

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

RECEIVED
JUN 16 2014
DEPARTMENT OF
WATER RESOURCES

This is to certify that: **KEVIN LOVELAND**
RT 6 BOX 682
POCATELLO ID 83202
(208) 251-9999

filed an application to rent water from 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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29-14099	5/2/1966	Ground Water	NA	1.36 cfs	248.5 af	NA	71.0 ac
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Annual Combined Rental Totals **1.36 cfs 248.5 af NA 71.0 ac**

Term of Rental: **April 02, 2014 to December 31, 2014**

Rental Fee: **\$4,224.50**

The fee for rental of the above-described water is \$4,224.50. Ten percent (\$422.45) 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.

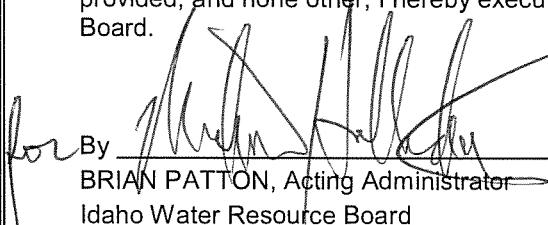
The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

 Kevin H Loveland owner 11 June 2014
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.

for By  Date 6/11/2014
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NE¼NW¼ Sec. 35 Twp 05S Rge 34E BANNOCK County

BENEFIAL USE

IRRIGATION

SEASON OF USE

04/1 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	
05S	34E	35					33.0			38.0									71.0

Total Acres: 71.0

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.

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANKRECEIVED
APR 02 2014
DEPARTMENT OF
WATER RESOURCES

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) Kevin H Loveland
 Mailing Address Rt 6 Box 682
 Phone 208-251-9999 Email kevin_speed@hotmail.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use
_____ _____ Irrigation Apr 2014 to Oct 2014
_____ _____ _____ _____
_____ _____ _____ _____

Total: _____

2. Source of water Well tributary to _____

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
55	34E	35		NW	NE	SE	Bannock

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	
55	34E	35					33												
55	34E	35								38									

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

Total Acres 71

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.

Irrigation well, Main lines, Handlines and/or Center Pivots.

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

29-2419 is the original water right - from what I know -
At this well

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. Splitting the water right 29-2419 with Adams
Corp. - who own the land in Section 2

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. _____

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.

Kevin H Loveland
Signature of Applicant

Kevin H Loveland, owner
Printed Name and Title*

31 MAR. 2014
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

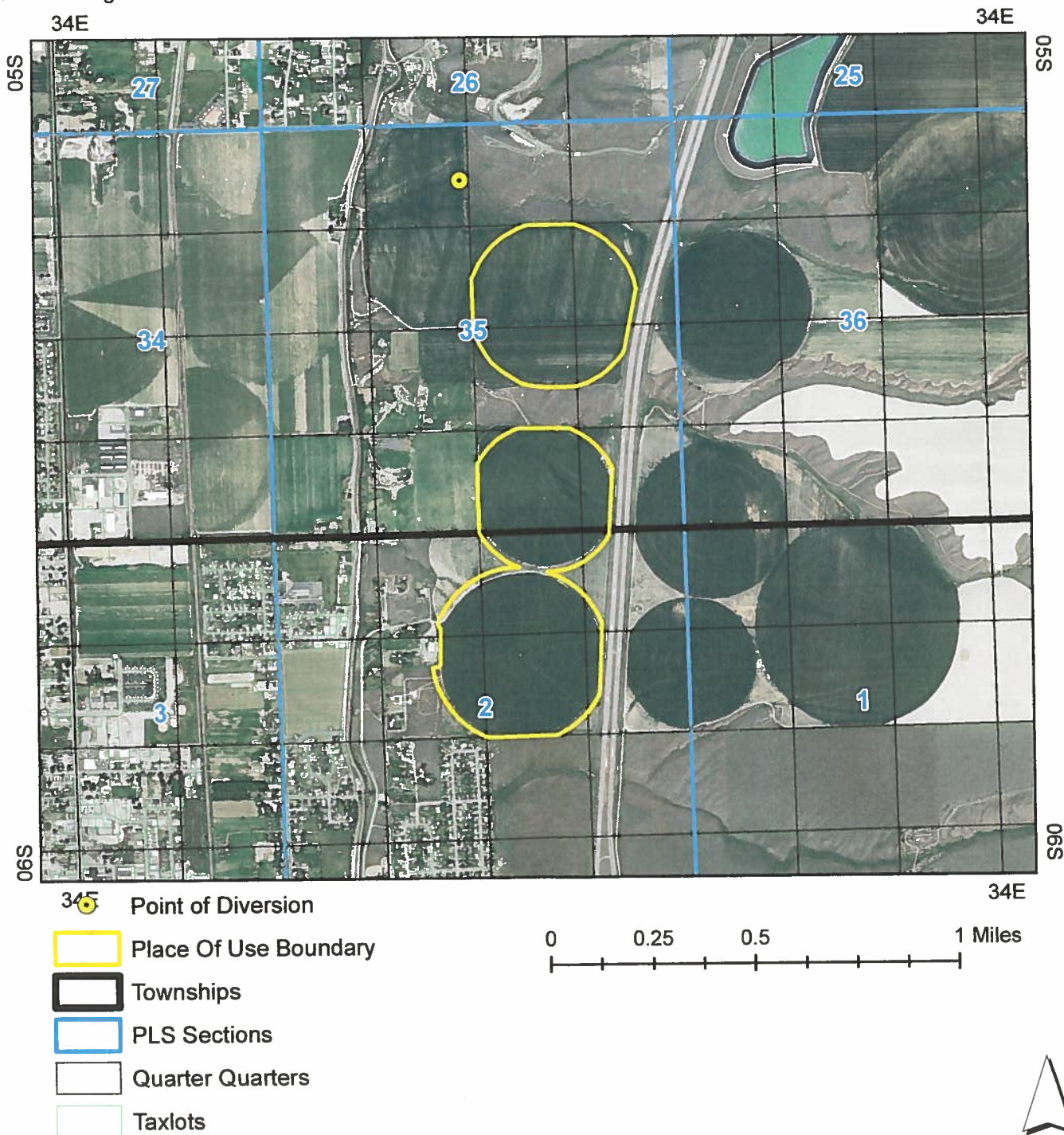
Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

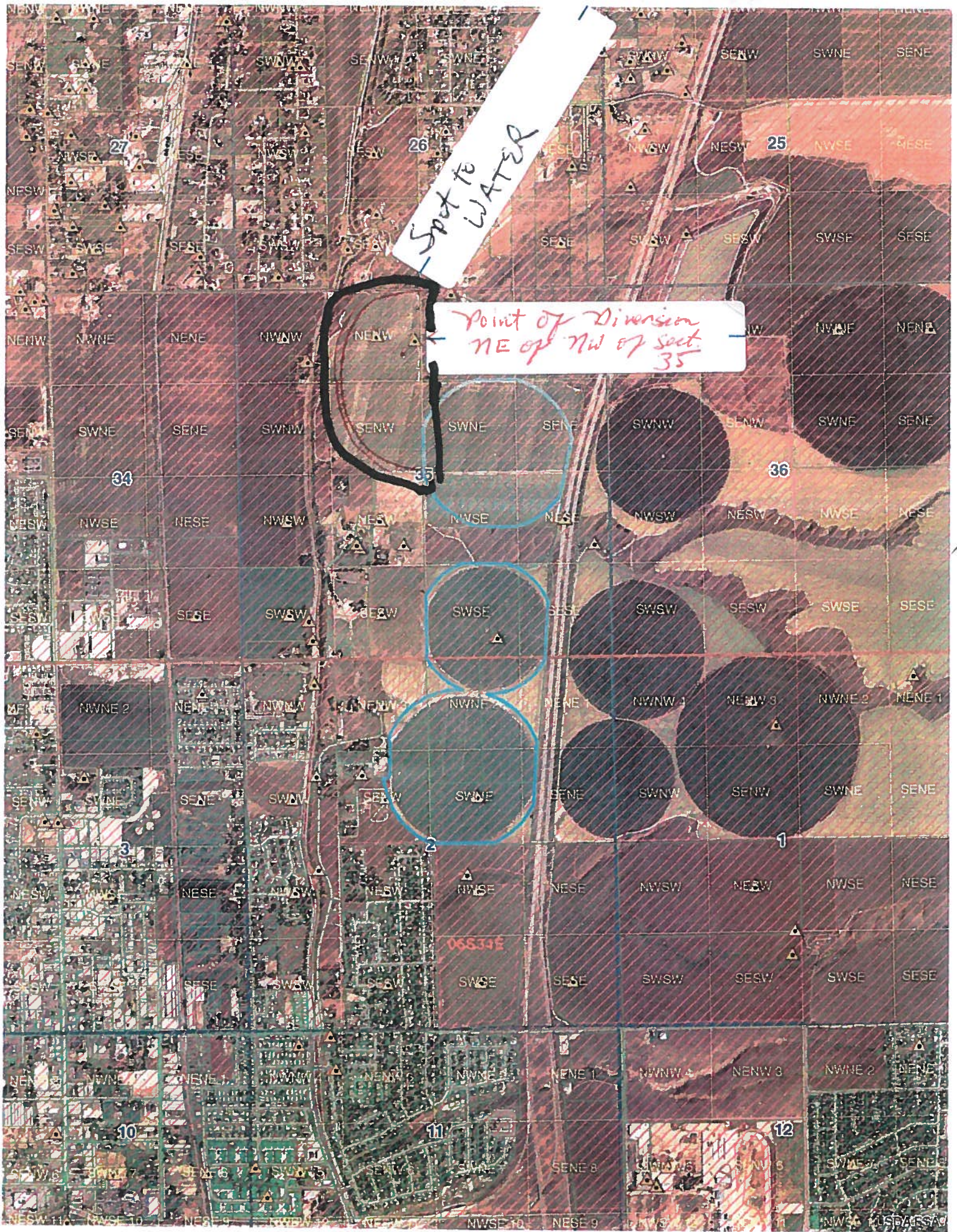
State of Idaho
Department of Water Resources

Water Right 29-2419

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





Spot to WATER

Point of Diversion
NE of NW of sect
35



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

November 19, 2014

COPY

Kevin Loveland
RT 6 BOX 682
POCATELLO, ID 83202

**RE: EXPIRATION OF RENTAL AGREEMENT FOR WATER RIGHT NO(S). 29-14099
FROM THE WATER SUPPLY BANK**

Dear Renter:

This letter is to inform you that your Rental Agreement for rental of water from the Water Supply Bank has expired. You applied for the rental of water on 4 /18/2014 and the subsequent Rental Agreement authorized diversion of water under Water Right No(s). 29-14099 through the 2014 season only.

The Rental Agreement is expired, or will be expired by the end of the season of use, and the water use in connection with the rental will no longer be in effect. Any diversion or use of water associated with this rental agreement is not authorized and, if occurring, will be subject to any necessary enforcement action.

If you wish to rent water in the future, please reapply using new forms from the Department's website at www.idwr.idaho.gov. If you have any questions regarding this matter, please contact me at (208) 287-4944.

Sincerely,

Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

c: NA



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 17, 2014

KEVIN LOVELAND
RT 6 BOX 682
POCATELLO ID 83202

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 29-14099**

Dear Renter:

Please find enclosed a receipt in the amount of **\$4,224.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 248.5 acre-feet of water for irrigation of 71 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 \$3,802.05 of the rental fee will be paid to the lessor(s) and 10% or \$422.45 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. E039912
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 11, 2014

KEVIN LOVELAND
RT 6 BOX 682
POCATELLO ID 83202

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-14099**

*****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 \$4,224.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 248.5 acre-feet.

Please remit a check for \$4,224.50 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement.** Pursuant to the Water Supply Bank Rules, 90% or \$3,802.05 of the rental fee will be paid to the lessor(s) and 10% or \$422.45 will be retained by the Department to offset administrative costs.

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

Sincerely,

A handwritten signature in cursive script that reads "Cherie Palmer".

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure(s)

MEMORANDUM

To: Water Right(s) 29-14099

From: Cherie Palmer

Date: June 16, 2014

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

PURPOSE/NARRATIVE: On April 2nd, 2014 the Department received an application from Kevin Loveland to rent water from the Water Supply Bank. The applicant proposes to irrigate 71 acres of land with ground water for a period of one year.

AUTHORITY TO FILE: The applicant owns the land which is to be irrigated.

WATER RIGHT VALIDITY: Water right 29-14099 is valid and is available for rental. This water is municipal in nature but, it has acres associated with it so the rental is not considered a change of nature of use. Note that the city of Chubbuck acquired this water right and filed a transfer to change the POU/PD to their municipal system.

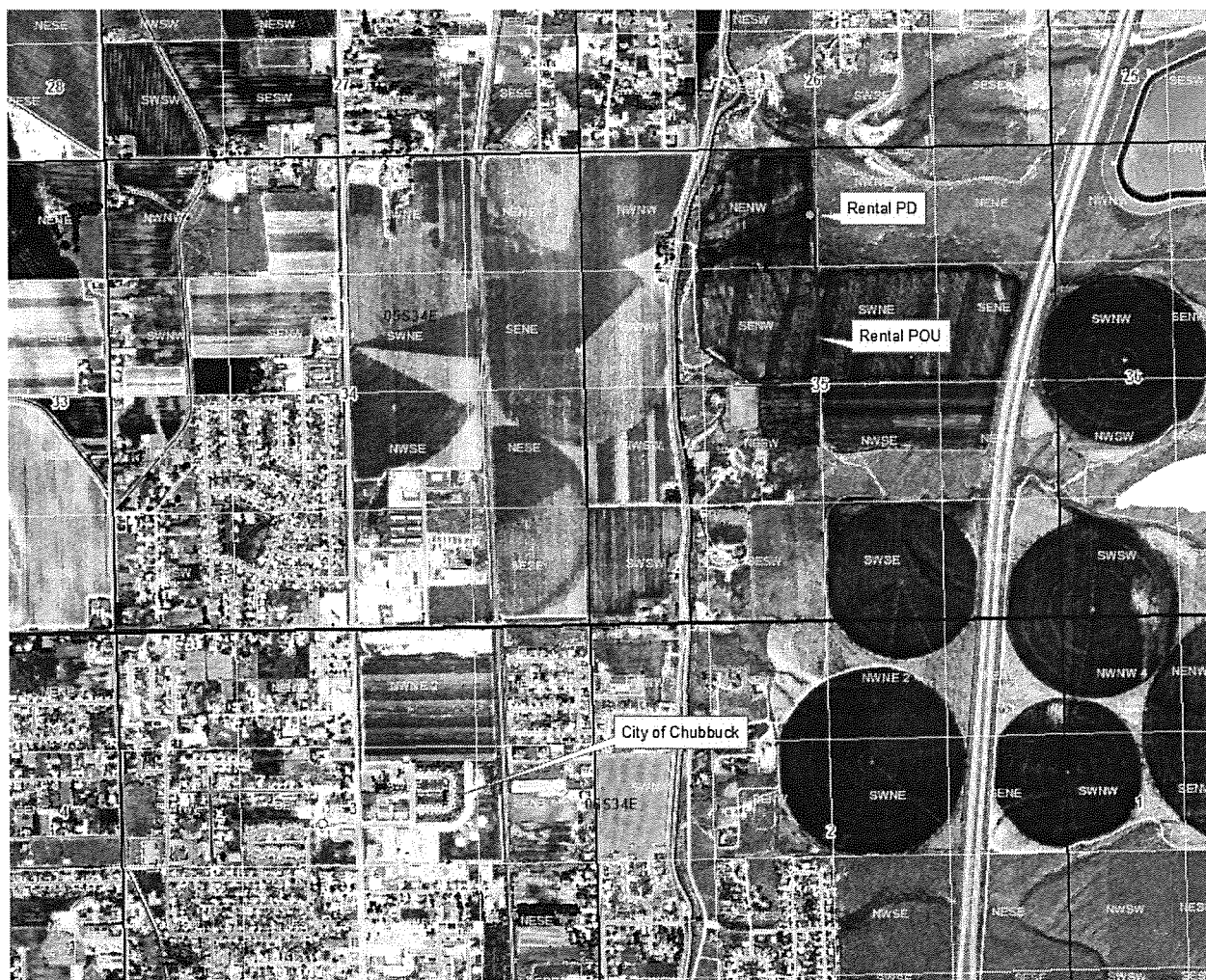
INJURY TO OTHER WATER RIGHTS: This water right will be considered at its transferred location; the modeling through the transfer proved no injury. No modeling will be necessary for this rental since the centroid used for the city of Chubbuck is in a cell that is adjacent to the Loveland well.

ENLARGEMENT OF USE: There is no enlargement expected through this one year 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 rental place of use is outside of any water district. IDWR Eastern Region did not have any concerns with this rental.



Palmer, Cherie

From: Holliday, Michael
Sent: Wednesday, June 11, 2014 1:23 PM
To: Palmer, Cherie
Subject: RE: Kevin Loveland Rental-Region Comment Request

Cherie, I looked this over and saw no problems with your analysis. I can't think of any reason why it should not be approved. michael

From: Palmer, Cherie
Sent: Wednesday, June 11, 2014 11:19 AM
To: Holliday, Michael
Subject: Kevin Loveland Rental-Region Comment Request

Hi Michael,

I have attached a review memo for the rental of the city of Chubbuck water right for Mr. Loveland. I didn't want to skip the step where I ask for region comment so I hope it's okay to send you this for a quick look. The rental place of use is not within a water district.

I assume everything looks good since the water right is not being moved very far from the city wells. A little bit later I will send over the rental agreement with instructions unless there is a problem with the rental.

Thanks!

Cherie

Kevin Loveland
Rt. 6 Box 682
Pocatello, ID 83202
208-251-9999

June 4, 2014

Attention: Cherle Palmer

Thanks for your help on replacing the map and the point of diversion. Could you please change the point of diversion to the NENW of section 35? Please note that the legal for the rental as seen on the enclosed map is the NENW & SENW of section 35. Does this map satisfy what you need?

Thank you for your attention to this matter,

Kevin Loveland



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

May 15, 2014

KEVIN LOVELAND
RT 6 BOX 682
POCATELLO ID 83202

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water for from the Water Supply Bank (Bank). The Department will review your application(s) as time allows. If your application cannot be processed for the initial year specified on the application, it is possible that it may be approved for subsequent years.

Filing a rental application does not authorize diversion and use of water. It is unlawful to use water without a valid water right or an approved Water Supply Bank rental agreement. **You are not authorized to divert any water for the purposes described in your application until you have paid the rental fee and you and the Department have both signed and executed a rental agreement.**

You can check the status of your rental application by reviewing the Department's processing spreadsheet, accessible from the Water Supply Bank's website at:

http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm

Regards,

A handwritten signature in black ink that reads "Cherie Palmer". The signature is written in a cursive, flowing style.

Cherie Palmer
Sr. Water Resource Agent
Water Supply Bank Contact