

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 403**

This is to certify that:

BEHREND BEHREND & KNITTEL  
PROPERTIES LLC  
PO BOX 815  
ABERDEEN, ID 83210-0815

RECEIVED  
MAY 03 2020  
DEPARTMENT OF  
WATER RESOURCES

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

**Summary of Water Rights or Portions Rented from the Bank**

| Water Right No.               | Priority Date | Source       | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (AC)   | Rate Per Acre (CFS/AC) | Volume Per Acre (AF/AC) |
|-------------------------------|---------------|--------------|----------------------|-----------------------|--------------|------------------------|-------------------------|
| 35-14258                      | 1/18/1974     | GROUND WATER | 0.41                 | 160                   | 40           | 0.01                   | 4.0                     |
| 35-14260                      | 10/1/1953     | GROUND WATER | 0.39                 | 88                    | 22           | 0.02                   | 4.0                     |
| 35-14262                      | 1/8/1959      | GROUND WATER | 0.07                 | 14                    | 3.5          | 0.02                   | 4.0                     |
| <b>Combined Limit Totals</b>  |               |              | <b>0.87</b>          | <b>174</b>            | <b>43</b>    | <b>0.02</b>            | <b>4.0</b>              |
| 35-7169                       | 3/9/1971      | GROUND WATER | 0.73                 | 152.4                 | 38.1         | 0.02                   | 4.0                     |
| 35-7373                       | 1/18/1974     | GROUND WATER | 0.22                 | 44.4                  | 11.1         | 0.02                   | 4.0                     |
| 35-10422                      | 7/31/1987     | GROUND WATER | 0.06                 | 15.6                  | 3.9          | 0.02                   | 4.0                     |
| <b>Combined Limit Totals</b>  |               |              | <b>.78</b>           | <b>212.2</b>          | <b>53.1</b>  | <b>0.02</b>            | <b>4.0</b>              |
| 35-2553A                      | 1/8/1959      | GROUND WATER | 0.74                 | 152.4                 | 38.1         | 0.02                   | 4.0                     |
| 35-2713                       | 5/10/1962     | GROUND WATER | 0.74                 | 174.4                 | 43.6         | 0.02                   | 4.0                     |
| <b>Combined Rental Totals</b> |               |              | <b>3.13</b>          | <b>713</b>            | <b>178.2</b> | <b>0.02</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, 2022. 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 - 2022: \$14,252.00 annually

**SUPPORT DATA**

**IN FILE #** 35-2553A

The full fee for the rental of the above-described right(s) is \$14,252.00 per year for years 2020 - 2022. The rental fee includes an administrative fee of \$1,425.20 per year for years 2020 - 2022.

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. 403**

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

  
\_\_\_\_\_  
Signature of Renter

4-30-2020  
\_\_\_\_\_  
Date

Nic Behrend  
\_\_\_\_\_  
Printed Name

Owner / partner  
\_\_\_\_\_  
Title

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

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

By   
\_\_\_\_\_  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Date 7-1-20  
\_\_\_\_\_

Rental approved by IDWR   
\_\_\_\_\_

Date 7-1-20  
\_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 403**

**WATER USE DETAILS**

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

GROUND WATER                      SWSE              Sec. 6, Twp 05S, Rge 31E,                      BINGHAM County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
3.13 CFS

**VOLUME**  
713 AF

**SEASON OF USE**

From              To  
4/1              10/31

**RENTERS PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05S | 31E | 6   |    |    |    |    |    |    |    |    | 30 | 30 | 30 | 30 |    | 30 | 28 |    | 178    |

Total Acres: 178

**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. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
10. 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.
11. Use of water under this right will 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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

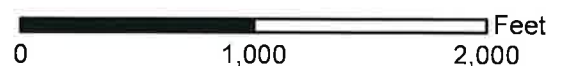
**WATER SUPPLY BANK RENTAL AGREEMENT No. 403**

12. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
13. Prior to the diversion and use of water under this rental agreement, the renter shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
14. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
15. This rental agreement does not authorize the construction of a well.

Effective until December 31, 2022

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

-  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 17 2020  
DEPARTMENT OF  
WATER RESOURCES

**Applicant Name:** Behrend Behrend and Knittel Properties 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).

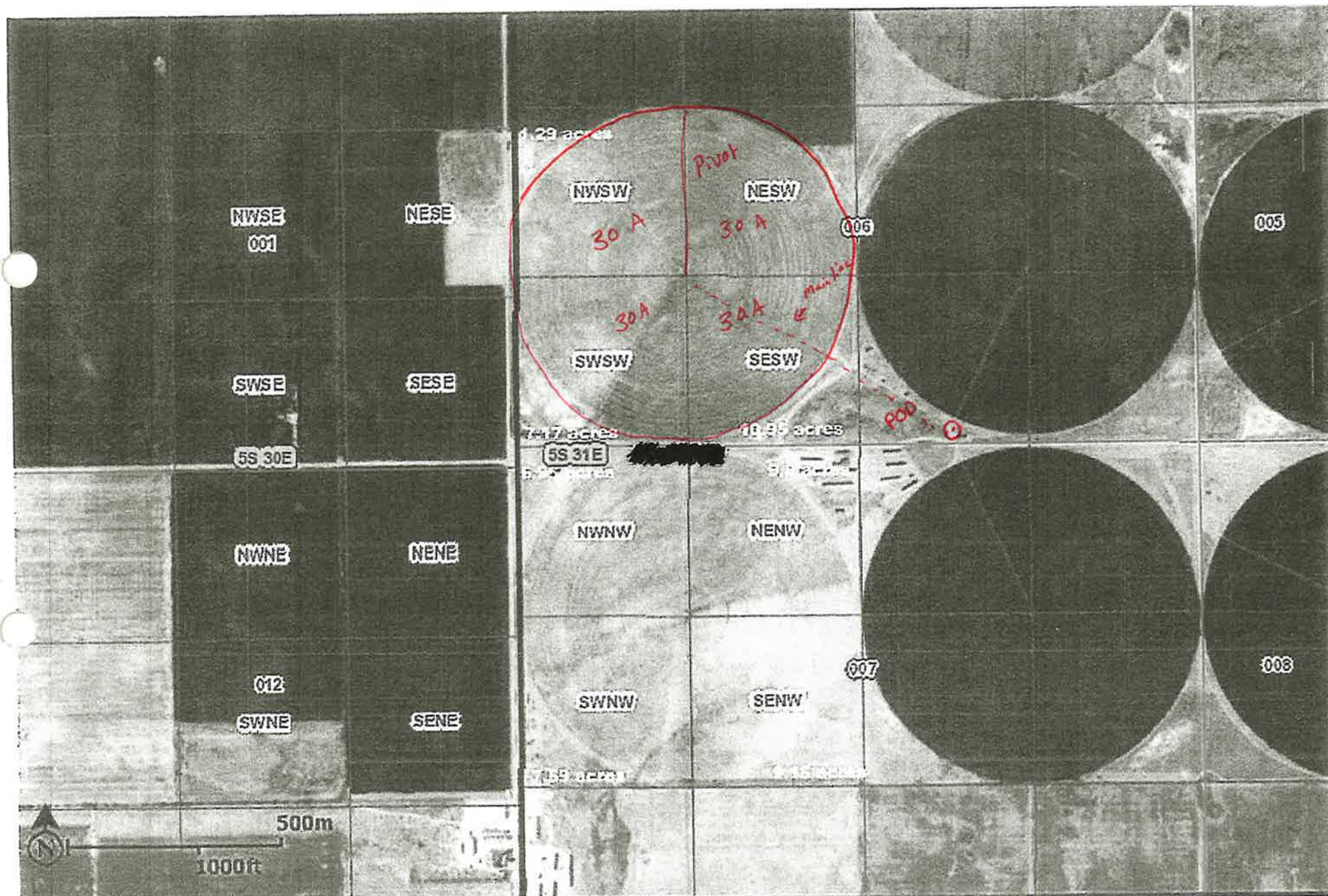
**MINIMUM REQUIREMENT CHECKLIST**

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

|                   | Yes                                 | 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  |
| <b>Attachment</b> |                                     |     |                                     |  |
| 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 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)**

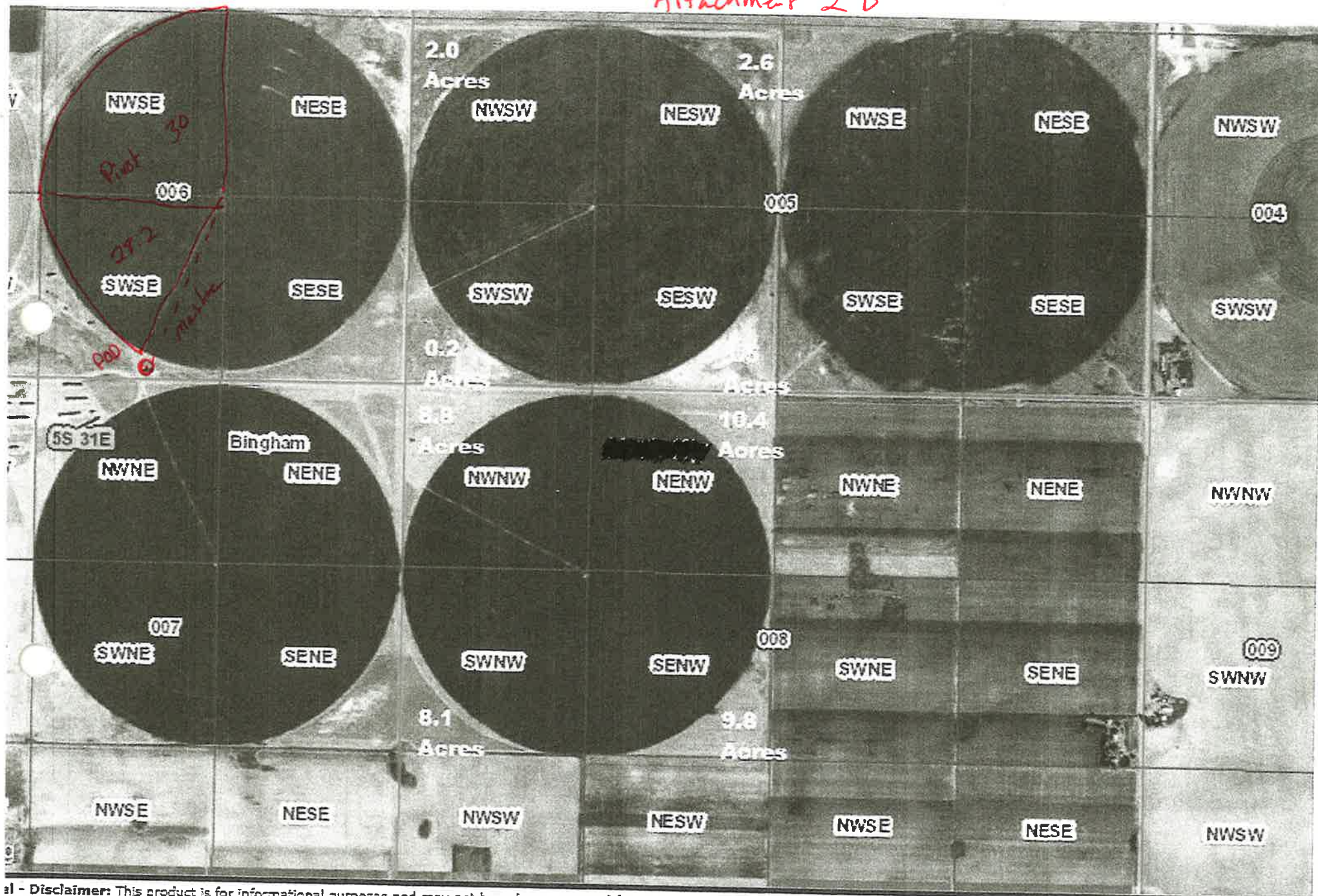
# Attachment 2 A



**Confidential - Disclaimer:** This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



# Attachment 2 B



1 - Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review the data and information sources to ascertain the usability of the information.



**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant Behrend Behrend and Knittel Properties LLC

Mailing Address PO Box 815 Aberdeen ID 83210  
Street City State Zip Code  
 Email Address Bbkfarm815@gmail.com Phone Number 208-221-0342

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 Nic Behrend Professional Title Partner  
 Organization Behrend Behrend and Knittel Properties, LL Relationship to Applicant Partner  
 Mailing Address 2976 W 2000 S Aberdeen, ID 83210  
 Email Address nbehrend@gmail.com Phone Number 208-221-0342

**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 for Crops

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

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 3.12 CFS                            | 712.8 AF                      | CFS                                  | AF                             | 178.2 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<br>(month/day/year) | Latest Possible Start Date<br>(month/day/year) | *Mark Desired Rental Duration<br>(Calendar Years) |                            |                                       |                            |                            | **Applicant's preference if rental application cannot be processed prior to the latest possible start? |  |
|--|--|---|----------------------------|---------------------------------------|----------------------------|----------------------------|--|--|
| 3/1/20                                 | 4/1/20   | <input type="checkbox"/> 1                        | <input type="checkbox"/> 2 | <input checked="" 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):

Delivered to Pivots on POU by underground mainline

- 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 |
|------------------------|--------------|---|
| SESW, SESWSE Sec06 05S | Ground       | 35-2553A, 35-2713, 35-14258, 35-10422     |
|                        |              |   |
|                        |              |   |
|                        |              |   |

*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 178.2 (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:  
35-2553A, 35-2713, 35-14258, 35-10422

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<br>(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) |
| 35-2553A   | Irrigation    | .74                  | 152.4       | 38.1       |  | .74                              | 152.4       | 38.1       |
| 35-2713  | Irrigation    | .74                  | 174.4       | 43.6       |  | .74                              | 174.4       | 43.6       |
| 35-14260   | Irrigation    | .39                  | 88          | 22         |  | .39                              | 88          | 22         |
| 35-14262   | Irrigation    | .07                  | 14          | 3.5        |  | .07                              | 14          | 3.5        |
| 35-14258   | Irrigation    | .41                  | 159.6       | 39.9       |  | .41                              | 159.6       | 39.9       |
| 35-7169  | Irrigation    | .73                  | 152.4       | 38.1       |  | .73                              | 152.4       | 38.1       |
| 35-7373  | Irrigation    | .22                  | 44.2        | 11.1       |  | .22                              | 44.2        | 11.1       |
| 35-10422   | Irrigation    | .06                  | 15.6        | 3.9        |  | .06                              | 15.6        | 3.9        |
| <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>   | 3.12                             | 712.8       | 178.2      |
|  |               |                      |             |            |  | <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:

Rental Agreement No. 126. This is rented property and the water rental is to supplement the water right that is already on the proposed POU so we try to match up the water board rental water to the remaining years on the property rental.

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

If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒

If yes, describe the date and location of the NOV.

- D. Additional Information

As per our prior lease of these rights, the application to rent these rights from Simplot should be paired up with Simplot's submittal of the rights into the bank. It is Simplot's intention that those rights submitted be leased to Behrend Behrend and Knittel Properties to use to irrigate the POU described in this application, which Simplot owns.

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

Behrend Behrend and Knittel Properties LLC  
Printed Name of Applicant

1/15/2020  
Date

  
Signature of Representative

Nic Behrend  
Printed Name of Representative

1/15/2020  
Date

Mail to:

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



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

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

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 9, 2020

BEHREND BEHREND & KITTEL PROPERTIES LLC  
PO BOX 815  
ABERDEEN, ID 83210-0815

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 35-14258, 35-14260, 34-14262, 35-7169, 35-7373, 35-10422, 35-2553A, 35-2713, AGREEMENT 403**

Dear Renter:

Please find enclosed a receipt in the amount of **\$14,252.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental 423 of 77.9 acre-feet of water for irrigation of 19.5 acres and rental 424 of 35.6 acre-feet of water for irrigation of 8.9 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 423, 90% or \$12,826.80 of the rental fee will be paid to the lessor(s) and 10% or \$1,425.20 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,

f Water Supply Bank

Enclosures: Receipt No. C108718  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
James Cefalo – IDWR Eastern Regional Office  
Blake Jordan – State Water District No. 120  
Nic Behrend - BEHREND BEHREND & KITTEL PROPERTIES LLC



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

April 22, 2020

BEHREND BEHREND & KITTEL PROPERTIES LLC  
PO BOX 815  
ABERDEEN, ID 83210-0815

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 35-14258, 35-14260, 34-14262, 35-7169, 35-7373, 35-10422, 35-2553A, 35-2713, AGREEMENT 403**

**\*\*\*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 \$14,252.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 713.0 acre-feet.

**Please send a check for \$14,252.00** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$12,826.80 of the rental fee will be paid to the lessor(s) and 10% or \$1,425.20 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,

  
for Water Supply Bank

Enclosure

c: IDWR Front Desk  
Nic Behrend - BEHREND BEHREND & KITTEL PROPERTIES LLC



## Memorandum

**To:** Water Rights 35-2553A, 35-2713, 35-7169, 35-7373, 35-14022, 35-14258, 35-14260, and 35-14262

**From:** Justin Ferguson

**Date:** March 9, 2020

**Re:** Water Supply Bank Rental Application 1619

**Purpose/Narrative:** This application was received as part of a lease/rental package requesting the use of water rights held by J R Simplot. These rights cover the land being irrigated by the applicant which is being rented from Simplot by the applicant through a land use agreement. This is a continuation of previous rental agreements from 2016 & 2017 seeking the use of water rights held by Simplot to supplement their own water rights which have been reduced through the American Falls Area Ground Water District & Surface Water Coalition agreement.

**Authority to File:** Review of the IDSOS information indicates that Mr. Nic Behrend is a registered agent for Behrend Behrend & Knittel Properties LLC. No concerns at this time

**Water Right Validity/Forfeiture Evaluation:** The leased water rights are in the Bank and available to be rented. No concerns about its validity.

**Injury Evaluation:** No injury is apparent as the water rights being requested for rent overly the area intended to be irrigated by the applicant. J R Simplot is both the land owner and water right holder while the applicant has a land use agreement to use the land and a lease/rental package intended to rent the water and divert using an existing well.

**Enlargement of Use:** As the applicant has requested to rent only a portion of the water rights appurtenant to the land. It also appears that the acreage will not receive any other water than what is rented as there does not appear to be an irrigation district or surface water available. No enlargement is evident through this rental.

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

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

**Department/Watermaster Comments:** Watermaster and IDWR Eastern Region comments were requested March 9, 2020

**Water Supply Bank Evaluation:** Subject to a favorable review by watermaster and regional office staff, it is recommended this rental be approved.

## Ferguson, Justin

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**From:** Ferguson, Justin  
**Sent:** Monday, March 9, 2020 11:36 AM  
**To:** Cefalo, James; watermanager@cableone.net  
**Subject:** Water Supply Bank Application - Silver Creek Farms HOA  
**Attachments:** Lease Review Memo.docx; Silver Creek Farms HOA 37-8031.pdf; Draft Lease Contract - Silver Creek Farms HOA.docx

Morning!

Attached is the lease map, contract, and review memo for Silver Creek Farms HOA. Please let me know if you have and comments or concerns, IDWR will assume you do not object to this application if a timely response is not received

Thank you!

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## Business Search

behrend

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### Form Info

### Status

### Filing Date

### Agent

BEHREND AND  
BEHREND (56414)  
*Assumed Business  
Name*



Active-Current

04/16/1998

NO AGENT

BEHREND AND  
BEHREND, L.L.C.  
(11717)  
*Limited Liability  
Company (D)*

Inactive-  
Cancelled  
(Administrative)

11/09/1995

NO AGENT

BEHREND  
ENTERPRISES,  
INC. (222992)  
*General Business  
Corporation (D)*

Inactive-  
Forfeited

09/09/1982

NO AGENT

BEHREND FARMS,  
INCORPORATED  
(120811)  
*General Business  
Corporation (D)*

Active-Good  
Standing

01/14/1965

JANIS  
THOMAS

BEHREND  
PLUMBING &  
HEATING, INC.  
(124762)  
*General Business  
Corporation (D)*

Inactive-  
Forfeited

05/05/1966

NO AGENT

BEHREND  
PLUMBING AND  
HEATING LLC  
(166426)  
*Limited Liability  
Company (D)*

Inactive-  
Dissolved  
(Administrative)

06/12/2006

NO AGENT

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Results: 9



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BEHREND AND  
KNITTEL FARMS  
(45387)***Assumed Business Name***Status****Active-Current****Filing Date****12/05/1997****Agent  
Login**  
**NO AGENT****BEHREND,  
BEHREND AND  
KNITTEL FARMS  
LLP (15800)***Limited Liability  
Partnership (D)***Inactive-  
Cancelled****02/20/2014****NO AGENT****BEHREND,  
BEHREND AND  
KNITTEL  
PROPERTIES, LLC  
(410631)***Limited Liability  
Company (D)***Active-Existing****02/20/2014****NICHOLAS  
P  
BEHREND**