

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 562

RECEIVED

AUG 16 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

LAYNE H ASTLE
24377 A AND A RD
GRAND VIEW, ID 83624-5051

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)
2-7279B	2/8/1979	SNAKE RIVER	0.22	49.5	11.0	0.020	4.5
57-7022	9/14/1968	GROUND WATER	0.06	15.8	3.5	0.017	4.5
Combined Limit Totals			0.28	65.3	11.0	0.025	5.9
2-7059	4/9/1970	SNAKE RIVER	0.43	106.6	21.3	0.020	5.0
2-7275	12/13/1978	SNAKE RIVER	0.09	21.5	4.3	0.021	5.0
2-7061	4/9/1970	SNAKE RIVER	0.19	47.5	9.5	0.020	5.0
Combined Rental Totals			0.99	240.9	46.1	0.021	4.9

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2023. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2021, whichever occurs last.

Annual Rental Fee:

2021 - 2022: \$481.80 annually
2023: \$554.07 annually

SUPPORT DATA

IN FILE # 2-7059

The full fee for the rental of the above-described right(s) is \$481.80 per year for years 2021 - 2022 and \$554.07 for 2023. The rental fee includes an administrative fee of \$481.80 per year for years 2021 - 2022 and \$554.07 for 2023. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 2-7279 B, 2-7059, 2-7275, 57-7022, 2-7061.

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.90	225	45.0	0.020	5.0
Combined Total	0.90	225	45.0	0.020	5.0

** The authorized water usage reflects a reduction from the water right elements rented, to account for a diversion of only Snake River water rights, and a combined limited diversion rate of 0.02 cfs/ac and 5.0 afa/ac.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 562

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

8-12-21
Date

Layne H. ASTLE
Printed Name

owner
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 9/9/21

Rental approved by IDWR 

Date 9/9/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 562

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER 9SESW Sec. 34, Twp 05S, Rge 04E, OWYHEE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.90 CFS

VOLUME
225 AF

SEASON OF USE

Water Right No.	From	To
57-7022	3/15	11/15
2-7275	3/15	11/15
2-7059	3/15	11/15
2-7061	3/15	11/15
2-7279B	3/15	11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	03E	8			3.5										37	0.8		3.7	45

Total Acres: 45

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 562

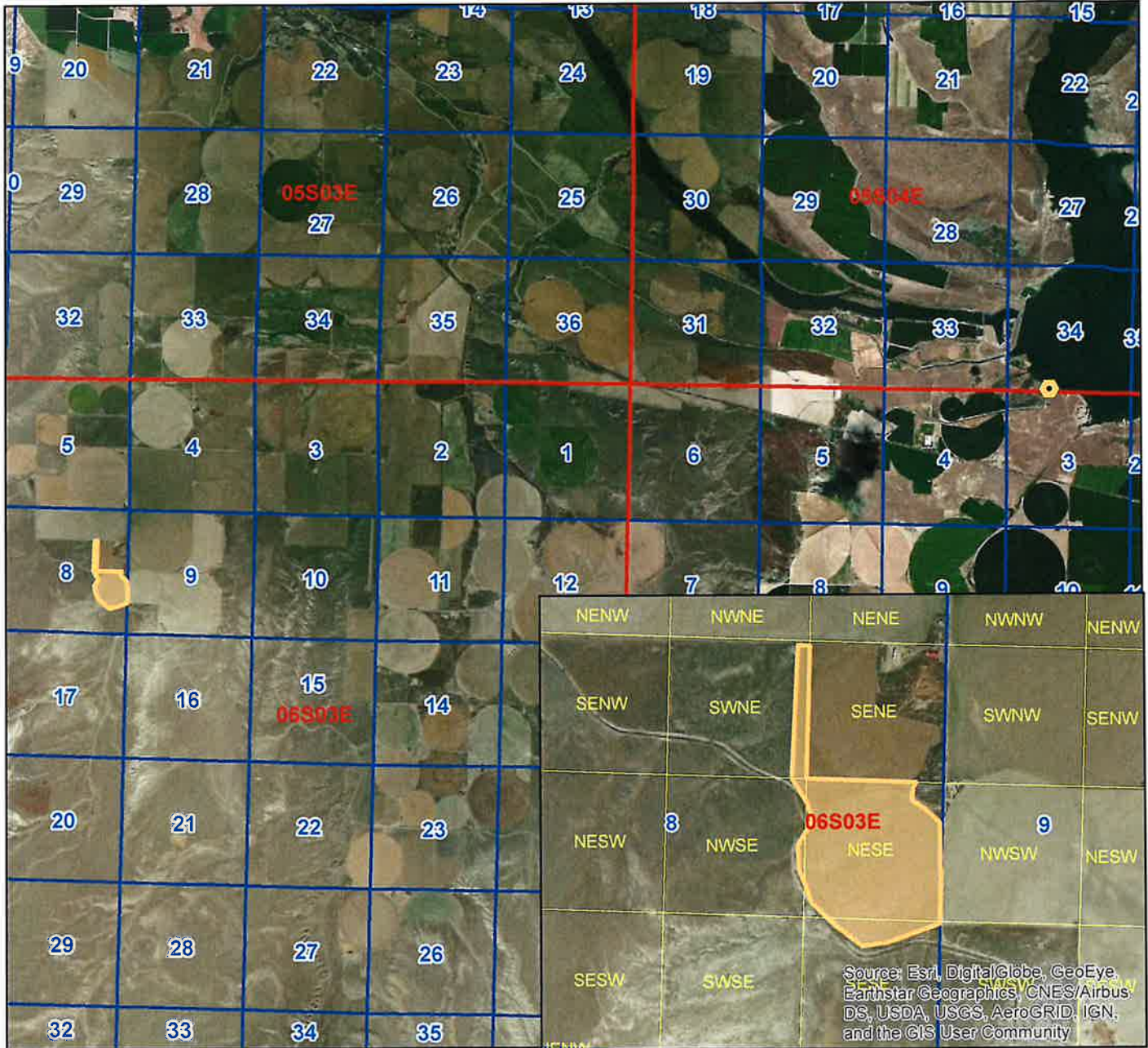
10. The use of water for irrigation under this rental, when combined with the unleased extents of water rights 57-7022, 2-7279B, 2-7059 and 2-7275 is limited to a maximum irrigation of 595.4 acres annually.
11. The use of water for irrigation under this rental may begin as early as March 1 under water rights 2-7275 and 2-7059, provided other elements of the rented water rights are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.

Idaho Water Resource Board

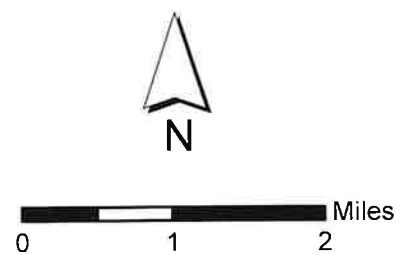
Attachment to Water Supply Bank Rental Agreement No. 562

Effective until December 31, 2023

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



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



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Print Form

Applicant Name: Layne AstleIs this application being submitted with a lease application as a lease/rental package?
If yes, specify companion water rights in Section 4Yes ☐ No ☐

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

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 Layne H. Astle

Mailing Address 24377 A and A Rd. Grandview ID 83624
Street City State Zip Code
 Email Address majekcattle@gmail.com Phone Number 208-834-2720 861-5732

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 _____ Professional Title _____
 Organization _____ Relationship to Applicant _____
 Mailing Address _____
 Email Address _____ Phone Number _____

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**:

Irrigation

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)
0.80 CFS	219.5 AF	0.80 CFS	219.5 AF	45 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?	
01/01/2021	03/15/2021	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

- 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):

- 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
Bybee Lateral	Snake River	

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 45 (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:

2-7062 leased to the bank.

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

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)
2-7279B						0.22	49.5	11
57-7022						0.06	15.8	3.5
2-7059						0.43	106.6	21.3
2-7275						0.09	21.5	4.3
2-7062						0.17	42	8.4
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	0.97	235.4	45
						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**:

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

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

Layne ASTLE
Printed Name of Applicant

3-19-2021
Date

Signature of Representative

Printed Name of Representative

Date

Print Form

Mail to:

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

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:

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 [IDWR's website](#) for information on GWMAs or CGWAs, visit [IDWR's website](#) 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:

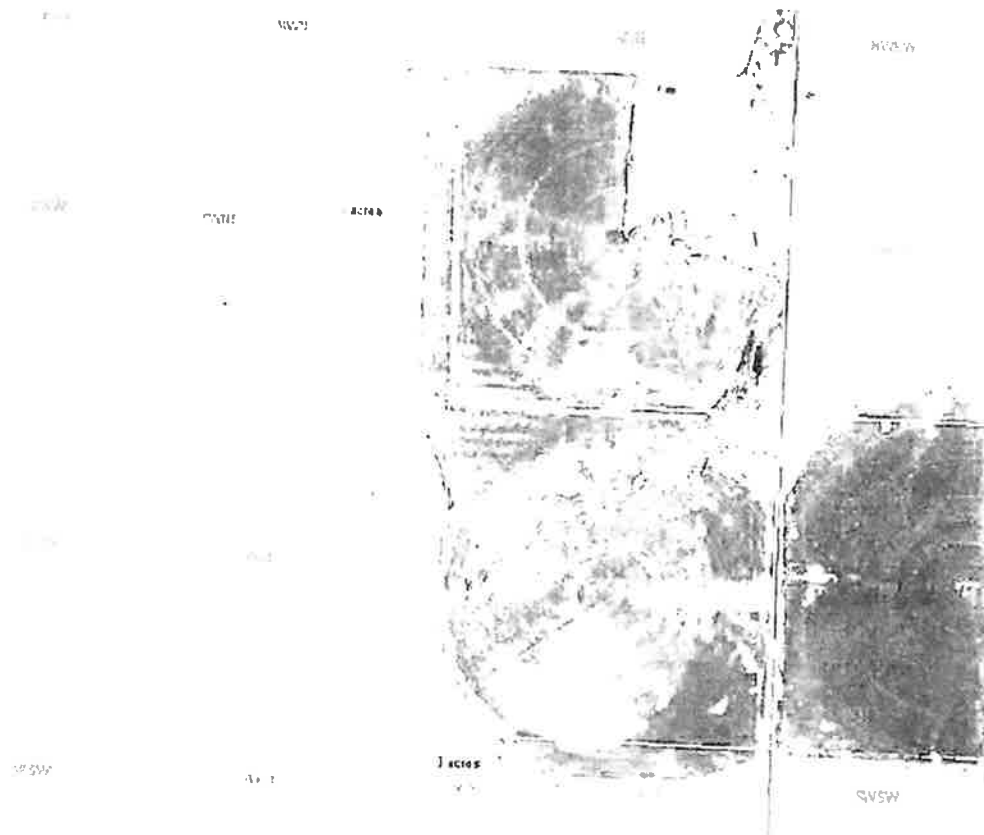
- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

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.

Rental Map Layne Astle



Lease Agreement

This lease agreement shall serve as the outline of the lease agreement between the Lessor, Terry Field, and the Lessee, Layne Astle. Lessor agrees to lease forty-five acres in S8, TWP065, RGE03E, to the lessee beginning in March 2014, which shall be renewed each year, so long as both parties agree. The lessor will supply all water, irrigation equipment, and all expenses that are incurred while operating it. Lessee will pay to lessor, the sum of fifty dollars per acre. Lessor and lessee enter into said lease agreement on this the 21st day, of the month MARCH, in the year 2014.



Lessor/Terry Field



Lessee/Layne Astle



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 14, 2021

LAYNE HASTLE
24377 A AND A RD
GRANDVIEW, ID 83624-5051

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7279B, 57-7022, 2-7059, 2-7275 & 2-7061 AGREEMENTS 562**

Dear Renter:

Please find enclosed a receipt in the amount of **\$481.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 240.9 acre-feet of water for irrigation of 45 acres during 2021. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$481.80.**

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. C110730
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office



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

August 9, 2021

LAYNE ASTLE
24377 A AND A RD
GRAND VIEW, ID 83624-5051

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 562 FOR WATER
RIGHT(S) 2-7279B, 57-7022, 2-7059, 2-7275 & 2-7061**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on July 23, 2021. The Department received the rental payment of \$481.80 on August 6, 2021. The signed agreement was not included with the payment.

Please sign the rental agreement and return it within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 287-4800.

Sincerely,

Amanda Johnson-Veibell

Water Supply Bank



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 23, 2021

LAYNE H ASTLE
24377 A AND A RD
GRAND VIEW, ID 83624-5051

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7279B, 57-7022, 2-7059, 2-7275 & 2-7061, AGREEMENT 562**

*****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 **\$481.80** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 240.9 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$481.80.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$481.80 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

Buyer, Remington

From: Buyer, Remington
Sent: Monday, July 19, 2021 1:37 PM
To: Whitney, Rob
Subject: Basin 2 Rental
Attachments: Rental Map - Agreement 562.pdf; Rental Review Memo - Agreement 562.docx; Draft Rental Agreement 562.docx

Hi Rob,

Layne Astle is renting some of his own water rights, as well as a water right owned by Terry Field, to irrigate 45 acres of land owned by Mr. Field. This is a re-up from a prior rental in years past that recently expired. Please find attached my review memo, map and approval document. Please advise if you have any questions, comments or concerns.

Thanks,

Remington

Memorandum

To: Water Rights 2-7059, 2-7275, 2-7279B, 57-7022, and 2-7062
From: Remington Buyer
Date: July 16, 2021
Re: Water Supply Bank Rental Application 2105

Purpose/Narrative: Application submitted by Layne Astle on March 19, 2021, requesting a rental of his own water rights leased to the Bank (2-7059, 2-7275, 2-7279B and 57-7022) as well as a rental of water right 2-7062, for an authorization to irrigate approximately 45 acres owned by Terry Field. The 45 acres are largely authorized to be irrigated under water right 2-7062, however water right 2-7062 is fully leased into the Water Supply Bank, so this rental is necessary to irrigate the lands.

The renter is moving portions of his own water rights, which are situated adjacent to the rental location, to authorize irrigation of the 45 acres by Mr. Field. Water right 2-7062 is already fully rented in 2021, so it cannot be rented to Mr. Astle this year, however water right 2-7061, also owned by Terry Field, is leased to the Bank and will be rented to Mr. Astle.

This rental effectively continues a prior rental (agreement 319) under which Mr. Astle was authorized to irrigate 45.2 acres of the rental place of use in 2020.

Authority to File: Application has been submitted by Layne Astle. A lease agreement (from 2014) acknowledges that Layne can irrigate lands owned by Terry Field. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The water rights associated with this rental are all valid and there are no concerns about forfeiture.

Injury Evaluation: No injury is apparent under this rental.

Enlargement of Use: Mr. Astle has requested a diversion rate of 0.8 cfs and a diversion volume of 219.5 af for the irrigation of 45 acres (equivalent to 0.018 cfs/ac and 4.9 afa/ac). His water rights authorize irrigation of lands with Snake River water at a rate of 0.02 cfs/ac and 4.5 afa/ac or 5.0 afa/ac. To maintain consistency with his water rights, this rental will also authorize a diversion rate and volume sufficient to irrigate 45 acres with a duty of water of 0.02 cfs/ac and 5.0 afa/ac, equivalent

Water Right	Rate	Volume	Acres	Rate/AC	Vol/AC
2-7279B	0.220	49.5	11	0.020	4.50
57-7022	0.060	15.8	3.5	0.017	4.51
combined	0.280	65.3	11	0.025	5.94
2-7059	0.430	106.6	21.3	0.020	5.00
2-7275	0.090	21.5	4.3	0.021	5.00
2-7061	0.190	47.5	9.5	0.020	5.00
Total Rental	0.990	240.9	46.1	0.021	5.23
Snake River Water	0.930	225.1	46.1	0.020	4.88
Rental Authorization	0.900	225.0	45.0	0.020	5.00

to 0.9 cfs and 225 af, which can be accomplished based on a rental described in the table above. To ensure no enlargement occurs, a condition will be included under the rental affirming that the maximum extent of irrigation possible under this rental, when coupled with the unleased portions of water rights 2-7059, 2-7275, 2-7279B, and 57-7022, is 595.4 acres.

Local Public Interest: Staff have no information to suggest this rental is contrary to local public interests.

Beneficial Use/Conservation of Water Resources: Irrigation is a beneficial use and the irrigation practices appear to be consistent with the conservation of water resources.

Department/Watermaster Comments: This rental approval is subject to review and recommendations from IDWR Western Region and Water District 2 staff. Comments will be requested.

Water Supply Bank Evaluation: Subject to favorable review by watermaster and regional office staff, it is recommended this rental be approved.

Note: per the 2014 Lease Agreement between Terry Field and Layne Astle, Mr. Field is obligated to provide Mr. Astle with access to Mr. Field's 45 acres, inclusive of *"water, irrigation equipment, and all expenses incurred while operating it"* for which Mr. Astle will pay Mr. Field *"the sum of fifty dollars per acre"*. This lease agreement for 45 acres is therefore equivalent to \$2,250 annually. The approval of a diversion volume of 225 af for the irrigation of 45 acres equates to \$2,250/225 af, or \$10/af, which the Bank will authorize, however the admin fees for this rental will be based on the current rental rates of \$20/af (for years 2021 and 2022) and \$23/af (for 2023).