



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 6, 2010

CLEFT OF THE ROCK FARMS
51 N 3350 E
AMERICAN FALLS ID 83211

**RE: APPLICATION TO RENT WATER RIGHT 43-2409B FROM THE WATER SUPPLY BANK; OTHER
WATER RIGHT NOS. 43-2325, 43-4112, 43-13595 AND 43-13597**

Dear Renter:

On March 29, 2010, the Department approved your rental for 640 AF of the above-mentioned right for the 2010 through the 2014 irrigation season. On November 10, 2010, you submitted an application to extend the rental through the 2019 irrigation seasons. When you and I spoke on the 10th, I told you I would check on the feasibility of approving a rental so far into the future and on whether we would have to advertise this rental and/or take it to the Idaho Water Resource Board.

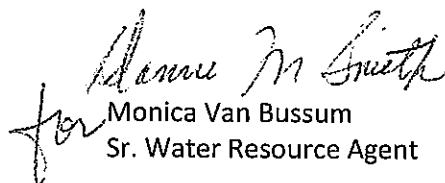
As to the first issue, approving a rental far into the future, I am afraid we are unable to do that simply because of the transient nature of rights in the Bank. Rental review needs to be timely for a relevant review of the proposed use and submitted within the year prior to the end of the existing rental. Therefore, I am returning the application to you and asking you to reapply in 2014 if you still seek to rent the water through 2019.

As to the second and third issues, I found the Department has addressed this issue before and it acceptable to approve subsequent five-year rentals without going before the Board and without advertising. However, if a public interest issue is raised, we may be required to advertise.

I have been looking at your rental applications and I believe we have satisfied all outstanding applications. Your rental for 43-2409B is approved through 2014 and we recently approved your rental for 43-13595 and 43-13597. Your rental of 43-2325 and 43-4112 expires at the end of 2010. You have applied to extend your rental of 43-2325 and 43-4112 through 2015 and we are awaiting a lease extension from the lessor. Other than this, I show no more pending rental applications for Cleft of the Rock Farms.

If you have any questions, please contact me at (208) 287-4907.

Sincerely,


for Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: Allen Merritt – IDWR Southern Regional Office

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

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

NOV 10 2010

Department of Water Resources

Name of Renter Cleft of the Rock Farms Phone 208-349-5542

Mailing address 51 N 3350 E American Falls, Id 83211 Email ctrfarms@hotmail.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 3.2 Maximum Volume (ac-ft) 640 Nature of Use Irrigation Period of Use 3/15 to 11/15

Total: 3.2 640

2. Source of water ground water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
10S	28E	29		SW	SW		Cassia

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	
10S	28E	32									32.5	30		32.5		32.5	32.5		160

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 160

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. _____
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. See attached documents

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
43-13513, 43-1515

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. _____

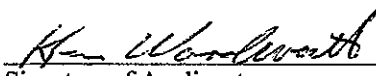
E. RENTAL TERM

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. 5 renew!

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

Ken Woodworth Ptr
Printed Name and Title*

11/09/2010
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

Description of the Proposed Diversion System

The system will consist of ground water pumped from an existing well located in the corner of the property diverted from mainline to circular pivots. The well is currently in place and supplies water to an adjacent pivot using water right numbers 43-13513 and 43-1515 that are currently owned by Delmar Woodworth and Kenneth Woodworth. The additional water rights that will be used for this proposed rental are owned by Bureau of Land Management. The water right number is 43-2409b and is currently leased to the water bank on an infinite basis.

We currently hold a lease on this water right until November 15, 2014. At that time this application would renew this lease for an additional 5 years. We propose to continue with renewals until such time that BLM would remove the water from the water bank.

Attached is a copy of water right 43-2409b.