

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 16

RECEIVED

JAN 11 2017

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

MORAN TRUST
112 BROADFORD RD
BELLEVUE, ID 83313

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-577CB	3/24/1883	BIG WOOD RIVER	0.10	14.4	4.1	0.024	3.5
Rental Totals			*0.10	14.4	4.1	0.024	3.5

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

***Actual rental diversion is limited to 0.08 cfs**

Annual Rental Fee:

2017: \$244.80

The full fee for the rental of the above-described right(s) is \$244.80 for 2017. The rental fee includes an administrative fee of \$24.48 for 2017.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 16

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:

Matthew E. Moran
Signature of Renter

1/2/17
Date

Matthew E. Moran
Printed Name

Trustee
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 1/13/2017

Rental approved by IDWR Clay Webb

Date 1-13-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 16

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER L1(NENE) Sec. 2, Twp 01N, Rge 18E, BLAINE County

Beneficial Use
IRRIGATION

Diversion Rate
0.10 CFS

Volume
14.40 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.
37-577CB

From
4/15

To
10/31

Diversion Rate
0.100 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	
01N	18E	2	4.1 L1																4.1

Total Acres: 4.1

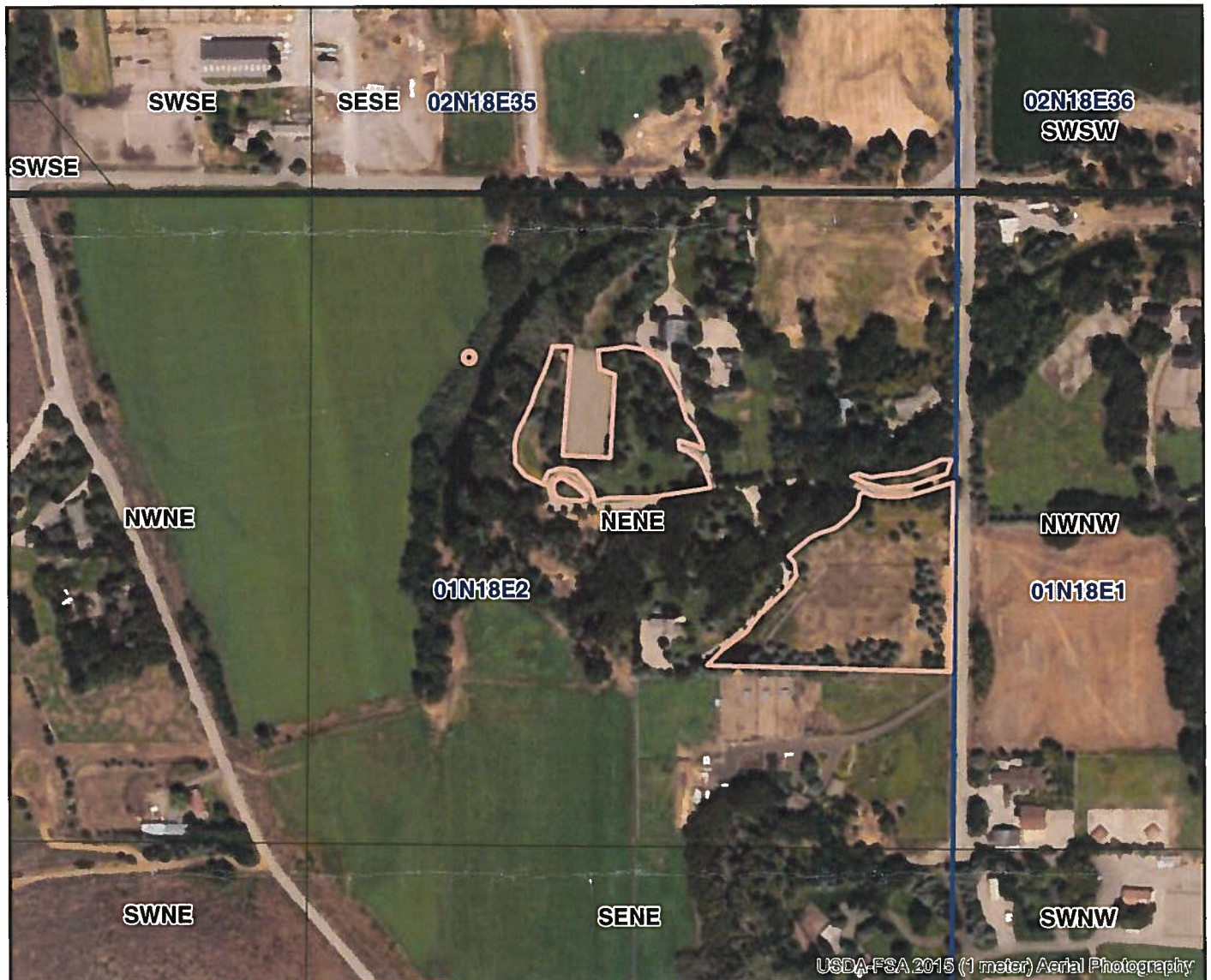
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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. This rental for mitigation by non-use may be ineffective if the mitigating water right is not in priority.
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. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. The following rights are diverted through point(s) of diversion described above: 37-21230, 37-21232, 37-21234, 37-21236 and 37-21238.
11. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Idaho Water Resource Board
Water Supply Bank Rental Agreement No. 16

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.



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



0  0.25 Miles

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK****Applicant Name:** Matt Moran**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 Matt Moran

Mailing Address 112 Lower Broadford Rd. Bellevue, ID 83313

Street City State Zip Code

Email Address _____ Phone Number 208-309-2851

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐

If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Zach Latham Professional Title Hydrologist

Organization Brockway Engineering PLLC Relationship to Applicant Consultant

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

Email Address zach.latham@brockwayeng.com Phone Number 208-736-8543

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

- A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Irrigation use.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.10 CFS	17.5 AF	0.10 CFS	17.5 AF	4.9 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/17	7/15/17	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

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

Water can be diverted from either existing pump in Broadford Slough, and or from the existing irrigation well.

Both diversions are tied together to irrigate property.

- 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
Broadford Slough Pump	Big Wood River	37-21230, 21232, 21234, 21236, 21238
Existing Well	Ground Water	37-21228

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒

If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 4.9 (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.

Applicant does not seek rental of existing water right with flow rate greater than 0.02 cfs per acre, although

Applicant will accept rental of available water (ground or surface) with a flow rate greater than 0.02 cfs per acre.

- 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:

Existing water rights 37-21228, 37-21230, 37-21232, 37-21234, 37-21236, and 37-21238 are limited to the irrigation of 5.0 acres, Applicant seeks to irrigate additional acreage on property.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☐ No ☒

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

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

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

N/A.

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

N/A.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

N/A.

- 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:

If adequate acreage under existing water rights can be secured, Applicant intends to permanently transfer those acres to Applicant's property.

- 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.

E2014-700.

- D. Additional Information

DECLARATION

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


Signature of Applicant

Matthew E. Moran
Printed Name of Applicant

8/7/16
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Water Modeling Requirement Information Sheet

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

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

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

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

Regulated water sources may areas include:

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

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

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

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

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

Modeling situations may include:

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

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

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

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



0 100 200 Feet

**MORAN, MATT
WSB RENTAL MAP 2017
2015 NAIP AERIAL IMAGE**

Legend

-  WSB Rental Area = 4.9 Ac.
-  Moran Parcels

BROCKWAY ENGINEERING PLLC
ICB - 8/1/2016





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

January 17, 2017

MORAN TRUST
112 BROADFORD RD
BELLEVUE ID 83313

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-577CB**

Dear Renter:

Please find enclosed a receipt in the amount of **\$244.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 14.4 acre-feet of water for irrigation of 4.1 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 \$220.32 of the rental fee will be paid to the lessor(s) and 10% or \$24.48 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

Enclosures: Receipt No. C102881
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37
Zach Latham – Brockway Engineering
Rob Whitney-IDWR Compliance Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 28, 2016

MORAN TRUST
112 BROADFORD RD
BELLEVUE ID 83313

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-577CB**

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

Dear Applicant:

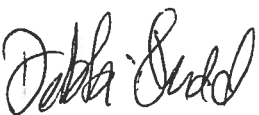
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, 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 \$244.80 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 14.4 acre-feet.

Please send a check for \$244.80 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 \$220.32 of the rental fee will be paid to the lessor(s) and 10% or \$24.48 will be retained by the Department to offset administrative costs.

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

Sincerely,


for Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham – Brockway Engineering

MEMORANDUM

To: Right 37-577CB

From: Sandra Thiel

Date: December 16, 2016

Re: Review & Analysis of Matt Moran's Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On August 18, 2016, Zach Latham of Brockway Engineering submitted a rental application to the Department. The application requested irrigation water for the 2017 season to irrigate 4.9 acres. Mr. Moran diverts water from the Broadford Slough and an existing well. According to a letter included with the application, Mr. Moran can divert water from either source. As of December 14, 2016, there were no ground water rights available that would fill this rental request. In 2014, the Department issued notice of violation E2014-700 for the property.

Right 37-577CB from the Big Wood River provides for 0.1 cfs and 14.4 af for 4.1 acres. This right is leased into the Bank through 2019. The rental of this water right will leave 0.8 acres not covered by a water right.

According to the rental application the point of diversion description is Broadford Slough Pump. Six rights share that point of diversion 37-21228, 37-21230, 37-21230, 37-21232, 37-21234, 37-21236, and 37-21238. The rights were decreed in 2010 with the Big Wood River as their source.

AUTHORITY TO FILE: According to the 2016 Blaine County tax lot data, Matthew Emmet Moran and Veronica Dalila Moran Trustees are the owners of the property.

WATER RIGHT VALIDITY: Right 37-577CB was decreed on June 29, 2010 and leased into the Bank beginning in 2015. No irrigation appears to have occurred in recent years from any source, but the lease application was submitted within five years of the partial decree. Forfeiture is not an issue at this time.

There has been concern about the status of this right. The water master did not believe that it had been delivered to the place of use. However, the SRBA court decreed the right in June 2010. The Department accepted the right into the Bank in 2015. Consequently, this right is available to rent.

INJURY TO OTHER WATER RIGHTS:

We will be moving the point of diversion approximately 4 miles downstream. Between the lease point of diversion and the rental point of diversion there are many points of diversion for water rights with priority dates later than the lease priority date of March 24, 1883.

Mike McVay, from the Department's hydrology section, identified the river reach between the lease point of diversion and the rental point of diversion as a losing reach. According to the *Potential Injury from Change in Point of Diversion on a Stream*: When a point of diversion is moved downstream injury can occur to juniors upstream or between old and new points of diversion. It will take more water to reach the applicant's new point of diversion.

Mike provided USGS data from seepage runs that were measured between 2012 and 2013. (see attached email and spreadsheet) Based on their measurements, the reach of the river between the

lease and the proposed rental points of diversion loses approximately 14% of its flow. The proposed rental rate is 0.10 cfs. The rate will be reduced by 86% to account for the water lost from the river. It is not necessary to reduce the volume proportionally. The rate available for diversion will be limited to 0.086 cfs.

ENLARGEMENT OF USE: No enlargement is anticipated. There will be no change in the nature-of-use, the headgate requirement or season of use.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest. Both the lease and rental are within the Trust Water Area and the Big Wood River Ground Water Management Area.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Both the southern region and the watermaster for district 37 submitted comments. (see attached emails)

Thiel, Sandra

From: McVay, Michael
Sent: Thursday, December 15, 2016 2:37 PM
To: Thiel, Sandra
Cc: Buyer, Remington
Subject: RE: streamflow losses for 37-577CB
Attachments: StreamflowLosses37_577CB.xlsx

Hi Sandy,

I mistakenly used the wrong seepage sites to calculate losses. Using the correct sites, the average loss is 14%

Hopefully this update gets to you in time.

Mike

From: McVay, Michael
Sent: Wednesday, December 14, 2016 3:11 PM
To: Thiel, Sandra
Subject: streamflow losses for 37-577CB

Hi Sandy,

I looked at the USGS data for some seepage runs that took place in 2012 and 2013. Based on their measurements, the stretch of river between the rental and lease loses approximately 16% of its flow. I have attached a spreadsheet that has the calculations. Let me know if you have any questions.

Mike McVay, P.E., P.G.
Water Resources Engineer
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720
208-287-4840

Seepage Site #	Aug-12			Oct-12			Mar-13		
	Streamflow (cfs)	Loss (cfs)	% Loss	Streamflow (cfs)	Loss (cfs)	% Loss	Streamflow (cfs)	Loss (cfs)	% Loss
Hailey - N Broadford	156	20	0.13	156	22	0.14	197	22	0.11
N Broadford - S Broadford	122	20	0.16	166	17	0.10	175	30	0.17
Average			0.15			0.12			0.14

Average

0.13

0.15

0.14 Average loss of 14%

Losses calculated as: (flow at Hailey minus flow at N Broadford) and (flow at N Broadford minus flow at S Broadford).
Streamflow reported for sites Hailey and N Broadford (upstream sites).

Thiel, Sandra

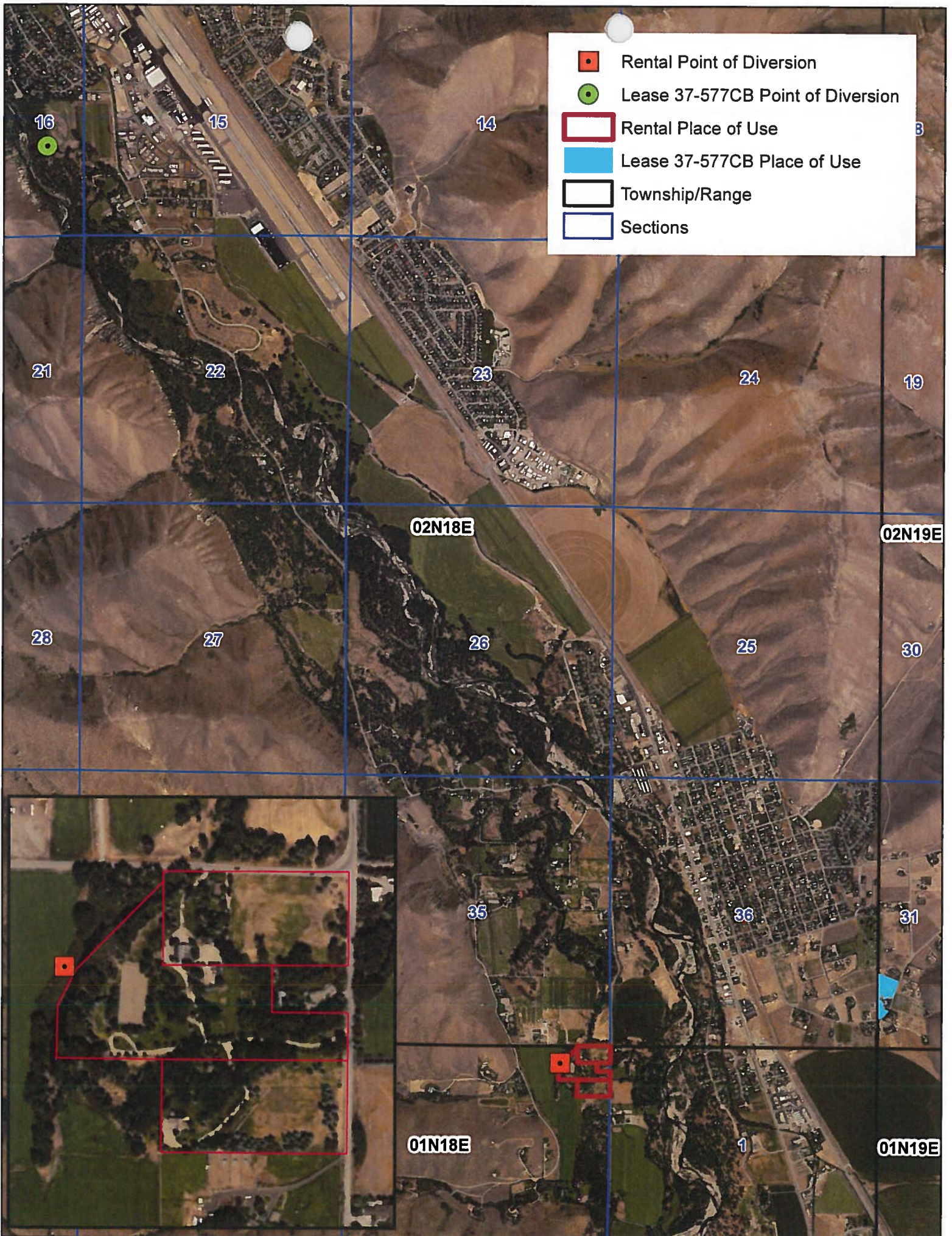
From: Skinner, Corey
Sent: Thursday, December 08, 2016 10:25 AM
To: Thiel, Sandra
Subject: RE: Water supply bank rental of right 37-577CB by Matt Moran

No issues from me, provided Kevin Lakey is OK with it (in particular moving an older water right from the main stem of the river to the Broadford Slough). You might change the last part of your memo from "Western Region" to "Southern Region".

From: Thiel, Sandra
Sent: Thursday, December 08, 2016 9:10 AM
To: Skinner, Corey
Subject: Water supply bank rental of right 37-577CB by Matt Moran

Good morning Corey, the attached documents provide information about the rental of right 37-577CB. Please let me know if you have any concerns or questions.

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov



Thiel, Sandra

From: Kevin Lakey [watermanager@cableone.net]
Sent: Thursday, December 01, 2016 11:07 AM
To: Thiel, Sandra
Cc: Buyer, Remington
Subject: RE: Matt Moran rental application for right 37-577CB

Water Supply Bank,
37-577CB is another one of those rights that I have ranted about in the past. It slithered its way through the SRBA and is now looking to be resurrected. Without more information, I'm hesitant to approve rental of this right. The Cove Canal manager is Jim Baldwin and his phone number is 1(208)720-2231. If Jim can verify a delivery date for this right, I may approve its delivery.

Kevin Lakey
Water District 37

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Thursday, December 01, 2016 9:26 AM
To: Kevin Lakey
Subject: Matt Moran rental application for right 37-577CB

Hello, I am trying to satisfy a rental application for Matt Moran. He has water rights from the Broadford Slough that are not sufficient to cover his irrigated acres. The right I found, 37-577CB is for 0.1 cfs 14.4 af and 4.1 ac. Mr. Moran's application is for 0.1 cfs 17.5 af and 4.9 ac so there will be 0.8 acres that will still need rented water. The lease source is the Big Wood River. The rental will be from the Broadford Slough. Apparently rights from the Broadford Slough qualify as Big Wood River rights. Also, according to the lease water is delivered to the lease place of use through the 'defunct' Cove Canal. It appears the status of that canal was not confirmed during the lease process. To your knowledge do I need to contact a delivery entity about the Cove Canal?

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

Thiel, Sandra

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Wednesday, November 30, 2016 10:26 AM
To: Thiel, Sandra
Subject: RE: Matt Moran rental application

Correct, thank you.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Wednesday, November 30, 2016 10:16 AM
To: Zach Latham
Subject: RE: Matt Moran rental application

Just to confirm. I am looking for a right to cover the remaining 0.8 acres?

Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Wednesday, November 30, 2016 9:52 AM
To: Thiel, Sandra
Subject: RE: Matt Moran rental application

Sandy,
I think you should move ahead with processing the 4.1 acre rental of 37-577CB for Mr. Moran, IDWR considers the Broadford Slough as a minor channel of the river and the water rights currently diverted out of the Slough list the BWR as the source. I believe the Cove Canal is operational, Mr. Lakey will confirm.

Regarding the additional 0.8 acres requested under the rental, I ask that IDWR allocate a water right currently leased to the WSB to Mr. Moran. Our application requesting rental was submitted on 8-17-16 and is likely one of the first in line for the 2017 season.

Don't hesitate to call or email with additional questions or comments. Thanks again for your time and effort.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.

2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]

Sent: Tuesday, November 29, 2016 9:20 AM

To: Zach Latham

Subject: Matt Moran rental application

Good morning, I found a water right that might work to satisfy Matt Moran's rental request. The lease of right 37-577CB is for 0.1 cfs 14.4 af and 4.1 ac. Mr. Moran's application is for 0.1 cfs 17.5 af and 4.9 ac. I realize this lease is short of the request but I think it will work if he is willing. I still need to confirm a few things with Kevin Lakey. The source of the lease is the Big Wood. The rental will be from the Broadford Slough. I'm not familiar with the hydrology of that area so I will need to know if that will be a change in source. Also, according to the lease water is delivered through the 'defunct' Cove Canal. To my knowledge the status of that canal was not confirmed during the lease process. Those are the issues that I plan to talk to Kevin about. Let me know if you think that right will be sufficient.

Sandra Beer Thiel

Idaho Department of Water Resources

322 East Front Street

Boise, Idaho 83720-0098

(208)287-4881

sandra.thiel@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 19, 2016

MATT MORAN
112 LOWER BROADFORD RD
BELLEVUE ID 83313

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Water Supply Bank (Bank).

The Department will accept applications proposed for the next calendar season on November 1 of the prior year. Your application is proposing water use during the 2017 season; therefore, the Department will begin processing your application after November 1, 2016.

Applications received after November 1, 2014, will be processed in the order received at the Department. The likelihood of successfully acquiring a rental through the Bank is greatly improved by applying early during the processing period before the proposed season of use begins.

Note that filing a rental application does not authorize diversion and use of water. It is unlawful to use water without a valid water right or an approved Bank rental agreement. **You are not authorized to divert any water for the purposes described in your application until you have paid the rental fee and you and the Department have both signed and executed a rental agreement.**

You can check the status of your rental application by reviewing the Department's processing spreadsheet, accessible from the Bank's website at:

http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm

Sincerely,

Christine Field
Water Supply Bank Support

C: Zach Latham – Brockway Engineering



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 18 2016

DEPARTMENT OF
WATER RESOURCES

August 17th, 2016

Mr. Remington Buyer
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720

Re: WSB Rental Application; 4.9 Acres on Behalf of Mr. Matt Moran.

Dear Remington,

On behalf of Mr. Matt Moran, Brockway Engineering PLLC is submitting a Water Supply Bank rental application which proposes to rent 4.9 acres of either surface or ground water for the irrigation of 4.9 acres during 2017 on the Moran property west of Bellevue, ID. Mr. Moran currently owns water rights authorized to be diverted out of the Broadford Slough as well as from an existing well on the property, allowing diversion of the proposed rental water from either source.

Please copy our office on all correspondence regarding this water supply bank rental application. Thank you for your assistance on this matter and if you have questions or comments, please don't hesitate to call.

Regards,

Shirley Dornell on behalf of
Zach Latham, M.S., Hydrologist

Enc: (1) Water Supply Bank Rental Application and Map.

Cc: Mr. Matt Moran

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
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