

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 178

RECEIVED

JUL 18 2017

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

ECCLES FLYING HAT RANCH LLC

PO BOX 3028

SALT LAKE CITY, UT 84110

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)
37-481D	8/1/1882	BIG WOOD RIVER	0.09	38.5	11.0	0.008	3.50
37-482J	8/1/1884	BIG WOOD RIVER	0.09	38.5	11.0	0.008	3.50
Combined Limit			NA	38.5	11.0	NA	3.50
37-11978	3/24/1883	BIG WOOD RIVER	0.10	7.7	2.2	0.045	3.50
37-11976	6/1/1884	BIG WOOD RIVER	0.02	7.7	2.2	0.009	3.50
37-11975	6/15/1891	BIG WOOD RIVER	0.09	7.7	2.2	0.041	3.50
37-11977	6/15/1891	BIG WOOD RIVER	0.02	2.1	0.6	0.033	3.50
Combined Limit			NA	7.7	2.2	NA	3.50
37-577BP	3/24/1883	BIG WOOD RIVER	0.16	52.2	14.9	0.005	3.50
37-483D	8/1/1902	BIG WOOD RIVER	0.09	52.2	14.9	0.006	3.50
Combined Limit			NA	52.2	14.9	NA	3.5
37-917	4/1/1940	BIG WOOD RIVER	0.07	24.50	7.00	0.010	3.50
37-2713	8/18/1965	GROUND WATER	0.29	59.50	17.0	0.017	3.50
37-7356	4/28/1974	GROUND WATER	0.08	30.20	17.0	0.005	1.78
Combined Limit			NA	89.7	17.0	NA	5.28
Combined Limit Totals			0.72	119.0	17.0	0.04	7.00
Combined Rental Totals			0.72	119.0	17.0	0.04	7.00

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2021

Annual Rental Fee:

2017: \$202.30

2018 - 2021: \$238.00

The full fee for the rental of the above-described right(s) is \$202.30 for 2017 and \$238.00 per year for years 2018 - 2021. The rental fee includes an administrative fee of \$202.30 for 2017 and \$238.00 per year for years 2018 - 2021. Note that the renter is obligated to pay only the administrative fees associated with the water rights 37-481 D, 37-11978, 37-577 BP, 37-11976, 37-482 J, 37-11975, 37-11977, 37-483 D, 37-917, 37-2713, 37-7356.

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.

SUPPORT DATA

Detailed water right conditions are attached.

IN FILE # 37-481D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 178

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:

C. Hope Eccles
Signature of Renter

July 13, 2017
Date

C. Hope Eccles
Printed Name

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
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 7/18/2017

Rental approved by IDWR [Signature]

Date 7-18-2017

WATER SUPPLY BANK RENTAL AGREEMENT No. 178**WATER USE DETAILS****LOCATION OF POINT(S) OF DIVERSION**

For water rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-11975, 37-11976, 37-11977 and 37-11978

BIG WOOD RIVER	NESE	Sec. 22, Twp 02N, Rge 18E,	BLAINE County
BIG WOOD RIVER	NWSE	Sec. 26, Twp 02N, Rge 18E,	BLAINE County
BIG WOOD RIVER	SWNE	Sec. 16, Twp 02N, Rge 18E,	BLAINE County

For water rights 37-2713 and 37-7356

GROUND WATER	SWSE	Sec. 23, Twp 02N, Rge 18E,	BLAINE County
GROUND WATER	NWSW	Sec. 23, Twp 02N, Rge 18E,	BLAINE County
GROUND WATER	NESW	Sec. 23, Twp 02N, Rge 18E,	BLAINE County
GROUND WATER	SWSE	Sec. 15, Twp 02N, Rge 18E,	BLAINE County

Beneficial Use

IRRIGATION

Diversion Rate

0.72 CFS

Volume

119.0 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To
37-482 J	4/15	10/31
37-483 D	4/15	10/31
37-917	4/15	10/31
37-2713	5/1	9/1
37-7356	5/1	9/1
37-11975	4/15	10/31
37-11976	4/15	10/31
37-11977	4/15	10/31
37-11978	4/15	10/31
37-481 D	4/15	10/31
37-577 BP	4/15	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	
02N	18E	26														17.0			17.0

Total Acres: 17.0

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.

WATER SUPPLY BANK RENTAL AGREEMENT NO. 178

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 does not grant any right-of-way or easement across the land of another.
9. This rental when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
10. Water use of rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 under this rental agreement when applied by sprinkler system shall not exceed a maximum diversion rate of 0.34 cfs and 59.5 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 0.68 cfs and 119.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
11. The source of water in connection with the point of diversion listed is Section 26 is Big Wood River despite being pumped via a well. This rental does not authorize water rights 37-2713 and 37-7356 to divert water from that point of diversion.
12. The period of use for the irrigation described for water rights 37-2713 and 37-7356 may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 09/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/16/2002 (approval date of transfer 69809).
13. The renter shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
14. 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).
15. 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. 37.

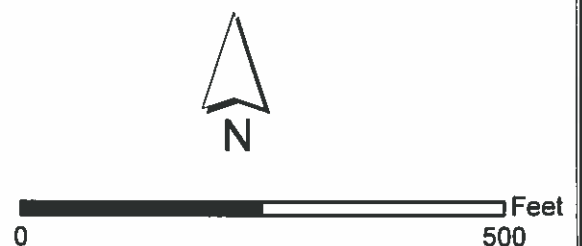
Idaho Water Resource Board
Water Supply Bank Rental Agreement No. 178

Effective until December 31, 2021

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 Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

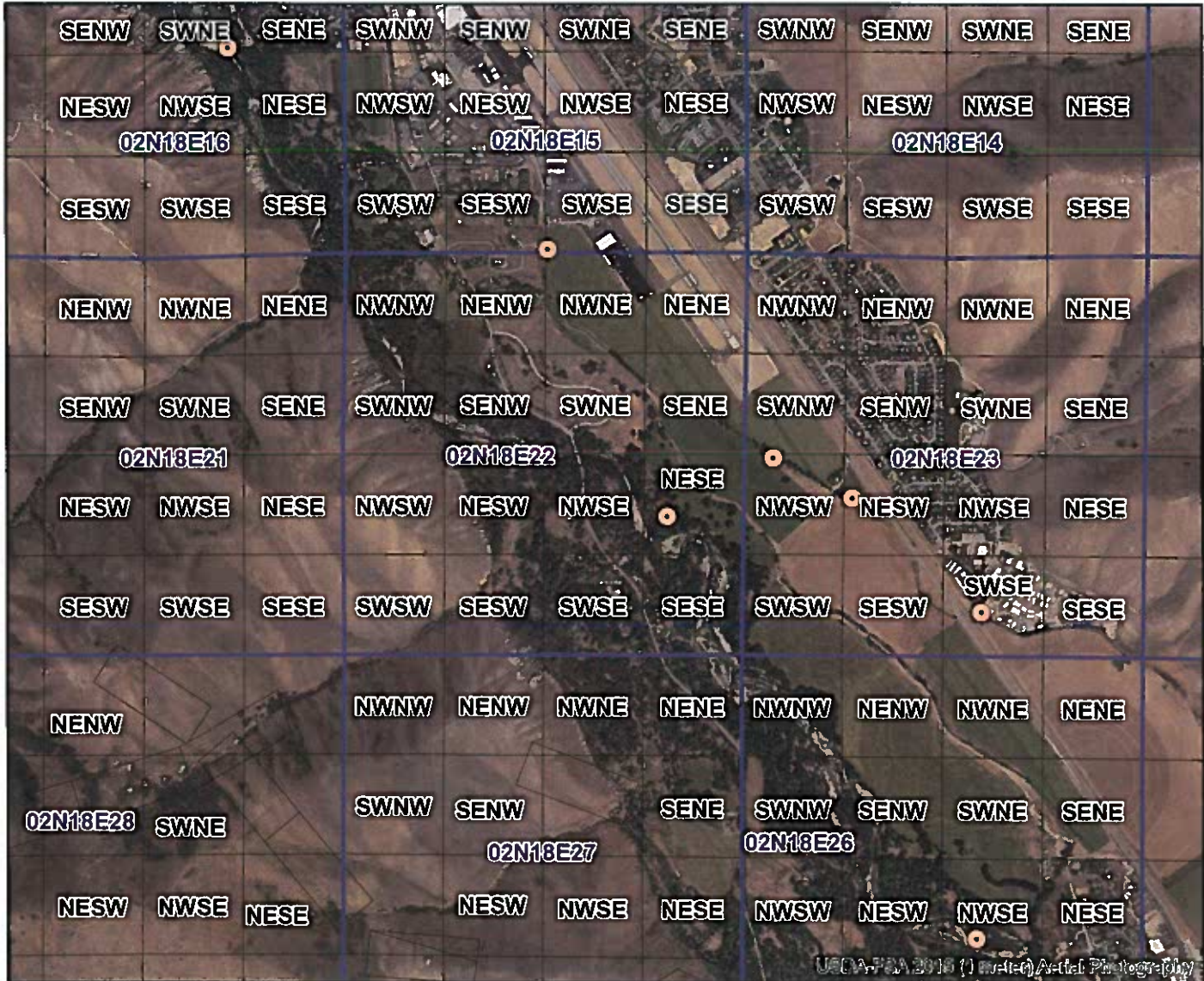


Idaho Water Resource Board

Water Supply Bank Rental Agreement No. 178

Effective until December 31, 2021

This map depicts the rental Points of diversion pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



● Authorized Rental Point of Diversion



Townships



PLS Sections



Quarter Quarters



0 0.25 Miles

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

RECEIVED

MAY 05 2017

DEPARTMENT OF
WATER RESOURCESApplicant Name: Eccles Flying Hat Ranch 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)

Exhibit A

837

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Eccles Flying Hat Ranch LLC

Mailing Address PO BOX 3028 SALT LAKE CITY, UT 84110

Street

City

State

Zip Code

Email Address _____

Phone Number (801) 246-5329

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 N Washington St Ste 4 Twin Falls, ID 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:

Existing infrastructure is in place to irrigated this particular parcel of ground.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.34 CFS	59.5 AF	0.34 CFS	59.5 AF	17.0 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/2017	7/1/2017	☐ 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 PODs, mainlines and delivery 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
Exhibit B		

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 17.0 (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:

37-885B is currently leased to the Water Bank and is anticipated to be used in an upcoming transfer.

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)
Exhibit A								
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	0.76	119.0	17.0
						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:

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:
Waiting for water right 37-885B to be transferred off of the property.

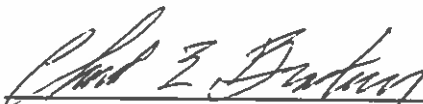
- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

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

- D. Additional Information
None

DECLARATION

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


Signature of Applicant


Printed Name of Applicant

3/21/2017
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Exhibit A

Eccles Flying Hat Ranch LLC

Brockway Engineering

GWS 3/8/2017

Water Right	Leased Amounts			Rental Amounts			
	CFS	AFA	Acres	CFS	AFA	Acres	
37-481D	0.12		14.9	0.04	18.2	5.2	
37-482J	0.12		14.9	0.04	18.2	5.2	
				NA	18.9	5.4	
37-483D	0.12		20.2	0.04	24.5	7.0	
37-577BP	0.22		20.2	0.08	24.5	7.0	
				NA	25.5	7.3	
37-917	0.10		9.5	0.03	11.6	3.3	
				0.03	11.6	3.3	
37-11975	0.12		3	0.04	3.5	1.0	
37-11976	0.03		3	0.01	3.5	1.0	
37-11977	0.03		0.8	0.01	1.2	0.3	
37-11978	0.14		3	0.01	3.5	1.0	
				NA	3.5	1.0	
37-2713	0.39	80.5	23	0.29	59.5	17.0	
37-7356	0.10	40.8	23	0.07	30.2	17.0	
				NA	NA	17.0	
Total	CFS 1.03	AFA 161	Acres 23	Total	CFS 0.76	AFA 119.0	Acres 17.0

Exhibit B

PODs

Eccles Flying Hat Ranch LLC

Brockway Engineering

GWS 3/8/2017

Location of Points of Diversion

37-481D, 37-482J, 37-483D, 37-577BP, 37-11975 thru 37-11978:

TWP	Range	Section	1/4	1/4	1/4	County	Source
2N	18E	16		SW	NE	Blaine	Big Wood River
2N	18E	22		NE	SE	Blaine	Big Wood River
2N	18E	26		NW	SE	Blaine	Big Wood River

37-2713 and 37-7356

TWP	Range	Section	1/4	1/4	1/4	County	Source
2N	18E	23		SW	SE	Blaine	Ground Water
2N	18E	23		NE	SW	Blaine	Ground Water
2N	18E	23		NW	SW	Blaine	Ground Water
2N	18E	15		SW	SE	Blaine	Ground Water

JUN 29 2017

DEPARTMENT OF
WATER RESOURCES

T. 2N, R. 18E



0 375 750 1,500 Feet

**ECCLES FLYING HAT RANCH
WATER BANK RENTAL 2017
NAIP 2015 AERIAL PHOTO**

BROCKWAY ENGINEERING, PLLC
GWS - March 8, 2017

(Note: 1 Surface POD not shown)

Legend

- 37-885B_POD
- BIG WOOD RIVER
- GROUND WATER
- Rental_POU__17_Acres

