

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 497

RECEIVED
MAR 01 2021
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

COUNTY LINE FARMS
C/O MONTY & CAROLENE FUNK PO
BOX 360
AMERICAN FALLS, ID 83211

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)
36-16458	9/23/1965	GROUND WATER	0.18	48	12	0.01	3.9
36-16460	2/15/1974	GROUND WATER	0.70	180	45	0.01	4.0
29-2395	2/28/1958	GROUND WATER	2.11	861	215	0.01	4.0
Combined Rental Totals			2.99	1,089	272	0.01	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2022. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2021, whichever occurs last.

Annual Rental Fee:

2021 - 2022: \$21,778.00 annually

The full fee for the rental of the above-described right(s) is \$21,778.00 per year for years 2021 - 2022. The rental fee includes an administrative fee of \$2,177.80 per year for years 2021 - 2022.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	2.11	861	215	0.01	4.0
Combined Total	2.11	861	215	0.01	4.0

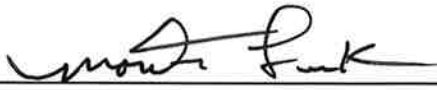
* The authorized water usage reflects a reduction from the water right elements rented, to account for mitigation to prevent injury to other water rights.

Detailed water right conditions are attached.

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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:

 02-25-2021
Signature of Renter Date

 owner / partner
Printed Name Title

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

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

By  Date 3/4/21
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR  Date 3/4/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec. 20, Twp 06S, Rge 29E, POWER County

BENEFICIAL USE

IRRIGATION

DIVERSION RATE

2.11 CFS

VOLUME

861 AF

SEASON OF USE

Water Right No.	From	To
29-2395	4/1	10/31
36-16458	4/1	10/15
36-16460	4/1	10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	20		34	34		40	34	33	40									215

Total Acres: 215

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The total combined rate of diversion of rights 36-16458 and 36-16460 is limited to 9.26 cfs.

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11. The following rights are diverted through points of diversion described above: 35-7632A, 35-13811, 35-13812, 35-13813, 35-14418, 35-14442, & 35-14443.
12. This rental agreement does not authorize the construction of a well.
13. Use of water under this agreement 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.
14. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.

**STATE OF IDAHO
WATER RESOURCE BOARD**

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK**

Applicant Name: County Line Farms

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)

35-2395

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant County Line Farms

Mailing Address P.O. Box 360 American Falls ID 83211
Street City State Zip Code
 Email Address _____ Phone Number (208) 226-5207

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 of prime land

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)
2.11 CFS	861 AF	2.11 CFS	861 AF	215.2 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

* 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, main, and center pivot system

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

POD Description	Water Source	Other Water Rights Diverted from this POD
WMIS ID 1002420	Ground Water	35-13811, 35-13812, 35-13813, 35-14418

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 215.2 (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)
35-2395	Irrigation	2.11	861	215.2		2.11	861	215.2
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	2.11	861	215.2
						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:

A similar rental has been previously approved for this right at this location and an additional year is requested.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☒ No ☐

Permanent water rights are still being sought.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV?

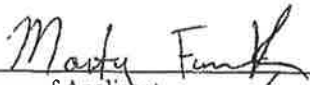
Yes ☐ No ☒

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

Monty Funk
Printed Name of Applicant

12/1/20
Date


Signature of Representative

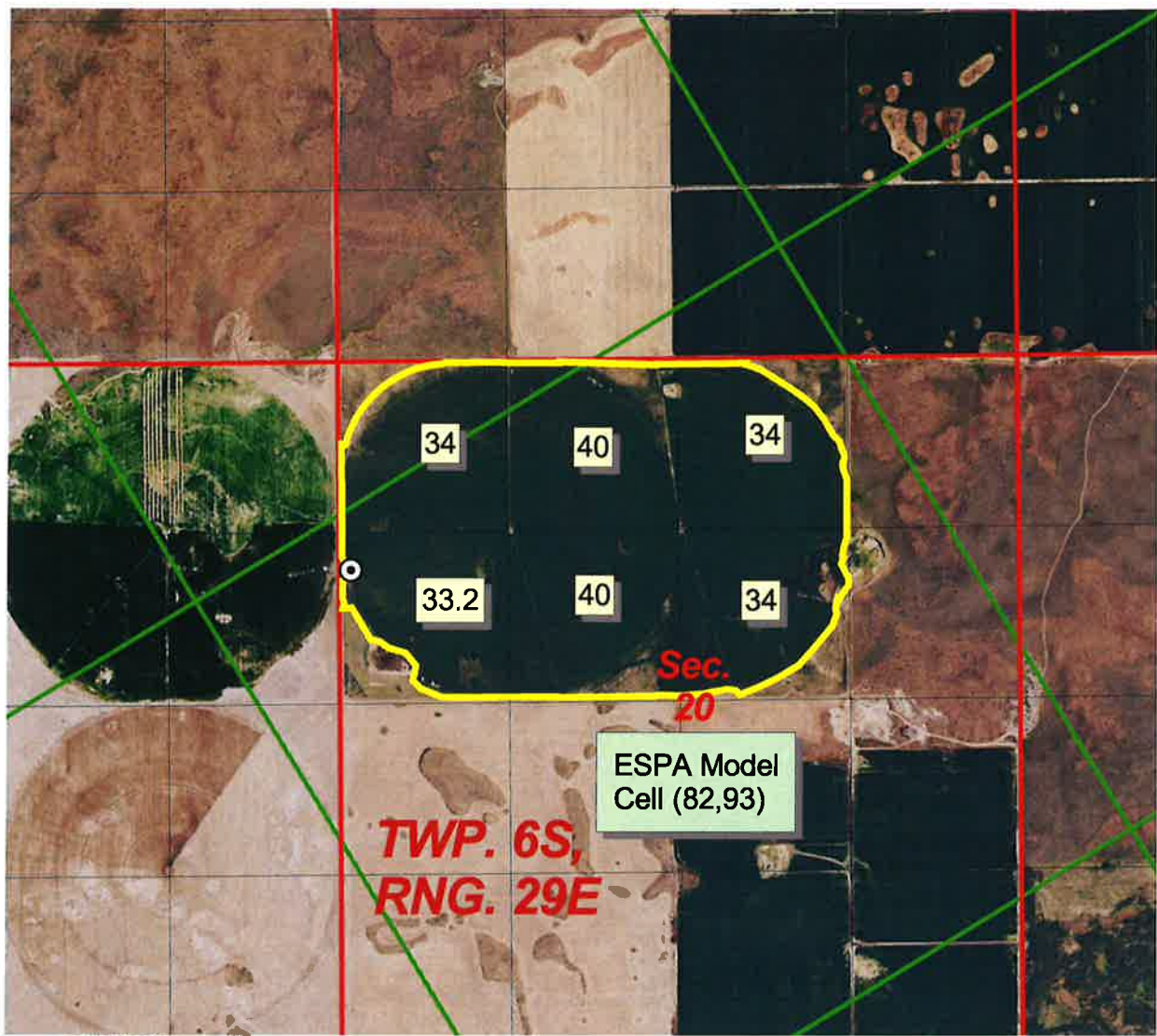
JASON HELMS
Printed Name of Representative

12/2/20
Date

Mail to:

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

Application to Rent Water From The Water Supply Bank **County Line Farms, (6S, 29E, Section 20 NW1/4 & W1/2NE1/4)**



JCH - 08/09/2018

2017 NAIP Aerial Photo



- ⊙ Proposed Rental Point of Diversion
- Yellow outline Irrigation Rental Place of Use (Yellow)
215.2 Total Acres
- Red line Sections
- Green line ESPA Model Grid
- White box 40s



ENHANCED GROUND-WATER RIGHTS TR

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE | IDAHO DEP

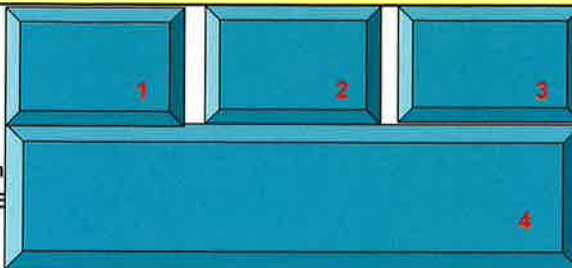
Cells this color are
set up for user entries

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

TRANSFER NO:
County Line Farm

YEAR: 1957
SEASON: SPRING

TRANSFER NAME:
29-2395 Rental



[acre-ft]
861

ENTER CELL LOCATIONS:		'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL	29-2395 2/28/1958		Total rental: 861	
ROW	COLUMN	82	97						
		93	124						
TRIMESTER OF ACTIVITY		TO WELL Projected Use AF/TRIMESTER	FROM1 WELL With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	FROM2 WELL With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	FROM3 WELL With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	
SPR 1957		0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 1957		0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 1957		0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 1958		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SUM 1958		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
WIN 1958		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SPR 1959		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SPR 1996		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SUM 1996		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
WIN 1996		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SPR 1997		0.0	0.0	287.0	0.0	0.0	0.0	0.0	
SUM 1997		0.0	0.0	287.0	0.0	0.0	0.0	0.0	
WIN 1997		0.0	0.0	287.0	0.0	0.0	0.0	0.0	
SPR 1998		0.0	0.0	287.0	0.0	0.0	0.0	0.0	
SPR 2012		0.0	0.0	287.0	0.0	0.0	0.0	0.0	
SUM 2012		0.0	0.0	287.0	0.0	0.0	0.0	0.0	
WIN 2012		0.0	0.0	287.0	0.0	0.0	0.0	0.0	
SPR 2013		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SUM 2013		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
WIN 2013		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SPR 2014		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
WIN 2019		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SPR 2020		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SUM 2020		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
WIN 2020		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SPR 2021		287.0	0.0	287.0	0.0	0.0	0.0	0.0	
SUM 2021		287.0	0.0	287.0	0.0	0.0	0.0	0.0	
WIN 2021		287.0	0.0	287.0	0.0	0.0	0.0	0.0	
SPR 2022		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SUM 2022		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
WIN 2022		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SPR 2023		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SPR 2106		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
SUM 2106		0.0	287.0	287.0	0.0	0.0	0.0	0.0	
WIN 2106		0.0	287.0	287.0	0.0	0.0	0.0	0.0	

ATTACHMENT #3H
Data Entry

WIN 2106	4.9	15.2	47.1	191.5	2.9	7.2	8.2	3.7	2.3	2.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	1.7%	5.3%	16.5%	67.1%	1.0%	2.5%	2.9%	1.3%	0.8%	0.7%	0.0%	9.4%	11.8%	15.5%	46.0%	1.1%	4.9%	5.6%	2.5%	1.6%

Enter First Time Step of Transfer: **SPR 2010**

Match: 160 Match: 456

	AtR	HIS	StNB	NBtN	NtM	DWtB	BtTS	TS	TSIM	M	MtB	Total	
Preexisting Effects @ SS (Last Time Step)	4.89	15.26	47.11	191.60	2.90	7.25	8.24	3.66	2.31	2.11	0.13	285.47	Total Effects without Transfer - Last
Steady State - Value of Dep. @ Last Time Step	4.87	15.25	47.09	191.54	2.90	7.24	8.24	3.66	2.31	2.11	0.13	285.34	Total Effects with Transfer - Last Tir
Preexisting Effects @ Transient State (Max Value Timestep)	4.89	15.26	47.11	191.60	2.90	7.25	8.24	3.66	2.31	2.11	0.13	285.47	Total Effects without Transfer - Corr
Transient State - Max. Value of Dep. After Transfer	4.87	15.25	48.11	198.46	2.90	7.24	8.24	3.66	2.31	2.11	0.13	293.29	Total Effects with Transfer - Max Va
Steady State Change:	-0.01	-0.02	-0.02	-0.06	0.00	-0.01	-0.01	0.00	0.00	0.00	0.00		
Transient State Change:	-0.01	-0.02	1.01	6.86	0.00	-0.01	-0.01	0.00	0.00	0.00	0.00		



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

March 11, 2021

COUNTY LINE FARMS
C/O MONTY & CAROLENE FUNK
PO BOX 360
AMERICAN FALLS, ID 83211

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-2395, 36-16458 & 36-26460 AGREEMENT 497**

Dear Renter:

Please find enclosed a receipt in the amount of **\$21,778.00** and a copy of a fully executed Water Supply Bank Rental Agreement of 1,089.0 acre-feet of water for irrigation of 215 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 \$19,600.20 of the rental fee will be paid to the lessor(s) and 10% or \$2,177.80 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. C109977
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Abordeen-American Falls Ground Water District
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

February 25, 2021

COUNTY LINE FARMS
C/O MONTY & CAROLINE FUNK
PO BOX 360
AMERICAN FALLS, ID 83211

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-2395, 36-16458 & 36-16460 AGREEMENT 497**

*****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 \$21,778.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 1,089 acre-feet.

Please send a check for \$21,778.00 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 \$19,600.20 of the rental fee will be paid to the lessor(s) and 10% or \$2,177.80 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
Jason Helms

MEMORANDUM FOR AGREEMENT # 497

To: Water Right(s) 29-2395, 36-16458, 36-16460

From: Scott Storms

Date: February 3, 2021

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

PURPOSE/NARRATIVE: Application to rent water from the Water Supply Bank (Bank) was submitted by Jason Helms of JCH Engineering & Consulting, PLLC on behalf of County Line Farms and was received by the Department of Water Resources (Department) on December 8, 2020. The application proposed to rent the full extent of the 861 af of water right (WR) 29-2395 that had been leased to the Bank. This was essentially a renewal of rental agreement 280. Both the proposed leased right and the rental point of diversion (POD) are located within the Eastern Snake Plain Aquifer (ESPA) and therefore required ETRAN modeling to assess potential injury to other rights.

The initial model run and results submitted by Jason Helms included data showing the volume of water only having been moved for the term of the current proposal (2021). Results from this model run showed no adverse effects. However, because this application proposed to rent the same volume from the same right as the prior agreement, those subsequent years of rental needed to be included in the modeling run in order to properly assess potential depletion effects to the ESPA. When the model was run with those years included, the results showed there would be depletions in several reaches of the Snake River, and therefore the rental would require further mitigation (see below). These results were further supported in the review of the original application for agreement 280. That application was originally for 5 years, 2019 – 2023, however the rental was scaled back to 2 years, 2019 – 2020, because ESPA modeling showed that anything beyond 2 years would cause depletions and would require mitigation.

Figure 1. Initial ETRAN Model Run Including Prior Years of Agreement 280

ENHANCED GROUND-WATER RIGHTS TRANSFER							
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE						IDAHO DEPARTMENT OF AGRICULTURE	
Cells this color are set up for user entries				UPDATE DATES RUN MODEL GET OUTPUT			
ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON				TRANSFER NO: 1830 TRANSFER NAME: County Line Farm CALCULATE EFFECTS			
YEAR: 1957 SEASON: SPRING							
ENTER CELL LOCATIONS:							
'TO' CELL		'FROM1' CELL		'FROM2' CELL		'FROM3' CELL	
ROW: 82		ROW: 97					
COLUMN: 93		COLUMN: 124					
TRIMESTER OF ACTIVITY	TO WELL Projected Use AFTRIMESTER	FROM1 WELL With Transfer AFTRIMESTER Without Transfer AFTRIMESTER		FROM2 WELL With Transfer AFTRIMESTER Without Transfer AFTRIMESTER		FROM3 WELL With Transfer AFTRIMESTER Without Transfer AFTRIMESTER	
192 SPR 2014	0	287	287	0	0	0	0
193 SUM 2014	0	287	287	0	0	0	0
194 WIN 2014	0	287	287	0	0	0	0
195 SPR 2015	0	287	287	0	0	0	0
196 SUM 2015	0	287	287	0	0	0	0
197 WIN 2015	0	287	287	0	0	0	0
198 SPR 2016	0	287	287	0	0	0	0
199 SUM 2016	0	287	287	0	0	0	0
200 WIN 2016	0	287	287	0	0	0	0
201 SPR 2017	0	287	287	0	0	0	0
202 SUM 2017	0	287	287	0	0	0	0
203 WIN 2017	0	287	287	0	0	0	0
204 SPR 2018	0	287	287	0	0	0	0
205 SUM 2018	0	287	287	0	0	0	0
206 WIN 2018	0	287	287	0	0	0	0
207 SPR 2019	287	0	287	0	0	0	0
208 SUM 2019	287	0	287	0	0	0	0
209 WIN 2019	287	0	287	0	0	0	0
210 SPR 2020	287	0	287	0	0	0	0
211 SUM 2020	287	0	287	0	0	0	0
212 WIN 2020	287	0	287	0	0	0	0
213 SPR 2021	287	0	287	0	0	0	0
214 SUM 2021	287	0	287	0	0	0	0
215 WIN 2021	287	0	287	0	0	0	0
216 SPR 2022	0	287	287	0	0	0	0
217 SUM 2022	0	287	287	0	0	0	0
218 WIN 2022	0	287	287	0	0	0	0
219 SPR 2023	0	287	287	0	0	0	0
220 SUM 2023	0	287	287	0	0	0	0
221 WIN 2023	0	287	287	0	0	0	0
222 SPR 2024	0	287	287	0	0	0	0
223 SUM 2024	0	287	287	0	0	0	0
224 WIN 2024	0	287	287	0	0	0	0
225 SPR 2025	0	287	287	0	0	0	0
226 SUM 2025	0	287	287	0	0	0	0
227 WIN 2025	0	287	287	0	0	0	0
228 SPR 2026	0	287	287	0	0	0	0
229 SUM 2026	0	287	287	0	0	0	0
TITLE		EXPLANATION		DataEntry		TransferSummary	
				GRAPHS ABOVE MILNER		GRAPHS BELOW M	

Figure 2 Mitigation Analysis Results From ETRAN Run with No Mitigation

		Impact by Reach (AF/Trimester)									
Dedicated Vol AFA/ AFT	Model Node	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	
		6 05	18 16	55 38	175 83	2 85	8 21	9 34	4 15	2 39	0 15
		6 05	18 16	55 38	175 81	2 85	8 21	9 34	4 15	2 39	0 15
0	0.0	6 05	18 16	55 38	175 83	2 85	8 21	9 34	4 15	2 39	0 15
		6 05	18 16	55 38	175 81	2 85	57 17	94 26	40 57	25 12	21 91
Mitigation Check 1 - >10% of Historical		-0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2 AF/T:		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:		2.1%	6.4%	19.4%	61.7%	1.0%	2.9%	3.3%	1.5%	0.9%	0.1%
Mitigation Required?:		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 1 - >10% of Historical:		-0.1%	0.0%	0.0%	0.0%	0.0%	596.2%	909.6%	878.5%	860.6%	815.6%
Mitigation Check 2: > 2.01 AF/T:		0.0	0.0	0.0	0.0	0.0	49.0	84.9	36.4	22.5	19.5
Mitigation Required?		NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
Mitigation Vol. Req'd (ac-ft)		0.0	0.0	0.0	0.0	0.0	49.0	84.9	36.4	22.5	19.5

This information was presented to Jason Helms with the question of how he would like to proceed. After exploration of several options, Jason presented an option of adding another 227.9 af of volume from WRs 36-16458 & 36-16460 to the rental for mitigation. He also submitted a new ETRAN modeling run that included the full volume of WR 29-2395 for 2019 – 2021 as well as the added volume from 39-16458 & 36-16460 for 2021 and 2022 as mitigation and those results showed no adverse depletions to the Snake River and therefore appeared acceptable. I was also able to replicate and confirm these results (see injury review for these results). Because the newly submitted model run was ran for 2021 and 2022 and passed for those years, I asked Jason if his client would like to update the rental to two years instead of just one, to which he replied that they would. The application was subsequently updated to a two year rental.

AUTHORITY TO FILE: The application was signed by Monty Funk as the applicant and Jason Helms as representative. Idaho Secretary of State reports list Monty Funk as Partner of County Line Farms. Department maintained parcel data lists Monty Melvin Funk as owner of the property at the place of use (POU). No concerns of authority to file.

WATER RIGHT VALIDITY: Water right 29-2395 was decreed in 2004 and was enrolled in CREP from 1997-2010. The entirety of the right was subsequently leased to the Bank in 2013 and has remained as such since then. Review of aerial imagery show no signs of irrigation the entire time the right has been enrolled in either CREP or the Bank. Furthermore, the right was severed from the land during a sale in 2017 and is therefore no longer appurtenant to the land at the POU described on the face off the right. No concerns over the validity of WR 29-2395

Water right 36-16458 was decreed in 2002 and WR 36-16460 decreed in 2001. Records in the files of both rights show unirrigated portions of both rights have been leased to the Bank since at least 2007, and prior reviews elude to both rights having been leased prior to 2007, placing them well within the 5+1 year timeframe post-decree to be placed in the Bank and prevent forfeiture. No further concerns of validity for water rights 36-16458 & 36-16460.

INJURY TO OTHER WATER RIGHTS: The rental POU is within the ESPA boundaries and as such, ETRAN modeling was required in order to assess potential for injury to other rights. As mentioned above, the initial modeling results submitted with the application did not include any data entry for prior years of renting the same water right for the same rental POU. When the volume rented in those prior years was included in the model data entry, the results showed

there would be significant depletions to several reaches of the Snake River without any form of mitigation (see opening discussion for those results).

This information was relayed to Jason Helms, who submitted the application and original model run. Jason responded by requesting to add 47.5 af of WR 36-16458 and 180.4 af of WR 36-16460 to the rental for mitigation. He submitted new modeling results that included the 861 af for WR 29-2395 for the years 2019-2021, as well as the additional 227.9 af in 2021 and 2022 from WRs 36-16458 & 36-16460. These results showed no major depletions in the Snake River and therefore passed modeling acceptance levels to provide that no injury should be caused by the rental. I was subsequently able to replicate these results, which are displayed below.

Figure 3 ETRAN Model Run Including Prior Years of Agreement 280 and Mitigation for 2021-2022.

A	B	C	D	E	F	G	H
1	ENHANCED GROUND-WATER RIGHTS TRANS						
2	UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE						
3	IDAHO DEPT OF AGRICULTURE						
4	Cells this color are						
5	set up for user entries						
6							
7	ENTER STARTING DATE FOR						
8	SIMULATION. THEN PUSH						
9	"UPDATE DATES" BUTTON						
10	YEAR	1957	TRANSFER NO:		1830		
11	SEASON		TRANSFER NAME:		County Line Farm		
12							
13	ENTER CELL LOCATIONS:						
14		TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL		
15	ROW	82	97	75			
16	COLUMN	93	124	55			
17							
18	TRIMESTER	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL
19	OF	Projected Use	With Transfer	Without Transfer	With Transfer	Without Transfer	With Transfer
20	ACTIVITY	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER
195	SPR 2015	0	287	287	76	76	0
196	SUM 2015	0	287	287	76	76	0
197	WIN 2015	0	287	287	76	76	0
198	SPR 2016	0	287	287	76	76	0
199	SUM 2016	0	287	287	76	76	0
200	WIN 2016	0	287	287	76	76	0
201	SPR 2017	0	287	287	76	76	0
202	SUM 2017	0	287	287	76	76	0
203	WIN 2017	0	287	287	76	76	0
204	SPR 2018	0	287	287	76	76	0
205	SUM 2018	0	287	287	76	76	0
206	WIN 2018	0	287	287	76	76	0
207	SPR 2019	287	0	287	76	76	0
208	SUM 2019	287	0	287	76	76	0
209	WIN 2019	287	0	287	76	76	0
210	SPR 2020	287	0	287	76	76	0
211	SUM 2020	287	0	287	76	76	0
212	WIN 2020	287	0	287	76	76	0
213	SPR 2021	287	0	287	0	76	0
214	SUM 2021	287	0	287	0	76	0
215	WIN 2021	287	0	287	0	76	0
216	SPR 2022	287	0	287	0	76	0
217	SUM 2022	287	0	287	0	76	0
218	WIN 2022	287	0	287	0	76	0
219	SPR 2023	0	287	287	76	76	0
220	SUM 2023	0	287	287	76	76	0
221	WIN 2023	0	287	287	76	76	0
222	SPR 2024	0	287	287	76	76	0
223	SUM 2024	0	287	287	76	76	0
224	WIN 2024	0	287	287	76	76	0
225	SPR 2025	0	287	287	76	76	0
226	SUM 2025	0	287	287	76	76	0
227	WIN 2025	0	287	287	76	76	0
228	SPR 2026	0	287	287	76	76	0
229	SUM 2026	0	287	287	76	76	0
230	WIN 2026	0	287	287	76	76	0

Figure 4 Mitigation Analysis Results from ETRAN Run with 227.9 af of Mitigation from WRs 36-16458 & 36-16460

Dedicated Vol AFA/ AFT	Model Node	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 Buhi	Buhi to Kapr	Kapr to Kapr to Malad	Malad to Malad to Bancroft	
r		5.96	18.45	56.68	221.96	4.55	15.96	18.02	8.00	5.05	4.62
		5.96	18.45	56.68	221.96	4.55	15.96	18.02	8.00	5.05	4.62
fer		5.96	18.45	56.68	221.96	4.55	15.96	18.02	8.00	5.05	4.62
		5.96	18.45	61.62	223.39	4.55	16.69	19.16	8.47	5.32	4.80
Mitigation Check 1 - >10% of Historical:		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2 AFT:		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:		1.7%	5.1%	15.8%	61.7%	1.3%	4.4%	5.0%	2.2%	1.4%	0.1%
Mitigation Required?:		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 1 - >10% of Historical:		0.0%	0.0%	8.7%	0.6%	0.1%	4.6%	6.3%	5.8%	5.5%	4.0%
Mitigation Check 2: > 2.01 AFT:		0.0	0.0	4.9	1.4	0.0	0.7	1.1	0.5	0.3	0.2
Mitigation Required?:		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):		0.0	0.0	4.9	1.4	0.0	0.7	1.1	0.5	0.3	0.2

Given these results, with the added rental volume for mitigation, there are no further concerns of injury to other rights.

ENLARGEMENT OF USE: There are no other water rights at the rental POU. The rental POD also shows up as the POD for WRs 35-7632A, 35-14442, and 35-14443 in the Department spatial data. These three rights are also listed as the PODs associated with the WMIS data point. Additionally, the application listed WRs 35-13811, 35-13812, 35-13813, and 35-14418 as being diverted from this well. These additional rights are also listed in a comment in the Point of Diversion section of the WMIS data as likely being diverted from this well. According to the WMIS data, in 2020 821.23 af was diverted from the well, and 659.77 af in 2019. The combined authorized volume for all these rights, including accounting for combined limits, equals 3,000 af, well above the diverted volumes reported in the WMIS data for the years of the prior contract. Review of remote sensing NDVI data through Climate Engine showed no signs of irrigation outside the prior years' rental POU. There are no further concerns of enlargement.

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: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Ground Water District – Aberdeen-American Falls, Water District # 120 American Falls, and is within the ESPA. Request for comment has been sent to Eastern Region contact James Cefalo and WD 120 Watermaster Blake Jordan.

ENHANCED GROUND-WATER RIGHTS TR

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

Cells this color are set up for user entries

ENTER STARTING DATE FOR

SIMULATION. THEN PUSH

"UPDATE DATES" BUTTO

YEAR 1957

SEASON SPRING

TRANSFER NO:

County Line Farm

TRANSFER NAME

29-2395 Rental

227.90

ENTER CELL LOCATIONS:

'TO' CELL

ROW 82

COLUMN 93

'FROM1' CELL

97

124

'FROM2' CELL

70

55

29-2395

2/28/1958

[acre-ft]
861

36-16458

9/23/1965

47.5

36-16460

2/15/1974

180.4

Total rental: 1088.9

TRIMESTER OF

ACTIVITY

Projected Use

AF/TRIMESTER

TO WELL

With Transfer

AF/TRIMESTER

FROM1 WELL

Without Transfer

AF/TRIMESTER

FROM2 WELL

With Transfer

AF/TRIMESTER

Without Transfer

AF/TRIMESTER

FROM3 WELL

With Transfer

AF/TRIMESTER

Without Transfer

AF/TRIMESTER

SPR 1957 0.0

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WIN 1957 0.0

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SPR 1959 0.0

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SPR 1966 0.0

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0.0

SUM 1966 0.0

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287.0

15.8

15.8

0.0

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WIN 1966 0.0

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0.0

SPR 1967 0.0

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WIN 1973 0.0

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SPR 1974 0.0

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0.0

SUM 1974 0.0

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WIN 1974 0.0

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SPR 1975 0.0

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SPR 1986 0.0

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0.0

0.0

SUM 1996 0.0

287.0

287.0

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WIN 1996 0.0

287.0

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0.0

SPR 1997 0.0

0.0

287.0

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76.0

0.0

0.0

SUM 1997 0.0

0.0

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WIN 1997 0.0

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SPR 1998 0.0

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SPR 2012 0.0

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SUM 2012 0.0

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WIN 2012 0.0

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SPR 2013 0.0

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SPR 2018 0.0

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287.0

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SUM 2018 0.0

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WIN 2018 0.0

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SPR 2019 287.0

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SUM 2019 287.0

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WIN 2019 287.0

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287.0

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76.0

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0.0

SPR 2020 287.0

0.0

287.0

76.0

76.0

One-Way Analysis of Independent Transfers

Water Supply Bank (County Line Farms 29-2395, 36-16458, 16460)

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							
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 Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
5.98	18.48	56.75	222.16	4.55	15.88	18.00	7.99	5.04	4.61	0.29
5.97	18.46	56.73	222.10	4.54	15.87	18.00	7.99	5.04	4.61	0.29
5.98	18.48	56.75	222.16	4.55	15.88	18.00	7.99	5.04	4.61	0.29
5.97	18.46	61.61	223.52	4.54	16.54	19.05	8.42	5.29	4.77	0.29

Steady State Analysis

Mitigation Check 1 - >10% of Historical:	-0.2%	-0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
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	0.0
Mitigation Check 3 - >10% of Total:	1.7%	5.1%	15.8%	61.8%	1.3%	4.4%	5.0%	2.2%	1.4%	1.3%	0.1%
Mitigation Required?:	NO	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	0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical:	-0.2%	-0.1%	8.6%	0.6%	0.0%	4.2%	5.8%	5.4%	5.0%	3.4%	2.0%
Mitigation Check 2: > 2.01 AF/T:	0.0	0.0	4.9	1.4	0.0	0.7	1.0	0.4	0.3	0.2	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	4.9	1.4	0.0	0.7	1.0	0.4	0.3	0.2	0.0

Read Me

Storms, Scott

From: Jason Helms <jasoncivil@alumni.nd.edu>
Sent: Thursday, February 4, 2021 8:20 AM
To: Storms, Scott
Subject: Re: County Line Farms Rental Modeling

Good morning Scott,
Yes, that should reduce his stress next year.
Thanks,
Jason

On Thu, Feb 4, 2021, 5:20 AM Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

Jason,

I just now realized that the modeling you submitted for County Line Farms actually runs through 2022 but the original application you submitted was only for 2021. All 3 rights that are now to be part of the rental are available through 2022. Does County Line Farms want to extend the rental through 2022?

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Tuesday, February 2, 2021 11:06 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: Re: County Line Farms Rental Modeling

Glad to hear it.

Thanks for the update

Jason

On Tue, Feb 2, 2021, 5:40 AM Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

Good morning Jason,

I just wanted to let you know, I was able to replicate the results you got with the two added rights for mitigation. As far as the modeling goes, it looks like everything should be good to go. I'm going to keep moving forward with review and recommendations and I'll be in touch if I run into anymore issues.

Scott

Scott Storms

Senior Water Resource Agent

Idaho Department of Water Resources

208-287-4915

Scott.Storms@idwr.idaho.gov

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]

Sent: Saturday, January 30, 2021 12:39 PM

To: Storms, Scott <Scott.Storms@idwr.idaho.gov>

Subject: Re: County Line Farms Rental Modeling

Hi Scott,

Is Justin OK?

Anyhow, please find attached modeling and results showing that adding rental of 36-16458 and 36-16460 provides adequate mitigation for an additional 2 year rental including the impacts of the prior rental. of 29-2395. Please be aware that County Line Farms has a contract with the owner for rental use of 29-2395 and rental to other users may result in legal action. I am only an engineer and this appears to pass requirements and avoids attorneys.

Let me know at your earliest convenience if it is acceptable or if 36-16458 and 36-16460 are not available and I will find an alternative.

Thanks,

Jason C. Helms, PE

JCH Engineering & Consulting, PLLC

208-308-2109

On Thu, Jan 14, 2021 at 10:15 AM Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

Hello Jason,

I am reviewing Water Supply Bank rental application 1830 you submitted on behalf of County Line Farms and I am coming across some issues with the modeling submitted.

I see that this application is an exact replication of rental agreement 280 which concluded on December 31, 2020. In reviewing the history of agreement 280, I see the original proposal was for a 5 year rental, however a full 5 year rental would not pass ESPA Modelling without requiring mitigation. During the application processing, it was determined that if the rental were reduced to 2 years, it would then pass the model without requiring mitigation. The agreement was subsequently reduced to 2 years in order to meet those results.

In reviewing the current application and submitted model results, I see that the model was ran as if the rental only occurs in the year 2021. Since this is an exact replication of the prior lease, utilizing the same water right with the same POD, acres and volume, the two prior years of rental must be included when running the model through the 2021 irrigation season.

As such, I have ran the model with the full volume of 287 af per trimester for the years 2019 to 2021. The results of this model run provide that there would be depletion effects in all reaches from Devil's Washbowl to Malad and that mitigation would be required. I have attached a preview of the data entry and results for your review.

At this time I cannot recommend this rental as submitted without some form of mitigation. Please review this information and let me know how you would like to proceed.

Scott Storms

Scott Storms

Senior Water Resource Agent

Idaho Department of Water Resources

208-287-4915

Scott.Storms@idwr.idaho.gov

Storms, Scott

From: Ferguson, Justin
Sent: Friday, January 29, 2021 10:09 AM
To: Jason Helms; Storms, Scott
Cc: Buyer, Remington
Subject: RE: County Line Farms Rental Modeling

Follow Up Flag: Follow up
Flag Status: Flagged

Jason,

I apologize for not being as thorough in my last email and for providing the incorrect response deadline, based on the water rights we have leased to the Bank available for rent we do not have enough to fill both rentals. Further, per Scott's email below, we cannot recommend an approval of the rental for County Line Farms using water right 29-2395 as it appears to cause injury or require additional mitigation. That said, given the volume available, we were able to model two different scenarios for your clients.

I had intended to allow until the end of business today (1/29/21) instead of last week (1/19/21) for either:

- Provide a map outlining the specific 232 acres PEP would like to cover under this rental
- or
- Provide a map outlining the specific 191 acres County Line Farms would like to cover under this rental

Let me know and I can send over the workbooks again else, they should be attached to the prior email. At this time we cannot continue to extend the deadline as it has begun to have an impact on other rentals within the ESPA. Please provide either map by the end of the day today (1/29/2021), else we will return the PEP rental for 375 acres and will move forward with options on the County Line Farms rental.

Justin

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Thursday, January 28, 2021 8:57 PM
To: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>; Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: Re: County Line Farms Rental Modeling

Hi Justin, Scott,

I'm not sure I understand the options you have presented?

I only meant to trade certain water rights so that the county line farms rental can be modeled.

PEP still wants approval of the 287 acres and I don't want that approval impacted by this. If the best we can do for County Line Farms is rental of the 215.2 acres of 29-2395 for irrigation of 191 acres I have attached a map for that purpose.

Your deadline for response is a week before you sent the email? Let's try to be reasonable. Perhaps a week?

Thanks,

Jason

On Thu, Jan 28, 2021 at 1:32 PM Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov> wrote:

Jason,

Based on the modeling results for both the PEP rental and the County Line Farms rental we ended up with two ways we can move forward with the applications:

- Provide a map outlining the specific 232 acres PEP would like to cover under this rental

or

- Provide a map outlining the specific 191 acres County Line Farms would like to cover under this rental

Attached are the two workbooks outlining the extent of the water rights available for rent in that area at this time. I believe either option will allow for a path forward to approve a rental for either PEP or County Line depending on what would work better for your clients. Please provide either map by the end of the day tomorrow (1/19/2021), else we will return the PEP rental for 375 acres. I have also copied Scott on the email so that we can all be on the same page as to the decision moving forward.

Justin

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Sunday, January 24, 2021 10:08 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>
Subject: Re: County Line Farms Rental Modeling

Hi Scott,

Is it possible we can trade rental rights with PEP farms that Justin Ferguson is working on?

I have cc'd him on this e-mail hoping you can coordinate with him to see if there is a simple trade that can work for everyone?

I also may be able to rent/lease 35-13992 which should provide huge offset credits where it hasn't been used between 2007 and 2020 under CRP contract. I am pursuing that option and should know this week.

Thanks,

Jason C. Helms, PE

JCH Engineering & Consulting, PLLC

208-308-2109

On Thu, Jan 14, 2021 at 10:15 AM Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

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Scott Storms

Scott Storms

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