

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 335

RECEIVED
JUN 27 2019
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW, ID 83624

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)
2-7287	6/25/1979	SNAKE RIVER	0.48	120.00	24.00	0.020	5.00
2-2405A	5/18/1967	SNAKE RIVER	0.04	20.7	6.00	0.007	3.45
2-2176A	5/1/1962	SNAKE RIVER	0.07	26.1	6.00	0.012	4.36
Combined Limit Totals			0.11	27.0	6.00	0.020	4.50
Combined Rental Totals			0.59	147.0	30.00	0.020	4.90

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2021. 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 - 2021: \$2,940.00 annually

The full fee for the rental of the above-described right(s) is \$2,940.00 per year for years 2019 - 2021. The rental fee includes an administrative fee of \$294.00 per year for years 2019 - 2021.

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	0.59	147.0	30.0	0.02	4.50
Combined Total	0.59	147.0	30.0	0.02	4.50

** The authorized water usage reflects a reduction from the water right elements rented, to account for enlargement concerns*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 335

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:

K. Dirks
Signature of Renter

6-24-19
Date

Kenton Dirks
Printed Name

Farm
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 B. Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 6/27/2019

Rental approved by IDWR Ch. Wolf

Date 6-27-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 335

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SESW

Sec. 34, Twp 05S, Rge 04E,

OWYHEE County

BENEFICIAL USE

IRRIGATION

DIVERSION RATE

0.59 CFS

VOLUME

147.00 AF

EXCEPT FOR THE FOLLOWING:

Water Right No.	From	To	
2-2405 A	3/15	11/15	0.340 CFS
2-2176 A	3/15	10/31	0.570 CFS
2-7287	3/15	11/15	2.000 CFS

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	
06S	03E	3						30.0											30.0

Total Acres: 30.0

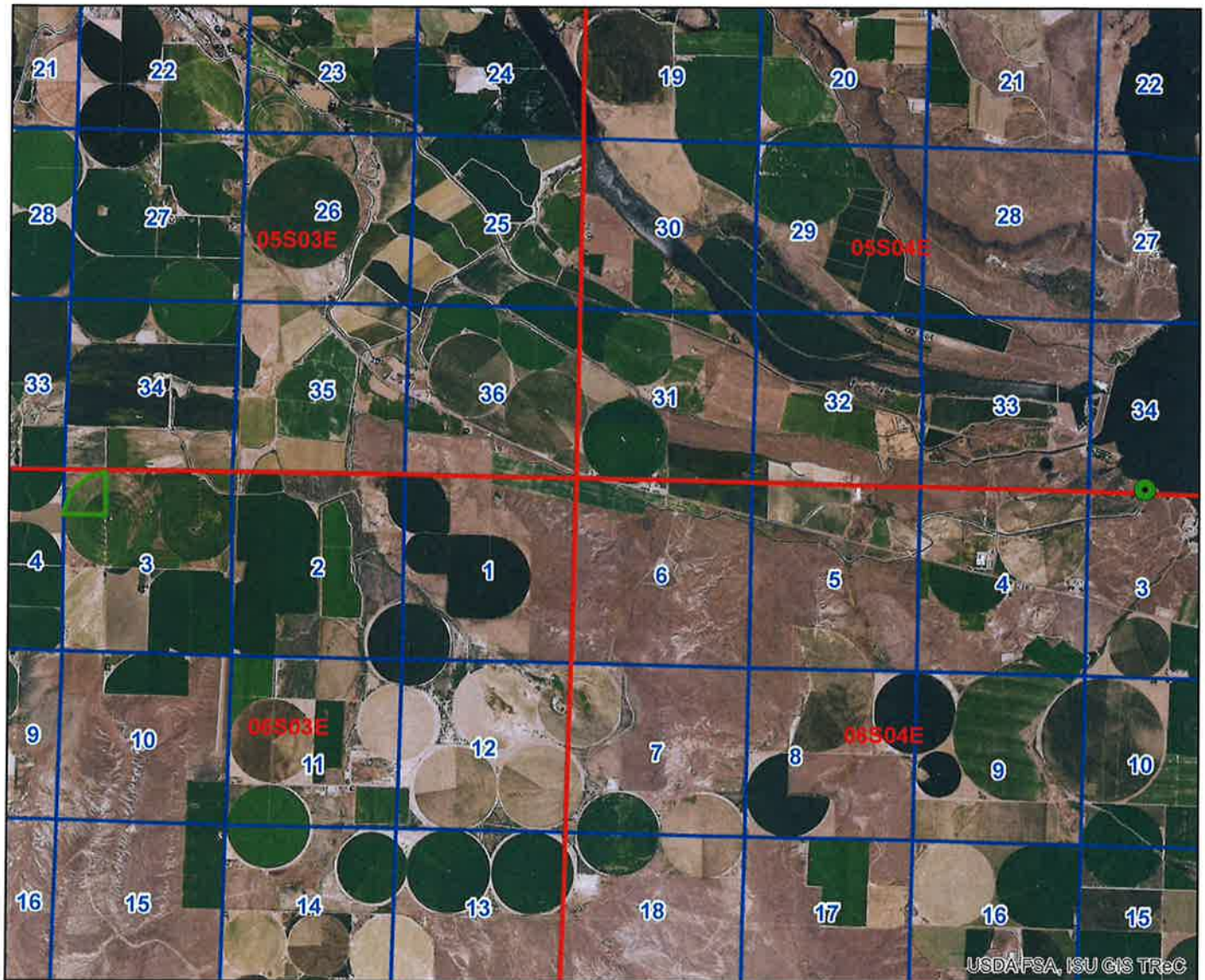
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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. These rights when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 335

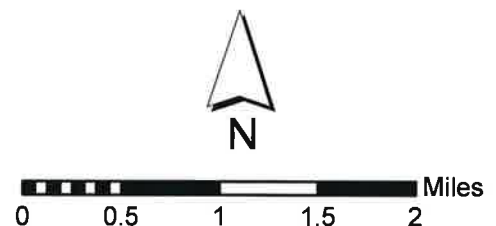
Effective until December 31, 2021

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 TR&C

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



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

FEB 11 2019

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Kenton Dirks

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)

2-7287

1341

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Kenton Dirks
- Mailing Address 33386 Mud Flat Rd G.V. Id 83624
Street City State Zip Code
- Email Address mandkd20@gmail.com Phone Number 208 834 2034
- 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**. Water is diverted from same location as E

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**:

Grow crop & Livestock

- 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)
<u>.48</u> CFS	<u>108</u> AF	<u>.48</u> CFS	<u>108</u> AF	<u>24</u> AC

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

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

Desired Start Date (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?	
<u>5-1-19</u>	<u>5-5-19</u>	☐ 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):

existing pump 3 Mainline to Pivot irr.

- 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
BLWV canal	Snake River	2-4026 2-7126 2-10316
		2-10542 2-10543

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 24 (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:

2-4026 2-7126 2-10316 2-10542 2-10543

**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)
2-7287	Irrigation	2	500	100				
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

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

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

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:

- 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 ☐

on 4-30-18 was filed a transfer of 6 acr. at Western Region off.

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

Yes ☐ No ☒

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

- D. Additional Information

DECLARATION

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

K. Dinks

Signature of Applicant

Kenton Dinks

Printed Name of Applicant

2-8-19

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



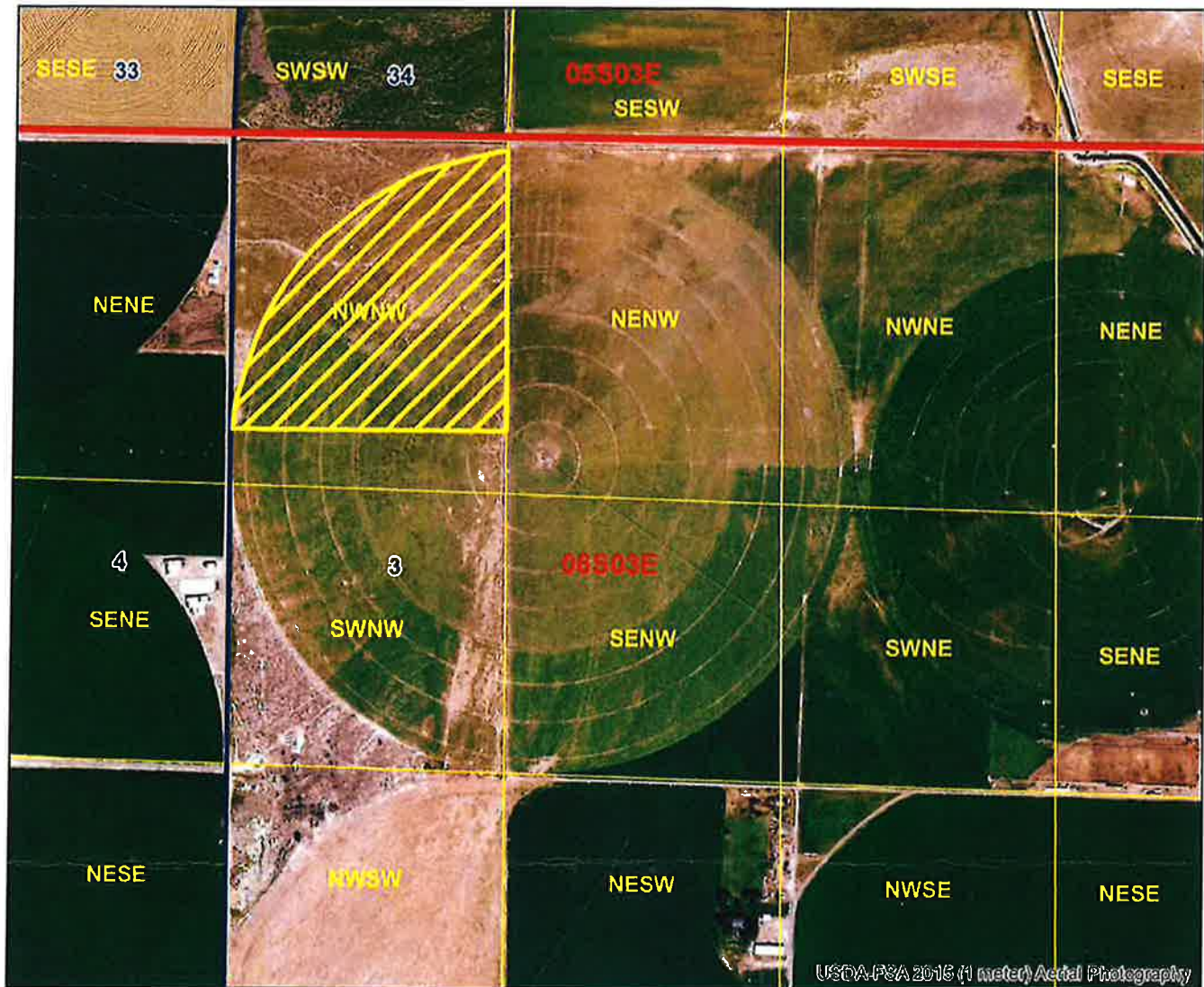
70 ac. ~~are~~ total minus 40 ~~transferred~~ + 6 ac. = 24 rented
 moved within
 the PPU



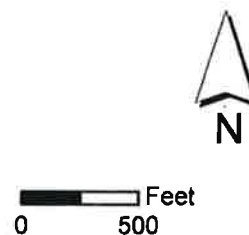
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 276

Effective until December 31, 2018

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
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters



ASSIGNMENT OF CARRIAGE RIGHT AGREEMENT

This assignment is made this 16th day of February, 2012, between Kenton O. Dirks, of P.O. Box 565, Grand View, Idaho 83624, (the "Assignor"), and , Jack Post, of P.O. 298, Mountain Home, Idaho 83647 (the "Assignee").

RECITALS

(a) The Assignor, on the 24th day of February, 2011, entered into an agreement entitled Carriage Right Agreement whereby the owners of the Bybee Ditch in Owyhee County, Idaho, sold and conveyed to Assignee a carriage right in the C.J. Strike Pump Station and the south branch and main stem of the Bybee Ditch for 70 miner's inches of water for the price of \$1,400.00, a copy of which Carriage Right Agreement is attached hereto and by this reference made a part hereof.

(b) Pursuant to the Carriage Right Agreement Assignor also purchased the right to use the pump, motor and panel at the C.J. Strike Pump Station for a one-time fee of \$3,500.00.

(c) Assignee was the owner of the real property described in the Carriage Right Agreement and paid the fees mentioned above.

(d) The Carriage Right Agreement should have been in the name of the Assignee, but it was not.

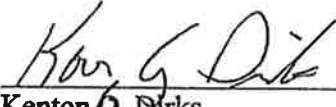
(e) Assignor, Assignee and the Bybee Lateral Water Users Association have all agreed that all of Assignor's rights in the Carriage Right Agreement that is attached hereto shall be assigned to Assignee.

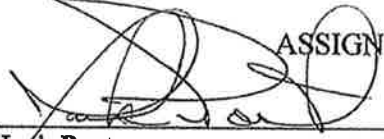
(f) Upon the assignment of all of Assignor's rights in the Carriage Right Agreement Assignee has agreed to assume the obligations of the Assignor under the agreement.

NOW, THEREFORE:

1. Assignor hereby assigns to Assignee all Assignor's rights and interest in the Carriage Right Agreement that is attached hereto and by this reference made a part hereof effective the date of said Carriage Right Agreement.

2. Assignee assumes and covenants to perform all the obligations of the Assignor under the Carriage Right Agreement, and guarantees to hold the Assignor harmless from any claim or demand made under said agreement.


Kenton G. Dirks


Jack Post

ASSIGNEE

CONSENT TO ASSIGNMENT

The Bybee Lateral Water Users Association hereby consents to the above assignment of the Carriage Right Agreement to Jack Post.

Dated this 16th day of February, 2012.

Bybee Lateral Water Users Association

By 



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

June 28, 2019

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW ID 83624

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-2176A, 2-2405A, and 2-7287, AGREEMENT 335**

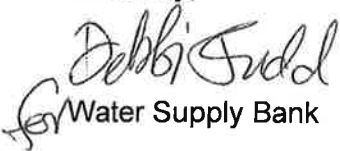
Dear Renter:

Please find enclosed a receipt in the amount of **\$2,940.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 147.0 acre-feet of water for irrigation of 30.0 acres during 2019. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$2,646.00 of the rental fee will be paid to the lessor(s) and 10% or \$294.00 will be retained by the Department to offset administrative costs.

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

Sincerely,


Debbie Sudd
for Water Supply Bank

Enclosures: Receipt No. C107106
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Nick Miller – IDWR Western Regional Office
Rob Whitney – Water District 02
Jes Erling – IDWR
Bybee Lateral Water Users Assn



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

June 19, 2019

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW ID 83624

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 335 AND PAYMENT
FOR WATER RIGHTS 2-2176A, 2-2405A, & 2-7287**

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

Dear Applicant:

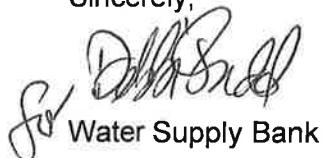
The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on May 21, 2019. The signed agreement and rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$2,940.00 within ten (10) days of this letter to complete processing. Diversion and use of the water rights is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental rights made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Little', is written over the word 'Sincerely,'.

Water Supply Bank



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

May 21, 2019

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW ID 83624

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-2176A, 2-2405A, and 2-7287, AGREEMENT 335

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 \$2,940.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 147.0 acre-feet.

Please send a check for \$2,940.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$2,646.00 of the rental fee will be paid to the lessor(s) and 10% or \$294.00 will be retained by the Department to offset administrative costs.

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

Sincerely,


for Water Supply Bank

Enclosure

c: IDWR Front Desk

MEMORANDUM FOR APPLICATION TO RENT # 1341

To: Water Rights 2-2176A, 2-2405A, 2-7287

From: Dave Betts

Date: May 17, 2019

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

PURPOSE/NARRATIVE: Kenton G. Dirks submitted an Application to Rent Water which was received on February 11, 2019. The applicant requested a start date of May 01, 2019, but indicated that the application should be processed as soon as possible.

The applicant requested a 5 year rental contract using water from the Snake River. The water would be diverted by the Bybee Lateral Water Users' canal which is the same diverting works for the existing water rights that are being used within the same 40 acre tract. The applicant has completed previous rental agreements in 2011, in 2012 (through 2016), and in 2018. This application proposes to irrigate 24 of the 70 acres identified in the rental agreements from 2011 and 2012.

The applicant cites an application for the transfer of water for 6 acres that was intended to complete the irrigation at the place of use. This transfer (Application no. 82327) was denied in July 2018. This review proposes to offer an additional 6 acres for rent in order to provide the remaining water needed to supply the full pivot system at the POU.

AUTHORITY TO FILE: Mr. Dirks signed the application. A carriage right agreement authorizing access to the diverting and delivering works was attached to the application. The applicant does not own the place of use. According to tax parcel information, the property belongs to Mr. Jackie Post. Authorization to access the POU was not included.

On April 3, 2019, I sent a letter to Mr. Dirks requesting documentation of the agreement that authorizes access to the POU. On May 3, 2019, Jackie Post sent an email granting permission to access the POU. I followed up with a phone call to the number provided and confirmed that Mr. Dirks has permission to access the place of use. In addition, the place of use in this application overlaps with the places of use for previous rental agreements with Mr. Dirks that were made in 2011, 2012, and 2018.

WATER RIGHT VALIDITY: Water rights 2-2176A and 2-2405A were decreed in 2009. Portions of these rights were leased to the Water Supply Bank in 2015. The applicant released the water rights from the Bank and resubmitted an application to lease 49 acres in 2017. Forfeiture of these rights does not appear to be an issue.

A portion of water right 2-7287 was leased to the Water Supply Bank in 2016, followed by leases for all of the water right in 2017 and in 2018. The most recent satellite imagery of the place of use to be idled is from 2017. Comments from the watermaster and/or the region are requested to assist with the determination of whether or not this water right is in compliance with the lease.

INJURY TO OTHER WATER RIGHTS: Water for 6 acres can be provided by water rights 2-2176A and 2-2405A, whose point of diversion is within 0.5 miles of the proposed POD for the rental. The POD for these two water rights and the proposed POD for the rental divert from C J Strike Reservoir. Injury through a change in this point of diversion is not likely.

Water right 2-7287 can provide water for 24 acres. The POD for 2-7287 is approximately 37 miles upstream from the proposed POD for the rental. The review staff found no apparent risk of injury through the rental from 2-7287.

ENLARGEMENT OF USE: The rental agreement, if approved will have a condition limiting the combined water use to the standards for irrigation of 0.02 cfs/acre and 4.5 AF/acre. This condition will eliminate enlargement concerns due to variance in the authorized volumes per acre of the water rights to be rented. These conditions will also be consistent with the combined limits on the diversion rates and volumes per acre of the water rights that provide water for the remainder of the pivot (Water rights 2-4026, 2-10542, 2-10543, 2-10316 & 2-10545).

The rental would not overlap with the previously mentioned water rights. The rental requests enough water to complete the pivot.

Water rights 2-2176A and 2-2405A have combined use conditions limiting them to the same number of acres for irrigation, in addition to combined limits with other water rights limiting their diversion rate. The combined limits as described above will eliminate enlargement concerns with respect to the combined limits on 2-2176A and 2-2405A.

Water Right	Diversion Rate (cfs)	Volume (AF)	Total Acres	Acre Limit	calculated cfs/acre	calculated AF/acre
2-10545	0.54	165.4	80	27	0.02	6.1
2-10316	1.60	320.0	160	80	0.02	4.0
Sum Total	2.14	485.4	240	107	0.02	4.5
Combined Limits				107	0.02	4.5

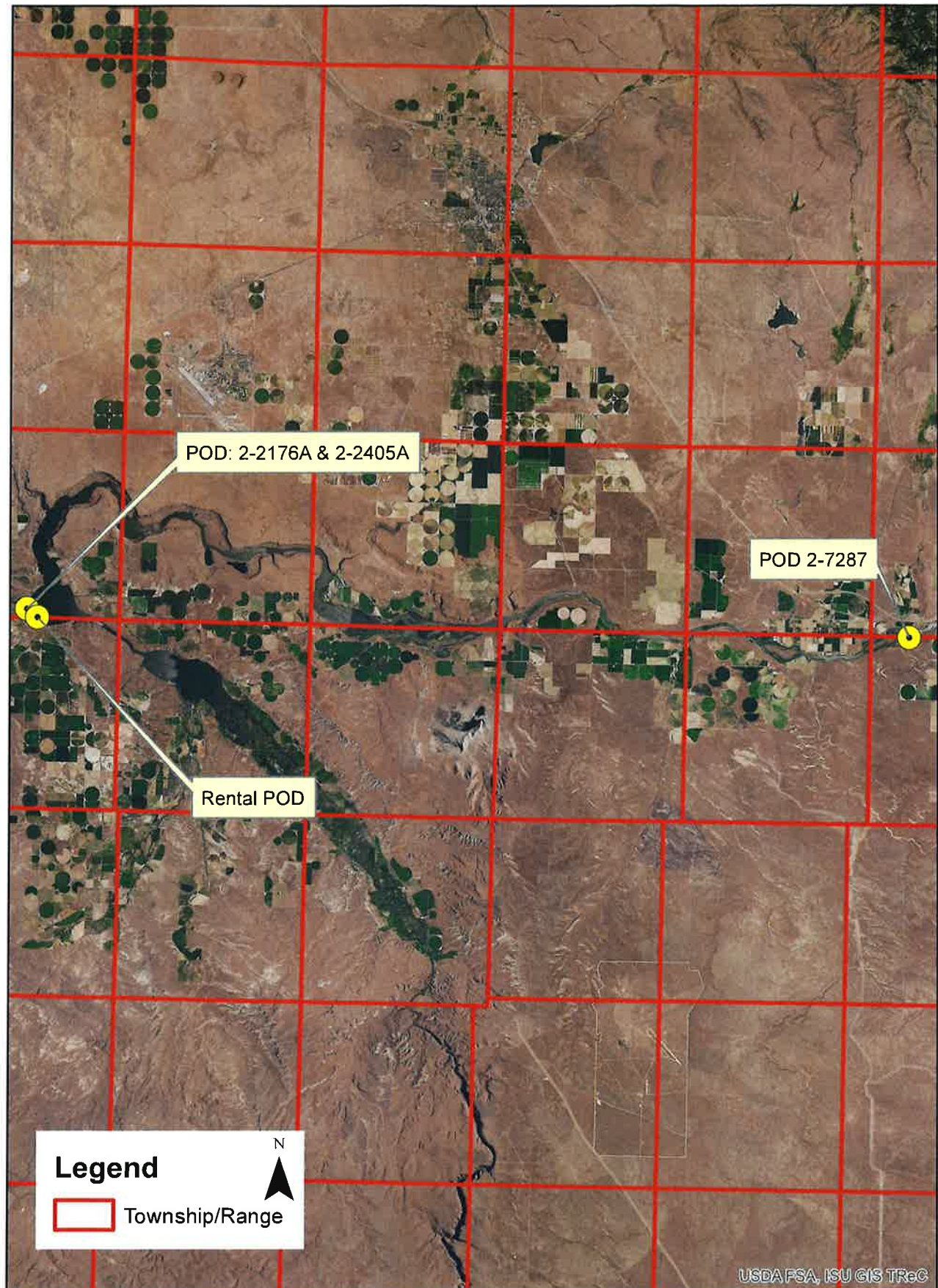
Rental Request	Diversion Rate (cfs)	Volume (AF)	Total Acres	Acre Limit	calculated cfs/acre	calculated AF/acre
	0.48	108	24	24	0.02	4.5

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 rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The POD for this rental is within the administrative area of Water District 2. Comments are requested from the watermaster and regional staff.

Rental Application No. 1341 - Dirks 2019



Betts, David

From: Chris Alzola <calzola@earthlink.net>
Sent: Friday, May 03, 2019 3:29 PM
To: Betts, David
Subject: RE: Kenton Dirks

Hi Dave,

This email is to provide permission for Kenton Dirks to change his POU of his water right to my property and to also allow Kenton Dirks permission to apply the water he rents from the Water Supply Bank to my property for the next three years.

Thank You,

Jackie P. Post

(208) 599-0400

-----Original Message-----

From: "Betts, David"
Sent: May 3, 2019 2:38 PM
To: Chris Alzola
Subject: RE: Kenton Dirks

Hello Chris,

Mr. Dirks requested a rental for 5 years, but the Water Supply Bank only has water available for 3 years: 2019, 2020, 2021.

As far as the Water Supply Bank is concerned, Mr. Dirks is requesting access to 24 acres. There is a possibility Mr. Dirks may want to amend his application for an additional 6 acres. An application for transfer of water was denied last year because the Department never received documentation that Mr. Dirks had permission to use the place of use.

Please let me know if you have any additional questions.

Dave Betts
Water Resource Agent
Water Rights Section
Idaho Department of Water Resources
322 East Front St., PO Box 83720
Boise, ID 83720-0098

Phone: (208) 287-4826
Fax: (208) 287-6700

-----Original Message-----

From: Chris Alzola [<mailto:calzola@earthlink.net>]
Sent: Friday, May 03, 2019 2:21 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Betts, David <David.Betts@idwr.idaho.gov>
Subject: RE: Kenton Dirks

Is it for one year?

-----Original Message-----

>From: "Buyer, Remington" <Remington.Buyer@idwr.idaho.gov>
>Sent: May 3, 2019 1:53 PM
>To: Chris Alzola <calzola@earthlink.net>
>Cc: "Betts, David" <David.Betts@idwr.idaho.gov>
>Subject: RE: Kenton Dirks

>

>Hi Chris,

>

>What we require to finalize Mr. Dirks' rental application is confirmation from Mr. Post that Jackie has no objections to Mr. Dirks accessing Jackie's property to irrigate six acres of Mr. Post's land. If you can provide us with that, that'd be greatly appreciated--once we receive the confirmation from Mr. Post, we can finalize Mr. Dirks' rental application.

>

>I'm cc'ing Dave Betts on this email as Dave is presently processing Mr. Dirks' rental application. Please ensure Dave is cc'd on any reply to the Department.

>

>Thank you,

>

>Remington

>(208) 287-4918

>

>-----Original Message-----

>From: Chris Alzola [<mailto:calzola@earthlink.net>]
>Sent: Wednesday, May 1, 2019 5:46 PM
>To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
>Subject: Kenton Dirks

>

>Hi Remington,

>If you get a chance could you please call me 208-587-2789 regarding Kenton Dirks moving his water to Jack Post's place. I'm Jack's secretary and would like to talk to you about the change of POU. I don't have your phone number or I would call you.

>Thank You,

>Chris Alzola



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

April 3, 2019

KENTON DIRKS
33386 MUD FLAT RD
GARDEN VALLEY ID 83624

GARY SPACKMAN
Director

RESPONSE DEADLINE

May 3, 2019

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO
RENT WATER FROM THE WATER SUPPLY BANK**

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

Dear Applicant:

The Department of Water Resources ("Department") acknowledges receipt of your Application to Rent Water from the Water Supply Bank ("Bank"). A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information within 30 days of the date of this letter or the application will be returned:

- Documentation from the POU owner/operator confirming your authorization to use the POU (item 3.K)

Your application for transfer of 6 acres of irrigation (application no. 82327) that was submitted on April 30, 2018 was denied on July 27, 2018. It appears that you will need to rent an additional 6 acres in order to irrigate the total number of acres described in your application. I am reserving the additional acres from the Water Supply Bank so they can be added to your request once you provide the information requested above.

Please provide the required information within thirty (30) days. If sufficient information is not received within 30 days, your application will be returned to you unprocessed and you will have to re-file your application.

Sincerely,

Dave Betts
Water Resource Agent
Phone: (208) 287-4826