

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 559

RECEIVED

AUG 25 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

ADT FARMS LLC
2500 OVERLAND AVE
BURLEY, ID 83318-2941

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)
43-2489	2/11/1960	GROUND WATER	0.56	116.0	29.0	0.019	4.0
Combined Rental Totals			0.56	116.0	29.0	0.019	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, 2021. 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 2021, whichever occurs last.

Annual Rental Fee:

2021: \$232.00

The full fee for the rental of the above-described right(s) is \$232.00 for 2021. The rental fee includes an administrative fee of \$232.00 for 2021. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 43-2489.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 559

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:

Todd Carratt
Signature of Renter

8-19-21
Date

Todd Carratt
Printed Name

Member
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.

Brian Patton
By
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 10-22-21

Rental approved by IDWR Cody

Date 10-22-21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 559

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec. 19, Twp 10S, Rge 28E,	CASSIA County
GROUND WATER	NENW	Sec. 30, Twp 10S, Rge 28E,	CASSIA County
GROUND WATER	SWSE	Sec. 30, Twp 10S, Rge 28E,	CASSIA County
GROUND WATER	SWSE	Sec. 19, Twp 10S, Rge 28E,	CASSIA County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.56 CFS

VOLUME
116.00 AF

SEASON OF USE

Water Right No.	From	To
43-2489	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	
10S	28E	31					13.0	0.5 L1		2.5	13.0								29.0

Total Acres: 29.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
10. This rental does not authorize the construction of a well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 559

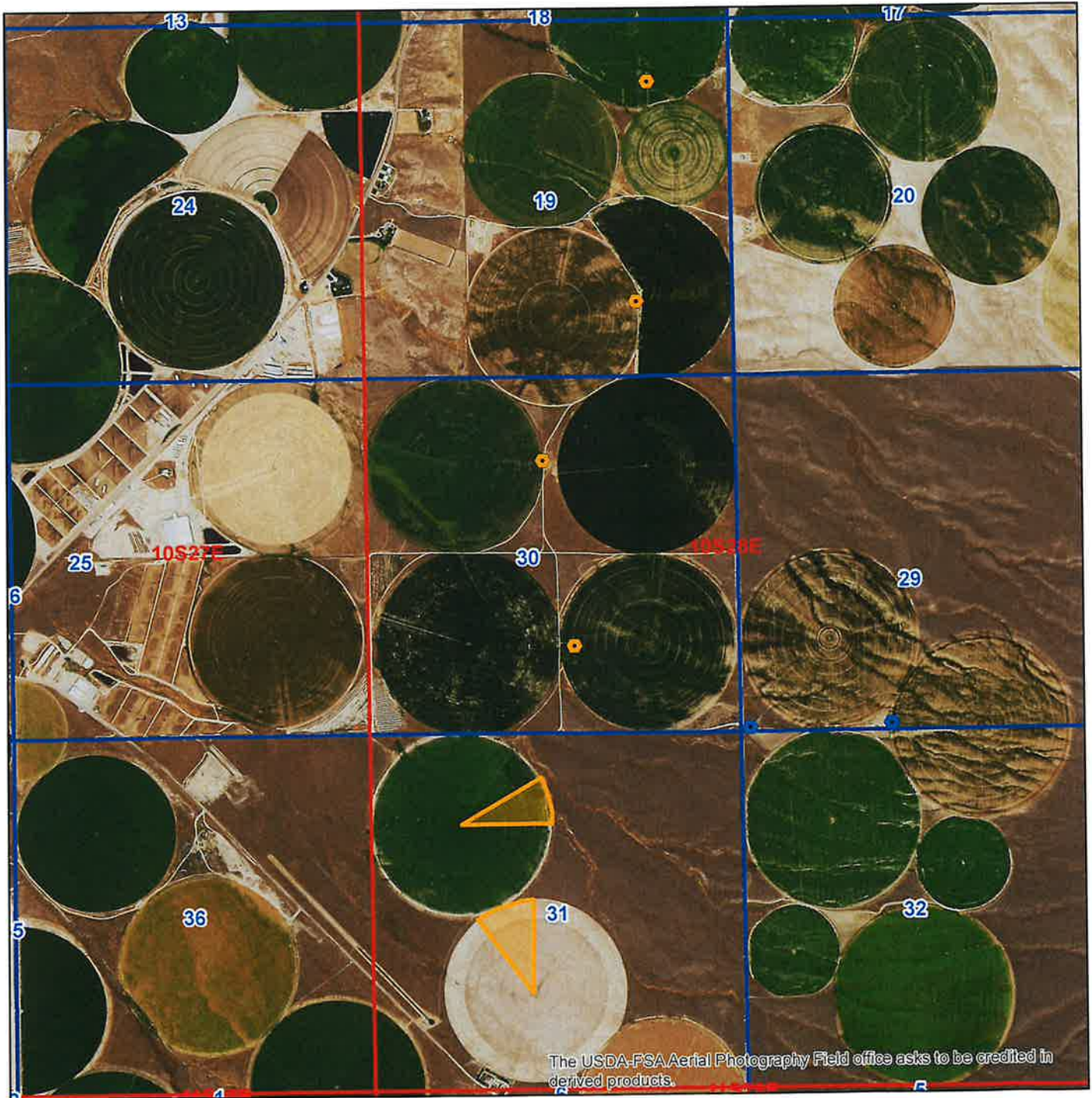
11. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
12. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.143.
13. 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 lands above.
14. Water rights 43-13715, 43-13716, 43-13718, 43-13719 and 43-2489 when combined shall not exceed a total diversion rate of 16.51 cfs, a total annual maximum diversion volume of 4,842.0 af at the field headgate, and the irrigation of 1,210.5 acres.

Idaho Water Resource Board

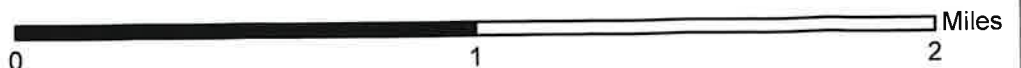
Attachment to Water Supply Bank Rental Agreement No. 559

Effective until December 31, 2021

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 22 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: ADT FARMS 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)

43-2489

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant ADT FARMS LLC

Mailing Address 2500 Overland Ave. Burley, ID 83318

Street

City

State

Zip Code

Email Address _____

Phone Number 2086784820

- 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 Greg Sullivan

Professional Title Engineer

Organization Brockway Engineering

Relationship to Applicant Consultant

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Email Address greg.sullivan@brockwayeng.com

Phone Number 208-736-8543

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 rented water will be used to irrigate acres that would be not irrigated other wise.

- 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)
0.55 CFS	116 AF	0.55 CFS	116 AF	29.0 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

- C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/1/2021	7/1/2021	☒ 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):

Existing wells, mainlines and delivery systems.

- 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
10S28E19SWNENE	Ground Water	43-13715 et al
10S28E19NESWSE	Ground Water	43-13715 et al
10S28E30SEENW	Ground Water	43-13715 et al
10S28E30NWSWSE	Ground Water	43-13715 et al

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 29.0 (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:

43-13715 et al water is needed due to IDWR curtailment order.

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)
43-13645	Irrigation	0.57	207	69		0.24	87	29.0
43-13649	Irrigation	0.74	276	69		0.31	116	29.0
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	0.55	116	29.0
						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:

- 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
None

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


Printed Name of Applicant

1-25-21
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

2021 RENTAL MAP
NAIP 2019 AERIAL

 PODs
 2021_Rental



CONTRACT OF AGREEMENT

To Whom It May Concern,

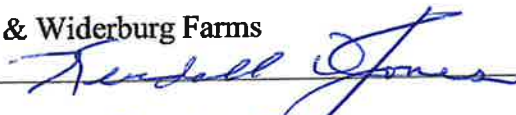
Jones & Widerburg Farms, ADT Farms LLC and ADTD Farms LLC have in place a long term farm lease agreement or contract for property owned by Jones & Widerburg Farms. The contract includes the property, water rights and water distribution systems pertaining to water rights 43-13645 and 43-13649.

ADT Farms LLC and ADTD Farms LLC has agreed to pay the annual farm contract payment for 2021. No additional fees are required by Jones & Widerburg Farms of ADT Farms LLC or ADTD Farms LLC for the rental of any water from the Idaho Water Supply Bank pertaining to water rights 43-13645 and 43-13649 during the 2021 irrigation season.

Therefore, the rental payment of the 90% of the rental fees for water rights 43-13645 and 43-13649 for the year 2021 has been paid in full.

ADT Farms LLC and ADTD Farms LLC will pay the Idaho Water Supply Bank the 2021 processing 10% rental fee when the rental agreement is signed and returned to IDWR for final approval.

Jones & Widerburg Farms


Date: 2-17-21

ADT Farms LLC


Date: 2-17-21

ADTD Farms LLC


Date: 2-17-21

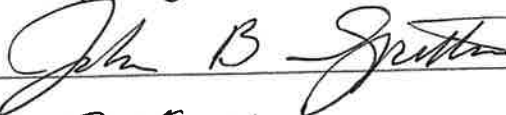
CONTRACT OF AGREEMENT

To Whom It May Concern,

John B. Spratling and Todd Gerratt of ADT Farms LLC have entered into an agreement concerning a pivot located at Township 10 South Range 27 East Section 31 NW 1/4. The pivot is located in Cassia County, Idaho in parcel RP10S28E310000. John B Spratling has entered into an agreement with Todd Gerratt of ADT Farms LLC for the 2021 irrigation season.

The agreement allows Todd Gerratt of ADT Farms LLC to fully manage the wells and irrigation system associated with the pivot. To the extent that John B. Spratling allows Todd Gerratt of ADT Farms LLC to rent water from the Idaho Water Supply Bank to the pivot located at Township 10 South Range 27 East Section 31 NW ¼ for irrigation purposes.

John B. Spratling:


Date: 7-18-21

Todd Gerratt of ADT Farms LLC:


Date: 7-18-21

CONTRACT OF AGREEMENT

To Whom It May Concern,

Eagle Creek Northwest LLC C/O UBS Agrivest LLC. and ADTD Farms LLC have in place a long term farm lease agreement or contract for property owned by Eagle Creek Northwest LLC C/O UBS Agrivest LLC. The contract includes the property, water rights and water distribution systems pertaining to water right 43-2471.

ADTD Farms LLC has agreed to pay the annual farm contract payment for 2021. No additional fees are required by Eagle Creek Northwest LLC C/O UBS Agrivest LLC. of ADTD Farms LLC for the rental of any water from the Idaho Water Supply Bank pertaining to water right 43-2471 during the 2021 irrigation season.

Therefore, the rental payment of the 90% of the rental fees for water rights 43-2471 for the year 2021 has been paid in full.

ADTD Farms LLC will pay the Idaho Water Supply Bank the 2021 processing 10% rental fee when the rental agreement is signed and returned to IDWR for final approval.

Eagle Creek Northwest LLC C/O UBS Agrivest LLC.:

 _____

Date: 12/16/20

ADTD Farms LLC

Date: _____

CONTRACT OF AGREEMENT

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Eagle Creek Northwest LLC C/O UBS Agrivest LLC.:

Date: _____

ADTD Farms LLC

Date: 2-18-21

CONTRACT OF AGREEMENT

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ADT Farms LLC will pay the Idaho Water Supply Bank the 2021 processing 10% rental fee when the rental agreement is signed and returned to IDWR for final approval.

Eagle Creek Northwest LLC C/O UBS Agrivest LLC gives permission to ADT Farms LLC to irrigate farm ground in the NWNW of Section 31 T10S R27E from water diverted from ADT Farms LLC irrigation wells. All legal ownership of the property and appurtenances will remain unchanged by this agreement.

Eagle Creek Northwest LLC C/O UBS Agrivest LLC.:



Date: 12/16/20

ADT Farms LLC

Date: _____

CONTRACT OF AGREEMENT

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Eagle Creek Northwest LLC C/O UBS Agrivest LLC.:

Date: _____

ADT Farms LLC
_____ 

Date: 2-18-21



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

October 28, 2021

ADTD FARMS LLC
ADT FARMS LLC
2500 OVERLAND RD
BURLEY, ID 83318-2941

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-2489 AGREEMENTS 558 & 559**

Dear Renter:

Please find enclosed a receipts in the amount of **\$232.00 & \$1,320.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 660 & 116 acre-feet of water for irrigation of 165 acres & irrigation of 29 acres during 2021. 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 have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$232.00 & \$1,320.00.**

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. C110797 & C110798
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Greg Sullivan – Brockway Engineering



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

August 10, 2021

ADT FARMS LLC
ADTD FARMS LLC
2500 OVERLAND AVE
BURLEY, ID 83318-2941

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-2489 AGREEMENTS 558 & 559**

*****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 **\$1,320.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 660.0 acre-feet for rental 558. A rental fee of **\$232.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 116.0 acre-feet for rental 559. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$1,552.00.** 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 \$1,552.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreements, 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
Greg Sullivan

Buyer, Remington

From: Skinner, Corey
Sent: Thursday, July 15, 2021 12:10 PM
To: Erickson, Nathan; Buyer, Remington
Subject: RE: WSB Lease and Rental Applications 1990, 1991, 1993 and 1994

I'm good if Nathan is good.

From: Erickson, Nathan
Sent: Thursday, July 15, 2021 12:10 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: WSB Lease and Rental Applications 1990, 1991, 1993 and 1994

Remington,
Sorry for the delayed response. I have looked over the WSB Lease and Rental Applications below and have no concerns with the applications.
Thanks,
Nathan

From: Buyer, Remington
Sent: Wednesday, July 7, 2021 3:46 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: RE: WSB Lease and Rental Applications 1990, 1991, 1993 and 1994

OK, trying this again...

Greg Sullivan today provided me with documents affirming that 196 acres of water right 43-2489 is to be leased into the Bank in 2021, to facilitate rental applications 1993 and 1994. So, lease application 1991 (for water rights 43-13645 and 13649) is no longer required, however we will still lease the rights into the Bank this year, even though they won't be rented on applications 1993 or 1994.

Attached to this email are lease review memos, maps and approval documents for water rights 43-2489 (contract 1421), and for water rights 43-13645 & 13649 (contract 1422). Also attached are review memos, maps and approval documents for a rental of water right 43-2489 through rental applications 1992 & 1994 (rental agreements 558 and 559).

Nathan, Corey, please advise if you have any questions, comments or concerns about these WSB transactions for 2021.

Thank you,

Remington

From: Buyer, Remington
Sent: Friday, July 2, 2021 4:35 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: FW: WSB Lease and Rental Applications 1990, 1991, 1993 and 1994

It figures.

Right after I sent this email, it comes to my attention that water rights 43-13645 and 13649 are located outside the RR CGWA and are therefore ineligible for rental to both agreements. In speaking with Greg Sullivan at Brockway, it sounds

like the parties will increase the amount being leased under 43-2489, to so that it can be rented instead of 43-13645 and 13649. Once we amend the lease, we can amend the rentals, and I'll reach out to you for comments again.

Sorry for the confusion.

From: Buyer, Remington

Sent: Friday, July 2, 2021 1:15 PM

To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>

Cc: Bank <Bank@idwr.idaho.gov>

Subject: WSB Lease and Rental Applications 1990, 1991, 1993 and 1994

Corey, Nathan,

I hope you're staying cool in this heatwave we're having.

Attached to this email are a lot of files associated with 2021 Water Supply Bank lease/rental transaction in the Raft River area.

Effectively, two ground water users have proposed to lease into the Bank portions of some of their water rights, so that the leased extent of the water rights might be rented by ADT Farms and ADTD Farms. The applications are as follows:

WSB Application	Application Type	Water Rights Involved	Water User
1990	Lease	43-2489	Eagle Creek Northwest LLC
1991	Lease	43-13645 & 43-13649	Jones & Widerburg Farms
1993	Rental	43-2489, 43-13645 & 43-13649	ADTD Farms LLC
1994	Rental	43-13645 & 43-13649	ADT Farms LLC

Because these lease and rental applications were submitted at the same time, I processed them concurrently and even did a joint review of the lease applications. Hopefully my review memos seem logical to you and you can follow along.

If you would provide any questions, comments or concerns that you foresee with these lease/rentals, that'd be greatly appreciated.

Thank you, and may you have an enjoyable 4th of July!

-Remington

MEMORANDUM FOR AGREEMENT # 559

To: Water Supply Bank Rental Application 1994
From: Remington Buyer
Date: July 7, 2021
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On February 22, 2021 two rental applications were received—one from ADTD Farms LLC (rental application 1993) and ADT Farms LLC (rental application 1994)—who have water right portfolios that have been impacted by a Departmental order curtailing expansion acre water rights in the Raft River Critical Ground Water Area (RR CGWA). ADTD Farms LLC's water rights 43-11132B, 43-12989, 12990 and 13034 are now fully curtailed per the RR CGWA curtailment order, as are ADT Farm LLC's water rights 43-13718 & 43-13719. The rentals will allow the water users to expand the number of acres they may irrigate in 2021, in part to make up for shortages attributable to the curtailment order.

As the basis for these two rental requests, two lease applications (applications 1990 & 1991) were submitted concurrent with rental applications 1993 and 1994. Lease application 1990 proposed to lease into the Bank portions of water right 43-2489 so that it might be rented under both rental applications 1993 and 1994, while lease application 1991 proposed to lease into the Bank portions of water rights 43-13645 and 43-13649, so that they might be rented back to partially satisfy rental application 1994.

As staff reviewed lease application 1991, questions emerged about the potential for enlargement under water rights 43-13645 and 13649 and an information request was issued to the water right lessor on April 1, 2021. No response to the information request was ever received.

When the information request was issued, processing of lease applications 1990 and 1991 was put on hold, and processing of rental applications 1993 and 1994 could not proceed. Recently, it was determined that no additional information is required to conclude processing of lease applications 1990 and 1991 and those leases have been recommended for approval. Accordingly, rental applications 1990 and 1991 are now being reviewed.

This review memo pertains to rental application 1994, which is requesting a rental sufficient to authorize the irrigation of an additional 29 acres, to supplement irrigation use from ground water already authorized under water rights 43-13715, 13716, 43-13718 and 13719. Although the renter initially requested a rental of portions of water rights 43-13645 and 13649, the points of diversion associated with these two water rights are wells located outside of the RR CGWA, and therefore, these water rights cannot be rented to authorize diversions of ground water from wells within the CGWA. As such, rental application 1994 will be completely serviced through a rental of water right 43-2489.

AUTHORITY TO FILE: Rental applications 1993 and 1994 have both been signed and submitted by Todd Gerratt, who is listed with the Idaho Secretary of State as an agent for both ADTD and ADT Farms. The lands proposed to be irrigated by ADT Farms through rental application 1994 are owned by John Spratling. A contract of agreement between Mr. Gerratt and Mr. Spratling is provided with the application, acknowledging that ADT Farms may irrigate lands owned by Mr. Spratling. No concerns about authority to file. Further, ADT Farms has provided a contract of agreement between ADT Farms and Eagle Creek Northwest LLC affirming that the owner portion of rental payments is being paid directly by ADT Farms and only an administrative fee is required for this rental.

WATER RIGHT VALIDITY: The water rights requested are valid and available to be rented. The water rights being supplemented also appear to be fully valid.

INJURY TO OTHER WATER RIGHTS: The points of diversion for water right 43-2489 and the rental locations for both rental applications 1993 and 1994 are all within the RR CGWA. Staff are unaware of any policy specific to the RR CGWA that would restrict or preclude the use of water requested through rental applications 1993 and 1994. No injury is apparent under the rental.

ENLARGEMENT OF USE: Collectively, water rights 43-13715, 13716, 13718 and 13719 authorize a diversion of 15.95 cfs and 4,276 af of water for the irrigation of 1,306 acres. However, per the curtailment order, they are restricted to a maximum diversion rate of 15.95 cfs for the irrigation of a maximum of 1,181.5 acres, as follows:

Water Rights as Licensed/Decreed/Approved through Transfer									Irrigation Use Under RRCGWA Curtailment Order						
Water Rights	Priority	Rate	Volume	Acres	PPU Acres	Rt/Ac	Vol/Ac		Water Rights	Rate	Volume	Acres	PPU Acres	Rt/Ac	Vol/Ac
3 1 43-13715	10/24/1961	1.38	408.8	102.2	1,306.0	0.014	4.0		43-13715	1.38	408.8	102.2	1,306.0	0.014	4.0
3 1 43-13718	6/30/1985	0.13		10.8	1,306.0	0.012	0.0		43-13718						
Additive Elements		1.51	408.8	113.0		0.013	3.6		Additive Elements						
1 Combined Limit		1.38	408.8	113.0	1,306.0	0.012	3.6		Combined Limit	1.38	408.8	102.2	1,306.0	0.014	4.0
Difference		-0.13	0.0	0.0					Difference						
3 2 43-13716	10/24/1961	14.57	4,317.2	1,079.3	1,306.0	0.013	4.0		43-13716	14.57	4,317.2	1,079.3	1,306.0	0.013	4.0
3 2 43-13719	6/30/1985	1.39		113.7	1,306.0	0.012	0.0		43-13719						
Additive Elements		15.96	4,317.2	1,193.0		0.013	3.6		Additive Elements						
2 Combined Limit		14.57	4,317.2	1,193.0	1,306.0	0.012	3.6		Combined Limit	14.57	4,317.2	1,079.3	1,306.0	0.013	4.0
Difference		-1.39	0.0	0.0					Difference						
Additive Elements		17.47	4,726.00	1,306.00		0.013	3.6								
3 Combined Limit		15.95	4,726.00	1,306.00	0.0	0.012	3.6		Combined Limit	15.95	4,726.00	1,181.50	1,306.0	0.013	4.0
Difference		-1.52	0.0	0.0											

Rental application 1994 proposes to augment water rights 43-13715 and 13716, through the authorization of an additional 29 acres of irrigation through a rental of portions of water right 43-2489 leased to the Bank. The requested rental of water right 43-2489 would provide for an additional diversion rate of 0.56 cfs and 116 af for the irrigation of an additional 29 acres (with a duty of water of 0.019 cfs/ac and 4.0 afa).

Water rights 43-13715 and 13716 allow for a duty of water equivalent to 0.013 cfs/ac and 4.0 afa/ac. The difference between the two different per-acre diversion rate duties can be equalized by combining the diversion rates between the water rights being rented and the water rights being supplemented through this rental. Together, a maximum of 16.5 cfs and 4,842 af can be diverted for the irrigation of 1,210.5 acres through rental agreement 559, which provides for an overall duty of water of 0.014 cfs/ac and 4.0 afa/ac, as follows:

	Rate	Volume	Acres	PPU Acres	Rt/Ac	Vol/Ac
Combined Limit	15.95	4,726.0	1,181.5	1,306.0	0.013	4.0
Rental Amount	0.56	116.0	29.0	1,306.0	0.019	4.0
Sum-Total Limit	16.51	4,842.0	1,210.5	1,306.0	0.014	4.0

Per Department policy to harmonize the per-acre diversion rate of the water rights being rented with the water rights being supplemented through a rental, it might be relevant to set a maximum diversion rate permissible through the rental of 43-2489 to 0.39 cfs, so that an overall diversion rate of 16.34 cfs could be authorized, equivalent to 0.013 cfs/ac.

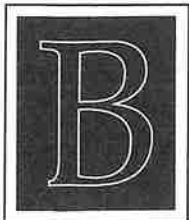
LOCAL PUBLIC INTEREST: Because this ground water rental is within the RR CGWA, it is in the local public interest to ensure that ground water is preserved wherever possible, to avoid injury to the source and to water users dependent upon the sustain supply of ground water from the source. Excess and unauthorized uses of ground water are not in the local public interest.

A review of 2020 sentinel satellite imagery indicates the renter may have irrigated in excess of the 1,181.5 acres authorized under water rights 43-13715 and 13716; satellite imagery suggests at least 1,306 acres, if not more, were vegetated in 2020, potentially through ground water diversions. A review of sentinel satellite imagery for 2021 indicates, as of June, 759 acres have been irrigated by the renter this year. At this time review staff have no information to suggest this rental application is inconsistent with local public interests.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: 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 143 on July 7, 2021.

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



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P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 22 2021

DEPARTMENT OF
WATER RESOURCES

February 18, 2021

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

Re: ADT Farms LLC and ADTD Farms LLC rentals

Dear Mr. Buyer:

ADTD Farms LLC proposes to rent 165.0 acres for the 2021 irrigation season from water rights 43-2489, 43-13645 and 43-13649. The proposed rental location is identified in the attached rental application and aerial map.

An agreement has been signed between Eagle Creek Northwest LLC, ADT Farms LLC and ADTD Farm LLC regarding a rental payment. Only the 10% processing fee will be paid to the Idaho Water Supply Bank. No rental payment will be paid to Eagle Creek Northwest LLC by the Idaho Water Supply Bank at the end of 2021.

ADT Farms LLC proposes to rent 29.0 acres for the 2021 irrigation season from 43-13645 and 43-13649. The proposed rental location is identified in the attached rental application and aerial map.

An agreement has been signed between Jones and Widerburg Farms, ADT Farms LLC and ADTD Farm LLC regarding a rental payment. Only the 10% processing fee will be paid to the Idaho Water Supply Bank. No rental payment will be paid to Jones and Widerburg Farms by the Idaho Water Supply Bank at the end of 2021.

Attached to this letter are signed contracts of agreement between:

- John Spratling and ADT Farms LLC
- Jones & Widerburg Farms, ADT Farms LLC and ADTD Farm LLC
- Eagle Creek Northwest LLC C/O UBS Agrivest LLC, ADT Farms LLC and ADTD Farm LLC

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

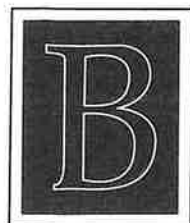
TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

1993

1994



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

These agreements indicate that ADT Farms LLC and ADTD Farm LLC have entered into a farm lease or a private agreement regarding the management of these water rights to be rented. No rental payment will be paid to the water right owners by the Idaho Water Supply Bank. The 10% processing rental fee will be paid to the Idaho Water Supply Bank by ADT Farms LLC and ADTD Farms LLC upon the processing and approval of the attached rental applications.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Todd Gerratt

Enc: Rental Applications, Aerial Maps, Contract of Agreements

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