

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 230

RECEIVED

MAR 19 2018

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

OWYHEE FARMING CO LLC

FRANK TIEGS PO BOX 3350

PASCO, WA 99302

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)
2-2376	7/26/1965	SNAKE RIVER	0.29	86.5	16.0	0.018	5.41
2-10427	12/6/1974	SNAKE RIVER	0.78	196.0	39.2	0.020	5.00
2-10432	3/1/1976	SNAKE RIVER	0.19	61.5	12.3	0.015	5.00
Combined Limit Totals			0.78	257.5	51.5	0.015	5.00
2-7061	4/9/1970	SNAKE RIVER	2.63	656.5	131.3	0.020	5.00
2-7157C	10/24/1974	SNAKE RIVER	1.37	131.2	67.1	0.020	1.96
2-10426	12/6/1974	SNAKE RIVER	0.40	100.0	20.0	0.020	5.00
2-7071	11/7/1970	SNAKE RIVER	0.80	180.5	40.1	0.020	4.50
2-10450	2/25/1963	SNAKE RIVER	7.92	1,584.0	396.0	0.020	4.00
2-2356	9/3/1964	SNAKE RIVER	0.71	180.0	36.0	0.020	5.00
2-2176A	5/1/1962	SNAKE RIVER	0.57	213.4	49.0	0.012	4.36
2-2405A	5/18/1967	SNAKE RIVER	0.34	169.0	49.0	0.007	3.45
Combined Limit Totals			0.91	220.5	49.0	0.019	7.80
2-10014	3/15/1990	SNAKE RIVER	0.52	33.8	25.8	0.020	1.31
2-10420	7/30/1969	SNAKE RIVER	1.24	220.5	49.0	0.025	4.50
*57-11710	12/29/1970	CASTLE CREEK	1.16	270.0	60.0	0.019	4.50
Combined Limit Totals			0.78	257.5	51.5	0.015	4.50
Combined Rental Totals			18.73	3,688.0	916.7	0.020	4.33

*This water right will not be utilized by the renter but is part of this rental agreement due to an overlap with 02-10420.

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2019

Annual Rental Fee:

2018 - 2019: \$73,760.00

RELEASED

DEC 31 2018

IN FILE # 2-2176A

SCANNED
MAR 22 2018

The full fee for the rental of the above-described right(s) is \$73,760.00 per year for years 2018 - 2019. The rental fee includes an administrative fee of \$7,376.00 per year for years 2018 - 2019.

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.

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DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT No. 230

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 [Click here to enter text.](#)

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	15.28	3438.4	764.1	0.020	4.50
Combined Total	15.28	3438.4	764.1	0.020	4.50

** The authorized water usage reflects a reduction from the water right elements rented, to account for a maximum diversion rate per acre of 0.02 cfs and a maximum annual duty of water of 4.5 acre feet/acre.*

Detailed water right conditions are attached.



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DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT 230

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:

Frank Treggs
Signature of Renter

3-15-18
Date

Frank Treggs
Printed Name

Managing 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 3/21/2018

Rental approved by IDWR Chy W

Date 3-21-2018

WATER SUPPLY BANK RENTAL AGREEMENT No. 230

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SESE Sec. 4, Twp 06S, Rge 08E, OWYHEE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
15.28 CFS

VOLUME
3438.4 AF

SEASON OF USE

Water Right No.	From	To
2-10014	3/15	11/15
2-2376	3/15	11/15
2-2356	3/15	11/15
2-7071	3/15	11/15
2-7061	3/15	11/15
2-7157C	3/15	11/15
2-2405A	3/15	11/15
2-2176A	3/15	11/15
2-10426	3/15	11/15
2-10427	3/15	11/15
2-10420	3/15	11/15
2-10432	3/15	11/15
2-10450	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	
06S	08E	5			0.7		0.9 L3	34.0 L4	34.0	26.0	39.0	33.0	5.4	7.9		3.6			184.5
06S	08E	6	28.0 L1			27.0													55.0
06S	08E	7				27.0					16.0			15.0	22.0	26.0	29.0	23.0	158.0
06S	08E	8					29.0	30.0	40.0	37.0	13.0	23.0	4.0	36.0	6.0	39.0	27.0		284.0
06S	08E	17		31.0	1.8		39.0	6.0		4.8									82.6

Total Acres: 764.1

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 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.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

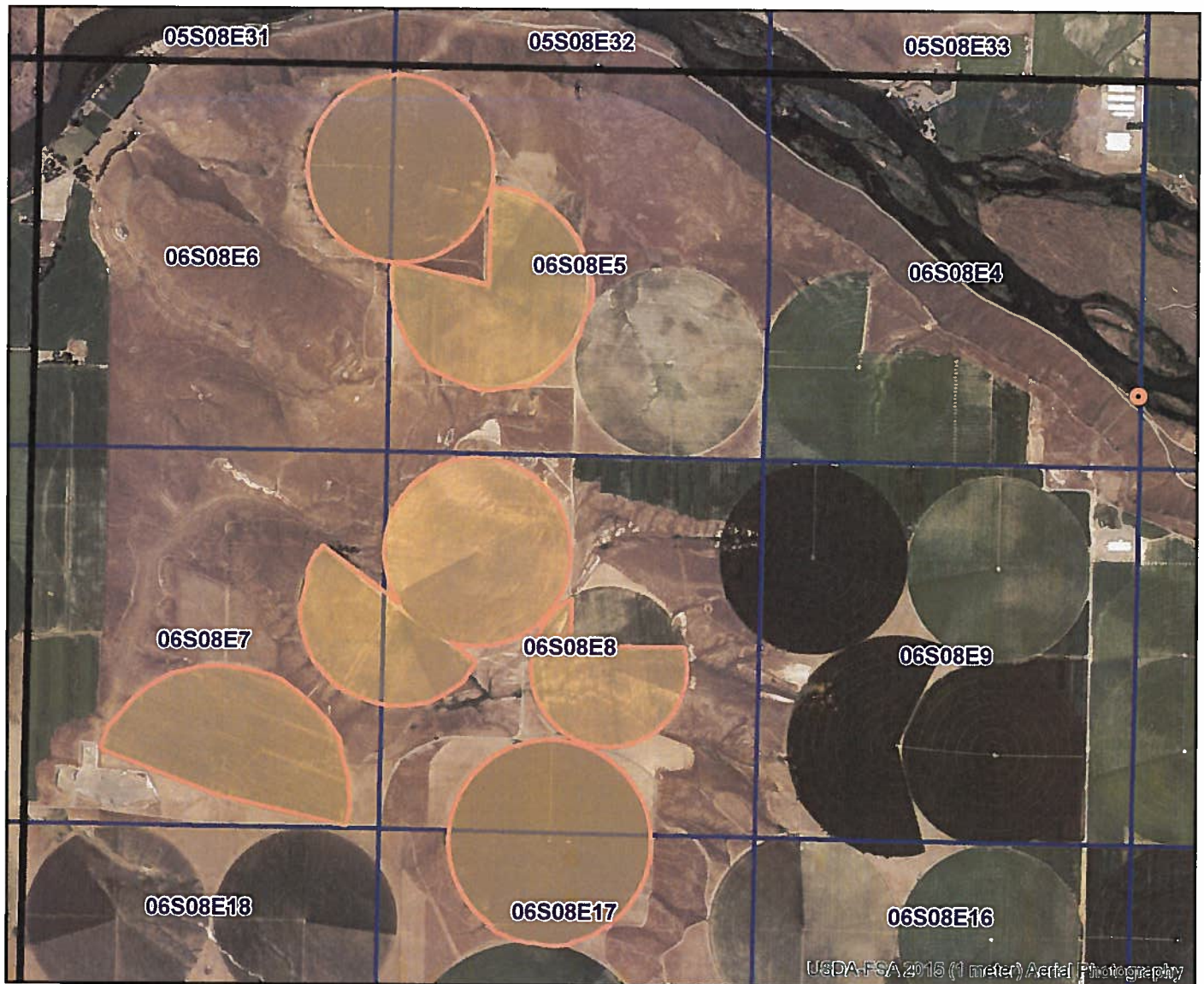
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
6. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts of 3,300 cfs at Murphy and 4,750 cfs at Weiser.
9. This right 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 lands above.
10. The following rights are diverted through point of diversion described on this rental: 2-10053, 2-2260, 2-7019B, 2-7023B, 2-7022B, 2-10510, 2-10422 and 2-7102B.
11. This right does not grant any right-of-way or easement across the land of another.
12. 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).
13. Use of water under this right may 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.



Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No 230

Effective until December 31, 2019

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
-  Townships
-  PLS Sections

0 0.25 0.5 Miles



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

NOV 30 2017

DEPARTMENT OF
WATER RESOURCESApplicant Name: Owyhee Farming Company, 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 year of the application will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to the applicant if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be processed 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 <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes	
2		☒	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	☐	☒	Detailed information on a proposed use of rental water
3F	☐	☒	Authorization from the owner/operator of the rental point(s) of diversion
3H	☒	☐	Water modeling to account for the impacts of the rental request
3J	☒	☐	Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	☐	☒	Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	☐	☒	Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	☒	☐	Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

~~2-10300A~~ 2-10471~~2-10300B~~ ~~2-2262~~

9/14

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Owhyee Farming Company, LLC

Mailing Address P.O. Box 3350 Pasco, WA 99302

Street

City

State

Zip Code

Email Address _____ Phone Number 509-545-4545

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 North 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 rental water will be used for irrigation purposes.

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)
15.3 CFS	3439 AF	15.3 CFS	3439 AF	764.2 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
04/01/2018	6/01/2018	☐ 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 diversion structures, 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
06S08E Sec 4 SESE	Snake River	

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 764.2 (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:
2-7019B, 2-2109D, 2-7022D, 2-7023B, 2-7102B and 2-2260
-

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
2-10300A	Irrigation	8.0	1339	400		8.0	1339	400
2-10300B	Irrigation	8.0	Not State	400		8.0		400
2-10471	Irrigation	23.76	4752	1188		1.5	300	75
2-2262	Irrigation	44.0	13096	3274.0		5.8	1156.8	289.2
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	15.3	3057	764.2
						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:
Trying to purchase permanent water rights.

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

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

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Frank Tieg
Signature of Applicant

Frank Tieg
Printed Name of Applicant

11-11-11
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



Owhyee Farming Rental

NAIP 2015 AERIAL

Legend

 Hoodco Farm PPU

 Hoodco 2018 Rental

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FILED EFFECTIVE

2017 APR 12 AM 11:50



STATEMENT OF CHANGE OF
REGISTERED AGENT,
REGISTERED OFFICE,
OR BOTH
(See reverse for instructions)

SECRETARY OF STATE
STATE OF IDAHO

File #. W 98608

The undersigned entity submits the following statement for the purpose of changing its registered agent, its registered office, or both, in the State of Idaho.

1. The name of the entity is:

OWYHEE FARMING COMPANY, LLC

2. The name and street address of the old registered agent and office is:

RICHARD F. GOODSON

877 MAIN STREET, STE 1000

BOISE, ID 83702

3. The name and street address of the new registered agent and office in Idaho is:

STEVEN SCHOSSBERGER, ESQ.

1205 IRON EAGLE DRIVE, SUITE B

(not a PO box or PMB)

EAGLE, IDAHO 83616

I consent to serve as registered agent for the above-named entity.

Steven Schosberger
(Signature of new registered agent)

4/12/17
(Date)

Date: 4-12-17

Signature: *Frank Tiegs*

Printed: FRANK TIEGS

Capacity: MANAGER

NO FEE REQUIRED