



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

August 10, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MARK MICHELS
7320 SHOEMAKER DR
NAMPA ID 83686

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 63-15634

Dear Renter:

The Department of Water Resources (Department) acknowledges receipt of your application to rent water from the Water Supply Bank (Bank). Please find 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.

The total rental fee of \$63.00 was calculated based on the current rental rate of \$14.00 per acre-foot times a diversion volume of 4.5 acre-feet. Please return the signed agreement along with payment to my attention within ten (10) days of receipt of this letter so I can complete the processing.

Please note that applications for rental of water must be reviewed in accordance with Idaho Code § 42-1763 and the Department's Water Supply Bank Rule 30 (IDAPA 37.02.03.030). This includes consideration of whether there will be injury to other water rights, whether the proposal would constitute an enlargement of the water rights, whether the water will be put to a beneficial use, whether the water supply available from applicable rights in the Bank is sufficient for the use intended and whether the proposal is in the local public interest. While a one-year rental usually involves a general review of the water rights and proposed use, rental of water over multiple years may require more comprehensive review, notice to advise anyone who desires to protest the proposed water use, and approval by the Idaho Water Resource Board.

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

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enc: 1, Rental Agreement

c: John Westra – IDWR Western Regional Office

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

This is to certify that: MARK MICHELS
7320 SHOEMAKER DR
NAMPA ID 83686
(208) 468-4116

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>Total Rented Acres</u>
	63-15634	0.02 CFS	4.5 AF	1.0 AC
COMBINED RENTAL TOTALS:		0.02 CFS	4.5 AF	1.0 AC
TERM OF RENTAL:		April 1, 2010 to October 31, 2010 April 1, 2011 to October 31, 2011 April 1, 2012 to October 31, 2012		

RENTAL FEE: \$ 63.00 annually

The fee for rental of the above-described water is \$ 63.00 per year. An annual payment shall be received by the Department of Water Resources prior to diversion of water, each year, for the duration of the rental period. The agreement will be void if the payment is not received in a given year.

Detailed water right specific limitations and conditions 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:

Dated this _____ day of _____, 20____.

By: _____
(Print Name) (Signature)

(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (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 this _____ day of _____, 20____.

GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 63-15634
WATER SUPPLY BANK RENTAL AGREEMENT

The 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 below:

Renter: MARK MICHELS
 7320 SHOEMAKER DR
 NAMPA ID 83686
 (208) 468-4116

Priority Date: 04/11/1960

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	0.02 CFS	4.5 AF
	Total:		0.02 CFS	4.5 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER NW¼SE¼ Sec. 26 Twp 02N Rge 02W ADA County

RENTER'S PLACE OF USE: 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
02N	02W	26														1.0			1.0

Total Acres: 1.0

Acre Limit within Place of Use described: 1.0

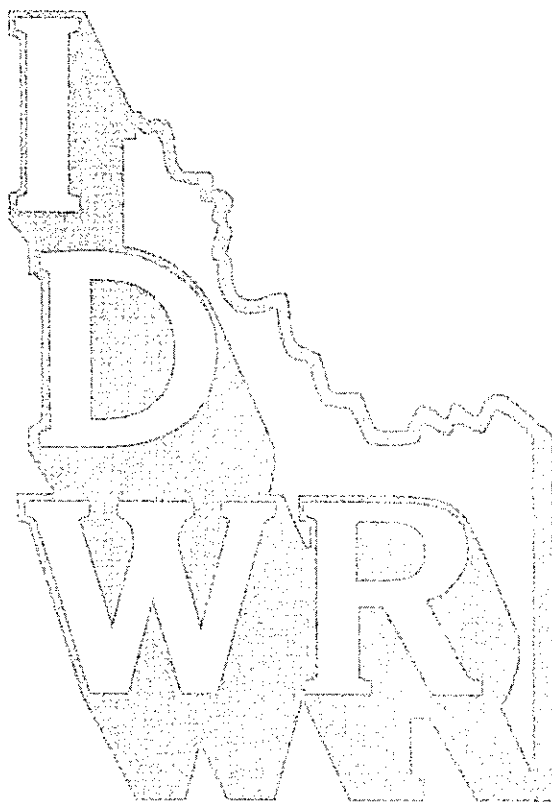
CONDITIONS OF WATER USE

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
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. This rental agreement does not authorize the construction of a well.
6. Use of water under this agreement shall not prejudice any action of the Department in its consideration of a permanent application for transfer or permit filed by the applicant for this same use.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

WATER RIGHT NO. 63-15634
WATER SUPPLY BANK RENTAL AGREEMENT

CONDITIONS OF WATER USE

8. 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.
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.



MEMORANDUM

TO: Water Right File 63-15634
FROM: Monica Van Bussum
DATE: August 10, 2010
SUBJECT: Mark Michels Water Supply Bank Rental Application

SUMMARY

On June 14, 2010, the Department received an Application to Rent Water from and signed by Mark Michels for the irrigation of one acre from ground water for a period of three years, 2010-2012.

AUTHORITY TO FILE

The signatory is the same as the applicant.

SUFFICIENCY OF SUPPLY

There is a nearby water right, 63-15634 (LNB Farms of Idaho LLC) with water available. 2.75 cfs and 1197 AFA are leased to the Water Supply Bank, of which 0.32 cfs and 139.5 AF is currently rented. The leased portion of the water right has remained unused during the lease period, other than that portion rented.

INJURY

No injury to other rights is evident.

ENLARGEMENT

The inclusion of an annual volume will protect against enlargement.

BENEFICIAL USE

Irrigation is a confirmed beneficial use.

LOCAL PUBLIC INTEREST

The proposed rental is in the local public interest.

WATER DISTRICT

The water right being rented for ground water and is not included in Water District 63.

RECOMMENDATION

I recommend approval of this rental.

If the application can be approved, summarize the elements of the rental: water right #, diversion rate, diversion volume, acres (if irrigation), season of use, and rental period.