

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
MAY 20 2020  
DEPARTMENT OF  
WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 386**

This is to certify that:

PEP LLC  
1356 S 3000 W  
ABERDEEN, ID 83210-1609

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)
43-13595	5/4/1978	GROUND WATER	0.70	169	42.3	0.017	4.0
43-13597	5/23/1962	GROUND WATER	0.13	81.3	20.4	0.006	4.0
<b>Combined Limit Totals</b>			<b>0.70</b>	<b>251</b>	<b>62.7</b>	<b>0.011</b>	<b>4.0</b>
29-14012	8/19/1952	GROUND WATER	1.83	489	122	0.015	4.0
29-14013	8/19/1952	GROUND WATER	2.25	651	163	0.014	4.0
35-7274	1/22/1973	GROUND WATER	1.22	372	93.0	0.013	4.0
<b>Combined Rental Totals</b>			<b>6.00</b>	<b>1,763</b>	<b>441</b>	<b>0.014</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: \$35,260.00

SUPPORT DATA  
IN FILE # 29-14012

The full fee for the rental of the above-described right(s) is \$35,260.00 for 2020. The rental fee includes an administrative fee of \$3,526.00 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	6.00	1,500	375	0.016	4.0
<b>Combined Total</b>	<b>6.00</b>	<b>1,500</b>	<b>375</b>	<b>0.016</b>	<b>4.0</b>

*\* The authorized water usage reflects a reduction from the water right elements rented, to account for a diversion rate of 0.016 cfs/ac and a maximum field headgate volume of 4.0 afa/ac*

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 386**

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:

PEP Ucky Chris Pratt  
Signature of Renter

5-18-2020  
Date

Chris Pratt  
Printed Name

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  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Date 07/09/20

Rental approved by IDWR P. Thomas

Date 07/09/20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 386**

**WATER USE DETAILS**

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

GROUND WATER                      NWNW              Sec. 34, Twp 04S, Rge 30E,                      BINGHAM County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
6.00 CFS

**VOLUME**  
1,500 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													
04S	30E	34	30	32	31	34	31	30	31	31					31	31	32	31	375

Total Acres: 375

**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 place of use.
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. 120.
11. 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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

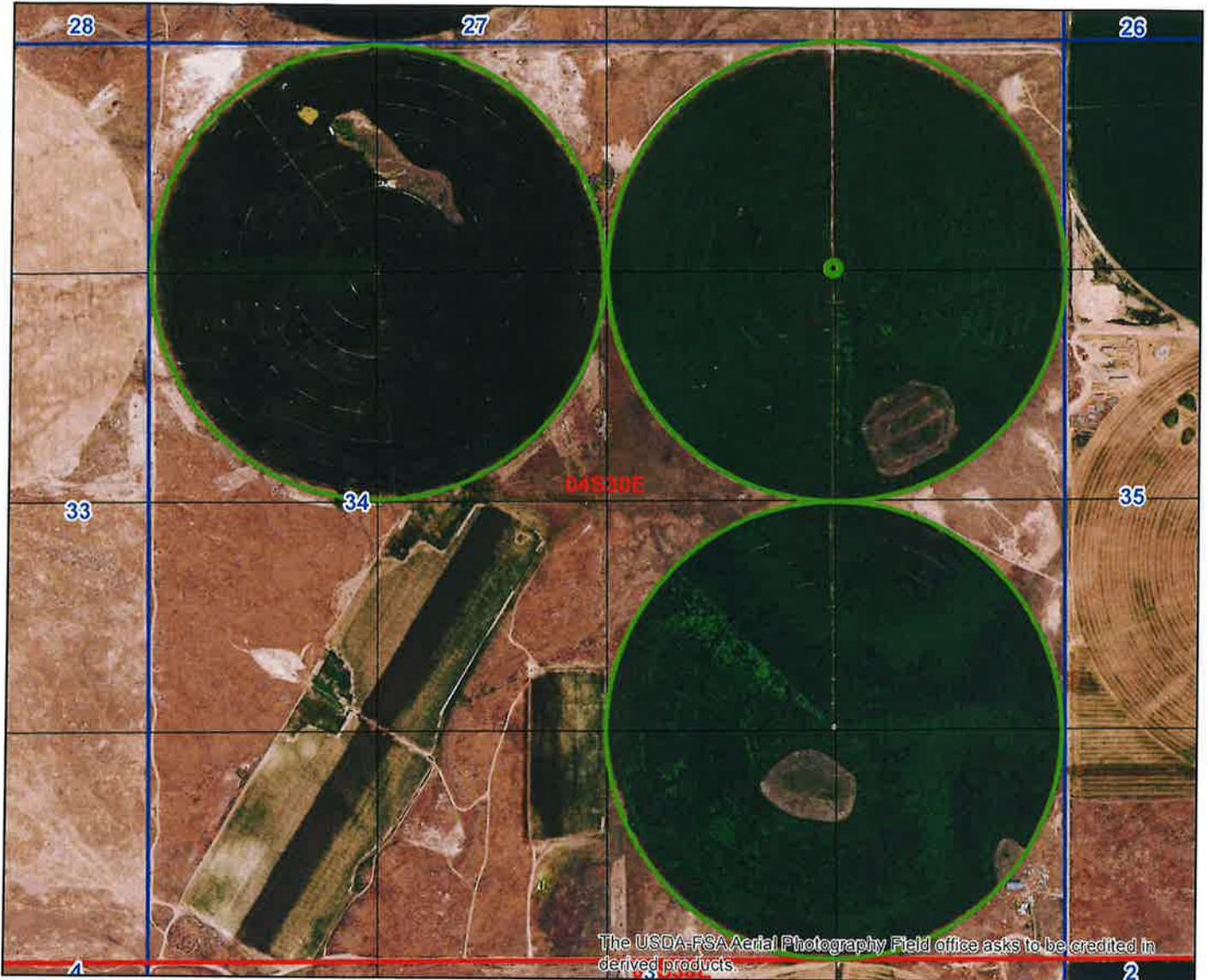
**WATER SUPPLY BANK RENTAL AGREEMENT No. 386**

12. 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.
13. This rental agreement does not authorize the construction of a well.
14. Pursuant to Section 42-1412(6), Idaho Code, 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.

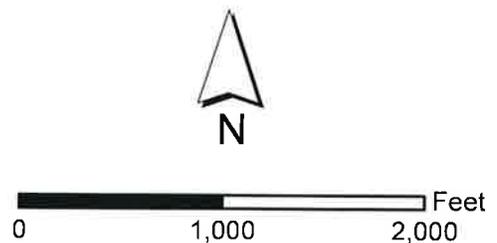
Idaho Water Resource Board  
**Attachment to Water Supply Bank Rental Agreement No. 386**

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



STATE OF IDAHO  
WATER RESOURCE BOARD

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

RECEIVED  
MAR 11 2020  
Department of Water Resources

Applicant Name: PEP, 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  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)

29-14012	43-13595	
29-14013	43-13597	35-7274

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**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant PEP, LLC

Mailing Address 1356 S., 3000 W. Aberdeen ID 83210  
Street City State Zip Code

Email Address pepfarms@gmail.com Phone Number (208) 709-1645

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 Jason C. Helms, P.E. Professional Title \_\_\_\_\_  
 Organization JCH Engineering & Consulting, PLLC Relationship to Applicant Consultant  
 Mailing Address 6755 N. Albert Lane Idaho Falls, ID 83401  
 Email Address jasoncivil@alumni.nd.edu Phone Number (208) 308-2109

**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**:

Irrigation (Rental #1 of 3). ESPA modeling indicates 5.5% set-aside is required so total diversion will be limited to 1,500.0 acre-ft with rental of 1,585.5 acre-ft of the indicated water rights.

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)
5.52 CFS	1,585.5 AF	5.23 CFS	1,500.0 AF	375 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?	
04/01	06/01	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant

\* *The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.*  
 \*\* *Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.*

STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):  
Existing well, mainline and center pivot sprinkler systems.

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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 #22	Ground Water	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 375 (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.

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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

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**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

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)
29-14012	irrigation	1.83	488.8	122.2		1.83	488.8	122.2
29-14013	irrigation	2.25	651.2	162.8		2.25	651.2	162.8
43-13595	irrigation	5.00	1209.6	302.4		0.22	54.1	13.5
43-13597	irrigation	(0.89)	580.4	145.1		(0.04)	19.4	6.5
35-7274	irrigation	1.22	372.0	93.0		1.22	372.0	93.0
<b>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</b>					<b>TOTAL</b>	5.52	1,585.5	398.0
						<b>CFS</b>	<b>AF</b>	<b>AC</b>

*\*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

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:  
Permanent water rights are continuing to be sought, however no appropriate water rights have been located at this time.

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:

If water rights are located, the transfer will be coordinated not to overlap this rental in any way.

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

ESPA modeling indicates rental of these rights can provide 1,500.0 acre-ft for full irrigation of 375 acres (4.0 acre-ft per acre). See attached ESPA modeling analysis demonstrating all reach impacts remain within 10% of historical depletions.

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

Printed Name of Applicant

Date

Signature of Representative

Printed Name of Representative

Date

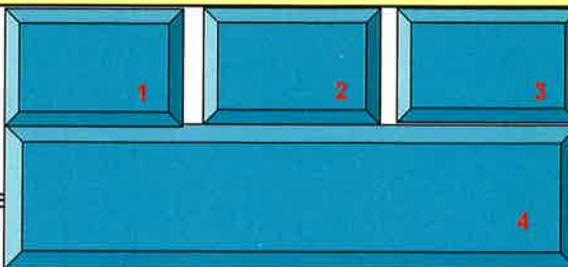
Mail to:

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

# ENHANCED GROUND-WATER RIGHTS TR

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE | IDAHO DEP

Cells this color are set up for user entries



ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1952  
SEASON: SPRING

TRANSFER NO: PEP WSB1 2020  
TRANSFER NAME: PEP Rental #1

1140.00

2.58

372.00

[acre-ft]

ENTER CELL LOCATIONS:		'FROM1' CELL	'FROM2' CELL	'FROM3' CELL			
ROW	'TO' CELL				29-14012	8/19/1952	488.8
	77	91	96	78	29-14013	8/19/1952	651.2
COLUMN	105	69	122	129	43-13595	5/4/1978	54.07
					43-13597	5/23/1962	19.40

Well 22      43-13595/7      29-14012/3      35-7274      Total rental: 1585.47

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1952	0.0	0.0	0.0	380.0	380.0	0.0	0.0
WIN 1952	0.0	0.0	0.0	380.0	380.0	0.0	0.0
SPR 1953	0.0	0.0	0.0	380.0	380.0	0.0	0.0
WIN 1961	0.0	0.0	0.0	380.0	380.0	0.0	0.0
SPR 1962	0.0	6.5	6.5	380.0	380.0	0.0	0.0
SUM 1962	0.0	6.5	6.5	380.0	380.0	0.0	0.0
WIN 1962	0.0	6.5	6.5	380.0	380.0	0.0	0.0
WIN 1972	0.0	6.5	6.5	380.0	380.0	0.0	0.0
SPR 1973	0.0	6.5	6.5	380.0	380.0	124.0	124.0
SUM 1973	0.0	6.5	6.5	380.0	380.0	124.0	124.0
WIN 1973	0.0	6.5	6.5	380.0	380.0	124.0	124.0
WIN 1977	0.0	6.5	6.5	380.0	380.0	124.0	124.0
SPR 1978	0.0	24.5	24.5	380.0	380.0	124.0	124.0
SUM 1978	0.0	24.5	24.5	380.0	380.0	124.0	124.0
WIN 1978	0.0	24.5	24.5	380.0	380.0	124.0	124.0
WIN 1994	0.0	24.5	24.5	380.0	380.0	124.0	124.0
SPR 1995	0.0	0.0	24.5	380.0	380.0	124.0	124.0
SUM 1995	0.0	0.0	24.5	380.0	380.0	124.0	124.0
WIN 1995	0.0	0.0	24.5	380.0	380.0	124.0	124.0
WIN 2009	0.0	0.0	24.5	380.0	380.0	124.0	124.0
SPR 2010	0.0	24.5	24.5	380.0	380.0	124.0	124.0
SUM 2010	0.0	24.5	24.5	380.0	380.0	124.0	124.0
WIN 2010	0.0	24.5	24.5	380.0	380.0	124.0	124.0
WIN 2018	0.0	24.5	24.5	380.0	380.0	124.0	124.0
SPR 2019	0.0	24.5	24.5	380.0	380.0	0.0	124.0
SUM 2019	0.0	24.5	24.5	380.0	380.0	0.0	124.0
WIN 2019	0.0	24.5	24.5	380.0	380.0	0.0	124.0
SPR 2020	500.0	0.0	24.5	0.0	380.0	0.0	124.0
SUM 2020	500.0	0.0	24.5	0.0	380.0	0.0	124.0
WIN 2020	500.0	0.0	24.5	0.0	380.0	0.0	124.0
SPR 2021	0.0	24.5	24.5	380.0	380.0	124.0	124.0
SPR 2101	0.0	24.5	24.5	380.0	380.0	124.0	124.0
SUM 2101	0.0	24.5	24.5	380.0	380.0	124.0	124.0
WIN 2101	0.0	24.5	24.5	380.0	380.0	124.0	124.0



STATE OF IDAHO  
WATER RESOURCE BOARD

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

RECEIVED  
NOV 01 2019  
DEPARTMENT OF  
WATER RESOURCES

Applicant Name: PEP, 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		
	<input checked="" type="checkbox"/>	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>	
	<input checked="" type="checkbox"/>	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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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)	
29-14012	43-13595
29-14013	43-13597

1471

\* Sending updated application Page | 1  
- Insufficient modeling Provided

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant PEP, LLC

Mailing Address 1356 S., 3000 W. Aberdeen ID 83210  
Street City State Zip Code

Email Address pepfarms@gmail.com Phone Number (208) 709-1645

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 Jason C. Helms, P.E. Professional Title \_\_\_\_\_

Organization JCH Engineering & Consulting, PLLC Relationship to Applicant Consultant

Mailing Address 6755 N. Albert Lane Idaho Falls, ID 83401

Email Address jasoncivil@alumni.nd.edu Phone Number (208) 308-2109

**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**:  
Irrigation (Rental #1 of 3)

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)
5.09 CFS	1470.6 AF	5.09 CFS	1470.6 AF	375 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?	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant
04/01	06/01	1	2	3	4	5		

\* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.  
 \*\* Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

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

Existing well, mainline and center pivot sprinkler systems.

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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 #22	Ground Water	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 375 (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.

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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

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**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)
29-14012	irrigation	1.83	488.8	122.2	1.83	488.8	122.2	
29-14013	irrigation	2.25	651.2	162.8	2.25	651.2	162.8	
43-13595	irrigation	5.00	1209.6	302.4	1.01	243.3	60.8	
43-13597	irrigation	(0.89)	580.4	145.1	(0.18)	87.3	29.2	
<b>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</b>					<b>TOTAL</b>	5.09	1470.6	375.0
						<b>CFS</b>	<b>AF</b>	<b>AC</b>

*\*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:

Permanent water rights are continuing to be sought, however no appropriate water rights have been located at this time.

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:

If water rights are located, the transfer will be coordinated not to overlap this rental in any way.

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

Chris Pratt

Printed Name of Applicant

11-01-2019

Date

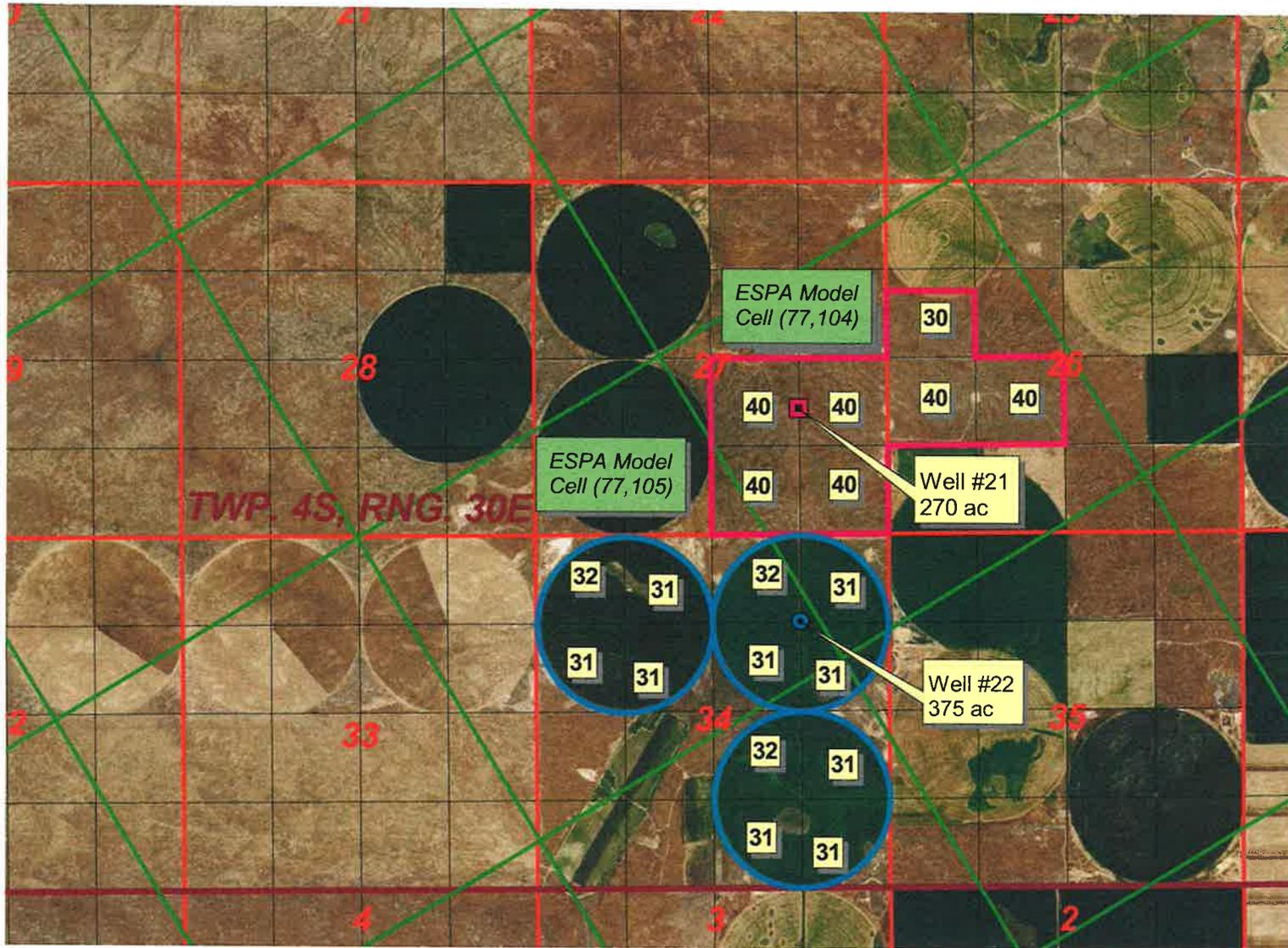
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



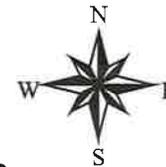
JCH - 10/29/2019

0.25 0 0.25 0.5 0.75 Miles

2017 NAIP Aerial Photo

- Rental #1 Point of Diversion (WMIS 1001750), Place of Use (375 Ac.)
- Rental #2 Point of Diversion (WMIS 600034), Place of Use (270 Ac.)

- ESPA Model Grid
- Township & Range Sections
- 40's



PEP, LLC Proposed 2020 Water Supply Bank Rental #1 & Rental #2

## ESPA Ground Water Rights Transfer Spreadsheet Data Summary

**TRANSFER NO:** 2020 Water Bank Rental #1  
**TRANSFER NAME:** PEP LLC: Well #22

**PREPARED BY:** Jason C. Helms, P.E.  
**DATE:** 10/29/2019  
**Transfer Tool Version:** Version 3.2

**WATER RIGHTS INVOLVED:**

Group 1 Transfer Rights		Group 2 Additional Mitigation Rights	
Right No.	Priority Date	Right No.	Priority Date
29-14012	8/19/1952		
29-14013	8/19/1952		
43-13595	5/4/1978		
43-13597	5/23/1962		

**HISTORIC BENEFICIAL USE:**

Trans/Mit. Rights (group no.)	Acres to Dry Up (ac)	Beneficial Use (afa/yr)	Total (af/yr)
29-14012	122.2	488.8	488.8
29-14013	162.8	651.2	651.2
43-13595	60.8	243.3	243.3
43-13597	21.8	87.3	87.3

**MODEL CELL LOCATIONS:**

	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	77	91	96	96
COLUMN	105	69	122	122

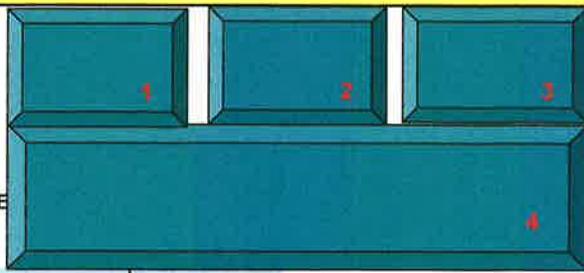
	Start Date		End Date		Water Use		Acres Authorized (acres)	Notes
	Season	Year	Season	Year	Annual (af/yr)	Trimester (af/trimester)		
	TO Well (Projected Use)	Spring	1952	Winter	2019	0.0	0.0	
	Spring	2020	Winter	2020	1470.6	490.2	367.7	2020 rental diversion of 1500 af
	Spring	2021	Winter	2101	0.0	0.0	0.0	0 rental diversion 2021-2101
FROM1 Well (With Transfer)	Spring	1952	Winter	1961	0.0	0.0	0.0	0 diversion before priority date
	Spring	1962	Winter	1977	87.3	29.1	21.8	Add historical diversion of 43-13597
	Spring	1978	Winter	1994	330.6	110.2	82.7	Add historical diversion of 43-13595
	Spring	1995	Winter	2019	0.0	0.0	0.0	Credits during protected non-use
	Spring	2020	Winter	2020	0.0	0.0	0.0	non-use during rental period
	Spring	2021	Winter	2101	330.6	110.2	82.7	Use potentially resumes in 2021
FROM1 Well (Without Transfer)	Spring	1952	Winter	1961	0.0	0.0	0.0	0 diversion before priority date
	Spring	1962	Winter	1977	87.3	29.1	21.8	Add historical diversion of 43-13597
	Spring	1978	Winter	1994	330.6	110.2	82.7	Add historical diversion of 43-13595
	Spring	1995	Winter	2101	330.6	110.2	82.7	Authorized baseline use
FROM2 Well (With Transfer)	Spring	1952	Summer	1952	0.0	0.0	0.0	0 diversion before priority date
	Summer	1952	Winter	2011	488.8	162.9	122.2	Add historical diversion of 29-14012
	Spring	2012	Winter	2019	0.0	0.0	0.0	Credits during protected non-use
	Spring	2020	Winter	2020	0.0	0.0	0.0	non-use during rental period
	Spring	2021	Winter	2101	488.8	162.9	122.2	Use potentially resumes in 2021
FROM2 Well (Without Transfer)	Spring	1952	Summer	1952	0.0	0.0	0.0	0 diversion before priority date
	Summer	1952	Winter	2011	488.8	162.9	122.2	Add historical diversion of 29-14012
	Spring	2012	Winter	2101	488.8	162.9	122.2	Authorized baseline use
FROM3 Well (With Transfer)	Spring	1952	Summer	1952	0.0	0.0	0.0	0 diversion before priority date
	Summer	1952	Winter	2011	651.2	217.1	162.8	Add historical diversion of 29-14013
	Spring	2012	Winter	2019	0.0	0.0	0.0	Credits during protected non-use
	Spring	2020	Winter	2020	0.0	0.0	0.0	non-use during rental period
	Spring	2021	Winter	2101	651.2	217.1	162.8	Use potentially resumes in 2021
FROM3 Well (Without Transfer)	Spring	1952	Summer	1952	0.0	0.0	0.0	0 diversion before priority date
	Summer	1952	Winter	2011	651.2	217.1	162.8	Add historical diversion of 29-14013
	Spring	2012	Winter	2101	651.2	217.1	162.8	Authorized baseline use

## ATTACHMENT #3H Transfer Summary

# ENHANCED GROUND-WATER RIGHTS TR

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE | IDAHO DEP

Cells this color are set up for user entries



ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO: PEP WSB1 2020

YEAR: 1952

SEASON: SPRING

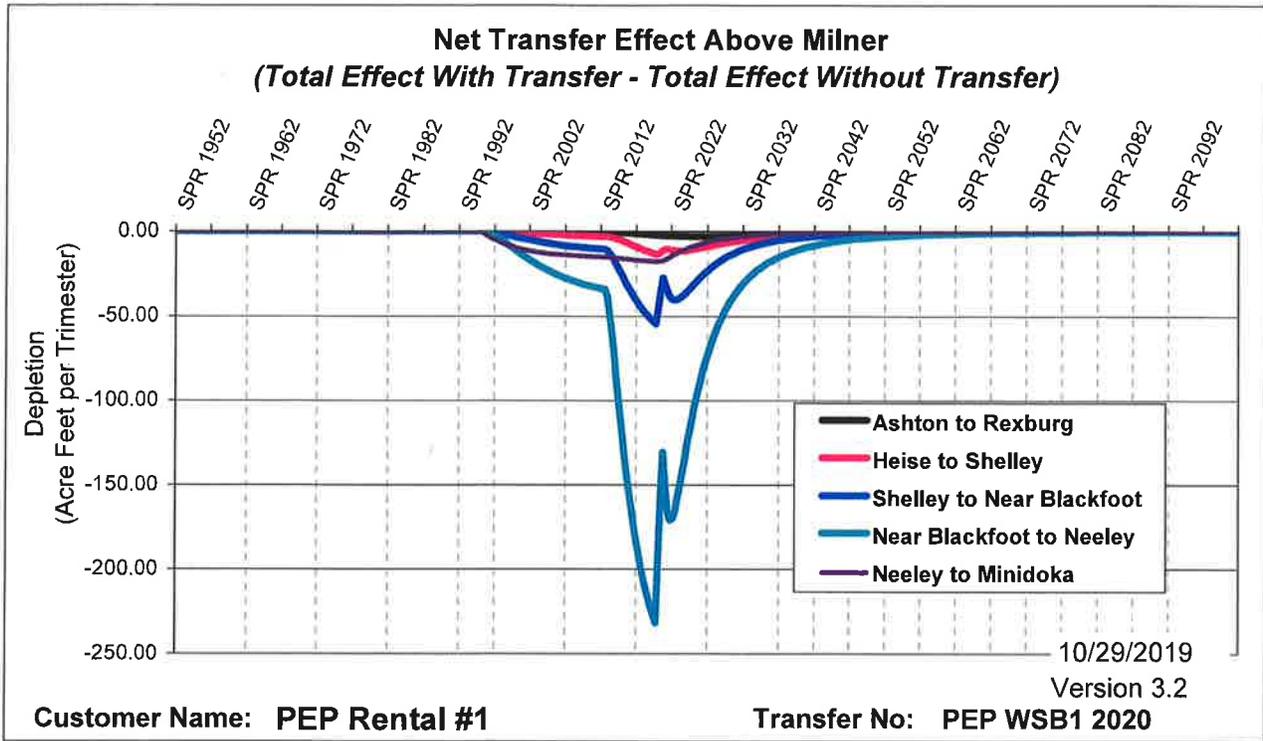
TRANSFER NAME: PEP Rental #1

2.58

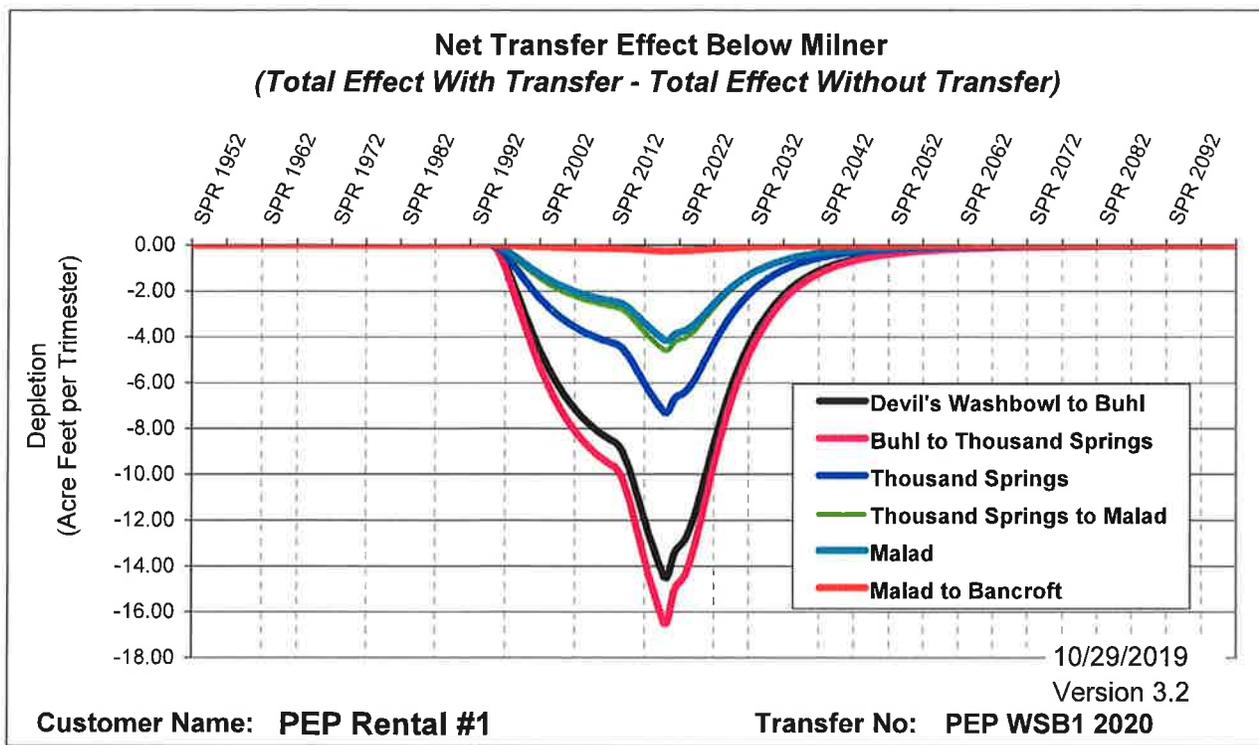
ENTER CELL LOCATIONS:				29-14012	8/19/1952	488.8
ROW	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL		
	77	91	96	96	29-14013	8/19/1952
COLUMN	105	69	122	122	43-13595	5/4/1978
					43-13597	5/23/1962
	Well 22			29-14013	Total rental: 1470.6	
	43-13595/7		29-14012			

[acre-ft]

TRIMESTER OF ACTIVITY	TO WELL		FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	
SPR 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 1952	0.0	0.0	0.0	162.9	162.9	217.1	217.1	
WIN 1952	0.0	0.0	0.0	162.9	162.9	217.1	217.1	
SPR 1953	0.0	0.0	0.0	162.9	162.9	217.1	217.1	
WIN 1961	0.0	0.0	0.0	162.9	162.9	217.1	217.1	
SPR 1962	0.0	29.1	29.1	162.9	162.9	217.1	217.1	
SUM 1962	0.0	29.1	29.1	162.9	162.9	217.1	217.1	
WIN 1962	0.0	29.1	29.1	162.9	162.9	217.1	217.1	
SPR 1963	0.0	29.1	29.1	162.9	162.9	217.1	217.1	
WIN 1977	0.0	29.1	29.1	162.9	162.9	217.1	217.1	
SPR 1978	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
SUM 1978	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
WIN 1978	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
SPR 1979	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
WIN 1994	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
SPR 1995	0.0	0.0	110.2	162.9	162.9	217.1	217.1	
SUM 1995	0.0	0.0	110.2	162.9	162.9	217.1	217.1	
WIN 1995	0.0	0.0	110.2	162.9	162.9	217.1	217.1	
SPR 1996	0.0	0.0	110.2	162.9	162.9	217.1	217.1	
SUM 2012	0.0	0.0	110.2	162.9	162.9	217.1	217.1	
WIN 2012	0.0	0.0	110.2	0.0	162.9	0.0	217.1	
SPR 2013	0.0	0.0	110.2	0.0	162.9	0.0	217.1	
SPR 2019	0.0	0.0	110.2	0.0	162.9	0.0	217.1	
SUM 2019	0.0	0.0	110.2	0.0	162.9	0.0	217.1	
WIN 2019	0.0	0.0	110.2	0.0	162.9	0.0	217.1	
SPR 2020	490.2	0.0	110.2	0.0	162.9	0.0	217.1	
SUM 2020	490.2	0.0	110.2	0.0	162.9	0.0	217.1	
WIN 2020	490.2	0.0	110.2	0.0	162.9	0.0	217.1	
SPR 2021	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
SUM 2021	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
WIN 2021	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
SPR 2022	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
SPR 2101	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
SUM 2101	0.0	110.2	110.2	162.9	162.9	217.1	217.1	
WIN 2101	0.0	110.2	110.2	162.9	162.9	217.1	217.1	



## ATTACHMENT #3H Impacts Above Milner



## ATTACHMENT #3H Impacts Below Milner



**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

July 10, 2020

PEP LLC  
1356 S 3000 W  
ABERDEEN, ID 83210-1609

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 29-14016, 29-14058, 29-14106, 29-14107, 43-13595, 43-13597, 35-  
2604, 29-14012, 29-14013, 35-7274, AGREEMENTS 386, 387**

Dear Renter:

Please find enclosed a receipt in the amount of **\$54,960.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental 386 of 1,763.0 acre-feet of water for irrigation of 375.0 acres and rental 387 of 985 acre-feet of water for irrigation of 250 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 Agreement 386, 90% or \$31,726.80 of the rental fee will be paid to the lessor(s) and 10% or \$3,526.00 will be retained by the Department to offset administrative costs.

Pursuant to the Water Supply Bank Rules for Rental Agreement 387, 90% or \$17,730.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,970.00 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 Johnson-Vabell  
Water Supply Bank

Enclosures: Receipt No. C108788  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
James Cefalo – IDWR Eastern Regional Office  
Blake Jordan – State Water District No. 120  
Jason C Helms P.E. – JCH Engineering & Consulting PLLC



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 12, 2020

PEP LLC  
1356 S 3000 W  
ABERDEEN, ID 83210-1609

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 29-14016, 29-14058, 29-14106, 29-14107, 43-13595, 43-13597, 35-2604, 29-14012, 29-14013, 35-7274, AGREEMENTS 386, 387**

**\*\*\*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 \$35,260.00 was calculated for Rental Agreement 386 based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 1763.0 acre-feet. Pursuant to the Water Supply Bank Rules, 90% or \$31,726.80 of the rental fee will be paid to the lessor(s) and 10% or \$3,526.00 will be retained by the Department to offset administrative costs.

A rental fee of \$19,700.00 was calculated for Rental Agreement 387 based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 985.0 acre-feet. Pursuant to the Water Supply Bank Rules, 90% or \$17,730.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,970.00 will be retained by the Department to offset administrative costs.

**Please send a check for \$54,960.00** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

*for* Water Supply Bank

Enclosure

c: IDWR Front Desk  
Jason C Helms P.E. – JCH Engineering & Consulting PLLC

## Memorandum

**To:** Rental Application  
**From:** Justin Ferguson  
**Date:** March 16, 2020  
**Re:** Water Supply Bank Rental Proposal

**Purpose/Narrative:** An initial application was received November 1, 2019 from PEP LLC requesting to rent the full extent of the water rights leased to the Bank by the City of Chubbuck. During the initial review it was determined that the modeling was incorrect for all three applications submitted as part of the lease/rental package and would need mitigation. Through correspondence with their representative, an amended application was received for the first two applications on March 11, 2020. The rentals are a continuation of their previous rentals from 2013 through the end of 2019 with small changes across some of the years.

During the initial review it was found that the representative had been inserting a zero value assuming that the water right had not been used. Per the guidance document provided on the IDWR website, it may be permissible to add the zero value if it can be verified that the water was not in fact used. Because these three applications are a continuation of the previous rentals, the water rights had in fact been rented and could not be modeled as a zero value.

Further, while verifying the additional modeling it was found that two of the rights, 43-13595 and 43-13597 were part of a mitigation plan from approximately 1995 to approximately 2009. While these rights were modeled as a zero value during that time, further review may be necessary to determine the exact amount dedicated to mitigation. Also of note, while the parent rights of 43-13595 & 43-13597 were involved in mitigation, the portions dedicated to these rights after being split are not sufficiently large enough to provide a zero value for all the applications being submitted for PEP and LCSC as part of the package.

**Authority to File:** The applications were signed by Chris Pratt and submitted by Jason Helms of JCH Engineering on behalf of PEP LLC. Review of the Idaho SOS information indicates Mr. Pratt is an authorized agent for PEP LLC. No concerns at this time.

**Water Right Validity/Forfeiture Evaluation:** The City of Chubbuck rights have been leased to the Bank annually, with some beginning in 1995. The term had been updated so at the end of 2020 all rights held by the City will be released from the Bank. The water right held by LCSC Enterprises, 35-7274, has also been leased to the Bank, beginning in 2019 and again through the end of 2021. The water rights held by Glen Ward, 43-13595 & 43-13597, have also been leased to the Bank beginning in 1995 through the end of 2020. No concerns of validity at this time.

**Injury Evaluation:** No injury is apparent through the rental, updated ESPA modeling was provided by the applicant's representative using the previous version of the ETRAN indicating mitigation was not necessary. The updated data was verified using the most current version and no mitigation is required.

**Enlargement of Use:** The water right combined limits will be preserved such that there is not enlargement, the season of use will also be limited to match the season of use at the rental location.

**Local Public Interest:** Sustainable management of water throughout this basin is in the local public interest. As such, comments will be requested from the staff of Water District 120, and IDWR's Eastern Region office.

**Beneficial Use/Conservation of Water Resources:** The beneficial use of irrigation is consistent with the conservation of water throughout the State of Idaho.

**Department/Watermaster Comments:** Water District 120 and IDWR Eastern Region comments were requested

**Water Supply Bank Evaluation:** Subject to favorable water district and regional office comments, it is recommended this rental be approved.

## Hummer, Phill

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**From:** Ferguson, Justin  
**Sent:** Thursday, April 9, 2020 1:07 PM  
**To:** Cefalo, James; Jordan, Blake  
**Subject:** WSB Rental - PEP LLC #1  
**Attachments:** Rental Review Memo Final.docx; Draft Agreement PEP LLC Final.docx; Rental PEP LLC.pdf

James, Blake,

Attached is the rental map, agreement, and review memo for PEP LLC. This is the first of three applications the Bank is working on however, the third will be returned. As soon as I finish the review of the second I can send it right over. 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 5, 2020 2:08 PM  
**To:** 'Jason Helms'  
**Subject:** RE: LCSC Rental 4

I can certainly work on that one, I saw your email earlier and had meant to call. I believe we can fill the second and third rentals for PEP with the City of Chubbuck's water rights, leaving the Glen Ward rights available for LCSC. The two you had sent were used for another rental in that area but I don't think we will need them to get PEP taken care of

**From:** Jason Helms [mailto:jasoncivil@alumni.nd.edu]  
**Sent:** Thursday, March 5, 2020 12:16 PM  
**To:** Ferguson, Justin <Justin.Ferguson@idwr.idaho.gov>  
**Subject:** LCSC Rental 4

Hi Justin,

I'm hoping you can process the attached rental application for LCSC. According to the ESPA modeling, rental of the 111.1 acres available under 43-13595 and 43-13597 will require a modest reduction allowing 104 acres of irrigation.

Call with any questions or concerns.

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC

(208) 308-2109

## Ferguson, Justin

---

**From:** Jason Helms <jasoncivil@alumni.nd.edu>  
**Sent:** Thursday, March 5, 2020 12:16 PM  
**To:** Ferguson, Justin  
**Subject:** LCSC Rental 4  
**Attachments:** LCSC\_Rental4-104ac-signed.pdf

Hi Justin,

I'm hoping you can process the attached rental application for LCSC. According to the ESPA modeling, rental of the 111.1 acres available under 43-13595 and 43-13597 will require a modest reduction allowing 104 acres of irrigation.

Call with any questions or concerns.

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC

(208) 308-2109

## Ferguson, Justin

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**From:** Jason Helms <jasoncivil@alumni.nd.edu>  
**Sent:** Wednesday, March 4, 2020 5:29 PM  
**To:** Ferguson, Justin  
**Subject:** PEP Amended rental #2  
**Attachments:** PEP\_LLC\_Rental\_summary-2020-0303.pdf; PEP\_2020\_rental2-amended\_270ac (signed).pdf

Hi Justin,

I managed to find a good fit for rental #3 using other listed water rights 35-2324B and 7692.

Attached amended application.

Can you please verify they are still available for rental? I believe they are asking \$30/acft?

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC

(208) 308-2109

## Ferguson, Justin

---

**From:** Ferguson, Justin  
**Sent:** Tuesday, February 25, 2020 11:18 AM  
**To:** 'Jason Helms'  
**Subject:** RE: FW: Information Request and Final rental Payment Notice for 2020

I did want to let you know that at this time we are going to make the list of ESPA water rights leased to the Bank available for everyone looking to rent. I will remove all the City of Chubbuck water rights and the two Ward Land and Livestock water rights from the list and keep the PEP rentals on hold until we receive the LCSC lease now that we have a plan forward. Let me know if there is anything else I can help with

Thanks!

Justin

**From:** Jason Helms [mailto:[jasoncivil@alumni.nd.edu](mailto:jasoncivil@alumni.nd.edu)]  
**Sent:** Tuesday, February 25, 2020 9:35 AM  
**To:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>  
**Subject:** Re: FW: Information Request and Final rental Payment Notice for 2020

Did you include the credits of non-use of 43-13595 And 13597 from around 1995 through about 2012? I think that helps a bit...

Thanks,

Jason

On Tue, Feb 25, 2020, 8:24 AM Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)> wrote:

Sorry, I misunderstood your last email and didn't realize you were going to send in that lease. I ran the modeling for both PEP and LCSC, I believe the PEP modeling works with that new right. When I ran it for the LCSC rental I wasn't sure how much they would need but it required mitigation at a 1:1 rental. If they were to use less than the portion on rental #1 I think it may work.

**From:** Jason Helms [mailto:[jasoncivil@alumni.nd.edu](mailto:jasoncivil@alumni.nd.edu)]  
**Sent:** Tuesday, February 25, 2020 8:49 AM  
**To:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>  
**Subject:** Re: FW: Information Request and Final rental Payment Notice for 2020

Yes I will prepare a new lease for 35-7274 for this year. Please check the modeling?

Thanks,

Jason

On Tue, Feb 25, 2020, 6:59 AM Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)> wrote:

Morning!

I pulled up their contract, it looks like their lease was only for a single year through the end of 2019 and are not currently leased to the Bank. I grabbed a copy of the link to the [water right docs](#) just in case. Let me know if there is anything else I can send over, if I come across anything that I think can help I will for sure send it!

**From:** Jason Helms [mailto:[jasoncivil@alumni.nd.edu](mailto:jasoncivil@alumni.nd.edu)]  
**Sent:** Monday, February 24, 2020 8:46 PM  
**To:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>  
**Subject:** Re: FW: Information Request and Final rental Payment Notice for 2020

Hi Justin,

Can you check if the substitution of water right 35-7274 in place of 43-13595 and 43-13597 on Rental #1 would be approvable?

It is important to model that 35-7274 was leased into the water supply bank in 2019 but was not used or rented.

Based on my modeling, the rental is approvable allowing 97% of the rental volume (max available pumping volume of 1,488 acre-ft in cell 77,105 renting 1,140 acre-ft of 29-14012,14013 from cell 96,122 and 392 acre-ft of 35-7274 from cell 78,129)

In order to secure the off-setting rental of 35-7274 from the water right owner (LCSC Enterprises), PEP has agreed to move the rental #1 requested rental of the portions of 43-13595 and 43-13597 to cell 95,82 for use by LCSC Enterprises. Assuming, of course, that the Water Resource Board can approve those rentals. Can you check the feasibility?

It is important to recognize that 35-7274 was a primary ground water right and review of the backfile shows the water right was developed after Aberdeen-Springfield Canal Company shares were removed from the lands prior to 1973 when 35-7274 was permitted and subsequently licensed.

Let me know what you think.

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC

(208) 308-2109

On Fri, Feb 21, 2020 at 7:25 AM Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)> wrote:

Morning! Attached are my model runs for each application, the mitigation workbook showing that it was insufficient, and the guidance document I used to run the models. Let me know if there is anything else and I would be glad to send it over!

**From:** Jason Helms [mailto:[jasoncivil@alumni.nd.edu](mailto:jasoncivil@alumni.nd.edu)]  
**Sent:** Thursday, February 20, 2020 6:35 PM  
**To:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>  
**Subject:** Re: FW: Information Request and Final rental Payment Notice for 2020

Hi Justin,

Based on your letter, I can't determine why the ESPA impacts aren't acceptable.

Can I get copies of your model run data entry tables?

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC

(208) 308-2109

On Wed, Feb 19, 2020 at 12:23 PM Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)> wrote:

**From:** Ferguson, Justin  
**Sent:** Thursday, February 6, 2020 8:07 AM  
**To:** '[JASONCIVIL@ALUMNI.ND.EDU](mailto:JASONCIVIL@ALUMNI.ND.EDU)' <[JASONCIVIL@ALUMNI.ND.EDU](mailto:JASONCIVIL@ALUMNI.ND.EDU)>  
**Subject:** Information Request and Final rental Payment Notice for 2020

Morning!

Please see attached going out this morning

Thank you

## Ferguson, Justin

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**From:** Jason Helms <jasoncivil@alumni.nd.edu>  
**Sent:** Friday, February 28, 2020 1:14 AM  
**To:** Ferguson, Justin  
**Subject:** PEP LLC rental #1 substituting, LCSC Lease and rentals  
**Attachments:** PEP\_2020\_rental1-amended\_375ac.pdf; LCSC\_Lease\_93ac.pdf; LCSC\_Rental3-59.3ac.pdf; LCSC\_Rental2-11.8ac.pdf; LCSC\_Rental1-11.3ac.pdf

Hi Justin,

Please find attached PEP application to substitute LCSC right 35-7274, allowing LCSC to use the portions of 43-13595 and 13597 in exchange.

Also attached are the lease application for 35-7274 and three LCSC rental applications to use the majority of 43-13595 and 13597 that PEP was going to use on their Rental #1.

PEP's rental requires approximately 6% reduction. The LCSC rentals appear acceptable at full volume.

I am still working out the details for PEP's rental #2 and hope to have the amended plan and modeling to you next week.

Let me know if you have any trouble duplicating the modeling.

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC

(208) 308-2109

**Ferguson, Justin**

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**From:** Ferguson, Justin  
**Sent:** Monday, February 10, 2020 10:05 AM  
**To:** 'PEPFarms@gmail.com'  
**Subject:** FW: Information Request and Final rental Payment Notice for 2020  
**Attachments:** County Line Farms.pdf; Information Request.pdf; Information Request Letter Spreadsheet.xlsx

Please see attached

Thank you

**From:** Ferguson, Justin  
**Sent:** Thursday, February 6, 2020 8:07 AM  
**To:** 'JASONCIVIL@ALUMNI.ND.EDU' <JASONCIVIL@ALUMNI.ND.EDU>  
**Subject:** Information Request and Final rental Payment Notice for 2020

Morning!

Please see attached going out this morning

Thank you



**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

February 6, 2020

PEP LLC  
1356 S 3000 W  
ABERDEEN, ID 83210

**RESPONSE DEADLINE:**  
**February 21, 2020**

**RE: Action Required on WSB Rental Applications 1471, 1472, and 1473**

Dear renter,

The Department of Water Resources has received your applications to rent water rights from the Water Supply Bank (rental application numbers: 1471, 1472 and 1473), for the irrigation in 2020 of up to 645.0 acres in Sections 26, 27 and 34 of Township 04S, Range 30E, as well as 228.0 acres in Section 6 of Township 04S, Range 31E, all within Bingham County. Departmental review of your rental request indicates there may be insufficient water supplies available for rental from the Water Supply Bank during 2020 to accommodate your rental request, as proposed. As such, the purpose of this letter is to provide you with options regarding how your rentals might be evaluated in 2020.

Idaho Code 42-1763 requires the Department to partially approve, or decline approval for rental requests where the water supply involved is insufficient for the purpose for which a rental is sought. Your rental requested the temporary transfer of water rights 29-14012, 29-14013, 29-14016, 29-14054, 29-14055, 29-14056, 29-14058, 29-14080, 29-14081, 29-14082, 29-14096, 29-14097, 29-14106, 29-14107, 43-13595 and 43-13597 for the irrigation of 873 acres in Bingham County. Our review of Eastern Snake River Plain Aquifer (ESPA) ground water modeling information suggests that the leased extent of the above listed water rights available for rental to you in 2020 may be insufficient to authorize irrigation of 873 acres at the intended rental location. However, our review does suggest that we can immediately approve a rental for up to 263.1 acres, based on the rental of the above water rights.

Presuming a minimum required diversion rate of 0.016 cfs/ac, and a duty of water of 4.0 afa/acre, your rental should authorize a diversion of 13.97 cfs and 3,492.0 acre feet annually, for the irrigation of 873 acres. EPSA modeling using the ESPA Transfer Tool indicates a rental of 3,564.5 acre feet annually from the above water rights authorizes allows for a maximum diversion volume of 1,052.4 acre feet, without causing injury to, or requiring mitigation for, injury to distinct reaches of the Snake River. A rental of 1,052.4 af can be approved, with a diversion rate of 4.21 cfs for the irrigation of 263.1 acres. Moreover, an ESPA modeling run which includes ESPA ground water rights that are proximate to your rental location indicates IDWR can approve for you a rental of 5.66 cfs and 1,414.6 afa, for the irrigation of 353.7 acres. As such, the above water rights, and some additional, available ESPA water rights, can partially, but not fully, provide a sufficient supply of water to satisfy your rental request.

In light of the above, the following options are available to you:

- 1) proceed with a rental of 263.1 acres in 2020, through a rental of the above water rights; or
- 2) proceed with a rental of 353.7 acres in 2020, through a rental of the above plus additional reviewed water rights; or
- 3) provide the Department with an alternative rental request, and possibly updated ESPA modeling, to allow for a larger rental in 2020.

If you would like to proceed with option one, or two, please respond back to this letter within 30 days to confirm the specific 263.1 or 353.7 acres that will be authorized for irrigation via a rental in 2020.

Else, if you would like to proceed with option three, the Department will require the following:

- confirmation of the minimum required and the maximum desired per-acre and overall diversion rate intended for your irrigation purposes in Bingham County during 2020;
- confirmation of the specific acres that should be authorized for irrigation during 2020;
- confirmation of the specific diversion volume that is requested to authorize irrigation in 2020;
- updated ESPA Transfer Tool modeling, to authorize irrigation of the desired number of acres in 2020.

To assist you in this process, the Department has attached to this letter a spreadsheet listing the diversion rates and volumes rentable from all ESPA ground water rights presently leased to the Bank that might be modeled for a rental in 2020. We have also identified the water rights that are proximate to your rental location ("proximal WRs").

Please feel free to contact me if you have any questions about the above and also ensure we receive a response prior to the deadline above. If we do not hear from you prior to the deadline above, your rental request will be considered incomplete and it will be denied and returned to you.

Regards,



Justin Ferguson

(208) 287-4936

Attachments: ESPA ground water modeling information (3 pages)

CC: Jason Helms

## Ferguson, Justin

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**From:** Ferguson, Justin  
**Sent:** Thursday, February 6, 2020 8:07 AM  
**To:** 'JASONCIVIL@ALUMNI.ND.EDU'  
**Subject:** Information Request and Final rental Payment Notice for 2020  
**Attachments:** County Line Farms.pdf; Information Request.pdf; Information Request Letter Spreadsheet.xlsx

Morning!

Please see attached going out this morning

Thank you