

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 308**

RECEIVED

APR 26 2019

DEPT OF WATER RESOURCES  
SOUTHERN REGION

This is to certify that:

ADT FARMS LLC

246 E 300 S

BURLEY, ID 83318-5679

RECEIVED

APR 29 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<br>Right No.            | Priority<br>Date | Source       | Diversion<br>Rate<br>(CFS) | Diversion<br>Volume<br>(AF) | Acres<br>(AC) | Rate Per<br>Acre<br>(CFS/AC) | Volume<br>Per Acre<br>(AF/AC) |
|-------------------------------|------------------|--------------|----------------------------|-----------------------------|---------------|------------------------------|-------------------------------|
| 43-2489                       | 2/11/1960        | GROUND WATER | 2.39                       | 500.0                       | 125.0         | 0.02                         | 4.0                           |
| <b>Combined Rental Totals</b> |                  |              | <b>2.39</b>                | <b>500.0</b>                | <b>125.0</b>  | <b>0.02</b>                  | <b>4.0</b>                    |

**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: \$1,000.00

The full fee for the rental of the above-described right(s) is \$1,000.00 for 2019. The rental fee includes an administrative fee of \$1,000.00 for 2019. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 43-2489.

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. 308**

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.

Todd Gerratt  
Signature of Renter

4-26-19  
Date

Todd Gerratt  
Printed Name

Member  
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 4/30/2019

Rental approved by IDWR Clay Webb

Date 4-30-2019

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 308**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |                            |               |
|--------------|------|----------------------------|---------------|
| GROUND WATER | NENE | Sec. 19, Twp 10S, Rge 28E, | CASSIA County |
| GROUND WATER | SWSE | Sec. 19, Twp 10S, Rge 28E, | CASSIA County |
| GROUND WATER | NENW | Sec. 30, Twp 10S, Rge 28E, | CASSIA County |
| GROUND WATER | SWSE | Sec. 30, Twp 10S, Rge 28E, | CASSIA County |

**BENEFICIAL USE**  
IRRIGATION

**DIVERSION RATE**  
2.37 CFS

**VOLUME**  
500.00 AF

**SEASON OF USE**

|                        |             |           |
|------------------------|-------------|-----------|
| <b>Water Right No.</b> | <b>From</b> | <b>To</b> |
| 43-2489                | 4/1         | 12/31     |

**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 |        |
| 10S | 28E | 31  |    |    |    |    | 24.0 | 24.0       | 24.0       | 24.0 |    |    |    |    |    |    |    |    | 125.0  |
| 10S | 28E | 31  |    |    |    |    |      | 38.0<br>L1 | 39.0<br>L2 |      |    |    |    |    |    |    |    |    |        |

Total Acres: 125.0

**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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 308**

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 lands above.
10. Use of water under this right will be regulated by a watermaster with responsibility for distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
11. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
12. This rental agreement does not authorize the construction of a well.

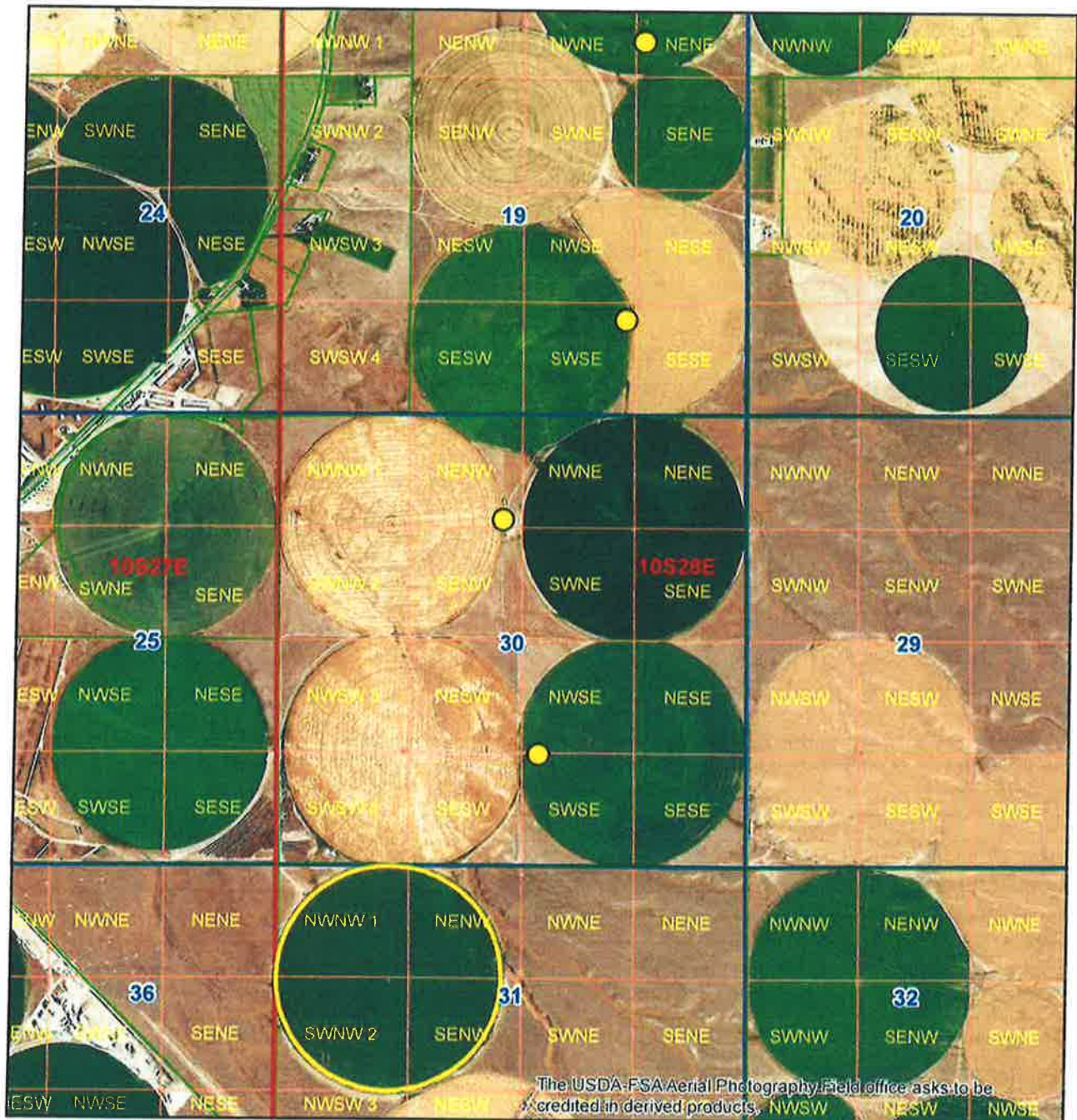
**FOR OFFICE USE ONLY:**

Fees paid: \$1,000.00    Date: 4/26/2019  
Receipt No.: S037292    By: 

# Attachement to Water Supply Bank Rental Agreement No. 308

Effective until December 31, 2019

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 POU
- Authorized Rental POD
- Township/Range
- Sections
- QQ

Created by A. Dalglish 2/2019



0 0.15 0.3 0.6 Miles

STATE OF IDAHO  
WATER RESOURCE BOARD

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

RECEIVED  
DEC 11 2018  
DEPARTMENT OF  
WATER RESOURCES

**Applicant Name:** ADT FARMS LLC

**Is this application being submitted with a lease application as a lease/rental package?**

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at [http://idwr.idaho.gov/water\\_supply\\_bank](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  | <input checked="" type="checkbox"/> | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Detailed information on a proposed use of rental water                                                                   |
| 3F | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion                                                           |
| 3H | <input checked="" type="checkbox"/> | <input type="checkbox"/> Water modeling to account for the impacts of the rental request                                                                     |
| 3J | <input checked="" type="checkbox"/> | <input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre                                                                      |
| 3K | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use                                        |
| 4B | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes                                    |
| 4C | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use                                      |

**Department Use Only – Proposed Water Right(s)**

43-2471

43-2489

STATE OF IDAHO  
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant ADT FARMS LLC

Mailing Address 246 E 300 S BURLEY, ID 83318-5679

Street

City

State

Zip Code

Email Address \_\_\_\_\_

Phone Number 2086784820

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 Greg Sullivan

Professional Title Engineer

Organization Brockway Engineering

Relationship to Applicant Consultant

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Email Address greg.sullivan@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**:

The rented water will be used to irrigate acres that would be not irrigated other wise.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 2.39 CFS                            | 500 AF                        | 2.39 CFS                             | 500 AF                         | 125.0 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<br>(month/day/year) | Latest Possible Start Date<br>(month/day/year) | *Mark Desired Rental Duration<br>(Calendar Years) |                          |                          |                          |                          | **Applicant's preference if rental application cannot be processed prior to the latest possible start? |                                                          |
|----------------------------------------|------------------------------------------------|---------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 4/1/2019                               | 7/1/2019                                       | <input checked="" type="checkbox"/>               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> Process application as soon as possible                            | <input type="checkbox"/> Return application to applicant |
|                                        |                                                | 1                                                 | 2                        | 3                        | 4                        | 5                        |                                                                                                        |                                                          |

\* 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 wells, mainlines and delivery systems.

- 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 |
|-----------------|--------------|-------------------------------------------|
| 10S28E19SWNE    | Ground Water | 43-13715 et al                            |
| 10S28E19NESWSE  | Ground Water | 43-13715 et al                            |
| 10S28E30SENE    | Ground Water | 43-13715 et al                            |
| 10S28E30NWSWSE  | Ground Water | 43-13715 et al                            |

*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 125.0 (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:  
43-13715 et al water is needed due to IDWR curtailment order.

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<br>(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) |
| 43-2489                                                                                                                                                                                  | Irrigation    | 4.78                 | 1000        | 250.0      |                                                                                                                                | 2.39                             | 500         | 125.0      |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                |                                  |             |            |
| <b>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</b> |               |                      |             |            | <b>TOTAL</b>                                                                                                                   | 2.39                             | 500         | 125.0      |
|                                                                                                                                                                                          |               |                      |             |            |                                                                                                                                | <b>CFS</b>                       | <b>AF</b>   | <b>AC</b>  |

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

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

N/A

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

Yes ☐ No ☒

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

STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**5. ADDITIONAL INFORMATION**

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐  
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

---

---

---

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒  
If yes, describe:

---

---

---

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒  
If yes, describe the date and location of the NOV.

---

---

---

- D. Additional Information  
None

---

---

---

**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

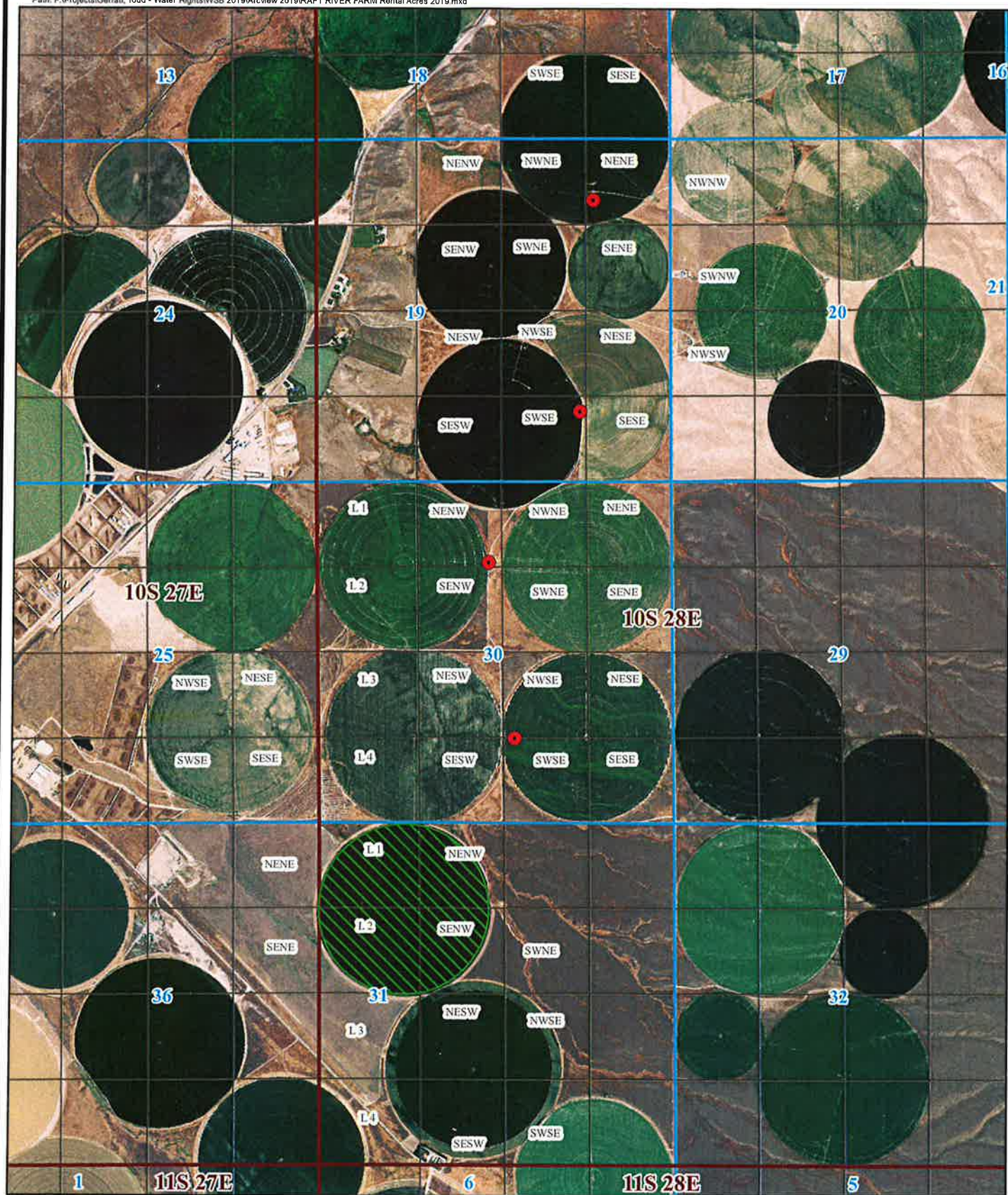
\_\_\_\_\_  
Printed Name of Representative

\_\_\_\_\_  
Date

**Mail to:**

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

|                                                                                                                                                                              |              |                                                                                                                                                                                                                |        |                                                                                                      |                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------------------------------------------------------------------------------------|---------------------|
| <b>No. W 15454</b><br>Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> |              | <b>Due no later than May 31, 2018</b><br><b>Annual Report Form</b><br><b>1. Mailing Address: Correct in this box if needed.</b><br>ADT FARMS, LLC<br>BRENDA GERRATT<br>2500 OVERLAND AVENUE<br>BURLEY ID 83318 |        | <b>2. Registered Agent and Address (NO PO BOX)</b><br>TODD GERRATT<br>246 E 300 S<br>BURLEY ID 83318 |                     |
|                                                                                                                                                                              |              |                                                                                                                                                                                                                |        | <b>3. New Registered Agent Signature:*</b>                                                           |                     |
| <b>4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.</b>                                                                          |              |                                                                                                                                                                                                                |        |                                                                                                      |                     |
| Office Held                                                                                                                                                                  | Name         | Street or PO Address                                                                                                                                                                                           | City   | State                                                                                                | Country Postal Code |
| MEMBER                                                                                                                                                                       | TODD GERRATT | 246 E 300 S                                                                                                                                                                                                    | BURLEY | ID                                                                                                   | 83318               |
| MEMBER                                                                                                                                                                       | ALAN GERRATT | 246 E 300 S                                                                                                                                                                                                    | BURLEY | ID                                                                                                   | 83318               |
| <b>5. Organized Under the Laws of:</b><br><b>ID</b><br><b>W 15454</b>                                                                                                        |              | <b>6. Annual Report must be signed.*</b><br>Signature: Todd Gerratt<br>Name (type or print): Todd Gerratt<br>Date: 03/21/2018<br>Title: Member                                                                 |        |                                                                                                      |                     |
| Processed 03/21/2018                                                                                                                                                         |              | * Electronically provided signatures are accepted as original signatures.                                                                                                                                      |        |                                                                                                      |                     |



**ADT FARMS LLC**

2019 RENTAL MAP  
NAIP 2017 AERIAL

BROCKWAY ENGINEERING, PLLC.  
GWS - Date: 11/5/2018

### Legend

PODs  
2019\_Rental



## CONTRACT OF AGREEMENT

To Whom It May Concern,

Eagle Creek Northwest LLC C/O UBS Agrivest LLC. and ADT Farms LLC have in place a long term farm lease agreement or contract for property owned by Eagle Creek Northwest LLC C/O UBS Agrivest LLC. The contract includes the property, water rights and water distribution systems pertaining to water right 43-2471.

ADT Farms LLC has agreed to pay the annual farm contract payment for 2019. No additional fees are required by Eagle Creek Northwest LLC C/O UBS Agrivest LLC. of ADT Farms LLC for the rental of any water from the Idaho Water Supply Bank pertaining to water right 43-2471 during the 2019 irrigation season.

Therefore, the rental payment of the 90% of the rental fees for water rights 43-2471 for the year 2019 has been paid in full.

ADT Farms LLC will pay the Idaho Water Supply Bank the 2019 processing 10% rental fee when the rental agreement is signed and returned to IDWR for final approval.

Eagle Creek Northwest LLC C/O UBS Agrivest LLC.:

  
Charles W. BRYAN, JR., V.P.  
Date: 11/30/18

ADT Farms LLC

  
Date: 12-6-18



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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 30, 2019

ADT FARMS LLC  
246 E 300 S  
BURLEY ID 83318-5679

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO. 43-2489, AGREEMENT 308**

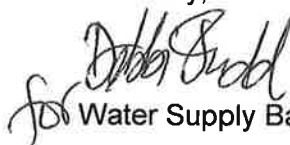
Dear Renter:

Please find enclosed a receipt in the amount of **\$1,000.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 500.0 acre-feet of water for irrigation of 125.0 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, the rental fee will be retained by the Department to offset administrative costs since you have a private agreement with the lessor of the right

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

Sincerely,

  
for Water Supply Bank

Enclosures: Receipt No. S037292  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
Corey Skinner – IDWR Southern Regional Office  
Nathan Erickson – State Water District No. 143  
Raft River GWD  
Greg Sullivan – 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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 26, 2019

ADT FARMS LLC  
246 E 300 S  
BURLEY ID 83318-5679

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO. 43-2489, AGREEMENT 308**

**\*\*\*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 **\$10,000.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 500.0 acre-feet. Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$1,000.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

**Please send a check for \$1,000.00** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,



Water Supply Bank

Enclosure

c: IDWR Front Desk  
Greg Sullivan – Brockway Engineering

## Dagleish, Alex

---

**From:** Skinner, Corey  
**Sent:** Thursday, March 7, 2019 2:57 PM  
**To:** Dagleish, Alex  
**Cc:** Erickson, Nathan  
**Subject:** RE: WSB Lease/Rental Package

No issues from me, as long as Nathan is on board.

**From:** Dagleish, Alex  
**Sent:** Friday, March 01, 2019 4:55 PM  
**To:** Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Subject:** WSB Lease/Rental Package

Gentlemen,

I have a lease/rental package. Please respond with comments/recommendations within 7 days. Also, Nathan could you please provide a list of the GW rights in the Raft River area that are curtailed for 2019 if possible?

Thank you,

Alex Dagleish  
*Water Resource Agent*  
*Phone (208) 287-4913*  
[alex.dagleish@idwr.idaho.gov](mailto:alex.dagleish@idwr.idaho.gov)

## Dalgleish, Alex

---

**From:** Erickson, Nathan  
**Sent:** Wednesday, March 6, 2019 8:29 AM  
**To:** Dalgleish, Alex  
**Subject:** RE: WSB Lease/Rental Package  
**Attachments:** Expansion WRs WD 143.xls

Alex,

The rental applications look good. The pivots identified to be irrigated with the rental water are part of the expansion acres curtailed in 2019.

The water rights that are curtailed in WD 143 are expansion water rights. The easy way to pick those out is by the priority date, they were all given a priority date of 6/30/1985. I have attached a spreadsheet with all of the expansion acres. If you ever are working with a set of water rights in basin 43 that include an expansion water rights let me know and I can provide you with the acres the owner has curtailed.

Thanks,  
Nathan

**From:** Dalgleish, Alex  
**Sent:** Friday, March 01, 2019 4:55 PM  
**To:** Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Subject:** WSB Lease/Rental Package

Gentlemen,

I have a lease/rental package. Please respond with comments/recommendations within 7 days. Also, Nathan could you please provide a list of the GW rights in the Raft River area that are curtailed for 2019 if possible?

Thank you,

Alex Dalgleish  
Water Resource Agent  
Phone (208) 287-4913  
[alex.dalgleish@idwr.idaho.gov](mailto:alex.dalgleish@idwr.idaho.gov)

Please let me know how you would like to move forward with these discrepancies between the acres listed on the rental applications and the shapefiles.

Thank you,

Alex Dalglish  
Water Resource Agent  
Idaho Dept. of Water Resources  
State Office  
208-287-4913

**From:** Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]  
**Sent:** Wednesday, February 13, 2019 1:18 PM  
**To:** Dalglish, Alex <[Alex.Dalglish@idwr.idaho.gov](mailto:Alex.Dalglish@idwr.idaho.gov)>  
**Subject:** RE: Rental POU's

Alex,

See the attached shape files.

Let me know if you need anything else for these rentals.

Greg Sullivan  
Brockway Engineering  
2016 North Washington Street, Suite 4  
Twin Falls, Idaho 83301  
208-736-8543

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

**From:** Dalglish, Alex [<mailto:Alex.Dalglish@idwr.idaho.gov>]  
**Sent:** Wednesday, February 13, 2019 12:19 PM  
**To:** [greg.sullivan@brockwayeng.com](mailto:greg.sullivan@brockwayeng.com)  
**Subject:** Rental POU's

Hello Greg,

Could you please send me the Rental shapefiles for ADTD FARMS LLC and ADT FARMS LLC to rent water from leased right 43-2489.

Thank you,

Alex Dalglish  
Water Resource Agent  
Idaho Dept. of Water Resources  
State Office  
208-287-4913

## Dagleish, Alex

---

**From:** Greg Sullivan <greg.sullivan@brockwayeng.com>  
**Sent:** Thursday, February 14, 2019 8:02 AM  
**To:** Dagleish, Alex  
**Subject:** RE: Rental POU's

Alex,

Please delete the shape files that I provided to you and draw your own. Hopefully this will be less confusing.

ADT Farms LLC proposes to rent 125.0 acres for 2019.

ADTD Farms LLC proposes to rent 125.0 acres for 2019.

The two rentals are not connected hydraulically, physically or by applicant. Process them as individual rentals.

Greg Sullivan  
Brockway Engineering  
2016 North Washington Street, Suite 4  
Twin Falls, Idaho 83301  
208-736-8543

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

**From:** Dagleish, Alex [mailto:Alex.Dagleish@idwr.idaho.gov]  
**Sent:** Wednesday, February 13, 2019 4:57 PM  
**To:** Greg Sullivan <greg.sullivan@brockwayeng.com>  
**Subject:** RE: Rental POU's

Greg,

One rental 2019 shapefile you sent me shows:

8.5 acres in the SWNW & NWNW quarter-quarters in Township 10S, Range 27E, Section 31  
91.05 acres in the NENW, SENW and SWNW quarter-quarters of Township 11S, Range 27E, Section 18  
125.64 acres in the NW quarter of Township 10S, Range 28E, Section 31.

This shapefile totals 225.19 acres. It partially matches the rental POU for ADT FARMS LLC with the 125.64 acres but also includes another 99.55 acres in 10S27E31 AND 11S27E18 that are not represented on the rental map included with the application. If additional acres are proposed to be rented, the lease/rental applications need to represent that.

The second shapefile matches the rental POU for ADTD FARMS LLC but it only totals 119.97 acres, not the 125.0 on the rental application.

Combined, the rental shapefiles total 345.16 acres, not the 250.0 requested for lease by Eagle Creek Northwest LLC and rent by ADT FARMS LLC and ADTD FARMS LLC.



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 11 2018

DEPARTMENT OF  
WATER RESOURCES

December 10, 2018

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

Re: ADT Farms LLC and ADTD Farms LLC rentals

Dear Mr. Buyer:

ADT Farms LLC proposes to rent 125.0 acres for the 2019 irrigation season from 43-2489. The proposed rental location is identified in the attached rental application and aerial map.

ADTD Farms LLC proposes to rent 125.0 acres for the 2019 irrigation season from 43-2489. The proposed rental location is identified in the attached rental application and aerial map.

An agreement has been signed between Eagle Creek Northwest LLC, ADT Farms LLC and ADTD Farm LLC regarding a rental payment. Only the 10% processing fee will be paid to the Idaho Water Supply Bank. No rental payment will be paid to Eagle Creek Northwest LLC by the Idaho Water Supply Bank at the end of 2019.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Todd Gerratt  
Enc: Rental Applications, Aerial Maps, Annual Reports

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