

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 588

RECEIVED

DEC 21 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

CHAD CARDENAS
575 FOX CREEK ROAD
SWAN VALLEY, ID 83449

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)
35-13340	11/13/1972	GROUND WATER	0.11	20.8	5.2	0.021	4.0
35-13362	11/13/1972	GROUND WATER	0.01	2.8	0.7	0.018	4.0
Combined Limit Totals			0.11	23.6	5.9	0.019	4.0
Combined Rental Totals			0.11	23.6	5.9	0.019	4.0

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

Annual Rental Fee:

2022: \$472.40

The full fee for the rental of the above-described right(s) is \$472.40 for 2022. The rental fee includes an administrative fee of \$47.24 for 2022. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
RECREATION STORAGE	0.11	17.7
Total	0.11	17.7

*** The authorized water usage reflects a reduction from the water right elements rented, to account for enlargement concerns.**

Detailed water right conditions are attached.

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The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:



Signature of Renter

12/17/21

Date

Chad D. Cardenas

Printed Name

Renter

Title

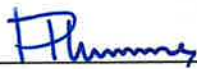
*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 12/22/21

Rental approved by IDWR 

Date 12/22/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 588

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec. 2, Twp 01N, Rge 43E, BONNEVILLE
County

BENEFICIAL USE
RECREATION STORAGE

DIVERSION RATE
0.11 CFS

VOLUME
17.7 AF

SEASON OF USE

Water Right No.	From	To
35-13340	4/15	12/31
35-13362	4/15	12/31

RENTERS PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	43E	2									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. This rental does not authorize the drilling of a well.
10. Rights 35-13340 and 35-13362 authorize 17.7 acre-feet to be used for the initial filling or carryover storage of the pond.
11. The pond established by the storage of water under this right shall not exceed a total capacity of 17.7 acre-feet or a total surface area of 2.0 acres.

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12. Water stored under this rental is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This rental does not guarantee the maintenance of any particular ground water level.
13. Use of water under this rental is for a one time fill of the pond described above. Additional water to maintain a full pond or to replace evaporative losses is not authorized under this rental.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 588

Effective until December 31, 2022

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



● Authorized Rental Point of Diversion

□ Authorized Rental Place of Use

□ Township/Range

□ Sections

□ QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKSEP 27 2021
DEPARTMENT OF
WATER RESOURCESApplicant Name: Chad D. Cardenas

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 <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	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)

35-13340

35-13362

2154

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Chad D. Cardenas
- Mailing Address 575 Fox Creek Rd, Swan Valley, ID 83449
- Street City State Zip Code
- Email Address chadcardenas@yahoo.com Phone Number 310-880-3652
- 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 Kristin Moore Professional Title Senior Water Rights Analyst
- Organization Rocky Mountain Water Exchange, LLC Relationship to Applicant _____
- Mailing Address 482 Constitution Way, Suite 303, Idaho Falls, Idaho 83402
- Email Address kristin.rmea@gmail.com Phone Number 208-524-2353

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**:
- Applicant proposes to develop a new pond that will be approximately 2.0 acres in surface area and up to 21.5' deep. Volume of the pond is calculated to be 17.2 acre-feet. First-time fill of the pond will be mitigated through water rented from the Water Supply Bank for Spring of 2022.

- 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)
0.12 CFS	17.2 AF	0.11 CFS	17.2 AF	5.9 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

- C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/2022	10/15/2022	☒ 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):

The pond will be excavated in a high ground water area and is expected to fill naturally. In addition, a well will be installed adjacent to the pond (upon approval of a pending transfer) that can deliver water directly if needed.

- 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
New Well	Groundwater	A portion of 35-7720 (pending transfer)
T1N R43E Sec 2 NESW		

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: Storage - pond fill from: 4/15/2022 (mm/dd) to: 10/15/20 (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.

When the pond is excavated, it is anticipated that it will fill naturally with ground water. If the well is required to fill the pond, it will be diverted at the authorized rate.

- 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 water rights for pond fill. However, a pending transfer of 35-7720 will provide water rights for pond maintenance for evaporation.

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)
35-13340	Irrigation, Commer	0.47	88.8	22.2		0.11	20.8	5.2
35-13362	Irrigation	0.05	11.2	2.8		0.01	2.7	0.7
		0.47	100	25		0.11	23.5	5.9
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	0.11	23.5	5.9
						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**:

NA

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**:

Actual consumptive use amounts for the rental water rights are not known and were assumed to be 3.0 afa per acre according to the standard consumptive irrigation requirement. 5.9 acres x 3.0 afa/acre = 17.7 afa

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:

Yes. Applicant is also transferring 2.0 acres from WR 35-7720 for recreation storage and irrigation use. The storage component will be used to replace evaporative losses. This rental is still required to provide the first-time fill.

- 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

Chad D. Cardenas
Printed Name of Applicant

9/15/21
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

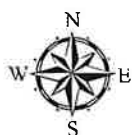
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098



0 0.02 0.04 0.09 Miles

2019 NAIP

- Proposed POD
-  Overlapping Wetlands (0.4 acres)
-  Proposed Pond POU
-  Chad Cardenas (Lot 8 Block 2)
-  Twn & Rng
-  Section
-  QQ



Water Supply Bank Rental App.

Chad Cardenas

Project #: 21-0155

Drawn by: AD

Date: 9/13/2021



Rocky Mountain
ENVIRONMENTAL™
ASSOCIATES, INC.

Eastern Snake Plain Aquifer Modeling Analysis and Narrative

Water Supply Bank Rental Application of WR# 35-13340 and 13362

The Applicant requires rental water for the first-time fill of a new pond. This application proposes to rent water from water right nos. 35-13340 and 35-13362 that will cover the volume required.

Data Input Values

The TO Well location is the pond location, through which ground water will rise naturally to fill the pond. In addition, a well will be located adjacent to the pond that will have the ability to contribute water for filling, if needed. Since the proposed POU is outside of the ESPAM grid, the closest model cell was used, which is identified as R78 C180.

The FROM Well location is two points of diversion located within the same model cell R81 C135. Figure 1 shows the locations of the points of diversion used in the modeling scenario.

Figure 1. ESPA Model Grid



The standard consumptive use volume of 3.0 afa/acre for a total of 17.7 afa, or 5.9 af/trimester, was used to calculate a volume for modeling.

Results

Using ESPAM 2.1 to simulate the depletions of transferring 17.7 af to the proposed place of use, the affects do not exceed the threshold of 2.0 af/trimester. No mitigation is required. Figures 2-4 include excerpts from the model simulation.

Figure 2. Data Entry

ENHANCED GROUND-WATER RIGHTS TRANSFER
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON
 TRANSFER NO: 35-13340 & 13362
 YEAR: 1972
 SEASON: WINTER
 TRANSFER NAME: Cardenas Rental

UPDATE DATES RUN MODEL GET OUTPUT

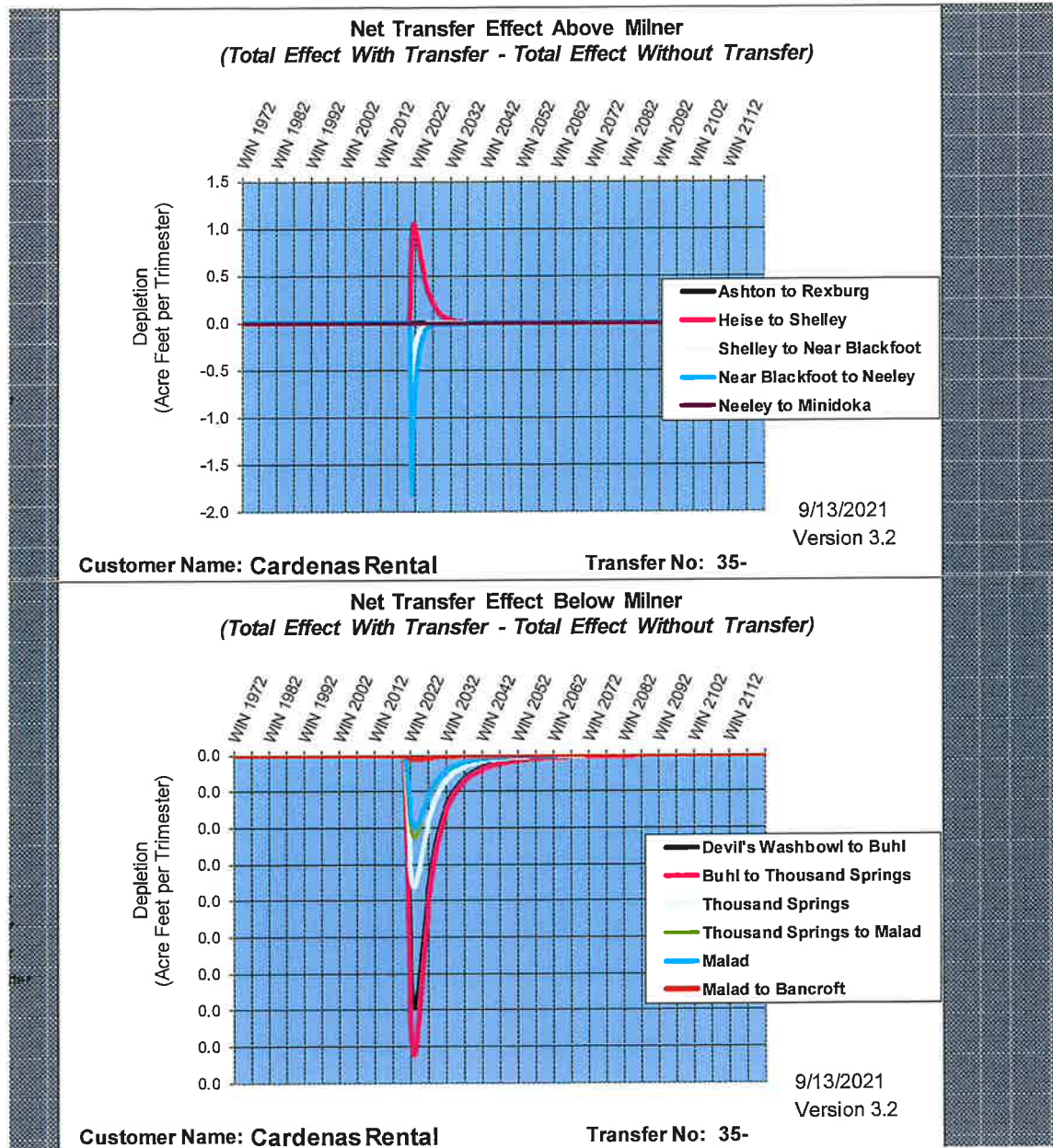
CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	78	81	0	0
COLUMN	180	135	0	0

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
WIN 1972	0	6	6	0	0	0	0
SPR 1973	0	6	6	0	0	0	0
SUM 1973	0	6	6	0	0	0	0
SPR 2019	0	6	6	0	0	0	0
SUM 2019	0	6	6	0	0	0	0
WIN 2019	0	6	6	0	0	0	0
SPR 2020	0	6	6	0	0	0	0
SUM 2020	0	6	6	0	0	0	0
WIN 2020	0	6	6	0	0	0	0
SPR 2021	6	0	6	0	0	0	0
SUM 2021	6	0	6	0	0	0	0
WIN 2021	6	0	6	0	0	0	0
SPR 2022	0	6	6	0	0	0	0
SUM 2022	0	6	6	0	0	0	0
WIN 2022	0	6	6	0	0	0	0
SPR 2023	0	6	6	0	0	0	0
SUM 2023	0	6	6	0	0	0	0
WIN 2023	0	6	6	0	0	0	0
SPR 2024	0	6	6	0	0	0	0

Figure 3. Net Transfer Graphs



4

[illegible]



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

Governor Brad Little

Director Gary Spackman

December 27, 2021

CHAD CARDENAS
575 FOX CREEK RD
SWAN VALLEY, ID 83449

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-13340 & 35-13362 AGREEMENTS 588**

Dear Renter:

Please find enclosed a receipt in the amount of **\$472.40** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 23.6 acre-feet of water for recreation storage 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 \$425.16 of the rental fee will be paid to the lessor(s) and 10% or \$47.24 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. C111576
Rental Agreement (copy)

c: Sascha Marston – Fiscal



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

November 29, 2021

CHAD CARDENAS
575 FOX CREEK RD
SWAN VALLEY, ID 83449

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-13340 & 35-13362 AGREEMENT 588**

*****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 \$472.40 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 23.6 acre-feet.

Please send a check for \$472.40 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 \$425.16 of the rental fee will be paid to the lessor(s) and 10% or \$47.24 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
Kristin Moore

Smith, Tyler

From: Smith, Tyler
Sent: Monday, November 22, 2021 10:20 AM
To: Cefalo, James
Subject: Water Supply Bank Rental WR's 35-13340 & 35-13362
Attachments: Move Map.pdf; Rental Agreement 588.docx; rental map.pdf; Rental Review Memo.docx

James,

We received an application to rent water rights 35-13340 and 35-13362 from the water supply bank. Attached is a copy of the draft rental agreement with map and review memo for your review. Please provide any comments or concerns you have with the proposed rental within the next 7 days. If no comments are received in the next 7 days, I will assume there are no issues with this rental and proceed with processing.

Best,

Tyler Smith

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MEMORANDUM FOR AGREEMENT # 588

To: Water Rights 35-13340 & 35-13362
From: Tyler Smith
Date: November 12, 2021
Re: Water Supply Bank Rental Application 2154

Purpose/Narrative: An application was received by the Department on September 27, 2021 from Chad D. Cardenas (Applicant), who is requesting a rental of Eastern Snake Plain Aquifer (ESPA) ground water rights, to authorize the filling of a pond on property owned by the Applicant, located in Bonneville County. The Applicant has requested approval of a one-year rental, which is the anticipated amount of time required to fill the pond. The pond has an anticipated surface area 2.0 acres and will be excavated to approximately 21.5 feet below the surface level. The pond is expected to fill naturally with groundwater and a well will be installed adjacent to the pond upon approval of a pending transfer that will provide water directly to the pond if needed.

The Applicant provided ESPA ground water modeling with their rental request for water rights 35-13340 and 35-13362. These water rights are located within the ESPA model grid, while the rental place of use (POU) is located outside of the grid. The ESPA model grid closest to the rental POU (R78 C180) was used to run the model.

Authority To File: The application was completed by Kristin Moore of Rocky Mountain Water Exchange, LLC and was signed by Chad Cardenas. Chad is listed as the owner of the property where the rental will occur. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The water rights requested to be rented are valid and available for rental. No concerns about the validity of the water rights requested for rental.

Injury To Other Water Rights: Because this rental request is for ESPA ground water, ESPA modeling must be evaluated to ascertain whether injury is apparent under the proposed rental. A review of ETRAN modeling for the rental of 6 acre-feet per trimester of water rights 35-13340 and 13362 at the rental location does not indicate that injury should occur. Although the lease POD is within the ESPA Model outline, and the rental place of use is outside the model outline, the aquifer layer in ArcGIS shows that the rental POU is still within the greater ESPA and is therefore allowed.

The modeling submitted with the application used 6 af/trimester, based on the need for 17.7 af at the place of use divided by 3 trimesters. These values were verified and when the model was run in-house, the same results were achieved, and no mitigation is required for this rental.

Enlargement Of Use: Water rights 35-13340 and 35-13362 are irrigation water rights, and the rental is for the filling of a pond, so a nature of use change is required for this rental. Therefore, only the consumptive portion of the water rights being rented can be used for the filling of the pond. The rental is only proposed for a year, and maintenance losses associated with the pond in the future will be covered by a pending transfer.

The standard consumptive volume at the leased water right's POU's is 3.0 af/acre. Calculations to determine the amounts still rentable from water rights 35-13340 and 35-13362 after accounting for outstanding rentals, which can be found in the appendix of this memo, determined that there are 5.9 acres available for rent, which is the amount that was requested for this rental (Note: the water availability statistics tab in the Water Supply Bank software showed a negative amount available for rent

for these water rights). The 5.9 acres available multiplied by the consumptive volume of 3.0 af/acre results in 17.7 af of consumptive volume available to rent.

A pond analysis spreadsheet for the pond proposed in this rental was completed, which can also be found in the appendix of this memo, and determined that 17.2 af is needed for the initial filling of the pond. Therefore, 5.73 acres ($5.73 \text{ acres} \times 3.0 \text{ af/acre} = 17.2 \text{ af}$) and 22.9 af ($4.0 \text{ af/acre headgate} \times 5.73 \text{ acres} = 22.9 \text{ af}$) at the headgate is needed to satisfy the filling of the pond. Since the 17.2 af of consumptive volume needed is less than the 17.7 af of consumptive volume requested to be rented (or 22.9 af at the headgate needed, and 23.6 af at the headgate available), there are no concerns with enlargement at this time.

Local Public Interest: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

Department Staff or Watermaster Comments: The rental POD is within the boundary of but is not subject to jurisdiction of Water District 01. IDWR Eastern Region comments were requested on November 22, 2021.

Water Supply Bank Evaluation: Bank staff recommend the approval of this application.

RENTAL REVIEW MEMO APENDIX A

Surface Area (AC.)	2
Average Pond Depth (FT.)	8.6
Pond Capacity (AF)	17.2

Fig. 1 – A snapshot of the pond analysis spreadsheet filled out by TS for the proposed pond where the rental will be used. The spreadsheet assumed no seepage since the pond will naturally fill with groundwater, and no evaporation since this rental is only for the initial filling of the pond. The surface area was given as 2.0 acres in the application. The average pond depth was determined by multiplying the maximum depth, 21.5 ft according to the application, by 0.4 (assuming a freeform polygon with sloped sides and bottom) to get an average pond depth of 8.6 ft. The total consumptive volume needed for the rental was found to be 17.2 af.

Amount rentable from the Bank from Lease Contract #845 (2019-2023)

Water Ri	cfs	af	acre limit	cfs/ac	af/ac
35-13340	0.47	88.8	22.2	0.021	4
35-13362	0.05	11.2	2.8	0.018	4
combined	0.47	100	25	0.019	4

Rental no. 345 from 4/19 to 12/23

Water Ri	cfs	af	acre limit	cfs/ac	af/ac
35-13340	0.04	7.6	1.9	0.021	4.0
35-13362	0.004	0.8	0.2	0.02	4.5
combined	0.04	8.4	2.1	0.021	4.0

proportionate

0.04	7.6	1.9	0.021	4
0.004	0.8	0.21	0.018	4.0
0.04	8.4	2.1	0.019	4.0

Remaing after rental 345

Water Ri	cfs	af	acre limit		
35-13340	0.43	81.2	20.3	0.021	4.0
35-13362	0.046	10.4	2.6	0.018	4.0
combined	0.43	91.6	22.9	0.019	4.0

Rental no. 494 from 4/21 to 12/23

Water Ri	cfs	af	acre limit	cfs/ac	af/ac
35-13340	0.17	32	8	0.02	4
35-13362	0.02	4	1	0.02	4
combined	0.17	36	9	0.02	4

proportionate

0.17	32.1	8.0	0.021	4
0.017	3.9	1.0	0.018	4
0.17	36	9	0.019	4

Remaing after rental 494

Water Ri	cfs	af	acre limit		
35-13340	0.26	49.1	12.3	0.021	4.0
35-13362	0.029	6.48	1.62	0.018	4.0
combined	0.26	55.6	13.9	0.019	4.0

Rental no. 515 from 4/1 to 12/23

Water Ri	cfs	af	acre limit	cfs/ac	af/ac
35-13340	0.15	28.4	7.1	0.02	4
35-13362	0.016	3.7	0.9	0.02	3.9
combined	0.15	32.1	8	0.02	4

proportionate

0.15	28.3	7.1	0.021	4
0.0164	3.7	0.9	0.018	4
0.15	32	8	0.019	4

Remaing after rental 515

Water Ri	cfs	af	acre limit		
35-13340	0.11	20.8	5.20	0.021	4
35-13362	0.012	2.82	0.70	0.018	4
combined	0.11	23.6	5.9	0.019	4

Fig. 2 – An analysis of the amount currently rentable for water rights 35-13340 & 35-13362 from lease contract #845 after accounting for rentals #345, #494 & #515. It was determined that there is 0.11 cfs, 23.6 af, and 5.9 acres currently available to rent, which is enough to satisfy this rental.