

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 165

This is to certify that:

KIM C WAHLEN
2275 S 2900 W
ABERDEEN, ID 83210

RECEIVED

MAY 30 2017

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)
35-13340	11/13/1972	GROUND WATER	0.270	51.60	12.90	0.021	4.00
35-13362	11/13/1972	GROUND WATER	0.030	6.40	1.60	0.013	4.00
Combined Rental Totals			0.270	58.00	14.50	0.019	4.00

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

Annual Rental Fee:

2017: \$986.00
2018: \$1,160.00

The full fee for the rental of the above-described right(s) is \$986.00 per year for 2017 and \$1,160.00 for 2018. The rental fee includes an administrative fee of \$98.60 per year for 2017 and \$116.00 for 2018.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

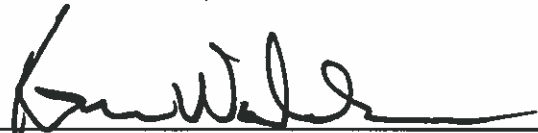
Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 35-13340

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:


Signature of Renter

5-24-17
Date

Kim Wahlen
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 5/30/2017

Rental approved by IDWR 

Date 5-30-2017

WATER SUPPLY BANK RENTAL AGREEMENT No. 165

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec. 31, Twp 07S, Rge 29E, POWER County

Beneficial Use Diversion Rate Volume
IRRIGATION 0.27 CFS 58.00 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To	Diversion Rate
35-13340	4/1	10/31	0.27 CFS
35-13362	4/1	10/31	0.03 CFS

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	
07S	29E	31													4.5	10.0			14.5

Total Acres: 63.7

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 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.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. 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.
6. 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.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11. Right 35-13362 is an enlargement of water right 35-13340 pursuant to Section 42-1426, Idaho Code.
12. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
13. Use of water under this right may 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. 120.
14. Prior to the diversion and use of water under this rental agreement, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
15. This rental agreement does not authorize construction of a well.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 11 2017

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Kim Wahlen

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

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

Completed *Application to Rent Water from the Board's Water Supply Bank*

Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

2



A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request

3A



Detailed information on a proposed use of rental water

3F



Authorization from the owner/operator of the rental point(s) of diversion

3H



Water modeling to account for the impacts of the rental request

3J



Documents justifying a rate of flow greater than 0.02 cfs/acre

3K



Authorization from the owner/operator of the property at the proposed rental place(s) of use

4B



Explanation of how the rental water will sufficiently accomplish your rental purposes

4C



Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Kim Wahlen
Mailing Address 2279 S. 2900 W. Aberdeen ID 83210
Street City State Zip Code
Email Address Shane.KWfarms@gmail.com Phone Number 208-226-9906
- 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 Shane Bolgen Professional Title CFO
Organization Kim Wahlen Farms Relationship to Applicant Employee
Mailing Address 2279 S. 2900 W Aberdeen ID 83210
Email Address Shane.KWfarms@gmail.com Phone Number 208-226-9906

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:
- Need 2.7 acres of water to irrigate. Water Bank says there are only 14.5 available. Use will be for crop field in Attachment #2.

- 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)
CFS	AF	CFS	AF	AC

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

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

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

Wheel lines

- 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
<u>Pump</u>	<u>Deep well</u>	

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

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

See modeling

- 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:

**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)
35-13340								14.5
35-13362								
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:

irrigate 14.5 acres of planted Fall wheat.

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:

See Chart Reming for Sent

up to 27 would be better

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:

In 2-3 years looking to transfer WR to proposed ground.

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

- D. Additional Information

DECLARATION

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

Kim Wahler

Signature of Applicant

Kim Wahler

Printed Name of Applicant

4-4-17

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Water Modeling Requirement Information Sheet

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

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

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

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

Regulated water sources may areas include:

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

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

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

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

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

Modeling situations may include:

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

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

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

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

Attachment #2



- Well
- Township/Range
- Sections
- QQ
- Proposed POU
- Wahlen 2017 Irrigated

0 0.175 0.35 0.7 Miles



Description: Map detailing 2017 Irrigated acreage in relation to proposed water right place of use.

2015 NAIP Aerial Imagery
Created by: Jaxon Higgs, WWC Inc.



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

May 31, 2017

KIM C WAHLEN
2275 S 2900 W
ABERDEEN ID 83210

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 35-13340 and 35-13362**

Dear Renter:

Please find enclosed a receipt in the amount of **\$986.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 58.00 acre-feet of water for irrigation of 63.7 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 \$887.40 of the rental fee will be paid to the lessor(s) and 10% or \$98.60 will be retained by the Department to offset administrative costs.

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

Sincerely,


Deborah L. Ladd
Water Supply Bank

Enclosures: Receipt No. C103642
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office/Water District # 120
Aberdeen-American Falls GWD



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 19, 2017

KIM C WAHLEN
2275 S 2900 W
ABERDEEN ID 83210

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 35-13340 and 35-13362

*****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 \$986.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 58.0 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 \$986.00 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 \$887.40 of the rental fee will be paid to the lessor(s) and 10% or \$98.60 will be retained by the Department to offset administrative costs.

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

Sincerely,


Jebi Judd
Water Supply Bank

Enclosure

c: IDWR Front Desk

MEMORANDUM

To: Water Supply Bank Rental Application #839
From: Remington Buyer
Date: May 18, 2017
Re: Review of Applications to Rent Water Right from the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received an application to rent water from the Bank, submitted via email on April 11, 2017, by Shane Bolgen, CFO of Kim Wahlen Farms. Email is not the prescribed channel for submitting an application, however the applicant is new the Water Supply Bank and did not understand that it is expected that applications be submitted by mail. The application seeks an authorization to irrigate 30 acres within the SE quarter of section 31, Township 07 South, Range 29 East. The applicant recently pursued a transfer of water right 35-7173 which removed the 30 acres from the POU of water right 35-7173. As such, this rental is to supplement water right 35-7173, to fully authorize irrigation within and adjacent to the POU for water right 35-7173. Water right 35-7173 authorizes diversions of 7.2 cfs and 1789.2 AF on 446.4 acres, providing a duty of water of 0.016 cfs/acre and 4 af/acre. To avoid an enlargement in water use, the rental should also conform to the same duty of water.

AUTHORITY TO FILE: The application is submitted by Shane Bolgen, on behalf of Kim Wahlen. Mr. Bolgen is an employee of Kim Wahlen Farms. The land where the rental is intended is owned by K&C Wahlen Living Trust. No concerns about the applicant's authority to file on behalf of Kim Wahlen Farms.

WATER RIGHT VALIDITY: The applicant has requested to rent water rights 35-13340 and 35-13362, which are under active lease to the Bank (contract #200). No concerns about validity.

INJURY TO OTHER WATER RIGHTS: ESPA modeling submitted by the applicant and validated by IDWR confirms that, pursuant to acceptable transient state parameters, no injury should occur through this rental.

ENLARGEMENT OF USE: Rentable elements available under water rights on contract #200 provide for diversion of 0.24 cfs and 58 AF for irrigation of 14.5 acres, providing a duty of water of 0.017 cfs/ac and 4 af/ac, which is analogous to the applicant's water rights at their property. No concern about enlargement in the use of water.

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 were obtained from Water District #120 Watermaster and IDWR Eastern Region staff member James Cefalo. The Watermaster had no concerns or objections to this rental.



RECEIVED

MAY 12 2017

DEPARTMENT OF
WATER RESOURCES

Please see email sent to Remington Buyer on April 11, 2017 for additional application and water modeling.

If you have any further questions, please let me know.

A handwritten signature in blue ink that reads "Shane Bolgen". The signature is fluid and cursive, with a long horizontal line extending from the end.

Shane Bolgen

CFO

Kim Wahlen Farms

shane.kwfarms@gmail.com

Office: 208.226.9906

Mobil: 208.220.9402

Buyer, Remington

From: Buyer, Remington
Sent: Thursday, May 18, 2017 10:11 AM
To: 'Shane Bolgen'
Subject: RE: Map Kim Wahlen
Attachments: RentalMap.pdf

Mr. Bolgen,

Based on the map you provided in your previous email, I've identified the following 14.5 acres that may suffice for the irrigation purposes of Kim Wahlen Farms. A rental agreement authorizing irrigation of these 14.5 acres is being drafted and will soon be mailed for signature by Mr. Wahlen. If you would like to request a final change to the acres authorized to be irrigated under a rental agreement, please provide a detailed map that specifies the exact 14.5 acres that should be authorized for irrigation under Rental Agreement No. 165.

Regards,

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

From: Shane Bolgen [mailto:shane.kwfarms@gmail.com]
Sent: Monday, May 15, 2017 8:23 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Map Kim Wahlen

Sorry this took so long to get back to you. The areas on the map that has an X through it if we where to take that out, would the non X areas work to water?

--

Shane Bolgen
CFO
Kim Wahlen Farms
o 208.226.9906 / m 208.220.9402
shane.kwfarms@gmail.com



Google Earth

feet
meters

1000

400



Buyer, Remington

From: Buyer, Remington
Sent: Wednesday, May 10, 2017 12:20 PM
To: 'Shane Bolgen'
Cc: 'Jaxon Higgs'
Subject: RE: Water Bank Application
Attachments: Kim Wahlen Farms.zip

Shane,

I've completed a preliminary review of Kim Wahlen Farms's 2017 rental application. The ground water modeling sufficiently addresses injury concerns and the Department can prepare to finalize a rental authorizing irrigation of 14.5 acres, however we need to identify the specific 14.5 acres that will be irrigated during 2017. The attached shapefile outlines the 30 acres that were requested on your rental application. Please review and update it, to delineate the specific 14.5 acres that will be irrigated during 2017. Once that is received, we should be ready to finalize our review of the rental request.

Regards,

Remington
287-4918

From: Shane Bolgen [mailto:shane.kwfarms@gmail.com]
Sent: Tuesday, April 11, 2017 4:23 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Jaxon Higgs <jaxon@waterwellconsultants.com>
Subject: Water Bank Application

Remington,

Here is the water bank application along with the modeling the Jaxson did for us. Let me know if there is anything else I need to do, or if I did something incorrect on the application.

Thanks
Shane

--

Shane Bolgen
CFO

Kim Wahlen Farms

o 208.226.9906 / m 208.220.9402

shane.kwfarms@gmail.com