

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 247

RECEIVED

JUN 14 2018

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

BRITTA HUBBARD
45 APACHE
GUNNISON, CO 81230

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-7059	3/11/1970	GROUND WATER	0.032	5.9	4.5	0.007	1.3
Combined Rental Totals			0.032	5.9	4.5	0.007	1.3

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2020. 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 - 2020: \$11.80 annually

The full fee for the rental of the above-described right(s) is \$11.80 per year for years 2018 - 2020. The rental fee includes an administrative fee of \$11.80 per year for years 2018 - 2020. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 37-7059.

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	0.032	5.9	1.5	0.02	3.9
Combined Total	0.032	5.9	1.5	0.02	3.9

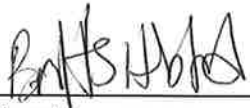
** The authorized water usage reflects a reduction from the water right elements rented, to account for fewer acres being irrigated, to provide a higher per-acre diversion rate and volume.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 247

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:



Signature of Renter

6/9/18

Date

Britta S Hubbard

Printed Name

Manager / Representative

Title

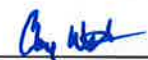
*Title required if signing on behalf of a company or organization or with power of attorney

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, Acting Administrator
Idaho Water Resource Board

Date 6/14/2018

Rental approved by IDWR 

Date 6-14-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 247

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	3NESE	Sec. 11, Twp 04N, Rge 17E,	BLAINE County
GROUND WATER	NWSW	Sec. 12, Twp 04N, Rge 17E,	BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.03 CFS

VOLUME
5.90 AF

SEASON OF USE

Water Right No.	From	To
37-7059	4/15	10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	11													0.1 L3				0.1
04N	17E	12									0.9	0.5							1.4

Total Acres: 1.5

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.

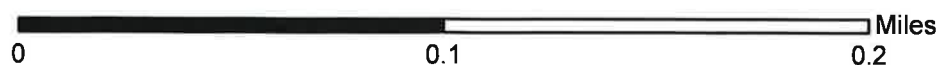
Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2020

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



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



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

RECEIVED

MAR 07 2018

DEPARTMENT OF
WATER RESOURCESApplicant Name: Britta Hubbard

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☐ | ☒ Detailed information on a proposed use of rental water |
| 3F | ☐ | ☒ Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☐ | ☒ Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☐ | ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☒ | ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

37-7059

1051

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Britta Hubbard

Mailing Address 45 Apache Rd. Gunnison CO 81230

Street

City

State

Zip Code

Email Address _____

Phone Number 970-445-8079

- 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 Zach Latham

Professional Title Hydrologist

Organization Brockway Engineering PLLC

Relationship to Applicant Consultant

Mailing Address 2016 Washington St. N Suite #4 Twin Falls, ID 83301

Email Address zach.latham@brockwayeng.com

Phone Number 208-736-8543

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 use.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.03 CFS	5.8 AF	0.03 CFS	5.8 AF	4.5 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/18	8/1/18	☐ 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):

Water is conveyed to rental POU through buried pressurized irrigation system.

- 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
West Well	Ground Water	37-7059, 37-7104
East Well	Ground Water	37-7059, 37-7105

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

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

N/A.

- 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:

No other irrigation water rights are appurtenant to the proposed rental POU.

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)
37-7059	Irrigation	0.03	5.8	4.5		0.03	5.8	4.5
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.03	5.8	4.5
						CFS	AF	AC

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

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

Applicant seeks to rent back 4.5 acres for the irrigation of 1.6 acres of physical land. Low diversion rate associated with 37-7059 necessitates rental of additional acres in order to divert and apply 0.02 cfs per acre.

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**:

N/A.

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:
See previous 2015, 2016 and 2017 WSB rental approvals.

- 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:
N/A.

- 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.
N/A.

- D. Additional Information
N/A.

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

Britta S Hubbard
Printed Name of Applicant

3/1/18
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

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.

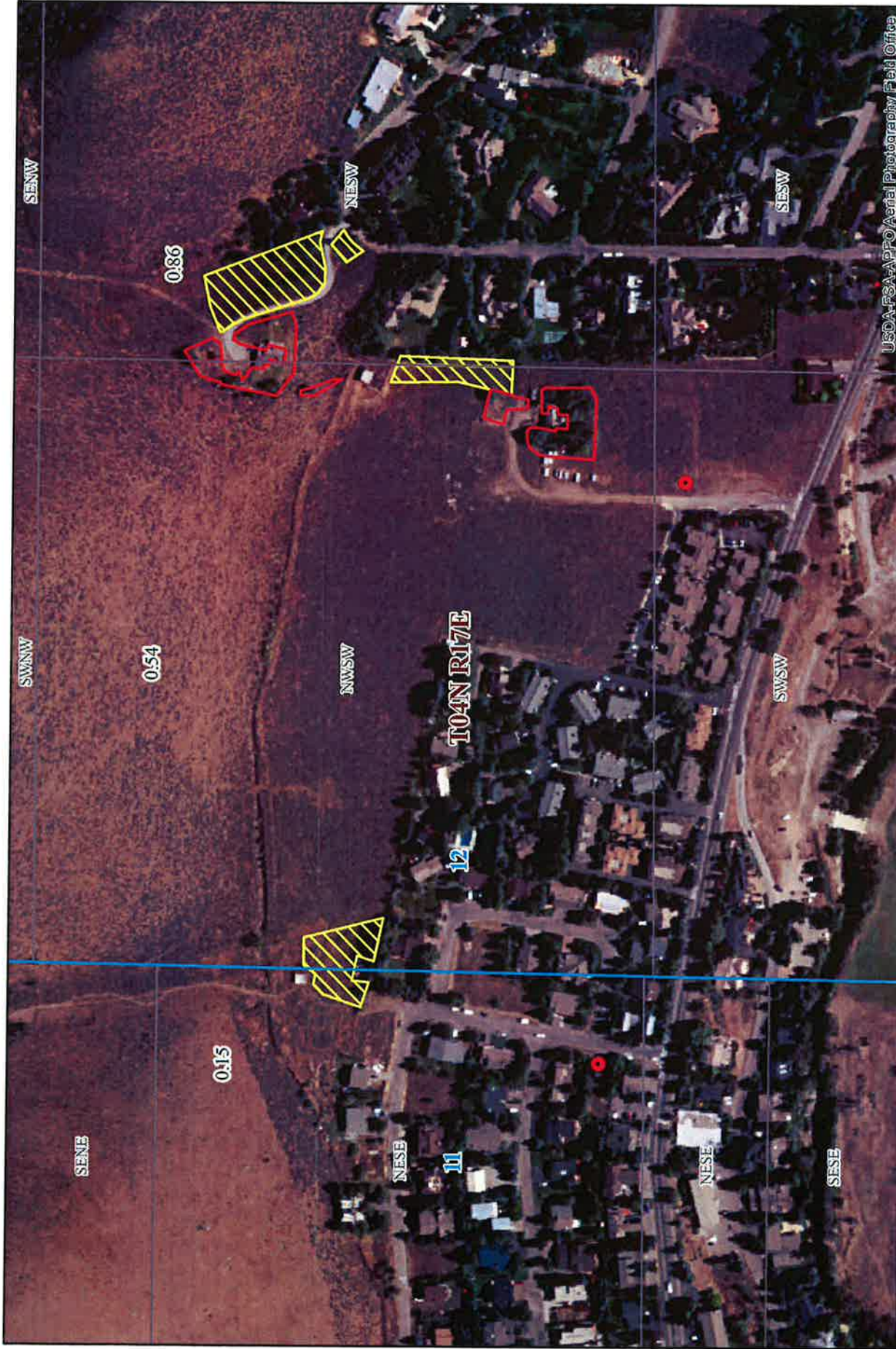
Modeling situations may include:

- 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.



0 100 200 400 Feet

SCHERNTHANNER

WATER BANK RENTAL 2018-20

NAIP 2017 AERIAL

ATTACHMENT #2

- Points of Diversion
- Domestic Use
- ▨ WSB Rental

BROCKWAY ENGINEERING, PLLC.

ICB - Date: 2/14/2018



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 15, 2018

BRITTA HUBBARD
45 APACHE
GUNNISON CO 81230

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-7059**

Dear Renter:

Please find enclosed a receipt in the amount of **\$11.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 5.9 acre-feet of water for irrigation of 1.5 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, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right.

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

Sincerely,

for Water Supply Bank

Enclosures: Receipt No. C105239
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37
Zach Latham – Brockway Engineering
Galena GWD



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 6, 2018

BRITTA HUBBARD
45 APACHE
GUNNISON CO 81230

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-7059**

*****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 **\$118.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 5.9 acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$11.80.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$11.80 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham – Brockway Engineering

Memorandum

To: Water Rights 37-7059

From: Remington Buyer

Date: May 8, 2018

Re: Water Supply Bank Rental Application 1051

Purpose/Narrative: This rental application was received on March 7, 2018, and was submitted by the applicant's representative, Brockway Engineering. The intended use of water requested for authorization under this rental is irrigation. The sole water right requested to be rented is 37-7059. The lands that will be irrigated are pastures and fields associated with residential properties due west of the City of Ketchum. The changes to the water use elements of right 37-7059 proposed to be accomplished via this rental are an authorization to irrigate 0.7 acres in the NESW QQ of Section 12, Township 04N, Range 17E, as well as the relocation of one of the points of diversion from a well in the NWSW QQ of Section 12, Township 04N, Range 17E, to a well in the SWSW QQ of Section 12, Township 04N, Range 17E.

Authority to File: Applicant is listed as Britta Hubbard, who is a co-owner of water right 37-7059, and who is authorized to conduct Water Supply Bank lease and rental transactions on behalf of the other owners of water right 37-7059. The locations where water will be diverted and used for irrigation under this rental are lands owned by Heidi and Liesl Schernthanner, who are also co-owners of water right 37-7059. No concerns about authorities to file and use water under this rental.

Water Right Validity/Forfeiture Evaluation: Applicant is requesting to rent a portion of water right 37-7059 that is leased into the Bank (WSB Contract No. 795) and available for rental. Three separate places of use (POUs) are proposed to be irrigated under this rental. Two of the three rental POUs are adjacent to domestic residences in the NWSW and NESW QQs of Section 12, which have previously been identified as the two domestic residences authorized to be irrigated under water right 37-7105 (which is diverted from one of the two wells authorized to water right 37-7059). Two domestic irrigation places of use of 0.5 acres each are also identified on the map submitted with this rental. Portions of the 0.5 acre domestic irrigation POUs under 37-7105 overlap with the irrigation POU for 37-7059, indicating that there is some overlap of acres that can be irrigated under 37-7059 or 37-7105.

Because water right 37-7059 has up until recently been fully leased into the Bank (and thus protected from forfeiture), an overlap of irrigation POUs for water rights 37-7059 and 37-7105 does not call into question the validity of the irrigation extent of either water right. However, it does provide evidence that the full valid extent of irrigation authorized under water right 37-7059 can be called into question if portions of 37-7059 are not leased into the Bank, and thereafter, irrigable acres within the POU of 37-7059 are also found to have been irrigated with water diverted under other water rights. Specifically, the validity of the limited unleased irrigation portion of water right 37-7059 is questionable if in the future it is determined that some or all of the unleased 1.1 acres also authorized to be irrigated under domestic water right 37-7104.

Injury Evaluation/Rentability: The rental place of use is due north of Ketchum. The source of water for this rental is ground water from the Wood River Valley aquifer. The water rights requested to satisfy this rental (37-7059 and 37-8499) both authorize diversions of ground water from the Wood River Valley aquifer, south of the rental location, closer to the city of Ketchum. The points of diversion changes proposed via this rental could change ground water and surface flows in the Wood River Valley, north of Ketchum, however it

is not expected that this ground water rental will significantly contribute to changes in Wood River surface water flows south of Ketchum. No injury is immediately apparent via this rental.

Enlargement of Use/Rentability: Water right 37-7059 authorizes irrigation at a per-acre rate of 0.007 cfs and a per-acre volume of 1.3 afa. The rental proposes to utilize this water right to irrigate 1.5 acres with a diversion rate of 0.02 cfs/ac. To avoid enlargement in water use, 4.5 acres of water right 37-7059 is being rented, to provide the proportionate rate and volume required to satisfy the rental request. No concerns about enlargement.

Local Public Interest: No information indicates this rental is contrary to any local public interests.

Beneficial Use/Conservation of Water Resources: There are no concerns about the efficiency of the diversion system or water uses proposed under this rental.

Department/Watermaster Comments: Watermaster and regional comments will be requested.

Water Supply Bank Evaluation: Conditional upon positive watermaster and regional comments, it is recommended that this rental be approved.

Buyer, Remington

From: Buyer, Remington
Sent: Friday, May 18, 2018 2:35 PM
To: 'watermanager@cableone.net'; Skinner, Corey
Cc: Webster, Clay
Subject: Wood River Valley Rentals
Attachments: Lease Review Memo.docx; Lease Contract 780.docx; Lease_Map_780.pdf; Lease Contract 795.docx; Lease_Map_795.pdf; Lease Contract 796.docx; Lease_Map_796.pdf; Lease Contract 797.docx; Lease_Map_797.pdf; Lease Contract 798.docx; Lease_Map_798.pdf; Lease Contract 799.docx; Lease_Map_799.pdf; Report, Rental Agreement.docx; Rental Review Memo.docx; RentalMap.pdf; RentalMap.pdf; Rental Agreement.docx; Rental Review Memo.docx; Rental Agreement.docx; Rental Review Memo.docx; RentalMap.pdf; Rental Agreement.docx; Rental Review Memo.docx; RentalMap.pdf; Rental Agreement.docx; RentalMap.pdf; Rental Review Memo.docx

Corey, Kevin,

In recent years, Brockway Engineering has submitted a number of Water Supply Bank lease and rental applications for water right 37-7059, to satisfy rental requests for various water users in the Ketchum area. This year, Brockway proposed dividing water right 37-7059 up into six parts, to satisfy five different rentals.

Attached is a single lease review memo for water right 37-7059, along with six lease draft contracts and associated lease maps. Also included are rental review memos, maps and draft rental agreements for five different rentals of the leased portions of water right 37-7059.

Thank you for taking time to consider the contents of this email. Please do advise if you have any questions, comments or concerns about the proposed lease/rentals.

Thank you,

Remington
(208) 287-4918

p.s. – Sorry in advance for clogging up your inbox with so many attachments!

Memorandum

To: Water Rights 37-7059, 37-7104, 37-7105

From: Remington Buyer

Date: May 8, 2018

Re: Water Supply Bank Rental Application 1051

Purpose/Narrative: This rental application was received on March 7, 2018, and was submitted by the applicant's representative, Brockway Engineering. The intended use of water requested for authorization under this rental is irrigation. The sole water right requested to be rented is 37-7059. The lands that will be irrigated are pastures and fields associated with residential properties due west of the City of Ketchum. The changes to the water use elements of right 37-7059 proposed to be accomplished via this rental are an authorization to irrigate 0.7 acres in the NESW QQ of Section 12, Township 04N, Range 17E, as well as the relocation of one of the points of diversion from a well in the NWSW QQ of Section 12, Township 04N, Range 17E, to a well in the SWSW QQ of Section 12, Township 04N, Range 17E.

Authority to File: Applicant is listed as Britta Hubbard, who is a co-owner of water right 37-7059, and who is authorized to conduct Water Supply Bank lease and rental transactions on behalf of the other owners of water right 37-7059. The locations where water will be diverted and used for irrigation under this rental are lands owned by Heidi and Liesl Scherthanner, who are also co-owners of water right 37-7059. No concerns about authorities to file and use water under this rental.

Water Right Validity/Forfeiture Evaluation: Applicant is requesting to rent a portion of water right 37-7059 that is leased into the Bank (WSB Contract No. 795) and available for rental. Three separate places of use (POUs) are proposed to be irrigated under this rental. Two of the three rental POUs are adjacent to domestic residences in the NWSW and NESW QQs of Section 12, which have previously been identified as the two domestic residences authorized to be irrigated under water right 37-7105 (which is diverted from one of the two wells authorized to water right 37-7059). Two domestic irrigation places of use of 0.5 acres each are also identified on the map submitted with this rental. Portions of the 0.5 acre domestic irrigation POUs under 37-7105 overlap with the irrigation POU for 37-7059, indicating that there is some overlap of acres that can be irrigated under 37-7059 or 37-7105.

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is not expected that this ground water rental will significantly contribute to changes in Wood River surface water flows south of Ketchum. No injury is immediately apparent via this rental.

Enlargement of Use/Rentability: Water right 37-7059 authorizes irrigation at a per-acre rate of 0.007 cfs and a per-acre volume of 1.3 afa. The rental proposes to utilize this water right to irrigate 1.5 acres with a diversion rate of 0.02 cfs/ac and a diversion volume of 4.0 afa/ac. To avoid enlargement in water use, 4.5 acres of water right 37-7059 is being rented, to provide the proportionate rate and volume required to satisfy the rental request. No concerns about enlargement.

Local Public Interest: No information indicates this rental is contrary to any local public interests.

Beneficial Use/Conservation of Water Resources: There are no concerns about the efficiency of the diversion system or water uses proposed under this rental.

Department/Watermaster Comments: Watermaster and regional comments will be requested.

Water Supply Bank Evaluation: Conditional upon positive watermaster and regional comments, it is recommended that this rental be approved.