

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 428

RECEIVED

MAY 15 2020

DEPARTMENT OF  
WATER RESOURCES

This is to certify that:

IRENE VANDERVEGT  
4098 HIDDEN LAKES DR  
KIMBERLY, ID 83341

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)
36-7510	11/7/1974	GROUND WATER	0.09	18.8	4.7	0.02	4.0
36-17152	11/7/1974	GROUND WATER	0.13	25.2	6.3	0.02	4.0
<b>Combined Limit Totals</b>			<b>0.22</b>	<b>44.0</b>	<b>11.0</b>	<b>0.02</b>	<b>4.0</b>
<b>Combined Rental Totals</b>			<b>0.22</b>	<b>44.0</b>	<b>11.0</b>	<b>0.02</b>	<b>4.0</b>

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2021. 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 - 2021: \$880.00 annually

SUPPORT DATA

IN FILE # 36-7510

The full fee for the rental of the above-described right(s) is \$880.00 per year for years 2020 - 2021. The rental fee includes an administrative fee of \$88.00 per year for years 2020 - 2021.

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	0.19	44.0	11.0	0.017	4.00
<b>Combined Total</b>	<b>0.19</b>	<b>44.0</b>	<b>11.0</b>	<b>0.017</b>	<b>4.00</b>

\* The authorized water usage reflects a reduction from the water right elements rented, to account for a per-acre diversion rate of 0.017 cfs/ac under water rights 36-2114, 36-7363B, 36-4037, 36-7283 and 36-7289

Detailed water right conditions are attached.



JUN 04 2020

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK RENTAL AGREEMENT No. 428

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:

Irene VanderVegt  
Signature of Renter


5-11-20  
Date

Irene VanderVegt  
Printed Name

Trustee  
Title

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

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

By   
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Date \_\_\_\_\_

Rental approved by IDWR 

Date 7-1-20



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 428**

**WATER USE DETAILS**

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

GROUND WATER	SESE	Sec. 27, Twp 08S, Rge 14E,	GOODING County
GROUND WATER	NESW	Sec. 26, Twp 08S, Rge 14E,	GOODING County
GROUND WATER	SWSE	Sec. 26, Twp 08S, Rge 14E,	GOODING County
GROUND WATER	SWSE	Sec. 26, Twp 08S, Rge 14E,	GOODING County

**BENEFICIAL USE**

IRRIGATION

**DIVERSION RATE**

0.19 CFS

**VOLUME**

44.00 AF

**SEASON OF USE**

Water Right No.	From	To
36-7510	3/15	11/15
36-17152	3/15	11/15

**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	
08S	14E	26							4.0				7.0						11.0

Total Acres: 11.0

**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. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 428**

this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.





Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 428

Effective until December 31, 2021

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



- Water Supply Bank Rental POD
- Water Supply Bank Rental POU
- Township/Range
- Sections
- QQ



0 1 Miles



STATE OF IDAHO  
WATER RESOURCE BOARDAPPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

FEB 27 2020

DEPARTMENT OF  
WATER RESOURCESApplicant Name: IRENE GIBSON VANDERVEGT

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)



STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant IRENE GIBSON VANDERVEGT

Mailing Address 4098 HIDDEN LAKES DR. TWIN FALLS IDAHO 83301  
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 GARY FUNDERBURG Professional Title OWNER/MANAGER

Organization TSK ENTERPRISE LLC Relationship to Applicant CLIENT

Mailing Address 255 BLUE LAKES BLVD NORTH, PMB 617 TWIN FALLS, IDAHO 83301

Email Address tskenterprish2o@gmail.com Phone Number 208 320=0897

**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**:

WATER WILL BE USED FOR IRRIGATION

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
CFS	0.00 AF	1.10 CFS	220.00 AF	55.00 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?	
4/1/2020	4/15/2020	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input checked="" 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):

WELL, MOTORS AND PIVOTS

- 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
SESE, SEC. 27, T8S R14E	GROUNDWATER	36-7289, 36-4037, 36-2114, 36-7363B
SENW, SEC. 26, T8S R14E	GROUNDWATER	SAME
SWSE, SEC. 26, T8S R14E	GROUNDWATER	SAME
SWSE, SEC. 26, T8S R14E	GROUNDWATER	SAME

*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 55.0 (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: 4/1 (mm/dd) to: 10/1 (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:

NOT APPLICABLE



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)
36-7510	IRRIGATION					1.10	220	55.0
36-17152	IRRIGATION							
<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>	1.10	220	55.0
						<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**:

THIS WILL ALLOW US TO COMPLY WITH THE OVERAGE OF US FOR WATER TO OUR GROUND

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

Yes ☐ No ☒

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



STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**5. ADDITIONAL INFORMATION**

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐  
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

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- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒  
If yes, describe:

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

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- D. Additional Information

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**DECLARATION**

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

  
Signature of Applicant

IRENE GIBSON VANDERVEGT  
Printed Name of Applicant

2-20-20  
Date

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Printed Name of Representative

\_\_\_\_\_  
Date

**Mail to:**

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



STATE OF IDAHO  
WATER RESOURCE BOARD

**Water Modeling Requirement Information Sheet**

**Information on water modeling requirements for rental requests within special administrative areas**

**Important information on requesting rental water within special administrative areas:** Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

**Water modeling may be required when an application to rent water involves one of two scenarios:**

**Scenario 1:** The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

**Regulated water sources may areas include:**

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult [www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated\\_areas.htm](http://www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm) for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

**Scenario 2:** A rental request proposes to divert water from a different but hydraulically connected water source.

**Modeling situations may include:**

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.





It is unclear where the remaining 2.5 acres requested are to be located.

Based on 2019 Sentinel satellite imagery, it appears approximately 511.3 acres were irrigated during May through July 2019, within the boundaries of the teal polygons in the image below:



Incorporating the 54.7 acres proposed to be irrigated via rental application 1431 with the 511.3 acres, provides for a possible irrigable area of 565.4 acres, as follows:





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 9, 2020

IRENE VANDERVEGT  
4098 HIDDEN LAKES DR  
KIMBERLY, ID 83341

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 36-7510, 36-17152, AGREEMENT 428**

Dear Renter:

Please find enclosed a receipt in the amount of **\$880.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 44.00 acre-feet of water for irrigation of 11.0 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 \$792.00 of the rental fee will be paid to the lessor(s) and 10% or \$88.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

  
Alexander Johnson Veibell  
Water Supply Bank

Enclosures: Receipt No. C108757  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
Corey Skinner – IDWR Southern Regional Office  
Nathan Erickson – State Water District No. 130  
Gary Funderburg – TSK Enterprise LLC





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

June 1, 2020

IRENE VANDERVEGT  
4098 HIDDEN LAKES DR  
KIMBERLY ID 83341

**RE: REQUEST FOR ORIGINAL SIGNATURE ON RENTAL AGREEMENT NO. 428**

Dear Applicant:

The Department received your signed Water Supply Bank Rental Agreement No. 428 to rent water rights 36-7510 & 36-17152 from the Water Supply Bank. The signature on the agreement appears to be a copy. The Department will need an original signature before we execute this agreement. I have enclosed page 2 of the rental agreement for you to sign.

Please return the document with an original signature as soon as possible. Please remember, an executed agreement is needed before you can start using the water. Let me know if you have any questions. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley  
Technical Records Specialist II

Enclosure

c: TSK Enterprises, LLC



## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Thursday, May 28, 2020 3:43 PM  
**To:** 'Gary Funderburg'  
**Subject:** Rental Agreement for Vandervegt  
**Attachments:** 20200528151825.pdf

The Department of Water Resources received agreement 428 from Irene Vandervegt on May 15, 2020. The signature for this agreement appears to be a copy. The Department will need the original signature page. I have attached the page here. If you have the original, please place it in the mail to the Department. The agreement will not be executed until we receive the signature page. Please let me know if you have any questions. Thank you.

*Jean Hersley  
Technical Records Specialist II  
Idaho Dept Water Resources  
(208) 287-4942*





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

May 4, 2020

IRENE VANDERVEGT  
4098 HIDDEN LAKES DR  
KIMBERLY, ID 83341

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 36-7510, 36-17152, AGREEMENT 428

\*\*\*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 \$880.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 38.0 acre-feet.

**Please send a check for \$880.00** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$792.00 of the rental fee will be paid to the lessor(s) and 10% or \$88.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk  
Gary Funderburg – TSK Enterprise LLC



## **Buyer, Remington**

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**From:** Erickson, Nathan  
**Sent:** Thursday, April 2, 2020 12:59 PM  
**To:** Buyer, Remington  
**Subject:** RE: WSB Rental Agreement 428

I don't see any problems with the rental.

**From:** Buyer, Remington  
**Sent:** Wednesday, April 01, 2020 8:31 PM  
**To:** Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>  
**Subject:** WSB Rental Agreement 428

Hi Nathan,

Irene Vandervegt-Gibson has requested a rental for the irrigation of 11 acres using ESPA ground water within the boundaries of Water District 130. Review memo, maps and draft agreement are attached. Please advise if you have any questions.

Thanks!

Remington



## MEMORANDUM

**To:** Water Supply Bank Rental Application 1650  
**From:** Remington Buyer  
**Date:** March 31, 2020  
**Re:** Review & Analysis of Application to Rent Water from the State Water Supply Bank

**PURPOSE/NARRATIVE:** An application to rent Eastern Snake River Plain Aquifer (ESPA) ground water rights was received on February 27, 2020, from Irene Vandervegt, via her representative Gary Funderberg. The application is a renewal of a 2019 rental (agreement TBD), which was originally approved for one year. This new rental application is seeking an authorization for a four year rental.

The renter is a member of the North Snake Ground Water District (NSGWD) and, ostensibly, this rental will help the applicant accomplish their ground water diversion volume reduction obligations for the NSGWD. The applicant previously provided NSGWD measurement reports indicating they had an annual diversion volume target of 1,281.4 af. For this new application, the applicant provided a 2019 report from the NSGWD, confirming that their 2019 diversion volume target was in fact 1,509.3 af, and their actual diversion volume was 1,276.8 af, indicating they met their 2019 (and prior year) diversion volume reduction targets. Their new, 2020 diversion volume target is 1,496.2 af. All of these diversion volume targets are less than their annual maximum diversion volume limits authorized under their water rights (which is 2,216.0 af).

Because the applicant's water rights already authorize diversion volumes in excess of their NSGWD mitigation targets, and because it appears that the applicant has been successful in accomplishing their mitigation efforts in recent years, it is not apparent that a rental of additional ESPA ground water rights to them is necessary to help them to meet their diversion volume reduction targets. As such, it is not clear that a mitigation by non-use rental by the applicant would result in an actual beneficial use of rental water by the applicant, and a mitigation by non-use rental is thus not being contemplated. However, the applicant will continue to irrigate lands located outside the boundaries of their water rights, and so an irrigation rental to the applicant will be considered.

The applicant owns 606.0 acres immediately southeast of Box Canyon State Park, on the western edge of the ESPA. The property is authorized to be irrigated under basin 36 ground water rights: 36-2114, 7363B, 4037, 7283 and 7289, which allow for a maximum combined diversion rate of 9.510 cfs and an annual combined diversion volume of 2,216.0 af, for the irrigation of 554.0 of the 606.0 acres, as follows:

Authorized / Decreed Water Rights							
Water Right	Priority	Use	Rate	Volume	Acres	Rate/AC	Vol/AC
36-2114	3/10/1951	Irrigation	3.050	Not Stated	185.0	0.016	Not Stated
36-7363B	8/7/1973	Irrigation	2.560	Not Stated	228.0	0.011	Not Stated
Combined Limited Water Use			3.690	980.0	245.0	0.015	4.0
36-4037	8/1/1961	Irrigation	2.560	512.0	128.0	0.020	4.0
36-7283	1/5/1973	Irrigation	1.160	304.0	76.0	0.015	4.0
36-7289	1/22/1973	Irrigation	2.100	420.0	105.0	0.020	4.0
Total Combined Limited Water Use			9.510	2216.0	554.0	0.017	4.0

A review of sentinel satellite imagery suggests the applicant irrigated 512.3 acres in 2019, of which 500.8 acres were irrigable under the authorizations of the applicant's water rights, leaving a rental requirement of 11 acres. Although the applicant's 2019 rental requested an authorization to irrigate 57.2 acres, a rental of only 11 acres was required, and due to a limited availability of rentable water rights, only nine acres were approved to be irrigated under the 2019 rental. The applicant has requested a rental of 55.0 acres for 2020, however, per the findings of 2019, a rental of only 11 acres will be considered. The acres authorized and actually irrigated in 2019 are described in the tables on the next page, along with the acres that could have been (but weren't) irrigated under the applicant's water rights.



Authorized Water Right Acreages																			
Township & Range	Section	Water Right	NE			NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW		SE
T08S R14E	26	36-7283						28.0	36.0	6.0	6.0								76.0
T08S R14E	26	36-4037								32.0	32.0	32.0	32.0						128.0
T08S R14E	26	36-7289			6.0	2.0									27.0	39.0	25.0	6.0	105.0
T08S R14E	26				6.0	2.0			28.0	36.0	38.0	38.0	32.0	32.0	27.0	39.0	25.0	6.0	309.0
T08S R14E	27	36-2114			23.0	26.0			5.0	23.0				13.0	39.0	40.0	38.0	38.0	245.0
T08S R14E	27	36-7363B			23.0	26.0			5.0	23.0				13.0	39.0	40.0	38.0	38.0	245.0
T08S R14E	27				23.0	26.0			5.0	23.0				13.0	39.0	40.0	38.0	38.0	245.0
Maximum Authorized Irrigation Acreage:																			554.0

Maximum Authorized Irrigation Acreage: 554.0

Acres Observed as Irrigated in 2019																				
Township & Range	Section	Water Right	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
T08S R14E	26				5.5	1.5	0.2	0.3	32.0	33.0	34.0	33.0	39.0	32.0	22.0	39.0	15.0	6.0	292.5	
T08S R14E	27				22.0	9.9				3.9	23.0				13.0	36.0	40.0	38.0	34.0	219.8
Acres Observed Irrigated in 2019:																			512.3	

Acres Observed Irrigated in 2019: 512.3

Authorized Acres Irrigated in 2019																			
Township & Range	Section	Water Right	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
T08S R14E	26				5.5	1.5			28.0	33.0	34.0	33.0	32.0	32.0	22.0	39.0	15.0	6.0	281.0
Township	27				22.0	9.9			3.9	23.0				13.0	36.0	40.0	38.0	34.0	219.8
Authorized Acres Observed Irrigated in 2019:																			500.8

Authorized Acres Observed Irrigated in 2019: 500.8

Irrigation Rental Required, per 2019 Irrigation Practices																				
Township & Range	Section	Water Right	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
T08S R14E	26								4.0										7.0	11.0
Township	27																			0.0
Irrigation Rental Required:																			11.0	

Irrigation Rental Required: 11.0

Authorized Acres Not Irrigated in 2019																			
Township & Range	Section	Water Right	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
T08S R14E	26	36-7283								3.0	2.0	2.0						7.0	
T08S R14E	26	36-4037									2.0	3.0						5.0	
T08S R14E	26	36-7289			0.5	0.5								5.0		10.0		16.0	
T08S R14E	26				0.5	0.5				3.0	4.0	5.0		5.0		10.0		28.0	
T08S R14E	27	36-7363B/2114			1.0	16.1				1.1				3.0			4.0	25.2	
Authorized Acres Not Irrigated in 2019:																		53.2	

Authorized Acres Not Irrigated in 2019: 53.2

Although the applicant has requested a four year rental, the water rights requested (and available) for rental are only leased through 2021, so this rental will be limited to two years

**AUTHORITY TO FILE:** Application to rent is signed by Irene Gibson Vandervegt, and is represented by Gary Funderburg for TSK Enterprise. Rental place of use and wells for rental PODs are also in the Vandervegt name. No concerns with authority to file.



**WATER RIGHT VALIDITY:** The water rights requested for this rental are leased to the Bank and valid. The irrigation water rights at the rental place of use are being used for the authorized irrigation of 500.8 acres, leaving a balance of 53.2 acres as not being used for irrigation (see table above). Staff have not reviewed irrigation practices at the rental place of use beyond 2019 and it is unclear whether five years of non-use of 53.2 acres for irrigation has occurred under the applicant's water rights. However, this rental will authorize irrigation of lands not already authorized to be irrigated under the applicant's water rights, so the rental should have no additional impact on the validity of the applicant's water rights.

**INJURY TO OTHER WATER RIGHTS:** The water rights requested for this rental (water rights 36-7510 and 36-17152) are located on property immediately adjacent to the applicant's property. ESPA transfer tool modeling is not required because the points of diversion for the water rights being rented and the water rights being supplemented are located within the same ESPA modeling cell. No injury is apparent under this rental.

**ENLARGEMENT OF USE:** The applicant's water rights authorize irrigation of 554 acres at 0.017 cfs/ac. To avoid enlargement in water use, the water rights being rented will authorize no more than 0.017 cfs/ac as well.

**LOCAL PUBLIC INTEREST:** This rental thus appears to be consistent with local public interests.

**BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:** The primary purpose of this rental is for irrigation, a recognized beneficial use of water.

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** The rental location is subject to Water District 130 administration and oversight by IDWR's Southern Regional Office. Comments were requested on April 1, 2020.





RECEIVED  
MAR 24 2020  
DEPARTMENT OF  
WATER RESOURCES

255 Blue Lakes Blvd N  
PMB 617  
Twin Falls, ID 83301  
Cell: 208-320-0897

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March 19, 2020

IDAHO DEPARTMENT OF WATER RES.  
322 East Front Street  
P.O. Box 83720-0098

Att: Buyer, Remington, Justin Ferguson.

Gentlemen:

Please find enclosed the information you requested.

- 1) 2019 water measurement report,
- 2) Aerial Photo of ground for the lease application

Our intent is to lease water for the same purpose as last year. If the water rights are available for two year that would be great to tie them up.

Please confirm you have received this information.

If you have any question feel free to contact me at the above phone number or address. All correspondence should go to me.

Sincerely,

Gary Funderburg  
Tskenterprise20@gmail.com  
255 Blue Lakes Blvd N  
PMB 617  
Twin Falls, ID 83301  
Cell: 208-320-0897

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NORTH SNAKE GROUNDWATER DISTRICT  
**2019 WATER MEASUREMENT REPORT**  
SUMMARY SHEET

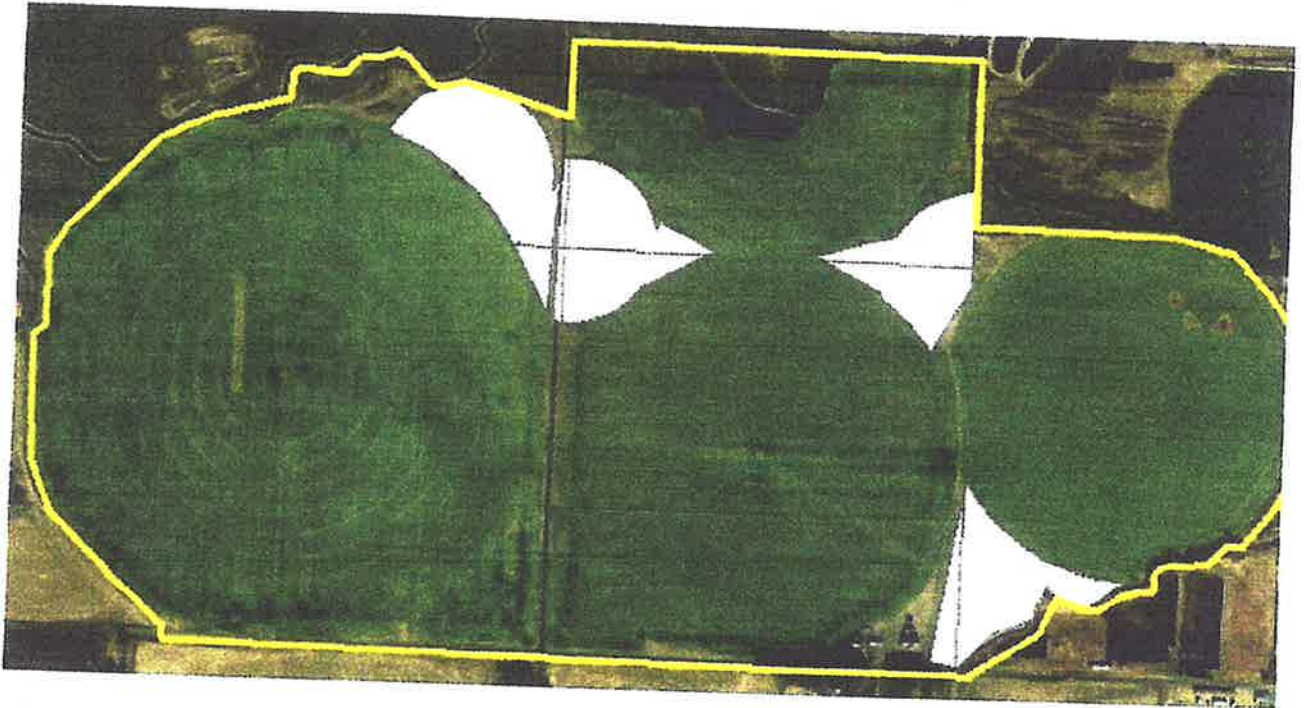
IRENE VANDER VEGT

WaterRight	PRIORITY DATE	OWNER	CFS	Total Acres	Acre Limit	WaterUse	WMIS #	POD	DIVERSION NAME	5 yr Avg	2019 Usage
36-7289	1/22/1973	IRENE VANDER VEGT	2.10	105	0	IRRIGATION	100453	08S 14E S26 NWSWSE	2	346.0	330.1
36-4037	8/1/1961	IRENE VANDER VEGT	2.56	128	0	IRRIGATION	100455	08S 14E S26 SWSWSE	1	377.8	232.7
36-7283	1/5/1973	IRENE VANDER VEGT	1.16	76	0	IRRIGATION	100452	08S 14E S26 NENESW	3	317.5	103.8
36-2114	3/10/1951	IRENE VANDER VEGT	3.05	245	185	IRRIGATION	100457	08S 14E S27 SESESE	4	819.7	610.3
36-73638	8/7/1973	IRENE VANDER VEGT	2.56	245	60	IRRIGATION					
5-3458	9/23/1965	VERBREE LAND HOLDINGS LLC	0.11	57.2		IRRIGATION					
36-16460	2/15/1974	VERBREE LAND HOLDINGS LLC									

Totals: 1861.0 1276.8

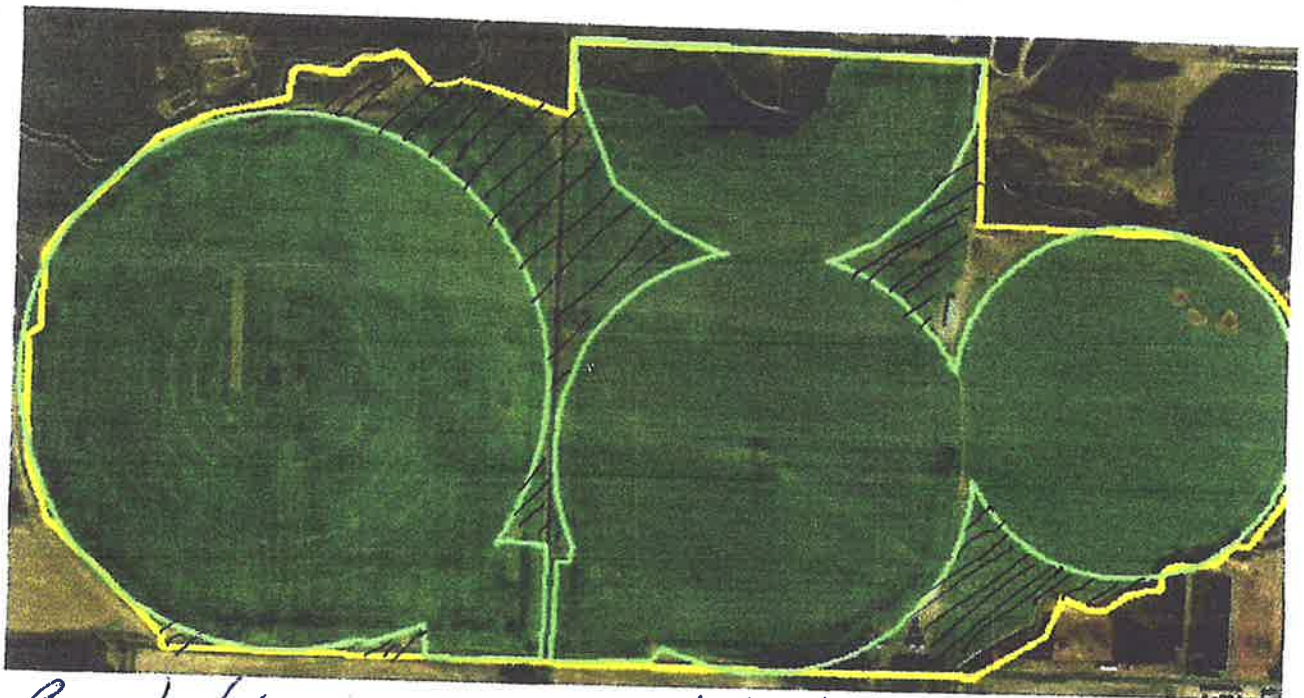
Total WR Acres	Total 5 yr Avg (AF)	Allowed (AF)	2019 Pumped (AF)	2019 Over/ Under (AF)	2017/18/19 Cumulative Over/Under (AF)	2020 Target (AF)
611.2	1861.0	1509.3	1276.8	232.5	232.5	1496.2





It is unclear where the remaining 2.5 acres requested are to be located.

Based on 2019 Sentinel satellite imagery, it appears approximately 511.3 acres were irrigated during May through July 2019, within the boundaries of the teal polygons in the image below:



*Crosshatch shows ground to be Irr.*

Incorporating the 54.7 acres proposed to be irrigated via rental application 1431 with the 511.3 acres, provides for a possible irrigable area of 565.4 acres, as follows:





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

March 10, 2020

IRENE GIBSON-VANDERVEGT  
4098 HIDDEN LAKES DR.  
TWIN FALLS, ID 83301

**RESPONSE DEADLINE:**  
**April 9, 2020**

**RE: Action Required on WSB Rental Application 1650**

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your application to rent water from the Water Supply Bank and has determined that additional information is required to continue processing your application. Specifically, the following items are being requested to continue processing:

- Measurement reports from the North Snake Ground Water District
- ESPA Modeling indicating that the requested amounts do not require mitigation
- A map outlining the specific 55 acres you wish to cover with this rental within your permissible place of use.

To continue processing of your application, our office requires the above information related to your rental. Please provide the requested information pertaining to your commitments to the Ground Water District, Sufficient ESPA modeling, and a map to indicate the specific acres you intend to irrigate through this rental within 30 days (deadline of April 9, 2020), so that we can continue processing of your application. If we do not hear from you prior to the established deadline, your application will be found incomplete and returned to you.

If you have any questions, please contact me at (208) 287-4936.

Regards,

A handwritten signature in black ink, appearing to be 'JF'.

Justin Ferguson  
Water Supply Bank Specialist

cc- Gary Funderburg – TSK Enterprises





**255 Blue Lakes Blvd N  
PMB 617  
Twin Falls, ID 83301  
Cell: 208-320-0897**

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**RECEIVED  
FEB 27 2020  
DEPARTMENT OF  
WATER RESOURCES**

February 25 2020

IDAHO DEPARTMENT OF WATER RES.  
322 East Front Street  
P.O. Box 83720-0098

Att: Buyer, Remmington

Gentlemen:

Please find enclosed the Rental application to rent water.

Please let us know you have received this application.

If you have any question feel free to contact me at the above phone number or address.

Sincerely,

Gary Funderburg  
Tskenterpriseh2o@gmail.com  
255 Blue Lakes Blvd N  
PMB 617  
Twin Falls, ID 83301  
Cell: 208-320-0897

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