

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 162

RECEIVED

MAY 26 2017

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201

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)
35-13993	7/13/1954	GROUND WATER	0.07	27.6	6.9
35-13995	11/12/1975	GROUND WATER	0.16	50.0	12.5
		Combined Limit Totals	0.22	51.2	12.8
35-14040	10/16/1974	GROUND WATER	0.07	26.8	6.7
		Combined Rental Totals	0.29	78.0	19.5

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

Annual Rental Fee:

2017: \$1,326.00
2018: \$1,560.00

The full fee for the rental of the above-described right(s) is \$1,326.00 for 2017 and \$1,560.00 for 2018. The rental fee includes an administrative fee of \$132.60 per year for 2017 and \$156.00 for 2018.

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.

Detailed water right conditions are attached.

SUPPORT DATA
IN FILE # 35-13993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 162

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:

Heritage Farms LLC by Thayne Driscoll
Signature of Renter

5-22-17
Date

Heritage Farms LLC by Thayne Driscoll
Printed Name

V.P. Ag / Partner
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 5/30/2017

Rental approved by IDWR Cheryl Webb

Date 5-30-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 162**WATER USE DETAILS****LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SESW Sec. 25, Twp 07S, Rge 29E, POWER County

Beneficial Use
IRRIGATIONDiversion Rate
0.29 CFSVolume
78.0 AF**BENEFICIAL USE & SEASON OF USE**

Water Right No.	From	To	Diversion Rate
35-13993	4/1	10/31	0.07 CFS
35-13995	4/1	10/31	0.16 CFS
35-14040	4/1	10/31	0.07 CFS

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	
07S	29E	25															3.5	3.7	7.2
07S	29E	36	0.4	0.5	10.4	1.0													12.3

Total Acres: 19.5

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. 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. Rights 35-8804B, 35-8636, 35-2432D, 35-7391D, are also diverted through point of diversion described above.
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 lands above.
10. Use of water under this agreement 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. 120.
11. This rental agreement does not authorize the construction of a well.



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
MAR 13 2017
DEPARTMENT OF
WATER RESOURCESApplicant Name: Heritage Farms, 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 *Application to Rent Water from the Board's Water Supply Bank*
- ☒ 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)

35-13995

35-13993

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Heritage Farms, LLC

Mailing Address 2043 E. Center Street Pocatello Idaho 83201
Street City State Zip Code
Email Address dirk.driscoll@driscollbros.com Phone Number 208-226-5235

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 Thomas J. Budge Professional Title Attorney
Organization Racine Olson Relationship to Applicant Attorney
Mailing Address P.O. Box 1391, Pocatello, Idaho 83204-1391
Email Address tjb@racinelaw.net Phone Number 208-232-6101

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:

Recently discovered water right shape file does not cover pivot corners. Rental intended to cover corners temporarily until permanent solution can be devised.

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)
0.15 CFS	78 AF	CFS	AF	19.5 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?	
04/01/2017	04/01/2017	☐ 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 groundwater well and mainlines used under water right no. 35-8804B, 35-8636, 35-2432D and 35-7391D.

- 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
Well	Groundwater	35-8804B, 35-8636, 35-2432D and 35-7391D

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 19.5 (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:

Water right nos. 35-8804B, 35-8636, 35-2432D and 35-7391D

**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)
35-13995	Irrigation	0.18		14.7		0.07	23.2	5.8
35-13993	Irrigation	0.08		13.7		0.08	54.8	13.7
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	0.15	78	19.5
						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:

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

- D. Additional Information

DECLARATION

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

Signature of Applicant

Printed Name of Applicant

Date

Signature of Representative

Thomas J. Budge

Printed Name of Representative

3-13-2017
Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

Water Supply Bank Lease Search

Identifies water rights leased to the State Water Supply Bank. Provides general information about the lease. Additional information on right or documents related to a lease may be researched through the Adjudication Search.

Bank Statuses

☐ Closed ☐ Denied

[Usage Instructions](#)

[Help](#)

What When Where

To (Example: 63)

To (Example: 7819)

(Example: A)

Numbers are comprised of three components: the Basin Number, the Sequence Number, and sometimes a Split Suffix. For water right 63-7819A, the Basin Number is 63, the Sequence Number is 7819, and the Split Suffix is A. Not all water rights have Split Suffixes.

ie Results Below.)

13915

Status: Active

printing search output, change your printer settings to legal paper and landscape orientation.

Water Right: Adjudication Search

General Information about the Water Supply Bank

Lease Information					Water Right Information					
Lessor	Lease Status	Lease Amount	Rental Availability	Lease Begin Date	Expiration Date	Source	Priority	Nature of Use	Top Rgt Sec	Lessor's POD Cert/Lot QQQ Q
3C FARMS LLC ARD LAND & LIVESTOCK LLC JENWARD	ACTIVE	ALL	ALL	7/20/1995	INDEFINITE	GROUND WATER	5-4-1978	IRRIGATION	015 202 22 015 202 22	SW SE NW SW SE NW

MAR 10 2017

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Heritage Farms, 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)

35-13995

35-13915

35-13993

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Heritage Farms, LLC

Mailing Address 2043 E. Center Street Pocatello Idaho 83201
Street City State Zip Code
 Email Address dirk.driscoll@driscollbros.com Phone Number 208-226-5235

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 Thomas J. Budge Professional Title Attorney
 Organization Racine Olson Relationship to Applicant Attorney
 Mailing Address P.O. Box 1391, Pocatello, Idaho 83204-1391
 Email Address tjb@racinelaw.net Phone Number 208-232-6101

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:

Recently discovered water right shape file does not cover pivot corners. Rental intended to cover corners temporarily until permanent solution can be devised.

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)
0.20 CFS	88 AF	CFS	AF	22 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
04/01/2017	04/01/2017	☐ 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 groundwater well and mainline to center pivot under water right no. 35-8804B, 35-8636, 35-2432D and 35-7391D.

- 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
Well	Groundwater	35-8804B, 35-8636, 35-2432D and 35-7391D

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 22 (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:

Water right nos. 35-8804B, 35-8636, 35-2432D and 35-7391D

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)
35-13995	Irrigation	0.18		14.7		0.07	23.2	5.8
35-13993	Irrigation	0.08		13.7		0.08	54.8	13.7
35-13915	Irrigation	0.25	46	11.5		0.5	10	2.5
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	0.20	88	22
						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:

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

- D. Additional Information

DECLARATION

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

Signature of Applicant

Printed Name of Applicant

Date



Thomas J. Budge

3-6-17

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

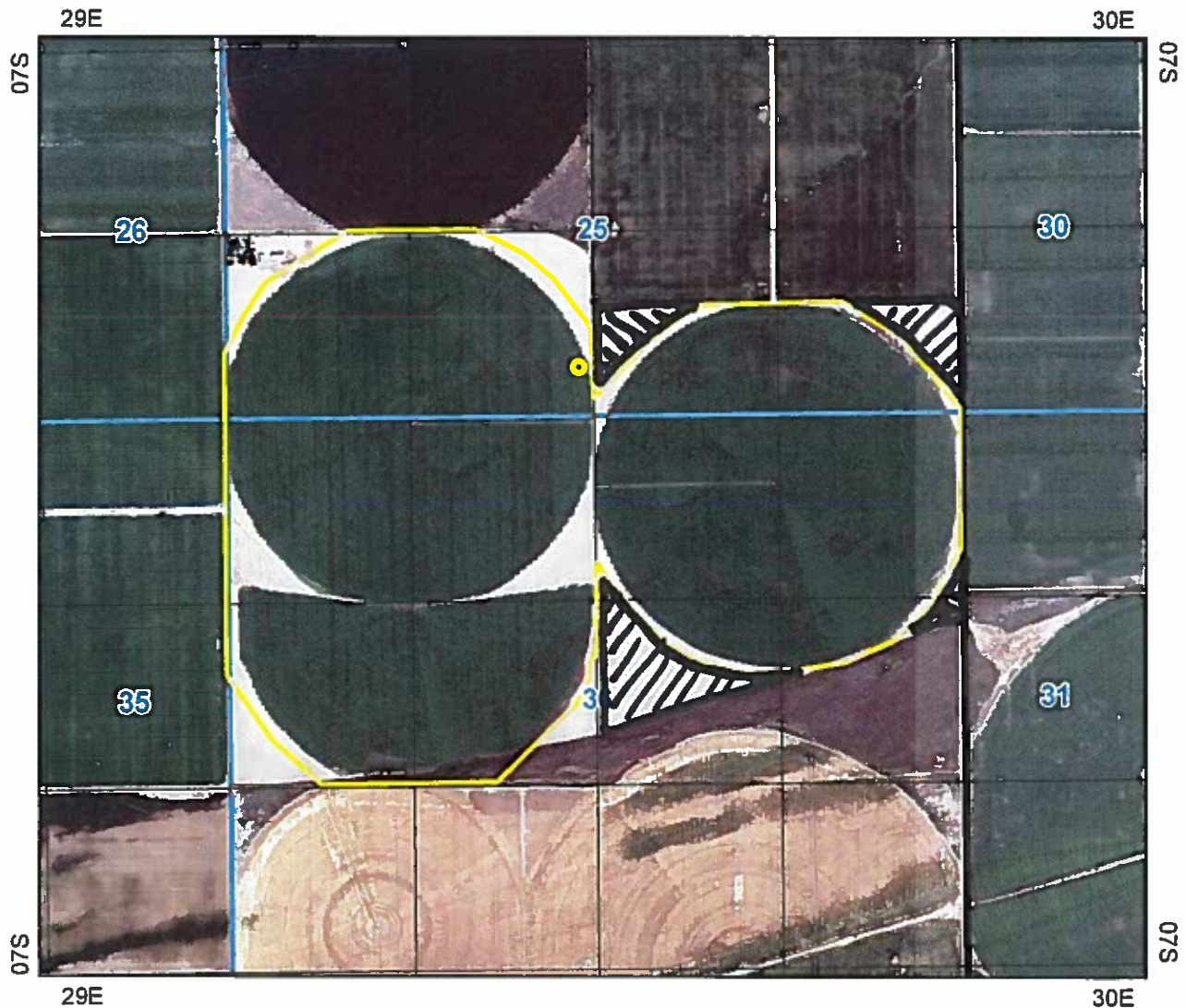
State of Idaho
Department of Water Resources

Water Right

35-8804B

IRRIGATION

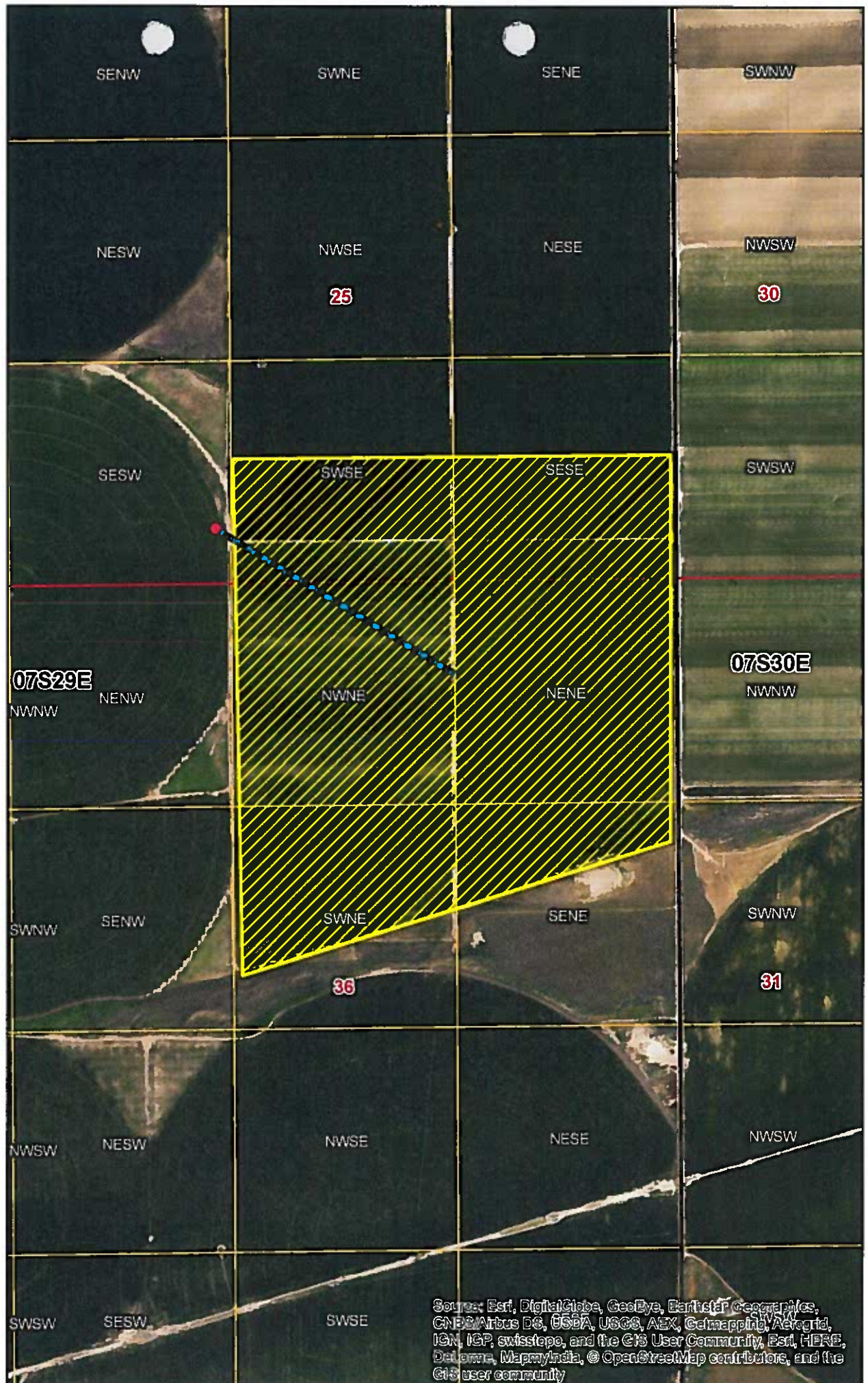
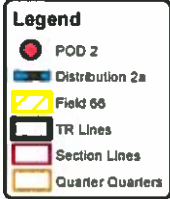
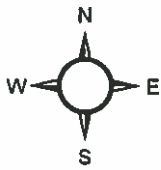
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.15 0.3 0.6 Miles





SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

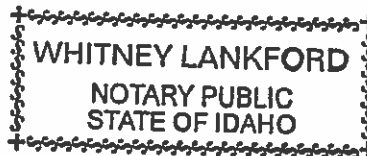
Heritage Farms, LLC, hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and authorizes the firm to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf.

DATED this 17 day of July, 2015.

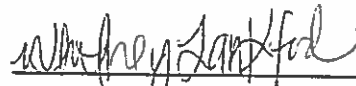


BRADEN DRISCOLL
119 Harrison
American Falls, Idaho 83211

STATE OF IDAHO)
County of power):ss



On this 17 day of July, 2015, before me, the undersigned Notary Public in and for said State, personally appeared BRADEN DRISCOLL, known or identified to me to be a member of Heritage Farms, LLC, and the person whose name who executed this instrument on behalf of said LLC, and acknowledged to me that said LLC executed the same.



NOTARY PUBLIC FOR IDAHO

Residing at: 614 Hillcrest American Falls, ID 83211

Commission expires: 6/26/2019

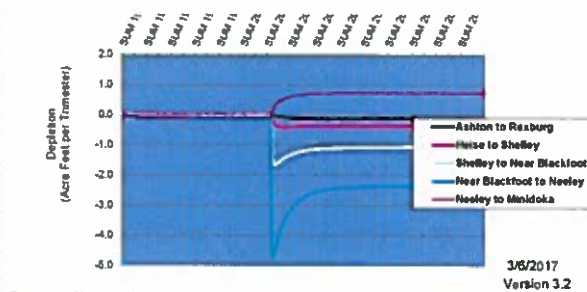
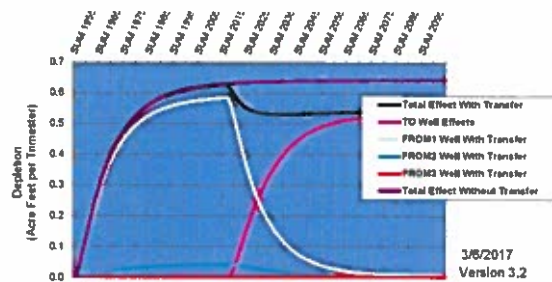
One-Way Analysis of Independent Transfers

New Water Right (GModelo):

WR No.	Div Rate (CFS)	Con Vol. (AFA)	No. of In. Acres	Priority Date	POD Location	Dedicated Vol. AFA/AFT	Model Node
Transfer 1: Proposed Steady State Impacts following Transfer							
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6 91.9	SP082075
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6 91.9	SP088066
Transfer 1: Worst Case Transient State Impacts following Transfer							
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6 91.9	SP082075
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6 91.9	SP088066

Impact by Reach (AFT/Trimester)

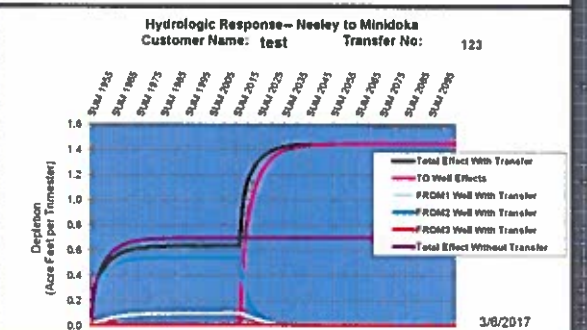
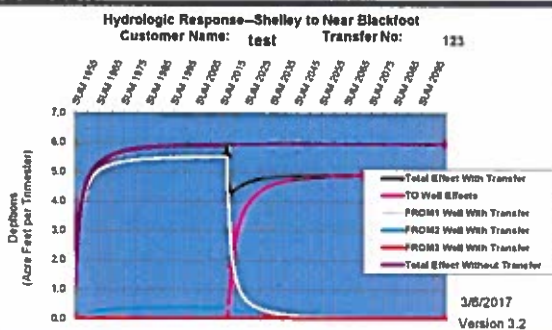
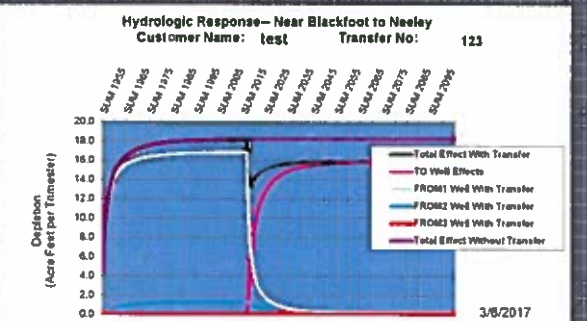
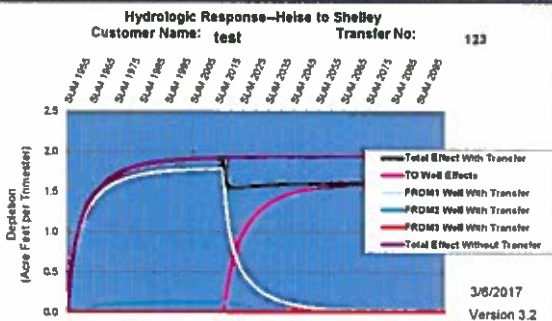
Dedicated Vol. AFA/ AFT		Model Node													
275.6	91.9	SP082075		0.64	1.94	5.96	18.28	0.70	0.52	0.59	0.26	0.16	0.15	0.01	
275.6	91.9	SP069066		0.54	1.61	4.91	15.94	1.45	1.31	1.48	0.66	0.41	0.38	0.02	
Steady State Analysis															
275.6	91.9	SP082075		0.64	1.94	5.96	18.28	0.70	0.52	0.59	0.26	0.16	0.15	0.01	
275.6	91.9	SP069066		0.63	1.85	4.94	15.94	1.45	1.31	1.48	0.66	0.41	0.38	0.02	
Transient State Analysis															
Mitigation Check 1 - >10% of Historical:				-16.1%	-17.0%	-17.7%	-12.8%	107.7%	151.8%	152.1%	152.2%	152.2%	152.2%	152.2%	152.2%
Mitigation Check 2 - > 2 AFT:				-0.1	-0.3	-1.1	-2.3	0.8	0.8	0.9	0.4	0.3	0.2	0.0	0.0
Mitigation Check 3 - >10% of Total:				1.9%	5.6%	17.1%	55.5%	5.0%	4.5%	5.2%	2.3%	1.4%	1.3%	0.1%	0.1%
Mitigation Required?				NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)				-0.1	-0.3	-1.1	-2.3	0.8	0.8	0.9	0.4	0.3	0.2	0.0	0.0
Steady State Analysis															
Mitigation Check 1 - >10% of Historical:				-2.8%	-4.8%	-17.2%	-12.8%	107.7%	151.8%	152.1%	152.2%	152.2%	152.2%	152.2%	152.2%
Mitigation Check 2 - > 2.01 AFT:				0.0	-0.1	-1.0	-2.3	0.8	0.8	0.9	0.4	0.3	0.2	0.0	0.0
Mitigation Required?				NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)				0.0	-0.1	-1.0	-2.3	0.8	0.8	0.9	0.4	0.3	0.2	0.0	0.0



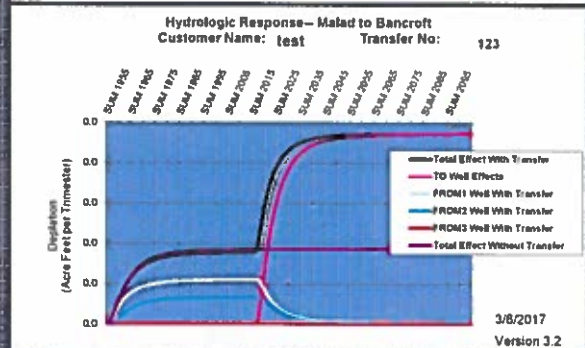
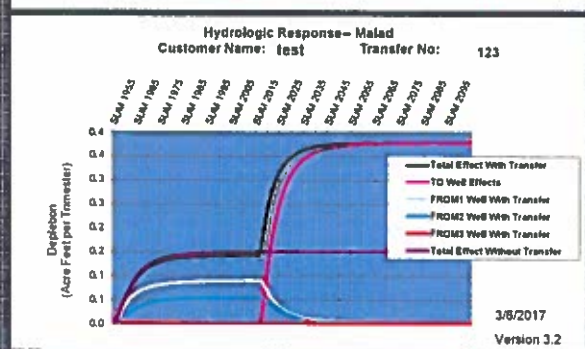
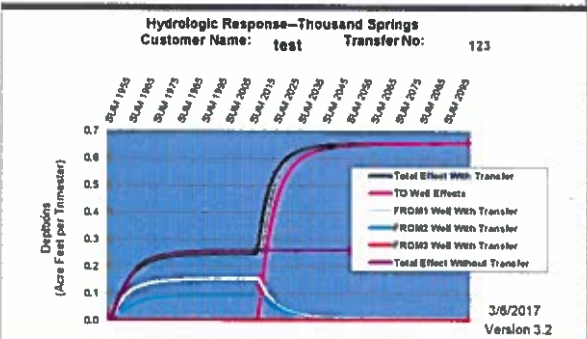
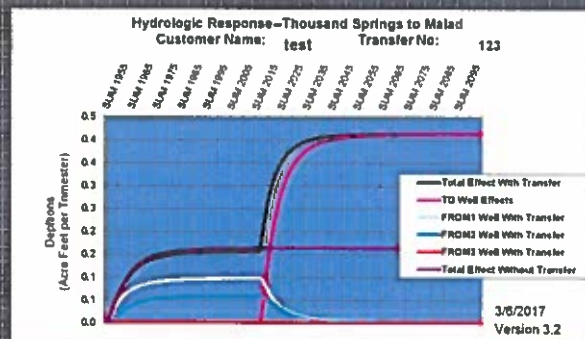
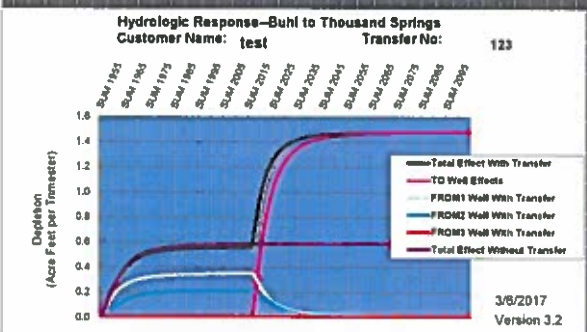
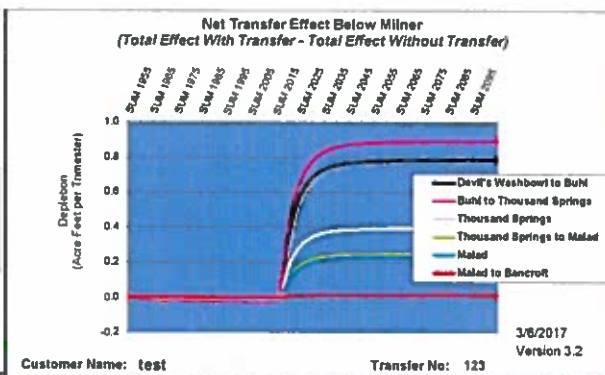
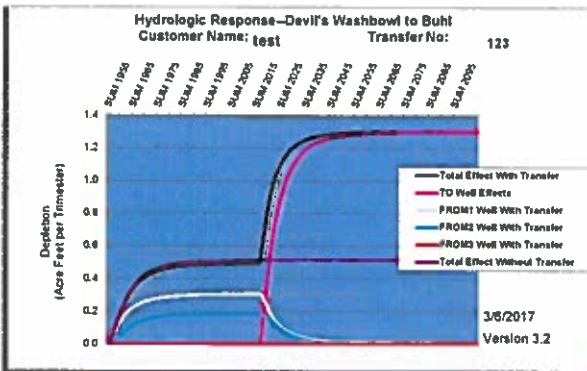
Customer Name: test

Transfer No: 123

3/8/2017
Version 3.2



3/8/2017
Version 3.2





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

May 30, 2017

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO ID 83201

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 35-13993, 35-13995, and 35-14040**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,326.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 78.0 acre-feet of water for irrigation of 19.5 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 \$1,193.40 of the rental fee will be paid to the lessor(s) and 10% or \$132.60 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. C103634
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office/Water District # 120
Aberdeen-American Falls GWD
Thomas J Budge – Racine Olson Nye Budge & Bailey



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

May 16, 2017

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO ID 83201

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 35-13993, 35-13995, and 35-14040**

*****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 \$1,326.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 78.0 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 \$1,326.00 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 \$1,193.40 of the rental fee will be paid to the lessor(s) and 10% or \$132.60 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
Thomas J Budge – Racine Olson Nye Budge & Bailey

Lease Location / Rental Agreement #162

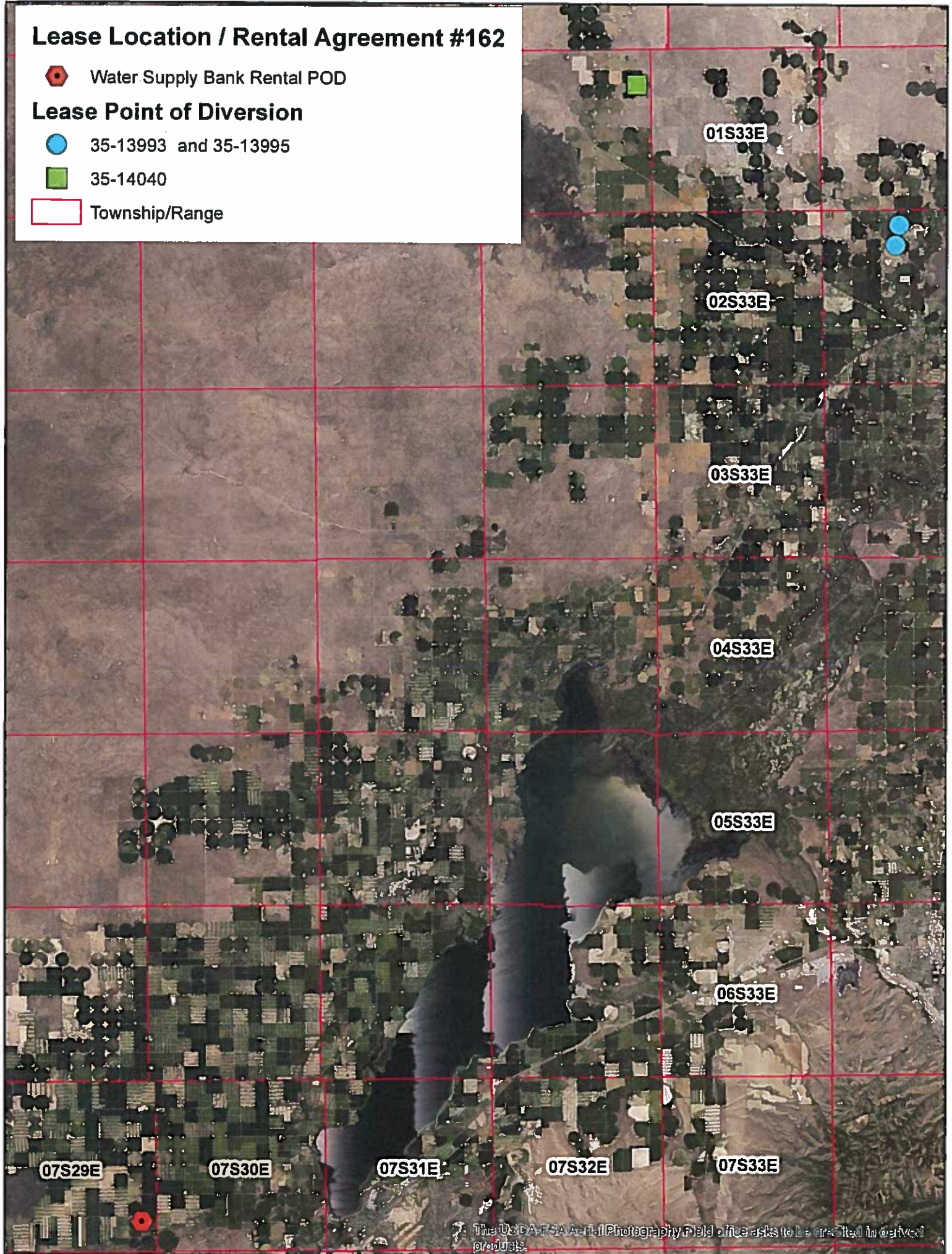
 Water Supply Bank Rental POD

Lease Point of Diversion

 35-13993 and 35-13995

 35-14040

 Township/Range



Memorandum for Application #162

To: Water Rights 35-13993, 35-13995 and 35-14040
From: Sandra Thiel
Date: May 9, 2017
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On March 13, 2017 TJ Budge submitted two rental applications on behalf of Heritage Farms LLC. The two applications requested water for 19.5 acres and 8.9 acres.

AUTHORITY TO FILE: Mr. Budge signed the application. The documents that accompanied the application included a special power of attorney for water rights appointing the law firm of Racien Olson Nye Budge and Bailey to manage water right transactions on behalf of the applicant.

WATER RIGHT VALIDITY: Rights 35-13993 and 35-13995 were partially decreed in February 2002. Portions of each right were from 2009-2013 and again from 2014 through 2018. Forfeiture is not an issue at this time. Right 35-14040 has been leased to the bank since 2008. It is currently leased through 2018.

The lease for 35-14040 proposed to put the entire right into the Bank. Parent right 37-7448 was decreed in 2002. Part of 35-7448 was placed in the CREP program and the other portion in the Bank. Transfer 74094 split 35-7448 into 35-13702 and 35-13703. A change of ownership split 35-13702 into 35-14040 and 35-14041. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: The rights proposed under this rental are all within the ESPA. The ESPA transfer tool found that no mitigation is required. (see attachment)

ENLARGEMENT OF USE: A review of the water right place of use found that the acres have not been irrigated during past few years. The season of use and headgate requirement are the same for the lease and rental points of diversion. There is no enlargement anticipated thru this rental.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest. Both the lease and rental points of diversion fall within the ESPA Ground Water Management Area.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: James Cefalo did not have concerns about this rental

Thiel, Sandra

From: Cefalo, James
Sent: Tuesday, May 09, 2017 12:48 PM
To: Thiel, Sandra
Subject: RE: Heritage Farms rentals

Sandra,

I don't have any concerns or comments about the proposed WSB rental.

James

From: Thiel, Sandra
Sent: Tuesday, May 09, 2017 11:45 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: Heritage Farms rentals

Hello, Heritage Farms applied to rent water for two places of use. The attachments include the memos and maps. Please let me know if you have any questions or concerns.

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

ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

UPDATE DATES

RUN MODEL

GET OUTPUT

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO:

YEAR

1994

TRANSFER NAME:

SEASON

SUMMER

Heritage farms

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	90	75	66	
COLUMN	93	133	128	

TRIMESTER OF ACTIVITY	TO WELL Protected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SUM 1954	0	10	10	0	0	0	0
WIN 1954	0	10	10	0	0	0	0
SPR 1955	0	10	10	0	0	0	0
SUM 1955	0	10	10	0	0	0	0
WIN 1955	0	10	10	0	0	0	0
SPR 1956	0	10	10	0	0	0	0
SUM 1956	0	10	10	0	0	0	0
WIN 1956	0	10	10	0	0	0	0
SPR 1957	0	10	10	0	0	0	0
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WIN 1957	0	10	10	0	0	0	0
SPR 1958	0	10	10	0	0	0	0
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WIN 1962	0	10	10	0	0	0	0
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WIN 2017	26	0	17	9	9	0	0
SPR 2018	26	0	17	9	9	0	0
SUM 2018	26	0	17	9	9	0	0
WIN 2018	26	0	17	9	9	0	0
SPR 2019	0	17	17	9	9	0	0

Field, Christine

From: TJ Budge <tjb@racinelaw.net>
Sent: Tuesday, March 14, 2017 1:17 PM
To: Field, Christine
Subject: RE: Rental Application for Heritage Farms
Attachments: RE: Heritage Farms WSB Rental Applications

Christine,

Thanks for your letter. Remington had sent me an email as well letting me know that 35-13915 is unavailable. We would like to go forward with renting the others as explained in the attached email I sent back to Remington yesterday.

Thanks!

T.J. Budge
RACINE OLSON
201 E. Center St. | P.O. Box 1391 | Pocatello, Idaho 83204
P: (208) 232-6101 | F: (208) 232-6109 | racinelaw.net

Assistant: Tessa Sparrow | (208) 232-6101 | tps@racinelaw.net

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From: Field, Christine [<mailto:Christine.Field@idwr.idaho.gov>]
Sent: Tuesday, March 14, 2017 11:20 AM
To: TJ Budge <tjb@racinelaw.net>
Subject: Rental Application for Heritage Farms

Dear Mr. Budge,

I am writing to inform you that one of the Water Rights 35-13915 requested for Heritage Farms LLC rental **is not available**.

Please see attached letter along with the Original Application for details. Once you have reviewed the documents, give Clay a call at 208-287-4910 with how you would like to proceed with the Heritage Farms Rental.

Kind Regards,

Christine Field
Water Supply Bank Support
ID Dept of Water Resources

Field, Christine

From: TJ Budge <tjb@racinelaw.net>
Sent: Monday, March 13, 2017 3:34 PM
To: Buyer, Remington; Tessa Sparrow
Subject: RE: Heritage Farms WSB Rental Applications
Attachments: 20170313 Amended Application to Rent Water from WSB - Field 66.pdf; WSB database 35-13915.png

Remington,

Thanks for the email. I'm not sure why, but the Water Supply Bank database shows 35-13915 being leased to the Bank and available for rent (see attached). However, I see from the documents available in the IDWR water right database that this right was released from the Bank in 2012. My client would like to go forward with the rentals without 35-13915.

The rental application for what we call Field 58 does not involve water right 35-13915 so this application can proceed forward.

Attached is an amended rental application for Field 66 which removes 35-13915. Since this amendment simply reduces the CFS being rented it would seem unnecessary to re-run the transfer tool. Let me know if you can accept the amended application along with the attachments submitted previously. I can send a hard copy by mail if needed.

Thanks,

T.J. Budge
RACINE OLSON
201 E. Center St. | P.O. Box 1391 | Pocatello, Idaho 83204
P: (208) 232-6101 | F: (208) 232-6109 | racinelaw.net

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From: Buyer, Remington [<mailto:Remington.Buyer@idwr.idaho.gov>]
Sent: Tuesday, March 07, 2017 11:39 AM
To: Tessa Sparrow <tps@racinelaw.net>
Cc: TJ Budge <tjb@racinelaw.net>
Subject: RE: Heritage Farms WSB Rental Applications

Tessa,

Thank you for your email. There are portions of water rights 35-13995 and 35-13993 leased to the Bank and available to be rented in 2017, however, water right 35-13915 is not presently leased to the Bank. As we begin our review of these rental applications, we will follow up on how the applications may be amended to accommodate the rental needs of your client.

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

From: Tessa Sparrow [mailto:tps@racinelaw.net]
Sent: Tuesday, March 07, 2017 10:05 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: TJ Budge <tjb@racinelaw.net>
Subject: Heritage Farms WSB Rental Applications

Mr. Buyer,

Attached are two Rental Applications mailed to the Water Supply Bank today on behalf of Heritage Farms, LLC. These applications seek to rent water rights 35-13995, 35-13993 and 35-13915. The online Water Supply Bank database showed these water rights presently available for rent. We are sending courtesy pdf copies of the Applications to avoid having these rights rented out from underneath us.

Should you have any questions, please give TJ Budge a call.

Sincerely,

Tessa Sparrow
Legal Assistant



201 E. Center Street / P.O. Box 1391
Pocatello, Idaho 83204
(208)232-6101 - Phone
(208)232-6109 - Fax

www.racinelaw.net

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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

March 14, 2017

TJ BUDGE
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204

Dear Mr. Budge,

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) from Heritage Farms LLC to rent water from the Water Supply Bank (Bank). This rental is Heritage Farms,

The Department is in a transitioning phase with our Water Supply Bank software. The Water Right 35-13915 that was requested for the Heritage Farms Rental is not available. Water Right 35-13915 is not leased into the Water Supply Bank. We are working on fixing the data that incorrectly listed Water Right 35-13915 as being available to rent in the Water Supply Bank.

Please give us a call as to how you would like to proceed with Heritage Farm Rental Applications.

Note that filing a rental application does not authorize diversion and use of water. It is unlawful to use water without a valid water right or an approved Bank rental agreement. **You are not authorized to divert any water for the purposes described in your application until you have paid the rental fee and you and the Department have both signed and executed a rental agreement.**

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact



Thomas J. Budge
tjb@racinelaw.net

March 6, 2017

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

RECEIVED

MAR 10 2017

DEPARTMENT OF
WATER RESOURCES

Re: Applications to Rent Water from the Water Supply Bank

To Whom It May Concern,

Enclosed please find for filing the original and copy of two Applications to Rent Water from the Water Supply Bank. Please file the originals and conform stamp and return the extra copies in the enclosed stamped and addressed return envelope.

Thank you for your assistance. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to be 'TJB', with a stylized flourish at the end.

T.J. BUDGE