

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 18 2023

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 782

This is to certify that:

DARRELL L AGENBROAD
27161 DAIRY RD
GRAND VIEW, ID 83624

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)
2-7036	8/30/1969	SNAKE RIVER	0.14	35.3	7.1	0.020	5.00
2-7037	8/30/1969	SNAKE RIVER	0.06	15.6	3.1	0.019	5.03
2-7038	6/5/1969	SNAKE RIVER	0.04	9.4	2.1	0.019	4.42
2-7127	9/12/1973	SNAKE RIVER	0.39	97.7	19.5	0.020	5.01
Combined Limit Totals			0.54	158	31.8	0.017	4.97

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2023. 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: \$3,634.00

The full fee for the rental of the above-described right(s) is \$3,634.00 for 2023. The rental fee includes an administrative fee of \$363.40 for 2023.

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	0.54	122	27.0	0.020	4.5
Combined Total	0.54	122	27.0	0.020	4.5

** The authorized water usage reflects a reduction from the water right elements rented, to account for the rate per acre and volume per acre of existing rights at the rental location.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 782

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:

Darrel Agenbroad 9-14-23
Signature of Renter Date

Darrel Agenbroad owner
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 9/25/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR Flummm Date 9/25/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 782

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SESW Sec. 34, Twp 05S, Rge 04E, OWYHEE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.54 CFS

VOLUME
122 AF

SEASON OF USE

Water Right No.	From	To
2-7036	3/15	11/15
2-7037	3/15	11/15
2-7038	3/15	11/15
2-7127	4/01	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	
06S	03E	5													4.2	12.9	9.9		27.0

Total Acres: 27.0

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. Use of water under this right 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. 02.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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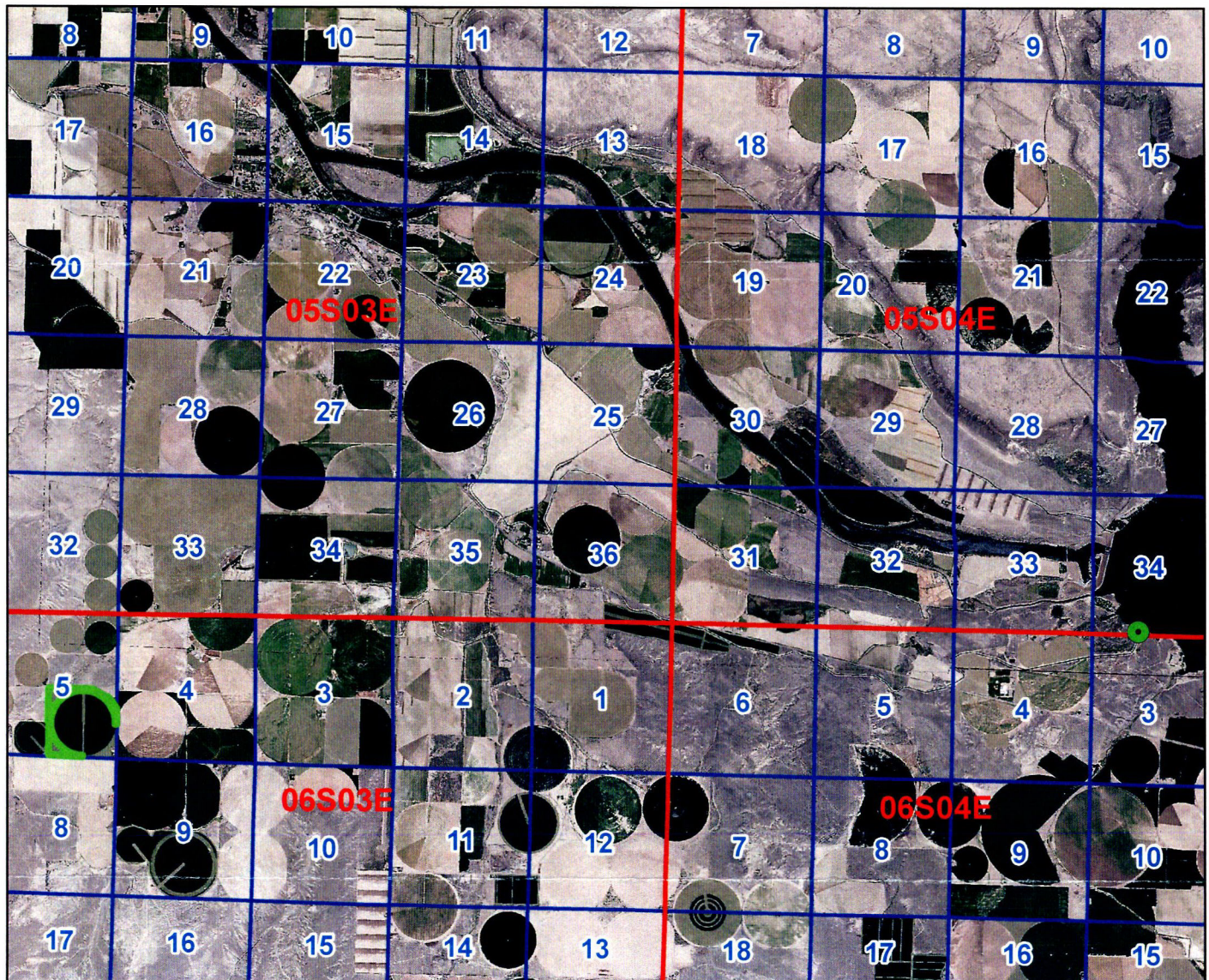
10. The renter shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. The rented portions of rights 2-7036, 2-7037, 2-7038, and 2-7127 when combined shall not exceed a total diversion rate of 0.54 cfs, a total annual maximum diversion volume of 122 af at the field headgate, and the irrigation of 27.0 acres.
12. The rented portions of rights 2-7036, 2-7037, 2-7038, and 2-7127 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
13. This rental does not grant any right-of-way or easement across the land of another.
14. The rented portion of right 2-7036 is limited to the irrigation of 6.0 acres within the authorized place of use in a single irrigation season.
15. The rented portion of right 2-7037 is limited to the irrigation of 2.6 acres within the authorized place of use in a single irrigation season.
16. The rented portion of right 2-7038 is limited to the irrigation of 1.8 acres within the authorized place of use in a single irrigation season.
17. The rented portion of right 2-7127 limited to the irrigation of 16.6 acres within the authorized place of use in a single irrigation season.
18. The period of use for the rental irrigation under water right 2-7127 may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.
19. This agreement and Rights 2-7168A and 2-10436 when combined shall not exceed a total diversion rate of 4.22 cfs, a total annual maximum diversion volume of 950 af at the field headgate, and the irrigation of 211 acres.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 782

Effective until December 31, 2023

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



0 1.25 2.5 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
JUN 12 2023
DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Darrell L Agenbroad

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 <i>N/A</i> | ☐ | ☐ Water modeling to account for the impacts of the rental request |
| 3J <i>N/A</i> | ☐ | ☐ 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 <i>N/A</i> | ☐ | ☐ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C <i>N/A</i> | ☐ | ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

2683

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Darrell L Agenbroad

Mailing Address 27161 Dairy Rd Grand View, ID 83624

Street City State Zip Code

Email Address d1agenbroad@yahoo.com Phone Number 208-598-5781

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**:

Cover additional acres in POU for 2-7168A and 2-10436. Attached map is from PNOV.

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)
0.86 CFS	AF	CFS	AF	43 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?	
03/15/2023	11/15/2023	☒ 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):

Down the Bybee canal from POD to the pump to the sprinklers

- 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
Bybee Pump Station	Snake River	2-7168A, 2-10436

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 43 (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:

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**:

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**:

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.
E2023-2930 Map of area at issue attached to PNOV

- 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.

Darrel Agenbroad
Signature of Applicant

Darrel Agenbroad
Printed Name of Applicant

6-8-23
Date

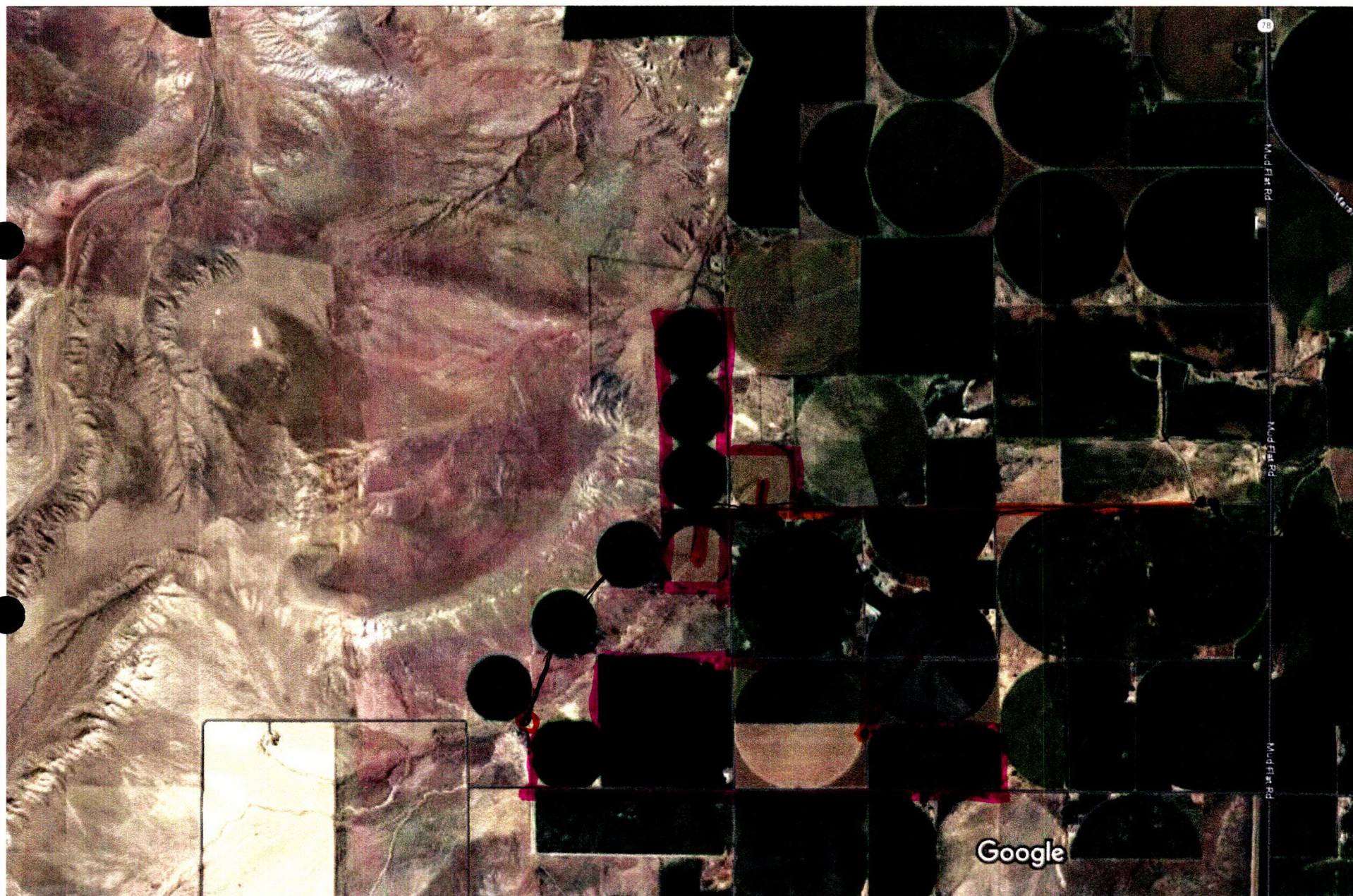
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



Bybee
Carol

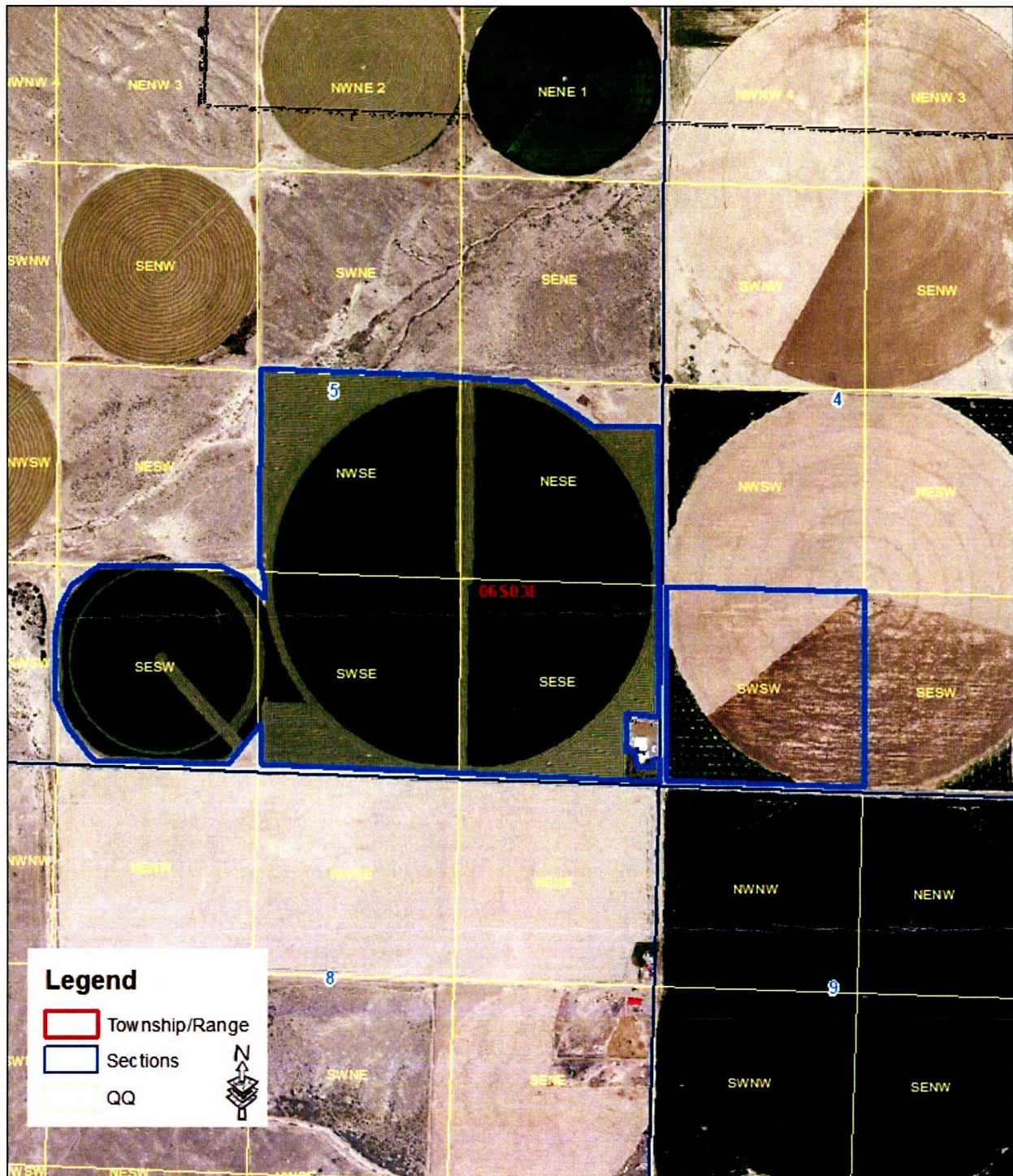
Google

Imagery ©2023 Airbus, CNES / Airbus, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 2000 ft

- Well
Well water for pivot
- Mainline for water delivered by Bybee Lateral Canal
Place of use
- Imagery ©2023 Airbus, CNES / Airbus, Landsat / Copernicus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 2000 ft

Attachment 3A

2022 Unauthorized Acres-Agenbroad E2023-2930



Attachment 3F

BYBEE LATERAL WATER USERS ASSOCIATION

PO Box 235

Mountain Home, Id. 83647

208-587-2789

calzola@earthlink.net

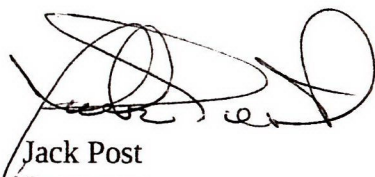
June 7, 2023

Idaho Department of Water Resources
Water Supply Bank

To Whom It May Concern:

This is to advise you that Bybee Lateral Water Users Association has the capacity to accommodate the additional 43 acres / .86 CFS desired rate of rental water Darrel Agenbroad is applying for the 2023 irrigation season. With the addition of the rental water Darrel will be able to irrigated 585 acres.

Sincerely,



Jack Post
Secretary

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: MK

Received Date: 6/12/2023

Latest Start Date: 11/15/2023

Renter: Darrel L Agenbroad

Rental Expiration Date 12/31/2023

Lease/Rental Package

Y (N)

executed
9/25/23

Application # 2683

Agreement # 782

Water Right	Lease Contract ID
# 2-10471	
# 2-7036	
# 2-7037	
# 2-7038	
# 2-7127	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:

SW

Mailings (per application)

Renter: Darrel L Agenbroad

Attorney:

Consultants

Name:

Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(Ground) Water

Dist: WDO2

Other:

WD Snake 01, Boise, Payette, and Bear River

Region: Western

Watermaster: Rob Whitney

Compliance: Cherie Palmer

Original

CC

Email or Address

☒
☐
☐
☐
☐
☐

(final only)

☐

(final only)

☒

(final only)

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(final only)

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(final only)

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(final only)

☒

Resolving NOV? Y / N

E2023-2930 PNOV

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 Mathew Weaver

September 25, 2023

DARRELL L AGENBROAD
27161 DAIRY RD
GRAND VIEW, ID 83624

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7036, 2-7037, 2-7038 & 2-7127, AGREEMENT 782**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,634.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 158 acre-feet of water for irrigation of 27 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 \$3,270.60 of the rental fee will be paid to the lessor(s) and 10% or \$363.40 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. C117056
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR - Western Region Office
Water District No. 02
Cherie Palmer – IDWR Enforcement Coordinator

MEMORANDUM FOR AGREEMENT #782

To: Water Right(s) 2-7036, 2-7037, 2-7038 & 2-7127

From: Mackenzie Kienholz

Date: 7/27/2023; 8/28/2023

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

PURPOSE/NARRATIVE: Rental Application #2683 was submitted by Darrell L Agenbroad and was received by the Department on 6/12/2023. The application did not identify specific water rights but requested 43 acres of irrigation water to divert from the Snake River to resolve PNOV E2023-2930. Review staff identified rights 2-7036, 2-7037, 2-7038 and 2-7127. The rental point of diversion is in the upper portion of CJ Strike Reservoir; the water is then carried through the Bybee Canal system to the rental place of use. The point of diversion for right 2-7036, 2-7037, 2-7038 and 2-7127 is on the same portion of the reservoir.

The lease and rental are both within Water District #02.

Edit 8/28/2023: WD 02 watermaster and Water Distribution Section Manager Rob Whitney and IDWR Enforcement Coordinator Cherie Palmer contacted review staff on 8/25/2023 to note that there was a mistake made when filling out the application, and the acreage needed to satisfy the PNOV was lower than the proposed amount. The applicant was originally told 43 acres should be requested as the place of use under this rental has 43 acres uncovered by an existing water right. However, the compliance section noted that while these specific fields exceeded their water rights by 43 acres, when taking the applicant's neighboring fields into account, his total suite of water rights was only being exceeded by 27 acres. Therefore, Rob Whitney, after discussions with the applicant, requested that a new proposed rental agreement be issued for 27 acres instead of 43. He also did note that the applicant should update his places of use. As the acres proposed for rental is decreasing, no additional injury or enlargement concerns are anticipated.

AUTHORITY TO FILE: The property at the rental POU is owned by the applicant. A letter of consent from the Bybee Lateral Water Users Association was included with the application. No concerns with authority to file.

WATER RIGHT VALIDITY: Review of water right validity was completed at the time of the lease review and found no concerns.

INJURY TO OTHER WATER RIGHTS: There will not be a change in source with this rental; both the lease and rental points of diversion are from the Snake River at CJ Strike Reservoir. The Bybee Lateral Water Users Association confirmed that they will not require a holdback for conveyance losses. No concerns with injury to other water rights.

ENLARGEMENT OF USE: The four rights being rented have a combined rate limit of 23.6 cfs. The lease/rental suite also has a combined rate limit with water rights 2-7025, 2-7350, 2-2129, 2-2130, 2-2406, 2-7020, 2-7021, 2-7033, and 2-7034. However, the combined limit for all these rights is equal to the sum of the lease/rental suite's combined limit and the rate of each other water right. Therefore, the four-right lease/rental suite can be used without needing to rent the other nine water rights.

The season of use for 2-7036, 2-7037, and 2-7038 is 3/15-11/15. The season of use for 2-7127 is 4/1-10/31, but has a condition allowing use to extend from 3/1-11/15 “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 6/15/2009.” The existing rights at the rental location have a season of 3/15-11/15. The rental will retain the seasons of use and conditions described above.

The rights which overlap the rental place of use, 2-7168A and 2-10436, authorize a duty of 0.02 cfs/acre and maximum headgate of 4.5 af/acre while the rights being rented authorize 0.017 cfs/acre and 4.97 af/acre. To prevent enlargement, additional water will be rented to allow a higher duty on the portion authorized for use, and the volume of the portion authorized for use will be reduced to match the existing rights and local standard of 4.5 af/acre (see below).

	Rate (cfs)	Acres	Volume (af)	cfs/acre	af/acre
Existing at Rental POU	3.68	184	828	0.02	4.5
Rented (Rounded)	0.86	50.6	251	0.017	5.0
Authorized for Use	0.86	43	193.5	0.02	4.5

Edit 8/28/2023: See updated rental amounts table below.

	Rate (cfs)	Acres	Volume (af)	cfs/acre	af/acre
Existing at Rental POU	3.68	184	828	0.02	4.5
Rented (Rounded)	0.54	31.8	158	0.017	5.0
Authorized for Use (Rounded)	0.54	27.0	122	0.02	4.5

There will not be a change in beneficial use through this rental. The rights being rented have historically been used as primary rights and will continue to be used as such. 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 #02. A request for comments was sent to the Water District #02 watermaster and the Western Regional Office on 7/27/2023.

Kienholz, Mackenzie

From: Palmer, Cherie
Sent: Monday, August 28, 2023 8:46 AM
To: Kienholz, Mackenzie
Subject: RE: Agenbroad 2023 WSB Rental

Thank you!

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Friday, August 25, 2023 2:45 PM
To: Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>; Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Cc: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: Agenbroad 2023 WSB Rental

Rob and Cherie,

I will work to hopefully get updated documents emailed out on Monday. Thank you for helping Mr. Agenbroad with this process!

Mackenzie

From: Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>
Sent: Friday, August 25, 2023 1:57 PM
To: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>; Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Cc: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: Agenbroad 2023 WSB Rental

Yes Rob, I think that sounds right.
Cherie

From: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Sent: Friday, August 25, 2023 1:43 PM
To: Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>; Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Cc: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Agenbroad 2023 WSB Rental

Cherie and Mackenzie,

As you know, Darrel Agenbroad applied to rent water from the Snake River in response to PNOV E2023-2930. WSB staff processed the rental application for 43 acres (as submitted) and sent the rental contract to Agenbroad for execution. Darrell contacted me this morning questioning why he needed a 43-acre rental, if IDWR had determined his excess irrigation totaled 27 acres (see attached map). After revisiting my correspondence with Agenbroad's attorney (below) and discussing with Cherie, it appears Agenbroad only needs to rent 27 acres of WD02 water to cover the 2023 irrigation. Cherie and I agree that a 27-acre rental will cover Agenbroad's 2023 enlargement.

Mackenzie, as we discussed, Agenbroad's rental should be reduced from 43 acres to 27 acres, and an amended agreement sent to him for completion. He is aware and supportive of the reduction. Please let me know if I can assist with anything related.

Cherie, are you in agreement?

Thanks,

RW

Rob,

Your point about rental availability's a very good one. Mr. Agenbroad will be giving you a call to get working on a rental. I'm completely tied up with the SWC delivery call and can't help work through this with him until it's over. I appreciate the ability to have some time to work through things.

In the meantime, could you please provide a map showing which acres IDWR thinks are illegal? If the map that's attached shows those acres, then I'll need some help deciphering the map.

Thanks,

Chris

From: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Sent: Friday, June 2, 2023 3:39 PM
To: Chris Bromley <cbromley@mchughbromley.com>
Cc: diagenbroad@yahoo.com; Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>
Subject: RE: Darrell Agenbroad

We are willing to work with you and your client to address any excess irrigation in a reasonable timeframe. If you can review the matter in the next 2-3 weeks that would be fine. The only real urgency is to submit a WSB application while there is rentable water available. I was informed by WSB staff yesterday there are currently WDO2 water rights available to rent.

Cherie Palmer sent the attached letter suggesting that Agenbroad may be irrigating more acres (43) than his Snake River water rights (2-7168A & 2-10436) allow. After talking with Mr. Agenbroad, I agreed to further review his water rights/irrigation in coordination with Cherie Palmer. Agenbroad irrigates land to the north under water rights 2-7168B, 2-7168C, and 2-10435. It appears he may be irrigating around 15-16 acres less than these water rights authorize. Perhaps a transfer could help resolve part of the apparent overage. When I talked to your client today, I suggested a WSB rental of at least 27 acres for 2023 would be a step in the right direction.

Regards,

Rob



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

DARRELL L AGENBROAD
27161 DAIRY RD
GRAND VIEW, ID 83624

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK - AGREEMENT 782

*****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 \$5,773.00 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 251 acre-feet.

Please send a check for \$5,773.00 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 \$5,795.70 of the rental fee will be paid to the lessor(s) and 10% or \$577.30 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

Kienholz, Mackenzie

From: Whitney, Rob
Sent: Thursday, July 27, 2023 1:25 PM
To: Kienholz, Mackenzie
Cc: Erling, Jes; Palmer, Cherie
Subject: RE: Comments Request: D Agenbroad WSB Rental App #2683

WD02 has no objection to the proposed rental.

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Thursday, July 27, 2023 1:10 PM
To: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Subject: Comments Request: D Agenbroad WSB Rental App #2683

Hi Rob,

Attached are the review documents for Darrell Agenbroad's WSB rental application #2683. Please let me know if you have any comments or questions.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, July 27, 2023 1:13 PM
To: Miller, Nick
Subject: Comments Request: D Agenbroad WSB Rental App #2683
Attachments: WM Copy Rental Review Memo 2683 D Agenbroad.pdf; Move Map - D Agenbroad 2023.pdf; Rental Map - 2683 Agenbroad 2023 POU.pdf; Rental Map - 2683 Agenbroad 2023 POD & POU.pdf

Hello Nick,

Attached are the review documents for Water Supply Bank Rental Application #2683 for Darrell Agenbroad. Kindly respond with any comments or questions within 10 days.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

Kienholz, Mackenzie

From: Chris Alzola <calzola@earthlink.net>
Sent: Thursday, July 27, 2023 11:44 AM
To: Kienholz, Mackenzie
Subject: Re: WSB Rental for D Agenbroad

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.

Hi Mackenzie,

Sorry for not getting back to you sooner but I had to show your email to the Board of Directors before responding.

Bybee Lateral Water User's Assn. is satisfied with the rental amount and we are not requesting any holdback for conveyance loss.

Thank You,

Chris

-----Original Message-----

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Jul 26, 2023 10:34 AM
To: calzola@earthlink.net <calzola@earthlink.net>
Subject: WSB Rental for D Agenbroad

Good morning,

I am reviewing Darrell Agenbroad's Water Supply Bank Rental Application #2683 (attached). I have identified water right 2-10471 to be used to satisfy this rental request. I saw that the Bybee Lateral Water Users Assn. stated that they have the capacity to divert this water, but will I need to add a holdback to this rental to account for conveyance losses? If so, please provide the percent holdback required.

Thank you,

Mackenzie Kienholz

Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822



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Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 15, 2023

DARRELL L AGENBROAD
27161 DAIRY RD
GRAND VIEW ID 83624

RE: APPLICATION(S) 2683 TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Idaho Water Resource Board's Water Supply Bank (Bank) for the irrigation of 43 acres. Filing a Bank rental application does not automatically result in approval.

Before a rental application can be approved, the rental request must be reviewed, a rental agreement must be prepared, the agreement must be approved by the applicant and the Department, and the rental fee must be paid. To maximize the number of rental applications processed while managing competing priorities, the Department begins accepting rental applications on November 1 for use in the next calendar year, and it processes as many applications as it can before the start of the irrigation season in March or April. Once the irrigation season begins, Department staff members are reassigned to address field work and other duties. Consequently, few rental applications are processed after May 1.

Because your application was received near the beginning of the irrigation season, which is now underway, the Department may not be able to process your application prior to the latest possible start date on your application. Your application will remain in the order it was received for review, unless you request it be returned, or the irrigation season ends prior to finalization of a review.

In future years, we encourage you to file your rental applications as soon as possible after November 1 to improve the chances that they will be processed.

Water Supply Bank Processing for application status may be found on the Department's website at <https://idwr.idaho.gov/iwrb/programs/water-supply-bank/reports/>

If you have questions regarding this matter, please contact me at (208) 287-4822.

Sincerely,

A handwritten signature in black ink, appearing to read "Mackenzie Kienholz".

Mackenzie Kienholz
Water Supply Bank Specialist

C: Cherie Palmer – IDWR Compliance Section