

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 169

RECEIVED

JUL 31 2017

DEPARTMENT OF  
WATER RESOURCES

This is to certify that:

JOHN SPRATLING  
550 TERRACE DR  
BURLEY, ID 83318

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 No.        | Priority Date | Source       | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (AC) | Rate Per Acre (CFS/AC) | Volume Per Acre (AF/AC) |
|------------------------|---------------|--------------|----------------------|-----------------------|------------|------------------------|-------------------------|
| 43-2574C               | 7/19/1963     | GROUND WATER | 0.38                 | 142.4                 | 35.6       | 0.011                  | 4.0                     |
| 43-2576C               | 3/24/1964     | GROUND WATER | 0.25                 | 142.4                 | 35.6       | 0.007                  | 4.0                     |
| Combined Limit Totals  |               |              | 0.63                 | 142.4                 | 35.6       | 0.018                  | 4.0                     |
| 43-4013A               | 6/15/1963     | GROUND WATER | 0.03                 | 6.4                   | 1.6        | 0.02                   | 4.0                     |
| 43-4014C               | 7/1/1952      | GROUND WATER | 0.05                 | 31.2                  | 7.8        | 0.006                  | 4.0                     |
| 43-4014E               | 6/1/1954      | GROUND WATER | 0.08                 | 31.2                  | 7.8        | 0.008                  | 4.0                     |
| Combined Limit Totals  |               |              | 0.11                 | 31.2                  | 7.8        | 0.014                  | 4.0                     |
| Combined Limit Totals  |               |              | 0.77                 | 180.0                 | 45.0       | 0.017                  | 4.0                     |
| Combined Rental Totals |               |              | 0.77                 | 180.0                 | 45.0       | 0.017                  | 4.0                     |

**Term of Rental:** This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2017

**Annual Rental Fee:**

2017: \$3,060.00

The full fee for the rental of the above-described right(s) is \$3,060.00 for 2017. The rental fee includes an administrative fee of \$306.00 for 2017.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 43-2574C

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:

Lucas Spratling                      July 24 2017  
Signature of Renter                      Date

Lucas Spratling                      Partner  
Printed Name                      Title

\*Title required 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 8/1/2017  
BRIAN PATTON, Acting Administrator  
Idaho Water Resource Board

Rental approved by IDWR [Signature]                      Date 8-1-2017

# WATER SUPPLY BANK RENTAL AGREEMENT No. 169

## WATER USE DETAILS

### LOCATION OF POINT(S) OF DIVERSION

|              |      |                            |               |
|--------------|------|----------------------------|---------------|
| GROUND WATER | SWSE | Sec. 30, Twp 10S, Rge 28E, | CASSIA County |
| GROUND WATER | NENE | Sec. 7, Twp 11s, Rge 28E,  | CASSIA County |
| GROUND WATER | SWNE | Sec. 7, Twp 11s, Rge 28E,  | CASSIA County |
| GROUND WATER | NWSE | Sec. 7, Twp 11s, Rge 28E,  | CASSIA County |
| GROUND WATER | NWSE | Sec. 17, Twp 11s, Rge 28E, | CASSIA County |

| Beneficial Use | Diversion Rate | Volume    |
|----------------|----------------|-----------|
| IRRIGATION     | 0.70 CFS       | 82.00 AF  |
| IRRIGATION     | 0.77 CFS       | 179.80 AF |
| IRRIGATION     | 0.77 CFS       | 353.60 AF |
| IRRIGATION     | 1.09 CFS       | 435.60 AF |

### BENEFICIAL USE & SEASON OF USE

| Water Right No. | From | To    | Diversion Rate |
|-----------------|------|-------|----------------|
| 43-2574C        | 3/15 | 12/31 | 0.700 CFS      |
| 43-2576C        | 3/15 | 12/31 | 0.700 CFS      |
| 43-4013A        | 3/15 | 12/31 | 0.700 CFS      |
| 43-4014C        | 3/15 | 12/31 | 0.700 CFS      |
| 43-4014E        | 3/15 | 12/31 | 0.700 CFS      |

### RENTERS PLACE OF USE: IRRIGATION

| Twp | Rng | Sec | NE        |           |    |    | NW |    |    |     | SW   |     |    |    | SE |    |     |      | Totals |
|-----|-----|-----|-----------|-----------|----|----|----|----|----|-----|------|-----|----|----|----|----|-----|------|--------|
|     |     |     | NE        | NW        | SW | SE | NE | NW | SW | SE  | NE   | NW  | SW | SE | NE | NW | SW  | SE   |        |
| 10S | 28E | 31  |           |           |    |    |    |    |    | 3.0 | 11.3 |     |    |    |    |    | 9.2 | 11.0 | 34.5   |
| 11S | 28E | 6   | 3.4<br>L1 | 2.8<br>L2 |    |    |    |    |    |     |      |     |    |    |    |    |     |      | 6.2    |
| 11S | 28E | 17  |           |           |    |    |    |    |    |     |      | 4.3 |    |    |    |    |     |      | 4.3    |

Total Acres: 45.0

### RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

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 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.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. 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.

STATE OF IDAHO  
WATER RESOURCE BOARD

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MAR 08 2017

DEPARTMENT OF  
WATER RESOURCESAPPLICATION TO RENT WATER  
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: John Spratling

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. 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.

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

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

For additional instructions on completing a rental application, visit the Bank's website at [http://idwr.idaho.gov/water\\_supply\\_bank](http://idwr.idaho.gov/water_supply_bank).

## MINIMUM REQUIREMENT CHECKLIST

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

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the 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
- 3F ☐ ☒ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☒ ☐ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying 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)

43-2574C ✓ 43-4013A 43-4014E ✓  
43-2576C ✓ 43-4014C ✓ + any others in Basin 43 available

D/C

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant John B Spratling

Mailing Address 550 Terrace Dr Burley ID 83318

Street

City

State

Zip Code

Email Address \_\_\_\_\_

Phone Number \_\_\_\_\_

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 Lucas Spratling

Professional Title \_\_\_\_\_

Organization \_\_\_\_\_

Relationship to Applicant Son

Mailing Address \_\_\_\_\_

Email Address lucaspratling@gmail.com

Phone Number 208-431-8755

**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 rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it Attachment 2.

**3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER**

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them Attachment 3A:

I would like to supercede an existing rental agreement (43-2574C, 43-2576C, 43-4013A, 43-4014C, 43-4014E) by changing a portion of the place of use and adding a point of diversion. I am proposing to move the small 1/2 pivot currently in Section 7 to the "middle" pivot in Section 31. The remaining rental place of use should stay in place.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 1.0 CFS                             | 240 AF                        | 0.77 CFS                             | 180 AF                         | 45 min/60 max AC                 |

\* Sometimes water rights 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. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

| Desired<br>Start Date<br>(month/day/year) | Latest Possible<br>Start Date<br>(month/day/year) | *Mark Desired<br>Rental Duration<br>(Calendar Years) |                            |                            |                            |                            | **Applicant's preference if rental<br>application cannot be processed<br>prior to the latest possible start? |                                                             |
|-------------------------------------------|---------------------------------------------------|------------------------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 03/15/2017                                | 4/15/2017                                         | <input checked="" type="checkbox"/> 1                | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> Process application<br>as soon as possible                               | <input type="checkbox"/> Return application<br>to applicant |

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

\*\* Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO  
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Pivot sprinkler tied into a system provided water by four existing wells (these wells are unchanged from existing rental). Addition: The pivot in Sec 31 gets water from the 4 wells to the north (Sec 19 and 30).

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

| POD Description             | Water Source | Other Water Rights Diverted from this POD    |
|-----------------------------|--------------|----------------------------------------------|
| All PODs on existing rental | Ground       | 43-2512 et.al and WSB Rentals                |
| 10S28E19 (SWSE/NENE)        | Ground       | 43-13317, 43-13714 thru 13719 and WSB Rental |
| 10S28E30 (SWSE/NENW)        | Ground       | 43-13317, 43-13714 thru 13719 and WSB Rental |
|                             |              |                                              |

*If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.*

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒  
If yes, include documented consent as Attachment 3F.

- G. Do any POD(s) identified in Question 3E 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.*

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒  
If yes, label modeling Attachment 3 H.  
*Rental applications that require modeling will be returned if modeling is not provided.*

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 45-60 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)
- ☐ Stockwater from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)
- ☐ Industrial from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)
- ☐ Other: \_\_\_\_\_ from: \_\_\_\_\_ (mm/dd) to: \_\_\_\_\_ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒  
If yes, justify the rate of flow and attach any supporting documents as Attachment 3J. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

The rented water rights rate/acre is sufficient (0.017 cfs/ac)

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

Rights at Section 31=43-13317, 43-13715, 43-13716, 43-13718, and 43-13719 and two WSB rentals. Rights at other locations = 43-2512 et.al

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS**

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

**Important Information:** Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this 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 featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

| Water Right Elements Leased to Water Supply Bank                                                                                                                                  |                    |                      |             |            | Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent | Water Supply Bank Rental Request |             |            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------|-------------|------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------|------------|
| Water Right Number<br>(leave blank if sub-total of combined limits)                                                                                                               | Nature of Use      | Diversion Rate (CFS) | Volume (AF) | Acres (AC) |                                                                                                                                | Diversion Rate (CFS)             | Volume (AF) | Acres (AC) |
| 43-2574C                                                                                                                                                                          |                    | 0.38                 | 142.4       | 35.6       |                                                                                                                                |                                  |             |            |
| 43-2576C                                                                                                                                                                          |                    | 0.25                 | 142.4       | 35.6       |                                                                                                                                |                                  |             |            |
| 43-4013A                                                                                                                                                                          |                    | 0.03                 | 6.4         | 1.3        |                                                                                                                                |                                  |             |            |
| 43-4014C                                                                                                                                                                          |                    | 0.05                 | 31.2        | 7.8        |                                                                                                                                |                                  |             |            |
| 43-4014E                                                                                                                                                                          |                    | 0.06                 | 31.2        | 7.8        |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   | Total              | 0.77                 | 180         | 45         |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   | Plus any available |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |                    |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |                    |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |                    |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                   |                    |                      |             |            |                                                                                                                                |                                  |             |            |
| Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights 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**:

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C. Does your rental request propose to change the nature of use for any water right(s) being rented?

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 if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

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STATE OF IDAHO  
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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:

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- 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:

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- 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.

E 2017-1122

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- D. Additional Information

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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. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

John Spratling  
Signature of Applicant

John Spratling  
Printed Name of Applicant

March 7 2017  
Date

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Printed Name of Representative

\_\_\_\_\_  
Date

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

T70600

## Ida-Gold FARMS

246 EAST 300 South  
Burley, ID 83318

PHONE: (208) 678-4820  
FAX: (208) 678-4925

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MAR 16 2017

DEPARTMENT OF  
WATER RESOURCES

To Whom It May Concern:

Ida Gold Farms gives Spratling Farms permission to use water from our wells located in Township 10 Range 28 Sections 19 and 30 of Cassia County.

Sincerely,



Todd Gerratt

## Transfer Authorization and Acknowledgment Statement

RECEIVED

MAY 03 2013

DEPT OF WATER RESOURCES  
SOUTHERN REGION

We, ADT Farms LLC and RELAR Farms LLC, hereby acknowledge that we are the joint owners of the lands located in Sections 18, 19, and 30, Township 10 South, Range 28 East described on water right transfer application # 78550 filed in the name of ADT Farms LLC and RELAR Farms LLC. We authorize ADT Farms LLC to transfer their solely owned water rights 43-13715 and 43-13718 to the lands located in Sections 18, 19, and 30, Township 10 South, Range 28 East as described on water right transfer application # 78550. We also hereby acknowledge that the water rights 43-13715, and 43-13718 described on water right transfer application # 78550 will continue to be solely owned by ADT Farms LLC and the transfer will not result in any change in ownership of the water rights involved in the transfer.

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MAR 16 2017

DEPARTMENT OF  
WATER RESOURCES

On behalf of ADT Farms LLC



On behalf of RELAR Farms



LLC

## Transfer Authorization and Acknowledgment Statement

We, John B Spratling and Cathy Spratling, hereby acknowledge that we are the owners of the lands located in Section 36, Township 10 South, Range 27 East and Section 31, Township 10 South, Range 28 East described on water right transfer application # 78550 filed in the name of ADT Farms LLC and RELAR Farms LLC. We authorize ADT Farms LLC and/or RELAR Farms LLC to transfer their water rights 43-13716, 43-13719, 43-13715, and 43-13718 to the land located in Section 36, Township 10 South, Range 27 East and Section 31, Township 10 South, Range 28 as described on water right transfer application # 78550. We also hereby acknowledge that the water rights 43-13716, 43-13719, 43-13715, and 43-13718 described on water right transfer application # 78550 will continue to be owned by ADT Farms LLC and/or RELAR Farms LLC and the transfer will not result in any change in ownership of the water rights involved in the transfer.

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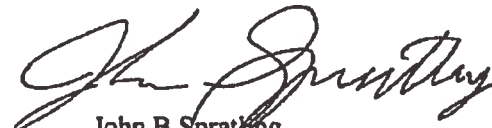
MAY 03 2013

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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MAR 16 2017

DEPARTMENT OF  
WATER RESOURCES

  
John B Spratling

  
Cathy Spratling

## Transfer Authorization and Acknowledgment Statement

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MAY 03 2013  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

ADT Farms LLC, hereby acknowledges that we are the sole owners of the land located in Section 25, Township 10 South, Range 27 East described on water right transfer application # 78550 filed in the name of ADT Farms LLC and RELAR Farms LLC. We authorize ADT Farms LLC and RELAR Farms LLC to transfer their jointly owned water rights 43-13716 and 43-13719 to the land located in Section 25, Township 10 South, Range 27 East as described on water right transfer application # 78550. We also hereby acknowledge that water rights 43-13716 and 43-13719 described on water right transfer application # 78550 that are jointly owned by ADT Farms LLC and RELAR Farms LLC will continue to be jointly owned by ADT Farms LLC and RELAR Farms LLC and the transfer will not result in any change in ownership of the water rights involved in the transfer.

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WATER RESOURCES

On Behalf of ADT Farms LLC



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MAR 16 2017

DEPARTMENT OF  
WATER RESOURCES

|                                                                                                                                                |               |                                                                                                                                                  |        |                                                |                     |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------------------------------|---------------------|
| No. W 15454                                                                                                                                    |               | Due no later than May 31, 2012<br>Annual Report Form                                                                                             |        | 2. Registered Agent and Address<br>(NO PO BOX) |                     |
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br>NO FILING FEE IF<br>RECEIVED BY DUE DATE |               | 1. Mailing Address: Correct in this box if needed.<br>ADT FARMS, LLC<br>BRENDA GERRATT<br>246 E 300 S<br>BURLEY ID 83318                         |        | TODD GERRATT<br>250 E 300 S<br>BURLEY ID 83318 |                     |
|                                                                                                                                                |               |                                                                                                                                                  |        | 3. New 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 |
| MEMBER                                                                                                                                         | TODD GERRATT  | 250 E 300 S                                                                                                                                      | BURLEY | ID                                             | USA 83318           |
| MEMBER                                                                                                                                         | ALAN GERRATT  | 250 E 300 S                                                                                                                                      | BURLEY | ID                                             | USA 83318           |
| MEMBER                                                                                                                                         | DAN H GERRATT | 250 E 300 S                                                                                                                                      | BURLEY | ID                                             | USA 83318           |
| 5. Organized Under the Laws of:<br>ID<br>W 15454                                                                                               |               | 6. Annual Report must be signed.*<br>Signature: Brenda Gerratt<br>Name (type or print): Brenda Gerratt<br>Date: 04/19/2012<br>Title: Book keeper |        |                                                |                     |
| Processed 04/19/2012                                                                                                                           |               | * Electronically provided signatures are accepted as original signatures.                                                                        |        |                                                |                     |

RECEIVED

MAR 16 2017

DEPARTMENT OF  
WATER RESOURCES

|                                                                                                                                                               |               |                                                                                                                                                                 |             |                                                        |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------------------------|----------------------------|
| <b>No. W 15453</b>                                                                                                                                            |               | <b>Due no later than May 31, 2012</b>                                                                                                                           |             | <b>2. Registered Agent and Address<br/>(No PO BOX)</b> |                            |
| <b>Return to:</b><br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> |               | <b>1. Mailing Address: Correct in this box if needed.</b><br><br>RELAR FARMS, LLC<br>BRENDA GERRATT<br>246 E 300 S<br>BURLEY ID 83318                           |             | LARRY GERRATT<br>246 E 300 S<br>BURLEY ID 83318        |                            |
|                                                                                                                                                               |               |                                                                                                                                                                 |             | <b>3. <u>New</u> Registered Agent Signature:*</b>      |                            |
| <b>4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.</b>                                                           |               |                                                                                                                                                                 |             |                                                        |                            |
| <b>Office Held</b>                                                                                                                                            | <b>Name</b>   | <b>Street or PO Address</b>                                                                                                                                     | <b>City</b> | <b>State</b>                                           | <b>Country Postal Code</b> |
| MEMBER                                                                                                                                                        | LARRY GERRATT | 221 W 200 S                                                                                                                                                     | BURLEY      | ID                                                     | USA 83318                  |
| MEMBER                                                                                                                                                        | REX GERRATT   | 937 OAKWOOD STREET                                                                                                                                              | BURLEY      | ID                                                     | USA 83318                  |
| <b>5. Organized Under the Laws of:</b><br><br><b>ID</b><br><b>W 15453</b>                                                                                     |               | <b>6. Annual Report must be signed.*</b><br><br>Signature: Brenda Gerratt<br>Name (type or print): Brenda Gerratt<br><br>Date: 04/19/2012<br>Title: Book keeper |             |                                                        |                            |
| Processed 04/19/2012                                                                                                                                          |               | * Electronically provided signatures are accepted as original signatures.                                                                                       |             |                                                        |                            |

They will submit  
the signed agreement  
ASAP  
- Cp

## CONTRACT OF A

To Whom It May Concern,

Relar Farms LLC and ADT LLC have entered in  
concerning ground water wells located at:  
SWNE Sec. 19 Township 10S Range 28E C/  
NESW Sec. 19 Township 10S Range 28E C/  
SENE Sec. 30 Township 10S Range 28E C/  
NWSW Sec. 30 Township 10S Range 28E C.  
Relar Farms LLC and ADT LLC owns the grou  
John B. Spratling to utilize the wells for irrigati

Relar Farms LLC and ADT LLC have a private agreement with John B. Spratling set  
forth regarding the maintenance and cost of operation of the ground water wells.

Relar Farms LLC:

\_\_\_\_\_

Date: \_\_\_\_\_

ADT LLC:

\_\_\_\_\_

Date: \_\_\_\_\_

John B Spratling:

\_\_\_\_\_

Date: \_\_\_\_\_

## Water Rental Application Narrative and Calculations to Support Rental

Water rights associated with the wells in Section 7 and 17 are 43-2512 et.al. Those water rights provide 19.44 cfs/1170 acre or 0.0166153 cfs/acre.

The water right associated with the POU in Sec. 31 are:

43-13715

43-13718 → 1.38 cfs/113 acres or 0.0122123 per acre

43-13716

43-13719 → 14.57 cfs/1193 acres or 0.0122129 per acre

43-13317 → 0.80 cfs/40 acres or 0.02 cfs per acre

WSB rental rate/acre = 0.77 cfs/45 acres or 0.0171111 cfs per acre

9.5 acres will be moved from a ½ pivot (with no existing water rights on it) to the pivot in Sec. 31 (the “middle” pivot). Physically, that ½ pivot has already been removed and will be dry in 2017. The number of acres requested to be moved is 9.5 acres. Although the rented diversion rate in 2016 is not required. The diversion rate as leased into the bank is sufficient to run the system which makes the available acre 15 acres.

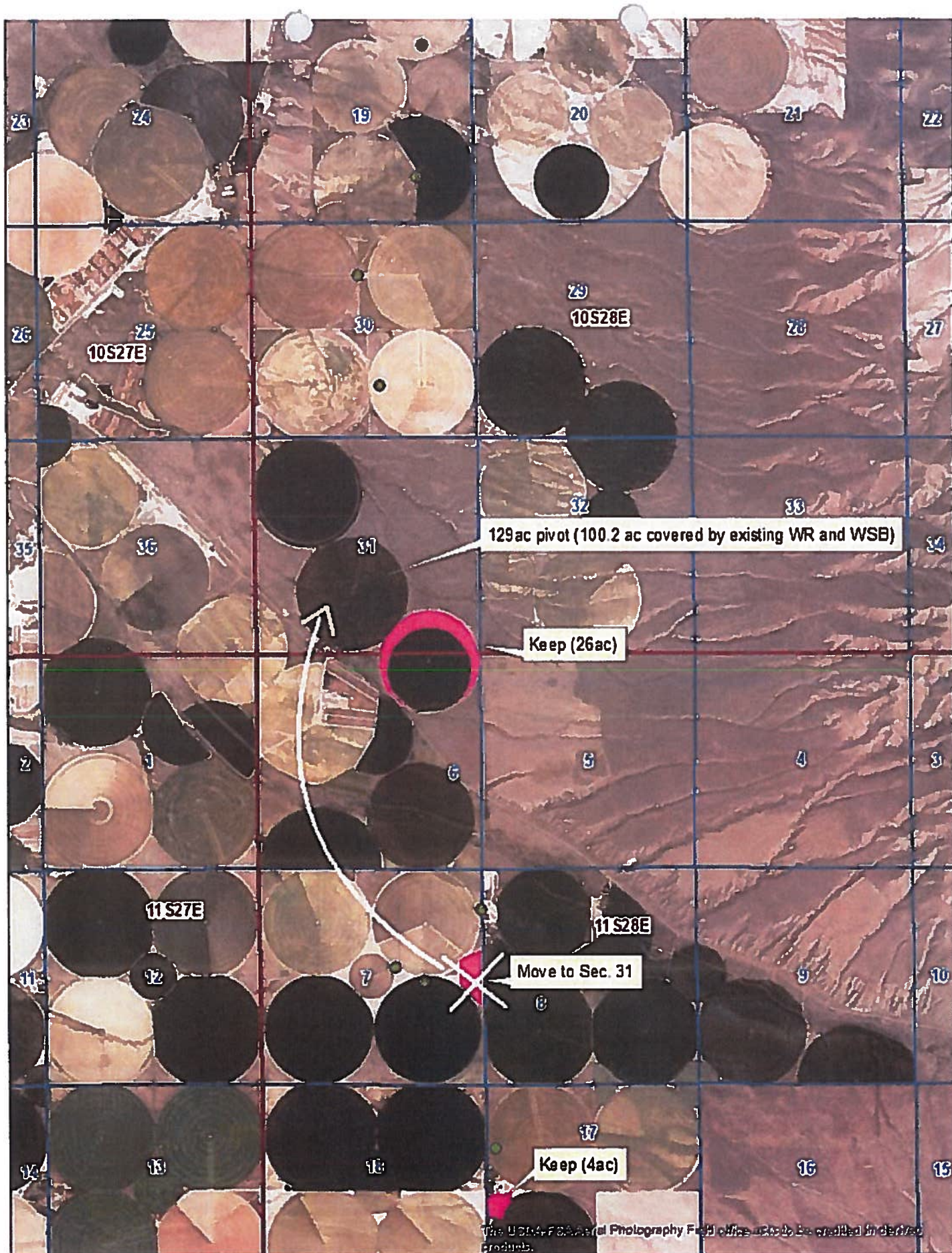
Last year a WSB rental expired that will leave the “middle” pivot in Sec. 31 short 31.4 acres. Therefore, the 15 acres is meant to make up part of that difference. In addition, any available water leased into the Bank is being requested to complete the entire pivot (129 acre pivot – 100.2 acres existing coverage – 15 acres = 13.8 acres). If the renter cannot secure the extra acres, an endgun and outer pipe will be taken out to bring the pivot under whatever is authorized.

Based on the evaluation above, the WSB rental water provides plenty of water per acre that would avoid enlarging the rental rights diversion rate.

Wells at the north farm (Relar) can produce 6500 to 7000 gpm (0.0115877cfs/ac)

Wells at the south farm (Spratling) can produce 7200 to 8200 gpm (0.0156161cfs/ac)

Note these systems are not interconnected.





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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 2, 2017

JOHN SPRATLING  
550 TERRACE DR  
BURLEY ID 83318

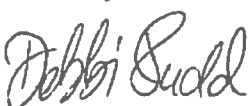
**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 43-2574C, 43-2576C, 43-4013A, 43-4014C, and 43-4014E**

Dear Renter:

Please find enclosed a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 180.0 acre-feet of water for irrigation of 45.0 acres during 2017. 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.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

  
for Water Supply Bank

Enclosure: Rental Agreement (copy)

c: Corey Skinner – IDWR Southern Regional Office  
Nathan Erickson – State Water District No. 143  
Raft River GWD  
Cherie Palmer - IDWR Compliance Bureau E2017-1122

## Webster, Clay

---

**From:** Webster, Clay  
**Sent:** Monday, July 24, 2017 2:49 PM  
**To:** 'lucaspratling@gmail.com'  
**Cc:** Palmer, Cherie; Judd, Debbi  
**Subject:** Proposed Rental Agreement  
**Attachments:** Spratling Rental Agreement 2017 V2.pdf; Proposed Rental Agreement Cover Letter.pdf

Lucas,

Cherie Palmer discussed this rental with me after your phone call. The rental has been paid for already for this year under receipt number C102942. All the bank will need from you is a signed original of this rental agreement mailed to:

IDWR

PO Box 83720

Boise Id 83720

Please note that we were only able to fulfill this rental for 2017.

Sincerely,

Clay Webster

Water Resource Agent Sr.

[clay.webster@idwr.idaho.gov](mailto:clay.webster@idwr.idaho.gov)

208-287-4910

Idaho Department of Water Resources (IDWR)



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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

July 24, 2017

JOHN SPRATLING  
550 TERRACE DR  
BURLEY ID 83318

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 43-2574C, 43-2576C, 43-4013A, 43-4014C, and 43-4014E

**\*\*\*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 \$3,060.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 180.0 acre-feet.

**We have already received this payment under receipt C102942. Please send the signed rental agreement, within 14 days so I can complete processing.** Pursuant to the Water Supply Bank Rules, 90% or \$2,754.00 of the rental fee will be paid to the lessor(s) and 10% or \$306.00 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Water Resource Agent Sr.

Enclosure

c: IDWR Front Desk



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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

July 3, 2017

JOHN SPRATLING  
550 TERRACE DR  
BURLEY ID 83318

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT AND PAYMENT FOR  
WATER RIGHTS 43-2574C, 43-2576C, 43-4013A, 43-4014C, and 43-4014E**

**\*\*\*TIME SENSITIVE RESPONSE REQUIRED\*\*\***

Dear Applicant:

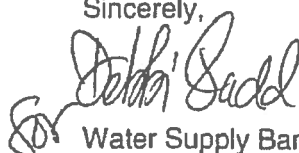
The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on June 13, 2017. The signed agreement and rental fee has not been returned to the Department.

**Please sign the rental agreement and return it with the rental payment in the amount of \$3,060.00 within ten (10) days of this letter to complete processing.** Diversion and use of the water rights is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental rights made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

  
Water Supply Bank



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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 13, 2017

JOHN SPRATLING  
550 TERRACE DR  
BURLEY ID 83318

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NOS. 43-2574C, 43-2576C, 43-4013A, 43-4014C, and 43-4014E**

**\*\*\*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 \$3,060.00 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 180.0 acre-feet.

**Please send a check for \$3,060.00** 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 \$2,754.00 of the rental fee will be paid to the lessor(s) and 10% or \$306.00 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

  
Water Supply Bank

Enclosure

c: IDWR Front Desk

## MEMORANDUM

**To:** Right(s) 43-2574C, 43-2576C, 43-4013A, 43-4014C, & 43-4014E  
**From:** Sandra Thiel  
**Date:** June 1, 2017  
**Re:** Review & Analysis of John Spratling Application to Rent Water from the Water Supply Bank

---

*This rental is intended to supersede a rental approved in 2014 for 39.5 acres.*

**PURPOSE/NARRATIVE:** On February 27, 2014, John Spratling submitted an application to rent water from the Water Supply Bank. The application proposed to rent water to irrigate an additional 39.5 acres in T11S R28E for as many years as possible, beginning with the 2014 irrigation season. The current rental application requested a minimum of 45 acres. The available water rights provide 44.6 acres.

The proposed points-of-diversion are 5 existing wells currently in a single system to irrigate 1,170 acres authorized by existing water rights.

According to the rental application received on March 8, 2017, Mr. Spratling would like to change a portion of the place of use and add a point of diversion. He proposes moving the small ½ pivot in section 7 to what he identifies as the middle pivot in section 31.

**AUTHORITY TO FILE:** The Cassia County tax lot information show John B. Spratling as the owner of the land to be irrigated under the proposed rental. Mr. Spratling signed the application.

**WATER RIGHT VALIDITY:** Portions of Water Rights 43-2574C, 43-2576C, 43-4013A, 43-4014C, and 43-4014E are leased to the State Water Supply Bank. They are available to rent through December 31, 2017.

A review of aerial photography shows that portions of the water rights appear to have been idled at the authorized place-of-use. The idled acres are primarily pivot corners. The leaser has agreed to idle these acres as part of a Conservation Reserve Program Contract with a contract period of 2012 to 2022.

**INJURY TO OTHER WATER RIGHTS:** No injury is apparent.

**ENLARGEMENT OF USE:** No enlargement is evident through the rental. The rights that share the proposed rental diversion system provide 0.12 cfs per acre to 0.02 cfs per acre. The rental provides 0.017 cfs per acre.

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

The rented rights are for ground water within the Raft River Critical Ground Water Management Area.

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

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** Southern Region did not respond to request for comments.



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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 3, 2017

JOHN SPRATLING  
550 TERRACE DR  
BURLEY ID 83318

**RESPONSE DEADLINE**  
**2/15/2017**

**RE: Water Supply Bank Rental Fees for 2017 Rental Agreements**

Dear Renter,

The following are your 2017 water rentals from the Water Supply Bank:

| Rental       | Start | End  | Water Right | Rental Volume (AF) | Total Rental Fee | Owner Fee (90%) | Admin Fee (10%) | Rental Fee Due Date |
|--------------|-------|------|-------------|--------------------|------------------|-----------------|-----------------|---------------------|
| 1            | 2014  | 2017 | 43-13681    | 73.6               | \$1,251.20       | \$1,126.08      | \$125.12        | 2/15/2017           |
| 1            | 2014  | 2017 | 43-13683    | 3.2                | \$54.40          | \$48.96         | \$5.44          | 2/15/2017           |
| 1            | 2014  | 2017 | 43-2574C    | 142.4              | \$2,420.80       | \$2,178.72      | \$242.08        | 2/15/2017           |
| 1            | 2014  | 2017 | 43-4013A    | 6.4                | \$108.80         | \$97.92         | \$10.88         | 2/15/2017           |
| 1            | 2014  | 2017 | 43-4014C    | 31.2               | \$530.40         | \$477.36        | \$53.04         | 2/15/2017           |
| <b>Total</b> |       |      |             | 256.8              | \$4,365.60       | \$3,929.04      | \$436.56        | 2/15/2017           |

Our records indicate that payment has not yet been received for the above water right rentals.

If you have not already done so, please remit payment of **\$4,365.60** prior to the due dates above and enclose a copy of this letter with your payment.

If you have questions about your rental, you can contact me at 208-287-4918.

Regards,

**Remington Buyer**  
Water Supply Bank Coordinator

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

This is to certify that: **JOHN SPRATLING**  
**550 TERRACE DR**  
**BURLEY ID 83318**  
**208-651-2016**

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 |
|-----------------------------|---------------|--------------|-----------|-------------|----------------------|------------|--------------------|
| 43-2574C                    | 7/19/1963     | Ground Water | NA        | 0.38 cfs    | 142.4 af             | NA         | 35.6 ac            |
| 43-2576C                    | 3/24/1964     | Ground Water | NA        | 0.25 cfs    | 142.4 af             | NA         | 35.6 ac            |
| Total Annual Combined Limit |               |              |           | 0.63 cfs    | 142.4 af             | NA         | 35.6 ac            |
| 43-4013A                    | 6/15/1963     | Ground Water | NA        | 0.03 cfs    | 6.4 af               | NA         | 1.6 ac             |
| 43-4014C                    | 7/1/1952      | Ground Water | NA        | 0.05 cfs    | 31.2 af              | NA         | 7.8 ac             |
| 43-4014E                    | 6/1/1954      | Ground Water | NA        | 0.06 cfs    | 31.2 af              | NA         | 7.8 ac             |
| Total Annual Combined Limit |               |              |           | 0.11 cfs    | 31.2 af              | NA         | 7.8 ac             |

**Annual Combined Rental Totals** 0.77 cfs 180.0 af 39.5 ac\* 45.0 ac

\*This rental provides the irrigation of 39.5 acres.

**Term of Rental:** April 1, 2014 to December 31, 2017

**Rental Fee:** \$3,060.00

The fee for rental of the above-described water is \$3,060.00 per year. Ten percent (\$306.00) 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 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.

SCANNED

JUN 02 2014

SUPPORT DATA

IN FILE # 43-2574C

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

RECEIVED

MAY 30 2014

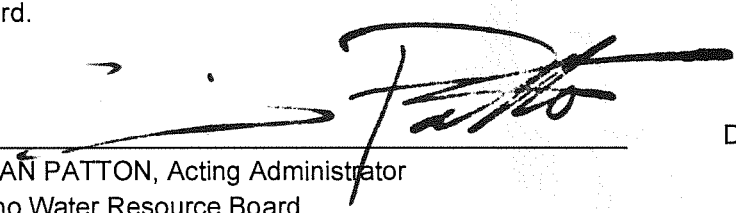
DEPARTMENT OF  
WATER RESOURCES

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:

|                                                                                                          |                                                                     |                        |
|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------|
| <br>Signature of Renter | <u>John Spratling</u><br>Printed Name and Title* Partner            | <u>5/29/14</u><br>Date |
| <br>Signature of Renter  | <u>Cathy Spratling</u><br>Printed Name and Title* Secretary partner | <u>5/29/14</u><br>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  
Idaho Water Resource Board

Date June 2, 2014

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

**WATER USE DETAILS**

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

|              |           |         |         |         |               |
|--------------|-----------|---------|---------|---------|---------------|
| GROUND WATER | SE¼NE¼NE¼ | Sec. 07 | Twp 11S | Rge 28E | CASSIA County |
| GROUND WATER | SW¼SW¼NE¼ | Sec. 07 | Twp 11S | Rge 28E | CASSIA County |
| GROUND WATER | NE¼NW¼SE¼ | Sec. 07 | Twp 11S | Rge 28E | CASSIA County |
| GROUND WATER | NW¼SW¼NW¼ | Sec. 17 | Twp 11S | Rge 28E | CASSIA County |

**BENEFIAL USE**

IRRIGATION

**SEASON OF USE**

4/1 TO 11/1

**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 | 31  |     |     |    |    |    |    |    |    |    |     |    |     |    |    | 9.0 | 11.0 | 20.0   |
| 11S | 28E | 6   | 3.0 | 3.0 |    |    |    |    |    |    |    |     |    |     |    |    |     |      | 6.0    |
| 11S | 28E | 7   |     |     |    | 5  |    |    |    |    |    |     |    | 4.5 |    |    |     |      | 9.5    |
| 11S | 28E | 17  |     |     |    |    |    |    |    |    |    | 4.0 |    |     |    |    |     |      | 4.0    |

Total Acres: 39.5

**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. 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 use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 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.

