

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 528

This is to certify that:

WILCOX BUFFINGTON FAMILY TRUST
5728 BALMORAL DR
OAKLAND, CA 94619-2402

RECEIVED

MAR 24 2022

**DEPARTMENT OF
WATER RESOURCES**

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-22019	3/29/1961	GROUND WATER	0.020	3.9	1.1	0.019	3.5
Rental Totals			0.020	3.9	1.1	0.019	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2024. 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: \$78.00 annually
2023 - 2024: \$89.70 annually

The full fee for the rental of the above-described right(s) is \$78.00 per year for years 2022 - 2022 and \$89.70 per year for years 2023 - 2024. The rental fee includes an administrative fee of \$7.80 per year for years 2022 - 2022 and \$8.97 per year for years 2023 - 2024.

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. 528

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:

Carla L. Buffington 3.19.22
Signature of Renter Date

Carla L Buffington _____
Printed Name 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 Date 3/29/22
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR AP Date 3/29/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 528

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER 4NWNW Sec. 5, Twp 03N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.02 CFS

VOLUME
3.9 AF

SEASON OF USE

Water Right No. **From** **To**
37-22019 4/1 10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	5						1.1											1.1
								L4											

Total Acres: 1.1

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. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
10. This rental does not authorize the construction of a well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 528

11. 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).
12. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. This rental shall be subordinate to Big Wood River minimum streamflow water rights 37-7919 & 37-8307 and diversion are only authorized when flows exceed 189 cfs as measured at the USGS Stream Gage 13139510 in Hailey, ID.

Idaho Water Resource Board

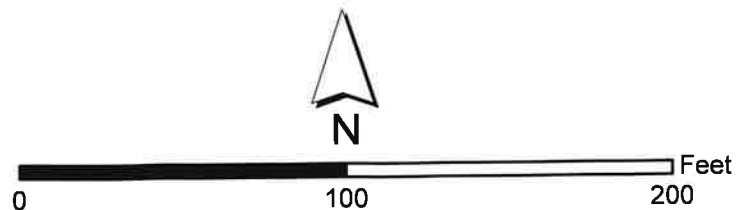
Attachment to Water Supply Bank Rental Agreement No. 528

Effective until December 31, 2024

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



Idaho Water Resource Board

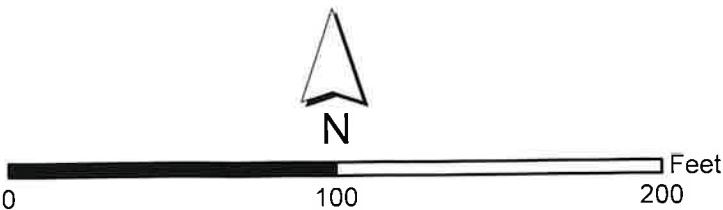
Attachment to Water Supply Bank Rental Agreement No. 528

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-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Township/Range
-  Sections
-  QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 05 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Jeffrey A. Wilcox & Carla L. Buffington, Trustees of the Wilcox Buffington Family Trust, dated 1/14/20

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)

37-2644E

37-22822

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Jeffrey A. Wilcox & Carla L. Buffington, Trustees of the Wilcox Buffington Family Trust, dated 1/14/20
Mailing Address 5728 Balmoral Drive, Oakland, CA 94619
Street City State Zip Code
Email Address jeffwilcox9@gmail.com Phone Number (925) 890-6199
- 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 James P. Speck Professional Title attorney
Organization Speck & Aanestad, A Professional Corp. Relationship to Applicant attorney
Mailing Address PO Box 987, Ketchum, ID 83340
Email Address jim@speckandaanestad.com Phone Number 208-726-4421

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**:
To temporarily irrigate native landscaping after planting until it can survive without water

- 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)
0.02 CFS	3.9 AF	0.02 CFS	3.9 AF	1.1 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?	
April 1, 2022	April 15, 2022	☐ 1	☐ 2	☒ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

Well, pump, pressurized sprinkler irrigation system. No system is available to divert and deliver water from a
surface water source

- 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
well	ground water	none

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

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

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

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

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

- ☒ Irrigation 1.1 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
None

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
37-2644E	irrigation	0.07	12.3	3.5		0.02	3.9	1.1
37-22822	irrigation	0.32	N/A	5.6		0.06	N/A	1.1
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	0.08	3.9	1.1
						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**:

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:

- 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

Per Remington Buyer May 29, 2018 Memo re. these water rights, "There are no supplemental conditions on water right 37-2644E, and it can therefore be used as a primary water right, provided that a proportionate amount of 37-22822 is also rented." So we have done that even though we can't use 37-22822.

DECLARATION

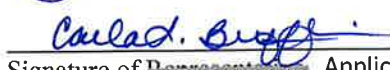
I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is 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

Jeffrey A. Wilcox, Trustee

Printed Name of Applicant

2.22.21
Date


Signature of Representative Applicant

Carla L. Buffington, Trustee

Printed Name of Representative Applicant

2.22.21
Date

Mail to:

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

Jeffrey A. Wilcox & Carla L. Buffington, Trustees
Application to Rent Water Rights
Attachment 2





IDAHO DEPARTMENT
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 31, 2022

WILCOX BUFFINGTON FAMILY TRUST
5728 BALMORAL DR
OAKLAND, CA 94619-2402

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-22019 AGREEMENT 528**

Dear Renter:

Please find enclosed a receipt in the amount of **\$78.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.9 acre-feet of water for irrigation of 1.1 acres during 2022. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$70.20 of the rental fee will be paid to the lessor(s) and 10% or \$7.80 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

Enclosures: Receipt No. C112229
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Jim Speck
Water District 37
Galena Ground Water District



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

March 14, 2022

WILCOX BUFFINGTON FAMILY TRUST
5728 BALMORAL DR
OAKLAND, CA 94619-2402

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-22019 AGREEMENT 528**

*****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 \$78.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 3.9 acre-feet.

Please send a check for \$78.00 for 2022 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Pursuant to the Water Supply Bank Rules, 90% or \$70.20 of the rental fee will be paid to the lessor(s) and 10% or \$7.80 will be retained by the Department to offset administrative costs for **2022**.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk
Jim Speck

MEMORANDUM FOR AGREEMENT # 528

To: Water Right(s) 37-22019

From: Mary Condon

Date: November 8, 2021 - February 15, 2022

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

PURPOSE/NARRATIVE: Application to rent groundwater right 37-2644 E, with stacked surface water right 37-22822, received on March 5, 2021, for establishing native vegetation from groundwater, to begin in 2022 for three years. Shortly after receiving the application for rental of the specific rights, the owners of the leased rights submitted historical use information stating the groundwater use was supplemental to the surface water use, and as such cannot be used as a primary water right for the rental application. Subsequent review of the rental application included finding a different water right, where 37-20900 was then selected, only to again be dismissed since the water right can only be rented within the Elkhorn Village aquifer.

Finally, water right 37-22019 was selected for the groundwater rental for a period of 3 years, from 2022-2024.

Authority to File: The application was prepared by the applicant's representative, Jim Speck, and signed by both Jeffery Wilcox and Carla Buffington as trustees. Review of the Blaine County Assessor page shows that the land is currently held by the Wilcox Buffington Family Trust. No concerns with authority to file.

Water Right Validity/Forfeiture Evaluation: The water right 37-22019 was developed as a primary groundwater right and had an extension of time to resume use until July 2021. The entire right was placed into the bank at the beginning of 2021 until the end of 2025 to avoid forfeiture and is currently supporting several rentals. The two most recent transfers were approved in 2020, just before acceptance into the bank. No concerns with validity.

Injury Evaluation: No injury is apparent through the rental as the applicant is seeking the use of a water right, leased to the Bank, for the establishment of native vegetation. Additionally, as the acreage falls within the Galena Ground Water District, a water right was identified that was also within the same area such that there should not be an overall impact of the movement of the water right. The rental place of use is in Gimlet and the leased right in the City of Hailey.

Enlargement of Use: No enlargement is evident as the applicants are seeking to irrigate native vegetation as landscaping on acreage that does not feature a permanent water right, nor does it fall within a municipality. Proof report for water right 37-22019 has a supplemental condition, the water is used with Hiawatha Canal water – a reference to possible overlap with water right 37-10717 – however, a memo to the file in 2017 from Southern Region Manager, Corey Skinner, states additional information was requested from the applicant regarding the overlap, and after presentation of evidence there was no overlap, the memo states the supplemental surface water conditions would be removed. Duty of water for leased right is .02 cfs per acre and 3.5 acre-feet per acre, same as the request for rental for 1.1 acres, equal to 0.02 cfs and 3.9 (rounded) acre-feet per acre.

Local Public Interest: Staff are unaware of any local public interests that are averse to the rental.

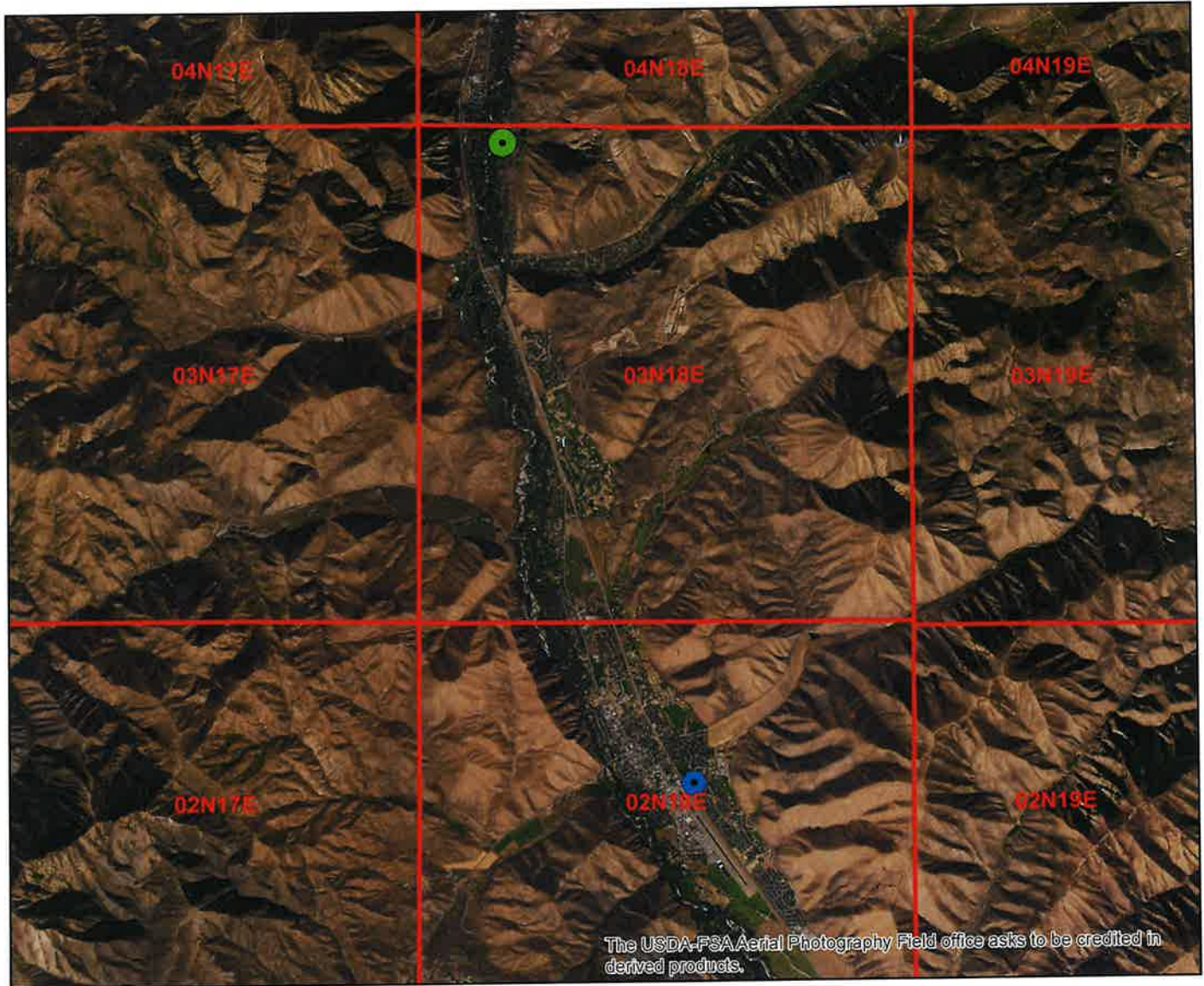
Beneficial Use/Conservation of Water Resources: The rental appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Previous requests made to the watermaster for district 37 and IDWR Southern Region on April 15, 2021 for the use of water rights 37-2644E and 37-22822, then on November 8, 2021 for use of only water right 37-20900. Request for comments to rent right 37-22019 made on February 16, 2022.

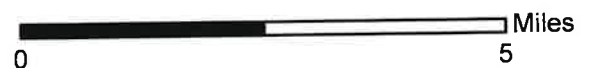
Water Supply Bank Evaluation: Bank staff recommend the approval of this application for the Wilcox Buffington Family Trust through the end of 2024 for the establishment of native vegetation.

Idaho Water Resource Board

Move Map 37-22019
Agreement 528



-  Authorized Rental Point of Diversion
-  Active Water Supply Bank Lease POD
-  Township/Range



Condon, Mary

From: Condon, Mary
Sent: Wednesday, February 16, 2022 10:41 AM
To: watermanager@wd37.org
Cc: Skinner, Corey; Hummer, Phill; Bank
Subject: Wilcox Rental 2022-2024 37-22019
Attachments: Move Map 528.pdf; Rental Map - Wilcox Buffington.pdf; Rental Review Memo 37-22019.docx

Good morning,

Please see the attached rental review memo and move map for the proposed rental, and kindly respond with comments or concerns within 14 days.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator



IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

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

From: [watermanager](#)
To: [Condon, Mary](#)
Subject: RE: Wilcox Trust Rental 2006/528
Date: Monday, December 20, 2021 7:32:36 AM
Attachments: [image002.png](#)

Hey Mary,

Sorry it took so long to get back to you. 1888 in the East Fork and main stem Wood River goes off late June or early July, so would not give a full season of supply.

Kevin

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Thursday, December 16, 2021 3:27 PM
To: watermanager <watermanager@wd37.org>
Subject: FW: Wilcox Trust Rental 2006/528

Hi Kevin,

I am trying to locate a viable rental of groundwater for 1.1 acres of irrigation, just above the East Fork Big Wood River, in Sec 5 & 6, T13N R18E. The closest leased water available is just below the East Fork, originally surface water from the East Fork, and through a transfer is now entirely groundwater, at times when flows when the original point of diversion has sufficient flows.

Remington suggested I ask you if the 1888 priority date on the EF BWR is sufficient to authorize a diversion of GW for the entire irrigation season of use.

The rental application requested 3 years to establish native vegetation surrounding a new build home, and not a long-term, water dependent landscape.



Thank you,
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: Thursday, December 16, 2021 2:57 PM

To: Condon, Mary <Mary.Condon@idwr.idaho.gov>

Subject: RE: Wilcox Trust Rental 2006/528

Water right 37-159B was originally developed as an 1888 surface water right from the East Fork of the Big Wood River. Through a transfer, they changed it to being a ground water right, but it remains administered as if it were a surface water right. I'm not sure about the EF of the BWR, but BWR rights on the main typically need to be at least an 1881 priority to be a high-security water right. You might ask Kevin about whether an 1888 priority date on the EF BWR is sufficient to authorize a year-round diversion of GW. If he says yes, this could be a candidate for a rental by the Wilcox Trust. Although the GW location currently is below Gimlet, and moving it above Gimlet will concentrate 100% of the impact of the GW pumping on the IWRB's MSF on the BWR, the fact that this was originally a SW right and that it is only divertible when the flows on the EF BWR are sufficient might be sufficient to mitigate the concentrated impact to the BWR MSFs.

If an 1888 priority date on the EF BWR is not sufficient, we may need to use the City of Hailey's GW right 37-22019 and make the rental subordinate to the IWRB's MSF WR.

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>

Sent: Thursday, December 16, 2021 11:53 AM

To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>

Subject: RE: Wilcox Trust Rental 2006/528

Remington,

I am having difficulty finding a groundwater right, not supplemental to surface water, to fulfill this request. The closest available groundwater right is 37-159 B, but the condition states, "Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the East Fork of the Wood River..." the rental is just above the East Fork, Sec 5 & 6, T13N R18E

Mary

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Tuesday, November 9, 2021 9:51 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: RE: Wilcox Trust Rental 2006/528

It's not easy to find. We did try to summarize this in the last review memo (see attached), but because of some irregularities associated with that lease, you probably wouldn't have come across this information if you weren't actively looking—it looks like we never profiled the cancelled lease contract 1056 documents, and the application through contract profiling in the software system didn't include the lease memo.

If you review the water right backfile information for transfer 83058 you can glean some of the perspective.

Ground water management in the WRV is a work in progress. Mary, you and I should stay coordinated on basin 37/WRV leases and rentals moving forward, so I can keep you abreast of the IWRB's evolving perspectives and actions regarding water resource management in the valley.

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Tuesday, November 9, 2021 9:35 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: RE: Wilcox Trust Rental 2006/528

My apologies, I had no idea there was any issues with movement there. Where is the information this causes injury that I missed?

Mary

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Tuesday, November 9, 2021 9:31 AM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: Wilcox Trust Rental 2006/528

If we have not already mailed this rental, please hold on mailing it. If we have already mailed this rental, please do not execute it upon return.

Water right 37-20900 authorizes a diversion of ground water from Eklhorn subdivision, which is

considered to be a separate aquifer than the Wood River Valley alluvial aquifer. Analyses by IDWR hydrology has determined that as much as 2 af of ground water from the Elkhorn Bench might flow to the main stem of the Wood River Valley, annually. This rental of 37-20900 in the main stem of the WRV would likely result in a real increased annual depletion of WRV ground water by as much as 4.7 af.

The IWRB protested a transfer similar to this rental back in 2019 (transfer 83058) on the grounds that such a movement of 37-20900 into the mainstem of the WRV would cause injury.

Moving forward, we should ensure that 37-20900 is only rented within the Elkhorn Bench drainage, or, that a rental of the right in the main of the WRV authorizes no more than 2 af of consumptive use diversions.

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

Sent: Monday, November 8, 2021 8:11 AM

To: Condon, Mary <Mary.Condon@idwr.idaho.gov>

Cc: Bank <Bank@idwr.idaho.gov>

Subject: Wilcox Trust Rental 2006/528

Do you know what is going on with this rental? It looks like one that Justin reviewed but it has a 2022 start date. They requested a rental of 37-2644E and 37-22822 for 3 years but Justin drafted an agreement with 37-20900 for 1 year. If a rental of water right 37-20900 for one year is okay, I can proceed with review and mailing. Otherwise, please let me know what is going on with this rental.

-Phill

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
(retired)

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RECEIVED

MAR 05 2021

DEPARTMENT OF
WATER RESOURCES

March 3, 2021

Remington Buyer
Water Supply Bank Coordinator
IDWR
322 E. Front St.
Boise, Idaho 83720-0098

**Re: *Application to Rent Water From the Board's Water Supply Bank
Nos. 37-2644E and 37-22822***

Dear Remington:

Enclosed you will find the original and one copy each of the above-referenced Application.

Please receipt date-stamp the copy and return the copy to me in the postage prepaid self-addressed envelope I have included for that purpose. Kindly call me right away if you have any questions about this Application.

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

Enclosure

cc: Jeffrey A. Wilcox and Carla L. Buffington (w/enclosure) via email