

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 135

This is to certify that:

CSS POTATO FARMS LLC
C/O MILTON G CARTER
76944 TOWER RD
BOARDMAN OR 97818

RECEIVED

MAR 27 2017

DEPARTMENT OF
WATER RESOURCES

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)
17-2028	7/30/1953	GROUND WATER	0.30	109.50	40.00	0.01	2.74
17-2030	3/4/1954	GROUND WATER	0.21	41.00	11.70	0.02	3.50
17-2045	7/24/1959	GROUND WATER	0.41	63.60	39.10	0.01	1.63
17-7007	8/24/1970	GROUND WATER	0.81	223.20	84.20	0.01	2.65
Combined Limit Totals			1.68	437.30	125.00	0.01	3.5
Combined Rental Totals			1.68	437.30	125.00	0.01	3.5

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: \$743.41

The full fee for the rental of the above-described right(s) is \$743.41 for 2017. The rental fee includes an administrative fee of \$743.41 for 2017. Note that the renter is obligated to pay only the administrative fees associated with the water right(s) 17-2028, 17-2030, 17-2045, 17-7007.

Total Water Use Authorized Under Rental Agreement Click here to enter text.

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	1.68	437.30	125.00	0.01	3.5
Combined Total	1.68	437.30	125.00	0.01	3.5

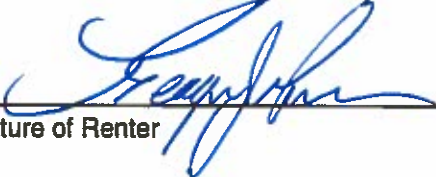
Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 17-2028

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 135

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

March 22, 2017
Date

Reagan Grabner
Printed Name

Managing 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, Acting Administrator
Idaho Water Resource Board

Date 3/29/2017

Rental approved by IDWR 

Date 3-29-2017

WATER SUPPLY BANK RENTAL AGREEMENT No. 135

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec. 8, Twp 15S, Rge 33E,	ONEIDA County
GROUND WATER	NWNE	Sec. 8, Twp 15S, Rge 33E,	ONEIDA County

Beneficial Use
IRRIGATION

Diversion Rate
1.68 CFS

Volume
437.30 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To
17-2028	4/15	10/15
17-2045	4/15	10/15
17-2030	4/15	10/15
17-7007	4/15	10/15

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	
15S	33E	5									31.4	31.1	31.4	31.1					125.0

Total Acres: 125.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
6. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER SUPPLY BANK RENTAL AGREEMENT NO. 135

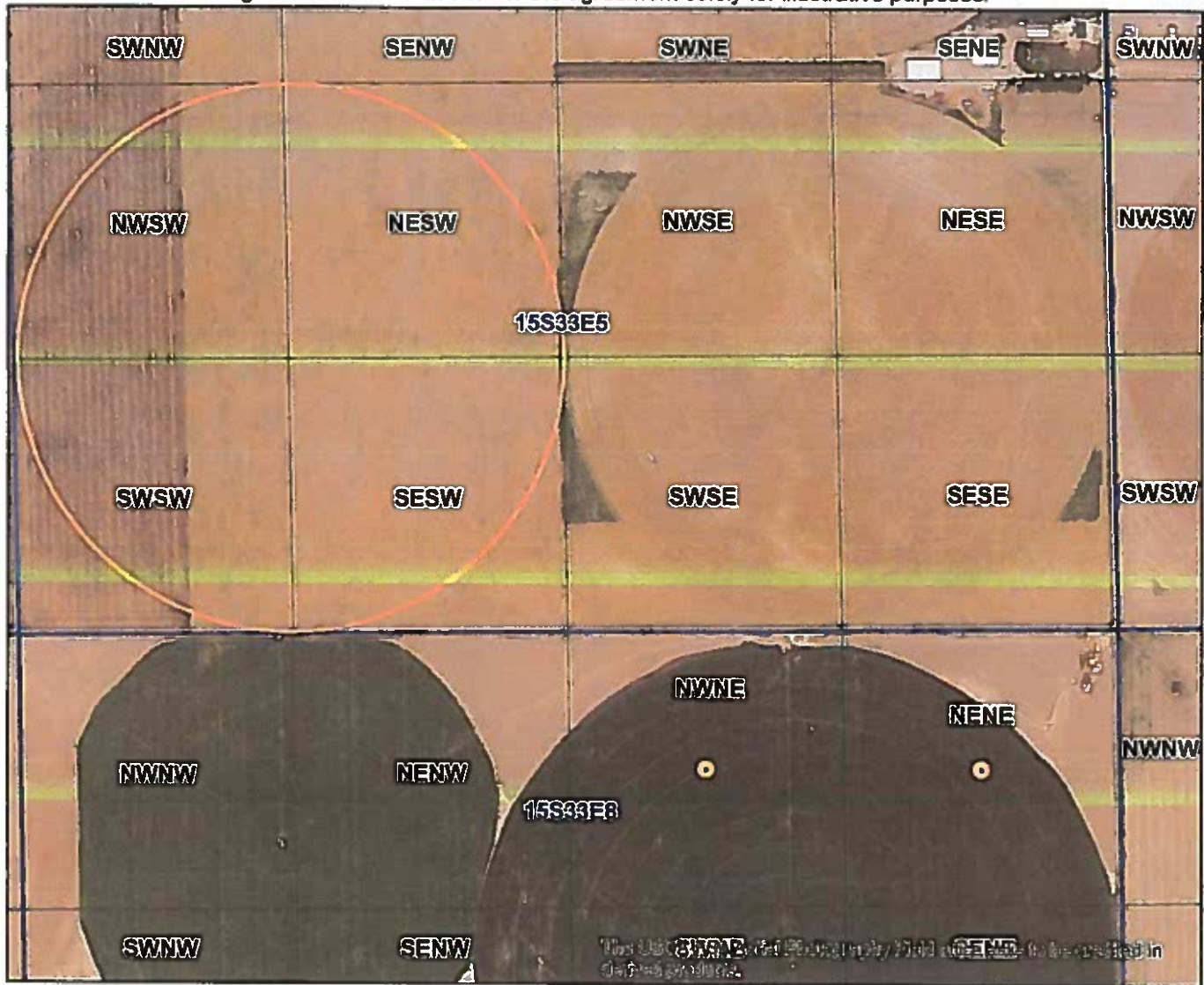
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. This rented portion of rights 17-2028, 17-2045 and 17-7007 when combined shall not exceed the irrigation of 113.2 acres.
11. This rented portion of rights 17-2028 and 17-7007 when combined shall not exceed the irrigation of 103.8 acres.
12. This rented portion of rights 17-2028, 17-2030, 17-2045 and 17-7007 when combined shall not exceed a total diversion rate of 1.68 cfs and the irrigation of 125.0 acres.
13. This rented portion of rights 17-2045 and 17-7007 when combined shall not exceed a total diversion rate of 1.17 cfs.
14. This rented portion of rights 17-2028 and 17-2045 when combined shall not exceed the irrigation of 49.5 acres.
15. This rental agreement does not authorize the construction of a well.
16. This rental does not grant any right-of-way or easement on the property of another party.



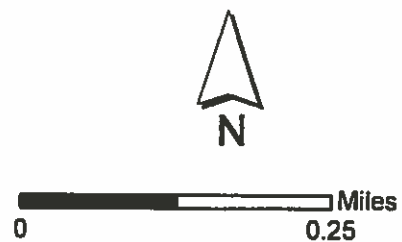
Idaho Water Resource Board
Water Supply Bank Rental Agreement No 135
17-2028, 17-2030, 17-2045 & 17-7007

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



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

RECEIVED

FEB 08 2017

DEPARTMENT OF
WATER RESOURCESApplicant Name: CSS Potato 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)

17-2028

17-2030

17-7007

17-2045

763

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant CSS Potato Farms, LLC

Mailing Address 76944 Tower Road Boardman, OR 97818

Street

City

State

Zip Code

Email Address _____

Phone Number _____

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, Idaho 83301

Email Address greg.sullivan@brockwayeng.com

Phone Number 208-736-8543

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

This rental will provide the necessary water to irrigate a new pivot.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
1.67 CFS	437.5 AF	1.67 CFS	437.5 AF	125.0 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?	
5/1/2017	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 wells, pumps and motors. New main line and pivot system will be installed.

- 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
15S33ESec8 NENE	Ground Water	17-7007, 17-2028, 17-2045, 17-2030
15S33ESec8 NWNE	Ground Water	17-7007, 17-2028, 17-2045, 17-2030

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 125.0 (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:
None

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
17-7007	Irrigation	0.81	223.4	84.2		0.81	223.4	84.2
17-2028	Irrigation	0.30	109.6	40		0.30	109.6	40
17-2045	Irrigation	0.41	63.7	39.1		0.41	63.7	39.1
17-2030	Irrigation	0.21	40.9	11.7		0.21	40.9	11.7
<i>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</i>					TOTAL	1.68	437.5	125.0
						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:

- 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
N/A

DECLARATION

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


Signature of Applicant

Reagon Grubner for CSS Idaho Farms, LLC 1/12/2017
Printed Name of Applicant Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



CSS FARMS
WATER BANK RENTAL 2017
NAIP 2015 AERIAL



CONTRACT OF AGREEMENT

To Whom It May Concern,

Holbrook Farm, LLC and CSS Potato Farms, LLC have in place a long term farm lease agreement or contract for property owned by Holbrook Farm, LLC. The contract includes the property, water rights and water distribution systems.

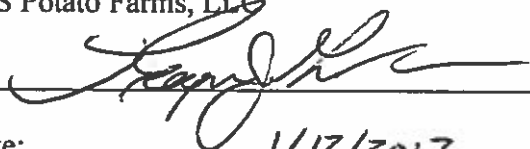
CSS Potato Farms, LLC has agreed to pay the annual contract payment for 2017. No additional fees are required by Holbrook Farm, LLC of CSS Potato Farms, LLC for 2017 from the Idaho Water Supply Bank.

Therefore, the rental payment of the 90% of the rental fees for water rights 17-7007, 17-2028, 17-2030 and 17-2045 for the year 2017 have been paid in full.

Holbrook Farm, LLC:

Date: _____

CSS Potato Farms, LLC



Date: 11/12/2017

CONTRACT OF AGREEMENT

To Whom It May Concern,

Holbrook Farm, LLC and CSS Potato Farms, LLC have in place a long term farm lease agreement or contract for property owned by Holbrook Farm, LLC. The contract includes the property, water rights and water distribution systems.

CSS Potato Farms, LLC has agreed to pay the annual contract payment for 2017. No additional fees are required by Holbrook Farm, LLC of CSS Potato Farms, LLC for 2017 from the Idaho Water Supply Bank.

Therefore, the rental payment of the 90% of the rental fees for water rights 17-7007, 17-2028, 17-2030 and 17-2045 for the year 2017 have been paid in full.

Holbrook Farm, LLC:

 BRIAN UKEN

Date: 1/25/17

CSS Potato Farms, LLC

Date: _____



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 30, 2017

CSS POTATO FARMS LLC
C/O MILTON G CARTER
76944 TOWER RD
BOARDMAN OR 97818

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 17-2028, 17-2030, 17-2045, and 17-7007**

Dear Renter:

Please find enclosed a receipt in the amount of **\$743.41** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 437.30 acre-feet of water for irrigation of 125.0 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, the rental fee will be retained by the Department to offset administrative costs since you have a private agreement with the lessor of the rights.

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

Sincerely,


for Water Supply Bank

Enclosures: Receipt No. C103279
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Greg Sullivan – Brockway Engineering



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 29 2017

DEPARTMENT OF
WATER RESOURCES

March 28, 2017

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

Re: CSS Potato Farms, LLC

Dear Mr. Buyer:

Attached to this letter is the 2017 rental payment for CSS Potato Farms LLC for a rental near the town of Holbrook, Idaho. The rental proposes to rent water from 17-2028, 17-2030, 17-2045 and 17-7007.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Reagan Grabner, Toby McKay

Enc: Water Bank Request for Rental Payment Letter, Brockway Engineering Check
13936 for \$743.41

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



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 28, 2017

CSS POTATO FARMS LLC
C/O MILTON G CARTER
76944 TOWER RD
BOARDMAN OR 97818

**RE: REQUEST FOR RENTAL PAYMENT FOR WATER RIGHTS 17-2028, 17-2030,
17-2045, and 17-7007**

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

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on March 22, 2017. The signed agreement was received by the Department on March 27, 2017, but the rental fee has not been received by the Department.

Please submit the rental payment in the amount of \$743.41 within ten (10) days of this letter to complete processing. Diversion and use of the water rights is not authorized under the proposed agreement until it has been signed by both the renter and the Department and the rental fee has been received. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the rental fee is not received by the department within the 10-day period, the rental application will be returned and the proposed rental rights made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

 Water Supply Bank

c: Greg Sullivan -- Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 22, 2017

CSS POTATO FARMS LLC
C/O MILTON G CARTER
76944 TOWER RD
BOARDMAN OR 97818

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 17-2028, 17-2030, 17-2045, and 17-7007

*****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 **\$7,434.10** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 437.30 acre-feet. Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$743.41.** 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 \$743.41 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

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

Sincerely,


For Water Supply Bank

Enclosure

c: IDWR Front Desk
Greg Sullivan – Brockway Engineering

MEMORANDUM FOR AGREEMENT # 135

To: Water Right(s) 17-2028, 17-2030, 17-2045 and 17-7007

From: Clay Webster

Date: 3/16/2017

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The department received four rental applications as lease/rental packages from Brockway Engineering on behalf of CSS Potato Farms, LLC. This is the first (Application 763) which was received on 2/08/2017. It requests to rent 1.67 cfs and 437.5 af to irrigate a 125 acre pivot in Twp 15S Rge 33E section 5 in the SW quarter. To keep the limits proportionate to the conditions on the WRs this rental will provide 1.68 cfs.

AUTHORITY TO FILE: This application was signed by Reagan Grabner who is listed on the Idaho SOS website as a manager of CSS Potato Farms LLC. They included a Farm lease agreement for 2017 in which they specified that the owners share has been paid in full. Therefore, this rental will be for the admin fees only.

WATER RIGHT VALIDITY: Water rights 17-7007, 17-2028, 17-2030 and 17-2045 had portions placed in the bank for this and other rental packages in 2017 by Holbrook Farms (New Owner).

INJURY TO OTHER WATER RIGHTS: No injury concerns are noted.

ENLARGEMENT OF USE: Combined limits will apply to this rental according to what is on the water rights rented. These water rights do not provide 0.02 cfs per acre. The 1.68 cfs provided will run the pivot. No other enlargement concerns are noted.

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

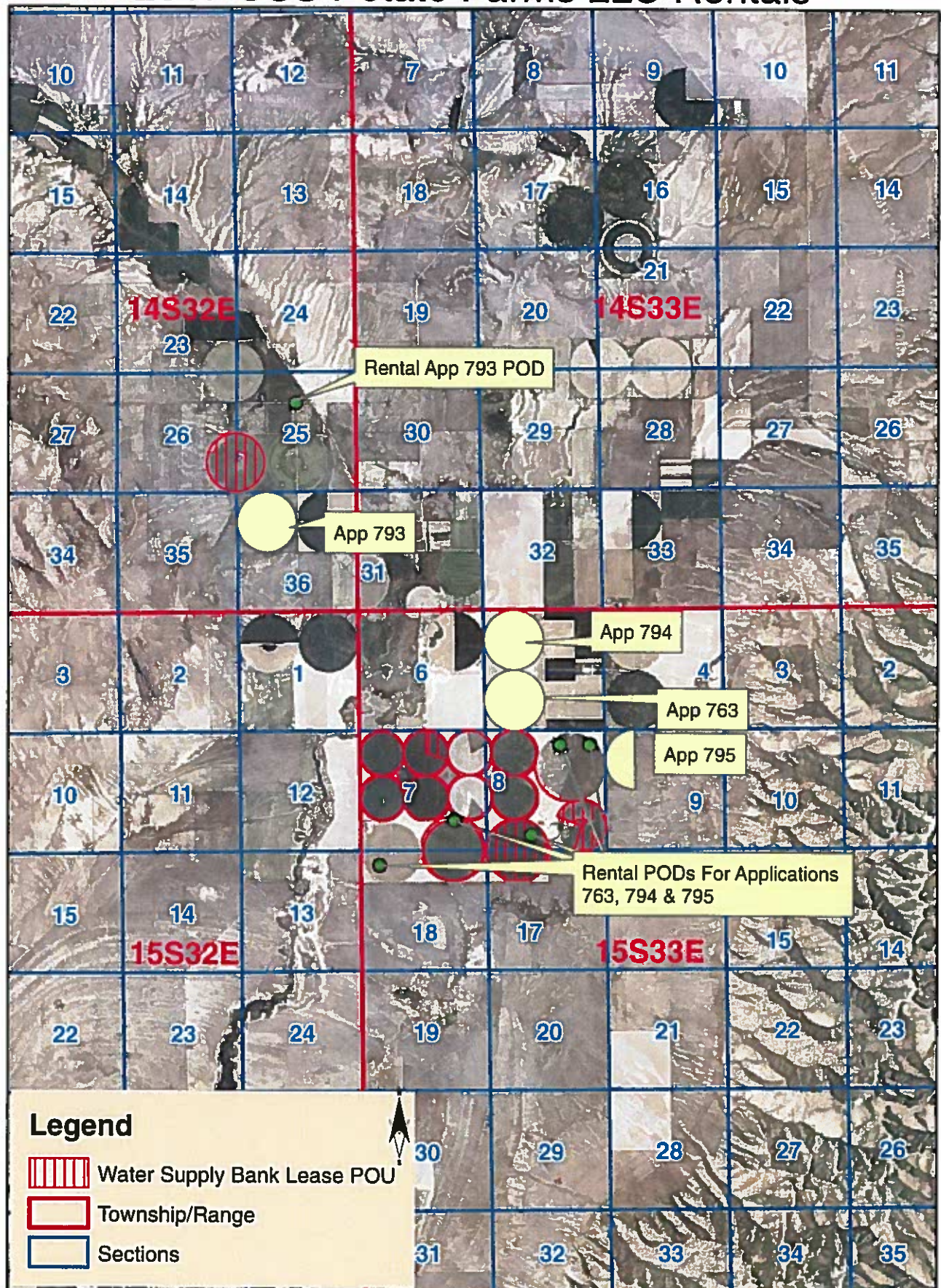
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is not subject to a Water District. Regional Comments have been requested.

Basin	Sequence	Suffix	Priority Date	Diversion Rate	Volume	Acre Limit	Total Acres	Review Notes	Rented Rate	Rented Volume	Rented acres
17	2028		7/30/1953	2.970	1,078.1	394.0	1,230.0		0.30	109.5	40
17	2030		3/4/1954	2.080	402.5	115.0	1,230.0	additive to group below on acres but only adds 1.53 cfs	0.21	41.0	11.7
17	2045		7/24/1959	4.030	626.4	385.0	1,230.0		0.41	63.6	39.1
17	7007		8/24/1970	8.000	2,198.0	829.0	1,230.0		0.81	223.2	84.2
Totals				17.080	4,305.0	1,223.0			1.73	437.3	175
limits				16.530		1,230.0			1.69		125.0
17	2028		7/30/1953	2.970	1,078.1	394.0	1,230.0				40
17	2045		7/24/1959	4.030	626.4	385.0	1,230.0				39.1
17	7007		8/24/1970	8.000	2,198.0	829.0	1,230.0				84.2
Totals				15.000	3,902.5	1,608.0					163.3
limits						1,115.0					113.2
17	2028		7/30/1953	2.970	1,078.1	394.0	1,230.0				40
17	2045		7/24/1959	4.030	626.4	385.0	1,230.0				39.1
Totals				7.000	1,704.5	779.0					79.1
limits						487.0					49.5
17	2028		7/30/1953	2.970	1,078.1	394.0	1,230.0				40
17	7007		8/24/1970	8.000	2,198.0	829.0	1,230.0				84.2
Totals				10.970	3,276.1	1,223.0					124.2
limits						1,022.0					103.8
17	2045		7/24/1959	4.030	626.4	385.0	1,230.0		0.41		40
17	7007		8/24/1970	8.000	2,198.0	829.0	1,230.0		0.81		84.2
Totals				12.030	2,824.4	1,214.0			1.22		124.2
limits				11.480					1.17		

Leased rate	Rate left	Leased Volume	Volume left	Leased acres	Acres left
0.76	0.46	274.2	164.7	100.2	60.2
0.53	0.32	102.6	61.7	29.3	17.6
1.03	0.62	159.4	95.8	98.0	58.9
2.04	1.23	559.4	336.2	211.0	126.8
4.21	2.53	1095.6	658.3	313.0	188.0 Limits calc

2017 CSS Potato Farms LLC Rentals



Webster, Clay

From: Cefalo, James
Sent: Thursday, March 16, 2017 4:21 PM
To: Webster, Clay
Subject: RE: Regional Comments on rental application 763 for CSS Potato Farms 17-2028, 17-2030, 17-2045 and 17-7007

Clay,

I don't have any issues with the proposed rental. I hope the WSB staff conducts year end reviews to ensure that acres promised to be dried up are in fact dried up.

James

From: Webster, Clay
Sent: Thursday, March 16, 2017 2:58 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: Regional Comments on rental application 763 for CSS Potato Farms 17-2028, 17-2030, 17-2045 and 17-7007

James,

We are currently processing four rental applications for CSS Potato Farms. This is the first application. The move map I have included does not show the leased PODs because they will be diverting from the leased WR PODs. I have included shapes for all of the applications we have from this entity. I have also put on the lease POU layer to show the areas they have agreed to dry-up. Application 793 will be from 17-2052 and 17-7063. I'll send the memos on the other applications as they are reviewed. Do you have any concerns with this one? Thanks.

Clay



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 08 2017

DEPARTMENT OF
WATER RESOURCES

February 3, 2017

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

Re: CSS Potato Farms, LLC

Dear Mr. Buyer:

Holbrook Farm, LLC purchased water rights 17-7007, 17-2028, 17-2030 and 17-2045 in 2016. Holbrook Farm, LLC has applied to lease 125.0 acres of ground water into the Idaho Water Supply Bank for the 2017 irrigation season.

CSS Potato Farms, LLC has entered into a farm lease contract for the property. CSS Potato Farms, LLC desires to rent 125.0 from water rights 17-7007, 17-2028, 17-2030 and 17-2045 for the 2017 irrigation season.

Holbrook Farm, LLC and CSS Potato Farms, LLC have entered into an agreement that states that Holbrook Farm, LLC has already been paid by CSS Potato Farms, LLC for the 2017 rental of the 125.0 acres. No rental payment will be made to the Idaho Water Supply Bank for the 90% of the rental amount that would normally go to the water right owner. A 10% rental processing fee of \$743.75 (10% x \$17.00/acre-foot x 437.5 acre-foot) will be paid to the Idaho Water Supply Bank when the final rental agreement is signed for 2017.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Reagan Grabner

Enc: Aerial Maps, Rental Application, Payment Agreement

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

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

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