



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 3, 2017

RANCH PROPERTIES LLC
3663 E 3500 N
KIMBERLY ID 83341

RESPONSE DEADLINE
2/15/2017

RE: Water Supply Bank Rental Fees for 2017 Rental Agreements

Dear Renter,

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

Rental	Start	End	Water Right	Rental Volume (AF)	Total Rental Fee	Owner Fee (90%)	Admin Fee (10%)	Rental Fee Due Date
1	2015	2019	45-11969	80	\$136.00	\$0.00	\$136.00	2/15/2017

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

If you have not already done so, please remit payment of **136** prior to the due dates above and enclose a copy of this letter with your payment.

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

Regards,

Remington Buyer
Water Supply Bank Coordinator

WATER SUPPLY BANK RENTAL AGREEMENT

DEPARTMENT OF
WATER RESOURCES

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:

Ranch Properties, LLC

Ron Patrick member
Signature of Renter

RON PATRICK member
Printed Name and Title*

3-12-15
Date

Vicki Patrick, member

Vicki Patrick, member
Signature of Renter

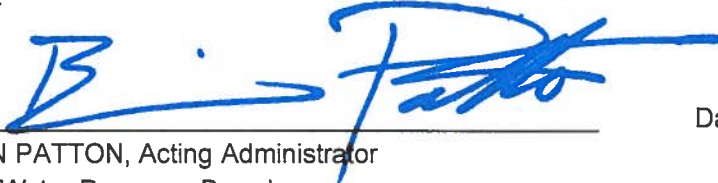
Vicki Patrick, member
Printed Name and Title*

3-12-15
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

March 13, 2015

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L9 NE¼NE¼ Sec. 29 Twp 10S Rge 24E CASSIA County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

03/15 TO 11/15

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	28		10															10.0
10S	24E	29	10																10.0

Total Acres: 20.0

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. The right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. This rental agreement does not authorize the construction of a well.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

RECEIVED

STATE OF IDAHO
WATER RESOURCE BOARDJAN 07 2015
DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

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) Ranch Properties, LLC
 Mailing Address 3663E. 3500N. Kimberly ID 83341
 Phone 208-731-4847 cell Email patvicki@gmail.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 0.40 Maximum Volume (ac-ft) 80 Nature of Use Irrigation Period of Use 3/15 to 11/15
 _____ to _____
 _____ to _____

Total: 0.40 80

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
10S	24E	29			SE	NE	CASSIA

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	
10S	24E	28						11	5										16
		29	0.7		7.1	24					15	9.3				16			72.1
		30													5.7			0.8	6.5

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

Total Acres 94.6*

B. OWNERSHIP

*ONLY 20 ACRES WILL BE IRRIGATED IN THE 94.6 ACRE PP4.

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. _____

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. _____

C. MAP

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

see attached MAP

D. GENERAL INFORMATION

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

Existing well, pumps AND piping

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

Water rights 45-11969 and 1-10443 that ARE being LEASED to the Water Supply BANK.

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. N/A

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. 5 yrs

*only 20 Acre
will be irrigated
of the 194.6 A. PPM*

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.

by Vicki Patrick, member
Signature of Applicant
Ranch Properties, LLC

Vicki Patrick, member
Printed Name and Title*

12-31-14
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



Google earth

feet 1000
meters 300





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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 3, 2017

RANCH PROPERTIES LLC
3663 E 3500 N
KIMBERLY ID 83341



RE: Water Supply Bank Rental Fees for 2017 Rental Agreements

RECEIVED

JAN 13 2017

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WATER RESOURCES

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Regards,

Remington Buyer
Water Supply Bank Coordinator



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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 16, 2015

RANCH PROPERTIES LLC
3663 E 3500 N
KIMBERLY ID 83341

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 45-11969**

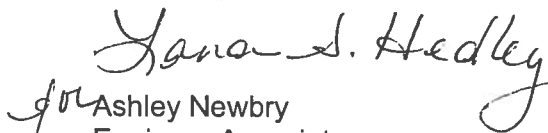
Dear Renter:

Please find enclosed a receipt in the amount of **\$136.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 80.0 acre-feet of water for irrigation of 20 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.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs you are the owner of the right.

If you have any questions, please contact me at (208) 287-4846.

Sincerely,


for Ashley Newbry
Engineer Associate

Enclosure(s): Receipt No. C100076
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Regional Manager
Brian Higgs – State Water District No. 140



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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 10, 2015

RANCH PROPERTIES LLC
3663 E 3500 N
KIMBERLY ID 83341

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 45-11969**

*****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 **\$1360.00** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 80 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$136.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to February 15 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$136.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact me at (208) 287-4846.

Sincerely,

Ashley Newbry
Associate Engineer
WSB Process Point of Contact

Enclosure(s)

c: IDWR Front Desk

MEMORANDUM

To: Water Right 45-11969
From: Ashley Newbry, Associate Engineer
Date: February 13, 2015
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On January 7, 2015, the Department received a WSB rental application from Ranch Properties, LLC for the irrigation of 20 acres of their own property—uniquely located on an island in the Snake River.

Essentially, Ranch Properties has requested to rent a portion of their leased groundwater right 45-11969. In 2010, Ranch Properties leased their rights 1-10443 and 45-11969 into the WSB for an indefinite term. Rights 1-10443 and 45-11969 when combined shall not exceed a total diversion rate of 1.89 cfs and the irrigation of 94.6 acres. Right 45-11969 might be summarized by the following: irrigation use, groundwater, 1.26 cfs diversion rate, 378.4 AFA volume, and a place of use limited to 94.6 ac. Right 45-11969 is subject to the Magic Valley Ground Water District. It lies within a trust water area within the ESPA moratorium area.

Currently, groundwater right 45-11969 is being partially rented to Ardel Wickel until the end of 2016. The Wickel rental might be summarized by the following: irrigation use, groundwater, 0.87 cfs diversion rate, 260 AFA volume, and a 65 ac irrigated area.

Therefore, this rental to Ranch Properties is recommended for the following: 0.39 cfs diversion rate, 80 AFA volume, and a place of use limited to 20 ac. This place of use is located in the ESPA, but no modeling is required because the lease and rental locations lie within the same grid cell.

AUTHORITY TO FILE: Vicki Patrick signed the WSB Rental application, as a member of Ranch Properties LLC. Per the IDSOS website, Vicki Patrick is an authorized representative (member) of Ranch Properties, LLC. Ranch Properties, LLC owns the lease and rental place of use and point of diversion, so ownership should not be an issue.

WATER RIGHT VALIDITY: Aerial imagery reveals that approximately 4.5 acres of this property has been irrigated as recent as 2013. Was the lessor authorized to irrigate? This property falls within Burley Irrigation District, but the lessor indicated that the place of use would not continue to receive water from another source aside from water rights. A thorough review of the water right file reveals that Ranch Properties submitted an application similar to this one in the past, including 2013. Therefore, irrigation of this property was authorized; this water right is valid.

INJURY TO OTHER WATER RIGHTS: The renter's POU is located within the ESPA. In this application, the lessor and the renter are the same party. Therefore, modeling is not required. Because the lessor will actually be using a portion of its own water right, no injury is apparent.

ENLARGEMENT OF USE: Because the rental of 45-11969 does not include a change in the nature of use, the amount of water available to the renter should not need to be reduced. Both the lease and the rental share the same season of use: 3/15 to 11/15. They share the same headgate requirement (4 af per ac) and consumptive use (3 af per ac). These use requirements will remain in effect.

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. Though the standard diversion rate for the irrigation acres would be 0.4 cfs, only 0.39 cfs is available for this rental.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right is subject to Oakley Valley Area Water Dist 140.

Cindy Yenter: Ground Water Districts are not required to comment on Bank applications. The appropriate Districts in this case are Water District 140 (B45 right) and Water District 01 (01 right if it is also involved in the rental) as they are the regulatory entities. The regulatory layers in ArcMap are not real clear and I realize it's confusing. I believe you should be seeking comment from Brian Higgs (brian@waterwellconsultants.com) for WD140 and Lyle Swank at Eastern for WD01. I will also look this over when I have time and let you know if I see any flags. I recall looking at these rights at one time, probably when they were leased.

Watermaster: No comments were received from Brian Higgs.

