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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 827

RECEIVED
MAR 11 2024
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

POTTER CREEK RANCH LC
PO BOX 540478
N SALT LAKE, UT 84054-0478

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)
29-4406	1/1/1880	SPRINGS	0.55	105.0	30.0	0.018	3.5
29-4408	1/1/1880	SPRING	0.39	77.0	22.0	0.018	3.5
29-4423	1/1/1880	UNNAMED STREAM	0.55	105.0	30.0	0.018	3.5
29-12055	1/1/1880	SPRING	0.16	28.0	8.0	0.020	3.5
Combined Limit Totals			**1.09**	**216.3**	**61.8**	**0.020**	**3.5**
Combined Rental Totals			**1.09**	**216.3**	**61.8**	**0.020**	**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, 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 2024, whichever occurs last.

Annual Rental Fee:

2024: $497.49

The full fee for the rental of the above-described right(s) is $497.49 for 2024. The rental fee includes an administrative fee of $497.49 for 2024. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 29-4406, 29-4408, 29-4423, 29-12055.

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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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 827

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:

POTTER CREEK RANCH, L.C.

By: DocuSigned by: CHRISTOPHER F. ROBINSON 4121EF7DFA7848E... 02/29/2024

Signature of Renter — Date

Christopher F. Robinson — Mgr of Mgr

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.

By _____ Date 3/12/24

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 3/12/24

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 827

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK SWNE Sec. 11, Twp 11S, Rge 36E, BANNOCK County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	1.09 CFS	216.3 AF

SEASON OF USE

From	To
4/1	10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	11												22					22
11S	36E	14					21			18.8									39.8

Total Acres: 61.8

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.
9. Use of water under this rental and Right 29-2295F when combined shall not exceed a total diversion rate of 1.09 cfs, a total annual maximum diversion volume of 216.3 af at the field headgate, and the irrigation of 61.8 acres.

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10. Rental of rights 29-4406, 29-4408, 29-4423 and 29-12055 when combined shall not exceed a total diversion rate of 1.09 cfs, a total annual maximum diversion volume of 216.3 af at the field headgate, and the irrigation of 61.8 acres.
11. Right 29-4406 is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.
12. Right 29-4408 is limited to the irrigation of 22.0 acres within the place of use described above in a single irrigation season.
13. Right 29-4423 is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.
14. Right 29-12055 is limited to the irrigation of 8.0 acres within the place of use described above in a single irrigation season.
15. 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(s).
16. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29H.
17. The diversion and use of water under this rental agreement shall only occur:
    a. When water is available and in priority at the original points of diversion of rights 29-4406, 29-4423, 29-4408, and 29-12055; and
    b. When all water rights with a source of Marsh Creek having existing authorized points of diversion in the reach downstream from the authorized rental point of diversion and upstream from the original water right sources and their confluence with Marsh Creek (reach beginning SWNE, S14, T11S, R36E and ending NESE, S1, T10S, R36E) are satisfied.

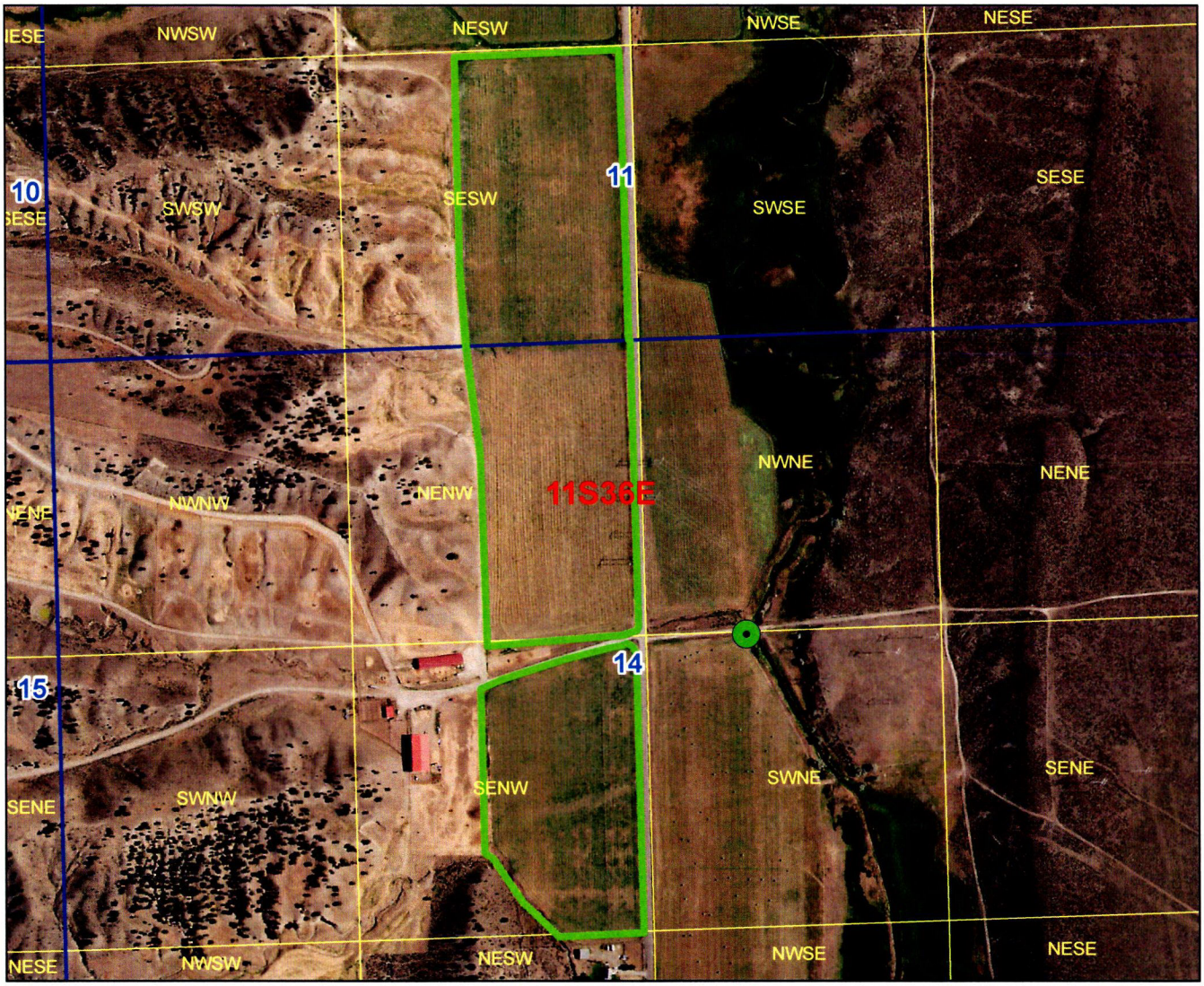
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Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 827

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.



0 1,000 2,000 3,000 Feet

Legend

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

N

DocuSign Envelope ID: EC53ECE7-F6AF-43CA-B[redacted]2F95B1C7573E
Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
Dec 12, 2023
DEPARTMENT OF WATER RESOURCES

Applicant Name: Potter Creek Ranch, L.C.

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)	
29-4406	29-4423
29-4408	29-12055

2853

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Potter Creek Ranch, L.C.

Mailing Address P.O. Box 540478 (Street) North Salt Lake (City) Utah (State) 84054 (Zip Code)

Email Address crobinson@theensigngroup.com Phone Number 801-599-4397

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 Manager

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**:

We own WR 29-2295F with a priority date of 1950, which is likely to be curtailed and un-usable to irrigate our crops

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)
1.09. CFS	AF	CFS	AF	AC

* ***Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.***

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/1/2024	5/1/2024	☑ 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):

We have an electrical pump in Marsh Creek that pressurizes and lifts the water to our fields a short distance to the west using wheel and hand lines.

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
Electrical Pump	Marsh Creek	29-2295F

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 61.8 (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:

Our Water Right No. 29-2295F has a 1950 priority date, which is likely to be curtailed for all or much of the irrigation season. We wish to rent these water rights in order to allow us to irrigate our farm the whole season.

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)**
29-4406	Irrigation	0.60	105	30.0				
29-4408	Irrigation	0.44	77.0	22.0				
29-4423	Irrigation	0.60	105	30.0				
29-12055	Irrigation	0.16	28.0	8.0				
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					**TOTAL**	1.09	216.3	61.8
						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**:

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:
We rented the same water rights during parts of the 2023 irrigation season.

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

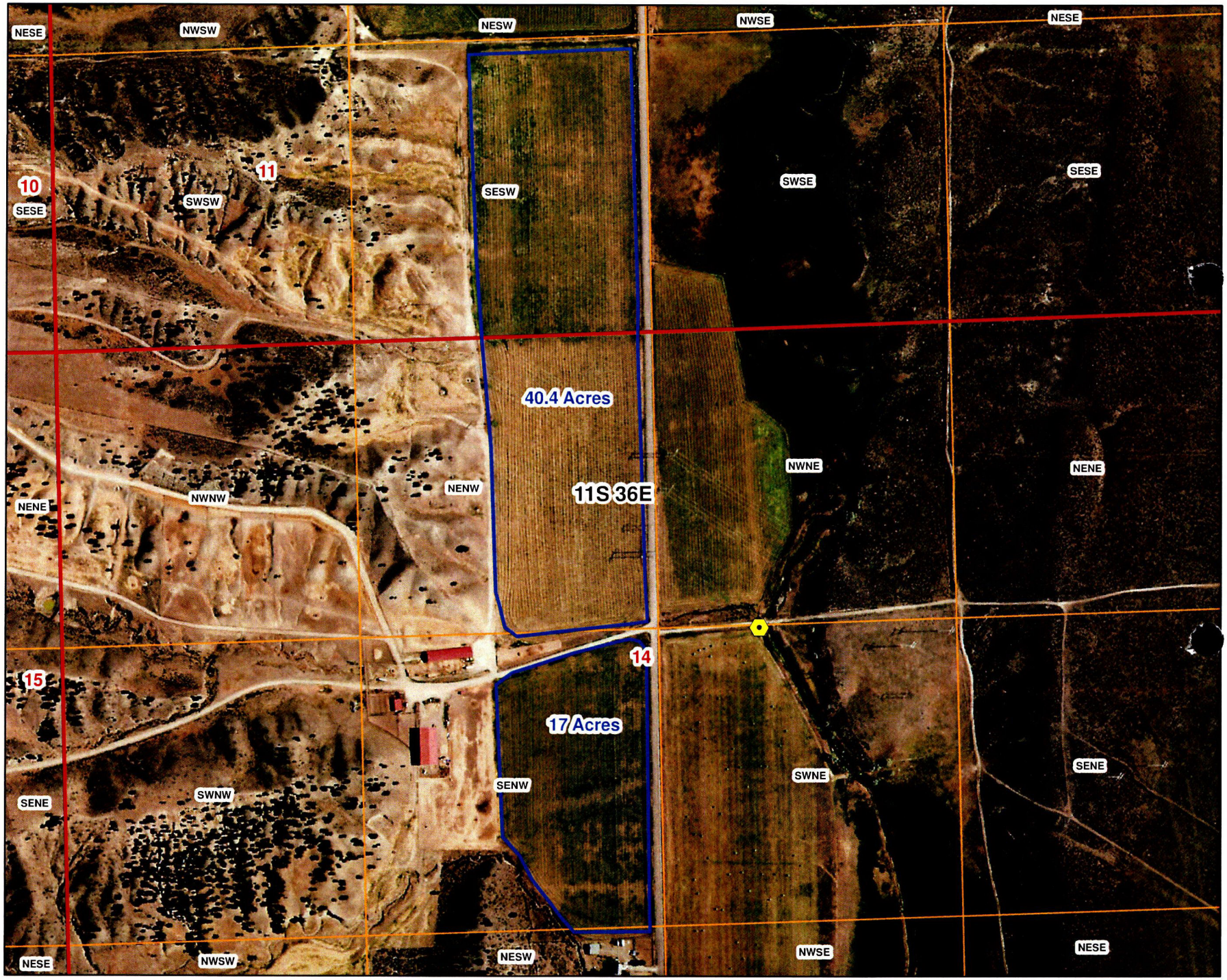
DECLARATION

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.

By: DocuSigned by: CHRISTOPHER F. ROBINSON 4121EF7DF47848E... Mgr of Gen Ptr	POTTER CREEK RANCH, L.C.	December 12, 2023
Signature of Applicant	Printed Name of Applicant	Date
Signature of Representative	Printed Name of Representative	Date

Mail to:

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



2021 NAIP Photo

Prepared by:
Luke H. Marchant
11/18/2022

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

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

Received Date: 12/12/2023 - Lease fee Rcvd 12/18
Latest Start Date: 5/1/2024
Renter: Potter Creek Ranch LC
Rental Expiration Date 2024
Lease/Rental Package (Y) N

Application # 2853 Agreement # 827

Water Right	Lease Contract ID
# 29-4406	
# 29-4408	1500 App 2854
# 29-4423	App 2854
# 29-12055	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:
see agreement #779
see Utah Business Search for authority to file

Mailings (per application)	Original	CC	Email or Address
Renter: Potter Creek Ranch LC	☑	☐	
~~Attorney~~: c/o Christopher F Robinson	☐	☐	
~~Consultants~~ ~~Name~~:	☐	☐	
Conveyence Entity: (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist:	(final only)	☐	
Other: WD ~~3HH~~ 29H (WD Snake 01, Boise, Payette, and Bear River)	(final only)	☑	BOM
Region: Eastern	(final only)	☑	
Watermaster: Kristen Evans	(final only)	☑	
Compliance:	(final only)	☐	

Signed Rental PM 3/12/24

Resolving NOV? Y / (N)
#

Call up Date: 3/14/2024

DO NOT SCAN

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

March 13, 2024

POTTER CREEK RANCH LC
PO BOX 540478
N SALT LAKE, UT 84054-0478

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-4406, 29-4408, 29-4423, 29-12055, AGREEMENT 827

Dear Renter:

Please find enclosed a receipt in the amount of **$497.49** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 216.3 acre-feet of water for irrigation of 61.8 acres during 2024. 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 $447.75 of the rental fee will be paid to the lessor(s) and 10% or $49.74 will be retained by the Department to offset administrative costs.

Sincerely,

Debra Mansfield

for
Water Supply Bank

Enclosures: Receipt No. C117924
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Representative
Water District 29H

Mansfield, Debra

From: Mansfield, Debra
Sent: Tuesday, March 12, 2024 10:20 AM
To: 'watermaster29h@gmail.com'; IdwrPayable; Cefalo, James
Cc: Bank
Subject: Executed WSB Rental 827
Attachments: Executed WSB Rental Agreement 827.pdf

Good morning,

Please see the attached copy of executed Rental Agreement 827, in the name of Potter Creek Ranch LC, for your records.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

Hersley, Jean

From: Chris Robinson <crobinson@theensigngroup.com>
Sent: Thursday, February 29, 2024 4:57 PM
To: Cheever, Skyler; Invoice; IDWR File
Cc: Chris Todd; Jeff Young; Cade Willoughby; Doug Freestone
Subject: Re: Water Supply Bank Rental Agreement 827 Potter Creek Ranch L.C.
Attachments: ID Water Supply Bank Contract 827 Potter Creek Ranch Signed CFR 2 29 2024 w Map.pdf; IDWR Rental Cover Letter 827 Potter Creek Rights 2 29 2024.pdf

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

Skyler,

Please find attached the fully signed rental agreement.

Please confirm receipt and thanks for your work on it!

CT,

Please mail an Arimo Corp check for the $497.49 as shown on the attached letter, together with a copy of the letter and of this signed rental agreement, to IDWR as provided in the letter.

Please email to me a copy of the check.

Best,

Chris
801-599-4397

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Date: Thursday, February 29, 2024 at 10:06 AM
To: Chris Robinson <crobinson@theensigngroup.com>
Subject: RE: Water Supply Bank Rental Agreement 827 Potter Creek Ranch L.C.

Mr. Robinson,

Here is a new version of the cover letter. I didn't notice one of the rental fees listed in the letter did not match with the others or the agreement. I went ahead and made the changes and added the new letter with the mailed agreement.

Skyler

From: Cheever, Skyler
Sent: Thursday, February 29, 2024 9:55 AM
To: Chris Robinson <crobinson@theensigngroup.com>
Subject: Water Supply Bank Rental Agreement 827 Potter Creek Ranch L.C.

Hello Mr. Robinson,

Attached to this email is a copy of rental agreement 827, map and cover letter for Potter Creek Ranch. I mailed the agreement today. The applicant will be contacted within 14 days if a signed rental agreement is not received. If you have any questions or concerns, please let me know.

Best,

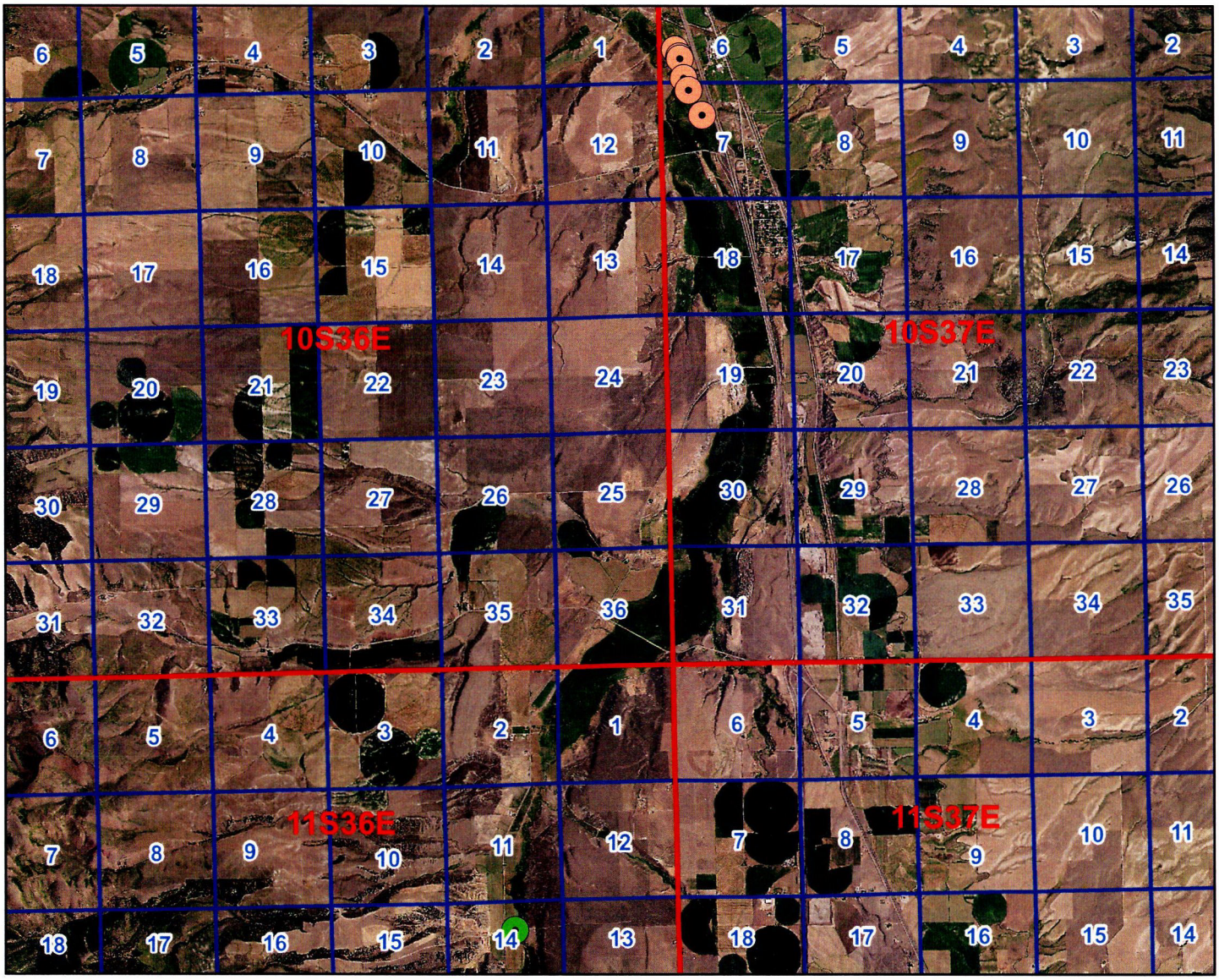
Skyler

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

Idaho Water Resource Board

WSB Move Map

29-4406, 29-4408, 29-4423, 29-12055
2024



Legend

- Water Supply Bank Rental Point of Diverson
- Water Supply Bank Lease Point of Diversion
- Township/Range
- Sections

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

February 29, 2024

POTTER CREEK RANCH L.C.
PO BOX 540478
NORTH SALT LAKE, UTAH 84054

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-4406, 29-4408, 29-4423, 29-12055, AGREEMENT 827

*****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 **$497.49 per year** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 61.8 acre-feet. Since you are both the lessor and the renter of the rights, **you are only obligated to pay the 10% administrative fee or $497.49.** 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 $497.49 for 2024 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,

Skyler Cheever
Water Resource Agent

Enclosure(s): Rental Agreement

c: IDWR Front Desk

MEMORANDUM FOR WSB RENTAL AGREEMENT # 827

To: Water Right No(s). 29-4406, 29-4408, 29-4423, 29-12055

From: Skyler Cheever-Water Resource Agent

Date: 2/12/2024

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

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PURPOSE/NARRATIVE:
Application 2853 was sent in by Potter Creek Ranch L.C. with co-owner Christopher Robinson and received on December 12th, 2023. This application is part of a lease rental package with contact 1800 sent in by the Arimo Corporation with co-owner Christopher Robinson. Christoper Robinson is the authorized representative of both Potter Creek Rach L.C. (renter) and Arimo Corp. (lessor). The applicant is essentially renting their own rights. Therefore, only the administrative rental fee is required. This application proposes to rent the entirety of contract 1800 from the water supply bank for 2024. The point of diversion is within the Snake River Basin Moratorium Area and Non-Trust Water Area. This application is intended as a renewal on agreement 779 with expired on December 31st, 2023.

The applicant proposed the rental period is only for the 2024 irrigation season. The previous proposal initially indicated a 5-year rental period but was reduced to one due to future injury concerns with a rental period beyond one year. The applicant expected movement of water to be made permanent through a transfer or exchange process in the 2024 season. Since the applicant submitted a rental application for 2024, they are likely still attempting to make these changes permanent but need time to accomplish this.

AUTHORITY TO FILE:
Christopher Robinson signed the application. Mr. Robinson has the authority to file this agreement because he is the registered agent with the company according to the Utah Secretary of States Office Database. Potter Creek Ranch L.C. is the current owner of the place of use and point of diversion according to Tax Parcel Data and Department records.

INJURY TO OTHER WATER RIGHTS:
The rental point of diversion is 6.5 miles upstream of the lease points of diversion (linearly, not considering meanders). The applicants propose to divert directly from Marsh Creek. The lease PODs divert from four springs and an unnamed stream, tributary to Marsh Creek. During the previous review the Watermaster of Water District 29H, Kristin Evens visited the lease PODs on July 14th, 2023, and confirmed spring water flows into Marsh Creek and flow was measured at 1.3 cfs. The application proposes to rent 1.24 cfs. Therefore, there would be enough flow to satisfy the rental proposal.

Since the lease POD's do not directly divert from Marsh Creek, timing of use is important when considering potential injury. The applicant explained during the last review the springs divert into two main ditches, with measuring devices. The ditches typically provided enough supply to fulfill the leased water rights throughout the whole irrigation season. The Watermaster confirmed sufficient flow to fulfill the leased water rights were available on her visit July 14th, 2023. However, to prevent any potential injury to upstream users a condition should be added to the agreement limiting diversion at the rental POD to times when water is available at the lease PODs.

There are many water users in-between the lease and rental PODs. The leased water rights have a priority date of 1880. According to the previous application review, only three water rights have a priority date senior to Twin Falls Canal Co.'s water right of 1900. Therefore, water users in between the lease and rental PODs are typically unable to divert for the whole season. To prevent any injury to users in between the lease and rental PODs the applicant agreed to make the last agreement subordinate to any existing water rights within priority at any given time. This agreement should be held to the same standard and a condition should be added subordinating this rental to any water rights in priority at any given time in between the lease and rental PODs.

ENLARGEMENT OF USE:
Water Right 29-2295F overlaps the rental place of use and diverts from the proposed point of diversion on Marsh Creek. The right has a priority date of 1950 and would be utilized before rental water while it is in priority. To prevent any enlargement of the rented water rights, or 29-2295F a condition should be added to the agreement limiting this rental and water right 29-2295F combined to 1.09 cfs, 216.3 af at the field headgate, and the irrigation of 61.8 acres. There are no other enlargement concerns.

LOCAL PUBLIC INTEREST:
The section of Marsh Creek in between the lease and rental point of diversion is a contentious area when Marsh Creek started being administered with Snake River water rights the last few irrigation seasons. The large Twin Falls Canal Co. water right now causes water rights on Marsh Creek with priority dates of 1910 or later to be curtailed more often. Marsh Creek has both gaining and losing reaches and some points where flow is minimal in between the lease and rental POD. Some Marsh Creek users rent storage water to mitigate their impact on the Twin Falls Canal Co. water rights allowing diversion out of priority. Because the rental POD is upstream of many of these users there could be less flow available for them to rent and divert out of priority. There are potential impacts moving water upstream and from a source that is tributary to the main source.

To address these local public interest concerns, review staff requested the applicant notify effected users of the applicant's previous proposal and conditions being added to the agreement 716 preventing injury. The same process is recommended for this rental proposal. However, the Department will send and receive responses from users to ensure the clarity of any water user's questions or concerns. A letter was sent out on January 17th, 2024. Water users had 14 days to provide any comments or questions to the Department.

A representative of the Meadowbrook Land and Cattle Co. LLC, Randy Wheatley contacted the Department via phone conversation and raised concerns the applicant may receive irrigation shares from the Portneuf Irrigation Company along with leased water rights. However, during the review of the previous application in 2023 the applicant confirmed there are no surface water shares available at the place of use. Mr. Wheatley also enquired about how the rental would affect rights in-between if a call to water is made by the applicant. It was assured conditions on the agreement would ensure minimal injury concerns to rights in between. Another user, Lynn Bastian, also had concerns whether this rental would affect diversion of their rights. They were also ensured conditions on the agreement would ensure minimal injury concerns to their rights. There are no other local public interest concerns.

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

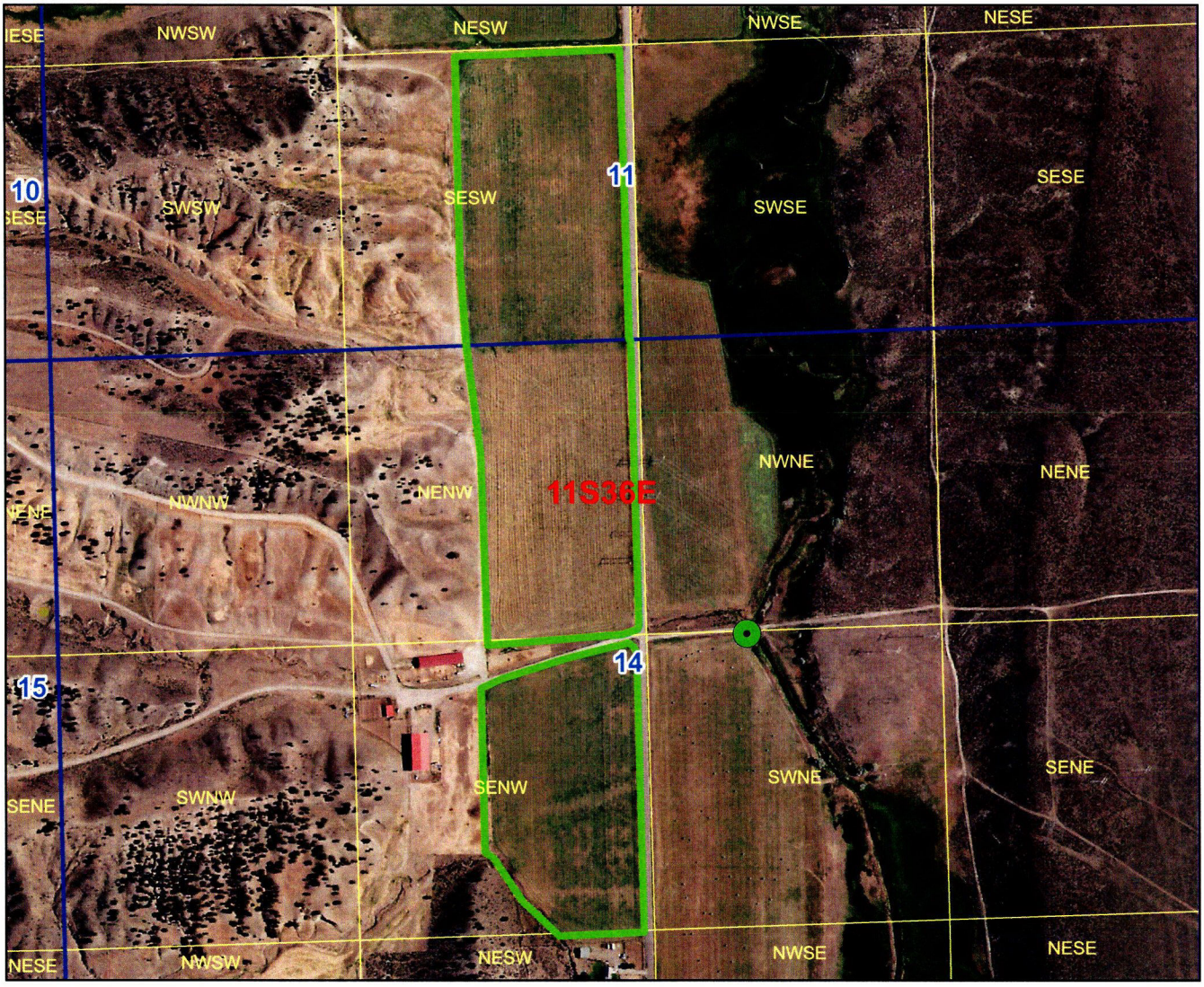
DEPARTMENT STAFF OR WATERMASTER COMMENTS:
The point of diversion is within basin 29 and Water District 29H. The Watermaster and Eastern Reigonal Manager were contacted for comment on February 12th, 2024. No response was received, it is assumed there are no concerns with the applicant's proposal.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 827

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.



0 1,000 2,000 3,000 Feet

Legend

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

N

Cheever, Skyler

From: Cheever, Skyler
Sent: Monday, February 12, 2024 11:36 AM
To: Cefalo, James; Kristin Evans
Subject: Water Supply Bank Rental Agreement 827 Potter Creek Ranch L.C.
Attachments: Rental 827 Map.pdf; Rental Agreement 827.pdf; Rental Review Memo 827.pdf

Hello James and Kristin,

I have completed my review of a Water Supply Bank Rental Application 2853 with the point of diversions within basin 29, Water District 29H. The applicant is Potter Creek Ranch L.C. This application is part of a lease rental package with contract 1800. The applicant proposes to rent the entirety of contract 1800 for the irrigation of 61.8 acres for 2024. Attached is a copy of the rental agreement, review memo and map of the place of use. If you have any comments on the applicant's proposal or my review, please let me know within 7 days. If you have any questions or concerns, 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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WATER RESOURCES

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Governor Brad Little Director Mathew Weaver

January 17, 2024

CRAIG T. AND SANDRA SMITH
1827 E. ARIMO RD
ARIMO ID, 83214

RE: Water Supply Bank Rental Application 2853

Dear Water User,

According to current Department records, you are the owner of one or more water rights between the points of diversion proposed in Water Supply Bank Lease Application 2854 and Rental Application 2853. Rental Application 2853 was submitted by Potter Creek Ranch L.C. on December 12th, 2023. The applicant proposes to change the points of diversion for the irrigation portions of water rights 29-4406, 29-4408, 29-4423 and the entirety of 29-12055 under Lease Application 2854, to the proposed rental point of diversion 6.8 miles upstream for the 2024 season for the irrigation of 61.8 acres. Rental Application 2853 is a renewal of approved Rental Agreement 779 which expired on December 31st, 2023.

If you have any questions, concerns or comments please respond within the next 14 days. Responses can be sent to me at 208-287-4913, skyler.cheever@idwr.idaho.gov or mail your response to:

(Idaho Department of Water Resources
Attn. Water Rights Section
PO Box 83720
Boise ID, 83720-0098).

Sincerely,

Skyler Cheever
Water Resource Agent.

Enclosure: Map

Mailing List

Water User	Address	Water Right
Marsh Center Farms Inc.	15262 S. Marsh Valley Rd. Arimo ID, 83214	29-14035
Marsha Lish	15262 S. Marsh Valley Rd. Arimo ID, 83214-1608	29-14034
Lynn S. and Christine Bastian	16580 S. Marsh Valley Rd. Arimo ID, 83214-1610	29-4302
Lynn S. and Merlin Bastian	1463 E. Arimo Rd. Arimo ID, 83214	29-7889A, 29-7889B
Randy and Sharon Bertagnole	2865 E. Bowman Rd. Downey ID, 83234-1553	29-11911
Meadowbrook Land and Cattle Co. LLC	PO Box 162 Mccammon ID, 83250-0162	29-4463A
Egan Farms LLC	1451 W. Hawkins Rd. Arimo ID, 83214-1525	29-2295D, 29-4463B, 29-11493, 29-14344
Bret D. and Becky L. Purkett	915 Berryman Rd. Pocatello ID, 83201-5548	29-2560B, 29-4462
Fuhriman Ranch Inc.	997 E. Richards Rd. Downey ID, 83284	29-12902, 29-2295E, 29-4381, 29-7730
Henderson Ranches Inc.	PO Box 25 Arimo ID, 83214-0025	29-13367, 29-13480, 29-13688, 29-13689
Craig T. and Sandra Smith	1827 Arimo Rd. Arimo ID, 83214	29-4189