

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT**

This is to certify that: **CLEFT OF THE ROCK FARMS**  
**51 N 3350 E**  
**AMERICAN FALLS ID 83211**  
**(208) 349-5542**

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 |
|-----------------|---------------|--------------|-----------|-------------|----------------------|------------|--------------------|
| <b>43-2409B</b> | 4/23/1954     | Ground Water |           | 3.20 cfs    | 640.0 af             | NA         | 160.0 ac           |

**Annual Combined Rental Totals** **3.20 cfs    640.0 af    NA    160.0 ac**

**Rental Fee:**            **Years    2015-2017    \$10,880.00 annually**  
                              **Years    2018-2019    \$12,800.00 annually**

The fee for rental of the above-described water is \$10,880.00 for years 2014-2017 and \$12,800.00 in 2018. Ten percent (\$1,088.00/\$1,280.00) 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 March 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.

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:

*C. Left of the Rock Farm  
by Ken Woodworth*  
\_\_\_\_\_  
Signature of Renter

*Ken Woodworth P/R*  
\_\_\_\_\_  
Printed Name and Title\*

*2-27-15*  
\_\_\_\_\_  
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.

*Brian Patton*  
\_\_\_\_\_  
By  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Date *March 2, 2015*  
\_\_\_\_\_

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

**WATER USE DETAILS**

**LOCATION OF RENTER'S POINT(S) OF DIVERSION**

|              |           |         |         |         |               |
|--------------|-----------|---------|---------|---------|---------------|
| GROUND WATER | SW¼SW¼SW¼ | Sec. 29 | Twp 10S | Rge 28E | CASSIA County |
| GROUND WATER | SE¼SE¼SW¼ | Sec. 29 | Twp 10S | Rge 28E | 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 | 28E | 32  |    |    |    |    |    |    |    |    | 32.5 | 30 |    | 32.5 |    | 32.5 | 32.5 |    | 160.0  |

Total Acres:    160.0

**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. 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.
12. The following rights are diverted through point(s) of diversion described above: 43-13513, 43-13515, 43-4112, 43-2325, 43-13595, and 43-13597.

STATE OF IDAHO  
WATER RESOURCE BOARDAPPLICATION TO RENT WATER  
FROM THE WATER SUPPLY BANKRECEIVED  
AUG 11 2014  
DEPARTMENT OF  
WATER RESOURCES

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) Cleft of the Rock FarmsMailing Address 51 N 3350 E American Falls, ID 83211Phone 208-349-5542Email ctrfarms@hotmail.com

## A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 3.2 Maximum Volume (ac-ft) 640 Nature of Use Irrigation Period of Use 3/15 to 11/15

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ to \_\_\_\_\_

Total: 3.2 640

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 |
|-----|-----|-----|----------|-----|-----|-----|--------|
| 10S | 28E | 29  |          | SW  | SW  | SW  | Cassia |
| 10S | 28E | 29  |          | SE  | SE  | SW  | Cassia |
|     |     |     |          |     |     |     |        |
|     |     |     |          |     |     |     |        |

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 |        |
| 10S | 28E | 32  |    |    |    |    |    |    |    |    | 32.5 | 30 |    | 32.5 |    | 32.5 | 32.5 |    | 160    |
|     |     |     |    |    |    |    |    |    |    |    |      |    |    |      |    |      |      |    |        |
|     |     |     |    |    |    |    |    |    |    |    |      |    |    |      |    |      |      |    |        |
|     |     |     |    |    |    |    |    |    |    |    |      |    |    |      |    |      |      |    |        |
|     |     |     |    |    |    |    |    |    |    |    |      |    |    |      |    |      |      |    |        |

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

Total Acres 160

## 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.

See Attached Documents

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.  
43-13513, 43-13515, 43-4112, 43-2325, 43-13595, 43-13597

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 w/ renewal

**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

Ken Woodworth Ptr  
Printed Name and Title\*

3/31/2014  
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

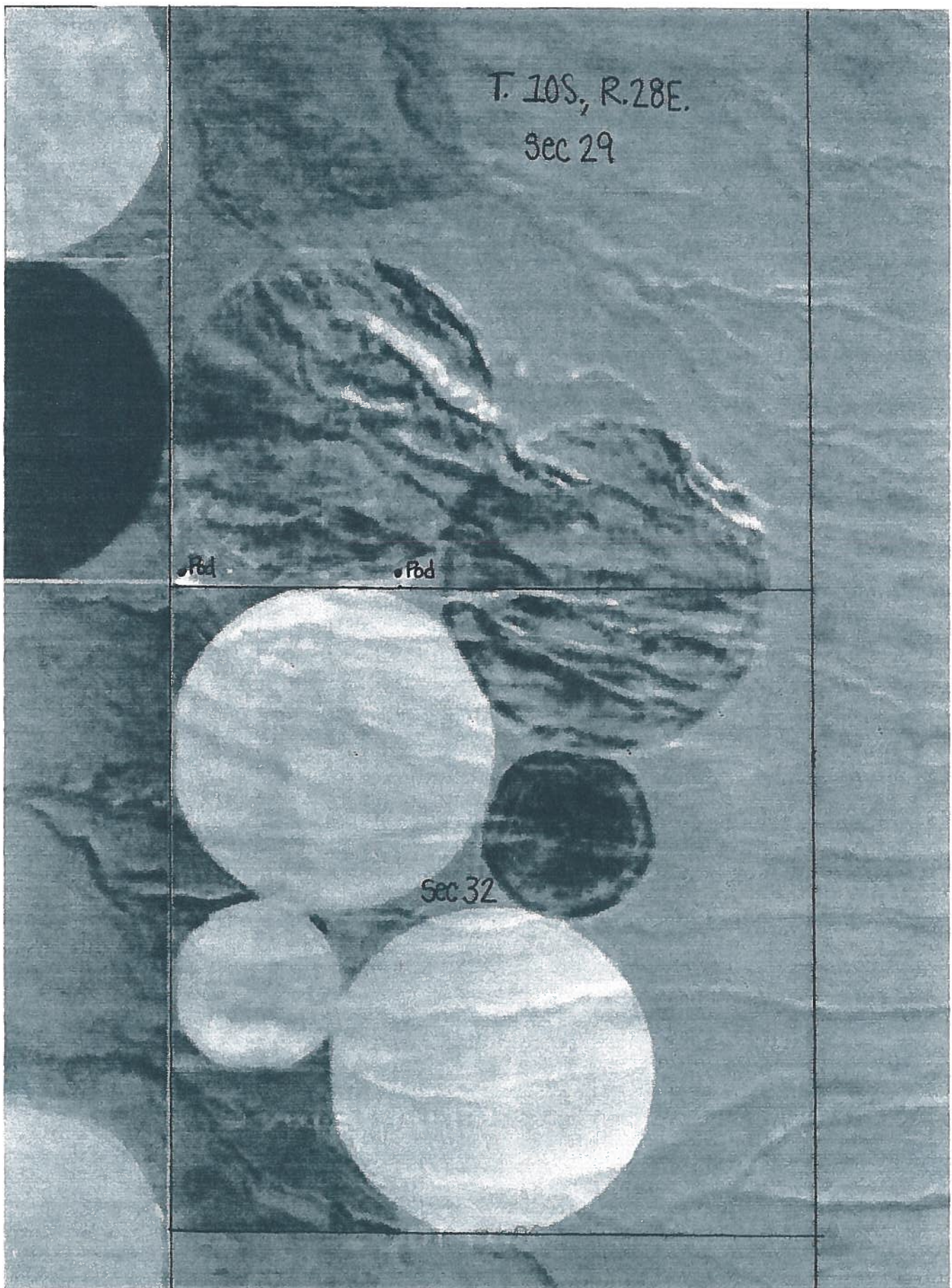
Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

## Description of the Diversion System

The system consists of ground water pumped from existing wells located in the corners of the property diverted through mainline to circular pivots. The wells are currently in place and supply water to an adjacent pivots using water right numbers 43-13513, 43-13515, 43-4112, 43-2325, 4313595, and 43-13597 that are currently owned or leased by Kenneth Woodworth (Cleft of the Rock Farms). The additional water rights that will be used for this proposed rental are owned by Bureau of Land Management. The water right number is 43-2409b and is currently leased to the water bank on an infinite basis.

We currently hold a lease on this water right until November 15, 2014. At that time this application would renew this lease for an additional 5 years. We propose to continue with renewals until such time that BLM would remove the water from the water bank, or other water rights we are pursuing can be purchased.

Attached is a copy of water right 43-2409b.



Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

4/1/2014

WATER RIGHT NO. 43-2409B

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                                                                |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current Owner     | UNITED STATES OF AMERICA ACTING THROUGH<br>USDI BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>1387 S VINNELL WAY<br>BOISE, ID 83709-1657<br><u>(208) 373-4000</u> |

Priority Date: 04/23/1954

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 3.2 CFS               | 640 AFA       |
| Total Diversion       |             |           | 3.2 CFS               |               |

Location of Point(s) of Diversion:

GROUND WATER NESENEW Sec. 34 Township 13S Range 27E CASSIA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 13S             | 27E          | 34             |            | SWNW         | 40           |            | SENEW        | 40           |            |              |              |            |              |              |
|                 |              |                |            | NESW         | 40           |            | NWSW         | 40           |            |              |              |            |              |              |

Total Acres: 160

Conditions of Approval:

1. BLM NUMBER: 4302488175  
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION
2. C18 OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 06/28/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s): UNITED STATES OF AMERICA ACTING THROUGH

Lease Status: Active

Lease Amount: All

Rental Availability: All

Date Received: 9/15/1989

Lease Begin Date: 9/15/1989

Expiration Date: Indefinite

Close

FILED EFFECTIVE

# CANCELLATION OR AMENDMENT OF CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly. Instructions are included on the back of the application.)

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-507 and 53-508, Idaho Code, the undersigned gives notice of the action(s) indicated below:

1. The assumed business name is: Cleft of the Rock Farms
2. The assumed business name was filed with the Secretary of State's Office on Mar 9 1998 as file number D12917
3. ☐ Cancellation. The persons who filed the certificate no longer claim an interest in the above assumed business name and cancel the certificate in its entirety.
4. ☐ The assumed business name is amended to: \_\_\_\_\_
5. ☒ The true names and business addresses of the entity or individuals doing business under the assumed business name are amended as follow:

| Add:                                | Delete:                             | Name:                   | Address:                                         |
|-------------------------------------|-------------------------------------|-------------------------|--------------------------------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>Delmar Woodworth</u> | <u>735 Calder Avenue American Falls ID 83211</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <u>Cinda Woodworth</u>  | <u>51 N 3350 E American Falls ID 83211</u>       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                   | _____                                            |

6. ☐ The type of business is amended to read:
 

|                                          |                                        |                                                              |
|------------------------------------------|----------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Retail Trade    | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Transportation and Public Utilities |
| <input type="checkbox"/> Wholesale Trade | <input type="checkbox"/> Agriculture   | <input type="checkbox"/> Finance, Insurance, and Real Estate |
| <input type="checkbox"/> Services        | <input type="checkbox"/> Construction  | <input type="checkbox"/> Mining                              |

7. ☒ The name and address to which future correspondence should be addressed is changed to read:

Cleft of the Rock Farms 51 N 3350 E American Falls Idaho 83211

8. Name and address for this acknowledgment copy is:

Cleft of the Rock Farms

51 N 3350 E

American Falls Idaho 83211

Signature: Kenneth Woodworth

Printed Name: Kenneth Woodworth

Capacity: General Partner

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Capacity: \_\_\_\_\_

Secretary of State use only

IDAHO SECRETARY OF STATE  
03/07/2011 05:00  
CK: 622689 CT: 172099 BH: 1263047  
1 @ 10.00 = 10.00 ASSUM ANEN # 2

D 12917



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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

March 3, 2015

CLEFT OF THE ROCK FARMS  
51 N 3350 E  
AMERICAN FALLS ID 83211

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 43-2409B**

Dear Renter:

Please find enclosed a receipt in the amount of **\$10,880.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 640 acre-feet of water for irrigation of 160 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 \$9,792.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,088.00 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4846.

Sincerely,

Ashley Newbry  
Associate Engineer  
WSB Process Point of Contact

Enclosure(s): Receipt No. C099992  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
IDWR Southern Regional Office  
Greg Sullivan – Brockway Engineering PLLC



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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

February 25, 2015

CLEFT OF THE ROCK FARMS  
51 N 3350 E  
AMERICAN FALLS ID 83211

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 43-2409B**

**\*\*\*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 \$10,880.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 640 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to March 15 in all subsequent years 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. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

**Please send a check for \$10,880.00** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$9,792.00 of the rental fee will be paid to the lessor(s) and 10% or \$1,088.00 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4846.

Sincerely,

Ashley Newbry  
Engineer Associate  
WSB Process Point of Contact  
Enclosure(s)

c: IDWR Front Desk  
Greg Sullivan-Brockway Engineering PLLC

## MEMORANDUM

**To:** Water Right 43-2409B  
**From:** Ashley Newbry, Engineer Associate  
**Date:** February 10, 2015  
**Re:** Review & Analysis of Application to Rent Water from the State Water Supply Bank

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**PURPOSE/NARRATIVE:** From 2012-2014, Cleft of the Rock Farms (renter) successfully rented and utilized Right 43-2409B held in the name of the US Department of the Interior - Bureau of Land Management. The 5 year rental agreement expired at the end of 2014. Their repeat application for a 5-year rental was received August 11, 2014 for the irrigation of 160 acres. Currently, the lessor US Department of the Interior - Bureau of Land Management, (United States of America acting through) holds an indefinite lease on 43-2409B. The proposed rental (43-2409B) is a groundwater irrigation right.

Though they are near American Falls, both the lease and rental are outside of the ESPA boundary (modeling not required). Both the lease and the rental share the same season of use: 3/15 to 11/15. They share the same headgate requirement (4 af per ac) and consumptive use (3 af per ac). The lease and the rental are within the following Management Areas: Basin 43, Raft River Ground Water District, Raft River Critical Ground Water Management Area, Eastern Snake River Plain Moratorium Area, and Trust Area.

**AUTHORITY TO FILE:** The rental application was signed by Kenneth Woodworth, partner at Cleft of the Rock Farms. The rental application included proof of his holdings within Cleft of the Rock Farms, via the Idaho Secretary of State website.

**WATER RIGHT VALIDITY:** 43-2409B is an irrigation water right for 160 acres. Aerial photography and WSB documents reveal that it was used at the Cleft of the Rock Farms POU during past irrigation seasons and past rental agreements. Forfeiture should not be an issue.

**INJURY TO OTHER WATER RIGHTS:** From 2012-2014, Cleft of the Rock Farms (renter) rented and utilized Right 43-2409B held in the name of the US Bureau of Land Management with no injury reported. No injury is apparent.

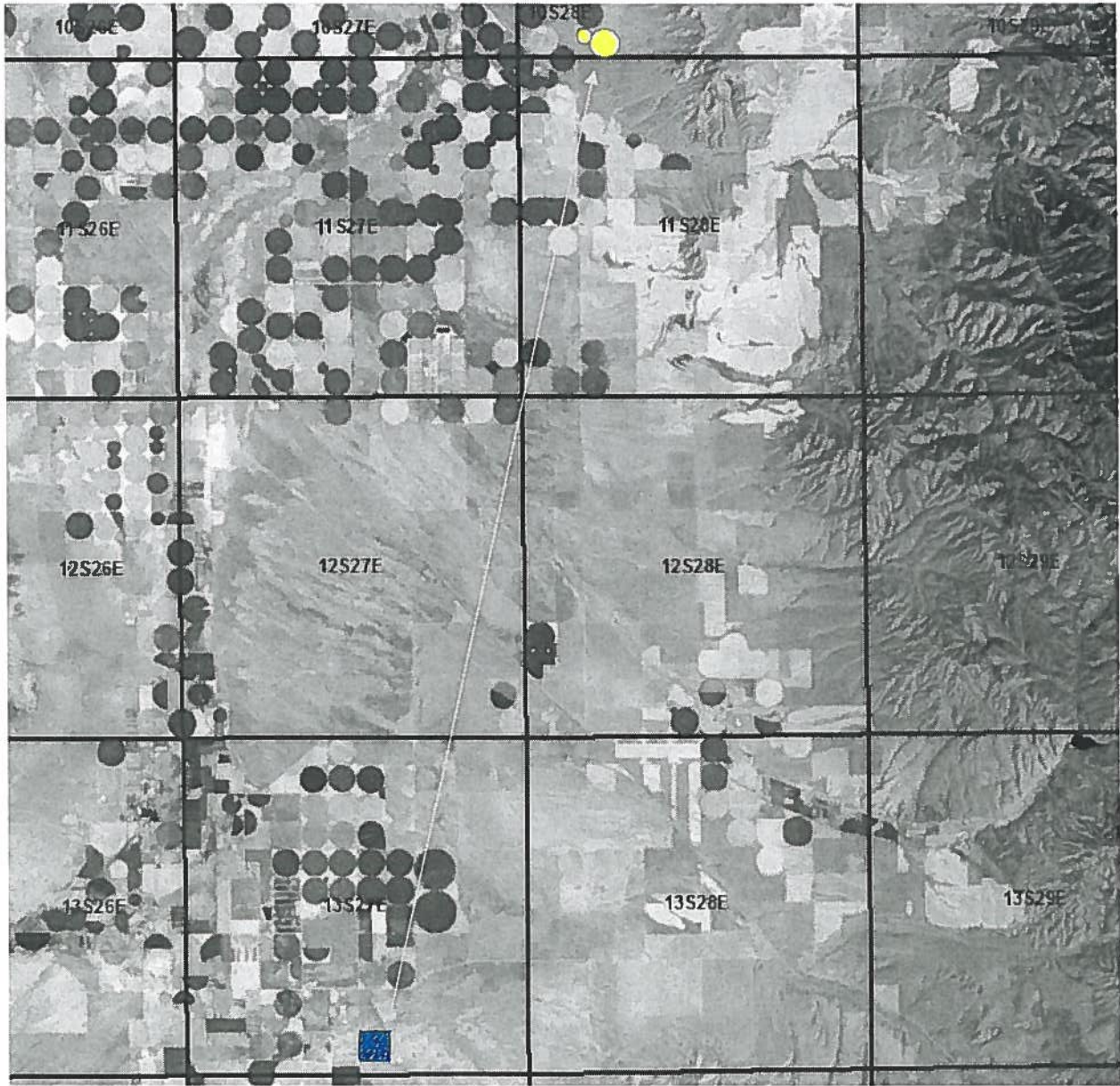
**ENLARGEMENT OF USE:** Because the rental of 43-2409B does not include a change in the nature of use, the amount of water available to the renter should not need to be reduced. Both the lease and the rental share the same season of use: 3/15 to 11/15. They share the same headgate requirement (4 af per ac) and consumptive use (3 af per ac). These use requirements will remain in effect. The entirety of 43-2409B will be rented and used by the renter.

**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 right 43-2409B is not to a water district (Raft River GWD). Comments will be requested from Eastern Region.

Allen Merritt: I do not have any issues with the rental. Please note that RRGWD does not have a watermaster.





**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED  
AUG 11 2014  
DEPARTMENT OF  
WATER RESOURCES

August 8, 2014

Cherie Palmer  
Idaho Water Supply Bank  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Re: Kleft in the Rock Farms

Dear Mrs. Palmer:

Cleft of the Rock Farms has rented water right 43-2409B for the 2012, 2013, and 2014 irrigation seasons. Kleft of the Rock Farms desires to rent 160.0 acres from 43-2409B for the 2015, 2016, 2017, 2018 and 2019 irrigation seasons. If 43-2409B is not available, Cleft of the Rock Farms would not disapprove of an equivalent water right being rented.

The rental POU and POD will not change from the 2012-2014 rental contract.

Permanent water is being pursued by Cleft of the Rock Farms but has not yet been secured.

Please copy our office on all correspondence regarding this application. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Cleft of the Rock Farms

Enc: Rental Application, Certificate of Assumed Business Name, Aerial Map

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 8, 2014

CLEFT OF THE ROCK FARMS  
51 N 3350 E A  
AMERICAN FALLS ID 83211

**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 Water Supply Bank (Bank).

The Department will accept applications proposed for the next calendar season on November 1 of the prior year. Your application is proposing water use during the 2015 season; therefore, the Department will begin processing your application after November 1, 2014.

Applications received after November 1, 2014, will be processed in the order received at the Department. The likelihood of successfully acquiring a rental through the Bank is greatly improved by applying early during the processing period before the proposed season of use begins.

Note that filing a rental application does not authorize diversion and use of water. It is unlawful to use water without a valid water right or an approved Water Supply Bank rental agreement. **You are not authorized to divert any water for the purposes described in your application until you have paid the rental fee and you and the Department have both signed and executed a rental agreement.**

You can check the status of your rental application by reviewing the Department's processing spreadsheet, accessible from the Water Supply Bank's website at:  
[http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws\\_default.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm)

Sincerely,

*Christine Field*

*for* Cherie Palmer, Water Rights Supervisor  
WSB Process Point of Contact

C: Greg Sullivan - Brockway Engineering