RECEIVED
JUL 06 2021
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 556

RECEIVED
JUN 30 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

This is to certify that:

BILL KELLEY
PO BOX 25
ALBION, ID 83311-0025

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)
43-13797	7/25/1973	GROUND WATER	0.30	101.2	25.3	0.012	4.00
Combined Rental Totals			**0.30**	**101.2**	**25.3**	**0.012**	**4.00**

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 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.

Annual Rental Fee:

2021: $2,024.00

The full fee for the rental of the above-described right(s) is $2,024.00 for 2021. The rental fee includes an administrative fee of $202.40 for 2021.

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 556

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 _____ Date 6-29-21

Printed Name Bill Kelley Title Owner

*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 _____ Date 8/11/21
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 8/11/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 556

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec. 35, Twp 11S, Rge 24E, CASSIA County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	0.30 CFS	101.2 AF

SEASON OF USE

Water Right No.	From	To
43-13797	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	
11S	24E	25												25.3					25.3

Total Acres: 25.3

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 through water right 43-13797, when combined with all other rights, shall provide no more than 0.012 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
11. The renter shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
12. This rental does not authorize the construction of a well.

13. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.

FOR OFFICE USE ONLY:

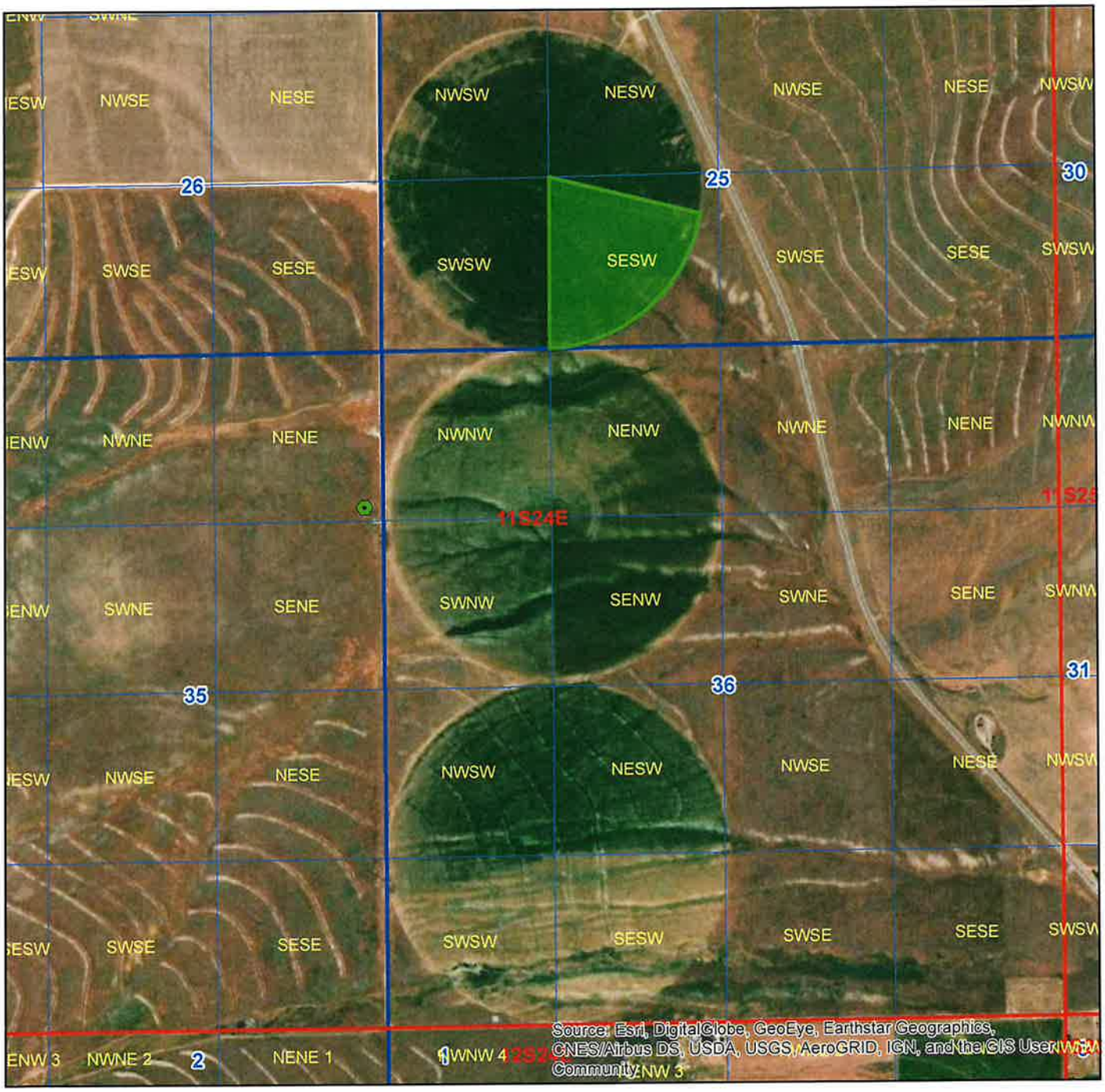
Receipt amount: $2,024.00 Date: 6/30/2021
Receipt No. S038676 By: S. George

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 556

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

N

0 1,000 2,000 Feet

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
APR 30 2021
DEPARTMENT OF WATER RESOURCES

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

Applicant Name: Bill Kelley

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)

43-13797

2071

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Bill Kelley

Mailing Address P.O. Box 25, Albion, Idaho 83311
Street City State Zip Code

Email Address _____ Phone Number 208-312-0087

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 Sarah W. Higer Professional Title Attorney

Organization Barker Rosholt & Simpson Relationship to Applicant Attorney

Mailing Address P.O. Box 2139, Boise Idaho 83701-2139

Email Address swh@idahowaters.com Phone Number 208-336-0700

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**:

Water will be used to allow for irrigation under existing pivots. Water will be commingled with Applicant's existing water rights and water rented under Water Supply Bank Rental Agreement No. 215.

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)
0.01 CFS	AF	CFS	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?	
5/01/2021	5/29/2021	☑ 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):
Water is pumped from the well and piped to a sprinkler system.

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
11S 24 E 35, NE NE	Groundwater	45-4084, 45-4236, 45-13998 & 45-14000

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 243.5 (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:
See E. above. Existing water rights do not cover entire pivot system. Additional water is needed to cover all acres.

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)
43-13797	Irrigation	0.01	4.00	25.3		0.01	4.00	25.3
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	0.01	4.00	25.3
						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**:

Applicant will irrigate what he can with the water provided.

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**:

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:

Applicant has been unable to find any additional water for purchase. Applicant has existing water rights 45-4236 and 45-4084. Additionally, Applicant has Rental Agreement 215.

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

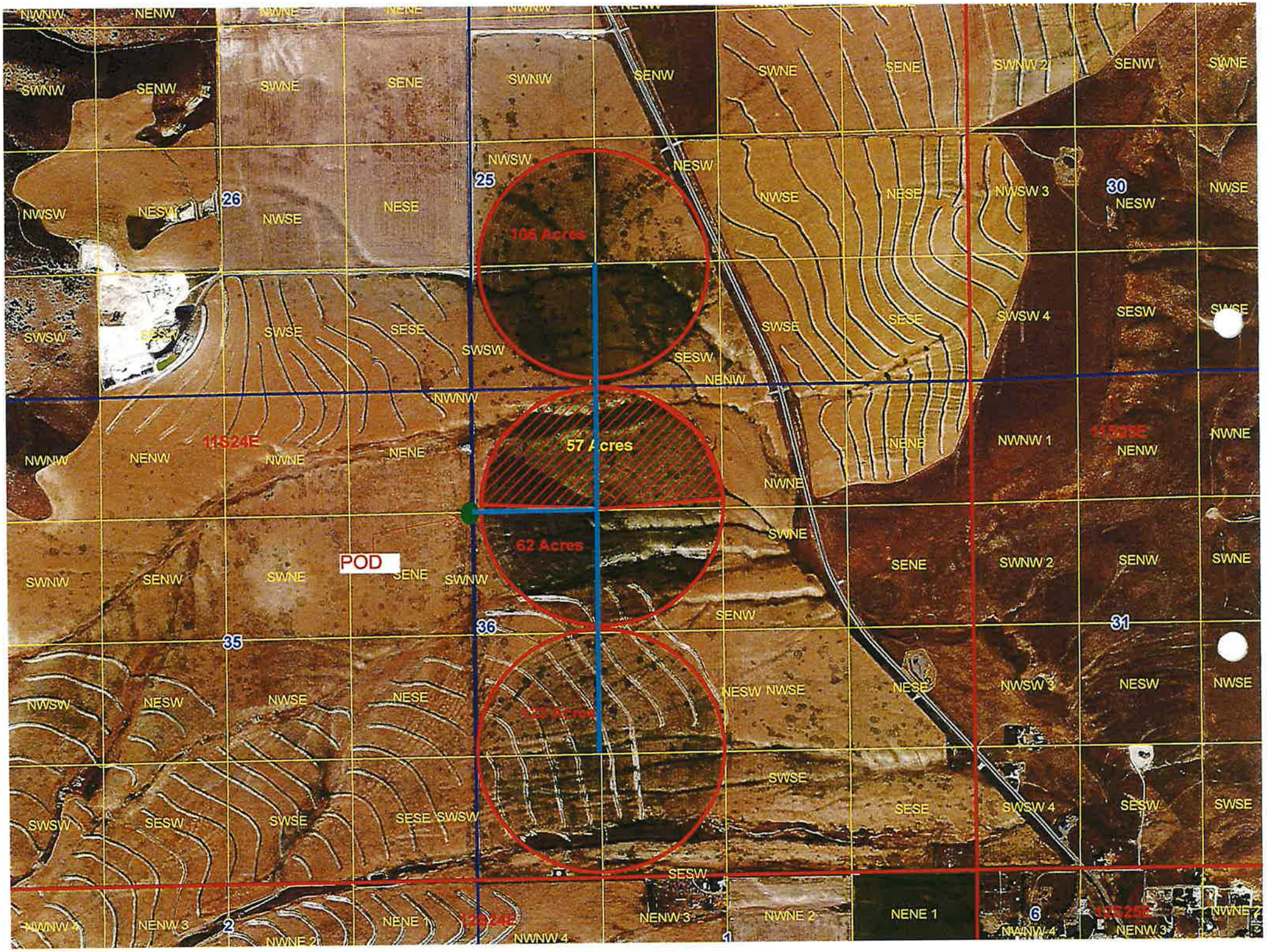
DECLARATION

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	Bill Kelley Printed Name of Applicant	4/28/2021 Date
Signature of Representative	Sarah W. Higer Printed Name of Representative	4/28/2021 Date

Mail to:

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



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26
25
30
35
36
31
2
1
6
106 Acres
57 Acres
62 Acres
POD

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 12, 2021

BILL KELLEY
PO BOX 25
ALBION, ID 83311

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 45-13998, 45-14000 & 43-13797 AGREEMENTS 555 & 556

Dear Renter:

Please find enclosed a receipt in the amount of **$2,024.00** and a copy of a fully executed Water Supply Bank Rental Agreements in connection with the rental of 180 acre-feet of water for irrigation of 70.5 acres and the rental of 101.2 acre-feet of water for irrigation of 25.3 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 $1,821.60 of the rental fee will be paid to the lessor(s) and 10% or $202.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell
for
Water Supply Bank

Enclosures: Receipt No. S038676
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Sarah W Higer

Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

August 2, 2021

BILL KELLEY
PO BOX 25
ALBION, ID 83311

RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENTS 555 & 556 AND PAYMENT FOR WATER RIGHT(S) 37-7059

*****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 15, 2021. The signed agreement and rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of $2,024.00 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 and fee 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

for
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 15, 2021

BILL KELLEY
PO BOX 25
ALBION ID 83311

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK WATER RIGHT NO(S). 43-13797 AGREEMENT 556

*****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 $2,024 was calculated based on the current rental rate of $20.00 per acre-foot times a diversion volume of 101.2 acre-feet.

Please send a check for $2,024.00 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 $1821.60 of the rental fee will be paid to the lessor(s) and 10% or $202.40 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,

Jean Hersley

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

To: Water Supply Bank Rental Application
From: Remington Buyer
Date: May 28, 2021
Re: Water Supply Bank Rental Application 2071 & 2097

Purpose/Narrative: An application was received on April 30th, 2021 from Bill Kelley, who submitted it through Sarah Higer of Barker, Rosholt & Simpson law firm. Mr. Kelley owns land near Albion on which he can irrigate 57 acres under water rights 45-4084 and 45-4236. Mr. Kelley is also authorized to irrigate up to 70.5 acres through water rights 45-13998 and 45-14000 on Rental Agreement 215. **Note:** rental agreement 215 originally only authorized the irrigation of 45.2 acres, however, water rights 45-13998 and 14000 authorized the irrigation of 70.5 acres prior to their conversion to commercial/stockwater use through Transfer 72692. Mr. Kelley would like to irrigate more than the 127.5 acres authorized under his water rights and active rental.

In recent years, Mr. Kelley has irrigated lands located under three center-pivots which sum in acreage to approximately 360 acres; approximately 127 acres is irrigated under the southernmost pivot, 120 acres is irrigated under the central center-pivot, and 112 acres is irrigated under the northernmost center-pivot, as visualized in the image immediately to the right.

In 2021, the only water right available for Mr. Kelley to rent is 43-13797 (Lease Contract 1297), which would allow for the additional irrigation of 25.3 acres. In combination with his own water rights, rental agreement 215 and this new rental approval, Mr. Kelley will be able to irrigate up to 152.8 acres during 2021.

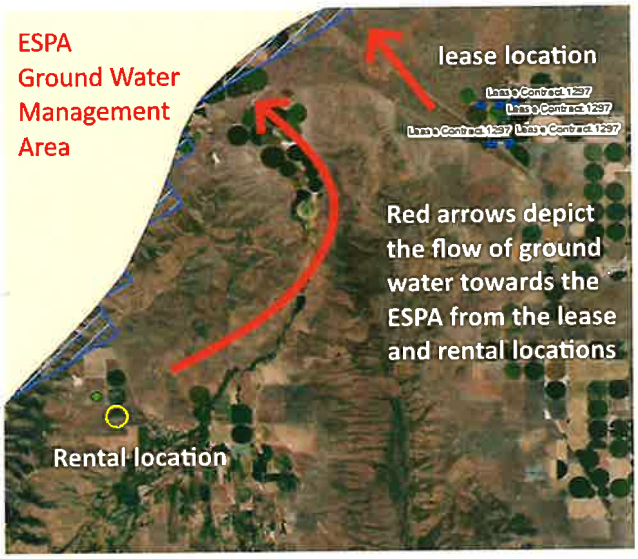
Through interactions with the applicant's representative it came to light that Mr. Kelley would like to prioritize the irrigation of the 120 central center-pivot and to place the remaining balance of any irrigable acreage onto the SE corner of the northern center-pivot. On June 3, 2021, a second rental application was submitted on Mr. Kelley's behalf by Ms Higer, and it was requested that this second rental application should be the basis for amending rental agreement 215, to move the 70.5 acres authorized under water rights 45-13998 and 45-14000 to the central center-pivot. By placing the 70.5 acre irrigation authorization of water rights 45-13998 and 45-14000 onto the central center-pivot, Mr. Kelley can irrigate the remaining 49.5 acre balance of the central center-pivot (120 – 70.5 = 49.5) using portions of his water rights 45-4084 & 4236. This leaves a balance of 7.5 acres under 45-4084 & 4236, and 25.3 acres under 43-13797, which can be applied to another pivot. On June 8th, 2021, Mr. Kelley's representative requested that the 32.8 acre balance of irrigation (7.5 + 25.3 = 32.8) should be allocated to the south east corner of the northern center-pivot.

The southeast quarter of the northern center-pivot (located completely in the SESW quarter-quarter of Section 25, Township 11S, Range 24E) is approximately 29 acres in size, meaning a majority of this area can be irrigated under the 25.3 acres authorized under water right 43-13797. The northern center-pivot rental will be processed through rental application 2071 (as agreement 556), while the amendment to rental agreement 215 will be processed as a new rental (application 2097 and agreement 555). This rental review memo pertains to both rentals.

Authority to File: The application was prepared by the applicant's representative at Barker, Rosholt & Simpson and signed by Mr. Kelley. Mr. Kelley appears to be the owner of the land at the rental location. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The water rights being used for this rental are currently leased to the Bank and available for rental. No concerns about the validity of water rights 45-13998, 45-14000, 43-13797, nor of water rights 45-4084 and 45-4236.

Injury Evaluation: Mr. Kelley diverts ground water that is tributary to the Eastern Snake River Plain Aquifer (ESPA), in the Marsh Creek drainage, but his point of diversion (POD) is not within the ESPA ground water management area (GWMA). Water right 43-13797 authorizes diversions of ground water that is also tributary to the ESPA (in the Raft River Basin) and its POD is also not within the ESPA GWMA. The distance between water right 43-13797 and the rental location is approximately 12 miles. However, the impact to the ESPA attributable to the pumping of ground water at either the lease or rental location is concentrated in more or less the same place (see image immediately to the right). No injury is apparent through Mr. Kelley's rental of water right 43-13797 at his location.



Water rights 45-13998 and 14000 authorize diversions of water from the West Oakley Fan Critical Ground Water Area (CGWA). The CGWA is adjacent the ESPA GWMA and the two ground water areas are presumably interconnected. The non-diversion of ground water under water rights 43-13998 and 14000 will result in an increased availability of ground water within the CGWA and the diversion of these water rights by Mr. Kelley at his location will presumably have an equivalent impact to the ESPA. No injury is anticipated through these rentals.

Enlargement of Use: Water right backfile information indicates Mr. Kelley's ground water pump is limited to a diversion rate of 1.34 cfs. If used to irrigate the 57 acres under water rights 45-4084 & 4236, a 1.34 cfs diversion rate would allow for an irrigation diversion duty of 0.02 cfs/ac. However, over 120 acres, or 152.8 acres, the irrigation duty would be approximately 0.01 cfs/ac.

Water rights 45-13998 & 14000 were developed as irrigation water rights before they underwent a change in nature of use through Transfer 72692, which authorized the consumptive use associated with the irrigation of 70.5 acres to be used for commercial/stockwater purposes. No enlargement will occur if these water rights are rented for the irrigation of 70.5 acres. However, for the irrigation of 70.5 acres the rights provide a duty of water of 0.015 cfs/ac and 2.6 afa/ac. To avoid enlargement of these water rights, and/or water rights 4-4084 & 4236, when the four water rights are used together, they will be limited to a combined diversion rate of 1.77 cfs and 307.7 af for the irrigation of 120 acres, as outlined in the table immediately to the right.

	central center-pivot				
Water Rights	**rate**	**vol**	**acres**	**rate/ac**	**vol/ac**
45-13998	0.93	119.8	70.5	0.013	1.7
45-14000	0.48	61	70.5	0.007	0.9
combined use	1.04	180.8	70.5	0.015	2.6
45-4084	0.39	78	19.5	0.020	4.0
45-4236	0.60	120	30	0.020	4.0
combined use	0.99	198	49.5	0.020	4.0
combined use	1.77	307.7	120	0.015	2.6

Water right 43-13797 authorizes a diversion rate of 0.30 cfs over 25.3 acres, for a per-acre diversion rate duty of 0.01 cfs/ac (with a 4 afa/ac duty of water). To avoid enlargement of water right 43-13797 and/or water rights 45-4084 & 4236, the combined diversion rate and volume of these three water rights will be limited to 0.389 cfs and 131.2 af for the irrigation of 32.8 acres, as described in the table immediately to the right.

northern center-pivot					
Water Rights	rate	vol	acres	rate/ac	vol/ac
43-13797	0.300	101.2	25.3	0.012	4.0
45-4084	0.150	30.0	7.5	0.020	4.0
45-4236	0.000	0.0	0		
combined use	0.150	30.0	7.5	0.020	4.0
combined use	**0.389**	**131.20**	**32.8**	**0.012**	**4.0**

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: Water District 140 and Southern Regional comments were requested on June 16th, 2021

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

Buyer, Remington

From: Buyer, Remington
Sent: Wednesday, June 16, 2021 4:35 PM
To: 'Adam McCoy'; Skinner, Corey
Subject: WSB Rental Requests for George & Bill Kelley
Attachments: Rental Map - Agreement 556.pdf; Rental Map - Agreement 555.pdf; Draft Rental Agreement 555.docx; Draft Rental Agreement 556.docx; Rental Review Memo.docx

Adam, Corey,

Bill Kelley recently submitted a rental application (2071) to the Water Supply Bank to authorize the irrigation of additional acres owned by him near Albion in 2021. Through a review of his rental request, it emerged that he wanted to amend a rental agreement already approved for him (agreement 215) so that it might relocated from the southernmost of his three center-pivots, to the middle center-pivot. Accordingly, I've processed a second rental application (2097) to supersede rental agreement 215.

The review memo, maps and draft approval documents are attached. Please advise if you have any questions, comments or concerns about these rentals.

Thank you,

Remington

Barker Rosholt
& Simpson LLP

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1010 W. Jefferson St. Suite 102
Boise, Idaho 83702
p. 208.336.0700
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Attorneys
Albert P. Barker
John K. Simpson
Travis L. Thompson
Scott A. Magnuson
Sarah W. Higer

John A. Rosholt
(1937-2019)

Sarah W. Higer
EMAIL: swh@idahowaters.com
PHONE: 208.336.0700
WEB: idahowaters.com

April 28, 2021

RECEIVED
APR 30 2021
DEPARTMENT OF
WATER RESOURCES

Remington Buyer
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Application to Rent Water from the Board's Water Supply Bank (Bill Kelley) / Rental Fees for Rental Agreement 215

Dear Mr. Buyer,

Enclosed, please find the original signed Application to Rent Water from the Board's Water Supply Bank.

Also enclosed, please find check number 5983 in the amount of $3,616.00 for the rental fees regarding the Rental Agreement 215.

Should you have any questions, please call me at (208) 336-0700.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

Sarah W. Higer

Enclosures

SWH/jn