

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 437

RECEIVED  
JUL 01 2020  
DEPARTMENT OF  
WATER RESOURCES

This is to certify that:

THE RANDY & LESLIE STEWART LIVING TRUST  
352 E SANTIAGO DR  
MERIDIAN, ID 83646-3858

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)
63-34641	2/25/1963	GROUND WATER	0.04	14.9	3.5	0.01	4.3
63-34642	3/11/1968	GROUND WATER	0.03	12.0	3.5	0.01	3.4
<b>Combined Rental Totals</b>			<b>0.04</b>	<b>15.3</b>	<b>3.5</b>	<b>0.01</b>	<b>3.8</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: \$30.60

SUPPORT DATA  
IN FILE # 63-34641

The full fee for the rental of the above-described right(s) is \$30.60 for 2020. The rental fee includes an administrative fee of \$30.60 for 2020. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 63-34641, 63-34642.

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	0.04	15.3	3.5	0.01	4.4
<b>Combined Total</b>	<b>0.04</b>	<b>15.3</b>	<b>3.5</b>	<b>0.01</b>	<b>4.4</b>

\* The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 437**

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:

Randy Stewart TRUSTOR OF RANDY & LESUE LIVING TRUST 6/26/20  
Signature of Renter Date

RANDY STEWART TRUSTOR  
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 7-6-20  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Rental approved by IDWR [Signature] Date 7-6-20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 437**

**WATER USE DETAILS**

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

GROUND WATER                      SENW              Sec. 24, Twp 02N, Rge 03W,              CANYON County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
0.04 CFS

**VOLUME**  
15.3 AF

**SEASON OF USE**

Water Right No.	From	To
63-34641	3/1	11/15
63-34642	4/1	10/15

**RENTERS PLACE OF USE: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE														
02N	03W	24																		3.5
																			3.5	

Total Acres: 3.5

**RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE**

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Rights 63-34641 and 63-34642 when combined shall not exceed a total diversion rate of 0.05 cfs, a total annual maximum diversion volume of 20.1 af at the field headgate, and the irrigation of 4.6 acres.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

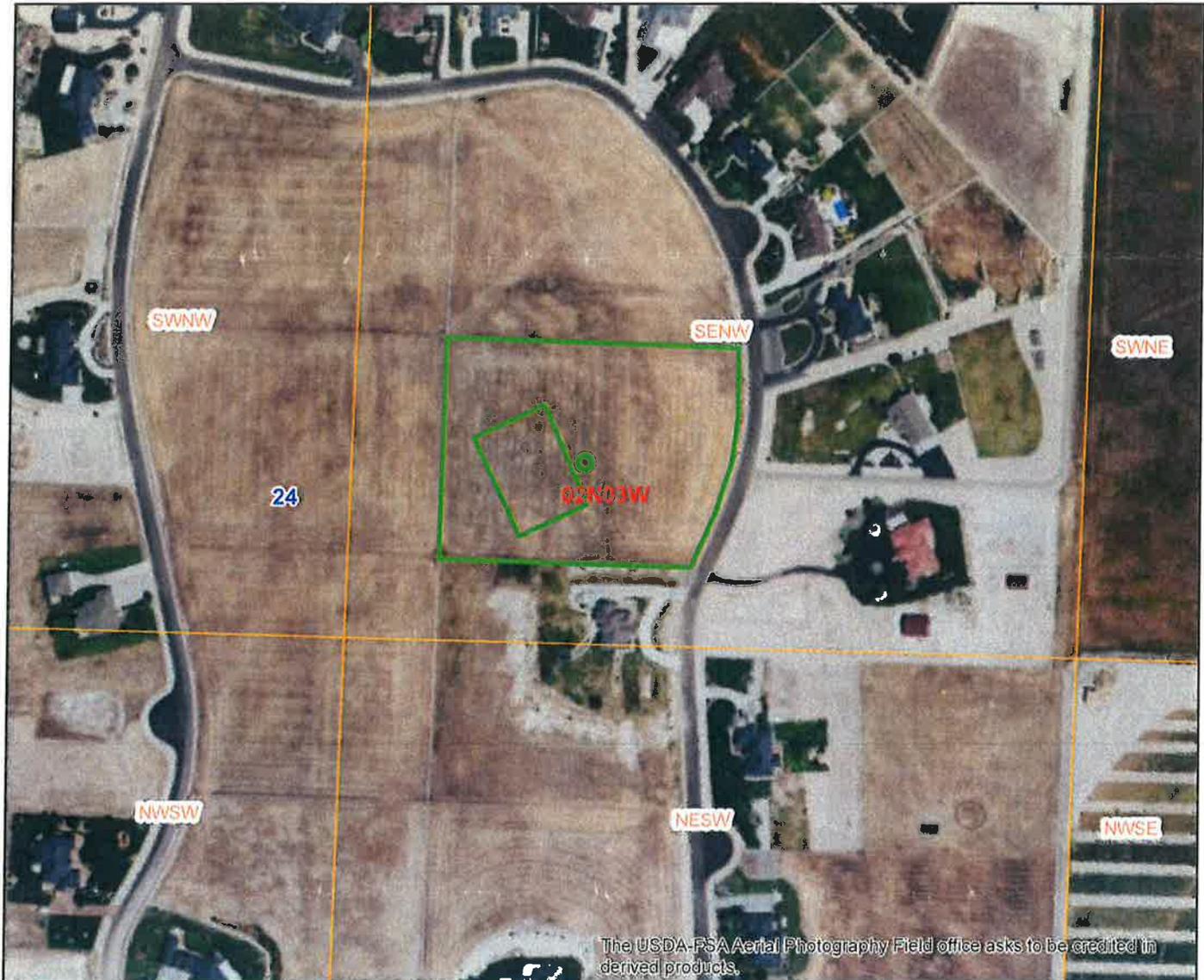
**WATER SUPPLY BANK RENTAL AGREEMENT No. 437**

11. The period of use for the irrigation described under water right 63-34642 in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2008.
12. Place of use is located within Lot 7, Blk. 2, Deersky Ranch Subdivision.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
14. Point of diversion is located within Lot 7, Blk. 2, Deersky Ranch Subdivision.
15. This rental agreement does not authorize the construction of a well.

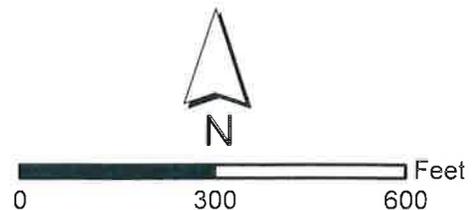
Idaho Water Resource Board  
Attachment to Water Supply Bank Rental Agreement No. 437

Effective until December 31, 2020

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



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



STATE OF IDAHO  
WATER RESOURCE BOARD

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

Applicant Name: The Randy and Leslie Stewart Living Trust

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	
	<input checked="" type="checkbox"/>	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	<input checked="" type="checkbox"/>	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes
2	<input checked="" type="checkbox"/>	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	<input type="checkbox"/>	<input checked="" type="checkbox"/> Detailed information on a proposed use of rental water
3F	<input checked="" type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion
3H	<input checked="" type="checkbox"/>	<input type="checkbox"/> Water modeling to account for the impacts of the rental request
3J	<input checked="" type="checkbox"/>	<input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	<input checked="" type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	<input checked="" type="checkbox"/>	<input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	<input checked="" type="checkbox"/>	<input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)
63-34641
63-34642

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant The Randy & Leslie Stewart Living Trust

Mailing Address 352 E. Santiago Dr. Meridian ID 83646  
Street City State Zip Code  
 Email Address r.stewart@mtvieweq.com Phone Number 208-860-8391

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 Lori Graves Professional Title SPF Water Engineering  
 Organization Water Rights Specialist Relationship to Applicant Consultant  
 Mailing Address 300 E. Mallard Dr., Ste 350, Boise, 83706  
 Email Address lgraves@spfwater.com Phone Number 208-383-4140

**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**:

Applicants wish to rent 3.5 acres of their 4 acres currently in the Bank under water rights 63-34641 and 63-34642.  
Applicants have previously rented 0.6 acres of these rights under rental agreement 342. Upon approval, 0.5 acres of the water rights will remain in the Bank.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.038 CFS	15.3 AF	0.038 CFS	15.3 AF	3.5 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?	
ASAP	n/a	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant

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

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

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

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

Well, pump, pressurized irrigation system

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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
2N 3W S24, SENW	Ground Water	Authorized POD for water rights 63-34641 &
		63-34642 per approved transfer 82804
		(see 3.L. below)

*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 3.5 (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.

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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:

Water rights 63-34641 & 63-34642 represents applicants' 4.6 acre portion of water rights 63-32968 & 63-32970 per approved transfer 82804.

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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)
63-34641	Irrigation	0.043	16.9	4		0.038	14.9	3.5
63-34642	Irrigation	0.035	13.7	4		0.030	12.0	3.5
<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>	0.038	15.3	3.5
						CFS	AF	AC

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

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

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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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\*Based on water rights' combined use limits of 0.05 cfs and 20.1 af

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:  
See item 3. A. above

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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:

See item 3. L. above

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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

Place of use is aka Lot 7, Block 2, Deersky Ranch Subdivision. The remaining 0.05 acres in the Bank constitutes developed hard scape areas within the 4.6-acre lot. Applicant's understand the rental fee will include Department administrative costs only because they are requesting rental of their own water.

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

RANDY STEWART  
Printed Name of Applicant

4/9/20  
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



1/2 acre of hardscape associated with home development will remain in the Bank.

Applicants previously rented 0.6 acres under rental agreement 342 for landscape irrigation around the home.

Home Site



300 East Mallard Drive, Suite 350  
Boise, Idaho 83706  
Tel (208) 383-4140 Fax (208) 383-4156

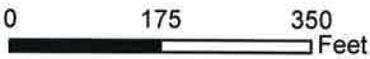
**Randy & Leslie Stewart  
WB Rental Application Map**

Lot 7, Block 2  
Deer Sky Ranch Subdivision

DATE: 4/9/2020

USER: Igraves

PROJECT: 1439.0010



**Legend**

Stewart Parcel (Lot 7, Block 2)

● Proposed Well



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 6, 2020

THE RANDY & LESLIE STEWART LIVING TRUST  
352 E SANTIAGO DR  
MERIDIAN, ID 83646-3858

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 63-34641, 63-34642, AGREEMENT 437**

Dear Renter:

Please find enclosed a receipt in the amount of **\$30.60** and a copy of a fully executed Water Supply Bank Rental Agreement of 15.3 acre-feet of water for irrigation of 3.5 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 **\$30.60** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 15.3 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 \$30.60**

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-Vabel  
Water Supply Bank

Enclosures: Receipt No. C108986  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
Nick Miller – IDWR Western Regional Office



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 22, 2020

THE RANDY & LESLIE STEWART LIVING TRUST  
352 E SANTIAGO DR  
MERIDIAN, ID 83646-3858

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 63-34641, 63-34642, AGREEMENT 437

**\*\*\*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 **\$30.60** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 15.3 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 \$30.60.** 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 \$30.60** 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 (208) 287-4800.

Sincerely,

A handwritten signature in blue ink that reads "Amanda Virell". The signature is written in a cursive, flowing style.

Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

## Memorandum

**To:** Water Rights 63-34641 & 63-34642

**From:** Justin Ferguson

**Date:** April 23, 2020

**Re:** Water Supply Bank Rental Application 1704

**Purpose/Narrative:** An application was received April 20, 2020 on behalf of the Randy and Leslie Stewart Living Trust requesting a rental of their own water rights. Prior to the Stewarts taking ownership of the water rights, they were leased to the Bank as part of the Deersky Ranch subdivision (contract 313), located south of Lake Lowell in Canyon County. Through this rental the applicants seek supplement their existing rental using their own water to use at the decreed place of use. While the Trust is able to request their water rights be removed from the Bank, it has been administratively easier for the Stewarts to rent their own water rights through the expiration of the lease contract at which point they will be released from the Bank.

**Authority to File:** The application was signed by Randy Stewart on behalf of the Randy and Leslie Stewart Living Trust. The applications we prepared and submitted by their representative at SPF Water Engineering. No concerns at this time.

**Water Right Validity/Forfeiture Evaluation:** The water rights being requested are currently leased to the Bank and are available for rental through the end of 2020. No concerns at this time.

**Injury Evaluation:** No injury is apparent through the rental as the Stewarts intend to use the water rights at their intended place of use. A portion of the water right totals will remain in the Bank to allocate for hardscape that cannot be irrigated.

**Enlargement of Use:** no enlargement is evident as the Trust has requested to rent only the portions allocated to their parcel through the ownership change and split of the parent water right.

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

**Beneficial Use/Conservation of Water Resources:** The rental appears consistent with the conservation of water resources in Idaho.

**Department/Watermaster Comments:** Watermaster for District 37 and IDWR Western Region comments were requested

**Water Supply Bank Evaluation:** Bank staff recommend the approval of this rental for a single year through the end of 2020.

APR 20 2020

DEPARTMENT OF  
WATER RESOURCES

April 17, 2020

Justin Ferguson  
IDWR State Office  
PO Box 83720  
Boise, ID 83720-0098

**Subject: Water Bank Rental Application**

Dear Justin,

Enclosed on behalf of The Randy and Leslie Living Trust is a water bank rental application. Applicants wish to rent 3.5 acres of their 4 acres currently in the Bank under water rights 63-34641 and 63-34642. Applicants have previously rented 0.6 acres of these rights under rental agreement 342. Upon approval, 0.5 acres of the water rights will remain in the Bank. The applicants understand the rental fee will include only Department administrative costs because they are requesting rental of their own water designated under water rights 63-34641 and 63-34642 per approved transfer No. 82804. Please let me know if there are any questions. Thanks Justin.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves  
Water Rights Specialist

Cc: Randy Stewart

Enclosures

SPF file number: 1439.0010