

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 799

RECEIVED
DEC 13 2023
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

JOHN R GABBERT
1015 36TH AVE E
SEATTLE, WA 98112-4323

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)
37-159B	7/30/1888	GROUND WATER	0.02	3.5	1.0	0.02	3.5
Combined Rental Totals			0.02	3.5	1.0	0.02	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2025. 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 - 2025: \$80.50 annually

The full fee for the rental of the above-described right(s) is \$80.50 per year for years 2024 - 2025. The rental fee includes an administrative fee of \$8.05 per year for years 2024 - 2025.

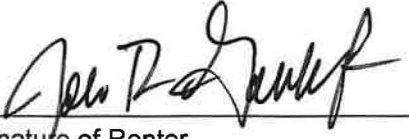
An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify 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. 799

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



Signature of Renter

12.08.2023

Date

JOHN R. GABBERT

Printed Name

Home Owner

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 12/13/23

Rental approved by IDWR 

Date 12/13/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 799

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec. 12, Twp 04N, Rge 17E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.02 CFS

VOLUME
3.5 AF

SEASON OF USE

Water Right No. **From** **To**
37-159B 4/15 10/31

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	
04N	17E	12				1.0													1.0

Total Acres: 1.0

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. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the East Fork of the Wood River.
10. 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. 37.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 799

11. 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.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
13. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 799

Effective until December 31, 2025

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



0 0.0125 0.025 Miles

RECEIVED**SEP 14 2023****DEPARTMENT OF
WATER RESOURCES****STATE OF IDAHO
WATER RESOURCE BOARD****APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK****Applicant Name:** John R. Gabbert**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)

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant John R. Gabbert

Mailing Address 1015 36th Avenue East Seattle WA 98112
Street City State Zip Code
Email Address john@pitchbook.com Phone Number 415.672.4237

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 David R. Tuthill, Jr. Professional Title Professional Engineer
Organization Idaho Water Engineering, LLC Relationship to Applicant Consultant
Mailing Address 2918 N El Rancho Pl, Boise, ID 83704
Email Address dave@idahowaterengineering.com Phone Number 208-870-0345

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 for one acre of landscaping.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.02 CFS	3.5 AF	0.02 CFS	3.5 AF	1 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?	
4/15/2024	5/1/2024	☐ 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):

Household well in subdivision lot.

- 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
Household well	Groundwater	Domestic exemption

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 1 (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:

Domestic exemption

**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)
						.02	3.5	1
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	.02	3.5	1
						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**:

NA

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**:

1/1

**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:

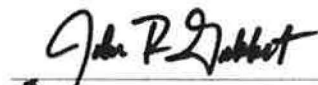
This rental is to provide water on a temporary basis while a more permanent solution is sought.

- 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

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

John Gabbert

Printed Name of Applicant

9/10/23

Date


Signature of Representative

David R. Tuthill, Jr.

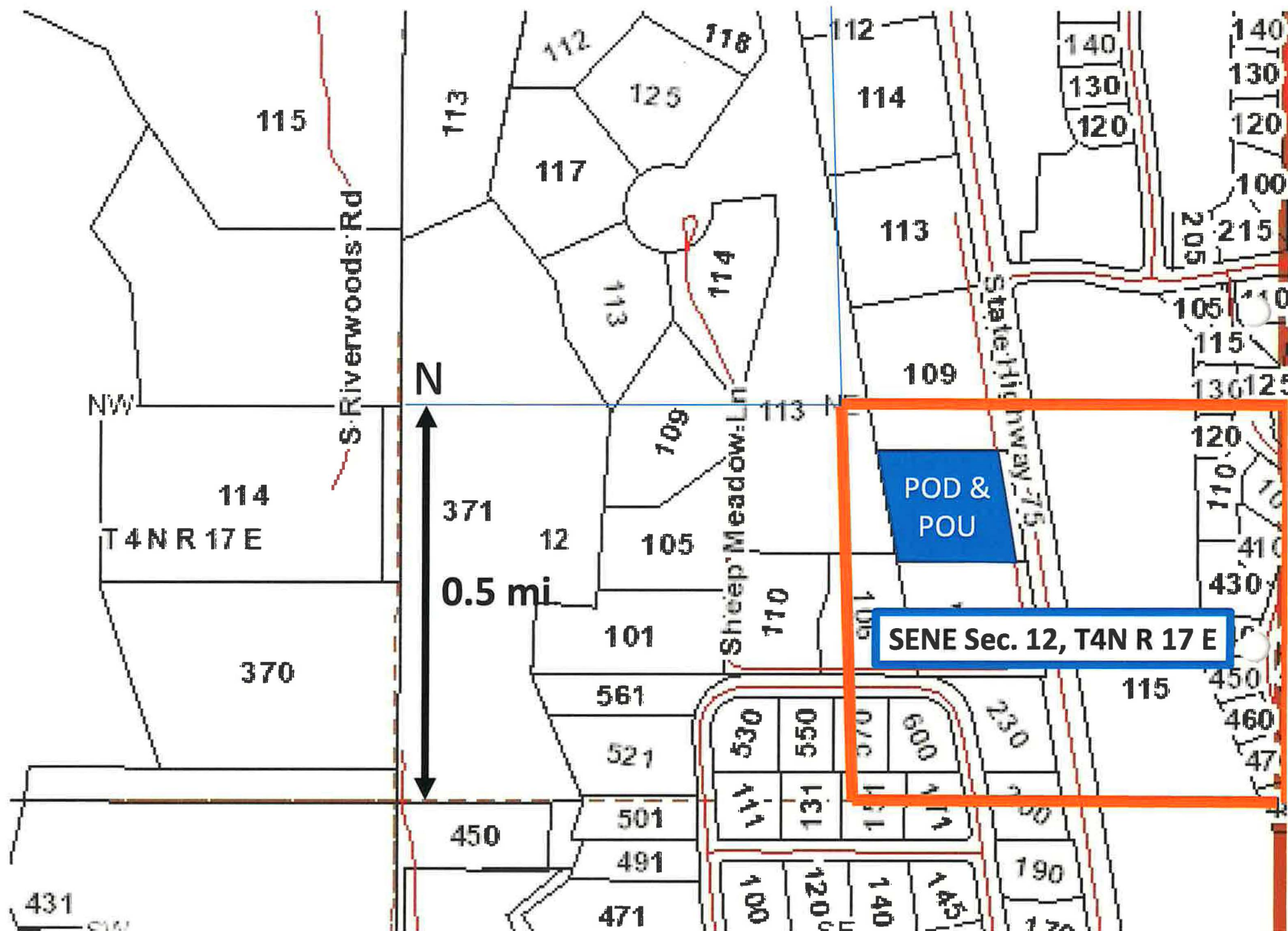
Printed Name of Representative

9/10/23

Date

Mail to:

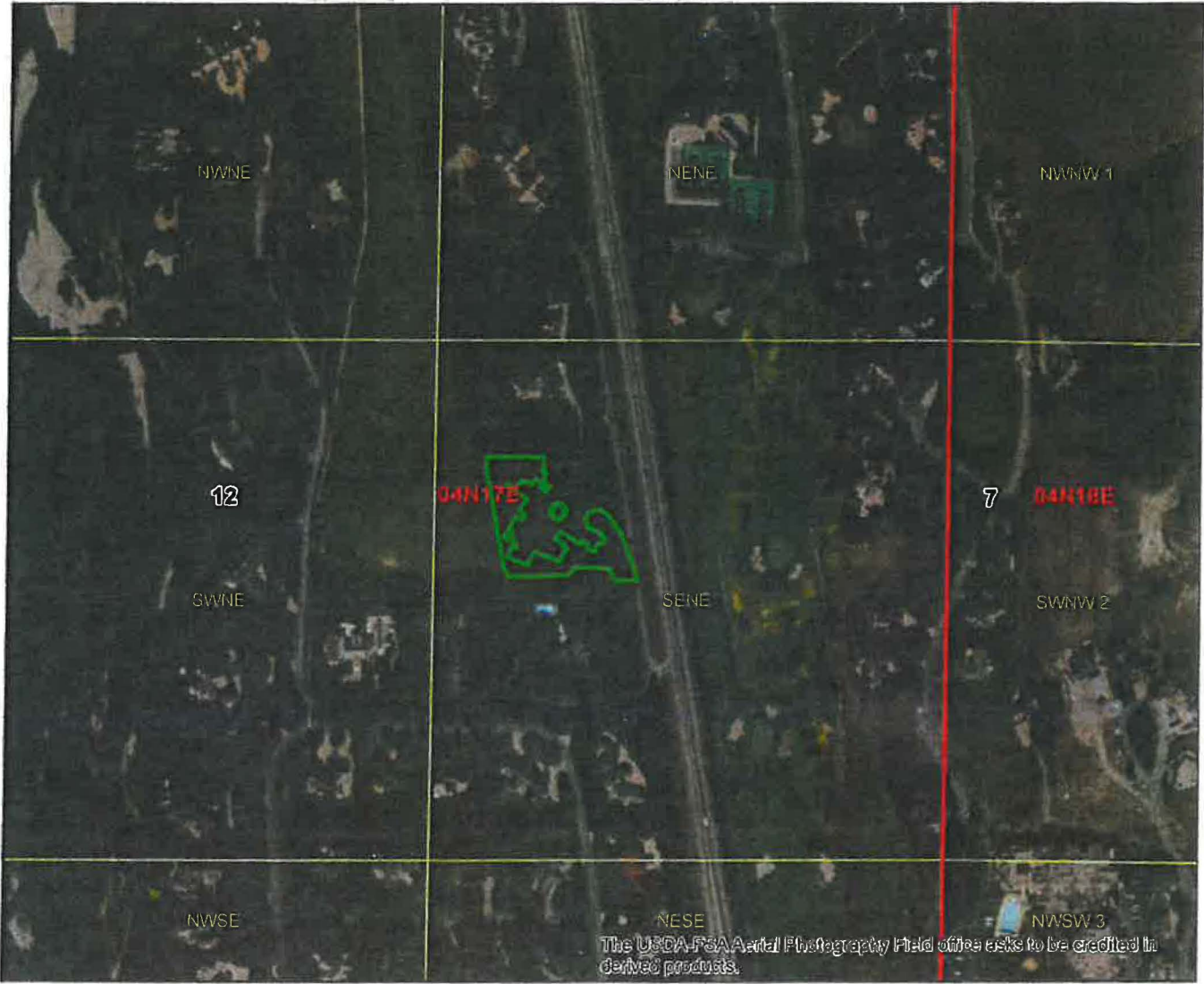
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098



Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 474

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.



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



0 500 Feet

Attachment to Application to Rent Water from the Board's Water Supply Bank

Item 3A. Detailed information on a proposed use of rental water.

The applicant desires to use this water on a simple one acre irrigation system associated with a household, with the water to be supplied by the well associated with the household.

Item 4B. Explanation of how the rental water will sufficiently accomplish your rental purposes.

Impacts to the water supply in the Wood River Basin will be mitigated by the rented water, on an acre for acre basis.



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 15, 2023

JOHN R GABBERT
1015 36TH AVE E
SEATTLE, WA 98112-4323

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-159B, AGREEMENT 799**

Dear Renter:

Please find enclosed a receipt in the amount of **\$80.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.5 acre-feet of water for irrigation of 1.0 acres during 2024. 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 \$72.45 of the rental fee will be paid to the lessor(s) and 10% or \$8.05 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,


Debra Mansfield

for
Water Supply Bank

Enclosures: Receipt No. C117509
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Representative

Water District

Ground Water District

Mansfield, Debra

From: Mansfield, Debra
Sent: Friday, December 15, 2023 8:42 AM
To: galenagwd@gmail.com; watermanager; IdwrPayable; Skinner, Corey
Cc: Bank
Subject: Finalized Water Supply Bank Rental Agreement 799
Attachments: Finalized rental agreement and letter.pdf

Good morning,

Please see the attached copy of finalized Water Supply Bank Rental Agreement 799 in the name of John R Gabbert 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

RECEIVED

DEC 13 2023

DEPARTMENT OF
WATER RESOURCES



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

November 21, 2023

JOHN R GABBERT
1015 36TH AVE E
SEATTLE, WA 98112-4323

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-159B AGREEMENT 799**

*****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 \$80.50 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 3.5 acre-feet.

Please send a check for \$80.50 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 \$72.45 of the rental fee will be paid to the lessor(s) and 10% or \$8.05 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.

Best Regards,



Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

322 E Front St, PO Box 83720, Boise, ID 83720

(208) 287-4800 | www.idwr.idaho.gov

CC: David R. Tuthill Jr.- Idaho Water Engineering LLC

Bob,
Sorry for the delay
as I am not often
in Seattle. Have a
great holiday season.

RECEIVED

DEC 13 2023

DEPARTMENT OF
WATER RESOURCES

Thank you,
John

Howe, Bob

From: Howe, Bob
Sent: Tuesday, November 21, 2023 9:10 AM
To: dave@idahowaterengineering.com
Cc: Bank
Subject: John Gabbert-Rental Agreement 799-Mailed for Signature
Attachments: Proposed Rental Agreement 799 Cover Letter- 90-10% fees.pdf; Rental Agreement 799.pdf

Good Morning Dave,
Just a heads-up that we have mailed out the attached rental agreement and cover letter for signature and payment.
Feel free to reach out with any questions or concerns thank you.

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

322 E Front St, PO Box 83720, Boise, ID 83720

(208) 287-4800 | www.idwr.idaho.gov



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Governor Brad Little

Director Mathew Weaver

November 21, 2023

JOHN R GABBERT
1015 36TH AVE E
SEATTLE, WA 98112-4323

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-159B AGREEMENT 799**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

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A rental fee of \$80.50 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 3.5 acre-feet.

Please send a check for \$80.50 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 \$72.45 of the rental fee will be paid to the lessor(s) and 10% or \$8.05 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.

Best Regards,



Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

CC: David R. Tuthill Jr.- Idaho Water Engineering LLC

MEMORANDUM FOR RENTAL APPLICATION #2778

To: Water Right(s) 37-159B
From: Bob Howe
Date: 11/14/2023
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE:

The Department received this rental application on September 14, 2023, from John R. Gabbert requesting to rent 1.0 acre, .02 cfs and 3.5 AF for a 5-year term. The application is seeking to irrigate 1.0 acre of landscaping around a home in the Wood River Valley near Sun Valley, ID. In 2021, rental agreement #474 was processed from the Water Supply Bank (WSB) for this purpose. The current rental ends December 31, 2023.

Leased water right 37-159B was identified as a suitable lease for this rental. Currently no suitable rights are leased into the WSB through the end of 2028. The proposed right is leased to the WSB until December 31, 2025. Although the rental requested a 5-year term this rental may only be approved for 2 years.

AUTHORITY TO FILE:

The application was signed by Mr. Gabbert as well as representative David Tuthill Jr. Review of parcel data at the proposed rental place of use (POU) and point of diversion (POD) does not list Mr. Gabbert as the current owner. Rather the owner is listed as Kurt Ludke A Trustee of the Boulder View Revocable Trust. In the 2021 rental application review documentation authorizing John R Gabbert's access to the rental POU and POD was requested. The applicant provided conveyance of authorization for the Boulder View Revocable Trust, which included the notarized resignation of Trustee Julia N. Endicott, and the notarized appointment and acceptance of trustee naming John Root Gabbert and Susan LT Gabbert as co-trustees. There are no concerns regarding the applicant's authority to file for rental.

WATER RIGHT VALIDITY:

Water right 37-159B was decreed in 2011 and the portions on current lease contract #1366, ending 12/31/2025, were originally leased to the Bank from 2016 through 2020. There are no concerns of water right validity.

INJURY TO OTHER WATER RIGHTS:

The rental POU/POD and leased right and right 37-159B are within the same water district, groundwater district, groundwater management area, and the same transaction zone (2015 WSB Interim Groundwater Rental Policy for Wood River Valley). The claim backfile for Right 37-159B indicates the historic source for the right is the East Fork of the Big Wood River. The claim backfile included a transfer application proposing to change the POD to hydraulically connected groundwater. The partial decree listed the source as groundwater, which was conditioned to limit diversion to times when water is available and in priority from the East Fork Big Wood River. The condition on the leased right will be carried on the rental to prevent injury to any senior East Fork Big Wood River water rights.

The well construction report for the rental POD demonstrates the well is approximately 49ft in total depth. The rental POD wellsite is approximately 40ft upslope and less than 900ft east of the river, which is in closer proximity to the river than the PODs of record for right 37-159B. The proximity of the rental wellsite to the river lends to the likelihood of a hydraulic connection between the river and well. The hydraulic connection between groundwater within the transaction zones and the Big Wood River was evaluated to establish the 2015 WSB Interim

MEMORANDUM FOR RENTAL APPLICATION #2778

Groundwater Rental Policy for the Wood River Valley. The proposed rental of right 37-159B within the same transaction zone and groundwater administrative area significantly limits impacts to the river, similar to historic use.

There are no other injury concerns.

ENLARGEMENT OF USE:

The rental POU does not have overlapping irrigation rights. The applicant states in section 3.E. of the application that a domestic well will be used as the rental POD. An overlap comparison only finds municipal service areas overlapping the rental POU. There are no concerns about enlargement of use.

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 location for the rental POD is subject to Water District #37. A request for comments was sent to the WD #37 watermaster, the Galena GWD, and the Southern Regional Office on 11/20/2023.

Howe, Bob

To: watermanager@wd37.org; pat@svwsd.com; Skinner, Corey
Cc: Bank
Subject: Comment Request-Rental Agreement #799

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding the Water Supply Bank (WSB) Rental Agreement 799, for John R. Gabbert. The lease is for the rental place of use and portion as the current rental (Agreement 474-ending 12/31/2023), for a new term from 2024-2025. A copy of the proposed Rental Agreement, the rental review, and map are attached for your reference.

Please submit your comments within 14 days, no later than November 28, 2023. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the execution of the lease.

Comments are preferred to be received by e-mail to bob.howe@idwr.idaho.gov. However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4847.

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

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