

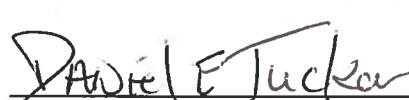
DEPARTMENT OF
WATER RESOURCES

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

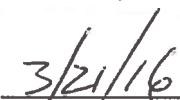
The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:



Signature of Renter



Printed Name and Title*



Date

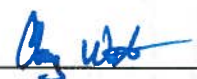
*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 3/28/2016

Rental Approved by IDWR 

Date 3-28-2016

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SPRINGS SW¼SW¼SE¼ Sec. 25 Twp 4N Rge 18E BLAINE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/15 TO 10/31

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	
04N	18E	25															2.5		2.5

Total Acres: 2.5

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 pending permanent transfer applications that the renter has filed to modify other water rights for irrigation of the subject lands nor shall it prejudice any future rental agreement that may be made of the subject water right after this rental agreement expires.
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. Prior to diversion, the Renter shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
11. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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. This right does not grant any right-of-way or easement across the land of another.



Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2020

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



2013 USDA-FSA Aerial Photography

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



0  Feet
500

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

RECEIVED

OCT 20 2015

DEPARTMENT OF
WATER RESOURCES

Applicant Name:

Daniel E Tucker

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)

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Daniel E Tucker
 Mailing Address 102 East Foul W Hailey Id 83333
Street City State Zip Code
 Email Address _____ Phone Number 208 788 4140

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☒
 If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative _____ Professional Title _____
 Organization _____ Relationship to Applicant _____
 Mailing Address _____
 Email Address _____ Phone Number _____

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Irrigate grass planted on tailings pile

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)
<u>0.6-2.00</u> CFS	<u>9.002-00</u> AF	CFS	AF	<u>123</u> 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?	
<u>4/15/16</u>	<u>5/1/16</u>	☐ 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):

Pump

- E. Describe the type and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
<u>Spring pond</u>	<u>Spring</u>	<u>None</u>

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

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

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

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

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

- ☐ Irrigation 10 (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:

None

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, applicants should request to rent against the 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)
37-7792	irrigation	.06	9.0	3		.06	9.0	3
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	.06 CFS	9.0 AF	3 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:

Jul 8 2011 37-7792 rights not for sale

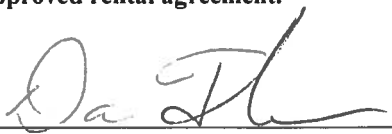
- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- 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.


Signature of Applicant

Daniel E Tucker
Printed Name of Applicant

10/17/15
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

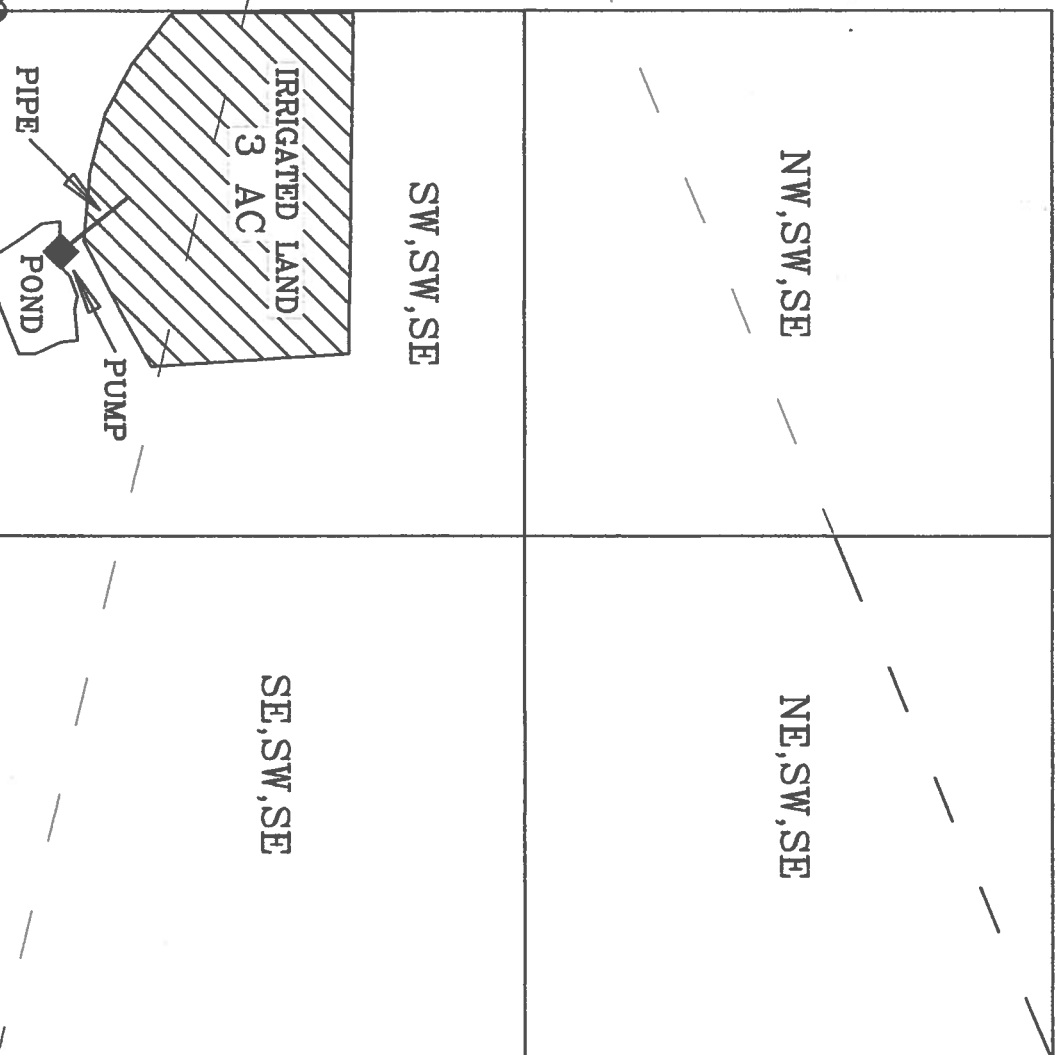
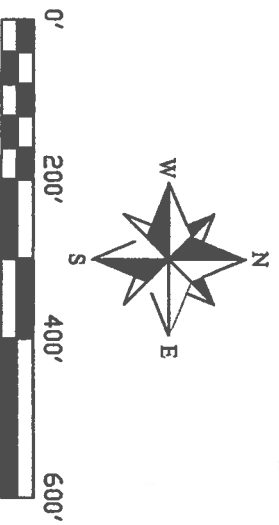
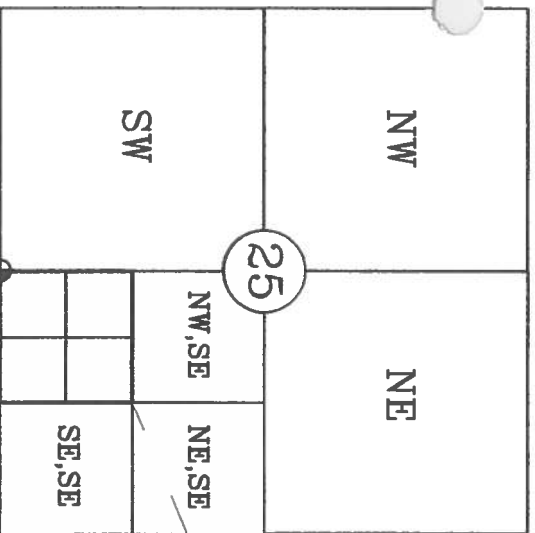
DANIEL TUCKER

WATER RIGHT NUMBER = 37-7792

PROPOSED DIVERSION & APPLICATION

3 ACRES IN SW,SW,SE OF SEC 25

SECTION 25



SOUTH QUARTER CORNER
SECTION 25, T4N, R18E, B.M., BLAINE COUNTY, IDAHO

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

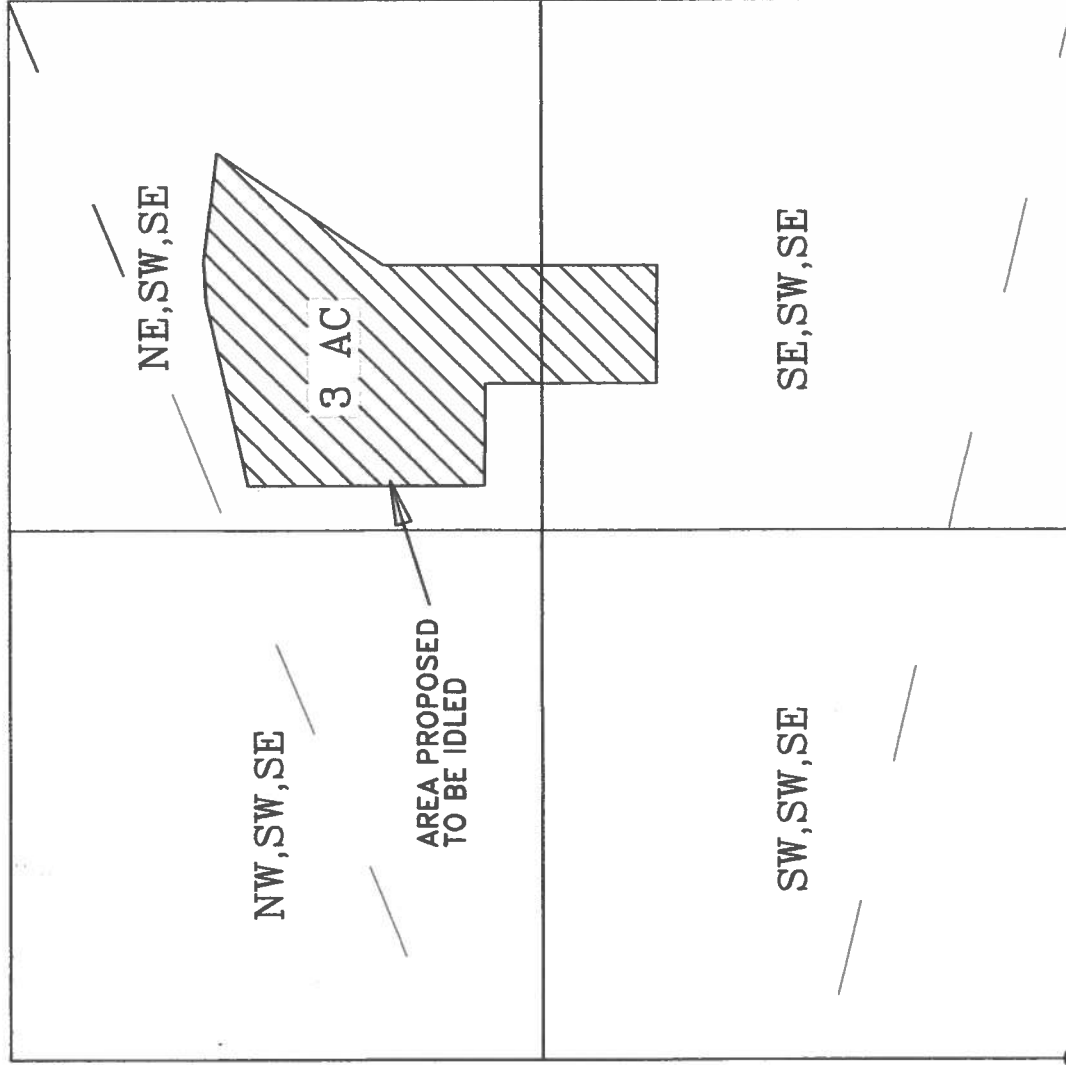
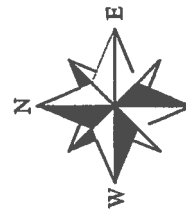
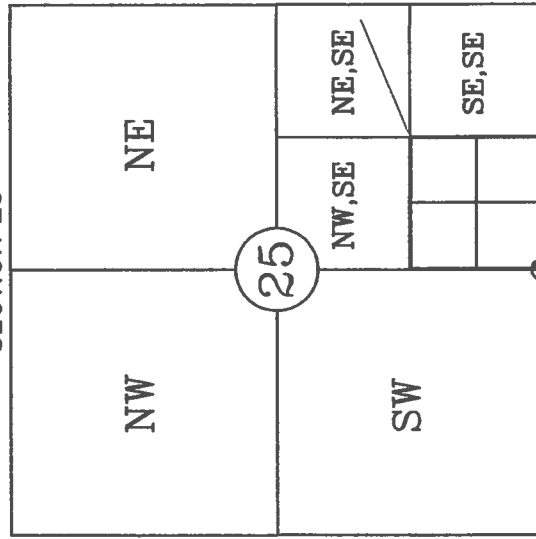
WILLIAM B. COLLINS

WATER RIGHT NUMBER = 37-7792

AREA PROPOSED TO BE IDLED BY THIS APPLICATION

3 ACRES IN SE1/4 OF SEC 25

SECTION 25



SOUTH QUARTER CORNER
SECTION 25, T4N, R18E, B.M., BLAINE COUNTY, IDAHO



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 30, 2016

DANIEL TUCKER
102 EAST FORK LN
HAILEY ID 83333

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-7792**

Dear Renter:

Please find enclosed a receipt in the amount of **\$127.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 7.5 acre-feet of water for irrigation of 2.5 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 \$114.75 of the rental fee will be paid to the lessor(s) and 10% or \$12.75 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4933

Sincerely,

 Steve Viskosky
Water Resource Agent

Enclosures: Receipt No. C101756
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37

DEPT. OF WATER RESOURCES

322 E. FRONT ST.

P.O. BOX 83720

BOISE, ID 83720-0098

POST SERVICE
REQUESTED

resent to
40444 N 58th St
Cave Creek AZ
85331

TUCK102 T833333003-1116 700 03/07/16
TUCKER RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

DANIEL TUCKER
102 EAST FORK LN
HAILEY ID 83333

RECEIVED
MAR 10 2016
DEPARTMENT OF
WATER RESOURCES

836 833 8333 A1-17

6020160212-111057421

4

83333

RETURN SERVICE REQUEST

PSRT FRI
US POST
Bois
PER



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 1, 2016

DANIEL TUCKER
102 EAST FORK LN
HAILEY ID 83333

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR
WATER RIGHT 37-7792**

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

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on February 12, 2016. The signed agreement and rental fee have not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$127.50 within ten (10) days of this letter to complete processing. Diversion and use of the water right is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact me at 287-4933.

Sincerely,

 Steve Visosky
Water Resource Agent



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

February 12, 2016

DANIEL TUCKER
102 EAST FORK LN
HAILEY ID 83333

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-7792**

*****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. **Please note that prior to diversion, condition #10 on the agreement requires installing and maintaining a measuring device of a type acceptable to the Department as part of the diverting works.**

A rental fee of \$127.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 7.5 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$127.50 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 \$114.75 of the rental fee will be paid to the lessor(s) and 10% or \$12.75 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4933.

Sincerely,

for Steve Visosky
Water Resource Agent

Enclosure

c: IDWR Front Desk

MEMORANDUM

To: Water Right(s) 37-7792

From: Steven Visosky

Date: January 25, 2016

Re: Review & Analysis of Application to Lease and Rent Water to the State Water Supply Bank

PURPOSE/NARRATIVE: On Dec 21, 2015, the Department received a lease application from William B Collins to lease of the entire water right 37-7792 into the Water Supply Bank (WSB). William Collins owns the decreed water right for 3.0 acres of irrigation and recreation uses. This water right was previously leased in to the WSB for the last five years to Daniel Tucker and is proposed for another five years. The property is located within the Eastern Snake River Plain Moratorium area along with being inside the Trust Area.

The Department received Daniel Tucker's rental application on October 20, 2015. The rental application requests three acres of irrigation from the same source (spring) downstream and inside of the same QQ as water right 37-7792. The purpose of the rental is to irrigate grass planted on a tailings pile.

AUTHORITY TO FILE: William B. Collins signed the lease application without a representative. Daniel Tucker also signed the rental application without a representative. According to taxlot information updated on 9/7/2015 from Blaine County, both the lease and rental applicants own the land associated with the place of use (POU) and point of Diversion (POD).

WATER RIGHT VALIDITY: Water Right 37-7792 was decreed on 11/12/2009. In 2011, the entire water right was leased into the WSB for five years. Both the irrigation and recreation use were accepted into the lease however only the irrigation diversion rate was authorized for the rental. As the entire water right was accepted into to the WSB, forfeiture is not a concern at this time.

INJURY TO OTHER WATER RIGHTS: No apparent injury with proper rental.

ENLARGEMENT OF USE: During the lease review, it was determined through aerial photography that the POU associated with the property appeared to be irrigated during the last five year lease period. The lease application stated that no other water rights were being used for the same purpose at the same POU. A phone conversation with Mr. Collins confirmed that the water he was using to irrigate approximately ½ acre on the lease POU was from the domestic water supplied by Wooden Hill Water Works 37-7136. Mr. Collins stated that he may have misunderstood the question on the application as there is another water right (37-7136) used for the same purpose.

The lease POU does overlap with water right 37-7136 owned by Wooden Hills Water Works as mentioned above. 37-7136 is a domestic right is for 25 homes and using the volume associated with the license, the right allows for irrigation of up to ½ acre per home. There are no POD overlaps.

During the phone conversation with Mr. Collins, I inquired about the point of diversion (POD) and how water is diverted into the pond for recreation. Mr. Collins stated that the pond fills up from springs underneath the pond and there is no particular point of diversion from a spring into

the pond. It appears there is no way to stop the flow or dry up the pond area due to the location of the springs' origination. Water flows from the springs underneath the pond and then into a stream below the pond. As the pond will continue to have water in it, the recreation use of the water right cannot be leased in to the bank.

In regards to the irrigation use, the WSB is accepting the three acres of irrigation into the lease however only 2.5 acres are available for rental. The property has a total of 3 acres of irrigation and as the property continues to receive a 1/2 acre of irrigation from water right 37-7136, limiting the rental to 2.5 acres will prevent an enlargement.

As we are unable to accept the recreation use, the rental of lease of 37-7792 should be limited to 2.5 acres, 0.05 cfs, and 7.5 AF. The entire lease of water right 37-7792 will be used up with this rental for all five years.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location of this water right is within Water District 37 – Big and Little Wood River Drainages. Watermaster Kevin Lakey along with Allen Merritt from IDWR Southern will be contacted for feedback or concerns.

On January 22, 2015, Kevin Lakey responded via email and stated that he would like a measuring device installed at the new POD/POU to see how much water is actually applied. The lease will carry a measuring device requirement. Allen Merritt also replied the same day and stated that he was OK with the lease as long as we are only allowing 2.5 acres on the lease.

Lease of 37-7792 and Rental proposals for WSB
Map created by Steven Visosky 1/8/16

Lease POD - Spring feeds pond from underneath the pond.

Lease POU 37-7792



Visosky, Steven

From: Merritt, Allen
Sent: Friday, January 22, 2016 1:11 PM
To: Visosky, Steven
Subject: RE: Water Supply Bank lease and rental feedback 37-7792

Ok great

From: Visosky, Steven
Sent: Friday, January 22, 2016 12:01 PM
To: Merritt, Allen
Cc: Kevin Lakey
Subject: RE: Water Supply Bank lease and rental feedback 37-7792

Allen,

We are only allowing 2.5 acres of irrigation to be used at the rental and we are requiring that prior to diversion, the renter shall install and maintain a measuring device acceptable to the Department as part of the diverting works.

Thanks for your feedback

Steve Visosky

From: Merritt, Allen
Sent: Friday, January 22, 2016 9:12 AM
To: Kevin Lakey; Visosky, Steven
Subject: RE: Water Supply Bank lease and rental feedback 37-7792

I do not have an issue assuming you are only going to allow 2.5 acres.

From: Kevin Lakey [<mailto:watermanager@cableone.net>]
Sent: Thursday, January 21, 2016 4:13 PM
To: Visosky, Steven; Merritt, Allen
Subject: RE: Water Supply Bank lease and rental feedback 37-7792

Steven,
I'm good with the lease/rental, but would like a measuring device installed at the new POD/POU to see how much water is actually applied. Thanks.

Kevin Lakey
Water District 37

From: Visosky, Steven [<mailto:Steven.Visosky@idwr.idaho.gov>]
Sent: Thursday, January 21, 2016 3:22 PM
To: Merritt, Allen; WATERMANAGER@CABLEONE.NET
Subject: FW: Water Supply Bank lease and rental feedback 37-7792

Dear Allen and Kevin,

I should have been more specific with a timeframe to respond with any concerns or comments regarding the water supply lease and rental attached in Basin 37. As I am still new to the WSB, I am learning as I go. We would like to send

out the lease approval document by the end of the day tomorrow (1/22/16). Please let me know if you need any more time for your review or have any concerns.

Thanks,

Steven Visosky

Water Resource Agent
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4933
Fax (208) 287-6700
steven.visosky@idwr.idaho.gov

From: Visosky, Steven

Sent: Tuesday, January 12, 2016 3:18 PM

To: Merritt, Allen; 'WATERMANAGER@CABLEONE.NET'

Subject: Water Supply Bank lease and rental feedback 37-7792

Dear Allen and Kevin,

We are processing a Water Supply Bank lease and rental application in Basin 37. The memo review explains both applications for your convenience. Could you please let us know if you have any questions or concerns with moving forward with the agreements.

Thanks,

Steven Visosky

Water Resource Agent
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
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Fax (208) 287-6700
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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

November 18, 2015

DANIEL E TUCKER
102 EAST FORK LANE
HAILEY ID 83333

RE: Water Rights 37-7792-- Application to Rent Water from the Water Supply Bank

Dear Mr. Tucker:

The Idaho Department of Water Resources received your application to rent spring water for irrigation purposes. On your application you requested water right 37-7792. This right was leased into the bank. However, the lease expires on December 31, 2015. According to your application you seek to rent water for the 2016 irrigation season. There are currently no other water rights from the spring leased into the bank. Please contact me at (208) 287-4881 and let me know how you would like to proceed.

Sincerely,

Sandra Thiel
Sr. Water Resource Agent