



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

August 6, 2018

EDWARD RABLIN
PO BOX 671
FAIRFIELD ID 83327

**RE: RETURN OF RENTAL APPLICATION TO RENT WATER FROM THE WATER
SUPPLY BANK**

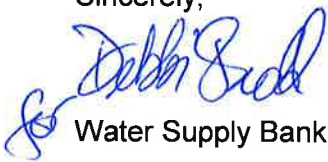
Dear Applicant:

Per your July 16, 2018 request to withdraw your Application to Rent Water from the Water Supply Bank, the Department of Water Resources is returning your application.

Diversions and use of the water rights is not authorized under the proposed agreement since it was not signed or executed by the department and the rental fee was not paid. Any use associated with your proposed rental request is not authorized and, if occurring, will be subject to any necessary enforcement action.

If you wish to rent water in the future, please reapply using new forms on the Department's website at www.idwr.idaho.gov. If you have any questions regarding this matter, please contact this office at (208) 287-4800.

Sincerely,



Water Supply Bank

Enclosure: Rental Application

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
APR 20 2018
DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Edward Rablin

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)

1082

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Edward Rablin
Mailing Address Po Box 671 Fairfield ID 83327
Street City State Zip Code
Email Address rablinclan@gmail.com Phone Number 208 309 0718

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**:

I would like to rent the water to irrigate my 20-29 acres of pasture for cattle. These water rights would possible extend my time of availability and I would be able to irrigate an additional 14 acres that I own.

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>.67</u> CFS	<u>1.3</u> AF	CFS	AF	AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
<u>4/18/2018</u>	<u>4/15/2019</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):

The water will be delivered through our point of diversion down our ditch to my pasture.

- 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	Soldier Cr.	37-22887
		37-22907

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 20-29 (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.

I would like to rent the water rights to increase the time of availability. ~~not have~~ They have a better priority date than my water rights.

- 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:

37-2287, # 37-22907. The requested water rights would extend my irrigation season as they have a better priority date. And this would allow me to better irrigate my ground and irrigate additional ground.

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)
37-678D	irrigation	.11		5.4		.11		5.4
37-678C	irrigation	.56		36		.56		36
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	.67 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**:

I would like to rent these water rights to irrigate my pastures for possibly a longer period of time as they have a better priority date.

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:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

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

- D. Additional Information

DECLARATION

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



Signature of Applicant

Edward Rablin

Printed Name of Applicant

4/18/2018

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

- I would like to rent these
2 water rights to both extend
my time of availability and
irrigate an additional 14 acres
of ground. ~~also~~ I own the other
14 acres and they adjoin my already
irrigatable ground. There are existing
ditches already in place on the
ground.

Ed Rublin

4/18/2018



Rented water will be same as below water right

State of Idaho
Department of Water Resources

Water Right

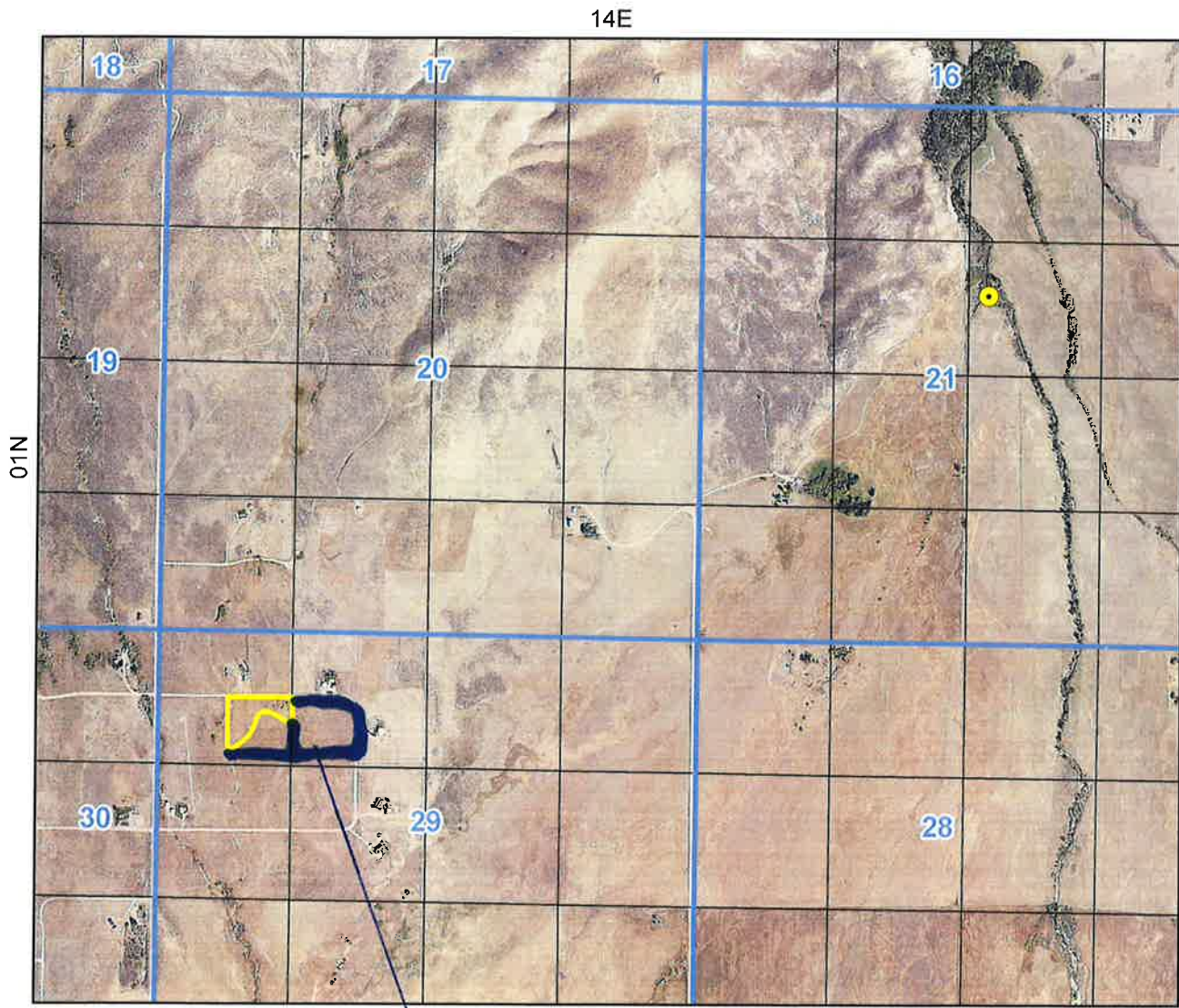
37-22887

IRRIGATION

ED RABLIN

4/18/2018

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.2 0.4 0.8 Miles

This is the additional 14 acres
I could irrigate with the rented
rights. I own this property

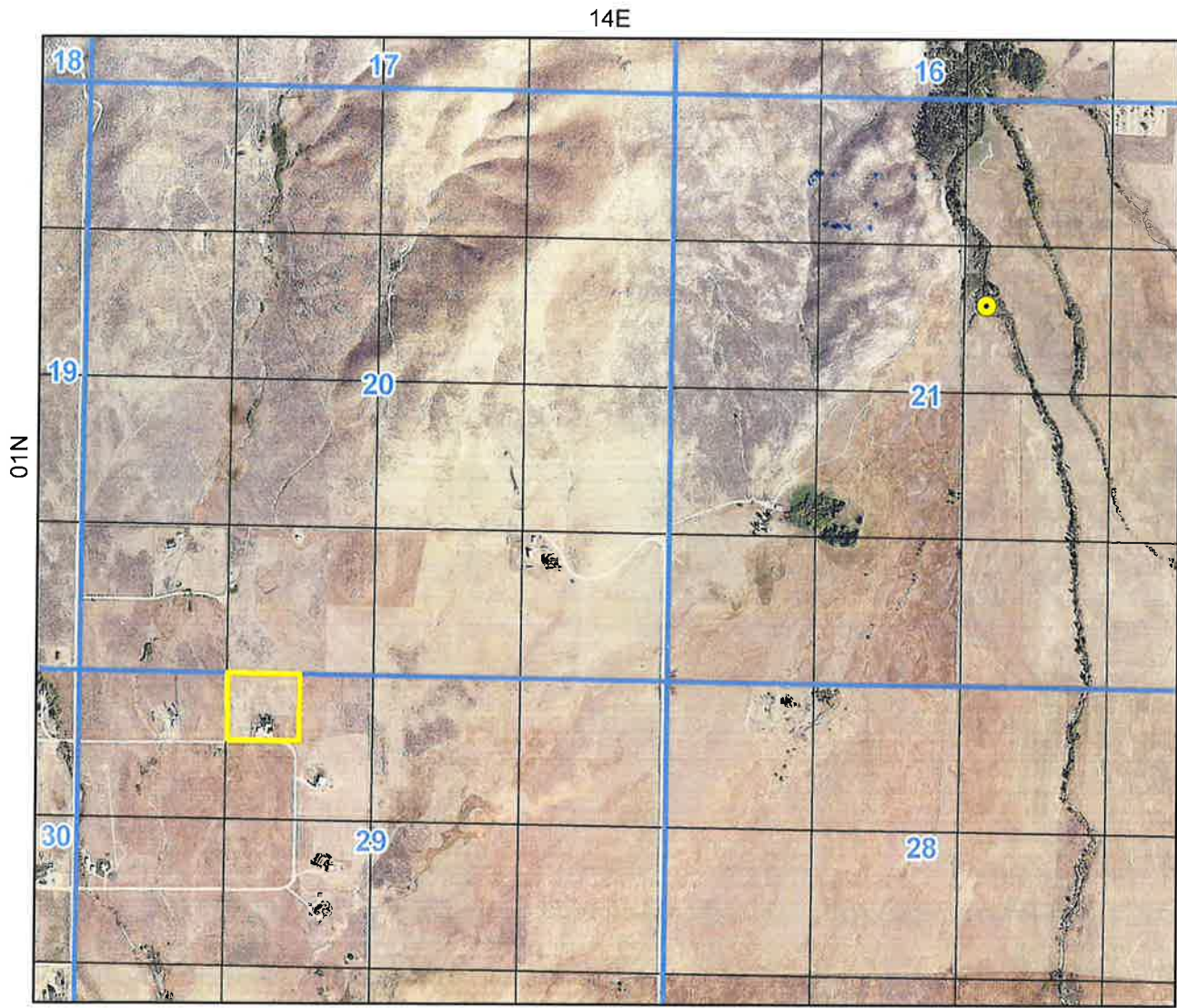


State of Idaho
Department of Water Resources

Water Right
37-22907

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.2 0.4 0.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 17, 2018

EDWARD RABLIN
PO BOX 671
FAIRFIELD ID 83327

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR
WATER RIGHTS 37-678C, 37-678D, 37-680C, and 37-21417**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

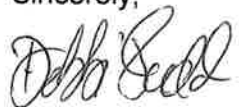
The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on June 29, 2018. The signed agreement and rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$2,898.00 within ten (10) days of this letter to complete processing. Diversion and use of the water rights is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental rights made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,


Sr Water Supply Bank

c: Also via Email to rabinclan@gmail.com

Memorandum

To: File

From: Debbi Judd

Date: July 16, 2018

Re: Water Supply Bank – Edward Rablin rental

Today I sent a ten day letter to Edward Rablin via email and post mail concerning his Water Supply Bank *Proposed* Rental Agreement for water rights 37-678C, 37-678D, 37-680C, and 37-21417. After receiving the email, he called me and stated that he thought the amount of the rental was too expensive and was no longer interested in renting water.



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

June 29, 2018

EDWARD RABLIN
PO BOX 671
FAIRFIELD ID 83327

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-678C, 37-678D, 37-680C, and 37-21417**

*****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 \$2,898.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 144.9 acre-feet.

Please send a check for \$2,898.00 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 \$2,608.20 of the rental fee will be paid to the lessor(s) and 10% or \$289.80 will be retained by the Department to offset administrative costs.

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

Sincerely,



Water Supply Bank

Enclosure

c: IDWR Front Desk

Also via Email to rablinclan@gmail.com

MEMORANDUM FOR AGREEMENT # 257

To: Water Right(s) 37-678C, 37-678D, 37-680C, 37-21417
From: Dave Betts
Date: June 27, 2018
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Edward Rablin submitted an application to rent water that was received on April 20, 2018. Although the desired start date was April 18, 2018, I spoke with Rablin over the phone on May 21 and again on June 22, 2018. On each occasion the applicant wanted to get an estimate of the timeline for completing the review of his application. During the most recent phone call, the applicant expressed concerns that the potential rental for 2018 may be too late if an agreement is not available by the week of June 25.

The application requests irrigation water for the 2018 and 2019 seasons. The rented water will be split between supplementing 13.2 acres that are already irrigated with water rights the applicant owns (37-22887 & 37-22907), and irrigating an additional 14 acres in the same quarter-quarters. The total area for irrigation is 27.2 acres. Although the applicant list the desired number of acres for irrigation as "20 [to] 29 acres" in item 3.I of the application, this review assumes that the total acres for irrigation are the combined sum of 27.2 acres previously listed. These acres correspond with the figures drawn on the maps in the NWNW and NENW quarter-quarters of Section 29, T 01N R 14E that were submitted with the application.

With respect to the supplemental irrigation water, the applicant is seeking more senior water rights in order to maximize his irrigation season by reducing potential curtailment of the current 13.2 acres of irrigated land. The priority dates of the applicant's water rights are 08/03/1883, and the priority dates of the requested water rights are 11/30/1882.

AUTHORITY TO FILE: According to the county tax parcel data, the applicant owns the land for the rental POU.

The proposed point of diversion (POD) and diverting works are the same POD and diverting works used by the applicant's current water rights (37-22887 & 37-22907).

WATER RIGHT VALIDITY: The applicant requested water rights 37-678C and 37-678D to rent. Both water rights are available for requested rental period (through December 31, of 2019). Each of the requested water rights have combined limits with another water right, but the additional water rights have priority dates (04/01/1900) that are junior to the water rights that the applicant already owns.

Water right 37-678C has a combined limit with water right 37-680C for a total of 36.0 acres.

Water right 37-678D has a combined limit with water right 37-21417 for a total of 5.4 acres.

Basin	Sequence	Suffix	Priority Date	Source List	Water Use List	Diversion Rate	Total Acres	Current Owner
37	678	C	11/30/1882	SOLDIER CREEK	IRRIGATION	0.560	36.0	NELSON, JERRY H; NELSON, SUE L
37	680	C	4/1/1900	SOLDIER CREEK	IRRIGATION	0.700	36.0	NELSON, JERRY H; NELSON, SUE L
37	678	D	11/30/1882	SOLDIER CREEK	IRRIGATION	0.110	5.4	GOLDBERG, JON H; WILLIAMS, LARA V
37	21417		4/1/1900	SOLDIER CREEK	IRRIGATION	0.160	5.4	GOLDBERG, JON H; WILLIAMS, LARA V

During the phone call from the watermaster on June 12, 2018, he confirmed that the water rights leased to the Water Supply Bank have not been used and that the leases are valid.

INJURY TO OTHER WATER RIGHTS: The proposed rental would move the POD further downstream along the length of Soldier Creek. In the previously mentioned conversation on June 12, the watermaster said that this section of stream is probably a losing reach, except for irrigation returns. He did say that the local irrigation is predominantly flood irrigation, so some volume of irrigation returns is likely. Whether the stream section is losing or gaining, there is potential for injury to junior water rights between the original and rental PODs. Gains from natural or irrigation return flows after the original point of diversion should be protected and available to junior water rights. For a losing stream, the volume of water reaching the rental POD would be an unreliable measure of the water that is not being diverted by the junior water rights.

Managing curtailment in a manner that would avoid enlargement and prevent injury to other water users would be similar for gaining or losing streams. Regular curtailment by priority dates can occur on this water source, under the direction of the watermaster. The applicant cannot call for specific curtailment of the junior water rights between the original and proposed PODs for the reasons described in the previous paragraph.

ENLARGEMENT OF USE: Because both of the requested water rights have combined limits with another water right, all four water rights will need to be rented to avoid enlargement issues.

There are irrigation water rights that have overlapping boundaries with the proposed place of use. These water rights (37-22887 & 37-22907) have a diversion rate that is limited to 0.02 cfs per acre. To address enlargement concerns, the combined limit for all water rights irrigating the proposed POU will be limited to a diversion rate of 0.54 cfs, which is equal to a limit of 0.02 cfs per acre.

The season of use is the same for both the rental and the lease.

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: A rate of 0.54 cfs is consistent with water conservation standards for irrigation of 0.02 cfs per acre for 27.2 acres.

The applicant is seeking to lease senior water rights, and will have sufficient water as long as the most senior water rights are receiving their duty of water. The calculated rate per acre is slightly lower, 0.016 cfs/acre, than the recommended 0.02 cfs/acre for the most senior water rights requested for this rental. Because the POU for the water rights to be leased is larger (41.4 acres) than the rental POU (27.2 acres), renting the larger number of acres will allow the rental POU to receive an adequate volume and rate to meet the standards for beneficial use. The senior water rights (37-678C and 37-678D) have a combined maximum rate of diversion of 0.670 cfs, well above the 0.54 cfs limit for the proposed beneficial use.

There is no evidence that would indicate that the existing diverting works at the proposed POD would not be able to divert the required rate for beneficial use.

In the phone call from the applicant on June 22, the applicant addressed some of the watermaster's concerns that are documented in the memo from June 18. The applicant said that the rented water should be easy to distinguish from the other water being diverted at the same point of diversion. The applicant said that although there are multiple water rights using the same POD, all of the water rights but one have the same priority date. The one water right with a different priority date is the first to be diverted from shared conveyance network. Because the rented water is senior to all of the water rights diverted at the initial POD, if there is curtailment by priority date there are only two priority dates to account for before the rented water would be the only water being diverted at that POD.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental POD is subject to Water District # 37B.

The watermaster responded to the request for comments by phone, which was followed up via email. The watermaster had concerns with respect to potential conveyance losses due to the change in POD, ensuring that the applicant understands that the available volume of water may not match the rented volume due to diversion methods and potential conveyance losses, and to ask for clarification on the "Injury to Other Water Rights" paragraph from the original version of this memo. The reviewer's response are documented in an additional memo June 18, 2018, as well as edits to this memo itself. The June 18 memo was emailed to the watermaster, who responded the same day. The watermaster had discussed his concerns with the applicant, and no feels that he is "confident that I can sign off on this water bank application."

There were no comments from the regional offices of the IDWR.

Betts, David

From: Rusty Krame <waterdistrict37b@outlook.com>
Sent: Monday, June 18, 2018 4:29 PM
To: Betts, David
Subject: Re: the prosed rental by Rablin

David,

I talked to Ed about this water right. He understands all of the things that I have concerns with. If the water is available I will deliver it. That small 1882 right will be always be available to divert the small amount and Ed will not even request the water unless his pipeline is installed. He has another measuring device sitting in his shop ready to install on the ditch that goes his direction so I am confident that their will be no fighting about water delivered down specifically to him. I feel confident that I can sign off on this water bank application. I don't think we need to put any restrictions or notes on it.

Thank you

Rusty Kramer - Water Master
Water District 37B
208-870-3217

From: Betts, David <David.Betts@idwr.idaho.gov>
Sent: Monday, June 18, 2018 2:20 PM
To: Rusty Kramer (waterdistrict37b@outlook.com)
Subject: Re: the prosed rental by Rablin

Hello Rusty,

This is a draft of a memo that I am writing regarding the conversation we had last week regarding the application to rent water (# 1082) submitted by Edward Rablin.

I hope that I am giving an accurate representation of your concerns that we discussed over the phone. I also tried to clear up the distinction between the types of curtailment that I was trying to describe in the documents that I emailed to you last week.

I'm also waiting for comments from my supervisor on the same information, but please let me know if there is anything I should add or correct in this memo.

Thanks for your assistance. Your response has helped me with my review already.

MEMORANDUM

Date: June 18, 2018
To: Water Supply Bank – Agreement # 257 for Application to Rent # 1082
From: Dave Betts
Re: Comments from Watermaster (WD 37B – Rusty Kramer)

Comments from Watermaster

The watermaster for Water District 37B, Rusty Kramer, called on June 12, 2018 in response to the email requesting comments from the watermaster and the regional office of the IDWR.

One of the watermaster's concerns is the differences between the requested volume of water to rent, and the physical ability to deliver that water. The watermaster is concerned that the applicant, Edward Rablin, may be expecting a more exact volume of water than is physically possible to deliver. The watermaster listed physical constraints to the delivery of the rented water, including:

- Difficulty in segregating the requested 0.67 away from being diverted at the original point of diversion (POD). There is limited precision in adjusting the diverting works at the original POD.
- Water losses due to seepage and evaporation throughout the channel lengths between the original POD and the proposed places of use (POU) of the rental. The distance between the original and proposed PODs is roughly 2.4 miles. The watermaster stated that the lower stream sections of this source, Soldier Creek, are frequently dry before the end of season. There are an estimated 1.5 miles of open ditch between the rental POD and the proposed POU, where additional losses would occur.
- Difficulty in segregating the rental water from the water diverted for the more than 20 other water rights that use the same POD. The watermaster stated that the applicant would probably need to make arrangements with the other water users who share the same diverting works in order to ensure that more of the rented water reaches his property. Unintentional losses to the other water users are expected.

A second concern was the "Injury to Other Water Rights" paragraph in Memorandum for Agreement # 257 (June 6, 2018). The watermaster requested clarification on the potential injury to junior water rights, and the difference between the applicant calling for curtailment and curtailment by date.

The watermaster said that this section of stream is probably a losing reach, except for irrigation returns. He did say that the local irrigation is predominantly flood irrigation, so some volume of irrigation returns is likely. Whether the stream section is losing or gaining, there are possibilities for injury to junior water rights between the original and rental PODs. Gains from natural or irrigation return flows after the original point of diversion should be protected and available to junior water rights. For a losing stream, the volume of water reaching the rental POD would be an unreliable measure of the water that is not being diverted by the junior water rights.

Managing curtailment would be similar for both forms of potential injury. Regular curtailment by priority dates would occur on this water source. Curtailment by priority date would follow the direction of the watermaster. The applicant could not call for specific curtailment of the junior water rights between the original and proposed PODs for the reasons described in the previous paragraph.

The watermaster was also concerned that the applicant would be relying on the supplemental water rights 37-680C and 37-21417, because their priority dates (1900) are junior to many of the other water rights from the same source. Because they are junior water rights, these supplemental water rights would be some of the earliest rights to be curtailed and would not add to the volume of water available to the renter.

The volume of water from the supplemental water rights should not be a concern. The original application did not include these supplemental rights. The applicant calculated the required volume of water for beneficial use based on the two non-supplemental water rights, which have the oldest priority dates. The two supplemental rights were added to the rental agreement as a requirement to avoid enlargement because of the combined limits they share with the water rights originally requested.

Finally, the overall concern from the watermaster was to ensure that the applicant understands all of these limitations to the delivery of the rental water as outlined above. Some of these limitations will be addressed in the conditions of the final agreement offered to the applicant. The applicant should be notified of all of the concerns and limitations described above before he is given opportunity to make a decision on the final rental agreement.

Betts, David

From: Betts, David
Sent: Tuesday, June 12, 2018 10:29 AM
To: 'waterdistrict37b@outlook.com'; Skinner, Corey
Subject: Comments Requested on WSB Rental Agreement No. 257 for Application No. 1082
Attachments: RentalMap_Rablin.pdf; Rental Review Memo Rablin.docx

Please respond by June 20, 2018

Rusty Kramer (WD 37B) and Corey Skinner (IDWR),

A Water Supply Bank lease application has been received and reviewed by the Department of Water Resources concerning water right no(s): 37-678C, 37-678D, 37-680C, & 37-21417. The application is for the 2018 and 2019 irrigation seasons. Prior to finalizing our processing of the rental application, the Bank is soliciting additional comments from the Water District Watermaster and IDWR regional office staff. We are interested in your local or situational knowledge of the proposed rental to augment our standard review. Please let us know whether or not you oppose the approval of this rental agreement, or if there are conditions we should consider amending to the agreement to allow the rental to move forward.

Copies of the rental review memorandum and the map of the proposed change in the points of diversion for the rental are attached for your review.

Please reply with your comments by June 20, 2018. Your insight and prompt reply will help us to finalize the status of this agreement, which is already within the first requested season of use. The Water Supply Bank will render a decision on the application once comments are received from you, or once the deadline listed above has passed.

If you have any questions about this application, please contact me at (208) 287-4826.

Thank you for your assistance,

Dave Betts
Water Resource Agent
Water Rights Section
Idaho Department of Water Resources
Phone: (208) 287-4826

Rental Application No. 1082 - Rablin - 2018

