

Water Supply Bank No. _____
(For Department Use Only)

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

RECEIVED
NOV 10 2010

Department of Water Resources

Name of Renter Cleft of the Rock Farms Phone 208-349-5542

Mailing address 51 N 3350 E American Falls, Id 83211 Email ctrfarms@hotmail.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. <u>Maximum Flow Rate (cfs)</u>	<u>Maximum Volume (ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	
<u>1.08</u>		<u>irrigation</u>	<u>3/15</u>	to <u>11/15</u>
<u>1</u>		<u>irrigation</u>	<u>3/15</u>	to <u>11/15</u>
				to
Total: <u>2.08</u>	<u>616</u>			

2. Source of water ground water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
10S	28E	29		SW	SW		Cassia

4. Lands to be irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	28E	29									37	37	40	40					154

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 154

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☒ No ☐
If no, list owner, contact information, and provide documentation of the authority to use the proposed point of diversion. _____
2. Do you own the land at the proposed place of use? Yes ☒ No ☐
If no, list owner, contact information, and provide documentation of the authority to use the proposed place of use. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels

D: GENERAL INFORMATION

1. Please provide a description of the proposed diversion system. see attached documents
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
43-13513, 43-1515
3. Will the proposed place of use receive water from any other source? Yes ☐ No ☒
If yes, describe. _____
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. N/A
5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☒ No ☐
If yes, describe. Will be submitting a proposal at a later date to purchase water rights: 43-2009, 43-4112, 43-2325 that are represented in this rental.
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

E. RENTAL TERM

1. Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐
If yes, please specify the number of years desired through proposed rental. 5 w/ purch

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Ken Woodworth
Signature of Applicant

Ken Woodworth Ptr
Printed Name and Title*

11/09/2010
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Description of the Proposed Diversion System

The system will consist of ground water pumped from an existing well located in the corner of the property diverted from mainline to circular pivots. The well is currently in place and supplies water to an adjacent pivot using water right numbers 43-13513 and 43-1515 that are currently owned by Delmar Woodworth and Kenneth Woodworth. The additional water rights that will be used for this proposed rental are owned by several owners: Rodney Hall, Morris Hall, Nila Brown, Patricia Banner, and Estella McKee. The water right numbers are 43-2009, 43-4112, 43-2325 and are currently leased to the water bank with an expiration date of 12-31-2010.

We are currently negotiating an agreement to purchase these water rights. In order to avoid a lapse in use, we request that IDWR contact Rodney Hall, informing him we have made an application to continue renting the water right for 2011, and beyond if necessary, until we can finalize our purchase agreement with them. It would then be completed by a transfer and ownership change.

Attached is a copy of water rights 43-2009, 43-4112, 43-2325.

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/19/2010

WATER RIGHT NO. 43-2009

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MORRIS HALL PO BOX 2042 MALTA, ID 83342 (208)645-2516
Current Owner	RODNEY HALL PO BOX 631 MALTA, ID 83342 (208)312-2316
Current Owner	NILA BROWN 2210 N GLENFIELD WY MERIDIAN, ID 83642
Current Owner	PATRICIA BANNER 4158 BENNIONRD TAYLORSVILLE, UT 84119
Current Owner	ESTELLA MC KEE 4158 BENNIONRD TRIDELL, UT 84076
Original Owner	G E GARNER
Original Owner	CHARLES P SPENCER MALTA, ID

Priority Date: 10/19/1928

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
RAFT RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	2.98 CFS	
Total Diversion			2.98 CFS	

Location of Point(s) of Diversion:

RAFT RIVER	SESWNE	Sec. 24	Township 12S	Range 26E	CASSIA County
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IRRIGATION Use:

Acre Limit: 149

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	26E	13		NWSE	39		SWSE	39						
		24		NWNE	38		SWNE	38						

Total Acres: 154

Conditions of Approval:

1.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 149 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2.	E56	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2009, 43-2325, AND 43-4112.
3.	E62	WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-2009, 43-2325, AND 43-4112.
4.	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 UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 06/28/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 154

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

ESTELLA MCKEE

MORRIS HALL

Lessor Name(s):NILA BROWN

PATRICIA BANNER

RODNEY HALL

Lease Status: Active

Lease Amount: All

Rental Availability: All

Date Received: 12/11/2006

Lease Begin Date: 12/11/2006

Expiration Date: 12/31/2010

Close

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/19/2010

WATER RIGHT NO. 43-4112

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MORRIS HALL PO BOX 2042 MALTA, ID 83342 (208)645-2516
Current Owner	RODNEY HALL PO BOX 631 MALTA, ID 83342 (208)312-2316
Current Owner	NILA BROWN 2210 N GLENFIELD WY MERIDIAN, ID 83642
Current Owner	PATRICIA BANNER 4158 BENNIONRD TAYLORSVILLE, UT 84119
Current Owner	ESTELLA MC KEE 4158 BENNIONRD TRIDELL, UT 84076
Original Owner	ESTELLA N HALL
Original Owner	J DEWARD HALL C/O RODNEY HALL PO BOX 631 MALTA, ID 83342 (208)642-2528

Priority Date: 03/15/1957

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESWNE	Sec. 24	Township 12S	Range 26E	CASSIA County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	26E	13		NWSE	39		SWSE	39						
		24		NWNE	38		SWNE	38						

Total Acres: 154

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 UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.	E56	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2009, 43-2325, AND 43-4112.
3.	E60	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.08 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 616 AF. COMBINED RIGHT NOS.: 43-2325 AND 43-4112
4.	E62	WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-2009, 43-2325, AND 43-4112.

Dates:

Licensed Date:

Decreed Date: 06/28/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 616

Combined Rate Limit: 2.08

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

ESTELLA MC KEE

MORRIS HALL

Lessor Name(s):NILA BROWN

PATRICIA BANNER

RODNEY HALL

Lease Status: Active

Lease Amount: All

Rental Availability: All

Date Received: 12/11/2006

Lease Begin Date: 12/11/2006

Expiration Date: 12/31/2010

Close

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/19/2010

WATER RIGHT NO. 43-2325

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MORRIS HALL PO BOX 2042 MALTA, ID 83342 (208)645-2516
Current Owner	RODNEY HALL PO BOX 631 MALTA, ID 83342 (208)312-2316
Current Owner	NILA BROWN 2210 N GLENFIELD WY MERIDIAN, ID 83642
Current Owner	PATRICIA BANNER 4158 BENNIONRD TAYLORSVILLE, UT 84119
Current Owner	ESTELLA MC KEE 4158 BENNIONRD TRIDELL, UT 84076
Original Owner	ESTELLA N HALL
Original Owner	J DEWARD HALL C/O RODNEY HALL PO BOX 631 MALTA, ID 83342 (208)642-2528

Priority Date: 10/15/1948

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	1.08 CFS	
Total Diversion			1.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESWNE	Sec. 24	Township 12S	Range 26E	CASSIA County
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IRRIGATION Use:

Acre Limit: 120

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	26E	13		NWSE	39		SWSE	39						
		24		NWNE	38		SWNE	38						

Total Acres: 154

Conditions of Approval:

1.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2.	E62	WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-2009, 43-2325, AND 43-4112.
3.	E56	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2009, 43-2325, AND 43-4112.
4.	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 UNIFIED DECREE.
SECTION 42-1412(6), IDAHO CODE.

5. E60 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.08 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 616 AF. COMBINED RIGHT NOS.: 43-2325 AND 43-4112

Dates:

Licensed Date:

Decreed Date: 06/28/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 616

Combined Rate Limit: 2.08

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

ESTELLA MC KEE

MORRIS HALL

Lessor Name(s): NILA BROWN

PATRICIA BANNER

RODNEY HALL

Lease Status: Active

Lease Amount: All

Rental Availability: All

Date Received: 12/11/2006

Lease Begin Date: 12/11/2006

Expiration Date: 12/31/2010

Close

105 28 E 29

Proposed

Well

Existing Pivot

105 28 E 32

FILED**CERTIFICATE OF ASSUMED BUSINESS NAME**

(Please type or print legibly. See instructions on other page.)

98 MAR -9 AM 11:21
SECRETARY OF STATE
STATE OF IDAHO

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-504, Idaho Code, the undersigned
gives notice of adoption of an Assumed Business Name.

1. The assumed business name which the undersigned uses(s) in the transaction of
-
- business is:

Cleft of the Rock Farms

2. The true name(s) and business address(es) of the entity or individual(s) doing
-
- business under the assumed business name is/are:

NameComplete AddressKenneth WoodworthHC 76 Box 1210 American Falls, ID 83211Delmar Woodworth735 Calder Avenue American Falls, ID 83211

3. The general type of business transacted under the assumed business name is:
-
- (mark only those that apply)

☐

Retail Trade

☐

Manufacturing

☐

Transportation and Public Utilities

☐

Wholesale Trade

☒

Agriculture

☐

Finance, Insurance, and Real Estate

☐

Services

☐

Construction

☐

Mining

4. The name and address to which future
-
- correspondence should be addressed:

Phone number (optional):

Cleft of the Rock Farms735 CALDER AVE.American Falls, ID 83211

5. Name and address for this acknowledgement
-
- copy is (if other than #4 above):

FIRST SECURITY BANK N.A.

COMMERCIAL LOAN DOCUMENTATION CENTER

P.O. BOX 8203

BOISE, IDAHO 83707

Submit Certificate of

Assumed Business

Name and \$20.00 fee to:

Secretary of State

700 West Jefferson

Basement West

PO Box 83720

Boise ID 83720-0080

208 334-2301

Signature:

Kenneth WoodworthPrinted Name: Kenneth Woodworth

Capacity:

General Partner

(see instruction # 3 on other sheet)

Secretary of State use only

IDAHO SECRETARY OF STATE

03/09/1998 09:00

CR: 1551 CT: 1031 BH: 88881

1 @ 20.00 = 20.00 ASSUM NAME

012917



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

November 10, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

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

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources acknowledges receipt of your application(s) to rent water from the Idaho Water Resource Board's Water Supply Bank. The Department will review your application(s) as resources allow. If the application(s) is not processed prior to the end of the proposed rental period, it will be returned to the applicant. The Department regrets any inconvenience caused by the delay. Please note that you are not authorized to use water without a valid water right or an approved Water Supply Bank rental agreement.

Please be advised, if your application seeks rental of water from the Eastern Snake Plain Aquifer (ESPA), the total cost of your rental will likely include additional mitigation water required to offset the effects of the proposed change in water use.

Additional information about the Bank may be found on the Department's web site www.idwr.idaho.gov.

Sincerely,

for Monica Van Bussum
Sr. Water Resource Agent
(208) 287-4907
Monica.vanbussum@idwr.idaho.gov