

CONTRACT NOT TO DIVERT WATER FOR THE NRCS AWEP PROJECTS

This Contract, entered into between the STATE OF IDAHO, IDAHO WATER RESOURCE BOARD ("Board") and Craig D. Hyslop ("Owner") is made in reference to the following facts:

Print Name

RECITALS

- A. The Board received a grant administered by the Natural Resource Conservation Service ("NRCS"), which implements the Agricultural Water Enhancement Program ("AWEP") for the purpose of conserving surface and ground water and improving water quality.
- B. Owner has entered into an agreement with the NRCS for the conversion of irrigated land to dry land farming by either removing the end gun or conversion to dry land of acreage not covered by an end gun.

IN CONSIDERATION OF THE PROMISES STATED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. Statement of Purpose.

The purpose of this Contract is to document that the water associated with the end gun removal or with the conversion to dry land shall be restricted and not used to irrigate other lands under this water right.

2. Agreement.

- A. The Owner shall convert the irrigated lands described in NRCS contract attached hereto to dry lands.
- B. The Owner shall not irrigate the lands described in NRCS contract for: ____ 2 years, or X 3 years (select 2 or 3 year agreement).
- C. The Owner shall not transfer water appurtenant to the converted acres to other lands during the term of this contract.
- D. The Owner shall not lease water appurtenant to the converted acres into the Water Supply Bank for use on other lands during the term of this contract.
- E. The Board shall review the Owner's proposal to convert irrigated lands to dry lands and provide the required recommendation to NRCS in order for the Owner's proposal to be approved and funded.

3. Duplicate Original

This Contract is executed in Duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

[Signature]
Signature Idaho Water Resource Board Representative

6/4/13
Date

OWNER

[Signature]
Signature Owner

6-3-13
Date

Idaho Water Resource Board, 322 E. Front St., Boise, ID 83720
Attn: Neeley Miller or Stuart Van Greuningen

PLANNING REVIEW MEMORANDUM

To: AWEP File

From: Neal Farmer

Date: June 10, 2013

RE: AWEP Proposal Review for Craig Hepworth End Gun Removal

BACKGROUND

In July, 2009, the Idaho Water Resource Board (Board) was awarded funding through the National Resource Conservation Service's Agricultural Water Enhancement Program (AWEP) to develop projects that support the goals of the Eastern Snake Plain Aquifer Comprehensive Aquifer Management Plan (ESPA CAMP). Part of that funding has been earmarked for financial and technical assistance to individuals or companies who are willing to convert lands currently irrigated with groundwater to surface water irrigation—informally referred to as 'conversion projects'.

To receive funding through the Board's AWEP program, project proposals must meet certain eligibility criteria to ensure the project conforms to the objectives of the ESPA CAMP and generally complies with state laws administered by the Idaho Department of Water Resources (Department). The AWEP applicant will be required to enter into an 'Agreement not to Divert' for the duration of their NRCS contract and IDWR recommends the water right holder also be added to the 'Agreement not to Divert'. NRCS did not provide any copies of partially completed 'Agreement not to Divert'. There was no written description of the implementation plan from the applicant provided by NRCS.

WATER RIGHT ANALYSIS from the Department's Enterprise data base shows the following:

Summary of G.W. Water Rights from AWEP Proposal

Water Right No.	Record Type	Source	Diversion Rate (cfs)	Beneficial Use	Total Acres	Acre Limit	Volume (Ac-Ft)
36-8412	License	Groundwater	0.95	Irrigation	408	300	1630
36-11110	Decreed	Groundwater	1	Irrigation	408	100	800
36-2512	Decreed	Groundwater	2	Irrigation	408	100	800

Water rights are graphically delineated by actual place of use (POU)¹ in the Department's data base as depicted in the following maps and highlighted as a light blue lined polygon.

IRRIGATION ANALYSIS

In the AWEP material prepared by the NRCS in 2011, air photos show irrigation within the POU of the pertinent water rights and the AWEP boundaries of this proposal. These water rights have no record of

The NRCS data indicates approximately 10 acres of irrigated ground covered by this AWEP proposal. The above analysis quantifies a potential annual savings in approximately 30 acre-feet of groundwater. In this sense, the proposal represents a potential "conservation action" to the groundwater that will result in a decrease in diversion. A review of aerial imagery indicates the current water right place of use (POU) descriptions are consistent with current irrigation practices and the AWEP proposal areas. Based on the NRCS' description of the project, all of the lands to be irrigated by the proposal are described in the AWEP material that has been provided. It is unlikely this proposal will allow for the irrigation of land not currently irrigated with a valid water right or surface water shares. This review indicates that approval of the project will result in a savings of groundwater. The AWEP applicant will be required to enter into an 'Agreement not to Divert' for the duration of their NRCS contract and the partial completion of that contract is shown below.

CONSERVATION ANALYSIS

being in the Water Supply Bank (WSB) to determine if any irrigation was occurring under a rental agreement. NRCS has not provided any 'owners statement' for the AWEP proposal. NRCS provided information that the applicant is authorized to farm land owned by Idaho Acres Dairy Partnership and water right owned by Craig Hepworth. The water right covers the area proposed in the AWEP materials and it has been irrigated in the past.

End Gun Removal

Customer(s): CRAIG D HEPWORTH

Field Office: RUPERT SERVICE CENTER

Location: T8S R25E Sec 9

Agency: NRCS



Legend

- ° Existing Mainline
- # Irrigation Pump
- 328, Conservation Crop Rotation
- Master Conservation plan
- plss_a_id067



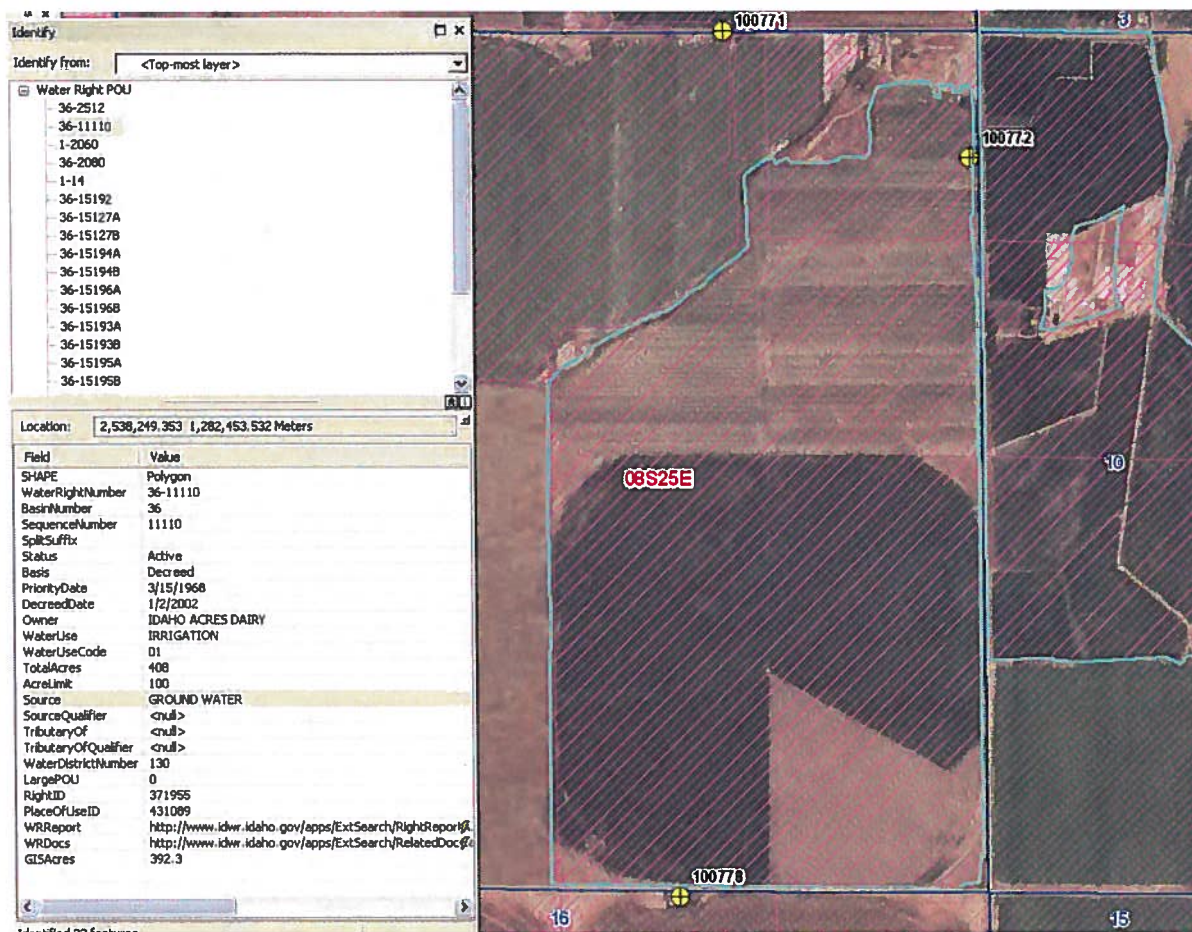
1 inch = 975 feet



AWEP proposal map for Craig Hepworth project.

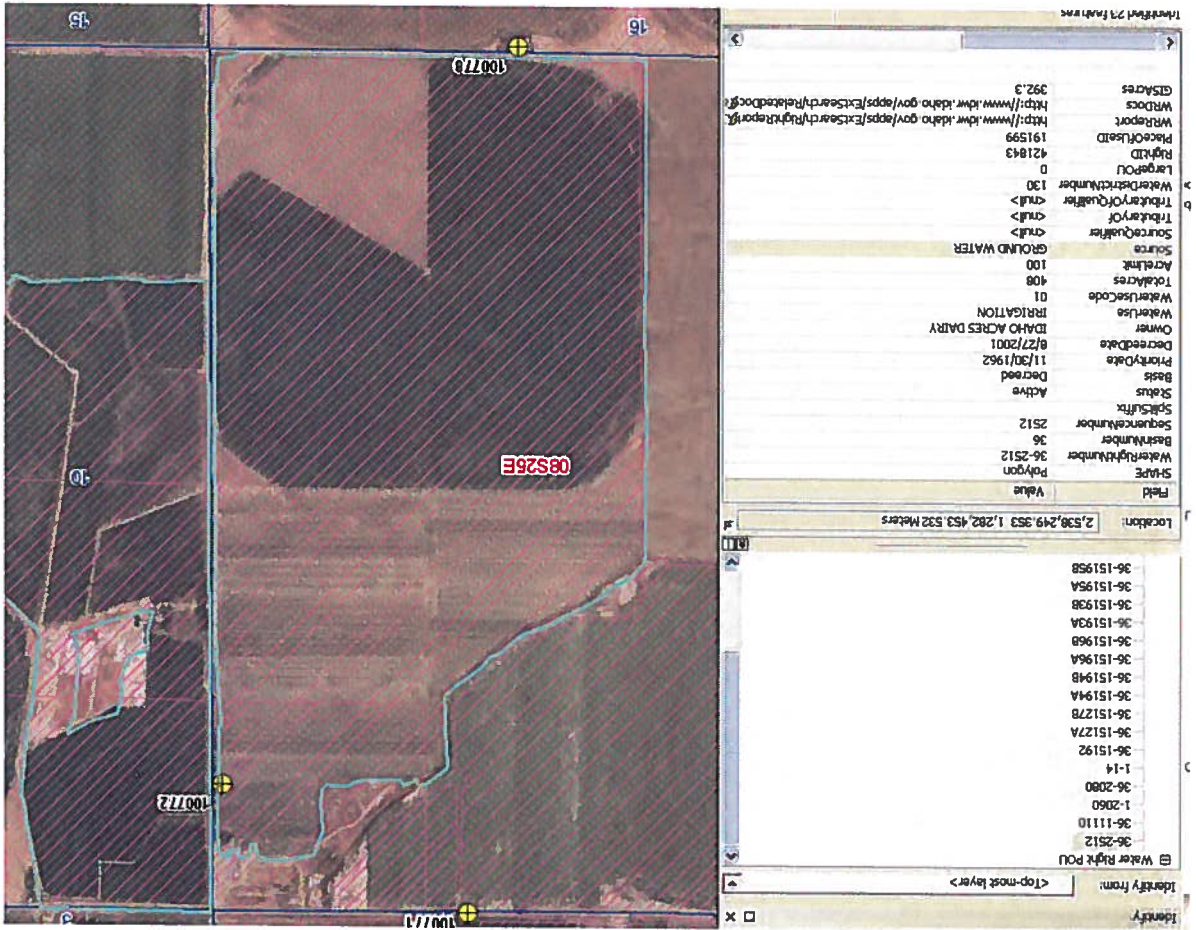


IDWR GIS database for water right 36-8412 holder information highlighted as light blue color and WMIS database well ID # 100772.



IDWR GIS database for water right 36-11110 holder information highlighted as light blue color and WMIS database well ID # 100772.

IDWR GIS database for water right 36-2512 holder information highlighted as light blue color and WMIS database well ID # 100772.



WMIS

Water Management Information System

Quick Search:[For](#)

Search Method:	Reporting District
Reporting District:	Magic Valley GWD
WMIS Number:	100772
Legal Description:	08S 25E 9 SE NE NE
Metal Tag Number:	A0004011

You are logged in as Guest

[Point Of Diversion](#) [PCC](#) [Flow Meter](#) [Time Clock](#) [Alternate](#) [Contacts](#) [Data Summary](#) [Other](#) [Logout](#)**Point Of Diversion**

You are viewing 100772; A0004011

WMIS Number	100772	Network Well	No
Reporting District	Magic Valley GWD	Access Power	Yes
Measurement Option	Timeclock (7)	Water District	130
Metal Tag Number	A0004011	Tag Location	ON SERVICE POLE
Followup Date	01/01/2014	Comments	TIME CLOCK INSTALLED PER BURKES MEASUREMENT (SK date 11.07.95)PER PH
Diversion Name	875 N 700 E		

[Search Water Rights](#)[Contacts](#) [PLSS](#) [Spatial Data](#) [Water Source](#) [Water Rights](#)

Water Right Number	Owner Type	Owner Name	Address	Phone	City/State/Zip	Email
36-2512	Current Owner	IDAHO ACRES DAIRY	C/O CRAIG HEPWORTH 897 N 700 E	(208) 531-5851	RUPERT, ID 83350	
36-8412	Current Owner	IDAHO ACRES DAIRY	C/O CRAIG HEPWORTH 897 N 700 E	(208) 531-5851	RUPERT, ID 83350	
36-11110	Current Owner	IDAHO ACRES DAIRY	C/O CRAIG HEPWORTH 897 N 700 E	(208) 531-5851	RUPERT, ID 83350	

IDWR WMIS database information for well ID 100772.

Quick Search:

Reporting District

Magic Valley GWD

100772

08S 25E 9 SE NE NE

A0004011

You are logged in as Guest

Point Of Diversion PCC Flow Meter Time Clock Alternate Contacts Data Summary Other Logout

Point Of Diversion

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Measurement Option	Timeclock (7)	Water District	130
Metal Tag Number	A0004011	Tag Location	ON SERVICE POLE
Followup Date	01/01/2014	Comments	TIME CLOCK INSTALLED PER BURKES MEASUREMENT (SK date 11.07.95)PER PH
Division Name	875 N 700 E		

Contacts PLSS Spatial Data Water Source Water Rights

Search Water Rights

Basin	Sequence	Suffix	Total Acres	Acres Limit	Basin	Priority Date	Diversion Rate	Diversion Volume	Water Use
36	2512	408	100	Decred	11/30/62	2			IRRIGATION
36	8412	408	300	License	03/01/89	0.95			IRRIGATION
36	11110	408	100	Decred	03/15/68	1			IRRIGATION

IDWR WMIS database information for well ID 100772.



A&B Irrigation District

P.O. Box 675

Rupert, ID 83350

Phone: 208-436-3152

205 IDAHO ACRES DAIRY
C/O CRAIG HEPWORTH
897 N 700 E
RUPERT ID 83350

The O&M Assessment for 2013 is \$91.00 per Acre

6-145	Previous Balance	Prepaid 2013 O&M		
6-145	2013 O&M Assessment 58	A-9 825	304.0 Ac	(\$27,694.00)
6-145	2013 O&M Assessment 59	C-10 825	159.7 Ac	\$14,532.70
			144.3 Ac	\$13,131.30
			Subtotal for Roll Acct. 6-145	\$0.00
			Total due on or before April 15, 2013	\$0.00

8 April 2013

To Whom it may concern:

Idaho Acres Dairy, a partnership, gives control of its property to Craig D. Hepworth for the period from 2013 thru 2115.

Craig D. Hepworth, partner

Information provided by NRCS.

