

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 837

RECEIVED

JUN 06 2024

DEPT. OF WATER RESOURCES

This is to certify that:

BONNEVILLE JEFFERSON GROUND WATER DISTRICT

PO BOX 51121

IDAHO FALLS, ID 83405-1121

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)
1-28D	2/21/1890	SNAKE RIVER	1.82	137	45.5	0.040	3.01
27-4009	4/15/1964	CORRAL CREEK	0.32	159	45.5	0.007	3.49
Combined Rental Totals			2.14	159	45.5	0.047	3.5

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 2024, whichever occurs last.

Annual Rental Fee:

2024 - 2025: \$3,662.75 annually

The full fee for the rental of the above-described right(s) is \$3,662.75 per year for years 2024 - 2025. The rental fee includes an administrative fee of \$366.27 per year for years 2024 - 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.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
GROUND WATER RECHARGE	1.46	81.2
Combined Total	1.46	81.2

** The authorized water usage reflects a reduction from the water right elements rented, to account for the sole use of water right 1-28D, a change in nature of use, and a historic delivery reduction of water right 1-28D.*

Detailed water right conditions are attached.

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 837

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:

Brad Butters - Mgr
Signature of Renter BSGWA

MAY 23, 2024
Date

BRAD BUTTARS BSGWA - MGR
Printed Name

MANAGER
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, Acting Administrator
Idaho Water Resource Board

Date 6/10/24

Rental approved by IDWR HP

Date 6/10/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 837

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER NWNW Sec. 22, Twp 05N, Rge 38E, MADISON County

BENEFICIAL USE

GROUND WATER RECHARGE

DIVERSION RATE

1.46 CFS

VOLUME

81.2 AF

SEASON OF USE

Water Right No.

1-28D

From

4/15

To

10/31

RENTERS PLACE OF USE: GROUND WATER RECHARGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	36E	23													X		X	X	X
04N	36E	24	X L1		X	X L1 X L2			X	X		X							X
04N	36E	26		X			X												X
04N	37E	5		X L2	X		X X L3			X	X					X	X		X
04N	37E	7												X			X	X	X
04N	37E	8		X	X					X	X	X	X			X	X		X
04N	37E	17		X	X		X		X	X	X					X	X	X	X
04N	37E	18		X		X	X	X X L1	X X L2	X	X			X	X	X			X
04N	37E	19					X	X X L1											X
04N	37E	20	X			X													X
04N	37E	21							X		X	X		X			X		X
04N	37E	22												X			X	X L3	X
04N	37E	23											X X L5						X
04N	37E	26						X X L7											X
04N	37E	27	X	X			X	X											X
04N	37E	28	X	X			X												X
05N	37E	12	X	X	X X L5 X L2 X L8	X X L5				X	X X L3	X	X						X

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WATER SUPPLY BANK RENTAL AGREEMENT No. 837

05N	37E	13						X L7 X L10											X
05N	37E	14	X L1 X L2	X L1 X L2 X L20	X X X L1 X L2 X L1				X X L2 X L20 X L3 X L19 X L4	X X L2 X L20 X L3 X L3 X L4 L19	X X L2 X L20 X L3 X L19 X L4 X L24 X L24 X L4					X X L2 X L20 X L3 X L19 X L4 X L24			X
05N	37E	15													X X L1		X X L1 X L2		X
05N	37E	21												X L1 X L2 X L2 X L3	X L1 X L2	X L1 X L2 X L2			X
05N	37E	22	X L1 X L1 X L2	X L1 X L1 X L2					X L3	X X L3 X L4									X
05N	37E	28				X L1		X L1 X L2	X L1 X L2	X L1 X L2									X
05N	37E	29												X			X X		X
05N	37E	32		X		X			X L1 X L2	X L1 X L2				X		X X			X
05N	38E	7			X			X X L8 X L7	X X L8 L7	X X L8 L7				X L1 X L2	X L1 X L2		X L1 X L2		X
05N	38E	8											X L1 X L2	X L1 X L2			X L1 X L2		X
05N	38E	15											X L1 X L2	X L1 X L2			X L1 X L2		X
05N	38E	16						X L1 X L2	X L1 X L2	X L1 X L2				X L1 X L2	X L1 X L2		X L1 X L2		X
05N	38E	17	X L1 X L2	X L1 X L2		X L1 X L2	X L1 X L2												X
05N	38E	22						X X L4											X

STATE OF IDAHO
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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. Use of water under this agreement will be regulated by watermasters with responsibility for the distribution of water among appropriators within State Water Districts No. 1.
10. Pursuant to Idaho Code § 42-234(4), to ensure that other water rights are not injured by the operations of the recharge project authorized by this right, the Director has authority to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
11. Pursuant to Idaho Code § 42-234(3), the Director may reduce the amount of water that may be diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
12. Consistent with Idaho Code § 42-234(5), seepage from canals incidental to or coincident with delivery of irrigation water shall not be considered ground water recharge under this right.
13. The right holder shall record the daily quantity of water diverted for ground water recharge and shall report the diversion data for the prior calendar year to the Department by February 1 each year. Reporting shall occur in the manner specified by the Department, consistent with Idaho Code § 42-701. To facilitate this reporting requirement, the right holder shall install and maintain a totalizing measuring device approved by the Department at each point of diversion and at each point where water is delivered from the conveyance system into a designated recharge site.
14. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Water Resources Underground Injection Control program.
15. Renter agrees to comply with all applicable rules set forth in IDAPA 37.03.03, Rules and Minimum Standards for the Construction and Use of Injection Wells while using water under this agreement.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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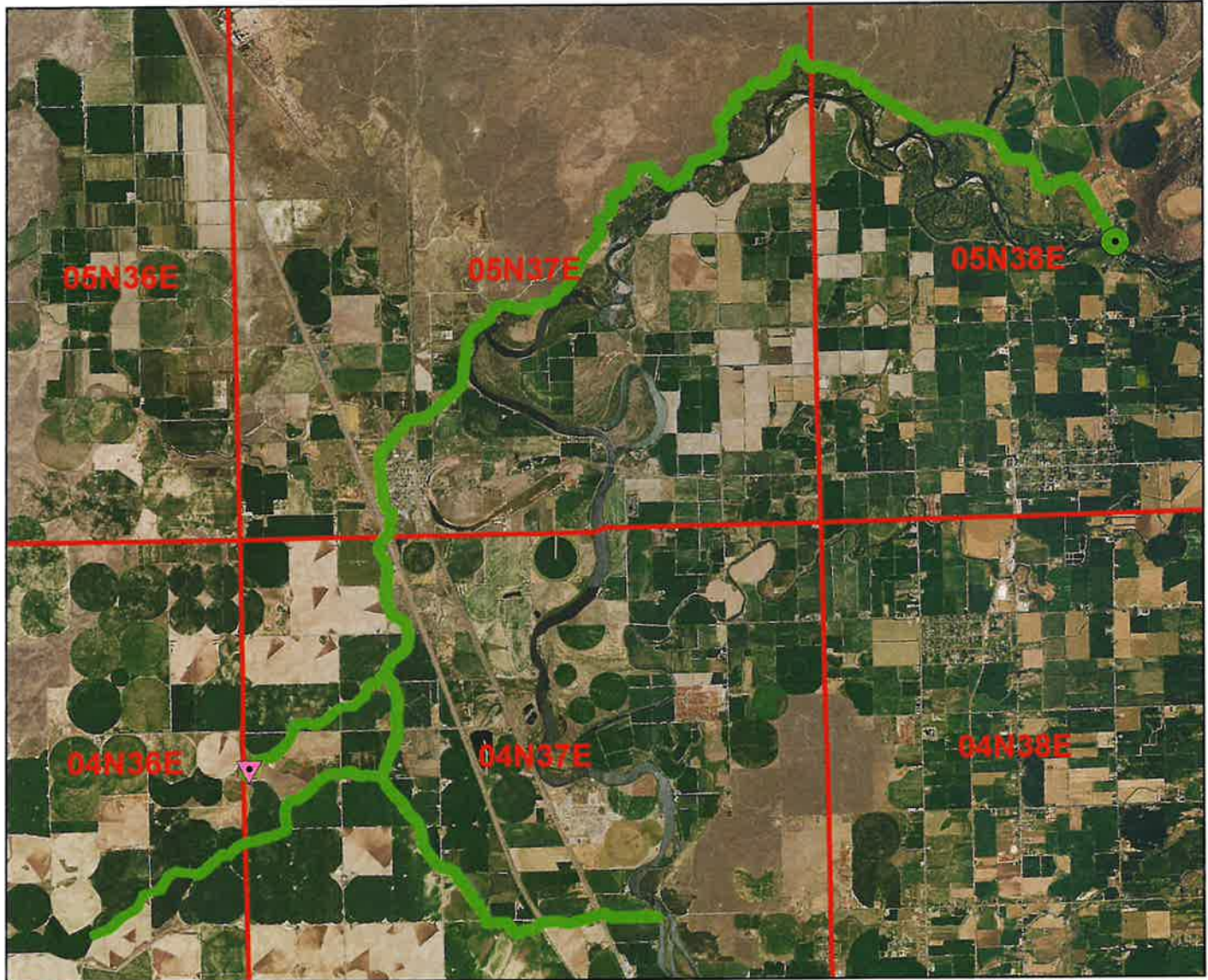
16. This right is not an authorization for the described recharge effort to be used as mitigation or credit for any other purpose. The sufficiency of the recharge effort authorized under this right for mitigation or credit for some other purpose may be determined by the Department upon proper submission of a mitigation plan pursuant to the Department's Rules of Conjunctive Management of Surface and Ground Water Resources, a mitigation plan to offset depletion in association with a water right application, a Management Program pursuant to Idaho Code § 42-1416B, or any other proposal to utilize credit for the recharge effort.
17. Water right 27-4009 is entitled to the protections of paragraph x.d. of water right 27-11375.
18. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 837

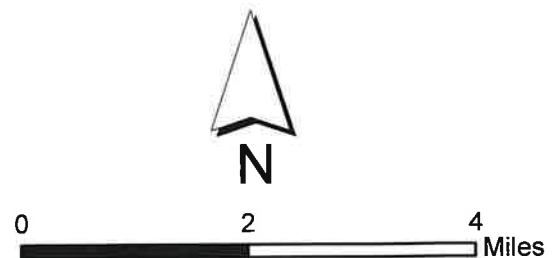
Effective until December 31, 2025

This map depicts the **GROUND WATER RECHARGE 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
-  Water Supply Bank Rental POU Injection Well
-  Township/Range



**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED

Apr 27, 2023

DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Bonneville Jefferson Ground Water District

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)

Application to Rent Water (Continued)

1. **CONTACT INFORMATION**
 A. Applicant Bonneville - Jefferson Ground Water District Id# 51121

Email Address bjgwddistrict@gmail.com

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.

Professional Title Hydrogeologist

Organization Water Well Consultants
Mailing Address 355 W 500 S, Burley, ID 83318
Email Address ryan@waterwellconsultants.com Phone Number _____

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**.

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**:

BJGWD wishes to use this water for aquifer recharge, when in priority, in the Poitevin Recharge Project which was accomplished in conjunction with the Idaho Water Resource Board. The injection well can be used similar to an irrigation system so that current rate, volume, and period of use limitations remain the same.

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
1.82 CFS	137 AF	CFS	AF	AC

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.

	**Applicant's preference if rental

5/1/2022	n/a	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
* 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):

Rental water will be delivered through the Butte Market Lake Canal Company headgates and conveyed by same to the Bonneville-Jefferson Injection well.

- 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
13057025 (WD01)	Snake River	1-80B, 1-10036, 1-302

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?
If yes, include documented consent as Attachment 3F.

Yes ☒ N/A ☐

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling?
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

Yes ☐ No ☒

- H. Has water modeling been provided with your rental request?
If yes, label modeling Attachment 3 H.

Yes ☐ N/A ☒

Rental applications that require modeling will be returned if modeling is not provided.

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

☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use

☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)

☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)

☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)

☒ Other: Aquifer Recharge from: 4/15 (mm/dd) to: 10/31 (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre?
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.

N/A ☒ Yes ☐ No ☐

- 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:

The place of use will be the Poltevin Injection well. If storage water is available to be leased, it may be used at the same POU, but no other water rights exist that can be used at this POU.

**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)
1-28D	IRRIGATION	1.82	137	45.5		1.82	137	N/A
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	1.82	137	N/A
						CFS	AF	AC

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

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

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**:

Nature of Use will be changed to aquifer recharge, but the water will be used in a manner similar to irrigation. All elements of the current water right will be honored including volume, rate, and period of use.

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



Printed Name of Applicant

4-3-23

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

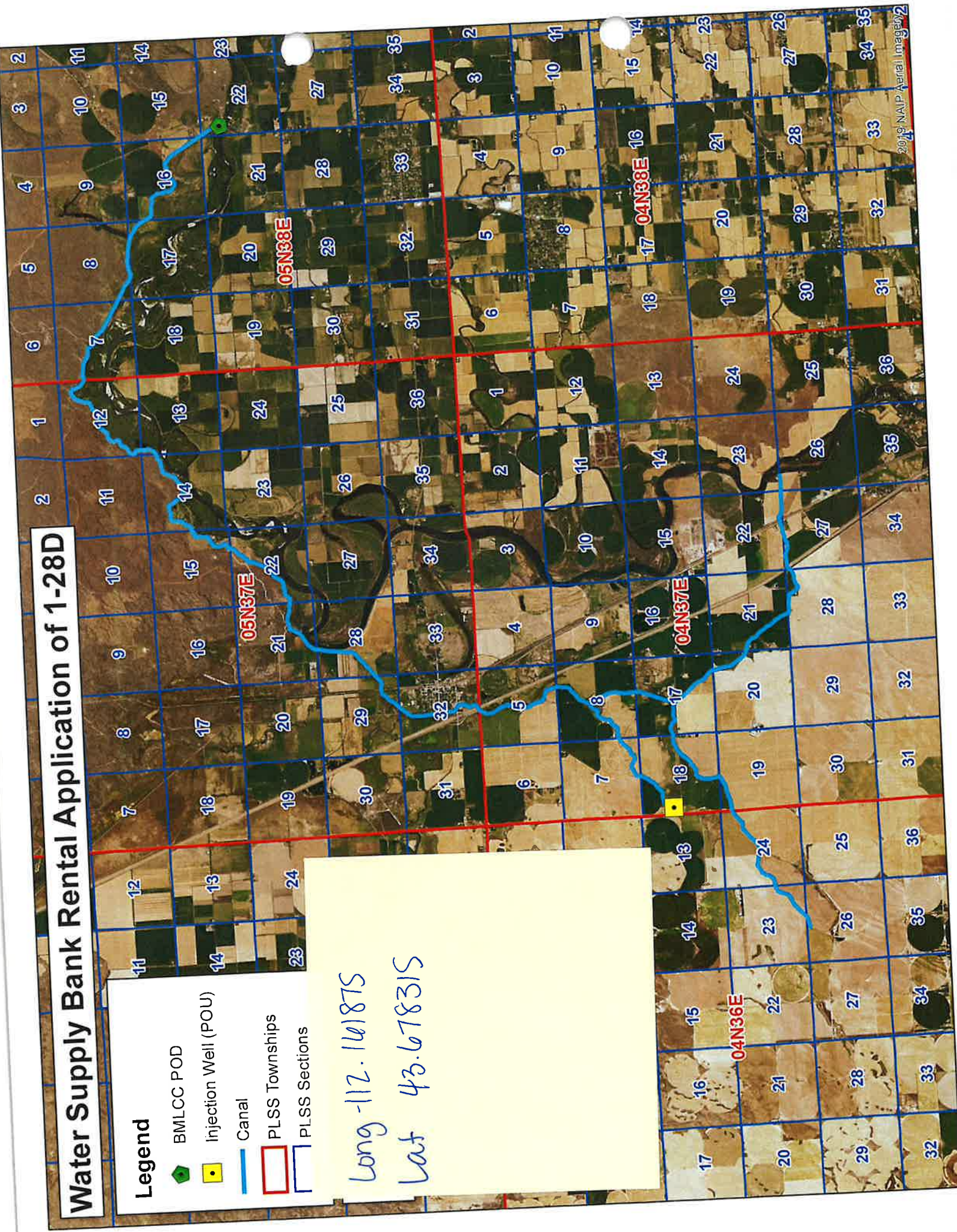
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Water Supply Bank Rental Application of 1-28D

Legend

-  BMLCC POD
-  Injection Well (POU)
-  Canal
-  PLSS Townships
-  PLSS Sections

Long -112.141875
Lat 43.678315



Butte Market Lake Canal Company
Roberts, Idaho

Idaho Water Supply Bank
322 East Front Street, STE600
Boise, Idaho

To Water Supply Bank Staff,

Bonneville Jefferson Ground Water District presented their application to rent water right 1-28D from the water supply bank to the Butte Market Lake Canal Company (BMLCC) Board of Directors at a meeting on April 21, 2023. The BMLCC board of directors approves of the application, gives consent for the water right to be placed at the BMLCC point of diversion, and will facilitate the delivery of that water right to the applicable place of use.

Sincerely,



Mark Mickelsen
Chairman BMLCC



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

June 10, 2024

BONNEVILLE JEFFERSON GROUND WATER DISTRICT
PO BOX 51121
IDAHO FALLS, ID 83405-1121

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 1-28D, 27-4009, AGREEMENT 837**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3662.75** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 159 acre-feet of water for irrigation of 45.5 acres during 2024. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$3296.48 of the rental fee will be paid to the lessor(s) and 10% or \$366.27 will be retained by the Department to offset administrative costs.

The annual rental fee for 2025 is due by December 31, 2024. If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Catalina Beck

for
Water Supply Bank

Enclosures: Receipt No. C118417
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Water District 01
IDWR Compliance Officer



IDAHO DEPARTMENT OF
WATER RESOURCES

RECEIVED

JUN 03 2024

DEPT. OF WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 22, 2024

BONNEVILLE JEFFERSON GROUND WATER DISTRICT
PO BOX 51121
IDAHO FALLS, ID 83405-1121

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 1-28D, 27-4009 AGREEMENT 837**

*****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 \$3662.75 **per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of ##acre-feet. (Multi-year rentals) The annual rental fee for 2025 is due by December 31, 2024. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check in the amount of \$3662.75 for 2024 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 \$3296.48 of the rental fee will be paid to the lessor(s) and 10% or \$366.27 will be retained by the Department to offset administrative costs for 2024.

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

Sincerely,

Catalina Beck

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Representative (via email)

208-287

5-13-24.
Called Catalina. OK to send
in lease information + \$
after 5-23-24 Sol mtg.
SS

Beck, Catalina

From: Beck, Catalina
Sent: Monday, April 22, 2024 7:37 AM
To: jaxon@waterwellconsultants.com
Subject: Corrected Rental Agreement Cover Letter
Attachments: R2.1 Proposed Rental Agreement Cover Letter- 90-10% fees.docx

Corrected proposed rental agreement cover for Rental 837 Bonneville Jefferson Ground Water District



Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.idaho.gov

Idaho Dept. of Water Resources
[322 E FRONT ST STE 648, BOISE ID 83702-7371](#)

Beck, Catalina

From: Beck, Catalina
Sent: Monday, April 22, 2024 7:30 AM
To: jaxon@waterwellconsultants.com
Cc: Bank
Subject: Rental agreement 837 for Bonneville-Jefferson Ground Water District
Attachments: R2.1 Proposed Rental Agreement Cover Letter- 90-10% fees.docx; Proposed Rental Agreement 837 - BJGWD.docx

Good Morning

Here is a copy of the rental agreement for Bonneville Jefferson Ground Water District sent out for signature



Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.idaho.gov

Idaho Dept. of Water Resources
[322 E FRONT ST STE 648, BOISE ID 83702-7371](https://www.idwr.idaho.gov)

MEMORANDUM FOR AGREEMENT # 837

To: Water Right(s) 1-28D & 27-4009

From: Mackenzie Kienholz

Date: 3/12/2024

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

PURPOSE/NARRATIVE: Rental Application #2661 was submitted by Jaxon Higgs (Water Well Consultants, Inc.) on behalf of the Bonneville-Jefferson Ground Water District (BJGWD) and was received by the Department on 4/27/2023. The application proposed to rent 137 af for the use of groundwater recharge via the injection well referred to as the Poitevin Injection Well (UIC ID 21419). Nate Fischer of the IDWR Underground Injection Control (UIC) program confirmed the location of the permitted injection well. The application proposed to use right 1-28D, however this right is stacked with 27-4009, so both will be rented even though the renter will only be authorized to use 1-28D. This will also affect the amounts rented and amounts authorized for use. The application requested a 2022 start and a rental term of four years. As the application was received in 2023, it was initially moved from a 2022 start to a 2023 start. Due to the processing time of this application, the rental was moved to a 2024 start. The requested water rights are available through 2025, so the term will be 2024-2025.

This rental is within WD 01.

AUTHORITY TO FILE: The application was signed by Kirt Schwieder who is listed as the Director at Large/Treasurer of the BJGWD on the Groundwater Districts Contacts page on the IDWR website. The rented water is proposed to be delivered to the injection well via the Butte Market Lake Canal Company. A letter of consent from the chairman of the company, Mark Mickelsen, was received with the application. The parcels around the injection well are privately owned, however the canal company has an easement allowing access to the well.

WATER RIGHT VALIDITY: Right 1-28D was decreed 9/14/2007 and 27-4009 was decreed 1/31/2012. Both have been leased to the Bank since 2003. No concerns with water right validity.

INJURY TO OTHER WATER RIGHTS: The season of use will not be changed under this rental. There will be a change in nature of use from irrigation to groundwater recharge, see Enlargement of Use section. The rental proposes to move the point of diversion upstream on the Snake River from between Blackfoot and Shelley to north of Rigby. Water District 01 watermaster, Tony Olenichak ("Olenichak"), stated in an email sent 6/28/2023 that "The Snake River reach that the POD is being moved to is always on the same delivery priority as the reach containing the original POD. Therefore, there shouldn't be any impact to any surface-water user regardless of which of these two reaches 1-28D is delivered."

Water Quality Sampling – Summer 2023

*The information in this section was taken from an *unfinalized* version of the "Poitevin Injection Well Water Quality Test Summary 2022/2023," but all sampling activities were completed at the time of this review. It is not anticipated that any modifications to the information below will be made upon finalization of the report.

Impacts to water quality could be a potential source of injury through this rental. The Idaho Water Resource Board (IWRB) completed a groundwater quality test conducted between April 25, 2023 and July 11, 2023. Recharge via the Poitevin Injection Well occurred between May 17,

2023 and June 27, 2023. Samples were taken from eight wells, seven private and one monitoring well owned by the IWRB, and were collected before, during, and after recharge water was being injected. Samples were also collected from the canal which feeds the injection well. The results from the 2023 sampling activities indicate no exceedances of EPA Maximum Contaminant Levels or Idaho Ground Water Quality Standards occurred during groundwater recharge except for bacteria. Surface water and groundwater were sampled for total coliform bacteria and *E. coli* bacteria. *E. coli* was detected in two (May 2, 2023 and May 10, 2023) of three (May 2, 10 and 16, 2023) groundwater samples from monitoring wells. The last sample taken, post-recharge, on June 13th, 2023 was negative for *E. coli*. Total coliform was below the detection limit for all samples.

Water quality for injection wells is regulated by the UIC program. Conditions will be added to ensure that the applicant is required to comply with water quality regulations set forth by the UIC program in addition to all UIC rules (IDAPA 37.03.03).

ENLARGEMENT OF USE: The nature of use of rights 1-28D and 27-4009 is irrigation. While this rental proposes to use the rights for groundwater recharge, the applicant noted on item 4C of the application that "All elements of the current water right will be honored including volume, rate, and period of use." However, there is still an anticipated difference in the consumptive portions between the historic use and the proposed recharge use. There was limited information on the historical use of these water rights in their respective backfiles. A conversation with the current water right owner was held via phone. The current owner, Mr. Munns, has never used these water rights since acquiring them in 2009 (they have, however, been protected from forfeiture during this time). He stated that he believed that the rights were last used to grow barley. However, he noted that there is about 1,500 acres of farmland on the property, and right 1-28D and 27-4009 only authorize 255.3 acres. It cannot be confirmed whether barley was grown on the acres in question. Mr. Munns had no additional information about which PODs were used or when during the irrigation season the rights were used.

NOTE: There are imagery years (e.g. 2021) where the water right POU for 1-28D and 27-4009 appears more green than adjacent parcels in a manner that would not be due to a natural boundary. However, review staff believe Mr. Munns' statement that the rights have not been used.

Right 1-28D was originally diverted directly from the Snake River and used the water for the irrigation of acres close to the Snake River. In 1981, a transfer was approved allowing for an exchange to occur. Since this transfer, 1-28D is diverted from Corral Creek, tributary to the Blackfoot River, tributary to the Snake River. Snake River water is rediverted to the Blackfoot River to account for this exchange. Therefore, when considering historic use, the years after 1981 were considered. There was no specific information about the right's use post transfer, so review staff again requested information from the water district. In another email sent on 12/19/2023, Olenichak stated that while it should be possible to determine exact amounts diverted post-1981, it would be a very involved process and that "It probably would be safe to assume that 1-28D was delivered from the Snake River to the Blackfoot River every year since the 1981 transfer occurred." It is assumed that the full 137 acre-feet authorized under 1-28D was historically diverted from the Snake River.

Data from ET Idaho (Kimberly Research and Extension Center, University of Idaho) was used to determine historic consumptive use under the proposed rights. The Soda Springs station is the closest to the current water right place of use, which has been the place of use for these rights since a transfer in 1981. As it is possible that barley was grown under these rights, but not certain, calculations were ran for both barley ('Spring Grain – Irrigated') and alfalfa, which is the standard when the crop is unknown (average of 'Alfalfa – peak (no cutting effects)', 'Alfalfa – frequent cuttings', and 'Alfalfa – less frequent cuttings'). Transfer Processing Memo No. 24

states that "The highest-year historic consumptive use... will be the basis for the annual volume of consumptive use available for transfer." Following this guidance, the highest of the estimated historic consumptive uses calculated between spring grain and alfalfa is the basis for the amount rentable for this rental. The highest consumptive volume was for alfalfa at 2.23 af/acre; spring grain (barley) calculated a consumptive use volume of 1.68 af/acre. Recharge via injection well has no expected losses, so the full historic consumptive use can be used for recharge. See the amounts rented versus amounts authorized for use below.

Amounts Rented

	Rate (cfs)	Volume (af)	Acres	cfs/acre	af/acre
1-28D	1.82	137	45.5	0.04	3.01
27-4009	0.32	159	45.5	0.007	3.50
Combined	2.14	159	45.5	0.047	3.50

Amounts Available for Use After Change in Nature of Use

	Rate (cfs)	Volume (af)
1-28D	1.82	101.5

Right 1-28D has the below condition:

"Diversion of water under this right is subject to the Carrying Capacity Contract I-125-Ind. 127, dated June 7, 1929."

Limited information was found about the Carrying Capacity Contract. It was noted that the contract is between the Smith-Maxwell Ditch and the Fort Hall Water Users. Review staff was unable to get in touch with the operators of the Smith-Maxwell Ditch.

A 2003 proof report (prior to SRBA decree) for 1-28D had the following wording for the condition:

"Diversion through Reservation Canal which dumps into Blackfoot River. Rediversion through new Smith-Maxwell ditch. Implied 2 miners inches/acre. Amount delivered reduced by 20% due to Reservation Canal transport agreement."

It is believed that this reduced the amount delivered for 1-28D through Reservation Canal by 20%. Because of this, the amounts authorized for recharge will be reduced by an additional 20%, see below. If additional information is found to suggest that this condition did not restrict water use under 1-28D by this amount, the amounts authorized for use may be reevaluated in future rental reviews.

Amounts Authorized for Recharge Use

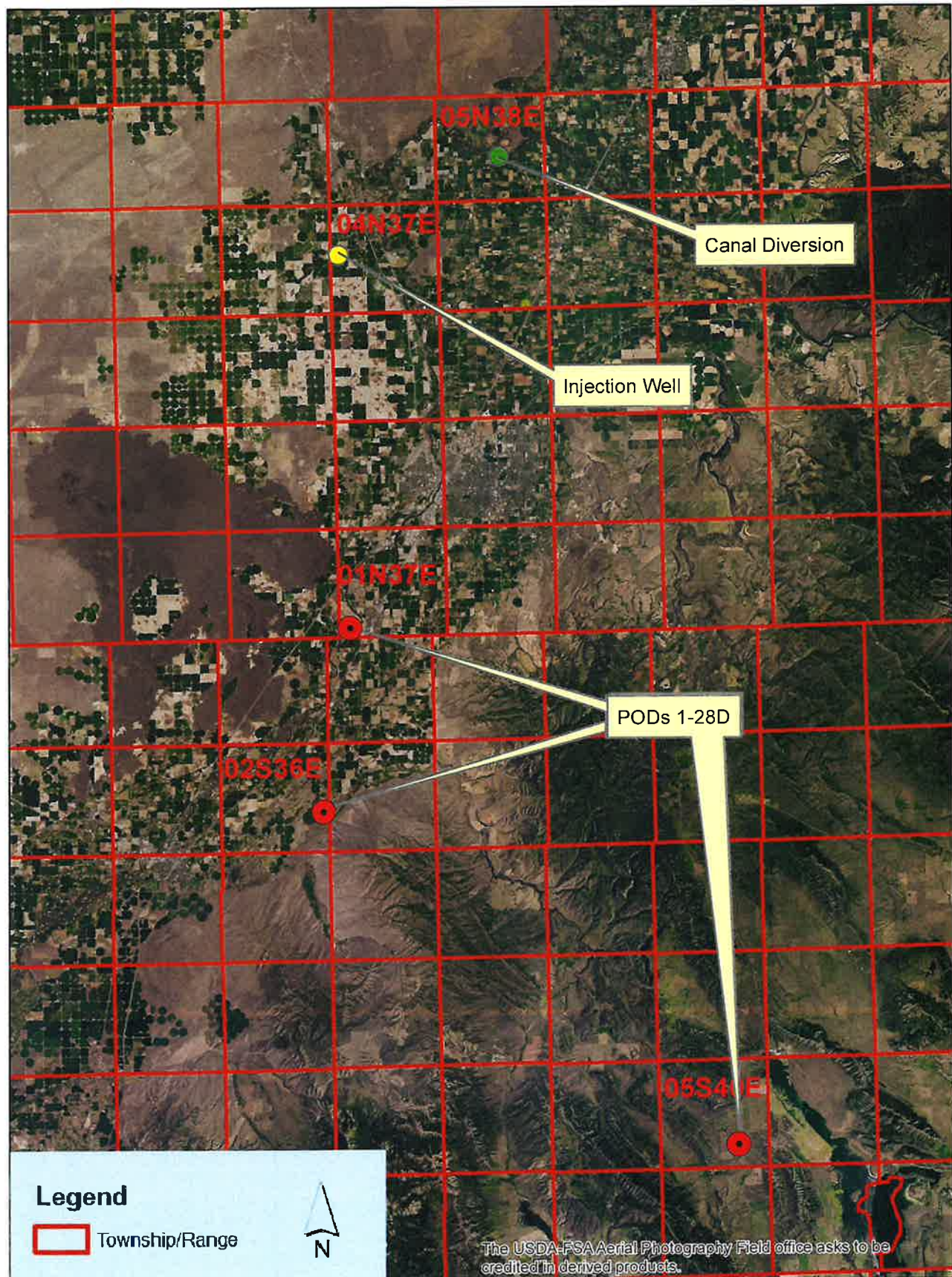
	Rate (cfs)	Volume (af)
1-28D	1.46	81.2

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest. No concerns were brought to the Department's attention related to recharge activities that occurred in 2023 through this injection well.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho. The rental will be conditioned to require that the daily amount of water diverted for recharge be recorded and reported to the Department annually.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental POD is subject to Water District #01. A request for comments was sent to the WD 01 watermaster and the Eastern Regional Office on 3/12/2024.

Bonneville-Jefferson GWD Recharge Rental App #2661



Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Tuesday, March 12, 2024 10:55 AM
To: Cefalo, James; Chandler, Craig
Subject: Comment Request - WSB Rental Application 2661 BJGWD
Attachments: Rental Review Memo - BJGWD App 2661.pdf; Rental Map - Agreement 837 BJGWD.pdf;
Move Map BJGWD Recharge Rental App 2661.pdf

Good morning,

Please see the attached review documents for Water Supply Bank Rental Application #2661 for the Bonneville-Jefferson GWD. Kindly respond with any questions or comments within 10 days.

Thank you,

Mackenzie Kienholz



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822