

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 794

RECEIVED
NOV 27 2023
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

DARREL L AGENBROAD
27161 DAIRY RD
GRAND VIEW, ID 83624-5044

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 tributary to COLUMBIA RIVER	0.14	35.3	7.1	0.020	4.97
2-7037	8/30/1969	SNAKE RIVER tributary to COLUMBIA RIVER	0.06	15.6	3.1	0.019	5.03
2-7038	6/5/1969	SNAKE RIVER tributary to COLUMBIA RIVER	0.04	9.4	2.1	0.019	4.48
2-7127	9/12/1973	SNAKE RIVER tributary to COLUMBIA RIVER	0.39	97.7	19.5	0.020	5.01
Combined Limit Totals			0.54	158	31.8	0.020	4.97
Combined Rental Totals			0.54	158	31.8	0.020	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, 2024. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2024, whichever occurs last.

Annual Rental Fee:

2024: \$3,634.00

The full fee for the rental of the above-described right(s) is \$3,634.00 for 2024. The rental fee includes an administrative fee of \$363.40 for 2024.

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

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	31.8	0.02	4.5
Combined Total	0.54	122	31.8	0.02	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 water rights at the rental place of use. Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 794

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
Signature of Renter

11-20-23
Date

Darrel Agenbroad
Printed Name

owner
Title

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

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

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

Date 11/23/23

Rental approved by IDWR Patton

Date 11/23/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 794

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	03/01	11/15
2-7037	03/01	11/15
2-7038	03/01	11/15
2-7127	04/01	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	
06S	03E	5													4.2	13.0	9.8		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

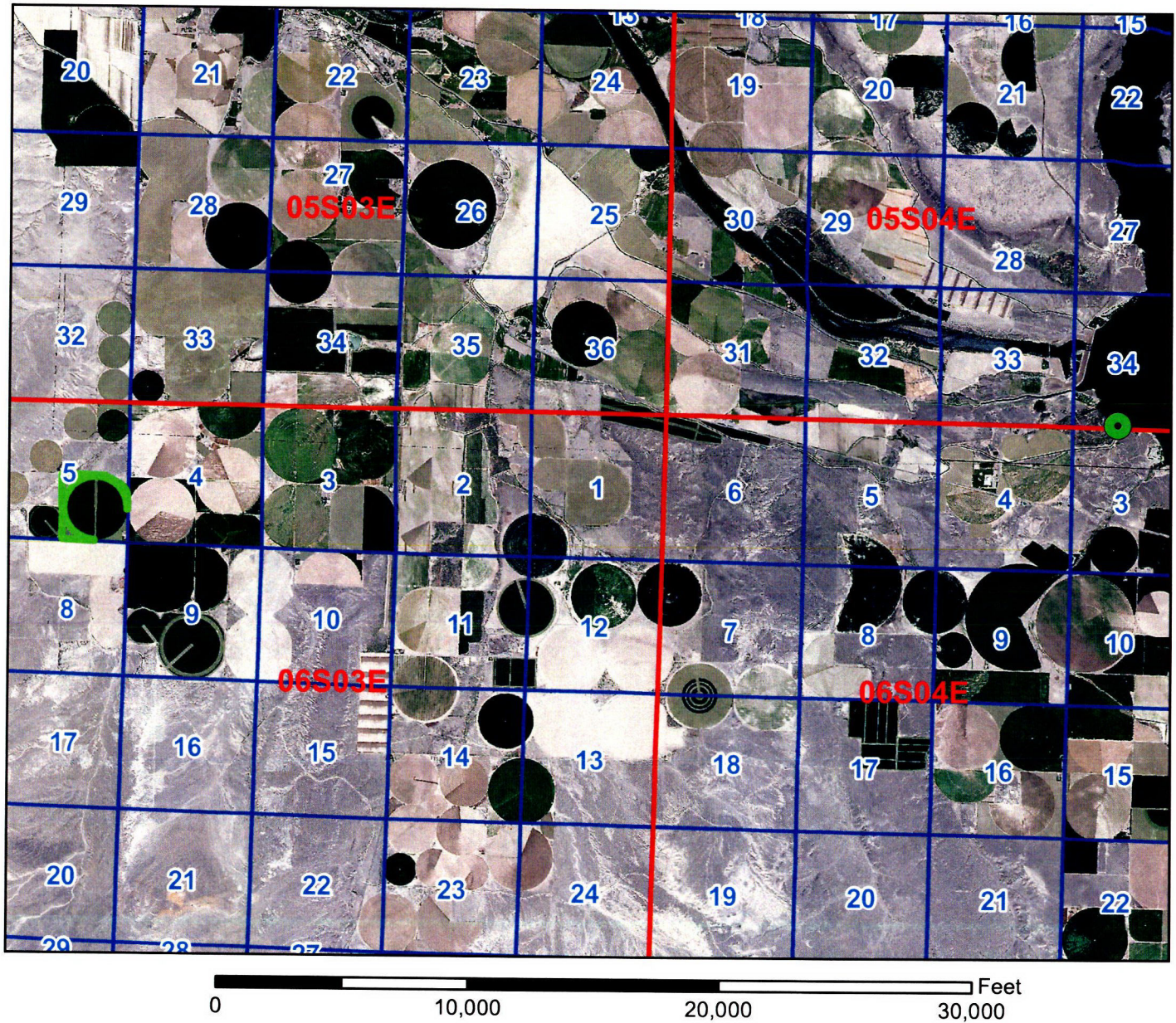
WATER SUPPLY BANK RENTAL AGREEMENT No. 794

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 right does not grant any right-of-way or easement across the land of another.
14. This 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 is 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. 794

Effective until December 31, 2024

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 Point of Diversion
- Water Supply Bank Lease Place of Use
- Township/Range
- Sections



STATE OF IDAHO
WATER RESOURCE BOARD

For 2024 rental

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

RECEIVED

SEP 22 2023

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Darrel 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 | ☒ | ☐ 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)

2764

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Darrel L Agenbroad
- Mailing Address 27161 Dairy Rd Grand View Id. 83624
- Street City State Zip Code
- Email Address dlagenbroad@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)
.54 CFS	AF	CFS	AF	27 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?	
03/15/2024	11/15/2024	☒ 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 27 (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**:

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.


Signature of Applicant

Darrel L Agenbroad
Printed Name of Applicant

9-20-23
Date

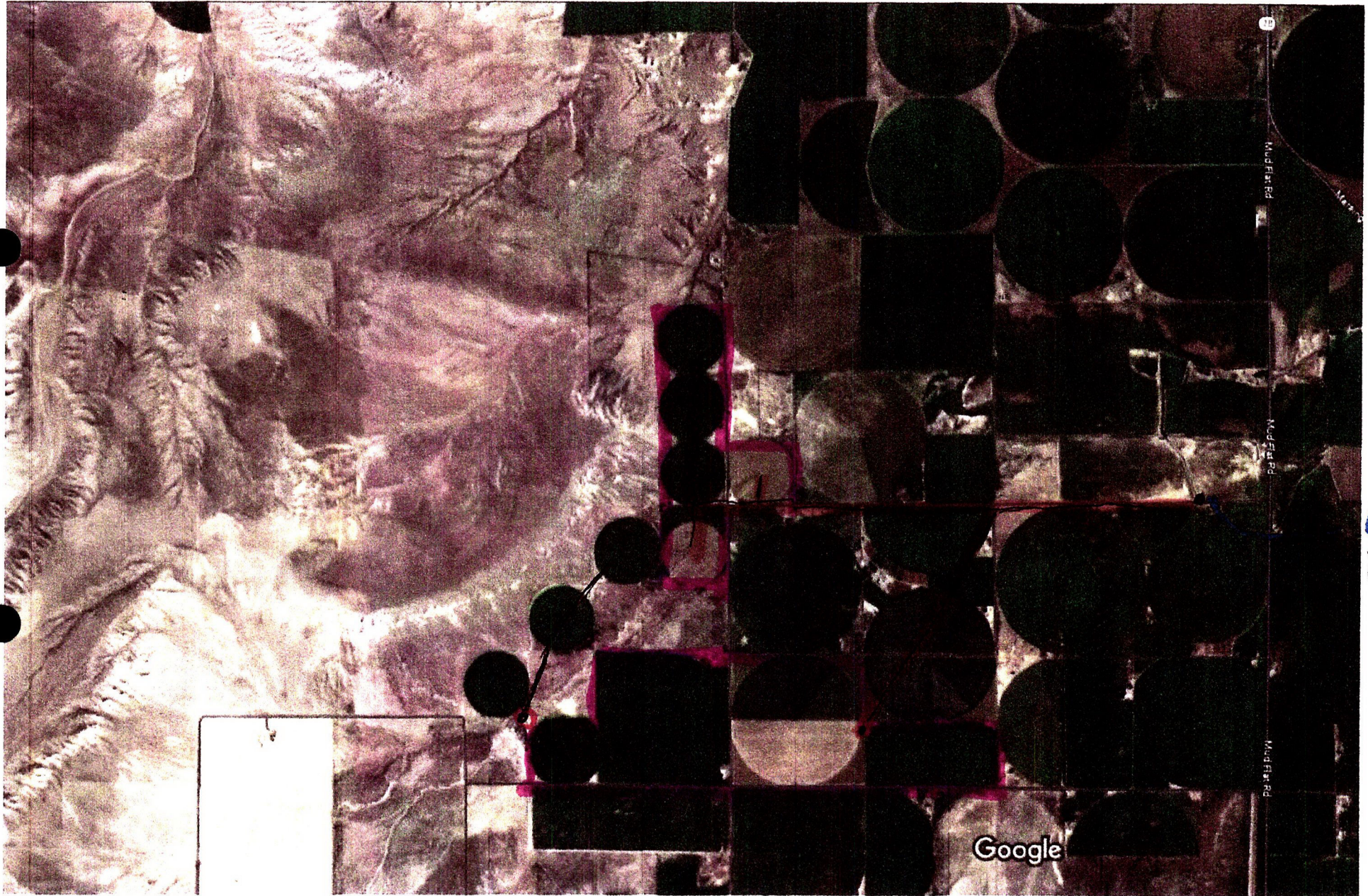
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



Bybe
Cana

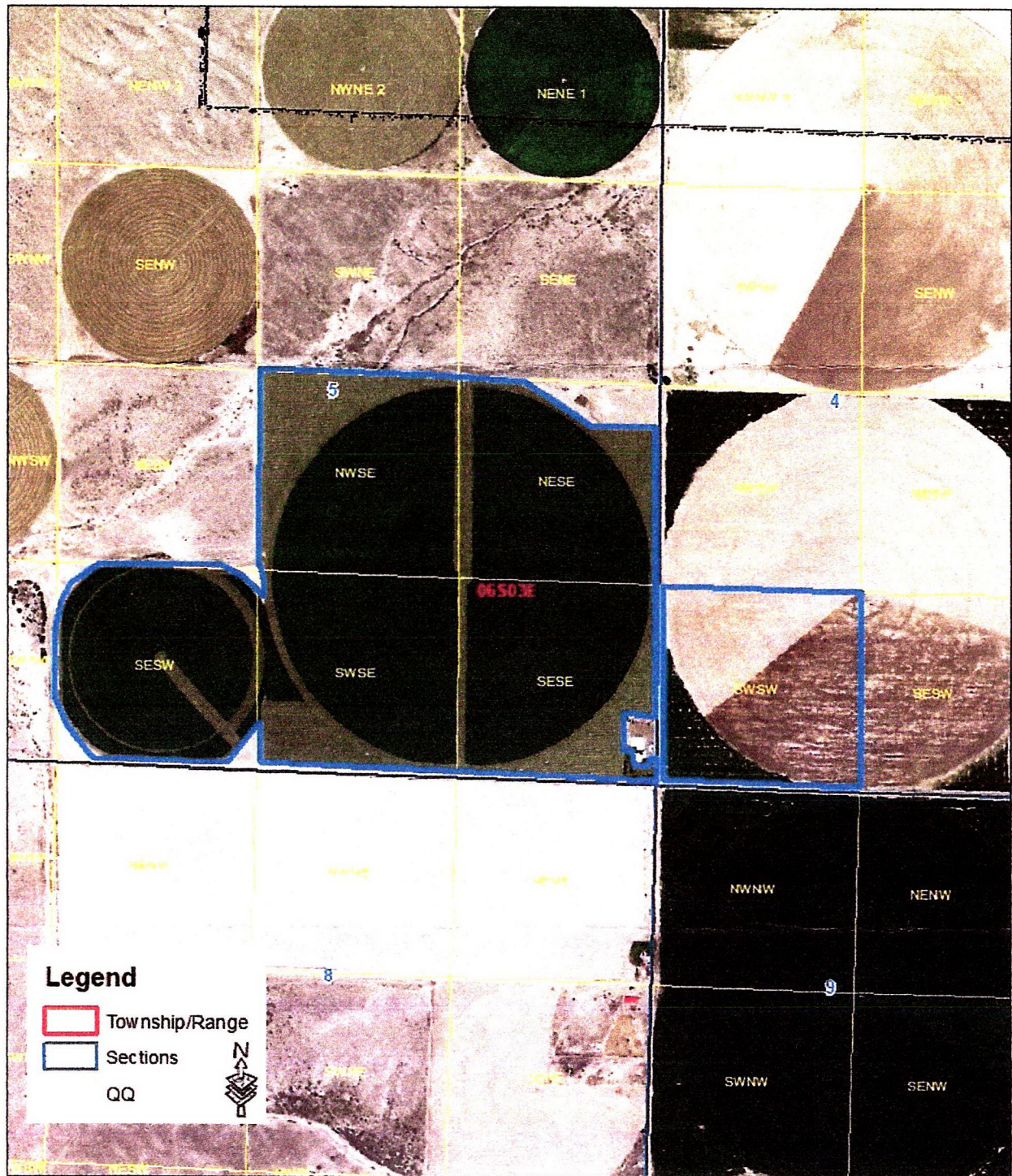
- Well
- Well water for pivot

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

- Mainline for water delivered by Bybe Lateral Canal
- Place or line

Attachment 3A

2022 Unauthorized Acres-Agenbroad E2023-2930



Attachment # 3 F

BYBEE LATERAL WATER USERS ASSOCIATION

PO Box 235

Mountain Home, Id. 83647

208-587-2789

calzola@earthlink.net

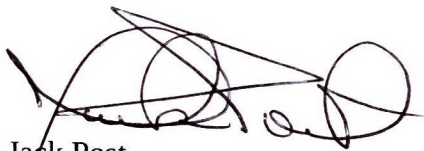
September 19, 2023

Idaho Department of Water Resources
Water Supply Bank

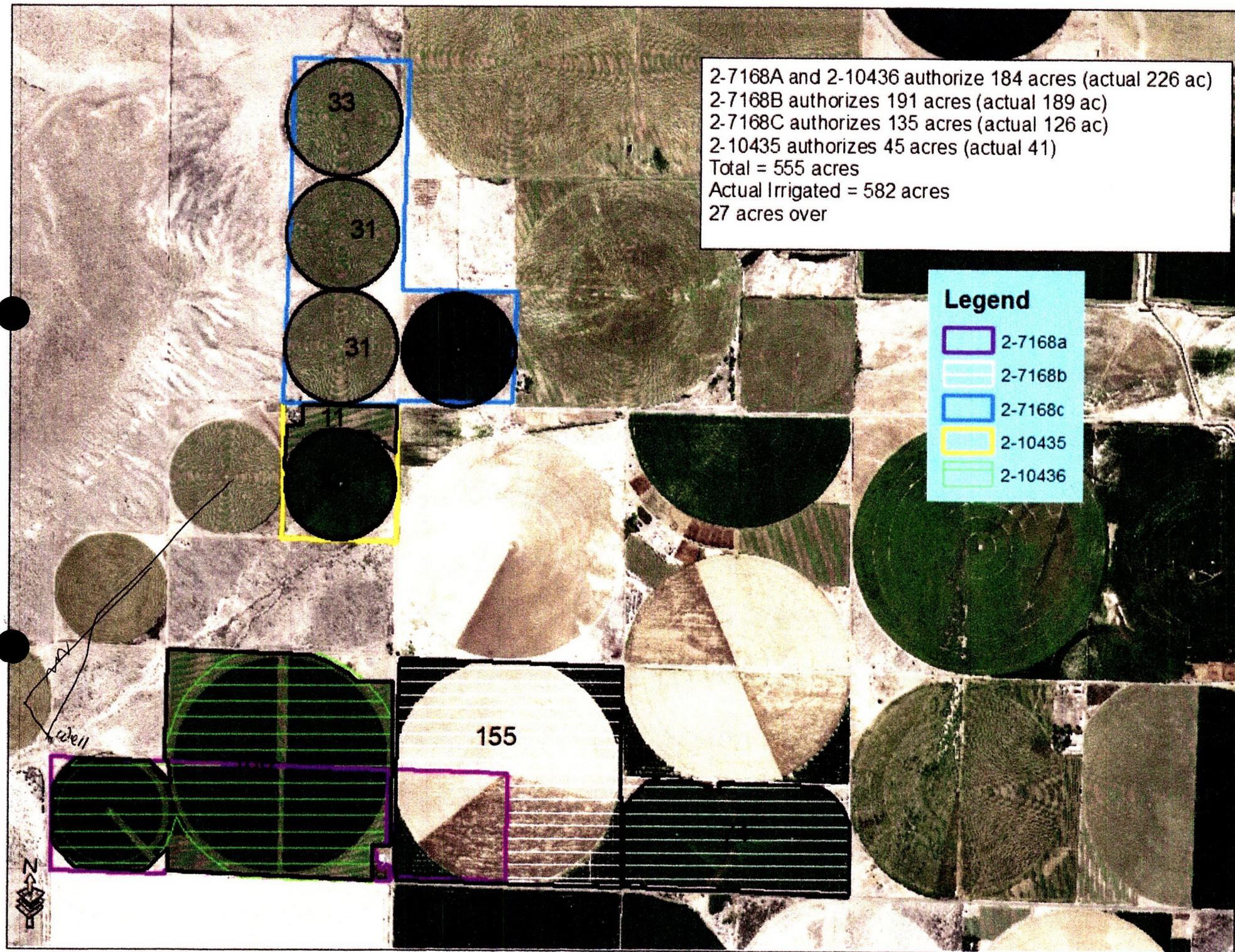
To Whom It May Concern:

This is to advise you that Bybee Lateral Water Users Association has the capacity to accommodate the additional 27 acres / .54 CFS desired rate of rental water Darrel Agenbroad is applying for the 2024 irrigation season. With the addition of the rental water Darrel will be able to irrigated 582 acres.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jack Post', with a stylized, cursive flourish extending to the right.

Jack Post
Secretary



WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Executed
11/28/2023

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: SC

Received Date: 9/22/2023

Latest Start Date: 3/15/2024

Renter: Darrel L Agenbroad

Rental Expiration Date: 2024

Lease/Rental Package Y ☒ N

Application # 2764 Agreement # 744

Water Right	Lease Contract ID
# 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:

see prev rental agreement #782

Mailings (per application)

Renter: Darrel L Agenbroad

Attorney:

Consultants

Name:

Conveyence Entity:

Ex. Irrigation Dist. of Canal Co.

(Ground) Water

Dist:

Other: WDB

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)	☒	
(final only)	☒	
(final only)	☐	

Resolving NOV? Y/N
#

Call up Date:

DO NOT SCAN

Executed
Rental agreement
Mailed
11/28/2023
JC



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

November 28, 2023

DARREL L. AGENBROAD
11226 E. 34TH ST.
YUMA AZ, 85367

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7036, 2-7037, 2-7038, 2-7127, AGREEMENT 794**

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 31.8 acres during 2024. 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 2024.

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

Sincerely,

Skyler Cheever



IDAHO DEPARTMENT OF
WATER RESOURCES

Skyler Cheever | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

Enclosures: Receipt No. C117412
Executed Rental Agreement



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

November 13, 2023

DARREL L. AGENBROAD
11226 E. 34th ST.
YUMA AZ, 85367

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7036, 2-7037, 2-7038, and 2-7127, AGREEMENT 794**

*****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 **\$3,634.00** per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 158 acre-feet.

Please send a check for \$3,634.00 for 2024 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 \$3,634.00 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 **2024**.

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

Sincerely,

Skyler Cheever

Water Resource Agent

Enclosure
Rental Agreement

Cheever, Skyler

From: Cheever, Skyler
Sent: Monday, November 13, 2023 12:00 PM
To: Miller, Nick; Whitney, Rob
Subject: Water Supply Bank Rental Agreement 794
Attachments: Rental 794 Map.pdf; Rental Agreement 794.pdf; Rental Review Memo 794.pdf

Hello Rob and Nick,

I have finished my review of a water supply bank rental application with the point of diversion in Basin 2, Water District 2, and place of use in basin 57. The applicant is Darrel Agenbroad. The applicant proposed to rent 27 acres of irrigation from contract 1622 including water rights 2-7036, 2-7037, 2-7038, and 2-7127 from the water supply bank for just 2024. Attached is a review memo, rental agreement, and map of the place of use. If there are any comments that need to be made, please do so within 7 days. If you have any questions, please let me know.

Best,

Skyler

Skyler Cheever

Water Resource Agent, State Office

Email: skyler.cheever@idwr.idaho.gov

Phone: 208-287-4913

MEMORANDUM FOR WSB RENTAL AGREEMENT # 794

To: Water Right No(s). 2-7036, 2-7037, 2-7038, 2-7127

From: Skyler Cheever-Water Resource Agent

Date: 11/2/2023

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

PURPOSE/NARRATIVE:

Application 2764 was sent in by Darrel Agenbroad and received on September 22nd, 2023. The applicant proposes to rent 27 acres from lease contract 1622 for water rights 2-7036, 2-7037, 2-7038, and 2-7127. The previous agreement was based on a Notice of Violation. The point of diversion is within the Snake River Basin Moratorium, Bruneau-Grandview Groundwater Management Area, and Trust Water Area. This application is intended as a renewal of agreement 782.

AUTHORITY TO FILE:

Darrel Agenbroad signed the application. Mr. Agenbroad has the authority to file this agreement because he is the current owner of water rights 2-7168A and 2-10436 according to Department records. These water rights overlap with the proposed place of use and share the same proposed point of diversion as this rental proposal.

INJURY TO OTHER WATER RIGHTS:

Both the proposed point of diversion and point of diversion under lease contract 1622 both divert from the CJ Strike Reservoir on the Snake River and are only 1.27 miles apart. Therefore, it is unlikely there would be any injury to other water rights. The proposed point of diversion is the redirection point from the Snake River into the Bybee Canal System. The canal company provided documentation with the application indicating they could accommodate the additional water proposed in the application. The point of diversion is not within the ESPA Modeling Boundary and would not require modeling. There are no other injury concerns.

ENLARGEMENT OF USE:

Water rights 2-7036, 2-7037, 2-7038, and 2-7127 combined are limited to 23.6 cfs. These water rights are also limited with water rights 2-7025, 2-7350, 2-2129, 2-2130, 2-2406, 2-7020, 2-7021, 2-7033, and 2-7034 to 62.56 cfs. However, the combined limit of the proposed water rights and the remaining rights is additive with the total combined limit. Therefore, the four proposed water rights can be rented without renting the remaining nine rights and cause enlargement.

The duty of water of the proposed portions of water rights 2-7036, 2-7037, 2-7038, and 2-7127 combined is 0.017 cfs and 4.97 af/acre. Water rights 2-7168A and 2-10436 overlap the proposed place of use and are limited to 0.02 cfs per acre and 4.5 af per acre. Therefore, more acres, 31.8, should be rented to increase the authorized diversion rate per acre to 0.02 cfs. To prevent enlargement of water rights at the rental place of use the authorized volume should be reduced to meet the volume per acre of 4.5 af/acre. 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 2, Water District 2 and the place of use is within basin 57. The Watermaster and Western Regional Manager was contacted for comment on November 13th, 2023. No response was received, it is assumed there is no concern with the applicant's proposal.

STATE OF IDAHO
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

Rental for 2023

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 <i>Global Ag.</i>	0.14	35.3	7.1	0.020	5.00
2-7037	8/30/1969	SNAKE RIVER <i>Global Ag.</i>	0.06	15.6	3.1	0.019	5.03
2-7038	6/5/1969	SNAKE RIVER <i>Global Ag.</i>	0.04	9.4	2.1	0.019	4.42
2-7127	9/12/1973	SNAKE RIVER <i>Global Ag.</i>	0.39	97.7	19.5	0.020	5.01
Combined Limit Totals		<i>Exp. 12-31-24</i>	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

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.