

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 28 2019

DEPARTMENT OF  
WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 323**

This is to certify that:

RICK A & KARI HARMON  
12612 DEER RIDGE TRL  
NAMPA, ID 83686-7812

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**

<b>Water Right No.</b>	<b>Priority Date</b>	<b>Source</b>	<b>Diversion Rate (CFS)</b>	<b>Diversion Volume (AF)</b>	<b>Acres (AC)</b>	<b>Rate Per Acre (CFS/AC)</b>	<b>Volume Per Acre (AF/AC)</b>
63-34345	2/25/1963	GROUND WATER	0.009	3.2	0.7	0.013	4.5
63-34346	3/11/1968	GROUND WATER	0.006	2.4	0.7	0.009	3.4
<b>Combined Limit Totals</b>			<b>0.01</b>	<b>3.2</b>	<b>0.7</b>	<b>0.014</b>	<b>4.5</b>
<b>Combined Rental Totals</b>			<b>0.01</b>	<b>3.2</b>	<b>0.7</b>	<b>0.014</b>	<b>4.5</b>

**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: \$6.40 annually

The full fee for the rental of the above-described right(s) is \$6.40 per year for years 2019 - 2020. The rental fee includes an administrative fee of \$6.40 per year for years 2019 - 2020. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 63-34345, 63-34346.

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.

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 323**

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:

Richard A. Harmon  
Kari Harmon  
Signature of Renter \_\_\_\_\_ Date 5/24/19  
Date

Richard A. Harmon  
Kari Harmon  
Printed Name \_\_\_\_\_ 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 \_\_\_\_\_ Date 6/3/2019  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Rental approved by IDWR Chad \_\_\_\_\_ Date 6-3-2019

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 323**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER	NWNW	Sec. 24, Twp 02N, Rge 03W,	CANYON County
GROUND WATER	NESW	Sec. 24, Twp 02N, Rge 03W,	CANYON County

**BENEFICIAL USE**

IRRIGATION

**DIVERSION RATE**

0.01 CFS

**VOLUME**

3.20 AF

**SEASON OF USE**

<b>Water Right No.</b>	<b>From</b>	<b>To</b>
63-34345	3/1	11/15
63-34346	4/1	10/15

**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		
02N	03W	24																		0.7

Total Acres: 0.7

**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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

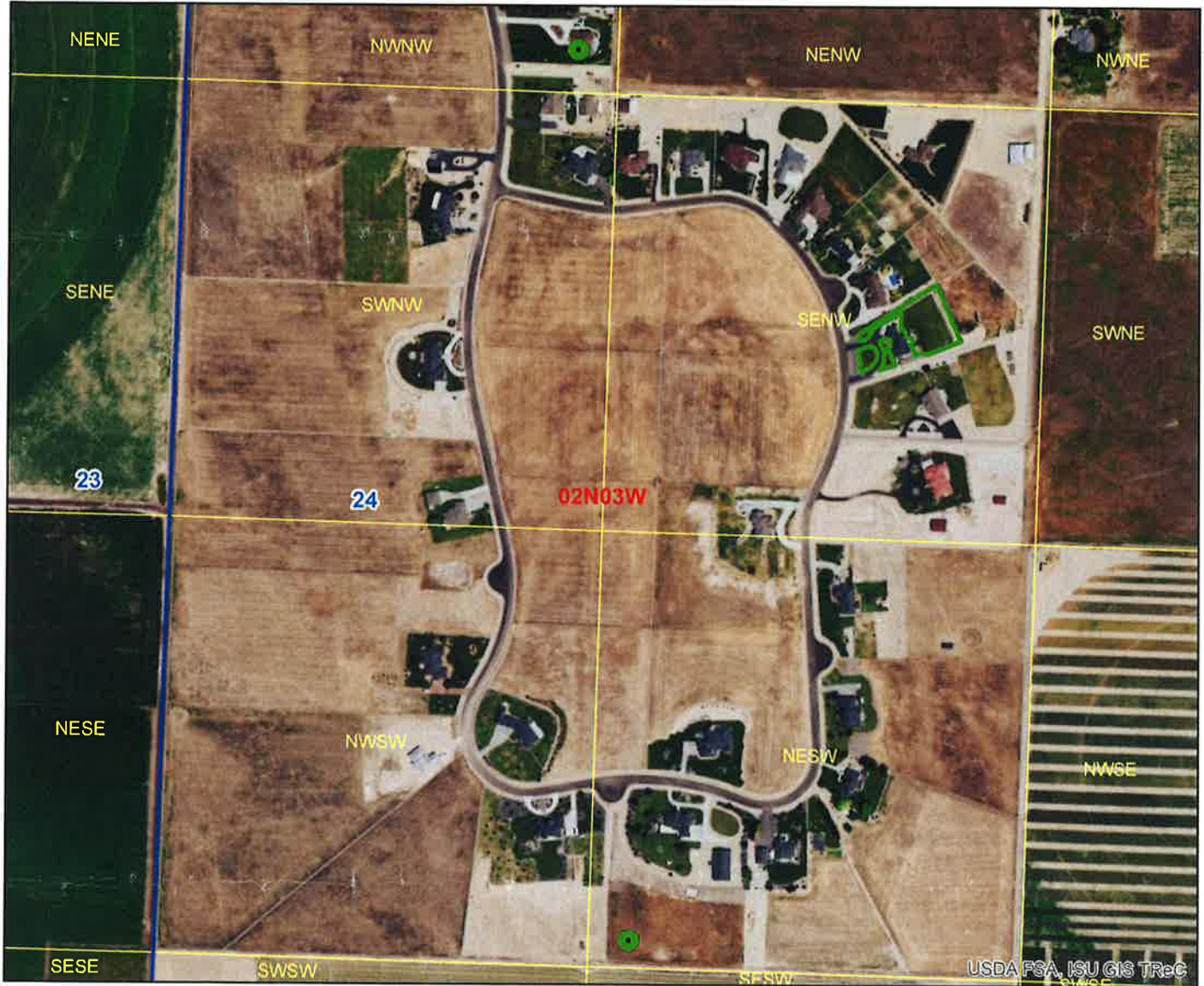
**WATER SUPPLY BANK RENTAL AGREEMENT No. 323**

10. Rented portions of rights 63-34345 and 63-34346 when combined shall not exceed a total diversion rate of 0.01 cfs, a total annual maximum diversion volume of 3.2 af at the field headgate, and the irrigation of 0.7 acres.
11. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
12. The period of use for the irrigation described in water right 63-34346 may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2008.
13. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board  
Attachment to Water Supply Bank Rental Agreement No. 323

Effective until December 31, 2020

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



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



STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED  
MAR 01 2019 DE  
DEPARTMENT OF  
WATER RESOURCES

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

Applicant Name: Rick A. Harmon and/or Kari Harmon

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](http://idwr.idaho.gov/water_supply_bank).

MINIMUM REQUIREMENT CHECKLIST		
Check All Items as Either Attached (Yes) or Not Applicable (N/A)		
	Yes	
	<input checked="" type="checkbox"/>	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	<input checked="" type="checkbox"/>	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes
2	<input checked="" type="checkbox"/>	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	<input type="checkbox"/>	<input checked="" type="checkbox"/> Detailed information on a proposed use of rental water
3F	<input checked="" type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion
3H	<input checked="" type="checkbox"/>	<input type="checkbox"/> Water modeling to account for the impacts of the rental request
3J	<input checked="" type="checkbox"/>	<input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	<input checked="" type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	<input checked="" type="checkbox"/>	<input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	<input checked="" type="checkbox"/>	<input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)
63-34345
63-34346

1357

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant Rick A. Harmon and/or Kari Harmon

Mailing Address	<u>12612 Deer Ridge Trail</u>	<u>Nampa</u>	ID	<u>83686</u>
	Street	City	State	Zip Code
Email Address	<u>rkdg@comcast.net</u>		Phone Number	<u>425-320-8006</u>

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>Lori Graves</u>	Professional Title <u>SPF Water Engineering</u>
Organization <u>Water Rights Specialist</u>	Relationship to Applicant <u>Consultant</u>
Mailing Address <u>300 E. Mallard Dr., Ste 350, Boise, 83706</u>	
Email Address <u>lgraves@spfwater.com</u>	Phone Number <u>208-383-4140</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**:

Applicants own 2.4 acres (Lot 19, BLK 1) in Deersky Ranch Subdivision, that are currently leased to the Bank under under contract 633 in the name of Jacoba J. Erwin. Applicants wish to rent 0.7 acre associated with their lot for irrigation and leave the remaining 1.7 acres protected in the bank.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.014 CFS	3.2 AF	0.014 CFS	3.2 AF	0.7 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?	
3/1/2019	n/a	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant

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

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

**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):  
Wells, pump, pressurized irrigation system (HOA system)
- 

- 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
2N 3W S24, SENWNW	Ground Water	HOA system users
2N 3W S24, SWNESW	Ground Water	HOA system users

*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 0.7 (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 63-34345 & 63-34346 represents applicants' 2.4 acre portion of water rights 63-32968 & 63-32970 under original contract 313 in the name of Deer Sky Ranch HOA.

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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

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)
63-34345	Irrigation	0.03	10.8	2.4		0.008	3.2	0.7
63-34346	Irrigation	0.02	8.2	2.4		0.006	2.4	0.7
<b>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</b>					<b>TOTAL</b>	0.014	3.2	0.7
						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**:

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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**:

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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:

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- 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:

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- 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.

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- D. Additional Information

63-34345 and 63-34346 are leased to the Bank until 12/31/2020 under contract 633 in the name of Jacoba J. Erwin. Included with this rental request is an Ownership Change Notice authorizing the Department to update the water rights' records to applicants' name.

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

Kari Harmon  
Richard A. Harmon  
Printed Name of Applicant

2/23/19  
2/23/2019  
Date

  
Signature of Representative

LOKI GRAVES  
Printed Name of Representative

2/28/2019  
Date

Mail to:

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



T2N R3W  
Section 24  
SENW



300 East Mallard Drive, Suite 350  
Boise, Idaho 83706  
Tel (208) 383-4140 Fax (208) 383-4156

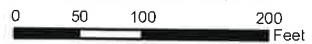
### Harmon Rental Request

Lot 19, Block 1 Deersky Ranch



DATE: 2/20/2019  
CREATOR: L.Graves  
PROJECT: 1468.0010



Absolute Scale: 1:1,743



### Legend

-  0.7 Acre to Rent
-  Harmon Water Rights Place of Use

Path: S:\PROJECTS\IE\m\H Projects\H Projects\Harmon\_Richard\_1468\PROJECT\GIS\AcMap\_Projects\WR\_Map.mxd

51103.F1 US



**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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

**BRAD LITTLE**  
Governor

**GARY SPACKMAN**  
Director

June 3, 2019

RICK A HARMON  
KARI HARMON  
12612 DEER RIDGE TRL  
NAMPA ID 83686-7812

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 63-34345 & 63-34346, AGREEMENT 323**

Dear Renter:

Please find enclosed a receipt in the amount of **\$6.40** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.2 acre-feet of water for irrigation of 0.7 acres during 2019. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right(s).

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

Sincerely,

Water Supply Bank

Enclosures: Receipt No. C106913  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
Nick Miller – IDWR Western Regional Office  
Lori Graves-SPF Water Engineering LLC



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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 29, 2019

RICK A HARMON  
KARI HARMON  
12612 DEER RIDGE TRL  
NAMPA ID 83686-7812

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 63-34345 and 63-34346, AGREEMENT 323**

**\*\*\*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 **\$64.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 3.2 acre-feet. Since you are both the lessor and the renter of the rights, **you are only obligated to pay the 10% administrative fee or \$6.40.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

**Please send a check for \$6.40** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk  
Lori Graves – SPF Water Engineering

## MEMORANDUM FOR AGREEMENT # 323

**To:** Water Right(s) 63-34345, 63-34346  
**From:** Scott Storms  
**Date:** April 23, 2019  
**Re:** Review & Analysis of Application to Rent Water from the State Water Supply Bank

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**PURPOSE/NARRATIVE:** Rental application from Rick and Kari Harmon was received on March 1, 2019. The application was completed by Lori Graves of SPF Water Engineering.

This rental is for rights within the Deersky Ranch subdivision, which includes rights that have been split multiple times while under lease to the Water Supply Bank (the Bank). The application requests to rent 0.014 cfs and 3.2 acre feet of rights 63-34345 and 63-34346, for irrigation on 0.7 acres. These rights are owned by the applicants and were splits off of 63-32968 and 63-32970. The parent rights were placed into the Bank in 2012 for an indefinite term. In 2015, when notified of the Water Resource Board's decision to limit Bank leases to 5 years, the owners of 63-32968 and 63-32970 opted for the full 5 year term. Because these rights were not released from the bank prior to splitting, all splits off of these parent rights are under contract in the Bank until 2020.

**AUTHORITY TO FILE:** According to IDWR parcel data, Kari and Rick Harmon are listed as the property owners at the application place of use (POU). The proposed points of diversion (POD) are the same as those listed for the rights to be rented but are not located on property owned by the applicants. It is well documents in IDWR records that there is an agreement in place with the subdivision HOA for use of these PODs by various landowners throughout the subdivision. Kari and Rick Harmon signed the application, along with the representative, Lori Graves. No issue with authority to file.

**WATER RIGHT VALIDITY:** Water rights 63-32968 and 63-32970 were leased into the bank indefinably in 2012 and were renewed for 5 years in 2015, when the Board decided to limit leases to a maximum of 5 years. The requested rights were split off of 63-32968 and 63-32970 through a change in ownership in 2017. The requested rights remain in the Bank until 2020. There are no concerns of forfeiture.

**INJURY TO OTHER WATER RIGHTS:** The application requests to rent water for use on a portion of the original leased rights' POU and use the same PODs as the leased rights. There are no overlapping POU's. All overlapping PODs are under agreement through the HOA for use as part of the HOA diversion system. No injury to other rights is anticipated.

**ENLARGEMENT OF USE:** The application requested a rate of 0.014 cfs for irrigation on 0.7 acres of land. This rate would equal the standard 0.02 cfs per acre, however a condition on the requested rights limit them to a combined total diversion rate of 0.03 cfs for the entire 2.4 acre POU. This rate equals 0.0125 cfs per acre and is likely due to multiple splits of the parent rights. In order to get the rental up to 0.014 cfs, the acres rented can be adjusted up to 1.1 acres, totaling a rate of 0.014 cfs, and the acre use limited down to 0.7 acres of land. The requested volume of 3.2 acre feet is allowable by right 63-34345 and does not need to be adjusted.

**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:** Email requesting comment was sent to Wester Region contact Nick Miller on April 15, 2019. No comments were received.

## Storms, Scott

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**From:** Lori Graves <LGraves@spfwater.com>  
**Sent:** Monday, April 8, 2019 2:17 PM  
**To:** Storms, Scott  
**Subject:** RE: Harmon WSB Rental  
**Attachments:** Harmon\_Water\_Rights\_Place\_of\_Use.sbn; Harmon\_Water\_Rights\_Place\_of\_Use.sbx; Harmon\_Water\_Rights\_Place\_of\_Use.shp; Harmon\_Water\_Rights\_Place\_of\_Use.shp.xml; Harmon\_Water\_Rights\_Place\_of\_Use.shx; Acre to Rent.dbf; Acre to Rent.sbn; Acre to Rent.sbx; Acre to Rent.shp; Acre to Rent.shx; Harmon\_Water\_Rights\_Place\_of\_Use.dbf

Here you go Scott.

**From:** Storms, Scott <Scott.Storms@idwr.idaho.gov>  
**Sent:** Monday, April 8, 2019 12:10 PM  
**To:** Lori Graves <LGraves@spfwater.com>  
**Subject:** Harmon WSB Rental

Hello Lori,

I've been assigned the review of the Water Supply Bank rental application for Rick and Kari Harmon of water rights 63-34345 & 63-34346. In looking through the application, it looks as if you created GIS shapefiles in order to build the application map. Can you provide me with a copy of those? It would really help speed up the review if I don't have to re-create them.

Thanks,

Scott

Scott Storms  
Senior Water Resource Agent  
Idaho Department of Water Resources  
208-287-4915  
[Scott.Storms@idwr.idaho.gov](mailto:Scott.Storms@idwr.idaho.gov)

## Field, Christine

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**From:** Lori Graves <LGraves@spfwater.com>  
**Sent:** Thursday, March 07, 2019 8:06 AM  
**To:** Field, Christine  
**Subject:** RE: Harmon Rental Application Latest possible start date needed

How about 4/1/2019

**From:** Field, Christine <Christine.Field@idwr.idaho.gov>  
**Sent:** Wednesday, March 6, 2019 4:18 PM  
**To:** Lori Graves <LGraves@spfwater.com>  
**Subject:** Harmon Rental Application Latest possible start date needed

Hi Lori,

Working on the Rick and Kari Harmon Rental Application for W/R 63-34545 and W/R 63-34346.

On the latest possible start date, the data entered is N/A.

Our software system will not accept N/A for the latest possible start date.

Please provide the latest possible start date for the Harmon's rental of W/R 63-34345 and W/R 63-34346.

As always, appreciate any help you can provide.

*Christine*



February 28, 2019

RECEIVED

MAR 01 2019

DEPARTMENT OF  
WATER RESOURCES

Clay Webster  
IDWR State Office  
PO Box 83720  
Boise, ID 83720-0098

**Subject: Water Bank Rental Application, WR Ownership Change Notice**

Dear Clay,

Enclosed on behalf of Rick and Kari Harmon, is a *Water Bank Rental Application* for portions of water rights 63-34345 & 63-34346 currently leased to the bank under contract 633 in the name of Jacoba J. Erwin. These rights were created as splits from Deer Sky Ranch water rights 63-32968 and 63-32970. The applicants understand the rental fee will include only Department administrative costs because they are requesting rental of their own water. A *Notice of Change in Water Rights Ownership* along with check #1635 for \$50 is included to allow the Department to update the water right records to list the applicants as current owners. Also included is a completed W9 forms for the applicants.

Please let me know if there are any questions. Thanks Clay.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves".

Lori Graves  
Water Rights Specialist

Cc: Rick and Kari Harmon

Enclosures

SPF file number: 1468.0010