

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 471

RECEIVED
DEC 07 2020
DEPT OF WATER RESOURCES

This is to certify that:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES 300 E MALLARD
DR STE 350
BOISE, ID 83706-6660

MADERA DEVELOPMENT INC
5655 W FLOATING FEATHER RD
EAGLE, ID 83616

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)
63-34965	2/14/1977	GROUND WATER	0.30	67.5	15.0	0.02	4.5
Rental Totals			0.30	67.5	15.0	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, 2025. 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: \$135.00 annually
2023 - 2025: \$155.25 annually

The full fee for the rental of the above-described right(s) is \$135.00 per year for years 2021 - 2022 and \$155.25 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$135.00 per year for years 2021 - 2022 and \$155.25 per year for years 2023 - 2025. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 63-34965.

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.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 471

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:

Madera Development, Inc.
by Thomas M. Ricks 12/4/2020
Signature of Renter Date
MADERA DEVELOPMENT, INC.
by THOMAS M. RICKS PRESIDENT
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.

Brian Patton 12/18/20
By Date
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board
Cody 12/18/20
Rental approved by IDWR Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 471

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec. 12, Twp 04N, Rge 01W, ADA County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.30 CFS

VOLUME
67.5 AF

SEASON OF USE

Water Right No. **From** **To**
63-34965 4/1 9/30 0.3 CFS

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	
04N	01W	12													4	11			15

Total Acres: 15

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. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
10. Right 63-8437B is also diverted through the point of diversion described above.
11. 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 for irrigation of the lands above.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 471

12. This rental agreement does not authorize the construction of a well.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and 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 before 4/1 and after 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the SRBA partial decree date.
14. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 471

Effective until December 31, 2025

This map depicts the **Irrigation 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



0 500 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
SEP 30 2020
DEPARTMENT OF
WATER RESOURCES

Applicant Name: Madera Development Inc, c/o Thomas M Ricks

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)

63-8437A **34965**

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Madera Development Inc, Thomas M Ricks

Mailing Address 5655 West Floating Feather Road Eagle ID 83616
Street City State Zip Code
 Email Address ricks_t@msn.com Phone Number 208-850-1094

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 Lori Graves Professional Title Water Rights Specialist
 Organization SPF Water Engineering Relationship to Applicant Consultant
 Mailing Address 300 E Mallard Dr, Ste 350, Boise, ID 83706
 Email Address lgraves@spfwater.com Phone Number 208-383-4140

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**:

Ballentyne Ditch Co. surface water rights are the primary irrigation source. The rented ground water will serve as a supplemental source.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.30 CFS	67.5 AF	0.30 CFS	67.5 AF	15 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?	
3/1/2021		☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

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):

The well and system currently authorized for the 15 acres proposed for lease will be used for the requested rental water and acres. Owner of the leased acres and system has easement to the well as provided in Attachment 3F.

- 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
T4N, R1W, S12, SWNE	Ground Water	63-8437A

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 15 (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:
Ballentyne Ditch Company surface water rights.

**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)
63-8437A	Irrigation	0.30	67.5	15		0.30	67.5	15
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.30	67.5	15
						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:

- 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:

Permanent transfer of the requested rental water is planned.

- 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

The rental fee is to cover administrative costs only per private agreement between the applicant and owner of the requested leased water.

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.

Thomas M. Ricks
Signature of Applicant

THOMAS M. RICKS
Printed Name of Applicant

9/24/2020
Date

Signature of Representative

Printed Name of Representative

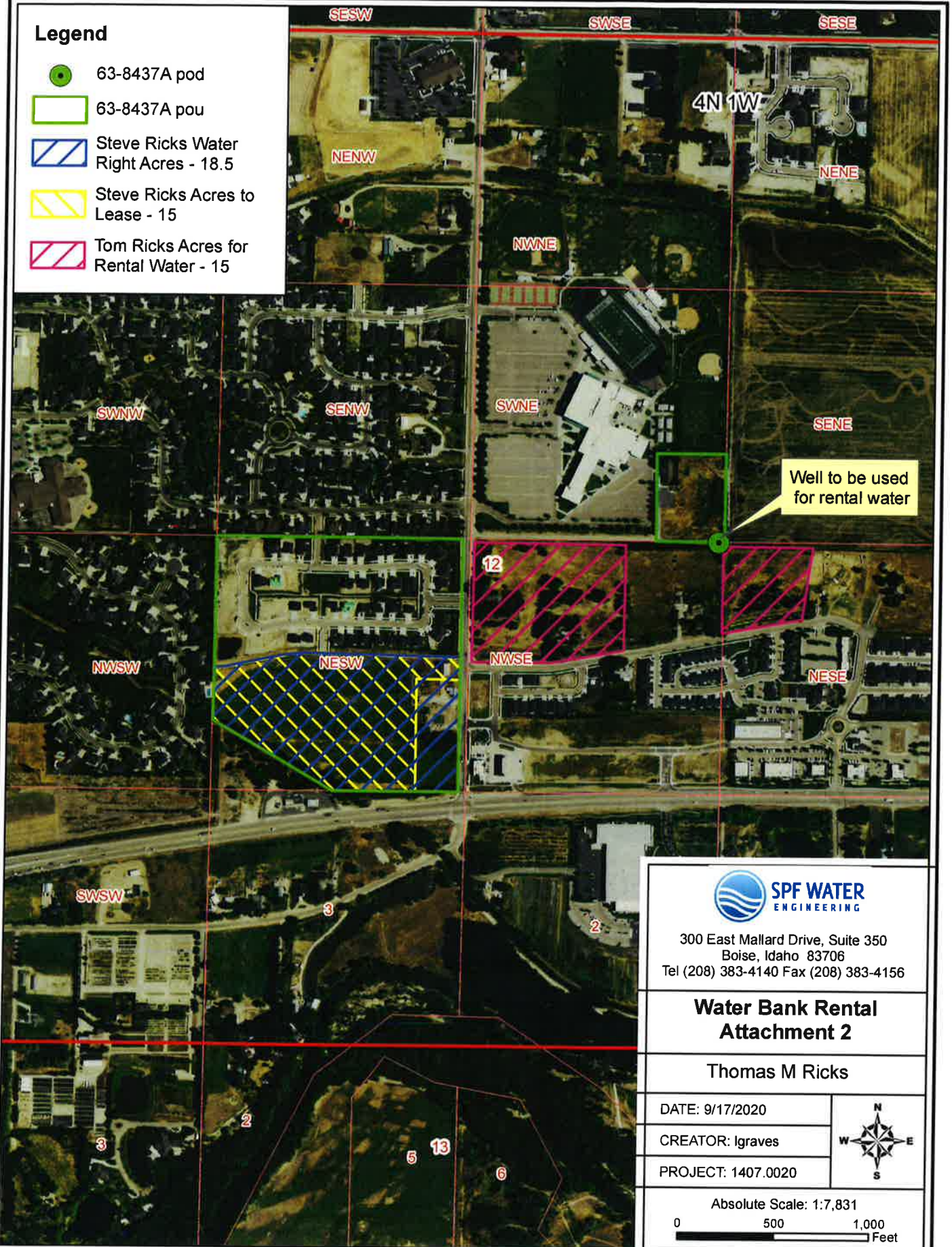
Date

Mail to:

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

Legend

-  63-8437A pod
-  63-8437A pou
-  Steve Ricks Water Right Acres - 18.5
-  Steve Ricks Acres to Lease - 15
-  Tom Ricks Acres for Rental Water - 15



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Water Bank Rental Attachment 2

Thomas M Ricks

DATE: 9/17/2020

CREATOR: Igraves

PROJECT: 1407.0020



Absolute Scale: 1:7,831

0 500 1,000 Feet



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

December 22, 2020

MADERA DEVELOPMENT
5655 W FLOATING FEATHER RD
EAGLE, ID 83616

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-34965, AGREEMENT 471**

Dear Renter:

Please find enclosed a receipt in the amount of \$135.00 and a copy of a fully executed Water Supply Bank Rental Agreement of 67.5 acre-feet of water for irrigation of 15.0 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.

A rental fee of \$135.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 65.7 acre-feet. Since you have a private agreement with the lessor you are only obligated to pay the 10% administrative fee or \$135.00.

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. C109590
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Lori Graves – SPF Water Engineering

Parker, Cody

From: Parker, Cody
Sent: Thursday, December 17, 2020 3:40 PM
To: Miller, Nick; Kelly, Patrick
Subject: WSB Rental 471 for Madera Development
Attachments: 63-34965 Rental Move Map.pdf; Draft Rental Agreement.pdf

Hey guys,

Attached is some information for a lease-rental package that we received for Madera Development. It sounds like they were contemplating a transfer to make this change permanent. It has already come back signed, but let me know if you have any comments. We can make any changes before sending the final approval if necessary. It looks like the rental application proposes to use the same well that is authorized on the water right so there shouldn't be any Basin 63 GW issues that I am aware of.

Thanks

Cody



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

December 2, 2020

MADERA DEVELOPMENT
5655 W FLOATING FEATHER RD
EAGLE, ID 83616

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-34965, AGREEMENT 471

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 **\$135.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 65.7 acre-feet. Since you have a private agreement with the lessor **you are only obligated to pay the 10% administrative fee or \$135.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$135.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Amanda Johnson Veillett

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Lori Graves – SPF Water Engineering

MEMORANDUM FOR APPLICATION # 1782/1783

To: Water Right 63-34965

From: Adalgleish

Date: 11/6/20

Re: Review & Analysis of Companion Package to Lease/Rent Water in the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received a lease/rental companion package on September 30, 2020. The lease is from Steven K. Ricks and the rental request was submitted by Madera Development Inc. C/O Thomas M. Ricks. The package proposes to lease in a portion of water right 63-34965 and rent these leased amounts in a neighboring quarter-quarter. Right 63-34965 authorizes the irrigation of 37 acres, diversion of .740 cfs and 166.5 AF. The lease proposes to put 15 acres, 0.30 cfs and 67.5 AF into the Bank for a period of 5 years, from 2021 to 2025. The lease application listed a period of 2021 to 2026 but this was adjusted to truly be 5 years through the end of 2025.

The companion package was also submitted with an ownership change request from Steven Ricks for right 63-8437A. The ownership request split off the majority of right 63-8437A and created right 63-34965. Before the split, right 63-8437A authorized the irrigation of 41 acres using 0.82 cfs and 184.5 AF. Now, right 63- 8347A authorizes the irrigation of 4.0 acres using 0.08 cfs and 18.0 AF.

AUTHORITY TO FILE: The lease application was signed by applicant Steven K. Ricks and the rental application was signed by Thomas M. Ricks. A search of the IDSOS website for Madera Development Inc. lists Thomas M. Ricks as a registered agent as well as the President of the business. Lori Graves of SPF Water Engineering is listed as a representative for both the lessee and the renter.

Department records show that the lease and rental places of use (POU's) are owned by the respective applicants. The point of diversion (POD) however is currently on property owned by the Church of Jesus Christ of Latter-day Saints. Although page 3 of the rental application stated that the owner of the leased acres and system has an easement to the well provided in an attachment, this agreement was not included with the applications. Additionally, the lease and rental applications indicated that only the administrative fees would be paid but no agreement between the lessor and renter was included in the package. On November 5, 2020, I requested the easement documents and a copy of the agreement stipulating that only administrative fees would be paid by Madera Development Inc. Lori Graves responded by email the same day and provided an easement for the well location. She indicated the lease and rental applicants are brothers and verification of payment of only administrative costs may not necessary. Because Steven Ricks signed the lease application, this appears to confirm his authorization that only to administrative fees will be paid by Madera Development Inc. for the rental of his water right. There are no concerns with the authority to file at this time.

WATER RIGHT VALIDITY: Leased water right 63-34965 was recently split from right 63-8437A on October 1, 2020. Right 63-8437A was decreed on 2/16/2007. Although changes in ownership and splitting of water rights do not confirm the validity of the right(s), there were no apparent issues when splitting the right. Review of aerial imagery appears to confirm that right 63-8437A has been put to beneficial use within the last 5 years. No concerns at this time.

INJURY TO OTHER WATER RIGHTS: No injury is apparent through the lease or rental. The rental proposes to use the same well under the leased right which should help prevent the major possibility of injury. Furthermore, the rental will apply water in the neighboring quarter-quarters to the POU for leased right 63-34965 so the cause for potential injury should be low to non-existent.

ENLARGEMENT OF USE: The lease POU receives surface water shares from the Ballentyne Ditch Co. Leased right 63-34965 is supplemental to these shares. Right 63-34965 authorizes 0.02 cfs/ acre (0.74 cfs/37 acres) and 4.5 AFA (166.5 AF/37 acres) and the rental maintains this rate/acre with 0.3 cfs and 15 acres and annual volume with 67.5 AF and 15 acres. Enlargement should not occur at the leased POU so long as the 15 acres idled under this lease proposal are not used. There is no indication that the authorized diversion rate, annual diversion volume and number of irrigation acres will be increased.

The rental POD is also used by right 63-8437A. Because this right was split to create leased right 63-34965, no additional water is assumed to be diverted at the well through the rental. According to the rental application, the POU is also irrigated by Ballentyne Ditch Company surface water rights. The rental application did not explain why additional water was needed beyond the surface water shares but it is likely that there are not enough shares to properly irrigate. The Ballentyne Ditch Co provides shares to both the lease and rental POU's so taking a portion of leased right and applying it to the rental POU where it will be comingled with shares should not cause 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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease and rental is within Water District 63 but this district does not include the administration of groundwater rights. So right 63-34965 is exempt.

Dalglish, Alex

From: Lori Graves <LGraves@spfwater.com>
Sent: Thursday, November 5, 2020 3:09 PM
To: Dalglish, Alex
Subject: RE: Lease/Rental of Right 63-34965

I believe so too Alex since it is signed by Steve.

- (Year) (Year)
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
- n/a - this water will be rented by Madera Development, Inc. c/o Thomas M. Ricks under private agreement and subject to only administrative costs.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

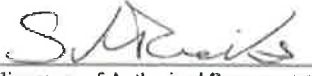
The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.


Signature of Designated Applicant

STEVEN K. RICKS
Printed Name

9-21-2020
Date


Signature of Authorized Representative

STEVEN K. RICKS
Printed Name

9-21-2020
Date

From: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>

Sent: Thursday, November 5, 2020 2:59 PM

To: Lori Graves <LGraves@spfwater.com>

Subject: RE: Lease/Rental of Right 63-34965

Lori,

This is what Remington had to say about rentals only paying the administrative fees: "Provided we have something in writing from the lessor confirming that they agree to us collecting only the administrative fee for the rental, we can approve an admin-fee only rental. The relationship between lessor and renter isn't really so important, instead, what's important is that we have confirmation from the lessor, not the renter, that we are only levying and collecting the admin fee".

Although it is not explicitly stated, I suppose the language on lease application regarding the private agreement is sufficient.

After recording, return to:
LDS Church, Office of General Counsel
1800 Eagle Gate Tower
60 East South Temple Street
Salt Lake City, Utah 84111-1004

Tax statements to be sent to:
LDS Church, Tax Administration
50 East North Temple Street, 22nd Floor
Salt Lake City, Utah 84150

WARRANTY DEED

1658001728

FOR VALUE RECEIVED, D. KEITH RICKS and ONA L. RICKS, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, the Grantee, whose current address is,

the following described premises, to-wit:

A portion of the southwest quarter of the northeast quarter of Section 12, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the north quarter corner of said Section 12; thence S00°32'18"W., 1,320.19 feet along the north-south mid-section line of said Section 12 to the northwest corner of the southwest quarter of the northeast quarter of said Section 12; thence S89°21'19"E., 1,321.64 feet along the northerly boundary of the southwest quarter of the northeast quarter of said Section 12 to the northeast corner of the southwest quarter of the northeast quarter of said Section 12; thence S00°30'33"W., 845.56 feet along the easterly boundary of the southwest quarter of the northeast quarter of said Section 12 to the Real Point of Beginning;

93112330
93112330
BOISE TITLE & ESCROW
ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID
Thence continuing S00°30'33" W., 475.00 feet along the easterly boundary of the southwest quarter of the northeast quarter of said Section 12 to the southeast corner of the southwest quarter of the northeast quarter of said Section 12;
Thence N89°20'22"W., 370.00 feet along the southerly boundary of the southwest quarter of the northeast quarter of said Section 12;

'93 DEC 30 PM 4
FEE 6.00
RECORDED AT THE REQUEST OF
Thence N00°30'33"E., 475.00 feet along a line parallel to the easterly boundary of the southwest quarter of the northeast quarter of said Section 12;

Thence S89°20'22"E., 370.00 feet along a line parallel to the southerly boundary of the southwest quarter of the northeast quarter of said Section 12 to the Real Point of Beginning.

Comprising 4.035 acres, more or less.

Together with four shares of the capital stock of Ballentyne Ditch Company, Limited, plus appurtenant water from a 12-inch well located in the southeast corner of the hereinabove described parcel of real property, such water to be sufficient for Grantee's needs;

Subject to a 50-foot radius circular easement for access, repair and maintenance of said well; and further subject to an additional 60-foot right-of-way easement across the southern portion of the real property for access by vehicles and pedestrians and for utility service to Grantors' adjacent real property.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this 29 day of December, 1993.

D. Keith Ricks
D. Keith Ricks

Ona L. Ricks
Ona L. Ricks

STATE OF IDAHO)
) ss
County of Ada)

On this 29 day of DEC, 1993, before me, the undersigned, a Notary Public in and for said county and state, personally appeared D. KEITH RICKS and ONA L. RICKS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Kathy Coontz
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 8-15-97

KATHY COONTZ
★ NOTARY PUBLIC ★
STATE OF IDAHO

My Commission Expires 8-15-97.
Residing at: Boise, ID

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Thursday, November 5, 2020 1:29 PM
To: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Cc: Terry Scanlan <TScanlan@spfwater.com>; ricks_t@msn.com; skricks@cableone.net
Subject: RE: Lease/Rental of Right 63-34965

Alex,

Attached is a copy of Attachment 3F submitted with the Rental Application for the recorded well easement. This easement was in place prior to the Church owning the property and would have been carried over upon purchase. Regarding the rental payment, Steve and Thomas are brothers. In the past Water Bank staff haven't required copies of agreements regarding rental fee waivers. You might confirm this with Justin or Remington. Thanks Alex.

From: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Sent: Thursday, November 5, 2020 12:48 PM
To: ricks_t@msn.com; skricks@cableone.net
Cc: Lori Graves <LGraves@spfwater.com>
Subject: Lease/Rental of Right 63-34965

Good afternoon Thomas Ricks,

I am processing a companion lease/rental package regarding water right 63-34965. Upon my review, there are a few items that need attention.

First, the lease and rental applications state that a private agreement exists between Lease applicant Steven Ricks and Madera Development Inc. regarding rental payment. However, this agreement was not included with either of the applications. Please provide a copy of this agreement to show that only the administrative fees will be paid by Madera Development Inc. for the rental of right 63-34965.

Additionally, the rental application states on page 3: *"The well and system currently authorized for the 15 acres proposed for lease will be used for the requested rental water and acres. Owner of the leased acres and system has easement to the well as provided in attachment 3F"*. This attachment was also not included with the rental application. For reference, I have attached the rental application to this email.

Relating to the easement mentioned in the rental application, review of 2020 Ada County tax lot data shows that the Church of Jesus Christ of LDS owns the property where the well is located for right 63-34965. If the Church still owns the property at the location of the well, please provide an agreement or authorization from them to allow you to access their property to use the well for the rental request.

Please provide the requested information within 30 days. If the information is not received by December 3, 2020, the Department will return all applications and request a refund.

Do not hesitate to contact me if you have questions.

Best,

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