

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 758

RECEIVED

JUL 03 2023

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

GREGORY B JOHNSON
2037 E TERZA
MERIDIAN, ID 83642

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)
63-32616	10/17/1974	GROUND WATER	0.67	184.2	41.0	0.016	4.5
Combined Rental Totals			0.67	184.2	41.0	0.016	4.5

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: \$423.66 annually

The rental fee is an administrative fee of \$423.66 per year for years 2023 - 2027. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 63-32616.

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:

Gregory B. Johnson 6/7/23
Signature of Renter Date

Gregory B. Johnson Manager
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 Date 7/6/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR Patton Date 7/6/23

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec. 28, Twp 01N, Rge 04E, ADA County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.67 CFS

VOLUME
184.2 AF

SEASON OF USE

Water Right No. **From** **To**
63-32616 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	
01N	04E	34				0.7					7.9	1.6	2.5	6.0	2.0	6.2	10	3.8	40.7
01N	04E	35										0.1	0.2						0.3

Total Acres: 41.0

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. This rental agreement 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.
10. The use of water for irrigation under this rental may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water

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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.

11. Use of water under this agreement 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. 161.
12. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
13. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
14. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 758

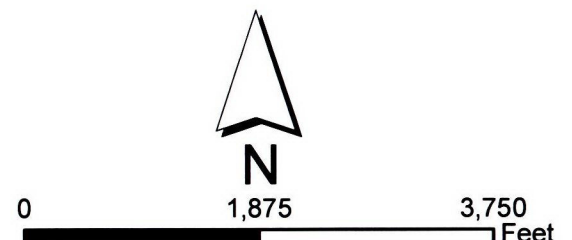
Effective until December 31, 2027

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



Legend

-  Water Supply Bank Rental POD
-  Water Supply Bank Rental POU
-  Township/Range
-  Sections
-  QQ



WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF:

MC MK

REVIEWER:

Received Date: 03/14/2022

Latest Start Date:

Renter: G Johnson

Rental Expiration Date

Lease/Rental Package

12/31/2027
(Y) N

executed
7/6/23

Application # 2335

Agreement # 758

Water Right	Lease Contract ID
# 63-32616	1713
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:

Rental POU use different than denied refer 83875

Mailings (per application)	Original	CC	Email or Address
Renter: Gregory Johnson	☒	☐	
Attorney:	☐	☐	
Consultants Name: Michael Woodworth	☐	☒	Mountain Waterworks
Conveyance Entity: Ex. Irrigation Dist. of Canal Co.	(final only)	☐	
(Ground) Water Dist: 161 - Mtn Home	(final only)	☐	
Other: Mtn Home GWSMA (POU only)	(final only)	☐	
Region: Western	(final only)	☐	
Watermaster:	(final only)	☐	
Compliance:	(final only)	☐	
			Resolving NOV? Y / N
			#

Call up Date: _____

DO NOT SCAN



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

July 7, 2023

GREGORY B JOHNSON
2037 E TERZA
MERIDIAN ID 83642

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-32616, AGREEMENT 758**

Dear Renter:

Please find enclosed a receipt in the amount of **\$423.66** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 184.2 acre-feet of water for irrigation of 41.0 acres during years 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.

Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee of \$423.66** for 2023.

If you have questions regarding this matter, please contact me at 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Enclosures: Receipt No. C116685
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Watermaster – Water District 161



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 25, 2023

GREGORY B JOHNSON
2037 E TERZA
MERIDIAN, ID 83642

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-32616, AGREEMENT 758**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

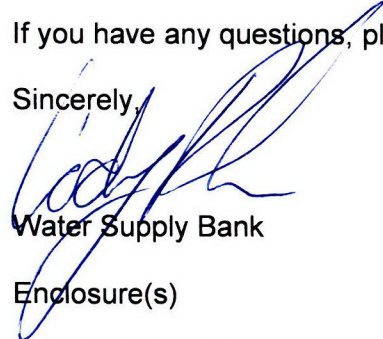
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, 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 **\$4,236.60 per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 184.2 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$423.66.** 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 in the amount of \$423.66 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 (208) 287-4800.

Sincerely,



Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Mike Woodworth, Mountain Waterworks

MEMORANDUM FOR COMPANION APPLICATIONS # 2334 & 2335

To: Water Right(s) 63-32616

From: Mary Condon

Date: May 10, 2023

Re: Review & Analysis of Applications to Lease and Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Companion applications to lease and rent irrigation right 63-32616 received on March 10, 2022 for five years, was pushed to 2023 due to timing. This lease application is a continuation of previous lease approvals for the same right and 41 acre amount since 2012, for 5 year terms. The rental request is for irrigation of the common areas only within a planned community close to the leased land and diversion and is not intended to be combined in the municipal system. The existing municipal permit for the community has a condition that any use of the municipal water for the common areas, large parcels, etc., must first be used for potable and culinary purposes, delivered to and from the wastewater treatment plant and then directly to the parcel to be irrigated.

AUTHORITY TO FILE: Application to lease and rent are signed by Greg Johnson, the owner and manager of the water right, place of use and rental project parcels. Rental proposes to pipe from the leased diversion well to the community for use in the common area system. All parcels from the diversion well to and within the community are managed by the applicant. No concerns with authority to file or the ability to develop the project.

WATER RIGHT VALIDITY: This right was decreed in 2009, and portion offered has been in the bank since 2012. No concerns with validity of the water right and portion offered to the bank.

INJURY TO OTHER WATER RIGHTS: Rental POU will move the water use 5 miles SE into the Mountain Home GWMA, but return flows will drain back the same way it would if kept in the leased location. No injury to other rights through the lease and rental is expected.

ENLARGEMENT OF USE: Rental request is for the same beneficial use and rate but on different acres and is requested to be independent and separate from the municipal permit for the community. So long as the rental water comes from the original diversion and is kept separate from the municipal with no comingling, enlargement is not expected.

LOCAL PUBLIC INTEREST: Previously denied transfer of this right requested different diversion and delivery, to be used as supplemental to the municipal permit, and was protested. This rental proposal does not appear to be averse to the local public interest and does not propose changing the diversion well from which it has and can be withdrawn from. Review staff have no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease and rental are of a beneficial use of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease and rental PD is within Western Region and is subject to Water District # 161. Request for comment sent on May 10, 2023.

Condon, Mary

From: Condon, Mary
Sent: Wednesday, May 10, 2023 5:13 PM
To: Miller, Nick; birdhunter2462@hotmail.com
Subject: Water Supply Bank lease and rental review - G. Johnson 63-32616
Attachments: WSB Review Memo - Johnson 63-32616.docx; Move Map.docx

Good afternoon,

Please see attached review memo and move map for a lease and rental of ground water for the Mayfield Springs area, and kindly reply with comments or concerns within 10 days.

(The attached move map is a very simple mockup of the rental POU layout until I get the shapefile from the representative)

Best,
Mary

Mary Condon
Water Supply Bank Coordinator



Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936