



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

LEE H SUTTON
1577 E 10000 S
REXBURG ID 83440

RE: Expiration of Water Supply Bank Rental Agreement for water rights: 22-7336

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' followed by a horizontal line.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

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

RECEIVED

JAN 20 2016

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **LEE H SUTTON**
1577 E 10000 S
REXBURG ID 83440
(208) 356-6392

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	Acre Limit	Total Rented Acres
22-7336	10/22/1980	Ground Water	NA	1.24 cfs	217.5 af	NA	62.1 ac
Total Annual Combined Limit				1.24 cfs	217.5 af	NA	62.1 ac

Annual Combined Rental Totals

***1.24 cfs *217.5 af NA *62.1 ac**

*Actual annual rental diversion is limited to 0.92 cfs and 161.0 af for irrigation of 46.0 acres.

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: **\$3,697.50**

The fee for rental of the above-described water is \$3697.50 per year. Ten percent (\$369.75) will go to the Department for 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.

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:

Lee H. Sutton
Signature of Renter

Lee H. Sutton
Printed Name and Title* owner

1-19-16
Date

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 1/20/2016

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental Approved by IDWR Cheryl Webb

Date 1-20-2016

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NW¼SE¼SW¼ Sec. 2 Twp 04N Rge 40E MADISON County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/01 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	40E	03	32	9.5	0.5	4.0													46.0
			Lot 1	Lot 2															

Total Acres: 46.0

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 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

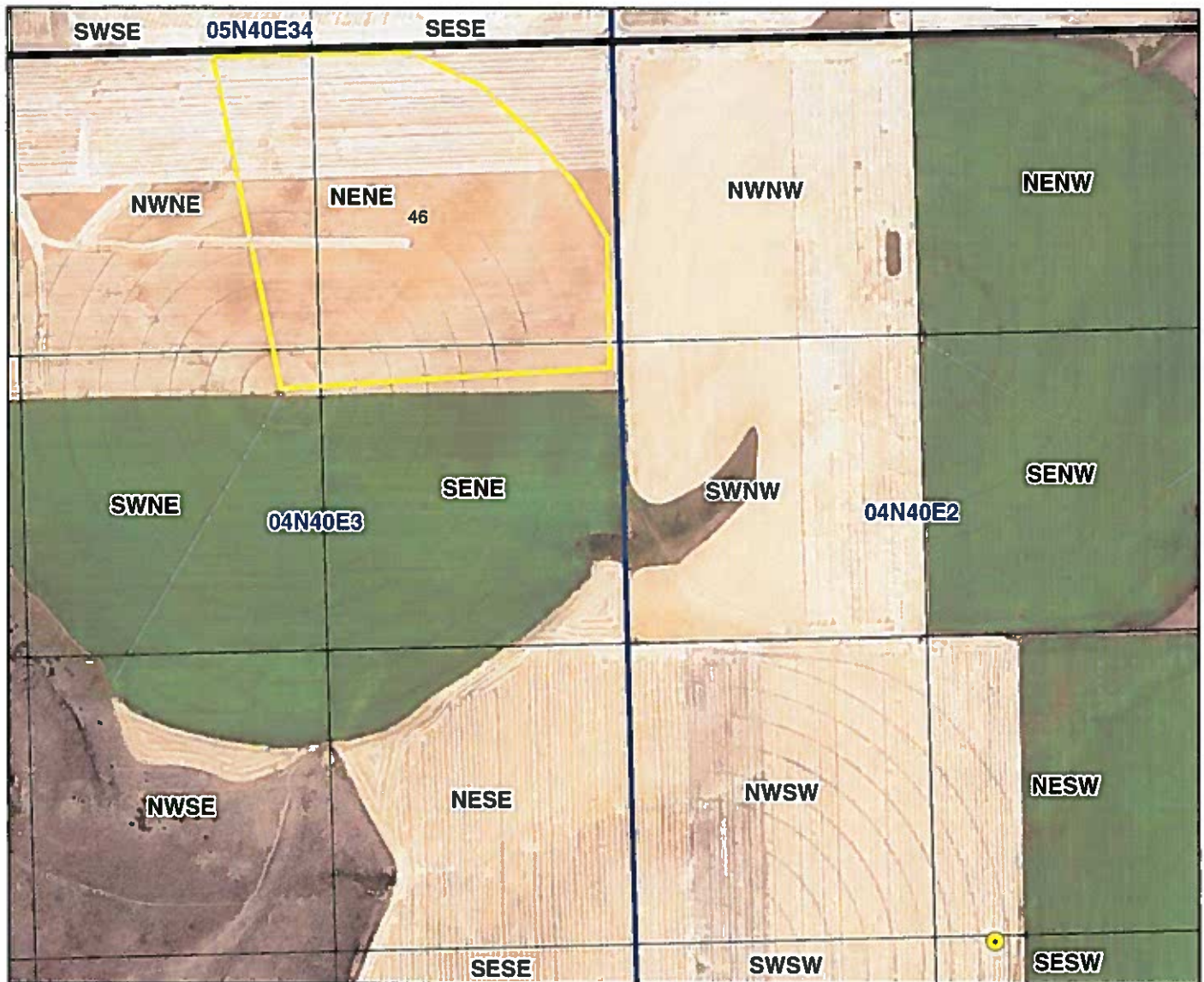
13. The following rights are diverted through point(s) of diversion described above: 22-2242A, 22-2242B and 22-10897.
14. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.



Idaho Water Resource Board Water Supply Bank Rental Agreement

Effective until December 31, 2016

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 Miles 0.25

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
OCT 29 2015
DEPARTMENT OF
WATER RESOURCESApplicant Name: Lee Sutton

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only – Proposed Water Right(s)

22-7336

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Lee Sutton

Mailing Address <u>1577 E. 10000 S.</u>	Rexburg	Idaho	83440
Street	City	State	Zip Code
Email Address <u>lhsutt@ida.net</u>	Phone Number <u>(208) 356-6392</u>		

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

Representative <u>Robert L. Harris</u>	Professional Title <u>Attorney</u>
Organization <u>Holden, Kidwell, Hahn & Crapo, P.L.L.C.</u>	Relationship to Applicant <u>Attorney</u>
Mailing Address <u>P.O. Box 50130</u>	
Email Address <u>rharris@holdenlegal.com</u>	Phone Number <u>(208) 523-0620</u>

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

The Applicant desires to rent water to continue with the same prior Water Supply Bank Rental Agreement (see attached) which expired in 2015. The rental allows 46 additional acres to be irrigated on Applicant's farm above what his existing water rights allow him to irrigate.

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)
1.39 CFS	243.2 AF	CFS	AF	AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
04/1/2016	7/1/2016	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

Well and mainlines into pivots. System is already installed and fully operational.

- 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
NWSESW, Sec. 2, 4N, 40E	Ground water	22-2242A, 22-2242B, and 22-10897

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 69.5 (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, 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)
22-7336	Irrigation	1.60	287.0	82.0		1.39	243.2	69.5
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	1.39	243.2	69.5
						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:**

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:

This same rental was allowed previously. The water right owner was approached by the Applicant to sell the water right to the Applicant, but the water right owner is not willing to sell.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☐ No ☒

- 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

The amount proposed to be rented from 22-7336 includes an amount that will be idled at the current place of use for 22-7336. Just like the prior approved rental, the actual diversion at the Applicant's place of use will be limited to 0.92 cfs, 161.0 AF and the irrigation of 46 acres annually.

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

Lee H. Sutton
Printed Name of Applicant

10-26-15
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

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

RECEIVED

MAY 24 2012

DEPARTMENT OF
WATER RESOURCES

This is to certify that: LEE SUTTON
1577 E 10,000 S
REXBURG ID 83440
(208) 356-6392
LHSUTT@IDA.NET

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	Rented Rate	Annual Rented Volume	Total Rented Acres
22-7336	1.39 CFS*	243.2 AF*	69.5 AC*
COMBINED RENTAL TOTALS:	1.39 CFS*	243.2 AF*	69.5 AC*

*Actual diversion under this rental limited to 0.92 cfs, 161.0 AF and the irrigation of 46 acres annually.

TERM OF RENTAL:
April 1, 2012 to October 31, 2012
April 1, 2013 to October 31, 2013
April 1, 2014 to October 31, 2014
April 1, 2015 to October 31, 2015

RENTAL FEE:
\$3,404.80 in 2012
\$4,134.40 in 2013, 2014 and 2015

The total fee for rental of the above-described water is **\$3,404.80 in 2012 and \$4,134.40 every year thereafter**. An annual payment shall be received by the Department of Water Resources prior to April 1, the start of the irrigation season, each year for the duration of the rental period. The agreement will be void if the payment is not received in a given year.

Detailed water right specific limitations and conditions attached.

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:

Dated this 19th day of MAY, 2012.

By: Lee H. Sutton Lee H. Sutton
(Print Name) (Signature)

owner
(Title if on behalf of company or organization)

Having determined that this agreement satisfies 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 conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 24th day of May, 2012.

GARY SPACKMAN
GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 22-7336 **WATER SUPPLY BANK RENTAL AGREEMENT**

The 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 below:

Renter: LEE SUTTON
 1577 E 10,000 S
 REXBURG ID 83440
 (208) 356-6392
LHSUTT@IDA.NET

Priority Date: 10/22/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	11/01	0.92 CFS	161.0 AF
MITIGATION	04/01 to	11/01	0.47 CFS	82.2 AF
Total:			1.39 CFS*	243.2 AF*

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER NW¼SE¼SW¼ Sec. 2 Twp 04N Rge 40E MADISON County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	40E	3	31.7	36.4	7.9		5.1			5.9									87

Total Acres: 87

Acre Limit within Place of Use described: 46

CONDITIONS OF WATER USE

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. This rental agreement does not authorize the construction of a well.
6. 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.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
8. 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.

**WATER RIGHT NO. 22-7336
WATER SUPPLY BANK RENTAL AGREEMENT**

CONDITIONS OF WATER USE

9. 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.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
11. 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. 110.
12. *Diversion under this rental is limited to 0.92 cfs, an annual diversion volume of 161.0 AF and the irrigation of 46 acres within the place of use described above in a single irrigation season.
13. The water rented under this agreement is appurtenant to irrigation of 69.5 acres.

ATTACHMENT 2

GIS Map

 Permissible POU
 Water Bank Rental Acres
 778 Acre POU
 POD
 Section Lines
 Quarter Quarters



ATTACHMENT 3H
Water Modeling to Account for
The Impacts of the Rental
Request

Modeling was previously performed for this same rental by the Department. See attached Memorandum dated April 11, 2012. Based on the attached document, the model used to perform this analysis was Transfer Tool version 3.1, which is the same transfer tool used by the Department as of the date of this rental application. Therefore, the modeling analysis previously performed is being submitted in support of this rental application. Based on that modeling, the Applicant must rent 69.5 acres at the place of use for Water Right No. 22-07336 in order for the Applicant to irrigate 46 acres at his desired place of use.

Even though 22-07336 has been used at the renter's place of use for the past four (4) years, which if modeled now may show a reduced number of acres needed for mitigation for the new rental application, the Applicant does not intend to change the prior modeling or seek any credit under the transfer tool for the recently-expired rental agreement. The rental application should be processed as though 22-07336 has been fully used at its current place of use. The Applicant has taken this position in order to lessen the processing time and burden of review of the lease/rental package by the water bank staff such that the lease/rental package is the same as it was under the prior rental agreement.

MEMORANDUM

FROM: Jennifer Sukow, IDWR Hydrology Section
TO: Monica Van Bussum, IDWR Water Supply Bank Coordinator
CC: Sean Vincent, IDWR Hydrology Section Manager
DATE: April 11, 2012
RE: Review of Amended Lee Sutton Application to Rent Water from the Water Supply Bank

Introduction

Lee Sutton submitted an amended application to rent groundwater to irrigate 65 acres from 2012 through 2015. A portion (227.5 AF/year) of water right 22-7336 is being considered for rental to Mr. Sutton. The amendment is a reduction in acres from the original application, which was discussed in a previous memorandum dated February 22, 2012. The Hydrology Section was requested to provide an assessment of potential impacts of the amended water supply bank rental application.

The proposed point of diversion and rental water right point of diversion are located within the Eastern Snake Plain Aquifer (ESPA). Guidance for approving transfers which propose a change to points of diversion in the ESPA is contained in Administrative Transfer Processing Memorandum No. 24, dated January 21, 2009. Because the proposed Water Supply Bank rental would in effect be a temporary change to the points of diversion, potential impacts to the Snake River can be evaluated using this guidance. The transfer guidance indicates that a change which increases depletions to a modeled reach of the Snake River by greater than 10 percent must be fully mitigated, unless the increased depletion is less than two acre-feet per trimester or the total steady-state depletion to the reach is less than 10 percent of the total depletion.

Figure 1 shows the locations of the proposed point of diversion and the points of diversion for the available water rights. The proposed point of diversion is located within the ESPAM1.1 model in cell 1068181. The point of diversion for water right 22-7336 is located in model cell 1061184.



Figure 1. Location map.

Methodology

Potential impacts to the Snake River were evaluated using the ESPA Transfer Spreadsheet Version 3.1. Water right 22-7336 and the proposed Sutton point of diversion were modeled in cells 1061184 and 1068181, respectively.

The effects without transfer were modeled assuming that water right 22-7336 had not been leased to the Water Supply Bank and was diverted each spring and summer. Winter trimester diversions were modeled as zero. For water right 22-7336, diversion of 113.75 AF in each spring and summer trimester was modeled, beginning in the spring of 1981, based on the water right priority date of 10/22/1980.

The effects with transfer were modeled assuming that water right 22-7336 was diverted each spring and summer trimester beginning in 1981 and ending when leased to the water supply bank. During 2012 through 2015, diversion of 113.75 acre-feet was modeled at the Sutton point

of diversion in each spring and summer trimester. Diversion of water right 22-7336 was assumed to resume at the original location beginning in the spring of 2016.

The effects without and with transfer were also modeled assuming that the water right volume was diverted year-round at a rate of 75.83 AF/trimester. This was requested to provide smoothed output that is easier to view graphically. However, this method results in slightly lower peak trimester impacts.

Results

Because of the locations of the points of diversion between the Henry's Fork and South Fork of the Snake River, significant effects on modeled Snake River gains are limited to the Ashton to Rexburg and Heise to Shelley reaches. Net changes to depletions and accruals in other modeled reaches are less than 2.0 acre feet per trimester. Net transfer effects on reaches above Milner are shown in Figure 2. The transient increase in depletions to the Heise to Shelley reach peaks in the summer trimester of 2015 at 19.9 acre-feet. Modeling the net transfer effects assuming year-round use results in a lower peak depletion of 15.1 acre-feet to the Heise to Shelley reach (Figure 3).

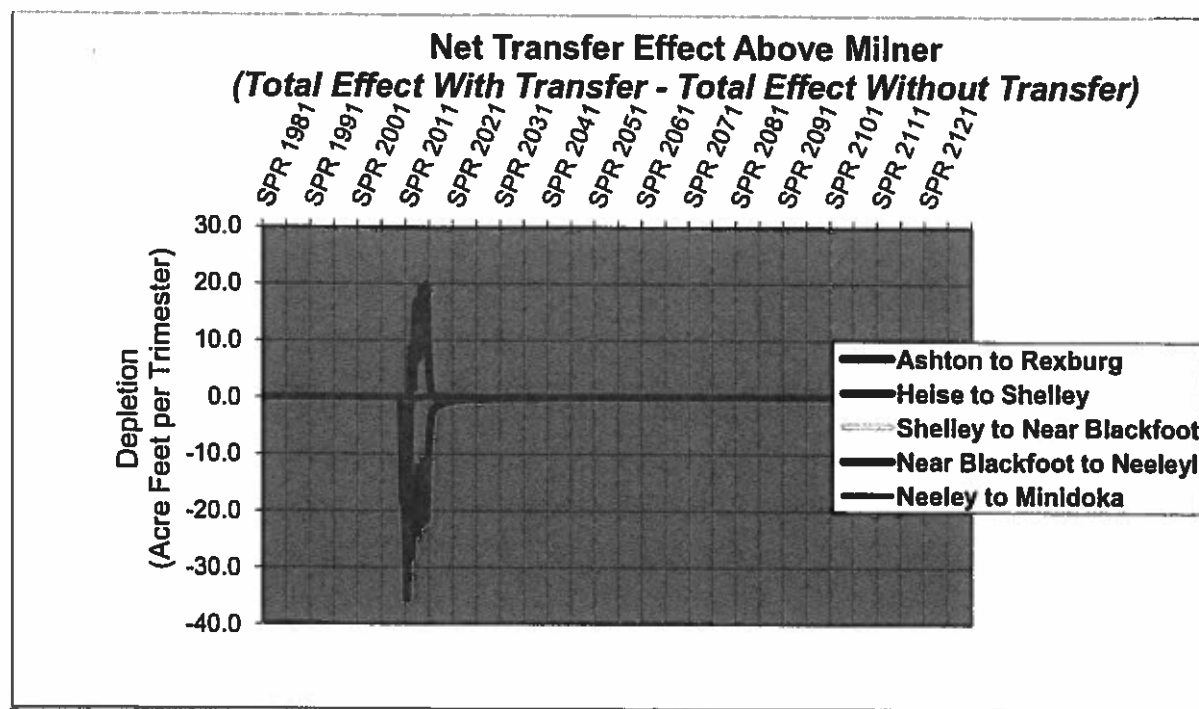


Figure 2. Net effect on modeled river reaches above Milner.

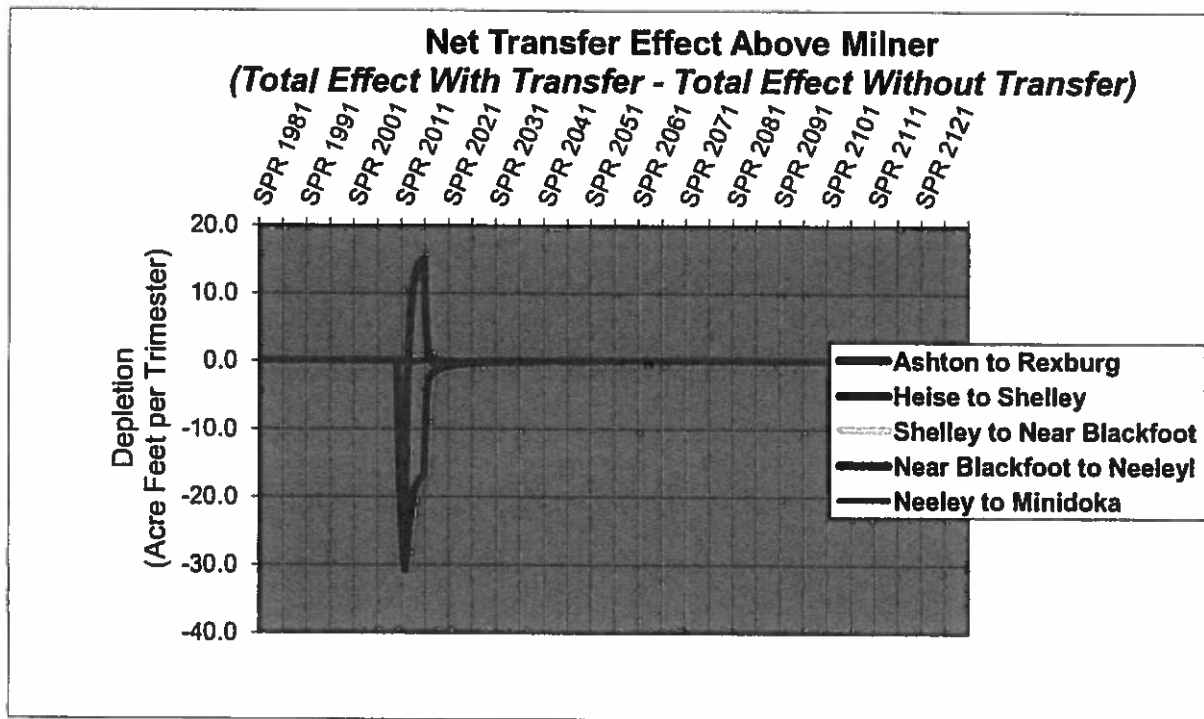


Figure 3. Net effect on modeled river reaches above Milner, assuming year-round water use.

The percentage increase in transient depletions to the Heise to Shelley reach peaks at 57% in the summer trimester of 2015 (Figure 4). Modeling the net transfer effects assuming year-round use results in a lower peak increase in depletions of 49% to the Heise to Shelley reach (Figure 5). Percentage increases in depletions to other reaches are not relevant, because the net increase in depletions is less than 2.0 acre-feet per trimester.

Hydrologic responses in the Ashton to Rexburg and Heise to Shelley reaches are shown in Figures 6 through 9.

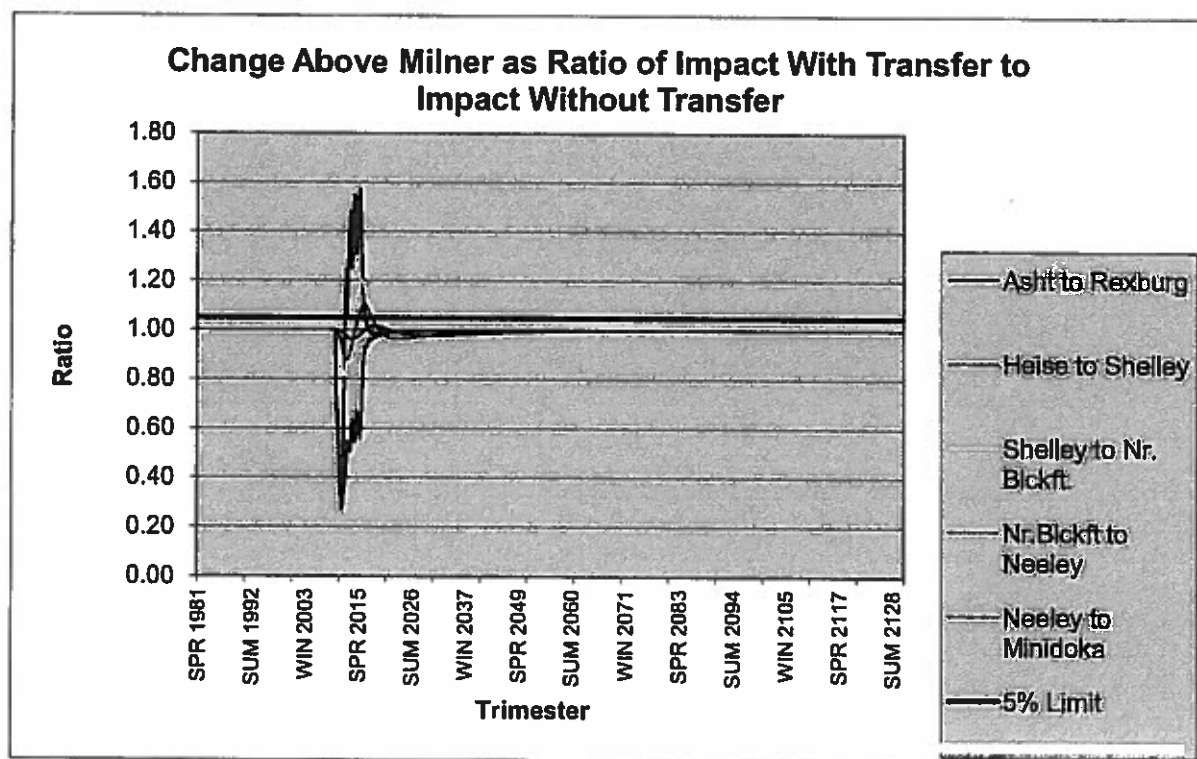


Figure 4. Change in depletions to reaches above Milner.

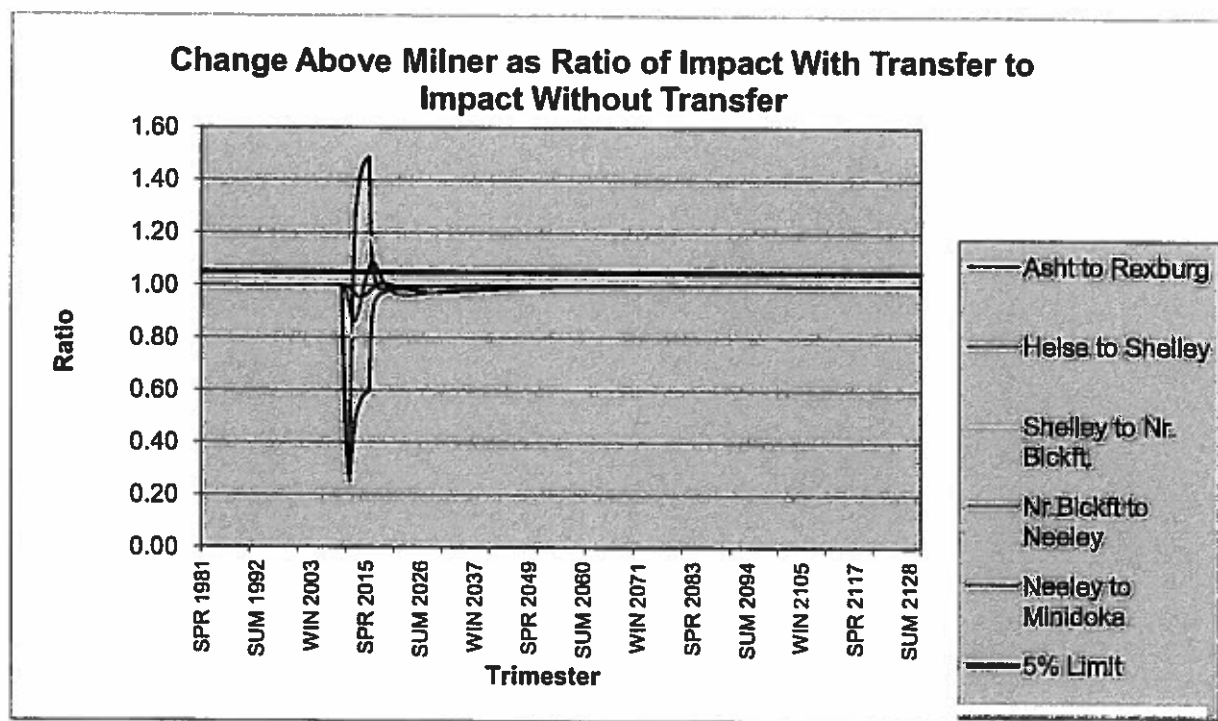


Figure 5. Change in depletions to reaches above Milner, assuming year-round use.

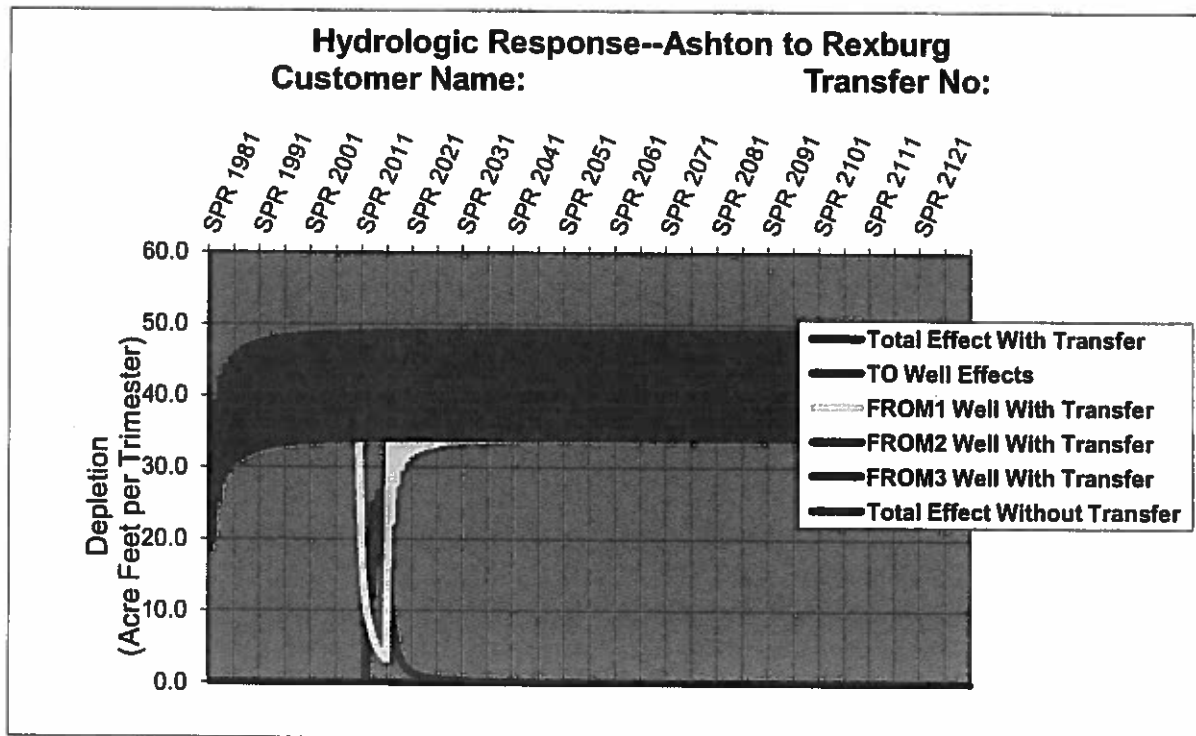


Figure 6. Hydrologic response in Ashton to Rexburg reach.

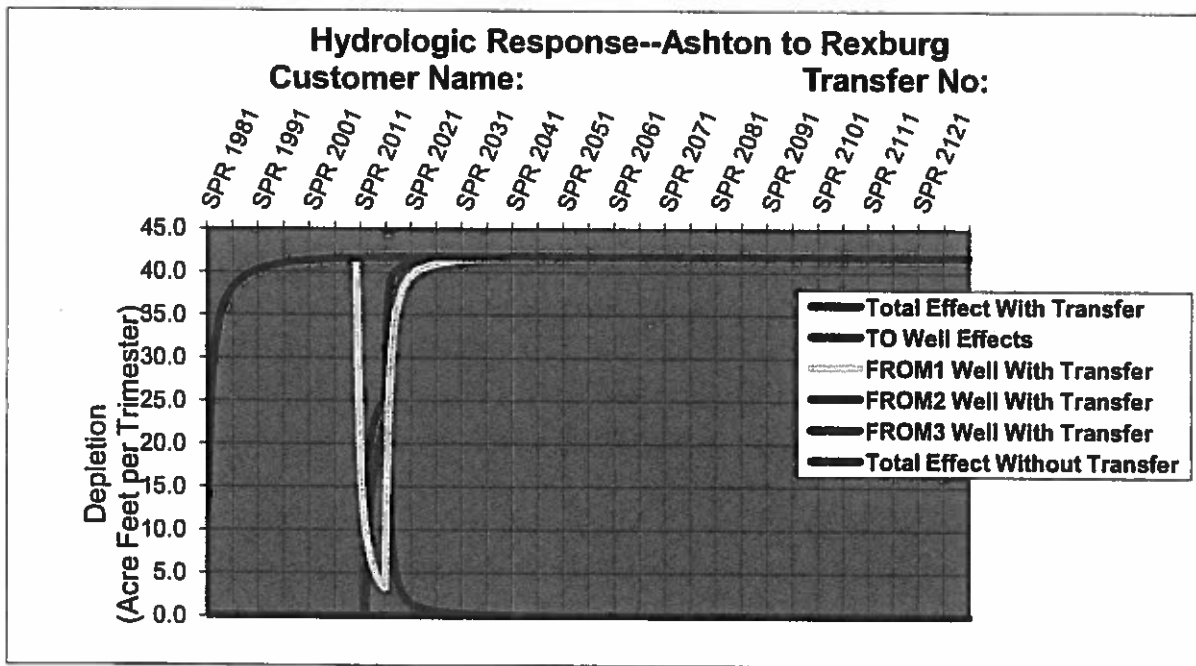


Figure 7. Hydrologic response in Ashton to Rexburg reach, assuming year-round use.

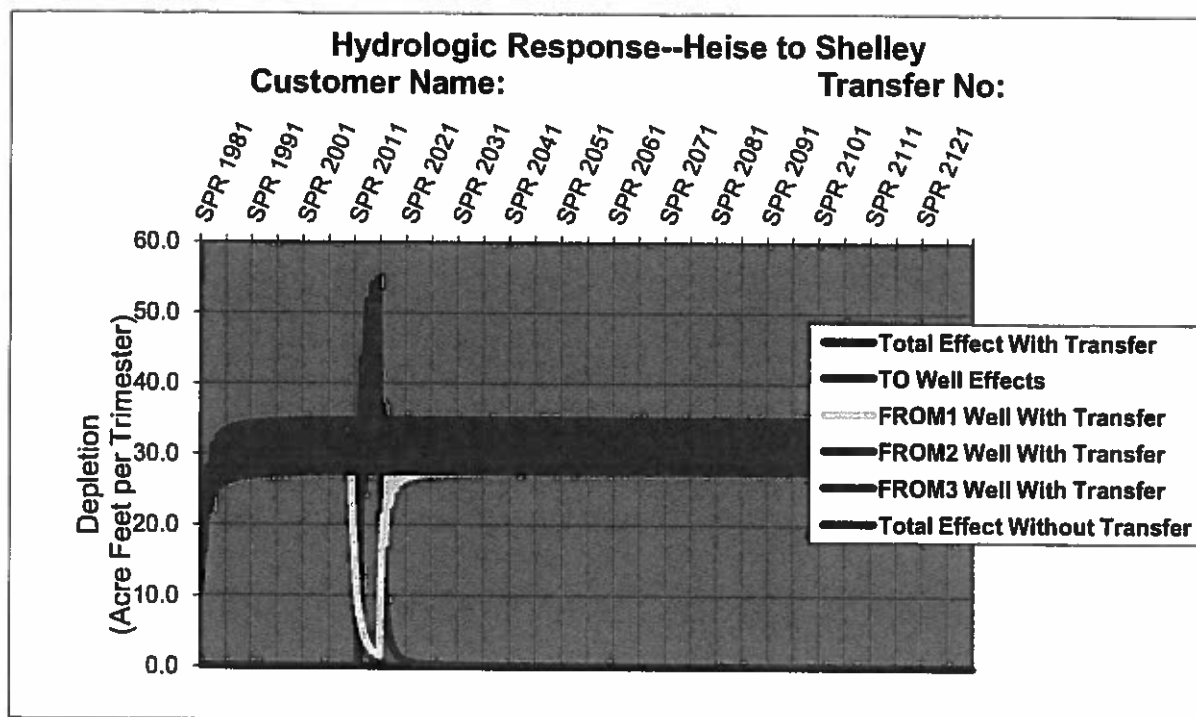


Figure 8. Hydrologic response in Heise to Shelley reach.

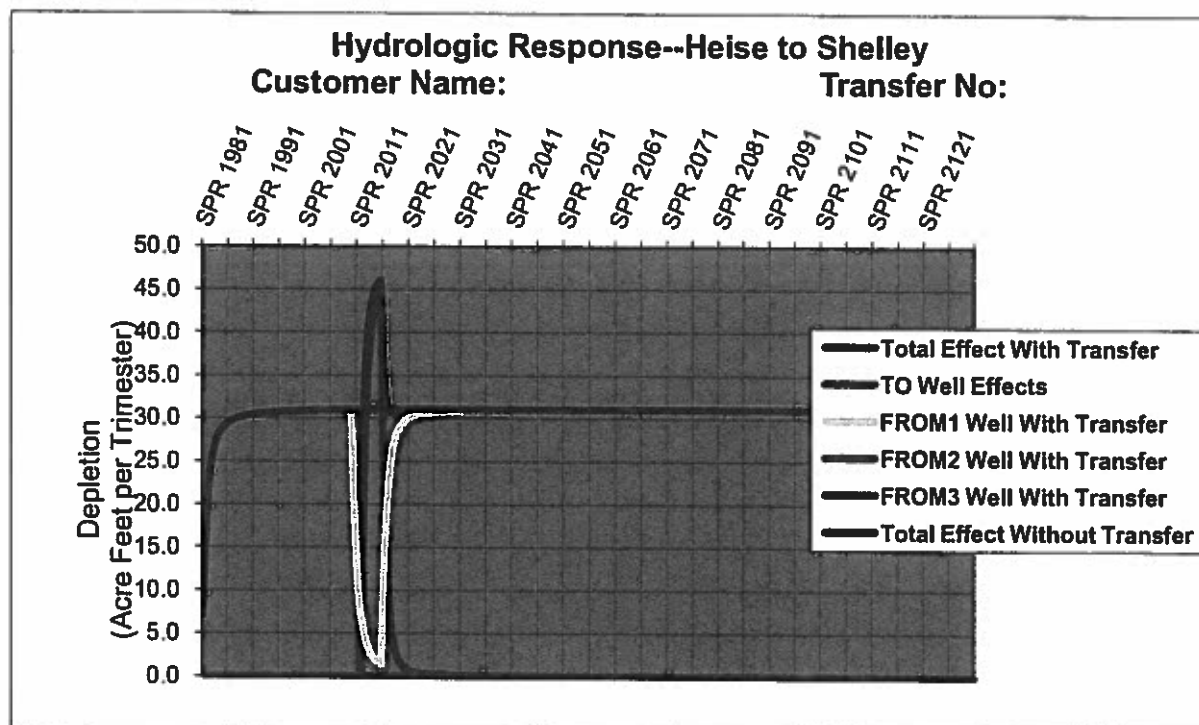


Figure 9. Hydrologic response in Heise to Shelley reach.

Conclusions

The following conclusions are based on analysis of the proposed water bank rental using the ESPA Transfer Spreadsheet Version 3.1.

1. Significant effects (exceeding 2.0 acre-feet per trimester) on Snake River gains are expected to be limited to the Ashton to Rexburg and Heise to Shelley model reaches.
2. Model results indicate that reach gains in the Ashton to Rexburg reach will increase during the rental period, with a transient benefit of 21.7 acre-feet in the summer trimester of 2015.
3. Model results indicate that reach gains in the Heise to Shelley reach will be depleted during the rental period, with a peak transient depletion of 19.9 acre-feet in the summer trimester of 2015.
4. The net benefits of ceasing diversion at the original water right point of diversion during the rental period accrue to the Ashton to Rexburg reach through 2039, exceeding 2.0 acre-feet through spring 2017.
5. The net increase in depletions to the Heise to Shelley reach occurs over a slightly shorter period, and exceeds 2.0 acre-feet through spring 2016. The modeled increase in depletions exceeds 10% from summer 2012 through spring 2016.
6. Administrative Transfer Processing Memorandum No. 24 states, "*Increased depletions greater than 10 percent for any reach are presumed to cause injury...*" Per this guidance, injury to water rights in the Heise to Shelley reach would be presumed and mitigation would be required.



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

January 21, 2016

GARY SPACKMAN

Director

LEE H SUTTON
1577 E 10000 S
REXBURG ID 83440

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 22-7336**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,697.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 217.5 acre-feet of water for irrigation of 62.1 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 \$3,327.75 of the rental fee will be paid to the lessor(s) and 10% or \$369.75 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4946.

Sincerely,

Michele Edl
Sr. Water Resource Agent

Enclosures: Receipt No. C101435
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Robert Harris – Holden Kidwell Hahn & Crapo



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 12, 2016

LEE H SUTTON
1577 E 10000 S
REXBURG ID 83440

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 22-7336

*****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 \$3,697.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 217.5 acre-feet.

Please send a check for \$3,697.50 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 \$3,327.75 of the rental fee will be paid to the lessor(s) and 10% or \$369.75 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4946.

Sincerely,

 Michele Edl
Sr. Water Resource Agent

Enclosure

c: IDWR Front Desk
Robert Harris – Holden, Kidwell, Hahn & Crapo

Edl, Michele

From: Cefalo, James
Sent: Friday, January 08, 2016 3:55 PM
To: Edl, Michele
Subject: RE: Smith lease - Sutton rental

Michele,

I don't have any comments or concerns about the proposed WSB Rental.

James

From: Edl, Michele
Sent: Friday, January 08, 2016 3:31 PM
To: Cefalo, James
Subject: FW: Smith lease - Sutton rental

James,

Because I haven't heard back I'm guessing that this email was one of many that you received during the holidays. I am following up. Do you have any concerns?

Michele

From: Edl, Michele
Sent: Thursday, December 24, 2015 10:17 AM
To: Cefalo, James
Subject: Smith lease - Sutton rental

James,

I have completed my review of a lease-rental package in B22 involving Robert and Sally Smith (lessors) and Lee Sutton(renter).

This is essentially a 're-up' of the lease-rental combination that has been in place for the last four years (2012-2015). The previous agreement required mitigation and so does this one. Similar to the previous agreement, Mr. Sutton will be purchasing but not using additional water from 22-7336. My ESPA modeling results show that he doesn't need to purchase as much as he did before.

A transfer acting right 22-7336 would be a better solution, but to my knowledge the Smiths have not filed an application for one.

I have attached a copy of my review memo and a map showing the lease and rental POUs.

When you get a minute, please let me know if you have any concerns about this rental. The lease agreement has been processed.

Thanks.
Michele

MEMORANDUM

To: Water Right(s) 22-7336

From: Michele Edl

Date: January 4, 2016

Re: Review & Analysis of Lee H Sutton's Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On October 29, 2015, attorney Robert L Harris submitted an application to rent water from the State Water Supply Bank on behalf of Lee H. Sutton. Mr. Harris submitted 2012 ESPA modeling in support of the application. The rental application proposes to rent a portion of water right 22-7336 to irrigate 46 acres in gov't lot 1 (NENE), Twp 4N, Rge 40E, sec 34. The applicant requested a rental agreement with a 5-year duration which is the anticipated term for the lease of right 22-7336.

AUTHORITY TO FILE: According to the October 16, 2015 Madison County taxlot information, the proposed place-of-use is owned by Robert E Smith and Sally Smith, not Mr. Sutton.

The proposed point-of diversion is an existing well identified as SpatialDataID #368236. The well carries Tag# A0009571. It is the authorized POD for three decreed water rights: 22-2242A, 22-2242B and 22-10897. These three rights authorize irrigation use totaling 778 acres within an 844-acre POU.

WATER RIGHT VALIDITY:

Water Right 22-7336 has been leased to the WSB since 2010. It has not been used at the authorized POUs, which are now within the municipal service area for the City of Rexburg. A review of aerial photography of those POUs shows that the water right has been idled at that location. Water sufficient to satisfy this rental request is available from the right.

INJURY TO OTHER WATER RIGHTS: Mr. Harris provided modeling of the ESPA in the lease-rental package. However, the modeling is an echo of the results which were provided by IDWR personnel in 2012 for Mr. Sutton's 2012-2015 rental. The 2012 review memo and the rental analysis is likely based on the results of a modeling run in an earlier version of the current Excel tool. The modeler did not provide the data entry or the results tables, only the results graphs.

I ran the Smith-Sutton 2016-2020 lease rental scenario using the current Modified_Etransfer_V3_1.xls tool and I found that the results generally concur with the vintage modeling results that Mr. Harris provided with the application. **Mitigation is still required.** I calculated that Mr. Sutton will need to purchase, but not use, an additional 56.5 acre-ft each year of the rental.

ENLARGEMENT OF USE: No enlargement is evident through the rental. ESPA modeling indicates that mitigation is needed.

Similar to the previous rental agreement, this rental agreement will require that more water be rented from the right than will be authorized for actual diversion and use.

The rented right and the lease place-of-use have the same SOU and field headgate allowances

LOCAL PUBLIC INTEREST: This application is very similar to an application submitted by Lee Sutton, for the 2012-2015 rental seasons. Review staff has no information to suggest this application is inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right is not subject to a Water District. Comment was requested from Eastern Region on 12/24/2015.

I requested an updated copy of the agreement between the Smiths and Sutton which okeys Sutton's irrigation of the Smith property. It was provided via email on 12/31/2015

The rental application states that

“Even though 22-07336 has been used at the renter's place of use for the last four (4) years, which if modeled now may show a reduced number of acres needed for mitigation for the new rental application, the Applicant does not intend to change the prior modeling or seek any credit under the transfer tool for the recently-expired agreement. The rental application should be processed as though 22-07336 has been fully used at its current place of use. The Applicant has taken this position in order to lessen the processing time and burden of review of the lease/rental package by the water bank staff such that the lease/rental package is the same as it was under the prior rental agreement.”

A more permanent solution would be a transfer of the right. Both water right 22-7336 and 46 acres of land are owned by the Smiths. Mr. Sutton is leasing the land and renting the water right.

WSB water was not readily available to rent in Basin 22. I modeled this lease-rental as tightly as possible in the Modified_Etransfer_V3_1.xls and asked a coworker to confirm the modeling results. The rental value of 22-7336 is not exhausted by this package.

Edl, Michele

From: Rob Harris [rharris@holdenlegal.com]
Sent: Thursday, December 31, 2015 11:21 AM
To: Edl, Michele
Subject: RE: Sutton application to rent water
Attachments: DOC123115.pdf

Michele:

Attached is a copy of the lease between the Suttons and the Smiths. The Suttons tried to buy the 80 acres from the Smiths this past summer, but they did not want to sell at this point. The lease extends through 2016, and then it is on a year-to-year lease after that.

This should be everything you need to finalize the water bank application. Let me know if you have any questions.

Thanks,

Rob Harris

From: Edl, Michele [<mailto:Michele.Edl@idwr.idaho.gov>]
Sent: Tuesday, December 08, 2015 1:20 PM
To: Rob Harris
Subject: Sutton application to rent water

Rob Harris,

The lease agreement for the Smiths water right 22-7336 is being reviewed as I type. I expect that it will be mailed from the state office this week. That said, I have moved on to the review of the companion rental application of that right for Mr. Sutton.

In my review of the land ownership, I found that according to October 2015 Madison county taxlot information, Robert E Smith and Sally Smith own the property under the northern half of Mr. Sutton's pivot in the NE of sec 3, Twp 4N, Rge 40E. The proposed POU for this rental is primarily lot1 (NENE) under that pivot. Do the Smiths and Mr. Sutton have an agreement in place which authorizes Mr. Sutton to irrigate that portion of the Smith property? Can you confirm or provide me a copy of that agreement?

Sincerely,

Michele Edl

April 30, 2012

Idaho Department of Water Resources
To Whom It May Concern:

We, Robert and Sally Smith, have rented 80 acres of land located in Madison County, Idaho, to Lee and Heddy Sutton for 5 years. The location of the 80 acres is in the NW1/4NE1/4 and SW1/4NE1/4 of Section 2, Township 4N., Range 40E of the Boise Meridian.

We have no objection to Lee and Heddy Sutton obtaining a water right to cover this property for 5 years (which is the term of the lease), with the understanding that if the lease is not renewed, that the water right would need to be removed from our property, and no permanent water right would remain on these 80 acres.

Robert E. Smith
Robert E. Smith
512 South Mill Hollow Road
Rexburg, ID 83440
(208) 356-7552

Lee & Heddy agree to Rent this 80 acres which is the East 80 For 5 years @ \$9,250.00 Cash Lease per year. We will pay the \$9,250.00 Each year By April 1st ~~of that~~ crop year. Except this year 2012 which we will pay By July 1st 2012.

This lease will be for crop years 2012, 2013, 2014, 2015, 2016.

4-30-12
Lee H Sutton

Edl, Michele

From: Edl, Michele
Sent: Thursday, December 24, 2015 10:17 AM
To: Cefalo, James
Subject: Smith lease - Sutton rental
Attachments: Sutton 2016 Rental Review Memo.docx; Region comment map.jpg

James,

I have completed my review of a lease-rental package in B22 involving Robert and Sally Smith (lessors) and Lee Sutton(renter).

This is essentially a 're-up' of the lease-rental combination that has been in place for the last four years (2012-2015). The previous agreement required mitigation and so does this one. Similar to the previous agreement, Mr. Sutton will be purchasing but not using additional water from 22-7336. My ESPA modeling results show that he doesn't need to purchase as much as he did before.

A transfer acting right 22-7336 would be a better solution, but to my knowledge the Smiths have not filed an application for one.

I have attached a copy of my review memo and a map showing the lease and rental POUs.

When you get a minute, please let me know if you have any concerns about this rental. The lease agreement has been processed.

Thanks.
Michele

[illegible]

One-Way Analysis of Independent Transfers
2016-2020 Sutton rental of 22-7336:

WR No.	Div.	Rate	Con. Vol.	No. of Irr.	Priority	POD	Dedicated Vol.	Model
(CFS)	(AF/A)	Acres		Date	Location	AF/A AFT	Node	
Transfer 1: Proposed Steady State Impacts following Transfer								
777	777	275.6	68.9	1/1/1960	8S26E-3	275.6 91.9	SP082075	
777	777	275.6	68.9	1/1/1960	8S26E-3	275.6 91.9	SP082075	
Transfer 1: Worst Case Transient State Impacts following Transfer								
777	777	275.6	68.9	1/1/1960	8S26E-3	275.6 91.9	SP082075	
777	777	275.6	68.9	1/1/1960	8S26E-3	275.6 91.9	SP082075	

Impact by Reach (AF/Trimester)														
Ashton to			Haise to			Shelley to			Nr Bickl To			Neeley to		
Rexburg			Shelley			Nr Bickl			Neeley			Mindoka		
39.99	29.69	1.17	1.17	1.54	0.04	0.04	0.04	0.04	0.04	0.02	0.01	0.00	0.01	0.00
39.99	29.69	1.17	1.17	1.54	0.04	0.04	0.04	0.04	0.04	0.02	0.01	0.00	0.01	0.00
39.99	29.69	1.17	1.17	1.54	0.04	0.04	0.04	0.04	0.04	0.02	0.01	0.00	0.01	0.00
39.99	29.69	1.17	1.17	1.54	0.04	0.04	0.04	0.04	0.04	0.02	0.01	0.00	0.01	0.00

Steady State Analysis												
Mitigation Check 1 - >10% of Historical:												
Mitigation Check 2: > 2 AF/T:												
Mitigation Check 3 - >10% of Total:												
Mitigation Required?:												
Mitigation Vol. Req'd (ac-ft):												
0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
55.2%	41.0%	1.6%	2.1%	0.1%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Transient State Analysis												
Mitigation Check 1 - >10% of Historical:												
Mitigation Check 2: > 2.01 AF/T:												
Mitigation Required?:												
Mitigation Vol. Req'd (ac-ft):												
0.0	9.8%	0.0%	0.0%	0.0%	-0.1%	-0.2%	-0.2%	-0.2%	-0.2%	-0.2%	-0.2%	-0.3%
0.0	2.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
0.0	2.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Read Me
Not Used

ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR1965

SEASONSPRING

TRANSFER NO:

TRANSFER NAME

Sutton 2016-20

123

4

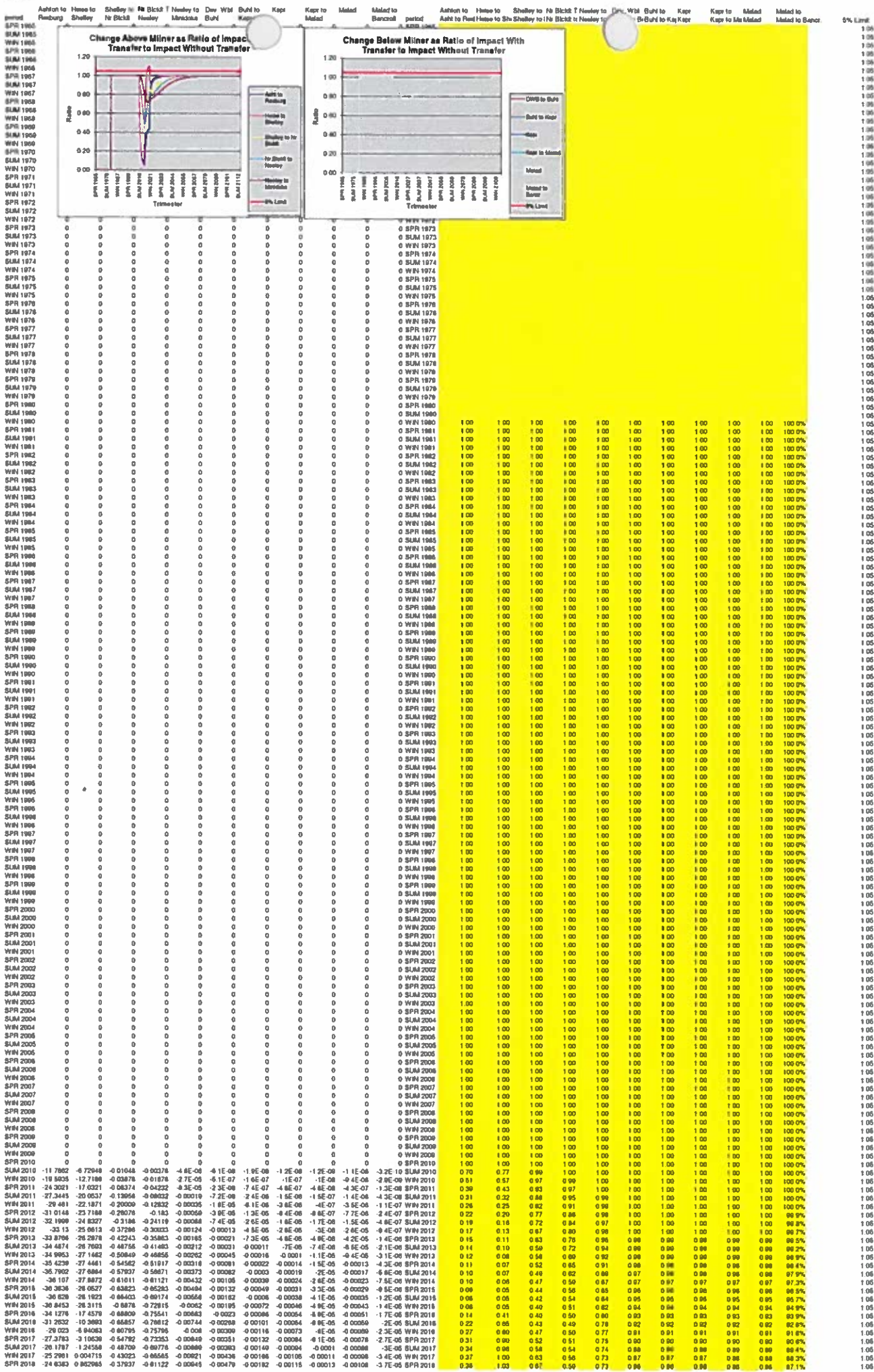
ENTER CELL LOCATIONS:				
	TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	68	61	0	0
COLUMN	181	184	0	0

TRIMESTER OF ACTIVITY	TO WELL Protected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1965	0	0	0	0	0	0	0
SUM 1965	0	0	0	0	0	0	0
WIN 1965	0	0	0	0	0	0	0
SPR 1966	0	0	0	0	0	0	0
SUM 1966	0	0	0	0	0	0	0
WIN 1966	0	0	0	0	0	0	0
SPR 1967	0	0	0	0	0	0	0
SUM 1967	0	0	0	0	0	0	0
WIN 1967	0	0	0	0	0	0	0
SPR 1968	0	0	0	0	0	0	0
SUM 1968	0	0	0	0	0	0	0
WIN 1968	0	0	0	0	0	0	0
SPR 1969	0	0	0	0	0	0	0
SUM 1969	0	0	0	0	0	0	0
WIN 1969	0	0	0	0	0	0	0
SPR 1970	0	0	0	0	0	0	0
SUM 1970	0	0	0	0	0	0	0
WIN 1970	0	0	0	0	0	0	0
SPR 1971	0	0	0	0	0	0	0
SUM 1971	0	0	0	0	0	0	0
WIN 1971	0	0	0	0	0	0	0
SPR 1972	0	0	0	0	0	0	0
SUM 1972	0	0	0	0	0	0	0
WIN 1972	0	0	0	0	0	0	0
SPR 1973	0	0	0	0	0	0	0
SUM 1973	0	0	0	0	0	0	0
WIN 1973	0	0	0	0	0	0	0
SPR 1974	0	0	0	0	0	0	0
SUM 1974	0	0	0	0	0	0	0
WIN 1974	0	0	0	0	0	0	0
SPR 1975	0	0	0	0	0	0	0
SUM 1975	0	0	0	0	0	0	0
WIN 1975	0	0	0	0	0	0	0
SPR 1976	0	0	0	0	0	0	0
SUM 1976	0	0	0	0	0	0	0
WIN 1976	0	0	0	0	0	0	0
SPR 1977	0	0	0	0	0	0	0
SUM 1977	0	0	0	0	0	0	0
WIN 1977	0	0	0	0	0	0	0
SPR 1978	0	0	0	0	0	0	0
SUM 1978	0	0	0	0	0	0	0
WIN 1978	0	0	0	0	0	0	0
SPR 1979	0	0	0	0	0	0	0
SUM 1979	0	0	0	0	0	0	0
WIN 1979	0	0	0	0	0	0	0
SPR 1980	0	0	0	0	0	0	0
SUM 1980	0	0	0	0	0	0	0
WIN 1980	0	73	73	0	0	0	0
SPR 1981	0	73	73	0	0	0	0
SUM 1981	0	73	73	0	0	0	0
WIN 1981	0	73	73	0	0	0	0
SPR 1982	0	73	73	0	0	0	0
SUM 1982	0	73	73	0	0	0	0
WIN 1982	0	73	73	0	0	0	0
SPR 1983	0	73	73	0	0	0	0
SUM 1983	0	73	73	0	0	0	0
WIN 1983	0	73	73	0	0	0	0
SPR 1984	0	73	73	0	0	0	0
SUM 1984	0	73	73	0	0	0	0
WIN 1984	0	73	73	0	0	0	0
SPR 1985	0	73	73	0	0	0	0
SUM 1985	0	73	73	0	0	0	0
WIN 1985	0	73	73	0	0	0	0
SPR 1986	0	73	73	0	0	0	0
SUM 1986	0	73	73	0	0	0	0
WIN 1986	0	73	73	0	0	0	0
SPR 1987	0	73	73	0	0	0	0
SUM 1987	0	73	73	0	0	0	0
WIN 1987	0	73	73	0	0	0	0
SPR 1988	0	73	73	0	0	0	0
SUM 1988	0	73	73	0	0	0	0
WIN 1988	0	73	73	0	0	0	0
SPR 1989	0	73	73	0	0	0	0
SUM 1989	0	73	73	0	0	0	0
WIN 1989	0	73	73	0	0	0	0
SPR 1990	0	73	73	0	0	0	0
SUM 1990	0	73	73	0	0	0	0
WIN 1990	0	73	73	0	0	0	0
SPR 1991	0	73	73	0	0	0	0
SUM 1991	0	73	73	0	0	0	0
WIN 1991	0	73	73	0	0	0	0
SPR 1992	0	73	73	0	0	0	0
SUM 1992	0	73	73	0	0	0	0
WIN 1992	0	73	73	0	0	0	0
SPR 1993	0	73	73	0	0	0	0
SUM 1993	0	73	73	0	0	0	0
WIN 1993	0	73	73	0	0	0	0
SPR 1994	0	73	73	0	0	0	0
SUM 1994	0	73	73	0	0	0	0
WIN 1994	0	73	73	0	0	0	0
SPR 1995	0	73	73	0	0	0	0

SUM 1995	0	73	73	0	0	0	0
WIN 1995	0	73	73	0	0	0	0
SPR 1996	0	73	73	0	0	0	0
SUM 1996	0	73	73	0	0	0	0
WIN 1996	0	73	73	0	0	0	0
SPR 1997	0	73	73	0	0	0	0
SUM 1997	0	73	73	0	0	0	0
WIN 1997	0	73	73	0	0	0	0
SPR 1998	0	73	73	0	0	0	0
SUM 1998	0	73	73	0	0	0	0
WIN 1998	0	73	73	0	0	0	0
SPR 1999	0	73	73	0	0	0	0
SUM 1999	0	73	73	0	0	0	0
WIN 1999	0	73	73	0	0	0	0
SPR 2000	0	73	73	0	0	0	0
SUM 2000	0	73	73	0	0	0	0
WIN 2000	0	73	73	0	0	0	0
SPR 2001	0	73	73	0	0	0	0
SUM 2001	0	73	73	0	0	0	0
WIN 2001	0	73	73	0	0	0	0
SPR 2002	0	73	73	0	0	0	0
SUM 2002	0	73	73	0	0	0	0
WIN 2002	0	73	73	0	0	0	0
SPR 2003	0	73	73	0	0	0	0
SUM 2003	0	73	73	0	0	0	0
WIN 2003	0	73	73	0	0	0	0
SPR 2004	0	73	73	0	0	0	0
SUM 2004	0	73	73	0	0	0	0
WIN 2004	0	73	73	0	0	0	0
SPR 2005	0	73	73	0	0	0	0
SUM 2005	0	73	73	0	0	0	0
WIN 2005	0	73	73	0	0	0	0
SPR 2006	0	73	73	0	0	0	0
SUM 2006	0	73	73	0	0	0	0
WIN 2006	0	73	73	0	0	0	0
SPR 2007	0	73	73	0	0	0	0
SUM 2007	0	73	73	0	0	0	0
WIN 2007	0	73	73	0	0	0	0
SPR 2008	0	73	73	0	0	0	0
SUM 2008	0	73	73	0	0	0	0
WIN 2008	0	73	73	0	0	0	0
SPR 2009	0	73	73	0	0	0	0
SUM 2009	0	73	73	0	0	0	0
WIN 2009	0	73	73	0	0	0	0
SPR 2010	0	73	73	0	0	0	0
SUM 2010	0	0	73	0	0	0	0
WIN 2010	0	0	73	0	0	0	0
SPR 2011	0	0	73	0	0	0	0
SUM 2011	0	0	73	0	0	0	0
WIN 2011	0	0	73	0	0	0	0
SPR 2012	0	0	73	0	0	0	0
SUM 2012	0	0	73	0	0	0	0
WIN 2012	0	0	73	0	0	0	0
SPR 2013	0	0	73	0	0	0	0
SUM 2013	0	0	73	0	0	0	0
WIN 2013	0	0	73	0	0	0	0
SPR 2014	0	0	73	0	0	0	0
SUM 2014	0	0	73	0	0	0	0
WIN 2014	0	0	73	0	0	0	0
SPR 2015	0	0	73	0	0	0	0
SUM 2015	0	0	73	0	0	0	0
WIN 2015	0	0	73	0	0	0	0
SPR 2016	54	0	73	0	0	0	0
SUM 2016	54	0	73	0	0	0	0
WIN 2016	54	0	73	0	0	0	0
SPR 2017	54	0	73	0	0	0	0
SUM 2017	54	0	73	0	0	0	0
WIN 2017	54	0	73	0	0	0	0
SPR 2018	54	0	73	0	0	0	0
SUM 2018	54	0	73	0	0	0	0
WIN 2018	54	0	73	0	0	0	0
SPR 2019	54	0	73	0	0	0	0
SUM 2019	54	0	73	0	0	0	0
WIN 2019	54	0	73	0	0	0	0
SPR 2020	54	0	73	0	0	0	0
SUM 2020	54	0	73	0	0	0	0
WIN 2020	54	0	73	0	0	0	0
SPR 2021	0	73	73	0	0	0	0
SUM 2021	0	73	73	0	0	0	0
WIN 2021	0	73	73	0	0	0	0
SPR 2022	0	73	73	0	0	0	0
SUM 2022	0	73	73	0	0	0	0
WIN 2022	0	73	73	0	0	0	0
SPR 2023	0	73	73	0	0	0	0
SUM 2023	0	73	73	0	0	0	0
WIN 2023	0	73	73	0	0	0	0
SPR 2024	0	73	73	0	0	0	0
SUM 2024	0	73	73	0	0	0	0
WIN 2024	0	73	73	0	0	0	0
SPR 2025	0	73	73	0	0	0	0
SUM 2025	0	73	73	0	0	0	0
WIN 2025	0	73	73	0	0	0	0
SPR 2026	0	73	73	0	0	0	0
SUM 2026	0	73	73	0	0	0	0
WIN 2026	0	73	73	0	0	0	0
SPR 2027	0	73	73	0	0	0	0
SUM 2027	0	73	73	0	0	0	0
WIN 2027	0	73	73	0	0	0	0
SPR 2028	0	73	73	0	0	0	0
SUM 2028	0	73	73	0	0	0	0
WIN 2028	0	73	73	0	0	0	0
SPR 2029	0	73	73	0	0	0	0
SUM 2029	0	73	73	0	0	0	0
WIN 2029	0	73	73	0	0	0	0
SPR 2030	0	73	73	0	0	0	0
SUM 2030	0	73	73	0	0	0	0
WIN 2030	0	73	73	0	0	0	0
SPR 2031	0	73	73	0	0	0	0
SUM 2031	0	73	73	0	0	0	0
WIN 2031	0	73	73	0	0	0	0
SPR 2032	0	73	73	0	0	0	0
SUM 2032	0	73	73	0	0	0	0
WIN 2032	0	73	73	0	0	0	0
SPR 2033	0	73	73	0	0	0	0
SUM 2033	0	73	73	0	0	0	0
WIN 2033	0	73	73	0	0	0	0
SPR 2034	0	73	73	0	0	0	0
SUM 2034	0	73	73	0	0	0	0
WIN 2034	0	73	73	0	0	0	0
SPR 2035	0	73	73	0	0	0	0
SUM 2035	0	73	73	0	0	0	0
WIN 2035	0	73	73	0	0	0	0
SPR 2036	0	73	73	0	0	0	0
SUM 2036	0	73	73	0	0	0	0
WIN 2036	0	73	73	0	0	0	0
SPR 2037	0	73	73	0	0	0	0

SUM 2037	0	73	73	0	0	0	0
WIN 2037	0	73	73	0	0	0	0
SPR 2038	0	73	73	0	0	0	0
SUM 2038	0	73	73	0	0	0	0
WIN 2038	0	73	73	0	0	0	0
SPR 2039	0	73	73	0	0	0	0
SUM 2039	0	73	73	0	0	0	0
WIN 2039	0	73	73	0	0	0	0
SPR 2040	0	73	73	0	0	0	0
SUM 2040	0	73	73	0	0	0	0
WIN 2040	0	73	73	0	0	0	0
SPR 2041	0	73	73	0	0	0	0
SUM 2041	0	73	73	0	0	0	0
WIN 2041	0	73	73	0	0	0	0
SPR 2042	0	73	73	0	0	0	0
SUM 2042	0	73	73	0	0	0	0
WIN 2042	0	73	73	0	0	0	0
SPR 2043	0	73	73	0	0	0	0
SUM 2043	0	73	73	0	0	0	0
WIN 2043	0	73	73	0	0	0	0
SPR 2044	0	73	73	0	0	0	0
SUM 2044	0	73	73	0	0	0	0
WIN 2044	0	73	73	0	0	0	0
SPR 2045	0	73	73	0	0	0	0
SUM 2045	0	73	73	0	0	0	0
WIN 2045	0	73	73	0	0	0	0
SPR 2046	0	73	73	0	0	0	0
SUM 2046	0	73	73	0	0	0	0
WIN 2046	0	73	73	0	0	0	0
SPR 2047	0	73	73	0	0	0	0
SUM 2047	0	73	73	0	0	0	0
WIN 2047	0	73	73	0	0	0	0
SPR 2048	0	73	73	0	0	0	0
SUM 2048	0	73	73	0	0	0	0
WIN 2048	0	73	73	0	0	0	0
SPR 2049	0	73	73	0	0	0	0
SUM 2049	0	73	73	0	0	0	0
WIN 2049	0	73	73	0	0	0	0
SPR 2050	0	73	73	0	0	0	0
SUM 2050	0	73	73	0	0	0	0
WIN 2050	0	73	73	0	0	0	0
SPR 2051	0	73	73	0	0	0	0
SUM 2051	0	73	73	0	0	0	0
WIN 2051	0	73	73	0	0	0	0
SPR 2052	0	73	73	0	0	0	0
SUM 2052	0	73	73	0	0	0	0
WIN 2052	0	73	73	0	0	0	0
SPR 2053	0	73	73	0	0	0	0
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WIN 2053	0	73	73	0	0	0	0
SPR 2054	0	73	73	0	0	0	0
SUM 2054	0	73	73	0	0	0	0
WIN 2054	0	73	73	0	0	0	0
SPR 2055	0	73	73	0	0	0	0
SUM 2055	0	73	73	0	0	0	0
WIN 2055	0	73	73	0	0	0	0
SPR 2056	0	73	73	0	0	0	0
SUM 2056	0	73	73	0	0	0	0
WIN 2056	0	73	73	0	0	0	0
SPR 2057	0	73	73	0	0	0	0
SUM 2057	0	73	73	0	0	0	0
WIN 2057	0	73	73	0	0	0	0
SPR 2058	0	73	73	0	0	0	0
SUM 2058	0	73	73	0	0	0	0
WIN 2058	0	73	73	0	0	0	0
SPR 2059	0	73	73	0	0	0	0
SUM 2059	0	73	73	0	0	0	0
WIN 2059	0	73	73	0	0	0	0
SPR 2060	0	73	73	0	0	0	0

SUM 2079	0	73	73	0	0	0	0
WIN 2079	0	73	73	0	0	0	0
SPR 2080	0	73	73	0	0	0	0
SUM 2080	0	73	73	0	0	0	0
WIN 2080	0	73	73	0	0	0	0
SPR 2081	0	73	73	0	0	0	0
SUM 2081	0	73	73	0	0	0	0
WIN 2081	0	73	73	0	0	0	0
SPR 2082	0	73	73	0	0	0	0
SUM 2082	0	73	73	0	0	0	0
WIN 2082	0	73	73	0	0	0	0
SPR 2083	0	73	73	0	0	0	0
SUM 2083	0	73	73	0	0	0	0
WIN 2083	0	73	73	0	0	0	0
SPR 2084	0	73	73	0	0	0	0
SUM 2084	0	73	73	0	0	0	0
WIN 2084	0	73	73	0	0	0	0
SPR 2085	0	73	73	0	0	0	0
SUM 2085	0	73	73	0	0	0	0
WIN 2085	0	73	73	0	0	0	0
SPR 2086	0	73	73	0	0	0	0
SUM 2086	0	73	73	0	0	0	0
WIN 2086	0	73	73	0	0	0	0
SPR 2087	0	73	73	0	0	0	0
SUM 2087	0	73	73	0	0	0	0
WIN 2087	0	73	73	0	0	0	0
SPR 2088	0	73	73	0	0	0	0
SUM 2088	0	73	73	0	0	0	0
WIN 2088	0	73	73	0	0	0	0
SPR 2089	0	73	73	0	0	0	0
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WIN 2089	0	73	73	0	0	0	0
SPR 2090	0	73	73	0	0	0	0
SUM 2090	0	73	73	0	0	0	0
WIN 2090	0	73	73	0	0	0	0
SPR 2091	0	73	73	0	0	0	0
SUM 2091	0	73	73	0	0	0	0
WIN 2091	0	73	73	0	0	0	0
SPR 2092	0	73	73	0	0	0	0
SUM 2092	0	73	73	0	0	0	0
WIN 2092	0	73	73	0	0	0	0
SPR 2093	0	73	73	0	0	0	0
SUM 2093	0	73	73	0	0	0	0
WIN 2093	0	73	73	0	0	0	0
SPR 2094	0	73	73	0	0	0	0
SUM 2094	0	73	73	0	0	0	0
WIN 2094	0	73	73	0	0	0	0
SPR 2095	0	73	73	0	0	0	0
SUM 2095	0	73	73	0	0	0	0
WIN 2095	0	73	73	0	0	0	0
SPR 2096	0	73	73	0	0	0	0
SUM 2096	0	73	73	0	0	0	0
WIN 2096	0	73	73	0	0	0	0
SPR 2097	0	73	73	0	0	0	0
SUM 2097	0	73	73	0	0	0	0
WIN 2097	0	73	73	0	0	0	0
SPR 2098	0	73	73	0	0	0	0
SUM 2098	0	73	73	0	0	0	0
WIN 2098	0	73	73	0	0	0	0
SPR 2099	0	73	73	0	0	0	0
SUM 2099	0	73	73	0	0	0	0
WIN 2099	0	73	73	0	0	0	0
SPR 2100	0	73	73	0	0	0	0
SUM 2100	0	73	73	0	0	0	0
WIN 2100	0	73	73	0	0	0	0
SPR 2101	0	73	73	0	0	0	0
SUM 2101	0	73	73	0	0	0	0
WIN 2101	0	73	73	0	0	0	0
SPR 2102	0	73	73	0	0	0	0
SUM 2102	0	73	73	0	0	0	0
WIN 2102	0	73	73	0	0	0	0
SPR 2103	0	73	73	0	0	0	0
SUM 2103	0	73	73	0	0	0	0
WIN 2103	0	73	73	0	0	0	0
SPR 2104	0	73	73	0	0	0	0
SUM 2104	0	73	73	0	0	0	0
WIN 2104	0	73	73	0	0	0	0
SPR 2105	0	73	73	0	0	0	0
SUM 2105	0	73	73	0	0	0	0
WIN 2105	0	73	73	0	0	0	0
SPR 2106	0	73	73	0	0	0	0
SUM 2106	0	73	73	0	0	0	0
WIN 2106	0	73	73	0	0	0	0
SPR 2107	0	73	73	0	0	0	0
SUM 2107	0	73	73	0	0	0	0
WIN 2107	0	73	73	0	0	0	0
SPR 2108	0	73	73	0	0	0	0
SUM 2108	0	73	73	0	0	0	0
WIN 2108	0	73	73	0	0	0	0
SPR 2109	0	73	73	0	0	0	0
SUM 2109	0	73	73	0	0	0	0
WIN 2109	0	73	73	0	0	0	0
SPR 2110	0	73	73	0	0	0	0
SUM 2110	0	73	73	0	0	0	0
WIN 2110	0	73	73	0	0	0	0
SPR 2111	0	73	73	0	0	0	0
SUM 2111	0	73	73	0	0	0	0
WIN 2111	0	73	73	0	0	0	0
SPR 2112	0	73	73	0	0	0	0
SUM 2112	0	73	73	0	0	0	0
WIN 2112	0	73	73	0	0	0	0
SPR 2113	0	73	73	0	0	0	0
SUM 2113	0	73	73	0	0	0	0
WIN 2113	0	73	73	0	0	0	0
SPR 2114	0	73	73	0	0	0	0
SUM 2114	0	73	73	0	0	0	0
WIN 2114	0	73	73	0	0	0	0



[illegible]



Holden Kidwell
Hahn & Crapo P.L.L.C.
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OCT 29 2015

DEPARTMENT OF
WATER RESOURCES

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October 27, 2015

VIA FEDERAL EXPRESS

Idaho Water Supply Bank
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: *Application to Rent Water from the Board's Water Supply Bank Submitted on Behalf of Lee Sutton.*

Dear Water Bank Agent:

Enclosed for processing is an *Application to Rent Water from the Board's Water Supply Bank* we are submitting on behalf of Lee Sutton. As contained in the enclosed documents, Mr. Sutton proposes to essentially extend a prior water supply bank rental agreement that was approved in 2012. The water right that was rented by Mr. Sutton is Water Right No. 22-7336, which is a water right now owned by Robert and Sally Smith. Therefore, we are submitting this rental application as a lease/rental package, and we have included a signed statement from the Smiths indicating their desire to have Mr. Sutton lease the same 69.5 acre portion of Water Right No. 22-7336 that he leased previously as well as a completed lease application prepared by the Smiths. We therefore request that this application be processed as a lease/rental package with the 69.5 acre portion of Water Right No. 22-7336 that was rented previously.

You will also note in the documents attached to the rental application we have included a prior modeling memorandum that was previously prepared by the Department in conjunction with the prior rental agreement. Because that analysis was based on the same transfer tool used by the Department today, we have submitted the same prior analysis as nothing has changed with the transfer tool since the analysis was prepared in 2012. However, if for any reason you believe additional modeling is necessary, please do not return the rental application or separate the lease/rental package that we have submitted. Simply contact me at rharris@holdenlegal.com if any additional modeling needs to be performed, and we will perform it immediately. This rental application is very important to Mr. Sutton, and we do not want it to lose its place in the processing line so that it can be processed as soon as possible.

If you have any questions or concerns, please let me know.

Established in 1896

Idaho Water Supply Bank
Idaho Department of Water Resources
October 27, 2015
Page 2 of 2

Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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OCT 29 2015

DEPARTMENT OF
WATER RESOURCES

October 27, 2015

To: Idaho Department of Water Resources

From: Robert Smith and Sally Smith

Subject: Lee H. Sutton Water Bank Rental—Lease/Rental Package for Water Right No. 22-7336.

We, Robert Smith and Sally Smith, are the owners of Water Right No. 22-7336. This water right allows for the diversion of 1.64 cfs and 287 AFA for the irrigation of 82 acres. A 69.5-acre portion of this water right was previously leased to Lee H. Sutton through the Idaho Water Resource Board Water Supply Bank. The lease expires on October 31, 2015.

We recently submitted a new application to lease Water Right No. 22-7336 into the Idaho Water Resource Board Water Supply Bank. We understand that Lee H. Sutton is submitting a new application to rent the same 69.5-acre portion of this water right.

We desire to have Lee H. Sutton lease the same 69.5-acre portion under his new rental application as he did under the prior rental agreement. In effect, we desire that our lease application to the Idaho Water Resource Board Water Supply Bank of Water Right No. 22-7336 be packaged together with Lee H. Sutton's rental application as part of a lease/rental package.

Robert Smith
Robert Smith

Sally Smith
Sally Smith