

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 17 2023

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 736

This is to certify that:

MELINDA BUNN SPOUSAL TRUST
22349 KIMBERLY RD STE E
KIMBERLY, ID 83341-5241

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)
36-8266	3/18/1985	GROUND WATER	0.06	13.4	N/A	N/A	N/A
Rental Totals			0.06	13.4	N/A	N/A	N/A

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2027. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2027: \$30.82 annually

The full fee for the rental of the above-described right(s) is \$30.82 per year for years 2023 - 2027. The rental fee includes an administrative fee of \$30.82 per year for years 2023 - 2027. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 36-8266.

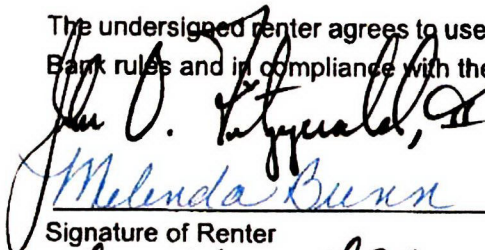
An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 736

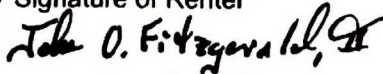
The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:


Signature of Renter

7/11/2023

7/11/2023

Date



Trustee of the House/Trust w/ a total of 17/20
P.R. of the Estate of Mark D. Allen, deceased

Melinda Bunn
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, Acting Administrator
Idaho Water Resource Board

Date 7/20/23

Rental approved by IDWR



Date 7/20/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 736

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec. 20, Twp 09s, Rge 17E,	JEROME County
GROUND WATER	NWNW	Sec. 20, Twp 09s, Rge 17E,	JEROME County

BENEFICIAL USE
STOCKWATER

DIVERSION RATE
0.06 CFS

VOLUME
13.4 AF

SEASON OF USE

From 1/31	To 12/31
---------------------	--------------------

RENTERS PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	20					X	X	X	X									N/A

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.
10. This rental agreement does not authorize the construction of a well.

Attachment to Water Supply Bank Rental Agreement No. 736

Effective until December 31, 2027

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



Legend

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



0 250 500 750 Feet

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

MAR 01 2023

DEPARTMENT OF
WATER RESOURCES

Melinda Bunn, Personal Representative of the Estate of Herb D. Allen, deceased, and

Applicant Name: John O. Fitzgerald, II, Trustee of the Spousal Trust u/t/a dated August 7, 2020

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)

36-8266

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION Melinda Bunn, Personal Representative of the Estate of Herb D. Allen, deceased; and

A. Applicant John O. Fitzgerald, II, Trustee of the Spousal Trust u/t/a dated August 7, 2020

Mailing Address c/o John O. Fitzgerald, II, 22349 Kimberly Rd., Suite E, Kimberly, Idaho 83341

Street City State Zip Code

Email Address jof@standlee.com Phone Number 208.410.4812

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**:

As part of a sale, water right 36-8266 was transferred from Applicant to North Side Canal Company. The parties agreed that North Side would lease the stockwater portion of the right back to Applicant until Applicant sold the lands under the place of use. Applicant will continue to use the stockwater as before, for about 250 head of cattle.

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)
0.12 CFS	13.4 AF	0.12 CFS	13.4 AF	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?	
02/01/2023	02/01/2023	☐ 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):

Two groundwater wells with pumps into pipelines to the places of use for stockwater.

- 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
Pump	groundwater	
Pump	groundwater	

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: 02/01 (mm/dd) to: 05/15 (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:

No other water rights provide stockwater to the rental places of use.

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)
36-8266	stockwater	0.12	13.4			0.12	13.4	
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.

- D. Additional Information

Stockwater under 36-8266 has been used by Applicant in the same manner and for the same purpose herein requested. The rental agreement between Applicant and North Side Canal Company (owner of 36-8266) is part of a property sale between the parties.

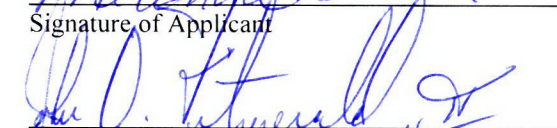
DECLARATION

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

Estate of Herb D. Allen, deceased
Melinda Bunn, Personal Representative
Printed Name of Applicant

2/28/2023
Date


Signature of Representative

The Spousal Trust u/t/a dated August 7, 2020
John O. Fitzgerald, II, Trustee
Printed Name of Representative

3/28/23
Date

Mail to:

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

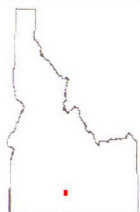
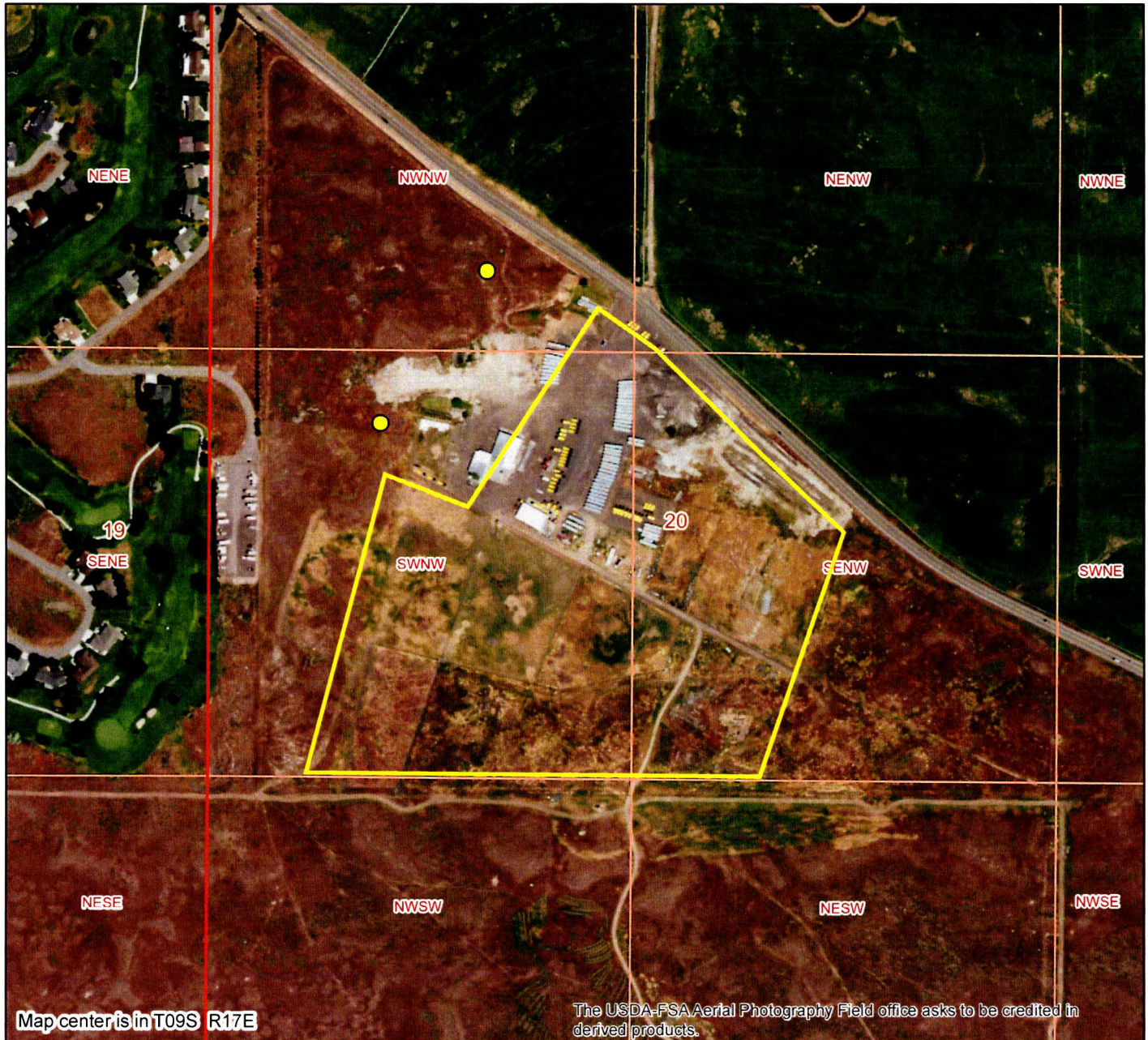
State of Idaho
Department of Water Resources
Water Right

Attachment 2

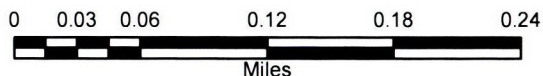
36-8266

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 2/10/2023



Legend

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



WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MY

REVIEWER:

Received Date: 3/1/2023

Latest Start Date: 2/1/2023

Renter: Estate of Herb D Allen + The Spousal Trust

Rental Expiration Date: 2027

Lease/Rental Package

(Y) N

executed
7/20/2023

Application # 2617

Agreement # 736

Water Right	Lease Contract ID
# <u>36-8266</u>	<u>APP 2616</u>
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____

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:

Lease POU/POD not changing, just a different entity using water
*specifically wanted a WSB lease/rental even though POD/POU not changing

Mailings (per application)

Original

CC

Email or Address

Renter: Estate of Herb D Allen + The Spousal Trust

☐
☐

Attorney: _____

☐
☐

Consultants: Michael A Short - Barker, Rosholt + Simpson

☐
☐

Conveyance Entity: _____

(final only)

☐

(Ground) Water

Dist: N. Snake GWD

(final only)

☐

Other: ESPA

(final only)

☐

WD Snake 01, Boise, Payette, and Bear River

Region: Southern

(final only)

☐

Watermaster: _____

(final only)

☐

Compliance: _____

(final only)

☐

Resolving NOV? Y / N

#

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 Gary Spackman

July 24, 2023

MELINDA BUNN SPOUSAL TRUST
ATTN JOHN O FITZGERALD II
22349 KIMBERLY RD STE E
KIMBERLY, ID 83341-5241

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-8266, AGREEMENT 736**

Dear Renter:

Please find enclosed a receipt in the amount of **\$30.82** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 13.4 acre-feet of water for stockwater 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.

Since you have a private agreement with the lessor of this right, **you are only obligated to pay the 10% administrative fee or \$30.82** 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. C116735
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR- Southern Region Office
North Snake GWD



NORTH SIDE CANAL COMPANY, LTD.

921 NORTH LINCOLN * JEROME IDAHO 83338 * (208)324-2319 * FAX (208)324-8906

RECEIVED

JUL 17 2023

DEPARTMENT OF
WATER RESOURCES

July 14, 2023

Enclosed are the following documents:

- 1) North Side Canal Co. Ck No 53873 for 2023 rental fee – Rental Agreement #736
- 2) 2 copies of Water Supply Bank Rental Agreement No. 736 for signature

Please return 2 fully executed copies of the Water Supply Bank Rental Agreement No. 736.



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 28, 2023

MELINDA BUNN SPOUSAL TRUST
22349 KIMBERLY RD SPC E
KIMBERLY, ID 83341-5241

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 36-8266 AGREEMENT 736**

*****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 \$30.82 per year was calculated based on the current rental rate of \$23.00 per acre-foot multiplied by a diversion volume of 13.4 acre-feet.

Please send a check for \$30.82 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, the fee 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

MEMORANDUM FOR AGREEMENT # 736

To: Water Right No. 36-8266

From: Skyler Cheever – Water Resource Agent

Date: 3/10/2023

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

PURPOSE/NARRATIVE:

Application 2617 was sent in by Melinda Bunn, Personal Representative of the Estate of Herb D Allen, deceased and John O. Fitzgerald II, Trustee of the Spousal Trust and received on March 1st, 2023. The application is part of a lease rental package with lease application 2616. The application proposes to rent contract 1700 from the water supply bank from 2023-2027. This application is connected to an agreement between the Northside Canal Company, who purchased the leased water right from the rental applicant. The canal company would lease the stockwater portion of water right 36-8266, for the applicant to rent, until the applicant sold property containing the POU. The point of diversion is within the Eastern Snake Plain Aquifer GWMA, Snake River Basin Moratorium, Groundwater District North Snake, and Trust Water Area. The Groundwater District was informed on March 10th, 2023. This is the first time this water right has been rented from the water supply bank.

AUTHORITY TO FILE:

Melinda Bunn signed the application. Ms. Bunn has the authority to file this application because she is the personal representative of the current owner of the property for which rental water will be applied. The current owner, Herb Allen, is deceased. Due to the circumstances, it is likely that Ms. Bunn would have the authority to file on Mr. Allen's behalf.

INJURY TO OTHER WATER RIGHTS:

The place of use and points of diversion are the same as in the lease contract. Since water is remaining within the same grid cell in the ESPA Modeling Boundary, modeling is not required. There are no other injury concerns.

ENLARGEMENT OF USE:

The place of use and point of diversion are not moving under this application. The diversion rate was reduced to 0.06 cfs from what the applicants proposed. If the unleased commercial and domestic uses from 36-8266 and the proposed rental were diverted the total rate would be 0.18 cfs leading to the enlargement of 36-8266. The reduction ensures the total diversion rate matches the total diversion rate for 36-8266, 0.12 cfs. There are no other water rights with the same beneficial use within the place of use. Therefore, there are no 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 36 and Water District 130 but not administered. The Southern Regional Manager was contacted for comment on March 10th, 2023. No response was received, it is assumed there is no concern with this proposal.

Cheever, Skyler

From: Cheever, Skyler
Sent: Friday, March 10, 2023 1:39 PM
To: Skinner, Corey
Subject: Water Supply Bank Lease/Rental Package 2616/2617
Attachments: Lease Review Memo 2616.docx; Lease Contract 1700.docx; Lease Map 1700.pdf; Rental Review Memo 736.docx; Rental Agreement 736.docx; Rental Map 736.pdf

Hello Corey,

Hello Corey and Ms. Healey,

I am currently finishing my review of a lease rental package, which is within Basin 36 and WD 130, but not administered. The lease applicant is North Side Canal Company. The application proposed to lease the stockwater portion of water right 36-8266 into the water supply bank from 2023-2027. The rental applicant is the estate of Allen Herb. Attached is a draft contract/agreement, review memos and map of the places of use. If there are any comments you would like to make, please do so within 14 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