

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 906

This is to certify that:

DALE VAN ES
8222 DESERT DR
MARSING, ID 83639-8264

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)
2-7055	1/23/1970	SNAKE RIVER	1.71	497.5	99.5	0.017	5.00
2-7112A	2/22/1973	SNAKE RIVER	1.79	517.6	103.5	0.017	5.00
2-2161	2/15/1961	SNAKE RIVER	2.00	400.0	100.0	0.020	4.00
Combined Rental Totals			5.50	1,415.1	303.0	0.018	4.67

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2026. 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 2025, whichever occurs last.

Annual Rental Fee:

2025 - 2026: \$46,698.30 annually

The full fee for the rental of the above-described right(s) is \$46,698.30 per year for years 2025 and 2026. The rental fee includes an administrative fee of \$4,669.83 per year for years 2025 and 2026.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	5.50	1,363.5	303.0	0.018	4.50
Combined Total	5.50	1,363.5	303.0	0.018	4.50

** The authorized water usage reflects a reduction from the water right elements rented, to account for a duty of water for existing Water Rights 2-2255 and 2-10017 of 4.5 af/acre.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

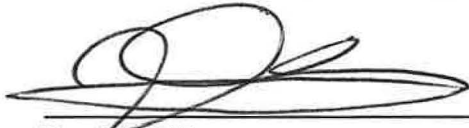
RECEIVED

APR 18 2025

WATER SUPPLY BANK RENTAL AGREEMENT No. 906

DEPT. OF WATER RESOURCES

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

4-11-25

Date

Dale Van Es

Printed Name

owner

Title

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

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

By

BRIAN PATTON, Executive Manager
Idaho Water Resource Board

Date

4/23/25

Rental approved by IDWR



Date

4/23/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 906

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SENW Sec. 30, Twp 02S, Rge 01E, OWYHEE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
5.50 CFS

VOLUME
1363.5 AF

SEASON OF USE

From To
3/1 11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	01W	14											40.0	40.0			40.0		120.0
02S	01W	15				40.0					40.0			40.0	40.0	40.0	40.0	40.0	280.0
02S	01W	21																40.0	40.0
02S	01W	22	40.0	40.0	40.0	40.0	40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
02S	01W	23		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0			40.0	40.0		480.0
02S	01W	26		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0			40.0	40.0		480.0
02S	01W	27	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02S	01W	34	40.0	40.0			40.0												120.0

Acre Limit: 303.0
Total Acres: 2,720.0

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

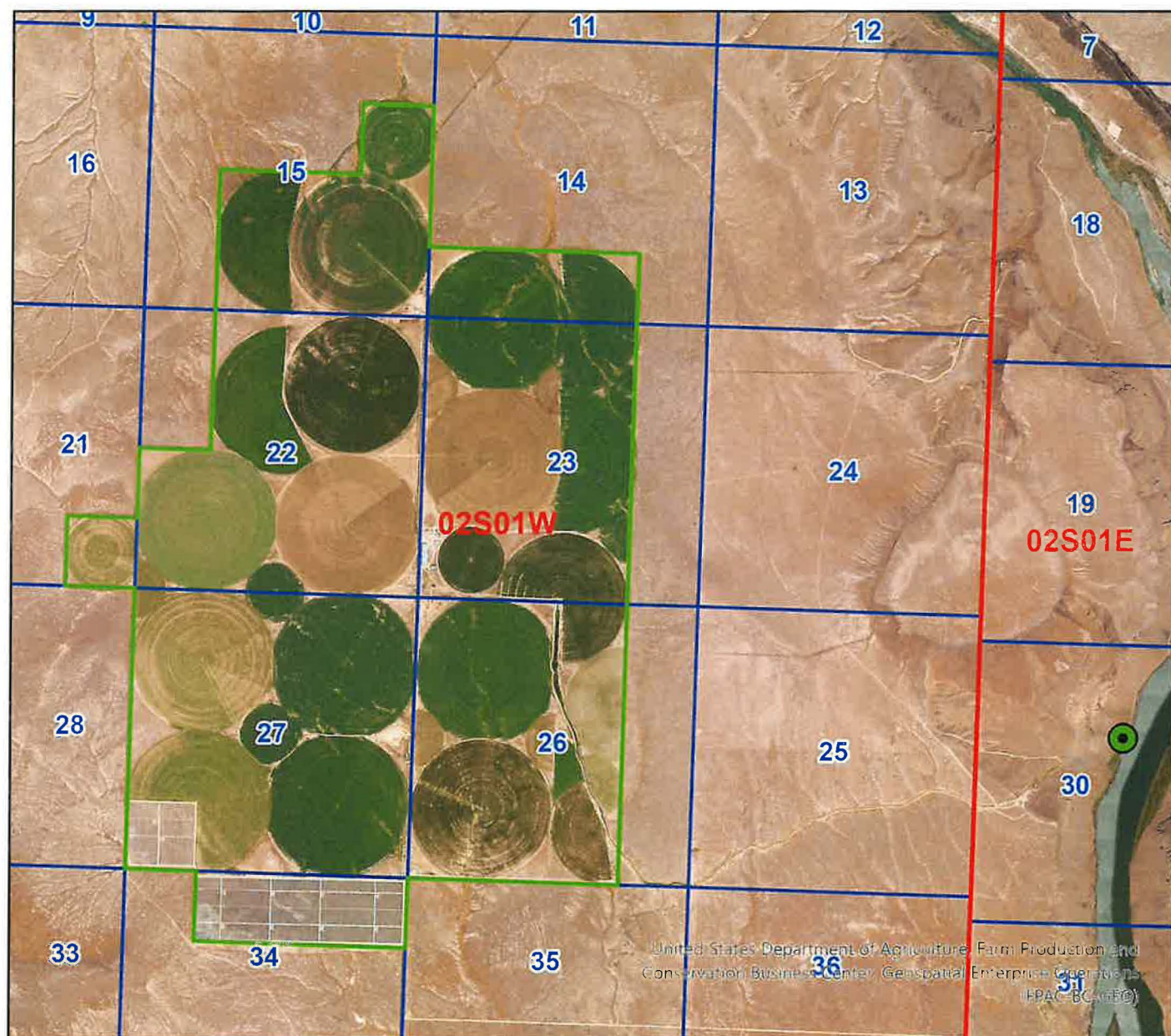
WATER SUPPLY BANK RENTAL AGREEMENT No. 906

7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This 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 place of use.
10. The rented portions of water rights 2-7055 and 2-7112A when combined shall not exceed a total diversion rate of 3.50 cfs.
11. This rental and water rights 2-2251, and 2-10017 when combined shall not exceed a total diversion rate of 32.52 cfs, a total annual maximum diversion volume of 10,553.0 af, and the irrigation of 2,345.0 acres.
12. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 9/12/2012.
13. The renter 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 diversion(s).
14. 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. 02.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 906

Effective until December 31, 2026

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



0 2,000 4,000 6,000 Feet

Legend

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

Sep 25, 2024

DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Dale Van Es

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)

3660

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Dale Van Es

Mailing Address <u>8222 Desert Dr</u>	Marsing	ID	83639
Street	City	State	Zip Code
Email Address <u>dalevanes@aol.com</u>	Phone Number <u>208-250-0478</u>		

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 <u>Lori Graves</u>	Professional Title <u>Water Rights Specialist</u>
Organization <u>HDR</u>	Relationship to Applicant <u>Consultant</u>
Mailing Address <u>412 E Parkcenter Blvd, Ste 100, Boise, ID 83706</u>	
Email Address <u>lori.graves@hdrinc.com</u>	Phone Number <u>208-872-9519</u>

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**:

Currently, Snake River water rights 2-2251 and 2-10017, when combined, allow full volume, but are limited to a total diversion rate of 27.02 cfs for irrigation of 2,345 acres, which equates to 0.0115 cfs/acre. Applicant wishes to "re-rent" Snake River to allow diversion of additional flow. Current rental agreement #440 expires 12/31/2024.

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)
5.5 CFS	*see below AF	5.5 CFS	*see below AF	275 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?	
3/1/2025	5/1/2025	☐ 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.

*Irrigated acres within ppu are authorized full volume, but < full flow rate under rights 2-2251 & 2-10017.
Consequently rental water tied to rights with < full volume would be acceptable (see attached map).

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 pump station and irrigation system authorized under water rights 2-2251 and 2-10017.

- 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
T2S, R1E, S30, SENW (pump station location)	Snake River	2-2251 and 2-10017

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 275 (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:

2-2251 and 2-10017

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☐ No ☒

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

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

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

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

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

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

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

Yes ☐ No ☒

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

RECEIVED

SEP 25 2024

DEPARTMENT OF
WATER RESOURCES

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:

Rental Agreement #440. IDWR considers direct diversion of Snake River water between Milner and Swan Falls to cause significant reduction and thereby will not process new applications within this reach. Existing Snake River water right(s) have not been found available for purchase and transfer.

- 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:

See 5A above.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☒ No ☐

If yes, describe the date and location of the NOV.

See letter from IDWR dated February 10, 2020 previously submitted with rental application for Agreement #440.

- D. Additional Information

Until rental water is secured, applicant will not exceed his currently authorized diversion rate of 27.02 cfs.

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

Dale Von Es
Printed Name of Applicant

9-20-24
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Amended

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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- 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:

See 5A above.

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Signature of Applicant

Printed Name of Applicant

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

LEGEND



Water Rights pod

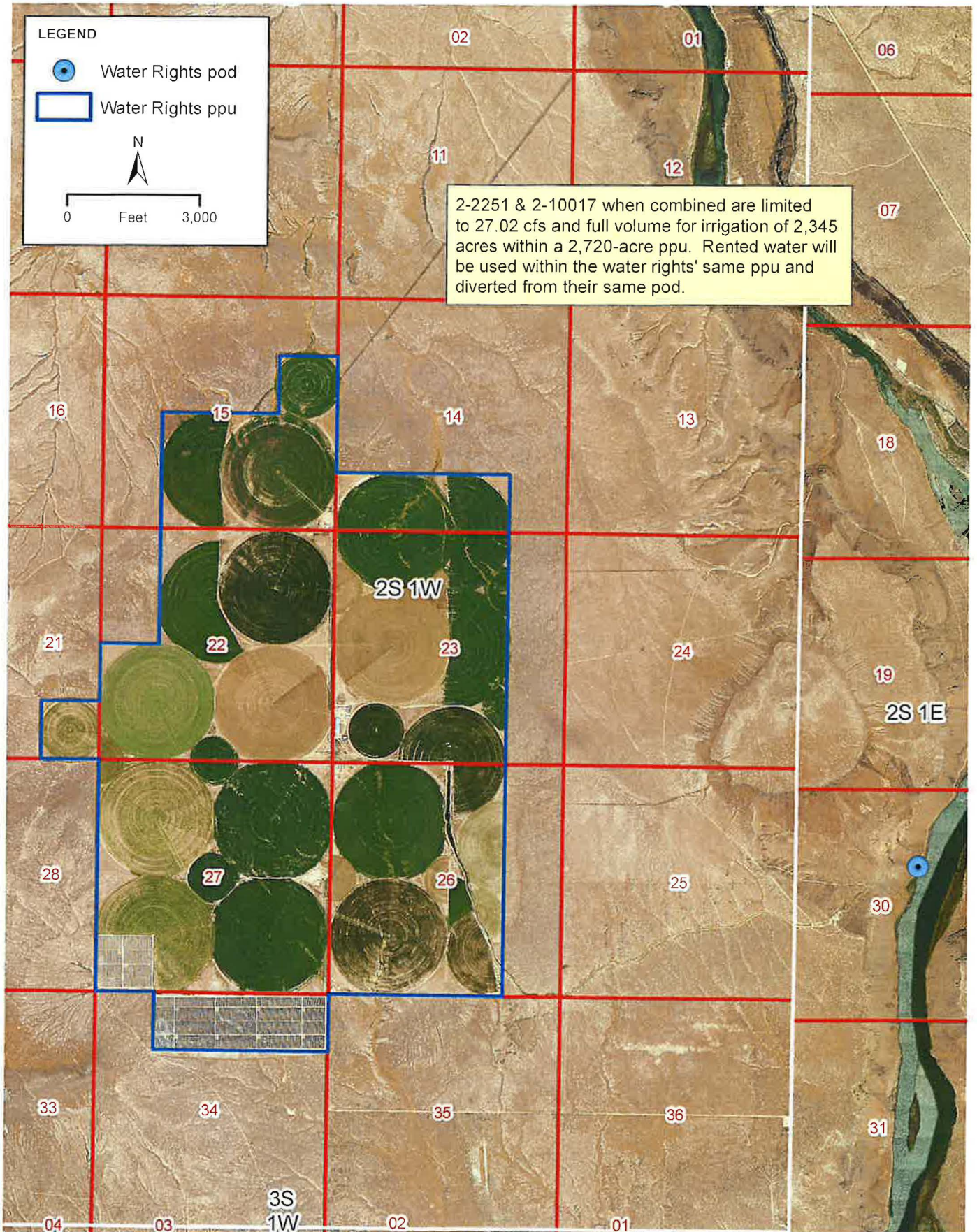


Water Rights ppu



0 Feet 3,000

2-2251 & 2-10017 when combined are limited to 27.02 cfs and full volume for irrigation of 2,345 acres within a 2,720-acre ppu. Rented water will be used within the water rights' same ppu and diverted from their same pod.



DATA SOURCE: 2023 NAIP Imagery

DALE VAN ES
WATER BANK RENTAL APPLICATION
FALCON BUTTE FARM



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

April 28, 2025

DALE VAN ES
8222 DESERT DR
MARSING ID 83639-8264

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-2161, 2-7055, 2-7112A, AGREEMENT 906**

Dear Renter:

Please find enclosed a receipt in the amount of **\$46,698.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 1,415.1 acre-feet of water for irrigation of 303.0 acres during 2025. 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 \$42,028.47 of the rental fee will be paid to the lessor(s) and 10% or \$4,669.83 will be retained by the Department to offset administrative costs.

The annual rental fee for 2026 is due by December 31, 2025. If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Debra Mansfield

for
Water Supply Bank

Enclosures: Receipt No. C120864
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Representative
Water District No. 02
IDWR Compliance Officer

Mansfield, Debra

From: Mansfield, Debra
Sent: Friday, April 25, 2025 4:39 PM
To: IdwrPayable; Palmer, Cherie; Miller, Nick; Smith, Kellie; Graves, Lori
Cc: Bank
Subject: Executed WSB Rental Agreement 906
Attachments: Executed WSB Rental Agreement 906 D Van Es 2025-2026.pdf

Hello,

Please see the attached copy of WSB Rental Agreement 906, in the name of Dale Van Es, for your records.

Thank you,

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



IDAHO DEPARTMENT OF
WATER RESOURCES

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

April 4, 2025

DALE VAN ES
8222 DESERT DR
MARSING, ID 83639

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7055, 2-7112A, 2-7287 AGREEMENT 906**

*****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 **\$46,698.30 per year** was calculated based on the current rental rate of \$33.00 per acre-foot times a diversion volume of 1,415.1 acre-feet. The annual rental fee for 2026 is due by December 31, 2025. 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 \$46,698.30 for 2025 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$42,028.47 of the rental fee will be paid to the lessor(s) and 10% or \$4,669.83 will be retained by the Department to offset administrative costs for **2025.**

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

Sincerely,

Skyler Cheever
Water Resource Agent, Sr – State Office
Idaho Dept. of Water Resources

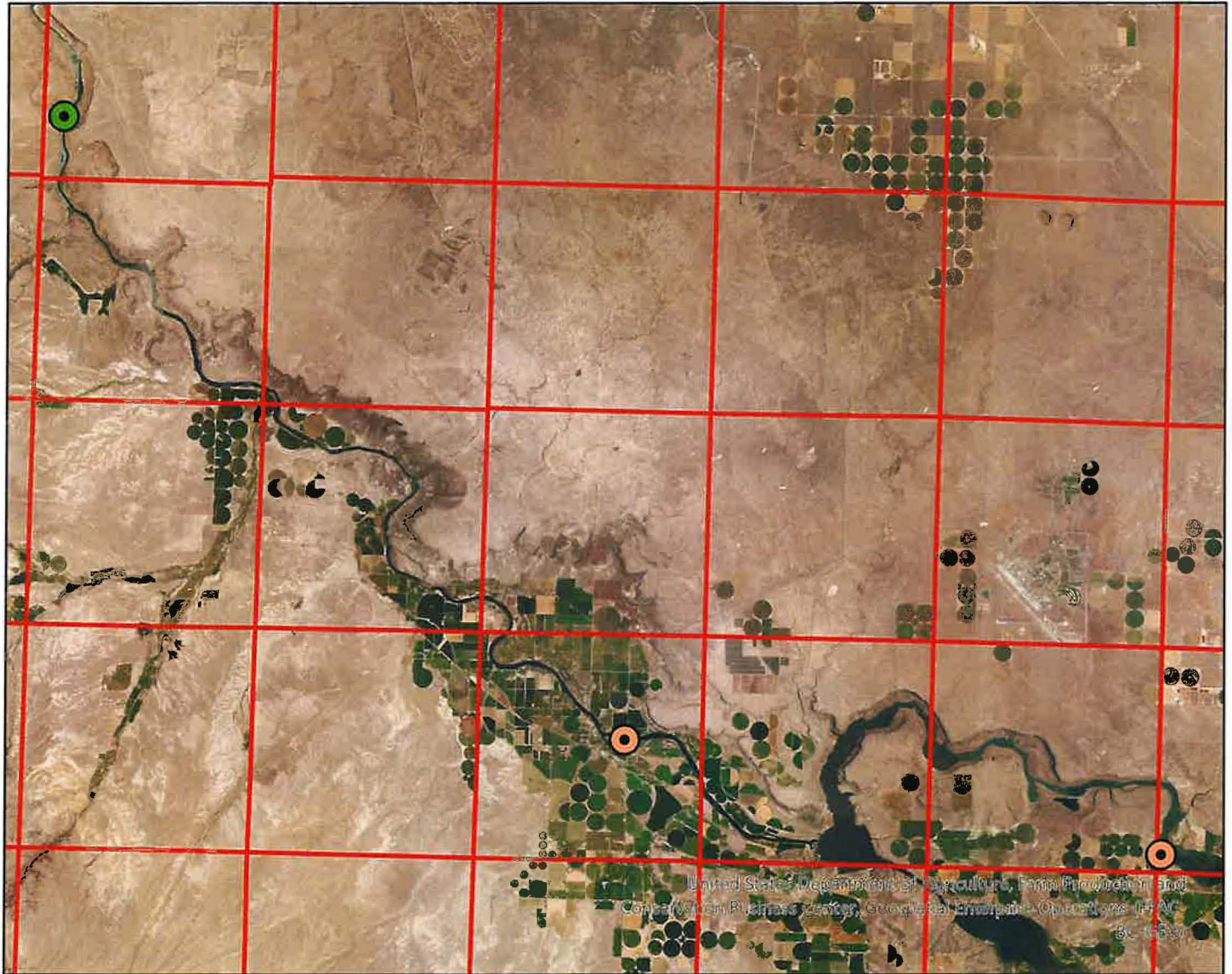
Enclosure(s)

c: IDWR Front Desk (via email)
Representative (via email)
WSB (via email)

Idaho Water Resource Board

WSB Move Map

2-7055, 2-7112A, 2-2161
2025-2026



0 5 10 15 Miles

Legend

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



Cheever, Skyler

From: Smith, Kellie
Sent: Tuesday, March 18, 2025 10:13 AM
To: Cheever, Skyler
Subject: RE: Water Supply Bank Rental Agreement 906 Dale Van Es

Skyler,
I have no comments or concerns with this application. Thank You

Kellie Smith
IDWR Water Distribution
Water District 02 Watermaster
(208) 287-4842

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Thursday, March 13, 2025 11:25 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Erling, Jes <Jes.Erling@idwr.idaho.gov>; Smith, Kellie <Kellie.Smith@idwr.idaho.gov>
Subject: Water Supply Bank Rental Agreement 906 Dale Van Es

Hello Nick, Kellie, and Jes,

I have completed an additional review of a Water Supply Bank Rental Application 3060 with the point of diversion within Administrative Basin 2 and Water District 2. The applicant is Dale Van Es. They did not provide any specific water rights they wanted to rent from. I initially found that the entirety of lease contract 1760 and 19 acres of lease contract 1587 fills the applicant's rental proposal from the water supply bank from 2025-2026. However, Mr. Van Es requested to find a proposal that would lower the rental fee but still rent the same diversion rate. The new proposal the applicant agreed to reduces the rented portions of contract 1760 and adds the entirety of contract 1955 for WR 2-2161. Attached is a copy of the new draft rental agreement, review memo, and map of the place of use. If you have any comments on the applicant's proposal or my review, please let me know within 7 days. If you have any questions or concerns, please let me know.

Best,

Skyler

 **Skyler Cheever**
Water Resource Agent, Sr - State Office
(208) 287-4913
Skyler.Cheever@idwr.idaho.gov

Idaho Dept. of Water Resources

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

MEMORANDUM FOR WSB RENTAL AGREEMENT # 906

To: Water Right No(s). 2-7055, 2-7112A, 2-2161

From: Skyler Cheever-Water Resource Agent, Sr – State Office

Date: March 12, 2025

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

PURPOSE/NARRATIVE:

Application 3060 was sent in by Dale Van Es and received by the Department on September 25th, 2024. The applicant is requesting to rent 5.5 cfs and 275 acres worth of irrigation to continue to satisfy a NOV issued by the Department in 2020 for existing water rights (WR) 2-2251 and 2-10017, owned by the applicant according to Department records. The applicant was diverting water in excess of the maximum authorized rate of 2-2251 and 2-10017 when combined. The applicant did not request specific WR's to rent. The entirety of lease contract 1760 and a portion of contract 1587 meet the applicant's request. The proposed point of diversion (POD) is within the Snake River Basin Moratorium Area and Trust Water Area. This application is intended as a renewal of rental agreement 440 which expired on December 31st, 2024.

When the rental agreement was mailed to the applicant on February 13th, 2025, the representative reached out and indicated the applicant was not willing to pay the increased rental fee compared to their previous rental agreement from 2024. One of the reasons the fee increased is the WR rented in agreement 440 authorized a diversion volume/acre of 4.0 af/acre and the WR proposed to the applicant authorize 5.0 af/acre. After additional research into other lease contracts available lease contract 1951 for WR 2-2161, authorizing 100 acres of irrigation at 4.0 af/acre, would reduce the total rental fee. The remaining 175 acres should come from lease contract 1760. The applicant was contacted regarding the new proposal on March 11th, 2025. They expressed they are onboard with the new proposal and would pay the new reduced rental fee.

AUTHORITY TO FILE:

Dale Van Es signed the application. Mr. Van Es has the authority to file this agreement because he is the Manager of Murphy Flat Farm LLC, the owner of the property containing the proposed place of use (POU).

INJURY TO OTHER WATER RIGHTS:

The lease PODs are from 23 to 35 miles upstream of the proposed rental POD. All PODs are within Administrative Basin 2 and within water district 02. The water district can administer the rental by priority therefore there are no injury concerns.

ENLARGEMENT OF USE:

The proposed POU is the same as existing WR's 2-2251, and 2-10017 which are limited to 27.02 cfs and the irrigation of 2,345 acres within a 2,720-acre permissible place of use (PPU). The existing water rights are limited to a diversion volume/acre of 4.5 af/acre. Therefore, to prevent enlargement the authorized rental diversion volume should be reduced to 4.5 af/acre. In addition, since the applicant is only requesting additional diversion rate a condition should be added limiting this rental and WR's 2-2255 and 2-10017 when combined to 32.5 cfs, 10,553 af, and the irrigation of 2,345 acres. There are no other enlargement concerns.

LOCAL PUBLIC INTEREST:

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The proposed POD is within Administrative Basin 2 and Water District 2. The Watermaster and Western Regional Manager were contacted for comment on January 31st, 2025. Additional comment was sent on March 13, 2025, after the applicant agreed to rent different WR's. If no comment are received it is assumed there is no concern with the applicant's proposal.



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

February 13, 2025

DALE VAN ES
8222 DESERT DR
MARSING, ID 83639

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7055, 2-7112A, 2-7287 AGREEMENT 906**

*****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 \$52,140.00 **per year** was calculated based on the current rental rate of \$33.00 per acre-foot times a diversion volume of 1,580.0 acre-feet. The annual rental fee for 2026 is due by December 31, 2025. 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 \$52,140.00 for 2025 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$46,926.00 of the rental fee will be paid to the lessor(s) and 10% or \$5,214.00 will be retained by the Department to offset administrative costs for **2025**.

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

Sincerely,

Skyler Cheever
Water Resource Agent, Sr – State Office
Idaho Dept. of Water Resources

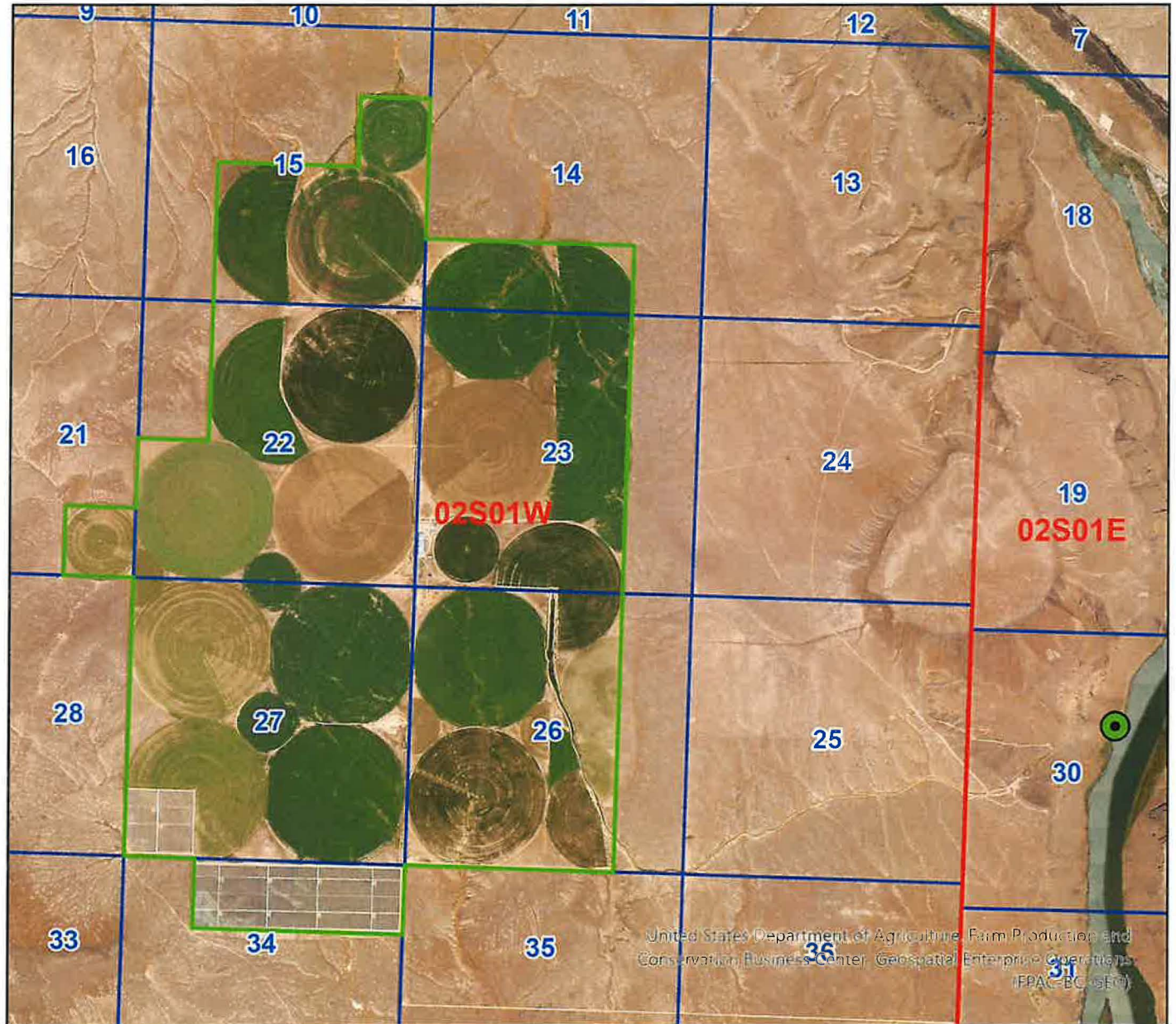
Enclosure(s)

c: IDWR Front Desk (via email)
Representative (via email)

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 906

Effective until December 31, 2026

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



0 2,000 4,000 6,000 Feet

Legend

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



Cheever, Skyler

From: Smith, Kellie
Sent: Monday, February 10, 2025 8:51 AM
To: Cheever, Skyler
Cc: Erling, Jes
Subject: RE: Water Supply Bank Rental Agreement 910 Terry Carothers

Skyler,

I am commenting on Agreement 906, 908, and 910 that you submitted.

Comments/Questions Rental Agreement 906

- Condition 9. (Min Stream Flow Condition) Is this for all rentals in WD02 or just some? The rented rights have priority date senior to the Swan Falls Agreement cutoff 10/25/1984 I think.
- Condition 10. and Condition 11. These two seem to contradict each other, that the any combination of rights cannot do more than 4 AF/Acre but the condition 11 math shows 10553 AF/2345 acres is 4.5 AF/acre. Not sure if there is a typo in condition 10. that might make it read differently (and, or, or and/or), while the cfs/acre is still under the limits. I am not sure if this matters, but when looking at data and compliance each season this would give some questions.
- In memo under the Enlargement of Use Paragraph, you reference wr 2-2255 but I think it should be 2-2251

Comments/Questions Rental Agreement 908

- None

Comments/Questions Rental Agreement 910

- This rental is including a water right that is junior to the Swan Falls agreement (2-10014) but does not have the minimum stream flow condition that 906 does. Does condition 7 suffice?
- Condition 11 water right list is from a different diversion. If the water will be diverted from the Grand View Mutual Canal, those water rights listed are delivered at the Bybee and should be adjusted to reflect the POD of Grandview Mutual.

Let me know if there are question about my questions, thank you.

Kellie Smith

IDWR Water Distribution

(208) 287-4842

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Thursday, February 6, 2025 9:31 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Smith, Kellie <Kellie.Smith@idwr.idaho.gov>; Erling, Jes <Jes.Erling@idwr.idaho.gov>
Subject: Water Supply Bank Rental Agreement 910 Terry Carothers

Hello Nick, Kellie, and Jes,

I have completed my review of a Water Supply Bank Rental Application 3049 with the point of diversion within Administrative Basin 2 and Water District 2. The applicant is Terry Carothers. They proposed to rent 30 acres worth of

irrigation for at most 5 years (2025-2029). They did not provide specific water rights to rent from. I found lease contracts 1932 and 1927 fit the applicant's proposal from 2025-2029. Attached is a copy of a draft rental agreement, review memo, and map of the place of use. If you have any comments on the applicant's proposal or my review, please let me know within 7 days. If you have any questions or concerns, please let me know.

Best,

Skyler



Idaho Dept. of Water Resources

322 E. Front St. P.O. Box 83720 Boise, ID
83720

Cheever, Skyler

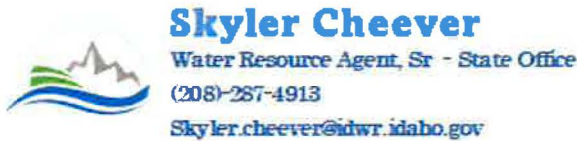
From: Cheever, Skyler
Sent: Friday, January 31, 2025 10:34 AM
To: Miller, Nick; Smith, Kellie; Erling, Jes
Subject: Water Supply Bank Rental Application 3060 Dale Van Es
Attachments: Rental Agreement 906.pdf; Rental Approval Map 906.pdf; Rental Review Memo 906.pdf

Hello Nick, Kellie, and Jes,

I have completed my review of a Water Supply Bank Rental Application 3060 with the point of diversion within Administrative Basin 2 and Water District 2 . The applicant is Dale Van Es. They did not provide any specific water rights they wanted to rent from. I found that the entirety of lease contract 1760 and 19 acres of lease contract 1587 fills the applicants rental proposal from the water supply bank from 2025-2026. Attached is a copy a draft rental agreement, review memo, and map of the place of use. If you have any comments on the applicant's proposal or my review, please let me know within 7 days. If you have any questions or concerns, please let me know.

Best,

Skyler



Idaho Dept. of Water Resources

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