

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 10 2019

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 319

This is to certify that:

LAYNE HASTLE

24377 A & A 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)
2-7062	4/9/1970	SNAKE RIVER	0.170	42.00	8.40	0.020	5.00
57-7022	9/14/1968	GROUND WATER	0.060	15.80	3.50	0.017	4.50
2-7279B	2/8/1979	SNAKE RIVER	0.220	49.50	11.00	0.020	4.50
Combined Limit Totals			0.280	65.30	11.00	0.250	5.90
2-7059	4/9/1970	SNAKE RIVER	0.430	106.60	21.30	0.020	5.00
2-7275	12/13/1978	SNAKE RIVER	0.090	21.50	4.30	0.021	5.00
Combined Rental Totals			0.970	235.40	45.00	0.022	5.20

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: \$1,226.80

The full fee for the rental of the above-described right(s) is \$1,226.80 for 2019 and 2020. The rental fee includes an administrative fee of \$470.80. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 57-7022, 2-7279B, 2-7059, 2-7275.

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	0.900	225.00	45.00	0.020	5.00
Combined Total	0.900	225.00	45.00	0.020	5.00

** The authorized water usage reflects a reduction from the water right elements rented, to account for a maximum per-acre diversion rate of 0.02 cfs and diversion volume of 5.0 af annually.*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 319

Detailed water right conditions are attached.

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

6-6-19
Date

LAYNE A ASTLE
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 6/12/2019

Rental approved by IDWR 

Date 6-12-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 319

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER 9SESW Sec. 34, Twp 05S, Rge 04E, OWYHEE County

BENEFICIAL USE

IRRIGATION

DIVERSION RATE

0.90 CFS

VOLUME

225.00 AF

SEASON OF USE

Water Right No.	From	To
2-7062	3/15	11/15
57-7022	3/15	11/15
2-7279 B	3/15	11/15
2-7059	3/15	11/15
2-7275	3/15	11/15

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	8			3.5										37.0	0.8		3.7	45.2

Total Acres: 45.0

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. Use of water under this rental 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 rental is within State Water District No. 2.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 319

10. The following water rights are diverted through the Snake River point of diversion described above: 2-71 2-2153, 2-2154, 2-2176B, 2-2242, 2-2243, 2-2275, 2-2279, 2-2288, 2-2308, 2-2380, 2-2405B, 2-2418, 2-2423, 2-2424, 2-4026, 2-7012, 2-7059, 2-7060B, 2-7061, 2-7062, 2-7064, 2-7103, 2-7104, 2-7126, 2-7157C, 2-7168A, 2-7168B, 2-7168C, 2-7206, 2-7237A, 2-7242D, 2-7275, 2-7279B, 2-7344, 2-7839, 2-10181, 2-10187, 2-10198, 2-10201, 2-10202, 2-10313, 2-10315, 2-10316, 2-10435, 2-10436, 2-10503, 2-10542, 2-10543, 2-10545, 2-10557.
11. The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
12. This rental, when combined with the unleased portions of water rights 57-7022, 2-7279B, 2-7059 and 2-7275, authorizes a maximum irrigation of 595.4 acres in Sections 8 and 9 of Township 06S, Range 03E.

Effective until December 31, 2020



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

DEC 14 2018

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Layne H. Astle

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 <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	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)

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Layne H. ASTLE
 Mailing Address 24377 A and A Rd Grand View ID 83624
Street City State Zip Code
 Email Address majekcattle@gmail.com Phone Number 208-834-2720

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**:

Irrigation

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>0.80</u> CFS	<u>219.5</u> AF	<u>0.80</u> CFS	<u>219.5</u> AF	<u>45</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>1/1/2019</u>	<u>3/15/2019</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):

- 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
Bybee Lateral	Snake River	

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:

02-7062 Leased to the bank.

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)
2-7279B	Irrigation					0.22	49.5	11
57-7022	Irrigation					0.04	11.3	2.5
2-7059	Irrigation					0.43	106.5	21.3
2-7275	Irrigation					0.09	21.5	4.3
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	0.65 CFS	177.5 AF	36.6 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:**

Irrigation

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:

See (3.L)

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- 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.


Signature of Applicant

Layne A. He
Printed Name of Applicant

12-1-18
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Rental Map Layne Astle

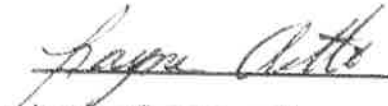


Lease Agreement

This lease agreement shall serve as the outline of the lease agreement between the Lessor, Terry Field, and the Lessee, Layne Astle. Lessor agrees to lease forty-five acres in S8, TWP065, RGE03E, to the lessee beginning in March 2014, which shall be renewed each year, so long as both parties agree. The lessor will supply all water, irrigation equipment, and all expenses that are incurred while operating it. Lessee will pay to lessor, the sum of fifty dollars per acre. Lessor and lessee enter into said lease agreement on this the 21st day, of the month MARCH, in the year 2014.



Lessor/Terry Field



Lessee/Layne Astle



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 12, 2019

LAYNE HASTLE
24377 A & A RD
GRAND VIEW ID 83624

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-7059, 2-7062, 2-7275, 2-7279B, and 57-7022, AGREEMENT 319**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,226.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 235.4 acre-feet of water for irrigation of 45.0 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.

The full fee for the rental of the above-described rights is \$1,226.80 for 2019 and 2020. The rental fee includes an administrative fee of \$470.80. The amount of \$756.00 will be paid to the lessors. Note that the renter is obligated to pay only the administrative fees associated with the water rights: 57-7022, 2-7279B, 2-7059, and 2-7275.

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

Sincerely,

Water Supply Bank

Enclosures: Receipt No. C106742
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Nick Miller – IDWR Western Regional Office
Rob Whitney – State Water District No. 02
Jes Erling – IDWR



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

April 22, 2019

LAYNE H ASTLE
24377 A & A RD
GRAND VIEW ID 83624

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-7062, 57-7022, 2-7279B, 2-7059, and 2-7275, AGREEMENT 319

TIME SENSITIVE RESPONSE REQUIRED

Dear Applicant:

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

The full fee for the rental of the above-described rights is \$1,226.80 for 2019 and 2020. The rental fee includes an administrative fee of \$470.80. Note that the renter is obligated to pay only the administrative fees associated with the water rights: 57-7022, 2-7279B, 2-7059, and 2-7275.

Please send a check for \$1,226.80 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,


for Water Supply Bank

Enclosure

c: IDWR Front Desk

Webster, Clay

From: Webster, Clay
Sent: Wednesday, June 05, 2019 1:58 PM
To: 'majekcattle@gmail.com'
Subject: FW: Rental Agreement 319
Attachments: Draft Rental Agreement.docx; Rental.pdf

Michelle,

Let me try again.

Clay

From: Webster, Clay
Sent: Wednesday, June 05, 2019 12:02 PM
To: 'magekcattle@gmail.com' <magekcattle@gmail.com>
Subject: Rental Agreement 319

Michelle,

Thank you for discussing this issue with me. We received the payment for this rental on May 3rd. I did not receive the signed rental agreement. Please have Layne sign the agreement and mail it back to;

IDWR
PO Box 83720
Boise ID 83720-0098

Thanks for your help with this matter.

Sincerely,

Clay Webster

Water Rights Supervisor

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

Buyer, Remington

From: Buyer, Remington
Sent: Friday, April 5, 2019 5:01 PM
To: Whitney, Rob; Miller, Nick
Cc: Webster, Clay
Subject: WSB Lease / Rental for Layne Astle
Attachments: Lease Review Memo.docx; Draft Lease Contract 968.docx; Lease_Map_7279B.PDF; Draft Lease Contract 969.docx; Lease_Map_7059.pdf; Draft Lease Contract 970.docx; Lease_Map_7275.pdf; Draft Rental Agreement.docx; Rental Review Memo.docx; Rental.pdf

Nick, Rob,

Layne Astle has proposed to lease into the Bank portions of his water rights: 2-7059, 2-7275, 2-7279B and 57-7022, in order to rent them back out on lands adjacent to his property, near Grand View. Attached are my review memos, maps, and draft approvals. Please advise as to whether you have any questions, comments or concerns about these WSB transactions.

Thanks,

Remington

Memorandum

To: Water Rights 2-7059, 2-7275, 2-7279B, 57-7022, and 2-7062

From: Remington Buyer

Date: April 5, 2019

Re: Water Supply Bank Rental Application 1275 for Agreement TBD

Purpose/Narrative: Application submitted by Layne Astle on December 14, 2018, requesting an irrigation rental for 2019 through 2023, to irrigate lands adjacent his property, and more specifically, adjacent his water right 2-7279B/57-7022 and 2-7059. The lands to be irrigated under this rental are owned by Terry Field, and the lands are in fact authorized to be irrigated under water right 2-7062. However, water right 2-7062 has already been fully leased into the Water Supply Bank and so the renter has sought to lease and move portions of his water rights, to authorize irrigation of the rental place of use.

Authority to File: Application has been submitted by Layne Astle. A lease agreement (from 2014) acknowledges that Layne can irrigate lands owned by Terry Field. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The water rights associated with this rental are all valid and there are no concerns about forfeiture.

Injury Evaluation: No injury is apparent under this rental.

Enlargement of Use: The lease agreement between Terry and Layne authorizes Layne to irrigate 45 acres of Terry's land. Layne's application requests an authorization to irrigate 45 acres, and a review of satellite imagery from 2018 indicates 45 acres was actively irrigated last year. However, Mr. Astle only leased into (and requested a rental from) the Bank of 36.6 acres of his own water rights. His previous rental was for 45 acres, and the balance of 8.4 acres authorized to be irrigated was through a rental of water right 2-7062.

Water right 2-7062 remains leased to the Bank through 2020. Per a telephone conversation with Layne Astle on April 5, 2019, it was confirmed that the rental should be approved for two years, for 45 acres, and a new rental can be submitted for 2021, once it is known whether water right 2-7062 will be leased back to the Water Supply Bank.

Because as many as 567 out of 587 acres may have been irrigated by the renter under their water rights during 2018 (leaving a balance of only 20 acres possible for lease), to avoid enlargement in water use, this rental will be conditioned with a remark affirming that the maximum extent of irrigation possible under this rental, when coupled with the unleased portions of water rights 2-7059, 2-7275, 2-7279B, and 57-7022, is 595.4 acres.

Local Public Interest: Staff have no information to suggest this rental is contrary to local public interests.

Beneficial Use/Conservation of Water Resources: Irrigation is a beneficial use and the irrigation practices appear to be consistent with the conservation of water resources.

Department/Watermaster Comments: This rental approval is subject to review and recommendations from IDWR Western Region and Water District 2 staff. Comments will be requested.

Water Supply Bank Evaluation: Subject to favorable review by watermaster and regional office staff, it is recommended this rental be approved.