

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 490

RECEIVED

FEB 03 2021

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

SIERRA DEL RIO RANCH LLC
PO BOX 199
JEROME, ID 83338-0199

BARKER ROSHOLT & SIMPSON LLP
PO BOX 63
TWIN FALLS, ID 83303-0063

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)
2-10420	7/30/1969	SNAKE RIVER	0.94	167.1	37.2	0.03	4.5
57-11710	12/29/1970	CASTLE CREEK	0.88	205.1	45.6	0.02	4.5
Combined Rental Totals			1.82	372.2	82.8	0.02	4.5

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

Annual Rental Fee:

2021: \$7,444.00

SUPPORT DATA
IN FILE # 2-10420

The full fee for the rental of the above-described right(s) is \$7,444.00 for 2021. The rental fee includes an administrative fee of \$744.40 for 2021.

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	0.67	168	33.5	0.02	5.0
Combined Total	0.67	168	33.5	0.02	5.0

* The authorized water usage reflects a reduction from the water right elements rented, to account for a per-acre diversion rate of 0.02 cfs/ac and an increased per-acre diversion volume of 5.0 afa/acre.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 490

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:

Ron Ambrose 1-29-2021
Signature of Renter Date

Ron Ambrose Mwy 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 [Signature] Date 02/11/21
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR [Signature] Date 02/11/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 490

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4 SWNW Sec. 16, Twp 03S, Rge 01E, OWYHEE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.67 CFS

VOLUME
168 AF

SEASON OF USE

From To
3/1 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	
03S	01E	18								0.1									0.1
03S	01E	20		9.6	3.6		5.2	5.7			0.1				3.9	5.3			33.4

Total Acres: 33.5

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 490

10. This right does not grant any right-of-way or easement across the land of another.
11. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
13. The period of use for the irrigation from the Snake River described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than 6/8/2009.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 490

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



0 0.125 0.25 0.5 Miles



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
DEC 21 2020
DEPARTMENT OF
WATER RESOURCESApplicant Name: Sierra Del Rio Ranch 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)

2-10420

57-11710

1893

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Sierra Del Rio Ranch LLC

Mailing Address	<u>P.O. Box 199</u>	<u>Jerome</u>	<u>Idaho</u>	<u>83338</u>
	Street	City	State	Zip Code
Email Address	<u>ron.d.ambrose@gmail.com</u>		Phone Number	<u>(208) 644-1803</u>

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 <u>Travis L. Thompson</u>	Professional Title <u>Attorney</u>
Organization <u>Barker Rosholt & Simpson LLP</u>	Relationship to Applicant <u>Counsel</u>
Mailing Address <u>P.O. Box 63, Twin Falls, Idaho 83303</u>	
Email Address <u>tlt@idahowaters.com</u>	Phone Number <u>(208) 733-0700</u>

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**:

Applicant desires to irrigate land outside capacity of current water rights while attempting to acquire permanent water rights for the acres involved in this application.

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)
1.82 CFS	287.1 AF	0.02 CFS	4.5 AF	63.8 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?	
01/01/2021	03/01/2021	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☒ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Existing pumps from Snake River and Sinker Creek to mainline for irrigation use. Existing irrigation systems will be extended to deliver water to the additional acres.

- 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
T03SR01ES16Lt4 SWNW	Snake River	02-10222
T03SR01WS13NWNESW	Sinker Creek	57-177A, 57-178A, 57-2221A, 57-10469A, 57-10470

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 63.8 (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:

Applicant currently does not have enough water to cover desired irrigated area. In addition to the rights listed above, applicant holds 57-2217A and 57-7219A.

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)
2-10420	Irrigation					0.94	167.50	37.2
57-11710	Irrigation					0.88	205.1	45.6
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	1.82	287.1	63.8
						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**:

Applicant will irrigate the acres allowed in accordance with all water right conditions and limits imposed thereon.

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)

G. 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:

Applicant is currently leasing water under Agreement No. 375. That application only requested to rent water for one year, but Applicant needs to rent for an additional year.

- 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 ☐

Applicant intends to apply for a water permit at some point in late 2021. This rental will allow Applicant to irrigate the land while IDWR processes the application for permit. The rental and permit will not overlap.

- 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

Sierra Del Rio Ranch LLC

Printed Name of Applicant

12-16-2020

Date



Signature of Representative

Travis L. Thompson

Printed Name of Representative

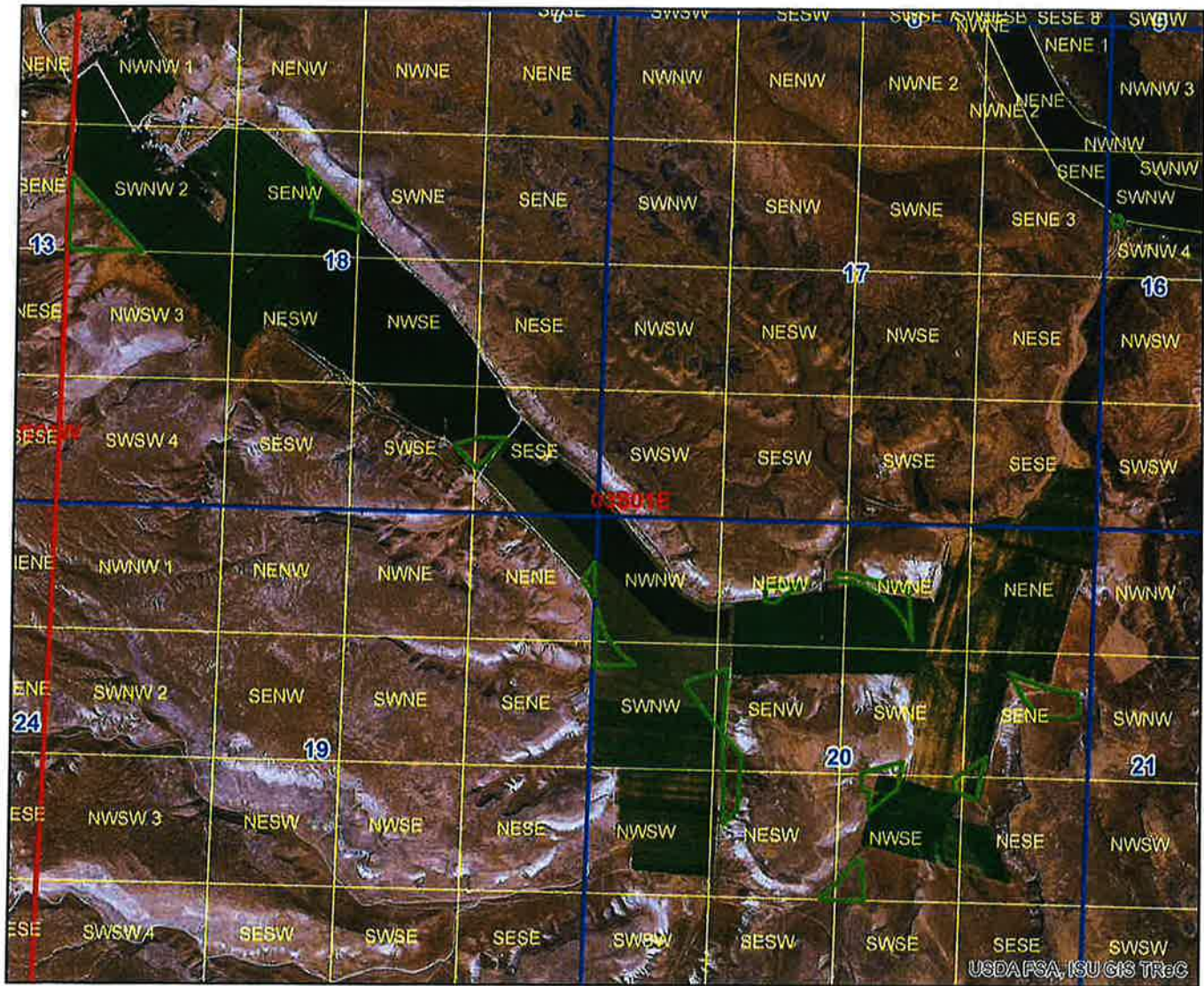
12-16-2020

Date

Mail to:

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

ATTACHMENT 2



-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Township/Range
-  Sections
- QQ



0  1 Miles



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 16, 2021

SIERRA DEL RIO RANCH LLC
PO BOX 199
JEROME, ID 83338-0199

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-10420 & 57-11710, AGREEMENT 490**

Dear Renter:

Please find enclosed a receipt in the amount of \$7,444.00 and a copy of a fully executed Water Supply Bank Rental Agreement of 372.2 acre-feet of water for irrigation of 33.5 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 \$6,699.60 of the rental fee will be paid to the lessor(s) and 10% or \$744.40 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

Enclosures: Receipt No. C109879
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
State Water District No. 2 & 57C
Travis Thompson – Barker Rosholt & Simpson



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

January 28, 2021

SIERRA DEL RIO RANCH LLC
PO BOX 199
JEROME, ID 83338-0199

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-10420 & 57-11710 AGREEMENT 490

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 \$7,444.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 372.2 acre-feet.

Please send a check for \$7,444.00 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 \$6,699.60 of the rental fee will be paid to the lessor(s) and 10% or \$744.40 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
Travis Thompson – Barker Rosholt & Simpson

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Thursday, January 14, 2021 2:40 PM
To: Miller, Nick
Subject: Sierra Del Rio Ranch LLC Rental
Attachments: Sierra Del Rio Rental Move Map.pdf; Rental Memo Sierra Del Rio.docx

Nick,

I'm seeking your comments on the rental of rights 2-10420 and 57-11710 for 2021 only. Please see the attached documentation and provide any comments within 2 weeks, by 1/28/2021.

Thank you,

Alex Dalgleish
Senior Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

Dagleish, Alex

From: Dagleish, Alex
Sent: Thursday, January 14, 2021 2:33 PM
To: Whitney, Rob
Subject: Sierra Del Rio Ranch LLC Rental
Attachments: Sierra Del Rio Rental Move Map.pdf; Rental Memo Sierra Del Rio.docx

Rob,

I'm seeking your comments on the rental of rights 2-10420 and 57-11710 for 2021 only. Please see the attached documentation and provide any comments within 2 weeks, by 1/28/2021.

Thank you,

Alex Dagleish
Senior Water Resource Agent
Phone (208) 287-4913
alex.dagleish@idwr.idaho.gov

MEMORANDUM FOR AGREEMENT # 1893

To: Water Right(s) 2-10420 & 57-11710

From: Alex Dalgleish

Date: 1/14/2021

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

PURPOSE/NARRATIVE: The Department received rental application No. 1893 on December 21, 2020 proposing to rent portions of water rights 2-10420 and 57-11710 for the 2021 year only. The application was submitted by Travis L. Thompson, an attorney of Barker Rosholt & Simpson LLP, on behalf of Sierra Del Rio Ranch LLC (Sierra). This rental is a continuation of prior agreements 340 (2019 year) and 375 (2020 year).

Upon review of the rental application, Sierra has requested a total of 1.82 cfs, 287.1 AF and 63.8 acres. A letter was included with the application from Mr. Thompson indicating that the map with this rental should be on file with the prior application which is further evidence that this is a renewal of the 2020 rental. Although this application requests to irrigate 63.8 acres, after review of both prior rentals, it appears that this amount is incorrect, just as it was in 2020.

A review of the rental POU indicates that it is not possible to irrigate more than 33.5 acres since the surrounding land is owned by the Bureau of Land Management (BLM). No agreement was included from the BLM allowing Sierra to apply rented water to their land, so they will be limited to the 33.5 acres of irrigation through this rental.

The rental request of 63.8 acres is for the total amount from the leased rights identified in the 2019 application, and not the actual total acres they intend to irrigate. Based on the 2020 rental, Sierra was authorized to rent 33.5 acres.

While there is a positive balance of 12.1 acres remaining between the acreage authorized under Sierra's existing rights at the rental POU and the acreage that appeared to be irrigated, Sierra has again requested to rent water instead of leasing the 12.1 acre balance and renting it out to themselves. This may be due in part from a necessity to divert water from the Snake River at a diversion rate that exceeds their Snake River water right limit.

AUTHORITY TO FILE: The application was signed by Ronald Ambrose as well as Travis Thompson. A search of the Idaho SOS website for Sierra shows that 4 Ace Farms LLC (Ace) and Charles S Potter Jr. are members of Sierra. A further search of the ID SOS for Ace lists Ronald Ambrose as a manager. Therefore, it is evident that he has the authority to sign the rental application on behalf of Sierra.

Review of Department parcel records shows that Sierra owns the land at the requested rental place of use (POU). The point of diversion (POD) from the Snake River is also owned by Sierra. No concerns with the authority to file.

WATER RIGHT VALIDITY: Water Rights 2-10420 and 57-11710 were re-leased into the Bank in 2021 under Contract 1299 for 3 years, until 2023. Right 2-10420 was decreed on 6/8/2009 and right 57-11710 was decreed on 9/8/2004. These leased rights have been placed in the Bank on prior contracts from 2014- 2016 and 2017-2020. Review of aerial imagery indicates that the lessor has remained compliant with the prior lease contracts. There are no concerns with the water right validity at this time.

INJURY TO OTHER WATER RIGHTS: No injury is apparent as the POD from leased right 2-10420 is from the Snake River approximately five miles upstream from the proposed rental POD. The rental POD is within the Trust Water area but the water rights being rented authorize diversions of Snake River and tributary water from within the Trust Water Area so no impact is anticipated. In addition, no reports of injury are evident as a cause of this rental under the prior agreements in 2019 or 2020.

ENLARGEMENT OF USE: The prior two rentals required Sierra to rent 0.94 cfs and 167.5 af of right 2-10420 which can then be adjusted from 0.25 cfs/acre and 4.5 afa to 0.02 cfs/acre and 5.0 afa. Through the adjustment, the rental of right 2-10420 authorizes 0.67 cfs and 167.5 afa for the irrigation of 33.5 acres. Because leased right 57-11710 from Castle Creek is stacked with right 2-10420 from the Snake River, a proportionate amount of this right will also be rented to prevent enlargement. The total amount rented will reflect the proportionate amounts required from each right such that there is not an enlargement of either right as well as the reduced amounts authorized through this rental available to the applicant.

Because the right is going to be used within the same PPU as the applicant's existing rights, the rental will adjust 2-10420 to match 2-10222 at 5 afa. While this is beyond the accepted headgate standard and outside values accepted by the State of Idaho for the conservation of natural resources, there could possibly be an enlargement of the rented right should it not match the other rights appurtenant to the rental place of use, the use of the rental water will be restricted to 4.5 af/acre at the field headgate.

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 POD is subject to a Water District 2. On 1/14/2021 comments were requested from the Watermaster and Western Region. If no response was received within 2 weeks, by 1/28/2021, it was assumed there were no concerns.



**Barker Rosholt
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RECEIVED

DEC 21 2020

**DEPARTMENT OF
WATER RESOURCES**

December 18, 2020

Mr. Justin Ferguson
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Bank Applications (Water Right Nos. 02-10222 et al.)

Dear Justin:

This firm represents Sierra Del Rio Ranch LLC ("SDR") with respect to the enclosed application to rent the referenced water rights from the state water supply bank. It is my understanding based on our discussion that these water rights may be resubmitted into the water supply bank for 2021 but that is not yet known for certain. Please keep this application on file and advise if the rental is available as soon as possible.

The referenced map (Attachment 2) should be on file with the prior application and I have enclosed an additional copy as well. If you have any questions or need any additional information please feel free to call or email. Thank you for your attention to this matter.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

Travis L. Thompson

Enc.

cc: Ron Ambrose (by email only)

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