

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 08 2020

WATER SUPPLY BANK RENTAL AGREEMENT No. 427

DEPT OF WATER RESOURCES

This is to certify that:

D COOPER LLC

D CASE LLC

578 N 100 W

198 W 500 N

BLACKFOOT, ID 83221-5714

BLACKFOOT, ID 83221-5736

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
35-13340	11/13/1972	GROUND WATER	0.43	81.2	20.3	0.021	4.0
35-13362	11/13/1972	GROUND WATER	0.05	10.3	2.6	0.018	4.0
<b>Combined Limit Totals</b>			<b>0.43</b>	<b>91.5</b>	<b>22.9</b>	<b>0.019</b>	<b>4.0</b>
35-2324B	4/14/1953	GROUND WATER	0.67	135	33.7	0.020	4.0
35-7692	4/15/1977	GROUND WATER	0.64	106	26.6	0.024	4.0
<b>Combined Limit Totals</b>			<b>1.22</b>	<b>241</b>	<b>60.3</b>	<b>0.020</b>	<b>4.0</b>
35-2604	7/11/1960	GROUND WATER	1.73	514	129	0.013	4.0
<b>Combined Rental Totals</b>			<b>3.38</b>	<b>846</b>	<b>212</b>	<b>0.016</b>	<b>4.0</b>

**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: \$16,920.00

**SUPPORT DATA**

**IN FILE # 35-2604**

The full fee for the rental of the above-described right(s) is \$16,920.00 for 2020. The rental fee includes an administrative fee of \$1,692.00 for 2020.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	3.15	740	185	0.017	4.0
<b>Combined Total</b>	<b>3.15</b>	<b>740</b>	<b>185</b>	<b>0.017</b>	<b>4.0</b>

\* The authorized water usage reflects a reduction from the water right elements rented, to authorize a per-acre diversion rate of 0.017 cfs/ac, with a field headgate standard of 4.0 afa/acre

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 427**

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:


 9-30-2020  
Signature of Renter Date

Doug Case Owner  
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.

 11-4-2020  
By Date  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

 11/4/2020  
Rental approved by IDWR Date

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 427**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SWSW              Sec. 1, Twp 01S, Rge 34E,                      BINGHAM County

<b><u>BENEFICIAL USE</u></b>	<b><u>DIVERSION RATE</u></b>	<b><u>VOLUME</u></b>
IRRIGATION	3.15 CFS	740 AF

**SEASON OF USE**

From              To  
4/1              10/31

**RENTERS PLACE OF USE: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	34E	1									13	27	25	29					94
01S	34E	2			0.9 L2	1.6 L1									16	35	36		89.5
01S	34E	11		0.5															0.5

Total Acres: 185

**RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE**

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. Water right 35-13362 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 427**

11. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
12. Upon specific notification of the Department, the renter shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
13. Prior to the diversion and use of water under this rental agreement, the renter shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
14. This rental agreement does not authorize the construction of a well.
15. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
16. Pursuant to Idaho Code § 42-1412(6), the water rights rented under this agreement are 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.
17. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.

STATE OF IDAHO  
WATER RESOURCE BOARD

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

**Applicant Name:** D Cooper LLC and D Case LLC

**Is this application being submitted with a lease application as a lease/rental package?**

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

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

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

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

For additional instructions on completing a rental application, visit the Bank's website at [http://idwr.idaho.gov/water\\_supply\\_bank](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  | <input checked="" type="checkbox"/> | 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 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Detailed information on a proposed use of rental water   |
| 3F | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion   |
| 3H | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Water modeling to account for the impacts of the rental request  |
| 3J | <input checked="" type="checkbox"/> | <input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre  |
| 3K | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use  |
| 4B | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes                                    |
| 4C | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use                                      |

Department Use Only – Proposed Water Right(s)

### Application to Rent Water (Continued)

A. Applicant D Cooper LLC and D Case LLC

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.

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**:

Page | 2

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):

Water will be diverted using an existing groundwater well into mainline and then to irrigation pivots.

- 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
well	groundwater	35-2516

*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 184 (number of acres) Duration: Subject to IDWR standard seasons of use  
☐ Commercial from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)  
☐ Stockwater from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)  
☐ Industrial from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)  
☐ Other: \_\_\_\_\_ from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒  
If yes, justify the rate of flow and attach any supporting documents as Attachment 3J. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐  
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

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

(None - please note that the POU for 35-2316 does not overlap with the location of the where the rental water will be used.

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)
								32.8
								26.2
								125
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			125
						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**:

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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**:

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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:

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- 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:

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- 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.

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- D. Additional Information


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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

Doug Case  
Printed Name of Applicant

As of Feb 21, 2020  
Date

  
Signature of Representative

Richard Brown  
Printed Name of Representative

As of Feb 21, 2020  
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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

November 6, 2020

D COOPER LLC  
578 N 100 W  
BLACKFOOT, ID 83221-5714

D CASE LLC  
189 W 500 N  
BLACKFOOT, ID 83221-5736

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 35-13340, 35-13362, 35-2324B, 35-7692 & 35-2604, AGREEMENT  
427**

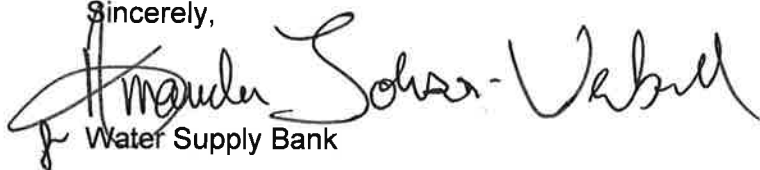
Dear Renter:

Please find enclosed a receipt in the amount of **\$16,920.00** and a copy of a fully executed Water Supply Bank Rental Agreement of 846 acre-feet of water for irrigation of 185 acres. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$15,228.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,692.00 will be retained by the Department to offset administrative costs.

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

Sincerely,



Amanda Schenck-Verbeek  
Water Supply Bank

Enclosures: Receipt No. C109429  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
IDWR Eastern Regional Office  
State Water District No. 120  
Richard Brown

**From:** [Ferguson, Justin](#)  
**To:** [Veibell, Amanda](#)  
**Subject:** FW: D Cooper LLC and D Case LLC WSB rental  
**Date:** Friday, November 6, 2020 8:23:55 AM  
**Attachments:** [wateragreementfarm132020.pdf](#)

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This was the most recent email I've had with them. I am going to send a follow up letter here next week, they total was off by \$10.00

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**From:** Doug Case [mailto:[doug@dc-farms.net](mailto:doug@dc-farms.net)]  
**Sent:** Thursday, October 8, 2020 12:05 PM  
**To:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>; Jordan, Blake <[Blake.Jordan@idwr.idaho.gov](mailto:Blake.Jordan@idwr.idaho.gov)>; Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>; Palmer, Cherie <[Cherie.Palmer@idwr.idaho.gov](mailto:Cherie.Palmer@idwr.idaho.gov)>  
**Subject:** RE: D Cooper LLC and D Case LLC WSB rental

Attached is the signed water agreement. I thought I sent it sooner. Where do we send check too?  
Thanks

Doug Case  
DC Farms  
Blackfoot, ID  
208-604-2292

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**From:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>  
**Sent:** Wednesday, September 30, 2020 3:26 PM  
**To:** Jordan, Blake <[Blake.Jordan@idwr.idaho.gov](mailto:Blake.Jordan@idwr.idaho.gov)>; Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>; Palmer, Cherie <[Cherie.Palmer@idwr.idaho.gov](mailto:Cherie.Palmer@idwr.idaho.gov)>  
**Cc:** Doug Case <[doug@dc-farms.net](mailto:doug@dc-farms.net)>  
**Subject:** RE: D Cooper LLC and D Case LLC WSB rental

Afternoon!

Attached is both the email and rental agreement, I apologize if I got your email incorrect last time.

Justin

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**From:** Jordan, Blake  
**Sent:** Wednesday, September 30, 2020 3:24 PM  
**To:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>; Palmer, Cherie <[Cherie.Palmer@idwr.idaho.gov](mailto:Cherie.Palmer@idwr.idaho.gov)>; Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>  
**Cc:** [doug@dc-farms.net](mailto:doug@dc-farms.net)  
**Subject:** D Cooper LLC and D Case LLC WSB rental

Hi Remington,

I just spoke with Doug Case and he didn't receive the rental contract. Can you email him the rental contract so he can sign and return?

[doug@dc-farms.net](mailto:doug@dc-farms.net)

thanks,

Blake Jordan  
Water Rights Supervisor  
Idaho Dept. of Water Resources  
900 N Skyline Dr. Suite A  
Idaho Falls, ID 83402  
(208)497-3777



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

August 14, 2020

D COOPER LLC  
578 N 100 W  
BLACKFOOT, ID 83221-5714

D CASE LLC  
189 W 500 N  
BLACKFOOT, ID 83221-5736

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 427 AND PAYMENT  
FOR WATER RIGHT(S) 35-13340, 35-13362, 35-2324B, 35-7692, 35-2604**

**\*\*\*TIME SENSITIVE RESPONSE REQUIRED\*\*\***

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on May 19, 2020. The signed agreement and rental fee has not been returned to the Department.

**Please sign the rental agreement and return it with the rental payment in the amount of \$16,920.00 within ten (10) days** of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or (208) 287-4800.

Sincerely,

A handwritten signature in blue ink that reads "Amanda Johnson-Viehl". The signature is written in a cursive, flowing style.

Water Supply Bank





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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
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May 19, 2020

D COOPER LLC  
578 N 100 W  
BLACKFOOT, ID 83221-5714

D CASE LLC  
189 W 500 N  
BLACKFOOT, ID 83221-5736

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 35-13340, 35-13362, 35-2324B, 35-7692, 35-2604, AGREEMENT 427**

**\*\*\*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 \$16,920.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 846 acre-feet.

**Please send a check for \$16,920.00** 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 \$15,228.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,692.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk  
Richard Brown – Alpha Harvest

## Memorandum

**To:** Water Rights 35-13340, 35-13362, 35-2324B, 35-7692, & 35-2604

**From:** Justin Ferguson

**Date:** March 26, 2020

**Re:** Water Supply Bank Rental Application

**Purpose/Narrative:** An application was received by the Department from Mr. Cooper and Mr. Case requesting a rental of 185 acres within the Eastern Snake River Plane Aquifer (ESPA) management area. The purpose of the rental is to supplement an existing water right to cover more acreage than would otherwise be authorized, outside the place of use boundaries of the applicant's already available water right (35-2765). Mr. Case and Mr. Cooper are seeking to continue active irrigation under two pivots, a section of the eastern pivot is already covered by water right 35-2765 while the entire western pivot does not have a water right appurtenant.

While it was verified that the accepted standard rate per acre and volume per acre could be used, the rental amounts will be adjusted to match the water right being supplemented at 0.017 cfs/acre and a field headgate standard of 4.0 afa/ac.

**Authority to File:** The application was signed by Mr. Case and submitted by his representative from Alpha Harvest. Review of IDWR records indicate Mr. Case and Mr. Cooper are the current water right holders and, Bingham County parcel data indicates they are the parcel owners as well. No concerns at this time.

**Water Right Validity/Forfeiture Evaluation:** The water rights being requested are valid and available for rent. The term of the rental will be limited to a single year as the contract for water right 35-2604 expires at the end of 2020.

**Injury Evaluation:** No injury is apparent through the rental, ESPA modeling was verified at the requested amounts and no mitigation is required.

**Enlargement of Use:** No enlargement is evident through the rental; the applicant intends to supplement an existing water right to irrigate acreage that would otherwise be outside the authorized place of use. The rate per acre and volume per acre will be adjusted down from the area standard and calibrated to the 0.017 cfs/acre and 4.0 afa/ac provided for by water right 35-2765.

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

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

**Department/Watermaster Comments:** Watermaster and IDWR Southern Region comments were requested on April 7, 2020

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



**Hersley, Jean**

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**From:** Ferguson, Justin  
**Sent:** Tuesday, April 7, 2020 11:16 AM  
**To:** Cefalo, James; Jordan, Blake  
**Subject:** WSB Rental Applications - Gallegos, Cooper/Case  
**Attachments:** Rental Review Memo.docx; Draft Agreement - Gallegos.docx; Rental Map Gallegos.pdf; Rental Review Memo Final.docx; Draft rental agreement - D Cooper LLC Final.docx; Rental Map D Cooper & D Case LLC.pdf

James, Blake,

Attached is the rental map, agreement, and review memo for Pedro Gallegos and D Cooper/D Case. Please let me know if you have any comments or concerns, the Bank will assume you do not object to this application if a timely response is not received

Thank you!

## Ferguson, Justin

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**From:** Ferguson, Justin  
**Sent:** Thursday, March 19, 2020 9:43 AM  
**To:** Richard Brown; Bank  
**Subject:** RE: For Justin Ferguson

Good morning!

Sorry I missed you yesterday! I can add the modeling however there were a couple items I wanted to touch base on, I did see the 184 acres but wanted to make sure that we could use the area standard for volume and rate, I believe that would come out to about 3.68 cfs and 644 af. If they need more rate/volume we would need an explanation for the excess use.

I do have the preliminary modeling I can send over this afternoon, if that works for your client we can move forward, otherwise if you would like to propose new modeling I can send you over the list of water rights we have available.

Thanks!

Justin  
(208) 287-4936

**From:** Richard Brown [mailto:richard.brown@alphafarmland.com]  
**Sent:** Wednesday, March 18, 2020 4:57 PM  
**To:** Bank <Bank@idwr.idaho.gov>  
**Subject:** For Justin Ferguson

Justin,

See attached signed application. All the boxes are checked, including the ones about attaching the modeling and maps. I assume you will just add that to the application. Please let me know.

Thanks,

Richard Brown

208-206-5045

## **Ferguson, Justin**

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**From:** Richard Brown <richard.brown@alphafarmland.com>  
**Sent:** Monday, March 9, 2020 12:18 PM  
**To:** Bank  
**Subject:** For Justin Ferguson - water rental  
**Attachments:** KML Spring 2020 Water Rental App.kml; Map With POD.docx; Water Supply Bank Rental Application Draft 1.pdf

Justin,

I just left a msg regarding the attached draft water rental application. Please give me a call - few things to go over in order to finalize the application.

Richard

## Ferguson, Justin

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**From:** Richard Brown <richard.brown@alphafarmland.com>  
**Sent:** Friday, February 21, 2020 4:26 PM  
**To:** Bank  
**Cc:** Doug Case  
**Subject:** Attn Remington - water supply bank rental

Remington:

Per our phone call this afternoon I am looking to rent groundwater from the water bank covering up to 185 acres, ask that you update me a week from Monday when you know the status of that one large application you discussed.

The water would be placed on 1S34E Section 1, Bingham County on that pacman looking pivot, as well as the full pivot immediately to the east in section 2.

Please note that 56 acres of the east pivot are currently irrigated by 35-2765. Last year approx 185 acres was sold and transferred to a third party, and we are thus looking to rent water for this year. We would be willing to rent in small amounts as well if 185 acres are not available.

I look forward to hearing from you soon.

Regards,

Richard Brown  
208-206-5045