

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 420

RECEIVED

This is to certify that:

ADTD FARMS LLC  
2500 OVERLAND AVE  
BURLEY, ID 83318-2941

RECEIVED

JUN 24 2020

DEPARTMENT OF  
WATER RESOURCES

JUN 19 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

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)
43-2489	2/11/1960	GROUND WATER	3.25	680	170	0.02	4.0
Combined Rental Totals			3.25	680	170	0.02	4.0

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until October 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: \$1,360.00

The full fee for the rental of the above-described right(s) is \$13,600.00 for 2020. The rental fee includes an administrative fee of \$1,360.00 for 2020. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 43-2489.

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. 420**

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:

Todd Gerratt  
Signature of Renter

6-17-20  
Date

Todd Gerratt  
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. 420**

**WATER USE DETAILS**

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

GROUND WATER	SESW	Sec. 25, Twp 10S, Rge 26E,	CASSIA County
GROUND WATER	SESE	Sec. 26, Twp 10S, Rge 26E,	CASSIA County
GROUND WATER	SWSE	Sec. 25, Twp 10S, Rge 26E,	CASSIA County
GROUND WATER	SWSE	Sec. 25, Twp 10S, Rge 26E,	CASSIA County
GROUND WATER	SESW	Sec. 26, Twp 10S, Rge 26E,	CASSIA County
GROUND WATER	NENE	Sec. 36, Twp 10S, Rge 26E,	CASSIA County
GROUND WATER	NWSW	Sec. 12, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	NWNW	Sec. 36, Twp 10S, Rge 26E,	CASSIA County
GROUND WATER	SESW	Sec. 11, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	NWNE	Sec. 12, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	SWSE	Sec. 14, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	NWNE	Sec. 22, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	NWNE	Sec. 22, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	NWNW	Sec. 13, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	SWNE	Sec. 22, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	NWNW	Sec. 13, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	NENW	Sec. 14, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	NESW	Sec. 14, Twp 11S, Rge 26E,	CASSIA County
GROUND WATER	SESW	Sec. 14, Twp 11S, Rge 26E,	CASSIA County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
3.25 CFS

**VOLUME**  
680 AF

**SEASON OF USE**

<b>Water Right No.</b>	<b>From</b>	<b>To</b>
43-2489	3/15	11/15

**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	
10S	27E	31						4.3 L1	3.7 L2										8
11S	26E	13	36	19	19	36													110
11S	27E	18						34 L1	18 L2										52

Total Acres: 170

**RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE**

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.


STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 420**

2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree entered 08/26/2014
11. The following rights are diverted through the points of diversion described above: 43-11132B, 43-12986, 43-12987, 43-12989, 43-12990, 43-13034, 43-13068, 43-13620, 43-13621, 43-13622, 43-13623, 43-13624, 43-13625, 43-13626, 43-13627, 43-13628, 43-13629, 43-13630, 43-13631, 43-13632, 43-13633, 43-13671, 43-13672, 43-13673, 43-13674, 43-13675, 43-13676, 43-13689, 43-2328, 43-2338B, 43-2369, 43-2427, 43-2492, 43-2544, 43-4207 and 43-4229.
12. Use of water under this rental will be regulated by a watermaster with responsibility for distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.

**FOR OFFICE USE ONLY:**

Fees paid: \$1,360.00  
Receipt No.: S037990

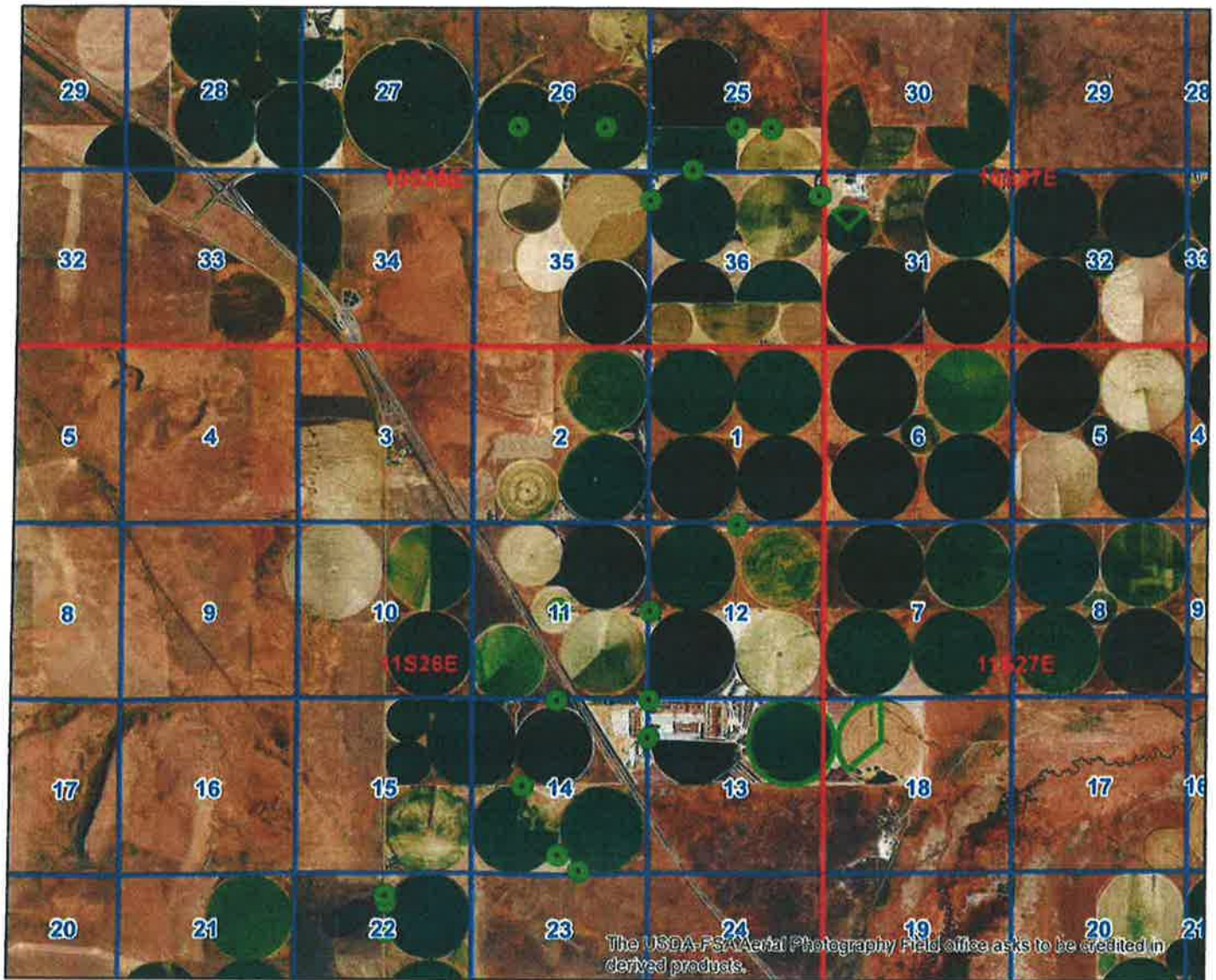
Date: 6/19/2020  
By: 






**Idaho Water Resource Board**  
**Attachment to Water Supply Bank Rental Agreement No. 420**

Effective until December 31, 2020

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



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



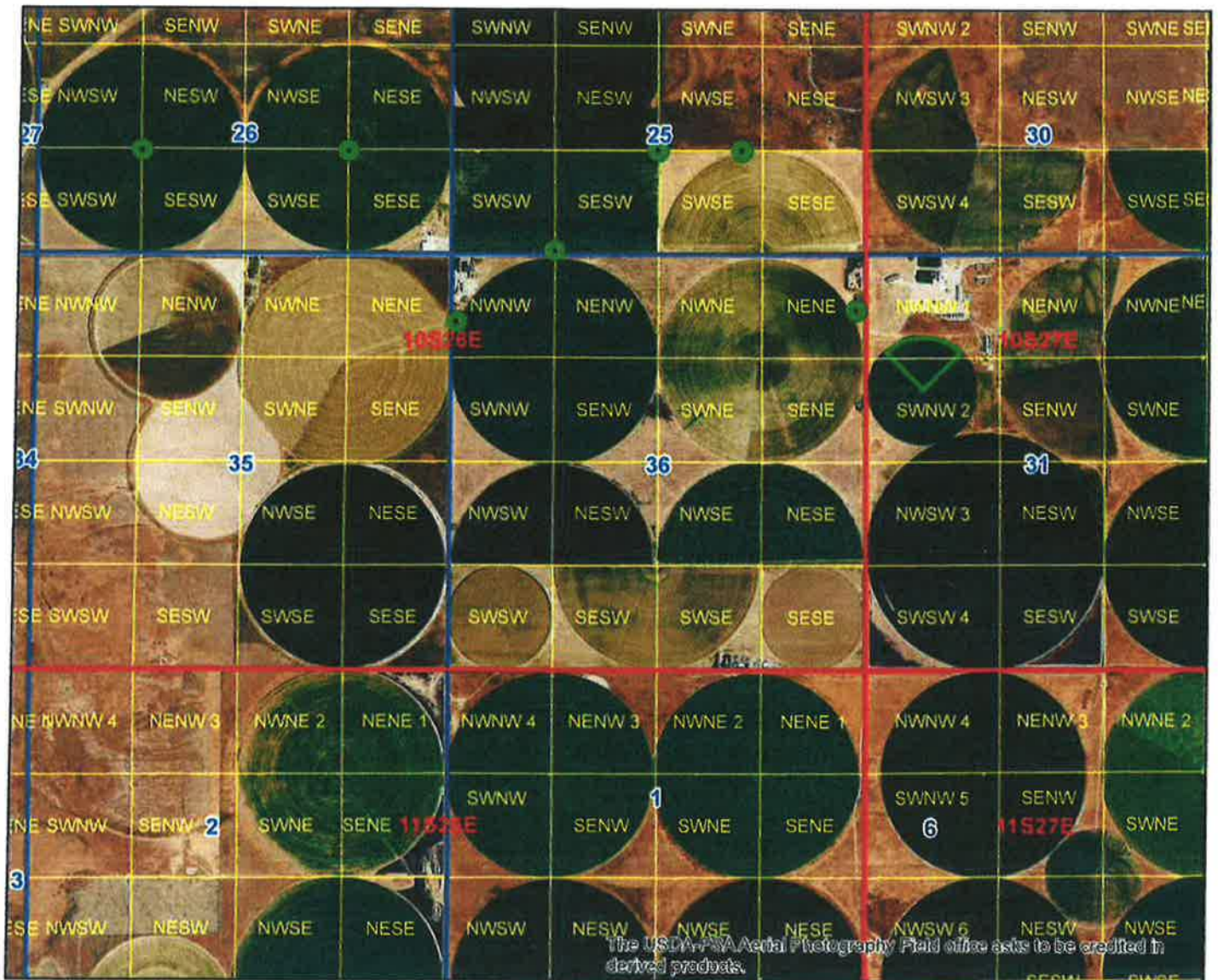


# Idaho Water Resource Board

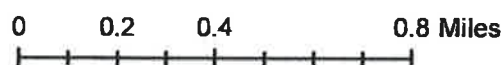
## Attachment to Water Supply Bank Rental Agreement No. 420

Effective until December 31, 2020

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



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

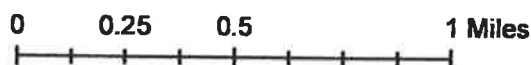




**Effective until December 31, 2020**

The image shows an aerial photograph of a field site, likely a wetland or coastal area, with a grid overlay. The grid is labeled with numbers 1 through 24. The grid is divided into four quadrants by a central vertical line and a horizontal line. The quadrants are labeled: Top-Left (1-12), Top-Right (13-24), Bottom-Left (1-12), and Bottom-Right (13-24). The grid is labeled with numbers 1 through 24. The grid is divided into four quadrants by a central vertical line and a horizontal line. The quadrants are labeled: Top-Left (1-12), Top-Right (13-24), Bottom-Left (1-12), and Bottom-Right (13-24).

-  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  
JAN 16 2020  
DEPARTMENT OF  
WATER RESOURCES

**Applicant Name:** ADTD FARMS LLC

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

For additional instructions on completing a rental application, visit the Bank's website at [http://idwr.idaho.gov/water\\_supply\\_bank](http://idwr.idaho.gov/water_supply_bank).

**MINIMUM REQUIREMENT CHECKLIST**

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

**Yes**

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

**Attachment N/A Yes**

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

**Department Use Only – Proposed Water Right(s)**

43-2489

1622



Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant ADTD FARMS LLC

Mailing Address 246 E 300 S BURLEY, ID 83318-5679

Street

City

State

Zip Code

Email Address \_\_\_\_\_

Phone Number 2086784820

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 Greg Sullivan

Professional Title Engineer

Organization Brockway Engineering

Relationship to Applicant Consultant

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Email Address greg.sullivan@brockwayeng.com

Phone Number 208-736-8543

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**:

The rented water will be used to irrigate acres that would be not irrigated other wise.

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)
3.25 CFS	680 AF	3.25 CFS	680 AF	170 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/1/2020	7/1/2020	<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

\* 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)

1. CONTACT INFORMATION

A. Applicant ADTD FARMS LLC

Mailing Address 246 E 300 S BURLEY, ID 83318-5679

Street

City

State

Zip Code

Email Address \_\_\_\_\_ Phone Number 2086784820

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 Greg Sullivan

Professional Title Engineer

Organization Brockway Engineering

Relationship to Applicant Consultant

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Email Address greg.sullivan@brockwayeng.com Phone Number 208-736-8543

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**:

The rented water will be used to irrigate acres that would be not irrigated other wise.

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)
2.39 CFS	500 AF	2.39 CFS	500 AF	125.0 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/1/2020	7/1/2020	<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 wells, mainlines and delivery systems.

- 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
See Exhibit A		

*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 170.0 (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:  
43-13715 et al water is needed due to IDWR curtailment order.



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 wells, mainlines and delivery systems.

- 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
See Exhibit A		

*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 125.0 (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:

43-13715 et al water is needed due to IDWR curtailment order.

**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)
43-2489	Irrigation	3.46	724	181		3.25	680	170
<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>	3.25	680	170.0
						<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**:

N/A

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)**

**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)
43-2489	Irrigation	4.78	1000	250.0		2.39	500	125.0
<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>	2.39	500	125.0
						<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**:

N/A

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:

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

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---

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

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- D. Additional Information  
None

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**DECLARATION**

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

  
Signature of Applicant

Todd Gerratt  
Printed Name of Applicant

1-13-20  
Date

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Printed Name of Representative

\_\_\_\_\_  
Date

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

## CONTRACT OF AGREEMENT

To Whom It May Concern,

Eagle Creek Northwest LLC C/O UBS Agrivest LLC. and ADTD Farms LLC have in place a long term farm lease agreement or contract for property owned by Eagle Creek Northwest LLC C/O UBS Agrivest LLC. The contract includes the property, water rights and water distribution systems pertaining to water right 43-2471.

ADTD Farms LLC has agreed to pay the annual farm contract payment for 2020. No additional fees are required by Eagle Creek Northwest LLC C/O UBS Agrivest LLC. of ADTD Farms LLC for the rental of any water from the Idaho Water Supply Bank pertaining to water right 43-2471 during the 2020 irrigation season.

Therefore, the rental payment of the 90% of the rental fees for water rights 43-2471 for the year 2020 has been paid in full.

ADTD Farms LLC will pay the Idaho Water Supply Bank the 2020 processing 10% rental fee when the rental agreement is signed and returned to IDWR for final approval.

Eagle Creek Northwest LLC C/O UBS Agrivest LLC.:

Clay - V.P.

Date: 1/5/20

ADTD Farms LLC

\_\_\_\_\_

Date: \_\_\_\_\_

## CONTRACT OF AGREEMENT

To Whom It May Concern,

Eagle Creek Northwest LLC C/O UBS Agrivest LLC. and ADTD Farms LLC have in place a long term farm lease agreement or contract for property owned by Eagle Creek Northwest LLC C/O UBS Agrivest LLC. The contract includes the property, water rights and water distribution systems pertaining to water right 43-2471.

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Therefore, the rental payment of the 90% of the rental fees for water rights 43-2471 for the year 2020 has been paid in full.

ADTD Farms LLC will pay the Idaho Water Supply Bank the 2020 processing 10% rental fee when the rental agreement is signed and returned to IDWR for final approval.

Eagle Creek Northwest LLC C/O UBS Agrivest LLC.:

\_\_\_\_\_

Date: \_\_\_\_\_

ADTD Farms LLC

\_\_\_\_\_ 

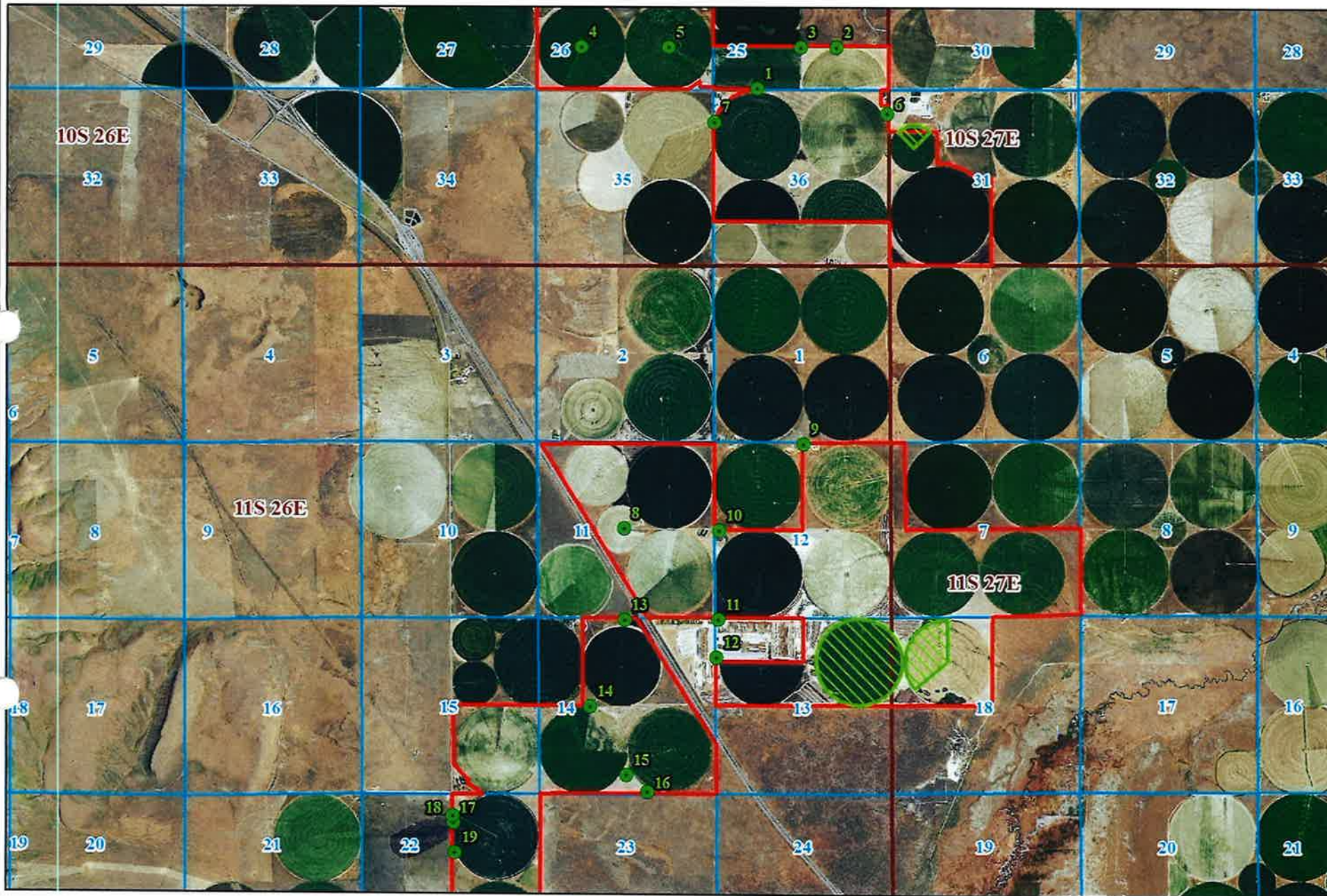
Date: 1-10-20



## Exhibit A

ADTD Farms LLC

POD 1	Township 10S	Range 26E	Sec. 25	SESW	GROUND WATER	CASSIA County
POD 2	Township 10S	Range 26E	Sec. 25	SWSE	GROUND WATER	CASSIA County
POD 3	Township 10S	Range 26E	Sec. 25	SWSE	GROUND WATER	CASSIA County
POD 4	Township 10S	Range 26E	Sec. 26	SESW	GROUND WATER	CASSIA County
POD 5	Township 10S	Range 26E	Sec. 26	SESE	GROUND WATER	CASSIA County
POD 6	Township 10S	Range 26E	Sec. 36	NENE	GROUND WATER	CASSIA County
POD 7	Township 10S	Range 26E	Sec. 36	NWNW	GROUND WATER	CASSIA County
POD 8	Township 11S	Range 26E	Sec. 11	SESW	GROUND WATER	CASSIA County
POD 9	Township 11S	Range 26E	Sec. 12	NWNE	GROUND WATER	CASSIA County
POD 10	Township 11S	Range 26E	Sec. 12	NWSW	GROUND WATER	CASSIA County
POD 11	Township 11S	Range 26E	Sec. 13	NWNW	GROUND WATER	CASSIA County
POD 12	Township 11S	Range 26E	Sec. 13	NWNW	GROUND WATER	CASSIA County
POD 13	Township 11S	Range 26E	Sec. 14	NENW	GROUND WATER	CASSIA County
POD 14	Township 11S	Range 26E	Sec. 14	NESW	GROUND WATER	CASSIA County
POD 15	Township 11S	Range 26E	Sec. 14	SESW	GROUND WATER	CASSIA County
POD 16	Township 11S	Range 26E	Sec. 14	SWSE	GROUND WATER	CASSIA County
POD 17	Township 11S	Range 26E	Sec. 22	NWNE	GROUND WATER	CASSIA County
POD 18	Township 11S	Range 26E	Sec. 22	NWNE	GROUND WATER	CASSIA County
POD 19	Township 11S	Range 26E	Sec. 22	SWNE	GROUND WATER	CASSIA County



## ADTD FARMS LLC

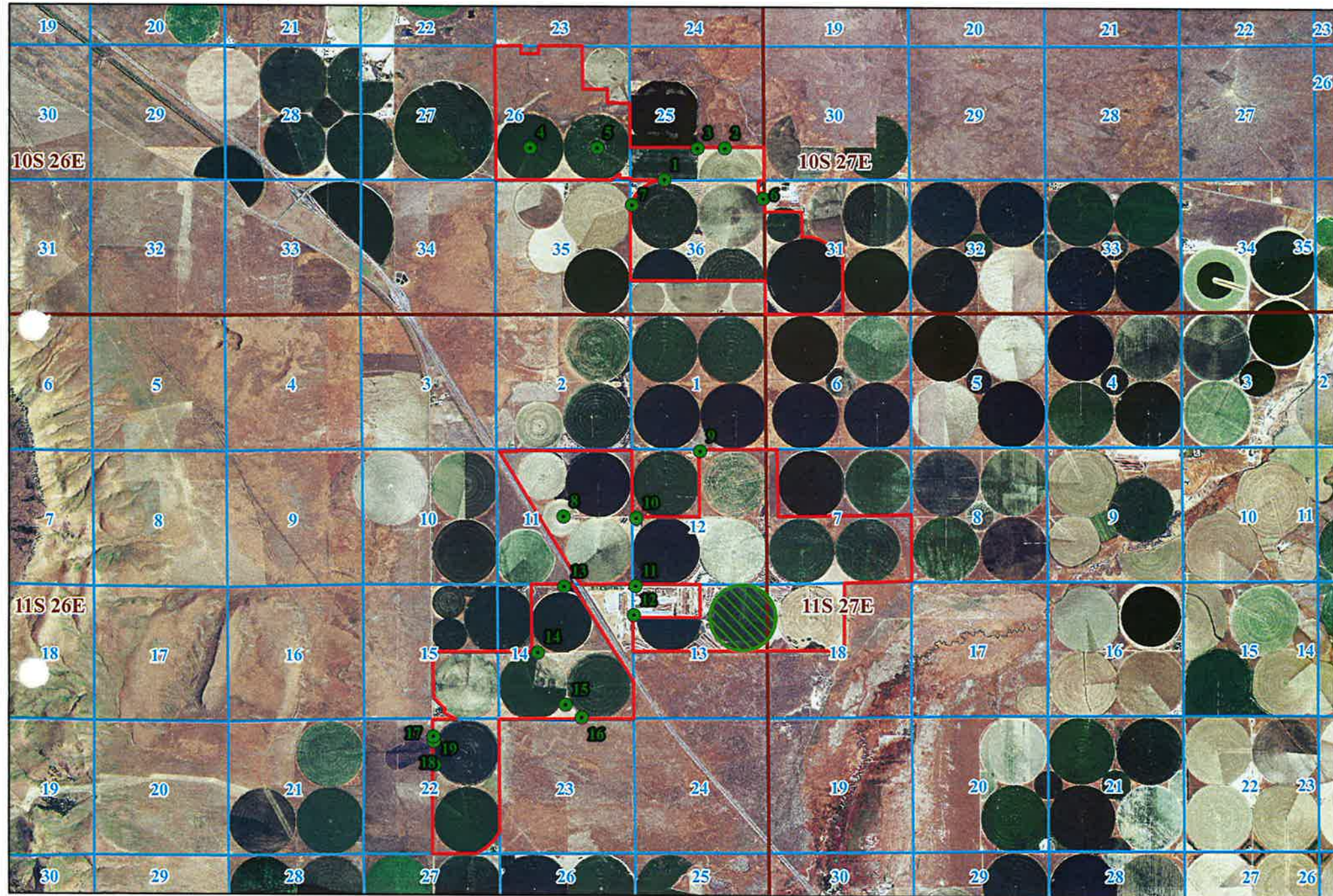
2020 RENTAL ACRES  
NAIP 2017 AERIAL

### Legend

- 2020 Rental
- POD
- PPU
- 2020\_WR\_Irrigation

AMENDED





0 0.375 0.75 1.5 Miles

**ADTD FARMS LLC**

2020 RENTAL ACRES  
NAIP 2017 AERIAL

**Legend**

-  2020 Rental
-  POD
-  PPU





0003487457

**STATE OF IDAHO**

Office of the secretary of state, Lawrence Denney

**ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

For Office Use Only

**-FILED-**

File #: 0003487457

Date Filed: 4/22/2019 12:23:33 PM

## Entity Name and Mailing Address:

ADTD FARMS, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000060482

Address

2500 OVERLAND AVE  
BURLEY, ID 83318-2956

## Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W15455

## The registered agent on record is:

Registered Agent

TODD GERRATT

Registered Agent

Physical Address

2500 OVERLAND AVE  
BURLEY, ID 83318

Mailing Address

## Limited Liability Company Managers and Members

Name	Title	Address
TODD GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318
ALAN GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318
DAVID GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318
STEVE GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318
JACOB GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318

The annual report must be signed by an authorized signer of the entity.

Todd Gerratt

Sign Here

04/22/2019

Date

Signer's Title: Member

B0235-8986 04/22/2019 12:23 PM Received by ID Secretary of State Lawrence Denney



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

ADTD FARMS LLC  
2500 OVERLAND AVE  
BURLEY, ID 83318-2941

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 43-2489, AGREEMENT 420**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,270.00** and a copy of a fully executed Water Supply Bank Rental Agreement of 680 9 acre-feet of water for irrigation of 170 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.

Since you have a private agreement with the lessor **you are only obligated to pay the 10% administrative fee or \$1,360.00.**

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  
Water Supply Bank

Enclosures: Receipt No. S037990  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
Corey Skinner – IDWR Southern Regional Office  
Nathan Erickson – State Water District No. 143  
Greg Sullivan – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE  
Governor

June 17, 2020

GARY SPACKMAN  
Director

RECEIVED

JUN 19 2020

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

ADTD FARMS LLC  
2500 OVERLAND AVE  
BURLEY, ID 83318-2941

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 43-2489, AGREEMENT 420

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

Dear Applicant:

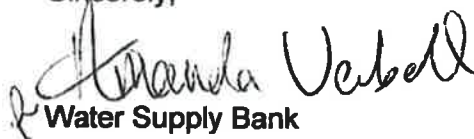
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. I have enclosed a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the original agreement, together with the rental fee described below, the 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 \$13,600.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 680 acre-feet. Since you have a private agreement with the lessor you are only obligated to pay the 10% administrative fee or \$1,360.00. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$1,360.00 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,

  
Amanda Vebell  
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk  
Greg Sullivan – Brockway Engineering



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 17, 2020

ADTD FARMS LLC  
2500 OVERLAND AVE  
BURLEY, ID 83318-2941

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 43-2489, AGREEMENT 420**

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

Dear Applicant:

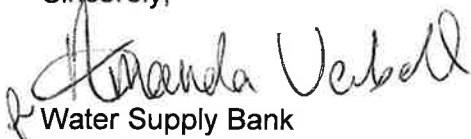
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, 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 **\$13,600.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 680 acre-feet. Since you have a private agreement with the lessor **you are only obligated to pay the 10% administrative fee or \$1,360.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

**Please send a check for \$1,360.00** 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,

  
Amanda Verbell  
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk  
Greg Sullivan – Brockway Engineering



## MEMORANDUM FOR APPLICATION # 1618, 1621, 1622

**To:** Water Right(s) 43-2489

**From:** Alex Dalglish

**Date:** 4/13/2020

**Re:** Review & Analysis of Application to Lease/Rent Water to the State Water Supply Bank

**PURPOSE/NARRATIVE:** On January 16, 2020, the Department received a companion lease/rental package. The lease application was submitted by Eagle Creek Northwest LLC C/O UBS Agrivest LLC (ECNW). A portion of water right 43-2489 is proposed to be leased into the Water Supply Bank (Bank) for the 2020 irrigation season. The lease application originally requested to lease in 4.78 acres, 1000 af and 250.0 acres into the Bank. On 3/10/20, an amendment was received to decrease the lease amounts to 3.46 cfs, 724.0 AF and 181.0 acres. It is unclear why ECNW decided to lease a smaller portion of their water right to the Bank.

Two rental applications were submitted with the lease application. Rental application # 1621, from ADT Farms LLC (ADT), originally requested to rent 2.39 cfs, 500 af and 125.0 acres. Rental application # 1622, from ADTD Farms LLC (ADTD), requested to rent the remaining and equal amount of 2.39 cfs, 500 af and 125.0 acres. Amendments to the rental applications were also received with the lease amendment on 3/10/20. ADT updated their request to rent 0.21 cfs, 44 AF and 11.0 acres and ADTD changed their rental request to use 3.25 cfs, 680 AF and 170 acres from 43-2489. Each rental application is for the 2020 year, with a desired start date of April 1, 2020 and latest start of July 1, 2020.

This lease/rental package between ECNW, ADT and ADTD is a renewal from 2019. However, this lease proposes to lease in acres from different pivot locations. The rental places of use (POU's) are also at different locations. The lease/rental requests propose to use the same wells as in 2019.

The locations of the rental points of diversion (POD's) were not included with the ADTD rental application. I requested the POD descriptions from Mr. Sullivan on 2/21/2020 via email. He did not respond, so I called him on 3/5/20. He informed me that that rental POD's are the same as in 2019. I printed off the list of 19 proposed rentals from ADTD's 2019 rental application and will attach it to their 2020 application.

The address on the rental application from ADTD does not match the address on record with the Department. I contacted Todd Gerratt on 3/19/20 to check that the address on file at 2500 Overland Ave Burley, ID 83318 was correct. He confirmed that the address on file with the Department is correct, not the one listed on the rental application.

A contract of agreement was included with the rental applications stipulating that ADTD farms and ADT Farms have a farm lease agreement with ECNW pertaining to the property, water rights and distribution systems pertaining to right 43-2471. This right shares the POD and POU with leased right 43-2489. Part of the agreement states that ADTD and ADT will only pay the 10% processing rental fee and the other 90% of rental fees for 2020 have been paid in full

**AUTHORITY TO FILE:** Greg Sullivan of Brockway Engineering is listed as the consultant for the lease and rental applicants. The lease application was signed by Charles Bryan. A resolution was included with the lease application approving of various persons to execute or deliver documents on behalf of ECNW. On the resolution, Charles Bryan is listed as the Vice President

SCANNED  
JUN 17 2020

of ECNW. A search of the ISOS website shows the ECNW is an active business in the State of Idaho. ECNW is also the current owner of water right 43-2489.

According to Department records, the 181.0 acres proposed for lease are owned by ECNW. 125 of the 181.0 acres are located in the SW Q of Sec. 8, T10S, R27E. The other 56 acres are in the NWSE, SWSE and SESE QQ's of Sec. 31, T11S, R27E.

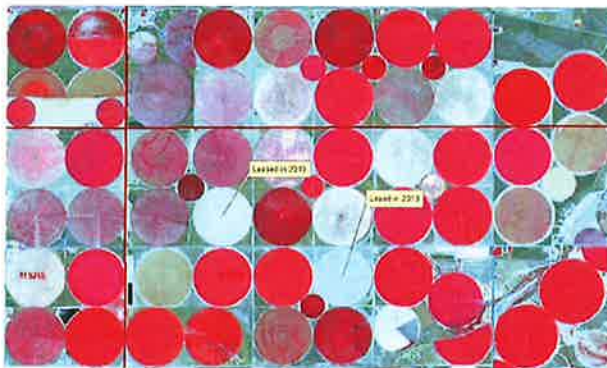
Both rental applications submitted from ADT and ADTD were signed by Todd Gerratt. On the ISOS website, he is listed as a member and is also a registered agent for both LLC's. Department records show that ADT does not own the land at the requested rental POU. Rather, John B. Spratling owns the land. An agreement between ADT and Mr. Spratling was included with the application authorizing ADT to fully manage the wells and irrigation system associated with the pivot at the rental POU. There are no concerns with the authority to file.

**WATER RIGHT VALIDITY:** Water right 43-2489 was decreed in the SRBA on 5/4/2004.

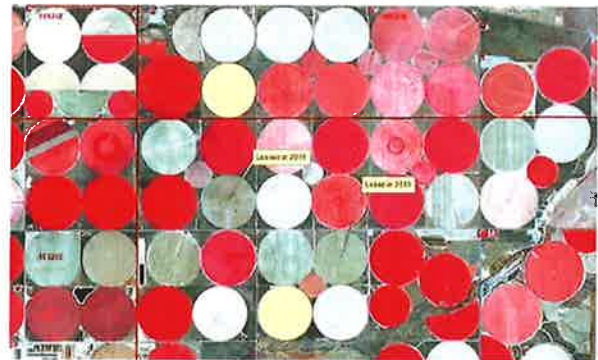
Transfer # 74518 was approved in early 2009 to change the POU and add POD's. Then in May of 2014, transfer # 79229 was approved to change the POU in order to include 640 acres from Section 5 Range 27E Township 11S and exclude 455 acres from Section 6 and 640 acres from Section 8, same Township and Range.

250.0 acres of right 34-2489 were leased into the Bank in 2019. 125.0 of the acres were in the SE Q of Sec. 6, T11S, R27E and the other 125.0 acres were in the NE Q of Sec. 8, T11S, R27E. Looking at 2019 sentinel imagery, the leased acres were not irrigated.

7/30/2019 Sentinel



10/8/2019 Sentinel



According to the lease application, the original 250.0 acres proposed for lease in 2020 have been dried up over the past several years. Additionally, the farm manager has planted and irrigated the 250.0 acres late in the 2019 irrigation season. The acres are intended to be dry land farmed in 2020 and a crop will be harvested from those 250.0 acres. There are no issues with the validity of water right 43-2489.

**INJURY TO OTHER WATER RIGHTS:** Right 43-2489 is used for irrigation and the rentals from ADT and ADTD propose to continue the irrigation use. The location of the proposed leased acres and rental locations are outside the Southern boundary of the ESPA. Both the lease and rental locations are within the Raft River Groundwater District and subject to Water District 143 (Raft River Basin).

The lease and rental POD's are all within close proximity to one another. Additionally, there are no records or documentation that injury occurred in 2019 through a similar lease/rental request. No injury is apparent through the lease or rental.

#### ENLARGEMENT OF USE:

##### Lease

SCANNED

JUN 17 2020

Leased water right 43-2489 has separate combined limits with 16 water rights and 18 water rights that share the POU/POD's. In order to avoid enlargement of the unleased water rights and the remaining unleased portions of right 43-2489, conditions will be added to the lease contract such that the combined limits of the associated rights are preserved. The tables below also summarize the remaining combined limits of the 16 and 18 stacked water rights after the proposed lease amounts of right 43-2489 are withheld.

Basin	Sequence	Priority	Date	Diversion	F Total Acres	Acre Limit	Volume	rate/ acre	volume/ acr
43	2471	7/7/ 1959		6.000	5,456.5	360.0	1,440.0	0.02	4
43	2472	7/7/ 1959		7.000	5,456.5	360.0	1,440.0	0.02	4
43	2475	7/7/ 1959		8.500	5,456.5	455.0	1,820.0	0.02	4
43	2488	2/11/ 1960		5.600	5,456.5	300.0	1,200.0	0.02	4
43	2489	2/11/ 1960		8.900	5,456.5	465.0	1,860.0	0.02	4
43	2504	10/24/ 196		6.400	5,456.5	380.0	1,520.0	0.02	4
43	2505	10/24/ 196		6.400	5,456.5	370.0	1,480.0	0.02	4
43	2516	3/21/ 1961		0.600	5,456.5	30.0	120.0	0.02	4
43	2517	3/21/ 1961		3.000	5,456.5	150.0	525.0	0.02	3.5
43	2519	3/28/ 1961		4.200	5,456.5	304.0	1,216.0	0.01	4
43	2575	5/20/ 1964		6.080	5,456.5	612.0	2,448.0	0.01	4
43	4199	3/15/ 1962		2.160	5,456.5	108.0	432.0	0.02	4
43	13351	3/10/ 1975		0.390	5,456.5	19.5	67.4	0.02	3.5
43	13352	3/10/ 1975		0.370	5,456.5	18.3	63.2	0.02	3.5
43	13577	9/4/ 1963		4.080	5,456.5	968.0	1,987.9	0.00	2.1
43	13578	9/4/ 1963		0.170	5,456.5	40.0	82.1	0.00	2.1
43	13603	7/7/ 1959		3.860	5,456.5	276.0	1,104.0	0.01	4
43	13604	7/7/ 1959		1.740	5,456.5	124.0	496.0	0.01	4
<b>Totals</b>				<b>75.450</b>	<b>5,456.5</b>	<b>5,339.8</b>	<b>19,301.6</b>	<b>0.01</b>	<b>3.6</b>
<b>Combined Limits</b>				<b>73.290</b>		<b>4,292.8</b>	<b>16,997.7</b>	<b>0.02</b>	<b>4.0</b>
<b>leased</b>				<b>3.46</b>	<b>181.0</b>		<b>724.0</b>	<b>0.02</b>	<b>4.0</b>
<b>Remaining limits</b>				<b>69.8</b>	<b>4,111.8</b>		<b>16,273.7</b>	<b>0.02</b>	<b>4.0</b>

Basin	Sequence	Priority	Date	Rate	Total Acres	Acre Limit	Volume	rate/ acre	volume/ acr
43	2471	7/7/ 1959		6.00	1440.00	360.00	5456.5	0.0011	4.00
43	2472	7/7/ 1959		7.00	1440.00	360.00	5456.5	0.0013	4.00
43	2475	7/7/ 1959		8.50	1820.00	455.00	5456.5	0.0016	4.00
43	2488	2/11/ 1960		5.60	1200.00	300.00	5456.5	0.0010	4.00
43	2489	2/11/ 1960		8.90	1860.00	465.00	5456.5	0.0016	4.00
43	2504	10/24/ 196		6.40	1520.00	380.00	5456.5	0.0012	4.00
43	2505	10/24/ 196		6.40	1480.00	370.00	5456.5	0.0012	4.00
43	2516	3/21/ 1961		0.60	120.00	30.00	5456.5	0.0001	4.00
43	2517	3/21/ 1961		3.00	525.00	150.00	5456.5	0.0005	3.50
43	2519	3/28/ 1961		4.20	1216.00	304.00	5456.5	0.0008	4.00
43	2575	5/20/ 1964		6.08	2448.00	612.00	5456.5	0.0011	4.00
43	4199	3/15/ 1962		2.16	432.00	108.00	5456.5	0.0004	4.00
43	13351	3/10/ 1975		0.39	67.40	19.50	5456.5	0.0001	3.46
43	13352	3/10/ 1975		0.37	63.20	18.30	5456.5	0.0001	3.45
43	13577	9/4/ 1963		4.08	1987.90	968.00	5456.5	0.0007	2.05
43	13603	7/7/ 1959		3.86	1104.00	276.00	5456.5	0.0007	4.00
<b>Totals</b>				<b>73.540</b>		<b>5,175.800</b>	<b>5,456.5</b>		
<b>Limits</b>				<b>71.380</b>	<b>4,128.8</b>		<b>16,419.6</b>		
<b>Leased</b>				<b>3.460</b>	<b>181.0</b>	<b>724.0</b>		<b>0.02</b>	<b>4.0</b>
<b>Remaining Limits</b>				<b>67.9</b>	<b>3,947.8</b>		<b>15,695.6</b>	<b>0.02</b>	<b>4.0</b>

Since the combined limit for all rights is an actual limit and not additive, ECNW must reduce the use of the remaining water rights. ECNW proposes to lease 181 acres into the bank. In order for these acres to be rentable without an enlargement of the other rights the combined limits must be reduced by 3.46 cfs, 724 af, and 181 acres. As long as water used under 43-2489 and the other water rights in the condition is reduced enlargement should be avoided. Adding conditions to the lease, clarifying the remaining limits of the unleased portions of 43-2489 as well as the remaining water rights, should help prevent enlargement. Since all the rights in the limiting

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condition are owned by the same company we can be reasonably assured they will not divert and use more water than the reduced maximum amounts listed in the conditions of the lease.

### **Rentals**

ADT Farms LLC requests to divert 0.21 cfs and 44.0 AF for use on 11 acres. To avoid enlargement and remain consistent with the rate and volume per acre limitations of the water rights that authorize irrigation at the requested rental POU (43-13714, 43-13715, 43-13716, 43-13717, 43-13718, and 43-13719), the rental rate and volume authorized for use will be reduced to 0.14 cfs and 40 AF. The limitations are necessary to remain consistent with the limitations of the water rights that exist at the POU.

Another consideration for the ADT rental is that requested 11 acres to be irrigated at the pivot can be fully covered by rights 43-13715, 43-13716, 43-13718 and 43-13719. The rental application states that the rented water will be used to irrigate acres that would not be irrigated otherwise. Rights 43-13718 and 43-13719 are expansion water rights that were curtailed in 2019. Furthermore, the 4 water rights at the rental POU are limited to a total of 1,306 acres of irrigation. Reviewing 2019 sentinel imagery, it is evident that not all the authorized acres were irrigated. It is reasonable for ADT to request the rental of water on the pivot.

ADTD Farms LLC requests to rent 3.25 cfs and 680 AF for use on 170.0 acres. There are 36 water rights that overlap at the proposed rental POU, those rights are limited to 47.14 cfs, 10,527.2 AF and 3000.7 acres which equates to 0.02 cfs/acre and 4.0 AF/acre. The requested rate and volume for the ADTD rental also equate to the same rate and volume per acre. The rental request proposes to use the leased water on a majority of acres that are irrigated by other water rights. Based on 2019 Sentinel imagery, not all the acres at the POU were irrigated last year and some of those rights are expansion acres that were curtailed in 2019. Therefore, it is practical for ADTD to request additional water to irrigate acres where water rights already provide irrigation. There are no concerns of enlargement.

**LOCAL PUBLIC INTEREST:** There are no current protested applications in the lease or rental area. Review staff has no information to suggest this application is inconsistent with the local public interest.

**BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:** The lease and rentals appear to be consistent with the conservation of water resources in Idaho.

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** The lease and rental are subject to Water District #143. Lease comments were requested from Water District #143 watermaster Nathan Erickson and IDWR Southern Regional staff on 3/4/2020. No response was received within 7 days so it was presumed there were no concerns with the lease. Comments were requested regarding the rentals on 3/19/20. Both the watermaster and region responded with no concerns of the rentals.

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JUN 17 2020



## Dalglish, Alex

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**From:** Skinner, Corey  
**Sent:** Thursday, March 19, 2020 4:54 PM  
**To:** Erickson, Nathan; Dalglish, Alex  
**Subject:** RE: Rental Requests from ADT and ADTD Farms LLC 2020

If Nathan is good, then I'm good too.

**From:** Erickson, Nathan  
**Sent:** Thursday, March 19, 2020 4:41 PM  
**To:** Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>  
**Cc:** Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Subject:** RE: Rental Requests from ADT and ADTD Farms LLC 2020

Okay, Thanks. Looks good to me.

**From:** Dalglish, Alex  
**Sent:** Thursday, March 19, 2020 4:32 PM  
**To:** Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>  
**Cc:** Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Subject:** RE: Rental Requests from ADT and ADTD Farms LLC 2020

Hey Nathan,

The smaller pivot in the NW Q of Sec. 31 is partially covered by multiple existing water rights. The rental request from ADTD will irrigate the remaining acres of that pivot so it would be fully covered in 2020.

**From:** Erickson, Nathan  
**Sent:** Thursday, March 19, 2020 4:21 PM  
**To:** Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Subject:** RE: Rental Requests from ADT and ADTD Farms LLC 2020

Hi Alex,  
Maybe I am missing something but the ADTD Farms map doesn't look like there are any rental acres on 10S 27E 31 NWNW to cover the top of that pivot. I looked at the shape in GIS and it looks like it does go up there. Just wanted to make sure that entire pivot will be covered by either water bank rental water or existing WRs.  
Thanks,  
Nathan

**From:** Dalglish, Alex  
**Sent:** Thursday, March 19, 2020 2:25 PM  
**To:** Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Subject:** Rental Requests from ADT and ADTD Farms LLC 2020

Nathan and Corey,

Please respond within 7 days with any comments or concerns you may have with the proposed rentals from ADT Farms LLC and ADTD Farms LLC.

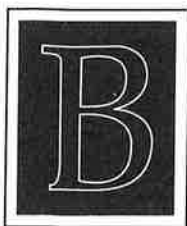
Thank you,

Alex Dalglish

*Water Resource Agent*

*Phone (208) 287-4913*

*[alex.dalglish@idwr.idaho.gov](mailto:alex.dalglish@idwr.idaho.gov)*



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Hydraulics

Hydrology

Water Resources

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JAN 16 2020

DEPARTMENT OF  
WATER RESOURCES

January 14, 2020

Remington Buyer  
Idaho Water Supply Bank  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Re: ADT Farms LLC and ADTD Farms LLC rentals

Dear Mr. Buyer:

ADT Farms LLC proposes to rent 125.0 acres for the 2020 irrigation season from 43-2489. The proposed rental location is identified in the attached rental application and aerial map.

ADTD Farms LLC proposes to rent 125.0 acres for the 2020 irrigation season from 43-2489. The proposed rental location is identified in the attached rental application and aerial map.

An agreement has been signed between Eagle Creek Northwest LLC, ADT Farms LLC and ADTD Farm LLC regarding a rental payment. Only the 10% processing fee will be paid to the Idaho Water Supply Bank. No rental payment will be paid to Eagle Creek Northwest LLC by the Idaho Water Supply Bank at the end of 2020.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Todd Gerratt

Enc: Rental Applications, Aerial Maps, Annual Reports

CHARLES E.  
BROCKWAY,  
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