

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 803

This is to certify that:

PAM MCCUNE WARTHEN
7061 CANYON CREEK RD
MOUNTAIN HOME, ID 83647

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)
61-12226	10/1/1874	CANYON CREEK	0.19	27.2	6.8	0.028	4.0
Rental Totals			0.19	27.2	6.8	0.028	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2028. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2024, whichever occurs last.

Annual Rental Fee:

2024 - 2028: \$625.60 annually

The full fee for the rental of the above-described right(s) is \$625.60 per year for years 2024 - 2028. The rental fee includes an administrative fee of \$62.56 per year for years 2024 - 2028.

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

RECEIVED

DEC 12 2023

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 803

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:

Pam M. Warthen
Signature of Renter

Dec. 6, 2023
Date

PAM M. WARTHEN
Printed Name

NA
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 12/21/23

Rental approved by IDWR HP

Date 12/27/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 803

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

CANYON CREEK SESW Sec. 36, Twp 02S, Rge 03E, ELMORE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.19 CFS

VOLUME
27.2 AF

SEASON OF USE

From To
3/15 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	
02S	06E	35																2.2	2.2
03S	06E	2	4.6 L1																4.6

Total Acres: 6.8

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 maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
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 lands above.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

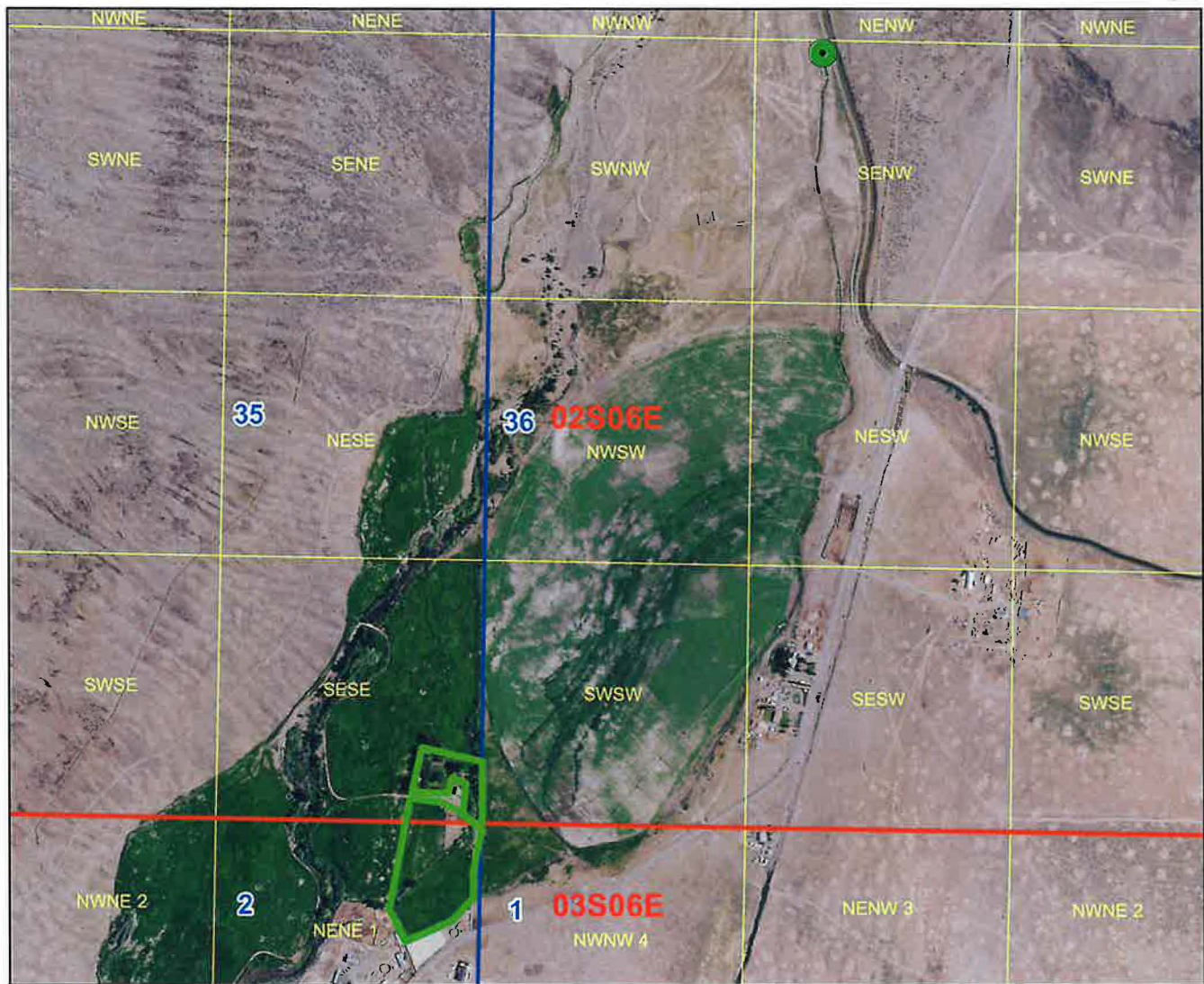
WATER SUPPLY BANK RENTAL AGREEMENT No. 803

11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
12. 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. 61A.
13. This rental and rights 61-10033A and 61-252C when combined shall not exceed the irrigation of 6.8 acres.
14. This right does not grant any right-of-way or easement across the land of another.
15. The following rights are diverted through point(s) of diversion described above: 61-247, 61-253, 61-246 and 61-10429.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 803

Effective until December 31, 2028

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

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

SEP 28 2023

DEPARTMENT OF
WATER RESOURCESApplicant Name: PAM M. WARTHEN

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)

2710

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant PAM M. WARTHEN
Mailing Address 7061 CANYON CREEK ROAD - Mtn. Home, IDAHO 83647
Street City State Zip Code
Email Address warthenpm@gmail.com Phone Number (208) 599-0571 - CELL
(208) 587-8736 - HOME
- 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**:

IRRIGATION - HAY FIELD - PASTURE

- 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)
<u>0.2</u> CFS	<u>27.2</u> AF	CFS	<u>27.2</u> AF	<u>6.8</u> 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?	
<u>04/01/24</u>	<u>04/29/24</u>	☐ 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):

HEADGATE AT 02506E 25 SE NW, WATERMASTER TO DIVERT TO
CANAL/DITCH ACROSS TRELMAN PROPERTY TO MY PROPERTY

- 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	
HEADGATE TO CANAL/DITCH	CANYON CREEK	61-00246	61-00254
		61-00247	
		61-00253	
		61-00255	

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 6.8 (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:

WATER RIGHTS #61-2506 AND 61-0023A ARE LOCATED ON MY PROPERTY (POU)
WATER HAS BEEN BLOCKED FROM MY PROPERTY IN 2015 BY NEIGHBOR - TEDIERMAN
WATER IS NEEDED FOR IRRIGATION PURPOSES UNTIL WATER RIGHTS CAN BE RESTORED TO MY PROPERTY

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)
61-12226	IRRIGATION	0.2	27.2	6.8		0.2	27.2	6.8
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	0.2	27.2	6.8
						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**:

NOT APPLICABLE

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:

THIS WATER RIGHT HAS BEEN PREVIOUSLY RENTED BY ME STARTING IN 2016 AND 2017. IT WAS MODIFIED IN 2018 TO THE 6.8 ACRES NEEDED. ALSO I RENTED IT 2019-2023, THE RENTAL RENTED IS THAT WATER RIGHTS # 61-2526 AND 61-10033A (THAT ARE FOR MY PROPERTY HAVE BEEN BLOCKED BY NEIGHBOR TED HOFFMAN)

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☐ No ☒

- 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

THIS WATER RENTAL HAS "SAVED" MY FIELDS THAT WERE BEING DRAINAGE IN 2015 BY NEIGHBOR NOT ALLOWING WATER TO REACH MY PROPERTY. IT IS MY HOPE THAT IN TIME, THE WATER RIGHTS FOR MY PROPERTY WILL BE ABLE TO BE USED. RENTAL IS HIGHLY NEEDED AT THIS TIME.

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.

Don M. Warrthen
Signature of Applicant

PHM M. WARRTHEN
Printed Name of Applicant

9-24-23
Date

Signature of Representative

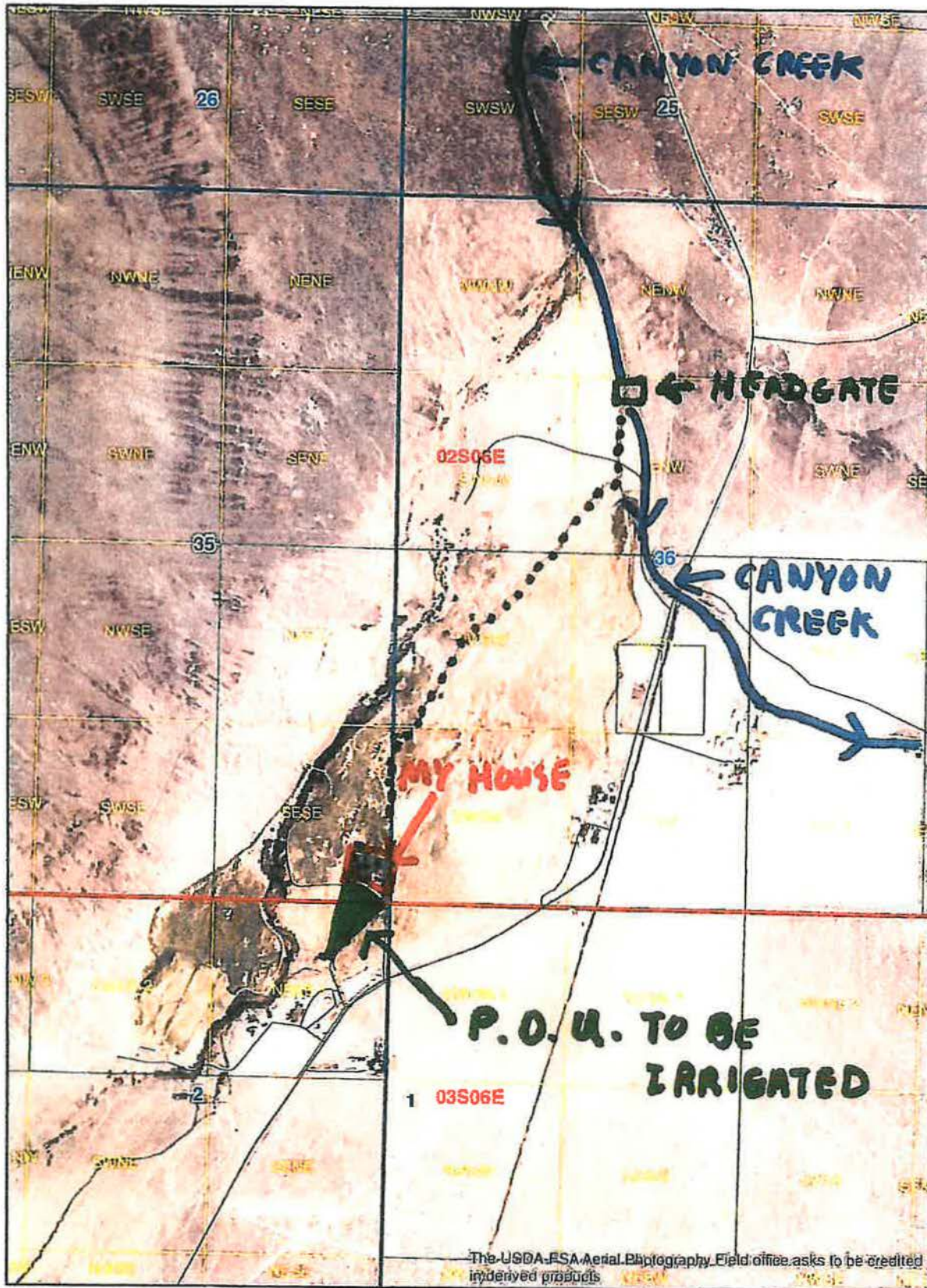
Printed Name of Representative

Date

Mail to:

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

ATTACHMENT 2



ATTACHMENT 3F

September 25, 2023

To Whom It May Concern:

Water can be delivered to Pam Warthen, through the Ireland Ranch diversion and ditch. The Ireland family has allowed her to do so in the past and is willing to continue as long as it doesn't develop into an easement.

Ireland Ranch decreed water rights.

Decree #	Priority	Amount
61-00246	03/01/1876	1.2 C.F.S.
61-00247	06/01/1876	1.0 C.F.S.
61-00253	04/01/1884	1.0 C.F.S.
61-00255	03/15/1885	1.6 C.F.S.
61-00254	03/31/1885	1.0 C.F.S.

Terry Seegrist, Water Master 61-A
140 S. 3rd E.
Mountain Home, ID 83647

Terry Seegrist 25 SEPT 2023

Calvin Ireland
Ireland Ranch Representative

Pam Warthen

Pam Warthen
9-15-23



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098

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

Governor Brad Little

Director Mathew Weaver

December 28, 2023

PAM M WARTHEN
7061 CANYON CREEK RD
MOUNTAIN HOME, ID 83647

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-12226, AGREEMENT 803**

Dear Renter:

Please find enclosed a receipt in the amount of **\$625.60** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 27.2 acre-feet of water for irrigation of 6.8 acres during 2021. 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 \$563.04 of the rental fee will be paid to the lessor(s) and 10% or \$62.56 will be retained by the Department to offset administrative costs for 2024.

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

Sincerely,

Debra Mansfield

for
Water Supply Bank

Enclosures: Receipt No. C117505
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Representative

Water District

Ground Water District

Margheim, Kris

From: Cheever, Skyler
Sent: Wednesday, December 6, 2023 1:54 PM
To: Margheim, Kris
Subject: Payment For Water Supply Bank Rental Agreement 803

RECEIVED
DEC 12 2023
DEPARTMENT OF
WATER RESOURCES

Hello Kris,

On Monday I mailed out a WSB rental agreement 803 to the applicant, Pam Warthen. The Applicant should be sending in \$625.60 with their signed agreement. I apologize for not notifying you earlier. If you have any questions or concerns, please let me know.

Best,

Skyler

Skyler Cheever

Water Resource Agent, State Office

Email: skyler.cheever@idwr.idaho.gov

Phone: 208-287-4913

12-8-23
THANK YOU FOR THE NEW
INFORMATION ON THE
WATER RENTAL.

ATTACHED IS THE PAYMENT
CHECK OF \$625.60 TO
THE SIGNED AGREEMENT.

Thank you - will wait to
receive the completed copy
Pam M. Warthen



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

December 4, 2023

PAM M. WARTHEN
7061 CANYON CREEK RD
MOUNTAIN HOME ID, 83647

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-12226, AGREEMENT 803**

*****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 \$625.60 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 27.2 acre-feet.

Please send a check for \$625.60 for 2024 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Pursuant to the Water Supply Bank Rules, 90% or \$563.04 of the rental fee will be paid to the lessor(s) and 10% or \$62.56 will be retained by the Department to offset administrative costs for **2024**.

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

Sincerely,


Skyler Cheever

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:

c: IDWR Front Desk (via email)

MEMORANDUM FOR WSB RENTAL AGREEMENT # 803

To: Water Right No(s). 61-12226

From: Skyler Cheever-Water Resource Agent

Date: 11/27/2023

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

PURPOSE/NARRATIVE:

Application 2770 was sent in by Pam M. Warthen and received on September 28th, 2023. The applicant proposes to lease 6.8 acres of contract 1778 for water right 61-12226 from 2024-2028. The proposed rental place of use includes two overlapping rights, 61-10033A and 61-252C. However according to section 3D on the application surface water is blocked at the water rights authorized point of diversion. The proposal will move the POD where diversion is available. The point of diversion is within the Snake River Basin Moratorium Area, Mountain Home Groundwater Management Area, and Trust Water Area. This application is intended as a renewal of agreement 285 which is set to expire on December 31st, 2023.

AUTHORITY TO FILE:

Pam M. Warthen signed the application. Ms. Warthen has the authority to file this agreement because she is the current owner of the place of use in which rental water will be applied according to Department records.

INJURY TO OTHER WATER RIGHTS:

The rental point of diversion is 4 miles downstream of the nearest POD authorized under water right 61-12226. There is only one irrigation right that diverts directly from Canyon Creek, the remaining rights are mostly stockwater. Therefore, the short distance between the lease and rental point of diversion would likely not reduce the quantity of water enough to injure other water users. The proposed point of diversion is not within the Eastern Snake Plain Aquifer Ground Water Management Area Modeling Boundary. Therefore, modeling is not required.

The proposed rental point of diversion is not authorized under water rights that overlap the place of use. This is because the points of diversion for water rights 61-10033A and 61-252C does not have access to water under the current point of diversion. The applicant received permission from Terry Seegrist and Ireland Ranch to divert from the proposed point of diversion. The point of diversion is located at the redirection point from Canyon Creek to Feeder Canal. Therefore, injury is unlikely. Ireland Ranch is the current owner of the proposed point of diversion according to Department records.

ENLARGEMENT OF USE:

Two water rights overlap the proposed place of use, 61-10033A and 61-252C. Combined they are limited to the irrigation of 6.5 acres. To prevent enlargement of water rights 61-10033A and 61-252C this rental when combined with the overlapping rights should be limited to the irrigation of 6.8 acres. There are no other enlargement concerns.

LOCAL PUBLIC INTEREST:

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The point of diversion is within basin 61 and Water District 61A. The Water Master and Western Regional Manager were contacted for comment on November 27th, 2023. No response was received, it is assumed there is no concern with the applicant's proposal.

Cheever, Skyler

From: Miller, Nick
Sent: Monday, November 27, 2023 4:22 PM
To: Cheever, Skyler
Subject: RE: Water Supply Bank Lease/Rental Application Package 2727/2770

Hi Skyler,

It sounds like this is a repeat of a previous rental, but I'll make two minor, largely inconsequential comments now:

1. The point of diversion from the creek should be the Feeder Canal (NWNENW, Sec. 36, Township 02S, Range 06E) that is owned and operated by the Mountain Home Irrigation District. It appears that the proposed POD (based on the GIS shape) is a point of redirection from the Feeder Canal in the SENW, but I recognize the Ireland Ranch rights describe their point of diversion at the location off of the Feeder Canal as well, so I suppose it is reasonable to do the same since Warthen will be using the same delivery system as Ireland, from what I understand.
2. The rental memo incorrectly states the Department records show Pam Warthen as the owner of the existing rights that describe Warthen's land. Our records describe Tindall and Hoffman as owners of those rights, and we have documentation in the backfile that the ownership is disputed between Hoffman and Warthen and the Department has advised both parties to resolve the ownership issue in district court before IDWR will update its records.

Other than clarifying in the memo that the Department records do not show Warthen as the water right owner, I don't have other comments.

Nick.

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Monday, November 27, 2023 1:33 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; headgate2000@yahoo.com
Subject: Water Supply Bank Lease/Rental Application Package 2727/2770

Hello Nick and Mr. Seegrist,

I have finished my review of a water supply bank lease/rental package within basin 61 and Water District 61A. The lease applicant is Mary Horgan. The applicant proposes to lease 6.9 acres of water right 61-12226 from 2024-2028. The rental applicant is Pam Warthen. The applicant proposes to rent 6.8 acres of from contract 1778 from 2024-2028. The rental applicant isn't renting their own water right but has rented water right 61-12226 for the last 8 years. Attached are review memo's, rental agreement, maps of the place of use, and rental move map. 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 Water Resource Board

WSB Move Map

61-12226
2024-2028



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



RECEIVED

SEP 28 2023

DEPARTMENT OF
WATER RESOURCES

Pam M. Warthen
7061 Canyon Creek Road
Mountain Home, Idaho 83647
September 25, 2023

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

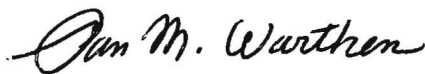
RE: Water Bank Rental

To Whom It May Concern

Enclosed is my application to rent water for a 5-year period (2024-2028) from the Water Bank. I have been able to rent Water Right No. 61-12226 for the past 8 years total. It is my hope that my application will be approved and that I may continue to access water for my property through the Water Bank.

If there is any additional information needed, please do not hesitate to contact me.
Cell: {208} 599-0521 Home: (208) 587-8736

Thank you



Pam M. Warthen

Enclosure

2770