

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 563

RECEIVED

AUG 09 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

MICHELLE WOLF
PO BOX 433
FAIRFIELD, ID 83327

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)
37-7505A	7/21/1976	GROUND WATER	0.26	94.5	31.5	0.008	3.0
Combined Rental Totals			0.26	94.5	31.5	0.008	3.0

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: \$189.00 annually
2023 - 2025: \$217.35 annually

The full fee for the rental of the above-described right(s) is \$189.00 per year for years 2021 - 2022 and \$217.35 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$189.00 per year for years 2021 - 2022 and \$217.35 per year for years 2023 - 2025. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 37-7505 A.

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

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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:

Michelle Wolf 08/05/2021
Signature of Renter Date

Michelle Wolf
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 8/12/21
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR Patton 8/12/21
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 563

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENW Sec. 33, Twp 01S, Rge 14E, CAMAS County

BENEFICIAL USE

IRRIGATION

DIVERSION RATE

0.26 CFS

VOLUME

94.5 AF

SEASON OF USE

Water Right No.
37-7505A

From
4/1

To
11/1

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	
01S	14E	33				0.4	30								1.1				31.5

Total Acres: 31.5

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This use of water under this rental, when combined with all other water use authorizations, shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
10. 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).
11. Use of water under this rental may be regulated by a watermaster with the responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this rental is within State Water District No. 37B.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 563

12. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this agreement. The right holder may divert ground water under this agreement to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this agreement if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
13. This rental does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 563

Effective until December 31, 2025

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



0 1,000 2,000 Feet

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

RECEIVED

APR 22 2021

DEPARTMENT OF
WATER RESOURCESApplicant Name: Michelle Wolf

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)

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Michelle Wolf

Mailing Address PO Box 433 Fairfield ID 83327
Street City State Zip Code

Email Address mlwolf@wildblue.net Phone Number 208-320-2624

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 Candice McHugh/Chris Bromley Professional Title Attorney
 Organization McHugh Bromley, PLLC Relationship to Applicant Attorney

Mailing Address 380 S. 4th St., Ste. 103 Boise, ID 83702
 Email Address cmchugh@mchughbromley.com Phone Number 208-287-0991

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Irrigation to be used to supplement irrigation on the place of use that is currently irrigated with water shares from Mormon Reservoir.

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)
CFS	AF	.26 CFS	94.5 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?	
06/01/2021	07/15/2021	☒ 1	☒ 2	☒ 3	☒ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

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):

Through the existing well, pipes, pivots and handlines.

- 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
T1S, R14E, S33 NENW	pump from groundwater	37-7293

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: _____ 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:

The place of use is irrigated with water from Mormon Reservoir shares as well; however, Mormon Reservoir does not fill on a regular basis and is not able to supply water for the full irrigation season.

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)
37-7505A	Irrigation	.26	94.5	31		.25	94.5	31
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	.25	93	31
						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**:

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:

- 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:

I have not decided whether I will file a transfer, but if a permanent water source proves necessary, I would file a transfer to this place of use.

- 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

The purpose of this rental is to provide an additional amount of water to the place of use and the crop will benefit from the minimum of amount of water requested in this application. The pump and diversion system that the point of diversion is sufficient to pump the additional water that is applied for in this rental application.

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

Michelle Wolf
Printed Name of Applicant

04/19/2021
Date


Signature of Representative

Candice McHugh
Printed Name of Representative

04/15/2021
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.





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

MICHELLE WOLF
PO BOX 433
FAIRFIELD, ID 83327

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-7505A AGREEMENT 563**

Dear Renter:

Please find enclosed a receipt in the amount of **\$189.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 94.5 acre-feet of water for irrigation of 31.5 acres during 2021. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$189.00**

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. C110720
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
McHugh Bromley PLLC



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

July 30, 2021

MICHELE WOLF
PO BOX 433
FAIRFIELD, ID 83327

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-7505A, AGREEMENT 563**

*****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 **\$189.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 94.5 acre-feet. Since you are both the lessor and the renter of the right(s)>, **you are only obligated to pay the 10% administrative fee or \$189.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$189.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Amanda Johnson Veibell

Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
McHugh & Bromley

Buyer, Remington

From: Rusty Krame <waterdistrict37b@outlook.com>
Sent: Wednesday, July 28, 2021 4:12 PM
To: Buyer, Remington; Skinner, Corey
Subject: Re: WSB Lease Application 2060 and Rental Application 2061

Corey/Remington,

I met with Michelle and her farm manager. If I'm looking at it correctly her pivot is under the POU of 37-13120. Last season we had a full season of water out of 37-13120. This year she only go water until late June.

After reviewing everything I have no concerns with Michelles application.

Note: her new email is wolfyore@wildblue.net She has NOT been getting your other emails.

Thank you

Rusty Kramer

Water District 37B Watermaster

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Wednesday, July 21, 2021 12:53 PM
To: waterdistrict37b@outlook.com <waterdistrict37b@outlook.com>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: WSB Lease Application 2060 and Rental Application 2061

Corey, Rusty,

Michelle Wolf has applied to renew her prior lease and rental of her water right 37-7505A for an additional five years, commencing this year. She is relocating 31.5 acres of ground water right, moving it approximately nine miles east toward Mormon Reservoir. I don't have any concerns about the lease, however, I am curious about her diversion and use of ground water under the rental. From 2016-2020, she was authorized to irrigate 31.5 acres under a center pivot that is primarily sourced with surface water under 37-13120.

The intent of the rental was to irrigate land with ground water when surface water supplies dwindled. It appears as many as 143 acres might have been irrigated under a center-pivot last year, of which, 31.5 acres were authorized to be irrigated with ground water under her prior rental agreement. However, she is not authorized to irrigate all 143 acres with ground water. I have reached out to her for confirmation as to the maximum extent of irrigation that may have occurred last year under the pivot, and specifically, how much irrigation was conducted with surface water (see attached email to Michelle Wolf sent earlier today).

Could you please review my lease and rental review records (attached memos, maps and approvals) and let me know if you have any questions, comments or concerns about this transaction? I can and will update my records if/once I hear back from Ms. Wolf.

Thank you,

Remington

Buyer, Remington

From: Skinner, Corey
Sent: Thursday, July 22, 2021 9:23 AM
To: Buyer, Remington
Subject: RE: WSB Lease Application 2060 and Rental Application 2061

I'm good with this one.

From: Buyer, Remington
Sent: Wednesday, July 21, 2021 1:54 PM
To: waterdistrict37b@outlook.com; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: WSB Lease Application 2060 and Rental Application 2061

Corey, Rusty,

Michelle Wolf has applied to renew her prior lease and rental of her water right 37-7505A for an additional five years, commencing this year. She is relocating 31.5 acres of ground water right, moving it approximately nine miles east toward Mormon Reservoir. I don't have any concerns about the lease, however, I am curious about her diversion and use of ground water under the rental. From 2016-2020, she was authorized to irrigate 31.5 acres under a center pivot that is primarily sourced with surface water under 37-13120.

The intent of the rental was to irrigate land with ground water when surface water supplies dwindled. It appears as many as 143 acres might have been irrigated under a center-pivot last year, of which, 31.5 acres were authorized to be irrigated with ground water under her prior rental agreement. However, she is not authorized to irrigate all 143 acres with ground water. I have reached out to her for confirmation as to the maximum extent of irrigation that may have occurred last year under the pivot, and specifically, how much irrigation was conducted with surface water (see attached email to Michelle Wolf sent earlier today).

Could you please review my lease and rental review records (attached memos, maps and approvals) and let me know if you have any questions, comments or concerns about this transaction? I can and will update my records if/once I hear back from Ms. Wolf.

Thank you,

Remington

Buyer, Remington

From: Buyer, Remington
Sent: Wednesday, July 21, 2021 1:43 PM
To: 'mlwolf@wildblue.net'
Cc: 'CMCHUGH@MCHUGHBROMLEY.COM'
Subject: Water Supply Bank Rental Application 2061
Attachments: Lease Map - Contract 1425.pdf

Hello Michelle,

I've recently completed a review of your lease/rental request to relocate 31.5 acres of water right 37-7505A from its authorized location, to lands adjacent water right 37-7293. I have a few questions about your use of water under the rental.

In your rental application, you provided a map which identified approximately 40 acres in the NENE quarter-quarter of Section 33, Township 01S, Range 14E. These acres are already authorized to be irrigated under water right 37-7293 and it was unclear how any additional beneficial use would occur through a diversion of ground water right 37-7505A on these lands. Your prior rental agreement authorized the irrigation of 31.5 acres of land serviced with McKinney Creek surface water provided by the Twin Lakes Reservoir and Irrigation Company. I've tentatively drafted a new rental agreement, for calendar years 2021-2025, to authorize the irrigation of these same 31.5 acres (see the attached) map. **Can you please confirm whether you do or do not want the authorized rental place of use for your new rental approval to be these same 31.5 acres?**

Further, the 31.5 acres authorized to be irrigated under your prior rental appear to be part of a large center-pivot irrigation system and satellite imagery suggests as many as 143 acres might have been irrigated last year. **Can you confirm for me the extent of irrigation that occurred in 2020, and which will again occur during the term of your new rental, under the center pivot associated with your previous and current rental? Was the maximum extent of irrigation under the center pivot accomplished primarily with McKinney Creek surface water?**

Thank you for your answers to the above questions,

Remington Buyer

Memorandum

To: Water Rights 37-7505A
From: Remington Buyer
Date: July 20, 2021
Re: Water Supply Bank Rental Application 2061

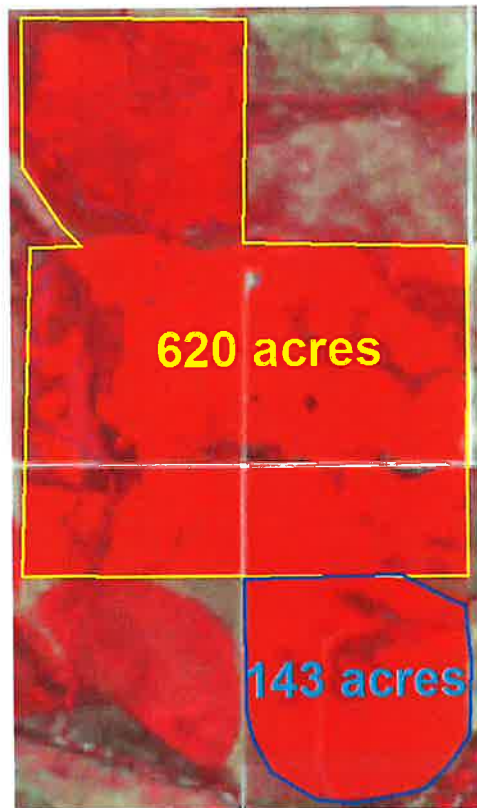
Purpose/Narrative: An application was submitted by Michelle Wolf on April 22, 2021, through legal representatives Candice McHugh and Chris Bromley of McHugh Bromley PLCC, requesting a rental of water right 37-7505A for an authorization to irrigate 31.5 acres located just north of Mormon Reservoir. This rental is effectively a continuation of a prior rental (agreement 2) under which Ms. Wolf was authorized to irrigate 31.5 acres of land at the rental place of use from 2016 through 2020.

The rental place of use is land owned by a Trust, managed by Miriam & Rex McPhaul (The McPhauls). The McPhauls own approximately 800 acres of land located below Mormon Reservoir in Camas County. Approximately 160 acres is authorized to be irrigated with McKinney Creek water, provided by the Twin Lakes Reservoir and Irrigation Company under water right 37-13120. Additionally, 629 acres is authorized to be irrigated with ground water under water right 37-7293.

The 629 acres authorized to be irrigated from ground water under 37-13120 appear to have been fully irrigated in recent years. A review of Sentinel satellite imagery from 2020 reveals approximately 620 of the 629 acres were irrigated (see images below), while 143 acres were irrigated with surface water under 37-13120 and ground water under rental agreement 2:



Landsat Satellite Imagery from 2019 (date unknown)
McPhaul-owned lands (delineated in green),
Place of Use for WR 37-7293 (delineated in blue),
Irrigation under rental agreement 2 (pink polygon)



Sentinel Satellite Imagery July 2, 2020
620 acres irrigated under 37-7293 (yellow polygon),
143 acres irrigated under rental agreement 2 and
water right 37-13120 (blue polygon).

Ms. Wolf has provided a map with the application 2061 which identifies 40 acres in the NENE QQ of Section 33 of T 01S R 14E as the potential rental place of use. This land is already authorized to be irrigated under water right 37-7293 and it is not apparent any additional beneficial use is proposed through the irrigation of these acres via a rental under ground water right 37-7505A.

However, as approved under rental agreement 2, the supplemental irrigation of lands already irrigated under surface water right 37-13120, with ground water right 37-7505A, is recognized to be a conventional beneficial use of water. Accordingly, this rental will be approved as a continuation of rental agreement 2, and the acres authorized to be irrigated under this rental will be the same 31.5 acres in the NE and SE QCs of Section 33.

Authority to File: Application has been signed and submitted by Michelle Wolf. The water right backfile for Water Supply Bank Agreement 2 confirms Ms. Wolf has an agreement in place with the McPhauls to lease and irrigate their lands through 2023, and the agreement can be extended through 2026. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: Water right 37-7505A is valid and leased to the Bank. No concerns about the validity of water rights 37-7293 or 37-13120.

Injury Evaluation: This rental proposes a movement of ground water right 37-7505A approximately nine miles through the Camas Prairie aquifer. Collectively, the rental will allow for a diversion of water from a well, based on ground water rights 37-7293 and the rented extent of 37-7505A. A sum total of 1,887 af can be diverted under water right 37-7293. Previously, rental agreement 2 authorized a diversion volume of 94.5 af, meaning 1,981.5 af could be diverted from the well collectively under both water right 37-7293 and rental agreement 2. However, WMIS data indicates, on average, during the past five years (from 2016-2020), 709.6 af was diverted, suggesting far less ground water is being pumped than could be pumped. No injury is apparent under the rental.

WMIS Data	
Year	Div. Volume
2020	951
2019	531
2018	768
2017	533
2016	765
2015	822
2014	852

Enlargement of Use: If ground water diverted under 37-7505A through rental agreement 2 has been used throughout the irrigation season to irrigate 143 acres outside the place of use boundaries of 37-7293, a potential enlargement of water right 37-7505A might be occurring. The renter will be contacted to affirm how many acres were irrigated collectively in 2020 through diversions of ground water under water right 37-7293 and rental agreement 2.

Local Public Interest: The ground water that will be diverted under this rental originates from within the boundaries of the Big Wood River Ground Water Management Area (BWR GWMA). It is in the local public interest to ensure the use of ground water diverted under this rental is diverted and used consistent with the constraints and limitations of a ground water management area plan. However, a GWMA plan has not yet been developed. Staff have no information to suggest this rental is contrary to local public interests.

Beneficial Use/Conservation of Water Resources: Irrigation is a beneficial use and the irrigation practices appear to be consistent with the conservation of water resources. To ensure ground water is only used when necessary, a supplemental ground water use condition will be added to the rental approval, to limit the use of ground water under this approval to those times when surface water availability declines.

Department/Watermaster Comments: This rental approval is subject to review and recommendations from IDWR Southern Region and Water District 37B. Comments were requested July 21, 2021.

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