

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1286

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: JOHN C BONNER
2009 WIDNER RD
MIDVALE, ID 83645

RECEIVED
FEB 22 2021
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 04, 2020.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
67-2210A	1/8/1952	WASTE WATER, tributary to WEISER RIVER	0.01	Not Stated	0.60
Combined Limit Totals			0.01	Not Stated	0.60

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
67-2210A	0.01	2.4	0.60	0.01	4.0
Combined Limit Totals	0.01	2.4	0.60	0.01	4.0

** The water right elements rentable include a defined volume limit that is based on the regional field headgate irrigation standard of 4.0 afa/acre.*

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: 208.33/ AF (\$500 annually for the lease of 0.6 acres).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1286

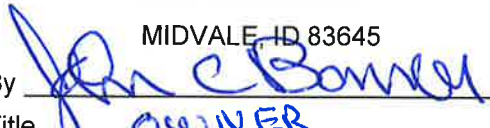
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2021 to December 31, 2021. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1286

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: JOHN C BONNER
2009 WIDNER RD
MIDVALE, ID 83645

By 
Title OWNER
Date 2-19-2021

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 2/23/21

Lease approved by IDWR 

Date 2/23/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1286

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 67-2210A

WASTE WATER	NESE	Sec. 19	Twp 13N	Rge 03W	WASHINGTON County
WASTE WATER	SWSWSE	Sec. 19	Twp 13N	Rge 03W	WASHINGTON County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
67-2210A	IRRIGATION	03/15	to	10/31	0.01 cfs	Not Stated
Totals:					0.01 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: 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	03W	19												0.6					0.6

Total Acres: 0.6

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1286

8. Acceptance of a right into 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.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
13. 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. 67.
14. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
15. The wastewater diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
16. The unleased portions of right 67-2210A are limited to the irrigation of 0.57 cfs and 44.4 acres.

STATE OF IDAHO
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

RECEIVED

DEC 04 2020

DEPARTMENT OF
WATER RESOURCES

67-2210A

(One water right per application)

Designated Applicant John C Bonner

(Select one owner – see item 1A on the application)

Water Right No.

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

Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☒ ☐ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 250Received By: kuDate Received: 12.04.2020 Receipt # C109573W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: John C Bonner

1826

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant John C Bonner

Mailing Address <u>2009 Widner Rd</u>	<u>Midvale</u>	ID <u>83645</u>	
Street	City	State	Zip Code

Email Address <u>jcbon2000@yahoo.com</u>	Phone Number <u>(208) 550-0718</u>
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☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☒ No ☐

If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐

If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☐ No ☒

If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled 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 idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.
- B. Please provide a description of the current water diversion and delivery system.
Waste water is diverted using a pump and pivot system.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. Water Rights 67-7102 and 67-7396 share a POU with 67-2210A but according to an analysis conducted by IDWR the rights are not stacked. This analysis was conducted during a review of a lease application for 67-2210A for the 2020 irrigation season.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☒ No ☐
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. Applicant will idle 0.6 acres of the current place of use. The remainder of the POU will be irrigated with the remaining portion of 67-2210A, 67-7102 and 67-7396.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The applicant has irrigated all of the acres authorized under water right 67-2210A and 0.6 acres was placed in the waterbank during the 2020 irrigation season.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☒

APPLICATION TO SELL OR LEASE A WATER RIGHT

(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

If lease, specify the years when the use of water will be suspended: 2021 to 2021 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
\$500 Annual Payment

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

John C Bonner
Signature of Designated Applicant

John C BONNER
Printed Name

11-22-2020
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>67-2210A</u>	<u>Irrigation</u>	<u>.008</u>	<u></u>	<u>0.6</u>
	Total Amounts:	<u>.008</u>		<u>0.6</u>

2. Source of water Waste Water tributary to Weiser River

3. Point(s) of diversion:

Twtp	Rge	Sec	Lot	¼	¼	¼	County
13N	03W	19			NE	SE	Washington
13N	03W	19		SW	SW	SE	Washington

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LESSOR DESIGNATION FORM

When multiple individuals or business entities jointly own property to which a water right is appurtenant, the parties can use this form to nominate a designated lessor to represent their common interests on a Water Supply Bank lease contract. The signatures of all water right holders are required on this form to elect a designated lessor. The designated lessor is required to provide a completed IRS Form W-9 to receive any payment associated with the rental of a water right under a Water Supply Bank lease contract. **All correspondence and any financial payment associated with the rental of this water right will be directed to the designated lessor.** If additional space is needed to list any other water right holders, attach a second copy of this Lessor Designation Form.

Water Right No(s). 67-2201A

	Designated Lessor	Water Right Co-owner	Water Right Co-owner
Name	John C. Bonner	Joy Faerber	
Mailing Address	2009 Widner Rd Midvale, ID 83645	2009 Widner Rd Midvale, ID 83645	
Phone Number	(208) 550-0716	(208) 355-2105	
Email Address	jcbon2000@yahoo.com		
Water Right Owner Declaration	As designated lessor, I will represent the interest of all other water right owners on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			

	Water Right Co-owner	Water Right Co-owner	Water Right Co-owner
Name			
Mailing Address			
Phone Number			
Email Address			
Water Right Owner Declaration	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			



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

February 26, 2021

JOHN C BONNER
2009 WIDNER RD
MIDVALE, ID 83645

**RE: WATER SUPPLY BANK LEASE CONTRACTS 1286
FOR WATER RIGHTS 67-2210A**

Dear Lessor:

Water right **67-2210A** were leased into the Water Supply Bank (Bank) as of January 1, 2021, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2021**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region
Water District 67



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

January 29, 2021

JOHN C BONNER
2009 WIDNER RD
MIDVALE, ID 83645

**RE: APPLICATION TO LEASE WATER RIGHTS 67-2210A TO THE WATER SUPPLY BANK
CONTRACT 1286**

******TIME SENSITIVE RESPONSE REQUIRED******

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2021**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt: C109573

MEMORANDUM FOR LEASE APPLICATION # 1826/ RENTAL # 1938

To: Water Right(s) 67-2210A

From: Adalgleish

Date: 1/6/2021

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

PURPOSE/NARRATIVE: The Department received this lease/rental companion package on December 4, 2020 from John C. Bonner proposing to lease partial amounts (.008 cfs and 0.6 acres) of right 67-2210A into the Bank for the 2021 year only. This lease proposal is a renewal of prior lease contract No. 1024 in 2020.

This application did not include a map designating the acres proposed to be leased under right 67-2210A, so I called Mr. Bonner on 12/29/2020 to inquire about the specific acreages proposed for this lease. He stated that he wished to lease in identical acreage identified in Contract No. 1024 for the 2020 year.

Idaho Power proposes to rent the leased amounts in order to assist with a restoration project along the Weiser River south of Cambridge, ID in 2021.

This rental originally corresponded with application # 1848 and agreements #480 and #481. Errors in the Bank software created two agreements. As a result of the errors, a new application number and agreement number had to be created. This rental is now associated with application #1938 and agreement #482.

AUTHORITY TO FILE: John C. Bonner signed the lease application. Both he and Joy Faerber are listed as the current owners of water right 67-2210A. The lease application included a lessor designated form signed by both Mr. Bonner and Mrs. Faerber signifying Mr. Bonner to represent both individuals in the lease of their water right. Department records show that John Bonner owns the property at the POU and points of diversion (POD's) authorized by right 67-2210A.

Kresta Davis completed the rental application on behalf of Idaho Power. An authorization from the vice president of Idaho Power was included with the application authorizing Mrs. Davis to act on behalf of the Company. According to Department records, the land at the requested rental POU/POD are owned by Ronald Jaeger. An agreement between Idaho Power and Mr. Jaeger was included with the rental application. There are no concerns with the authority to file the lease or rental applications.

WATER RIGHT VALIDITY: Right 67-2210A was decreed on 10/20/2008. This right authorizes the irrigation of 45 acres and review of aerial imagery from 2017 and 2019 show that the POU is green and irrigated. Aerial imagery is not available for 2020. I attempted to use Climate Engine to ensure the portion of right 67-2210A leased in 2020 had not been irrigated but the program continually crashed and resulted in error messages. There are no concerns with the validity of right 67-2210A at this time.

INJURY TO OTHER WATER RIGHTS: The lease/rental of identical portions of right 67-2210A in 2020 did not result in any objections or documented injury to other water appropriators. The rental proposal requests to move the leased portions of right 67-2210A up the valley, from south of Midvale, ID to south of Cambridge, ID, approximately 12.5 miles. Between the lease and

rental POD's, 11 water rights divert a total of 81.83 cfs of natural flow from the Weiser River as represented below:

Water Right	Priority Date	Diversion Rate
67-23	7/7/1883	20.000
67-24	11/1/1887	14.000
67-25	5/1/1889	10.000
67-4434	6/1/1921	32.000
Middle Valley Ditch Company WRs:		76.000
67-12602	6/28/1934	0.020
67-7102	5/5/1972	2.000
67-7167	8/24/1973	1.450
67-14365	5/7/1974	0.760
67-14788	5/7/1974	0.140
67-14789	5/7/1974	0.210
67-7396	6/16/1978	1.250
Other Weiser River water Rights:		5.830
Total Water Right Diversions:		81.830

If diversions by this rental deprived prior appropriators of natural flow, than injury could occur. To avoid injury, the rental should be subordinate to all 11 existing, in-priority water rights.

ENLARGEMENT OF USE: According to Department records, leased water right 67-2210A has a place of use (POU) that is overlapping with the following rights:

Basin	Sequence	Suffix	Priority Date	Current Owner	Source List	Tributary List	Water Use List			
67	7102		5/5/1972	FAIRCHILD, DEAN D; FAIRCHILD, VELDA C	WEISER RIVER	SNAKE RIVER	IRRIGATION			
67	7396		6/16/1978	FAIRCHILD, DEAN D; FAIRCHILD, VELDA C	WEISER RIVER	SNAKE RIVER	IRRIGATION			
67	14566		5/27/1910	LOST VALLEY RESERVOIR CO	LOST CREEK	WEISER RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE			
67	14567		6/1/1929	LOST VALLEY RESERVOIR CO	LOST CREEK	WEISER RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE			
67	14568		6/1/1938	LOST VALLEY RESERVOIR CO	LOST CREEK	WEISER RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE			
67	14703		3/1/1912	CRANE CREEK RESERVOIR ADMINISTRATION BOARD	CRANE CREEK	WEISER RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE			
67	14704		3/1/1921	CRANE CREEK RESERVOIR ADMINISTRATION BOARD	CRANE CREEK	WEISER RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE			
67	14705		4/9/1920	CRANE CREEK RESERVOIR ADMINISTRATION BOARD	CRANE CREEK	WEISER RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE			

Based on the analysis from the 2020 lease of right 67-2210A, this right does not appear to be stacked with any of the overlapping rights, particularly 67-7102 and 67-7396. Rights 67-2210A, 67-7102 and 67-7396 authorize irrigation from different water sources and different points of diversion (POD's). Furthermore, right 67-2210A does not have any existing combined limitations with rights 67-7102, 67-7396 or any other water rights.

Right 67-2210A authorizes irrigation from wastewater, which appears to be either shallow groundwater, Banner Creek water, or Middle Valley Ditch Company water (from the Weiser River). This wastewater collects on, and drains off of lands owned by Mr. Bonner on the East side of the Weiser River. Water is drained from fields into the Weiser River and then is re-diverted onto the 45.0 acres of land owned by Mr. Bonner on the western side of the river. In the lease application, Mr. Bonner states that the remainder of the POU will be irrigated with the remaining portion of 67-2210A, 67-7102 and 67-7396. Leasing in a small 0.6 acre portion of right 67-2210A does not appear to cause enlargement to any rights.

In addition, because wastewater is the source for the leased right, avoiding enlargement in water use may require measurement of water to and from the Weiser River, to ensure more water flows into the river than is diverted out. In the previous lease in 2020, the applicant was prepared to use a trapezoidal or cippoletti weir to measure flows into the Weiser River, for the duration of the lease. Presumably, the applicant has no issues with measuring flows for this lease renewal in 2021.

For the rental, enlargement could occur if the amount of wastewater, exchanged for Weiser River water, diverted at the rental POD, exceeded the amount of wastewater that flowed into and remained instream in the Weiser River at the authorized POD's under right 67-2210A. In an attempt to avoid enlargement, this rental will require that measurement devices be installed at the two lease POD's. This will help ensure that the net amount of wastewater flowing into the Weiser River is equal to, or exceeds, the amount of water being diverted at the second lease POD AND at the rental POD location.

This rental will be conditioned to only permit diversions of wastewater, exchanged for Weiser River Water, at the rental location, when water right 67-2210A is in priority and when wastewater flows into the Weiser River under 67-2210A are equal to or exceed the sum of diversions from the Weiser River under 67-2210A at the lease and rental locations.

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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease and rental POD's are within the jurisdiction of Water District No. 67. On 1/4/2021, comments were requested from Watermaster of District 67. Comments were also requested from the Idaho Water Resource Board since there are minimum stream flow protections on the Weiser River. If no response was received within 2 weeks, by 1/18/2021, it was presumed there were no concerns.

Dalgleish, Alex

From: Brandi Horton-Bonner <watermaster67@hotmail.com>
Sent: Tuesday, January 5, 2021 2:17 PM
To: Dalgleish, Alex
Subject: RE: Lease/Rental Package on Weiser River

Hi Alex,

I just finished reviewing the info you sent concerning the agreement between Mr. Bonner and Idaho Power via the water supply bank. Everything looks good to me, I have no comments or concerns to make as this is just a continuation of last year's lease.

Thanks!

Brandi Horton-Bonner
Watermaster-Dist.67
2297 Snapp Lane
Midvale, ID 83645
(208) 550-0313

Sent from [Mail](#) for Windows 10

From: [Dalgleish, Alex](#)
Sent: Monday, January 4, 2021 4:51 PM
To: [Brandi Horton-Bonner](#)
Subject: Lease/Rental Package on Weiser River

Brandi,

I am seeking comment on the requested partial lease/rental of right 67-2210A to/from the Bank for the 2021 year. Please see the attachments and respond with any comments or concerns within 14 days, by 1/18/2020.

If no response is received, IDWR will assume you do not object to this application.

Thank you,

Alex Dalgleish
Senior Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Monday, January 4, 2021 4:52 PM
To: Golden, Kala
Subject: Lease/Rental Package on Weiser River
Attachments: Companion Package Review Memo Bonner 2021.docx; Move Map.pdf

Kala,

Due to MSF's on the Weiser River, I am seeking comment on the requested partial lease/rental of right 67-2210A to/from the Bank for the 2021 year. Please see the attachments and respond with any comments or concerns within 14 days, by 1/18/2020.

If no response is received, IDWR will assume you do not object to this application.

Thank you,

Alex Dalgleish
Senior Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov