

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 167**

RECEIVED

SEP 26 2017

DEPARTMENT OF  
WATER RESOURCES

This is to certify that:

FALLS VIEW CEMETERY  
2936 MCKINLEY RD  
AMERICAN FALLS, ID 83221

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<br>Right No.            | Priority<br>Date | Source       | Diversion<br>Rate<br>(CFS) | Diversion<br>Volume<br>(AF) | Acres<br>(AC) | Rate Per<br>Acre<br>(CFS/AC) | Volume<br>Per Acre<br>(AF/AC) |
|-------------------------------|------------------|--------------|----------------------------|-----------------------------|---------------|------------------------------|-------------------------------|
| 35-14453                      | 9/5/1972         | GROUND WATER | 0.190                      | 74.70                       | 18.70         | 0.010                        | 4.00                          |
| 35-14454                      | 9/5/1972         | GROUND WATER | 0.070                      | 22.20                       | 5.60          | 0.010                        | 4.00                          |
| 29-2284                       | 3/2/1949         | GROUND WATER | 0.060                      | 42.40                       |               |                              |                               |
| 29-2301                       | 4/24/1951        | GROUND WATER | 0.050                      | 37.60                       |               |                              |                               |
| <b>Combined Rental Totals</b> |                  |              | <b>0.370</b>               | <b>176.90</b>               | <b>24.30</b>  | <b>0.015</b>                 | <b>7.28</b>                   |

**Term of Rental:** This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2017.

**Annual Rental Fee:**

2017: \$3007.30

The full fee for the rental of the above-described right is \$3,007.30 for 2017, which includes an administrative fee of \$300.73.

**Total Water Use Authorized Under Rental Agreement**

| Beneficial Use | Diversion<br>Rate<br>(CFS) | Diversion<br>Volume<br>(AF) | Acres<br>(AC) | Rate/Acre<br>(CFS/AC) | Volume/Acre<br>(AF/AC) |
|----------------|----------------------------|-----------------------------|---------------|-----------------------|------------------------|
| Irrigation     | 0.370                      | 74.0                        | 18.5          | 0.020                 | 4.00                   |

**\* The authorized rental water usage reflects a reduction from the water right elements being rented from the Bank, to account for additional water right elements which are being rented to satisfy necessary diversion rate and diversion volume amounts.**

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 29-2284

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**WATER SUPPLY BANK RENTAL AGREEMENT**

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:

Chester Taylor  
Signature of Renter

9-10-17  
Date

Chester Taylor  
Printed Name

Sexton  
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 9/27/2017

Rental approved by IDWR Angela

Date 9-27-2017

## WATER USE DETAILS

## Page 3 of 3

Idaho Water Resource Board  
**Water Supply Bank Rental Agreement**

Effective until December 31, 2017

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



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



0 0.1 0.2 Miles

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

MAR 22 2017

DEPARTMENT OF  
WATER RESOURCESAPPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Falls View Cemetery

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

For additional instructions on completing a rental application, visit the Bank's website at [http://idwr.idaho.gov/water\\_supply\\_bank](http://idwr.idaho.gov/water_supply_bank).

## MINIMUM REQUIREMENT CHECKLIST

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

Yes

- ☒ 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)

29-8126

bdo

STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant Falls View Cemetery

Mailing Address 2936 McKinley Road American Falls ID 83221  
Street City State Zip Code  
 Email Address chetdigs@hotmail.com Phone Number 208-226-5417

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 Chester Taylor Professional Title \_\_\_\_\_  
 Organization \_\_\_\_\_ Relationship to Applicant Care Taker  
 Mailing Address \_\_\_\_\_  
 Email Address chetdigs@hotmail.com Phone Number 208-221-0242

**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**:

Rental water will be used to irrigate 25 acre cemetery in American Falls, Power County Idaho.

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

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 0.5 CFS                             | 200 AF                        | 0.02 CFS                             | 200 AF                         | 25 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<br>(month/day/year) | Latest Possible Start Date<br>(month/day/year) | *Mark Desired Rental Duration<br>(Calendar Years) |                            |                            |                            |                                       | **Applicant's preference if rental application cannot be processed prior to the latest possible start? |                                                          |
|----------------------------------------|------------------------------------------------|---------------------------------------------------|----------------------------|----------------------------|----------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| April 15                               | April 15                                       | <input type="checkbox"/> 1                        | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> Process application as soon as possible                            | <input type="checkbox"/> Return application to applicant |

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

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

STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

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

- 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 |
|-----------------|--------------|-------------------------------------------|
| Well and Pump   | Ground water | Idaho Power 29-8126                       |
|                 |              |                                           |
|                 |              |                                           |
|                 |              |                                           |

*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 25 (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:  
NA

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<br>(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) |
| 29-8126                                                                                                                                                                                  | Industrial    | 0.5                  | 200         | NA         |                                                                                                                                | 0.5                              | 200         | 25         |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
| <b>Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank</b> |               |                      |             |            | <b>TOTAL</b>                                                                                                                   | 0.5                              | 200         | 25         |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                | <b>CFS</b>                       | <b>AF</b>   | <b>AC</b>  |

*\*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**:

NA

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**:

Water Right 29-8126 has been used consumptively year round for cooling transformers at the Idaho Power Brady sub-station with total CU in 2016 of 892 AF. Rental will use 200 AF over 200 day irrigation season.

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:

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- 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: Applicant is currently working with Power County to review irrigation water supply options for the future.

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- 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.

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- D. Additional Information

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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

  
Printed Name of Applicant

  
Date

  
Signature of Representative

  
Printed Name of Representative

  
Date

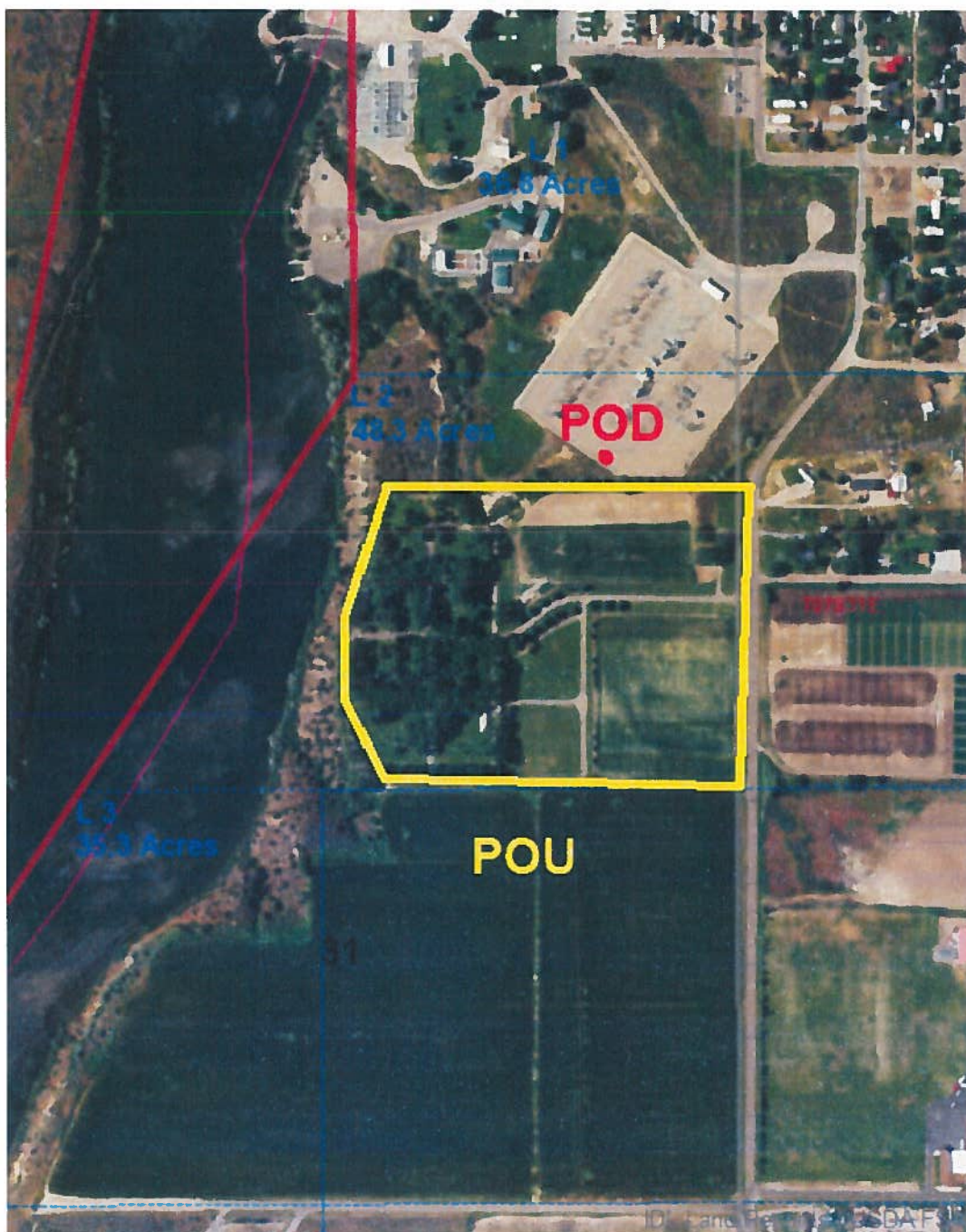
Chairman - Fallsview  
Cemetery Board

Mail to:

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

# Falls View Cemetery

T07S R31E S31 SENE



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

RECEIVED

JUL 28 2017

DEPARTMENT OF  
WATER RESOURCESApplicant Name: FALLS VIEW CEMETERY

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

For additional instructions on completing a rental application, visit the Bank's website at [http://idwr.idaho.gov/water\\_supply\\_bank](http://idwr.idaho.gov/water_supply_bank).

## MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only – Proposed Water Right(s)

STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant FALLS VIEW CEMETERY

Mailing Address P.O. BOX 778 AMERICAN FALLS IDAHO 83211  
Street City State Zip Code  
Email Address CHETDIGS@HOTMAIL.COM Phone Number 208-221-0242

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 WATER THE CEMETERY

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

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| <u>.12 CFS</u>                      | <u>79.6 AF</u>                | <u>CFS</u>                           | <u>AF</u>                      | <u>AC</u>                        |

\* 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<br>Start Date<br>(month/day/year) | Latest Possible<br>Start Date<br>(month/day/year) | *Mark Desired<br>Rental Duration<br>(Calendar Years) |                          |                          |                          |                          | **Applicant's preference if rental<br>application cannot be processed<br>prior to the latest possible start? |                                                             |
|-------------------------------------------|---------------------------------------------------|------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <u>07/21/17</u>                           |                                                   | <input checked="" type="checkbox"/>                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> Process application<br>as soon as possible                               | <input type="checkbox"/> Return application<br>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):

A WELL AT THE IDAHO POWER SUBSTATION IS CURRENTLY IN EXISTANCE, WITH A MAIN LINE TO THE CEMETERY

- 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 |
|-----------------|--------------|-------------------------------------------|
|                 |              |                                           |
|                 |              |                                           |
|                 |              |                                           |
|                 |              |                                           |

*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 \_\_\_\_\_ (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: IRRIGATE CEMTERY GROUND 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:

THERE IS A 2 INCH MAIN LINE TO THE PROPERTY WITH WATER FROM THE CITY OF AMERICAN FALLS, WHICH CAN IRRIGATE APPROXIMATELY 1 1/2 ACRES OF THE CEMETERY

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<br>(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) |
| 29-2284                                                                                                                                                                                  | IRRIGATION    | 0.06                 | 42.2        |            |                                                                                                                                |                                  |             |            |
| 29-2301                                                                                                                                                                                  | IRRIGATION    | 0.05                 | 37.4        |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
| <b>Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank</b> |               |                      |             |            | <b>TOTAL</b>                                                                                                                   |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                | <b>CFS</b>                       | <b>AF</b>   | <b>AC</b>  |

*\*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**:

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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**:

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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:

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- 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:

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- 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.

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- D. Additional Information

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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.

Chester Taylor  
Signature of Applicant

Chester TAYLOR  
Printed Name of Applicant

7-21-17  
Date

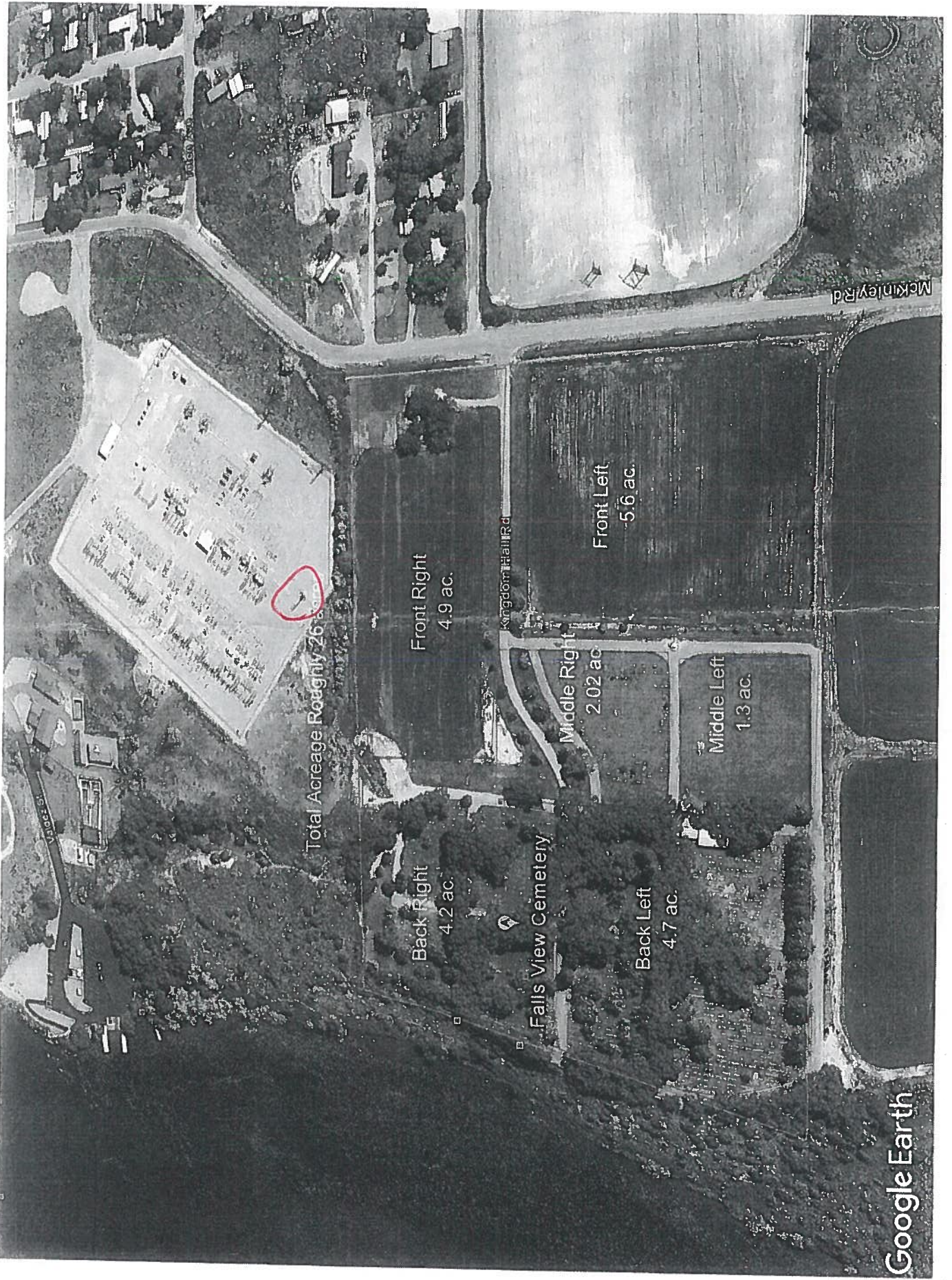
\_\_\_\_\_  
Signature of Representative

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

\_\_\_\_\_  
Date

Mail to:

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



Google Earth

22.72 acres = 454 CFS



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 28, 2017

FALLS VIEW CEMETERY  
2936 MCKINLEY RD  
AMERICAN FALLS ID 83221

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 29-2284, 29-2301, 35-14453, and 35-14454**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,007.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 176.90 acre-feet of water for irrigation of 18.5 acres during 2017. 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 \$2,706.57 of the rental fee will be paid to the lessor(s) and 10% or \$300.73 will be retained by the Department to offset administrative costs.

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

Sincerely,

  
Debby Fudd  
For Water Supply Bank

Enclosures: Receipt No. C104168  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
James Cefalo – IDWR Eastern Regional Office/Water District # 120



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 14, 2017

FALLS VIEW CEMETARY  
PO BOX 492  
AMERICAN FALLS ID 83211

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR  
WATER RIGHTS 29-2284, 29-2301, 35-14453, and 35-14454**

**\*\*\*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 August 28, 2017. 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 \$3,007.30 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,

for Water Supply Bank



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 28, 2017

FALLS VIEW CEMETERY  
2936 MCKINLEY RD  
AMERICAN FALLS ID 83221

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 29-2284, 29-2301, 35-14453, and 35-14454**

**\*\*\*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 \$3,007.30 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 176.90 acre-feet.

**Please send a check for \$3,007.30** 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 \$2,706.57 of the rental fee will be paid to the lessor(s) and 10% or \$300.73 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

## Buyer, Remington

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**From:** Cefalo, James  
**Sent:** Thursday, August 10, 2017 8:11 AM  
**To:** Buyer, Remington  
**Cc:** Skaggs, Pam  
**Subject:** RE: Falls View Cemetery

Remington,

It appears that everything is in order with the leases and rentals. I don't have any concerns or comments. We recently rescinded an old transfer, restoring the original volume under water rights 29-2284 and 29-2301. This made a small amount of additional volume available for rental. I'm glad Power County found a use for the water.

James

**From:** Buyer, Remington  
**Sent:** Wednesday, August 09, 2017 5:09 PM  
**To:** Cefalo, James <James.Cefalo@idwr.idaho.gov>  
**Cc:** Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>  
**Subject:** Falls View Cemetery

James,

Falls View Cemetery (in American Falls) has tried to secure a rental for 2017 but has run into a few problems. After multiple iterations, I believe we can now finalize a rental for the cemetery. However, I expect that a conversation about the rental of Power County's industrial water rights may be necessary.

As Watermaster for Water District 120, all leases and rentals are subject to your administration. Could you please review the attached drafts and review memos for the lease of water rights 29-2284 and 29-2301, as well as 35-14453 and 35-14454, along with the draft review memo and rental agreement for Falls View Cemetery, and advise if you have questions, comments or concerns.

Pam is cc'd here as well as I will be delivering the physical paperwork and files to her for additional review.

Thank you both,

Remington  
287-4918

## MEMORANDUM

**To:** Water Supply Bank Rental Application #666  
**From:** Remington Buyer  
**Date:** August 9, 2017  
**Re:** Review of Applications to Rent Water Right from the State Water Supply Bank

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**PURPOSE/NARRATIVE:** On March 22, 2017, the Department received from Falls View Cemetery an application to rent water from the Water Supply Bank, sufficient to authorize irrigation of approximately 25 acres. The cemetery is located immediately adjacent an Idaho Power Company (IPCO) substation on the south end of American Falls. Historically, IPCO pumped ground water for industrial purposes at their substation, and industrial water, once utilized, drained out across the Falls View Cemetery. Falls View Cemetery thus historically irrigated 25 acres of their property using IPCO's waste water. Recently, IPCO upgraded their substation equipment and waste water is no longer being released, and Falls View is therefore seeking an authorization from the Bank to accomplish irrigation of their property.

Originally, it was proposed that a portion of IPCO's industrial ground water right 29-8126 could be deposited into the Water Supply Bank to satisfy Falls View's rental request. Historically, Falls View has irrigated their cemetery with waste water diverted under water right 29-8126. Due to enlargement concerns, a rental of water right 29-8126 was not possible. Subsequently, Falls View pursued a rental of ground water right 29-14015, however a lease contract for water right 29-14015 was never executed and rental of this water right was also not possible. Falls View Cemetery had approached the Commissioners of Power County for assistance in financing the rental of water right 29-14015 and Power County has now proposed to lease a portion of their water rights 29-2284 and 29-2301 into the Bank to in part satisfy Falls View's rental request.

This memo summarizes a proposal to authorize a rental for Falls View Cemetery, comprised of irrigation water rights 35-14453 and 35-14454 and Industrial water rights 29-2284 and 29-2301.

**AUTHORITY TO FILE:** The rental application is submitted by Chester Taylor, care taker of Falls View Cemetery. No concerns about the authority to file. The point of diversion is on land owned by Idaho Power, which has consented to the applicant's diversion of water from their property (see email attachment dated 3/16/2017 from Jon Bowling, Lead Engineer at Idaho Power, who assisted Falls View Cemetery in submitting the rental application).

**WATER RIGHT VALIDITY:** Water rights 29-2284 and 29-2301, as well as 35-14453 and 35-14454 are valid and leasable to the Bank. No concerns about water right validity.

**INJURY TO OTHER WATER RIGHTS:** Falls View Cemetery's rental involves diversions of ground water from the ESPA. To avoid injury to other water rights, evaluation of ESPA modeling is required. Falls View's caretaker Chet Taylor has confirmed irrigate acreage within the cemetery totals approximately 18.5 once hardscape is removed from the total 25 acres. At 4.0 afa/acre, a diversion volume of 74 afa is considered appropriate. ESPA modeling of both sets of water rights indicate that no injury will occur through a rental of proportionate diversion volumes by Falls View Cemetery.

**ENLARGEMENT OF USE:** It is proposed for Falls View to rent water sufficient to irrigate 18.5 acres at a diversion rate of 0.02 cfs/ac and 4.0 afa. To avoid enlargement, it is necessary to ensure that proportionate amounts of irrigation water rights 35-14453 and 35-14454 are rented equivalent to 0.02 cfs/af and/or 4.0 afa/ac. It is also necessary to ensure that no enlargement occurs through the rental of industrial water rights 29-2284 and 29-2301.

Water rights 35-14453 and 35-14454 additively sum to 0.88 cfs and 328 afa for irrigation of 82 acres. This provides the necessary diversion volume of 4.0 afa/ac, however the diversion rate is too low (0.011 cfs/ac). Restricting the acres irrigable under water rights 35-14453 and 35-14454 to 44 (instead of 82) results in a diversion rate of 0.02 cfs/ac (and a diversion volume of 7.45 afa/ac), which satisfies Falls View rental request needs and avoids enlargement in water use.

Water rights 29-2284 and 29-2301 authorize industrial use. Typically a change in nature of use evaluation requires a determination of a water right's historic consumptive use. However, a considerable amount of time has elapsed since water rights 29-2284 and 29-2301 were last used for industrial purposes (industrial water use ceased in 2001 and the rights have been in and out of the Water Supply Bank in the intervening period). Additionally, 98.7% of the decreed diversion rate and diversion volume under water rights 29-2284 and 29-2301 is not being leased into the Bank. Hence, it is proposed that 1.3% of water rights 29-2284 and 29-2301 can be leased into the Bank and rented by Falls View Cemetery without enlarging water use.

**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 right is subject to Water District # 120. Comments will be requested from Water District #120 Watermaster and IDWR Eastern Region staff member James Cefalo.

## Buyer, Remington

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**From:** Buyer, Remington  
**Sent:** Thursday, May 18, 2017 3:54 PM  
**To:** Cefalo, James  
**Subject:** RE: Watermaster Comments

Thanks for the fast review. The lessor is converting his field to a solar farm during 2017 and no irrigation of the leased POU should occur.

---

**From:** Cefalo, James  
**Sent:** Thursday, May 18, 2017 1:36 PM  
**To:** Buyer, Remington  
**Subject:** RE: Watermaster Comments

Remington,

At first I was concerned that the acres would not be dried up. 2013 and 2015 aerial photos show acres in the NWNE of Section 8 under a center pivot. 2016 photos, however, show the ground being prepped for gravel extraction, alleviating my concerns about not drying up the leased acres. I don't have any concerns with the proposed WSB Lease and Rental.

James

**From:** Buyer, Remington  
**Sent:** Thursday, May 18, 2017 12:32 PM  
**To:** Cefalo, James <James.Cefalo@idwr.idaho.gov>  
**Subject:** Watermaster Comments

James,

Attached is a lease/rental proposal to irrigate Falls View Cemetery. As always, please advise if you have any comments, questions, or concerns.

Thank you,

Remington  
287-4918

## Buyer, Remington

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**From:** Bowling, Jon <JBowling@idahopower.com>  
**Sent:** Thursday, March 16, 2017 9:46 AM  
**To:** Buyer, Remington  
**Cc:** Patton, Brian  
**Subject:** Emailing - IPC 29\_8126-Falls View Cemetery Lease-Rental Package.pdf  
**Attachments:** IPC 29\_8126-Falls View Cemetery Lease-Rental Package.pdf

Remington,

Attached is a pdf of the IPC/Falls View Cemetery Lease/Rental Package. Falls View is sending me the signed copy in the mail. I will hand deliver the signed original lease and rental applications along with a \$250 check the first of next week.

This is kind of a unique situation, complicated by the fact that Falls Views' irrigation water was waste water from the transformer cooling process at the IPC sub-station next door. IPC has upgraded the cooling process and the waste water will no longer be available to irrigate the cemetery. Falls view will be using one of our sub-station wells to irrigate. With multiple entities and groups involved, it has taken us awhile to work through the details of this cooperative effort. At this point this will be Falls View Cemetery's only option for irrigation water, at least for the foreseeable future. They hope to be able to irrigate as soon as weather requires/permits.

Please give me a call when you can to discuss.

Thanks

Jon



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