

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 01 2020

WATER SUPPLY BANK RENTAL AGREEMENT No. 448

DEPT OF WATER RESOURCES

This is to certify that:

BROWN RANCH INC  
247 GLENDALE RD  
BELLEVUE, ID 83313

SUPPORT DATA  
IN FILE # 37-496B

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)
37-496B	7/1/1883	BIG WOOD RIVER	0.31	54.6	15.6	0.02	3.5
37-497B	7/1/1892	BIG WOOD RIVER	0.16	54.6	15.6	0.01	3.5
<b>Combined Limit Totals</b>			<b>0.47</b>	<b>54.6</b>	<b>15.6</b>	<b>0.03</b>	<b>3.5</b>
37-21811	5/1/1888	BIG WOOD RIVER	0.20	101.5	29.0	0.01	3.5
37-21813	9/18/1885	BIG WOOD RIVER	0.20	101.5	29.0	0.01	3.5
37-21815	6/30/1884	BIG WOOD RIVER	0.40	101.5	29.0	0.01	3.5
37-21817	3/24/1883	BIG WOOD RIVER	0.24	101.5	29.0	0.01	3.5
<b>Combined Limit Totals</b>			<b>1.30</b>	<b>102</b>	<b>29.0</b>	<b>0.04</b>	<b>3.5</b>
37-21863	3/24/1883	BIG WOOD RIVER	0.08	29.8	15.1	0.01	2.0
37-21880	7/10/1884	BIG WOOD RIVER	0.001	0.40	15.1	0.001	0.03
37-21897	9/18/1885	BIG WOOD RIVER	0.01	2.64	15.1	0.001	0.2
37-21914	6/12/1886	BIG WOOD RIVER	0.001	0.40	15.1	0.001	0.03
37-21931	6/15/1891	BIG WOOD RIVER	0.10	35.7	15.1	0.01	2.5
37-21976	9/25/1954	GROUND WATER	0.32	46.9	13.4	0.02	3.5
<b>Combined Limit Totals</b>			<b>0.55</b>	<b>52.7</b>	<b>15.1</b>	<b>0.04</b>	<b>3.5</b>
37-22311	3/24/1883	BIG WOOD RIVER	1.20	108.5	31.0	0.02	3.5
37-22316	3/24/1883	BIG WOOD RIVER	0.14	108.5	31.0	0.002	3.5
37-22321	3/24/1883	BIG WOOD RIVER	0.15	108.5	31.0	0.003	3.5
<b>Combined Limit Totals</b>			<b>1.49</b>	<b>109</b>	<b>31.0</b>	<b>0.05</b>	<b>3.5</b>
37-22773	5/1/1888	BIG WOOD RIVER	0.09	49.4	14.1	0.01	3.5
37-22774	9/18/1885	BIG WOOD RIVER	0.09	49.4	14.1	0.01	3.5
37-22775	6/30/1884	BIG WOOD RIVER	0.19	49.4	14.1	0.01	3.5
37-22776	3/24/1883	BIG WOOD RIVER	0.11	49.4	14.1	0.01	3.5
<b>Combined Limit Totals</b>			<b>0.019</b>	<b>49.4</b>	<b>14.1</b>	<b>0.001</b>	<b>3.5</b>
37-20615	3/24/1883	BIG WOOD RIVER	0.15	7.0	2.0	0.08	3.5
37-22249	4/12/1883	BIG WOOD RIVER	1.16	116.2	33.2	0.04	3.5
37-23001	5/1/1883	BIG WOOD RIVER	0.40	31.5	9.0	0.04	3.5
<b>Combined Rental Totals</b>			<b>5.54</b>	<b>521</b>	<b>149</b>	<b>0.03</b>	<b>3.5</b>

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2021. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2020, whichever occurs last.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 448**

**Annual Rental Fee:**

2020 - 2021: \$10,428.20 annually

The full fee for the rental of the above-described right(s) is \$10,428.20 per year for years 2020 - 2021. The rental fee includes an administrative fee of \$1,042.82 per year for years 2020 - 2021.

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

**Total Water Use Authorized Under Rental Agreement**

<b>Beneficial Use</b>	<b>Diversion Rate (CFS)</b>	<b>Diversion Volume (AF)</b>	<b>Acres (AC)</b>	<b>Rate/Acre (CFS/AC)</b>	<b>Volume/Acre (AF/AC)</b>
IRRIGATION	4.49	521	149	0.03	3.5
<b>Combined Total</b>	4.49	521	149	0.03	3.5

*\* The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits and conveyance losses of 15%*

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 448**

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:

Daniel P Brown  
Signature of Renter

6/30/2020  
Date

DANIEL P. BROWN  
Printed Name

President  
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 7-6-20

Rental approved by IDWR 

Date 7-6-20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 448**

**WATER USE DETAILS**

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

GROUND WATER                      SESW              Sec. 12, Twp 01N, Rge 18E,                      BLAINE County

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
4.49 CFS

**VOLUME**  
521 AF

**SEASON OF USE**

Water Right No.	From	To
37-496B, 37-497B	4/1	11/1
37-20615, 37-21863	4/15	10/31
37-21880, 37-21897	4/15	10/31
37-21914, 37-21931	4/15	10/31
37-21976, 37-22249	4/15	10/31
37-22311, 37-22316	4/15	10/31
37-22321, 37-21811	4/15	10/31
37-21813, 37-21815	4/15	10/31
37-21817, 37-22773	4/15	10/31
37-22774, 37-22775	4/15	10/31
37-22776, 37-23001	4/15	10/31

**RENTERS PLACE OF USE: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals					
			NE	NW	SW	SE																		
01N	18E	14												32	31	37	34			15				149

Total Acres: 149

**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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

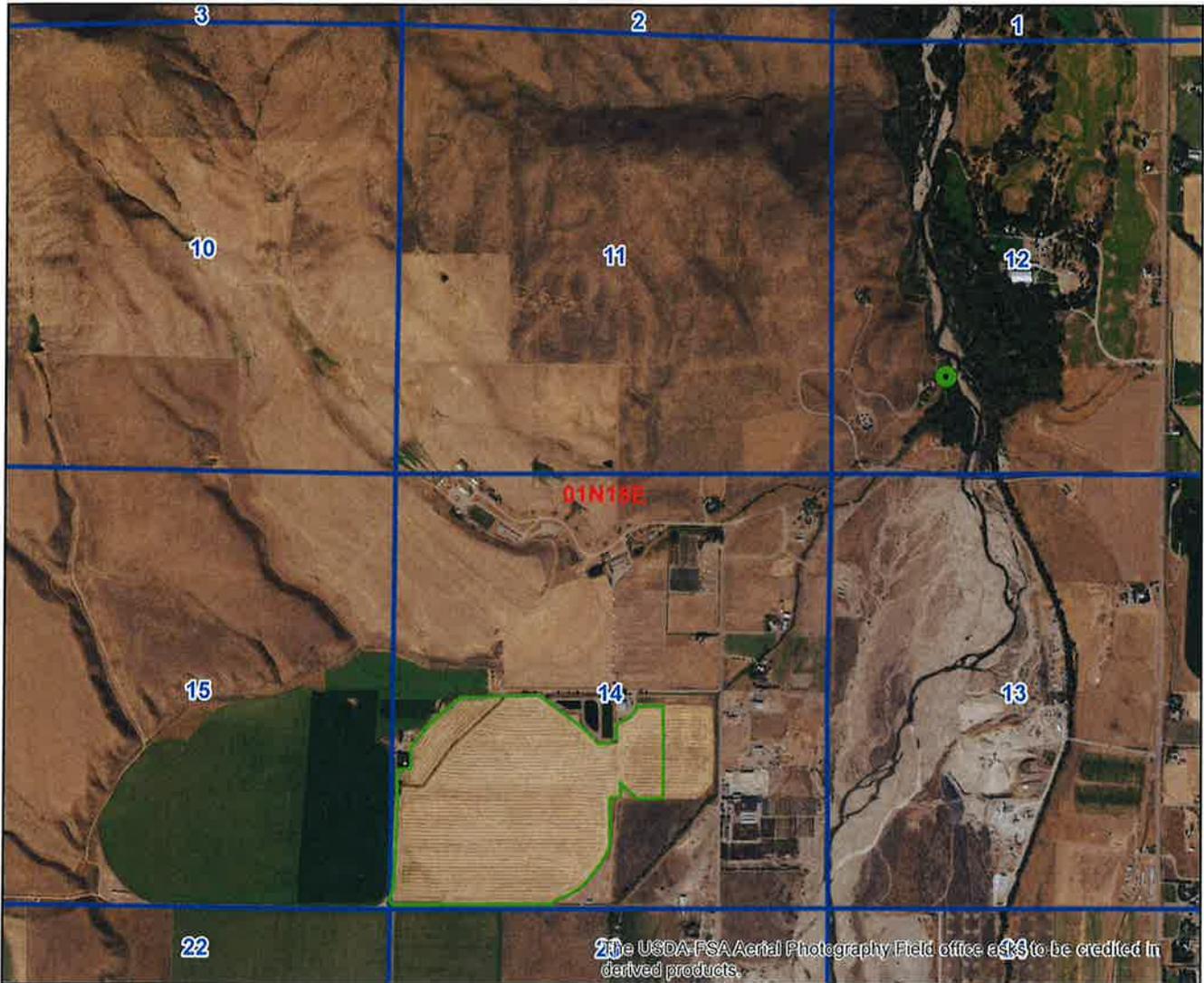
**WATER SUPPLY BANK RENTAL AGREEMENT No. 448**

8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. Use of water under this agreement may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 37.
11. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
13. This agreement does not grant any right-of-way or easement across the land of another.

Idaho Water Resource Board  
Attachment to Water Supply Bank Rental Agreement No. 443

Effective until December 31, 2020

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



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



Feet  
030600

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED  
MAY 05 2020  
DEPARTMENT OF  
WATER RESOURCES

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

Applicant Name: Brown Ranch, Inc.

Is this application being submitted with a lease application as a lease/rental package? Yes  No   
If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST		
Check All Items as Either Attached (Yes) or Not Applicable (N/A)		
	Yes	
	<input checked="" type="checkbox"/>	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	<input checked="" type="checkbox"/>	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes
2	<input checked="" type="checkbox"/>	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	<input type="checkbox"/>	<input checked="" type="checkbox"/> Detailed information on a proposed use of rental water
3F	<input type="checkbox"/>	<input checked="" 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)

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant Brown Ranch, Inc.

Mailing Address 247 Glendale Road Bellevue ID 83313  
Street City State Zip Code

Email Address danbrown@sunvalley.net Phone Number 208-720-1982

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 NA Professional Title NA  
 Organization NA Relationship to Applicant NA  
 Mailing Address NA  
 Email Address NA Phone Number NA

**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**:

Additional water is needed when junior rights are shut off by priority. Proposed use is for irrigation.

We wish to rent water with a priority date of 1883 or older.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
5 CFS	400 AF	2 CFS	100 AF	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?	
1/1/2020	7/1/2020	<input type="checkbox"/> 1	<input checked="" 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):

Water is delivered for the POD to POU via the Glendale Canal. Water is diverted from the Glendale Canal via a pump station from which it is delivered to various sprinkler system on the ranch.

- 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
Glendale Canal	Big Wood River	37-22219, 37-22221, 37-22223, 37-22225
1N 18E sec. 12 NWSESW		37-22227

*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 533.5 (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:

Water is also supplied through Bellevue City sewage treatment plant to the east pivot. Additional water is need when other water rights are shut off by priority.

**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)
<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>	<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**:

If water has unusually low rate per acre, we do not wish to rent it. Excess water was requested in case some rights are unavailable from combined limits, etc.

C. Does your rental request propose to change the nature of use for any water right(s) being rented? Yes  No

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

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STATE OF IDAHO  
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes  No   
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

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

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

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- D. Additional Information

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DECLARATION

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

Daniel P. Brown  
Signature of Applicant

DANIEL P. BROWN  
Printed Name of Applicant

4-29-20  
Date

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

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

\_\_\_\_\_  
Date

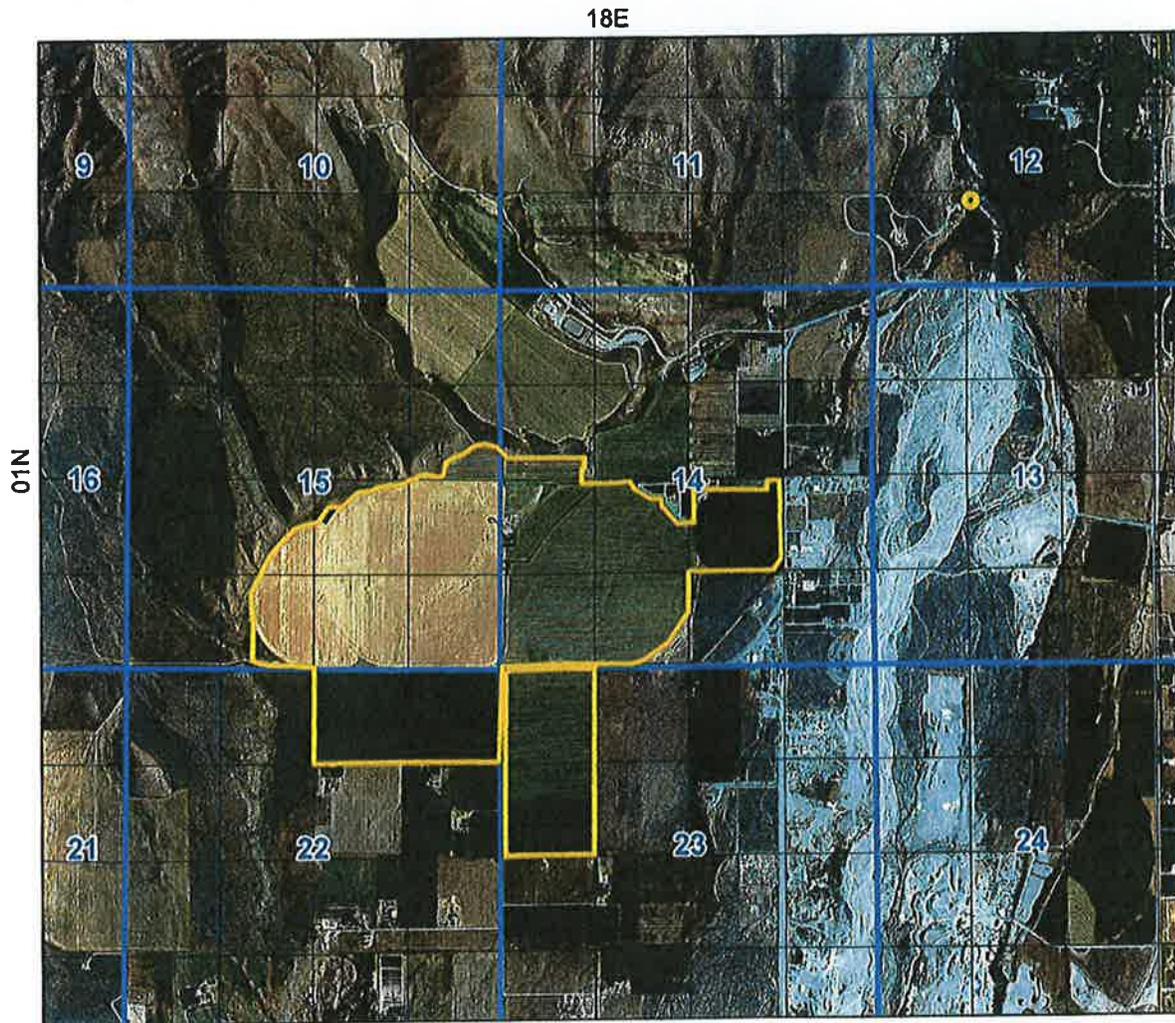
Mail to:

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

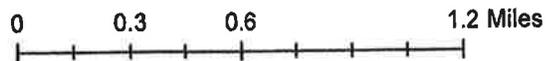
Water Supply Bank Application

POD and POU map of rental water

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters





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 6, 2020

BROWN RANCH INC  
247 GLENDALE RD  
BELLEVUE, ID 83313

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 37-496B, 37-497B, 37-21811, 37-21813, 37-21815, 37-21817, 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976, 37-22311, 37-22316, 37-22321, 37-22773, 37-22774, 37-22775, 37-22776, 37-200615, 37-22249, 37-23001, AGREEMENT 448**

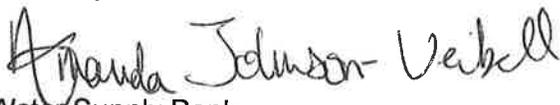
Dear Renter:

Please find enclosed a receipt in the amount of \$ 10,428.20 and a copy of a fully executed Water Supply Bank Rental Agreement of 521 acre-feet of water for irrigation of 149 acres. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$9,385.28 of the rental fee will be paid to the lessor(s) and 10% or \$1,042.82 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

Enclosures: Receipt No. C108987  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
IDWR Southern Regional Office  
State Water District No. 37



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 29, 2020

BROWN RANCH INC  
247 GLENDALE RD  
BELLEVUE, ID 83313

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 37-496B, 37-497B, 37-21811, 37-21813, 37-21815, 37-21817, 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976, 37-22311, 37-22316, 37-22321, 37-22773, 37-22774, 37-22775, 37-22776, 37-200615, 37-22249, 37-23001, AGREEMENT 448**

**\*\*\*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 \$10,428.20 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 521 acre-feet.

**Please send a check for \$10,428.20** 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 \$9,385.28 of the rental fee will be paid to the lessor(s) and 10% or \$1,042.82 will be retained by the Department to offset administrative costs.

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

Sincerely,

  
Water Supply Bank

Enclosure

c: IDWR Front Desk

## Memorandum

**To:** Water Rights

**From:** Justin Ferguson

**Date:** May 7, 2020

**Re:** Water Supply Bank Rental Application 1717

**Purpose/Narrative:** An application was received by the Department from Mr. Dan Brown requesting a rental of Big Wood surface water for 2020 and 2021. This application is a repeat of prior applications submitted by Mr. Brown beginning in 2014, requesting a rental of water rights with an 1883 priority date. While there are water rights appurtenant to Brown Ranch's permissible place of use, they are often out of priority by the beginning of the summer months. The purpose of this rental is to supplement Mr. Brown's water right portfolio such that he is able to irrigate through the summer.

In the application paperwork Mr. Brown had indicated that he was not interested in water rights older than 1883 and would like to rent a total of 533.5 acres. Per a phone conversation with Mr. Brown, 149 specific acres were identified in Section 14 of their permissible place of use with a rate of 3.4 cfs with approximately 500 acre-feet.

**Authority to File:** Mr. Dan Brown prepared and submitted the application on behalf of Brown Ranch Inc. Review of IDSOS data indicates Mr. Brown is the registered agent for the corporation. No concerns at this time.

**Water Right Validity/Forfeiture Evaluation:** The water rights being used to facilitate this rental are currently leased to the Bank through 2021 and are available for rent. No concerns at this time.

**Injury Evaluation:** During the review of Brown Ranch's 2017 rental application it was determined by Mike McVay of IDWR's Hydrology section that the reach was a "losing reach". As such, a 15% reduction was applied to the agreement to reduce the possibility of water users along the Big Wood River. This same reduction will be added to this agreement to reduce the possibility of injury. Further, because the rental will use water rights delivered down the Hiawatha, the 20% conveyance will also be observed for those rights.

**Enlargement of Use:** No enlargement is evident though the rental as Mr. Brown is seeking to supplement his existing portfolio. Conditions will be added to the approval document to align the rental with the area headgate standard and duty of water.

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

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

**Department/Watermaster Comments:** Watermaster and IDWR Southern Region comments were requested on

**Water Supply Bank Evaluation:** Bank staff recommend the approval of this application for Brown Ranch for a single year, through the end of 2020.