STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 707

RECEIVED
APR 05 2023
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

JEROME CLINGER
2568 JOY LN
AMERICAN FALLS, ID 83211-5210

TINA CLINGER
2568 JOY LN
AMERICAN FALLS, ID 83211

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)
29-2281	6/26/1952	GROUND WATER	0.20	47.6	11.9	0.017	4.0
29-13624	2/28/1977	GROUND WATER	0.16	63.0	18.0	0.009	3.5
Combined Rental Limits			**0.36**	**72.0**	**18.0**	**0.020**	**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, 2027. 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 - 2027: $165.60 annually

The full fee for the rental of the above-described right(s) is $165.60 per year for years 2023 - 2027. The rental fee includes an administrative fee of $165.60 per year for years 2023 - 2027. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 29-2281, 29-13624.

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. 707

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 _____ Date 30 MAR 23

Printed Name JEROME CLINGER Title OWNER

*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 _____ Date 4/5/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 4/5/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 707

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION
GROUND WATER SENESE Sec. 7, Twp 07S, Rge 32E, POWER County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	0.36 CFS	72.0 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	
07S	32E	7				1.0									17				18.0

Total Acres: 18.0

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 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The following rights are diverted through point(s) of diversion described above: 29-2287 A & 29-2287 B.
11. This rental agreement does not authorize the construction of a well.
12. Use of water under this agreement 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. 120.

WATER SUPPLY BANK RENTAL AGREEMENT No. 707

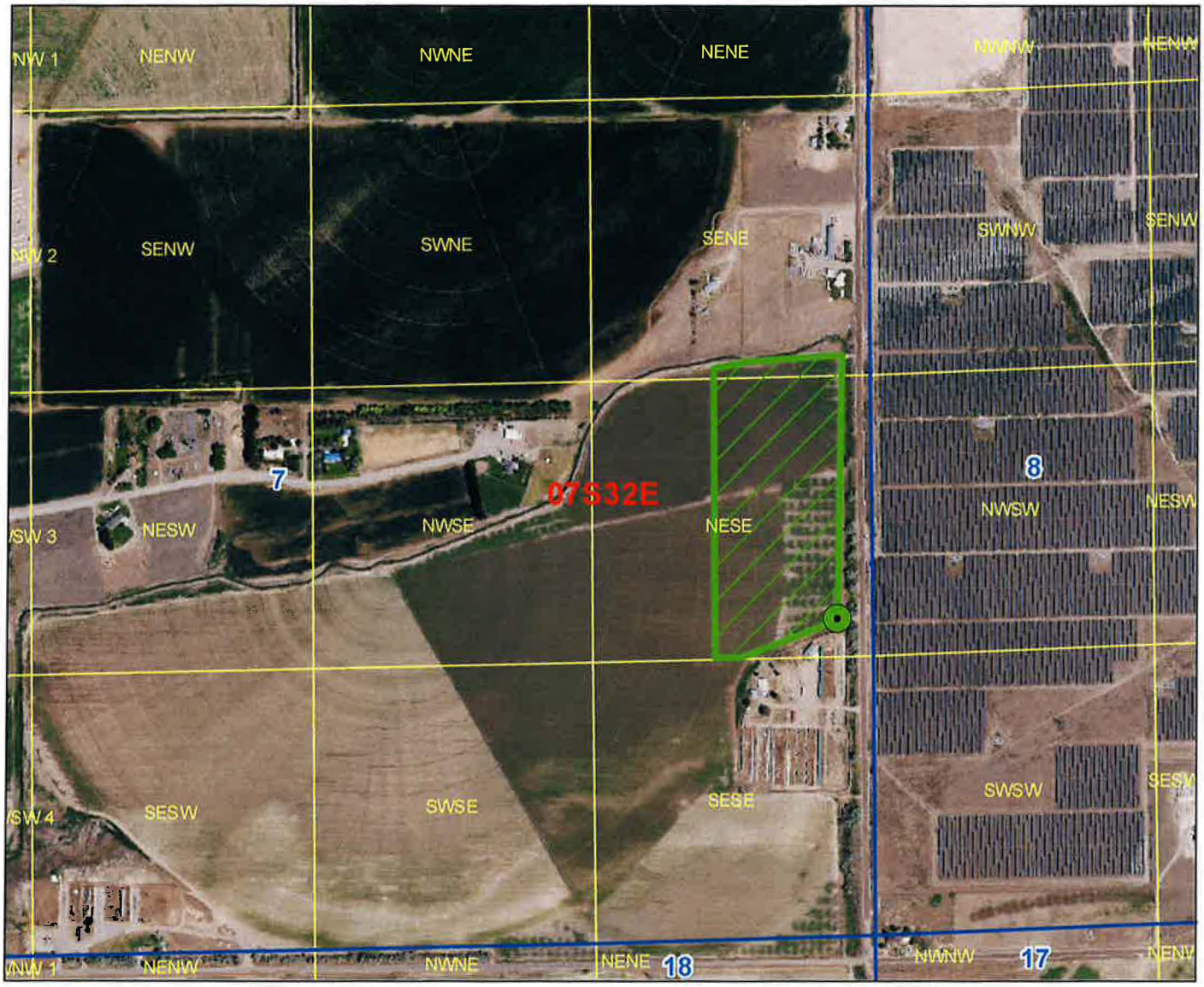
13. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233B. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 707

Effective until December 31, 2027

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

N

0 1,000 2,000 Feet

RECEIVED
Oct 06, 2022
DEPARTMENT OF
WATER RESOURCES

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

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

Applicant Name: Jerome Clinger

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)

Attachment	N/A	Yes	
		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)
29-13624
29-2281

2454

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Jerome Clinger

Mailing Address 2568 Joy Lane (Street) American Falls (City) ID (State) 83211 (Zip Code)

Email Address jeromeclinger@gmail.com Phone Number 208.226.5296

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

Representative _____ Professional Title _____

Organization _____ Relationship to Applicant _____

Mailing Address _____

Email Address _____ Phone Number _____

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

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)
0.36 CFS	72 AF	0.36 CFS	54 AF	18 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	☐ 2	☐ 3	☐ 4	☑ 5		
4/01	04/15						☑ 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):
Deep well, 150 hp, mainline direct to three pivots and handlines in corners.

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
Pump, WMIS 600724	Groundwater	29-2287A and 29-2287B

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 18 (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:
29-2287A and 29-2287B. Additional water is required in the event of curtailment.

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)
29-13624	Irrigation	1.62	637	182		0.36	72	18
29-2281	Irrigation	2.02	480	182				
			728	182				
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	0.36	72	18
						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**:

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:
On-going lease agreement - first executed in 2018.

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	Printed Name of Applicant: JEROME CLINGER	Date: 8 28 2022
Signature of Representative	Printed Name of Representative: Tina Clinger	Date: 8·28·2022

Mail to:

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

USDA United States Department of Agriculture

Power County, Idaho



Common Land Unit
- Non-Cropland
- Cropland
- Tract Boundary
- PLSS
- County Boundary

Wetland Determination Identifiers
- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

Tract Cropland Total: 166.81 acres

2022 Program Year
Map Created August 18, 2021

Farm **2918**
Tract **2687**

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

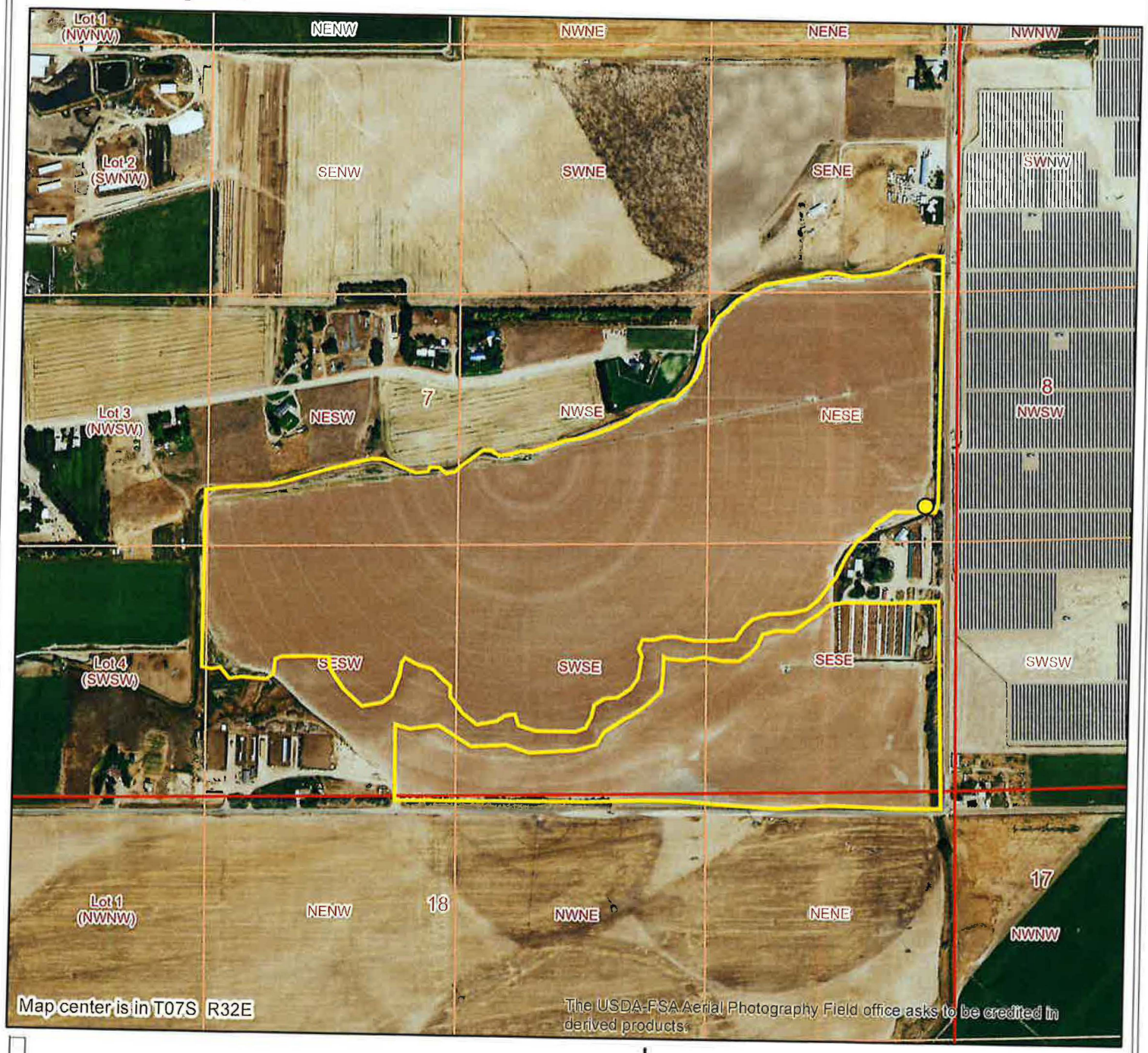
State of Idaho
Department of Water Resources

Water Right

29-2287A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





0 0.05 0.1 0.2 0.3 0.4
Miles

Legend
- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

Date created: 8/22/2022

IDAHO DEPARTMENT
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 Gary Spackman

April 18, 2023

JEROME CLINGER
TINA CLINGER
2568 JOY LN
AMERICAN FALLS, ID 83211-5201

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-2281 & 29-13624 AGREEMENT 707

Dear Renter:

Please find enclosed receipts in the amount of **$165.60** and a copy of the fully executed Water Supply Bank Rental Agreements in connection with the rental of 72 acre-feet of water for the irrigation of 18 acres in 2023. 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.

Since you are renting your own water rights, you are only obligated to pay the 10% administrative fee or $165.60 for 2023.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C115797
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Water District 120

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 Gary Spackman

January 27, 2023

JEROME CLINGER
TINA CLINGER
2568 JOY LN
AMERICAN FALLS, ID 83211-5210

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-2281 & 29-13624, AGREEMENT 707

*****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 **$165.60** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 72.0 acre-feet. Since you are renting your own water rights, **you are only obligated to pay the 10% administrative fee or $165.60 for 2023.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for $165.60 for 2023 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

Condon, Mary

From: Jordan, Blake
Sent: Thursday, January 12, 2023 7:18 AM
To: Condon, Mary
Cc: Cefalo, James
Subject: RE: Lease with two Rentals WSB Companion Review

Hi Mary,
I have no issues with approval of these lease/rental applications

Thanks,
Blake

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Wednesday, January 11, 2023 1:41 PM
To: Jordan, Blake <Blake.Jordan@idwr.idaho.gov>
Cc: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: Lease with two Rentals WSB Companion Review

Good afternoon, Blake,

Please see the attached review memo and move map for a repeat lease of two rights for Clinger, a repeat rental with less acres for Falls Irrigation District and a new rental of remaining acres for leased right for Clinger, and kindly respond with comments or concerns within 10 days. The WSB map templates are not opening; please forgive the attached makeshift move map.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES
Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936

Condon, Mary

From: Jaxon Higgs <jaxon@waterwellconsultants.com>
Sent: Tuesday, January 3, 2023 8:46 AM
To: Condon, Mary
Subject: RE: J. Clinger mitigation

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.**

I guess the short answer is that they are free to put those rights in the water bank.

The way the district plan works is that we give an allocation to every water right and the user must pump at or less than that allocation. All the acres the Clingers have in the water bank do not receive an allocation. They will just be responsible to pump at or less than the allocation they are given on the remainder of their acres. Their case is a little more complicated because they are limited by their historic pumping, but that will factor into their allocation, and they will be responsible to abide it.

Jaxon

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Thursday, December 29, 2022 9:53 AM
To: Jaxon Higgs <jaxon@waterwellconsultants.com>
Subject: RE: J. Clinger mitigation

Hi Jaxon,

They are leasing rights 29-2281 & 29-13624 fully and Falls Irrigation District is requesting to rent 164 acres worth to supplement their canal water. The Clingers are also requesting to rent the remaining 18 acres worth of these two rights on lands under 29-2287A & 29-2287B in case the existing rights are curtailed. I would think this rental request is more for mitigation, or a rental of water to offset existing mitigation obligations under those two rights.

I need to know if: a portion of rights 29-2281 and 29-13624 are dedicated to a mitigation plan or if they can lease/rent all of the water; and how much the mitigation obligation is on rights 29-2287A & B. If all four total 688.8 acre-feet, how much is dedicated for mitigation on each set of rights?

Thanks,
Mary

From: Jaxon Higgs <jaxon@waterwellconsultants.com>
Sent: Wednesday, December 28, 2022 3:06 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: J. Clinger mitigation

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 Mary,

Clingers do have a mitigation obligati... In the American Falls Aberdeen GWD they ... limited by their baseline pumping. Their 2022 total allocation for those 4 water rights was 688.8 acre-ft. I believe the district plan will change for 2023, but I won't know how it changes until spring. When a right is in the water bank and used, as was the case for 29-2281 and 29-13624 with Falls Irrigation District, I remove them from the user's allocation so that they are not given an allocation for water they don't use. It's a little murky as to the accounting when it moves from one district to another.

Let me know if you have any questions.

Jaxon

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Tuesday, December 27, 2022 12:33 PM
To: Jaxon Higgs <jaxon@waterwellconsultants.com>
Cc: americanfalls.aberdeen.gwd@gmail.com
Subject: FW: J. Clinger mitigation

Hi Jaxon,

I need to know if Jerome Clinger has a mitigation obligation on his rights, specifically rights 29-2281, 29-13624, 29-2287A & 29-2287B, and if so, the associated volumes, and if different depending on year, please provide for 2022 and 2023 at the very least.

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES

From: The American Falls Aberdeen GWD <americanfalls.aberdeen.gwd@gmail.com>
Sent: Tuesday, December 27, 2022 12:10 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Re: J. Clinger mitigation

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.

I don't know what to tell you. I think you need to talk to Jaxon Higgs. He does consultation work for us and knows all about this.

Jaxon Higgs (208) 604-1281

Pam

On Tue, Dec 27, 2022 at 9:22 AM Condon, Mary <Mary.Condon@idwr.idaho.gov> wrote:

Hi Pam,

I need to know if they can use/divert all of their water rights, or if the rights must be reduced and by how much to meet the district's mitigation plan.

Thank you,

Mary

From: The American Falls Aberdeen GWD <americanfalls.aberdeen.gwd@gmail.com>
Sent: Tuesday, December 27, 2022 9:13 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Re: J. Clinger mitigation

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.**

Jerome is a member in good standing with the groundwater district and water rights 29-2281, 29-13624, 29-2287A & 29-2287B are part of the district and covered under our mitigation plan.

Pam

On Fri, Dec 23, 2022 at 9:44 AM Condon, Mary <Mary.Condon@idwr.idaho.gov> wrote:

> Good morning,
>
> I am inquiring as to whether Jerome and Tina Clinger have a mitigation obligation with the GWD, and if so, the rights and associated volumes required.
>
> Their water rights I am mostly requesting this information on are 29-2281 & 29-13624 and 29-2287 A & 29-2287 B.
>
> Thank you,

MEMORANDUM FOR LEASE CONTRACT 1654 & RENTAL AGREEMENTS 707 & 710

To: Water Right(s) 29-2281 & 29-13624

From: Mary Condon

Date: December 22, 2022 – January 11, 2023

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

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PURPOSE/NARRATIVE: Three companion applications, as one lease of two water rights along with two different rentals of the same rights received on or before the November 1 priority processing for 2023 start date for 5-year terms until December 2027. Lease is repeat, and one rental application is a repeat, both of which were approved from years 2018-2022.

Rental application 2456/ Rental Agreement (RA) 707 is from Mr. Clinger, the owner of the water rights for lease, and requests to rent 18 acres of these two rights on POU and POD with existing rights 29-2287 A and B, to provide additional water for irrigation due to Aberdeen American Falls Ground Water District (AAFGWD) mitigation obligations. An email request to the ground water district for mitigation requirements was requested, and an email reply from Jaxon Higgs stated they do have an obligation, which was 688.8 acre-feet on all four rights (29-2287A & B, 29-2281 & 29-13624) in 2022 based on historic pumping, but that they also don't have an obligation on rights 29-2281 & 29-13624 because they are leased and rented from the water supply bank. Reduction obligations for 2023 haven't been calculated yet. A rental application was submitted for the same purpose for 2018-2022 but was denied because the reduction obligation/mitigation plan was/could not be provided by the applicant.

Rental application 2457/RA 710 is from Falls Irrigation District for supplementing their canal shares, a combination of surface and ground water rights, through use of the authorized well of the requested rights. The district submitted a map showing a specific 164 acres for the rental within their boundary. Most of the parcels under the POU are owned by the lessor of rights for lease. Existing rights held by the district include several ground water rights with limited acres and priorities dates in the 1950's. A previous rental for the same purpose was approved for years 2018-2022.

AUTHORITY TO FILE: Application to lease signed and filed by the current owners of the rights. Power County parcel information lists Mr. Clinger as owner of the property under the water right place of use. Rental application 2456 was also filed by Mr. Clinger, who is also the owner of the rental location, existing water rights and diversion works. Rental application 2457 was signed by the manager for Falls Irrigation District. The district has permission to use lessors' diversion and delivery system, and shareholders within the boundaries can use the water shares. No concerns with authorities to file.

WATER RIGHT VALIDITY: These rights were decreed in 2004 through the Snake River Basin Adjudication and irrigation was observed on the lands in 2015 via satellite imagery review during 2018 for previous lease of the rights. The POU for the water rights was converted to a solar field in 2016 and the rights were placed in the bank and fully rented from 2018-2022. No concerns with validity of the water rights offered to and requested to rent from the bank.

INJURY TO OTHER WATER RIGHTS: Lease and rental PODs are within the Eastern Snake Plain Aquifer (ESPA) but are either in the same ESPA grid cell or an adjacent cell, so Etran modeling is not required.

Rental of 18 acres under application 2456/ RA 707 for use on lands already covered by water rights but are partially reduced as part of the district's mitigation plan is not expected to cause injury to other users, since the number of overall acres irrigated will be less than historically. Rental of 164 acres under application 2457/ RA 710 for use on a specific 164 acres within the irrigation district boundary to supplement existing shares is not expected to cause injury to other users, since the number of overall acres irrigated will be less than historically.

ENLARGEMENT OF USE: Lease POU of offered rights has a small pivot in the SE corner of the solar field which was irrigated while the rights were under lease in 2022, but after consulting with Mr. Clinger, he confirmed the source was canal shares from Falls Irrigation District through a private rental agreement. Mrs. Clinger provided the Department with the rental agreement for the pivot on December 28, 2022, via email.

Water rights offered for lease are primary rights and are combined limited to the total acres allowable under right 29-13624. The entire POU is within the boundaries of the irrigation district, but no other rights are combined with these two offered for lease, nor are there any supplemental conditions. The 2015 Landsat imagery in the 2018 lease review shows irrigation was heavier in the SE corner of the water right POU, the same location as the pivot receiving surface water through a rental agreement between the lessor and Falls Irrigation District for 2022. A canal for the district ends at the SW of the pivot, where water was delivered to and diverted from in 2022 under their rental arrangement with Falls Irrigation District. It is possible the POU has received surface water along with the primary ground water rights prior to lease of these rights but no information has been provided by the applicant to imply co-mingling has occurred.

WMIS annual volume measurements for the lease water right POD were provided for in the 2023 lease application but appear to be from the wrong well. Application annual numbers are actually from WMIS 600724 for rights 29-2287 A & B, rather than from WMIS 600727 for leased rights or from WMIS 600726 for leased rights on shared well with other irrigation rights. Using WMIS 600727 as the primary well the lessor has access to, pre 2018 lease diversions are tabulated at end of review memo, with average for years pumped and the max annual volume for record period in bold. The annual volume measurements indicate they only used 50-60% of the full volume allowed each year from 2010-2015 for offered rights. This is consistent with their mitigation plan allowance of 688.8 acre-feet annually for four rights, where average pumping under rights 29-2281 with 29-13624 and rights 29-2287 A & B is equal to 672.9 acre-feet annually (see tables of WMIS data at end). Second well for offered rights, WMIS 600726, has volume measurements so low, and on lands not owned by lessor, that it is unlikely POD was used for offered rights and was only used during available record period for the two other rights by different owner. Right 29-14015 from shared well also has a solar farm and have leased the right since 2020.

Lease of offered rights can be fully brought in and fully rented through both rental applications. Rental application 2456/RA 707 for use of own rights on different lands to offset mitigation requirements is not expected to cause an enlargement of the leased or rented rights. Rental will not add acres, and volume allowed under the rental when combined with existing rights is limited to area headgate standard of 4 acre-feet per acre. Rental application 2457/RA 710 for use of leased rights on different lands for a specific 164 acres as additional water for irrigation with canal shares is not expected to cause an enlargement. Rental will not add acres, and

volume allowed under rental when combined with existing canal shares will be limited to 4 acre-feet per acre.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest these applications are inconsistent with the local public interest. ETRAN modeling is not required on this ESPA lease and rental since PODs are within a grid cell of the other. Lease and rental PODs are within the Aberdeen American Falls Ground Water District. Ground water districts can assess mitigation requirements from users within their boundaries, and no reduction by IDWR is required through WSB lease and rentals.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease and rentals are to provide water for irrigation, which is a beneficial use and appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is within the Eastern Snake Plain Aquifer, subject to Water District # 120 and the Eastern Region. Location is also within the Aberdeen-American Falls GWD. Request for comment from WM and region sent on January 11, 2023.

TABLES REFERENCED

29-2281 & 29-13624		pre-lease			
WMIS	2010	344			
600727	2011	459		**Acres**	**182**
	2012	510.8		**Vol/Ac**	**2.8**
	2013	382.2			
	2014	392.3			
	2015	310.7			
	2016	0.0	Solar Farm		
	2017	0.0	Solar Farm		
	Average	**399.8**			
	Highest	**510.8**			

Table 1, Offered lease rights

29-2287 A & B		Rental 2023-2027		
WMIS	2014	290.2		
600724	2015	208.8	**Acres**	**162**
	2016	147	**Vol/Ac**	**2.4**
	2017	258.6		
	2018	389.4		
	2019	188.8		
	2020	0.0		
	2021	331.9		
	2022	370.3		
	Average	**273.1**		
	Highest	**389.4**		

Table 2, Clinger Rental POD

WMIS 600726	Report Year	PCC
Solar	2020	0
Solar	2019	0
Solar	2016	13.07
	2015	284.27
	2014	413.92
	2013	299.59
	2012	322.2
	2011	286
	2010	258
	2009	159

Rights on Well

Basin	Sequence	Suffix	Total Acres	Acre Limit	Diversion Volume	Water Use
29	2281		182	120	480	IRRIGATION
29	13624		182		637	IRRIGATION
29	14014		21.6		75.4	IRRIGATION
29	14015		137.9		481.4	IRRIGATION
					1673.8	

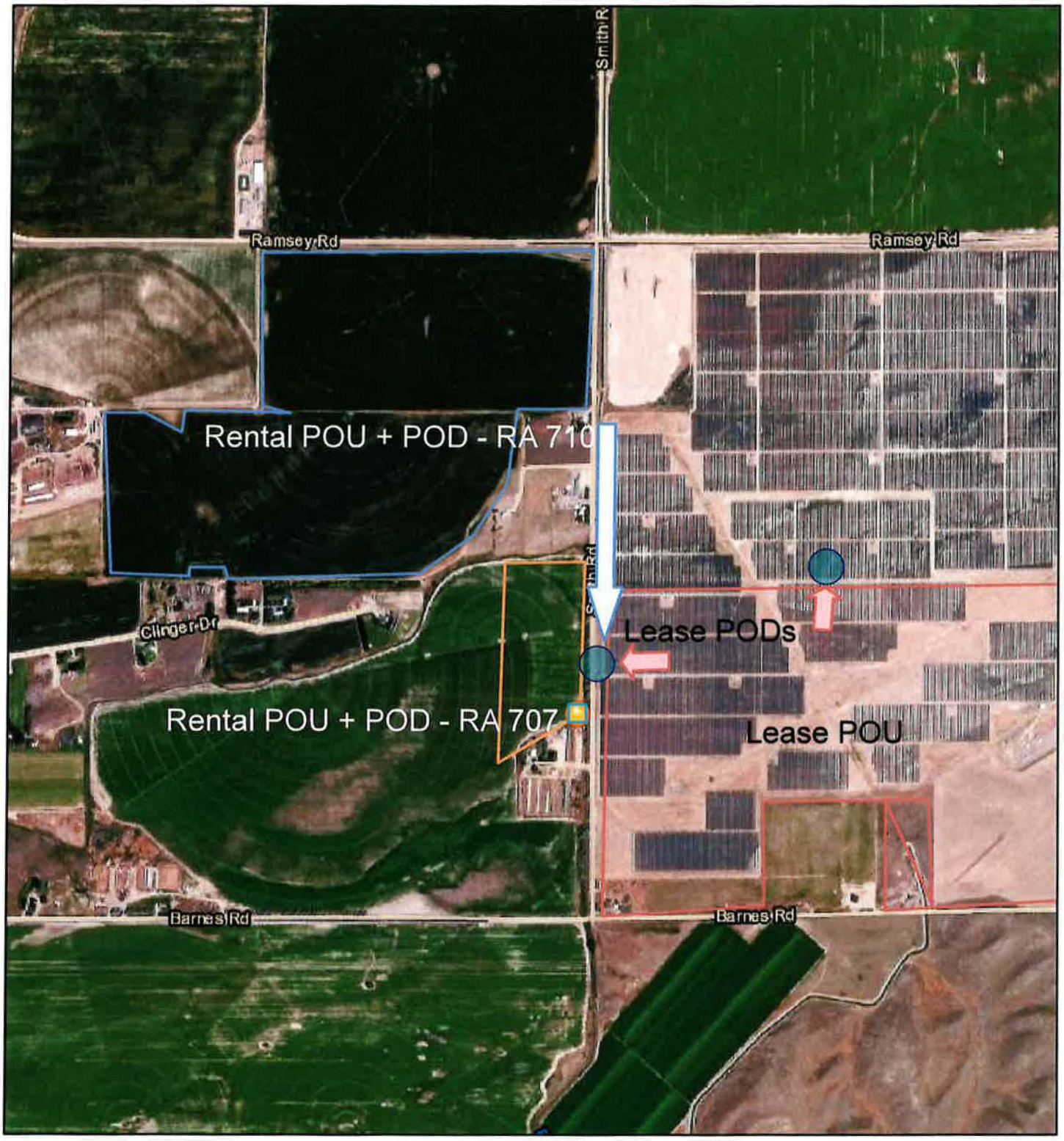
Table 3, 2nd POD of offered rights with other rights on same POD

Rental on Leased POD - Falls Irrigation District

WMIS 600727	Report Year	Alternate	FM	PCC
	2022		1.22	
	2021	327	21	
	2020		0.97	
	2019		263.9	
	2018		20.5	
	2017		6.06	
	2016			0
	2015			310.67

Table 4, Diversion measurements through rental 2018-2022

Move Map 29-2281 & 29-13624, 2023-202[illegible], RAs 707 & 710



1/11/2023, 1:12:58 PM

1:18,056

0 0.1 0.2 0.4 mi

0 0.17 0.35 0.7 km

Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

Idaho Department of Water Resources

Maxar | Esri, HERE, iPC | USGS TNM – National Hydrography Dataset. Data Refreshed January, 2023. | IDWR | Idaho Department of Water Resources (IDWR)

IDAHO DEPARTMENT
WATER RESOURCES

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Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

October 14th, 2022

JEROME CLINGER
2568 JOY LANE
AMERICAN FALLS ID 83211

RE: APPLICATION(S) 2456 TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Water Supply Bank (Bank).

The Department will accept applications proposed for the next calendar season on November 1 of the prior year. Your application is proposing water use during the 2023 season; therefore, the Department will begin processing your application after November 1, 2022.

A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information within 30 days of the date of this letter or the application will be returned:

- Attachment 2: A map showing the specific location of the 18.0 acres proposed as the place(s) of use and the proposed point(s) of diversion

Please provide the required information within thirty (30) days. If sufficient information is not received within 30 days, your application will be returned to you **unprocessed** and you will have to re-file your application.

Note that filing a rental application does not authorize diversion and use of water. It is unlawful to use water without a valid water right or an approved Bank rental agreement. **You are not authorized to divert any water for the purposes described in your application until you have paid the rental fee and you and the Department have both signed and executed a rental agreement.**

You can check the status of your rental application by reviewing the Department's Water Supply Bank Processing spreadsheet, accessible from the Bank's website at:
https://idwr.idaho.gov/iwrb/programs/water-supply-bank/resources/

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist