

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 784

RECEIVED

AUG 28 2023

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

TONY KERFOOT
997 NE SADUPA DR
MOUNTAIN HOME, ID 83647

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

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
61-12241	3/16/1963	GROUND WATER	0.06	18.4	4.6	0.013	4.00
61-11985	4/23/1964	GROUND WATER	0.06	20.4	4.6	0.013	4.43
61-11987	3/15/1977	GROUND WATER	0.01	3.5	0.8	0.013	4.38
<i>Combined Limit</i>			0.06	20.4	5.4	0.011	3.78
Combined Rental Totals			0.12	38.8	10.0	0.012	3.88

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2024. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2024: \$892.40 annually

The full fee for the rental of the above-described right(s) is \$892.40 per year for years 2023 - 2024. The rental fee includes an administrative fee of \$89.24 per year for years 2023 - 2024.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

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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:

Tony Kerfoot
Signature of Renter

8-26-2023
Date

Tony Kerfoot
Printed Name

Property Owner
Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied 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 condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By Brian Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 8/29/23

Rental approved by IDWR At Home

Date 8/29/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 784

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec. 12, Twp 03S, Rge 06E, ELMORE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.12 CFS

VOLUME
38.8 AF

SEASON OF USE

Water Right No.	From	To
61-11985	4/1	10/31
61-11987	4/1	10/31
61-12241	3/15	11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	06E	12											10						10

Total Acres: 10.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
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. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. 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.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The rented portion of right 61-12241 is limited to the irrigation of 4.6 acres within the place of use described above in a single irrigation season.
10. The rented portion of right 61-11985 is limited to the irrigation of 4.6 acres within the place of use described above in a single irrigation season.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 784

11. The rented portion of right 61-11987 is limited to the irrigation of 0.8 acres within the place of use described above in a single irrigation season.
12. The rented portions of rights 61-11985 and 61-11987 when combined shall not exceed a total diversion rate of 0.06 cfs, a total annual maximum diversion volume of 20.4 af at the field headgate, and the irrigation of 5.4 acres.
13. Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications and shall report the amount of water diverted to the Department at the end of each calendar year.
14. The period of use for irrigation under the rented portion of right 61-11985 may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
15. The use of water for irrigation under the rented portion of right 61-12241 may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
16. This rental agreement does not authorize the construction of a well.
17. Use of water under this agreement 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. 161.
18. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 784

Effective until December 31, 2024

This map depicts the **IRRIGATION rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Legend

-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Township/Range
-  Sections
-  QQ



0 0.05 0.1 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JUN 26 2023

DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK**

Applicant Name: Tony KERFOOT + Rena KERFOOT

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☐ | ☒ Detailed information on a proposed use of rental water |
| 3F | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☐ | ☒ Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☐ | ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☐ | ☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

2688

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Tony KERFOOT + Rena KERFOOT
Mailing Address 997 NE Sadupa Dr Ptn Home ID 83647
Street City State Zip Code
Email Address Supersportsmom4@aol.com Phone Number 208-863-9210
- B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☒
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.
- Representative _____ Professional Title _____
Organization _____ Relationship to Applicant _____
Mailing Address _____
Email Address _____ Phone Number _____

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

- A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

See Attachment 2

- B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
<u>10 acres</u> CFS	AF	CFS	AF	<u>10</u> AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

- C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
<u>Immediately 7-1-2023</u>		☐ 1	☒ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Irrigation water will be pulled from our well with a 15HP Pump to the main line to 4 handlines.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
<i>15HP Pump with 4" Pipe</i>	<i>Well</i>	<i>N/A</i>

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

☒ Irrigation 10 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

N/A

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☒

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☒ No ☐
If yes, describe the date and location of the NOV.

May 23, 2023
997 NE Sadupa Dr., Mt. Home, ID 83647
SW 1/4 SW 1/4 of Section 12, Township 03S, Range 06E, Elmore County, ID

- D. Additional Information

DECLARATION

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. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Tony R. Kerfoot
Signature of Applicant

Tony R. Kerfoot
Printed Name of Applicant

6-26-2023
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

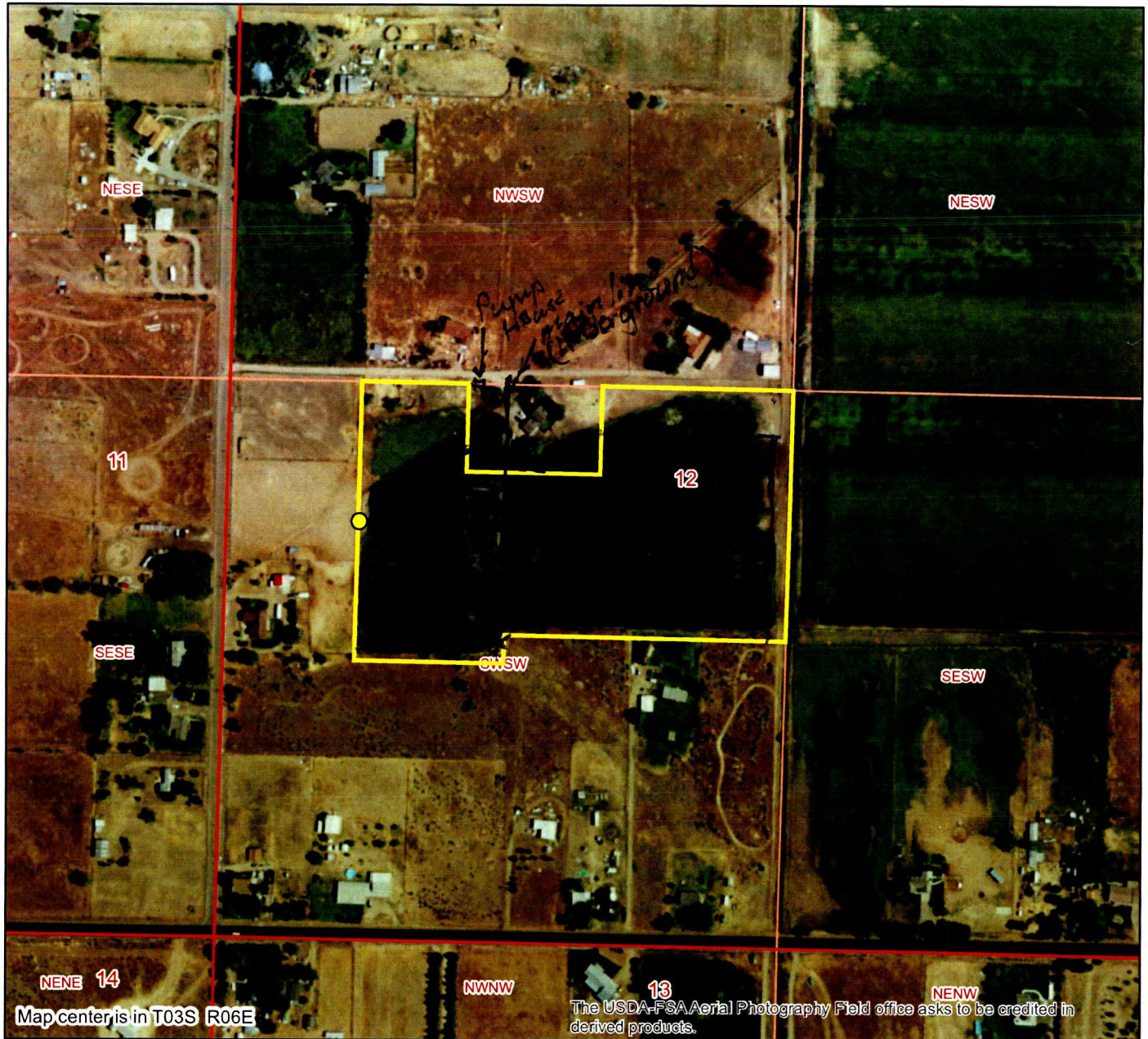
State of Idaho
Department of Water Resources

Water Right

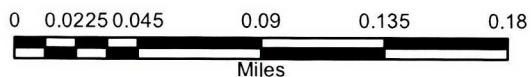
61-10740

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 5/15/2023



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



*Tried to outline
the 10 acre alfalfa field
to be irrigated also.*

Tony and Rena Kerfoot

Attachment 3A

The proposal to transfer water right to SW1/4SW1/4 of Section 12, Township 3 South, Range 6 East in Elmore County, Idaho, is to irrigate approximately 10 acres of alfalfa/grass hay. This field has been farmed for an estimate of at least 40 years. We purchased this property in 2003 with the understanding that we had water rights to continue the farming of this land as it had previously been farmed. We purchased the property with all of the hand lines, irrigation pump and main line in place.

The hay is used to feed our four Angus cows that are bred (calving in July with the bull coming in September for three months for the next year calf crop). We raise and butcher the yearlings each year to help support our three adult children and our grandchildren. We don't sell any of the hay, it is all personal use for our cows. Our property is on two separate parcels. Our home and two dry pens/field areas are used as dry feeding areas. A typical hay season for us is three cuttings per season and then we use as pasture.

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: MK

Received Date: 6/26/2023

Latest Start Date: 7/1/2023

Renter: Tony Kerfoot

Rental Expiration Date: 12/31/2024

Lease/Rental Package Y (N)

*executed
8/24/23*

Application # 2688

Agreement # 784

Water Right	Lease Contract ID
# <u>61-12241</u>	<u>1163</u>
# <u>61-11985</u>	<u>2</u> <u>1529</u>
# <u>61-11987</u>	
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____

Applicant Authorized? (Y) / N

Map of POU and POD (Y) / N

POD consent? (Y) / N

ESPA Modeling? Y / N (NA)

Application Complete? (Y) / N

Minimum Checklist in database? ☐

Request for additional information letter sent: Y NA

WSB Action Request for deficiencies ☐

Comments:

** 61-11985 + 61-11987 availability wrong in software, there is enough available for this rental*

Mailings (per application)

Renter: Tony Kerfoot

Original

CC

Email or Address

Attorney: _____

Consultants

Name: _____

Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(Ground) Water

Dist: WD 161

Other: Mtn. Home GWRMA

WD Snake 01, Boise, Payette, and Bear River

Region: Western

Watermaster: Ed Van Etten

Compliance: Cherie Palmer

☒

☐

☐

☐

☐

☐

(final only)

☒

(final only)

☒

(final only)

☐

(final only)

☒

(final only)

☒

(final only)

☒

Resolving NOV? (Y) / N

E2023 - 2898

Call up Date: _____

DO NOT SCAN



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31, 2023

TONY KERFOOT
997 NE SADUPA DR
MOUNTAIN HOME, ID 83647

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-11985, 61-11987 & 61-12241, AGREEMENT 784**

Dear Renter:

Please find enclosed a receipt in the amount of **\$892.40** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 38.8 acre-feet of water for irrigation of 10.0 acres during 2023. 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 \$803.16 of the rental fee will be paid to the lessor(s) and 10% or \$89.24 will be retained by the Department to offset administrative costs for 2023.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosures: Receipt No. C116962
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR - Western Region Office
Water District No. 161
Cherie Palmer – IDWR Water Compliance Bureau



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 21, 2023

TONY KERFOOT
997 NE SADUPA DR
MOUNTAIN HOME, ID 83647

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK - AGREEMENT 784

*****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 \$892.40 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 38.8 acre-feet.

Please send a check for \$892.40 for 2023 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing. 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.

Pursuant to the Water Supply Bank Rules, 90% or \$803.16 of the rental fee will be paid to the lessor(s) and 10% or \$89.24 will be retained by the Department to offset administrative costs for 2023.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

for
Water Supply Bank

Enclosure

MEMORANDUM FOR AGREEMENT #784

To: Water Right(s) 61-11985, 61-11987 & 61-12241
From: Mackenzie Kienholz
Date: 7/28/2023
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Rental application #2688 was submitted by Rena and Tony Kerfoot and was received by the Department on 6/26/2023. This application was submitted in response to NOV E2023-2898 which identified 10 acres of irrigation not covered by a water right. The 10 acres is for alfalfa/grass for hay and pasture. The applicant originally discussed renting a neighbor's water right, however the right in question was overlapped with surface water. As the rental proposes to solely use groundwater, it was explained that using the neighbor's right would constitute an enlargement. Review staff identified rights 61-11985, 61-11987, and 61-12241 to satisfy this rental. The rights identified are available during the requested term of 2023-2024.

The leases and rental are within the Mountain Home GWMA and WD #161.

AUTHORITY TO FILE: The application was signed by Tony Kerfoot who is the owner of the property at the rental POD and POU and who was the recipient of the NOV. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right validity was reviewed at the time of the lease reviews and found no concerns.

INJURY TO OTHER WATER RIGHTS: There will be no change in source for this rental. Both leases and the rental are in the Mountain Home GWMA. While the leases are within the boundaries of the Mountain Home Irrigation District, there is no information to suggest that any of the rights were ever stacked with surface water shares. The leases' PODs are less than a mile from the rental POD. No concerns with injury to other water rights.

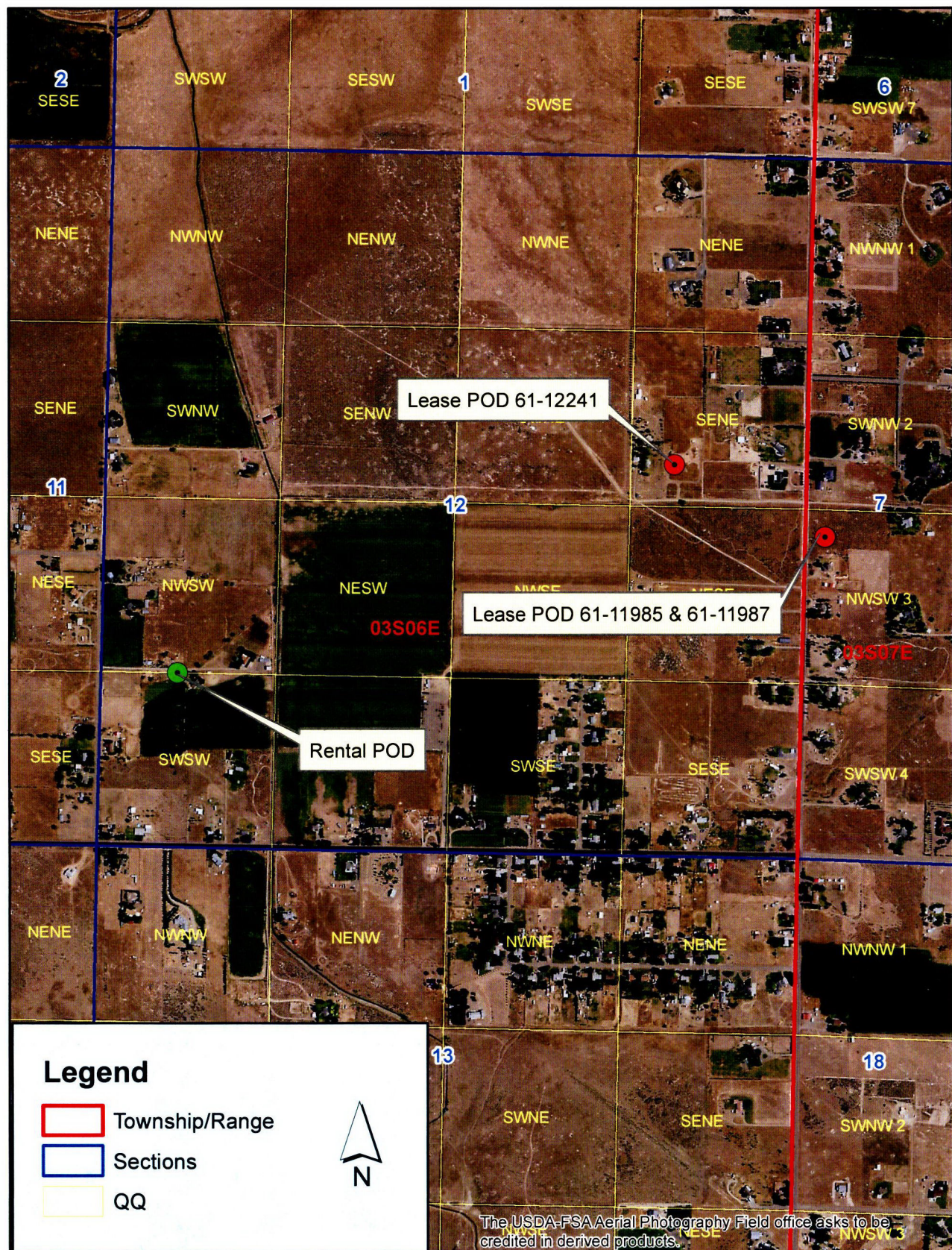
ENLARGEMENT OF USE: The rental POD also diverts right 61-10740 which has domestic and stockwater components. The rental POU is not overlapped by any other rights. The rental POU is within the boundaries of the Mountain Home Irrigation District, but there are not shares appurtenant to the acres requested under this rental. The leased rights are not overlapped or combined with any rights not included in this package. The portions rented will be proportionate to the leased amounts. There will be not change in beneficial use. The rights' seasons of use will be retained under the rental. No concerns with enlargement of use.

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 rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental POD is subject to Water District #161. A request for comments was sent to the WD #161 watermaster and the Western Regional Office on 7/28/2023.

WSB Application #2688, T Kerfoot 2023



Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Friday, July 28, 2023 1:37 PM
To: Birdhunter2462@hotmail.com; Miller, Nick
Subject: Comments Request: WSB Rental Application #2688 T Kerfoot
Attachments: Rental Map - 2688 T Kerfoot 2023.pdf; Move Map - 2688 T Kerfoot 2023.pdf; WM Copy Review Memo Rental App 2688 T Kerfoot.pdf

Good afternoon,

Please see the attached review documents for Water Supply Bank Rental Application #2688 in the name of Tony Kerfoot. This rental is in response to NOV E2023-2898. Kindly respond with any questions or comments within 10 days.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects
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