

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 320

This is to certify that:

SALMON FALLS LAND & LIVESTOCK CO INC
MICHAEL J HENSLEE
95A BELL RAPIDS RD
HAGERMAN, ID 83332-6039

RECEIVED

MAY 16 2019

**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)
2-7462	9/29/1969	SNAKE RIVER	0.16	32.1	8.0	0.004	4.01
2-7249	2/7/1977	SNAKE RIVER	0.24	51.8	13.0	0.018	3.98
Combined Limit Totals			0.24	77.6	19.4	0.019	4.00
Combined Rental Totals			0.24	77.6	19.4	0.019	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, 2020. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2019, whichever occurs last.

Annual Rental Fee:

2019 - 2020: \$155.20 annually

The full fee for the rental of the above-described right(s) is \$155.20 per year for years 2019 - 2020. The rental fee includes an administrative fee of \$155.20 per year for years 2019 - 2020. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 2-7462 and 2-7249.

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. 320

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:

Salmon Falls Land & Livestock Co.
by Michael J. Henslee V.P.
Signature of Renter
Salmon Falls Land & Livestock Co.

5/15/19
Date

by Michael J. Henslee V.P.
Printed Name

Vice President
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 *5/17/2019*

Rental approved by IDWR

Cheryl W.

Date *5-17-2019*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 320

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER NESE Sec. 7, Twp 08S, Rge 14E, TWIN FALLS County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.24 CFS

VOLUME
77.6 AF

SEASON OF USE

Water Right No.	From	To
2-7249	4/1	10/31
2-7462	4/1	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	
08S	14E	7									19.4								19.4

Total Acres: 19.4

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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than originating approval/SRBA partial decree date.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 320

10. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
11. Water shall not be diverted under this right unless the flow of the Snake River exceeds flows required by prior downstream minimum stream flow rights.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 320

Effective until December 31, 2020

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



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

JAN 31 2019

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Salmon Falls Land & Livestock Co. Inc.

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)

2-7249

2-7462

1334

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Salmon Falls Land & Livestock Co. Inc. c/o Mr. Michael Henslee
- Mailing Address 95-A Bell Rapids Road Hagerman, ID 83332
- Street City State Zip Code
- Email Address _____ Phone Number 208-837-6053
- 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 Zach Latham Professional Title Hydrologist
- Organization Brockway Engineering PLLC Relationship to Applicant Consultant
- Mailing Address 2016 Washington St. North, Suite #4 Twin Falls, ID 83301
- Email Address zach.latham@brockwayeng.com Phone Number 208-736-8543

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

- A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:
- Irrigation use of 19.4 acres of BLM land, see attached consent from BLM.

- 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)
0.24 CFS	77.6 AF	0.24 CFS	77.6 AF	19.4 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?	
3/15/19	4/1/19	☐ 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):

Point of diversion is owned by applicant. Applicant seeks to rent back portions of 2-7249 and 2-7462 for irrigation of BLM lands, see authorization by BLM for irrigation by applicant.

- 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
Existing pump station.	Snake River.	2-7249 and 2-7462.

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 19.4 (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.

N/A.

- 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. Land being irrigated by applicant does not have a water right appurtenant to it, hence the need for this rental application.

**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)
2-7249	Irrigation	1.87	406.3	101.6		0.24	107.0	13.0
2-7462	Irrigation	1.25	252.0	63.0		0.16	32.1	8.0
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	0.24	77.6	19.4
						CFS	AF	AC

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

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

N/A.

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

N/A.

**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:
See previously approved 2018 rental, which is identical to this rental request.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☒ No ☐

Applicant seeks to permanently transfer a portion of 2-7249 and 2-7462 in the near future.

- 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.

N/A.

- 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.

Salmon Falls Land & Livestock Co.

by Michael J. Henslee V.P.

Signature of Applicant

Michael J. Henslee V.P.

Printed Name of Applicant

1/28/19

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

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.



0 100 200 400 Feet

SALMON FALLS LAND & LIVESTOCK CO INC
WATER SUPPLY BANK RENTAL 2019-20

BROCKWAY ENGINEERING, PLLC.
ICB - Date: 1/22/2019

2017 NAIP AERIAL

- Salmon Falls L&L- PPU
- WSB Rental Area - 19.4 ac.





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 20, 2019

SALMON FALLS LAND & LIVESTOCK CO INC
95A BELL RAPIDS RD
HAGERMAN ID 83332-6039

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-7249 and 2-7462, AGREEMENT 320**

Dear Renter:

Please find enclosed a receipt in the amount of **\$155.20** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 77.6 acre-feet of water for irrigation of 19.4 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, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the rights.

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

Sincerely,


For Water Supply Bank

Enclosures: Receipt No. C106813
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Rob Whitney – State Water District No. 02
Jes Erling - IDWR
Zach Latham – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 13, 2019

SALMON FALLS LAND & LIVESTOCK CO INC
MICHAEL J HENSLEE
95A BELL RAPIDS RD
HAGERMAN ID 83332-6039

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-7249 and 2-7462, AGREEMENT 320**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$1,552.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 77.6 acre-feet. Since you are both the lessor and the renter of the rights, **you are only obligated to pay the 10% administrative fee or \$155.20.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$155.20 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Water Supply Bank

Enclosure

c: IDWR Front Desk
Zach Latham – Brockway Engineering

MEMORANDUM FOR LEASE CONTRACT 966 AND RENTAL AGREEMENT 320

To: Water Right(S) 2-7249 and 2-7462

From: Michele Edl

Date: May 8, 2019

Re: Review & Analysis of Companion Applications to Lease and Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Companion lease-rental applications were received on January 31, 2019. The package was submitted by Zach Latham of Brockway Engineering on behalf of Salmon Falls Land & Livestock.

Lease application seeks to lease a total of 152.1 acres worth of water for 2019 and 2020. 101.6 acres will be idled from Right 2-7249 and 63.0 acres from 2-7462. The idled acres are largely appurtenant to land missed by the current pivot irrigation system.

The POUs are located within the Blue Gulch Critical Ground Water Management Area.

The rental application for these rights requests a portion of the leased water to be applied to lands which don't have water rights. The lease contract and rental agreement will be made proportionate and limited to avoid enlargement.

The lessor and the renter are the same entity so only the admin fee will apply to this rental.

AUTHORITY TO FILE: Rights 2-7249 and 2-7462 are owned by Salmon Falls Land & Livestock Co Inc. The applications to lease portions of the rights were signed by Michael J. Henslee as V.P.

Twin Falls County parcel data shows that the lease places-of-use are owned by James Henslee. I asked the consultant and members of the Henslee family to provide documentation of authority to change the water and land use.

The attorney for the James Henslee estate, Greg Bryon, responded to my request. Mr. James Henslee has been deceased for many years and yet Mr. Byron was able to see from the electronic information provided on the Twin Falls County website that the land ownership was incorrect. The problem stems from 'c/o James Henslee' in the first line of the address. Mr. Byron followed through and provided me with a copy of the deed which shows conveyance to Salmon Falls Land and Livestock. The county will correct their database and GIS in the future.

The proposed POD is a pump station located on the west bank of Snake River at approximately River Mile 584. It is the authorized PODs for both 2-7249 and 2-7462. The station is also known as WMIS #1001745.

The application to rent portions of Rights 2-7249 and 2-7462 is in the name Salmon Falls Land & Livestock Co Inc. ISOS shows that Salmon Falls Land & Livestock Co Inc is registered as a general business corporation #104980. Michael J Henslee is listed as vice president and he has signed the lease and rental applications.

No concerns with authority to file the lease and rental applications.

WATER RIGHT VALIDITY: Transfer 76101 acted on Rights 2-7249 and 2-7462 and was approved in Feb 2010. The transfer limited the rights and overlapped them within a 2662.8-acre PPU. Together rights 2-7249 and 2-7462 are limited to 29.89 cfs, 2432.0 acres, and 9728 af (0.012 cfs per acre and 4.0 afa per acre combined). The two rights were decreed in the SRBA in Dec 2010.

Portions of these rights were brought into the bank in 2016, and again in 2017-2018. A sufficient portion has been offered to the bank for the 2019-2020 seasons to be used by the companion rental. I reviewed 2018 aerial photography and found that the required number of acres were idled in compliance with the previous lease.

No concerns with validity of the water rights offered to the bank.

INJURY TO OTHER WATER RIGHTS: The pumping station authorized as the POD for the water rights is also the POD for the lease and the rental water. A pipeline and pivots already exist to convey the rental water to POU. According to the WMIS data the total rate and volume quantities diverted (lease plus rental) have respected the combined limits on the rights. Injury to other water rights is not expected through the lease and rental.

ENLARGEMENT OF USE: The lease application proposes to lease 152.1 acres worth of water from these 2 rights. The rental application requests only 19.4 acres worth of water. Existing combined limits on the rights will be carried through the lease and rental. The unleased portion of these rights will be limited to 2279.9 acres and 28.02 cfs.

The rental requests to irrigate 19.4 acres total at a rate of 0.012 cfs per acre and at the standard headgate volume of 4.0 afa. Other native rights in the area appear to be managed at the same rate per acre.

No enlargement is expected through the lease and rental of these portions of water rights.

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 lease and rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The lease and rental POUs are located within the Blue Gulch CGWMA of B47. The PODs are subject to Water District 2. The rights are also subject to compliance with Trust Water limitations. The authorized SOU for these 2 rights is 4/01-10/31 which is less than the current SOU for the area (03/15-11/15).

Request for comment was sent to the watermaster and to the Southern Region manager. Both have responded and neither had concerns about this package.

Edl, Michele

From: Gregory A. Byron <gbyron@thorntonbyron.com>
Sent: Monday, May 06, 2019 3:02 PM
To: Edl, Michele
Subject: FW: Salmon Falls Land & Livestock Company
Attachments: Deed.pdf

Michele

Attached is the deed and below is the email exchanges with the Twin Falls County Assessor's office.

Gregory A. Byron
Thornton ♣ Byron LLP
208/344-8600
208/880-9600 (cell)
208/344-8720 (fax)
gbyron@thorntonbyron.com
www.thorntonbyron.com

From: Katie Murphy <kmurphy@thorntonbyron.com>
Sent: Thursday, May 02, 2019 4:27 PM
To: Gregory A. Byron <gbyron@thorntonbyron.com>
Subject: FW: Salmon Falls Land & Livestock Company

From: Twin Falls County Assessor <tfcassessor@co.twin-falls.id.us>
Sent: Thursday, May 02, 2019 4:25 PM
To: Katie Murphy <kmurphy@thorntonbyron.com>
Subject: Re: Salmon Falls Land & Livestock Company

They get updates quarterly. Water Resources can contact the Deed and Mapping Department at the Twin Falls County Assessor's Office to find current ownership. Assessor's Deed Department keeps current ownership using the recorded deeds.



Jennifer

Twin Falls County Assessor's Office

630 Addison Ave W, Suite 1300

P O Box 265

Twin Falls ID 83303-0265

208-736-4010 phone

208-736-4181 fax

www.twinfalls.idahoparcels.us

Above is the new map website

Please e-mail or fax your request. They will be answered within 3 to 10 business days.

On Thu, May 2, 2019 at 2:38 PM Katie Murphy <kmurphy@thorntonbyron.com> wrote:

Hi Jennifer,

Thank you so much for your quick reply. Yes, please do remove Mr. Henslee's name from the address.

How long will it take the GIS website to update?

Thank you,

J. Katie Murphy, Core Registered Paralegal® 

Thornton ♣ Byron LLP

Direct: 208-344-8600 | Fax: 208-344-8720

3101 W. Main, Suite 200, Boise, ID 83702

PO Box 7156, Boise, ID 83707

KMurphy@thorntonbyron.com

From: Twin Falls County Assessor <tfcassessor@co.twin-falls.id.us>

Sent: Thursday, May 02, 2019 1:57 PM

To: Katie Murphy <kmurphy@thorntonbyron.com>

Subject: Re: Salmon Falls Land & Livestock Company

I will be glad to change the mailing address of the 11 parcels you have listed. Mr James Henslee is not listed as owner. He is listed as in care of for mail purposes only. I can take his name off those parcels, also.

The State of Idaho GIS program shows the mailing person name. When Mr. Henslee name comes off, the Salmon Falls Land & Livestock Company will replace his.

Please feel free to contact the Twin Falls County Assessor's Office with any questions you may have.

Thank you,



Jennifer

Twin Falls County Assessor's Office

630 Addison Ave W, Suite 1300

P O Box 265

Twin Falls ID 83303-0265

208-736-4010 phone

208-736-4181 fax

www.twinfalls.idahoparcels.us

Above is the new map website

Please e-mail or fax your request. They will be

answered within 3 to 10 business days.

On Thu, May 2, 2019 at 11:04 AM Katie Murphy <kmurphy@thorntonbyron.com> wrote:

Good morning,

This email is regarding parcels RP08S13E130000, RP08S13E140000, RP08S13E150000, RP08S13E109000, RP08S13E117800, RP08S13E114800, RP08S13E110000, RP08S14E075400, RP08S14E180600, RP08S13E123000 and RP08S13E124800.

The attached Warranty Deed is the last deed of record for the subject parcels, showing title vested in the name Salmon Falls Land & Livestock Company

1. We need to confirm that on the Assessor's records these parcels are shown as owned by Salmon Falls Land & Livestock Company, not James Henslee.
2. If James Henslee's name is showing as part of the address for the parcels, we need remove his name and correct the address to: Salmon Falls Land & Livestock Company, 123 Bell Rapids Road, Hagerman, Idaho 83332.
3. Lastly, the GIS Mapping website currently shows these parcels in the name of James Henslee, when the deed shows title in the name of Salmon Falls Land & Livestock Company. The disparity between the GIS Mapping website and the deeding is causing issues with the Idaho Department of Water Resources, so the website also needs to be updated to reflect Salmon Falls Land & Livestock Company as the current owner of these parcels.

Please reply to confirm receipt, and advise if any additional documents or information is needed to correct and update the county records.

Thank you,

J. Katie Murphy, Core Registered Paralegal® 

Thornton ♣ Byron LLP

Direct: 208-344-8600 | Fax: 208-344-8720

3101 W. Main, Suite 200, Boise, ID 83702

PO Box 7156, Boise, ID 83707

KMurphy@thorntonbyron.com

Edl, Michele

From: Whitney, Rob
Sent: Friday, April 05, 2019 3:47 PM
To: Edl, Michele; Skinner, Corey
Subject: RE: 2019-20 WSB for Salmon Falls Land & Livestock

Michele,

I do not have any concerns with the lease/rental as proposed.

RW
WD02

From: Edl, Michele
Sent: Friday, April 05, 2019 3:17 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Subject: 2019-20 WSB for Salmon Falls Land & Livestock

Corey, and Rob,

I have completed my review of the lease and the rental proposals for Salmon Falls Land and Livestock. The POD for the rights, lease and rental is a pumping station on the Snake River in Basin 02. The POU is within the Blue Gulch CGWMA and on BLM land. This year BLM has provided a letter consenting to the irrigation of their land.

This lease-rental package is very similar to WSB application pairs provided for the 2016-2018 seasons. I have attached my memo and a copy of a map that S Thiel put together for 2018.

Please let me know if you have any concerns or questions about this lease-rental.

Thanks.

Michele

Edl, Michele

From: Edl, Michele
Sent: Friday, April 05, 2019 3:17 PM
To: Skinner, Corey; Whitney, Rob
Subject: 2019-20 WSB for Salmon Falls Land & Livestock
Attachments: 2019-20 Lease Rental Review Memo.docx; Lease Rental map 2019.jpg

Corey, and Rob,

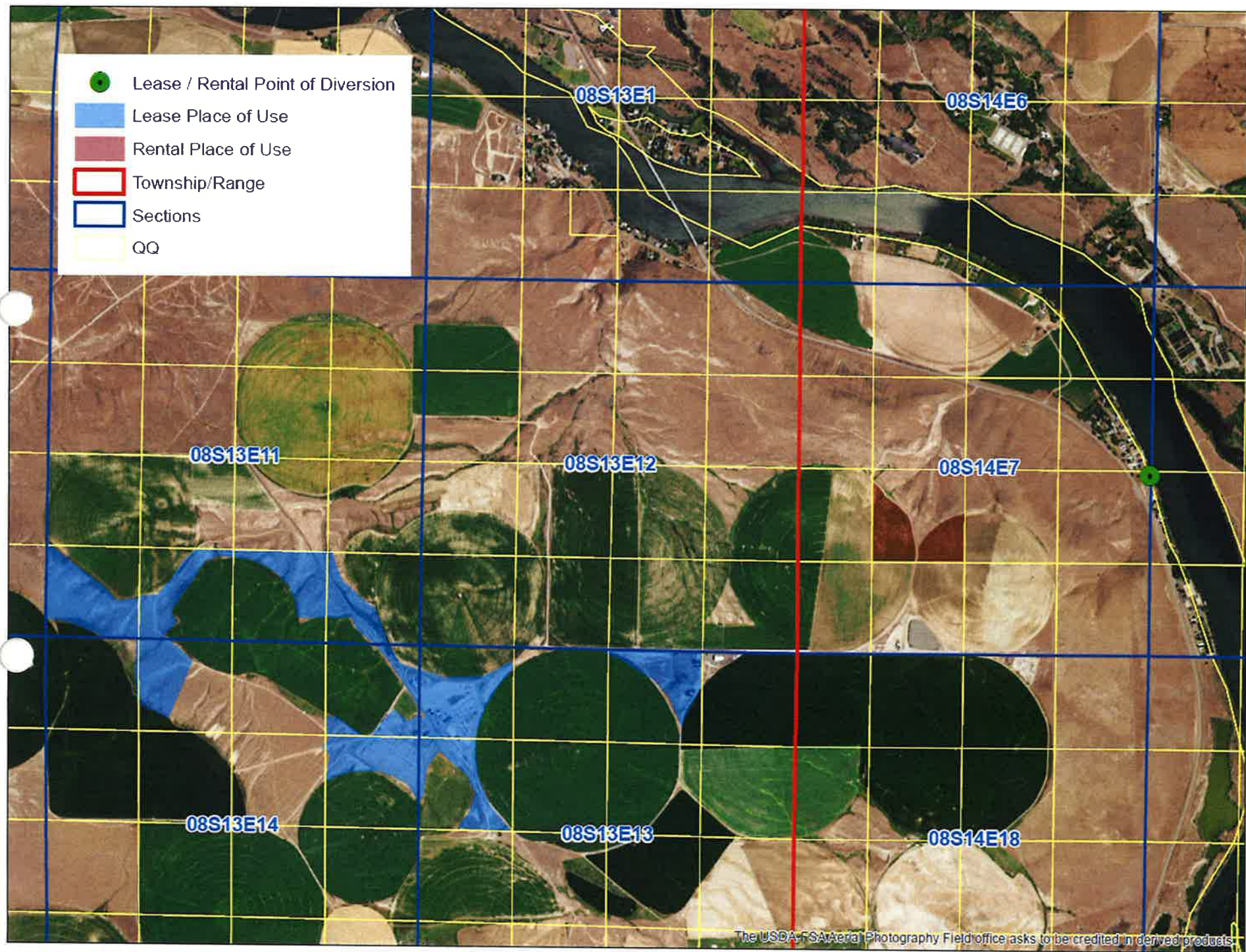
I have completed my review of the lease and the rental proposals for Salmon Falls Land and Livestock. The POD for the rights, lease and rental is a pumping station on the Snake River in Basin 02. The POU is within the Blue Gulch CGWMA and on BLM land. This year BLM has provided a letter consenting to the irrigation of their land.

This lease-rental package is very similar to WSB application pairs provided for the 2016-2018 seasons. I have attached my memo and a copy of a map that S Thiel put together for 2018.

Please let me know if you have any concerns or questions about this lease-rental.

Thanks.

Michele



Idaho Department of Water Resources

WMIS

Water Management Information System

Quick Search:

[For assistance, email WMIS Info](#)[Login](#)

Search Method:	Reporting District	▼
Reporting District:	Water District 02	▼
WMIS Number:	1001745	▼
Legal Description:	08S 14E 7 00 NE SE	▼
Metal Tag Number:	A0020637	▼

[Point Of Diversion](#) [PCC](#) [Flow Meter](#) [Time Clock](#) [Alternate](#) [Contacts](#) [Data Summary](#) [Other](#) [Logout](#)**Point Of Diversion**

You are viewing 1001745; A0020637

WMIS Number	1001745	Network Well	No
Reporting District	Water District 02	Access Port	No
Measurement Option	Flowmeter (1)	Water District	02
Metal Tag Number	A0020637	Tag Location	Inside fence by breakers at pump station.
Followup Date		Comments	Site AKA-Snake River Diversion. GE AT868 ultrasonic flow meter and CR800 Datalogger installed. Telemetry network site. FM and Telemetry separate from WMIS POD. WR 2-85 (13.0 acres) may also be diverted at this POD. Two PODs for 2-85 in NWSW Lt 5 QQ (spatial 365568 and 365569). 2-85 WRs located in QQ to the East and South of actual POD. Transfer required if Sawtooth Water Rights POD. If not, flow meter required.
Diversion Name	SALMON FALLS LAND AND LIVESTOCK		

[Contacts](#) [PLSS](#) [Spatial Data](#) [Water Source](#) [Water Rights](#)

Water Right Number	Owner Type	Owner Name	Address	Phone	City/State/Zip	Email
2-7249	Current Owner	SALMON FALLS LAND & LIVESTOCK CO INC	MICHAEL J HENSLEE, V.P. 95-A BELL RAPIDS RD	2088376053	HAGERMAN, ID 83332	mjhenslee@gmail.com
2-7462	Current Owner	SALMON FALLS LAND & LIVESTOCK CO INC	MICHAEL J HENSLEE, V.P. 95-A BELL RAPIDS RD	2088376053	HAGERMAN, ID 83332	mjhenslee@gmail.com

Idaho Department of Water Resources

WMIS

Water Management Information System

Quick Search:

[For assistance, email WMIS Info](#)[Login](#)

Search Method:	Reporting District	▼
Reporting District:	Water District 02	▼
WMIS Number:	1001745	▼
Legal Description:	08S 14E 7 00 NE SE	▼
Metal Tag Number:	A0020637	▼

[Point Of Diversion](#)
[PCC](#)
[Flow Meter](#)
[Time Clock](#)
[Alternate](#)
[Contacts](#)
[Data Summary](#)
[Other](#)
[Logout](#)
Flow Meter Water Usage

You are viewing 1001745; A0020637

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2018	12480.03	6331.99	27.68	GE AT868 flow meter read for year-end total volume. Meter reading is a full year measurement. Flow meter totalizer NOT reset for 2019. jwe
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by Water Master	18812.02	6331.99	27.68	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	1/1/2015 12:00:00 AM	Monthly Recordings	FM	
Factor	1.00			
Vol. Multiplier:	1.0000			
Vol. Unit	AF			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2017	6694.89	5785.14	28.23	GE AT868 ultrasonic flow meter read for year-end total volume. Meter reading is a full year measurement. Datalogger downloaded. Flow meter totalizer NOT reset for 2018 season. jwe
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by Water Master	12480.03	5785.14	28.23	
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	1/1/2015 12:00:00 AM	Monthly Recordings	FM	
Factor	1.00			
Vol. Multiplier:	1.0000			
Vol. Unit	AF			
Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2016	0.00	6694.89		GE AT868 ultrasonic flow meter read for year-end total volume. Meter reading is a full year measurement. Datalogger downloaded. Flow meter totalizer NOT reset for 2017 season. jwe
Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate	
Validated by Water Master	6694.89	6694.89		
Calibration Data		Acre Feet Qualifier	Preferred Method	
Date:	1/1/2015 12:00:00 AM	Monthly Recordings	FM	
Factor	1.00			
Vol. Multiplier:	1.0000			

**Idaho Corporation Annual Report Form**File online at: SOSBIZ.idaho.gov

Due no later than: 03/31/2019

Reporting Year: 2018

Return completed form within 30 days to:

Idaho Secretary of State

Attn: Annual Reports

450 North 4th Street

Boise, ID 83720

Phone: (208) 334-2300

Annual Report: No filing fee if received by the due date.

SOS Control Number: 104980

Filing Status: Active-Good Standing

General Business Corporation (D)

Date Formed: 03/16/1959

Formation Locale: ID

Name and Mailing Address:

SALMON FALLS LAND & LIVESTOCK COMPANY

95A BELL RAPIDS RD

HAGERMAN, ID 83332

(1) Add or Change Mailing Address:

Registered Agent (RA) and Registered Office (RO) Address:

TIMOTHY J STOVER

805 SHOSHONE ST N

TWIN FALLS, ID 83301

(2) Change RA and/or RO Address:

Note: The Registered Office address must be a physical Idaho address (no postal box).

(3) New Registered Agent (RA) Signature:*If a new agent is appointed in item (2) above, the new agent must sign here to accept the appointment.*

(4) Corporations: Enter names and business addresses (with zip code) of the President, Vice President, Secretary, Treasurer.

Title	Name	Business Address	City, State, Zip
Vice President	Michael J. Henslee	23 Saylor Cr. Rd.	Hagerman, Idaho 83332
Vice President	Mark W. Henslee	3016 S 1000 E	Hagerman, Idaho 83332
Secretary	Katherine A. Henslee	123 Bell Rapids Rd	Hagerman, Idaho 83332

(5) Board of Directors names and business addresses (with zip code). Attach additional sheet if necessary.

Name	Business Address	City, State, Zip
Michael J. Henslee	23 Saylor Cr. Rd.	Hagerman, Idaho 83332
Mark W. Henslee	3016 S 1000 E	Hagerman, Idaho 83332

(5) Signature:

(6) Date:

3-25-19

(7) Type/Print Name: Katherine A. Henslee

(8) Title: Secretary

Instructions: Legibly complete the form above. Sign and date this form and return to the address provided above.

B0198-3965 03/27/2019 9:49 AM Received by ID Secretary of State Lawrence Denney



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
JAN 31 2019
DEPARTMENT OF
WATER RESOURCES

January 28th, 2019

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

Re: WSB Lease and Rental Applications; Portions of 2-7249 and 2-7462 on
Behalf of Salmon Falls Land & Livestock Co Inc.

Dear Remington,

On behalf of Salmon Falls Land & Livestock Co Inc., Brockway Engineering is submitting two water supply bank lease applications which propose to lease 101.5 acres of water right 2-7249 and 63.0 acres of water right 2-7462 for a combined total of 152.0 acres, to the Water Supply Bank for the 2019 and 2020 irrigation seasons. Attached to the leases is one map showing the location of the 152.0 acres to be idled during 2019 and 2020. An identical lease request was approved by IDWR in 2018.

Additionally, Salmon Falls Land & Livestock Co. Inc. seeks to rent back 19.4 acres of both previously mentioned water rights, to allow irrigation on a wet pivot crossing on lands owned by the BLM. The BLM has consented to the irrigation of their lands as evidenced in the attached letter of consent. Salmon Falls Land & Livestock Co Inc. is currently assessing options for a permanent solution for the pivot crossing and would like to continue to irrigate these acres through the attached WSB rental. An identical rental request was approved by IDWR in 2018.

Also enclosed is a check for \$500.00 to cover the cost of the two lease applications. Please copy our office on all correspondence regarding these lease and rental applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,


Zach Latham, M.S., Hydrologist

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Enc: (2) Salmon Falls Land & Livestock Co Inc. WSB Lease Applications.
(1) Salmon Falls Land & Livestock Co Inc. WSB Rental Application.
(2) Aerial Maps- Lease Acres Idled and Rental Acres for Irrigation.
(1) BLM Letter of Consent; Pivot Crossing.
(1) Brockway Engineering PLLC Check # 15135.

Cc: Mike Henslee
Tim Stover

RECEIVED

JAN 31 2019

DEPARTMENT OF
WATER RESOURCES



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Jarbridge Field Office
2536 Kimberly Road
Twin Falls, ID 83301
(208)735-2060



In Reply Refer To:
2920 (IDT010) P
IDI-31038

April 5, 2012

RECEIVED

APR 12 2012

Brockway Engineering, P.L.L.C.
Attn: Zach Latham
2016 Washington Street North, Suite 4
Twin Falls, ID 83301

Dear Mr. Latham:

The BLM grants consent for Salmon Falls Land & Livestock to transfer a portion of water right(s) 2-7249 and 2-7462 onto BLM land for a land use permit consisting of two wet pivot crossings, referenced as IDI-31038 and located in:

Boise Meridian,
T.08 S., R.14 E.,
Section 7, NESW
Totaling 19.92 acres more or less.

Please feel free to contact Lisa Claxton, Realty Specialist, at (208) 736-2360 if you have any questions.

Sincerely,

Brian W. Davis
Field Manager

Cc: Salmon Falls Land & Livestock