

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 19 2021

DEPARTMENT OF  
WATER RESOURCES  
**WATER SUPPLY BANK RENTAL AGREEMENT No. 529**

This is to certify that:

UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

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) |
|-------------------------------|---------------|------------|----------------------|-----------------------|-------------|------------------------|-------------------------|
| 73-12188                      | 3/27/1888     | BIG CREEK  | 0.17                 | 29.75                 | 8.5         | 0.02                   | 3.5                     |
| 73-12190                      | 3/1/1890      | BIG CREEK  | 0.25                 | 44.45                 | 12.7        | 0.02                   | 3.5                     |
| 73-12192                      | 3/1/1890      | MILL CREEK | 0.25                 | 44.45                 | 12.7        | 0.02                   | 3.5                     |
| 73-12182                      | 5/1/1917      | BIG CREEK  | 0.16                 | 37.10                 | 10.6        | 0.02                   | 3.5                     |
| 73-12184                      | 5/1/1917      | BIG CREEK  | 0.13                 | 29.75                 | 8.5         | 0.02                   | 3.5                     |
| 73-12186                      | 11/20/1885    | BIG CREEK  | 0.25                 | 44.45                 | 12.7        | 0.02                   | 3.5                     |
| 73-12214                      | 11/20/1885    | BIG CREEK  | 0.35                 | 60.60                 | 17.3        | 0.01                   | 1.7                     |
| 73-12215                      | 3/27/1888     | BIG CREEK  | 0.23                 | 40.30                 | 11.5        | 0.01                   | 1.1                     |
| 73-12216                      | 3/1/1890      | BIG CREEK  | 0.35                 | 60.60                 | 17.3        | 0.01                   | 1.7                     |
| 73-12217                      | 3/1/1890      | MILL CREEK | 0.35                 | 60.60                 | 17.3        | 0.01                   | 1.7                     |
| 73-12212                      | 5/1/1917      | BIG CREEK  | 0.22                 | 50.40                 | 14.4        | 0.01                   | 1.4                     |
| 73-12213                      | 5/1/1917      | BIG CREEK  | 0.17                 | 40.30                 | 11.5        | 0.01                   | 1.1                     |
| <b>Combined Limit Totals</b>  |               |            | <b>2.28</b>          | <b>218.4</b>          | <b>62.4</b> | <b>0.04</b>            | <b>3.5</b>              |
| <b>Combined Rental Totals</b> |               |            | <b>2.28</b>          | <b>218.4</b>          | <b>62.4</b> | <b>0.04</b>            | <b>3.5</b>              |

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

**Annual Rental Fee:**

2021 - 2022: \$436.80 annually  
2023: \$502.32 annually

The full fee for the rental of the above-described right(s) is \$436.80 per year for years 2021 - 2022 and \$502.32 for 2023. The rental fee includes the administrative fee only of \$436.80 per year for years 2021 - 2022 and \$502.32 for 2023.

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 529**

**Total Water Use Authorized Under Rental Agreement**

| Beneficial Use | Diversion<br>Rate<br>(CFS) | Diversion<br>Volume<br>(AF) | Acres<br>(AC) | Rate/Acre<br>(CFS/AC) | Volume/Acre<br>(AF/AC) |
|----------------|----------------------------|-----------------------------|---------------|-----------------------|------------------------|
| IRRIGATION     | 1.25                       | 218.40                      | 62.4          | 0.02                  | 3.5                    |

*\* The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits and standard diversion rates per acre.*

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 529**

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

7/19/2021  
Date

Fredric W. Price  
Printed Name

Water Rights Spec.  
Title

\*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By   
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Date 7/21/21

Rental approved by IDWR 

Date 7/21/21

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 529**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

BIG CREEK                      SESW              Sec. 12, Twp 13N, Rge 23E,                      LEMHI County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
2.28 CFS

**VOLUME**  
218.4 AF

**SEASON OF USE**

| Water Right No. | From | To    |
|-----------------|------|-------|
| 73-12182        | 4/1  | 10/31 |
| 73-12184        | 4/1  | 10/31 |
| 73-12186        | 4/1  | 10/31 |
| 73-12188        | 4/1  | 10/31 |
| 73-12190        | 4/1  | 10/31 |
| 73-12192        | 4/1  | 10/31 |
| 73-12212        | 4/1  | 10/31 |
| 73-12213        | 4/1  | 10/31 |
| 73-12214        | 4/1  | 10/31 |
| 73-12215        | 4/1  | 10/31 |
| 73-12216        | 4/1  | 10/31 |
| 73-12217        | 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 |        |
| 13N | 23E | 2   |    |    |    |    |    |    |    |    | 34 | 26 |    |    |    | 2.4 |    |    | 62.4   |

Total Acres: 62.4

**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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

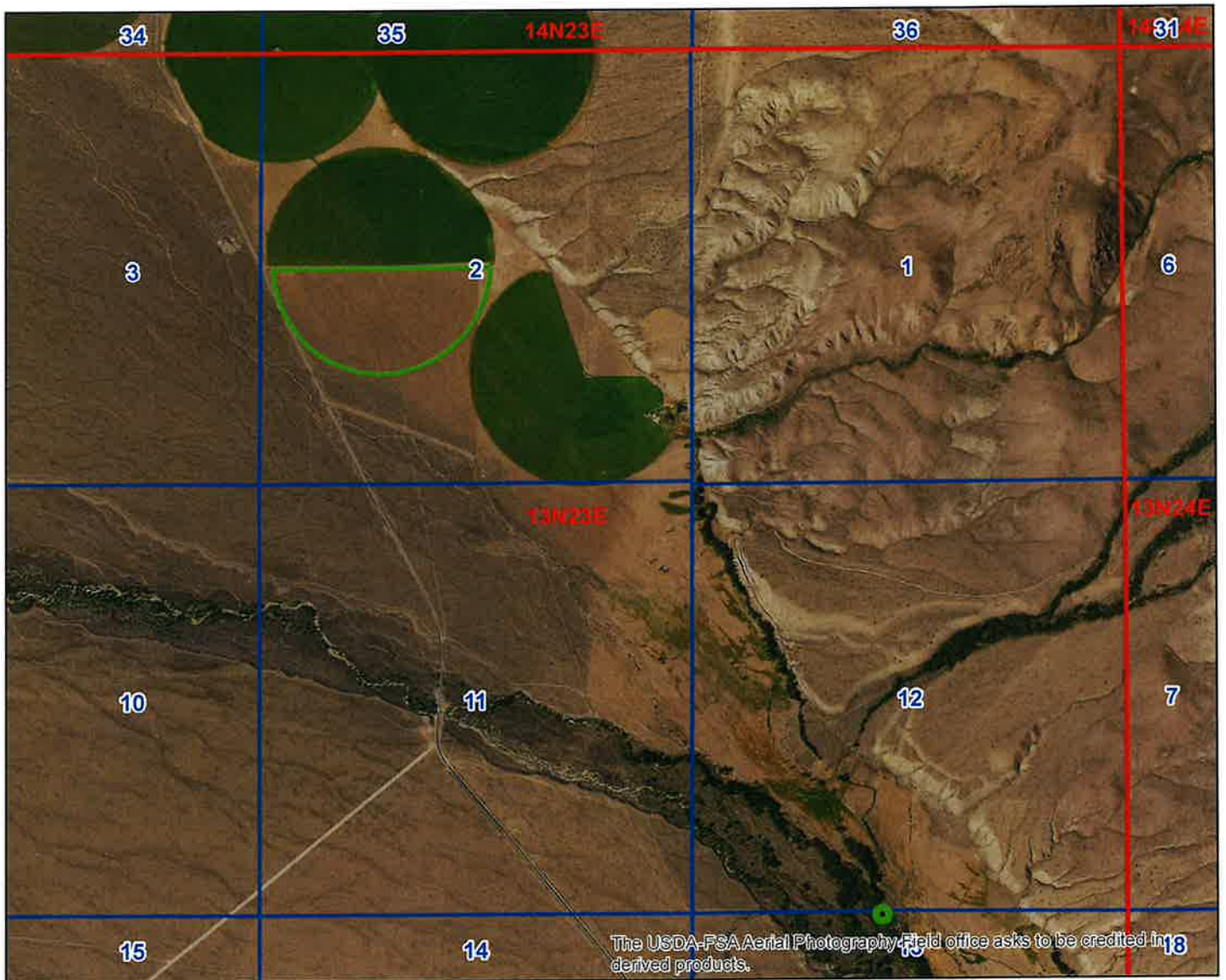
**WATER SUPPLY BANK RENTAL AGREEMENT No. 529**

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. When notified by the Department, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works that will provide the watermaster suitable control of the diversion(s).
10. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
11. When combined, the rented portions of water rights 73-12182, 73-12184, 73-12186, 73-12188, 73-12190, 73-12192, 73-12212, 73-12213, 73-12214, 73-12215, 73-12216, and 73-12217 shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
12. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.

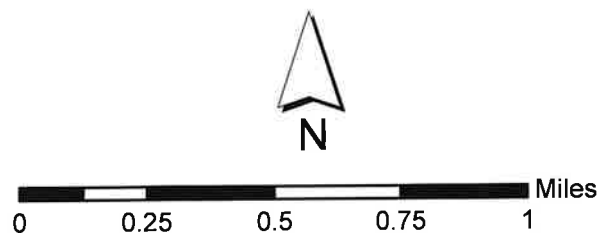
Idaho Water Resource Board  
**Attachment to Water Supply Bank Rental Agreement No. 529**

73-12181  
Effective until December 31, 2023

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



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Township/Range
-  Sections



STATE OF IDAHO  
WATER RESOURCE BOARD

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JUN 01 2021

DEPARTMENT OF  
WATER RESOURCES

UPDATED

APPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: United States of America Acting through USDI Bureau of Land Management ID State Office

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](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)

|          |          |          |           |
|----------|----------|----------|-----------|
| 73-12182 | 73-12186 | 73-12190 | see pg 4a |
| 73-12184 | 73-12188 | 73-12192 |           |

1077

STATE OF IDAHO  
WATER RESOURCE BOARD

Application to Rent Water (Continued)

**1. CONTACT INFORMATION**

A. Applicant United States of America Acting through USDI Bureau of Land Management ID State Office

Mailing Address 1387 S Vinnell Way Boise ID 83709-1657  
Street City State Zip Code

Email Address \_\_\_\_\_ Phone Number 208-373-4000

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 Fred Price Professional Title Water Rights Specialist  
 Organization BLM Relationship to Applicant Water Rights Specialist  
 Mailing Address ID State Office, 1387 Vinnell Way, Boise, ID 83709-1657  
 Email Address fwprice@blm.gov Phone Number 208-373-3831

**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:

Subject acres have been idled from irrigation in accordance with SRBA "Stipulation to Resolve Objections" dated 11/1/2011 resulting in establishment of cheat grass and weeds. Rented water will be temporarily used to establish native seedlings as part of a BLM restoration project.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 2.28 CFS                            | AF                            | 2.28 CFS                             | AF                             | 62.4 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<br>(month/day/year) | Latest Possible Start Date<br>(month/day/year) | *Mark Desired Rental Duration<br>(Calendar Years) |                            |                                       |                            |                            | **Applicant's preference if rental application cannot be processed prior to the latest possible start? |                                                          |
|----------------------------------------|------------------------------------------------|---------------------------------------------------|----------------------------|---------------------------------------|----------------------------|----------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 4/1                                    | n/a                                            | <input type="checkbox"/> 1                        | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> Process application as soon as possible                            | <input type="checkbox"/> 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):  
The irrigation conveyance system currently authorized for the leased water rights will be used for the rental acres.

- 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       |
|------------------------|--------------|-------------------------------------------------|
| NENENW, S13, T13N, R23 | Big Creek    | incorrectly described as SESW, S12, T13N, R23E  |
| (actual location)      |              | on water rights 73-12212 through 73-12216,      |
|                        |              | 73-12182, 73012184, 73-12186, 73-12188 &        |
|                        |              | 73-12190. Correctly described on water rights * |

*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 62.4 (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.

See item 4B

- 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

\* 73-12181, 73-12183, 73-12185, 73-12187 and 73-12189 per approved transfer no. 79130.

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<br>(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) |
| 73-12182                                                                                                                                                                          | Irrigation    | 0.16                 |             | 10.6       |                                                                                                                                |                                  |             |            |
| 73-12184                                                                                                                                                                          | Irrigation    | 0.13                 |             | 8.5        |                                                                                                                                |                                  |             |            |
| 73-12186                                                                                                                                                                          | Irrigation    | 0.25                 |             | 12.7       |                                                                                                                                |                                  |             |            |
| 73-12188                                                                                                                                                                          | Irrigation    | 0.17                 |             | 8.5        |                                                                                                                                |                                  |             |            |
| 73-12190                                                                                                                                                                          | Irrigation    | 0.25                 |             | 12.7       |                                                                                                                                |                                  |             |            |
| 73-12192                                                                                                                                                                          | Irrigation    | 0.25                 |             | 12.7       |                                                                                                                                |                                  |             |            |
| Combined Limits                                                                                                                                                                   |               | 0.96                 |             | 26.4       |                                                                                                                                | 0.96                             |             | 26.4       |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
| see pg 4a                                                                                                                                                                         |               |                      |             |            | 1.32                                                                                                                           |                                  | 36          |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
| 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                                                                                                                          | 2.28                             |             | 62.4       |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                | 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:

The same irrigation system currently authorized for the leased acres will be used for the restoration acres.

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)

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<br>(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) |
| 73-12212                                                                                                                                                                          | Irrigation    | 0.22                 |             | 14.4       |                                                                                                                                |                                  |             |            |
| 73-12213                                                                                                                                                                          | Irrigation    | 0.17                 |             | 11.5       |                                                                                                                                |                                  |             |            |
| 73-12214                                                                                                                                                                          | Irrigation    | 0.35                 |             | 17.3       |                                                                                                                                |                                  |             |            |
| 73-12215                                                                                                                                                                          | Irrigation    | 0.23                 |             | 11.5       |                                                                                                                                |                                  |             |            |
| 73-12216                                                                                                                                                                          | Irrigation    | 0.35                 |             | 17.3       |                                                                                                                                |                                  |             |            |
| 73-12217                                                                                                                                                                          | Irrigation    | 0.35                 |             | 17.3       |                                                                                                                                |                                  |             |            |
| Combined Limits                                                                                                                                                                   |               | 1.32                 |             | 36         |                                                                                                                                | 1.32                             |             | 36         |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
| see page 4                                                                                                                                                                        |               |                      |             |            | 0.96                                                                                                                           |                                  | 26.4        |            |
| Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank |               |                      |             |            | TOTAL                                                                                                                          | 2.28                             |             | 62.4       |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                | 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**:

The same irrigation system currently authorized for the leased acres will be used for the restoration acres.

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:

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- 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:  
Irrigation water is only temporarily needed to establish native plants.

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- 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.

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D. Additional Information

Lease/rental of this water right is part of a BLM restoration project. Rental is to be subject to Department administrative costs only.

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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

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

STATE OF IDAHO  
WATER RESOURCE BOARDAPPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED  
DEC 17 2020  
DEPARTMENT OF  
WATER RESOURCESApplicant Name: United States of America Acting through USDI Bureau of Land Management ID State Office

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](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)

|          |          |          |          |
|----------|----------|----------|----------|
| 73-12182 | 73-12186 | 73-12190 | 73-12181 |
| 73-12184 | 73-12188 | 73-12192 |          |

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

- A. Applicant United States of America Acting through USDI Bureau of Land Management ID State Office
- Mailing Address 1387 S Vinnell Way Boise ID 83709-1657  
Street City State Zip Code
- Email Address \_\_\_\_\_ Phone Number 208-373-4000
- 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 Fred Price Professional Title Water Rights Specialist
- Organization BLM Relationship to Applicant Water Rights Specialist
- Mailing Address ID State Office, 1387 Vinnell Way, Boise, ID 83709-1657
- Email Address fwprice@blm.gov Phone Number 208-373-3831

**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**:  
Subject acres have been idled from irrigation in accordance with SRBA "Stipulation to Resolve Objections" dated 11/1/2011 resulting in establishment of cheat grass and weeds. Rented water will be temporarily used to establish native seedlings as part of a BLM restoration project.

- B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 1.49 CFS                            | AF                            | 1.49 CFS                             | AF                             | 62 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<br>(month/day/year) | Latest Possible Start Date<br>(month/day/year) | *Mark Desired Rental Duration<br>(Calendar Years) |                            |                                       |                            |                            | **Applicant's preference if rental application cannot be processed prior to the latest possible start? |                                                          |
|----------------------------------------|------------------------------------------------|---------------------------------------------------|----------------------------|---------------------------------------|----------------------------|----------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 4/1                                    | n/a                                            | <input type="checkbox"/> 1                        | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> Process application as soon as possible                            | <input type="checkbox"/> 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):  
The irrigation conveyance system currently authorized for the leased water rights will be used for the rental acres.

- 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       |
|------------------------|--------------|-------------------------------------------------|
| NENENW, S13, T13N, R23 | Big Creek    | incorrectly described as SESW, S12, T13N, R23E  |
| (actual location)      |              | on water rights 73-12212 through 73-12216,      |
|                        |              | 73-12182, 73012184, 73-12186, 73-12188 &        |
|                        |              | 73-12190. Correctly described on water rights * |

*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 62 (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.

See item 4B

- 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

\* 73-12181, 73-12183, 73-12185, 73-12187 and 73-12189 per approved transfer no. 79130.

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<br>(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) |
| 73-12182                                                                                                                                                                          | Irrigation    | 0.16                 |             | 10.6       |                                                                                                                                |                                  |             |            |
| 73-12184                                                                                                                                                                          | Irrigation    | 0.13                 |             | 8.5        |                                                                                                                                |                                  |             |            |
| 73-12186                                                                                                                                                                          | Irrigation    | 0.25                 |             | 12.7       |                                                                                                                                |                                  |             |            |
| 73-12188                                                                                                                                                                          | Irrigation    | 0.17                 |             | 8.5        |                                                                                                                                |                                  |             |            |
| 73-12190                                                                                                                                                                          | Irrigation    | 0.25                 |             | 12.7       |                                                                                                                                |                                  |             |            |
| 73-12192                                                                                                                                                                          | Irrigation    | 0.25                 |             | 12.7       |                                                                                                                                |                                  |             |            |
| Combined Limits                                                                                                                                                                   |               | 0.96                 |             | 26.4       |                                                                                                                                | 0.96                             |             | 26.4       |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
| 73-12181                                                                                                                                                                          | Irrigation    | 0.53                 |             | 35.6       |                                                                                                                                | 0.53                             |             | 35.6       |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
| Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank |               |                      |             |            | TOTAL                                                                                                                          | 1.49                             |             | 62.0       |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                | 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**:

The same irrigation system currently authorized for the leased acres will be used for the restoration acres.

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:

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- 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:  
Irrigation water is only temporarily needed to establish native plants.

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- 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.

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- D. Additional Information  
Lease/rental of this water right is part of a BLM restoration project. Rental is to be subject to Department administrative costs only.

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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

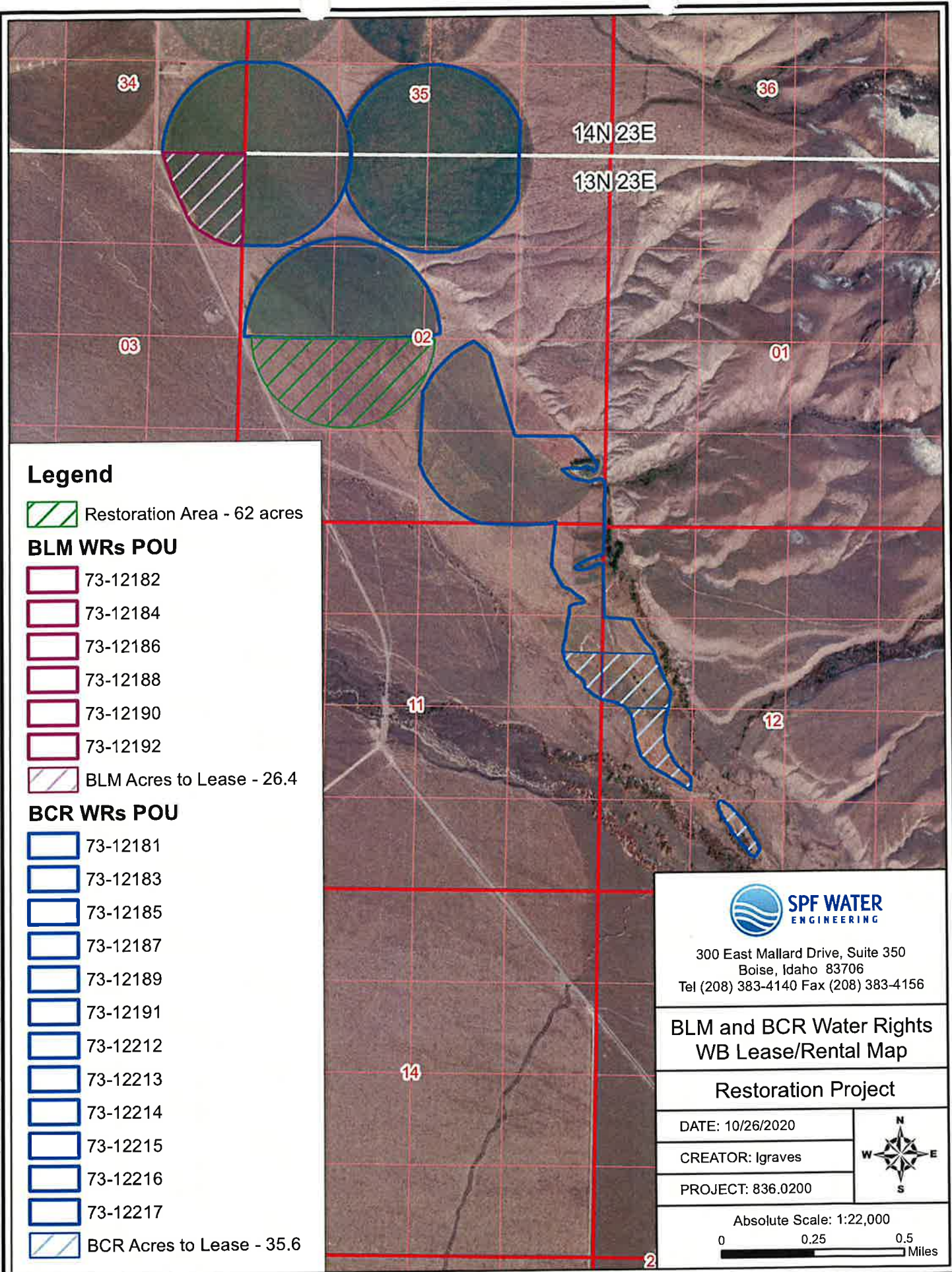
Signature of Representative

Printed Name of Representative

Date

Mail to:

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





State of Idaho

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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 27, 2021

UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 73-12188, 73-13190, 73-12192, 73-12182, 73-12184, 73-12186, 73-12214, 73-12215, 73-12216, 73-12217, 73-12212 & 73-12213 AGREEMENT 529

Dear Renter:

Please find enclosed a receipt in the amount of **\$436.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 218.4 acre-feet of water for irrigation of 62.4 acres during 2021. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$436.80.**

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

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosures: Receipt No. C110660  
Rental Agreement (copy)

c: Sascha Marston – Fiscal



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 16, 2021

UNITED STATE OF AMERICA  
ACTING THROUGH USDI BLM  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 73-12182, 73-12184, 73-12186, 73-12188, 73-12190, 73-12192, 73-12212, 73-12213, 73-12214, 73-12215, 73-12216 & 73-12217 AGREEMENT 529**

**\*\*\*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 **\$4,368.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 218.4 acre-feet. Since you have a private agreement with the lessor of water rights 73-12212, 73-12213, 73-12214, 73-12215, 73-12216 & 73-12217 and you are both the lessor and the renter of right(s) 73-12182, 73-12184, 73-12186, 73-12188, 73-12190 & 73-12192, **you are only obligated to pay the 10% administrative fee or \$436.80 for the year 2021 & 2020 and \$502.32 for the year 2023.** 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 \$436.80** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

*Jean Hershey*

FOR  
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk  
SPF Water Engineering LLC

## MEMORANDUM FOR AGREEMENT # 529

**To:** Water Rights: 73-12182, 73-12184, 73-12186, 73-12188, 73-12190, 73-12192, 73-12212, 73-12213, 73-12214, 73-12215, 73-12216, and 73-12217

**From:** Dave Betts

**Date:** July 2, 2021

**Re:** Review & Analysis of Application to Rent Water from the State Water Supply Bank

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**PURPOSE/NARRATIVE:** The proposed rental is part of a lease-rental package submitted by the Bureau of Land Management (BLM) on December 17, 2020. An amended rental application was received on June 01, 2021 to include the updated proposed lease from Big Creek Ranch. The proposed rental requests the use six water rights which are owned by Big Creek Ranch (Lease contract no. 1423), and six rights owned by the BLM (Lease contract no. 1389). The BLM requests a diversion rate of 2.28 cfs for the irrigation of 62.4 acres for three years (2021 through 2023). The temporary irrigation would be used to establish native seedlings as part of a BLM restoration project.

**AUTHORITY TO FILE:** The application was signed by Fred Price of the BLM. The proposed rental would use the same diverting works and irrigation system as the leased rights, which are owned and operated by Big Creek Ranch. The proposed place of use is on land belonging to the BLM and approximately two acres that belong to Big Creek Ranch. The applications to lease and rent were submitted together by through Lori Graves of SPF Engineering. Authority to file is not a concern.

**WATER RIGHT VALIDITY:** The water rights for lease were reviewed at the same time as this application to rent. The leased rights have been used within the last five years. The validity of the water rights to be rented is not a concern.

**INJURY TO OTHER WATER RIGHTS:** The proposed rental will not change the points of diversion or the diverting works. The proposed place of use for the rental is next to the places of use of the leased water rights. There does not appear to be a risk of injury to other rights.

**ENLARGEMENT OF USE:** There is no change to the nature of use or the points of diversion. Combined, the owners of the leased rights will idle 62.4 acres of irrigation in order to provide 62.4 acres of irrigation for this rental. Enlargement of use is not a concern.

**LOCAL PUBLIC INTEREST:** Review staff has no information to suggest this application is inconsistent with the local public interest.

**BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:** The rental appears consistent with the conservation of water resources in Idaho.

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** A request for comments or concerns was emailed to the Regional staff and to the watermasters (WD 73 and WD 170) on March 26, 2021. WD 170 had concerns with the original lease application from Big Creek Ranch (Lease application no. 1878). The proposed lease from Big Creek Ranch was replaced with lease contract no. 1423 to address WD 170's concerns. The Region and WD 73 did not respond with concerns regarding the proposed rental.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 15, 2021

BIG CREEK RANCH LLC  
PO BOX 5987  
KETCHUM, ID 83340-5987

**RE: WITHDRAWAL OF APPLICATION TO LEASE AND RENT WATER RIGHT NO. 73-12181 TO  
AND FROM THE WATER SUPPLY BANK**

Dear Applicant:

Per written request by Lori Graves of SPF Water Engineering received on June 1, 2021, the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Application of water right 73-12181. An updated Rental Application was received with the withdrawal request which removed water right 73-12181 from the proposed Rental Agreement.

The fee for the lease of water right 73-12181 has been applied to the lease of other Big Creek Ranch water rights.

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

Sincerely,

Amanda Johnson-Veibell  
Technical Records Specialist I

Enclosure: Lease Application 1878

c: Lori Graves – SPF Water Engineering

## Betts, David

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**From:** Yenter, Cindy  
**Sent:** Tuesday, April 06, 2021 10:43 AM  
**To:** Betts, David  
**Cc:** Buyer, Remington; Cefalo, James; tedoneal1954@gmail.com  
**Subject:** FW: Proposed Lease-Rental package - Basin 73 - BLM & Page

Dave - After a closer look, I see that BLM has submitted for lease 1884 all six stacked rights (73-12182 et al) on that quarter-pivot for lease of 26.4 acres – I do not object to this lease.

The BLM proposal does raise a question that I'd like answered: How does Page intend to prevent irrigation of those lands? (Page I'm sure has the ag lease from BLM) Is he putting up pivot stops, or walking the pivot dry over that quarter?

The Page lease proposal 1878 of 73-12181 may not be processed as filed. This right is stacked and combined with other rights. Page must lease a portion of all 6 stacked rights which carry the combined limit of 433.5 acres (12181, 12183, 12185, 12187, 12189, 12191). He cannot simply pull 36 acres from 12181 and reduce the total acres irrigated.

Do you suppose that Page intended to lease 12212, 12213, 12214, 12215, 12216 and 12217? If not, he should have. These six, also in the same PPU, have a combined acreage of 36 ac, combined flow of 1.32 cfs, and are additive with the 433.5 for a total acreage limit of 469.5 ac in the PPU. I believe these six could be leased independent of the other six, and they appear to be splits from the same rights so the priorities would be the same. I would support the revised lease of the above six rights 12212 et al.

The problems with stacked right is that we no longer know the relationship between all the stacked rights, or the historic proportional use in priority. The rights have been placed in a PPU and used together so long that those relationships are blurry. We can't assume that any of these rights may be used alone without causing an enlargement of use. Unstacking like this would not be permitted in a transfer unless the applicant can show how enlargement will not occur. That is unlikely here; unstacking cannot be permitted in the lease. The solution is to take proportional splits of all stacked rights, or to lease the entire package of rights.

I am still concerned that the 36 specific acres at the south end of the Page property which are proposed to be unirrigated during the lease period, do not appear irrigated for at least 5 years. Because this is a PPU and most of the rest of the PPU is regularly irrigated, perhaps this is not a problem. All rights under both leases do in fact use the same pods from Big Creek and Mill Creek.

Finally, what is the total rental request? Will the same PODs be used or are different diversions proposed? Based on both leases I'm presuming about 62 acres, but you haven't sent the rental packet over yet.

*Cindy Yenter  
IDWR Salmon Field Office  
102 S Warpath  
Salmon ID 83467  
208-742-0655  
208-731-0901 cell*

**From:** Yenter, Cindy  
**Sent:** Monday, April 5, 2021 4:21 PM  
**To:** Betts, David <David.Betts@idwr.idaho.gov>  
**Subject:** RE: Proposed Lease-Rental package - Basin 73 - BLM

David, at first glance both leases appear to have serious enlargement issues, as there are numerous overlaps on both Page and BLM, and overlapping rights don't appear to be included on the leases. Was this addressed in the applications or have you done a full water right analysis? I also don't see good evidence of irrigation on the Page acres since about 2009, so I would question lease eligibility. I will look harder at the overlaps and get back with you.

**From:** Betts, David  
**Sent:** Friday, March 26, 2021 4:58 PM  
**To:** Yenter, Cindy <[Cindy.Yenter@idwr.idaho.gov](mailto:Cindy.Yenter@idwr.idaho.gov)>; Cefalo, James <[James.Cefalo@idwr.idaho.gov](mailto:James.Cefalo@idwr.idaho.gov)>; Ted O'Neal ([tedoneal1954@gmail.com](mailto:tedoneal1954@gmail.com)) <[tedoneal1954@gmail.com](mailto:tedoneal1954@gmail.com)>  
**Subject:** Proposed Lease-Rental package - Basin 73 - BLM

The Bureau of Land Management and Big Creek Ranch have submitted applications to lease and an application to rent. The applications are to assist with a restoration project by the BLM.

Please review the attached documents and let me know if you have any concerns or comments about the proposed leases or rental.

Thank you for your help,

--  
Dave Betts - *Water Resource Agent*  
**Water Rights Section | Idaho Department of Water Resources**  
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