

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 11 2022

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 621

This is to certify that:

BROWN RANCH INC
247 GLENDALE RD
BELLEVUE, ID 83313

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	Diversión Rate (CFS)	Diversión Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-466	4/1/1880	DEER CREEK	2.70	473	135	0.020	3.50
37-11329	7/21/1956	GROUND WATER	0.69	139	39.4	0.018	3.52
Combined Limit Totals			2.69	473	135		
37-22311	3/24/1883	BIG WOOD RIVER	1.20	109	31.0	0.039	3.50
37-22316	3/24/1883	BIG WOOD RIVER	0.14	109	31.0	0.005	3.50
37-22321	3/24/1883	BIG WOOD RIVER	0.15	109	31.0	0.005	3.50
Combined Limit Totals			1.49	109	31.0		
37-21817	3/24/1883	BIG WOOD RIVER	0.24	102	29.0	0.008	3.50
37-21815	6/30/1884	BIG WOOD RIVER	0.40	102	29.0	0.014	3.50
37-21813	9/18/1885	BIG WOOD RIVER	0.20	102	29.0	0.007	3.50
37-21811	5/1/1888	BIG WOOD RIVER	0.20	102	29.0	0.007	3.50
Combined Limit Totals			1.04	102	29.0		
37-22776	3/24/1883	BIG WOOD RIVER	0.11	49.4	14.1	0.008	3.50
37-22775	6/30/1884	BIG WOOD RIVER	0.19	49.4	14.1	0.013	3.50
37-22774	9/18/1885	BIG WOOD RIVER	0.09	49.4	14.1	0.006	3.50
37-22773	5/1/1888	BIG WOOD RIVER	0.09	49.4	14.1	0.006	3.50
Combined Limit Totals			0.19	49.4	14.1		
37-496B	7/1/1883	BIG WOOD RIVER	0.31	54.6	15.6	0.020	3.50
37-497B	7/1/1892	BIG WOOD RIVER	0.16	54.6	15.6	0.010	3.50
Combined Limit Totals			0.47	54.6	15.6		
37-22896	3/24/1883	BIG WOOD RIVER	0.02	8.8	2.5	0.008	3.50
37-22894	6/30/1884	BIG WOOD RIVER	0.03	8.8	2.5	0.013	3.50
37-22892	9/18/1885	BIG WOOD RIVER	0.02	8.8	2.5	0.007	3.50
37-22890	5/1/1888	BIG WOOD RIVER	0.01	8.8	2.5	0.004	3.50
Combined Limit Totals			0.09	8.8	2.5		
37-23001	5/1/1883	BIG WOOD RIVER	0.40	31.5	9.0	0.044	3.50
Combined Limit Totals			0.40	31.5	9.0		
37-21863	3/24/1883	BIG WOOD RIVER	0.11	97.0	27.7	0.004	3.50
37-21880	7/10/1884	BIG WOOD RIVER	0.01	97.0	27.7	0.000	3.50
37-21897	9/18/1885	BIG WOOD RIVER	0.01	97.0	27.7	0.000	3.50
37-21914	6/12/1886	BIG WOOD RIVER	0.01	97.0	27.7	0.000	3.50
37-21931	6/15/1891	BIG WOOD RIVER	0.13	97.0	27.7	0.005	3.50
37-21976	9/25/1954	GROUND WATER	0.59	86.1	24.6	0.024	3.50
Combined Limit Totals			0.84	97.0	27.7		
37-20615	3/24/1883	BIG WOOD RIVER	0.15	7.0	2.0	0.075	3.50
Combined Limit Totals			0.15	7.0	2.0		
Combined Rental Totals			7.36	932.3	265.9	0.028	3.50

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WATER SUPPLY BANK RENTAL AGREEMENT No. 621

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2022. 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: \$18,646.00

The full fee for the rental of the above-described right(s) is \$18,614.00 for 2022. The rental fee includes an administrative fee of \$1,864.60 for 2022.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	5.32	930.7	265.9	0.022	3.50
Combined Total	5.32	930.7	265.9	0.022	3.50

** The authorized water usage reflects a reduction from the water right elements rented, to account for a standard duty of water for irrigation of 0.02 cfs per acre.*

Detailed water right conditions are attached.

IDAHO DEPARTMENT OF
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WATER SUPPLY BANK RENTAL AGREEMENT No. 621

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:

Dan Brown
Signature of Renter

5-7-2022
Date

DAN BROWN
Printed Name

PRESIDENT
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 5/12/22

Rental approved by IDWR P. Patton

Date 5/12/22

IDAHO DEPARTMENT OF
WATER RESOURCES

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WATER SUPPLY BANK RENTAL AGREEMENT No. 621

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER SESW Sec. 12, Twp 01N, Rge 18E, BLAINE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
5.32 CFS

VOLUME
930.7 AF

SEASON OF USE

From To
4/15 10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	14									31	30	37	34		17			149
01N	18E	15													34	32	31	38	135

Total Acres: 284
Acre Limit: 266

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Use of water under this rental agreement may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

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10. This rental agreement when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. Prior to diversion of water under this rental agreement, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
12. This agreement does not grant any right-of-way or easement across the land of another.
13. Water may not be diverted under this rental agreement unless the deliverable priority on the Big Wood River is July 1, 1892 or senior and the rented water rights are in priority.

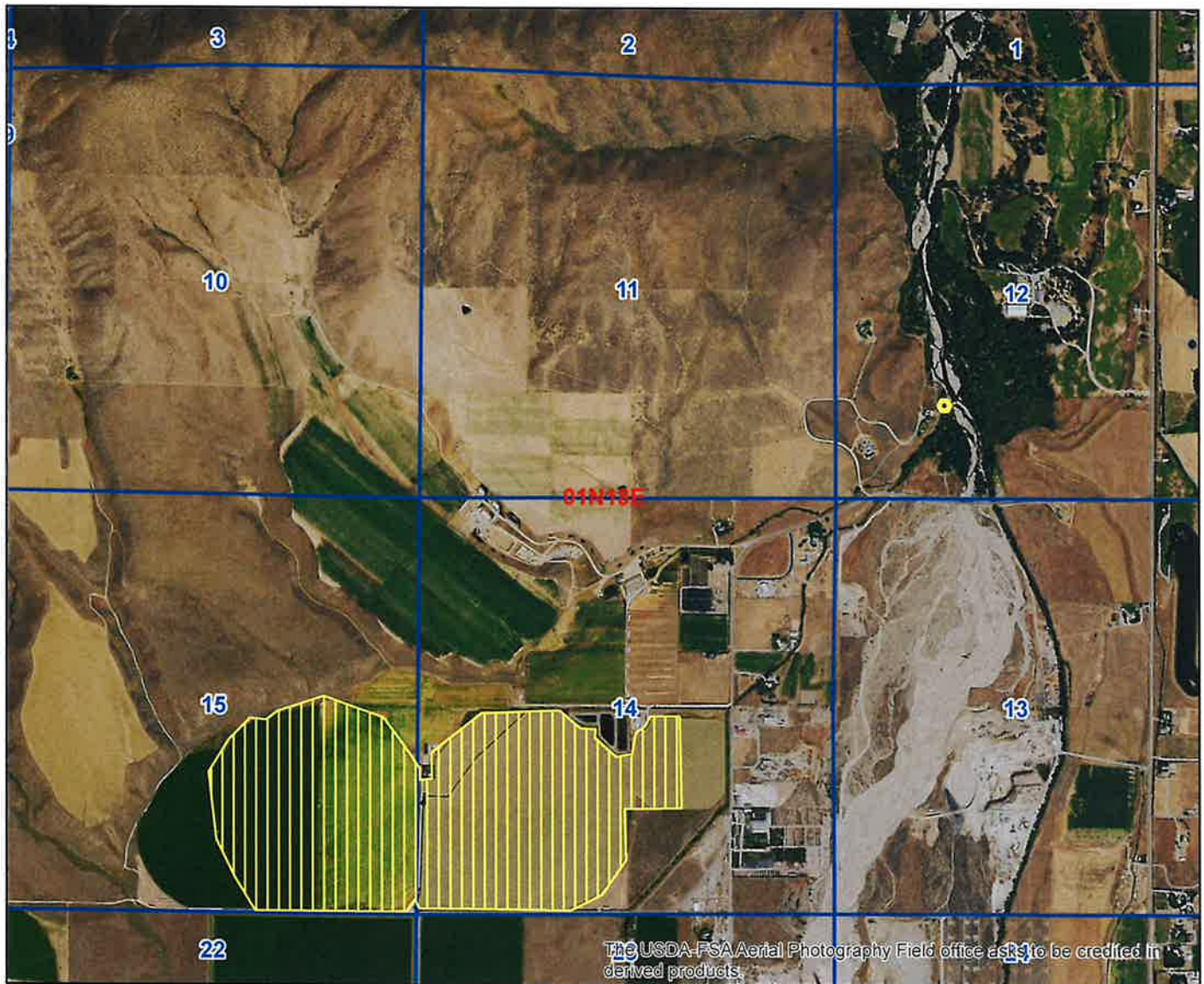


IDAHO DEPARTMENT OF
WATER RESOURCES

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 621

Effective until December 31, 2022

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



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



0 0.2 0.4 0.8 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

OCT 25 2021

Department of Water Resources

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Brown Ranch, Inc.

Is this application being submitted with a lease application as a lease/rental package?

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☐ ☒ Detailed information on a proposed use of rental water
- 3F ☐ ☒ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☒ ☐ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☒ ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☐ ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☒ ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

37-466 37-2231 37-22776 37-21817
37-11377 et al et al et al

2176

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Brown Ranch, Inc.

Mailing Address 247 Glendale Road Bellevue ID 83313
Street City State Zip Code
 Email Address danbrown@sunvalley.net Phone Number 208-720-1982

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 NA Professional Title NA
 Organization NA Relationship to Applicant NA
 Mailing Address NA
 Email Address NA Phone Number NA

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**:

Additional water is needed when junior rights are shut off by priority. Proposed use is for irrigation. We wish to rent water with a priority date of 1883 OR older.

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)
5 CFS	400 AF	3 CFS	100 AF	284 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?	
4-15-22	6-15-22	☒ 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.

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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):

Water is delivered from the POD to POU via the Glendale Canal. Water is diverted from the Glendale Canal via a pump station from which it is delivered to various sprinkler systems on the farm.

- 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
Glendale Canal	Big Wood River	37-22219, 37-22221, 37-22223, 37-22225
1N 18E sec. 12NWSESW		37-22227

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 533.5 284 (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:

Water is also supplied through Bellevue City Sewage Treatment Plant to the east pivot. Additional water is needed when other water rights are shut off by priority.

**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 #1								
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**:

If water has unusually low rate per acre, we do not wish to rent it. Excess water was requested in case some rights are unavailable from combined limits, etc.

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**:

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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.

Dan Brown
Signature of Applicant

DAN BROWN
Printed Name of Applicant

10-24-21
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Rental Requests for Specific Water Rights

Requester	Source	Priority Date	Water Right Application ID	Beneficial Use	Div. Rate	Volume	Acres	Irr. Rate	Vol./Acre	Cost/acre
Southern (Ketchum Zone)	BIG WOOD RIVER(Surface Water)	03-24-1883	37-21863	276	352	0.082	29.8	15.1	0.005	1.98
		7-10-1884	37-21860	276	352	0.001	0.4	15.1	0.000	0.03
		9-18-1885	37-21897	276	352	0.008	2.6	15.1	0.001	0.18
		6-12-1886	37-21914	276	352	0.001	0.4	15.1	0.000	0.03
		6-15-1891	37-21931	276	352	0.098	35.7	15.1	0.007	2.37
	9/25/1954	37-21976	276	352	0.439	64.1	18.3	0.024	3.50	
				Comb. Total	0.547	52.7	15.1	0.036	3.50	
Southern (Ketchum Zone)	BIG WOOD RIVER(Surface Water)	03-24-1883	37-22311	1179	850	1.200	108.5	31.0	0.039	3.50
		03-24-1883	37-22316	1179	850	0.140	108.5	31.0	0.005	3.50
		03-24-1883	37-22321	1179	850	0.160	108.5	31.0	0.005	3.50
				Comb. Total	1.490	108.5	31.0	0.048	3.50	
Southern (Ketchum Zone)	BIG WOOD RIVER(Surface Water)	03-24-1883	37-22776	1180	851	0.110	49.4	14.1	0.008	3.50
		6-30-1884	37-22775	1180	851	0.019	49.4	14.1	0.001	3.50
		9-18-1885	37-22774	1180	851	0.090	49.4	14.1	0.006	3.50
		5-1-1888	37-22773	1180	851	0.090	49.4	14.1	0.006	3.50
				Comb. Total	0.019	49.4	14.1	0.001	3.50	
Southern	BIG WOOD RIVER	03-24-1883	37-21817	1212	869	0.240	101.5	29.0	0.008	3.50
		6-30-1884	37-21815	1212	869	0.400	101.5	29.0	0.014	3.50
		9-18-1885	37-21813	1212	869	0.200	101.5	29.0	0.007	3.50
		5-1-1888	37-21811	1212	869	0.200	101.5	29.0	0.007	3.50
				Comb. Total	1.040	101.5	29.0	0.035	3.50	
Southern (Ketchum Zone)	BIG WOOD RIVER(Surface Water)	07-01-1883	37-4968	1245	885	0.310	54.6	15.6	0.020	3.50
		7-1-1892	37-4978	1245	885	0.160	54.6	15.6	0.010	3.50
				Comb. Total	0.470	54.6	15.6	0.030	3.50	
Southern (Ketchum Zone)	BIG WOOD RIVER(Surface Water)	05-01-1888	37-22890	1211	868	0.010	8.75	2.5	0.004	3.50
		09-18-1885	37-22892	1211	868	0.017	8.75	2.5	0.007	3.50
		6-30-1884	37-22894	1211	868	0.033	8.75	2.5	0.013	3.50
		3-24-1883	37-22896	1211	868	0.021	8.75	2.5	0.008	3.50
				Comb. Total	0.090	8.75	2.5	0.036	3.50	
Southern	BIG WOOD RIVER(Surface Water)	05-01-1883	37-23001	1552	1087	0.400	31.5	9.0	0.044	3.50
				Comb. Total	0.400	31.5	9.0	0.044	3.50	
Southern	BIG WOOD RIVER(Surface Water)	04-12-1883	37-22749	875	625	1.160	116.2	33.2	0.035	3.50
				Total	1.160	116.2	33.2	0.035	3.50	
Southern	BIG WOOD RIVER(Surface Water)	03-24-1883	37-20515	541	433	0.150	7.0	2.0	0.075	3.50
						Comb. Total	0.150	7.0	2.0	0.075
									no new application	
									no new application	

Agreement Totals			
Total (1883 priority)	2.65	384.01	116.26
w/15% conv. loss (1883 priority)	2.255	384.01	116.26
Total (All)	3.966	398.21	113.76
w/15% conv. loss (all)	3.371	398.21	113.76
Total Rental Fee	\$	7,564.20	
Admin Portion	\$	795.42	
Owner Portion	\$	7,167.78	

In addition we wish to rent below water:

License No	Water Number	Sequence Number	Split suffix	Beneficial Use	Region Name	Source	Tribe/Agency	Priority Date	Contract Start Date	Contract End Date	Rate/Shareable	Volume Available	Rate/Acre	Vol/Acre
1038	37	466	IRRIGATION	Southern	DEER CREEK(Ground Water), DEER CREEK(Surface Water), GROUND WATER(Ground Water), GROUND WATER(Surface Water)	BIG WOOD RIVER	04-01-1880	1/1/2020	12/31/2024	2.7	472.5	0.02	3.5	
			IRRIGATION	Southern	DEER CREEK(Ground Water), DEER CREEK(Surface Water), GROUND WATER(Ground Water), GROUND WATER(Surface Water)	DEER CREEK	04-01-1880	1/1/2020	12/31/2024	2.7	472.5	0.02	3.5	
		11329	IRRIGATION	Southern	GROUND WATER(Ground Water)		7/31/1956	1/1/2020	12/31/2024	0.69	39.4	0.02	3.52	

Attachment #1





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 16, 2022

BROWN RANCH INC
247 GLENDALE RD
BELLEVUE, ID 83313

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-466, 37-11329, 37-22311, 37-22316, 37-22321, 37-21817, 37-21815, 37-21813, 37-21811, 37-22776, 37-22775, 37-22774, 37-22773, 37-496B, 37-497B, 37-22896, 37-22894, 37-22892, 37-22890, 37-23001, 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976 AGREEMENT 612**

Dear Renter:

Please find enclosed a receipt in the amount of **\$18,646.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 932.3 acre-feet of water for irrigation of 284 acres with an acre limit of 266 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 \$16,781.40 of the rental fee will be paid to the lessor(s) and 10% or \$1864.60 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. C112748
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Water District 37



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 4, 2022

BROWN RANCH INC
247 GLENDALE RD
BELLEVUE, ID 83313

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-466, 37-11329, 37-22311, 37-22316, 37-22321, 37-21817, 37-21815, 37-21813, 37-21811, 37-22776, 37-22775, 37-22774, 37-22773, 37-496B, 37-497B, 37-22896, 37-22894, 37-22892, 37-22890, 37-23001, 37-21863, 37-21880, 37-21897 & 37-21914, 37-21913, 37-21976, 37-20615 AGREEMENT 621**

*****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 \$18,646.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 932.3 acre-feet.

Please send a check for \$18,646.00 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 \$16,781.40 of the rental fee will be paid to the lessor(s) and 10% or \$1,864.60 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

Parker, Cody

From: Ryan Fuchs <waterdistrict37@icloud.com>
Sent: Monday, May 2, 2022 10:35 AM
To: watermanager
Cc: Parker, Cody; Skinner, Corey; Waterdistrict37 Info
Subject: Re: Rental Agreement 621

I have reviewed the documentation and I concur with Tim Luke. I do not see any issues with this agreement.

Thank you
Ryan Fuchs

Assistant Watermaster
Water District 37

Sent from my iPad

On Apr 14, 2022, at 3:41 PM, watermanager <watermanager@wd37.org> wrote:

Cody and Corey,

I forwarded the information on Rental Agreement 621(Dan Brown) to Ryan Fuchs, the assistant watermaster who has delivered the water on the Big Wood for many years.
I have asked him to review this.

Thank you,
Cyndi McCowan
WD 37

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Thursday, April 14, 2022 2:36 PM
To: watermanager <watermanager@wd37.org>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: Rental Agreement 621

Hello,

Attached is a rental agreement for irrigation from the Big Wood River. The rental will move PODs associated with 27 different water rights as much as 12 miles downstream on the Big Wood River. Both the rental and lease PODs are in the reach of the river above Magic Reservoir.

During my review I identified the following issue. The original water rights, if used as authorized, would take water 12 miles upstream of the rental POD. They would irrigate and presumably some of that water would return back to the Big Wood River benefiting junior users downstream. However, now that they are moving the diversion downstream, those junior users would have to let the full flow authorized by the rights pass by to the new diversion. I spoke with Tim Luke briefly about this issue and he did not seem to see it as an issue. If I understand correctly, he was thinking that either there is water available for the junior users regardless of return flows, or the junior users would be curtailed. Regardless, I added

condition 13 of the rental agreement to limit the use of water under the rental to those times when all the juniors would be curtailed anyways. If you think there is a better solution or want to weigh in on this issue please feel free.

I have one ongoing concern with this rental that I would like either of you to weigh in on if you can. Several tributaries enter the river below the leased PODs but above the rental POD. My concern is, if the applicant were to make a call for water under this rental, users on the tributaries which were previously unaffected by the leased water rights may be curtailed to provide water for this rental. My conversation with Tim Luke leads me to believe that this may not be an issue based on how water rights in this reach are administered (though I can't say exactly what that means). Please let me know either way if you think this is an issue.

Thanks,

Cody Parker
Water Rights Supervisor
Idaho Department of Water Resources

MEMORANDUM

TO: Rental Application 2176
FROM: Cody Parker
RE: Evaluation of Application No. 2176
DATE: March 29, 2021

The purpose of this application is to rent 284 acres of pre-1883 irrigation water rights from the Big Wood River (above Magic Reservoir) and Deer Creek to provide additional water when the applicants junior water rights are shut off by priority. The rental does not propose to change the nature of use for any water rights. Requested duration is for the 2022 irrigation season.

Authority to File

The land at the point of diversion is owned by Swiftsure Ranch Therapeutic Equestrian Center. A number of people have existing points of diversion at this location including Brown Ranch. The conveyance is referred to as the Glendale Canal in the application and the spatial data. No concerns.

The land to be irrigated is owned by the applicant. No concerns.

Water Right Validity

The validity of all rights to be rented was confirmed through their respective leases to a degree which satisfies the water supply bank. No concerns.

Injury to Other Water Rights

Both the lease and rental PODs are located in the following relevant Administrative Areas:

- Water District 37
- Trust Water area
- ESPA Moratorium

The rental does not propose to move any additional water into any of these areas from outside.

The rental will likely not change the amount of water in the Glendale Canal. It will replace the applicant's water that is curtailed.

The rental proposes to move the point of diversion for several water rights as much as 12 miles downstream on the Big Wood River. It also proposes to move additional water from Deer Creek (a tributary of the Big Wood River) to the Big Wood River. These moves are problematic for two reasons:

1. Several tributaries join the Big Wood River between the furthest upstream lease POD and the rental POD. If the applicant's made a call for the rental water at the rental POD, the watermaster may shut off users on the tributaries to provide water to the rental location. Similarly, if the renter called for Deer Creek water at the rental POD, the rights on the tributaries may be curtailed to provide that water. However, that water from the upstream tributaries would not have been physically present at the Deer Creek POD.

2. The irrigation that occurred at the original locations under the leased rights possibly contributed return flows which downstream users came to rely on. By moving the point of diversion for this water downstream, the junior users would need to let pass all of the water to the senior and would not benefit from return flows.

The following conditions should be sufficient to protect other users against the injury described above.

- *Water cannot be diverted under this rental agreement unless the deliverable priority on the Big Wood River is July 1, 1892 or senior and the rented water rights are in priority.*

The condition listed in the bullet point above would prevent the rental from depriving junior users of return flows when the rights are in use by limiting the use of the water to only those times that the juniors are curtailed.

During times of administration by priority, the flows in the river should be sufficient to provide water for all water rights in priority, therefore the return flow issue should not be a problem.

Additionally, the reach of the Big Wood River between the lease and rental PODs was previously identified as a "losing reach" according to the 2020 rental agreement No 448 memo. In agreement 448, the diversion rate authorized for use was reduced by 15% from the rented amount to account for conveyance losses between the lease and rental diversions and to prevent injury to junior water users on the Big Wood River. However, limiting the water use authorized to 0.02 cfs per acre (from 0.026 cfs/acre) in this case should be sufficient to account for the conveyance losses.

Enlargement of Use

The rental will limit the individual rights to proportional rate, volume, and acres. The season of use is not changing. The rental proposes to divert the rights downstream of the original location. However, according to the memo for rental agreement 448 the reach between the lease and rental diversions is a losing reach. Therefore, there is no issue with enhanced source.

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

Comments were requested from IDWR Southern Region and the Water District 37 watermaster. Correspondence is included with this memo.

Condon, Mary

From: Dan Brown <danbrown@sunvalley.net>
Sent: Monday, October 25, 2021 6:13 PM
To: Condon, Mary
Cc: alyebrown@hotmail.com
Subject: RE: 2022 water rental
Attachments: Revised Water Rental Application 2022.pdf; Brown Ranch Tentative Rentable rights 2022(2212).xlsx

Mary,

Attached is the revised application. Thank you for assisting us with this process. For 4a, I have scanned and attached the requested water rental.

We would be interested in the additional water 37-22249 and 37-20615 should they become available.

The maps are approximations and we can add or subtract acreage if needed.

Thanks again,
Dan

Sent from [Mail](#) for Windows

From: [Condon, Mary](#)
Sent: Monday, October 25, 2021 8:34 AM
To: [Dan Brown](#)
Cc: [Bank](#)
Subject: RE: 2022 water rental

Hi Dan,

A couple of questions and corrections needed:

- 3b of the application, you did not indicate the number of acres to be irrigated
- 3c you did not put a start date and latest start date
- 3i you wrote 533.5, but the rental for 2020-2021 was for 149 acres and adding Deer Creek 135 would be max of 284 acres. Both 3b and 3i should have the same number of acres to be irrigated with rental water
- 4a says you are requesting specific rights, but you did not put any of the rights requested in the table or as an attachment. Your email below states previous rental water plus Deer Creek.
- Attachment 2 map appears to request a rental for all of the land within the yellow boundary in sections 14, 15, 22 and 23. For the number of acres you will be using the rental water per 3b and 3i, please specify the acres it will be applied. Your email below states section 14 and 15, by two pivots. Please mark the two pivots. Our website has a [Create Water Right Map](#) with a draw tool, or you can print, mark and scan.
- The second map you included in your email to me did not have any place of use identified for irrigation by way of markings. We cannot make assumptions on how water is applied, and whether corners or portions of pivots are included or excluded.

There is not an application fee for rentals at this time. I will include your request to be contacted with a possible rental price when reviewed before finalizing for signatures and payment with your application submission.

Please address the items above to finish your application for rental. I've included the map of your previous rental for 2020-2021.

Best,

Mary

Mary Condon
Water Supply Bank Specialist



IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.

From: Dan Brown <danbrown@sunvalley.net>
Sent: Sunday, October 24, 2021 2:10 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: alyebrown@hotmail.com
Subject: RE: 2022 water rental

Mary,

We would like to continue renting the water that we have rented for the last two years. In addition, we would like to rent Lease No. 1038 (Deer Creek) 135 acres. I believe that we currently are using land in T1N-R18E Sec. 15 for POU. For the additional lease we could use land in Sec. 14 for the POU. We have pivots on both sections.

Please see the attached application and map. Please let us know if we left out any necessary information. Also, is there an application fee that needs to be paid for processing this request? If so, we can send payment with paper copy of application and map.

Please contact us with the total cost of our request prior to finalizing rental agreement. I can be contacted by email or phone at 208-720-1982.

Thanks,
Dan

Sent from [Mail](#) for Windows

From: [Condon, Mary](#)
Sent: Monday, October 4, 2021 10:51 AM
To: [Dan Brown](#)
Cc: [Bank](#)
Subject: FW: 2022 water rental

Hi Dan,

Remington found these rights would likely benefit you as well.

Best,
Mary

Mary Condon
Water Supply Bank Specialist



IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>

Sent: Monday, October 4, 2021 10:48 AM

To: Condon, Mary <Mary.Condon@idwr.idaho.gov>

Subject: RE: 2022 water rental

Morning Mary,

Mr. Brown was most interested in pre-1883 BWR water rights. I ran a query and determined that these are the only available rentable WRs that meet his needs:

Lease No	Basin Number	Sequence Number	Split Suffix	Beneficial Uses	Region Name	Source
1038	37	466		IRRIGATION	Southern	DEER CREEK(Ground Water), DEER CREEK(Surface Water), GROUND WATER(Ground Water), GROUND WATER(Surface Water)
				IRRIGATION	Southern	DEER CREEK(Ground Water), DEER CREEK(Surface Water), GROUND WATER(Ground Water), GROUND WATER(Surface Water)
		11329		IRRIGATION	Southern	GROUND WATER(Ground Water)
1347	37	208	G	IRRIGATION, STOCKWATER	Southern	CROY CREEK(Surface Water)
1412	37	496	F	IRRIGATION, FIRE PROTECTION, AESTHETIC	Southern	BIG WOOD RIVER(Surface Water)
		21418		IRRIGATION	Southern	BIG WOOD RIVER(Surface Water)
		21420		IRRIGATION	Southern	BIG WOOD RIVER(Surface Water)

If you'd like to provide the above table, it would likely be helpful for him.

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Monday, October 4, 2021 10:09 AM
To: Dan Brown <danbrown@sunvalley.net>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: 2022 water rental

Good morning, Dan,

There are two rights under your current rental agreement that expire at the end of this year and we do not yet have an application for renewal for them. That could change at any time. Continuing rental of the rest of the rights you rented in 2020-2021, plus a possible addition, you could apply for 2022 of 398.21 acre-feet for 398.21 for 113.76 acres. I'm attaching the spreadsheet with the calculations. Please note, although I did not see any issues with the additional rights I offer in the spreadsheet through a cursory review, they have never been rented so they may or may not be rentable after an in-depth review under rental application.

You are welcome to track Current Lease and Rental Applications (bottom of webpage), as well as look at the active contracts of current Water Right Leases (right side of webpage) though the provided links on the [resources page](#) of the Water Supply Bank on our page. It may be beneficial to you to secure the water rights available through 2023 under a separate rental agreement that could be used independently, regardless of future supplemental rentals.

Best,
Mary

Mary Condon
Water Supply Bank Specialist



IDAHO DEPARTMENT OF
WATER RESOURCES

Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.

From: Dan Brown <danbrown@sunvalley.net>
Sent: Saturday, October 2, 2021 2:23 PM
To: Bank <Bank@idwr.idaho.gov>
Subject: RE: 2022 water rental

I was just informed that Justin Ferguson is no longer with your agency. Please see emails below from prior conversations and respond to my inquiry. I am looking for water rights for year 2022 of 5 CFS of 1883 or better.

Dan Brown

From: [Dan Brown](#)
Sent: Saturday, October 2, 2021 2:10 PM
To: [Ferguson, Justin](#)
Subject: RE: 2022 water rental

Justin,

As per the email below, I am inquiring if the water rights you mentioned (37-22311, 37-22316 & 37-22321) will be available for 2022 to rent?

If so, would we need this water in addition to the 1883 water we rented this year or in lieu of to fulfill our needs (our desired rate of 5 CFS)?

Please advise if an application should be filed at this time or should we wait for a later date?

I look forward to your response.

Thanks,
Dan Brown

From: [Ferguson, Justin](#)
Sent: Tuesday, April 20, 2021 8:49 AM
To: [Dan Brown](#)
Subject: RE: 2021 water application

Morning! Sorry I missed your call, been having trouble with my voicemail lately. I have started working on your application and I think we may have enough to fill the whole volume of 1883 water rights that you're looking for. As soon as I have a better idea of the total cost I can send over a quick email.

That said, I have also found a set of water rights specifically that I think you may be able to rent next year through 2023 to fill up some of that additional acreage. It's been entirely rented for this season but it looks like all the agreements have been for a single year only. The water right numbers are 37-22311, 37-22316 & 37-22321, they share some combined limits and may not fill the entire volume but should get close.

As soon as I have more information and a better idea of both the price and amount we can authorize I can let you know, I am aiming for the end of this week/early next week as soon as some of our lease contracts are finalized

Justin

From: Dan Brown [<mailto:danbrown@sunvalley.net>]
Sent: Saturday, March 27, 2021 11:09 AM
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Subject: 2021 water application

Justin-

Attached is the application for water rental for 2021 (original mailed). Please use last year's place of use map and adjust acreage. Information remains the same as last year's application with the exception the desired rental duration is now one year. This application is for request for rental water in addition to last year's agreement. However, I do not know if we should cancel last year's rental as it does not fill our needs. My prior email explained my request for 1883 water OR older. From your response, I understand that water older than 1883 is not available in the amount that would fulfill our need, but you did not clarify whether or not there may be 1883 water available to suit our needs. Please respond with best options to reach our needs. Prior to agreement, we would like to know final costs. If there are additional documents needed, please refer to our prior application. Please contact me with any questions or concerns.

Thank you,
Dan Brown

Sent from [Mail](#) for Windows 10