

DEPARTMENT OF
WATER RESOURCES

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

RECEIVED
APR 27 2015
DEPARTMENT OF
WATER RESOURCES

Detailed water right conditions are attached.

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 Ed DeGroot - owner 4-24-15
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, Acting Administrator Date April 27, 2015
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 SW¼NE¼ Sec. 24 Twp 04S Rge 5E ELMORE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

04/01 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	
04S	5E	24													25.8	11.0	1.9	2.7	41.4

Total Acres: 41.4

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.

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. This rental agreement does not authorize the construction of a well.
10. 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.
11. The following rights are diverted through point(s) of diversion described above: 61-12272 and 61-12273.

12. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

RECEIVED

DEC 24 2014

RECEIVED

DEC 23 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
WATER RESOURCE BOARD
DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) sunview dairyMailing Address 6600 S.W. Blanksma road Mountain Home ID.Phone 208-941-3908Email sunviewdairy@gmail.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) .89 Maximum Volume (ac-ft) Nature of Use irrigation Period of Use March 15 to Nov. 15

Total: .89

2. Source of water ground water tributary to

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
4S	5E	24			SW	NE	Elmore

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
4S	5E	24			116	19										35	31	2	3	106
4S	5E	24																	.	

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres 106 *

52 ACRES w/IN 106 AC

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion.

2. Do you own the land at the proposed place of use?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use.

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.

Deep well with 106 acre pivot

*2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.

61-12272 61-12273 cover 53.8 of total 106 acre pivot

I need to rent 52 acre to cover the rest of the pivot

3. Will the proposed place of use receive water from any other source?

Yes ☐ No ☒

If yes, describe.

4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed.

5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental?

Yes ☐ No ☒

If yes, describe.

6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒

If yes, describe.

E. RENTAL TERM

Do you wish to rent water from the Board's bank for more than one (1) year?

Yes ☐ No ☒

If yes, please specify the number of years desired through proposed rental.

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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. 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.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Signature of Applicant

Printed Name and Title*

Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

NENW

NWNE

NENE

NWNW 1

SENW

SWN

SENE

SWNW 2

24

04S05E

04S06E

19

NESW

NWSE

NESE

NWSW 3

P.U.

Pivot

P.D. well

SESW

SWSE

SESE

SWSW 4

NENW

NWNE



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

April 28, 2015

SUNVIEW DAIRY LLC
6600 SW BLANKSMA RD
MOUNTAIN HOME ID 83647-5879

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-2162, 61-7276, 61-12177 AND 61-12180**

Dear Renter:

Please find enclosed a receipt in the amount of **\$799.68** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 168.0 acre-feet of water for irrigation of 41 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 \$514.08 of the rental fee will be paid to the lessor(s) and 10% or \$285.60 will be retained by the Department to offset administrative costs. Because you are the owner of water right 61-7276, only the Department share was included in the fees.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

FDL - Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C100359
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angie Grimm – IDWR Western Regional Office



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

April 21, 2015

SUNVIEW DAIRY LLC
6600 SW BLANKSMA RD
MOUNTAIN HOME ID 83647

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-2162, 61-7276, 61-12177 & 61-12180**

*****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 \$2,856.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 168.0. Ten percent (\$285.60) will go to the Department for administrative costs, and the remainder will be paid to the lessor(s). Note that the applicant is the owner of water right 61-7276, and is therefore obligated to pay only the administrative fee associated with that water right. Therefore, the total payment due is **\$799.68** which includes the full administrative fee and the fee due to the lessor(s) of 61-2162, 61-12177 and 61-12180.

Please send a check for \$799.68 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days.**

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

for Dana S. Hedley
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s)

c: IDWR Front Desk

Webster, Clay

From: Grimm, Angie
Sent: Tuesday, April 21, 2015 10:27 AM
To: Webster, Clay
Cc: Van Dyke, Nick
Subject: RE: Region comments on WSB Rental Application for Sunview Dairy 61-2162, 61-7276, 61-12177 and 61-12180

Clay,

Good morning! I asked Nick to take a look at this one. He did not find any regional concerns to note. One thing he did mention was limiting the user to only 41 acres available for lease vs. the 52 acres requested. Nick indicated this may be accomplished by requiring the water user to not use end guns on pivots. However, we don't have a watermaster regulating ground water in the area to verify. Just something he mentioned, might be worthwhile either conditioning or addressing in an approval somehow so the water user knows his limitations.

I apologize for taking so long to get back to you. I've been pretty busy with the transition, but I'll make a better effort to ask for help with these comments from my staff in a more timely fashion in the future I promise. Thank you for your patience and the chance to comment.

Thanks,
Angie

From: Webster, Clay
Sent: Monday, April 06, 2015 4:04 PM
To: Grimm, Angie
Subject: Region comments on WSB Rental Application for Sunview Dairy 61-2162, 61-7276, 61-12177 and 61-12180

Angie,

We are processing this application for rental. Do you have any concerns? Thanks

Clay

MEMORANDUM

To: Water Right 61-2162, 61-7276, 61-12180 and 61-12177
From: Clay Webster
Date: 4/20/2015
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The department received an application from Sunview Dairy to rent .89 cfs to irrigate 52 acres of a 106 acre pivot. The applicant uses WRs 61-12272 and 61-12273 to irrigate the other 53.8 acres of the pivot located in TWP 04S RNG 05E Section 24. Both the rental POD and the leased PODs fall within the Mountain Home Ground Water Management area and the Trust Area.

I have depleted the water available that's in both the GWMA and Trust areas in basin 61 for this rental. They will only give the renter 41.4 acres of coverage for the season. Upon discussion with Mr. Degroot, he stated that he would remove the end guns to keep from going over.

AUTHORITY TO FILE: This application was signed by Ed Degroot the owner of Sunview Dairy according to the ISOS web site. The tax lot data still shows the property as being owned by Jay Brown. However, the department has received an ownership change for the above mentioned water rights appurtenant to this property from Sunview Dairy.

WATER RIGHT VALIDITY: Water right 61-2162 was decreed in 2000, it has been leased to the State Water Supply Bank since 2005 for an indefinite period. There are 5 ac, 22.5 af and .05 cfs available of this water right. This water right was transferred to the current POU and never used at this location. 61-12177 and 61-12180 were leased into the WSB in 2015. The combined leased total of these rights is 3.1 ac, 11.1 af and 0.07 cfs. This only authorizes 3.5 afa. The rental of these rights will only irrigate about 2.8 acres in this area. 61-7276 was leased into the WSB in 2015. This lease authorizes 33.6 ac, 134.4 af, and 0.50 cfs.

INJURY TO OTHER WATER RIGHTS: Sunview Dairy's property is within the Mountain Home GWMA and within the Trust area. All water rights to fulfill this rental are also within the restricted areas. As long as no enlargement has takes place in this rental, there should be no injury.

ENLARGEMENT OF USE: The current season-of-use at the rental location is 3/15 - 11/15. The current headgate requirement in the area is 4.0 af. For decreed right 61-2162 the season-of-use is 4/1 - 10/31 but the right authorizes 4.5 acre-ft per acre which is more than the current standard. The lease POU shows overlapping surface water rights from basin 2. However, this right was moved to its current location through a transfer, but was leased into the WSB instead of being used on the new POU land. 61-12177 and 61-12180 only authorize 3.5 afa. A limit must be placed on these rights to avoid enlargement. I have no enlargement concerns for WR 61-7276.

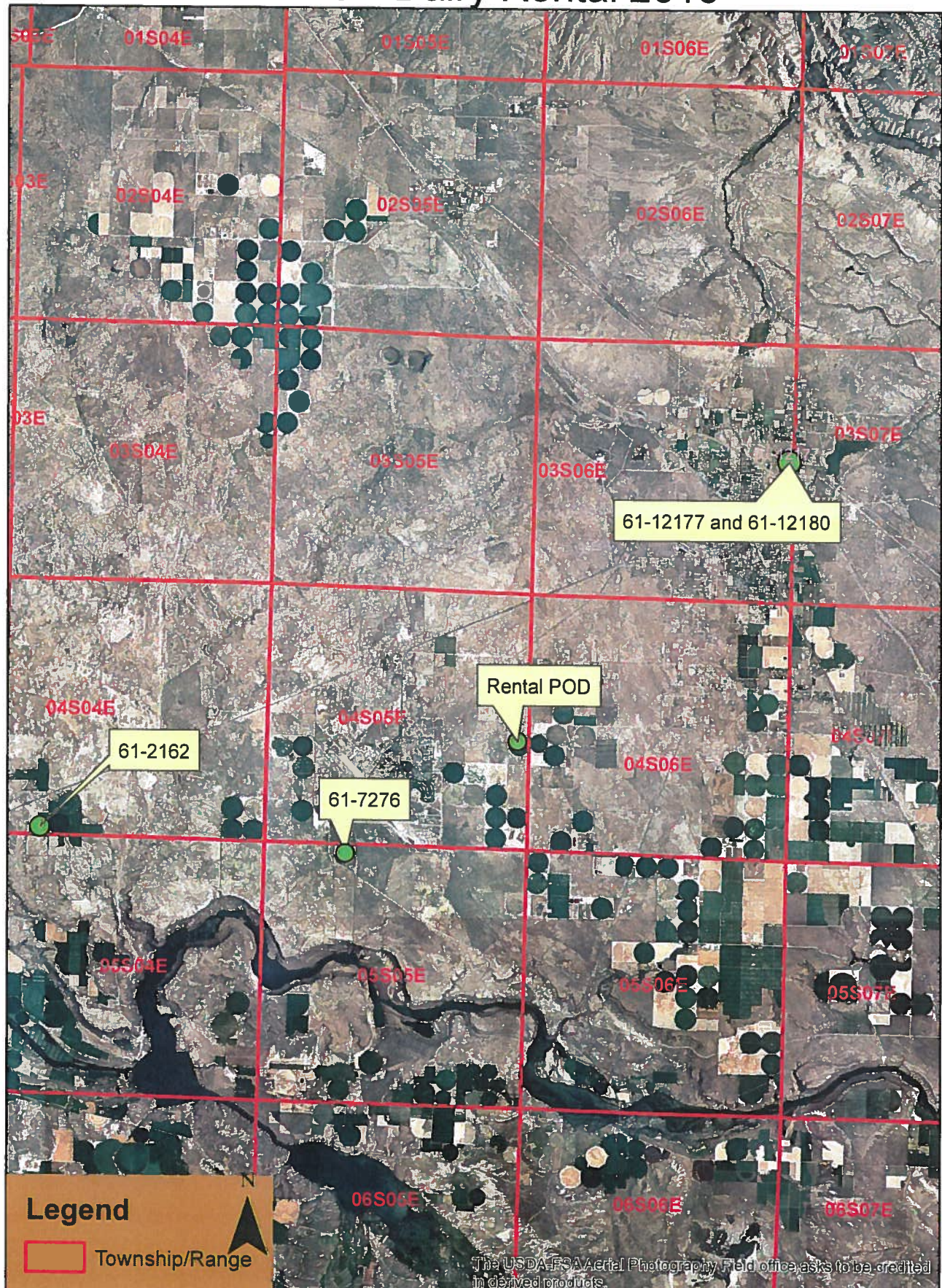
LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented rights are not subject to a Water District. I requested comments from Western Region Office via e-mail on 4/6/2015. I received no response as of this date.

No. W 34088	Due no later than Oct 31, 2014		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		CHRISTINE KINCAID 6524 ANGELA NAMPA ID 83686			
	SUNVIEW DAIRY, L.L.C. ED DEGROOT 6600 SW BLANKSMA RD MOUNTAIN HOME ID 83647		3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	ED DEGROOT	569 BIRCH BAY LYNDEN RD	LYNDEN	WA	USA	98264
MEMBER	ED DEGROOT	6600 SW BLANKSMA RD	MOUNTAIN HOME	ID	USA	83647- 5879
5. Organized Under the Laws of:		6. Annual Report must be signed.*				
ID W 34088		Signature: Ed Degroot			Date: 08/29/2014	
		Name (type or print): Ed Degroot			Title: Manager	
Processed 08/29/2014		* Electronically provided signatures are accepted as original signatures.				

Sunview Dairy Rental 2015



Webster, Clay

From: Webster, Clay
Sent: Monday, April 06, 2015 4:04 PM
To: Grimm, Angie
Subject: Region comments on WSB Rental Application for Sunview Dairy 61-2162, 61-7276, 61-12177 and 61-12180
Attachments: Rental Review Memo Sunview Dairy 61-2462 61-7276 61-12180 and 61-12177.docx; Sunview Dairy LLC Rental.pdf

Angie,

We are processing this application for rental. Do you have any concerns? Thanks

Clay