

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

RECEIVED
MAY 27 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

<u>Water Right</u>	<u>Rented Rate</u>	<u>Annual Rented Volume</u>	<u>Acre Limit</u>	<u>Total Rented Acres</u>
29-2255c	0.08 CFS	7.9 AF	N/A	N/A

Term of Rental: **January 15, 2014 to December 31, 2015**

Rental Fee: **\$134.30 annually**

The fee for rental of the above-described water is \$134.30. Ten percent (\$13.43) will go to the Department for administrative costs, and the remainder will be paid to the lessor. An annual payment shall be received by the Department prior to January 1, each year 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. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date.

Detailed water right specific limitations and conditions are attached.

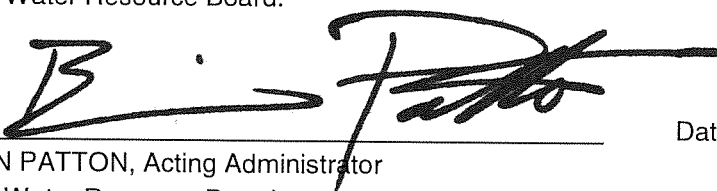
The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

	<u>Kevin H Loveland, owner</u>	<u>26 Apr. 2014</u>
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 satisfies 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 conditions 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 05-27-2014



9. 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.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
11. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
12. Use of water under this right 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. 120.



RECEIVED

FEB 03 2014

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

RECEIVED

JAN 15 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 Loveland
 Mailing Address Rt 6 Box 682 Pocatello, Id 83202
 Phone 208-251-9499 Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

— see former right 29-2255C

1. <u>Maximum Flow Rate (cfs)</u>	<u>Maximum Volume (ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>.08</u>	_____	<u>Potato Celler</u>	<u>Jan, 2014 to Jan, 2016</u>
_____	_____	<u>Humidifier</u>	_____ to _____
_____	_____	_____	_____ to _____

Total: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
<u>55</u>	<u>34E</u>	<u>13</u>					<u>Bannock</u>

4. Lands to be irrigated or place of use:

Same - for Potato Celler

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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

Total Acres _____

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.

see former 29-2255C
Thanks, Kevin

D. GENERAL INFORMATION

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

Well immediately adjacent to cellar - drilled just for cellar

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

None

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.

humidity for potato cellar

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.

2

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 Loveland
Signature of Applicant

Kevin Loveland, owner
Printed Name and Title*

10 Jan 2014
Date

Signature of Applicant

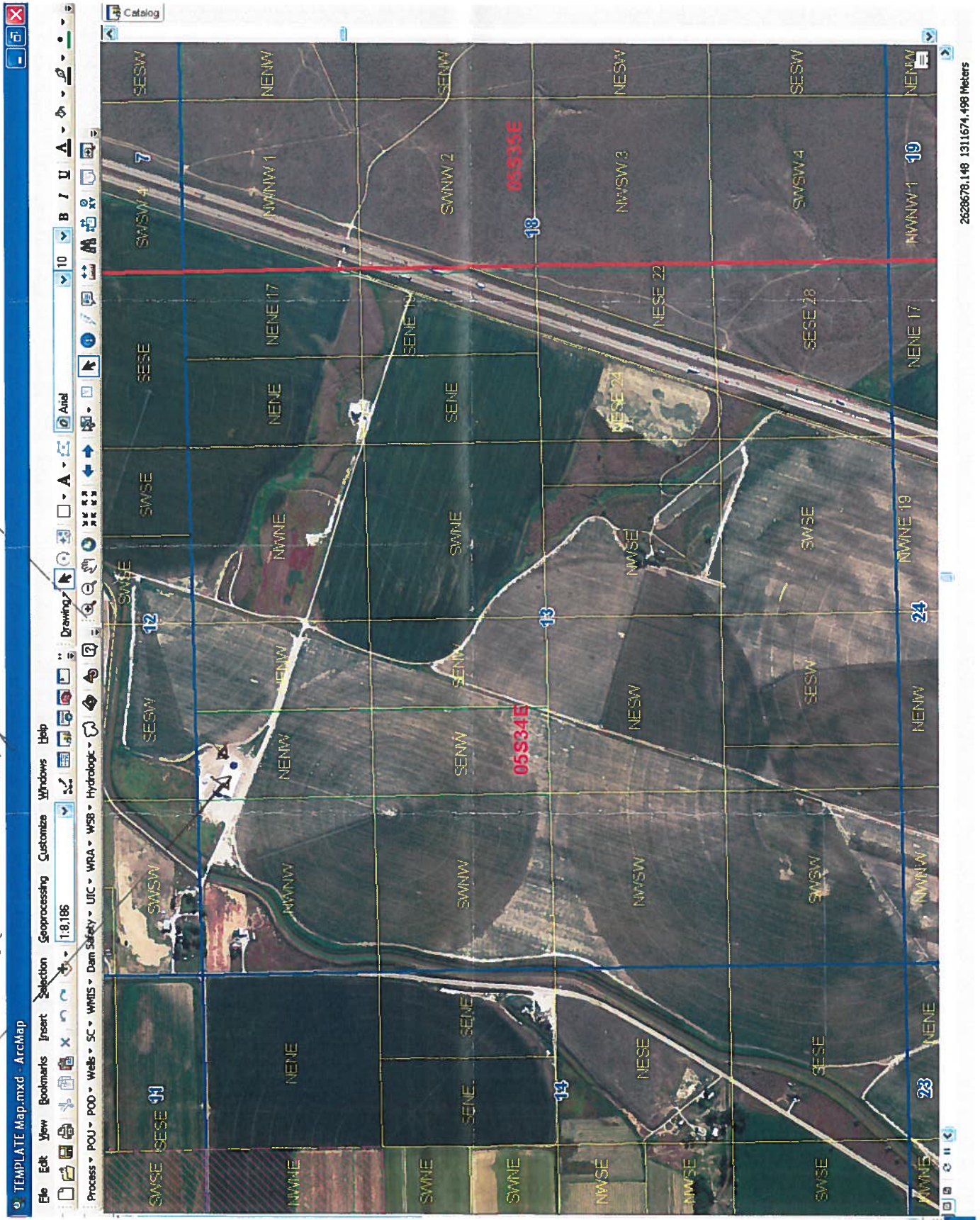
Printed Name and Title*

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

Collaps = where water is used for the





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

May 28, 2014

KEVIN LOVELAND
RT 6
BOX 682
POCATELLO ID 83202

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 29-2255C**

Dear Renter:

Please find enclosed a receipt in the amount of **\$134.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 7.9 acre-feet of water for industrial use 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 \$120.87 of the rental fee will be paid to the lessor(s) and 10% or \$13.43 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4879.

Sincerely,

Sandra Thiel
Water Resource Planner

Enclosure(s): Receipt No. C098865
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Lyle Swank – State Water District No. 01

Dear Sandra,

Thank you for your
help & patience. I
really appreciate it!

Kevin Foreland



State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 7, 2014

KEVIN LOVELAND
RT 6
BOX 682
POCATELLO ID 83202

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR
WATER RIGHT(S) 29-02255C**

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

Dear Applicant:

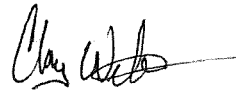
The Department of Water Resources ("department") mailed a **Water Supply Bank Rental Agreement ("agreement")** for your review and signature on April 22, 2014. The signed agreement and rental fee has not been returned to the department.

Please sign the rental agreement and return it with the rental payment in the amount of \$134.30 within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact me at 287-4879.

Sincerely,

for 

Sandra Thiel
Water Resource Planner



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 22, 2014

KEVIN LOVELAND
RT 6
BOX 682
POCATELLO ID 83202

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-02255C**

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

Dear Applicant:

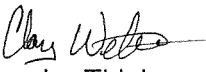
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, 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 \$134.30 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 7.9 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 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 \$134.30 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 \$120.87 of the rental fee will be paid to the lessor(s) and 10% or \$13.43 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4879.

Sincerely,


for Sandra Thiel

Water Resource Planner

Enclosure(s)

c: IDWR Front Desk

MEMORANDUM

To: Water Right File No(s): 29-2255C

From: Sandra Thiel

Date: April 2, 2014

Re: Review of Applications Rent Water Rights through State Water Supply Bank

PURPOSE/NARRATIVE: On January 15, 2014 Kevin Loveland submitted an application to rent water right 29-2255C. Mr. Loveland intends to use the water to maintain the humidity in his potato cellars. He rented this water first in 2011 and then again in 2012-2013. Mr. Loveland plans to rent 0.08 cfs. The acre feet rented was calculated proportionally.

29-2255C: 0.64 cfs	Rental rate: $0.08 / .64 = 0.125$
63 cfs AF	Rental volume: $63 \times 0.125 = 7.875$ or 7.9 AF

AUTHORITY TO FILE: According to Kevin Mr. Loveland he has been using the water at this location for the past three years and that he paid taxes on the property with the cellars.

WATER RIGHT VALIDITY: Water right 29-2255C was decreed August 27, 2004. FMC Idaho LLC leased the right into the bank indefinitely in 2007.

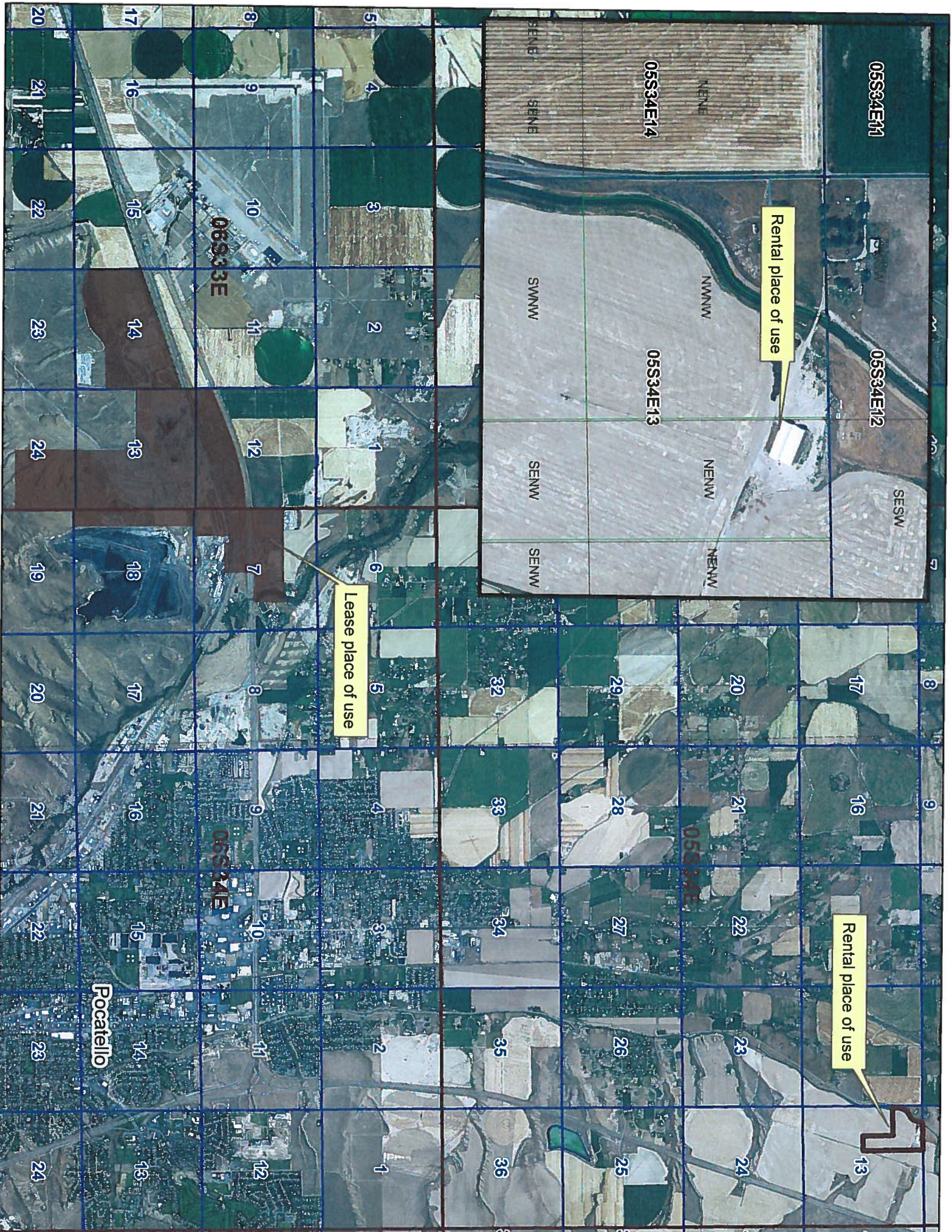
INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident.

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 leases and rental appear to be consistent with conservation of water resources in Idaho. Both the lease and the rental fall within the Non-Trust Water area and the American Falls Ground Water Management Area.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Subject to water districts 01 and 120 Comments were requested from Eastern. None were received.





State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 16, 2014

KEVIN LOVELAND
RT 6 BOX 682
POCATELLO ID 83202

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO RENT
WATER FROM THE WATER SUPPLY BANK**

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

Dear Applicant:

The Department of Water Resources ("department") acknowledges receipt of your Application to Rent Water from the Water Supply Bank ("bank"). A preliminary review of your application has been completed and it has been determined that additional information is required to begin processing.

Please provide the following information within 14 days of the date of this letter or the application will be returned:

- A map clearly designating the proposed point of diversion and place of use.

Your application refers to the previous rental, but no map was submitted at that time. I have enclosed a photo with legal description labels of Section 13, T05S, R34E for your convenience. Please draw on this photo, sign and date at the bottom, and return to the department.

We currently have other rental applications to review received prior to your application. Having the required map available when the staff begin review of your application will help us complete the process more quickly.

If you have questions regarding this matter, please contact me at 287-4951.

Sincerely,

A handwritten signature in cursive script that reads "Pamela S Skaggs".

Pamela S Skaggs
Water Right Supervisor

Enclosure