



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

July 12, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: WATER SUPPLY BANK LEASE EXTENSION REQUESTS

Dear Mr. Harris:

On May 20, 2010, the Idaho Department of Water Resources (Department) received the Water Supply Bank (Bank) lease term extension request forms you submitted on behalf of Trail Creek Sprinkler Irrigation Company (Trail Creek). Attached to the extension requests are copies of Water Supply Bank rental agreements that expired in 2009. It seems that Trail Creek would like to extend the lease period for the rights previously leased to the Bank and may want to rent these rights from the Bank for the same purposes authorized by previous rental agreements. However, the Department requires some additional information before these requests may be considered.

On the lease term extension request forms, the water right number reference reads "see attached list" instead of listing a specific water right number. Attached to each form was a copy of a previous rental agreement that references multiple water rights. It appears that the request may be to extend the lease period for all of the water rights listed in the previous rental agreement. However, the request is not clearly described on the lease extension request form. Please provide a separate form for each water right involved and clearly list the specific water right number in the space provided at the top of the form.

The correspondence and information submitted to the Department suggests that Trail Creek may wish to rent water from the Bank for the same purposes authorized by previous rental agreements. However, the Department did not receive an application to rent water from the Bank. If Trail Creek would like to rent water from the Bank, please submit a Water Supply Bank rental application clearly describing the proposed rental.

Please contact me if you have any questions.

Sincerely,

Aaron Marshall, P.G.
(208) 287-4943
aaron.marshall@idwr.idaho.gov

Enclosure(s): Lease Extension Request Form
Rental Application Form

c: Trail Creek Sprinkler Irrigation Company

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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Name of Renter _____ Phone _____

Mailing address _____ Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. <u>Maximum Flow Rate (cfs)</u>	<u>Maximum Volume (ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Total: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

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	

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 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. _____

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

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. _____

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. _____

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

Printed Name and Title*

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
WATER RESOURCE BOARD

**WATER SUPPLY BANK
REQUEST TO RELEASE OR LEASE TERM EXTENSION FORM**

This form is a statement that the lessor requests a change in the status of a Water Supply Bank ("Bank") lease for the water right identified below. A water right will remain in the Bank for the accepted lease period unless released earlier by the Water Resource Board or until the lessor submits a request in writing to the Department of Water Resources to release the right from the Bank. If a water right is currently rented, the portion of the right being rented must remain in the Bank for the duration of the rental agreement.

Water Right No: _____ Telephone No: _____

Name(s) of Lessor: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email: _____

REQUEST TO RELEASE A WATER RIGHT FROM THE BANK:

Requested Release Date: _____

Release all or part of the leased portion of the water right: All ☐ Part ☐

NOTE: If releasing only part of the leased portion, please attach a clear description of the portion to remain in the Bank.

The lessor requests that the above water right be released from the Bank on the date referenced above.

Signature of Lessor Printed Name and Title* Date

Signature of Lessor Printed Name and Title* Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

REQUEST TO EXTEND THE TERM OF LEASE:

Current Expiration Date: _____

Requested Expiration Date: _____

Extend lease term for all or part of the leased portion of the water right: All ☐ Part ☐

NOTE: If extending the lease term for only part of the leased portion, please attach a clear description of the portion to remain in the Bank.

The lessor requests that the above water right remain in the Bank through the date referenced above.

Signature of Lessor Printed Name and Title* Date

Signature of Lessor Printed Name and Title* Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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