

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 306

RECEIVED

MAR 27 2019

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that:

CHRIS EMMERT
7180 BOWMONT RD
NAMPA, ID 83686

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)
63-146	6/1/1865	BOISE RIVER	0.040	9.00	2.00	0.020	4.50
Combined Rental Totals			0.040	9.00	2.00	0.020	4.50

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2023. 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 - 2022: \$180.00 annually
2023: \$207.00 annually

The full fee for the rental of the above-described right(s) is \$180.00 per year for years 2019 - 2022 and \$207.00 for 2023. The rental fee includes an administrative fee of \$18.00 per year for years 2019 - 2022 and \$20.70 for 2023.

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)
MITIGATION	0.020	7.00
Combined Total	0.020	7.00

*** The authorized water usage reflects a reduction from the water right elements rented, to account for the consumptive use extent of the irrigation volume associated with water right 63-149**

Detailed water right conditions are attached.

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 306

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:

Chris A. Emmert
Signature of Renter

3-20-19
Date

Chris A. Emmert
Printed Name

Farm 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
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 3/28/2019

Rental approved by IDWR Chris A. Emmert

Date 3-28-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 306

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER NWSW Sec. 3, Twp 02N, Rge 03E, ADA County

BENEFICIAL USE
MITIGATION

DIVERSION RATE
0.02 CFS

VOLUME
7.00 AF

SEASON OF USE

Water Right No.	From	To
63-146	3/1	11/15

RENTERS PLACE OF USE: MITIGATION

The mitigation place of use is Lake Lowell Reservoir.

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. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 306

thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

11. The right being rented originated as all or part of right no. 14 in the Stewart Decree and the historic Boise River Water Masters records.
12. The right being rented right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
13. Use of water under this right 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. 63.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 01 2019

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name:

Chris Emmert

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)

1338

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Chris Emmert
Mailing Address 7180 Marysa ID 83686
Street Bowmont Rd City State Zip Code
Email Address _____ Phone Number 208-989-5090

- 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**:

mitigation for Permits 63-34079 - 6334080
7 AF

- 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)
CFS	9 AF	CFS	9 AF	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?	
3-1-19	5-1-19	☐ 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):

NY Canal will deliver Boise River water to Jels Lowell

- 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
<u>Powers Dam</u>	<u>Boise River</u>	

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 _____ (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: mitigation from: 0-3-01 (mm/dd) to: 11-15 (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:

**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)
63-146	irrigation		9				7	
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

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

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

NO

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**:

renting 9 AF to same 7A of consumptive use

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐

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

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? 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.

Chris Emmert
Signature of Applicant

CHRIS EMMERT
Printed Name of Applicant

1-18-19
Date

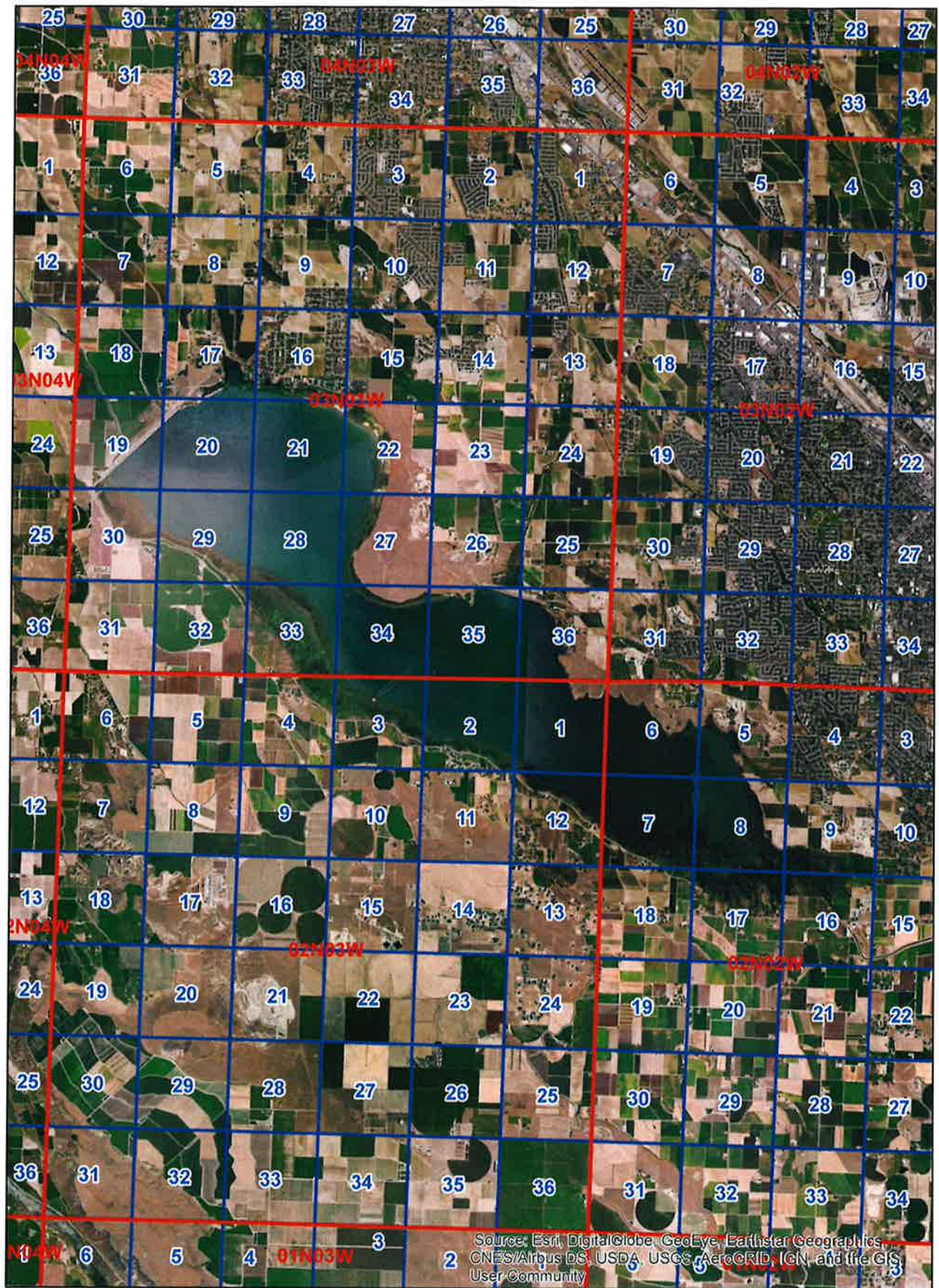
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



CLINTON C. PLINE
CHAIRMAN OF THE BOARD

RON PLATT
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

29 January 2019

Idaho Department of Water Resources
322 E. Front Street, Ste. 648
Boise, Idaho 83702-7371

RE: Chris Emmert- Mitigation Water

To Whom It May Concern :

This letter is to serve as notice that the Boise Project Board of Control will accept 7 acre feet of water, obtained by Chris Emmert for mitigation purposes, through the head end of the New York Canal.

Please feel free to contact me, if you have any questions regarding this matter, at 208-344-1141.

Sincerely,



Robert Carter
Project Manager, Boise Project Board of Control
bdc/bc



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

March 28, 2019

CHRIS EMMERT
7180 BOWMONT RD
NAMPA ID 83686

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 61-146, AGREEMENT 306**

Dear Renter:

Please find enclosed a receipt in the amount of **\$180.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 9.0 acre-feet of water for mitigation use 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 \$162.00 of the rental fee will be paid to the lessor(s) and 10% or \$18.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Water Supply Bank

Enclosures: Receipt No. C106466
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Nick Miller – IDWR Western Regional Office
Rex Barrie – State Water District No. 63
Robert Carter – Boise Project Board of Control



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

March 12, 2019

CHRIS EMMERT
7180 BOWMONT RD
NAMPA ID 83686

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 63-146, AGREEMENT 306**

*****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.

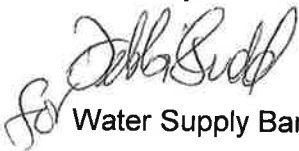
A rental fee of \$180.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 9.0 acre-feet.

Please send a check for \$180.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$162.00 of the rental fee will be paid to the lessor(s) and 10% or \$18.00 will be retained by the Department to offset administrative costs.

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

Sincerely,



Water Supply Bank

Enclosure

c: IDWR Front Desk

Memorandum

To: Water Rights 63-146

From: Remington Buyer

Date: February 25, 2019

Re: Water Supply Bank Rental Application 1338 for Agreement 306

Purpose/Narrative: Chris Emmert submitted a rental application on February 1, 2019, requesting a rental to mitigate for his two supplemental ground water permits 63-34079 and 63-34080. His permits authorize pumping ground water, to supplement irrigation from surface water supplies, however a condition on both permits requires that Mr. Emmert secure mitigation of up to 3.5 acre feet, for delivery to Lake Lowell, to account for depletions to the lake, attributable to ground water diversions under his permits.

Mitigation water is being delivered to Lake Lowell via the New York Canal. Approval of Mr. Emmert's permits contemplated that the New York Canal loses approximately 50% of the water diverted into it, between the head of the canal (at Diversion Dam on the Boise River) and Lake Lowell. As such, delivery of 3.5 af to Lake Lowell requires delivery of 7.0 af into the New York Canal.

The irrigation season of use in the Treasure Valley is from March 1, through Nov 15, for a calculated maximum of 260 days. Dividing 7.0 af by 260 days, and then converting daily af volumes into instantaneous flow (via use of a conversion factor of 1.9835) suggests that a constant diversion of 0.0136 (rounded to 0.014) cfs into the New York Canal will provide 7.0 af in approximately 253 days. The rental application has identified a Boise River natural flow water right (63-149) that authorizes diversions from the Boise River throughout the irrigation season. As such, this rental proposes to continuously divert approximately 0.14 cfs of Boise River water into the New York Canal, to mitigate for volumetric depletions in Lake Lowell, attributable to the pumping of ground water under permits 63-34079 and 34080.

Authority to File: Mr. Emmert has signed the submitted applications, and he has included with his applications a documented consent form from the Boise Project Board of Control, which is the entity responsible for operating the New York Canal, into which Mr. Emmert will deliver rented water, for mitigation purposes. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: Water right 63-149 is valid and leased to the Bank.

Injury Evaluation: Water right 63-149 authorizes diversions from the Boise River near the head of Eagle Island, which is approximately 15.0 miles downstream of the rental point of diversion. This rental proposes to rent a portion of water right 63-149 sufficient to divert 0.02 cfs of water from the Boise River, so that it can be delivered into the New York Canal. It is not anticipated that the diversion and delivery of 0.02 cfs from the Boise River into the New York Canal will cause injury to appropriators or water users on Boise River or New York Canal.

Enlargement of Use: Water right 63-149 is an irrigation water right, which will be rented for mitigation purposes, through a change in nature of use. Changes in use typically involve consideration of consumptive use. The regional consumptive use standard is 3.5 afa, which is 77.8% of the regional headgate standard of 4.5 afa. To avoid an enlargement in water right 63-149, 9 af of irrigation volume can be rented, of which 77.8% can be authorized to be use for mitigation purposes.

Water right 63-146 also features a Stewart Decree condition requiring that diversions under the water right should be reduced by 40%, if natural flows on the Boise River are insufficient to satisfy senior priority water rights. Nine af of 63-146 is associated with 0.04 cfs, which when reduced by 40%, authorizes diversions of 0.024 cfs, which is more than sufficient to provide the requisite 0.014 cfs for mitigation purposes, without causing enlargement.

Local Public Interest: Staff are unaware of any concerns that this rental might have negative impacts on local economics and/or water users and this rental is considered to be consistent with local interests.

Beneficial Use/Conservation of Water Resources: Mitigation by non-use is a recognized beneficial use and Mr. Emmert has a mitigation obligation, to satisfy water use conditions associated with his permits. This rental appears to be consistent with water conservation practices.

Department/Watermaster Comments: Western region and Water District 63 comments will be sought.

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

Buyer, Remington

From: Buyer, Remington
Sent: Monday, February 25, 2019 2:51 PM
To: 'Rex Barrie'; Miller, Nick
Cc: Webster, Clay
Subject: WSB Rental by Chris Emmert
Attachments: Draft Rental Agreement.docx; Rental Review Memo.docx; Rental Map.pdf

Rex, Nick,

Chris Emmert holds two supplemental ground water permits (63-34079 and 63-34080) that require mitigation, as a pre-condition of water use under the permits. Mr. Emmert has submitted an application to the Water Supply Bank for mitigation. Attached are my review memo and a draft rental agreement. Please advise if you have any questions, comments or concerns.

Thanks,

Remington
(208) 287-4918