

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 602

RECEIVED

FEB 09 2022

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

124 DEGREES LLC
2900 NICHOLS ST
SAN DIEGO, CA 92106-3425

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)
2-4013	3/15/1954	SNAKE RIVER	0.94	188	47	0.02	4.0
Combined Rental Totals			0.94	188	47	0.02	4.0

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: \$376.00

The full fee for the rental of the above-described right(s) is \$376.00 for 2022. The rental fee includes an administrative fee of \$376.00 for 2022. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 2-4013.

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 602

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:

 2/3/22
Signature of Renter Date

Brian Arrington President
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  Date 2/14/22
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR  Date 2/14/22

IDAHO DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 602

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER NENW Sec. 6, Twp 06S, Rge 09E, ELMORE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.94 CFS

VOLUME
188 AF

SEASON OF USE

Water Right No. **From** **To**
2-4013 3/15 11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	09E	31									23				24				47

Total Acres: 47

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 approval, this water right is within State Water District No. 02.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 602

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.



IDAHO DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

SEP 23 2021

DEPARTMENT OF
WATER RESOURCES

Applicant Name: 124 Degrees, LLC

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)

2-4013

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant 124 Degrees LLC

Mailing Address 2900 Nichols St. San Diego CA 92106-3425

Street City State Zip Code

Email Address brian@sdfunding.com Phone Number 619.993.4641

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 Lori Graves Professional Title Water Rights Specialist

Organization SPF Water Engineering Relationship to Applicant _____

Mailing Address 300 E Mallard Dr, Ste 350, Boise, 83706

Email Address lgraves@spfwater.com Phone Number 208-383-4140

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**:

The 47 acres are proposed for permanent use on the mainland per the accompanying transfer application.

Lease/rental applications are being submitted to allow irrigation on the mainland for the 2022 season while the transfer application is processed. The pump system will also serve amended permit 2-10516. The pump platform is currently being constructed by KHID with a spring, 2022 completion date. See 5.D. below.

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)
0.94 CFS	n/a AF	0.94 CFS	n/a AF	47 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?	
3/15/2022	n/a	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):
Snake River pump and pressurized irrigation system.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

*lg 11/23/2021

POD Description	Water Source	Other Water Rights Diverted from this POD
* T6S R9E S6 NENW	Snake River	amended permit 2-10516
		(processing complete, waiting final approval)

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 47 (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:
Ground water right 61-7569B that will used for irrigation until this rental request is approved.

AMENDED

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):

Snake River pump and pressurized irrigation system.

- 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
T5S R9E S31 SESW	Snake River	amended permit 2-10516
		(processing complete, waiting final approval)

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 47 (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:

Ground water right 61-7569B that will used for irrigation until this rental request is approved.

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)
2-4013	Irrigation	0.94	n/a	47		0.94	n/a	47
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	0.94	n/a	47
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

n/a

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☒ No ☐
If yes, describe:

The 47 acres are proposed for permanent use on the mainland per the accompanying transfer application.

Lease/rental applications are being submitted to allow irrigation on the mainland for the 2022 season while the transfer application is processed.

- 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

The existing and proposed Snake River points of diversion are located on the applicant's property. Per agreement, KHID is constructing the pump platform that will be used for the rental water and amended permit 2-10516. The applicant's pump and KHID pump(s) that share the platform will be separate.

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

124 Degrees LLC
Brian Arrington
Printed Name of Applicant

9/17/21
Date

Signature of Representative

Printed Name of Representative

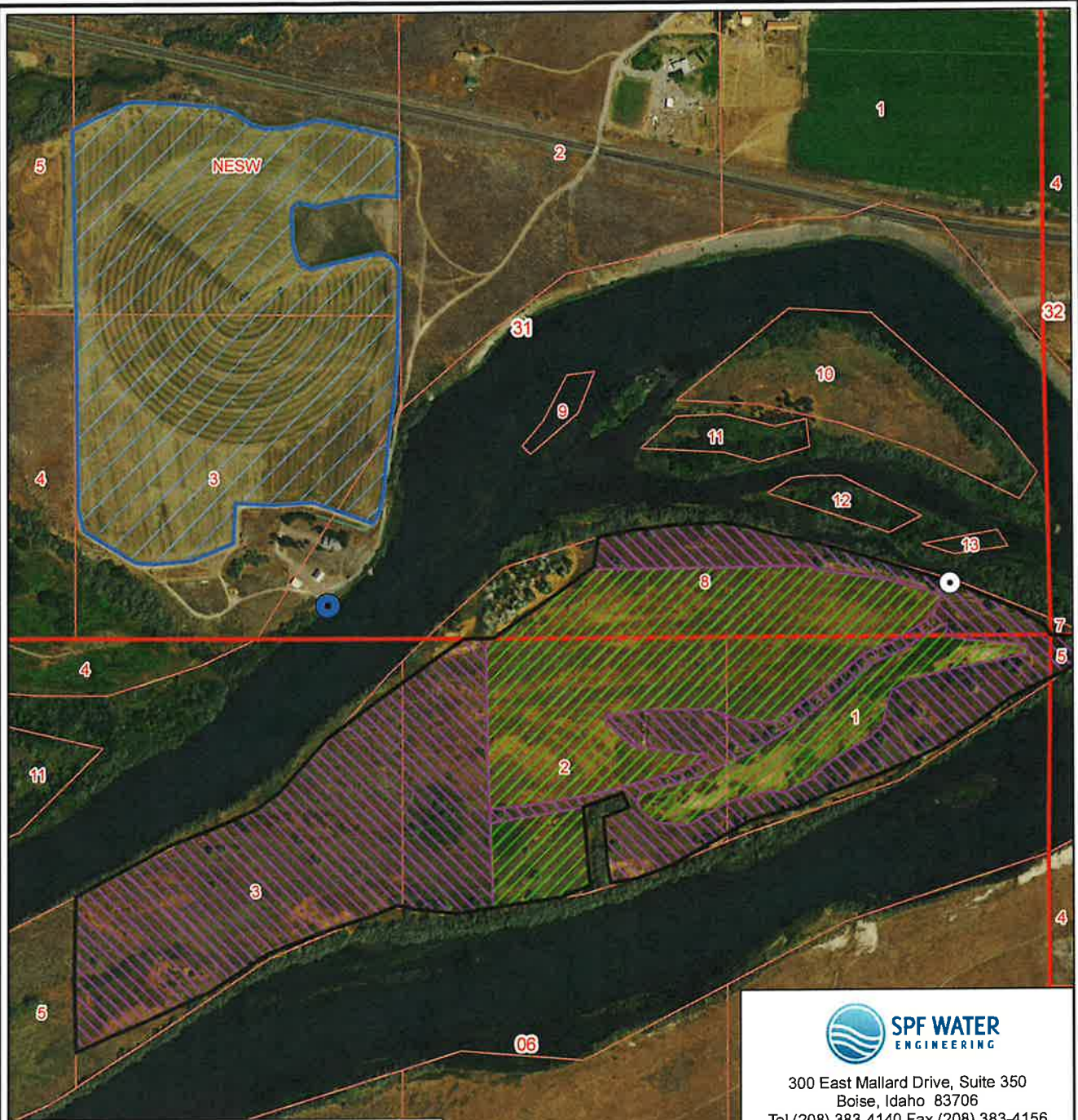
Date

Mail to:

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

AMENDED





Legend

-  2-4013 point of diversion
-  2-4013 place of use - 81 acres
-  Irrigation for lease - 47 acres
-  Remaining irrigation - 34 acres
-  Rental water point of diversion
-  Rental water place of use - 47 acres



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

WB Lease/Rental Applications

124 Degrees LLC

DATE: 9/14/2021

CREATOR: Igraves

PROJECT: 1531.0010



Absolute Scale: 1:6,949

0 500 1,000 Feet



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

February 15, 2022

124 DEGREES LLC
2099 NICHOLS ST
SAN DIEGO, CA 92106-3425

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-4013 AGREEMENT 602**

Dear Renter:

Please find enclosed a receipt in the amount of **\$376.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 188 acre-feet of water for irrigation of 47 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.

Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$376.00**

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. C111921
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Lori Graves

Amanda,

RECEIVED
FEB 09 2022
DEPARTMENT OF
WATER RESOURCES

Signed agreement attached.

Payment is being sent directly from
my on-line banking at Nevada
State Bank.

Thank you,

Brian Arrington

619 993 4644



Governor Brad Little

Director Gary Spackman

February 1, 2022

124 DEGREES LLC
2900 NICHOLS ST
SAN DIEGO, CA 92106-3425

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-4013, AGREEMENT 602**

*****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 **\$376.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 188.0 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$376.00.** 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.

Please send a check for \$376.00 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,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

Novak, Shilynn

From: Novak, Shilynn
Sent: Thursday, January 20, 2022 3:02 PM
To: John Hafen
Cc: khidh2o@yahoo.com
Subject: RE: King Hill Irrigation Comment - WSB Rental

Good afternoon,

Thank you for your timely response! I will add it to the file.

Shilynn

From: John Hafen <john.hafen_khi@yahoo.com>
Sent: Thursday, January 20, 2022 2:00 PM
To: khidh2o@yahoo.com; Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>
Subject: Re: King Hill Irrigation Comment - WSB Rental

I would approve the change.

John Hafen
King Hill Irrigation District
Manager
208-573-4519

Sent from my iPhone

On Jan 20, 2022, at 12:20 PM, khidh2o@yahoo.com wrote:

Hi John!

This looks like something you should review.

Kind regards,
Wendy Parker
Secretary/Treasurer
King Hill Irrigation District

PO Box 993
Glenns Ferry, ID 83623
Office: 208.366.2243
khidh2o@yahoo.com

From: Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>
Sent: Thursday, January 20, 2022 12:15 PM
To: khidh2o@yahoo.com
Subject: King Hill Irrigation Comment - WSB Rental

Hello,

The Water Supply Bank received an application to rent water right 2-4013. Attached is a copy of the review memo, application, and map for your review. Please provide any comments or concerns you have with the proposed rental within the next 7 days. If no comments are received in the next 7 days, I will assume there are no issues with this rental and proceed with processing.

Sincerely,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights
Idaho Dept. of Water Resources
322 E Front St Ste 648 | Boise ID 83702-7371
Phone: (208) 287-4915

<124 Degrees Rental Review Memo.docx>
<lease-rental_map.pdf>
<Rental 2175 - 124 Degrees Application.pdf>

Novak, Shilynn

From: Novak, Shilynn
Sent: Thursday, January 20, 2022 12:06 PM
To: Miller, Nick
Subject: Western Region Comment - WSB Rental
Attachments: 124 Degrees Rental Review Memo.docx; lease-rental_map.pdf; Rental 2175 - 124 Degrees Application.pdf

Greetings Nick,

The Water Supply Bank received an application to rent water right 2-4013. Attached is a copy of the review memo, application, and map for your review. Please provide any comments or concerns you have with the proposed rental within the next 7 days. Please let me know if there are any concerns about the POD location as it the same POD for protested Permit Amendment for 2-10516. If no comments are received in the next 7 days, I will assume there are no issues with this rental and proceed with processing.

Thank you,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights
Idaho Dept. of Water Resources
322 E Front St Ste 648 | Boise ID 83702-7371
Phone: (208) 287-4915

Novak, Shilynn

From: Novak, Shilynn
Sent: Thursday, January 20, 2022 12:01 PM
To: Whitney, Rob
Subject: Watermaster Comment - WSB Rental
Attachments: 124 Degrees Rental Review Memo.docx; lease-rental_map.pdf; Rental 2175 - 124 Degrees Application.pdf

Dear Watermaster:

The Water Supply Bank received an application to rent water right 2-4013. Attached is a copy of the review memo, application, and map for your review. Please provide any comments or concerns you have with the proposed rental within the next 7 days. If no comments are received in the next 7 days, I will assume there are no issues with this rental and proceed with processing.

Sincerely,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights
Idaho Dept. of Water Resources
322 E Front St Ste 648 | Boise ID 83702-7371
Phone: (208) 287-4915

MEMORANDUM FOR AGREEMENT # 602

To: Water Right(s) 2-4013

From: Shilynn Novak

Date: January 18, 2022

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

PURPOSE/NARRATIVE: The lease and rental applications were submitted as a package and received by the IDWR State Office on 09/23/2021. The package was also submitted with a Transfer application. The package and transfer propose to move and use irrigation water from the POU on Schoff Island to irrigate 47 acres on the mainland using water right 2-4013. 2-4013 is owned by 124 Degrees LLC (124 Degrees). With the relocation of irrigated acres, the POD is proposed to relocate to the mainland and is currently being constructed by King Hill Irrigation District (KHID) with a spring 2022 completion date.

On November 23, 2021, the POD description was amended and a new map was submitted which correlated with the amendment.

According to the lease memo, the transfer went to the Western Regional Office. It has not been entered for data entry.

Water right 61-7569B is a ground water right which is currently in place at the proposed place of use. The ground water will be used until the rental request is approved.

AUTHORITY TO FILE: 124 Degrees is the applicant who submitted the rental and is also listed as the owner of Water Right 2-4013. Lori Graves at SPF is listed as the representative and can be reached at 208-383-4140 or lgraves@spfwater.com.

124 Degrees is not registered on the IDSOS website but is a registered business with the Nevada Secretary of State and Brian Arrington is the manager. The lease and rental areas appear to be owned by 124 Degrees. The new POD location is on the bank of the Snake River and the application states that the land is owned by the applicant. No concerns about land ownership.

WATER RIGHT VALIDITY: 2-4013 is active and was decreed in 2009. The water right being used for the rental is currently leased to the WSB and is available for rent.

INJURY TO OTHER WATER RIGHTS: No injury is apparent as the rental intends to use surface water from the Snake River in place of ground water appurtenant to the property.

This rental is only for water 2-4013 which allows for irrigation of 81.0 acres at a total diverted rate of 1.62 cfs. 1.62 cfs for 81.0 acres meets department standards of 0.02 cfs per acre. The lease and rental POUs are across the Snake River from each other which is approximately 0.2 miles. There are no other points of diversion between the current POD and proposed POD. The proposed POD is approximately 0.5 miles downstream of the current POD and is located in the Snake River. Review staff has no information to suggest this application is inconsistent with injury to other water rights.

ENLARGEMENT OF USE: There are no combined uses associated with this water right.

The proposed POU location has ground water right 61-7569B which is also owned by 124 Degrees. Conditions from 61-7569B appear to make it a supplementary ground water right. A portion of the proposed POU also lies within the irrigation boundary for KHID. KHID was sent a comment letter. Any response will be included in the file and taken into consideration.

No enlargement is evident as the rental is intended to irrigate acreage while idling acres already held by the applicant.

LOCAL PUBLIC INTEREST: An Application for Permit Amendment for 2-10516 was protested by Idaho Power. The amendment proposed to relocate the POD for 2-10516 to the same location as the rental proposal. The protest appears to be based on the Swan Falls Agreement and not necessarily the physical location of the POD. This rental application is for an established water right which was already determined to be in good standing when the agreements were taking place. A request for comment was sent to the Western Regional Office with emphasis on the protest by Idaho Power. Any response will be included in the file and taken into consideration.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 02. A request for comment will be sent to the watermaster, Western Regional Manager, and King Hill Irrigation District. All responses will be included in the file and taken into consideration for the rental.

Hersley, Jean

From: Lori Graves <LGraves@spfwater.com>
Sent: Tuesday, November 23, 2021 4:07 PM
To: Hersley, Jean
Subject: RE: Executed Lease for 124 Degrees
Attachments: 2-4013 WB Rental pod fix.pdf

Jean,
Attached is the fixed docs for the rental application. The pod will be in S6 rather than S31 as originally filed. Please let me know if you need more. Thanks.

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, November 23, 2021 10:17 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Whitney, Rob <Rob.Whitney@idwr.idaho.gov>; Lori Graves <LGraves@spfwater.com>
Subject: Executed Lease for 124 Degrees

This lease contract has been executed. Please let me know if you have any questions. Thank you.

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