



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

MARC FOSTER
3018 W 1700 S
ABERDEEN ID 83210

RE: Expiration of Water Supply Bank Rental Agreement for water rights: 35-2924, 35-7415, 35-13340, 35-13362

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,

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

RECEIVED
MAY 02 2015
DEPARTMENT OF
WATER RESOURCES

This is to certify that: **MARC FOSTER**
3018 W 1700 S
ABERDEEN ID 83210
(208)-397-5232

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	Acre Limit	Total Rented Acres
35-2924	07/21/1965	Ground Water	NA	0.53 cfs	115.50 af	NA	28.9 ac
35-13340	11/13/1972	Ground Water	NA	0.31cfs	57.4 af	NA	14.3 ac
35-13362	11/13/1972	Ground Water	NA	0.02 cfs	5.4 af	NA	1.4 ac
Total Annual Combined Limit				0.31 cfs	62.8 af	NA	15.7 ac
35-7415	04/16/1974	Ground Water	NA	0.18 cfs	40.0 af	NA	10.0 ac

Annual Combined Rental Totals	1.02 cfs	218.3 af	NA	54.6 ac
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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: \$3,711.10

The fee for rental of the above-described water is \$3,711.10 per year. Ten percent (\$371.11) 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.

SUPPORT DATA
IN FILE # 35-2924

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:

Marc Foster Marc Foster, Partner 4-25-2016
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 5/2/2016
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental Approved by IDWR Ch. West Date 5-2-2016

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NE¼NE¼ Sec. 27 Twp 05S Rge 30E BINGHAM County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/01 TO 10/31

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	
05S	30E	27	25.3	29.3															54.6

Total Acres: 54.6

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.
Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. 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.
7. 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.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The right holder shall install and maintain acceptable measuring device at the authorized point of diversion in accordance with Department specifications.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

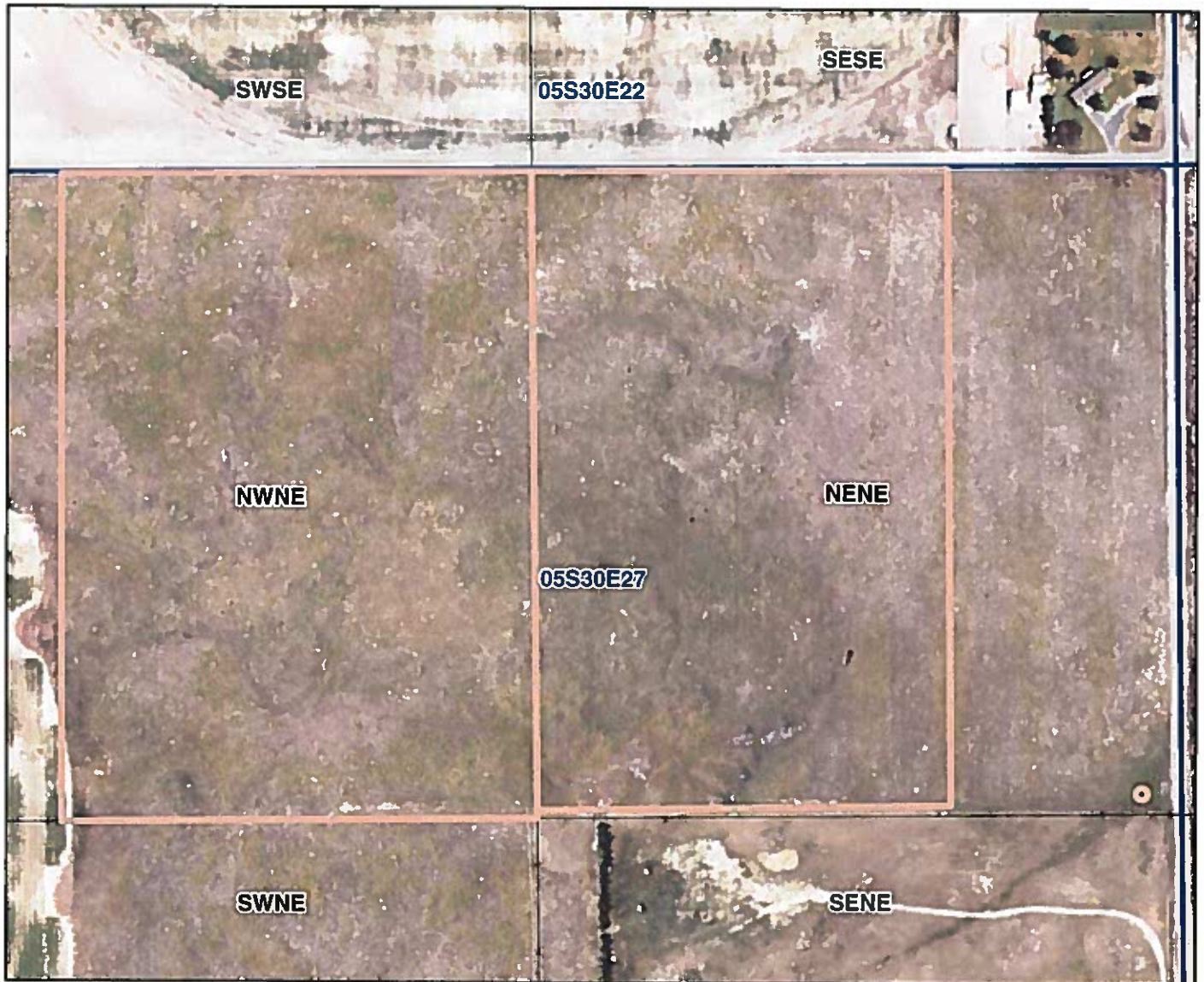
11. The renter shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
12. This rental agreement does not authorize the construction of a well.
13. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
14. 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.
15. 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.
16. The following rights are diverted through point(s) of diversion described above: 35-14444, 35-8370A and 35-2758A.



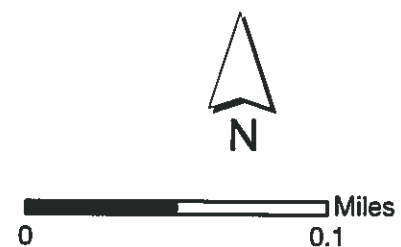
Idaho Water Resource Board Water Supply Bank Rental Agreement

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



AMENDEDSTATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

RECEIVED

MAR 07 2016

DEPARTMENT OF
WATER RESOURCES

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)
35-2924	S. Ind	1.11	241	NA		0.59	115.5 125.5	28.9
35-13340	Irrigation	0.47	88.8	25		0.31	57.4	14.3
35-13362	Irrigation	0.5	11.2	25		0.02	5.4	1.4
35-7415	Irrigation	0.72	156	39		0.18	40	10.0
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	1.08	218.30 228.3	54.6
						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:

N/A

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:

Proposed rental of 4 ft/acre from stock and industrial water right.

Mitigation Analysis Period

Transfer 1: 1 2 Transfer 2: 1

Total Reach Depletion Impacts

AFT: 0.0 0.0 0.0 0.0 0.1 0.1 0.2 0.1 0.0 0.0 0.0

One-Way Analysis of Independent Transfers

Transfer 1: Foster Rental 2010

WR No.	Div Rate (CFB)	Con Vol (AFA)	No. of In Acres	Priority Date	POD Location	Dedicated Vol AFA/ AFT	Model Node
--------	----------------	---------------	-----------------	---------------	--------------	------------------------	------------

Transfer 1: Proposed Steady State Impacts following Transfer

Transfer: Worst Case Transient State Impacts following Transfer

100.0% Pre-BS 216.4 AFA 54.6 Acres
100.0% Post-BS 216.4 AFA 54.6 Acres

Impact by Reach (AF Transfer)

Ashion to Reiburg	Hesse to Shelley	Shelley to Hr Black To	Hr Black To Hesse	Hesse to Mervick	Hesse to Dev Wst To	Buhl to 1000 Spr	1000 Spr to 1000 Spr to	Mated	Mated to Bannock
0.00	41.70	8.73	23.15	0.13	0.43	0.46	0.22	0.14	0.12
0.00	41.70	8.73	23.15	0.13	0.43	0.46	0.21	0.14	0.12
0.00	41.70	8.73	23.15	0.13	0.43	0.46	0.22	0.14	0.12
0.00	41.70	8.73	23.15	0.21	0.57	0.67	0.30	0.18	0.16

Steady State Analysis

Mitigation Check 1 - >10% of Historical	-0.2%	0.0%	0.0%	0.0%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
Mitigation Check 2 - >2 AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total	1.2%	34.9%	11.5%	38.5%	0.2%	0.6%	0.3%	0.2%	0.2%	0.0%
Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical	-0.2%	0.0%	0.0%	0.0%	33.3%	33.8%	38.8%	37.3%	31.2%	31.4%
Mitigation Check 2 - >2 AFT	0.0	0.0	0.0	0.0	0.07	0.14	0.2	0.1	0.0	0.0
Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.07	0.14	0.2	0.1	0.0	0.0

Transfer 2:

WR No.	Div Rate (CFB)	Con Vol (AFA)	No. of In Acres	Priority Date	POD Location	Dedicated Vol AFA/ AFT	Model Node
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Transfer: Proposed Steady State Impacts following Transfer

Transfer 1: Worst Case Transient State Impacts following Transfer

0.0% Pre-BS 0.0 AFA 0.0 Acres
0.0% Post-BS 0.0 AFA 0.0 Acres

Impact by Reach (AF Transfer)

Ashion to Reiburg	Hesse to Shelley	Shelley to Hr Black To	Hr Black To Hesse	Hesse to Mervick	Hesse to Dev Wst To	Buhl to 1000 Spr	1000 Spr to 1000 Spr to	Mated	Mated to Bannock
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Steady State Analysis

Mitigation Check 1 - >10% of Historical	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2 - >2 AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2 - >2 AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

AMENDED

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:

YEAR

1950

TRANSFER NAME:

SEASON

SPRING

ENTER CELL LOCATIONS:

TO CELL	FROM1 CELL	FROM2 CELL	FROM3 CELL
82	61	81	79
103	164	135	123

125.5

57.4

5.4

40.0

AMENDED

TRIMESTER OF ACTIVITY	TO WELL Protected Use AF/TRIMESTER	FROM1 WELL With Transfer AF/TRIMESTER	FROM1 WELL Without Transfer AF/TRIMESTER	FROM2 WELL With Transfer AF/TRIMESTER	FROM2 WELL Without Transfer AF/TRIMESTER	FROM3 WELL With Transfer AF/TRIMESTER	FROM3 WELL Without Transfer AF/TRIMESTER
SPR 1950	0.0	0.0	0.0	19.1	19.1	0.0	0.0
SUM 1950	0.0	0.0	0.0	19.1	19.1	0.0	0.0
WIN 1950	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1951	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1951	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1951	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1952	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1952	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1952	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1953	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1953	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1953	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1954	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1954	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1954	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1955	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1955	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1955	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1956	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1956	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1956	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1957	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1957	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1957	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1958	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1958	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1958	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1959	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1959	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1959	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1960	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1960	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1960	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1961	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1961	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1961	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1962	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1962	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1962	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1963	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1963	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1963	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1964	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1964	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1964	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1965	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1965	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1965	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1966	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1966	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1966	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1967	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1967	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1967	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1968	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1968	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1968	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SPR 1969	0.0	0.0	0.0	20.9	20.9	0.0	0.0
SUM 1969	0.0	0.0	0.0	20.9	20.9	0.0	0.0
WIN 1969	0.0	41.8	41.8	20.9	20.9	0.0	0.0
SPR 1970	0.0	41.8	41.8	20.9	20.9	0.0	0.0
SUM 1970	0.0	41.8	41.8	20.9	20.9	0.0	0.0
WIN 1970	0.0	41.8	41.8	20.9	20.9	0.0	0.0

[illegible]

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED

FEB 11 2015

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Marc Foster

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)

35-2924

35-13362

35-13340

35-7415

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Marc Foster

Mailing Address 3018 W 1700 S Aberdeen, ID 83210

Street

City

State

Zip Code

Email Address _____

Phone Number 208-397-5232

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:

Irrigation of undeveloped farm ground.

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)
1.09 CFS	228.5 AF	1.09 CFS	228.5 AF	54.6 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	6/1/2016	☒	☐	☐	☐	☐	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

- 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
05S 30E 27 NWNW	Ground Water	35-8370A and 35-2758A

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 54.6 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as Attachment 3J. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
None

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☐ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request. For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, depict 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)
35-2924	S, Ind	1.11	241	NA		0.59	128.5	29.6
35-13340	Irrigation	0.47	88.8	25		0.50	91.4	22.8
35-13362	Irrigation	0.5	11.2	25		0.04	8.6	2.2
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	1.09	228.5	54.6
						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**:

N/A

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**:

Proposed rental of 4 ft/acre from stock and industrial water right.

**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
None

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.

Marc Foster
Signature of Applicant

Marc Foster
Printed Name of Applicant

1-30-16
Date

Signature of Representative

Printed Name of Representative

Date

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

Transferor 1 2 Transferee
Annual AFT

Total Reach Depletion Impacts

AFT:	0.0	0.0	0.0	-0.01	0.1	0.1	0.2	0.1	0.0	0.0	0.0
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One-Way Analysis of Independent Transfers

Transfer 1: Foster Rental 2016

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of In. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Note
Transfer 1: Proposed Steady State Impacts following Transfer							
Transfer: Worst Case Transient State Impacts following Transfer							

100.0% Pre-SS		215.4 AFA		54.9 Acres							
100.0% Post-SS		215.4 AFA		54.9 Acres							
Impact by Reach (AFT/transfer)											
Ashton to Reuburg	Hesse to Shelby	Shelby to Hr Blckfl To	Hessley to Nessley to Minnesota	Dev. Wrt To Buht	Buht to 1000 Spr	1000 Spr to Mated	Mated to Bancroft				
0.86	42.57	9.03	22.17	0.13	0.41	0.48	0.21	0.13	0.12	0.01	
0.86	42.57	9.02	22.16	0.13	0.41	0.48	0.21	0.13	0.12	0.01	
0.86	42.57	9.03	22.17	0.13	0.41	0.48	0.21	0.13	0.12	0.01	
0.86	42.57	9.02	22.16	0.18	0.50	0.60	0.26	0.18	0.14	0.01	

Steady State Analysis		Mitigation Check 1: > 10% of Historical	-0.2%	0.0%	0.0%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
		Mitigation Check 2: > 2 AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Mitigation Check 3: > 10% of Total	1.1%	34.0%	11.3%	29.1%	0.2%	0.5%	0.3%	0.2%	0.2%	0.0%
		Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
		Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis		Mitigation Check 1: > 10% of Historical	-0.2%	0.0%	0.0%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
		Mitigation Check 2: > 2 AFT	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0
		Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
		Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0

Hand Mtd

Transfer 2:

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of In. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Note
Transfer: Proposed Steady State Impacts following Transfer							
Transfer 1: Worst Case Transient State Impacts following Transfer							

100.0% Pre-SS		180.9 AFA		45.0 Acres		9.9 Acres					
100.0% Post-SS		180.9 AFA		45.0 Acres							
Impact by Reach (AFT/transfer)											
Ashton to Reiburg	Hesse to Shelby	Shelby to Hr Blckfl To	Hessley to Nessley	Nessley to Minnesota	Dev. Wrt To Buht	Buht to 1000 Spr	1000 Spr to 1000 Spr	1000 Spr to Mated	Mated to Mated	Mated to Bancroft	
0.90	6.79	6.70	16.85	0.10	0.31	0.35	0.15	0.10	0.08	0.01	
0.90	6.79	6.69	16.84	0.10	0.31	0.35	0.15	0.10	0.08	0.01	
0.90	6.79	6.70	16.85	0.10	0.31	0.35	0.15	0.10	0.08	0.01	
0.90	6.79	6.69	16.84	0.10	0.31	0.37	0.16	0.10	0.08	0.01	

Steady State Analysis		Mitigation Check 1: > 10% of Historical	-0.2%	0.0%	0.0%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
		Mitigation Check 2: > 2 AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Mitigation Check 3: > 10% of Total	1.0%	31.3%	31.6%	52.3%	1.0%	0.3%	0.3%	0.3%	0.0%	0.0%
		Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
		Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis		Mitigation Check 1: > 10% of Historical	-0.2%	0.0%	0.0%	0.0%	-0.1%	3.0%	7.9%	6.4%	5.3%	1.3%
		Mitigation Check 2: > 2 AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
		Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

SUPERCEDED

Evaluation of overall mitigation requirements per reach Steady State and Fluvial State, and Off-Setting Benefits (sum of reach credits only where mitigation is required and credits

Carry out one way analysis. If reach depletions go up, it is a debit, if they go down, it is a credit. Sum all debits, only where mitigation is required (dark yellow), and all credits (light yellow). Mitigation is required for the full amount of the summed values if greater than zero.

Steady state analysis represents permanent mitigation requirements at future steady state (or last timestep from the ESPAM Transfer Tool model run).

Transient state analysis represents mitigation requirements for the worst or maximum time step in the model run.

[illegible]

Evaluation of transient state mitigation requirement is not comprehensive across all time steps. Instead this evaluation finds the maximum stream depletion following the start of the transfer and looks at depletion amounts from that time step. In many instances this depletion is greater than the depletion associated with the steady state condition or final time step. This evaluation is merely an indicator of whether transient depletions must be considered, not an indicator of all transient impacts.

[illegible]

Evaluation of Permanent Mitigation Efforts (non-use, acreage consolidation) In Addition to Off-Setting Transfer Benefits - Steady State Evaluation Only

Set Aside 1 (Non-Use/Desecration):

WR No.	Dry Rate (CF#)	Can. Vol. (AF#)	No. of Int. Acres	Priority Date	POD (Location)	Dedicated Vol. AF# AFT	Modest Mode
Non-Use: Proposed Steady State Impacts following Change							
Non-Use 1: Worst Case Transient State Impacts following Change							

Impact by Reach (AFI) (reorder)									
Ashlin to Reidburg	Hesse to Shelley	Nr Bickn? to Nr Bickn?	Nr Bickn? To Hessing	Hessing to Mandokus	Dew Witz. To Buhl	Buhl to 1000 Spr	1000 Spr to Mated	Mated to Ramonoff	

Related Work

[illegible]

Re-evaluation of overall mitigation requirements per reach, Steady State Only (Sum of reach debits only where mitigation is required and credits)

[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
SEASON

1950

SPRING

TRANSFER NO:

TRANSFER NAME:

1

2

3

4

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	B2	G1	B1	
COLUMN	103	164	135	

128.5

91.4

8.5

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	30.5	30.5	0.0	0.0
SUM 1950	0.0	0.0	0.0	30.5	30.5	0.0	0.0
WIN 1950	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1951	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1951	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1951	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1952	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1952	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1952	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1953	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1953	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1953	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1954	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1954	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1954	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1955	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1955	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1955	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1956	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1956	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1956	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1957	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1957	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1957	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1958	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1958	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1958	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1959	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1959	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1959	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1960	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1960	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1960	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1961	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1961	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1961	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1962	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1962	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1962	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1963	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1963	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1963	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1964	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1964	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1964	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1965	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1965	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1965	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1966	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1966	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1966	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1967	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1967	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1967	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1968	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1968	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1968	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SPR 1969	0.0	0.0	0.0	33.3	33.3	0.0	0.0
SUM 1969	0.0	0.0	0.0	33.3	33.3	0.0	0.0
WIN 1969	0.0	42.8	42.8	33.3	33.3	0.0	0.0
SPR 1970	0.0	42.8	42.8	33.3	33.3	0.0	0.0
SUM 1970	0.0	42.8	42.8	33.3	33.3	0.0	0.0
WIN 1970	0.0	42.8	42.8	33.3	33.3	0.0	0.0

1/27/2016

C:\Users\gaultivan.BROCKWAY\Desktop\ESPA Model 3.2\Foster Farms Rental 2018

[illegible]

[illegible]



0 105 210 420 Feet

FOSTER FAMILY FARM
WATER BANK RENATL 2016
NAIP 2015 AERIAL

- Legend
- POD
 - WSB Rental
 - WSB Rental Sections
 - ladesc