



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

October 8, 2014

KENT FORGEON
PO BOX 2172
KETCHUM ID 83340

RE: Application to Rent Water from the Water Supply Bank in the Big Wood River Basin

Dear Applicant:

On September 10, 2014, the Idaho Department of Water Resources (Department) received your Water Supply Bank (Bank) rental application. The rental application indicates that you would like to rent ground water for the purpose of irrigating a parcel of land in the upper Big Wood River Basin for the 2014 irrigation season.

Bank applications must be reviewed in accordance with Idaho Code § 42-1763 and Rule 30 of the Department's Administrative Rules for the Bank (IDAPA 37.02.03). This includes consideration of whether the proposed use will reduce the quantity of water available under existing water rights.

The reach of the Big Wood River upstream from Hailey, also known as the upper Big Wood River Basin, contains two minimum stream flow (MSF) water rights held by the Idaho Water Resource Board (Board). The MSF water rights extend from Warm Springs Creek downstream approximately 18 miles to the District 45 Canal diversion. The MSF water rights are numbered 37-7919 and 37-8307. The above referenced water rights establish 189.0 cubic feet per second (cfs) as the MSF for a section of the Big Wood River. In recent years, flows in the Big Wood River dropped at or below the established MSF during the irrigation season for periods of about 30 days or more.

Consideration for the MSF in the Big Wood River must be part of the evaluation of your application because the Big Wood River upstream of Hailey is an effluent stream, meaning ground water is hydraulically connected to the river. Due to the connection between groundwater and surface water in this area, pumping upstream of Hailey is likely to cause injury to the MSF water rights.

In order to ensure that the rental of ground water will not result in injuring the MSF water rights, the Department is requiring a hydrologic analysis of most rental applications in the Big Wood River Basin. In regard to your application, the Bank does not have any leased water rights available to fulfill your rental without requiring a hydrologic analysis. Because there is insufficient time to conduct the required analysis before the close of the irrigation season, we are no longer processing applications that propose to divert ground water in the Big Wood River Basin for 2014.

A copy of your application will be retained at the Department for the record and the original is being returned to you. If you would like to pursue a rental application in the 2015 irrigation season, please submit your application as soon as possible in order to reserve your place in the processing queue. Be aware that a ground water model that will facilitate the necessary hydrologic analysis is still being worked on by the Department. Consequently, the knowledge and resources to process a rental application are not available at this time.

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The Department is optimistic that guidelines will be set forth for rental applicants to use in the hydrologic analysis by the beginning of the 2015 irrigation season. Of course the Department will notify you as soon as we know what data and analysis will be necessary to support a rental application in the Big Wood River Basin.

If you have any questions, please contact me at (208) 287-4944.

Sincerely,

A handwritten signature in black ink, appearing to read "Cherie Palmer". The signature is fluid and cursive, with the first name "Cherie" being more prominent than the last name "Palmer".

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

cc via email: IDWR Regional Office
IDWR Compliance Bureau
Zach Latham – Brockway Engineering PLLC

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

SEP 10 2014

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) Kent ForgeonMailing Address PO Box 2172 Ketchum, Idaho 83340Phone 208-309-0112

Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT Rental from 37-8372

1. Maximum Flow Rate (cfs) 0.01 Maximum Volume (ac-ft) 3.2 Nature of Use Irrigation Period of Use 4/01 to 10/31

_____ to _____

_____ to _____

Total: 0.01 3.2

2. Source of water Ground Water tributary to N/A

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
5N	17E	36		NW	SW	NW	BLAINE

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	
05N	17E	36							0.9										0.9

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

Total Acres 0.9

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. _____

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

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.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.
Existing well, mainlines and irrigation system provide property with irrigation water.
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
37-22170
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. Letter from Tim Luke dated July 30th 2014 entitled RE:Potential Unauthorized Use of Water

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.

[Signature]
Signature of Applicant

Kent Forgyeow
Printed Name and Title*

9/5/14
Date

Signature of Applicant

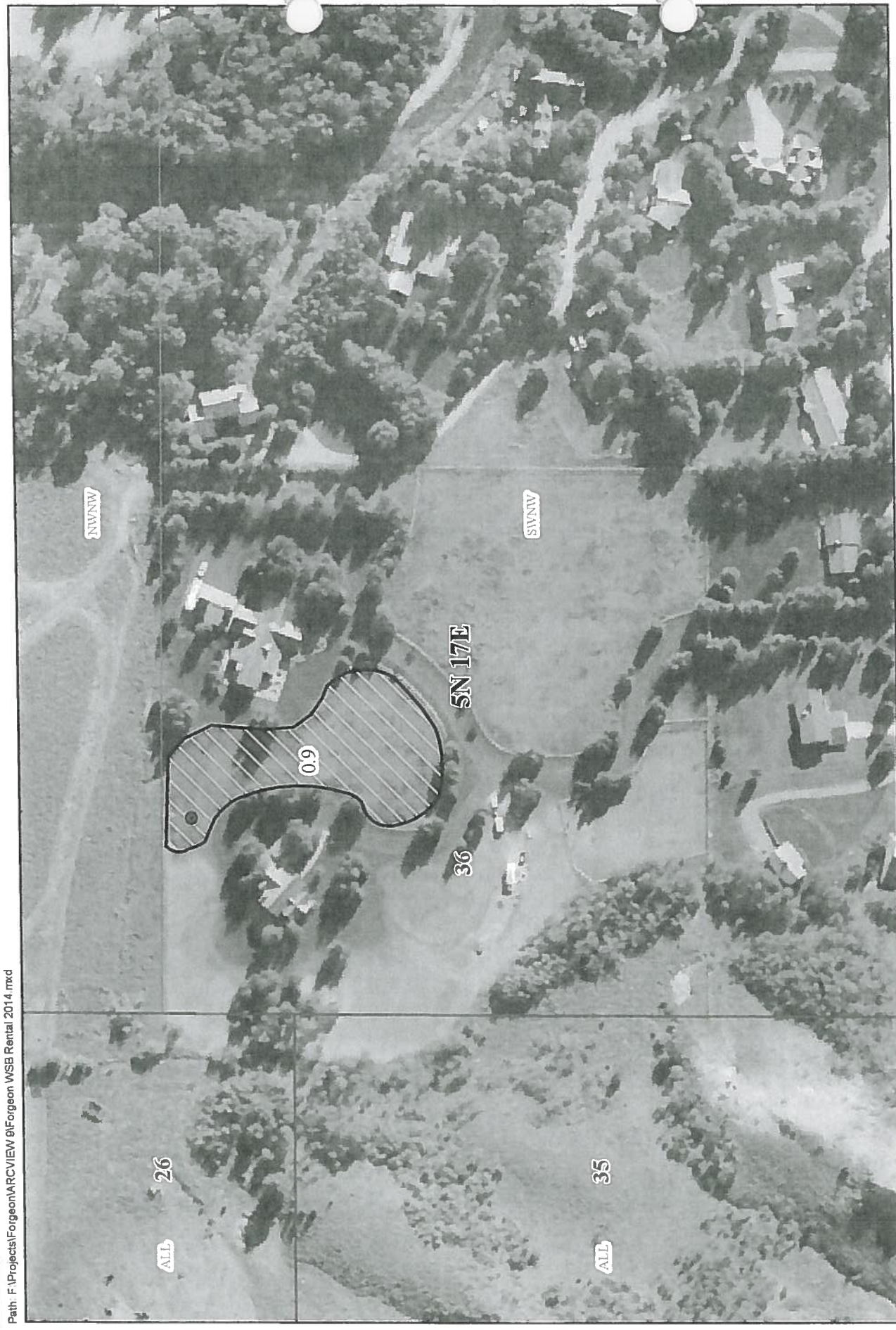
Printed Name and Title*

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

Path: F:\Projects\Forgeon\ARCVIEW 9\Forgeon WSB Rental 2014.mxd



0 40 80 160
Feet

FORGEON, KENT
WATER BANK RENTAL 2014
NAIP 2013 AERIAL

- Legend
- WB Rental Area_ townshp
 - Point of Diversion
 - Sections
 - QQ Lines



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
SEP 10 2014
DEPARTMENT OF
WATER RESOURCES

September 9th, 2014

Cherie Palmer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Supply Bank Rental; Remainder of 37-8372 for Mr. Kent Forgeon.

Dear Cherie,

On behalf of Mr. Kent Forgeon, Brockway Engineering is submitting a water supply bank rental application which proposes to divert the remaining portion of 37-8372; 0.9 acres or 3.2 AFA out of the irrigation well on the Forgeon property. Previously, our office submitted a water supply bank rental application on behalf of Anthony and Judy D'Angelo for 2.1 acres of 37-8372. Water right 37-8372 is currently leased to the water supply bank through the end of 2014.

Currently, 37-22170 is authorized to irrigate 3.0 acres on the four lots owned by Mr. Forgeon out of an irrigation well. Additionally, Mr. Forgeon is authorized to irrigated 0.5 acres associated with the two residences on the property, or 1.0 acres under 37-8906. Water under delivered under 37-8906 originates from wells off of the Forgeon property. Approval of rental of 0.9 acres under this application will bring the authorized irrigated area up to 4.9 acres on the property.

Please copy our office on all correspondence regarding this water supply bank application. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Sincerely,

Sheila Daniels on behalf of Zach Latham, M.S., Hydrologist

Enclosures:

- (1) Water Supply Bank Rental Application
- (1) Water Supply Bank Rental Map

Cc: Mr. Kent Forgeon

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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WASHINGTON
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