

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 322

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	0.31	127.0	31.8	0.01	4.00
35-13861	3/23/1981	GROUND WATER	0.13	38.8	9.70	0.01	4.00
Rental Totals			0.44	165.8	41.5	0.01	4.00

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2019. 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 - 2020: \$3,316.00 annually

The full fee for the rental of the above-described right(s) is \$3,316.00 per year for years 2019 - 2020. The rental fee includes an administrative fee of \$331.60 per year for years 2019 - 2020.

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

Total Water Use Authorized Under Rental Agreement

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 322

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:

County line Farms Ber 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 Date 6/6/2019
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR C. Webb Date 6-6-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 322

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec. 15, Twp 06S, Rge 29E, POWER County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.44 CFS

VOLUME
165.80 AF

SEASON OF USE

Water Right No.	From	To
35-13861	4/1	6/1
29-14263	4/1	6/1

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	9													30.0			29.0	59.0
06S	29E	10										31.0	29.0						60.0

Total Acres: 119.0

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.

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 322

11. This rental does not authorize the construction of a well.
12. 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 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 diversion(s).

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 322

Effective until December 31, 2020

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



USDA FSA, ISU GIS TR&C



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

0 0.125 0.25 0.5 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 15 2019

Department of Water Resources
Eastern Region

RECEIVED

FEB 25 2019

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKDEPARTMENT OF
WATER RESOURCES

Applicant 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)

29-14263

35-13861

1350

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)
0.44 CFS	165.8 AF	0.44 CFS	165.8 AF	41.5 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 A0006637	Ground Water	35-14395

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 41.5 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒

If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐

If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

Existing water right 35-14395 currently authorizes irrigation of 71 acres within a 160 acre permissible place of use. This rental will be used in addition to the existing water right.

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)
29-14263	Irrigation	0.70	287	71.8		0.31	127.0	31.8
35-13861	Irrigation	0.13	38.8	9.7		0.13	38.8	9.7
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	0.44	165.8	41.5
						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 at this location. Application for transfer #82959 is currently in processing to provide permanent 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:

Application for transfer #82959 is currently in processing but will not be completed while this rental is active.

- 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.



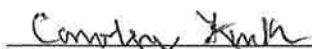
Signature of Applicant



Printed Name of Applicant



Date



Signature of Representative



Printed Name of Representative

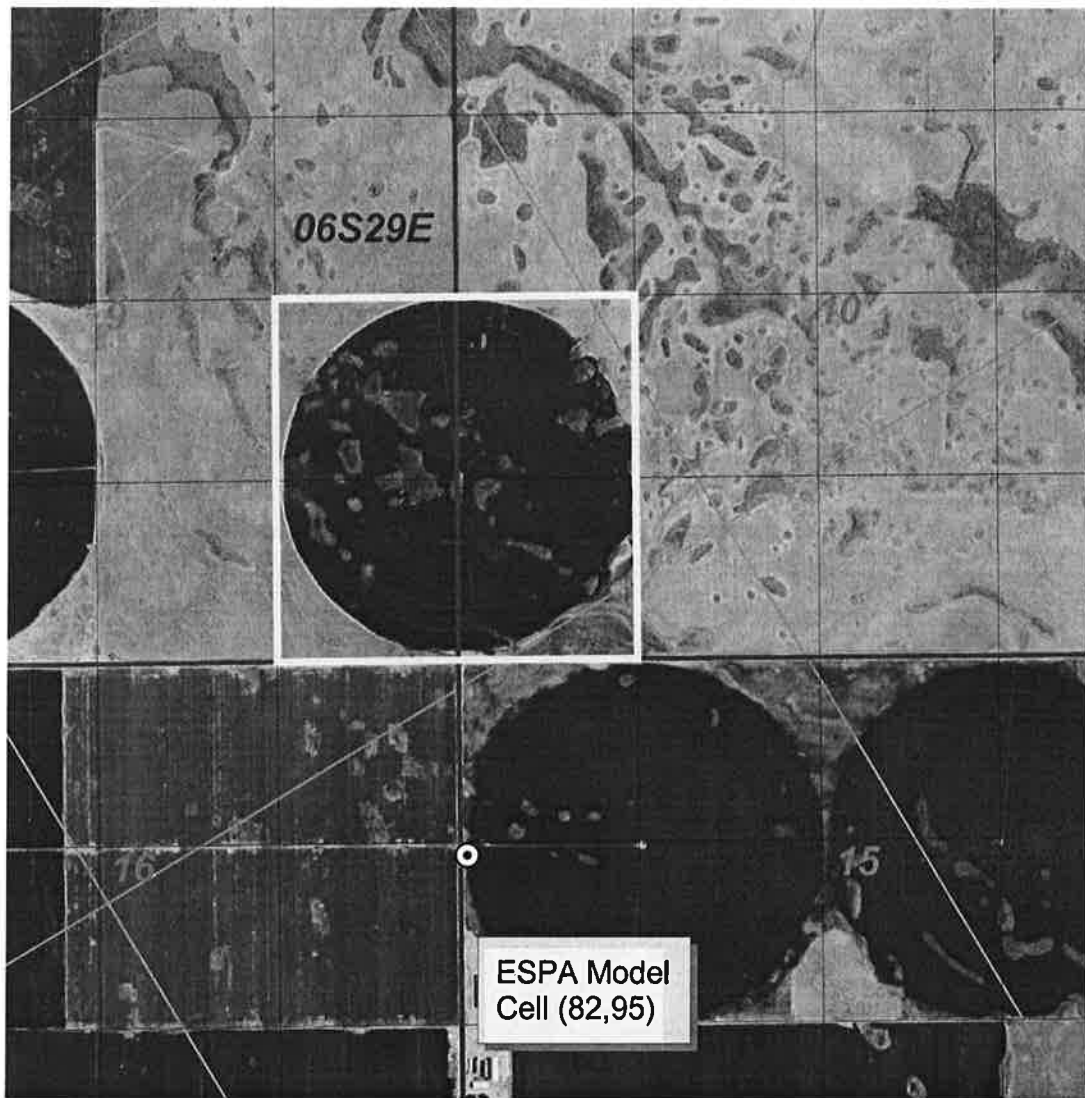


Date

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 - 02/08/2019

2017 NAIP Aerial Photo

0.25 0 0.25 0.5 Miles



Proposed Rental Point of Diversion
(WMIS# A0006637)



Rental Place of Use (Extg. 35-14395)



Township & Range



Sections



40s



ATTACHMENT #3

ENHANCED GROUND-WATER RIGHTS TOOL

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE | IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are
set up for user entries

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH

"UPDATE DATES" BUTTON

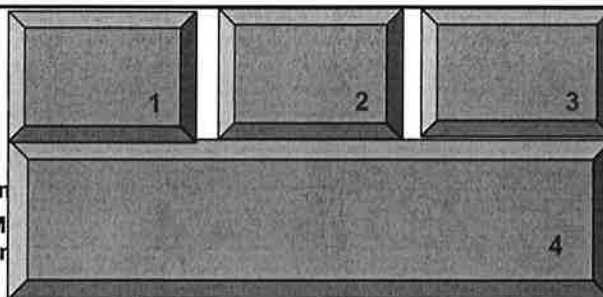
YEAR
SEASON

TRANSFER NO:

County Line Farm

TRANSFER NAME

14263, 13861 Rental



[acre-ft]

ENTER CELL LOCATIONS:

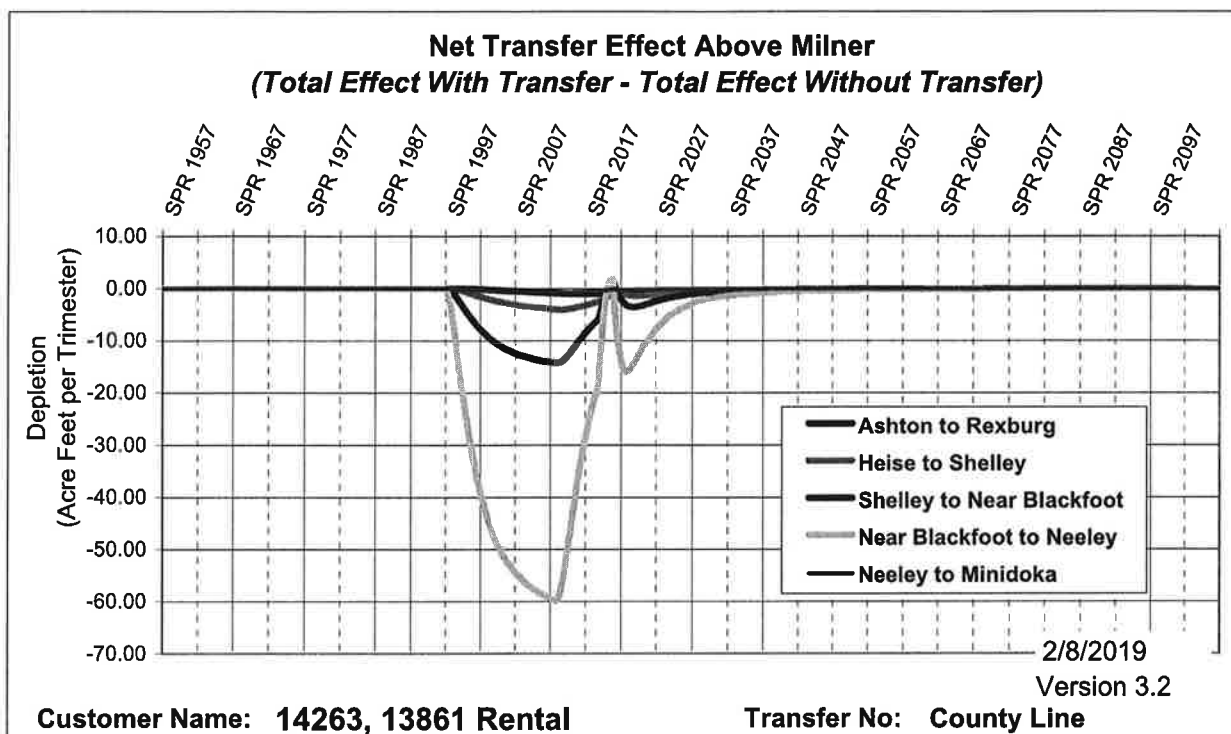
	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	82	97	84	
COLUMN	95	124	96	

29-14263 2/28/1958 287

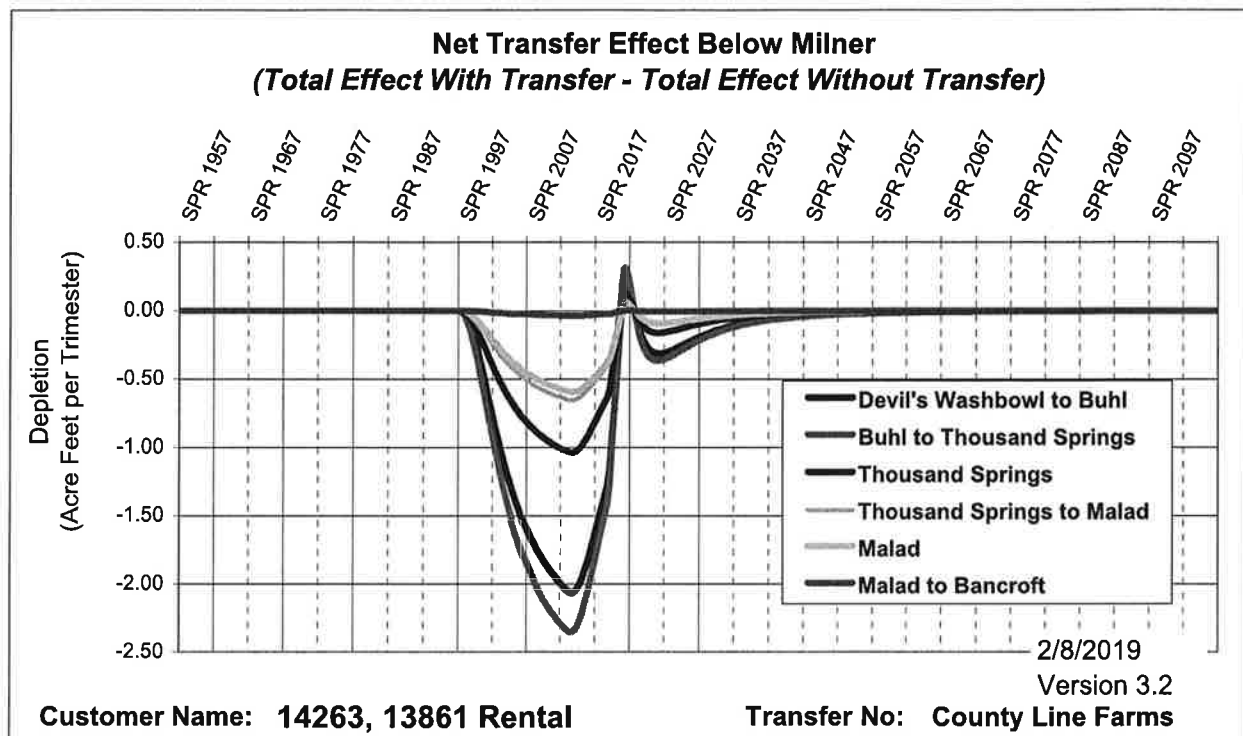
35-13861 3/23/1981 38.8

6S29E-15SWNW		29-14263	35-13861	Total rental: 325.8			
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
SUM 1957	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
SPR 1958	0.0	95.7	95.7	0.0	0.0	0.0	0.0
WIN 1980	0.0	95.7	95.7	0.0	0.0	0.0	0.0
SPR 1981	0.0	95.7	95.7	12.9	12.9	0.0	0.0
WIN 1996	0.0	95.7	95.7	12.9	12.9	0.0	0.0
SPR 1997	0.0	0.0	95.7	12.9	12.9	0.0	0.0
WIN 2012	0.0	0.0	95.7	12.9	12.9	0.0	0.0
SPR 2013	0.0	95.7	95.7	12.9	12.9	0.0	0.0
SPR 2018	0.0	95.7	95.7	12.9	12.9	0.0	0.0
SUM 2018	0.0	95.7	95.7	12.9	12.9	0.0	0.0
WIN 2018	0.0	95.7	95.7	12.9	12.9	0.0	0.0
SPR 2019	108.6	0.0	95.7	0.0	12.9	0.0	0.0
SUM 2019	108.6	0.0	95.7	0.0	12.9	0.0	0.0
WIN 2019	108.6	0.0	95.7	0.0	12.9	0.0	0.0
SPR 2020	108.6	0.0	95.7	0.0	12.9	0.0	0.0
SUM 2020	108.6	0.0	95.7	0.0	12.9	0.0	0.0
WIN 2020	108.6	0.0	95.7	0.0	12.9	0.0	0.0
SPR 2021	0.0	95.7	95.7	12.9	12.9	0.0	0.0
SUM 2021	0.0	95.7	95.7	12.9	12.9	0.0	0.0
WIN 2021	0.0	95.7	95.7	12.9	12.9	0.0	0.0
SPR 2022	0.0	95.7	95.7	12.9	12.9	0.0	0.0
SPR 2106	0.0	95.7	95.7	12.9	12.9	0.0	0.0
SUM 2106	0.0	95.7	95.7	12.9	12.9	0.0	0.0
WIN 2106	0.0	95.7	95.7	12.9	12.9	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 NOS. 29-14263 and 35-13861, AGREEMENT 322

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 \$3,316.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 165.8 acre-feet.

Please send a check for \$3,316.00 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 \$2,984.40 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.

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

Sincerely,

For Water Supply Bank

Enclosure

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

MEMORANDUM FOR AGREEMENT # 1350

To: Water Right(s) 29-14263, 35-13861
From: Alex Dalglish
Date: 4/22/19
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. County Line Farms submitted both the lease and rental. The lease application was submitted to give a portion of right 35-13861 to the Bank for this rental. Robert Hart is also leasing the full portion of his right 29-14263 to the Bank for the use in part with this rental. County Line Farms will rent the remainder of 29-14263 at another location under agreement 326.

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 rights 35-13861 and 29-14263 appear to be valid. Parent water right 35-7965A was split into 35-13860 and 35-13861. Water right 35-13861 was decreed on 2/25/2002. Department records indicate irrigation as recently as 2018. In 2018, right 29-2395 was split into 29-14263. 29-14263 was decreed on 3/22/2004. The land irrigated by this water right was in the Conservation Reserve Enhancement Program (CRP) from 1997 through 2010. The parent right was also placed into the WSB from 2013 through 2015. Placing the right in the Bank for another 3 years, 2019-2021, will continue ongoing forfeiture protection.

INJURY TO OTHER WATER RIGHTS: The rental included ESPA modeling with the application. No mitigation is necessary. Analysis was completed for the 2019 year only in order to reflect the irrigation at the POU under transfer 82959, which will start in 2020 according to Jason Helms. Inputs for the modeling are summarized in the table below:

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
Lease 35-13861 (from 2 Cell)	Row 84, Col 96	Summer 1981 Priority	13 af/tri
CREP contract active (zero's) 29-14263		1997-2010	0 af/tri
Rental term		2019-2023	53af/tir

Table 1

ENLARGEMENT OF USE:

Rental POD, WMIS ID A0006637, has water rights 35-14395, 35-14396, 35-14625, 35-14626, 35-14627, 35-2751B, 35-7477B, 35-7477C, 35-8002B, 35-8195B and 35-8338B. All are owned by Monty and Carolene Funk and used for irrigation, except 35-14396 for commercial use.

Below is a summary of the various combined limits on the rights at the rental POD.

Basin	Sequence	Process	Priority	Diversion Rate	Total Acres	Acre Limit	Volume	cfs/acre	af/acre
35	2751 B	water right	8/21/1964	0.03	314	5	12.7	0.006	2.54
35	7477 C	water right	2/12/1975	3.97	314	200	800	0.01985	4
35	8002 B	water right	11/13/1981	0.24	314	12	48	0.02	4
35	8195 B	water right	6/30/1983	0.27	314	15	60	0.018	4
35	8338 B	water right	1/27/1984	0.07	314	5	20	0.014	4
sum				4.58		237	940.7	0.07785	
limits				4.58		232	928		
difference						5	12.7		
35	2751 B	water right	8/21/1964	0.03	314	5	12.7	0.006	2.54
35	8338 B	water right	1/27/1984	0.07	314	5	20	0.014	4
limits						5	20		
35	2751 B	water right	8/21/1964	0.03	314	5	12.7	0.006	2.54
35	8002 B	water right	11/13/1981	0.24	314	12	48	0.02	4
35	8195 B	water right	6/30/1983	0.27	314	15	60	0.018	4
35	8338 B	water right	1/27/1984	0.07	314	5	20	0.014	4
limits				0.61		32	128		
sum				0.61		37	140.7	0.058	
difference						5	12.7		
Rented Rights:									
Basin	Sequence	Process	Priority	Diversion Rate	Total Acres	Acre Limit	Volume	cfs/acre	af/acre
35	13861		29668	0.13	9.7		38.8	0.013	4
29	14263		21244	0.31	31.8		127	0.010	4.00
Sum				0.44	41.5		165.8	0.023	4

In total, the rented rights have a sum of .02 cfs/acre and 4.0 af/acre which will not enlarge the irrigation use. The rental agreement, if approved will have a condition limiting the combined water use to the standards for irrigation of .02 cfs/acre and 4.0 AF/acre.

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: Transfer No. 82959 was approved March 8, 2019 to provide irrigation at the proposed rental POU. The transfer provides combined totals of .57 cfs, 786.4 af and a 46.6 acre limit. This rental requests .44 cfs, 165.8 af and 41.5 acres. The active transfer fulfills the amounts requested by this rental, therefore, the validity of the rental is unclear. An email was sent to representative Jason Helms on 4/15/19 to understand the extent of beneficial use gained under the rental. He responded the same day stating that County Line Farms did not expect the transfer to be approved and changes to the irrigation system to reflect the transfer will begin after the 2019 season. This still does not explain why the transferred rights at the rental POU cannot be used. The well proposed under this rental is the same well from which recently transferred water rights 35-14625, 35-14626 and 35-14627 are authorized to be diverted. The difference between the transfer and this rental are simply the water rights involved. If the rental agreement is approved, those transferred rights would be subject to 1 year of non-use for the 2019 irrigation season.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental POD is subject to Water District # 120. Comments from Watermaster of District 120 and Eastern Region were not received.

Dalgleish, Alex

From: Jason Helms <jasoncivil@alumni.nd.edu>
Sent: Monday, April 15, 2019 2:56 PM
To: Dalgleish, Alex
Subject: Re: County Line Farms Rental

Hi Alex,

We honestly didnt expect those transfers to be approved this year and I understand that County Line Farms plans to make the system changes authorized by the transfer after the 2019 season.

Hope that's ok.

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC

(208) 308-2109

On Mon, Apr 15, 2019 at 11:48 AM Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov> wrote:

Jason,

After partial review of the rental application submitted by County Line Farms, the validity of the proposed rental is unclear. The rental proposes to use water from rights 29-14263 and 35-13861 for a total of .44 cfs, 165.8 af and 41.5 acres for irrigation. On the rental application, it states that transfer number 82959 is in processing to provide permanent water rights at the rental place of use and will not be completed while this rental is active. However, transfer 82959 was approved March 8, 2019 and satisfies the proposed rental amounts requested by County Line Farms. With this active transfer, the Dept. would likely not approve this rental when irrigation is already provided by the transfer. Can you please provide an adequate reason for the purpose of the rental request?

Thank you,

Alex Dalgleish

Water Resource Agent

Phone (208) 287-4913

alex.dalgleish@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 16, 2019

COUNTY LINE FARMS
PO BOX 360
AMERICAN FALLS, ID 83211

RESPONSE DEADLINE:
May 17, 2019

RE: Action Required on WSB Rental Application 1350

Dear Applicant,

The Department of Water Resources (Department) has reviewed your Water Supply Bank rental application and the following items are required to continue processing your application:

- Explanation of the additional beneficial use of water that will be accomplished through a Water Supply Bank rental.

The rental application requested an authorization to rent 41.5 acres from water rights 35-13861 and 29-14263. IDWR's review of the rental place of use (POU) indicates that existing water rights 35-14395, 35-14625, 35-14626 and 35-14627 currently authorize 117.6 acres of irrigation. These rights are all owned by Monty and Carolene Funk.

Your consultant/representative Jason Helms provided the Department with a shapefile for the rental POU, which indicated the area to be irrigated would total approximately 110 acres. The rental POU of 110 acres appears to be fully within the 117.6 acres already authorized to be irrigated under existing rights.

Water Supply Bank rules require that all rentals be evaluated to determine that a beneficial use of water will occur through a rental. In light of the above information, it is not clear that his rental proposes an additional beneficial use of water. Accordingly, **please clarify the specific number of acres what will be irrigated by you at the rental place of use during 2019, and please further clarify how your Water Supply Bank rental will authorize any additional irrigation use.**

Furthermore, Transfer 82959 was approved March 8, 2019 and allows additional irrigation of 46.6 acres within the 160 acre POU. If system changes related to the transfer will not be completed until after 2019, your proposed rental can be approved for the 2019 irrigation season, once you clarify where the additional 41.5 acres of irrigation will occur.

Please provide us with answers to the above questions within 30 days (deadline of May 17, 2019), so that we can finalize processing of your application. If we do not hear from you prior the established deadline, your application may be returned to you.

If you have any questions, please contact me at (208) 287-4913

Regards,

Alex Dalglish
Water Resource Agent

CC: Jason Helms, JCH engineering and Consulting, PLLC.