

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 806

This is to certify that:

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

RECEIVED
MAR 04 2024
DEPT. OF WATER RESOURCES

RECEIVED
FEB 27 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)
36-17110	2/25/1953	GROUND WATER	0.33	86.4
Combined Rental Totals			0.33	86.4

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

Annual Rental Fee:

2024: \$198.72

The full fee for the rental of the above-described right(s) is \$198.72 for 2024. The rental fee includes an administrative fee of \$198.72 for 2024. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 36-17110.

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 806

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

2/23/2024
Date

Kim Salisbury
Printed Name

Associate Vice President, Budget & Planning
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 3/6/24

Rental approved by IDWR 

Date 3/6/24

RECEIVED

FEB 27 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 806

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

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

BENEFICIAL USE
COMMERCIAL

DIVERSION RATE
0.33 CFS

VOLUME
86.4 AF

SEASON OF USE

Water Right No. **From** **To**
36-17110 1/1 12/31

RENTERS PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	17			X					X	X					X			X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. 130.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 806

11. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
12. Prior to diversion and use of water under this rental agreement, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
13. Commercial use is for construction and dust abatement.
14. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 806

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.



Legend

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



0 0.1 0.2
Miles



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

March 7, 2024

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

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-17110, AGREEMENT 806**

Dear Renter:

Please find enclosed a receipt in the amount of **\$198.72** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 86.4 acre-feet of water for commercial 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, \$198.72 will be retained by the Department to offset administrative costs for 2024.

Sincerely,

Catalina Beck

for
Water Supply Bank

Enclosures: Receipt No. S040113
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Regional Office
Representative Marten Law
Water District 130
Ground Water District Magic Valley GWD
IDWR Compliance Officer

MEMORANDUM FOR CONTRACT #1780 & AGREEMENT #806

To: Water Right(s) 36-17110

From: Mackenzie Kienholz

Date: 11/17/2023

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

PURPOSE/NARRATIVE: Lease application #2780 was submitted by Travis L. Thompson (Marten Law, LLP) on behalf of the Board of Regents of the University of Idaho and was received by the Department on 10/5/2023. The application requests to lease the full amount of water right 36-17110.

Rental application #2782 was also submitted by Travis L. Thompson (Marten Law, LLP) on behalf of the Board of Regents of the University of Idaho and was received by the Department on 10/5/2023. The application requests to rent the full amount of water right 36-17110 for dust abatement and construction of a Center for Agriculture Food and the Environment.

This lease-rental package occurred in 2023 and has been requested again for 2024. The rental does not propose to change the POD, POU, or any other element of the water right. Review staff contacted Mr. Thompson on 11/17/2023 to confirm that the package was necessary and/or desired. He confirmed that the package is desired as it helps make it clear to contractors involved in the construction project that the applicants have the authority to use the water in the manner proposed.

This lease/rental is within the Magic Valley GWD, WD 130, and the ESPA GWMA.

AUTHORITY TO FILE: The application was signed by Lee Espey who is listed as the Operations Officer for the Division of Finance and Administration on the University of Idaho's website. The parcels at the lease/rental POD and POU are owned by the Board of Regents of the University of Idaho. Water right 36-17110 is owned by the Board of Regents of the University of Idaho and the State of Idaho – State Board of Land Commissioners Acting through Idaho Department of Lands. A lessor designation form was requested by review staff and was submitted by the representative on 11/27/2023. The form listed the Board of Regents of the University of Idaho as the designated lessor. Lee Espey signed on behalf of the University and Dustin Miller, Director of Idaho Department of Lands, signed on behalf of the State Board of Land Commissioners/Idaho Department of Lands. No concerns with authority to file.

WATER RIGHT VALIDITY: Right 37-17110 is a split from right 36-16810 (split in Transfer 81615 approved 10/6/2017). Based on sentinel imagery, the acres under 36-16810 appear to be fully irrigated in 2016 (pre-transfer). This transfer changed the nature of use from irrigation to commercial and stockwater. It was not determined during this review what water use occurred from 2017-2020. Right 37-17110 has been leased to the Bank since 2021. No concerns with water right validity.

INJURY TO OTHER WATER RIGHTS: No elements of the water right will be changed including season of use, nature of use, POD, and POU. Therefore, there are no concerns with injury to other water rights. Modeling was not required as the POD is not changing.

When comments were requested for the 2023 rental, the watermaster noted that he had no concerns as long as an approved measuring device would be installed prior to diverting water. On May 12th the representative confirmed that the applicant had purchased and would install such device. There is no evidence to support that the device was indeed installed for 2023. Review staff informed the applicant's representative that a recommendation for approval would not be made until confirmation that the device has been installed was received.

UPDATE 1/10/2024: The representative emailed review staff on 1/9/2024 that the contractor installed the device. Photos of the measuring device were submitted. This is sufficient evidence to recommend an approval of this lease/rental package, however it would be beneficial to have water district staff confirm the installation and operation of the measuring device at some point in the 2024 season.

ENLARGEMENT OF USE: No elements of the water right will be changed including season of use, nature of use, POD, and POU. Therefore, there are no concerns with 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 #130. A request for comments was sent to the WD 130 watermaster, Magic Valley GWD, and the Southern Regional Office on 1/10/2024.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, January 10, 2024 9:02 AM
To: King, Corey; Skinner, Corey; mvgwd@hotmail.com
Cc: Ragan, Brian
Subject: Comments Request - WSB Lease Rental U of I
Attachments: Meter Pic 4887-9611-6123 version 1.jpg; Meter Pic 2 4854-9185-6539 version 1.jpg; WM Copy Review Memo Lease App 2780 Rental App 2782 - U of I.pdf; Rental Map 806 U of I.pdf; Lease Map 1780 U of I.pdf

Good morning,

Please see the attached review documents for the Board of Regents of the University of Idaho, and kindly respond with any comments or concerns within 10 days.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



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

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Tuesday, January 9, 2024 4:03 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: UI Rental

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

Hi Mackenzie,

The contractor informed UI that the meter has been installed. Are these pictures sufficient or do you need something else?

Thanks

Travis

Travis L. Thompson
Partner

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

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



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Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, January 10, 2024 8:51 AM
To: Travis L. Thompson
Subject: RE: UI Rental

Good morning, Travis,

I believe this will be sufficient for now.

Thank you,
Mackenzie

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Tuesday, January 9, 2024 4:03 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: UI Rental

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Hi Mackenzie,

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Thanks

Travis

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Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, December 21, 2023 3:20 PM
To: Travis L. Thompson
Cc: Bank
Subject: RE: UI Water Bank Lease

Travis,

It was required that a measuring device would be installed before diverting water under Rental Agreement #756 for 2023, and the Department was told that the device had been purchased and would be installed prior to diversion in 2023. However, there is no indication that a measuring device was installed for the 2023 season. As such, we will likely not send a rental agreement for signature and/or approve a rental until confirmation is received that a measuring device has been installed.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



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

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Monday, December 18, 2023 1:22 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: UI Water Bank Lease

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Mackenzie,

I have been advised that the contractor is indicating they will have the meter installed by no later than May 31, 2024. They do not plan to draw water for construction until June and want to avoid installing during the winter if that would be acceptable.

Thanks

Travis

Travis L. Thompson
Partner

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

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



From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Monday, December 18, 2023 1:18 PM
To: Travis L. Thompson <tthompson@martenlaw.com>
Subject: RE: UI Water Bank Lease

Travis,

Do you have confirmation on the installation of a measuring device yet? The watermaster has also offered to check on the diversion. I need to ensure the device was installed before passing this on for supervisor approval. Please let me know the status of this as soon as possible.

Thank you,
Mackenzie

From: Kienholz, Mackenzie
Sent: Monday, November 27, 2023 4:00 PM
To: Travis L. Thompson <tthompson@martenlaw.com>
Subject: RE: UI Water Bank Lease

Hi Travis,

This should be perfect. And thank you for checking on the meter as well.

Thank you,
Mackenzie

From: Travis L. Thompson <tthompson@martenlaw.com>
Sent: Monday, November 27, 2023 3:05 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: UI Water Bank Lease

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.

Mackenzie,

Please see attached, will this work for the 2024 lease renewal? Checking on the status of the meter too will get back to you when I find out.

Thanks

Travis

Travis L. Thompson

Partner

D – 208.735.2227

M – 208.404.2840

E - tthompson@martenlaw.com

martenlaw.com

163 Second Ave. W.

Twin Falls, ID 83301



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RECEIVED

OCT 16 2023

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

OCT 05 2023

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKDEPT OF WATER RESOURCES
SOUTHERN REGIONApplicant Name: University of Idaho Board of Regents

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed Application to Rent Water from the Board's Water Supply Bank
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☐ | ☒ Detailed information on a proposed use of rental water |
| 3F | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☒ | ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☐ | ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☒ | ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

36-17110

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant University of Idaho Board of Regents

Mailing Address 875 Perimeter Dr., Stop 3168 Moscow Idaho 83844-3168

Street City State Zip Code

Email Address gerardb@uidaho.edu Phone Number 208-885-6468

- B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Travis L. Thompson Professional Title Attorney

Organization Marten Law LLP Relationship to Applicant Attorney

Mailing Address P.O. Box 63 Twin Falls, Idaho 83303-0063

Email Address tthompson@martenlaw.com Phone Number 208-733-0700

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

- A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

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

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.33 CFS	86.4 AF	0.33 CFS	86.4 AF	N/A AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

- C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
1/1/24	1/15/24	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Existing well will be used to pump water to contractor's tanks and trucks

- 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
Well/Pump	Groundwater	N/A

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

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

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☒ Commercial from: 1/1 (mm/dd) to: 12/31 (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

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

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
None.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
36-17110	Commercial	0.33	86.4	N/A		0.33	86.4	N/A
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.33	86.4	N/A
						CFS	AF	AC

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

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

N/A

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

Yes ☐ No ☒

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

RECEIVED

OCT 05 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

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:

Leased the same water right last year in 2023, construction will continue into 2024. Once complete the water right will no longer need to be rented but will be used at the dairy research facility.

- 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

Applicant placed the water right in the water bank not knowing whether or not water would be needed for construction activities in 2023. Water is now needed for that commercial purpose and leasing a portion of the water right from the bank will assist in the construction through 2024.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.


Signature of Applicant

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

9-26-2023
Date

Signature of Representative

Printed Name of Representative

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. 756

Effective until December 31, 2023

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



Legend

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