STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 781

This is to certify that:

BRENT STOLWORTHY FAMILY LTD PARTNERSHIP

453 E 1000 N

FIRTH, ID 83236-1102

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)
35-2759	2/10/1965	GROUND WATER	5.26	1,125.0	281.0	0.019	4.00
35-13067	4/1/1973	GROUND WATER	0.64	155.0	39.0	0.016	4.0
Combined Limit Totals			**5.26**	**1280.0**	**320.0**	**0.016**	**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, 2023. 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: $2,944.00

The rental fee is an administrative fee of $2,944.00 for 2023. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 35-2759, 35-13067.

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	5.0	1280.0	320.0	0.015	4.0
Combined Total	5.0	1280.0	320.0	0.015	4.0

**** The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits at the rental place of use in Section 23.***

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 781

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 Date

_____ _____

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 _____

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 781

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec. 23, Twp 01S, Rge 36E,	BINGHAM County
GROUND WATER	NWSW	Sec. 14, Twp 01S, Rge 36E,	BINGHAM County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	5.0 CFS	1280.0 AF

SEASON OF USE

Water Right No.	From	To
35-2759	4/1	11/1
35-13067	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	
01S	36E	14							16.0	8.0	33.5	40.0	39.0	27.0	20.0			12.0	195.5
01S	36E	15				1.0													1.0
01S	36E	22	2.0			2.0													4.0
01S	36E	23					6.5	35.0	37.5	36.5	2.0	2.0							119.5

Total Acres: 320.0

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.

WATER SUPPLY BANK RENTAL AGREEMENT No. 781

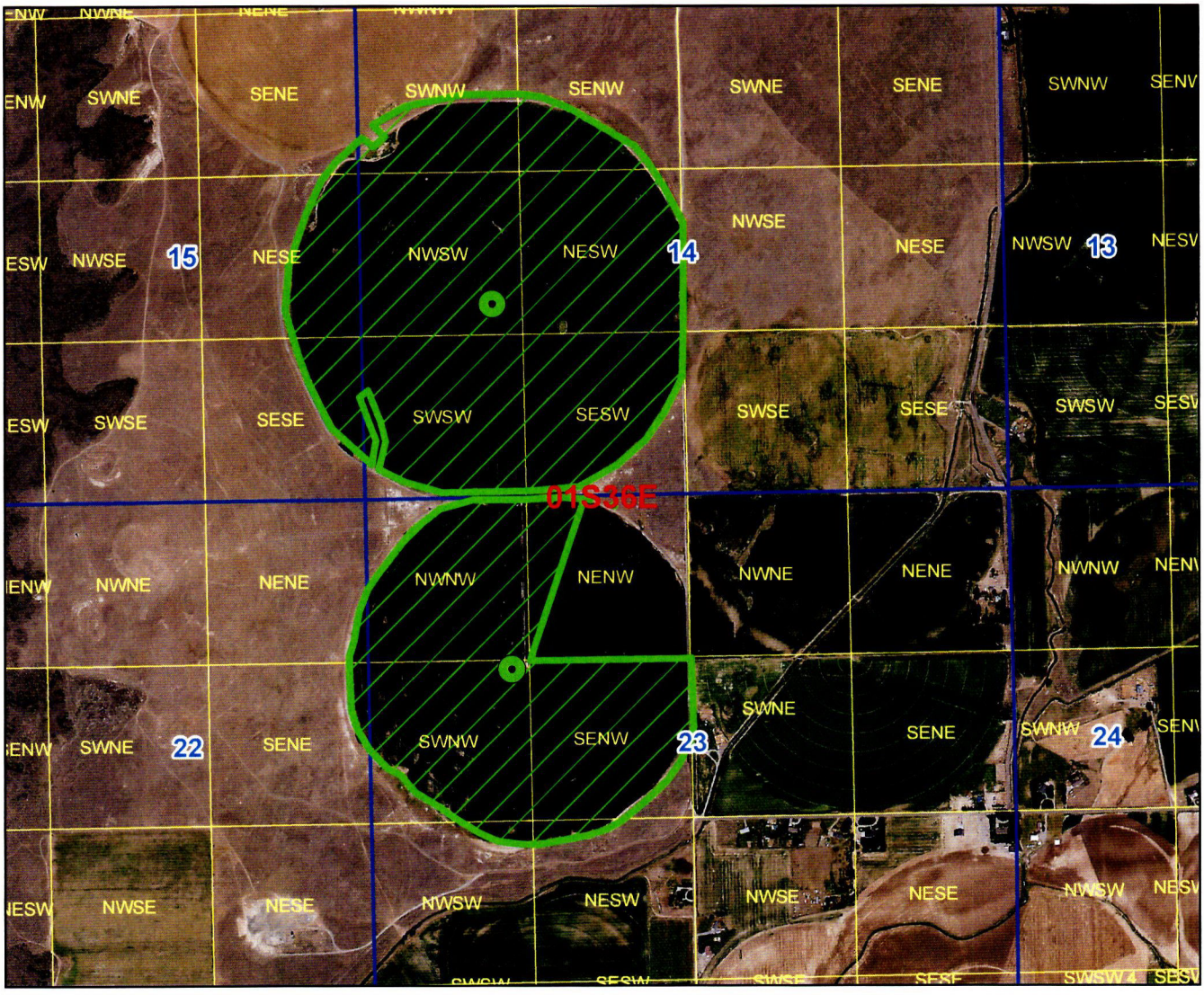
9. Right 35-13067 is based upon an enlargement of right no. 35-2759 pursuant to Section 42-1426, Idaho Code.
10. Right 35-13067 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. Rental of rights 35-2759 and 35-13067 are limited to the irrigation of a combined total of 320 acres in a single irrigation season.
12. Rental of rights 35-2759 and 35-13067 are limited to a total combined diversion rate of 5.0 cfs and to a total combined annual diversion volume of 1280 af.
13. Rental of rights 35-2759 and 35-13067 when combined with the unleased portion of rights 35-8799 and 35-9054 are limited to a total combined diversion rate of 5.4 cfs and to a total combined annual diversion volume of 1388 af for a combined total of 347 acres in a single irrigation season.
14. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
15. Use of water under this rental 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.
16. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
17. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 781

Effective until December 31, 2023

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

N

0 1,500 3,000 Feet

MEMORANDUM FOR LEASE APPLICATIONS # 2677, 2682 AND 2685 AND RENTAL APPLICATIONS 2678 & 2679

To: Water Right(s) **35-2759, 35-8799, 35-8800, 35-9053, 35-9054, AND 35-13067**

From: **Mary Condon**

Date: **June 29, 2023**

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

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PURPOSE/NARRATIVE: Two companion packages for the lease and rental of six water rights to essentially swap the place of use and diversion of the rights, received on May 30, 2023, for the year 2023 only. The purpose is to move swap the pivots irrigated with senior and junior rights for 2023, only. This review memo will cover the entire package of leases and rentals, as tabulated below.

Lease App	Decreed	WRs	Requested Acres	Rental App	Requested Acres
2682	2002	35-2759	347	2679	347
	2002	35-13067			
2677	1995	35-8799	150.5	2678	347
	2002	35-9054			
2685	1995	35-8800	196.5		
	2002	35-9053			

AUTHORITY TO FILE: Applications to lease rights 35-2759 & 35-13067, 35-8799 & 35-9054, 35-8800 & 35-9053, and the two rentals of these rights are submitted by Dallas Ward of Wada Farms, and Brent Stolworthy Family, LTD, along with a letter from Brent authorizing Dallas to submit and negotiate the lease rental packages. These water rights offered for lease are owned by Brent Stolworthy Family LTD, and county taxlot data shows they also own the parcels under the water rights' place of use and diversion. No concerns with authority to file.

WATER RIGHT VALIDITY:

35-2759 & 35-13067: Water right 35-2759 and 35-13067 were decreed in 2002, and review of satellite imagery shows irrigation occurred on the 345 acres offered for lease in 2021 and 2019. The shapefile is 4 acres smaller than their authorized irrigation acres in NWSW of Section 3 appear, so while the lease POU will be slightly outside of their place of use shapefile, it is valid. There are however, 27 acres under these rights in Sections 9 & 10 offered for lease which are overlapped by Snake River surface water rights 1-162F through 1-165F (suffix specific) and cannot be placed into the bank for lease and rental. An information request was sent via email to applicant on June 20, 2023, to either modify the requested lease map layout for the 27 acres or reduce the acres offered for lease. The applicant replied either option will work for them but opted to reduce the acres offered for lease and rental by 27 acres. No concerns with validity of the water rights offered to the bank.

35-8799 & 35-9054: Water right 35-8799 was licensed in 1995, and right 35-9054 as an expansion right beneficially used prior to the moratorium and through licensing of 35-8799 and was itself licensed in 2002. Satellite imagery for years 2019 and 2021 show full irrigation of the acres offered were irrigated. No concerns with validity of rights offered for lease to the bank.

35-8800 & 35-9053: Water right 35-8800 was licensed in 1995, and right 35-9053 as an expansion right beneficially used prior to the moratorium and through licensing of 35-8800 and was itself licensed in 2002. Satellite imagery for years 2019 and 2021 show full irrigation of the acres offered were irrigated. No concerns with validity of the water rights offered to the bank.

INJURY TO OTHER WATER RIGHTS: Lease and rental of these water rights are from wells within the Eastern Snake Plain Aquifer ('ESPA') with diversions more than one grid cell apart for the rental. The ESPA transfer model tool analysis of the moves was provided with the rental applications as required, and review of the data finds no increased depletions would result from the rentals. These lease rentals are not expected to cause injury to other water rights.

ENLARGEMENT OF USE: The lease requests are for the full pivot of rights 35-8799 & 35-9054, the full pivot under rights 35-8800 & 35-9053, and several fields of pivots and half pivots within the place of use under rights 35-2759 & 35-13067, including 27 acres which are overlapped by non-offered Snake River rights. The overlapped 27 acres under rights 35-2759 & 35-13067 will not be placed in the bank, and the rental of these rights will also be reduced. This overlap on lease application 2682 and subsequent reduction in rental amounts for rental application 2678 requires an additional reduction on the rights for lease application 2677 so that the swapped acres will be equal to each other through the lease rentals.

Duty of water of the rights offered for lease and rental to swap priority dates between the places of use is slightly different between the two sets. The diversion rate authorized under the 320 acres from 35-2759 & 35-13067 is 5.3 cfs, while the rate under the 320 acres from rights 35-8799, 35-8800, 35-9053, & 35-9054 is 5 cfs. A review of WMIS records indicate annual volumes are less than half of the allowable, likely due to their location in Bingham Ground Water District, and reduction requirements. Rate under rental of rights 35-2759 & 35-13067 will be limited to the same rate per acre as the 27 acres remaining at the place of use under rights 35-8799 & 35-9054. No enlargement through the lease and rental of these rights is expected.

Lease App	Decreed	WRs	Requested Acres	Actual leased	Rental App	Requested Acres	Actual Rental Acres
2682	2002	35-2759	347	320	2679	347	320
	2002	35-13067					
2677	1995	35-8799	150.5	123.5	2678	347	320
	2002	35-9054					
2685	1995	35-8800	196.5	196.5			
	2002	35-9053					

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 lease appears consistent with the conservation of water resources in Idaho and rental is for a beneficial use.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease and rental diversions are within Eastern Region, the Eastern Snake Plain Aquifer Ground Water Management Area ('ESPA' 'GWMA'), Bingham Ground Water District, and are subject to Water District # 120. An email request for comments or concerns was sent to the regional manager, GWD and watermaster on July 26, 2023.

From: Condon, Mary
To: Cefalo, James; Jordan, Blake
Subject: Companion Leases & Rentals for Stolworthy - 2023 only
Date: Wednesday, July 26, 2023 4:45:00 PM
Attachments: image001.png
Move Map.pdf
Lease & Rental Review Memo - all apps.docx
image004.png

Good afternoon,

I have finished my review of several sets of rights offered for lease and companion rentals, to essentially swap priority dates for the same owner of all. Lease of stacked rights 35-2759/35-13067 is to provide water under rental app 2679, and lease of stacked rights 35-8799/35-9054 and lease of stacked rights 35-8800/35-9053 will provide water for rental app 2678. Rental 2679 will cover the leased place of use of 35-8799/35-9054 and 35-8800/35-9053, while rental 2678 will cover the leased place of use under rights 35-2759/35-13067.

Lease App	Decreed	WRs	Requested Acres	Rental App	Requested Acres
2682	2002	35-2759	347	2679	347
	2002	35-13067			
2677	1995	35-8799	150.5	2678	347
	2002	35-9054			
2685	1995	35-8800	196.5		
	2002	35-9053			

Please see the attached review memo and move map, and kindly reply with your comments or concerns within 10 days. This is proposed for 2023, only.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES
Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936

	BasinNumber	SequenceNur	Basis	PriorityDate	cfs	af	TotalAcres	AcreLimit	cfs/ac	af/ac	
	35	2759	Decreed	2/10/1965	11.93	2552	726	638	0.019		4
	35	13067	Decreed	4/1/1973	1.45	352	726	88	0.016		4
				limited to	11.93	2904	726	726	0.0164		4
Lease				offered 35-2759	6.94	1388	347	347	0.020		4
App 2682					5.70	1220	347	305	0.019		4
	rental 2679			should be	0.69	168	347	42	0.017		4
					5.70	1388	347	347	0.016		4
		Actual Banked		35-2759	5.26	1125	320	281	0.019		4
		due to 27 acre ovlap		35-13067	0.64	155	320	39	0.016		4
					5.26	1280	320	320	0.0164		4
App 2677	rental 2678	35-8799	License	6/9/1989	2.29	528	150.5	132	0.017		4
		35-9054	License	10/18/1995	0.28	74	150.5	18.5	0.015		4
				CL	2.29	602	150.5	150.5	0.0152		4
		Actual Banked		35-8799	1.88	433.3	**123.5**	108.3	0.017		4
		due to 27 acre ovlap		35-9054	0.23	60.7	**123.5**	15.2	0.015		4
					1.88	494	**123.5**	124	0.015		4
				unleased	0.41	108.00	27.00	27.00	0.015		4
App 2685		35-8800	License	6/9/1989	3	672	196.5	168	0.018		4
		35-9053	License	10/18/1995	0.43	114	196.5	28.5	0.015		4
				CL	3.11	786	196.5	196.5	0.016		4
			Total 2678		5.0	1280.00	320.00	320.00	0.0156		4
				C/L with unleased	11.7	2904.0	726.0	726.0	0.0161		4
			Total 2679		5.26	1280.00	320.00	320.00	0.0164		4
				limited to	5.0	1280.00	320.00	320.00	0.0156		4
				C/L with unleased	5.40	1388.00	347.00	347.00	0.0156		4

Lease App	Decreed	WRs	Requested Acres	Actual leased	Rental App	Requested Acres	Actual Rental Acres
2682	2002	35-2759	347	320	2679	347	320
	2002	35-13067					
2677	1995	35-8799	150.5	123.5	2678	347	320
	2002	35-9054					
2685	1995	35-8800	196.5	196.5			
	2002	35-9053					

IDAHO DEPARTMENT OF WATER RESOURCES **6/5/2023**

Proof Report

Water Right 35-2759

Owner Type	**Name and Address**
Current Owner	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP 453 E 1000 N FIRTH, ID 83236

Priority Date: 2/10/1965
Basis: Decreed
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	4/01	11/01	11.930 CFS	2,552.0 AF
	Total Diversion		11.930 CFS	2,552.0 AF

Source and Point(s) of Diversion:

GROUND WATER	NENESW	Sec. 3, Twp 01S, Rge 36E, BINGHAM County
GROUND WATER	SWNESE	Sec. 3, Twp 01S, Rge 36E, BINGHAM County
GROUND WATER	NENWSW	Sec. 3, Twp 01S, Rge 36E, BINGHAM County
GROUND WATER	SWSWSE	Sec. 3, Twp 01S, Rge 36E, BINGHAM County

Place Of Use:
IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	36E	2						6.0 L4	39.0			37.0	11.0						93.0
01S	36E	3	2.0 L1		18.0	29.0			33.0	39.0	39.0	30.0	40.0	36.0	40.0	34.0	38.0	38.0	416.0
01S	36E	4													18.0			33.0	51.0
01S	36E	9	23.0			5.0													28.0
01S	36E	10	19.0	39.0	1.0	1.0	36.0	36.0	6.0										138.0

Right Acre Limit: 638.00
POU Total Acres: 726.0

Conditions of Approval:

1. C18 THIS 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

DO NOT SCAN

		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.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-13067 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.93 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2904 AF.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-13067 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 726 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 638 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.		RIGHT NO. 35-13067 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE. RIGHT NO. 35-13067 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1426, IDAHO CODE.
5.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Comments:

1 VERNER 10/27/1993 COPIED FROM REMARKS
TRANS. 1812.

2 AJU10-DS 7/16/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

3 hbohac 12/16/2014 POD
PODID 235323 correlated from SpatialDataID 242255 to SpatialDataID 242255

4 hbohac 12/16/2014 POD
PODID 235321 correlated from SpatialDataID 241987 to SpatialDataID 434879

5 hbohac 12/16/2014 POD
PODID 235322 correlated from SpatialDataID 242402 to SpatialDataID 242402

6 hbohac 12/16/2014 POD
PODID 235320 correlated from SpatialDataID 62729 to SpatialDataID 455995

Dates and Other Information:

Decreed Date: 3/7/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
11.930	2,904.0	726.0	35-2759 ,35-13067

SubCase:
SubCaseNumber: 35-2759
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 11/20/1998
Objection Status: Withdrawn or Dismissed

Water Supply Bank:

Lease ID: 2677
Lease Type: Application
Lease Status: Received
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	11.93	2552.00		726.00

Proof Report

Water Right 35-8799

Owner Type	Name and Address
Current Owner	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP 453 E 1000 N FIRTH, ID 83236

Priority Date: 6/9/1989
Basis: License
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	2.290 CFS	528.0 AF
	Total Diversion		2.290 CFS	528.0 AF

Source and Point(s) of Diversion:

GROUND WATER SWNW Sec. 23, Twp 01S, Rge 36E, BINGHAM County

Place Of Use:

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	36E	22	2.0			2.0													4.0
01S	36E	23					33.5	35.0	37.5	36.5	2.0	2.0							146.5

Right Acre Limit: 132.00
POU Total Acres: 150.5

Conditions of Approval:

1.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2.		This right is limited to the irrigation of 132 acres within the place of use described above in a single irrigation season. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Comments:

1 dcarlson 6/24/2005 POU
Updated Shape

2 kpickett 1/10/2006 POD
Correlated PODID 88356 from SpatialDataID 63267 to SpatialDataID 63172

3 mciscell 6/10/2013 POD
Bulk Generate Shape From PLS

4 bjordan 2/16/2016 POD
PODID 88356 correlated from SpatialDataID 479260 to SpatialDataID 63267

Dates and Other Information:

Licensed Date: 10/2/1995
Water District Number: 120
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
2.290		150.5	35-8799 ,35-9054
2.290		150.5	35-8799 ,35-9054

SubCase:

N/A

Water Supply Bank:

Lease ID: 2677
Lease Type: Application
Lease Status: Received
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

Beneficial Use	Div Rate Leased	Div Volume Leased Acre Limit Leased	Total Acres Leased
Irrigation	2.29	528.00	150.50

Water Right 35-8800

Owner Type	Name and Address
Current Owner	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP 453 E 1000 N FIRTH, ID 83236

Priority Date: 6/9/1989
Basis: License
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	3.000 CFS	672.0 AF
	Total Diversion		3.000 CFS	672.0 AF

Source and Point(s) of Diversion:
GROUND WATER NWSW Sec. 14, Twp 01S, Rge 36E, BINGHAM County

Place Of Use:
IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	36E	14							16.0	8.0	33.5	40.0	39.0	27.0					163.5
01S	36E	15				1.0									20.0			12.0	33.0

Right Acre Limit: 168.00
POU Total Acres: 196.5

Conditions of Approval:

1.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3.		This right is limited to the irrigation of 168 acres within the place of use described above in a single irrigation season. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Comments:

1 kwalker 1/3/2002 Shape File
Created GIS shape for this license while working on Permit 35-9053. This shape does not agree with the number of acres licensed in each 40 acre tract. I believe that the GCBD for this area is off and that is the reason for differences in number of acres in each 40.

2 mciscell 6/10/2013 POD
Bulk Generate Shape From PLS

3 hbohac 12/4/2014 POD
PODID 88166 correlated from SpatialDataID 484404 to SpatialDataID 63234

Dates and Other Information:

Licensed Date: 10/2/1995
Water District Number: 120
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
3.110	786.0	196.5	35-8800 ,35-9053
0.430	786.0	196.5	35-8800 ,35-9053

SubCase:

N/A

Water Supply Bank:

Lease ID: 2677
Lease Type: Application
Lease Status: Received
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

Beneficial Use	Div Rate Leased	Div Volume Leased Acre Limit Leased	Total Acres Leased
Irrigation	3.00	672.00	196.50

Water Right 35-9053

Owner Type	Name and Address
Current Owner	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP 453 E 1000 N FIRTH, ID 83236

Priority Date: 10/18/1995
Basis: License
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.430 CFS	
	Total Diversion		0.430 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SENWSW	Sec. 14, Twp 01S, Rge 36E, BINGHAM County

Place Of Use:
IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	36E	14							16.0	8.0	33.5	40.0	39.0	27.0					163.5
01S	36E	15				1.0									20.0			12.0	33.0

Right Acre Limit: 28.50
POU Total Acres: 196.5

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 28.5 acres within the place of use described above in a single irrigation season.
2.	X36	Right 35-08800 is also diverted through the point of diversion described above.
3.	X35	Rights 35-08800 and 35-09053 when combined shall not exceed a total diversion rate of 3.11 cfs, a total annual maximum diversion volume of 786.0 af at the field headgate, and the irrigation of 196.5 acres.
4.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5.	01M	After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the

department to determine the amount of water diverted from power records and shall annually report the information to the department.

6. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Comments:

1 kwalker 1/3/2002 Place of use

When I GISd the place of use for this right, I also GISd the place of use for 35-8800 which is the same place of use. I found that the number of acres in each 40 acre tract did not agree with the license on 35-8800. This appears to be due to the GCBD being off in this area. I came as close as I could to the 196.5 acres licensed under 35-8800 using the place of use description as shown on the license.

2 hbohac 12/4/2014 POD

PODID 562935 correlated from SpatialDataID 63234 to SpatialDataID 63234

Dates and Other Information:

Licensed Date: 1/25/2002
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Swan Falls Trust or Nontrust: N
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
0.430	786.0	196.5	35-8800 ,35-9053
3.110	786.0	196.5	35-8800 ,35-9053

SubCase:

N/A

Water Supply Bank:

Lease ID: 2677
Lease Type: Application
Lease Status: Received
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.43			196.50

Water Right 35-9054

Owner Type	Name and Address
Current Owner	BRENT STOLWORTHY FAMILY LTD PARTNERS 453 E 1000 N FIRTH, ID 83236-1102 (208) 521-9931

Priority Date: 10/18/1995
Basis: License
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.280 CFS	74.0 AF
	Total Diversion		0.280 CFS	74.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SWNW	Sec. 23, Twp 01S, Rge 36E, BINGHAM County

Place Of Use:
IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	36E	22	2.0			2.0													4.0
01S	36E	23					33.5	35.0	37.5	36.5	2.0	2.0							146.5

Right Acre Limit: 18.50
POU Total Acres: 150.5

Conditions of Approval:

1.	01M	After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

4.	X35	Rights 35-8799 and 35-9054 when combined shall not exceed a total diversion rate of 2.29 cfs and the irrigation of 150.5 acres.
5.	X27	This right is limited to the irrigation of 18.5 acres within the place of use described above in a single irrigation season.
6.	X36	Right 35-8799 is also diverted through the point of diversion described above.

Comments:

1 scurtis 1/29/2002 Overlap Review/Licensing Recommendations
License 35-8799 covers 132 acres of the 150.5 acres served under this pivot. 35-9054 was filed to pick up the additional 18.5 acres The system capacity was measured at 2.29 cfs and the rate for the new permit was figured accordingly (2.29/150.5 = .0152 cfs/ac x 18.5 = 0.28 cfs). The license now to be issued is being prepared for a ppu with a limitation of 18.5 acres to be irrigated under this right.

2 bjordan 2/16/2016 POD
PODID 97938 correlated from SpatialDataID 63267 to SpatialDataID 63267

Dates and Other Information:

Licensed Date: 1/30/2002
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
2.290		150.5	35-8799 ,35-9054
2.290		150.5	35-8799 ,35-9054

SubCase:

N/A

Water Supply Bank:

Lease ID: 2677
Lease Type: Application
Lease Status: Received
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.28			18.50

Water Right 35-13067

Owner Type	Name and Address
Current Owner	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP 453 E 1000 N FIRTH, ID 83236

Priority Date: 4/1/1973
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	1.450 CFS	
	Total Diversion		1.450 CFS	

Source and Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 3, Twp 01S, Rge 36E, BINGHAM County
GROUND WATER	SWNESE	Sec. 3, Twp 01S, Rge 36E, BINGHAM County
GROUND WATER	SWSWSE	Sec. 3, Twp 01S, Rge 36E, BINGHAM County
GROUND WATER	NENESW	Sec. 3, Twp 01S, Rge 36E, BINGHAM County

Place Of Use:
IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	36E	2						6.0 L4	39.0			37.0	11.0						93.0
01S	36E	3	2.0 L1		18.0	29.0			33.0	39.0	39.0	30.0	40.0	36.0	40.0	34.0	38.0	38.0	416.0
01S	36E	4													18.0			33.0	51.0
01S	36E	9	23.0			5.0													28.0
01S	36E	10	19.0	39.0	1.0	1.0	36.0	36.0	6.0										138.0

POU Total Acres: 726.0

Conditions of Approval:

1. C18 THIS 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.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-02759 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.93 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2904 AF.
3.	C11	THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
4.		USE OF THIS RIGHT WITH RIGHT NO. 35-02759 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 726 ACRES IN A SINGLE IRRIGATION SEASON.
5.		THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-02759 PURSUANT TO SECTION 42-1426, IDAHO CODE.
6.		RIGHT NO. 35-02759 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 88 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Comments:

1 AJU10-DS 7/16/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

2 hbohac 12/16/2014 POD
PODID 235327 correlated from SpatialDataID 242255 to SpatialDataID 242255

3 hbohac 12/16/2014 POD
PODID 235328 correlated from SpatialDataID 241987 to SpatialDataID 434879

4 hbohac 12/16/2014 POD
PODID 235326 correlated from SpatialDataID 242402 to SpatialDataID 242402

5 hbohac 12/16/2014 POD
PODID 235325 correlated from SpatialDataID 62729 to SpatialDataID 455995

Dates and Other Information:

Decreed Date: 1/31/2002
Enlargement Statute Priority Date: 4/12/1994
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
11.930	2,904.0	726.0	35-2759 ,35-13067

SubCase:
SubCaseNumber: 35-13067
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Beneficial Use
Date Filed: 11/20/1998
Objection Status: Active

Water Supply Bank:

Lease ID: 2677
Lease Type: Application
Lease Status: Received
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	1.45			726.00

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

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

Print Form

RECEIVED
MAY 30 2023
DEPARTMENT OF WATER RESOURCES

Applicant Name: Brent Stolworthy Family Limited Partnership

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)

2678 2679

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Brent Stolworthy Family Limited Partnership

Mailing Address 353 East 1000 North (Street) Firth (City) Idaho (State) 83236 (Zip Code)

Email Address dlynndouglas@gmail.com Phone Number 208-521-9931

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes [X] 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 Dallas Ward Professional Title CFO

Organization Wada Farms Relationship to Applicant Lessee

Mailing Address 326 South 1400 West Pingree, ID 83262

Email Address d a l l a s w @ w a d a f a r m s . c o m Phone Number 2 0 8 - 3 1 7 - 8 9 8 5

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 desire to rent this water to irrigate crops on our farm.

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)
5.70 CFS	1388 AF	5.70 CFS	1388 AF	347 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?	
		1	2	3	4	5		
05-25-23	07-01-23	☑	☐	☐	☐	☐	☑ 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.***

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):

Since the points of diversion are ground water wells and pull from the same aquifer and are within 2 cells of each other we propose to use the existing wells and distributions systems to deliver the water to the fields.

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
01S 36E 03	Ground Water Deep well pump	

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 347 (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:

35-8799, 35-9054, 35-8800, and 35-9053 are water rights that pertain to the rental place of use. These water rights are being leased to the water bank with the purpose of being reciprocately rented.

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)
35-2759	Irrigation	5.70	1220	305		5.70	1220	305
35-13067	Irrigation	.69	168	42		.69	168	42
Limited to		5.70	1338	347		5.70	1338	347
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	5.70	1388	347
						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**:

N/A

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?
If yes, describe: Yes ☐ No ☑

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	Brent Stolworthy Family LTD Partnership Printed Name of Applicant	5/18/23 Date
Dallas Ward Signature of Representative	Dallas Ward CFO Printed Name of Representative	5-11-23 Date

Print Form

Mail to:

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

05-05-23

Brent Stolworthy Family Limited Partnership

To Whom it may Concern,

As general partner of the Brent Stolworthy Family Limited Partnership I authorize Dallas Ward to work with the Idaho Department of Water Resources to Lease and rent back water relating to the following Water rights:

35-8800
35-8799
35-9054
35-9053
35-2759
35-13067

For the years 2023 and 2024.

Sincerely,

Brent Stolworthy
General Partner
Brent Stolworthy Family Limited Partnership

0004858006

STATE OF IDAHO

Office of the secretary of state, Lawerence 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 #: 0004858006

Date Filed: 8/11/2022 8:55:38 PM

Entity Name and Mailing Address:

Entity Name:	BRENT STOLWORTHY FAMILY LIMITED PARTNERSHIP (THE)
The file number of this entity on the records of the Idaho Secretary of State is:	0000009754
Address	3395 S HOLMES AVE IDAHO FALLS, ID 83404-7981

Entity Details:

Entity Status	Active-Current
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:	L1422

The registered agent on record is:

Registered Agent	SCOTT P ESKELSON Registered Agent Physical Address MARTIN & ESKELSON PLLC 425 S HOLMES AVE IDAHO FALLS, ID 83401 Mailing Address

The new physical (street) address of the existing agent in Idaho is:

Physical Address	350 MEMORIAL DR STE 300 IDAHO FALLS, ID 83402

The new mailing address of the existing agent in Idaho is:

Mailing Address	350 MEMORIAL DR STE 300 IDAHO FALLS, ID 83402-3479

Limited Partnership General Partners

Name	Business Address
G Brent Stolworthy	453 E 1000 N FIRTH, ID 83236

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

Job Title: CPA

GERALD W SEARLE — Sign Here

08/11/2022 — Date

B0733-0645 08/11/2022 8:55 PM Received by ID Secretary of State Lawerence Denney

Page 1 of 1

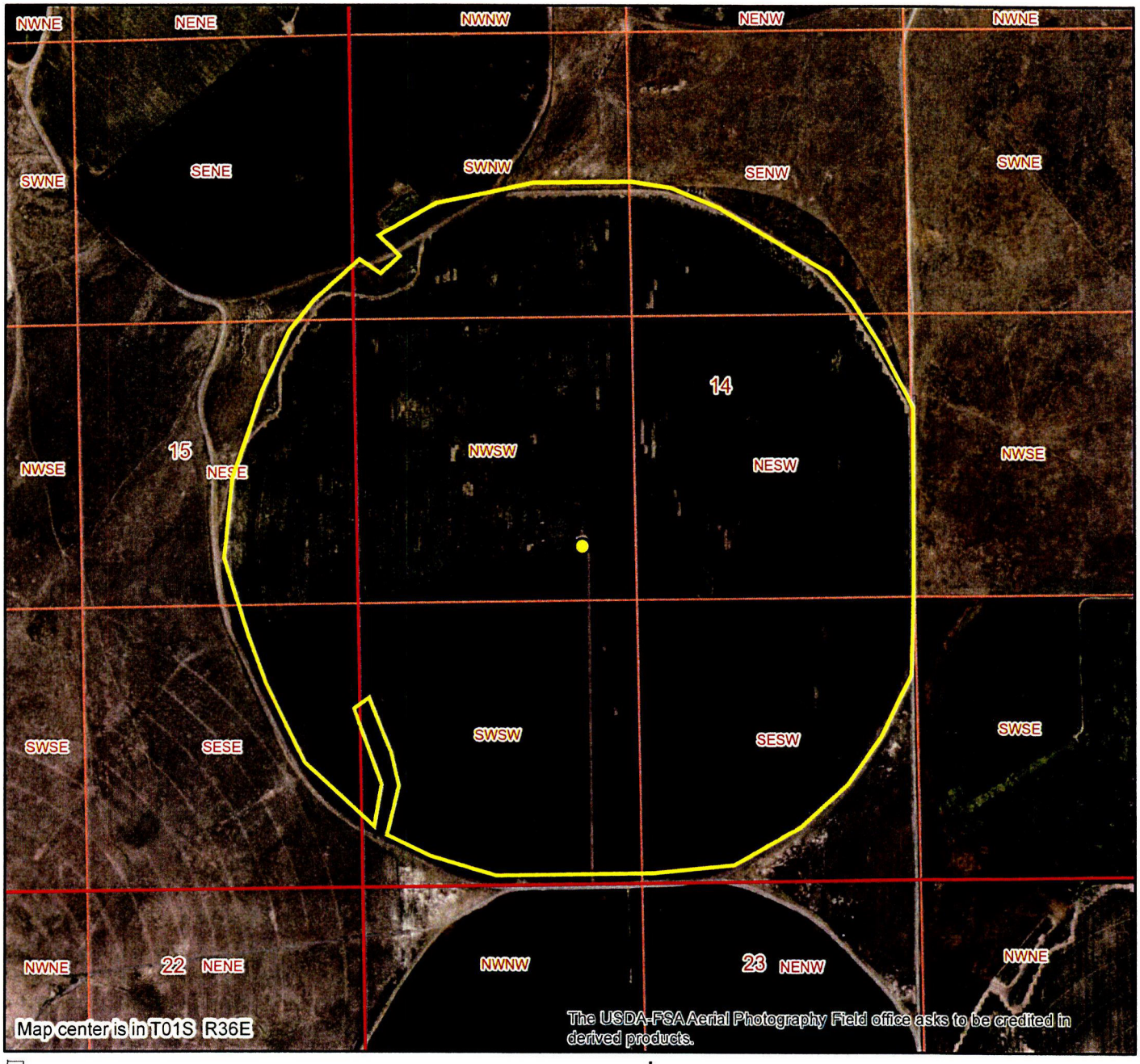
State of Idaho
Department of Water Resources

Water Right

35-8800

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





0 0.0475 0.095 0.19 0.285 0.38
Miles

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

IDWR

Date created: 4/5/2023

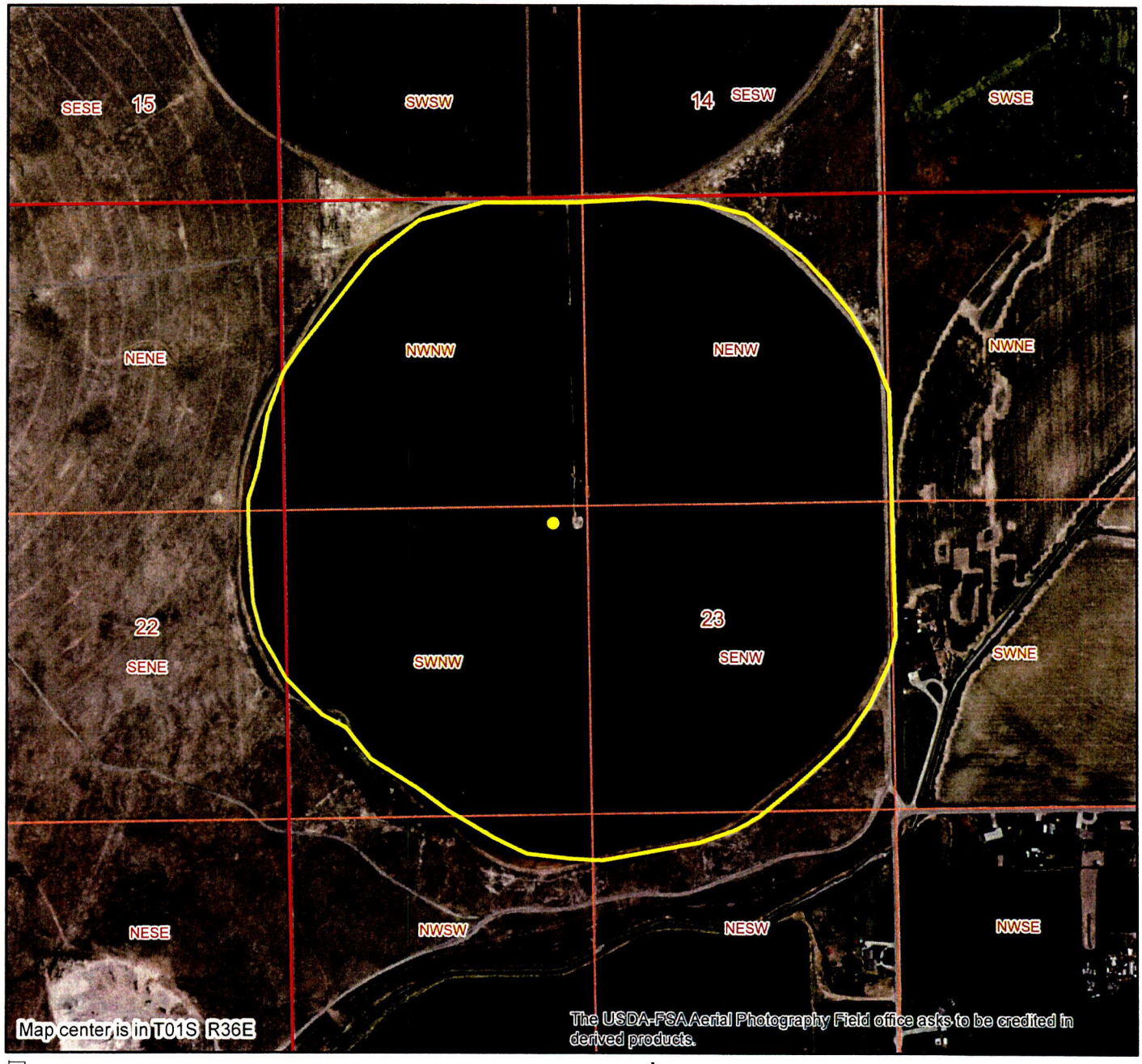
State of Idaho
Department of Water Resources

Water Right

35-8799

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





0 0.0425 0.085 0.17 0.255 0.34

Miles

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

Date created: 4/5/2023

Attachment 3H Page 1

HP 11-15 to HP 1 **2 Acre Feet**

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT		Model Node
Transfer 1: Proposed Steady State Impacts following Transfer								
35-2759	11.93	2588.0	638.0	2/10/1965				
35-13067	1.45	316	88	4/1/1973				
Transfer 1: Worst Case Transient State Impacts following Transfer								
35-2759	11.93	2588.0	638.0	2/10/1965	0	0	0.0	0
35-13067	1.45	316	88	4/1/1973	0	0	0.0	0

Acre Feet	**302**		
Acres	**151**	**2.0**	**AF**

M[redacted] CELL LOCATIONS:

	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	79	76	76	0
COLUMN	147	147	148	0

Impact by Reach (AF/Trimester)

	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
Proj S	4.5	13.8	73.1	56.4	0.8	0.8	0.7	0.3	0.3	0.3	0.0
Post S	4.5	13.8	73.1	56.4	0.8	0.8	0.7	0.3	0.3	0.3	0.0
Proj T	4.5	13.8	73.1	56.4	0.8	0.8	0.7	0.3	0.3	0.3	0.0
Post T	4.5	13.8	87.0	56.4	0.8	0.8	0.7	0.3	0.3	0.3	0.0

Steady State Analysis	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
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%	0.0%
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:	3.0%	9.1%	48.4%	37.3%	0.5%	0.5%	0.4%	0.2%	0.2%	0.2%	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	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
Mitigation Check 1 - >10% of Historical:	0.0%	0.1%	19.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2.01 AF/T:	0.0	0.0	13.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Required?:	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	13.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Attachment 3H Page 2

HP 11-15 to HP 2

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node	Impact by Reach (AF/Trimester) Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
Transfer: Proposed Steady State Impacts following Transfer																		
35-2759								5.9	18.0	95.4	73.5	1.0	1.1	0.9	0.4	0.4	0.4	0.1
35-13067								5.9	18.0	95.4	73.5	1.0	1.1	0.9	0.4	0.4	0.4	0.1
Transfer: Worst Case Transient State Impacts following Transfer																		
35-2759								5.9	18.0	95.4	73.5	1.0	1.1	0.9	0.4	0.4	0.4	0.1
35-13067								5.9	18.0	107.9	73.5	1.0	1.1	0.9	0.4	0.4	0.4	0.1

Acre Feet	**394**		
Acres	**197**	**2.0**	**AF**

		Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
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%	0.0%
	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:	3.0%	9.1%	48.4%	37.3%	0.5%	0.5%	0.4%	0.2%	0.2%	0.2%	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%	13.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Mitigation Check 2: > 2.01 AF/T:	0.0	0.0	12.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Required?:	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft):	0.0	0.0	12.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

MODEL CELL LOCATIONS:

	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	78	76	76	0
COLUMN	147	147	148	0

WSE[redacted]iling Checklist for Rentals

(use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER:

Received Date: 5/30/2023

Latest Start Date: 7/1/2023

Renter: Brent Stolworthy Family Ltd Part

Rental Expiration Date 2023

Lease/Rental Package (Y) N

Application # 2679

Agreement # 781

Water Right	Lease Contract ID
# 35-2759	} App
# 35-13067	} 2682
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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 POU - 27 AC.
WSB Action Request for deficiencies	☐

Comments:

Admin Only

Mailings (per application)	Original	CC	Email or Address
Renter: Brent Stolworthy Family Ltd Part	☒	☐	
Attorney:	☐	☐	
Consultants Name: Dallas Ward - Wada Farms	☐	☒	w/ APP 2678
Conveyence Entity: (final only) Ex. Irrigation Dist. of Canal Co.		☐	
(Ground) Water Dist: Bingham GWD (final only)		☒	
Other: WD 120, ESPA (final only) WD Snake 01, Boise, Payette, and Bear River		☒	
Region: Eastern (final only)		☒	
Watermaster: Blake Jordan (final only)		☐	
Compliance: (final only)		☐	

Resolving NOV? Y / N

#

Call up Date:

DO NOT SCAN

[redacted]

These were all cancelled
Look in 2023 processing
folder on ndrive for
documents need for file that
shows cancelation or
Ask Mary if not in folder

PH 1/8/24

From: Condon, Mary
To: Dallas Ward
Cc: Hummer, Phill; plynndouglas@gmail.com
Subject: RE: Water lease and rental applications
Date: Tuesday, November 14, 2023 10:06:00 AM
Attachments: image001.png
image003.png
image005.png

Dallas,

Thank you for the quick response. No, if you did not need the bank transfers, then we will close the records on these applications as unprocessed.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES

From: Dallas Ward <dallasw@wadafarms.com>
Sent: Tuesday, November 14, 2023 10:00 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; plynndouglas@gmail.com
Subject: RE: Water lease and rental applications

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.**

Mary,

I was contacted by someone from your office a while back and we decided that since there was no curtailment, we did not need to make these transfers. I was instructed to not sign nor return them for that reason. Had I known that you were advised of that I would have contacted you. Based on this information, is there anything else that I need to do since we did not need the transfer after all?

Best Regards,

Dallas Ward
Dallas Ward
CFO
Wada Farms

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[redacted] [redacted]

Neither this transmission nor any attachment shall be deemed for any purpose to be a "signature" or "signed" under any electronic transmission acts, unless otherwise specifically stated herein. Thank you.

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Nov 14, 2023 9:38 AM
To: Dallas Ward <dallasw@wadafarms.com>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; plynndouglas@gmail.com
Subject: RE: Water lease and rental applications

WARNING: From External Sender. Use caution in opening any attachment or link.

Good morning, Dallas,

We submitted to you proposed lease and rental agreements for the priority date water right switch on pivots back in August, but we have not received them back from you with signatures and payment. It is possible they were physically mailed to Stolworthy per the address on the proposals, rather than directly to your address per your application request. If so, I apologize.

Please see the attached proposals and kindly return to us the signed lease contracts (in duplicate as 2 each originals) for 1719, 1720, & 1723, as well as the signed rental agreements and rental admin fees for 781 and 783, within 15 days. Submittal of the signed documents can be electronically, but the payment for the rentals must be received by our Department before they can be executed into approvals.

Please let me know if you have any questions or concerns about the proposals to cover your water use for 2023.
Mary

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES

From: Dallas Ward <dallasw@wadafarms.com>
Sent: Thursday, July 6, 2023 9:19 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: Water lease and rental applications

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That sounds good! Thanks.

Best Regards,

Dallas Ward

Dallas Ward
CFO
Wada Farms

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From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Jul 6, 2023 9:00 AM
To: Dallas Ward <dallasw@wadafarms.com>
Subject: RE: Water lease and rental applications

WARNING: From External Sender. Use caution in opening any attachment or link.

Dallas,

I can do the 320 acres for the lease, but this will not fully cover the rental location on the junior pivots for 347 acres, leaving a sliver of a pie slice in one of the pivots with the junior rights. It would then make sense to reduce the other lease of the junior rights to only 320 acres for the swap. I'll move forward with 320 acres under both unless you request differently.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES

From: Dallas Ward <dallasw@wadafarms.com>
Sent: Thursday, July 6, 2023 8:24 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: Water lease and rental applications

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Mary,

For now, lets go ahead and bring in the majority requested per your email. I will continue to research the river water rights etc. Thanks.

Best Regards,

Dallas Ward

Dallas Ward
CFO
Wada Farms

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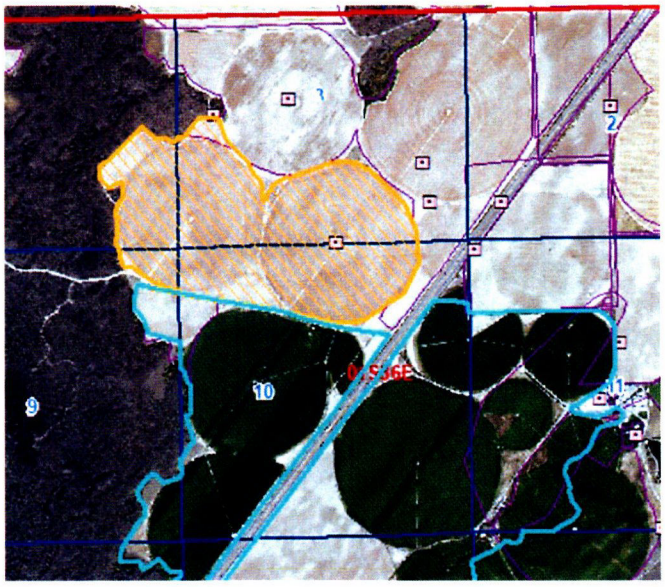
From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Jun 20, 2023 5:21 PM
To: Dallas Ward <dallasw@wadafarms.com>
Subject: RE: Water lease and rental applications

WARNING: From External Sender. Use caution in opening any attachment or link.

Hi Dallas,

I've been working on your lease rental packages, and about 27 acres under water rights 35-2759 & 35-13067 are overlapped by Snake River rights 1-162F thru 1-165F, so these cannot be leased and rented on the other lands since the other rental place doesn't have Snake River rights also.

I can bring in the majority requested, equal to about 320 acres, not overlapped by surface water. See below at the overlap in Sections 9 & 10. Please let me know what you want to do about the 27-acre difference.



Mary Condon
Water Supply Bank Coordinator
IDAHO DEPARTMENT OF WATER RESOURCES

From: Dallas Ward <dallasw@wadafarms.com>
Sent: Tuesday, May 23, 2023 10:29 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Water lease and rental applications

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Mary,

I'm ready to send off our water lease and rental applications. They are under the name of the "Brent Stolworthy Family Limited Partnership" and Brent as the General Partner of the partnership has given me permission/authority to act as his agent relative to this particular transaction as you will see in the application.

I will send it to the Idaho Department of Water Resources, in care of yourself, Mary Condon, if that is OK with you. Thank you for your help, and continued help, with these applications.

Best Regards,

Dallas Ward

Dallas Ward

[redacted] [redacted]

CFO

Wada Farms

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Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Tuesday, June 6, 2023 3:46 PM
To: Dallas Ward
Subject: RE: WSB Lease & Rental Applications - Brent Stolworthy Family Ltd Part

Hi Dallas,

No problem. The letter from Brent Stolworthy had 2023-2024 listed, so I just wanted to double check.

Thank you!
Mackenzie

From: Dallas Ward <dallasw@wadafarms.com>
Sent: Tuesday, June 6, 2023 3:16 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: WSB Lease & Rental Applications - Brent Stolworthy Family Ltd Part

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Mackenzie,

They are supposed to be for 2023 only. I know they are very late. We just learned about being able to do this this spring. Thanks.

Best Regards,

Dallas Ward

Dallas Ward
CFO
Wada Farms

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From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Jun 6, 2023 1:16 PM
To: Dallas Ward <dallasw@wadafarms.com>
Subject: WSB Lease & Rental Applications - Brent Stolworthy Family Ltd Part

WARNING: From External Sender. Use caution in opening any attachment or link.

Hello Dallas,

[redacted] [redacted]

We received the Water Supply Bank lease and rental applications you submitted for Brent Stolworthy Family Ltd Part. Can you confirm whether these lease/rentals are for 2023 or 2023-2024?

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

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