

Veibell, Amanda

From: Condon, Mary
Sent: Monday, July 26, 2021 10:02 AM
To: Buyer, Remington
Cc: Hummer, Phill; Veibell, Amanda
Subject: RA 512 Cancellation

Remington,

The rental for Afton Baker, 512, has been cancelled per her request. I've updated the software. Her agreement was sent for signature on 4/27/2021, with a follow-up request sent on 5/19/2021. Not sure if Amanda or Phill need anything more regarding this.

Thanks,

Mary

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

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

FEB 08 2021

DEPARTMENT OF
WATER RESOURCESApplicant Name: Afton S. BakerIs this application being submitted with a lease application as a lease/rental package?
If yes, specify companion water rights in Section 4Yes ☐ No ☐

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Attachment	N/A	Yes	
		Yes	
		☒	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
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)

1968

1-10443

45-11969

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Afton S. Baker
Mailing Address 607 Taylor St W Kimberly Id 83341
Street City State Zip Code
Email Address aftonbaker@yahoo.com Phone Number 208-420-2536
- 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 _____ Professional Title _____
Organization _____ Relationship to Applicant _____
Mailing Address _____
Email Address _____ Phone Number _____

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**:

Land scape Irrigation - Trees, Shrubs, grass

- 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	0.11 CFS	AF	0.15 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
6/1/2021	8/1/2021	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

Pumped out of snake river into a lawn sprinkler system

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
<u>Pump w/suction hose</u>	<u>Snake River</u>	<u>None</u>

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 0.15 (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)? To the high watermark. 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:

Minidoka Irrigation District serial # 889-04 POD is on the north side of the road. I need water on the south side of the road along the river. Its costly to install a pipeline under the County road.

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)
1-10443 45-11969	Landscape Irrigation			0.15				
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			
						CFS	AF	AC

* Need about 200,000 gallons per year in growing season. April 15th to October 15th

**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**:

Just need enough water to irrigate trees, shrubs and grass. Healthy landscape reduces soil erosion.

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:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.


Signature of Applicant

Afton S. Baker
Printed Name of Applicant

2/5/2021
Date

Signature of Representative

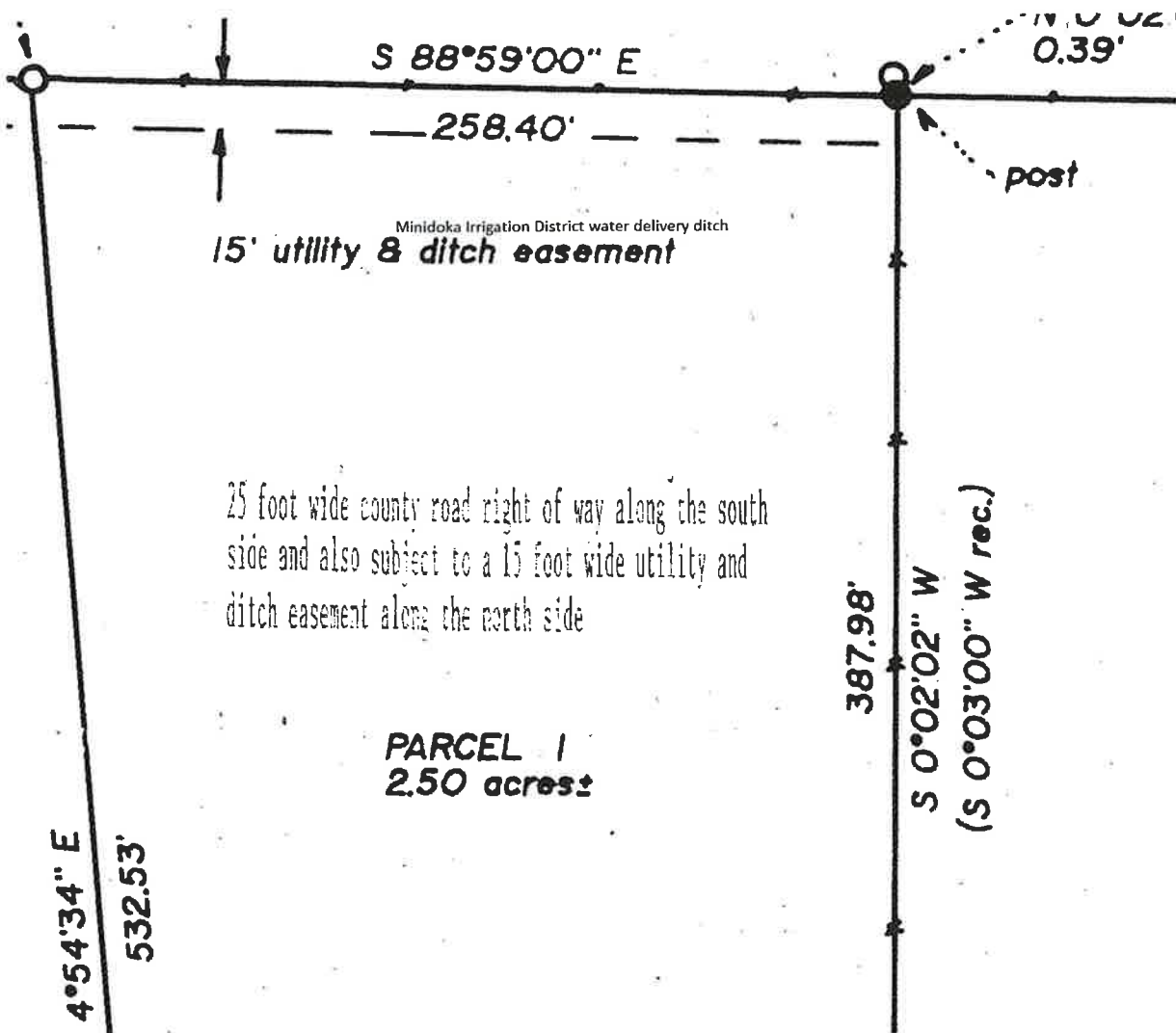
Printed Name of Representative

Date

Mail to:

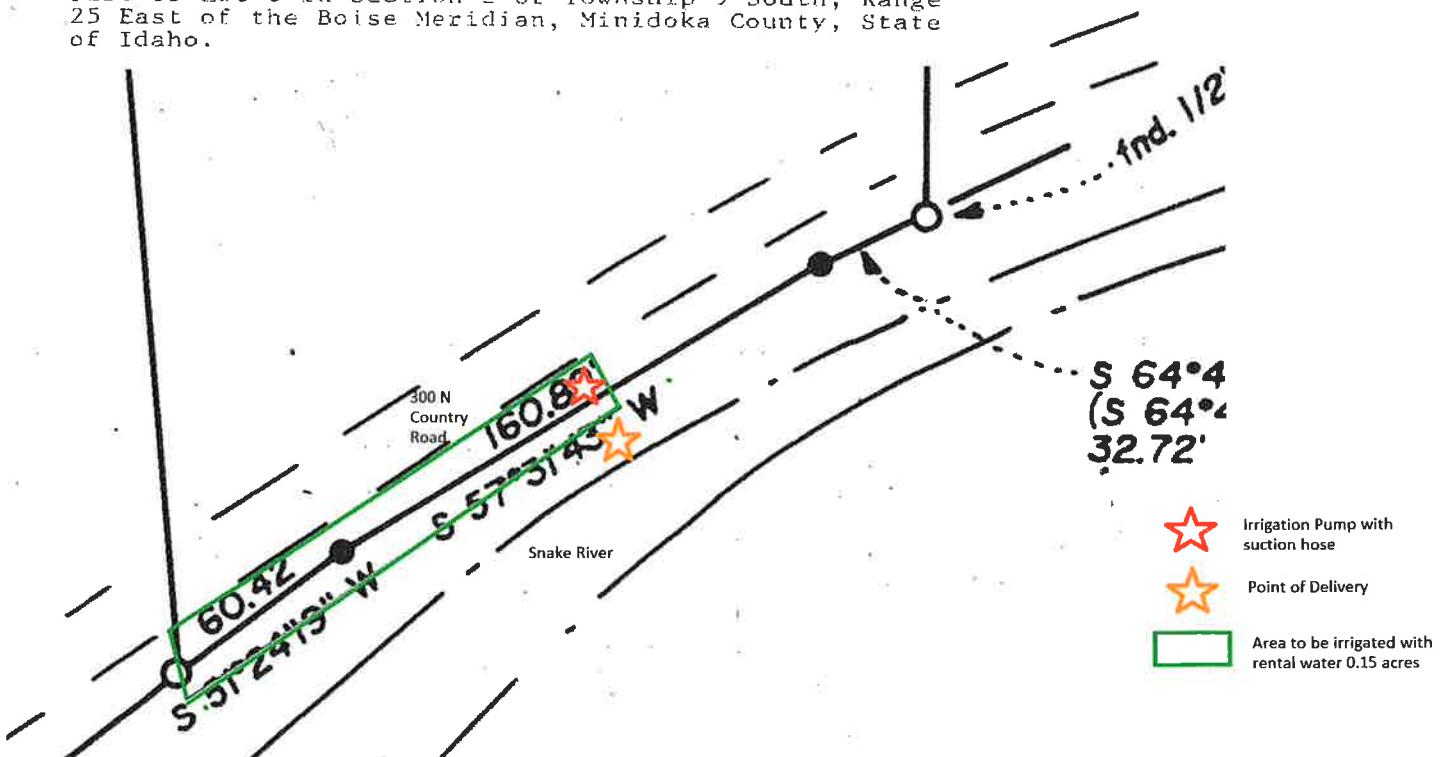
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

ATTACHMENT 2-Application to Rent Water for Afton Baker



PROPERTY DESCRIPTION - PARCEL 1

Part of Lot 8 in Section 2 of Township 9 South, Range 25 East of the Boise Meridian, Minidoka County, State of Idaho.





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 19, 2021

AFTON BAKER
607 TAYLOR ST W
KIMBERLY, ID 83341

RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 512 AND PAYMENT
FOR WATER RIGHT(S) 1-10443 & 45-11969

TIME SENSITIVE RESPONSE REQUIRED

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on April 27, 2021. The signed agreement and rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$38.00 within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 27, 2021

AFTON BAKER
607 TAYLOR ST W
KIMBERLY, ID 83341

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 1-10443 & 45-11969 AGREEMENT 512**

*****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 \$38.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 1.8 acre-feet.

Please send a check for \$38.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$34.20 of the rental fee will be paid to the lessor(s) and 10% or \$3.80 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

MEMORANDUM FOR AGREEMENT # 512

To: Water Right(s) 1-10443 & 45-11969
From: Scott Storms
Date: March 12, 2021
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Application to rent water from the Water Supply Bank (Bank) was received by the Department of Water Resources (Department) on February 8, 2021. The application was submitted by Afton Barker and proposes to draw water out of the Snake River to irrigate 0.15 acre of river bank to water trees, shrubs and grass on the bank to help reduce soil erosion.

AUTHORITY TO FILE: The application was submitted and signed by Afton Barker. Parcel data maintained by the Department shows Afton Barker as owner of the parcel at the place of use (POU). There are no concerns of authority to file.

WATER RIGHT VALIDITY: Water rights 45-11969 and 1-10443 were decreed in 2005 and 2009 respectively, and placed into the Bank initially beginning in 2010. As such, a full period of non-use without a defense against forfeiture has not elapsed and the right can be considered for lease to the Bank for another term.

INJURY TO OTHER WATER RIGHTS: Both the leased and the rental points of diversion are within Water District 01. The overall flow rate and volume of the rental is minimal enough that it should have no effect on nearby rights also sourced from the Snake River. There are no further concerns of injury to other rights.

ENLARGEMENT OF USE: The applicant stated on the application that Minidoka Irrigation District water is available on the property north of the highway, however water is needed on the south side and installing pipe under the road is cost prohibitive. Other than Minidoka Irrigation, there are no other overlapping water rights at the POU. The requested surface water right 1-10443 contains a combined limit with ground water right 45-11969. As such, the proportionate amount of water right 45-11969 will also be allocated to this rental to prevent enlargement but only the requested amount associated with water right 1-10443 and diverted from the Snake River will be authorized for use. The proportions were calculated as follows:

The acre combined limit between the two rights is 94.6 acres. Right 1-10443 authorizes irrigation 43.5 acres, which is 46% of the overall combined limit. Right 45-11969 authorizes irrigation of the full 94.6 acres of the combined limit therefore, whatever total acreage is where the 0.15 acres requested would be 46% of, that is the total acres that need to be allocated from 45-11969 so $0.15/0.46 = 0.33$ acres. The authorized rate of 45-11969 amounts to 0.013 cfs/acre therefore the rate for the rental would be $0.33 \times 0.013 = 0.004$ cfs. With a standard headgate volume in the area of 4 afa, volume associated with 45-11969 would be $0.33 \times 4 = 1.3$. The combined limits for the rights would be the 1.3 af volume and 0.3 acres, but since the combined limit allows for a total of 0.02 cfs/acre, the combined rate limit would be 0.3 acres $\times$ 0.02 cfs = 0.006 cfs. However, the total rental will be limited down to just that diversion authorized under 1-10443 from the Snake River.

There are no further concerns of enlargement.

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: The location for the rental PD is subject to Water District # 01 and is within the Southern regional office management area. Watermaster Tony Olenichak and Southern regional contact Corey Skinner have been provided this review for comment and concerns.

Tony Olenichak responded with concerns that the rented water right would not remain in priority for very long each year, if at all. He suggested the agreement include conditioning that provided for the renter to secure water through local Water District #01 Upper Snake River rental pool in order to extend irrigation through the entire season. That conditioning has been added to the rental, however it will be up to the renter to secure an agreement through the WD #01 rental pool in order to extend irrigation after the rented right in this agreement is curtailed. This process has also been discussed with the renter.

Storms, Scott

From: Storms, Scott
Sent: Monday, March 22, 2021 9:12 AM
To: 'aftonbaker@yahoo.com'
Subject: Water Supply Bank rental

Hello Afton,

I have been reviewing your application to rent water from the Idaho Water Resource Board's Water Supply Bank. I have everything in order and ready to send out for your signature, however when I requested comment from the local watermaster Tony Olenichak, he pointed out that the March 15, 1961 priority date on the water right you would be renting from would not stay in priority for very long every year and would likely be curtailed by June, if not sooner on a dry year.

Alternatively, there is also a local rental pool referred to as the Upper Snake Reservoir Rental Pool. I am not as familiar with the procedures in obtaining water from this rental pool as I do not conduct processing of those rentals, however Tony is ultimately the person authorized to approve such rentals. It is my understanding that you must contact Minidoaka Irrigation District to obtain permission to utilize a portion of their storage water rights from this rental pool, and then Tony can authorize such a rental. Again, I am not entirely familiar with this process, so if you are interested in pursuing such a rental, your best option would be to contact watermaster Tony Olenichak at 208-525-7161, email tony.olenichak@idwr.idaho.gov.

If you still wish to move forward with the Board's Water Supply Bank rental, or some combination of the two types of rentals, please let me know within the next 14 days so we can move forward in a timely manner.

Thank you,

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

Storms, Scott

From: Olenichak, Tony
Sent: Thursday, March 18, 2021 2:04 PM
To: Storms, Scott
Subject: Water Right Condition

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,

I was able to quickly find an example of the condition that has been listed by the IDWR on junior priority water rights issued over the more recent years from our lists within the WD1 water right accounting: License 1-7126 with its Condition #1. This same type of condition should be placed on any Water Bank transfer that moves junior-priority water to a new diversion without any other water rights or storage supply sufficient for the new diversion to irrigate during the season. The condition doesn't necessarily need to solely require rental from the WD1 Rental Pool but could reference an agreement between Minidoka Irrigation District (MID) and the pump owner to provide MID storage to the new point of diversion when the diversion's water right is out-of-priority. Otherwise, IWRB or IDWR shouldn't be allowing these Water Bank transfers that are only good on paper and not good in practice without an additional supplemental water supply.

Tony

Storms, Scott

From: Skinner, Corey
Sent: Thursday, March 18, 2021 10:31 AM
To: Storms, Scott
Subject: RE: WSB Rental 512 Afton Barker

I'm good as long as Tony is good

From: Storms, Scott
Sent: Wednesday, March 17, 2021 1:30 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Olenichak, Tony <Tony.Olenichak@idwr.idaho.gov>
Subject: WSB Rental 512 Afton Barker

Corey and Tony,

Hopefully given all our email issues these past couple days this still makes it out to you. Please take a look at the attached review memo and map and get back to me in the next 14 days with any concerns or comments.

Scott
Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

MEMORANDUM FOR AGREEMENT # 512

To: Water Right(s) 1-10443 & 45-11969

From: Scott Storms

Date: March 12, 2021

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AUTHORITY TO FILE: The application was submitted and signed by Afton Barker. Parcel data maintained by the Department shows Afton Barker as owner of the parcel at the place of use (POU). There are no concerns of authority to file.

WATER RIGHT VALIDITY: Water rights 45-11969 and 1-10443 were decreed in 2005 and 2009 respectively, and placed into the Bank initially beginning in 2010. As such, a full period of non-use without a defense against forfeiture has not elapsed and the right can be considered for lease to the Bank for another term.

INJURY TO OTHER WATER RIGHTS: Both the leased and the rental points of diversion are within Water District 01. The overall flow rate and volume of the rental is minimal enough that it should have no effect on nearby rights also sourced from the Snake River. There are no further concerns of injury to other rights.

ENLARGEMENT OF USE: The applicant stated on the application that Minidoka Irrigation District water is available on the property north of the highway, however water is needed on the south side and installing pipe under the road is cost prohibitive. Other than Minidoka Irrigation, there are no other overlapping water rights at the POU. The requested surface water right 1-10443 contains a combined limit with ground water right 45-11969. As such, the proportionate amount of water right 45-11969 will also be allocated to this rental to prevent enlargement but only the requested amount associated with water right 1-10443 and diverted from the Snake River will be authorized for use. The proportions were calculated as follows:

The acre combined limit between the two rights is 94.6 acres. Right 1-10443 authorizes irrigation 43.5 acres, which is 46% of the overall combined limit. Right 45-11969 authorizes irrigation of the full 94.6 acres of the combined limit therefore, whatever total acreage is where the 0.15 acres requested would be 46% of, that is the total acres that need to be allocated from 45-11969 so $0.15/0.46 = 0.33$ acres. The authorized rate of 45-11969 amounts to 0.013 cfs/acre therefore the rate for the rental would be $0.33 \times 0.013 = 0.004$ cfs. With a standard headgate volume in the area of 4 afa, volume associated with 45-11969 would be $0.33 \times 4 = 1.3$. The combined limits for the rights would be the 1.3 af volume and 0.3 acres, but since the combined limit allows for a total of 0.02 cfs/acre, the combined rate limit would be 0.3 acres $\times$ 0.02 cfs = 0.006 cfs. However, the total rental will be limited down to just that diversion authorized under 1-10443 from the Snake River.

There are no further concerns of enlargement.

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: The location for the rental PD is subject to Water District # 01 and is within the Southern regional office management area. Watermaster Tony Olenichak and Southern regional contact Corey Skinner have been provided this review for comment and concerns.

Tony Olenichak responded with concerns that the rented water right would not remain in priority for very long each year, if at all. He suggested the agreement include conditioning that provided for the renter to secure water through local Water District #01 Upper Snake River rental pool in order to extend irrigation through the entire season. That conditioning has been added to the rental, however it will be up to the renter to secure an agreement through the WD #01 rental pool in order to extend irrigation after the rented right in this agreement is curtailed. This process has also been discussed with the renter.

Storms, Scott

From: Afton Baker <abaker@pacificethanol.com>
Sent: Friday, February 5, 2021 2:26 PM
To: Ferguson, Justin
Subject: RE: Rent Water
Attachments: Water Rental Application-A Baker 20210205.pdf

Hi Justin,

Attached is the completed application including a map. I put the hard copy in the mail today. The items I didn't know the answer to I left blank, so if you need other information let me know.

So a separate question: If someone is paying their annual assessment fees to an irrigation district for water that isn't being used, can that water be leased through the water supply bank by the person paying the assessment fees?

Thanks and have a great weekend!

Afton

From: Ferguson, Justin [mailto:Justin.Ferguson@idwr.idaho.gov]
Sent: Friday, February 5, 2021 10:56 AM
To: Afton Baker <abaker@pacificethanol.com>
Subject: RE: Rent Water

EXTERNAL EMAIL: Be cautious of incorrect email addresses and when opening attachments and links.

Morning!

We do have water rights available in that area that should have sufficient volume to cover the area you are looking to irrigate. Below is a link to our rental application, if you can fill that out and mail it to our office, we can get started processing your request. The water rights for page 4 are 1-10443 & 45-11969, you won't need to enter the diversion rate, volume, and acres leased to the Bank on the left, just the amounts you are seeking to rent on the right side of the page.

Let me know if there is anything else I can send over!

[Application to Rent Water from the Water Supply Bank](#)

Justin Ferguson
Water Supply Bank Specialist
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4936 | Justin.Ferguson@IDWR.Idaho.gov

From: Afton Baker [mailto:abaker@pacificethanol.com]
Sent: Friday, February 5, 2021 10:23

To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>

Subject: Rent Water

Good Morning Justin,

I am located on the north side of the snake river just below Minidoka dam. I have a river frontage area approximately 150 ft X 40 ft that consists of grass and trees I would like to irrigate by pumping water out of the snake river. Is there any water available to rent for this size and purpose?

Thank you,

Afton