

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 276

RECEIVED

OCT 12 2018

DEPT OF WATER RESOURCES

This is to certify that:

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW, ID 83624

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
2-7064	4/23/1970	SNAKE RIVER	0.600	150.00	30.00	0.020	5.00
Combined Rental Totals			0.600	150.00	30.00	0.020	5.00

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2018. 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 2018, whichever occurs last.

Annual Rental Fee:

2018: \$3,000.00

The full fee for the rental of the above-described right(s) is \$3,000.00 for 2018. The rental fee includes an administrative fee of \$300.00 for 2018.

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	0.600	135.00	30.00	0.020	4.50
Combined Total	0.600	135.00	30.00	0.020	4.50

** The authorized water usage reflects a reduction from the water right elements rented, to avoid enlargement of use.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 12 2018

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 276

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:

K. Dicks
Signature of Renter

10-9-18
Date

Kenton Dicks
Printed Name

Farm / Ranch
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 B. Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 10/16/2018

Rental approved by IDWR Chad Wood

Date 10-16-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 276

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

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

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.60 CFS

VOLUME
135.00 AF

SEASON OF USE

Water Right No. **From** **To**
2-7064 3/15 11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	03E	3						30.0											30.0

Total Acres: 30.0

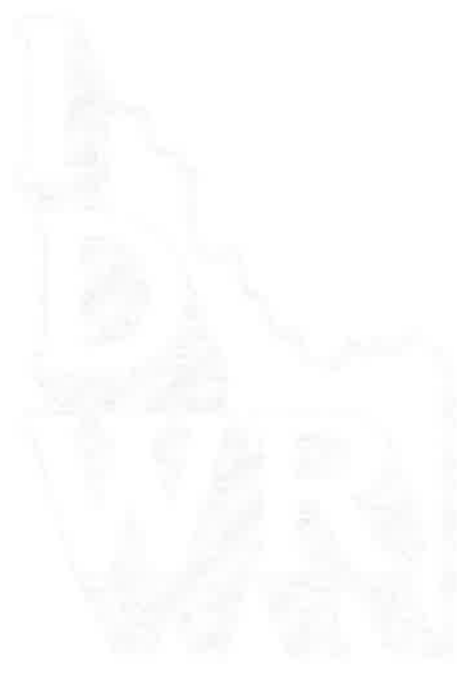
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. The following rights are diverted through point of diversion described above: 02-7059, 02-7060B, 02-7061, 02-7062, 02-7064, 02-7168A, 02-7168B, 02-7168C, 02-7237A, 02-7275, 02-7279A, 02-10180, & 02-10181.
11. The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 276

rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.



Effective until December 31, 2018

This aerial photograph shows a 5x5 grid of land parcels. The parcels are labeled with directional codes and numbers. A red line runs horizontally across the top of the grid. A yellow hatched area is located in the second row, second column. The labels for the parcels are as follows:

Row \ Column	1	2	3	4	5
1	SESE 33	SWSW 34	05S03E SESW	SWSE	SESE
2	NENE	NWNW	NENW	NWNE	NENE
3	4 SENE	3 SWNW	06S03E SENW	SWNE	SENE
4	NESE	NWSW	NESW	NWSE	NESE

USDA-FSA 2015 (1 meter) Aerial Photography

-

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

MAY 01 2018

DEPARTMENT OF
WATER RESOURCESApplicant Name: Kenton Dirks

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)

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Kenton Dirks

Mailing Address 33386 Mud Flat Rd. Grandview ID. 83624
Street City State Zip Code

Email Address _____ Phone Number 208 834 2034

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. Water will be diverted from same as E location

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:

Growing Crops & Livestock

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>204.48</u> CFS	<u>234</u> 108 AF	<u>204.48</u> CFS	<u>234</u> 108 AF	<u>24</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>5-1-18</u>	<u>5-5-18</u>	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

existing pump & mainline with pivot

- 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
Sagehen river water	Snake river water	57-10534 2-4026 2-7126 2-10316
BLWV canal		2-10542 2-10543

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 24 (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:

2-4026 2-7126 2-10316 2-10542 2-10543

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)
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**:

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

- * 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:

APP. on 4-30-18 was filed a transfer of 6 ac. at Weston region off

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.



Signature of Applicant

Kenton Dinks

Printed Name of Applicant

4-30-18

Date

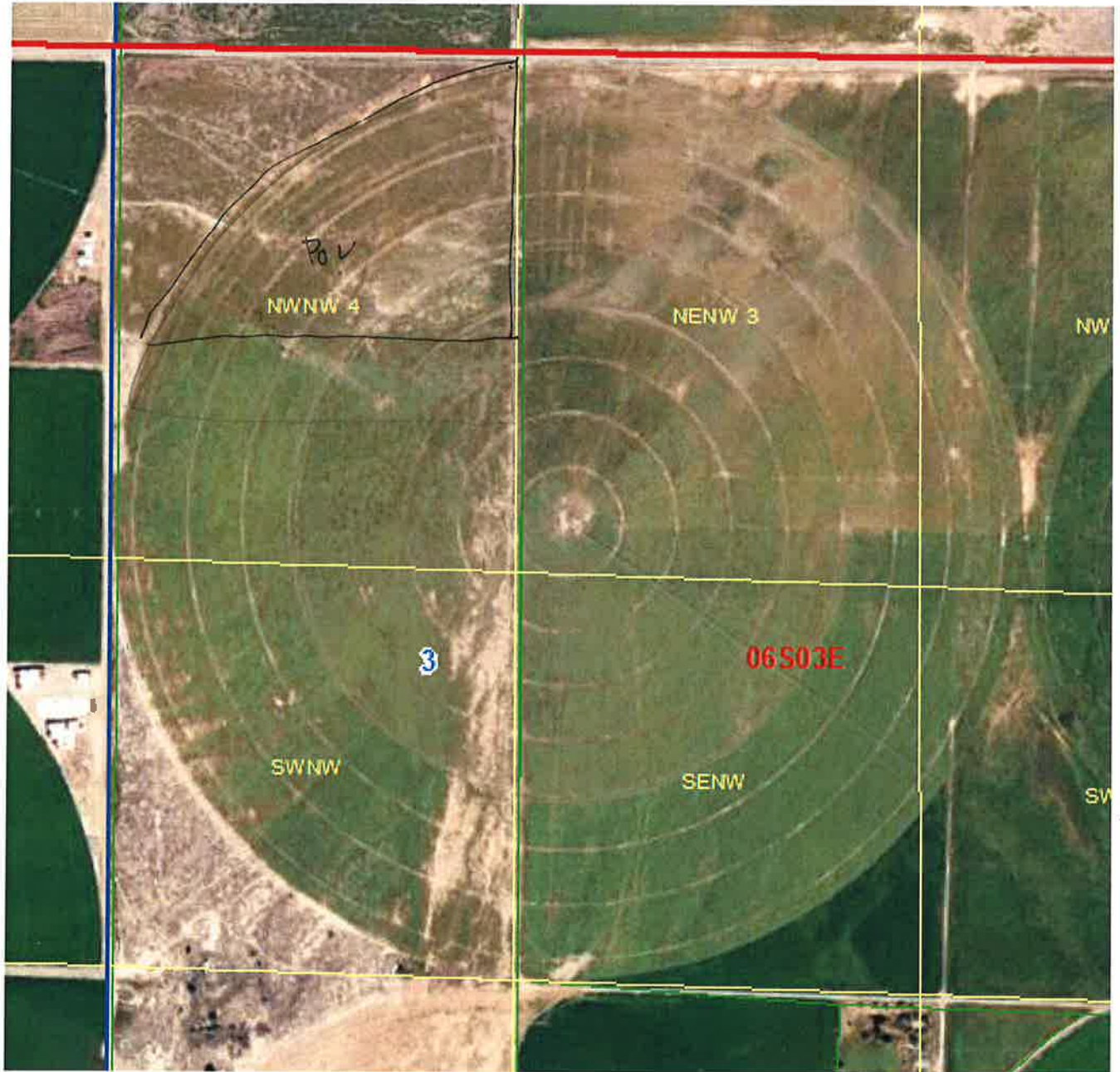
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



70 ac. ~~are~~ total minus 40 ~~transferred~~ + 6 ac. = 24 rented
 moved within
 the PPV



STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

ASSIGNMENT OF CARRIAGE RIGHT AGREEMENT

This assignment is made this 16th day of February, 2012, between Kenton O. Dirks, of P.O. Box 565, Grand View, Idaho 83624, (the "Assignor"), and , Jack Post, of P.O. 298, Mountain Home, Idaho 83647 (the "Assignee").

RECITALS

(a) The Assignor, on the 24th day of February, 2011, entered into an agreement entitled Carriage Right Agreement whereby the owners of the Bybee Ditch in Owyhee County, Idaho, sold and conveyed to Assignee a carriage right in the C.J. Strike Pump Station and the south branch and main stem of the Bybee Ditch for 70 miner's inches of water for the price of \$1,400.00, a copy of which Carriage Right Agreement is attached hereto and by this reference made a part hereof.

(b) Pursuant to the Carriage Right Agreement Assignor also purchased the right to use the pump, motor and panel at the C.J. Strike Pump Station for a one-time fee of \$3,500.00.

(c) Assignee was the owner of the real property described in the Carriage Right Agreement and paid the fees mentioned above.

(d) The Carriage Right Agreement should have been in the name of the Assignee, but it was not.

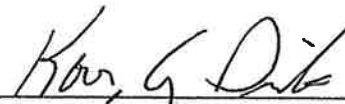
(e) Assignor, Assignee and the Bybee Lateral Water Users Association have all agreed that all of Assignor's rights in the Carriage Right Agreement that is attached hereto shall be assigned to Assignee.

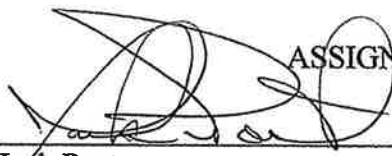
(f) Upon the assignment of all of Assignor's rights in the Carriage Right Agreement Assignee has agreed to assume the obligations of the Assignor under the agreement.

NOW, THEREFORE:

1. Assignor hereby assigns to Assignee all Assignor's rights and interest in the Carriage Right Agreement that is attached hereto and by this reference made a part hereof effective the date of said Carriage Right Agreement.

2. Assignee assumes and covenants to perform all the obligations of the Assignor under the Carriage Right Agreement, and guarantees to hold the Assignor harmless from any claim or demand made under said agreement.


Kenton G. Dirks

 ASSIGNOR

Jack Post

ASSIGNEE

CONSENT TO ASSIGNMENT

The Bybee Lateral Water Users Association hereby consents to the above assignment of the Carriage Right Agreement to Jack Post.

Dated this 16th day of February, 2012.

Bybee Lateral Water Users Association

By  _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 16, 2018

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW ID 83624

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7064, AGREEMENT 276**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,000.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 135 acre-feet of water for irrigation of 30 acres during 2018. 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 \$2,700.00 of the rental fee will be paid to the lessor(s) and 10% or \$300.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Jean Hersley
for Water Supply Bank

Enclosures: Receipt No. C105763
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angie Grimm – IDWR Western Regional Office
Rob Whitney – State Water District No. 02

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, October 16, 2018 10:14 AM
To: Whitney, Rob; Grimm, Angie; Marston, Sascha
Subject: WSB Executed Rental Agreement for Dirks
Attachments: 20181016101001

I have attached the agreement and cover letter. Please let me know if you have any questions. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 28, 2018

KENTON G DIRKS
33386 MUD FLAT RD
GRAND VIEW ID 83624

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 2-7064, AGREEMENT 276**

*****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. Please note, this water rental is only available for 2018.

A rental fee of \$3,000.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 150.0 acre-feet.

Please send a check for \$3,000.00 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 \$2,700.00 of the rental fee will be paid to the lessor(s) and 10% or \$300.00 will be retained by the Department to offset administrative costs.

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

Sincerely,


J. B. Cudd
Water Supply Bank

Enclosure

c: IDWR Front Desk

Betts, David

From: Whitney, Rob
Sent: Tuesday, September 25, 2018 1:01 PM
To: Betts, David
Cc: Whitney, Rob; Erling, Jes
Subject: RE: Requesting comments re: Rental Application 1090 (Agreement 276)

David,

Thanks for the chance to review. I have no concerns with approving this rental as proposed.

Thanks, RW

From: Betts, David
Sent: Monday, September 17, 2018 4:53 PM
To: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Subject: Requesting comments re: Rental Application 1090 (Agreement 276)

Hello Rob,

We have been reviewing an application to rent water (1090) for the 2018 irrigation season. I have attached the review memo. Please let me know if you have any comments.

Thanks,

Dave Betts
Water Resource Agent
Water Rights Section
Idaho Department of Water Resources
322 East Front St., PO Box 83720
Boise, ID 83720-0098

Phone: (208) 287-4826
Fax: (208) 287-6700

Betts, David

From: Grimm, Angie
Sent: Monday, September 24, 2018 8:01 AM
To: Betts, David
Subject: RE: Requesting comments re: Rental Application 1090 (Agreement 276)

David,

Good morning! No local area concerns come to mind for this rental. However, you noted on your review memo that the place of use is not subject to a water district. The water used on the place of use (both existing rights and the rental water) is subject to regulation by Water District 02. I would recommend you contact Rob Whitney (WD 02 watermaster) for comments on this rental too. Thank you for the opportunity to comment.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Betts, David
Sent: Thursday, September 13, 2018 1:58 PM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: Requesting comments re: Rental Application 1090 (Agreement 276)

Hello Angie,

We have been reviewing an application to rent water (1090) for the 2018 irrigation season. I have attached the review memo. Please let me know if you have any comments.

Thanks,

Dave Betts
Water Resource Agent
Water Rights Section
Idaho Department of Water Resources
322 East Front St., PO Box 83720
Boise, ID 83720-0098

MEMORANDUM FOR AGREEMENT # 276

To: Water Right 2-7064

From: Dave Betts

Date: September 17, 2018

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Kenton G. Dirks submitted an Application to Rent Water which was received on May 01, 2018. The applicant requested a start date of May 01, but indicated that the application should be processed as soon as possible.

The applicant requested a 5 year rental contract using water from the Snake River. The water would be diverted by the Bybee Lateral Water Users' canal which is the same diverting works for the overlapping water rights. The applicant has completed previous rental agreements in 2011 and in 2012 (through 2016). This application proposes to irrigate 24 of the 70 acres identified in the previous rental agreements.

The majority of the rentals for the 2018 season had been processed when this application was received. The available water for the proposed use is limited to the 2018 contract year. The review staff selected Water Right 2-7064 because it shares the same point of diversion as the water rights that overlap with the rental place of use, and the water rights that were used for the 2011 and 2012 agreements.

Mr. Dirks stated in the application to rent that an application for the transfer of 6 acres of irrigation had been submitted at the same time, but did not identify the associated water rights. Before proceeding with the review the application for transfer had to be identified. On July 27th, application no. 82327 was denied with a preliminary order, after the applicant failed to respond to requests for additional information to resolve concerns regarding enlargement of use.

Because the transfer was denied, this review proposes that the rental agreement should offer enough water for 30 acres of irrigation in order to fulfill the desired use. The handwritten formula at the bottom of the map submitted with the application to rent demonstrates the dependence on the full 30 acres: "70 acc. total minus 40 moved within the PPU + 6 acc. = 24 rented". Landsat imagery indicates that 70 acres of the parcel containing the rental place of use have been irrigated by a pivot during the 2018 season. Landsat imagery also confirms that the overlapping water rights can only provide water for 40 of the 70 irrigated acres. The remaining 30 acres were to be supplied by the transfer and the rental.

AUTHORITY TO FILE: Mr. Dirks signed the application. The applicant does not own the place of use. According to tax parcel information, the property belongs to Jack Post. Authorization to access the place of use was not attached to the application to rent.

Although explicit authorization to the place of use was not provided, the decision to move forward with this review is based on the following:

- The application included a copy of an Assignment of Carriage Right Agreement for a shared use of the diverting works. The agreement is between the applicant (Dirks) and the property owner (Post), with consent from the Bybee Lateral Water Users Association.
- The place of use in this application overlaps with the places of use for previous rental agreements with Mr. Dirks that were made in 2011, and 2012 (through 2016).

- The irrigation system for the place of use is a single pivot, which has been in place for the previous agreements. More than half of the area irrigated by the pivot belongs to the applicant, and the remainder of the property belongs to Mr. Post.
- Landsat imagery indicates that the full pivot area has already been irrigated during this requested rental season (2018).

WATER RIGHT VALIDITY: The validity of the water right to be rented is not a concern. 2-7064 was placed in the Water Supply Bank in 1999. According to satellite imagery, the original place of use has not been irrigated since the beginning of the lease.

INJURY TO OTHER WATER RIGHTS: Injury to other water rights is not a concern. The point of diversion of the rented water will not change if the application is approved.

ENLARGEMENT OF USE: The applicant incorrectly lists the water rights that overlap with the rental place of use. Only two water rights (2-10316 & 2-10545) directly overlap, which belong to the property owner (Post). Three more water rights (2-4026, 2-10542, & 2-10543) have places of use that include the remainder of the pivot area, all of which belong to the applicant.

The rental agreement, if approved will have a condition limiting the combined water use to the standards for irrigation of 0.02 cfs/acre and 4.5 AF/acre. This condition will eliminate enlargement concerns due to uncertainties in the combined limits of the water rights in the remaining portion of the pivot area. The water rights that overlap with the other portion of the pivot area (2-4026, 2-10542, & 2-10543) may not be limited to 4.5 AF/acre or less.

The combined limit condition for the rental agreement is consistent with the combined limits of the overlapping water rights and the rental request.

Water Right	Diversion Rate (cfs)	Volume (AF)	Total Acres	Acre Limit	calculated cfs/acre	calculated AF/acre
2-10545	0.54	165.4	80	27	0.02	6.1
2-10316	1.60	320.0	160	80	0.02	4.0
Sum Total	2.14	485.4	240	107	0.02	4.5
Combined Limits				107	0.02	4.5

Rental Request	Diversion Rate (cfs)	Volume (AF)	Total Acres	Acre Limit	calculated cfs/acre	calculated AF/acre
	0.48	108	24	24	0.02	4.5

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

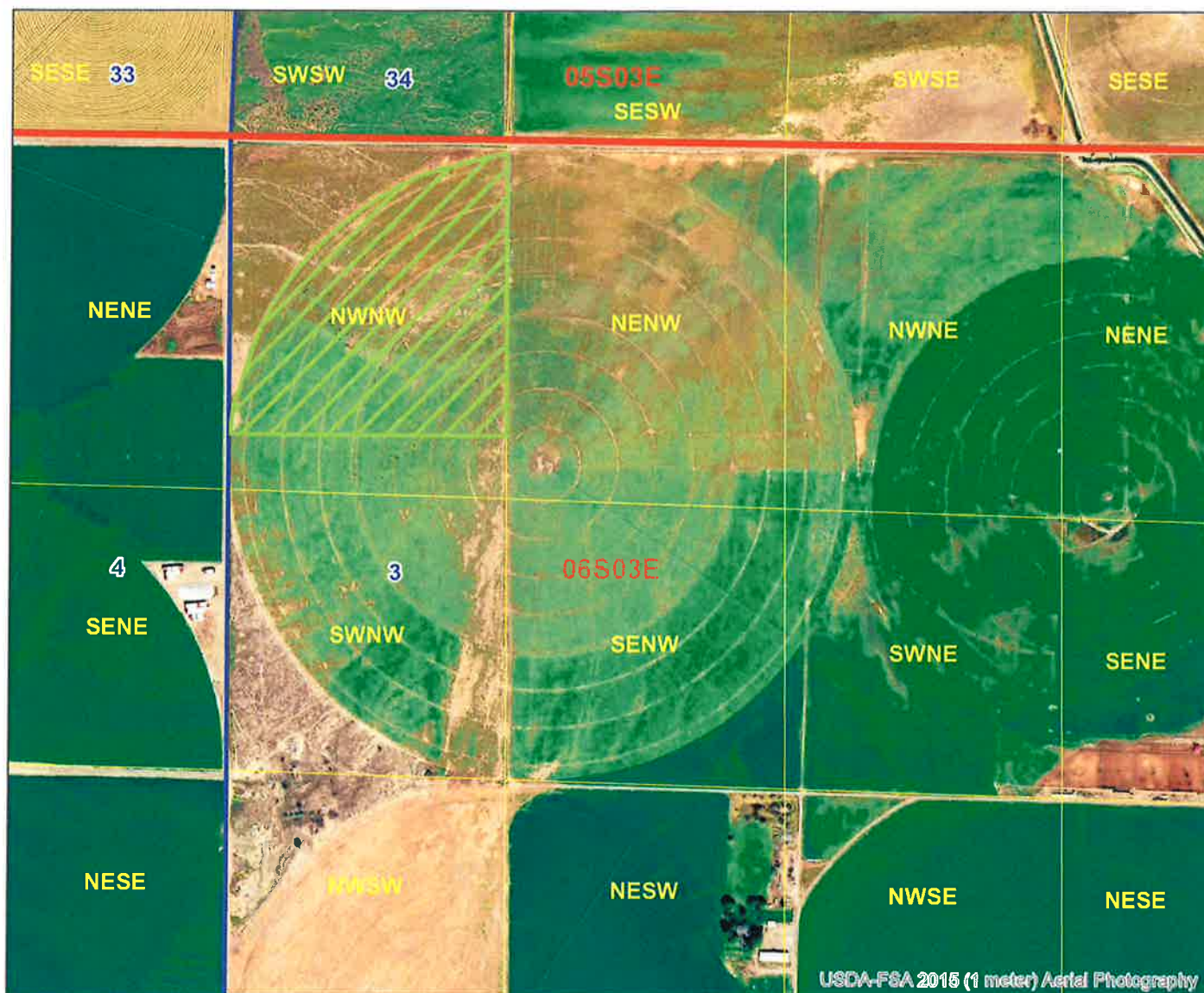
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: There are no concerns about the efficiency of the diversion system or the water use proposed by this application.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The point of diversion belongs to Water District 2. Additional comments were requested from IDWR regional staff and the Watermaster.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 276

Effective until December 31, 2018

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



USDA-FSA 2015 (1 meter) Aerial Photography

-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 500 Feet