

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 129

This is to certify that:

PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210

RECEIVED

MAR 17 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)
29-14016	1/17/1966	GROUND WATER	0.94	239.3	67.9	0.014	3.53
29-14106	8/18/1953	GROUND WATER	0.67	134.4	33.6	0.02	4.00
29-14107	12/3/1980	GROUND WATER	0.44	87.6	21.9	0.02	4.00
Combined Limit Totals			0.67	206.0	51.5		
43-13595	5/4/1978	GROUND WATER	0.73	177.3	44.3	0.016	4.00
43-13597	5/23/1962	GROUND WATER	0.13	63.6	21.3	0.006	4.00
Combined Limit Totals			0.73	240.9	65.6		
Combined Rental Totals			2.34	686.2	185.0	0.013	3.71

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

Annual Rental Fee:

2017: \$11,665.40

The full fee for the rental of the above-described right(s) is \$11,665.40 for 2017. The rental fee includes an administrative fee of \$1,166.54 for 2017.

Total Water Use Authorized Under Rental Agreement No 129

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	2.34	686.2	185.0	0.013	3.71
Combined Total	2.34	686.2	185.0	0.013	3.71

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

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 29-14016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 129

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

3-13-17
Date

Chris Pratt
Printed Name

Member
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 3/17/2017

Rental approved by IDWR 

Date 3-17-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 129

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER 4NWNW Sec. 6, Twp 04S, Rge 31E, BINGHAM County

Beneficial Use Diversion Rate Volume
IRRIGATION 2.34 CFS 686.2 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To
43-13595	4/1	10/31
43-13597	4/1	10/31
29-14016	4/1	10/31
29-14106	4/1	10/31
29-14107	4/1	10/31

RENTERS PLACE OF USE: IRRIGATION

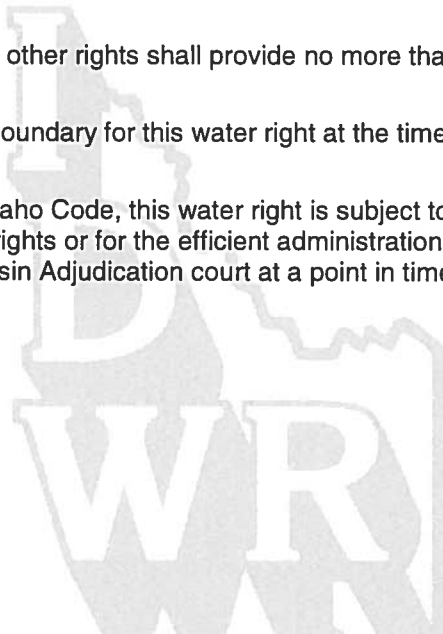
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	31E	6		17.9 L2	24.9			17.6 L4	25.4	40.5	13.8	2.5				2.2			144.8
04S	31E	6					40.2 L3												40.2

Total Acres: 185.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
6. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date. This rental for mitigation by non-use may be ineffective if the mitigating water right is not in priority.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. This rental agreement does not authorize the construction of a well.

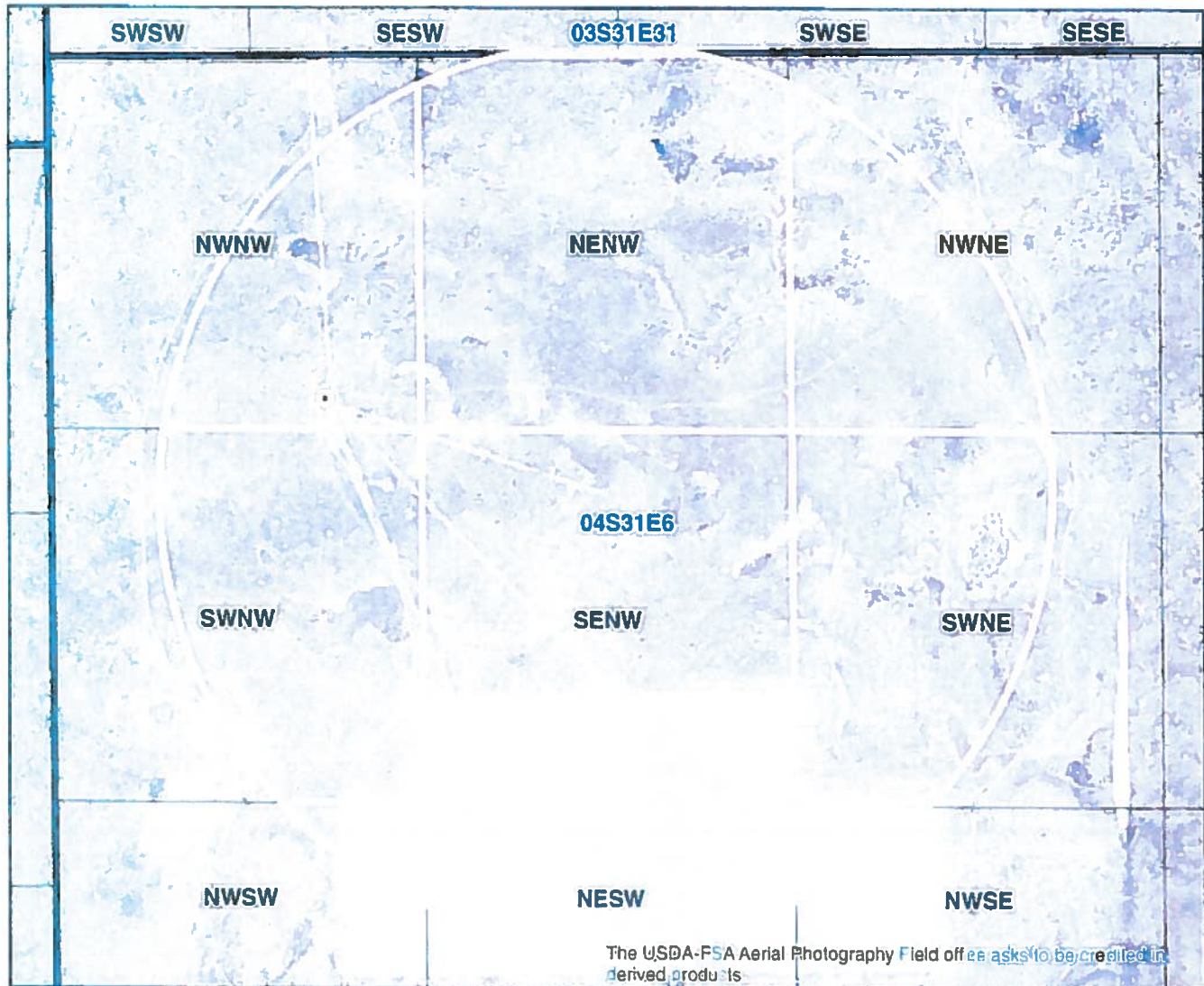
9. Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
12. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
13. Rental portions of rights 43-13595 and 43-13597 when combined shall not exceed a total diversion rate of 0.73 cfs, a total annual maximum diversion volume of 240.9 af at the field headgate, and the irrigation of 65.6 acres.
14. Rental portions of rights 29-14106 and 29-14107 when combined shall not exceed a total diversion rate of 0.67 cfs, a total annual maximum diversion volume of 205.9 af at the field headgate, and the irrigation of 51.5 acres.
15. This rental when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
16. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
17. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



Idaho Water Resource Board
Water Supply Bank Rental Agreement

Effective until December 31, 2017

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



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use

- Townships
- PLS Sections
- Quarter Quarters



0 0.25 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 01 2015

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

29-14016	29-14107	43-13597
29-14106	43-13595	

413

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant PEP, LLC

Mailing Address <u>1356 S., 3000 W.</u>	Aberdeen	ID	83210
Street	City	State	Zip Code
Email Address <u>pepfarms@gmail.com</u>	Phone Number <u>(208) 709-1645</u>		

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 <u>Jason C. Helms, P.E.</u>	Professional Title _____
Organization <u>JCH Engineering & Consulting, PLLC</u>	Relationship to Applicant <u>Consultant</u>
Mailing Address <u>6755 N. Albert Lane</u>	<u>Idaho Falls, ID 83401</u>
Email Address <u>jasoncivil@alumni.nd.edu</u>	Phone Number <u>(208) 308-2109</u>

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Irrigation (Rental #4 of 4)

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
2.34 CFS	707.7 AF	2.34 CFS	707.7 AF	185.0 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?	
04/01	06/01	☒ 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 well, mainline and center pivot sprinkler systems.

- 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
Existing Well A0006214	Ground Water	none

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 185.0 (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)
29-14016	Irrigation	0.94	239.3	67.9		0.94	239.3	67.9
29-14106	Irrigation	0.93	186.4	46.6		0.67	134.3	33.6
29-14107	Irrigation	(0.61)	121.6	30.4		(0.44)	(87.6)	(21.9)
43-13595	Irrigation	5.00	1209.6	302.4		0.73	177.3	44.3
43-13597	Irrigation	(0.89)	580.4	145.1		(0.13)	85.1	21.3
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	2.34	707.7	185.0
						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**:

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 Chris Pratt

Printed Name of Applicant Chris Pratt

Date 11-1-2016

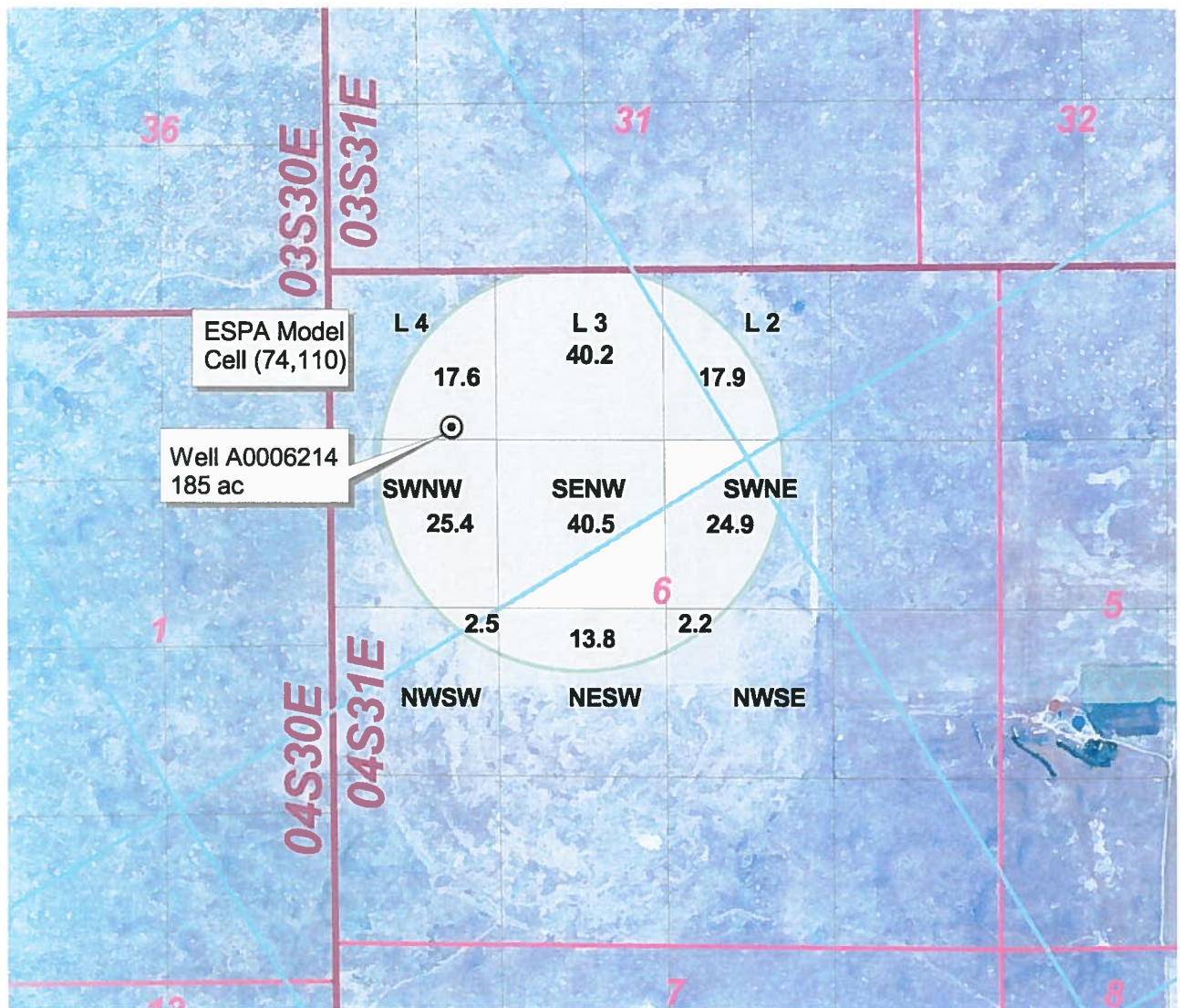
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



0.25 0 0.25 0.5 0.75 1 Miles

Proposed Rental Irrigation Place of Use

Proposed Rental Point of Diversion
(Historical WMIS ID A0006214)

Township and Range
Sections
Bingham_40s
ESPA Model Grid



PEP, LLC Proposed 2017 Water Supply Bank Rental #4

ESPA Ground Water Rights Transfer Spreadsheet Data Summary

TRANSFER NO: 2017 Water Bank Rental #4
TRANSFER NAME: PEP LLC: Well A0006214

PREPARED BY: Jason C. Helms, P.E.
DATE: 10/17/2016
Transfer Tool Version: Version 3.2

WATER RIGHTS INVOLVED:

Group 1 Transfer Rights		Group 2 Additional Mitigation Rights	
Right No.	Priority Date	Right No.	Priority Date
29-14016	1/17/1966		
29-14106	8/18/1953		
29-14107	12/3/1980		
43-13595	5/4/1978		
43-13597	5/23/1962		

HISTORIC BENEFICIAL USE:

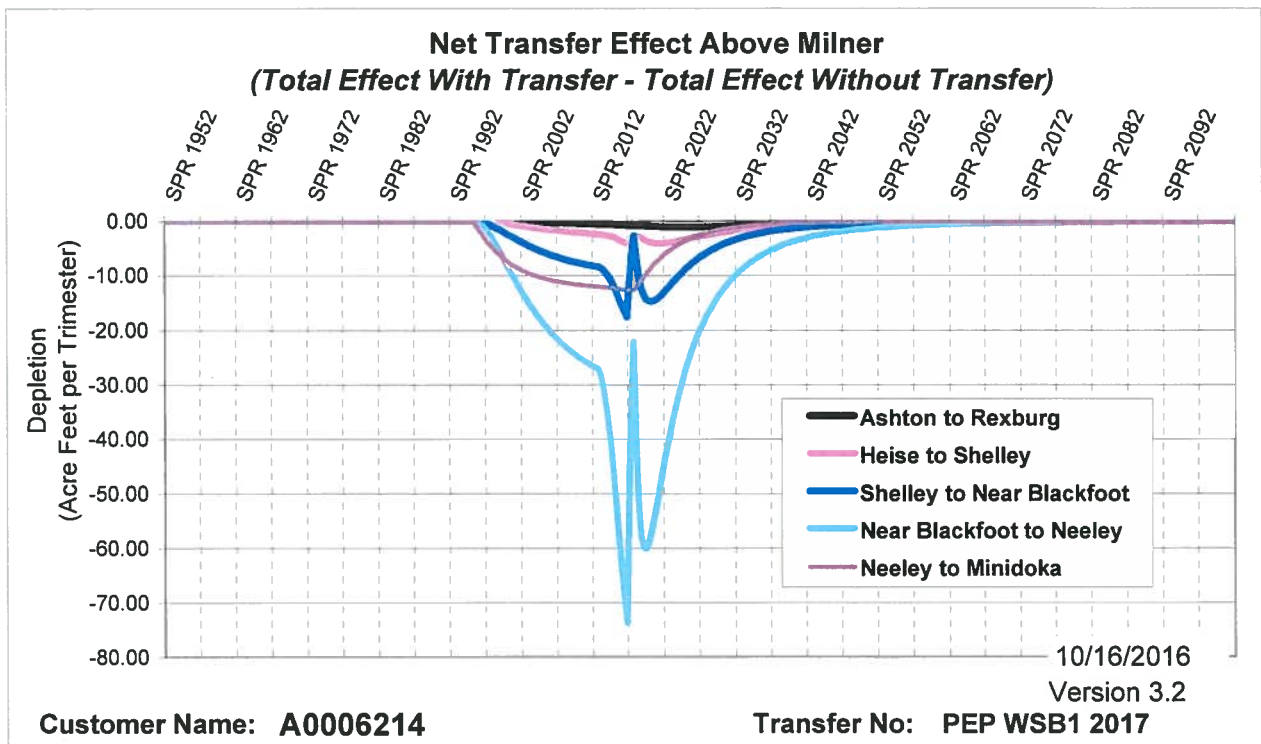
Trans/Mit. Rights (group no.)	Acres to Dry Up (ac)	Beneficial Use (af/yr)	Total (af/yr)
29-14016	67.9	239.3	239.3
29-14106	33.6	134.3	134.3
29-14107	17.9	71.7	71.7
43-13595	44.3	177.3	177.3
43-13597	21.3	85.1	85.1

MODEL CELL LOCATIONS:

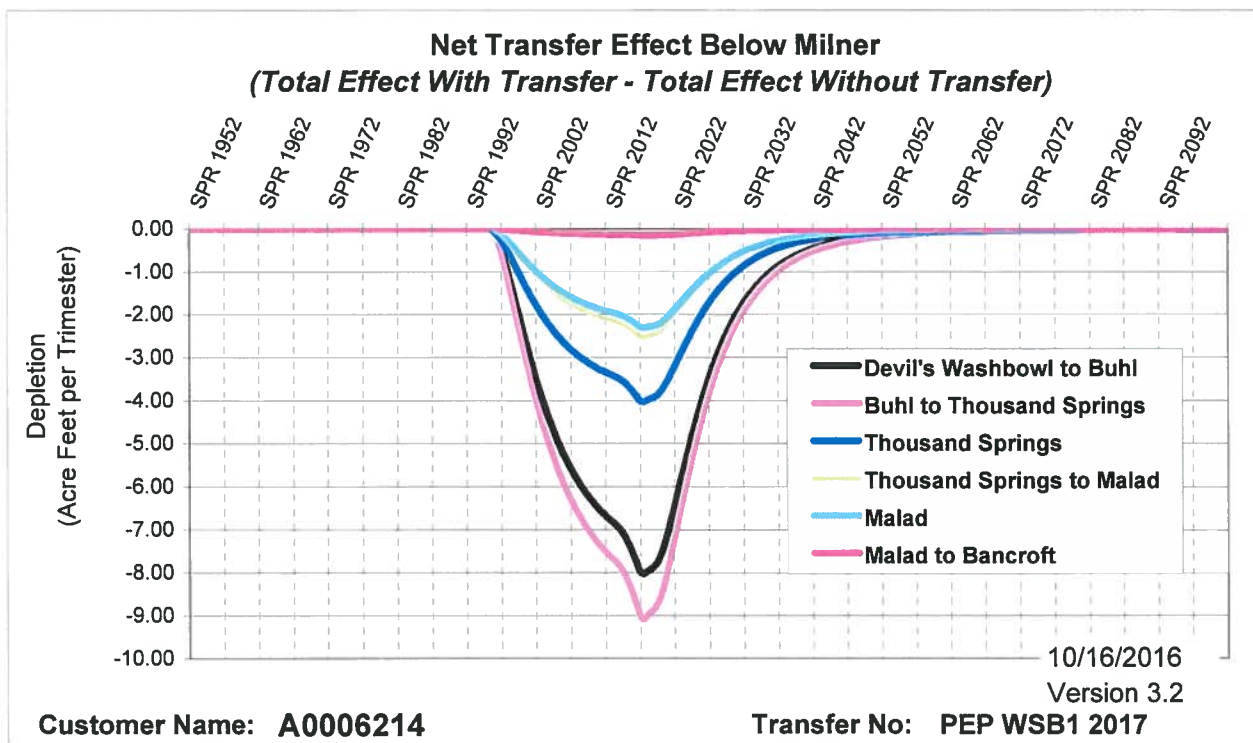
	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	74	91	96	96
COLUMN	110	69	122	122

	Start Date		End Date		Water Use		Acres Authorized (acres)	Notes
	Season	Year	Season	Year	Annual (af/yr)	Trimester (af/trimester)		
TO Well (Projected Use)	Spring	1952	Winter	2016	0.0	0.0	0.0	0 rental diversion 1952-2016
	Spring	2017	Winter	2017	707.7	235.9	185.0	2017 rental diversion of 707.8 af
	Spring	2018	Winter	2101	0.0	0.0	0.0	0 rental diversion 2018-2101
FROM1 Well (With Transfer)	Spring	1952	Winter	1961	0.0	0.0	0.0	0 diversion before priority date
	Spring	1962	Winter	1977	85.1	28.4	44.3	Add historical diversion of 43-13597
	Spring	1978	Spring	1995	262.4	87.5	65.6	Add historical diversion of 43-13595
	Summer	1995	Winter	2016	0.0	0.0	0.0	Credits during protected non-use
	Spring	2017	Winter	2017	0.0	0.0	0.0	non-use during rental period
	Spring	2018	Winter	2101	262.4	87.5	65.6	Use potentially resumes in 2018
FROM1 Well (Without Transfer)	Spring	1952	Winter	1961	0.0	0.0	0.0	0 diversion before priority date
	Spring	1962	Winter	1977	85.1	28.4	44.3	Add historical diversion of 43-13597
	Spring	1978	Winter	1994	262.4	87.5	65.6	Add historical diversion of 43-13595
	Spring	1995	Winter	2101	262.4	87.5	65.6	Authorized baseline use continues
FROM2 Well (With Transfer)	Spring	1952	Spring	1953	0.0	0.0	0.0	0 diversion before priority date
	Summer	1953	Winter	1980	134.3	44.8	33.6	Add historical diversion of 29-14106
	Spring	1981	Spring	2014	206.0	68.7	51.5	Add historical diversion of 29-14107
	Summer	2014	Winter	2016	0.0	0.0	0.0	Credits during protected non-use
	Spring	2017	Winter	2017	0.0	0.0	0.0	non-use during rental period
	Spring	2018	Winter	2101	206.0	68.7	51.5	Use potentially resumes in 2018
FROM2 Well (Without Transfer)	Spring	1952	Spring	1953	0.0	0.0	0.0	0 diversion before priority date
	Summer	1953	Winter	1980	134.3	44.8	33.6	Add historical diversion of 29-14106
	Spring	1981	Summer	2014	206.0	68.7	51.5	Add historical diversion of 29-14107
	Winter	2014	Winter	2101	206.0	68.7	51.5	Authorized baseline use continues
FROM3 Well (With Transfer)	Spring	1952	Winter	1965	0.0	0.0	0.0	0 diversion before priority date
	Spring	1966	Summer	2012	239.3	79.8	67.9	Add historical diversion of 29-14106
	Spring	2013	Winter	2016	0.0	0.0	0.0	Credits during protected non-use
	Spring	2017	Winter	2017	0.0	0.0	0.0	non-use during rental period
	Spring	2018	Winter	2101	239.3	79.8	67.9	Use potentially resumes in 2018
FROM3 Well (Without Transfer)	Spring	1952	Winter	1965	0.0	0.0	0.0	0 diversion before priority date
	Spring	1966	Summer	2012	239.3	79.8	67.9	Add historical diversion of 29-14106
	Winter	2012	Winter	2101	239.3	79.8	67.9	Authorized baseline use continues

ATTACHMENT #5 Transfer Summary



ATTACHMENT #5
Impacts Above Milner



ATTACHMENT #5
Impacts Below Milner



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 20, 2017

PEP LLC
1356 S 3000 W
ABERDEEN ID 83210

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 29-14016, 29-14106, 29-14107, 43-13595, and 43-13597**

Dear Renter:

Please find enclosed a receipt in the amount of **\$11,665.40** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 686.2 acre-feet of water for irrigation of 185.0 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, 90% or \$10,498.86 of the rental fee will be paid to the lessor(s) and 10% or \$1,166.54 will be retained by the Department to offset administrative costs.

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

Sincerely,


Debbie Gold
for Water Supply Bank

Enclosures: Receipt No. C103210
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office/Water District # 120
Jason Helms – JCH Engineering & Consulting
Aberdeen American Falls Ground Water District



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 6, 2017

PEP LLC
1356 S 3000 W
ABERDEEN ID 83210

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 29-14016, 29-14106, 29-14107, 43-13595 and 43-13597**

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

Dear Applicant:

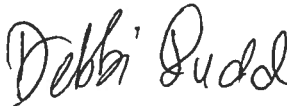
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$11,665.40 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 686.20 acre-feet.

Please send a check for \$11,665.40 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$10,498.86 of the rental fee will be paid to the lessor(s) and 10% or \$1,166.54 will be retained by the Department to offset administrative costs.

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

Sincerely,


So Water Supply Bank

Enclosure

c: IDWR Front Desk
Jason Helms – JCH Engineering & Consulting

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$17 (2017)	Rental Amounts	
PEP LLC #4 rental					Rate	Acres
29-14016	239.4	\$3,662.82	\$406.98	\$4,069.80	0.94	67.9
29-14106	134.3	\$2,054.79	\$228.31	\$2,283.10	0.67	33.60
29-14107	71.6	\$1,095.48	\$121.72	\$1,217.20	0.44	17.90
43-13595	177.3	\$2,712.69	\$301.41	\$3,014.10	0.73	44.30
43-13597	63.6	\$973.08	\$108.12	\$1,081.20	0.13	21.30
Total	686.2	\$10,498.86	\$1,166.54	\$11,665.40	2.34	185.00
overall volume/ac						3.7092
overall rate/ac						0.0126
calculated by Michele Edl						
29-14016	rate	volume	acre	af/ac	cfs/ac	trimester vol
leased	0.94	239.4		67.9	3.53	0.014
available	0.94	239.4		67.9		
PEP LLC #4 rental	0.94	239.3		67.9		0.014
remaining	0.00	0.10		0.00	rental availability depleted	79.77
29-14106	rate	volume	acre	af/ac	cfs/ac	
leased	0.93	186.4		46.6	4.00	0.020
available	0.93	186.4		46.6	4.00	0.020
PEP LLC #3 rental	0.26	52.1		13.0	4.01	0.020
remaining	0.67	134.3		33.6		17.37
PEP LLC #4 rental	0.67	134.3		33.6	4.00	0.020
remaining	0.00	0.00		0.00	rental availability depleted	44.77
29-14107	rate	volume	acre	af/ac	cfs/ac	
leased	0.61	121.6		30.4	4.00	0.020
available	0.61	121.6		30.4	4.00	0.020
PEP LLC #3 rental	0.17	34		8.5	4.00	0.020
remaining	0.44	87.6		21.9		
PEP LLC #4 rental	0.44	87.6		21.9	4.00	0.020
remaining	0.00	0.00		0.00	rental availability depleted	29.20
43-13595	rate	volume	acre	af/ac	cfs/ac	
xfered	5.00	1209.6		302.4	4.00	0.017
leased	5.00	1209.6		302.4	4.00	0.017
PEP LLC #1 rental	1.01	243.3		60.8	4.00	0.017
remaining	3.99	966.3		241.6	4.00	0.017
PEP LLC #2 rental	0.16	37.5		9.4	3.99	0.017
remaining	3.83	928.8		232.2		12.50
PEP LLC #4 rental	0.73	177.3		44.3	4.00	0.016
remaining	3.10	751.5		187.9		59.10
43-13597 corrected	rate	volume	acre	af/ac	cfs/ac	
xfered	0.89	580.4		145.1	4.00	0.006
leased	0.89	434.3		145.1	2.99	0.006
PEP LLC #1 rental	0.18	87.83		29.3	3.00	0.006
remaining	0.71	346.47		115.8	2.99	0.006
PEP LLC #2 rental	0.026	13.4		4.5	2.98	0.006
remaining	0.684	333.07		111.30		4.47
PEP LLC #4 rental	0.13	63.6		21.3	2.99	0.006
remaining	0.554	269.47		90.00	2.99	0.006
	.55*246*1.9835=	268.4				80.30
reset total for both						
Ward rights	3.1	1019.9		277.9		
eliminating rounding errors						

Edl, Michele

From: Cefalo, James
Sent: Tuesday, February 28, 2017 12:23 PM
To: Edl, Michele
Subject: RE: request for comment WSB rental PEP#1,2,3,4

Michele,

I don't have any questions or concerns with any of the four WSB Rentals proposed by PEP LLC.

James

From: Edl, Michele
Sent: Monday, February 27, 2017 5:46 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: request for comment WSB rental PEP#2

James,

I have completed my review of third of four WSB rentals submitted on behalf of PEP LLC for 2017. Rental #2 covers the POU which is also proposed, by Transfer 81384(Global Ag), as the POU for a portion of WR #35-7168.

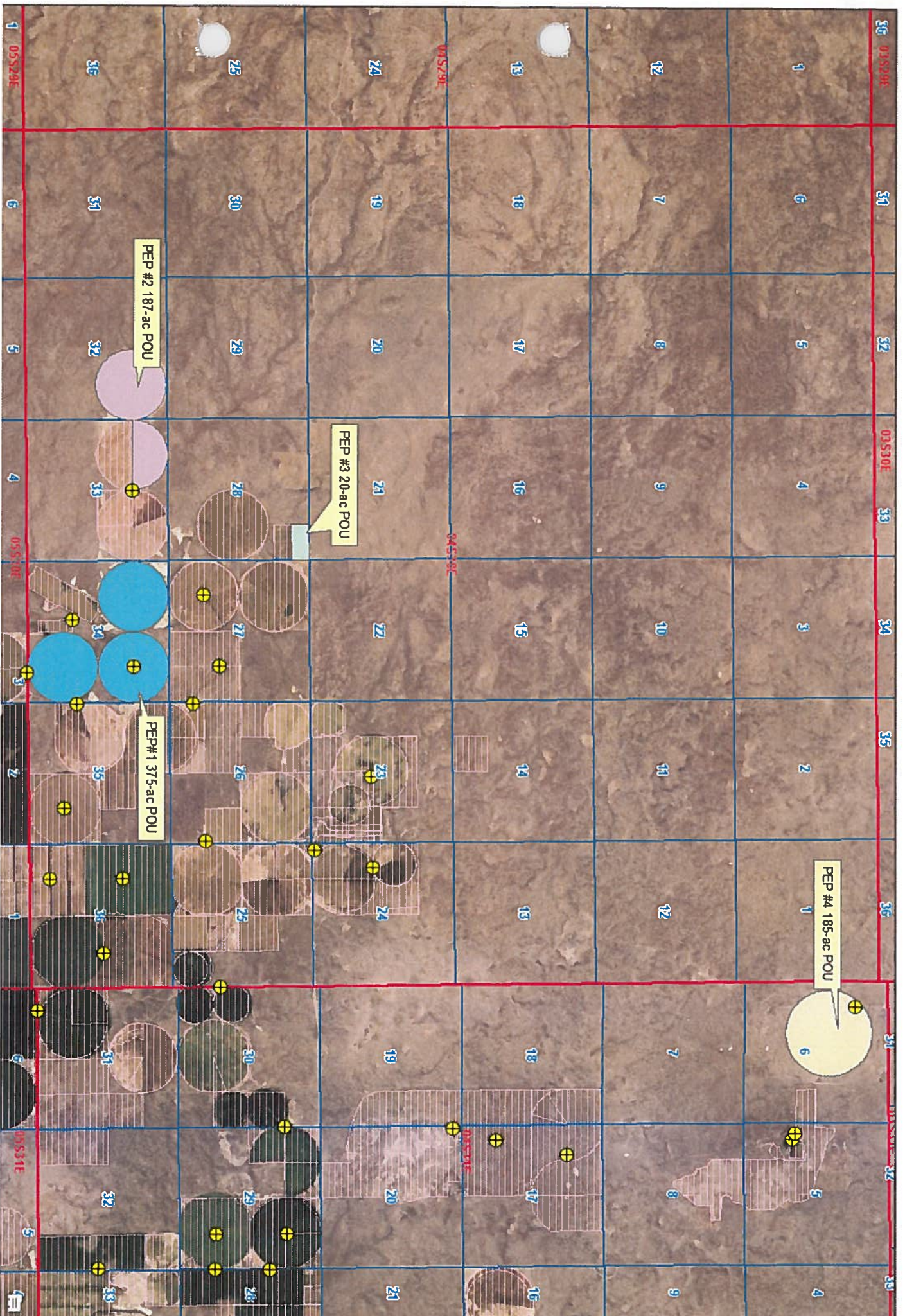
I haven't found any reason to hold the processing of this rental. But I haven't heard back from you regarding the two PEP rentals #1 and #3 so I don't know if there are problems in this area. (I submitted PEP rentals #1 and #3 to you for comment late last Wednesday 2/22/2017. Usually you are very quick to respond.)

I have confirmed the ESPA modeling and stacked the modeling results for all four rentals. No additional mitigation is required. The four rentals are for the 2017 irrigation season only.

I have attached a copy of my review memo for this rental #2 and the map showing the POUs for all four rentals.

Please let me know if you have any questions or concerns about this rental (#2) or about rentals #1 and #3.

Michele Edl
208-287-4946



MEMORANDUM

To: Water Right(s) 29-14016, 29-14106, 29-14107, 43-13595 and 43-13597.

From: Michele Edl

Date: February 27, 2017

Re: Review & Analysis of PEP LLC Application #4 to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On November 1, 2016, PEP LLC submitted four applications to rent water from the State Water Supply Bank. Jason Helms (JCH Engineering and Consulting) submitted ESPA modeling in support of the applications. Mr. Helms identifies this rental application as #4 of 4.

The rental #4 application proposes to rent all of right 29-14016, and portions of 29-14106, 29-14107, 43-13595 and 43-13597 to irrigate 185.0 acres in Twp 4S, Rge 31E, sec 6. The applicant requested a rental agreement with a 1-year duration.

AUTHORITY TO FILE: According to available Bingham County taxlot information the proposed place-of-use is owned by PEP LLC.

PEP LLC is listed with ISOS as #W15317. Chris Pratt is listed as a member and he signed the application.

The proposed point-of diversion is an existing but unused well. The well is WMIS# 600048, with tag #A0006214 and it is located within PEP LLC property. No water rights are currently authorized to divert from this well.

WATER RIGHT VALIDITY:

Water right 29-14016 was transferred to the City of Chubbuck in 2011 and have been leased to Water Supply Bank since 2012. The current lease contract will expire in 2017. Approval of this rental agreement will exhaust the rental availability of the right for 2017.

Water rights 29-14106 and 29-14107, were transferred to the City of Chubbuck in 2014 and have been leased to Water Supply Bank on an annual basis since then. They have not yet been used at the authorized POU, which is the municipal service area for the city. A review of aerial photography shows that water use has been idled at the former POUs. Water sufficient to satisfy this rental request is available from the rights. Approval of this rental agreement will exhaust the remaining rental availability of the rights for 2017.

Water rights 43-13595 and 43-13597 were leased to the State Water Supply Bank in July 1995 for an indefinite period. The Lessors have recently updated the term of their lease so that it will end in 2020. A review of aerial photography shows that the water rights have been idled at the authorized place-of-use. Water sufficient to satisfy this rental request is available from the rights.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

The consultant, Mr. Jason Helms, provided the modeling of impacts to ESPA. His modeling choices tended to be more conservative than required. I reran the modeling and confirmed that no mitigation is required.

Similar WSB rental packages, approved in 2013 through 2015 were of concern to the neighbors. IDWR has requested and Mr. Helms has provided reports which analyzed and summarized the combined impact that PEP LLC's 2013-2015 rentals would have on the local ground water hydraulics. Those reports have indicated that neighboring wells would be minimally impacted by these rentals.

ENLARGEMENT OF USE: No enlargement is evident through the rental. The rental agreement will be issued with combined limits on water right pairs 29-14106 and 29-14107, and on 43-13595 and 43-13597.

Some of rented rights have SOU and field headgate allowances that are more generous than those at the rental location. The rental agreement will limit the use of the rented rights to the standards applicable to the rental location.

LOCAL PUBLIC INTEREST: This application is one of four rental applications submitted by PEP LLC. They are similar to applications submitted by PEP LLC, for the past four rental seasons. The previous applications were of some concern to neighboring landholders who also divert their water from ground water

In 2015, PEP LLC purchased WR# 35-8362 and filed Transfer 80446 to change the POU and POD of the right. The transfer provided neighbors an opportunity to formally protest PEP LLC's use of water rights. The protest period of Transfer 80446 ended November 16, 2015. No protests were received.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rental PODs are subject to Water District 120. The watermaster and Eastern Region will be consulted.

The rental POU and POD are within the Aberdeen-American Falls GWD.

The four, 2017 rental application packages are requesting water which was formerly diverted from diverse basins to be diverted at this location in Basin 35. In cases such as this, IDWR expects additional analysis of the combined impact.

An estimate of the total impact can be made by superposition of the transfer tool results from each modeling run. Specifically, CalculatedEffects columns CW-DG from each modeling run are summed. I ran models of each rental package with the transfer tool Etransfer _V3_2 and produced results that concurred with Jason Helms modeling. Then I stacked the results of my modeling runs and calculated the total impact using the above superposition method. The sum of the modeled impact from renting the 14 rights to PEP LLC for 2017 indicates that no additional mitigation is required.