STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 10 2023
DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 766

This is to certify that:

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE, ID 83707-0027

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)
63-35356	12/10/1971	GROUND WATER	0.89	127	48.0	0.02	2.7
Rental Totals			**0.89**	**127**	**48.0**	**0.02**	**2.7**

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2023. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023: $292.56

The rental fee is an administrative fee of $292.56 for 2023. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 63-35356. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

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.

U-7195
L-8660

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 766

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:

Signature of Renter _____ Date June 30, 2023

Thomas J. Basabe
Printed Name

Director
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 _____ Date 8/25/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 8/25/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 766

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec. 6, Twp 01N, Rge 02E,	ADA County
GROUND WATER	NWSW	Sec. 7, Twp 01N, Rge 02E,	ADA County
GROUND WATER	NWSW	Sec. 7, Twp 01N, Rge 02E,	ADA County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	0.89 CFS	127 AF

SEASON OF USE

Water Right No.	From	To
63-35356	3/15	11/15

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	
01N	02E	6													31			17	48

Total Acres: 48.0

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 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. 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.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. 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.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER SUPPLY BANK RENTAL AGREEMENT No. 766

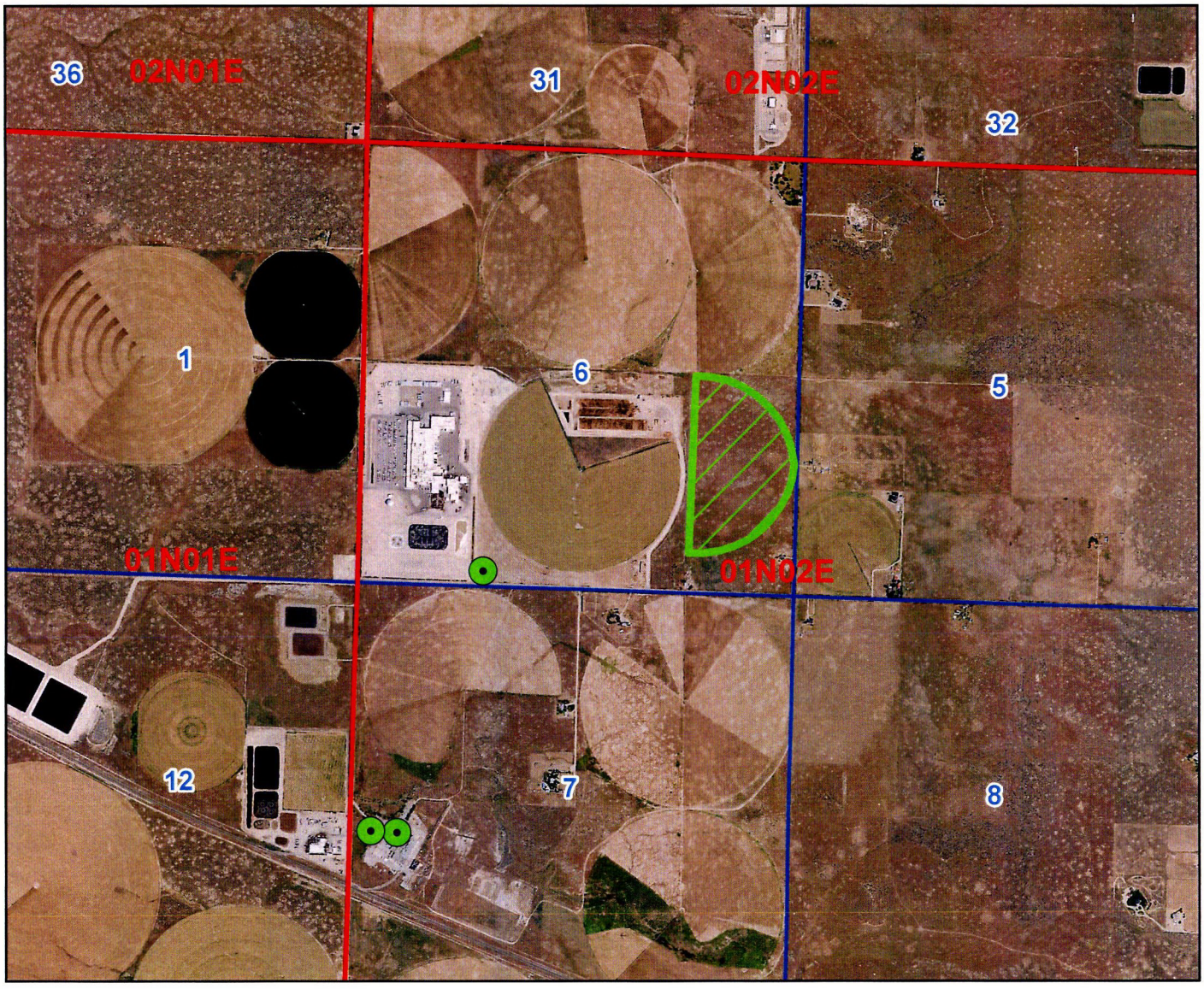
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 30, 2009.
11. Rights 63-3362, 63-7531, 63-10383, 63-11347 and 63-35356 when combined shall not exceed a total diversion rate of 8.88 cfs.
12. Rights 63-7531, 63-10383 and 63-35356 when combined shall not exceed a total diversion rate of 5.87 cfs.
13. Water rights 63-7531 and 63-35356 when combined are not to exceed an annual volume of 744.6 af.
14. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
15. This rental agreement does not authorize the construction of a well.
16. The following rights are diverted through point(s) of diversion described above in Section 6: 63-34223, 63-34224, 63-34225, and 63-34226.
17. Rights 63-3362, 63-7531, 63-10383, 63-11347, and 63-35356 when combined shall not exceed the irrigation of 525.2 acres.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 766

Effective until December 31, 2023

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Legend

- Water Supply Bank Rental POD
- Water Supply Bank Rental POU
- Township/Range
- Sections
- QQ

0 0.5 1 Miles

N

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO RENT WATER FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED
JUL 26 2022
DEPARTMENT OF WATER RESOURCES

Applicant Name: CS Property Development LLC

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.

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)
63-7531

2409

STATE OF IDAHO
WATER RESOURCE BOARD
Amended
Application to Rent Water (Continued)

RECEIVED
JUN 01 2023
Department of Water Resources

1. CONTACT INFORMATION

A. Applicant CS Property Development LLC

Mailing Address 1099 W. Front Street (Street) Boise (City) ID (State) 83702 (Zip Code)

Email Address vic.conrad@simplot.com Phone Number 208-780-7359

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 _____ Professional Title _____

Organization _____ Relationship to Applicant _____

Mailing Address _____

Email Address _____ Phone Number _____

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**:
Water will be diverted from existing wells and used to irrigate 48 ~~135.8~~ acres with overhead center pivot sprinklers

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.89 ~~2.51~~ CFS	127.2 ~~360~~ AF	~~2.51~~ CFS	127.2 ~~360~~ AF	48 ~~135.8~~ 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 Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
		1	2	3	4	5		
March 15, 2023	March 15, 2023	☑	☐	☐	☐	☐	☑ Process application as soon as possible	☐ Return application 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

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Department of Water Resources

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):
Water will be diverted from existing wells and transported through existing underground pipelines to the place of use.

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
T.1N R.2E Sec. 6 SESW	Groundwater	See attached list of water rights for POD
T. 1N R.2E Sec. 7 NWSW	Groundwater	See attached list of water rights for PODs
T. 1N R.2E Sec. 18 SWSW	Groundwater	See attached list of water rights for POD

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 48 ~~135.8~~ (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.

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:

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
JUN 01 2023
Department of Water Resources

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 (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)
~~63-7531~~ 63-35356	Irrigation	0.89 ~~2.51~~	127.2 ~~360~~	48 ~~135.8~~		0.89 ~~2.51~~	127.2 ~~360~~	48 ~~135.8~~
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**	0.89 **CFS**	127.2 **AF**	48 **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**:

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**:

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:

B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?
If yes, describe: Yes ☐ No ☑

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.

D. Additional Information

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.

Signature of Applicant	Thomas J. Basabe, Director Printed Name of Applicant	7-19-22 Date
Signature of Representative	Printed Name of Representative	Date

Mail to:

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

List of Existing Water Rights for Each Rental Point of Diversion

T.1N R.2E Section 6 SESW: 63-34223, 63-34224, 63-34225, 63-34226, 63-34221

T. 1N R.2E Section 7 NWSW (Lot 3) (2 POD's): 63-7531, 63-33884, 63-34373, and the following water rights that currently identify these PODs and will not be diverted from these PODS during the rental term; 63-3362, 63-10383, 63-11347, 63-34795, 63-12546.

T. 1N R.2E Section 18 SWSW (Lot4): 63-7531, 63-33884, 63-34373, and the following water rights that currently identify these POD's and will not be diverted from this POD during the rental term.

Amended Map Water Supply Bank Rental Application 63-35356

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Department of Water Resources



STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant CS Property Development LLC

Mailing Address 1099 W. Front Street (Street) Boise (City) ID (State) 83702 (Zip Code)

Email Address vic.conrad@simplot.com Phone Number 208-780-7359

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 _____ Professional Title _____

Organization _____ Relationship to Applicant _____

Mailing Address _____

Email Address _____ Phone Number _____

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**:

Water will be diverted from existing wells and used to irrigate 135.8 acres with overhead center pivot sprinklers

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
2.51 CFS	360 AF	2.51 CFS	360 AF	135.8 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 Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
March 15, 2023	March 15, 2023	☑ 1	☐ 2	☐ 3	☐ 4	☐ 5	☑ Process application as soon as possible	☐ Return application 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.***

Superceded

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):
Water will be diverted from existing wells and transported through existing underground pipelines to the place of use.

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
T.1N R.2E Sec. 6 SESW	Groundwater	See attached list of water rights for POD
T. 1N R.2E Sec. 7 NWSW	Groundwater	See attached list of water rights for PODs
T. 1N R.2E Sec. 18 SWSW	Groundwater	See attached list of water rights for POD

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 135.8 (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.

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:

Superceded

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 (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)
63-7531	Irrigation	2.51	360	135.8		2.51	360	135.8
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.***

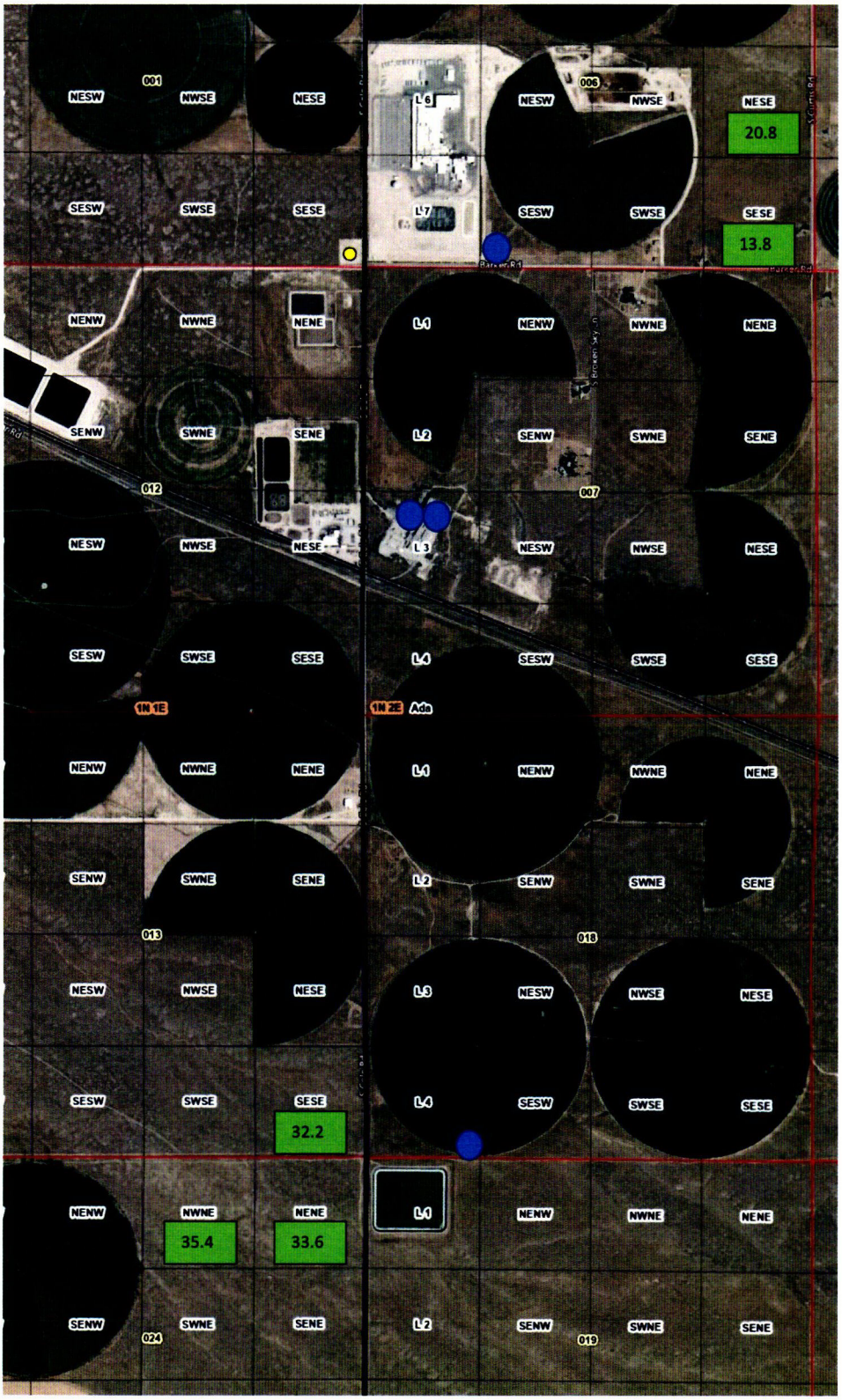
B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

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**:

Superceded

Proposed PODs and POUs for Water Supply Bank Rental of 63-7531



##.# = Rental Place of Use

= Rental Points of Diversion

N

Superceded

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER:

Received Date: 7/24/2022
Latest Start Date: 3/15/2023
Renter: CS Property Development LLC moved to 2023
Rental Expiration Date 2023
Lease/Rental Package (Y) N

Application # 2409 Agreement # 7166

Water Right	Lease Contract ID
# 63-35356	App 2408
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized?	(Y)/ N
Map of POU and POD	(Y)/ N
POD consent?	(Y)/ N
ESPA Modeling?	Y /N (NA)
Application Complete?	(Y)/ N
Minimum Checklist in database?	☑
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Comments:
Lease app 2408

Mailings (per application)	Original	CC	Email or Address
Renter: CS Property Development LLC	☐	☐	
Attorney: N/A ↳Attn. Vic Conrad	☐	☐	
Consultants Name: N/A	☐	☐	
Conveyence Entity: (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist: N/A	(final only)	☐	
Other: (WD Snake 01, Boise, Payette, and Bear River)	(final only)	☐	
Region: Western	(final only)	☐	
Watermaster: N/A	(final only)	☐	
Compliance:	(final only)	☐	

Resolving NOV? Y / N
#

Call up Date:

DO NOT SCAN

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 28, 2023

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE, ID 83707-0027

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-35356, AGREEMENT 766

Dear Renter:

Please find enclosed a receipt in the amount of **$292.56** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 127 acre-feet of water for irrigation of 48.0 acres during 2023. 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.

Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or $292.56** for 2023.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosures: Receipt No. C116714
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR - Western Region Office
Vic Conrad - Representative

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
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Governor Brad Little

Director Gary Spackman

June 27, 2023

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE, ID 83707-0027

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK WATER RIGHT NO. 63-35356 AGREEMENT 766

*****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 $292.56 per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 127.2 acre-feet.

Please send a check for $292.56 for 2023 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement**, **within 14 days** so I can complete processing. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years 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. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Pursuant to the Water Supply Bank Rules, the rental fee of $292.56 will be retained by the Department to offset administrative costs for 2023.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

for
Water Supply Bank

Enclosure: Rental Agreement
cc: Vic Conrad (via email)

MEMORANDUM FOR CONTRACT # 1715 & AGREEMENT # 766

To: Water Right(s) 63-35356

From: Mary Condon

Date: May 26, 2023

Re: Review & Analysis of Application to Lease and Rent Water from the State Water Supply Bank

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PURPOSE/NARRATIVE: Companion lease and rental applications of right 63-7531 for irrigation (split into 63-35356), received on July 26, 2022 for 2023 only. Processing was delayed due to the change in ownership and splits filed on this right and of those which this one shares combined limits, and timing. Right 63-35356 is a split of right 63-7531 for the irrigation portion only and shared a permissible place of use and wells with rights 63-3362, 63-10383, 63-11347 and 63-34795 now owned by Brisbie. These other rights owned by Brisbie are leased to the bank during 2023 under lease contract 1684 and fully rented back under rental agreement 744.

The permissible place of use (PPU) for these rights extends over lands which were and were not included in the sale and splits of the above listed rights, severing some of these rights from the lands they were developed upon. The original rental application map identified some rental acres on pivots already supplied by an active rental. After sending a request to the applicants' representative for additional information on May 26th, the representative sent in amended pages to reduce the lease and rental from 135.8 acres to only 48 acres.

AUTHORITY TO FILE: Applications to lease and rent are signed by authorized representatives for CS Property Development, and county parcel information shows applicant owns parcels under rental POU and lands offered for lease within the PPU. The rental diversions are either owned by CS Property Development or easement authorization was submitted with the applications. No concerns with authority to file.

WATER RIGHT VALIDITY: Parent right 63-7531 was decreed in 2009. The 135.8 acre irrigation portion of parent right 63-7531, along with rights 63-3362, 63-10383, 63-11347 and 63-34795, were developed for 525.2 acres within a 1,139 acre PPU, and evaluated as a whole in the lease review for 63-3362 for 2022 lease, and under 63-3362, 63-10383, 63-11347 and 63-34795 for a lease in 2023, all of which are found to be valid and acceptable for lease as offered.

INJURY TO OTHER WATER RIGHTS: Lease and rental of right 63-35356 in the same area, from some of the same wells, and for the same beneficial use is not expected to cause injury to other water rights.

ENLARGEMENT OF USE: Review of available 2019 aerial imagery shows about 756 acres irrigated within the 1,139 acre PPU shapefile of these rights. The conditions of the acre limit for these rights within the PPU does not limit the acreage upon which wastewater from the industrial and commercial uses under some of the industrial portions of the above listed rights may be applied on lands for wastewater treatment purposes to satisfy water quality requirements. The PPU for the above-listed irrigation rights is also fully within the Pleasant Valley Irrigation Co., supplied by surface water and storage, and there have been some permits

for additional irrigation by ground water, but not yet perfected. Since there is not a change in nature of use, and the applicant owns about 100 shares of PVIC water, whether or not the irrigation shares are or have not been available in the last 10 years, enlargement of the historic use is not likely to occur through the lease and rental for irrigation. This right through the rental will carry forward the combined limit conditions with the other rights it was developed with from the rental wells. Right 63-35356 and its parent right 63-7531, along with any splits of the parent right as of the date of this memo, are still limited to 3.6 cfs and 744.6 acre-feet annually. See Table 1, below.

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

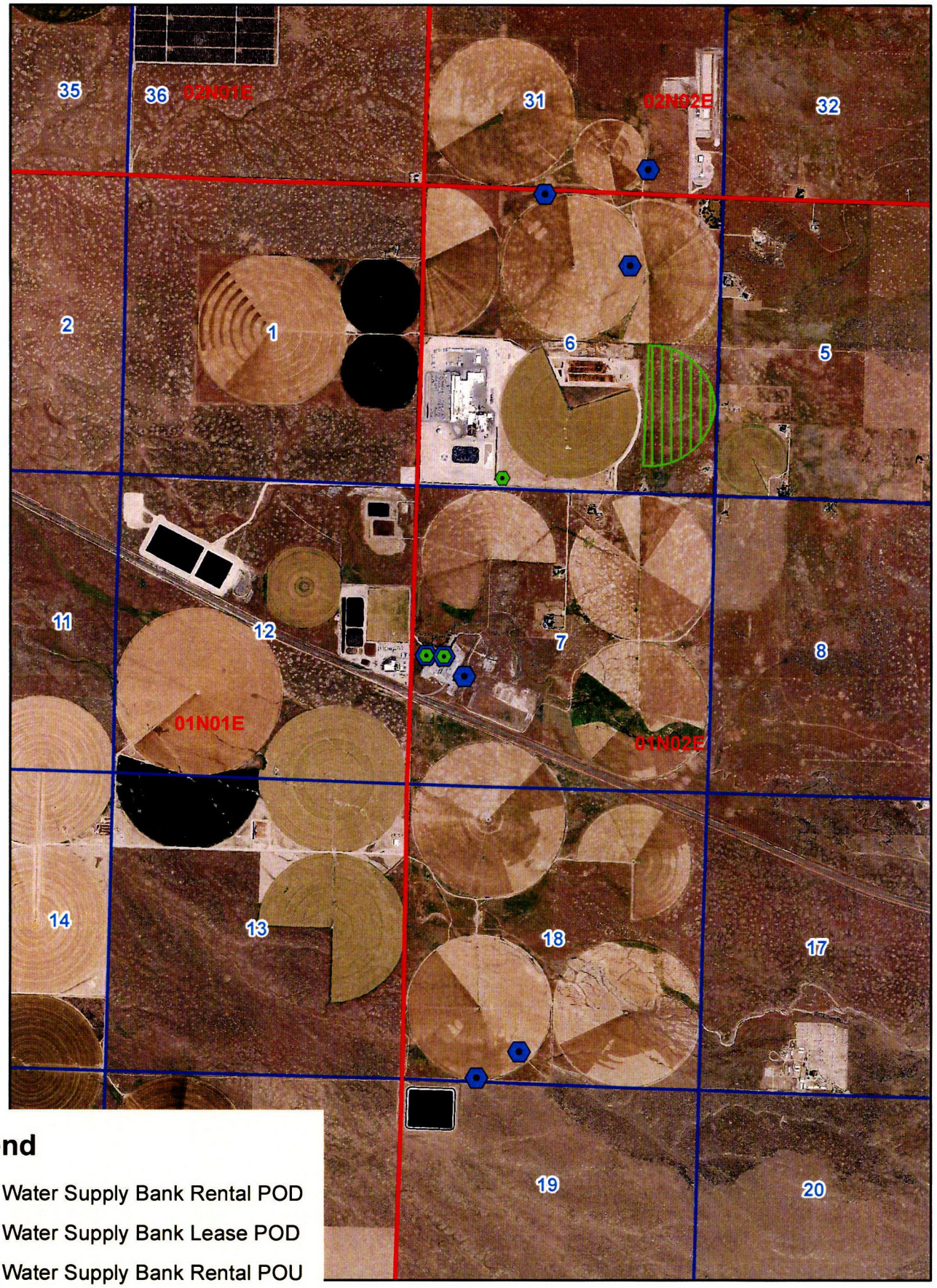
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease and rental appears consistent with the conservation of water resources in Idaho and the rental for irrigation is a beneficial use.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease and rental diversions are located in Western Region and is not subject to a Water District. Request for comment sent to regional manager on June 5, 2023.

Current Owner	Water Right	Priority Date	Rate	Volume	Total Acres	Acre Limit	cfs/acre	af/a		Water Use List
H, RAY; MONTIER	**63-7531**	12/10/1971	**3.60**	**744.6**	**1,139.0**					STOCK/COMM/DOM
			0.20	13.4	0.0	0.0				STOCKWATER
	split		3.20	720.0	0.0	0.0	720			COMMERCIAL
			0.20	11.2	0.0	0.0				DOMESTIC
CS Development	**63-35356**	12/10/1971	**2.51**	**360.0**		**135.8**	0.018	2.651		IRRIGATION
		Combined limit 1	**3.60**	**744.6**		**135.8**				
		Additive	6.11	1,104.6		135.8				
BRISBIE	**63-10383**	9/23/1986	**4.76**	**2,195.3**	**1,139.0**	**128.1**	0.037			INDUSTRIAL, IRRIGATION
			2.56	602.3		128.1		4.702	4.5 limited	IRRIGATION
			2.20	1,593.0						INDUSTRIAL
		Combined Limit 2	**5.87**							
		Additive	8.36							
BRISBIE	**63-3362**	7/11/1963	2.27	741.8	1,139.0	157.8	0.014	4.701	4.5 limited	IRRIGATION
BRISBIE	**63-11347** split	7/8/1992	0.60	157.5	1,064.0	33.5	0.018	4.701	4.5 limited	IRRIGATION
BRISBIE	**63-34795**	7/8/1992	1.28	329.1	75.0	70.0	0.018	4.701	4.5 limited	IRRIGATION
		Combined limit 3	1.88	486.60	1,139.00	103.50				
	Total	**Combined Limit**	**8.88**		**1,139.0**	**525.2**				34795 was split from 11347, lost 0.01 cfs
		Total Additive	10.02	4,168.3		525.2				POUs 63-34795 + 63-11347 = entire PPU.

Table 1. Combined limits of rights on leased PPU PODs

Move Map - CS Property Development



Legend

- Water Supply Bank Rental POD
- Water Supply Bank Lease POD
- Water Supply Bank Rental POU
- Township/Range
- Sections

0 0.25 0.5 1 Miles

WSB Lease 1715 - Rental 766
Map by M. Condon - 6.2.2023

Condon, Mary

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, June 1, 2023 10:41 AM
To: Condon, Mary
Subject: Water Supply Bank Lease/rental package 63-35356
Attachments: 2023-June-1 Amended Water Bank Rental Application and Map 63-35356.pdf; Amendment to Attachment 2 Lease Appplication 63-35356.pdf

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Mary,
Attached are amended pages 2-4 of the Water Bank Rental Application together with the amended map. I addition, I am also attaching an updated Attachment 2 for the Water Bank Lease Application.

Please let me know if you have any comments or changes.

322 E Front Street. 83702 • PO Box 83720. Suite 648. Boise ID Boise ID 83720-0098
IDAHO DEPARTMENT OF WATER RESOURCES
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

August 1, 2022

CS PROPERTY DEVELOPMENT INC
C/O THOMAS J BASABE
PO BOX 27
BOISE ID 83707

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water for from the Water Supply Bank (Bank). Your rental request has been placed into the queue for processing and will be considered as time permits. Filing a rental application does not authorize diversion and use of water; it is unlawful to use water without a valid water right or an approved Water Supply Bank rental agreement.

Rental requests are reviewed as of November first in the year preceding the intended use of water. Rental requests should be submitted well in advance of the date for the intended use or rental water. **You are not authorized to divert any water for purposes associated with your rental request until you have paid the rental fee and you and the Department have both signed and executed a rental agreement.**

You can check the status of your rental application by reviewing the Department's processing spreadsheet, accessible from the Water Supply Bank's website at:
http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist