



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

October 3, 2016

PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

RE: RETURN OF RENTAL APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources is closing your Application to Rent Water from the Water Supply Bank. A letter was sent on April 8, 2016, requesting authorization from the individual / entity that owns the proposed point of diversion to use their diversion for your rental. No response for this authorization was received from you within 14 days. Therefore, the department is returning your application.

Diversion and use of the water right(s) is not authorized under the proposed agreement since it was not signed or executed by the department and the rental fee was not paid. Any use associated with your proposed rental request is not authorized and, if occurring, will be subject to any necessary enforcement action.

If you wish to rent water in the future, please reapply using new forms on the Department's website at www.idwr.idaho.gov. If you have any questions regarding this matter, please contact me at (208) 287-4910.

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Rental Application(s)

c: Charles Brockway – Brockway Engineering



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 8, 2016

PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

RE: Water Supply Bank Rental Application – Additional Information Required

Dear Applicant,

The Idaho Department of Water Resources received your application to rent water rights from the Idaho Water Resource Board's Water Supply Bank, however; as submitted your application cannot be processed.

The required information must be submitted:

- ☒ Authorization from the individual/entity that owns the proposed point of diversion to use their diversion for your rental

Please provide the required information within fourteen (14) days. While you are making corrections or amending your application, you will not be placed in the processing queue. Once you submit an application that contains all the required items, your application will be assigned a place in the processing queue.

Please note that applications that are received earlier in time and contain all the minimum requirements have an increased chance of acquiring the requested rental water.

Additionally, you are not authorized to move forward with the activity proposed by your rental application until a rental agreement, executed by the Department, is issued. If you have questions you may contact me at (208) 287-4944.

Sincerely,

Cherie Palmer, Water Rights Supervisor
Water Allocation Bureau

C: Charles G Brockway—Brockway Engineering



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 07 2016

DEPARTMENT OF
WATER RESOURCES

March 4, 2016

Remington Buyer
Idaho Department of Water Resources
Water Supply Bank
P.O. Box 83720
Boise, ID 83720-0098

Re: Picabo Livestock Co. Rental Application

Dear Mr. Buyer:

Enclosed is a rental application for Picabo Livestock Co, Inc. to rent a portion of water right 37-2580 which is currently accepted into the Water Supply Bank. Please contact our office if you have any questions.

Please copy our office on all correspondence regarding this application.

Sincerely,

Sheila Daniels
Administrative Assistant

Encls: WSB Narrative, Aerial and Application

Cc: Nick Purdy, Picabo Livestock Co.

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

MAR 07 2016

DEPARTMENT OF
WATER RESOURCES**Narrative for WSB Rental Application
Picabo Livestock Co., Inc.**

Brockway Engineering, PLLC
February 25, 2016

Picabo Livestock intends to rent a portion of water right 37-2580, which is currently accepted into the WSB. This water right is currently appurtenant to a well located just south of Silver Creek, upstream of the applicant's property (see attached map). The rented water will be pumped from the well and injected into Silver Creek. Thence, it will be conveyed downstream and diverted at the applicant's existing headgates on Silver Creek. The proposed diversion mechanism is similar to other longstanding examples on Silver Creek, where water users divert from groundwater sources into Silver Creek, and redivert downstream under the watermaster's direction.

No additional acres will be irrigated on the applicant's land. The purpose of the rental is to provide supplemental irrigation water for use on the existing 2711.3 acres authorized under applicant's existing water rights (Table 1). Of the total 560 acre-feet leased to the bank, the applicant only requires the use of 300 acre-feet, but wishes to maintain the ability to divert the full 2.01 cfs. This water will be utilized later in the irrigation season and the timing of the use will be dependent on the availability of surface water supply. When needed, the existing groundwater well under 37-2580 will be activated and water delivered to Silver Creek. The watermaster of District 37M will be informed so that he may deliver and account for the water at the applicant's headgates. The rate and volume of water diverted from the well will be measured and recorded using a state-approved flow measuring device.

The proposal will not result in enlargement of any component of the water right or any change in groundwater impact, and will not adversely impact any other water user. The proposed use may be easily administered by the watermaster within his existing jurisdictional duties. The proposal is clearly in the public interest, as it will augment the discharge in Silver Creek within a water quality impaired reach.

The applicant's points of diversion from which the rented water will be withdrawn are as follows (see attached map):

SENW24, T1S, R19E	Loving Creek – Gillihan Ditch
SWSE20, T1S, R20E	Silver Creek – Iden Ditch
NWSW26, T1S, R20E	Silver Creek – "O" Drain
NENW30, T1S, R20E	Silver Creek – Kilpatrick Ditch
NWNW30, T1S, R20E	Silver Creek – Albrethsen Ditch

Table 1. Existing water rights held by Picabo Livestock Co. , appurtenant to the place of use which is the subject of the WSB rental application.

Basin	Seq	Suffix	Basis	Priority Date	Rate (cfs)	Source	Water Use
37	21		Decreed	9/1/1887	5.6	Loving Creek, Silver Creek	Irrigation
37	22		Decreed	6/17/1899	1	Loving Creek, Silver Creek	Irrigation
37	186		Decreed	7/1/1886	0.4	Loving Creek, Silver Creek	Irrigation, Stockwater
37	187		Decreed	11/1/1892	1.6	Loving Creek, Silver Creek	Irrigation, Stockwater
37	189		Decreed	4/1/1899	1.8	Loving Creek, Silver Creek	Irrigation, Stockwater
37	213		Decreed	4/1/1885	1.6	Loving Creek, Silver Creek	Irrigation, Stockwater
37	215	D	Decreed	3/31/1877	4	Loving Creek, Silver Creek	Irrigation, Stockwater
37	333		Decreed	11/1/1889	1.6	Loving Creek, Silver Creek	Irrigation
37	351	A	Decreed	6/1/1886	0.25	Loving Creek, Silver Creek	Irrigation
37	352	A	Decreed	6/15/1887	0.6	Loving Creek, Silver Creek	Irrigation
37	376	F	Decreed	9/1/1883	0.31	Silver Creek	Irrigation
37	377		Decreed	4/1/1888	0.8	Loving Creek, Silver Creek	Irrigation, Stockwater
37	378		Decreed	6/15/1888	2	Loving Creek, Silver Creek	Irrigation, Stockwater
37	695		Decreed	4/1/1889	1.2	Loving Creek, Silver Creek	Irrigation
37	942		Decreed	8/1/1917	5	Loving Creek, Silver Creek	Irrigation
37	2405		Decreed	2/9/1920	4	Loving Creek, Silver Creek	Irrigation, Stockwater
37	2627	A	Decreed	12/9/1959	10.65	Ground Water	Irrigation
37	11892		Decreed	4/1/1887	3.3	Loving Creek, Silver Creek	Irrigation, Stockwater
37	11898		Decreed	6/1/1889	1.54	Loving Creek, Silver Creek	Irrigation
37	11900		Decreed	4/1/1890	14	Loving Creek, Silver Creek	Irrigation, Stockwater
37	11903		Decreed	6/1/1893	2.8	Loving Creek, Silver Creek	Irrigation, Stockwater
37	11911		Decreed	7/28/1959	6.18	Ground Water	Irrigation
37	11914		Decreed	5/1/1972	6.18	Ground Water	Irrigation
37	20609		Decreed	9/1/1883	19.69	Loving Creek, Silver Creek	Irrigation, Stockwater

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 07 2016

DEPARTMENT OF
WATER RESOURCES

APPLICATION TO RENT WATER FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: Picabo Livestock Co, Inc.

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

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only – Proposed Water Right(s)

37-2580

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Picabo Livestock Co., Inc.

Mailing Address	<u>P.O. Box 748</u>	<u>Picabo</u>	<u>ID</u>	<u>83348</u>
	Street	City	State	Zip Code
Email Address			Phone Number	<u>(208) 788-3530</u>

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	<u>Charles G. Brockway</u>	Professional Title	
Organization	<u>Brockway Engineering PLLC</u>	Relationship to Applicant	<u>Consultant</u>
Mailing Address	<u>2016 Washington St N, Ste 4, Twin Falls, ID 83301</u>		
Email Address			Phone Number <u>(208) 736-8543</u>

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**:

Supplemental irrigation use on applicant's property in conjunction with existing surface water and groundwater rights. No additional acres will be irrigated. See attached narrative.

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	300 AF	CFS	300 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?	
4/15/2016	6/1/2016	☒ 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 will be injected into Silver Creek from well under 37-2580, and conveyed downstream to applicant's existing headgates from Silver Creek. Applicant's POU is served by existing network of ditches and laterals.

- 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 See narrative (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:
See narrative.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
37-2580	Irrigation	2.01	560	160		2.01	300	n/a
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	2.01	300	n/a
						CFS	AF	AC

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

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

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

Yes ☐ No ☒

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- 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

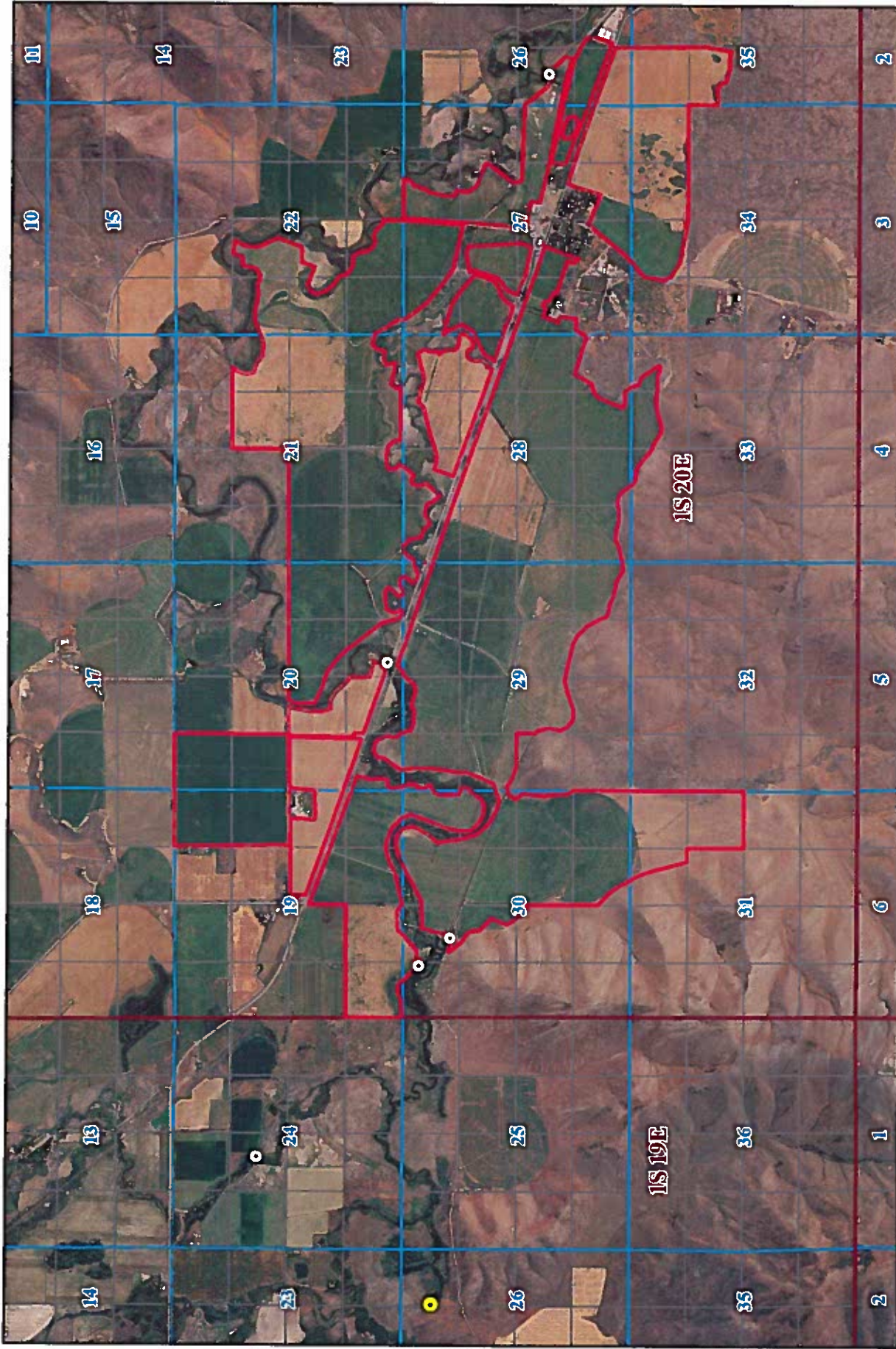
I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is 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.

Nick Purdy / Picabo Livestock Co Nick Purdy 2-26-16
Signature of Applicant Printed Name of Applicant Date

Signature of Representative Printed Name of Representative Date

Mail to:

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



0 1,250 2,500 5,000 Feet

PICABO LIVESTOCK CO INC.
WATER BANK RENTAL 2016
NAIP 2015 AERIAL

- Legend**
- Points of Diversion
 - PICABO PODS
 - POD FROM 37-2850
 - Place of Use
 - Boundary
 - Sections
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