

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 773

This is to certify that:

E & H FARMS LLC
2840 SUNNY BROOK LN
IDAHO FALLS, ID 83404

RECEIVED

AUG 24 2023

DEPARTMENT OF
WATER RESOURCES

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
35-7311	7/19/1973	GROUND WATER	0.81	245	61.4	0.013	4.0
Rental Totals			0.81	245	61.4	0.013	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2027. 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 - 2027: \$564.65 annually

The rental fee is an administrative fee of \$564.65 per year for years 2023 - 2027. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 35-7311. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.81	192	48.0	0.017	4.0
Combined Total	0.81	192	48.0	0.017	4.0

** The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits at the rental diversion and place of use.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 773

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

Aug 21 2023

Date

BRIAN HALL

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 8/21/23

Rental approved by IDWR 

Date 8/29/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 773

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec. 23, Twp 02S, Rge 33E, BINGHAM County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.81 CFS

VOLUME
192 AF

SEASON OF USE

Water Right No. **From** **To**
35-7311 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	
02S	33E	23													24	1.0	14	9.0	48.0

Total Acres: 48.0

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. The partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
10. This rental agreement does not authorize the construction of a well.

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11. Use of water under this agreement 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. 120.
12. The following rights are diverted through point(s) of diversion described above: 35-7621 and 35-13043.
13. Rental of right 35-7731 when combined with right nos. 35-7621 and 35-130 shall not exceed a total diversion rate of 3.86 cfs, total annual maximum diversion volume of 772 af, and the irrigation of 193.0 acres.
14. 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.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 773

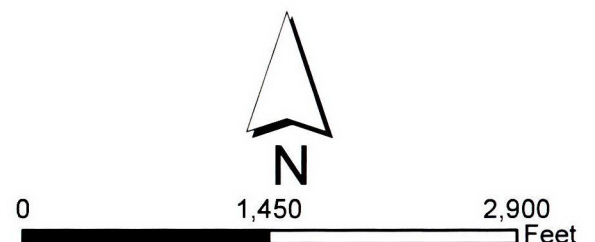
Effective until December 31, 2027

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



Legend

-  Water Supply Bank Rental POD
-  Active Water Supply Bank Rental POU
-  Township/Range
-  Sections
-  QQ



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
APR 24 2023
DEPARTMENT OF
WATER RESOURCES

Applicant Name: E & H Farms, LLC

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|-----------|--|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☒ ☐ | Detailed information on a proposed use of rental water |
| 3F | ☒ ☐ | Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☐ ☒ | Water modeling to account for the impacts of the rental request |
| 3J | ☒ ☐ | Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☒ ☐ | Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☒ ☐ | Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☒ ☐ | Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

35-7311

2656

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant E & H Farms, LLC

Mailing Address <u>2840 Sunnybrook Lane</u>	Idaho Falls	ID	83404
Street	City	State	Zip Code
Email Address <u>brad.hall@bradhallfuel.com</u>	Phone Number _____		

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 <u>Kristin Moore</u>	Professional Title <u>Senior Water Rights Analyst</u>
Organization <u>Rocky Mountain Environmental Assoc. Inc.</u>	Relationship to Applicant <u>Consultant</u>
Mailing Address <u>482 Constitution Way Ste 303, Idaho Falls, ID 83402</u>	
Email Address <u>kristin.rmea@gmail.com</u>	Phone Number <u>208-524-2353 ext 104</u>

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Applicant owns ground water rights for the proposed place of use, but a portion of the rights have a very junior priority date and are subject to curtailment or very low ground water district allocations. This application proposes stacking additional water on the same POU to provide supplemental water. No increase in irrigated acres.

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)
0.63 CFS	192 AF	0.63 CFS	144 AF	48 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?	
5/1	6/15	☐ 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):

Well to mainline and irrigation system. This is an existing system.

- 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
SWSE S23 T2S R33E	Ground water	35-8621 and 35-13043

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 48 (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:

35-8621 and 35-13043 overlap the POU/POD. Additional water is required to supplement the junior priority date of 35-8621, which has a priority date of 1985. Low allocations or curtailment are likely.

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)
35-7311	Irrigation	5.5	1664	416		0.63	192	48
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	0.63	192	48
						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**:

NA

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:

- 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.

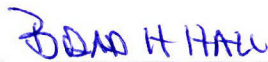
- D. Additional Information

DECLARATION

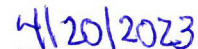
I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is 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.



Signature of Applicant



Printed Name of Applicant



Date

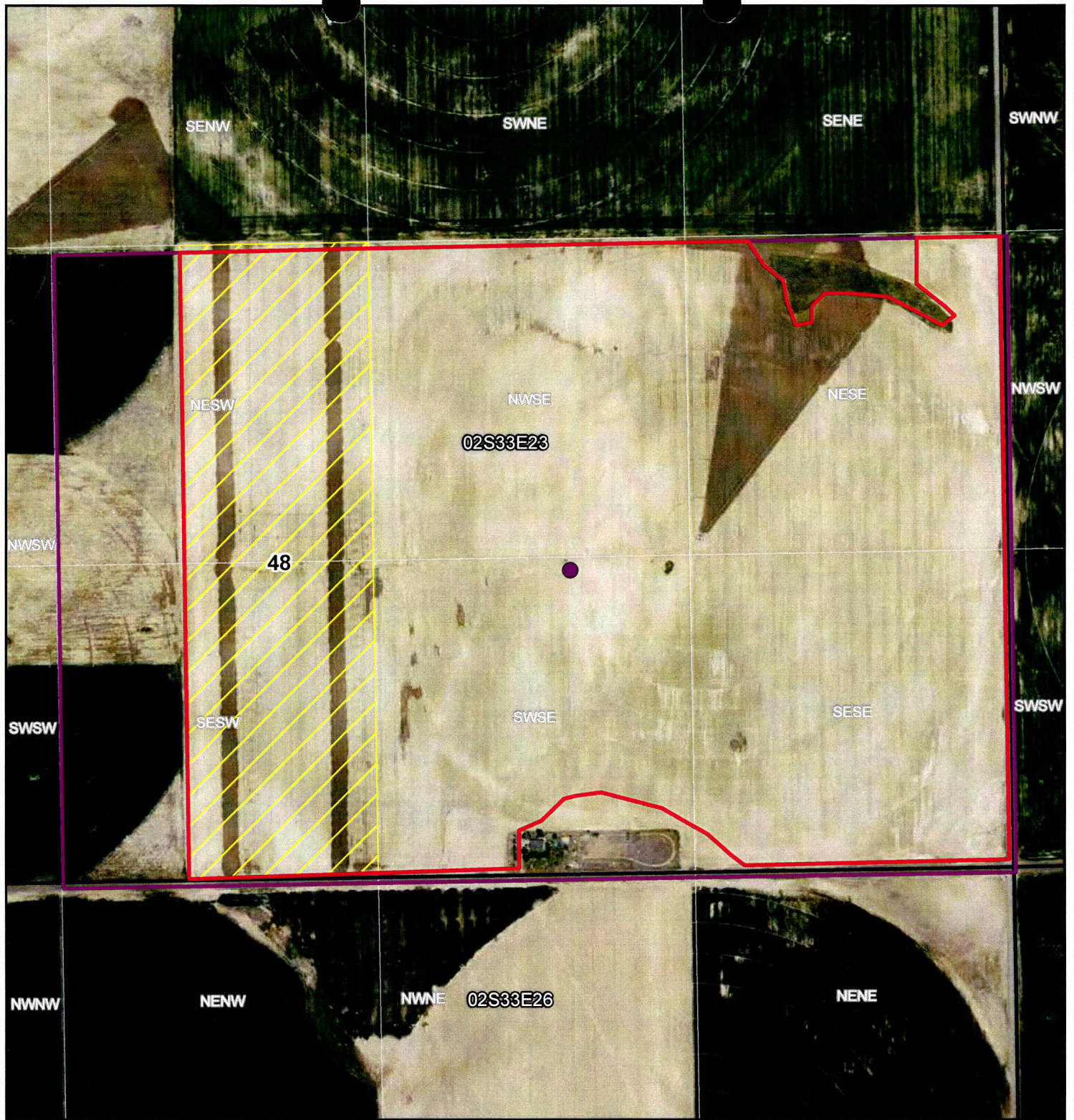
Signature of Representative

Printed Name of Representative

Date

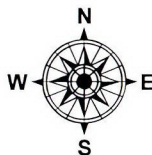
Mail to:

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



Legend

- Proposed POD
- POU 35-13043
- POU 35-8621
- Rental POU
- Twp & Rng
- Section
- QQ



Attachment #2 Rental Locations Farms LLC

RMEA # 20-0141

by: KM

Date: 4/18/2023



Eastern Snake Plain Aquifer Modeling Analysis and Narrative

WSB Rental Application for WR#35-7311

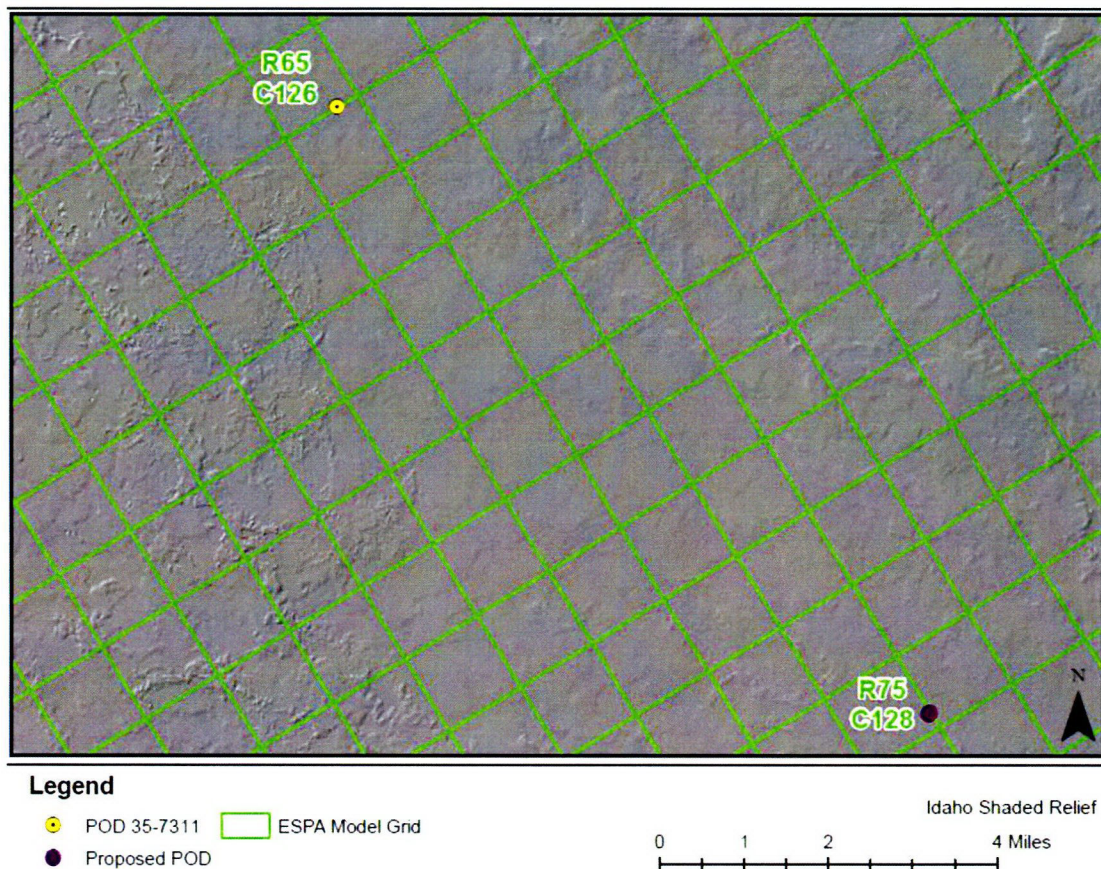
The Applicant requires an additional 48 acres of water rights to supplement the existing rights at the proposed place of use. This application proposes to rent water from water right no. 35-7311 for the 2023-2027 seasons that will supplement the acres required.

Data Input Values

The TO Well location is two existing points of diversion for water rights 35-8621 and 35-13043. The model cell is identified as R77 C123.

The FROM Well location is the sole diversion for the proposed rented ground water right. The model cell is identified as R75 C128. Figure 1 shows the locations of the points of diversion used in the modeling scenario.

Figure 1. ESPA Model Grid



The standard consumptive use volume of 3.0 afa/acre was used to calculate a volume for modeling. Both the TO and the FROM wells share the same standard volume. For 48

acres of rental, a total annual volume of 144 af, or 48 af/trimester was used in the modeling simulation.

Results

Using ESPAM 2.1 to simulate the depletions of the proposed rental quantities, and entering the effects into the Mitigation Analysis tool, the results indicate that no mitigation is required. Figures 2-4 include excerpts from the model simulation.

Figure 2. Data Entry

ENHANCED GROUND-WATER RIGHTS TRANSFER
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO: 35-7311

YEAR: 1973

SEASON: SUMMER

TRANSFER NAME: Rental 5 Williams

UPDATE DATES RUN MODEL GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	75	65	0	0
COLUMN	128	126	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SUM 1973	0.00	48.00	48.00	0.00	0.00	0.00	0.00
WIN 1973	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SPR 1974	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SUM 1974	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SPR 2022	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SUM 2022	0.00	48.00	48.00	0.00	0.00	0.00	0.00
WIN 2022	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SPR 2023	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SUM 2023	48.00	0.00	48.00	0.00	0.00	0.00	0.00
WIN 2023	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SPR 2024	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SUM 2024	48.00	0.00	48.00	0.00	0.00	0.00	0.00
WIN 2024	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SPR 2025	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SUM 2025	48.00	0.00	48.00	0.00	0.00	0.00	0.00
WIN 2025	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SPR 2026	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SUM 2026	48.00	0.00	48.00	0.00	0.00	0.00	0.00
WIN 2026	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SPR 2027	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SUM 2027	48.00	0.00	48.00	0.00	0.00	0.00	0.00
WIN 2027	48.00	0.00	48.00	0.00	0.00	0.00	0.00
SPR 2028	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SUM 2028	0.00	48.00	48.00	0.00	0.00	0.00	0.00
WIN 2028	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SPR 2029	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SUM 2029	0.00	48.00	48.00	0.00	0.00	0.00	0.00
WIN 2029	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SPR 2121	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SUM 2121	0.00	48.00	48.00	0.00	0.00	0.00	0.00
WIN 2121	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SPR 2122	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SUM 2122	0.00	48.00	48.00	0.00	0.00	0.00	0.00
WIN 2122	0.00	48.00	48.00	0.00	0.00	0.00	0.00
SPR 2123	0.00	48.00	48.00	0.00	0.00	0.00	0.00

Figure 3. Net Transfer Graphs

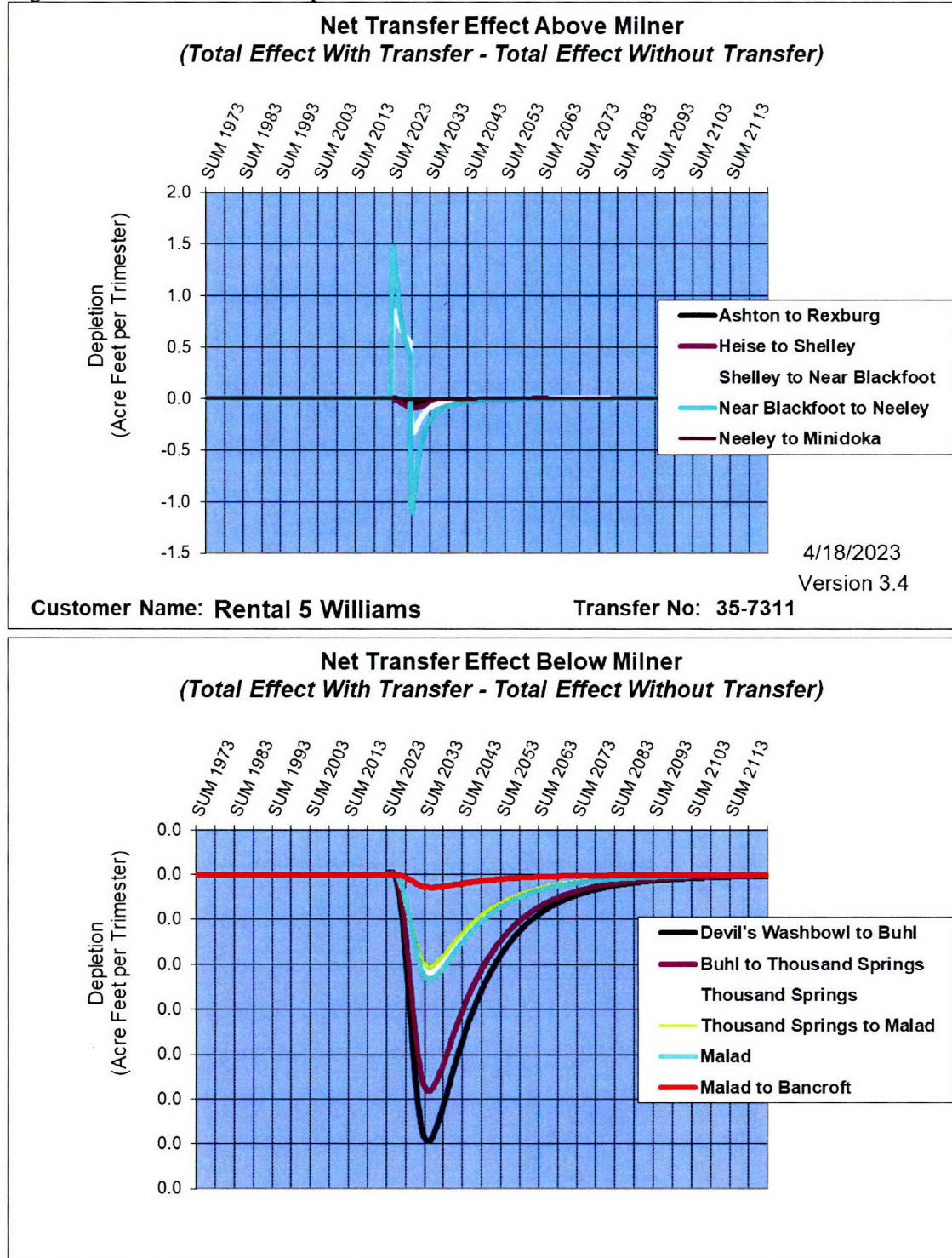


Figure 4. Calculated Affects and Mitigation Analysis Tool

Enter First Time Step of Transfer: **SPR 2023**

Match: 150

Match: 456

	AtR	HtS	StNB	NBtN	NtM	DWtB	BtTS	TS	TSItM	M	MtB	Total	
Preexisting Effects @ SS (Last Time Step):	1.16	1.90	9.53	33.46	0.47	0.49	0.40	0.18	0.17	0.19	0.03	47.98	Total Effect
Steady State - Value of Dep. @ Last Time Step:	1.16	1.90	9.53	33.46	0.47	0.49	0.40	0.18	0.17	0.19	0.03	47.98	Total Effect
Effects @ Transient State (Max Value Timestep):	1.16	1.90	9.53	33.46	0.47	0.49	0.40	0.18	0.17	0.19	0.03	47.98	Total Effect
Transient State - Max. Value of Dep. After Transfer:	1.16	1.90	10.36	34.83	0.47	0.49	0.40	0.18	0.17	0.19	0.03	50.17	Total Effect
Steady State Change:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Transient State Change:	0.00	0.00	0.82	1.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

MAT

			Impact by Reach (AF/Trimester)										
POD Location	Dedicated Vol. AFA/ AFT	Model Node	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blackft	Nr Blackft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
Flowing Transfer			1.16	1.90	9.53	33.46	0.47	0.49	0.40	0.18	0.17	0.19	0.00
Effects following Transfer			1.16	1.90	9.53	33.46	0.47	0.49	0.40	0.18	0.17	0.19	0.00
			1.16	1.90	9.53	33.46	0.47	0.49	0.40	0.18	0.17	0.19	0.00
			1.16	1.90	10.36	34.83	0.47	0.49	0.40	0.18	0.17	0.19	0.00
Steady State Analysis	Mitigation Check 1 - >10% of Historical		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%
	Mitigation Check 2 - > 2 AF/T		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Check 3 - >10% of Total		2.4%	4.0%	19.9%	69.8%	1.0%	1.0%	0.8%	0.4%	0.4%	0.4%	0.0%
	Mitigation Required?		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft)		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis	Mitigation Check 1 - >10% of Historical		0.0%	0.0%	8.6%	4.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	23.3%
	Mitigation Check 2 - > 2.01 AF/T		0.0	0.0	0.8	1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Required?		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft)		0.0	0.0	0.8	1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0



0004691892

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004691892

Date Filed: 4/7/2022 3:32:38 PM

Entity Name and Mailing Address:

Entity Name: E. & H. FARMS LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000024165
Address: PO BOX 50620
IDAHO FALLS, ID 83405-0620

Entity Details:

Entity Status: Active-Existing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W4002

The registered agent on record is:

Registered Agent: RYAN MEIKLE
Registered Agent
Physical Address
1568 E 17TH STREET
RYAN MEIKLE
IDAHO FALLS, ID 83404
Mailing Address
PO BOX 50620
RYAN B MEIKLE
IDAHO FALLS, ID 83405-0620

Limited Liability Company Managers and Members

Name	Title	Business Address
Brad Hall	Manager	P O BOX 50620 IDAHO FALLS, ID 83405
JERRY ELLIOTT	Manager	271 SOUTH 1300 WEST PINGREE, ID 83262

The annual report must be signed by an authorized signer of the entity.

Job Title: Authorized Signer

Ryan Meikle

Sign Here

04/07/2022

Date

B0699-6751 04/07/2022 3:32 PM Received by ID Secretary of State Lawrence Denney

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: mk

REVIEWER: [Signature]

Received Date: 4/24/2023

Latest Start Date: 6/15/2023

Renter: E+H Farms LLC

Rental Expiration Date: 2027

Lease/Rental Package: (8) N

*executed
8/29/23*

Application # 2656

Agreement # 773

Water Right	Lease Contract ID
# <u>35-7311</u>	<u>APP 2651/1718</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:

Admin Only

Mailings (per application)

Renter: E+H Farms LLC

Attorney: _____

Consultants

Name: Kristin Moore - RMEA

Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(Ground) Water

Dist: Bingham GWD

Other: _____

WD Snake 01, Boise, Payette, and Bear River

Region: Eastern

Watermaster: Blake Jordan

Compliance: _____

Original

CC

Email or Address

☒

☐

☐

☐

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(final only)

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(final only)

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(final only)

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(final only)

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(final only)

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(final only)

☐

Resolving NOV? Y / N

#

Call up Date: _____

DO NOT SCAN



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

Governor Brad Little

Director Gary Spackman

August 31, 2023

E & H FARMS LLC
2840 SUNNY BROOK LN
IDAHO FALLS, ID 83404

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-7311, AGREEMENTS 772 & 773**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,248.25** and copies of two fully executed Water Supply Bank Rental Agreements in connection with the rental of 732 and 245 acre-feet of water for irrigation of 183 and 61.4 acres respectively during 2023. Upon receipt of these fully executed agreements, you are authorized to divert water in compliance with the conditions of water use described in the agreements.

Since you have a private agreement with the lessor of the right(s), **you are only obligated to pay the 10% administrative fee or \$2,248.25** for 2023.

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. C116960
Rental Agreements (copies)

c: Sascha Marston – Fiscal
IDWR - Eastern Region Office
Kristin Moore – Rocky Mountain Environmental Assoc. Inc.
Water District No. 120
Bingham GWD

From: [Condon, Mary](#)
To: [Jordan, Blake](#); [Cefalo, James](#)
Subject: Lease and 5 rentals package for Farms LLC and E & H Farms LLC 2023-2027
Date: Wednesday, June 14, 2023 3:31:00 PM
Attachments: [image001.png](#)
[Lease Review Memo - Farms LLC App 2651.docx](#)
[Move Map lease + all rentals.pdf](#)
[Rental Review Memo - Farms LLC 2652, 2653, 2654.docx](#)
[Rental Review Memo - E & H Farms 2655 and 2656.docx](#)

Good afternoon,

Please see the attached review memos for 1) Lease of right 35-7311; 2) Three rentals for portions of right 35-7311 by Farms, LLC; 3) Two rentals for portions of 35-7311 by E & H Farms, LLC; and 4) move map, and kindly reply with comments or concerns within 10 days.

The purpose of the rentals is to provide a more senior right within a POU, equal to the acre amount of the most junior right, for each rental location.

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

MEMORANDUM FOR APPS 2655 & 2656 / AGREEMENT # 772 & 773

To: Water Right(s) 35-7311

From: Mary Condon

Date: 6/13/2023

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

PURPOSE/NARRATIVE: Five different applications to rent ground water to supplement junior water rights within larger portfolios received as part of a lease rental package on April 23, 2023 for years 2023 through 2027. Amounts requested are the same acre amounts needed if junior rights are curtailed.

This rental review is for two of the rental applications in the name of E & H Farms, LLC. A different rental review memo will cover the lease application 2651 of right number 35-7311 and a separate rental review memo for rental applications 2652, 2653, and 2654 for Farms, LLC.

AUTHORITY TO FILE: The rental applications were signed by Brad H. Hall who is listed as a manager on E & H Farms, LLC's most recent IDSOS filing (4/7/2022). County taxlot data shows the land at both rental POUs and rental PODs is owned by E & H Farms, LLC. No concerns with authority to file.

WATER RIGHT VALIDITY: Right 35-7311 is valid and fully accepted into the Board's bank for the same five year term requested under these rentals. No concerns with water right validity.

INJURY TO OTHER WATER RIGHTS: The rental and leased diversions are all within the Eastern Snake Plain Aquifer Ground Water Management Area ('ESPA,' 'GWMA'). Required ESPA transfer modeling was submitted with each of the rental applications. While a few items in the submitted modeling did not have correct grid cells or calculated trimester amounts, corrections resulted in no mitigation required for the rental moves. No injury to other water rights is expected through these rentals.

ENLARGEMENT OF USE: Amounts requested for each rental was based on the acre amount equal to the junior water right subject to possible curtailment at each rental diversion, with a calculated rate and volume equal to the leased right rather than the existing junior rights.

Application 2655 is for the entire place of use and there are no other overlapping water rights when existing right 35-8622 would be curtailed. The existing right 35-8622 was licensed for 2.69 cfs for 183 acres when handlines were used, whereas the farm now has a pivot which is likely much more efficient with a lower max application rate. A review of Water Measurement Information System (WMIS) records for the well, sharing no other water rights, shows only as much as half the volume authorized is delivered on the place of use and no enlargement through a rental for the amounts requested is expected.

Application 2656 is for 48 acres within a 193 acre place of use with existing water right 35-13043 for 145 of the acres and a priority date of 1951 and junior right 35-8621 for the entire place of use of 193 acres with a 1985 priority date, for which this rental of right 35-7311 would apply if curtailed. Review of WMIS records for the well of these two rights, sharing no other

water rights, shows only as much as half of the volume authorized is actually delivered on the place of use. However, since the rental would be combined with the senior right (35-13043), the rate required under the rental will be equal to the junior right (35-7621) to avoid enlargement of the rented right or existing senior right when both are used together. No enlargement is expected through these rentals for supplemental irrigation. See Table 1, at end for rental amounts.

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

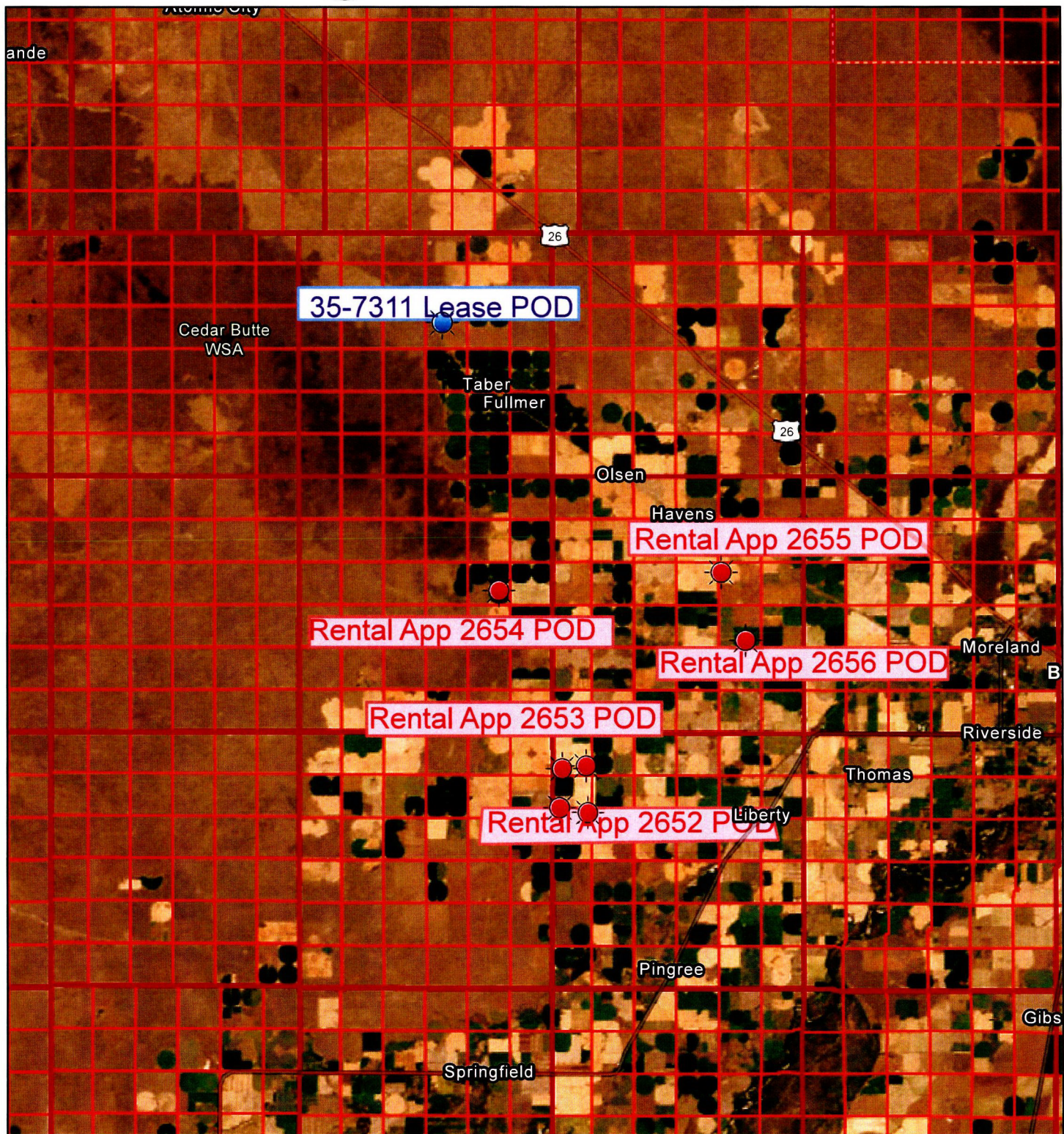
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho and is for a beneficial use.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The locations for the rental PODs are subject to Water District #120. A request for comments was sent to the WD #120 watermaster, the Bingham GWD, and the Eastern Regional Office on June 14, 2023.

Rental App 2655		183 Farms LLC						Decreed/Lease	priority	Rate	Volume	Acres	cfs/acre	af/acre
POD Overlap	priority	Rate	Vol	Acres	cfs/acre	af/acre		35-7311	1973	5.5	1664	416	0.013	4
35-8622	1990	2.69	732	183	0.015	4								
CL		2.69	732	183	0.015	4	Rental Request			2.42	732	183	0.013	4
				183			Amount to rent			2.42	732	183	0.013	4
	requested	2.42	732	183	0.013	4	Limited to			2.42	732	183	0.013	4
Rental App 2656		48 Farms LLC						Decreed/Lease	priority	Rate	Volume	Acres	cfs/acre	af/acre
POD Overlap	priority	Rate	Vol	Acres	cfs/acre	af/acre		35-7311	1973	5.5	1664	416	0.013	4
35-8621	1985	3.24	772	193	0.017	4								
35-13043	1951	2.9	580	145	0.020	4	Rental Request			0.63	192	48	0.013	4
*CL		3.86	772	193	0.020	4	Amount to rent			0.81	245.5	61.4	0.013	4
	**calc. by ac rate	0.81	192	48	0.017	4	Limited to			0.81	192	48	0.017	4
	requested	0.63	192	48	0.013	4								
* no combined limit on rate, except for 0.02 cfs per acre limit														
** not fully diverting max based on previous 5 yrs of WMIS data, no reason to presume enlargement through rental														

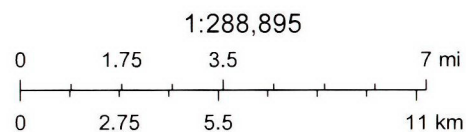
Table 1. Rental Amounts and water rights at rented PODs

Water Supply Bank Move Map



6/13/2023, 3:18:32 PM

- PLS Sections
- Townships



Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Earthstar Geographics