



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 3, 2017

VERLIN AND ELLA GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647

RESPONSE DEADLINE
2/1/2017

RE: Water Supply Bank Rental Fees for 2017 Rental Agreements

Dear Renter,

The following are your 2017 water rentals from the Water Supply Bank:

Rental	Start	End	Water Right	Rental Volume (AF)	Total Rental Fee	Owner Fee (90%)	Admin Fee (10%)	Rental Fee Due Date
1	2016	2019	2-2245B	40	\$68.00	\$0.00	\$68.00	1/1/2017

Our records indicate that payment has not yet been received for the above water right rentals.

If you have not already done so, please remit payment of **\$68.00** prior to the due dates above and enclose a copy of this letter with your payment.

If you have questions about your rental, you can contact me at 208-287-4918.

Regards,

Remington Buyer
Water Supply Bank Coordinator

DEPARTMENT OF
WATER RESOURCES

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

FEB 12 2016
DEPARTMENT OF
WATER RESOURCES

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:

Verlin Gingrich VERLIN GINGERICHT 2-10-16
Signature of Renter Printed Name and Title* Date

Ella Gingrich Ella Gingrich 2-10-16
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 Date 2/12/2016
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental Approved by IDWR May Webb Date 2-12-2016

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

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER NW¼SE¼NE¼ Sec. 30 Twp 05S Rge 6E ELMORE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

03/15 TO 11/15

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	
05S	6E	33						4.3	2.2										6.5

Total Acres: 6.5

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 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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
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 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

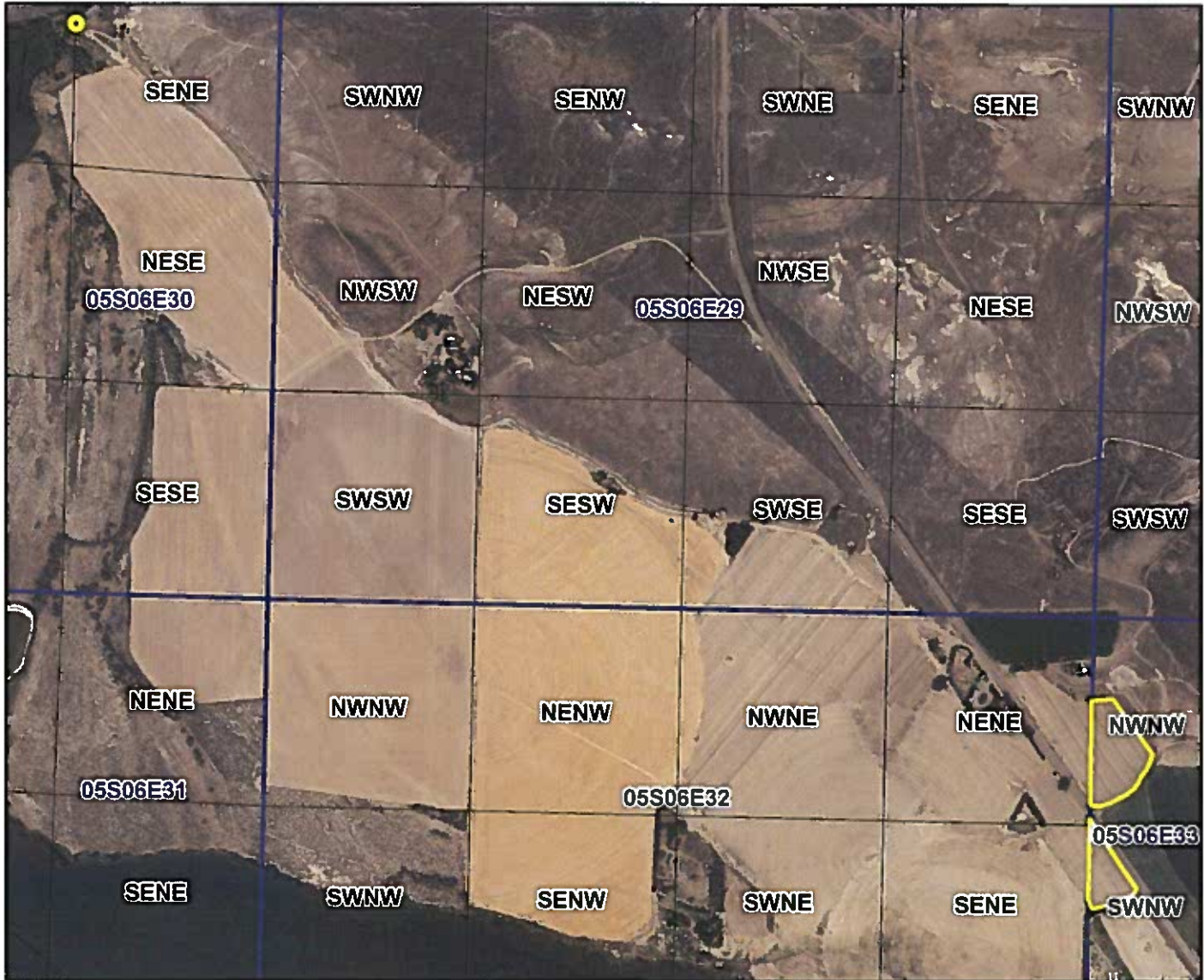
13. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
14. The following rights are diverted through point(s) of diversion described above: 2-2091, 2-10517 and 2-10518.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the SRBA partial decree date.



Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2019

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 0.5 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 04 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Verlin and Ella GingerichIs this application being submitted with a lease application as a lease/rental package? Yes ☒ No ☐

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). 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.**

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

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

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

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

YES

☒ Completed *Application to Rent Water from the Board's 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 |
| 3E | ☒ | ☐ | Authorization from the owner/operator of the rental point(s) of diversion |
| 3G | ☒ | ☐ | Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ | Documents justifying a need to rent water for irrigation at 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)

2-2092A

2-2245A

2-2245B

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Verlin and Ella Gingerich

Mailing Address 19285 Hwy 51, Mountain Home, ID 83647

Email Address _____ Phone Number (208) 845-2872

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 Roxanne Brown Professional Title Water Right Specialist

Organization SPF Water Engineering LLC Relationship to Applicant consultant

Mailing Address 300 E. Mallard Dr., Suite 350, Boise, ID 83706

Email Address rbrown@spfwater.com Phone Number (208) 383-4140

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 place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it **Attachment 3A**:
Water will be used to irrigate 6.5 acres of neighbor's land that is contiguous with two of the applicant's fields.

B. Enter the desired and/or minimum necessary 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)	Acres (if applicable) (Acre)
0.13 CFS	32.5 AF	0.13 CFS	32.5 AF	6.5 AC

Sometimes water rights available for rent 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. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?
5/1/2015	6/1/2015	5	☒ Yes, approve rental for all remaining future years. ☐ No, return rental request if first year is unapprovable.

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

** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Snake River	5S	6E	30	NW	SE	NE	Elmore	2-2091

The entry in this grid must match the map from item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it Attachment 3E.
- F. Do any POD(s) identified in Question 3D 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.
- G. Has water modeling been provided with your rental request? Yes ☐ No ☒
If yes, include as Attachment 3G. Otherwise please explain why modeling was not provided:

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

- H. Specify the proposed beneficial use: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____
- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	6E	33						4.3	2.2										6.5
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for Irrigation)
																			6.5

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, explain the justification for this rate of flow and attach any supporting documents as Attachment 3J:

- 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. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
Existing pump station and distribution system delivers water to proposed place of use.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

M. List all other water rights and sources of water at the rental place of use for the same purpose and explain why additional water is required. Include privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company, or any other water deliver entity:
None.

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes ☒ No ☐
If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the 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 with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)	Rate (CFS)	Vol. (AF)	Acres (AC)
2-2092A	irrigation	Snake River	0.06		2.8	2015	2019	0.06		2.8
2-2245A	irrigation	Snake River	0.037	10	2.0	2015	2019	0.04	10	2.0
2-2245B	irrigation	Snake River	0.16	40	8.0	2015	2019	0.03	8.5	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 that have been leased to the Water Supply Bank								TOTAL	0.13 CFS	18.5+ AF
										6.5 AC

Leased totals minus water actively engaged in rental agreement equals rental availability

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:**
Not applicable.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? 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, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:

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.

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.


Signature of Applicant

Verlin Gingerich
Printed Name of Applicant

4-30-15
Date


Signature of Representative

Roxanne Brown
Printed Name of Representative

4/30/2015
Date

Mail to:

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

July 17, 2015

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Water Bank Rental Application for Verlin and Ella Gingerich

To Whom It May Concern:

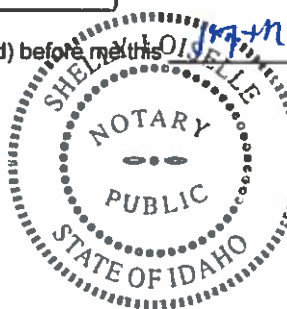
Verlin and Ella Gingerich and a related family-owned entity, Gingerich Brothers Farms, own water rights 2-2092A and 2-2245, and a portion of water right 2-2245A. Portions of these water rights are being leased to the Idaho Water Supply Bank (IWSB). The Gingerichs would like the Idaho Water Resource Board to rent water from the leased water rights for irrigation of 6.5 acres in the NWNW and SWNW, T05S, R06E, S33 that are located on land owned by Melody and Tim Landis. We authorize Verlin and Ella Gingerich to irrigate 6.5 acres as described on the attached *Application to Rent Water* using water rights owned by Verlin and Ella Gingerich and Gingerich Brothers Farms.

Melody Landis
Melody Landis

7.16.15
Date

State of Idaho)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 17th day of July, 2015
Shelly W. Sells
Notary Public



Residing at Idaho

My Commission Expires Aug. 26, 2016

Tim Landis

Tim Landis

7-16-15

Date

State of Idaho

County of Elmore

) SS.

Subscribed and sworn (or affirmed) before me, this

17th

day of

July

20

15



Shelly Wiselle

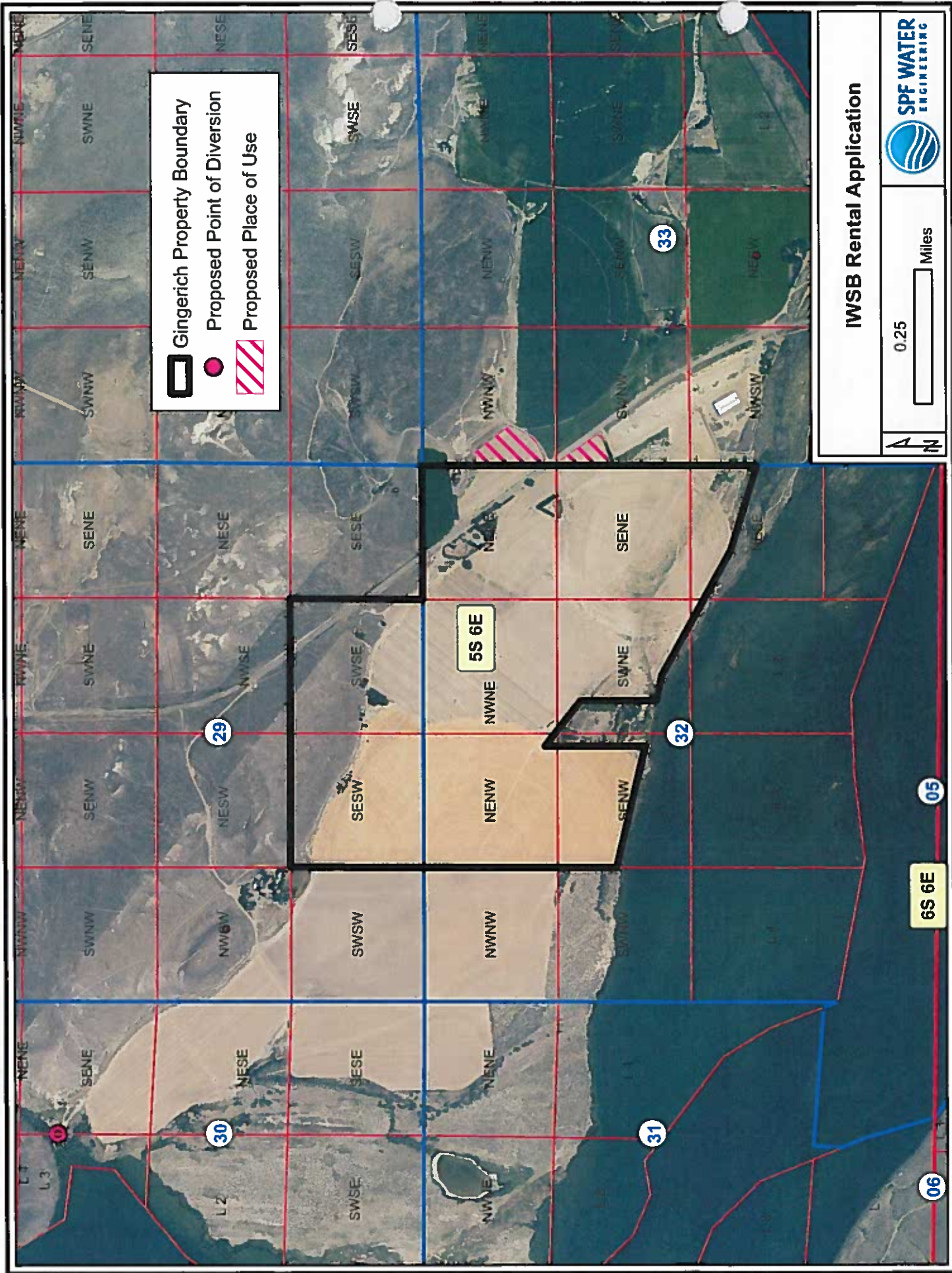
Notary Public

Residing at

Idaho

My Commission Expires

AUG 21, 2016



- Gingerich Property Boundary
- Proposed Point of Diversion
- Proposed Place of Use

WSB Rental Application



0.25 Miles





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 SPICKERMAN
Director

RECEIVED

JAN 09 2017

DEPARTMENT OF
WATER RESOURCES

January 3, 2017

VERLIN AND ELLA GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647

RESPONSE DEADLINE
2/1/2017

RE: Water Supply Bank Rental Fees for 2017 Rental Agreements

Dear Renter,

The following are your 2017 water rentals from the Water Supply Bank:

Rental	Start	End	Water Right	Rental Volume (AF)	Total Rental Fee	Owner Fee (90%)	Admin Fee (10%)	Rental Fee Due Date
1	2016	2019	2-2245B	40	\$68.00	\$0.00	\$68.00	1/1/2017

Our records indicate that payment has not yet been received for the above water right rentals.

If you have not already done so, please remit payment of **\$68.00** prior to the due dates above and enclose a copy of this letter with your payment.

If you have questions about your rental, you can contact me at 208-287-4918.

Regards,

Remington Buyer
Water Supply Bank Coordinator



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 16, 2016

VERLIN AND ELLA GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 02-2245B**

Dear Renter:

Please find enclosed a receipt in the amount of \$68.00 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 40.0 acre-feet of water for irrigation of 6.5 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, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosures: Receipt No. C101517
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angie Grimm – IDWR Western Regional Office
Rob Whitney – State Water District No. 2
Roxanne Brown – SPF Water Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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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

February 1, 2016

VERLIN AND ELLA GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 02-2245B**

*****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 **\$680.00** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 40.0 acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$68.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to February 15 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 \$68.00 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

c: IDWR Front Desk
Roxanne Brown – SPF Water Engineering

Webster, Clay

From: Webster, Clay
Sent: Tuesday, January 26, 2016 11:51 AM
To: Luke, Tim
Subject: RE: WSB rental application for Gingerich 02-2245B

Tim and Rob,

FYI, the ownership change came in with an application for transfer 80835 on WR 2-7018 which will change their POD which is still being processed.

Clay

From: Luke, Tim
Sent: Tuesday, January 26, 2016 9:59 AM
To: Whitney, Rob
Cc: Webster, Clay
Subject: FW: WSB rental application for Gingerich 02-2245B

Rob,

Clay forwarded the attached rental application to me on 1/11/16 looking for comments in lieu of watermaster comments since we did not have a watermaster elected or appointed at the time. You have now been elected and will be appointed upon receipt of the meeting minutes.

I looked at the attached rental application. I guess I don't have concerns with the rental per se – the rental is only for 8 acres and it looks like the rental could be necessary because the proposed rental POU is on land owned by Landis, not Gingerich yet it appears Gingerich is irrigating the 8 acres nonetheless. I did note that several acres appear to be covered by Landis' own right but he is probably not using his right to irrigate those several acres.

Although I do not have a lot of concern about the rental, I see that there are some issues with the entire POU of Gingerich's water rights in the general area. I believe Gingerich could cover the 8 acres in question with a POU transfer. Gingerich needs to file a couple of POU transfers in this area anyway to clean up the POU and he could potentially cover the 8 acres in question but I realize the issue of the 8 acres owned by Landis.

In addition, it looks like Gingerich also has a water right POD issue that should be cleaned up by a transfer. Specifically, the POD for water right 2-7018 is probably not used or does not exist while the actual POD is the Rattlesnake Diversion shared by Gingerich and Leland Shelter. We don't show any inventory or WMIS point for the POD for 2-7018.

Just a thought – but the watermaster comments could be a recommendation that the rental application be approved contingent on the applicant filing necessary transfers on adjacent water right, or that the renter at least be advised of the adjacent water right POU and PD issues that involves the same PD being used for the rental.

Tim

From: Webster, Clay
Sent: Monday, January 11, 2016 9:03 AM
To: Luke, Tim
Subject: WSB rental application for Gingerich 02-2245B

Tim,

We are currently processing this application for rental for WD 2. Do you have any concerns? Thanks

Sincerely,
Clay Webster
Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)

MEMORANDUM

To: Water Right 2-2245B

From: Clay Webster

Date: 1/22/2016

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

PURPOSE/NARRATIVE: The department received this rental application with an ownership change for another right requested under this rental from SPF Water engineering for Verlin and Ella Gingerich on September 4, 2015. The rights listed on the rental application were 2-2029A, 2-2245a and 2-2245B. The leases for the other two water rights were withdrawn on September 29, 2015 and October 22, 2015. This rental asks for 0.13 cfs, 18.5+ af to irrigate 6.5 acres. This water right has sufficient amounts leased to cover this rental. The rental was not processed for the 2015 season because the rental was submitted after the latest possible start date on the application.

AUTHORITY TO FILE: This application was signed by Verlin and Ella Gingerich. They will be using a POD which is currently used for another of their water rights (2-2091). The applicants do not own the POU. However the current tax-lot owners (Landis) provided a letter authorizing the Gingerich's to utilize rented water on the rental POU.

WATER RIGHT VALIDITY: 8.0 acres of 2-2245B were leased into the WSB from 2015 through 2019 and imagery from last year confirms that the leased POU has been idled. There is no imagery available for this year. This rental will be processed for 2016 through 2019.

INJURY TO OTHER WATER RIGHTS: The diversion of this water is being moved downstream along the same reach of the river. There are several PODs between the original POD and the rental POD. Most are for the Ace Black Ranch and are senior to the WR being moved. The others are BLM in-stream stock-water rights. I have no injury concerns at this time.

ENLARGEMENT OF USE: 2-2092B covers the 23 acres in the SWNW section. However, that right is being fully utilized outside of the rental POU on the east side of State Highway 51. The Gingerich's consultant confirmed that 2-2092B is unable to deliver water to the west side of Highway 51 at this time. No enlargement issues are noted with this rental. While reviewing the leased right for this rental, I found that there should have been a combined limit applied. Therefore this rental will show a limit of 0.13 cfs to avoid enlargement of this right. In order to get the 0.13 cfs as requested in this application, the renter will have to rent the entire 8 acres available. This rental will be limited to the irrigation of 6.5 acres requested on the application.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest. The lease and rental both fall within the Trust Water area.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho. The leased WR provides 5 AF/acre. This is standard for this area due to conveyance losses. Since none were held back from the lease, this right will provide that same conveyance for this rental.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 02. Comments were requested from the Western Regional Office and Tim Luke for WD# 02 via E-mail on January 11, 2016. None was received from the regional office. Tim Luke had concerns about the POD for another of the Gingerich rights (2-7018). The department has a transfer application 80835 in advertisement which will address this issue.

Webster, Clay

From: Webster, Clay
Sent: Monday, January 11, 2016 9:00 AM
To: Van Dyke, Nick
Subject: Regional Comments for WSB Rental Application for Gingerich 2-2245B
Attachments: R2.8 Rental Review Memo Gingerich 2-2092A, 2-2245B and 2-10519.docx; Rental Application.pdf; Rental Move.pdf

Nick,

We're currently processing this rental application. Do you have any concerns? Thanks

Sincerely,
Clay Webster
Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)

Webster, Clay

From: Webster, Clay
Sent: Monday, January 11, 2016 9:05 AM
To: Luke, Tim
Subject: WSB rental application for Gingerich 02-2245B
Attachments: Rental Application.pdf; Rental Move.pdf; R2.8 Rental Review Memo Gingerich 2-2092A, 2-2245B and 2-10519.docx

Tim,

We are currently processing this application for rental for WD 2. Do you have any concerns? Thanks

Sincerely,
Clay Webster
Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.J.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 17, 2015

VERLIN AND ELLA GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647

RE: APPLICATION(S) TO RENT 2-2092A, 2-2245A/B FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your rental application to irrigate 6.5 acres from the Idaho Water Resource Board's Water Supply Bank (Bank).

Your application indicates the latest possible start date for rental water is June 1, 2015. Because the latest possible start date has passed, your application is denied for the 2015 season. **The Department does not permit water users to legalize the diversion of water occurring in the past through a rental application or subsequent rental agreement.** Typically applications requesting water in the past are denied and returned to the applicant. However, in this case, you are requesting water for future years. Your application will be put in the queue for processing in 2016 and will be processed as time allows.

Filing a rental application itself does not authorize diversion and use of water. In order to increase your chances of receiving an approved rental, it is imperative that rental applications are received early. The Department begins accepting rental applications beginning **November 1** of the prior year. The later you wait to submit a rental application, the less likely the Department will have time to process the application by the requested start date or at all. For any future filing please submit your rental applications at an earlier time. Finally it is important for you to understand that you are not authorized to divert any water for the purposes described in this application until you have paid the rental fee and you and the Department have both signed a rental agreement.

In 2015, any use associated with your proposed rental request is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

Additional information about the Bank may be found on the Department's website www.idwr.idaho.gov. You may also contact me at (208) 287-4944.

Sincerely,

Cherie Palmer, Water Right Supervisor
Water Allocation Bureau

C: Roxanne Brown-SPF Engineering