

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 442

RECEIVED

AUG 04 2020

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

SHANE MACHEN
ESTHER MACHEN
PO BOX 605
RIRIE, ID 83443

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)
29-14106	8/18/1953	GROUND WATER	0.07	14.0	3.5	0.02	4.0
29-14107	12/3/1980	GROUND WATER	0.05	9.2	2.3	0.02	4.0
Combined Rental Totals			0.07	21.5	5.4	0.013	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until October 31, 2020. 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 2020, whichever occurs last.

Annual Rental Fee:

2020: \$430.54

SUPPORT DATA
IN FILE # 29-41106

The full fee for the rental of the above-described right(s) is \$430.54 for 2020. The rental fee includes an administrative fee of \$43.05 for 2020.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.07	18.0	4.5	0.015	4.0
Combined Total	0.07	18.0	4.5	0.015	4.0

* The authorized water usage reflects a reduction from the water right elements rented, to account for a higher diversion rate per acre on the acres being irrigated with rental water rights, and a maximum field headgate diversion volume of 4.0 afa/ac.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 442

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:

Shane Machen 7-29-2020
Signature of Renter Esther Machen Date

Shane Machen / Esther Machen
Printed Name Title

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

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

By Brian Patton Date 08/5/20
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR FP Date 08/5/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 442

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec. 17, Twp 03N, Rge 40E, BONNEVILLE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.07 CFS

VOLUME
18.0 AF

SEASON OF USE

From To
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	
03N	40E	17									4.5								4.5

Total Acres: 4.5

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. Pursuant to Section 42-1412(6), Idaho Code, 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.
11. This rental does not authorize the construction of a well.

Idaho Water Resource Board

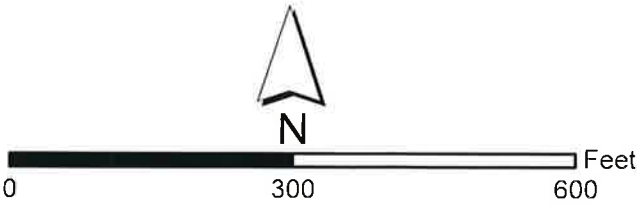
Attachment to Water Supply Bank Rental Agreement No. 442

Effective until December 31, 2020

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



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
APR 30 2020
DEPT OF WATER RESOURCES

Applicant Name: Esther Machen, Shane Machen

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | <input checked="" type="checkbox"/> | 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 | <input checked="" type="checkbox"/> | <input type="checkbox"/> Detailed information on a proposed use of rental water |
| 3F | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | <input type="checkbox"/> | <input checked="" type="checkbox"/> Water modeling to account for the impacts of the rental request |
| 3J | <input checked="" type="checkbox"/> | <input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

29-14106

29-14107

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Esther Machen, Shane Machen

Mailing Address	<u>P.O. Box 605</u>	<u>Ririe</u>	ID	<u>83443</u>
	<small>Street</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
Email Address	<u>estherbmachen@hotmail.com</u>		Phone Number	<u>(208) 313-9908</u>

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 <u>Jason C. Helms, P.E.</u>	Professional Title _____
Organization <u>JCH Engineering & Consulting, PLLC</u>	Relationship to Applicant <u>Consultant</u>
Mailing Address <u>6755 N. Albert Lane Idaho Falls, ID 83401</u>	
Email Address <u>jasoncivil@alumni.nd.edu</u>	Phone Number <u>(208) 308-2109</u>

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Irrigation of pasture.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.07 CFS	18.0 AF	0.07 CFS	18.0 AF	4.5 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?	
04/01/2019	06/01/2019	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2	<input 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):

Existing well with open discharge into small pond with booster into mainline and 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
Existing Well	Ground Water	25-14420, 14421, 14422, 14423, 14429, 14430

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 4.5 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

Existing water rights 25-14420, 14421, 14422, 14423, 14429, 14430 authorize irrigation of 7.8 acres within the parcel. This rental will be used in addition to the existing water right for irrigation of the entire pasture.

**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)
29-14106	Irrigation	0.93	186.4	46.6		0.06	11.7	2.9
29-14107	Irrigation	0.61	121.6	30.4		0.04	7.7	1.9
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.06	18.0	4.5
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
Previous application in 2019

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☒ No ☐

Permanent water rights are being sought for transfer but will not be completed while this rental is active.

- 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


Printed Name of Applicant

4-30-2020
Date

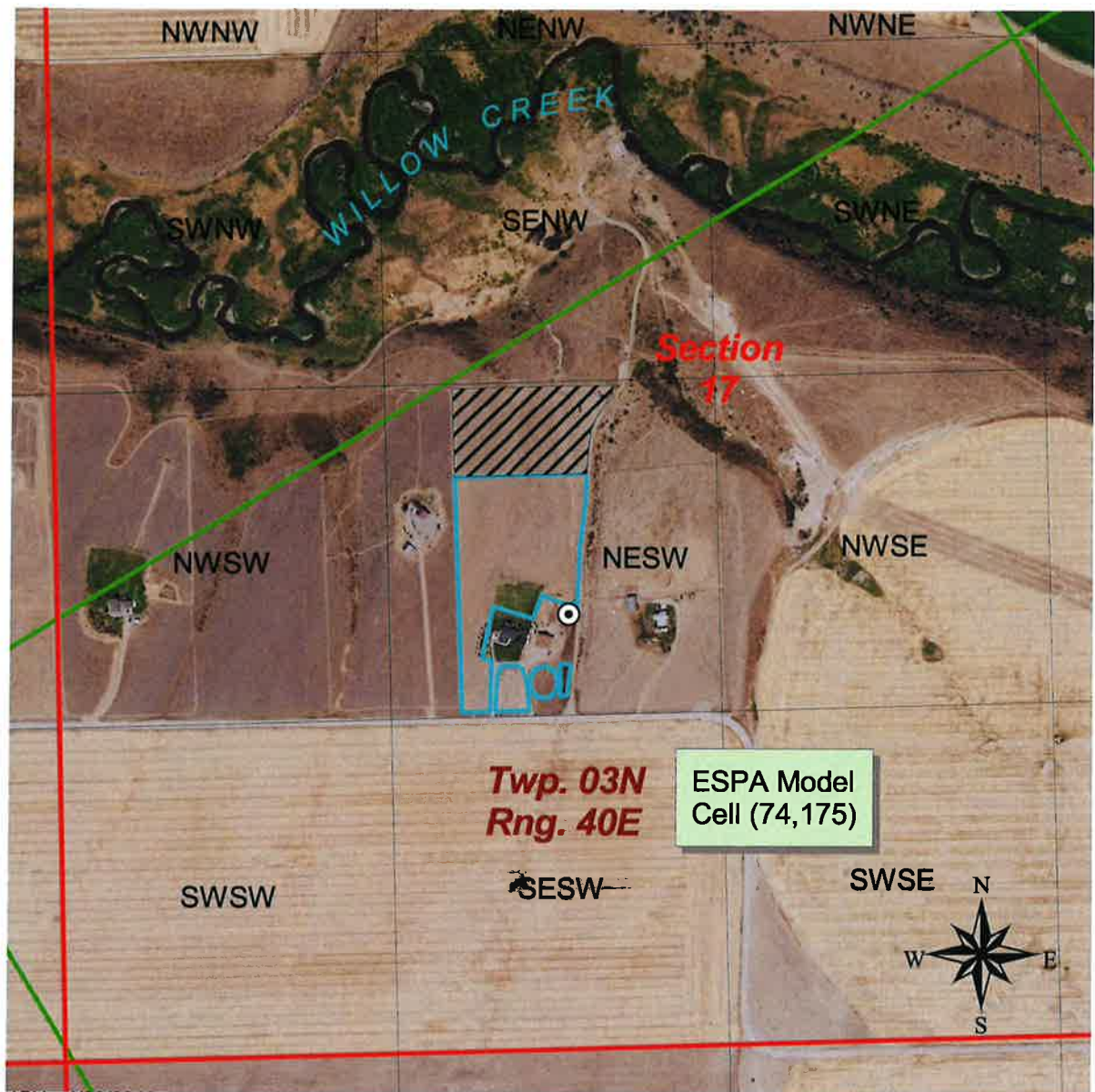

Signature of Representative


Printed Name of Representative

4/30/2020
Date

Mail to:

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



JCH - 4/23/2019

2017 NAIP Aerial Photo



- ⊙ Existing Well
- ▨ Proposed Rental Irrigation (4.5 ac)
- ▭ Existing Authorized Irrigation (7.8 ac)
25-14420, 14421, 14422, 14423, 14429, 14430
- ▭ 0.50 ac (Domestic Irrigation)
- ▭ Township & Range
- ▭ Sections
- ▭ Bonneville County 40's
- ▭ ESPA Model Grid

Attachment #2

ENHANCED GROUND-WATER RIGHTS TOOL

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPT OF AGRICULTURE

Cells this color are
set up for user entries

1

2

3

4

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON
YEAR TRANSFER NO:
SEASON TRANSFER NAME
 29-14106,7

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	74	96		
COLUMN	175	122		

29-14106 8/18/1953 11.7
29-14107 12/3/1980 6.3

Machen		Chubbuck		Total transfer:		18	
TRIMESTER	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
OF	Projected Use	With Transfer	Without Transfer	With Transfer	Without Transfer	With Transfer	Without Transfer
ACTIVITY	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER
WIN 1948	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SPR 1953	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUM 1953	0.00	3.91	3.91	0.00	0.00	0.00	0.00
WIN 1953	0.00	3.91	3.91	0.00	0.00	0.00	0.00
SPR 1954	0.00	3.91	3.91	0.00	0.00	0.00	0.00
WIN 1979	0.00	3.91	3.91	0.00	0.00	0.00	0.00
SPR 1980	0.00	3.91	3.91	0.00	0.00	0.00	0.00
SUM 1980	0.00	3.91	3.91	0.00	0.00	0.00	0.00
WIN 1980	0.00	3.91	3.91	0.00	0.00	0.00	0.00
SPR 1981	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 2019	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 2020	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SUM 2020	6.00	0.00	6.00	0.00	0.00	0.00	0.00
WIN 2020	6.00	0.00	6.00	0.00	0.00	0.00	0.00
SPR 2021	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 2021	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 2021	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 2022	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 2096	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 2097	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 2097	0.00	6.00	6.00	0.00	0.00	0.00	0.00
WIN 2097	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SPR 2098	0.00	6.00	6.00	0.00	0.00	0.00	0.00
SUM 2098	0.00	6.00	6.00	0.00	0.00	0.00	0.00



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

August 6, 2020

SHANE MACHEN
ESTHER MACHEN
PO BOX 605
RIRIE, ID 83443

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-14106, 29-14107, AGREEMENT 442**

Dear Renter:

Please find enclosed a receipt in the amount of **\$430.54** and a copy of a fully executed Water Supply Bank Rental Agreement of 21.5 acre-feet of water for irrigation of 4.5 acres. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$387.49 of the rental fee will be paid to the lessor(s) and 10% or \$43.05 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,


f Water Supply Bank

Enclosures: Receipt No. C109109
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
State Water District No. 120
Jason C Helms – JCH Engineering & Consulting PLLC



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 20, 2020

SHANE MACHEN
ESTHER MACHEN
PO BOX 605
RIRIE, ID 83443

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-14106, 29-14107 AGREEMENT 442**

*****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 \$430.54 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 21.5 acre-feet.

Please send a check for \$430.54 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 \$387.49 of the rental fee will be paid to the lessor(s) and 10% or \$43.05 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,


f Water Supply Bank

Enclosure

c: IDWR Front Desk
Jason C Helms – JCH Engineering & Consulting PLLC

Memorandum

To: Water Rights 29-14106 & 29-14107
From: Justin Ferguson
Date: May 4, 2020
Re: Water Supply Bank Rental Application 1715

Purpose/Narrative: An application was received April 30, 2020 on behalf of Esther and Shane Machen requesting a rental of Eastern Snake River Plain Aquifer (ESPA) water for 2020. The Machens have submitted the rental to supplement their existing irrigation water rights (25-14420, 14421, 14422, 14423, 14429 and 14430) to cover the entirety of their parcel with water for irrigation, excluding the residence and hardscaped areas.

The intended place of use as noted on the application appears to be already covered by water rights held by the Machens along the back of their parcel while the front areas do not appear to have any water rights associated. Because it is permissible for a water user to reconfigure their place of use within a 40 acre quarter-quarter or government lot, it appears the Machens intend to use their water rights to irrigate the areas that do not feature a water right and use the rental to supplement the back section to avoid over-use or enlargement.

Authority to File: The application was signed by both Shane and Esther Machen and submitted by their representative at JCH Engineering. Review of IDWR data indicates they are the current water right holder for the water rights being supplemented and Bonneville County parcel data indicates they are also the current land owners. No concerns at about authority to file.

Water Right Validity/Forfeiture Evaluation: The water rights being requested are leased to the Bank and there are no concerns about their validity.. The water rights being supplemented have been used in recent years for irrigation of up to 7.8 acres. No concerns about the validity of the water rights being supplemented.

Injury Evaluation: ESPA modeling has been provided and, based on the amounts being rented, no further mitigation is required. No injury concerns at this time.

Enlargement of Use: The applicants are renting water rights to supplement their existing irrigation water rights. Because all water will be diverted through the same point, the rate and volume per acre will be calibrated such that they can all be diverted without causing an overall enlargement. The applicant's water rights provide for irrigation of 7.8 acres with a per-acre diversion rate and volume of 0.14 cfs/ac and 3.5 afa/ac, respectively and conditions on the applicant's water rights limit them to no more than 0.02 cfs/ac 4.0 afa/ac, when used with other water rights.

The applicant stated that their desired irrigation diversion rate is 0.07 cfs for the irrigation of an additional 4.5 acres (equivalent to 0.16 cfs/ac). However, they also stated on four of their rental application that they were requesting a rental of 0.6 cfs from water rights 29-14106 and 14107. Water rights 29-14106 and 14107 authorize irrigation at a per-acre rate of 0.013 cfs/ac and a rental of 0.6 cfs from these water rights for the irrigation of 4.5 acres would equate to 0.013 cfs/ac. To address this discrepancy, between the diversion rate requested (on page two of the application) and the diversion rate rented from the requested water rights (on page four of the application), this rental will be for 0.07 cfs from water rights 29-14106 and 14107.

A rental authorizing an additional diversion of 0.07 cfs would allow for an overall diversion rate of 0.11 cfs for the irrigation of 12.3 cfs of the applicant's property (equivalent to 0.15 cfs/ac). As such, enlargement should be avoided as no more than 0.02 cfs/ac will be authorized for overall irrigation of the property through this rental.

Local Public Interest: Staff are unaware of any local public interests that are averse to the rental.

Beneficial Use/Conservation of Water Resources: Irrigation is a beneficial use. The rental appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Watermaster and IDWR Eastern Region comments were requested on

Water Supply Bank Evaluation: Bank staff recommend the approval of this application for Mr. and Ms. Machen for a single year, through the end of 2020.

Parker, Cody

From: Jason Helms <jasoncivil@alumni.nd.edu>
Sent: Thursday, April 30, 2020 1:26 PM
To: Ferguson, Justin
Subject: New rental application for a portion of Chubbuck lease rights 29-14106 and 29-14107
Attachments: Machen-WSB_rental_2020-0429-signed.pdf

Hi Justin,

Please find attached an additional rental application seeking to use a portion of the Chubbuck leased rights 29-14106 and 29-14107 prepared on behalf of Esther and Shane Machen.

It only seeks to rent 4.5 acres of the combined rights for irrigation use on land associated with existing rights 25-14420 and others. The ESPA analysis included indicates it meets the requirements with less than 1 acre-ft per trimester additional impacts in the Heise to Shelley reach of the river.

I'm hoping you can expedite processing while you are working with the Chubbuck Leases for PEP. I believe there is enough of the 14106 and 14107 rights available. Let me know if you have any questions or need any additional information to process the application or if it interferes in any way with the PEP or LCSC rentals.

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC

(208) 308-2109