

RECEIVED

JUN 20 2014

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **DAVE SANDERS**
2473 E 2100 N
HAMER IDAHO 83425
(208) 662-5437

the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
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31-07316	5/10/1979	Ground Water	NA	0.03 cfs	5.4 af	NA	1.8 ac
31-11443	5/14/1976	Ground Water	NA	0.66 cfs	99.0 af	NA	33.0 ac

Annual Combined Rental Totals	0.69 cfs	104.4 af	NA	34.8 ac
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Term of Rental: April 1, 2014 to December 31, 2014

Rental Fee: \$1,774.80

The fee for rental of the above-described water is \$1,774.80. Ten percent (\$177.48) will go to the Department for administrative costs, and the remainder will be paid to the lessor(s).

No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

SUPPORT DATA

FILE# 31-07316

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

David Sanders Owner

Printed Name and Title*

6-18-14

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 *June 20, 2014*

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SW¼NW¼	Sec. 14	Twp 07N	Rge 36E	JEFFERSON County
GROUND WATER	SE¼NE¼	Sec. 15	Twp 07N	Rge 36E	JEFFERSON County

BENEFIAL USE

IRRIGATION

SEASON OF USE

04/01 TO 10/31

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	
07N	36E	14								19.4									19.4
07N	36E	15		1.0	10.4											4.0			15.4

Total Acres: 34.8

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 3.5 afa per acre at the field headgate for irrigation of the lands above.

12. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
13. Prior to the diversion and use of water under this rental, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
14. 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. 110.

RECEIVED
MAR 20 2014
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Name of Renter Dave Sanders Phone 208-662-5437

Mailing address 2473 E 2100 N Hamer, Idaho 83425 Email sanders@mudlake.net

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use
0.66 cfs 99.0 AF hay irrigation April 1 2014 to November 1 14
 _____ to _____
 _____ to _____
 Total: 0.66 cfs 99 af

2. Source of water ground water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
07N	36 E	14		sw1/4	nw1/4		Jefferson
07N	36E	15		se1/4	ne1/4		Jefferson

4. Lands to be irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	36E	14								19.4									19.4
07N	36E	15		1.0	10.4											4.0			15.4

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 34.8

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☐ No ☒

If no, list owner, contact information, and provide documentation of the authority to use the proposed point of diversion. Kirk Jacobs Hamer, Idaho 83425

2. Do you own the land at the proposed place of use? Yes ☒ No ☐

If no, list owner, contact information, and provide documentation of the 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. underground waier. Map was submitted last year, so it will be on file with your department. This is the same POU as the last agreement applied for last year.
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
not known
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. It was all figured up last year and the agreement is the same as last year with the exception of the new year's dates and extend agreement to 2 years.
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

1. 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. 2 years

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 of Applicant

Owner
Printed Name and Title*

3-14-14
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

June 23, 2014

DAVE SANDERS
2473 E 2100 N
HAMER ID 83425

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 31-07316 AND 31-11443**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,774.80** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 104.4 acre-feet of water for irrigation of 34.8 acres during 2014. 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 \$1597.32 of the rental fee will be paid to the lessor(s) and 10% or \$177.48 will be retained by the Department to offset administrative costs.

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

Sincerely,

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C099046
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern 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

June 16, 2014

DAVE SANDERS
2473 E 2100 N
HAMER ID 83425

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 31-7316 and 31-11443**

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

Dear Applicant:

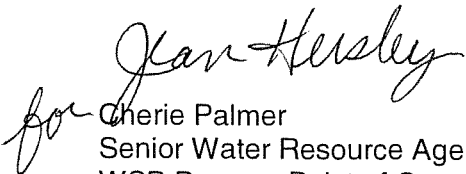
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, 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 \$1,774.80 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 104.4 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to March 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 \$1,774.80 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 \$1,597.32 of the rental fee will be paid to the lessor(s) and 10% or \$177.48 will be retained by the Department to offset administrative costs.

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

Sincerely,


Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure(s)

c: IDWR Front Desk

MEMORANDUM

To: Water Right(s). 31-11443 and 31-7316

From: Brian Ragan

Date: June 13, 2014

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

PURPOSE/NARRATIVE: On March 20th, 2014 the Department received an application from Dave Sanders to rent water from the WSB. This rental has occurred in the past and the applicant wants to rent the same water again.

The applicant is seeking a volume of 99-AF at a rate of 0.66 CFS to irrigate 34.8 acres for a period of two years. Unfortunately the two potential leases are only in the bank for one year so this rental will only be valid for one year.

The previous rental agreement only gave 33-acres within a 34.8-acre POU. This new rental agreement will fill to fill the whole 34.8 acres sought.

The details of the rental are as follows:

Water Right #	Rental Volume (ac-ft)	Rental Rate (cfs)	Rental Acres
31-7316	5.4	0.03	1.8
31-11443	99	0.66	33
TOTALS	104.4	0.69	34.8

AUTHORITY TO FILE: The applicant, Dave Sanders, owns the land at the place of use.

WATER RIGHT VALIDITY: Water right 31-1143 is leased into the bank through December 31, 2014. The portion of this right available is limited to a rate of 0.66 CFS and a volume of 99 AF to irrigate 33 acres.

Water right 31-7316 is leased into the bank through November 1, 2014. The portion of this right available is limited to a rate of 0.69 CFS and a volume of 117 AF to irrigate 39 acres.

Aerial imagery was reviewed and indicates the portions leased to the bank from both potential leases have been idled.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the rental.

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(s) are subject to Water District # 110 (Mud Lake Area).

WM commented 6/13/14 - Rental is good to move on. CP
See email

Palmer, Cherie

From: Cefalo, James
Sent: Friday, June 13, 2014 12:31 PM
To: Palmer, Cherie
Subject: RE: WSB Rental Application Dave Sanders

Cherie,

I'm familiar with this rental arrangement. I don't have any concerns with approving another year.

James

From: Palmer, Cherie
Sent: Friday, June 13, 2014 12:16 PM
To: Cefalo, James
Subject: WSB Rental Application Dave Sanders

James,

Hello, I am looking at approving a rental agreement for Dave Sanders. Sanders had this same rental in place for many years and he wants to re-up for 2014 and 2015. Although, water rights are only available for 2014 so this is just a one year rental. I attached a review memo and a draft of the rental agreement. I get the feeling Mr. Sanders should find a permanent solution to his irrigation practices as availability may become an issue next year.

Please let me know if you have any concerns with the approval of this rental as soon as you get a chance.

Thanks,

Cherie