

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 547

RECEIVED
JUN 21 2021
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

LEE H SUTTON
1577 E 10000 S
REXBURG, ID 83440

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)
22-7336	10/22/1980	GROUND WATER	0.67	120	34.3	0.02	3.5
Combined Rental Totals			0.67	120	34.3	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 December 31, 2025. 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: \$2,400.00 annually
2023 - 2025: \$2,760.00 annually

The full fee for the rental of the above-described right(s) is \$2,400.00 per year for years 2021 - 2022 and \$2,760.00 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$240.00 per year for years 2021 - 2022 and \$276.00 per year for years 2023 - 2025.

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)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.60	105	30.0	0.02	3.5
Combined Total	0.60	105	30.0	0.02	3.5

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 547

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:

Lee H. Sutton 6-17-21
Signature of Renter Date
Lee H. Sutton Owner
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 6/23/21
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board
Rental approved by IDWR HP 6/23/21
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 547

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec. 2, Twp 04N, Rge 40E, MADISON County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.60 CFS

VOLUME
105 AF

SEASON OF USE

From To
4/1 10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	40E	3		1.3 L2			26 L3	1.2 L4		1.5									30.0

Total Acres: 30.0

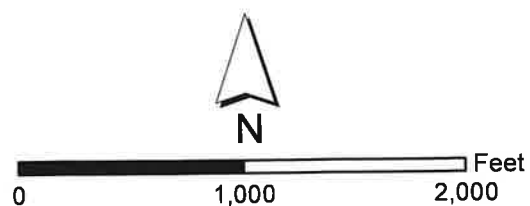
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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 rental 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 100.
10. These rights when combined with all other rights shall provide no more than 0.02 cfs per acre, nor more than 3.5 afa per acre at the field headgate for the irrigation of the place of use
11. This rental agreement does not authorize the construction of a well

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 547

12. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
13. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.



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

RECEIVED

APR 08 2021

DEPARTMENT OF
WATER RESOURCESApplicant Name: Lee Sutton

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☒ ☐ Detailed information on a proposed use of rental water
- 3F ☒ ☐ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☐ ☒ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☒ ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☒ ☐ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☒ ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

22-7336

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Lee Sutton

Mailing Address 1577 E. 10000 S. Rexburg Idaho 83440

Street City State Zip Code

Email Address lhsutt@ida.net Phone Number (208) 356-6392

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 Robert L. Harris Professional Title Attorney

Organization Holden, Kidwell, Hahn & Crapo, P.L.L.C. Relationship to Applicant Attorney

Mailing Address P.O. Box 50130

Email Address rharris@holdenlegal.com Phone Number (208) 523-0620

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**:

The Applicant desires to rent water to cover 30 acres of land.

- 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)
0.6 CFS	105 AF	0.3 CFS	N/A AF	30 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?	
04/1/2021	5/1/2021	☐ 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.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

Well and mainlines into pivots. System is already installed and fully operational.

- 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
NWSESW, Sec. 2, 4N, 40E	Ground water	22-2242A, 22-2242B, and 22-10897

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

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

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

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

None.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
22-7336	Irrigation	1.64	287.0	82.0		0.6	105	30
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	0.6	105	30
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

This similar rental of the same water right was allowed previously. The water right owner was approached by the Applicant to sell the water right to the Applicant, but the water right owner is not willing to sell.

- 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

A similar rental request is in process for the same water right to use 0.92 cfs, 161.0 AF and the irrigation of 46 acres annually.

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

Printed Name of Applicant

Date

Robert L. Harris
Signature of Representative

Robert L. Harris
Printed Name of Representative

April 2, 2021
Date

Mail to:

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

SUTTON WATER BANK APPLICATION



Legend

- Smith_POD
- Sutton_POD
- Permissible_POU
- 1st Water Bank Rental Acres
- 2nd Water Bank Rental Acres
- 778 Acre POU
- Section Lines
- Quarter Quarters

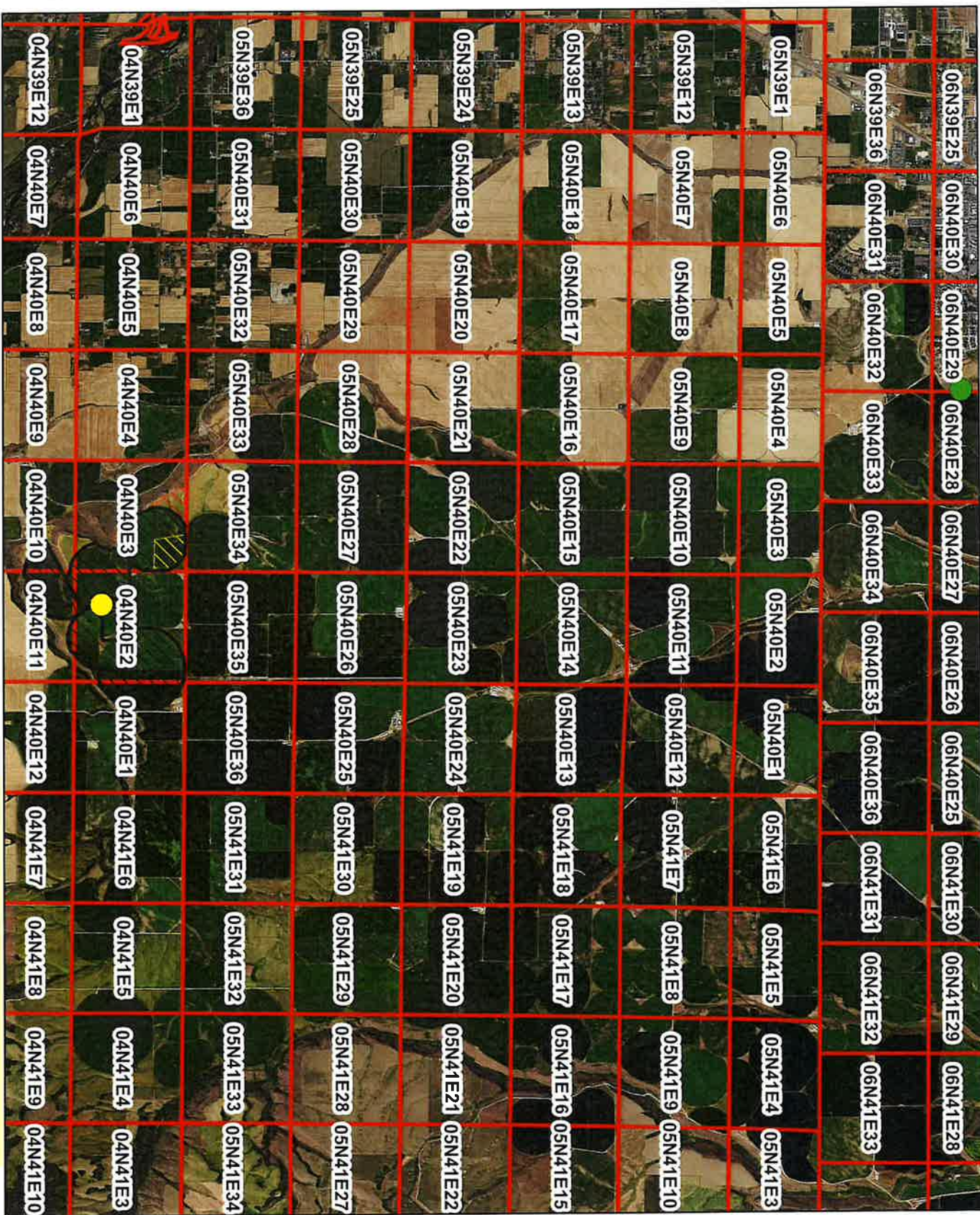


Prepared by:
Robert L. Harris
2019 NAIP Aerial Photo

SUTTON WATER BANK APPLICATION



- Legend**
- Smith_POD
 - Sutton_POD
 - Permissible_POU
 - 1st Water Bank Rental Acres
 - 2nd Water Bank Rental Acres
 - 778 Acre POU
 - Section Lines



Prepared by:
Robert L. Harris
2019 NAIP Aerial Photo

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
Transfer 1: Proposed Steady State Impacts following Transfer							
Transfer 1: Worst Case Transient State Impacts following Transfer							

Impact by Reach (AFT/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Ksپر	Ksپر to Malad	Malad to Bancroft
0.63	1.86	5.55	0.61	3.06	3.49	1.55	0.89
0.63	1.86	5.55	0.61	3.06	3.49	1.55	0.89
0.63	1.86	5.55	0.61	3.06	3.49	1.55	0.89
0.63	1.86	5.55	0.61	3.06	3.49	1.55	0.89
Pre-SS							
Post-SS							
Pre-TS							
Post-TS							
Steady State Analysis							
Mitigation Check 1 - >10% of Historical:							
Mitigation Check 2: > 2 AFT/							
Mitigation Check 3 - >10% of Total:							
Mitigation Required?:							
Mitigation Vol. Red'd (ac-ft):							
Transient State Analysis							
Mitigation Check 1 - >10% of Historical:							
Mitigation Check 2: > 2.01 AFT/							
Mitigation Required?:							
Mitigation Vol. Red'd (ac-ft):							

Read Me

Cells this color are
set up for user entries

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

YEAR 1980
SEASON SPRING

TRANSFER NO:
WSB

TRANSFER NAME:
Sutton

ENTER CELL LOCATIONS:

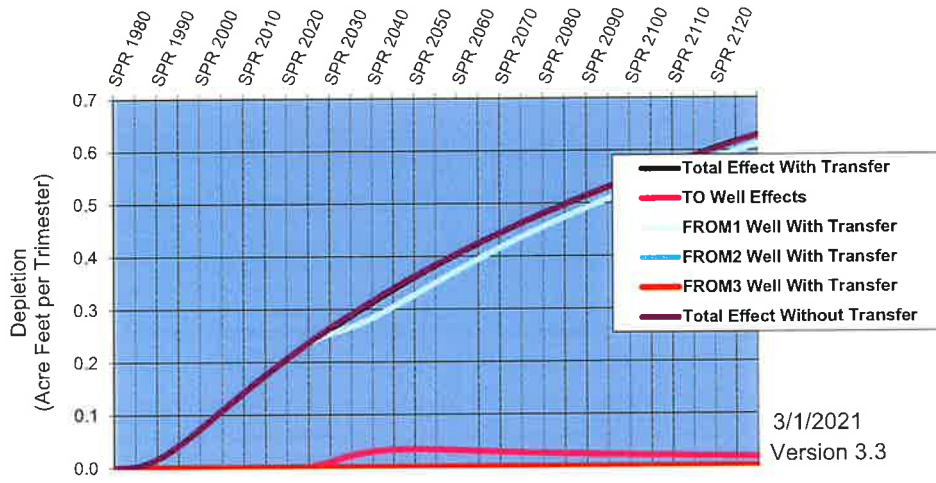
	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	68	61		
COLUMN	181	184		

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1980	0	54	54	0	0	0	0
SUM 1980	0	54	54	0	0	0	0
WIN 1980	0	54	54	0	0	0	0
SPR 1981	0	54	54	0	0	0	0
SUM 1981	0	54	54	0	0	0	0
WIN 1981	0	54	54	0	0	0	0
SPR 1982	0	54	54	0	0	0	0
SUM 1982	0	54	54	0	0	0	0
WIN 1982	0	54	54	0	0	0	0
SPR 1983	0	54	54	0	0	0	0
SUM 1983	0	54	54	0	0	0	0
WIN 1983	0	54	54	0	0	0	0
SPR 1984	0	54	54	0	0	0	0
SUM 1984	0	54	54	0	0	0	0
WIN 1984	0	54	54	0	0	0	0
SPR 1985	0	54	54	0	0	0	0
SUM 1985	0	54	54	0	0	0	0
WIN 1985	0	54	54	0	0	0	0
SPR 1986	0	54	54	0	0	0	0
SUM 1986	0	54	54	0	0	0	0
WIN 1986	0	54	54	0	0	0	0
SPR 1987	0	54	54	0	0	0	0
SUM 1987	0	54	54	0	0	0	0
WIN 1987	0	54	54	0	0	0	0
SPR 1988	0	54	54	0	0	0	0
SUM 1988	0	54	54	0	0	0	0
WIN 1988	0	54	54	0	0	0	0
SPR 1989	0	54	54	0	0	0	0
SUM 1989	0	54	54	0	0	0	0
WIN 1989	0	54	54	0	0	0	0
SPR 1990	0	54	54	0	0	0	0
SUM 1990	0	54	54	0	0	0	0
WIN 1990	0	54	54	0	0	0	0
SPR 1991	0	54	54	0	0	0	0
SUM 1991	0	54	54	0	0	0	0
WIN 1991	0	54	54	0	0	0	0
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WIN 1992	0	54	54	0	0	0	0
SPR 1993	0	54	54	0	0	0	0
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WIN 1993	0	54	54	0	0	0	0
SPR 1994	0	54	54	0	0	0	0
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WIN 1994	0	54	54	0	0	0	0
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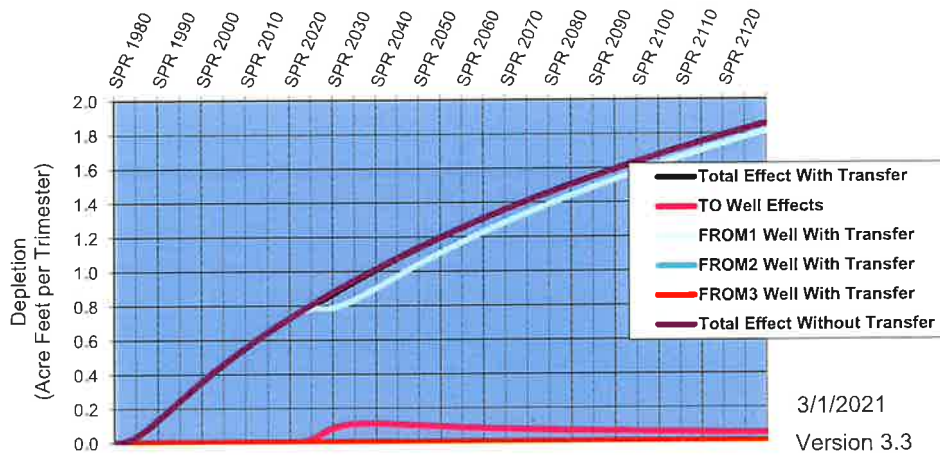
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WIN 1995	0	54	54	0	0	0	0
SPR 1996	0	54	54	0	0	0	0
SUM 1996	0	54	54	0	0	0	0
WIN 1996	0	54	54	0	0	0	0
SPR 1997	0	54	54	0	0	0	0
SUM 1997	0	54	54	0	0	0	0
WIN 1997	0	54	54	0	0	0	0
SPR 1998	0	54	54	0	0	0	0
SUM 1998	0	54	54	0	0	0	0
WIN 1998	0	54	54	0	0	0	0
SPR 1999	0	54	54	0	0	0	0
SUM 1999	0	54	54	0	0	0	0
WIN 1999	0	54	54	0	0	0	0
SPR 2000	0	54	54	0	0	0	0
SUM 2000	0	54	54	0	0	0	0
WIN 2000	0	54	54	0	0	0	0
SPR 2001	0	54	54	0	0	0	0
SUM 2001	0	54	54	0	0	0	0
WIN 2001	0	54	54	0	0	0	0
SPR 2002	0	54	54	0	0	0	0
SUM 2002	0	54	54	0	0	0	0
WIN 2002	0	54	54	0	0	0	0
SPR 2003	0	54	54	0	0	0	0
SUM 2003	0	54	54	0	0	0	0
WIN 2003	0	54	54	0	0	0	0
SPR 2004	0	54	54	0	0	0	0
SUM 2004	0	54	54	0	0	0	0
WIN 2004	0	54	54	0	0	0	0
SPR 2005	0	54	54	0	0	0	0
SUM 2005	0	54	54	0	0	0	0
WIN 2005	0	54	54	0	0	0	0
SPR 2006	0	54	54	0	0	0	0
SUM 2006	0	54	54	0	0	0	0
WIN 2006	0	54	54	0	0	0	0
SPR 2007	0	54	54	0	0	0	0
SUM 2007	0	54	54	0	0	0	0
WIN 2007	0	54	54	0	0	0	0
SPR 2008	0	54	54	0	0	0	0
SUM 2008	0	54	54	0	0	0	0
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WIN 2009	0	54	54	0	0	0	0
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SPR 2020	0	54	54	0	0	0	0

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WIN 2043	0	54	54	0	0	0	0

Hydrologic Response--Ashton to Rexburg
Customer Name: Sutton **Transfer No: WSB**



Hydrologic Response--Heise to Shelley
Customer Name: Sutton **Transfer No: WSB**

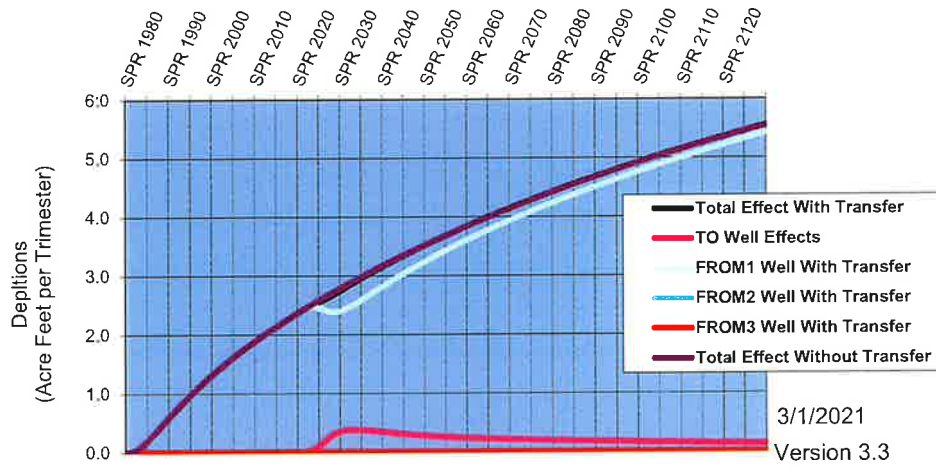


Hydrologic Response--Shelley to Near Blackfoot

Customer Name: Sutton

Transfer No:

WSB

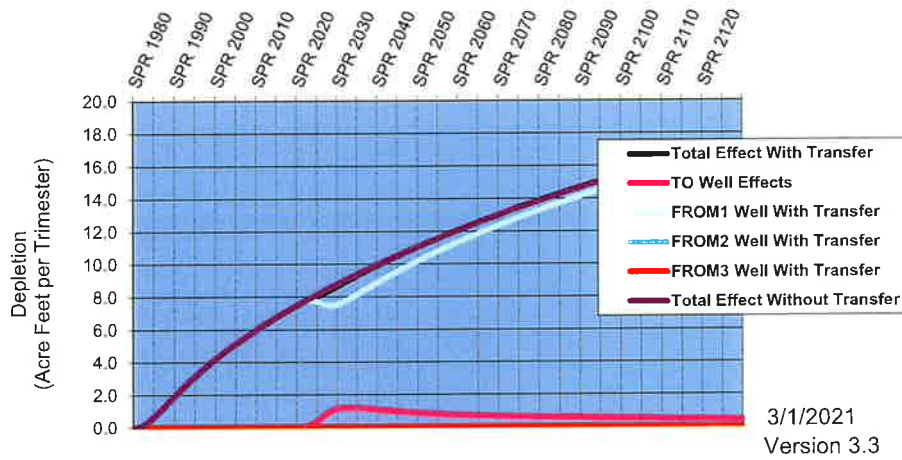


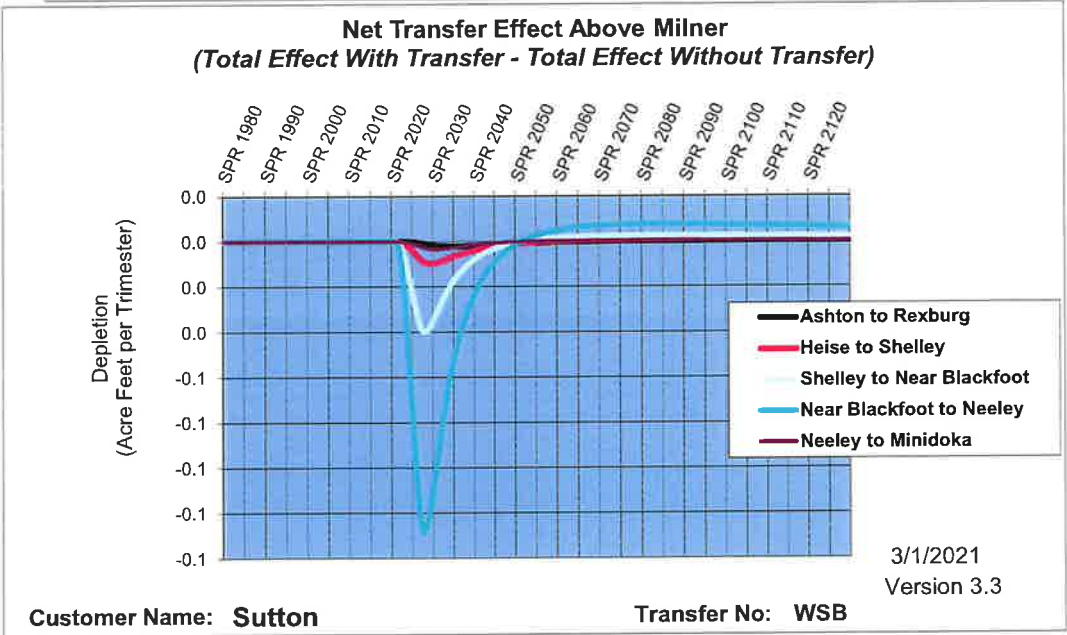
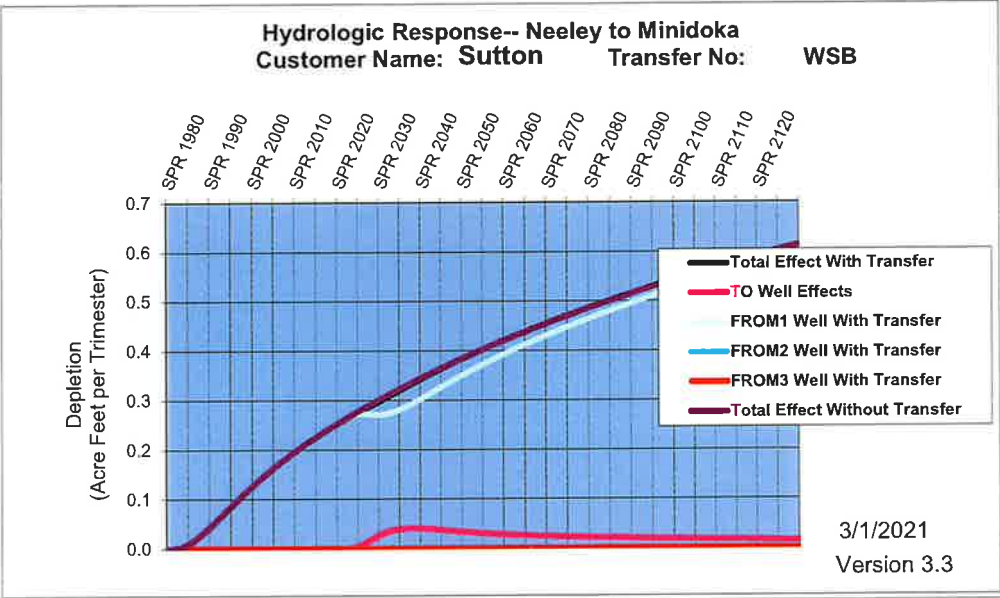
Hydrologic Response-- Near Blackfoot to Neeley

Customer Name: Sutton

Transfer No:

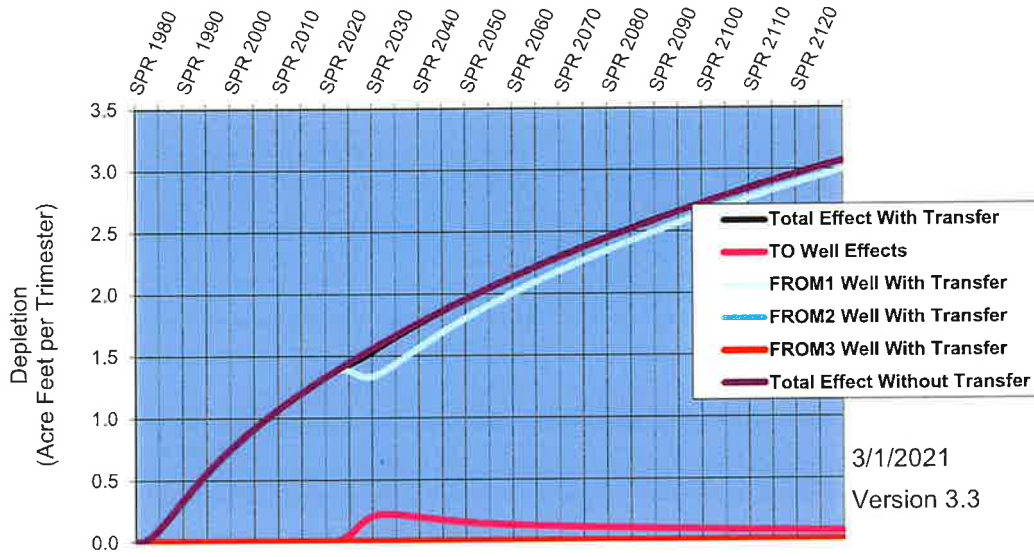
WSB





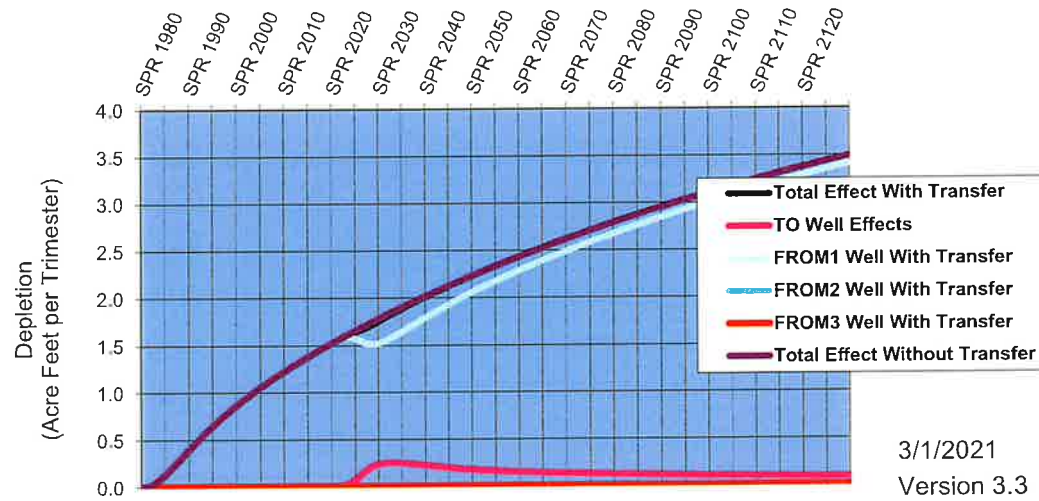
Hydrologic Response--Devil's Washbowl to Buhl Customer Name: Sutton Transfer No:

WSB



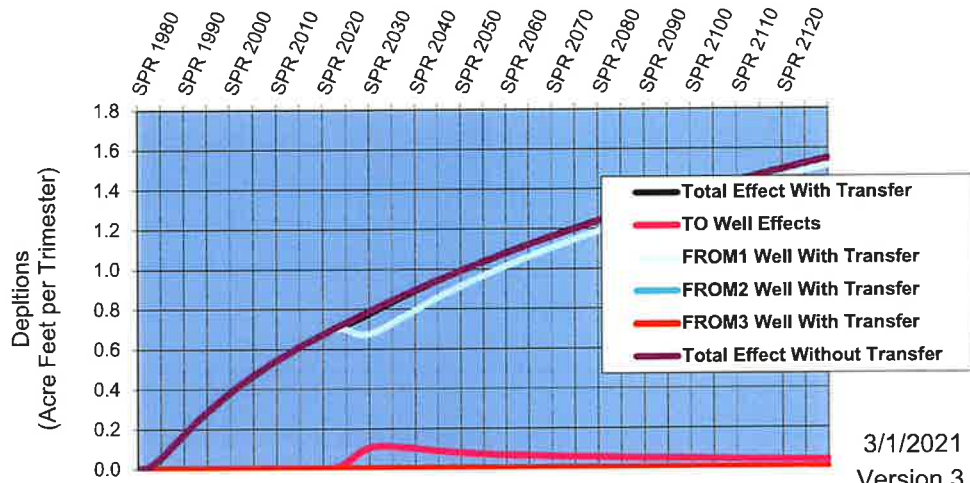
Hydrologic Response--Buhl to Thousand Springs Customer Name: Sutton Transfer No:

WSB



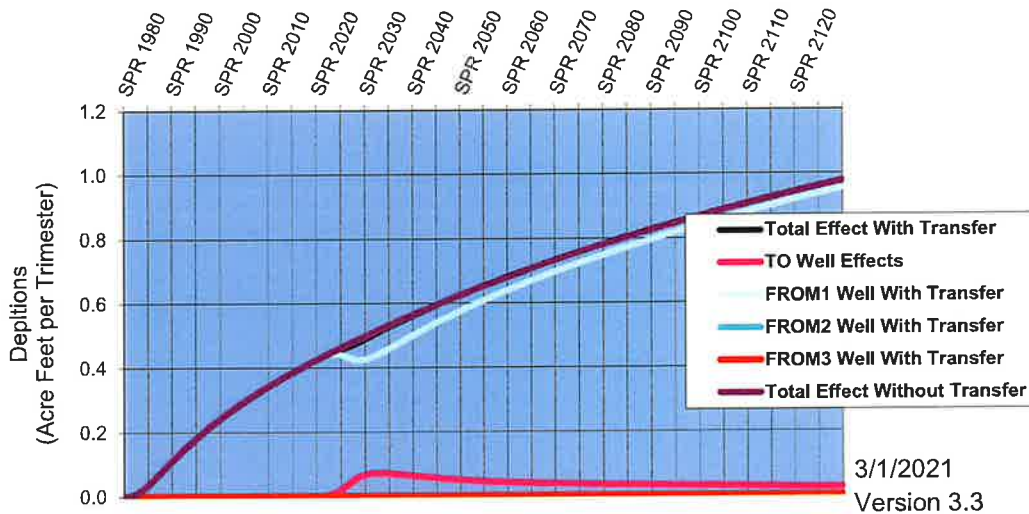
Hydrologic Response--Thousand Springs

Customer Name: **Sutton** Transfer No: **WSB**

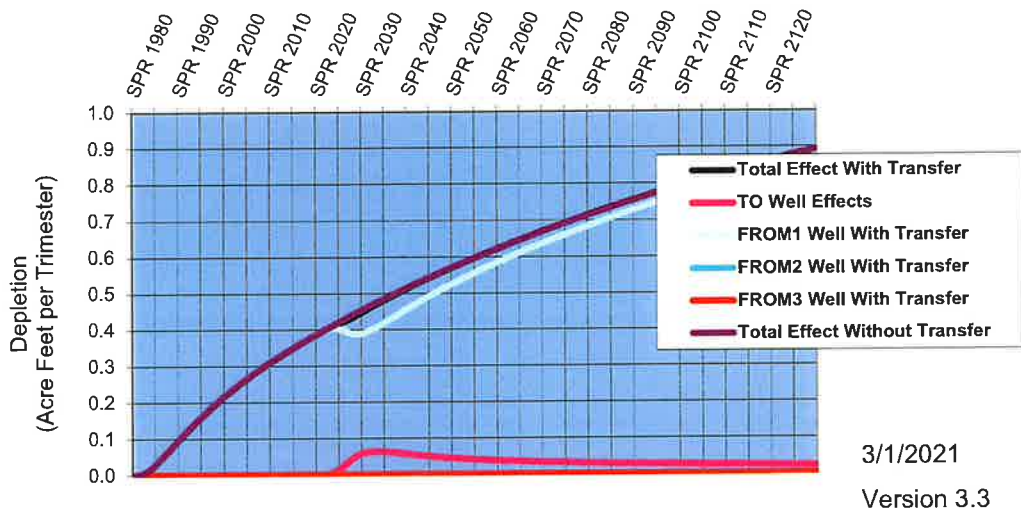


Hydrologic Response--Thousand Springs to Malad

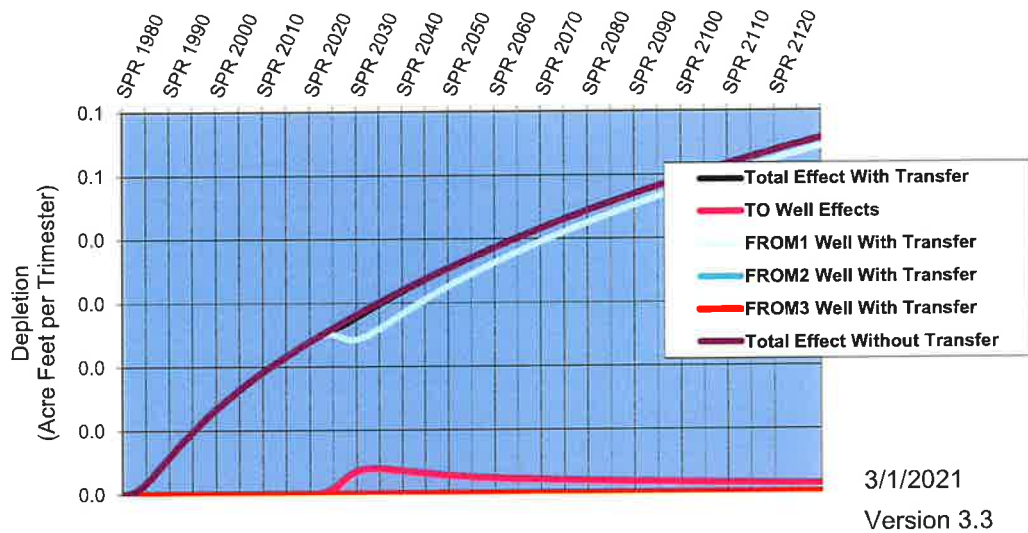
Customer Name: **Sutton** Transfer No: **WSB**



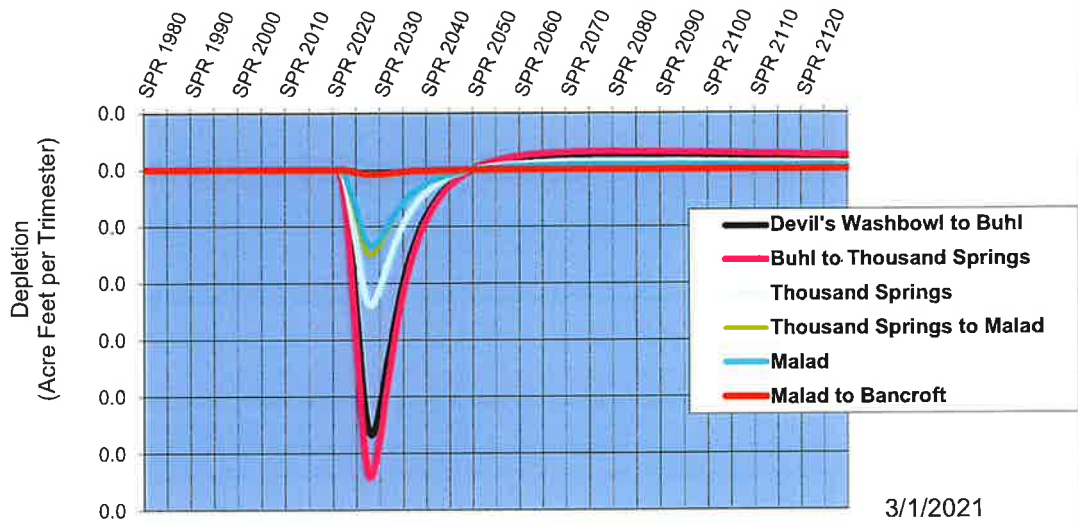
Hydrologic Response-- Malad Customer Name: Sutton Transfer No: WSB



Hydrologic Response-- Malad to Bancroft Customer Name: Sutton Transfer No: WSB



Net Transfer Effect Below Milner
(Total Effect With Transfer - Total Effect Without Transfer)



3/1/2021
 Version 3.3

Customer Name: Sutton

Transfer No: WSB



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 28, 2021

LEE H SUTTON
1577 E 10000 S
REXBURG, ID 83440

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-7336 AGREEMENTS 526 & 547**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,400.00, \$3,200.00 & 20.00** and a copy of a fully executed Water Supply Bank Rental Agreements in connection with the rental of 161 acre feet of water for irrigation of 40.6 acres and 120 acre-feet of water for irrigation of 30.0 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.

Pursuant to the Water Supply Bank Rules, 90% or \$2,898.00 of the rental fee will be paid to the lessor(s) and 10% or \$322.00 will be retained by the Department to offset administrative costs.

Pursuant to the Water Supply Bank Rules, 90% or \$2,160.00 of the rental fee will be paid to the lessor(s) and 10% or \$240.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt Nos. C110546, C110609 & C110659
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Greg Sullivan – Brockway Engineering

SCANNED
AUG 19 2021



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

RECEIVED

JUN 21 2021

DEPARTMENT OF
WATER RESOURCES

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 11, 2021

LEE H SUTTON
1577 E 10000 S
REXBURG, ID 83440

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-7336 AGREEMENT 547

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 \$2,400.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 120 acre-feet.

Please send a check for \$2,400.00 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 \$2,160.00 of the rental fee will be paid to the lessor(s) and 10% or \$240.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

pd
6-17
\$2400.00
LdH # 5371

Check
Enclosed



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

June 11, 2021

LEE H SUTTON
1577 E 10000 S
REXBURG, ID 83440

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Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

Memorandum

To: Water Right

From: Justin Ferguson

Date: May 3, 2021

Re: Water Supply Bank Rental Application 2049

Purpose/Narrative: An application was received by the Department April 9, 2021 on behalf of Mr. Lee Sutton from his representative at Holden, Kidwell, Hahn, & Crapo. The application is intended as supplemental to an agreement in place for Mr. Sutton, number 526, to irrigate acreage next to the pivot covered by the agreement.

Authority to File: The neighboring parcels covered by the existing rental are held by Mr. Smith however, per the Madison County Assessor, these parcels are currently owned by Mr. Sutton. No concerns at this time

Water Right Validity/Forfeiture Evaluation: The water rights being used to facilitate this rental are currently leased to the Bank and available for rent. No concerns at this time.

Injury Evaluation: No injury is apparent as the rental is intended to authorize irrigation on acreage that otherwise not be irrigated. Further, as the purpose of this rental is a continuation of established irrigation practices beginning in 2012 and, as of the date of this memo no information has been received from local water users regarding injury, there is no foreseeable concern of injury through this application.

Additionally, as the rental place of use falls within the Eastern Snake River Plain Aquifer (ESPA) modeling boundary, modeling of the water right is necessary such that there is not an impact greater than 2 af/trimester to any reach within the ESPA. During the review it was found that a total rental of 120 acre-feet would be necessary to authorize a diversion of 105 acre-feet. As such, more will be rented while restrictions of diversions are added to the approval document.

Enlargement of Use: No enlargement is evident as the acreage outlined to be covered under this rental could not otherwise be irrigated with any other source. Additionally, as the rental will be used conjunctively with water rights that are delivered via the same irrigation system, the rate and volume per acre will be calibrated such that they can be delivered simultaneously.

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

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

Department/Watermaster Comments: Watermaster for district 100 and IDWR Eastern Region comments were requested on May 3, 2021

Water Supply Bank Evaluation: Bank staff recommend the approval of this application for Mr. Sutton through the end of 2025 in line with a agreement approved earlier this year such that they can be supplemental for the entire acreage.

Veibell, Amanda

From: Ferguson, Justin
Sent: Monday, May 3, 2021 9:15 AM
To: Cefalo, James; Jordan, Blake
Subject: WSB Leases & Rentals
Attachments: Draft agreement - Alan Parks.docx; Rental Map - Alan Parks.pdf; Rental Review Mem1.docx; Rental Review Mem1.docx; Draft Rental Agreement - Lee Sutton.docx; Rental Map - Lee Sutton.pdf; Rental Map - Idaho Materials.pdf; Rental Review Memo.docx; Draft Rental Agreement - Idaho Construction.docx; Rental Review Memo.docx; Draft Rental Agreement - PEP LLC - 86 ac.docx; Rental PEP LLC - 86 ac.pdf

James, Blake,

Attached are the draft approval documents for PEP, Idaho Construction, Lee Sutton, and Alan Parks. Please let me know if you have any comments or concerns in the next several days

Thank you!