

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 338

RECEIVED
JUN 17 2019
DEPT OF WATER RESOURCES

This is to certify that:

KIRK EGBERT
PO BOX 87
TERRETON, ID 83450

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)
21-7089	5/13/1976	GROUND WATER	0.23	40.3	11.5	0.020	3.5
21-12952	6/1/1977	GROUND WATER	0.07	12.8	3.7	0.019	3.5
Combined Rental Totals			0.23	53.1	15.2	0.015	3.5

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

Annual Rental Fee:

2019: \$1,062.00

The full fee for the rental of the above-described right(s) is \$1,062.00 for 2019. The rental fee includes an administrative fee of \$106.20 for 2019.

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	0.20	53.1	15.2	0.013	3.5
Combined Total	0.20	53.1	15.2	0.013	3.5

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

Detailed water right conditions are attached.

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WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 338

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

6/12/19
Date

Kirk Egbert
Printed Name

President
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 6/21/2019

Rental approved by IDWR Chas Webb

Date 6-21-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 338

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec. 33, Twp 08N, Rge 37E, FREMONT County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.20 CFS

VOLUME
53.1 AF

SEASON OF USE

Water Right No.	From	To
21-7089	4/1	11/1
21-12952	4/1	11/1

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	
08N	37E	33	4.0	3.8	4.1	3.3													15.2

Total Acres: 15.2

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 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.
10. This rental agreement does not authorize the construction of a well.

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11. The use of water for irrigation under Right No. 21-7089 may begin as early as April 1, provided other elements of the right are not exceeded. The use of water before May 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
12. Right Nos. 21-7089 and 21-12952 when combined with Right Nos. 31-12283 and 31-12285 are limited to a total combined diversion rate of 1.76 cfs.
13. Right Nos. 21-7089 and 21-12952 when combined with Right Nos. 31-12283 and 31-12285 are limited to the irrigation of a combined total of 134.0 acres in a single irrigation season.
14. Right No. 21-12952 is an enlargement of Right No. 21-7089 pursuant to Section 42-1426, Idaho Code.
15. Right No. 21-12952 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
16. Use of water under this agreement will 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. 110.

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
APR 01 2019
DEPARTMENT OF
WATER RESOURCES

Applicant Name: Kirk Egbert

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)

21 21-7089

21-12952

1391

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Kirk Egbert

Mailing Address	<u>PO Box 87</u>	<u>Terreton</u>	<u>ID</u>	<u>83450</u>
	Street	City	State	Zip Code
Email Address			Phone Number	

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	<u>Kristin Moore</u>	Professional Title	<u>Senior Water Rights Analyst</u>
Organization	<u>Rocky Mountain Environmental Assoc. Inc</u>	Relationship to Applicant	<u>consultant</u>
Mailing Address	<u>482 Constitution Way Ste 303, Idaho Falls, ID 83402</u>		
Email Address	<u>kristin.rmea@gmail.com</u>	Phone Number	<u>208-524-2353</u>

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**:

Applicant desires to irrigate under end guns, for which there is no existing water right. This rental will provide temporary water rights for the 2019 season.

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)
0.25 CFS	57.8 AF	0.25 CFS	41 AF	16.5 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?	
6/1/2019	6/15/2019	☒ 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):

Existing well that diverts to a pivot irrigation system already installed. End guns can be turned on upon approval of rental application.

- 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
Well in SENE Sec 33	Ground Water	31-12283 and 31-12285
T8N R37E		

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 16.5 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

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

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

Water rights 31-12283 and 31-12285 provide water for the irrigation of 118.8 acres under the existing pivot. This rental is for additional acres to be irrigated under the end gun. No other water rights.

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)
21-7089	Irrigation	1.92	336	96		0.25	43.7	12.5
21-12952	Irrigation	0.6	107	31		0.08	14.1	4.0
		1.92	443	127		0.25	57.8	16.5
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	0.25	57.8	16.5
						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**:

N/A

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:

Water was also rented in 2015. Permanent rights are being pursued currently.

- 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.

Applicant received a letter from IDWR on March 7, 2019 recognizing the need to obtain water rights to irrigate the end guns. No NOV has been issued.

- D. Additional Information

DECLARATION

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



Signature of Applicant

Kirk Egbert

Printed Name of Applicant

3/19/19

Date

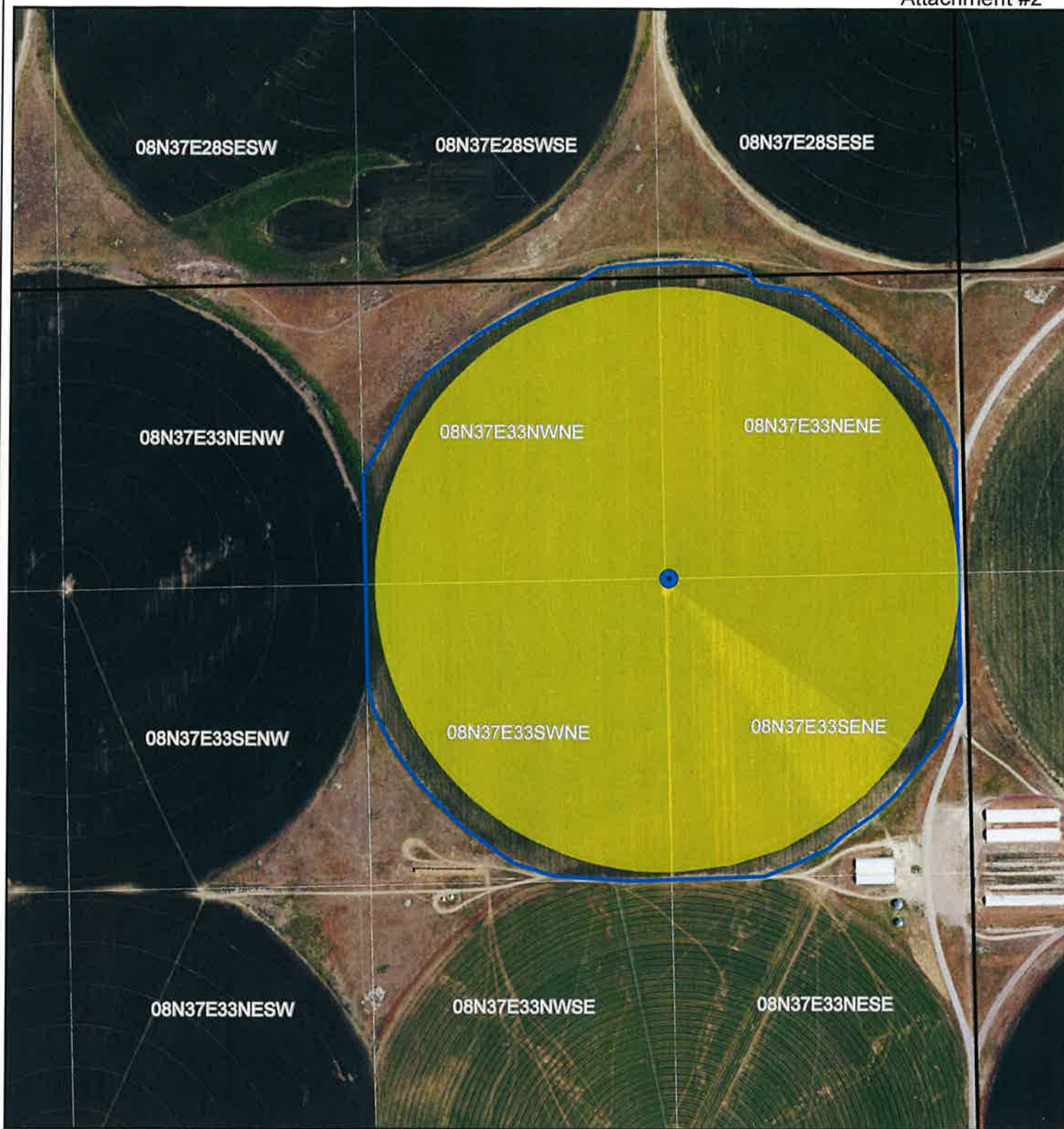
Signature of Representative

Printed Name of Representative

Date

Mail to:

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

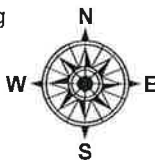


0 500 1,000 2,000 Feet

2017 Aerial Photography

Legend

- POD
- WR POU 31-12283 & 31-12285
- Total Irrigation 135.3 ac
- County
- Twp & Rng
- Section
- QQ



WSB Rental App

Kirk Egbert

RMEA #14-0152

by: KM

Date: 3/18/2019



Eastern Snake Plain Aquifer Modeling Analysis and Narrative

WSB Rental Application for WR#21-7089 and 21-12952

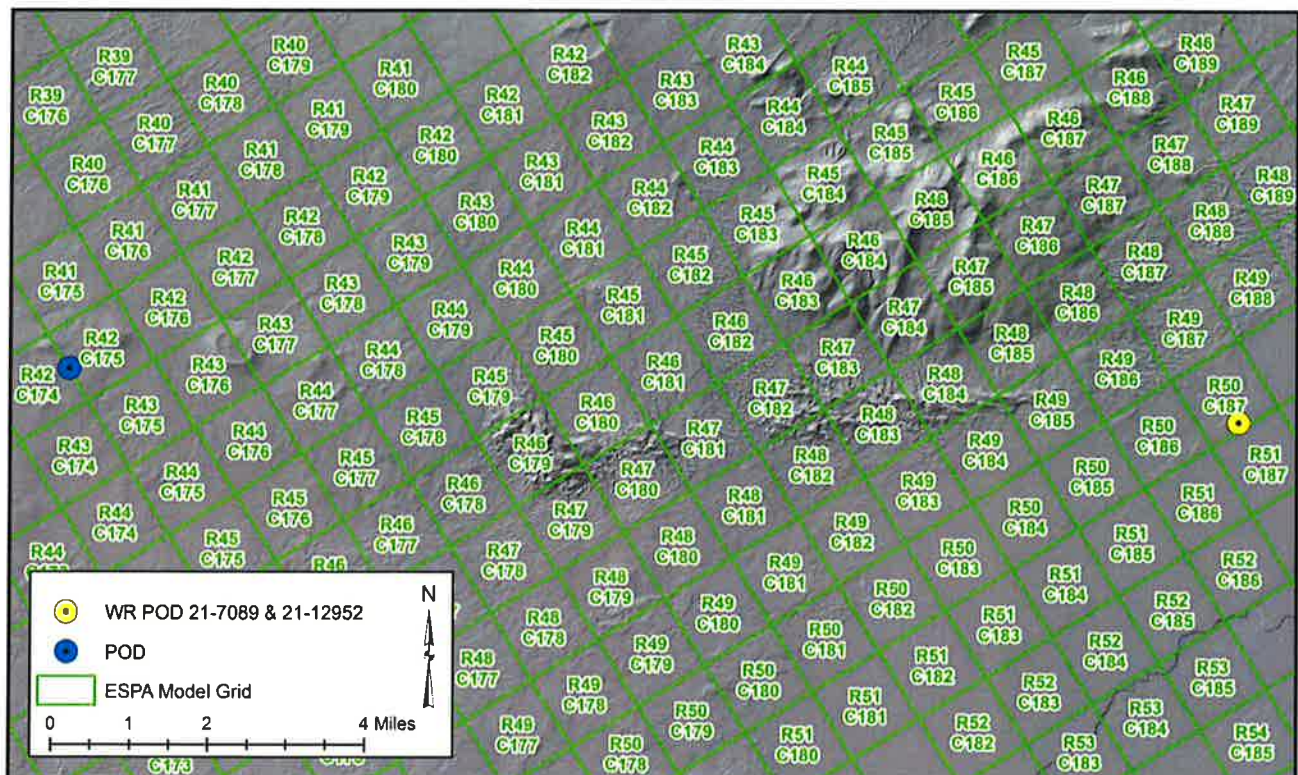
The Applicant requires an additional 16.5 acres at the proposed place of use to irrigate acres under the end gun of a pivot. This application proposes to rent water from water right nos. 21-7089 and 21-12952 for the 2019 season that will cover the acres required. These rights are being offered to the Bank under a companion application.

Data Input Values

The TO Well location is an existing point of diversion for water rights 31-12283 and 31-12285. The model cell is identified as R42 C175.

The FROM Well location is the sole diversion for the proposed rented water rights. The model cell is identified as R50 C187. Figure 1 shows the locations of the points of diversion used in the modeling scenario.

Figure 1. ESPA Model Grid



The standard diversion volume of 3.5 afa/acre was used to calculate a volume for modeling. Both the TO and the FROM wells share the same standard diversion volume. For 16.5 acres of rental, a total annual volume of 57.8 af, or 19.3 af/trimester was used in the modeling simulation.

Results

Using ESPAM 2.1 to simulate the depletions of transferring 16.5 acres to the proposed place of use, the affects do not exceed the threshold of 2.0 af/trimester. No mitigation is required. Figures 2-3 include excerpts from the model simulation.

Figure 2. Data Entry

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 entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1976

SEASON: SPRING

TRANSFER NO: 21-7089 & 21-129

TRANSFER NAME: Parker 2 Egbert

UPDATE DATES

RUN MODEL

GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	42	50	27	45
COLUMN	175	187	157	30

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1976	0	19	19	0	0	0	0
SUM 1976	0	19	19	0	0	0	0
WIN 1976	0	19	19	0	0	0	0
SPR 1977	0	19	19	0	0	0	0
SUM 1977	0	19	19	0	0	0	0
WIN 1977	0	19	19	0	0	0	0
SPR 2018	0	19	19	0	0	0	0
SUM 2018	0	19	19	0	0	0	0
WIN 2018	0	19	19	0	0	0	0
SPR 2019	19	0	19	0	0	0	0
SUM 2019	19	0	19	0	0	0	0
WIN 2019	19	0	19	0	0	0	0
SPR 2020	0	19	19	0	0	0	0
SUM 2020	0	19	19	0	0	0	0
WIN 2020	0	19	19	0	0	0	0
SPR 2021	0	19	19	0	0	0	0
SUM 2021	0	19	19	0	0	0	0
WIN 2021	0	19	19	0	0	0	0
SPR 2022	0	19	19	0	0	0	0
SUM 2022	0	19	19	0	0	0	0
WIN 2022	0	19	19	0	0	0	0
SPR 2023	0	19	19	0	0	0	0
SUM 2023	0	19	19	0	0	0	0
WIN 2023	0	19	19	0	0	0	0
SPR 2024	0	19	19	0	0	0	0
SUM 2024	0	19	19	0	0	0	0

Figure 3. Net Transfer Graphs

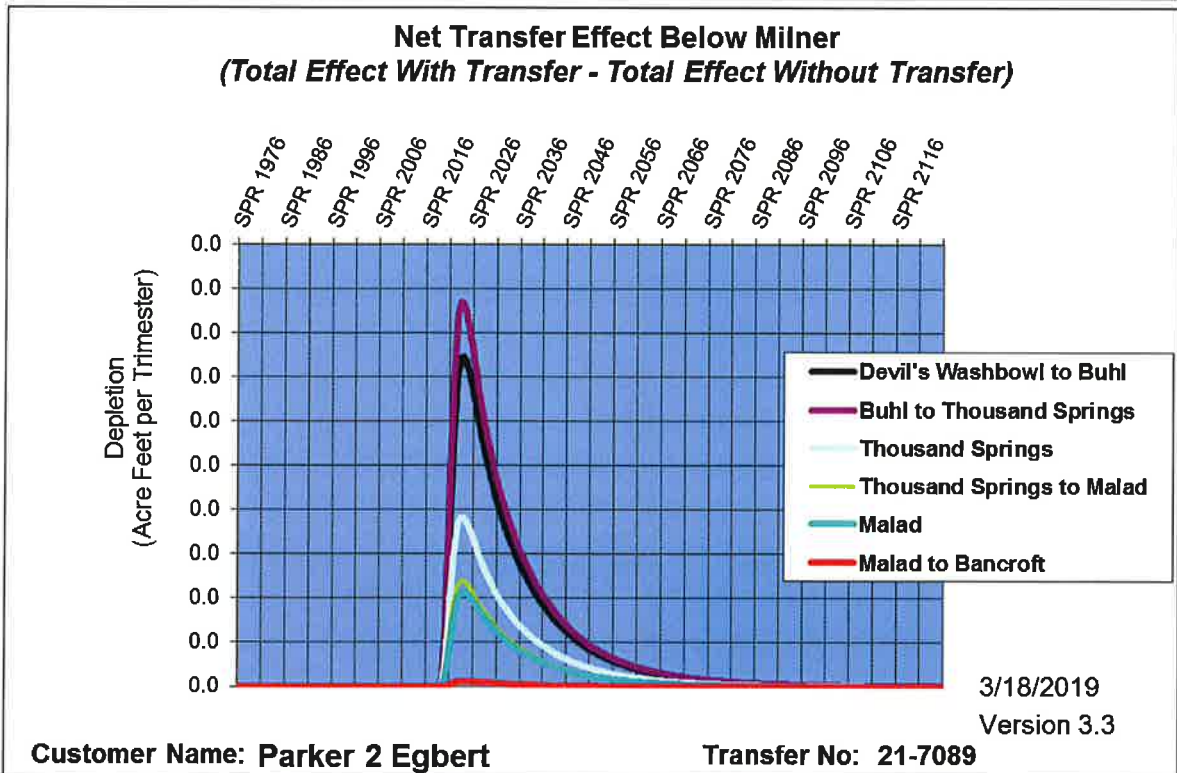
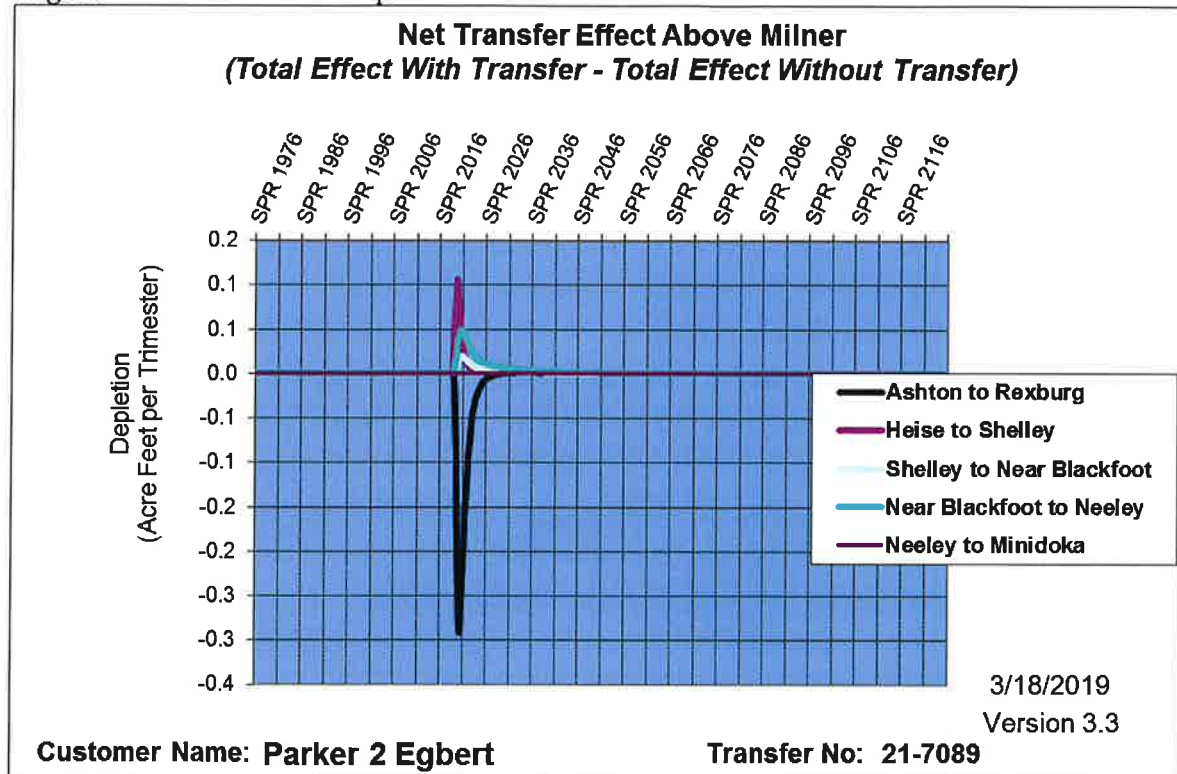


Figure 4. Calculated Affects Beginning Prior to Proposed Rental Period

Net Transfer Effect (AF/four months)												
	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft Neeley	Neeley to Minidoka	Dev. Wbl. Buhl	Buhl to Kspr	Kspr Kspr	Kspr to Malad	Malad Malad	Malad to Bancroft	
SPR 2018	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2018	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2018	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2019	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2019	-0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2019	-0.2	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2020	-0.3	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2020	-0.3	0.1	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2020	-0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2021	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2021	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2021	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2022	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2022	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2022	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2026	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2026	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2026	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2027	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2027	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2027	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2028	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2028	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2028	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2029	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2029	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2029	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2030	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2030	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2030	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Enter First Time Step of Transfer: SPR 1976													
Match:		1		Match:		456							
	ATR	HIS	SINB	NBIN	NIM	DWtB	BTBS	TS	TSIM	M	MtB	Total	
Preexisting Effects @ SS (Last Time Step):	7.28	6.04	1.56	4.06	0.02	0.08	0.09	0.04	0.03	0.02	0.00	19.22	Total Effect
Steady State - Value of Dep. @ Last Time Step:	7.28	6.04	1.56	4.06	0.02	0.08	0.09	0.04	0.03	0.02	0.00	19.22	Total Effect
Effects @ Transient State (Max Value Time Step):	7.28	6.04	1.56	4.06	0.02	0.08	0.09	0.04	0.03	0.02	0.00	19.22	Total Effect
Transient State - Max. Value of Dep. After Transfer:	7.28	6.04	1.56	4.06	0.02	0.08	0.09	0.04	0.03	0.02	0.00	19.22	Total Effect
Steady State Change:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Transient State Change:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		



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 24, 2019

KIRK EGBERT
PO BOX 87
TERRETON ID 83450

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 21-7089 and 21-12952, AGREEMENT 338**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,062.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 53.1 acre-feet of water for irrigation of 15.2 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 \$955.80 of the rental fee will be paid to the lessor(s) and 10% or \$106.20 will be retained by the Department to offset administrative costs.

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

Sincerely,


Water Supply Bank

Enclosures: Receipt No. C107026
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Blake Jordan – State Water District No. 110
Kristin Moore – Rocky Mountain Environmental
Jefferson Clark GWD



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BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 6, 2019

KIRK EGBERT
PO BOX 87
TERRETON ID 83450

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 21-7089 & 21-12952, AGREEMENT 338 & 339

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 two Water Supply Bank Rental Agreements 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.

In regards to rental agreement 338, a rental fee of \$1,062.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 53.1 acre-feet. Pursuant to the Water Supply Bank Rules, 90% or \$955.80 of the rental fee will be paid to the lessor(s) and 10% or \$106.20 will be retained by the Department to offset administrative costs.

In regards to rental agreement 339, a rental fee of \$1,670.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 83.5 acre-feet. Pursuant to the Water Supply Bank Rules, 90% or \$1,503.00 of the rental fee will be paid to the lessor(s) and 10% or \$167.00 will be retained by the Department to offset administrative costs.

Please send a check for \$2,732.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreements, within 14 days** so I can complete processing.

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

Sincerely,

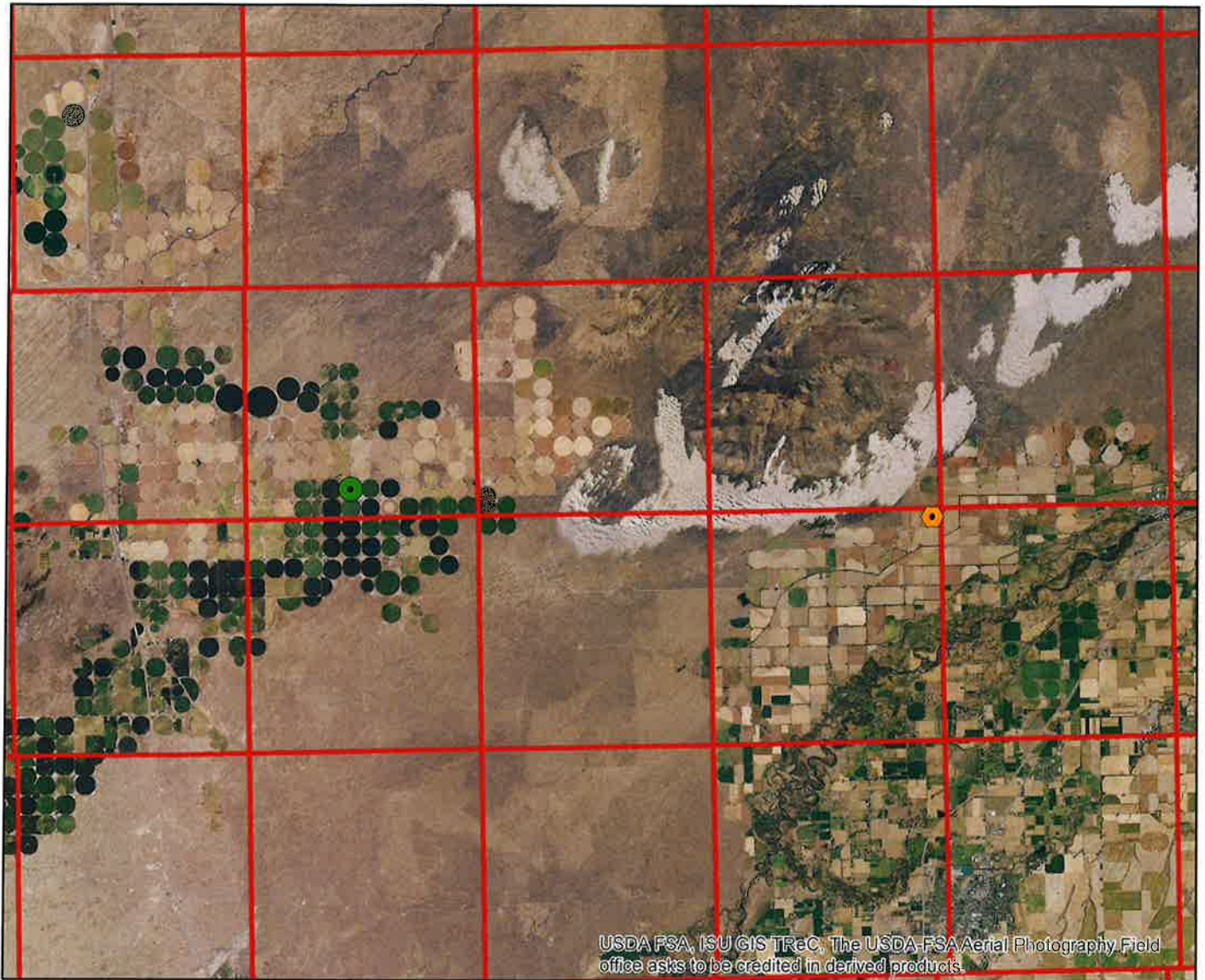
Water Supply Bank

Enclosure

c: IDWR Front Desk
Kristin Moore – Rocky Mountain Environmental

Idaho Water Resource Board

Move Map - Egbert 2019
RA 338 of 21-7089 & 21-12952



Active Water Supply Bank Lease POD

Authorized Rental Point of Diversion

Township/Range



0 5 Miles

MEMORANDUM FOR AGREEMENT # 338

To: Water Right(s) 21-7089 & 21-12952

From: Mary Condon

Date: May 11, 2019 (May 24, 2019)

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

PURPOSE/NARRATIVE: Application to rent for additional 16.5 acres of water for end guns for 2019 only, received on April 1, 2019, in a response to a letter from IDWR under E2019-1380. Rental application states end guns will remain off until a rental for the additional acres is approved. Rented different rights in 2015 for same purpose, also due to an NOV on POU.

AUTHORITY TO FILE: Application to rent is for and signed by Kirk Egbert, and his representative, Kristen Moore of Rocky Mountain Environmental. Rental POU tax lot parcel data lists Kirk and Kathryn Egbert as the owners. Rental POD is center of pivot, and will be combined with existing rights 31-12283 & 31-12285, also in the Egbert name. No concerns with authority to file. The extension of the pivot from the end guns may or may not be overlapping half-acre in the SESE of 28 in the name of Micklesen Farms LLC, and another half-acre in the SWSE of 28 in the name of NKC Great Plains LLC. Request for authorization to irrigate lands not owned by Kirk Egbert sent to representative, Kristen Moore on May 11, 2019. Reply to reduce the acres off of lands not owned by Mr. Egbert was received on May 22, 2019. Rental POU will be for 15.2 acres of end guns.

WATER RIGHT VALIDITY: Water right 21-7089 has a priority date of 1976, and was decreed in 2011. Water right 21-12952 is an expansion of right 21-7089, with an expansion priority date of 2004, and was also decreed in 2011. Groundwater well collapsed in 2016, and POU has since been using only surface water shares, not previously comingled with groundwater irrigation on POU. Review of Landsat 2015 imagery (pre-well failure) shows vegetation was grown on the groundwater right POU. No concerns with validity of the water rights to be rented.

INJURY TO OTHER WATER RIGHTS: Leased POD and rental POD are within the ESPA. Groundwater modeling was provided with the rental application and has been verified that no mitigation is necessary. Injury to other water rights through this rental is not apparent.

ENLARGEMENT OF USE: Rental water will be for end guns on pivot, not covered by another water right, while the pivot is covered by water rights 31-12283 & 31-12285. Right 31-12285 is an expansion right of 31-12283, and they are limited to 118.8 acres, and 1.56 cfs. Right 31-12285 does not provide any rate, only volume and acres. Rented rights will be limited to the same cfs per acre to avoid enlargement on the pivot and end guns.

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 location for the rental PD is subject to Water District # 110 – Mud Lake Area, is within the ESPA and Ground Water District – Jefferson Clark

Email to Watermaster and Eastern Region Manager, May 24, 2019, request for comments or concerns.