

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 717

This is to certify that:

SUMMERCOCO INC
27 N 3000 E
SUGAR CITY, ID 83448

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)
22-13440	10/26/1965	GROUND WATER	0.12	29.8	8.5	0.014	3.5
Combined Rental Totals			0.12	29.8	8.5	0.014	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2025. 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 - 2025: \$685.40 annually

The full fee for the rental of the above-described right(s) is \$685.40 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$68.54 per year for years 2023 - 2025.

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.

RECEIVED

FEB 13 2023

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 717

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:

Rhett A

2/9/23

Signature of Renter

Date

Rhett Summers

at V.P.

Printed Name

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.

Brian Patton

Date 2/15/23

By
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Patton

Date 2/15/23

Rental approved by IDWR

SCANNED
MAR 16 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 717

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec. 31, Twp 06N, Rge 41E, MADISON County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.12 CFS

VOLUME
29.8 AF

SEASON OF USE

Water Right No. **From** **To**
22-13440 4/1 11/1

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	
06N	41E	31															1.9	4.9	6.8
06N	41E	32											1.7						1.7

Total Acres: 8.5

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.

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MAR 18 2023
Page 3 of 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 717

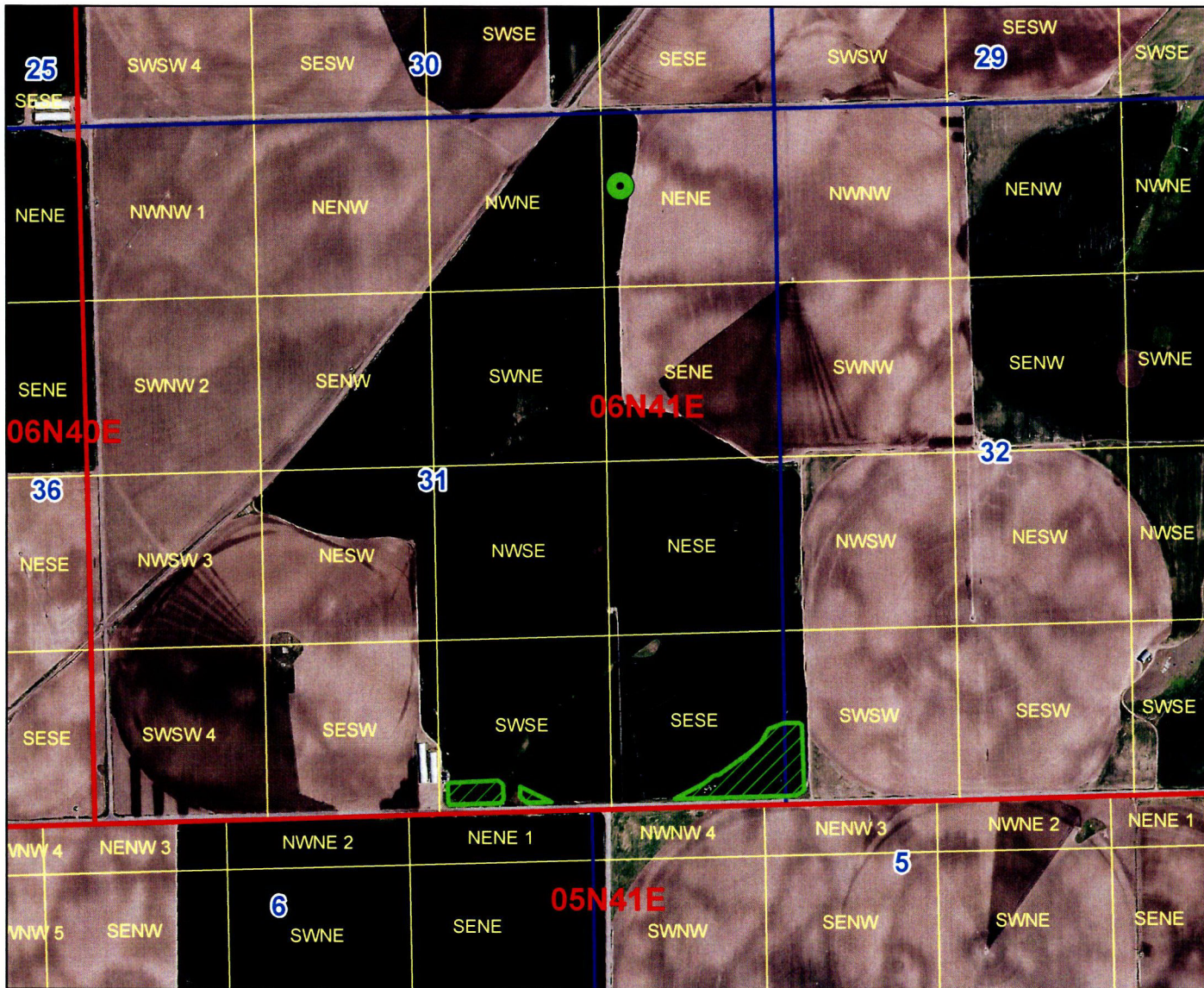
9. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
10. 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. 100.
11. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
13. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 717

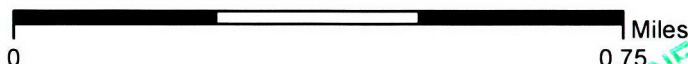
Effective until December 31, 2025

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



Legend

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



SCANNED
MAR. 18 2023

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED 1
APR 16 2021
DEPT OF WATER RESOURCES

Applicant Name: Summerco Management

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	
	<input checked="" type="checkbox"/>	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	<input checked="" type="checkbox"/>	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes
2	<input checked="" type="checkbox"/>	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	<input type="checkbox"/>	<input checked="" type="checkbox"/> Detailed information on a proposed use of rental water
3F	<input checked="" type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion
3H	<input type="checkbox"/>	<input checked="" type="checkbox"/> Water modeling to account for the impacts of the rental request
3J	<input checked="" type="checkbox"/>	<input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	<input checked="" type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	<input type="checkbox"/>	<input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	<input type="checkbox"/>	<input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only - Proposed Water Right(s)

22-13440

COPY

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MAR 18 2021

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Summerco Management Inc

Mailing Address 27 N 3000 E Sugar City ID 83448
Street City State Zip Code

Email Address summercofarms@gmail.com Phone Number 208-390-9314

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**:

Rent water to cover 12 acres of land located in pivot corners. These 12 acres will be irrigated with handlines

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	42.0 AF	0.12 CFS	24.0 AF	12.0 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?	
		<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant
04/15/2021	06/07/2021							

* 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):
 Distribution system utilizes 1 well supplying 3 pivots and 2 wiper pivots with a total acreage of 526. All pivots are interconnected by mainline.

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
06N 41 E 31 NENE	Ground Water	22-10972, 22-14373, 22-14128, 22-7136

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 12.0 (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:

COPY

Page 3
SCANNED
MAY 18 2023

**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 [DWR'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)
22-13440	Irrigation	0.50	126.0	36.0		0.17	42.0	12.0
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	0.17	42.0	12.0
					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**:

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Page 4
SCANNED
MAY 18 2023

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:
Agreement 429. Initially requested to rent water for 5 years. Rented water right was available for only 1 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:

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
If the water right requested above is not available we are still needing a rental to cover 12 acres.

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]
Signature of Applicant

Blitt Summers
Printed Name of Applicant

4-7-21
Date

Signature of Representative

Printed Name of Representative

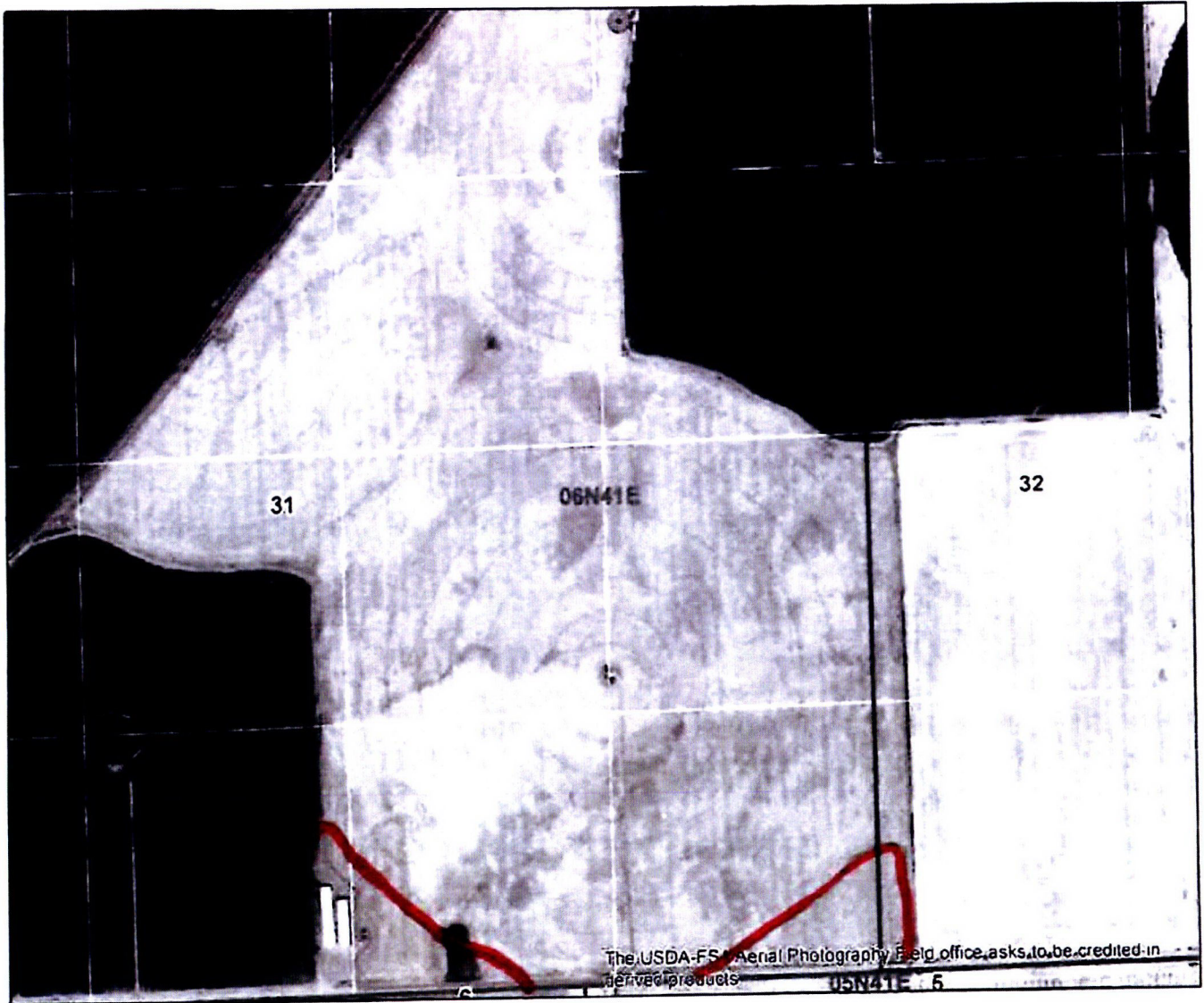
Date





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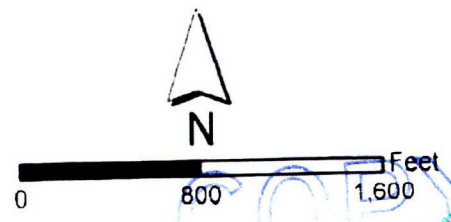
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Idaho Water Resource Board
Attachment to Water Supply Bank Rental

Application --



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



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SCANNED
MAY 18 2006

Memorandum

To: Water Right 22-13440

From: Justin Ferguson

Date: April 29, 2021

Re: Water Supply Bank Rental Application 2053

Purpose/Narrative: The Department received an application April 16, 2021 from Mr. Rhett Summers as an agent for Summerco, requesting a rental of 12 acres using water right 22-13440 through the end of 2025. Mr. Summers' application is effectively a continuation of his prior agreement, authorizing irrigation of the corners of his field that would otherwise not be covered by a permanent water right.

The prior agreement was in response to a Notice of Violations issued to Mr. Summers, number E2020-157 issued on 02/03/2020. Per the information provided in the application package, Mr. Summers has not secured a permanent water right for the acreage and will need to rent to continue his established irrigation practices.

During the review Mr. Summers' prior application, it was determined that a lower than standard rate per acre would be sufficient for Mr. Summers as he intended to irrigate using handlines. This application states that the 12 acres will be irrigated using handlines however a standard rate and volume per acre have been requested.

Authority to File: The application was signed and submitted by Mr. Rhett Summers, IDSOS data indicates Mr. Summers is the Vice President of Summerco. Madison County data also indicates the acreage outlined as the place of use for this rental is owned by Summerco. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The leased water right is in the Bank and available to be rented. No concerns about its validity.

Injury Evaluation: As Mr. Summers' designated place of use for this rental falls within the Eastern Snake River Plain Aquifer (ESPA), ETRAN modeling is required as part of the application package demonstrating a less than 2 af/trimester impact to all the reaches within the ESPA. Review of the modeling provided as part of the application package indicates no injury to any reach within the ESPA greater than the 2 af/trimester limit. No concerns at this time.

Enlargement of Use: Per the legal description of Mr. Summers' water rights it appears the corners designated as the rental place of use are not irrigable using permanent water rights. Further, there does not appear to be a way for Mr. Summers to irrigate using surface water for the acreage either. As such, because the area could not otherwise be covered by permanent rights, there are not immediate concerns of enlargement through this rental.

Local Public Interest: Staff are unaware of any local public interests that are averse to the rental.

Beneficial Use/Conservation of Water Resources: The rental appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Watermaster and IDWR Eastern Region comments were requested May 28, 2020

SCANNED
MAY 18 2021
COPY

Water Supply Bank Evaluation. Bank staff recommend the approval of this rental through 2020.

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SCANNED
AUG 18 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 549

RECEIVED
JUN 21 2021
DEPT OF WATER RESOURCES

This is to certify that:

SUMMERCOC INC
27 N 3000 E
SUGAR CITY, ID 83448

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)
22-13440	10/26/1965	GROUND WATER	0.18	42.0	12.0	0.015	3.50
Combined Rental Totals			0.18	42.0	12.0	0.015	3.50

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until October 31, 2025. 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 2021, whichever occurs last.

Annual Rental Fee:

2021 - 2022: \$840.00 annually
2023 - 2025: \$966.00 annually

The full fee for the rental of the above-described right(s) is \$840.00 per year for years 2021 - 2022 and \$966.00 per year for years 2023 - 2025. The rental fee includes an administrative fee of \$84.00 per year for years 2021 - 2022 and \$96.60 per year for years 2023 - 2025.

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.

COPY Page 1 of 4

SCANNED
m.m. 16/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 549

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec. 31, Twp 06N, Rge 41E, MADISON County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.18 CFS

VOLUME
42.0 AF

SEASON OF USE

Water Right No. **From** **To**
22-13440 4/01 11/01

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		
06N	41E	31												0.6				4.4	5.0	10.0
06N	41E	32											2.0							2.0

Total Acres: 12.0

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. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 549

10. 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. 100.
11. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
13. This rental agreement does not authorize the construction of a well.

COPY Page 4 of 4

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MAY 12 2023



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 15, 2021

SUMMERCO INC
27 N 3000 E
SUGAR CITY, ID 83448

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-13440 AGREEMENTS 549**

Dear Renter:

Please find enclosed a receipt in the amount of **\$840.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 42.0 acre-feet of water for irrigation of 12 acres during 2021. 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 \$756.00 of the rental fee will be paid to the lessor(s) and 10% or \$84.00 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,

Jean Hershey

for
Water Supply Bank

Enclosures: Receipt No. 110544
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office

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JUL 18 2021



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 11, 2021

SUMMERC0 INC
27 N 3000 E
SUGAR CITY, ID 83448

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-13440 AGREEMENT 549

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 \$840.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 42.0 acre-feet.

Please send a check for \$840.00 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$756.00 of the rental fee will be paid to the lessor(s) and 10% or \$84.00 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

Enclosure

c: IDWR Front Desk

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MAY 18 2021



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

March 20, 2023

SUMMERCOC INC
27 N 3000 E
SUGAR CITY, ID 83448

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-13440 AGREEMENTS 717**

Dear Renter:

Please find enclosed receipts in the amount of **\$685.40** and a copy of the fully executed Water Supply Bank Rental Agreements in connection with the rental of 29.8 acre-feet of water for irrigation of 8.5 acres in 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.

Pursuant to the Water Supply Bank Rules, 90% or \$616.86 of the rental fees will be paid to the lessor(s) and 10% or \$68.54 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. C114970
Rental Agreement (copy)

c: Sascha Marston – Fiscal

SCANNED
MAR 21 10 40 AM '23



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

SUMMERCOC INC
27 N 3000 E
SUGAR CITY, ID 83448

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 22-13440 AGREEMENT 717**

*****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 \$685.40 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 29.8 acre-feet.

Please send a check for \$685.40 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 \$616.86 of the rental fee will be paid to the lessor(s) and 10% or \$68.54 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

SCANNED
MAR 18 2023

MEMORANDUM FOR AGREEMENT #549 and #717

To: Water Right(s) 22-13440

From: Mackenzie Kienholz

Date: 1/25/2023

Re: Amendment of Water Supply Bank Rental Agreement #549 Through Creation of Agreement #717

On October 25, 2022 Water Supply Bank staff sent a letter requesting the 2023 rental fees for the rental of 42 af of right 22-13440 under Rental Agreement #549. The applicant contacted Bank staff on 1/5/2023 to explain that Transfer No. 83976 was approved on May 22, 2022 and covered a portion of the acres being rented. As such, a reduction of the rental amounts will occur in this amendment of Rental Agreement #549 through the creation of a replacement agreement (Agreement #717) which covers 8.5 acres for 2023-2025 instead of the 12 acres originally rented under #549 beginning in 2021. Agreement #549 for 12 acres will be marked as concluded on 12/31/2022 and replacement Agreement #717 will be for 8.5 acres and marked to start as of 4/1/2023. Because the rental amounts are being reduced, no enlargement or injury is anticipated, so a full review for the new agreement is not necessary. The new agreement will conclude on the original conclusion date of 12/31/2025.

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MAR 18 2023

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Wednesday, January 25, 2023 8:22 AM
To: Adamson, Jared
Cc: Rhett Summers
Subject: RE: Summer Co Acres

Hi Jared,

Thank you for passing along this information. I came up with a similar shape after Mr. Summers' email response, and I am working on creating an amended agreement to replace #549. Thank you both for your help.

Best,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

From: Adamson, Jared <Jared.Adamson@idwr.idaho.gov>
Sent: Tuesday, January 24, 2023 10:04 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Cc: Rhett Summers <summercofarms@gmail.com>
Subject: Summer Co Acres

Good Morning Mackenzie,

Rhett Summers requested that I send you the methods I used to find the 8.5 acres. Originally, the unauthorized acres were discovered using the Sentinel Imagery. Using the imagery T12TVP_S2A_20220803_CIR, I used the same method to find the 8.5 acres in question for reducing the rented acres. The imagery was from August of last year around the peak plant tissue production time of the potato crop on site. I also performed a rough estimate using the shape tool on ArcMap to identify all acres being irrigated using Sentinel Imagery and found that a total of 528.6 acres were being irrigated. The water rights have a combined use limit of 520.5 acres. This correlates to a difference of 8.1 acres. However, the shape attached is 8.5 acres and I recommended 8.5 acres to compensate for any potential error in the rough estimate I performed. I am confident in saying that if a water supply bank rental was reduced from 12 acres to 8.5 acres, there will be no compliance concern from Eastern Region Staff and no enforcement action would be necessary for as long as a water right for the 8.5 acres is secured.

Attached is a layer package of the acres I calculated. I hope this is helpful. Feel free to call me with any questions or concerns.

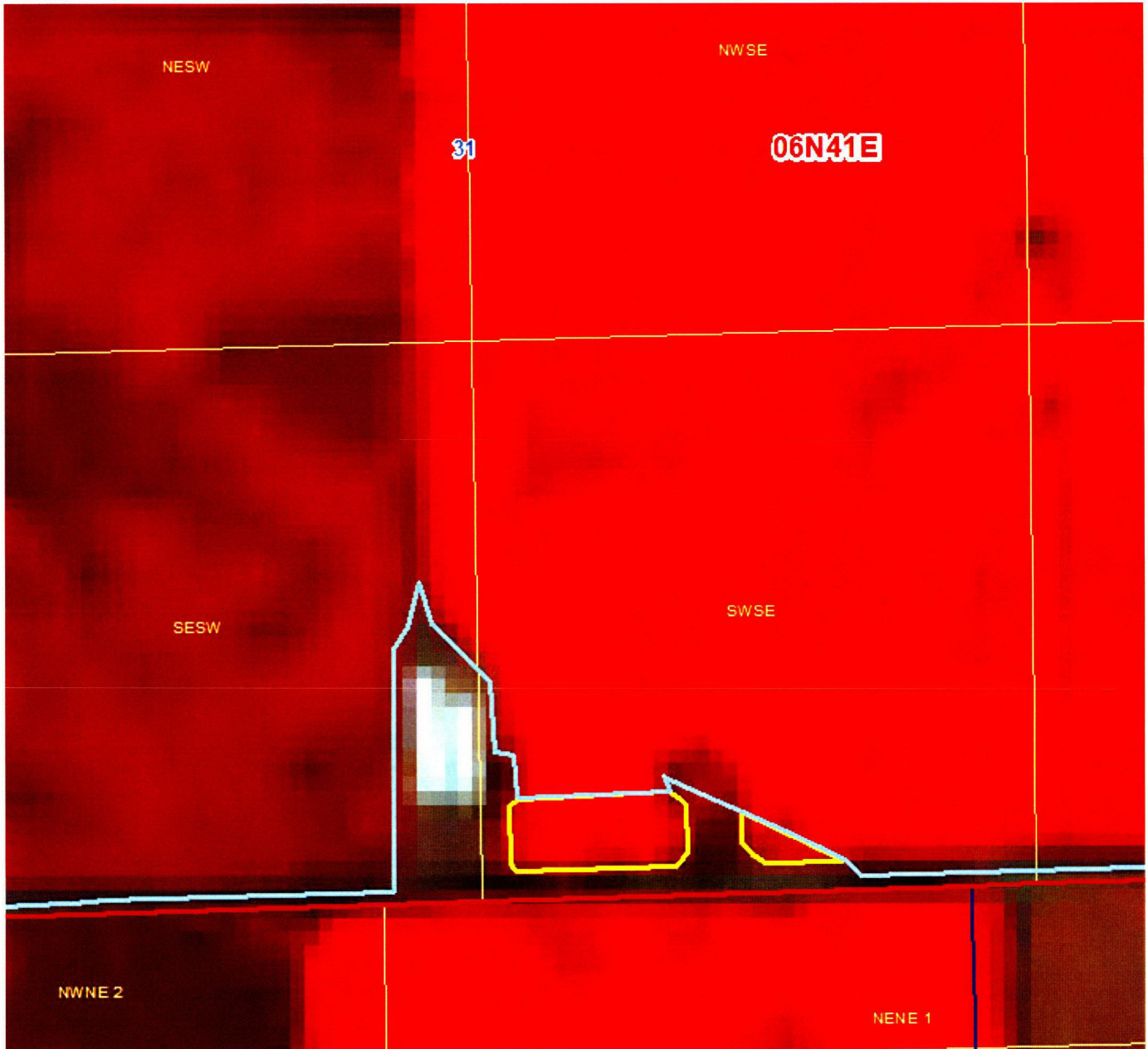
Cheers,



Jared Adamson | Water Resource Agent - Sr.

Idaho Department of Water Resources

300 N. Skyline Drive, Suite A, Idaho Falls, ID 83402 | Jared.Adamson@idwr.idaho.gov | (208) 325-7100



Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Friday, January 13, 2023 10:30 AM
To: Adamson, Jared
Subject: RE: Summerco Inc. Transfer & WSB Rental

Thank you so much for your help!

Have a great weekend yourself!

Mackenzie

From: Adamson, Jared <Jared.Adamson@idwr.idaho.gov>
Sent: Friday, January 13, 2023 10:12 AM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Summerco Inc. Transfer & WSB Rental

Here is the transfer approval document for Summer Co Management Inc. Let me know if I can help with anything else.

Have a great weekend!

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Monday, January 9, 2023 4:58 PM
To: Adamson, Jared <Jared.Adamson@idwr.idaho.gov>
Subject: RE: Summerco Inc. Transfer & WSB Rental

Hi Jared,

Do you have the transfer number or water right number?

Thank you,
Mackenzie

From: Adamson, Jared <Jared.Adamson@idwr.idaho.gov>
Sent: Monday, January 9, 2023 4:54 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: Summerco Inc. Transfer & WSB Rental

Hi Mackenzie,

The transfer Mr. Summers mentioned was approved on May 22, 2022. The rental application to the WSB was initiated before the transfer application had been submitted so that Mr. Summers could continue to irrigate while the transfer was being processed. In reality, Mr. Summers might have needed to reduce the acres rented back in 2021.

Let me know if you have any other questions I can help with.

Cheers,

SCANNED
MAR 18 2023



Jared Adamson | Water Resource Agent, Sr
Idaho Department of Water Resources
300 N. Eagle Drive, Suite A, Idaho Falls, ID 83402 | jared.adamson@idwr.idaho.gov | (208) 487-3709

From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Monday, January 9, 2023 4:20 PM
To: Adamson, Jared <Jared.Adamson@idwr.idaho.gov>
Subject: Summerco Inc. Transfer & WSB Rental

Hello Jared,

I talked with Mr. Summers this morning regarding Summerco Inc.'s Water Supply Bank Rental Agreement #549. He mentioned that he had been working with you on a transfer which would cover some of the acres at his rental POU, meaning that a new rental with a reduced number of acres would be appropriate. I am not seeing any indication of a transfer process happening for any of those acres; do you have some more information on this? Has a transfer been applied for or approved yet, or do you know which water right the transfer would pertain to?

I appreciate any information you have.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822



Kienholz, Mackenzie

From: Rhett Summers <summercofarms@gmail.com>
Sent: Thursday, January 19, 2023 9:23 AM
To: Kienholz, Mackenzie
Subject: Re: Summerco Water Supply Bank Rental Reduction

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.

Mackenzie,

Thank you for getting back to me. I'm not exactly sure as to why it was 12. It was just what I was told. However, I believe it was because there is some waste ground in the south west corner that we don't water. You show it with hashes and irrigated but we shut off the pivot end gun on the east side of that corner because it is a rock patch with trees and weeds. It's around an acre or so I believe.

The southeast corner may be over hashed as well. It looks like the end gun gets a little more than what is shown in the image. It's hard to tell. I and Jared, after reviewing the acreages and post transfer modifications, came up with 8.5 acres on those two corner Jared is in the Idaho falls office (208-525-7161) I believe, not the Twin Falls, should you need to reach him

Let me know if this information helps.

Thank you for your help!

Rhett Summers

Sent from my iPhone

On Jan 18, 2023, at 2:38 PM, Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov> wrote:

Mr. Summers,

I apologize for the delay in responding to you regarding your Water Supply Bank rental agreement #549 and Transfer #83976. I did talk with Jared at the IDWR office in Twin Falls about the transfer as well as our Water Supply Bank Coordinator. It appears that the number of acres shown in the map on your original rental agreement is actually about 14.6 acres, not 12.0. I have read through all the documentation for the Water Supply Bank rental review, and I cannot see why only 12.0 acres were rented when the area under the pivot corners is 14.6 acres. I have attached a map of the acres I believe you need rental water for after the transfer. The potential updated rental place of use is 10.7 acres and is outlined and hashed in green. The dotted areas are the new acres covered by water right 22-7136 post-transfer. Please review the map below and inform me as to whether the 10.7 acres in green looks like the correct new place of use or if you have any other information regarding why only 12.0 acres were rented previously.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

