

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 721

RECEIVED

MAR 31 2023

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

RANDALL D BURR
1216 S LAKE POINTE WAY
EAGLE, ID 83616

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)
37-4301	4/15/1939	SPRING	0.17	30.5	8.7	0.02	3.5
Rental Totals			0.17	30.5	8.7	0.02	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2025. 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 - 2025: \$701.50 annually

The full fee for the rental of the above-described right(s) is \$701.50 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$70.15 per year for years 2023 - 2025.

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.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.13	23.1	6.6	0.02	3.5
Combined Total	0.13	23.1	6.6	0.02	3.5

** The authorized water usage reflects a reduction from the water right elements rented, to account for historic consumptive uses.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 721

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:

Randall D. Burr, MD
Signature of Renter

03/31/2023
Date

RANDALL D. BURR, MD
Printed Name

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 4/3/23

Rental approved by IDWR HP

Date 4/3/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 721

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SPRING NWNWNE Sec. 14, Twp 02S, Rge 09E, ELMORE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.13 CFS

VOLUME
23.1 AF

SEASON OF USE

Water Right No. **From** **To**
37-4301 4/15 10/31

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	
02s	06E	14		6.6															6.6

Total Acres: 6.6

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. Use of water under this right may 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.37B.
10. Diversion of water under this rental agreement is limited to those times when the water is available for diversion under right 37-4301 at the original points of diversion, located in the SWNWSE, of Section 12, Township 02S, Range 10E, SENWSE, of Section 12, Township 02E, Range 10E, and NWNENE, of Section 13, Township 02S, Range 10E in Elmore County.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 721

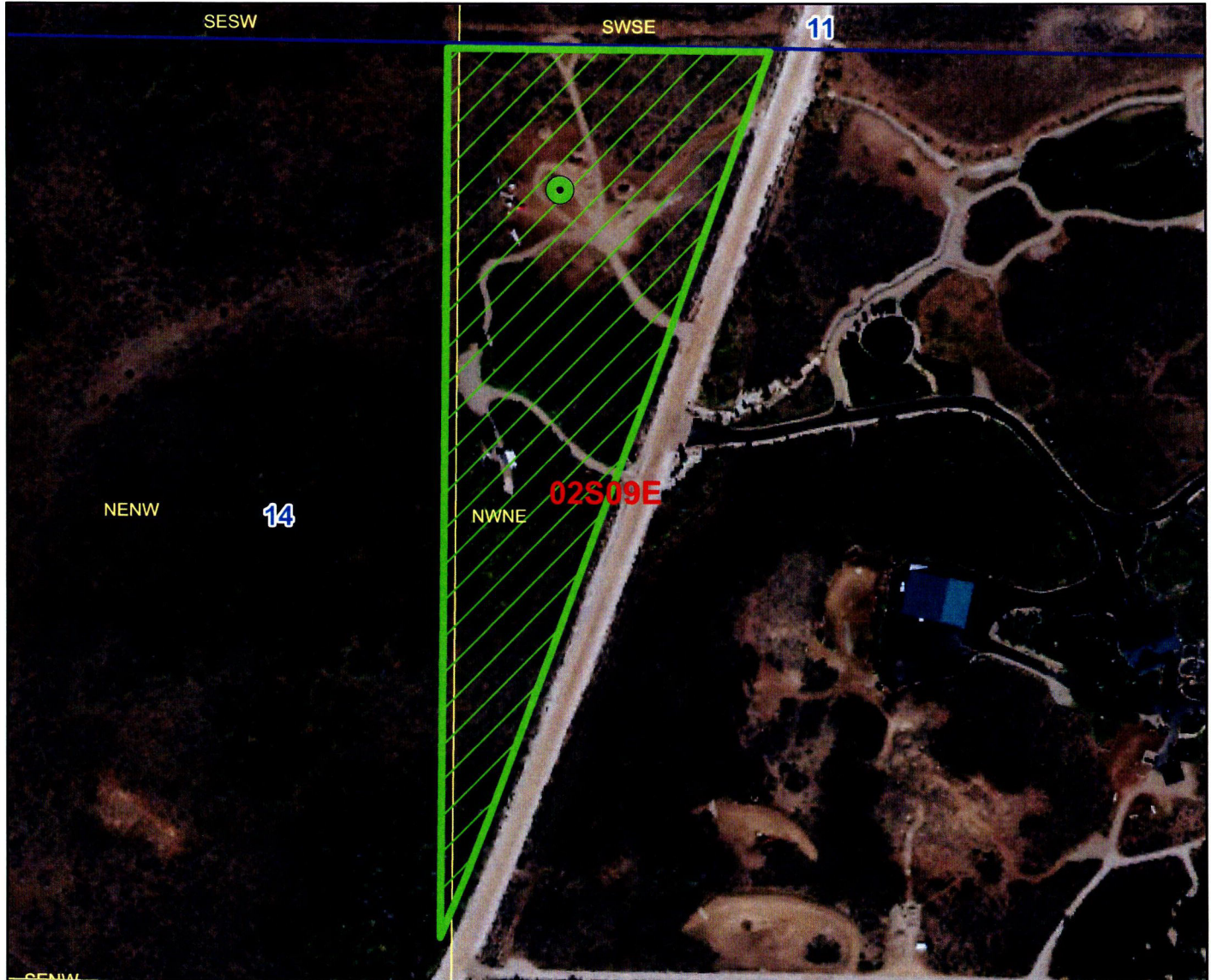
11. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 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. 721

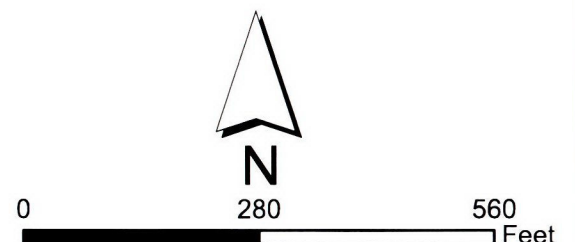
Effective until December 31, 2025

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



Legend

-  Water Supply Bank Rental POD
-  Authorized Rental Place of Use
-  Township/Range
-  Sections
-  QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 25 2023

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: RANDALL D. BURR

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)

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant RANDALL BURR
Mailing Address 1216 SOUTH LAKE POINTE WAY EAGLE, IDAHO 83616
Street City State Zip Code
Email Address randy.burr.md@gmail.com Phone Number 208-841-6006
- 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**:

IRRIGATION OF LAND + LANDSCAPE

- 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>0.13</u> CFS	<u>23.1</u> AF	<u>0.13</u> CFS	<u>23.1</u> AF	<u>6.6</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>April 15th 2023</u>	<u>MAY 1st 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):

*Spring water collected via perforated pipe placed in gravel inside trench.
Delivered to place of use by pump, pipes, hoses.*

- 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>See Above</i>	<i>Developed Shallow Spring</i>	<i>None</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 6.6 (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:

NONE

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**:

Will Adjust Crop + irrigated area as necessary

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:

previous rental Agreement # 608

Trying as much as possible to purchase water rights.

B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☒ No ☐

if source is viable, will search for surface water right to purchase & transfer

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.

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.

Randall D. Burr, MD
Signature of Applicant

RANDALL D. BURR
Printed Name of Applicant

1/25/2023
Date

Signature of Representative

Printed Name of Representative

Date

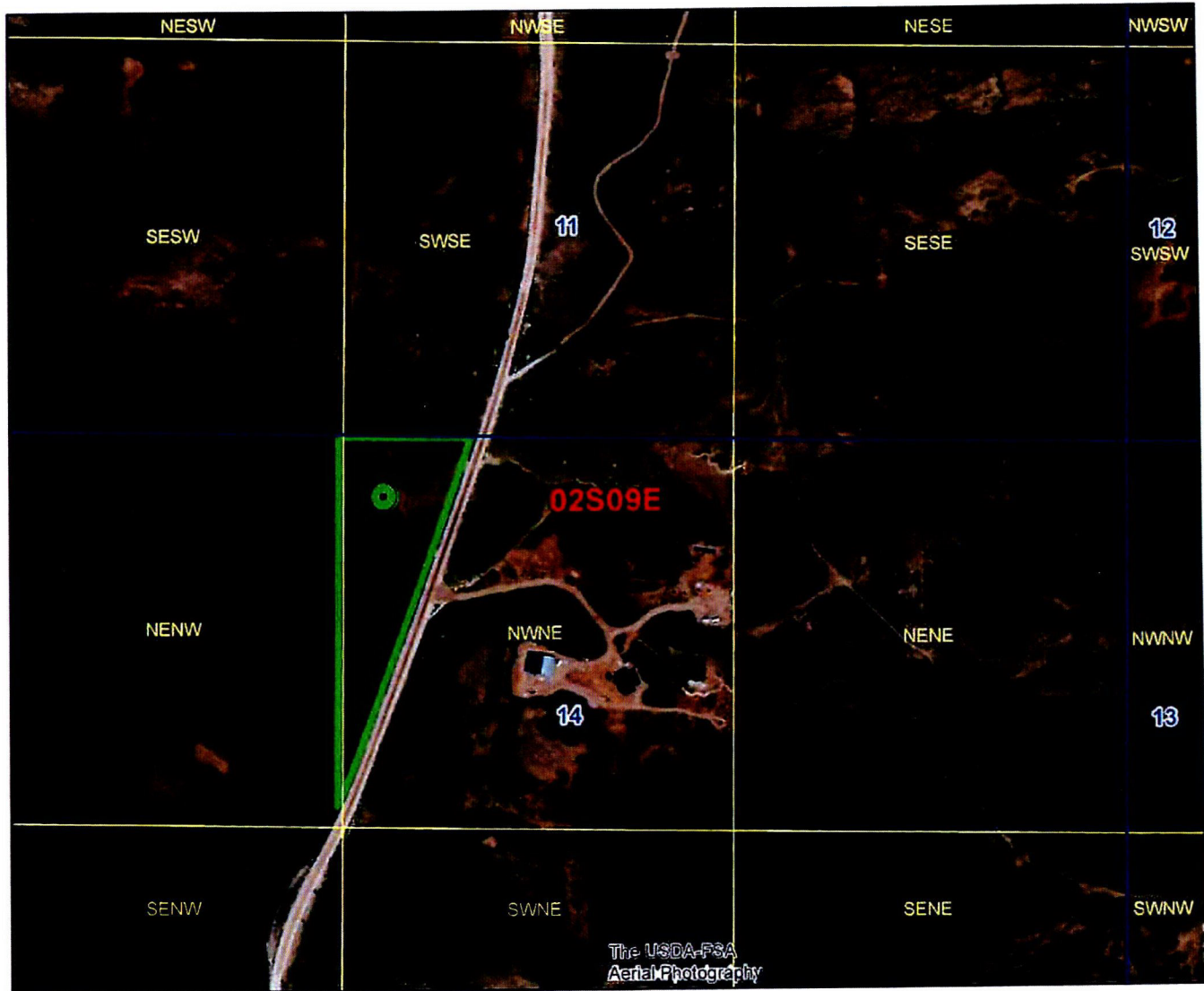
Mail to:

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

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 608

Effective until December 31, 2022

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



● Authorized Rental Point of Diversion

■ Authorized Rental Place of Use

■ Township/Range

■ Sections

QQ

2017 (1 meter)

RGB

■ Red: Red

■ Green: Green

■ Blue: Blue



0 500 1,000 Feet

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER:

Received Date: 1/25/2023

Latest Start Date: 5/1/2023

Renter: Randall D Burr

Rental Expiration Date

Lease/Rental Package Y N

Application # 2572

Agreement # 721

Water Right	Lease Contract ID
# (37-4301)	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:

prev agreement 608
excavated spring

Mailings (per application)

Original

CC

Email or Address

Renter: Randall D Burr



Attorney:



Consultants

Name:



Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(final only)



(Ground) Water

Dist:

(final only)



Other:

WD Snake 01, Boise, Payette, and Bear River

(final only)



Region:

(final only)



Watermaster:

(final only)



Compliance:

(final only)



Resolving NOV? Y / N

#

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

May 4, 2023

RANDALL BURR
1216 S LAKE POINTE WAY
EAGLE, ID 83616

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-4301, AGREEMENT 721**

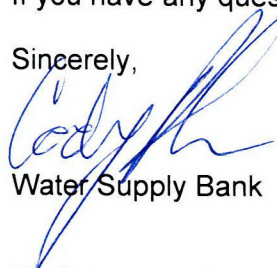
Dear Renter:

Please find enclosed a receipt in the amount of **\$2,104.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 30.5 acre-feet of water for irrigation of 6.6 acres during 2023 - 2025. 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 \$631.35 of the rental fee will be paid to the lessor(s) and 10% or \$70.15 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,



Water Supply Bank

Enclosures: Receipt No. C115752
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office



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

March 28, 2023

RANDALL D BURR
1216 S LAKE POINTE WAY
EAGLE ID 83616

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-4301 AGREEMENT 721**

*****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 \$701.50 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 30.5 acre-feet.

Please send a check for \$701.50 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 \$631.35 of the rental fee will be paid to the lessor(s) and 10% or \$70.15 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,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

MEMORANDUM FOR AGREEMENT # 721

To: Water Right 37-4301

From: Bob Howe

Date: 01/31/2023

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE:

The complete application to rent spring surface water for 6.6 acres of irrigation was received January 25th, 2023. The applicant has requested to rent for a period of 5 years starting no later than May 1st, 2023. The applicant (Dr. Burr) was contacted by IDWR after the application was received and Dr. Burr stated that he would be agreeable to using the previously used lease (WR 37-4301) again, although the lease for said water right ends December 31, 2025. Dr. Burr is still actively seeking to purchase available spring water to supply irrigation to greenery, shrubs and trees at the rental place of use.

The previous review by Mary Condon in 2022, found spring water rights 37-4301 & 37-21732 as the closest available leased spring water rights. This determination was made after an extensive search and review of evapotranspiration data, aerial imagery, and peer reviews.

I emailed the Watermaster for WD37b on January 31st, 2023, inquiring if he has any concerns going into a new agreement, specifically if the term from 2023-2025 is agreeable, or if he feels the rental needs to remain year by year. The Watermaster replied that he would have no reservations with this application going forward.

AUTHORITY TO FILE:

The application for rental was signed by Randall Burr for 6.6 acres of irrigation at the purposed rental place of use (POU). I was able to confirm using The Elmore County Assessor's website that the parcel which the purposed rental POU is located on is owned by Randall Burr. There are no concerns regarding the authority to file the rental application.

WATER RIGHT VALIDITY:

As previously described in the memo for agreement #608, water rights 37-4301 and 37-21732 share a 30-acre POU, but do not overlap, so the rental can be for 37-4301 only. WR 37-4301 is leased into the Water Supply Bank (WSB) through until the end of 2025. The idling of the lease was confirmed in 2022 by telephone with the Lessor and analysis of the evapotranspiration and crop irrigation requirement for the idled acres while active from 1986 to 2015 vs while leased into the WSB in 2016 to 2018. There are no concerns found regarding the water right validity.

INJURY TO OTHER WATER RIGHTS:

The lease point of diversion (POD) and the rental POD are approximately 7 miles apart, within the Little Camas Basin and BWGWMA. Topography and the previous review by the IDWR hydrology staff indicate the return flow for the rental would enter the same drainage as the lease POD. The rental location is upstream in a losing reach and should not pose an injury threat to any other water rights. However, the rental will again be conditioned so that **the renter must make water available to Camas Creek water rights holders between the Rental POD and lease POD**. The rental will also be conditioned so that **the water at the rental POD is only available when water is also available at the lease POD**.

ENLARGEMENT OF USE:

Both the rental and lease POUs have the same beneficial use and season of use. Soil saturation differences had to be given consideration due to the locations of the leased POU in a

drainage area and the rental POU on a gentle slope. On the 2022 rental the highest year CIR and the idle year CIR were used to determine the portion due to subirrigation. Based on the previous year analysis the calculated CIR attributed to the manual application of water is 76%. As in the previous rental the requested to provide the 6.6 acres of irrigation at the rental POU would require 8.7 acres of the leased water right to account for subirrigation and prevent enlargement.

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 of the rental POD is subject to Water District #37b. A comment request was emailed with the rental agreement and map attached to Watermaster, Rusty Kramer and the Eastern Regional Manager, James Cefalo.

Howe, Bob

From: Rusty Krame <waterdistrict37b@outlook.com>
Sent: Tuesday, January 31, 2023 2:15 PM
To: Howe, Bob
Subject: Re: Questions RE: Purposed Rental of WR 37-4301

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Bob,
I would have no reservations with this application going forward again.

Thank you
Rusty Kramer
Water District 37B Watermaster

From: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Sent: Tuesday, January 31, 2023 10:58 AM
To: waterdistrict37b@outlook.com <waterdistrict37b@outlook.com>
Subject: Questions RE: Purposed Rental of WR 37-4301

Hi Rusty,
We received a rental application for Randall Burr to lease water right 37-4301, from Clare M. Olson for the duration of 2023 to 2025. Mr. Olson's water right is currently leased into the Water Supply Bank until the end of 2025. Both the renter and lessor have Points of Diversion that are tributary to Camas Creek. The purposed rental agreement will be for the same flow, volume, and acres of irrigation as the previous agreement.

The head of the water supply bank has suggested that I reach out to you to inquire if there are any concerns or questions before we move forward with the rental processing. Foremost, I am inquiring if the rental duration is agreeable to you (2023-2025), or if you feel it needs to remain year by year?

I will, of course, be sending you a copy of the new agreement with a comment request before it is submitted for approval. Please let me know if you would like to see any additional information regarding the agreement this go around. I have attached the previous rental memorandum and rental agreement documents for review. Thank you for your time and consideration in this matter. Feel free to reach out to me with any questions or concerns.

Sincerely,

Bob Howe
Water Resource Agent
Phone: 208-287-4847
Bob.howe@idwr.idaho.gov



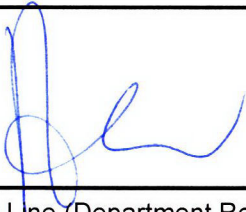
Idaho Department of Water Resources Receipt

Receipt ID: C115752

Payment Amount	\$2,104.50	Date Received	3/31/2023	Region	STATE
Payment Type	Check	Check Number	7948		
Payer	BURR, RANDALL D				
Comments	WATER SUPPLY BANK RENTAL AGREEMENT RENTER: RANDALL D BURR AGREEMENT : 721 FOR WR# 37-4301 FOR YEARS 2023-2025				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,894.05	WATER BANK-OWNER SHARE	29512	0490	1		1205
\$210.45	WATER BANK-DEPARTMENT SHARE	55113	0229	21		1205



Signature Line (Department Representative)