



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 6, 2017

ALGIS PABARCIUS
C/O ROBERT WILLIAMS
PO BOX 168
JEROME ID 83338

RE: Expiration of Water Supply Bank Rental Agreement for water rights: 37-458A, 37-11550

Renter,

This letter is to inform you that your rental agreement(s) to rent the above listed water rights from the Water Supply Bank (Bank) expired at the end of 2016.

Once the rental agreement concludes, any diversion or use of water under the rental agreement will no longer be authorized and, if occurring, may be subject to an enforcement action.

If you wish to rent water in the future, please download a rental application from: <http://idwr.idaho.gov>. You may submit rental applications on November 1 of the year prior to the intended use of rental water. **YOU ARE ENCOURAGED TO FILE AN APPLICATION AT LEAST 3 MONTHS PRIOR TO THE DATE YOU DESIRE TO USE RENTAL WATER.**

If you have any questions about this matter, please contact me at (208) 287-4918.

Sincerely,

A handwritten signature in black ink, appearing to read 'RB', with a long horizontal stroke extending to the right.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

RECEIVED

APR 18 2016

DEPARTMENT OF
WATER RESOURCES

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

This is to certify that: **ALGIS PABARCIUS**
C/O ROBERT WILLIAMS
PO BOX 168
JEROME, ID 83338
(208)324-2303

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	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Total Rented Acres
37-458A	6/1/1883	CLEAR CREEK	SINKS	0.07 cfs	11.4 af	3.25 ac
37-11550	8/1/1979	GROUND WATER	NA	0.07 cfs*	9.8 af	3.25 ac
Total Annual Combined Limit				0.07 cfs	11.4 af	3.25 ac

Annual Combined Rental Totals

0.07 cfs 11.4 af 3.25 ac

*Only the Clear Creek portion of this rental will be diverted.

Term of Rental: **This rental is in effect from the day the Idaho Water Resource Board signs the rental agreement and shall be in effect until December 31, 2016.**

Rental Fee: **\$193.80**

The fee for rental of the above-described water is \$193.80 per year. Ten percent (\$19.38) will be retained by the Department to offset administrative costs, and the remainder will be paid to the lessor(s).

No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 37-458A

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:

<u>Algis Pabarcius</u> Signature of Renter	<u>Algis Pabarcius</u> Printed Name and Title* <u>Robert E. Williams,</u> <u>agent in fact</u>	<u>4/12/16</u> Date
<u>Robert E. Williams,</u> <u>agent in fact</u> Signature of Renter	Printed Name and Title*	Date

*Please provide title of signatory 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.

<u>Brian Patton</u> By BRIAN PATTON, Acting Administrator Idaho Water Resource Board	<u>4/22/2016</u> Date
Rental Approved by IDWR <u>Cherie Palmer</u>	<u>4/22/2016</u> Date

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

CLEAR CREEK

SWSWNE

Sec. 31, Twp 04N, Rge 18E, BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/15 TO 10/31 FOR WATER RIGHT DIVERTED FROM CLEAR CREEK

RENTER'S PLACE OF USE:

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	06															0.03		0.03
		07		1.14	2.08														3.22

Total Acres: 3.25

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. 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.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. 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.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. This rental agreement does not authorize the construction of a well.
11. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
12. 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.

13. Use of water under this agreement 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.

14. The following rights are diverted through point(s) of diversion described above: 37-458B.



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

FEB 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Applicant Name: Algis Pabarcus

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

		Yes	
		☒	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes	
2	☒		A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	☐	☒	Detailed information on a proposed use of rental water
3F	☐	☒	Authorization from the owner/operator of the rental point(s) of diversion
3H	☒	☐	Water modeling to account for the impacts of the rental request
3J	☒	☐	Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	☐	☒	Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	☐	☒	Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	☒	☐	Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

37-458A

37-11550

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 16 2016

Application to Rent Water (Continued)

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. CONTACT INFORMATION

A. Applicant Algis Pabarcus c/o Rob Williams

Mailing Address P.O. Box 168 Jerome, ID 83338

Street City State Zip Code
Email Address rewilliams@cableone.net Phone Number 208-324-2303

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:

Proposed rental is for mitigation for a temporary permit. 1.7 acres and 5.0 acre-feet of rental water will be used for mitigation for temporary permit similar to temporary permit TP-37-69 approved in 2015.

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)
0.03 CFS	5.0 AF	0.03 CFS	5.0 AF	1.7 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?	
4/15/16	8/1/16	☒	☐	☐	☐	☐	☐ 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):

Clear Creek water will be allowed to flow down Comstock Ditch and onto applicant's property. Applicant will then divert and distribute water via buried pressurized irrigation system under temporary permit.

- 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
Pump pond fed from ditch	Clear Creek	None.

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

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as Attachment 3F.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

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

☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☒ Other: Mitigation from: 4/15 (mm/dd) to: 10/31 (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.

N/A.

- 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:

Applicant was granted temporary permit TP-37-69 with 5.0 acre feet of mitigation from 37-458A and 37-11550 in 2015. Applicant seeks to rent same 1.7 acres/5.0 acre-feet to mitigate for temporary permit in 2016.

**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)
37-458A	Irrigation	0.07		3.25		0.03		1.7
37-11550	Irrigation	0.07	9.8	3.25		0.03	5.0	1.7
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	0.03	5.0	1.7
						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**:

Rental is to provide mitigation for temporary permit, although temporary permit will authorize irrigation on applicant's property. See approved 2015 temporary permit TP-37-69.

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:
See water right permit 37-22924 that is currently being processed with IDWR.

- 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.
E2014-681.

- 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.

Algis Labarcus, by Robert E. Williams, agent in fact
Signature of Applicant

Algis Labarcus, by Robert E. Williams, agent in fact
Printed Name of Applicant

2/4/16
Date

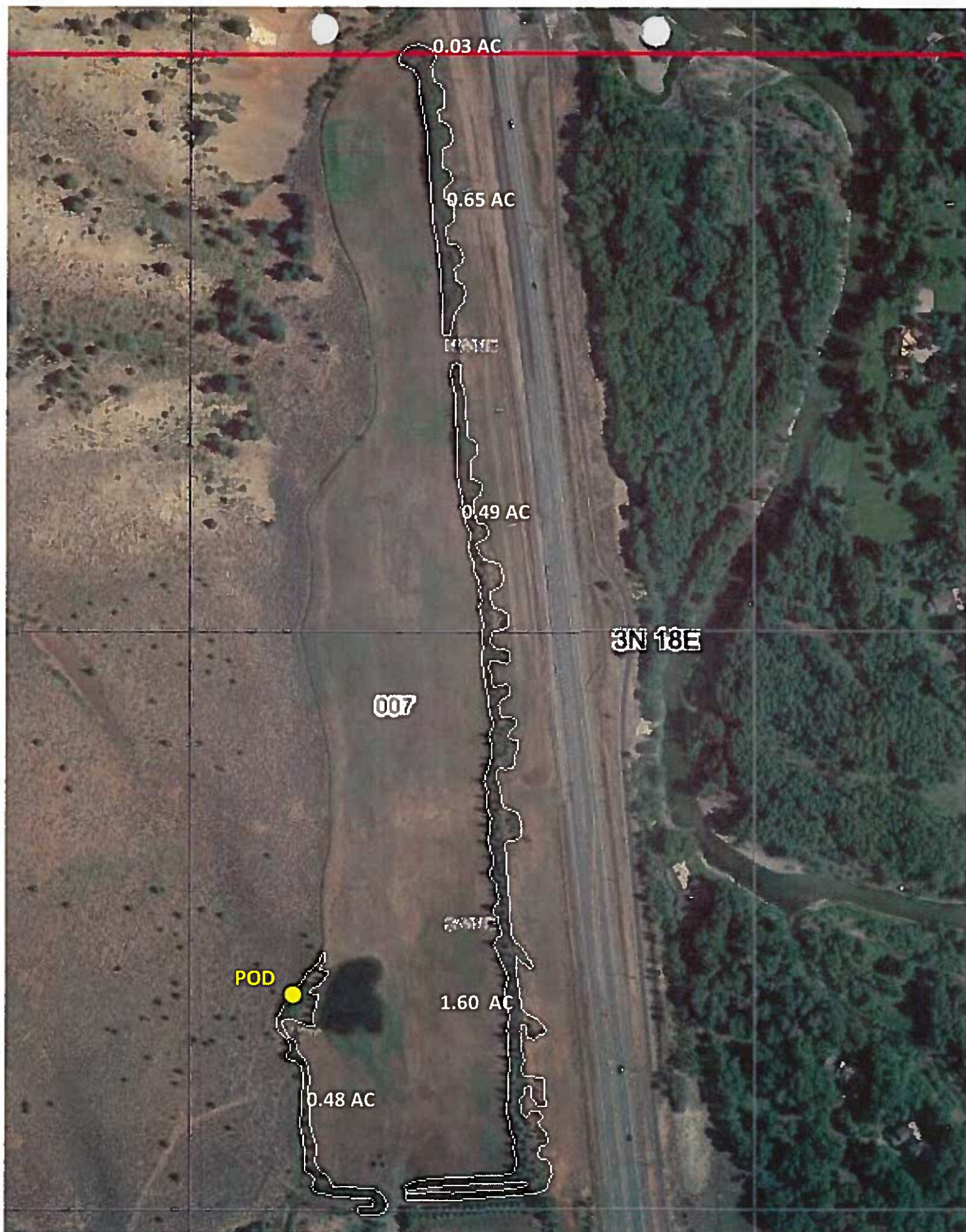
Signature of Representative

Printed Name of Representative

Date

Mail to:

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 26, 2016

ALGIS PABARCIOUS
C/O ROBERT WILLIAMS
PO BOX 168
JEROME ID 83338

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-458A & 37-11550**

Dear Renter:

Please find enclosed a receipt in the amount of **\$193.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 11.4 acre-feet of water for irrigation of 3.25 acres during 2016. 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 \$174.42 of the rental fee will be paid to the lessor(s) and 10% or \$19.38 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4881.

Sincerely,

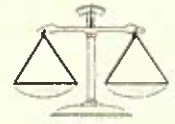
for Sandra Thiel
Sr. Water Resource Agent

Enclosures: Receipt No. C101898
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37
Zach Latham – Brockway Engineering
Robert Williams – Williams, Meservy & Lothspeich

Williams, Meservy & Lothspeich, LLP
Attorneys at Law

153 East Main Street
Post Office Box 168
Jerome, Idaho 83338-0168



ROBERT E. WILLIAMS
JAMES C. MESERVY
JOHN B. LOTHSPICH
BRIAN J. WILLIAMS - ASSOCIATE
THEODORE R. LARSEN - ASSOCIATE
EUGENE D. FRIEDERICKSEN - RETIRED

TELEPHONE: (208) 324-2303
TELECOPIER: (208) 324-3135
E-MAIL: REWILLIAMS@CABLEONE.NET

RECEIVED

APR 21 2016

DEPARTMENT OF
WATER RESOURCES

April 19, 2016

Idaho Department of Water Resources
Attn: Sandra Beer Thiel
322 East Front Street
Boise ID 83720-0098

RE: *Pabarcus Water Supply Bank Rental Agreement*

Dear Ms. Thiel:

Pursuant to your request, enclosed is a check in the amount of \$193.80 for payment of the rental fee for the Pabarcus Water Supply Bank Rental Agreement.

Very truly yours,

WILLIAMS MESERVY & LOTHSPICH, LLP



ROBERT E. WILLIAMS

REW/bsb
Encl.
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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 25, 2016

RECEIVED

APR 21 2016

DEPARTMENT OF
WATER RESOURCES

ALGIS PABARCIUS
C/O ROBERT WILLIAMS
PO BOX 168
JEROME ID 83338

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-458A and 37-11550**

*****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 \$193.80 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 11.4 acre-feet.

Please send a check for \$193.80 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 \$174.42 of the rental fee will be paid to the lessor(s) and 10% or \$19.38 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4881.

Sincerely,

Sandra Thiel
Sr. Water Resource Agent

Enclosure

c: IDWR Front Desk
Zach Latham - Brockway Engineering PLLC

Thiel, Sandra

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Tuesday, April 19, 2016 8:05 AM
To: Thiel, Sandra
Subject: RE: Pabarcus Rental

Thank you, I will contact Rob Williams and either get him to mail a check to you, or our office will today. I will notify you when it is mailed, sorry for the lack of payment.

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: Monday, April 18, 2016 4:54 PM
To: Zach Latham
Subject: Pabarcus Rental

Hello, We received the signed rental agreement for Pabarcus. However, it didn't include a payment. The agreement requires the \$193.80 rental fee to be complete.

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

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7539 / Virus Database: 4556/12058 - Release Date: 04/18/16

Williams, Meservy & Lothspeich, LLP
Attorneys at Law

153 East Main Street
Post Office Box 168
Jerome, Idaho 83338-0168



ROBERT E. WILLIAMS
JAMES C. MESERVY
JOHN B. LOTHSPICH
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RECEIVED

APR 18 2016

**DEPARTMENT OF
WATER RESOURCES**

April 13, 2016

Idaho Department of Water Resources
Attn: Cherie Palmer
PO Box 83720
322 East Front Street
Boise, ID 83720-0098

*RE: Algis Pabarcus Water Supply Bank Rental Agreement
Water Right Nos. 37-458A and 37-11550*

Dear Ms. Palmer:

Pursuant to your discussion with Zach Latham of Brockway Engineering, enclosed for filing, please find the original Water Supply Bank Rental Agreement in the above entitled matter, together with a copy of the Power of Attorney giving me authority to sign on behalf of Algis Pabarcus.

Thank you for your time and attention to this matter. Please contact me if you have any questions or concerns.

Very truly yours,

WILLIAMS MESERVY & LOTHSPICH, LLP

ROBERT E. WILLIAMS

REW/bsb

Encl.

C: Zach Latham

\\SERVER\\share\\REW\\data\\M-P\\Pabarcus\\Water Bank 2016 (37-22934 37-22935 37-22936)\\IDWR.Palmer.2016.04.13.doc

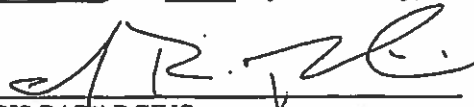
SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT I, **ALGIS PABARCIUS**, do hereby make, constitute and appoint **ROBERT E. WILLIAMS**, P.O. Box 168, 153 East Main Street, Jerome, Idaho 83338, my true and lawful attorney for me, in my name, place and stead, and on my behalf, with full power and authority to execute any and all documents on my behalf as fully and effectually to all intents and purposes as I could do in my proper person, with full power of substitution, hereby ratifying and confirming all that my said attorney in fact shall lawfully do, or cause to be done, by virtue of the authority herein granted and necessary or useful to carry into effect any or all of the following acts, deeds and things:

1. To execute on my behalf all applications and related documents to be filed with the Idaho Department of Water Resource and/or the State of Idaho Water Resource Board, including, but not limited to: (a) applications to appropriate water; to transfer a water right; or to rent water from the Idaho Water Resource Board Water Supply Bank; (b) any contract with Joe and Cheryl Goitiandia for the lease of Water Rights Nos. 37-458A and 37-11550 as decreed by the state of Idaho; and (c) all other documents useful or necessary to process or supplement such Applications or contracts.
2. This power of attorney shall not be affected by my disability.

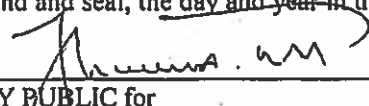
IN WITNESS WHEREOF, I have hereunto set my hand at London, UK
this 4 day of February, 2016.


ALGIS PABARCIUS

City of LONDON ENGLAND

On this 4th day of FEBRUARY, 2016, before me, the undersigned, a Notary Public in and for said City, personally appeared ALGIS PABARCIUS, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.

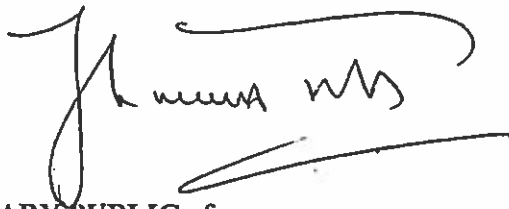

NOTARY PUBLIC for _____
Residing at LONDON ENGLAND
Comm Expires: ON DEATH

United Kingdom of Great Britain
City of London, England

ACKNOWLEDGEMENT

On this 4th day of February 2016 before me the undersigned **JOHN EDWARD GERALD ANTHONY TOTH** of 1 New Fetter Lane London EC4A 1AN Notary Public duly authorised admitted and sworn and practising in the said City of London there personally appeared **ALGIS R PABARCIUS** known to me (or satisfactorily proven) to be the individual named in the attached Special Power of Attorney and who acknowledged to me that he executed the same of his own free will (voluntarily) for the uses and purposes therein mentioned and contained

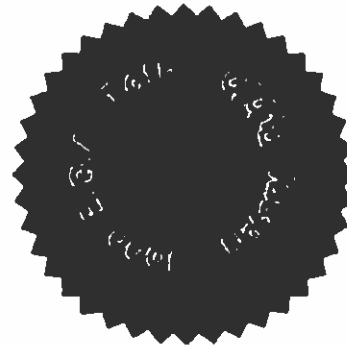
IN TESTIMONY whereof I have hereunto subscribed my name and affixed my seal of office at 1 New Fetter Lane in the City of London the day and month and year first above written



NOTARY PUBLIC of

Ashfords LLP
1 New Fetter Lane
London EC4A 1AN
UNITED KINGDOM

00 44 (0) 207 544 2429



My Commission expires on Death



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 25, 2016

ALGIS PABARCIUS
C/O ROBERT WILLIAMS
PO BOX 168
JEROME ID 83338

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 37-458A and 37-11550**

*****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 \$193.80 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 11.4 acre-feet.

Please send a check for \$193.80 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 \$174.42 of the rental fee will be paid to the lessor(s) and 10% or \$19.38 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4881.

Sincerely,

 Sandra Thiel
Sr. Water Resource Agent

Enclosure

c: IDWR Front Desk
Zach Latham - Brockway Engineering PLLC

MEMORANDUM

To: Water Rights 37-458A and 37-11550
From: Sandra Thiel
Date: March 14, 2016
Re: Review of Applications to Lease and Rent Water

PURPOSE/NARRATIVE: On February 16, 2016, Zach Latham of Brockway Engineers submitted a lease rental package to the Department on behalf of lessors Joe and Cheryl Goitiandia and renter Algis Pabarcus. Rights 37-458A and 37-11550 are limited to a combined 4.0 acres and the application proposes to lease 3.25 acres of each right to the Bank. The remaining 0.75 acres will continue to be irrigated by the unleased portions of these rights. Right 37-11549 for domestic use also shares the place of use. The source for right 37-458A is Clear Creek. The source for 37-11550 is ground water.

Mr. Pabarcus intends to rent these rights to irrigate 1.7 acres, approximately 2 miles south and downstream, from the lease points of diversion. The property at the rental place of use is subject to a protested application for permit for irrigation. In 2015, Mr. Pabarcus applied for temporary permit TP-37-69 that allowed him to irrigate the trees planted on the east and south of the property. As part of the current transaction, he also applied for a temporary permit for the 2016 season. This application is for one year only and requests 5.0 acre feet, and 0.03 cfs to mitigate for the temporary permit. It appears that the rental alone is sufficient to irrigate the trees.

The lease and rental share the surface water point of diversion. Water flows from Clear Creek into Comstock ditch and approximately 2 miles south, into a pond on the Pabarcus property. The renter will divert from the pond through a buried pressurized irrigation system. This rental includes both the ground water and surface water; however, only the surface water will be diverted. There is no well.

AUTHORITY TO FILE: The Blaine County tax lot data shows Joe and Cheryl B Goitiandia as the property owners for the lease place of use. According to the tax lot data, Pabarcus owns the place of use for the rental.

WATER RIGHT VALIDITY: Both rights were decreed in September of 2010. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. Clear Creek supplies water for Comstock Ditch. There appears to be two water rights along the ditch, whose source is Clear Creek, between the point of diversion and the place of use.

ENLARGEMENT OF USE: The two rights offered for lease are stacked onto the same 4 acre place of use. The lease will include both the Clear Creek right and the ground water right. The rental will be limited to Clear Creek water. Right 37-458A is for irrigation only and provides 0.02 cfs per acre. There is no volume on the right; however, the headgate requirement is 3.5 af/a.

The rental encompasses 1.7 acres at 5 af and 0.03 cfs, for 2.9 acre feet per acre and 0.018 cfs per acre. No enlargement is anticipated.

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 Ketchum zone.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The lease right(s) are subject to Water District #37

Thiel, Sandra

From: Merritt, Allen
Sent: Tuesday, March 15, 2016 2:22 PM
To: Thiel, Sandra
Cc: Palmer, Cherie; Keen, Shelley
Subject: RE: Goitiandia lease / Pabarcus rental

It is ok with me.

Note that the temp permit wanted 0.10 cfs. Is the reduction to 0.07 cfs acceptable to the Pabarcus people?

What are the thoughts regarding the temp permit.... Are we going to allow them to withdraw and refund the money?

From: Thiel, Sandra
Sent: Tuesday, March 15, 2016 2:10 PM
To: Merritt, Allen
Subject: Goitiandia lease / Pabarcus rental

Hello, the attached documents are for the Goitiandia lease and Pabarcus rental. All the documents are complete with the exception of the rental. Cherie has it for review. Please let me know what you think. Will this work instead of the temporary permit?

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: Merritt, Allen
Sent: Friday, February 19, 2016 3:51 PM
To: Thiel, Sandra
Subject: Re: Pabarcus Temporary Permit Application

I'm at home for a week.

I'm not aware of a resent temp permit application but I recall they did this last year since their transfer is protested. I do not have a problem with the rental or a temp permit if they go hand in hand.

Sent from my iPhone

On Feb 19, 2016, at 3:11 PM, Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov> wrote:

Hello, I am reviewing a lease Joe and Cheryl Goitiandia and rental for Algis Pabarcus. From what I understand Pabarcus wants to rent water for mitigation of a temporary permit. Is the permit dependent upon the approval of the rental water for mitigation? I want to make sure that we aren't holding up one of your processes or the other way around.

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

February 9th 2016

Mr. Allen Merritt
Idaho Department of Water Resources
650 Addison Ave W, Ste 500.
Twin Falls, ID 83301-3380

RE: Goitiandia WSB Lease Applications, Pabarcus WSB Rental and
Temporary Permit Applications.

Dear Allen,

Enclosed are two Water Supply Bank (WSB) lease applications in the names of Joe and Cheryl Goitiandia. The Goitiandias are proposing to lease 3.25 acres of decreed water right 37-458A and 37-11550 respectively, to the WSB for the 2016 season. Both water rights share the same place of use and can irrigate the same 4.0 acres in T.4N R.18E SEC. 31 SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Mr. Algis Pabarcus seeks to rent 1.7 acres and 5.0 acre feet of both Goitiandia water rights 37-458A and 37-11550 in order to mitigate for the irrigation contemplated within the enclosed temporary permit application. Temporary permit application TP-37-69 was approved in 2015 on behalf of Mr. Pabarcus and authorized the irrigation of 3.25 acres using 5.0 acre-feet on the Pabarcus property in Blaine County. Per a conversation with you, Chuck Jr., and me, it was decided that approval of a temporary permit for the irrigation of the same acreage during 2016 could be approved if the mitigation for the temporary permit (5.0 acre-feet) was rented through the WSB. Based on this conversation, we have applied to rent 5.0 acre-feet and the associated acreage (1.7 acres) of both Goitiandia water rights to be used as mitigation for a temporary permit for Mr. Pabarcus.

Please copy our office on all correspondence regarding the enclosed water supply bank lease and rental applications and the temporary permit application. Also included is a check for \$550.00, \$500.00 to cover the cost of the two water supply bank lease applications and \$50.00 to cover the cost of the temporary permit application. Don't hesitate to give me a call should you have any further questions or comments. Thanks for your time and assistance on this matter.

Regards,



Zach Latham, M.S., Hydrologist.

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

Enclosures:

- (2) Goitiandia Water Supply Bank Lease Applications; 37-458A, 37-11550 & Map.
- (1) Goitiandia Limited Power of Attorney.
- (1) Pabarcus Water Right Rental Application; 37-458A, 37-11550 & Map.
- (1) Pabarcus Temporary Permit Application.
- (1) Pabarcus Limited Power of Attorney.
- (1) Water Supply Bank Lease/Rental Agreement.
- (1) Brockway Engineering Check # 13173

Cc: Mike Goitiandia
Algis Pabarcus c/o: Rob Williams