

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 952

This is to certify that:

SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

MICHAEL W VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

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)
29-7006	1/10/1968	GROUND WATER	0.59	233.1	80.9	0.007	2.88
Rental Totals			0.59	233.1	80.9	0.007	2.88

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 2025, whichever occurs last.

Annual Rental Fee:

2025: \$7,692.30

The full fee for the rental of the above-described right(s) is \$7,692.30 for 2025. The rental fee includes an administrative fee of \$769.23 for 2025.

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	0.59	147.0	42.0	0.014	3.50
Combined Total	0.59	147.0	42.0	0.014	3.50

** The authorized water usage reflects a reduction from the water right elements rented, to account for the duty of water at the rental location.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 952

RECEIVED

JUL 10 2025

DEPARTMENT 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:

Mike Vaughan
Signature of Renter

7-5-25
Date

Mike Vaughan
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
BRIAN PATTON, Executive Manager
Idaho Water Resource Board

Date 7/11/25

Rental approved by IDWR Plummer

Date 7/11/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 952

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec. 5, Twp 12S, Rge 37E, BANNOCK County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.58 CFS

VOLUME
147.0 AF

SEASON OF USE

Water Right No. **From** **To**
29-7006 4/1 10/15

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	
12S	37E	8								4.4	16.5			20.0					40.9
12S	37E	17					1.1												1.1

Total Acres: 42.0

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. The use of water for irrigation under the rented portion of this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 952

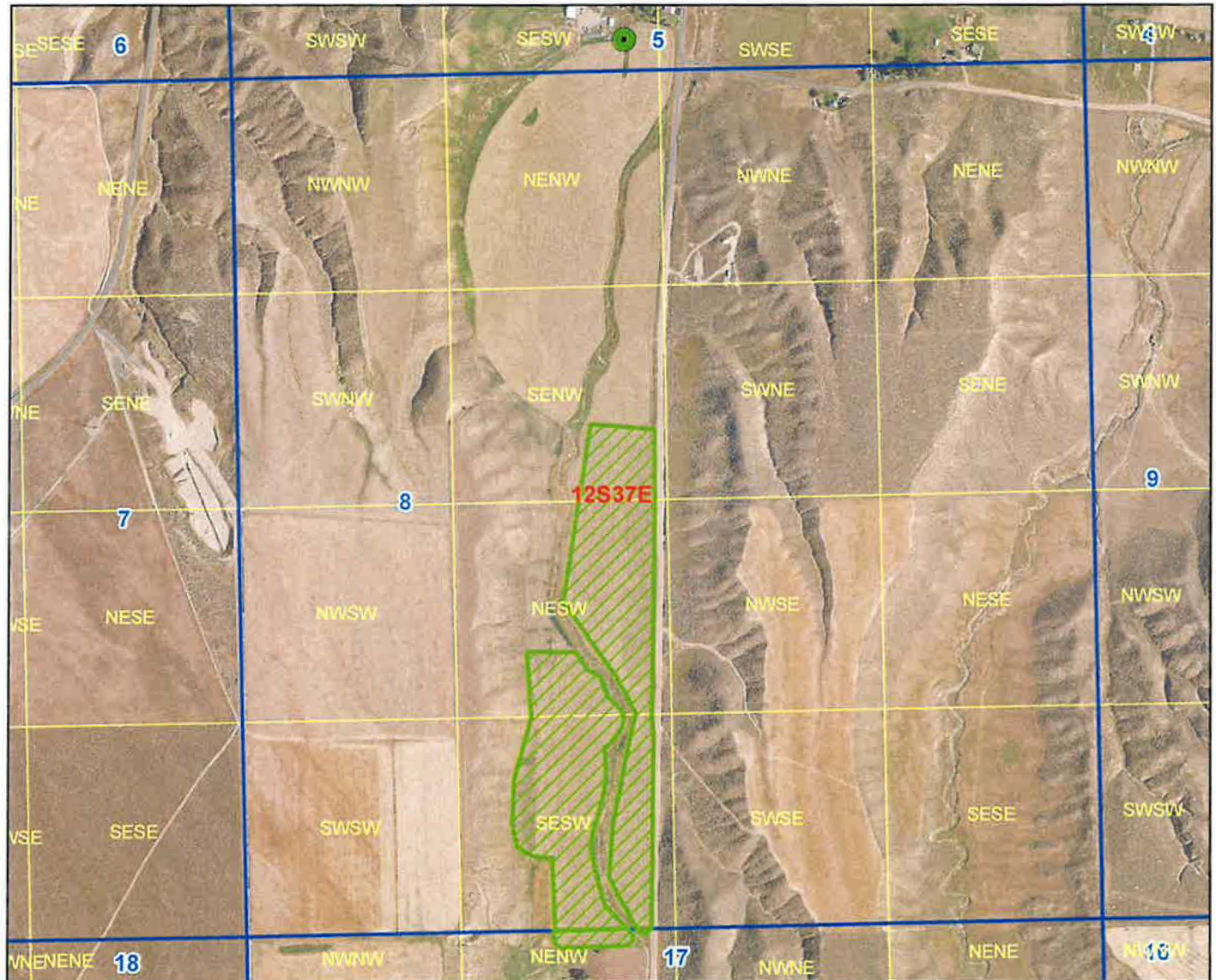
is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

11. 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. 129.
12. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
13. This rental agreement does not authorize the construction of a well.

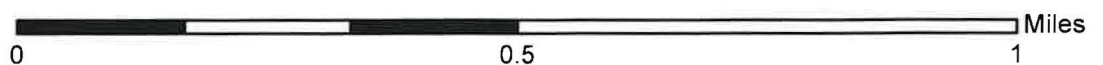
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 952

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.



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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 12 2024

DEPT. OF WATER RESOURCES

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

Applicant Name: Michael W Vaughan and Shelley Vaughan

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)

29-7161

29-7265

3106

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Michael W Vaughan and Shelley Vaughan

Mailing Address <u>26500 S Old Malad Hwy.</u>	Downey	ID	83234-1708
Street	City	State	Zip Code

Email Address _____ Phone Number _____

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 Luke H. Marchant Professional Title Attorney

Organization Darrington Marchant Law Relationship to Applicant _____

Mailing Address PO Box 536, Rupert, ID 83350

Email Address luke@waterlawidaho.com Phone Number 208-944-9310

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**:

Applicant owns surface water rights (29-348A, 29-348B, 29-2178, 29-10385, and 29-14003) that do not provide an adequate or reliable supply of water. Applicant also owns WR No. 29-14356, a groundwater right, that is limited to the irrigation of 17 acres. Applicant would like to utilize groundwater for a more reliable supply of water.

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)
1.76 CFS	751 AF	1.76 CFS	751 AF	195 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?	
04/01/2025	05/01/2025	☒ 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.

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):

Well and pump into pressurized mainline to wheel lines and pivots.

- 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	29-14356

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 195 (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:

Applicant owns surface water rights (29-348A, 29-348B, 29-2178, 29-10385, and 29-14003) that do not provide an adequate or reliable supply of water, and WR No. 29-14356, a groundwater right limited to 17 acres.

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)
29-7161	Irrigation	1.76	665	190		1.76	751	195
29-7265	Irrigation	1.6	280	80				
		1.76	751	270				
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	1.76	751	195
						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**:

The requested rights have a very low rate/acre, especially for 270 acres. The Applicants' irrigation requirements are approximately 750 gpm. By reducing the irrigated acres to 195, the rate of the requested rights is adequate.

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

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



Signature of Representative

Printed Name of Applicant

Luke H. Marchant

Printed Name of Representative

Date

November 7, 2024

Date

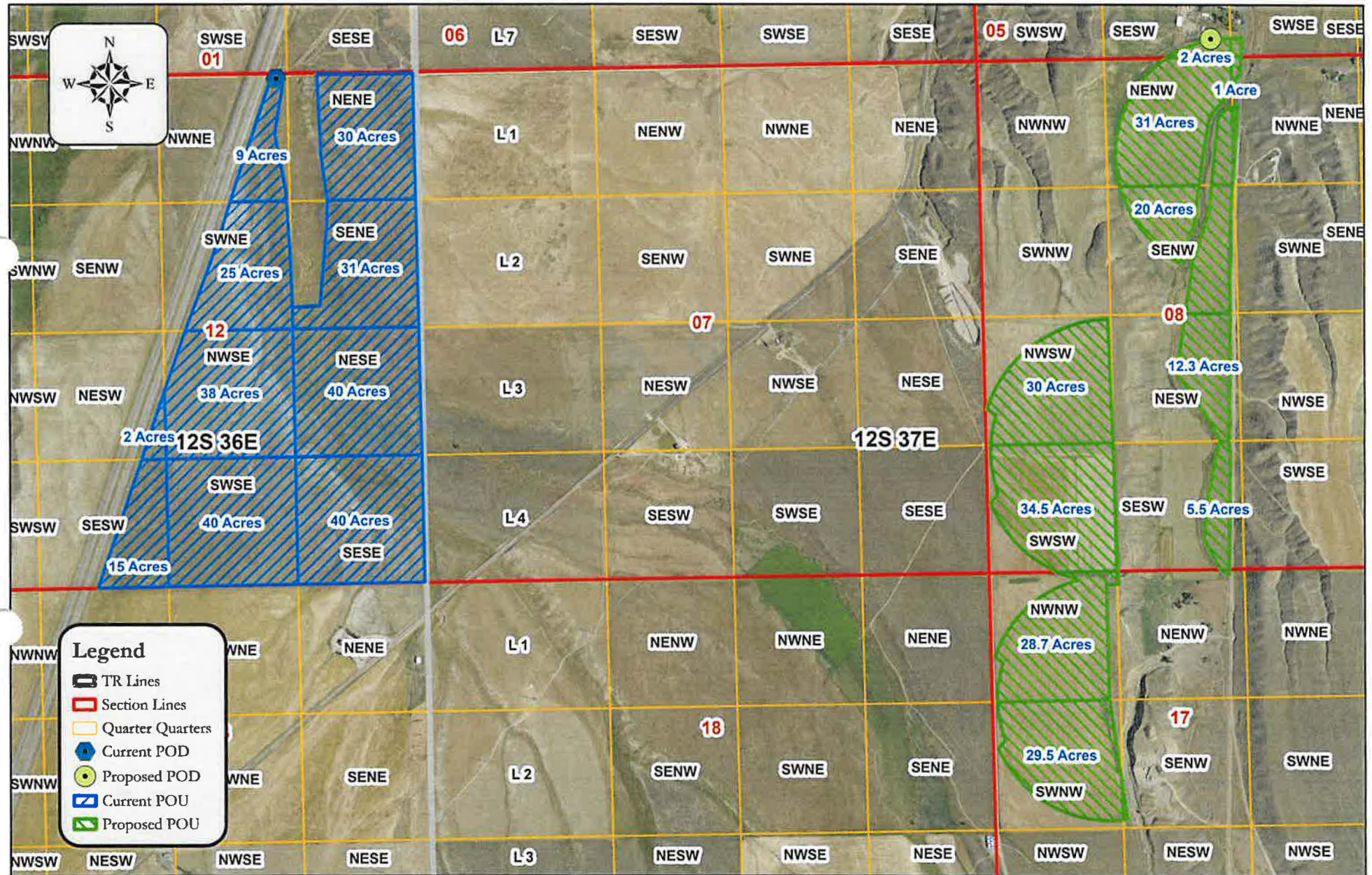
Mail to:

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

ATTACHMENT 2

GIS Maps

WATER SUPPLY BANK PROPOSAL



2023 NAIP Photo



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

July 14, 2025

MICHAEL W VAUGHAN
SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-7006, AGREEMENT 952**

Dear Renter:

Please find enclosed a receipt in the amount of **\$7,692.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 233.1 acre-feet of water for irrigation of 80.9 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 \$6,923.07 of the rental fee will be paid to the lessor(s) and 10% or \$769.23 will be retained by the Department to offset administrative costs.

Sincerely,

Debra Mansfield

for

Water Supply Bank

Enclosures: Receipt No. C122060
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Representative
Water District 129



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

June 25, 2025

MICHAEL W & SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-7006 AGREEMENT 952**

*****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 \$7,692.30 was calculated based on the current rental rate of \$33.00 per acre-foot times a diversion volume of 233.1 acre-feet.

Please send a check for \$7,692.30 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 \$6,923.07 of the rental fee will be paid to the lessor(s) and 10% or \$769.23 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,

Aaron Olson

for
Water Supply Bank

Enclosure: Rental Agreement

c: IDWR Front Desk, Luke Marchant

Olson, Aaron

From: Olson, Aaron
Sent: Thursday, June 26, 2025 1:27 PM
To: Mvaughan35@outlook.com
Subject: Water Supply Bank Rental
Attachments: Proposed Rental Agreement Cover Letter 952 AFTER reduction in acres amendment FINAL.pdf; Rental Agreement 952 AFTER reduction in acres amendment FINAL.pdf; Rental Agreement 952 Map AFTER reduction in acres amendment FINAL.pdf

Michael,

As mentioned in our previous conversations here is the proposed rental agreement along with a cover letter and map. I will go ahead and print physical copies to be sent in the mail as well. Let me know if you have any questions.

Thank you,

Aaron

Aaron Olson - Water Resource Agent, Principal
Idaho Dept. of Water Resources
322 E Front St Ste 648
Boise, ID 83702-7371
(208) 287-4907
Aaron.Olson@idwr.idaho.gov

MEMORANDUM FOR AGREEMENT #952

To: Water Right(s) 29-7006

From: Aaron Olson

Date: 6/17/2025

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

PURPOSE/NARRATIVE:

The Water Supply Bank (WSB) received rental application 3106 on November 12, 2024, on behalf of Michael W and Shelley Vaughan submitted by representative Attorney Luke Marchant. The application proposed to rent water rights 29-7161 and 29-7265 as part of a lease rental package. During review of the lease for rights 29-7161 and 29-7265 the rights could not be accepted to the bank due to concerns of validity. During processing review staff identified water right 29-7006 leased under contract 1276 available to satisfy a portion of the rental.

After sending the initial rental agreement the applicant communicated over a series of phone calls and emails that they only intend to irrigate 42 acres via the rental. A second agreement reduced to 42 acres will be sent.

The proposed place of use and rights to be rented are within the Snake River Basin Moratorium Area, and within the boundaries of Water Districts 29G (Cherry Creek), 29H (Marsh Creek), and 129 (Portneuf River Basin Area).

AUTHORITY TO FILE:

The application was signed by Luke Marchant, who prepared and filed the application. Luke Marchant has authority to file on behalf of the applicants via Power of Attorney. Bannock County parcel data lists the land at the place of use and point of diversion is owned by Michael Vaughan.

WATER RIGHT VALIDITY:

Water right 29-7006 was decreed March 22, 2004. The right was enrolled in a federal cropland set aside program until 2007 and has been continuously placed in the Water Supply Bank beginning in 2011. There are no concerns of validity.

INJURY TO OTHER WATER RIGHTS:

The proposed point of diversion is a well approximately 6.4 miles and 10.7 miles in distance from the lease point and there will be no change in source or basin. Neither the leased right nor the proposed rental are within the boundary of a Ground Water Management area. Diversion of water under the rental will be administered by Water District 129. There are no concerns of injury.

ENLARGEMENT OF USE:

Several water rights owned by the applicant exist at the proposed rental place of use. Rights 29-348A, 29-348B, 29-2178, 29-10385, and 29-14003 are surface water rights authorized from Cherry and Aspen Creek while right 29-14356 is a ground water right that authorizes 17 acres of irrigation. The rental proposes to irrigate from ground water using the existing system of pivots and handlines since surface water supply from can be insufficient at times.

Since the proposed rental will be applied using the same irrigation system the amounts authorized by the rental will need to be reduced to match that of the existing right(s) to prevent

enlargement of those right(s). Existing ground water right 29-14356 authorizes a diversion rate of 0.24 cfs and a diversion volume of 59.5 af which equates to 0.014 cfs per acre and 3.5 af per acre. The leased amount of water right 29-7006 is 345 acres with a diversion rate of 2.53 cfs and a diversion volume of 994.0 af which equates to 0.0073 cfs per acre and 2.88 af per acre. To satisfy the rental of 42.0 acres of irrigation a total of 80.9 acres of water right 29-7006 will need to be rented.

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 water rights to be rented are within the Eastern region and within Water District 129. Comment requests were sent to the Eastern Regional Manager and Water District 129 Watermaster on May 21, 2025.



Olson, Aaron

From: Mike Vaughan <Mvaughan35@outlook.com>
Sent: Tuesday, June 17, 2025 3:31 PM
To: Olson, Aaron
Subject: Re: Water 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.

Probably close to 42 acres

Get [Outlook for iOS](#)

From: Mike Vaughan <Mvaughan35@outlook.com>
Sent: Tuesday, June 17, 2025 3:30:29 PM
To: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Subject: Re: Water lease

Actually yours looks really close. Maybe add a little more on the south end
Thanks Mike

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From: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Sent: Tuesday, June 17, 2025 11:20:52 AM
To: Mike Vaughan <Mvaughan35@outlook.com>
Subject: RE: Water lease

Mike,

Does this map look about right? The map with the rental is just for illustrative purposes but I will need to get the number of acres you wish to have on the rental entered. It looks like adding up the values on the map you sent me it comes out to about 48.8 acres, my map I just made comes out to about 40.4. Could you confirm the number of acres you would like on the agreement?

Thanks,

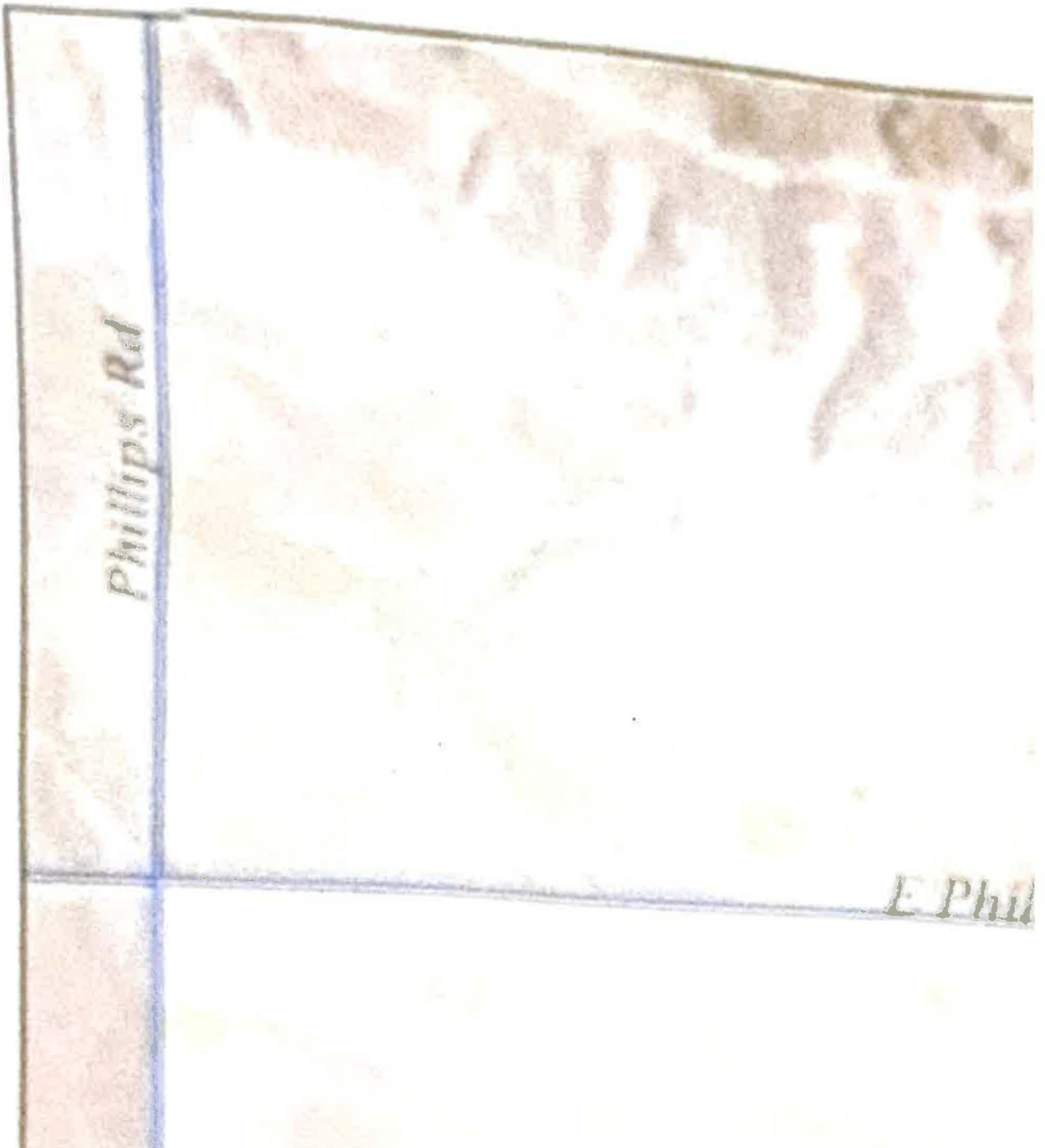
Aaron

From: Mike Vaughan <Mvaughan35@outlook.com>
Sent: Tuesday, June 10, 2025 6:54 AM
To: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Subject: Water lease

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United States
Department of
Agriculture





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

May 23, 2025

MICHAEL W & SHELLEY VAUGHAN
26500 S OLD MALAD HWY
DOWNEY, ID 83234-1708

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-7006, 29-7183, & 29-4112 AGREEMENT 952**

*****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 \$23,901.90 was calculated based on the current rental rate of \$33.00 per acre-foot times a diversion volume of 724.3 acre-feet.

Please send a check for \$23,901.90 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 \$21,511.71 of the rental fee will be paid to the lessor(s) and 10% or \$2390.19 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,

Aaron Olson

for
Water Supply Bank

Enclosure: Rental Agreement

c: IDWR Front Desk, Luke Marchant

Olson, Aaron

From: Olson, Aaron
Sent: Wednesday, May 21, 2025 3:24 PM
To: watermaster129@gmail.com
Subject: Water Supply Bank Rental Application 3106 Michael & Shelley Vaughan
Attachments: Rental Application 3106 - Vaughan.pdf; Rental App 3106 Review Memo.docx; Rental App 3106 Move Map.pdf; Rental Agreement 952 Map.pdf

Good Afternoon Kristin,

The Water Supply Bank received an application to rent water rights 29-7006, 29-7183, and 29-4112. Attached is a copy of the application, review memo, and maps for your review. Please provide any comments or concerns you have with the proposed rental within the next 7 days. If no comments are received in the next 7 days, I will assume there are no issues with this rental and proceed with processing.

Sincerely,

Aaron

Aaron Olson - Water Resource Agent, Principal
Idaho Dept. of Water Resources
322 E Front St Ste 648
Boise, ID 83702-7371
(208) 287-4907
Aaron.Olson@idwr.idaho.gov

Olson, Aaron

From: Olson, Aaron
Sent: Wednesday, May 21, 2025 3:22 PM
To: Cefalo, James
Subject: Water Supply Bank Rental Application 3105 Michael & Shelley Vaughan
Attachments: Rental Application 3106 - Vaughan.pdf; Rental App 3106 Review Memo.docx; Rental App 3106 Move Map.pdf; Rental Agreement 952 Map.pdf

Good Afternoon James,

The Water Supply Bank received an application to rent water rights 29-7006, 29-7183, and 29-4112. Attached is a copy of the application, review memo, and maps for your review. Please provide any comments or concerns you have with the proposed rental within the next 7 days. If no comments are received in the next 7 days, I will assume there are no issues with this rental and proceed with processing.

Sincerely,

Aaron

Aaron Olson - Water Resource Agent, Principal
Idaho Dept. of Water Resources
322 E Front St Ste 648
Boise, ID 83702-7371
(208) 287-4907
Aaron.Olson@idwr.idaho.gov

MEMORANDUM FOR AGREEMENT #952

To: Water Right(s) 29-7006, 29-7183, 29-4112

From: Aaron Olson

Date: 5/15/2025

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

PURPOSE/NARRATIVE:

The Water Supply Bank (WSB) received rental application 3106 on November 12, 2024, on behalf of Michael W and Shelley Vaughan submitted by representative Attorney Luke Marchant. The application proposed to rent water rights 29-7161 and 29-7265 as part of a lease rental package. During review of the lease for rights 29-7161 and 29-7265 the rights could not be accepted to the bank due to concerns of validity. During processing review staff identified water right 29-7006 leased under contract 1276 along with water rights 29-7183 and 29-4112 leased under contract 1846 are available to satisfy a portion of the rental.

The proposed place of use and rights to be rented are within the Snake River Basin Moratorium Area, and within the boundaries of Water Districts 29G (Cherry Creek), 29H (Marsh Creek), and 129 (Portneuf River Basin Area).

AUTHORITY TO FILE:

The application was signed by Luke Marchant, who prepared and filed the application. Luke Marchant has authority to file on behalf of the applicants via Power of Attorney. Bannock County parcel data lists the land at the place of use and point of diversion is owned by Michael Vaughan.

WATER RIGHT VALIDITY:

Water right 29-7006 was decreed March 22, 2004. The right was enrolled in a federal cropland set aside program until 2007 and has been continuously placed in the Water Supply Bank beginning in 2011. Water rights 29-4112 and 29-7183 were both decreed December 31, 2003. The rights were in a federal cropland set aside program until 2017 and placed in the Water supply bank for the current lease term beginning in 2023. There are no concerns of validity.

INJURY TO OTHER WATER RIGHTS:

The proposed point of diversion is a well approximately 6.4 miles and 10.7 miles in distance from the sets of lease points and there will be no change in source or basin. Neither the leased right nor the proposed rental are within the boundary of a Ground Water Management area. Diversion of water under the rental will be administered by Water District 129. There are no concerns of injury.

ENLARGEMENT OF USE:

Several water rights owned by the applicant exist at the proposed rental place of use. Rights 29-348A, 29-348B, 29-2178, 29-10385, and 29-14003 are surface water rights authorized from Cherry and Aspen Creek while right 29-14356 is a ground water right that authorizes 17 acres of irrigation. The rental proposes to irrigate from ground water using the existing system of pivots and handlines since surface water supply from can be insufficient at times.

Water rights 29-4112 and 29-7183 were determined to be stacked water rights and were leased together. Despite the application proposing to use ground water only, a proportional amount of both rights need to be rented to prevent enlargement. For this reason the entire remaining

leased amounts of each right are included in the rental and the total water use authorized will be reduced to that of ground water right 29-7183.

Since the proposed rental will be applied using the same irrigation system the amounts authorized by the rental will need to be reduced to match that of the existing right(s) to prevent enlargement of those right(s). Existing ground water right 29-14356 authorizes a diversion rate of 0.24 cfs and a diversion volume of 59.5 af which equates to 0.014 cfs per acre and 3.5 af per acre. The remaining leased amount of water right 29-7006 is 206.8 acres with a diversion rate of 1.52 cfs and a diversion volume of 595.7 af which equates to 0.0074 cfs per acre and 2.88 af per acre. The remaining leased amount of water right 29-7183 is 36.8 acres with a diversion rate of 0.357 cfs and a diversion volume of 128.6 af which equates to 0.0097 cfs per acre and 3.495 af per acre. The combined diversion rate authorized for the two ground water rights equates to 1.877 cfs, at a diversion rate of 0.014 cfs/acre 134.1 acres can be irrigated ($1.877 / 0.014$) at the same duty of the existing right(s). Therefore the number of acres irrigated under the rental will be reduced to 134.1 acres with a diversion rate of 1.88 cfs (rounded from 1.877) and a diversion volume of 469.4 af (134.1×3.5 af).

The total reduction of the authorized amounts of the rental is as follows:

29-4112: Rate = 0.23 cfs
Volume = 56.8 af
Acres = 16.3 ac

29-7006: Rate = 1.52 cfs
Volume = 595.7 af
Acres = 206.8 ac

29-7183: Rate = 0.357 cfs
Volume = 128.6 af
Acres = 36.8 ac

Total: Rate = 2.107 cfs
Volume = 781.1 af
Acres = 259.9 ac

(Reduction to just ground water rights)
Total: Rate = 1.88cfs (rounded from 1.877)
Volume = 724.3 af
Acres = 243.6 ac

(Final reduction to match duty of existing rights)
Total: Rate = 1.88 cfs (rounded from 1.877)
Volume = 469.4 af (rounded from 469.35)
Acres = 134.1 ac

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 water rights to be rented are within the Eastern region and within Water District 129. Comment requests were sent to the Eastern Regional Manager and Water District 129 Watermaster on May 21, 2025.