

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 19 2022

WATER SUPPLY BANK RENTAL AGREEMENT No. 618

DEPT OF WATER RESOURCES

This is to certify that:

WLR LC
695 N 700 E
RUPERT, ID 83350-8407

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)
36-7515	12/12/1974	GROUND WATER	0.15	32.0	8.0	0.02	4.00
36-16158	1/24/1972	GROUND WATER	0.13	45.0	11.3	0.01	4.00
36-16161	8/9/1975	GROUND WATER	0.09	45.2	11.3	0.01	4.00
Combined Limit Totals			0.22	45.2	11.3	0.01	4.00
36-2412C	1/22/1960	GROUND WATER	0.32	81.0	20.3	0.02	3.99
Combined Rental Totals			0.69	158	39.6	0.01	4.00

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 2022, whichever occurs last.

Annual Rental Fee:

2022: \$3,164.00 annually
2023 - 2025: \$3,638.60 annually

The full fee for the rental of the above-described right(s) is \$3,164.00 per year for 2022 and \$3,638.60 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$316.40 per year for 2022 and \$363.86 per year for years 2023 - 2025. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

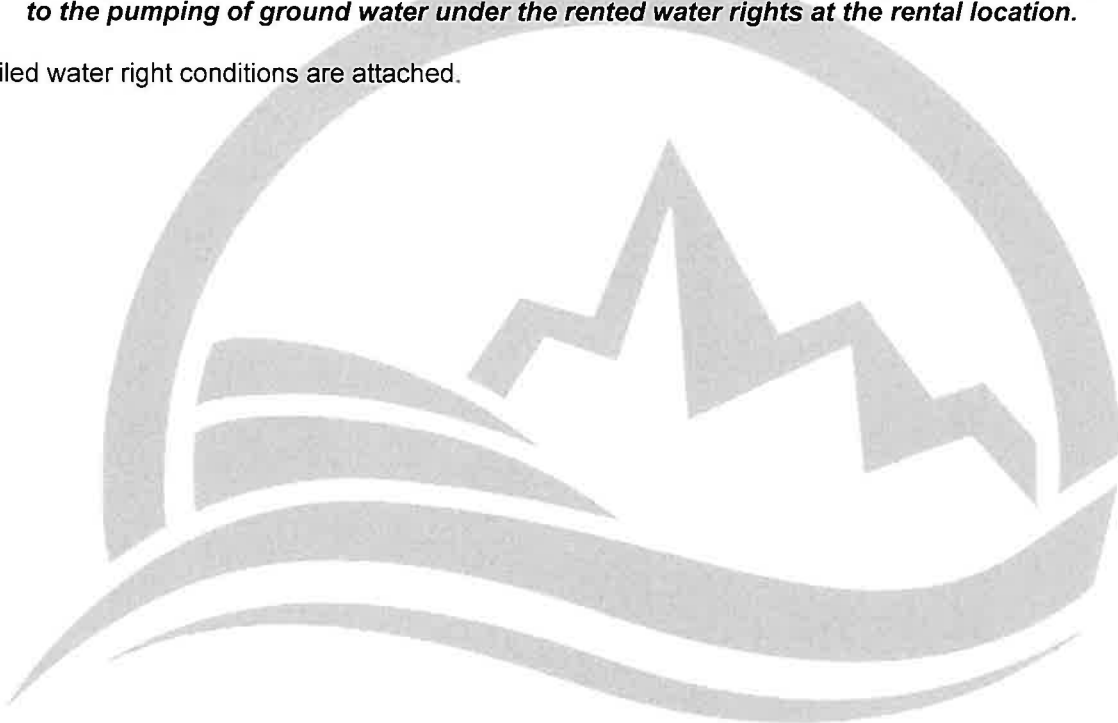
WATER SUPPLY BANK RENTAL AGREEMENT No. 618

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	0.31	88.0	22.0	0.014	4.00
Combined Total	0.31	88.0	22.0	0.014	4.00

** The authorized water usage reflects a reduction from the water right elements rented, to account for a reduction in the overall diversion volume, to provide necessary mitigation for the impacts to the Snake River and the Eastern Snake River Plain Aquifer (ESPA) attributable to the pumping of ground water under the rented water rights at the rental location.*

Detailed water right conditions are attached.



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DEPARTMENT OF
WATER RESOURCES

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

RL Law for WLR LLC
Signature of Renter

5-13-22
Date

Richard Garner
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 5/20/22

Rental approved by IDWR TP

Date 5/20/22

IDAHO DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 618

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec. 25, Twp 07S, Rge 22E,	LINCOLN County
GROUND WATER	SWNE	Sec. 25, Twp 07S, Rge 22E,	LINCOLN County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.31 CFS

VOLUME
88.0 AF

SEASON OF USE

Water Right No.	From	To
36-7515	4/1	11/1
36-16158	3/15	11/15
36-16161	3/15	11/15
36-2412 C	3/15	11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	22E	25									16	1.5	1.0	3.5					22.0

Total Acres: 22.0

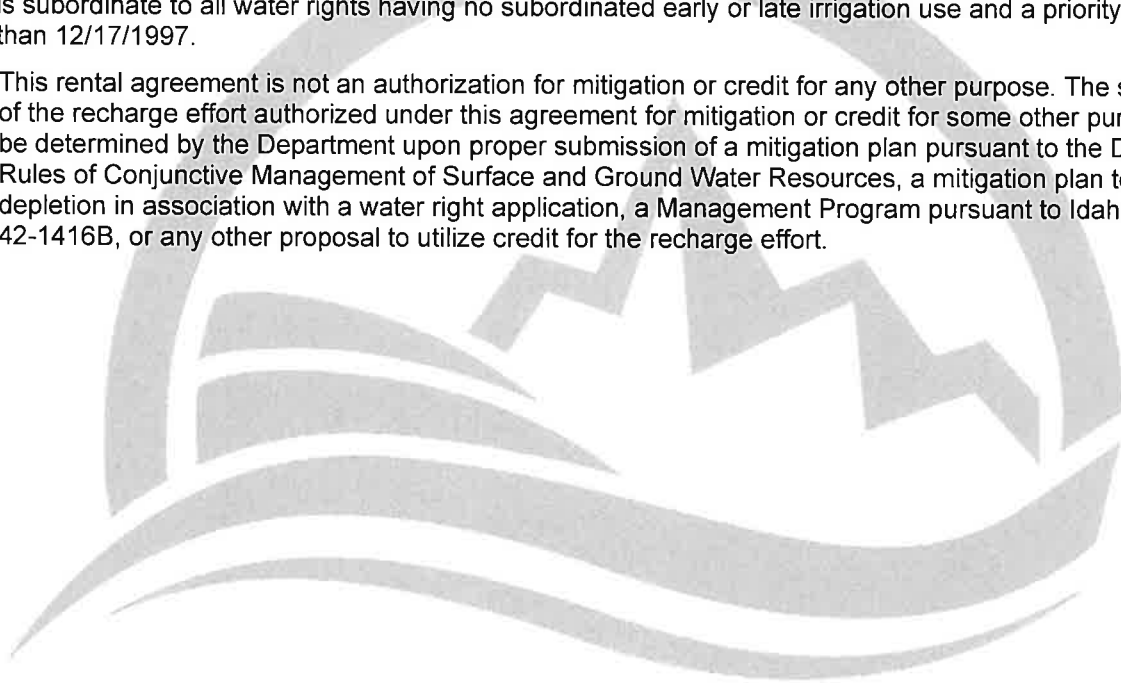
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental does not authorize the construction of a well.

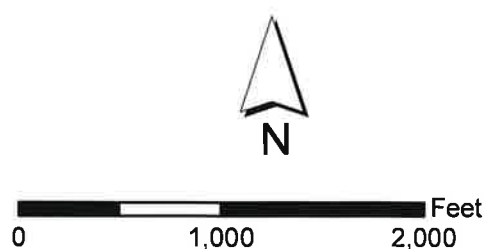
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10. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
11. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
12. The period of use for the irrigation authorized under water right 36-7515 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 12/17/1997.
13. This rental agreement is not an authorization for mitigation or credit for any other purpose. The sufficiency of the recharge effort authorized under this agreement 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.



IDAHO DEPARTMENT OF
WATER RESOURCES



Idaho Department of Water Resources Receipt

Receipt ID: C112821

Payment Amount	\$3,164.00	Date Received	5/19/2022	Region	STATE
Payment Type	Check	Check Number	3480		
Payer	WHITESIDES LAND RANCH, LLC				
Comments	WATER SUPPLY BANK RENTAL AGREEMENT RENTER NAME: WLR LC RENTAL AGREEMENT # 618 FOR WR #36-7515, 36-16158, 36-16161 & 36-2412C FOR YEAR 2022				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$2,847.60	WATER BANK-OWNER SHARE	29512	0490	1		1205
\$316.40	WATER BANK-DEPARTMENT SHARE	55113	0229	21		1205



Signature Line (Department Representative)

STATE OF IDAHO
WATER RESOURCE BOARD

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

Applicant Name: WG Farms LLC, and WLR LC

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)

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant WG Farms LLC, and WLR LC

Mailing Address <u>695 N 700 E</u>	Rupert	ID	83350
Street	City	State	Zip Code
Email Address <u>Richardg@whitesidesdairy.com</u>	Phone Number <u>208-531-5104</u>		

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 <u>Richard Garner</u>	Professional Title <u>Manager</u>
Organization <u>Whitesides Land Ranch LLC</u>	Relationship to Applicant <u>Tenant</u>
Mailing Address <u>695 N 700 E</u>	
Email Address <u>richardg@whitesidesdairy.com</u>	Phone Number <u>208-219-0219</u>

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**:

This water will be used as mitigation by non-use, to enable our water usage in the water district Magic Valley
Ground Water Association under our required 3 year average of use

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	1393 AF	CFS	AF	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?	
4/15/2022		☐ 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 water will not actually need to be pumped, it will be used as a credit for mitigation by non-use

- 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
7S22E25SESWNE		36-16562, 36-16568, 36-16571, 36-16577
		36-16574, 36-16586

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 868 (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:

See ATTACHMENT 3L

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)
See								
Attachment								
4A								
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			
						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**:

**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.



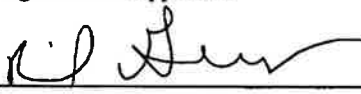
Signature of Applicant

WG Farms LLC, WLR LC

Printed Name of Applicant

7-16-21

Date



Signature of Representative

Richard Garner

Printed Name of Representative

7-16-21

Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

ATTACHMENT 2



Imagery Date: 6/3/2016 42°47'09.28"N 113°48'58.97"W elev. 4342 ft

ATTACHMENT 3L

Water Right

36-2138
36-7188
36-2139
36-7190
36-2137
36-7189
36-7531
36-7393
36-8107
36-2140
36-7191
36-2189
36-2134
36-8213
36-8258
36-8212
36-8259
36-8257
36-2061
36-2220
36-2501
36-2550
36-2315A
36-2315C
36-2315D
36-2315E
36-7399
36-2135
36-2136
36-2142A
36-7186
36-7187
36-16796
36-15380
36-2415A
36-15356A
36-16403
36-16563
36-16569
36-16572
36-16575
36-16578
36-16587

Attachment 4 A

Lease No	Basin Number	Sequence Number	Split Suffix	Beneficial Uses	Priority Date	Contract Start Date	Contract End Date	Rate Rentable	Volume Rentable	Acres Avail	Rate/Ac	Vol/Ac
1266	22	13440		IRRIGATION	10-26-1965	01/01/2021	12/31/2025	0.30	77.5	22.1	0.01	3.51
1317	29	13143		IRRIGATION	06-02-1953	01/01/2021	12/31/2025	0.19	79.4	121.9	0.00	0.65
	29	13144		IRRIGATION	06-09-1953	01/01/2021	12/31/2025	0.42	178.6	121.9	0.00	1.47
	29	2292		IRRIGATION	10-14-1950	01/01/2021	12/31/2025	1.42	487.6	121.9	0.01	4.00
1380	29	13892		IRRIGATION	10-28-1953	01/01/2021	12/31/2025	0.68	148.0	37.0	0.02	4.00
1365	36	2087	K	IRRIGATION	01-23-1950	01/01/2021	12/31/2025	0.04	9.6	28.0	0.00	0.34
	36	2161	K	IRRIGATION	01-11-1952	01/01/2021	12/31/2025	0.02	2.3	28.0	0.00	0.08
	36	2289	M	IRRIGATION	12-02-1955	01/01/2021	12/31/2025	0.00	1.3	28.0	0.00	0.05
	36	2311	K	IRRIGATION	11-23-1956	01/01/2021	12/31/2025	0.03	4.7	28.0	0.00	0.17
	36	2500	K	IRRIGATION	07-18-1961	01/01/2021	12/31/2025	0.01	4.8	28.0	0.00	0.17
1293	36	2614	K	IRRIGATION	06-07-1965	01/01/2021	12/31/2025	0.04	7.3	28.0	0.00	0.26
	43	13597		IRRIGATION	05-23-1962	01/01/2021	12/31/2025	0.60	391.9	98.0	0.01	4.00



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

Governor Brad Little

Director Gary Spackman

May 20, 2022

WLR LC
695 N 700 E
RUPERT, ID 83350-8407

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-7515, 36-16158, 36-16161 & 36-2412C AGREEMENT 618**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,164.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 158 acre-feet of water for irrigation of 22 acres during 2022. 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 \$2,847.60 of the rental fee will be paid to the lessor(s) and 10% or \$316.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C112821
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Water District 130
MVGWD



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

May 9, 2022

WLR LC
695 N 700 E
RUPERT, ID 83350-8407

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-7515, 36-16158, 36-16161 & 36-2412C AGREEMENT 618**

*****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 \$3,164.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 158 acre-feet.

Please send a check for \$3,164.00 for 2022 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. 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.

Pursuant to the Water Supply Bank Rules, 90% or \$2,847.60 of the rental fee will be paid to the lessor(s) and 10% or \$316.40 will be retained by the Department to offset administrative costs for **2022**.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

MEMORANDUM FOR AGREEMENT # 618

To: Water Supply Bank Rental Application 2118
From: Remington Buyer
Date: March 28, 2022
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On Friday, July 16th, 2021, the Water Supply Bank received from Richard Garner, an application to rent water rights submitted on behalf of Whitesides Land Ranch LLC (WLR). WLR wants to rent Eastern Snake River Plain Aquifer (ESPA) ground water rights in 2022, through 2025, to help them offset their ground water diversion volume reductions obligated to the Magic Valley Ground Water District (MVGWD).

WLR owns 1,392 acres of land located in Sections 24, 25, 26 and 36 of Township 07S, Range 22E, in Lincoln County, of which 1,115 acres can be irrigated with ESPA ground water under water rights 36-16562, 16563, 16568, 16569, 16571, 16572, 16574, 16575, 16577, 16578, 16586 and 16587. These 12 ground water rights authorize a combined limited diversion rate and diversion volume of 16.16 cfs and 4,404.1 af, respectively, which provides for a duty of water of 0.014 cfs/ac and 3.95 afa/ac.

The MVGWD is requesting that all district members reduce their overall annual diversions of ESPA ground water to help the district meet the terms of a settlement agreement it entered into with a collection of Southern Idaho canal companies (known as the "Surface Water Coalition", or SWC). Specifically, the MVGWD has requested that WLR reduce its overall annual diversion of ESPA ground water under water rights 36-16562, 16563, 16568, 16569, 16571, 16572, 16574, 16575, 16577, 16578, 16586 and 16587 by 57.5%, or 2,534.1 af, annually, to help achieve the diversion volume reduction targets required in the settlement agreement.

Based on a duty of water of 3.95 afa/ac, WLR's 2,534.1 af diversion volume reduction obligation equates to a reduction of 641.5 acres of irrigation. Mr. Garner has affirmed that WLR will idle 604.6 acres of land, to achieve the ground water diversion volume reduction commitment. However, WLR would like to offset the decrease in irrigation through this rental, by renting ESPA ground water rights from the Bank, so that they can continue to irrigate acreage under a rental while portions of their actual water rights remain unused and dedicated to the MVGWD's diversion volume reduction effort.

Through correspondence with the applicant, it was determined that WLR could rent water rights 36-7515 (Contract 1325), 36-16158 & 16161 (Contract 1370) and 36-2412C (Contract 1371), to authorize the irrigation of 22 acres in 2022, through 2025.

AUTHORITY TO FILE: The property where rental water will be used is owned by WLR. No concerns about WLR's authority to file a rental application. The application has been submitted by Richard Garner, on behalf of WLR. Mr. Garner lists himself as a manager of WLR. No concerns about Mr. Garner's ability to submit the rental application on WLR's behalf.

WATER RIGHT VALIDITY: The water rights requested to be rented are valid and available for rental from the Bank.

INJURY TO OTHER WATER RIGHTS: ESPA modeling of the water rights 36-7515, 16158, 16161 and 2412C indicates that a rental of 158.4 af water can authorize a diversion of 88 af of water at WLR's location. Effectively, to avoid injury to the ESPA and the Snake River, 44.4 % (70.4 af) of the volume under these water rights must remain un-diverted, to offset impacts to the Snake River and the ESPA. However, no injury is apparent through an irrigation rental of 88 af.

ENLARGEMENT OF USE: The portions of water rights 36-7515, 16158, 16161 and 2412C leased to the Bank authorize irrigation uses and this rental is for irrigation uses. No enlargement is apparent in the water rights being rented.

However the water rights being rented authorize a higher duty of water than the water rights being augmented through this rental. To avoid enlarging the applicant's water rights that are being supplemented by this rental, the per-acre diversion rate authorized under this approval will be calibrated to match the 0.014 cfs/ac combined limited duty of water for the water rights at the rental location

LOCAL PUBLIC INTEREST: Staff are not aware of any information to indicate this rental is contrary to or inconsistent with any local public interests.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Review comments were requested from IDWR's Southern Region and Water District 130 on March 29, 2022.

WATER SUPPLY BANK RECOMMENDATION: Staff recommend this rental be approved.

ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1959

SEASON: SPRING

TRANSFER NO: 2118

TRANSFER NAME: Garner

UPDATE DATES

RUN MODEL

GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	69	44	53	0
COLUMN	58	16	18	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1959	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUM 1959	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIN 1959	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SPR 1960	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SUM 1960	0.00	0.00	0.00	20.30	20.30	0.00	0.00
WIN 1960	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SPR 1961	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SUM 1961	0.00	0.00	0.00	20.30	20.30	0.00	0.00
WIN 1961	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SPR 1962	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SUM 1962	0.00	0.00	0.00	20.30	20.30	0.00	0.00
WIN 1962	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SPR 1963	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SUM 1963	0.00	0.00	0.00	20.30	20.30	0.00	0.00
WIN 1963	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SPR 1964	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SUM 1964	0.00	0.00	0.00	20.30	20.30	0.00	0.00
WIN 1964	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SPR 1965	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SUM 1965	0.00	0.00	0.00	20.30	20.30	0.00	0.00
WIN 1965	0.00	0.00	0.00	20.30	20.30	0.00	0.00
SDD 1966	0.00	0.00	0.00	20.30	20.30	0.00	0.00
04 SPR 2020	0.00	8.00	8.00	31.60	31.60	0.00	0.00
05 SUM 2020	0.00	8.00	8.00	31.60	31.60	0.00	0.00
06 WIN 2020	0.00	8.00	8.00	31.60	31.60	0.00	0.00
07 SPR 2021	0.00	8.00	8.00	31.60	31.60	0.00	0.00
08 SUM 2021	0.00	8.00	8.00	31.60	31.60	0.00	0.00
09 WIN 2021	0.00	8.00	8.00	31.60	31.60	0.00	0.00
10 SPR 2022	22.00	0.00	8.00	0.00	31.60	0.00	0.00
11 SUM 2022	22.00	0.00	8.00	0.00	31.60	0.00	0.00
12 WIN 2022	22.00	0.00	8.00	0.00	31.60	0.00	0.00
13 SPR 2023	22.00	0.00	8.00	0.00	31.60	0.00	0.00
14 SUM 2023	22.00	0.00	8.00	0.00	31.60	0.00	0.00
15 WIN 2023	22.00	0.00	8.00	0.00	31.60	0.00	0.00
16 SPR 2024	22.00	0.00	8.00	0.00	31.60	0.00	0.00
17 SUM 2024	22.00	0.00	8.00	0.00	31.60	0.00	0.00
18 WIN 2024	22.00	0.00	8.00	0.00	31.60	0.00	0.00
19 SPR 2025	22.00	0.00	8.00	0.00	31.60	0.00	0.00
20 SUM 2025	22.00	0.00	8.00	0.00	31.60	0.00	0.00
21 WIN 2025	22.00	0.00	8.00	0.00	31.60	0.00	0.00
22 SPR 2026	0.00	8.00	8.00	31.60	31.60	0.00	0.00
23 SUM 2026	0.00	8.00	8.00	31.60	31.60	0.00	0.00
24 WIN 2026	0.00	8.00	8.00	31.60	31.60	0.00	0.00
25 SPR 2027	0.00	8.00	8.00	31.60	31.60	0.00	0.00
26 SUM 2027	0.00	8.00	8.00	31.60	31.60	0.00	0.00
27 WIN 2027	0.00	8.00	8.00	31.60	31.60	0.00	0.00

ESPA modeling WLR Rental Application 2118

City	POD Location	Dedicated Vol. AFA/ AFT	Model Node	Ashton to Rexburg	Halse to Shelley	Shelley to Nr Blackfoot	Nr Blackfoot to Neeley	Neeley to Mindoka	Dev. Wbl. To Buhi	Buhi to Kopr	Kopr to Maled	Maled to Bancroft		
Impacts following Transfer				0.05	0.08	0.40	1.80	0.15	17.55	9.97	4.35	3.26	1.75	0.21
				0.05	0.08	0.41	1.80	0.15	17.55	9.96	4.35	3.26	1.75	0.22
Impacts following Transfer				0	0.0	0	0							
				0	0.0	0	0							
				0.05	0.08	0.40	1.80	0.15	17.55	9.97	4.35	3.26	1.75	0.21
				0.08	0.13	0.81	3.80	0.26	17.95	10.25	4.45	3.35	1.89	0.23
Steady State Analysis				Mitigation Check 1 - >10% of Historical	1.3%	0.9%	0.6%	0.5%	0.7%	0.0%	0.0%	0.0%	0.1%	0.1%
				Mitigation Check 2 - > 2 AFT:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
				Mitigation Check 3 - >10% of Total:	0.1%	0.2%	1.0%	4.6%	0.4%	44.3%	25.2%	11.0%	6.2%	4.4%
				Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
				Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis				Mitigation Check 1 - >10% of Historical	58.8%	74.5%	99.3%	111.7%	72.6%	2.3%	3.2%	3.3%	4.0%	6.2%
				Mitigation Check 2 - > 2.01 AFT:	0.0	0.1	0.4	2.0	0.1	0.4	0.3	0.1	0.1	0.0
				Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
				Mitigation Vol. Req'd (ac-ft):	0.0	0.1	0.4	2.0	0.1	0.4	0.3	0.1	0.1	0.0

Buyer, Remington

From: Ragan, Brian
Sent: Wednesday, March 30, 2022 4:20 PM
To: Buyer, Remington
Cc: Erickson, Nathan; Bank
Subject: RE: WSB Rental Application 2118

Remington,

Thanks for the information concerning rental application 2118. I did look over the information you provided and do not have any concerns with the proposal.

Brian Ragan
IDWR Water Distribution Section
(208) 287-4934

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Tuesday, March 29, 2022 1:14 PM
To: Ragan, Brian <Brian.Ragan@idwr.idaho.gov>
Cc: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Bank <Bank@idwr.idaho.gov>
Subject: WSB Rental Application 2118

Hi Brian,

Whitesides Land Ranch LLC (WLR) submitted a rental to the Water Supply Bank for 2022 through 2025, for an authorization to irrigate acres that they are idling at their farm, in an effort to meeting the ground water diversion volume reductions requested of them by the Magic Valley Ground Water District. Attached is my review memo, map and draft approval document.

On behalf of WD 130, please advise if you have any questions, comments or concerns,

Thanks!

Remington Buyer
Project Manager
Idaho Department of Water Resources
(208) 287-4918

From: Ryan Shurtliff <ryan@waterwellconsultants.com>
Sent: Tuesday, November 30, 2021 3:51 PM
To: Richard Garner <richardg@whitesidesdairy.com>; Buyer, Remington
<Remington.Buyer@idwr.idaho.gov>
Subject: RE: Water Supply Bank Rental Request

Hi Remington,

I have attached to this email the Whiteside land ranch summary sheet with all the details of their water use for the past 3 years.

We have not yet calculated usage for the 2021 irrigation season.

On this summary you can see their "yearly allowed AF" volume is 11342.6 AF. This volume is the amount that they have to pump under to be in compliance with the reduction plan. This was calculated Based on their 5yr average baseline pumping of 13494.93 AF, then using their tier priority for their water rights, Magic Valley ground water districts mitigation plan requires them to reduce by 2152.38 AF from their average pumping. So the magic number that they have to stay under for the reduction plan is 11342.6 AF.

Hopefully that is what you need.

Let me know if you need anything else.

Thanks

-Ryan

MAGIC VALLEY GROUNDWATER DISTRICT
2020 Measurement Report
Summary Sheet

WHITESIDES LAND RANCH

Water Rights							Points of Diversion																																																																				
Owner	Water Right #	Priority Date	Tier	Acres/Rt	Tier Allowed AF	Combined Acre Limit	WMIS #	POD	Div. Name	2018 Usage	2019 Usage	2020 Usage																																																															
WG FARMS LLC	36-2138	6/7/1951	1	128	242.4	158	100331	075 25E 08 NESWNW	#8A	318.5	306.8	339.5																																																															
WG FARMS LLC	36-7188	5/19/1972	3	30	48.7																																																																						
WG FARMS LLC	36-2139	6/7/1951	1	112	213.4	156	100332	075 25E 08 NESWSE	#8C	303.2	397.1	405.7																																																															
WG FARMS LLC	36-7190	5/19/1972	3	44	69.9																																																																						
WG FARMS LLC	36-2137	6/7/1951	1	110	208.9	239.5	100330	075 25E 08 NESWNE	#8B	447.3	460.9	532.2																																																															
WG FARMS LLC	36-7189	6/29/1971	3	25	40.1																																																																						
WG FARMS LLC	36-7531	3/31/1975	3	80	128.0		100334	075 25E 09 NWSWSE	#9	502.6	540.3	604.8																																																															
UNITED STATES OF AMERICA ACTING	36-24158	2/18/1960	2	25	42.9																																																																						
WG FARMS LLC	36-7393	10/12/1973	3	47	74.9																																																																						
WG FARMS LLC	36-8107	8/10/1982	3	46	73.0		100333	075 25E 08 SENWSW	#8D	322.5	290.2	291.9																																																															
WG FARMS LLC	36-2140	6/7/1951	1	220	417.2																																																																						
WG FARMS LLC	36-7191	5/19/1972	3	39	62.1	153	100291	075 24E 12 SESENE	#6	579.8	629.9	646.9																																																															
WG FARMS LLC	36-2189	2/25/1953	1	114	217.0																																																																						
WG FARMS LLC	36-2134	6/7/1951	1	295	560.5	4,382.7							100292	075 24E 13 SWSENE	#16	432.9	398.9	229.5																																																									
WG FARMS LLC	36-8213	6/22/1983	3	71	113.6																																																																						
WG FARMS LLC	36-8258	12/6/1984	3	435	696.0	100293													075 24E 14 NENE	#5	770.4	759.2	918.7	*																																																			
WG FARMS LLC	36-8259	12/6/1984	3	260	416.0																																																																						
WG FARMS LLC	36-8212	6/22/1983	3	57	91.2																				101178	075 24E 14 SWNWSE	#4	1124.4	897.2	951.2	*																																												
WG FARMS LLC	36-8257	12/6/1984	3	233	372.8																																																																						
WG FARMS LLC	36-2061	2/20/1948	1	160	304.0																											100312	075 24E 24 NWNE	#1 & #2	721.2	717.3	783.3																																						
WG FARMS LLC	36-2220	5/2/1953	1	152	288.8																																																																						
WG FARMS LLC	36-2501	7/25/1961	2	65	113.8																																		100313	075 24E 25 NWNWNW	#10	818.2	1139.7	1174.5																															
WG FARMS LLC	36-2550	8/27/1962	2	217	379.8																																																																						
WG FARMS LLC	36-2315A	1/21/1957	2	254	444.5																																									100314	075 24E 25 SESESE	#11	505.6	250.1	68.0																								
WG FARMS LLC	36-2315C	1/21/1957	2	62	108.5																																																																						
WG FARMS LLC	36-2315D	1/21/1957	2	220	385.0																																																100326	075 25E 07 NESWNE	#7B	304.5	440.3	444.3																	
WG FARMS LLC	36-2315E	1/21/1957	2	312	546.0																																																																						
WG FARMS LLC	36-7399	10/30/1973	3	320	512.0																																																							100327	075 25E 07 NESWSE	#7C	245.7	148.7	250.6										
WG FARMS LLC	36-2135	6/7/1951	1	122	231.8																																																																						
WG FARMS LLC	36-2136	6/7/1951	1	160	304.0																																																														100328	075 25E 07 NWSWNE	#7A	302.1	145.4	254.0	**		
WG FARMS LLC	36-2142A	6/7/1951	1	140	266.0																																																																						
WG FARMS LLC	36-7186	5/19/1972	3	0	0.0		100329	075 25E 07 SWSWSE	#7D	215.3	299.4	258.4																																																															
WG FARMS LLC	36-2137	6/7/1951	1	110	208.9																																																																						
WG FARMS LLC	36-7189	6/29/1971	3	25	40.1								100341	075 25E 17 NESWNW	Min. Pump	265.8	156.8	182.5																																																									
WG FARMS LLC	36-7531	3/31/1975	3	80	128.0																																																																						
UNITED STATES OF AMERICA ACTING	36-24158	2/18/1960	2	25	42.9	100343													075 25E 18 NESESE	#14	372.1	526.3	682.8																																																				
WG FARMS LLC	36-7393	10/12/1973	3	47	74.9																																																																						
WG FARMS LLC	36-8107	8/10/1982	3	46	73.0																				100344	075 25E 18 SENESW	#15	435.2	449.3	535.7	***																																												
WG FARMS LLC	36-2140	6/7/1951	1	220	417.2																																																																						
WG FARMS LLC	36-7191	5/19/1972	3	39	62.1																																																																						
WG FARMS LLC	36-2189	2/25/1953	1	114	217.0																											100345	075 25E 19 NESENE	#13	505.8	384.1	478.4																																						
WG FARMS LLC	36-2134	6/7/1951	1	295	560.5																																																																						
WG FARMS LLC	36-8213	6/22/1983	3	71	113.6																																																																						
WG FARMS LLC	36-8258	12/6/1984	3	435	696.0																																																																						
WG FARMS LLC	36-8259	12/6/1984	3	260	416.0																																																																						
WG FARMS LLC	36-8212	6/22/1983	3	57	91.2																																																																						
WG FARMS LLC	36-8257	12/6/1984	3	233	372.8																																																																						
WG FARMS LLC	36-2061	2/20/1948	1	160	304.0																																																																						
WG FARMS LLC	36-2220	5/2/1953	1	152	288.8																																																																						
WG FARMS LLC	36-2501	7/25/1961	2	65	113.8																																																																						
WG FARMS LLC	36-2550	8/27/1962	2	217	379.8																																																																						
WG FARMS LLC	36-2315A	1/21/1957	2	254	444.5																																																																						
WG FARMS LLC	36-2315C	1/21/1957	2	62	108.5																																																																						
WG FARMS LLC	36-2315D	1/21/1957	2	220	385.0																																																																						
WG FARMS LLC	36-2315E	1/21/1957	2	312	546.0																																																																						
WG FARMS LLC	36-7399	10/30/1973	3	320	512.0																																																																						
WG FARMS LLC	36-2135	6/7/1951	1	122	231.8																																																																						
WG FARMS LLC	36-2136	6/7/1951	1	160	304.0																																																																						
WG FARMS LLC	36-2142A	6/7/1951	1	140	266.0																																																																						
WG FARMS LLC	36-7186	5/19/1972	3	0	0.0																																																																						

MAGIC VALLEY GROUNDWATER DISTRICT
2020 Measurement Report
Summary Sheet

Water Rights							Points of Diversion						
Owner	Water Right #	Priority Date	Tier	Acres/Rt	Tier Allowed AF	Combined Acre Limit	WMIS #	POD	Div. Name	2018 Usage	2019 Usage	2020 Usage	
WG FARMS LLC	36-7187	5/19/1972	3	20	32.0								
WG FARMS LLC	36-16796	1/21/1957	2	369	645.9								
WG FARMS LLC	36-15380	4/1/1974	3	18	28.8								
WG FARMS LLC	36-2415A	2/18/1960	2	269	469.9								
WG FARMS LLC	36-15356A	6/30/1973	3	12	19.4								
WG FARMS LLC	36-16403	2/20/1948	1	160	304.0								
WLR LC	36-16562	2/17/1948	1	171	324.2	868	100213	75 22E 25SESWNE	FL Pump 2	1,345.1	1304.1	1352.1	
WLR LC	36-16568	2/8/1977	3	558	893.0		100215	75 22E 36SWSWSE	FL Pump 3	50.3	154.0	0.0	
WLR LC	36-16571	8/15/1952	1	19	36.6								
WLR LC	36-16577	2/20/1990	3	83	132.1								
WLR LC	36-16574	2/19/1952	1	32	61.7								
WLR LC	36-16586	3/15/1987	3	5	7.9								
WLR LC	36-16563	2/17/1948	1	46	87.2	247	100214	075 22E 25 SWSWNE	FL pump 1	461.9	387.8	508.2	
WLR LC	36-16569	2/8/1977	3	151	241.3								
WLR LC	36-16572	8/15/1952	1	7	13.1								
WLR LC	36-16575	2/19/1952	1	12	22.0								
WLR LC	36-16578	2/20/1990	3	29	45.9								
WLR LC	36-16587	3/15/1987	3	3	5.0								

Totals: 6516 11342.6 6516.2

Purchased Mitigation credit: 399.5

Totals: 11350.1 11183.7 11493.8

allowed: 11342.6 11342.6 11342.6

over/under: -7.6 158.8 -151.2

* Used PCC. Motor reading 0 GPM while pumping
** End reading lower than start. Assumed reset to 0 at the start of season
*** readings provided by user

Total WR Acres: 6516.2
Yearly Allowed (AF): 11342.6
2020 Pumped (AF): 11493.8

2020 Over/Under: -151.2
Cumulative Over/Under: 0.0
2021 Usage Target: 11342.6

From: Richard Garner <richardg@whitesidesdairy.com>
Sent: Tuesday, November 30, 2021 3:24 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: Water Supply Bank Rental Request

We would like to proceed with the rental of the 22 acres, the application was filed by Whitesides Land Ranch LLC, not Whitesides Dairy, we just want to make sure it is for the correct entity. Thanks

Richard Garner
Whitesides Land Ranch
(208) 219-0219 Cell

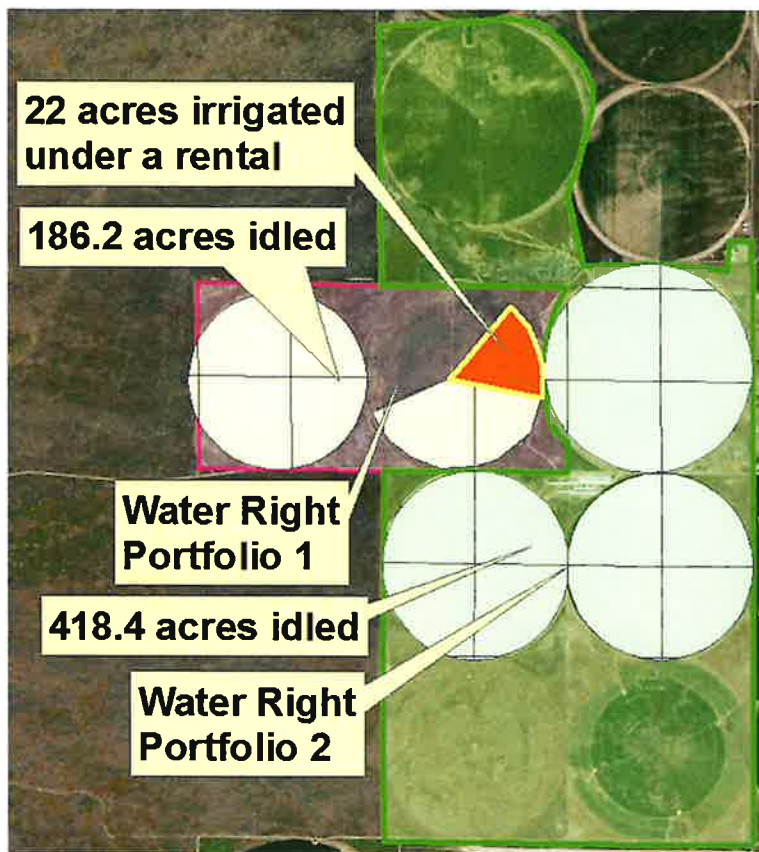
From: [Buyer, Remington](#)
Sent: Tuesday, November 30, 2021 11:18 AM
To: [Richard Garner](#)
Cc: [Bank](#)
Subject: RE: Water Supply Bank Rental Request

Richard,

I had a chance to conduct a preliminary review of an irrigation rental of water rights 36-2412C (contract 1371), 36-7515 (contract 1325) and 36-16158/16161 (contract 1370) by Whitesides Dairy next year, through 2025. My review suggests a rental of 158.3 af of water from these water rights is sufficient to authorize the diversion of 88 af for the irrigation of 22 acres within the place of use of Whitesides Dairy's current farming operation.

Because of the distance between where the above water rights are presently situated, and where Whitesides Dairy is situated, it does not appear possible for Whitesides Dairy to divert more than 88 af from the Eastern Snake River Plain Aquifer (ESPA) through a rental of these water rights without inducing injury to other water right holders. For your consideration, my preliminary model run and mitigation analysis is provided in the zip file attached to this email. Also, one of the basin 36 water rights shared with you previously (36-8412) is a supplemental ground water right that can only be rented to water users who receive and use surface water from the A&B Irrigation District. It does not appear that Whitesides Dairy is within the boundaries of the A&B Irrigation District water delivery area, so I removed that water right from further consideration. If Whitesides Dairy is within the boundaries of the A&B Irrigation District, and if the Dairy will receive and use water from A&B Irrigation District during the term of the rental, we can rent that water right to you as a supplemental ground water right.

Further, if Whitesides Dairy would like to proceed with a 22 acre irrigation rental in 2022, through 2025, we will need you to identify for us which specific 22 acres you would like irrigate through this rental from 2022-2025. For your consideration, I've identified 22 acres within the boundaries of water right portfolio 1 that might be irrigated through this rental, depicted in the yellow-bordered, orange triangle in the image below:



If you would like the Water Supply Bank to proceed with a 22 acre irrigation rental, for the 22 acres identified in the image above, we can do so once you confirm for us that this is your desired course of action. Please advise.

Regards,

Remington

From: Richard Garner <richardg@whitesidesdairy.com>
Sent: Monday, November 29, 2021 6:30 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: Water Supply Bank Rental Request

Ok that is more clear, we would like to rent the 40 acres and the exact location is 40 acres found within the map I sent you, the extent of our reduction obligation is the same from year to year, we own 6516.2 water right acres, and are allowed to use 11342.6 Acre Feet (AF). That is 20.89 inches per acre or 1.74 acre feet. That is a reduction of 56.4% from the standard 4 foot water right. We are currently reducing our water usage by 14,722.2 acre feet per year. I will request a 2022 reduction target form my ground water district but it will be close to 14,722.2 because it is the same every year.

Thanks for your time, I will try to get you this information tomorrow, but we would like to move forward with the 40 acres that are available before someone else rents them. Thanks

Richard Garner
Whitesides Land Ranch
(208) 219-0219 Cell

From: [Buyer, Remington](#)
Sent: Monday, November 29, 2021 4:44 PM
To: [Richard Garner](#)
Cc: [Bank](#)
Subject: RE: Water Supply Bank Rental Request

The list of available water rights changes daily as new leases (deposits) and rentals (withdrawals) of water rights are made through the Water Supply Bank. The list I sent you in July would have been updated based on rentals approved for this year (2021). Some rentals approved this year were multi-year rentals, which once approved, reduced the amount of water available for rental in 2022. We have recently received applications to lease additional basin 36 water rights into the Water Supply Bank for 2022, and once they are processed, the list of available water rights will be updated again.

In order to secure a rental of water rights from the Bank in 2022, our office requires from you:

1. The exact location of acreage that will be irrigated with water rights rented from the Bank (which at this time is a maximum of approximately 40 acres); and
2. The extent of your ground water diversion volume reduction obligation requested by your local ground water district for 2022.

As an alternative to an irrigation rental, you could request a mitigation by non-use rental; If you opt for a mitigation by non-use rental, we can rent to you ESPA ground water rights from basins 27, 29, 34, 35 and 37, and other ESPA basins, which will increase the volume that can be allocated to your rental (since ground water modeling is not required). However, we will need you to obtain the 2022 reduction target from your ground water district to approve such a rental.

-Remington

From: Richard Garner <richardg@whitesidesdairy.com>
Sent: Monday, November 29, 2021 4:11 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: Water Supply Bank Rental Request

We would like to rent anything we can get, that is why we submitted our applications in July, what do we need to do to get this finished before the rest of them are rented, can we rent water for the future seasons? Were all of those rights on the list you sent me in July rented with applications submitted before my initial application?

Richard Garner
Whitesides Land Ranch
(208) 219-0219 Cell

From: [Buyer, Remington](#)
Sent: Monday, November 29, 2021 2:41 PM
To: [Work](#)
Cc: [Bank](#)
Subject: RE: Water Supply Bank Rental Request

Richard,

Here's the list of basin 36 water rights presently available for rental to Whitesides Dairy in 2022:

Lease No	Basin Number	Sequence Number	Split Suffix	Beneficial Uses	Region Name	Source	Tributary	Priority Date
900	36	8412		IRRIGATION	Southern	GROUND WATER(Ground Water)		03-01-1989
1325	36	7515		IRRIGATION	Southern	GROUND WATER(Ground Water)		12-12-1974
1370	36	16158		IRRIGATION	Southern	GROUND WATER(Ground Water)		01-24-1972
		16161		IRRIGATION	Southern	GROUND WATER(Ground Water)		08-09-1975
1371	36	2412	C	IRRIGATION	Southern	GROUND WATER(Ground Water)		01-22-1960

As you can see from the above, there are four water rights that can be rented, which presently provide for approximately 50 acres of irrigation. Most of the water rights have a low duty of water (less than 0.02 cfs/ac) so reducing the total acres irrigable to 36 acres would allow for a higher duty of water. However, there are not presently enough water rights leased to the Bank in basin 36 to provide for 604.6 acres in 2022.

If you'd like, we can evaluate a rental of 36 acres by Whitesides Dairy in 2022 through 2025, if you can identify which 36 acres should be covered by the rental. Otherwise, additional basin 36 water rights will likely be leased into the Bank now through the end of December, and we may be able to increase the total number of acres irrigable under a rental by Whitesides Dairy. However, I don't expect that we will be able to authorize an irrigation rental of more than 100 acres, based on our current and projected future availability of water rights. Please advise on how you would like the Department to proceed in evaluating your rental request.

Regards,

-Remington

From: Work <richardg@whitesidesdairy.com>
Sent: Friday, November 26, 2021 11:51 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: Water Supply Bank Rental Request
Yes that's correct

Thanks

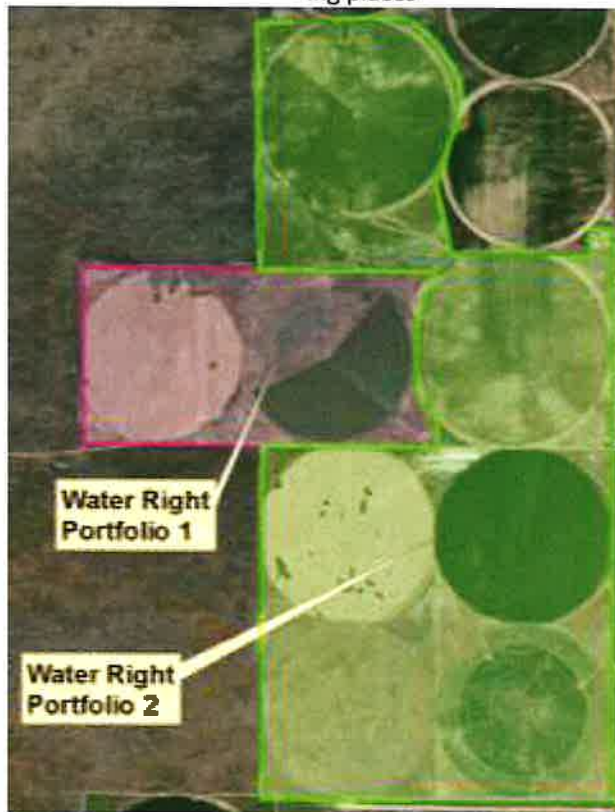
Richard Garner

On Nov 26, 2021, at 11:05 AM, Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Hi Richard,

Based on the map you sent me, here is what I understand:

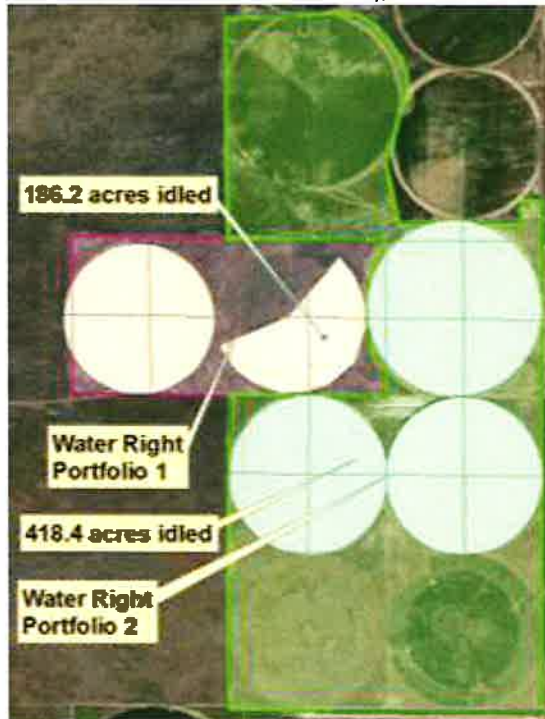
1. WLR LC holds 12 ESPA ground water rights that authorize the irrigation of a collective 1,115 acres of land across sections 24, 25 and 36 of Township 07S, Range 22E, in Lincoln County.
2. The collective 1,115 irrigable acres is divided into two portfolios, with six water rights per portfolio. Portfolio 1 authorizes the irrigation of 247 acres under water rights 36-16563, 16569, 16572, 16575, 16578 and 16587, while Portfolio 2 authorizes the irrigation of 868 acres under water rights 36-16562, 16568, 16571, 16574, 16577 and 16586. The two portfolios are associated with the following places of use:



The two water right portfolios are summarized as follows:

Portfolio 1											Portfolio 2												
Combo Group	WR	Priority	Source	Use	Rate	Vol	Acres	PPU Acres	Rate/AC	Vol/AC	Combo Group	WR	Priority	Source	Use	Rate	Vol	Acres	PPU Acres	Rate/AC	Vol/AC		
6 5 4 3 2 1											6 5 4 3 2 1												
6 5	1	36-16563	2/17/1948	GW	Irrigation	0.880	281.8	196.7	308	0.004	1.43	6 5	1	36-16562	2/17/1948	GW	Irrigation	3.100	990.2	691.3	1076	0.004	1.43
6 5	1	36-16569	2/8/1977	GW	Irrigation	2.890	505.1	196.7	308	0.015	2.57	6 5	1	36-16568	2/8/1977	GW	Irrigation	10.140	1774.9	691.3	1076	0.015	2.57
	1			Irrigation	2.890	786.9	196.7	308	0.015	4.00		1			Irrigation	10.140	2765.1	691.3	1076	0.015	4.00		
4 3 2	2	36-16575	2/19/1952	GW	Irrigation	0.170	81.3	47	308	0.004	1.73	6 5 4 3 2	2	36-16574	2/16/1952	GW	Irrigation	0.590	285.6	165.1	1076	0.004	1.73
6 5	2	36-16587	3/15/1987	GW	Irrigation	0.030		3.1	308	0.010	0.00	6	2	36-16586	3/15/1987	GW	Irrigation	0.090		10.9	1076	0.008	0.00
6	2				0.200	81.3	50.1	308	0.004	1.62		2				0.590	265.0	176	1076	0.008	1.51		
4 3		36-16572	8/15/1952	GW	Irrigation	0.100	48.2	47	308	0.002	1.03	6 5 4 3	3	36-16571	8/15/1952	GW	Irrigation	0.350	169.5	165.1	1076	0.002	1.03
6 5	3				0.270	113.4	47	308	0.006	2.41		3				0.940	398.2	165.1	1076	0.006	2.41		
4		36-16578	2/20/1990	GW	Irrigation	0.420	75.5	47	308	0.009	1.61	6 5 4	4	36-16577	2/20/1990	GW	Irrigation	1.500	265.0	165.1	1076	0.009	1.61
6 5 4					0.690	188.9	47.2	308	0.015	4.00		4				2.440	663.2	165.8	1076	0.015	4.00		
5					3.580	975.8	243.9	308	0.015	4.00		5				12.580	3428.3	857.1	1076	0.015	4.00		
6					3.580	975.8	247.0	308	0.014	3.95	6					12.580	3428.3	868.0	1076	0.014	3.95		

3. In 2022, WLR LC intends to idle as much as 604.6 acres (186.2 acres from Portfolio 1 and 418.4 acres from Portfolio 2), as follows:



4. WLR LC would like to rent ESPA ground water rights to authorize the irrigation of 186.2 acres and 418.4 acres (604.6 acres total) in 2022, and beyond, so that WLR LC can use the water use elements associated with these 604.6 acres—equivalent to 8.763 cfs and 2,388.1 af—as a contribution to the local ground water district's ground water diversion reduction effort.

Please confirm that the above is correctly understood.

If the above is correct, I can update the information associated with Water Supply Bank rental application 2118, to reflect that the rental application is an irrigation rental for the irrigation of 604.6 acres, being undertaken for a number of years, to offset real ground water diversion volume reductions at your property. I can also investigate what water rights might be leased to the Bank over the coming years, that could be rented to WLR LC for a period of years, to offset the on-farm diversion and irrigation reductions.

Looking forward to hearing from you,

-Remington

From: Richard Garner <richardg@whitesidesdairy.com>
Sent: Monday, November 22, 2021 10:55 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: Water Supply Bank Rental Request

Remington, our obligation for next year is taking longer than I had hoped, so here we will try to rent additional ground. In your modeling we will leave 600 acres "idle" that are irrigated by the WMIS #s 100213, 100214, and 100215. Please see the attached satellite view of the ground. We would look to rent water from the bank to cover this ground. Thank you

Richard Garner
Whitesides Land Ranch
(208) 219-0219 Cell

From: [Buyer, Remington](#)
Sent: Tuesday, November 16, 2021 10:58 AM
To: [Richard Garner](#)
Cc: [Bank](#)
Subject: RE: Water Supply Bank Rental Request

Thanks Richard.

As we discussed, in order to review a rental request for Whitesides Dairy in 2022, we need:

1. the mitigation obligation for 2022; and/or
2. the acres you intend to idle to meet your mitigation obligation in 2022 and beyond.

Please let us know once you've obtained that information.

From: Richard Garner <richardg@whitesidesdairy.com>
Sent: Tuesday, November 16, 2021 10:52 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: Water Supply Bank Rental Request

Remington, I am getting a report from water well consultants, but in the meantime I can tell you, we own 6516.2 acres of water rights. attached is a report of the right number and its priority date. On that 6516.2 acres our district is allowing us to pump 11342.6 acre feet. roughly 1.75 acre feet per acre. They don't have the 2021 reports finished but I will get a document explaining the reduction imposed by the district for mitigation. We are hoping to add 500-750 acre feet to our pumping allotment and under the districts reduction plan that would be 300 - 450 acres depending on priority dates.

call with any questions
Thanks

Richard Garner
Whitesides Dairy Inc.
Cell (208) 219-0219
Office (208) 532-5104
Fax (208) 531-4139

On Mon, Nov 15, 2021 at 4:26 PM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Hi Richard,

This email summarizes the information we have available about rental requests submitted by Whitesides Dairy for 2022 and beyond.

We have received from Whitesides Dairy four rental applications, as follows:

Rental Application #	Requested Rental Water Use	Rental Diversion Rate	Rental Diversion Volume	Rental Acres	Rental Duration	Rental Period
2118	Mitigation		1393 af		2022-2025	Four years
TBD	Mitigation		171.6 af		2022-2025	Four years
TBD	Mitigation		114.7 af		2022-2023	Two years
TBD	Mitigation		96.1 af		2022-2022	One Year

The four rental applications listed above did include a request for a rental of specific water rights. However, many of the water rights requested are no longer available for rental in 2022. A new list of Eastern Snake River Plain Aquifer (ESPA) water rights available for rental in 2022 and beyond is attached, for your consideration.

Prior to assigning rental application ID numbers to the three TBD rental applications listed above, our office needs to determine what your exact rental needs are in and beyond 2022 and for how long you would like to obtain a rental of water rights to meet your needs.

We know you are a member of an ESPA ground water district, and that you have a ground water diversion volume reduction target requested by the district. We can provide you with a mitigation by non-use rental once you provide us with a recent report from your ground water district that confirms your ground water diversion volume reduction (mitigation) commitment is for 2022.

Alternatively, if you specify a specific number acres on your property that will be idled to achieve your ground water diversion volume reduction, we can calculate the duty of water associated with those acres (under your water rights) and we can identify water rights available for rental from the Water Supply Bank during the coming years, that will authorize continued irrigation of those acres through a rental.

As such, we need you to identify for us either the mitigation obligation for 2022 and/or the acres you intend to idle to meet your mitigation obligation in 2022 and beyond.

Thank you for providing the above.

Regards,
Remington Buyer
Project Manager
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

Buyer, Remington

From: Buyer, Remington
Sent: Monday, July 19, 2021 11:30 AM
To: 'Linda Artiaga'; Richard Garner
Cc: Bank
Subject: RE: 2022 Water bank lease

Hi Linda and Richard,

I entered the rental application you've submitted into our processing system and it has been assigned application ID number 2118.

A few questions for you:

1. You've stated in question 3A that this rental will be for mitigation by non-use, however, on question you 3I you've stated this rental application is for the irrigation of 868 acres. If this rental is intended to be a mitigation by non-use rental that mitigates for the irrigation of 868 acres under your water rights, the beneficial use listed in question 3I should be "other" and you can type in "mitigation by non-use";
2. You've requested a rental volume of 1,393 AF. In order to rent this volume to you, we will need you to provide us with a record of what your mitigation obligation is for calendar years 2022 through 2025. Please provide a document from your local ground water district that specifies your specific diversion volume reduction obligation for calendar years 2022 through 2025—we cannot approve a mitigation by non-use rental without that information.

Thank you,

Remington

From: Linda Artiaga [mailto:linda@whitesidesdairy.com]
Sent: Friday, July 16, 2021 4:50 PM
To: Richard Garner <richardg@whitesidesdairy.com>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: 2022 Water bank lease

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Linda Artiaga, H.R.Manager
Whitesides Dairy
695 N 700 E
Rupert ID 83350
Office: 208-531-5104
Fax: 208-531-4139