

MEMO

TO: Water Rights 61-2165

FROM: Cherie Palmer

DATE: February 24, 2016

RE: Amended Volume Available under Del Kohtz 2016 Rental

On December 29, 2015, the water right holder abandoned 73.5 af under water right 61-2165. Due to the partial abandonment of that water right, the existing rental to Del Kohtz will be reduced for 2016.

A new amended rental agreement will not be issued. This memo will serve as a change to the \$\$ amount due under that rental 61-2165 for the 2016 season.

Note the reduced volume will have no impact to the renter. Per the agreement, right 61-2165 provided 5.75 af/acre however, the conditions on the rental state that the renter could use no more the 4 af/acre. The only change the renter will experience will be the amount of \$\$ to pay for the volume. Therefore, a new signed rental agreement is not necessary. Rather the change in the amount due for the rental will be documented in the memo and the Access database will be updated.

The new amount will be consistent with the new volume per acre amount after the abandonment is accounted for. The new amount authorized by 61-2165 is 4.5 af/acre. The volume rented under 61-2165 will be $7.7 \text{ ac} \times 4.5 = 34.7 \text{ af}$ (previously it was 44.2 af).

The new dollar amount due is:

61-2165	$34.7 \text{ af} \times 17 =$	\$589.90
61-12291	no change;	<u>\$13,615.30</u>
		\$14,205.20

DEPARTMENT OF
WATER RESOURCES

AMENDED

Page 1 of 4

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

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

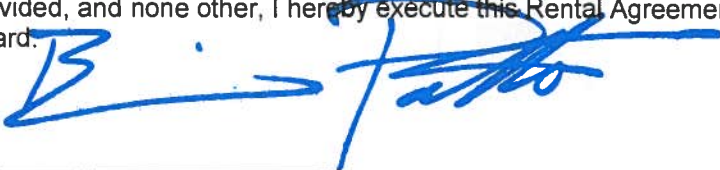
  

Signature of Renter Printed Name and Title* Date

Signature of Renter Printed Name and Title* Date

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

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

 _____
By
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date  _____

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NE¼NE¼ Sec. 30 Twp 04S Rge 05E ELMORE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

03/15 TO 11/01

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	
04S	05E	19									32.7	32.7 L5	32.7 L8	32.7	31.3	4.2	4.2	31.4	202.0

Total Acres: 202.0

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

12. The following rights are diverted through point(s) of diversion described above: 61-12290

13. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than October 26, 2000.

RECEIVED
Form 42-1761-2 07/15
MAR 06 2015
DEPT OF WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Amend
Existing Rental

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

Applicant Name:

Delbert Koltz

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 *Application to Rent Water from the Board's Water Supply Bank*

Attachment N/A YES

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

Department Use Only – Proposed Water Right(s)

61-2465

61-12291

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Delbert Kopitz
 Mailing Address 1135 Valley Rd. So. Eden, Idaho 83325
 Email Address del@idaho-water.com Phone Number 208-312-1135

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

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

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use, and water diversion, delivery and distribution systems. Make sure the 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 for 202 acres
These rental rights will be used along with water right
#61-12290 for 181 acres

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)
CFS	AF	CFS	AF	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. These rights were used in 2014. They are acceptable

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?
<u>April 1, 2015</u>	<u>April 15, 2015</u>	<u>5 yrs</u>	☒ 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
Groundwater	04S	05E	30		NE	NE	Elmore	61-12290

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:

Has been approved last year

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	
04S	05E	19													31.3	4.2	4.2	31.4	71.1
04S	05E	30	32.7	32.7	32.7	32.7													130.9
Total Acres (for irrigation)																			202

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

- 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):

Two pivots to irrigate 202 acres

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:

61-12290

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

202 acres out of the Rights I used Yes ☒ No ☐ *2014*
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.

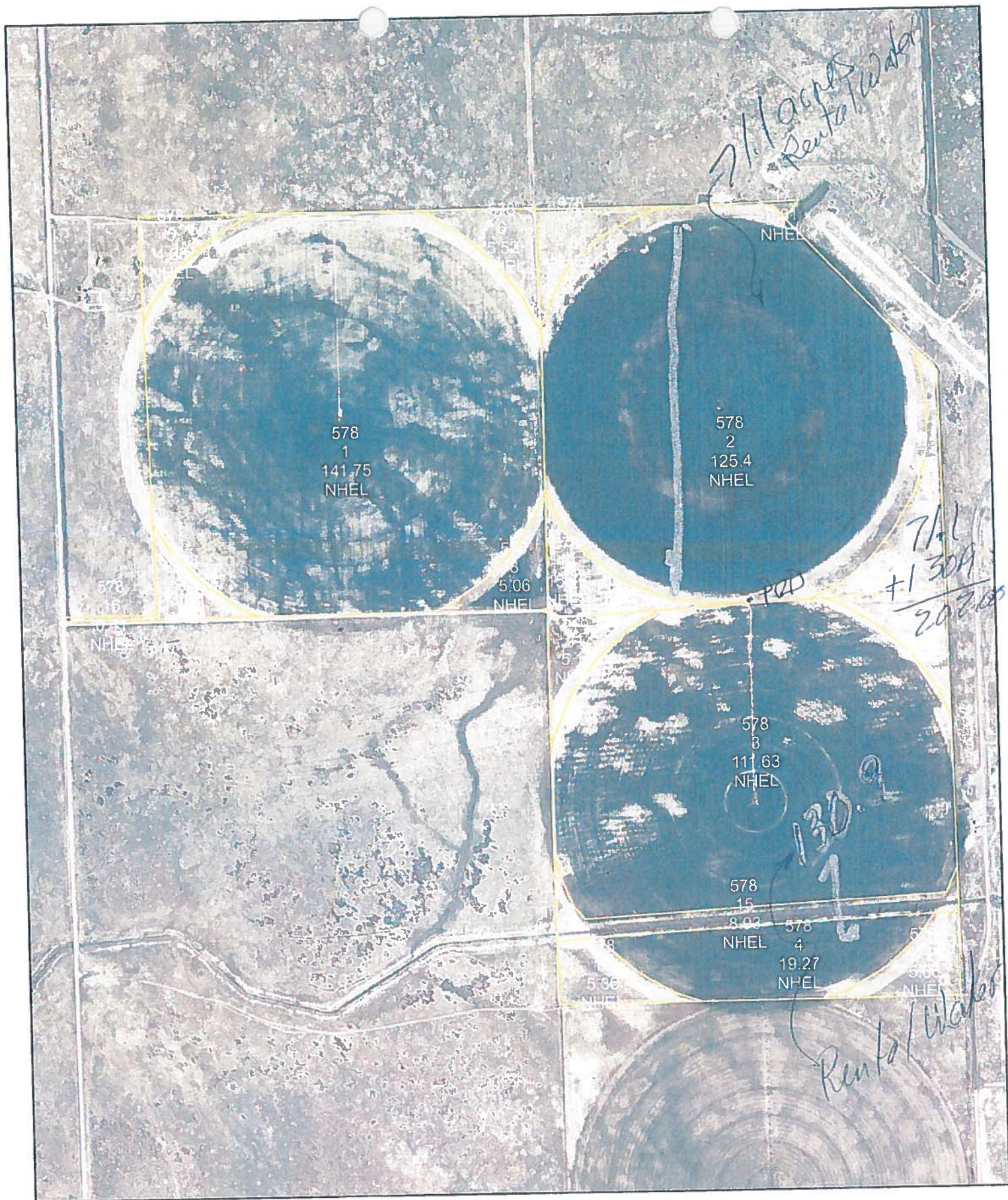
Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.**

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)
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 (c.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**:





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 8, 2015

DEL KOHTZ
1135 Valley Rd S
EDEN ID 83325

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-2165 & 61-12291**

Dear Renter:

Please find enclosed a receipt in the amount of **\$14,366.70** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 845.1 acre-feet of water for irrigation of 202.0 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 \$12,930.03 the rental fee will be paid to the lessor(s) and 10% or \$1,436.67 will be retained by the Department to offset administrative costs.

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

Sincerely,

for Lana Hedley
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C100263 and C100265
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Rachel Sommer – IDWR Western Regional Office



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

March 26, 2015

DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-2165 AND 61-12291**

*****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 \$14,366.70 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 845.1 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to February 15 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$14,366.70 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 \$12,930.03 of the rental fee will be paid to the lessor(s) and 10% or \$1,436.67 will be retained by the Department to offset administrative costs.

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): Rental Agreement

c: IDWR Front Desk

MEMORANDUM

To: Water Right(s) 61-2165, 61-12291

From: Patrick Kelly

Date: March 16, 2015

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

PURPOSE/NARRATIVE: IDWR received a rental application on March 6, 2015 for water rights 61-2165 & 61-12291. This rental application serves as an amendment rental to an existing agreement to request less water. These water rights are already under a 2013 rental agreement through 2016 for a Del Kohtz. Because of a transfer of water right 61-12290 to the rental POU, Mr. Kohtz no longer needs all of the water that was rented to him in the 2013 agreement.

Part I of the rental application suggests rental water to be used on the NE quarter pivot. That pivot is currently covered by the PPU of WR 61-12290. Telephone communication with Mr. Kohtz today confirms that the 202 acres are to cover the missing acres for the 3 pivots, and that the rental POU of Part I should reflect the SW quarter of Section 19.

AUTHORITY TO FILE: Delbert Kohtz completed the rental application. According to current taxlot data, Mr. Kohtz is the property owner of the land. He also is the current water right owner to irrigation rights on the property.

WATER RIGHT VALIDITY: 61-2165 & 61-12291 are currently leased into the bank through the 2016 season. Aerial imagery and landsat data suggest the water rights POU has been idled since the lease entered the bank.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: WR 61-12290 is an existing irrigation right to the land that covers 181.0 acres within the 468.0 POU total acres. The 202.0 acres associated with the rental covers the needed acreage and water to fully irrigate the three pivots.

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: Because this is a reduction to an existing rental agreement, comments will not be requested.

PER 2014 LEASE

Water Right	Rate	Rate/Ac	Volume	AF/AC	Acres
61-2165	1.16	0.019661	339	5.745763	59
61-12291	2.9	0.014925	800.9	4.121976	194.3
Total	All Elements are Additive				

Requested Amounts per Rental

61-2165	0.15	44.2	7.7
61-12291	2.9	800.9	194.3
Total	3.05	845.1	202

		90%	10%	SUM
61-2165	752.12	676.91	75.21	752.12
61-12291	13615.30	12253.77	1361.53	13615.3
Total Due	14367.42			14367.42