

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 754

This is to certify that:

SALMON FALLS LAND & LIVESTOCK CO INC
MICHAEL J HENSLEE
95A BELL RAPIDS RD
HAGERMAN, ID 83332-6039

RECEIVED

JUN 26 2023

DEPARTMENT OF
WATER RESOURCES

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)
2-7249	2/7/1977	SNAKE RIVER	0.24	52.0	13.0	0.018	4.0
2-7462	9/29/1969	SNAKE RIVER	0.16	32.0	8.0	0.020	4.0
Combined Rental Totals			0.24	77.6	19.4	0.019	4.0

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: \$178.48

The full fee for the rental of the above-described right(s) is \$178.48 for 2023. The rental fee includes an administrative fee of \$178.48 for 2023. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 2-7249, 2-7462.

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.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.24	77.6	19.4	0.012	4.0
Combined Total	0.24	77.6	19.4	0.012	4.0

** The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 754

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:

by Michael J. Henslee 1/P.
Signature of Renter

06/18/2023
Date

Michael J. Henslee
Printed Name

Vice President
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 Brian Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 6/27/23

Rental approved by IDWR AP

Date 6/27/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 754

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER NESE Sec. 7, Twp 08S, Rge 14E, TWIN FALLS County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.24 CFS

VOLUME
77.6 AF

SEASON OF USE

Water Right No.	From	To
2-7249	4/1	10/31
2-7462	4/1	10/31

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	
08S	14E	7									19.4								19.4

Total Acres: 19.4

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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

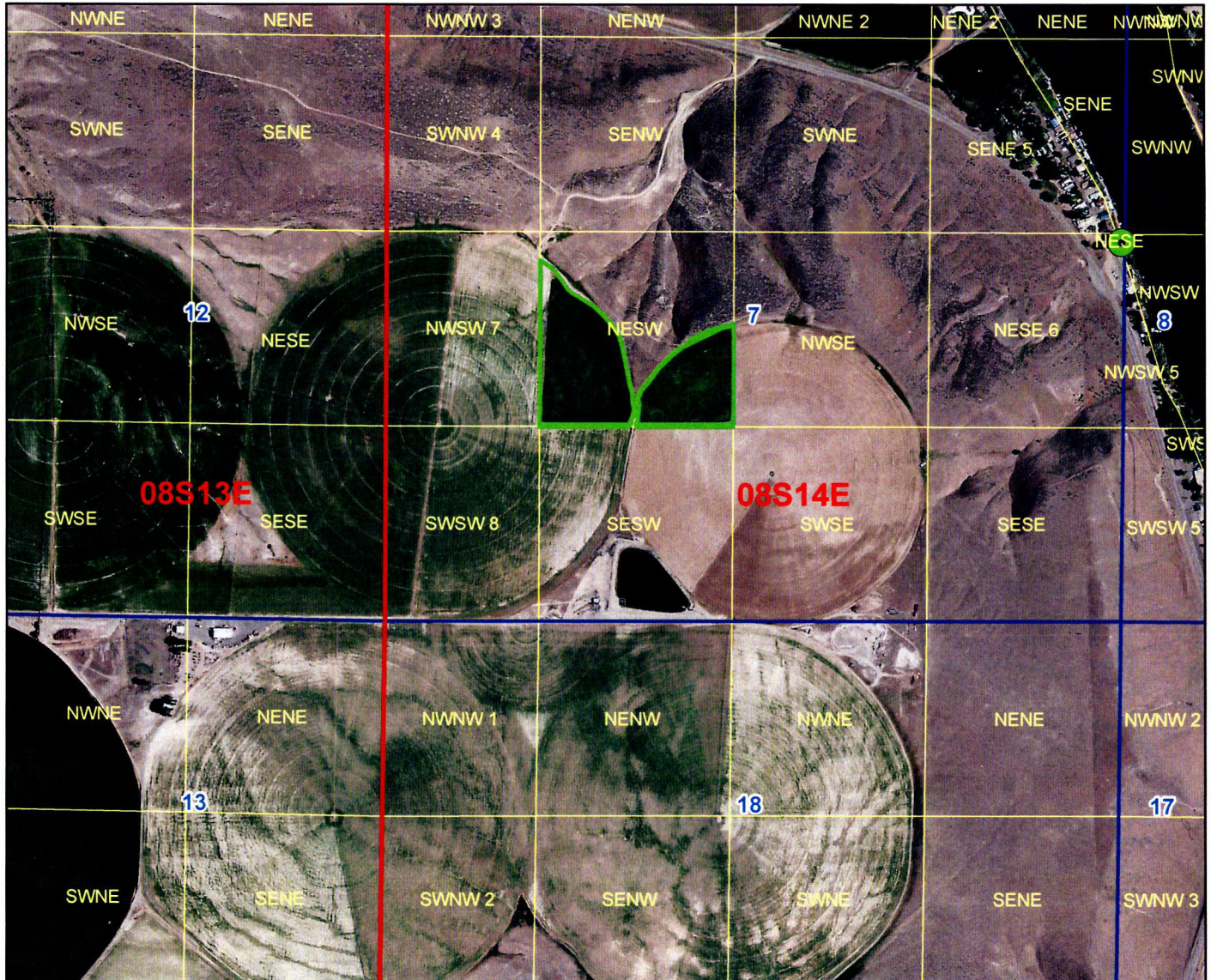
WATER SUPPLY BANK RENTAL AGREEMENT No. 754

10. The rented portions of rights 02-7249 and 02-7462 when combined shall not exceed a total diversion rate of 0.24 cfs, a total annual maximum diversion volume of 77.6 af at the field headgate, and the irrigation of 19.4 acres.
11. The rented portion of right 2-7249 is limited to the irrigation of 13.0 acres within the place of use described above in a single irrigation season.
12. The rented portion of right 2-7462 is limited to the irrigation of 8.0 acres within the place of use described above in a single irrigation season.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
14. Water shall not be diverted under this right unless the flow of the Snake River exceeds flows required by prior downstream minimum stream flow rights.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12/10/2010.
16. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.

Attachment to Water Supply Bank Rental Agreement No. 754

Effective until December 31, 2023

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



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ



0 Feet
1,500

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 31 2023

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Salmon Falls Land & Livestock Co. Inc.

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)

2-7249

2-7462

2639

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Salmon Falls Land & Livestock Co. Inc. c/o Mr. Michael Henslee
- Mailing Address 95-A Bell Rapids Road Hagerman, ID 83332
- Street City State Zip Code
- Email Address _____ Phone Number 208-837-6053
- 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 Zach Latham Professional Title Hydrologist
- Organization Brockway Engineering PLLC Relationship to Applicant Consultant
- Mailing Address 2016 Washington St. North, Suite #4 Twin Falls, ID 83301
- Email Address zach.latham@brockwayeng.com Phone Number 208-736-8543

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**:
- Irrigation use of 19.4 acres of BLM land, see attached consent from BLM.
- _____
- _____

- 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)
0.24 CFS	77.6 AF	0.24 CFS	77.6 AF	19.4 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?	
4/15/23	7/1/23	☒ 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.

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):

Point of diversion is owned by applicant. Applicant seeks to rent back portions of 2-7249 and 2-7462 for irrigation of BLM lands, see authorization by BLM for irrigation by applicant.

- 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
Existing pump station.	Snake River.	2-7249 and 2-7462.

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 19.4 (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.

N/A.

- 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:

None. Land being irrigated by applicant does not have a water right appurtenant to it, hence the need for this rental application.

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)
2-7249	Irrigation	1.87	406.3	101.6		0.24	107.0	13.0
2-7462	Irrigation	1.25	252.0	63.0		0.16	32.1	8.0
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	0.24	77.6	19.4
						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**:

N/A.

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**:

N/A.

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:
See previously approved 2019-2022 rentals, which are identical to this rental request.

- 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 ☐

Applicant seeks to permanently transfer a portion of 2-7249 and 2-7462 in the near future.

- 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.

N/A.

- 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.

Salmon Falls Land & Livestock Co.
Signature of Applicant

Salmon Falls Land & Livestock Co
Printed Name of Applicant

3/28/2023
Date

By Michael J. Henslee V.P.
Signature of Representative

Michael J. Henslee
Printed Name of Representative

3/28/2023
Date

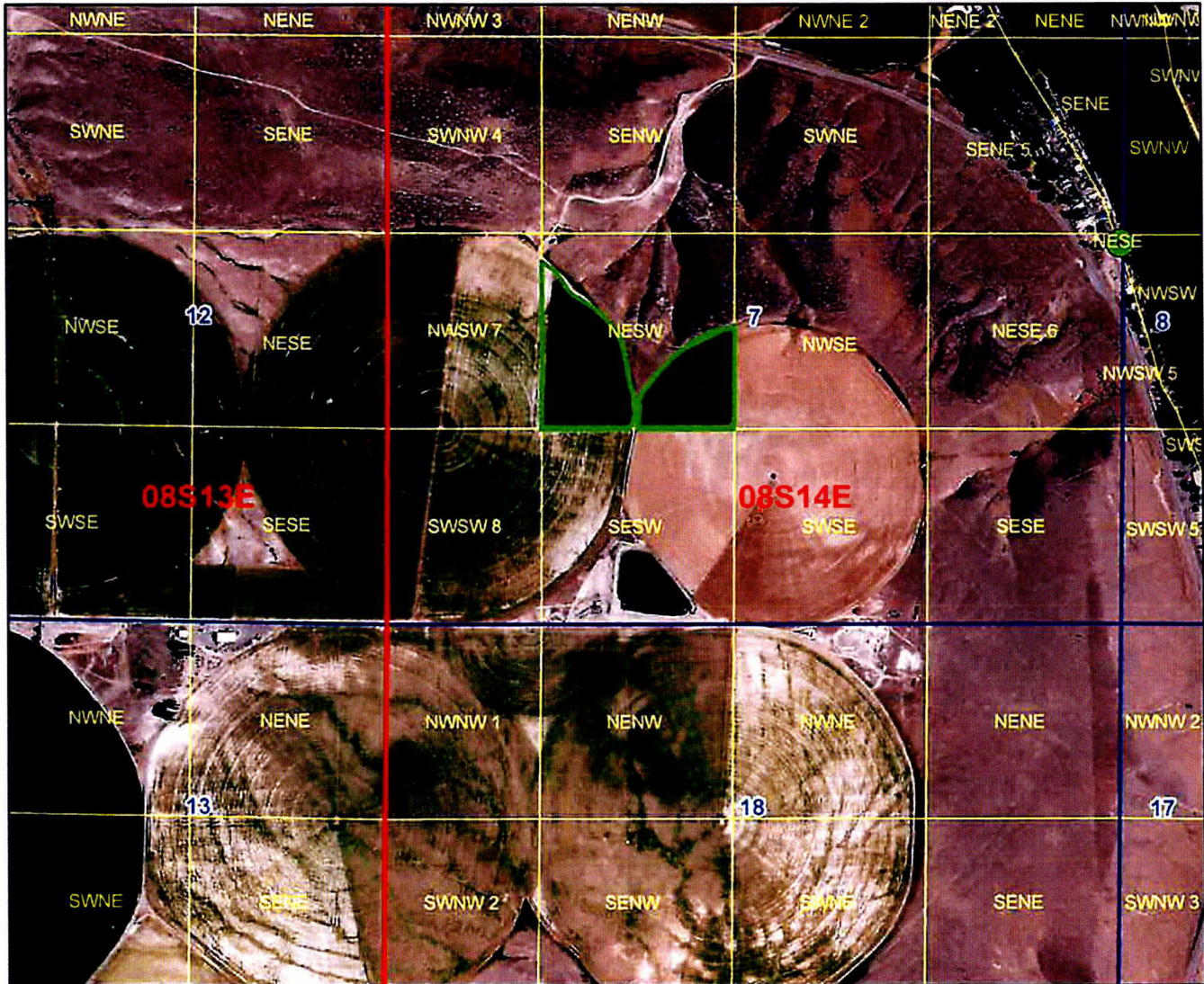
Mail to:

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

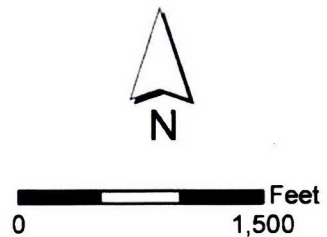
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 635

Effective until December 31, 2022

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



-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Township/Range
-  Sections
-  QQ





United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Jarbidge Field Office
2536 Kimberly Road
Twin Falls, ID 83301
(208)735-2060



In Reply Refer To:
2920 (IDT010) P
IDI-31038

April 5, 2012

RECEIVED

APR 12 2012

Brockway Engineering, P.L.L.C.
Attn: Zach Latham
2016 Washington Street North, Suite 4
Twin Falls, ID 83301

Dear Mr. Latham:

The BLM grants consent for Salmon Falls Land & Livestock to transfer a portion of water right(s) 2-7249 and 2-7462 onto BLM land for a land use permit consisting of two wet pivot crossings, referenced as IDI-31038 and located in:

Boise Meridian,
T.08 S., R.14 E.,
Section 7, NESW
Totaling 19.92 acres more or less.

Please feel free to contact Lisa Claxton, Realty Specialist, at (208) 736-2360 if you have any questions.

Sincerely,

Brian W. Davis
Field Manager

Cc: Salmon Falls Land & Livestock



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
BUREAU OF LAND MANAGEMENT
Jarbidge Field Office
2878 Addison Ave. East
Twin Falls, Idaho 83301



In Reply Refer To:
2920 IDI-31038
(IDT010) P

April 10, 2018

CERTIFIED MAIL: 7013 2250 0001 7619 2523
RETURN RECEIPT REQUESTED

Decision

Salmon Falls Land & Livestock	:	
Attn: Mike Henslee	:	Land Use Permit Issued
123 Bell Rapids Rd.	:	IDI-31038
Hagerman, ID 83332	:	

Land Use Permit Approved

Rental Determined

Monitoring Fee Determined

The Bureau of Land Management (BLM), Jarbidge Field Office has completed a review of an application from Salmon Falls Land & Livestock for the renewal of a land use permit (LUP), referenced as IDI-31038. This LUP authorizes the operation, maintenance and removal of two circular wet pivot crossings on public lands in Twin Falls County, Idaho. The LUP occupies 19.9 acres, more or less, located on a portion of public lands legally described as:

Boise Meridian, T. 08 S., R. 14 E., sec. 07, NE¼SW¼.

Based on a review of the LUP proposal and the categorical exclusion documentation (CX), it has been determined that the proposed action would not result in unnecessary or undue environmental degradation and is in conformance with the applicable land use plans. Furthermore, the proposed action is categorically excluded from the National Environmental Policy Act (NEPA) under 516 DM 11.9 E. (9). Accordingly, it has been determined that CX documentation is appropriate because there are no extraordinary circumstances having effects that may significantly affect the environment.

In addition to, this permit shall be automatically renewable upon payment of the annual rental unless the BLM Authorized Officer notified the permittee within 60 days of the expiration date of the permit that the permit shall not be renewed (43 CFR 2920(i)).

Rent for use of public lands must be paid in advance of such use and prior to issuance of the LUP. The Office of Appraisal Services determined a minimum rental rate of \$250 annually. The rental payment has been received, so no additional rent is due at this time.

According to Federal regulations contained in 43 CFR 2920.6 and 43 CFR 2805.16, LUP and right-of-way holders must pay a fee to reimburse the BLM for the costs incurred in monitoring the operation, maintenance and termination of the project authorized through the permit or grant. These fees are categorized according to the number of work hours necessary to monitor the permit, and are not refundable. A monitoring fee was estimated at the time your permit was offered to you as a Category 1, which requires a fee of **\$125.00**. Since you accepted the permit without any changes, it has been determined that the Category 1 monitoring fee is appropriate and due at this time.

Therefore, it is the decision of the authorized officer to grant Salmon Falls Land & Livestock a LUP for two wet pivot crossings across public lands pursuant to Title III of the Federal Land Policy and Management Act of October 21, 1976, as amended, 43 USC 1732 for a term of 3 years. Enclosed is a copy of the executed LUP, serial number IDI-31038.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except at otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied,
- 2) The likelihood of the appellant's success on the merits,
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

If you have any questions please contact Lisa Claxton, Realty Specialist at (208) 736-2360 or by email lclaxton@blm.gov.


for Elliot Traher
Field Manager

3- Enclosures:

- 1- Form 1842-1 (2 pp)
- 2- IDI-31038 LUP
- 3- Monitoring Fee Courtesy Statement

Zach Latham

From: Claxton, Lisa A <lclaxton@blm.gov>
Sent: Wednesday, June 22, 2022 12:29 PM
To: zach.latham@brockwayeng.com; mary.condon@idwr.idaho.gov
Cc: Shewmaker, Kathleen L; Hilty, Julianne (Julie); Tjaden, Joanna P
Subject: IDI-31038 Salmon Falls Land & Livestock
Attachments: IDWR_Ltr.pdf; 31038_Decision.pdf

Hi Mary and Zach,

Thank you for your interest in the authorized land use permit for the Salmon Falls Land & Livestock wet pivot crossings.

In 2012 (see attached IDWR Ltr.), the BLM authorized Salmon Falls Land & Livestock to transfer a portion of their water rights for two wet pivot crossings affecting the following location on public land: B.M., T. 08 S., R. 14 E., sec. 7, NESW (totaling 19.92 acres more or less).

Following the 2012 letter, the BLM processed the existing land use permit, referenced as IDI-31038. It was authorized in 2018 with an automatic renewable three year term. Therefore, it was renewed in 2021 and expected to renew in 2024, pending any unforeseen issues. The 31038 Decision provides the authorization for two wet pivot crossings in the above location for a three year period stating: "...this permit shall be automatically renewable upon payment of the annual rental unless the BLM Authorized Officer notifies the permittee within 60 days of the expiration date of the permit that the permit shall not be renewed (43 CFR 2920. 7(i))".

Please reach out if you have any additional questions. Thanks, Lisa

Lisa Claxton
BLM - Jarbidge Realty Specialist
2878 Addison Avenue East
Twin Falls, ID 83301
O: (208) 736-2360
C: (208) 329-9478

WSB Mailing Checklist for Rentals

(Use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: MK

Received Date: 3/31/2023

Latest Start Date: 7/1/2023

Renter: Salmon Falls Land & Livestock Co Inc

Rental Expiration Date 12/31/2023

Lease/Rental Package

(Y) N

ESPA same cell
SW

Executed
10/27/23

Application # 21039

Agreement # 754

Water Right	Lease Contract ID
# 2-7249	1710 } App
# 2-7462	1710 } 21038
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:

- ESPA but not changing POD → surface water
- prev rental agreement #635
- Lease app 21038

Mailings (per application)

Original

CC

Email or Address

Renter: Salmon Falls Land & Livestock Co Inc



Attorney:



Consultants

Name: Zach Latham - Brockway Engineering



Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(final only)



(Ground) Water

Dist: WD 02

(final only)



Other:

(final only)



WD Snake 01, Boise, Payette, and Bear River

Region: Southern

(final only)



Watermaster: Rob Whitney

(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

June 28, 2023

SALMON FALLS LAND & LIVESTOCK CO INC
MICHAEL J HENSLEE
95A BELL RAPIDS RD
HAGERMAN, ID 83332-6039

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-7249 & 2-7462, AGREEMENT 754**

Dear Renter:

Please find enclosed a receipt in the amount of **\$178.48** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 77.6 acre-feet of water for irrigation of 19.4 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 \$178.48** 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. C116645
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR – Southern Region Office
Zach Latham – Brockway Engineering PLLC
Water District No. 02

Governor Brad Little

Director Gary Spackman

June 01, 2023

RECEIVED

JUN 26 2023

DEPARTMENT OF
WATER RESOURCES

SALMON FALLS LAND & LIVESTOCK CO INC
MICHAEL J HENSLEE
95A BELL RAPIDS RD
HAGERMAN, ID 83332-6039

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 2-2462 and 2-7249 AGREEMENT 754**

*****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 \$178.48 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 77.6 acre-feet.

Please send a check for \$178.48 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, 10% or \$178.48 of the rental fee 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,

Amanda Johnson-Veibell

for
Water Supply Bank

MEMORANDUM FOR RENTAL APPLICATION #2639

To: Water Right(s) 2-7249 & 2-7462

From: Mackenzie Kienholz

Date: 4/25/2023

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

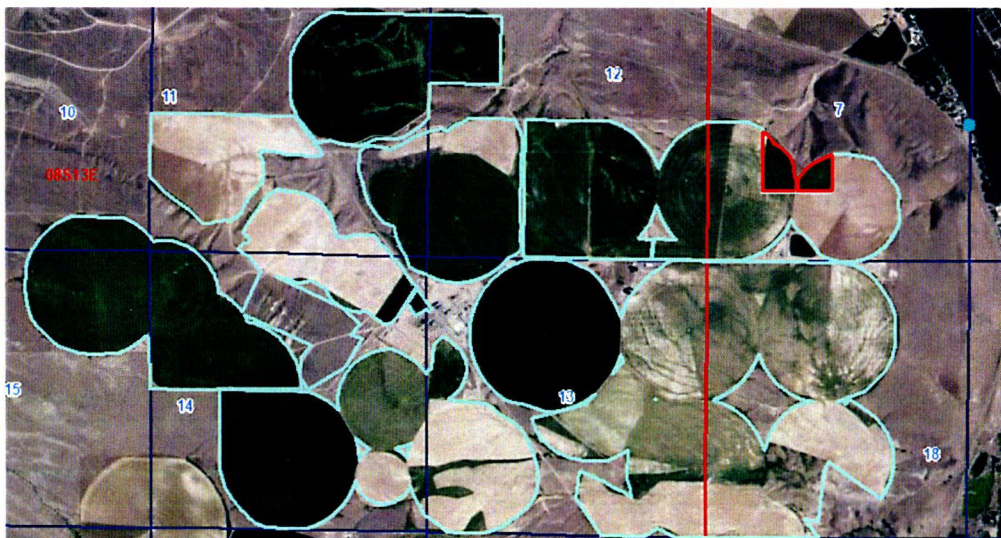
PURPOSE/NARRATIVE: Rental application #2639 was submitted by Zach Latham (Brockway Engineering) on behalf of Salmon Falls Land and Livestock Co. Inc. and was received by the Department on 3/31/2023. This application proposes to rent a portion of both 2-7249 and 2-7462 for a total of 19.4 acres in 2023. Both rights have the Snake River tributary to the Columbia River listed as their source. This rental was accompanied by lease application #2638 which proposes to lease a total of 152.1 acres from these two rights for 2023. This lease-rental has occurred since 2018.

The rental will not change the POD; both the lease and rental are within WD #02.

AUTHORITY TO FILE: The rental application was signed by Michael J. Henslee who is listed as a Vice President on the most recent IDSOS filing for Salmon Falls Land & Livestock Company (2/24/2023). Both water rights are owned by Salmon Falls Land & Livestock Co. Inc. c/o Michael J Henslee, and no other rights are diverted from the POD. The POD and rental POU are on land owned by the BLM. A letter of authorization and land use permit from the BLM was included with the application. No concerns with authority to file.

WATER RIGHT VALIDITY: Both rights were decreed on 12/10/2010. The portions proposed for lease have been in the Bank since 2016, most recently under Contract #1539 (2022). Lessors appear to have complied with previous lease agreements. No concerns with validity of the water right and portion offered to the bank.

INJURY TO OTHER WATER RIGHTS: The POD for this rental will not be changing from the water right POD. The acres proposed for rent are pivot portions not covered by the water right, however the remaining portions of the pivots are within the water rights' POU (see image below, WRs POU in blue, Rental POU in red, POD in blue). The lease-rental has been occurring since 2016. No concerns with injury to other water rights.



ENLARGEMENT OF USE: The POD will not be changing under this rental, and no other water rights overlap either the POD or rental POU. Proportionate amounts of both 2-7249 and 2-7462 will be rented and will have the proportionate combined limit applied to the rental agreement. No concerns with enlargement of use.

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental POD is subject to Water District #02. A request for comments was sent to the WD #02 watermaster and the Southern Regional Office on 4/25/2023.

Kienholz, Mackenzie

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Tuesday, April 4, 2023 8:41 AM
To: Kienholz, Mackenzie
Subject: RE: Confirmation Needed- Water Supply Bank Package for Salmon Falls Land & Livestock

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Thanks Mackenzie,
Yes, the shapes should be the exact same, no changes, therefore they are correct.
Please let me know if you have additional comments or questions-

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c. 208-721-2114
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Kienholz, Mackenzie [mailto:Mackenzie.Kienholz@idwr.idaho.gov]
Sent: Monday, April 03, 2023 4:27 PM
To: Zach Latham
Subject: Confirmation Needed- Water Supply Bank Package for Salmon Falls Land & Livestock

Good afternoon Zach,

We received the Water Supply Bank lease/rental package, water rights 2-7249 and 2-7462, for Salmon Falls Land & Livestock Co Inc. You noted that this package is for the same purpose as previous Lease Contract #1539 and Rental Agreement #635. Can you please review the maps from the previous lease contract and rental agreement and confirm that the shapes have not changed? If these maps look correct, I will add them to the new lease and rental applications as maps are required.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822