

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 326

RECEIVED

JUN 03 2019

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

COUNTY LINE FARMS

PO BOX 360

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)
29-14263	2/28/1958	GROUND WATER	0.39	160.0	40.0	0.01	4.0
Combined Rental Totals			0.39	160.0	40.0	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, 2023. 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 2019, whichever occurs last.

Annual Rental Fee:

2019 - 2021: \$3,200.00 annually

The full fee for the rental of the above-described right(s) is \$3,200.00 per year for years 2019 - 2021. The rental fee includes an administrative fee of \$320.00 per year for years 2019 - 2021.

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 326

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:

Country Line Farms Ben Monte Funk 05-29-2019
Signature of Renter Date

Monte Funk owner
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 Brian Patton 6/6/2019
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR Ch. W. [Signature] 6-6-2019
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 326

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENW Sec. 11, Twp 06S, Rge 29E, POWER County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.39 CFS

VOLUME
160.0 AF

SEASON OF USE

Water Right No. **From** **To**
29-14263 4/19 6/19

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	
06S	29E	11	40.0																40.0

Total Acres: 40.0

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
11. This rental does not authorize the construction of a well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

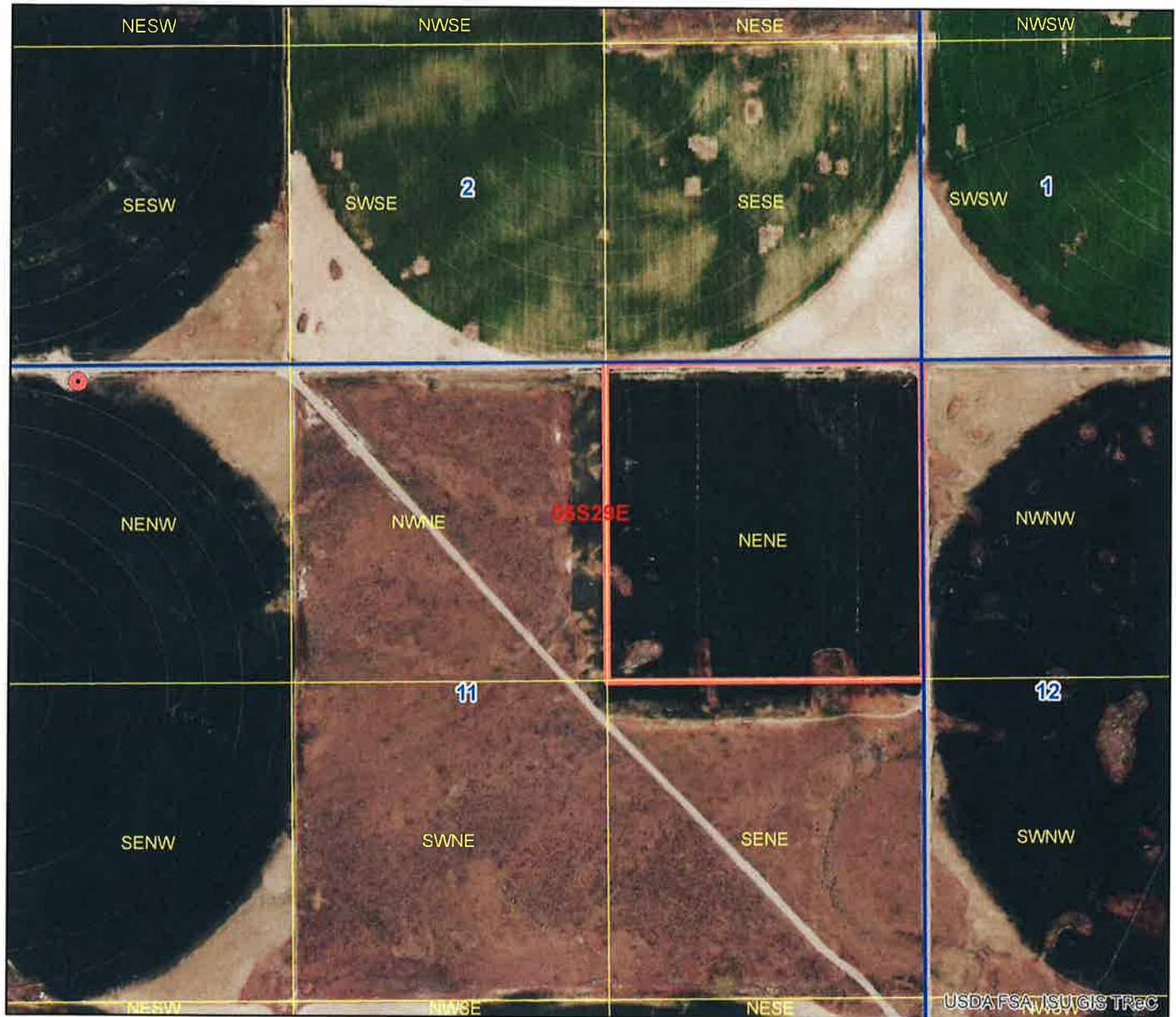
WATER SUPPLY BANK RENTAL AGREEMENT No. 326

12. Use of water under this rental will be regulated by a watermaster with responsibility for distribution of water among appropriators with a water district. At the time of this approval, this water right is within Stat Water district No. 120.
13. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 326

Effective until December 31, 2023

This map depicts the **Irrigation 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



0 0.05 0.1 0.2 Miles

RECEIVED

FEB 25 2019

Form 42-1761-2 10/15

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 15 2019

Department of Water Resources
Eastern RegionAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: County Line 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)

29 35-14263

1349

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant County Line Farms

Mailing Address P.O. Box 360 American Falls ID 83211
Street City State Zip Code
Email Address _____ Phone Number (208) 226-5207

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 Jason C. Helms, P.E. Professional Title _____
Organization JCH Engineering & Consulting, PLLC Relationship to Applicant Consultant
Mailing Address 6755 N. Albert Lane Idaho Falls, ID 83401
Email Address jasoncivil@alumni.nd.edu Phone Number (208) 308-2109

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Irrigation of prime land

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)
0.39 CFS	160.0 AF	0.39 CFS	160.0 AF	40.0 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?	
04/01/2019	06/01/2019	☐ 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 well with booster into mainline and 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
WMIS ID 600839	Ground Water	35-14198,14200,14202,14204,14206,14208

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 40 (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:
none

**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)
2935-14263	Irrigation	0.70	287	71.8		0.39	160	40.0
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	0.39	160	40.0
						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**:

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:

A similar rental has been previously approved for this right at this location. Permanent water rights are being sought but are difficult to acquire economically. Approval of this application will allow temporary beneficial use.

- 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:

Permanent water rights are being sought and this rental will only be discontinued with approval outside the irrigation season.

- 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.



Signature of Applicant



Printed Name of Applicant

02-15-2019

Date



Signature of Representative



Printed Name of Representative

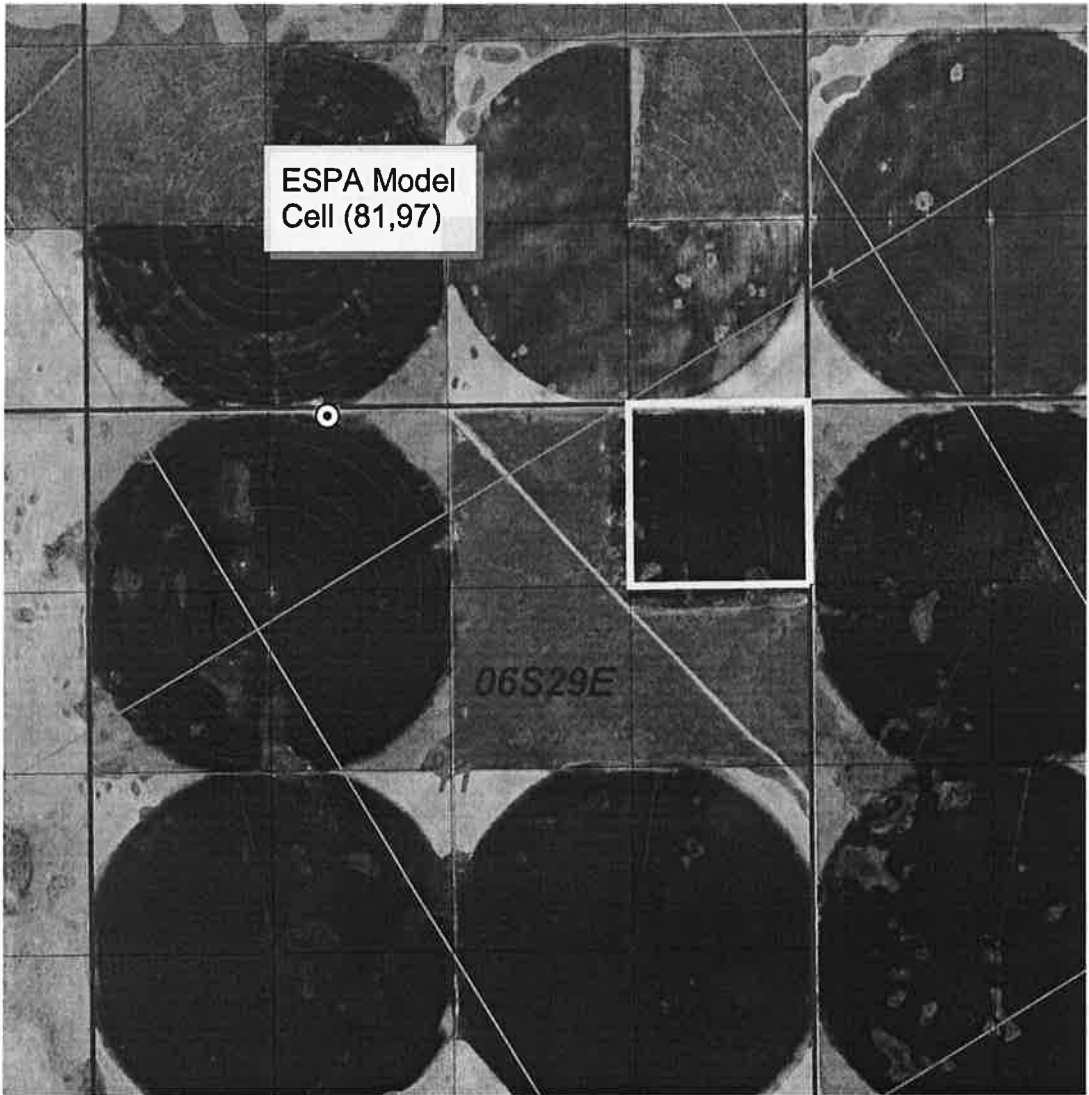
02-15-19

Date

Mail to:

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

**APPLICATION TO RENT A WATER RIGHT
FROM THE WATER SUPPLY BANK**



JCH - 02/05/2019

2017 NAIP Aerial Photo



⊙ Proposed Rental Point of Diversion
(WMIS# 600839)

40.0 ac.: Rental Place of Use

Township & Range

Sections

40s



ENHANCED GROUND-WATER RIGHTS TOOL

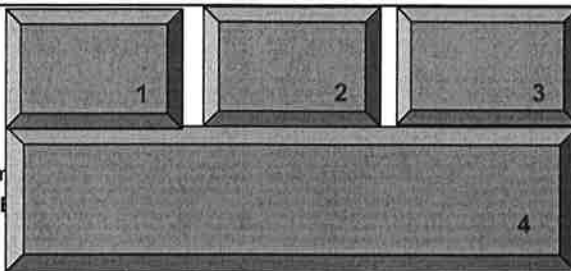
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1957
SEASON: SPRING

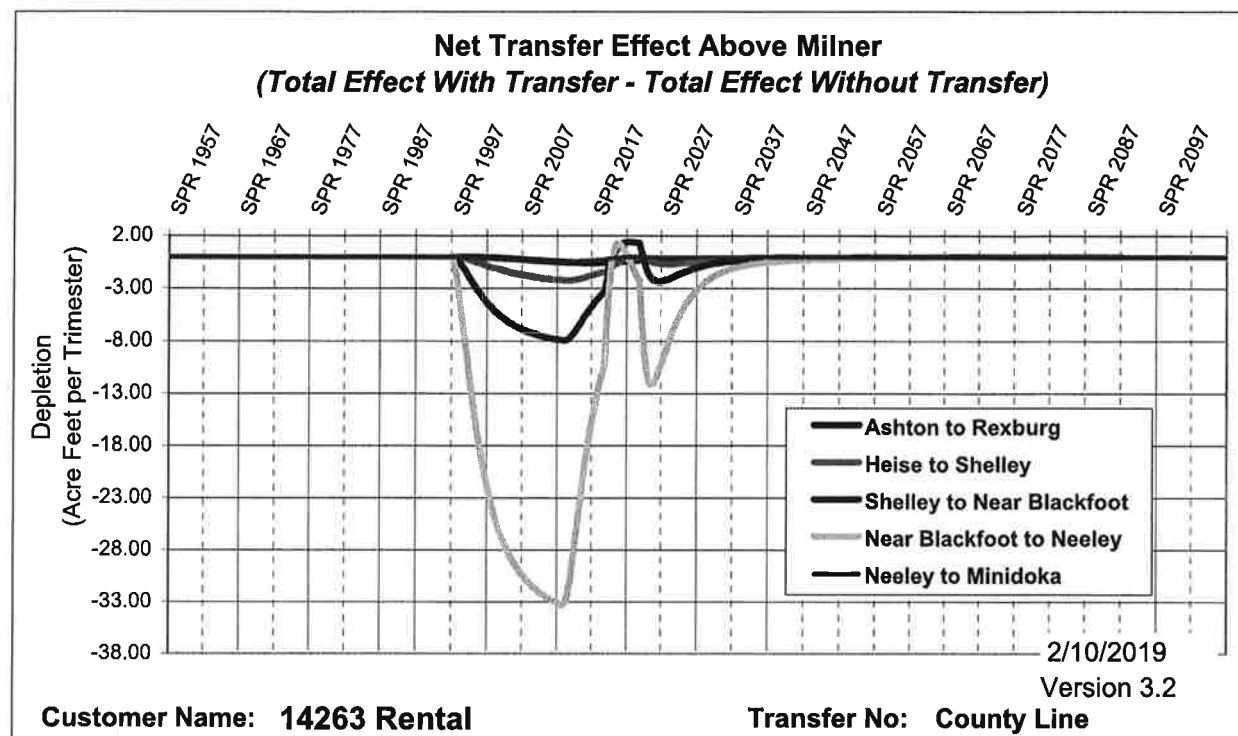
TRANSFER NO: County Line Farm
TRANSFER NAME: 14263 Rental



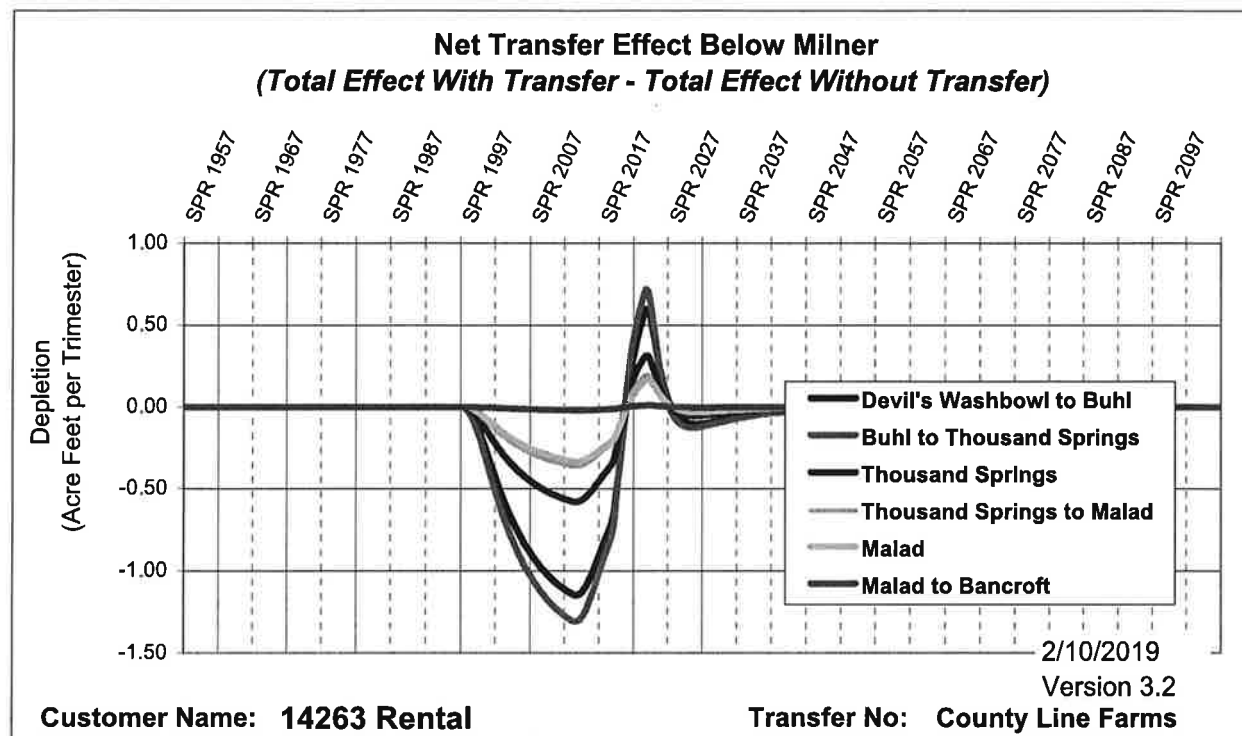
[acre-ft]
160

ENTER CELL LOCATIONS		'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL	29-14263 2/28/1958		160
ROW		81	97					
COLUMN		97	124					
6S29E-11NENW 29-14263						Total rental:		160
TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL		
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	
SPR 1957	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1957	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1957	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1958	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
SUM 1958	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
WIN 1958	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
SPR 1959	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
WIN 1996	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
SPR 1997	0.0	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SUM 1997	0.0	0.0	53.3	0.0	0.0	0.0	0.0	0.0
WIN 1997	0.0	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SPR 1998	0.0	0.0	53.3	0.0	0.0	0.0	0.0	0.0
WIN 2012	0.0	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SPR 2013	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
SPR 2018	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
SUM 2018	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
WIN 2018	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
SPR 2019	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SUM 2019	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
WIN 2019	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SPR 2020	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SUM 2020	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
WIN 2020	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SPR 2021	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SUM 2021	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
WIN 2021	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SPR 2022	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SUM 2022	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
WIN 2022	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SPR 2023	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SUM 2023	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
WIN 2023	53.3	0.0	53.3	0.0	0.0	0.0	0.0	0.0
SPR 2024	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
SPR 2106	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
SUM 2106	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0
WIN 2106	0.0	53.3	53.3	0.0	0.0	0.0	0.0	0.0

ATTACHMENT #3H
Data Entry



ATTACHMENT #3H
Impacts Above Milner



ATTACHMENT #3H
Impacts Below Milner



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 6, 2019

COUNTY LINE FARMS
PO BOX 360
AMERICAN FALLS ID 83211

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-14263 & 35-13861, AGREEMENT 322 & WATER RIGHT NO. 29-14263, AGREEMENT 326**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,316.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 165.8 acre-feet of water for irrigation of 41.5 acres during 2019. 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 \$2,984.40 of the rental fee will be paid to the lessor(s) and 10% or \$331.60 will be retained by the Department to offset administrative costs.

Also enclosed, a receipt in the amount of **\$3,200.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 160.0 acre-feet of water for irrigation of 40.0 acres during 2019. 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 \$2,880.00 of the rental fee will be paid to the lessor(s) and 10% or \$320.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

for Water Supply Bank

Enclosures: Receipt No. C106935 & C106936
Rental Agreements (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Blake Jordan – State Water District No. 120
Jason Helms – JCH 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

May 28, 2019

COUNTY LINE FARMS
PO BOX 360
AMERICAN FALLS ID 83211

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 29-14263, AGREEMENT 326**

*****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 \$3,200.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 160.0 acre-feet.

Please send a check for \$3,200.00 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 \$2,880.00 of the rental fee will be paid to the lessor(s) and 10% or \$320.00 will be retained by the Department to offset administrative costs.

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

Sincerely,



Water Supply Bank

Enclosure

c: IDWR Front Desk
Jason Helms – JCH Engineering & Consulting

MEMORANDUM FOR AGREEMENT # 326

To: Water Right(s) 29-14263

From: Alex Dalgleish

Date: 4/29/19

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

PURPOSE/NARRATIVE: The Department received a lease/rental companion package on 2/25/19. Robert Hart submitted an application to lease the full portion of right 29-14263 to the Bank. County Line Farms will rent 40 acres from the leased right. The remaining acreage (31.8 acres) will be rented by County Line Farms at another location under rental agreement 322.

AUTHORITY TO FILE: Jason Helms of JCH Engineering and Consulting PLLC, is listed as the representative/consultant of County Line Farms. Monty and Carolene Funk both signed the application. According to IDSOS, County Line Farms is owned in part by Monty and Carolene Funk. Monty and/or Carolene Funk own the land at the rental POU and POD.

WATER RIGHT VALIDITY: Water right 29-14263 appears to be valid. Right 29-14263 was decreed on 3/22/2004. It was split from parent right 29-2395 in 2018. The land irrigated by this water right was in the Conservation Reserve Enhancement Program (CRP) from 1997 through 2010. It was also placed into the WSB from 2013 through 2018. Placing the right in the Bank for another 5 years, 2019-2021, will continue ongoing forfeiture protection.

INJURY TO OTHER WATER RIGHTS: The rental included ESPA modeling with the application. Below is a table summarizing the inputs to the ETRAN model to check the application modeling:

process	grid cells	Date	AF/Trimester
Rental (To Cell)	Row 81, Col 97	2019-2023 rental	0 af /tri
Lease 29-14263 (From 1 Cell)	Row 97, Col 124	Spring 1958 priority	53af /tri
CREP contract active (zero's) 29-14263		1997-2010	0 af/tri
Rental term		2019-2023	53af/tir

Table 1

The modeling showed no action necessary to provide mitigation.

ENLARGEMENT OF USE:

Rental POD, WMIS ID 600839, shares the diversion point with various water rights. To avoid enlargement in water use, this rental will authorize diversion rates and application volumes that are consistent with the irrigation elements of water rights at the POD. Below is a summary of the rights and their respective combined limits:

Basin	Sequence	Priority	Diversion	Total Acres	Acre Limit	Volume	cfs/acre	af/acre
35	7246 G	9/5/1972	2.8	562	225	900	0.012	4
35	7959 B	3/18/1981	1.2	562	60	240	0.02	4
35	7960 C	3/19/1981	1.57	562	106	424	0.015	4
35	7965 B	3/19/1981	0.52	562	40	160	0.013	4
35	7968 B	3/23/1981	1.03	562	63	252	0.016	4
Total			7.12		494	1976	0.077	4
Limits			7.37	562	562	2248		
difference			0.25		68	272		
35	14198	9/5/1972	1.33	266	106.5	426	0.012	4.00
35	14200	3/18/1981	0.57	266	28.4	113.6	0.020	4.00
35	14202	3/18/1981	0.74	266	50.2	200.7	0.015	4.00
35	14204	3/23/1981	0.25	266	18.9	75.7	0.013	4.01
35	14206	3/23/1981	0.49	266	29.8	119.3	0.016	4.00
Total			3.38		233.8	935.3	0.077	
Limits			3.49	266		1064		
Difference			0.11			128.7		
35	14199	9/5/1972	1.47	246.6	118.5	474	0.012	4
35	14201	3/18/1981	0.63	246.6	31.6	126.4	0.020	4
35	14203	3/18/1981	0.83	246.6	55.8	223.3	0.015	4.00
35	14205	3/23/1981	0.1	246.6	7.5	30	0.013	4
35	14207	3/23/1981	0.32	246.6	33.2	132.7	0.010	4.00
Totals			3.35		246.6	986.4	0.070	
Limits			3.35		260.2	1040.8		
Difference					13.6	54.4		
35	14208	10/26/1987	0.4	266	32.2	128.7	0.012	4.00
35	14206	3/23/1981	0.49	266	29.8	119.3	0.016	4.00
total			0.89	532	62	248	0.029	
Limits			0.61					

The combined limit condition for the rental agreement is consistent with the combined limits of the overlapping rights at the rental request. The rental requests .39 cfs, 160 af and 40 ac. The calculated rental rates are as follows: cfs/acre is .001 (.39cfs/ 40 acres) and volume is .04af (160 af/40 acres= 4af/acre). No concerns for enlargement of use.

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 POD is subject to Water District # 120, Groundwater District Aberdeen-American Falls and within the ESPA. Comments were requested from Watermaster of district 120 and Eastern Region on 4/17/19 but no response was received as of 4/29/19.