

MAY 03 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

WATER SUPPLY BANK RENTAL AGREEMENT No. 756

This is to certify that:

BOARD OF REGENTS OF THE
UNIVERSITY OF IDAHO
875 PERIMETER DR MS 3168
MOSCOW, ID 83844-3168

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)
36-17110	2/25/1953	GROUND WATER	0.25	65.0
Rental Totals			0.25	65.0

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: \$149.50

The full fee for the rental of the above-described right(s) is \$149.50 for 2023. The rental fee includes an administrative fee of \$149.50 for 2023. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 36-17110.

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. 756

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:

Lee Espey
Signature of Renter

5/2/2023
Date

Lee Espey
Printed Name

Operations Officer, Finance Admin
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 5/3/23

Rental approved by IDWR TP

Date 5/3/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 756

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec. 17, Twp 07S, Rge 24E, MINIDOKA County

BENEFICIAL USE
COMMERCIAL

DIVERSION RATE
0.25 CFS

VOLUME
65.0 AF

SEASON OF USE

From To
1/31 12/31

RENTERS PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	17			X					X	X					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 right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 756

12. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
13. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
14. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
15. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 756

Effective until December 31, 2023

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



Legend

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED
Apr 17, 2023
DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: University of Idaho Board of Regents

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)

36-171110
17110

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant University of Idaho Board of Regents

Mailing Address 875 Perimeter Dr., Stop 3168 Moscow Idaho 83844-3168
Street City State Zip Code
Email Address gerardb@uidaho.edu Phone Number 208-885-6468

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 Travis L. Thompson Professional Title Attorney
Organization Marten Law LLP Relationship to Applicant Attorney
Mailing Address P.O. Box 63 Twin Falls, Idaho 83303-0063
Email Address tthompson@martenlaw.com Phone Number 208-733-0700

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**:

Water will be used by contractor for purposes of dust control and construction of the University's new Center for Agriculture Food and the Environment (CAFE)

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)
0.25 CFS	65 AF	0.25 CFS	65 AF	N/A 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?	
5/1/23	5/15/23	☒ 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):

Existing well will be used to pump water to contractor's tanks and trucks. See Attachment 3A for further description.

- 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
07S24E Sec. 17 SENW	Groundwater	N/A

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: 5/1 (mm/dd) to: 12/31 (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:
None.

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)
36-171110	Commercial	0.33	86.4	N/A		0.25	65	N/A
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	0.25	65	N/A
						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:

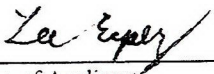
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

D. Additional Information

Applicant placed the water right in the water bank not knowing whether or not water would be needed for construction activities in 2023. Water is now needed for that commercial purpose and leasing a portion of the water right from the bank will assist in the construction.

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

Lee Espey, Operations Officer Finance/Adm
Printed Name of Applicant

4.13.2023
Date


Signature of Representative

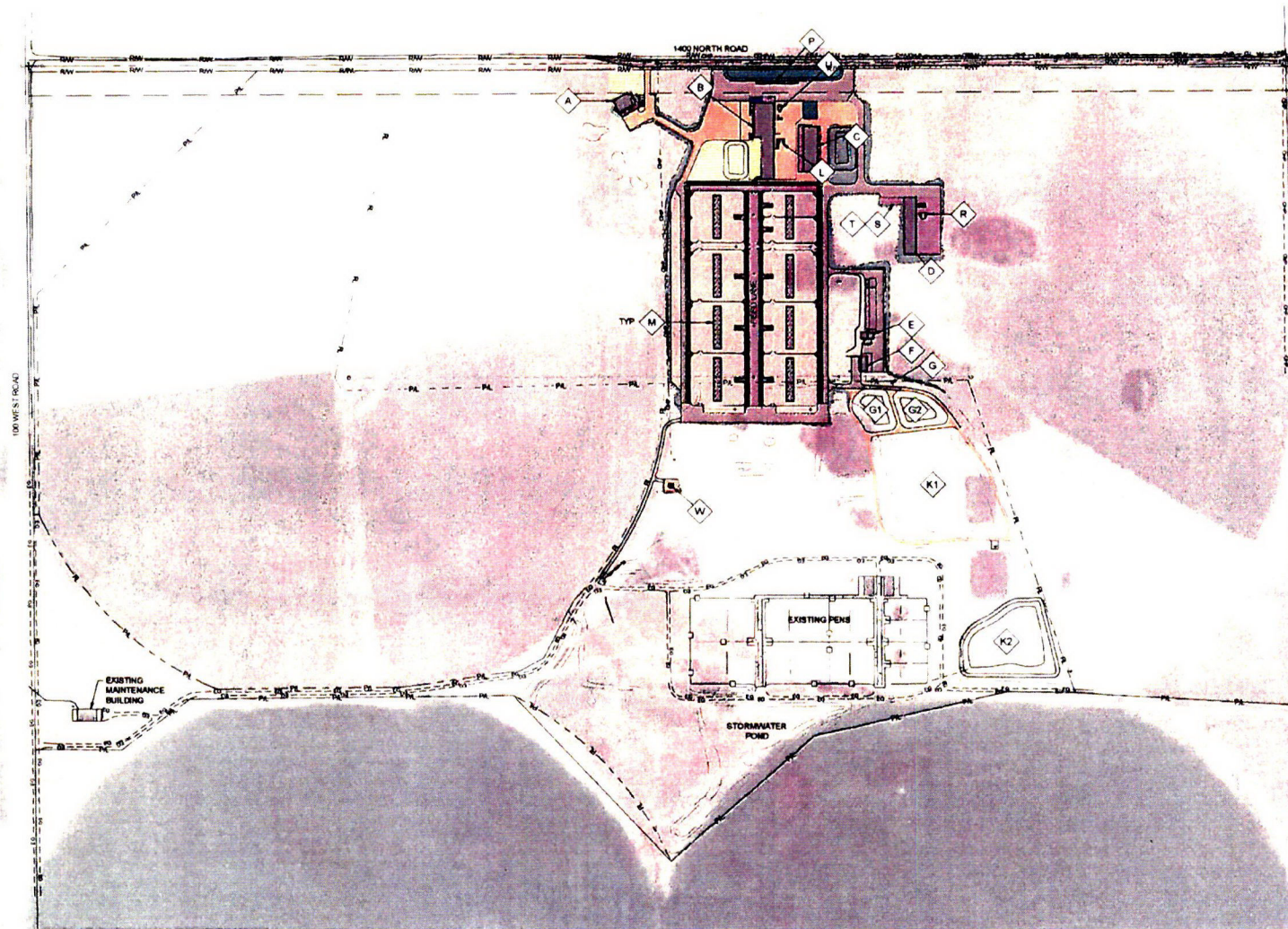
Travis L. Thompson
Printed Name of Representative

9/17/23
Date

Mail to:

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

Exhibit B – CAFE Facilities



Buildings/Improvements

Phase 1 Construction (2023)

- All Excavation / Site Preparation
- B. Milking Parlor
- L. Reuse Water & Flush Water Tank
- U. Trash Enclosure
- W. Well House Building

Phase 2 Construction (2024)

- A. Office Building
- C. Calving & Research Barn
- D. Commodity Barn
- E. Manure Pump Station
- F. Manure Processing Building
- G. Settling Pond Splitter Box
- G1. Settling Pond 1
- G2. Settling Pond 2
- K1. Upper Storage Pond
- K2. Lower Storage Pond
- M. Shade Structures
- P. Milk Truck Scale
- R. Loading Ramp
- S. Fueling Station
- T. Emission Tanks

Endowment Buildings/ Improvements

- B. Milking Parlor (~\$17M)

RECEIVED

APR 19 2023

Department of Water Resources

Attachment #3A

The Applicant proposes to use the existing well and pump infrastructure (WMIS number 1002434) (same point of diversion for 36-17710) to diver groundwater for commercial use in the construction of the new UI CAFÉ dairy facility. The construction will take place within the existing place of use for water right 36-17710 (07S 24E Sec. 17, NWNE and SWNE). The contractor has identified water needs for the cut/fill process at approximately 300,000 gallons per day for 65 days and then 20,000 gallons per week after that. The construction period is set to run from May through October. The Applicant proposes to rent 65 acre-feet based upon these estimates:

300,000 gallons/day x 65 days =	19,500,000 gallons	=	59.8 acre-feet
20,000 gallons/week x 16 weeks =	320,000 gallons	=	1.0 acre foot
	Contingency	=	4.2 acre-feet

	Total		65 acre-feet

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER:

Received Date: 4/17/2023

Latest Start Date: 5/15/2023

Renter: University of Idaho Board of Regents

Rental Expiration Date

Lease/Rental Package

Y

N

Application # 26044

Agreement # 756

ESPA
same
cell

Water Right	Lease Contract ID
# 36-17110	1635
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:

- Renting own right, no change to POU/POD
- NO CNOU, commercial/Dust Abatement

Mailings (per application)

Original

CC

Email or Address

Renter: University of Idaho Board of Regents



Attorney: Travis L Thompson - Marten Law LLP



Consultants

Name:



Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(final only)



(Ground) Water

Dist:

(final only)



Other:

(final only)



WD Snake 01, Boise, Payette, and Bear River

Region:

(final only)



Watermaster:

(final only)



Compliance:

(final only)



Resolving NOV? Y / N

#

Call up Date:

DO NOT SCAN

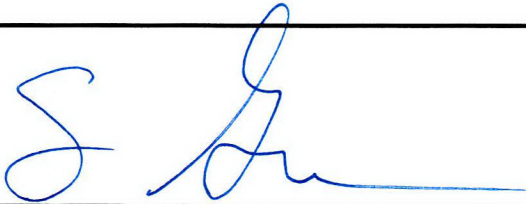
Idaho Department of Water Resources Receipt

Receipt ID: S039752

Payment Amount	\$149.50	Date Received	5/3/2023	Region	SOUTHERN
Payment Type	Charge Card				
Payer	MARTEN LAW LLP; THOMPSON, TRAVIS L				
Comments	WATER SUPPLY BANK RENTAL PAYMENT FOR WR#36-17110 FOR: BOARD OF REGENTS OF THE UNIVERSITY OF ID. FOR 2023 SEASON. ORDERID: 57474446 LOCAL REFID: m3/0bxpUVUePod7ozSBEAg== TOTAL PAID: \$154.99(FEES: \$5.49) AUTH_CODE: 633619 REC DATE: 5/3/2023 01:13:35 PM MDT				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$149.50	WATER BANK-DEPARTMENT SHARE	55113	0229	21		1205



Signature Line (Department Representative)

MEMORANDUM

Date: 5/22/2023
To: Water Supply Bank Rental Agreement 756
From: Skyler Cheever – Water Resource Agent
Re: Confirmation of the Installation of a Measuring Device.

Water Supply Bank Renal Application 2644 was sent in by the University of Idaho Board of Regents and received on April 17th, 2023. Processing of the application was completed on May 5th, 2023. The Watermaster from Water District 130 commented a measuring device was required and there was no record of one installed or being installed. The representative was contacted about the situation on May 5th, 2023, and informed me he would contact the applicant as soon as possible and confirm a measuring device. The representative contacted me by phone on May 12th, 2023, and confirmed the contractor had purchased an approved measuring device and will install it before they divert water. The Watermaster withdrew his concern once it was confirmed a measuring device was being installed.

Cheever, Skyler

From: Ragan, Brian
Sent: Friday, May 12, 2023 10:40 AM
To: Cheever, Skyler; Skinner, Corey
Subject: RE: Water Supply Bank Rental Application 2644

I don't have comments or concerns with this rental with the understanding an approved measuring device will be installed prior to diverting water.

Brian Ragan
IDWR Water Distribution Section
(208) 287-4934

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Tuesday, May 2, 2023 2:33 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Ragan, Brian <Brian.Ragan@idwr.idaho.gov>
Subject: Water Supply Bank Rental Application 2644

Hello Corey and Brian ,

I have finished my review of a water supply bank rental application within basin 36 and Water District 130. The applicant is the University of Idaho Board of Regents. The application proposes to rent a portion of lease contract 1635 from the water supply bank for 2023. Attached is a draft agreement, review memo, and map of the place of use. If there are any comments that need to be made, 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

Cheever, Skyler

From: Cheever, Skyler
Sent: Tuesday, May 2, 2023 2:38 PM
To: mvgwd@hotmail.com
Subject: Water Supply Bank Rental Application 2644
Attachments: Rental Review Memo 756.docx; Rental 756 Map.pdf; Rental Agreement 756.docx

Hello,

I would like to inform you that I have completed my review of the Water supply Bank Rental Application, 2644 which is within the Magic Valley GWD. The applicant is the University of Idaho Board of Regents. The application proposes to rent a portion of contract 1635 from the water supply bank for 2023. This is a notification of this application proposal. Attached to this email is a draft rental agreement, review memo, and map of the place of use. If you have any questions for me, 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 AGREEMENT # 756

To: Water Right No. 36-17110

From: Skyler Cheever – Water Resource Agent

Date: 5/2/2023

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

PURPOSE/NARRATIVE:

Application 2644 was sent in by the University of Idaho Board of Regents and received on April 17th, 2023. The application proposes to rent a portion of lease contract 1635 from the water supply bank for 2023. The place of use and point of diversion will be the same as contract 1635. The point of diversion is within the Eastern Snake Plain Aquifer GWMA, Snake River Moratorium, Magic Valley Groundwater District, and Trust Water Area. The Groundwater District was notified of this application on May 2nd, 2023. The applicant leased water right 36-17110 into the water supply bank not knowing whether it would be used for the construction of the University's new Center for Agriculture Food and the Environment (CAFE) and dust control. However, water is now needed, and the applicant would like to rent a portion of the contract for the above purposes. The water right has been leased and rented from the water supply bank since 2021.

AUTHORITY TO FILE:

Lee Espey signed the application. Mr. Espey has the authority to file this application because he is a Division Operations Officer with the University of Idaho. The University is the current owner of water right 36-17110.

INJURY TO OTHER WATER RIGHTS:

The point of diversion or place of use are not changing from the lease contract. Therefore, it is unlikely there would be any injury to other water rights. The point of diversion is within the ESPA Modeling Boundary but is in the same cell and would not require modeling. There are no other injury concerns.

ENLARGEMENT OF USE:

The rate and volume requested are proportional to the water right and the amounts leased considering standard rounding. There are no other water rights with the same beneficial use that overlap the proposed place of use. There are no other enlargement concerns.

LOCAL PUBLIC INTEREST:

Review staff have 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. The Watermaster and Southern Regional Manager were contacted for comment on May 2nd, 2023. No response was received, it is assumed there is no concern with this proposal.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, April 19, 2023 9:22 AM
To: Travis L. Thompson
Subject: RE: WSB Rental Application for University of Idaho Board of Regents

Hi Travis,

Thank you for sending this. I will add it to the application and note that it is now ready for review.

Best,
Mackenzie

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Wednesday, April 19, 2023 9:20 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: WSB Rental Application for University of Idaho Board of Regents

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Hi Mackenzie,

That map for 36-17110 identifies the POD, and I have attached a site map for the facility for the POU. If you need anything else please let me know.

Thank you,

Travis

Travis L. Thompson

Partner

D – 208.735.2227
M – 208.404.2840
E - tthompson@martenlaw.com

martenlaw.com
163 Second Ave. W.
Twin Falls, ID 83301



From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Wednesday, April 19, 2023 9:00 AM

To: Travis L. Thompson <tthompson@ttenlaw.com>

Subject: WSB Rental Application for University of Idaho Board of Regents

Good morning Travis,

I received Water Supply Bank Rental Application #2644 for the Board of Regents of the University of Idaho requesting to rent back a portion of their water right 36-17110. I have completed the initial intake, and it looks like the last item we will need at the moment is a map of the proposed point of diversion and place of use, **submitted within 30 days of this email**. I have attached a copy of the point of diversion and place of use for 36-17110. If this represents where the water will be diverted from and used for dust abatement, we can use this map. If this is not completely representative, please submit a map showing the correct point of diversion and place of use.

Thank you,

Mackenzie Kienholz

Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

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Margheim, Kris

From: Jess Nielsen <jnielsen@martenlaw.com>
Sent: Monday, April 17, 2023 1:46 PM
To: IDWR File; Condon, Mary
Cc: 'gerardb@uidaho.edu'; Travis L. Thompson; Jess Nielsen
Subject: University of Idaho Application to Rent Water
Attachments: 2023.04.17 Letter to M. Condon 4859-2677-6158 v.1 4869-3563-7342 version 1.pdf;
2023.04.17 UI Water Bank Application - 36-17110 4895-0609-0334 version 1.pdf

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Attached for filing, please find the letter to Mary Condon from Travis Thompson and the Application to Rent Water from the Board's Water Supply Bank regarding the University of Idaho.

Please contact our office if you have any questions.

Thank you,

Jess Nielsen

Legal Assistant

D - 208.999.5904
M - 208.968.8370
E - jnielsen@martenlaw.com

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163 Second Ave. W.
Twin Falls, ID 83301



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2644