

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 195

RECEIVED

DEC 29 2017

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210

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)
29-14012	8/19/1952	GROUND WATER	1.83	488.8	122.2
29-14013	8/19/1952	GROUND WATER	2.25	651.2	162.8
43-13595	5/4/1978	GROUND WATER	1.01	243.3	60.8
43-13597	5/23/1962	GROUND WATER	0.18	87.4	29.2
Combined Limit Totals			1.01	330.7	90.0
Combined Rental Totals			5.09	1,470.7	375.0

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

Annual Rental Fee:

2018: \$29,414.00

The full fee for the rental of the above-described right(s) is \$29,414.00 for 2018. The rental fee includes an administrative fee of \$2,941.40 for 2018.

Detailed water right conditions are attached.

SUPPORT DATA
IN FILE # 29-14012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 195

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:

PEP LLC by [Signature]
Signature of Renter

12-23-17
Date

Chris Pratt
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 [Signature]
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 1/2/2018

Rental approved by IDWR [Signature]

Date 1-2-2018

WATER SUPPLY BANK RENTAL AGREEMENT NO. 195

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec. 34, Twp 04S, Rge 30E, BINGHAM County

Beneficial Use
IRRIGATION

Diversion Rate
5.09 CFS

Volume
1500.0 AF

SEASON OF USE

Water Right No.	From	To
43-13595	4/1	10/31
43-13597	4/1	10/31
29-14012	4/1	10/31
29-14013	4/1	10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	30E	34	32.0	31.0	31.0	32.0	31.0	31.0	31.0	31.0					31.0	31.0	32.0	31.0	375.0

Total Acres: 375.0

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 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. This rental agreement does not authorize the construction of a well.
9. 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, these water rights are within State Water District No. 120.

WATER SUPPLY BANK RENTAL AGREEMENT NO. 195

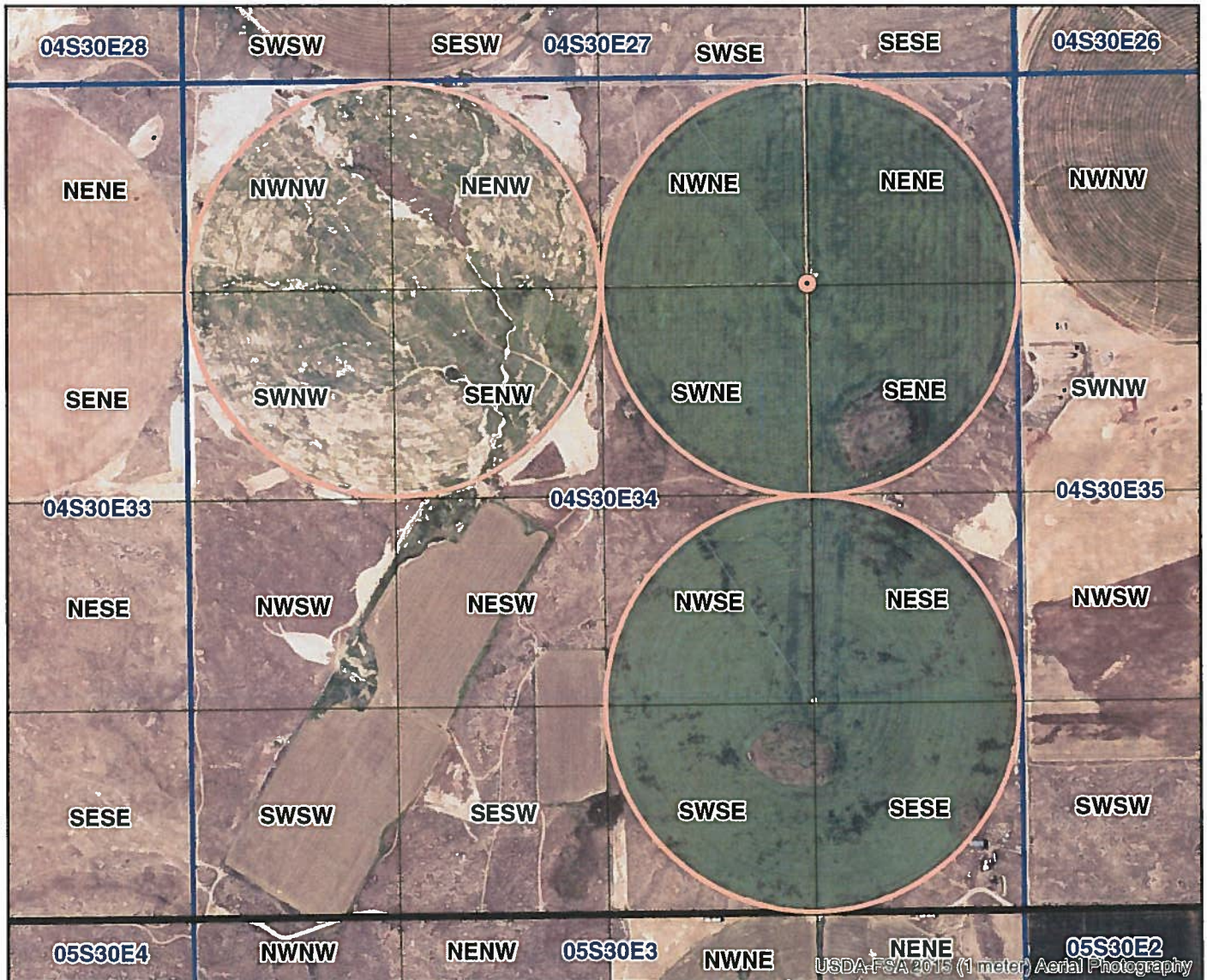
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
12. Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
13. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.



Idaho Water Resource Board
Water Supply Bank Rental Agreement No. 195

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
-  Townships
-  PLS Sections
-  Quarter Quarters



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 01 2017

DEPARTMENT OF
WATER RESOURCESApplicant Name: PEP, 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.

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)

29-14012	43-13595
29-14013	43-13597

897

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant PEP, LLC

Mailing Address 1356 S., 3000 W. Aberdeen ID 83210
Street City State Zip Code
 Email Address pepfarms@gmail.com Phone Number (208) 709-1645

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
 If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Jason C. Helms, P.E. Professional Title _____
 Organization JCH Engineering & Consulting, PLLC Relationship to Applicant Consultant
 Mailing Address 6755 N. Albert Lane Idaho Falls, ID 83401
 Email Address jasoncivil@alumni.nd.edu Phone Number (208) 308-2109

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Irrigation (Rental #1 of 4)

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)
5.09 CFS	1500.0 AF	5.09 CFS	1500 AF	375 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	06/01	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

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

Existing well, mainline and center pivot sprinkler 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
Existing Well #22	Ground Water	none

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 375 (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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
29-14012	irrigation	1.83	488.8	122.2		1.83	488.8	122.2
29-14013	irrigation	2.25	651.2	162.8		2.25	651.2	162.8
43-13595	irrigation	5.00	1209.6	302.4		1.01	243.3	60.8
43-13597	irrigation	(0.89)	580.4	145.1		(0.18)	116.7	29.2
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	5.09	1500.0	375.0
						CFS	AF	AC

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

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

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

Yes ☐ No ☒

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
Some progress has been made and a transfer is anticipated to allow the same use following this year.

- 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:

A transfer is anticipated and will be coordinated not to overlap this rental in any way.

- 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.

PEP LLC [Signature]
Signature of Applicant

Chris Pratt
Printed Name of Applicant

11-1-17
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

ESPA Ground Water Rights Transfer Spreadsheet Data Summary

TRANSFER NO: 2018 Water Bank Rental #1
TRANSFER NAME: PEP LLC: Well #22

PREPARED BY: Jason C. Helms, P.E.
DATE: 10/27/2017
Transfer Tool Version Version 3.2

WATER RIGHTS INVOLVED:

Group 1 Transfer Rights		Group 2 Additional Mitigation Rights	
Right No.	Priority Date	Right No.	Priority Date
29-14012	8/19/1952		
29-14013	8/19/1952		
43-13595	5/4/1978		
43-13597	5/23/1962		

HISTORIC BENEFICIAL USE:

Trans/Mit. Rights (group no.)	Acres to Dry Up (ac)	Beneficial Use (afa/yr)	Total (af/yr)
29-14012	122.2	488.8	488.8
29-14013	162.8	651.2	651.2
43-13595	60.8	243.3	243.3
43-13597	29.2	116.7	116.7

MODEL CELL LOCATIONS:

	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	77	91	96	96
COLUMN	105	69	122	122

	Start Date		End Date		Water Use		Acres Authorized (acres)	Notes
	Season	Year	Season	Year	Annual (af/yr)	Trimester (af/trimester)		
TO Well (Projected Use)	Spring	1952	Winter	2017	0.0	0.0	0.0	0 rental diversion 1952-2017
	Spring	2018	Winter	2018	1500.0	500.0	375.0	2018 rental diversion of 1500 af
	Spring	2019	Winter	2101	0.0	0.0	0.0	0 rental diversion 2019-2101
FROM1 Well (With Transfer)	Spring	1952	Winter	1961	0.0	0.0	0.0	0 diversion before priority date
	Spring	1962	Winter	1977	116.7	38.9	29.2	Add historical diversion of 43-13597
	Spring	1978	Winter	1994	360.0	120.0	90.0	Add historical diversion of 43-13595
	Spring	1995	Winter	2017	0.0	0.0	0.0	Credits during protected non-use
	Spring	2018	Winter	2018	0.0	0.0	0.0	non-use during rental period
FROM1 Well (Without Transfer)	Spring	1952	Winter	1961	0.0	0.0	0.0	0 diversion before priority date
	Spring	1962	Winter	1977	116.7	38.9	29.2	Add historical diversion of 43-13597
	Spring	1978	Winter	1994	360.0	120.0	90.0	Add historical diversion of 43-13595
	Spring	1995	Winter	2101	360.0	120.0	90.0	Authorized baseline use
	Spring	2012	Winter	2101	360.0	120.0	90.0	Use potentially resumes in 2019
FROM2 Well (With Transfer)	Spring	1952	Summer	1952	0.0	0.0	0.0	0 diversion before priority date
	Summer	1952	Winter	2011	488.8	162.9	122.2	Add historical diversion of 29-14012
	Spring	2012	Winter	2017	0.0	0.0	0.0	Credits during protected non-use
	Spring	2018	Winter	2018	0.0	0.0	0.0	non-use during rental period
FROM2 Well (Without Transfer)	Spring	1952	Summer	1952	0.0	0.0	0.0	0 diversion before priority date
	Summer	1952	Winter	2011	488.8	162.9	122.2	Add historical diversion of 29-14012
	Spring	2012	Winter	2101	488.8	162.9	122.2	Authorized baseline use
	Spring	2012	Winter	2101	488.8	162.9	122.2	Use potentially resumes in 2019
FROM3 Well (With Transfer)	Spring	1952	Summer	1952	0.0	0.0	0.0	0 diversion before priority date
	Summer	1952	Winter	2011	651.2	217.1	162.8	Add historical diversion of 29-14013
	Spring	2012	Winter	2017	0.0	0.0	0.0	Credits during protected non-use
	Spring	2018	Winter	2018	0.0	0.0	0.0	non-use during rental period
FROM3 Well (Without Transfer)	Spring	1952	Summer	1952	0.0	0.0	0.0	0 diversion before priority date
	Summer	1952	Winter	2011	651.2	217.1	162.8	Add historical diversion of 29-14013
	Spring	2012	Winter	2101	651.2	217.1	162.8	Authorized baseline use
	Spring	2012	Winter	2101	651.2	217.1	162.8	Use potentially resumes in 2019

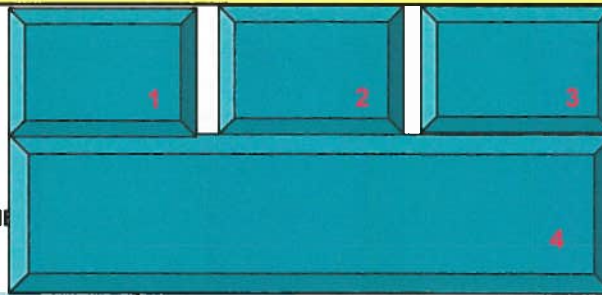
ATTACHMENT #3H Transfer Summary

ENHANCED GROUND-WATER RIGHTS TOOL

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

Cells this color are set up for user entries

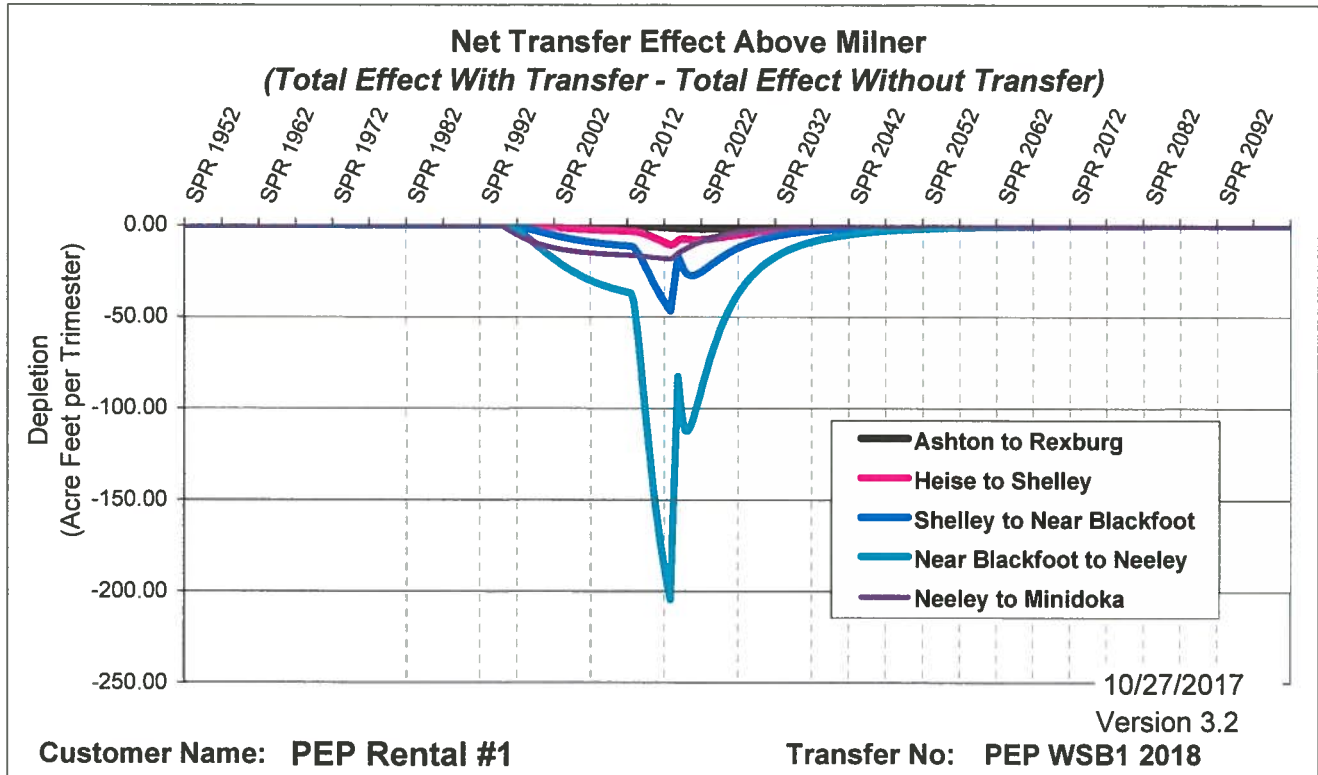
ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON
 TRANSFER NO: PEP WSB1 2018
 YEAR: 1952
 SEASON: SPRING
 TRANSFER NAME: PEP Rental #1



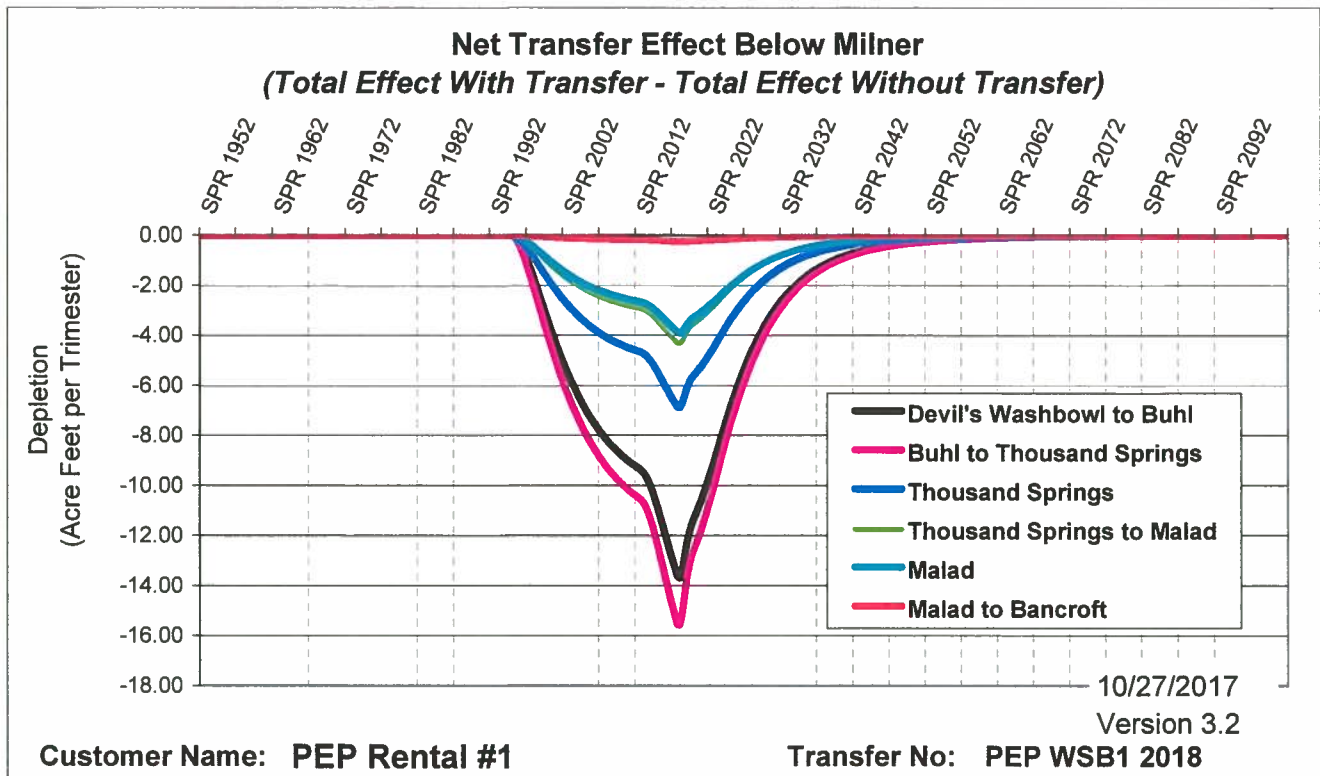
ENTER CELL LOCATIONS							[acre-ft]
ROW	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL	29-14012	8/19/1952	488.8
	77	91	96	96	29-14013	8/19/1952	651.2
COLUMN	105	69	122	122	43-13595	5/4/1978	243.3
					43-13597	5/23/1962	116.7

Well 22		43-13595/7	29-14012	29-14013	Total rental:		1500
TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1952	0.0	0.0	0.0	162.9	162.9	217.1	217.1
WIN 1961	0.0	0.0	0.0	162.9	162.9	217.1	217.1
SPR 1962	0.0	38.9	38.9	162.9	162.9	217.1	217.1
WIN 1977	0.0	38.9	38.9	162.9	162.9	217.1	217.1
SPR 1978	0.0	120.0	120.0	162.9	162.9	217.1	217.1
WIN 1994	0.0	120.0	120.0	162.9	162.9	217.1	217.1
SPR 1995	0.0	0.0	120.0	162.9	162.9	217.1	217.1
SUM 2012	0.0	0.0	120.0	162.9	162.9	217.1	217.1
WIN 2012	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SPR 2013	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SUM 2013	0.0	0.0	120.0	0.0	162.9	0.0	217.1
WIN 2013	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SPR 2014	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SUM 2014	0.0	0.0	120.0	0.0	162.9	0.0	217.1
WIN 2014	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SPR 2015	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SUM 2015	0.0	0.0	120.0	0.0	162.9	0.0	217.1
WIN 2015	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SPR 2016	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SUM 2016	0.0	0.0	120.0	0.0	162.9	0.0	217.1
WIN 2016	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SPR 2017	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SUM 2017	0.0	0.0	120.0	0.0	162.9	0.0	217.1
WIN 2017	0.0	0.0	120.0	0.0	162.9	0.0	217.1
SPR 2018	500.0	120.0	120.0	162.9	162.9	217.1	217.1
SUM 2018	500.0	120.0	120.0	162.9	162.9	217.1	217.1
WIN 2018	500.0	120.0	120.0	162.9	162.9	217.1	217.1
SPR 2019	0.0	120.0	120.0	162.9	162.9	217.1	217.1
SPR 2101	0.0	120.0	120.0	162.9	162.9	217.1	217.1
SUM 2101	0.0	120.0	120.0	162.9	162.9	217.1	217.1
WIN 2101	0.0	120.0	120.0	162.9	162.9	217.1	217.1

ATTACHMENT #3H
Data Entry



ATTACHMENT #3H
Impacts Above Milner



ATTACHMENT #3H
Impacts Below Milner



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

January 3, 2018

PEP LLC
1356 S 3000 W
ABERDEEN ID 83210

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 29-14012, 29-14013, 43-13595, and 43-13597**

Dear Renter:

Please find enclosed a receipt in the amount of **\$29,414.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 1,470.7 acre-feet of water for irrigation of 375.0 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 \$26,472.60 of the rental fee will be paid to the lessor(s) and 10% or \$2,941.40 will be retained by the Department to offset administrative costs.

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

Sincerely,


Ser Water Supply Bank

Enclosures: Receipt No. C104470
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo– IDWR Eastern Regional Office/Water District 120
Jason Helms – JCH Engineering & Consulting



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

December 18, 2017

PEP LLC
1356 S 3000 W
ABERDEEN ID 83210

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 29-14012, 29-14013, 43-13595 and 43-13597**

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

Dear Applicant:

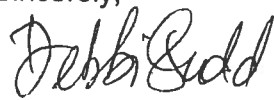
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, 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 \$29,414.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 1,470.7 acre-feet.

Please send a check for \$29,414.00 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 \$26,472.60 of the rental fee will be paid to the lessor(s) and 10% or \$2,941.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

for 
Water Supply Bank

Enclosures

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

MEMORANDUM

To: Water Right(s) 29-14012, 29-14013, 43-13595, and 43-13597.

From: Michele Edl (Sandra Thiel)

Date: February 24, 2017 (December 8, 2017)

Re: Review & Analysis of PEP LLC Application #1 to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On November 1, 2017, Jason Helms (JCH Engineering and Consulting) representing PEP LLC submitted four applications to rent water from the Bank. Mr. Helms submitted ESPA modeling in support of the applications and he identified this rental application as #1 of 4.

This rental proposes to rent all of water rights, 29-14012 and 29-14013 and portions of water rights 43-13595 and 43-13597. The applicant intends to irrigate 375 acres in T4S, R30E, Section 34. The applicant requested a one year agreement.

AUTHORITY TO FILE: According to available Bingham County parcel information, PEP LLC owns the proposed place-of-use. Chris Pratt signed the rental applications. The Idaho Secretary of State lists Mr. Pratt as the registered agent for PEP.

Jason Helms identified the proposed point-of diversion as existing well #22. The water management information system or WIMIS identification is WMIS# 1001750. Ownership changes and transfers have moved all PODs away from the well. No water rights are currently authorized to divert from this well and I found no records indicating that the well has been decommissioned.

WATER RIGHT VALIDITY:

A 2011 transfer moved rights 29-14012 and 29-14013 to the City of Chubbuck service area. Since Chubbuck has leased the rights to the Bank annually and the city has not use the rights.

A review of aerial photography of the former POUs shows that the water rights have been idled at those locations. Approval of this rental agreement will exhaust the entire rental availability of both rights.

Ward Land & Livestock leased rights 43-13595 and 43-13597 to the Water Supply Bank in July 1995 for an indefinite period. In 2015, the lease was limited to an additional five years through 2020. A review of aerial photography shows that the water rights have been idled at the authorized place-of-use.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. Jason Helms provided the required modeling of the ESPA. His modeling choices tended to be more conservative than required. My modeling run concurs with the results Mr. Helms provided for this rental package. No mitigation is required.

Similar WSB rental packages, approved in 2013 through 2015 were of concern to the neighbors. IDWR has requested and Mr. Helms has provided reports that analyzed and summarized the combined impact that PEP LLC's 2013-2015 rentals would have on the local ground water

hydraulics. Those reports have indicated that neighboring wells would be minimally impacted by these rentals.

ENLARGEMENT OF USE: No enlargement is evident through the rental. The rental agreement will be issued with combined use limits on rights 43-13595 and 43-13597.

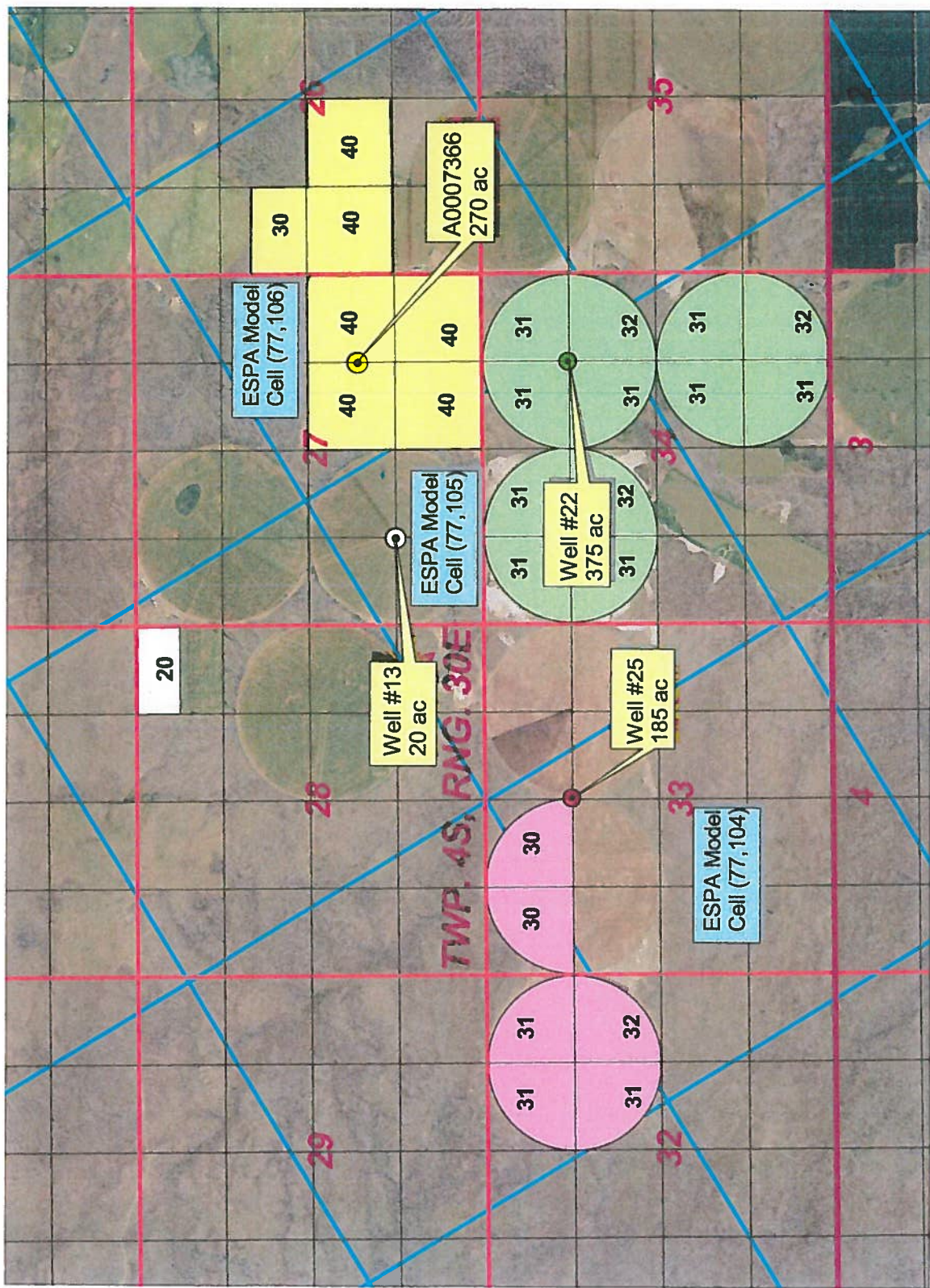
Rights 43-13595 and 43-13597 have longer seasons of use than the standard season of use and the rental location. The rental agreement will limit the use of the rented rights to the standards applicable to the rental location.

LOCAL PUBLIC INTEREST: This application is one of four rental applications submitted by PEP LLC. They are similar to applications submitted by PEP LLC, for the past five rental seasons. The previous applications were of some concern to neighboring landholders who also divert their water from ground water.

In 2015 PEP LLC purchased right 35-8362 and filed Transfer 80446 to change the place of use and point of diversion for the right. That transfer provided neighbors an opportunity to formally protest PEP LLC's use of water rights. The protest period of Transfer 80446 ended November 16, 2015. No protests were received.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

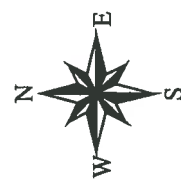
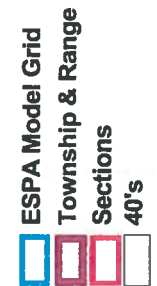
DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rental PODs are subject to Water District 120. James Cefalo responded on behalf of both the region, and as water master. He did not have concerns about the rentals.



JCH - 10/27/2017

0.25 0 0.25 0.5 0.75 1 Miles

2015 NAIP Aerial Photo



- PEP, LLC Proposed Rentals
- PEP Well #22
 - Global Ag Well #25
 - Global Ag Well #13
 - PEP Well A0007366

PEP, LLC Proposed 2018 Water Supply Bank Rentals

Thiel, Sandra

From: Cefalo, James
Sent: Monday, December 11, 2017 8:16 AM
To: Thiel, Sandra
Subject: RE: Four PEP water supply bank rentals

Sandra,

I don't have any concerns or comments for the four WSB Rentals proposed by PEP LLC.

James

From: Thiel, Sandra
Sent: Friday, December 08, 2017 4:19 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: Four PEP water supply bank rentals

Hello James, The attached documents describe four water supply bank rental submitted by PEP LLC. Please let me know if you have any questions or concerns.

Sandra Beer Thiel

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

No. W 15317	Due no later than May 31, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. PEP, L.L.C. MARC ELLIOTT 1356 S. 3000 W. ABERDEEN ID 83210		CHRIS PRATT 2948 W. 2100 S. ABERDEEN ID 83210
			3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MEMBER	CHRIS PRATT	2948W 2100 S	ABERDEEN ID USA 83210
MEMBER	JOHN PRATT	645 BANNOCK AVE	AMERICAN FALLS ID USA 83211
MEMBER	MARC ELLIOTT	2804 W. 1400 S.	ABERDEEN ID USA 83210
5. Organized Under the Laws of: ID W 15317		6. Annual Report must be signed.* Signature: Marc Elliott Date: 03/22/2017 Name (type or print): Marc Elliott Title: member	
Processed 03/22/2017		* Electronically provided signatures are accepted as original signatures.	