

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 423

RECEIVED

MAY 18 2020

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

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)
29-14015	2/28/1977	GROUND WATER	0.33	77.9	22.3	0.02	3.5
Combined Rental Totals			0.33	77.9	22.3	0.02	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until October 31, 2023. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2020, whichever occurs last.

Annual Rental Fee:

2020 - 2022: \$1,558.00 annually
2023: \$1,791.70 annually

The full fee for the rental of the above-described right(s) is \$1,558.00 per year for years 2020 - 2022 and \$1,791.70 for 2023. The rental fee includes an administrative fee of \$155.80 per year for years 2020 - 2022 and \$179.17 for 2023.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.33	77.9	19.5	0.02	4.0
Combined Total	0.33	77.9	19.5	0.02	4.0

* The authorized water usage reflects a reduction from the water right elements rented, to account for a field headgate standard of 4.0 acre-feet per acre

Detailed water right conditions are attached.

SCANNED
JUL 08 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 423

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:

Thayne J. Driscoll
Signature of Renter

5-12-2020
Date

Thayne J Driscoll
Printed Name

Partner/owner
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 7-1-20

Rental approved by IDWR [Signature]

Date 7-1-20

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JUL 19 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 423

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec. 25, Twp 07S, Rge 29E, POWER County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.33 CFS

VOLUME
77.9 AF

SEASON OF USE

From To
4/1 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	
07S	29E	25															3.0	3.3	6.3
07S	29E	36	0.5	0.5	10.9	1.3													13.2

Total Acres: 19.5

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. Use of water under this 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 agreement, this water rental is within State Water District No. 120.

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JUL 09 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 423

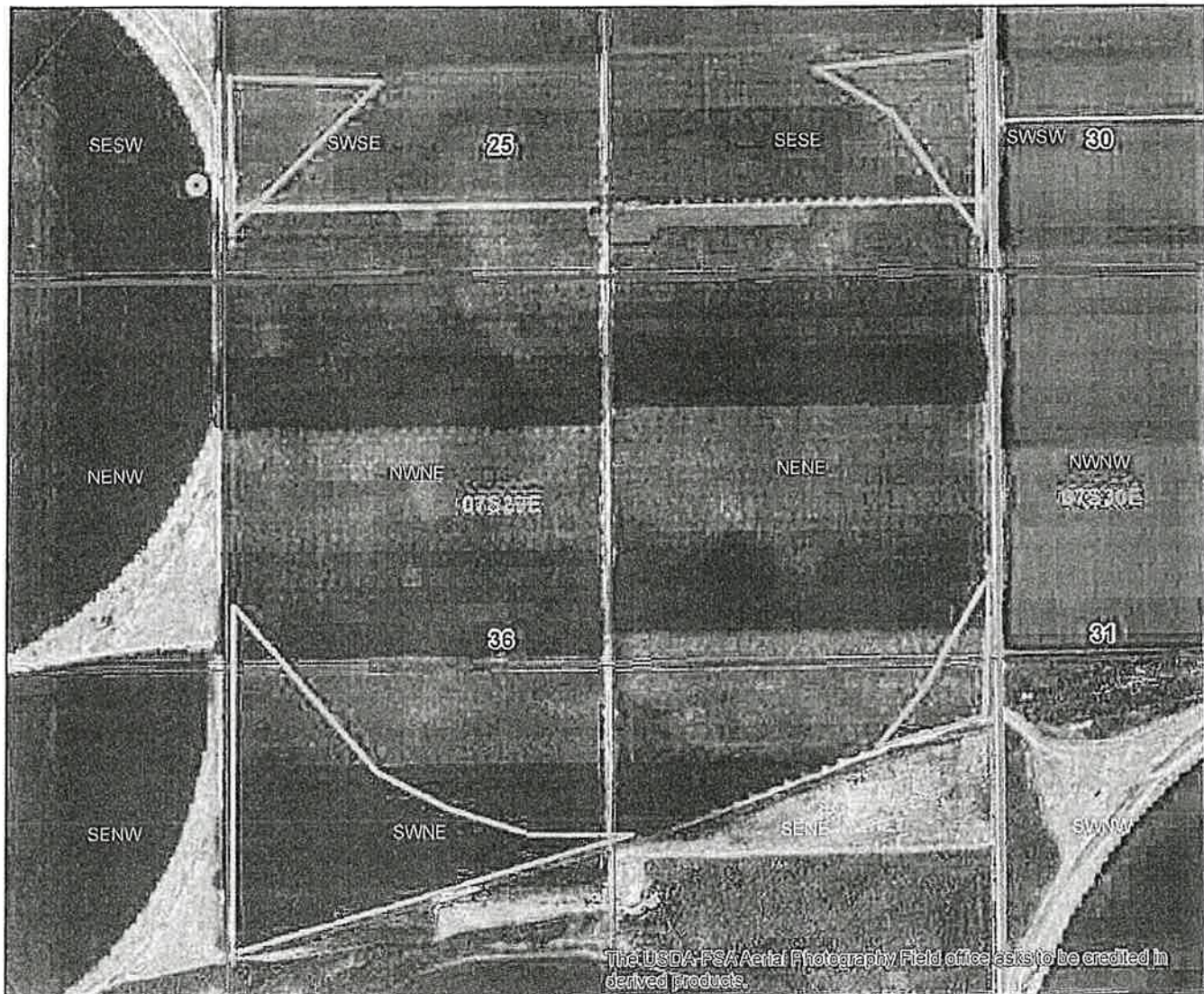
11. Upon specific notification of the Department, the renter shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
12. Prior to the diversion and use of water under this rental agreement, the renter shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
13. 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.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
15. This rental agreement does not authorize the construction of a well.

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JUL 09 2020
Page 4 of 4

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 423

Effective until December 31, 2023

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



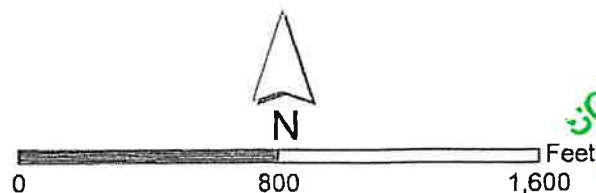
⊙ Authorized Rental Point of Diversion

▨ Authorized Rental Place of Use

▭ Township/Range

▭ Sections

▭ QQ



SCANNED
JUL 19 2023



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

July 9, 2020

GARY SPACKMAN
Director

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO ID 83201-3300

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-14015, AGREEMENT 423, 424**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,270.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental 423 of 77.9 acre-feet of water for irrigation of 19.5 acres and rental 424 of 35.6 acre-feet of water for irrigation of 8.9 acres. 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 for rental 423, 90% or \$1,402.20 of the rental fee will be paid to the lessor(s) and 10% or \$155.80 will be retained by the Department to offset administrative costs.

Pursuant to the Water Supply Bank Rules for rental 424, 90% or \$640.80 of the rental fee will be paid to the lessor(s) and 10% or \$71.20 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,

Angela Johnson-Vahell
for Water Supply Bank

Enclosures: Receipt No. C108776
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Blake Jordan – State Water District No. 120
Greg Sullivan – Brockway Engineering

SCANNED
JUL 09 2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 9, 2020

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO ID 83201-3300

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-14015, AGREEMENT 423, 424**

Dear Renter:

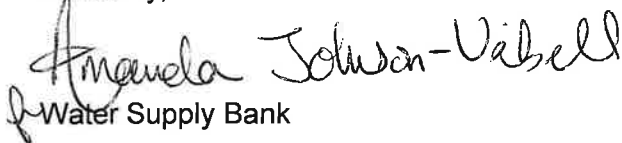
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Pursuant to the Water Supply Bank Rules for rental 424, 90% or \$640.80 of the rental fee will be paid to the lessor(s) and 10% or \$71.20 will be retained by the Department to offset administrative costs

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

Sincerely,


Amanda Johnson-Vahell
for Water Supply Bank

Enclosures: Receipt No. C108776
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Blake Jordan – State Water District No. 120
Greg Sullivan – Brockway Engineering

SCANNED
JUL 09 2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 4, 2020

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO ID 83201-3300

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 29-14015, AGREEMENT 423, 424

TIME SENSITIVE RESPONSE REQUIRED

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$1,558.00 was calculated for rental 423 based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 77.9 acre-feet. Pursuant to the Water Supply Bank Rules, 90% or \$1,402.20 of the rental fee will be paid to the lessor(s) and 10% or \$155.80 will be retained by the Department to offset administrative costs.

A rental fee of \$712.00 was calculated for rental 424 based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 35.6 acre-feet. Pursuant to the Water Supply Bank Rules, 90% or \$640.80 of the rental fee will be paid to the lessor(s) and 10% or \$71.20 will be retained by the Department to offset administrative costs

Please send a check for \$2,270.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk
Greg Sullivan – Brockway Engineering
Thomas J Budge – Racine Olsen

SCANNED
JUL 09 2020

Veibell, Amanda

From: Cefalo, James
Sent: Wednesday, April 15, 2020 8:18 AM
To: Ferguson, Justin
Subject: RE: WSB Lease/Rental Package - Isaak, Funk, Falls View, & Heritage Farms

Justin,

I don't have any concerns with the proposed WSB lease or rentals.

James

From: Ferguson, Justin
Sent: Tuesday, April 14, 2020 9:39 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Jordan, Blake <Blake.Jordan@idwr.idaho.gov>
Subject: WSB Lease/Rental Package - Isaak, Funk, Falls View, & Heritage Farms

James, Blake,

I apologize there are so many attachments! This is a lease/rental package using water right 29-14015 and thought it would be more helpful to have all the rentals proposed at once. Attached are the rental review memos for Falls View Cemetery, Lance Funk, Conrad Isaak, and two for Heritage Farms along with the lease review memo for Lamar Isaak. Please let me know if you have any comments or concerns, the Bank will assume you do not object to this application if a timely response is not received

Thank you!

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SCANNED
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To: Cefalo, James; Jordan, Blake
Subject: WSB Lease/Rental Package - Isaak, Funk, Falls View, & Heritage Farms
Attachments: Lease Review Memo.docx; Draft Lease Contract - Isaak 29-14015.docx; Lease Map - Isaak 29-14015.pdf; Rental Review Memo.docx; Draft Rental Agreement - Isaak.docx; Rental Map Isaak 29-14015.pdf; Rental Review Memo.docx; Draft Rental Agreement - Heritage Farms LLC - 19.5ac.docx; Rental Map Heritage Farms LLC.pdf; Rental Review Memo.docx; Draft Rental Agreement - Heritage Farms - 8.9 acres.docx; Rental Map Heritage Farms LLC.pdf; Rental Review Memo.docx; Draft Agreement - Lance Funk.docx; Rental Map Lance Funk.pdf; Rental Review Memo.docx; Draft Agreement - Falls View Cemetery.docx; Rental Map Falls View Cemetery.pdf

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Thank you!

Memorandum

To: Water Right 29-14015

From: Justin Ferguson

Date: April 14, 2020

Re: Water Supply Bank Rental Application 1655

Purpose/Narrative: A second application was received from Heritage Farms LLC as part of a lease/rental package on March 2, 2020. This rental, similar to application 1471, seeks to continue the irrigation of acres not covered by a water right. The place of use is adjacent to a water right held by Heritage Farms LLC however, the place of use for the water right excludes the corners of the acreage. This rental appears to have started initially in 2017 through 2018, then 2019 through 2020, and has been proposed to end in 2023. The rental term has been matched to the term requested by the lessor of the water right being used and appears to have initially started as a result of an NOV issued by the Department (E2017-1109).

Review of the prior applications indicate that the acreage being requested is the adjusted amount to provide a 4.0 af/a at the rental location. More acreage and volume are necessary to rent such that the rate and volume per acre can be adjusted higher.

Authority to File: The applications were signed by Mr. Driscoll, review of the Idaho Secretary of State information indicates Mr. Driscoll is a member of Heritage Farms LLC. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The water right being requested has been leased to the Bank and remains valid. No concerns at this time.

Injury Evaluation: No injury is apparent through this rental. The applicant has submitted Eastern Snake River Plane Aquifer (ESPA) modeling as part of the application package indicating mitigation is not necessary. The modeling has been verified using the most current version of the software and no mitigation is required based on the amounts being requested.

Enlargement of Use: No enlargement is evident through the rental, as the rental is seeking to extend the place of use for an existing water right, the rental will be matched to the same rate per acre and volume per acre. Both this rental and the water right being supplemented will be limited to 0.02 cfs/ac and 4.0 af/ac. The area is not within an irrigation district and, as such, will not receive water from another source other than this rental.

Local Public Interest: Staff are unaware of any local public interests that are averse to the rental.

Beneficial Use/Conservation of Water Resources: The rental appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Watermaster and IDWR Eastern Region comments were requested on April 14, 2020

Water Supply Bank Evaluation: Bank staff recommend the approval of this application

SCANNED
JUL 09 2020

Hersley, Jean

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, March 3, 2020 12:48 PM
To: Hersley, Jean
Subject: RE: WSB Lease Application for Conrad Isaak

Jean,

The rental years should be a total of 4 years for 2020, 2021, 2022 and 2023.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Tuesday, March 03, 2020 12:35 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: WSB Lease Application for Conrad Isaak

I am data entering the lease application for Conrad Isaak and the rental applications associated with water right 29-14015.

The lease dates are listed as 2020-2023 but all the rental dates are 2020-2024. Please let me know by responding to this email if the lease end date should be December 31, 2024. Thank you.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

Memorandum

To: Water Right 29-14015

From: Justin Ferguson

Date: March 23, 2020

Re: Water Supply Bank Rental Application 1654

Purpose/Narrative: An application was received as part of a package on behalf of Heritage Farms LLC. Review of the place of use indicates that, while Heritage Farms does hold a water right for the area, the place of use is limited to the area that could be covered by a pivot system and does not cover the corners of the area. This application is intended to continue coverage, beginning in 2017, of those areas to supplement the existing water right through the end of 2023.

Review of the prior applications indicate that the acreage being requested is the adjusted amount to provide a 4.0 af/a at the rental location. More acreage and volume are necessary to rent such that the rate and volume per acre can be adjusted higher.

Authority to File: The applications were signed by Mr. Driscoll, review of the Idaho Secretary of State information indicates Mr. Driscoll is a member of Heritage Farms LLC. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The water right being requested has been leased to the Bank and remains valid. No concerns at this time.

Injury Evaluation: No injury is apparent through this rental. The applicant is seeking to continue to irrigate the acres established under the previous rental agreements. Eastern Snake River Plane Aquifer (ESPA) modeling has been provided and verified such that there is not an impact to the aquifer. No concerns at this time.

Enlargement of Use: No enlargement is evident through this rental as it seeks to extend the irrigable area of the applicant's existing water right. The rental will be adjusted to match the existing water right which is consistent with the accepted area standards.

Local Public Interest: Staff are unaware of any local public interests that are averse to the rental.

Beneficial Use/Conservation of Water Resources: The rental appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Watermaster and IDWR Eastern Region comments were requested

Water Supply Bank Evaluation: Bank staff recommend the approval of this application

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Hersley, Jean

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Subject: RE: WSB Lease Application for Conrad Isaak

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Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

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Sent: Tuesday, March 03, 2020 12:35 PM
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Subject: WSB Lease Application for Conrad Isaak

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The lease dates are listed as 2020-2023 but all the rental dates are 2020-2024. Please let me know by responding to this email if the lease end date should be December 31, 2024. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

SCANNED
JUL 09 2020



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 02 2020

DEPARTMENT OF
WATER RESOURCES

February 27, 2020

Remington Buyer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Rental 29-14015

Dear Mr. Buyer:

Heritage Farms LLC desires to rent 19.5 acres of water right 29-14015 for the 2020, 2021, 2023 and 2024 irrigation seasons. This rental and the lease application for 29-14015 are to be processed at the same time by the Water Supply Bank.

The beneficial use and period of use of the 19.5 acres will not be changing with this rental application.

The ESPA Model analysis was used to analyze the rental and no mitigation is required for this rental.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Cc: Heritage Farms LLC, TJ Budge
Enc: Rental Application, Aerial Maps, ESPA Model Analysis

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
JUL 09 2020



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 02 2020

DEPARTMENT OF
WATER RESOURCES

February 27, 2020

Remington Buyer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Rental 29-14015

Dear Mr. Buyer:

Heritage Farms LLC desires to rent 8.9 acres of water right 29-14015 for the 2020, 2021, 2023 and 2024 irrigation seasons. This rental and the lease application for 29-14015 are to be processed at the same time by the Water Supply Bank.

The beneficial use and period of use of the 8.9 acres will not be changing with this rental application.

The ESPA Model analysis was used to analyze the rental and no mitigation is required for this rental.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Cc: Heritage Farms LLC, TJ Budge
Enc: Rental Application, Aerial Maps, ESPA Model Analysis

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506