lava Ranch Property Owners Association.

It is my understanding you are out of the office until 6/23/21. Please let me know you have received this e-mail and the attached Application.

Should you have any questions or concerns, please contact Travis Thompson at (208) 733-0700.

Thank you,

Jess Nielsen

Barker Rosholt & Simpson LLP

163 2nd Avenue West

P.O. Box 63

Twin Falls, Idaho 83303-0063

Office: (208) 733-0700

Fax: (208) 735-2444

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