STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 26 2023
DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 793

This is to certify that:

DAVID LAHTINEN
29516 SUGAR VALLEY RD
BRUNEAU, ID 83604-5069

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)
51-2151B	12/21/1959	GROUND WATER	0.57	175	35.0	0.02	5.00
51-2213A	4/11/1966	GROUND WATER	0.07	17.5	3.5	0.02	5.00
Combined Rental Totals			**0.64**	**193**	**38.5**	**0.02**	**5.00**

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2024. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2024: $4,427.50 annually

The full fee for the rental of the above-described right(s) is $4,427.50 per year for years 2023 - 2024. The rental fee includes an administrative fee of $442.75 per year for years 2023 - 2024. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	*Diversion* Rate (CFS)	*Diversion* Volume (AF)	*Acres* (AC)	*Rate/Acre* (CFS/AC)	*Volume/Acre* (AF/AC)
IRRIGATION	0.64	154	38.5	0.02	4.0
Combined Total	0.64	154	38.5	0.02	4.0

**** The authorized water usage reflects a reduction from the water right elements rented, to account for enlargement concerns due to differences in the duty of water.***

Detailed water right conditions are attached.

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 793

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:

David Lahtinen — Signature of Renter

12-20-23 — Date

DAVID LAHTINEN — 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 _____ Date 1/8/24

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 1/8/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 793

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESE Sec. 13, Twp 07S, Rge 04E, OWYHEE County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	0.64 CFS	154 AF

SEASON OF USE

From	To
3/1	11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	04E	13	6.5	0.1	6.0	5.7									0.3	4.8	5.9	5.7	35.0
07S	04E	18										2.3 L3	1.2 L4						3.5

Total Acres: 38.5

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 rental and Water Rights 51-4024, 51-2129, 51-4093, 51-4094 and 51-4095 when combined shall not exceed the irrigation of 375.5 acres.

WATER SUPPLY BANK RENTAL AGREEMENT No. 793

10. This rental when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

11. This rental agreement does not authorize the construction of a well.

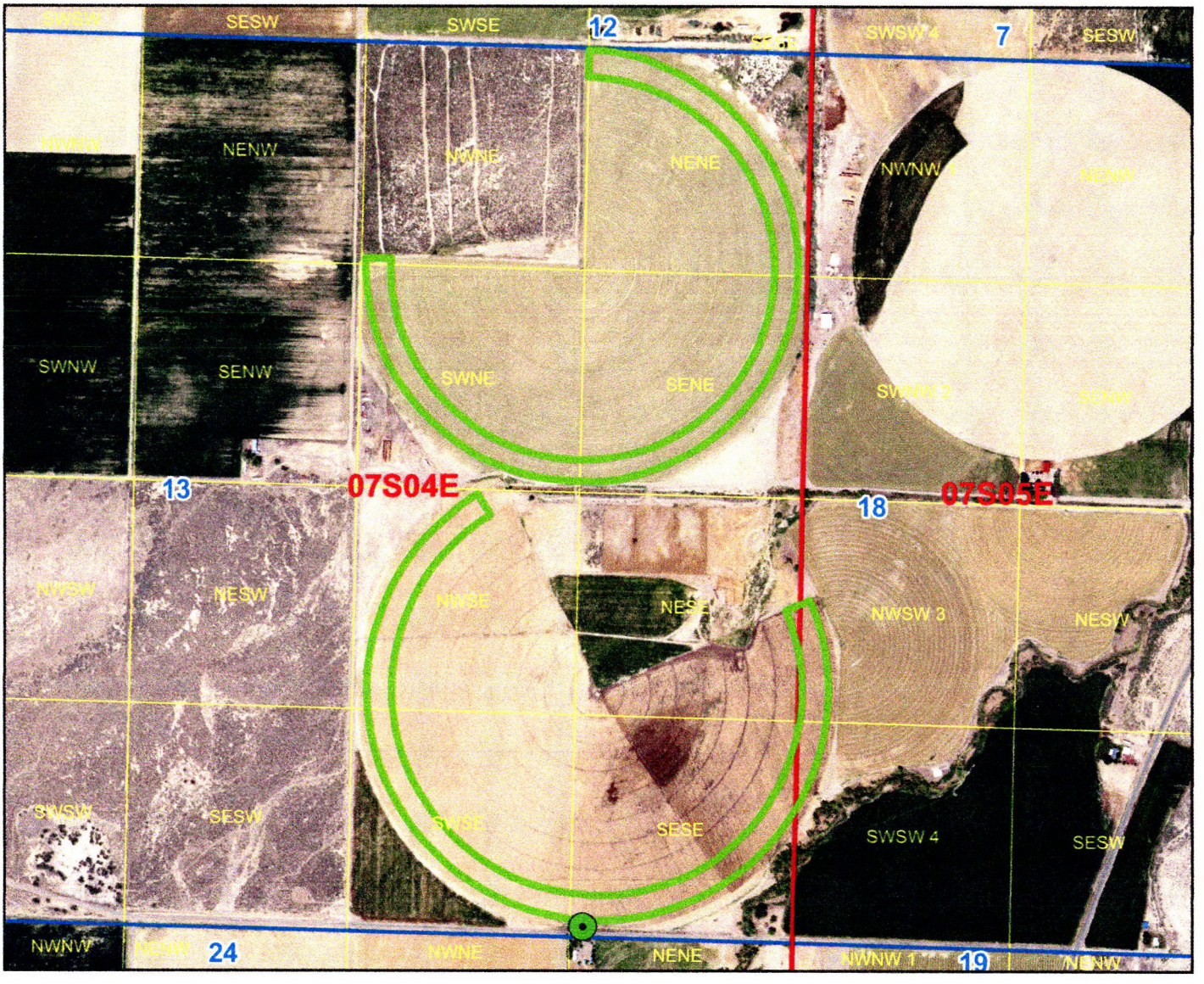
12. The following rights are diverted through point(s) of diversion described above: 51-2129.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 793

Effective until December 31, 2024

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



0 1,000 2,000 3,000 Feet

Legend

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

N

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
Aug 01, 2023
DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: David Lahtinen

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)

2709

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant David Lahtinen

Mailing Address 29516 Sugar Valley Rd (Street) Bruneau (City) ID (State) 83604 (Zip Code)

Email Address bwhitehyde@aol.com Phone Number 208-250-5064

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 Lori Graves Professional Title Water Rights Specialist

Organization HDR Inc. Relationship to Applicant Consultant

Mailing Address 412 E Parkcenter Blvd, Ste 100, Boise, ID 83706

Email Address lori.graves@hdrinc.com Phone Number 208-387-7000

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**:

To cover lands irrigated with ground water in excess of applicant's appurtenant ground water rights in compliance with the attached complaint response letter from IDWR dated April 18, 2023. Property also known as the "Lower Ranch".

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)
1.46 CFS	292 AF	1.46 CFS	292 AF	73 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?	
		☐ 1	☐ 2	☑ 3	☐ 4	☐ 5	☑ Process application as soon as possible	☐ Return application to applicant
ASAP	ASAP							

* ***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, pump, pressurized irrigation system.

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
T7S R4E S13 SESE	Ground Water	51-2129

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 73 (number of acres) Duration: Subject to IDWR standard seasons of use

☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)

☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)

☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)

☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☑
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

K. Do you own the land at the proposed rental place of use (POU)? Yes ☑ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
51-2129, 51-4093, 51-4094, 51-4095, 51-4024

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes ☐ No ☑

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					**TOTAL**			
						CFS	**AF**	**AC**

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

C. Does your rental request propose to change the nature of use for any water right(s) being rented? Yes ☐ No ☑

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☑ No ☐

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

Options for permanent water rights are limited due to the POU being located within the Bruneau-Grandview Ground Water Management Area and the Snake River Basin Moratorium Area.

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:

To allow irrigation flexibility and water right compliance, applicant will submit a transfer application proposing an integrated ground water system within the Lower Ranch property boundary for irrigation of 245 acres authorized under the appurtenant ground water rights. The 245 acres initially irrigated will be designated upon submittal.

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.

See attached complaint response letter from IDWR dated April 18, 2023.

D. Additional Information

The property is currently being leased to a tenant farmer. Rental water will allow applicant to fulfill his contracted lease obligation.

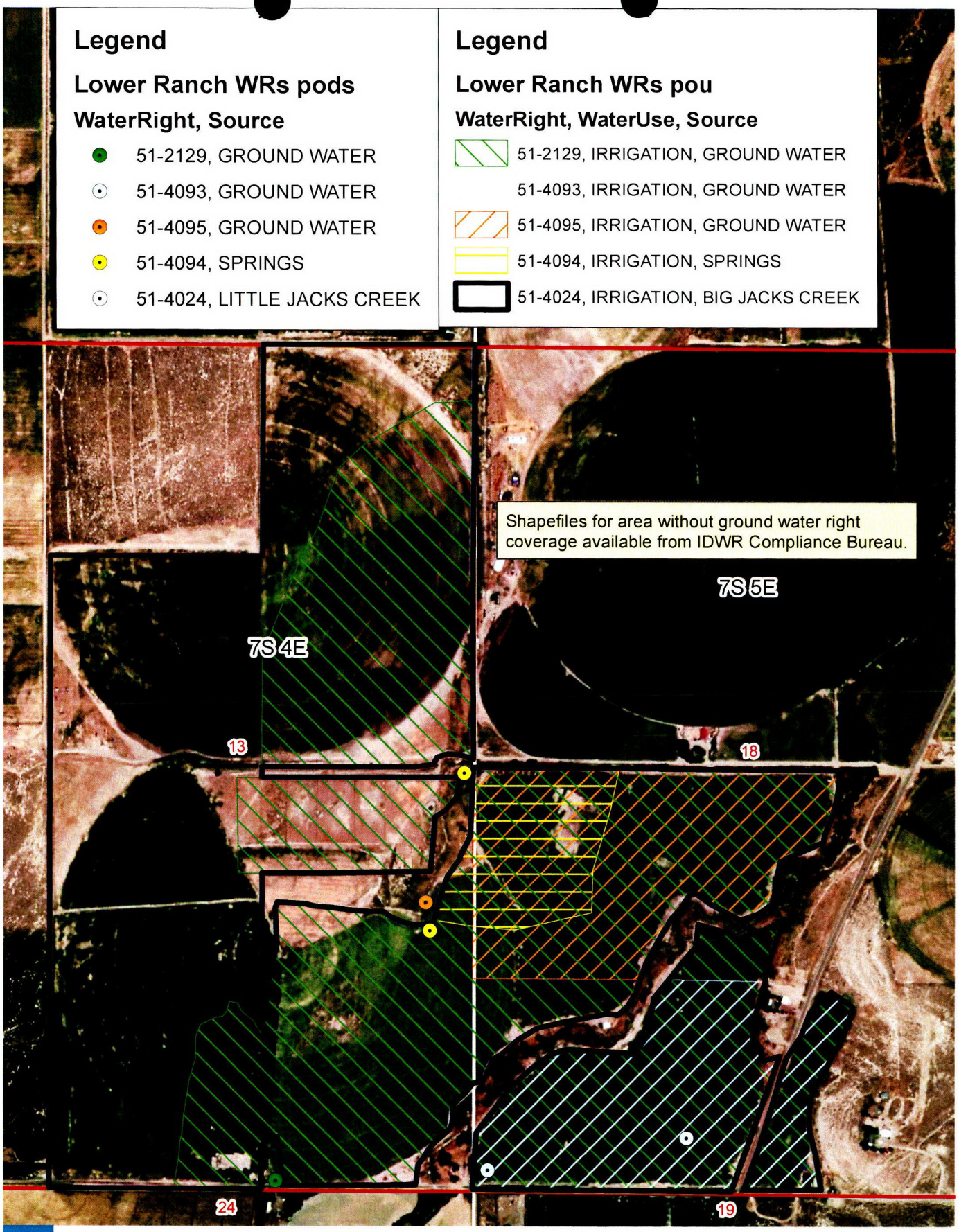
DECLARATION

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	Printed Name of Applicant	Date
[signature]	[illegible]	7-12-23
Signature of Representative	Printed Name of Representative	Date
Beverly L White	Beverly L White	7-22-23

Mail to:

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



HDR

0 Feet 1,000

N

WATER BANK RENTAL APPLICATION MAP

LAHTINEN LOWER RANCH

OWYHEE COUNTY

PATH: S:\PROJECTS\I THRU L PROJECTS\L PROJECTS\LAHTINEN, DAVID\PROJECT\GIS\ARCMAP_PROJECTS\LOWER RANCH WRS.MXD - USER: LGRAVES - DATE: 7/18/2023

PROJECT #TBD

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

April 18, 2023

DAVID LAHTINEN
2951 S SUGAR VALLEY RD
BRUNEAU ID 83604-5069

RE: Complaint Response in Bruneau-Grandview Groundwater Management Area

Dear Mr. Lahtinen:

I am the Enforcement Coordinator for the Idaho Department of Water Resources' (Department) Compliance Bureau. Information was passed to me that you are alleging unauthorized diversion and use of water in the Bruneau-Grandview Groundwater Management Area. Because no specific information was given to me, I reviewed all areas within the management area's boundary. The review involved comparing valid water right places of use (POU) to 2022 satellite imagery. There were about 19 distinct areas potentially out of compliance, based on my initial review (see attached maps).

After further review, I determined the 19 areas fall into two categories: 1) lands that are irrigated outside of a water right POU, but do not exceed the number of acres allowed by pertinent water rights; and 2) lands that are irrigated outside of the water right POU and do exceed the number of acres allowed by pertinent water rights. Any area that falls into category two (2) means a violation is most likely occurring and the Department would take action to seek corrective action. If areas fall within category one (1), there is no exceedance of a water right and a simple change in place of use would correct the apparent inconsistency between lands irrigated and water right POUs. No immediate action will take place in those cases.

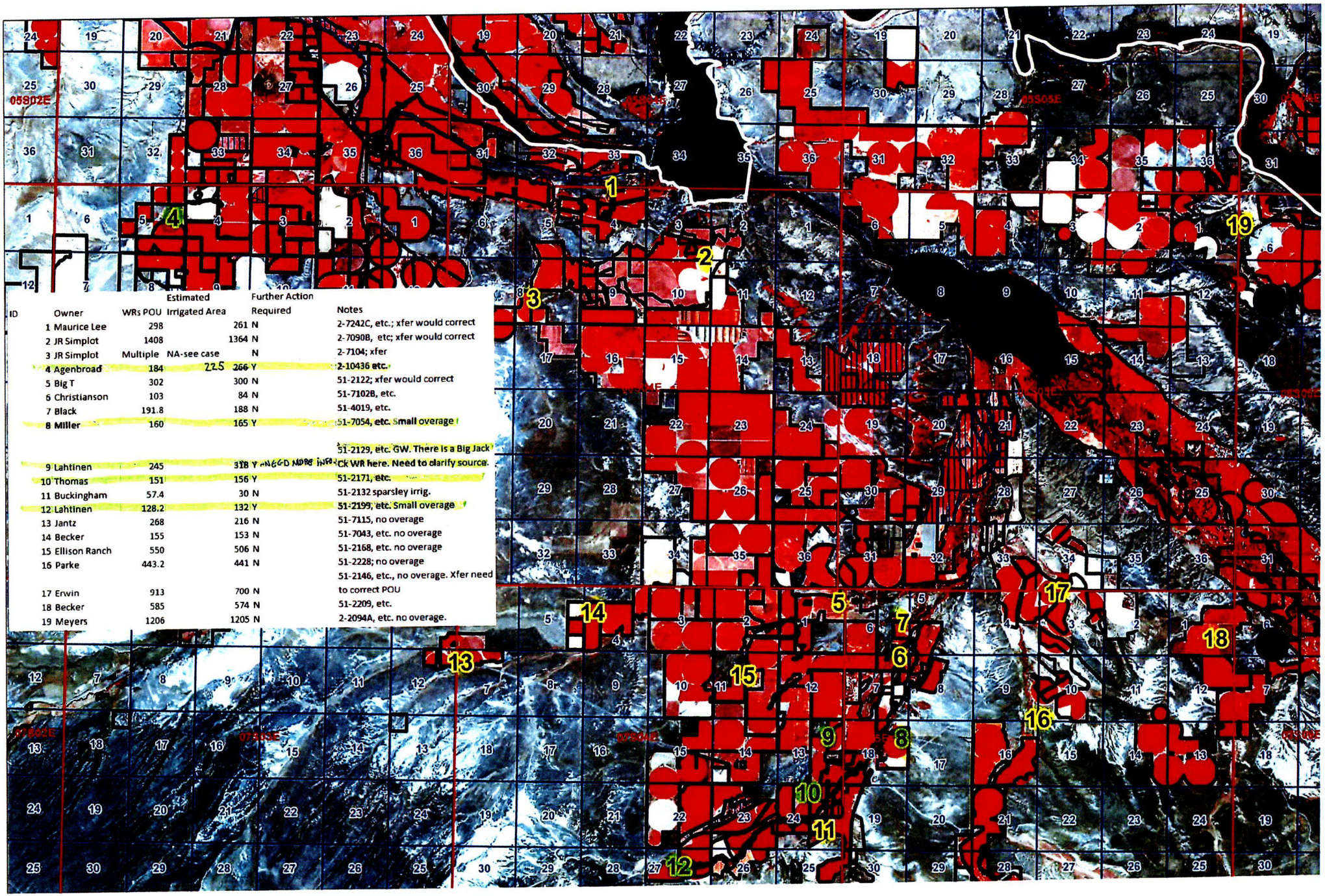
Only five areas (5), out of 19, fall into category two (2). I have included all 19 areas on the attached map and highlighted the five (5) areas in green. The table in the map shows the number of acres authorized according to valid water rights (see column labeled "WRs POU") and shows the number of acres that were irrigated in 2022 (see column labeled "Estimated Irrigated Area"). Individual maps for each area are also included for your information.

I will be following-up with the areas highlighted in green to avoid any unauthorized use in 2023. If you would like to discuss these results you may contact me directly at 208-287-4944 or via email at Cherie.Palmer@idwr.idaho.gov.

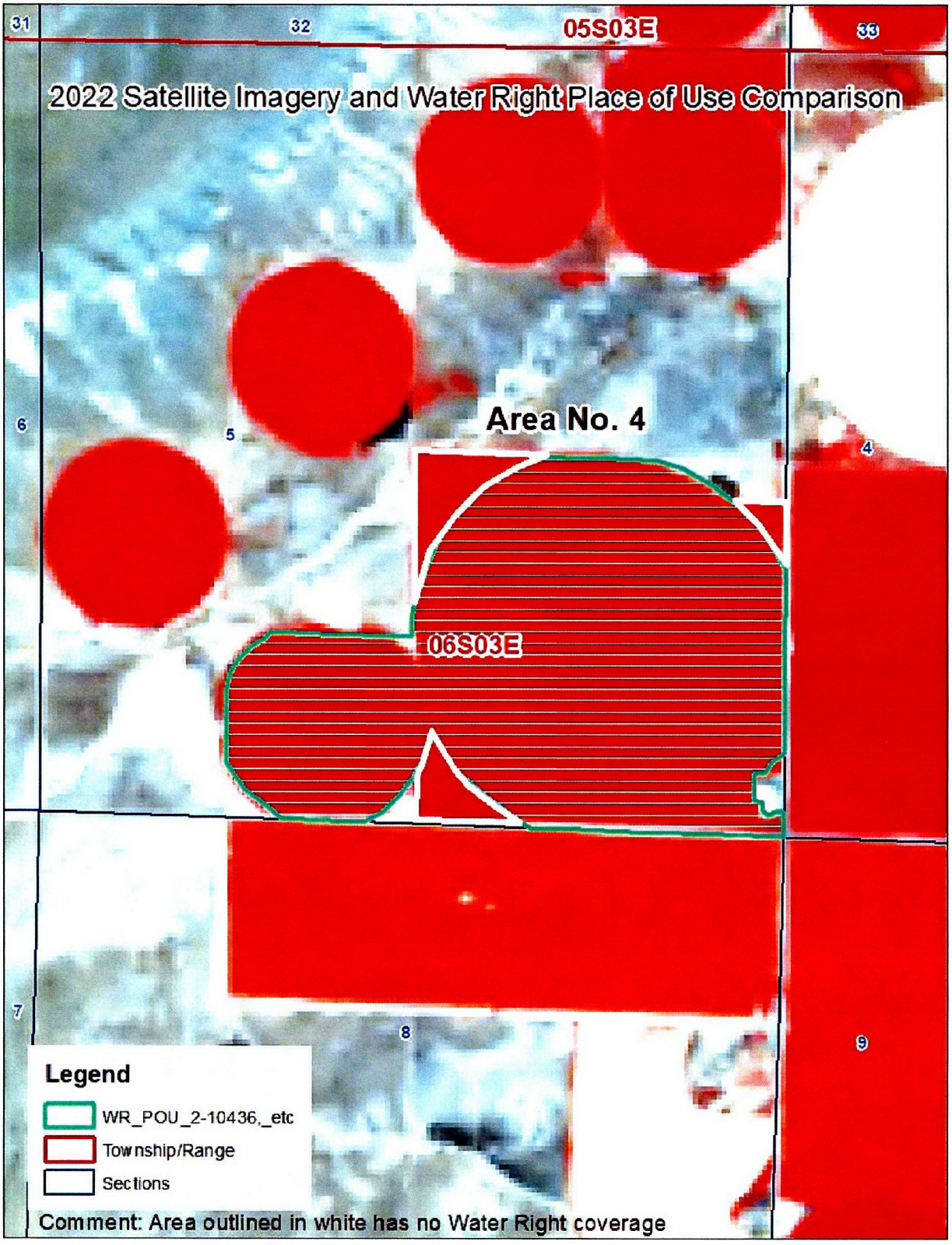
Respectfully,

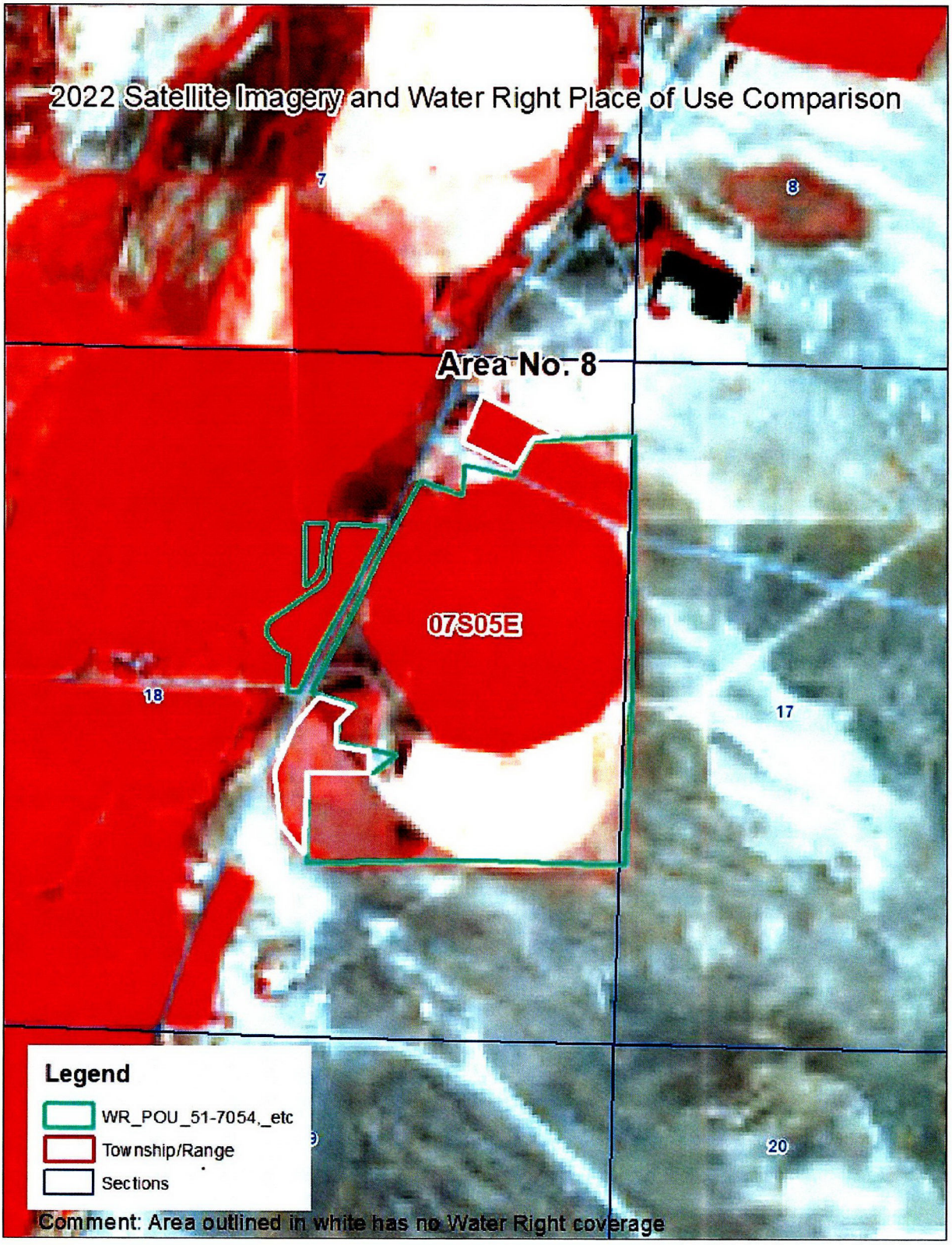
Cherie Palmer
Water Compliance Bureau

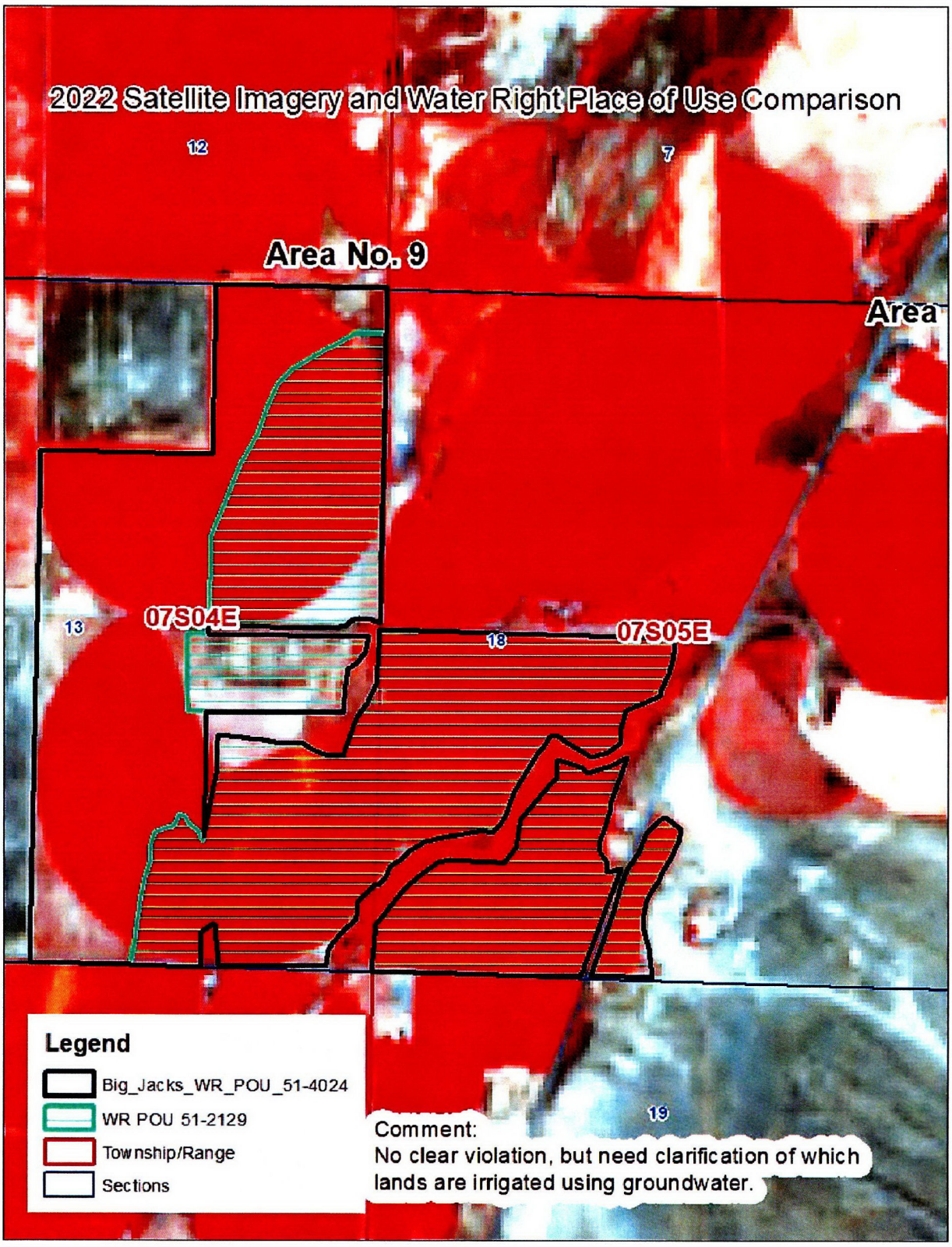
cc: Tim Luke, Bureau Chief—IDWR Water Compliance Bureau

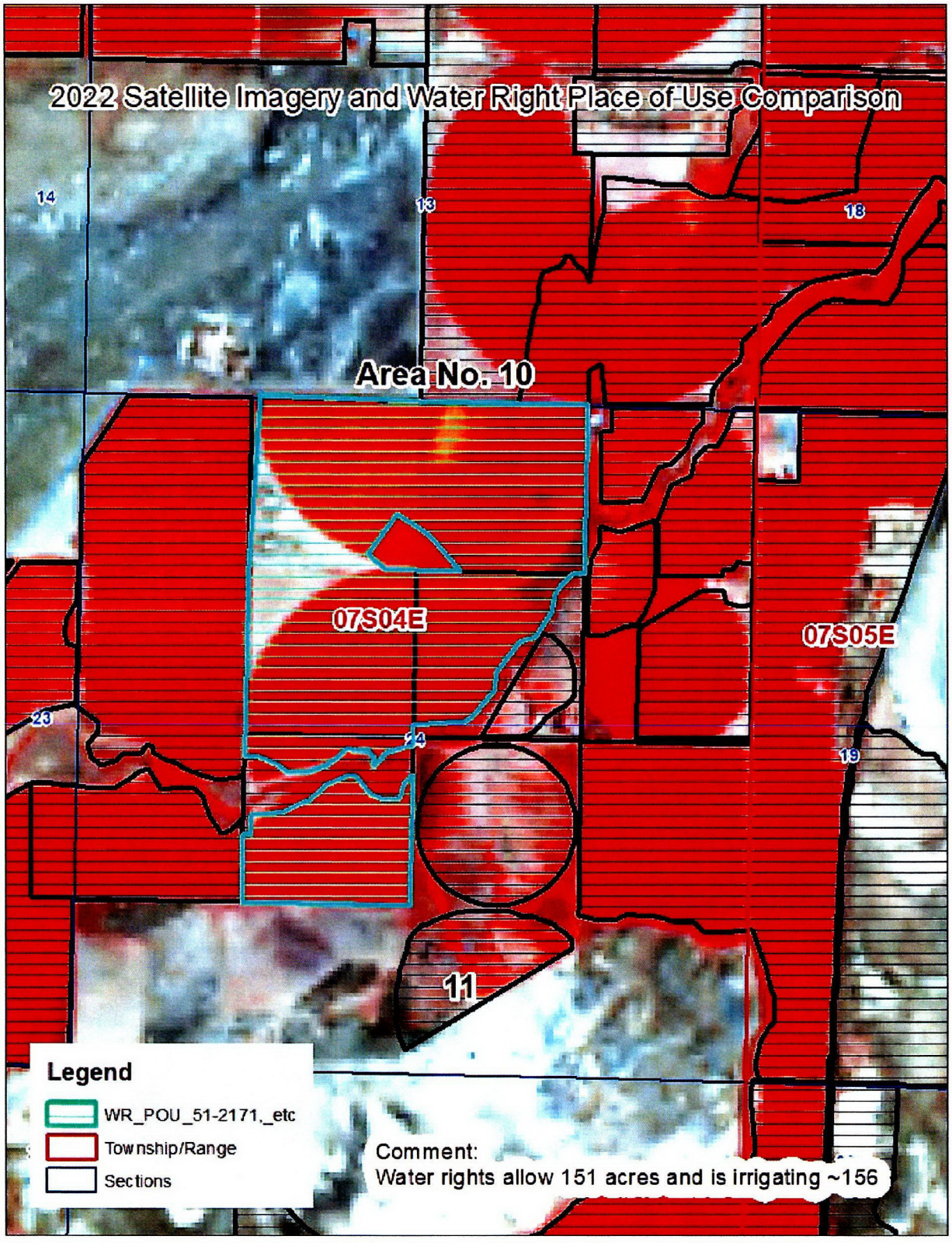


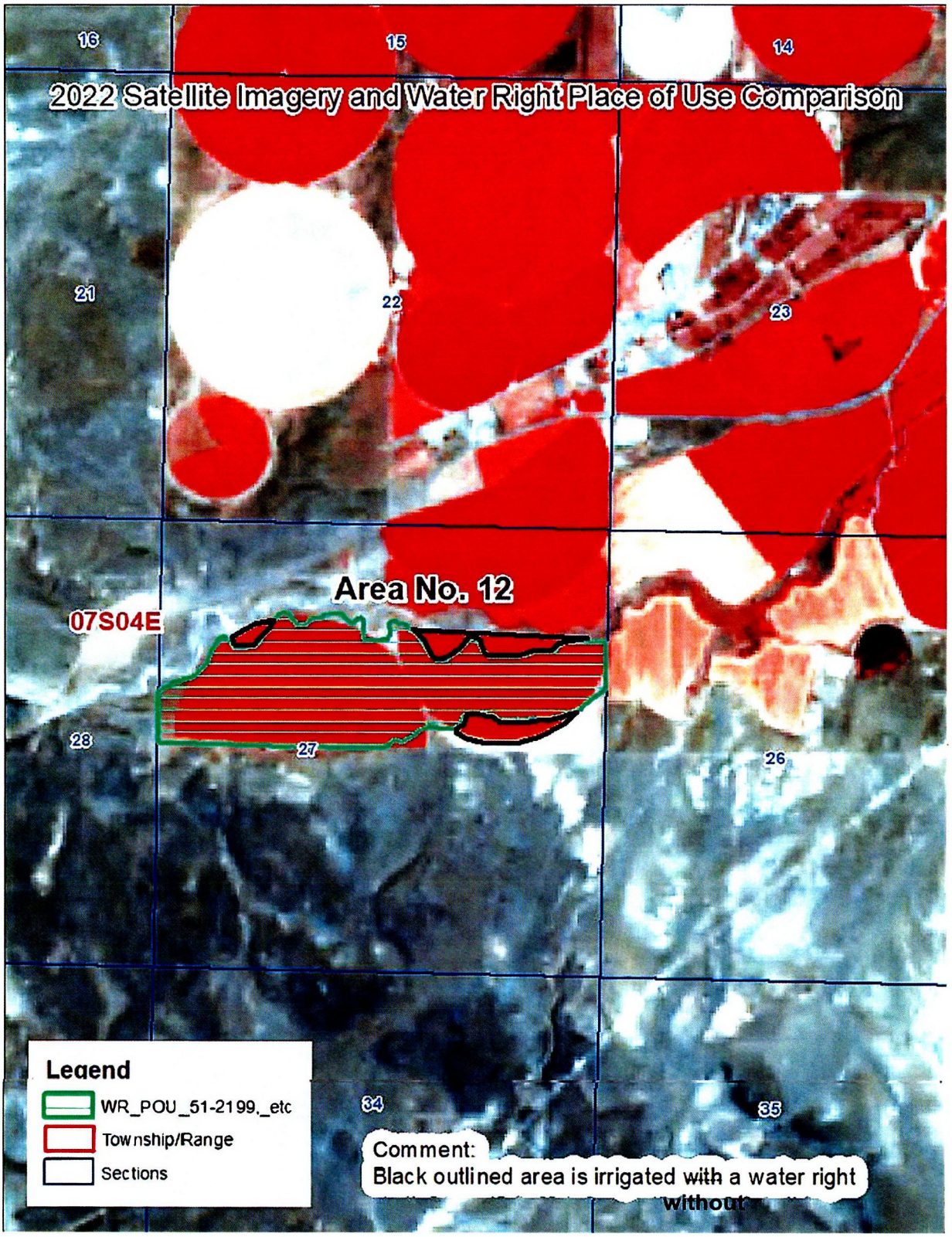
ID	Owner	WRs POU	Estimated Irrigated Area	Further Action Required	Notes
1	Maurice Lee	298	261	N	2-7242C, etc.; xfer would correct
2	JR Simplot	1408	1364	N	2-7090B, etc; xfer would correct
3	JR Simplot	Multiple	NA-see case	N	2-7104; xfer
4	Agenbroad	184	275 266	Y	2-10436 etc.
5	Big T	302	300	N	51-2122; xfer would correct
6	Christianson	103	84	N	51-7102B, etc.
7	Black	191.8	188	N	51-4019, etc.
8	Miller	160	165	Y	51-7054, etc. Small overage
9	Lahtinen	245	318	Y	51-2129, etc. GW. There is a Big Jack Ck WR here. Need to clarify source.
10	Thomas	151	156	Y	51-2171, etc.
11	Buckingham	57.4	30	N	51-2132 sparsley irrig.
12	Lahtinen	128.2	132	Y	51-2199, etc. Small overage
13	Jantz	268	216	N	51-7115, no overage
14	Becker	155	153	N	51-7043, etc. no overage
15	Ellison Ranch	550	506	N	51-2168, etc. no overage
16	Parke	443.2	441	N	51-2228; no overage
17	Erwin	913	700	N	51-2146, etc., no overage. Xfer need to correct POU
18	Becker	585	574	N	51-2209, etc.
19	Meyers	1206	1205	N	2-2094A, etc. no overage.


2022 Satellite Imagery and Water Right Place of Use Comparison
05S03E
06S03E
Area No. 4
31
32
33
6
5
4
7
8
9
Legend
WR_POU_2-10436,_etc
Township/Range
Sections
Comment: Area outlined in white has no Water Right coverage


2022 Satellite Imagery and Water Right Place of Use Comparison
7
8
Area No. 8
07S05E
18
17
20
Legend
WR_POU_51-7054._etc
Township/Range
Sections
Comment: Area outlined in white has no Water Right coverage


2022 Satellite Imagery and Water Right Place of Use Comparison
12
7
Area No. 9
Area
13
07S04E
18
07S05E
19
Legend
Big_Jacks_WR_POU_51-4024
WR POU 51-2129
Township/Range
Sections
Comment:
No clear violation, but need clarification of which lands are irrigated using groundwater.


2022 Satellite Imagery and Water Right Place of Use Comparison
14
13
18
Area No. 10
07S04E
07S05E
23
24
19
11
Legend
WR_POU_51-2171._etc
Township/Range
Sections
Comment:
Water rights allow 151 acres and is irrigating ~156


2022 Satellite Imagery and Water Right Place of Use Comparison
16
15
14
21
22
23
Area No. 12
07S04E
28
27
26
Legend
WR_POU_51-2199._etc
Township/Range
Sections
34
35
Comment:
Black outlined area is irrigated with a water right
without

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER: SC

Received Date: 8/1/2023
Latest Start Date: ASAP (2023)
Renter: David Lahtinen
Rental Expiration Date 2024
Lease/Rental Package Y (N)

Application # 2709
Agreement # 743

Water Right	Lease Contract ID
# 51-2151B	1231
# 51-2213A	1728
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:
"Lower Ranch" 73 ac

Mailings (per application)	Original	CC	Email or Address
Renter: David Lahtinen	☑	☐	
Attorney:	☐	☐	
Consultants Name: Lori Graves- HDR Inc	☐	☑	
Conveyence Entity: (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist:	(final only)	☐	
Other: WD Snake 01, Boise, Payette, and Bear River	(final only)	☐	
Region: Western	(final only)	☑	
Watermaster:	(final only)	☐	
Compliance: Cherie Palmer	(final only)	☐	

Signed Rental PH 1/3/24

Resolving NOV? Y / N
#

Call up Date:

DO NOT SCAN

IDAHO DEPARTMENT
WATER RESOURCES

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

Governor Brad Little **Director Mathew Weaver**

January 9, 2024

DAVID LAHTINEN
29516 SUGAR VALLEY RD
BRUNEAU, ID 83604

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 51-2151B & 51-2213A, AGREEMENT 793

Dear Renter:

Please find enclosed a receipt in the amount of **$4,427.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 193.0 acre-feet of water for irrigation of 38.5 acres during 2023. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or $3,984.75 of the rental fee will be paid to the lessor(s) and 10% or $442.75 will be retained by the Department to offset administrative costs for 2023.

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

Sincerely,

Debra Mansfield

Debra Mansfield
for
Water Supply Bank

Enclosures: Receipt No. C117572
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Representative

Mansfield, Debra

From: Mansfield, Debra
Sent: Monday, January 8, 2024 4:08 PM
To: IdwrPayable; Miller, Nick
Cc: Bank
Subject: Executed Rental Agreement 793
Attachments: Executed Rental Agreement 793.pdf

Good afternoon,

Please see the attached copy of executed Water Supply Bank Rental Agreement 793 in the name of David Lahtinen for your records.

If you have any questions, feel free to contact the Water Supply Bank at bank@idwr.idaho.gov.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

November 15, 2022

RECEIVED
DEC 26 2023
DEPARTMENT OF
WATER RESOURCES

DAVID LAHTINEN
29516 SUGAR VALLEY RD
BRUNEAU ID, 83604

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK WATER RIGHT NO(S). 51-2151B AND 57-2213A AGREEMENT 793

*****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 $4,427.50 per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 193 acre-feet.

Please send a check for $4,427.50 for 2023 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement**, **within 14 days** so I can complete processing. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Pursuant to the Water Supply Bank Rules, 90% or $3,984.75 of the rental fee will be paid to the lessor(s) and 10% or $442.75 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,

Skyler Cheever

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

Enclosure
Rental Agreement

Cheever, Skyler

From: Graves, Lori <Lori.Graves@hdrinc.com>
Sent: Monday, November 20, 2023 11:10 AM
To: Cheever, Skyler
Subject: RE: WSB Rental Application 2709, David Lahtinen

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Hi Skyler,
The client is not interested.

Lori Graves, Sr. Water Rights Specialist
D 208.872.9519 M 208.850.4601

hdrinc.com/follow-us

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Thursday, November 2, 2023 10:47 AM
To: Graves, Lori <Lori.Graves@hdrinc.com>
Cc: bwhitehyde@aol.com
Subject: WSB Rental Application 2709, David Lahtinen

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Lori,

As I was working on this rental, I discovered the contract for water right 57-7022 was no longer available. However, another contract for 40 acres for water right 51-2213A has water available until 2027. Water is still available for 2023 under the lease contract for water right 51-2151B. If more acres are needed than 40 then I can increase the number of acres up to the 73 originally proposed, but it could only be for 2023 . How many acres were irrigated by groundwater beyond the 245 acres authorized by the three groundwater rights within the place of use ? If there are 40 acres or less, then the rental could be expanded for the 3 years originally proposed. If you would like to expand the rental place of use to 73 acres, could you provide a shapefile or map of the proposed place of use. 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: Monday, November 20, 2023 2:45 PM
To: Miller, Nick
Subject: RE: Water Supply Bank Rental Application 2709 David Lahtinen
Attachments: Rental Agreement 793.pdf; Rental Review Memo 2709.pdf; Rental 793 Map.pdf

I apologize again, I accentually clicked send before attaching the documents, and the intro should be Hello Nick.

Best,

Skyler

From: Cheever, Skyler
Sent: Monday, November 20, 2023 2:43 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: Water Supply Bank Rental Application 2709 David Lahtinen

Hello Corey and Mr. Wood,

I have finished my review of a water supply bank rental application within basin 51. The applicant is David Lahtinen. Water was found from water rights 51-2151B and 51-2213A totaling 38.5 acres from 2023-2024. The application was submitted in response to a pending NOV. Attached is a review memo, rental agreement, and map of the place of use. If there are any comments that need to be made, please do so within 7 days. If you have any questions, please let me know.

Best,

Skyler

Skyler Cheever
Water Resource Agent, State Office
Email:skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913

IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

November 15, 2022

DAVID LAHTINEN
29516 SUGAR VALLEY RD
BRUNEAU ID, 83604

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 51-2151B AND 57-2213A AGREEMENT 793**

*****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 $4,427.50 per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 193 acre-feet.

Please send a check for $4,427.50 for 2023 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement**, **within 14 days** so I can complete processing. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Pursuant to the Water Supply Bank Rules, 90% or $3,984.75 of the rental fee will be paid to the lessor(s) and 10% or $442.75 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,

Skyler Cheever

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

Enclosure
Rental Agreement

MEMORANDUM FOR WSB RENTAL AGREEMENT # 793

To: Water Right No. 51-2151B

From: Skyler Cheever – Water Resource Agent

Date: 10/6/2023

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

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PURPOSE/NARRATIVE:
Application 2709 was sent in by David Lahtinen and received on August 1st, 2023. The applicant wanted to rent 38.5-acres of irrigation from the water supply bank. Lease contracts for water rights 51-2151A and 57-7022 initially seemed to fill the proposal. However, currently there isn't any water available under 57-7022 according to Department records. However, another lease contract, for water right 51-2213A, has water available.
The applicant originally had two lease applications, one for the "Upper Ranch" and one for the "Lower Ranch". Application 2709 was intended for the "Lower Ranch" and initially wanted to rent 73 acres of irrigation. After it was determined only 38.5 acres of irrigation was available the applicant withdrew the second application and wanted to apply all 38.5 acres to the "Lower Ranch" application. This application was filed in response to a pending Notice of Violation. The point of diversion is within the Snake River Basin Moratorium Area, Bruneau-Grandview Groundwater Management Area, and Trust Water Area.

AUTHORITY TO FILE:
David Lahtinen signed the application. Mr. Lahtinen has the authority to file this agreement because he is the current owner of the rental place of use and point of diversion according to Department records.

INJURY TO OTHER WATER RIGHTS:
The point of diversion for water right 51-2151B and the proposed rental POD are 1.8 miles apart according to Google Earth Imagery. This small distance indicates the wells are likely within the same Aquifer. The proposed rental point of diversion and water right 51-2213A are 10.8 miles apart. According to maps of the sedimentary deposits it is likely the aquifers under the proposed POD and authorized under water right 51-2213A are interconnected. Therefore, it is unlikely there would not be any injury to other water rights. The rental point of diversion is not within the ESPA Modelign Boundary and would not require modeling. There are no other injury concerns.

ENLARGEMENT OF USE:
Currently water rights 51-2129, 51-4024, 51-4095 and 51-4094 overlap the proposed rental place of use. The applicant mentioned in section 5B a transfer will be filed to change the place of use of existing groundwater rights 51-2129, 51-4093, and 51-4095. According to Department records a transfer was filed and the place of use shape was updated on October 3rd, 2023 (Figure 1).
The proposed point of diversion would be shared with water right 51-2129. Water rights 51-2129, 51-4093 and 51-4095 combined have a duty of water of 0.02 cfs per acre and 4 af/acre. However, the duty of water of water rights 51-2151B and 51-2213A is 5 af/acre. Therefore, without limiting the proposed rental more volume/acre would be diverted than is authorized under water rights 51-2129, 51-4093, and 51-4095 leading to enlargement. To prevent enlargement the usable rental volume will be reduced to 4 af/acre.

All three rights plus 51-4094 are limited to 245 acres and 375.5 acres when combined with surface water right 51-4024. To prevent enlargement, I recommend this rental along with water rights 51-4024, 51-2129, 51-4093, 51-4094, and 51-4095 be limited to 375.5 acres combined.

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 51. The Western Regional Manager was contacted from comment on November 20th, 2023. No response was received, it is assumed there is no concern with this proposal.

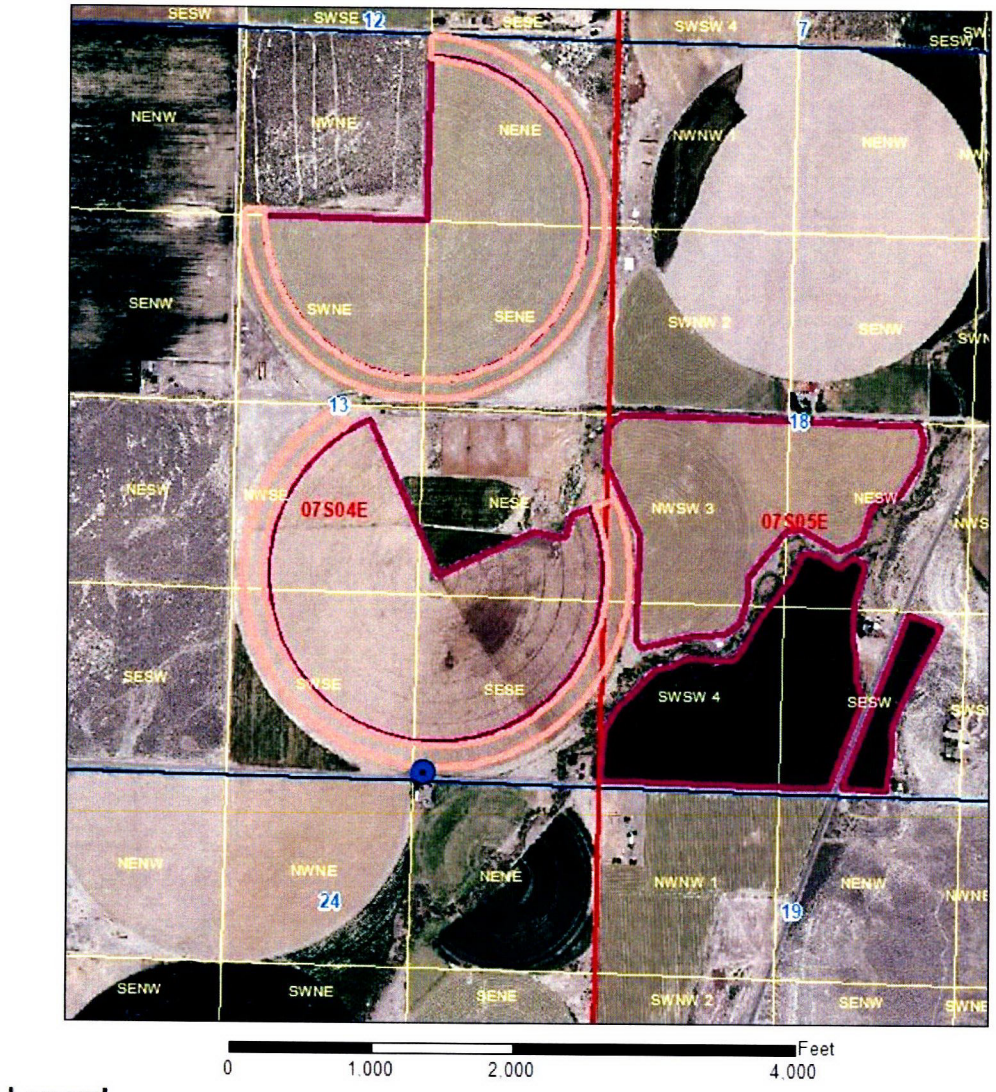


Figure 1. Map of proposed rental place of use compared to the current transfer place of use.

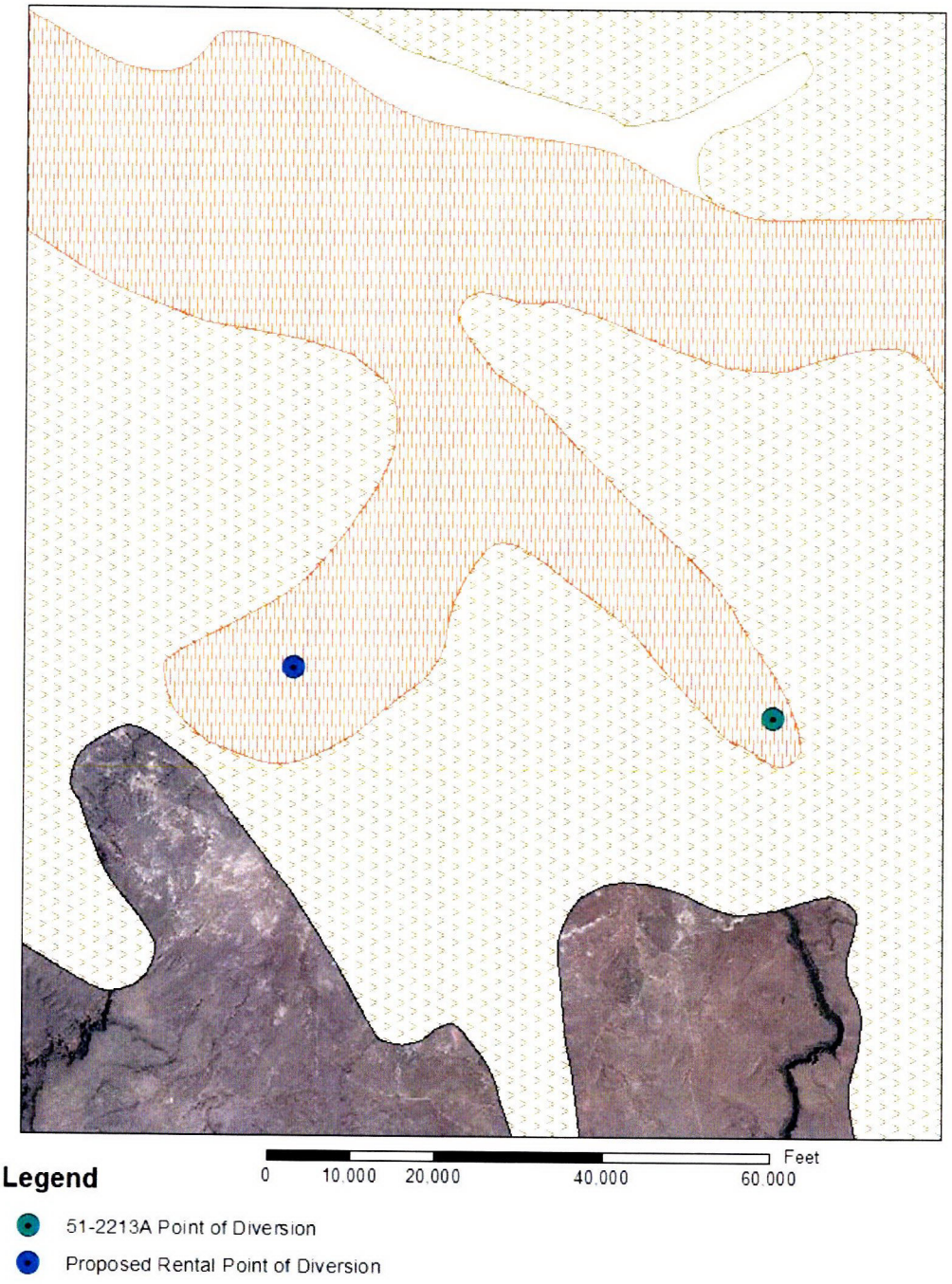


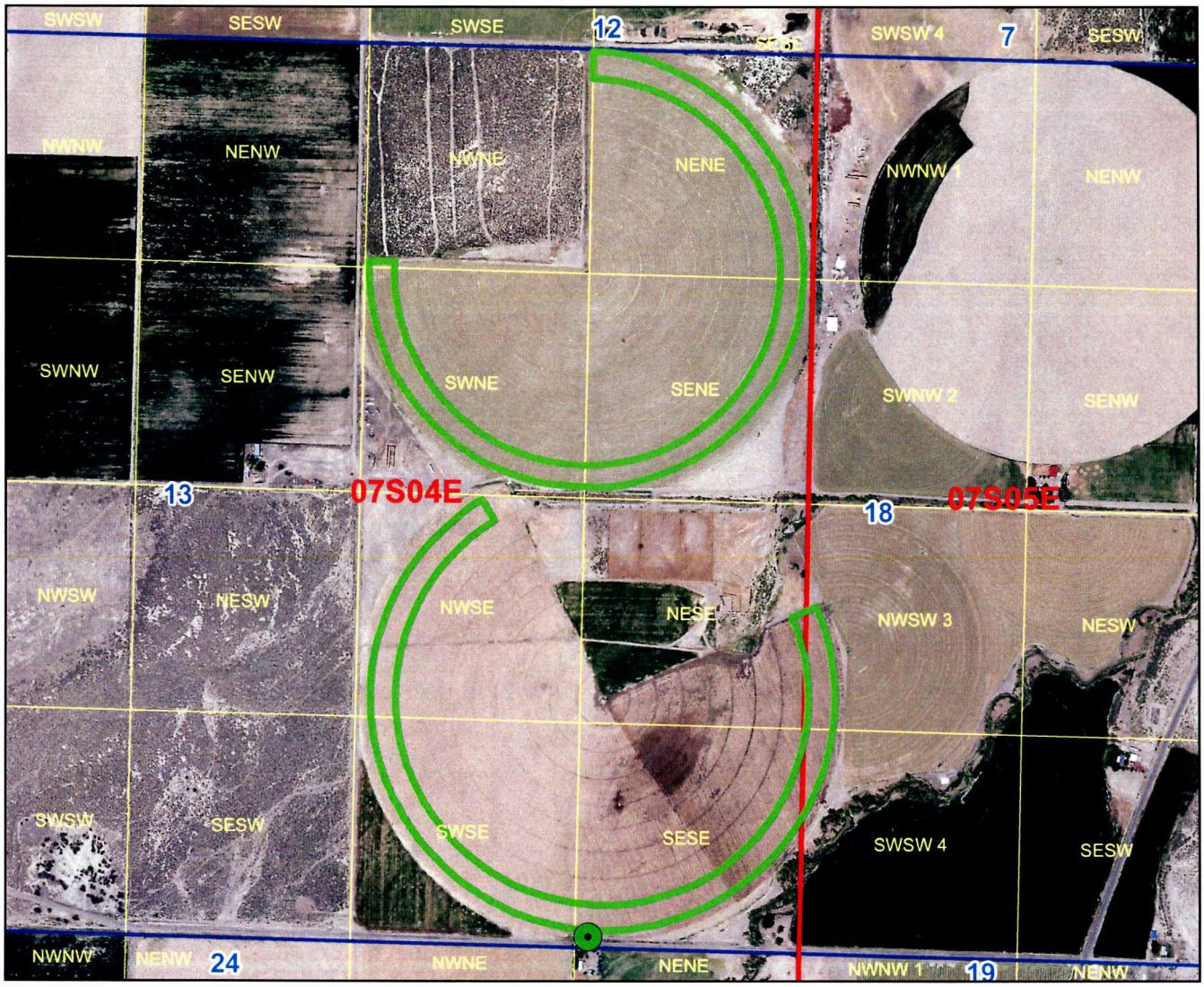
Figure 2. Map of the Sedimentary Formations at both the proposed point of diversion and water right 51-2213A.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 793

Effective until December 31, 2024

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



0 1,000 2,000 3,000 Feet

Legend

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

N

Kienholz, Mackenzie

From: Graves, Lori <Lori.Graves@hdrinc.com>
Sent: Monday, August 21, 2023 10:17 AM
To: Kienholz, Mackenzie
Cc: Palmer, Cherie; bwhitehyde@aol.com
Subject: RE: Availability for D Lahtinen WSB Rental
Attachments: Lower Ranch Rental Map V2.pdf

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Hi Mackenzie,
David is going to apply all the 38.5 acres available for rent to the Lower Ranch. Attached is a map showing where the rental water will be applied. He will adjust irrigation at the upper ranch to account for the 4-acre overage. . Thanks Mackenzie

Lori Graves, Sr. Water Rights Specialist
D 208.872.9519 M 208.850.4601

hdrinc.com/follow-us

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Wednesday, August 9, 2023 2:53 PM
To: Graves, Lori <Lori.Graves@hdrinc.com>
Subject: Availability for D Lahtinen WSB Rental

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lori,

I have been looking into availability for the two Water Supply Bank rentals you submitted on behalf of David Lahtinen. It appears that at this time there are 35 acres (right 51-2151B) available that could be used to satisfy the requests. This amount is available for 2023-2024. There are 3.5 acres available from 57-7022 for 2023 as well which would likely be able to be used for the rentals. Would the applicant prefer to fulfill the 4-acre "Upper Ranch" rental, and then any additional available water to cover a portion of the 73-acre "Lower Ranch" rental? Please send a rental map showing where the available acres should be for the "Lower Ranch" if the applicant would like to rent them in this manner.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

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



HDR

0 Feet 1,000

N

WATER BANK RENTAL APPLICATION MAP

LAHTINEN LOWER RANCH

OWYHEE COUNTY

PROJECT #TBD

PATH: S:\PROJECTS\I THRU L PROJECTS\L PROJECTS\LAHTINEN, DAVID\PROJECT\GIS\ARCMAP_PROJECTS\206 MAP.MXD - USER: LGRAVES - DATE: 8/17/2023

RECEIVED
Aug 01, 2023
DEPARTMENT OF
WATER RESOURCES

HDR | SPF

August 1, 2023

Mary Condon
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: ***Lahtinen Water Bank Rental Applications (2)***

Dear Mary,

In response to a letter from IDWR dated April 18, 2023, enclosed on behalf of David Lahtinen are two rental applications requesting rental of ground water for excess irrigation the Department found associated with applicant's Upper and Lower Ranches. The ranches are currently being leased to tenant farmers. Rental water will allow applicant to fulfill his contracted lease obligations.

Please let me know if there are any questions. Thanks Mary.

Sincerely,

HDR Engineering, Inc.

Lori Graves

Lori Graves
Sr. Water Rights Specialist

Cc: Cherie Palmer, Bev White

Enclosers: rental applications

Project #10377624

hdrinc.com

HDR | SPF, 412 E Parkcenter Blvd, Suite 100, Boise, ID 83706
(208) 387-7000

2708 & 2709