

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 17 2020

WATER SUPPLY BANK RENTAL AGREEMENT No. 460

Department of Water Resources

This is to certify that:

ELAINE R SORENSEN  
3871 W 2500 N  
MOORE, ID 83255-8722

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)
34-2428	4/1/1979	GROUND WATER	0.15	26.6	7.6	0.02	3.5
34-12416	5/1/1982	GROUND WATER	0.15	50.3	14.4	0.01	3.5
34-7035B	4/12/1973	GROUND WATER	0.20	50.7	14.5	0.01	3.5
34-7052	11/13/1973	GROUND WATER	6.00	2,195.5	472.0	0.01	4.7
<b>Combined Rental Totals</b>			<b>6.49</b>	<b>2,323.1</b>	<b>508.5</b>	<b>0.01</b>	<b>4.5</b>

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 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: \$4,646.20

SUPPORT DATA

IN FILE # 34-2428

The full fee for the rental of the above-described right(s) is \$4,646.20 for 2020. The rental fee includes an administrative fee of \$4,646.20 for 2020. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 34-2428, 34-12416, 34-7035 B, and 34-7052.

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

**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	6.35	1,779.8	508.5	0.01	3.5
<b>Combined Total</b>	<b>6.35</b>	<b>1,779.8</b>	<b>508.5</b>	<b>0.01</b>	<b>3.5</b>

\* The authorized water usage reflects a reduction from the water right elements rented, to account for a field headgate standard of 3.5

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 460**

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:

Elaine R. Sorensen      July 17, 2020  
Signature of Renter      Date

Elaine R. Sorensen      Owner  
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 07/24/20  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Rental approved by IDWR TP      Date 07/24/20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 460**

**WATER USE DETAILS**

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

GROUND WATER	SESE	Sec. 5, Twp 04N, Rge 26E,	BUTTE County
GROUND WATER	SENE	Sec. 5, Twp 04N, Rge 26E,	BUTTE County
GROUND WATER	SENE	Sec. 21, Twp 05N, Rge 26E,	BUTTE County
GROUND WATER	SENE	Sec. 21, Twp 05N, Rge 26E,	BUTTE County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
6.49 CFS

**VOLUME**  
1780 AF

**SEASON OF USE**

<b>From</b>	<b>To</b>
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	25E	2											0.1	6.6			0.9	0.9	8.5
03N	25E	11	35	40	34	32	40	33	36	33	3			0.5	34	34	33	31	418.5
03N	25E	12										0.1							0.1
04N	25E	27													18	8.8	19	35	80.8
04N	25E	34	0.6																0.6

Total Acres: 508.5

**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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 460**

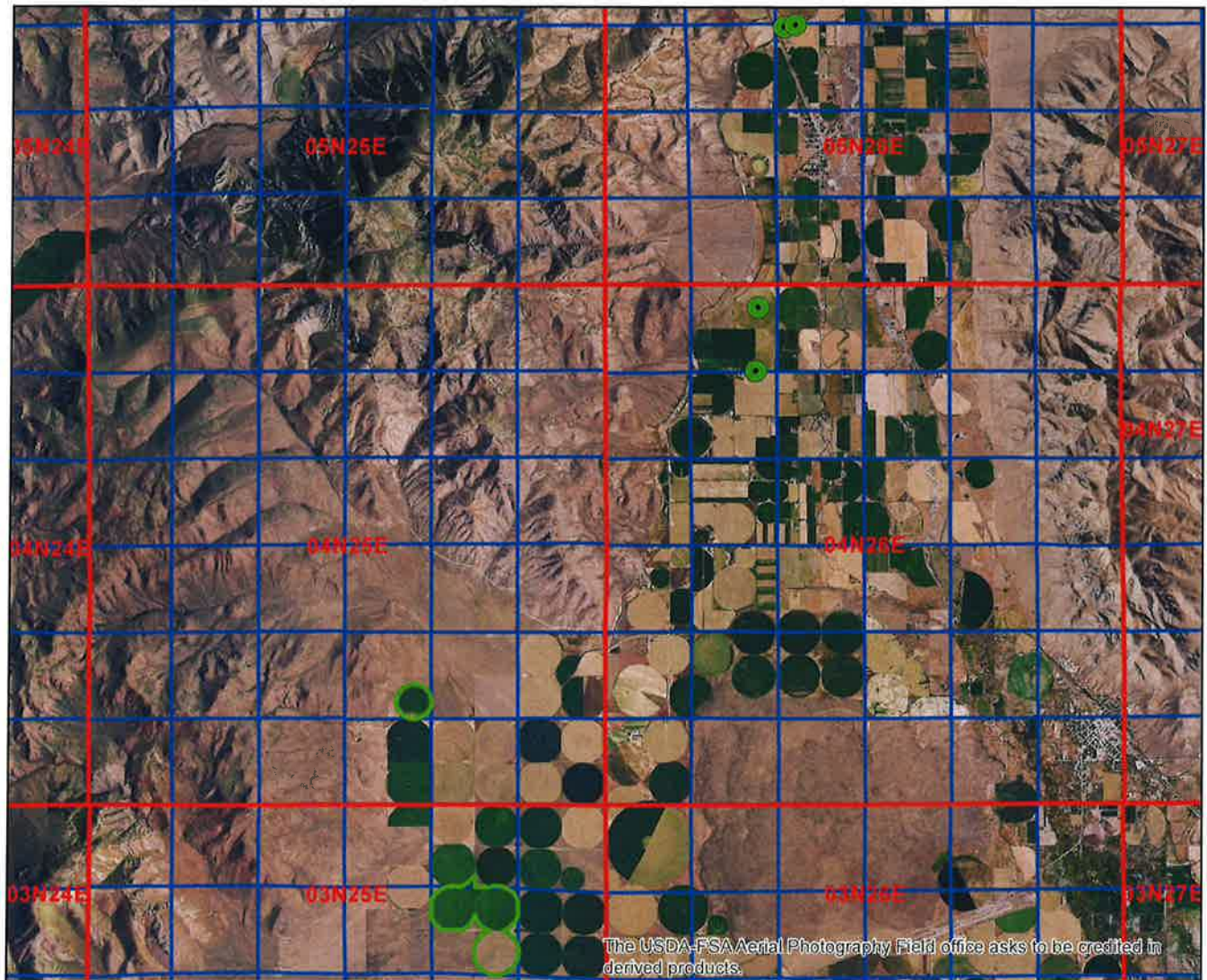
9. Right No. 34-12416 is an enlargement of Right No. 34-2428 pursuant to section 42-1426, Idaho Code.
10. Water is delivered through Timber Dome Canal.
11. The points of diversion associated with WMIS ID: 40, 152, 155, 348, 360 and 1001847, when combined, authorize a maximum diversion rate of 18.22 cfs and a maximum annual diversion volume of 5,988 af, through this rental.
12. The point of diversion associated with water rights 34-2428 34-12416 and 34-7247, located in the SENE quarter-quarter of Sec. 5, Twp 04N, Rge 26E, WMIS ID numbers 40 and 1001847, is limited to a maximum diversion rate of 14.43 cfs through this rental.
13. The point of diversion associated with water right 34-7035B, located in the SESE quarter-quarter of Sec. 5, Twp 04N, Rge 26E, WMIS ID number 348, is limited to a maximum diversion rate of 11.28 cfs through this rental.
14. The points of diversion associated with water rights 34-2428 34-12416, 34-7247 and 34-7035B, WMIS ID numbers 40, 1001847 and 348, when combined, are limited to a maximum diversion rate of 14.83 cfs and a maximum annual diversion volume of 5,553 af, through this rental.
15. The points of diversion associated with water rights 34-2332 and 34-7079, located in the SENE quarter-quarter of Sec. 21, Twp 05N, Rge 26E, WMIS ID numbers 152 and 366, are limited to a maximum diversion rate of 9.49 and cfs through this rental.
16. Pursuant to Section 42-1412(6), Idaho Code, the water rights of this rental are 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.
17. This rental, when combined with all other rights, shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
18. 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. 34.
19. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
20. This rental does not authorize the construction of a well.





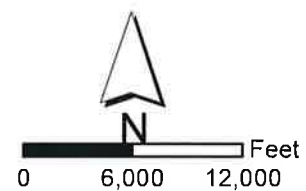
Idaho Water Resource Board  
Attachment to Water Supply Bank Rental Agreement No. 460

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



RECEIVED

MAY 15 2020

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
WATER RESOURCE BOARDAPPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Elaine R. Sorensen

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

For additional instructions on completing a rental application, visit the Bank's website at [http://idwr.idaho.gov/water\\_supply\\_bank](http://idwr.idaho.gov/water_supply_bank).

## MINIMUM REQUIREMENT CHECKLIST

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

Yes

Completed *Application to Rent Water from the Board's Water Supply Bank*

Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

2



A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request

3A



Detailed information on a proposed use of rental water

3F



Authorization from the owner/operator of the rental point(s) of diversion

3H



Water modeling to account for the impacts of the rental request

3J



Documents justifying a rate of flow greater than 0.02 cfs/acre

3K



Authorization from the owner/operator of the property at the proposed rental place(s) of use

4B



Explanation of how the rental water will sufficiently accomplish your rental purposes

4C



Explanation of consumptive use amounts for water rights experiencing a change in nature of use

## Department Use Only – Proposed Water Right(s)

34-7052

34-12416

24-2428

34-7035B

STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant Elaine R. Sorensen

Mailing Address 3871 W. 2500 N., Moore, ID, 83213

Street City State Zip Code

Email Address \_\_\_\_\_ Phone Number \_\_\_\_\_

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 Luke H. Marchant Professional Title Attorney

Organization Holden, Kidwell, Hahn & Crapo, P.L.L.C. Relationship to Applicant \_\_\_\_\_

Mailing Address PO Box 50130, Idaho Falls, ID 83405

Email Address lmarchant@holdenlegal.com Phone Number (208) 523-0620

**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**:
- This application is being submitted with companion lease applications. These applications will allow the  
irrigation of 508.5 acres.

- 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)
6.5 CFS	2320.3 AF	6.5 CFS	2320.3 AF	508.5 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?	
05/15/2020	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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):

Groundwater will be diverted from wells into the Timber Dome Canal to the Applicant's pump station.

- 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
Wells/Pumps	Groundwater	34-2332, 34-7079, 34-14030 and 34-13841

*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 508.5 (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:

None.



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)
34-7052	Irrigation	6	2195.5	472		6	2195.5	472
24-2428		0.15	26	7.6		0.15	26	7.6
34-12416		0.15	49.1	14.4		0.15	49.1	14.4
34-7035B		0.2	49.7	14.5		0.2	49.7	14.5
<b>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</b>					<b>TOTAL</b>	6.5	2320.3	508.5
						<b>CFS</b>	<b>AF</b>	<b>AC</b>

\*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**:

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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**:

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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:

A similar application was processed and approved for the years 2014-2018. An Application for Transfer is being filed at the same time as this Application to permanently move the water.

- 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 ☐

An Application for Transfer is being filed at the same time as this Application to permanently move the water.

This Application is being filed for this year only to enable the Applicant to irrigate the ground while the Application for Transfer is processed.

- 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.

An NOV was issued for the ground covered by this Application for the 2019 irrigation season. As part of the Consent Order and Agreement, the Applicant agreed to file an Application for Transfer and IDWR agreed to process water bank applications for the 2020 irrigation season.

- 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



Signature of Representative

Printed Name of Applicant

Luke H. Marchant

Printed Name of Representative

Date

May 8, 2020

Date

**Mail to:**

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

# **ATTACHMENT 2**

## **GIS Maps**

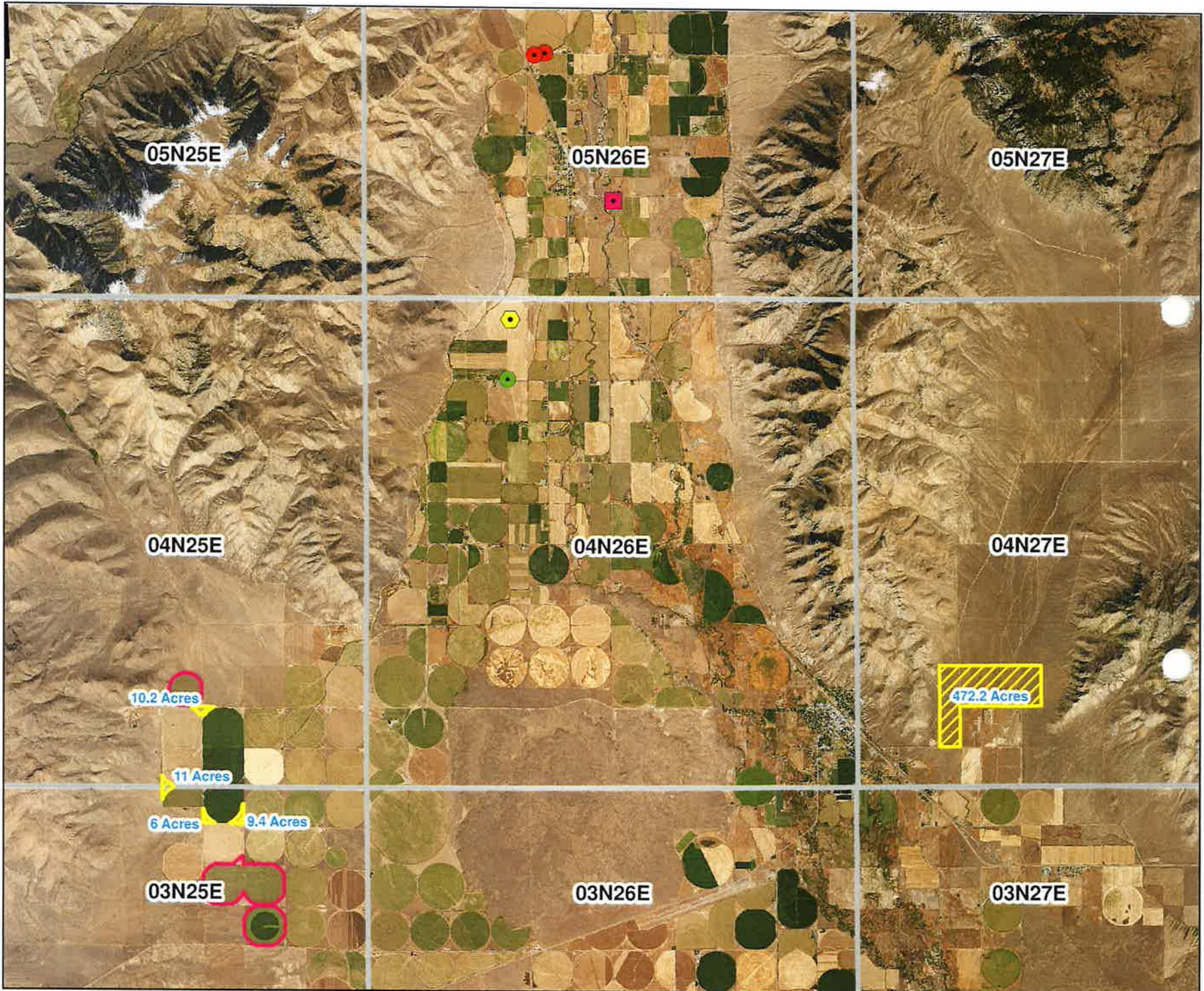


# SORENSEN WSB LEASE/RENTAL APPLICATION



## Legend

-  34-2428 & 34-12416 POD
-  34-7035B POD
-  34-7052 Proposed PODS
-  34-7052 Current POD
-  Idled Acres
-  Proposed POU
-  TR Lines



2019 NAIP Photo



Prepared by:  
Luke H. Marchant  
05/08/2020



**ATTACHMENT 3F**  
**Consent from Water Delivery**  
**Entity**



Timberdome Canal Co, Inc.  
Mark Telford, President  
P.O. Box 511  
Arco, ID 83213

To Whom It May Concern:

I am the president of the Timberdome Canal Company. Elaine Sorensen owns 800 shares in the Timberdome Canal Company. Under the direction of the water master, any water legally obtained by a member and then diverted to the Timberdome Canal is delivered to that allotted member. The Timberdome Canal Company gives consent to convey water obtained by means of Water Supply Bank, to the end that the water delivered does not exceed the allotted shares.

Dated: \_\_\_\_\_

4/14/2020

A handwritten signature in cursive script, appearing to read "Mark Telford", written over a horizontal line.

Mark Telford, President  
Timberdome Canal Company

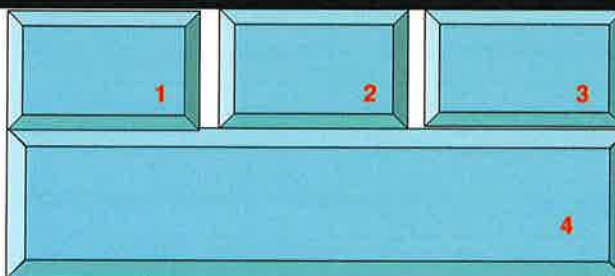
**ATTACHMENT 3H.1**  
**Water Modeling – Data Entry**

# ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries



ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO:

YEAR

1973

TRANSFER NAME:

SEASON

SPRING

SORENSEN

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	23	25		
COLUMN	112	112		

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1973	0	732	732	0	0	0	0
SUM 1973	0	732	732	0	0	0	0
WIN 1973	0	732	732	0	0	0	0
SPR 1974	0	732	732	0	0	0	0
SUM 1974	0	732	732	0	0	0	0
WIN 1974	0	732	732	0	0	0	0
SPR 1975	0	732	732	0	0	0	0
SUM 1975	0	732	732	0	0	0	0
WIN 1975	0	732	732	0	0	0	0
SPR 1976	0	732	732	0	0	0	0
SUM 1976	0	732	732	0	0	0	0
WIN 1976	0	732	732	0	0	0	0
SPR 1977	0	732	732	0	0	0	0
SUM 1977	0	732	732	0	0	0	0
WIN 1977	0	732	732	0	0	0	0
SPR 1978	0	732	732	0	0	0	0
SUM 1978	0	732	732	0	0	0	0
WIN 1978	0	732	732	0	0	0	0
SPR 1979	0	732	732	0	0	0	0
SUM 1979	0	732	732	0	0	0	0
WIN 1979	0	732	732	0	0	0	0
SPR 1980	0	732	732	0	0	0	0
SUM 1980	0	732	732	0	0	0	0
WIN 1980	0	732	732	0	0	0	0
SPR 1981	0	732	732	0	0	0	0
SUM 1981	0	732	732	0	0	0	0
WIN 1981	0	732	732	0	0	0	0
SPR 1982	0	732	732	0	0	0	0
SUM 1982	0	732	732	0	0	0	0
WIN 1982	0	732	732	0	0	0	0
SPR 1983	0	732	732	0	0	0	0
SUM 1983	0	732	732	0	0	0	0
WIN 1983	0	732	732	0	0	0	0
SPR 1984	0	732	732	0	0	0	0
SUM 1984	0	732	732	0	0	0	0
WIN 1984	0	732	732	0	0	0	0
SPR 1985	0	732	732	0	0	0	0
SUM 1985	0	732	732	0	0	0	0
WIN 1985	0	732	732	0	0	0	0

SPR 1986	0	732	732	0	0	0	0
SUM 1986	0	732	732	0	0	0	0
WIN 1986	0	732	732	0	0	0	0
SPR 1987	0	732	732	0	0	0	0
SUM 1987	0	732	732	0	0	0	0
WIN 1987	0	732	732	0	0	0	0
SPR 1988	0	732	732	0	0	0	0
SUM 1988	0	732	732	0	0	0	0
WIN 1988	0	732	732	0	0	0	0
SPR 1989	0	732	732	0	0	0	0
SUM 1989	0	732	732	0	0	0	0
WIN 1989	0	732	732	0	0	0	0
SPR 1990	0	732	732	0	0	0	0
SUM 1990	0	732	732	0	0	0	0
WIN 1990	0	732	732	0	0	0	0
SPR 1991	0	732	732	0	0	0	0
SUM 1991	0	732	732	0	0	0	0
WIN 1991	0	732	732	0	0	0	0
SPR 1992	0	732	732	0	0	0	0
SUM 1992	0	732	732	0	0	0	0
WIN 1992	0	732	732	0	0	0	0
SPR 1993	0	732	732	0	0	0	0
SUM 1993	0	732	732	0	0	0	0
WIN 1993	0	732	732	0	0	0	0
SPR 1994	0	732	732	0	0	0	0
SUM 1994	0	732	732	0	0	0	0
WIN 1994	0	732	732	0	0	0	0
SPR 1995	0	732	732	0	0	0	0
SUM 1995	0	732	732	0	0	0	0
WIN 1995	0	732	732	0	0	0	0
SPR 1996	0	732	732	0	0	0	0
SUM 1996	0	732	732	0	0	0	0
WIN 1996	0	732	732	0	0	0	0
SPR 1997	0	732	732	0	0	0	0
SUM 1997	0	732	732	0	0	0	0
WIN 1997	0	732	732	0	0	0	0
SPR 1998	0	732	732	0	0	0	0
SUM 1998	0	732	732	0	0	0	0
WIN 1998	0	732	732	0	0	0	0
SPR 1999	0	732	732	0	0	0	0
SUM 1999	0	732	732	0	0	0	0
WIN 1999	0	732	732	0	0	0	0
SPR 2000	0	732	732	0	0	0	0
SUM 2000	0	732	732	0	0	0	0
WIN 2000	0	732	732	0	0	0	0
SPR 2001	0	732	732	0	0	0	0
SUM 2001	0	732	732	0	0	0	0
WIN 2001	0	732	732	0	0	0	0
SPR 2002	0	732	732	0	0	0	0
SUM 2002	0	732	732	0	0	0	0
WIN 2002	0	732	732	0	0	0	0
SPR 2003	0	732	732	0	0	0	0
SUM 2003	0	732	732	0	0	0	0
WIN 2003	0	732	732	0	0	0	0
SPR 2004	0	732	732	0	0	0	0
SUM 2004	0	732	732	0	0	0	0
WIN 2004	0	732	732	0	0	0	0
SPR 2005	0	732	732	0	0	0	0
SUM 2005	0	732	732	0	0	0	0
WIN 2005	0	732	732	0	0	0	0
SPR 2006	0	732	732	0	0	0	0
SUM 2006	0	732	732	0	0	0	0
WIN 2006	0	732	732	0	0	0	0
SPR 2007	0	732	732	0	0	0	0
SUM 2007	0	732	732	0	0	0	0
WIN 2007	0	732	732	0	0	0	0
SPR 2008	0	732	732	0	0	0	0
SUM 2008	0	732	732	0	0	0	0
WIN 2008	0	732	732	0	0	0	0
SPR 2009	0	732	732	0	0	0	0
SUM 2009	0	732	732	0	0	0	0



WIN 2009	0	732	732	0	0	0	0
SPR 2010	0	732	732	0	0	0	0
SUM 2010	0	732	732	0	0	0	0
WIN 2010	0	732	732	0	0	0	0
SPR 2011	0	732	732	0	0	0	0
SUM 2011	0	732	732	0	0	0	0
WIN 2011	0	732	732	0	0	0	0
SPR 2012	0	732	732	0	0	0	0
SUM 2012	0	732	732	0	0	0	0
WIN 2012	0	732	732	0	0	0	0
SPR 2013	0	732	732	0	0	0	0
SUM 2013	0	732	732	0	0	0	0
WIN 2013	0	732	732	0	0	0	0
SPR 2014	0	732	732	0	0	0	0
SUM 2014	0	732	732	0	0	0	0
WIN 2014	0	732	732	0	0	0	0
SPR 2015	0	732	732	0	0	0	0
SUM 2015	0	732	732	0	0	0	0
WIN 2015	0	732	732	0	0	0	0
SPR 2016	0	732	732	0	0	0	0
SUM 2016	0	732	732	0	0	0	0
WIN 2016	0	732	732	0	0	0	0
SPR 2017	0	732	732	0	0	0	0
SUM 2017	0	732	732	0	0	0	0
WIN 2017	0	732	732	0	0	0	0
SPR 2018	0	732	732	0	0	0	0
SUM 2018	0	732	732	0	0	0	0
WIN 2018	0	732	732	0	0	0	0
SPR 2019	0	732	732	0	0	0	0
SUM 2019	0	732	732	0	0	0	0
WIN 2019	0	732	732	0	0	0	0
SPR 2020	732	0	732	0	0	0	0
SUM 2020	732	0	732	0	0	0	0
WIN 2020	732	0	732	0	0	0	0
SPR 2021	0	732	732	0	0	0	0
SUM 2021	0	732	732	0	0	0	0
WIN 2021	0	732	732	0	0	0	0
SPR 2022	0	732	732	0	0	0	0
SUM 2022	0	732	732	0	0	0	0
WIN 2022	0	732	732	0	0	0	0
SPR 2023	0	732	732	0	0	0	0
SUM 2023	0	732	732	0	0	0	0
WIN 2023	0	732	732	0	0	0	0
SPR 2024	0	732	732	0	0	0	0
SUM 2024	0	732	732	0	0	0	0
WIN 2024	0	732	732	0	0	0	0
SPR 2025	0	732	732	0	0	0	0
SUM 2025	0	732	732	0	0	0	0
WIN 2025	0	732	732	0	0	0	0
SPR 2026	0	732	732	0	0	0	0
SUM 2026	0	732	732	0	0	0	0
WIN 2026	0	732	732	0	0	0	0
SPR 2027	0	732	732	0	0	0	0
SUM 2027	0	732	732	0	0	0	0
WIN 2027	0	732	732	0	0	0	0
SPR 2028	0	732	732	0	0	0	0
SUM 2028	0	732	732	0	0	0	0
WIN 2028	0	732	732	0	0	0	0
SPR 2029	0	732	732	0	0	0	0
SUM 2029	0	732	732	0	0	0	0
WIN 2029	0	732	732	0	0	0	0
SPR 2030	0	732	732	0	0	0	0
SUM 2030	0	732	732	0	0	0	0
WIN 2030	0	732	732	0	0	0	0
SPR 2031	0	732	732	0	0	0	0
SUM 2031	0	732	732	0	0	0	0
WIN 2031	0	732	732	0	0	0	0
SPR 2032	0	732	732	0	0	0	0
SUM 2032	0	732	732	0	0	0	0
WIN 2032	0	732	732	0	0	0	0
SPR 2033	0	732	732	0	0	0	0
SUM 2033	0	732	732	0	0	0	0



WIN 2033	0	732	732	0	0	0	0
SPR 2034	0	732	732	0	0	0	0
SUM 2034	0	732	732	0	0	0	0
WIN 2034	0	732	732	0	0	0	0
SPR 2035	0	732	732	0	0	0	0
SUM 2035	0	732	732	0	0	0	0
WIN 2035	0	732	732	0	0	0	0
SPR 2036	0	732	732	0	0	0	0
SUM 2036	0	732	732	0	0	0	0
WIN 2036	0	732	732	0	0	0	0
SPR 2037	0	732	732	0	0	0	0
SUM 2037	0	732	732	0	0	0	0
WIN 2037	0	732	732	0	0	0	0
SPR 2038	0	732	732	0	0	0	0
SUM 2038	0	732	732	0	0	0	0
WIN 2038	0	732	732	0	0	0	0
SPR 2039	0	732	732	0	0	0	0
SUM 2039	0	732	732	0	0	0	0
WIN 2039	0	732	732	0	0	0	0
SPR 2040	0	732	732	0	0	0	0
SUM 2040	0	732	732	0	0	0	0
WIN 2040	0	732	732	0	0	0	0
SPR 2041	0	732	732	0	0	0	0
SUM 2041	0	732	732	0	0	0	0
WIN 2041	0	732	732	0	0	0	0
SPR 2042	0	732	732	0	0	0	0
SUM 2042	0	732	732	0	0	0	0
WIN 2042	0	732	732	0	0	0	0
SPR 2043	0	732	732	0	0	0	0
SUM 2043	0	732	732	0	0	0	0
WIN 2043	0	732	732	0	0	0	0
SPR 2044	0	732	732	0	0	0	0
SUM 2044	0	732	732	0	0	0	0
WIN 2044	0	732	732	0	0	0	0
SPR 2045	0	732	732	0	0	0	0
SUM 2045	0	732	732	0	0	0	0
WIN 2045	0	732	732	0	0	0	0
SPR 2046	0	732	732	0	0	0	0
SUM 2046	0	732	732	0	0	0	0
WIN 2046	0	732	732	0	0	0	0
SPR 2047	0	732	732	0	0	0	0
SUM 2047	0	732	732	0	0	0	0
WIN 2047	0	732	732	0	0	0	0
SPR 2048	0	732	732	0	0	0	0
SUM 2048	0	732	732	0	0	0	0
WIN 2048	0	732	732	0	0	0	0
SPR 2049	0	732	732	0	0	0	0
SUM 2049	0	732	732	0	0	0	0
WIN 2049	0	732	732	0	0	0	0
SPR 2050	0	732	732	0	0	0	0
SUM 2050	0	732	732	0	0	0	0
WIN 2050	0	732	732	0	0	0	0
SPR 2051	0	732	732	0	0	0	0
SUM 2051	0	732	732	0	0	0	0
WIN 2051	0	732	732	0	0	0	0
SPR 2052	0	732	732	0	0	0	0
SUM 2052	0	732	732	0	0	0	0
WIN 2052	0	732	732	0	0	0	0
SPR 2053	0	732	732	0	0	0	0
SUM 2053	0	732	732	0	0	0	0
WIN 2053	0	732	732	0	0	0	0
SPR 2054	0	732	732	0	0	0	0
SUM 2054	0	732	732	0	0	0	0
WIN 2054	0	732	732	0	0	0	0
SPR 2055	0	732	732	0	0	0	0
SUM 2055	0	732	732	0	0	0	0
WIN 2055	0	732	732	0	0	0	0
SPR 2056	0	732	732	0	0	0	0
SUM 2056	0	732	732	0	0	0	0
WIN 2056	0	732	732	0	0	0	0
SPR 2057	0	732	732	0	0	0	0
SUM 2057	0	732	732	0	0	0	0

WIN 2057	0	732	732	0	0	0	0
SPR 2058	0	732	732	0	0	0	0
SUM 2058	0	732	732	0	0	0	0
WIN 2058	0	732	732	0	0	0	0
SPR 2059	0	732	732	0	0	0	0
SUM 2059	0	732	732	0	0	0	0
WIN 2059	0	732	732	0	0	0	0
SPR 2060	0	732	732	0	0	0	0
SUM 2060	0	732	732	0	0	0	0
WIN 2060	0	732	732	0	0	0	0
SPR 2061	0	732	732	0	0	0	0
SUM 2061	0	732	732	0	0	0	0
WIN 2061	0	732	732	0	0	0	0
SPR 2062	0	732	732	0	0	0	0
SUM 2062	0	732	732	0	0	0	0
WIN 2062	0	732	732	0	0	0	0
SPR 2063	0	732	732	0	0	0	0
SUM 2063	0	732	732	0	0	0	0
WIN 2063	0	732	732	0	0	0	0
SPR 2064	0	732	732	0	0	0	0
SUM 2064	0	732	732	0	0	0	0
WIN 2064	0	732	732	0	0	0	0
SPR 2065	0	732	732	0	0	0	0
SUM 2065	0	732	732	0	0	0	0
WIN 2065	0	732	732	0	0	0	0
SPR 2066	0	732	732	0	0	0	0
SUM 2066	0	732	732	0	0	0	0
WIN 2066	0	732	732	0	0	0	0
SPR 2067	0	732	732	0	0	0	0
SUM 2067	0	732	732	0	0	0	0
WIN 2067	0	732	732	0	0	0	0
SPR 2068	0	732	732	0	0	0	0
SUM 2068	0	732	732	0	0	0	0
WIN 2068	0	732	732	0	0	0	0
SPR 2069	0	732	732	0	0	0	0
SUM 2069	0	732	732	0	0	0	0
WIN 2069	0	732	732	0	0	0	0
SPR 2070	0	732	732	0	0	0	0
SUM 2070	0	732	732	0	0	0	0
WIN 2070	0	732	732	0	0	0	0
SPR 2071	0	732	732	0	0	0	0
SUM 2071	0	732	732	0	0	0	0
WIN 2071	0	732	732	0	0	0	0
SPR 2072	0	732	732	0	0	0	0
SUM 2072	0	732	732	0	0	0	0
WIN 2072	0	732	732	0	0	0	0
SPR 2073	0	732	732	0	0	0	0
SUM 2073	0	732	732	0	0	0	0
WIN 2073	0	732	732	0	0	0	0
SPR 2074	0	732	732	0	0	0	0
SUM 2074	0	732	732	0	0	0	0
WIN 2074	0	732	732	0	0	0	0
SPR 2075	0	732	732	0	0	0	0
SUM 2075	0	732	732	0	0	0	0
WIN 2075	0	732	732	0	0	0	0
SPR 2076	0	732	732	0	0	0	0
SUM 2076	0	732	732	0	0	0	0
WIN 2076	0	732	732	0	0	0	0
SPR 2077	0	732	732	0	0	0	0
SUM 2077	0	732	732	0	0	0	0
WIN 2077	0	732	732	0	0	0	0
SPR 2078	0	732	732	0	0	0	0
SUM 2078	0	732	732	0	0	0	0
WIN 2078	0	732	732	0	0	0	0
SPR 2079	0	732	732	0	0	0	0
SUM 2079	0	732	732	0	0	0	0
WIN 2079	0	732	732	0	0	0	0
SPR 2080	0	732	732	0	0	0	0
SUM 2080	0	732	732	0	0	0	0
WIN 2080	0	732	732	0	0	0	0
SPR 2081	0	732	732	0	0	0	0
SUM 2081	0	732	732	0	0	0	0



WIN 2081	0	732	732	0	0	0	0
SPR 2082	0	732	732	0	0	0	0
SUM 2082	0	732	732	0	0	0	0
WIN 2082	0	732	732	0	0	0	0
SPR 2083	0	732	732	0	0	0	0
SUM 2083	0	732	732	0	0	0	0
WIN 2083	0	732	732	0	0	0	0
SPR 2084	0	732	732	0	0	0	0
SUM 2084	0	732	732	0	0	0	0
WIN 2084	0	732	732	0	0	0	0
SPR 2085	0	732	732	0	0	0	0
SUM 2085	0	732	732	0	0	0	0
WIN 2085	0	732	732	0	0	0	0
SPR 2086	0	732	732	0	0	0	0
SUM 2086	0	732	732	0	0	0	0
WIN 2086	0	732	732	0	0	0	0
SPR 2087	0	732	732	0	0	0	0
SUM 2087	0	732	732	0	0	0	0
WIN 2087	0	732	732	0	0	0	0
SPR 2088	0	732	732	0	0	0	0
SUM 2088	0	732	732	0	0	0	0
WIN 2088	0	732	732	0	0	0	0
SPR 2089	0	732	732	0	0	0	0
SUM 2089	0	732	732	0	0	0	0
WIN 2089	0	732	732	0	0	0	0
SPR 2090	0	732	732	0	0	0	0
SUM 2090	0	732	732	0	0	0	0
WIN 2090	0	732	732	0	0	0	0
SPR 2091	0	732	732	0	0	0	0
SUM 2091	0	732	732	0	0	0	0
WIN 2091	0	732	732	0	0	0	0
SPR 2092	0	732	732	0	0	0	0
SUM 2092	0	732	732	0	0	0	0
WIN 2092	0	732	732	0	0	0	0
SPR 2093	0	732	732	0	0	0	0
SUM 2093	0	732	732	0	0	0	0
WIN 2093	0	732	732	0	0	0	0
SPR 2094	0	732	732	0	0	0	0
SUM 2094	0	732	732	0	0	0	0
WIN 2094	0	732	732	0	0	0	0
SPR 2095	0	732	732	0	0	0	0
SUM 2095	0	732	732	0	0	0	0
WIN 2095	0	732	732	0	0	0	0
SPR 2096	0	732	732	0	0	0	0
SUM 2096	0	732	732	0	0	0	0
WIN 2096	0	732	732	0	0	0	0
SPR 2097	0	732	732	0	0	0	0
SUM 2097	0	732	732	0	0	0	0
WIN 2097	0	732	732	0	0	0	0
SPR 2098	0	732	732	0	0	0	0
SUM 2098	0	732	732	0	0	0	0
WIN 2098	0	732	732	0	0	0	0
SPR 2099	0	732	732	0	0	0	0
SUM 2099	0	732	732	0	0	0	0
WIN 2099	0	732	732	0	0	0	0
SPR 2100	0	732	732	0	0	0	0
SUM 2100	0	732	732	0	0	0	0
WIN 2100	0	732	732	0	0	0	0
SPR 2101	0	732	732	0	0	0	0
SUM 2101	0	732	732	0	0	0	0
WIN 2101	0	732	732	0	0	0	0
SPR 2102	0	732	732	0	0	0	0
SUM 2102	0	732	732	0	0	0	0
WIN 2102	0	732	732	0	0	0	0
SPR 2103	0	732	732	0	0	0	0
SUM 2103	0	732	732	0	0	0	0
WIN 2103	0	732	732	0	0	0	0
SPR 2104	0	732	732	0	0	0	0
SUM 2104	0	732	732	0	0	0	0
WIN 2104	0	732	732	0	0	0	0
SPR 2105	0	732	732	0	0	0	0
SUM 2105	0	732	732	0	0	0	0

WIN 2105	0	732	732	0	0	0	0
SPR 2106	0	732	732	0	0	0	0
SUM 2106	0	732	732	0	0	0	0
WIN 2106	0	732	732	0	0	0	0
SPR 2107	0	732	732	0	0	0	0
SUM 2107	0	732	732	0	0	0	0
WIN 2107	0	732	732	0	0	0	0
SPR 2108	0	732	732	0	0	0	0
SUM 2108	0	732	732	0	0	0	0
WIN 2108	0	732	732	0	0	0	0
SPR 2109	0	732	732	0	0	0	0
SUM 2109	0	732	732	0	0	0	0
WIN 2109	0	732	732	0	0	0	0
SPR 2110	0	732	732	0	0	0	0
SUM 2110	0	732	732	0	0	0	0
WIN 2110	0	732	732	0	0	0	0
SPR 2111	0	732	732	0	0	0	0
SUM 2111	0	732	732	0	0	0	0
WIN 2111	0	732	732	0	0	0	0
SPR 2112	0	732	732	0	0	0	0
SUM 2112	0	732	732	0	0	0	0
WIN 2112	0	732	732	0	0	0	0
SPR 2113	0	732	732	0	0	0	0
SUM 2113	0	732	732	0	0	0	0
WIN 2113	0	732	732	0	0	0	0
SPR 2114	0	732	732	0	0	0	0
SUM 2114	0	732	732	0	0	0	0
WIN 2114	0	732	732	0	0	0	0
SPR 2115	0	732	732	0	0	0	0
SUM 2115	0	732	732	0	0	0	0
WIN 2115	0	732	732	0	0	0	0
SPR 2116	0	732	732	0	0	0	0
SUM 2116	0	732	732	0	0	0	0
WIN 2116	0	732	732	0	0	0	0
SPR 2117	0	732	732	0	0	0	0
SUM 2117	0	732	732	0	0	0	0
WIN 2117	0	732	732	0	0	0	0
SPR 2118	0	732	732	0	0	0	0
SUM 2118	0	732	732	0	0	0	0
WIN 2118	0	732	732	0	0	0	0
SPR 2119	0	732	732	0	0	0	0
SUM 2119	0	732	732	0	0	0	0
WIN 2119	0	732	732	0	0	0	0
SPR 2120	0	732	732	0	0	0	0
SUM 2120	0	732	732	0	0	0	0
WIN 2120	0	732	732	0	0	0	0
SPR 2121	0	732	732	0	0	0	0
SUM 2121	0	732	732	0	0	0	0
WIN 2121	0	732	732	0	0	0	0
SPR 2122	0	732	732	0	0	0	0
SUM 2122	0	732	732	0	0	0	0
WIN 2122	0	732	732	0	0	0	0

**ATTACHMENT 3H.2**  
**Water Modeling – Calculated**  
**Effects**



Enter First Time Step of Transfer: SPR 2020

Match: 142 Match: 456

	AtR	HIS	SINB	NSIN	NIM	DWIB	BiTS	TS	TSIM	M	MIB	Total	
Preexisting Effects @ SS (Last Time Step)	8.57	25.32	75.64	236.93	8.36	41.78	47.56	21.11	13.32	12.18	0.76	491.53	Total Effects without Transfer - Last Timesep
Steady State - Value of Dep. @ Last Time Step	8.57	25.32	75.65	236.95	8.36	41.79	47.57	21.12	13.32	12.18	0.76	491.56	Total Effects with Transfer - Last Time Step
Preexisting Effects @ Transient State (Max Value Timesep)	8.57	25.32	75.64	236.93	8.36	41.78	47.56	21.11	13.32	12.18	0.76	491.53	Total Effects without Transfer - Correlates to Max Value from Total Effects with Transfer
Transient State - Max. Value of Dep. After Transfer	8.57	25.32	75.65	236.95	8.36	41.79	47.57	21.12	13.32	12.18	0.76	491.56	Total Effects with Transfer - Max Value from Start of Transfer to Last Time Step

**ATTACHMENT 3H.3**  
**Water Modeling – Mitigation**  
**Analysis**

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
<b>Transfer: Proposed Steady State Impacts following Transfer</b>							
<b>Transfer 1: Worst Case Transient State Impacts following Transfer</b>							

Impact by Reach (AF/Trimester)										
Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
8.6	25.3	75.6	236.9	8.4	41.8	47.6	21.1	13.3	12.2	0.8
8.6	25.3	75.6	236.9	8.4	41.8	47.6	21.1	13.3	12.2	0.8
8.6	25.3	75.6	236.9	8.4	41.8	47.6	21.1	13.3	12.2	0.8
8.6	25.3	75.6	236.9	8.4	41.8	47.6	21.1	13.3	12.2	0.8

[illegible]



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

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

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 27, 2020

ELAINE R SORENSEN  
3871 W 2500 N  
MOORE, ID 83255-8722

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 34-2428, 34-7035B, 34-7052, 34-12416, AGREEMENT 460**

Dear Renter:

Please find enclosed a receipt in the amount of \$4,646.20 and a copy of a fully executed Water Supply Bank Rental Agreement of 2,323.1 acre-feet of water for irrigation of 508.5 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.

A rental fee of **\$4,646.20** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 2,323.1 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$4,646.20.**

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

Sincerely,

  
Amanda Johnson Verbeke  
Water Supply Bank

Enclosures: Receipt No. E046122  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
IDWR Eastern Regional Office  
State Water District No. 34  
Luke Marchant – Holden, Kidwell, Hahn & Crapo PLLC

## Veibell, Amanda

---

**From:** Ferguson, Justin  
**Sent:** Friday, July 17, 2020 4:39 PM  
**To:** Veibell, Amanda  
**Subject:** RE: Sorensen Water Bank Application

That totally works

**From:** Veibell, Amanda  
**Sent:** Friday, July 17, 2020 4:31 PM  
**To:** Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
**Subject:** FW: Sorensen Water Bank Application

Here is the Sorensen info. Should I just print it out and give it to Phil for review?

## Amanda Johnson-Veibell

208-287-4945

**From:** Henman, Christina  
**Sent:** Friday, July 17, 2020 4:29 PM  
**To:** Veibell, Amanda <[Amanda.Veibell@idwr.idaho.gov](mailto:Amanda.Veibell@idwr.idaho.gov)>  
**Subject:** Sorensen Water Bank Applciation

Amanda,

Attached are the water bank applications for Sorensen that I just talked to you on the phone about. I didn't see anywhere to note the receipt information, so I just included a copy of the receipt... so if it needs to be noted anywhere on the actual application documents, that will need to be done still. 😊

Hard copies will be included in our next Boise envelope, routed to you.

Thank You,

Christina Henman  
Administrative Assistant  
Idaho Dept. of Water Resources, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 497-3793





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 17, 2020

ELAINE R SORENSEN  
3871 W 2500 N  
MOORE, ID 83255-8722

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 34-2428, 34-7035B, 34-7052, 34-12416, AGREEMENT 460

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$4,646.20** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 2,323.1 acre-feet. **Sense you are both the lessor and the renter of the right(s), you are only obligated to pay the 10% administrative fee or \$4,646.20.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

**Please send a check for \$4,646.20** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

  
Amanda Solis-Verbel  
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk  
Luke Marchant – Holden, Kidwell, Hahn & Crapo PLLC

## Memorandum

**To:** Water Rights 34-2428, 34-7035 B, 34-7052 & 34-12416

**From:** Justin Ferguson and Remington Buyer

**Date:** July 15, 2020

**Re:** Water Supply Bank Rental Application 1728

**Purpose/Narrative:** An application to rent water from the Water Supply Bank (Bank) was received from Ms. Elaine Sorensen on May 15, 2020 in response to a Notice of Violation (NOV) for unauthorized irrigation of 508.5 acres, issued by the Department (E2019-1467), on November 22, 2019.

As part of the agreement between Ms. Sorensen & IDWR, this will be a single year rental only. As part of the stipulation agreement NOV stipulation agreement, this will be the last rental for Ms. Sorensen. Further it was agreed that a transfer application will be submitted to the Department for a permanent resolution to the ongoing irrigation practices.

Appendix A of this memo outlines the extent of the irrigation observed within and on lands surrounding the rental place of use during 2019. The acreage outlined in purple and yellow delineates the authorized place of use for water rights held by Mr. and Ms. Sorensen acreage outlined in green are the acres which are the subject of IDWR's NOV, as well as this rental.

The applicant has specified that the points of diversion (POD) for this rental will be the POD(s) associated with water rights 34-2428, 34-7035 B, & 34-12416 as well as two additional wells located at SESE quarter-quarter of Sec. 5, Twp 04N, Rge 26E WMIS ID No. 348 and SENE quarter-quarter of Sec. 5, Twp 04N, Rge 26E, WMIS ID Nos. 40 & 1001847.

There are combined diversion rate and volume limits associated with water rights that divert from the PODs proposed for this rental. The applicant will be contacted to confirm the specific diversion rates and volumes that will be required to be diverted from these wells.

**Authority to File:** The applications were prepared and submitted on behalf of Ms. Sorensen by her representative, Mr. Luke Marchant, of Holden, Kidwell, Hahn, & Crapo. Review of current IDWR records indicate Mr. and Ms. Sorensen as the water right holders however, Mr. Sorensen has recently passed away.

Per the information provided in the application package, ground water will be pumped into the Timberdome Canal system for delivery to the rental place of use. Conveyance documentation for the delivery of the water has been provided by Mr. Mark Telford as representative for the Timberdome Canal. No concerns about authority to file the rental application.

**Water Right Validity/Forfeiture Evaluation:** Water rights 34-2428, 34-7035B & 34-12416 are currently proposed for lease to the Bank and may be available for rental. During the lease review for these three water rights, it was determined that, while the water appears to have been used for irrigation on lands which are not within the authorized place of use, the rights may have been used to their fullest extent.

Water right 34-7052 is being considered for lease to the Bank, however it may be subject to forfeiture. It was determined that during the period between 2003-2011 no action was taken to protect this right from

forfeiture for non-use, i.e. submitting an Extension of Time to Avoid Forfeiture or leasing the water right to the Bank. The Idaho Water Resource Board has not established a formal policy on the leasing of water rights that may be subject to forfeiture and it is anticipated that direction on the leasing of water rights that may be subject to forfeiture will be obtained from the IWRB at an upcoming WSB Committee meeting. Based on the provisions of Water Supply Bank rule 25.06.C, it is possible for the Board to lease a water right that may be subject to forfeiture--at this time, water right 34-7052 is being considered for lease into the Bank, and it can be rented to Ms. Sorensen in full.

**Injury Evaluation:** Upon receipt of both the lease and rental applications, review staff were contacted via phone calls and email by Travis, Joel, and Jason Andersen. In an initial email from Travis Andersen, dated May 18, 2020, concern was expressed that, through this rental, increased ground water diversions would occur from wells identified as possible points of diversion (PODs) for the rental, which are located adjacent to their well.

Through correspondence with the Andersens, it appears that the well is capable of producing diversion rates that far exceed what is authorized under the water rights associated with these wells, and the water users are concerned that, through rental, their

Per a staff memorandum from Jennifer Sukow, dated February 6, 2017 and titled "Groundwater in the Big Lost River Valley", recharge within the Big Lost River Valley Aquifer is "approximately 18% of the estimated average annual irrigation consumptive use". Based on this report, an annual volume of 16,000 acre-feet of water are recharged into the aquifer while a total annual average of 90,000 acre-feet are used, inferring that the water levels associated with the Big Lost River Valley aquifer are declining slowly and steadily. Any party injured by a Bank rental can petition the Director for reconsideration in line with I.C 42-1766 and IDAPA 37.02.03.30(1). Through email correspondence with the applicant's council, Mr. Jim Speck, injury could be avoided if conditions were added to the approval document to limit the diversion rates from each well. Per a phone conversation with Mr. Marchant, this would be acceptable to Ms. Sorensen.

As the rental allows for ground water use from the Big Lost River Valley aquifer, water rights that divert from the aquifer may be impacted by this rental. Further, in line with the findings of the "Groundwater in the Big Lost River Valley" memo, it appears the Big Lost River Valley Aquifer is hydraulically connected to Eastern Snake River Plain Aquifer (ESPA), which is also experiencing declining ground water levels. As such, ground water rentals of the Big Lost Aquifer may further impact water rights delivered through the ESPA. ETRAN modeling has been verified such that mitigation is not required through the use of these rights for this rental.

At this time the determination of injury can be deferred the rental approved until such time data is presented to the contrary.

**Enlargement of Use:** This rental will authorize the irrigation of acres that are not presently covered by any irrigation water rights. Water will be diverted from ground water wells, into the Timberdome Canal, which will then deliver the water to the applicant's property. As such, enlargement should be avoided provided, diversion rates and volumes from the rental PODs do not exceed the sum of: 1) what is already authorized to be diverted under water rights associated with the wells, as well as 2) the amounts authorized to be diverted specifically under this rental.

The applicant has requested a diversion rate of 6.5 cfs and 2,320.3 af, for the irrigation of 508.5 acres, which is equivalent to 0.013 cfs/ac, and 4.57 afa/ac. It appears the requested amount is the sum of the

diversion rates and diversion volumes for all water rights requested to be rented. It is unclear what specific diversion rates and volumes are going to be undertaken at the rental location.

Under this rental, the applicant will divert water from the Timberdome Canal at a pump station, presumably to power a pressurized irrigation system which might authorize irrigation at 0.02 cfs/ac and 3.5 afa/ac. Even though some of the water rights being rented on this agreement only authorize irrigation at 0.01 cfs/ac and 3.0 afa/ac, as long as the overall maximum diversion rates and volumes leased into the Bank are not exceeded when water is diverted from wells into the Timberdome Canal, then no enlargement should occur under the water rights, even if irrigation occurs at 0.02 cfs/ac and 3.5 afa/ac.

If water right 34-7052 is not forfeited, the rentable diversion rate and volume could be calculated based on either decreed irrigation water uses, or historic water uses. The decree authorizes irrigation a diversion volume of 2,195.5 afa, however, per Water Management Information System (WMIS) historic use data, approximately 500 acre-feet, on average, was diverted under the water right from the well associated with the water right, from 2000-2002. Presuming that it is acceptable to rent the decreed diversion volumes, no enlargement should occur under this rental. Mr. Marchant was contacted to verify the 3.5 afa/ac would be acceptable for Ms. Sorensen as well as the total acreage of 508.5. Per a phone conversation with Mr. Marchant, this would be acceptable and the rental can proceed.

**Local Public Interest:** While comments were received by the local water users, at the time of this review no further comments have been received. This rental has not been publically advertised. The Department has received petitions from local water users to designate this area as a Ground Water Management Area (GWMA) however, at the time of this review no designation and no plan has been approved by IDWR or the local water users.

An Idaho Water Resource Board (IWRB) Water Supply Bank Committee meeting is scheduled for July 23<sup>rd</sup> 2020, to discuss whether the lease of 34-7052 is appropriate.

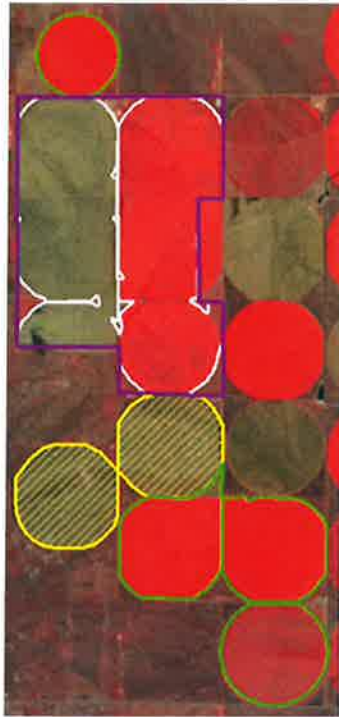
**Beneficial Use/Conservation of Water Resources:** While irrigation is a recognized beneficial use, this rental is requesting the use of ground water. As such, there will be no conservation of ground water resources.

**Department/Watermaster Comments:** Watermaster and IDWR Southern Region comments were requested July 15, 2020. *No concerns were received.*

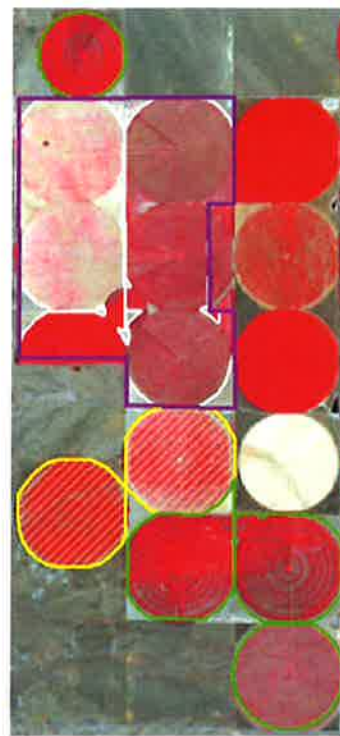
**Water Supply Bank Evaluation:** Bank staff recommend the approval of this rental through 2020. It is further recommended that no future rentals of 34-7052 be approved until guidance from the IWRB can be provided regarding the lease of the water right. If this rental is resubmitted for 2020, it may be appropriate to provide a public advertisement of the rental, to solicit comments on the rental.



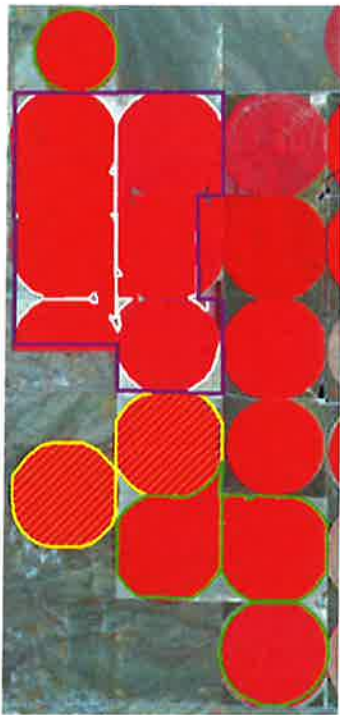
**Appendix A. Observed 2019 Irrigation** – PPU outlined in purple with the observed irrigation delineated in white. Yellow areas are adjacent water rights also held by Sorensen at the authorized place of use. Unauthorized irrigation during 2019 is delineated in green



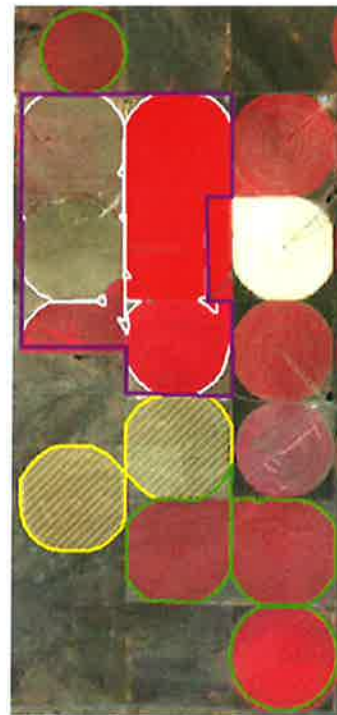
May 11, 2019



August 19, 2019



July 20, 2019



October 8, 2019

## Parker, Cody

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**From:** Ferguson, Justin  
**Sent:** Wednesday, July 15, 2020 3:04 PM  
**To:** Cefalo, James; 'watermaster34@atcnet.net'; Jordan, Blake  
**Subject:** WSB Rental - Sorensen - Updated  
**Attachments:** Rental Map - Elaine Sorenson.pdf; Rental Review Memo Final.docx; Draft Rental - Sorensen - Updated.docx

James, Lucas,

Attached is the updated rental map, memo, and agreement for Ms. Elaine Sorensen. This rental will still only be for a single year but has increased to 508.5 acres. Please let me know if you have any comments or concerns

Thanks!

Justin

## **Parker, Cody**

---

**From:** Ferguson, Justin  
**Sent:** Thursday, July 9, 2020 11:46 AM  
**To:** James Speck  
**Cc:** Patrick Naylor; Roger Warner; joel andersen; Bank  
**Subject:** RE: Rental # 460

Jim,

That works perfect! I can make sure that condition is on there when we send it out for signature and we should be all set!

Justin

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]  
Sent: Thursday, July 9, 2020 11:41 AM  
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>; Bank <Bank@idwr.idaho.gov>  
Subject: RE: Rental # 460

Justin,

I believe we are saying the same thing! The condition would limit the diversion of the well labeled "34-2428 & 34-12416 POD" to 3.85 cfs and that from "34-7035B POD" to 4.98 cfs. The combined annual diversion volume from both of these wells has different limits in the current reports for these 3 water rights so that discrepancy should be resolved.

Jim

-----Original Message-----

From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
Sent: Thursday, July 09, 2020 11:22 AM  
To: James Speck <jim@speckandaanestad.com>  
Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>; Bank <Bank@idwr.idaho.gov>  
Subject: RE: Rental # 460

Jim,

I believe they intend to use both the two wells for water rights 34-2428/34-12416 & 34-7035B along with the two wells north of town in 05N 26E Section 21. We can condition the rentals such that the rate out of the two wells associated with water rights 34-22428/34-12416 & 34-7035B are limited to only the amounts available under those water rights. The remainder will come from the two wells in section 05N 26E Section 21

Let me know if that is acceptable or if that would cause any injury to Mr. Andersen

Justin

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]

Sent: Thursday, July 9, 2020 10:12 AM

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

Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>; Bank <Bank@idwr.idaho.gov>

Subject: RE: Rental # 460

Justin,

My client will agree this WSB rental will not injure his water rights IF it is conditioned to limit the instantaneous and annual diversions from the wells labeled in the application as "34-2428 & 34-12416 POD" and "34-7035B POD" to the respective limits of the two water rights for the first of these POD's (34-2428 & 34-12416) and the one water right for the second POD (34-7035B). This will mean that, under the approved rental agreement, none of 34-7052 can be diverted from either of these two wells. Please let me know right away if this condition is not acceptable to the applicant.

Thank you.

Jim

-----Original Message-----

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

Sent: Wednesday, July 08, 2020 3:11 PM

To: James Speck <jim@speckandaanestad.com>

Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>; Bank <Bank@idwr.idaho.gov>

Subject: RE: Rental # 460

Jim,

We can condition the rental to limit both the instantaneous diversion and the overall annual diversion volume by well if that would help avoid injury. Depending on the capability of the well proposed for 34-7052, we may be able to limit the rate and volume for the PODs associated with 34-2428, 34-12416, & 34-7035B to only what the portions of those water rights would provide.

Justin

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]

Sent: Wednesday, July 8, 2020 12:25 PM

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

Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>; Bank <Bank@idwr.idaho.gov>

Subject: RE: Rental # 460

Justin,

So the agreement would allow the diversion of the entire 6.5 cfs from the existing well that is the POD for 34-2428 & 34-12416?

Jim



-----Original Message-----

From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
Sent: Wednesday, July 08, 2020 12:21 PM  
To: James Speck <jim@speckandaanestad.com>  
Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>; Bank <Bank@idwr.idaho.gov>  
Subject: RE: Rental # 460

Jim,

I was working with the understanding that the water would be able to be diverted through all three PODs and that they were labeled by their associated water right for identification purposes. Since 34-2428, 34-7035B, & 34-12416 were not moving they were labeled as such, and 34-7052 was labeled with the historic point of diversion and the new proposed rental point of diversion.

Justin

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]  
Sent: Wednesday, July 8, 2020 11:55 AM  
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>; Bank <Bank@idwr.idaho.gov>  
Subject: RE: Rental # 460

Justin,

The way I read the Sorensen rental application is that 34-2428, 34-12416 & 34-7035B will continue to be diverted from their existing POD's and 34-7052 will be moved to & diverted from 2 wells several miles North of its existing POD - is that correct? So the rental agreement will not allow any portion of 34-7052 to be diverted from the other listed POD's, right?

Jim

-----Original Message-----

From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
Sent: Wednesday, July 08, 2020 9:47 AM  
To: James Speck <jim@speckandaanestad.com>  
Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>; Bank <Bank@idwr.idaho.gov>  
Subject: RE: Rental # 460

Glad to help! We don't have one drafted just yet, I am working on that this morning and am going to try and have it ready for our water rights section today.

Justin

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]  
Sent: Wednesday, July 8, 2020 9:44 AM  
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>

Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>  
Subject: RE: Rental # 460

Thank you, Justin. Has a rental agreement been drafted and available for our review??

Jim

-----Original Message-----

From: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
Sent: Wednesday, July 08, 2020 8:57 AM  
To: James Speck <jim@speckandaanestad.com>  
Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>  
Subject: RE: Rental # 460

Jim,

Attached is the rental application for Ms. Sorensen from the previous email

Justin

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]  
Sent: Tuesday, July 7, 2020 5:50 PM  
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; joel andersen <andersenangus@gmail.com>  
Subject: RE: Rental # 460

Justin,

Joel Andersen has asked me to assist him with the matters addressed in his earlier e-mail to you today found below. The Applications of concern are numbered 1728, 1729 & 1738 on today's processing spreadsheet. The proposed rental agreement is #460. Please send me copies of these applications and proposed rental agreement and lease contract.

There is significant risk of material injury to my client's water rights if the rental agreement is approved. We will have a professional analysis of the injury completed as soon as possible and respectfully request the Department to delay any approval of the rental agreement until it receives and reviews this analysis.

Thank you.

Jim

James P. Speck  
SPECK & AANESTAD  
A Professional Corporation  
120 East Avenue North  
P.O. Box 987  
Ketchum, ID 83340  
208.726.4421

208.726.0752 (fax)  
jim@speckandaanestad.com

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CONFIDENTIAL COMMUNICATION

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-----Original Message-----

From: joel andersen <andersenangus@gmail.com>

Sent: Tuesday, July 07, 2020 3:41 PM

To: Justin.Ferguson@idwr.idaho.gov

Cc: Patrick Naylor <patrick.rmea@gmail.com>; Roger Warner <rog.rmea@gmail.com>; James Speck <jim@speckandaanestad.com>

Subject: Rental # 460

Application # 1729 and Rental # 460 is of concern to us. We are seeking technical analysis to determine the potential injury on the effects of this additional diversion of ground water to are adjacent POD's. We request you put this on hold until we receive the requested data. Pat Naylor of Rocky Mountain Environmental has been asked to preform the analysis. Thanks, Joel Andersen

Sent from my iPhone





## Parker, Cody

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**From:** Ferguson, Justin  
**Sent:** Wednesday, July 1, 2020 4:22 PM  
**To:** 'Luke Marchant'; Buyer, Remington  
**Subject:** RE: Sorensen Lease Application for Water Right No. 34-7052

Luke,

I think the most expedient course may be to move forward with this rental and get Ms. Sorensen the 128 acres, then if you are able to identify additional acreage to be leased into the Bank and rented to Ms. Sorensen we are not holding this up any longer than is necessary. I believe the rental fee is \$10,290.20 but I will let you know for sure as soon as I get the last of the application finished.

Justin

**From:** Luke Marchant [mailto:lmarchant@holdenlegal.com]  
**Sent:** Wednesday, July 1, 2020 4:12 PM  
**To:** Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>  
**Subject:** RE: Sorensen Lease Application for Water Right No. 34-7052

Justin,

Please put the 128 acres on the northeast pivot in section 11, identified on the attached map. Is there anything we can do to help speed this up? Can we drop a check off to Eastern Region to cover the rental, and if so, how much? Also, there are more acres available under the other Sorensen water rights that we could add to the rental. We only included enough acres from those rights in the original application to make up the necessary difference on top of 34-7052. Can we do that, and if so, how much would that delay your processing time?

Thank you.



**Luke H. Marchant**  
Holden, Kidwell, Hahn & Crapo, P.L.L.C.  
1000 Riverwalk Drive, Suite 200  
P.O. Box 50130  
Idaho Falls, Idaho 83405  
Phone: (208) 523-0620  
Fax: (208) 523-9518  
Email: [lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)

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**From:** Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
**Sent:** Wednesday, July 1, 2020 2:59 PM  
**To:** Luke Marchant <lmarchant@holdenlegal.com>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>  
**Subject:** RE: Sorensen Lease Application for Water Right No. 34-7052

Luke,

An IWRB Water Supply Bank Committee meeting has been scheduled for July 23rd, to discuss how the Bank should apply rule 25.02.C. This Committee meeting will be open to the public and participation information will be shared on IDWR's website in the coming days.

While we are awaiting IWRB guidance on the application of rule 25.02.C, we will not take further action on the lease proposal for water right 34-7052. We can however immediately proceed with a rental of up to 128 acres for your clients in 2020, though we will need them to confirm which acres should be covered by the irrigation rental.

Justin

**From:** Luke Marchant [<mailto:lmarchant@holdenlegal.com>]

**Sent:** Wednesday, July 1, 2020 11:49 AM

**To:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>; Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>

**Subject:** RE: Sorensen Lease Application for Water Right No. 34-7052

Justin,

I'm confused. Why only 128 acres? Does that mean that you have made an official determination not to accept 34-7052 into the Bank?



**Luke H. Marchant**

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**From:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>

**Sent:** Wednesday, July 1, 2020 11:44 AM

**To:** Luke Marchant <[lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)>; Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>

**Subject:** RE: Sorensen Lease Application for Water Right No. 34-7052

Luke,

Based on the water rights currently leased to the Bank we are able to move forward with a rental of 128 acres for Mr. Sorensen. If that is acceptable, please provide an updated map outlining the specific acreage Mr. Sorensen would like to irrigate and we can finish processing the application

Justin

**From:** Luke Marchant [<mailto:lmarchant@holdenlegal.com>]  
**Sent:** Tuesday, June 23, 2020 5:43 PM  
**To:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>  
**Cc:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>  
**Subject:** RE: Sorensen Lease Application for Water Right No. 34-7052

Remington and Justin,

I appreciate your email response below. As we stated previously, we do not believe that consent from BLRID is necessary, but do not have any problem with you requesting it for documentation purposes. As we have discussed previously, our clients have still not received transport agreements from BLRID that were approved at their meeting in May for other water rights unrelated to this matter. Given the length of time that it is taking BLRID to process these agreements, we feel that requiring consent for the proposed lease/rental of 34-7052 would only cause further injury to our client by adding unnecessary delay.

Our client informed us today that he has finished hauling hay off the ground that this rental would cover. To put the injury into context that the delay in processing this application has caused, he had approximately 550 fewer bales of hay on the ground this year than last year. That is approximately 300-500 tons less. Hay prices are currently between \$140-\$190/ton. That places his losses anywhere from \$40,000-\$95,000. Furthermore, because he was not able to irrigate, the hay that he was able to harvest on his first cutting is much lower quality, thereby, worth much less. His second cutting will also be much lower quality.

Again, I appreciate your work on these applications and ask that you process them as quickly as possible. As I stated above, my client has finished his first cutting of hay on the property and needs to irrigate now. Time is of the essence and we reiterate our position that you can approve these applications relying on Rule 30.01 and Idaho Code § 42-1766 which provide aggrieved parties the opportunity to petition the Director to revoke or modify the rental upon a showing of injury.

Best regards.



**Luke H. Marchant**

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1000 Riverwalk Drive, Suite 200  
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**From:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>  
**Sent:** Monday, June 22, 2020 4:35 PM  
**To:** Luke Marchant <[lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)>  
**Cc:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>; Rob Harris <[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)>  
**Subject:** FW: Sorensen Lease Application for Water Right No. 34-7052

Luke,

We agree that the explanatory remarks on water right 34-7052 which acknowledge that water is delivered via the Island and Arco canals may not actually require that water necessarily be delivered via the canals. If the right holder were to divert water from the authorized point of diversion and deliver it to the authorized place of use through an alternative transportation system (e.g. a pipeline or a truck), then such a diversion and use of water would seem to be permissible.

Although the Big Lost River Irrigation District (BLRID) might not necessarily be entitled to actually receive water in their canals based on diversions under water right 34-7052, the BLRID canal conveyance system remains the only known, authorized method of delivery for water under this right. As such, seeking consent to this lease from the BLRID is consistent with an application of rule 25.02.e. If you do not intend to submit this information, but you would like us to continue evaluating lease application 1738, we may contact BLRID to document that consent is being requested.

Please also know that we have requested procedural guidance from the IWRB regarding how they would like the Bank to apply rule 20.02.c. I hope to receive the guidance this summer.

In light of your client's 2020 irrigation rental water use needs, we will review rental application 1729. I hope we can provide your clients with a sufficiently large irrigation rental for 2020, to help satisfy their water use needs. We will follow up with you once we complete our review of the rental request.

Remington

**From:** Luke Marchant [<mailto:lmarchant@holdenlegal.com>]

**Sent:** Friday, June 19, 2020 4:15 PM

**To:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>

**Cc:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>; Rob Harris <[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)>

**Subject:** Sorensen Lease Application for Water Right No. 34-7052

Remington and Justin,

We wanted to provide some additional information to address your concern that we did not provide consent from the Big Lost River Irrigation District (BLRID) for the removal of Water Right No. 34-7052 from their system. As you pointed out, Condition No. 5 on the water right provides that, "Water is delivered through Island Canal and Arco Canal." Furthermore, IDAPA Rule 25.02.e provides that written consent from the irrigation district should be provided: "if the right to the use of the water, or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district."

Right to the use of 34-7052 is not provided by an irrigation district. Historically, BLRID conveyed the water right by agreement, or contract, but in no way was the original owner of the water right required to use BLRID's system. In fact, BLRID's transport agreements make that clear. Part 10 of the current version of their transport agreement provides the following: "No water rights, transmission rights, or ditch rights in the facilities of the District shall accrue to Landowner by reason of this agreement, the pertinent rights of the Landowner being limited and fully contained herein. **It is further understood and agreed that nothing in this agreement shall constitute a dedication or assignment to either party of rights or facilities not expressed in this agreement.**" These transport agreements are reviewed and renewed annually. Landowners subject to the transport agreement have no claim or right to transmission of their groundwater through the BLRID system. Even when a landowner has a signed transport agreement, BLRID reserves the right to stop conveying that water if they need additional space in their system. Part 4 of their transport agreement provides that: "Delivery of said ground water rights may be reduced or interrupted by the District giving (24) hours prior notice to the Landowner, when the relevant canal's total capacity is needed for the conveyance of water for lands inside the District boundaries."



34-7052 is a ground water right, thus conveyance through a surface water system is not a requirement of the exercise of that right. Furthermore, Condition No. 5 on the water right is merely an explanatory or descriptive condition provided for information purposes and is not a directive or limitation on the water right. The Idaho Supreme Court specifically addressed this situation in *Telford Lands LLC v. Cain*, 154 Idaho 981, 988-89303 P.3d 1237, 1244-45 (2013) (with emphasis added):

In connection with this assignment of error, the Cains also argue that the district court ignored conditions placed on the water rights of Telford Lands and PU Ranch that required them to transport the water from their two wells by means of the Moore Canal. In opposition to the Ranchers' motion for partial summary judgment, the Cains attached to their memorandum water right reports printed from the website of the Idaho Department of Water Resources. With respect to Telford Lands, the reports included as one of the conditions of approval the statement, "Water delivered through the Moore Diversion and Timberdome Canal." The PU Ranch water right report included a statement, "No more than 2.90 cfs or 435 acre feet per annum shall be injected into the Moore Canal." The Cains argued that this showed there was an existing means for Telford Lands to transport water from its well. In response, the Ranchers presented the affidavit Ernest Carlsen, who had been a 33-year employee of the Department. He stated that the Department uses the word "shall" when requiring the water right holder to do or not to do something and that it "will sometimes include remarks in a transfer approval that are added for explanatory purposes only, generally to provide information to the state-employed water master to aid in on the ground delivery of water diverted under the water right." He then averred that **the statement regarding the use of the Moore and Timberdome Canals did not use the word "shall" and so did not require that the water be delivered through those canals, but rather "it informs the watermaster that as of the date of the transfer approval, water actually is delivered through the Moore and Timberdome Canals."** The Ranchers also filed the affidavit of James Cefalo, the Water Resources Program Manager for the Department's eastern regional office, who stated that Ernest Carlson's affidavit is consistent with the Department's current policy. **In its decision granting the Rancher's motion for partial summary judgment as to their condemnation claim, the district court wrote that "identification of a delivery system in a permit, license, transfer application or other similar document is for descriptive purposes only and has no binding effect for purposes of the pending motions."**

The Cains filed a motion for reconsideration, in which they argued, among other things, "It is not the province of this court to render a nullity the conditions that have been legitimately imposed by an administrative agency of the State of Idaho." They relied for their argument upon the affidavit of Dr. Charles E. Brockway, who stated that in addition to the elements of water rights listed in Idaho Code section 42-1411(2), "the rights themselves also contain additional conditions of approval and sometimes remarks relative to each of these water rights" and that "[t]he additional conditions of approval further explain and define the water rights and provide direction to the Watermaster for administration of the right." Notably lacking from Dr. Brockway's carefully crafted affidavit was any assertion that the specific statements at issue were mandatory requirements for exercising the water rights. He did not mention or refer to those statements in his affidavit. **The district court did not err in holding that these statements were not mandatory requirements for exercising the water rights.**

In the case of Water Right No. 34-7052, as in the Supreme Court case cited above, the condition on the water right that, "Water is delivered through Island Canal and Arco Canal" is for descriptive purposes only and it is not a mandatory requirement for exercising the water right. We agree that if it were a mandatory condition for the exercise of the water right, Rule 25.02.e would be applicable and consent from BLRID would be necessary. As that condition is not a requirement for the exercise of the right, and that BLRID has not conveyed 34-7052 in their system for at least eighteen years, and that even when they did, it was only through express agreement or contract (and said agreements and contracts have not been in place for almost twenty years), Rule 25.02.e is not applicable in this case and consent from BLRID is not required. To argue that such consent would be necessary in this case would also imply that consent from BLRID would have been necessary if the previous owners of 34-7052 desired to bypass the BLRID system altogether and pipe their water from the well to their authorized place of use. Consent

cannot be required to remove a water right from a system that has not had any legal right to even be in the system for almost 20 years.

Again, we repeat our request that these applications be processed without further delay, delay which has already caused, and will continue to cause significant financial impacts for our client. The Water Supply Bank can approve these applications relying on Rule 30.01 and Idaho Code § 42-1766 which provide any aggrieved party, assuming one exists, the opportunity to petition the Director to revoke or modify the rental upon a showing of injury.

If you have any further questions, do not hesitate to contact me.



**Luke H. Marchant**

Holden, Kidwell, Hahn & Crapo, P.L.L.C.

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P.O. Box 50130

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## Parker, Cody

---

**From:** Travis Andersen <tmfarnes@gmail.com>  
**Sent:** Monday, May 18, 2020 5:26 PM  
**To:** Ferguson, Justin  
**Subject:** Re: Application 1728

Both.

Our operation is looking for a supplemental water source during times when our natural flow rights are unavailable like the current year. When there is an approved drought declaration we manage our water supplies under temporary transfers. As a result, this year we are Idling 200+ acres to water our other POUs. Securing water from the supply bank would allow us to not idle acres. That was the origin of my original inquiry earlier this year.

The applicants of 1728 and my father were in a protested transfer (Transfer 81268) for water right 34-2424B for a new POD. A settlement agreement could not be reached and the protest was withdrawn. That well or POD is currently being constructed. However, The concerns shown during the protest remain, namely the applicants could exceed the diversion rate (2.27 cfs) with water from the supply bank or temporary transfer and thus negatively affecting our neighboring well.

Travis

On Mon, May 18, 2020 at 5:00 PM Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)> wrote:

I believe they intend to use the Timberdome Canal System to deliver the water. I have not started a full review of the package so I am not positive, do you share a point of diversion that could be impacted by their rental or are you seeking to rent water from the Bank as well?

Justin

**From:** Travis Andersen [mailto:[tmfarnes@gmail.com](mailto:tmfarnes@gmail.com)]  
**Sent:** Monday, May 18, 2020 4:54 PM  
**To:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>  
**Subject:** Application 1728

Since it is a Lease/Rental package, have the PODs been identified?

Travis



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200  
PO Box 50130  
Idaho Falls, Idaho 83405

RECEIVED

MAY 29 2020

DEPARTMENT OF  
WATER RESOURCES

Tel: (208) 523-0620  
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www.holdenlegal.com

Email: [lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)

May 26, 2020

Water Supply Bank  
Idaho Department of Water Resources  
322 East Front Street  
Boise, ID 83720

*Re: Additional Filing Fee--Elaine Sorensen's Water Bank Applications.*

To Whom It May Concern:

Enclosed is a check in the amount of \$250.00 to pay an additional filing fee that was requested for Elaine Sorensen's Water Bank applications. If you have any questions, do not hesitate to contact me.

Best regards,

Luke H. Marchant  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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