

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 846

RECEIVED

MAY 30 2024

DEPT. OF WATER RESOURCES

This is to certify that:

ERIC J ORR
1355 S 10TH E
MOUNTAIN HOME, ID 83647-6055

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)
61-7041	7/30/1968	GROUND WATER	0.355	85.5	19.0	0.019	4.5
Rental Totals			0.355	85.5	19.0	0.019	4.5

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: \$1,179.90 annually

The full fee for the rental of the above-described right(s) is \$1,179.90 per year for years 2024 - 2028. The rental fee is based on a negotiated rental price of \$11.50 per acre-foot to the owner of the right. The rental fee includes an administrative fee of \$196.65 per year for years 2024 - 2028.

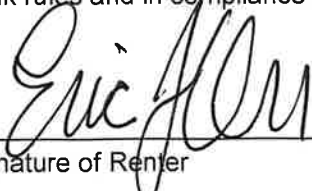
An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify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

Detailed water right conditions are attached.

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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

5-27-2024

Date

Eric J. Orr

Printed Name

Owner/operator

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, Acting Administrator
Idaho Water Resource Board

Date 7/1/24

Rental approved by IDWR 

Date 7/1/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 846

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec. 12, Twp 03S, Rge 06E,	ELMORE County
GROUND WATER	NESW	Sec. 12, Twp 03S, Rge 06E,	ELMORE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.36 CFS

VOLUME
85.5 AF

SEASON OF USE

Water Right No.	From	To
61-7041	4/1	11/1

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	
03S	06E	12												9.0		10.0			19.0

Total Acres: 19.0

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. Use of this rental is combined with water from Mountain Home Irrigation District.
10. The renter shall make full beneficial use of all surface water rights available to the renter for irrigation of the lands authorized to be irrigated under this rental. The renter shall limit the diversion of ground water under this rental to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 846

11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
14. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 161.
15. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications.
16. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
17. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 846

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

-  Water Supply Bank Rental POD
-  Water Supply Bank Rental POU
-  Township/Range
-  Sections
-  QQ



0 800 1,600 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JUL 19 2023

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Eric Orr

Print Form

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

RECEIVED

JUL 17 2023

WATER RESOURCES
WESTERN REGION

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)

2700

61-2041

JUL 17 2023

WATER RESOURCES
WESTERN REGION

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Eric Orr

Mailing Address 1355 South 10 East Mountain Home ID 83647
Street City State Zip Code
Email Address jecko98@icloud.com Phone Number 208-250-2472

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**:

For irrigation purposes. To irrigate irrigable grounds of crop 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)
CFS	AF	.38 CFS	85.5 AF	19 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
04/01/24	04/01/24	☐ 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):

The point of diversion is equipped with a flow meter. There are two wells that share the same delivery system where they are pumped into a pressure pond and used accordingly.

- 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
Irrigation Wells	Ground Water	61-2133B and 61-7038

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 19 (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:

61-2133B and 61-7038 as well as Mountain Home Irrigation District.

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)
61-7041	Irrigation	.38	85.5	19		.38	85.5	19
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	.38	85.5	19
						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:

- 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:
Submitted an application for transfer of water right to this area. The rental water will make up the remaining acres that need to be irrigated.

- 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.

NOV dated for 2022 irrigation season. Location SE 1/4 SW 1/4 of Section 12, Township 3 South, Range 6 E in Elmore County, Idaho.

- 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

Eric J. Orr
Printed Name of Applicant

7-14-2023
Date

Signature of Representative

Printed Name of Representative

Date

Print Form

Mail to:

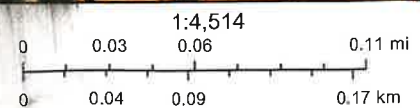
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

ArcGIS Web Map



7/10/2023, 8:42:57 PM

- Counties
- Quarter Quarters
- PLS Sections
- Townships



Esri, HERE, IPC, Maxar

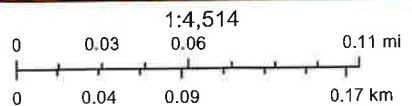
ArcGIS Web AppBuilder
Maxar | Idaho Department of Water Resources (IDWR)

ArcGIS Web Map



7/10/2023, 8:34:54 PM

- Counties
- Quarter Quarters
- PLS Sections
- Townships



Esri, HERE, IPC, Maxar

ArcGIS Web AppBuilder
Maxar | Idaho Department of Water Resources (IDWR)

FARM LEASE

This Lease made February 1, 2020, between Don Stevens the lessor and Eric J Orr the lessee. Lease to commence as dated above and terminate December 31, 2029.

Don Stevens representing Stevens Family Trust hereby leases Fifty-two acres in Elmore County, Idaho to Eric J Orr for the purpose of growing crops. The amount of rent to be paid is [REDACTED]. Rent to be payable by November 15 of each year. In addition to rent, lessee agrees to pay power and water costs associated with acres, and during the term of this agreement lessee has right to use of water and irrigation equipment associated with the farm.

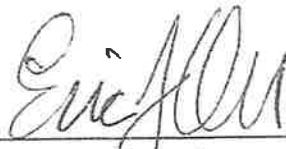
Description of ground: 52-acre parcel North of Beaman Road and East of Ford Way Mountain Home, Idaho. Also known as FSA farm #194 Tract 271

In Witness Whereof the lessor and lessee have executed this lease as of the date first set forth above. February 1, 2020 ending December 31, 2029.

See attached Sketch.



Landlord
Don Stevens



Tenant
Eric J Orr

3F + 3K

Mountain Home Irrigation District
140 S. 3rd E.

Mountain Home, ID 83647

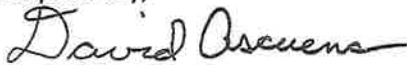
Chairman David Ascuena, At Large District - Eric Orr, Westside District – David Knox, Eastside District

February 6, 2024

Water Bank Supply Bank Coordinator
Mary Condon

Eric Orr does have sufficient Mountain Home Irrigation District shares to water both parcels of land, labeled as "A" & "B". Parcel "A" contains 14 acres and parcel "B" contains 10 acres. See photo attached.

Respectfully,



David Ascuena, Chairman
Mountain Home Irrigation District

Work #: 208-587-4867
Fax #: 208-587-8168
Email: headgate2000@yahoo.com
Terry Seegrist, District Manager
Stefanie Kazyaka, Secretary

MHID 4B



MHID 413



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

July 2, 2024

ERIC J ORR
1355 S 10TH E
MOUNTAIN HOME, ID 83647-6055

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-7041, AGREEMENT 846**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,179.90** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 85.5 acre-feet of water for irrigation of 19.0 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 \$983.25 of the rental fee will be paid to the lessor(s) and 10% or \$196.65 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. C118397
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Representative
Ground Water District 161
IDWR Compliance Officer



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 17, 2024

RECEIVED

MAY 30 2024

ERIC J ORR
1355 S 10TH EAST
MOUNTAIN HOME ID 83647-6055

DEPT. OF WATER RESOURCES

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-7041 AGREEMENT 846**

*****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 **\$1,179.90 per year** was calculated based on the negotiated rental rate of \$11.50 per acre-foot and the standard administrative rate of \$2.30 per acre-foot times a diversion volume of 85.5 acre-feet. Note, 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 \$1,179.90 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.

\$196.55
we
Pursuant to the Water Supply Bank Rules, \$983.25 of the rental fee will be paid to the lessor(s) and \$196.55 will be retained by the Department to offset administrative costs for 2024. If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Enclosure(s): Rental Agreement 846 and map

MEMORANDUM FOR RENTAL APPLICATION #2700 / AGREEMENT # 846

To: Water Right(s) **61-7041**

From: Mary Condon

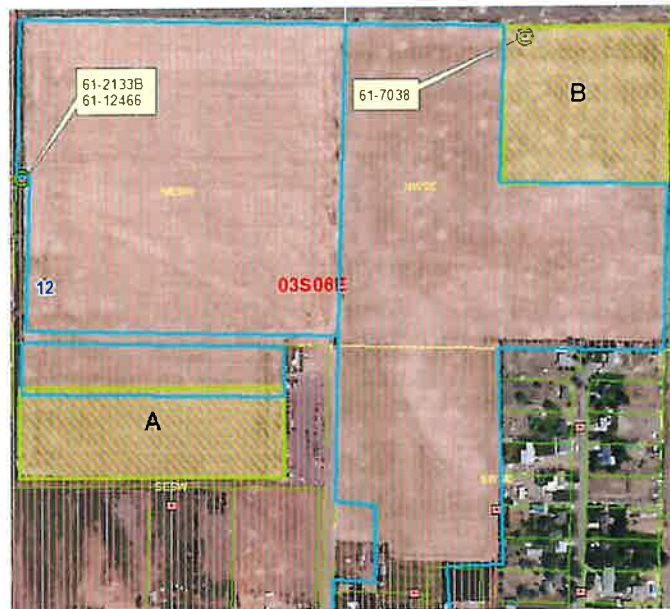
Date: February 5, 2024, March 22, 2024

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

PURPOSE/NARRATIVE: Application to rent specific ground water right for five years beginning in 2024 was received on July 17, 2023 as a companion package with the lease. The lessor and renter have a negotiated price of \$11.50 per acre-foot to be paid to the lessor. This does not include the Board's administrative fee of \$2.30 per acre-foot.

Application to rent is in response to compliance investigation for extended water use within the Mountain Home Irrigation District ("MHID") boundary in 2022. The renter has two separate portions of fields identified requiring ground water under the rental as (A) for 9 acres and (B) for 10 acres, for a total of 19 acres requested under the rental illustrated in the snip just below at right.

AUTHORITY TO FILE: The rental Place of Use ("POU") marked (A) as well as the rental well with existing rights 61-2133B and 61-12466 is owned by the rental applicant. The 10 acre POU (B) requested under the rental and the remaining parcel surrounding (B) with appurtenant right 61-7038, from which rental water will also be pulled from, are owned by a different person. Consent from the owner of POU (B) for irrigation and use of the well for 61-7038 was not originally included in the rental application. A request for the authorization of land and diversion works use was sent via email to the renter on February 5, 2024. A signed farm lease of the land, water, and equipment between the renter and the owner of the right field for years 2020-2029 was provided in a reply email on February 7, 2024. No concerns with authority to file.



WATER RIGHT VALIDITY: The water right requested for rental is valid and was leased into the bank for the same term as the rental request, for years 2024-2028. No concerns with validity.

INJURY TO OTHER WATER RIGHTS: The leased and rental diversions are both within the Mountain Home Ground Water Management Area, MHID service area, and the Trust Water area. Rental of the ground water will continue to be supplemental to the MHID shares, and rental of the ground water as a secondary source is not expected to cause injury to other water users.

ENLARGEMENT OF USE: Leased right 61-7041 for this rental was developed supplemental to MHID surface water. A condition of the rental will require the use of surface water shares first to prevent enlargement. All existing rights to be used with the rental right are also supplemental to MHID shares.

A description of the distribution system on the application for rental under 3D states that the two different wells for use under the rental along with existing water rights 61-2133B & 61-7038 “share the same delivery system where they are pumped into a pressure pond and used accordingly.” The recently approved transfer 88635 of water right 61-12466 for irrigation also now uses the same delivery system. The rental can be considered additive with other rights, without causing enlargement. See table of rental with existing rights, below.

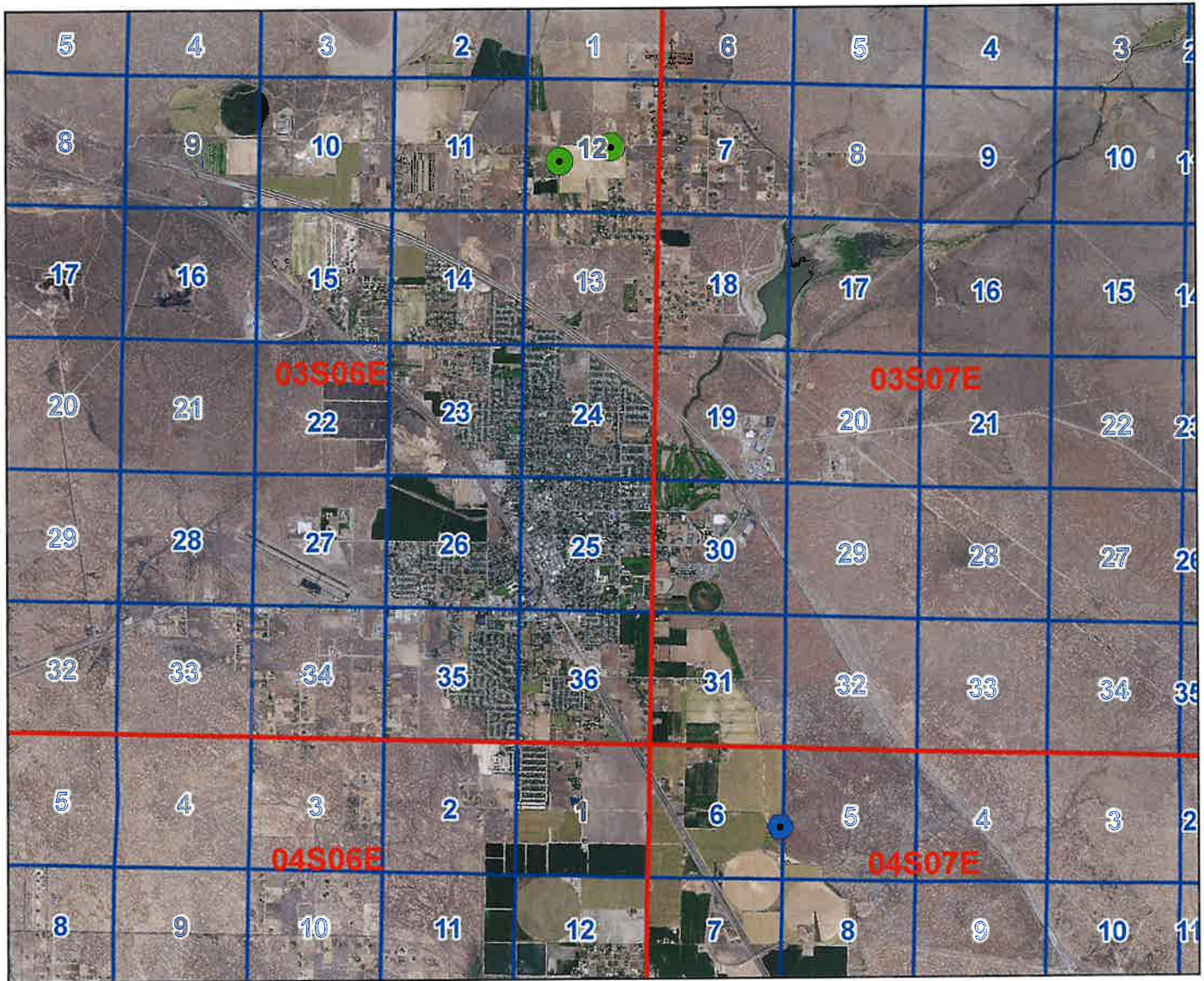
			rate	vol	acres	cfs/ac	af/ac
Lease	61-7041	7/30/1968 4/1-11/1	0.355	85.5	19	0.019	4.5
Rentals:							
A side							
Existing	61-2133B	3/12/1961 4/1-10/31	0.72	152	36	0.020	4.2
Transfer	61-12466	2/1/1958 3/15-11/15	0.09	20	5	0.018	4
Rental	61-7041	7/30/1968 4/1-11/1	0.17	40.5	9	0.019	4.5
	Combined E + T + R		0.98	212.5	50	0.020	4.3
B side							
Existing	61-7038	7/29/1968 3/15-11/1	0.8	211.5	47	0.017	4.5
Rental	61-7041	7/30/1968 4/1-11/1	0.19	45	10	0.019	4.5
	Combined E + R		0.99	256.5	57	0.017	4.5

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 161 and within Western Region. Requests for comments or concerns sent to the watermaster and regional manager via email on March 22, 2024.

Idaho Water Resource Board
Move Map - 61-7041
Rental Agreement 846



Legend

-  Water Supply Bank Lease POD
-  Water Supply Bank Rental POD
-  Township/Range
-  Sections



0 1.5 3 Miles

From: [Ed Van Etten](#)
To: [Condon, Mary](#); [Miller, Nick](#)
Cc: [Bank](#)
Subject: Re: Rental Review for Orr in Mtn Home
Date: Friday, March 22, 2024 9:13:19 PM
Attachments: [image001.png](#)

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 have no issue with this rental.

Ed Van Etten

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Friday, March 22, 2024 19:01
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; birdhunter2462@hotmail.com
<birdhunter2462@hotmail.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Rental Review for Orr in Mtn Home

Greetings, Nick, and Ed,

Please see the attached rental review memo, rental map, and move map, and kindly reply with comments or concerns within 12 days.

Thank you,
Mary

Mary Condon
Water Supply Bank Program Coordinator

 IDAHO DEPARTMENT OF
WATER RESOURCES
Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936

From: jecko98@icloud.com
To: [Condon, Mary](#)
Subject: Re: Additional question: Water Rental POU
Date: Wednesday, February 7, 2024 9:03:49 AM
Attachments: [Scan 212.pdf](#)

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.

Good Morning Mary,

We have enclosed the documents Farm Lease from Stevens Family trust as well as a letter from the MHID.

We had applied for a water transfer back in July of 2023 which IDWR misplaced until recently when we have finally reached someone who has helped. We have been corresponding with Cody Parker concerning that transfer. That transfer includes the water rights for the 5 acres that will fill the acreage you could not account for.

Thank you,
Eric Orr

On Feb 5, 2024, at 5:02 PM, Condon, Mary <Mary.Condon@idwr.idaho.gov> wrote:

Hi Eric,

I was reviewing the 9 acre portion you requested under the rental from page 7 of your application, and there is a 5 acre gap of field still between the parcel with right 61-2133B and the proposed rental (also in image highlighted, below marked "A"). How do you intend to not irrigate the 5 acre gap when surface water is shut-off, or should the rental shape be adjacent to the water right shape so that there is not a gap? We do have additional rights available in Mountain Home if you need 5 more acres of rental.

<image002.png>

Thanks,
Mary

[Mary Condon](#)
[Water Supply Bank Program Coordinator](#)
<image001.png>

From: Condon, Mary
Sent: Monday, February 5, 2024 2:33 PM
To: jecko98@icloud.com
Subject: Water Rental - Land use agreement needed

Eric,

Please send me a copy of the land and well use agreement for Stevens Family Trust for the 10 acres you are requesting to irrigate under the rental application. Consent from the landowner and owner of the diversion (well) are required before the Department will allow a rental on the requested lands, per rental application requirements 3F and 3K. I have attached a copy of your application, including the parcel not owned by you on page 6.

Additionally, I will need documentation that the 9 acre lot from page 5 and the 10 acre parcel from page 6 of your application will be serviced with shares from MH Irrigation District first before ground water is used. A letter from MH Irrigation District, or notice of shares held are sufficient to meet this requirement. The ground water leased from Ascuena is supplemental to surface water from MH Irrigation District and therefore the ground water can not be used as a primary source for irrigation.

Thank you,
Mary

Mary Condon
Water Supply Bank Program Coordinator

<image001.png>

Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

<WSB Rental Application # 2700 (1).pdf>