

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 20 2015
DEPARTMENT OF
WATER RESOURCES

AMENDED 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:

 Kenton Dicks Farmer 4-23-15
Signature of Renter Printed Name and Title* 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  Date May 20, 2015
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SE¼SW¼ Lot 9 Sec. 34 Twp 05S Rge 4E OWYHEE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

03/01 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	
06S	03E	3						35.0 L 4	35.0										70.0

Total Acres: 70.0

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 right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. The following rights are diverted through point(s) of diversion described above: 02-10503, 02-2405B, 02-10202, 2-10198, 2-2275, 2-2308, 2-7206, 2-71, 2-2242, 2-7279B, 2-10313, 2-10315, 2-10316, 2-7242B, 2-10435, 2-10436, 2-7168C, 2-7168A, 2-10201, 2-7154, 2-10187, 2-7275, 2-2243, 2-7059, 2-7062, 2-7061, 2-

2418, 2-7157C, 2-7103, 2-7104, 2-7168B, 2-7064, 2-2288, 2-7012, 2-2279, 2-4026, 2-7126, 2-2176B, 2-10181, 2-7060B, 2-2423, 2-7237A, 2-7242D, 2-2154, 2-2153, 2-7389, 2-2424 and 2-2380



RECEIVED**APR 20 2015****DEPARTMENT OF
WATER RESOURCES****STATE OF IDAHO
WATER RESOURCE BOARD****APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**Amendment
Place of use
Address

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) Kenton DirksMailing Address 33386 Mud Flat Rd.Phone 208 834-2034Email -**A. DESCRIPTION OF WATER SOUGHT FOR RENT**

1. <u>Maximum Flow Rate (cfs)</u>	<u>Maximum Volume (ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Total: _____

2. Source of water Snake River tributary to Columbia River

3. Point(s) of Diversion:

K.D.
4-20-15

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
55	4E	34	9		SE	SW	Owyhee

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	03E	3							35.0	35.0									
									4.4										

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres 70**B. OWNERSHIP**

1. Do you own the land at the proposed point of diversion?

Yes ☐ No ☒

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. Bybee Canal diversion

2. Do you own the land at the proposed place of use?

Yes ☐ No ☒

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use.

Jackie Post**C. MAP**

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

RECEIVED

APR 20 2015

DEPARTMENT OF
WATER RESOURCES

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.

Bybee Canal Diversion

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.

3. Will the proposed place of use receive water from any other source?

Yes ☐ No ☐

If yes, describe.

4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed.

5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental?

Yes ☐ No ☐

If yes, describe.

6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation?

Yes ☐ No ☐

If yes, describe.

E. RENTAL TERM

Do you wish to rent water from the Board's bank for more than one (1) year?

Yes ☐ No ☐

If yes, please specify the number of years desired through proposed rental.

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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. 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.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Kenton Dirks
Signature of Applicant

Kenton Dirks Farm / Ranch
Printed Name and Title*

12-15-14
Date

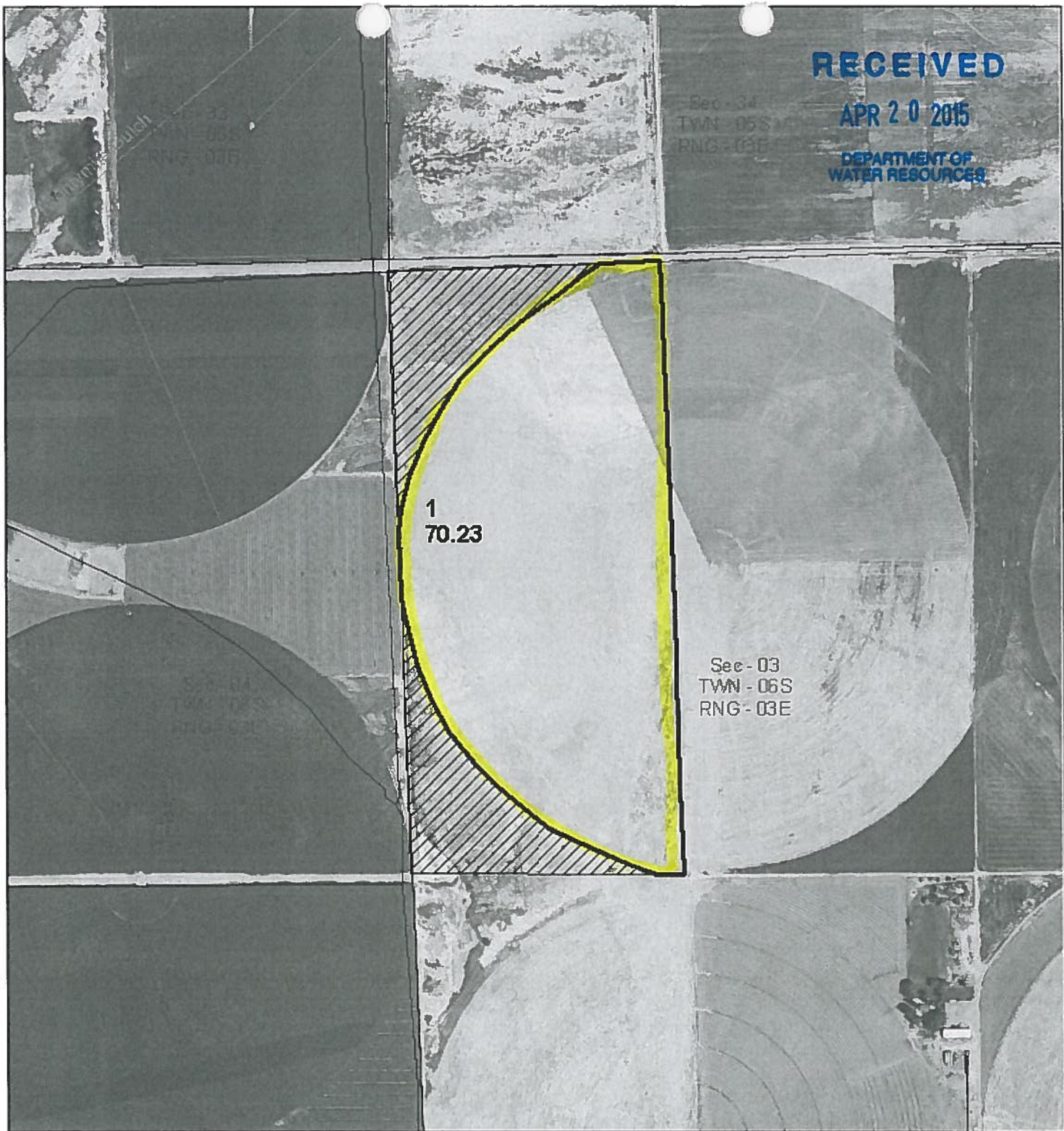
Signature of Applicant

Printed Name and Title*

Date

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

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



United States Department of Agriculture
Farm Service Agency

Farm: 2347
Tract: 2003

Owyhee County, ID
1:7,918

333.79

February 06, 2014



Rental Acres
K.D. 4-20-15

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland
boundaries and determinations, or contact NRCS.

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANKAmendment
Place of use
Address

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Name of Renter(s) Kenton DirksMailing Address 33386 Mud Flat Rd.Phone 208 834-2034Email —

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DEC 15 2014

DEPARTMENT OF
WATER RESOURCES

A. DESCRIPTION OF WATER SOUGHT FOR RENT

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_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
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Total: _____

2. Source of water Snake River tributary to Columbia River

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres 70

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion?

Yes ☐ No ☒If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. Bybee Canal diversion

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Yes ☐ No ☒

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use.

Jackie Post

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

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Bybee Canal Diversion

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Yes ☐ No ☐

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5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental?

Yes ☐ No ☐

If yes, describe.

6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation?

Yes ☐ No ☐

If yes, describe.

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Yes ☐ No ☐

If yes, please specify the number of years desired through proposed rental.

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6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Karl Dirks
Signature of Applicant

Kenton Dirks Farm / Ranch
Printed Name and Title*

12-15-14
Date

Signature of Applicant

Printed Name and Title*

Date

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 21, 2015

KENTON DIRKS
33386 MUD FLAT RD
GRAND VIEW ID 83642-5076

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 02-7062**

Dear Renter:

Please find enclosed a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 350.0 acre-feet of water for irrigation of 70 acres during 2015. 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.

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

Sincerely,

For Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angela Grimm – IDWR Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 8, 2015

KENTON DIRKS
33386 MUD FLAT RD
GRAND VIEW ID 83642-5076

**RE: REQUEST FOR RETURN OF SIGNED AMENDED RENTAL AGREEMENT FOR
WATER RIGHT(S) 02-07062**

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

Dear Applicant:

The Department of Water Resources ("department") mailed an **Amended Water Supply Bank Rental Agreement ("agreement")** for your review and signature on April 22, 2015. The signed agreement has not been returned to the department.

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

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

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

FOR
Clay Webster
Water Resource Agent
WSB Process Point of Contact



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 22, 2015

KENTON DIRKS
33386 MUDFLAT RD
GRANDVIEW ID 83642

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO 02-7062**

*****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 An Amended 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 \$5,950.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 350.0 acre-feet. An annual payment shall be received by the Department 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.

We have received your payment of \$5,950.00. Pursuant to the Water Supply Bank Rules, 90% or \$5,355.00 of the rental fee will be paid to the lessor(s) and 10% or \$595.00 will be retained by the Department to offset administrative costs.

Please send the signed amended rental agreement, within 14 days so I can complete processing.

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

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. W042915
Rental Agreement
Returned Check no 4065

c: IDWR Front Desk
Sascha Marston – Fiscal

MEMORANDUM

To: Water Right 02-7062

From: Clay Webster

Date: 4/21/2015

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

PURPOSE/NARRATIVE: The department received an application to amend an existing rental for 70 acres from Kenton Dirks. This application was to change the POU. There was no map included with the application. A map was requested on 4/7/2015. The map was received on 4/20/2015. I spoke with Mr. Dirks on 4/21/2015 to verify that his correct mailing address is 3386 Mudflat Rd Grandview Id, 83642. We also discussed the term of the rental. He wanted this rental through 2016.

AUTHORITY TO FILE: This application was signed by Mr. Kenton Dirks. The application shows that Mr. Dirks does not own the property proposed to be rented. Tax-lot data confirms that the property at the POU is owned by Jackie Post. Authorization from the owner was requested on 4/7/2015. Information was received on 4/20/2015

WATER RIGHT VALIDITY: 02-7062 was leased in April 2001 indefinitely. It was used for the for the previous rental.

INJURY TO OTHER WATER RIGHTS: Both the rental and lease PODs are located within the Trust area. No injury is apparent.

ENLARGEMENT OF USE: 2-10316 covers the proposed POU with irrigation. However, this right is leased into the WSB and fully rented through 2016. The leased POU has 43 acres of irrigation being applied. However Layne Astle has a rental agreement that covers these acres through 2018. There are currently no enlargement concerns.

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The 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. Since this is amending a current rental, no comments will be requested through the region.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

APR 20 2015
DEPARTMENT OF
WATER RESOURCES

KENTON DIRKS
PO BOX 565
GRANDVIEW ID 83624

Resort to Pitney Bowes
Grandview
33386 Mud Flat Rd
H/29/15
4/29/15

PRESORTED
FIRST CLASS



US POSTAGE >> PITNEY BOWES



ZIP 83702 \$ 000.38¹
02 1W
0001393370 APR 08 2

NIXIE

841 DE 1260 0004/14/15

RETURN TO SENDER
VACANT
UNABLE TO FORWARD

BC: 837200098 *3014-05892-09-17

CUP3333 08888

ASSIGNMENT OF CARRIAGE RIGHT AGREEMENT

This assignment is made this 16th day of February, 2012, between Kenton O. Dirks, of P.O. Box 565, Grand View, Idaho 83624, (the "Assignor"), and , Jack Post, of P.O. 298, Mountain Home, Idaho 83647 (the "Assignee").

RECITALS

(a) The Assignor, on the 24th day of February, 2011, entered into an agreement entitled Carriage Right Agreement whereby the owners of the Bybee Ditch in Owyhee County, Idaho, sold and conveyed to Assignee a carriage right in the C.J. Strike Pump Station and the south branch and main stem of the Bybee Ditch for 70 miner's inches of water for the price of \$1,400.00, a copy of which Carriage Right Agreement is attached hereto and by this reference made a part hereof.

(b) Pursuant to the Carriage Right Agreement Assignor also purchased the right to use the pump, motor and panel at the C.J. Strike Pump Station for a one-time fee of \$3,500.00.

(c) Assignee was the owner of the real property described in the Carriage Right Agreement and paid the fees mentioned above.

(d) The Carriage Right Agreement should have been in the name of the Assignee, but it was not.

(e) Assignor, Assignee and the Bybee Lateral Water Users Association have all agreed that all of Assignor's rights in the Carriage Right Agreement that is attached hereto shall be assigned to Assignee.

(f) Upon the assignment of all of Assignor's rights in the Carriage Right Agreement Assignee has agreed to assume the obligations of the Assignor under the agreement.

NOW, THEREFORE:



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 7, 2015

KENTON DIRKS
PO BOX 565
GRANDVIEW ID 83624

RESPONSE DEADLINE

April 21, 2015

RE: Water Supply Bank Rental Application – Additional Information Required

Dear Applicant,

The Idaho Department of Water Resources received your application to rent water rights from the Idaho Water Resource Board's Water Supply Bank however, as submitted, your application is incomplete.

As submitted, your application cannot be processed. The required information is missing or insufficient:

- ☐ A completed *Application to Rent Water from the Water Supply Bank*
- ☐ If the application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ The place of use described in item #4 of the application does not match your map
- ☐ The signature is missing or we need power of attorney documentation for the signor
- ☒ No proposed diversion point of diversion was identified
- ☒ Authorization from the individual/entity that owns the land at the place of use
- ☐ Authorization from the individual/entity that owns the land at the proposed point of diversion
- ☒ A map that clearly outlines the location of irrigated acres.
- ☐ Other: _____

I will place your application on hold while you submit your map and additional information. Please provide the required information within fourteen (14) days. While you are making corrections to your application, you will not lose your place in the processing queue.

If sufficient information per this letter is not received within 14 days, your application will not be processed and will be returned to you.

Please contact me if you have questions regarding this matter at (208) 287-4910.

Sincerely,


Clay Webster
Water Resources Agent