

RECEIVED

FEB 27 2019

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 285

This is to certify that:

PAM MCCUNE WARTHEN  
7061 CANYON CREEK RD  
MOUNTAIN HOME, ID 83647

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)
61-12226	10/1/1874	CANYON CREEK, Tributary of Snake River	0.19	27.2	6.8	0.028	4.0
<b>Rental Totals</b>			<b>0.19</b>	<b>27.2</b>	<b>6.8</b>	<b>0.028</b>	<b>4.0</b>

**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: \$544.00 annually  
2023: \$625.60 annually

The full fee for the rental of the above-described right(s) is \$544.00 per year for years 2019 - 2022 and \$625.60 for 2023. The rental fee includes an administrative fee of \$54.40 per year for years 2019 - 2022 and \$62.56 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.

Detailed water right conditions are attached.

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DEPARTMENT OF WATER RESOURCES

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WATER SUPPLY BANK RENTAL AGREEMENT No. 285

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:

Pam M. Warthen  
Signature of Renter

Feb. 22, 2019  
Date

PAM M. WARTHEN  
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  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Date 2/28/2019

Rental approved by IDWR Chad West

Date 2-28-2019

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 285**

**WATER USE DETAILS**

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

CANYON CREEK                      SENW              Sec. 36, Twp 02S, Rge 06E,                      ELMORE County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
0.19 CFS

**VOLUME**  
27.2 AF

**SEASON OF USE**

**Water Right No.**                      **From**                      **To**  
61-12226                                      4/1                                      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	
02S	06E	35																2.2	2.2
03S	06E	2	4.6																4.6

Total Acres: 6.8

**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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 285**

11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
12. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61A.
13. This right does not grant any right-of-way or easement across the land of another.
14. The following rights are diverted through point(s) of diversion described above: 61-247, 61-253, 61-246 and 61-10429.

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED DE  
OCT 17 2018  
DEPARTMENT OF  
WATER RESOURCES

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

Applicant Name: PAM M. WARTHEN

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	<input type="checkbox"/>	<input checked="" 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)  
61-12226

11/9

STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant PAM M. WARTHEN  
 Mailing Address 7061 Canyon Creek Road Mountain Home IDAHO 83647  
Street City State Zip Code  
 Email Address warthenpm@gmail.com Phone Number cell=(208) 599-0524  
home=(208) 587-8736

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes  No   
 If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative \_\_\_\_\_ Professional Title \_\_\_\_\_  
 Organization \_\_\_\_\_ Relationship to Applicant \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Email Address \_\_\_\_\_ Phone Number \_\_\_\_\_

**2. MAP**

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

**3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER**

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

IRRIGATION - HAY FIELD - PASTURE

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
<u>0.2</u> CFS	<u>27.2</u> AF	CFS	<u>27.2</u> AF	<u>6.8</u> AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
<u>04/01/19</u>	<u>04/29/19</u>	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 5	<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):

HEADGATE AT 02506E 25 SENW, WATERMASTER TO DIVERT TO  
CANAL/DITCH, ACROSS IRELAND PROPERTY TO MY PROPERTY

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	
HEADGATE TO CANAL/DITCH	CANYON CREEK	61-00246	61-00254
		61-00247	
		61-00253	
		61-00255	

*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 6.8 (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 #'S 61-252C AND 61-10033A ARE LOCATED ON MY PROPERTY (POU)
- WATER WAS BLOCKED FROM MY PROPERTY IN 2015 BY NEIGHBOR, TED HOFFMAN.
- WATER IS NEEDED FOR IRRIGATION PURPOSES UNTIL WATER RIGHTS ARE RESTORED TO MY PROPERTY.

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)
61-12226	IRRIGATION	0.2	27.2	6.8		0.2	27.2	6.8
<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>	0.2	27.2	6.8
						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**:

NOT APPLICABLE

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:

THIS WATER RIGHT REQUEST HAS BEEN PREVIOUSLY RENTED BY ME IN 2016 AND 2017. IT WAS MODIFIED IN 2018 TO THE 6.8 ACRES INVOLVED. THE RENTAL RENTAL IS NEEDED IS THAT WATER RIGHTS #'S 61-252C AND 61-10033A THAT ARE FOR MY PROPERTY HAVE BEEN BLOCKED BY NEIGHBOR TED HOFFMAN SINCE 2015.

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? If yes, describe the date and location of the NOV. Yes  No

D. Additional Information  
THIS WATER RENTAL HAS 'SAVED' MY FIELDS THAT WERE BEING DAMAGED IN 2015 (BY NOT ALLOWING WATER TO RENT MY PROPERTY) IT IS MY HOPE THAT IN TIME THE WATER RIGHTS FOR MY PROPERTY WILL BE ABLE TO BE USED.

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.

Pam M. Warrten  
Signature of Applicant

PAM M. WARRTEN  
Printed Name of Applicant

10-08-18  
Date

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Printed Name of Representative

\_\_\_\_\_  
Date

Mail to:

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



To whom it may concern

10-8-2018

The Ireland Ranch gives Pam Worthen permission to use their ditch for delivery of her leased water.

Water Master Terry Seegrist has agreed to deliver said water with everyone in agreement.

Starting 2019 water season through 2023 water season.

ATTACHMENT 3F

Terry Seegrist Water Master 61-A

*Terry Seegrist*



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

February 28, 2019

PAM MCCUNE WARTHEN  
7061 CANYON CREEK RD  
MOUNTAIN HOME ID 83647

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO. 61-12226, AGREEMENT 285**


Dear Renter:

Please find enclosed a receipt in the amount of **\$544.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 27.2 acre-feet of water for irrigation of 6.8 acres during 2019. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$489.60 of the rental fee will be paid to the lessor(s) and 10% or \$54.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

  
John Sudd  
for Water Supply Bank

Enclosures: Receipt No. C106298  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
Nick Miller – IDWR Western Regional Office  
Terry Seegrist – State Water District No. 61A  
Cherie Palmer - IDWR Compliance Bureau



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

February 19, 2019

PAM MCCUNE WARTHEN  
7061 CANYON CREEK RD  
MOUNTAIN HOME ID 83647

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO. 61-12226, AGREEMENT 285**

**\*\*\*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 \$544.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 27.2 acre-feet.

**Please send a check for \$544.00** 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 \$489.60 of the rental fee will be paid to the lessor(s) and 10% or \$54.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

For Water Supply Bank

Enclosure

c: IDWR Front Desk

**MEMORANDUM FOR AGREEMENT # 285**

**To:** Water Right(s) 61-12226  
**From:** Mary Condon  
**Date:** January 18, 2019  
**Re:** Review & Analysis of Application to Rent Water from the State Water Supply Bank

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**PURPOSE/NARRATIVE:** Repeat application to rent surface water for irrigation for another 5 years, received October 17, 2018, with a processing priority of November 1, 2018.

**AUTHORITY TO FILE:** Application to rent submitted by Pam Warthen, owner of the taxlot. No concerns of authority to file.

**WATER RIGHT VALIDITY:** Water right 61-12226 was originally 61-250 for 40 acres within a 58.5 POU, decreed in 2000, and through transfers in 2009, divided into equal quarters between 4 new irrigation rights, 61-12223 thru 61-12226. Historic use verified in satellite imagery from decree to 2010 for original Place of Use. After the transfer, the shape files for each of the new water right numbers have adjusted, while the legal descriptions for the water rights are still in the original place of use. WR 61-12226 was partially placed in the bank from 2014-present. No concerns of validity.

**INJURY TO OTHER WATER RIGHTS:** The lease and rental of this water right in a different location, but off of the same canal delivery should not cause injury to other water rights. The Watermaster included permission for the rental.

**ENLARGEMENT OF USE:** The rental place of use has irrigation water rights 61-262C and 61-10033A, but the land was sold to the owner dry. Rental place of use is within the Mountain Home Irrigation District, but shares have not been acquired.

During review of the leased water right legal place of use description, it appears an acre worth is irrigated on BLM land, in the SWNW of 02S06E Sec 12, closest to 61-12223 shape file. It looks as though irrigation/cultivation of that land began sometime after 2010. Total harvested area and lawns, including the acre on BLM land was approximately 30 acres for the four water rights, less than the allowable 33.2 acres with the leased portion of 6.8 acres under 61-12226. No enlargement through this rental is apparent.

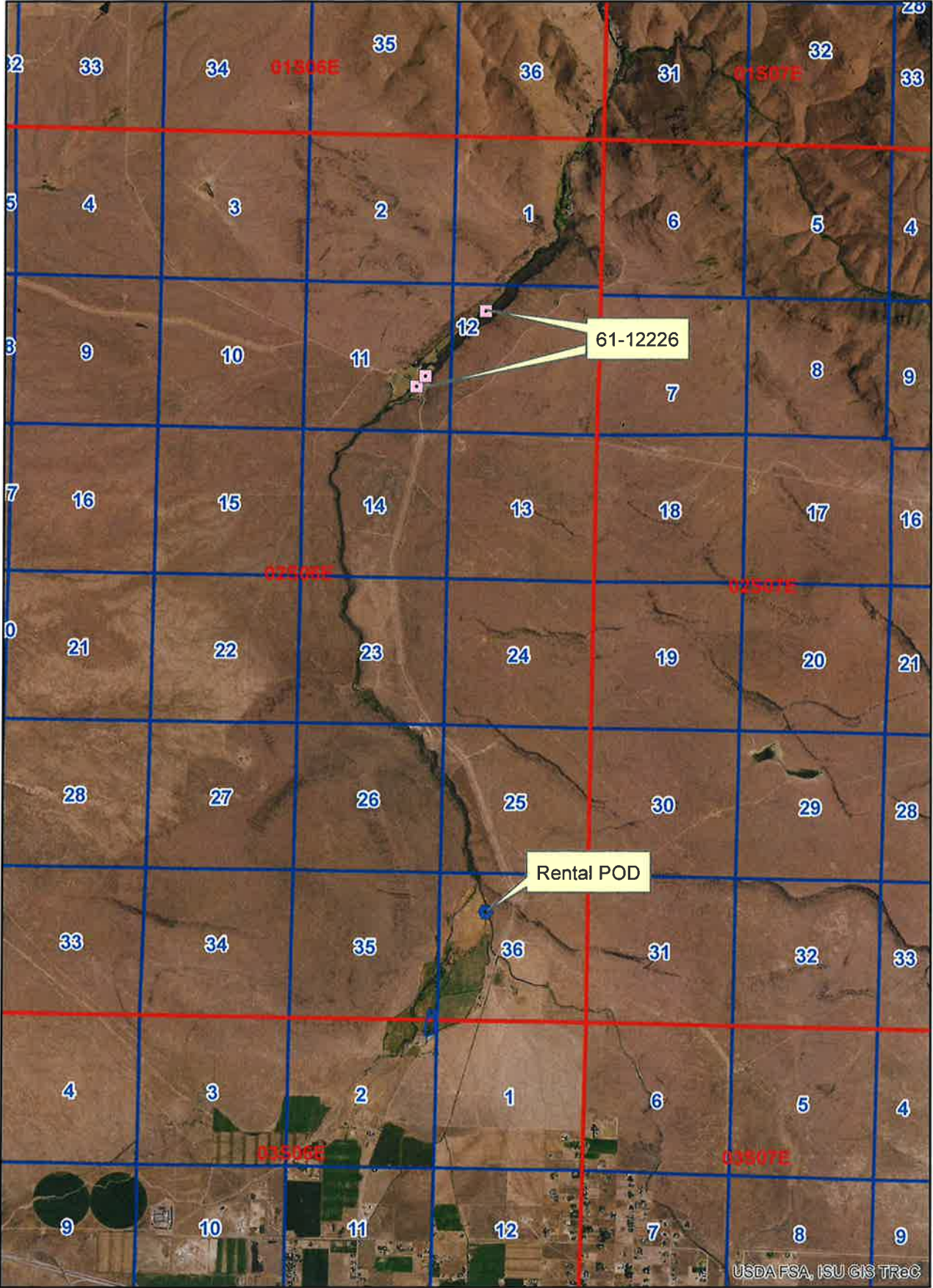
**LOCAL PUBLIC INTEREST:** Review staff has no information to suggest this application is inconsistent with the local public interest.

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

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** The location for the rental PD is subject to Water District # 61A Canyon County

Email to Western, Watermaster and compliance on January 19, 2019.

# Move Map - P Warthen Rental 2019-2023



RECEIVED  
OCT 17 2018  
DEPARTMENT OF  
WATER RESOURCES

Pam M. Warthen  
7061 Canyon Creek Road  
Mountain Home, Idaho 83647  
October 15, 2018

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

RE: Water Bank Rental

To Whom It May Concern

Enclosed is my application to rent water for a 5 year period (2019-2023) from the Water Bank. I have been able to rent Water Right No. 61-12226 for the past 3 years. It is my hope that my application will be approved and that I may continue to access water for my property through the Water Bank.

If there is any additional information needed please do not hesitate to contact me.

Thank you

*Pam M. Warthen*

Pam M. Warthen

Enclosure