



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

REED GIBBY
872 E PEBBLE DR
BURLEY ID 83318

RE: Expiration of Water Supply Bank Rental Agreement for water rights: 43-13595, 43-13597

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 horizontal line.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

JUN 18 2015

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: REED GIBBY
872 E PEBBLE DR
BURLEY ID 83318
(208) 654-2733
REED@IFSUSA.ORG

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
43-13595	05/04/1978	Ground Water		1.41 cfs	341.1 af	85.3 ac
43-13597	05/23/1962	Ground Water		0.25 cfs	172.7 af	43.2 ac
Total Annual Combined Limit				1.66 cfs	513.8 af	128.5 ac

Annual Combined Rental Totals 1.66 cfs 513.8 af 128.5 ac

Term of Rental: June 9, 2015 through December 31, 2016.

Rental Fee: \$ 8,734.60

The annual fee for rental of the above-described water is \$8,734.60. An administrative fee of ten percent of the rental fee (\$873.46) shall go to the Department for administrative costs and the remaining balance of payment will be paid to the lessor(s). An annual payment shall be received by the Department prior to February 15 each year 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. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date. 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 # 43-13595

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:

 Reed Gibby 6/10/15
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 conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By  Date June 18, 2015
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SW¼NE¼SW¼ Sec. 28 Twp 10S Rge 26E CASSIA 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	
10S	26E	20																	
10S	26E	22													16	14	25	27	82
											33			1.1		6	1.1		41.2
10S	26E	29	5.3																5.3

Total Acres: 128.5

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. This rental does not authorize the construction of a well.
6. 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.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
8. 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.
9. 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.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
11. This right when combined with all of rights shall provide no more than 0.02 cfs per acre and no more than 4 afa per acre at the field headgate for irrigation of the lands above.

12. The following rights are diverted through point(s) of diversion described above: 43-13466, 43-13384, 43-13386, 43-13388, 43-13390, 43-13392, 43-13394, 43-13396, 43-13398, 43-13400, 43-13402, 43-13404, 43-13406, 43-13468, 43-2359, 43-2460, 43-4010, 43-7015, 43-7054.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

APR 03 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Reed W. GibbyIs this application being submitted with a lease application as a lease/rental package? Yes ☐ No ☒

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). 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.

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

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

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

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

YES

☒ Completed *Application to Rent Water from the Board's 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 |
| 3E | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3G | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a need to rent water for irrigation at 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)

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Reed W. Gibby

Mailing Address 872 East Pebble Drive

Email Address reed@gibbygroup.com

Phone Number 208.654.2733 - office

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 Evard H. Gibby

Professional Title Reg. Environmental Health Specialist

Organization EHG Consulting LLC

Relationship to Applicant Consultant

Mailing Address 506 Gem Drive Kimberly, Idaho

Email Address ehgibby@gibbygroup.com

Phone Number 208-423-4795

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 place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it Attachment 2.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it Attachment 3A:

The purpose of this water is for irrigation. We are putting in a half pivot that will water 78.8 acres. Water for 17.9 acres that was rented in 2013 will be moved to this pivot, the balance of 60.9 acres will be watered from this water bank application. The rate of application will be no greater than 0.02 cfs per acre and no more than 4.0 afa per acre.

B. Enter the desired and/or minimum necessary 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)	Acres (if applicable) (Acre)
CFS	AF	0.02 CFS	4.0 AF	60.9 AC

Sometimes water rights available for rent 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. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?
April 1, 2015	May 1, 2015	5 years	☒ Yes, approve rental for all remaining future years. ☐ No, return rental request if first year is unapprovable.

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

** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Existing well	10S	26E	28	NW	NE	NE	Cassia	43-13595 + 43-13597

The entry in this grid must match the map from item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it **Attachment 3E**.

- F. Do any POD(s) identified in Question 3D 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.

- G. Has water modeling been provided with your rental request? Yes ☐ No ☒

If yes, include as **Attachment 3G**. Otherwise please explain why modeling was not provided:
Not required

Rental applications that require modeling will be returned if modeling is not provided.

- H. Specify the proposed beneficial use: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____

- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10S	26E	22									34.6			.8		23.8	1.7		60.9 acr	
															4.8	13.1			17.9	
The entry in this grid must match the map from Item 2 on the application.																			Total Acres (for irrigation)	78.8

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, explain the justification for this rate of flow and attach any supporting documents as **Attachment 3J**:

- 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. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
A water pipeline from the old point of POU will be extended to the new POU. Water to be applied to the land from a center pivot.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

M. List all other water rights and sources of water at the rental place of use for the same purpose and explain why additional water is required. Include privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company, or any other water deliver entity:

Water rights 43-13595 and 43-13597 We are installing another pivot.

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☐ No ☒

If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the 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 with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Leased totals minus water actively engaged in rental agreement equals rental availability	Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)		Rate (CFS)	Vol. (AF)	Acres (AC)
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre that have been leased to the Water Supply Bank								TOTAL			
									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:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? 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, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:

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.

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.


Signature of Applicant

Reed W. Gibby
Printed Name of Applicant

March 31, 2015
Date


Signature of Representative

Evard H. Gibby
Printed Name of Representative

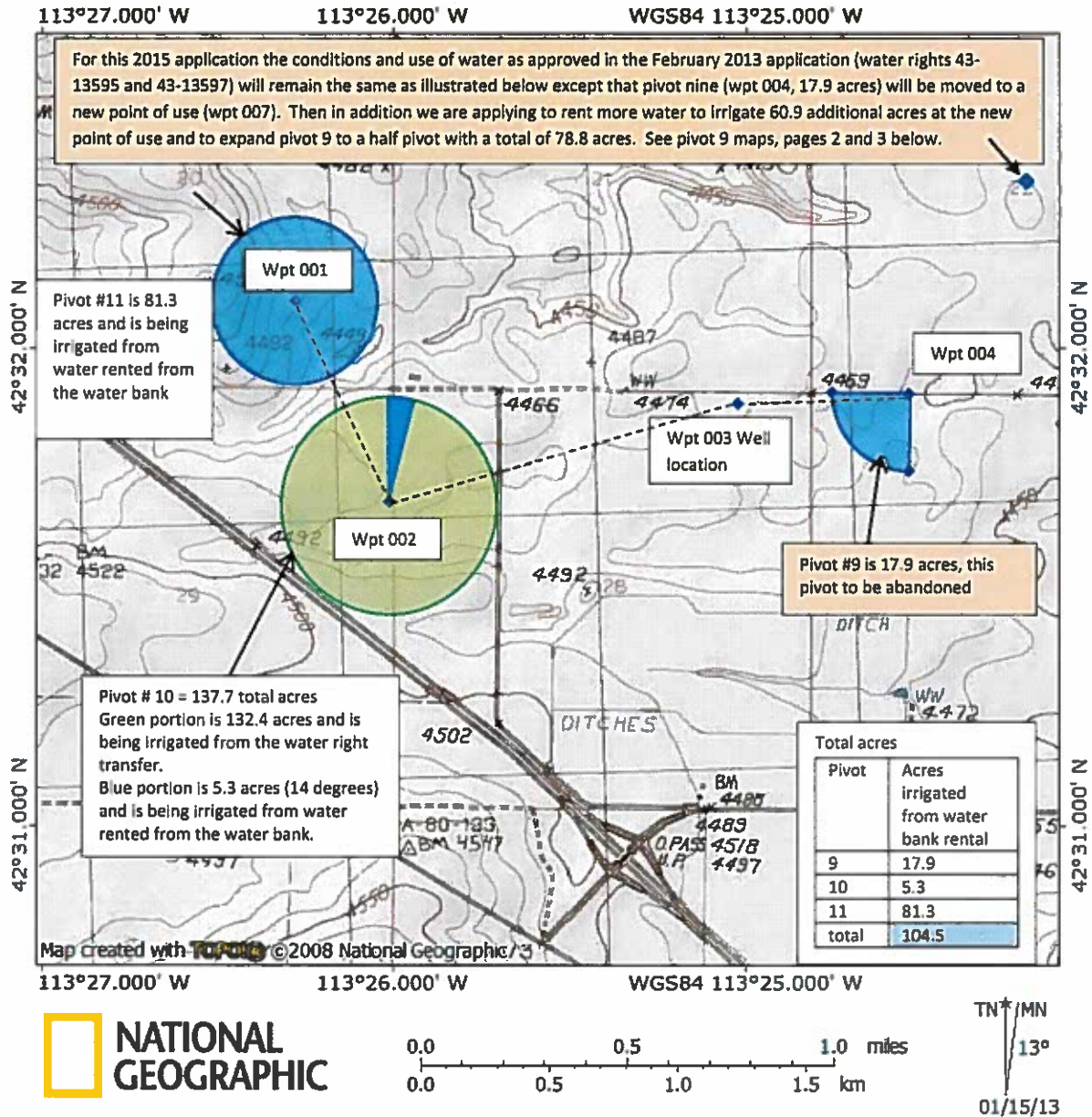
March 31, 2015
Date

Mail to:

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

Form 42-1761-2 Item C - Map (not to exact scale, GPS points are actual) of Water Bank rental, places of use and facilities for Reed Gibby 872 East Pebble Drive, Burley, ID 83318 "Application to rent water from the Water Supply Bank" Located in T10S R26E Sections 20, 27, 28, and 29.

TOPO! map printed on 01/15/13 from "Water Bank rental application.tpo"

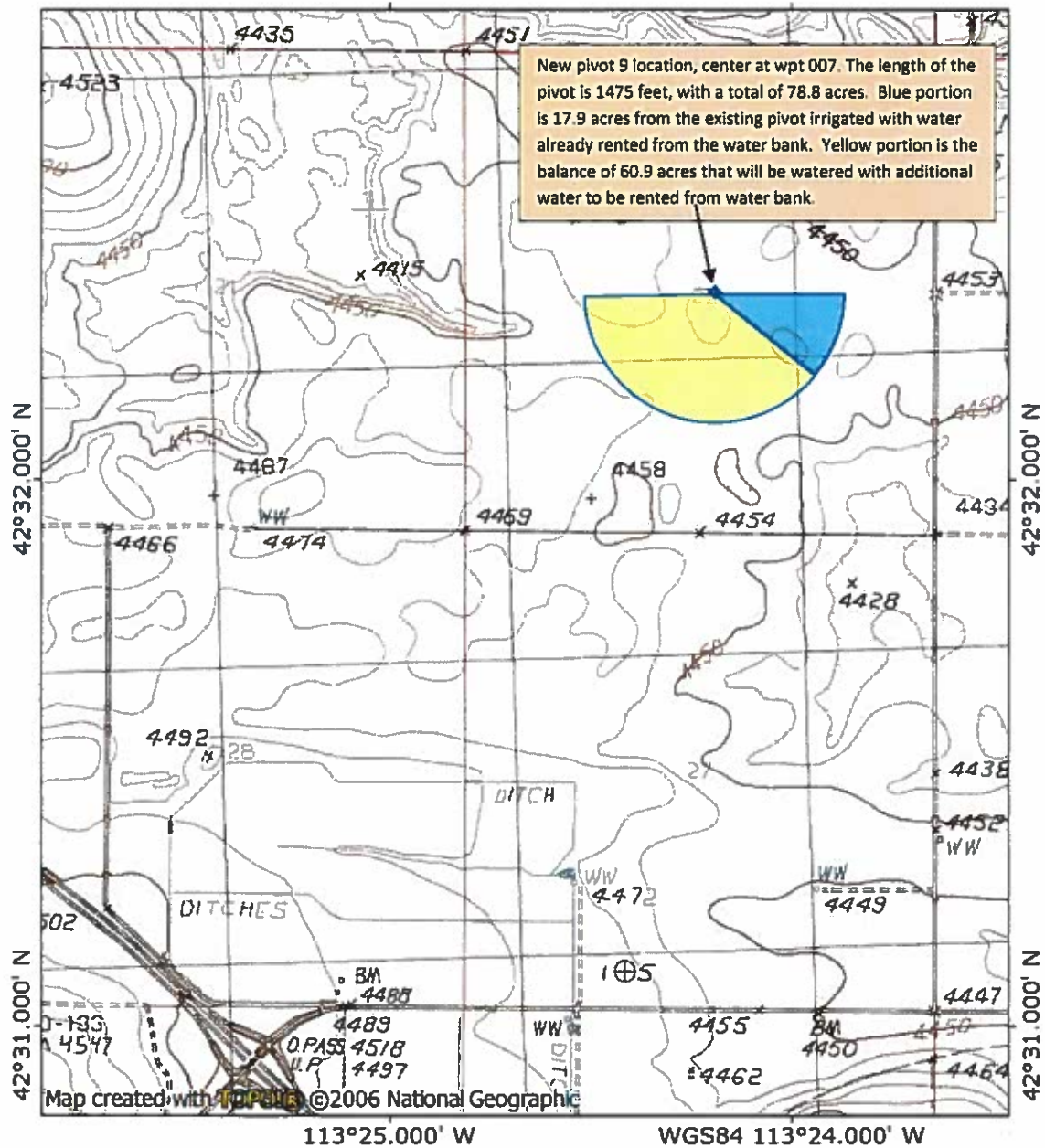


New Pivot 9 location

TOPO! map printed on 03/02/15 from "pivot 9 new gps point.tpo"

113°25.000' W

WGS84 113°24.000' W

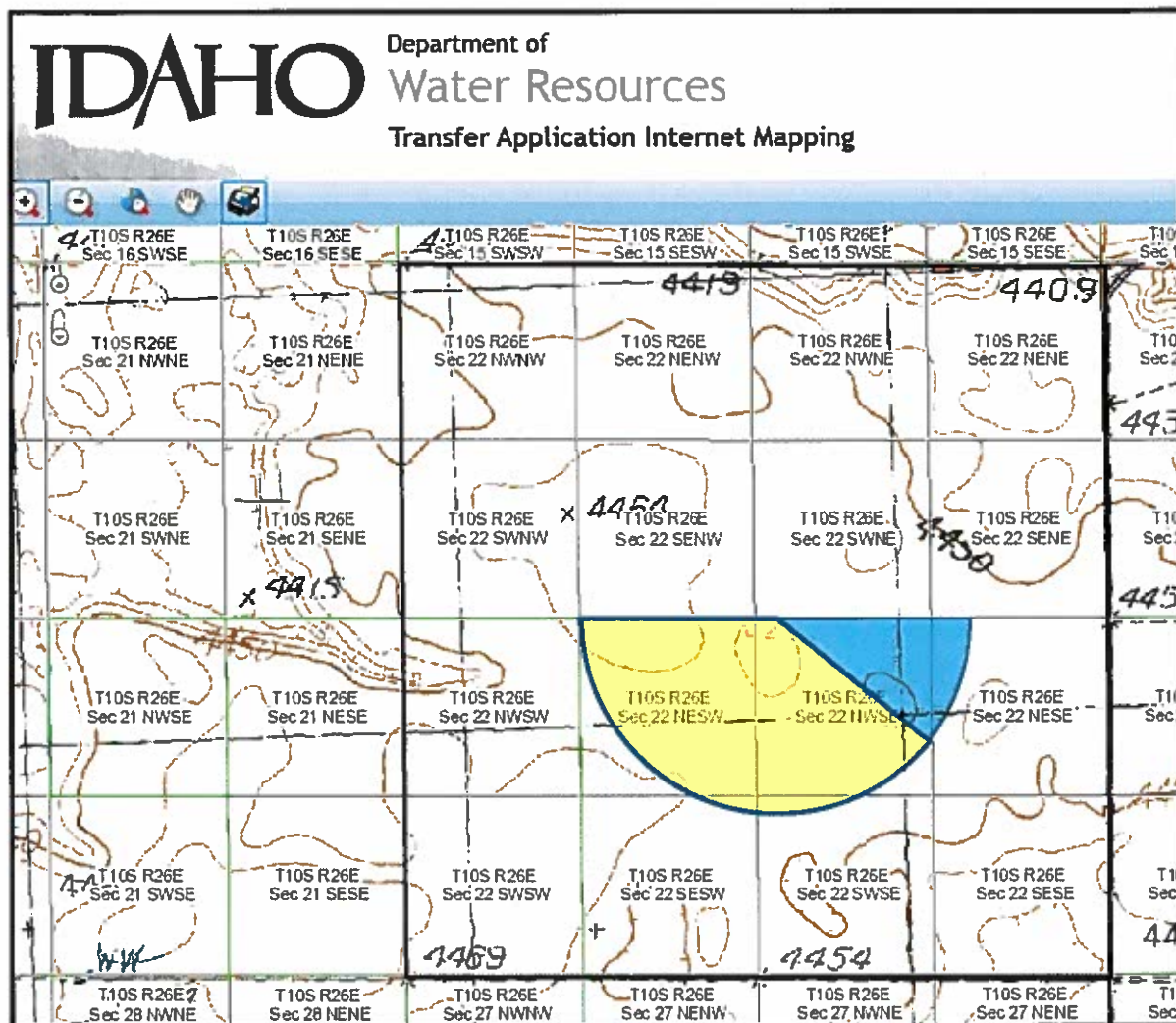


0.0 0.5 1.0 miles
0.0 0.5 1.0 1.5 km

TN* MN
13½
03/02/15

Not to exact scale, drawings are diagrammatical.

Map of water bank rental application



Not to exact scale

- Yellow portion, 60.9 acres is the area to be irrigated with the new proposed water bank rental.
- Blue portion 17.9 acres is to be irrigated with the water already rented from the water bank (water rights 43-13595 and 43-13597) this will be moved from the old point of use to this new point of use.



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 24, 2015

GARY SPACKMAN

Director

REED GIBBY
872 E PEBBLE DR
BURLEY ID 83318-5099

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-13595 AND 43-13597**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,882.60** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 513.8 acre-feet of water for irrigation of 128.5 acres during 2015. 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 \$2,594.34 of the rental fee will be paid to the lessor(s) and 10% or \$288.26 will be retained by the Department to offset administrative costs.

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

Sincerely,

Fox Remington Buyer
Water Supply Bank Coordinator
WSB Process Point of Contact

Enclosure(s): Receipt No. C100627
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southern Regional Office
Evard Gibby – EHG Consulting LLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83729 • 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 9, 2015

EVARD H. GIBBY
506 GEM DRIVE
KIMBERLY, ID 83341

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-13595 and 43-13597**

Sir,

The Idaho Department has completed its review of your request to rent water rights 43-13595 and 43-13597 from the Water Supply Bank. Enclosed with this letter is a rental agreement for water rights 43-13595 and 43-13597. The rental agreement authorizes irrigation of 128.5 acres. Execution of this rental agreement will supersede your current rental agreement of these water rights. Because you have already remitted a payment in conjunction with the rental agreement that is being superseded, a payment for the difference between the two rental agreements is the amount required to execute this new rental agreement. The outstanding balance owed for the new rental agreement is \$2,882.60. Please sign the enclosed rental agreement and return it to our office with the rental fee payment within fourteen days so that we may conclude processing of this rental request.

Additionally, per the Department's review of your request to rent water, it has come to our attention that lands adjacent to your rental location appear to be in agricultural production without water right coverage. Enclosed is a map (Gibby Water Usage 2015) that outlines 600 acres (green-yellow 'PPU' area) within which you are authorized to irrigate 486.1 acres per conditions of Water Right Transfer 78370. A copy of transfer 78370 is provided for your reference. The map also outlines the lands that will be covered by the enclosed Water Supply Bank rental agreement (blue 'WSB Rental' area). Two red polygons titled "Farmed land not covered by water rights" are 22 acres that appear to be in active production but which are outside the boundaries of Transfer 78370's permissible place of use. Accounting for the 87.3 acres within the PPU that are covered by the enclosed rental agreement, you are authorized to irrigate 486.1 acres within the remaining 512.7 acres of the PPU, leaving 26.6 acres not covered by water rights. Are these 26.6 acres being irrigated? Are the 22 acres outside the PPU and WSB rental areas being actively farmed and irrigated? Per condition three of Transfer 78370, the Department requires an updated map or land list if you are changing your farming practices from the PPU area that was authorized on the transfer. If you have adjusted your farming practices and are irrigating 486.1 acres differently than what was determined under Transfer 78370, please send a map that outlines which 486.1 acres on your property are being irrigated.

Finally, the enclosed rental agreement authorizes irrigation of 41.2 acres in Section 22. Much of this land is also covered by water right 43-7015, which was transferred to this land under Transfer 77426. I am enclosing a copy of the Transfer for your records. Per Transfer 77426, this Water Supply Bank rental shall be effective for two year and conclude at the end of 2016, in order to coincide with the expiration of your extension of time to complete Transfer 77426.

Please return to the Department a signed copy of the enclosed rental agreement, along with the remaining payment balance of \$2,882.60, and a summary of your farming practices and/or a map showing which 486.1 acres are being farmed. Kindly submit this information within the next fourteen days so that we can conclude processing of your rental agreement.

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

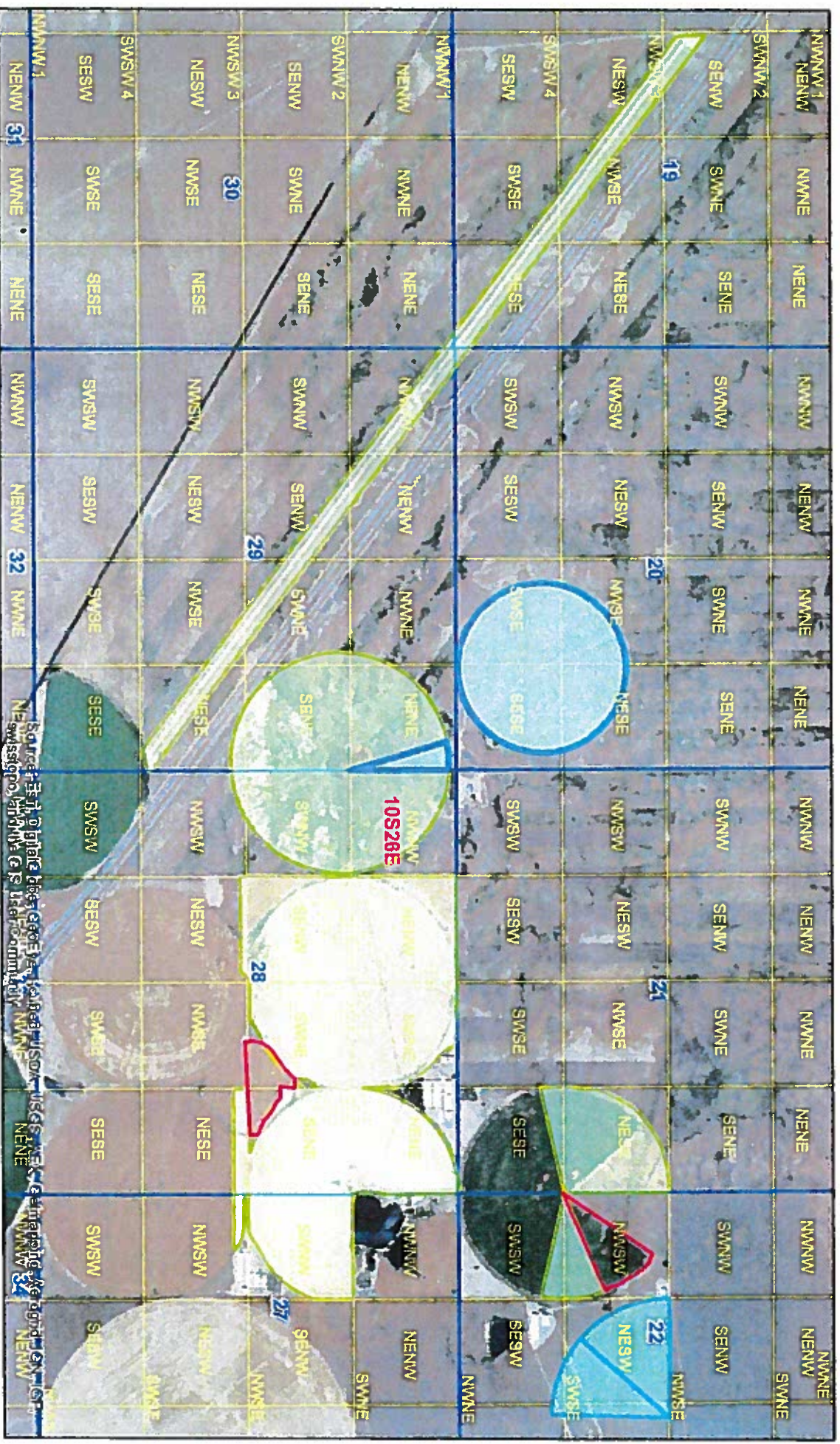
Regards,

A handwritten signature in black ink, appearing to be 'RA' with a long horizontal stroke extending to the right.

Remington Buyer
Water Supply Bank Coordinator

Enclosure(s): Rental Agreement, map, Transfer 77426, Transfer 78370

Gibby Water Usage 2015



Legend

Farmed Land not covered by water rights

WSB Rental

PPU

Buyer, Remington

From: Buyer, Remington
Sent: Monday, June 01, 2015 9:27 AM
To: 'Evard Gibby'; Reed
Subject: RE: water bank application

Reed, Evard,

Thank you for confirming that these acres will suffice for your needs. I will draft a rental that I hope can be finalized tomorrow and mailed out to you for signature. Please know that a rental agreement is not considered executed until it has been signed by both you and the Department and all associated rental fees have been paid.

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700

From: Evard Gibby [<mailto:ehgibby@gmail.com>]
Sent: Monday, June 01, 2015 9:21 AM
To: Buyer, Remington; Reed
Subject: Re: water bank application

Remington,

This looks good, so go ahead and draft the rental agreement for this year. It is my understanding from our phone conversation this morning that the rental agreement will be ready by tomorrow and we can start using the water.

Thanks for your help,

Evard H. Gibby, Registered Environmental Health Specialist
EHG Consulting
2058 Northern Sky Drive
Twin Falls, Idaho 83301
208 731 7333 cell

On Fri, May 29, 2015 at 3:46 PM, Buyer, Remington <Remington.Buyer@idwr.idaho.gov> wrote:

Hi Evard,

Thanks for sending the revised application information. I realize I miscalculated the volume of water that was left under water rights 43-13595 and 43-13597, there was in fact 24 acres, not 21.6 acres. As such, I've drafted a rental agreement for you and Reed that authorizes irrigation of center pivot in section 20, along with the wedge of the center pivot in section 29 and assigns the additional two acres to the new ground in section 22. In overlaying rental shapes on satellite imagery for your property, there was a slight change in the math with the result being that the center pivot in section 20 being 82 acres (it was 81.3 previously) and the 14.3 degree wedge was in section 28, not 29, so I drew it within section 29. 41.2 acres are now covered in section 22. To help put this in context, I'm attaching a map that shows the areas that

will be covered under the pending new rental agreement and I'm including the actual number of acres that would be covered under the new agreement.

Acres that would be covered under a new rental agreement from 2015-2019:

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	20													16	14	25	27	82
10S	26E	22									33			1.1		6	1.1		41.2
10S	26E	29	5.3																5.3

Total Acres: 128.5

Please review the acre amounts above and the attached map. If these amounts will work for you, the Bank will use these acres to supercede your previous rental agreement and draft a new one accordingly.

Regards,

Remington Buyer

Water Supply Bank Coordinator

Idaho Department of Water Resources

322 East Front Street, Boise, ID, 83720

T: (208) 287-4918 | F: (208) 287-6700

From: Evard Gibby [mailto:ehgibby@gmail.com]

Sent: Friday, May 29, 2015 12:29 PM

To: Buyer, Remington

Cc: Reed

Subject: water bank application

Remington,

Thanks for your help this morning. attached is the revised water bank application. Please let me know if you need anything else.

Thanks,

Evard H Gibby

Palmer, Cherie

From: Evard H. Gibby [ehgibby@gibbygroup.com]
Sent: Monday, May 11, 2015 2:08 PM
To: Palmer, Cherie
Subject: Latest possible start date

Cherie,

As per our phone conversation this afternoon, for the Application to Rent Water for Reed W. Gibby Page 2 item c please put the Latest Possible Start Date as October 10, 2015. We understand that we can start irrigating as soon as the application is approved, and that the season of use ends on November 15, each year. Thank you for your help on this application, please contact me if you need anything else.

Evard H. Gibby
Registered Environmental Health Specialist
EHG Consulting LLC
506 Gem Drive
Kimberly, Idaho 83341
208-731-7333 – cell
208-423-4795 – home



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 4, 2015

REED GIBBY
872 PEBBLE DR
BURLEY ID 83318-5099

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Idaho Water Resource Board's Water Supply Bank (Bank) to irrigate 60.9 acres. Filing a Bank rental application does not automatically result in approval. Before a rental application can be approved, the rental request must be reviewed, a rental agreement must be prepared, the agreement must be approved by the applicant and the Department, and the rental fee must be paid. To maximize the number of rental applications processed while managing competing priorities, the Department begins accepting rental applications on November 1 for use in the next calendar year, and it processes as many applications as it can before the start of the irrigation season in March or April. Once the irrigation season begins, Department staff members are reassigned to address field work and other duties.

Because your application was received near the beginning of the irrigation season, which is now well underway, it is unlikely the Department will be able to process your application in time for approval in 2015 unless you have proposed a start date late in the year. If your application was for 2015 only and the latest possible start date on your application has passed, the application will be returned to you. If your application requests a rental for more than one year, the rental application may be retained by the Department and evaluated for 2016.

In future years, we encourage you to file your rental applications as soon as possible after November 1 to improve the chances that they will be processed.

Additional information about the Bank may be found on the Department's website at http://idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

FOR — Clay Webster
Water Resource Agent
WSB Process Point of Contact

C: Evard Gibby— EHG Consulting LLC

Palmer, Cherie

From: Evard H. Gibby [ehgibby@gibbygroup.com]
Sent: Tuesday, March 31, 2015 3:36 PM
To: Palmer, Cherie
Cc: Ben Gibby; Reed; Monte
Subject: RE: Water Supply Bank Rental Application
Attachments: water bank rental app pivot 9.pdf; map water bank rental pivot 9.pdf

Cherie,

Thanks for your help on this application. We would appreciate a review and approval as soon as possible. On page 2 item 3-C we put the latest possible start date as May 1, 2015, but if you cannot issue the approval by then could you notify us and we may change the date to later.

I will send a hard copy in the mail to you. I will get the other items on your email completed as soon as I can.

Thanks again,

Evard H. Gibby
Registered Environmental Health Specialist
EHG Consulting LLC
506 Gem Drive
Kimberly, Idaho 83341
208-731-7333 – cell
208-423-4795 – home

From: Palmer, Cherie [mailto:Cherie.Palmer@idwr.idaho.gov]
Sent: Wednesday, March 04, 2015 10:46 AM
To: Evard H. Gibby
Cc: Reed
Subject: Water Supply Bank Rental Application

Evered,

Today we discussed your plan to amend your existing rental agreement for 104.5 acres under water rights 43-13595 and 43-13597. Based on our conversation you would like to move the 17.9 acres under the agreement, located in the NWNW of Sec 27 to a different location. The new location is going to be in Sec 22 (NESW, NWSE, and NESE) from what I understand from the map you submitted to me. The new ½ pivot is going to need 78.8 acres of coverage total.

Because the bank can't grant new acres under an existing rental agreement, a new application must be submitted. Let's proceed in this manner:

1. I will amend your existing rental agreement to exclude the 17.9 acres on that rental agreement. A new fee will be calculated. Once this amendment is drafted, I will send you a new rental agreement to sign. At that time I will send you a bill for the new fee.
2. IDWR already sent out invoices for rental agreements. Please do not submit any \$ in connection with that request, wait for the new billing. The billing has been sent to Reed, please coordinate with him.
3. I attached the link for the rental application. Please fill it out for the 78.8 acre pivot ASAP. Your request falls outside of the ESPA boundary so modeling is not required at this time (see questions 3F and 3G) .

4. Your new rental application will be placed in the processing queue, as long as it is completely filled out. There are currently 50 rental applications in the queue. Your rental application for the 78.8 acres may not be approved for many weeks. I also cannot confirm that your rental application will be approved but, I have done a cursory review and it appears that there are water rights nearby that can fulfill your proposed rental. Do not begin irrigating the new pivot until you have an executed rental agreement in hand.
5. Your farm includes water right 43-7015 that is part of a bigger group that allows for the irrigation of 481.6 acres. IDWR doesn't know where those acres will be irrigated this coming season. Please submit a map to the Southern regional office that outlines the 481.6 acre place of use for the water right group that includes 43-7015. The rental acres should be excluded on your map.

Rental Application

http://idwr.idaho.gov/files/water_supply_bank/Water_Supply_Bank_Rental_Application.pdf

I will hold off on amending your existing rental until I receive your new rental application. I intend to use the freed up 17.9 acres under water rights 43-13595 and 43-13597 to partially serve the new pivot so timing is going to need some attention on my part. Please let me know if you have any questions regarding this matter.

Cherie Palmer, Water Rights Supervisor

Idaho Dept of Water Resources

Water Allocation Bureau

322 E. Front Street (Front St. & Broadway Ave)

Mail: PO BOX 83720 Boise, ID 83720-0098

email: cherie.palmer@idwr.idaho.gov

phone: (208) 287-4944

fax: (208) 287-6700

Palmer, Cherie

From: Evard H. Gibby [ehgibby@gibbygroup.com]
Sent: Thursday, April 09, 2015 12:55 PM
To: Palmer, Cherie
Cc: Reed; Ben Gibby; Monte
Subject: Water bank rental

Cherie,

As per our phone conversation this morning, on Reed Gibby's water bank application for item C page 2 there is no latest possible start date. It is imperative that we get approved this years for the water bank rental. Also if there is any question about water availability, we have other water available that we could lease to the water bank and then rent back for this field. We will go ahead and start the lease application and have it ready in case we need to go that route.

You indicated that there were a number of applications in your office waiting review and that you were hoping to get them all reviewed by the end of April. Please let us know as soon as possible when our application is approved.

Thanks,

Evard H. Gibby
Registered Environmental Health Specialist
EHG Consulting LLC
506 Gem Drive
Kimberly, Idaho 83341
208-731-7333 – cell
208-423-4795 – home

EHG Consulting LLC
Evard H. Gibby
506 Gem Drive
Kimberly, Idaho 83341
Cell - (208) 731-7333
ehgibby@gmail.com

RECEIVED

APR 03 2015

DEPARTMENT OF
WATER RESOURCES

← Reuse Permit Management, Nutrient Management Planning, Permits, Sampling, Environmental Inspections →

April 1, 2015

Cherie Palmer, Water rights Supervisor
Idaho Department of Water resources
Water allocation Bureau
PO Box 83720
Boise, Idaho 83720-0098

Dear Cherie;

Enclosed is our completed application to rent water from the boards water supply bank. We would appreciate a review and approval as soon as possible. On page 2 item 3-C we put the latest possible start date as May 1, 2015, but if you cannot issue the approval by then could you notify us and we may change it to a later date.

As I said on the phone I don't have the software to calculate the acres for each $\frac{1}{4}$ $\frac{1}{4}$ section on Item I page 3, so I did some hand calculations that are more or less estimates. Feel free to re-calculate them if you need to.

Sincerely,



Evard H. Gibby REHS/RS
Consultant for Reed Gibby :

Copies: Reed Gibby