

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 294

This is to certify that:

CYNTHIA CRAMER JESINGER
PO BOX 111
SUN VALLEY, ID 83353-0111

RECEIVED
MAR 11 2019
DEPARTMENT OF
WATER RESOURCES

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)
37-21259	5/1/1887	BIG WOOD RIVER	0.030	1.80	0.50	0.060	3.50
37-21261	11/12/1936	BIG WOOD RIVER	0.050	3.50	1.00	0.050	3.50
37-21263	4/15/1971	CLEAR CREEK	0.030	1.80	0.50	0.060	3.50
Combined Limit Totals			0.050	3.50	1.00	0.050	3.50
Combined Rental Totals			0.050	3.50	1.00	0.050	3.50

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: \$7.00 annually
2023: \$8.05 annually

The full fee for the rental of the above-described right(s) is \$7.00 per year for years 2019 – 2022 and \$8.05 for 2023. The rental fees include only administrative fees. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 37-21259, 37-21261, 37-21263.

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	0.030	1.80	0.50	0.060	3.60
Combined Total	0.030	1.80	0.50	0.060	3.60

** The authorized water usage reflects a reduction from the water right elements rented, to account for the renter's irrigation use of only Clear Creek water right 37-21263.*

SUPPORT DATA

Detailed water right conditions are attached.

IN FILE # 37-21259

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 294

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:

Cynthia Cramer Jesinger 5 March 2019
Signature of Renter Date

Cynthi A Cramer Jesinger
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 3/12/2019
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR Gay Ward Date 3-12-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 294

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

CLEAR CREEK NWSE Sec. 31, Twp 04N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.03 CFS

VOLUME
1.80 AF

SEASON OF USE

Water Right No.	From	To
37-21259	4/15	10/31
37-21261	4/01	11/01
37-21263	4/15	10/31

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	
03N	18E	6			0.5														0.5

Total Acres: 0.5

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights listed herein shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.
10. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 294

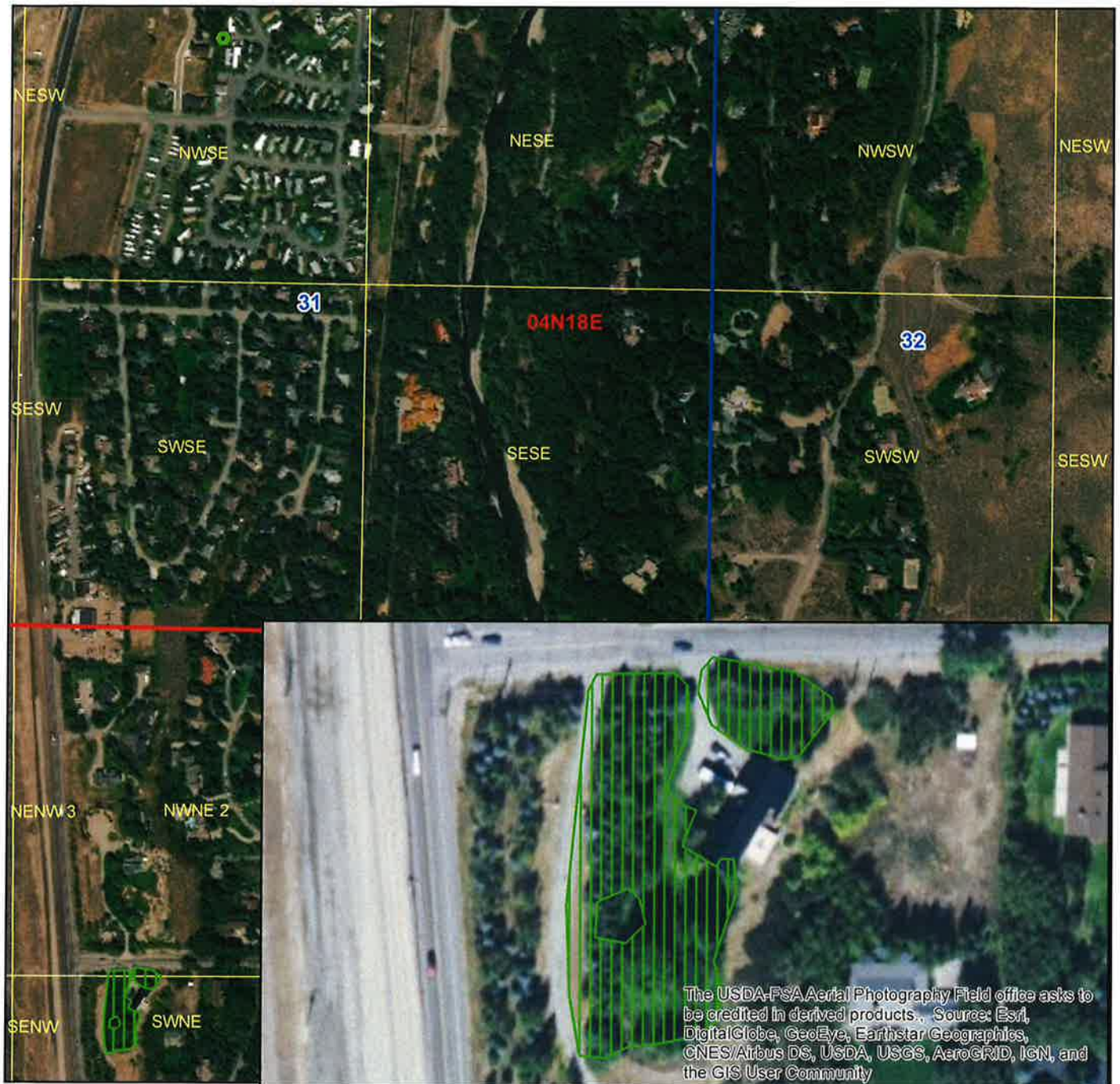
11. Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.
12. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. The unrented portion of Clear Creek water right 37-21263 is limited to a diversion rate of 0.02 cfs for the irrigation of 0.3 acres.
14. The unrented portions of the water rights listed below are limited to a total combined diversion rate of 0.03 cfs for the irrigation of a maximum of 0.7 acres. Combined Right Nos: 37-21259, 37-21261 and 37-21263.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 294

Effective until December 31, 2023

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

0 2,500 Feet



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
SEP 18 2018
DEPARTMENT OF
WATER RESOURCESApplicant Name: Cynthia Cramer Jesinger

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)

37-21259

37-21261

37-21263

1178

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Cynthia Cramer Jesinger

Mailing Address	P.O. Box 111	Sun Valley	ID	83353
	Street	City	State	Zip Code
Email Address	cindyjesinger@gmail.com		Phone Number	208 725-5255

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**:

The rented water will be used to irrigate 0.5 acres of residential land.

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)
0.02 CFS	1.8 AF	0.02 CFS	1.8 AF	0.5 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/1/2019	5/1/2019	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Same ditch system authorized by Decrees for 37-21259, 37-21261 and 37-21263

- 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
04N 18E 30 SENE	Big Wod	
04N 18E 29 SWSW	Big Wood	
04N 18E 31 NWSE	Clear Creek	

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

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

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

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

Domestic well (37-12078)

**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)
37-21259	irrigation	0.02	1.8	0.5		0.02	1.8	0.5
37-21261								
37-21263								
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	0.02	1.8	0.5
						CFS	AF	AC

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

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

N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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

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

Previous Water Supply Bank Lease Agreement dated 7/14/2014 (See attached copy)

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

If yes, describe:

Yes ☐ No ☒

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

Yes ☐ No ☒

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

- 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.

Cynthia C. Jesinger
Signature of Applicant

Cynthia C. Jesinger
Printed Name of Applicant

16 September 2018
Date

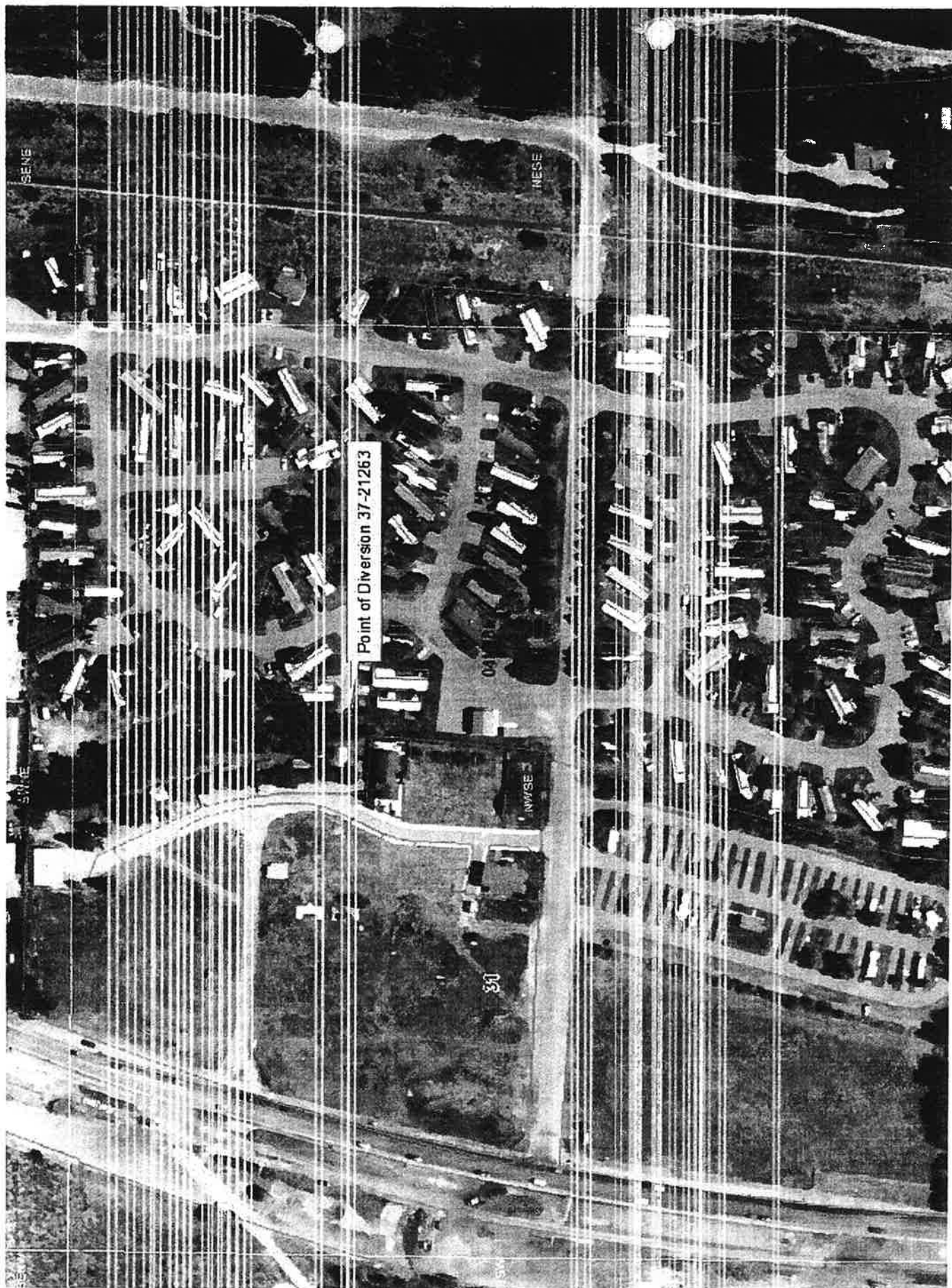
Signature of Representative

Printed Name of Representative

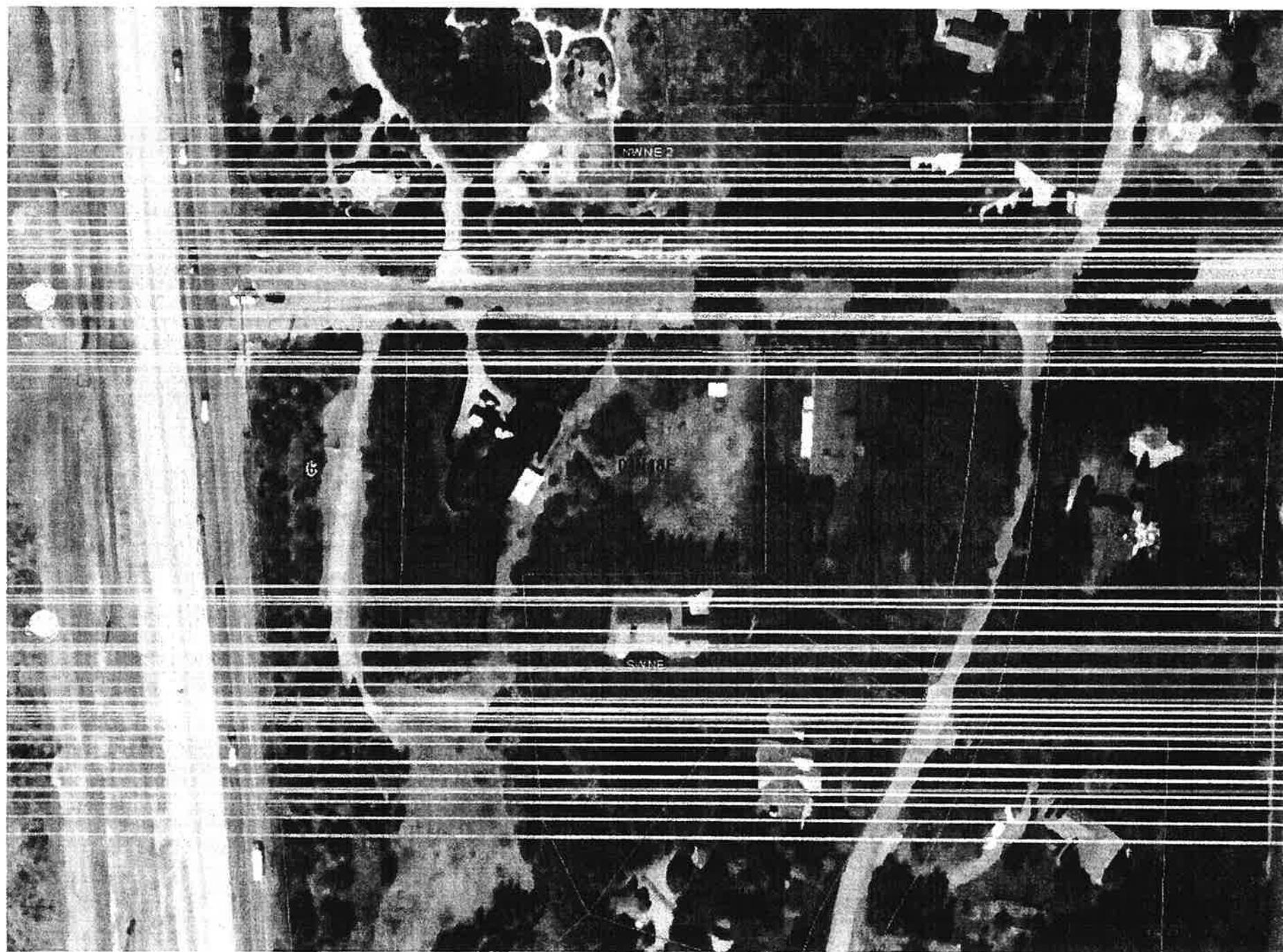
Date

Mail to:

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



Point of Diversion 37-21263





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

CYNTHIA CRAMER JESINGER
PO BOX 111
SUN VALLEY ID 83353-0111

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-21259, 37-21261, and 37-21263, AGREEMENT 294**

Dear Renter:

Please find enclosed a receipt in the amount of **\$7.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.5 acre-feet of water for irrigation of 0.5 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 rights.

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

Sincerely,


for Water Supply Bank

Enclosures: Receipt No. C106345
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Kevin Lakey – Water District 37



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

February 26, 2019

CYNTHIA CRAMER JESINGER
PO BOX 111
SUN VALLEY ID 83353-0111

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-21259, 37-21261, and 37-21263, AGREEMENT 294**

*****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 **\$70.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 3.50 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 \$7.00.** 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 \$7.00 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

Buyer, Remington

From: Skinner, Corey
Sent: Tuesday, February 05, 2019 12:34 PM
To: Buyer, Remington
Subject: RE: Water Rights 37-21259, 37-21261 and 37-21263

No concerns from me.

From: Buyer, Remington
Sent: Friday, February 01, 2019 11:37 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Cc: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Subject: Water Rights 37-21259, 37-21261 and 37-21263

Corey, Kevin,

Cynthia Jesinger is the owner of Big Wood River irrigation water rights 37-21259 and 37-21261, along with Clear Creek irrigation water right 37-21263. They all authorize irrigation of a common 1.7 acres, via diversions from the Comstock Ditch south of Ketchum. Cynthia desires to irrigate with the Clear Creek water, but not with the Big Wood River water rights. Hence, she's proposing to lease all three rights into the Bank (since they are stacked together) and then rent back portions of all three, sufficient to irrigate half an acre of her property.

My review memos, maps and draft approvals of the lease and rental are attached. Please advise if you have any questions, concerns or comments.

Thanks,

Remington
(208) 287-4918

Buyer, Remington

From: watermanager@cableone.net
Sent: Monday, February 04, 2019 12:25 PM
To: Buyer, Remington; Skinner, Corey
Cc: Webster, Clay
Subject: RE: Water Rights 37-21259, 37-21261 and 37-21263

I have no comments of concerns at this time.

Kevin Lakey
Watr District 37

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Friday, February 01, 2019 11:37 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Cc: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Subject: Water Rights 37-21259, 37-21261 and 37-21263

Corey, Kevin,

Cynthia Jesinger is the owner of Big Wood River irrigation water rights 37-21259 and 37-21261, along with Clear Creek irrigation water right 37-21263. They all authorize irrigation of a common 1.7 acres, via diversions from the Comstock Ditch south of Ketchum. Cynthia desires to irrigate with the Clear Creek water, but not with the Big Wood River water rights. Hence, she's proposing to lease all three rights into the Bank (since they are stacked together) and then rent back portions of all three, sufficient to irrigate half an acre of her property.

My review memos, maps and draft approvals of the lease and rental are attached. Please advise if you have any questions, concerns or comments.

Thanks,

Remington
(208) 287-4918

MEMORANDUM FOR AGREEMENT # 280

To: Water Rights 37-21259, 37-21261, 37-21263
From: Remington Buyer
Date: January 31, 2019
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: This application to rent water from the Water Supply Bank was received on September 11, 2018, as a companion to lease application 1171 (contract 927). The renter is also the lessor of water rights 37-21259, 37-21261 and 37-21263. The three water rights belonging to the applicant collectively authorize irrigation of 1.7 acres (effectively the entirety of the applicant's property) with surface water delivered to the property via the Comstock Ditch.

Water rights 37-21259 and 37-21261 authorize diversions of Big Wood River water into the Comstock Ditch, while water right 37-21263 authorizes a diversion of Clear Creek water into the Comstock Ditch. Apparently Big Wood River water is no longer diverted into the Comstock Ditch, and as such, the applicant has leased their Big Wood River water rights into the Bank to protect them from forfeiture. However, because the Big Wood River water rights are stacked with the Clear Creek water right, it was appropriate to lease the Clear Creek water right into the Bank along with the Big Wood River water rights, to avoid enlarging the three water rights.

The purpose of this rental is secure an authorization to use Clear Creek irrigation water right 37-21263 at its authorized place of use, for the irrigation of 0.5 acres. This rental is a continuation of rental agreement 75, which concluded at the end of 2018.

AUTHORITY TO FILE: Application is signed by Cynthia Jesinger, who is the lessor and owner of the property where water will be used. No concerns about authority to file.

WATER RIGHT VALIDITY: The three water rights are all acceptable for lease to the Bank. No concerns about water right validity.

INJURY TO OTHER WATER RIGHTS: Water right 37-21263 will be used for its decreed purpose at its authorized place of use. No concerns about injury to other water rights.

ENLARGEMENT OF USE: The applicant has requested an authorization to irrigate 0.5 acres. A review of satellite imagery indicates as many as 0.7 acres might be irrigated at the rental place of use. This rental will only authorize irrigation of 0.5 acres, per the applicant's request.

Water right 37-21263 is stacked with water rights 37-21259 and 37-21261, to authorize irrigation of a common 1.7 acres. Because water use records are not available to establish the extent of irrigation use that has historically occurred under only the Clear Creek or Big Wood River water rights, it could constitute an enlargement to allow water rights 37-21259 and 37-21261 to be fully rented from the Bank while their authorized place of use is partially irrigated with Clear Creek water right 37-21263. Therefore, to avoid enlargement in the Big Wood River water rights, it is recommended that a proportionate amount of 37-21259 and 37-21261 be rented with the Clear Creek water right on this rental. The specific extent of the irrigation elements to be rented to avoid enlargement are enumerated in the tables on the following page

Decreed Water Right Elements					Rented Elements			Unrented Elements		
	Source	Rate	Vol	Acres	Rate	Vol	Acres	Rate	Vol	Acres
37-21259	BWR	0.05		0.8	0.030		0.5	0.020		0.3
37-21261	BWR	0.08		1.7	0.050		1.0	0.030		0.7
37-21263	Clear Creek	0.05		0.8	0.030		0.5	0.020		0.3
Combined Limited:		0.08		1.7	0.050		1.0	0.030		0.7

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest. This rentals has been active in since 2014 with no appeals by the public.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location of the rental is within Water District 37 and IDWR Southern Region. Comments will be requested from both the regional and water district office.

WATER SUPPLY BANK EVALUATION: Subject to favorable regional and water district comments, it is recommended this rental be approved.