

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 355

This is to certify that:

KIM C WAHLEN
2275 S 2900 W
ABERDEEN, ID 83210

RECEIVED

AUG 26 2019

**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)
35-14308	5/1/1973	GROUND WATER	0.08	19.2	4.8	0.017	4.0
35-13609	9/5/1972	GROUND WATER	0.03	8.8	2.2	0.014	4.0
35-7246M	9/5/1972	GROUND WATER	0.01	2.4	0.6	0.017	4.0
Combined Limit Totals			0.03	11.2	2.8	0.011	4.0
Combined Rental Totals			0.11	30.4	7.6	0.015	4.00

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2019. 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 2019, whichever occurs last.

Annual Rental Fee:

2019: \$608.00

The full fee for the rental of the above-described right(s) is \$616.00 for 2019. The rental fee includes an administrative fee of \$61.60 for 2019.

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	0.110	27.40	6.70	0.016	4.00
Combined Total	0.110	27.40	6.70	0.016	4.00

** The authorized water usage reflects a reduction from the water right elements rented, to account for a per acre diversion rate and volume of 0.016 cfs/ac and 4.00 afa/ac, respectively, at the rental place of use, under water right 35-7173*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 355

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:

Karl Wahler
Signature of Renter

8-16-19
Date

Karl Wahler
Printed Name

IDWR / Renter
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
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 8/28/2019

Rental approved by IDWR Chris W...

Date 8-28-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 355

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec. 31, Twp 07S, Rge 29E, POWER County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.110 CFS

VOLUME
27.4 AF

SEASON OF USE

Water Right No.	From	To
35-7246M	4/1	10/31
35-13609	4/1	10/31
35-14308	4/1	10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	29E	31							3.6 L2	6.8					0.7	11.0			22.1

Rental Place of Use Acres: 22.1
Rental Irrigable Acres: 6.7

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 rented water rights 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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 355

11. 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.
12. This rental does not authorize the construction of a well.
13. Use of water under this rental agreement, when combined with water right 35-7173, is limited to a maximum annual irrigation of 453.1 acres.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 355

Effective until December 31, 2019

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



0  Miles
0.25

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

APR 01 2019

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Kim Wahlen Farms

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)

1389

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Kim Wahlen

Mailing Address 2275 S 2900 W Aberdeen ID 83210
Street City State Zip Code
 Email Address kimwahlenfarms@gmail.com Phone Number 208-226-9906

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 Garrett Wahlen Professional Title Controller
 Organization Kim Wahlen Farms Relationship to Applicant Employee
 Mailing Address 2275 S 2900 W Aberdeen, ID 83210
 Email Address garrett.kwfarms@gmail.com Phone Number 2080226-9906

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**:

Need the irrigation to water our crops.

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)
.02 CFS	4 AF	.02 CFS	4 AF	6.7 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?	
5/1/2019	5/15/2019	☒	☐	☐	☐	☐	☒ Process application as soon as possible	☐ Return application to applicant
		1	2	3	4	5		

* 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):

Wheel Lines

- 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
Pump	Deep well	35-7173

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 6.7 (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:

The water right we currently own does not cover our entire acres that we need to water the crop.

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)
35-14308	Irrigation		4 AF/acre	4.8				
36-8412	Irrigation		4 AF/acre	1.9				
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			
						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**:

This proposed rental of 6.7 acres will help us irrigate the ground we currently have, which will enable us to grow a crop this year.

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:

Last 2 years, we had water right 35-13340 and 35-13362 for 14.5 acres. We have not secured a permanent water right as of yet.

- 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:

We intend to transfer water rights in the near future

- 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.

Ken Wahlen
Signature of Applicant

Ken Wahlen
Printed Name of Applicant

3-27-19
Date

Garrett Wahlen
Signature of Representative

Garrett Wahlen
Printed Name of Representative

3-27-19
Date

Mail to:

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

Untitled Map

Write a description for your map.

Legend

-  Hinckley 21
-  Hinckley 22
-  Hinckley 23
-  Hinckley 23

Google Earth

2000 ft





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

August 28, 2019

KIM C WAHLEN
2275 S 2900 W
CITY STATE ZIP CODE

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 35-7246M, 35-13609, and 35-14308, AGREEMENT 355**

Dear Renter:

Please find enclosed a receipt in the amount of **\$616.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 30.4 acre-feet of water for irrigation of 6.7 acres during 2019. 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 \$554.40 of the rental fee will be paid to the lessor(s) and 10% or \$61.60 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Water Supply Bank

Enclosures: Receipt No. C107476
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Blake Jordan – State Water District No. 120
Aberdeen-American Falls GWD



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

August 2, 2019

KIM C WAHLEN
2275 S 2900 W
ABERDEEN ID 83210

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 35-7246M, 35-13609, and 35-14308, AGREEMENT 355

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.

The full fee for the rental of the above described rights is \$616.00 for 2019. The rental fee includes an administrative fee of \$61.60 for 2019.

Please send a check for \$616.00 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 \$554.40 of the rental fee will be paid to the lessor(s) and 10% or \$61.60 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk

Buyer, Remington

From: Buyer, Remington
Sent: Wednesday, July 3, 2019 5:16 PM
To: Jordan, Blake; Cefalo, James
Subject: WSB Rental Application 1389
Attachments: Draft Rental Agreement.docx; Rental Review Memo.docx; Rental Map - Agreement 355.pdf

Blake, James,

Kim Wahlen Farms wants to irrigate an additional 6.7 acres of their farm this year. The attached documents my review of their rental request. Please advise if you have any questions, comments or concerns.

Thanks,

Remington

Memorandum

To: Water Supply Bank Rental Application 1389

From: Remington Buyer

Date: July 3, 2019

Re: Water Supply Bank Rental Application 1389 for Agreement 355

Purpose/Narrative: Application received April 1, 2019, from Kim Wahlen Farms, requesting an authorization to irrigate additional acres within a 476.4 acre, irrigable, permissible place of use (PPU). The sole irrigation ground water right within the PPU, 35-7173, authorizes irrigation of 446.4 acres, with a per-acre diversion rate and volume of 0.016 cfs/ac and 4.01 afa/ac, respectively. This rental is intended to authorize irrigation beyond the already approved 446.4 acres under 35-7173 (with equivalent per-acre diversion rates and volumes).

Through correspondence with the applicant, water rights 35-14308 and 36-8412 were identified for this rental request, to authorize irrigation of an additional 6.7 acres. The applicant provided a map that was intended to identify the location of a total of 453.1 acres which would be irrigated during 2019. Of the 453.1 acres to be irrigated, 446.4 acres would be irrigated under 35-7173, and the remaining balance of 6.7 acres would be irrigated under this rental.

The map delineated an irrigable area of approximately 462 acres. Subtracting the 446.4 acres from the 462 acres leaves a balance of 15.6 acres that might be authorized under a rental. The applicant was contacted to confirm the exact number of acres to be irrigated under a rental during 2019, and it was affirmed that this rental should be for 6.7 acres.

Authority to File: Application signed by Garrett and Kim Wahlen, and submitted on behalf of Kim Wahlen, by Garrett Wahlen, via email. Both Wahlen's are registered as members of Kim Wahlen Farms, General Partnership, per Idaho Secretary of State records. The well from which water will be diverted and the acres to be irrigated are on lands owned by K&C Wahlen Living Trust. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: Evidence of irrigation under 35-7173 in recent years indicates no concerns about the validity of the water right being supplemented. No concerns about the validity of the leased water rights proposed for this rental. However, water right 36-8412 is a ground water right supplemental to irrigation rights within the A & B Irrigation District. Because this rental is not within the A&B Irrigation District, this water right could not be rented in this situation. In lieu of 36-8412, water rights 35-13609 and 35-7246M (Contract 971) were identified as substitute water rights for this rental.

Injury Evaluation: Ground water modeling indicates no injury is apparent under this rental.

Enlargement of Use: To avoid enlargement, the water rights being rented were adjusted, to allow for per-acre diversion rates of 0.016 cfs/ac and 4.0 afa/ac, respectively, in order to match the duty of water provided under water right 35-7173.

The water rights were rented and approved for use under a rental, as follows:

Water Rights	Leased Elements Associated with this Rental					Rented Elements Authorized for this Rental				
	Div. Rate	Div. Vol	Acres	Rate / Acre	Vol / Acre	Div. Rate	Div. Vol	Acres	Rate / Acre	Vol / Acre
35-13408	0.083	19.3	4.8	0.017	4.0	0.080	19.3	4.8	0.016	4.0
35-13609	0.023	8.9	2.2	0.013	4.0	0.020	5.9	1.5	0.015	4.0
35-7246M	0.008	2.5	0.6	0.010	4.0	0.010	1.7	0.4	0.019	4.0
combo	0.031	11.5	2.9	0.011	4.0	0.030	7.6	1.9	0.016	4.0
Total	0.114	30.8	7.7	0.015	4.1	0.110	27.4	6.7	0.016	4.0

Local Public Interest: Staff are unaware of any local public interests contrary to this rental.

Beneficial Use/Conservation of Water Resources: Irrigation is a beneficial use and the irrigation proposed appears consistent with the water conservation practices.

Department/Watermaster Comments: Rental is Water District 120. Comments will be requested from Blake Jordan and James Cefalo of IDWR Eastern Region.

Water Supply Bank Evaluation: Subject to favorable watermaster comments, this rental should be approved.

From: Garrett Wahlen [mailto:garrett.kwfarms@gmail.com]
Sent: Wednesday, July 3, 2019 2:04 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: Water Supply Bank Rental Agreement

Remington,

I am writing this email to confirm that the number of acres that will be irrigated by Kim Wahlen Farms on Hinckley lands during 2019 is 453.1 acres

The exact acres that should be authorized under a rental is 6.7 acres.

Thank you!

On Tue, Jun 25, 2019 at 12:51 PM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Garrett,

I had a chance today to revisit your rental application (1389) for additional irrigation of what were formerly lands owned by Mr. Hinckley. The rental was submitted to authorize irrigation of an additional 6.7 acres within the 476.4 acre permissible place of use (PPU) authorized to Wahlen Farms.

You provided me with a map that was intended to be 453.1 acres, which would identify the total number of acres to be irrigated under the rental during 2019 (446.4 acres from 35-7173 and 6.7 acres from a rental). However, per the map provided, I calculated the irrigable area to be 462 acres. The attached map was created from the map you provided me, and I've delineated the 462 acres as lands irrigable under 35-7173 (in greenish-blue) and lands irrigable under a rental (in yellow). The lands under a rental sum to approximately 15.6 acres.

To finalize your rental request, I require the following:

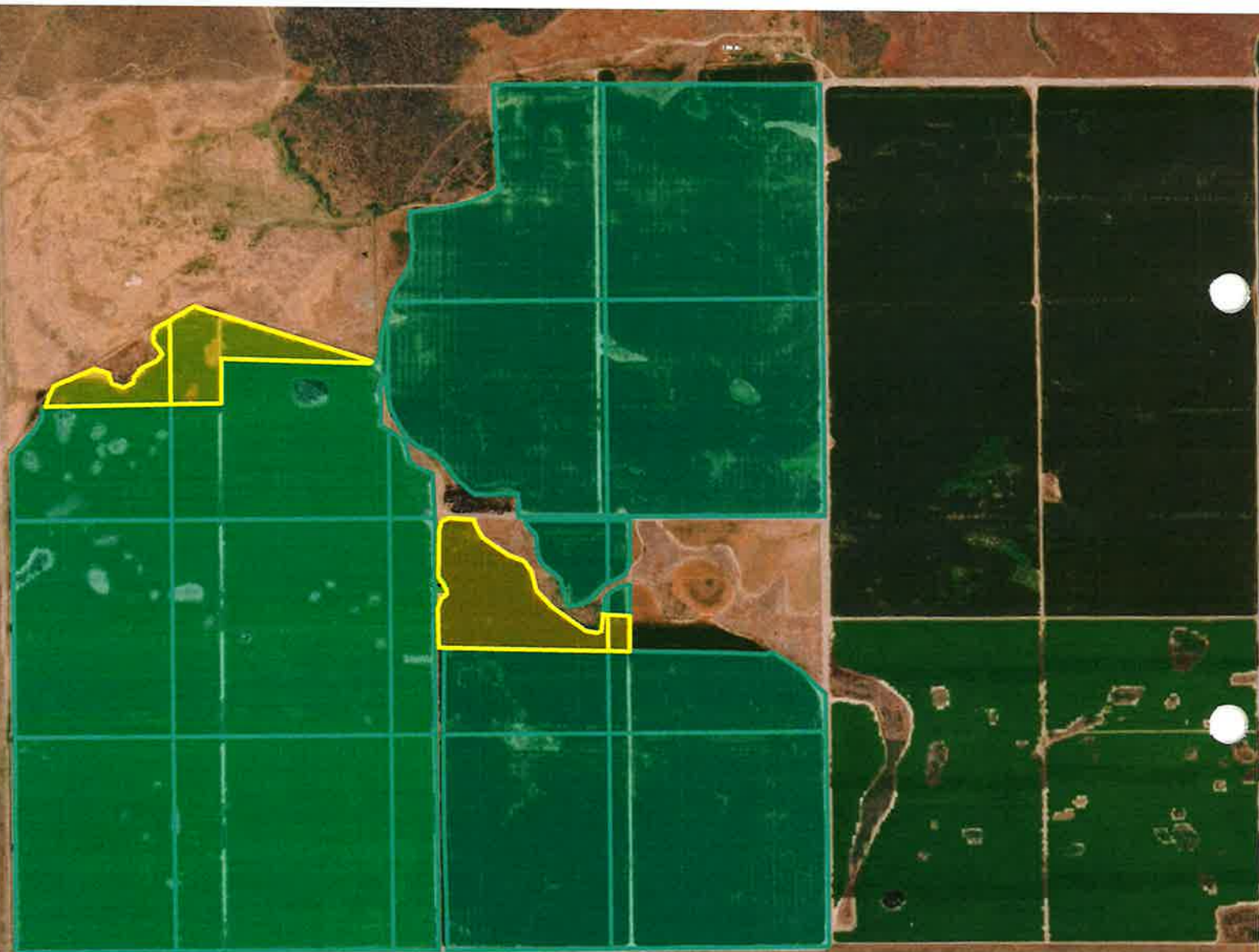
- Confirmation of the exact number of acres that will be irrigated by Kim Wahlen Farms on Hickley lands during 2019,
- Confirmation of the exact number of acres that will be irrigated by Kim Wahlen Farms on Hickley lands during 2019, that should be authorized under a rental (and not under the 446.4 acres of 35-7173).

If the attached map for 462 acres is correct, we can approve a rental for 15.6 acres, to cover lands not irrigable under 35-7173. However, if in fact the rental is only to be 6.7 acres, can you please provide me with a new map that identifies the exact acres to be irrigated under the rental.

Feel free to call me if you wanted to discuss this by phone.

Regards,

Remington



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

From: Garrett Wahlen [mailto:garrett.kwfarms@gmail.com]
Sent: Tuesday, April 30, 2019 9:01 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: Model Files

Hi Remington,

We have decided we would like to stay with the 453.1 acres of water rights with this area. So no need for the extra 23.3 acres that we were looking at.

Thanks for your help!

From: Garrett Wahlen [mailto:garrett.kwfarms@gmail.com]
Sent: Friday, April 5, 2019 3:26 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: Model Files

Remington,

We would like to rent additional water from these soon-to-be leased water rights, sufficient to cover the remaining 23.3 acres of our Farm during 2019.

Thank you!

On Mon, Apr 1, 2019 at 1:24 PM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Garrett,

Thanks for getting me the map of the 6.7 acres to be irrigated. I will print off your application and get it into our cue for processing.

On another note, please know that this morning I was contacted about a 2019 lease of some ESPA ground water rights in the vicinity of your rental. I anticipate receiving applications to lease these water rights into the Bank in the coming days and there may be sufficient water from these water rights that can be rented to Wahlen Farms, to accommodate a full rental to you in 2019 of 476.4 acres. However, the water rights provide a low per-acre diversion rate (0.011 cfs/ac) so Kim Wahlen Farms would need to rent 139.6 af of volume from these water rights to in order to be authorized to divert 93.2 af, for the irrigation of the remaining 23.3 acres, at a per-acre diversion rate of 0.016 cfs/ac.

We will move forward with processing your 2019 rental request for 6.7 acres. Please let me know (by way of a reply to this email) if you would like to rent additional water from these soon-to-be-leased water rights (if they are in fact leased), sufficient to cover the remaining 23.3 acres of the Wahlen Farm during 2019?

Regards,
Remington

From: Garrett Wahlen [<mailto:garrett.kwfarms@gmail.com>]
Sent: Monday, April 1, 2019 10:55 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: Model Files

Remington,

Attached is the map you need for the rental application. In the colored areas is the 453.1 acres we would like to have the water rights cover and we will not irrigate the part that is not covered.

Thank you!



On Thu, Mar 28, 2019 at 10:10 AM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Garrett,

Based on the previously submitted modeling, and our recent correspondence, IDWR can move forward with the ground water modeling documents already received and reviewed. However, the rental application is still deficient because it is missing a map indicating the location of the 6.7 acres to be irrigated by a rental. For your convenience, I am attaching a map of the area where it is understood the rental will occur. The map delineates in red the 476.4 acre area within which K & C Wahlen Living Trust can irrigate 446.4 acres.

Effectively, with a 6.7 acre rental, Wahlen Farms can irrigate 453.1 acres within the 476.4 acre permissible place of use, but that requires identifying which 23.3 acres within the red area will not be irrigated. Please provide us with a map that indicates the 446.4 + 6.7 (453.1) acres that will be irrigated by Wahlen Farms during 2019. Once I receive from you the map, the application is complete, and I will enter it into our rental application processing cue.

Please contact me if you have any questions,

Remington

From: Garrett Wahlen [mailto:garrett.kwfarms@gmail.com]
Sent: Wednesday, March 27, 2019 12:54 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: Model Files

Remington,

Attached is the application for the 6.7 acres we would like to rent from the water bank. As far as the extra acres, we would have to know right now if those were available instead of waiting a couple weeks. So we'll just move forward with this 6.7 acres available for rent. So will you need a new model for this application? I can get my water guy to do a new one if needed.

Thanks!

On Wed, Mar 20, 2019 at 12:48 PM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Garrett,

I've had a chance to review Wahlen's Farm request for a rental of water right 35-14308 during 2019.

The movement of water right 35-14308 from its leased location to Wahlen Farm's rental location models fine, and no mitigation is required. However, there is not 30 acres of 35-14308 available for rental during 2019. Only 4.8 acres are available to be rented. I do have an additional water right that is being leased to the Bank this year (36-8412), which could authorize irrigation of an additional 1.9 acres, which could satisfy a rental request by Wahlen Farms of 6.7 acres.

For your consideration, I'm attaching the findings of a preliminary model run that I conducted to assess the feasibility of a 6.7 acre rental by Wahlen Farms in 2019. If a 6.7 acre rental will work for your purposes, please complete the [rental application form](#), and return it to our office, along with the modeling for the water rights you would rent.

Please feel free to reach out if you have any questions about the above.

Regards,

Remington

From: Garrett Wahlen [mailto:garrett.kwfarms@gmail.com]
Sent: Wednesday, March 6, 2019 3:42 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Fwd: Model Files

Remington,

Attached is the water model that you need along with our water bank application.

Thank you!

From: Jaxon Higgs <jaxon@waterwellconsultants.com>
Date: Wed, Mar 6, 2019 at 8:48 AM
Subject: Model Files
To: garrett.kwfarms@gmail.com <garrett.kwfarms@gmail.com>

Hi Garrett,

Attached are the files you can send to IDWR for the water bank application. I assume we were looking for 30 acres to cover the acreage within the PPU that you don't have water for. I also included a map that shows the centroid of the "from wells" used in the modeling. If you were expecting more acres or they have an issue with the modeling, give me a call. Sorry this is so late.

Jaxon