

**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 Raybould Brothers Farm LLC ("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 Idaho Water Resource Board Representative

6/4/13
Date

OWNER


Signature Owner

5-3-13
Date

PLANNING REVIEW MEMORANDUM

To: AWEP File

From: Neal Farmer

Date: June 6, 2013

RE: AWEP Proposal Review for Jeff Raybould 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'.

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)
22-13440	Decreed	Groundwater	8.09	Irrigation	554		1939

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 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 Lewis Farms and water right 22-13440

owned by Myron Lewis Farms. The water right covers the area proposed in the AWEP materials and it has been irrigated in the past.

CONSERVATION ANALYSIS

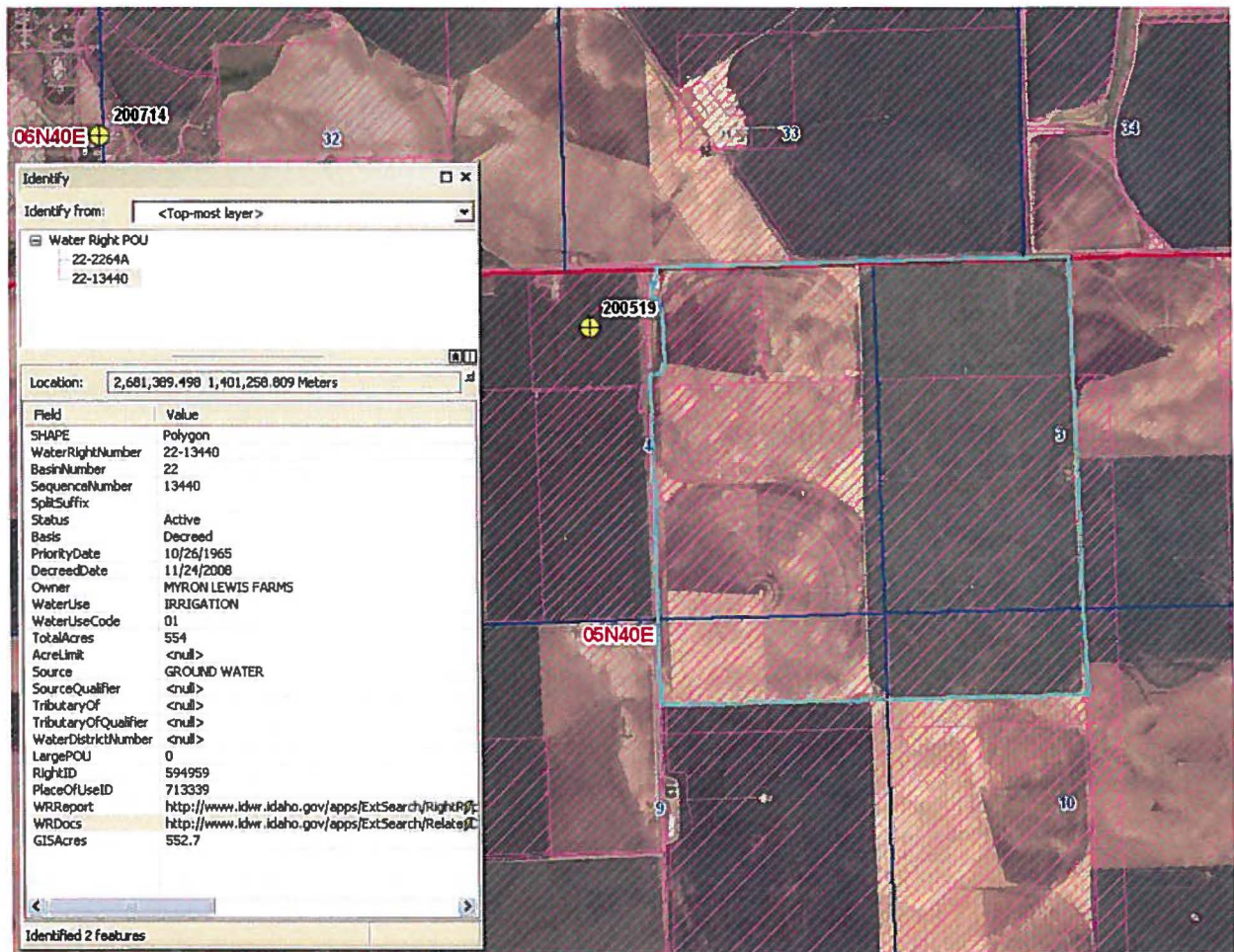
The NRCS data indicates approximately 22 acres of irrigated ground covered by this AWEP proposal. The above analysis quantifies a potential annual savings in approximately 66 acre-feet of groundwater. In this sense, the proposal represents a potential “conservation action” to the groundwater that will 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.



AWEP proposal map for Jeff Raybould project.



Land ownership from IDWR records shows area owned by Lewis Farms.



IDWR GIS database for water right holder information highlighted as light blue color and WMIS database well ID # 200519.

WMIS

Water Management Information System

Quick Search:

Search Method:

Reporting District:

WMIS Number:

Legal Description:

Metal Tag Number:

You are logged in as Guest

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

Point Of Diversion

You are viewing 200519

WMIS Number	200519	Network Well	No
Reporting District	East Measurement District	Access Power	No
Measurement Option		Water District	
Metal Tag Number		Tag Location	
Followup Date		Comments	Legal on AJ claim said 6N instead of 5N. This POD is outside the boundaries of the district. Should be deleted.
Diversion Name			

[Search Water Rights](#)

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

Water Right Number	Owner Type	Owner Name	Address	Phone	City/State/Zip	Email
22-7502	Current Owner	COOK, STEPHEN B	244 W 1ST S	(208) 356-5928	REXBURG, ID 83440	
22-7502	Current Owner	THOMAS, HELEN I	1725 E 16TH ST	(208) 678-8078	BURLEY, ID 83318	
22-10266	Current Owner	VERLA COOK & SON	244 W 1ST S	(208) 356-5928	REXBURG, ID 83440	

Owner Type	Name and Address
Current Owner:	MYRON LEWIS FARMS C O RICHARD LEWIS PO BOX 353 REXBURG, ID 83440 (208)356-9670

Priority Date: 10-26-1965
 Basis: Decreed
 Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04-01	11-01	8.09 CFS	1939 AFA
Total Diversion			8.09 CFS	

Location of Point(s) of Diversion:

GROUND WATER SENENE Lt 1 Sec. 04 Township 05N Range 40E MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	40E	3	3	NENW 28	4	NWNNW 40								
				NESW 28	4	NWWSW 40								
				NENE 41	2	NWNNE 37								
				NESE 40	40	NWSE 40								
				NENE 30	30	NWNE 30								
				NENW 22	30	NWNNW 30								

Total Acres: 554

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration 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 certified decree. Section 42-1412(6), Idaho Code.
2. P29 This right is a combination of old Right Nos. 22-2263A and 22-2264A.

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STATE OF IDAHO
IDAHO WATER RESOURCE BOARD

Signature Idaho Water Resource Board Representative

Date

OWNER

Raybould Brothers Farm LLC

Signature Owner

5-3-13

Date

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

Nearly complete contract Not to Divert Water for the Tom Hill AWEP proposal submitted with applications materials.

From: Beckmann, Ken - NRCS, St Anthony, ID [mailto:Ken.Beckmann@id.usda.gov]
Sent: Wednesday, June 05, 2013 10:44 AM
To: Farmer, Neal
Subject: RE: Rayboulds AWEP

No sorry...they self certify to us that they have control for the length of contract.

We spot check- a percentage of all new contracts and ask for the lease or some statement of control.

Need to ask Jeff for that at this point.

From: Farmer, Neal [mailto:Neal.Farmer@idwr.idaho.gov]
Sent: Wednesday, June 05, 2013 10:26 AM
To: Beckmann, Ken - NRCS, St Anthony, ID; VanGreuningen, Stuart; Miller, Neeley; Patton, Brian
Cc: Raybould, Jeff (IWRB Member)
Subject: RE: Rayboulds AWEP

Thanks Ken,

Please advise if a 'Farm Operator' is authorized under the AWEP program even if he is not the land owner or water right holder.

Do you have any verification in your records that he has an agreement with the land owner?

Thanks,

Neal

Email from NRCS.