

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 473

RECEIVED
MAR 30 2021
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

PEP LLC

1356 S 3000 W

ABERDEEN, ID 83210-1609

SUPPORT DATA

IN FILE # 1-10687

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)
35-2324B	4/14/1953	GROUND WATER	0.71	131.1	32.8	0.02	4.0
35-7692	4/15/1977	GROUND WATER	0.66	104.9	26.2	0.02	4.0
Combined Limit Totals			1.28	236.0	59.0	0.02	4.0
29-14263	2/28/1958	GROUND WATER	0.31	127.0	31.8	0.01	4.0
29-13827	1/29/1960	GROUND WATER	0.30	52.5	15.0	0.02	3.5
34-13829	9/2/1961	GROUND WATER	0.45	78.1	22.6	0.02	3.5
34-12378	6/9/1966	GROUND WATER	0.13	30.1	8.6	0.02	3.5
Combined Limit Totals			0.45	108.2	30.9	0.02	3.5
34-2478	6/16/1966	GROUND WATER	0.76	133.0	38.0	0.02	3.5
34-2500B	11/30/1966	SPRING	0.13	56.0	16.0	0.01	3.5
Combined Limit Totals			0.76	133.0	38.0	0.02	3.5
35-7274	1/22/1973	GROUND WATER	1.22	372.0	93.0	0.01	4.0
34-7195	5/18/1977	GROUND WATER	0.40	70.0	20.0	0.02	3.5
1-10687	3/14/1978	SNAKE RIVER	0.18	43.1	10.8	0.02	4.0
35-14650	4/22/1979	GROUND WATER	0.22	43.1	10.8	0.02	4.0
Combined Limit Totals			0.22	43.1	10.8	0.02	4.0
35-13861	3/23/1981	GROUND WATER	0.13	38.8	133.0	0.01	0.3
Combined Rental Totals			5.06	1,180.6	431.5	0.01	2.7

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.

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Annual Rental Fee:

2021: \$23,612.00

The full fee for the rental of the above-described right(s) is \$23,612.00 for 2021. The rental fee includes an administrative fee of \$2,361.20 for 2021.

Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acre (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	3.8	987.3	270	0.014	3.66
IRRIGATION	3.8	987.3	270	0.014	3.66

** The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits and to offset modeling impacts*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 473

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

3-29-2021
Date

Chris Pratt
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.

By 
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 4/5/21

Rental approved by IDWR 

Date 4/5/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 473

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec. 27, Twp 04S, Rge 30E, BINGHAM County

BENEFICIAL USE

IRRIGATION

DIVERSION RATE

3.8 CFS

VOLUME

987.3 AF

SEASON OF USE

From To
4/01 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	
04S	30E	26							30		40	40							110
04S	30E	27													40	40	40	40	160

Total Acres: 270

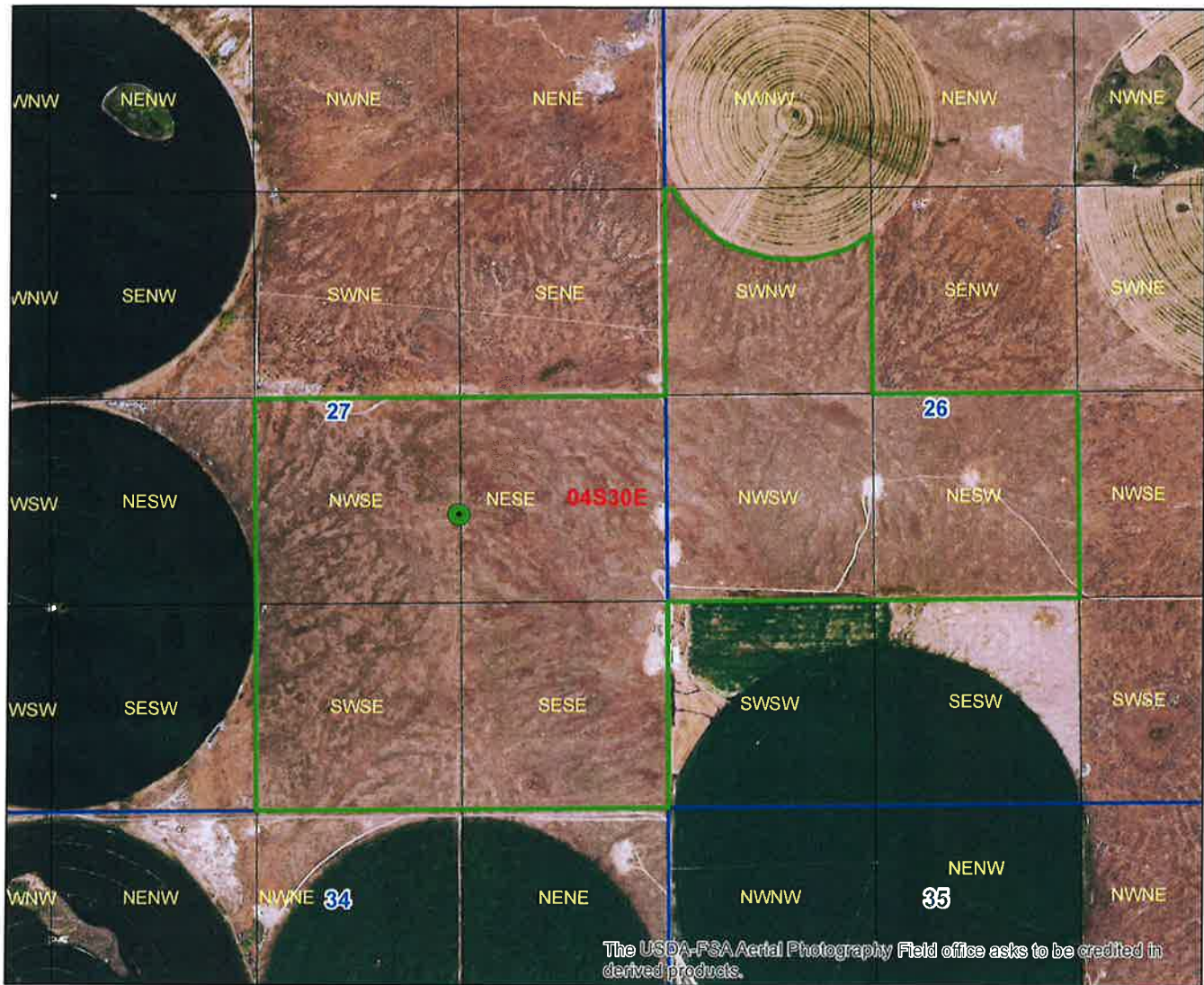
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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.
10. Use of water under this right will 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. 120.
11. The period of use for the irrigation described in this approval under water right 34-13829 may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12/14/2001.
12. 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.

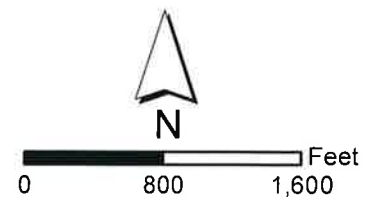
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 473

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
-  QQ



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
NOV 02 2020
DEPARTMENT OF
WATER RESOURCESApplicant Name: PEP, 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)

29-14012 43-13595

29-14013 43-13597

1795

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant PEP, LLC

Mailing Address 1356 S., 3000 W. Aberdeen ID 83210
Street City State Zip Code
 Email Address pepfarms@gmail.com Phone Number (208) 709-1645

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 _____
 Organization JCH Engineering & Consulting, PLLC Relationship to Applicant 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**:
Irrigation (Rental #1 of 2)

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)
5.09 CFS	1470.6 AF	5.09 CFS	1470.6 AF	375 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?	
04/01	06/01	☒	☐	☐	☐	☐	☒ Process application as soon as possible	☐ Return application to applicant
		1	2	3	4	5		

* 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 well, mainline and center pivot sprinkler 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
Existing Well #22	Ground Water	none

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 375 (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:
none

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)
29-14012	irrigation	1.83	488.8	122.2		1.83	488.8	122.2
29-14013	irrigation	2.25	651.2	162.8		2.25	651.2	162.8
43-13595	irrigation	5.00	1209.6	302.4		1.01	243.3	60.8
43-13597	irrigation	(0.89)	580.4	145.1		(0.18)	87.3	29.2
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	5.09	1470.6	375.0
						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**:

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:

Permanent water rights are continuing to be sought, however no appropriate water rights have been located at this time.

- 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

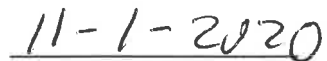
ESPA Transfer Spreadsheet analysis including prior year (2019) measured water use efficiency volumes for rental of these rights reported under WMIS #1001750 demonstrates full rental volumes can be authorized for 2021 while maintaining acceptable ESPA impacts (100%). See attached spreadsheet data-entry and results.

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

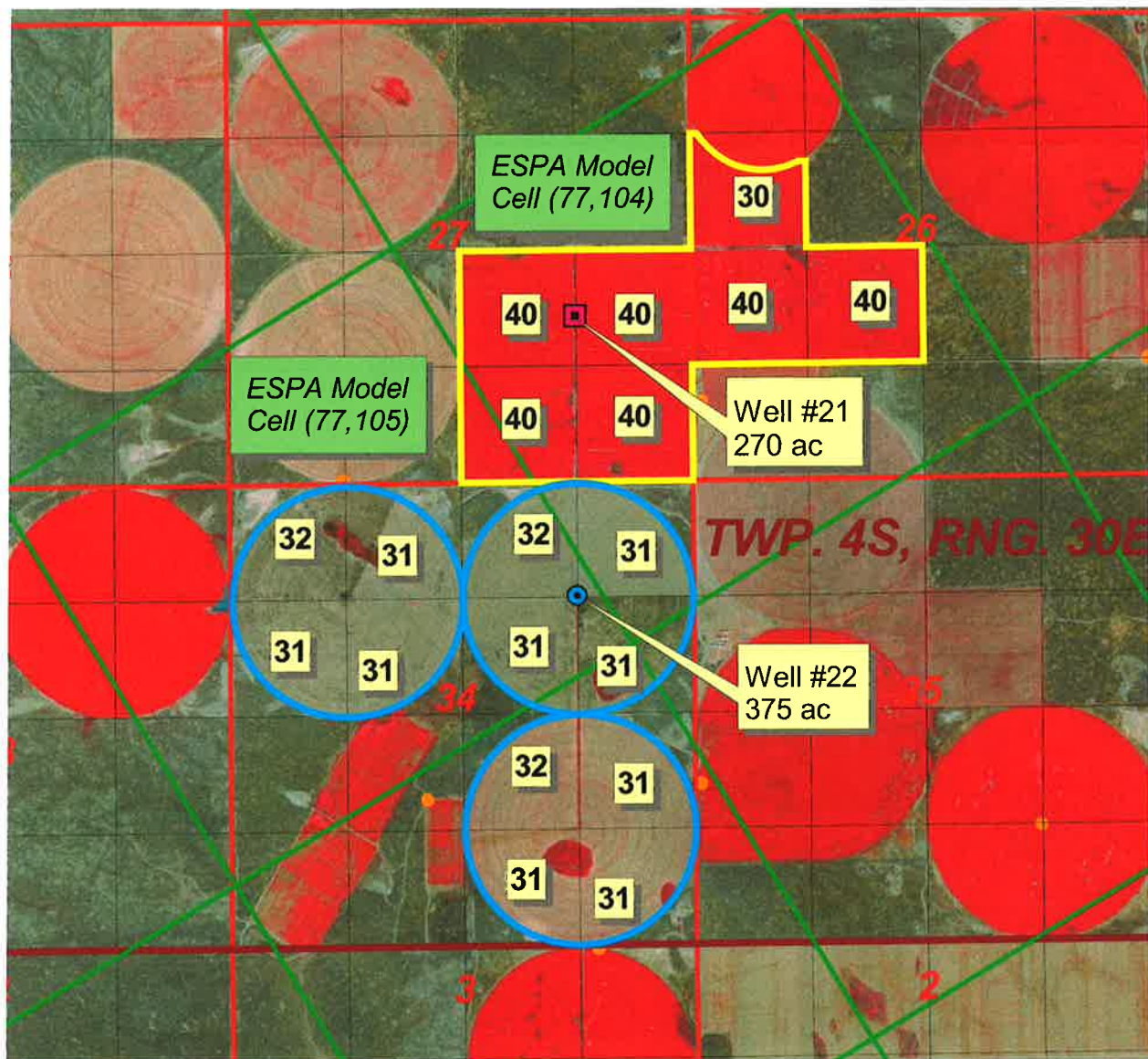
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



JCH - 10/25/2020

0.25 0 0.25 0.5 0.75 Miles

2019 NAIP Aerial Photo

-  Rental #1 Point of Diversion (WMIS 1001750), Place of Use (375 Ac.)
-  Rental #2 Point of Diversion (WMIS 600034), Place of Use (270 Ac.)
-  ESPA Model Grid
-  Township & Range
-  Sections
-  40's



PEP, LLC
2021 Water Supply Bank Rental Request

Attachment #2

WMIS

Water Management Information System

Quick Search:

[For assistance, email WMIS Info](#)

[Login](#)

Search Method:

WMIS Number

WMIS Number

1001750

Search

[Point Of Diversion](#) [PCC](#) [Flow Meter](#) [Time Clock](#) [Alternate](#) [Contacts](#) [Data Summary](#) [Other](#) [Logout](#)

Data Summary

You are viewing 1001750; A0018302

Report Year	Alternate	FM	PCC	Time Clock
2020				
2019		863.33		
2018		797.13	424.43	
2017		28.26	594.92	
2016			747.30	
2015			869.82	
2014			769.18	
2013			479.64	

ENHANCED GROUND-WATER RIGHTS TOOL

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

Cells this color are set up for user entries

ENTER STARTING DATE FOR

SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO: PEP WSB1 2021

YEAR: 1952

SEASON: SPRING

TRANSFER NAME: PEP Rental #1

PEP Rental #1

0.00

360.00

[acre-ft]

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	77	91	96	
COLUMN	105	69	122	

29-14012 8/19/1952

29-14013 8/19/1952

43-13595 5/4/1978

43-13597 5/23/1962

488.8

651.2

264.89

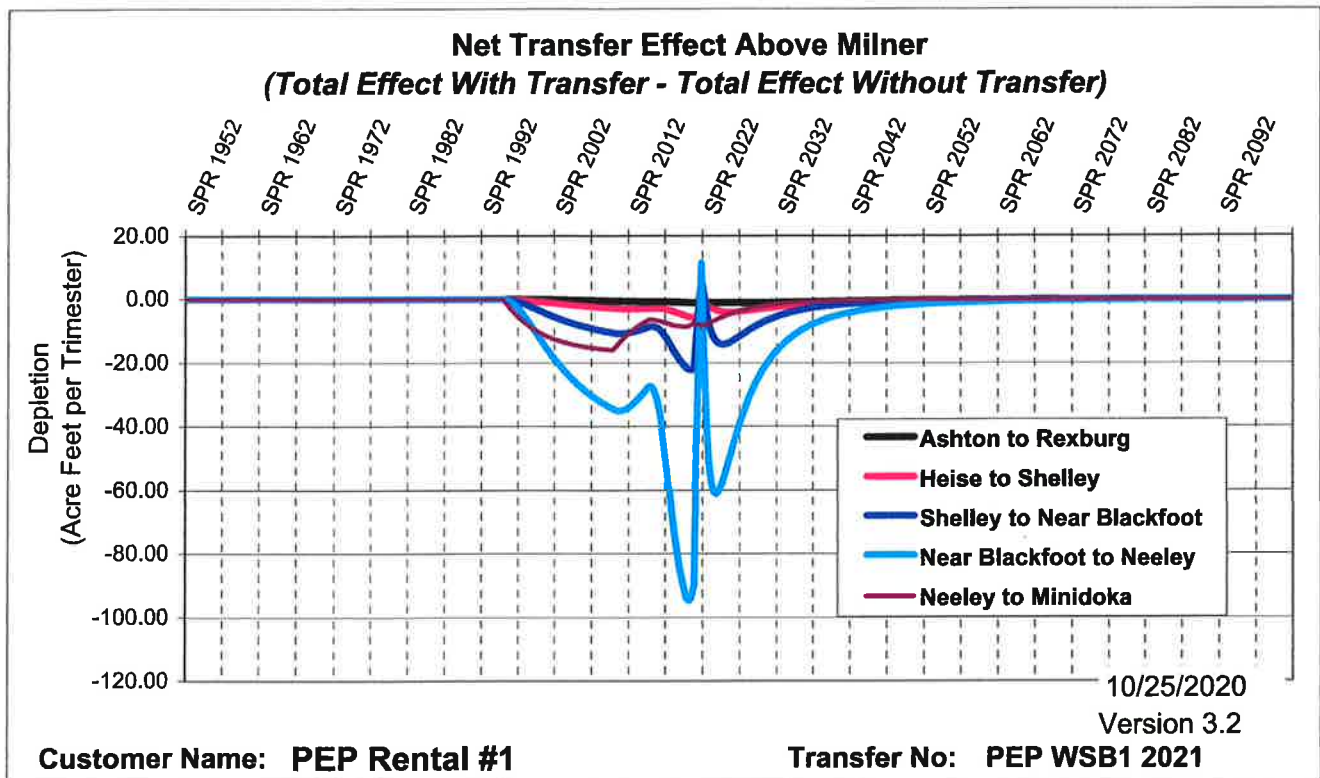
95.11

Total rental: 1500.00

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
SPR 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1952	0.0	0.0	0.0	380.0	380.0	0.0	0.0
WIN 1952	0.0	0.0	0.0	380.0	380.0	0.0	0.0
SPR 1953	0.0	0.0	0.0	380.0	380.0	0.0	0.0
WIN 1961	0.0	0.0	0.0	380.0	380.0	0.0	0.0
SPR 1962	0.0	31.7	31.7	380.0	380.0	0.0	0.0
SUM 1962	0.0	31.7	31.7	380.0	380.0	0.0	0.0
WIN 1962	0.0	31.7	31.7	380.0	380.0	0.0	0.0
SPR 1963	0.0	31.7	31.7	380.0	380.0	0.0	0.0
WIN 1977	0.0	31.7	31.7	380.0	380.0	0.0	0.0
SPR 1978	0.0	120.0	120.0	380.0	380.0	0.0	0.0
SUM 1978	0.0	120.0	120.0	380.0	380.0	0.0	0.0
WIN 1978	0.0	120.0	120.0	380.0	380.0	0.0	0.0
SPR 1979	0.0	120.0	120.0	380.0	380.0	0.0	0.0
WIN 1994	0.0	120.0	120.0	380.0	380.0	0.0	0.0
SPR 1995	0.0	0.0	120.0	380.0	380.0	0.0	0.0
SUM 1995	0.0	0.0	120.0	380.0	380.0	0.0	0.0
WIN 1995	0.0	0.0	120.0	380.0	380.0	0.0	0.0
SPR 1996	0.0	0.0	120.0	380.0	380.0	0.0	0.0
WIN 2009	0.0	0.0	120.0	380.0	380.0	0.0	0.0
SPR 2010	0.0	120.0	120.0	380.0	380.0	0.0	0.0
SUM 2010	0.0	120.0	120.0	380.0	380.0	0.0	0.0
WIN 2010	0.0	120.0	120.0	380.0	380.0	0.0	0.0
SPR 2011	0.0	120.0	120.0	380.0	380.0	0.0	0.0

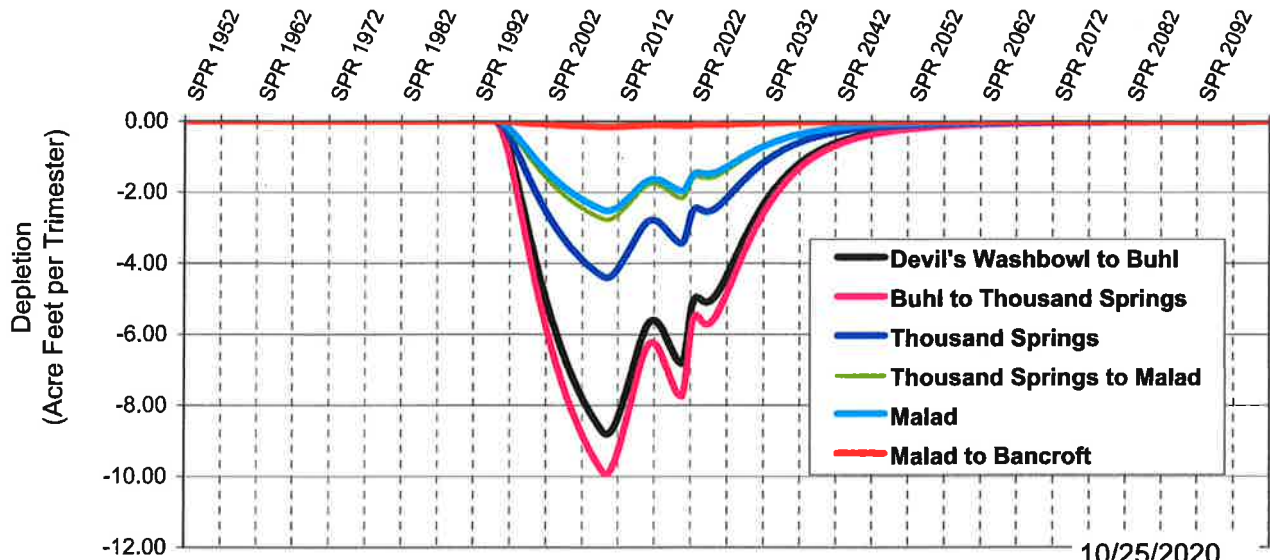
SPR 2014	0.0	120.0	120.0	380.0	380.0	J Helms:	0.0
SUM 2014	0.0	120.0	120.0	380.0	380.0	Assumes full volume	0.0
WIN 2014	0.0	120.0	120.0	380.0	380.0	shown here of 29-14012	0.0
SPR 2015	0.0	57.99% measured 2015	59.7	120.0	288.8	was utilized under a	0.0
SUM 2015	0.0		59.7	120.0	288.8	separate rental. Credit	0.0
WIN 2015	0.0		59.7	120.0	288.8	only for efficient use	0.0
SPR 2016	0.0	50.49% measured 2016	57.2	120.0	191.9	measured under 14013	0.0
SUM 2016	0.0		57.2	120.0	191.9		0.0
WIN 2016	0.0		57.2	120.0	191.9	J Helms:	0.0
SPR 2017	0.0	39.76% measured 2017	43.9	120.0	151.1	Measured 50.49% use	0.0
SUM 2017	0.0		43.9	120.0	151.1	during 2016 rental	0.0
WIN 2017	0.0		43.9	120.0	151.1	J Helms:	0.0
SPR 2018	0.0	54.20% measured 2018	59.7	120.0	206.0	Measured 39.76% use	0.0
SUM 2018	0.0		59.7	120.0	206.0	during 2017 rental	0.0
WIN 2018	0.0		59.7	120.0	206.0	J Helms:	0.0
SPR 2019	0.0	58.71% measured 2019	64.7	120.0	223.1	Measured 54.20% use	0.0
SUM 2019	0.0		64.7	120.0	223.1	during 2018 rental	0.0
WIN 2019	0.0		64.7	120.0	223.1	J Helms:	0.0
SPR 2020	0.0	100% 2020	120.0	120.0	380.0	Measured 58.71% use	0.0
SUM 2020	0.0		120.0	120.0	380.0	during 2019 rental	0.0
WIN 2020	0.0		120.0	120.0	380.0	J Helms:	0.0
SPR 2021	500.0	0.0	120.0	0.0	380.0	No information available. Full	0.0
SUM 2021	500.0	0.0	120.0	0.0	380.0	volume use conservatively	0.0
WIN 2021	500.0	0.0	120.0	0.0	380.0	assumed 2020.	0.0
SPR 2022	0.0	120.0	120.0	380.0	380.0		0.0
SUM 2022	0.0	120.0	120.0	380.0	380.0		0.0
WIN 2022	0.0	120.0	120.0	380.0	380.0		0.0
SPR 2023	0.0	120.0	120.0	380.0	380.0		0.0
SPR 2101	0.0	120.0	120.0	380.0	380.0		0.0
SUM 2101	0.0	120.0	120.0	380.0	380.0		0.0
WIN 2101	0.0	120.0	120.0	380.0	380.0		0.0

ATTACHMENT #3H
Data Entry



ATTACHMENT #3H
Impacts Above Milner

Net Transfer Effect Below Milner
(Total Effect With Transfer - Total Effect Without Transfer)



10/25/2020

Version 3.2

Customer Name: **PEP Rental #1**

Transfer No: **PEP WSB1 2021**

ATTACHMENT #3H
Impacts Below Milner

One-Way Analysis of Independent Transfers

New Water Right (PEP WSB Rental #1 2021):

WR No.	Div. Rate (CFS)	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	refer	to	transfer	spreadsheet	???	???	varies, refer
Transfer 1: Worst Case Transient State Impacts following Transfer	refer	to	transfer	spreadsheet	???	???	to
	refer	to	transfer	spreadsheet	???	???	spreadsheet

Impact by Reach (AF/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
8.13	24.97	76.57	297.54	21.20	20.68	23.36	10.37	6.54	5.99	0.37
8.12	24.95	76.54	297.46	21.20	20.67	23.35	10.37	6.54	5.98	0.37
8.13	24.97	76.57	297.54	21.20	20.68	23.36	10.37	6.54	5.99	0.37
8.12	24.95	82.84	307.89	21.20	20.67	23.35	10.37	6.54	5.98	0.37

Steady State Analysis	Mitigation Check 1 - >10% of Historical:	-0.2%	-0.1%	0.0%	0.0%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
	Mitigation Check 2: > 2 AF/T:	0.0	0.0	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Check 3 - >10% of Total:	1.6%	5.0%	15.4%	60.0%	4.3%	4.2%	4.7%	2.1%	1.3%	1.2%
	Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis	Mitigation Check 1 - >10% of Historical:	-0.2%	-0.1%	8.2%	3.5%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
	Mitigation Check 2: > 2.01 AF/T:	0.0	0.0	6.3	10.3	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft):	0.0	0.0	6.3	10.3	0.0	0.0	0.0	0.0	0.0	0.0

Read Me

Rental Location	Water Right	Owner	Priority	Lease Begin Date	Lease End Date	Extg. POD	Extg. ESPA Model Cell	Proposed Rental Diversion Rate [cfs]	Proposed Rental Diversion Volume [ac-ft]	Proposed Rental Place of Use [ac]	rental cost [\$20/ac-ft]
Well #22	29-14012	City of Chubbuck	8/19/1952	9/13/2012	12/31/2020	6S,34E-3	SP096122	1.83	488.8	122.2	\$9,776.00
Well #22	29-14013	City of Chubbuck	8/19/1952	9/13/2012	12/31/2020	6S,34E-3	SP096122	2.25	651.2	162.8	\$13,024.00
Well #22	43-13595	Ward Land & Livestock	5/4/1978	7/20/1995	12/31/2020	10S,26E-2	SP091069	1.01	243.3	60.8	
Well #22	43-13597	Ward Land & Livestock	5/23/1962	7/20/1995	12/31/2020	10S,26E-2	SP091069	0.18	87.3	29.2	
Well #22	43-13595, 43-13597 Combined limits							1.01	330.6	90.0	\$6,612.40
Rental #1 Total								5.09	1470.6	375.0	\$29,412.40
		100.0%	RENTAL #1 Proposed Maximum Diversion:					5.09	1470.6	375.0	\$29,412.40
								Cost per acre of usable water right:			\$78.43
A0006214	29-14016	City of Chubbuck	1/17/1966	11/28/2012	12/31/2020	6S,34E-3	SP096122	0.94	239.3	67.9	\$4,786.00
A0006214	29-14058	City of Chubbuck	8/19/1952	5/30/2013	12/31/2020	6S,34E-3	SP096122	0.05	16.0	4.0	\$320.00
A0006214	29-14106	City of Chubbuck	8/18/1953	7/11/2014	12/31/2020	6S,34E-3	SP096122	0.67	134.3	33.6	
A0006214	29-14107	City of Chubbuck	12/3/1980	7/11/2014	12/31/2020	6S,34E-3	SP096122	0.44	87.6	21.9	
A0006214	29-14106, 29-14107 Combined limits							0.67	206.0	51.5	\$4,120.00
A0006214	43-13595	Ward Land & Livestock	5/4/1978	7/20/1995	12/31/2020	10S,26E-2	SP091069	0.98	236.8	59.2	
A0006214	43-13597	Ward Land & Livestock	5/23/1962	7/20/1995	12/31/2020	10S,26E-2	SP091069	0.17	85.0	28.4	
A0006214	43-13595, 43-13597 Combined limits							0.98	321.8	87.6	\$6,436.01
A0006214	35-2324B	Wagoner, Michael T; Wagon									



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

April 7, 2021

PEP LLC
1356 S 3000 W
ABERDEEN, ID 83312-1609

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-2324B, 35-7692, 29-14263, 29-13827, 34-12829, 34-12378, 34-2478, 34-2500B, 35-7274, 34-7195, 1-10687, 35-14650, 35-13861, 34-2340, 34-7025, 21-13202, 29-13940, 29-14012 & 29-14013 AGREEMENTS 473 & 501**

Dear Renter:

Please find enclosed a receipt in the amount of **\$43,534.00** and a copy of the fully executed Water Supply Bank Rental Agreements 473 and 501 for 1,180.6 and 996 acre-feet of water for irrigation of 270 and 138.5 acres. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$39,180.60 of the rental fee will be paid to the lessor(s) and 10% or \$4,353.40 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

Water Supply Bank

Enclosures: Receipt No. C110143
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern & Southern Regional Office
State Water District No. 120 & 143
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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 12, 2021

PEP LLC
1356 S 3000 W
ABERDEEN, ID 83312-1609

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-2324B, 35-7692, 29-14263, 29-13827, 34-12829, 34-12378, 34-2478, 34-2500B, 35-7274, 34-7195, 1-10687, 35-14650, 35-13861, 34-2340, 34-7025, 21-13202, 29-13940, 29-14012 & 29-14013 AGREEMENTS 473 & 501

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 \$23,612.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 1,180.6 acre-feet for rental 473. A rental fee of \$19,922.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 996.0 acre-feet for rental 501.

Please send a check for \$43,534.00 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 \$39,180.60 of the rental fee will be paid to the lessor(s) and 10% or \$4,353.40 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
Jason C. Helms

Memorandum

To: Rental Application 1795

From: Justin Ferguson

Date: February 24, 2021

Re: Water Supply Bank Rental Application 1795 Rental Request for ESPA Groundwater

Purpose/Narrative: An application was received by the Department November 2, 2020 on behalf of PEP LLC by their representative, Mr. Jason Helms, requesting a rental of Eastern Snake River Plane Aquifer (ESPA) ground water for the irrigation of 375 acres.

This proposal is a continuation of their previous, single year rentals from the Bank for the irrigation of land that does not currently feature a permanent water right through a rental consisting exclusively of water rights held by the City of Chubbuck. This year, as with last year, the amount modeled under the City's water right portfolio were determined to be insufficient and additional water rights were necessary in line with the ETRAN modeling requirements that there are no measureable impacts greater than 2 af/trimester to any reach within the ESPA.

Upon receipt of the application it was determined that the water rights requested in the application were not currently available and additional rights were necessary to fulfill the rental request. Mr. Helm provided additional modeling however, the rights requested in the appended application were also insufficient to fulfill the rental. Based on the rental location, the review staff were able to identify available water rights and provide modeling that sufficiently covers PEP's request.

Authority to File: The applications were prepared and submitted on behalf of PEP LLC by their representative, Jason Helms. The initial application was signed by Mr. Chris Pratt of PEP LLC. Review of Idaho Secretary of State Information shows Mr. Pratt as a registered agent for PEP LLC. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The water rights being used to facilitate this rental are currently leased to the Bank and available for rent. No concerns at this time.

Injury Evaluation: As the proposed rental place of use falls within the ESPA, modeling is required and had been provided in the initial rental application. During the review it was determined that the water rights that had been requested were not available and that additional modeling would be necessary to approve this proposal.

Based on the rental request outlined in Figure 1, all available water rights were adjusted to the same rate per acre and volume per acre and modeled using the ESPA grid cells and the most current version of the ETRAN program. The water rights were modeled by the consumptive use per trimester.

Rental Request Total - 270 Acres					
	Rate	Volume	Acres	Rate/Acre	Volume/Acre
Appl. 1795	4.97	1500	375	0.013	4.00

Figure 1 – PEP LLC rental request for 375 acres

The ETRAN model was evaluated based on a local consumptive use (CU) of 3.0 afa and a headgate standard (HG) of 4.0 afa (3.0 afa / 4.0 afa = 0.75). Review staff were able to both identify and perform preliminary modeling with water rights near the rental location. The water rights being used were calibrated to both the rate per acre and the volume per acre noted in the rental application as follows in Figure 2.

Contract	WR	Rate	Water Rights Available				Priority Date	From Well Location		Modeling		
			Volume	Acres	Rate/Acre	Volume/Acre		Row	Column	C/U Volume	Volume Per Tri	
964	34-2304	0.120	21.40	6.10	0.020	3.51	5/17/1953	-	-	-	-	-
	34-7025	0.210	24.90	7.10	0.030	3.51	5/4/1972	13	111	18.7	6.2	-
	Total	0.210	24.90	7.10	0.030	3.51	-	-	-	18.7	6.2	-
1023	21-13202	0.270	39.20	13.20	0.020	2.97	7/12/1974	51	195	29.4	9.8	-
1181	29-13940	0.052	12.00	3.00	0.017	4.00	10/2/1977	91	114	9.0	3.0	-
1256	29-14012	1.830	488.80	122.20	0.015	4.00	8/18/1952	95	121	366.6	122.2	-
1257	29-14013	1.490	431.20	107.80	0.014	4.00	8/18/1952	95	121	323.4	107.8	-

Figure 2 – Water rights used for application 1795 at total rate, volume and acreage available for rent from the Bank

After modeling water rights located near the proposed rental place of use it was determined a rental of 138.5 acres would be permissible without causing injury to any reach of the ESPA as outlined in Figure 3.

No concerns at this time based on the preliminary modeling done by the review staff. The applicant will be contacted to affirm the modeling is acceptable prior to issuing an approval.

Enlargement of Use: Because the proposed rental place of use does not feature an existing water right, nor is the acreage part of an irrigation district, it does not appear that the area will receive water from any other source.

Contract	WR	Rate	Water Rights Available - Calibrated To Request				Priority Date	From Well Location		Modeling Results		
			Volume	Acres	Rate/Acre	Volume/Acre		Row	Column	C/U Volume	Volume Per Tri	Passing Model Volume
964	34-2304	0.071	21.40	5.35	0.013	4.00	5/17/1953	-	-	-	-	-
	34-7025	0.083	24.90	6.23	0.013	4.00	5/4/1972	13	111	18.7	6.2	-
	Total	0.083	24.90	6.23	0.013	4.00	-	-	-	18.7	6.2	6.2
1023	21-13202	0.130	39.20	9.80	0.013	4.00	7/12/1974	51	195	29.4	9.8	9
1181	29-13940	0.040	12.00	3.00	0.013	4.00	10/2/1977	91	114	9.0	3.0	3.0
1256	29-14012	1.620	488.80	122.20	0.013	4.00	8/18/1952	95	121	366.6	122.2	60.2
1257	29-14013	1.429	431.20	107.80	0.013	4.00	8/18/1952	95	121	323.4	107.8	60.1

Figure 3 – Water rights used for application 1795, calibrated to rate per acre and volume per acre noted in rental request

Additionally, the water rights being used to fulfil the rental have all been calibrated to the same rate and volume per acre as requested in the rental application, such that they can be delivered simultaneously through the same irrigation system. No concerns at this time.

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

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

Department/Watermaster Comments: Watermaster for water district 120 and IDWR Eastern Region comments were requested February 17, 2021. As of the date of this memo no concerns were received.

Water Supply Bank Evaluation: Bank staff recommend the approval of this application for PEP LLC for a single year	Passing Vol Per Tri	138.5	af/tri			
	Passing Total C/U	415.5	af/tri			
	Total C/U Per Tri	138.5	af/tri			
	Total C/U	415.5	af			
	Passing Total Vol.	554.00	af			
		Rate	Volume	Acres	Rate/Acre	Volume/Acre
	Calibrated Total	1.8	554.0	138.5	0.013	4.00
	Amount Short	3.1	946.0	236.5	0.013	4.00

Figure 4 – Total rental authorization based on available water rights