

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 127

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)
29-13827	1/29/1960	GROUND WATER	0.30	52.5	15.0	0.02	3.5
43-13595	5/4/1978	GROUND WATER	0.16	37.6	9.4	0.017	4.0
43-13597	5/23/1962	GROUND WATER	0.03	13.4	4.5	0.006	3.0
Combined Limit Totals			0.16	51.0	13.9		
29-14054	12/31/1974	GROUND WATER	1.47	491.6	122.9	0.012	4.0
29-14055	6/20/1961	GROUND WATER	0.13	26.4	6.6	0.020	4.0
29-14056	10/26/1966	GROUND WATER	0.09	18.8	4.7	0.019	4.0
29-14081	6/20/1961	GROUND WATER	0.03	4.4	1.1	0.023	4.0
29-14082	10/26/1966	GROUND WATER	0.02	3.6	0.9	0.020	4.0
29-14080	12/31/1974	GROUND WATER	0.27	87.6	21.9	0.012	4.0
Combined Limit Totals			1.74	632.4	158.1		
Combined Rental Totals			2.20	735.9	187.0	0.012	3.94

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: \$12,510.30

The full fee for the rental of the above-described right(s) is \$12,510.30 for 2017. The rental fee includes an administrative fee of \$1,251.03 for 2017.

Total Water Use Authorized Under Rental Agreement No. 127

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	2.20	735.9	187.0	0.012	3.94
Combined Total	2.20	735.9	187.0	0.012	3.94

** 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 # 29-13827

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 127

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 3-13-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 127

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec. 33, Twp 04S, Rge 30E, BINGHAM County

Beneficial Use **Diversion Rate** **Volume**
IRRIGATION 2.20 CFS 735.9 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To
29-13827	4/1	10/31
43-13595	4/1	10/31
43-13597	4/1	10/31
29-14054	4/1	10/31
29-14055	4/1	10/31
29-14056	5/1	10/15
29-14080	4/1	10/31
29-14081	4/1	10/31
29-14082	5/1	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	
04S	30E	32	31.0	30.0	31.0	33.0													125.0
04S	30E	33					31.0	31.0											62.0

Total Acres: 187.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

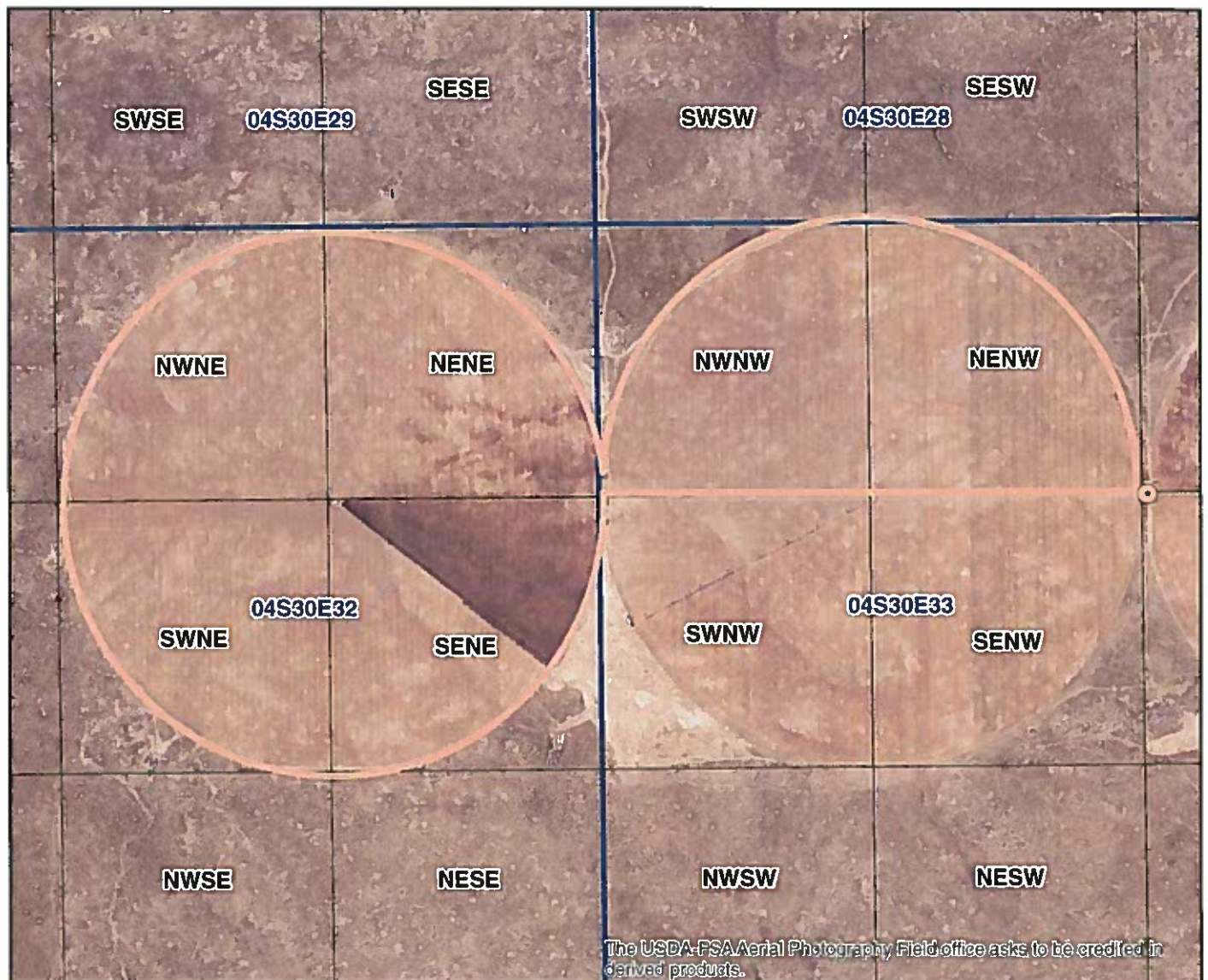
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption 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. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
10. 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.
11. Use of water under these rights 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, the rental place of use and point of diversion are within State Water District No. 120.
12. 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.
13. Rental of portions of rights 43-13597 and 43-13595 when combined shall not exceed a total diversion rate of 0.16 cfs, a total annual maximum diversion volume of 51.0 af and the irrigation of 13.9 acres.
14. This right does not grant any right-of-way or easement across the land of another.
15. 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.
16. Rights 29-14054, 29-14055, 29-14056, 29-14080, 29-14081 and 29-14082 when combined shall not exceed a total diversion rate of 1.736 cfs, and the irrigation of 158.1 acres.
17. These rented rights 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.
18. The period of use for the irrigation authorized by water rights 29-14056 and 29-14080 and described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/22/2004.
19. 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.
20. The following rights are diverted through point(s) of diversion described above: 35-8362, and 35-13272.

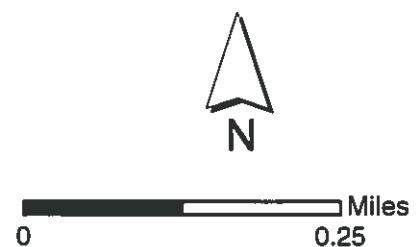
Idaho Water Resource Board Water Supply Bank Rental Agreement

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 01 2016

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)

29-13827

29-14055

43-13595

29-14054

29-14056

43-13597

367

**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 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 #2 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)
2.19 CFS	740.5 AF	2.19 CFS	740.5 AF	187 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 #25	Ground Water	35-8362, 35-13272

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 187 (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:

Existing water rights cover separate acreage. Additional water is required to fully operate the three center-pivot systems.

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)
29-13827	irrigation	0.30	52.5	15		0.30	52.5	15
29-14054	irrigation	1.47	491.6	122.9		1.47	491.6	122.9
29-14055	irrigation	(0.13)	26.4	6.6		(0.13)	26.4	6.6
29-14056	irrigation	(0.09)	18.8	4.7		(0.09)	18.8	4.7
43-13595	irrigation	5.00	1209.6	302.4		0.42	102.2	25.5
43-13597	irrigation	(0.89)	580.4	145.1		(0.08)	49.0	12.3
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	2.19	740.5	187
						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:
Some progress has been made and additional water rights are continuing to be pursued.

- 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.

PEPLIC by Chris Pratt
Signature of Applicant

Chris Pratt
Printed Name of Applicant

11-1-2016
Date

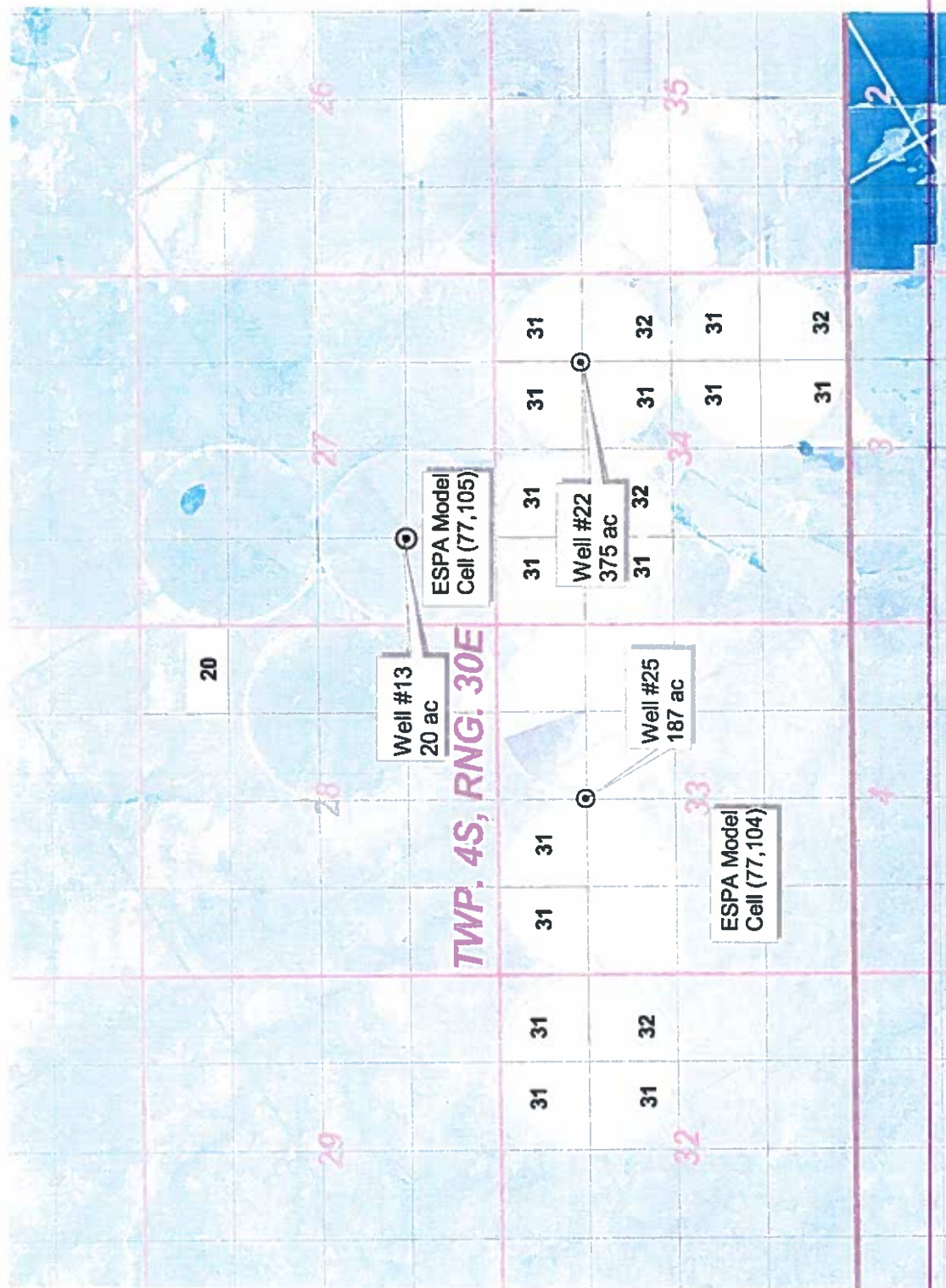
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



JCH - 10/17/2016

0.25 0 0.25 0.5 0.75 1 Miles

2015 NAIP Aerial Photo



ESPA Model Grid
Township & Range
Sections
40's

PEP, LLC Proposed Rental Irrigation Areas
 ● PEP Well #13
 ● PEP Well #22
 ● PEP Well #25

PEP, LLC Proposed 2017 Water Supply Bank Rentals #1, #2, #3

ESPA Ground Water Rights Transfer Spreadsheet Data Summary

TRANSFER NO: 2017 Water Bank Rental #2
TRANSFER NAME: PEP LLC: Well #25

PREPARED BY: Jason C. Helms, P.E.
DATE: 10/28/2016
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
29-13827	1/29/1960		
29-14054	12/31/1974		
29-14055	6/20/1961		
29-14056	10/26/1966		
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)
29-13827	15.0	52.5	52.5
29-14054	122.9	491.6	491.6
29-14055	6.6	26.4	26.4
29-14056	4.7	18.8	18.8
43-13595	25.5	102.2	102.2
43-13597	12.3	49	49

MODEL CELL LOCATIONS:

	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	77	91	96	102
COLUMN	104	69	122	121

	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	740.5	246.8	187.0	2017 rental diversion of 740.5 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	49.0	16.3	25.5	Add historical diversion of 43-13597
	Spring	1978	Spring	1995	151.2	50.4	37.8	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	151.2	50.4	37.8	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	49.0	16.3	25.5	Add historical diversion of 43-13597
	Spring	1978	Winter	1994	151.2	50.4	37.8	Add historical diversion of 43-13595
	Spring	1995	Winter	2101	151.2	50.4	37.8	Authorized baseline use continues
FROM2 Well (With Transfer)	Spring	1952	Spring	1961	0.0	0.0	0.0	0 diversion before priority date
	Summer	1961	Winter	1966	26.4	8.8	6.6	Add historical diversion of 29-14055
	Spring	1967	Winter	1974	45.2	15.1	11.3	Add historical diversion of 29-14056
	Spring	1975	Winter	2013	536.8	178.9	134.2	Add historical diversion of 29-14054
	Spring	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	536.8	178.9	134.2	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	1961	Winter	1966	26.4	8.8	6.6	Add historical diversion of 29-14055
	Spring	1967	Winter	1974	45.2	15.1	11.3	Add historical diversion of 29-14056
	Spring	1975	Winter	2013	536.8	178.9	134.2	Add historical diversion of 29-14054
	Winter	2014	Winter	2101	536.8	178.9	134.2	Authorized baseline use continues
FROM3 Well (With Transfer)	Spring	1952	Winter	1959	0.0	0.0	0.0	0 diversion before priority date
	Spring	1960	Summer	2008	52.5	17.5	15.0	Add historical diversion of 29-13827
	Winter	2008	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	52.5	17.5	15.0	Use potentially resumes in 2018
FROM3 Well (Without Transfer)	Spring	1952	Winter	1959	0.0	0.0	0.0	0 diversion before priority date
	Spring	1960	Summer	2008	52.5	17.5	15.0	Add historical diversion of 29-13827
	Winter	2008	Winter	2101	52.5	17.5	15.0	Authorized baseline use continues

ATTACHMENT #5 Transfer Summary

ENHANCED GROUND-WATER RIGHTS TR

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE | IDAHO DEP

Cells this color are
set up for user entries

ENTER STARTING DATE FOR

SIMULATION. THEN PUSH

"UPDATE DATES" BUTTON

YEAR 1952

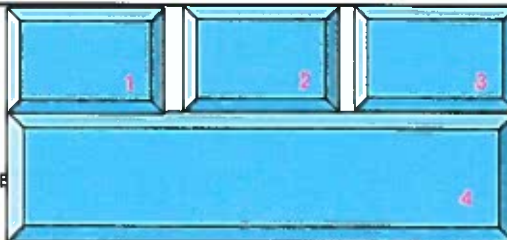
SEASON SPRING

TRANSFER NO:

PEP WSB2 2017

TRANSFER NAME

Well #25



29-13827

1/29/1960

52.5

29-14054

12/31/1974

491.6

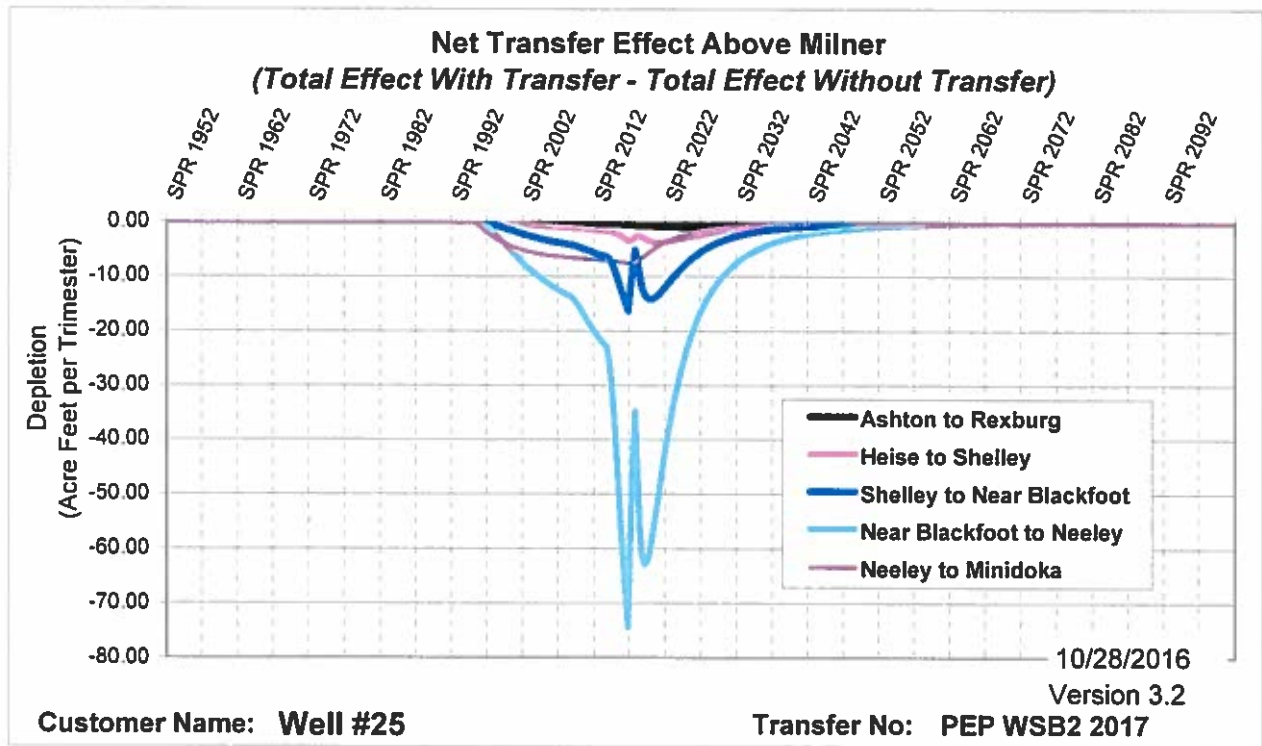
[acre-ft]

ENTER CELL LOCATIONS:

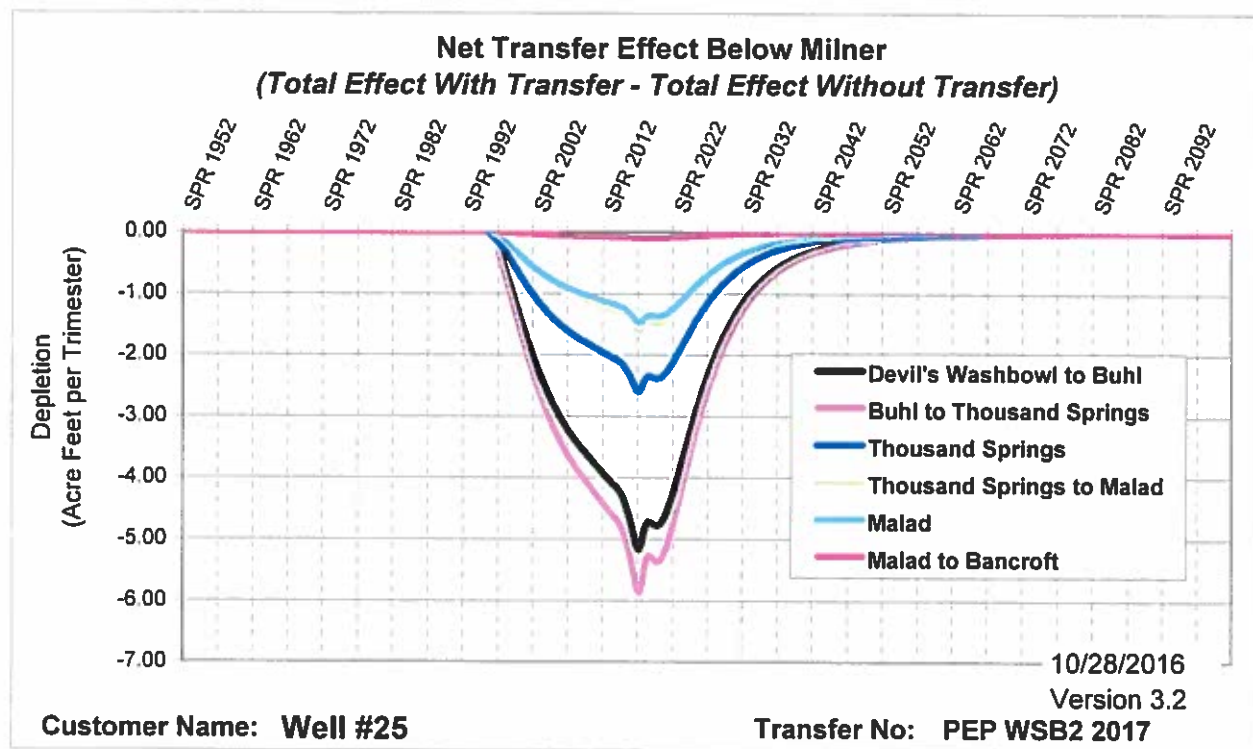
ROW	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL	29-14055	6/20/1961	28.4
COLUMN	77	91	96	102	29-14056	10/26/1966	18.8
	104	69	122	121	43-13595	5/4/1978	102.2
					43-13597	5/23/1962	49.0

TRIMESTER	4S30E-33	43-13595/7	29-14054,5,6	29-13827	Total rental		740.5
OF	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
ACTIVITY	Projected Use	With Transfer	Without Transfer	With Transfer	Without Transfer	With Transfer	Without Transfer
AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER
SPR 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1959	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1960	0.0	0.0	0.0	0.0	0.0	17.5	17.5
SUM 1960	0.0	0.0	0.0	0.0	0.0	17.5	17.5
WIN 1960	0.0	0.0	0.0	0.0	0.0	17.5	17.5
SPR 1961	0.0	0.0	0.0	0.0	0.0	17.5	17.5
SUM 1961	0.0	0.0	0.0	8.8	8.8	17.5	17.5
WIN 1961	0.0	0.0	0.0	8.8	8.8	17.5	17.5
SPR 1962	0.0	16.3	16.3	8.8	8.8	17.5	17.5
WIN 1965	0.0	16.3	16.3	8.8	8.8	17.5	17.5
SPR 1966	0.0	16.3	16.3	8.8	8.8	17.5	17.5
SUM 1966	0.0	16.3	16.3	8.8	8.8	17.5	17.5
WIN 1966	0.0	16.3	16.3	8.8	8.8	17.5	17.5
SPR 1967	0.0	16.3	16.3	15.1	15.1	17.5	17.5
WIN 1974	0.0	16.3	16.3	15.1	15.1	17.5	17.5
SPR 1975	0.0	16.3	16.3	178.9	178.9	17.5	17.5
WIN 1977	0.0	16.3	16.3	178.9	178.9	17.5	17.5
SPR 1978	0.0	50.4	50.4	178.9	178.9	17.5	17.5
SPR 1995	0.0	50.4	50.4	178.9	178.9	17.5	17.5
SUM 1995	0.0	0.0	50.4	178.9	178.9	17.5	17.5
SUM 2008	0.0	0.0	50.4	178.9	178.9	17.5	17.5
WIN 2008	0.0	0.0	50.4	178.9	178.9	0.0	17.5
SPR 2009	0.0	0.0	50.4	178.9	178.9	0.0	17.5
WIN 2013	0.0	0.0	50.4	178.9	178.9	0.0	17.5
SPR 2014	0.0	0.0	50.4	0.0	178.9	0.0	17.5
SUM 2014	0.0	0.0	50.4	0.0	178.9	0.0	17.5
WIN 2014	0.0	0.0	50.4	0.0	178.9	0.0	17.5
SPR 2015	0.0	0.0	50.4	0.0	178.9	0.0	17.5
SUM 2015	0.0	0.0	50.4	0.0	178.9	0.0	17.5
WIN 2015	0.0	0.0	50.4	0.0	178.9	0.0	17.5
SPR 2016	0.0	0.0	50.4	0.0	178.9	0.0	17.5
SUM 2016	0.0	0.0	50.4	0.0	178.9	0.0	17.5
WIN 2016	0.0	0.0	50.4	0.0	178.9	0.0	17.5
SPR 2017	246.8	0.0	50.4	0.0	178.9	0.0	17.5
SUM 2017	246.8	0.0	50.4	0.0	178.9	0.0	17.5
WIN 2017	246.8	0.0	50.4	0.0	178.9	0.0	17.5
SPR 2018	0.0	50.4	50.4	178.9	178.9	17.5	17.5
SPR 2101	0.0	50.4	50.4	178.9	178.9	17.5	17.5
SUM 2101	0.0	50.4	50.4	178.9	178.9	17.5	17.5
WIN 2101	0.0	50.4	50.4	178.9	178.9	17.5	17.5

ATTACHMENT #5
Data Entry



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. 29-13827, 29-14054, 29-14055, 29-14056, 29-14080, 29-14081,
29-14082, 43-13595 and 43-13597**

Dear Renter:

Please find enclosed a receipt in the amount of **\$12,510.30** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 735.9 acre-feet of water for irrigation of 187.0 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 \$11,259.27 of the rental fee will be paid to the lessor(s) and 10% or \$1,251.03 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. C103208
Rental Agreement (copy)

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



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. 29-13827, 29-14054, 29-14055, 29-14056, 29-14080, 29-14081, 29-14082, 43-13595, and 43-13597**

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

Dear Applicant:

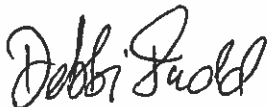
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, 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 \$12,510.30 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 735.9 acre-feet.

Please send a check for \$12,510.30 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 \$11,259.27 of the rental fee will be paid to the lessor(s) and 10% or \$1,251.03 will be retained by the Department to offset administrative costs.

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

Sincerely,


For Water Supply Bank

Enclosure

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

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) 29-13827, 29-14054, 29-14055, 29-14056, 43-13595 and 43-13597. Rights 29-14080, 29-14081 and 29-14082 were added during processing.

From: Michele Edl

Date: February 27, 2017

Re: Review & Analysis of PEP LLC Application #2 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 #2 of 4.

The rental #2 application proposes to rent all of rights 29-13827, 29-14054, 29-14055, 29-14056, and a portion of 43-13595 and 43-13597 to irrigate 187.0 acres in Twp 4S, Rge 30E, sec 32 and 33. The applicant requested a rental agreement with a 1-year duration.

Although the consultant proposed to rent only water rights 29-14054, 29-14055, 29-14056, three other Basin 29 rights are tied to them and the six rights must be rented together.

AUTHORITY TO FILE: According to available Bingham County taxlot information, only a portion of the proposed place-of-use is owned by PEP LLC. The ½ pivot located in the NW quarter of section 33 is PEP LLC property. But the proposed full pivot located in the NE quarter of section 32 is owned by Global Ag Properties II USA LLC.

On 2/17/2017, I requested and received documents via email, which authorize PEP to irrigate Global Ag property.

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 well identified by Jason Helms as well #25. The well is WMIS# 1001751 and it is located within Global Ag property. It is the authorized POD for water rights which are now owned by Global Ag. The rights are: 35-8362, 35-13272 and proposed right 35-14509 (see transfer 81384).

WATER RIGHT VALIDITY:

Water right 29-13827 was leased to the Water Supply Bank in 2008. The current lease contract will expire in 2018. Approval of this rental agreement will exhaust the rental availability of the right for 2017.

Water rights 29-14054, 29-14055, 29-14056, 29-14080, 29-14081, and 29-14082 were transferred to the City of Chubbuck in 2013 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 rental availability of all six 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. Rental quantities of these two rights were reduced to accommodate the required addition of the portions of rights 29-14080, 29-14081, and 29-14082 to the rental.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

The consultant, Mr. Jason Helms, provided the modeling of the ESPA but only modeled rental of 3 of 6 stacked water rights. His modeling choices tended to be more conservative than required.

I ran the model adding the values from the three additional B29 rights and reducing the values from rights 43-13595 and 43-13597. My modeling run 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. Although the rental proposal listed only 3 Basin 29 rights, 3 additional rights are partially stacked onto the first 3 and must be part of the rental. The rental agreement will be issued with combined limits on water rights 29-14054, 29-14055, 29-14056, 29-14080, 29-14081, and 29-14082.

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.

Global Ag Properties II USA LLC has recently filed transfer #81384 which acts on WR 35-7168 and proposes to bring a permanent water right to this rental POU.

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$17 (2017)	Rental Amounts		Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2018-2022)
PEP LLC #2 rental					Rate	Acres			
29-13827	52.5	\$803.25	\$89.25	\$892.50	0.30	15.00			
29-14054	491.6	\$7,521.48	\$835.72	\$8,357.20	1.47	122.90			
29-14055	26.4	\$403.92	\$44.88	\$448.80	0.13	6.60			
29-14056	18.8	\$287.64	\$31.96	\$319.60	0.09	4.70			
29-14080	87.6	\$1,340.28	\$148.92	\$1,489.20	0.27	21.90			
29-14081	4.4	\$67.32	\$7.48	\$74.80	0.025	1.10			
29-14082	3.6	\$55.08	\$6.12	\$61.20	0.018	0.90			
43-13595	37.6	\$575.28	\$63.92	\$639.20	0.16	9.40			
43-13597	13.4	\$205.02	\$22.78	\$227.80	0.03	4.50			
Total	735.9	\$11,259.27	\$1,251.03	\$12,510.30	2.20	187.00	\$0.00	\$0.00	\$0.00
requested	740.5	\$11,329.65	\$1,258.85	\$12,588.50	2.19	187.00	77/104 row/col		
	3.959893048	=af/ac			0.01171123	=cfs/ac			
calculated by Michele Edl									
29-13827	rate	volume	acre	af/ac	cfs/ac	timester vol	priority	ESPAM cell	
leased	0.3	52.5	15						
available	0.3	52.5	15						
PEP LLC #2 rental	0.3	52.5	15			17.50	1/29/1960	104/121	
remaining	0	0	0			rental availability depleted			
29-14054	rate	volume	acre	af/ac	cfs/ac	timester vol	priority	ESPAM cell	
leased	1.47	491.6	122.9	4.00	0.012				
available	1.47	491.6	122.9	4.00	0.012				
PEP LLC #2 rental	1.47	491.6	122.9	4.00	0.012	163.87	12/31/1974		
remaining	0	0	0			rental availability depleted	combined limit		
29-14055	rate	volume	acre	af/ac	cfs/ac	timester vol	priority	ESPAM cell	
leased	0.13	26.4	6.6	4.00	0.020				
available	0.13	26.4	6.6	4.00	0.020				
PEP LLC #2 rental	0.13	26.4	6.6	4.00	0.020	8.80	6/20/1961	96/122	
remaining	0	0	0			rental availability depleted	centrold for City of Chubbuck PODs		
29-14056	rate	volume	acre	af/ac	cfs/ac	timester vol	priority	ESPAM cell	
leased	0.09	18.8	4.7	4.00	0.019				
available	0.09	18.8	4.7	4.00	0.019				
PEP LLC #2 rental	0.09	18.8	4.7	4.00	0.019	6.27	10/26/1966		
remaining	0	0	0			rental availability depleted			
29-14080	rate	volume	acre	af/ac	cfs/ac	timester vol	priority	ESPAM cell	
leased	0.266	87.6	21.9	4.00	0.012				
available	0.266	87.6	21.9	4.00	0.012				
PEP LLC #2 rental	0.266	87.6	21.9	4.00	0.012	29.20	12/31/1974		
remaining	0	0	0			rental availability depleted			
29-14081	rate	volume	acre	af/ac	cfs/ac	timester vol	priority	ESPAM cell	
leased	0.025	4.4	1.1	4.00	0.023				
available	0.025	4.4	1.1	4.00	0.023				
PEP LLC #2 rental	0.025	4.4	1.1	4.00	0.023	1.47	6/20/1961		
remaining	0	0	0			rental availability depleted			
29-14082	rate	volume	acre	af/ac	cfs/ac	timester vol	priority	ESPAM cell	
leased	0.018	3.6	0.9	4.00	0.020				
available	0.018	3.6	0.9	4.00	0.020				
PEP LLC #2 rental	0.018	3.6	0.9	4.00	0.020	1.20	10/26/1966		
remaining	0	0	0			rental availability depleted			
43-13595	rate	volume	acre	af/ac	cfs/ac	timester vol	priority	ESPAM cell	
leased(irr)*	5	1209.6	302.4	4.00	0.017				
PEP LLC #1 rental	1.01	243.3	60.8	4.00	0.017				*The mitigation portion is not rentable
available	3.99	966.3	241.6	4.00	0.017				
PEP LLC #2 rental	0.16	37.6	9.4	4.00	0.017	12.53	5/4/1978		
remaining	3.83	928.7	232.2				combined limit		
43-13597 corrected	rate	volume	acre	af/ac	cfs/ac				
leased	0.89	434.3	145.1	2.99	0.006				
PEP LLC #1 rental	0.18	87.83	29.2	3.01	0.006				
available	0.71	346.47	115.9	2.99	0.006		92/69		
PEP LLC #2 rental	0.026	13.4	4.5	2.98	0.006	4.47	5/23/1962		
remaining	0.684	333.07	111.4						

Edl, Michele

From: Jason Helms <jasoncivil@alumni.nd.edu>
Sent: Wednesday, February 22, 2017 9:27 PM
To: Edl, Michele
Subject: Re: PEP rental #2

Hi Michele,

That sounds like a good solution. I don't believe it will change the ESPA model results in any meaningful way. If you do need me to run the model for the change just let me know.

Thanks for your help!

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC
(208) 308-2109

On Wed, Feb 22, 2017 at 6:53 PM, Edl, Michele <Michele.Edl@idwr.idaho.gov> wrote:

Jason Helms,

I have reviewed your 2017 rental proposal #2 for PEP LLC and as a result I have a question for you.

Rental proposal #2 is for 187-acres worth of water from a combination of 6 leased water rights: 29 13827 (Juniper Hills Country Club); 29-10454, 29-10455 and 29-10456 (City of Chubbuck); and 43-13595 and 43-13597 (Ward Land & Livestock). However, the three City of Chubbuck rights must be rented with 3 additional rights: 29-14080, 29-14081 and 29-14082. That linkage was re-established by recently approved lease contract #558.

So if slices of 29-14080, 29-14081 and 29-14082 must be rented, then the quantities proposed for rental from the Ward Land & Livestock rights are higher than is needed for irrigation of 187 acres.

I assume that you will want to reduce the rental use of the Ward Land & Livestock rights, so I did some quick calculations of quantities that PEP should rent:

from 43-13595: 0.16 cfs, 37.6 AF and 9.4 acres

from 43-13597: (0.026 cfs), 18.0 AF and 4.5 acres; together totaling 13.9 acres worth of water instead of 37.8 acres worth

I have not run the model so I do not know the consequences that theses changes have on the rental as a whole or on the ESPA. In most instances, the WSB can reduce a rental request without much formality. But these changes are both an increase and a reduction.

At your earliest convenience, please let me know how you want to proceed.

Sincerely,

Michele Edl

208-287-4946

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, February 17, 2017 1:59 PM
To: Edl, Michele
Subject: FW: authorization to irrigate Global Ag property
Attachments: PEP Rental Irrigation Agreement.pdf; Irrigation Agreement and Warranty Deed.pdf

Michele,

I believe the attached documents will allow you to process Mr. Pratt's water bank rentals.

Have a Good Day!

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

From: Skye Root [mailto:sroot@wgimglobal.com]
Sent: Friday, February 17, 2017 8:41 AM
To: Greg W. Sullivan <greg.sullivan@brockwayeng.com>
Subject: Fwd: authorization to irrigate Global Ag property

Do you have something you can prepare for this purpose in fairly short order?

Skye

Begin forwarded message:

From: PEP Farms <pepfarms@gmail.com>
Date: February 17, 2017 at 4:48:19 AM PST
To: Skye Root <sroot@wgimglobal.com>
Subject: Fwd: authorization to irrigate Global Ag property

Skye,

Could you please send the information requested by IDWR so that the 2017 water bank rental application approval process can proceed.

Thanks,

Chris Pratt

----- Forwarded message -----

From: "Edl, Michele" <Michele.Edl@idwr.idaho.gov>
Date: Feb 15, 2017 11:06 AM

Subject: authorization to irrigate Global Ag property

To: "Chris Pratt" <pepfarms@gmail.com>

Cc:

Mr. Pratt,

I left you a voice mail message a few moments ago. I am making good progress in the processing of your four Water Supply Bank Rental Applications. However, I have found that some of the proposed places-of-use for the rental water is property owned by Global Ag. I need a copy of the document which authorizes you to irrigate those properties. I cannot approve a rental for irrigation in trespass.

At your earliest convenience please either respond to this email or give me a call.

Sincerely,

Michele Edl

[208-287-4946](tel:208-287-4946)

CONTRACT OF AGREEMENT

To Whom It May Concern,

Global Ag Properties II USA LLC have purchased property from PEP, LLC in 2016 that is located in Bingham County, Idaho. The property is described in the attached Warranty Deed. The property identified in the Warranty Deed will be referenced as the Property.

Global Ag Properties II USA LLC gives permission to PEP LLC, Chris Pratt, or John Pratt to apply irrigation water that is rented by them through the Idaho Water Supply Bank and applied to the Property. Global Ag Properties II USA LLC gives PEP LLC, Chris Pratt, or John Pratt access to all authorized PODs on the Property for irrigation purposes.

Global Ag Properties II USA LLC has no financial responsibility to the Idaho Water Supply Bank for rental agreements entered into by PEP LLC, Chris Pratt, or John Pratt that are applicable to the Property.

Global Ag Properties II USA LLC:

Patrick Trainor

Title: _____
By: ~~Westchester Group Investment~~
Management, Inc., Its Property Manager
Date: 2-17-17 By: Patrick Trainor, EVP

CONTRACT OF AGREEMENT

To Whom It May Concern,

Global Ag Properties II USA LLC have purchased property from PEP, LLC in 2016 that is located in Bingham County, Idaho. The property is described in the attached Warranty Deed. The property identified in the Warranty Deed will be referenced as the Property.

Global Ag Properties II USA LLC gives permission to PEP LLC, Chris Pratt, or John Pratt to apply irrigation water that is rented by them through the Idaho Water Supply Bank and applied to the Property. Global Ag Properties II USA LLC gives PEP LLC, Chris Pratt, or John Pratt access to all authorized PODs on the Property for irrigation purposes.

Global Ag Properties II USA LLC has no financial responsibility to the Idaho Water Supply Bank for rental agreements entered into by PEP LLC, Chris Pratt, or John Pratt that are applicable to the Property.

Global Ag Properties II USA LLC:

Title: _____

Date: _____

When recorded return to:

Carolyn Fisher
Westchester Group Investment Management, Inc.
2004 Fox Drive, Suite L
Champaign, IL 61820

Mail Tax Statements to:
Westchester Group Investment Management, Inc.
2004 Fox Drive, Suite L
Champaign, IL 61820
OTC 587140

Instrument # 676619
BINGHAM COUNTY, IDAHO No. of Pages 12
2018-05-28 10:52:05 AM
Recorded for PIONEER TITLE CO OF BONNEVILLE
PAMELA W. ECKHARDT Fee \$43.00
Ex-Officio Recorder Deputy JPulley
In re: WARRANTY DEED
Electronically Recorded by Simplifile

HTZ 301121

WARRANTY DEED

FOR VALUE RECEIVED, PEP, L.L.C., an Idaho limited liability company ("Grantor") hereby grants, bargains, sells and conveys unto GLOBAL AG PROPERTIES II USA LLC, a Delaware limited liability company ("Grantee"), the real property located in Bingham County, Idaho and legally described on Exhibit A attached hereto.

Grantor conveys said property, with all water rights and other appurtenances thereto, to Grantee and to its successors and assigns to have and to hold forever, including, without limitation, the Water Rights listed on Exhibit B attached hereto. Grantor does hereby covenant to and with Grantee that Grantor owns said premises in fee simple, that the premises are free from all encumbrances, except for the Permitted Exceptions (as defined below) and that Grantor will forever warrant the title to said premises.

This conveyance is subject to the exceptions set out on Exhibit C attached hereto (which exceptions, together with the easements reserved in Exhibit A hereto, are referred to as the "Permitted Exceptions").

DATED as of May 21, 2016.

Grantor

PEP, L.L.C., an Idaho limited liability
company

By:


Jody Pratt, Member

STATE OF IDAHO)

COUNTY OF Boone ss.

On this 23rd day of May, 2016, before me, personally appeared John Pratt, known or identified to me to be the person who executed the instrument on behalf of PEP, L.L.C., an Idaho limited liability company and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL) NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO

Lenore J. Katri
NOTARY PUBLIC Residing at Idaho Falls, ID
Residing at: _____ My Commission Expires 01-30-2021
Commission expires: _____

EXHIBIT A

LEGAL DESCRIPTION

THE WEST HALF OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO; EXCEPTING THEREFROM, THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER.

THE SOUTHWEST ¼, THE WEST ¼ OF THE SOUTHEAST ¼, AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO.

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO.

THE WEST HALF OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO.

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO.

THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO; EXCEPTING THEREFROM, A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 32, MARKED BY A 1/2 INCH REBAR STAMPED LS 12223, SEE CORNER PERPETUATION INST. NO. 655597, THENCE SOUTH 00°32'52" WEST, ALONG THE MERIDIONAL CENTERLINE OF SAID SECTION 32, (BASIS OF BEARING PER CENTRAL MERIDIAN OF EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 598.42 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING SOUTH 00°32'52" WEST, ALONG THE MERIDIONAL CENTERLINE OF SAID SECTION 32, A DISTANCE OF 778.00 FEET;
THENCE SOUTH 89°27'08" EAST A DISTANCE OF 56.00 FEET;
THENCE NORTH 00°32'52" EAST A DISTANCE OF 778.00 FEET;
THENCE NORTH 89°27'08" WEST A DISTANCE OF 56.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 1 ACRE MORE OR LESS.

THE NORTH HALF OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO.

THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO.

THE WEST HALF OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO.

RESERVING UNTO GRANTOR AND GRANTOR'S SUCCESSORS AND ASSIGNS THE FOLLOWING NON-EXCLUSIVE EASEMENTS:

(1) A 50 FOOT WIDE EASEMENT FOR PRIVATE INGRESS AND EGRESS, FUTURE INSTALLATION AND MAINTENANCE OF IRRIGATION BURIED MAINLINE, AND UTILITIES, LOCATED IN THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO. THE SIDELINES OF SAID EASEMENT BEING 25 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 28, MARKED BY A 1.5 INCH ALUMINUM CAP ATTACHED TO A 5/8 INCH REBAR, SEE CORNER PERPETUATION INST. NO. 607698, THENCE SOUTH 89°14'53" EAST, ALONG THE SOUTH BOUNDARY LINE OF SAID SECTION 28, (BASIS OF BEARING PER CENTRAL MERIDIAN OF EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 00°34'25" EAST, 25 FEET EAST AND PARALLEL TO THE MERIDIONAL CENTERLINE OF SAID SECTION 28, A DISTANCE OF 2637.18 FEET TO A POINT ON THE LATITUDINAL CENTERLINE OF SAID SECTION 28;

THENCE CONTINUING NORTH 00°34'25" EAST, 25 FEET EAST AND PARALLEL TO THE MERIDIONAL CENTERLINE OF SECTION 28, A DISTANCE OF 50.00 FEET TO THE POINT OF TERMINUS.

(2) A 50 FOOT WIDE EASEMENT FOR PRIVATE INGRESS AND EGRESS, FUTURE INSTALLATION AND MAINTENANCE OF IRRIGATION BURIED MAINLINE, AND UTILITIES, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO. THE SIDELINES OF SAID EASEMENT BEING 25 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 27, MARKED BY A 1.5 INCH ALUMINUM CAP ATTACHED TO A 5/8 INCH REBAR, SEE CORNER PERPETUATION INST. NO. 607703, THENCE SOUTH 00°34'51" WEST, ALONG THE MERIDIONAL CENTERLINE OF SAID

SECTION 27, (BASIS OF BEARING PER CENTRAL MERIDIAN OF EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 1270.48 FEET; THENCE NORTH 89°25'09" WEST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 00°34'51" WEST, 25 FEET WEST AND PARALLEL TO THE MERIDIONAL CENTERLINE OF SAID SECTION 27, A DISTANCE OF 1370.47 FEET TO A POINT ON THE LATITUDINAL CENTERLINE OF SAID SECTION 27;

THENCE CONTINUING SOUTH 00°34'51" WEST, 25 FEET WEST AND PARALLEL TO THE MERIDIONAL CENTERLINE OF SECTION 27, A DISTANCE OF 50.00 FEET TO THE POINT OF TERMINUS.

(3) A 50 FOOT WIDE EASEMENT FOR PRIVATE INGRESS AND EGRESS, FUTURE INSTALLATION AND MAINTENANCE OF IRRIGATION BURIED MAINLINE, AND UTILITIES, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 28, THE NORTH 1/2 OF SECTION 33, AND THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, THE SIDELINES OF SAID EASEMENT BEING 25 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 33, MARKED BY A 1.5 INCH ALUMINUM CAP ATTACHED TO A 5/8 INCH REBAR, SEE CORNER PERPETUATION INST. NO. 607701 AND 607516, THENCE SOUTH 00°37'02" WEST, ALONG THE EAST BOUNDARY LINE OF SAID SECTION 33, (BASIS OF BEARING PER CENTRAL MERIDIAN OF EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 21.87 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 78°56'05" WEST A DISTANCE OF 36.97 FEET;

THENCE NORTH 58°55'31" WEST A DISTANCE OF 205.59 FEET TO A POINT OF CURVATURE OF A 300.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 31°04'29" WEST;

THENCE FOLLOWING SAID CURVE IN A COUNTER CLOCKWISE DIRECTION FOR AN ARC LENGTH OF 270.59 FEET, THROUGH A CENTRAL ANGLE OF 51°40'43", (THE CHORD OF SAID CURVE BEARS NORTH 84°45'52" WEST A DISTANCE OF 261.51 FEET), TO A POINT OF TANGENCY;

THENCE SOUTH 69°23'46" WEST A DISTANCE OF 214.08 FEET TO A POINT OF CURVATURE OF A 300.00 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 20°36'14" WEST;

THENCE FOLLOWING SAID CURVE IN A CLOCKWISE DIRECTION FOR AN ARC LENGTH OF 121.65 FEET, THROUGH A CENTRAL ANGLE OF 23°14'02",

(THE CHORD OF SAID CURVE BEARS SOUTH 81°00'47" WEST A DISTANCE OF 120.82 FEET), TO A POINT OF TANGENCY;

THENCE NORTH 87°22'12" WEST A DISTANCE OF 235.60 FEET;

THENCE SOUTH 81°00'51" WEST A DISTANCE OF 256.10 FEET;

THENCE NORTH 89°14'53" WEST, 25 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 1362.60 FEET TO A POINT ON THE MERIDIONAL CENTERLINE OF SAID SECTION 33;

THENCE NORTH 89°17'40" WEST, 25 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF SECTION 33, A DISTANCE OF 2644.93 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SECTION 33;

THENCE NORTH 89°27'51" WEST, 25 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF SECTION 32, A DISTANCE OF 2617.96 FEET TO A POINT 25 FEET EAST OF THE MERIDIONAL CENTERLINE OF SAID SECTION 32;

THENCE SOUTH 00°32'52" WEST, 25 EAST AND PARALLEL TO THE MERIDIONAL CENTERLINE OF SAID SECTION 32, A DISTANCE OF 573.43 FEET TO THE POINT OF TERMINUS.

(4) A 50 FOOT WIDE EASEMENT FOR PRIVATE INGRESS AND EGRESS, FUTURE INSTALLATION AND MAINTENANCE OF IRRIGATION BURIED MAINLINE, AND UTILITIES LOCATED IN THE NORTHEAST 1/4 OF SECTION 32, AND THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO. THE EASEMENT IS AFFECTING THE PROPERTY DESCRIBED IN WARRANTY DEED INSTRUMENT NO. 645113, THE SIDELINES OF SAID EASEMENT BEING 25 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 33, MARKED BY A 1.5 INCH ALUMINUM CAP ATTACHED TO A 5/8 INCH REBAR, SEE CORNER PERPETUATION INST. NO. 607698, THENCE SOUTH 00°33'16" WEST, ALONG THE MERIDIONAL CENTERLINE OF SAID SECTION 33, (BASIS OF BEARING PER CENTRAL MERIDIAN OF EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 89°17'40" WEST, 25 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 2644.93 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID SECTION 33;

THENCE NORTH 89°27'51" WEST, 25 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF SECTION 32, A DISTANCE OF 2617.96 FEET TO A POINT 25 FEET EAST OF THE MERIDIONAL CENTERLINE OF SAID SECTION 32;

THENCE SOUTH $00^{\circ}32'52''$ WEST, 25 EAST AND PARALLEL TO THE
MERIDIONAL CENTERLINE OF SAID SECTION 32, A DISTANCE OF 1301.47
FEET;

THENCE SOUTH $89^{\circ}27'08''$ EAST A DISTANCE OF 31.00 FEET TO THE POINT
OF TERMINUS,

EXHIBIT B

LIST OF WATER RIGHTS

Water Right 35-2128
Water Right 35-7228
Water Right 35-7229
Water Right 35-14003
Water Right 35-8362
Water Right 35-7246B
Water Right 35-14002

Deed (Pinal Farm) 45

B

EXHIBIT C

PERMITTED EXCEPTIONS

1. Taxes, including any assessments collected therewith, for the year 2016 which are a lien not yet due and payable.
2. Non-delinquent levies and assessments of the American Falls - Aberdeen Ground Water, and the rights, powers and easements of said district as by law provided.
3. Right of way for ditches, tunnels, telephone and distribution lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code.
4. Right of the public in and to that portion of the premises lying within the right-of-way of public roads
5. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: September 15, 1965.
Instrument No.: 118045
Official Records: Bingham County.

Excepting and reserving, also, to the United States all the oil and gas in the land so patented, and to it or persons authorized from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat. 509)

Affects: Section 35

6. An easement for the purpose shown below and rights incidental thereto as set forth in a document:

Granted To: Idaho Power Company
Purpose: Power lines
Recorded: April 23, 1969
Instrument No.: 146445
Book 8
Affects: Section 27

7. An easement for the purpose shown below and rights incidental thereto as set forth in a document:

Granted To: Idaho Power Company
Purpose: Power lines
Recorded: April 23, 1969

Deed (Trail Farm) v5

Instrument No.: 146451
Book 8

Affects: Section 27 and additional property

8. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Idaho Power Company

Purpose: Public Utilities

Recorded: February 26, 1973

Instrument No.: 178077

Affects: Section 35

9. An easement for the purpose shown below and rights incidental thereto as set forth in a document:

Granted To: Idaho Power Company

Purpose: Power lines

Recorded: March 11, 1974

Instrument No.: 198968

Affects: Section 25, 26, 27 and additional property

10. An easement for the purpose shown below and rights incidental thereto as set forth in a document:

Granted To: Idaho Power Company

Purpose: Power lines

Recorded: August 9, 1990

Instrument No.: 391268

Affects: Section 27 and additional property

11. Exceptions and reservations contained in the deed from the State of Idaho wherein mineral rights are reserved to the state. (47-701 Idaho Code).

Recorded: April 10, 1968

Instrument No.: 138170

Affects: Section 36

12. The provisions contained in Warranty Deed,

Recorded: August 12, 2008,

Instrument No.: 597682.

As follows: Except all oil and gas and easement rights of other matter relating to Section 35.

13. Easements reservations and dedications, as shown on record of survey.

Recorded: September 3, 2009

Deed (Prall Family)

Instrument No.: 610553
Affects: Section 27

14. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: March 18, 2013
Instrument No.: 647392
Affects: Sections 27, 28, 33 and 34

15. Rights, interests or claims which may exist or arise by reason of the following fact(s) shown on a survey plat entitled Westchester Agriculture Asset Management dated: March and April 2016, prepared by: Summit Land Surveying

- A. Overhead Power lines serving others inside the West boundary of Section 27
- B. Pipe end of Pivot line encroachment 1.5 feet over the N1/2 centerline of Section 27 (wheels do not encroach)
- C. Overhead Power lines serving others along the North line and inside Center line of section 33
- D. 10 foot fence encroachment over the South boundary of subject property in the NE 1/4 of Section 32 and the NW1/4 of Section 33 down to a 1 foot fence encroachment over the South boundary of the NE 1/4 of Section 33.
- E. Pipe end of Pivot encroachments 2 feet over the South boundary of the NE 1/4 of Section 32 and 3 feet over the South boundary of the NW 1/4 of section 33 (wheels do not encroach)
- F. Fence line encroachment inside and then outside of the East line of the NW1/4SW1/4 of Section 25
- G. Overhead power lines serving others inside the South boundary of Section 25, along the center of the West 1/2 of Section 36, inside the South boundary of Section 1 and inside the South boundary of Section 35
- H. Underground Irrigation mainline runs through the middle of the Southwest 1/4 of Section 25, then encroaches 3 feet over the South boundary of the NE1/4SE1/4 of Section 26 and extends past the West boundary of the NE1/4SE1/4 of Section 26 to encroach further West 48 feet
- I. Section 26 NE1/4NE1/4 farm use encroachment over West boundary
- J. 13 foot Pipe end of Pivot line encroachment onto subject property over the North line of the NE1/4SE1/4 of Section 26 (wheels do not encroach)
- K. Shared use roads around farms with neighboring properties in all Sections.

17. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Idaho Power Company

Deed (Pruitt Farms) v3

Purpose: Public Utilities
Recorded: May 16, 2016
Instrument No.: 676374

Deed (Pratt Farm) 5

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