

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 557

RECEIVED

SEP 20 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING, TX 75039-5058

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)
43-13597	5/23/1962	GROUND WATER	0.08	54.0	13.5	0.006	4.0
43-13595	5/4/1978	GROUND WATER	0.46	112.4	28.1	0.016	4.0
Combined Limit Totals			0.46	166.4	41.6	0.013	4.0
Combined Rental Totals			0.46	166.4	41.6	0.013	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until October 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: \$3,328.00

The full fee for the rental of the above-described right(s) is \$3,328.00 for 2021. The rental fee includes an administrative fee of \$332.80 for 2021.

Detailed water right conditions are attached.

SUPPORT DATA
IN FILE # 43-13595

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 557

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:

Blair Lee Dance, Manager 9.01.21
Signature of Renter Date

Blair Lee Dance Manager
Printed Name Title

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

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

By Brian Patton 9/23/21
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR HP 9/23/21
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec. 18, Twp 09S, Rge 29E,	POWER County
GROUND WATER	NWNE	Sec. 24, Twp 09S, Rge 28E,	POWER County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.46 CFS

VOLUME
166.4 AF

SEASON OF USE

Water Right No.	From	To
43-13597	3/15	11/15
43-13595	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	
09S	28E	24	4.8	4.4			15.7												24.9
09S	29E	18											3.4						3.4
09S	29E	19		11.0				2.3											13.3

Total Acres: 41.6

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 rental does not authorize the construction of a well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 557

10. Use of water under this approval 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 rental is within State Water District No. 120.
11. 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.

APR 28 2021

DEPT OF WATER RESOURCES

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK****Applicant Name:** LCSC Enterprises, 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)

43-13595

43-13597

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant LCSC Enterprises, LLC

Mailing Address 433 E LAS COLINAS BLVD STE 1290 IRVING, TX 75039

Street City State Zip Code

Email Address blair@dbscpa.net Phone Number (972) 989-7330

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 Jason C. Helms, P.E. Professional Title Engineer

Organization JCH Engineering & Consulting, PLLC Relationship to Applicant Technical consultant

Mailing Address 6755 N. Albert Lane Idaho Falls, ID 83401

Email Address jasoncivil@alumni.nd.edu Phone Number (208) 308-2109

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**:
- Provide irrigation of 46.6 acres diverted from the well associated with existing water right 35-7740.

- 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)
0.52 CFS	171.2 AF	0.52 CFS	171.2 AF	46.6 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	6/1/2021	☒ 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.

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, and distribution system associated with water rights 35-7740.

- 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
Existing well	ground water	35-7740

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 46.6 (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: 04/01 (mm/dd) to: 10/31 (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:
 Existing water rights 35-7740 and 35-2824 will be used in combination.

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)
43-13595	Irrigation	5.00	1209.6	302.4		0.52	126.0	31.5
43-13597	Irrigation	0.89	433.6	145.1		0.09	60.4	15.1
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.52	171.2	46.6
						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**:

This additional rate will be combined with existing right 35-7740 and 35-2824 which together provides adequate delivery.

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**:

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:

Similar rental was approved in 2020. A portion of the acreage has gained permanent water rights and the requested rental is reduced for 2021. Transfer 84488 is pending resolution of protests for full permanent water rights. Protestants have indicated they do not oppose this temporary rental for 2021.

- 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:

Application for transfer 84488 is pending but will not interfere with this rental.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒

If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Signature of Applicant

Printed Name of Applicant

Date

Signature of Representative

Jason C. Helms

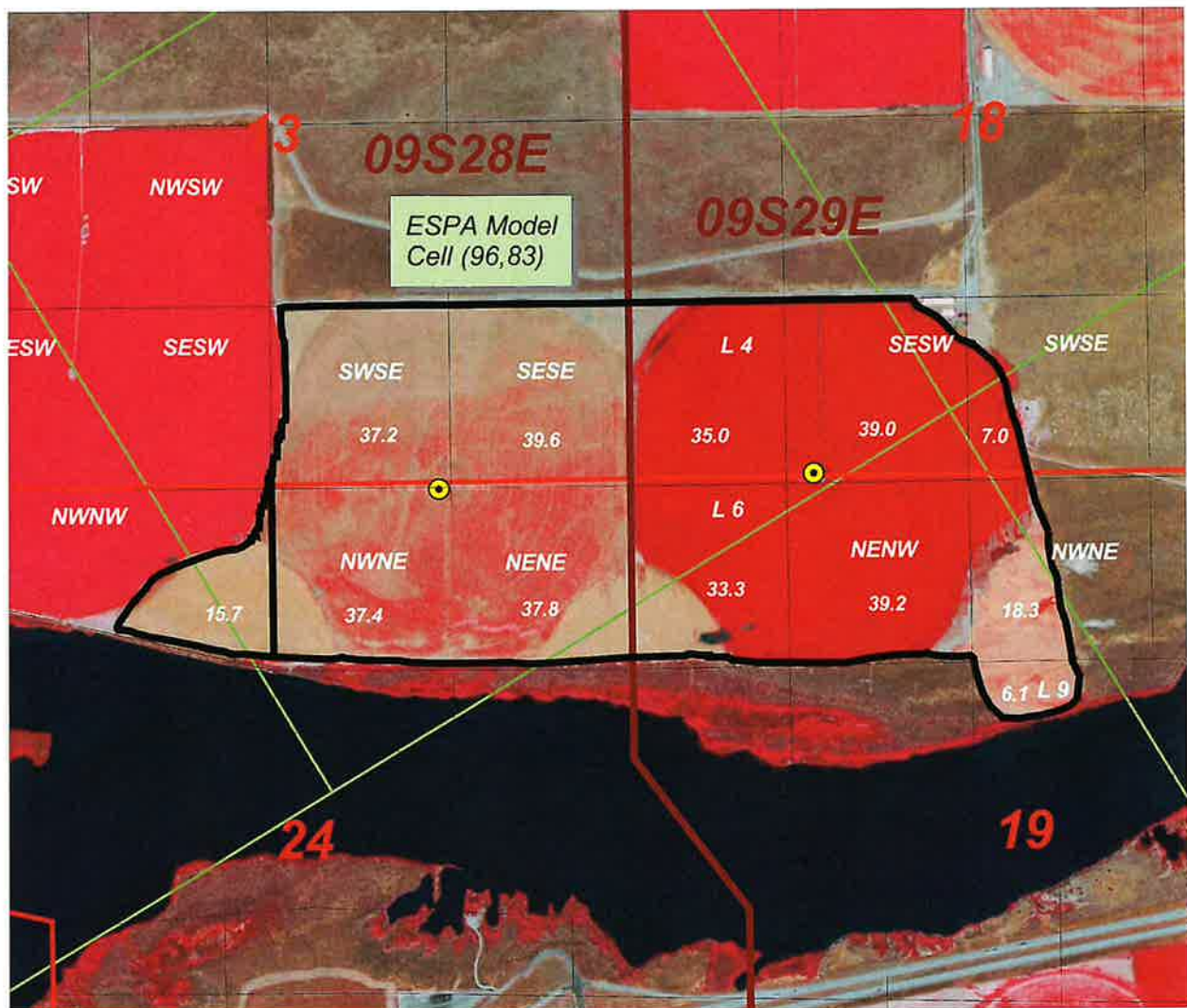
4/22/2021

Printed Name of Representative

Date

Mail to:

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



JCH - 9/29/2020

NAIP 2019 IR Aerial Photo

0.25 0 0.25 0.5 Miles



- Existing Authorized Wells
 - 35-7740 (8/15/1977) 3.66 cfs, 1,160.0 afa, 290.0 ac.
 - 35-2824 (8/28/1961) 0.16 cfs, 32.7 afa, 9.0 ac.

Rental requested: 46.6 ac.

□ Total Irrigation 345.6 Acres

- Township & Range
- Sections
- Power County 40's

ESPA Model Grid

Attachment 2

ENHANCED GROUND-WATER RIGHTS TR

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE | IDAHO DEPT OF AGRICULTURE

Cells this color are set up for user entries

1

2

3

4

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO: LCSC Enterprises
 YEAR: 1961
 SEASON: SPRING
 TRANSFER NAME: Cell 96,83

46.60

[acre-ft]

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL	43-13595	5/4/1978	126.0
ROW	96	91			43-13597	5/23/1962	45.2
COLUMN	83	69					
	35-7740	43-13595,7			Total Rental:		171.2

TRIMESTER OF ACTIVITY	TO WELL		FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1961	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1961	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1961	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1962	0.0	15.1	15.1	0.0	0.0	0.0	0.0	0.0
SUM 1962	0.0	15.1	15.1	0.0	0.0	0.0	0.0	0.0
WIN 1962	0.0	15.1	15.1	0.0	0.0	0.0	0.0	0.0
SPR 1963	0.0	15.1	15.1	0.0	0.0	0.0	0.0	0.0
WIN 1977	0.0	15.1	15.1	0.0	0.0	0.0	0.0	0.0
SPR 1978	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SUM 1978	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
WIN 1978	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SPR 1979	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
WIN 1994	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SPR 1995	0.0	CRP non-use Begins 1995 0.0	57.1	0.0	0.0	0.0	0.0	0.0
SUM 1995	0.0	0.0	57.1	0.0	0.0	0.0	0.0	0.0
WIN 1995	0.0	0.0	57.1	0.0	0.0	0.0	0.0	0.0
SPR 1996	0.0	Water Bank rentals begin elsewhere 2011 0.0	57.1	0.0	0.0	0.0	0.0	0.0
WIN 2010	0.0	0.0	57.1	0.0	0.0	0.0	0.0	0.0
SPR 2011	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SUM 2011	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
WIN 2011	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SPR 2012	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SUM 2012	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
WIN 2012	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SPR 2013	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
WIN 2018	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SPR 2019	Water Bank rentals begin here 2020 0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SUM 2019	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
WIN 2019	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SPR 2020	57.1	0.0	57.1	0.0	0.0	0.0	0.0	0.0
SUM 2020	57.1	0.0	57.1	0.0	0.0	0.0	0.0	0.0
WIN 2020	57.1	0.0	57.1	0.0	0.0	0.0	0.0	0.0
SPR 2021	57.1	0.0	57.1	0.0	0.0	0.0	0.0	0.0
SUM 2021	57.1	0.0	57.1	0.0	0.0	0.0	0.0	0.0
WIN 2021	57.1	0.0	57.1	0.0	0.0	0.0	0.0	0.0
SPR 2022	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SPR 2109	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SUM 2109	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
WIN 2109	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SPR 2110	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
SUM 2110	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0
WIN 2110	0.0	57.1	57.1	0.0	0.0	0.0	0.0	0.0

Water Supply Bank (LCSC Enterprises, LLC 43-13595, 13597)

WR No.	Div. Rate (GFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
transfer 1: Proposed Steady State Impacts following Transfer							
see data entry spreadsheet for details							
transfer 1: Worst Case Transient State Impacts following Transfer							

Impact by Reach (AF/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Neeley	Neeley to Neeley	Neeley to Mindoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr to Kspr	Kspr to Kspr	Kspr to Kspr	Malad to Malad	Malad to Malad	Malad to Malad
0.76	2.24	6.73	21.55	8.19	5.11	5.75	2.55	1.61	1.61	1.47	1.47	0.09
0.75	2.23	6.72	21.53	8.19	5.11	5.74	2.55	1.61	1.61	1.47	1.47	0.09
0.76	2.24	6.73	21.55	8.19	5.11	5.75	2.55	1.61	1.61	1.47	1.47	0.09
0.75	2.23	6.72	21.53	10.05	5.11	5.74	2.55	1.61	1.61	1.47	1.47	0.09
Steady State Analysis												
Mitigation Check 1 - >10% of Historical:												
Mitigation Check 2: > 2 AFT:												
Mitigation Check 3 - >10% of Total:												
Mitigation Required?:												
Mitigation Vol. Req'd (ac-ft):												
Transient State Analysis												
Mitigation Check 1 - >10% of Historical:												
Mitigation Check 2: > 2.01 AFT:												
Mitigation Required?:												
Mitigation Vol. Req'd (ac-ft):												

Read Me



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

September 24, 2021

LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING, TX 75039-5058

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-13595 & 43-13597 AGREEMENTS 557**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,328.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 166.4 acre-feet of water for irrigation of 41.6 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.

Pursuant to the Water Supply Bank Rules, 90% or \$2,995.20 of the rental fee will be paid to the lessor(s) and 10% or \$332.80 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C110968
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Jason Helms



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

September 22, 2021

LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING, TX 75039-5058

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 557 AND PAYMENT
FOR WATER RIGHT(S) 43-13597 & 43-13595**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on July 29, 2021. The signed agreement and rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$3,328.00 within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

c. Jason Helms



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

July 29, 2021

LCSC ENTERPRISES LLC
433 E LAS COLINAS BLVD STE 1290
IRVING, TX 75039-5058

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-13597 & 43-13595 AGREEMENT 557**

*****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 \$3,328.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 166.4 acre-feet.

Please send a check for \$3,328.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$2,995.20 of the rental fee will be paid to the lessor(s) and 10% or \$332.80 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

Memorandum

To: Water Supply Bank Rental Application 2065
From: Remington Buyer
Date: July 19, 2021
Re: Request to Rent Water Rights from the Water Supply Bank

Purpose/Narrative: An application was received on April 28, 2021, from Jason C Helms, who on behalf of LCSC Enterprises LLC (LCSC) submitted a request to rent water rights 43-13595 and 43-13597 from the Water Supply Bank, to authorize the irrigation of lands located in Power County, on the north of side of the Snake River, approximately 8 miles east of Minidoka Wildlife Refuge. The lands are owned by LCSC and they are largely authorized to be irrigated with ground water rights 35-2824 and 35-7740.

LCSC would like to expand the number of acres being irrigated and they filed a transfer in November 2020 (Transfer 84488) to relocate additional basin 35 ground water rights to these lands to authorize the irrigation use requested via this rental. The transfer was protested and it is currently being held pending a hearing. The protestants to the transfer have confirmed that they do not object to LCSC's irrigation of these lands via a rental while the transfer is resolved.

The map submitted with LCSC's transfer and rental applications outlines a 345.6 irrigable area, as follows:

Mapped Area to be Irrigated																					
Twp	Rge	Sec	NE				NW				SW				SE				Sub Totals	Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
			GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL			
9S	28E	13															37.2	39.6	76.8	345.6	
9S	28E	24	37.8	37.4			15.7												90.9		
9S	29E	18											35	39			7		81		
													4								
9S	29E	19		18.3	6.1		39.2	33.3											96.9		
								6	7	8											

LCSC is authorized to irrigate 299 acres under water rights 35-2824 & 7740, as follows:

Authorized Water Right Places of Use																				
Twp	Rge	Sec	NE				NW				SW				SE				Sub Totals	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
			GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL		
9S	28E	13															36.4	39.6	76	299
9S	28E	24	33	32															65	
9S	29E	18											31	40			4.2		75.2	
													4							
9S	29E	19		6.6			40	31	1	4.2									82.8	
								6	7	8										

Mathematically, 345.6 acres minus 299 acres results in a remaining balance of 46.6 acres that, if irrigated, would need to be authorized under a transfer or a rental and it is for this reason that LCSC has requested an approval for the irrigation of 46.6 acres through transfer 84488 and rental application 2065. However, the 299 acres authorized to be irrigated under water rights 35-2824 & 7740 do not cleanly fall within the boundaries of the specific 345.6 acres identified on the transfer/rental applications.

In fact, the 345.6 acres identified include a reduction of seven acres irrigable in sections 18 and 19 under water right 35-7740. If these seven acres are not discounted from the overall irrigation totals proposed through transfer 84488 and rental application 2065, then an irrigation authorization of 53.6 acres is needed to authorize the full irrigation of 345.6 acres, as follows:

Rental (or Transfer) Required for Additional Areas to be Irrigated																				
Twp	Rge	Sec	NE				NW				SW				SE				Sub Totals	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
			GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL		
9S	28E	13															0.8		0.8	46.6
9S	28E	24	4.8	5.4			15.7												25.9	
9S	29E	18											4	-1			2.8		5.8	
9S	29E	19		11.7	6.1		-0.8	2.3	-1	-4.2									14.1	
								6	7	8			4							
Rental Required if unirrigated. authorized acres are discounted																			53.6	

If LCSC leased into the Bank seven acres under water right 35-7740, and then rented these acres back to them self, they could reduce their irrigation rental required by seven acres, from 53.6 acres, to 46.6 acres. Because they have not proposed to do that, a rental of 53.6 acres appears to be required to authorize the full irrigation of 345.6 acres. Notwithstanding this limitation, only 41.6 acres are available to be rented for irrigation purposes by LCSC through water rights 43-13597 & 13595 in 2021. On June 8th, 2021, the applicant was contacted to inquire as to which 41.6 acres should be irrigated through rental application 2065 and on June 11th, they affirmed 41.6 that would be specifically irrigated through this rental.

Authority to File: The lands authorized to be irrigated are owned by LCSC. Idaho Secretary of State records show Blair Dance is a member of LCSC. Mr. Dance did not sign the rental application submitted to IDWR in April. Instead, it was signed by Mr. Helms. On June 8th, Mr. Dance and Mr. Helms were contacted to confirm that Mr. Dance had no objections to Jason filing the application on behalf of LCSC Enterprises. On June 11th, a copy of the rental application, signed by Mr. Dance, was received from the applicant.

Water Right Validity/Forfeiture Evaluation: Water rights 43-13597 and 13595 are valid, leased to the bank, and available for rental. No concerns about the validity of water right 43-13597 and 13595, nor are there concerns about the validity of water rights 35-2824 and 7740.

Injury Evaluation: ESPA modeling was evaluated and there was no injury apparent in the relocation of 165.9 af of ground (sufficient to authorize the irrigation of 41.6 af at 4.0 afa/ac) to and at LCSC's property.

Enlargement of Use: The lands that will be authorized for irrigation through this rental are not presently serviced with any other ground water rights. No enlargement is apparent through this rental.

Local Public Interest: The rental seems consistent with local public interests.

Beneficial Use/Conservation of Water Resources: Nothing in the rental appears inconsistent with beneficial use or water conservation practices.

Department/Watermaster Comments: Comments were requested from IDWR Eastern Region and Water District 120 Watermaster on July 19, 2021.

Water Supply Bank Evaluation: Staff recommend approval of the rental.

Buyer, Remington

From: Buyer, Remington
Sent: Monday, July 19, 2021 3:02 PM
To: Jordan, Blake; Cefalo, James
Subject: LCSC Enterprises Rental Application 2065
Attachments: Map - Rental Agreement 557.pdf; Rental Review Memo - LCSC Enterprises.docx; Draft Rental Agreement 557 - LCSC Enterprises.docx

Blake, James,

Blair Dance earlier this year filed a rental request for ground water, in order to irrigate lands owned by LCSC Enterprises LLC in Power County. Attached to this email are my review memo, map and draft rental approval. Please advise if you have any questions, comments or concerns about the rental.

Thank you,

Remington

From: Buyer, Remington
Sent: Friday, June 11, 2021 12:04 PM
To: 'Jason Helms' <jasoncivil@alumni.nd.edu>
Subject: RE: FW: Water Supply Bank Rental Application 2065

Hi Jason,

Great. No, I don't need anything further from you. I will finalize the review of the rental application and then we will mail it out to Mr. Dance for signature, payment and finalization.

Remington

From: Jason Helms [<mailto:jasoncivil@alumni.nd.edu>]
Sent: Friday, June 11, 2021 11:16 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: FW: Water Supply Bank Rental Application 2065

Hi Remington
We like your plan for total irrigation with the available rental.
Do you need me to send an updated map to you?
Thanks,
Jason C. Helms, PE
JCH Engineering & Consulting, PLLC
208-308-2109

On Fri, Jun 11, 2021, 8:59 AM Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Jason, Blair,

The attached letter will be mailed out from our office on Monday, June 14th.

Regards,

Remington

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

Similar rental was approved in 2020. A portion of the acreage has gained permanent water rights and the

requested rental is reduced for 2021. Transfer 84488 is pending resolution of protests for full permanent water

rights. Protestants have indicated they do not oppose this temporary rental for 2021.

- 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:

Application for transfer 84488 is pending but will not interfere with this rental.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒

If yes, describe the date and location of the NOV.

- D. Additional Information

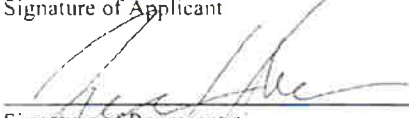
DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.


Signature of Applicant

Blair Lee Dance
Printed Name of Applicant

6.11.21
Date


Signature of Representative

Jason C. Helms
Printed Name of Representative

4/22/2021
Date

Mail to:

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



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

June 11, 2021

LCSC Enterprises LLC
433 E Las Colinas BLVD, STE 1290
Irving, TX
75039-5058

RESPONSE DEADLINE:
July 5th, 2021

RE: Action Required on WSB Rental Application 2065

Dear Applicant,

The Department of Water Resources (Department) has conducted an initial review of your application to rent water right from the Water Supply Bank and has determined that additional information is required to make a determination on your rental proposal. Specifically, the following items are requested to finalize processing of your application:

- a map depicting which 41.6 acres will be authorized for irrigation by you, under a rental, in 2021.

On Tuesday, June 8th, an email was sent to you, informing you that a rental was possible for 2021, but that only 41.6 acres could be irrigated under the rental approval. The map provided with your rental application depicted approximately 50 acres that might be irrigated under a rental. In order to approve a rental for 41.6 acres, our office needs to know which specific 41.6 acres might will be irrigated under the rental in 2021.

To continue processing of your application, our office requires a map outlining the specific acreage you intend to irrigate under the rental proposal. Please provide the requested information within 30 days (deadline of July 5th, 2021), so that we can continue processing of your application. If we do not hear from you prior to the established deadline, your application will be returned to you.

If you have any questions, please contact me at (208) 287-4918.

Regards,

Remington Buyer
Water Supply Bank Coordinator

Enclosures: Copy of email sent June 8th, 2021
CC: Jason Helms (via email)

From: Buyer, Remington

Sent: Tuesday, June 8, 2021 3:38 PM

To: 'Jason Helms' <jasoncivil@alumni.nd.edu>; 'blair@dbscpa.net' <blair@dbscpa.net>

Subject: Water Supply Bank Rental Application 2065

Jason, Blair,

I've had chance to review rental application 2065 for LCSC Enterprises LLC and the following are my observations:

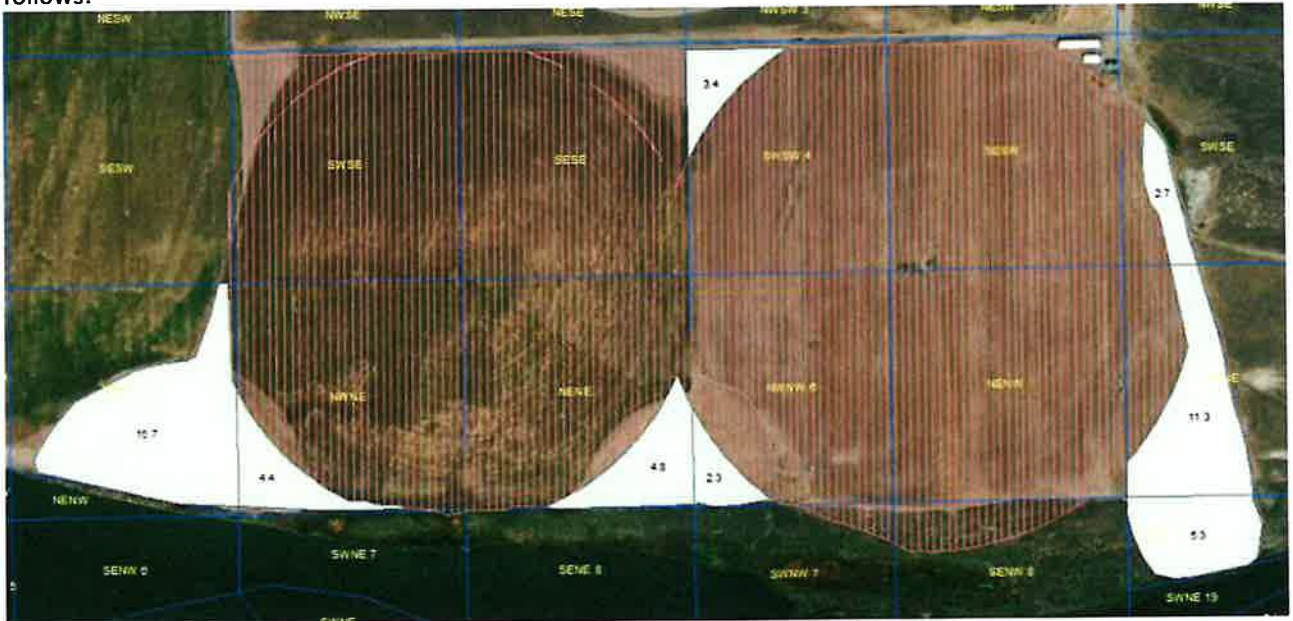
- 1) The Water Supply Bank can approve a rental of water rights 43-13597 and 13595 at a 1:1 ratio without any mitigation reductions required;
- 2) Only 41.6 acres are available for rental from water rights 43-13597 & 13595 for 2021, so the maximum rental possible for LCSC Enterprises LLC in 2021 is 41.6 acres, not the 46.6 acres requested;
- 3) Rental application 2065 was submitted on behalf of LCSC Enterprises LLC, and it was signed by Jason, not Blair.

To finalize my review of the rental, I need to confirm which specific 41.6 acres should be irrigated under the approval generated through rental application 2065. I also need to confirm that Mr. Dance did intend for Jason to submit rental application 2065 on behalf of LCSC Enterprises LLC.

Blair, if you respond to this email and confirm in the affirmative that rental application 2065 is desired for LCSC Enterprises LLC, that will resolve one of the two matters.

Additionally, if either of you could provide me with a map, or a legal land description of the 41.6 acres that might be irrigated under rental application 2065 in 2021, that will resolve the second matter.

For your consideration, I calculated that approximately 49.9 acres are identified to be irrigated under rental application 2065, outside the authorized places of use for water rights 35-2824 and 35-7740, as follows:



Rental (or Transfer) Required for Additional Areas to be Irrigated																				
			NE				NW				SW				SE				Sub Totals	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
			GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL		
9S	28E	13																	0	49.9
9S	28E	24	4.8	4.4			15.7												24.9	
9S	29E	18											3.4				2.7		6.1	
9S	29E	19		11.3	5.3			2.3											18.9	
								6	7	8			4							

One way to get this rental down to 41.6 acres might be to eliminate the 5.3 acres of irrigation in the SWNE QQ of Section 19 and to eliminate irrigation of 2.7 acres in the SWSE QQ of Section 18, while limiting irrigation in the NWNE QQ of Section 19 to 11 acres, as follows:

Rental (or Transfer) Required for Additional Areas to be Irrigated																				
			NE				NW				SW				SE				Sub Totals	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
			GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL	GL		
9S	28E	13																	0	41.6
9S	28E	24	4.8	4.4			15.7												24.9	
9S	29E	18											3.4				0		3.4	
9S	29E	19		11	0			2.3											13.3	
								6	7	8			4							

If you wanted to proceed with a rental as proposed above, please advise. Else, if you would like to propose an alternate reduction in irrigation acreage during 2021, please let me know.

Regards,

Remington