

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 669

RECEIVED

NOV 09 2022

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

CHARLES GAUDET
PO BOX 788
VICTOR, ID 83455

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)
22-7266	12/28/1977	GROUND WATER	0.03	5.7	1.9	0.015	3.0
Rental Totals			0.03	5.7	1.9	0.015	3.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2022. 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 2022, whichever occurs last.

Annual Rental Fee:

2022: \$114.00

The full fee for the rental of the above-described right(s) is \$114.00 for 2022. The rental fee includes an administrative fee of \$11.40 for 2022.

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 Volume (AF)
FISH PROPAGATION STORAGE	3.7
Combined Total	3.7

** The authorized water usage reflects a reduction from the water right elements rented, to account for a change in nature of use for first time fill of new ponds.*

Detailed water right conditions are attached.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 669

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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:



Signature of Renter

11-6-2022

Date

Charles Gaudet

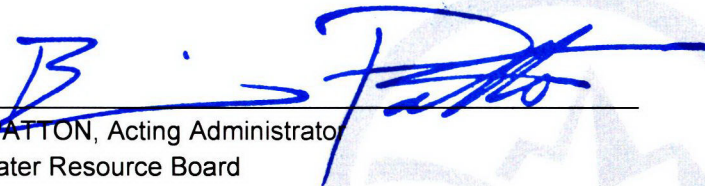
Printed Name

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, Acting Administrator
Idaho Water Resource Board

Date 11/14/22

Rental approved by IDWR



Date 11/14/22

WATER RESOURCES

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 669

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec. 11, Twp 04N, Rge 45E,	TETON County
GROUND WATER	SWNW	Sec. 11, Twp 04N, Rge 45E,	TETON County

BENEFICIAL USE

FISH PROPAGATION STORAGE

DIVERSION RATE

VOLUME

3.7 AF

SEASON OF USE

06/01 to 12/31

RENTERS PLACE OF USE: FISH PROPAGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	11							X										X

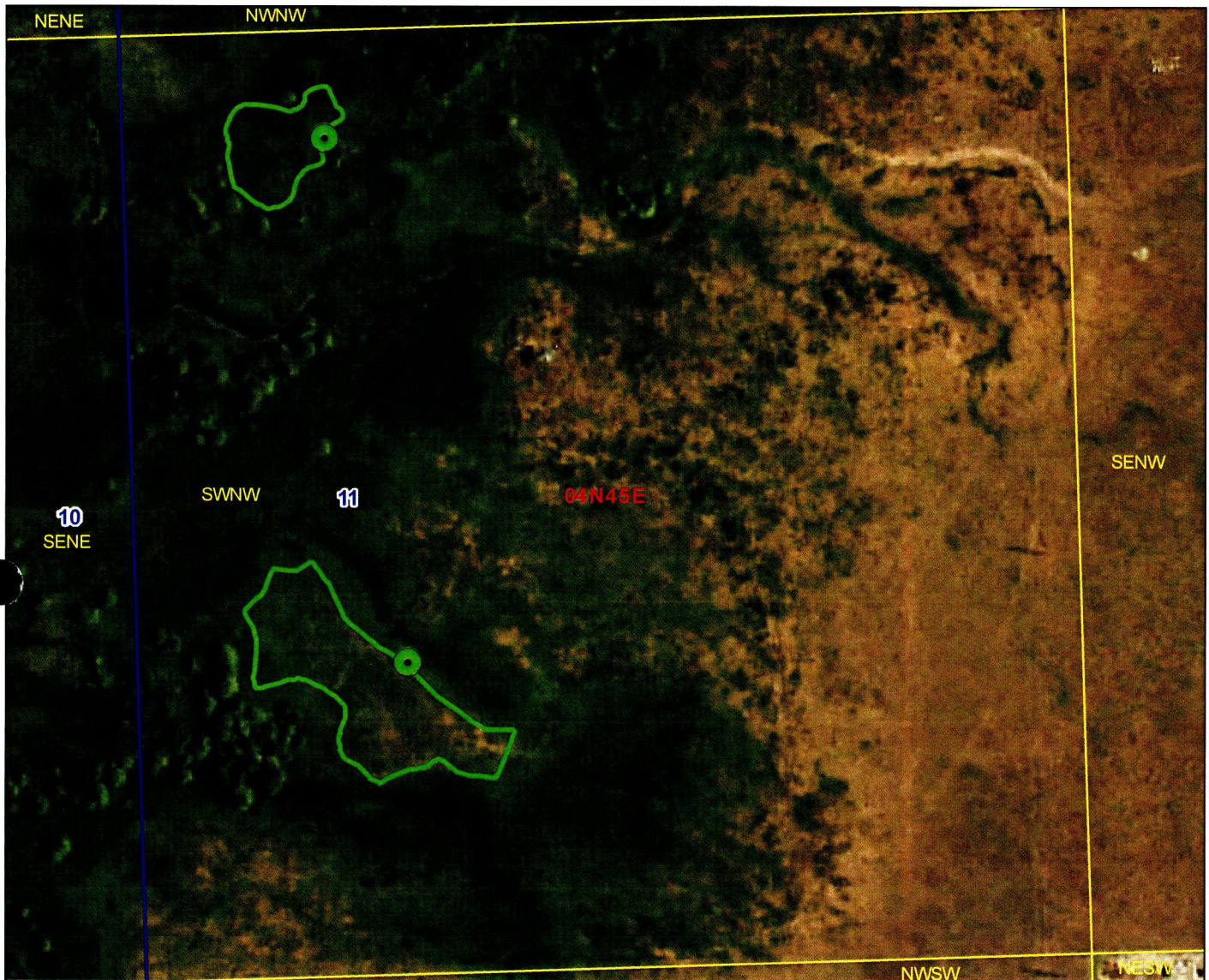
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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. The two ponds established by the initial fill under this rental agreement and Right No. 22-14477 shall not exceed a total capacity of 3.7 acre-feet or a total surface area of 1.5 acres.
10. Water stored under this approval is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This rental agreement does not guarantee the maintenance of any particular ground water level.

Attachment to Water Supply Bank Rental Agreement No. 669

Effective until December 31, 2022

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



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



A scale bar labeled "Feet" with markings at 0 and 500.

500 Feet

JUN 13 2022

DEPARTMENT OF
WATER RESOURCES

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

MAY 31 2022

Department of Water Resources
Eastern Region

Applicant Name: Charles G. Gaudet

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)

2390

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Charles G. Gaudet

Mailing Address PO Box 788, Victor, ID 83455

Street

City

State

Zip Code

Email Address _____

Phone Number 307-413-2353

- 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 Bryce A. Contor

Professional Title Principal Hydrologist

Organization Rocky Mtn Environmental Assoc. Inc.

Relationship to Applicant Consultant

Mailing Address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402

Email Address c/o Kristin.rmea@gmail.com

Phone Number 208-524-2353

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**:

Attached

- 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)
0.02. CFS	AF	CFS	AF	1.85 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?	
6/1/2022	9/1/2022	☒ 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.

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Excavation of ponds will intercept natural groundwater.

- 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
Proposed ponds will		(none current)
serve as POD for pond fill		

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 _____ (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: **Aesthetics, Fish Propagation, Wildlife** from: **06/01** (mm/dd) to: **10/31** (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:

~~A transfer application is being prepared for ponds. This rental is for one-time first fill.~~

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (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)
22-14026	Irrigation	0.86	213.3	71.1		0.02	5.7	1.9
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	0.02	3.7	1.9
						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**:

Attached

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:

~~Transfer application will be submitted for ongoing consumptive use. This application is only for the first time fill.~~

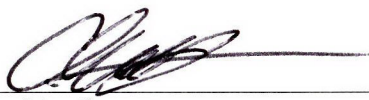
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

~~The Water Supply Bank lease for the water right is listed as "Ready for Review" on IDWR's website. An amendment is prepared for submittal that will match the description of the lease in Part 4 above.~~

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

Charles G. Gaudet

Printed Name of Applicant

5/20/2022

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

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2021 USDA NAIP Image



482 Constitution Way, Suite 303
Idaho Falls, ID 83402
208-524-2353

Attachment 2: Proposed Location

Gaudet Ponds

Project 13-0019

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Attachment 3A

Detail of Proposed Use of Rental Water

This Water Supply Bank rental application is part of a project to develop two new ponds, as illustrated in Attachment 2:

1. Trout pond, 1.09 acres surface area, 3.18 acre feet volume, approximately 2.9 feet mean depth;
2. Hemi-marsh pond, 0.39 acres surface area, 0.55 acre feet volume, approximately 1.4 feet mean depth.

Both ponds will be constructed in areas with shallow groundwater and are anticipated to intercept groundwater year-round. The trout pond will be constructed in a non-irrigated upland area and the hemi-marsh pond will be constructed within an existing wetland. A Water Right Transfer Application is prepared to mitigate for ongoing evaporation from the ponds. This Water Supply Bank rental application is for one-time fill of the ponds.

The volume and acreage calculations are provided in Attachment 4B and Attachment 4C, indicating the need to rent 1.85 acres. The right is authorized for 1.79 cfs on 147.6 acres, or 0.0121 cfs per acre. Multiplying 1.85 acres by 0.0121 cfs per acre and rounding to the nearest 0.01 cfs gives the 0.02 cfs rate requested in Part 3B.

Attachment 4B

Description of How Proposed Rental Satisfies Purposes

The proposed ponds will be built in communication with groundwater and will naturally fill from groundwater. The purpose of the rental is to provide authorization for extraction of groundwater for the first-time fill.

These storage-volume calculations are based on construction plans provided by Intermountain Aquatics, who have designed and will install the ponds. The plans are included in Attachment 3A. Table 1 and Table 2 and Table 3 detail the volume calculations for the ponds. Table 3 provides the total storage volume for which first-fill authorization is needed.

Table 1: Trout Pond Volume Calculations				
Contour Label	Acres at Contour	Mean Acres for Increment	Contour Interval for Increment	Acre Feet for Increment
C1	1.09			
C1.5	0.40	0.75	0.50	0.37
C2	0.42	0.41	1.00	0.41
C3	0.33	0.38	1.00	0.38
C4	0.35	0.34	1.00	0.34
C5	0.26	0.31	1.00	0.31
C6	0.28	0.27	1.00	0.27
C7	0.19	0.24	1.00	0.24
C8	0.22	0.20	1.00	0.20
C9	0.12	0.17	1.00	0.17
C10	0.16	0.14	1.00	0.14
C11	0.07	0.12	1.00	0.12
C12	0.12	0.09	1.00	0.09
C13	0.02	0.07	1.00	0.07
C14	0.02	0.02	1.00	0.02
C15	0.02	0.02	1.00	0.02
C16	0.01	0.01	1.00	0.01
C17	0.01	0.01	1.00	0.01
C20	0.00	0.01	1.00	0.01
Total Volume				3.18

Table 2: Hemi-Marsh Pond Volume Calculations				
Contour Label	Acres at Contour	Mean Acres for Increment	Contour Interval for Increment	Acre Feet for Increment
C1	0.39			
C2	0.22	0.30	1.00	0.30
C3	0.04	0.13	1.00	0.13
C4	0.19	0.11	1.00	0.11
Total Volume				0.55

Table 4: Total Volume	
Pond	Acre Feet
Trout Pond	3.18
Hemi-Marsh Pond	0.55
Total	3.73

These calculations are conservative in that they neglect the groundwater already present in the matrix of geological materials to be excavated to form the ponds. The net new withdrawal from groundwater will be less than indicated above, by the amount of this groundwater storage.

The copy to be submitted with the Water Supply Bank Rental application will include the same Intermountain Aquatics drawings that are attached to Transfer Application Attachment #8a.

Attachment 4C

Rental Quantity Calculation

As described in Attachment 4B, the required volume for rental purposes is 3.73 acre feet.

The proposed mitigation for first fill of these ponds is a Water Supply Bank rental of a portion of the banked part of right 22-14026. The lands under this right historically produced alfalfa. The ET_{Idaho} precipitation-deficit parameter has been used to estimate historic consumptive use, for alfalfa hay with less-frequent cuttings. The Driggs, Idaho National Weather Service data (NWS - USCo0102676) were used, with URL

<http://data.kimberly.uidaho.edu/ETIdaho/stcvrstats.py?station=32&cover=3&stats=Deficit>.

The indicated annual precipitation deficit is 617 mm, or 2.02 feet. The propose rental is for 1.85 acres, calculated as:

(3.73 acre feet required / 2.02 acre feet per acre).

(For use on all new rental applications)

REVIEWER:

Lease/Rental Package

Agreement #

Change Net of Use

Email or Address

☐☐

(final only)

(final only)

(final only)

(final only)

(final only)

(final only)

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

November 22, 2022

CHARLES GAUDET
PO BOX 788
VICTOR, ID 83455

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-7266 AGREEMENT 669**

Dear Renter:

Please find enclosed a receipt in the amount of **\$114.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 5.7 acre-feet of water for fish propagation storage during 2022. 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 \$102.60 of the rental fee will be paid to the lessor(s) and 10% or \$11.40 will be retained by the Department to offset administrative costs for 2022.

Please note, the above rental agreement concludes at the end of **2022**. Once the rental agreement concludes, any diversion or use of water under this rental will no longer be authorized. If you wish to rent water in the future and have not already done so, you can download and complete an [Application to Rent Water Rights from the Water Supply Bank](http://idwr.idaho.gov) by visiting the Department's website at <http://idwr.idaho.gov>.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C114611
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Bryce Contor – Rocky Mountain Environmental

CCANNED
NOV 22 2022



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

October 24, 2022

CHARLES GAUDET
PO BOX 788
VICTOR, ID 83455

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-7266 AGREEMENT 669**

*****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 \$114.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 724 acre-feet.

Please send a check for \$114.00 for 2022 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 \$102.60 of the rental fee will be paid to the lessor(s) and 10% or \$11.40 will be retained by the Department to offset administrative costs for **2022**.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk
Bryce Contor

SCANNED
NOV 22 2022

MEMORANDUM FOR AGREEMENT # 669

To: Water Right(s) 22-7266

From: Mary Condon

Date: October 19, 2022

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

PURPOSE/NARRATIVE: Application to rent ground water received on May 31, 2022, for the 2022 calendar year, is for a first time fill of ponds in conjunction with transfer 86396 (split right 22-14477 from 22-14026) for the maintenance of ponds under transfer. Water right 22-14026 was requested for this rental, but due to multiple transfers on the leased right over the last 10 years, it has been made unrentable. Leased right 22-7026 appears to be a suitable substitution for this rental purpose.

Rental for first fill of ponds, which are two different sizes. The application attachments describe the trout pond as an average of 2.9 feet deep, with a surface area of 1.09 acres for 3.18 acre-feet, and the marsh pond is an average 1.4 ft deep, with a surface area of 0.39 acres for 0.55 acre-feet. Depth in feet times the surface area in acres returns the capacity in acre-feet, which is equal to their calculations of the consumptive use needed for a total of 3.73 acre-feet. The excavation of the ponds is expected to intercept ground water, which would not result in a value for seepage loss and is expected to fill relatively quickly.

AUTHORITY TO FILE: Application to rent is signed by the rental applicant, Charles Gaudet, who is represented by Bryce Contor from Rocky Mountain Environmental. Parcel information shows Charles Gaudet as the property owner at the rental place of use and point of diversion. No concerns with authority to file.

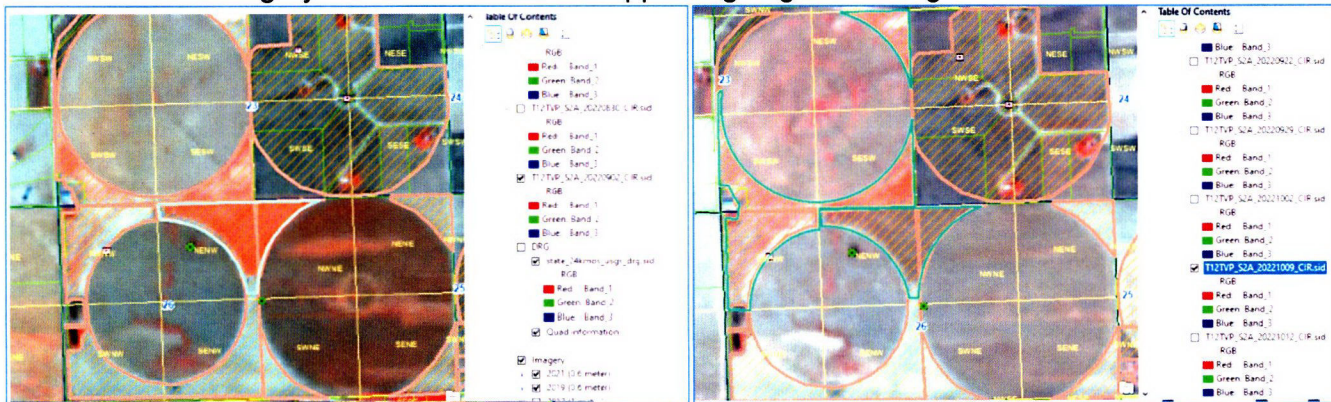
WATER RIGHT VALIDITY: Water right 22-7026 was decreed in 2008 and was leased to the bank from 2014-2018 for 131 acres, then leased again to the bank under two different lease contracts for different pivot corners, as contract 899 for 105 acres from 2019-2023 and contract 1177 for 26 acres from 2020 – 2024. No concerns with validity of leased acres.

INJURY TO OTHER WATER RIGHTS: Rental place of use is not in a ground water management area, or area of local concern for ground water levels. No other rights are diverted from springs or ground water within or in relation to the same 40 acre-tract. The rental is a request for a change in nature of use from irrigation to diversion to storage, with a request for the same season of use. The rental will instead be extended until the end of the year, outside the standard season of use for irrigation, so the fill and the transfer can within a reasonable timeframe of each other. Injury to other rights is not expected through the extended season of use since irrigation in the area from ground water would not be occurring after October 31st, and therefore would not be impacted.

ENLARGEMENT OF USE: Review of sentinel imagery to ensure compliance with the lease of right 22-7266 raises some questions on whether all 131 acres under both leases are idled, with about 70 acres in the leased corners appearing to receive some irrigation between August and October of 2022. An email requesting information about the irrigation in the corners was sent to the lessors' representative on October 19, 2022. Most of the irrigation in corners appears to be on the leased acres under 899, and only 7 acres are on the acres under lease 1177. With 20 acres appearing actually idled under contract 1177, this rental for 1.9 acres along with active rental 636 for 5 acres will not cause an enlargement of right 22-7266.

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Sentinel imagery for acres under lease appearing irrigated during 2022:



09/02/2022

10/09/2022

The request for a change in nature of use through this rental is not expected to result in an enlargement of use, as the rental will be for the consumptive use calculated from area consumptive use standard of the leased right equal to the amount necessary to fill the ponds at the rental place of use. A change in the season of use of ground water from seasonal to year-round is generally not expected to cause an enlargement of the right, as it is still limited to the annual volume.

SourceTable	BasinNumber	SequenceNumber	PriorityDate	Rate	Volume	TotalAcres	cfs/acre	vol/acre	SourceList
Water Right	22	7266	12/28/1977	6.88	1398	466	0.0148		3 GROUND WATER
Lease									
	899	22	7266	12/28/1977	1.55	315	105	0.0148	3 GROUND WATER
	1177	22	7266	12/28/1977	0.38	78	26	0.0148	3 GROUND WATER
					1.93	393.00	131.00	0.0148	3
Rental App									
	2390	22	7266	requested/limited to	0.028	3.73	N/A		C/U
				Rental amount	0.028	5.595	1.865	0.0148	3 HG
				*Rounded Rental amount	0.028	5.7	1.9		3 HG
					0.028	3.8	1.9		2 C/U

This rental of right 22-7266 will be for 0.028 cfs, 5.7 acre-feet and 1.9 acres, and limited to a total of 0.028 cfs for diversion to storage and 3.73 acre-feet for wildlife storage first fill of the ponds.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

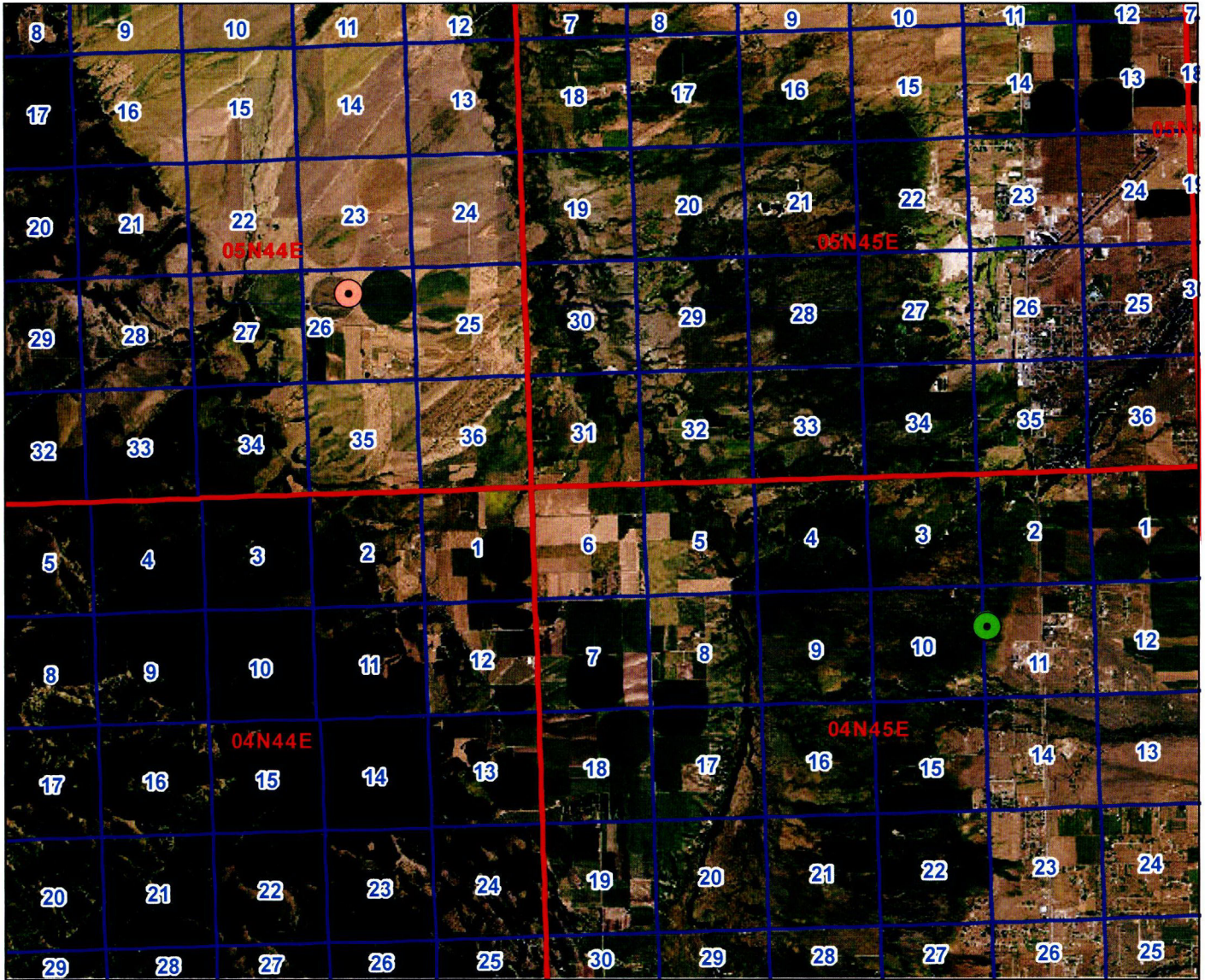
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears to be for a beneficial use.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is not subject to a Water District and is located in Eastern Region. Request for comments to the Eastern Region manager sent on October 20, 2022.

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Idaho Water Resource Board

Move Map for Rental 669
22-7266



-  Active Water Supply Bank Lease POD
-  Water Supply Bank Rental POD
-  Township/Range
-  Sections
-  QQ



0 2.5 Miles

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NOV 22 2022

Governor Brad Little

Director Gary Spackman

June 14th, 2022

CHARLES G. GAUDET
PO BOX 788
VICTOR ID 83455

RE: APPLICATION(S) 2390 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 pond development. 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.

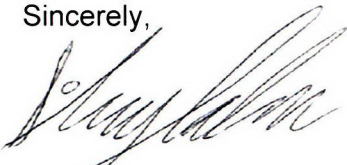
Because your application was received near the beginning of the irrigation season, which is now underway, the Department may not be able to process your application prior to the latest possible start date on your application. Your application will remain in the order it was received for review, unless 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 287-4936.

Sincerely,



for Mary Condon
Water Supply Bank

C: Bryce Contor – Rocky Mountain Environmental Association

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