

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 11 2022

DEPT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 622

This is to certify that:

HIDDEN VALLEY ORGANIC LLC  
C/O PERRY VAN TASSELL  
1642W 1100N  
PAUL, ID 83347

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) |
|-------------------------------|---------------|--------------|----------------------|-----------------------|--------------|------------------------|-------------------------|
| 36-16178                      | 11/25/1977    | GROUND WATER | 0.26                 | 52.0                  | 13.0         | 0.020                  | 4.0                     |
| 36-7510                       | 11/7/1974     | GROUND WATER | 0.47                 | 94.0                  | 23.5         | 0.020                  | 4.0                     |
| 36-17152                      | 11/7/1974     | GROUND WATER | 0.63                 | 126                   | 31.5         | 0.020                  | 4.0                     |
| 45-11969                      | 6/1/1939      | GROUND WATER | 0.86                 | 297                   | 74.3         | 0.012                  | 4.0                     |
| 1-10443                       | 3/15/1961     | SNAKE RIVER  | 0.86                 | 297                   | 74.3         | 0.012                  | 4.0                     |
| <b>Combined Limit Totals</b>  |               |              | <b>0.86</b>          | <b>297</b>            | <b>74.3</b>  | <b>0.012</b>           | <b>4.0</b>              |
| <b>Combined Totals</b>        |               |              | <b>2.22</b>          | <b>569</b>            | <b>142.3</b> | <b>0.016</b>           | <b>4.0</b>              |
| 36-4179                       | 8/9/1959      | GROUND WATER | 0.39                 | 155                   |              |                        |                         |
| <b>Combined Rental Totals</b> |               |              | <b>2.61</b>          | <b>724</b>            |              |                        |                         |

**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: \$14,474.00 annually  
2023 - 2025: \$16,645.10 annually

The full fee for the rental of the above-described right(s) is \$14,474.00 per year for 2022 and \$16,645.10 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$1,447.40 per year for 2022 and \$1,664.51 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.

**Total Water Use Authorized Under Rental Agreement**

| Beneficial Use        | Diversion Rate (CFS) | Diversion Volume (AF) |
|-----------------------|----------------------|-----------------------|
| MITIGATION BY NON-USE | 2.61                 | 581                   |
| <b>Combined Total</b> | <b>2.61</b>          | <b>581</b>            |

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 622**

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:

Perry Van Tassell 5/9/2022  
Signature of Renter Date

Perry Van Tassell 5/9/2022  
Printed Name Title

\*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By Brian Patton 5/12/22  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Rental approved by IDWR HP 5/12/22  
Date

IDAHO DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 622**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SESW              Sec. 27, Twp 07S, Rge 21E                      LINCOLN County

**BENEFICIAL USE**

MITIGATION BY NON-USE

**DIVERSION RATE**

2.61 CFS

**VOLUME**

581 AF

**SEASON OF USE**

| Water Right No. | From | To    |
|-----------------|------|-------|
| 45-11969        | 3/15 | 11/15 |
| 1-10443         | 3/15 | 11/15 |
| 36-16178        | 4/1  | 10/31 |
| 36-4179         | 1/1  | 12/31 |
| 36-7510         | 3/15 | 11/15 |
| 36-17152        | 3/15 | 11/15 |

**RENTERS PLACE OF USE: MITIGATION BY NON-USE**

| 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 | 21E | 27  | X  | X  | X  | X  | X  | X  | X  | X  | X  | X  |    | X  | X  | X  | X  | X  | X      |

**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 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 rental is within District 130.
10. This rental does not authorize the construction of a well.

STATE OF IDAHO  
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**WATER SUPPLY BANK RENTAL AGREEMENT No. 622**

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. 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.

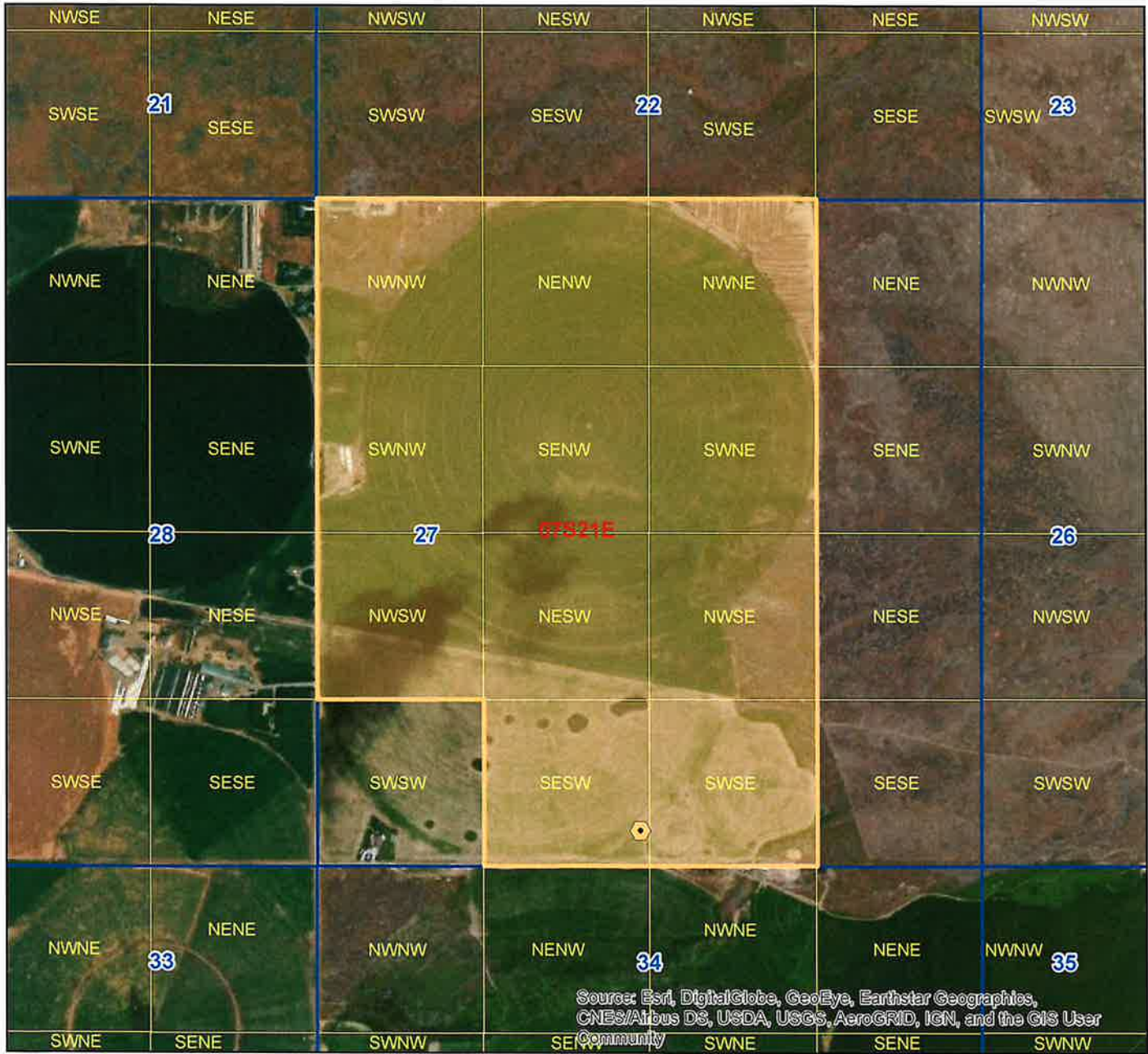


IDAHO DEPARTMENT OF  
**WATER RESOURCES**

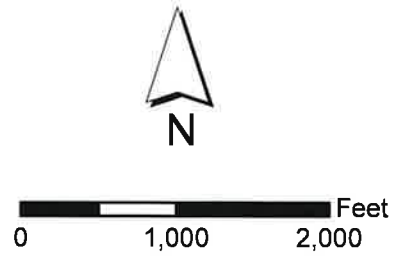
Idaho Water Resource Board  
Attachment to Water Supply Bank Rental Agreement No. 622

Effective until December 31, 2025

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



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



STATE OF IDAHO  
WATER RESOURCE BOARDAPPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED  
NOV 01 2021Applicant Name: Hidden Valley Organic LLC

Department of Water Resources

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](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)

2186

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant Hidden Valley Organic LLC

Mailing Address 1642W 1100N Paul Idaho 83347  
Street City State Zip Code  
Email Address perrydvt@gmail.com Phone Number 208-312-1620

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☒  
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative \_\_\_\_\_ Professional Title \_\_\_\_\_  
Organization \_\_\_\_\_ Relationship to Applicant \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Email Address \_\_\_\_\_ Phone Number \_\_\_\_\_

**2. MAP**

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

**3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER**

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

For Mitigation Water

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| CFS                                 | 3500 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<br>(month/day/year) | Latest Possible Start Date<br>(month/day/year) | *Mark Desired Rental Duration<br>(Calendar Years) |                            |                            |                            |                                       | **Applicant's preference if rental application cannot be processed prior to the latest possible start? |                                                          |
|----------------------------------------|------------------------------------------------|---------------------------------------------------|----------------------------|----------------------------|----------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 4/1/2022                               | 10/30/2022                                     | <input checked="" type="checkbox"/> 1             | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> Process application as soon as possible                            | <input type="checkbox"/> 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):

All of the water rights we have POD's are interconnected so rental water may be pumped from any or all PODS.

- 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 |
|-----------------|--------------|-------------------------------------------|
| Pump            | Deep Well    | 36-4238,36-2437,36-2569,36-7966,36-7512   |
| Pump            | Deep Well    | 36-7784B,36-7010,36-2351,36-7784A,36-2387 |
| Pump            | Deep Well    | 36-8528,36-7016,36-2382,36-10174          |
|                 |              |                                           |

*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 3500AF (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:

36-2438,36-2437,36-2569,36-7966,36-7512,36-7784B,36-7010,36-2351,36-7784A,36-2387,36-8528,36-7016,36-2382,36-10174. We are using the water for acers with out a water right.

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<br>(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) |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |               |                      |             |            |                                                                                                                                |                                  |             |            |
| 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**:

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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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**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:

We are requesting mitigation water to cover the overage we acquire do to curtilment of water right through are  
irrigation district.

- 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

Perry Van Tassell  
Printed Name of Applicant

10/30/2021  
Date

Signature of Representative

Printed Name of Representative

Date

**Mail to:**

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

MAGIC VALLEY GROUNDWATER DISTRICT  
2020 Measurement Report  
Summary Sheet

AFTON VAN TASSELL

| Water Rights              |                |               |      | Points of Diversion |              |            |  |
|---------------------------|----------------|---------------|------|---------------------|--------------|------------|--|
| Owner                     | Water Right #  | Priority Date | Tier | Acres/Rt            | Tier Allowed | Combined   |  |
|                           |                |               |      |                     | AF           | Acre Limit |  |
| AFTON VAN TASSELL         | 36-2438        | 7/29/1960     | 2    | 191                 | 334.3        |            |  |
| AFTON VAN TASSELL         | 36-2437        | 7/6/1960      | 2    | 175                 | 306.3        |            |  |
| AFTON VAN TASSELL         | 36-2569        | 4/3/1963      | 2    | 45                  | 78.8         | 837        |  |
| AFTON VAN TASSELL         | 36-7966        | 2/23/1981     | 3    | 114                 | 182.4        |            |  |
| GAIL VAN TASSELL          | 36-7512        | 11/25/1974    | 3    | 312                 | 499.2        |            |  |
| PERRY VAN TASSELL         | 36-7784B       | 3/17/1978     | 3    | 23                  | 36.8         | 305        |  |
| PERRY VAN TASSELL         | 36-7010        | 9/28/1967     | 2    | 282                 | 493.5        |            |  |
| PERRY VAN TASSELL         | 36-2351        | 5/1/1958      | 2    | 250                 | 437.5        | 250        |  |
| PERRY VAN TASSELL         | 36-7784A       | 3/17/1978     | 3    | 272                 | 435.2        | 272        |  |
| PERRY VAN TASSELL         | 36-2387        | 5/18/1959     | 2    | 65                  | 113.8        | 65         |  |
| HIDDEN VALLEY LAND CO LLC | 36-8528        | 3/16/1990     | 3    | 54                  | 85.6         | 53.5       |  |
| HIDDEN VALLEY LAND CO LLC | 36-7016        | 2/27/1968     | 2    | 40                  | 70.0         |            |  |
| HIDDEN VALLEY LAND CO LLC | 36-2382        | 4/28/1959     | 2    | 285                 | 498.8        | 377        |  |
| HIDDEN VALLEY LAND CO LLC | 36-10174       | 3/15/1968     | 3    | 52                  | 83.2         |            |  |
| WATER BANK                | 36-16839 (WB2) | 6/23/1952     | 1    | 10                  | 19.9         | 11.3       |  |
| WATER BANK                | 36-16140 (WB2) | 3/15/1974     | 3    | 1                   | 1.3          |            |  |
| WATER BANK                | 36-16458 (WB2) | 9/23/1965     | 2    | 7                   | 11.9         |            |  |
| WATER BANK                | 36-16460 (WB2) | 2/15/1974     | 3    | 25                  | 40.6         |            |  |
| WATER BANK                | 36-7510 (WB2)  | 11/7/1974     | 3    | 19                  | 30.1         |            |  |
| WATER BANK                | 36-17152 (WB2) | 11/7/1974     | 3    | 25                  | 40.3         |            |  |
| WATER BANK                | 36-16148 (WB2) | 6/23/1952     | 1    | 4                   | 6.8          |            |  |
| WATER BANK                | 36-16702 (WB2) | 3/13/1981     | 3    | 19                  | 29.8         |            |  |
| WATER BANK                | 36-8418 (WB2)  | 3/16/1989     | 3    | 17                  | 27.8         |            |  |
| WATER BANK                | 36-16178 (WB2) | 11/25/1977    | 3    | 13                  | 20.8         |            |  |
| WATER BANK                | 36-7515 (WB2)  | 12/12/1974    | 3    | 8                   | 12.8         |            |  |
| WATER BANK                | 36-16920 (WB2) | 8/22/1961     | 2    | 2                   | 4.0          |            |  |
| WATER BANK                | 36-8662 (WB2)  | 5/26/1992     | 3    | 9                   | 14.4         |            |  |
| Totals:                   |                |               |      | 2318.9              | 3916.8       | 2170.8     |  |

\* Used PCC. Meter did not totalize all year

Mitigation Payments: -1136.8  
Totals: 3655.1 3638.7 -1534.6 3934.3

MAGIC VALLEY GROUNDWATER DISTRICT

2020 Measurement Report

Summary Sheet

| Total WR<br>Acres | Yearly<br>2020  |                | 2020 Over/<br>Under | Cumulative Over/<br>Under | 2021 Usage<br>Target |
|-------------------|-----------------|----------------|---------------------|---------------------------|----------------------|
|                   | Allowed<br>(AF) | Pumped<br>(AF) |                     |                           |                      |
| 2318.9            | 3915.8          | 5468.9         | -18.5               | 0.0                       | 4176.3               |



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

May 16, 2022

HIDDEN VALLEY ORGANICS INC  
C/O PERRY VAN TASSELL  
1642 W 1100 N  
PAUL, ID 83347

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 36-16178, 36-7510, 36-17152, 45-11969, 1-10443 & 36-4179  
AGREEMENT 622**

Dear Renter:

Please find enclosed a receipt in the amount of **\$14,474.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 724 acre-feet of water for mitigation by non-use 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 \$13,026.60 of the rental fee will be paid to the lessor(s) and 10% or \$1,447.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosures: Receipt No. C112747  
Rental Agreement (copy)

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



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

May 5, 2022

HIDDEN VALLEY ORGANICS INC  
C/O PERRY VAN TASSELL  
1642 W 1100 N  
PAUL, ID 83347

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 36-16178, 36-7510, 36-17152, 45-11969, 1-10443 & 36-4179  
AGREEMENT 622**

**\*\*\*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 \$14,474.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 724 acre-feet.

**Please send a check for \$14,474.00 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 \$13,026.60 of the rental fee will be paid to the lessor(s) and 10% or \$1,447.40 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](mailto:bank@idwr.idaho.gov) or (208) 287-4800.

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosure

## MEMORANDUM

DATE: 5/4/22  
TO: WSB Rental Application No. 2186  
FROM: Phill Hummer (Water Rights Supervisor)  
RE: Available Volume and Nature of Use Change

---

Hidden Valley Organic LLC filed application to rent water from the boards water supply bank on November 1, 2021 requesting to dedicate leased water to non-use. The water rights identified by water supply bank staff available to satisfy this rental authorize the use of water for irrigation and industrial purposes. Dedicating this water to non-use constitutes a nature of use change.

Transfer Processing Memo No. 24 provides IDWR's current policy for evaluating the potential enlargement of a proposed permanent change to a water right. The policies described in memo no. 24 are applied to applications to rent water from the Board's bank because the approval criteria for application to rent water pursuant to Idaho Code § 42-1763 mirror the criteria for transfer applications (Idaho Code § 42-222) and the approval of a rental from the water supply bank may be a substitute for the transfer requirements (Idaho Code § 42-1764). Memo no. 24 states, "For an application for transfer seeking to change the nature or purpose of use... the historic extent of beneficial use under the right must not be enlarged." And "The highest-year historic consumptive use, except for supplemental rights, will be the basis for the annual volume of consumptive use available for transfer." Following the policies detailed in Memo No. 24, only the amount of water consumptively use is available to rent and an enlargement will likely not occur if the rental is limited to that amount.

Water rights no. 36-4179, 36-7510, 36-17152, 36-16178, and 45-11969 (and stacked water right 1-10443) were identified for the application. The leased portions dedicated to the rental, nature of use, and amount of available water under a nature of use change, of each right is identified in the following table:

| Water Right No. | Nature of Use | Leased Vol (af) | Consumptive Use (af) |
|-----------------|---------------|-----------------|----------------------|
| 36-4179         | Industrial    | 154.5           | 154.5                |
| 36-7510         | Irrigation    | 94.0            | 70.5                 |
| 36-16178        | Irrigation    | 52.0            | 39                   |
| 36-17152        | Irrigation    | 126.0           | 94.5                 |
| 45-11969        | Irrigation    | 297.2           | 222.9                |
| Total           |               | 723.7           | 581.4                |

To ensure an enlargement of the historic consumptive use does not occur under the rental the irrigation water rights will be reduced to the standard consumptive use amount based on the place of use, which is 3 af/ac for each of these rights. Water right no. 36-4179 authorizes the use of water for industrial purposes. Review of the history of the right reveals water beneficially used under this right was historically fully consumptive, therefore the volume available for rent under this right is not reduced.

**AUTHORITY TO FILE:** The application was submitted by Mr. Van Tassell on behalf of HVO. Per Secretary of State (SOS) filings, Mr. Van Tassell is a member and registered agent of HVO. Mr. Van Tassell is also listed as a member of the HVLC on filings with the Idaho SOS. No concerns about authority to file. HVO is not a contact in IDWR's contact system, so this rental will be with HVO, care of, Perry Van Tassell.

**WATER RIGHT VALIDITY:** The water rights requested are valid and available for rental.

**INJURY TO OTHER WATER RIGHTS:** No water will be diverted under this rental. No injury is foreseeable through this rental.

**ENLARGEMENT OF USE:** Mitigation by non-use is not the authorized use of water under the water rights being rented. As such, consideration of the consumptive use of water under both the water rights being rented, as well as under the mitigation by non-use activity, is necessary to ensure no enlargement occurs through the rental.

Water right 36-4179 is a fully consumptive industrial water right, while water rights 36-7510, 16178 and 17152, and 45-11969 are irrigation water rights that authorize a consumptive use duty of water of 3 afa/ac.

There is no diversion of water associated with this rental and therefore, no consumptive use of water will occur. Therefore, no enlargement is foreseeable and the full diversion volumes rentable from the Bank under these water rights have been allocated to the mitigation by non-use requested under this rental. The consumptive use volume associated with the water rights being rented is 581.4 af, per the table on the preceding page.

Finally, ESPA ground water right 45-11969 is combined limited with Snake River surface water right 1-10443. Water right 45-11969 is actually the senior water right, and water right 1-10443 exists within the larger place of use for water right 45-11969. To avoid enlargement in water use, equal-sized portions of water rights 1-10443 and 45-11969 will be allocated to this rental, though the Snake River water right will contribute no additional water use authorization under the rental.

**LOCAL PUBLIC INTEREST:** Staff are not aware of any information that indicates this rental is contrary to or inconsistent with any local public interests. The MVGWD may have concerns about Mr. Van Tassell's rental of ESPA water rights that are not specific to the boundaries of the MVGWD. However, that is a private matter between Mr. Van Tassell and the MVGWD.

**BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:** Mitigation by non-use 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 4/26/2022.

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

## Buyer, Remington

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**From:** Buyer, Remington  
**Sent:** Tuesday, April 26, 2022 12:57 PM  
**To:** Skinner, Corey; Ragan, Brian  
**Cc:** Bank  
**Subject:** WSB Rental Application 2186 - Hidden Valley Organic  
**Attachments:** Correspondence from Water Well Consultants.pdf; Draft - Rental Agreement 622.docx; Rental Map - Agreement 622.pdf; Rental Review Memo Application 2186.docx

Brian, Corey,

The Bank has received a 2022 request from Hidden Valley Organic (HVO), submitted by Perry Van Tassell, for a mitigation by non-use rental of a number of ESPA ground water rights.

Mr. Van Tassell is a member of the Magic Valley Ground Water District (MVGWD) and the district has requested he reduce annual diversions of GW under some of his ESPA GW rights by as much as 776.4 af (specific to GW rights 36-2382, 7016, 10174 and 8528).

The attached memo, map and draft rental agreement outline specifics of a rental approval I have recommended for Mr. Van Tassell, to authorize a mitigation by non-use rental of 723.7 af for 2022-2025. On behalf of WD 130 and IDWR Southern, could you advise if you have any questions, comments or concerns about this rental?

Thank you,

Remington

## Buyer, Remington

---

**From:** Buyer, Remington  
**Sent:** Monday, April 25, 2022 3:20 PM  
**To:** Bank  
**Subject:** FW: Water Rights 36-2382, 7016, 8528 and 10174

**From:** Ryan Shurtliff <[ryan@waterwellconsultants.com](mailto:ryan@waterwellconsultants.com)>  
**Sent:** Monday, April 25, 2022 2:00 PM  
**To:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>  
**Subject:** RE: Water Rights 36-2382, 7016, 8528 and 10174

Hi Remington,

This is Ryan Shurtliff. Here is my understanding of these water rights.  
36-8528  
36-7016  
36-2382  
36-10174

I am seeing 2 limits. 36-8528, 36-7016, & 36-2382 combined for 378.5 Acres. Or 36-7016, 36-2382, & 36-10174 combined for 377 Acres. So no matter which way you look at it, in total the 4 are allowed 430.5 acres. Based on magic valleys reduction plan he is only allowed 737.6 AF per year for these water rights.

The ground water district has been in talks to not allow water bank water to be rented from the water bank if it is coming from outside the ground water district. Magic valley has the lowest tiers of any ground water district. And so people renting water from another district that allows them to use 2.2 ft/acre is giving some board members pause. Just so you are aware, if the water rights are coming from outside the district, the board may want to protest or not allow them to receive an allocation for that water (if it's outside magic valley). That hasn't been ratified yet. But just wanted you to be aware that it might be in the future.

Thanks,

-Ryan

**From:** Jaxon Higgs <[jaxon@waterwellconsultants.com](mailto:jaxon@waterwellconsultants.com)>  
**Sent:** Monday, April 25, 2022 11:33 AM  
**To:** Ryan Shurtliff <[ryan@waterwellconsultants.com](mailto:ryan@waterwellconsultants.com)>  
**Subject:** FW: Water Rights 36-2382, 7016, 8528 and 10174

**From:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>  
**Sent:** Thursday, April 21, 2022 2:39 PM  
**To:** Perry Van Tassel <[perrydvt@gmail.com](mailto:perrydvt@gmail.com)>; Jaxon Higgs <[jaxon@waterwellconsultants.com](mailto:jaxon@waterwellconsultants.com)>  
**Cc:** Bank <[Bank@idwr.idaho.gov](mailto:Bank@idwr.idaho.gov)>  
**Subject:** Water Rights 36-2382, 7016, 8528 and 10174

Perry, Jaxon,

The Water Supply Bank has reviewed Hidden Valley Land Company LLC's (HVLC's) request to rent ESPA ground water rights from the Water Supply Bank in 2022 (application 2186), for purposes of authorizing a mitigation by non-use in association with/for water rights 36-2382, 7016, 8528 and 10174, located on land owned by HVLC and Mr. Van Tassell.

I have a few questions for you both:

1. What is the requested diversion volume reduction (for mitigation purposes) required under water rights 36-2382, 7016, 8528 and 10174 by the Magic Valley Ground Water District (MVGWD) for calendar year 2022?
2. It appears the 2020 Measurement Report from the MVGWD calculated that these four water rights might authorize the irrigation of 430.5 acres (377+53.5 acres), however it appears to me that they are combined limited to a maximum of 378.5 acres. Is that your understanding as well?

I have made a preliminary recommendation that application 2186 be approved as agreement 622, for the period of 2022-2025, authorizing an annual rental volume of 746.5 af for mitigation by non-use purposes. However, I wanted to get confirmation on the above two questions prior to finalizing the rental review. Please confirm for me whether the mitigation obligation is more, less, or equal to 746.5 af in 2022.

Thank you,

**Remington Buyer**

Project Manager

Idaho Department of Water Resources

322 East Front Street, Boise, ID, 83720

T: (208) 287-4918 | F: (208) 287-6700



0004594189

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004594189

Date Filed: 2/3/2022 4:14:38 PM

## Entity Name and Mailing Address:

## Entity Name:

HIDDEN VALLEY ORGANIC, L.L.C.

The file number of this entity on the records of the Idaho Secretary of State is:

0000156859

## Address

PO BOX 608  
BURLEY, ID 83318-0608

## Entity Details:

## Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:

W48365

## The registered agent on record is:

## Registered Agent

PERRY VAN TASSELL

Registered Agent

Physical Address

1115 N 1650 W  
PAUL, ID 83347

Mailing Address

## Limited Liability Company Managers and Members

| Name                      | Title  | Business Address                |
|---------------------------|--------|---------------------------------|
| PERRY VAN TASSELL         | Member | 1115 N 1650 W<br>PAUL, ID 83347 |
| AFTON VAN TASSELL         | Member | 1115 N 1650 W<br>PAUL, ID 83347 |
| HIDDEN VALLEY ENTERPRISES | Member | 1115 N 1650 W<br>PAUL, ID 83347 |

The annual report must be signed by an authorized signer of the entity.

Job Title: member

*Perry Van Tassell*

Sign Here

*02/03/2022*

Date

B0680-6382 02/03/2022 4:14 PM Received by ID Secretary of State Lawrence Denney

## Condon, Mary

---

**From:** Buyer, Remington  
**Sent:** Monday, November 1, 2021 9:54 AM  
**To:** Perry Van Tassel; Bank  
**Subject:** FW: Water Lease  
**Attachments:** 2021\_10\_30\_09\_55\_19.pdf

Morning Perry,

Thanks for submitting a new mitigation by non-use rental request. I'm forwarding this application to the Water Supply Bank email address ([Bank@idwr.idaho.gov](mailto:Bank@idwr.idaho.gov)) and it will soon be assigned a rental application number. Also, please know, I am no longer coordinating the Water Supply Bank at IDWR, so you can expect other IDWR staff to follow up with you on this rental.

Because this is a mitigation by non-use rental, we do not need ESPA ground water modeling for the rental. However, we do require evidence of an ongoing mitigation obligation. Please forward to [Bank@idwr.idaho.gov](mailto:Bank@idwr.idaho.gov) a copy of your 2021 ground water district assessment so we can validate your 2022 and ongoing average ground water reduction obligation.

Regards,

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

**From:** Perry Van Tassel <perrydvt@gmail.com>  
**Sent:** Saturday, October 30, 2021 10:06 AM  
**To:** Buyer, Remington <Remington.Buyer@idwr.idaho.gov>  
**Subject:** Water Lease

Hi Remington:

I have emailed you this application for water for the 2022 growing season. I marked the boxes for years desires 1&5. I would like to have a long term lease but also understand that water may only be available for one year. I am willing to take as much and as long term as available. Through our water district I am able to use 45-50% of the water I rent do to the same curtailment on water rights. Please let me know if you need any other information.

Thanks!

Perry Van Tassell



0004304513

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004304513

Date Filed: 6/3/2021 5:00:38 PM

## Entity Name and Mailing Address:

Entity Name:

HIDDEN VALLEY LAND CO., LLC

The file number of this entity on the records of the Idaho Secretary of State is:

0000202578

Address

PO BOX 608  
BURLEY, ID 83318-0608

## Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:

W63837

## The registered agent on record is:

Registered Agent

TODD PHILLIPS  
Registered Agent

Physical Address

1710 OVERLAND AVE  
BURLEY, ID 83318

Mailing Address

## Limited Liability Company Managers and Members

| Name                      | Title  | Business Address                |
|---------------------------|--------|---------------------------------|
| AFTON VAN TASSELL         | Member | 1115 N 1650 W<br>PAUL, ID 83347 |
| HIDDEN VALLEY ENTERPRISES | Member | 1115 N 1650 W<br>PAUL, ID 83347 |

The annual report must be signed by an authorized signer of the entity.

Job Title: MEMBER

*Perry Van Tassell*

Sign Here

*06/03/2021*

Date

B0616-4011 06/03/2021 5:00 PM Received by ID Secretary of State Lawrence Denney