

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 469

This is to certify that:

PERRY VAN TASSELL
1115 N 1650 W
PAUL, ID 83347

SUPPORT DATA
IN FILE # 36-7510

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)
36-7510	11/7/1974	GROUND WATER	0.29	58.5	14.6	0.020	4.01
36-17152	11/7/1974	GROUND WATER	0.39	78.4	19.6	0.020	4.00
Combined Limit Totals			0.68	137	34.2	0.020	4.00
36-16178	11/25/1977	GROUND WATER	0.26	52.0	13.0	0.020	4.00
36-7515	12/12/1974	GROUND WATER	0.15	32.0	8.0	0.019	4.00
36-16920	8/22/1961	GROUND WATER	0.05	9.2	2.3	0.020	4.00
36-8662	5/26/1992	GROUND WATER	0.18	36.0		∞	∞
Combined Rental Totals			1.32	266	57.5	0.023	4.63

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2020. 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 2020, whichever occurs last.

Annual Rental Fee:

2020: \$5,322.00

- The full fee for the rental of the above-described right(s) is \$5,322.00 for 2020. The rental fee includes an administrative fee of \$532.20 for 2020.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 469

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:



Signature of Renter

11/30/20

Date

Perry Van Tassel

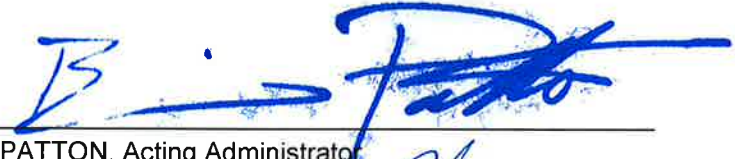
Printed Name

Managing Member

Title

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

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

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 12-8-20

Rental approved by IDWR 

Date 12-8-20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 469

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

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

BENEFICIAL USE

MITIGATION BY NON-USE

DIVERSION RATE

1.32 CFS

VOLUME

266 AF

SEASON OF USE

Water Right No.	From	To
36-7510	4/1	10/31
36-7515	4/1	10/31
36-16178	4/1	10/31
36-16920	4/1	10/31
36-8662	4/1	10/31
36-17152	4/1	10/31

RENTERS PLACE OF USE: MITIGATION BY NON-USE

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

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 469

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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

NOV 19 2020

Applicant Name: Hidden Valley Organic LLC

DEPT OF WATER RESOURCES

Is this application being submitted with a lease application as a lease/rental package?
If yes, specify companion water rights in Section 4Yes ☐ No ☒

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☐ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☐ ☒ Detailed information on a proposed use of rental water
- 3F ☐ ☒ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☐ ☒ Water modeling to account for the impacts of the rental request
- 3J ☐ ☒ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☐ ☒ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☐ ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☐ ☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

1774

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Hidden Valley Organic LLC

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

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

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

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
CFS	AF	CFS	AF	79 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/2020	10/30/2020	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

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

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

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

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

- F. Has documented consent from all relevant water delivery entities been obtained?

If yes, include documented consent as Attachment 3F.

Yes ☐ N/A ☒

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling?

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

Yes ☒ No ☐

- H. Has water modeling been provided with your rental request?

If yes, label modeling Attachment 3 H.

Yes ☒ N/A ☐

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 79 (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?

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.

N/A ☒ Yes ☐ No ☐

- K. Do you own the land at the proposed rental place of use (POU)?

If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

Yes ☒ No ☐

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

36-2438,36-2437,36-2569,36-7966,36-7512,36-7784B,36-7010,36-2351,36-7784A,36-2387,36-8528,36-7016,36-2382,36-10174. We are using the water for acres with out a water right.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☐ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

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

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

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

We are not watering 2.7 acres of BLM.

DECLARATION

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


Signature of Applicant

Perry Van Tassell
Printed Name of Applicant

10/16/2020
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



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 9, 2020

PERRY VAN TASSELL
1115 N 1650 W
PAUL, ID 83347

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-16839, 36-16140, 36-16458, 36-16460, 36-7510, 36-17152, 36-16148, 36-16702, 36-8418, 36-7510, 36-17152, 36-16178, 36-7515, 36-16920, 36-8662, AGREEMENTS 468 & 469**

Dear Renter:

Please find enclosed a receipt in the amount of \$12,740.00 and a copy of a fully executed Water Supply Bank Rental Agreements of 371.0 acre-feet of water for irrigation of 76.3 acres with Rental Agreement 468 and 266 acre-feet of water for mitigation with Rental Agreement 469. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$11,466.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,274.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson Veibell

for

Water Supply Bank

Enclosures: Receipt No. C109557
Rental Agreement (copy)

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



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

November 27, 2020

PERRY VAN TASSELL
1115 N 1650 W
PAUL, ID 83347

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-16839, 36-16140, 36-16458, 36-16460, 36-7510, 36-17152, 36-16148, 36-16702, 36-8418, 36-7510, 36-17152, 36-16178, 36-7515, 36-16920, 36-8662
AGREEMENTS 468 & 469

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 \$7,418.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 371.0 acre-feet for Rental Agreement 468 and \$5,322.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 266.0 acre-feet for Rental Agreement 469

Please send a check for \$12,740.00 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 \$11,466.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,274.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson- Veibell

for
Water Supply Bank

Enclosure

c: IDWR Front Desk

Buyer, Remington

From: Skinner, Corey
Sent: Monday, November 2, 2020 4:45 PM
To: Erickson, Nathan; Buyer, Remington
Subject: RE: Water Supply Bank Rental Applications 1774 and 1775

I'm good if Nathan is good.

From: Erickson, Nathan
Sent: Monday, November 2, 2020 4:44 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Water Supply Bank Rental Applications 1774 and 1775

Remington,
I don't have a problem with these application.
Thanks,
Nathan

From: Buyer, Remington
Sent: Thursday, October 22, 2020 4:48 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: Water Supply Bank Rental Applications 1774 and 1775

Nathan, Corey,

The Bank recently received a rental request for 2020 from Perry Van Tassell, who is seeking a rental to authorize:

- irrigation of an additional 76.3 acres beyond what is already permissible under his water right portfolio (rental application 1774); and
- mitigation by non-use, to address annual diversion volumes in excess of 3,655.2 af, which is the annual diversion volume limit established for Mr. Van Tassell by the Magic Valley Ground Water District.

The rental applications, review memo, map and draft rental agreements are attached. Please let me know if you have any questions, comments or concerns about these rentals.

Thanks!

Remington

Buyer, Remington

From: Perry VanTassell <perrydvt@gmail.com>
Sent: Tuesday, October 20, 2020 9:19 PM
To: Buyer, Remington
Subject: RE: Water Rental

Hi Remington:
We are not watering any BLM ground.
Thanks!
Perry

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Tuesday, October 20, 2020 4:31 PM
To: Perry VanTassell <perrydvt@gmail.com>
Subject: RE: Water Rental

Perry,

Approximately 2.7 acres appear to have been irrigated in the NWNW quarter-quarter of Section 34. These acres appear to be owned by the Bureau of Land Management.

Can you please confirm whether there is any irrigation of BLM ground occurring, and if so, how many BLM acres are being irrigated? Also, we'll need you to provide us with evidence of your authorization to irrigate BLM ground, if BLM ground has been irrigated.

Thank you,

Remington

From: Perry VanTassell [<mailto:perrydvt@gmail.com>]
Sent: Friday, October 16, 2020 4:53 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Water Rental

Hi Remington:
I hope I have done this the way you would like it.
Thank you!
Perry Van Tassell

Buyer, Remington

From: Buyer, Remington
Sent: Thursday, October 8, 2020 5:20 PM
To: 'Jaxon Higgs'; Perry VanTassell
Cc: Bank; Ryan Shurtliff
Subject: RE: water rental
Attachments: Available Water Rights.xlsx

Jaxon,

The attached excel workbook lists all the basin 36 water rights presently available for rental from the Bank. There's been a change in the availability since I last corresponded with Mr. Van Tassel. Now, for 2020, we have 751.7 af available for rental, and for next year, we can guarantee a rental of 533.7 af.

I calculated that 66.1 acres out of 2,204.6 acres may have been irrigated without a water right during 2020. Based on your response below, it seems you calculated 31 acres out of 2,190 acres were irrigated without a water right. If you can confirm the boundaries of the acres that were irrigated during 2020 (and which will be irrigated over the next few years), and within those acres, identify the specific lands irrigated without water right coverage, we can consider approval of an irrigation rental for these acres. Please know, we can only approve an irrigation rental for 2020 if the application is accepted to be processed by IDWR before the end of the irrigation season of use. This means, we'll need to receive Mr. Van Tassel's application ASAP, to process it before the end of this month, when the irrigation season of use will conclude for 2020.

Based on a field headgate duty of 4 afa/ac, 31 acres of irrigation would require a rental of a minimum of 124 af. Alternatively, irrigation of 66.1 acres at 4 afa/ac would require a rental of a minimum of 264.4 af. These amounts do not account for diversion volumes that might need to be rented, and left un-diverted, in order for the ESPA transfer tool to model the movement of the water rights to the rental location with mitigation, if necessary. In either instance, we should have enough diversion volume leased to the Bank to authorize a rental.

Beyond the acres that would be authorized for irrigation via a rental, I'll need to consult with our water rights group at IDWR about renting additional water to Mr. Van Tassel to meet his ground water district reduction obligations. I don't foresee any concerns about injury or enlargement to do a mitigation by non-use rental, and I think it can be recognized that renting for mitigation by non-use, to meeting ground water district diversion volume reduction obligations is in the local public interest, so there is a compelling argument to support such a rental. However, I don't know if we've yet approved a rental for pure mitigation by non-use to meet ground water district reduction obligations, so this may be somewhat novel and it might require some internal discussion prior to approval. In light of the tight time-frame, it'll benefit us to get the rental application ASAP.

If Mr. Van Tassel owns lands that could be irrigated, but which are not presently being irrigated, he could lease those lands to the Bank and thereby protect them from forfeiture through non-use. We can process a lease application to protect those acres if Mr. Van Tassel submits a lease application for those acres.

Regards,

Remington

From: Jaxon Higgs [mailto:jaxon@waterwellconsultants.com]
Sent: Thursday, October 8, 2020 8:49 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Perry VanTassell <perrydvt@gmail.com>
Cc: Bank <Bank@idwr.idaho.gov>; Ryan Shurtliff <ryan@waterwellconsultants.com>
Subject: RE: water rental

Hi Remington,

Thanks for the reply. Perry and I had talked about a transfer to square up his acreage, but since he is going into the bank let's just do as you suggested. I'll have Perry submit an application to cover the acreage that isn't currently covered but is irrigated and then a second application to rent some for mitigation by non-use. See my response to the questions in your first email below.

Also, which water rights are we talking about?

Thanks for your help!

Jaxon

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Wednesday, October 07, 2020 8:48 AM
To: Perry VanTassell <perrydvt@gmail.com>
Cc: Bank <Bank@idwr.idaho.gov>; Jaxon Higgs <jaxon@waterwellconsultants.com>
Subject: RE: water rental

Hi Perry,

I did get Jaxon's voicemail from last week, but did not yet have a chance to return Jaxon's call.

From my preliminary review of your draft rental application, it appears your rental request might be for two uses of water:

- 1) Water rights are sought for a mitigation by non-use rental, to enable you to meet your ground-water diversion reduction commitments to your local ground water district; and
- 2) Water rights could be rented to authorize irrigation on lands that would not otherwise be authorized to be irrigated, because existing water rights don't authorize irrigation to the exact extent of the irrigation that appears to be occurring.

Specific to rental purpose number one (mitigation by non-use), we'll need you to answer questions 1A, 1B, 1C and 2A below. Specific to rental purpose number two (irrigation), we'll need you to answer questions 3A, 3B, 4A and 4B below.

If you can provide the information requested, we are ready to continue reviewing your rental request. Also, if you want a rental of 936 af this year, and 718 next year, we'll need to approach these as two separate applications, one application specifically for 2020, and a second application specifically for 2021. You can submit both applications concurrently, via an email, we just need two distinct rental application forms.

Hope the above makes sense. I'm at my desk all day today if you'd like to discuss any of this by phone. My number's 208-287-4918.

Regards,

Remington

From: Perry VanTassell [<mailto:perrydvt@gmail.com>]
Sent: Tuesday, October 6, 2020 8:06 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: water rental

Hi Remington:

Did Jaxson Higgs make contact with you. We are using the water for mitigation not watering any more acres. So I could use the 936 AF. This year and we could use the 718 AF for next year.

Thank you!

Perry Van Tassel

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>

Sent: Thursday, September 24, 2020 5:10 PM

To: Perry Van Tassel <perrydvt@gmail.com>

Cc: Bank <Bank@idwr.idaho.gov>

Subject: RE: water rental

Hi Perry,

I had a chance to conduct a preliminary review on your rental application. Overall, I understand the intent of the rental, however we'll need you to clarify some additional information, posed in the questions below.

1. Your request to rent ground water rights to offset your reduction obligations to the Magic Valley Ground Water District makes sense. However:
 - A. What is your annual maximum authorized diversion volume limit? How much water can you divert under your fourteen water rights while still remaining under the reduction obligations to the ground water district?
Maximum allowed currently is 3655.2 acre feet.
 - B. From the print-out provided from the ground water district, it seems that the annual diversion volume limit is 3,655.2 af, is that correct? yes
 - C. Will the annual diversion volume limit authorization amount from the Ground Water District remain stable, or change over the next few years? The allocation will remain the same, however if he gets water from the water bank we look at the priority and acreage and give an allocation to those acres based on the tier system the district has created.
2. You requested a rental of 800 ~ 1,000 af of water, for a period of up to five years.
 - A. Do you have a specific annual diversion volume that you would like to divert each year during the rental?
 - If yes, is it 4,655.2 af? Or something more? Or less?
I believe Perry would like to get as much as you have available within a reasonable distance. I can't tell how much water he will get from his rental until I know how many acres and what the priority of those rights is. We don't give allocations based on acre-feet rented.
 - If no, please explain how you will know once you've accomplish your maximum diversion volume limit annually, during the rental.
As stated above, we'll take the acres and their priority and assign an allocation based on those two factors.
3. Based on satellite imagery, it appears that as many as 2,204.6 acres may have been irrigated during 2020. (See the "Observed Irrigation 2020" table in the attached PDF for the location of these specific acres.)
 - A. Please confirm the exact number of acres that were irrigated during 2020.
I calculated 2190 acres irrigated.
 - B. Will these same acres be irrigated during 2021, and the duration of the five year rental request?
Yes, if the rental request goes through. If not, we'll find out what to do with the 31 acres that don't currently have a water right.
4. Based on satellite imagery of the 2,204.6 acres irrigated during 2020, and based on decreed/licensed water right authorizations,

- A. it seems that 153 acres could have been irrigated, but were not. (See the final table in the attached PDF for the location of these specific acres.)
- Is that correct? If so, you can protect these acres from becoming subject to forfeiture by leasing them to the Water Supply Bank.
- These acres are already protected from forfeiture because of the mitigation plan.
- Would you like to lease these acres to the Bank?
- No
- B. it seems that 66.1 acres were irrigated on lands that are not authorized to be irrigated under your fourteen water rights. (See the second to last table in the attached PDF for the location of these specific acres.)
- Is that correct? If so, we can authorize the irrigation of these acres through a rental.
- We would like to cover these acres with the rental. Long term, we'll perform a transfer to re-distribute his allowable acreage to be close to what he actually irrigates.

Thank you for providing answers to the above questions.

Further, it appears as much as 936.5 af of basin 36 ESPA ground water rights are available for a one year rental. Some of the water rights are being released from the Bank this year, but if you wanted to secure a two year rental, we could rent to you 718.5 af of basin 36 ESPA ground water rights. If you wanted a three year rental, only 497.3 af of basin 36 ESPA ground water rights are available for rental. There are also smaller amounts that can be secured for a four year or a five year rental. In addition to the above questions, please confirm whether you would like to rent the large volume of water for 2020 only, or, whether you would like to rent a smaller volume of water, but for multiple years.

Regards,

Remington

From: Perry Van Tassel [<mailto:perrydvt@gmail.com>]
Sent: Friday, September 18, 2020 11:40 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: water rental

Hi Remington:

Here is my application plus the paper work from magic valley ground water district.

Please let me know if you need anything else.

Thank you!

Perry Van Tassell

MAGIC VALLEY GROUND WATER DISTRICT

PO Box 430
Paul, ID 83347
Phone: 208-339-6461

Water Right	1	Note	Priority Date	Owner	Acres/Rt	Tier	2016-2017 Allowed AF	Total Acres	Acres Limit	(CFS)	Combined Limits	Diversion	5 yr avg 2010-2014	2016 Usage	2017 Usage	2018 Usage	2019 Usage	
36-2438	1	taxed	7/29/1960	AFTON VAN TASSELL	191.0	2	334.3	191	0	2.95	837		100203	1236.764	1232.5	1146.9	1267.4	1013.7
36-2437	1	taxed	7/6/1960	AFTON VAN TASSELL	175.0	2	306.3	175	0	2.95			100204	533.566	610.9	565.5	185.8	249.4
36-2569	1	taxed	4/3/1963	AFTON VAN TASSELL	45.0	2	78.8	45	0	0.9			100205	407.338	758.9	816.1	839.6	345.1
36-7966	1	taxed	2/23/1981	AFTON VAN TASSELL	114.0	3	182.4	837	114	0.37			100206	787.964	308.8	671.2	837.6	614.1
36-7512	1	taxed	11/25/1974	GAIL VAN TASSELL	312.0	3	499.2	837	801	9.2		100207	662.03999	649.5	251.4	616.2	558.9	
36-7784B	1	taxed	3/17/1978	PERRY VAN TASSELL	23.0	3	36.8	305	0	1.11	305		954.14801	862.5	907.1	1045.5	855.5	
36-7010	1	taxed	9/28/1967	PERRY VAN TASSELL	282.0	2	493.5	305	282	3.79								
36-2351	1	taxed	5/1/1958	PERRY VAN TASSELL	250.0	2	437.5	250	0	5	250							
36-2387	1	taxed	5/18/1959	PERRY VAN TASSELL	65.0	2	113.8	65	0	1.3	65							
36-7784A	1	taxed	3/17/1978	PERRY VAN TASSELL	272.0	3	435.2	272	0	3.23	272							
36-8528	1	taxed	3/16/1990	HIDDEN VALLEY LAND CO LLC	53.5	3	85.6	421.5	53.5	0.6	377	378.5						
36-7016	1	taxed	2/27/1968	HIDDEN VALLEY LAND CO LLC	40.0	2	70.0	377	40	0.5								
36-2382	1	taxed	4/28/1959	HIDDEN VALLEY LAND CO LLC	285.0	2	498.8	377	285	4.85								
36-10174	1	taxed	3/15/1968	HIDDEN VALLEY LAND CO LLC	52.0	3	83.2	377	0	0.74								
	1 Total				2159.5		3655.2						4581.8	4423.1	4358.3	4792.0	3636.7	

Memorandum

To: WSB Rental Applications 1774 and 1775

From: Remington Buyer

Date: October 22, 2020

Re: Request for Irrigation & Mitigation by Non-Use Water Right Rental

Purpose/Narrative: On October 16, 2020, the Water Supply Bank received an application from Perry Van Tassell, a water user who owns and irrigates land in Lincoln County. Mr. Van Tassell has a twofold interest in a Water Supply Bank rental: some of the land he is irrigating is not authorized to be irrigated under the water right portfolio associated with the lands; additionally, the applicant is a member of the Magic Valley Ground Water District (MVGWD) and he is diverting more ground water than he has been authorized by the district, per the district's commitment to reduce member diversion volumes, which is part of a settlement agreement between Idaho ground water districts and southern Idaho surface water users¹.

Fourteen water rights are appurtenant to the lands identified for this rental (water rights: 36-2351, 2382, 2387, 2437, 2438, 2569, 7010, 7016, 7512, 7784A, 7784B, 7966, 8528 and 10174). These 14 rights are combined limited to a maximum irrigation of 2,107.5 acres, within a 2,253.0 acre permissible place of use (PPU), which is situated on 2,403.5 acres of land in Lincoln County, delineated in yellow in the image below.



The polygon delineated in yellow above corresponds to Lincoln County Assessor office parcel boundaries. The polygon is also the place of use boundary for the 14 water rights.

A preliminary analysis of irrigation practices during 2020 resulted in a finding that as many as 2,186.5 acres may have been irrigated, of which 65.5 acres were not authorized to be irrigated under the fourteen appurtenant water rights (see Attachments A and B of this memo for observations and calculations of specific acres irrigated, both authorized and unauthorized, during 2020). Follow up correspondence with the applicant resulted in a finding that the 65.5 acres could be reduced by 2.7 acres (in the NWNW quarter-quarter of Section 34), as this is BLM ground, not owned by the applicant, which he did not irrigate in 2020.

¹ <https://idwr.idaho.gov/legal-actions/settlements/SWC-IGWA/>

The remaining balance of 2,121 acres that were observed as irrigated within the authorized PPU during 2020 exceeds the maximum combined limited irrigation extent of the fourteen water rights by 13.5 acres. Accordingly, this rental may authorize the irrigation of an additional 13.5 acres within the relevant water right PPU, as well as 62.8 acres outside the boundaries of the authorized PPU, for a total of 76.3 acres. The fourteen water rights being supplemented by this rental provide for a combined limited, per-acre diversion rate and volume of 0.016 cfs/acre and 4.0 afa/ac. As such, a rental of at least 1.281 cfs and 264.4 af is required to provide an appropriate diversion rate and volume to supplement the existing 14 water rights.

Furthermore, based on information provided by Jaxon Higgs, the MGVWD is requiring that the applicant limit their annual diversion volumes to a maximum of 3,655.2 af under the 14 water rights associated with their land. The 14 water rights authorize an annual diversion volume of 8,430 af and the ground water district's directive to reduce pumping under these rights represents a 57% overall reduction from the maximum authorized diversion volume. Water Management Information System (WMIS) data indicates the average diversion volume for the 14 water rights over the past three years is 4,517.2 af, which is significantly below the maximum authorized under the water rights, but which is still in excess of the ground water district's directive. Accordingly, the applicant has requested a rental of between 736 ~ 1,000 af from water rights leased to the Bank, to help offset the annual difference between what they are pumping, and what the ground water district would like them to pump.

A rental for mitigation by non-use is permissible when it can be demonstrated that a renter has a mitigation obligation to avoid causing injury to prior appropriated water rights. Pumping ground water that is tributary to the Upper Snake River is particularly injurious to Snake River water rights belonging to the A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company and the Twin Falls Canal Company, who are collectively known as the Surface Water Coalition (SWC). A curtailment call was made on junior ground water pumpers by the SWC, and the Director of IDWR has issued orders affirming that junior ground water users have an obligation to avoid injuring the SWC's senior water rights. As part of a negotiated settlement with the SWC, ground water districts in Idaho have agreed to reduce their pumping by up to 240,000 af annually, to mitigate for the impacts that ground water pumping has on SWC Snake River water rights. As a member of the MGVWD, Mr. Van Tassell is expected to reduce diversions under the 14 water rights appurtenant to his property, to help meet the MGVWD's mitigation obligation to the SWC.

Accordingly, because the ground water district is presently requiring that Mr. Van Tassell reduce his ground water pumping by as much as 4,774.8 af annually (calculated as 8,430 af minus 3,655.2 af), it is reasonable for Mr. Van Tassell to pursue a rental of up to 4,774.8 af annually as mitigation by non-use, if he intends to divert up to the maximum diversion volume of 8,430 af. However, because Mr. Van Tassell appears to be diverting only as much as 4,517.2 af annually, on average, it is reasonable for him to rent as much as 862 af as mitigation by non-use, to cover the difference between what he is likely diverting annually, and the 3,655.2 af diversion volume limit that the MGVWD is requiring of him.

Therefore, this rental request is for two beneficial uses: irrigation of up to 76.3 acres (WSB application 1774) and mitigation by non-use of up to 862 af (WSB application 1775). Note: only 266.1 af is available for the mitigation by non-use under rental application 1775. This rental review memo concurrently addresses both rental applications.

Authority to File: The applications were completed by Mr. Van Tassell, with assistance provided by Jaxon Higgs, who represents the Magic Valley Ground Water District. The lands that will be associated with rental water (delineated in yellow on the prior page) are registered with the Lincoln County Assessor's Office as belonging to either Perry Van Tassell, Hidden Valley Dairy Farm (HVDF) or Hidden Valley Land Company (HVLC).

Perry Van Tassell and Afton Van Tassell are registered with the Idaho Secretary of State as the agents who conduct business under the assumed business name of HVDF. Afton Van Tassell and Hidden Valley Enterprises (HVE) are the members of HVLC. Perry Van Tassell is the registered agent of HVE. No concerns about the applicant's authority to file a rental application to use water on these lands.

Perry Van Tassell and HVLC are the recorded holder of title to nine of the fourteen water rights that authorize irrigation of the 2,403.5 acres in Lincoln County, while the remaining four water rights (36-2437, 2438, 2569, 7512 and 7966) are recorded as belonging to Afton Van Tassell and/or Gail Van Tassell. The applicant has provided written consent from Gail Van Tassel to authorize use of her water rights in association with this rental. No concerns about the applicant's authority to file this application, specific to the water rights being supplemented.

Approximately 2.7 acres were calculated as potentially irrigated in the NWNW quarter-quarter of Section 34 during 2020, on acres are owned by the Bureau of Land Management. The applicant was contacted to confirm the extent of irrigation that occurred on BLM ground and he responded that no irrigation of BLM ground transpired during 2020. The 2.7 acres were removed from the rental authorization for 2020. No further concerns about the applicant's authority to file this rental application.

Water Right Validity/Forfeiture Evaluation: Of the 2,186.5 acres observed as irrigated during 2020, it appears 2,121 acres were irrigated within the 2,253 acre PPU (2,186.5 acres minus 65.5 acres). However, this amount exceeds the combined limited maximum irrigation extent (2,107.5 acres) by 13.5 acres. As such, there does not appear to be any concern with the full irrigation use of the fourteen water rights associated with the rental place of use. Further, there are no validity or forfeiture concerns with the water rights leased to the Bank which are proposed to be rented.

Injury Evaluation: For the purposes of irrigating 76.3 acres during 2020, the applicant requested the rental of water rights 36-16839 and 16140 (Lease Contract 180), 36-16148 (Lease Contract 184), 36-16702 (Lease Contract 295), 36-8418 (Lease Contract 794) and 36-16458 and 16460 (Lease Contract 853). ESPA modeling provided by the applicant confirmed approximately 331.8 af of water could be rented from the water rights on these contracts without causing injury to the Snake River. However, after calibrating water rights to match the per-acre diversion rates and volumes required for this rental, it was identified that the rental of additional water rights would be necessary. A portion of water rights 36-7510 and 17152 (Lease Contract 669) was also modeled as rented for irrigation during 2020 and no injury was apparent (see Attachment C of this memo). No further injury is apparent through the rental of these water rights for irrigation purposes.

For the purposes of mitigation by non-use, the applicant has requested the rental of water rights 36-16178 (Lease Contract 178), 36-8662 (Lease Contract 383), 36-7515 (Lease Contract 464), 36-16920 (Lease Contract 656), as well as 36-7510 and 36-17152 (Lease Contract 669). Because these water rights are being rented as mitigation by non-use and no diversion is anticipated through this rental, no was modeling provided. No injury is apparent through the rental of these water rights as mitigation by non-use.

Enlargement of Use: The applicant's 14 water rights provide for a diversion rate of 34.17 cfs and a diversion volume of 8,430 af, for the irrigation of 2,107.5 af, as follows:

WR	Priority	licensed / decreed		acres	rate/ac	vol/ac
		use	rate			
36-2438	7/29/1960	irrigation	2.95	764	191	0.015
36-2437	7/6/1960	irrigation	2.95	700	175	0.017
36-2569	4/3/1963	irrigation	0.9	180	45	0.020
36-7966	2/23/1981	irrigation	0.37	156.8	144	0.003
36-7512	11/25/1974	irrigation	9.2	3204	801	0.011
			16.37	3348	837	0.020
36-7010	9/28/1967	irrigation	3.79		282	0.013
36-7784B	3/17/1978	irrigation	1.11		305	0.004
			4.90	1220	305	0.016
36-7784A	3/17/1978	irrigation	3.23	1088	272	0.012
36-2351	5/1/1958	irrigation	5	1000	250	0.020
63-2387	5/18/1959	irrigation	1.3	260	65	0.020
			6.95	2348	587	0.012
36-8528	3/16/1990	irrigation	0.6		53.5	0.011
36-2382	4/28/1959	irrigation	4.85		285	0.00
36-7016	2/27/1968	irrigation	0.5		40	0.013
36-10174	3/15/1968	irrigation	0.74		377	0.002
			5.95	1508	377	0.016
			5.95	1514	378.5	0.016

Maximum Combined Limited Irrigation Use: **34.17 8430.0 2107.5 0.016 4.00**

From information provided by the applicant, it seems that the applicant diverts water from 10 different wells associated with their fourteen water rights, to irrigate their lands as a PPU. It does not seem that the applicant is irrigating the specific acres at the various diversion rate limits listed in the table above, and is instead, irrigating the entire area with a combined limited, per-acre diversion rate of 0.016 cfs/ac.

To authorize the irrigation of an additional 76.3 acres at a per-acre diversion rate of 0.016 cfs/ac, and a per-acre diversion volume of 4.0 afa/ac, the applicant must rent enough water rights to authorize the diversion of 1.24 cfs and 305.2 af. This can be accomplished through a rental of the following water rights:

Water Rights Rented from the Water Supply Bank							Water Rights Rented from the WSB, As Adjusted				
Lease Contract	Water Rights	Div. Rate	Volume	Acres	Rate/Acre	Vol/Acre	Div. Rate	Volume	Acres	Rate/Acre	Vol/Acre
Lease Contract 180	36-16140, 36-16839	0.130	45.2	11.3	0.012	4.0	0.130	32.0	8.0	0.016	4.0
Lease Contract 184	36-16148	0.050	14.4	3.6	0.014	4.0	0.050	12.4	3.1	0.016	4.0
Lease Contract 295	36-16702	0.370	74.4	18.6	0.020	4.0	0.300	74.4	18.6	0.016	4.0
Lease Contract 669	36-7510, 36-17152	0.195	39.1	9.8	0.020	4.0	0.160	39.1	9.8	0.016	4.0
Lease Contract 794	36-8418	0.282	69.6				0.280	69.6	17.4	0.016	4.0
Lease Contract 853	36-16458, 36-16460	0.315	128.2	32.2	0.010	4.0	0.320	78.9	19.7	0.016	4.0
		1.342	370.9	75.5	0.018	4.9	1.240	305.4	76.3	0.016	4.0

No enlargement is apparent through the rental of the following water rights for the purposes of mitigation by non-use:

Water Rights Rented from the Water Supply Bank						
Lease Contract	Water Rights	Div. Rate	Volume	Acres	Rate/Acre	Vol/Acre
Lease Contract 178	36-16178	0.260	52.0	13.0	0.020	4.0
Lease Contract 383	36-8662	0.180	36.0			
Lease Contract 464	36-7515	0.150	32.0	8.0	0.019	4.0
Lease Contract 659	36-16920	0.046	9.2	2.3	0.020	4.0
Lease Contract 669	36-7510, 36-17152	0.684	136.9	34.2	0.020	4.0
		1.320	266.1	57.5	0.023	4.6

It should further be noted that Mr. Van Tassell's irrigation rental involves a change in nature of use for water right 36-8418. To avoid enlargement through a rental of this water right, it is necessary to consider the historic, consumptive use of water under the water right.

This water right was originally developed to authorize commercial and stockwater uses of ground water, in association with the operation of a commercial dairy. When the beneficial use field exam was conducted for permit 36-8418, in 2002, a diversion volume of 78.3 af was recommended for commercial uses, and a diversion volume of 25.4 af was recommended for the stockwater uses (based on providing water to 1,000 cattle). Coupled with a domestic use of 2.4 af, an overall, combined limited diversion volume of 106 was recommended for the licensing of water right 36-8418.

Despite the 78.3 and 25.4 af volume limit recommendations on the permit, a diversion volume of 104 af was authorized for both the commercial and stockwater uses, when the water right was licensed by IDWR.

Stockwater is generally assumed to be non-consumptive, so the diversion volume extent of the commercial use under water right 36-8418 is what is important to be considered to ensure no enlargement occurs through the rental of water right 36-8418 by Mr. Van Tassell.

The current owner of water right 36-8418 (Allen Moyle) acquired the right in 2013. Per Mr. Moyle's 2018 Water Supply Bank lease application, when he acquired the water right, ground water was at that time being provided to 1,200 cows, as part of a commercial dairy operation. This amount of cattle exceeds the number of cattle contemplated when the permit was licensed. Although there are not accurate diversion volume records available for review dating back to 2013, it can be assumed that at least 78.3 af would have been diverted for a fully-consumptive commercial use for the 1,200 cattle, and perhaps as much as 104 af of water might have been diverted for fully-consumptive, commercial uses at the dairy operation.

Mr. Moyle converted the dairy to a mink farm after 2013, before leasing the water right to the Bank in 2018. Based on the fact that a fully-consumptive commercial use of water for a dairy operation occurred under water right 36-8418 in 2013, which was only five years prior to the lease of the water right into the Water Supply Bank, no enlargement should occur through full consumption of the 104 af of commercial use leased into the bank under water right 36-8418. Moreover, Mr. Van Tassell's rental application is for irrigation and, assuming a 75% consumptive nature of his irrigation use (3 afa/ac from a regional field headgate standard of 4 afa/ac), no enlargement should occur through the rental of 36-8418, since 78.3 af is 75.3% of the overall diversion volume limit of 104 af.

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

Beneficial Use/Conservation of Water Resources: Irrigation and mitigation by non-use are beneficial uses of water. Irrigation practices of the applicant seem consistent with standard conservation measures. The rental for mitigation by non-use will result in the conservation of ESPA ground water.

Department/Watermaster Comments: Watermaster and IDWR Southern Region comments were requested on October 22, 2020

Water Supply Bank Evaluation: Bank staff recommend the approval of this application for 2020.

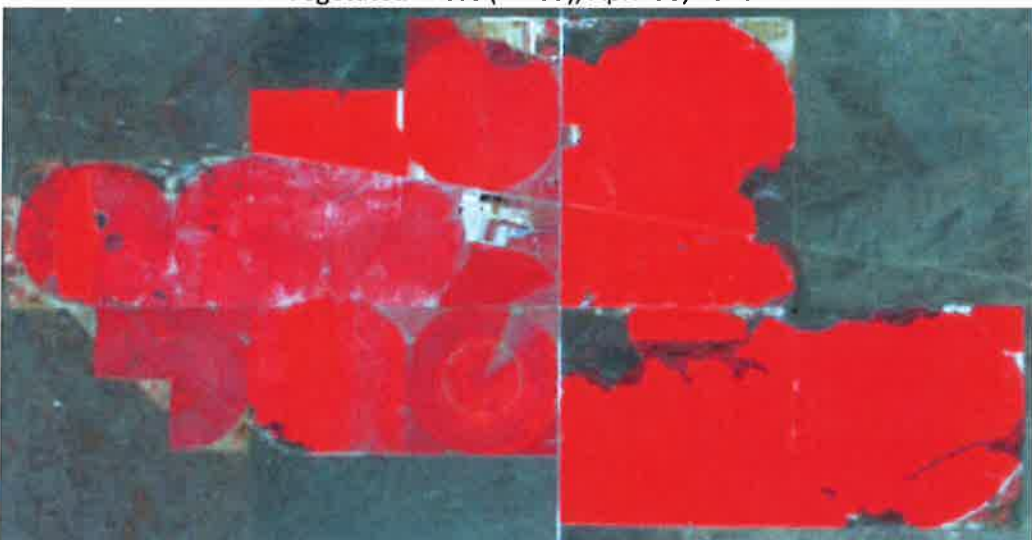
Attachment A – Vegetation (Possible Irrigation) Observed During 2020



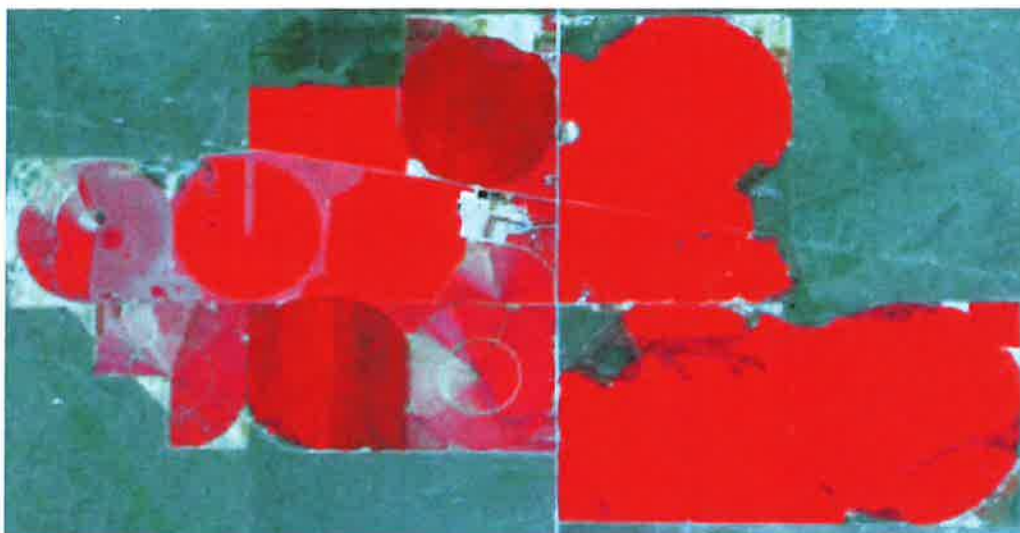
Water Right Place of Use – Satellite Image Date Unknown



Vegetated Areas (in red), April 30, 2020



Vegetated Areas (in red), May 25, 2020



Vegetated Areas (in red), July 4, 2020



Vegetated Areas (in red), Aug 26, 2020



Vegetated Areas (in red), Sept 17, 2020



Maximum Extent of Possible Irrigation Observed During 2020 (area delineated in yellow)



Maximum Extent of Possible Irrigation Observed During 2020, acres per Quarter-Quarter (red text)

Attachment B – Analysis of Lands Possibly Irrigated and Not Irrigated During 2020

Permissible Place of Use Irrigable Acreage Under the 14 Water Rights Associated with Lands in Lincoln County																				
W Range Section	NE				NW				SW				SE				TRS WR Acres Sub-Total	WR Acres Sub-Total	Total	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
7S 21E 27	40	40			40	40	40	40	40	40	40	40	40	40	40	468	468.0	2,253.0		
7S 21E 28	34	40	40	40			40	40	40	40	40	40	40	40	40	554	1,198.0			
7S 21E 29									33				33	33	40	40			40	219
7S 21E 32	38	40		32												110				
7S 21E 33	40	40	40	40	40	40	35	40								315				
7S 21E 34	30	35	40	40	26		40	40	40	39			38	40		408	587.0			
7S 21E 35					20	35	40	20	26	38						179				

Acreage Observed as Possibly Irrigated During 2020																					
W	Range	Section	NE				NW				SW				SE				TRS WR Acres	WR Acres Sub-Total	Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
7S	21E	27	26	39			38	23	39	40	40	39	37	40	20	34		415	415.0	2,186.5	
7S	21E	28	20	35	40	38	0.7	40	40	40	40	39	40	25	32	39	34	502.7	1,130.8		
7S	21E	29									30			31	35	31	40	40			207
7S	21E	32	39	39																	112
7S	21E	33	38	39	39	38	39	40	35	40	1.1								309.1		
7S	21E	34	30	33	40	40	39	2.7	37	40	40	39			39	40			419.7		640.7
7S	21E	35					37	39	40	39	26	40							221		

Difference Between Authorized & Possibly Observed Irrigation Acreage																					
W	Range	Section	NE				NW				SW				SE				TRS WR Acres	WR Acres Sub-Total	Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
7S	21E	27	14	1			2	17	1		1	2			5	6		53	53.0	66.5	
7S	21E	28	14	5		2		-0.7				1		15	8	1	6	51.3	67.2		
7S	21E	29								3			2	-2	9			12			5.9
7S	21E	32	-1	1		-2												-2			
7S	21E	33	2	1	1	2	1				-1.1							5.9	-53.7		
7S	21E	34		2			-13	-2.7	3					-1				-11.7			
7S	21E	35					-17	-4		-19		-2						-42			

Irrigation Rental Required																			
W Range Section	NE				NW				SW				SE				TRS WR	WR Acres	Total
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Acres	Sub-Total	
7S 21E 27																	0	0	-62.8
7S 21E 28						-0.7											-0.7		
7S 21E 29														-2			-2	-6.8	
7S 21E 32	-1			-2													-3		
7S 21E 33									-1.1								-1.1		
7S 21E 34					-13								-1				-14		
7S 21E 35					-17	-4		-19		-2							-42	-56.0	

Irrigable Acres Not Observed As Irrigated During 2020																					
W Range Section			NE				NW				SW				SE				TRS WR Acres	WR Acres Sub-Total	Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
7S	21E	27	14				2	17	1			1	2		5	6		53	53.0	132.0	
7S	21E	28	14	5		2						1		15	8	1	6	52	74.0		
7S	21E	29								3			2		9			14			
7S	21E	32		1														1			
7S	21E	33	2	1	1	2	1											7			
7S	21E	34		2					3									5	5.0		
7S	21E	35																0			

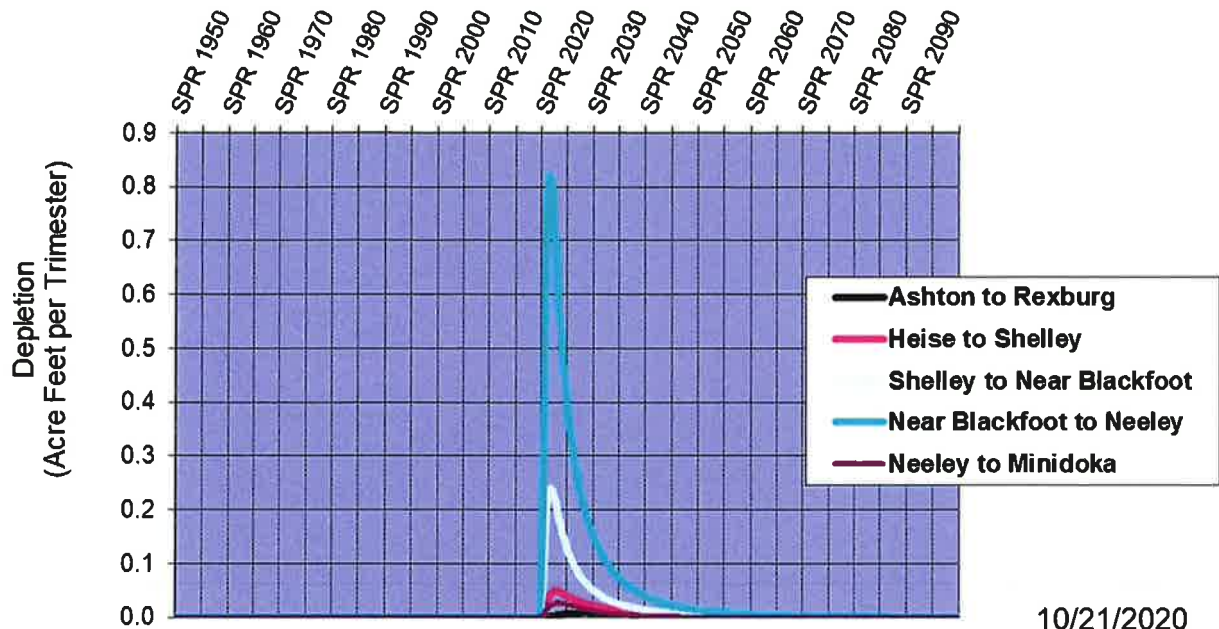
Maximum Irrigation Authorization Possible Through a Rental																						
W	Range	Section	NE				NW				SW				SE				TRS WR		WR Acres Sub-Total	Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Acres	Sub-		
7S	21E	27	40	40			40	40	40	40	40	40	40	40	40	40	40	468		468.0	2,315.8	
7S	21E	28	34	40	40	40		0.7	40	40	40	40	40	40	40	40	40	554.7		1,204.8		
7S	21E	29								33				33	35	40	40	40	221			
7S	21E	32	39	40		34													113			
7S	21E	33	40	40	40	40			35	40	1.1								316.1			
7S	21E	34	30	35	40	40		39		40	40	40	39		39	40			422	643		
7S	21E	35					37	39	40	39	26	40							221			

Attachment C – ESPA Modeling

ESPA Modeling of Lease Contracts 180, 184 and 794:

ENHANCED GROUND-WATER RIGHTS TRANSFER									
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPT 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: 123		CALCULATE EFFECTS			
YEAR 1950				TRANSFER NAME: Van Tassell					
SEASON									
ENTER CELL LOCATIONS:									
	TO CELL	FROM1 CELL	FROM2 CELL	FROM3 CELL					
ROW	64	48	54	0					
COLUMN	50	32	19	0					
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		
21 SPR 1950	0	0	0	0	0	0	0	0	0
22 SUM 1950	0	0	0	0	0	0	0	0	0
23 WIN 1950	0	0	0	0	0	0	0	0	0
24 SPR 1951	0	0	0	0	0	0	0	0	0
25 SUM 1951	0	0	0	0	0	0	0	0	0
26 WIN 1951	0	0	0	0	0	0	0	0	0
27 SPR 1952	0	14	14	0	0	0	0	0	0
28 SUM 1952	0	14	14	0	0	0	0	0	0
29 WIN 1952	0	14	14	0	0	0	0	0	0
30 SPR 1953	0	15	15	0	0	0	0	0	0
31 SUM 1953	0	15	15	0	0	0	0	0	0
32 WIN 1953	0	15	15	0	0	0	0	0	0
33 SPR 1954	0	15	15	0	0	0	0	0	0
34 SUM 1954	0	15	15	0	0	0	0	0	0
35 WIN 1954	0	15	15	0	0	0	0	0	0
36 SPR 1955	0	15	15	0	0	0	0	0	0
37 SUM 1955	0	15	15	0	0	0	0	0	0
38 WIN 1955	0	15	15	0	0	0	0	0	0
39 SPR 1956	0	15	15	0	0	0	0	0	0
40 SUM 1956	0	15	15	0	0	0	0	0	0
41 WIN 1956	0	15	15	0	0	0	0	0	0
42 SPR 1957	0	15	15	0	0	0	0	0	0
43 SUM 1957	0	15	15	0	0	0	0	0	0
44 WIN 1957	0	15	15	0	0	0	0	0	0
45 SPR 1958	0	15	15	0	0	0	0	0	0
46 SUM 1958	0	15	15	0	0	0	0	0	0
47 WIN 1958	0	15	15	0	0	0	0	0	0
48 SPR 1959	0	15	15	0	0	0	0	0	0
49 SUM 1959	0	15	15	0	0	0	0	0	0
50 WIN 1959	0	15	15	0	0	0	0	0	0
51 SPR 1960	0	15	15	0	0	0	0	0	0
52 SUM 1960	0	15	15	0	0	0	0	0	0
53 WIN 1960	0	15	15	0	0	0	0	0	0
54 SPR 1961	0	15	15	0	0	0	0	0	0
55 SUM 1961	0	15	15	0	0	0	0	0	0
56 WIN 1961	0	15	15	0	0	0	0	0	0
57 SPR 1962	0	15	15	0	0	0	0	0	0
58 SUM 1962	0	15	15	0	0	0	0	0	0
59 WIN 1962	0	15	15	0	0	0	0	0	0
60 SPR 1963	0	15	15	0	0	0	0	0	0
61 SUM 1963	0	15	15	0	0	0	0	0	0
62 WIN 1963	0	15	15	0	0	0	0	0	0
63 SPR 1964	0	15	15	0	0	0	0	0	0
64 SUM 1964	0	15	15	0	0	0	0	0	0
65 WIN 1964	0	15	15	0	0	0	0	0	0
66 SPR 1965	0	15	15	0	0	0	0	0	0
67 SUM 1965	0	15	15	0	0	0	0	0	0
68 WIN 1965	0	15	15	0	0	0	0	0	0
69 SPR 1966	0	15	15	0	0	0	0	0	0
70 SUM 1966	0	15	15	0	0	0	0	0	0
71 WIN 1966	0	15	15	0	0	0	0	0	0
72 SPR 1967	0	15	15	0	0	0	0	0	0
73 SUM 1967	0	15	15	0	0	0	0	0	0
74 WIN 1967	0	15	15	0	0	0	0	0	0
75 SPR 1968	0	15	15	0	0	0	0	0	0
76 SUM 1968	0	15	15	0	0	0	0	0	0
77 WIN 1968	0	15	15	0	0	0	0	0	0
78 SPR 1969	0	15	15	2.3	2.3	0	0	0	0
79 SUM 1969	0	15	15	2.3	2.3	0	0	0	0
80 WIN 1969	0	15	15	2.3	2.3	0	0	0	0
81 SPR 2019	0	15	15	2.3	2.3	0	0	0	0
82 SUM 2019	0	15	15	2.3	2.3	0	0	0	0
83 WIN 2019	0	15	15	2.3	2.3	0	0	0	0
84 SPR 2020	2.3	0	15	0	2.3	0	0	0	0
85 SUM 2020	2.3	0	15	0	2.3	0	0	0	0
86 WIN 2020	2.3	0	15	0	2.3	0	0	0	0
87 SPR 2021	0	15	15	2.3	2.3	0	0	0	0
88 SUM 2021	0	15	15	2.3	2.3	0	0	0	0
89 WIN 2021	0	15	15	2.3	2.3	0	0	0	0

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

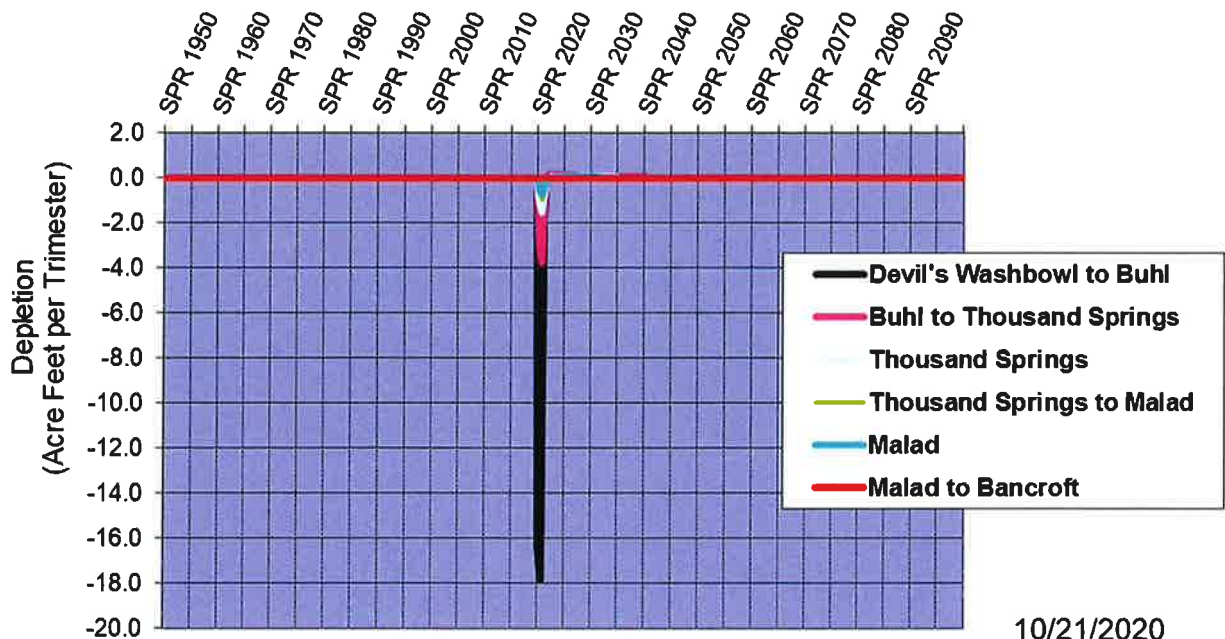


10/21/2020
Version 3.3

Customer Name: Van Tassell

Transfer No: 123

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



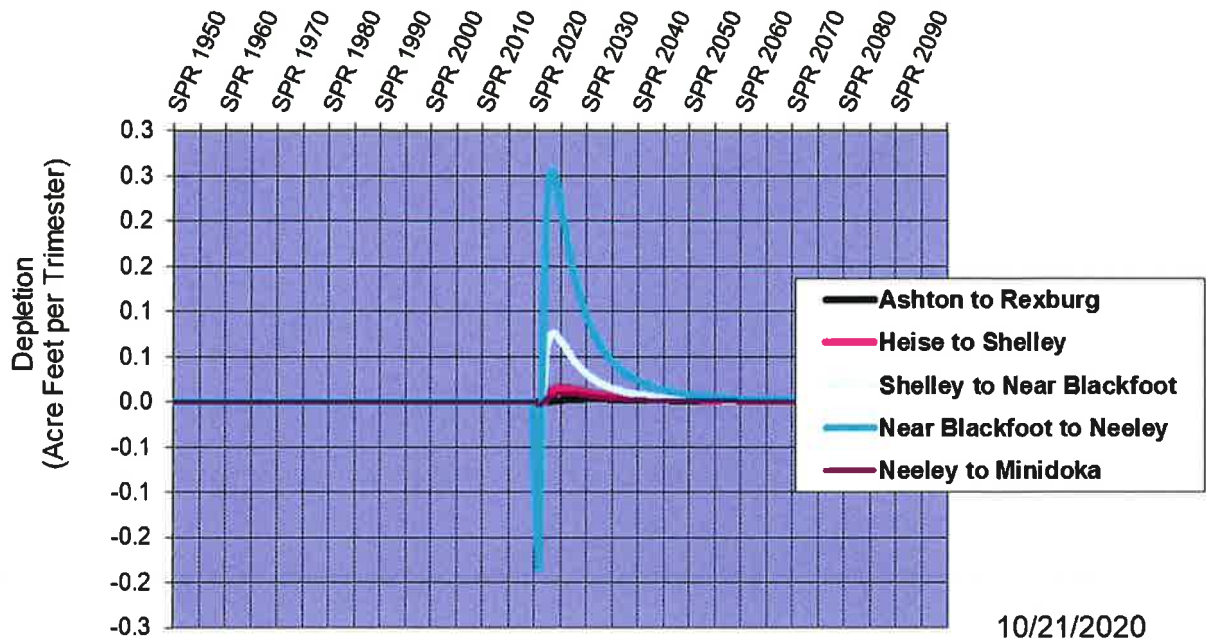
10/21/2020
Version 3.3

Customer Name: Van Tassell

Transfer No: 123

ENHANCED GROUND-WATER RIGHTS TRANS									
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEP									
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:		CALCULATE EFFECTS			
YEAR 1950				TRANSFER NAME:					
SEASON SPRING				Van Tassell					
ENTER CELL LOCATIONS:				FROM1' CELL		FROM2' CELL		FROM3' CELL	
TO' CELL				FROM1' CELL		FROM2' CELL		FROM3' CELL	
ROW	64	72	70	48					
COLUMN	50	69	55	13					
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		
21 SPR 1950	0	0	0	0	0	0	0	0	0
22 SUM 1950	0	0	0	0	0	0	0	0	0
23 WIN 1950	0	0	0	0	0	0	0	0	0
66 SPR 1965	0	0	0	0	0	0	0	0	0
67 SUM 1965	0	0	0	0	7	7	0	0	0
68 WIN 1965	0	0	0	0	7	7	0	0	0
69 SPR 1966	0	0	0	0	7	7	0	0	0
70 SUM 1966	0	0	0	0	7	7	0	0	0
71 WIN 1966	0	0	0	0	7	7	0	0	0
72 SPR 1967	0	0	0	0	7	7	0	0	0
73 SUM 1967	0	0	0	0	7	7	0	0	0
74 WIN 1967	0	0	0	0	7	7	0	0	0
75 SPR 1968	0	0	0	0	7	7	0	0	0
76 SUM 1968	0	0	0	0	7	7	0	0	0
77 WIN 1968	0	0	0	0	7	7	0	0	0
78 SPR 1969	0	0	0	0	7	7	0	0	0
79 SUM 1969	0	0	0	0	7	7	0	0	0
80 WIN 1969	0	0	0	0	7	7	0	0	0
81 SPR 1970	0	0	0	0	7	7	0	0	0
82 SUM 1970	0	0	0	0	7	7	0	0	0
83 WIN 1970	0	0	0	0	7	7	0	0	0
84 SPR 1971	0	0	0	0	7	7	0	0	0
85 SUM 1971	0	0	0	0	7	7	0	0	0
86 WIN 1971	0	0	0	0	7	7	0	0	0
87 SPR 1972	0	0	0	0	7	7	0	0	0
88 SUM 1972	0	0	0	0	7	7	0	0	0
89 WIN 1972	0	0	0	0	7	7	0	0	0
90 SPR 1973	0	0	0	0	7	7	0	0	0
91 SUM 1973	0	0	0	0	7	7	0	0	0
92 WIN 1973	0	0	0	0	32	32	0	0	0
93 SPR 1974	0	0	0	0	32	32	0	0	0
94 SUM 1974	0	0	0	0	32	32	0	0	0
95 WIN 1974	0	0	0	0	32	32	10	10	10
96 SPR 1975	0	0	0	0	32	32	10	10	10
97 SUM 1975	0	0	0	0	32	32	10	10	10
98 WIN 1975	0	0	0	0	32	32	10	10	10
99 SPR 1976	0	0	0	0	32	32	10	10	10
100 SUM 1976	0	0	0	0	32	32	10	10	10
101 WIN 1976	0	0	0	0	32	32	10	10	10
102 SPR 1977	0	0	0	0	32	32	10	10	10
103 SUM 1977	0	0	0	0	32	32	10	10	10
104 WIN 1977	0	0	0	0	32	32	10	10	10
105 SPR 1978	0	0	0	0	32	32	10	10	10
106 SUM 1978	0	0	0	0	32	32	10	10	10
107 WIN 1978	0	0	0	0	32	32	10	10	10
108 SPR 1979	0	0	0	0	32	32	10	10	10
109 SUM 1979	0	0	0	0	32	32	10	10	10
110 WIN 1979	0	0	0	0	32	32	10	10	10
111 SPR 1980	0	0	0	0	32	32	10	10	10
112 SUM 1980	0	0	0	0	32	32	10	10	10
113 WIN 1980	0	0	0	0	32	32	10	10	10
114 SPR 1981	0	19	19	19	32	32	10	10	10
115 SUM 1981	0	19	19	19	32	32	10	10	10
116 WIN 1981	0	19	19	19	32	32	10	10	10
228 SPR 2019	0	19	19	19	32	32	10	10	10
229 SUM 2019	0	19	19	19	32	32	10	10	10
230 WIN 2019	0	19	19	19	32	32	10	10	10
231 SPR 2020	61	0	19	0	32	0	0	10	10
232 SUM 2020	61	0	19	0	32	0	0	10	10
233 WIN 2020	61	0	19	0	32	0	0	10	10
234 SPR 2021	0	19	19	32	32	10	10	10	10
235 SUM 2021	0	19	19	32	32	10	10	10	10
236 WIN 2021	0	19	19	32	32	10	10	10	10

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



10/21/2020
 Version 3.3

Customer Name: Van Tassell

Transfer No:

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

