

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 700

RECEIVED  
FEB 22 2023  
DEPARTMENT OF  
WATER RESOURCES

This is to certify that:

TODD & SUSAN CARTER  
PO BOX 660  
SUN VALLEY, ID 83353-0660

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<br>Right No.   | Priority<br>Date | Source       | Diversion<br>Rate<br>(CFS) | Diversion<br>Volume<br>(AF) | Acres<br>(AC) | Rate Per<br>Acre<br>(CFS/AC) | Volume<br>Per Acre<br>(AF/AC) |
|----------------------|------------------|--------------|----------------------------|-----------------------------|---------------|------------------------------|-------------------------------|
| 37-8153              | 7/21/1984        | GROUND WATER | 0.04                       | 7.5                         | 2.5           | 0.016                        | 3.0                           |
| <b>Rental Totals</b> |                  |              | <b>0.04</b>                | <b>7.5</b>                  | <b>2.5</b>    | <b>0.016</b>                 | <b>3.0</b>                    |

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2027. 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 - 2027: \$172.50 annually

The full fee for the rental of the above-described right(s) is \$172.50 per year for years 2023 - 2027. The rental fee includes an administrative fee of \$17.25 per year for years 2023 - 2027.

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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MAR 15 2023

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 700**

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:

Susan & Todd Carter  
Signature of Renter

2/14/23  
Date

Susan & Todd Carter  
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 3/2/23

Rental approved by IDWR AP

Date 3/2/23

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 700**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SWSW              Sec. 5, Twp 03N, Rge 18E,                      BLAINE County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
0.04 CFS

**VOLUME**  
7.5 AF

**SEASON OF USE**

**From              To**  
4/1                  9/15

**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  |        |
| 03N | 18E | 5   |    |    |    |    |    |    |    |    |    |    | 2.0 |    |    |    |    |     | 2.0    |
| 03N | 18E | 6   |    |    |    |    |    |    |    |    |    |    |     |    |    |    |    | 0.5 | 0.5    |

Total Acres: 2.5

**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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre or more than 3.5 afa per acre for irrigation.
10. 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. 37.

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 700**

11. This rental does not authorize the drilling of a ground water well.

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MAR 15 2023 Page 4 of 4

Idaho Water Resource Board  
Attachment to Water Supply Bank Rental Agreement No. 700

Effective until December 31, 2027

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



**Legend**

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



0 250 500 Feet

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**APPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANK****Applicant Name:** Todd J. Carter and Susan M. Carter, husband and wife**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](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)**

37-8153

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**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**CONTACT INFORMATION**

- A. Applicant Todd J. Carter and Susan M. Carter, husband and wife
- Mailing Address PO Box 660, Sun Valley, ID 83353
- Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
- Email Address cartercasa@hotmail.com Phone Number (415) 244-0544
- 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 James P. Speck Professional Title attorney
- Organization Speck & Aanestad. A Professional Corp. Relationship to Applicant attorney
- Mailing Address PO Box 987, Ketchum, ID 83340
- Email Address jim@speckandaanestad.com Phone Number 208-726-4421

**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**:
- Residential irrigation

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

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 0.04 CFS                            | 7.5 AF                        | 0.04 CFS                             | 7.5 AF                         | 2.5 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<br>(month/day/year) | Latest Possible Start Date<br>(month/day/year) | *Mark Desired Rental Duration<br>(Calendar Years) |                            |                            |                            |                                       | **Applicant's preference if rental application cannot be processed prior to the latest possible start? |                                                          |
|----------------------------------------|------------------------------------------------|---------------------------------------------------|----------------------------|----------------------------|----------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| April 1, 2023                          | May 1, 2023                                    | <input type="checkbox"/> 1                        | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> Process application as soon as possible                            | <input type="checkbox"/> 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.

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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):

Existing well & pump, underground residential sprinkler irrigation system

- 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 |
|-----------------|--------------|-------------------------------------------|
| well & pump     | ground water | domestic exemption                        |
|                 |              |                                           |
|                 |              |                                           |
|                 |              |                                           |

*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 2.5 (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:

Domestic well irrigates 1/2A. Presently irrigate 3.0A & previous owner signed Consent Order & Agreement in November 2014. Need to continue existing irrigation.

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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<br>(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) |
| 37-8153                                                                                                                                                                                  | irrigation    | 0.04                 | 7.5         | 2.5        |                                                                                                                                | 0.04                             | 7.5         | 2.5        |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
| <b>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</b> |               |                      |             |            | TOTAL                                                                                                                          | 0.04                             | 7.5         | 2.5        |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                | 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**:

N/A

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**:

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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:

Same water right rented in 2015 - 2022. Have not located a water right to purchase.

- 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 ☒

- 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.

NOV E2014-699 dated October 31, 2014 resolved by Consent Order and Agreement dated November 18, 2014

- 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.

*Todd Carter*

Signature of Applicant

Todd J. Carter

Printed Name of Applicant

*10-22-22*

Date

*Susan Carter*

Signature of Applicant

Susan M. Carter

Printed Name of Applicant

*10-22-22*

Date

Mail to:

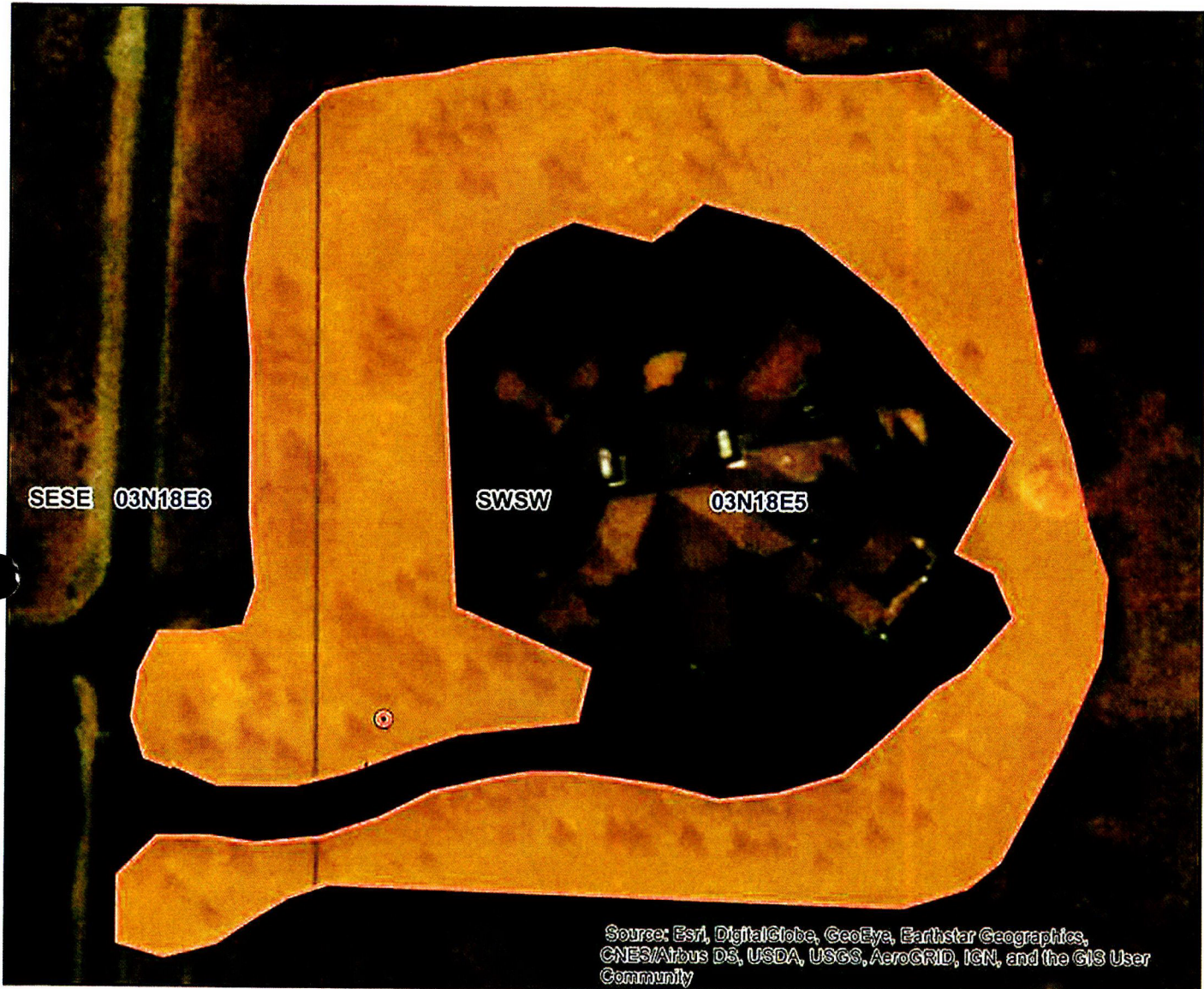
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

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Idaho Water Resource Board  
**Water Supply Bank Rental Agreement**

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.



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

TODD J. CARTER  
APPLICATION TO  
RENT WATER RIGHT  
ATTACHMENT 2



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MAR 15 2023

0 100 200 Feet

# WSB Mailing Checklist for Rentals

(For use on all new rental applications)

**Key:** Who Completes What?

CLERICAL STAFF: MK

REVIEWER:

Received Date: 10/24/2022

Latest Start Date: 5/1/2023

Renter: Todd J Carter & Susan M Carter

Rental Expiration Date

Lease/Rental Package (Y) N

Application # 2469 Agreement # 700

| Water Right | Lease Contract ID |
|-------------|-------------------|
| # 37-8153   |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |
| #           |                   |

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:

residential irrigation companion w/ Lease App # 2468 prev agreement # 238 (diff owners)

## Mailings (per application)

Renter: Todd J Carter & Susan M Carter

Attorney:

Consultants

Name: James Speck-Speck & Aarrestad

Conveyance Entity: N/A

Ex. Irrigation Dist. of Canal Co.

(Ground) Water

Dist: WD 37, Galena GWD

Other: Big Wood River GWDMA

WD Snake 01, Boise, Payette, and Bear River

Region: Southern

Watermaster: Kevin D Lakey

Compliance: 2014 NOV

Original

CC

Email or Address

☒

☐

☐

☐

☐

☒

(final only)

☐

(final only)

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(final only)

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(final only)

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(final only)

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(final only)

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(final only)

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(final only)

☐

(final only)

☐

Resolving NOV? (Y) N

# E2014-699

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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

March 9, 2023

TODD & SUSAN CARTER  
PO BOX 660  
SUN VALLEY, ID 83353-0660

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 37-8153, AGREEMENT 700**

Dear Renter:

Please find enclosed a receipt in the amount of **\$172.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 7.5 acre-feet of water for irrigation of 2.5 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 \$155.25 of the rental fee will be paid to the lessor(s) and 10% or \$17.25 will be retained by the Department to offset administrative costs for 2023.

OR

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

Sincerely,

*Jean Hersley*

Water Supply Bank

Enclosures: Receipt No. C115376  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
IDWR Southern Regional Office  
Jim Speck- Speck & Aanestad Law

SCANNED  
MAR 15 2023



IDAHO DEPARTMENT  
**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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

February 8, 2023

TODD & SUSAN CARTER  
PO BOX 660  
SUN VALLEY, ID 83353-0660

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 37-8153, AGREEMENT 700**

**\*\*\*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 **\$172.50** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 7.5 acre-feet. Since you have a private agreement with the water right owner, **you are only obligated to pay the 10% administrative fee or \$172.50 for 2023.** 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.

**Please send a check for \$172.50 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.

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

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk  
James Speck

SCANNED  
MAR 15 2023

## MEMORANDUM FOR AGREEMENT # 700

To: Water Right No. 37-8153

From: Skyler Cheever – Water Resource Agent

Date: 12/22/2022

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

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### **PURPOSE/NARRATIVE:**

Application 2469 was sent in by Todd J. and Susan Carter and received on October 24<sup>th</sup>, 2022. This application proposes to rent lease contract 1638 from the water supply bank to irrigate 2.5 acres from 2023-2025. The point of diversion is within the Big Wood River GWMA, Snake River Mortarium, GWD Galena, and Trust Water Area. The Groundwater Master was notified of this rental. This application is a continuation of rentals since 2015. This application is a renewal of rental agreement 238 which is set to expire on December 31<sup>st</sup>, 2022.

### **AUTHORITY TO FILE:**

Todd J. and Susan Carter signed the application. They have the authority to file this application because they are the owners of the property and the point of diversion where water will be used according to Department records. In Section 3L of the application the applicants state the previous owner signed a Consent Order and Agreement in 2014 allowing the irrigation of 3 acres. The new owners wish to continue irrigating.

### **INJURY TO OTHER WATER RIGHTS:**

There are only two other water rights that overlap the place of use, 37-7822 and 37-154B. These rights are surface water from the Big Wood River and are for recreational purposes. It is unlikely this rental would cause injury neighboring water rights. The point of diversion is not moving into any different GWMA, or Moratorium Area than the contract.

### **ENLARGEMENT OF USE:**

The duty of water in the area is 0.02 cfs/acre and 3.5 af/acre. The rate/acre and volume/acre proposed in this application are within this duty and not using more water than what was historically used. Therefore, there are no other enlargement concerns.

### **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 point of diversion is within Basin and Water District 37. The Watermaster and Southern Regional Manager were contacted on December 22<sup>nd</sup>, 2022. No response was received, it is assumed there is no concern.

SCANNED  
MAR 15 2023