

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUN 21 2021

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 546

This is to certify that:

PERRY VAN TASSELL

1115 N 1650 W

PAUL, ID 83347

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
36-4179	8/9/1959	GROUND WATER	0.81	524		∞	∞
36-16920	8/22/1961	GROUND WATER	0.05	9.2	2.3	0.020	4.0
36-17152	11/7/1974	GROUND WATER	0.15	29.9	7.5	0.020	3.9
36-7510	11/7/1974	GROUND WATER	0.11	22.3	5.6	0.020	3.9
Combined Limit Totals			0.26	52.2	13.1	0.020	3.9
36-8418	3/16/1989	GROUND WATER	0.15	37.2		∞	∞
36-8662	5/26/1992	GROUND WATER	0.18	36.0		∞	∞
Combined Rental Totals			1.45	658	15.4	0.094	42.7

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.

SUPPORT DATA

Annual Rental Fee:

2021: \$13,160.00

IN FILE # 36-4179

The full fee for the rental of the above-described right(s) is \$13,160.00 for 2021. The rental fee includes an administrative fee of \$1,316.00 for 2021.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
MITIGATION BY NON-USE	1.45	612
Combined Total	1.45	612

* The authorized water usage reflects a reduction from the water right elements rented, to account for enlargement concerns.

Detailed water right conditions are attached.

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 546

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:



Signature of Renter

6/17/2021

Date

Perry Van Tassell

Printed Name

Manager 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.

By


BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date

6/23/21

Rental approved by IDWR



Date

6/23/21

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 546

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec. 33, Twp 07S, Rge 21E,	LINCOLN County
GROUND WATER	SENE	Sec. 33, Twp 07S, Rge 21E,	LINCOLN County
GROUND WATER	NESW	Sec. 34, Twp 07S, Rge 21E,	LINCOLN County
GROUND WATER	NENW	Sec. 35, Twp 07S, Rge 21E,	LINCOLN County
GROUND WATER	SESW	Sec. 27, Twp 07S, Rge 21E,	LINCOLN County
GROUND WATER	SWNW	Sec. 27, Twp 07S, Rge 21E,	LINCOLN County
GROUND WATER	NESE	Sec. 28, Twp 07S, Rge 21E,	LINCOLN County
GROUND WATER	NESE	Sec. 28, Twp 07S, Rge 21E,	LINCOLN County
GROUND WATER	NESE	Sec. 28, Twp 07S, Rge 21E,	LINCOLN County
GROUND WATER	NENE	Sec. 28, Twp 07S, Rge 21E,	LINCOLN County

BENEFICIAL USE

MITIGATION BY NON-USE

DIVERSION RATE

1.45 CFS

VOLUME

612 AF

SEASON OF USE

Water Right No.	From	To
36-4179	4/1	10/31
36-7510	3/15	11/15
36-8418	4/1	10/31
36-16920	3/15	11/15
36-8662	4/1	10/31
36-17152	3/15	11/15

RENTERS PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	21E	22											X	X			X		X
07S	21E	26											X	X					X
07S	21E	27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
07S	21E	28	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X
07S	21E	29				X					X			X	X	X	X	X	X
07S	21E	32	X	X	X	X													X
07S	21E	33	X	X	X	X	X	X	X	X	X								X
07S	21E	34	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
07S	21E	35		X	X		X	X	X	X	X	X	X	X		X			X

Total Acres: 0.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 546

2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Use of water under this 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.130.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications.
11. This rental agreement does not authorize the construction of a well.

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK**Applicant Name: Hidden Valley Organic LLCIs this application being submitted with a lease application as a lease/rental package?
If yes, specify companion water rights in Section 4Yes ☐ No ☒

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)

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Hidden Valley Organic LLC

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

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

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

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

For Mitigation water

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
CFS	854.1 AF	CFS	AF	AC

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

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

Desired Start Date (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	10/30/2021	☒ 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):

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

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

POD Description	Water Source	Other Water Rights Diverted from this POD
Pump	Deep Well	36-2438,36-2437,36-2569,36-7966,36-7512
Pump	Deep Well	36-7784B,36-7010,36-2351,36-7784A,36-2387
Pump	Deep Well	36-8528,36-7016,36-2382,36-10174

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as Attachment 3F.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☒ No ☐
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☒ N/A ☐
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation _____ (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: mitigation by non-use from: 4/1/2021 (mm/dd) to: 10/30/2021 (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☒ Yes ☐ No ☐
If yes, justify the rate of flow and attach any supporting documents as Attachment 3J. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

36-2438,36-2437,36-2569,36-7966,36-7512,36-7784B,36-7010,36-2351,36-7784A,36-2387,36-8528,36-7016,
36-2382,36-10174, We are using the water for mitigation purpose.

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)
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

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

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

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:

2020 rental agreement NO. 468 and 469. I have a permanent water right for all of my acers, but do to water curtailments and agreements made by water districts I need to have additional water for mitigation.

- 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

We are using the water for mitigation

DECLARATION

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


Signature of Applicant

Perry Van Tassell
Printed Name of Applicant

3/29/2021
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

MAGIC VALLEY GROUNDWATER DISTRICT
2020 Measurement Report
Summary Sheet

AFTON VAN TASSELL

Water Rights							Points of Diversion					
Owner	Water Right #	Priority Date	Tier	Acres/Rt	Tier Allowed	Combined	WMIS #	POD	Div. Name	2018	2019	2020
					AF	Acre Limit				Usage	Usage	Usage
AFTON VAN TASSELL	36-2438	7/29/1960	2	191	334.3	837	100203	07S 21E 28 NENESE	#1	1267.4	1013.7	1209.1
AFTON VAN TASSELL	36-2437	7/6/1960	2	175	306.3		100204	07S 21E 33 NENENW	#2	185.8	249.4	844.4
AFTON VAN TASSELL	36-2569	4/3/1963	2	45	78.8							
AFTON VAN TASSELL	36-7966	2/23/1981	3	114	182.4							
GAIL VAN TASSELL	36-7512	11/25/1974	3	312	499.2							
PERRY VAN TASSELL	36-7784B	3/17/1978	3	23	36.8	305	100205	07S 21E 33 NESENE	#3	839.6	345.1	585.0
PERRY VAN TASSELL	36-7010	9/28/1967	2	282	493.5							
PERRY VAN TASSELL	36-2351	5/1/1958	2	250	437.5	250	100206	07S 21E 34 SENESW	#4	837.6	614.1	888.9
PERRY VAN TASSELL	36-7784A	3/17/1978	3	272	435.2	272						
PERRY VAN TASSELL	36-2387	5/18/1959	2	65	113.8	65	100207	07S 21E 35 SWNENW	#5	616.2	558.9	802.3
HIDDEN VALLEY LAND CO LLC	36-8528	3/16/1990	3	54	85.6	53.5	100202	07S 21E 27 SESESW	#6	1045.5	855.5	1139.3
HIDDEN VALLEY LAND CO LLC	36-7016	2/27/1968	2	40	70.0	377						
HIDDEN VALLEY LAND CO LLC	36-2382	4/28/1959	2	285	498.8							
HIDDEN VALLEY LAND CO LLC	36-10174	3/15/1968	3	52	83.2							
WATER BANK	36-16839 (WB2)	6/23/1952	1	10	19.9	11.3						
WATER BANK	36-16140 (WB2)	3/15/1974	3	1	1.3							
WATER BANK	36-16458 (WB2)	9/23/1965	2	7	11.9							
WATER BANK	36-16460 (WB2)	2/15/1974	3	25	40.6							
WATER BANK	36-7510 (WB2)	11/7/1974	3	19	30.1							
WATER BANK	36-17152 (WB2)	11/7/1974	3	25	40.3							
WATER BANK	36-16148 (WB2)	6/23/1952	1	4	6.8							
WATER BANK	36-16702 (WB2)	3/13/1981	3	19	29.8							
WATER BANK	36-8418 (WB2)	3/16/1989	3	17	27.8							
WATER BANK	36-16178 (WB2)	11/25/1977	3	13	20.8							
WATER BANK	36-7515 (WB2)	12/12/1974	3	8	12.8							
WATER BANK	36-16920 (WB2)	8/22/1961	2	2	4.0							
WATER BANK	36-8662 (WB2)	5/26/1992	3	9	14.4							
Totals:				2318.9	3915.8	2170.8						

Mitigation Payments: **-1136.8**

Totals: 3655.1 3636.7 5468.9

* Used PCC. Meter did not totalize all year

MAGIC VALLEY GROUNDWATER DISTRICT

2020 Measurement Report

Summary Sheet

Total WR Acres	Yearly Allowed (AF)	2020 Pumped (AF)	2020 Over/ Under	Cumulative Over/ Under	2021 Usage Target
2318.9	3915.8	5468.9	-1653.1	-1534.6	2641.7



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 15, 2021

PERRY VAN TASSELL
1115 N 1650 W
PAUL, ID 83347

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-4179, 36-16920, 36-17152, 36-7510, 36-8418 & 36-8662
AGREEMENT 546

Dear Renter:

Please find enclosed a receipt in the amount of **\$13,160.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 658.0 acre-feet of water for mitigation by non-use 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 \$11,844.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,316.00 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,

Jean Hersley

for
Water Supply Bank

Enclosures: Receipt Nos. C110545 & C110568
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Water District No. 120 **130**

Margheim, Kris

From: Buyer, Remington
Sent: Wednesday, June 23, 2021 3:22 PM
To: Margheim, Kris
Cc: Veibell, Amanda; Hummer, Phill
Subject: FW: Water Rental

RECEIVED
JUN 28 2021
DEPARTMENT OF
WATER RESOURCES

FYI, it appears we will be getting a payment of \$11,844 from Horizon Organic Dairy in the coming days, that should be applied to rental agreement 546.

From: Perry Van Tassell [mailto:perrydvt@gmail.com]
Sent: Wednesday, June 23, 2021 2:12 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Re: Water Rental

I am sorry Remington I must have made a mistake I will send the remaining amount ASAP
Sorry
Perry

Sent from my iPhone

On Jun 23, 2021, at 12:49 PM, Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Hi Perry,

I see that we've received the signed copy of rental agreement 546, along with the administrative payment of \$1,316 (Receipt ID C110545). The full rental agreement payment is \$13,160 and the administrative fee is \$1,316. Has Hidden Valley Organic submitted the remaining balance of payment (\$11,844)?

Thanks,

Remington

From: Perry Van Tassel [mailto:perrydvt@gmail.com]
Sent: Thursday, June 17, 2021 4:30 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Water Rental

Hi Remington:
Here is the signed water agreement.
Thanks!
Perry Van Tassell

MEMORANDUM FOR AGREEMENT # 546

To: Water Supply Bank Rental Application 2040
From: Remington Buyer
Date: April 29, 2021
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: An application to rent water from the Water Supply Bank (Bank) was received by the Department of Water Resources (Department) on March 29, 2021 from Perry Van Tassell. Mr. Van Tassell is requesting a rental for mitigation by non-use purposes.

Mr. Van Tassell operates a farm in Lincoln County, where he is authorized to irrigate 2,107.5 acres within a 2,253 acre permissible place of use, on approximately 2,403.5 acres of land owned by him. Mr. Van Tassell's water rights (36-2357, 2382, 2387, 2437, 2438, 2569, 7010, 7016, 7512, 7784A, 77848, 7966, 8528 and 10174) authorize him to divert up to 8,430 af of Eastern Snake Plain Aquifer (ESPA) ground water, annually, for the irrigation of his farmland.

Mr. Van Tassell is also a member of the Magic Valley Ground Water District (MVGWD). The MVGWD is a party to a negotiated settlement agreement with an entity called the Surface Water Coalition (SWC). The settlement agreement between MVGWD and the SWC calls for members of the MVGWD to reduce their overall diversions of ESPA ground water under their water rights, to mitigate for injury to surface water users who are members of the SWC.

During 2020, Mr. Van Tassell was required to divert no more than 3,915.8 af, to meet ground water diversion volume reduction targets required of him by the MVGWD, of which, it appears 3,655.2 af was authorized under his fourteen water rights, while 260.6 af was authorized pursuant to a 2020 mitigation by non-use rental (rental agreement 469). Mr. Van Tassell actually diverted 5,468.9 af, a difference of 1,553.1 af.

In Mr. Van Tassell's email to IDWR, by which he submitted rental application 2040, he requested a rental volume of 1,553.1 af for mitigation by non-use purposes. In his actual rental application, he requested a desired diversion volume of 854.1 af. There are presently 658.0 af of basin 36 ESPA ground water rights available for rental to Mr. Van Tassell in 2021. As such, a rental for 658 af will be drafted for consideration by Mr. Van Tassell.

AUTHORITY TO FILE: The application was submitted and signed by Perry Van Tassell, who is listed as the property owner of much of the land that will be associated with the mitigation by non-use rental. Beyond Mr. Van Tassell, some of the land associated with the rental place of use is owned by either Hidden Valley Dairy Farm (HVDF) or Hidden Valley Land Company (HVLC). Mr. Van Tassell is a registered agent of both HVDF and HVLC. No concerns about authority to file.

WATER RIGHT VALIDITY: The lands associated with this rental are irrigated under water rights belonging to the applicant. No concerns about the validity of those water rights specific to this rental.

INJURY TO OTHER WATER RIGHTS: Through this rental, ESPA ground water rights will remain un-diverted, to provide for mitigation by non-use. No injury is apparent under this rental.

ENLARGEMENT OF USE: Mitigation by non-use is a fully non-consumptive water use. As such, there are no enlargement concerns associated with this rental.

Approval Note by Phill Hummer: The total volume authorized for use was reduced by 46.1 af to account for enlargement concerns. Current policy allows changes to the nature of use of water rights if the historic extent of beneficial use is enlarged. The highest year historic consumptive use will be the basis for the annual volume available. Historic diversion amounts was not provided so the volume will be based on the standard amount for the area.

Water rights 36-16920, 36-17152, and 36-7510 authorize irrigation uses at a consumptive/headgate ratio of $\frac{3}{4}$ af, so the rights are reduced accordingly. Right 36-16920, from 9.2 af reduced to 6.9 af, right 36-17152 from 29.9 af reduced to 22.4 af, right 36-7510 from 22.3 af reduced to 16.7 af, for a total reduction from 658 af to 612 af.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: It is assumed Mr. Van Tassell will have a ground water diversion volume limit in 2021 similar to that from 2020. Per a MVGWD 2020 Measurement Report provided with rental application 2040, it appears the applicant may in fact have a diversion volume target of 2,641.7 af, considerably less than the 3,655.2 af target from 2020.

As stated above, Mr. Van Tassell is authorized to divert 8,430 af under his water rights, meaning that a diversion volume limit of either 3,655.2 af, or 2,641.7 af, equates to a real diversion volume reduction under his water rights of either 4,774.8 af or 5,788.3 af in 2021. Accordingly, Mr. Van Tassell's mitigation by non-use rental of 658 af in 2021 accomplishes a real beneficial use, by partially offsetting the ground water diversion volume reduction required under his water rights.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Review comments were requested from IDWR's Southern Region and Water District 120 on April 29, 2021.

RE: WD 130 Mitigation by Non-Use Rentals for 2021



Erickson, Nathan

Today, 10:01 AM

Buyer, Remington; Skinner, Corey ▾

Reply all | ▾

Inbox

Remington,
I don't see any problems with these rentals.
Thanks,
Nathan

From: Buyer, Remington

Sent: Thursday, April 29, 2021 2:28 PM

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

Subject: WD 130 Mitigation by Non-Use Rentals for 2021

Nathan, Corey,

Perry Van Tassell and Irene Vandervegt-Gibson are basin 36 ground water users who are requesting to rent ESPA water rights from the Water Supply Bank to partially accomplish/offset their diversion volume reduction obligations, required by the Magic Valley Ground Water District and North Snake Ground Water District, respectively.

I've completed a review of their applications and drafted rental approvals for both applicants. Attached to this email are memos, maps and draft approvals for the applicants.

Could you please advise if you have any questions, comments or concerns about this draft approvals?

Thank you,

Remington

Buyer, Remington

From: Buyer, Remington
Sent: Thursday, April 29, 2021 2:27 PM
To: Skinner, Corey; Erickson, Nathan
Subject: WD 130 Mitigation by Non-Use Rentals for 2021
Attachments: Draft Rental Agreement 533.docx; Map Rental Agreement 533.pdf; Rental Review Memo - Agreement 533.docx; Draft Rental Agreement 546.docx; Map Rental Agreement 546.pdf; Rental Review Memo - Agreement 546.docx

Nathan, Corey,

Perry Van Tassell and Irene Vandervegt-Gibson are basin 36 ground water users who are requesting to rent ESPA water rights from the Water Supply Bank to partially accomplish/offset their diversion volume reduction obligations, required by the Magic Valley Ground Water District and North Snake Ground Water District, respectively.

I've completed a review of their applications and drafted rental approvals for both applicants. Attached to this email are memos, maps and draft approvals for the applicants.

Could you please advise if you have any questions, comments or concerns about this draft approvals?

Thank you,

Remington

 Reply all | ▾ Delete Junk | ▾

water rental



Perry Van Tassel <perrydvt@gmail.com>

Yesterday, 1:36 PM

Bank ▾

 Reply all | ▾

Inbox

2021_03_29_13_32_03.pdf ▾

2 MB

✓ Show all 1 attachments (2 MB) Download

Hi Remington:

I believe this is what you need. As you can see I need 1553AF according to the water district.

Thanks!

Perry Van Tassell