

RECEIVED

MAR 13 2015

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **PEP LLC**
1356 S 3000 W
ABERDEEN ID 83210
208-709-1645

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
29-2395	2/28/1958	Ground Water	NA	1.26 cfs	520.0 af	NA	130.0 ac
29-14013	8/19/1952	Ground Water	NA	2.25 cfs	651.2 af	NA	162.8 ac
35-8001A	10/26/1981	Ground Water	NA	0.10 cfs	20.0af	NA	5.0 ac
43-13595	5/4/1978	Ground Water	NA	0.86 cfs	208.7 af	NA	52.2 ac
43-13597	5/23/1962	Ground Water	NA	0.15 cfs	100.1 af	NA	25.0 ac
Total Annual Combined Limit				0.86 cfs	308.8 af	NA	77.2 ac

Annual Combined Rental Totals	4.47 cfs	1500.0 af	NA	375.0 ac
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Term of Rental: January 12, 2015 to December 31, 2015

Rental Fee:	\$25,500.00
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The fee for rental of the above-described water is \$25,500.00 per year. Ten percent (\$2,550.00) will go to the Department for administrative costs, and the remainder will be paid to the lessor(s). 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 # 29-2395

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:

PEPLUCH, [Signature] CHRIS PRATT Member 3-9-15
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.

[Signature]
By _____

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date March 20, 2015

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SW ¼ NE ¼ Sec. 33 Twp 04S 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	
04S	30E	32	31.0	31.0	31.0	32.0													125.0
04S	30E	33	31.0	31.0	31.0	32.0	31.0	31.0	31.0	32.0									250.0

Total Acres: 375.0

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. This rental agreement does not authorize the construction of a well.
11. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.

12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
14. The water use of 43-13595 and 43-13597 under this rental agreement shall not exceed a maximum diversion rate of 0.86 cfs at the field headgate.
15. The following rights are diverted through point(s) of diversion described above: 35-13272.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 23 2015

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) PEP, LLCMailing Address 1356 S., 3000 W. Aberdeen, ID 83210Phone (208) 709-1645Email pepfarms@gmail.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs)	Maximum Volume (ac-ft)	Nature of Use	Period of Use
<u>4.47</u>	<u>1500.0</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
Total: <u>4.47</u>	<u>1500.0</u>		

2. Source of water Ground Water tributary to ESPA Model Cell (77,104)

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
04S	30E	33		NW	SW	NE	Bingham

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	
04S	30E	32	31	31	31	32													125
		33	31	31	31	32	31	31	31	32									250

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

Total Acres 375

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.
Existing deep well, electric pump and booster.
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
none
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. N/A
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. 5 years if available

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]
Signature of Applicant

CHRIS PRATT
Printed Name and Title*

2-20-15
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

STATE OF IDAHO
WATER RESOURCE BOARDRECEIVED
NOV 02 2014
DEPT OF WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

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A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. <u>Maximum Flow Rate (cfs)</u>	<u>Maximum Volume (ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>7.5</u>	<u>1500.0</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
Total: <u>7.5</u>	<u>1500.0</u>		

2. Source of water Ground Water tributary to ESPA Model Cell (77,104)

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
04S	30E	33		NW	SW	NE	Bingham

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	
04S	30E	32	31	31	31	32													125
		33	31	31	31	32	31	31	31	32									250

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

Total Acres 375

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.

Existing deep well, electric pump and booster.

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
none

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. N/A

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. USMS Mitigation plan (2012-1 PER) date 7th February 2013 along with an application for permit

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. 5 years if available

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.

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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 PEP LLC Chris Pratt Printed Name and Title* CHRIS PRATT Member

Date 11-1-2014

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

Palmer, Cherie

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Sunday, November 02, 2014 5:36 PM
To: Chris Pratt; Palmer, Cherie
Subject: PEP, LLC 2015 Water supply bank rental modeling
Attachments: PEP_LLC_Rentalrequest-2015.xls; PEP_LLC_Table-2015.pdf; PEP-LLC_Map-2015.pdf

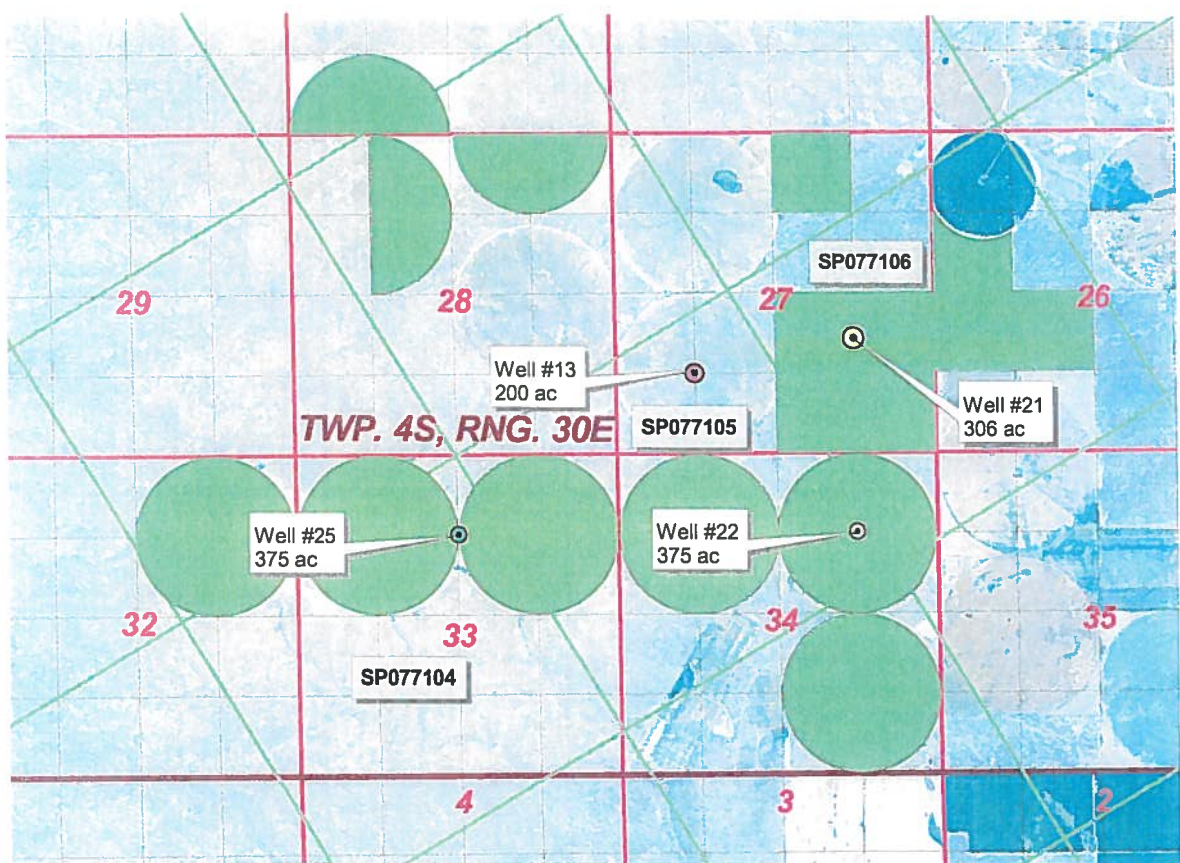
Hi Chris, Cherie,

Please find attached an adjusted map and table included within the attached spreadsheet with the results of modeling showing the proposed PEP, LLC rentals I was able to model for next year. I had to split rentals 3 and 4 to meet impacts under 10% with as much of the ward water rights as possible (only 10 acres left that I couldn't use of the total 447.5 in the bank). This should also allow the other rentals of some of these rights as they occurred in 2014 to avoid any unnecessary friction. I spoke with Steve Smart with the City of Chubbuck and they are planning to place their rights into the water supply bank again for 2015. Let me know if I need to make any adjustments or if you have any questions.

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC
(208) 308-2109



JCH - 10/30/2014

0.25 0 0.25 0.5 0.75 Miles

2013 NAIP Aerial Photo

PEP, LLC Proposed Rental Irrigation Area

ESPA Model Grid
Township & Range
Sections
40's

PEP, LLC Proposed 2015 Water Supply Bank Rental



Rental Location	Water Right	Owner	Priority	Extg. POD	Extg. ESPA Model Cell	Proposed Rental Diversion Rate [cfs]	Proposed Rental Diversion Volume [afa]	Proposed Rental Place of Use [ac]	Model Tab
Well #25	29-2395	Hart	2/28/1958	6S,34E-1	SP097124	1.26	520.0	130.0	29-2395_etal
Well #25	29-14013	City of Chubbuck	8/19/1952	6S,34E-3	SP096122	2.25	651.2	162.8	29-14013_etal
Well #25	35-8001A	Mc Kinley	10/26/1981	2N,36E-13	SP068155	0.10	20.0	5.0	29-14013_etal
Well #25	43-13595	Ward Land & Livestock	5/4/1978	10S,26E-2	SP091069	0.86	208.7	52.2	29-2395_etal
Well #25	43-13597	Ward Land & Livestock	5/23/1962	10S,26E-2	SP091069	0.15	100.1	25.0	29-2395_etal
Well #25	43-13595, 43-13597 Combined limits					0.86	308.8	77.2	29-2395_etal
Rental #1 Total						4.47	1500.0	375.0	
Well #22	29-13827	Juniper Hills	1/29/1960	7S,35E-17	SP102121	0.30	52.5	15.0	29-14099_etal
Well #22	29-14054	City of Chubbuck	12/31/1974	6S,34E-3	SP096122	0.96	322.0	80.5	29-14012_etal
Well #22	29-14055	City of Chubbuck	6/20/1961	6S,34E-3	SP096122	0.09	17.3	4.3	29-14012_etal
Well #22	29-14056	City of Chubbuck	10/26/1966	6S,34E-3	SP096122	0.06	12.3	3.1	29-14012_etal
Well #22	29-14054, 29-14055, 29-14056 Combined limits					0.96	351.6	87.9	29-14012_etal
Well #22	29-14012	City of Chubbuck	8/19/1952	6S,34E-3	SP096122	1.83	488.8	122.2	29-14012_etal
Well #22	29-14016	City of Chubbuck	1/17/1966	6S,34E-3	SP096122	1.76	449.2	127.4	29-14012_etal
Well #22	45-2746	J R Simplot Co	5/9/1966	10S,23E-19	SP084050	0.21	84.0	22.5	29-14012_etal
Rental #2 Total						5.06	1426.1	375.0	
Well #21	29-14106	City of Chubbuck	8/18/1953	6S,34E-3	SP096122	0.93	186.4	46.6	29-14106_etal
Well #21	29-14107	City of Chubbuck	12/3/1980	6S,34E-3	SP096122	0.61	121.6	30.4	29-14106_etal
Well #21	29-14106, 29-14107 Combined limits					0.93	286.0	71.5	29-14106_etal
Well #21	29-14099	City of Chubbuck	5/2/1966	6S,34E-3	SP096122	1.53	280.0	80.0	29-14106_etal
Well #21	43-13595	Ward Land & Livestock	5/4/1978	10S,26E-2	SP091069	0.89	216.2	54.1	29-14106_etal
Well #21	43-13597	Ward Land & Livestock	5/23/1962	10S,26E-2	SP091069	0.16	103.8	25.9	29-14106_etal
Well #21	43-13595, 43-13597 Combined limits					0.89	320.0	80.0	29-14106_etal
Rental #3 Total						3.35	886.0	231.5	
Well #13	29-14099	City of Chubbuck	5/2/1966	6S,34E-3	SP096122	0.99	182.0	52.0	29-14099_etal
Well #13	43-13595	Ward Land & Livestock	5/4/1978	10S,26E-2	SP091069	0.49	118.4	29.6	29-14099_etal
Well #13	43-13597	Ward Land & Livestock	5/23/1962	10S,26E-2	SP091069	0.09	56.8	14.2	29-14099_etal
Well #13	43-13595, 43-13597 Combined limits					0.49	175.2	43.8	29-14099_etal
Rental #4 Total						1.48	357.2	95.8	

GRAND TOTAL

14.37 4169.3 1077.3

Modeled Results From EPA Transfer Spreadsheet

Enter First Time Step of Transfer SPR 20

[illegible]

	-0.01	-0.06	-0.19	-0.07	-0.12	-0.04	-0.03	0.00	-0.02	0.00
Steady State Change:	-0.01	-0.06	-0.19	-0.07	-0.12	-0.04	-0.03	0.00	-0.02	0.00
Transient State Change:	-0.01	-0.06	1.99	-0.07	-0.12	-0.04	-0.03	0.00	-0.02	0.00

Modeled Results From EPA Transfer Spreadsheet

Enter First Time Step of Transfer SPR 20

[illegible]

	0.00	0.00	0.00	0.00	0.00	0.00
Steady State Change:	0.00	0.00	0.00	0.00	0.00	0.00
Transient State Change:	0.00	0.00	0.00	0.00	0.00	0.00

Modeled Results From EPA Transfer Spreadsheet

Enter First Time Step of Transfer SPR 20:

[illegible]

	-0.01	-0.01	-0.05	-0.17	-0.07	-0.11	-0.04	0.00	-0.02	0.00
Steady State Change:										
	-0.01	-0.01	-0.05	-0.17	-0.07	-0.11	-0.04	0.00	-0.02	0.00
Transient State Change:										
	-0.01	-0.01	-0.05	-0.17	-0.07	-0.11	-0.04	0.00	-0.02	0.00

Modeled Results From EPA Transfer Spreadsheet

Enter First Time Step of Transfer SPR 2011

[illegible]

	-0.01	-0.01	-0.05	-0.17	-0.06	-0.11	-0.04	0.00	-0.02	0.00
Steady State Change:	-0.01	-0.01	-0.05	-0.17	-0.06	-0.11	-0.04	0.00	-0.02	0.00
Transient State Change:	-0.01	-0.01	-0.05	12.89	-0.06	-0.11	-0.04	0.00	-0.02	0.00

Enter First Time Step of Transfer: **SPR 2012**

Match: 178 Match: 456

	AR	HIS	SINB	NEIN	NIM	DWIB	BIT5	TS	TSM	M	MB	Total
Preexisting Effects @ SS (Last Time Step):	2.07	2.47	21.89	68.62	26.47	7.82	2.99	1.89	0.21	1.78	0.07	136.26
Steady State - Value of Dep. @ Last Time Step:	2.07	2.46	21.86	68.52	26.43	7.76	2.96	1.88	0.21	1.77	0.07	135.98
Preexisting Effects @ Transient State (Max Value Time Step):	2.07	2.47	21.89	68.62	26.47	7.82	2.99	1.89	0.21	1.78	0.07	136.26
Transient State - Max. Value of Dep. After Transfer:	2.07	2.46	21.86	73.65	26.43	7.76	2.96	1.88	0.21	1.77	0.07	141.11
Steady State Change:	-0.01	0.00	-0.03	-0.10	-0.04	-0.06	-0.02	-0.01	0.00	-0.01	0.00	
Transient State Change:	-0.01	0.00	-0.03	5.03	-0.04	-0.06	-0.02	-0.01	0.00	-0.01	0.00	