



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

January 6, 2017

FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302

RE: Expiration of Water Supply Bank Rental Agreement for water rights: 2-2280, 2-2368, 2-2422

Renter,

This letter is to inform you that your rental agreement(s) to rent the above listed water rights from the Water Supply Bank (Bank) expired at the end of 2016.

Once the rental agreement concludes, any diversion or use of water under the rental agreement will no longer be authorized and, if occurring, may be subject to an enforcement action.

If you wish to rent water in the future, please download a rental application from: <http://idwr.idaho.gov>. You may submit rental applications on November 1 of the year prior to the intended use of rental water. **YOU ARE ENCOURAGED TO FILE AN APPLICATION AT LEAST 3 MONTHS PRIOR TO THE DATE YOU DESIRE TO USE RENTAL WATER.**

If you have any questions about this matter, please contact me at (208) 287-4918.

Sincerely,

A handwritten signature in black ink, appearing to read 'RB' followed by a long horizontal stroke.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

JUN 20 2016

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: **FRANK TIEGS LLC**
PO BOX 3350
PASCO, WA 99302
(509)545-4545

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	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Total Rented Acres
2-2280	3/2/1964	SNAKE RIVER	COLUMBIA RIVER	0.01 cfs	2.6 af	0.6 ac
2-2368	4/8/1965	SNAKE RIVER	COLUMBIA RIVER	0.05 cfs	10.8 af	2.4 ac
2-2422	5/12/1966	SNAKE RIVER	COLUMBIA RIVER	0.01 cfs	1.9 af	0.4 ac
Total Annual Combined Limit				0.07 cfs	15.3 af	3.4 ac

Annual Combined Rental Totals

0.07 cfs 15.3 af 3.4 ac

Term of Rental: This rental is in effect from the day the Idaho Water Resource Board signs the rental agreement and shall be in effect until December 31, 2016.

Rental Fee: \$26.01

The fee for rental of the above-described water is \$260.10 per year. Because you own the above referenced water rights you are obligated to pay ten percent (\$26.01) to the Department for administrative costs only.

No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 2-2280

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

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:

Frank Tieg Frank Tieg, Managing Member 6-10-16
Signature of Renter Printed Name and Title* Date

Signature of Renter Printed Name and Title* Date

*Please provide title of signatory 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 Date 6/22/2016
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental Approved by IDWR Cheryl Webb Date 6-22-2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

2-2280, 2-2368 and 2-2422

SNAKE RIVER

L7(SWSWNE)

Sec. 36, Twp 01N, Rge 03W, CANYON County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

03/15 TO 11/15

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	31		1.0				1.0			1.0	0.4							3.4

Total Acres: 3.4

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

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 does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. 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.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. 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.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. This rental agreement does not authorize the construction of a well.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

12. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
13. The following rights are diverted through point(s) of diversion described above: 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509.
14. The use of water for irrigation under rights 2-2280, 2-2368, and 2-2422 may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
15. Use of water under rights 2-2280, 2-2368, 2-2422 is subject to the provisions of an agreement and stipulation between the water right holder and protestants dated 8/3/1992.

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

RECEIVED
JAN 04 2016
DEPARTMENT OF
WATER RESOURCES

RECEIVED
DEC 31 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Applicant Name: Frank Tiegs LLC

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

		Yes	
		☒	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes	
2	☐	☐	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	☐	☒	Detailed information on a proposed use of rental water
3F	☐	☒	Authorization from the owner/operator of the rental point(s) of diversion
3H	☒	☐	Water modeling to account for the impacts of the rental request
3J	☒	☐	Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	☒	☐	Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	☒	☐	Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	☒	☐	Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

2-2280 2-2422

2-2368 63-31977

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

RECEIVED

DEC 31 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. CONTACT INFORMATION

A. Applicant Frank Tiegs LLC

Mailing Address P.O. Box 3350 Pasco, WA 99302

Street

City

State

Zip Code

Email Address _____

Phone Number _____

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☐

If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Hattie Zobott

Professional Title P.E.

Organization Brockway Engineering PLLC

Relationship to Applicant Consultant

Mailing Address 2016 Washington Street North, Suite 4 Twin Falls, ID 83301

Email Address hattie.zobott@brockwayeng.com

Phone Number 208-736-8543

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

The applicant desires to rent water to cover a place of use without a water right. The water rights were decreed with a shape that does not match the current irrigation place of use. The lease places the portion of the water rights shape that will no longer be used in the bank and the rental rents to the property currently irrigated.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.16 CFS	36 AF	0.16 CFS	36 AF	8.0 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?	
03/15/2016	06/15/2015	☒ 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):

Water from the Snake River is delivered through the Hat Butte Canal Company. The water is currently diverted at the farm for the same purpose. The Place of Use for the rental is currently excluded from the water rights.

- 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
Canal	Snake River	2-2280 et al.

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 8.0 (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:

2-2280, 2-2368, 2-2422, 63-31977

**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)
2-2280	Irrigation	0.02	4.1	0.9		0.008	1.8	0.4
2-2368	Irrigation	0.23	51.0	11.5		0.10	22.4	5.1
2-2422	Irrigation	0.04	9.0	2.0		0.018	4.0	0.9
63-31977	Irrigation	0.08	17.8	3.7		0.035	7.8	1.6
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.16	36.0	8.0
						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)

Sig. Page
RCVD
3/2/16

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: Yes, the applicant will pursue a transfer to correct the Place of Use for the acreage being rented.

- 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.

Frank Tiggs
Signature of Applicant

Frank Tiggs LLC
Printed Name of Applicant

2/24/16
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Combined Water Right Rental Amounts

Total Acres	18.2		
CFS	0.37		
AFA	81.9	4.50	AFA/acre
Acres sold/ Transferring	8		
	0.4395604 %		

	Water Right			Transfer Amount			Remaining Amount		
	cfs	AFA	Acres	cfs	AFA	Acres	cfs	AFA	Acres
2-2280	0.02	4.1	0.9	0.008	1.8	0.4	0.01	2.3	0.5
2-2368	0.23	51.0	11.5	0.101	22.4	5.1	0.13	28.6	6.4
2-2422	0.04	9.0	2.0	0.018	4.0	0.9	0.02	5.0	1.1
63-31977	0.08	17.8	3.7	0.035	7.8	1.6	0.04	10.0	2.1
Total	0.37	81.9	18.2	0.16	36.0	8.0	0.21	45.90	10.20

Hat Butte Portion			Transferring			Remaining		
	cfs			cfs			cfs	
	0.13 CFS			0.16 CFS			0.21 CFS	
	28.18 AFA			36 AFA			45.9 AFA	
	6.36 Acres			8 Acres			10.2 Acres	
	Total Limits							

SEP 22 1992

Department of Water Resources
Western Regional Office

BEFORE THE DIRECTOR OF THE IDAHO
DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF HARVEST FARM)
CO. TRANSFER NO. 3699 AND)
APPLICATION FOR AMENDMENT OF)
PERMIT NO. 63-10741)
AGREEMENT AND STIPULATION
BETWEEN HAT BUTTE SELECT
MEMBERS, THE HAT BUTTE
MUTUAL CANAL COMPANY, INC.
AND HARVEST FARM CO.

COMES NOW the Hat Butte Select Members, the Hat Butte Mutual Canal Company, Inc., and Harvest Farm Co. and agree and stipulate as follows:

1. Harvest Farm Co. is the holder of Permit No. 63-10741 issued by the Department of Water Resources on or about February 21, 1990.
2. Harvest Farm Co. is the owner of two parcels of land in Canyon County, Idaho, known as the Naito Place and the Allen Place.
3. The Naito Place is presently irrigated by means of a groundwater well. The Allen Place is irrigated by means of surface water from the Snake River delivered pursuant to the Hat Butte Mutual Canal Company.
4. Harvest Farm Co. has sought to amend its Permit No. 63-10741 to allow ground water from the Naito well to be used on the Allen Place. Harvest Farm Co. has also sought to transfer its water rights appurtenant to the Naito Place and the Allen Place such that water from the Allen Place and the Naito Place

AGREEMENT AND STIPULATION BETWEEN HAT BUTTE SELECT MEMBERS,
THE HAT BUTTE MUTUAL CANAL COMPANY, INC. AND HARVEST FARM CO. -1-

RECEIVED AUG 31 1992

1 can be commingled and used on both properties. The Hat Butte
2 Select Members and the Hat Butte Mutual Canal Co. have
3 objected to use of Hat Butte water on the Naito Place and,
4 unless monitored, use of Naito water on the Allen Place.
5

- 6 5. Harvest Farm Co., in an attempt to resolve the dispute over
7 use of Naito water on the Allen Place and to provide proof
8 that Hat Butte water is not used at the Naito Place, has
9 installed a bi-directional flow meter in the line connecting
10 the re-regulating pond on the Allen Place with the Naito
11 Place. The purpose of the meter is to insure that a
12 determination can be made that Hat Butte-delivered water is
13 not transferred to the Naito Place while allowing Naito place
14 water to be delivered to the re-regulating pond and then used
15 on either the Naito Place or the Allen Place.

- 16 6. The Hat Butte Select Members and the Hat Butte Mutual Canal
17 Company wish to insure that the bi-directional flow meter can
18 be monitored by the Hat Butte ditch rider in order to assure
19 the ditch rider that there is no exchange resulting in Hat
20 Butte delivered water being transferred to the Naito Place.

- 21 7. Therefore, the Hat Butte Select Members, the Hat Butte Mutual
22 Canal Company and the Harvest Farm Co. agree that the Hat
23 Butte ditch rider shall be permitted to inspect and monitor
24 the transfer of water recorded by the flow meter on a daily
25 or weekly basis, as desired, to determine that no Hat Butte
26 water has been transferred to the Naito Place. For purposes
of showing a no-net-exchange it is agreed that a no-net-

FEB 16 1993

1 exchange shall be determined during each two week period
2 during such times that the Hat Butte system is delivering
3 water to Hat Butte Members.
4

- 5 8. The Hat Butte Select Members and the Harvest Farm Co. also
6 agree that the third sentence in Item No. 5 in Permit No. 63-
7 10741 shall be modified to provide the following:

8 Surface water shall continue to be used as the
9 primary source of supply for the ground upon which
10 it is now appurtenant, and ground water shall be
11 used only when surface water supplies are
12 insufficient for irrigation of the property.

- 13 9. This stipulation is intended to address all pending matters of
14 dispute between Harvest Farm Co. and any and all members of
15 the Hat Butte Select Members and the Hat Butte Canal Company.
16 Should any presently disputed matters not be fully addressed
17 by this stipulation or should subsequent issues arise between
18 these parties, the parties to this stipulation or their
19 representatives agree to meet and, in good faith, attempt to
20 resolve said issues prior to any further judicial or
21 administrative proceedings or hearings.

22 DATED this 3 day of Aug., 1992.
23
24
25
26

FEB 16



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

June 23, 2016

FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-2280, 2-2368, and 2-2422**

Dear Renter:

Please find enclosed a receipt in the amount of \$26.01 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 15.3 acre-feet of water for irrigation of 3.4 acres during 2016. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the rights.

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

Sincerely,

 Water Supply Bank

Enclosures: Receipt No. C102188
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angie Grimm – IDWR Western Regional Office
Rob Whitney – State Water District No. 02
Hattie Zobott – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER

Governor

June 15, 2016

GARY SPACKMAN

Director

FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR
WATER RIGHTS 2-2280, 2-2368, and 2-2422**

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

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on May 31, 2016. The signed agreement and rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$26.01 within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

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

If you have questions regarding this matter, please contact me at 287-4881.

Sincerely,

 Sandra Thiel
Sr. Water Resource Agent

c: Hattie Zobott – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 31, 2016

FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 2-2280, 2-2368, and 2-2422**

*****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 **\$260.10** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 15.3 acre-feet. Since you are both the lessor and the renter of the rights, **you are only obligated to pay the 10% administrative fee or \$26.01**. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$26.01 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

If you have any questions, please contact me at (208) 287-4881.

Sincerely,

 Sandra Thiel
Sr. Water Resource Agent

Enclosure

c: IDWR Front Desk
Hattie Zobott – Brockway Engineering

Thiel, Sandra

From: Hattie Zobott [hattie.zobott@brockwayeng.com]
Sent: Wednesday, April 20, 2016 5:12 PM
To: Thiel, Sandra
Subject: FW: HBMCC Consent Letter re Amended Tiegs WSB Applications - EXECUTED.PDF [IWOV-GPDMS.FID456623]
Attachments: HBMCC Consent Letter re Amended Tiegs WSB Applications - EXECUTED.PDF

YAY!

The harvest farm approval letter is attached.

Sorry for the delay,

Hattie Zobott, P.E.

Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
hattie.zobott@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Michael P. Lawrence [<mailto:mpl@givenspursley.com>]
Sent: Wednesday, April 20, 2016 4:39 PM
To: 'Hattie Zobott' <hattie.zobott@brockwayeng.com>
Cc: 'Mike Siegersma' <cattleman.mike@gmail.com>
Subject: HBMCC Consent Letter re Amended Tiegs WSB Applications - EXECUTED.PDF [IWOV-GPDMS.FID456623]

Hattie,

Attached is a letter from Hat Butte Mutual Canal Company concerning your April 11 letter to IDWR revising the Tiegs Water Supply Bank applications.

Note that Hat Butte's consent is conditioned upon Tiegs agreeing to the terms and conditions in the letter. Please have Tiegs execute the letter in the space provided and return it to Hat Butte (copying me) to acknowledge Tiegs' agreement.

And please feel free to call or email with any questions.

Mike

MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP

601 West Bannock Street, Boise, ID 83702
main 208-388-1200
direct 208-388-1294
fax 208-388-1300
mpl@givenspursley.com

Thiel, Sandra

From: Hattie Zobott [hattie.zobott@brockwayeng.com]
Sent: Monday, April 11, 2016 11:53 AM
To: Thiel, Sandra
Cc: cattleman.mike@gmail.com
Subject: Harvest Farm Deficiency for Lease Rental
Attachments: Harvest Farm Revision 04-11-16.pdf

Dear Sandra,

The attached scan is for the revisions requested by the deficiency letter dated March 14th. We revised the volumes, diversions, and acreages based on the recommendation to unstack water the groundwater right, 63-31977. The revised map clearly shows the proposed lease and rental areas as requested. We respectfully request that the application be considered with the revisions. The additional fee and hardcopy of the lease/rental revisions will be put in the mail. I have contacted Mike Siegler of the Hat Butte Canal about the recommended changes and they will be reviewing the documents concurrently.

Thank you,

Hattie Zobott, P.E.

Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
hattie.zobott@brockwayeng.com

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BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 04 2016

DEPARTMENT OF
WATER RESOURCES

March 3, 2016

Ms. Sandra Beer Thiel
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720

Re: Frank Tiegs Lease/Rental for Water Rights: 2-2280, 2-2368, 2-2422, 63-31977 for Harvest Farm

Dear Ms. Thiel:

The Hat Butte agreement to the lease and rental and the rental signature page for Frank Tiegs are enclosed. Please let me know if you have any questions.

Sincerely,



Hattie Zobott, P.E.

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

MEMORANDUM

To: Water Rights 2-2280, 2-2368, 2-2422 and 63-31977

From: Sandra Thiel

Date: March 4, 2016

Re: Review of Applications to Lease and Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Hattie Zobott of Brockway Engineers submitted a lease/rental package on behalf of Frank Tiegs. There are three basin 2 water rights and one ground water right from basin 63. The purpose of the water bank transaction is to have the water rights reflect the irrigation practices at Harvest Farm. For example, when combined, the four rights provide 39 acres of irrigation in T2n R3W section 36 NWNW. The system at the farm allows Mr. Tiegs to irrigate 40 acres in that quarter quarter. The location of the exact rental acre in this case is not identified. Ms. Zobott provided a shape file that identifies the location of the leased acres. The points of diversion for both the Snake River rights and the ground water right will remain the same. Hat Butte

The lease will be for 0.37 cfs, 81.9 af and 18.1 acres. Harvest Farms intends to rent a portion of that, 0.16 cfs, 36 af and 8 acres. According to the application, the lease places the portion of the water rights that will no longer be used in the bank and the rental rents to the property currently irrigated.

In an email Ms. Zobott said she suspects the issue with the acres not being properly reflected on the water right might stem from the parcel data and the deed. This lease/rental will be for the 2016 season only. Frank Tiegs plans to file an application for transfer.

AUTHORITY TO FILE: Frank Tiegs signed the lease and rental applications. According to our tax lot data Frank Tiegs LLC owns the land at both the lease and rental place of use.

WATER RIGHT VALIDITY: Each of the four rights was decreed in 2009. The Department received the applications during the 2015 calendar year. The lease/rental will include seasons for 2015 and 2016. Historically Harvest Farms diverted and applied the water. However, the location may not have aligned with the place of use description under the water right. Forfeiture is not a concern.

INJURY TO OTHER WATER RIGHTS: No injury is anticipated.

ENLARGEMENT OF USE: The rate and volume per acre will remain the same for the rental as for the lease. No enlargement of the water rights will occur through the rental

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The lease/rental transaction is subject to Water District # 02. Neither the region nor the water master had concerns about this lease rental. See attached emails.

Thiel, Sandra

From: Van Dyke, Nick
Sent: Thursday, February 25, 2016 9:38 AM
To: Thiel, Sandra
Subject: RE: Frank Tiegs water supply bank lease rental

Sandy,

As we spoke over the phone this morning, I don't see any issues, regional wise, regarding Tiegs applications.

Nicholas Van Dyke

*Sr. Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: nick.vandyke@idwr.idaho.gov*

From: Thiel, Sandra
Sent: Wednesday, February 24, 2016 10:54 AM
To: Van Dyke, Nick
Subject: Frank Tiegs water supply bank lease rental

Good morning Nick, The attached documents provide information about a lease rental package for Frank Tiegs. Let me know if you have any questions or concerns.

How are you these days? We miss having you here.

Sandra Beer Thiel

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

Thiel, Sandra

From: Whitney, Rob
Sent: Wednesday, February 24, 2016 11:20 AM
To: Thiel, Sandra
Subject: RE: Frank Tiegs water supply bank lease rental

I don't have any at this point.

R

From: Thiel, Sandra
Sent: Wednesday, February 24, 2016 10:55 AM
To: Whitney, Rob
Subject: Frank Tiegs water supply bank lease rental

Hi Rob, The attached documents provide information about a lease rental package for Frank Tiegs. Let me know if you have any questions or concerns.

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

Thiel, Sandra

From: Hattie Zobott [hattie.zobott@brockwayeng.com]
Sent: Tuesday, February 02, 2016 10:33 AM
To: Thiel, Sandra
Subject: RE: Frank Tiegs lease/rental
Attachments: Harvest Farm WSB LnR 15-16.zip; Harvest Farm Analysis Spreadsheet wsb REVIEW ALR.xlsx

Dear Sandy,

Please see the attached zip file for the Frank Tiegs Lease/rental shape file. We made a rental shape to rent the needed acres for the net irrigation observed on the farm. We are placing the rented acres within the farm to maintain the accounting as shown on the updated spreadsheet based on the mapping shown in the zip. It is a circular reference, I know, but this is a strange situation that we are trying to get cleaned up. The rental shape will show acreage on areas that already have water rights—but it is an easy way to map the additional water rights within the needed quarter quarters so that we are right on paper. My only goal is to be accurate on paper right now. We will get the shape right by the transfer mid-year.

Let me know what you think about this as a solution to how we should structure this lease and subsequent rental from the WSB. The real issue on this farm is that the rights were decreed in 2009 and we discovered the problem in late 2015. We may need to survey the property to have everything tied down and accurate. I suspect the issue is related to the parcel data and deed. Please call me when you get a chance to review the proposed shape files and let me know what you think.

Thank you again for your help,

Hattie Zobott, P.E.

Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
hattie.zobott@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Tuesday, January 05, 2016 11:32 AM
To: hattie.zobott@brockwayeng.com
Subject: Frank Tiegs lease/rental

Hello, I am doing an initial review on Frank Tiegs lease rental package. I have the map for Harvest Farm but I'm not clear what acres are being idled and which will be irrigated under the rental. There are several acres labeled on the map. Can you please let me know which is which. We can't do a permissible place of use in the Bank so the acres need to be specifically identified. Thanks.

Sandra Beer Thiel
Idaho Department of Water Resources

HAT BUTTE MUTUAL CANAL COMPANY

RECEIVED
MAR 02 2016

January 22, 2016

Via U.S. Mail and Email (hattie.zobott@brockwayeng.com)

Hattie Zobott, P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543

Re: Hat Butte Mutual Canal Company consent to Frank Tiegs LLC Water Supply Bank Applications

Dear Hattie :

Hat Butte Mutual Canal Company ("Hat Butte") has considered your request for consent to the lease and rental applications ("Applications") you submitted to the Idaho Water Supply Bank ("WSB") on behalf of Frank Tiegs, L.L.C. ("Tiegs") on or around December 29, 2015. Hat Butte will consent to the Applications upon Tiegs' agreement to the terms and conditions set forth below.

The Applications involve the lease of portions of decreed water right nos. 2-2280, 2-2368, 2-2422, and 63-31977 into the WSB, and the rental of portions of these leased rights from the WSB. The rights with the "2" prefix currently are diverted and delivered by Hat Butte through its facilities. The proposed leases and rentals are summarized in the following table copied from page 4 of the rental application (with blank spaces omitted):

Water Right Elements Leased to Water Supply Bank					Leased to lease, minus water right rental agreements, equals water	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)
2-2280	Irrigation	0.02	4.1	0.9		0.008	1.8	0.4
2-2368	Irrigation	0.23	51.0	11.5		0.10	22.4	5.1
2-2422	Irrigation	0.04	9.0	2.0		0.018	4.0	0.9
63-31977	Irrigation	0.08	17.8	3.7		0.035	7.8	1.6
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.16	36.0	8.0
						CFS	AF	AC

SCANNED
JUN 23 2016

Ms. Hattie Zobott
January 22, 2016
Page 2

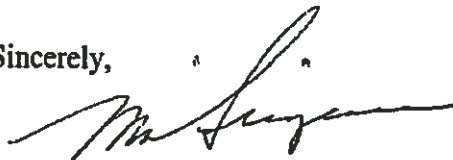
Hat Butte's consent to the Applications is limited to the Applications as they were submitted on or around December 29, 2015. Any amendments to the Applications, and any other applications (including without limitation WSB applications and transfer applications) will require additional consent from Hat Butte.

In addition, Hat Butte's consent to the Applications is conditioned upon Tiegs' agreement to defend, indemnify, and hold Hat Butte harmless for any claim, loss or liability arising out of or in any way connected with the Applications, and for any costs related to the Applications, including without limitation any costs associated with reducing, measuring, or reporting diversions (or reductions in diversions) of water using Hat Butte's facilities.

If the Applications are approved, for the duration of the lease term, Tiegs shall continue to hold all of its existing shares in Hat Butte and shall continue to pay all Hat Butte assessments without any reduction or discount for the amount leased into the WSB.

Hat Butte's consent will be effective only upon Tiegs' agreement to the terms and conditions set forth above. If Tiegs agrees to such terms and conditions, please provide an acknowledgement in the space below.

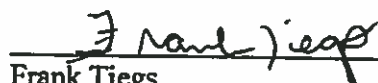
Sincerely,



Mike Siegersma
President, Hat Butte Mutual Canal Company

AGREEMENT TO TERMS AND CONDITIONS OF CONSENT

Frank Tiegs, L.L.C. ("Tiegs") agrees to the above-described terms and conditions by which Hat Butte Mutual Canal Company ("Hat Butte") is willing to provide consent to the Applications. Tiegs accepts Hat Butte's consent subject to such terms and conditions.



Frank Tiegs
Manager, Frank Tiegs, L.L.C.

SCANNED
JUN 23 2016