



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

May 16, 2025

BILL KELLEY
PO BOX 25
ALBION ID 83311-0025

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO (S) 43-13595 & 43-13597 AGREEMENT 715 - CORRECTED**

Dear Renter:

The Department of Water Resources ("Department") executed approved Rental Agreement 715 on April 21, 2023, but there was an error in the maximum diversion rate allowable under rights 43-13595 with 43-13597 recorded on the rental agreement document. The maximum diversion rate for the rental of these two rights is limited to 3.01 cfs, not 3.55 cfs. An action by the Department to correct this error is necessary to prevent prolongation of enlargement under the rented water rights during 2025.

The maximum diversion rate allowable under the rental of these two water rights has been corrected in the attached copy for your records. The lower diversion rate does not impact the rental fee calculated. Additionally, the volume and acres rented per water right have been adjusted on the rental agreement to the actual amounts rented, rather than rounded, for accuracy.

No action is required by you to complete this correction. If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Project Manager 1
for Water Supply Bank

Enclosure: Corrected Rental Agreement 715

c: Sarah Higer – Barker Rosholt & Simpson LLP (via email)
IDWR Southern Regional Office (via email)
Water District 140 (via email)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CORRECTED

WATER SUPPLY BANK RENTAL AGREEMENT No. 715

CORRECTED

This is to certify that:

BILL KELLEY
PO BOX 25
ALBION, ID 83311-0025

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)
43-13595	5/4/1978	GROUND WATER	3.01	729.0	182.3	0.017	4.0
43-13597	5/23/1962	GROUND WATER	0.54	349.8	87.4	0.006	4.0
Combined Rental Limits			3.01	1,078.8	269.7	0.011	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 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 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2025: \$24,812.40 annually

The full fee for the rental of the above-described right(s) is \$24,812.40 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$2,481.24 per year for years 2023 - 2025.

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

Detailed water right conditions are attached.

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec. 35, Twp 11S, Rge 24E, CASSIA County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
3.01 CFS

VOLUME
1078.8 AF

SEASON OF USE

From To
4/1 10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	24E	25									24	5	31	30					90
11S	24E	36					30		1.7	30	30	30	28	30					179.7

Total Acres: 269.7

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. Rental of right 43-13595 with right no. 43-13597 is limited to a total combined diversion rate of 3.01 cfs.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

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11. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
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. 140.
13. This rental agreement does not authorize the construction of a well.