

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 812

RECEIVED

MAY 23 2024

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

CYNTHIA CRAMER JESINGER
PO BOX 111
SUN VALLEY, ID 83353-0111

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)
37-21259	5/1/1887	BIG WOOD RIVER	0.03	1.8	0.5	0.06	3.6
37-21261	11/12/1936	BIG WOOD RIVER	0.05	3.5	1.0	0.05	3.5
37-21263	4/15/1971	CLEAR CREEK	0.03	1.8	0.5	0.06	3.6
Combined Limit Totals			0.05	3.5	1.0	0.05	3.5
Combined Rental Totals			0.05	3.5	1.0	0.05	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, 2028. 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 - 2028: \$8.05 annually

The full fee for the rental of the above-described right(s) is \$8.05 per year for years 2024 - 2028. The rental fee include only administrative fees. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 37-21259, 37-21261, 37-21263.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.03	1.8	0.5	0.06	3.6
Combined Total	0.03	1.8	0.5	0.06	3.6

*** The authorized water usage reflects a reduction from the water right elements rented, to account for the renter's irrigation use of only Clear Creek water right 37-21263 and proportional use.**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 812

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:

Cynthia Cramer Jesinger 20 May 2024
Signature of Renter Date

Cynthia Cramer Jesinger Renter
Printed Name 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 Date 5/23/24
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR AP Date 5/23/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 812

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

CLEAR CREEK NWSE Sec. 31, Twp 04N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.03 CFS

VOLUME
1.80 AF

SEASON OF USE

Water Right No.	From	To
37-21259	4/15	10/31
37-21261	4/15	10/31
37-21263	4/15	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	
03N	18E	6			0.5														0.5

Total Acres: 0.5

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 listed herein shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 812

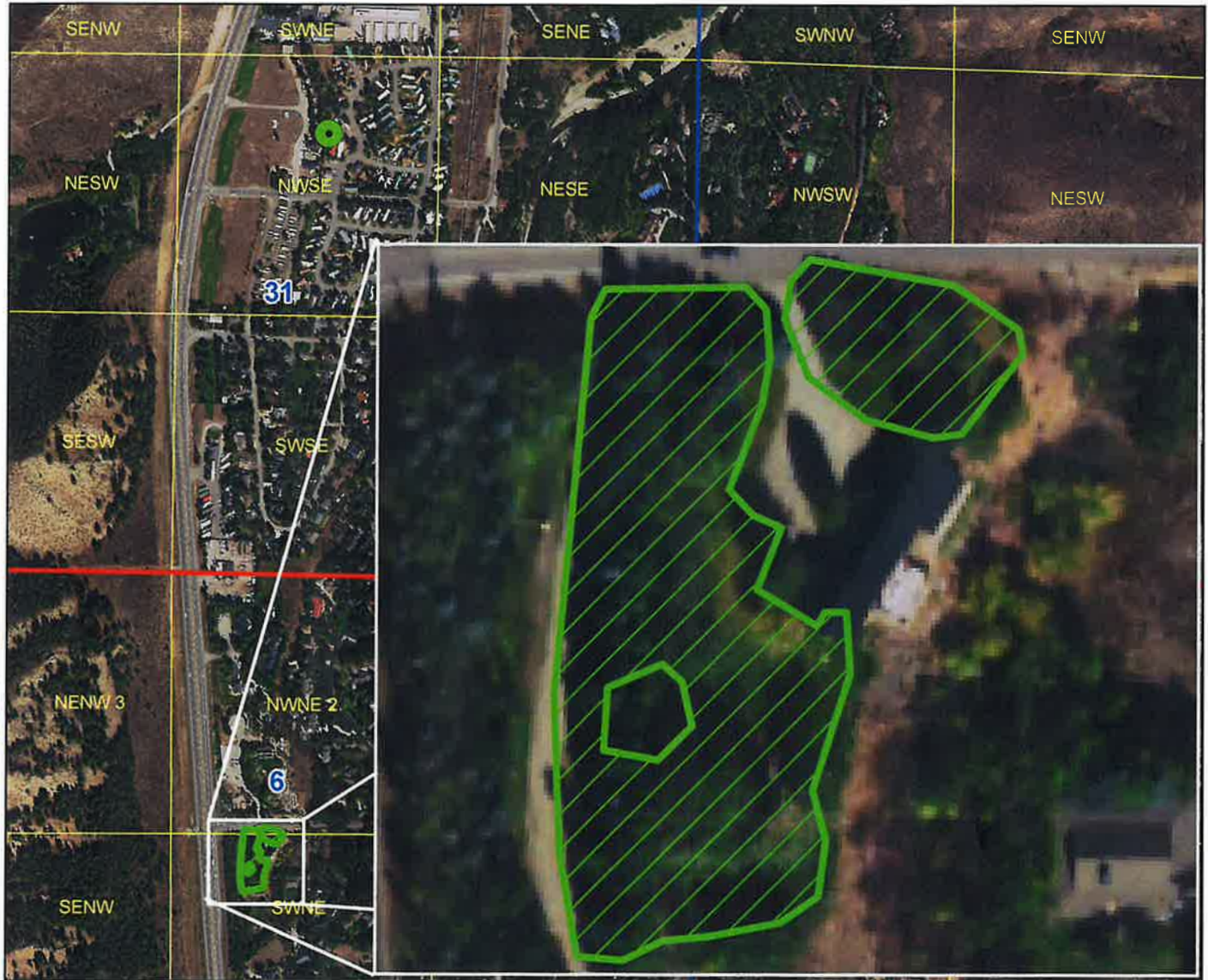
10. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
11. Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.
12. Use of water under this right will 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. 37.
13. The unrented portion of Clear Creek water right 37-21263 is limited to a diversion rate of 0.02 cfs for irrigation of 0.3 acres.
14. The unrented portions of the water rights listed below are limited to a total combined diversion rate of 0.03 cfs for the irrigation of a maximum of 0.7 acres. Combined Right Nos: 37-21259, 37-21261, and 37-21263.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 812

Effective until December 31, 2028

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



Legend

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



0 0.175 0.35 Miles

STATE OF IDAHO
WATER RESOURCE BOARDRECEIVED
MAY 23 7523
DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: Cynthia Cramer Jesinger

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)

37-21261 37-21263
37-21259

2675

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Cynthia Cramer Jesinger

Mailing Address P.O. Box 111 Sun Valley Idaho 83353
Street City State Zip Code
Email Address cindyjesinger@gmail.com Phone Number 208 720-6658

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**:

The rental water will be used to irrigate 0.5 acres of residential land.

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)
0.02 CFS	1.8 AF	0.02 CFS	1.8 AF	0.5 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?	
4/1/2024	5/1/2024	☐ 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):

Same ditch system authorized by Decrees for 37-21259, 37-21261, and 37-21263

- 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
04N 18E 30 SENE	Big Wood	
04N 18E 29 SWSW	Big Wood	
04N 18E 31 NWSE	Clear Creek	

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 0.5 (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:

Domestic well (37-12078)

**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)
37-21259	irrigation	0.02	1.8	.05		0.02	1.8	0.5
37-21261								
37-21263								
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	0.02	1.8	0.5
						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:

Previous Water Supply Bank Rental Agreement No. 294 for years 2019-2023 (See attached)

- 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

Cynthia C. Jesinger

Printed Name of Applicant

05/19/2023

Date

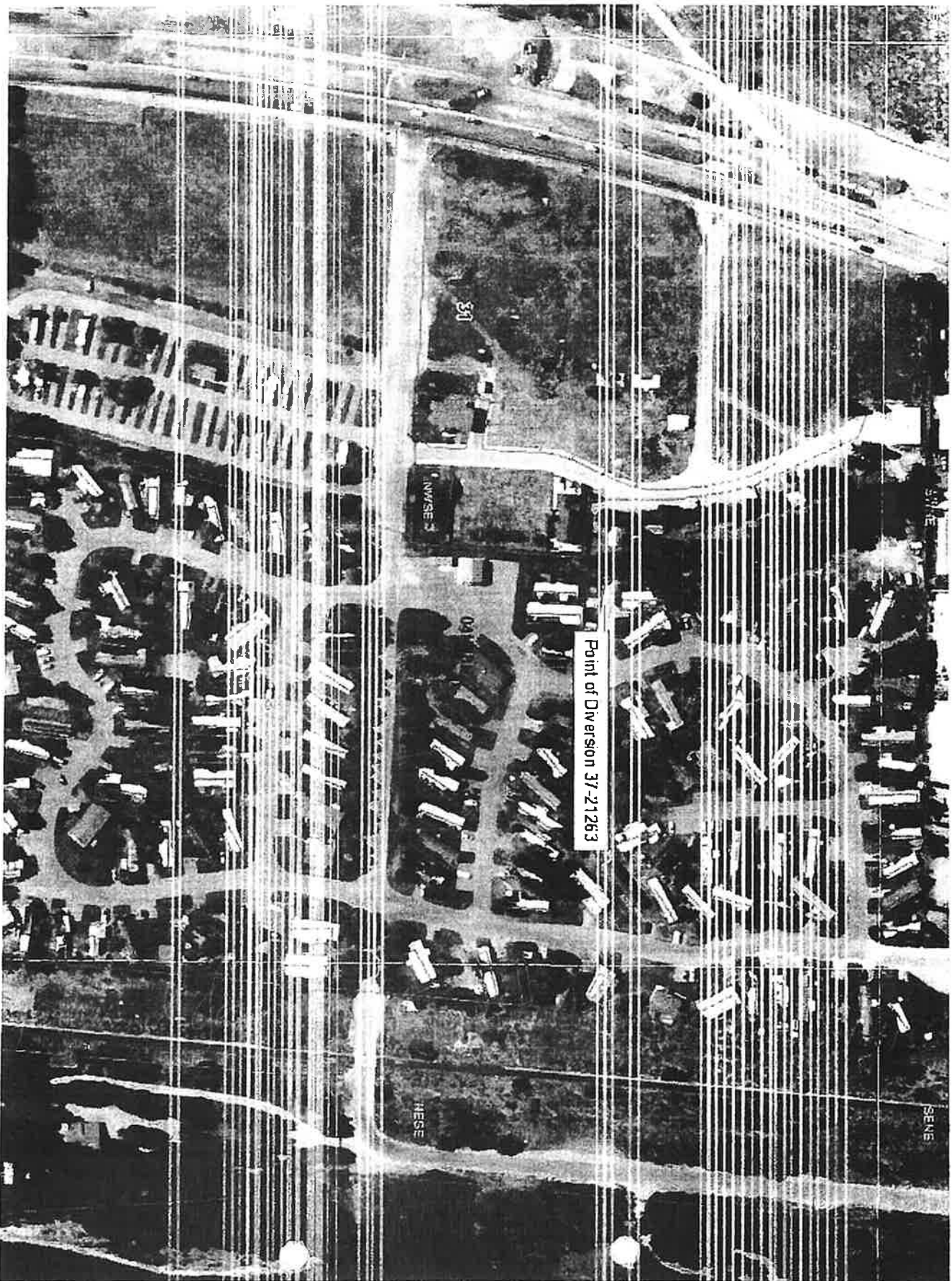
Signature of Representative

Printed Name of Representative

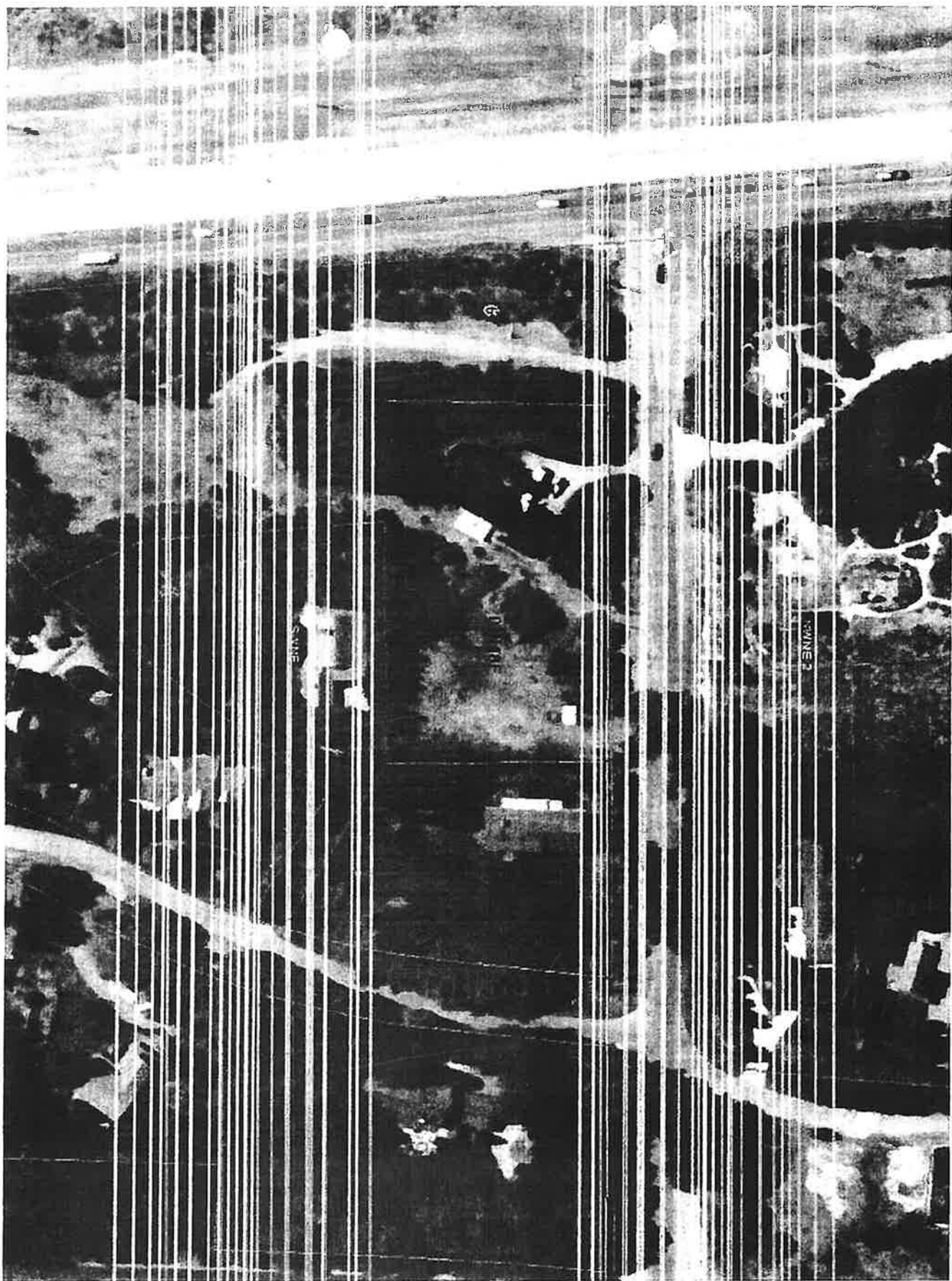
Date

Mail to:

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



Point of Diversion 37-21263

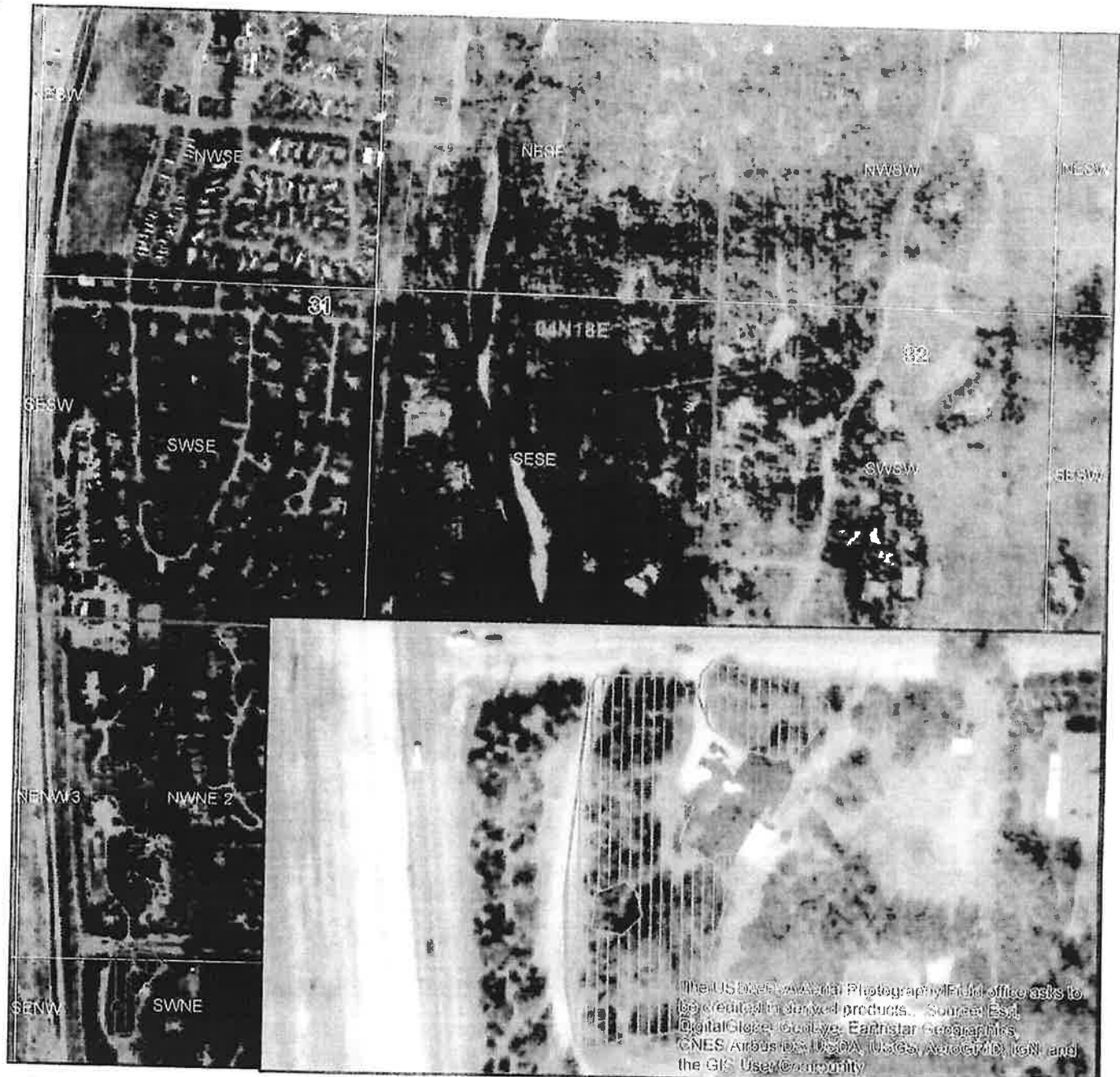


Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 294

Effective until December 31, 2023

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

Authorized Rental Place of Use

Township/Range

Sections

QQ

Feet

2,500

N

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 294

This is to certify that:

CYNTHIA CRAMER JESINGER
PO BOX 111
SUN VALLEY, ID 83353-0111

RECEIVED
MAR 11 2019
DEPARTMENT OF
WATER RESOURCES

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:

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37-21261	11/12/1936	BIG WOOD RIVER	0.050	3.50	1.00	0.050	3.50
37-21263	4/15/1971	CLEAR CREEK	0.030	1.80	0.50	0.060	3.50
Combined Limit Totals			0.050	3.50	1.00	0.050	3.50
Combined Rental Totals			0.050	3.50	1.00	0.050	3.50

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2023. 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 2019, whichever occurs last.

Annual Rental Fee:

2019 - 2022: \$7.00 annually
2023: \$8.05 annually

The full fee for the rental of the above-described right(s) is \$7.00 per year for years 2019 – 2022 and \$8.05 for 2023. The rental fees include only administrative fees. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 37-21259, 37-21261, 37-21263.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.030	1.80	0.50	0.060	3.60
Combined Total	0.030	1.80	0.50	0.060	3.60

** The authorized water usage reflects a reduction from the water right elements rented, to account for the renter's irrigation use of only Clear Creek water right 37-21263.*

SUPPORT DATA

Detailed water right conditions are attached.

IN FILE # 37-21259

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 294

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:

Cynthia Cramer Jesinger 5 March 2019
Signature of Renter Date

Cynthia A Cramer Jesinger
Printed Name 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 3/12/2019
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR Ray Wash Date 3-12-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 294

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

CLEAR CREEK NWSE Sec. 31, Twp 04N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.03 CFS

VOLUME
1.80 AF

SEASON OF USE

Water Right No.	From	To
37-21259	4/15	10/31
37-21261	4/01	11/01
37-21263	4/15	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	
03N	18E	6			0.5														0.5

Total Acres: 0.5

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.
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10. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 294

11. Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.
12. Use of water under this right will 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. 37.
13. The unrented portion of Clear Creek water right 37-21263 is limited to a diversion rate of 0.02 cfs for the irrigation of 0.3 acres.
14. The unrented portions of the water rights listed below are limited to a total combined diversion rate of 0.03 cfs for the irrigation of a maximum of 0.7 acres. Combined Right Nos: 37-21259, 37-21261 and 37-21263.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 294

Effective until December 31, 2023

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





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 31, 2024

CYNTHIA CRAMER JESINGER
PO BOX 111
SUN VALLEY, ID 83353-0111

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-21259,37-21261,37-21263, AGREEMENT 812**

Dear Renter:

Please find enclosed a receipt in the amount of **\$8.05** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 3.5 acre-feet of water for irrigation of 0.5 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 10% or \$8.05 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. C118368
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Water District 37
Galena Ground Water District
IDWR Compliance Officer



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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 Mathew Weaver

March 13, 2024

CYNTHIA CRAMER JESINGER
PO BOX 111
SUN VALLEY, ID 83353-0111

**RESPONSE
DEADLINE**

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-21259, 37-21261, AND 37-21263, AGREEMENT 812**

*****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 \$80.50 was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 3.5 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$8.05 annually.** 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 \$8.05 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 (208) 287-4800.

Sincerely,

Shilynn Novak
for

Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

Novak, Shilynn

From: Novak, Shilynn
Sent: Friday, December 15, 2023 4:50 PM
To: Skinner, Corey; watermanager
Cc: Ryan Fuchs; Bank
Subject: WSB Request for Comment - Rental 2675
Attachments: Rental Application to Agreement 75 CJesinger 2014-2018.pdf; Rental Application to Agreement 294 CJesinger 2019-2023.pdf; Lease Application to Contract 473 CJesinger 2014-2018.pdf; Lease Review Memo 2672.pdf; Rental Map.pdf; Lease Map.pdf; Rental Review Memo 2675.pdf

Good afternoon all,

I have a Water Supply Bank lease/rental package for Cynthia Jesinger ready for your review and comments. This lease/rental package is a continuation of rentals #294 and #75 for the same purpose. Ms. Jesinger proposes to lease the entirety of her rights (37-21259, 37-21261, and 37-21263) to the WSB and rent back enough water from the Clear Creek right for irrigation of 0.5 acres at the current place of use. (Since these rights are stacked, they all had to be placed in the WSB.) I have included a map, my review memos, and a copy of the submitted documents. For your convenience, I have also included the previous lease/rental memos.

Please let me know in 7 days if you have any concerns or comments about this lease/rental package.

Thank you,
Shilynn



Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

MEMORANDUM FOR APPLICATION #2675

To: Water Right(s) 37-21259, 35-21261, 37-21263

From: Shilynn Novak

Date: December 13, 2023

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

PURPOSE/NARRATIVE: This rental application was received by the Department on May 23, 2023, and included a lease application. The lease application proposes to place the entirety of 37-21259, 37-21261, 37-21263 into the Bank and the rental application requests to rent enough water to irrigate 0.5 acres at the same place of use. This review will only discuss the rental application.

This rental is to continue irrigation of 0.5 acres around the property using the water right from Clear Creek. Previous memos state that water is no longer delivered through the Rockway By-Pass and that water from the Big Wood is also not delivered through the Comstock Ditch. The Big Wood River rights are to be rented together with the Clear Creek right since they are stacked.

For irrigation of 0.5 acres on the property, more water must be rented to meet the desired rate of 0.02 cfs from Clear Creek.

The application describes domestic right 37-12078 as being on the property. This right was decreed in the NWNE QQ. There are no records of a well on the property in question and it is assumed to be a domestic well.

AUTHORITY TO FILE: Cynthia Cramer Jesinger is listed as the owner of the property according to parcel data provided by Blaine County Assessor's website. There are no concerns about authority to file.

WATER RIGHT VALIDITY: The lease application is to continue leasing the three water rights to the Bank. These rights were decreed in 2012 and placed into the Bank in 2014. The rights have remained in the Bank since 2014 and the lease is to continue its enrollment until the end of 2028. Irrigation from previous rentals appears to be occurring on the property.

No concerns about water right validity.

INJURY TO OTHER WATER RIGHTS: This rental is intended to get irrigation use from the Clear Creek right and the Big Wood River rights would just be rented because they are stacked. No exchange is occurring with this rental so the priority of the Big Wood rights would not be able to be used at Clear Creek.

Water right 37-21261 has three conditions describing use from the Rockwell By-Pass. These conditions should not be an issue for this rental, because the Big Wood River rights are undeliverable to the property.

This rental is renting back the water rights from the Bank for irrigation of 0.5 at the original place of use. Injury to other water rights is not anticipated with the rental of these rights.

ENLARGEMENT OF USE: This is not a new use of the water nor is it enhancing a water supply because the water is being rented back to the applicant to use at the same place of use and the amount rented from Clear Creek is still within what is allowed on their water right. So there is no increase in useable rate with rental.

Since these rights are stacked and the Clear Creek water right is less than the combined use limit, more water will need to be rented. Below are two images showing the differences in how much water needs to be rented so 0.5 acres of irrigation can come out of Clear Creek (yellow).

Lease Info

WRs	ACRES	CFS	VOL
37-21259	0.8	0.05	2.8
37-21261	1.7	0.08	6
37-21263	0.8	0.05	2.8

Rental AC
1.0

Rent From WSB

AC	CFS	Vol
0.5	0.03	1.8
1.0	0.05	3.5
0.5	0.03	1.8

CUL for Rental

CUL AC	CUL CFS	CUL VOL
1	0.03	3.5

remaining -> 0.7 0.02 2.5

Lease Info

WRs	ACRES	CFS	VOL
37-21259	0.8	0.05	6
37-21261	1.7	0.08	6
37-21263	0.8	0.05	6

Rental AC
0.5

Rent only 0.5 acres total

AC	CFS	Vol
0.2	0.01	1.8
0.5	0.02	1.8
0.2	0.01	1.8

CUL for Rental

CUL AC	CUL CFS	CUL VOL
0.5	0.01	1.8

If 0.5 acres are rented from the combined use limit, then only 0.2 acres would be available with the Clear Creek right. If 1.0 acres are rented from the combined use limit, then 0.5 acres of irrigation is available from Clear Creek.

There are no concerns about enlargement occurring with this rental.

LOCAL PUBLIC INTEREST: This rental is a continuation of previous rentals #75 and #294.

Water right 37-21261 has conditions for Rockwell By-Pass. This rental should not interfere with the conditions because this rental is for the use of Clear Creek for irrigation and not the Big Wood River. The condition on the lease seems to be more for the lease side versus the rental of this water.

The condition requiring a measuring device is recommended to follow through to the Rental Agreement as this is not a new use of the water and it should be in place already.

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental of this right will result in limiting the total rate to rent. The applicant is requesting 0.02 cfs for irrigation of 0.5 acres. Using a rate per acre of 0.03 cfs per acre results in 0.02 cfs total (rounded).

$$0.5 \text{ acres} \times 0.03 \text{ cfs/ac} = 0.015 \text{ cfs} \Rightarrow 0.02 \text{ cfs}$$

This amount is consistent with Department standards for irrigation of less than 5 acres.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District 37. This rental falls within the area for IDWR Southern Regional Office.

Initial discussions with the watermaster to discuss if the renter could use the Big Wood priority date on Clear Creek. It was determined that the Clear Creek priority date would be the date used because water was coming from Clear Creek only and that the Big Wood River rights were only being rented because those rights were stacked.

Novak, Shilynn

From: Novak, Shilynn
Sent: Tuesday, November 28, 2023 4:46 PM
To: watermanager
Subject: RE: Water Supply Bank 2675 - Watermaster Additional Info

Hi Sunny,

Sorry about missing your call. I've been trying to better wrap my head around these rights. In your message you mentioned having other questions. I can give you a call tomorrow (11/29) morning at about 10am so we can discuss those.

I put some comments to your questions below in blue. We can also discuss more in depth when I call. 😊

Thank you!
Shilynn

From: watermanager <watermanager@wd37.org>
Sent: Monday, November 27, 2023 11:16 AM
To: Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>; rmkservices@outlook.com
Subject: Re: Water Supply Bank 2675 - Watermaster Additional Info

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Shilynn,

Thank you for the map, list of rights, and previous applications. I'm not familiar with the property so they are very helpful to understanding the application. I'm not aware of any injury from previous rentals, but I think we want to avoid injury to the Clear Creek users.

Is it possible to condition the rental to a portion of 37-21263 only? I asked my supervisor about this and he said that we don't limit the rentals to a specific water right when there is a group of stacked rights. Normally, rental water use comes down to what is physically available for renters to use. So in this case, Jesinger could rent back those 3 water rights because they are stacked but would only use the Clear Creek right because delivery from Big Wood is not available. We wouldn't have to limit to the one water right because the other rights are not available to deliver.

Is there anywhere Rockwell Bypass rights can be rented that would not have the possibility of injury? "Pursuant to a call, in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell Bypass" That's a good question. Generally we try to address injury when the rights are rented so I don't have a solid answer for that one at the moment.

Sunny
208-886-0251

From: Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>
Sent: Tuesday, November 21, 2023 4:00 PM
To: watermanager <watermanager@wd37.org>; rmkservices@outlook.com <rmkservices@outlook.com>
Subject: Water Supply Bank 2675 - Watermaster Additional Info

Hi Sunny and Ryan,

I am processing a lease/rental package for Cynthia Cramer Jesinger for water rights 37-21259, 37-21261, and 37-21263. The lease application is to place all three rights into the Bank. The rental is to rent back enough water from her own lease to irrigate 0.5 acres of property at the same place of use. These rights are stacked together.

From previous memos, the Big Wood Rights (37-21259 and 37-21261) are no longer deliverable to the property so this use would mostly be from Clear Creek. I'm trying to address any possible enlargement concerns and I wanted to get your feedback on a couple thoughts. Since she is technically renting the Big Wood River rights too (because they are stacked with the Clear Creek right), would renting these rights cause injury to the Clear Creek users? I was thinking more along the lines that she could possibly use the priority date of her Big Wood rights to have a more senior use over the Clear Creek users with the rental. But I'm not sure if that's an actual concern in this basin which is why I'm reaching out.

I've attached the two previous rentals of these rights for Ms. Jesinger, a document with maps showing the POD locations, and a list of Clear Creek rights. Please let me know if you have any questions, additional concerns, or need any additional information. I plan to use this information in my rental review memo and will send the whole package out for comment request at a later date.

Please respond by end of day November 29, 2023 so I may continue processing this lease/rental package.

Thank you for your help.

Sincerely,
Shilynn



Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

Novak, Shilynn

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Sent: Monday, November 27, 2023 11:16 AM
To: Novak, Shilynn; rmkservices@outlook.com
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Follow Up Flag: Follow up
Flag Status: Completed

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Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 812

Effective until December 31, 2028

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



Legend

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



0 0.175 0.35
Miles