

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 241

RECEIVED

MAY 04 2018

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

DE RUYTER PROPERTIES L P
PO BOX 580
MARSING, ID 83639

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)
2-10395	7/30/1969	SNAKE RIVER	3.43	721.5	160.3	0.022	4.5
2-10398	7/30/1969	SNAKE RIVER	0.40	97.7	21.7	0.020	4.5
		Combined Limit	3.64	819.2	182.0	0.020	4.5
2-7237A	12/23/1976	SNAKE RIVER	0.15	38.0	7.6	0.020	5.0
		Combined Rental Totals	3.79	857.2	189.6	0.020	4.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2018. 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 2018, whichever occurs last.

Annual Rental Fee:

2018: \$17,144.00

The full fee for the rental of the above-described right(s) is \$17,144.00 for 2018. The rental fee includes an administrative fee of \$1,714.40 for 2018.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	3.79	853.4	189.6	0.02	4.5
Combined Total	3.79	853.4	189.6	0.02	4.5

* The authorized water usage reflects a reduction from the water right elements rented, to account for reduced headgate standard on water right 2-7237A from 5.0 to 4.5

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 2-7237A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 241

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:


Signature of Renter

5-3-18
Date

Printed Name

Title

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

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

By 
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 5/7/2018

Rental approved by IDWR 

Date 5-7-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 241

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER 4NWNWNW Sec. 1, Twp 06S, Rge 07E, ELMORE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
3.79 CFS

VOLUME
853.4 AF

SEASON OF USE

Water Right No.	From	To
2-10395	3/15	10/31
2-10398	3/15	10/31
2-7237A	3/15	11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	07E	23	1.0			1.0									1.0			1.0	4.0
05S	07E	24																1.0	1.0
05S	07E	25	1.0	6.0										2.0		1.0	7.6		17.6
05S	07E	35		3.0															3.0
05S	07E	36		30.0	24.0		4.0	1.0	15.0	25.0	31.0	32.0				2.0			164.0

Total Acres: 189.6

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

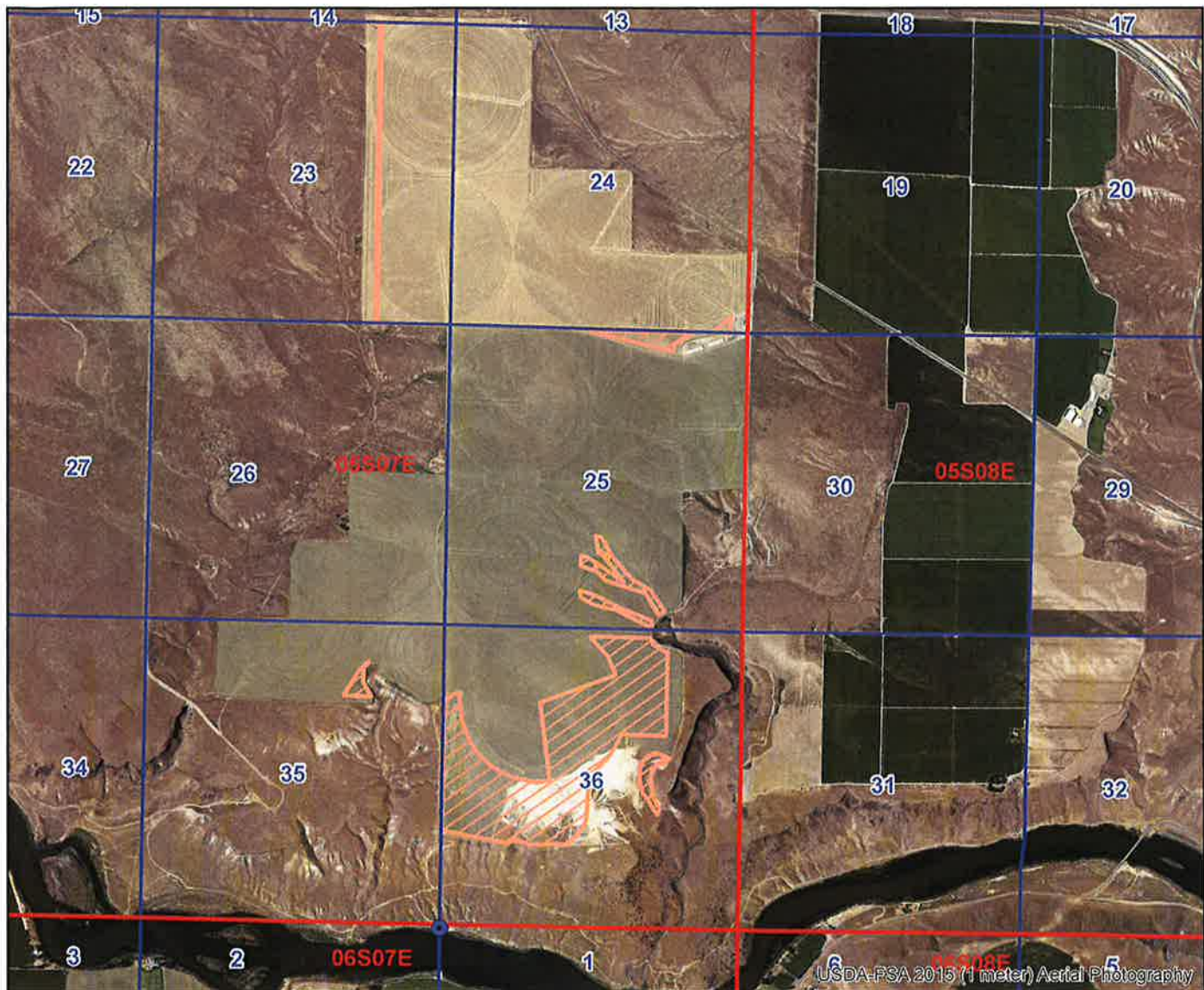
WATER SUPPLY BANK RENTAL AGREEMENT No. 241

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Use of water under these rights will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
11. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
12. Rights 2-10395 and 2-10398 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
13. Rights 2-10395 and 2-10398 period of use for the irrigation described in this approval may be extended to 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 after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/8/2009.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No 241

Effective until December 31, 2018

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



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



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

JAN 23 2018

DEPARTMENT OF
WATER RESOURCESApplicant Name: DeRuyter Properties, LP

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)

998

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant DeRuyter Properties, LP
- Mailing Address PO Box 580, Marsing, ID 83639
- Street City State Zip Code
- Email Address NSDeruyter@gmail.com Phone Number 208-896-5402
- 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 David Shaw Professional Title Engineer
- Organization ERO Resources Corp Relationship to Applicant Consultant
- Mailing Address 4001 E Main St, Emmett, ID 83617
- Email Address dshaw@eroresources.com Phone Number 208-365-7684

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**:

This is an application to rent water to cover 19 acres of irrigation formerly covered by Rental Agreement 61 that expired at the end of 2017. This application will be used in conjunction with amended Rental Agreement 166.

- 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)
0.38 CFS	85.5 AF	0.24 CFS	76 AF	19 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?	
4-1-2018	5-15-2018	☒	☐	☐	☐	☐	☒ 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):

Same POD as Rental Agreement 61 and place of use as shown on the attached map, part of the PPU for Rental Agreements 61 and 166.

- 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	02-2379, Rental Agreement 166.

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

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
None for the lands identified as the place of use 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)
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			
						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**:

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:

Rental Agreement 61 was previously used on these lands and a water right has been purchased to cover most of the land covered by the prior Rental Agreement. When additional water rights can be obtained they will be purchased to cover the remaining area currently being irrigated with rental water.

- 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

This is a request to cover part of the place of use for prior Rental Agreement No. 61. It will be used with Rental Agreement No. 166.

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

NICOLAAS J. DERUYTER

1-21-18
Date

Signature of Representative

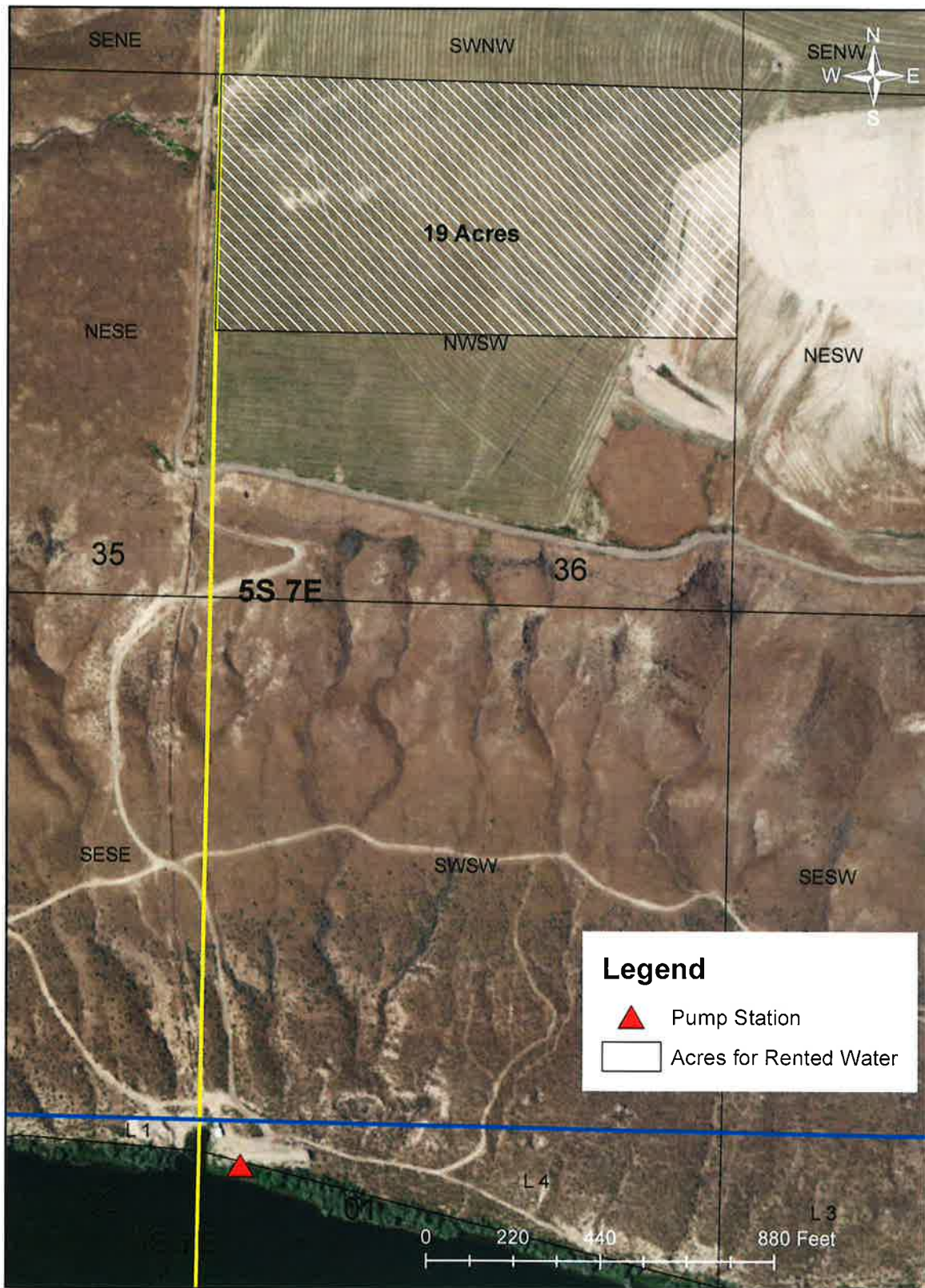
Printed Name of Representative

Date

Mail to:

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

DeRuyter Properties Rental Application



Based on 2015 NAIP Photography

Prepared by ERO 12-2017

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

JAN 23 2018

DEPARTMENT OF
WATER RESOURCESApplicant Name: DeRuyter Properties LP

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)

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant DeRuyter Properties LP

Mailing Address 13027 Sunnyslope Rd, Caldwell, ID 83607

Street City State Zip Code
Email Address NSDeruyter@gmail.com Phone Number 208-896-5402

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 David Shaw Professional Title Engineer
Organization ERO Resources Corp Relationship to Applicant Consultant
Mailing Address 4001 E Main St, Emmett, ID 83617
Email Address dshaw@eroresources.com Phone Number 208-365-7684

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Irrigation of existing acreage formerly covered by Water Bank Rental Agreement No. 189.

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)
2.78 CFS	624.6 AF	1.78 CFS	555.2 AF	138.8 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?	
4/1/2018	5/15/2018	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Existing pump from the Snake River with mainline and sprinklers already in place used for Rental Agreement No. 189..

- 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	02-2379, Rental Agreement No. 166

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 138.8 (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**.
Please see 5D below.

- 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 for the lands identified as the place of use 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)
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			
						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**:

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:
Rental Agreement No. 189.

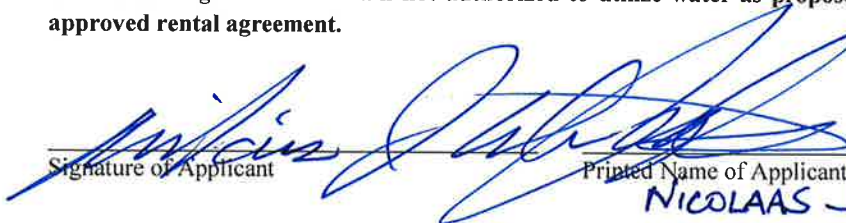
- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☒ No ☐
If yes, describe:
Applicant is in the process of finding a permanent water right for the place of use by purchase and transfer or otherwise.

- 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.
PNOV date 4/7/2017. Application is being submitted to replace Water Bank Rental Agreement No. 189.

- D. Additional Information
Applicant owns rental place of use lands in SENE, NESE Sec 23, SWSW, SESW, SESE Sec 24, NENE, NWNE, NENW, NWNW, NWSE, SWSE, SESW Sec 25, NESE, SESE Sec 26, NENE, NWNE Sec 35, SWNE, NWNE, NWSW, NESW. NWSE Sec 36, all in T5S R7e, B.M. See also Attachment 3K.

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
NICOLAAS J. DERUYTER
Date
1-21-18

Signature of Representative

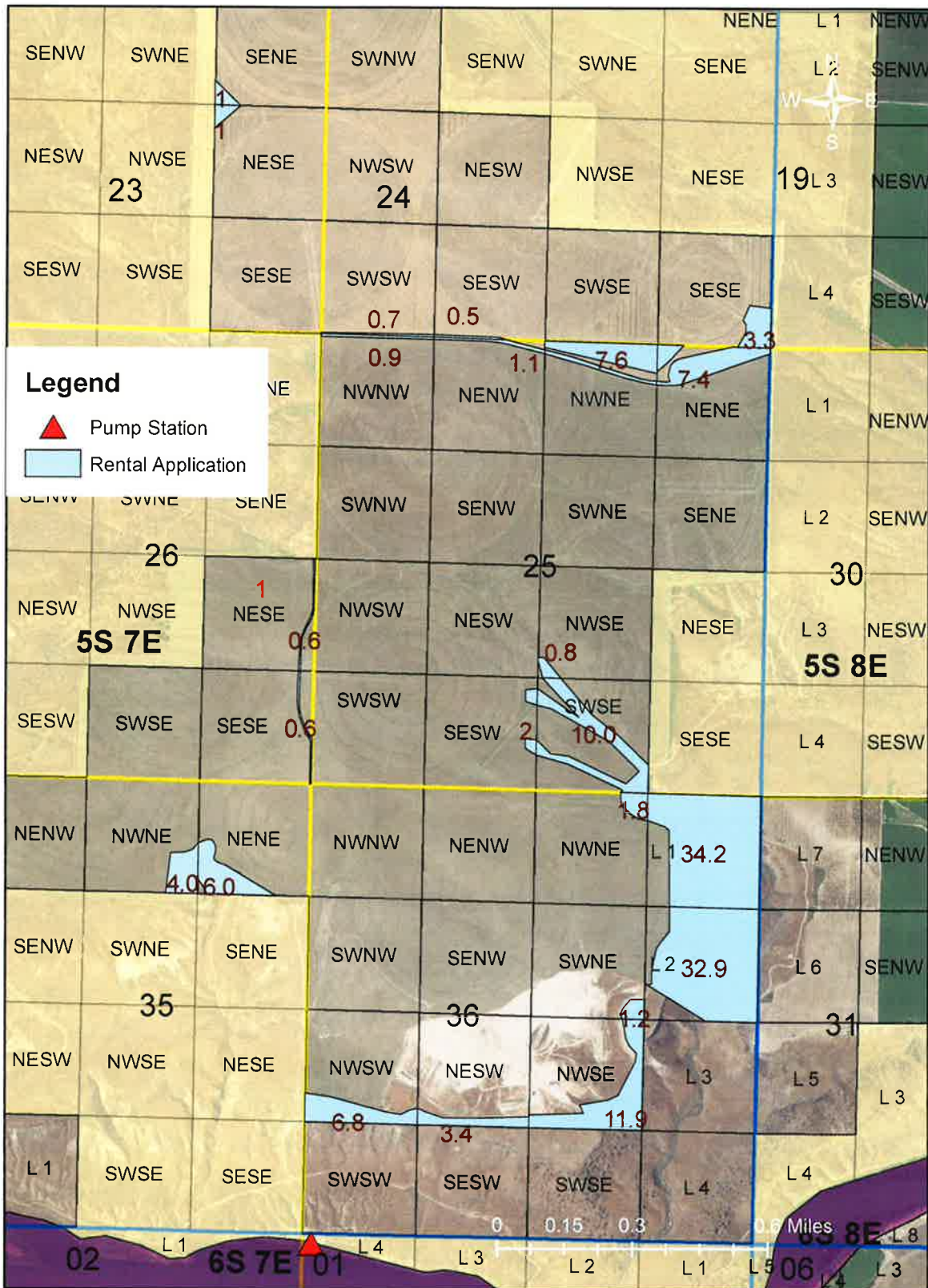
Printed Name of Representative

Date

Mail to:

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

Application for Water Bank Rental



Based on 2015 NAIP Photography

Prepared by ERO 12-2017

Attachment 3K

To Whom It May Concern:

My name is Robert N. Howard. I am the owner of the following described real property in Elmore County, Idaho, Township 5 South, Range 7 East, Boise Meridian:

Section 36: U.S. Government Lot 1, U.S. Government Lot 2, U.S. Government Lot 3,
U.S. Government Lot 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

I consent to DeRuyter Properties, L.P., listing the above-described property as a proposed rental place of use in its application(s) to rent water from the State of Idaho's Water Supply Bank.



Robert N. Howard
P.O. Box 123
Hammett, ID 83627

8-22-17
Date



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 8, 2018

DE RUYTER PROPERTIES LP
PO BOX 580
MARSING ID 83639

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-7237A, 2-10395, and 2-10398**

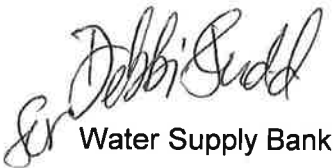
Dear Renter:

Please find enclosed a receipt in the amount of **\$17,144.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 857.2 acre-feet of water for irrigation of 189.6 acres during 2018. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$15,429.60 of the rental fee will be paid to the lessor(s) and 10% or \$1,714.40 will be retained by the Department to offset administrative costs.

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

Sincerely,



Er Debbi Sudd

Water Supply Bank

Enclosures: Receipt No. C105056
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angie Grimm – IDWR Western Regional Office
Nick Miller – State Water District No. 161
Dave Shaw – ERO Resources
Frederick Price – BLM
Cherie Palmer - IDWR Compliance Bureau E2017-1138
Jes Erling – IDWR Compliance Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 26, 2018

DE RUYTER PROPERTIES
PO BOX 580
MARSING ID 83639

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-10395, 2-10398 and 2-7237A**

*****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 \$17,144.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 857.2 acre-feet.

Please send a check for \$17,144.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$15,429.60 of the rental fee will be paid to the lessor(s) and 10% or \$1,714.40 will be retained by the Department to offset administrative costs.

On March 1, 2018 the department sent you a request for additional information to be able to process the application to amend the POU of Rental Agreement 166 and for the remainder of application 999. Since the requested authorization to irrigate BLM land was not received, this application is being returned to you un-processed. This rental agreement is the approvable portion of application 999 and application 998.

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

Sincerely,


Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
David Shaw – ERO Resources Corp
Fredrick Price – BLM
Cherie Palmer – IDWR

MEMORANDUM FOR AGREEMENT # 166

To: Water Right(s) 2-10395, 2-10398 and 2-7237A
From: Mary Condon
Date: February 12, 2018 – April 13, 2018
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: This memo will supersede the previous of February 2018 to clarify scope of rental proposal. Two rental applications and an amendment received for DeRuyter POU on January 23, 2018, 05S 07E sec 36 and other.

Application 998 new rental for additional 19 acres. Application 999 renewal from previous agreement 189. Amendment to Agreement #166 to move POU due to pending Transfer #82068 of WR 2-10017. All three are to cover POU outside of their water right 2-2379 POU.

Due to the overreach onto land not owned by DeRuyter and 2017 NOV, analysis will be done to calculate instead rental acres needed for land owned by DeRuyter and a portion of farmed Howard land, less rental agreement 166 and WR 2-2379, for the difference.

Original applications in August 2017 for rental due to 2017 NOV identified the portions of BLM and Howard properties being irrigated; however, DeRuyter was unable to provide a letter from BLM authorizing the irrigation, and rental agreement was modified to DeRuyter Property and Howard property only.

April 13, 2018 - Transfer #82068 has been protested by BLM for no right of way (ROW) agreement on the POD for not only the transferring water right, but the current water right 2-2379 as well. Request for additional information was sent to DeRuyter on March 3, but not returned by April 1. Rental agreement 166 is covering portion of DeRuyter and 10.1 of Howard; therefore, we will keep 166 in place through remainder of the year and move forward with one rental proposal filling in the rest needed on DeRuyter land, with conditions that the rentals do not grant access, nor are they to set precedence or detour from other department actions or decisions.

AUTHORITY TO FILE: Applications are signed by owner, Nicholaas DeRuyter, and represented by Dave Shaw of Ero Resources. No concerns of authority to file. Rentals considered on DeRuyter and Howard taxlot boundaries only.

WATER RIGHT VALIDITY: Approximately half of rights 2-10395 & 2-10398 are currently rented through Rental Agreement 166, and the remainder of these rights will be used for the new rental proposal (application ID 998), and 2-7237A for additional 7.6 acres needed. Rights 2-10395 and 2-10398 were decreed in June 2009 and leased to the bank in 2014. Right 2-7237A was decreed in 2009, and leased to the bank since 1999. All acres leased have been idled. No concerns with validity.

INJURY TO OTHER WATER RIGHTS: No injury is apparent through the revised rental proposal; however, as per rental conditions, any aggrieved water user may petition reconsideration in accordance with Section 42-1766, Idaho Code.

ENLARGEMENT OF USE: No change in nature of use. Headgate requirement is 4.5 af/ac at 2-10395 & 2-10398 leased POU and rental POU; Right 2-7237A has a of headgate standard of 5 at leased POU. Season of use for rights 2-10395 & 2-10398 is 3/1-11/15 at rental POU, and

3/1-10/31 at leased POU, with shoulder season to 11/15. Right 2-7237A SOU is 3/15-11/15, with shoulder on 3/1. Conditions explaining the SOU and shoulder on rented rights will be included.

The rental will be proportionate to the Water Right 2-2379, from same POD.

WR's on POU	Rate	Volume	Acre	R/Ac	V/Ac
2-2379	23.60	6,060.00	1,232	0.019	4.92
Rental Agreement 166					
2-10395&2-10398	3.50	782.8	174.0	0.020	4.5
Combined	27.1	6,842.8	1,406.0	0.019	

Current 2017 Sentinel imagery shows the total irrigation of 1585.5 on DeRuyter Land and 10.1 on Howard Land, equal to 1,595.6 acres, of which 189.6 are not covered by water rights or rental, and would need another rental to cover.

POU	Rate	Volume	Acre	R/Ac	V/Ac
Irrigated area			1,595.6		
Combined above	27.2	6,842.8	1,406.0	0.019	
Required to Rent	3.79	853.2	189.6	0.020	4.5

To cover the 189.6 acres, remaining available for rentals of 2-10395 & 2-10398 leased water rights, and a portion of 2-7237A lease water rights are shown below.

RENTAL	Rate	Volume	Acre	R/Ac	V/Ac
2-10395	3.43	721.5	162.1	0.021	4.5
2-10398	0.40	97.7	19.9	0.020	4.5
Limited to	3.64	819.2	182.0	0.021	4.5
2-7237A	0.15	38.0	7.6	0.020	5.0
Limited to	0.15	34.2	7.6	0.020	4.5
Combined Rentable Limited to	3.79	853.4	189.6	0.02	4.5

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest. No authorization has been received from BLM land, and so the additional 110 acres requested for rental and irrigated was not included in the rental.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: Rental application 999 requested more than what could actually be farmed on Howard property. There was an additional 50 acres requested which is not consistent with conservation of water due to no beneficial use of irrigation possible on a canyon and its walls. Those areas have been completely removed from rental consideration. Rental 166 already covers the only considerable 10.1 acres of Howard property

Crops and harvests are occurring on lands bordering the DeRuyter Property, which are owned by BLM and Mr. Howard. There is beneficial use to these lands and water use.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District #2, place of use is within WD#161-Mountain Home. Email requesting comment sent.

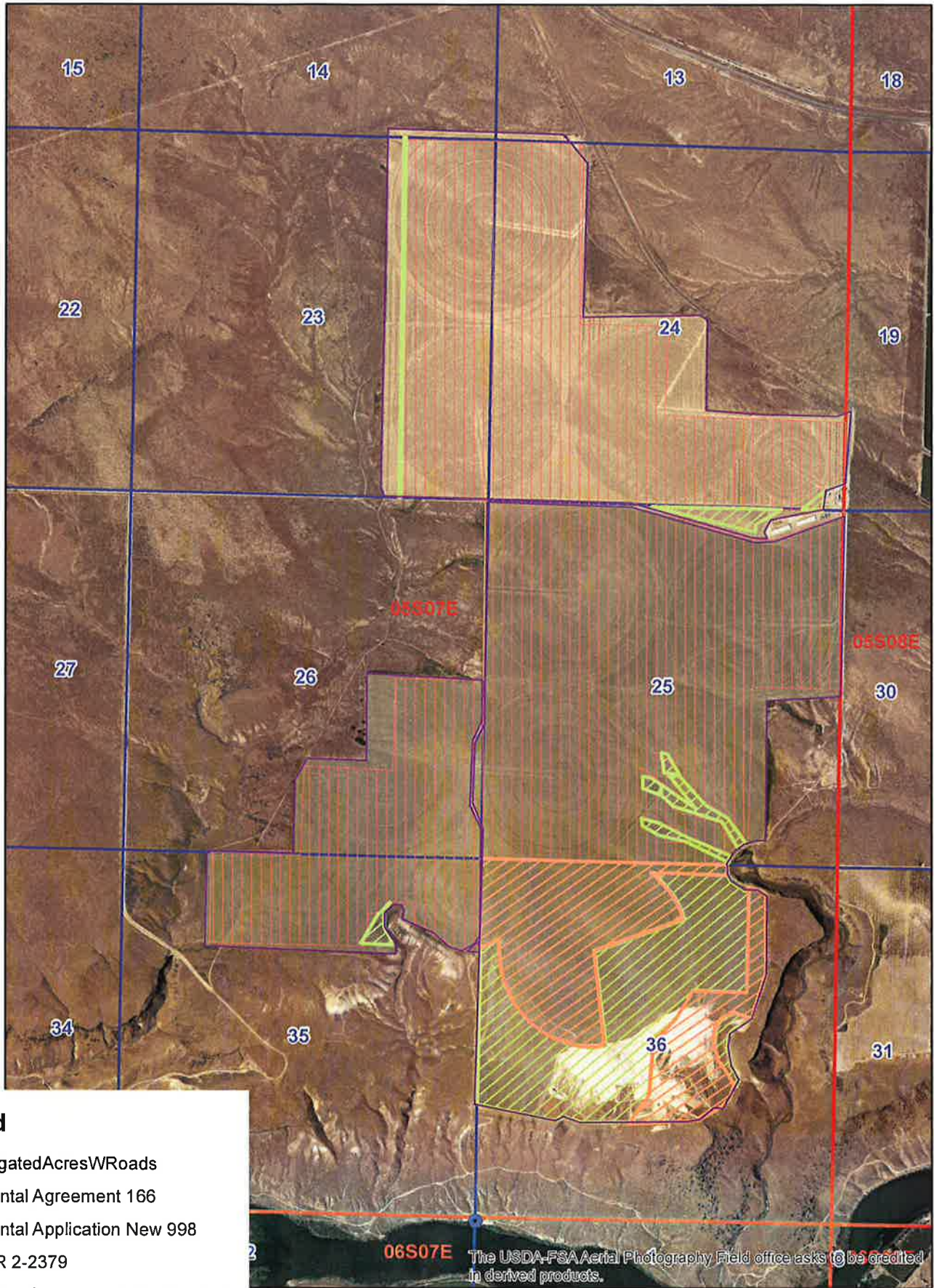
In summary, total lands irrigated from 2017 Sentinel imagery, are 1705 acres. Of this, the DeRuyters own 1585.5 acres plus the Howard portion of 10.1 is 1595.6 acres, minus current

WR 2-2379 which covers 1232 acres, and rental agreement 166 for 174 acres, would require a rental to cover 189.6 acres of rental.

Additionally, they are also irrigating 108.8 acres of BLM land. A letter authorizing this irrigation by Mr. Howard was submitted with rental application. A letter authorizing this irrigation by BLM has not been received, even after request for additional information was sent on March 3, 2018.

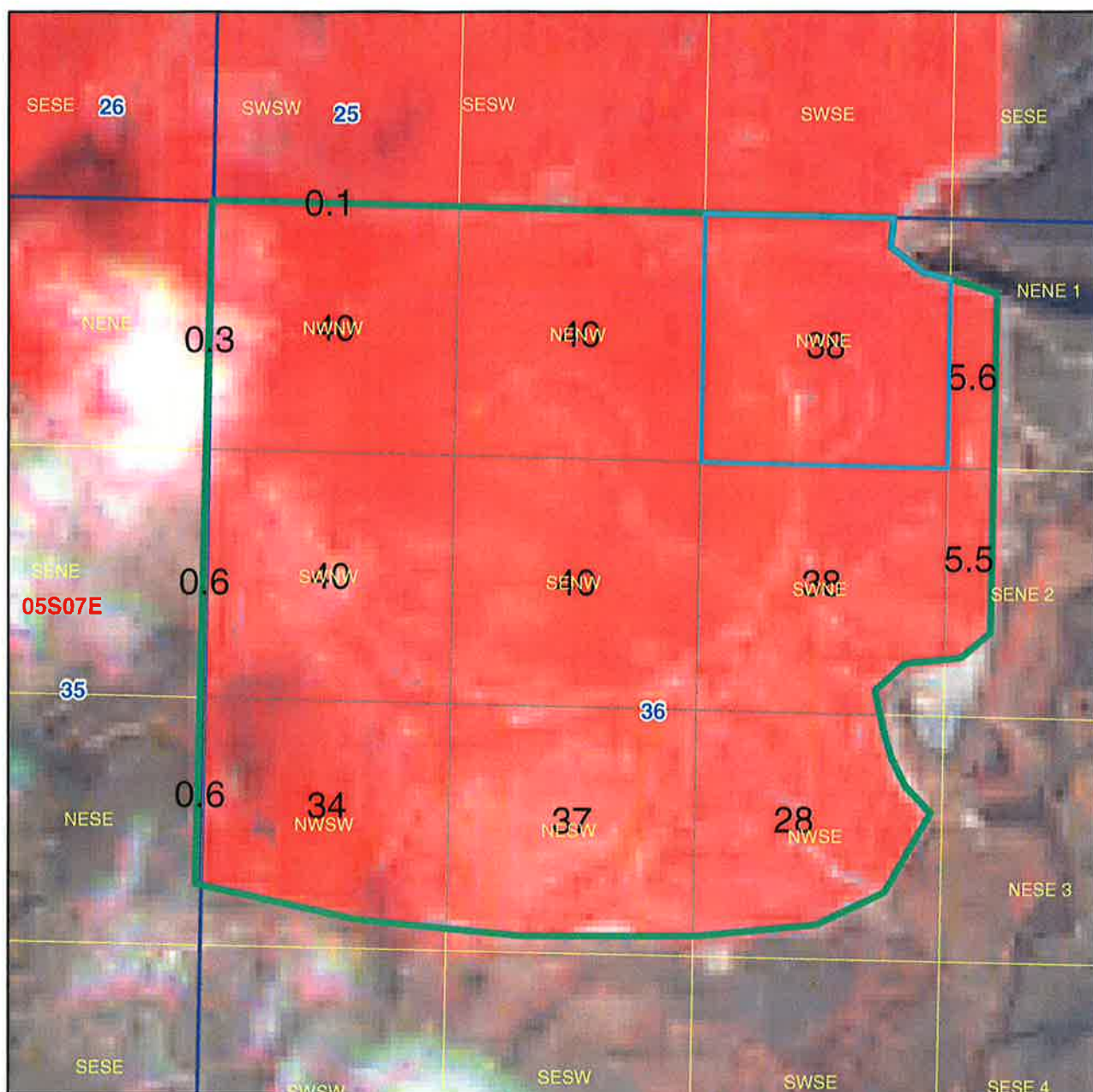
Due to lease term expiration of 12/2018 for 2-10395 & 2-10398 and sensitivity of the current protested transfer, rental would be for 2018 season only.

DeRuyter Land 2018 Rental Application 998



Legend

-  Irrigated Acres WRoads
-  Rental Agreement 166
-  Rental Application New 998
-  WR 2-2379
-  Water Supply Bank Rental POD
-  Township/Range
-  Sections



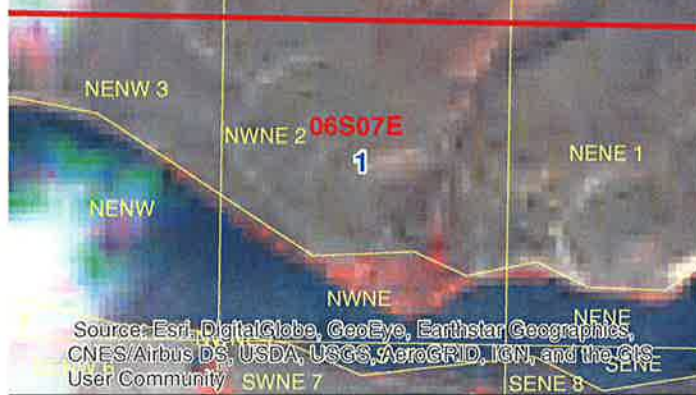
Legend

-  Intersected QQ
-  Active Water Supply Bank Rental POD
-  Township/Range
-  Sections
-  QQ

Filter_T11TPH_S2A_20171011_CIR.sid

RGB

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 1, 2018

DE RUYTER PROPERTIES
PO BOX 580
MARSING ID 83639

RESPONSE DEADLINE

04/01/2018

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO RENT
WATER FROM THE WATER SUPPLY BANK**

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

Dear Applicant:

The Department of Water Resources ("Department") acknowledges receipt of your Applications to Rent Water from the Water Supply Bank ("Bank"). A preliminary review of your applications has been completed, revealing that additional information is required to continue further processing of your rental requests.

In order to best satisfy your irrigation rental needs for 2018, your two new rental applications and your rental amendment request are being considered as a single request, to be evaluated in conjunction with your current water use authorizations under water right (2-2379) and pending Transfer 82068.

Your rental requests an authorization to irrigate agricultural lands both owned by you as well as Robert Howard and BLM. You have included a letter from Howard, consenting to the inclusion of their lands in your rental request, however documentary evidence of an authorization to irrigate lands owned by BLM were not included with your applications. To move forward with a rental for you as quickly as possible, review of rental request has been split into two parts: one addressing irrigation water use on lands owned by you (WSB Rental Application No. 998) and the other addressing irrigation water use of lands not owned by you WSB Rental Application No. 999).

Provided Transfer 82068 is completed timely, and as projected, our review indicates you require a rental of 249.3 acres to fully irrigate lands owned by you (refer to the enclosed DeRuyter Land w/ Transfer Rental 2018 map for identification of the 249.3 acres to be covered under this rental). Once processing of Transfer 82068 is completed, we will conclude our review of your rental request on these acres (Application 998). However, additional information is required before we can conclude processing of your rental request on lands not owned by you (Application 999).

Consideration of irrigated areas not owned by you indicates your rental may be for 119.5 acres, though this includes only 10.7 acres owned by Robert Howard in US Government Lots 1 and 2, within Section 36, Township 5 South, Range 7 East. The Department is unclear whether and how you intend to irrigate the approximately 50 acres of Howard land across and within a crevasse. The Department may not approve a rental request where evidence of a beneficial use of water is not apparent. Because it is unclear how water would be beneficially used for irrigation purposes across and within the crevasse, these acres are not being included with your request to rent water under Application 999. If you do desire to irrigate these specific areas, please provide our office with an explanation as to how this area will be irrigated.

In summary of the above, the Department may soon be able to conclude our processing of Rental Application 998. However, the Department requires following items to continue our review of Rental Application 999:

- Proof of your permission to irrigate and farm land owned by BLM, as shown on map;
- Confirmation of the specific lands owned by Howard which you intend to irrigate in 2018

The Department will provide you with thirty (30) days to submit the above information to our office. If the above are not received by April 1st, 2018, the Department will conclude our review on Rental Application 999 to only cover irrigation of the 10.7 acres owned by Robert Howard. You may also request to withdraw rental your rental application.

If you have questions regarding this matter, please contact me at (208) 287-4936.

Sincerely,

A handwritten signature in cursive script, appearing to read 'M. Condon', written in dark ink.

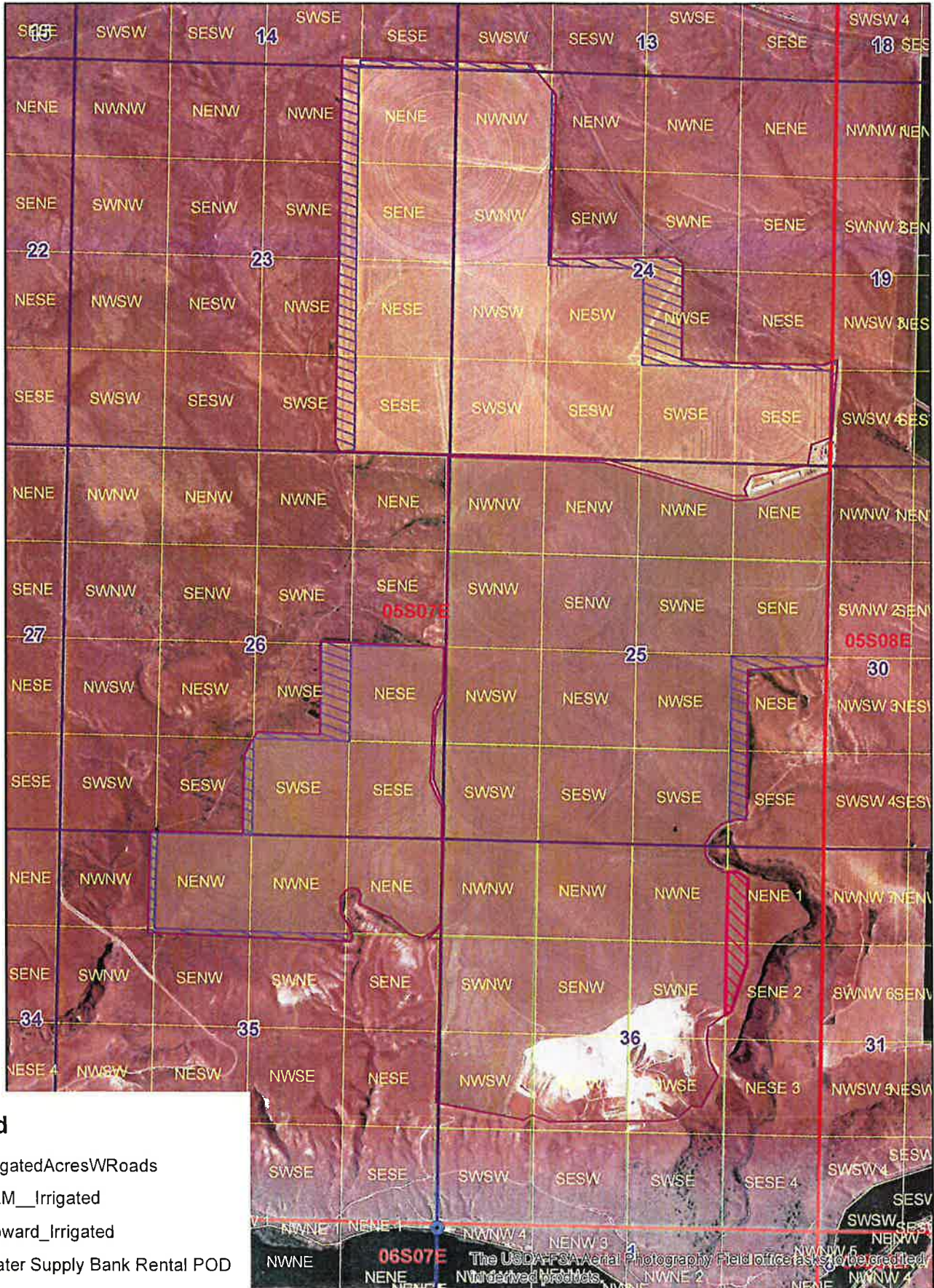
Mary Condon
Water Supply Bank Specialist

c: IDWR Western Regional Office – Angie Grimm
Water District 02 Watermaster – Rob Whitney
ERO Resources – David Shaw

Enclosures Map 1, Map 2

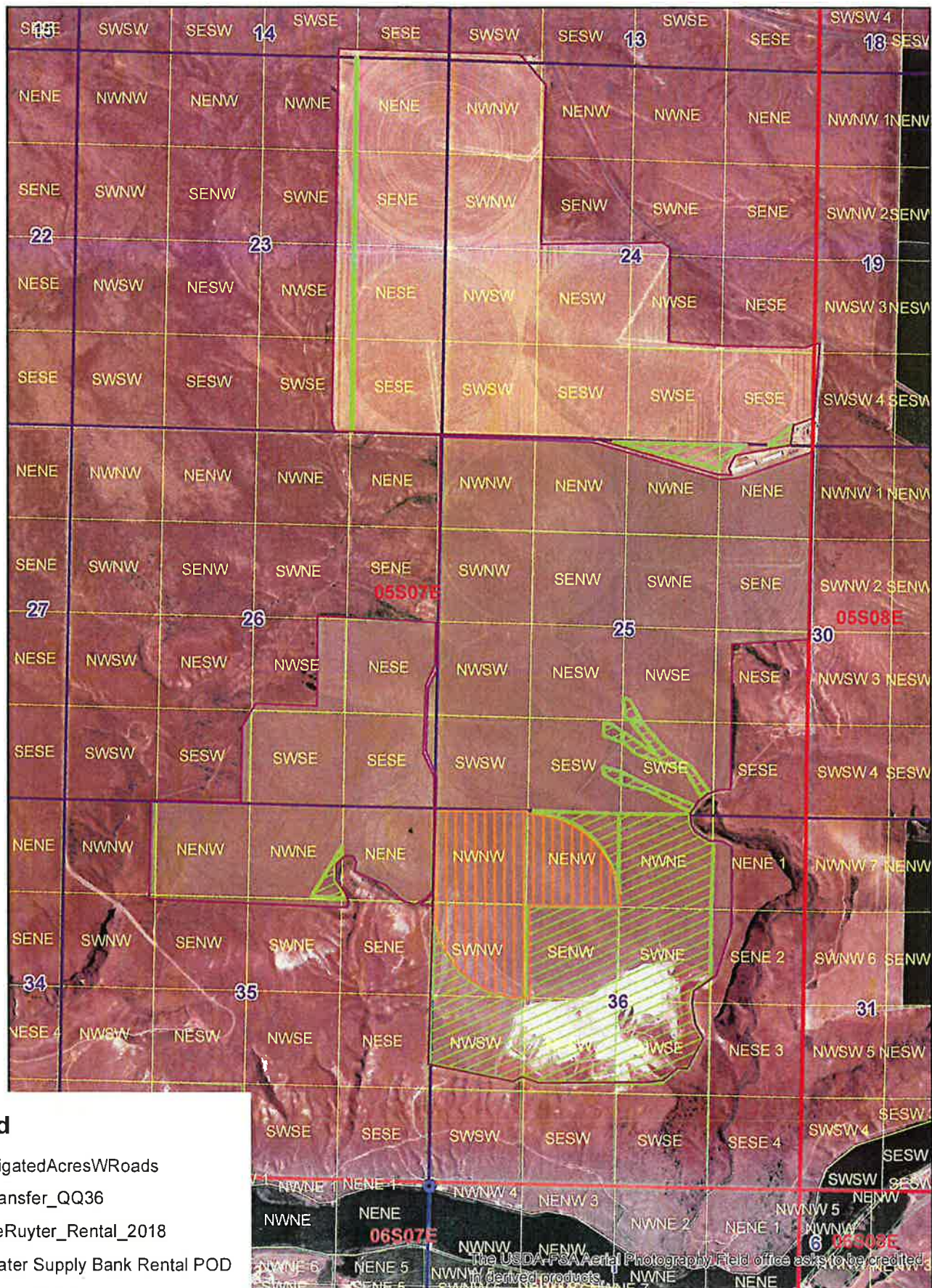
DeRuyter

BLM / Howard Rental 2018



The USDA-FSA Aerial Photography Field Office asks that you be credited for the use of this data.

DRuyter Land w/ Transfer Rental 2018



Legend

-  IrrigatedAcresWRoads
 Transfer_QQ36
 DeRuyter_Rental_2018
 Water Supply Bank Rental POD
 Township/Range
 Sections
 QQ

Condon, Mary

From: Grimm, Angie
Sent: Tuesday, February 20, 2018 3:30 PM
To: Condon, Mary
Subject: RE: Simplot Companion Package

Mary,

The lease and rental pods are within the Trust Water area as well as WD 161. However, no specific concerns regarding this proposal inside those two areas comes to my mind. No other local area concerns come to mind for this lease and rental package either. Nick hopefully provided you any comments from the WD 161 Watermaster perspective. Thank you for the opportunity to comment.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Condon, Mary
Sent: Monday, February 12, 2018 10:47 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: Simplot Companion Package

Nick, Angie,

Please see the proposal map, review memo and rental amount calculation for lease and rental by Simplot, and kindly respond in 7 days with comments or concerns.

Best,

Mary Condon
Water Supply Bank Specialist
Planning & Projects Bureau
Idaho Department of Water Resources
Main: (208) 287-4936
Fax: (208) 287-6700

Condon, Mary

From: Grimm, Angie
Sent: Tuesday, February 06, 2018 9:17 AM
To: Condon, Mary
Subject: RE: DeRuyter Dairies/Properties

Mary,

Good morning! I apologize for taking so long to get back to you, this last week has been crazy busy! We do have a transfer proposing to move 150 acres of water right 2-10017 onto property owned by DeRuyter Properties LP in 05S 07E Sec 36. The transfer was filed by SPF Water Engineering on behalf of Idaho Water Company LLC (appears Idaho Water Company LLC is facilitating the water right deal between Van Es and DeRuyter). An ownership change will not be filed until after the transfer is complete (water right transaction contingent upon transfer approval). We received this transfer (Transfer No. 82068) Dec 19, 2017. Patrick Kelly is processing the application. It's currently prepped for advertising which is scheduled for the next round (publish 2/21 & 2/28 with a protest deadline of March 12). Due to the significant distance this transfer is proposing to move the right, advertising is appropriate. Due to advertising requirements, it's not likely this transfer will get fully processed until after the beginning of the irrigation season. I hope this information is helpful to you in your review of the rental application. Please let me know if you need any additional information. Again, I apologize for taking a week to get back to you.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Condon, Mary
Sent: Wednesday, January 31, 2018 3:32 PM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: DeRuyter Dairies/Properties

Hi Angie,

I am reviewing some rental applications for DeRuyter, including one amendment, and their representative, Dave with ERO Resources, states they are purchasing or transferring approximately 150 acres worth of water rights to be used on 05S07E sec 36.

Has this transfer or ownership change reached your office?

Mary
Mary Condon
Water Supply Bank Specialist
Planning & Projects Bureau
Idaho Department of Water Resources

Main: (208) 287-4936

Fax: (208) 287-6700

Condon, Mary

From: Dave Shaw <dshaw@eroresources.com>
Sent: Thursday, December 14, 2017 3:44 PM
To: Condon, Mary
Subject: RE: Lease and Rental Expiration Letters

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you Mary,

DeRuyters are in the process of purchasing and transferring a water right that will cover 150 of the acres covered by the prior rental of 02-2161 and 02-7061. The will still need to rent the difference, about 14 acres.

Some of the land is also covered by rental of water rights 02-10395 and 02-10398 that continues through 2018. The rental that is expiring and the rental of 02-10395 and 02-10398 cover land that was developed over time and they both covered fractional portions of the same 40 acre tracts. The DeRuyters, at my recommendation, would like to put the right they are purchasing on entire 40 acre tracts rather than divide it up on the fractional 40 acre tracts covered by the rental that expires this year. The total area irrigated is about 338 acres. The rental of 02-10395 and 02-10398 covers 174 acres, the purchased right will cover 150 acres which leaves 14 acres to be covered by a new rental application and I am sure they will make that application.

Can the property be viewed as a whole so the overlap between the purchased right and the land covered by 02-10395 and 02-10398 doesn't cause a problem for the coming year? New rental applications for the 14 acres for next year and 174 acres for 2019 will straighten out the acreage, it will just be a bit confusing for 2018 but there will be enough water right for all the acres being irrigated.

Thanks Mary,
Please call if you would like to discuss,
Dave

David Shaw

ERO Resources Corporation

From: Condon, Mary [mailto:Mary.Condon@idwr.idaho.gov]
Sent: Thursday, December 14, 2017 12:22 PM
To: Dave Shaw <dshaw@eroresources.com>
Subject: RE: Lease and Rental Expiration Letters

Dave,

You can track incoming rental applications on our WSB Reports and Resources through the Water Supply Bank Processing icon at <https://idwr.idaho.gov/water-supply-bank/reports.html>, but we do not have a search tool for active rentals available on our site.

I apologize for not including Deruyter's expiration letter, and you are always welcome to call or email me about any rentals and leases.

Mary

Mary Condon
Water Supply Bank Specialist
Planning & Projects Bureau
Idaho Department of Water Resources
Main: (208) 287-4936
Fax: (208) 287-6700

From: Dave Shaw [<mailto:dshaw@eroresources.com>]
Sent: Thursday, December 14, 2017 11:57 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: Lease and Rental Expiration Letters

Mary,

Is there a way to search for active rentals? I know there are rentals expiring in Sec 36 Twp 5S Rge 7E, B.M., and I think there are other active rentals in that section but have not been able to find a way to search for them on IDWR's web site. Can you check that section or point me to a method to query for active rentals. The rental that is expiring is for water rights 02-2161 and 02-7061.

Thank you Mary,
Dave

David Shaw

ERO Resources Corporation

From: Condon, Mary [<mailto:Mary.Condon@idwr.idaho.gov>]
Sent: Thursday, December 14, 2017 11:19 AM
To: ERO Boise <eroboise@eroresources.com>
Subject: Lease and Rental Expiration Letters

Sir or Madam,

Please see the attached letter(s) of expiration for the Water Supply Bank for your client(s). We do acknowledge the current application for B W Inc; this letter is for your records only.

Best,

Mary Condon
Water Supply Bank Specialist
Planning & Projects Bureau
Idaho Department of Water Resources
Main: (208) 287-4936
Fax: (208) 287-6700