

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 402

This is to certify that:

RIVERS EDGE DEVELOPMENT INC
C/O KENDALL SHIPPEN
445 N 4185 E
RIGBY, ID 83442

RECEIVED
MAR 30 2020
DEPARTMENT OF
WATER RESOURCES

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)
35-7720	4/22/1979	GROUND WATER	0.36	71.2	17.8	0.02	4.0
1-7017	3/14/1978	SNAKE RIVER	0.30	71.2	17.8	0.02	4.0
Combined Rental Totals			0.36	71.2	17.8	0.02	4.0

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: \$1,424.00

The full fee for the rental of the above-described right(s) is \$1,424.00 for 2020. The rental fee includes an administrative fee of \$142.40 for 2020.

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	0.36	71.2	17.8	0.02	4.0
Combined Total	0.36	71.2	17.8	0.02	4.0

** The authorized water usage reflects a reduction from the water right elements rented, to account for enlargement concerns. The surface water right will be rented with the ground water to avoid unstacking while only the ground water right will be diverted.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 402

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:


Signature of Renter

3-22-20
Date

Kendall Shippen
Printed Name

President
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 4/9/2020

Rental approved by IDWR 

Date 4/9/2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 402

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec. 8, Twp 04N, Rge 39E, JEFFERSON County

<u>BENEFICIAL USE</u>	<u>DIVERSION RATE</u>	<u>VOLUME</u>
IRRIGATION	0.36 CFS	71.2 AF

SEASON OF USE

From	To
4/01	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	
04N	39E	8			7	0.7									3.6	6.5			17.8

Total Acres: 17.8

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. This rental agreement does not authorize the construction of a well.
11. 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. 120.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 402

12. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
13. Prior to the diversion and use of water under this rental agreement, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 402

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



0 500 1,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
FEB 14 2020
DEPT OF WATER RESOURCESApplicant Name: Rivers Edge Development Inc

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

- 2 ☒ 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)

35-7720

01-7017

11644

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Rivers Edge Development Inc

Mailing Address 445 N 4185 E Rigby ID 83442
Street City State Zip Code
 Email Address _____ Phone Number 208-313-2641

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 Joshua Page Professional Title Staff Water Right Analyst
 Organization Rocky Mountain Environmental Assoc. Relationship to Applicant Consultant
 Mailing Address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402
 Email Address joshua.rmea@gmail.com Phone Number 208-524-2353

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**:

Applicant requires ground water rights to temporarily provide irrigation water to Jefferson Greens subdivision,
which is only partially developed.

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)
0.36 CFS	71.2 AF	0.36 CFS	53.4 AF	17.8 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?	
4/15/20	6/1/19	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ 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):

Water is delivered from the subdivision well to the water system for the subdivision.

- 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
NWSE S8 T4N R39E	GROUND WATER	25-14162

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 17.8 (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**.

Applicant is the developer of the subdivision and is seeking to correct water right issue.

- 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:

This property is partially covered by shares in the North Rigby Irrigation Canal Company, Inc.

**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)
35-7720	Irrigation	1.57	315	78.7		0.36	73	17.8
01-7017	Irrigation	1.33		78.7		0.30		17.8
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.36	73	17.8
						CFS	AF	AC

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

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

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

Yes ☐ No ☒

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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

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

Water was also rented last year under RA 364. Permanent rights are currently in the transfer process.

- 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 ☐

Applications have already been submitted. Transfer numbers: 83069, 83471, 83262. Transfer 83262 will likely be approved by the irrigation season. No acres are proposed to be rented that overlap the acres under transfer 83262. The other two transfers have been protested and will not likely be approved in time for the 2020 season.

- 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.

NOV No. E2016-953 dated July 3, 2018 addressed to Rivers Edge Development Inc. for a violation within Jefferson Greens Estates, located in Section 8, T4N R39E.

- D. Additional Information

DECLARATION

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


Signature of Applicant


Printed Name of Applicant


Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



0 175 350 700 1,050 1,400 Feet

2019 Aerial Photography

● Jeff Greens Wells

Transfer #83262

POU

Twp & Rng

Section

QQ



Proposed Place of Use

Rocky Mountain Water Exchange LLC
for Jefferson Greens Estates

Date: 1/30/2020

Project #: 13-0013

Drawn by: JP



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

Eastern Snake Plain Aquifer Modeling Analysis and Narrative

WSB Rental Application for WR#35-7720

Rivers Edge Development Inc.

A total of 17.8 acres are proposed to be rented from water right 35-7720. The 17.8 acres are for use at the place of use for irrigation in Jefferson Green Estates, specifically the lots identified in Attachment #2. The data input values at the FROM well are based upon a historical consumptive use of 3.0 afa, which is approximately the consumptive use of alfalfa in the area of the FROM well location. The proposed location will utilize these rented rights for turf grass, which is approximately 3.0 afa in consumption, or less depending on which nearby station is consulted. See Figures 1-4 for excerpts of the model run. Effects do not exceed the threshold of 2.0 af/trimester.

Figure 1. Excerpt of Data Entry

ENHANCED GROUND-WATER RIGHTS TRANS

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEP

Cells this color are set up for user entries

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

YEAR: 1979 TRANSFER NO: 35-7720

SEASON: SUMMER TRANSFER NAME: JGHOA Rental

UPDATE DATES RUN MODEL GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	65	58	27	45
COLUMN	174	165	157	30

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SUM 1979	0	18	18	0	0	0	0
WIN 1979	0	18	18	0	0	0	0
SPR 1980	0	18	18	0	0	0	0
SPR 2019	0	18	18	0	0	0	0
SUM 2019	0	18	18	0	0	0	0
WIN 2019	0	18	18	0	0	0	0
SPR 2020	18	0	18	0	0	0	0
SUM 2020	18	0	18	0	0	0	0
WIN 2020	18	0	18	0	0	0	0
SPR 2021	0	18	18	0	0	0	0
SUM 2021	0	18	18	0	0	0	0
WIN 2021	0	18	18	0	0	0	0
SPR 2022	0	18	18	0	0	0	0

Figure 2. Net Effects Above Milner



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 10, 2020

RIVERS EDGE DEVELOPMENT INC
C/O KENDALL SHIPPEN
445 N 4185 E
RIGBY, ID 83442

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-7720, 1-7017, AGREEMENT 402**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,424.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 71.2 acre-feet of water for irrigation of 17.8 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 \$1,281.60 of the rental fee will be paid to the lessor(s) and 10% or \$142.40 will be retained by the Department to offset administrative costs.

Please note, the diversion rates on page 1 were corrected to match what you are actually renting. The acres on page 2 were corrected to match the actual number of acres per quarter-quarter. The total number of acres did not change. Condition # 14 was removed as it is not relevant for this rental.

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

Sincerely,

for Water Supply Bank

Enclosures: Receipt No. C108523
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Blake Jordan – State Water District No 120
Joshua Page – Rocky Mountain Environmental



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 13, 2020

RIVERS EDGE DEVELOPMENT INC
C/O KENDALL SHIPPEN
445 N 4185E
RIGBY, ID 83442

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS, 35-7720, 1-7017, AGREEMENT 402

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 \$1,424.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 71.2 acre-feet.

Please send a check for \$1,424.00 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 \$1,281.60 of the rental fee will be paid to the lessor(s) and 10% or \$142.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk
Joshua Page – Rocky Mountain Environmental

Memorandum

To: Water Rights 1-7017 & 35-7720

From: Justin Ferguson

Date: February 24, 2020

Re: Water Supply Bank Rental Application 1644

Purpose/Narrative: An application was received from Rocky Mountain Environmental on behalf of Rivers Edge Development Inc (REDI) on February 14, 2020 requesting a single year rental. The application is requesting the same rights used for their 2019 rental held by PT Elliot and the same modeling was provided verifying that mitigation was not in fact required.

These single year rentals are in response to an NOV issued by the Department (E2016-953) for using their domestic, in home use only water right to irrigate the ornamental lawns throughout the Jefferson Gardens subdivision they are developing. In the prior applications it was stated that the applicant was pursuing a permanent right while continuing these single year rentals, previous applications for transfer have been protested and remain undecided going into the 2020 irrigation season.

Authority to File: The application was submitted by Kendall Shippen, on behalf of REDI, through Kristin Moore with Rocky Mountain Environmental. The annual report from the Idaho Secretary of State website confirms Kendall is an authorized agent and able to sign on behalf of Rivers Edge Development Inc. The department has no concerns at this time about applicant's authority to file.

Water Right Validity/Forfeiture Evaluation: The requested water rights are valid and available for rental. The water rights already appurtenant to the subdivision also appear valid. No concerns about water right validity.

Injury Evaluation: ESPA modeling was provided by the applicant to illustrate that mitigation was not required through the rental of the two water rights. During the review, their information was again modeled to verify that there was in fact no mitigation required. The point of diversion for both the lease and the rental fall within the Trust Water area however, the acreage being used to facilitate the rental is accounted for in the acreage being idled through the lease. No concerns of injury at this time.

Enlargement of Use: No enlargement is evident through the rental of the two water rights. The place of use has existing domestic for indoor use only and shares of North Rigby Irrigation Canal Co water for 48 acres worth of residential lawns however, the canal company has yet to deliver the water to the subdivision. Because the two water rights are stacked a proportionate amount of both the Snake River surface water and ESPA ground water will be rented while only the ground water will be authorized for use. Conditions will also be added such that the rental will be limited to 0.02 cfs/acre and 4.0 afa/acre.

Local Public Interest: Review staff have no information to suggest this rental is inconsistent with the local public interest.

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

Department/Watermaster Comments: Watermaster and IDWR Western Region comments were requested February 24, 2020

Water Supply Bank Evaluation: Pending comments from the IDWR regional office and watermaster, Bank staff recommend the approval of this rental.

Ferguson, Justin

From: Ferguson, Justin
Sent: Monday, February 24, 2020 3:18 PM
To: Cefalo, James; Jordan, Blake; Olenichak, Tony
Subject: WSB Rental Agreement - Rivers Edge Development
Attachments: Draft Rental Agreement Rivers Edge Development.docx; Rental Map Rivers Edge Development.pdf; Rental Review Memo.docx

Afternoon!

Attached is the draft rental agreement, map, and review memo for Rivers Edge Development. Please let me know if you have any comments or concerns, IDWR will assume you do not object to this application if a timely response is not received

Thank you!

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RIVER'S EDGE DEVELOPMENT, INC. (367998) <i>General Business Corporation (D)</i>	> Active-Good Standing	06/13/1997	KENDALL SHIPPEN

