

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

MAR 30 2015

**DEPARTMENT OF
WATER RESOURCES**

This is to certify that: **MOSS FARMS INC**
3288 N 3350 W
MOORE ID 83255
208-406-4140

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
34-282C*	6/1/1897	Big Lost River	Sinks	0.34 cfs	59.85 af	17.1 ac	17.1 ac
34-452E*	6/1/1885	Big Lost River	Sinks	0.36 cfs	62.83 af	18.0 ac	18.0 ac
34-2438	9/13/1961	Ground Water	NA	0.72 cfs	125.65 af	35.9 ac	35.9 ac
34-10795	4/1/1977	Ground Water	NA	0.11 cfs	19.95af	5.7 ac	5.7 ac
Total Annual Combined Limit				0.72 cfs	145.6 af	41.6 ac	41.6 ac

Annual Combined Rental Totals

1.04 cfs 145.6af 41.6 ac 41.6 ac

Term of Rental: January 8, 2015 to December 31, 2018
Rental Fee: \$2,475.20 annually for 2015 - 2017
Rental Fee: \$2,912.00 for 2018

The fee for rental of the above-described water is \$2475.20 per year for years 2015-2017 and \$2,912.00 for 2018. Ten percent will go to the Department for administrative costs, and the remainder 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.

~~*Water rights 34-282C and 34-452E are leased into the Bank in combination with 34-2438 and 34-10795. For the purposes of this Rental Agreement, water rights 34-282C and 34-452E do not add a benefit and are not necessary for the rental. Conversely, the Department and the lessee gain nothing by having right 34-282C and 34-452E rented. Water rights 34-282C and 34-452E cannot be rented on their own as they are only used to supplement ground water at the place of use.~~

*Dm. as Per Rocky Mountain Environmental
+ Per IDWR Instructions - Surface water may be
available at times*

Vcp 3/30/15

SUPPORT DATA

IN FILE # 34-282C

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:

Dennis Moss - Moss Farms Inc Dennis Moss President 3-24-15
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 condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By Brian Patton Date March 30, 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

BIG LOST RIVER	NW¼SE¼	Sec. 14	Twp 06N	Rge 25E	CUSTER County
GROUND WATER	NE¼SE¼SW¼	Sec. 31	Twp 06N	Rge 26E	BUTTE County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

05/01 TO 10/15 FOR WATER RIGHTS DIVERTED FROM BIG LOST RIVER
04/01 TO 10/31 FOR WATER RIGHTS DIVERTED FROM GROUND WATER

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	
06N	26E	31			23.6	9.5										4.2			37.3
06N	26E	32							1.6			2.7							4.3

Total Acres: 41.6

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.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. 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. 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, these water rights are within State Water District No. 34.
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 3.5 afa per acre at the field headgate for irrigation of the lands above.
15. The following rights are diverted through point(s) of diversion for ground water described above: 34-2379F.
AS well as surface water when available Dm



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 08 2005

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) Moss Farms Inc.Mailing Address 3286 North 3350 West, Moore Idaho 83255Phone 208 406 1600 208 554 4140Email mx222moss@aol.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 0.7 cfs Maximum Volume (ac-ft) Irrigation Nature of Use 04/01 to 11/01 Period of Use

to to to

Total: to

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
06N	26E	31		NE	SE	SW	Butte

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	
6N	26E	31			23.6	9.5										4.2			37.3
		32							1.6			2.7							4.3

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

Total Acres 41.6

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.
Well to half center pivot and wheel line. Surface is delivered through Antelope and 3 in 1 Canals.
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
Water rights 34-182, 34-381A, 34-2379F deliver water to existing system from existing well and surface water diversion
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. 4

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.

Dennis Moss Moss Farms Inc
Signature of Applicant

Dennis Moss CEO Moss Farms Inc
Printed Name and Title*

12-8-14
Date

Signature of Applicant

Printed Name and Title*

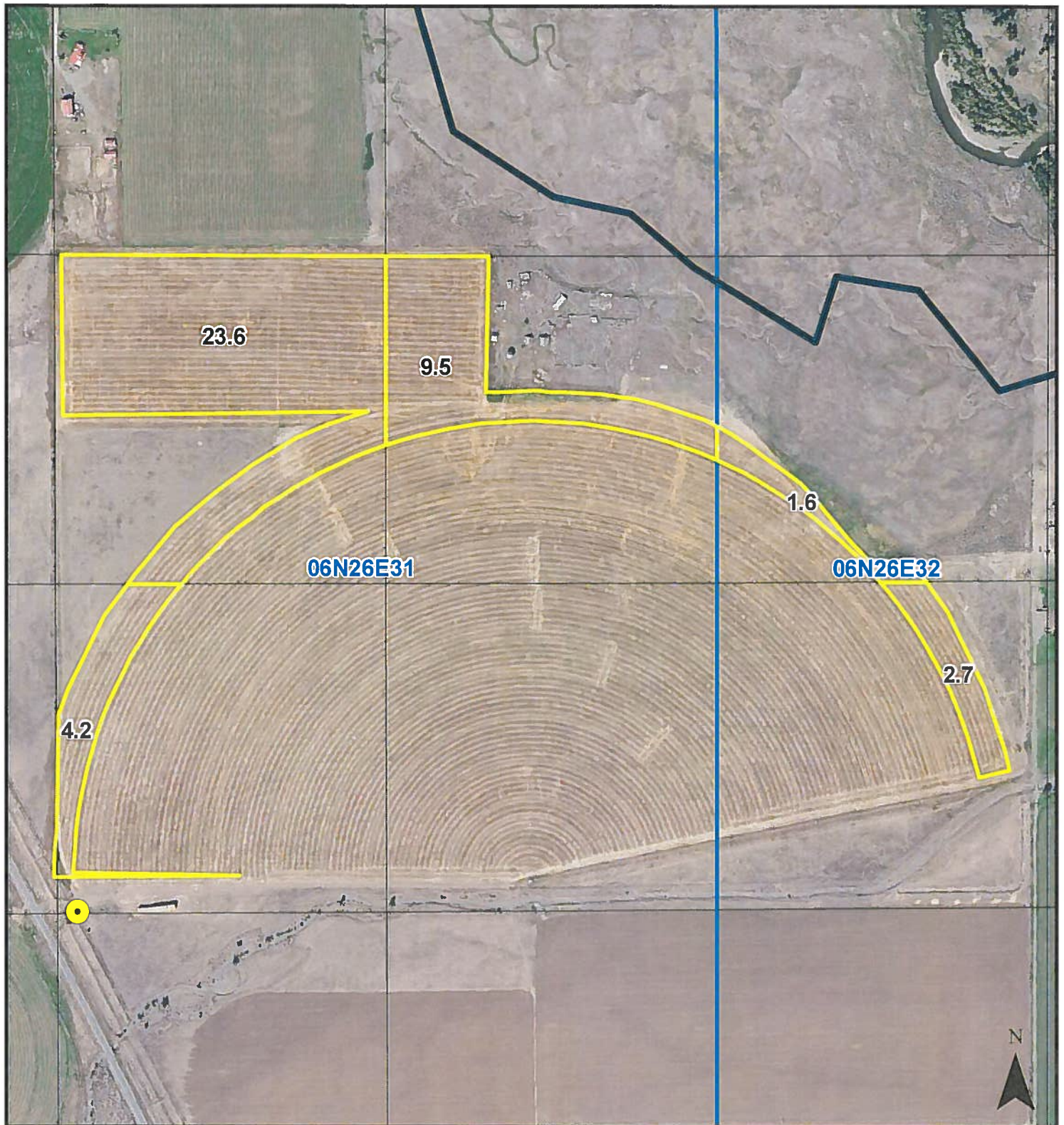
Date

*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

Application to Rent Water from WSB

Moss Farms Inc



- Existing Well
- Proposed Irrigated Acres
- Township and Range
- Section
- QQ

0 650 1,300 2,600 Feet

2013 NAIP Photography



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WATER RESOURCE BOARDAPPLICATION TO RENT WATER
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05/01 to 10/15
 to
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Total: _____

2. Source of water Big Lost River tributary to Sinks

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
06N	25E	14		SE	NW	SE	CUSTER

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
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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. Already a user of this diversion, owned by Big Lost River Irrigation District

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.

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Signature of Applicant

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Printed Name and Title*

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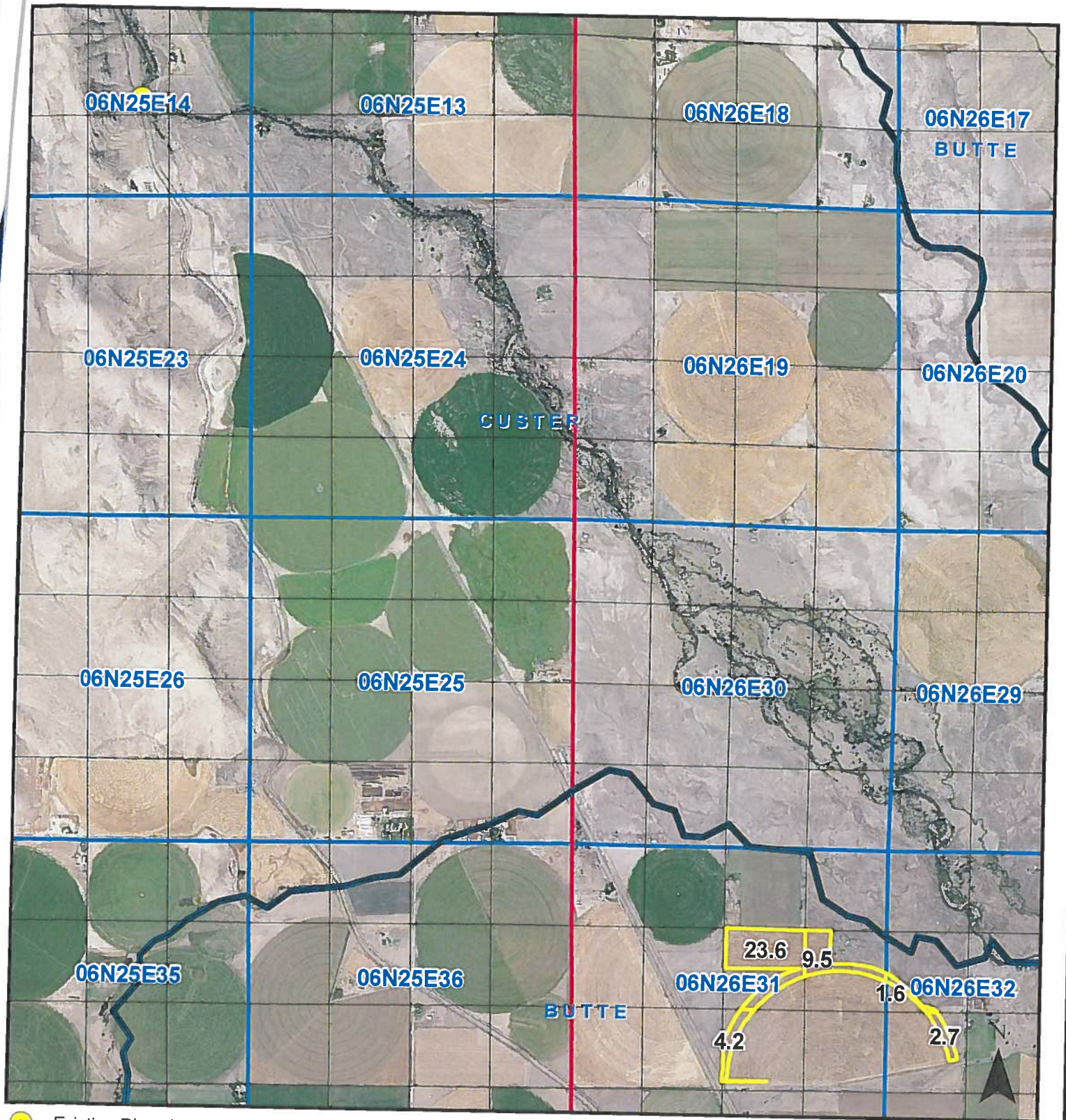
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