

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

WATER SUPPLY BANK RENTAL AGREEMENT No. 236

AMENDED

This is to certify that:

TERRY AND JACKIE CAROTHERS
PO BOX 331
GRAND VIEW, ID 83624

RECEIVED

JAN 22 2019

DEPARTMENT OF
WATER RESOURCES

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
2-10471	2/25/1963	SNAKE RIVER	0.66	132	33	0.02	4.0
Rental Totals			0.66	132	33	0.02	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2019. 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 - 2019 \$2,640.00 annually

The full fee for the rental of the above-described right(s) is \$2,640.00 per year for years 2018 - 2019. The rental fee includes an administrative fee of \$264.00 per year for years 2018 - 2019.

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	0.66	132	33	0.02	4.0
Total	0.66	132	33	0.02	4.0

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 236

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

1-15-19
Date

Terry C Carothers
Printed Name

owner
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 1/27/2019

Rental approved by IDWR 
Date 1-27-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 236

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

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

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.66 CFS

VOLUME
132 AF

SEASON OF USE

Water Right No. **From** **To**
2-10471 3/1 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	
05S	03E	22													0.2				0.2
05S	03E	23							1.7		1.3	17.8		12.0					32.8

Total Acres: 33.0

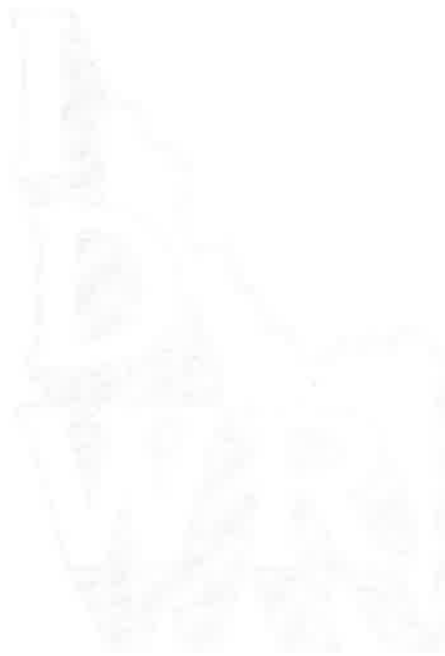
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/8/2008.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 236

10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 03 2018

WATER SUPPLY BANK RENTAL AGREEMENT No. 236

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

TERRY AND JACKIE CAROTHERS
PO BOX 331
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:

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Annual Rental Fee:

2018 - 2019 \$2,600.00 annually

The full fee for the rental of the above-described right(s) is \$2,600.00 per year for years 2018 - 2019. The rental fee includes an administrative fee of \$260.00 per year for years 2018 - 2019.

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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	0.66	132	33	0.02	4.0
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Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 236

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:

Terry C Carothers
Signature of Renter

3-31-18
Date

Terry C Carothers
Printed Name

3-31-18
Title

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

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By Brian Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 4/3/2018

Rental approved by IDWR Chy Wisa

Date 4-3-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 236

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

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

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.66 CFS

VOLUME
132 AF

SEASON OF USE

Water Right No.	From	To
2-10471	3/1	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	
05S	03E	22													0.2				0.2
05S	03E	23							1.7		1.3	17.8		12.0					32.8

Total Acres: 33.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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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.
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 236

10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.



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

RECEIVED

MAR 19 2018

DEPARTMENT OF
WATER RESOURCESRECEIVED
FEB 07 2018DEPARTMENT OF
WATER RESOURCESApplicant Name: Terry and Jackie Carothers

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 <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☐	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)

1013
1059

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Terry and Jackie Carothers

Mailing Address PO Box 331 Grand View ID 83624

Street

City

State

Zip Code

Email Address _____

Phone Number 208-834-2226

888-1609

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:

To provide water for irrigation purposes. Will divert water from the Grand View Mutual to the place of use. Have been getting water from Grand View Mutual under water right 2-10168, 2-10170, and 2-10172 until 2017--just found out those rights got disallowed in the SRBA.

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)
0.66 CFS	130 AF	0.66 CFS	130 AF	33 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?	
3/1/2018	3/15/2018	☐ 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):

Grandview Mutual headgate, canal, to place of use

- 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
T5SR4E Sec 34 NWSW	Snake River	all Grandview mutual water rights

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 33 (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:
none

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

- 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:
Will be submitting an application for permit

- 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.
E2017-1139

- 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.

Terry C Carothers
Signature of Applicant

Terry C Carothers
Printed Name of Applicant

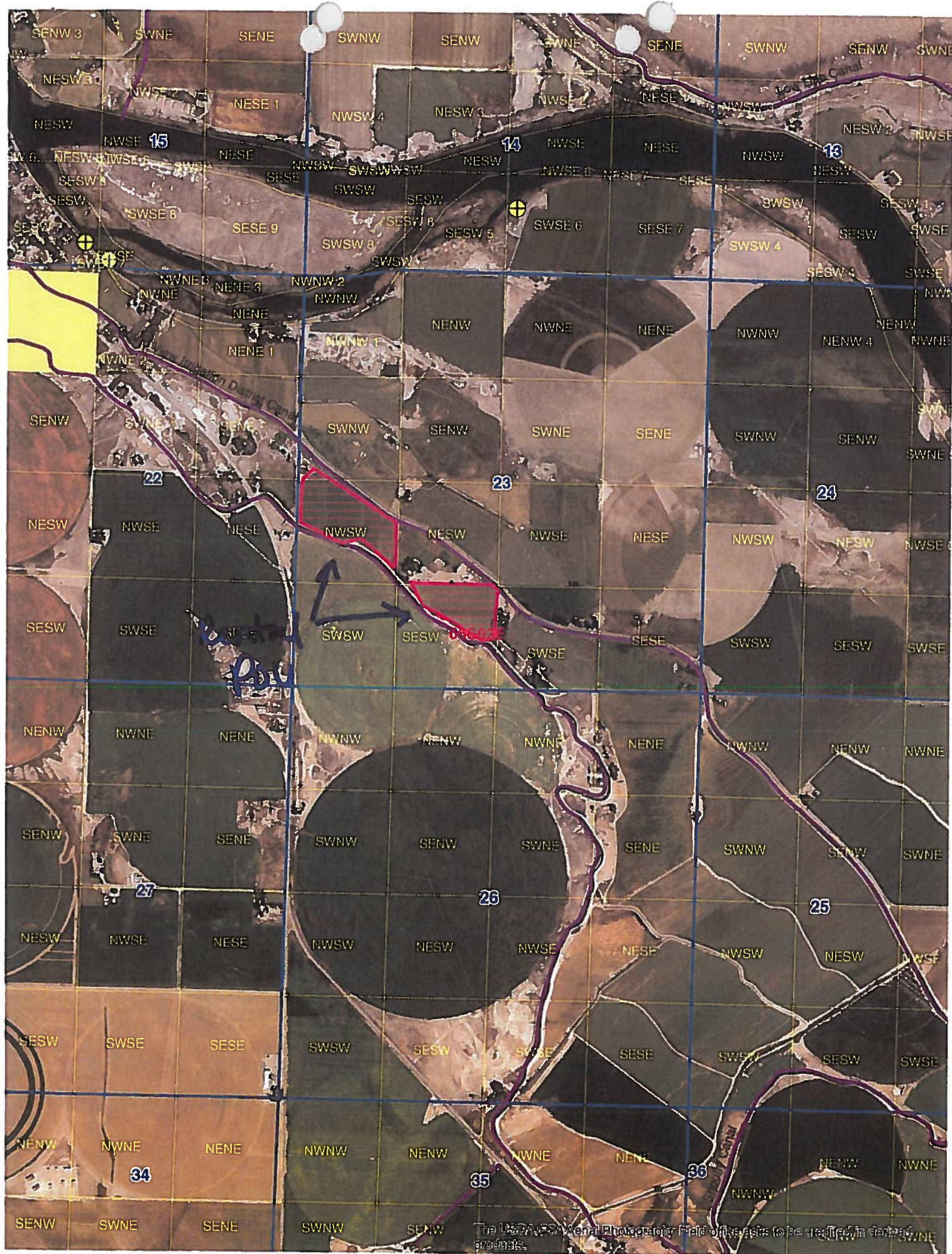
2-7-17
Date

Signature of Representative

Printed Name of Representative

Date

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





ATTN Rob

Grand View Mutual Canal Company
PO Box 9
Grand View, Idaho 83624
208 834-2350

2 pages w/This one

RECEIVED
MAR 19 2018

DEPARTMENT OF
WATER RESOURCES

February 13, 2018

Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720

Re: Rental Water from the Water Supply Bank
Terry and Jackie Carothers

Dear Idaho Department of Water Resources,

The Grand View Mutual Canal will honor the request of Terry Carothers to deliver his Rental water through the Grand View Mutual Canal system.

The Grand View Mutual Canal recommends one inch per acre plus and additional half inch for evaporation and ditch loss.

If you have any questions, please contact the Grand View Mutual Canal Company.

Sincerely,



Randy Hipwell
Vice Chairman of the Board
Grand View Mutual Canal Company



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 28, 2019

TERRY AND JACKIE CAROTHERS
PO BOX 331
GRAND VIEW ID 83624

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 2-10471, AMENDED AGREEMENT 236**

Dear Renter:

Please find enclosed a copy of a fully executed *Amended* Water Supply Bank Rental Agreement in connection with the rental of 132.0 acre-feet of water for irrigation of 33.0 acres during 2019. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement. This *Amended* Rental Agreement corrects the fee listed on the previous Rental Agreement dated April 3, 2018. The fee for this rental was received January 17 2019.

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

Sincerely,



For Water Supply Bank

Enclosure: Rental Agreement (copy)

c: Nick Miller – IDWR Western Regional Office
Rob Whitney – State Water District No. 02
Jes Erling - IDWR
Cherie Palmer - IDWR Compliance Bureau



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

April 4, 2018

TERRY AND JACKIE CAROTHERS
PO BOX 331
GRAND VIEW ID 83624

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 2-10471**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,600.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 132.0 acre-feet of water for irrigation of 33.0 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 \$2,340.00 of the rental fee will be paid to the lessor(s) and 10% or \$260.00 will be retained by the Department to offset administrative costs.

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

Sincerely,


for Water Supply Bank

Enclosures: Receipt No. C104902
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angie Grimm – IDWR Western Regional Office
Rob Whitney – State Water District No. 02
Grandview Mutual Canal Co
Cherie Palmer - IDWR Compliance Bureau E2017-1139



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

March 29, 2018

TERRY AND JACKIE CAROTHERS
PO BOX 331
GRAND VIEW ID 83624

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 2-10471**

*****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 \$2,600.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 132.0 acre-feet. 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 \$2,600.00 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 \$2,340.00 of the rental fee will be paid to the lessor(s) and 10% or \$260.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk

Memorandum

To: Water Right File 2-10471
From: Rachael Smith
Date: March 26, 2018
Re: WSB Rental Application 1059

PURPOSE/NARRATIVE:

On February 7, 2018 an application to rent water from the Water Supply Bank (WSB) was received from Terry and Jackie Carothers requesting rental of 33 acres for irrigation. The application states that they had been using water from Grand View Mutual Canal Company under water rights 2-10168, 2-10170 and 2-10172 until 2017 when they received a Notice of Violation from IDWR and found out that the rights were disallowed in the SRBA. The rental point of diversion (POD) is owned by Grand View Mutual Canal Company and diverts from the Snake River at NWSW T5SR4E Section 34.

IDWR's Western Region has a pending water right permit application for the same property the rental POU will serve. The application for permit is assigned # 61-12328 currently, but will be re-numbered to a basin 02 water right number since the proposed diversion is from the Snake River. The application was received in February 2018. A WSB rental was recommended by the Regional office as the best solution for the Carothers at this time.

AUTHORITY TO FILE:

Tax Lot information shows Terry and Jackie Carothers as the current owners of the property for the rental place of use (POU). Water is provided to the POU by Grand View Mutual Canal Company's POD and canals from the Snake River. Documented consent from Grand View Mutual Canal Company to deliver water to the POU was received on March 19, 2018.

WATER RIGHT VALIDITY:

Water right 2-10471 will be rented. This right has been in the WSB since 2011 and there are no concerns about its validity.

INJURY TO OTHER WATER RIGHTS:

The leased water right POD is located upstream of the rental POD. Injury is not apparent through the movement of the water right downstream to the proposed rental location.

ENLARGEMENT OF USE:

The lease POU will not continue to receive water so there are not concerns of enlargement. No overlapping rights at the rental POU were evident. Water right 2-10471 authorizes a diversion rate of 0.02 cfs/acre, as requested by the lease application. Maintaining a 0.02 cfs/acre diversion rate on the rental will avoid enlargement in water use.

The Administrative Area for the rental POU is 3/1 – 11/15, but the season of use will remain consistent with water right 2-10471 which is 4/1 to 10/31. The condition from the leased water right allowing the period of use to extend to a beginning date of 3/1 under certain conditions will carry to the rental agreement.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rental is located in Water District 02. Because the rental was submitted in response to an enforcement action, comments were requested from Cherie Palmer, IDWR's Enforcement Coordinator, along with Water District 02 Watermaster Rob Whitney, and Angie Grimm, Water Rights Supervisor at IDWR's Western Region.

Smith, Rachael

From: Grimm, Angie
Sent: Monday, March 26, 2018 11:24 AM
To: Smith, Rachael; Whitney, Rob; Palmer, Cherie
Cc: Hummer, Phill
Subject: RE: WSB Rental Application 1059

Rachael,

Good morning! I apologize for not getting back to you sooner on this one, I was out of the office at CPM most of last week. No local area concerns come to mind on this rental, but I do want to mention to you Western has a pending water right permit application for the same property the rental POU will serve. The application for permit is assigned # 61-12328 currently, but will be re-numbered to a basin 02 water right number since the proposed diversion is from the Snake River. The application was received in February. I do not believe it is likely to be approved, due to the fact that it proposes irrigation directly from the Snake River in the Trust Water area (presumed to cause of significant reduction per IDAPA 37.03.08.45.02.d). Therefore, I think a WSB rental is the best solution for the Carothers. I just thought it might be worth mentioning this application to you though, just for informational purposes. Phill Hummer is assigned to process this application so I have cc'd him on this email so he is aware of the pending rental application on the same land.

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: Smith, Rachael
Sent: Tuesday, March 20, 2018 1:08 PM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>; Whitney, Rob <Rob.Whitney@idwr.idaho.gov>; Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>
Subject: WSB Rental Application 1059

Good afternoon,

Attached is a draft rental agreement, review memo and map for a Basin 57 rental which addresses NOV E2017-1139.

Please let me know if you have any comments, questions or concerns.

Thank you,
Rachael

Smith, Rachael

From: Whitney, Rob
Sent: Tuesday, March 20, 2018 3:11 PM
To: Smith, Rachael
Cc: Palmer, Cherie
Subject: RE: WSB Rental Application 1059

Thank you Rachael! I left a message with Terry to make sure he returns the signed agreement with the check for \$2600. Please let me know if it doesn't show up soon so I can follow up with Terry if needed.

RW

From: Smith, Rachael
Sent: Tuesday, March 20, 2018 1:08 PM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>; Whitney, Rob <Rob.Whitney@idwr.idaho.gov>; Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>
Subject: WSB Rental Application 1059

Good afternoon,

Attached is a draft rental agreement, review memo and map for a Basin 57 rental which addresses NOV E2017-1139.

Please let me know if you have any comments, questions or concerns.

Thank you,
Rachael