

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

WATER SUPPLY BANK RENTAL AGREEMENT No. 787

OCT 20 2023

Department of Water Resources

This is to certify that:

BASTIAN FAMILY ENTERPRISES, LLC
16580 SOUTH MARSH VALLEY ROAD
ARIMO, ID 83214

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)
29-7006	1/10/1968	GROUND WATER	1.52	595	206.8	0.007	2.88
Combined Rental Totals			1.52	595	206.8	0.007	2.88

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: \$1,370.11 annually

The full fee for the rental of the above-described right(s) is \$1,370.11 per year for years 2023 - 2024. The rental fee includes an administrative fee of \$1,370.11 per year for years 2023 - 2024. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 29-7006. The fee required for this rental is calculated using more decimals than the rounded amounts recorded on this agreement.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

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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:


Signature of Renter

Oct 18, 2023
Date

Lynn S. Bastien
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, Acting Administrator
Idaho Water Resource Board

Date 10/24/23

Rental approved by IDWR 

Date 10/24/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 787

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec. 36, Twp 10S, Rge 36E, BANNOCK County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
1.52 CFS

VOLUME
595 AF

SEASON OF USE

Water Right No. **From** **To**
29-7006 4/1 10/15

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		
10S	36E	25				2.5							39.0			23.0	27.0	39.0	35.0	165.5
10S	36E	36		9.6																9.6
10S	37E	30						4.7 L3 23.0 L4				4.7 L3 23.0 L4 4.0 L6								31.7

Total Acres: 206.8

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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9. The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than March 22, 2004.
10. This rental agreement does not authorize the construction of a well.
11. This rental 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.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 787

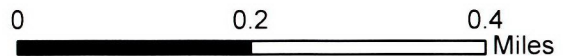
Effective until December 31, 2024

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



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

Applicant Name: Bastian Family Enterprises

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 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	<input checked="" 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)
29-7006

2690

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Bastian Family Enterprises
 Mailing Address 16580 S. Marsh Valley Rd. Arimo ID 83214
Street City State Zip Code
 Email Address lyttonbastian@gmail.com Phone Number (208) 251-1992

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 Jason C. Helms, PE Professional Title Consultant
 Organization JCH Civil, LLC Relationship to Applicant _____
 Mailing Address 3158 NE Follett St. Roseburg, OR 97470
 Email Address jasoncivil@alumni.nd.edu Phone Number (208) 308-2109

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**:

The applicants are seeking transfer of their own leased water right 29-7006 and securing rental of all available portions of the water right through the remainder of the active lease contract will allow use while preserving the integrity of the water right as the transfer is approved and the planned system is constructed prior to 2025.

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)
1.66 CFS	650.85 AF	1.66 CFS	650.85 AF	225.9 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 checked="" type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant
4/1/23	7/1/23							

* *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 system has not been used for many years. Proposed new system has not been constructed yet.
-

- 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
New well	Ground water	None - Well to be constructed after transfer approval

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 225.9 (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:
None.
-

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)
29-7006	Irrigation	2.53	994.0	345.0		1.66	650.9	225.9
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	1.66	650.9	225.9
						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 owns the right and understands the authorized limitations require very efficient operation for irrigation of the underlying acreage.

C. Does your rental request propose to change the nature of use for any water right(s) being rented? Yes No
 If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes No
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

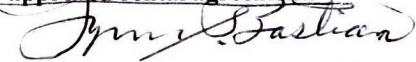
B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes No
If yes, describe:
Application for transfer will not interfere with the current lease or rentals.

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.



Lynn S. Bastian



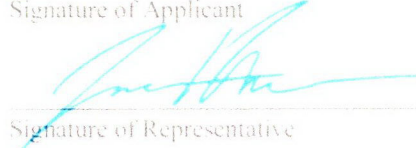
Christine Bastian

7-11-2023

Signature of Applicant

Printed Name of Applicant

Date



Jason C. Helms

6/29/2023

Signature of Representative

Printed Name of Representative

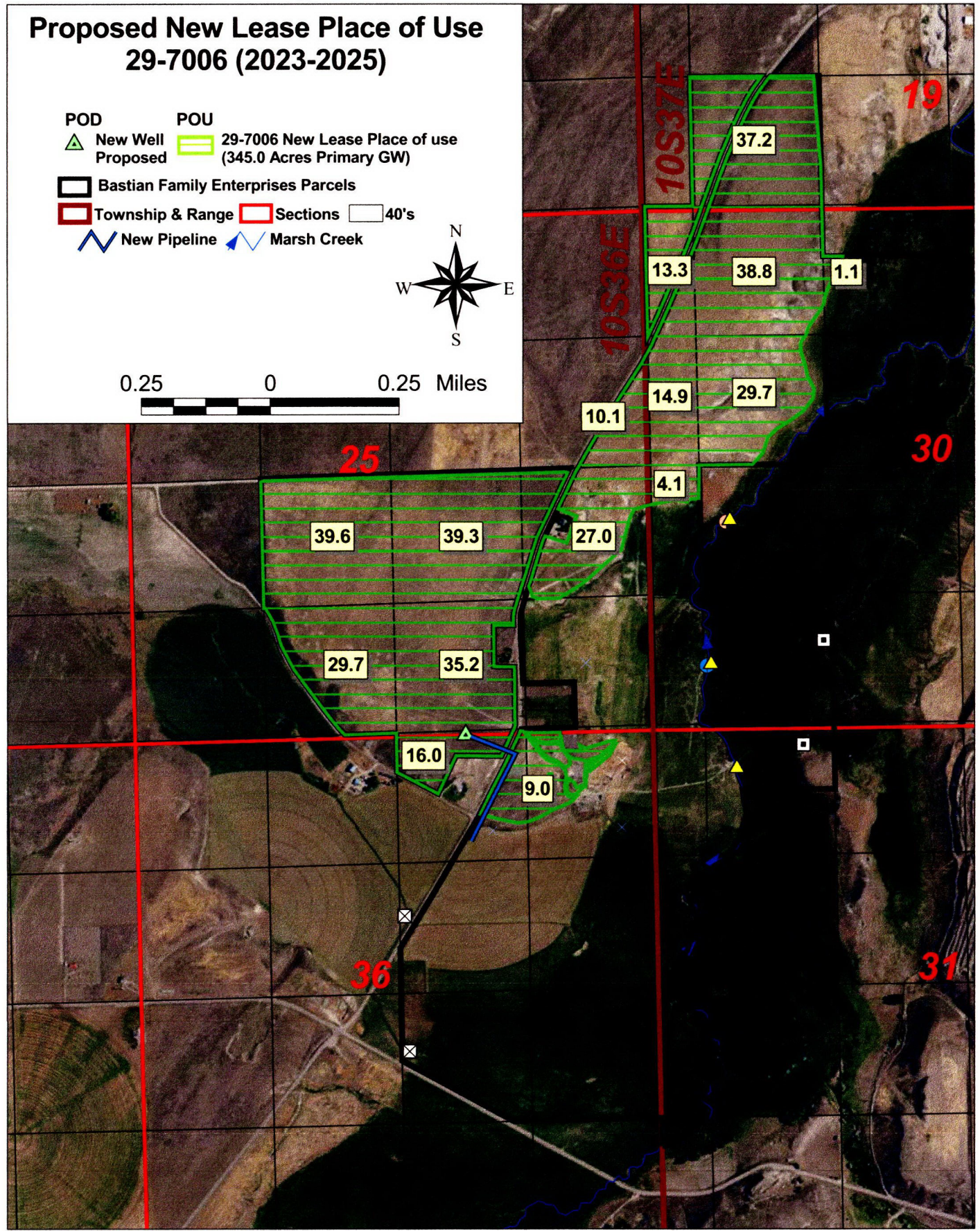
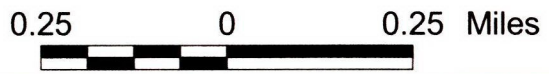
Date

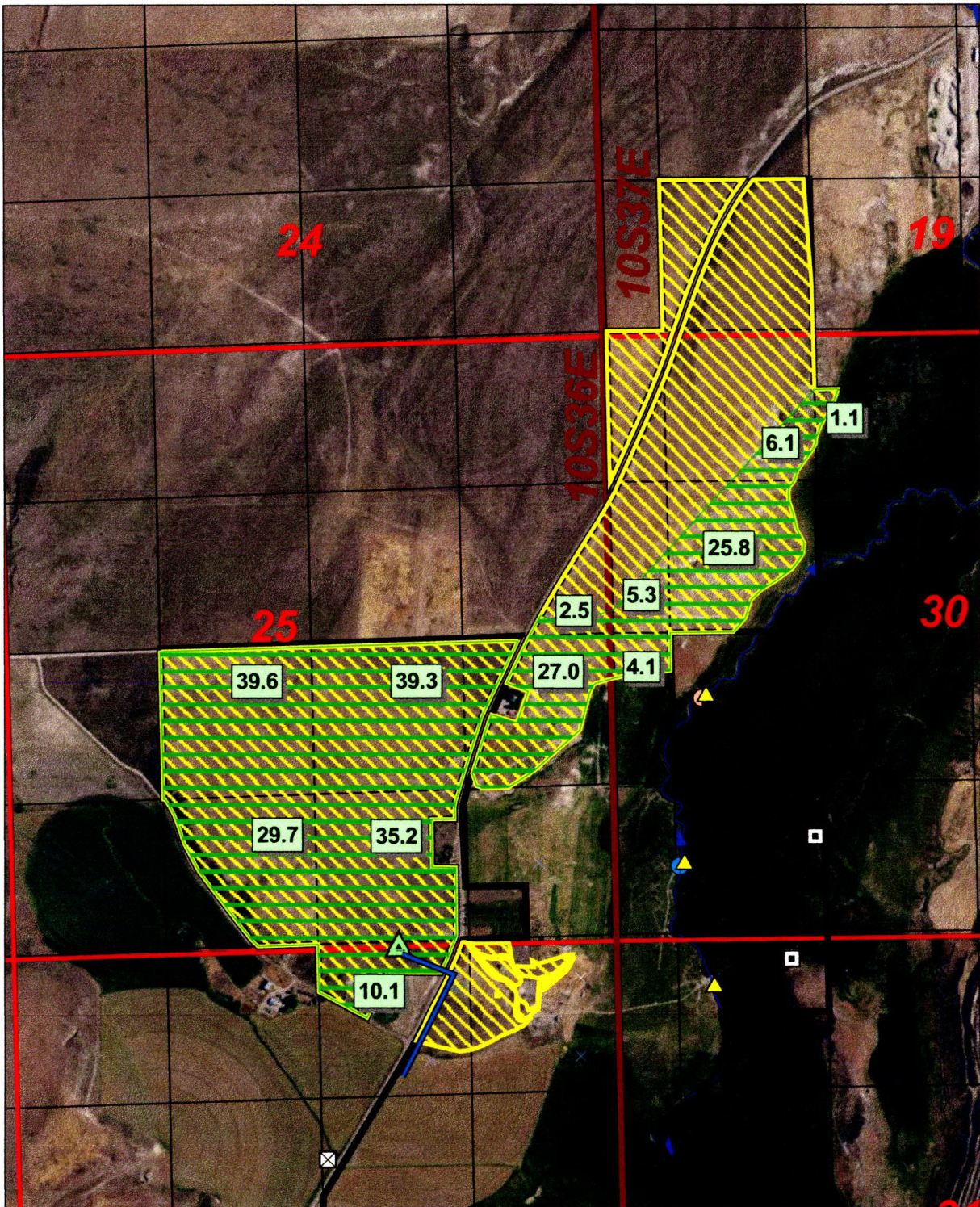
Mail to:

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

Proposed New Lease Place of Use 29-7006 (2023-2025)

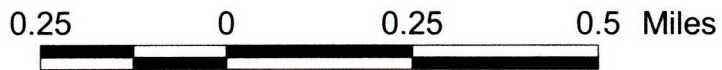
- POD** **POU**
-  New Well Proposed
 -  29-7006 New Lease Place of use (345.0 Acres Primary GW)
 -  Bastian Family Enterprises Parcels
 -  Township & Range
 -  Sections
 -  40's
 -  New Pipeline
 -  Marsh Creek






JCH - 6/29/2023

NAIP 2021 Aerial Photo




 Adjust Lease Place of Use (29-7006: 345.0 ac.)

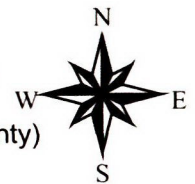
 Requested Rental Place of Use (225.9 ac.)

 Proposed New Point of Diversion

 New Pipeline  Marsh Creek

 Township & Range Sections

 40's (Bannock County)



Attachment 2

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

*Executed
10/24/23*

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

Received Date: 6/30/2023
 Latest Start Date: 7/1/2023
 Renter: Bastian Family Enterprises
 Rental Expiration Date: ~~2025~~ 2024
 Lease/Rental Package: Y N

Application # 2690 Agreement # 787

Water Right	Lease Contract ID
# <u>29-7006</u>	<u>1276</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:
 → can subtract acres anywhere
 - Talked w/ JCH on phone - okay w/ J Bar getting portion, rent back whatever is available MK
 → confirmed acreage on WSB maps correct for each QR
 → want to keep this right unstacked
 * C Fritz working on transfer

Mailings (per application)	Original	CC	Email or Address
Renter: <u>Bastian Family Enterprises</u>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Attorney: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
Consultants Name: <u>Jason C Helms - JCH Civil, LLC</u>	<input type="checkbox"/>	<input type="checkbox"/>	
Conveyance Entity: <u>✓</u> Ex. Irrigation Dist. of Canal Co.	(final only)	<input type="checkbox"/>	
(Ground) Water Dist: <u>✓</u>	(final only)	<input type="checkbox"/>	
Other: <u>Cooper Fritz - IDWR</u> <i>- Processing associated transfer</i> WD Snake 01, Boise, Payette, and Bear River	(final only)	<input type="checkbox"/>	_____
Region: <u>Eastern</u>	(final only)	<input type="checkbox"/>	
Watermaster: <u>✓</u>	(final only)	<input type="checkbox"/>	
Compliance: <u>✓</u>	(final only)	<input type="checkbox"/>	

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 Mathew Weaver

October 25, 2023

BASTIAN FAMILY ENTERPRISES LLC
16580 SOUTH MARSH VALLEY ROAD
ARIMO, ID 83214

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK WATER RIGHT NO(S). 29-7006,
AGREEMENT 787 & AMENDED LEASE MAP, CONTRACT NO. 1276**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,370.11** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 595 acre-feet of water for irrigation of 206.8 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 \$1,370.11** for 2023.

Included with this letter is also a copy of the amended map associated with Lease Contract No. 1276.

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

Sincerely,

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

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosures: Receipt No. C117204
Rental Agreement (copy)
Amended Map for Lease Contract 1276

c: Sascha Marston – Fiscal
IDWR - Eastern Region Office
Jason C Helms – JCH Civil, LLC
Cooper Fritz - IDWR

Condon, Mary

From: Condon, Mary
Sent: Thursday, October 12, 2023 10:55 AM
To: Jason Helms; lyttonbastian@gmail.com
Subject: WSB Proposed Rental Agreement - Signature and Payment Requested
Attachments: R2.1.2 Proposed Rental Agreement 787 Cover Letter-Bastian.pdf; V2 Proposed Rental Agreement #787 - Bastian Family Enterprises.pdf

Good morning,

The Department of Water Resources sent the attached proposed rental agreement for signature and payment on September 18, 2023, but we have not received the signed agreement and payment.

Please return the signed rental and payment within 10 days, or we will return the rental application unprocessed.

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator

 IDAHO DEPARTMENT OF
WATER RESOURCES
Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936



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 Mathew Weaver

September 18, 2023

BASTIAN FAMILY ENTERPRISES
16580 S MARSH VALLEY RD
ARIMO ID 83214

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-7006, AGREEMENT 787**

*****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 **\$1,370.11 per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 595.7 acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$1,370.11.** 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.

Please send a check in the amount of \$1,370.11 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.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

A handwritten signature in black ink, appearing to read "Mackenzie Kienholz", is written over a light blue horizontal line.

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure(s): Proposed Rental Agreement

C: IDWR Front Desk
Jason C. Helms – JCH Civil, LLC

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, September 14, 2023 8:43 AM
To: Cefalo, James
Cc: Fritz, Cooper
Subject: Comment Request: WSB Rental App 2690 - Bastian Family Enterprises
Attachments: V2 Proposed Rental Agreement #787 - Bastian Family Enterprises.pdf; Rental Map - 787 Bastian.pdf; WM Copy Rental Review Memo Application #2690 - Bastian Family Enterprises.pdf; DRAFT Amended Lease Map Post-Transfer Contract 1276.pdf

Hello James,

Please see the attached rental proposal for Bastian Family Enterprises. They are working to transfer right 29-7006 to a PPU (it sounds like Cooper is more or less done with the transfer review and is waiting for WSB approval). Right 29-7006 is leased to the Bank through 2025 and portions are rented by various users. In order to accomplish the transfer before the right is released from the Bank in 2025, the Bastian's have requested to move the lease location to the PPU and rent back all unrented portions of the right for use at the PPU. Please let me know if you have any questions or comments.

Cooper- please let me know if you see anything that would conflict with the transfer approval; otherwise we should be good to go.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

MEMORANDUM FOR AGREEMENT #787

To: Water Right(s) 29-7006
From: Mackenzie Kienholz
Date: 9/14/2023
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Rental application #2690 was submitted by Jason C. Helms (JCH Civil, LLC) on behalf of Bastian Family Enterprises and was received by the Department on 6/29/2023. The water right is owned by the applicant. A transfer application was also submitted for this water right proposing to move right 29-7006 and combine it with rights 29-4302, 29-7889A, 29-7889B, 29-11463 and 29-11465 to form a PPU. Right 29-7006 is currently leased to the Bank through 2025, and portions have been rented through 2025. As the applicant could not release the full water right from the Bank until 2025, in order to allow the transfer to be processed the applicant has proposed to adjust the lease location and rent the remaining, available portion of the right for use at the new PPU. The total number of leased acres will not be changed. The portion of right 29-7006 available for the applicant to rent is 1.52 cfs, 595.5 af, and 206.8 ac.

The rental location is not subject to a water district or ground water district and is not in a (C)GWMA.

AUTHORITY TO FILE: The application was signed by Lynn and L. Christine Bastian who are both listed as managers of Bastian Family Enterprises, LLC on the most recent IDSOS annual filing (10/31/2022). The parcels at the rental POD and POU are owned by Bastian Family Enterprises, LLC. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right validity was evaluated as part of the lease review, and no concerns were found.

INJURY TO OTHER WATER RIGHTS: The place of use and point of diversion for right 29-7006 is approximately 2.5 to the northwest of the proposed rental/transfer place of use and point of diversion. There will not be a change in source; both the original water right location and rental location draw from the same aquifer. No concerns with injury to other water rights.

ENLARGEMENT OF USE: 345.0 acres are leased to the Bank through 2025 under Lease Contract #1276. A combined 138.2 acres are already rented under Rental Agreements #649, #728, and # 780 (Pending signature). This leaves 206.8 acres available for Bastian Family Enterprises to rent for use at the new PPU.

The new PPU will contain surface and groundwater rights. Pre-transfer, the rights in total authorize 732 acres of irrigation. Post-transfer, 37 acres of 29-7006 will become supplemental to 29-7889A (33 acres) and 29-7889B (4 acres). Thus, the post-transfer PPU will allow a total of 695 acres. This rental will allow 206.8 acres of the 345 leased acres to be irrigated under right 29-7006 at the PPU, meaning that at the new lease POU 138.2 acres will need to be idled. Mr. Helms provided a map for the new lease location and the rental POU. The difference between the maps outlines the acres that will need to remain idled.

The rate, acres, and volume being rented are proportionate to the leased amounts. The rate/acre and volume/acre is lower than standard, but this is not anticipated to cause any concerns for this rental. There will be no change in season 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 not subject to a Water District. A request for comments was sent to the IDWR Eastern Regional Office on 9/14/2023.

Kienholz, Mackenzie

From: Jason Helms <jasoncivil@alumni.nd.edu>
Sent: Friday, September 1, 2023 2:44 PM
To: Kienholz, Mackenzie
Subject: Re: Bastian WSB Lease & Rental Shapefiles
Attachments: image001.jpg; bastian_waterbank_206.8acres.zip; bastian_waterbank_345acres.zip

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Mackenzie,
Attached shapefiles for the Bastian lease and rental. Let me know if you have any issues with them or need anything else.

Thanks,
Jason C. Helms, PE
JCH Engineering & Consulting, PLLC
208-308-2109

On Fri, Sep 1, 2023 at 11:37 AM Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov> wrote:

Hi Jason,

The final amounts that the Bastian's should be able to rent back from right 29-7006 will be 206.8 acres. If you can send me the lease and rental shapefiles, I would greatly appreciate it.

Thank you,

Mackenzie Kienholz

Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Friday, July 7, 2023 10:11 AM
To: Jason Helms
Cc: Fritz, Cooper
Subject: Bastian Family Enterprises Water Supply Bank Application
Attachments: B0751-1695 (1).pdf; B0790-1398 (1).pdf

Follow Up Flag: Follow up
Due By: Friday, July 21, 2023 8:00 AM
Flag Status: Flagged

Good morning, Jason,

This email is in regard to Water Supply Bank Rental Application #2690 for Bastian Family Enterprises. This rental is intended to rent back a portion of the applicant's own rights to allow for a transfer of the same rights to continue being processed. There are two active rentals against right 29-7006, one rental application which is ready for review, and this Bastian Family enterprises rental application. When I had originally talked with Mr. Bastian about the amounts that were unrented, I gave him the amounts that were not actively being rented, so subtracting the two active rentals from the leased amount. If a new lease application had been filed amending the leased amounts to only the acreage that is actively rented, only the amount of those two rentals would need to be left in the Bank. However, because we are moving forward with a rental application instead of amending the lease, we need to allocate water to rentals in the order the rental applications were received. For the application which is currently ready for review, I have worked with our Hydrology section to look for other available rights that could be used at the rental location, but it appears that 29-7006 is the only right that can satisfy this request. Because this application was received before the Bastian Family Enterprises application, we will need to allocate 19.1 acres of 29-7006 to this application. I apologize for any confusion. The amounts available for the Bastian rental are 1.52 cfs, 595.5 af, and 206.8 acres. Please let me know where this reduced acreage will be and/or submit a new rental map.

Additionally, it could be how I am reading the documents, but it appears that the amounts offered in each QQ/section are slightly different between the transfer documents and the Water Supply Bank documents. I have included a table summarizing the acres offered in each section below according to the lease map submitted. Please confirm if these values and the acres noted on the lease map are correct. On the transfer documents it appears that the total acres under 29-7006 is 282 acres instead of 245 acres. Possibly the 37 acres that will be supplemental was added twice?

Lease			
Twp	Rng	Sec	Total Acres
10S	37E	19	37.2
10S	37E	30	101.9
10S	36E	25	180.9
10S	36E	36	25
		Total	345

We will also need documentation showing that you are authorized to sign the application on behalf of Bastian Family Enterprises. I have attached the IDSOS Business filings which list the authorized agents.

Finally, if you would be willing to send [redacted] shapefiles for the lease and rental POU, [redacted] would be greatly appreciated and would make the review process faster.

Please feel free to reach out by phone or email with any questions.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822

Kienholz, Mackenzie

From: Jason Helms <jasoncivil@alumni.nd.edu>
Sent: Thursday, June 29, 2023 8:31 PM
To: Kienholz, Mackenzie
Cc: lyttonbastian@gmail.com; Condon, Mary; Fritz, Cooper
Subject: Re: Transfer and WSB Lease for 29-7006
Attachments: Attachment-WSB_29-7006.pdf; Waterbank_Rental-Bastian_29-7006.pdf

Follow Up Flag: Follow up
Due By: Monday, July 3, 2023 8:00 AM
Flag Status: Completed

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Hi Folks,

Please find attached the very important wsb attachment document and the waterbank rental application to secure all remaining available rental of 29-7006 for the remaining lease period (2023-2025). Hopefully the maps included for the proposed changes to the lease place of use and point of diversion in the pending application for transfer make sense here.

I believe this meets all requirements, avoids overlaps and keeps the process moving smoothly forward. Feel free to call or e-mail with any questions or concerns.

Thanks!

Jason C. Helms, PE
JCH Engineering & Consulting, PLLC
208-308-2109

On Wed, Jun 28, 2023 at 7:37 AM Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov> wrote:

Good morning, Mr. Bastian,

As we discussed over the phone this morning, 119.1 acres of the 345.0 total leased acres of water right 29-7006 are currently being rented from the Water Supply Bank through 2025. Our Water Supply Bank Coordinator Mary Condon discussed your situation with the IDWR agent, Cooper Fritz, who is working on your transfer and with Jason Helms yesterday. Instead of releasing a portion of the water right from the Bank by submitting a new lease application with a reduced number of acres, it looks like they decided to change the map for the current lease and rent a portion of the acres back to yourself so that they can also move forward with the transfer. I know you may still have questions; I am cc'ing Mary, Cooper, and Jason on this email so you will have everyone's contact information and so everyone is on the same page. I am attaching a copy of the Water Supply Bank Lease Application and a copy of the Water Supply Bank Rental Application for your reference as discussed, but I recommend you discuss the situation with Mr. Helms before taking any immediate action.

Best,

Mackenzie Kienholz

Water Supply Bank Specialist



Planning & Projects

Mackenzie.kienholz@idwr.idaho.gov

Phone: (208) 287-4822