

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 202

RECEIVED

DEC 28 2017

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

CLEFT OF THE ROCK FARMS

51 N 3350 E

AMERICAN FALLS, ID 83211

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)
43-13595	5/4/1978	GROUND WATER	1.48	358.0	89.5	0.017	4.00
43-13597	5/23/1962	GROUND WATER	0.26	127.2	42.5	0.006	2.99
Combined Limit Totals			1.48	485.2	42.5	0.011	3.67
Combined Rental Totals			1.48	485.2	132.0	0.011	3.67

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2020.

Annual Rental Fee:

2018: \$9,704.00
2019: \$9,704.00
2020: \$9,704.00

The full fee for the rental of the above-described right(s) is \$9,704.00 per year for years 2018 - 2020. The rental fee includes an administrative fee of \$970.40 per year for years 2018 - 2020.

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 Click here to enter text.

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	*1.48	485.2	132.0	*0.011	3.67
Combined Total	*1.48	485.2	132.0	*0.011	3.67

*** The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits.**

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 43-13595

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 202

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:

Cleft of the Rock Farms by Kar Walworth 12-24-17
Signature of Renter Date

Cleft of the Rock Farms
by Kar Walworth PTB
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 Date 1/2/2018
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR [Signature] Date 1-2-2018

WATER SUPPLY BANK RENTAL AGREEMENT NO. 202

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec. 29, Twp 10S, Rge 28E,	CASSIA County
GROUND WATER	SWSW	Sec. 29, Twp 10S, Rge 28E,	CASSIA County

Beneficial Use
IRRIGATION

Diversion Rate
1.48 CFS

Volume
485.2 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To
43-13595	3/15	11/15
43-13597	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	
10S	28E	29												6.4		0.6	38.0	22.0	67.0
10S	28E	32	21.0	38.0	0.3		5.7												65.0

Total Acres: 132.0

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. This rental for mitigation by non-use may be ineffective if the mitigating water right is not in priority.
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 does not authorize the construction of a well.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. Use of water under this right 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. 143.

WATER SUPPLY BANK RENTAL AGREEMENT NO. 202

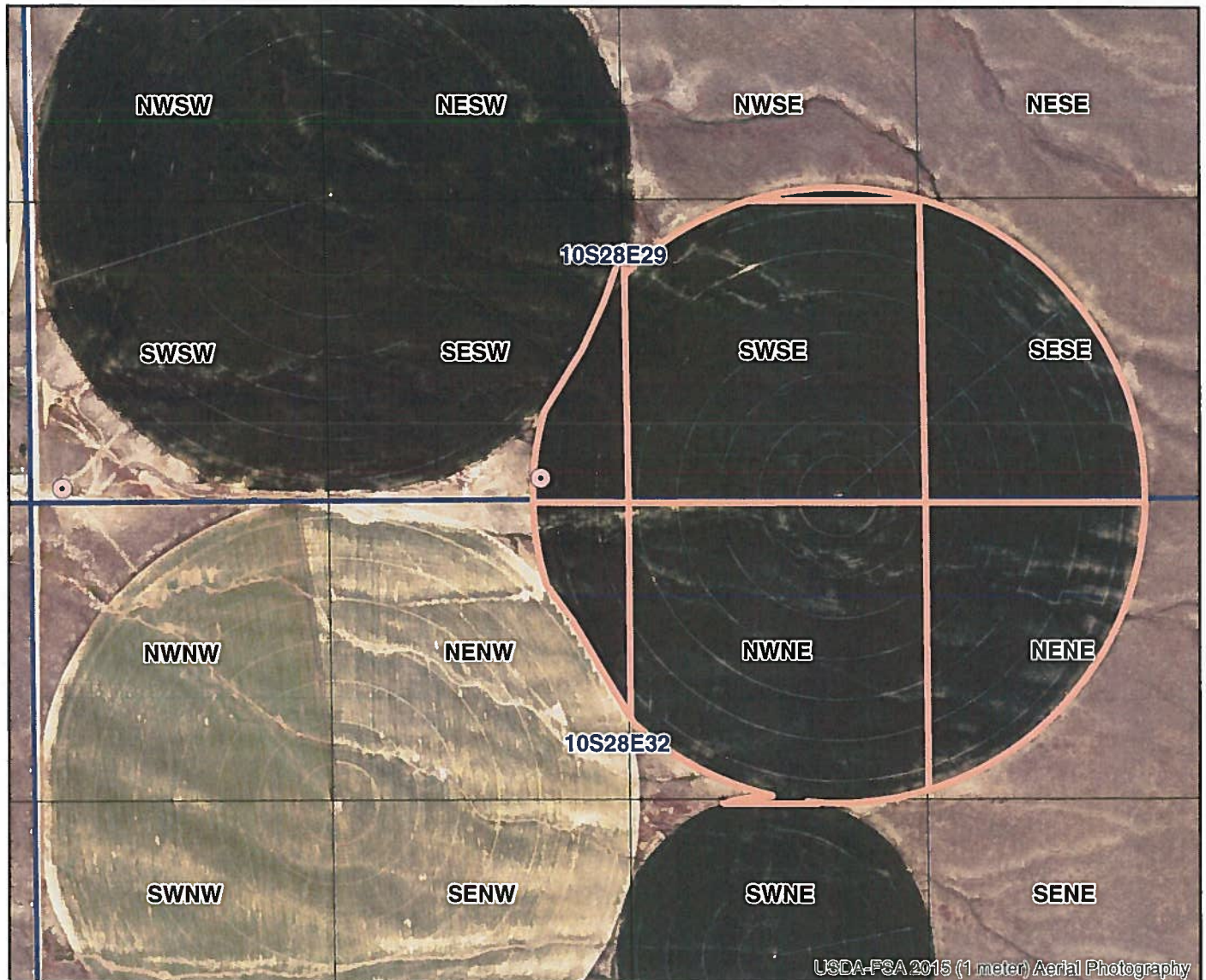
11. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
12. Rented portions of Rights 43-13595 and 43-13597 when combined shall not exceed the irrigation of 132.0 acres.
13. The following rights are diverted through point of diversion described above: 43-2325, 43-4112, 43-13513, 43-13515 and WSB rental water from 43-2409B.



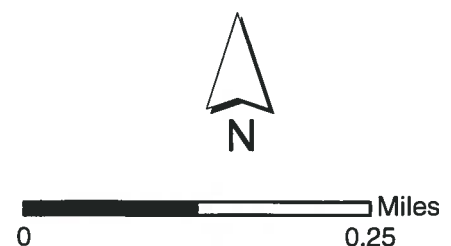
Idaho Water Resource Board
Water Supply Bank Rental Agreement No. 202

Effective until December 31, 2020

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



-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED**SEP 01 2017****DEPARTMENT OF
WATER RESOURCES**

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

Applicant Name: Cleft of the Rock Farms**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)

871 recreated

lease contract 5/2
ward 182

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Cleft of the Rock Farms

Mailing Address 51 North 3350 East American Falls, Idaho 83211

Street City State Zip Code
Email Address ctrfarms@hotmail.com Phone Number 208-349-5542

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 Street, Suite 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**:

Rented water will be used for irrigation.

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)
1.78 CFS	528 AF	1.78 CFS	528 AF	132 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?	
1/1/2018	9/31/2018	☐ 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 wells, mainlines and irrigation system.

- 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
10S28E Sec 29 SWSW	Ground Water	43-13513, 43-1515, 43-2328 and 43-4112
10S28E Sec 29 SESW	Ground Water	43-13513, 43-1515, 43-2328 and 43-4112

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

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

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

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
43-13513, 43-1515, 43-2328 and 43-4112. Need additional acres to fully cover farmable ground.

**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:
Unable to find water right that is available to purchase.

- 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:

When a suitable water right is found that can be purchased.

- 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

N/A

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.

Ken Woodworth
Signature of Applicant

Ken Woodworth
Printed Name of Applicant

8-25-17
Date

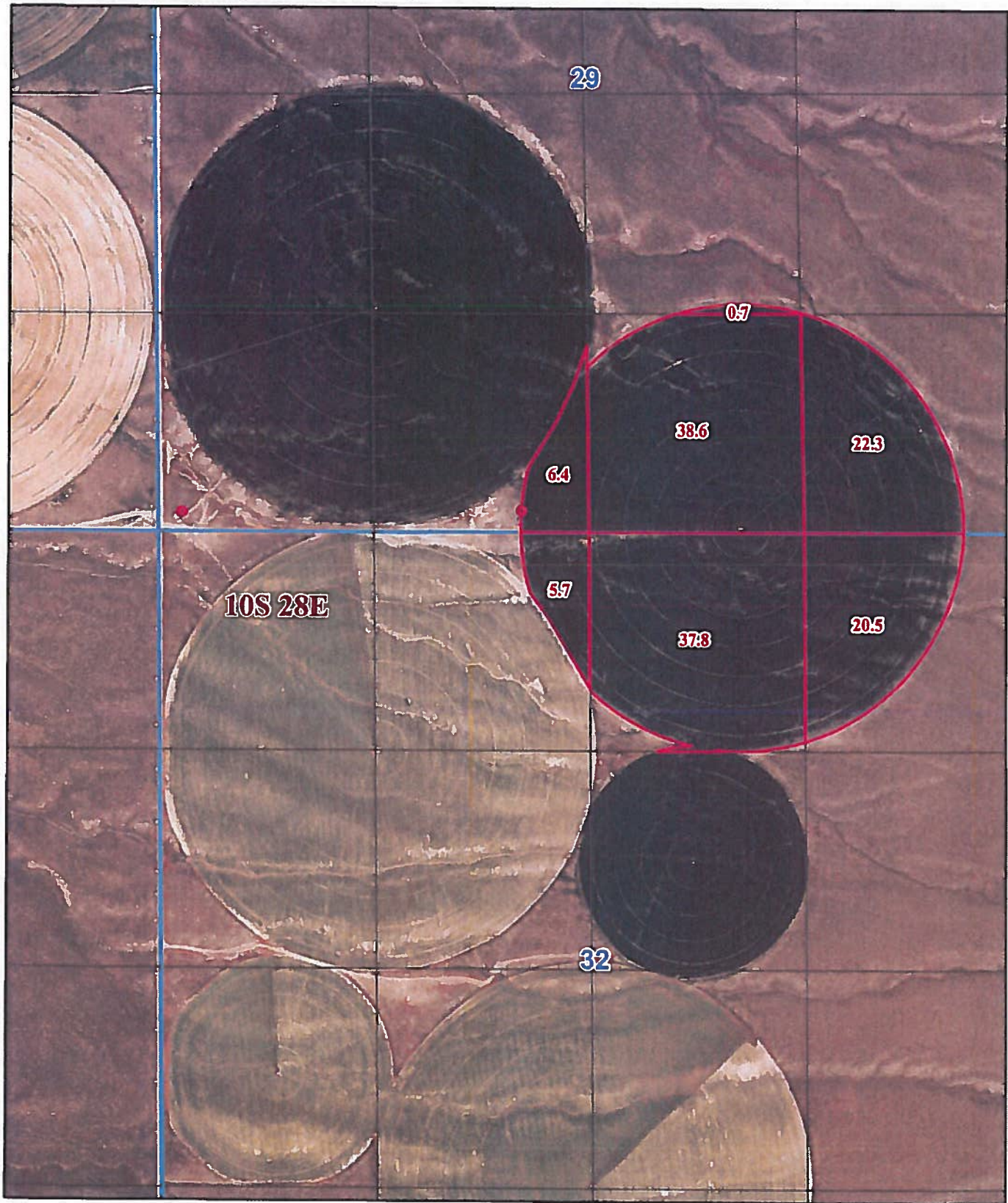
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



0 255 510 1,020 Feet

**WOODWORTH, KEN
RENTAL MAP
NAIP 2015 AERIAL**

Legend

- Point of Diversions
- WSB Rental 18-22





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 4, 2018

CLEFT OF THE ROCK FARMS
51 N 3350 E
AMERICAN FALLS ID 83211

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

Dear Renter:

Please find enclosed a receipt in the amount of **\$9,704.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 485.2 acre-feet of water for irrigation of 132.0 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 \$8,733.60 of the rental fee will be paid to the lessor(s) and 10% or \$970.40 will be retained by the Department to offset administrative costs.

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

Sincerely,


Water Supply Bank

Enclosures: Receipt No. C104466
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Nathan Erickson – State Water District No. 143
Greg Sullivan – Brockway Engineering



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 19, 2017

CLEFT OF THE ROCK FARMS
51 N 3350 E
AMERICAN FALLS ID 83211

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 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 \$9,704.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 485.2 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$9,704.00 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 \$8,733.60 of the rental fee will be paid to the lessor(s) and 10% or \$970.40 will be retained by the Department to offset administrative costs.

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

Sincerely,

 Water Supply Bank

Enclosure

c: IDWR Front Desk
Greg Sullivan-Brockway Engineering PLLC

MEMORANDUM

To: Right(s) 43-13595 and 43-13597

From: Michele Edl

Date: December 6, 2017

Re: Review & Analysis of Cleft of the Rock Farms' Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On September 1, 2017, Greg Sullivan (engineer, Brockway Engineering PLLC) submitted a WSB rental application on behalf of Cleft of the Rock Farms. The application requested rental water for five years (2018-2022) to irrigate 132 acres under an existing pivot which is not currently covered by a water right. No rights were identified in the rental proposal.

I found that Rights 43-13595 and 43-13597 are currently leased to the WSB, have been used to successfully satisfy previous rental requests from Cleft of the Rock Farms and have sufficient water available to satisfy this request. However, they are available for rent through 2020 only, which limits the duration of the rental agreement.

This lease and rental combination will move water SW across the Raft River to North of the Raft River Critical Ground Water Area.

AUTHORITY TO FILE: According to available Cassia County tax parcel information, the proposed place-of-use is property owned by Cleft of the Rock Farms. IDSOS lists Cleft of the Rock Farms as #D12917. Kenneth Woodworth is listed as general partner and he signed the application.

The proposed rental point-of-diversion is an existing well (WMIS #1002877). It is located just outside of the CGWA and is the authorized POD for the following water rights: 43-2325, 43-4112, 43-13513 and 43-13515.

WATER RIGHT VALIDITY: 43-13595 and 43-13597 were leased into the WSB indefinitely under parent WR #s 43-7126 and 43-4037. In 2015, the IWRB passed a resolution to release indefinite leases from the Bank. The right holders of 43-13595 and 43-13597 were contacted and they agreed to extend the term of the leases for 5 more years or through 2020.

A review of recent aerial photography shows that Rights 43-13595 and 43-13597 have been idled at their authorized POU.

Rights 43-13595 and 43-13597 are partially rented for the 2018 season but sufficient quantities are available to fill this rental request.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. Concerns about the impact that a similar lease-rental package would have had to the Raft River Critical Ground Water Management Area was addressed in 2016. IDWR Hydrologist Lin Campbell completed a review but due to the scarcity of data, his review was inconclusive with respect to injury.

The lease wells and the proposed rental well are within the Trust Water Right area but none are located within either the ESPA or the Raft River CGWA.

ENLARGEMENT OF USE: No enlargement is anticipated. The rental rate and volume have been made proportionate to the leased elements of the rights.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased rights and the rental location fall within Water District 143.

Comment was requested from Southern Region and the watermaster. Neither were opposed to the rental.

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2018-2020)	Rental Amounts				
Cleft of the Rock Farm					Rate	Acres			
43-13595	358.0	\$6,444.00	\$716.00	\$7,160.00	1.53	89.50			
43-13597	127.0	\$2,286.00	\$254.00	\$2,540.00	0.25	42.50			
Total	485.0	\$8,730.00	\$970.00	\$9,700.00	1.53	132.00			
overall volume/ac						3.6742			
overall rate/ac						0.0116			
calculated by Michele Edl									
43-13595	rate	volume	acre	af/ac	cfs/ac	comment			
xferred	5.00	1209.6	302.4	4.00	0.017	combined limit			
leased	5.00	1209.6	302.4	4.00	0.017				
PEP LLC #1 rental	1.01	243.3	60.8	4.00	0.017			assumed for 2017 based on 2016	
remaining	3.99	966.3	241.6	4.00	0.017				
PEP LLC #2 rental	0.16	37.5	9.4	3.99	0.017				
remaining	3.83	928.8	232.2						
PEP LLC #4 rental	0.73	177.3	44.3	4.00	0.016				
remaining	3.10	751.5	187.9						
43-13597 corrected	rate	volume	acre	af/ac	cfs/ac				
xferred	0.89	580.4	145.1	4.00	0.006	combined limit			
leased	0.89	434.3	145.1	2.99	0.006				
PEP LLC #1 rental	0.18	87.83	29.3	3.00	0.006			assumed for 2017 based on 2016	
remaining	0.71	346.47	115.8	2.99	0.006				
PEP LLC #2 rental	0.026	13.4	4.5	2.98	0.006				
remaining	0.684	333.07	111.30						
PEP LLC #4 rental	0.13	63.6	21.3	2.99	0.006				
remaining	0.554	269.47	90.00	2.99	0.006			0.47897818	
	.55*246*1.9835=	268.4							
reset total for both Ward rights	3.1	1019.9	277.9						
eliminating rounding errors									
	rate	volume	acre	af/ac	cfs/ac				
	1.53	358	89.5	4.00	0.017			0.474860335	
	0.25	127	42.5	2.99	0.006				
Cleft of the Rock Farms	1.53	485	132	3.67	0.012				

Edl, Michele

From: Erickson, Nathan
Sent: Wednesday, December 06, 2017 8:03 AM
To: Edl, Michele; Skinner, Corey
Subject: RE: Request for comment

Michele,
I do not see any issues why this rental should not be approved.
Thanks,
Nathan

From: Edl, Michele
Sent: Tuesday, December 05, 2017 4:20 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: Request for comment

Corey and Nathan,
I have completed my preliminary review of the water supply bank application submitted by Greg Sullivan on behalf of Cleft of the Rock Farms for 2016-2020. The application did not list specific rights for the rental. However, I believe that two leased rights 43-13595 and 43-13597 (held by Ward Land & Livestock), will have sufficient water available to satisfy the rental.

Similar rental requests were processed 2012-2015. But in 2016 this lease-rental combination was of concern to IDWR and in 2016 the WSB requested a review of this water move from the hydrology section. Hydrologist Lin Campbell's review of the impact was received after the 2016 rental was processed using other rights. If you would like to read it, it has been scanned into the backfile of 43-13595. But in essence, the hydrologist found insufficient information to make a determination either pro or con.

We have no evidence against this lease-rental combination but I am asking for your comment before I completely process the rental. If either of you are against approval of this rental, I will put it back in the queue to await the unlikely arrival of other B43 water.

I have attached a map which shows the relationship between the lease and the rental places-of-use.

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

Thank you
Michele Edl
208-287-4946

Edl, Michele

From: Skinner, Corey
Sent: Wednesday, December 06, 2017 8:19 AM
To: Edl, Michele; Erickson, Nathan
Subject: RE: Request for comment

I have no concerns as long as the PODs are outside the ESPA model area and the CGWA.

From: Edl, Michele
Sent: Tuesday, December 05, 2017 4:20 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: Request for comment

Corey and Nathan,

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Thank you
Michele Edl
208-287-4946

MEMORANDUM

To: Right(s) 43-13595 and 43-13597

From: Michele Edl

Date: December 6, 2017

Re: Review & Analysis of Cleft of the Rock Farms' Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On September 1, 2017, Greg Sullivan (engineer, Brockway Engineering PLLC) submitted a WSB rental application on behalf of Cleft of the Rock Farms. The application requested rental water for five years (2018-2022) to irrigate 132 acres under an existing pivot which is not currently covered by a water right. No rights were identified in the rental proposal.

I found that Rights 43-13595 and 43-13597 are currently leased to the WSB, have been used to satisfy previous rental requests from Cleft of the Rock Farms and have sufficient water available to satisfy this request. But they are available for rent only through 2020, which limits the duration of the rental agreement.

This lease and rental combination will move water SW across the Raft River to North of the Raft River Critical Ground Water Area.

AUTHORITY TO FILE: According to available Cassia County tax parcel information, the proposed place-of-use is property owned by Cleft of the Rock Farms. IDSOS lists Cleft of the Rock Farms as #D12917 and lists Kenneth Woodworth as general partner. Mr. Woodworth signed the application.

The proposed rental point-of-diversion is an existing well (WMIS #1002877). It is located just outside of the CGWA and is the authorized POD for the following water rights: 43-2325, 43-4112, 43-13513 and 43-13515.

WATER RIGHT VALIDITY: 43-13595 and 43-13597 were leased into the WSB indefinitely under parent WR #s 43-7126 and 43-4037. In 2015, the IWRB passed a resolution to release indefinite leases from the Bank. The right holders of 43-13595 and 43-13597 were contacted and they agreed to extend the term of the leases for 5 more years or through 2020.

A review of recent aerial photography shows that Rights 43-13595 and 43-13597 have been idled at their authorized POU.

Rights 43-13595 and 43-13597 are partially rented for the 2018 season but sufficient quantities are available to fill this rental request.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. Concerns about the impact that a similar lease-rental package would have had to the Raft River Critical Ground Water Management Area was addressed in 2016. IDWR Hydrologist Lin Campbell completed a review but due to the scarcity of data, his review was inconclusive.

The lease wells and the proposed rental well are within the Trust Water Right area but none are located within either the ESPA or the Raft River CGWA.

ENLARGEMENT OF USE: No enlargement is anticipated. The rental rate and volume have been made proportionate to the leased elements of the rights.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased rights and the rental location fall within Water District 143.

Comment was requested from Southern Region and the watermaster. Neither were opposed to the rental.

Edl, Michele

From: Edl, Michele
Sent: Tuesday, December 05, 2017 4:20 PM
To: Skinner, Corey; Erickson, Nathan
Subject: Request for comment
Attachments: Cleft of Rock Farm rental map.jpg

Corey and Nathan,

I have completed my preliminary review of the water supply bank application submitted by Greg Sullivan on behalf of Cleft of the Rock Farms for 2016-2020. The application did not list specific rights for the rental. However, I believe that two leased rights 43-13595 and 43-13597 (held by Ward Land & Livestock), will have sufficient water available to satisfy the rental.

Similar rental requests were processed 2012-2015. But in 2016 this lease-rental combination was of concern to IDWR and in 2016 the WSB requested a review of this water move from the hydrology section. Hydrologist Lin Campbell's review of the impact was received after the 2016 rental was processed using other rights. If you would like to read it, it has been scanned into the backfile of 43-13595. But in essence, the hydrologist found insufficient information to make a determination either pro or con.

We have no evidence against this lease-rental combination but I am asking for your comment before I completely process the rental. If either of you are against approval of this rental, I will put it back in the queue to await the unlikely arrival of other B43 water.

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Thank you

Michele Edl

208-287-4946

**ESPA model
grid boundary**

09S26E

3-13595
13597

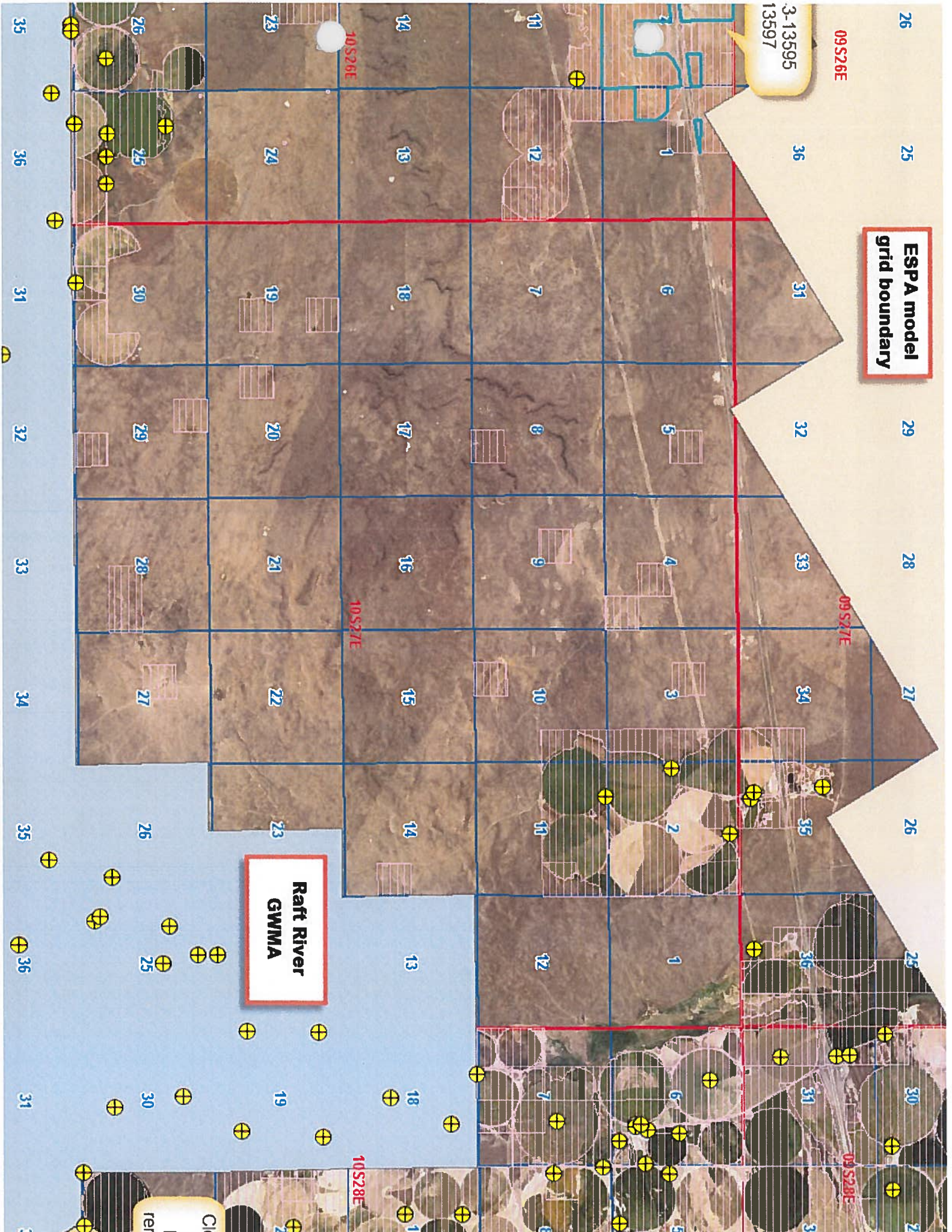
09S27E

10S27E

09S28E

10S28E

**Raft River
GWMA**



Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, December 05, 2017 10:47 AM
To: Edl, Michele
Subject: Woodworth Rental

Michele,

The image below clearly identifies the Woodworth wells being located outside of the Raft River Critical ground water area. This map was generated by the IDWR "Map of Idaho" internet water right map tool.



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

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, December 04, 2017 8:19 AM
To: Edl, Michele
Subject: RE: WSB for Cleft of the Rock Farms

Michele,

There are several reasons why we did not identify a water right to be rented.

1. The last time we identified a water right to be rented. The Water Supply Bank picked a different water right that was leased into the Water Bank and thus reduced the duration of the rental by several years. Very frustrating.
2. We wanted to get a lease application in as soon as possible recognizing that basin 43 will be short on water supply bank leases.
3. When we submitted the rental application, it was not known what water rights would be leased into the Water Bank from basin 43.
4. We would prefer to rent the Ward Land and Livestock water right. In which we have rented to this farm before. So it would at least appear that some sort of precedence has been set that would allow such a rental to be approved.

The best scenario is to allow us to rent the Ward Land and Livestock water right.

Dusty Farms and Raft River Valley Farm will be using their extra acres to satisfy the curtailment order that IDWR issued.

If the Water Bank will not allow us to rent water from Ward Land and Livestock, then leave it in the queue to see if more water rights are leased into the Water Bank before the 2018 irrigation season begins.

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

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Friday, December 01, 2017 5:23 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: WSB for Cleft of the Rock Farms

Greg Sullivan,

I have taken the assignment to process the application to rent water that you submitted on behalf of Cleft of the Rock Farms. The first thing I noticed was that you did not propose water rights for the rental which is very unusual for you. I do understand that using the Ward Land and Livestock rights for Cleft of the Rock Farms is discouraged. I see that Cleft of the Rock Farms has already rented 43-2409B for 2018 & 2019. And I know that rental water rights are scarce in the vicinity, so it will be a very tough request to satisfy.

Do you have another scenario in the works? For example it's not obvious from approved Transfer 81430 that the Raft River Valley Farms intends to use all of their water rights in 2018.

As of this date, there is no water available to rent and no leases pending for water in that basin. Does Cleft of the Rock Farms want us to hold the rental application in the queue until September 2018 in hopes that some water will shake loose?

Just let me know.

Sincerely,

Michele Edl

208-287-4946



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BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 01 2017

DEPARTMENT OF
WATER RESOURCES

August 29, 2017

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

Re: Cleft in the Rock Farms Rental Amendment

Dear Mr. Buyer:

Cleft of the Rock Farms desires to rent a 132.0 acres of irrigation water. Cleft of the Rock Farms is actively searching for water rights to purchase to permanently move water to this location. No water has been secured at this time. The rental proposes to rent the water for a 5 year period to reduce additional workload of the Water Supply Bank staff and to provide suitable irrigation water for the 5 year period.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Ken Woodworth
Enc: Aerial Maps, Rental Application

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

CHARLES G.
BROCKWAY,
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