

MEMORANDUM

TO: Water Right Files 31-7084, 31-7569, 31-7267A, and 31-10964A

FROM: Daniel A. Nelson

DATE: January 24, 2012

SUBJECT: Kirk Egbert Water Supply Bank Lease

SUMMARY

I have been asked to review an existing Water Supply Bank Lease on water rights 31-7084, 31-7569, 31-7267A, and 31-10964A. During this review, I reviewed the 2011 NAIP aerial photography and the 2011 LandSat satellite photos. According to the September 17th 2010 lease application, a total of 74 acres were to be leased to the Water Supply Bank, and the lands formerly irrigated ground was supposed to have been retired. The existing Water Supply Bank lease would retire 20 acres from water right 31-7084, 38 acres from water rights 31-7267A and 31-10964A, and 16 acres from water right 31-7569. My evaluation of the aerial photography shows the following:

Water Right	Water Right Acres	Acres Actually Irrigated	Acres From Original Water Right Not irrigated	Acres Required To Be Retired For Water Supply Bank Lease
31-7084	272	262	10	20
31-7569	142	140	2	16
31-7267A & 31-10964A When Combined.	302	284	18	38
TOTALS			30	74

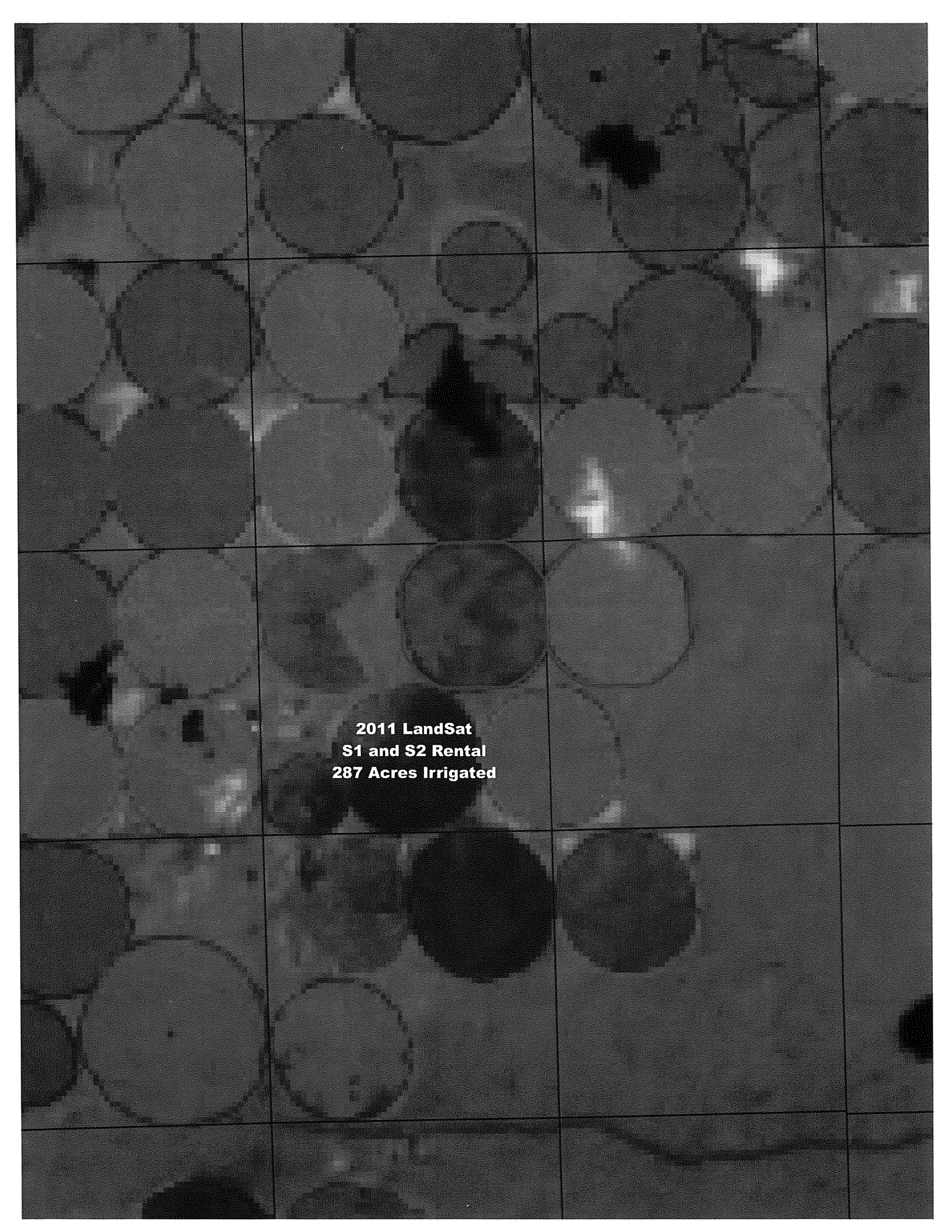
As you can see from the above table, I determined that of the 74 acres that were to be retired under this lease, only 30 acres were actually retired in 2011.

This water right has been rented. The rental was used to cover approximately 287 acres of irrigation in Section 1 and Section 2 of Township 7 North, Range 37 East. The existing water rights on this land allowed the following:

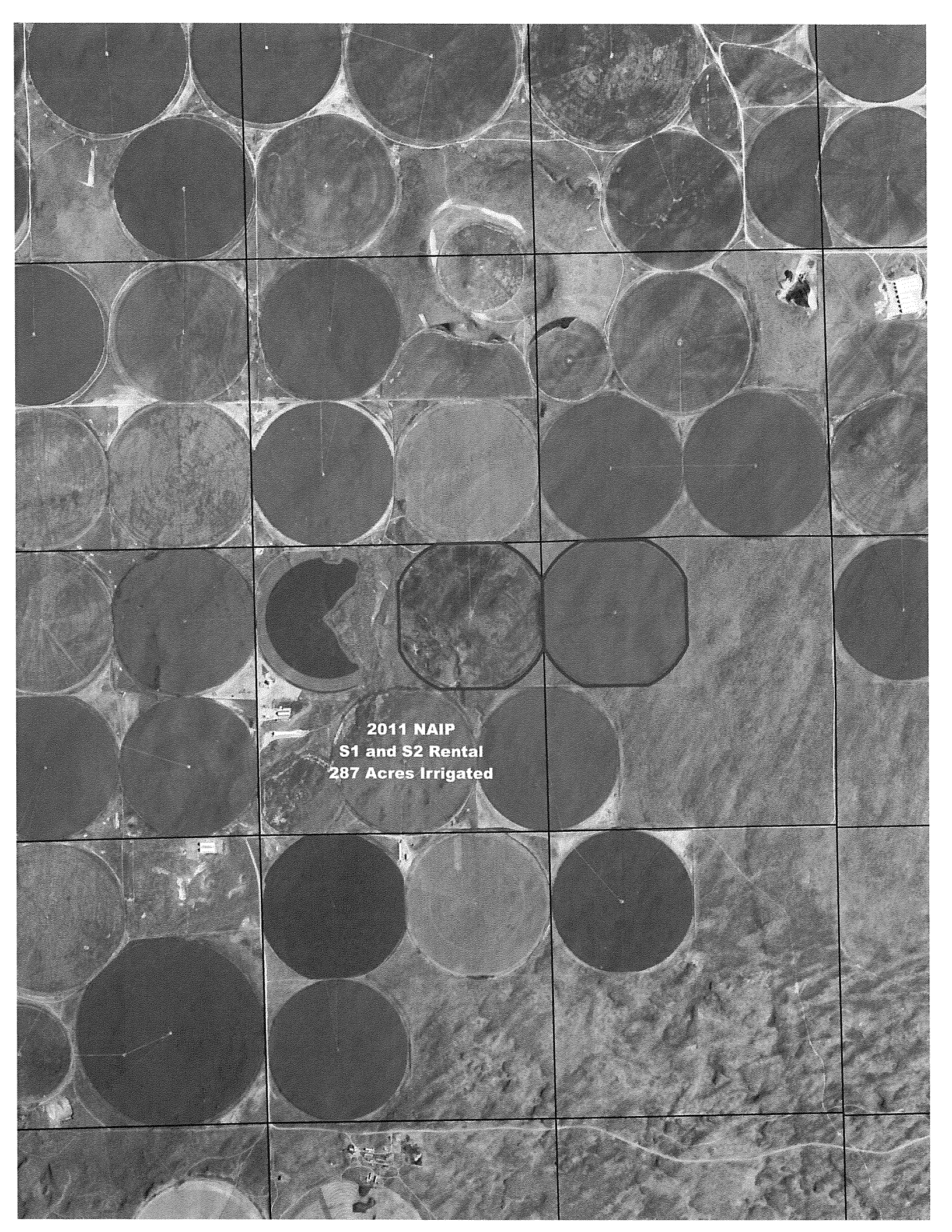
Water Rights	Acres Allowed
31-11954	11.1
31-11947	42.9
31-11410, 31-11414, and 31-11428 When Combined for 2011.	140
TOTAL	194 ACRES ALLOWED BY WATER RIGHTS

The table above shows that the water rights allowed 194 acres to be irrigated. My review of the lands being irrigated showed 287 acres irrigated. Even with the 74 acres of the Water Supply Bank rental, there would only be 268 acres allowed to be irrigated in 2011. If you take into account that only 30 acres were actually retired for the Water Supply Bank lease that was rented for this property, there would be a significant shortage of valid water rights to irrigate the full 268 acres.

Whereas this rental was associated with a previous Notice of Violation Settlement Agreement, I recommend that this memo and all of the maps be sent to appropriate Department Staff to determine what steps are needed to resolve these issues.



**2011 LandSat
S1 and S2 Rental
287 Acres Irrigated**

An aerial photograph of a large agricultural field, likely a center pivot irrigation system. The field is divided into a grid of rectangular sections. Within these sections, there are numerous circular patterns, which are the individual wheels of the irrigation system. The circles are arranged in a hexagonal-like pattern. The field is mostly dark, suggesting it is either a wet field or a field with dense vegetation. There are some lighter areas, possibly roads or other features. In the upper right, there is a small cluster of buildings or structures. In the lower left, there is a small area that looks like a road or a different type of terrain. The overall image has a grainy, high-contrast appearance.

**2011 NAIP
S1 and S2 Rental
287 Acres Irrigated**

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7569

WATER RIGHT NUMBER: 31-7569

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BLAKE BOYCE
	, ID
Current Owner	KIRK S EGBERT RANCHES INC
	PO BOX 87
	TERRETON, ID 83450
	(208)663-4505
Security Interest	RABO AGRIFINANCE INC
	12443 OLIVE BLVD STE 50
	ST LOUIS, MO 63141

Water Right Allowance = 142 AC.
 2011 Irrigation = 140 AC.

2 AC.
 DIFF.

Priority Date: 12/12/1975
 Basis: Decreed
 Status: Water Supply Bank Active

Water Bank

Lease = 16 AC.

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	2.280 CFS	497.00 AF
	<u>Total Diversion:</u>	2.280 CFS	497.00 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4 Sec. 28, Twp 06N, Rge 35E, B.M.
 JEFFERSON County

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	
06N	35E	28													36.0	35.0	35.0	36.0	142.0

Total Acres: 142

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7569

Comments:

1. bcontor 1/16/2001 Recommendation

Comment: Per post-1987 transfer 4105. eCVR not completed as further analysis is not appropriate.

2. bcontor 1/16/2001 POD

Comment: Recommended per transfer (tabular data match transfer). SDE/ArcView shape matches GPS @ actual location.

3. bjordan 5/7/2008 7:52:08 AM

Comment: Updated Shape

Dates and Other Information:

Licensed Date:

Decreed Date: 2/22/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 110

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Lessor Name: KIRK S EGBERT RANCHES INC

Lease Status: Active

Lease Amount: Part

Rental Availability: None

Date Received: 1/12/2009

Lease Begin Date: 1/12/2009

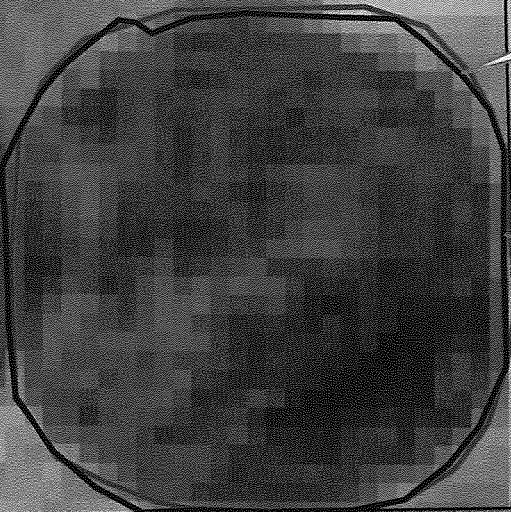
Expiration Date: 12/31/2013

2011 NAIP

Green Area is Water Right
31-7569 water right border.
142 acres allowed.

Purple Border is
actual irrigated acres.
140 acres

2011 LandSat



Green Area is Water Right
31-7569 water right border.
142 acres allowed.

Purple Border is
actual irrigated acres.
140 acres

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7084

WATER RIGHT NUMBER: 31-7084

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	RICHARD A EGBERT C/O BRAD EGBERT 1134 BOND AVE REXBURG, ID 83440-1810 (208)356-8818
Current Owner	KIRK S EGBERT 1402 E 1300 N PO BOX 87 TERRETON, ID 83450 (208)663-4505
Current Owner	KATHRYN H EGBERT 1402 E 1300 N TERRETON, ID 83450 (208)663-4505

Priority Date: 03/26/1973

Basis: Decreed

Status: Water Supply Bank Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.630 CFS	816.00 AF
	<u>Total Diversion:</u>	3.630 CFS	816.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NW1/4 Sec. 32, Twp 06N, Rge 34E, B.M.
JEFFERSON County

Place of Use
IRRIGATION

Water Bank Required
20 Acres Retired.
272. Acres Allowed.
262 Acres Irrigated 2011
10 acre difference.

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	34E	32					34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0	272.0

Total Acres: 272

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7084

Remarks:Comments:

1. SSHERMAN 8/30/1999 ADDRESS CHANGE
Comment: ADDRESS CHANGE BY CLAIMANT LETTER.

2. kpickett 10/12/2005 POD
Comment: Correlated PODID 381296 from SpatialDataID 231233 to SpatialDataID 231229

3. ecarlsen 8/17/2007 POU
Comment: Updated Shape

4. ecarlsen 8/17/2007 shape file
Comment: Shapefile was modified to reflect the actual irrigated acres under two pivots. Corners are represented as not being irrigated.

Dates and Other Information:

Licensed Date:
Decreed Date: 2/22/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 110
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Lessor Name: KIRK EGBERT
Lease Status: Active
Lease Amount: Part
Rental Availability: None
Date Received: 1/12/2009
Lease Begin Date: 1/12/2009
Expiration Date: 11/1/2013

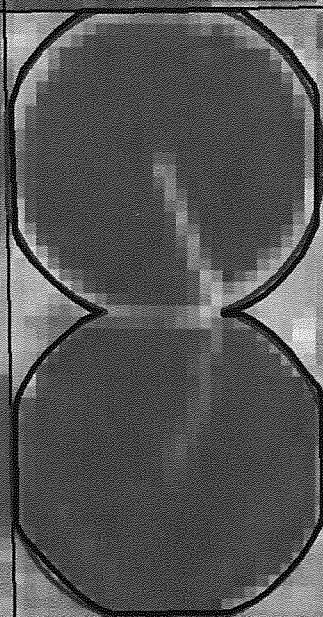
An aerial photograph of agricultural fields, likely in the Central Valley of California, showing large circular irrigation patterns. The image is a mosaic of different field sections, some with distinct circular patterns and others with straight rows of crops. The text "2011 NAIP" is overlaid in the center-left.

2011 NAIP

Green Area is Water Right
31-7084 Water Right Border
272 acres allowed.

Purple Border is
actual irrigated acres.
262 acres

2011 LandSat



Green Area is Water Right
31-7084 Water Right Border
272 acres allowed.

Purple Border is
actual irrigated acres.
262 acres

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7267A

WATER RIGHT NUMBER: 31-7267A

<u>Owner Type</u>	<u>Name and Address</u>
Security Interest	ZIONS FIRST NATIONAL BANK COMMERCIAL BANKING CENTER 1235 SOUTH UTAH AVE IDAHO FALLS, ID 83402
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO 140 N GARDEN ST HARTFORD, CT 06115
Original Owner	DEE LYNN WOOD 1014 E 1500 N TERRETON, ID 83450 (208)663-4448
Current Owner	KIRK S EGBERT 1402 E 1300 N PO BOX 87 TERRETON, ID 83450 (208)663-4505
Original Owner	REED OLDHAM 1670 W 3000 N REXBURG, ID 83440 (208)356-3780

Combined Rights

7267A'S 10964A

ALLOW 302 acres

Actual irrig in

2011 = 284 AC.

302 acres

284 acres

18 acres

WATER BANK

Removes

38 acres

Priority Date: 09/07/1977

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	2.890 CFS	
	<u>Total Diversion:</u>	2.890 CFS	

Location of Point(s) of Diversion

GROUND WATER L1 (SW1/4SE1/4NE1/4) Sec. 6, Twp 05N, Rge 35E, B.M.
JEFFERSON County

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	
05N	35E	5							30.0				32.0						62.0
									L 4										
05N	35E	6			40.0	40.0				40.0	40.0				40.0	40.0			240.0
					L 2	L 1				L 3									

Total Acres: 302

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 31-7267A

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 31-10964A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1057 AF.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 285 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT 31-10964A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 302 ACRES IN A SINGLE IRRIGATION SEASON.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. RIGHT NO. 31-10964A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Remarks:Comments:

1. DCARLSON 3/13/1995 COPIED FROM REMARKS
Comment: THE MAX. COMBINED VOLUME UNDER THIS RT. & RTS. 31-2367/2368/ 2373 SHALL NOT EXCEED 1746.0 AF/ANNUM. *THIS RIGHT PAID FOR UNDER RECEIPT #E004562. CHANGE IN OWNERSHIP 3-7-95 GJT.
2. JTHOMPSO 2/16/1996 OWNERSHIP CHANGE
Comment: CHANGED OWNERSHIP 2/16/96/JT

Dates and Other Information:

Licensed Date:
 Decreed Date: 2/22/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 110
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.24	1057	302

Combined Water Rights: 31-7267A , 31-10964A

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 31-7267A

Water Supply Bank:

Water Right Report 31-10964A

WATER RIGHT NUMBER: 31-10964A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN B ROY , ID
Security Interest	ZIONS FIRST NATIONAL BANK COMMERCIAL BANKING CENTER 1235 SOUTH UTAH AVE IDAHO FALLS, ID 83402
Original Owner	REED OLDHAM 1670 W 3000 N REXBURG, ID 83440 (208)356-3780
Original Owner	TAYLOR LOTT RT 1 BOX 185 IDAHO FALLS, ID 83401
Original Owner	DEE LYNN WOOD 1014 E 1500 N TERRETON, ID 83450 (208)663-4448
Current Owner	KIRK S EGBERT 1402 E 1300 N PO BOX 87 TERRETON, ID 83450 (208)663-4505

Status: Water Supply Bank Active

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 10/31	2.740 CFS	805.00 AF
	Total Diversion:		2.740 CFS	

GROUND WATER L1 (SW1/4SE1/4NE1/4) Sec. 6, Twp 05N, Rge 35E, B.M.
JEFFERSON County

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-10964A

05N 35E 6		40.0	40.0		40.0	40.0		40.0	40.0		240.0
		L 2	L 1		L 3						

Total Acres: 302

Conditions of Approval:

1. RIGHT NO. 31-07267A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 31-02367, 31-02368, 31-02373.
2. USE OF THIS RIGHT WITH RIGHT 31-07267A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 302 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 230 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. USE OF THIS RIGHT WITH RIGHT NO. 31-07267A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1057 AF.

Remarks:Comments:

1. DCARLSON 3/13/1995 COPIED FROM REMARKS
Comment: RIGHTS 31-2367, 31-2368, AND 31-2373 WERE COMBINED ON THIS WATER RIGHT CLAIM. THE POINTS OF DIVERSION ARE ALL THE SAME, THE PRIORITY DATE USED ON THIS CLAIM IS THE LATEST OF THE THREE, AND THE QUANTITY OF WATER IS THE TOTAL OF THE THREE. *THIS RIGHT PAID FOR UNDER RECEIPT #E004562. CHANGE IN OWNERSHIP 3-7-95 GJT.
2. JTHOMPSO 2/16/1996 OWNERSHIP CHANGE
Comment: CHANGED OWNERSHIP 2/16/96/JT

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-10964A

Dates and Other Information:

Licensed Date:
Decreed Date: 2/22/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 110
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

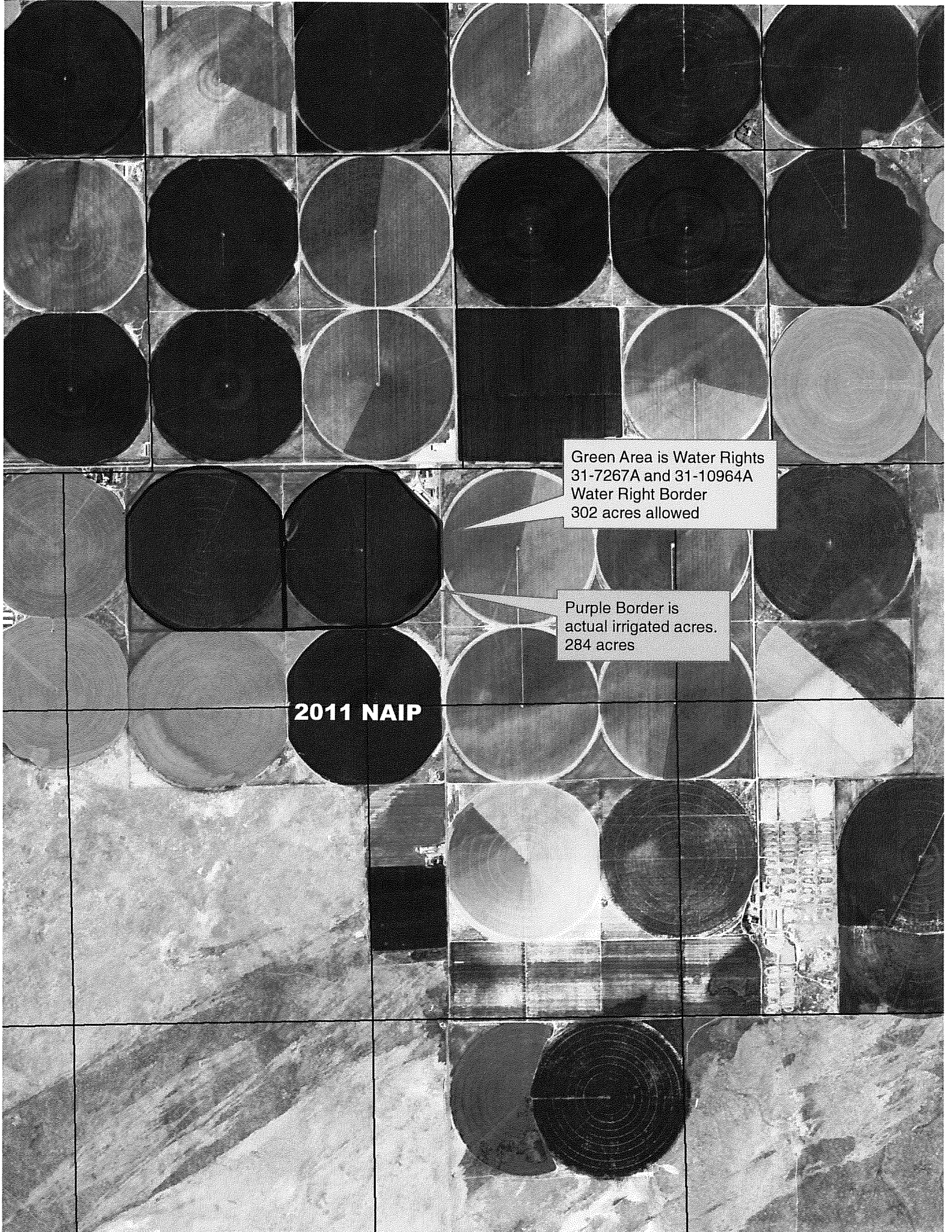
Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.24	1057	302

Combined Water Rights: 31-7267A , 31-10964A

Water Supply Bank:

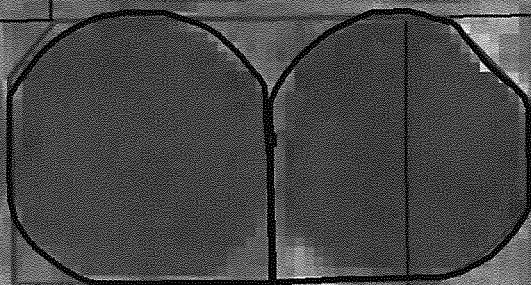
Lessor Name: KIRK S EGBERT
Lease Status: Active
Lease Amount: Part
Rental Availability: None
Date Received: 1/12/2009
Lease Begin Date: 1/12/2009
Expiration Date: 12/31/2013



Green Area is Water Rights
31-7267A and 31-10964A
Water Right Border
302 acres allowed

Purple Border is
actual irrigated acres.
284 acres

2011 NAIP



Green Area is Water Rights
31-7267A and 31-10964A
Water Right Border
302 acres allowed

Purple Border is
actual irrigated acres.
284 acres

2011 LandSat

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK LEASE ACCEPTANCE

This is to certify that: KIRK EGBERT
1401 E 1300 N
TERRETON ID 83450
(208) 663-4505

has requested to lease the water right(s) listed below to 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") the acquisition of water rights for the Board's bank, agrees to lease the water right to the bank as follows:

Summary of Water Rights or Portions Leased to the Bank

<u>Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
31-7084	0.27 CFS	60.0 AF	20.0 AC
31-7267A	0.39 CFS	N/A	38.0 AC
31-10964A	0.45 CFS	133.0 AF	38.0 AC
31-7569	0.26 CFS	56.0 AF	16.0 AC
COMBINED LEASE TOTALS	1.19 CFS	249.0 AF	74.0 AC

TERM OF LEASE:Lease Begin Date: January 12, 2009Expiration Date: December 31, 2013**RENTAL AVAILABILITY:**Season of Use: See Individual Water Right**MINIMUM PAYMENT ACCEPTABLE:**Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 17th day of September, 2010

for Monica VanBuren
GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 31-7084
WATER SUPPLY BANK LEASE ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: KIRK EGBERT
 1401 E 1300 N
 TERRETON ID 83450
 (208) 663-4505

Priority Date: 03/26/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.27 CFS	60.0 AF
TOTAL: 0.27 CFS			60.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼NW¼ Sec. 32 Twp 06N Rge 34E JEFFERSON County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	34E	32					2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5					20.0

Total Acres: 20.0

Acre Limit within Place of Use described: N/A

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
N/A	N/A	N/A	N/A

WATER RIGHT NO. 31-7084
CONDITIONS OF ACCEPTANCE

1. The water right referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into 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.
9. In accordance with Sections 42-248 and 42-1409(6), Idaho Code, all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

Dated this 17th day of September, 2010

for Monica VanBuren
GARY SPACKMAN, Interim Director
Department of Water Resources

**WATER RIGHT NO. 31-7267A
WATER SUPPLY BANK LEASE ACCEPTANCE**

The water right or portion thereof leased to the bank is described as follows:

Lessor: KIRK EGBERT
1401 E 1300 N
TERRETON ID 83450
(208) 663-4505

Priority Date: 09/07/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.39 CFS	N/A
	TOTAL: 0.39 CFS			N/A

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1(SW¼SE¼NE¼) Sec. 6 Twp 05N Rge 35E JEFFERSON County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: 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	
05N	35E	5										1.0							1.0
05N	35E	6			6.0	6.0				6.0	6.0				7.0	6.0			37.0
					L2	L1				L3									

Total Acres: 38.0

Acre Limit within Place of Use described: N/A

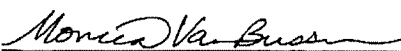
COMBINED LIMITS OF LEASED PORTIONS:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31-7267A, 31-10964A	0.66 cfs	133 af	38.0 acres

**WATER RIGHT NO. 31-7267A
CONDITIONS OF ACCEPTANCE**

1. The water right referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Rental of rights 31-7267A and 31-10964A are limited to a total combined diversion rate of 0.66 cfs, diversion volume of 133 acre-feet, and irrigation of 38 acres.
8. During the term of this lease, use of the unleased portion of rights 31-7267A and 31-10964A for irrigation is limited to a combined total of 264 acres, a combined diversion rate of 4.58 cfs, and an annual diversion volume of 942 acre-feet.
9. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
10. Acceptance of a right into 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.
11. In accordance with Sections 42-248 and 42-1409(6), Idaho Code, all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
12. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

Dated this 17th day of September, 20 10


for GARY SPACKMAN, Interim Director
Department of Water Resources

**WATER RIGHT NO. 31-7569
WATER SUPPLY BANK LEASE ACCEPTANCE**

The water right or portion thereof leased to the bank is described as follows:

Lessor: KIRK EGBERT
1401 E 1300 N
TERRETON ID 83450
(208) 663-4505

Priority Date: 12/12/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.26 CFS	56.0 AF
	TOTAL: 0.26 CFS			56.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SE¼ Sec. 28 Twp 06N Rge 35E JEFFERSON County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	35E	28													4.5	3.5	3.5	4.5	16.0

Total Acres: 16.0

Acre Limit within Place of Use described: N/A

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
N/A	N/A	N/A	N/A

WATER RIGHT NO. 31-7569
CONDITIONS OF ACCEPTANCE

1. The water right referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into 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.
9. In accordance with Sections 42-248 and 42-1409(6), Idaho Code, all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

Dated this 17th day of September, 2010

for Monica VanBeuren
GARY SPACKMAN, Interim Director
Department of Water Resources

**WATER RIGHT NO. 31-10964A
WATER SUPPLY BANK LEASE ACCEPTANCE**

The water right or portion thereof leased to the bank is described as follows:

Lessor: KIRK EGBERT
1401 E 1300 N
TERRETON ID 83450
(208) 663-4505

Priority Date: 02/25/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.61 CFS	180.3 AF
	TOTAL: 0.61 CFS			180.3 AF

PLACE OF USE TO BE IDLED UNDER THIS LEASE: 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	
05N	35E	5										1.0							1.0
05N	35E	6			6.0	6.0				6.0	6.0				7.0	6.0			37.0
					L2	L1				L3									

Total Acres: 38.0

Acre Limit within Place of Use described: N/A

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
31-7267A, 31-10964A	0.66 cfs	133 af	38.0 acres

WATER RIGHT NO. 31-10964A
CONDITIONS OF ACCEPTANCE

1. The water right referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Rental of rights 31-7267A and 31-10964A are limited to a total combined diversion rate of 0.66 cfs, diversion volume of 133 acre-feet, and irrigation of 38 acres.
8. During the term of this lease, use of the unleased portion of rights 31-7267A and 31-10964A for irrigation is limited to a combined total of 264 acres, a combined diversion rate of 4.58 cfs, and an annual diversion volume of 942 acre-feet.
9. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
10. Acceptance of a right into 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.
11. In accordance with Sections 42-248 and 42-1409(6), Idaho Code, all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
12. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

Dated this 17th day of September, 2010


for GARY SPACKMAN, Interim Director
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

RECEIVED

JAN 12 2009

DEPARTMENT OF
WATER RESOURCES

Applicant: Kirk Egbert **Phone** (208) 663-4505 / 351-4505

Address 1401 E 1300 N

City Terreton **State** Idaho **Zip Code** 83450

c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc.

482 Constitution, Ste 303 (208) 524-2353

Idaho Falls, ID 83402 Fax (208) 524-1795

A. DESCRIPTION OF WATER SOUGHT TO RENT:

1. Source of water Groundwater
tributary to _____
2. Maximum volume of water 249 AF.
3. Maximum rate of diversion 1.19 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use IRRIGATION

2. Location of Point of Diversion: NW ¼ NW ¼ of Section 1 Township 7N
NW ¼ NE ¼ of Section 2 Township 7N
Range 37E B.M., in Jefferson County.

3. Season of Use: From 04/01 to 10/31

4. Description of diverting works:

Pump HP _____ Lift _____ Pump type _____

Canal name, if appropriate _____

5. Place of Use:

- a. If water is for irrigation, describe the number of acres to be irrigated by 40-acre tract,
section, township and range.

T07N, R37E, Sec 1: NWNW 32.3 ac, NWNE 32.3 ac, SWNE 32.3 ac, SENE 32.3 ac

Sec 2: NENE 32.3 ac, NWNE 32.3 ac, SWNE 32.3 ac, SENE 32.3 ac

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

31-11410, 31-11414, 31-11428, 31-11947 & 31-11954

7. Who owns the property at the point of diversion?

APPLICANT

8. Who owns the property at the place of use?

APPLICANT

9. Are you seeking a rental for more than one (1) year? YES (yes or no)

If yes, for how many years? 5

10. Remarks: Applicant has submitted a Least Term Extension to the Water Supply Bank for the 249 afa requested in this application to Rent Water. The 249 afa requested is provided by 31-7267A & 31-10964A (0.66 cfs/38.0 ac @ 133 afa), 31-7084 (0.27 cfs/20 ac @ 60.0 afa), and 31-7569 (0.26 cfs/16 ac @ 56.0 afa). Rights 31-7267A, 31-10964A, 31-7084 and 31-7569 are owned by applicant

1/8/09

Date

Keith C. Wilson
Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. Dates _____

Protests filed by _____

Hearing held by _____

Action recommended for _____

Egbert Water Rights Available for Lease & Rental Water Bank – 2009

1/7/2009

Water Right #			Acres	Volume (afa)		cfs
31-7267A & 31-10964A (Larsen)						
To5N, R35E	¼-¼	Decreed	Mitigation	Total		
	(Limited to 1057 afa/302 ac = 3.5 ac-ft/ac)		Acres	Acres		
Sec 5	L-4 (SWNW)	30.0	30.0	0.0		
	NWSW	32.0	31.0	1.0		
Sec 6	L-1 (SENE)	40.0	34.0	6.0		
	L-2 (SWNE)	40.0	34.0	6.0		
	L-3 (SENW)	40.0	34.0	6.0		
	NESW	40.0	34.0	6.0		
	NESE	40.0	33.0	7.0		
	NWSE	40.0	34.0	6.0 =	38.0 ac	133.0 afa
						0.66 cfs
31-7084 (West)						
To6N, R34E	¼-¼	Decreed	Mitigation	Total		
	816.0 afa/272 ac = 3.0 ac-ft/ac		(2.5/qq)(4)	Acres	Acres	
Sec 32	NW (34ac/qq)	136.0	(31.5 ac/qq)	10.0		
	SW (34ac/qq)	136.0	(31.5 ac/qq)	10.0 =	20.0 ac	60.0 afa
						0.27 cfs
31-7569 (Rock)						
To6N, R35E	¼-¼	Decreed	Mitigation	Total		
	497.0 afa/142 ac = 3.5 ac-ft/ac		Acres	Acres		
Sec 28	NESE	36.0	31.5	4.5		
	NWSE	35.0	31.5	3.5		
	SWSE	35.0	31.5	3.5		
	SESE	36.0	31.5	4.5 =	16.0 ac	56.0 afa
						0.26 cfs
Acres/Volume available for Water Bank =				74.0 ac	249.0 afa	1.19 cfs

Fee Calculation:

@ (\$14.00/ac-ft) – (\$1.40 service fee) = (\$12.60/ac-ft) X (249.0 ac-ft/annum) = \$3137.40