

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

RECEIVED

JUN 15 2016

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **BURUSCO FARMS**
2445 W 1700 S
ABERDEEN ID 83210
(208)397-4534

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
35-4189	11/14/1960	GROUND WATER	NA	0.06 cfs	37.6 af	NA

Annual Combined Rental Totals

0.06 cfs 37.6 af NA

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: **\$639.20**

The fee for rental of the above-described water is \$639.20 per year. Ten percent (\$63.92) will be retained by the Department to offset administrative costs, and the remainder will be paid to the lessor(s).

No administrative fees will be refunded once the fee is collected.

Detailed water right conditions are attached.

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:


Signature of Renter

John Dunsco Partner
Printed Name and Title*

06-10-2016
Date

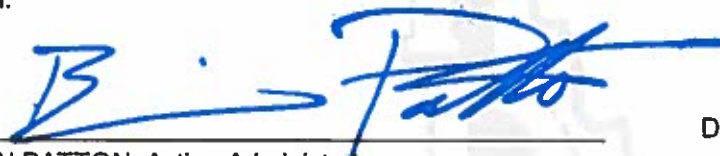

Signature of Renter

Robert Dunsco Partner
Printed Name and Title*

06-10-2016
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, Acting Administrator
Idaho Water Resource Board

Date 6/15/2016

Rental Approved by IDWR 

Date 6-15-2016

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NW¼SW¼ Sec. 14 Twp 06S Rge 30E BINGHAM County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/15 TO 11/01

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	
06S	30E	14									36.0	34.0	33.0	35.0					138.0
06S	30E	15													25.0			27.5	52.5

Total Acres: 190.5

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. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
11. This rental agreement does not authorize the construction of a well.

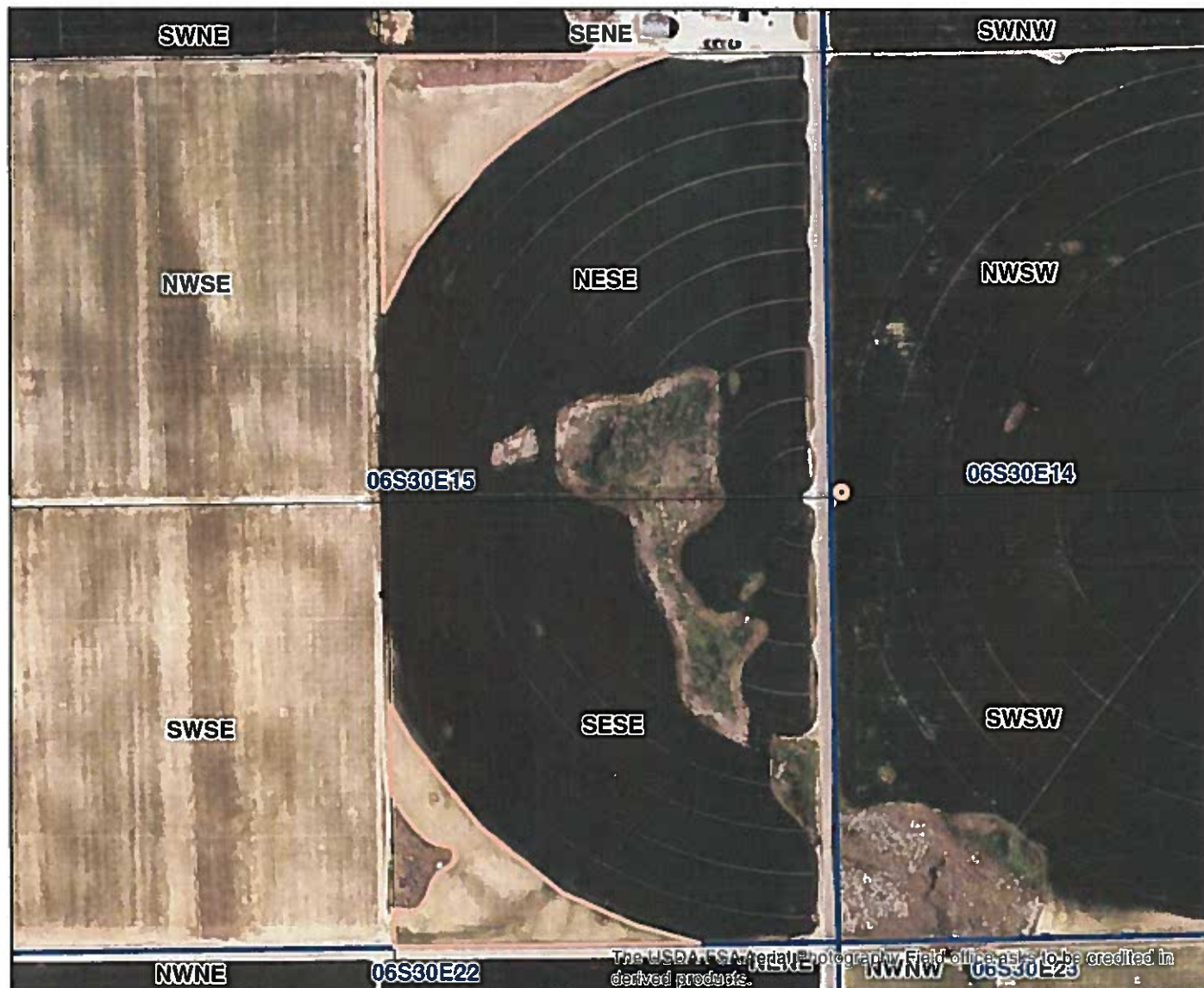
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
14. The following rights are diverted through point(s) of diversion described above: 35-7853A
15. Right 35-7853A and this rental are limited to 762 af.



Idaho Water Resource Board Water Supply Bank Rental Agreement

Effective until December 31, 2016

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



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Townships
- PLS Sections
- Quarter Quarters



0 0.25 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 11 2016

DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK**

Applicant Name: Burusco Farms

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)

35-4189	29-14000
29-11278	36-8412

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant _____

Mailing Address 2445 W. 1700 S. Aberdeen, ID 83210

Street City State Zip Code

Email Address _____ Phone Number 208-397-4534

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

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

Representative Greg Sullivan Professional Title Engineer

Organization Brockway Engineering Relationship to Applicant Consultant

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Email Address greg.sullivan@brockwayeng.com Phone Number 208-736-8543

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

The rental will provided additional volume of water to these fields for the 2016 irrigation season. No addition cfs is proposed to be rented because the of existing water rights.

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)
0.09 CFS	62.6 AF	0.09 CFS	62.6 AF	9.4 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?	
4/1/2016	5/1/2016	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Existing wells, mainlines and delivery system.

- 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
06S 30E 14 NWSW	Ground Water	35-7853A

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 9.4 (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:

35-7853A. Provide water to irrigate 2016 potatoes crop.

**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)
35-4189	Commercial		752.7			0	37.6	9.4
29-11278	Industrial	0.07	4.6	8.0		0.07	4.6	8.0
29-14000	Industrial	0.07	10.6	8.0		0.07	10.6	8.0
36-8412	Irrigation	0.02	9.8	6.0		0.02	9.8	6.0
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	0.09	62.6	9.4
						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**:

The rented water is intended to supplement the existing irrigation water rights on the property.

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**:

The portion of 35-4189, 29-11278 and 36-8412 that is being offered for lease is a 100% consumptive.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

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

Brunco Farms by John Brunco
Signature of Applicant

Brunco Farms by John Brunco
Printed Name of Applicant

02-16-2016
Date

Signature of Representative

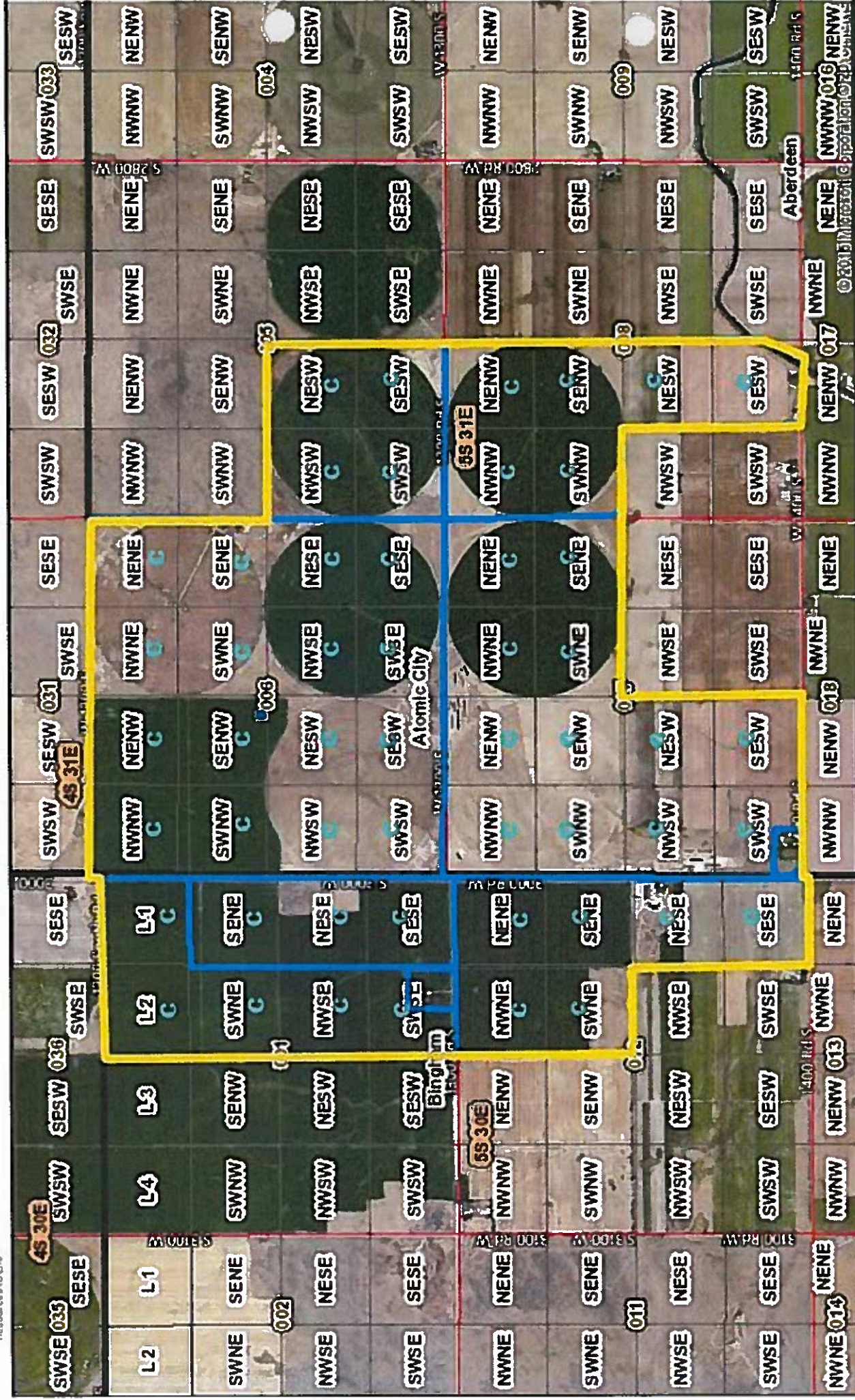
Printed Name of Representative

Date

Mail to:

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

Place of Commercial Use (36-4189) Leased to Water Supply Bank



Map Notes: "C" identifies places of use that will not receive commercial water during 2016.

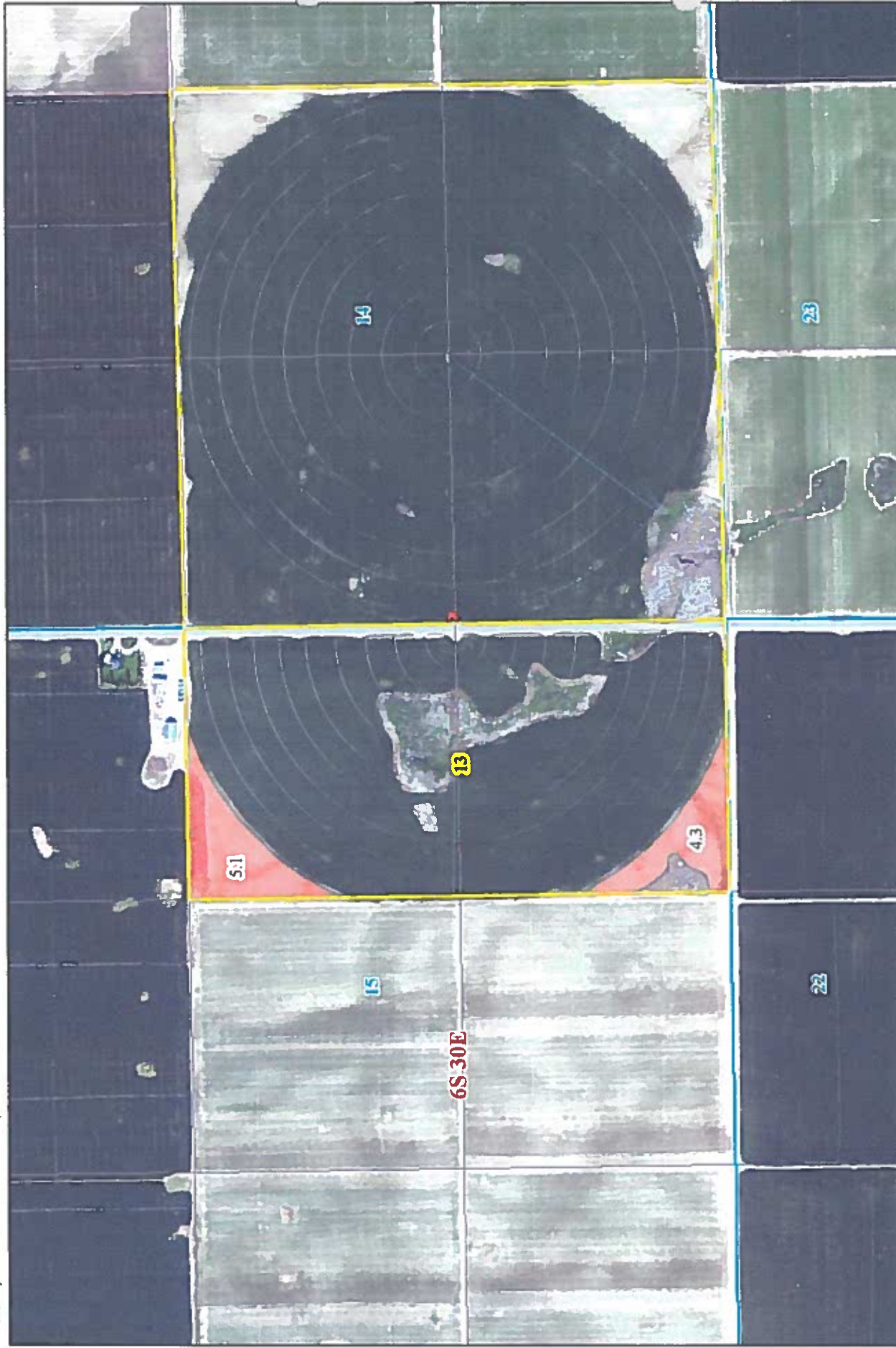
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Place of Commercial Use Leased to Water Supply Bank



is places of use that will not receive commercial water under 35-4189 during 2016.

this product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data information.



0 200 400 800 Feet

BURUSCO FARM
WATER BANK RENTAL 2 FIELDS 13, 14 - 2016
NAIP 2015 AERIAL

Legend

- Fields
- WSBR2 POU 13
- WR_POD
- twtnshp
- first
- ladesc

[illegible]

ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON
YEAR: 1950
SEASON: SPRING

TRANSFER NO:

TRANSFER NAME:

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL	
ROW	82	86	95	79	37.6
COLUMN	103	101	119	69	4.6
					10.6
					9.8

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1950	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1950	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1950	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1951	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1951	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1951	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1952	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1952	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1952	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1953	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1953	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1953	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1954	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1954	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1954	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1955	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1955	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1955	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1956	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1956	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1956	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1957	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1957	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1957	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1958	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1958	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1958	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1959	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SUM 1959	0.0	0.0	0.0	1.5	1.5	0.0	0.0
WIN 1959	0.0	0.0	0.0	1.5	1.5	0.0	0.0
SPR 1960	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1960	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1960	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1961	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1961	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1961	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1962	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1962	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1962	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1963	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1963	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1963	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1964	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1964	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1964	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1965	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1965	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1965	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1966	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1966	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1966	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1967	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1967	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1967	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1968	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1968	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1968	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1969	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1969	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1969	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SPR 1970	0.0	12.5	12.5	1.5	1.5	0.0	0.0
SUM 1970	0.0	12.5	12.5	1.5	1.5	0.0	0.0
WIN 1970	0.0	12.5	12.5	1.5	1.5	0.0	0.0

C:\Users\csullivan.BROCKWAY\Desktop\ESPA Model 3.2\Burusoco Field 13. 14

C:\Users\gullivan.BROCKWAY\Desktop\ESPA Model 3.2\Bunoco Field 13, 14

FARM LEASE

THIS AGREEMENT OF LEASE made and entered into this 22nd day of October 2005 by and between Pearl Funk, Peggy Simpson and Elizabeth Maland, Partnership, Landlords and John Burusco and Robert Burusco, Tenants.

WITNESSETH

The Landlords, for and in consideration of the agreements set forth in this lease to be kept and performed by the tenants, hereby rent and lease to the tenants the following described real estate to wit:

T6 SR 30
SE 1/4 of Sec 14
160 Acres more
or less
130 Farm

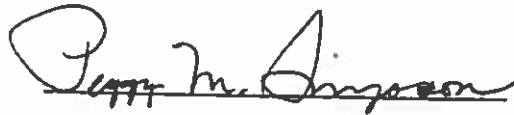
Bingham County
State of Idaho

E T 6 SR 30
W 1/2 of SE 1/4 SEC 15
80 acres more or less
60 FATH

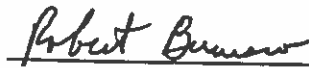
1. **LENGTH OF TENURE:** The terms of this lease shall be for a period of 1 year commencing on the 22 day of October 2015 and ending on the October 31, 2016.
2. **EXTENT OF AGREEMENT:** The terms of this lease shall be binding upon the heirs, executors, administrators and assigns of both landlords and tenants in the same manner upon the original parties, except by mutual agreement otherwise.
3. **RENTALS:** The tenant shall pay to the landlords and annual cash rental of [REDACTED] of the rent to be paid on October 22, 2015 and [REDACTED] of the rent to be paid on or before March 31, 2016 and the remaining amount of 1/2 - [REDACTED] to be paid on or before October 31, 2016 for 190 acres. The annual rate shall be \$ [REDACTED] per acre, total [REDACTED].

4. **LIEN:** In order to insure payment of the rent as stated in this lease, a lien is hereby made on the crops produced on this rental equal to the amount of the rent as stated in said lease.
5. **INSURANCE:** The tenant must carry fire, theft, wind, vandalism and extended coverage for the value of the wheel lines and pump system and electric panel and buildings or present a statement of financial ability and agreement to withstand any damages or losses on the items mentioned above. Either of these is to be attached to the contract.
6. **MAINTENANCE:** The tenants shall make no repairs or alterations on pumps, wheel lines, fences or building or pivots without notification to approval or authorization by the landlords.
7. **Farming practices:** All crops grown on said premises shall be rotated in accordance with the best farming practices recommended for the area and no two successive crops which deplete the soil of similar chemicals shall be planted on portion of said tract. All farming shall be performed in a good and husbandman like manner and no stubble shall be burned on said land. The tenant shall maintain the water systems with reasonable care and repair.
8. **WEEDS:** Tenant shall keep said premises free from all noxious weeds and shall not permit and such weeds to go to seed on the premises.
9. **ASSIGNMENTS:** Tenant shall not assign this lease nor any portion thereof nor sublet said premises or any portion thereof. There shall be no change or alterations on the property by the tenant. The tenants shall not sublet said premise or any section there of.
10. **HOLDING OVER:** Should landlords allow tenants to hold over and occupy said premises after expirations of the lease terms herein set forth, tenants shall hold and occupy said premises as tenants from month to month subject to all of the conditions here in contained.
11. **REMEDIES:**
 - A. In the event tenants abandon or vacate said premises before the expiration of the term of lease, or declare an intention to so vacate or abandon the landlords shall have a right to distain for all rent due or there after to become due during the term of this lease, or may at their option declare the lease forfeited forthwith, retaining the right of distrait for rental then due.

- B. That for any breach or non-performance of any of the covenants, conditions or agreements therein contained, the landlords my, at their option, declare the term forfeited and immediately reenter upon said premises as of their first and former estate and putout and remove tenants or any party calcimining under them, and said tenants do here by remise, release and forever quit-claim unto the landlords, their attorneys, administrators, executors, or assigns and all manner of error and errors, misprisions, mesenteries, defects and imperfections wherever in the entering upon said premises or in any suit or action touching the same.
- C. The tenants thereby waive any and all privileges, benefits and advantages, given or extended to tenants by any and all laws, usages, and customs, exempting any property of the tenants upon said premises or which may have been upon said premises from distress for rent or other bill or charge payable under this lease or from levy and sale under execution or requiring and appraisement of the property distrained upon, or requiring notice or other proceeding by landlords to obtain possession of said premise and tenants further agree to pay all costs for distraining, levying, collecting and selling such property and all costs, including attorney fees, incurred by landlords in any suit or action filed to recover said premises or rentals due thereon.



Landlords Date 10-28-15



Tenants Date 11-04-2015



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 16, 2016

GARY SPACKMAN

Director

BURUSCO FARMS
2445 W 1700 S
ABERDEEN ID 83210

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 35-4189**

Dear Renter:

Please find enclosed a receipt in the amount of **\$639.20** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 37.6 acre-feet of water for irrigation of 190.5 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, 90% or \$575.28 of the rental fee will be paid to the lessor(s) and 10% or \$63.92 will be retained by the Department to offset administrative costs.

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

Sincerely,

Sandra Thiel
Sr. Water Resource Agent

Enclosures: Receipt No. C102166
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office/Water District # 120
Greg Sullivan – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER

Governor

June 15, 2016

GARY SPACKMAN

Director

BURUSCO FARMS
2445 W 1700 S
ABERDEEN ID 83210

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR
WATER RIGHT 35-4189**

*****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 \$639.20 within ten (10) days of this letter to complete processing. Diversion and use of the water right 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 right 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,

ST Sandra Thiel
Sr. Water Resource Agent

c: Greg Sullivan – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 31, 2016

BURUSCO FARMS
2445 W 1700 S
ABERDEEN ID 83210

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 35-4189**

*****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 \$639.20 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 37.6 acre-feet.

Please send a check for \$639.20 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 \$575.28 of the rental fee will be paid to the lessor(s) and 10% or \$63.92 will be retained by the Department to offset administrative costs.

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

Sincerely,

 Sandra Thiel
Sr. Water Resource Agent

Enclosure

c: IDWR Front Desk
Greg Sullivan-Brockway Engineering PLLC

MEMORANDUM

To: Water Right 35-4189

From: Sandra Thiel

Date: May 19, 2016

Re: Review of Water Supply Bank Lease and Rental Applications

PURPOSE/NARRATIVE: Greg Sullivan of Brockway Engineers submitted a lease/rental package to the Department on March 11, 2016. Vic Conrad of the JR Simplot Company submitted the lease for water right 35-4189. Burusco Farms intends to rent the water for use at five separate places of use.

Right 35-4189 has both irrigation and commercial components. This lease is for the commercial beneficial use only. The right was used at a potato processing plant until April of 2015 when the plant shut down operation. The commercial place of use includes land for wastewater application. This satisfied water quality requirements. Water diverted for commercial use was not authorized for irrigation unless the water was first used in the commercial facility.

The combined volume authorized under this right is 1,288.7 af. The irrigation component is 436 af. The application proposed to lease 752.7 af. According to the WMIS data the highest diversion rate under this right for the past five consecutive years occurred in 2013. The adjusted volume for that year was 672.4 acre feet. Water District 120's 2016 annual assessment notice 5 year average water use is 624.2. The lease will be based on the water district report. Vic Conrad requested a holdback of 15 acre feet to maintain the facility, resulting in 609.2 af for the lease. The amount of the rate was reduced proportionally to 0.84 cfs.

4/18/2016 Phone conversation with Vic Conrad

According to Mr. Conrad, the 109 acres identified under the irrigation place of use for this right receives water from the Aberdeen Springfield Canal Company. They also land applied potato processing plant water at that place of use; however, all of the fresh water came from the canal company.

5/12/2016

Greg Sullivan of Brockway Engineers corresponded with Vic about the status of the irrigation portion of this right. In that email (see attached) Vic confirmed that no ground water had been used at the irrigation place of use under right 35-4189. On 5/10/2016 we had a phone conference call with Vic Conrad about the status of the 109 acres of irrigation. In that call we again confirmed the non-use. During that call, we asked Vic if he would accept a condition on the lease that over the term of the lease no water would be diverted at the lease point of diversion for right 35-4189. Vic agreed to that condition.

The Bank does not find forfeiture. The irrigation component of this right has not been subject to a forfeiture analysis. Leasing the commercial component of this right does not determine the status of the irrigation component.

Rentals

Burusco Farms submitted five rental applications for right 35-4189. Under the settlement agreement between Idaho Ground Water Association and Surface Water Coalition, there will be a volume reduction

assessed to the Burusco Farms operations by the Aberdeen American Falls Ground Water District. At the time of this writing, they did not know the exact volume reduction that would be required.

Four rental applications are for portions of right 35-4189. They are for volume only. There are existing water rights on the properties that cover sufficient diversion rates and acre amounts. The leased right will be used as a volume buffer, supplemental to the existing water rights.

THIS RENTAL WAS WITHDRAWN because of the reduced lease amount

Rental 1 for 131.3 AF Modified based on WMIS data to 123.7 AF: The rental will share a point of diversion with right 35-7627. The place of use is within the service area boundary of the Aberdeen Springfield Canal Company. Right 35-7627 covers 175 acres at the place of use at 0.017 cfs per acre and 4 acre feet per acre. Brockway submitted modeling for each transaction that shows that no mitigation is required for any of the 5 rentals. The Department confirmed the results.

Rental 2 for 168.7 AF Modified based on WD 120 assessment data to 157.8 AF: The place of use is within the service area boundary of the Aberdeen Springfield Canal Company. Five points of diversion supply water to the rental place of use under ground water rights 35-2093, 35-2107 and 35-4061. The three rights are limited to 8.74 cfs and 1,748 af. Combined, they provide 0.02 cfs per acre and 4 acre feet per acre.

Rental 3 for 189.0 AF: The place of use is within the service area boundary of the Aberdeen Springfield Canal Company. Right 35-4095 provides 0.02 cfs per acre and 4 acre feet per acre at the rental place of use.

Rental 4 for 224.8 AF: The place of use for this rental belongs to Pearl S Funk and Peggy Marlene Simpson. The rental application included farm lease documents between these landlords and John and Robert Burusco. Right 35-7853A provides irrigation at the rental place of use at a rate of 0.016 cfs per acre and 4 af per acre.

Rental 5 for 37.6 AF: The place of use for this rental belongs to Pearl S Funk and Peggy Marlene Simpson. The rental application included farm lease documents between these landlords and John and Robert Burusco. The rental point of diversion will be the same as right 35-7853A.

AUTHORITY TO FILE:

Lease: David Spurling, Senior Vice President of the JR Simplot Company signed the lease.

Rental: John Burusco signed the rental applications.

WATER RIGHT VALIDITY: In 2006, the Department approved a transfer to change the place of use for this right. The conditions included a measuring device requirement. The Water Management Information System (WMIS) shows that water was diverted at the place of use from 2006 to 2015. Simplot closed the plan in 2015.

INJURY TO OTHER WATER RIGHTS: Modeling is required for the rental of these water rights. Brockway submitted modeling for each transaction that showed not mitigation is required for any of the 4 rentals and the Department confirmed the results.

ENLARGEMENT OF USE:

There was a very lengthy discussion about consumptive use and the change in nature of use from commercial to irrigation. As part of the process, I made a public records request to the Idaho Department of Environmental Quality for the Aberdeen Potato Processing Facility reuse permit reports.

Ultimately, it was decided to use the full volume given on the Water District 120, 2016 Annual Assessment Notice (see attached).

This right is being rented to provide supplemental volume to insure that the 2016 crops have sufficient water. No additional rate is proposed because of existing water rights at the rental places of use.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental point of diversion is subject to Water District 120. I requested comments on March 29, 2016. James Cefalo responded on April 7 that he had no concerns.

Thiel, Sandra

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Wednesday, May 18, 2016 3:57 PM
To: Thiel, Sandra
Subject: RE: lease for right 35-4189

Sandy,

Go ahead and remove 29-11278, 29-14000 and 36-8412 from the rental. I do not think that we need that water anymore.

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

From: Thiel, Sandra [mailto:Sandra.Thiel@idwr.idaho.gov]
Sent: Wednesday, May 18, 2016 3:28 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: RE: lease for right 35-4189

Thank you for the maps. Those will work.

About the last rental. Tell me again why you need to rent rights 29-11278, 29-14000 and 36-8412? It appears the remaining 37.6 af from 35-4189 will cover the 9.4 acres.

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

From: Greg Sullivan [mailto:greg.sullivan@brockwayeng.com]
Sent: Wednesday, May 18, 2016 1:31 PM
To: Thiel, Sandra
Subject: RE: lease for right 35-4189

Try these.

Greg

From: Thiel, Sandra [mailto:Sandra.Thiel@idwr.idaho.gov]
Sent: Tuesday, May 17, 2016 2:26 PM

To: Greg Sullivan <greg.sullivan@brockwayeng.com>

Subject: RE: lease for right 35-4189

Hello, Could you please identify the acres below, associated with each volume, where the Burusco's intend to apply the water. I have to have them identified for the rentals.

Acres	Vol
56.2	224.8
47.3	189
39.5	157.8
9.4	37.6

Sandra Beer Thiel

Idaho Department of Water Resources

322 East Front Street

Boise, Idaho 83720-0098

(208)287-4881

sandra.thiel@idwr.idaho.gov

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]

Sent: Tuesday, May 17, 2016 9:51 AM

To: Thiel, Sandra

Subject: RE: lease for right 35-4189

Sandy,

I was able to talk with John Burusco this morning about the rentals and this is what was decided.

Based on the allowed 609.2 acre feet that is available from the Simplot right 35-4189. Please process the rentals that included the following volume amounts from 35-4189.

The rental for 37.6 acre feet from 35-4189.

The rental for 224.8 acre feet from 35-4189.

The rental for 189.0 acre feet from 35-4189.

The rental for 168.75 acre feet will be reduced to 157.8 acre feet from 35-4189.

The proposed rental for 131.3 acre will have to be withdrawn. Let me know if this email is sufficient enough notification to withdraw this rental. Or the Water Supply Bank can simply deny the rental and return it.

Greg Sullivan

Brockway Engineering

2016 North Washington Street, Suite 4

Twin Falls, Idaho 83301

208-736-8543

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]

Sent: Tuesday, May 17, 2016 9:30 AM

To: Greg Sullivan <greg.sullivan@bruckwayeng.com>
Subject: RE: lease for right 35-4189

Hi Greg, Have you had a chance to update the Burusco rental numbers?

From: Thiel, Sandra
Sent: Thursday, May 12, 2016 9:25 AM
To: 'Greg Sullivan'
Subject: FW: lease for right 35-4189

Hello, It looks like I was a bit hasty. That will leave 609.2 af available under the lease.

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

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Thursday, May 12, 2016 9:21 AM
To: Thiel, Sandra
Subject: RE: lease for right 35-4189

I think we will be extremely safe if we hold-back 15 acre feet.

From: Thiel, Sandra [<mailto:Sandra.Thiel@idwr.idaho.gov>]
Sent: Thursday, May 12, 2016 9:17 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: lease for right 35-4189

Good morning, During our discussion on Tuesday, you mentioned that you wanted to hold back a portion of right 35-4189 to maintain the Aberdeen facility. The volume that we settled on for the lease is 624.2 af, based on the Water District 120 annual assessment. How much of volume do you want to keep for the facility?

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

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7357 / Virus Database: 4568/12243 - Release Date: 05/16/16

ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are
set up for user entries

ENTER STARTING DATE FOR

SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

TRANSFER NO:

Burusco 37

YEAR

1960

TRANSFER NAME:

SEASON

WINTER

Burusco 5

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	86	85	0	0
COLUMN	101	107	0	0

TRIMESTER OF ACTIVITY	TO WELL Protected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
WIN 1960	0	13	13	0	0	0	0
SPR 1961	0	13	13	0	0	0	0
SUM 1961	0	13	13	0	0	0	0
WIN 1961	0	13	13	0	0	0	0
SPR 1962	0	13	13	0	0	0	0
SUM 1962	0	13	13	0	0	0	0
WIN 1962	0	13	13	0	0	0	0
SPR 1963	0	13	13	0	0	0	0
SUM 1963	0	13	13	0	0	0	0
WIN 1963	0	13	13	0	0	0	0
SPR 1964	0	13	13	0	0	0	0
SUM 1964	0	13	13	0	0	0	0
WIN 1964	0	13	13	0	0	0	0
SPR 1965	0	13	13	0	0	0	0
SUM 1965	0	13	13	0	0	0	0
WIN 1965	0	13	13	0	0	0	0
SPR 1966	0	13	13	0	0	0	0
SUM 1966	0	13	13	0	0	0	0
WIN 1966	0	13	13	0	0	0	0
SPR 1967	0	13	13	0	0	0	0
SUM 1967	0	13	13	0	0	0	0
WIN 1967	0	13	13	0	0	0	0
SPR 1968	0	13	13	0	0	0	0
SUM 1968	0	13	13	0	0	0	0
WIN 1968	0	13	13	0	0	0	0
SPR 1969	0	13	13	0	0	0	0
SUM 1969	0	13	13	0	0	0	0
WIN 1969	0	13	13	0	0	0	0

