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MAY 18 2020

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 383

*pd \$160⁰⁰
4-18-20*

This is to certify that:

RANCH PROPERTIES LLC
3663 E 3500 N
KIMBERLY, ID 83341

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)
45-11969	6/1/1939	GROUND WATER	0.40	80.0	20.0	0.02	4.0
Combined Rental Totals			0.40	80.0	20.0	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: \$160.00

The full fee for the rental of the above-described right(s) is \$160.00 for 2020. The rental fee includes an administrative fee of \$160.00 for 2020. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 45-11969.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.40	80.0	20.0	0.02	4.0
Combined Total	0.40	80.0	20.0	0.02	4.0

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 383

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:

Ranch Properties, LLC

Vicki Patrick

Signature of Renter

4-18-20

Date

Vicki Patrick, member

Printed Name


4-18-20

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

5/29/2020

Rental approved by IDWR



Date

5/29/2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 383

10. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 140.
11. 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.
12. Prior to the diversion and use of water under this rental agreement, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
13. 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.
14. This right 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. 383

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.



The USDA-FSA 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



0 800 1,600 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 10 2019

DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Ranch 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.

MINIMUM REQUIREMENT CHECKLIST

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

Attachment	N/A	Yes	
		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
2		<input checked="" type="checkbox"/>	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Detailed information on a proposed use of rental water
3F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Authorization from the owner/operator of the rental point(s) of diversion
3H	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water modeling to account for the impacts of the rental request
3J	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	<input 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)

1533

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Ranch Properties, LLC
 Mailing Address 3663 E. 3500 N. Kimberly ID 83341
Street City State Zip Code
 Email Address vicki@patrickfarms.net Phone Number 208-731-4841

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

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**:

To irrigate 20 AC. from existing well pump and system.

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)
<u>0.40</u> CFS	<u>80</u> AF	CFS	AF	<u>20</u> 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?	
<u>3/15/20</u>	<u>4/1/20</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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):

irrigation well, pump, sprinkler 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
<u>pump</u>	<u>ground water</u>	

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 20 (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 right 1-10443 for irrigation from the Snake River for the same place of use is currently leased to the Water Supply Bank

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes No

Yes No

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
45-11969	irrigation	1.260	378.4	94.6		0.40	80	20
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	0.40	80	20
						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:

- 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

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.

Ron Patrick
Signature of Applicant

Ron Patrick
Printed Name of Applicant

12-9-19
Date

Vicki Patrick, member
Signature of Representative

Vicki Patrick
Printed Name of Representative

12-9-19
Date

Mail to:

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





0003447897



STATE OF IDAHO
 Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
 Idaho Secretary of State
 PO Box 83720
 Boise, ID 83720-0080
 (208) 334-2301
 Filing Fee: \$0.00

For Office Use Only
-FILED-
 File #: 0003447897
 Date Filed: 3/11/2019 2:18:58 PM

Entity Name and Mailing Address:
RANCH PROPERTIES, LLC
 The file number of this entity on the records of the Idaho Secretary of State is: 0000257933
 Address: 3663 E 3500 N
 KIMBERLY, ID 83341-5225

Entity Details:
 Entity Status: Active-Existing
 This entity is organized under the laws of: IDAHO
 If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W82665

The registered agent on record is:
 Registered Agent: **RON PATRICK**
 Registered Agent
 Physical Address:
 3663 E 3500 N
 KIMBERLY, ID 83341
 Mailing Address:

Limited Liability Company Managers and Members

Name	Title	Address
VICKI PATRICK	Member	3663 E 3500 N KIMBERLY, ID 83341
RON PATRICK	Member	3663 E 3500 N KIMBERLY, ID 83341
Scott Patrick	Member	3475 N. 3700 E. HANSEN, ID 83334

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

Ron Patrick _____ 03/11/2019
 Sign Here Date

Signer's Title: Member

B0197-9422 03/11/2019 2:19 PM Received by ID Secretary of State Lawrence Denney

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 45-11969

12/9/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RANCH PROPERTIES LLC 3663 EAST 3500 NORTH KIMBERLY, ID 83341
Previous Owner	JACK MC CALL PO BOX 87 HANSEN, ID 83334
Previous Owner	LARSEN PATRICK MC CALL PARTNERSHIP PO BOX 87 HANSEN, ID 83334 (208) 423-4444
Previous Owner	NEIL H LARSEN PO BOX 11 HANSEN, ID 83334 (208) 320-3200
Previous Owner	RON PATRICK PO BOX 87 HANSEN, ID 83334

Priority Date: 6/1/1939

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.260 CFS	378.4 AF
	<u>Total Diversion</u>		1.260 CFS	378.4 AF

Source and Point(s) of Diversion

GROUND WATER L9(ENE) Sec. 29, Twp 10S, Rge 24E, CASSIA County

Place Of Use

IRRIGATION within CASSIA County

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	24E	28						11.0	5.0											16.0
				L4	L4															
10S	24E	29	0.7		7.1	24.0					15.0	9.3					16.0			72.1
			L9		L9	L9					L11	L12								
10S	24E	30														5.7			0.8	6.5
																L8			L8	

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 45-11969

12/9/2019

POU Total Acres: 94.6

Conditions of Approval:

1. X35 Rights 01-10443 & 45-11969 when combined shall not exceed a total diversion rate of 1.89 cfs and the irrigation of 94.6 acres.
2. R05 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 01 and Water District 140.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
5. 214 Prior to the diversion and use of water under Transfer approval 76185, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

- | | | |
|--|-----------|-------------------|
| 1. jreeder
Updated Shape | 3/9/2010 | POD |
| 2. jreeder
Updated Shape | 3/9/2010 | POU |
| 3. cyenter
Updated Shape | 4/1/2010 | POD |
| 4. amerritt
This is now an approved transfer, transfer number = 76185 | 4/13/2010 | Transferred Right |
| 5. cwebster
Updated Lease Term per request received 9/21/2015 | 4/29/2015 | Water Supply Bank |

Dates and Other Information

Decreed Date: 7/11/2005
Civil Case Number: 39576
Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 45-11969

12/9/2019

State or Federal: S
Water District Number: 140
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.890		94.6
45-11969 ,1-10443		

SubCase:

N/A

Water Supply Bank:

Lessor Name: RANCH PROPERTIES LLC
Lease Status: Active
Lease Amount: 1.26cfs
Rental Availability: None
Date Received: 5/5/2010
Lease Begin Date: 5/6/2010
Expiration Date: 12/31/2020



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

June 3, 2020

RANCH PROPERTIES LLC
3663 E 3500 N
KIMBERLY ID 83341

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 45-11969, AGREEMENT 383**

Dear Renter:

Please find enclosed a receipt in the amount of **\$160.00** and a copy of a fully executed Water Supply Bank Rental Agreement of 80 acre-feet of water for irrigation of 20 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 the administrative fee or \$160.00 will be retained by the Department to offset administrative costs.

Please note, the Department removed a condition from your agreement. The condition read in part: *"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")...."* It was an unnecessary condition.

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

Sincerely,

A handwritten signature in black ink that reads "Jean Husley". The signature is written in a cursive style.

Water Supply Bank

Enclosures: Receipt No. C108653
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Brian Higgs – State Water District No. 140



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

April 15, 2020

RANCH PROPERTIES LLC
3663 E 3500 N
KIMBERLY ID 83341

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 45-11969, AGREEMENT 383**

*****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 **\$1,600.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 80.0 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$160.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$160.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


for Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

Memorandum

To: Water Right 45-11969

From: Justin Ferguson

Date: January 29, 2020

Re: Water Supply Bank Rental Application 1533

Purpose/Narrative: An application was received December 10, 2019 from Ms. Vickie Patrick on behalf of Ranch Properties LLC requesting a rental of their own water rights for a full five year period. From a review of the lease period, they will only be able to rent through the end of 2020 at which point the lease contract is set to expire. This application is a renewal of their previous rental from 2015 through the end of 2019.

The place of use is an island within the Snake River in Cassia County, near Burley. There is also an overlapping portion of surface water from water right 1-10443 from the Snake River appurtenant to the applicant’s place of use however, per the review below it was found that there would not be an enlargement should the applicant only rent the ground water.

Authority to File: Review of Cassia County parcel data indicates that Ranch Properties LLC is the current land owner and a review of IDWR records indicate that they are also the current water right holder. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The right was decreed through the SRBA in 2005 and offered for lease beginning in 2010 with a renewal extending the duration through the end of 2020. The right appears to be valid and there are no concerns at this time.

Injury Evaluation: No concerns of injury through the rental as the applicant is requesting to rent their own right back to themselves at the same place of use. No ESPA modeling is required as the rental location is within the same model grid cell as the lease point of diversion. The leased water right is also within the Trust Water Area however, as this is a rental against an already existing right the acreage toward the Trust Water has already been accounted for and no new acreage is being developed. Because the applicant is using their own right at the historic place of use, there are minimal concerns of injury to the Trust Water or to the ESPA.

Enlargement of Use: No enlargement is evident as the right being requested for rent is the applicant’s own right to be used at the same place of use it was decreed for. The groundwater can be lifted out of the combined limit and rented separately. The tables below illustrates the portions remaining should there be another rental proposed:

	Rate	Volume	Acres	Rate/Acre	Volume/Acre
45-11969	1.26	378.4	94.6	0.013	4
1-10443	0.87	174	43.5	0.020	4
Combined limit	1.89	378.4	94.6	0.020	4
Additive	2.13		138.1		
Difference	0.24		43.5		
	Rate	Volume	Acres	Rate/Acre	Volume/Acre
45-11969 Separate	0.68	204.4	51.1	0.013	4
45-11969 Overlapped With 1-10443	0.58	174	43.5	0.013	4
Total	1.26	378.4	94.6	0.013	4

Through the rental then it is possible to determine the amounts that remain rentable from both the ground water by itself or a combination of the surface and ground water as shown below:

Rental of 45-11969	Rental GW Clear	0.4	120.1	30	0.013	4.0
	Rental Remaining GW Clear	0.281	84.3	21.1	0.013	4.0
Remaining Clear GW for rent	Rental Remaining GW	0.281	84.4	21.1	0.013	4.0

Because there are acres within the place of use that do not overlap it is possible to remove the rental from only water right 45-11969 leaving 0.28 cfs and 84.3 acre feet for the irrigation of 21.1 acres. Should a larger rental be proposed a portion of the surface water would need rented to preserve the combined limits of the rights and avoid enlargement.

There are also overlapping Burley Irrigation District water rights however as the place of use is an island within the stream channel, it can reasonably be assumed they have not been used together. No concerns at this time.

Local Public Interest: Review staff have no information to suggest this rental 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/Watermaster Comments: Watermaster and IDWR Southern Region comments were requested January 29, 2020

Water Supply Bank Evaluation: Pending comments from the IDWR regional office and watermaster, Bank staff recommend the approval of this rental.

Ferguson, Justin

From: Ferguson, Justin
Sent: Wednesday, January 29, 2020 1:14 PM
To: Skinner, Corey; Olenichak, Tony; 'Brian@WaterWellConsultants.com'
Subject: WSB Rental Applications - Moo View Cow Palace & Ranch Properties
Attachments: Rental Review Memo.docx; Draft Lease Ranch Properties.docx; Rental Map Ranch Properties 45-11969.pdf; Rental Review Memo.docx; Draft Agreement Moo View Cow Palace.docx; Rental Map Moo-View Cow Palace.pdf

Afternoon!

Attached are the draft rental maps, memos, and agreements for Ranch Properties and Moo View Cow Palace. Please let me know if you have any comments or concerns, IDWR will assume you do not object to this application if a timely response is not received.

Thank you!