

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 373

This is to certify that:

CLEFT OF THE ROCK FARMS
51 N 3350 E
AMERICAN FALLS, ID 83211

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)
43-2409B	4/23/1954	GROUND WATER	3.20	640	160	0.02	4.0
Rental Totals			3.20	640	160	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 December 31, 2020. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2020, whichever occurs last.

Annual Rental Fee:

2020: \$12,800.00

The full fee for the rental of the above-described right(s) is \$12,800.00 for 2020. The rental fee includes an administrative fee of \$1,280.00 for 2020.

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

Detailed water right conditions are attached.

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 373

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

Date

Printed Name

Title

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

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

By _____

Date _____

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 373

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec. 29, Twp 10S, Rge 28E,	CASSIA County
GROUND WATER	SESW	Sec. 29, Twp 10S, Rge 28E,	CASSIA County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
3.20 CFS

VOLUME
640 AF

SEASON OF USE

Water Right No.	From	To
43-2409B	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	28E	32									32	32		32		32	32		160

Total Acres: 160

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental does not authorize the construction of a well.
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 filed headgate for irrigation of the lands above.
11. The following rights are diverted through the point(s) of diversion described above: 43-13513, 43-13515, 43-4112 and 43-2325.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 373

12. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
13. Prior to diversion and use of water under Rental Agreement #373, the renter shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
14. 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.

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

JUN 13 2019

**DEPARTMENT OF
WATER RESOURCES**

Applicant Name: Cleft of the Rock Farms

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.

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only – Proposed Water Right(s)

43-2409B

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Cleft of the Rock Farms

Mailing Address 51 North 3350 East American Falls, Idaho 83211

Street City State Zip Code
Email Address ctrfarms@hotmail.com Phone Number 208-349-5542

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**:

Rented water to be used as irrigation.

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)
3.2 CFS	640 AF	3.2 CFS	640 AF	160 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	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

- 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
10S28E Sec 29 SWSW	Ground Water	43-13513, 43-1515, 43-2328 and 43-4112
10S28E Sec 29 SESW	Ground Water	43-13513, 43-1515, 43-2328 and 43-4112

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 160.0 (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:

43-13513, 43-1515, 43-2328 and 43-4112. Need additional acres to fully cover farmable ground.

**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)
43-2409B	Irrigation	3.2	640	160.0		3.2	640	160.0
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	3.2	640	160.0
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

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:
Rental of 43-2409B from 2015-2019. Additional permanent water has not yet been secured.

- 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:

Yes ☐ No ☒

- 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

None

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.

*Left of the Rock Farms by
Ken Woodworth*
Signature of Applicant

*Left of the Rock Farms by
Ken Woodworth*
Printed Name of Applicant

6-6-19
Date

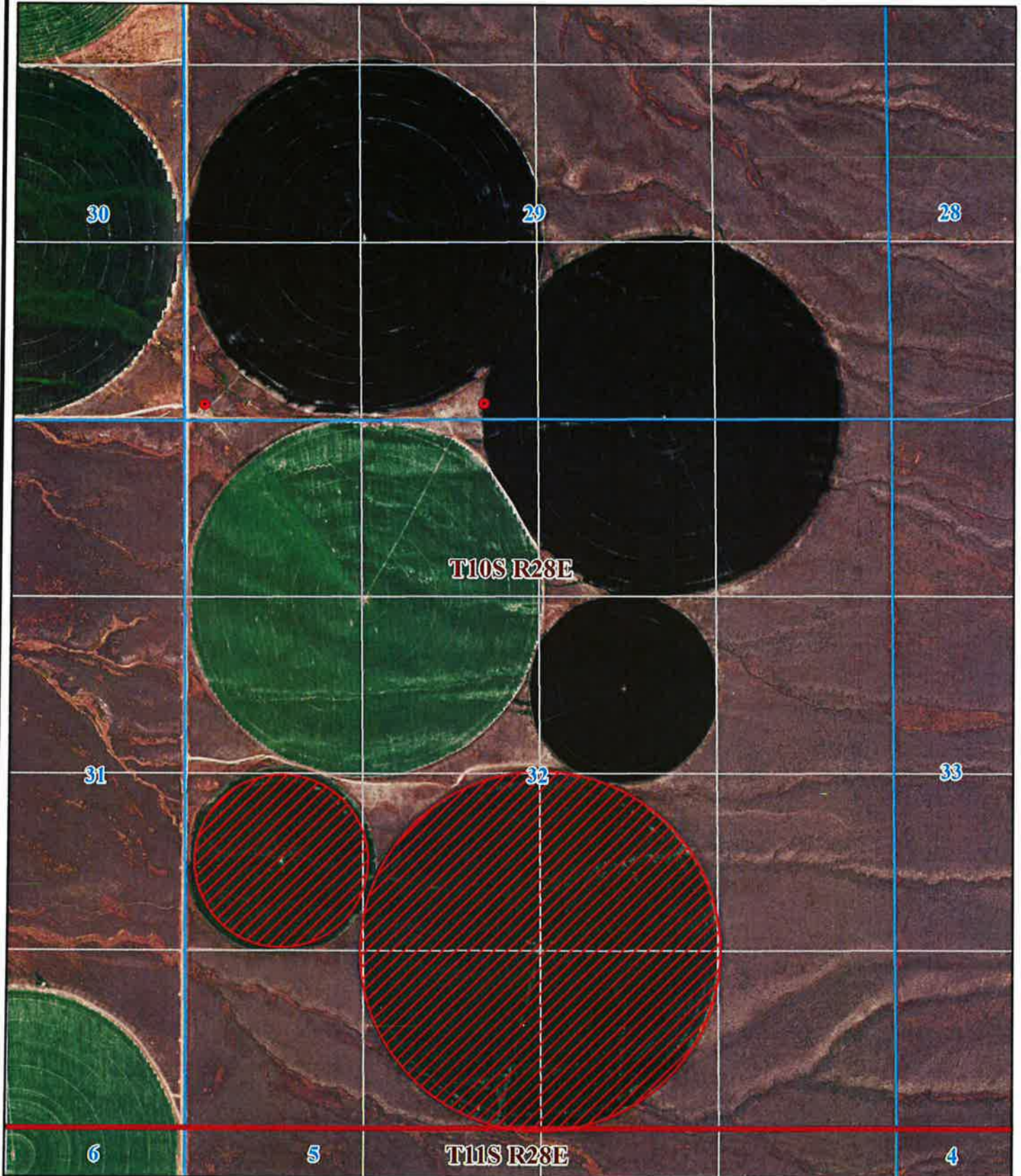
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



0 250 500 1,000 Feet

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 6/5/2019

**KEN WOODWORTH
WSB RENTAL 2020
NAIP 2017 AERIAL**

Legend

- Point of Diversions
- ▨ 160 Rental





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 4, 2020

CLEFT OF THE ROCK FARMS
51 N 3350 E
AMERICAN FALLS, ID 83211

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-2409B, AGREEMENT 373**

Dear Renter:

Please find enclosed a receipt in the amount of **\$12,800.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 640 acre-feet of water for irrigation of 160 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.

The enclosed agreement has been modified to correct formatting abnormalities. The content of the rental application has not changed.

Pursuant to the Water Supply Bank Rules, 90% or \$11,520.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,280.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

Water Supply Bank

Enclosures: Receipt No. C108243
Rental Agreement (copy)

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 10, 2020

CLEFT OF THE ROCK FARMS
51 N 3350 E
AMERICAN FALLS, ID 83211

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 43-2409 B, AGREEMENT 373**

*****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 \$12,800.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 640 acre-feet.

Please send a check for \$12,800.00 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 \$11,520.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,280.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Amanda V. Bell".

Water Supply Bank

Enclosure

c: IDWR Front Desk
Greg Sullivan – Brockway Engineering

Dalgleish, Alex

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, December 16, 2019 10:15 AM
To: Dalgleish, Alex; ctrfamrs@hotmail.com
Subject: RE: Water Supply Bank Rental Application 1433

Alex,

Please process the rental for the 2020 irrigation season.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Dalgleish, Alex [mailto:Alex.Dalgleish@idwr.idaho.gov]
Sent: Friday, December 06, 2019 12:52 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>; ctrfamrs@hotmail.com
Subject: Water Supply Bank Rental Application 1433

Good afternoon,

The Department received a new rental application (number 1433) from Cleft of the Rock Farms back in June of this year. I am beginning to process the application now and Cleft of the Rock Farms requested to rent water right 43-2409B for a duration of 5 years.

I want to inform you that the lease of water right 43-2409B will expire at the end of 2020. As such, the Department can only approve rental application 1433 for one year, through 2020, to coincide with the expiration of the water lease.

It is unclear at this time if right 43-2409B will be leased into the bank beyond 2020. No further actions are required from you at this time. I simply wanted to provide you an explanation as to why the Department will only rent right 43-2409B to Cleft of the Rock Farms for the 2020 year.

If you have questions, comments or concerns, please feel free to contact me.

Best,

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

Dalglish, Alex

From: Skinner, Corey
Sent: Tuesday, December 10, 2019 11:08 AM
To: Erickson, Nathan; Dalglish, Alex
Subject: RE: WSB Rental 1433

I'm good if Nathan is good.

From: Erickson, Nathan
Sent: Tuesday, December 10, 2019 9:52 AM
To: Dalglish, Alex <Alex.Dalglish@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: WSB Rental 1433

Alex,
I don't see any problems with this rental.

Thanks,
Nathan

From: Dalglish, Alex
Sent: Monday, December 09, 2019 1:28 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: WSB Rental 1433

Good afternoon gentlemen,

I am processing a rental application #1433 from Cleft of the Rock Farms. Please see the attached documents and submit any comments within 7 days, by December 16th. If I do not hear from you by that date, I will assume that you have no objection to, concerns about, or conditions pertaining to the approval of the rental agreement.

Thank you,

Alex Dalglish
Water Resource Agent
Phone (208) 287-4913
alex.dalglish@idwr.idaho.gov

MEMORANDUM FOR AGREEMENT # 373

To: Water Right 43-2409B

From: Alex Dalglish

Date: 12/9/19

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received a rental application from Cleft of the Rock Farms (CRF) on June 13, 2019. The application proposes to rent the full amount of right 43-2409B leased into the Bank.

The application requested to rent right 43-2409B for 5 years, from 2020 through 20204. Right 43-2409B is currently leased into the bank indefinitely. However, indefinite Water Supply Bank leases will expire at the end of 2020. As a result, I sent an email to the applicant and Greg Sullivan of Brockway Engineering on 12/6/19 informing them that CRF could only rent the right for 1 year, to coincide with the expiration of the water lease.

AUTHORITY TO FILE: Ken Woodworth is listed as the applicant and a search of the Idaho Secretary of State website shows that he is authorized to do business under CFR. Greg Sullivan of Brockway Engineering is listed on the application as the consultant but it is not clear if he completed the application on behalf of Mr. Woodworth. Accompanying the rental agreement was a letter from Mr. Sullivan summarizing the rental request by CFR. Mr. Sullivan also states in this letter that CRF is actively searching for water rights to purchase to permanently move water to the rental location.

According to Department records, land at the rental POU and POD is owned by CRF. There are no concerns about the rental authority to file.

WATER RIGHT VALIDITY: Water right 43-2409B is owned by the Bureau of Land Management (BLM) for irrigation and was partially decreed on 6/28/2004. It has been leased into the bank since at least 2005 and in January 2008, the BLM submitted a request to indefinitely lease this right into the Bank.

Aerial imagery shows that the leased area has not been irrigated in 2017 or 2015. A search of the area using *Climate Engine* also showed no irrigation in the last 5 years at the place of use for right 43-2409B. There are no concerns with right 43-2409B at this time.

INJURY TO OTHER WATER RIGHTS: Water right 43-2409B has been rented by CRF from 2010-2014 and 2015-2019. It appears no injury has been reported with the past rentals. Therefore, no injury is anticipated at this time.

ENLARGEMENT OF USE: The rental does not request a change in nature of use or an increase in the rate, volume or number of acres authorized under right 43-2409B. Both the lease and rental areas share the same season of use from 3/15-11/15, headgate requirement of 4 AF/acre and the same consumptive use standard of 3 AF/acre. CRF will rent the full amount of right 43-2409B; 3.2 cfs, 640 AF and 160 acres. The lease area is inside the Critical Groundwater Management Area (CGWA) while the proposed rental location is outside of this management area. There are no perceived issues with renting the water outside of the CGMA. No concerns with enlargement are present.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental point of diversion is subject to Water District # 143. Comments were requested from Watermaster Nathan Erickson as well as Southern Region on 12/9/19.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUN 13 2019

DEPARTMENT OF
WATER RESOURCES

June 10, 2019

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

Re: Cleft in the Rock Farms Rental Amendment

Dear Mr. Buyer:

Cleft of the Rock Farms desires to rent a 160.0 acres of irrigation water in Basin 43. Cleft of the Rock Farms is actively searching for water rights to purchase to permanently move water to this location. No water has been secured at this time. The rental proposes to rent the water for a 5 year period of 2020 through 2024.

Water right 43-2409B was rented to this 160.0 acres for 2015 through 2019.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Ken Woodworth
Enc: Aerial Maps, Rental Application

CHARLES E.
BROCKWAY,
PH.D., P.E.

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