

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 377

This is to certify that:

ANDERSON FAMILY IRREVOCABLE TRUST
9689 GURDON DR
BOISE, ID 83704

RECEIVED

MAR 09 2020

DEPARTMENT OF
WATER RESOURCES

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
2-10579	12/6/1963	SNAKE RIVER	3.31	984.0	246.0	0.01	4.0
Combined Rental Totals			3.31	984.0	246.0	0.01	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, 2024. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2020, whichever occurs last.

Annual Rental Fee:

2020 - 2022: \$19,680.00 annually
2023 - 2024: \$22,632.00 annually

The full fee for the rental of the above-described right(s) is \$19,680.00 per year for years 2020 – 2022 and \$22,632.00 for years 2023 - 2024. The rental fee includes an administrative fee of \$1,968.00 per year for years 2020 – 2022 and \$2,263.20 for years 2023 and 2024.

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 377

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:

Mark R Anderson
Signature of Renter

3/6/2020
Date

Mark R Anderson
Printed Name

Trustee
Title

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

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

By Brian Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 5/21/2020

Rental approved by IDWR Angela M. Gunn

Date 5/21/2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 377

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER NESE Sec. 35, Twp 05S, Rge 09E, ELMORE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
3.31 CFS

VOLUME
984.0 AF

SEASON OF USE

From To
3/15 10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05S	09E	35				9.3 L7										0.4 L7				9.7
05S	09E	36			24	17			35	24	22	13 L4		8	L3	9	12	2.3 L1 33 L2	37 L1	236.3

Total Acres: 246.0

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. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

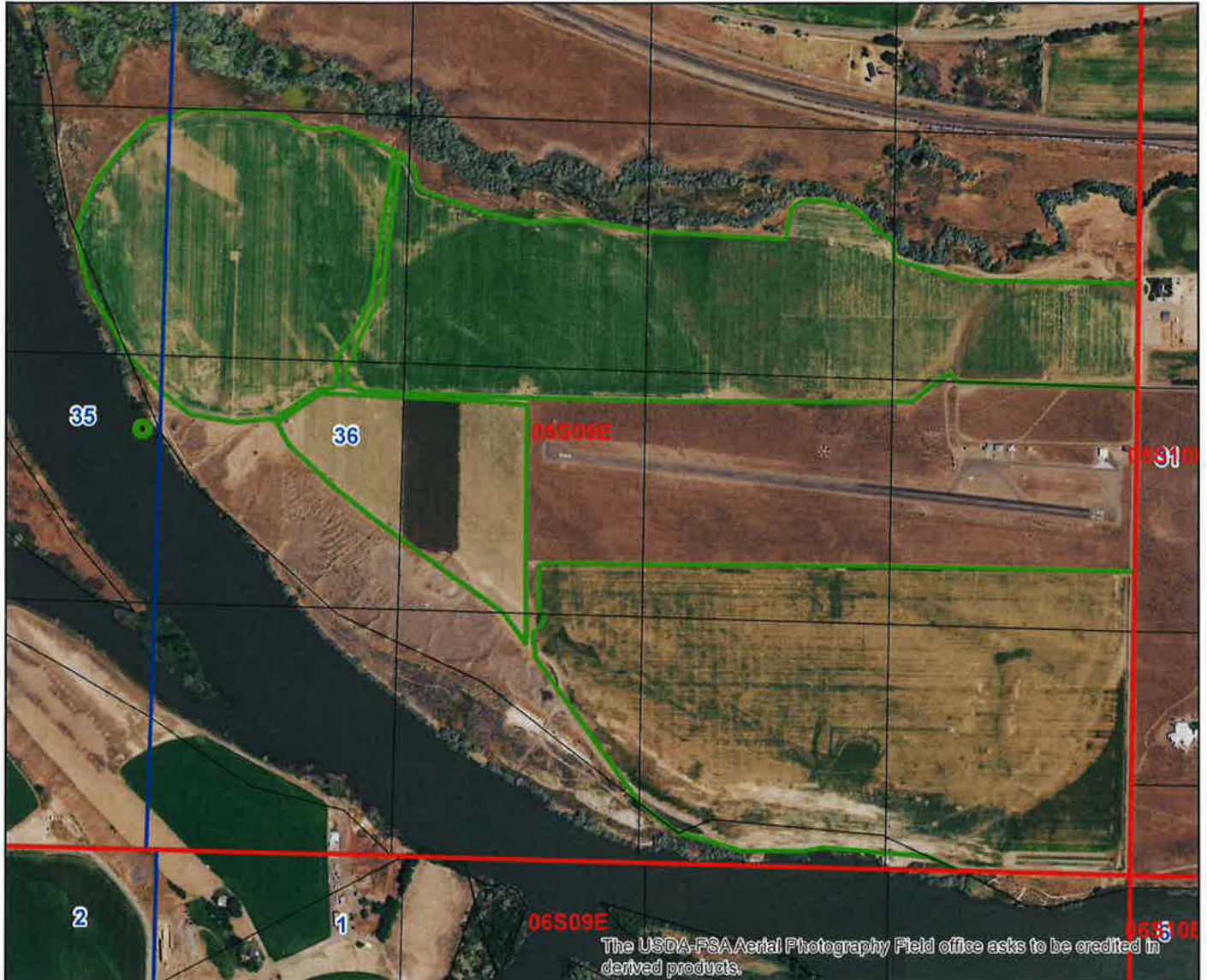
WATER SUPPLY BANK RENTAL AGREEMENT No. 377

10. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
11. 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. 02.
12. 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.
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.

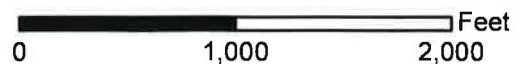
Idaho Water Resource Board Attachment to Water Supply Bank Rental Agreement No. 377

Effective until December 31, 2024

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 08 2019

DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Anderson Family Irrevocable Trust

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)

2-2262

10/14

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Anderson Family Irrevocable Trust

Mailing Address 9689 Gurdon Dr. Boise ID 83704
Street City State Zip Code
 Email Address wildmemories@aol.com Phone Number 208-912-3021

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**:

Renting additional water to irrigate acres developed in addition to original acres on this property farmed in the
past.

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)
3.44 CFS	984 AF	3.31 CFS	984 AF	246 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?	
3/15/2020	3/15/2020	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input checked="" 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):

Two ea. 75 HP pumps in snake river at designated POD for water right 61-02152 pumping to center pivots and hand lines

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
2 ea. 75 HP pumps	Snake River	61-02152

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 246 (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:

61-02152 Little Canyon Creek
Additional water required to irrigate added acres in excess of 61-02152 capacity

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)
2-2262	Irrigation	3.31	984	246		3.31	984	246
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	3.31	984	246
						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**:

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:

March 2015 rental agreement for 1022 AF from water right 2-2262

Unsuccessful at this time in negotiating a trade or purchase for additional water rights.

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.

Kerri M. Collins (Trustee)
Mark R. Anderson (Trustee)
Signature of Applicant

Kerri M. Collins
Mark R. Anderson
Printed Name of Applicant

_____ 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 Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.



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

May 26, 2020

ANDERSON FAMILY IRREVOCABLE TRUST
9689 GURDON DR
BOISE ID 83704

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-10579, AGREEMENT 377**

Dear Renter:

Please find enclosed a receipt in the amount of **\$19,680.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 984.0 acre-feet of water for irrigation of 246.0 acres during 2020. 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 \$17,712.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,968.00 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,

for Water Supply Bank

Enclosures: Receipt No. C108162
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Nick Miller– IDWR Western Regional Office
Rob Whitney – State Water District No. 02



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

ANDERSON FAMILY IRREVOCABLE TRUST
9689 GURDON DR
BOISE, ID 83704

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 372-10579, AGREEMENT 377**

*****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 \$19,680.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 984.0 acre-feet.

Please send a check for \$19,680.00 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 \$17,712.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,968.00 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 black ink that reads "Amanda Veihell". The signature is written in a cursive style.

f Water Supply Bank

Enclosure

c: IDWR Front Desk
Charles Honsinger – Honsinger Law PLLC

Memorandum

To: Water Right 2-10579

From: Justin Ferguson

Date: February 24, 2020

Re: Water Supply Bank Rental Application 1481

Purpose/Narrative: An application was received from Mr. Anderson requesting a rental of the entire portion of water right 2-10579 to supplement the water for Little Canyon Creek. The applicant is continuing a previous rental from 2015 through 2019 for an additional five years, ending in 2024. Mr. Anderson intends to pump Snake River water should the creek not provide enough water to irrigate the 246 acre place of use. Previously water right 2-2262 had been used to fill this rental however, the portions used have now been conveyed to Farm Development Corp and renumbered to 2-10579.

Authority to File: The application was signed and submitted by Mr. Mark Anderson and Ms. Kerri Collins, trustees of the Anderson Family Irrevocable Trust. No concerns of applicant's authority to file. A letter included with the previous rental signed by the mayor of Glens Ferry allowed Mr. Anderson to irrigate the land owned by the city which remains in effect.

Water Right Validity/Forfeiture Evaluation: The applicant had requested to use water right 2-2262 however, the portions used have been transferred and renumbered to 2-10579. No concerns about the validity of the water right.

Injury Evaluation: No injury is apparent through this rental. While the place of use does not fall within a ground water management area it is within a trust water area and is regulated by a watermaster. There are also unrelated water rights between the point of diversion for the lease and rental. Regulation by the watermaster should prevent any injury to any water rights with a senior priority.

Enlargement of Use: No enlargement is apparent as the applicant intends to use the water as supplemental to water right no. 61-2152 should there not be a sufficient supply through Little Canyon Creek. The rental does not change the nature of use and shares the same headgate standard and consumptive use as the lease. The place of use does fall within a trust water area however regulation by a watermaster should prevent any enlargement.

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 Western Region comments were requested February 24, 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: Monday, February 24, 2020 3:11 PM
To: Miller, Nick; Whitney, Rob; Erling, Jes
Subject: WSB Rental Agreements - Anderson Family, Idaho Power, and Grandview Mutual
Attachments: Draft Rental Agreement - Anderson Family Irrev. Trust.docx; Rental Map Anderson Family Irrevocable Trust.pdf; Rental Review Memo.docx; Rental Review Memo.docx; Draft Rental Agreement Idaho Power - Ripee Island.docx; Rental Map Idaho Power - Rippee Island.pdf; Rental Review Memo.docx; Draft Agreement Grandview Mutual.docx; Rental Map Grand View Mutual Canal.pdf

Afternoon!

Attached are the draft rental agreements, maps, and review memos for Anderson Family Irrevocable Trust, Idaho Power, and Grandview Mutual. 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!

From: mark anderson [mailto:wildmemories@aol.com]
Sent: Monday, December 23, 2019 9:43 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: wildmemories@aol.com
Subject: Re: Water Supply Bank Rental Application 1481

Remington,

Thank you for your prompt action on this. Your assumption on the reason additional water is being leased in addition to existing water right 61-2152 is correct. The water in Little Canyon creek is not reliable and therefore we rent water to back it up in the event it does run out and avoid any crop loss. The water in Little Canyon creek is difficult to depend on and know how much and how long it will last. Ours is one of the lower priorities on the system and flows vary depending on conditions and snow pack. I have sent payment of \$19,680.00 with a copy of your original e-mail enclosed as you requested to the department. Again I do appreciate your effort to work with me on this, Thank you.

Best Regards,

Mark Anderson

-----Original Message-----

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
To: wildmemories@aol.com <wildmemories@aol.com>
Cc: markanderson@micron.com <markanderson@micron.com>
Sent: Fri, Dec 20, 2019 4:14 pm
Subject: Water Supply Bank Rental Application 1481

Mr. Anderson,

I reviewed rental application 1481 this afternoon. I see that water right 61-2152 from Little Canyon Creek authorizes irrigation of 68 acres of the 246 acres intended to be irrigated, and I presume that the priority date for the right, and actual flows from Canyon Creek, result in little water being available for irrigation from this right and source, hence, why the rental is being sought. Is this correct? If not, could you please confirm how much and how long up to 68 acres of the property is typically irrigated with Canyon Creek water?

In recent years, the Anderson Family Irrevocable Trust rented a portion of water right 2-2262 to authorize irrigation of the property. In 2019, a portion of 2-2262 was conveyed from Grindstone Butte Mutual Canal Company to Farm Development Corporation Inc. Farm Development Corporation Inc has now leased into the Water Supply Bank 246 acres of their portion of water right 2-2262 (now renumbered to water right 2-10579), which can be rented to you beginning in 2020, and going through 2024. If the entirety of 246 acres of 2-10579 is rented by the Anderson Irrevocable Trust beginning in 2020, the annual rental fee payment for years 2020-2022 would be \$19,680.00, and it would rise to \$22,632 in years 2023 and 2024.

There is no requirement for you to make a payment for the rental application at this point. However, you've indicated you desire to submit the 2020 rental payment as soon as possible, and preferably, prior to the end of the calendar year. As such, if it is your desire, you may submit a payment of \$19,680.00, made payment to the Idaho Department of Water Resources, for the rental of water right 2-10579, in association with rental application 1481. Please include a copy of this email with your rental payment, so our Department staff will know how best to receipt it. Also, if there is any need to make an adjustment to the final rental payment, we will notify you once we conclude processing of rental application 1481.

I hope the above is of assistance to you. Please feel free to follow up if you have any questions.

Regards,

Remington Buyer

Water Supply Bank Coordinator

Idaho Department of Water Resources

322 East Front Street, Boise, ID, 83720

T: (208) 287-4918 | F: (208) 287-6700

Buyer, Remington

From: Buyer, Remington
Sent: Friday, December 20, 2019 4:14 PM
To: 'wildmemories@aol.com'
Cc: 'markanderson@micron.com'
Subject: Water Supply Bank Rental Application 1481

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