

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 03 2019

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 351

This is to certify that:

CLINTON K ASTON
PO BOX 35
WESTON, ID 83286

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)
13-7050	7/6/1973	GROUND WATER	0.576	79.8	44.7	0.013	1.8
Combined Rental Totals			0.576	79.8	44.7	0.013	1.8

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2020. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2019, whichever occurs last.

Annual Rental Fee:

2019 - 2020: \$159.60 annually

The full fee for the rental of the above-described right(s) is \$159.60 per year for years 2019 - 2020. The rental fee includes an administrative fee of \$159.60 per year for years 2019 - 2020. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 13-7050.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.430	79.8	22.8	0.02	3.5
Combined Total	0.430	79.8	22.8	0.02	3.5

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 351

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

6/29/2019
Date

Clinton Aston
Printed Name

Owner
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 7/3/2019

Rental approved by IDWR 

Date 7-3-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 351

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec. 8, Twp 16S, Rge 38E, FRANKLIN County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.43 CFS

VOLUME
79.8 AF

SEASON OF USE

Water Right No. **From** **To**
13-7050 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		
16S	38E	9																		22.8

Total Acres: 22.8

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental agreement does not authorize the construction of a well.
10. Water Right Nos. 13-4120 and 13-8026 are also diverted from the point of diversion described above.
11. The renter is not authorized to divert more than 79.8 acre-feet of ground water under this agreement for irrigation of 22.8 acres.






Idaho Water Resource Board Attachment to Water Supply Bank Rental Agreement No. 351

Effective until December 31, 2020

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



USDA FSA, ISU GIS TRcC

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



WATER RESOURCE BOARD

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

RECEIVED

APR 09 2019

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Clinton K. Aston

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | <input checked="" type="checkbox"/> | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | <input type="checkbox"/> | <input checked="" type="checkbox"/> Detailed information on a proposed use of rental water |
| 3F | <input type="checkbox"/> | <input checked="" type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | <input checked="" type="checkbox"/> | <input type="checkbox"/> Water modeling to account for the impacts of the rental request |
| 3J | <input checked="" type="checkbox"/> | <input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | <input type="checkbox"/> | <input checked="" type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

1397

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Clinton K. Aston

Mailing Address P.O. Box 35 Weston. Idaho 83286
Street City State Zip Code
 Email Address squarepeakfarms@gmail.com Phone Number 435-770-5999

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes No
 If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative _____ Professional Title _____
 Organization _____ Relationship to Applicant _____
 Mailing Address _____
 Email Address _____ Phone Number _____

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it Attachment 2.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them Attachment 3A:

The rental of 45 acres from water supply bank, water right 13-7050(lease contract 255) will be used to irrigate 22.8 acres in Franklin County Water right holder for 13-7050(lease contract 255)has agreed to a private party lease rate that will be paid directly to right holder, renter will pay admin fees to Water Supply Bank.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
.43 CFS	79.8 AF	.43 CFS	79.8 AF	22.8 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
		<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant
5/15/19	6/15/19	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant

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

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

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):

Groundwater Well with 100HP pump delivers water through 12", 10", 8" mainline to Pivot located on Point of Use

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
NWNE/Sec8/T 16S 38E	Groundwater	13-4120, 13-8026
Franklin County		

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 45 (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:

None

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

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)
13-7050	Irrigation	.58	80.4	45		.43	79.8	22.8
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	.43	79.8	22.8
						CFS	AF	AC

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

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

Renting 45 acres of water to apply to 22.8 acres of cropland to meet the necessary 0.019 cfs/ac and 3.5 afa/ac, total volume 79.8 af.

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:

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 [x]

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

Last year rented water from right 13-7192, owner sold property, and new owner requested water be removed from water bank, still need for rental water at this location, permanent water not currently available.

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 [x] No []

Water right transfer 82640, water right transfer did not allocate enough acreage for place of intended use. This rental application will be used for acreage not allocated for in place of intended use.

C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? If yes, describe the date and location of the NOV. Yes [] No [x]

D. Additional Information

Rental Request for 45 acres of water, water right 13-7050(lease contract 255), Water right holder has agreed to a private party rental agreement paid directly to owner of water right 13-7050, with renter paying administrative fees directly to Idaho Supply Water Bank.

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 (handwritten signature)

Printed Name of Applicant: Clinton Aston

Date: 4/8/19

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting:

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult [IDWR's website](#) for information on GWMAs or

CGWAs, visit [IDWR's website](#) to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modelling situations may include:

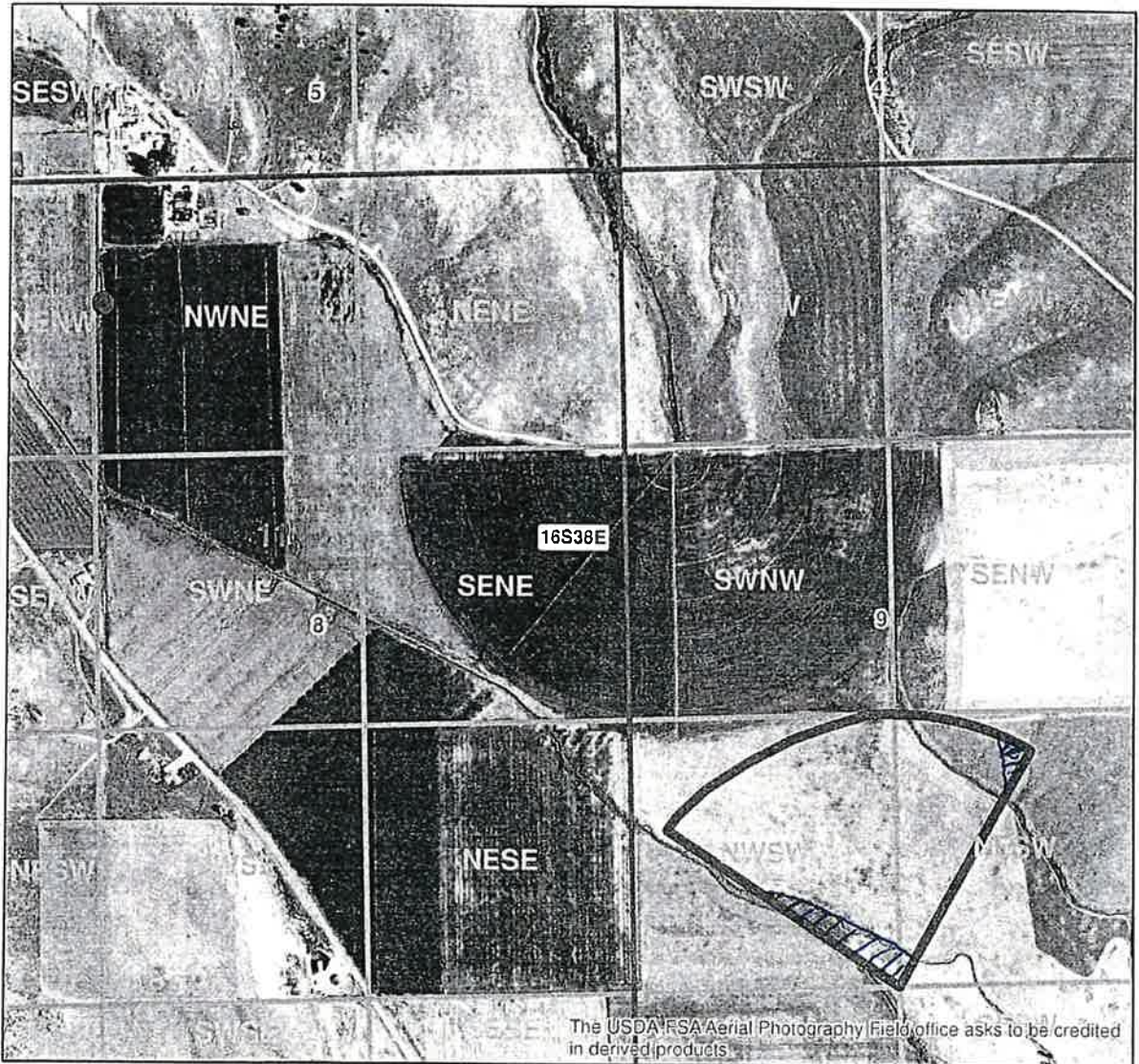
- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.






Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

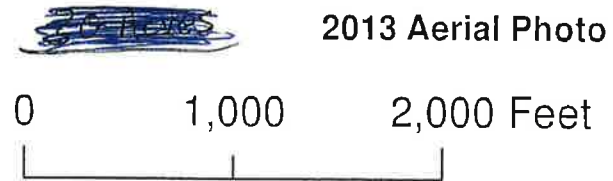
Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

Aston WSB Rental - Point of Diversion and Place of Use



-  Aston_Proposed_POU
-  Water Right POD
-  Township/Range
-  Sections
-  Quarter Quarters



Idaho Supply Water Bank

Water Right 13-7050, contract 255

Kent Clegg(Leassor) authorizes Clinton Aston(Leassee) to pay directly to Leassor Kent Clegg, rental amount of Water Right 13-7050. Per private party rental agreement the proceeds of that agreement in the amount of \$700.00 for 45 acres of water right 13-7050 per irrigation year. Irrigation seasons 2019 and 2020. Clinton Aston will pay Administrative costs directly to IDWR Water Supply Bank each year.


Signed Kent Clegg

4-8-19
Date


Signed Clinton Aston

4/8/19
Date

Mr. Aston,

I have received all the files and have printed them off here in Boise. We will add your rental application to our 2019 rental processing cue and follow up with you if require any additional information, else will contact you once an agreement is ready for your signature and finalization.

Have a great day,

Remington

From: Clinton Aston [<mailto:squarepeakfarms@gmail.com>]
Sent: Tuesday, April 9, 2019 11:21 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: FW: Water Supply Bank Rental

From: Clinton Aston [<mailto:squarepeakfarms@gmail.com>]
Sent: Tuesday, April 9, 2019 11:21 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: FW: Water Supply Bank Rental

Remington

I was able to work out agreement with Kent Clegg, Water right 13-7050 contract 255, to rent 45 acres of water at a private rate agreement, so that I can water 22.8 acres.

I have attached rental application, if you could look over, make sure I put in diversion rate numbers correctly. Thanks

I attached the rental agreement for Kent Clegg's Water. for irrigation season 2019,2020.

I attached a map, I drew in hash marks where I will not water from last years rental application. But there is 6.8 acres of 13-4120, that needs to be drawn in and seperated from rental acres. If you could help with the mapping.

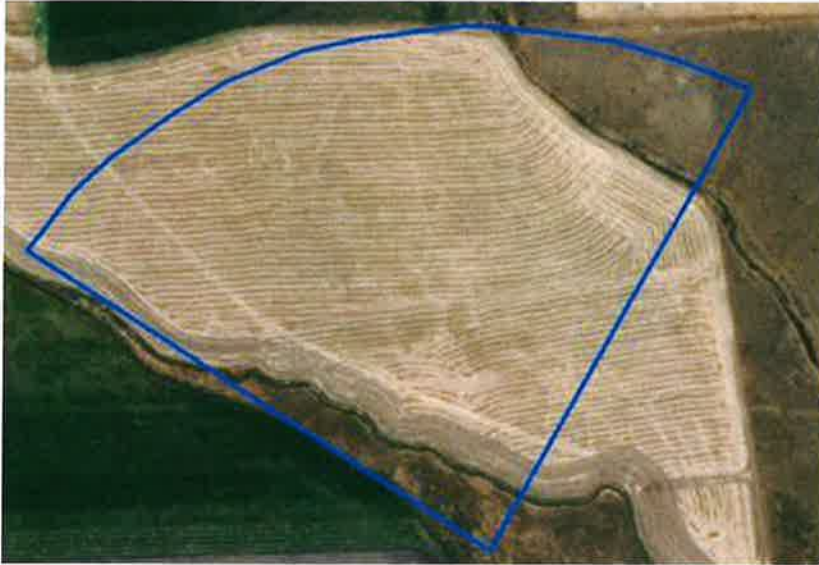
Let me know if you need anything else.
If you could let me know if you received all files.

Thank you
Clinton Aston
cell 435-770-5999

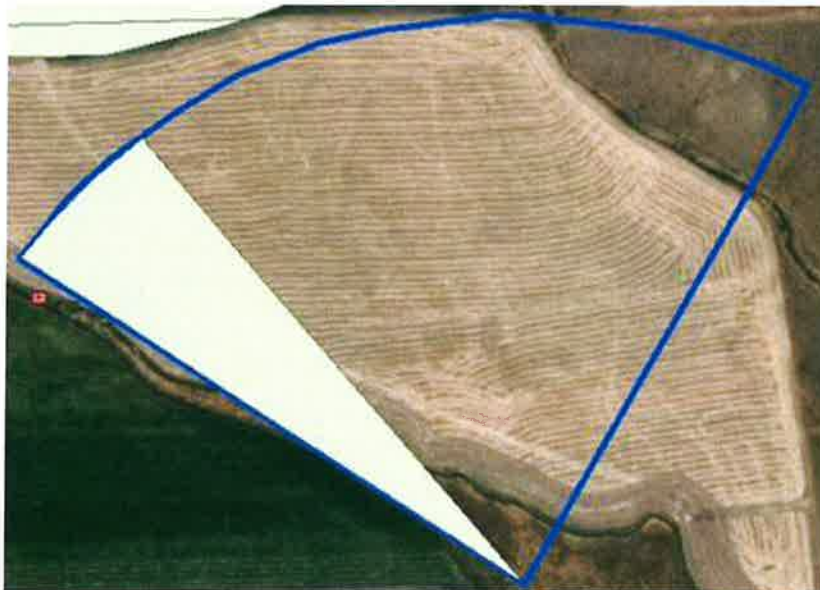
On Thu, Apr 4, 2019 at 12:36 PM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Mr. Aston,

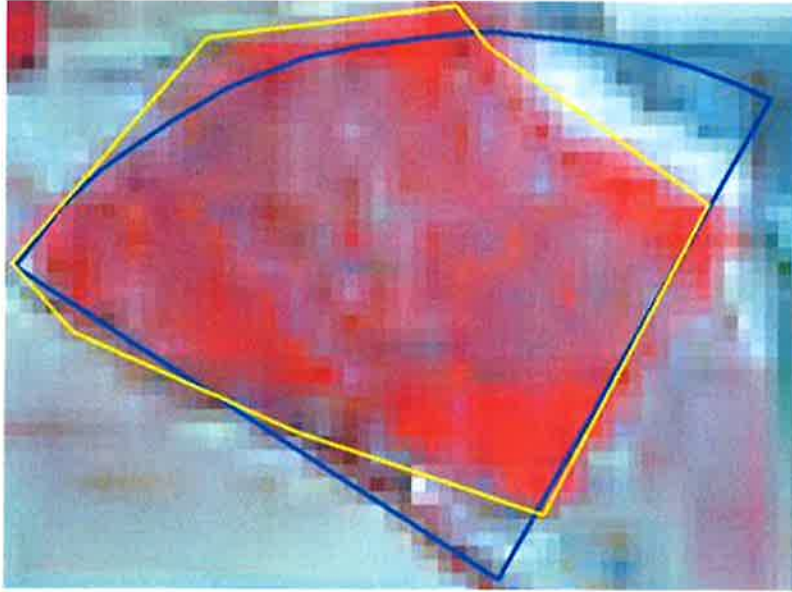
Your previous rental for irrigation of 32 acres was for lands within the blue shape in the image below:



It appears that water right 13-4120 may authorize irrigation of up to 6.2 acres within that area, per the shapefile IDWR has on file, which is shown in green below:



Per satellite imagery, it appears that as many as many as 29 acres of this general area may have been irrigated in 2018, which is the area in red, delineated in yellow in the image below:



Presuming that 29 acres was irrigated (and is intended to be irrigated in 2019), of which, 6.2 could be under water right 13-4120, it seems you require a rental of $29 - 6.2 = 22.8$ acres.

Your water right 13-4120 authorizes irrigation of 147 acres with a diversion rate of 2.8 cfs (or 448.8 gallons per minute, or 0.019 cfs/ac). Unless you requested otherwise, our office would consider renting water to you to accommodate 0.019 cfs/acre. Your acres are also authorized to be irrigated with a duty of water of 3.5 acre feet per acre (514.5 af total).

Presuming either 22.8 or 32 acres is to be irrigated (at 0.019 cfs/ac), the following would be your expected rental requests:

	Rate	Volume	Acres	Rate/AC	Vol/AC
Rental 1	0.61	112.0	32.0	0.019	3.5
Rental 2	0.43	79.8	22.8	0.019	3.5

Water right 13-7050 (lease contract 255) is leased into the Bank now through 2020. It provides for irrigation of 45 acres, with a max diversion rate of 0.58 cfs (or 0.123 cfs/ac) and 80.4 af (1.8 af/ac).

Water right 13-7068 (lease contract 802) is leased into the Bank now through 2022. It provides for irrigation of 153 acres, with a max diversion rate of 1.14 cfs (or 0.007 cfs/ac) and 345.9 af (or 2.3 af/ac).

Neither of these water rights provides the per-acre rate and volume that you might require.

If you rented all of water right 13-7050, it could authorize irrigation of 22.8 acres, with 0.43 cfs and 79.8 af, providing you with the necessary 0.019 cfs/ac and 3.5 afa/ac. The rental price would be $\$20/\text{af} * 79.8 \text{ af} = \$1,596$, of which $\$159.60$ would be the administrative fee to IDWR, and $\$1,436.40$ would go to the water right holder.

If you rented 0.61 cfs and 184.9 af from water right 13-7068, it could authorize irrigation of 32.0 acres, with 0.61cfs and 184.9 af, providing you with the necessary 0.019 cfs/ac and 3.5 afa/ac. The rental price would be $\$20/\text{af} * 184.9 \text{ af} = \$3,698.85$, of which \$369.88 would be the administrative fee to IDWR, and \$3,328.96 would go to the water right holder. If you only needed to cover 22.8 acres, you could rent 0.43 cfs and 131.8 af from water right 13-7068, which would involve a rental fee of \$2,635.43, of which \$263.54 would go to IDWR, and \$2,371.89 would go to the water right holder.

In both scenarios above, it is possible that the water right holders might rent to you their water rights for a price less than \$20/acre foot. If you wanted to approach them to inquire about that, please note the following contact info for them:

13-7050 Kent Clegg
 kclegg1@gmail.com
 208 425-3071

13-7068 Brown Bravo II LLC (Gabe Santos)
 gabe.santos@homesteadcapital.com
 415-369-9918

If the water right owners agreed to a rental rate of less than \$20/af, we would need you to include a record of this in your rental application.

Please feel free to contact me if you have any further questions about the above.

Regards,

Remington



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

July 5, 2019

CLINTON K ASTON
PO BOX 35
WESTON ID 83286

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 13-7050, AGREEMENT 351**

Dear Renter:

Please find enclosed a receipt in the amount of **\$159.60** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 79.8 acre-feet of water for irrigation of 22.8 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, the rental fee will be retained by the Department to offset administrative costs since you have a private agreement with the lessor of the right.

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

Sincerely,


Sx Water Supply Bank

Enclosures: Receipt No. C107136
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office

Thanks for help expediting contract.
If you could also email me a copy
of signed contract.

Thanks

Chris Abbott

email squarepeakfarms@gmail.com
cell 435-770-5999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 28, 2019

CLINTON K ASTON
PO BOX 35
WESTON ID 83286

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 13-7050, AGREEMENT 351**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$1,596.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 79.8 acre-feet. Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$159.60.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$159.60 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,


Water Supply Bank

Enclosure

c: IDWR Front Desk

Webster, Clay

From: Holliday, Michael
Sent: Friday, June 21, 2019 4:17 PM
To: Condon, Mary
Cc: Webster, Clay
Subject: RE: WSB Rental Review - Aston

Hi Mary.

As you know from reviewing James' preliminary approval order for transfer 82640, there were several protests related to well interference at the proposed rental pod location. You've already read the section on injury, and I have nothing to add in that regard, since I am not familiar with the details there on the ground. But I thought I would weigh in on the 70 days discussion below. I don't think the rental should be limited to 70 consecutive days, because that's not what is stated in quotes below. I think staying within the total volume is adequate. That's my 2 cents worth.

Michael

From: Condon, Mary
Sent: Friday, June 14, 2019 1:00 PM
To: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Cc: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Subject: FW: WSB Rental Review - Aston

Good afternoon, Michael,

James has suggested to me that you might be able to take a look at this WSB rental review, and provide comments or concerns to me in the next 10 days for Eastern Region, since he is the hearing officer for the contested case for transfer, which includes the rental POD.

Thank you,
Mary

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

From: Condon, Mary
Sent: Thursday, June 13, 2019 3:46 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: WSB Rental Review - Aston

Good afternoon, James,

Please see the attached review memo and move map for another rental in Basin 13, and kindly respond in 10 days with your comments or concerns.

Best,
Mary

From: Webster, Clay
Sent: Thursday, June 13, 2019 1:47 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: Conditions of well

Mary,

There is a volume limit on the WR of 80.4 af. If you calculate 0.58 (the diversion rate) $\times 1.9835 = 1.15$ af per day $\times 70$ Days = 80.5 af. They calculated that after 70 days of diverting the WR Owner had reached their authorized volume. It appears that they had some sort of measuring device through the development period. I agree they should have explained the though process better. However, because this condition was placed on the license it was carried to the lease and should be carried to any rental to avoid and enlargement concern.

Thanks,
Clay

From: Condon, Mary
Sent: Thursday, June 13, 2019 12:41 PM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Conditions of well

Good morning,

I am finishing up the review for rental of right 13-7050, and one item I need clarification on is a condition at permitting and licensing on the well.

“The well under this permit shall not be pumped more than 70 days during the above period of use in any one year.”

It was noted on the field exam in calculations as well, but no more information that I could find for why the well would have a 70 day limitation...It was used to calculate the volume, but because the SOU is from 6/1 – 10/15, I still don't understand why 70 days.

Thanks,
Mary

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

MEMORANDUM FOR AGREEMENT # 351

To: Water Right(s) 13-7050
From: Mary Condon & Remington Buyer
Date: June 11, 2019 (June 14, 2019)
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Repeat application to rent water for irrigation received on April 9, 2019, requesting right no. 13-7050 with a private agreement with the owner of the rights for payment for two years, 2019 and 2020. Previous rental of water was from right 13-7192, and is no longer available.

There is currently a withdrawn approved transfer (82640) to clean up water right descriptions for 13-4120 and 13-8026 (split from 13-2209 through the transfer) and create a PPU and add a POD on Mr. Aston's property, from which the rental POD is described. These do not overlap the POU.

Review of previous rental for the rental POU is used to help decipher current proof reports and guide this rental review. **It may be necessary to restrict this rental to 2019 only due to the ongoing transfer and current vs proposed well diversion rates, if requested by the region manager.**

AUTHORITY TO FILE: The rental POU is in the name of Clinton Aston, applicant for the rental, per Franklin County tax lot records. An agreement for private rental rate between the current water right owner for 13-7050, Mr. Clegg, and the renter, Mr. Aston was provided as an attachment to the rental application. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right was licensed in 1978 and split in 2015, holding the same water right number. However, the ownership change did not include access to the well, and was accepted into the bank in 2016 since there is no way to access the right. Review of satellite imagery shows crop growth in 2009 and previously. Leased water right POU is overlapped by Last Chance Canal Co., although irrigation is not evident in review of the satellite imagery since 2009. No concerns with validity of the water right to be rented.

INJURY TO OTHER WATER RIGHTS: A recent transfer to create a PPU with rights Aston owns at the place of use, examined injury to other water rights. An additional 0.14 cfs on original 2.8 cfs was only 5% increase and would not violate the reasonable pumping level standard set forth in Idaho Code 42-226 (Preliminary Order Approving Transfer 82640, pg 19). This preliminary order and transfer has been withdrawn, awaiting new hearing, but only to address possible forfeiture of 36 acres in NWNW of sec 9 and separation of 16 acres in sec 5. Rental POD is within the Bear River GWMA, however there is not a directive for measurement devices yet.

ENLARGEMENT OF USE: Previous rental review for right 13-7192 referenced POD overlap with right 13-4120, and the newly withdrawn transfer (82640) was to add the same POD to 13-8026. Previous rental was limited to 0.02 cfs per acre and 3.5 af per acre, to avoid enlargement of the rented right, and will be used again for this rental.

The leased right has a low diversion rate and volume, so 44.7 acres will be rented to bring up the rate and volume, and limited to the requested 22.8 acres at a rate of 0.02 cfs per acre and diversion volume of 3.5 af per acre.

Additionally, there is a condition on water right 13-7050 that limits ground water diversions to no more than 70 days during the irrigation season. This condition was placed on the approved permit and carried through to the license. It is unclear why the 70 day limit was placed on the permit. Per IDWR Transfer Memorandum #24, a change in a water rights season of use is permissible, provided the historic extent of beneficial use is not enlarged. Thus, allowing this rental to divert water under water right 13-7050 for more than 70 days should not constitute an enlargement, provided the leased diversion rate, volume and irrigable acres are not enlarged.

LOCAL PUBLIC INTEREST: There is local public interest from neighbors for their irrigation and domestic wells, as discussed in the transfer preliminary order for transfer 82640 and subsequent withdrawal. However, Mr. Aston has rented water in the past for these acres, and no public concerns about previous rentals are known.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is not subject to a Water District.

Leased and rental POD's are within the Bear River GWMA. Season of Use at rental location is 4/1 – 10/31, leased right has SOU of 6/1 – 10/15.

Email requesting comment or concerns from Eastern Region sent on June 13, 2019.