

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 189

RECEIVED

SEP 13 2017

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

DERUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL, ID 83607

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)
2-7287	6/25/1979	SNAKE RIVER	1.75	436.5	87.30	0.020	5.00
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 Limits			0.78	NA	NA	0.015	
Combined Limit Totals			2.53	NA	NA		
Combined Rental Totals			2.53	694.00	138.80	0.018	5.00

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2017

Annual Rental Fee:

2017: \$11,798.00

The full fee for the rental of the above-described right(s) is \$11,798.00 for 2017. The rental fee includes an administrative fee of \$1,179.80 for 2017.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	2.53	632.5	126.5	0.020	5.00
Combined Total	2.53	632.5	126.5	0.020	5.00

** The authorized water usage reflects a reduction from the water right elements rented, to account for enlargement concerns*

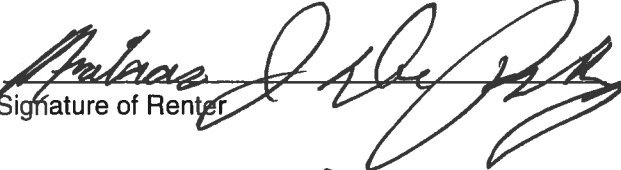
Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 2-7287

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 189

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:


Signature of Renter

9-11-17

Date

NICOLAAS J. DERUYTER
Printed Name

Operating Manager
Title

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

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

By 
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date

9/14/2017

Rental approved by IDWR



Date

9-14-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 189**WATER USE DETAILS****LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER NWNW L4 Sec. 1, Twp 06S, Rge 07E, ELMORE County

Beneficial Use
IRRIGATION**Diversion Rate**
2.53 CFS**Volume**
632.5 AF**SEASON OF USE****From To**
3/15 11/15**RENTERS PLACE OF USE: IRRIGATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	07E	23				1.0									1.0				2.0
05S	07E	24											0.7	0.5				3.3	4.5
05S	07E	25	7.4	7.6			1.1							2.0		0.8	10.0		28.9
05S	07E	26													0.6			0.6	1.2
05S	07E	35	6.0	4.0															10.0
05S	07E	36	34.2 L1	1.8	4.5	1.8 L2					3.4	6.8				14.0			79.9

Total Acres: 126.5

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. Right No. 2-10432 is an enlargement of 2-10427 pursuant to Section 42-1426, Idaho Code.

WATER SUPPLY BANK RENTAL AGREEMENT NO. 189

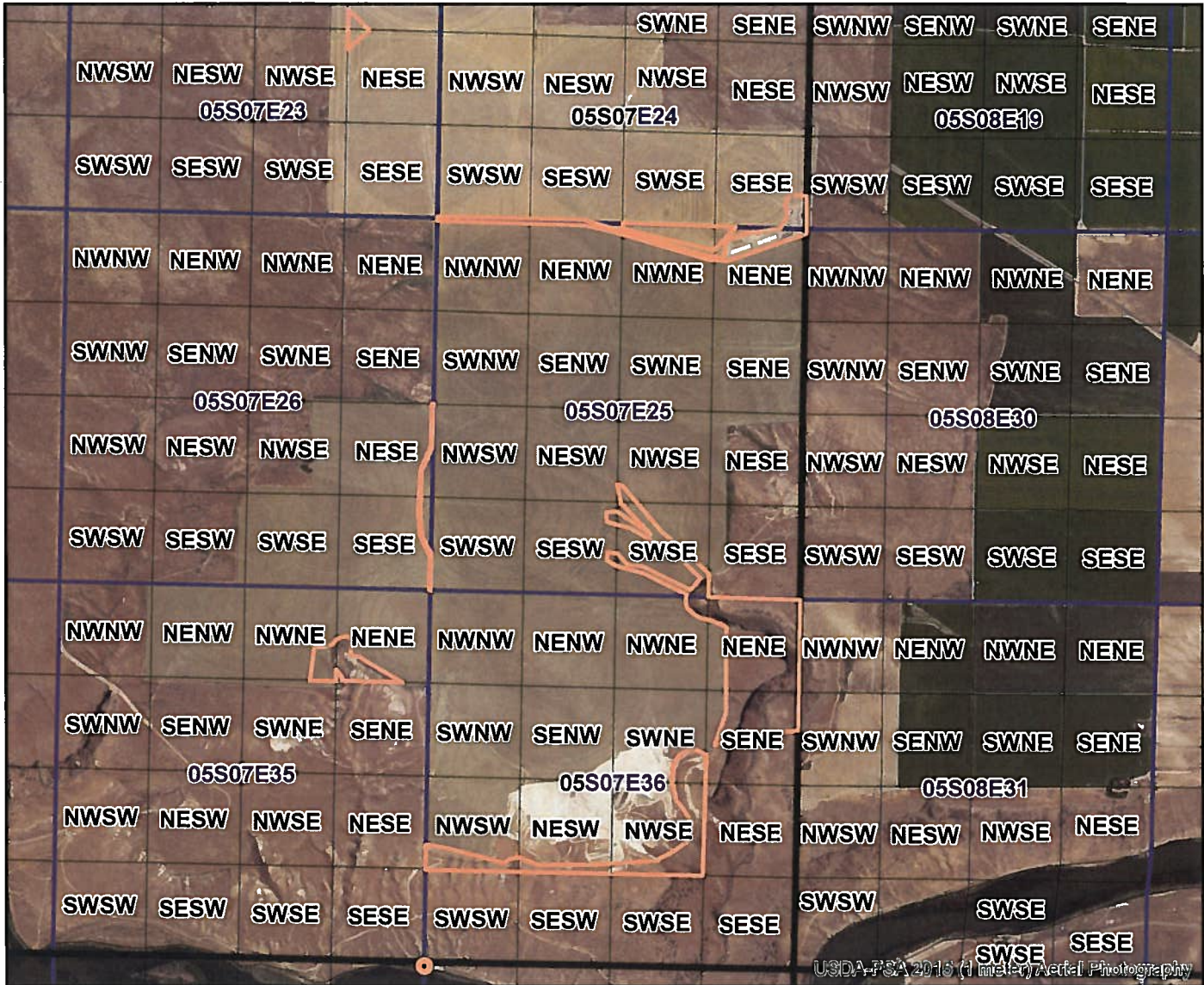
9. 2-10432 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. Use of water under this water right may be regulated by the watermaster of State Water District No. 02.
11. This rental when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.
12. This rental does not grant any right-of-way or easement across the land of another.
13. The renter 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).



Idaho Water Resource Board
Water Supply Bank Rental Agreement No. 189

Effective until December 31, 2017

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 1 Miles

Form 32-1961-2 (01/16)

RECEIVED
JUN 09 2017

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

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

Applicant Name: DeRuyter Properties LP

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

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

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

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

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

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST			
Check All Items as Either Attached (Yes) or Not Applicable (N/A)			
	Yes		
	☒	Completed <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)

842

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant DeRuyter Properties LP

Mailing Address PO Box 580, Marsing, ID 83639

Street City State Zip Code

Email Address deruyterdairyid@gmail.com Phone Number 208-896-5402

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

Representative David Shaw Professional Title Engineer

Organization ERO Resources Corp Relationship to Applicant Consultant

Mailing Address 4001 E Main, Emmett, ID 83617

Email Address dshaw@eroreources.com Phone Number 208-365-7684

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
2.53 CFS	569.3 AF	1.90 CFS	506 AF	126.5 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?	
3-15-17	6-15-17	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

Existing pump from the Snake River with mainline and pivots already in place.

- 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
Pump	Snake River	02-2379 and rented rights

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 126.5 (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:

02-2379

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:

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

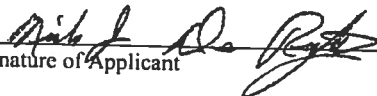
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☒ No ☐
If yes, describe the date and location of the NOV.
PNOV date 4/7/2017. Application is being submitted as discussed with IDWR on 5/25/2017.

- D. Additional Information

Applicant owns rental place of use lands in SENE and NESE of Sec. 23, SESE of Sec. 24, NENE, NWNE, NWSE, SWSE, and SESW of Sec. 25, NESE of Sec. 26, and NWNE of Sec. 35. As discussed with IDWR on 5/25/2017, Applicant is in the process of seeking authorization for the other rental place of use lands.

DECLARATION

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


Signature of Applicant

Nicolas J. DeRuiter
Printed Name of Applicant

06-09-17
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

RECEIVED

DEPARTMENT OF
WATER RESOURCES



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

September 15, 2017

DERUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL ID 83607

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-7287, 2-10427, and 2-10432**

Dear Renter:

Please find enclosed a receipt in the amount of **\$11,798.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 694.00 acre-feet of water for irrigation of 126.5 acres during 2017. 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 \$10,618.20 of the rental fee will be paid to the lessor(s) and 10% or \$1,179.80 will be retained by the Department to offset administrative costs.

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

Sincerely,


Deborah Fudd
for Water Supply Bank

Enclosures: Receipt No. C104125
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angie Grimm – IDWR Western Regional Office
Rob Whitney – State Water District No. 02
Dave Shaw – ERO Resources Corp
Michael Lawrence – Givens Pursley
Liz Cresto IDWR



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

September 1, 2017

DERUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL ID 83607

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-7287, 2-10427, and 2-10432**

*****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 \$11,798.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 694.0 acre-feet.

Please send a check for \$11,798.00 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 \$10,618.20 of the rental fee will be paid to the lessor(s) and 10% or \$1,179.80 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

Enclosure

c: IDWR Front Desk
David Shaw – ERO Resources Corp

MEMORANDUM FOR RENTAL APPLICATION # 842

To: Water Right(s) 2-7278, 2-10432 & 2-10427
From: Clay Webster
Date: 8/2/2017
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The department received this application from David Shaw of ERO Resources Corp on behalf of DeRuyter Properties LP. This application proposes to rent 126.5 acres worth of irrigation in response to a pending NOV letter sent April 7, 2017. The application did not include water rights for the rental.

AUTHORITY TO FILE: The application was signed by Nicholas DeRuyter. He is listed as the General Partner and Registered Agent of DeRuyter Properties LP on the ISOS website. Most of the property is owned by DeRuyter Properties LP. However, the satellite imagery taxlot layer showed that portions of the original proposed rental fell on BLM property. A request for authorization was requested from the applicant on 8/7/2017. The applicant opted to change the requested POU and provided a new map and a consent letter from Robert Howard. The new proposed POU falls on DeRuyter Properties LP and Howard properties. I will place a condition on the rental stating that it does not authorize a right of way or easement on the property of another.

WATER RIGHT VALIDITY: 2-7287 was licensed in 1991. It was leased entirely for 2017. 2-10427 & 2-10432 were decreed in 2009 and 2010. A portion of these rights were leased into the bank from 2015 through 2019. I have no validity concerns for these rights.

INJURY TO OTHER WATER RIGHTS: All of these rights divert from the Snake River between the Eastern portion of CJ Strike Reservoir and the City of Glenns Ferry. No injury is anticipated.

ENLARGEMENT OF USE: The rental POU is adjacent to the POU for water right 2-2379. 2-2379 diverts about 0.02 cfs/acre and about 5.0 af per acre. Water right 2-7287 provides a similar diversion rate and volume. However, rights 2-10427 and 2-10432 provide a lower diversion rate with a similar volume. In order to avoid an enlargement of these rights, they will have to be limited to 39.2 acres on this rental. The application sought to rent water for 5 years. Yet, adequate amounts of water were only available in 2017, the rental will only be approved for one year. I have no other enlargement concerns. The DeRuyters will be authorized this season to irrigate the following with the execution of this rental;

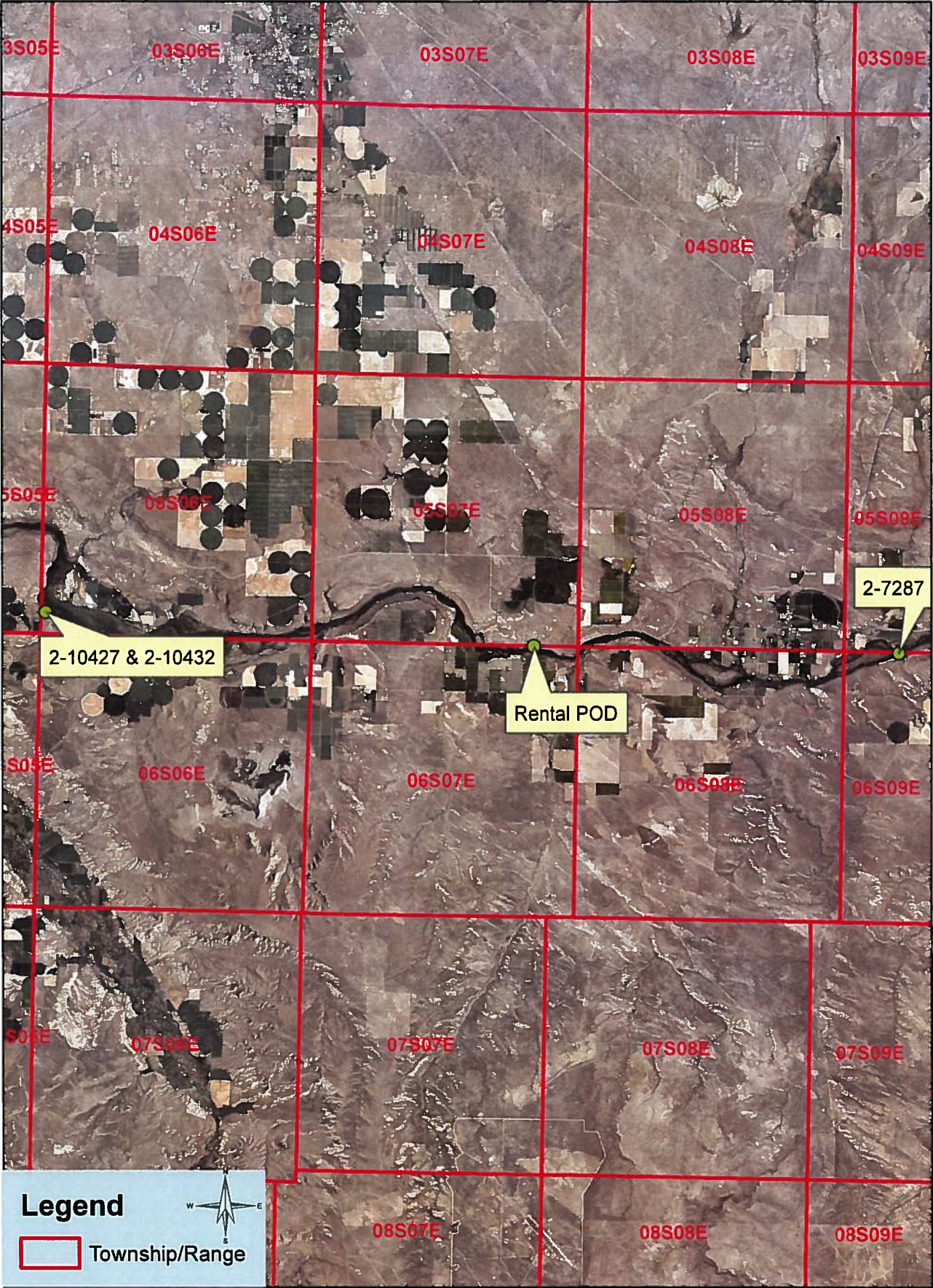
2-7287	1,232.0 acres
Rental Agreement 166	174.0 acres
This rental	<u>126.5 acres</u>
Total	1,532.5 acres

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 location for the rental PD is subject to Water District # 02. Remarks were requested from the watermaster on 8/7/2017 he had no concerns.

Rental Application No. 842 Deruyter Properties LP 2017



Webster, Clay

From: Michael P. Lawrence <mpl@givenspursley.com>
Sent: Tuesday, August 29, 2017 10:33 AM
To: Webster, Clay
Cc: Palmer, Cherie; David B. Shaw (dshaw@erresources.com)
Subject: RE: DeRuyter WSB application [IWOV-GPDMS.FID389060]
Attachments: 2017 Amended WSB Rental Map.PDF; EXECUTED - Robert Howard Consent to DeRuyter Properties, L.P Listing Property as Proposed Rental POU.PDF

Clay,

Please see the attached amended rental map and letter from Robert Howard authorizing his lands to be included in the DeRuyter Properties WSB rental place of use.

Aside from Lots 1 and 2 in Section 36 (which are owned by Mr. Howard), all other lands in the rental place of use are owned by DeRuyter Properties.

Please feel free to call or email me with any questions.

Thanks,
Mike

MICHAEL P. LAWRENCE

GIVENS PURSLEY LLP

601 West Bannock Street, Boise, ID 83702

main 208-388-1200

direct 208-388-1294

fax 208-388-1300

mpl@givenspursley.com

www.givenspursley.com

CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: Webster, Clay [mailto:Clay.Webster@idwr.idaho.gov]
Sent: Friday, August 18, 2017 12:06 PM
To: Michael P. Lawrence <mpl@givenspursley.com>
Cc: Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>; David B. Shaw (dshaw@erresources.com) <dshaw@erresources.com>
Subject: RE: DeRuyter WSB application [IWOV-GPDMS.FID389060]

Mike,

We will allow additional time for you to provide the amended map and property use permissions, though we are fast approaching the end of the 2017 irrigation season.

Also, the rental application asked for 5 years. I have found water suitable for the 2017 season only. Any future rentals would require a new application. The water supply bank calendar shows that we will start processing rental applications for the 2018 season November 1, 2017. Applications received by November 1 for the following year are more likely to

have adequate water available and are more likely to be processed prior to the beginning of the irrigation season. I hope this information is helpful.

Sincerely,
Clay Webster
Water Resource Agent Sr.
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)

From: Michael P. Lawrence [<mailto:mpl@givenspursley.com>]
Sent: Friday, August 18, 2017 11:35 AM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>; David B. Shaw (dshaw@eroresources.com) <dshaw@eroresources.com>
Subject: DeRuyter WSB application [IWOV-GPDMS.FID389060]

Clay,

As we discussed on the phone this morning, DeRuyter Properties likely will amend the proposed rental place of use in the Water Supply Bank application referenced in your August 8 letter (copy attached).

The new POU's landowner has provided oral consent, and we are working with him to get written authorization. Because this might take some time, you agreed to allow us additional time to amend the application and to submit information required by your letter.

Unfortunately, I do not know how long it will take to obtain the written authorization. I will update you on our progress by the end of next week.

Thanks for your assistance.

Mike

MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP
601 West Bannock Street, Boise, ID 83702
main 208-388-1200
direct 208-388-1294
fax 208-388-1300
mpl@givenspursley.com
www.givenspursley.com

CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

RECEIVED

AUG 29 2017

DEPARTMENT OF
WATER RESOURCES

To Whom It May Concern:

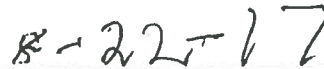
My name is Robert N. Howard. I am the owner of the following described real property in Elmore County, Idaho, Township 5 South, Range 7 East, Boise Meridian:

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

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



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



Date

Webster, Clay

From: Webster, Clay
Sent: Friday, August 18, 2017 12:06 PM
To: 'Michael P. Lawrence'
Cc: Palmer, Cherie; David B. Shaw (dshaw@erresources.com)
Subject: RE: DeRuyter WSB application [IWOV-GPDMS.FID389060]

Mike,

We will allow additional time for you to provide the amended map and property use permissions, though we are fast approaching the end of the 2017 irrigation season.

Also, the rental application asked for 5 years. I have found water suitable for the 2017 season only. Any future rentals would require a new application. The water supply bank calendar shows that we will start processing rental applications for the 2018 season November 1, 2017. Applications received by November 1 for the following year are more likely to have adequate water available and are more likely to be processed prior to the beginning of the irrigation season. I hope this information is helpful.

Sincerely,
Clay Webster
Water Resource Agent Sr.
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)

From: Michael P. Lawrence [mailto:mpl@givenspursley.com]
Sent: Friday, August 18, 2017 11:35 AM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>; David B. Shaw (dshaw@erresources.com) <dshaw@erresources.com>
Subject: DeRuyter WSB application [IWOV-GPDMS.FID389060]

Clay,

As we discussed on the phone this morning, DeRuyter Properties likely will amend the proposed rental place of use in the Water Supply Bank application referenced in your August 8 letter (copy attached).

The new POU's landowner has provided oral consent, and we are working with him to get written authorization. Because this might take some time, you agreed to allow us additional time to amend the application and to submit information required by your letter.

Unfortunately, I do not know how long it will take to obtain the written authorization. I will update you on our progress by the end of next week.

Thanks for your assistance.

Mike

MICHAEL P. LAWRENCE

GIVENS PURSLEY LLP

601 West Bannock Street, Boise, ID 83702

main 208-388-1200

direct 208-388-1294

fax 208-388-1300

mpl@givenspursley.com

www.givenspursley.com

CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 8, 2017

DERUYTER PROPERTIES LP
PO BOX 580
MARSING ID 83639

RESPONSE DEADLINE

August 22, 2017

RE: Water Supply Bank Rental Application – Additional Information Required

Dear Applicant,

The Department of Water Resources ("Department") has completed its review of your application to rent water from the Water Supply Bank ("Bank"). During this review, we found that a portion of the proposed rental place of use is on property not owned by you. As submitted, your application cannot be processed. **Please provide an authorization from the entity that owns those portions of the place of use not owned by you, which in this case is the Bureau of Land Management.**

I will place your application on hold while you submit your additional information. Please provide the required information within fourteen (14) days.

If sufficient information per this letter is not received within 14 days, we will continue processing your rental application for the property owned by you.

Please contact me if you have questions regarding this matter at (208) 287-4910.

Sincerely,

Clay Webster
Water Resource Agent Sr.
Water Supply Bank POC

- C. David Shaw – ERO Resources Corp
Cherie Palmer – IDWR Compliance

Webster, Clay

From: Webster, Clay
Sent: Monday, August 07, 2017 11:06 AM
To: Whitney, Rob
Subject: WSB Rental Application 842 DeRuyter Properties LP Watermaster Comments
Attachments: Rental Review Memo Application 842.docx; Move.pdf

Rob,

We are currently processing this rental. They have asked for a 5 year rental, but we only have water available for 2017. I have requested that they provide authorization from the BLM. The application is on hold awaiting their response. Do you have any other concerns? Thanks.

Clay