

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 568

RECEIVED

AUG 16 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

JAMES E DAVERMAN
310 ISLAND CREEK DR
VERO BEACH, FL 32963-3305

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)
37-458A	6/1/1883	CLEAR CREEK	0.01	2.1	0.6	0.02	3.5
37-11550	8/1/1979	GROUND WATER	0.01	1.8	0.6	0.02	3.0
Combined Rental Totals			0.01	2.1	1.2	0.02	3.5
Combined Limit Totals			0.01	2.1	1.2	0.02	3.5

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

SUPPORT DATA

Annual Rental Fee:

2021: \$42.00

IN FILE # 37-458A

The full fee for the rental of the above-described right(s) is \$42.00 for 2021. The rental fee includes an administrative fee of \$4.20 for 2021.

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)
MITIGATION	0.012	1.8	0.6	0.020	3.00
Combined Total	0.012	1.8	0.6	0.020	3.00

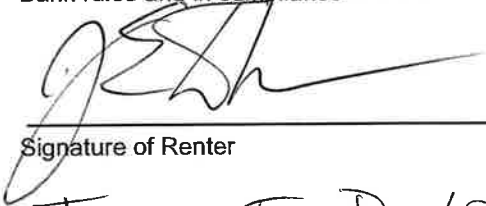
* The authorized water usage reflects a reduction from the water right elements rented, to account for the ground water right providing mitigation for ground water diversions under Temporary Water Use Approval TP - 37-101.

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

8/13/21

Date

James E. Daverman Trust, Authorized Signatory

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, Acting Administrator
Idaho Water Resource Board

Date 9/10/21

Rental approved by IDWR 

Date 9/15/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 568

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER 1NENE Sec. 6, Twp 03N, Rge 18E, BLAINE County

BENEFICIAL USE
MITIGATION

DIVERSION RATE
0.01 CFS

VOLUME
1.80 AF

SEASON OF USE

Water Right No.	From	To
37-458A	6/15	10/31
37-11550	6/15	10/31

RENTERS PLACE OF USE: MITIGATION

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	6	X L1																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. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, the water right is within State Water District No. 37.
10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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11. This agreement mitigates for the depletion of water resulting from the diversion and use of water under Temporary Approval TP37-101. If the mitigation portion of this agreement is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of TP37-101 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

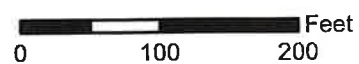
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 568

Effective until December 31, 2021

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

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

Applicant Name: James E. Daverman

Is this application being submitted with a lease application as a lease/rental package?
If yes, specify companion water rights in Section 4

Yes ☒ 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 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)

37-458A

37-11550

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant James E. Daverman
- Mailing Address 310 Island Creek Drive, Vero Beach, FL 32963
- Street City State Zip Code
- Email Address jdaverman@redfishpartners.com Phone Number 847-421-8391
- 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 Zach Latham Professional Title Hydrologist
- Organization Brockway Engineering PLLC Relationship to Applicant Consultant
- Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301
- Email Address zach.latham@brockwayeng.com Phone Number 208-736-8543

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**:

This rental will mitigate for 0.6 acres of irrigation under a concurrent temporary permit. The purpose of the temporary permit is for re-vegetation of disturbed areas associated with Joint Application for Permit No. S37-20547.

- 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)
0.012 CFS	2.1 AF	0.012 CFS	2.1 AF	AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
6/15/2021	7/1/2021	☒ 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.

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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):

No direct use. Non-use of 0.6 acres under 37-458A and 37-11550 will mitigate for a temporary permit.

- 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

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: **Mitigation** from: **6/15** (mm/dd) to: **10/31** (mm/dd)

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

N/A

- 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)
37-458A	Irrigation	0.08		4.0		0.012	1.8	0.6
37-11550	Irrigation	0.08		4.0		0.012	1.8	0.6
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	0.02	4.2	1.2
						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**:

Water rights were decreed in 2010 and leased to the bank within 5 years of that date. Validity is not in question.

See narrative.

Application to Rent Water (Continued)

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:
Temporary permit application

- 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
See narrative.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any false 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 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 42-281, 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.

J. E. Daverman
Signature of Applicant

James E. Daverman
Printed Name of Applicant

6/4/21
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

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

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

Narrative in Support of Temporary Permit Application and Mitigation with Water Bank Rental

Brockway Engineering, PLLC
June 4, 2021

The purpose of the temporary permit application is to provide irrigation water for establishment of newly-planted vegetation in floodplain and stream bank areas associated with, and required by, IDWR stream channel alteration permit S37-20547.

For this purpose, the applicant has recently obtained a water bank rental of a portion of 37-22019. However, this rental is subordinated to the minimum streamflow right in the Big Wood River and will be cut off when the streamflow at the Hailey gauge reaches 189 cfs, anticipated to occur as early as June 15 due to drought conditions in the basin.

To provide water for the remainder of the season, a temporary permit is being sought for groundwater diversion and irrigation of 0.6 acres from June 15 through the end of the 2021 season. Although the vegetation is establishing well, drought conditions in 2021 preclude meaningful natural precipitation and supplemental irrigation is needed. It is believed that 2021 will be the last year that irrigation is needed, but this will depend on natural precipitation in 2021 and 2022 and the response of the plants to 2021 irrigation.

The temporary diversion of groundwater will be mitigated by a water supply bank rental of 37-458A and 37-11550. These two rights are applicable to 4.0 acres of irrigation about 0.7 miles north of the applicant's property (see attached maps). 37-458A is from Clear Creek, and 37-11550 is a groundwater right for the same land. Clear Creek is a continuously-flowing spring-fed stream that flows across Highway 75 in a culvert, into the old Comstock Ditch, and continues in the ditch southward approximately 1.6 miles to a second crossing of Highway 75. Brockway Engineering made flow measurements in 2003 and determined that the flow in the creek was 0.76 cfs and the seepage loss was 0.32 cfs (143 gpm) in the reach from the inflow point to a point 200 feet below the second crossing of Highway 75. Water leased from 37-458A will remain in the ditch and seep to the aquifer, mitigating the temporary permit. In addition, 0.6 acres of the groundwater right 37-11550 will remain unused, directly mitigating the aquifer.

The Gimlet area groundwater and surface water hydrology is well-established. The aquifer recharged by infiltration along the Comstock Ditch is the same aquifer that exists at the applicant's property.

Consumptive use will balance, since the acreage will be the same on the rental and on the temporary permit.

The flow rate on 0.6 acres of 37-458A and 37-11550 is 0.012 cfs. From June 15 through October 31 (139 days), 3.3 acre-feet will be infiltrated under 37-458A, whereas the temporary permit requests 2.1 acre-feet. Mitigation by infiltration is sufficient, but the additional reduction of use under the groundwater right (to whatever extent it may have historically been used), provides further mitigation to the aquifer. There appears to be no question that the water balance is sufficient in this case.



JAMES E. DAVERMAN

0 30 60 120 Feet

Legend

- Well
- Water Bank Rental Area
- Township
- Section
- QQuarter



BROCKWAY ENGINEERING, PLLC
JJJ - Date: 6/4/2021

**TEMPORARY PERMIT APPLICATION
NAIP 2019 AERIAL PHOTO**



**MITIGATION OF TEMPORARY PERMIT APPLICATION USING 37-458A AND 37-11550
JAMES E. DAVERMAN**

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A.

Name of applicant James E. Daverman Phone (847) 421-8391

Mailing address 310 Island Creek Drive City Vero Beach

State FL Zip 32963 Email jdaverman@redfishpartners.com

Source of water Groundwater tributary to _____

Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	COVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
3N	18E	6			NE	NE	Blaine	Groundwater	Daverman Well
3N	18E				SE	NE	Blaine	Groundwater	Morrow Well

Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	6	0.6																

Proposed use of water:

- a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation
☒ Other (Limited to a diverted volume of 5 acre-feet.) Describe: Irrigation for establishing vegetation following SAP work

b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.

Amount of water. Complete all three:

- a. Maximum rate of diversion: 0.05 cfs or 22 gpm.
b. Maximum daily volume: 0.1 AF; or _____ gallons.
c. Maximum volume over the duration of the request: 5 AF; or _____ gallons.
Duration of diversion: from June 15, 2021 (month-day) to October 31, 2021 (month-day).

Describe proposed diverting works: Existing Well(s)

- a. Who owns the property at the requested point of diversion? Applicant and Applicant's neighbor
b. Who owns the facilities that will convey water to the place of use? Applicant and Applicant's neighbor
c. Who owns the land to be irrigated or place of use? Applicant and Applicant's neighbor
d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. Written authorization

Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

James E. Daverman Signature of Applicant Title, if any Date 6/4/21

Received by _____ Date _____ Time _____
\$0.00 fee received by _____ Date _____
Watermaster comments received? _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

___ A. The application for temporary approval should be denied because _____

___ B. The application for temporary approval should be approved, since

1. The temporary approval can be properly administered.
2. Other water sources are not readily available.
3. The approval is in the public interest.
4. The approval will not injure known public values associated with the water source or any known water rights.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendations of the watermaster.

This application is therefore hereby:

___ A. DENIED

___ B. APPROVED, subject to the following conditions:

1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk of the use of the water under this approval.
3. This approval authorizes a maximum diversion volume of _____ AF and a maximum diversion rate of _____ cfs.
4. This approval does not grant a right-of-way across the land of another.
5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
7. This approval does not create a continuing right to use water.
8. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
9. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
11. Other: _____
12. This approval expires on _____.

Signed this _____ day of _____, 20____.

For the Department



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 13, 2021

JAMES E DAVERMAN
310 ISLAND CREEK DR
VERO BEACH, FL 32963-3305

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-22019, 37-458A & 37-11550 AGREEMENTS 564 & 568**

*****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 \$84.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 4.2 acre-feet for rental 564.

A rental fee of \$42.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 2.1 acre-feet for rental 568.

Please send a check for \$126.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$113.6 of the rental fee will be paid to the lessor(s) and 10% or \$12.60 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham

Buyer, Remington

From: Skinner, Corey
Sent: Wednesday, July 28, 2021 3:30 PM
To: Buyer, Remington; watermanager@cableone.net
Subject: RE: WSB Rental Applications 2075 & 2120 for James Daverman

I am fine with these

From: Buyer, Remington
Sent: Wednesday, July 28, 2021 1:52 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Subject: WSB Rental Applications 2075 & 2120 for James Daverman

Corey, Kevin,

Attached are the review memos, maps and draft approvals for two Water Supply Bank rental applications submitted to IDWR this summer by James Daverman. I trust you both are familiar with Mr. Daverman's water use needs. Rental application 2075 (approved as rental agreement 564) is to authorize irrigation of 1.6 acres of Mr. Daverman's property with ground water, while rental application 2120 (approved as rental agreement 568) is to mitigate for ground water pumping occurring under Temporary Water Use Approval TP - 37-101.

Please advise if you have any questions, comments, concerns or recommendations on the draft approvals for Mr. Daverman.

Thank you,

Remington

MEMORANDUM FOR AGREEMENT # 568

To: Water Supply Bank Rental Application 2120
From: Remington Buyer
Date: July 28, 2021
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On May 12th, 2021, an application was received from James E. Daverman, through Zach Latham of Brockway Engineering, requesting a rental of a portion of irrigation ground water right 37-22019, to authorize the irrigation of 1.2 acres of the renter's 7.6 acre property, located adjacent the Big Wood River in Blaine County, as part of a riparian area vegetation project, authorized under Stream Channel Alteration Permit 37-20547. A rental of water right 37-22019 at the renter's location is subordinate to the Idaho Water Resource Board's 189 cfs minimum streamflow water rights on the Big Wood River (water rights 37-7919 & 8307) and the rental does not authorize diversions of ground water when the flow in the Big Wood River drops to 189 cfs.

To ensure access to a year-round supply of ground water for irrigation of vegetation under the stream channel alteration permit, Mr. Daverman, through Brockway Engineering, in June 2021 submitted to IDWR a temporary water use authorization application. The ground water source for the temporary water use authorization is the Big Wood River Aquifer (WRVA), which is largely designated as a ground water management area (GWMA) by IDWR. To avoid impacts to the GWMA, attributable to pumping under the temporary water use authorization, Mr. Daverman has requested a rental of water rights 37-458A and 37-11550, to be used as mitigation for his temporary water use authorization.

The portion of water right 37-458A available for rental authorizes a diversion of 0.012 cfs of water from Clear Creek, for the irrigation of 0.6 acres, situated less than one mile north of Mr. Daverman's rental location. The portion of water right 37-11550 available for rental also authorizes a diversion of 0.012 cfs of ground water from the WRVA, for the irrigation of the same 0.6 acres situated less than a mile north of the rental location. The ground water right is presumed to be supplemental to the surface water right and it authorizes irrigation at a duty of water of 3.0 afa/ac. Surface water right 37-458A can be used for an irrigation duty of water of 3.5 afa. Combined, the two water rights feature an overall diversion volume of 2.1 af, of which 1.8 af is attributable to groundwater from the WRVA.

AUTHORITY TO FILE: The property where rental water will mitigate for diversions under the temporary water use authorization is owned by the renter. No concerns about authority to file.

WATER RIGHT VALIDITY: Water rights 37-458A & 11550 are valid and available for rental from the Bank.

INJURY TO OTHER WATER RIGHTS: Water rights 37-458A & 11550 are being rented as mitigation for temporary water uses authorized under temporary approval TP - 37-101. Mitigation uses are by their nature not depletionary or injurious, and no injury is apparent through this mitigation rental.

ENLARGEMENT OF USE: It appears that TP - 37-101 might authorize ground water diversions of up to 0.05 cfs and 5 af, for the irrigation of 0.6 acres. The portions of water rights 37-458A & 11550 requested for rental authorize the irrigation of 0.6 acres, with a maximum combined diversion rate of 0.012 cfs and 2.1 af. Moreover, because this rental is to mitigate for impacts to the WRVA GWMA, enlargement will be avoided if the mitigation authorized under this rental is limited to 0.012 cfs and 1.8 af from ground water.

Buyer, Remington

From: Skinner, Corey
Sent: Tuesday, June 8, 2021 8:13 AM
To: Buyer, Remington
Subject: FW: Daverman / West Gimlet temporary water application with mitigation
Attachments: Narrative for temporary permit & mitigation 2021.pdf; Application for temp permit 2021 FLAT.pdf; WSB rental mitigation 2021 FLAT.pdf

Remington,

When you have a chance to look this over, can you give me a call?

Thanks,

Corey

From: Charles Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Monday, June 7, 2021 5:08 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Cc: 'Jim Daverman' <jdaverman@redfishpartners.com>; zach.latham@brockwayeng.com
Subject: Daverman / West Gimlet temporary water application with mitigation

Corey,

Please see the attached applications relating to temporary water usage for revegetation establishment on the West Gimlet project. As we discussed in our phone calls, the water usage would be mitigated by rental of an equivalent acreage from a surface right on Clear Creek and the associated groundwater right. The technical narrative provides a justification for this mitigation.

I have not directly interfaced with the water supply bank staff; I assume you can do that in course of your review.

I will have the application fee of \$50 delivered to your office tomorrow.

Thanks again for considering this, and let me know if you have any questions.

Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

Buyer, Remington

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, June 3, 2021 3:44 PM
To: Buyer, Remington
Cc: charles.g.brockway@brockwayeng.com; mike@ccdissposal.com
Subject: RE: Historic Ground Water Use

Remington,
Both surface water right 37-458A and ground water right 37-11550 have both been used for the irrigation of 4 acres under these two rights. The historic use of each source has not been documented or measured, so quantification is difficult. Please let me know if you have additional comments or questions, thanks for your time.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Buyer, Remington [mailto:Remington.Buyer@idwr.idaho.gov]
Sent: Thursday, May 20, 2021 2:19 PM
To: Zach Latham
Subject: RE: Historic Ground Water Use

Zach,

The attached letter is going out by mail tomorrow.

Remington

From: Buyer, Remington
Sent: Thursday, May 20, 2021 11:32 AM
To: 'Zach Latham' <zach.latham@brockwayeng.com>
Subject: Historic Ground Water Use

Zach,

The Water Supply Bank has recently reviewed and recommended approval of the rental of a number of irrigation ground water rights in the Wood River Valley for 2021. Many of these ground water rights authorize the irrigation of lands that are also authorized to be irrigated by surface water rights.

The Department has directed the Bank to seek out more information about the historic use of ground water under many of these water rights. The Department is concerned that many of the ground water rights in the Wood River Valley may be supplemental to surface water rights, and it might constitute an enlargement to allow for the rental of a ground water right if the ground water right will be the sole basis for water diversions under a rental.



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

May 20, 2021

JOE & CHERYL GOITIANDIA
PO BOX 2275
KETCHUM, ID 83340

RESPONSE DEADLINE:
June 4, 2021

RE: Action Required on WSB Lease Contract 984

Dear Lessor,

The Department of Water Resources (Department) has recently evaluated the potential rental of your Wood River Valley ground water right that is presently leased to the Water Supply Bank and determined that additional information should be considered to establish whether the ground water right is supplemental to surface water sources. Effectively, water right 37-11550 authorizes the irrigation of 4.0 acres from ground water, and these same acres are also authorized to be irrigated with surface water from Clear Creek under water right 37-458A. If surface water from Clear Creek has historically been used first, and ground water under 37-11550 has been used to supplement surface water from Clear Creek, then ground water right 37-11550 would be supplemental to water right 37-458A.

If water right 37-11550 is supplemental to 37-458A, then the Department may not be able to rent water right 37-11550 to a Wood River Valley water user who would seek to use water right 37-11550 as the sole basis for their diversion and use of ground water. If water right 37-11550 is supplemental to 37-458A, it can only be rented to a water user who is seeking to rent ground water, and who also already possesses a surface water right from Greenhorn Creek, or a hydraulically connected tributary.

However, if you can provide us with information regarding how much ground water has historically been diverted and used under 37-11550, we may be able to use that information to allow for a rental of 37-11550 as a primary water right, by limiting the amount authorized to be diverted under a rental to the amounts historically diverted by you, or prior owners of water right 37-11550, at its historically authorized location(s).

In order for us to continue renting water right 37-11550 as a primary ground water right, we require that you provide us with the historic ground water diversion and use information associated with the water right. If you can provide us with this information prior to the date above, we may still be able to allow for a rental of water right 37-11550 as a primary water right during 2021.

If you have any questions about this matter, please feel free to contact me. Else, I look forward to receiving from you the requested information.

Regards,

Remington Buyer
Water Supply Bank Coordinator
(208) 287-4918

CC: Zach Latham – Brockway Engineering (via email)