

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 406

RECEIVED
SEP 14 2020
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

J BAR LLC
1405 E RICHARDS RD
DOWNEY, ID 83234-1514

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)
29-13812	9/14/1962	GROUND WATER	0.14	35.0	10.0	0.014	3.50
Combined Rental Totals			0.14	35.0	10.0	0.014	3.50

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

Annual Rental Fee:

2021: \$700.00 annually

The full fee for the rental of the above-described right(s) is \$700.00 per year for 2021. The rental fee includes an administrative fee of \$70.00 for 2021.

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 406

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:

Richard Jessop 9/10/20
Signature of Renter Date

RICHARD JESSOP 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.

By Brian Patton 09/17/20
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR PH 09/17/20
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 406

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec. 12, Twp 11S, Rge 36E, BANNOCK County

<u>BENEFICIAL USE</u>	<u>DIVERSION RATE</u>	<u>VOLUME</u>
IRRIGATION	0.14 CFS	35.0 AF

SEASON OF USE

From	To
4/1	10/15

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	
11S	36E	12		10.0															10.0

Total Acres: 10.0

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 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
11. This right does not grant any right-of-way or easement across the land of another.
12. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 406

Effective until December 31, 2020

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



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



0 500 1,000 Feet

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

RECEIVED

JAN 31 2020

DEPARTMENT OF
WATER RESOURCESApplicant Name: J Bar LLCIs 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)

1634

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant J Bar LLC
Mailing Address 1405 E Richards RD Downey ID. 83234
Street City State Zip Code
Email Address rich@rsjobber.com Phone Number 208-705-1220
- 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**:

I want to cultivate/irrigate 10 acres for 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	<u>40</u> AF	CFS	AF	<u>10</u> 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?	
<u>4/1/2020</u>	<u>6/30/2020</u>	☐ 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):

From the existing well through underground
piping

- 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
existing well	well	none

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 10 (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:

domestic water right only

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**:

need minimum 150 gallons per minute

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

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

Richard Jessop
Printed Name of Applicant

1-31-2020
Date

Signature of Representative

Printed Name of Representative

Date

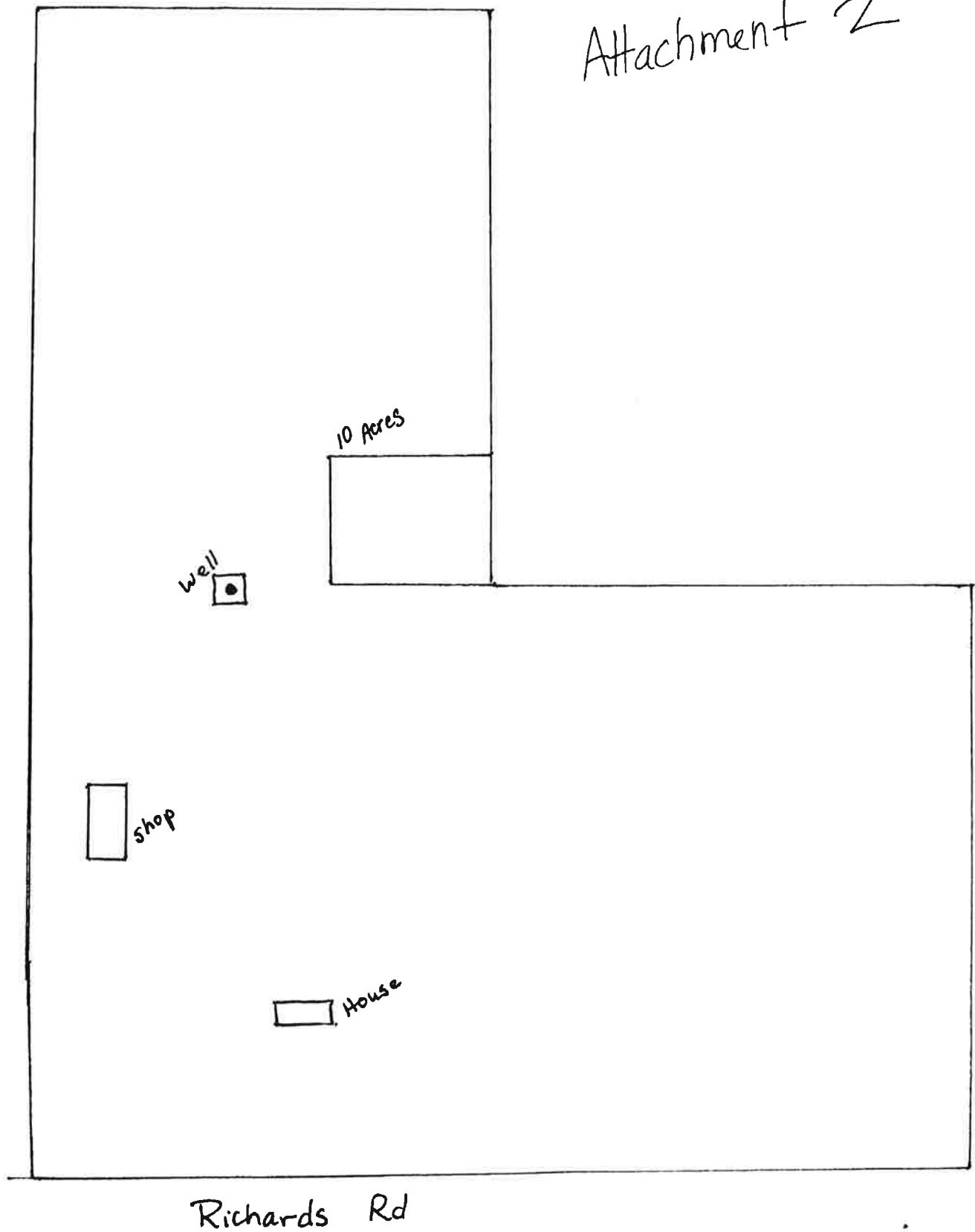
Mail to:

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

J Bar LLC

1405 E Richards Rd

Attachment 2





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

September 17, 2020

J BAR LLC
1405 E RICHARDS RD
DOWNEY, ID 83234-1514

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-7006, AGREEMENT 406**

Dear Renter:

Please find enclosed a receipt in the amount of **\$700.00** and a copy of a fully executed Water Supply Bank Rental Agreement of 78.6 acre-feet of water for irrigation of 10 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 for rental, 90% or \$630.00 of the rental fee will be paid to the lessor(s) and 10% or \$70.00 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. C109254
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office

From: Buyer, Remington
Sent: Wednesday, September 2, 2020 4:46 PM
To: Rich Jessop <rich@rsjobber.com>
Cc: Rozie <rozie@mailcenter.us>; Bank <Bank@idwr.idaho.gov>
Subject: RE: Water Supply Bank

Hi Richard,

Please find attached amended versions of rental agreement 406, authorizing irrigation of 10 acres in 2021. Please print the document single sided, sign the agreement, and then return it to our office in Boise by mail with the rental payment of \$700.00. The submission should be mailed to: IDAHO DEPARTMENT OF WATER RESOURCES, PO BOX 83720, BOISE, ID 83720-0098.

Regards,
Remington

From: Buyer, Remington
Sent: Wednesday, September 2, 2020 12:06 PM
To: Rich Jessop <rich@rsjobber.com>
Cc: Rozie <rozie@mailcenter.us>; Bank <Bank@idwr.idaho.gov>
Subject: RE: Water Supply Bank

Hi Richard,

Thank you for the reply. We will reissue an amended rental agreement so that it is specific to the acreage you intend to irrigate in 2021. I'll get that to you by the end of day today, or by tomorrow at the latest.

Remington

From: Rich Jessop [<mailto:rich@rsjobber.com>]
Sent: Tuesday, September 1, 2020 7:35 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Rozie <rozie@mailcenter.us>; Bank <Bank@idwr.idaho.gov>
Subject: Re: Water Supply Bank

Hello Remington,

Regarding the area of cultivation, it is the area shown in your satellite images that we have planted our 10 acres of alfalfa. This will be the area we want to use the leased water. There has not been any irrigation on any of this area. We are so late in the season at this point, we would like to forego a water lease for 2020 and sign up for the lease for 2021. Please let us know if we need to provide any further information in order to make these amendments.

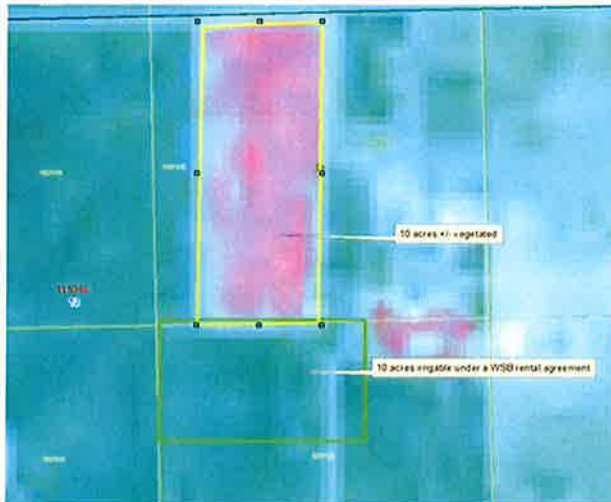
Thank you for the help!
Richard Jessop
208-705-1220

On Sep 1, 2020, at 1:31 PM, Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Hi Rozie,

I got your voicemail message. If Mr. Jessop no longer desires to pursue an irrigation rental for 2020, we can amend rental agreement 406 such that it commences in, and is valid only for 2021. Please have Mr. Jessop respond to this email if that is his desire.

Also, can you please have Mr. Jessop confirm whether there is any irrigation occurring in the NWNE quarter-quarter of Section 12 in T11S, R36E? The WSB rental agreement authorizes irrigation of 10 acres in the SWNE of Section 12, however satellite imagery suggests a 10 acre crop may have been planted in the NWNE QQ during 2020. Is there any irrigation occurring in the NWNE QQ of Section 12?



July 4th, 2020



Date unknown

Thanks,

Remington

From: Buyer, Remington
Sent: Tuesday, August 25, 2020 12:02 PM
To: Rozie <rozie@mailcenter.us>; rich@rsjobber.com
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Water Supply Bank

Rozie,

As we discussed this morning, I am emailing you a revised version of the rental agreement that was provided for J Bar Ranch LLC earlier this summer. Because the rental is now requesting a lower overall diversion rate, it is possible for us to provide J Bar Ranch with a two year rental agreement, as was originally requested.

Please print the attached rental agreement on your end (single sided printing), have Mr. Jessop sign the document, and then return it to our office with the rental payment of \$700. Once we receive the signed document with the payment, we will execute the agreement by signing it as well, and we will return to you a copy of the document with the payment receipt, for your records.

Please contact our office if you have any question about the above, else, we'll look forward to soon receiving from you the signed document and the annual rental payment for 2020.

Regards,

Remington Buyer

Water Supply Bank Coordinator

Idaho Department of Water Resources

322 East Front Street, Boise, ID, 83720

T: (208) 287-4918 | F: (208) 287-6700

Memorandum

To: Water Rights 29-13812
From: Justin Ferguson and Remington Buyer
Date: August 25, 2020
Re: Water Supply Bank Rental Application 1634

Purpose/Narrative: An application was received by the Department January 31, 2020 from J Bar LLC requesting a two year rental of 10 acres for crop irrigation. The applicant's place of use is located in Basin 29 however, they are outside of the ESPA boundaries and, as such, no modeling is required. The applicant originally requested a minimum rate of 150 gallons per minute which, when converted, is equivalent to 0.33 cfs, and would provide for irrigation at 0.033 cfs/ac. They were presented with a rental agreement for water right 29-7006, which was the only available water right that could provide the requested high per-acre diversion rate, however this water right was only leased to the Bank for one year.

Upon receiving the rental agreement for water right 29-7006, the applicant responded with a request to revise their rental agreement, to allow for a lower per-acre diversion rate. They presented IDWR with information that their well in fact only allowed for a diversion rate of 40 gallons per minute (equivalent to 0.002 cfs). Accordingly, the rental agreement was revised and, because water right 29-13812 was leased into the Bank and available for a two year rental, this water right was instead presented to the applicant for rental.

On September 1, 2020, the applicant contacted IDWR to request that the rental be approved only for 2021, as they were and would not be able to actively irrigate during 2020. They also confirmed the exact location of the 10 acres to be irrigated during 2021. The rental agreement was amended and reissued to the applicant on September 2, 2020.

Authority to File: The applications were signed on behalf of J Bar Ranch LLC by Mr. Richard Jessop. Review of the Idaho Secretary of State information indicates Mr. Jessop is a registered agent and is able to act on behalf of the LLC. Provided in the application package is a Warranty Deed conveying the land from the owner listed with the Bannock County Assessor, Mr. Richard Firkins, to Mr. Jessop. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The leased water right, 29-13812, is in the Bank and available to be rented. No concerns about its validity.

Injury Evaluation: No injury is apparent through this rental. Currently the rental point of diversion only delivers a domestic right which should not be impacted by this rental.

Enlargement of Use: No enlargement is evident through the rental alone. A rental volume of 40 af was requested (equivalent to 4 afa/ac), however the regional headgate standard is 3.5 afa/ac, which would allow for a diversion of 35 af for the irrigation of 10 acres. To avoid enlargement, this rental will be limited to 35 af. A diversion rate of 0.141 cfs equates to 35 af under 29-13812, providing for irrigation at 0.014 cfs/ac, which is much more than the applicant has now requested. As such, no enlargement will occur if this rental is limited to 0.141 cfs and 35 af for the irrigation of 10 acres.

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 Eastern Region comments were requested April 10, 2020.

Water Supply Bank Evaluation: Bank staff recommend the approval of this rental for 2021.



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

August 12, 2020

J BAR LLC
1405 E RICHARDS RD
DOWNEY, ID 83234-1514

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 406 AND PAYMENT
FOR WATER RIGHT(S) 29-7006**

*****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 \$1,571.60 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 or 208-287-4800.

Sincerely,


Amanda Schuster-Verbeke
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 • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 19, 2020

J BAR LLC
1405 E RICHARDS RD
DOWNEY, ID 83234-1514

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 29-7006, AGREEMENT 406

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 \$1,571.60 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 78.6 acre-feet.

Please send a check for \$1,571.60 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 \$1,414.44 of the rental fee will be paid to the lessor(s) and 10% or \$157.16 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,

for Water Supply Bank

Enclosure

c: IDWR Front Desk

Memorandum

To: Water Rights 29-7006

From: Justin Ferguson

Date: April 10, 2020

Re: Water Supply Bank Rental Application 1634

Purpose/Narrative: An application was received by the Department January 31, 2020 from J Bar LLC requesting a rental of 10 acres for crop irrigation. The applicant's place of use is located in Basin 29 however, they are outside of the ESPA boundaries and, as such, no modeling is required. The applicant has requested a minimum rate of 150 gallons per minute which, when converted, is equivalent to 0.33 cfs.

Mr. Jessop was contacted to verify the higher than normal rate per acre and only recommended the 150 gallons per minute. After talking with him about his plan for the rental, the rate per acre can be adjusted down to 0.02 cfs/ac and 3.5 af/ac. Once he verifies that his pump is capable of more he has plans to submit another rental to break out more acres.

Due to the applicant's location, requested diversion rate, and lack of water rights leased to the Bank in that area, there were not a large number of water rights to select from to facilitate the rental. The term will also be limited to a single year as the selected water right is only available through the end of 2020.

Authority to File: The applications were signed on behalf of J Bar Ranch LLC by Mr. Richard Jessop. Review of the Idaho Secretary of State information indicates Mr. Jessop is a registered agent and is able to act on behalf of the LLC. Provided in the application package is a Warranty Deed conveying the land from the owner listed with the Bannock County Assessor, Mr. Richard Firkins, to Mr. Jessop. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The leased water right, 29-7006, is in the Bank and available to be rented. No concerns about its validity.

Injury Evaluation: No injury is apparent through this rental. Currently the point of diversion only delivers a domestic right only and will not affect any other water rights. The domestic pump was also reviewed to verify that the rate was possible, it appears the pump is capable of 200 gallons per minute.

Enlargement of Use: No enlargement is evident through the rental alone, a greater volume and acres will be rented by the applicant to deliver the 0.20 cfs requested however, as the water right being used to facilitate the rental only provides for a 0.007 cfs/acre and 2.88 af/ac. The volume and acreage will also be limited to the 3.5 afa standard in the area.

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 Eastern Region comments were requested April 10, 2020

Water Supply Bank Evaluation: Bank staff recommend the approval of this rental through 2020.

Buyer, Remington

From: Buyer, Remington
Sent: Tuesday, February 18, 2020 11:02 AM
To: 'Rozie'
Subject: RE: Warranty Deed

Rozie,

This is what we required. Thank you for getting to us timely. We will process the rental application and follow up with you if additional information is required.

Remington

From: Rozie [mailto:rozie@mailcenter.us]
Sent: Friday, February 14, 2020 6:20 PM
To: Bank <Bank@idwr.idaho.gov>
Subject: Warranty Deed

Remington,

I am confirming that the location specified is correct. Also, attached is the Warranty Deed. Let me know if you need anything else.



Pioneer Title Co.
SINCE 1910

135 N. Arthur Ave.
Pocatello, ID 83204

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 703551 MO/LW

OFFICIAL RECORD BK# 0
BANNOCK COUNTY IDAHO

FEE 16.00 DEPUTY JB
RECORDED AT REQUEST OF

Pioneer Title Pocatello

21920591

2019 Dec 27 PM 04:28

Electronically Recorded by Simofitie

WARRANTY DEED

For Value Received Richard G. Firkins, an unmarried man
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Richard S Jessop Jr., an unmarried man
hereinafter referred to as Grantee, whose current address is 1405 E Richards Rd, Downey, ID 83234
The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

RSJ

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: December 26, 2019

[Signature]
Richard Firkins

State of IDAHO, County of BANNOCK

This record was acknowledged before me on DECEMBER 27, 2019 by Richard Firkins *6.4*

[Signature]
Signature of notary public

Commission Expires: 03/09/21

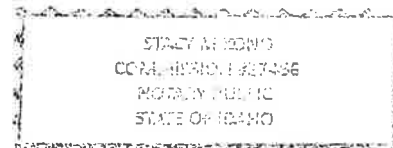


EXHIBIT A

EASTERLY PORTION OF WEST 1/2 OF THE NORTHEAST 1/4 SECTION 12
PORTION OF DEED INSTRUMENT 95001365

A TRACT OF LAND LOCATED IN THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BEING A PORTION OF THE LAND DESCRIBED IN OF CORPORATION DEED INSTRUMENT 95001365 OF THE RECORDS OF BANNOCK COUNTY IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, SAID POINT BEING MARKED BY A 2" DIAMETER ALUMINUM CAP AFFIXED TO 5/8" DIAMETER IRON PIN, AND DESCRIBED IN CORNER PERPETUATION AND FILING RECORD INSTRUMENT 21612930; THENCE NORTH 89°37'14" EAST (BASIS OF BEARING PER THE EAST ZONE OF THE IDAHO STATE PLANE COORDINATE SYSTEM) ALONG THE NORTH LINE OF SECTION 12, A DISTANCE OF 672.20 FEET, BEING MARKED WITH A 1/2" DIAMETER IRON PIN, WITH A PLASTIC CAP INSCRIBED PLS 10342, THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°37'14" EAST, CONTINUING ALONG THE NORTH LINE OF SECTION 12, A DISTANCE OF 657.55 FEET, TO THE EAST 1/16 CORNER ON THE NORTH LINE OF SECTION 12, BEING MARKED WITH A 2" DIAMETER ALUMINUM CAP, AFFIXED TO A 5/8" DIAMETER IRON PIN, AS DESCRIBED IN CORNER PERPETUATION AND FILING RECORD INSTRUMENT 21612931; THENCE SOUTH 00°02'02" WEST, ALONG THE EAST 1/16 LINE OF SECTION 12, A DISTANCE OF 2651.01 FEET, TO THE CENTER EAST 1/16 CORNER, SAID POINT BEING MARKED WITH A 2" DIAMETER ALUMINUM CAP, AFFIXED TO A 5/8" DIAMETER IRON PIN AS DESCRIBED IN CORNER PERPETUATION AND FILING RECORD INSTRUMENT 21612935; THENCE SOUTH 89°49'29" WEST, ALONG THE LATITUDINAL CENTERLINE OF SECTION 12, A DISTANCE OF 657.54 FEET, SAID POINT BEING MARKED WITH A 1/2 " DIAMETER IRON PIN WITH A PLASTIC CAP INSCRIBED PLS-10342; .
THENCE NORTH 00°02'02" EAST, PARALLEL WITH THE EAST 1/16 LINE OF SECTION 12, A DISTANCE OF 2648.67 FEET, TO THE TRUE POINT OF BEGINNING.



LEASE AGREEMENT

This Agreement ("Agreement") is entered into by and between **J Bar Ranch LLC** ("Tenant"), and **Richard Jessop** ("Landlord"). Landlord and Tenant are collectively referred to in this Agreement as the "Parties". This Agreement shall be effective as of the date executed by Landlord, as set forth below.

For the covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **PREMISES:** The Landlord hereby agrees to lease the property located in 1405 E East Richards RD
2. **TERM:** Indefinitely
3. **Conditions:** To cultivate/irrigate the land
4. **ENTIRE AGREEMENT:** This document constitutes the entire agreement and may be modified or amended only by written agreement signed by both Parties. There are no oral agreements between the Parties.

IN WITNESS THEREOF, the Parties have caused this Agreement to be executed on the dates set forth below.

This is a binding legal document. Tenant acknowledges reading all of this agreement carefully, and obtaining advice of counsel, if desired, before signing.

Date signed: February 7, 2020

SIGNED:

Landlord:


Richard Jessop Jr.

Tenant:


J bar RANCH

From: Buyer, Remington
Sent: Monday, February 10, 2020 9:55 AM
To: 'rich@rsjobber.com' <rich@rsjobber.com>
Subject: FW: Rental Application

Rich,

Forwarding this email as I have not heard back anything from rozie@mailcenter.us.

Please review the below and provide our office with the needed information prior to the deadline. Feel free to follow up with me if you have any questions.

Regards,

Remington

From: Buyer, Remington
Sent: Tuesday, February 4, 2020 2:17 PM
To: 'Rozie' <rozie@mailcenter.us>
Subject: RE: Rental Application

Hello,

We have received your rental application, number 1634, for irrigation of 10 acres in 2020 and 2021. However, to continue processing your rental application, additional information is required. Specifically, please respond to the following questions:

- Per the map provided with your application, it was unclear as to which specific acres should be irrigated via a water right rental in 2020 and 2021. A map depicting 10 acres in the approximate location of what we understand to be 1405 E. Richards Road is attached to this email. **Please respond to confirm this is the location that you would like to irrigate, else, please provide a map that identifies the exact area you would like to irrigate.**
- Bannock County records indicate that the property we understand to be 1405 E. Richards Road is currently owned by Richard Firkins. This application has been submitted on behalf of J Bar LLC. The Idaho Secretary of State's Office lists Richard Jessop as a Governor of J Bar Ranch LLC. **Please providing information to confirm Richard Jessop and/or J Bar Ranch LLC has acquired 1405 E. Richards Road from Richard Firkins, else, please provide evidence that Mr. Firkins authorizes Mr. Jessop/J Bar Ranch LLC to irrigate 10 acres at 1405 E. Richards Road.**

Please provide us with the above requested information within the next thirty days, no later than March 5th, 2020. If we don't receive a response by the end of day on March 5th, your rental application may be returned to you, unprocessed. You may contact me with any questions regarding the above.

Regards,

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

Buyer, Remington

From: Buyer, Remington
Sent: Tuesday, February 4, 2020 2:17 PM
To: 'Rozie'
Subject: RE: Rental Application
Attachments: RentalMap.pdf

Hello,

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Regards,

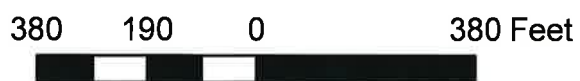
Remington Buyer

Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

From: Rozie [mailto:rozie@mailcenter.us]
Sent: Friday, January 31, 2020 6:39 PM
To: Bank <Bank@idwr.idaho.gov>
Subject: Rental Application



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.





0003726033

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$100.00 - Make Checks Payable to Secretary of State

*For Office Use Only***-FILED-**

File #: 0003726033

Date Filed: 1/2/2020 9:51:09 AM

Certificate of Organization Limited Liability Company

Select one: Standard, Expedited or Same Day Service (see descriptions below)

Standard (filing fee \$100)

1. Limited Liability Company Name

Type of Limited Liability Company

Limited Liability Company

Entity name

J Bar Ranch LLC

2. The complete street address of the principal office is:

Principal Office Address

RICHARD JESSOP, SR
1405 EAST RICHARDS ROAD
DOWNEY, ID 83234

3. The mailing address of the principal office is:

Mailing Address

TAMMY JESSOP
427 N MAIN ST
STE F
POCATELLO, ID 83204-3016

4. Registered Agent Name and Address

Registered Agent

Registered Agent
Tammy B Jessop
Physical Address:
642 N OLD HWY 91
INKOM, ID 83245
Mailing Address:
TAMMY JESSOP
427 N MAIN ST
STE F
POCATELLO, ID 83204-3016

5. Governors

Name	Address
Richard S Jessop Sr	642 N OLD HWY 91 INKOM, ID 83245

Signature of Organizer:

Richard S Jessop Sr

Sign Here

01/02/2020

Date

DOUGLAS-3441 01/02/2020 9:53 AM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY