

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 800

RECEIVED

DEC 11 2023

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

JOHN TERRY FIELD

PO BOX 217

GRAND VIEW, ID 83624-0217

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)
2-7061	4/9/1970	SNAKE RIVER Tributary to the COLUMBIA RIVER	0.20	50.0	10	0.02	5.0
Combined Rental Totals			0.20	50.0	10	0.02	5.0

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: \$115.00 annually

The full fee for the rental of the above-described right(s) is \$115.00 per year for years 2024 - 2025. The rental fee includes an administrative fee of \$115.00 per year for years 2024 - 2025. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 2-7061.

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. 800

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

11-30-23
Date

John Terry Field
Printed Name

Owner/Renter
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. 800

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SESW Sec.34, Gov Lot 9, Twp 05S, Rge 04E, OWYHEE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.20 CFS

VOLUME
45.0 AF

SEASON OF USE

Water Right No. **From** **To**
2-7061 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	
05S	04E	31													3.0			3.5	6.5
05S	04E	32										1.8	1.7						3.5

Total Acres: 10.0

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. The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

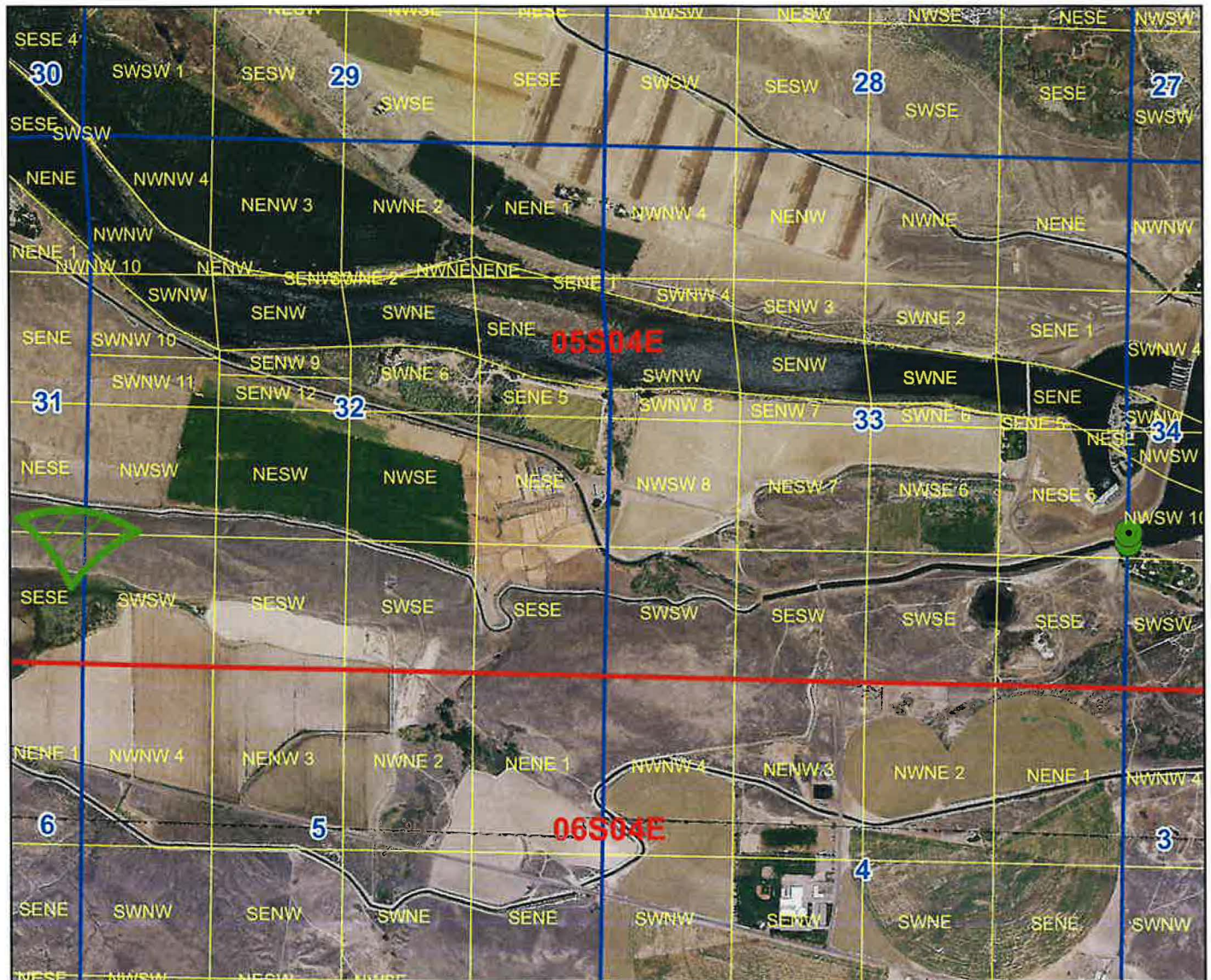
WATER SUPPLY BANK RENTAL AGREEMENT No. 800

10. The following rights are diverted through point of diversion described above: 02-7059, 02-7060B, 02-7061, 02-7062, 02-7064, 02-7168A, 02-7168B, 02-7168C, 02-7237A, 02-7275, 02-7279A, 02-10180, & 02-10181.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
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. 2.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 800

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 0.375 0.75 Miles

RECEIVED

OCT 16 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: John Terry Field

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 <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	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 <i>will mail to Bank</i>
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)

2778

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant John Terry Field
Mailing Address P.O. Box 217 Grand View Idaho 83624
Street City State Zip Code
Email Address Field25@msn.com Phone Number 208-834-2263
- 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**:

We want to rent some of our own water that is in the supply bank to irrigate some of our own ground in a new pivot.

- 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>50</u> AF	CFS	AF	<u>10</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>April 1 2024</u>	<u>July 31 2024</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):

Water to be delivered in existing canal - Bpce Canal - pumped out at POU

- 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
L9 (SESW)	Snake River	Our Rights 2-7167 - 2-7157 c
Section 34 Twp 05S		2-2083 - 2-2084 - 2-2272
Range 04E		2-2176 A 2-2176 c 2-2405A
Douglas Co		

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?

If yes, include documented consent as Attachment 3F.

**Water Right is Already A part of the canal companys deliver system*
Yes ☒ N/A ☒
To send to water bank

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling?

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

Yes ☐ No ☒

- H. Has water modeling been provided with your rental request?

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

Yes ☐ N/A ☒

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☐ Irrigation 10 (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.

Diversion Rate taken off Another rental #655 on the same water right 2-7061 Same rate as water right 2-7061

- K. Do you own the land at the proposed rental place of use (POU)?

Yes ☒ No ☐

If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

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

No other water right at POU - new ground under new pivot

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)
2-7061	IRRIGATION	0.85	212.2	42.5		0.20	50	10
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	0.20	50	10
						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**:

No

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

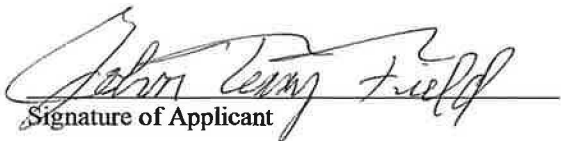
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

Own water right administrative Fee only

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 Terry Field
Printed Name of Applicant

10-03-23
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

[illegible]

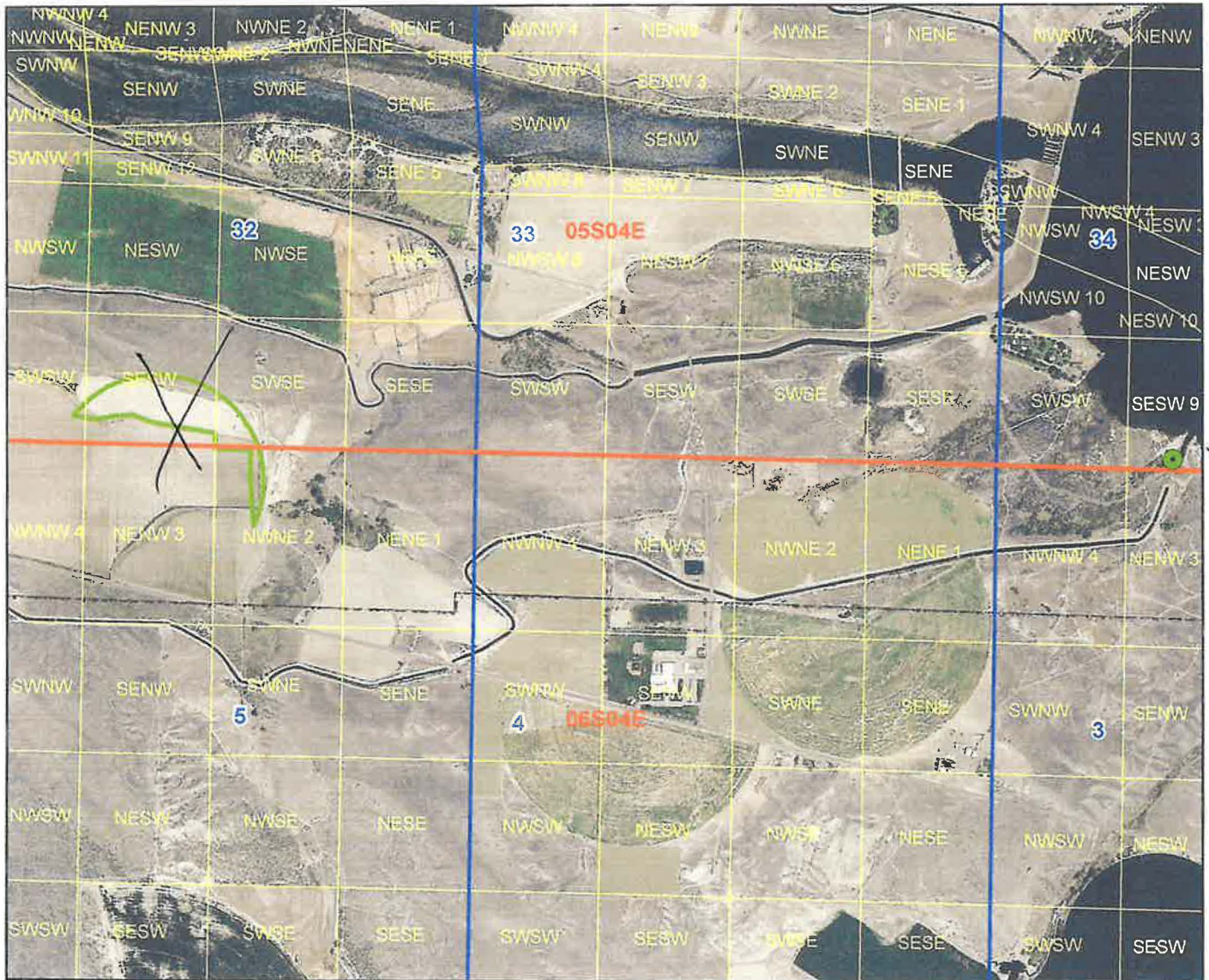
* Point of Use

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 655

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.



Point of diversion



0 2,000 Feet

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



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 TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624-0217

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7061, AGREEMENT 800**

Dear Renter:

Please find enclosed a receipt in the amount of **\$115.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 50.0 acre-feet of water for irrigation of 10 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 \$103.50 of the rental fee will be paid to the lessor(s) and 10% or \$11.50 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,

A handwritten signature in blue ink that reads "Debra Mansfield".

Debra Mansfield

for
Water Supply Bank

Enclosures: Receipt No. C117494
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Representative

Water District

Mansfield, Debra

From: Mansfield, Debra
Sent: Friday, December 15, 2023 9:07 AM
To: IdwrPayable; Miller, Nick; Whitney, Rob
Cc: Bank
Subject: Finalized Rental Agreement 800
Attachments: Finalized Rental Agreement 800.pdf

Good Morning,

Please see the attached copy of finalized Water Supply Bank Rental Agreement 800 in the name of John Terry Field 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

Howe, Bob

From: Howe, Bob
Sent: Wednesday, November 22, 2023 12:36 PM
To: Whitney, Rob; Miller, Nick
Cc: 'calzola@earthlink.net'; Bank
Subject: Comment Request-Rental Agreement 800- John Terry Field-Mailed for signature
Attachments: Rental Agreement 800-with Rental Review.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding the Water Supply Bank (WSB) Rental Agreement 800, for John terry Field. The proposed rental agreement, mailed today for signature, is for the term from 2024-2025. A copy of the proposed rental agreement, map, and the rental review are attached for your reference.

Please submit your comments within 14 days, no later than December 12, 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

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

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



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 22, 2023

JOHN TERRY FIELD
PO BOX 217
GRAND VIEW, ID 83624-0217

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7061 AGREEMENT 800**

*****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 **\$1,150.00 per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 50 acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$115.00.** 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.

Please send a check in the amount of \$115.00 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.

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: WD#2 Watermaster- Rob Whitney
Western Regional Office Manager-Nick Miller
Bybee Lateral Water Users-Jack Post

MEMORANDUM FOR RENTAL APPLICATION #2778, AGREEMENT #800

To: Water Right(s) 2-7061

From: Bob Howe

Date: 11/15/2023

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

PURPOSE/NARRATIVE:

On October 16, 2023, the Department received rental application 2778, submitted and signed by John Terry Field. The application requests to rent 0.20 cfs and 50 AF for the irrigation of 10 acres from Lease Contract 1307 (right 2-7061) for which the applicant is the lessor/right holder. Right 2-7061 is fully leased to the WSB to the end of 2025. The rental request is for a 2-year term from 2024-2025. As the applicant is both lessor and renter only administrative fees will apply to the rental.

The applicant seeks to develop a new partial pivot to irrigate an undeveloped wedge shape area between two existing pivots. The rental water would be delivered through the Bybee Lateral Water Users' Canal. The same diversion and delivery works convey the applicant's leased right.

AUTHORITY TO FILE:

Owyhee County tax records list John & Leslie Field as the current owners of the parcels the rental place of use (POU) is located within. IDWR records lists John Terry Field as the current owner of right 2-7061 and the lessor of Lease Contract 1307.

Consent for 2024 use of the Bybee Canal to convey water to the POU was given in a letter dated October 20, 2023, signed by Jack Post (secretary of the Bybee Lateral Water Users Association). As the rental term requested is for 2024-2025, I requested a consent letter from the delivery entity. They agreed to submit a consent letter for 2024 and 2025 seasons. There are no concerns regarding the authority to file application for rental.

WATER RIGHT VALIDITY:

There are no water rights overlapping the proposed rental POU and the water is available from the delivery entity at the proposed POU. Right 2-7061 was decreed in 2009 and the full right has been in the bank since 2015. There are no validity concerns regarding the lease.

INJURY TO OTHER WATER RIGHTS:

Both the leased right and proposed rental POU are in Water District 2 and both PODs are the Bybee Canal, owned and operated by Bybee Lateral Water Users Association. The head of the Bybee Canal (WMIS 1001397) located in section 34, of gov't lot 9 (SESW) Twp 05S Rge 04E.

The water diverted for the lease and rental are subject to a Trust Water Rights review. The right providing the rental water is senior to October 1, 1984, and therefore protected from a call to meet the minimum stream flow at the Murphy gage.

Sufficient leased water is available from right 2-7061 to satisfy this rental request. The lease-rental does not change the amount of water diverted at the POD. There are no injury concerns due to the proposed rental.

ENLARGEMENT OF USE:

The new pivot is in the SESE of Section 31 of Twp 5S, Rge 4E and is within property owned by the applicant. The PODs for both the lease and proposed rental are in Administrative Basin 2, however, both POU's are in Basin 57 where the headgate volume allowance is 4.5 af/ac. Lease Contract 1307 is conditioned to limit the volume to a field headgate volume of 4.5 af/ac. This condition is carried on the proposed rental agreement. A review of aerial imagery indicated that area idled for the lease of 2-7061 has been idled since it was leased into the bank.

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 points of diversion (POD) for the rental and leased right are subject to the administration of Water District No. 2, and conveyance of water for both PODs is provided by Bybee Lateral Water Users Association. The delivery entity issued a consent letter for delivery and a request for comment was emailed to the Western Regional Manager and the Watermaster of WD-2 on 11/21/2023.

RECEIVED

OCT 27 2023

DEPARTMENT OF
WATER RESOURCES

Mary

Here is the letter from
Bybee Canal for the
Rental application for
10 acres from right #
2-7061 John T. Fuld

Thanks
Leslie Fuld
208-834-7263

BYBEE LATERAL WATER USERS ASSOCIATION

**PO Box 235
Mountain Home, Id. 83647
208-587-2789
calzola@earthlink.net**

RECEIVED

OCT 27 2023

**DEPARTMENT OF
WATER RESOURCES**

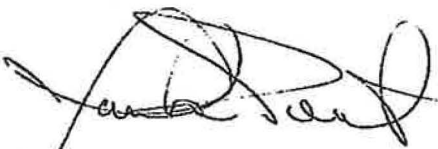
October 20, 2023

**Idaho Department of Water Resources
Water Supply Bank – Mary Condon
208-287-4936**

To Whom It May Concern:

This is to advise you that Bybee Lateral Water Users Association has the capacity to accommodate the additional 10 acres / .20 CFS desired rate of rental water from #2-7061 / J. Terry and Leslie A. Field that will be use for their 2024 irrigation season.

Sincerely,



**Jack Post
Secretary**

BYBEE LATERAL WATER USERS ASSOCIATION

PO Box 235
Mountain Home, Id. 83647
208-587-2789
calzola@earthlink.net

RECEIVED

OCT 23 2023

Department of Water Resources

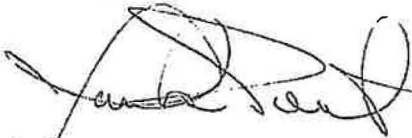
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Sincerely,

A handwritten signature in black ink, appearing to read "Jack Post", written over a horizontal line.

Jack Post
Secretary

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Monday, October 23, 2023 11:19 AM
To: Kienholz, Mackenzie
Subject: FW: Bybee Water Bank Letter
Attachments: Bybee Field IDWR letter.pdf

From: Chris Alzola <calzola@earthlink.net>
Sent: Monday, October 23, 2023 11:14 AM
To: Terry & Leslie Field <field35@msn.com>; Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Bybee Water Bank Letter

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 Leslie,

I've attached the letter you requested from Bybee Lateral. If you need anything else, please let me know. I'm not sure if I have Mary's email address correct if not you might forward on to her.

Thank You,

Chris