

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 385**

This is to certify that:

HARRY CRAWFORD  
3384 W 3800 N  
MOORE, ID 83255-8739

**RECEIVED**  
**FEB 25 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<br>Right No.            | Priority<br>Date | Source         | Diversion<br>Rate<br>(CFS) | Diversion<br>Volume<br>(AF) | Acres<br>(AC) | Volume<br>Per Acre<br>(AF/AC) |
|-------------------------------|------------------|----------------|----------------------------|-----------------------------|---------------|-------------------------------|
| 34-856H                       | 4/30/1884        | BIG LOST RIVER | 0.80                       | 175                         | 50.0          | 3.5                           |
| 34-282B                       | 6/1/1897         | BIG LOST RIVER | 0.31                       | 100                         | 28.5          | 3.5                           |
| <b>Combined Rental Totals</b> |                  |                | <b>1.11</b>                | <b>275</b>                  | <b>78.5</b>   | <b>3.5</b>                    |

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until October 15, 2024. 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 - 2022: \$549.60 annually  
2023 - 2024: \$632.04 annually

The full fee for the rental of the above-described right(s) is \$549.60 per year for years 2020 - 2022 and \$632.04 per year for years 2023 - 2024. The rental fee includes an administrative fee of \$549.60 per year for years 2020 - 2022 and \$632.04 per year for years 2023 - 2024. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 34-856 H, 34-282 B.

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.

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 385**

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

02-21-2020  
Date

Harry Crawford  
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, Acting Administrator  
Idaho Water Resource Board

Date 4/1/2020

Rental approved by IDWR 

Date 4/1/2020

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 385**

**WATER USE DETAILS**

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

BIG LOST RIVER                      NWNW              Sec. 30, Twp 06N, Rge 26E,                      CUSTER County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
1.11 CFS

**VOLUME**  
275 AF

**SEASON OF USE**

| Water Right No. | From | To    |
|-----------------|------|-------|
| 34-856H         | 5/1  | 10/15 |
| 34-282B         | 5/1  | 10/15 |

**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 |        |
| 06N | 26E | 30  |    | 28 |    |    | 4  |    | 35<br>L2 | 11.5 |    |    |    |    |    |    |    |    | 78.5   |

Total Acres: 78.5

**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. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

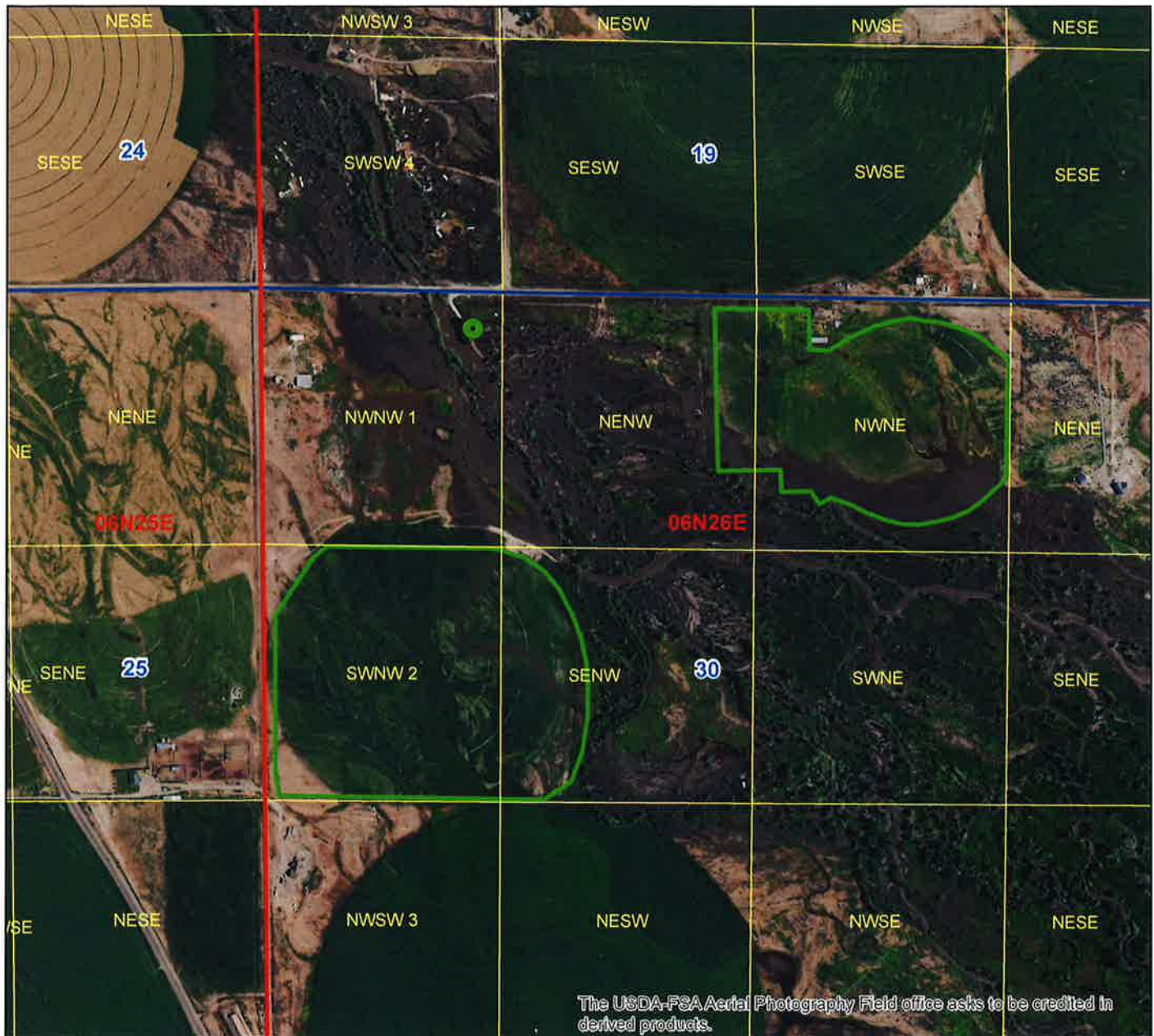
**WATER SUPPLY BANK RENTAL AGREEMENT No. 385**

10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
12. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
13. The following rights are diverted through the point(s) of diversion described above: 34-49D.
14. Rights 34-282B, 34-856H and 34-49D when combined shall not exceed the irrigation of 80 acres.

Idaho Water Resource Board  
Attachment to Water Supply Bank Rental Agreement No. 385

Effective until December 31, 2024

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 0.125 0.25 0.5 Miles





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

RECEIVED

DEC 09 2019

DEPARTMENT OF  
WATER RESOURCES

Applicant Name:

Harry Crawford

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  | <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 type="checkbox"/>            | <input checked="" 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)

STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant Harry Crawford  
 Mailing Address 3384 W 3800 N Moore ID 83255  
Street City State Zip Code  
 Email Address crawhb@hotmail.com Phone Number 208-588-3326

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 \_\_\_\_\_ Professional Title \_\_\_\_\_  
 Organization \_\_\_\_\_ Relationship to Applicant \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Email Address \_\_\_\_\_ Phone Number \_\_\_\_\_

**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**:

Due to the lack of sufficient water right and late priority date for the proposed POA, we are in need of adequate volume and earlier priority date water to raise crops of grain and hay.

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

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| CFS                                 | AF                            | CFS                                  | AF                             | <u>78.5 ±</u> 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.

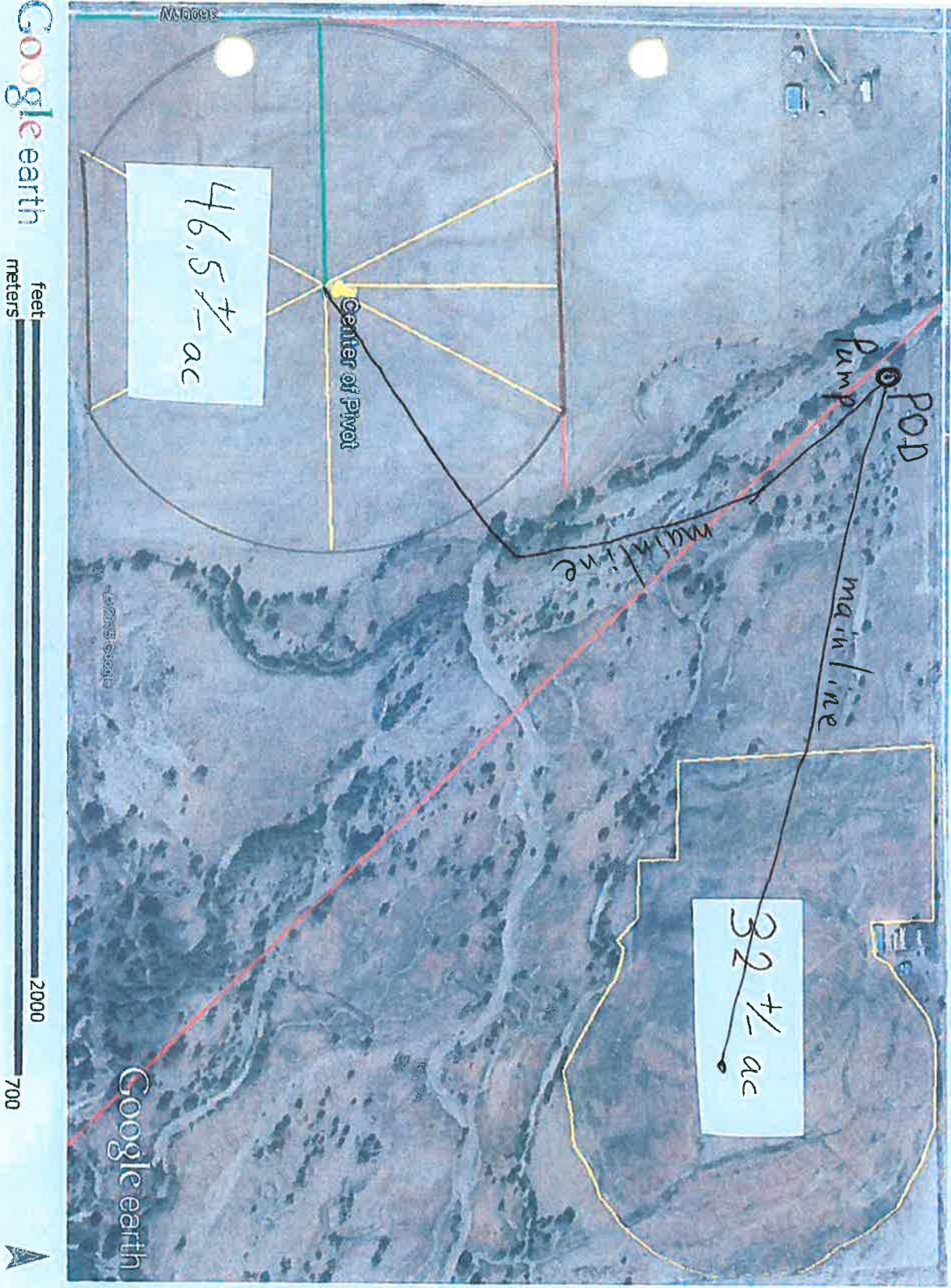
C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

| Desired Start Date<br>(month/day/year) | Latest Possible Start Date<br>(month/day/year) | *Mark Desired Rental Duration<br>(Calendar Years) |                            |                            |                            |                                       | **Applicant's preference if rental application cannot be processed prior to the latest possible start? |  |
|--|--|---|----------------------------|----------------------------|----------------------------|---------------------------------------|--|--|
| <u>5/1/2020</u>                        | <u>5/1/2020</u>                                | <input type="checkbox"/> 1                        | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input checked="" 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.

Attachment #2





- Point of Diversion
- New Rental Shape
- Township/Range
- Sections
- QQ





**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):

Through a lockable headgate on the Big Lost River, then pumped thru a metered pump and delivered thru a buried mainline to POU.

- 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 |
|----------------------|----------------|---|
| Lockable headgate    | Big Lost River | 34-49 D                                   |
| NW NW Sec 30         |                |   |
| T06N R26E            |                |   |
| Custer County, Idaho |                |   |

*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 78.5 ± (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)
- ☐ Stockwater from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)
- ☐ Industrial from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)
- ☐ Other: \_\_\_\_\_ from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)

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

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

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

34-49 D (1889) A priority date of 1889 in Basin 34 is insufficient to supply the required amount of water up to crop maturity.

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<br>(leave blank if sub-total of combined limits)  | Nature of Use | Diversion Rate (CFS) | Volume (AF) | Acres (AC) |  | Diversion Rate (CFS)             | Volume (AF) | Acres (AC) |
| 34-282 B   | Irrigation    | 0.37                 | 112.0       | 32         |  | 0.37                             | 112.0       | 32         |
|  |               |                      |             |            |  |                                  |             |            |
| 34-856 H   | Irrigation    | 0.74                 | 162.8       | 46.5       |  | 0.74                             | 162.8       | 46.5       |
|  |               |                      |             |            |  |                                  |             |            |
|  |               |                      |             |            |  |                                  |             |            |
|  |               |                      |             |            |  |                                  |             |            |
|  |               |                      |             |            |  |                                  |             |            |
|  |               |                      |             |            |  |                                  |             |            |
| <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>   | 1.11<br>CFS                      | 274.8<br>AF | 78.5<br>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**:

In case of insufficient volume I will attempt to buy storage water from BLRID but this water is usually already committed elsewhere.

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:

34-282 B and 34-856 H, In basin 34 there seems to be no other permanent water option available due to decreed water rights, moratorium on wells, and committed storage.

- 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 ☒

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV?

Yes ☐ No ☒

If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

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

  
Signature of Applicant

Harry Crawford  
Printed Name of Applicant

11/29/19  
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**

**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

April 3, 2020

HARRY CRAWFORD  
3384 W 3800 N  
MOORE ID 83255-8739

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 34-282B & 34-856H, AGREEMENT 385**

Dear Renter:

Please find enclosed a receipt in the amount of **\$549.60** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 275 acre-feet of water for irrigation of 78.5 acres during 2020. 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, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right(s).

Please note, minor errors on the agreement were corrected after the Department received the signed agreement. The rate and volume of the individual rights were corrected to correspond with the number of acres being rented. Rental Agreement Condition of Acceptance #9 was also updated to the Departments current version.

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

Enclosures: Receipt No. C108357  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
James Cefalo – IDWR Eastern Regional Office  
Lucas Yockey – State Water District No. 34



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

February 14, 2020

HARRY CRAWFORD  
3384 W 3800 N  
MOORE, ID 83255-8739

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 34-856H, 34-282B AGREEMENT 385**

**\*\*\*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.

**Please send a check for \$549.60** 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 Contract, you are responsible for the administrative fee only associated with this rental.

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

Sincerely,

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

Water Supply Bank

Enclosure

c: IDWR Front Desk

## MEMORANDUM FOR APPLICATIONS # 1531/1532

**To:** Water Right(s) 34-282B & 34-856H

**From:** Alex Dalgleish

**Date:** 2/13/2020

**Re:** Review & Analysis of Companion Package to Lease/Rent Water to/from the State Water Supply Bank

---

**PURPOSE/NARRATIVE:** On 12/9/2019, the Department received a lease/rental package from Harry Crawford. He proposes to lease the full amount of rights 34-282B and 34-856H into the Bank for 5 years and to rent the majority of the rights back out for 5 years. The leased rights together add up to 85 acres and the rental proposes to rent only 78.5 acres. The lease and rental will be from 1/1/2020 to 12/31/2024. Both rights share the place of use (POU) and must be leased into the Bank due to combined use limits.

According to the lease applications, rights 34-282B and 34-856H divert water from the Big Lost River into the Lower Burnett canal/ditch. The Big Lost River Irrigation District (BLRID) owns and operates the canal that delivers water to the POU. Written consent from the BLRID was not included with the lease applications. However, the rental and lease applications included consent from watermaster of District 34, Lucas Yockey. The lease applications indicate that this letter from Mr. Yockey is sufficient consent from the BLRID. I called Mr. Yockey on 1/16/2020 to discuss the validity of the letter and informed me that he is the manager for the BLRID as well as the watermaster of district 34. Although he said he did not have issue with the lease/rental on behalf of the BLRID, a separate letter consenting to lease the two rights into the Bank was requested through an email on 1/16/2020. Consent and approval was received from BLRID on 1/21/2020.

A prior 5 year lease application proposing to put these rights into the Bank was denied in August of 2014 due to lack of written consent from the Big Lost Irrigation District. The lease application was held by the Department and processed in 2015 for 5 years. This lease rental package is a renewal of a prior 5 year lease/rental term.

Right 34-856H (limited to 50 acres) has a priority date of 6/1/1897 and right 34-856H (limited to 35 acres) has a date of 4/30/1884. Although this is a renewal, I attempted to contact the applicant by phone and email on 1/27/2020 to suggest a slight change in the requested rental amounts from the two water rights. I suggested that Mr. Crawford shift the requested rental acreages from the two rights and rent the full amount of senior right 34-856H. This would allow Mr. Crawford to divert more water in the event of a shortage of water resulting in curtailment. He called me on 1/6/20 and approved my suggestion to rent the full amount of senior priority right 34-856H and a slightly lesser amount of right 34-282B.

According to the rental application, lack of sufficient water and a late priority date at the proposed rental POU are cause for the rental of water for irrigation of grain and hay. Because Mr. Crawford is both the lessor and renter, he only requests to pay 10% of the current rental rate for administrative fees.

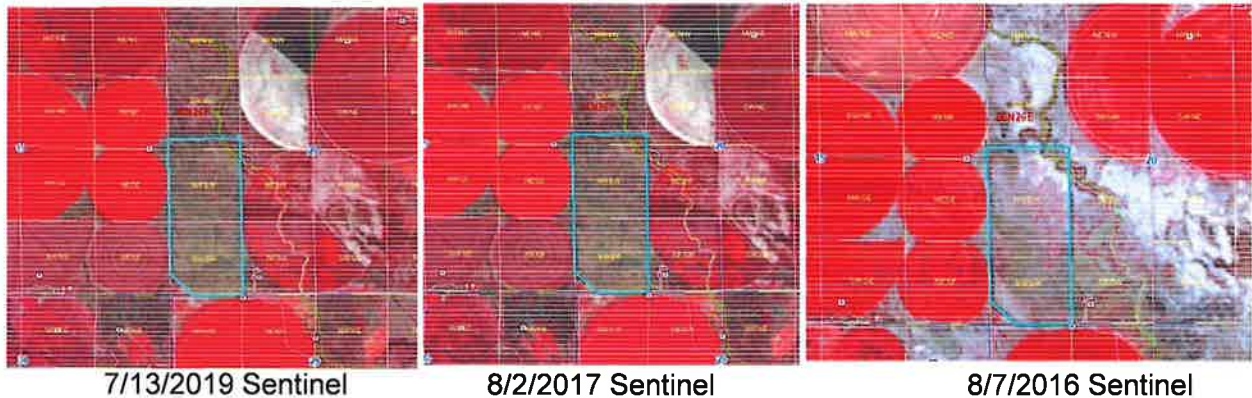
A W-9 was not included with the application but I contacted the Fiscal Section and they have a W-9 on record from a prior lease.

**AUTHORITY TO FILE:** The lease and rental applications were completed and signed by Harry Crawford. Rights 34-282B and 34-856H are currently owned by Harry Crawford and Beverly Crawford. An attached document signed by Harry and Beverly was included with the lease

applications. It authorizes Harry as the designated applicant on behalf of rights 34-282B and 342-856H.

Department records indicate that Harry J. and Beverly C. Crawford own the POU for the leased rights as well as the rental POU. The two water rights authorize 85 acres of irrigation and the Crawford's own approximately 80 acres. In the prior lease/rental review this same discrepancy came up. The Department requested information pertaining to this issue and the Crawford's sent an updated quitclaim deed which showed the correct legal description to match with the acres at the leased POU. This quitclaim deed matched the POU for the leased rights so processing of the applications could continue. I have included this quit claim deed in the water right files for reference. There are no concerns with the authority of the applicant to file.

**WATER RIGHT VALIDITY:** Right 34-282B was decreed on 6/7/2002 and right 34-856H was decreed on 7/10/2002. After viewing 2016, 2017, 2018 and 2019 Sentinel aerial imagery, it appears that the POU for 34-282B and 34-856H has not been irrigated and the Crawford's have been compliant with their prior lease contract.



Question 4F on the lease applications, Mr. Crawford lists volumes diverted in the last 5 years to accomplish the beneficial use authorized by rights 34-282B and 34-856H. This was a bit confusing since the rights were leased into the Bank from 2015-2019. I emailed the watermaster/BLRID manager Lucas Yockey. His email states that these annual diversion amounts are an accumulation of water diverted under Mr. Crawford's natural flow rights out of the Big Lost River. No concerns of water right validity.

**INJURY TO OTHER WATER RIGHTS:** On February 15, 2019, Transfer # 82950 was approved to add a second point of diversion (POD) to rights 34-282B and 34-856H. This second POD, in the NWNW QQ, Govt. Lot 1, Sec. 30, T06N, R26E, is the location of the proposed rental POD. Since the lease and rental proposals share a POD, no injury is anticipated. It should be noted that this shared POD by the leased water rights and the rental POD is not regulated by the BLRID.

**ENLARGEMENT OF USE:** The rental does not request to divert at a higher rate or irrigate more acres than the leased rights are worth. The rental POD is also used by water right 34-49D which is owned by Harry and Beverly Crawford. Furthermore, the proposed rental POU overlaps with right 34-49D in the NWNE and NENW QQ's of Sec. 30 Twp. 06N Rge. 26E. Right 34-49D authorizes the irrigation of 40 acres in the NWNE, 35 acres in the NENW and 5 acres in the NWNW. The rental proposes to irrigate 28 acres in the NWNE and 4 acres in the NENW. If right 34-49D were used in conjunction with the rental, enlargement could occur since the rate/acre of 0.02 cfs/acre may be exceeded. Right 34-49D has the most junior priority date of 6/1/1889 when compared to rights 34-282B and 34-856H. All three rights have the same season of use from 5/01 to 10/15. Item 3L on the rental application states that right 34-49D has a priority date of 1889 which is insufficient to supply the required amount of water to get the crops up to maturity. Due to the junior priority of 34-49D, right(s) must be rented in order to achieve the desired



beneficial use. Also, a combined limit condition will be placed on the rental since rights 34-49D, 34-282B and 34-856H all share the same POD as well as a portion of the rental POU. Right 34-49D authorized the irrigation of 80 total acres. The rights when used together will be limited to the irrigation of 80 acres. No enlargement is evident.

**LOCAL PUBLIC INTEREST:** Review staff has no information to suggest this application is inconsistent with the local public interest.

**BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:** The lease appears consistent with the conservation of water resources in Idaho.

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** The POD for the rights proposed to be leased and the location of the POD requested by the rental application are within Water District # 34. A letter from watermaster Lucas Yockey was included with the lease applications. He does not have any objections with rights 34-282B and 34-856H leased to the Bank. Comments were sent to James Cefalo at Eastern Region and Tim Luke, Water Compliance Bureau Chief, on 1/21/2020 on behalf of the lease and rental. Comments/concerns were not received from Eastern within 2 weeks.

## Dalgleish, Alex

---

**From:** Dalgleish, Alex  
**Sent:** Monday, January 27, 2020 2:05 PM  
**To:** 'crawhb@hotmail.com'  
**Subject:** Rental Application  
**Attachments:** 20200127135024.pdf

Mr. Crawford,

I'm still processing the lease/rental applications you submitted to the Department.

Your rental application requests to rent 46.5 acres of right 34-856H and 32 acres of right 34-282B (see the attached document). Right 34-856H has a more senior priority date of 4/30/1884, as opposed to 6/1/1897 for right 34-282B.

**Would you prefer to rent the entire 50 acres of right 34-856H instead of the 46.5 requested** (and bump the acreage from right 34-282B from 32 to 28.5 acres to maintain a rental total of 78.5 acres).

The advantage of renting the full amount of right 34-856H would allow you to divert a bit more in case of a water shortage.

I tried calling you this afternoon but was unsuccessful. If I don't hear from you within 2 weeks of this email, by 2/10/2020, I will move forward with the rental application as it is now.

Either way please let me know and feel free to contact me by phone or email.

Thank you,

Alex Dalgleish  
Water Resource Agent  
Phone (208) 287-4913  
[alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov)

Attachment 3F

RE: Water Supply Bank letter

W3

Water District 34 <waterdist34@atcnet.net>

Wed 12/4/2019 12:02 PM

You

To whom it may concern,

I Lucas Yockey, as Water Master for Water District 34 have no objections to the leasing of water rights 34-282B and 34-856H to the Water Supply Bank. I also have no objection to the rental of such rights to Harry Crawford at the proposed POD and POU.

If you should have any questions feel free to contact me.

Thank you

Lucas Yockey  
Water Master 34  
208-589-3138