

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 676

RECEIVED
DEC 15 2022
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

SIERRA DEL RIO RANCH LLC
PO BOX 199
JEROME, ID 83338-0199

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)
2-2161	2/15/1961	SNAKE RIVER Tributary to the COLUMBIA RIVER	0.84	168	41.9	0.02	4.0
Rental Totals			0.84	168	41.9	0.02	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, 2024. 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 - 2024: \$3,852.50 annually

The full fee for the rental of the above-described right(s) is \$3,852.50 per year for years 2023 - 2024. The rental fee includes an administrative fee of \$385.25 per year for years 2023 - 2024. 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.

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	0.67	168	33.5	0.02	5.0
Total	0.67	168	33.5	0.02	5.0

* The authorized water usage reflects a reduction from the water right elements rented, to account for legal access to irrigated acres and historical use at the rental place of use.

Detailed water right conditions are attached.

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JAN 7 2023
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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:

Sierra Del Rio Ranch LLC
by Ron Amador
Signature of Renter

Dec. 13, 2022
Date

Sierra Del Rio Ranch LLC
by Ron Amador
Printed Name

Manager
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 12/15/22

Rental approved by IDWR Flannery

Date 12/15/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 676

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4SWNW Sec. 16, Twp 03S, Rge 01E, OWYHEE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.67 CFS

VOLUME
168 AF

SEASON OF USE

Water Right No.	From	To
2-2161	3/1	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	
03S	01E	18							6.9 L2	3.5							0.7	1.2	12.3
03S	01E	20		2.8		4.6	1.2		3.8	2.0	2.1					4.7			21.2

Total Acres: 33.5

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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 676

11. This right does not grant any right-of-way or easement across the land of another.
12. Use of water under this right may 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. 2.
13. The period of use for the irrigation from the Snake River described in this approval may be extended to an ending date of 11/15 provided that beneficial use of water can be shown, and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all other water rights having no subordinated late irrigation use and a priority date earlier than 6/8/2009.

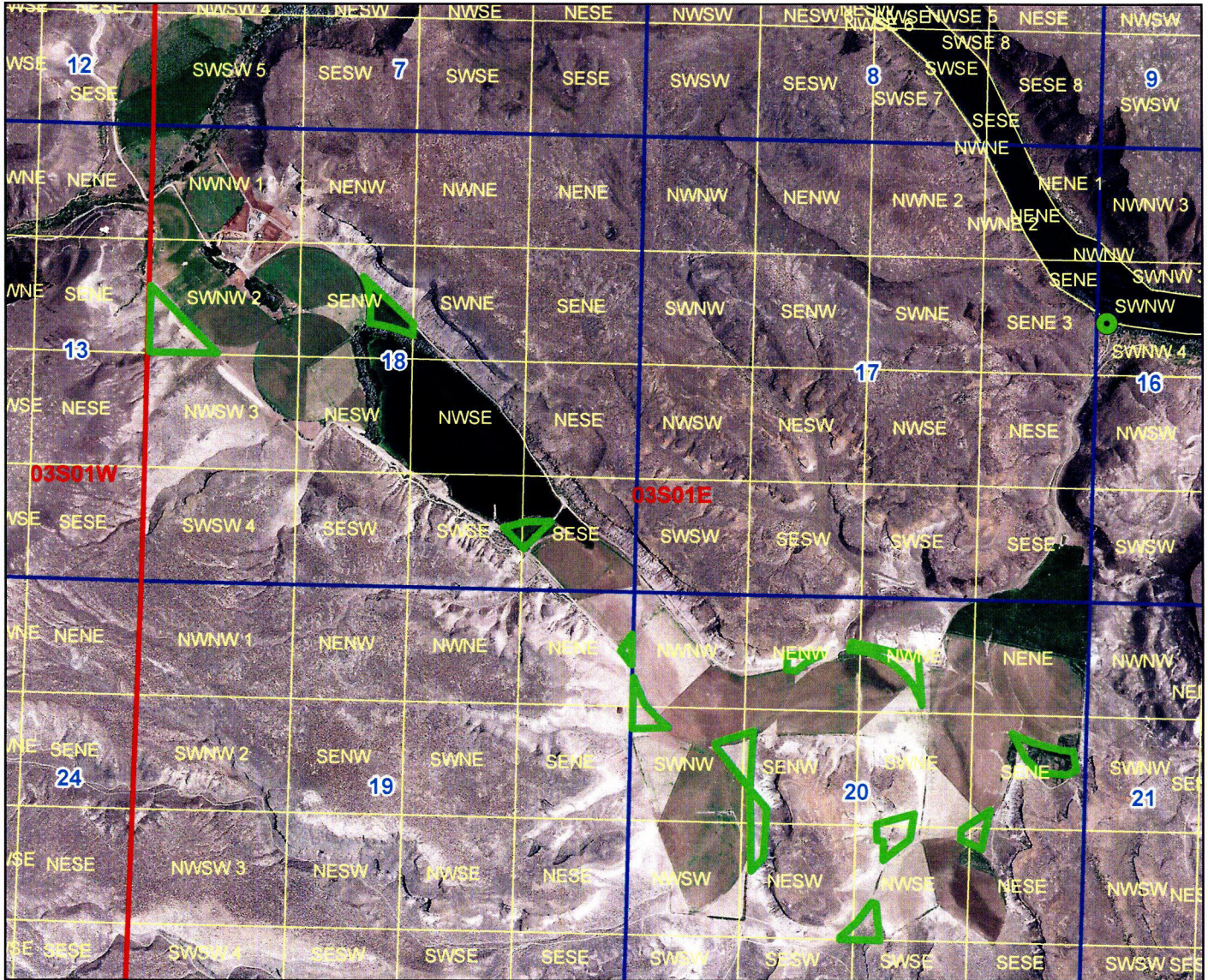
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JAN 20 2023

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 676

Effective until December 31, 2024

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

0 2,500 5,000 Feet



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JAN 27 2023

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

Sep 26, 2022

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Sierra Del Rio Ranch 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)

2-2161

2449

SCANNED
Page | 1
SEP 27 2022

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Sierra Del Rio Ranch LLC
- Mailing Address P.O. Box 199, Jerome Idaho 83338
- Street City State Zip Code
- Email Address ron.d.ambrose@gmail.com Phone Number (208) 644-1803
- 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 Travis L. Thompson Professional Title Attorney
- Organization Barker Rosholt & Simpson LLP Relationship to Applicant Counsel
- Mailing Address P.O. Box 63, Twin Falls, ID 83303
- Email Address tlt@idahowaters.com Phone Number (208) 733-0700

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**:
- Applicant desires to irrigate land outside capacity of current water rights while attempting to acquire permanent water rights for the acres involved in this application.

- 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)
1.82 CFS	287.1 AF	0.02 CFS	4.5 AF	63.8 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?	
01/01/2023	03/01/2023	☐ 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.

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):
Existing pumps from Snake River and Sinker Creek to mainline for irrigation use. Existing irrigation systems will be extended to deliver water to the additional acres.

- 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
T03SR01ES16Lt4 SWNW	Snake River	02-10222
T03SR01WS13NW NESW	Sinker Creek	57-177A, 57-178A, 57-2221A, 57-10469A, 57-10740

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 63.8 (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:
Applicant currently does not have enough water to cover desired irrigation area. In addition to the rights listed above, applicant holds 57-2217A and 57-7219A.

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)
2-2161	Irrigation					1.82	287.1	63.8
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	1.82	287.1	63.8
						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**:
Applicant will irrigate the acres allowed in accordance with all water right conditions and limits imposed thereon.

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.

Applicant is currently leasing water under Agreement No. 490. The application only requested to rent water for one year, but the Applicant needs to rent from a new source for an additional year.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☒ No ☐

If yes, describe:

Applicant intends to apply for a water permit at some point. This rental will allow Applicant to irrigate the land until applicant applies for water permit.

- 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.

Sierra Del Rio Ranch LLC

By 

Signature of Representative

Sierra Del Rio Ranch LLC

Printed Name of Applicant

Michael Short for:

Travis L. Thompson

Printed Name of Representative

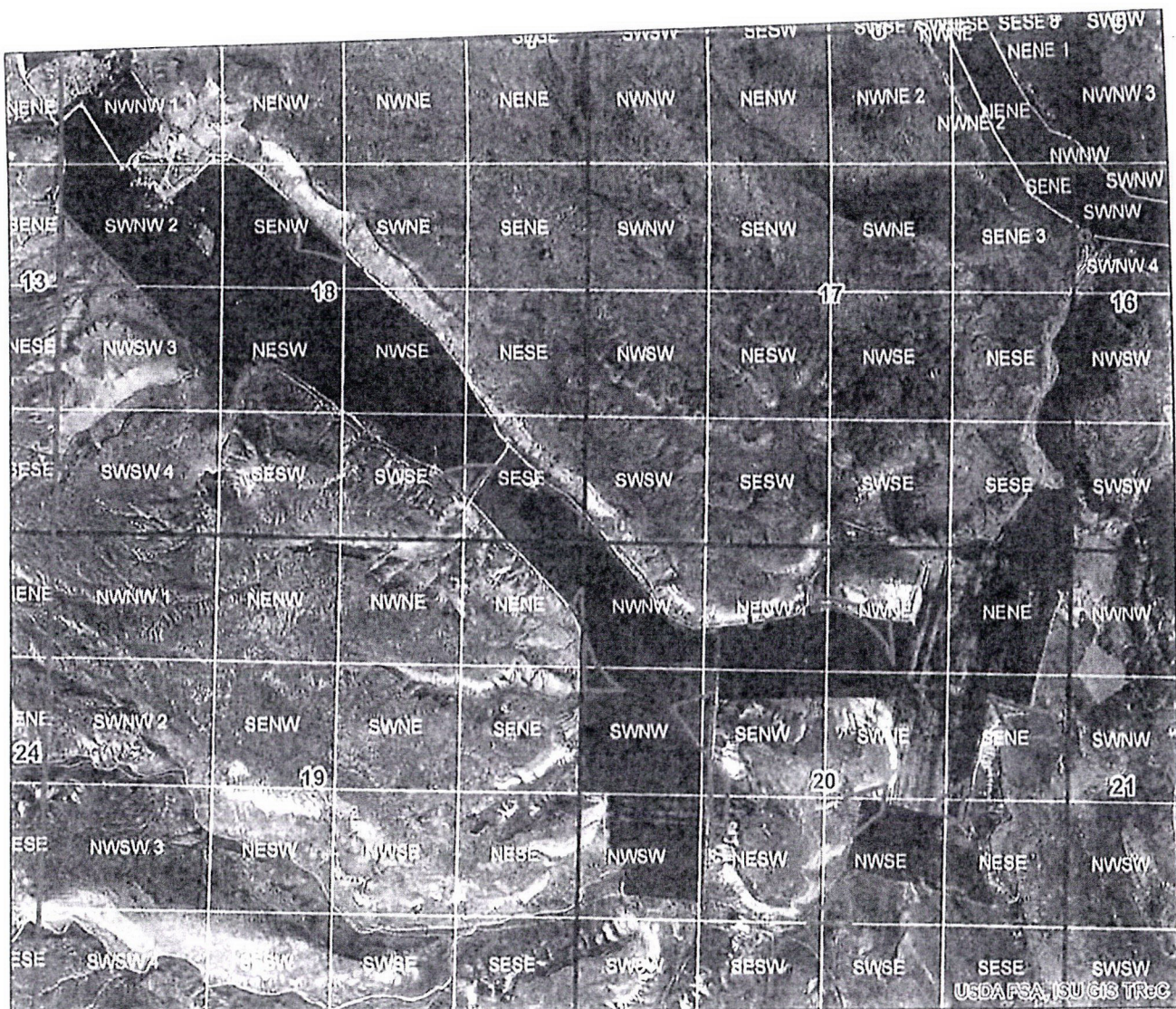
9-23-2022
Date

9-26-2022
Date

Mail to:

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

ATTACHMENT 2



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



SCANNED
JAN 27 2020

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: **MK**

REVIEWER: SA

Received Date: 9/26/2022

Latest Start Date: 3/1/2023

Renter: Sierra Del Rio Ranch LLC

Rental Expiration Date: _____

Lease/Rental Package

Y

N

Application # 2449

Agreement # 676

Water Right	Lease Contract ID
# <u>2-2161</u>	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____
# _____	_____

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:

Irrigation

Mailings (per application)

Original

CC

Email or Address

Renter: Sierra Del Rio Ranch LLC



Attorney: Travis L Thompson



Consultants

Name: _____



Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(final only)



(Ground) Water

Dist: WD 2

(final only)



Other:

WD Snake 01, Boise, Payette, and Bear River

(final only)



Region: Western

(final only)



Watermaster: Bob Whitney

(final only)



Compliance: _____

(final only)



Resolving NOV? Y / N

#

Call up Date: _____

DO NOT SCAN



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

January 27, 2023

SIERRA DEL RIO RANCH LLC
PO BOX 199
JEROME, ID 83338-0199

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-13892 AGREEMENTS 672**

Dear Renter:

Please find enclosed receipts in the amount of **\$3,852.50** and a copy of the fully executed Water Supply Bank Rental Agreements in connection with the rental of 168 acre-feet of water for irrigation of 41.9 acres. 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.

Pursuant to the Water Supply Bank Rules, 90% or \$3,467.25 of the rental fees will be paid to the lessor(s) and 10% or \$385.25 will be retained by the Department to offset administrative costs.

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

Enclosures: Receipt No. C114885
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Travis Thompson
Water District 2

SCANNED
JAN 27 2023



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

December 9, 2022

SIERRA DEL RIO RANCH LLC
PO BOX 199
JEROME, ID 83338-0199

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-2161 AGREEMENT 676**

*****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 \$3,852.50 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 168 acre-feet.

Please send a check for \$3,852.50 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, 90% or \$217.35 of the rental fee will be paid to the lessor(s) and 10% or \$24.15 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

Enclosure

c: IDWR Front Desk
Travis L Thompson

SCANNED
JAN 27 2023

MEMORANDUM FOR AGREEMENT # 676

To: Water Right No. 2-2161

From: **Skyler Cheever – Water Resource Agent**

Date: 11/4/2022

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

PURPOSE/NARRATIVE:

Application no. 2449 was sent in by the Sierra Del Rio Ranch LLC and received on September 26th, 2022. The application proposes to rent 1.82 cfs, 287.1 af and 63 acres of water right 2-2161, leased into the water supply bank from 2020-2024. The applicant would like to rent this lease for 2 years, 2023-2024. This rental is a continuation, of agreements 340 (2019), 375 (2020), 490 (2021), and 590 (2022) with regards to the rental POD and POU.

However, the leased water right POD changed from the previous rental agreement from 2-10420 & 57-11710 in 2022 to 2-2161. The leased water right POU and POD are owned and managed by BLM. The applicant has not received permission to irrigate on Bureau of Reclamation land. Therefore, there is still only 33.5 acres of irrigation available on this rental. The applicant would like to continue to rent water for these acres until they decide to file a permit for the irrigated acres.

AUTHORITY TO FILE:

The individual, Ron Ambrose, has the authority to sign this rental agreement because he is a registered agent for 4 Ace Farms, which is the registered agent for Sierra Del Rio Ranch LLC according to the Idaho Secretary of State's Office Database.

INJURY TO OTHER WATER RIGHTS:

The lease POD is around 18 miles downstream on the Snake River of the rental POD. There is likely a sufficient supply in the Snake River to satisfy this rental at the proposed rental location such that the movement of the POD downstream from the historic location would not impact water availability for the water right users that divert water in between the historic POD and rental POD locations. The proposed rental will not deplete flows in the Snake River more than historic depletions to cause a burden or injure other water users.

ENLARGEMENT OF USE:

Existing water rights at the proposed place of use of the rental authorize the 5.0 af/acre. To ensure more water per acre is not diverted under the rental than had been used historically in a system with a lesser volume per acre, additional water should be rented. The volume used on the rental place of use should be proportional to the historical rate of 5 af/acre. The acres rented will be 41.9 to remain proportional to the lease rate per acre of 4.0. Then the acres will be reduced to 33.5 in the amount used to keep to 5 af per acre. The application proposed a rate of 1.82 cfs for 63.8 acres with a calculated rate/acre of 0.028 cfs/ac. The rate was reduced to the decreed lease rate/ acre of 0.02 cfs/ac This would prevent 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.

SCANNED
JAN 27 2023

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The location of the rental point of diversion is within Basin and Water District 2. The Water Master and Western Regional Manager were contacted for comment on November 4, 2022. It is assumed they have no concerns if there is no response within two weeks.

SCANNED
JAN 27 2023

Cheever, Skyler

From: Cheever, Skyler
Sent: Friday, November 4, 2022 2:43 PM
To: Miller, Nick; Whitney, Rob
Subject: Comment Email for Rental Application 2449
Attachments: Rental 676 Map.pdf; Rental Agreement 676.docx; Rental Review Memo App 2449.docx

Hello Mr. Miller and Mr. Whitney,

I am currently working on a rental application which is located within Basin and Water District 02. The rental, submitted by Sierra Del Rio Ranch LLC proposes to rent the rate and volume from lease 1240. This entity has rented from the bank irrigating the same rental place of use as this agreement, just not rented from this lease. Attached to this email is the draft review memo, draft map of the rental POD and POU and draft Rental Agreement. Please send any comments if applicable in 14 days. If you have any questions or need clarification, please let me know.

Best,

Skyler

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913



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Governor Brad Little

Director Gary Spackman

September 27, 2022

SIERRA DEL RIO RANCH LLC
PO BOX 199
JEROME ID 83338

RE: APPLICATION(S) 2449 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 from the Water Supply Bank (Bank).

The Department will accept applications proposed for the next calendar season on November 1 of the prior year. Your application is proposing water use during the 2023 season; therefore, the Department will begin processing your application after November 1, 2022.

Applications received after November 1, 2022 will be processed in the order received at the Department. The likelihood of successfully acquiring a rental through the Bank is greatly improved by applying early during the processing period before the proposed season of use begins.

Note that 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 Bank rental agreement. **You are not authorized to divert any water for the purposes described in your application 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 Water Supply Bank Processing spreadsheet, accessible from the Bank's website at:

<https://idwr.idaho.gov/iwrb/programs/water-supply-bank/resources/>

Sincerely,

A handwritten signature in black ink, appearing to read "Mackenzie Kienholz".

Mackenzie Kienholz
Water Supply Bank Specialist

c: Travis L. Thompson – Barker Rosholt & Simpson LLP

Final Review Notes - November 10, 2022

General Notes

- The status for both the application and agreement should be set to "Under Review" until the rental is sent in the mail for signature by the supervisor. Supervisors then change the application status to "Processed" and the agreement status to "Pending".
- The amount rented needs to be proportional to the lease amounts.
- If the applicant only has the legal access necessary to irrigate 33.5 acres, then why are we renting them 63.8 acres? If they need 5.0 afa/acre for 33.5 acres (167.5 afa) then we could rent them 37.2 acres at 4.5 afa/acre (167.5 afa) then reduce the usable acres (table 2 of the rental agreement) down to 33.5 while keeping the rented volume.

Check Admin Areas - Comparison

Area	Lease	Rental
WD 02	x	x
Trust Water	x	x
03/01 to 11/15	x	x
3.0 afa/ac consumption	x	
3.5 afa/ac consumption		x
4.0 afa/ac headgate	x	
4.5 afa/ac headgate		x

not 4.5
not 4.9
this is right

$41.9 \cdot 4.0 = 167.6$ reduce down to 33.5 acres

Review Memo

- First paragraph under **PURPOSE/NARRATIVE** you wrote that the applicant proposes 187.1 af but it should be 287.1 af.
- In the **ENLARGEMENT OF USE** section, the use of the term "current rate" is confusing. I think you mean the rate that they initially requested. Maybe consider rephrasing to make it more clear.

Agreement

- On page 1, if there is only one water right we can delete the line for Combined Limit Totals

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)
2-2161	2/15/1961	SNAKE RIVER	1.82	287.1	63.8	0.03	4.5
Combined Limit Totals			1.82	287.1	63.8	0.03	4.5
Combined Rental Totals			1.82	287.1	63.8	0.03	4.5

Rental Application 2449

Depends on lease application 1240, active until 2024

Purpose

- Application to cover new irrigation to add to existing suite of irrigation rights.
- Proposed diversion from Snake River. Application is slightly confusing, and seems to propose diversion from Sinker Creek. Looking at the previous rental (agreement 490), it looks like we did not authorize any Sinker Creek diversions in the rental. Should probably do the same here.

Check Admin Areas - Rental Location

- WD 57D
- Trust Water

Other Notes

- Applicant is Sierra Del Rio Ranch LLC. According to Idaho Secretary of State, the registered agent for Sierra Del Rio Ranch LLC is 4 Ace Farms. The registered agent for 4 Ace Farms is Ron Ambrose, who signed the application.
- The existing irrigation is a series of pivots. We should have them identify exactly which acres will be irrigated under the rental. The diversion rate per acre of the rental should match the existing water rights.