

MEMORANDUM

TO: Water Right File 35-14181
FROM: Daniel A. Nelson
DATE: September 14, 2010
SUBJECT: Grandview Ranch LLC Water Supply Bank Lease Application

SUMMARY

Jason C. Helms filed a water bank lease on behalf of his client, Grandview Ranch LLC. on September 16th, 2011. The lease application requests to lease a total of 33.3 acres, 0.59 cfs, and 133.2 acre feet into the water bank from 4-1-2011 to 4-1-2016 from the above water right. There are associated water rights with combined conditions for this water right. The acreage amounts for all of these water rights are additive, so this Water Supply Bank Lease can move forward using just one water right out of this combination of water rights as long as the total combined limitation is reduced by the amount placed into the Water Supply Bank.

Water right transfer number 77524 was recently approved to split off a portion of this water right. The original Water Supply Bank lease application had included the amount to be split off of the water right under water right transfer 77524, but since the water right transfer has been approved, there is no need to include those acres in this Water Supply Bank lease. A review of the 2009 aerial photography shows that this land has been irrigated recently, so there is no evidence of forfeiture.

230 acres of ground are currently enrolled in the Conservation Reserve Enhancement Program (CREP) for this farm. Proportionate shares of all of the water rights for this farm were retired through CREP. The portion of water right 35-14181 enrolled in CREP is 46 acres. This allows approximately 198 acres to be used for irrigation purposes or to be placed in the Water Supply Bank under water right 35-14181. The applicant is only requesting 33.3 acres to be placed into the Water Supply Bank, so there shouldn't be an issue with the CREP acres.

AUTHORITY TO FILE

A change in ownership of the water rights was submitted for this farm in 2006 showing Grandview Ranch LLC as the owner. There is no tax data for this property, so it is safe to assume that Grandview Ranch LLC is still the owner of the property. The Water Supply Bank lease was signed by Dwight E. Baker who according to the Secretary of State website is the manager of the corporation.

SUFFICIENCY OF SUPPLY

There is no data to suggest that the sufficiency of water supply will be an issue.

INJURY

The recent water right transfer was advertised and no protests were received, so no injury is anticipated.

ENLARGEMENT

There is no enlargement being proposed.

BENEFICIAL USE

The purpose proposed does qualify as a beneficial use.

LOCAL PUBLIC INTEREST

Whereas the recent water right transfer was not protested, there is nothing to suggest that this lease is not within the local public interest.

WATER DISTRICT

This area is regulated by Water District 120. The watermaster has been contacted for comments, and he responded that he had no concerns with the approval of this lease.

RECOMMENDATION

This lease should be approved for 33.3 acres, 0.59 cfs, and 133.2 acre feet with term of January 1, 2012 to December 31, 2016. With prove of irrigation in 2009, there is no need to make this lease retroactive for forfeiture purposes. The amount of the combined conditions will need to be reduced by the amount of the Water Supply Bank Lease on the portion of the water right remaining on the property for irrigation. The combined conditions will not be carried over to the portion of the water right being placed into the Water Supply Bank, so this needs to be addressed on the remaining water rights. A copy of this memo should be included in all of the water rights listed in the combined conditions to ensure that the remaining combined limitations for all of the water rights are reduced accordingly. The following conditions will need to be added to remaining portion of this water right:

CONDITIONS FOR THE REMAINING PORTION OF WATER RIGHT 35-14181:

This right is limited to the irrigation of 210.7 acres.

CONDITIONS FOR THE REMAINING PORTION OF WATER RIGHTS 35-7488, 35-2685, 35-13046, 35-2599, 35-7489, AND 35-14181:

Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489, AND 35-14181 are limited to the irrigation of a specific 1205.3 acres within the 1550.5 acre place of use authorized by this right in a single irrigation season. The specific 1205.3 acres to be irrigated by the right holder are shown in the electronic shape file or associated with this right in the geographic information system component of the water rights database maintained by the Department. Before changing the 1205.3 acres to be irrigated within the 1550.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489, AND 35-14181 when combined shall not exceed a total diversion rate of 17.02 cfs, a total maximum diversion volume of 4787.2 af at the field headgate, and the irrigation of 1205.3 acres.

Nelson, Dan

From: Cefalo, James
Sent: Wednesday, November 30, 2011 4:48 PM
To: Nelson, Dan
Subject: RE: Grandview Ranch Water Supply Bank Lease Watermaster Comments Request

Daniel,

I do not have any concerns with accepting the 33.3 acre portion of 35-14181 into the Water Supply Bank.

James Cefalo
WD120

From: Nelson, Dan
Sent: Monday, November 28, 2011 4:09 PM
To: Cefalo, James
Subject: Grandview Ranch Water Supply Bank Lease Watermaster Comments Request

Hello James,

I am seeking watermaster comments on the Water Supply Bank Lease application for Grandview Ranch LLC. They are requesting to place 33.3 acres into the Water Supply Bank from water right 35-14181. Your office recently approved water right transfer 77524 on this water right. I have attached a copy of my review memo with a copy of the acres that will continue to be irrigated with this email.

If you have any questions, please don't hesitate to contact me.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

No. W 34089	Due no later than Oct 31, 2011 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. GRANDVIEW RANCH, LLC DWIGHT E BAKER 266 W BRIDGE BLACKFOOT ID 83221		DWIGHT E BAKER 266 W BRIDGE BLACKFOOT ID 83221			
			3. <u>New</u> 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
MANAGER	DWIGHT E BAKER	266 W BRIDGE	BLACKFOOT	ID	USA	83221
MANAGER	JAMES W BAKER	1055 SW ENGLEWOOD	LAKE OSWEGO	OR	USA	97034
5. Organized Under the Laws of: ID W 34089		6. Annual Report must be signed.* Signature: Dwight E Baker Name (type or print): Dwight E Baker Date: 08/09/2011 Title: Manager				
Processed 08/09/2011		* Electronically provided signatures are accepted as original signatures.				

Nelson, Dan

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Wednesday, November 23, 2011 1:42 PM
To: Nelson, Dan
Subject: Re: Grandview Ranch LLC Crep Acres

Dan,

The water rights are within a permissible place of use. I don't think it really matters where the acres will not be irrigated.

Somehow I knew this would happen however. Is there any way you can choose the acreage so that we can move forward?

Thanks,
Jason

On Wed, Nov 23, 2011 at 11:26 AM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Jason,

I received your maps and the lands that you are proposing to retire are outside of the current water right borders. I have attached a map of the current water right borders for 35-14181 with this email. Water right 35-14181 is the remaining portion of water right 35-7490 after water right transfer number 77524 was approved. I checked these borders and they are exactly 1238.6 acres, so no lands outside of the water right borders can be considered. If the borders are incorrect, you will need to resolve that issue before the lease can move forward. We cannot approve this Water Supply Bank application unless there is a map that shows which of the current 33.3 acres within the borders of the water right are going to be retired, and which 975 acres within the borders of the water right are going to continue to be irrigated. I have included the acres that are currently involved in the CREP program. The easiest way to do this is to send me a map showing just those 975 acres that will continue to be irrigated. If I have a map that shows 975 acres that will continue to be irrigated within the borders of the water right, I can move forward with that information.

I am not allowed to grant additional time without approval, but I will ask if we can give you an extension. I won't be able to gather everyone I need to speak with together until Monday due to the holiday, so I won't be able to seek the extension until then. I will let you know as soon as I can what management decides to do about a possible extension.

I will be happy to accept a corrected map if you can get it to me before Monday, and avoid the process of seeking an extension.

Daniel A. Nelson

Staff Hydrologist

Planning Bureau

Idaho Department of Water Resources

Telephone # (208) 287-4856

Fax (208) 287-6700 (C/O Dan Nelson)

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]

Sent: Monday, November 21, 2011 3:58 PM

To: Nelson, Dan

Cc: Dwight Baker

Subject: Re: Grandview Ranch LLC Crep Acres

Hi Dan,

Thanks for reminding me about the deadline for submission on the proposed lease acres for Grandview Ranch. Please find attached the revised water supply bank lease map in addition to a GIS shapefile for the specific 33.3 acres.

The map reflects changes associated with recently approved transfer #77524 that permanently moved the 62 acres to Wulf Lebrecht that I previously included in the water bank lease application. The hope was authorizing a temporary change while the transfer was in process, however that is obviously no longer necessary.

Please note that recently approved transfer #77526 authorized a permissible place of use on the Grandview property with a total irrigation of 1,238.6 acres, and while the lease application is active, only 975.3 acres will be irrigated in addition to CRP/CREP contract areas which appears to currently include 230.3 acres.

We hope that if any additional areas are planned to be idled during 2012 that we can adjust the area before the irrigation season begins in April.

As far as the current configuration, let me know if there is anything further I can provide that will help in final processing.

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC

(208) 308-2109

On Thu, Nov 3, 2011 at 3:16 PM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

That sounds great Jason. As far as the acres looking irrigated or not doesn't really matter until after the water bank lease is approved. The only question for Mr. Baker is how many acres does he want to irrigate and the location of those

acres he plans to set aside after the Water Supply Bank lease is approved. Right now he has 1008.3 acres to work with. He can put the entire 1008.3 acres or any portion thereof in the Water Supply Bank if he likes. He just can't exceed that 1008.3 acre number when the Water Supply Bank lease and continued irrigated acre amounts are combined.

Thank you for the quick response. I will wait until I hear back from you on this one.

I would like you to give me a call concerning the Bingham Investment Water Supply Bank lease you filed. When you get time in the next day or two I would like to speak with you on this one. I left a message with your receptionist, but I am not sure if you received it or not.

Daniel A. Nelson

Staff Hydrologist

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Idaho Department of Water Resources

Telephone # (208) 287-4856

Fax (208) 287-6700 (C/O Dan Nelson)

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]

Sent: Thursday, November 03, 2011 2:49 PM

To: Nelson, Dan

Subject: Re: Grandview Ranch LLC Crep Acres

Dan,

Looking over the irrigation from the 2011 photo, I think we can meet the CREP and still have acreage to place in the water supply bank. Excluding the CREP areas I am seeing around 970-975 acres still active so that all makes sense.

I have attached a preliminary shapefile for the continuing irrigation. Actually, we may be able to increase the water bank lease.

I will discuss with Dwight Baker and get back to you.

Thanks,
Jason

On Thu, Nov 3, 2011 at 1:18 PM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Jason,

I have just received confirmation that the 160.3 acre CREP Contract and the 70 acre CREP are both active. This means that Grandview Ranch LLC can irrigate 1008.3 acres maximum. The Water Supply Bank lease application suggests that they will continue to irrigate 1012 acres. Taking this information into account, I will need the one of the following pieces of information:

Does your client want to withdrawal their Water Supply Bank Application? If so, please submit a written request to withdraw the application.

If they don't want to withdraw their Water Bank Application, please supply a map that shows the 33.3 acres to be retired, plus the 975 acres that will continue to be irrigated.

Thank you so much for your time.

Daniel A. Nelson

Staff Hydrologist

Planning Bureau

Idaho Department of Water Resources

Telephone # (208) 287-4856

Fax (208) 287-6700 (C/O Dan Nelson)

From: Nelson, Dan
Sent: Thursday, November 03, 2011 11:54 AM
To: 'jasoncivil@alumni.nd.edu'
Cc: Van Bussum, Monica; Farmer, Neal
Subject: Grandview Ranch LLC Crep Acres

Hello Jason,

I wanted to send you an email to hopefully help you understand what is going on with the Grandview Ranch LLC Water Supply Bank lease application. There are currently two possible CREP contracts for Grandview Ranch LLC. The first contract is for northeast pivot I will call it Field A, and the second contract is for fields in the between the two west pivots that I will call Field B. The hold-up in processing is that the CREP contract for Field B is currently under review and hasn't been finalized. Until this contract is resolved, we don't have any idea what is available for the Water Supply Bank Lease. There are several reasons why the contract is still listed as being under review, so it could be a pretty quick fix.

My understanding of what is going on at Grandview Ranch LLC when the CREP, Water Supply Bank lease application, Water Right Transfer 77524, and the acres that are continue to be irrigated are as follows:

<u>Original combined water rights acres =</u>	<u>1300.6 acres</u>
<u>Water Right Transfer 77524 approved October 2011=</u>	<u>62.0 acres</u>
<u>Balance=</u>	<u>1238.6 acres</u>

<u>Acres held in CREP contract for Field A=</u>	<u>160.3 acres</u>
<u>Balance =</u>	<u>1078.3 acres</u>

<u>Lands that will continue to be irrigated =</u>	<u>1012.0 acres</u>
<u>Balance =</u>	<u>66.3 acres</u>

We have a Water Supply Bank Lease application for 33.3 acres.

We have a CREP contract for Field B that is currently under review for 70 acres.

We have three possibilities.

Either the CREP contract acres from Field B are reduced from 70 acres to 66.3 acres and the Water Supply Bank lease application withdrawn.

OR

The Water Supply Bank lease application needs to be increased from 33.3 acres to 66.3 acres and the CREP contract for Field B needs to be withdrawn.

OR

The Water Supply Bank lease application can stay the same, and the CREP contract acres for Field B can be reduced to 30 acres.

At this point, we don't have confirmation of what is happening with the CREP acres under Field B, so we can't move forward with any Water Supply Bank lease until we get the issues with this contract clarified. We also will need to confirm that Field A is for 160.3 acres, but we are fairly confident that Field A is still in the CREP program and contracted. At this point, if we approve the Water Supply Bank lease application for 33.3 acres, this could VOID the CREP contract for Field B, and if the CREP contract for Field B is approved, it would VOID the Water Supply Bank Lease application. Therefore, until both of these issues are straightened out, we can't move forward with either process. I would like to ask you to contact your client and work with them to clarify these issues. We will need confirmation that the CREP contracts for Field B are in order and signed from the folks working on the CREP program in your area. You will then need to make any changes that are necessary to the Water Supply Bank lease and get those documents back to me.

I can only hold an application officially for 14 days that is waiting for additional information, but I think we can make an exception in this case, since it involves other agencies. Unfortunately, the best that I can do is 30-days to supply the information before we deny the Water Supply Bank lease application and return it to your client. The main reason for the extension is that I am still seeking confirmation from CREP folks. As soon as I receive that confirmation, I will forward that information to you as soon as possible.

Thank you so much for your time and your patience concerning this application.

Daniel A. Nelson

Staff Hydrologist

Planning Bureau

Idaho Department of Water Resources

Telephone # (208) 287-4856

Fax (208) 287-6700 (C/O Dan Nelson)

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, November 23, 2011 4:22 PM
To: 'Jason Helms'
Cc: Van Bussum, Monica
Subject: RE: Grandview Ranch LLC Crep Acres

Jason,

I apologize for not being clear during our telephone conversation on Monday 11/21/2011.

The map you sent in today is the preliminary map that you sent in on 11/3/2011 after we first spoke about the problems with the original map. I thought that the preliminary map was acceptable when you sent it to my office. The only reason that I was holding the file was that you told me that you needed to get it approved by your client before moving forward, and that you may change the application to include more acres in the lease. Here is the email that you sent with the preliminary map:

Dan,

Looking over the irrigation from the 2011 photo, I think we can meet the CREP and still have acreage to place in the water supply bank. Excluding the CREP areas I am seeing around 970-975 acres still active so that all makes sense.

I have attached a preliminary shapefile for the continuing irrigation. Actually, we may be able to increase the water bank lease.

I will discuss with Dwight Baker and get back to you.

Thanks,
Jason

I responded with the following email:

That sounds great Jason. As far as the acres looking irrigated or not doesn't really matter until after the water bank lease is approved. The only question for Mr. Baker is how many acres does he want to irrigate and the location of those acres he plans to set aside after the Water Supply Bank lease is approved. Right now he has 1008.3 acres to work with. He can put the entire 1008.3 acres or any portion thereof in the Water Supply Bank if he likes. He just can't exceed that 1008.3 acre number when the Water Supply Bank lease and continued irrigated acre amounts are combined.

Thank you for the quick response. I will wait until I hear back from you on this one.

I had not heard from you on this lease application until our Monday telephone conversation, and I was the one that asked about this lease. When we spoke Monday on the telephone I was convinced that you were going to send me your client's confirmation and an official map. If you hadn't ask me to hold the file, I would have moved forward with processing using the preliminary map you sent earlier.

After we spoke Monday, you sent back something similar to the original map that showed the acres being retired for the Water Supply Bank lease were outside of the borders of the water right, and more acres than the water right allowed once the CREP acres and Water Supply Bank lease were removed from the property. Even though it is a permissible place of use, you still have to designate acres inside of the permissible place of use border, or it would be a potential

violation of the water right. The original map was unacceptable, and that is why I originally requested clarification of this lease application. That is why I sent the email today asking the same questions I asked when the first map was submitted.

I am truly sorry that I didn't articulate what was needed during Monday's telephone conversation, but I thought the email exchanges we had on this matter were very clear. I had no reason to believe you would send in a map that was different than the preliminary map you sent on 11/3/2011, or something fairly similar. When you did send me a completely different map that was inadequate, I had no choice but to address the issues that map raised.

Daniel A. Nelson
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From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Wednesday, November 23, 2011 2:02 PM
To: Nelson, Dan
Subject: Re: Grandview Ranch LLC Crep Acres

Once again, I am trying to meet your requirement.

Please find attached a GIS shapefile for the 975 acre place of use similar to the shapefile previously submitted that was inadequate.

I expect there will be a problem since there always seems to be so please let me know as soon as you find it.

Thanks,
Jason

On Wed, Nov 23, 2011 at 11:26 AM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Jason,

I received your maps and the lands that you are proposing to retire are outside of the current water right borders. I have attached a map of the current water right borders for 35-14181 with this email. Water right 35-14181 is the remaining portion of water right 35-7490 after water right transfer number 77524 was approved. I checked these borders and they are exactly 1238.6 acres, so no lands outside of the water right borders can be considered. If the borders are incorrect, you will need to resolve that issue before the lease can move forward. We cannot approve this Water Supply Bank application unless there is a map that shows which of the current 33.3 acres within the borders of the water right are going to be retired, and which 975 acres within the borders of the water right are going to continue to be irrigated. I have included the acres that are currently involved in the CREP program. The easiest way to do this is to send me a map showing just those 975 acres that will continue to be irrigated. If I have a map that shows 975 acres that will continue to be irrigated within the borders of the water right, I can move forward with that information.

I am not allowed to grant additional time without approval, but I will ask if we can give you an extension. I won't be able to gather everyone I need to speak with together until Monday due to the holiday, so I won't be able to seek the extension until then. I will let you know as soon as I can what management decides to do about a possible extension.

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Please note that recently approved transfer #77526 authorized a permissible place of use on the Grandview property with a total irrigation of 1,238.6 acres, and while the lease application is active, only 975.3 acres will be irrigated in addition to CRP/CREP contract areas which appears to currently include 230.3 acres.

We hope that if any additional areas are planned to be idled during 2012 that we can adjust the area before the irrigation season begins in April.

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<u>Balance=</u>	<u>1238.6 acres</u>

Acres held in CREP contract for Field A= 160.3 acres

Balance = 1078.3 acres

Lands that will continue to be irrigated = 1012.0 acres

Balance = 66.3 acres

We have a Water Supply Bank Lease application for 33.3 acres.

We have a CREP contract for Field B that is currently under review for 70 acres.

We have three possibilities.

Either the CREP contract acres from Field B are reduced from 70 acres to 66.3 acres and the Water Supply Bank lease application withdrawn.

OR

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from the folks working on the CREP program in your area. You will then need to make any changes that are necessary to the Water Supply Bank lease and get those documents back to me.

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Thank you so much for your time and your patience concerning this application.

Daniel A. Nelson

Staff Hydrologist

Planning Bureau

Idaho Department of Water Resources

Telephone # (208) 287-4856

Fax (208) 287-6700 (C/O Dan Nelson)

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, November 23, 2011 11:27 AM
To: 'Jason Helms'
Cc: Van Bussum, Monica
Subject: RE: Grandview Ranch LLC Crep Acres
Attachments: 35-14181 Borders.jpg

Jason,

I received your maps and the lands that you are proposing to retire are outside of the current water right borders. I have attached a map of the current water right borders for 35-14181 with this email. Water right 35-14181 is the remaining portion of water right 35-7490 after water right transfer number 77524 was approved. I checked these borders and they are exactly 1238.6 acres, so no lands outside of the water right borders can be considered. If the borders are incorrect, you will need to resolve that issue before the lease can move forward. We cannot approve this Water Supply Bank application unless there is a map that shows which of the current 33.3 acres within the borders of the water right are going to be retired, and which 975 acres within the borders of the water right are going to continue to be irrigated. I have included the acres that are currently involved in the CREP program. The easiest way to do this is to send me a map showing just those 975 acres that will continue to be irrigated. If I have a map that shows 975 acres that will continue to be irrigated within the borders of the water right, I can move forward with that information.

I am not allowed to grant additional time without approval, but I will ask if we can give you an extension. I won't be able to gather everyone I need to speak with together until Monday due to the holiday, so I won't be able to seek the extension until then. I will let you know as soon as I can what management decides to do about a possible extension.

I will be happy to accept a corrected map if you can get it to me before Monday, and avoid the process of seeking an extension.

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Fax (208) 287-6700 (C/O Dan Nelson)

From: Jason Helms [mailto:jasoncivil@alumni.nd.edu]
Sent: Monday, November 21, 2011 3:58 PM
To: Nelson, Dan
Cc: Dwight Baker
Subject: Re: Grandview Ranch LLC Crep Acres

Hi Dan,

Thanks for reminding me about the deadline for submission on the proposed lease acres for Grandview Ranch. Please find attached the revised water supply bank lease map in addition to a GIS shapefile for the specific 33.3 acres.

The map reflects changes associated with recently approved transfer #77524 that permanently moved the 62 acres to Wulf Lebrecht that I previously included in the water bank lease application. The hope was authorizing

a temporary change while the transfer was in process, however that is obviously no longer necessary.

Please note that recently approved transfer #77526 authorized a permissible place of use on the Grandview property with a total irrigation of 1,238.6 acres, and while the lease application is active, only 975.3 acres will be irrigated in addition to CRP/CREP contract areas which appears to currently include 230.3 acres.

We hope that if any additional areas are planned to be idled during 2012 that we can adjust the area before the irrigation season begins in April.

As far as the current configuration, let me know if there is anything further I can provide that will help in final processing.

Thanks,

Jason C. Helms, P.E.
JCH Engineering & Consulting, PLLC
(208) 308-2109

On Thu, Nov 3, 2011 at 3:16 PM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

That sounds great Jason. As far as the acres looking irrigated or not doesn't really matter until after the water bank lease is approved. The only question for Mr. Baker is how many acres does he want to irrigate and the location of those acres he plans to set aside after the Water Supply Bank lease is approved. Right now he has 1008.3 acres to work with. He can put the entire 1008.3 acres or any portion thereof in the Water Supply Bank if he likes. He just can't exceed that 1008.3 acre number when the Water Supply Bank lease and continued irrigated acre amounts are combined.

Thank you for the quick response. I will wait until I hear back from you on this one.

I would like you to give me a call concerning the Bingham Investment Water Supply Bank lease you filed. When you get time in the next day or two I would like to speak with you on this one. I left a message with your receptionist, but I am not sure if you received it or not.

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Sent: Thursday, November 03, 2011 2:49 PM
To: Nelson, Dan
Subject: Re: Grandview Ranch LLC Crep Acres

Dan,

Looking over the irrigation from the 2011 photo, I think we can meet the CREP and still have acreage to place in the water supply bank. Excluding the CREP areas I am seeing around 970-975 acres still active so that all makes sense.

I have attached a preliminary shapefile for the continuing irrigation. Actually, we may be able to increase the water bank lease.

I will discuss with Dwight Baker and get back to you.

Thanks,
Jason

On Thu, Nov 3, 2011 at 1:18 PM, Nelson, Dan <Dan.Nelson@idwr.idaho.gov> wrote:

Jason,

I have just received confirmation that the 160.3 acre CREP Contract and the 70 acre CREP are both active. This means that Grandview Ranch LLC can irrigate 1008.3 acres maximum. The Water Supply Bank lease application suggests that they will continue to irrigate 1012 acres. Taking this information into account, I will need the one of the following pieces of information:

Does your client want to withdrawal their Water Supply Bank Application? If so, please submit a written request to withdraw the application.

If they don't want to withdraw their Water Bank Application, please supply a map that shows the 33.3 acres to be retired, plus the 975 acres that will continue to be irrigated.

Thank you so much for your time.

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Cc: Van Bussum, Monica; Farmer, Neal
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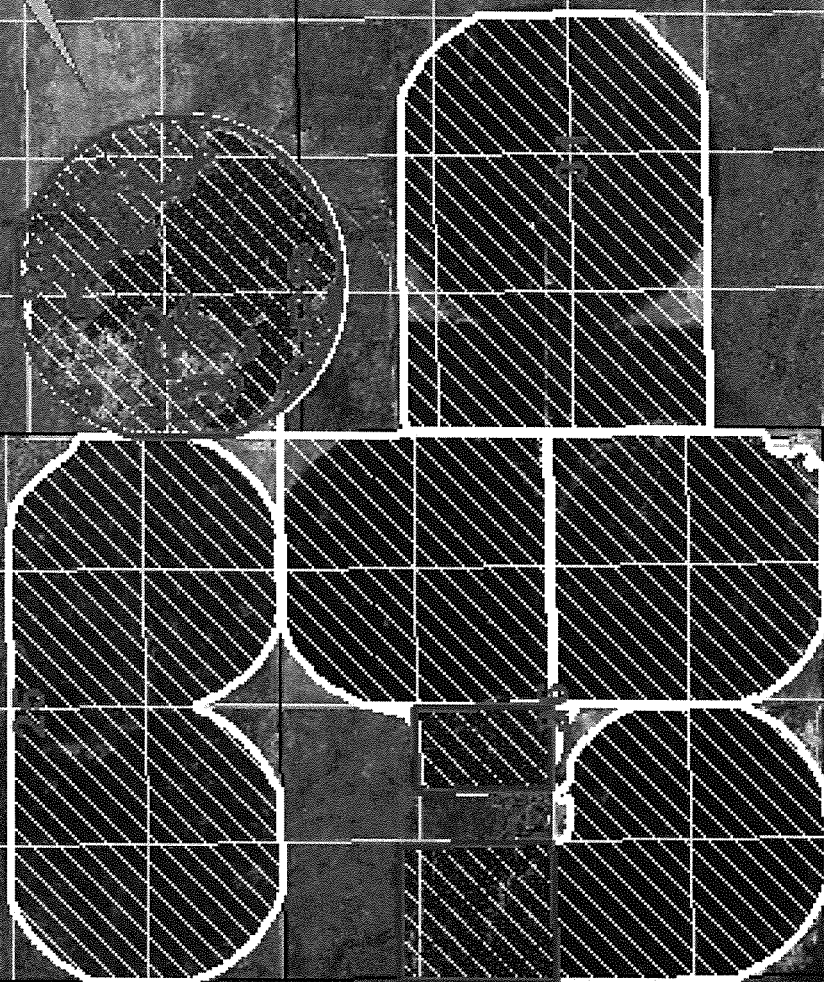
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Original combined water rights acres = 1300.6 acres

Water*Right Transfer 77524 approved October 2011= 62.0 acres

**Lands under CREP
are highlighted in orange**

**Water Right
Border for 35-14181**



Nelson, Dan

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Monday, November 21, 2011 3:58 PM
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Subject: Re: Grandview Ranch LLC Crep Acres
Attachments: grandview_lease_map_revised_11212011.pdf; grandview_wsb_lease.zip

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Does your client want to withdraw their Water Supply Bank Application? If so, please submit a written request to withdraw the application.

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Cc: Van Bussum, Monica; Farmer, Neal
Subject: Grandview Ranch LLC Crep Acres

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idea what is available for the Water Supply Bank Lease. There are several reasons why the contract is still listed as being under review, so it could be a pretty quick fix.

My understanding of what is going on at Grandview Ranch LLC when the CREP, Water Supply Bank lease application, Water Right Transfer 77524, and the acres that are continue to be irrigated are as follows:

<u>Original combined water rights acres =</u>	<u>1300.6 acres</u>
<u>Water Right Transfer 77524 approved October 2011=</u>	<u>62.0 acres</u>
<u>Balance=</u>	<u>1238.6 acres</u>

<u>Acres held in CREP contract for Field A=</u>	<u>160.3 acres</u>
<u>Balance =</u>	<u>1078.3 acres</u>

<u>Lands that will continue to be irrigated =</u>	<u>1012.0 acres</u>
<u>Balance =</u>	<u>66.3 acres</u>

We have a Water Supply Bank Lease application for 33.3 acres.

We have a CREP contract for Field B that is currently under review for 70 acres.

We have three possibilities.

Either the CREP contract acres from Field B are reduced from 70 acres to 66.3 acres and the Water Supply Bank lease application withdrawn.

OR

The Water Supply Bank lease application needs to be increased from 33.3 acres to 66.3 acres and the CREP contract for Field B needs to be withdrawn.

OR

The Water Supply Bank lease application can stay the same, and the CREP contract acres for Field B can be reduced to 30 acres.

At this point, we don't have confirmation of what is happening with the CREP acres under Field B, so we can't move forward with any Water Supply Bank lease until we get the issues with this contract clarified. We also will need to confirm that Field A is for 160.3 acres, but we are fairly confident that Field A is still in the CREP program and contracted. At this point, if we approve the Water Supply Bank lease application for 33.3 acres, this could VOID the CREP contract for Field B, and if the CREP contract for Field B is approved, it would VOID the Water Supply Bank Lease application. Therefore, until both of these issues are straightened out, we can't move forward with either process. I would like to ask you to contact your client and work with them to clarify these issues. We will need confirmation that the CREP contracts for Field B are in order and signed from the folks working on the CREP program in your area. You will then need to make any changes that are necessary to the Water Supply Bank lease and get those documents back to me.

I can only hold an application officially for 14 days that is waiting for additional information, but I think we can make an exception in this case, since it involves other agencies. Unfortunately, the best that I can do is 30-days to supply the information before we deny the Water Supply Bank lease application and return it to your client. The main reason for the extension is that I am still seeking confirmation from CREP folks. As soon as I receive that confirmation, I will forward that information to you as soon as possible.

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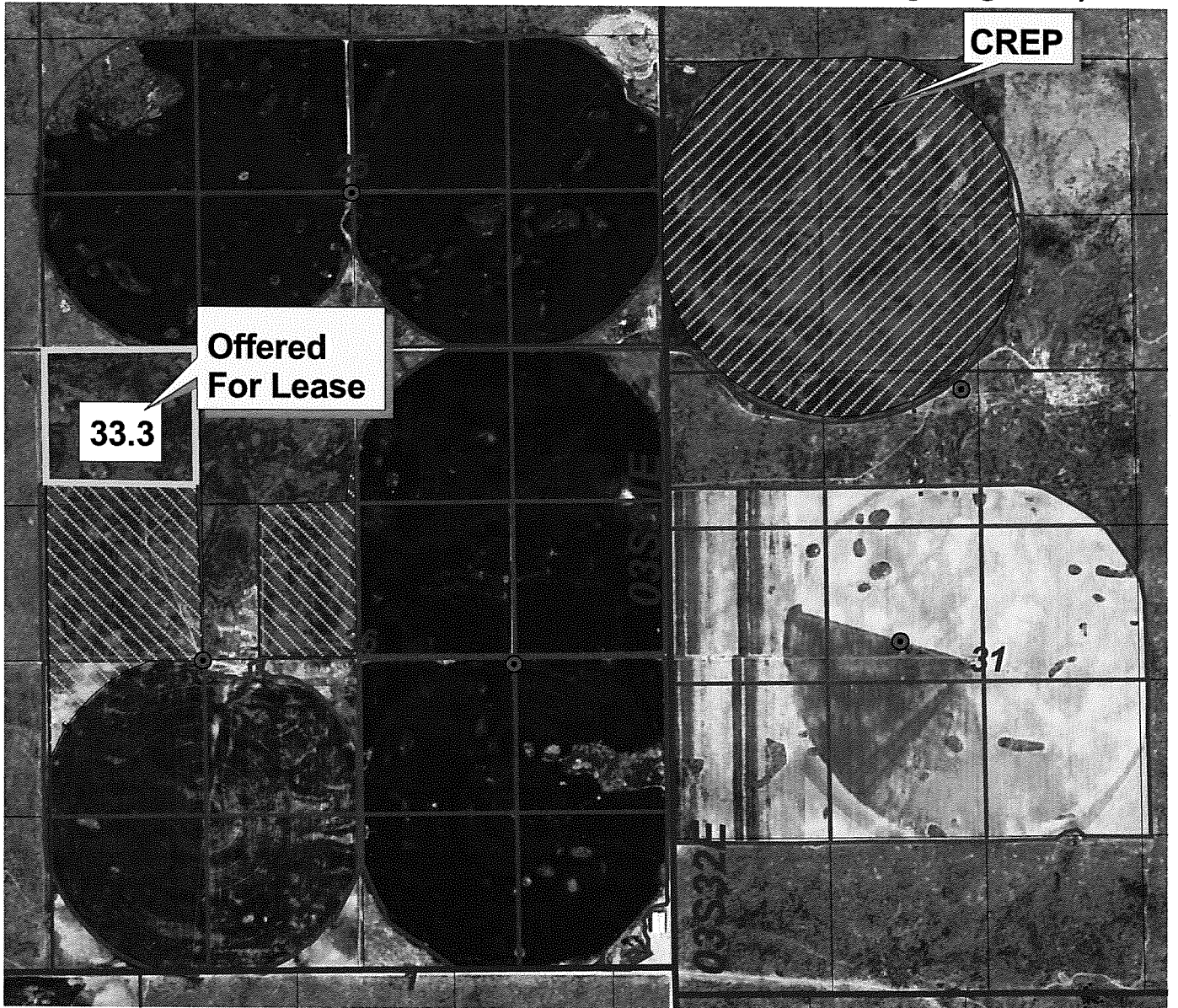
Planning Bureau

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APPLICATION FOR LEASE TO WATER SUPPLY BANK **(Areas Offered For Lease, Active CREP & Continuing Irrigation)**

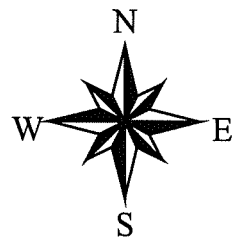


JCH - 11/21/2011

0.25 0 0.25 0.5 Miles

NAIP 2011 Aerial Photo

- Existing Authorized Wells
- Water Supply Bank Lease Area (Yellow)
- Grandview Ranch, LLC Irrigation
- Townships
- Sections
- 40's



GRANDVIEW RANCH LLC
EXHIBIT A

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, November 03, 2011 1:19 PM
To: 'jasoncivil@alumni.nd.edu'
Cc: Van Bussum, Monica; Farmer, Neal
Subject: RE: Grandview Ranch LLC Crep Acres

Jason,

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