

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 91

RECEIVED
FEB 15 2017

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

OWYHEE FARMING CO LLC
FRANK TIEGS PO BOX 3350
PASCO, WA 99302

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)
2-7064	4/23/1970	SNAKE RIVER	6.36	1,590.0	318.0	0.02	5.0
2-7237A	12/23/1976	SNAKE RIVER	4.05	1,012.0	202.3	0.02	5.0
2-10181	4/9/1970	SNAKE RIVER	3.20	640.0	160.0	0.02	4.0
2-10189	2/25/1963	SNAKE RIVER	2.83	473.6	141.5	0.02	3.4
2-10450	2/25/1963	SNAKE RIVER	7.92	1,584.0	396.0	0.02	4.0
Combined Rental Totals			24.36	5,299.6	1,217.8	0.02	4.4

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: \$90,093.20

The full fee for the rental of the above-described right(s) is \$90,093.20 for 2017. The rental fee includes an administrative fee of \$9,009.32 for 2017.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement 91

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	24.36	*4871.2	1217.8	0.02	*4.0
Combined Total	24.36	*4871.2	1217.8	0.02	*4.0

** The authorized water usage reflects a reduction from the water right elements rented to account for the reduced standard headgate volume at the rental place-of-use.*

Detailed water right conditions are attached.

SUPPORT DATA
IN FILE # 2-7064

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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:

Frederick managing member
Signature of Renter

2-6-2017
Date

Printed Name

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By *Brian Patton*
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 2/15/2017

Rental approved by IDWR *Cheryl Weber*

Date 2-15-2017

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SESE

Sec. 4, Twp 06S, Rge 08E,

OWYHEE County

Beneficial Use
IRRIGATION

Diversion Rate
24.36 CFS

Volume
5299.6 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To	Diversion Rate
2-10189	4/1	10/31	2.83 CFS
2-7064	3/15	11/15	6.36 CFS
2-10181	3/15	11/15	3.20 CFS
2-7237A	3/15	11/15	4.05 CFS
2-10450	4/1	10/31	7.92 CFS

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	08E	5						34.1	33.2	24.9	38.4	32.3	5.1	6.2	31.9	35.1	32.3	31.0	304.5
								L4											
06S	08E	6	27.9			26.9													54.8
			L1																
06S	08E	7				26.3					16.5			16.2	22.6	26.5	29.2	23.2	160.5
06S	08E	8	10.5		23.0	13.9	30.2	29.7	38.1	38.3	13.6	22.3	4.1	36.4	7.6	39.8	29.3		336.8
06S	08E	9					14.3	37.8	39.6	20.7	28.9	21.2	21.5	25.6					209.6
06S	08E	10						2.2											2.2
06S	08E	16		0.6			24.9	39.9											65.4
06S	08E	17		32.2	2.0		39.5	6.0		4.3									84.0

Total Acres: 1,217.8

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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. 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. 2.
10. Rights 2-7064, 2-7237A, 2-10181, 2-10189, and 2-10450 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.
11. 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.
12. The period of use for irrigation under right 2-10189 and described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree was entered for this right.
13. The following rights are diverted through point(s) of diversion described above: 2-10053, 2-7022B, 2-7019B, 2-2260, 2-7102B, 2-7023B, 2-10510 and 2-10442.



