

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 353

This is to certify that:

ABERDEEN SPRINGFIELD CANAL
CO
PO BOX 857
ABERDEEN, ID 83210

RECEIVED
AUG 09 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)
35-2543	8/7/1958	GROUND WATER	3.20	1,358.4	Not Stated
Combined Rental Totals			3.20	1,358.4	Not Stated

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2023. 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 - 2022: \$2,716.80 annually
2023: \$3,124.32 annually

The full fee for the rental of the above-described right(s) is \$2,716.80 per year for years 2019 - 2022 and \$3,124.32 for 2023. The rental fee includes an administrative fee of \$2,716.80 per year for years 2019 - 2022 and \$3,124.32 for 2023. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 35-2543.

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)
IRRIGATION	3.20	1358.4
Combined Total	3.20	1358.4

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 353

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

8/5/2019

Date

Steven T. Howser

Printed Name

General Manager

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 8/12/2019

Rental approved by IDWR 

Date 8-12-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec. 27, Twp 05S, Rge 31E,	BINGHAM County
GROUND WATER	NESW	Sec. 27, Twp 05s, Rge 31E,	BINGHAM County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
3.20 CFS

VOLUME
1358.0 AF

SEASON OF USE

Water Right No.	From	To
35-2543	4/1	10/31

RENTERS PLACE OF USE: IRRIGATION

Place of use is within the area served by Aberdeen-Springfield Canal Company.

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. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
10. The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.
11. 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 place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

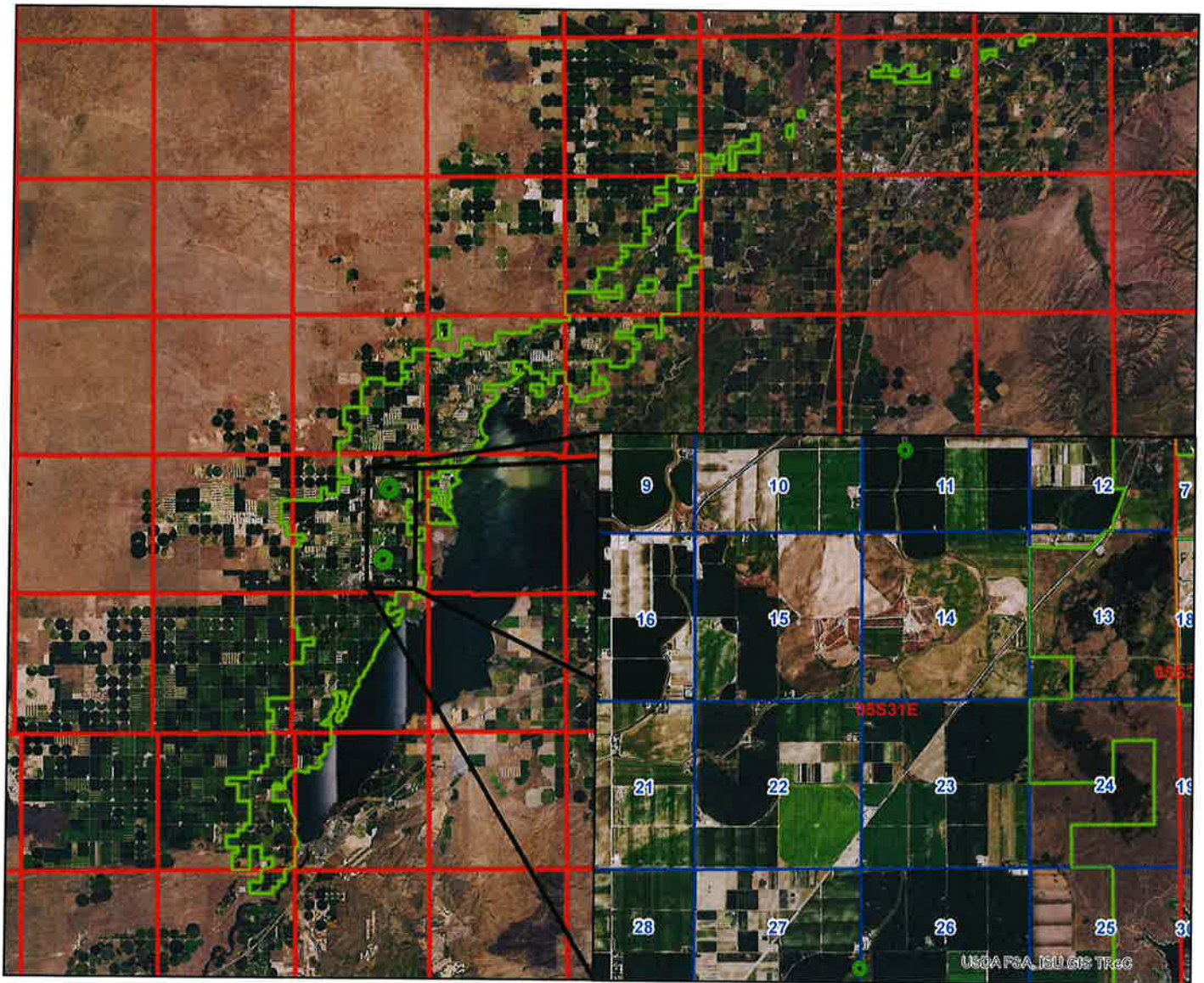
WATER SUPPLY BANK RENTAL AGREEMENT No. 353

12. Diversion of water under this rental is limited to 3.2 cfs and 1,384.4 af annually.
13. Diversion of water under this rental when combined with diversions under the unleased extent of water right 35-2543, are limited to no more than 6.0 cfs and 2,547 af annually.

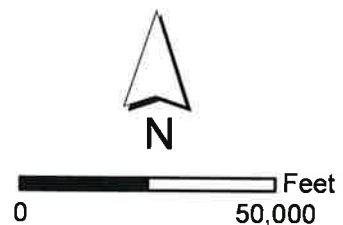
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 353

Effective until December 31, 2023

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 10 2019

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Aberdeen-Springfield Canal Company

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)

1399

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Aberdeen-Springfield Canal Company

Mailing Address PO Box 857, Aberdeen, ID 83210-0857

Street City State Zip Code

Email Address steveh@ascanal.org Phone Number 208-397-4192

- 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 Steve Howser Professional Title General Manager

Organization Aberdeen-Springfield Canal Company Relationship to Applicant General Manager

Mailing Address PO Box 857, Aberdeen, ID 83210-0857

Email Address stevenh@ascanal.org Phone Number 208-397-4192

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**:

Changing POD for a portion of groundwater right 35-2543 to include WMIS# 600296.

- 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)
3.2 CFS	640 AF	3.2 CFS	640 AF	160 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/1/2019		☐ 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):

Aberdeen-Springfield Canal Company owned well discharging into main line.

- 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 and well	groundwater	none

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 160 (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:

35-4246, 1-23B, 1-297

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)
35-2543	Irrigation	3.2	640	160		3.2	640	160
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	3.2	640	160
						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:

Ongoing dispute with IDWR regarding Aberdeen-Springfield's use of recovery wells.

- 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

Aberdeen-Springfield desires to use a portion of its right 35-2543 from this POD for the 2019 irrigation season and future irrigation seasons while it attempts to resolve its recovery well dispute with IDWR. The POU designated for this water right encompasses the POU needed for this portion.

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

Steven T. Howser, General Manager 3/28/2019

Printed Name of Applicant

Date

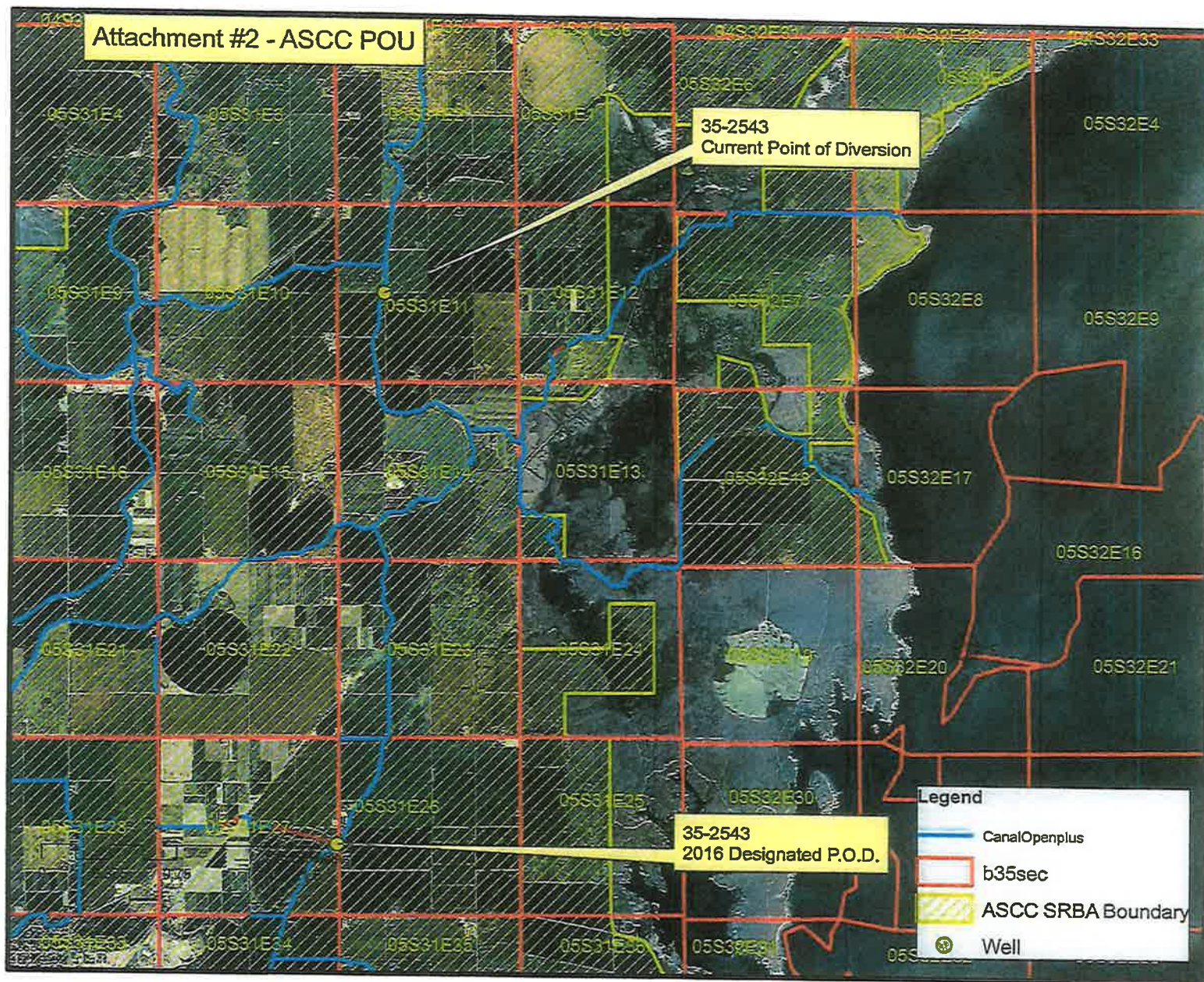
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are
set up for user entriesENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

TRANSFER NO:

35-2543

YEAR

1958

TRANSFER NAME:

SEASON

SUMMER

WSB

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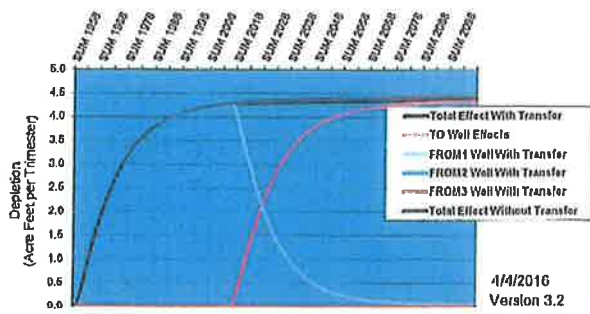
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COLUMN	108	110	0	0

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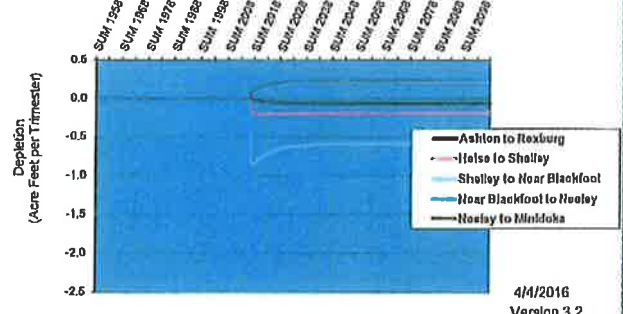
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WIN 1995	0	213	213	0	0	0	0
SPR 1996	0	213	213	0	0	0	0
SUM 1996	0	213	213	0	0	0	0
WIN 1996	0	213	213	0	0	0	0
SPR 1997	0	213	213	0	0	0	0
SUM 1997	0	213	213	0	0	0	0
WIN 1997	0	213	213	0	0	0	0

SPR 1998	0	213	213	0	0	0	0
SUM 1998	0	213	213	0	0	0	0
WIN 1998	0	213	213	0	0	0	0
SPR 1999	0	213	213	0	0	0	0
SUM 1999	0	213	213	0	0	0	0
WIN 1999	0	213	213	0	0	0	0
SPR 2000	0	213	213	0	0	0	0
SUM 2000	0	213	213	0	0	0	0
WIN 2000	0	213	213	0	0	0	0
SPR 2001	0	213	213	0	0	0	0
SUM 2001	0	213	213	0	0	0	0
WIN 2001	0	213	213	0	0	0	0
SPR 2002	0	213	213	0	0	0	0
SUM 2002	0	213	213	0	0	0	0
WIN 2002	0	213	213	0	0	0	0
SPR 2003	0	213	213	0	0	0	0
SUM 2003	0	213	213	0	0	0	0
WIN 2003	0	213	213	0	0	0	0
SPR 2004	0	213	213	0	0	0	0
SUM 2004	0	213	213	0	0	0	0
WIN 2004	0	213	213	0	0	0	0
SPR 2005	0	213	213	0	0	0	0
SUM 2005	0	213	213	0	0	0	0
WIN 2005	0	213	213	0	0	0	0
SPR 2006	0	213	213	0	0	0	0
SUM 2006	0	213	213	0	0	0	0
WIN 2006	0	213	213	0	0	0	0
SPR 2007	0	213	213	0	0	0	0
SUM 2007	0	213	213	0	0	0	0
WIN 2007	0	213	213	0	0	0	0
SPR 2008	0	213	213	0	0	0	0
SUM 2008	0	213	213	0	0	0	0
WIN 2008	0	213	213	0	0	0	0
SPR 2009	0	213	213	0	0	0	0
SUM 2009	0	213	213	0	0	0	0
WIN 2009	0	213	213	0	0	0	0
SPR 2010	0	213	213	0	0	0	0
SUM 2010	0	213	213	0	0	0	0
WIN 2010	0	213	213	0	0	0	0
SPR 2011	0	213	213	0	0	0	0
SUM 2011	0	213	213	0	0	0	0
WIN 2011	0	213	213	0	0	0	0
SPR 2012	0	213	213	0	0	0	0
SUM 2012	0	213	213	0	0	0	0
WIN 2012	0	213	213	0	0	0	0
SPR 2013	0	213	213	0	0	0	0
SUM 2013	0	213	213	0	0	0	0
WIN 2013	0	213	213	0	0	0	0
SPR 2014	0	213	213	0	0	0	0
SUM 2014	0	213	213	0	0	0	0
WIN 2014	0	213	213	0	0	0	0
SPR 2015	0	213	213	0	0	0	0
SUM 2015	0	213	213	0	0	0	0
WIN 2015	0	213	213	0	0	0	0
SPR 2016	213	0	213	0	0	0	0
SUM 2016	213	0	213	0	0	0	0
WIN 2016	213	0	213	0	0	0	0
SPR 2017	213	0	213	0	0	0	0
SUM 2017	213	0	213	0	0	0	0
WIN 2017	213	0	213	0	0	0	0
SPR 2018	213	0	213	0	0	0	0
SUM 2018	213	0	213	0	0	0	0
WIN 2018	213	0	213	0	0	0	0
SPR 2019	213	0	213	0	0	0	0
SUM 2019	213	0	213	0	0	0	0
WIN 2019	213	0	213	0	0	0	0
SPR 2020	213	0	213	0	0	0	0
SUM 2020	213	0	213	0	0	0	0
WIN 2020	213	0	213	0	0	0	0
SPR 2021	213	0	213	0	0	0	0
SUM 2021	213	0	213	0	0	0	0
WIN 2021	213	0	213	0	0	0	0
SPR 2022	213	0	213	0	0	0	0
SUM 2022	213	0	213	0	0	0	0
WIN 2022	213	0	213	0	0	0	0
SPR 2023	213	0	213	0	0	0	0

Hydrologic Response--Ashlon to Rexburg
Customer Name: WSB Transfer No: 35-2543



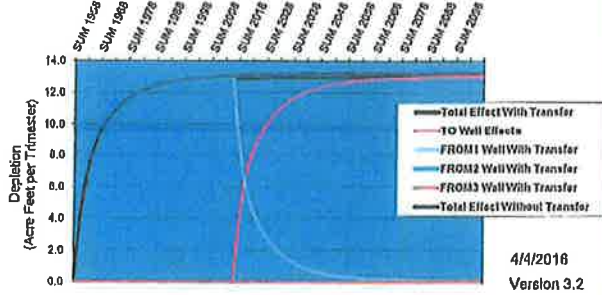
Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)



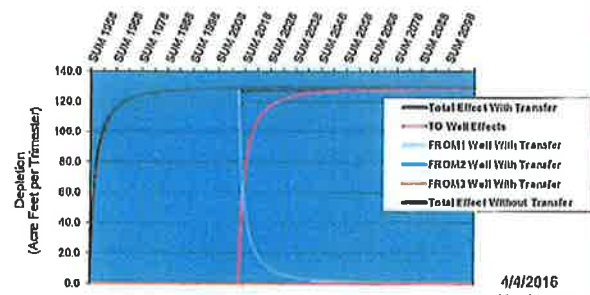
Customer Name: WSB

Transfer No: 35-2543

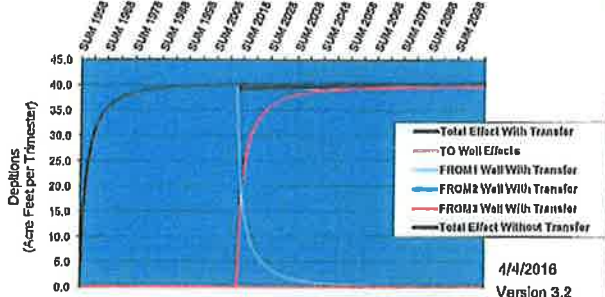
Hydrologic Response--Halse to Shelley
Customer Name: WSB Transfer No: 35-2543



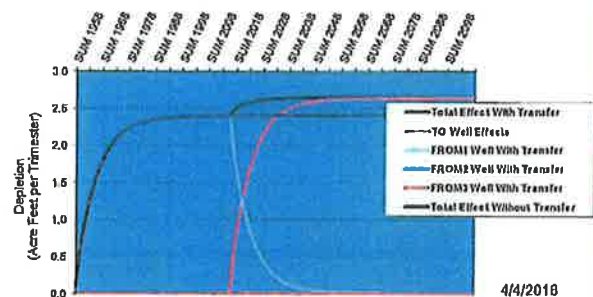
Hydrologic Response--Near Blackfoot to Neeley
Customer Name: WSB Transfer No: 35-2543



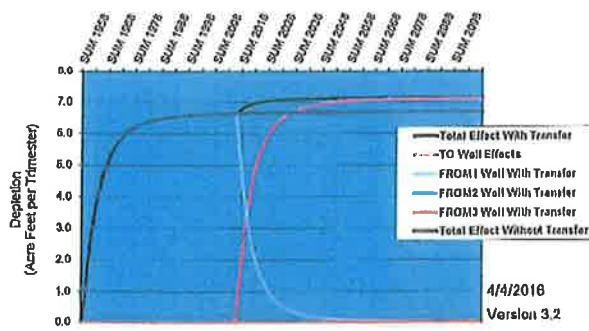
Hydrologic Response--Shelley to Near Blackfoot
Customer Name: WSB Transfer No: 35-2543



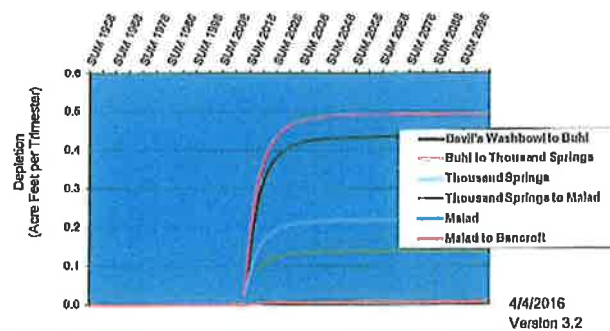
Hydrologic Response--Neeley to Mindoka
Customer Name: WSB Transfer No: 35-2543



Hydrologic Response--Dovill's Washbowl to Buhl
Customer Name: WSB Transfer No: 35-2543



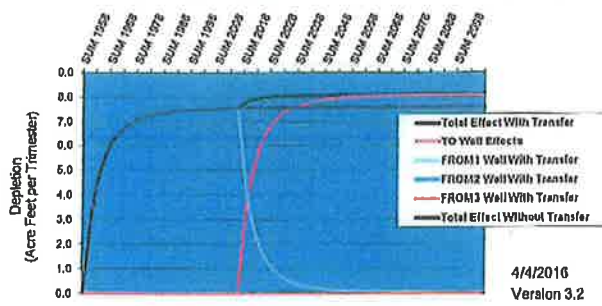
Net Transfer Effect Below Millner
(Total Effect With Transfer - Total Effect Without Transfer)



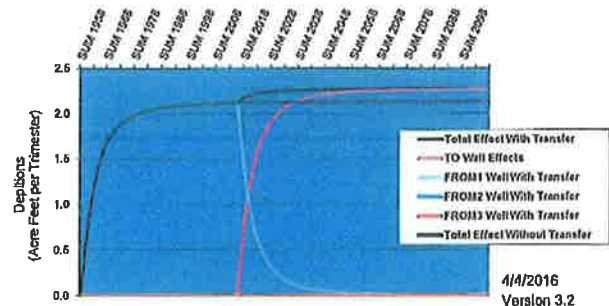
Customer Name: WSB

Transfer No: 35-2543

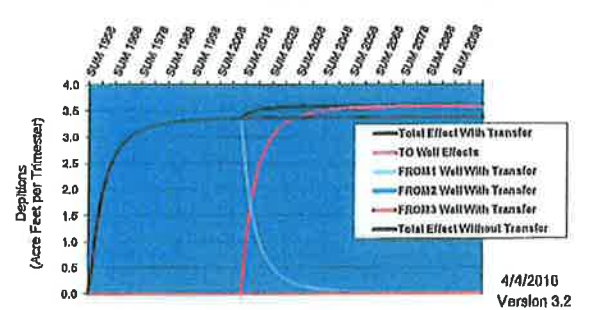
Hydrologic Response--Buhl to Thousand Springs
Customer Name: WSB Transfer No: 35-2543



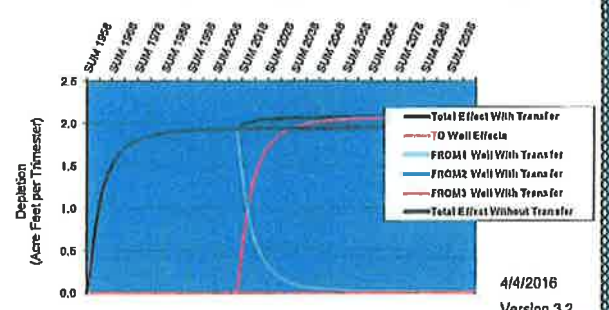
Hydrologic Response--Thousand Springs to Malad
Customer Name: WSB Transfer No: 35-2543



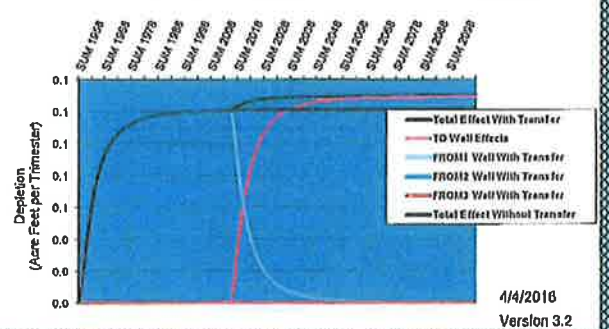
Hydrologic Response--Thousand Springs
Customer Name: WSB Transfer No: 35-2543



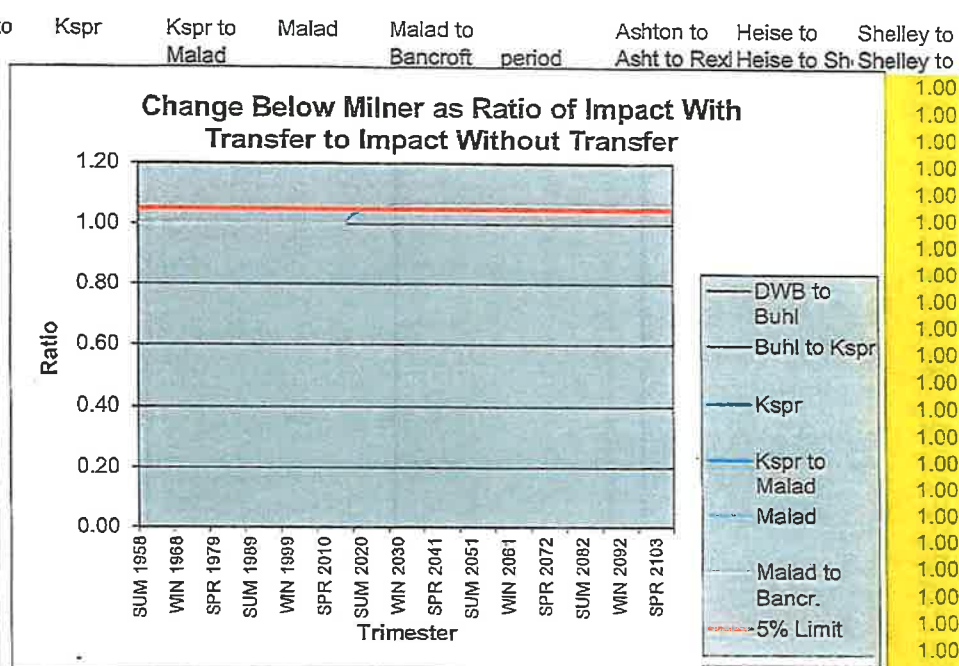
Hydrologic Response--Malad
Customer Name: WSB Transfer No: 35-2543



Hydrologic Response--Malad to Bancroft
Customer Name: WSB Transfer No: 35-2543



Net effect divided by w/o transfer condition



WIN 1965	0	0	0	0	0	0	0	0	0	0	0	0	WIN 1965	1.00	1.00	1.00
SPR 1966	0	0	0	0	0	0	0	0	0	0	0	0	0 SPR 1966	1.00	1.00	1.00
SUM 1966	0	0	0	0	0	0	0	0	0	0	0	0	0 SUM 1966	1.00	1.00	1.00
WIN 1966	0	0	0	0	0	0	0	0	0	0	0	0	0 WIN 1966	1.00	1.00	1.00
SPR 1967	0	0	0	0	0	0	0	0	0	0	0	0	0 SPR 1967	1.00	1.00	1.00
SUM 1967	0	0	0	0	0	0	0	0	0	0	0	0	0 SUM 1967	1.00	1.00	1.00
WIN 1967	0	0	0	0	0	0	0	0	0	0	0	0	0 WIN 1967	1.00	1.00	1.00
SPR 1968	0	0	0	0	0	0	0	0	0	0	0	0	0 SPR 1968	1.00	1.00	1.00
SUM 1968	0	0	0	0	0	0	0	0	0	0	0	0	0 SUM 1968	1.00	1.00	1.00
WIN 1968	0	0	0	0	0	0	0	0	0	0	0	0	0 WIN 1968	1.00	1.00	1.00
SPR 1969	0	0	0	0	0	0	0	0	0	0	0	0	0 SPR 1969	1.00	1.00	1.00
SUM 1969	0	0	0	0	0	0	0	0	0	0	0	0	0 SUM 1969	1.00	1.00	1.00
WIN 1969	0	0	0	0	0	0	0	0	0	0	0	0	0 WIN 1969	1.00	1.00	1.00
SPR 1970	0	0	0	0	0	0	0	0	0	0	0	0	0 SPR 1970	1.00	1.00	1.00
SUM 1970	0	0	0	0	0	0	0	0	0	0	0	0	0 SUM 1970	1.00	1.00	1.00
WIN 1970	0	0	0	0	0	0	0	0	0	0	0	0	0 WIN 1970	1.00	1.00	1.00
SPR 1971	0	0	0	0	0	0	0	0	0	0	0	0	0 SPR 1971	1.00	1.00	1.00
SUM 1971	0	0	0	0	0	0	0	0	0	0	0	0	0 SUM 1971	1.00	1.00	1.00
WIN 1971	0	0	0	0	0	0	0	0	0	0	0	0	0 WIN 1971	1.00	1.00	1.00
SPR 1972	0	0	0	0	0	0	0	0	0	0	0	0	0 SPR 1972	1.00	1.00	1.00
SUM 1972	0	0	0	0	0	0	0	0	0	0	0	0	0 SUM 1972	1.00	1.00	1.00
WIN 1972	0	0	0	0	0	0	0	0	0	0	0	0	0 WIN 1972	1.00	1.00	1.00
SPR 1973	0	0	0	0	0	0	0	0	0	0	0	0	0 SPR 1973	1.00	1.00	1.00
SUM 1973	0	0	0	0	0	0	0	0	0	0	0	0	0 SUM 1973	1.00	1.00	1.00
WIN 1973	0	0	0	0	0	0	0	0	0	0	0	0	0 WIN 1973	1.00	1.00	1.00

SPR 2016

174

458

	ATR	HIS	SINB	NBN	NM	DWNB	BTS	TS	TSIM	M	M/B	Total	
Preexisting Effects @ SS (Last Time Step):	4.41	13.21	40.25	129.42	2.41	6.89	7.61	3.38	2.13	1.95	0.12	211.80	Total Effects without Transfer - Last Timestep
Steady State - Value of Dep. @ Last Time Step:	4.35	13.03	39.67	128.49	2.85	7.13	8.11	3.60	2.27	2.08	0.13	211.51	Total Effects with Transfer - Last Time Step
Preexisting Effects @ Transient State (Max Value Timestep):	4.41	13.21	40.25	129.42	2.41	6.89	7.61	3.38	2.13	1.95	0.12	211.60	Total Effects without Transfer - Correlates to Max Value from Total Effects with Transfer
Transient State - Max. Value of Dep. After Transfer:	4.35	13.04	39.67	128.49	2.65	7.13	8.11	3.60	2.27	2.08	0.13	211.53	Total Effects with Transfer - Max Value from Start of Transfer to Last Time Step
Steady State Change:	-0.06	-0.19	-0.58	-0.93	0.24	0.44	0.50	0.22	0.14	0.13	0.01		
Transient State Change:	-0.06	-0.17	-0.58	-0.93	0.24	0.44	0.50	0.22	0.14	0.13	0.01		

Clipboard	Font	Alignment	Number	Formatting	Styles	Cells	Editing	Window	Help													
E48																						
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
1																						
2	Mitigation Analysis Period																					
3	Annual																					
4																						
5	Read Me																					
6	Mitigation Vol. Req'd (ac-ft)																					
7	-0.1 -0.2 -0.6 -0.9 0.2 0.4 0.5 0.2 0.1 0.1 0.0																					
8	Not Used																					
9																						
10	WR No. Div. Rate (CFS) Con. Vol. (AF/A) No. of Irr. Acres Priority Date POD Location Dedicated Vol. (AF/A) AFT Model Node										Impact by Reach (AF/Annum)											
11											Ashton to Rexburg Heise to Shelley Shelley to Nr Blckft Neelev Neeley to Minidoka Dev. Vol. To Buhl Buhl to Kscr Kscr to Malad Malad to Bancroft											
12	Transfer: Proposed Steady State Impacts following Transfer																					
13											4.4 13.2 40.3 128.4 2.4 6.7 7.6 3.4 2.1 2.0 0.1											
14											4.4 13.0 39.7 128.5 2.7 7.1 8.1 3.6 2.3 2.1 0.1											
15	Transfer 1: Worst Case Transient State Impacts following Transfer																					
16	0 0 0 0 1/0/1900 0 0.0 0 0										4.4 13.2 40.3 128.4 2.4 6.7 7.6 3.4 2.1 2.0 0.1											
17	0 0 0 0 1/0/1900 0 0.0 0 0										4.4 13.0 39.7 128.5 2.7 7.1 8.1 3.6 2.3 2.1 0.1											
18																						
19	Steady State Analysis																					
20	Mitigation Check 1 - >10% of Historical										-1.4% -1.4% -1.4% -0.7% 10.0% 6.6% 6.6% 6.6% 6.6% 6.7% 8.3%											
21	Mitigation Check 2 - >6 AF/A										-0.1 -0.2 -0.6 -0.9 0.2 0.4 0.5 0.2 0.1 0.1 0.0											
22	Mitigation Check 3 - >10% of Total										2.1% 6.2% 18.6% 50.7% 1.3% 3.4% 3.8% 1.7% 1.1% 1.0% 0.1%											
23	Mitigation Required?:										NO NO NO NO NO NO NO NO NO NO NO											
24	Mitigation Vol. Req'd (ac-ft):										-0.1 -0.2 -0.6 -0.9 0.2 0.4 0.5 0.2 0.1 0.1 0.0											
25																						
26	Transient State Analysis																					
27	Mitigation Check 1 - >10% of Historical										-1.4% -1.3% -1.4% -0.7% 10.0% 6.6% 6.6% 6.6% 6.6% 6.7% 8.3%											
28	Mitigation Check 2 - >6 AF/A										-0.1 -0.2 -0.6 -0.9 0.2 0.4 0.5 0.2 0.1 0.1 0.0											
29	Mitigation Required?:										NO NO NO NO NO NO NO NO NO NO NO											
30	Mitigation Vol. Req'd (ac-ft):										-0.1 -0.2 -0.6 -0.9 0.2 0.4 0.5 0.2 0.1 0.1 0.0											
31																						
32	Not Used																					



[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

3/19/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2543

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ABERDEEN SPRINGFIELD CANAL CO PO BOX 857 ABERDEEN, ID 83210 2083974192
Attorney	RANDALL C BUDGE PO BOX 1391 POCATELLO, ID 83204-1391 2082326101
Attorney	ROGER D LING LING & ROBINSON PO BOX 396 RUPERT, ID 83350-0396 2084364717

Priority Date: 08/07/1958

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	6 CFS	2547 AFA
Total Diversion			6 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NWNESW | Sec. 11 | Township 05S | Range 31E | BINGHAM County

Place(s) of use: [Large POU Info](#)

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 129 Place of use is within the area served by Aberdeen-Springfield Canal Company.

3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. E56 The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

Dates:

Licensed Date:

Decreed Date: 02/29/2012

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 61772.6

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

WMISNumber	Year	Alternate	FM	PCC	PreferredMethod
600296	2018		323.85		4
600296	2017			252.56	2
600296	2016			306.17	2
600296	2015			381.47	2
600296	2014			295.6	2
600296	2013			354.74	2
600296	2012			403.71	2
600296	2011			304.88	2
600296	2010			350	2



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 13, 2019

ABERDEEN SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 35-2543, AGREEMENT 353**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,716.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 1,358.4 acre-feet of water for irrigation 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, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right.

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

Sincerely,


Water Supply Bank

Enclosures: Receipt No. C107350
Rental Agreement (copy)

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 2, 2019

ABERDEEN SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 35-2543, AGREEMENT 353**

*****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 **27,168.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 1,358.4 acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$2,716.80.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$2,716.80 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,


86 Water Supply Bank

Enclosure

c: IDWR Front Desk

MEMORANDUM FOR LEASE CONTRACT 1014 & RENTAL AGREEMENT 353

To: Water Right(s) 35-2543
Associated water rights: 1-23B, 1-297 & 35-4246

From: Mary Condon and Justin Ferguson

Date: July 15, 2019

Re: Review & Analysis of Application to Rent Water Rights from the Water Supply Bank

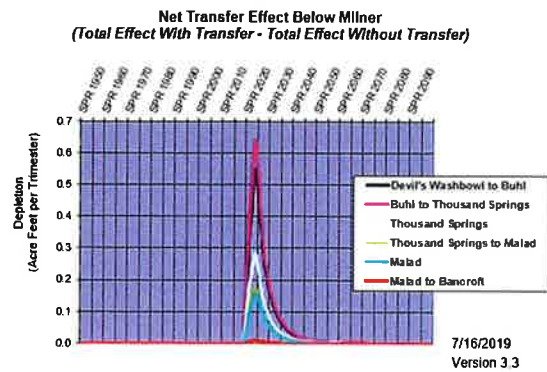
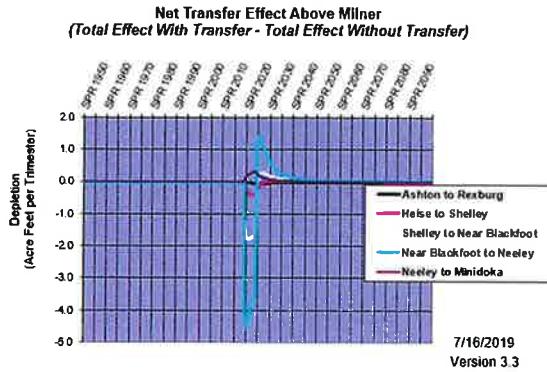
PURPOSE/NARRATIVE: Companion application to lease and rent a portion of water right 35-2543 received on April 10, 2019. Lease/rental term is intended to be for five years. The applicant (Aberdeen Springfield Canal Company; ASCC) would like to divert ESPA ground water from wells that are not authorized under water rights 35-2543 (nor under 35-4246) and they are leasing in portions of water right 35-2543, so that diversion rates and volumes associated with the lease can be authorized for diversion via a rental that will authorize additional wells as PODs for their water rights. This review memo pertains to the rental of water right 35-2543.

AUTHORITY TO FILE: Application for rental signed by Steven Howser, GM for Aberdeen Springfield Canal Co. Recent Annual Report to the Idaho Secretary of State lists Mr. Howser as the Registered Agent and Secretary for the company. No concerns pertaining to the canal company's authority to file the rental application for diversion of water into and within their canal.

The land upon which the point of diversion (ground water well) is situated is land not owned by the canal company. The well, known as the "Slaugh Well" is on land that appears to belong to the JR Simplot Company, however per a March 8, 2016 email from Steve Howser to Brian Ragan, it was confirmed that the "Slaugh Well" is owned and operated by ASCC. A condition will be placed on the rental agreement to affirm that the rental does not authorize trespass, otherwise, no concerns about authority to file.

WATER RIGHT VALIDITY: Water right 35-2543 has been approved for lease to the Bank. No concerns about water right validity.

INJURY TO OTHER WATER RIGHTS: There is approximately 3.0 linear miles distance between the location of the authorized POD for 35-2543, and the location of the Slaugh Well. ASCC submitted ESPA ground water modeling proposing to idle 213.3 af/trimester (640 af/year) at the well from which ground water is authorized to be diverted under 35-2543, so that an equivalent 213.3 af/trimester could be diverted at the Slaugh Well. No injury was calculated from the above temporary transfer proposal. Scaling up the lease and rental volumes, from 640 af/year to 1,358.4 af/year, also did not indicate injury was apparent under this rental, as is evidenced by the charts and results summarized on the next page.



Enter First Time Step of Transfer: **SPR 2019**

Match: 208 Match: 456

	AtR	HtS	StNB	NBN	NtM	DWtB	BtTS	TS	TStM	M	MtB	Total
Preexisting Effects @ SS (Last Time Step)	9.37	28.08	85.57	275.10	5.13	14.23	16.17	7.18	4.53	4.15	0.26	449.77
Steady State - Value of Dep. @ Last Time Step	9.37	28.08	85.57	275.11	5.13	14.23	16.18	7.18	4.53	4.15	0.26	449.78
Preexisting Effects @ Transient State (Max Value Time Step)	9.37	28.08	85.57	275.10	5.13	14.23	16.17	7.18	4.53	4.15	0.26	449.77
Transient State - Max Value of Dep. After Transfer	9.37	28.08	85.62	275.86	5.44	14.71	16.74	7.43	4.69	4.28	0.27	452.49

POD				Impact by Reach (AF/Trimester)											
ty	Location	Dedicated Vol AFA/ AFT	Model Node	Ashton to Rexburg	Heise to Shelley	Shelley to Nir Blackf	Nir Blackf to Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft	
acts following Transfer															
60	8S26E-3	275.6	91.9	SP082075	9.37	28.08	85.57	275.10	5.13	14.23	16.17	7.18	4.53	4.15	0.26
60	8S26E-3	275.6	91.9	SP068066	9.37	28.08	85.57	275.11	5.13	14.23	16.18	7.18	4.53	4.15	0.26
Impacts following Transfer															
60	8S26E-3	275.6	91.9	SP082075	9.37	28.08	85.57	275.10	5.13	14.23	16.17	7.18	4.53	4.15	0.26
60	8S26E-3	275.6	91.9	SP068066	9.37	28.08	85.62	275.86	5.44	14.71	16.74	7.43	4.69	4.28	0.27
Steady State Analysis															
Mitigation Check 1 - >10% of Historical				0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2 - > 2 AF/T				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total				2.1%	6.2%	19.0%	61.2%	1.1%	3.2%	3.6%	1.6%	1.0%	0.9%	0.1%	0.1%
Mitigation Required?				NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis															
Mitigation Check 1 - >10% of Historical				0.0%	0.0%	0.1%	0.3%	6.1%	3.4%	3.5%	3.5%	3.4%	3.3%	3.2%	3.2%
Mitigation Check 2 - > 2.01 AF/T				0.0	0.0	0.1	0.8	0.3	0.5	0.6	0.2	0.2	0.1	0.0	0.0
Mitigation Required?				NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)				0.0	0.0	0.1	0.8	0.3	0.5	0.6	0.2	0.2	0.1	0.0	0.0

ENLARGEMENT OF USE: The intent of this rental is to add the "Slaugh Well" as a point of diversion for water right 35-2543. No enlargement is foreseen provided diversion rates and volumes at the Slaugh Well are limited to the leased amount of water right 35-2543, and provided no more than the decreed rate and volume are realized between both the authorized location for 35-2543 and the Slaugh Well, when diversions are occurring, simultaneously.

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 location for the rental PD is subject to Water District # 120. Comments from districts and Watermasters will be requested.

From: Steve Howser [mailto:steveh@ascanal.org]
Sent: Wednesday, July 10, 2019 10:21 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>; Norm Semanko <nsemanko@parsonsbehle.com>; Randy Budge <randy@racineolson.com>
Subject: Re: Lease and Rental applications to the WSB

Justin,

As per our conversation this morning, I've decided to not pursue the amendment to our lease. Please just proceed with the lease as we'd originally planned. This Fall we'll work on accomplishing the modeling process (assuming we don't have a negotiated settlement in place) for next year.

Thanks for your cooperation on this, I'm sorry it proved to be more work than I can handle this time of year.

Steve

Steven T. Howser, General Manager
Aberdeen-Springfield Canal Company
208.397.4192 - office
208.221-4192 - cell
208.246.0216 - fax

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On Wed, Jul 3, 2019 at 7:01 PM Steve Howser <steveh@ascanal.org> wrote:
Sounds good, thank you.

On Wed, Jul 3, 2019, 4:54 PM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Steve,

I'm not going to be in, but Justin Fergusson (cc'd) may be in on Friday to answer any questions you have. Else, you can catch me at 8:01 am on Monday, the 8th.

Remington.

From: Steve Howser [mailto:steveh@ascanal.org]
Sent: Wednesday, July 3, 2019 4:45 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Condon, Mary <Mary.Condon@idwr.idaho.gov>; Norm Semanko <nsemanko@parsonsbehle.com>; Randy Budge <randy@racineolson.com>; Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Subject: Re: Lease and Rental applications to the WSB

Thank you. I can now exhale.

Will any of you be in the office on Friday? I might have a question or two.

Steve

Steven T. Howser, General Manager
Aberdeen-Springfield Canal Company
208.397.4192 - office
208.221-4192 - cell
208.246.0216 - fax

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On Wed, Jul 3, 2019 at 4:42 PM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Steve,

We can provide you with the additional time to submit additional lease and rental information. It will work fine for us to receive the information from you by COB next Monday, July 8th.

Thanks,

Remington

From: Steve Howser [mailto:steveh@ascanal.org]
Sent: Wednesday, July 3, 2019 2:17 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Condon, Mary <Mary.Condon@idwr.idaho.gov>; Norm Semanko <nsemanko@parsonsbehle.com>; Randy Budge <randy@racineolson.com>; Weaver, Mathew <Mathew.Weaver@idwr.idaho.gov>
Subject: Re: Lease and Rental applications to the WSB

Remington,

I can't get this done by close of business today, we're at peak irrigation demand and that's the busiest it gets for a canal manager. Is it possible to extend the July 3rd deadline? If not, we'll just need to go with the application you have for this year.

I'm pretty certain I can have this finished up by close of business next Monday.

Thanks,

Steve

Steven T. Howser, General Manager
Aberdeen-Springfield Canal Company
208.397.4192 - office
208.221-4192 - cell
208.246.0216 – fax

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On Thu, Jun 27, 2019 at 12:26 PM Steve Howser <steveh@ascanal.org> wrote:

Thanks Remington,

I'll choose option 2. That being said, I'm going to be hard-pressed to get the model results and paperwork done by the 3rd of July. I may have to call you for help on Monday, I got too used to Heather doing these tasks and now that she's not here I'll have to do it myself.

Steve

Steven T. Howser, General Manager
Aberdeen-Springfield Canal Company
208.397.4192 - office
208.221-4192 - cell
208.246.0216 – fax

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On Wed, Jun 26, 2019 at 5:04 PM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Steve,

Sorry a delayed response. IDWR can consider a rental for Aberdeen Springfield Canal Company that authorizes diversions of up to 2702 af annually, through maximum instantaneous diversion rates of 8.44 cfs, from multiple wells. However, to allow for this, an application to lease water right 35-4246 to the Bank should be immediately submitted to IDWR's Boise office, so we can begin our lease review.

Additionally, depending on how quickly and how much volume ASCC would like to be able to divert from any one particular point of diversion during 2019 will determine whether we can proceed with a new rental application to accompany the lease of water right 35-4246, or whether the already received rental application (ID number 1399) should be amended to allow for your rental purposes.

If you lease in all of water right 35-4246, it is possible to put together a rental that might authorize diversions of up to 5.64 cfs and 1513.4 af from any well on the rental that is not already authorized under water rights 35-2543 or 35-4246. What IDWR requires to know is exactly how much and how quickly you would like to divert water from the various points of diversion that you would desire be included and authorized under a rental.

Two options are thus available for your consideration:

- 1) IDWR can proceed with rental application 1399, as proposed, to allow for diversions of up to 3.2 cfs and 1358.4 af from the well in the NESE QQ of Section 27, in T05S, R31E (on Simplot lands), and you can submit a new application to rent up to the amounts to be leased under 35-4246 from any additional points of diversion not already included on rental application 1399; or
- 2) You can submit additional information that can be used to amend rental application 1399, to allow for diversions up to the maximum extent of diversion and volume amounts leased under water rights 35-2543 AND 35-4246. If you would like to amend rental application 1399, our office will require that you submit an updated map identifying the specific wells that are proposed to be included on the rental, and we will need updated ESPA modeling to account the volume amounts that are anticipated to be diverted from the various wells during the term of the rental.

Kindly let us know within the next seven days how you would like to proceed in this matter. If we don't hear from you prior to July 3, 2019, we will proceed in finalizing rental application 1399, as it is presently proposed.

Regards,

Remington

From: Steve Howser [mailto:steveh@ascanal.org]

Sent: Thursday, June 20, 2019 3:46 PM

To: Condon, Mary <Mary.Condon@idwr.idaho.gov>

Cc: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Norm Semanko <nsemanko@parsonsbehle.com>; Randy Budge <randy@racineolson.com>

Subject: Re: Lease and Rental applications to the WSB

Remington and Mary,

While I understand your need to dot the i's and cross the t's, this request doesn't really fit into what I believe to be the 'typical' category. While this request might be analogous to adding the destination well as an additional POD for 35-2543, it is not intended in any way to be an alternative. This lease to ourselves is only requested as part of our continued negotiation over the Department's issuance of a Cease and Desist order on one of three Company owned drain/recovery wells that were constructed by the Company. The destination well in this lease has been in operation since 1934.

Water right 35-2543, as is the case for all of our water rights, is appurtenant to our entire acreage. The acres proposed to be irrigated under this lease to ourselves is within the POU of all of our rights. I don't understand how the State has any authority to regulate rate or volume of those rights applied to any single acre within our POU, except those contained on the face of the right. Obviously 35-2543 is limited to 6.0 cfs, and;

$$6.0 \text{ cfs} - 3.2 \text{ cfs} = 2.8 \text{ cfs.}$$

The source well in this lease to ourselves is, in fact, primarily operated as a drain well to preserve the utility of the adjacent shareholder lands. It is conceivable that the necessity to operate the well to drain adjacent lands could exceed 1188.6 af;

$$2.8 \text{ cfs} \times 1.9835 = 5.56 \text{ af/day and;}$$

$$5.56 \text{ af/day} \times 215 \text{ days} = 1194 \text{ af}$$

hence, I included the limitation of 640 af (4 af/acre) to the lease as that equals our normal allocation per share, leaving an abundant volume of 1907 af at the original POD. The same reasoning was used to arrive at the rate. I fail to see how leasing a certain volume, less than the proportional amount calculated under the diversion rate, would constitute an enlargement, so long as the instantaneous rate and the annual volume remained at or below the limitations on the face of the right and especially considering that no additional acres will be irrigated. Again, the number acres served by this well is irrelevant as they are within our POU, and have shares. The only role the number of acres plays in this lease was to determine the instantaneous rate and annual volume required to meet our typical delivery allocation to a single ASCC share.

That being said, if it is possible to structure the lease to simply add the destination well as a POD for 35-2543 with the rate and volume limitations being shared between the two POD's, as Remington has suggested, that offers the flexibility we need to continue to operate these two wells in at least some semblance of our historical (and we believe legal) manner while we dispute this issue with the Department. In fact, this is precisely what I was asking for when I requested a second lease of this same right to cover the historical (and necessary) use of another of our recovery wells.

If this is possible, can we then structure a lease that will combine the use of both of our ground water rights (35-2543 and 35-4246) for use through three additional POD's? In this manner we could at least have some flexibility to operate our three recovery/drain wells while satisfying the letter of the law (i.e. maximum daily diversion rate of 8.44 cfs and a maximum annual volume of 2702 af).

ASCC continues to believe that its recovery wells are being lawfully operated, being a matter of dispute with the Department that is the subject of ongoing negotiations with Matt Weaver. The water bank lease has been and continues to be pursued to cover this well (and now, hopefully, the others) to maintain the status quo while the parties negotiate in good faith.

We seem to be having communications misunderstandings regarding the water bank lease terms as discussed above. If we cannot get these resolved as discussed above, rather than further email exchanges I would like to suggest we arrange a conference call with you, me, our attorneys Randy Budge and Norm Semanko and Matt Weaver to discuss and resolve the water bank lease issues so we can move forward.

Steven T. Howser, General Manager
Aberdeen-Springfield Canal Company
208.397.4192 - office
208.221-4192 - cell
208.246.0216 - fax

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On Wed, Jun 19, 2019 at 9:04 AM Condon, Mary <Mary.Condon@idwr.idaho.gov> wrote:

Mr. Howser,

I apologize if my email to you initially was not clear in the calculations and the methodology for determining there is still an error.

The lease application is requesting 3.2 cfs and 640 af of volume, while the right is decreed for 6.0 cfs and 2547 af of volume. In order to lease in the 3.2 cfs you will need at the rental location, a proportionate amount of the volume would also be brought into the bank at 53.33%, for 1358.4 af. This prevents any enlargement at the leased POD and POU. The unleased portion of 35-2543 would then be limited to 2.8 cfs and 1188.6 af.

The rental, as you have mentioned in your reply below, is for a specific 160 acres only, and not to be spread throughout the ASCC service area. In order for the rental location to receive 3.2 cfs and 640 af for 160 acres, equal to 0.02 cfs per acre, the full leased amount of 3.2 cfs and 1358.4 af would be rented and limited to 3.2 cfs and 640 af for 160 acres. These are still the same values you have requested on the rental application. The only change is that ASCC would have to rent the full volume to keep the rate, as proportionate to the decreed right and lease.

Additionally, since this will condense the right to a higher diversion rate (0.02 cfs per acre) within your service area and you can identify the 160 acres, including a map of the rental POU is not unreasonable for the rental, and would be beneficial to the region and watermaster.

If this rental was only to change 3.2 cfs to a new well to be used within the entire ASCC, along with rights 1-23B, 1-297, (unleased portion) 35-2543, and 35-4246, and not for a specific 160 acres, then the rental would be for 3.2 cfs and 1358.4 af within the ASCC boundary, and no map would be necessary.

I look forward to your reply so we can get the lease and rental documents to you as soon as possible.

Best,

Mary Condon
Contractor
for
Water Supply Bank
Idaho Department of Water Resources

From: Steve Howser [mailto:steveh@ascanal.org]
Sent: Tuesday, June 18, 2019 1:33 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Norm Semanko <nsemanko@parsonsbehle.com>; Randy Budge <randy@racineolson.com>
Subject: Re: Lease and Rental applications to the WSB

Hi Mary,

First, I'd like to point out that our ground water rights have no acreage limitation beyond our entire POU, so your determination of the number of acres the right 'covers' is erroneous. With the exception of this one well, our wells pump directly into the canal and are used for drainage of adjacent lands and to recover a small portion of our annual canal loss. As these rights belong to the company they are appurtenant to the entire POU acreage limitation of 61,772.6 acres within our SRBA defined POU. This lease is simply to change the point of diversion from one of our wells to another of our wells that serves lands with Company shares and within our POU (the same POU as the water right being moved). This well, unlike our other wells, serves a specific 160 acre parcel under a long-term agreement between the land owner and the Company. We deliver his share of canal water through this well. As ASCC's typical allocation to shareholders is 1 miner's inch per acre, the rental was sized accordingly, hence the 3.2 cfs (160 miner's inches = 3.2 cfs).

So, in short, there was no error.

As this rental only changes the point of diversion, and not the place of use, I don't see why a map of the specific 160 acres is necessary.

If you have any other questions about this particular rental, which is being done while we negotiate a cease and desist order from the Department, please feel free to call me or talk to Mat Weaver or Cherie Palmer.

Thanks,

Steve

Steven T. Howser, General Manager
Aberdeen-Springfield Canal Company
208.397.4192 - office

208.221-4192 - cell
208.246.0216 - fax

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On Mon, Jun 17, 2019 at 4:22 PM Condon, Mary <Mary.Condon@idwr.idaho.gov> wrote:

Good afternoon, Mr. Howser,

I have been reviewing your applications for lease and rental of a portion of right 35-2543, and saw there was an error in the calculated amounts for the portion brought into the bank.

The full right is for 6.0 cfs and 2547 af. Using the headgate standard of 4.0 af per acre, the right covers 636.8 acres, within the 61,772.6 PPU. At the full rate of 6.0 cfs for 636.8 acres, this calculates to 0.01 cfs per acre. This is how the right was licensed and historically valued until an error in 2016 and 2017. Per the 2019 lease application for 3.2 cfs, this would be just over half of the volume, at 1358.4 af and for 339.6 acres.

My question to you is for the purposes of the rental, is there a need for 0.02 cfs per acre, for a specific 160 acres? Or is this lease rental package for only a change of POD on the 3.2 cfs?

Please respond as soon as possible within the next 7 days to continue processing your applications for the actual needs of your company, and if this is indeed for a specific 160 acres, please include a map of the rental place of use.

Thank you,

Mary

Mary Condon
Contractor
for
Water Supply Bank
Idaho Department of Water Resources