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WATER RESOURCES
WESTERN REGION

Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106

February 11, 2015

Steve Lester
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Contested Permit Application No. 57-11840

Dear Mr. Lester:

I am writing to make a formal proposal to the Idaho Department of Water Resources on behalf of my client Rohl Hipwell that may lead to resolution of the above-referenced matter. As you are aware, the remaining protestant in the case is concerned that groundwater withdrawals may negatively impact her ability to withdraw groundwater from her well. To determine whether approval of application no. 57-11840 will injure the protestant's well, Mr. Hipwell proposes to rent water through the Idaho Water Resources Board's Water Bank that will be diverted through the same well proposed as a point of diversion under his application and that will irrigate the same acreage as proposed under his application. This rental is proposed to take place during the 2015 irrigation season. Among other details, the rental proposal will protect the rights of the protestant to water for domestic purposes. A copy of the Application to Rent Water from the Board's Water Supply Bank is enclosed. The proposal is further detailed below.

1. Mr. Hipwell proposes to rent water rights through the Idaho water supply bank during the 2015 irrigation season.
 - A. The proposal is to rent water right no. 57-11801.
 - B. The owner of right no. 57-11801 has applied to place that right in the Idaho water supply bank.
 - C. The location of the point of diversion for proposed right no. 57-11801 is located within one mile of the well proposed as the point of diversion for application no. 57-11840. Thus, the use of right no. 57-11801 through Mr. Hipwell's well will not burden the aquifer any more than if it had been diverted through its own point of diversion.
2. Mr. Hipwell proposes to irrigate 25 acres in 2014 irrigation season.
 - A. 10 acres in T4S R1W Section 25 NWNE and 15 acres in T4S R1W Section 25 NWSE.
 - B. The expected diverted volume during 2015 irrigation season is approximately 100 acre-feet.

WSB
COPY FOR 57-11840 ATTACHED

- C. The expected diversion rate will be .50 cfs (225 gallons per minute)
- D. The expected crop will be oats and pasture.

3. Monitoring

Hipwell plans to request that SPF Water Engineering (Hipwell's consultant) install recording pressure transducers in the Hipwell, Humphrey and Osborn wells (presuming permission for installation in the Humphrey and Osborn wells can be obtained). The transducers will be installed inside PVC water-level sounding tubes prior to the irrigation season, and remain in until after the irrigation season. The transducers will be programmed to collect a level measurement every hour. The pumping well will be equipped with a flow meter, and the pumping schedule and totalized flow will be recorded on a regular basis.

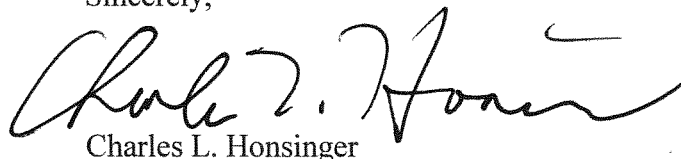
4. Insulate protestant from impacts

Hipwell will provide the protestant with a water line from his well to provide a separate source of water in the event that drawdown in the Tobias well resulting from diversion of the Hipwell well during the rental period prevents operation of the Tobias well. Although Humphrey and Osborn are no longer protestants, Hipwell will agree to drop their pumps by a length of pipe if drawdown from the diversion of the Hipwell well during the rental period necessitates the same.

We believe this proposal to rent water will produce enough information to be able to definitively determine whether application no. 57-11840 should proceed forward. To that end, we propose that the water right application be held in abeyance until the end of the 2015 irrigation season to allow for the information to be collected, and decisions to be made.

Please consider Mr. Hipwell's proposal to resolve the contested application, and contact me as soon as possible with your thoughts and concerns. We look forward to hearing from you soon.

Sincerely,



Charles L. Honsinger

enclosure

cc: Rohl Hipwell
Terry Scanlan
Reva Tobias
Lee Humphrey
Leah Osborne

STATE OF IDAHO
WATER RESOURCE BOARD

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

Applicant Name: Rohl Hipwell

Is 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 <i>Application to Rent Water from the Board's Water Supply Bank</i>			
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)

57-11801

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Rohl Hipwell

Mailing Address 18125 Oreana Loop Road, Oreana, ID 83650

Email Address rohl.hipwell@gmail.com

Phone Number (208)834-2431

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 Charles L. Honsinger

Professional Title Attorney

Organization Honsinger Law, PLLC

Relationship to Applicant Attorney

Mailing Address P.O. Box 517, Boise, ID 83701

Email Address honsingerlaw@gmail.com

Phone Number (208)863-6106

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**:**
Irrigation of 25 acres for oats and pasture. .50 cfs needed.

- 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)
.50 CFS	75-100 AF	.50 CFS	75 AF	25 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?	
		1 year	☐ 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
Well	4S	1W	25	NW	NE		Owyhee	None

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	
4S	1W	25		10												15			25
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for irrigation)
																			25

- 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):
Diversion from well to mainline and thence to pivot sprinklers.

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:

Place of use is currently not irrigated. Water Right application no. 57-11840 has been filed for this purpose. This rental will be a one-year test to determine any impacts upon surrounding wells. A copy of the proposal is attached

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)								Leased totals minus water actively engaged in rental agreement equals rental availability	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)
57-11801	Irrigation	Groundwater	.54	122	29.8	2015	2019		.54	122	25
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			
									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

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 ☐

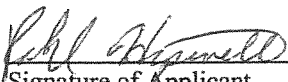
If yes, describe: App. # 57-11840 has been submitted for the same purpose as the proposed rental. The rental will help determine impacts on wells, including that of the protestant to 57-11840.

- 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

Kohl Hipwell
Printed Name of Applicant

2-6-15
Date


Signature of Representative

Charles L. Honsinger
Printed Name of Representative

2-11-15
Date

Mail to:

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